CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-NINTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME XVII.

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VOLUME XVII, PART I.

CONGRESSIONAL RECORD.

SPECIAL SESSION OF THE SENATE

AND

FIRST SESSION, FORTY-NINTH CONGRESS.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-NINTH CONGRESS.

SPECIAL SESSION OF THE SENATE.

SENATE.

WEDNESDAY, *March* 4, 1885.

Hon. THOMAS A. HENDRICKS, Vice-President of the United States, having taken the oath of office at the close of the last regular session of the Forty-eighth Congress, took the chair.

PRAYER.

Rev. E. D. HUNTLEY, D. D., Chaplain to the Senate, offered the following prayer:

Thou who art the same yesterday, to-day, and forever, we are grateful for another opportunity of appearing before Thee in the attitude of humble worship, and though we tarry but a moment in Thy presence, it shall suffice to quicken our consciences and to remind us that for the performance of all public as well as of all private duties we are amenable to Thee.

We come to thank Thee for the mercies of the past and to implore the continuance of Thine all-favoring providence.

We come to ask Thy blessing upon the retiring President of these United States and upon him whose presidency of this Senate has added steadiness and safety to its legislation and maintained impartially the rights and privileges of all its members. And though these officers transfer their responsibilities to other hands, we ask that they may never cease to be the objects of Thy care and the recipients of Thy godly favor.

We ask Thy blessing upon him who is about to be inducted into the high office of President of this Republic. May his life and health be precious in Thy sight. May he receive the hearty, honest, and unbegrudged support of all good citizens; and may he, together with those who shall be constituted his advisers, be so under the direction of Thy Holy Spirit, that his administration shall prove a signal blessing to this nation and so a blessing to the world.

Be Thou with him who is to preside over the deliberations of this body, the Vice-President of the United States. As the eyes of the servants look unto the hand of their masters, so may his eyes look unto the Lord his God. May he be faithful to his trust, and may he be supplied with wisdom from on high for the discharge of all his duties.

We ask Thy special blessing upon those who for years have been honorable members of this Senate, and who this day retire from the public service appertaining to this body. May the years which remain to them be crowned with tokens of Thy love. May goodness and mercy follow them all the days of their life. And may those who come to take their places be men who, fearing the Lord and working righteousness, shall be acceptable to Thee.

Regard in mercy all who occupy advisory, legislative, or judicial relations to the Government. Dispose their hearts to keep Thy law, and may they so direct in public matters that all nations shall be constrained to recognize us as a happy and prosperous people, and to ascribe our happiness and our prosperity to the readiness with which we yield ourselves to Thy suggestions and the promptness with which we follow Thy commands.

Our petition is before Thee, Lord, and we humbly pray that Thou wilt answer it according to thy riches in glory by Christ Jesus. Amen.

The VICE-PRESIDENT. Senators, in entering upon the duties of the office to which I have been chosen, may I express the hope and the desire that our relations may at all times be harmonious and agreeable. I beg to assure you that in the discharge of my duties I will seek to observe the most absolute impartiality.

It is some years since I was connected with the business of the Senate, and it may be that I shall find myself less familiar with its rules, usages, and modes of proceeding than formerly, and therefore I may have occasion to lean upon your indulgence and to ask your support.

The Senate is now in session by virtue of the proclamation of the President, which the Secretary will read.

PROCLAMATION.

The Chief Clerk (Mr. CHARLES W. JOHNSON) read the following proclamation:

By the President of the United States of America:

A PROCLAMATION.

Whereas objects of interest to the United States require that the Senate should be convened at 12 o'clock on the 4th day of March next to receive and act upon such communications as may be made to it on the part of the Executive:

Now, therefore, I, Chester A. Arthur, President of the United States, have considered it to be my duty to issue this my proclamation, declaring that an extraordinary occasion requires the Senate of the United States to convene, for the transaction of business, at the Capitol, in the city of Washington, on the 4th day of March next, at 12 o'clock at noon on that day; of which all who shall at that time be entitled to act as members of that body are hereby required to take notice.

Given under my hand and the seal of the United States at Washington, the 27th day of February, in the year of our Lord 1885, and of the Independence of the United States of America the one hundred and ninth.

CHESTER A. ARTHUR.

By the President:

FRED'K T. FRELINGHUYSEN,
Secretary of State.

SWEARING IN OF SENATORS.

The VICE-PRESIDENT. The names of the newly elected Senators whose credentials are on file will now be called by the Secretary, and they will come forward and receive the oath of office four at a time.

The Chief Clerk read the names of—

William B. Allison, of the State of Iowa.
Joseph C. S. Blackburn, of the State of Kentucky.
Joseph E. Brown, of the State of Georgia.
Wilkinson Call, of the State of Florida.

As their names were called the respective Senators-elect came forward, and the oath prescribed by law was administered to them.

The Chief Clerk called the names of—

James Donald Cameron, of the State of Pennsylvania.
James B. Eustis, of the State of Louisiana.
William M. Evarts, of the State of New York.
Wade Hampton, of the State of South Carolina.

As their names were called the respective Senators-elect came forward, and the oath prescribed by law was administered to them.

The Chief Clerk called the names of—

John James Ingalls, of the State of Kansas.
James K. Jones, of the State of Arkansas.
John P. Jones, of the State of Nevada.
Justin S. Morrill, of the State of Vermont.

As their names were called the respective Senators-elect came forward, and the oath prescribed by law was administered to them.

The Chief Clerk called the names of—

Henry B. Payne, of the State of Ohio.
Orville H. Platt, of the State of Connecticut.
James L. Pugh, of the State of Alabama.
John C. Spooner, of the State of Wisconsin.

As their names were called the respective Senators-elect came forward, and the oath prescribed by law was administered to them.

The Chief Clerk called the names of—

Leland Stanford, of the State of California.
Henry M. Teller, of the State of Colorado.
Zebulon B. Vance, of the State of North Carolina.
George G. Vest, of the State of Missouri.

Daniel W. Voorhees, of the State of Indiana.
Ephraim K. Wilson, of the State of Maryland.

As their names were called the respective Senators-elect, except Mr. Wilson, came forward, and the oath prescribed by law was administered to them.

SENATORS PRESENT.

The Senators-elect having been sworn and taken their seats in the Senate the following Senators were present:

From the State of—
Alabama—John T. Morgan and James L. Pugh.
Arkansas—Augustus H. Garland and James K. Jones.
California—John F. Miller and Leland Stanford.
Colorado—Thomas M. Bowen and Henry M. Teller.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—Thomas F. Bayard and Eli Saulsbury.
Florida—Wilkinson Call and Charles W. Jones.
Georgia—Joseph E. Brown and Alfred H. Colquitt.
Illinois—Shelby M. Cullom.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James F. Wilson.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and Joseph C. S. Blackburn.
Louisiana—James B. Eustis and Randall L. Gibson.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Palmer.
Minnesota—Samuel J. R. McMillan and Dwight M. Sabin.
Mississippi—James Z. George and Lucius Q. C. Lamar.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Charles F. Manderson and Charles H. Van Wyck.
Nevada—James G. Fair and John P. Jones.
New Hampshire—Austin F. Pike.
New Jersey—John R. McPherson and William J. Sewell.
New York—William M. Evarts and Warner Miller.
North Carolina—Matt. W. Ransom and Zebulon B. Vance.
Ohio—Henry B. Payne and John Sherman.
Oregon—Joseph N. Dolph.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Nelson W. Aldrich and Jonathan Chace.
South Carolina—M. C. Butler and Wade Hampton.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Samuel Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—William Mahone and H. H. Riddleberger.
West Virginia—Johnson N. Camden and John E. Kenna.
Wisconsin—Philetus Sawyer and John C. Spooner.

INAUGURATION CEREMONIES.

The persons entitled to admission on the floor of the Senate Chamber having been admitted to the places reserved for them, the President, Hon. GROVER CLEVELAND, of New York, entered the Senate Chamber, accompanied by the late President, Hon. CHESTER A. ARTHUR, and Mr. SHERMAN, Mr. RANSOM, and Mr. HAWLEY, members of the committee of arrangements, and was escorted to a seat in front of the Secretary's desk, and the late President and the members of the committee were seated on his right and left.

The VICE-PRESIDENT. The Sergeant-at-Arms will now execute the order of the Senate relative to the inaugural ceremonies of the President of the United States.

Those in the Senate Chamber proceeded to the platform on the central portico of the Capitol in the following order:

The marshal of the District of Columbia and the marshal of the Supreme Court.
Ex-Presidents and ex-Vice-Presidents.
The Supreme Court.
The Sergeant-at-Arms of the Senate.
The Committee of Arrangements.
The President and the President-elect.
The Vice-President and the Secretary of the Senate.
Members of the Senate.
The Diplomatic Corps.
Heads of Departments.
Members of the House of Representatives and members-elect, governors and ex-governors of States, officers of the Senate and officers of the House of Representatives.
All other persons who have been admitted to the floor of the Senate Chamber.

The President-elect delivered the following

INAUGURAL ADDRESS.

FELLOW-CITIZENS: In the presence of this vast assemblage of my countrymen I am about to supplement and seal by the oath which I shall take the manifestation of the will of a great and free people. In the exercise of their power and right of self-government they have committed to one of their fellow-citizens a supreme and sacred trust; and he here consecrates himself to their service.

This impressive ceremony adds little to the solemn sense of responsibility with which I contemplate the duty I owe to all the people of the land; nothing can relieve me from anxiety lest by any act of mine their interests may suffer, and nothing is needed to strengthen my resolution to engage every faculty and effort in the promotion of their welfare.

Amid the din of party strife the people's choice was made; but its attendant circumstances have demonstrated anew the strength and safety of a government by the people. In each succeeding year it more clearly appears that our democratic principle needs no apology, and that in its fearless and faithful application is to be found the surest guarantee of good government.

But the best results in the operation of a government, wherein every citizen has a share, largely depend upon a proper limitation of purely partisan zeal and effort, and a correct appreciation of the time when the heat of the partisan should be merged in the patriotism of the citizen.

To-day the executive branch of the Government is transferred to new keeping. But this is still the Government of all the people, and it should be none the less an object of their affectionate solicitude. At this hour the animosities of political strife, the bitterness of partisan defeat, and the exultation of partisan triumph should be supplanted by an ungrudging acquiescence in the popular will, and a sober, conscientious concern for the general weal. Moreover, if, from this hour, we cheerfully and honestly abandon all sectional prejudice and distrust, and determine, with manly confidence in one another, to work out harmoniously the achievements of our national destiny, we shall deserve to realize all the benefits which our happy form of government can bestow.

On this auspicious occasion we may well renew the pledge of our devotion to the Constitution, which, launched by the founders of the Republic and consecrated by their prayers and patriotic devotion, has for almost a century borne the hopes and the aspirations of a great people through prosperity and peace, and through the shock of foreign conflicts and the perils of domestic strife and vicissitudes.

By the Father of his Country our Constitution was commended for adoption as "the result of a spirit of amity and mutual concession." In that same spirit it should be administered, in order to promote the lasting welfare of the country, and to secure the full measure of its priceless benefits to us and to those who will succeed to the blessings of our national life. The large variety of diverse and competing interests subject to Federal control, persistently seeking the recognition of their claims, need give us no fear that "the greatest good to the greatest number" will fail to be accomplished if in the halls of national legislation that spirit of amity and mutual concession shall prevail in which the Constitution had its birth. If this involves the surrender or postponement of private interests and the abandonment of local advantages, compensation will be found in the assurance that thus the common interest is subserved and the general welfare advanced.

In the discharge of my official duty I shall endeavor to be guided by a just and unstrained construction of the Constitution, a careful observance of the distinction between the powers granted to the Federal Government and those reserved to the State or to the people, and by a cautious appreciation of those functions which, by the Constitution and laws, have been especially assigned to the executive branch of the Government.

But he who takes the oath to-day to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen, on the farm, in the workshop, in the busy marts of trade, and everywhere, should share with him. The Constitution which prescribes his oath, my countrymen, is yours; the Government you have chosen him to administer for a time is yours; the suffrage which executes the will of freemen is yours; the laws and the entire scheme of our civil rule, from the town meeting to the State capitols and the National Capitol, is yours. Your every voter, as surely as your Chief Magistrate, under the same high sanction, though in a different sphere, exercises a public trust. Nor is this all. Every citizen owes to the country a vigilant watch and close scrutiny of its public servants and a fair and reasonable estimate of their fidelity and usefulness. Thus is the people's will impressed upon the whole framework of our civil polity—municipal, State, and Federal—and this is the price of our liberty and the inspiration of our faith in the Republic.

It is the duty of those serving the people in public place to closely limit public expenditures to the actual needs of the Government economically administered, because this bounds the right of the Government to exact tribute from the earnings of labor or the property of the citizen, and because public extravagance begets extravagance among the people. We should never be ashamed of the simplicity and prudential economies which are best suited to the operation of a republican form of government and most compatible with the mission of the American people. Those who are selected for a limited time to manage public affairs are still of the people, and may do much by their example to encourage, consistently with the dignity of their official functions, that plain way of life which among their fellow-citizens aids integrity and promotes thrift and prosperity.

The genius of our institutions, the needs of our people in their home life, and the attention which is demanded for the settlement and development of the resources of our vast territory, dictate the scrupulous avoidance of any departure from that foreign policy commended by the history, the traditions, and the prosperity of our Republic. It is the policy of independence, favored by our position and defended by our known love of justice and by our power. It is the policy of peace, suitable to our interests. It is the policy of neutrality, rejecting any share in foreign broils and ambitions upon other continents and repelling their intrusion here. It is the policy of Monroe and of Washington and Jefferson—"Peace, commerce, and honest friendship with all nations; entangling alliance with none."

A due regard for the interests and prosperity of all the people demands that our finances shall be established upon such a sound and sensible basis as will secure the safety and confidence of business interests and make the wage of labor sure and steady; and that our system of revenue shall be so adjusted as to relieve the people of unnecessary taxation, having a due regard to the interests of capital invested and workingmen employed in American industries, and preventing the accumulation of a surplus in the Treasury to tempt extravagance and waste. Care for the property of the nation and for the needs of future settlers requires that the public domain should be protected from purloining schemes and unlawful occupation.

The conscience of the people demands that the Indians within our boundaries shall be fairly and honestly treated as wards of the Government, and their education and civilization promoted, with a view to their ultimate citizenship; and that polygamy in the Territories, destructive of the family relation and offensive to the moral sense of the civilized world, shall be repressed. The laws should be rigidly enforced which prohibit the immigration of a servile class to compete with American labor, with no intention of acquiring citizenship, and bringing with them and retaining habits and customs repugnant to our civilization.

The people demand reform in the administration of the Government and the application of business principles to public affairs. As a means to this end civil-service reform should be in good faith enforced. Our citizens have the right to protection from the incompetency of public employés who hold their places solely as the reward of partisan service and from the corrupting influence of those who promise and the vicious methods of those who expect such rewards. And those who worthily seek public employment have the right to insist that merit and competency shall be recognized instead of party subserviency or the surrender of honest political belief.

In the administration of a government pledged to do equal and exact justice to all men there should be no pretext for anxiety touching the protection of the freedmen in their rights or their security in the enjoyment of their privileges under the Constitution and its amendments. All discussion as to their fitness for the place accorded to them as American citizens is idle and unprofitable, except as it suggests the necessity for their improvement. The fact that they are citizens entitles them to all the rights due to that relation and charges them with all its duties, obligations, and responsibilities.

These topics, and the constant and ever-varying wants of an active and enterprising population, may well receive the attention and the patriotic endeavor of all who make and execute the Federal law. Our duties are practical, and call for industrious application, an intelligent perception of the claims of public office, and, above all, a firm determination, by united action, to secure to all the people of the land the full benefits of the best form of government ever vouchsafed to man. And let us not trust to human effort alone; but humbly acknowledging the power and goodness of Almighty God, who presides over the destiny of nations, and who has at all times been revealed in our country's history, let us invoke His aid and His blessing upon our labors.

The Senate returned to its Chamber at 1 o'clock and 5 minutes p. m., and the Vice-President took the chair.

HOUR OF MEETING.

Mr. EDMUNDS. Mr. President, I move that the daily hour of meeting of the Senate be 12 o'clock meridian until otherwise ordered.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont as to the hour of meeting.

The motion was agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. ALLISON. I offer the following resolution. I ask its immediate consideration:

Resolved, That a committee of three members be appointed by the Vice-President to wait upon the President of the United States and inform him that a quorum of the Senate has assembled, and that the Senate is ready to receive any communication he may be pleased to make.

The VICE-PRESIDENT. The consideration of this resolution is asked. Is there objection? The Chair hears none.

The resolution was agreed to; and the Vice-President appointed Mr. ALLISON, Mr. BECK, and Mr. VOORHEES as the committee.

Mr. EDMUNDS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 7 minutes p. m.) the Senate adjourned.

THURSDAY, *March* 5, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of Washington city.

The Vice-President on taking the chair was greeted with applause in the galleries.

The Journal of the proceedings of yesterday was read and approved.

EXPENSES OF INAUGURAL CEREMONIES.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the necessary expenses of the recent inaugural ceremonies be paid out of the contingent fund of the Senate, subject to the approval of the Committee on Contingent Expenses.

NOTIFICATION TO PRESIDENT.

Mr. ALLISON, Mr. BECK, and Mr. VOORHEES, the committee appointed to wait upon the President of the United States, appeared at the bar of the Senate, and

Mr. ALLISON said: Mr. President, the committee appointed under a resolution of the Senate to wait on the President of the United States and inform him that a quorum of the Senate is present in the Senate Chamber and ready to receive any communication from him, respectfully report that they have performed that duty, and in response thereto the President of the United States informed them that he would presently communicate with the Senate.

EXECUTIVE SESSION.

Mr. O. L. PRUDEN, one of the secretaries of the President, appeared at the bar of the Senate and said: Mr. President, I am directed by the President of the United States to deliver to the Senate sundry messages in writing.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 12 o'clock and 40 minutes p. m.) the Senate adjourned.

FRIDAY, *March* 6, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

Mr. VAN WYCK. I ask for the consideration of a resolution which I send to the desk.

Mr. INGALLS. Let it be read for information.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether patents have been issued for the lands granted in 1871 to the New Orleans, Baton Rouge, and Vicksburg, popularly known as the Backbone Railroad; if so, for what number of acres, to what corporation or individuals, whose receipt was taken for the same, when signed, whether unusual means were used to hasten the preparation and execution of said patents, whether the clerical force employed worked nights and Sunday so they might be completed before March 4, what day they were ready for the signature of the President, what the necessity for any special execution to secure the completion and signature before the 4th day of March, whether anything was done to protect the actual settlers in their rights to any such lands; also whether previous to the 4th day of March anything was done or written in regard to any other of the unearned land grants, the forfeiture of which had been considered by the Forty-eighth Congress.

Mr. EDMUNDS. I object to the present consideration of the resolution, and I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I ask the Senator from Vermont to withold the motion that I may have a communication printed.

Mr. EDMUNDS. I withdraw the motion for the present; but I object to the present consideration of the resolution.

Mr. VAN WYCK. Then it will go over until to-morrow. I ask that it may be printed.

The VICE-PRESIDENT. The resolution will be printed, unless there be objection, and go over until to-morrow.

INDEBTEDNESS OF PACIFIC RAILROADS.

Mr. HOAR. I have a communication from the president of the Union Pacific Railroad Company, made to me during the last session of Congress, in regard to certain legislation then proposed affecting the interests of that company. I supposed then that the measure to which he referred would be before the Senate for discussion, and withheld his communication until the discussion should arise, but as it was not reached, I desire that the communication may be printed for the information of the Senate. I ask unanimous consent that the letter lie on the table and be printed for the information of the Senate.

Mr. VAN WYCK. I did not hear the Senator from Massachusetts.

Mr. HOAR. It is a letter from Mr. Adams in regard to the Union Pacific Railroad Company. I desire to have it printed for information.

Mr. VAN WYCK. I desire to say in this connection that after the

communication is printed it may be necessary to have printed also some counter-statement in regard to the matters therein contained.

Mr. HOAR. I suppose the matter to which it relates will come up at the legislative session next winter. This paper merely contains some information about the condition of the road, which it will be convenient for Senators to have in print during the summer. Of course if there is any other contribution to that matter, which the Senator from Nebraska has, it may come in also.

The VICE-PRESIDENT. If there be no objection, the communication will lie on the table and be printed.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-two minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 12 o'clock and 41 minutes p. m.) the Senate adjourned until Monday, March 9.

MONDAY, *March* 9, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of the proceedings of Friday last was read and approved.

SENATOR FROM DELAWARE.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, which will be read.

The communication was read, and ordered to lie on the table, as follows:

WASHINGTON, D. C., *March* 6, 1885.

SIR: I beg leave to notify the Senate of the United States that I have this day forwarded to the Legislature of the State of Delaware my resignation as a Senator of the United States from that State.

Very respectfully, your obedient servant,

T. F. BAYARD.

Hon. THOMAS A. HENDRICKS,
Vice-President of the United States and
ex officio President of the United States Senate.

SENATOR FROM MISSISSIPPI.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, which will be read.

The communication was read, and ordered to lie on the table, as follows:

WASHINGTON, *March* 6, 1885.

SIR: I have this day accepted the position of Secretary of the Interior of the United States, and in consequence thereof my office of United States Senator from the State of Mississippi has become vacant.

Will you be kind enough to inform the executive of that State of this fact?

Very truly and respectfully, yours,

L. Q. C. LAMAR.

To Hon. THOMAS A. HENDRICKS,
Vice-President of the United States and President of the Senate.

SENATOR FROM ARKANSAS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Attorney-General, which will be read.

The communication was read, and ordered to lie on the table, as follows:

WASHINGTON, *March* 6, 1885.

SIR: I have this day accepted the office of Attorney-General of the United States, and in consequence thereof my office of United States Senator from the State of Arkansas has become vacant.

Will you be kind enough to inform the executive of that State of this fact?

Very truly and respectfully, yours,

A. H. GARLAND.

To Hon. THOMAS A. HENDRICKS,
Vice-President of the United States and President of the Senate.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, communicated to the Senate sundry messages in writing.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution introduced by the Senator from Nebraska [Mr. VAN WYCK] on Friday last, which went over, because of objection, under the rule. The resolution will be read.

SENATOR FROM NEW HAMPSHIRE.

Mr. PIKE. I rise to a question of privilege.

The VICE-PRESIDENT. The Senator from New Hampshire.

Mr. PIKE. I send to the Chair the certificate of appointment by the governor of the State of New Hampshire of Henry W. Blair as a Senator to fill the vacancy in the delegation to the Senate from that State by the expiration of the term ending on the 3d of March instant, and I desire that the Senator appointed, who is present, may be sworn in, if there be no objection.

Mr. EDMUNDS. Let the credentials be read.

The VICE-PRESIDENT. The credentials will be read.

The Chief Clerk read as follows:

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT.

To all persons to whom these presents shall come, greeting:

Know ye that the executive of said State hereby appoints Henry W. Blair, of Manchester, in said State, Senator of, for, and from said State to fill the vacancy happening in the Senate of the United States by the expiration of the term of Henry W. Blair on the 4th day of March, in the year of our Lord 1885, during the recess of the Legislature of said State and by the non-election of said Blair's successor—

To have and to hold said office of United States Senator until the next meeting of the Legislature of said State said next meeting being the meeting of the Legislature designated by the laws of the United States for the election of such successor, and being the first meeting of the Legislature at which such successor could be legally elected, and until the expiration of the time for which the executive of said State is authorized to make a temporary appointment for filling the vacancy now existing.

Witness his excellency Samuel W. Hale, governor of New Hampshire, and our seal hereunto affixed at Concord this 5th day of March, in the year of our Lord 1885, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] S. W. HALE, *Governor.*

By his excellency the governor:

A. B. THOMPSON, *Secretary of State.*

Mr. VEST. I move that this paper be referred to the Committee on Privileges and Elections.

The VICE-PRESIDENT. It will be so referred, unless objection be made.

Mr. HOAR. Mr. President——

Mr. EDMUNDS. We object to that. We want to take the question on the reference.

Mr. HOAR. I hope the credentials will not be referred. The Committee on Privileges and Elections has not yet been appointed, and I trust the Senator may be sworn in without objection.

Mr. EDMUNDS. I wish to say to my friend from Missouri that whatever question may exist on these credentials arose in the case of Mr. Bell under precisely similar circumstances and the same state of the law, and after full discussion on all sides of the Chamber and without any party division it was decided by the Senate by a decided majority—I do not remember how large—that such an appointment was within the Constitution and the duty of the governor. So the Senate having settled this question fairly and fully and without party division, I hope the Senator will not object to the Senator from New Hampshire being sworn in, and if he thinks on reflection there is enough left of question let him afterward move to have the matter referred to the Committee on Privileges and Elections.

Mr. SAULSBURY. I am aware that the question arose in a similar case from New Hampshire and that the question was then decided, but Senators who were then present remember that the right of Mr. Bell, the appointee at that time, was very strongly contested. For the first time, I believe, in the history of the Senate it was then decided that the governor might commence a term. Prior to that there had never been, so far as my remembrance goes, any decision of the Senate favoring that conclusion. On the contrary, the implication from arguments which have been made upon questions of a cognate nature have been adverse to such a conclusion.

The Senate is not composed to-day as it was at the time Mr. Bell's case was before the Senate, and I think it is eminently proper that the motion of the Senator from Missouri should prevail, and that the Senate should upon due deliberation re-examine the question of the right of the governor of a State not to fill a vacancy, but to commence a Senatorial term.

For one I do not hesitate to say, notwithstanding the conclusion at which the Senate arrived in the case of Mr. Bell, that my opinion after a thorough investigation of that case remains unchanged. I believe that whatever right a governor may have to fill a vacancy occurring in a term there is no constitutional right or authority in the governor of a State to commence a term, and that it can only be filled by the action of the Legislature itself. I hope, therefore, that the credentials will be referred.

Mr. VEST. I was a member of the Senate at the time the Bell case was discussed and determined. I remember very distinctly that there was a great difference of opinion among the eminent lawyers of the Senate at that time, and that the weight of authority was against the power of the executive of the State of New Hampshire to make that appointment. But whatever may be the legal status of this question, with all deference to the statement of the Senator from Vermont in regard to the facts of this case, it seems to me pertinent that the Committee on Privileges and Elections should determine whether this is an identical case, and then it will be for the Senate to say what is the weight of the precedent, if a precedent has been established. It seems to me that in a question of such grave importance, a question of the highest privilege in regard to the representation of a sovereign State, if there is any doubt about this precedent it should be investigated and determined again. That there is great difference of opinion among eminent lawyers, with the weight of authority against it, I have no sort of question. For this reason I insist upon the motion.

Mr. HOAR. It seems to me the Senate may as well settle this question for itself now. The case of Mr. Bell, which, as has been said, was precisely similar to the present case in all particulars, was considered by a Democratic Senate, and a majority of the Senate then of the party opposed to Mr. Bell decided that he was entitled to the seat under circumstances like those in the present case, and as I was then satisfied, and I believe a large majority of the Senate was then satisfied, the question was determined by a clear and unbroken line of precedents going back to the beginning of the Government, some ten or a dozen cases, in which the same question had been presented—going back to the case of Mr. Tracy, a Senator from Connecticut in the very earliest days, which settled the law, as was claimed by Mr. Bell and as is now claimed in behalf of Mr. Blair.

Therefore I think it is not presumptuous to say there can be no serious question as to what will be the decision of the Senate at the present time; and the delay of this gentleman's taking his seat until after the committees of the Senate are appointed prevents him and the State he represents so far as his right is concerned from receiving a proper representation upon the committees of the Senate; and it will embarrass the Senate in framing its committees to postpone the question to a later day in the session. The Senate certainly is as well prepared to deal with the question now as it ever can be.

Mr. DAWES. Whatever may be the weight which may finally be attached to the objection raised by the Senator from Missouri, according to the uniform practice in both Houses of Congress when a commission is presented under the seal of a State and in due form the precedents are that the person presenting it should be sworn in and the objections considered afterward. It seems to me, therefore, that if there were any weight to be attached to these objections, they are objections which should more properly be considered by the Committee on Privileges and Elections after Mr. Blair shall have been sworn in, following the precedents of the Senate and of the House in those cases with scarcely a single exception.

When a commission is presented in proper form and under the seal of a State the member presenting it is always sworn in and his right to hold the seat is decided, if at all, after that. It is rare indeed that any person presenting such credentials as these is held outside until the investigation of his right to his seat, and when that is done it is under circumstances rare, and which do not exist in this case. Here is a certificate in precisely the same form which has given a member of the Senate his place, and after that and after a report from a committee and an investigation his right to his seat has been confirmed.

I think that the Senate would not only be justified but would be called upon to admit this man to his seat, and then if the Senator from Missouri or any one else should suggest a contest of his right to that seat it would be perfectly open to him and would be decided in the ordinary course.

The VICE-PRESIDENT. The question is on the motion of the Senator from Missouri, that the credentials be referred to the Committee on Privileges and Elections.

The motion was not agreed to.

Mr. HOAR. I now move that Henry W. Blair, a Senator appointed from the State of New Hampshire, be admitted to take the oath of office.

Mr. VEST. I object; and I ask that the motion lie over until to-morrow.

Mr. HOAR. This is a mere question of Senatorial privilege. I submit that it does not lie over under the objection.

The VICE-PRESIDENT. Shall the motion be postponed until to-morrow? The Chair understands the proposition of the Senator from Missouri to amount to a motion.

Mr. VEST. I understand that under the rules of the Senate the original notice must go over until to-morrow where a Senator objects to its consideration. I have no disposition to delay this matter. It has been said here that this would deprive a State of its rights and would inconvenience the committee who are now arranging the general committees of the Senate. It is an open secret that the committees will be arranged to-day or to-morrow, and that then if this gentleman be admitted he can receive his position.

Mr. HOAR. I am constrained to say that I understand the rule of the Senate to be that the motion which I made, if required to be put in writing by the Chair, or without being put in writing, is in the nature of a resolution, and it is the right of any Senator, if he sees fit, to require its postponement for one day.

Mr. VEST. That is my understanding of the rule.

Mr. HOAR. I concede the right of the Senator from Missouri to demand that this lie over until to-morrow, but I wish to say to him if he will permit me, in all courtesy——

Mr. VEST. Certainly.

Mr. HOAR. The only practical effect of the matter will be, unless a considerable number of gentlemen on the other side of the Chamber have changed their minds——

Mr. SHERMAN. Here is rule VI.

Mr. HOAR. I beg pardon; under the new rule, Rule VI, it is said that all questions made upon the presentation of credentials "shall be proceeded with until disposed of." So that is an exception to the general rule which I had in mind.

Mr. VEST. Whatever the rule may be, I want simply to make this statement: I am not objecting to these credentials for any purpose of delay. I know very well that a majority of the Senate——

Mr. HOAR. If my friend will pardon me, I was about suggesting to him that the only practical point of this matter, as we both, I think, will see, is that the postponement of Mr. Blair's swearing in makes an interruption in his term of Senatorial service, so that his place upon committees, which he has earned by six years of faithful service, will be lost, and he will stand as a new member. It will be an interruption of his Senatorial service, and it would, therefore, of course, be a great personal gratification if without any failure of duty in whatever the Senator thinks the public good demands the question might be dealt with to-day, so that that Senator may know where he stands. That is all there is of it.

Mr. VEST. I presume that all of us, no matter what has been our term of service in this body, know how the committees are organized and appointed; and I take it for granted that the committee upon the part of the majority of the Senate would not be controlled by any such technicality as that stated by the Senator from Massachusetts, but that this gentleman, the newly appointed Senator from New Hampshire, would be treated in a spirit of equity and of Senatorial courtesy, and would receive his place according to his term of service in this body without reference to the narrow and contracted rule which is suggested by the Senator from Massachusetts.

There are a number of new Senators here who, whatever may be their legal attainments or legislative experience, must find this a new question to a very large extent. As I said before, I was a member of the Senate when the Bell question was considered and discussed, and I confess that I should like a few hours in which to look at that debate, and particularly at one argument which I recollect very distinctly, that of the late lamented Senator from Wisconsin, Mr. Carpenter, which I thought then to be conclusive.

All I ask is that we may be permitted to look at this question for a few hours only, without prejudice to the claims of this gentleman or the State he claims to represent.

Mr. SHERMAN. I believe, with the Senator from Missouri, that as a matter of courtesy to that Senator or to any Senator who says he is not prepared to vote on the question presented, the matter might properly go over, although I deny that it is the right of any Senator to object to the swearing in of a person appearing to have a *prima facie* right as a Senator at the moment he presents his credentials. The rule is very clear and very express. It is founded upon the clearest reasons. If a single objection could put the question over for a day, a majority might put it over for a longer period; one-third of the Senate might at the beginning of the session be kept out of their seats by a single objection. If the objection had been made here on the day of inauguration, it might have prevented the Senate from being organized except by two-thirds of the body. Therefore, the rule was founded upon good reason, that any question affecting the right of a Senator presenting credentials should be at once determined without the ordinary delay of legislation.

Still, as it makes no difference at all to the Senator from New Hampshire that he shall be sworn in to-morrow rather than to-day, and as the Senator from Missouri desires to look at the authorities, I think it is but a reasonable request and that under all the circumstances we should allow the delay at this time, but as a matter of right I should insist upon the newly elected Senator being sworn in. I have no objection whatever to conceding a reasonable opportunity to look into the authorities.

Mr. PIKE. If this matter goes over until to-morrow I hope it will be the general understanding by unanimous consent that it shall be disposed of to-morrow morning without asking a reference to the Committee on Privileges and Elections. This case is precisely like the one which occurred six years ago in the Senate in all its particulars, and that was decided after very long and full discussion. It seems to me that no new fact can be produced here and no reason assigned why this case should not be disposed of to-morrow. I hope it will be understood that the case shall be disposed of then.

Mr. HOAR. I should like for the information of the Senate to read from the Journal what the Senator from Vermont [Mr. EDMUNDS] has called my attention to as to the point of order. This is the Journal of the Senate of October 17, 1877:

Mr. THURMAN presented the credentials of Henry M. Spofford, elected a Senator by the Legislature of the State of Louisiana for the term of six years, commencing March 4, 1877.

The credentials were read.

Mr. THURMAN then submitted the following resolution, and asked for its present consideration:

Resolved, That Henry M. Spofford, whose credentials as a Senator from the State of Louisiana have been this day read, be now sworn and admitted as such Senator.

Mr. EDMUNDS objected to the consideration of the said resolution this day, and raised the point of order that, under the thirty-third rule of the Senate, which requires that all resolutions shall lie over one day for consideration, the resolution could not now be considered.

The Vice-President overruled the point of order raised by Mr. EDMUNDS, and

decided that, under the seventh rule of the Senate, the presentation of the credentials of a Senator being a question of privilege, all questions and motions arising thereon were in order at this time, and that the consideration of the resolution could now be proceeded with.

The Chair will observe that that was the ruling of Vice-President Wheeler, a predecessor of the present occupant of the chair.

Mr. FRYE. And Rule VII then referred to is Rule VI now.

Mr. HOAR. Yes, the same rule.

Mr. FRYE. It is practically the same rule.

The VICE-PRESIDENT. Shall the motion of the Senator from Massachusetts lie over until to-morrow? Is there objection to that proposition?

Mr. MILLER, of California. I understand that under the rule the question is to be proceeded with, unless by unanimous consent it lies over. If it requires unanimous consent to lay it over, I make objection.

The VICE-PRESIDENT. Does the Senator from California object?

Mr. MILLER, of California. I do. If the rule requires that this matter must be proceeded with at once until it is finished, it can not be laid over without unanimous consent, and I object to its being laid over.

Mr. COCKRELL. I think the Senator from California is mistaken in saying that it requires unanimous consent to lay the matter over. I presume there is no question that a majority of the Senate can postpone action upon it until to-morrow. I hope the Senator from California will make no objection, and that the matter will be postponed until to-morrow, and then it will be proceeded with as a question of privilege.

Mr. FRYE. That motion should be made. I suggest to the Senator to move to postpone further consideration until to-morrow.

Mr. COCKRELL. I move, then, that the further consideration of the matter be postponed until to-morrow.

Mr. HOAR. In order to have no question about it, I have put my resolve in writing. Then let it be postponed until to-morrow.

The VICE-PRESIDENT. The resolution offered by the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

Resolved, That Henry W. Blair, appointed a Senator from the State of New Hampshire, be now admitted to take the oath of office.

Mr. SHERMAN. Let that go over.

Mr. HOAR. Now let it go over.

Mr. FRYE (to Mr. COCKRELL). Make your motion.

Mr. COCKRELL. I move that the resolution be postponed until to-morrow.

The VICE-PRESIDENT. The question is, Shall the resolution be postponed until to-morrow?

Mr. TELLER. I am quite willing for one that it shall go over; but I am not willing that the Senate shall make a precedent that anybody has a right to put it over. I think on this side of the Chamber we are willing that it shall go over, but not on a motion that will commit the Senate to the principle that anybody has a right to put it over.

Mr. HARRIS. I ask the unanimous consent of the Senate that the resolution lie over until to-morrow.

The VICE-PRESIDENT. The Senator from California has objected.

Mr. MILLER, of California. I do not object if consent is asked. If all Senators desire that it shall go over, I do not object. I desire to make the same point the Senator from Colorado [Mr. TELLER] did.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. Mr. President——

Mr. HOAR. I withdraw the motion for the present.

Mr. MCMILLAN. Has it been announced that this matter goes over by unanimous consent?

The VICE-PRESIDENT. That is not settled. The proposition now is to proceed to the consideration of executive business.

Mr. HOAR. No; that motion is withdrawn.

Mr. EDMUNDS. I do not wish to be committed for one to the proposition that the Senate can not, a privileged resolution being before it, postpone it until to-morrow or lay it on the table or do anything else that it thinks fit to do with it. I have no objection, on the request of the gentlemen on the other side, to this matter going over until to-morrow by motion or otherwise, but I do not wish to give in my adhesion to the proposition that it is not in the power of a majority of the Senate to postpone this resolution until to-morrow or next week or next year if a majority thinks it fit to do so.

The VICE-PRESIDENT. Shall the resolution be postponed by unanimous consent? It is so agreed. The matter stands until to-morrow.

T. C. QUANTRILL.

Mr. MILLER, of California, submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to T. C. Quantrill the sum of $564 for services as clerk to Senator J. T. Farley, of California, from December 1, 1884, to March 5, 1885, inclusive, and one month's extra pay, as provided for under the provisions of the act making appropriation to supply the deficiencies for the fiscal year ending June 30, 1885.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

Mr. VAN WYCK. I ask for the reading of the resolution offered by me on Friday last, if it is now considered as the unfinished business.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the following resolution, submitted by Mr. VAN WYCK on the 6th instant:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether patents have been issued for the lands granted in 1871 to the New Orleans, Baton Rouge and Vicksburg, popularly known as the Backbone Railroad; if so, for what number of acres, to what corporation or individuals, whose receipt was taken for the same, when signed, whether unusual means were used to hasten the preparation and execution of said patents, whether the clerical force employed worked nights and Sunday so they might be completed before March 4, what day they were ready for the signature of the President, what the necessity for any special exertion to secure the completion and signature before the 4th day of March, whether anything was done to protect the actual settlers in their rights to any of such lands; also, whether previous to the 4th day of March anything was done or written in regard to any other of the unearned land grants, the forfeiture of which had been considered by the Forty-eighth Congress.

Mr. VAN WYCK. Mr. President, it will be considered by the American people a matter of sincere regret that an administration, a successor to those commencing a quarter of a century ago to break the power of organized capital and check the aggressions of the greatest monopoly that ever cast its blight on this continent, should have clouded its good name far more than any word or act of its enemies in the last day of its existence; that in the last agony of dissolution its final act should be at the dictation and in the interest of corporate wealth, whose power has grown to be as omnipotent and whose aggressions as deadly as those of the one overthrown.

Beginning for the establishment of universal rights, it has traversed all zones to the highest elevation, only to be hurled in the end to the antipode of abject and humiliating surrender in the face of the nation to a more tyrannizing monopoly than dominated the Republic in former years. Breaking the bonds of slavery, it subjugated the nation to the fetters of corporations.

This last chapter is the most remarkable in the mysterious record of the Backbone Railroad.

In 1871 a large grant was given this road with condition that it should be completed in five years. During that time not a mile was built; its only act was to issue millions in bonds. Five more years passed; its grant became doubly dead. Not a rod of road constructed; its route had not even been definitely located; it was absolutely bankrupt. Debts for salary of officers, for the pictures which adorned its bonds, could not be collected.

Where were the Executive Departments of this Government then that they did not interfere and protect the public domain and the rights of the people? It may be replied, where was Congress then? Certainly. But that prince of truthful historians, Huntington, in his interesting letters to his friend Colton, forcibly portrays the management, the means and cost of controlling legislative bodies; but the people will be slow to believe that such influences can reach the Executive Departments.

It will be claimed that the New Orleans and Pacific in 1881 became the successor of the Backbone, and built not the road mentioned in the grant but a road on the faith or expectation of this grant, dead and forfeited by reasons of condition twice broken. But mark, this New Orleans and Pacific was incorporated in 1875 as a rival to the Backbone, and commenced work during the lifetime of the grant, and continued its work during the period of the second five years, with bitter denunciations against its rival, and with repeated attempts to have its grant forfeited by Congress, and modestly asked the transfer to itself. The committee were willing to declare forfeiture but not the transfer. To the schemers behind the New Orleans and Pacific—the Central and Southern Pacific—it became actually necessary to have a road of their own to the Gulf. And the New Orleans and Pacific boldly proclaimed that they had the means and would push the road to New Orleans without land or aid, and they did.

The Gould and Huntington crowd were scheming with this as they were with Scott and the Texas Pacific—the same tactics and the same influences. They fought Scott, hoping to secure the large grant. They fought the Backbone, hoping to secure their dead grant.

They would not consent that Congress should forfeit this grant, unless they would at the same time convey to them. This proposition was so infamous that Congress, manipulated as Huntington delineates, would not consent. They preferred to take the chances to force an assignment from the bankrupt company of the dead grant.

Marvelous apology, built on the faith of the dead grant; when they were demanding and, at much necessary outlay of money, convincing Congress that this grant in the hands of the Backbone should be forfeited, and in the end received from the same bankrupt road the assignment of this, as claimed by themselves, worthless grant in 1881, when the New Orleans and Pacific had nearly completed their road.

There was never a definite location of the line by either road. The Backbone operators were never willing to put money enough in its treasury for that purpose, and the New Orleans and Pacific did not consider it necessary, as they were antagonizing the land-grant road; they did not attempt to comply with the law, as they knew the only way

for them to obtain it was by stealing, in which they have partially succeeded, against the protest of the nation and a portion of Congress.

It is claimed that there was a special meeting of the Cabinet—the last act of the last meeting—to legalize this fraud. Did the actual settlers on this land hire any advocates there and were their rights protected? Under the granting act the right to pre-emption and homestead was guaranteed until the line of road was definitely fixed. The report of the Land Office of 1881 said it was not fixed then; and the opinion of the Attorney-General of June 13, 1882, which will probably figure in this discussion, stated that it had never been fixed. The law secured this right. Did the Cabinet protect them or were they turned over to the tender mercies of this corporation?

It is further claimed by way of apology or defense that Mr. Kirkwood desired the opinion of the Attorney-General as to the validity of this grant. With few notable exceptions the history of the Land Bureau of the Interior Department is a record of the demands of land-grant corporations and decrees of the Department in obedience thereto; but when the demand has been too exacting an opinion of the Attorney-General was sought behind which to escape until the storm of public indignation passed by. In this case the Attorney-General was equal to the occasion and sustained the reputation of the office in that direction.

Very learned arguments by Judges Dillon, Greene, and Pierrepont on behalf of Gould and Huntington were made before the Attorney-General; but alas! no one appeared on behalf of the people. From all the officers of this great nation no one appeared to defend the public domain. No wonder the Attorney-General readily accepted the arguments of Gould's attorneys.

The ingenuity of an Attorney-General is valuable to suggest doubts where none exist and then resolve those doubts in favor of the corporation. In the Forty-eighth Congress the Public Lands Committee of the House reported in favor of forfeiture, but by some political legerdemain it was afterward referred to the Judiciary Committee to report as to legality of forfeiture, a majority reporting adversely, which was sustained in the House by a close vote. That the symmetry of history may be preserved it is hoped that some Huntington may hereafter give sketches of the means and manner of this achievement.

The Senate Committee on Public Lands reported a bill forfeiting a portion of the lands, which was placed on the Calendar but was not reached during the short session.

Fearing an attempt would be made to obtain patents a protest was prepared and signed by members of both Houses, most of them on the Public Lands Committees, respectfully asking that action be withheld, as the subject-matter was under consideration in the Senate. The question of forfeiture belonged to Congress. The controversy had not been concluded. This grant had been held for ten years and more without any attempt to comply with the conditions; and what right had that company or its assigns to stand at the doorway of Congress and demand immediate action at the peril of being compelled to deliver nearly a million acres of land, worth from seven to ten million dollars? By what mysterious power could they coerce this Government into an extra session of the Cabinet in its expiring days and secure action which will be sought to foreclose Congress and the people from effective action to rend the spoiler of his prey? What right has even the President and Cabinet to waive broken condition? That power is vested in Congress alone. But why this haste?

Why should clerks work nights and insult the religious sentiment of the nation by working on Sunday? What the necessity, public or otherwise? This Republic was not to perish on the 4th of March; its continuity was not disturbed by changing the Executive; there was no suspension of power and duties; all business proceeded as heretofore. Was all other business concluded and finished by March 4 in the Interior Department? Did other of the Executive Departments work their force nights and Sunday to have the incoming administration start with only new business?

The people will ask, Why this haste? Was it dangerous to trust the representatives of the people in the next Congress? Was it dangerous to trust the incoming administration to do justice to the men claiming this grant? Was there danger the rights of settlers on these lands would be recognized and the public domain protected by the incoming administration? If so, then it evidently has not been installed too soon.

I desire to give this public notice that the legality of these patents will be contested, so that purchasers of bonds now to be issued may not claim the protection accorded to innocent purchasers without notice.

Mr. TELLER. Mr. President, my experience in this body has not been as extended as that of some who sit before me; it is something over eight years that I have been in the public service. I confess to considerable astonishment at this resolution, so discourteous, so unsenatorial, directed to a co-ordinate branch of the Government. I suppose, Mr. President, it has accomplished the purpose for which it was introduced. It has enabled the mover of this resolution to appear before the public, not for the first time, but as he has on various occasions, as the special champion of the laboring classes, the down-trodden people of the country, and as the special opponent of corporations and corporation influences.

I presume that the Senator when he introduced the resolution expected nothing more. He hardly expected that any Department of the Government would allow itself to be thus assailed and answer the resolution. Before this discussion is closed, or on some other occasion when I have an opportunity, I shall call the attention of the Senate to the very remarkable character of various resolutions coming from this same source that have been directed to the Executive Departments of this Government within the last three years, and I want to give notice here to everybody that although the administration has passed into the hands of the political party with which I am not affiliated, yet as a Senator, having due respect to the dignity of the Executive Departments of the Government, I never intend without at least a protest, that that administration shall be treated by resolutions of this Senate as the late administration has been treated.

Why, Mr. President, if you would listen to and believe what this honorable Senator has said to-day you would suppose that in the issuing of this patent or the certification of the land earned by this company there had been something done that had never been done before.

Sir, every Secretary who has sat in that chair for the last sixteen years has done exactly what the Secretary who has just retired has done, and during a good portion of that time the honorable Senator has been a member either of the other House or of this body and he has been a member of the Committee on Public Lands, and he never before this body or in the committee has been heard to find fault with their acts. It is in the public press, it is where he can get the credit of being the champion of all the down-trodden and oppressed and the opponent of corporations that he is heard. When legislation can be had, when the interests of the Government can be protected when it is desirable to protect them, he has been as silent as the grave.

There are on the records of the General Land Office patents for millions of acres of land issued exactly under the same situation that this was issued. The company of which I speak appeared as the assignee of a corporation recognized by the act of 1871, known as the Texas Pacific act. It was the policy of the General Government in 1871 to give the people of the Southern section of the country what it had given to the Northern section of the country, a continental line to the Pacific coast; and for that purpose it recognized certain corporations, by name conferred upon them grants. Among others was the New Orleans, Baton Rouge and Vicksburg Railroad Company, commonly called the Backbone Railroad. This railroad company was organized under the laws of the State of Louisiana with remarkable powers and privileges, and the Congress of the United States provided for it in the twenty-second section of the Texas Pacific act, which I will have the Secretary read.

The Chief Clerk read as follows:

SEC. 22. That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act.

Mr. TELLER. The whole question arising here is contained in the last clause, "*Provided*, That said company shall complete the whole of said road within five years;" a provision that has been put in every railroad grant made from the time when grants were first made by the Congress of the United States. The only question before the Department for three years (gentlemen may cover it up and disguise it as they may) has been this, whether, having completed the road out of time, the assignee of the original company was entitled to the lands as if it had completed the road within time.

The question whether the original grantee had the right to assign, as it did assign, to another corporation has been abandoned long since by everybody who has been making attacks upon this company. It has been settled by the Supreme Court of the United States upon more than one occasion that these grants are grants *in præsenti*. Every lawyer in this body—and I only regret that every man who speaks upon a subject of this kind is not a lawyer, for it would not then be necessary to explain perhaps some of the primary principles governing cases of this kind—every lawyer understands what a grant *in præsenti* means.

It means that it conveys to a grantee a present existing interest. Nobody will deny it, not even the Senator from Nebraska. The Supreme Court has held it, the Attorney-General has repeatedly so held. If it conveys a present interest, then it is a subject of sale and conveyance. It may then be bartered or traded; and whatever the original grantee was required to do the assignee is also required to do; and the assignee stood in exactly the same position when the assignment was taken that the other company did.

The New Orleans, Baton Rouge and Vicksburg Railroad Company were unable or unwilling—it makes no difference which, whether or-

ganized for the purpose of issuing two millions of bonds or two hundred millions is perfectly immaterial—to complete its road, and it saw fit to sell and assign its right to these lands to another company, called the New Orleans and Pacific. The New Orleans and Pacific accepted in the most formal manner this conveyance. It received the lands, and of course received them upon the condition that it would abide by the condition subsequent, and that was for the building of the road. The company then came to the Department for instructions. After this assignment the assignee railroad company appeared before the Department of the Interior in 1881, when Mr. Kirkwood was Secretary, and addressed to the Commissioner of the Land Office the inquiries which I will send to the desk, and received from him the letters which I will send up to be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 26, 1881.

SIR: On the 17th instant you filed with me certain papers, showing the transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company to the New Orleans Pacific Railway Company, of the land grant to the former company. You verbally asked me for an expression of opinion as to the effect and sufficiency of the transfer.

On the same day (17th instant) I addressed a letter to Hon. W. H. Barnum, president of the first-named company, expressing the opinion that the transfer would fully vest in the last-named company, upon a formal acceptance thereof by it, all the right, title, and interest of the first named.

On the 21st instant you filed a letter from Mr. Barnum, dated 19th instant, addressed to me, covering a telegram from E. B. Wheelock, president of the New Orleans Pacific Railway Company, dated New Orleans, 19th instant, being the required acceptance of the transfer.

By letter to Mr. Barnum, dated 21st instant, I acknowledged receipt of his letter and inclosure, and stated that the transfer was not complete.

On the 24th instant you referred a letter dated New York, 23d instant, addressed to you from William M. Barnum, secretary of the New Orleans, Baton Rouge and Vicksburg Railroad Company, covering the original of the telegram of acceptance above referred to.

Yesterday you telegraphed me, asking if the papers last described had been received; to which I at once responded by telegraph in the affirmative.

All the papers in the case have been filed.

Very respectfully, &c.,

J. A. WILLIAMSON,
Commissioner.

Hon. J. H. KETCHAM,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 17, 1881.

SIR: In compliance with the verbal request of Hon. J. H. Ketcham I make the following statement:

By the twenty-second section of an act of Congress, entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871, a grant of land was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company for the purpose of aiding in the construction of its road.

At a special meeting of the directors of said New Orleans, Baton Rouge and Vicksburg Railroad Company, held December 29, 1880, a resolution was adopted authorizing the president and secretary of the company to transfer all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company, and to make and execute such instruments as should be necessary for that purpose.

On the 5th day of January, 1881, the president and secretary, pursuant to said authority, executed a deed, in the name of the New Orleans, Baton Rouge and Vicksburg Company, conveying all the right, title, and interest of said company in and to said grant to the New Orleans Pacific Railway Company.

On the 3d day of February, 1881, the directors of the last-named company adopted a resolution authorizing the president of the company to accept said conveyance, and to execute any documents necessary to evidence the acceptance.

There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Company has in and to said grant.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

W. H. BARNUM, Esq.,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

NEW ORLEANS PACIFIC RAILWAY COMPANY,
OFFICE OF THE PRESIDENT,
New Orleans, February 19, 1881.

SIR: In pursuance of the resolution of the board of directors of the New Orleans Pacific Railway Company, passed February 3, 1881, I hereby accept, in behalf of said company, the deed and transfer executed by the New Orleans, Baton Rouge and Vicksburg Railroad Company, bearing date January 5, 1881, conveying all its right, title, and interest in, to, and under the land grant made by section 22 of the act of Congress approved March 3, 1871.

THE NEW ORLEANS PACIFIC RAILWAY COMPANY,
By E. B. WHEELOCK, *President.*

Hon. W. H. BARNUM,
President N. O., B. R. and V. R. R. Co., 52 William st., N. Y.

Received the within acceptance this 23d day of February, 1881.

THE NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY,
By WM. M. BARNUM, *Secretary.*

(Indorsements:) 1377, C. 6. Department of the Interior, Lands and Railroad Division. Received October 29, 1881.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1881.

SIR: The president of the New Orleans Pacific Railway Company has duly accepted, in behalf of said company, the deed referred to in my letter addressed to you, dated February 17, 1881, being the deed to the said New Orleans Pacific Railway Company by the New Orleans, Baton Rouge and Vicksburg Railroad Company, of all its right, title, and interest in and to the grant to said last-named company by the twenty-second section of an act of Congress entitled "An act to incorporate the Texas Pacific Railroad Company," &c., approved March 3, 1871.

The transfer by the said New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

W. H. BARNUM,
President of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

Mr. TELLER. Now, Mr. President, this railroad company was prepared to go to work. They had received from the original company the grant. There was some delay in the recognition by the Department of the transfer. I desire to call the attention of the Senate to the fact that the united delegation of the State of Louisiana, including her two Senators, neither of whom now sits on this floor, and all her members of Congress, petitioned the Department in a letter that I hold in my hand to recognize this transfer and allow this company to go on and build the road.

Mr. VAN WYCK. Will the Senator allow me a question right there?

Mr. TELLER. I will.

Mr. VAN WYCK. I understand the Senator to remark that after this communication from the Land Commissioner in 1881 this company was allowed to go on and construct the road. What I desire to ask is if it is not the fact, as I have already stated, that this company was organized in 1875, in the lifetime of the grant, and that during the summer of 1875 it did some work in the lifetime of the grant?

Mr. TELLER. Which company do you speak of?

Mr. VAN WYCK. I mean the New Orleans and Pacific. After the letters written in 1881, which have been read, the Senator said the company was ready to go on and build this road—the New Orleans Pacific. Now I ask if the New Orleans Pacific was not organized in 1875, during the lifetime of this grant, and if it did not do some work on this road in 1875 and continued work on this road down to 1881, when these letters were written?

Mr. TELLER. If there was anything that could convince me that the honorable Senator from Nebraska has not any conception of this case it is the question he has asked me now. I am ready to reply to it, but it has nothing to do with this case. The company was in existence, but the company had no right to this grant; it had not been named in the act; it appeared then as the assignee. Does the Senator say that as the assignee it could not take this grant, that it did not stand precisely in the same situation that the old company would have stood if it had completed the line? If he does, he has parted company with everybody else on his side who has been attacking this grant.

Mr. VAN WYCK. Now, if the Senator will allow me right there, I will ask him further if this New Orleans Pacific was, as is true, organized in 1875 before the grant made the Backbone road expired, if they did work in 1875 and continued work until 1881 without this grant and fighting it, was there any pretense for them to claim any land adjoining the road they had built at the time when they were fighting the grant?

Mr. TELLER. This company have claimed nothing except for the road they have built after receiving this grant, and the Senator knows that. An attempt to make it appear here that they have claimed anything else is unworthy of his position. He knows very well that that was the question submitted to the Attorney-General. Having earned this grant, having finished this road subsequent to the purchase of the grant, are they entitled to the land? The Senator has been heard on the stump, he has been heard in the newspapers, and he has been heard everywhere claiming that this was a precedent for the granting of 15,000,000 acres of land to the Texas Pacific Company. I excuse the gentleman. I do not charge that he ever stood up and willfully made the statement, for I doubt to-day whether he can appreciate the difference between this case and that of the Texas Pacific or Southern Pacific, although the Attorney-General, *ex industria* in this case, declared that it was not a case similar to the Texas Pacific and the facts are as widely different as it is possible.

The Southern Pacific built the road on the route of the Texas Pacific, not having any privity of estate or connection with the grant made to the Texas Pacific—not having any interest that enabled them to perform the condition, and that is the difference between the Texas Pacific and this case. This company claims nothing except that it had done a little work; it had completed no portion of its road; and if the Senator makes that statement it is utterly untrue, and without a foundation of fact, and he ought to know it.

Mr. VAN WYCK. Right there——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. TELLER. Yes, sir.

Mr. VAN WYCK. I ask the Senator as to the road constructed by the New Orleans Pacific from 1875 down to 1881, whether there was any more privity or connection between the New Orleans Pacific and the Backbone in the work done between these periods of time than there was between the Southern Pacific and the Texas Pacific?

Mr. TELLER. I reply that not an acre of land has been granted conterminous with any portion of the road that was not built after they had received their grant from the other company; and that ought to be answer enough. The sixty-eight miles that they bought they have

had no land for, and the Attorney-General declared that they were not entitled to land for that.

Mr. VAN WYCK. Have they received for the balance besides the sixty-eight miles?

Mr. TELLER. They have received just as much land as they were entitled to by the side of the road built after the grant was issued to them, and no more.

Mr. VAN WYCK. Let me ask——

The VICE-PRESIDENT. Does the Senator from Colorado yield?

Mr. TELLER. I decline to yield unless the Senator founds his question on facts.

Mr. VAN WYCK. Let me ask another fact. I ask whether the New Orleans Pacific, beyond the sixty-eight miles the Attorney-General said they were not entitled to lands for, have received a grant for all the miles of that road beyond the sixty-eight?

Mr. TELLER. I do not know how many miles they have received for. It is utterly impossible for me to say; but I do know this, that the order was that they should receive for so much as they had built subsequent to the assignment, and they have received no more.

Mr. VAN WYCK. Now, one moment. Allow me there. The sixty-eight miles the Attorney-General spoke of were built by the Morgan Company in Louisiana. That had no connection either with the Backbone road or the New Orleans Pacific. That is one point. But the point which I was endeavoring to get the attention of the Senator to was this: Have they built beyond the sixty-eight miles up to the year 1881, with no privity between these roads but in antagonism, as there was between the Southern Pacific and the Texas Pacific. I ask him now again if patents have been granted to them for that portion of the road? We shall see when the answer comes to the resolution from the Interior Department.

Mr. TELLER. I say that lands were granted for only so much of the road as they built and constructed after purchase of the grant as the assignee of the grant. Now, the gentleman ought to be satisfied with that. On other parts they had done some work; but the road had not been constructed and was not built.

When this company came before the Department in the fall of 1881 they came just as twelve or fourteen other roads had come claiming to have built the line out of time; they came just as several other roads had come claiming to have built the road as the assignee of the original grantee, and the question was never raised in the Department whether they had the right to build out of time and thus claim title; but the question was raised whether as the assignee they had the right, and this question was raised by the original company or the bondholders or stockholders thereof. Thereupon the Secretary of the Interior, my predecessor, submitted that question to the Attorney-General to determine whether they had a right to the land that they were claiming or not.

I do not think I need say to the American Senate that when resort is had to the provision that authorizes and in some instances requires the head of a Department to inquire of the Attorney-General the law of a case, by common courtesy, by common decency, if not the very terms of the law, that head of Department is bound to recognize that opinion as the law of the case in which the inquiry is made.

If that is not the law, then for the many years that the Departments have been in the habit of having questions of this character decided for the government of the other branches of the Executive Departments than the Department of Justice by the Attorney-General the various Executive Departments have been in error; then all the Executive Departments of the Government have proceeded upon a false basis; and it is left to the distinguished lawyer from Nebraska to overrule the precedents of many years and insist that it was the right, nay, that it was the duty, of the Interior Department to say to the Department of Justice, "Notwithstanding we have asked your opinion upon the law; notwithstanding we confessed that we had not confidence in ourselves to determine so grave and weighty a question, when you have determined it we will turn around and say your law is bad, and we decline to be governed by it." That never has been the practice.

But I do not desire to shield the Interior Department under the opinions of the Attorney-General. I make no such defense as that. It was the law, settled and adjudicated, that these men had this grant, having bought it. Does anybody deny that it was assignable? That point was yielded by the House Committee that made a report, five in favor of the company and six against it, yet the majority of the House committee declared that it was an assignable grant. They said there is a present interest in the Vicksburg company, and there being a present interest, they may sell and assign to somebody else, subject only to the conditions of the grant.

Why, Mr. President, I should be ashamed to cite an authority upon such a proposition. It has never been questioned since the days of Coke. It has never been questioned by any reputable lawyer, it has never been questioned by any court. Where there is an interest coupled with a condition, the party holding the interest may perform the condition. And there is another principle as well understood by lawyers—I do not know how it is in Nebraska, but I know where people study the profession and where people understand the law it is understood—that a condition attached to an estate once performed is performed forever. There is not anywhere a dissent from that doctrine. A subsequent condition, says the Supreme Court, is a condition attached to the estate, and until the grantor shall step in and re-enter or by some act equivalent to a re-entry shall declare that the condition can not be fulfilled hereafter, it is to be considered as still existing, and its performance at any time is a performance forever and deprives the grantor of the right of re-entry.

Mr. President, this question of assignment I said was submitted to the Attorney-General, and of course all the other questions were submitted, too, especially, however, that of the assignment. Various questions were submitted to the Attorney-General, who, after months of attention to the matter, returned it with the declaration:

First, that the grant of lands was a grant *in præsenti;* nobody doubted it.

Second, that the assignment was a valid assignment; nobody ought to have doubted it.

Third, that this company was entitled to these lands as the assignee, having performed the condition subsequent attached to the grant.

The Attorney-General distinguished in that opinion the difference between that case and the case of the Texas Pacific and the Southern Pacific. It has always been distinguished in the Department. It was not a precedent recognized as having any bearing upon the question of the right of the Southern Pacific. I ask that the Attorney-General's opinion be put in the RECORD, but not read, for it is too lengthy. I have no doubt it has been read by everybody who gives any attention to this matter, but it is too lengthy for me to wait now to have it read. In order to make up the history of this case I desire that it shall go into the RECORD.

The opinion is as follows:

DEPARTMENT OF JUSTICE, *Washington, D. C., June* 15, 1882.

SIR: By a letter dated the 5th of January last, your predecessor submitted to me a number of questions arising upon an application of the New Orleans Pacific Railway Company for certain lands claimed under the land grant made to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the act of Congress of March 3, 1871, chapter 122.

The land grant mentioned is contained in the twenty-second section of that act, which provides:

"That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect, by the most eligible route to be selected by said company, with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands per mile, in the State of Louisiana, as are by this act granted in the State of California to said Texas Pacific Railroad Company; and said lands shall be withdrawn from market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The eastern terminus of the Texas Pacific Railroad, as fixed by the same act, was a point at or near Marshall, Tex.

The New Orleans, Baton Rouge and Vicksburg Railroad Company was incorporated by an act of the Legislature of Louisiana passed December 30, 1869, which authorized it to construct and operate a railroad "from any point on the line of the New Orleans, Jackson, and Great Northern Railroad, within the parish of Livingston, running from thence to any point on the boundary line dividing the States of Louisiana and Mississippi," the route here indicated lying east of the Mississippi River. It was also authorized to construct and operate a branch railroad from its main line (above described) to the city of Baton Rouge; and for the purpose of connecting its railroad with the railroads of other companies, &c., it was furthermore authorized "to construct, maintain, and use, by running thereon its engines and cars, such branch railroads and tracks as it may find necessary and expedient to own and use;" and such branch railroads were, for all the purposes of the act, to be deemed and taken to constitute a part of the main line of its railroad within the State of Louisiana.

On November 11, 1871, that company filed in the General Land Office a map designating the general route of a road projected thereby from Shreveport, by way of Alexandria to Baton Rouge, and thereupon a withdrawal of the public lands along the same was ordered, which became effective in December following.

Subsequently by an act of the Legislature of Louisiana, passed December 11, 1872, the same company was given "full power and authority to commence the construction of their road in the city of New Orleans or Shreveport, or at any intermediate point on their line of road, as may best suit the convenience of said company and facilitate the speedy construction of a continuous line from the city of New Orleans to the city of Shreveport, or perfect railroad communication with the Texas Pacific Railroad, or any other railroad in Northwestern Louisiana, at or near the Louisiana State line: *Provided, however*, That the said company shall construct the line of its road between the city of New Orleans and the city of Baton Rouge on the east side of the Mississippi River, to the corporate limits of the said city of Baton Rouge, or adjacent thereto."

In the mean time, by the act of Congress of May 2, 1872, chapter 132, the Texas and Pacific Railway Company (formerly styled the Texas Pacific Railroad Company) was "authorized and required to construct, maintain, control, and operate a road between Marshall, Tex., and Shreveport, La., or control and operate any existing road between said points, of the same gauge as the Texas and Pacific Railroad." The same act further provided that "all roads terminating at Shreveport shall have the right to make the same running connections, and shall be entitled to the same privileges, for the transaction of business in connection with the said Texas Pacific Railway, as are granted to roads intersecting therewith."

On February 13, 1873, a second map was filed in the General Land Office, by the New Orleans, Baton Rouge and Vicksburg Railroad Company, designating the general route of a road projected thereby from New Orleans to Baton Rouge, and a withdrawal of the public lands along the same was ordered, which took effect in April, 1873. The route between those places, those designated, lies on the east side of the Mississippi River. "That company has not constructed any part of its road either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there been a definite location of its road anywhere between the points mentioned." Nothing beyond the designation of the general route thereof appears.

Pursuant to a resolution of its board of directors, adopted December 29, 1880,

all the right, title, and interest of that company in and to the aforesaid grant of public lands made by the act of March 3, 1871, were deeded by it to the New Orleans Pacific Railway Company. This action of the board of directors and officers of the former company was afterward approved and ratified by the stockholders thereof at a meeting held in December, 1881.

The New Orleans Pacific Railway Company was originally incorporated under the general laws of the State of Louisiana in June, 1875. Its charter was subsequently amended by acts of the Louisiana Legislature, passed February 19, 1876, and February 5, 1878. It is thereby authorized to construct a railroad "beginning at a point on the Mississippi River at New Orleans, or between New Orleans and the parish of Iberville, on the right bank of the Mississippi, and Baton Rouge on the left bank, &c., or from any point within the limits of this State, and running thence toward and to the city of Shreveport," which is made its northwestern terminus.

The route of this company as projected is understood to extend from New Orleans to Baton Rouge, and thence by way of Alexandria to Shreveport. Between New Orleans and Baton Rouge it lies on the west side of the Mississippi River, while the designated route of the New Orleans, Baton Rouge and Vicksburg Railroad Company between the same points lies on the east side of that river. Between Baton Rouge and Shreveport its general course and direction correspond in the main with the route designated by the last-named company. It is throughout its entire length from New Orleans to Shreveport within the limits of the before-mentioned withdrawals of public lands.

In October, 1881, the president of the New Orleans Pacific Railway Company made affidavit that three sections of its road were then completed and ready for examination by the Government; whereupon a commissioner was appointed to examine the same, the result of whose examination appears in a report made by him to the Secretary of the Interior under date of the 26th of that month. One of the sections embraces sixty-eight miles of road, beginning on the west bank of the Mississippi River, opposite New Orleans, and ending near the town of Donaldsonville; another embraces twenty miles of road near Alexandria, and the third embraces fifty miles of road terminating at Shreveport. For each of these sections lands are claimed by that company under the aforesaid land grant as assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company.

No map of definite location of any portion of its road has been filed, other than those of constructed portions.

It appears that in February, 1881, the New Orleans Pacific Railway Company purchased from Morgan's Louisiana and Texas Railroad and Steamship Company the road constructed on the west bank of the Mississippi River by the New Orleans, Mobile and Texas Railroad Company, from Westmego to White Castle, a distance of sixty-eight miles, and that the same has become a part of the main line of the road of the New Orleans Pacific Railway Company.

The following are the questions submitted:

"1. Was the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company a grant *in præsenti*?

"2. Had the New Orleans, Baton Rouge and Vicksburg Railroad Company, at the date of its alleged transfer of lands to the New Orleans Pacific Railway Company, such an interest in the lands, under said act, as was assignable?

"3. Is the New Orleans Pacific Railroad Company such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company as is contemplated by said act?

"4. Should it appear that the sixty-eight miles of the New Orleans, Mobile and Texas Railroad was constructed prior to the act of March 3, 1871, granting lands to aid in the construction of the New Orleans, Baton Rouge and Vicksburg Railroad, can the New Orleans Pacific Company (its assignee) claim any benefit from the grant? Or in case of such prior construction, and the non-construction of any portion of the New Orleans, Baton Rouge and Vicksburg road, has the purpose for which the grant was made failed, and the grant consequently lapsed?

"5. If the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, is so much of its road as is now owned by the New Orleans Pacific Company such a road as is contemplated for acceptance by the President within the meaning of said act, and may patents issue to the latter for lands opposite to and conterminous with such constructed portion of road?"

These questions are accompanied by a request for an opinion upon such other questions of law as may suggest themselves touching the transfer of said land grant to which reference is above made.

Of the above-stated questions the first three may be considered together in connection with the following inquiry, which presents itself at the outset: whether the assent of Congress to the transfer made by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its interest in said land grant to the New Orleans Pacific Railway Company is necessary (by reason of anything in the provisions of the grant itself) to entitle the latter company to the benefit of said grant in aid of the construction of the road projected by it?

The act of March 3, 1871, passed to the New Orleans, Baton Rouge, and Vicksburg Railroad Company a present interest in a certain number of alternate sections of public lands per mile within the limits there prescribed. Its language is "there is hereby granted to the said company" the number of alternate sections mentioned; words which import a grant *in præsenti*, and not one *in futuro*, or the promise of a grant. (97 United States Report, 496.) But the grant thus made is in the nature of a float. It is of sections to be afterward located, their location depending upon the establishment of the line of the road. Until this is definitely fixed the grant does not attach to any specific tract of land. Upon the line of road being definitely located the grant then first acquires precision, and the company becomes invested with an inchoate title to the particular lands covered thereby, which can ripen into a perfect title only as the construction of each section of twenty miles of road is completed and approved, when the right to patents for the lands opposite to and conterminous with such constructed section accrues.

The proviso in the grant that the company shall complete the whole of its road within five years from the date of the act is a condition subsequent, the failure to perform which does not *ipso facto* work a forfeiture of the grant, but only gives rise to a right in the Government to enforce a forfeiture thereof. Yet in order to enforce a forfeiture such right must be asserted by a judicial proceeding, authorized by law, or by some legislative action amounting to a resumption of the grant. (Schulenberg *vs.* Harriman, 21 Wall., 44.) Hence, until advantage is taken of the non-performance of the condition, under legislative authority, the interest of the grantee in the grant remains unimpaired thereby.

Such being the nature and effect of the grant and its accompanying condition, and no action having been taken either by legislation or judicial proceedings to enforce a forfeiture thereof, it follows that at the period of said transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company this company was invested with a present interest in the number of alternate sections of public lands per mile granted by the act of 1871, notwithstanding it was already in default in the performance of the condition referred to, and that it still retained a right to proceed with the construction of the road in aid of which the grant was made until advantage should be taken of the default. But as it had not then definitely fixed the line of its road, although a map designating the general route thereof was duly filed, that interest did not attach to any specific tracts of land, but remained afloat, as it were, needing a definite location of the road before it could become thus attached. Was the interest here described assignable to another company, so as to entitle the latter to the benefit of the grant in aid of the construction of its road between the places named therein, without the assent of Congress?

Doubt has perhaps arisen on this point in view of the fact that in one or two instances it has been thought expedient to obtain legislation by Congress confirming or authorizing a similar assignment (see section 2 of the act of March 3, 1865, chapter 88, and section 1 of the act of March 3, 1869, chapter 127), and also in view of the adverse ruling of this Department in the case of the Oregon Central Railroad Company. (13 Opin., 382.) However, a similar assignment made in 1866 by the Hannibal and Saint Joseph Railroad Company to the Pike's Peak Railroad Company, afterward known as the Central Branch Company, was held to be valid by Attorney-General Stanbury in an opinion given to the Secretary of the Treasury under date of July 25, 1866.

In the latter case the Hannibal and Saint Joseph Company, which was incorporated by the State of Missouri, with authority to construct a railroad between Hannibal and Saint Joseph, within that State, was, by the Pacific railroad act of July 1, 1862 (section 13), "authorized to extend its road from Saint Joseph, via Atchison, to connect and unite with the road through Kansas, * * * and may for this purpose use any railroad charter which has been or may be granted by the Legislature of Kansas," &c.; and by the fifteenth section of the same act it was provided that "wherever the word company is used in this act it shall be construed to embrace the words their associates, successors, and assigns, the same as if the words had been properly added thereto."

Subsequently, in 1863, an assignment was made by that company of all its rights under said act (which included an interest in both a land and a bond subsidy) to the Atchison and Pike's Peak Railroad Company, a company previously organized under a charter granted by the Legislature of Kansas. The latter company, having constructed a section of twenty miles of the proposed road west from Atchison, claimed the benefit of the grant made to the Hannibal and Saint Joseph Company, as its assignee, and this claim was recognized and allowed, in accordance with the opinion of the Attorney-General. It will be observed, however, that the Hannibal and Saint Joseph Company was authorized to "use any railroad charter which has been or may be granted by the Legislature of Kansas," and this, together with the provision in the fifteenth section quoted above, may have been regarded as sufficient to sustain the assignment.

In the case of the Oregon Central Railroad Company, mentioned above, a grant of a right of way through the public lands, and also of alternate sections thereof, was made to that company, "and to their successors and assigns," by the act of May 4, 1870, chapter 69, for the purpose of aiding in the construction of a railroad and telegraph line in certain places in Oregon. In August following an instrument was executed by the company assigning all its interest in the grant to the Willamette Valley Railroad Company, and thereupon the question arose whether the grant was susceptible of being thus transferred. The Attorney-General (Mr. Akerman), to whom the question was submitted, after reviewing the various provisions of the act, some of which (see section 5) imposed certain duties and required certain important acts to be performed by the company, decided in the negative, holding that, upon consideration of those provisions, the Oregon Central Company was alone within the contemplation of Congress in respect of the donation made and duties imposed by that act. The words "their successors and assigns," as used in the act, were regarded as words of limitation merely.

But the grounds upon which that decision appears to have been based are not found to exist in the case now under consideration. Here a grant of a certain number of alternate sections of public lands per mile is made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, in and of the construction of a road from New Orleans, by the route indicated, to connect with the eastern terminus of the Texas and Pacific Railroad, which lands are required to be "withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company."

The grant is coupled with no special duties or trusts for the performance of which there is reason to believe the particular company named therein was more acceptable to Congress than any other. Its purpose is to secure the construction of a railroad between the points designated, and whether this purpose be fulfilled by that company or by another company must be deemed unimportant in the absence of any provision indicative of the contrary. The interest derived by the grantee, though it remain only afloat, is a vested interest, and it is held under the same limitations which apply after it develops into an estate in particular lands until extinguished by forfeiture for non-performance of the condition annexed to the grant. I perceive no legal obstacle arising out of the grant itself to a transfer of such interest by the grantee to another company, and should the latter construct the road contemplated agreeably to the requirements of the grant, and thus accomplish the end which Congress had in view, I submit that it would clearly be entitled to the benefits thereof.

The question of the assignability of the interest of the grantee would be more difficult if, after definitely locating the line of its road, and thus attaching the grant to particular lands along the same, it was proposed to transfer that interest to another company for the benefit of a road to be constructed by the latter on a different line, though following the general course of the other road. But in the present case the facts give rise to no such difficulty. The grant had not previous to the transfer become thus identified with a particular line of road; and was thereafter susceptible of location upon the line of the road projected by the assignee (the New Orleans Pacific Company), provided this road met the requirements of the grant in other respects, as to which no doubt is suggested.

My conclusion is that the assent of Congress to the assignment made by the New Orleans, Baton Rouge and Vicksburg Railroad Company, as above, is not necessary in order to entitle the assignee to the benefit of the land grant in question.

The remaining questions relate to the sixty-eight miles of railroad formerly belonging to the New Orleans, Mobile and Texas Railroad Company, but now owned by the New Orleans Pacific Company, and made a part of its main line between New Orleans and Baton Rouge.

The land grant in question was, as its language imports, made in aid of the construction of a railroad between certain termini, contemplating a road to be constructed, not one already constructed. It has not been the policy of Congress thus to aid constructed roads. Had a constructed road existed at the date of the grant, which extended from one terminus to the other, and afterward the New Orleans, Baton Rouge and Vicksburg Railroad Company, instead of entering upon and completing the construction of a road, had purchased the road already constructed, this, it seems to me, would not have satisfied the purposes of the grant so as to entitle the company to the benefit thereof.

The same objection would apply where the constructed road extended over only a part of the route contemplated by the grant. So far as I am advised, the action of the Government hitherto has accorded with this view. On the other hand, if such road was constructed subsequently to the date of the grant, and is owned by the grantee or the assignee of the latter, I see no ground for excluding it from the benefit of the grant should it otherwise fulfill the requirements thereof.

Agreeably to the foregoing views, and in direct response to the several questions submitted, I have the honor to reply as follows:

The first, second, and third questions I answer in the affirmative. The fourth question (including the alternative added thereto) I answer in the negative. The fifth question I answer in the affirmative—assuming, as I do, the company named therein to be an assignee of the grantee in the act referred to.

I have the honor to be, very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

Hon. H. M. TELLER,
Secretary of the Interior.

This came to the Interior Department on the 15th of June, 1882. Congress was in session; it was the Forty-seventh Congress. There were bills pending in both branches of Congress, or had been recently, to forfeit the grant. Originally bills were introduced in the Forty-fifth Congress to forfeit this grant for the express purpose of transferring it to the present corporation, the New Orleans and Pacific. A bill was introduced into the Senate calling upon Congress to give this grant by statute, so that the latter company might hold it as well by grant from this Government as by assignment, and that bill went to the appropriate committee. A memorial to forfeit the grant was sent to the Senate of the Forty-seventh Congress. On the 7th day of June, 1882, the Committee on Railroads of this body, to which the memorial had been referred by Mr. Jonas, then a Senator from Louisiana, presented to the Senate a report, in which the committee declared unequivocally that this railroad company, as the assignee of the Vicksburg Company, was entitled to these lands, and the Senate accepted that report. Let me read it:

Mr. Jonas, from the Committee on Railroads, submitted the following report: The Committee on Railroads, to whom the subject was referred, submit the following report:

A petition has been referred to the Committee on Railroads of certain citizens of Louisiana, asking for the forfeiture of the land grant made to the New Orleans, Vicksburg and Baton Rouge Railroad Company by the ninth section of the act entitled "An act to incorporate the Texas Pacific Railroad Company, and to aid in the construction of its road, and for other purposes," approved March 3, 1871, on the ground that the company to whom the grant was made has failed to build the road within the time prescribed by the act.

The grant was made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns. That company was incorporated by an act of the Legislature of Louisiana, approved December 30, 1869. The object of Congress in making the grant was to aid in the construction of the proposed road from New Orleans, via Baton Rouge, Alexandria, and Shreveport, to connect with the eastern terminus of the Texas Pacific Railroad, and thus connect that road with the Mississippi River and the Gulf of Mexico.

The committee find that this connecting road, on almost the same line, and between the same points (if not built by the original grantees), has been built by the New Orleans Pacific Railway Company, which was organized under a charter confirmed by an act of the Legislature of Louisiana, approved February 19, 1876. This road is now completed and running between New Orleans and the eastern terminus of the Texas Pacific Railroad, at or near Marshall, Tex., its route being via Baton Rouge, Alexandria, and Shreveport.

The New Orleans, Baton Rouge and Vicksburg Railroad Company (which still has corporate existence), by deed dated the 5th day of January, 1881, granted and transferred to the New Orleans Pacific Railway Company all its right, title, and interest in and to the lands granted to it by the before-mentioned act of Congress incorporating the Texas Pacific Railroad Company. This transfer was approved, ratified, and confirmed at a meeting of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company by a vote of two-thirds of its entire capital stock. The transfer was formally accepted by the board of directors of the New Orleans Pacific Railway Company.

The deed of transfer, a certified copy of the resolution of the stockholders of the New Orleans, Baton Rouge and Vicksburg Railroad Company ratifying the transfer, and a certified copy of the resolution of the board of directors of the New Orleans Pacific Railway Company accepting the transfer, have been filed in the Department of the Interior.

A commissioner to inspect a portion of the railroad built by the New Orleans Pacific Railway Company was, upon the application of that company, appointed by the President of the United States, and the report of the said commissioner, approving the construction of the portion of the railroad inspected by him, was duly filed in the Department of the Interior.

Application is now made for the issuance of patents to the New Orleans Pacific Railway Company for the lands granted by Congress to the New Orleans, Baton Rouge and Vicksburg Railroad Company, and by the last-named company assigned to the New Orleans Pacific Railway Company, as heretofore stated.

The grant was originally made to the New Orleans, Baton Rouge and Vicksburg Railroad Company, its successors and assigns, for the purposes above stated.

The road has been built by the assignee of the grantee, and the objects of the grant have been fully attained.

No forfeiture of the grant was made before the completion of the road on the grounds alleged, and we think it would be unjust and inequitable to make such forfeiture now when the work has been completed by the assignee company, which has built the road in good faith and in full expectation of receiving the benefit of the grant which remained unforfeited and assignable in the control of their grantor.

Your committee think no consideration of public policy requires the forfeiture of the grant, and they recommend that the committee be discharged from further consideration of the memorial.

This report had been made to this body eight days before the Attorney-General's opinion came, but when the opinion of the Attorney-General came to the Department of the Interior it was supposed by everybody in that Department, by every lawyer certainly, by every clerk, by the head of the Department, that common courtesy required at least that the opinion should be enforced. There was not upon the records of that Department another case where the Attorney-General had certified that a road was entitled to lands—and there were several such cases—that it had not been carried out according to the opinion of the Attorney-General. Had that been in an ordinary period when there was not a pressure of business I have no doubt the patent would have issued, or, which was the same thing, the certification would have been made at once.

Later in the season a distinguished member of the Judiciary Committee of the House of Representatives addressed a letter to the President and Secretary of the Interior asking that there might be no patents issued, saying that he doubted the law as laid down by the Attorney-General, and he wished further to examine the case. Nothing further was done in the Interior Department during the rest of the Forty-seventh Congress, which adjourned on the following 4th of March. On the 13th of March, 1883, the Secretary of the Interior addressed a letter to the President of the United States, in which he recited the fact that there was not then pending in either branch of Congress any bill to forfeit this grant. He cited the fact that the opposition which had been made to it had been withdrawn. In the Forty-seventh Congress there was pending before the Judiciary Committee of the House a resolution to forfeit this grant.

That resolution was disposed of by the consent of that committee, as appears unanimously, by allowing it to be withdrawn by the mover thereof. Now I ask to have inserted in the RECORD this letter of the Secretary of the Interior to the President, and also the President's approval thereon declaring that this company was entitled to these lands; and now, mind you, there was nobody in this broad land that could be heard against the grant, there had been no steps taken to prevent the issuing of this patent when that letter was sent to the President and the President approved of it.

The letter and approval are as follows:

DEPARTMENT OF THE INTERIOR, *Washington, March* 13, 1883.

SIR: The New Orleans Pacific Railway Company applied to this Department more than a year ago for a transfer to itself of the lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company by the twenty-second section of the act of Congress approved March 3, 1871, presenting, at the same time, satisfactory proofs of said transfer as between the two companies. I have delayed action thereon for many months, against the persistent pressure of parties in interest, in the expectation that Congress might legislate upon the subject-matter thereof; but that body having adjourned without action thereon, and knowing of no reason for further delay, I have now the honor to submit the same for your consideration.

In reply to my predecessor's request of January 5, 1882, the Attorney-General, under date of June 12 ultimo, submitted to him an opinion (copy herewith) that the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company was a grant *in præsenti;* that that company had an assignable interest in the lands granted to it; that the New Orleans Pacific Railway Company is such a successor to or assignee of the New Orleans, Baton Rouge and Vicksburg Company as is contemplated by the act of March 3, 1871; that even if the New Orleans, Mobile and Texas road was constructed subsequently to the date of said act, so much of its road as is now owned by the New Orleans Pacific Company is such a road as is contemplated for acceptance by the President within the meaning of said act, and that patents may issue to the latter company for lands opposite to and conterminous with such constructed portion of road.

I also submit herewith a copy of the report of the Senate Committee on Railroads (under date of June 7, 1882), declaring that, in its judgment, no considerations of public policy require a forfeiture of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company; and also two letters (herewith) under date of December 15 last, from Hon. L. E. Payson, of the House Judiciary Committee, in one of which he notifies this Department that upon that day, at a meeting of the committee, he had formally withdrawn the pending resolution offered by him at the previous session of Congress for a forfeiture of said grant. In the other, after stating his request in October last for a suspension of Department action until he could be heard before the House Judiciary Committee upon the matter, he elaborately discusses the questions involved, and announced that, after conference with them, the Senators and House delegation from Louisiana interpose no opposition to immediate action by this Department, and that his own objections are disposed of and withdrawn, states his conclusions that the New Orleans Pacific Company is entitled to the grant both under the law and the equities of the case, and that the rights of settlers are fully protected.

I have also the honor to submit herewith two reports on the New Orleans Pacific Railway by Mr. Thomas Hassard, whom you appointed commissioner to examine completed portions of said railway.

The first report bears date 26th of October, 1881, and has not been submitted to you at an earlier date on account of the controversies heretofore in question.

The portions of said railway examined and at that time reported on extend from the west bank of the Mississippi River, opposite Thalia street, New Orleans, La., in a northwesterly direction, near said river, sixty miles, to near the town of Donaldsonville, in T. 11 S., R. 15 T.; also from Bayou Lamourie, in T. 2 N., R. 1 E., to a point in T. 4 N., R. 2 W., a distance of twenty miles; also from the junction of said railway with the Texas and Pacific Railway, in Shreveport, La., southwardly to T. 10 N., R. 12 W., a distance of fifty miles.

The second report bears date 15th of November, 1882, and relates to such portions of said railway as were not examined and reported on in October, 1881, amounting to one hundred and ninety-eight miles, lying between New Orleans and Shreveport.

The commissioner reports said portions of road, three hundred and twenty-eight miles in all, as constructed in substantial compliance with law and the instructions of this Department.

In view of the facts and the law of the case, I regard the New Orleans Pacific Railway Company as the lawful assignee of the New Orleans, Baton Rouge and Vicksburg Railroad Company, and entitled to the lands granted by the twenty-second section of the act of March 3, 1871, to said latter-named company, and to patents therefor in so far as it has earned or hereafter may earn the same under that act, with the exception below named, and recommend that you accept said three hundred and twenty-eight miles of said road, less and exclusive of sixty-eight miles of the line of said New Orleans, Baton Rouge and Vicksburg road, extending from New Orleans to White Castle, between New Orleans and Shreveport (to which sixty-eight miles the New Orleans Pacific road has withdrawn its claim and right to receive lands under the twenty-second section of said act), and that patents for such lands as may have been earned by the construction be issued to the New Orleans Pacific Railway Company (exclusive, nevertheless, of lands along said sixty-eight miles) on their compliance with the law and regulations in such case made and provided.

These patents will, of course, be subject to rights acquired by any person or corporation prior to the act of March 3, 1871.

Requesting that the inclosures herewith be returned to this Department when no longer needed for the purposes hereof,

I am, very respectfully,

H. M. TELLER, *Secretary.*

The PRESIDENT.

(Indorsements:) Department of the Interior, March 13, 1883. H. M. Teller, Secretary, submits to the President report of commissioner on three hundred and twenty-eight miles of the New Orleans Pacific Railroad, with recommendations.

EXECUTIVE MANSION, *March* 16, 1883.

The within recommendations are approved.

CHESTER A. ARTHUR.

Later parties appeared—I need not name whom—before the Interior Department and requested a further delay. A distinguished Senator appeared by a letter, which he gave to the public long before he gave it to the Interior Department, in which he talked of the outrages being perpetrated by corporations upon the people in the stealing of their lands, and he used the same terms that were used here to-day by a

Senator who has addressed the Senate when he speaks of this transaction as a fraud. Thereupon the Interior Department held up the patents to this land and waited to see what the Forty-eighth Congress, not yet assembled at that time, might do.

When the Forty-eighth Congress assembled, I have yet to learn that the writer of the letter, a member of the Committee on Public Lands, ever took a step toward forfeiting the grant. I have yet to learn that he ever appeared before this body and intimated that there was a great outrage being perpetrated upon the people, that a great quantity of land was to be certified to a company not owning it. I admit he may have appeared in the newspapers and on the stump, but he did not appear where his voice was potent and where his vote would tell; he was as silent as the grave. But in the House there was a bill introduced that went to the Committee on Public Lands to forfeit this grant. It was a bill for forfeiture, simple and plain. The Committee on Public Lands of the House of Representatives of the Forty-eighth Congress was composed of twelve men; eleven were members of the House from States and one was a Delegate from one of the Territories.

This committee considered the bill, and although it had been the custom theretofore in that committee to allow the Delegate to vote, that privilege was denied him on this bill, and for the first time the report came to the House six in favor of forfeiting the grant and five against, and the question came before the House in June, 1884, and after a full discussion by the members of the Committee on Public Lands and by others the vote was taken upon that bill, and not, as the Senator says, by a small majority, but by a majority of 42 the House recorded its verdict that this land was not to be forfeited to the Government, but that it belonged to this railroad company. On a subsequent day it was attempted to reconsider this vote, and the House by a decided majority decided not to reconsider; and thus the action of the House became complete.

Pending this bill, and before the vote that I have mentioned, a member of the House from Louisiana presented a memorial to the House asking, inasmuch as this was a question that the Committee on Public Lands were divided upon, that it be submitted to the Judiciary Committee to answer substantially the same questions that were answered by the Attorney-General, and the House so declared and so submitted those questions to the Judiciary Committee. The Judiciary Committee of the House, composed of fifteen lawyers, took up the questions and heard arguments upon the subject, listened to speeches by the friends of the bill and the enemies of the bill, and by a report that I have before me, which is too lengthy to read, made by Mr. TUCKER, its chairman, by a vote of 13 out of 15, declared that the Attorney-General's opinion was good law, and declared that this company was entitled to this land and that it ought not to be forfeited. The two members who dissented from that view did not dissent upon the theory that the company was not entitled to the land, but upon the theory that it was still in the power of the General Government to forfeit the land if it saw fit, the majority of the committee taking the position that the condition having been performed it was gone forever, and that the grantor's right of reentry had disappeared and been lost—a principle that I do not believe any man who is fit to practice before a justice of the peace in any country will deny as a question of law. I could fortify it by opinions and decisions of courts innumerable if I did not think it was a work of supererogation to do that before the American Senate.

This committee then made their report before the vote was taken in the House. The House acted intelligently and voted, and that was the end of the question in the House. There was no further case pending either then or later, and the Department of the Interior would have been justified from that hour and even before in issuing the patent. There was nothing that required it longer to delay the issuing of the patents.

There was, however, pending in the Senate a bill to forfeit this grant. This bill had gone to the Committee on Public Lands and was there pending. It had been there from May, 1884; it was there when the House voted, it was there when the Judiciary Committee reported. It remained in committee until the 24th day of December, 1884, and then this committee reported to the Senate a bill recognizing the right of this company to precisely the same quantity of land that this company has received from the Interior Department in its patent; the same number of acres and the same identical land the Committee on Public Lands of the Senate declared that this company should have.

It is true that they attached to it a condition that the company should settle with the settlers in a certain way. If this company was entitled to this land by virtue of the grant made to the original company and because it had performed the condition attached to the grant, I need not say before this body that it is beyond the power of this body, acting with the other and with the Executive, to attach any conditions to the grant not attached when the grant was made.

The Department of the Interior still waited, waited to see whether even that would be done; and when it was apparent that the Senate was about to adjourn, nothing pending before the other House, when it was apparent that there was to be no legislation, this grant was allowed and the certifications were made which become a final title exactly the same as a patent. And this was in accordance with the law and practice of the Department for the last sixteen years.

Mr. VAN WYCK. Now will the Senator allow me another question?

The VICE-PRESIDENT. Does the Senator from Colorado yield?

Mr. TELLER. Yes, sir.

Mr. VAN WYCK. I ask the Senator if the line of this road was ever definitely fixed either by the old Backbone road or by the New Orleans Pacific road?

Mr. TELLER. I will answer the Senator; but if he were half as familiar with this case as he pretends to be he would not have asked the question. The records of the Interior Department show that this line was fixed originally by the old company, that there was some variation in the line, which the Commissioner of the General Land Office said was not greater than that of other companies, and in 1881, in October, the Department of the Interior fixed the line according to the location of the road, and that can be found in Executive Document 31, sent to the Senate in December, 1884. The Commissioner notified the company that the line of the road would be accepted as the location unless they chose otherwise, and they accepted it and did not appeal to the Secretary of the Interior. Therefore it became final. So that then the line of the road was definitely fixed, and as it was fixed they built it.

Mr. VAN WYCK. The Land Commissioner——

Mr. TELLER. I do not yield to the gentleman to make a speech.

Mr. VAN WYCK. Oh, no.

Mr. TELLER. He has had all the opportunities that courtesy requires me to give him. He may ask me any question.

Mr. VAN WYCK. I wish to ask a question.

The VICE-PRESIDENT. Does the Senator from Colorado yield?

Mr. TELLER. For a question, but not for a speech.

Mr. VAN WYCK. I ask the question whether the line of this road was definitely fixed at any time? I did not understand the Senator to answer definitely. If he did, I should like to call his attention, so that he may explain, to the fact that in the opinion of the Attorney-General in 1882 he says:

> That company has not constructed any part of its road, either on the route between New Orleans and Baton Rouge or on the route between the latter place and Shreveport; nor, indeed, has there been a definite location of its road anywhere between the points mentioned.

Mr. TELLER. Is that the road you are speaking of?

Mr. VAN WYCK. Yes, sir.

Mr. TELLER. Before that time the road had been partially built, and certainly there is nothing that so definitely locates a road as the building of it. Does the Senator suppose that it is necessary that the Interior Department should proceed upon such a childish theory as that when a railroad company has built its line it must then also locate it otherwise? The building of the line is the complete location of any road, and it has been so recognized in all time in the Department.

Mr. VAN WYCK. Now, I will ask the Senator another question so that he may understand the reason——

Mr. TELLER. I yield.

Mr. VAN WYCK. I ask him whether under the terms of the granting act pre-emptors and homesteaders had not the legal right to locate upon the land until the line of road was definitely fixed with a view of knowing whether these men had any right to locate as settlers or not?

Mr. TELLER. An attempt was made to definitely locate this line in 1873 by the old company, and the Interior Department declined to accept that.

Mr. VAN WYCK. You do not mean 1873?

Mr. TELLER. I can inform the honorable Senator on many points in this case. I do not need any information from him on any subject connected with this grant. I have studied the subject quite as carefully as he has, and I know a good deal more about its history than he does.

In 1873 the old company attempted to locate the line. That location was not accepted by the Land Office, and they declined to go back and recognize any location beyond the actual building of the road, which the Commissioner of the Land Office says in his report to the Secretary while it was a variation from the original line is as near as has been the custom of building lines, and ordinarily it would have been accepted as the located line of the road as adopted in 1873; but in the interest, I suppose, of settlers on the line of the road, there being some doubt about the true location, the Commissioner gave the benefit of the doubt to the settler, and he says where you have built your road we will recognize the line. Can the Senator complain in behalf of the settlers of that section of the country that when the road was built and constructed and running they had not notice then that it was to be located? It is a technicality that is unworthy of a place in the Senate.

Mr. VAN WYCK. Now will the Senator answer a question?

The VICE-PRESIDENT. Does the Senator from Colorado yield?

Mr. TELLER. I do.

Mr. VAN WYCK. Inasmuch as this road was not definitely located and the granting act preserves the right of pre-emption and homestead settlement until the line is definitely fixed, I ask the Senator whether those settlers and pre-emptors who located before 1881 have not a title as against this grant?

Mr. TELLER. The settlers who located previous to the location of

the road not only have a title, but the Land Department recognizes that title, and the Department did that without any aid from the Senator from Nebraska.

Mr. VAN WYCK. Have they recognized the rights of settlers that accrued before that?

Mr. TELLER. Certainly. When the line is definitely located and that location is recognized in the office, then, and then only from that time on are the settlers charged with notice of the line of the road.

Mr. VAN WYCK. Then will the Senator explain in that connection why it is that at that time there were papers filed in the office, and the president of the company, Mr. Wheelock, came here and said settlers could be protected by paying the company $2 an acre? If it be true that the line was never definitely located, and if it be true that pre-emptors and homesteaders had a right to locate on the land previous to the definite location of the line of the road, where and how is it that they were expected to pay $2 an acre for this land?

Mr. TELLER. I fail to make the Senator from Nebraska comprehend what is meant by the location of a line. He apparently does not know what it means. I said to him that this company attempted to locate its line in 1873. The company's assignee insisted that that was the location. There was a question between the Department and the company, and the Department finally fixed the location as it was in 1881, in October, as shown by their constructed line of road, and not by their map filed before; and any settler who came in after that time came in with full knowledge. Every settler that came before that time is protected by the law and by the ruling of the Department.

Mr. President, the attempt has been made, as I said, to make it appear that this is a peculiar case; that there is something in this case unheard of before; and there is great anxiety about the settlers. Mr. President, why has not the honorable Senator appeared in behalf of the settlers on other lines of road that have been given lands ten, twelve, and in some instances fifteen years after the expiration of their grants? I hold in my hand now a list of roads to which lands have been certified, built after the time had expired within which they were to be completed. I find that while this company has received less than 700,000 acres, a company in Wisconsin received 1,800,000 acres of land, completing their road many years longer after the expiration of the time fixed in the grant than this company did.

I have here a list of twelve or fourteen railroad companies that have had patents for lands issued to them for roads built long after the time within which they should have completed their roads had expired, and in one case that I have in my mind it was thirteen years, and that was not under the administration of the late Secretary:

List of railroads for which lands have been patented after the time fixed by law for the completion of the road.

Atlantic and Pacific.
California and Oregon.
Hastings and Dakota.
Marquette, Houghton and Ontonagon.
Northern Pacific.
Saint Paul and Pacific (branch line) now Western Railroad of Minnesota.
Saint Paul and Pacific, Saint Vincent Extension.
Selma, Rome and Dalton.
Southern Minnesota Railway Extension.
Southern Pacific, main line.
Wisconsin Central.
New Orleans Pacific.

There has been before the Senate for more than a month a public document showing these facts and showing also that the particular railroad company which I have specially referred to had received a large number of acres of land certified to them when they had completed their road long after the time fixed by Congress.

The honorable Senator talks about the settlers. All along the line of the Northern Pacific the settlers have gone in upon the railroad lands, and the railroad company has completed its line since; it has performed the condition attached to the grant. Does the Senator suppose it is in the power of the Interior Department, does he suppose it is in the power of the Executive or all the Departments of Government acting together to protect those settlers who have gone upon that land after the rights of the company accrued? Has he ever attempted to do it in this body?

Has anybody, voicing his sentiments on this floor, ever attempted to do it? Not a single man. It is for the public that we here day after day talk about the settlers' rights.

Why, Mr. President, if I may be allowed to refer to myself, I have done more for the settlers on the public lands in my rulings than the Senator has in his lifetime of public service, and I was hampered; I could do nothing but what the law gave me authority to do. He has been here and could have provided a method by which the railroad companies might have been compensated and the settlers might have been protected, and he has not done it. But in this case the people who live on the line of this road were more fortunate; the members of Congress from Louisiana were more vigilant than he. They undertook to protect the settlers, and they entered into an arrangement with the railroad company and they made a contract with the railroad company that the settlers on the line of the road should receive their land at $2 per acre, that they might pay a third down and a third at another period and so on, and that they should have twelve months after the patent issued to prove up their claims.

When this question was before the House a member from that State, rising, said: "Nine-tenths of all the settlers who are interested in this are in my district, and I am satisfied with the contract made with the railroad company, and I do not desire the forfeiture, nor do the settlers on the line of the road." If the honorable Senator was as anxious to protect the settlers as he claims, he would have been in favor of the issuing of this patent, that the question might be determined and settled.

He says it is unreasonable that the Interior Department, after waiting for years, should issue these patents. He insists that they have adopted a rule with reference to this road that was never adopted in reference to any other. The same thing has been done in his own bailiwick, in his own State, and he has been silent. What is the secret of the hostility to this company? Is it that Jay Gould is interested? There is nothing in the Interior Department to show that he is interested. Is it that Mr. Barnum, a prominent Democratic politician, is interested in it? Mr. Barnum's or Mr. Gould's rights are the same in the Interior Department whether they be Democrats or Republicans, or whether they be railroad speculators or anything else. The law fixes their rights, and it would be a very remarkable thing if the executive department of the Government should mete out its justice according to the character of the men to whom it is meted. What difference does it make whether Gould is interested in this or whether Huntington is interested? Is it worthy of the Senate, is it worthy of the Senator to stand here and appeal to the base passions of the people and excite their prejudices, because some men unpopular with the masses may have a right that has been adjudicated upon by the Department?

Now, Mr. President, I want to summarize this a little, and I want to show that there never has been a patent issued after the time has expired that has undergone the same attention and care and the same opportunity been given Congress to forfeit the grant if it saw fit. I find that the lands were withdrawn in 1873; I call attention to that. The validity of this assignment was determined by the Land Department of the Government in 1881 by Commissioner Williamson and by Secretary Kirkwood; by the President in appointing the commission; by the Attorney-General in his report, submitted at the request of Secretary Kirkwood; by the House Judiciary Committee of the Forty-seventh Congress; by the Judiciary Committee of the Forty-eighth Congress by a vote of 13 to 2, and the two not claiming that it ought to be forfeited; by the House of Representatives by its action on the 26th of June, 1884, by 42 majority; by its subsequent action when it declined to reconsider the vote which defeated the bill; by the Senate Committee on Railroads, and by the Senate itself in June, 1882, and by the refusal of the Senate committee to report favorably a bill to forfeit this grant. Since the 27th day of June, 1884, there has been no bill pending in the other House for the forfeiture of this grant; since the 24th day of December, 1884, there has been no bill pending in this body.

I want to say here and now that the Executive Department of the Government may, as a matter of courtesy to a co-ordinate branch of the Government, suspend the operation of a law temporarily, but the doctrine that a Department shall suspend action because there is legislation pending is abhorrent to every idea of justice and right. Temporarily it may, under some circumstances, but for any length of time it ought not. Here is the Interior Department met with the precedents I have mentioned. Running through a period of years covering at least four administrations four heads of the Interior Department have recognized the same principle recognized by the recent administration in the issue of this patent. I do not refer to what the honorable Senator said about the Cabinet; I do not ask anybody to defend me on this subject; I do not fall back under the shadow of the Cabinet or of the President; I say that by the law, by the rules of right, by the rules of justice, this railroad company was entitled to the grant, and was entitled to it two years before it received it.

For more than two years it had been denied justice in the Interior Department for fear it might be said that the executive department of the Government was not courteous and respectful to the legislative. I want to say here that I have just as much anxiety as any one for the dignity of this body, for the preservation of the rights that belong to the legislative department of the Government; but I hold that we should have the same determination to preserve the rights of the executive department. The head of a Department has no seat upon this floor. He is compelled to submit to whatever may be said in this body without any opportunity to reply. On unfair criticisms upon his conduct he must maintain silence. Falsehoods uttered in this body or the other in reference to his course it is unbecoming for him to question. If he should go into the public prints to deny the charges that are made it would be said he forgot his relations to the legislative branch of the Government. He must suffer in silence infamous, atrocious slanders, uttered in the shape of resolutions or uttered by Senators or Members without a reply.

Common decency requires—and I can speak freely as the executive department is now in the hands of our opponents—that every resolu-

tion which passes here that touches upon the interests of the Executive Departments, upon their acts, should go to a committee. I do not believe that this Senate is aware of the insults that have been offered from time to time to the executive branch by the way of resolutions. I know that you have become accustomed here to allowing resolutions of inquiry to pass without examination. Let me call your attention to the action of this body in 1882; and as it appertained to the Department over which I had the honor to preside, I will freely criticise it now upon this floor as I was not at liberty to criticise it then as a member of a co-ordinate branch of the Government.

An old man who had served his country in two wars, who was covered all over with honor and with glory, had received from this body and the other, acting jointly, a pension of $72 a month. The general law had said that a man of like infirmities with him should receive, no matter what his service had been, $50 more. One hundred and twenty-two dollars was allowed to a man who had served us in Mexico with gallantry and covered himself with glory, a man who never dressed or undressed without an attendant, a man who never lay down at night or rose up in the morning without the assistance of his wife or a paid attendant; $122 a month was being paid to him. The question arose, was he entitled to it? It would not have arisen if I had been Secretary of the Interior. It would not have been questioned if I had had the opportunity then to have said what I had an opportunity to say subsequently.

The Attorney-General's opinion was invoked, and he said this old man, this distinguished general, this unfortunate public servant, is entitled to $122 a month, and it shall be so paid to him. By that time there had been a change in the Interior Department, and it was my duty to enforce the opinion of the Attorney-General. I accepted it as the law of the case; I accepted it with alacrity; I accepted it with pleasure. I said "$122 a month is a bagatelle; it is a disgrace to the nation that it is not more," and I ordered it paid. It was paid, but in the mean time the distinguished Senator who has addressed the Senate today had introduced a resolution requiring that the Secretary should not pay more than one of these pensions, and that resolution had gone to the Committee on Pensions.

Oh, Mr. President, there was an opportunity for somebody to pose as the watch-dog of the Treasury; here was money being voted out and being paid out beyond the law—$122 a month. He introduced a resolution and sent it to the Committee on Pensions that no double pension should be paid; that is, that I should withhold one of these payments. I did not withhold the payment. With my eyes open, with proper respect for this body, I denied the right of the Senator to instruct me, and if the Senate had said by its vote that I should not pay it, I am free to say here, as I said in other places, I should have disregarded that and I should have paid it, because it was his according to law. It has been said that parliament can not take property from one man and give it to another. Omnipotent as it is, it can not do that. The Senate can not take from one man that which the law has given him, and his right is vested; neither can the two branches of Congress acting together, with the assistance of the Executive, do that. The pension had accrued and I paid it.

I have no doubt there are Senators on this floor who will be surprised when I finish my recital. At a subsequent day the Senate passed a resolution calling upon the Secretary of the Interior to report to this body why he had seen fit to pay a pension when there was a resolution before this body requiring him not to pay; and the Senate is committed to the doctrine, if they can be committed by the passage of a resolution, that whenever an executive officer is proceeding to execute a statute and anybody sees fit to introduce a bill or resolution into this body to suspend it the executive must stand still until it shall be ascertained what is the pleasure of the legislative department of the Government. Was there ever such a thing heard of in the history of the American Senate? I deny it. I say that a search of all the annals of its history will not show such an absurd declaration. I do not believe that this Senate understood the resolution. I do not believe it ought to be quoted as a precedent of this body; but I say it comes from this new system of allowing a single Senator to introduce a resolution without reference to a committee and then send it out to the world.

Mr. VAN WYCK. Mr. President——

Mr. TELLER. Allow me to finish, and then I do not care what the Senator may say. It is utterly and entirely indefensible. It can not be defended anywhere, and the Senate must stand convicted of inattention to its great duty when it allows to go upon the record a declaration that one branch of Congress can notify an executive officer to suspend the law. There is a law on the statute-book that requires the Secretary of the Interior to pay out fifty-odd million dollars a year to the pensioners, and there is a law that requires the Secretary of the Treasury to pay many millions of interest on the public bonds. Is it to be presumed for a moment that the power exists in this body or in the other House to direct that a suspension of one or the other of those laws shall be had in the executive department until such time as this legislative body, great as it is, shall determine whether the law authorizing the payment of the interest on the public debt or authorizing the payment of pensions is an honest and proper law or not?

I was about to say further that these resolutions are time and again introduced here not for information. They have been introduced and the Interior Department and other Departments of the Government have been called to respond to resolutions that were not for public information. They were introduced into this body for the express purpose of making an attack in a cowardly way, of sneaking behind a resolution. Mr. President, if I proceed in that way perhaps I shall be out of order. I will say, however, that when these resolutions are introduced they are seized upon by the enemies of every member of the administration and of the administration itself, and the newspapers are in the habit of making a good deal of them. Interested parties make more of them.

I am going to refer to a matter; I think it is a question of privilege that I may. On the 4th day of February, 1885, a resolution was introduced into this body calling for information with reference to certain transactions in the Territory of New Mexico specifically. An examination of that resolution will show that if it had been given its broad terms it would have required the Interior Department to have reported every scrap of information that it had upon the question of fraudulent land entries all over the United States; a thing that could not have been done in six months unless we paralyzed the entire Department. I looked over that resolution and determined that it could not have been the intention of the mover to go beyond New Mexico, and therefore I restricted it to New Mexico. Subsequently the Senate modified the resolution and declared that it went further than was intended, and required only a specific report to be made. That report was made to this body. A distinguished Senator now present, but not now a member of this body, rose in his place in the expiring hours of the session, when the report came to this body and when a motion was made to print, and stated to the Senate and to the world that the report had been reluctantly brought to the Senate.

He stated more, Mr. President. He stated, or attempted to state, the contents of the papers that had come in. He stated that the papers would implicate a certain land officer and other high officials in the Government other than the land officer named therein. What was the inference which he desired to have drawn? What was the inference drawn outside of this body? When the report went to the committee that same Senator objected to the printing of anything but the bare report of the special agent. I have not seen it since it was printed. I have no desire to see it, but I will leave my seat in the Senate if there is a word in it which implicates any officer of the Government save and except the register of the land office and an Indian agent. Was it the intention, was it the purpose to say that some Indian agent would be implicated? Not at all. The attack was either upon the Commissioner or upon the Secretary. It is easy to determine from a knowledge of the circumstances for whom it was intended.

I ask to have read from the desk, as a matter personal to myself, a letter from the Commissioner, given to me since I have ceased to be a member of the executive branch of the Government, and given to me unsolicited.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 7, 1885.

SIR: Some days ago, and while you were Secretary of the Interior, it was stated on the floor of the United States Senate that there had been some intentional and unnecessary delay in this office or the Department of the Interior in furnishing the copies of papers called for by that body in the matter of alleged fraudulent land claims in New Mexico. As this statement unjustly reflects upon this office and your own action as Secretary, I submit a brief statement of the facts relative thereto, and hope that you will take such steps as may be necessary in the premises.

On the 4th ultimo a resolution passed the Senate calling on the Secretary of the Interior for copies of the reports of Inspectors Hobbs and Greene on the subject of fraudulent land titles in New Mexico, with all the accompanying papers, "and also copies of all papers on file in the Interior Department relating to this subject."

The resolution was received at the Department February 5, at 4 o'clock p. m., and was by you, as Secretary, referred to this office on the 6th with indorsement calling attention to the scope of the same, and directing that copies of all papers called for be furnished. The paper was received at this office at 3.20 o'clock p. m. on the 7th. Meantime, after the passage of the resolution, and before its formal reference, you conferred with me and the assistant commissioner and directed the detail of four copyists from the Pension Office to assist in the work. The documents and records were at once put in hand, and all the copyists of our force available for the work were assigned to it with those detailed as stated. A portion of the time twenty copyists were employed on the work, and during its progress an average of about fifteen. The work was pushed as rapidly as possible.

On the 20th ultimo a resolution passed the Senate rescinding so much of the previous resolution as called for "copies of all papers on file in the Interior Department relating to this subject." The 21st was a holiday; the 22d was Sunday; the 23d was a holiday. The modified resolution was received at the Department on the 24th, and by you, as Secretary, referred to this office the same day. The copies necessary to meet the modified resolution were then completed; but as a very large mass of other copies had also been made, in accordance with the original resolution, it was deemed advisable to forward them; and on the 27th ultimo, as soon as they could be scheduled, they were sent to you for transmission to the Senate.

I have deemed it my duty, in justice to this office, to thus state the facts in the case, and am convinced that their mere recital is sufficient to demonstrate that there was no delay in the matter which could have been avoided.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. H. M. TELLER,
United States Senate.

Mr. TELLER. For the first time in the history of my administration of that Department I had detailed from another bureau laborers for the Land Bureau. In my anxiety that the papers should come promptly to the Senate I made the detail of which the Commissioner speaks. Had the Senator who introduced the resolution called specifically for nothing more than what he subsequently claimed he wanted it might have been handed to him in a day. There never was an hour while I was Secretary of the Interior when any Senator could not walk into my office, or into the office of the Commissioner of the General Land Office, or of any other bureau officer of that Department, and find upon inquiry personally or by letter everything that he might want to know with reference to the transactions of that Department.

It is easier, I suppose, sometimes to introduce a resolution than to make an inquiry. The inquiry, unless made in an offensive way, does not answer the purpose for which it is designed. I do not say that of all inquiries. There was a resolution offered in this body one day with reference to pensions. I exonerate the Senator who offered it from any attempt to cast a reflection upon the Interior Department. I know he did not intend it, nor did he design to embarrass it, and yet if the resolution had been passed by the Senate, and had been complied with by the Secretary of the Interior, it would have practically closed the Pension Office for four or five months.

I hold in my hand a document which was called for by a resolution of the House [exhibiting] concerning pension attorneys practicing before the Interior Department. How many people do you suppose ever read that document? How many have ever opened its covers? Every particle of information of value to the House or to the Senate relating to that subject could have been ascertained by an hour's work in one of the Departments, or if the inquirer did not desire to spend even that time he could have asked by letter for a statement, and he would have received it with little labor and little expense to the Government. The labor alone for this work under the resolution of the House cost the Government more than $2,000; the printing cost more than that.

I have suggested the reference as to the character and necessity of resolutions to a committee. I do not intend to make that motion here. I do not intend to interfere with any investigation which may be made into the Interior Department. I am prepared to open the doors, to open the books, so far as I am concerned. I do not fear any investigation. I do not think it is becoming a Cabinet officer on retiring to come into this body or anywhere else and say "somebody has made a charge against my Department, and therefore you should appoint a committee." I will leave my work in the Interior Department to answer for itself, and I assure you that I shall be on this floor at all times ready to answer to any proper interrogatory which may be propounded to me, whether it be instigated by a laudable desire to arrive at the facts or whether it be for the purpose of casting reflections upon that great Department of the Government, either as to myself or any person who served under me.

I wish to say now that after the experience of three years in one of the Executive Departments of the Government I shall be prompt myself to resent, whether the men are of my political faith or not, imputations by resolution on the executive department of the Government. If they do not do what they ought to do, let them be properly investigated by the body which has power to do it. Let me ask what authority has this body to investigate the action of an executive officer of the Government? Is it committed to this body to investigate his judicial acts? When the Secretary of the Interior, for example, has passed upon a question which requires the exercise of judicial power, can this body inquire whether he has rightfully or wrongfully exercised that power? Can this body resolve itself into a tribunal to determine rights between claimants and the Government, or between claimants and claimants? I deny it. It is a usurpation of the rights of the executive department of the Government. It ought not to be done, and it never will be done if there can be deliberation and attention and knowledge on the part of the Senate.

There were some other suggestions which occurred to me, but in consideration of the long time I have been speaking I shall defer the remarks I intended to make upon another point connected with this resolution, or connected with the question of resolutions, until some other day.

Mr. VAN WYCK. Mr. President——

Mr. FRYE. Will not the Senator from Nebraska yield and allow this matter to be postponed until to-morrow?

Mr. VAN WYCK. Let me first make a statement in regard to the matter of double pension, which should be made in this connection to-day, and then if the Senator desires I shall have no objection to a postponement.

I regret very much that the Senator from Colorado should feel that either this resolution or resolutions which may have been adopted by the Senate heretofore asking for information as to facts or reasons or motives for action should be regarded as in the nature of any personal discourtesy to his administration of the Interior Department. I will take as an illustration the matter to which the Senator referred, about which he evidently entertains some feeling, which I regret. He must have enjoyed that feeling. That resolution was offered two years ago at least, and I regret that the resolution should have made any discomfort then in his mind and that it should have continued to this day. Now, it becomes necessary at this time to make that explanation.

A resolution was offered in this body when it was apparent, no matter how high the rank, no matter how distinguished the service, that in violation of what was supposed to be a law of Congress a person was about to receive a double pension. That was in violation of the law as we supposed, and when that matter came to the attention of this body a resolution was offered and referred to the Committee on Pensions, and the Committee on Pensions authorized and directed that the resolution should be reported to the Senate and a request made for its action; and it was so reported and adopted. I will say to the Senator that that comes within the terms of his condition. It was a resolution offered here, referred to the committee, reported by the committee to this body, and acted upon by the body. It seems there was a race run then between the Interior Department and the Senate of the United States as to which should succeed, they to pay a double pension in violation of law, or that the Senate should succeed in having the executive department obey the law.

No man can yield more to the great courage of that distinguished general than myself and the Committee on Pensions of the Senate. The Pension Office had rated the pension due to General Burnett, I think, at $30 per month. General Burnett had asked the Department to raise it to the highest standard, that is, $72 per month, and that was the pension paid for total disability, but the Pension Office refused to rate General Burnett as totally disabled and to grant him a pension of $72 a month. He was receiving $30 a month.

General Burnett came to Congress and asked for an increase of pension, and that increase was granted; and when it was granted it said "he shall receive $50 per month in lieu of any other pension he is now receiving." That was plain. That was the law. The Congress of the United States declared that they had placed General Burnett on the special roll at $50 a month, and that that was in lieu of the pension he was then receiving, and he should receive but one pension.

Application had been made in the Pension Department to give General Burnett a pension for total disability, which had failed. What then? By some sort of machinery the matter was referred to the Attorney-General. What for? It was referred to the Attorney-General, and what did the Attorney-General do? He discarded all the facts proved by his own Pension Department, and he, the Attorney-General, who had no authority in law, no power, declared that General Burnett was totally disabled, and should receive $72 per month, and that at a time when the same General Burnett was a clerk receiving pay in the Surgeon-General's Office, the building adjoining the office of the Attorney-General.

Look at it for a moment! General Burnett was a clerk in the Surgeon-General's Office, on the pay-roll; the Pension Department had declared that he was not totally disabled, but the subterfuge of an opinion of the Attorney-General was sought, and the Attorney-General, without any authority, in violation of law, declared that General Burnett was totally disabled, and ordered him to be put on the pension-roll at $72 a month. What then? Now you see the shrewdness of the Attorney-General. Would anybody have supposed, according to the facts as I have stated them, that General Burnett could possibly lead any decent executive department of a decently administered government into giving him two pensions? Would you believe it?

Mark the cunning of the Attorney-General. We put General Burnett on the special pension-list at $50 a month in lieu of the pension he was then receiving. The pension he had been receiving was $30 a month. The Attorney-General says: "I have ordered it to be raised to $72 a month; therefore the law which created a special pension does not apply; the law which Congress passed to reach his case when he had only a pension of $30 a month I have trampled upon; and I, the Attorney-General, without any sort of authority except a little message from the Secretary of the Interior asking it, place him on the pension-roll as totally disabled at $72 a month; and because I have done that I can circumvent the law; so can the Department of the Interior, and we will give this man a double pension on that miserable pretense."

Yet the Senate is to be arraigned forsooth. What then? The Senate were trying to stop it, because it was in violation of law to give this man a double pension, and this race was run with the office of the Attorney-General and the office of the Interior Department to trample on the law and give the man a double pension with back pay accruing to the amount of several thousand dollars. The race still continued. Of course the object sought had been accomplished; a facile Attorney-General had done all that was necessary; but Congress did not stop. Two or three times, first on an appropriation bill in both Houses, then in a special law, the Congress of the United States rebuked the Attorney-General and the Interior Department in that transaction by two or three times repeating over the same provision, that this thing should never happen again.

That is the history of General Burnett's pension, and I shall now give way. It might be in order for me to make some further suggestions, but the Senator from Maine said he would prefer to have this matter postponed until to-morrow. To that I assent.

Mr. TELLER. I wish to say just one word. The Senator has not answered the complaint I made. I only mentioned the fact that the

resolution had reference to the pension of General Burnett by way of illustration to show the magnitude of the subject which would call upon the Senate to make such a ruling. I do not care to go into the merits of the case except to say, as I did, that in my judgment the Attorney-General's opinion was correct, and as the law stood General Burnett was entitled to two pensions, one under the general act and one by specific act.

If the honorable Senator from Nebraska can take any glory to himself that he succeeded in taking from that old veteran his $50 a month and that he sent him down to his grave in want, he is welcome to it. I want no such credit myself. I do not want the reputation of protecting the public Treasury at the expense of that class of people. This old man, who went down to his grave and who was regarded as of sufficient importance even when dead to lie in state in the great city of New York in the city hall, is buried in an unpaid-for grave, and to-day his estate has not money wherewith to pay the expenses of his funeral. The honorable Senator may take all the glory he chooses from that; I want none of it for myself, Mr. President.

Mr. VAN WYCK. It is not a question of glory just now, but of facts. I only desired to have all the facts appear just as they were, and the facts are just as I have stated.

Mr. FRYE. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned.

TUESDAY, *March* 10, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

STEAMER J. DON CAMERON.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War, which will be read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *Washington City, March* 9, 1885.

To the President of the Senate:

SIR: Referring to the act (Private No. 105, copy herewith) "for the relief of the sufferers by loss of the Government steamer J. Don Cameron," approved February 25, 1885, I have the honor to request, to facilitate the settlements therein provided for, that all papers pertaining to the matter on the files of the Senate may be forwarded to this Department.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

Mr. DAWES. I move that the papers on the files of the Senate be forwarded to the War Department in compliance with the request.

The motion was agreed to.

PETITION.

The VICE-PRESIDENT. The Chair lays before the Senate a petition of the Legislative Assembly of Arizona Territory, transmitted by the governor of that Territory, praying for the appointment of a fourth United States judge and an increase of compensation to judges in that Territory. What action will the Senate take upon the petition?

Mr. EDMUNDS. I move that it be referred to the Committee on the Judiciary when appointed.

The motion was agreed to.

SENATOR FROM NEW HAMPSHIRE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Massachusetts [Mr. HOAR], in relation to the right to a seat of the gentleman appointed by the governor of the State of New Hampshire. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That Henry W. Blair, appointed a Senator from the State of New Hampshire, be now admitted to take the oath of office.

The VICE-PRESIDENT. The resolution is before the Senate.

Mr. VEST. Mr. President, yesterday I asked that the resolution should go over until to-day in order that it might be examined by the new Senators just sworn into this body, and in order that those of us who were members at the time the Bell case was under discussion and was determined should have an opportunity to refresh our recollection in regard to the points then made and discussed. It is not my purpose to enter into a lengthy résumé of that argument then so exhaustively made. I simply wish to say now that I reaffirm what was my conclusion then as a lawyer in regard to this subject.

I voted on the Bell case that Mr. Bell was not entitled to a seat in this body; that the governor of a State had no right to fill an entire term by original appointment; that the meaning of the Constitution, which declares "if vacancies happen by resignation or otherwise during the recess of the Legislature of any State" the executive authority of a State may make a temporary appointment, is that when a vacancy shall occur, not by operation of law, but by some event which applies to the individual asking for the office or applying for admission into this body, by the resignation of a person, by death operating upon him, and that the word "otherwise" in that connection means by similar casualty—when a vacancy shall happen, when it shall occur, not by operation of statute or of any constitution, but when it occurs by resignation, death, or otherwise.

The terms of the Constitution as originally made—and I shall be very brief in the discussion of the subject, for I only propose to give my own reasons for casting my vote—the terms of the Constitution are:

If vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancy.

There are three clauses in the Federal Constitution in which the word "happen" is used. First, in Article II, section 2, the Constitution says:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Article I, section 2, provides:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

Article I, section 3, which is the clause now under discussion, provides:

And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

In all three of these clauses the word "happen" is used, but I call the attention of the Senate to the fact that in the first two clauses in regard to vacancies in the House of Representatives and vacancies during a recess of the Senate as to executive officers, the word "happen" is without limitation, "where vacancies shall happen," and there is the termination of the power of the President in regard to executive appointments; but in regard to Senators the Federal Convention put a limitation upon the word "happen." They did not stop with declaring where vacancies may happen during a recess of a Legislature that then the governor may appoint, but where a vacancy shall happen by resignation or otherwise.

If the Senators now present are correct who claim the power of a governor to exist to appoint in these cases, we are forced to the conclusion that the words "by resignation or otherwise" are void and meaningless as used by the framers of the Constitution, or else that the terms are a limitation upon the word "happen." They are not found in the other two clauses of the Constitution. What makes this argument more significant and conclusive to my mind is that the original draught of the Constitution, which I have before me, and the debates show that the clause as originally reported to the convention of 1787 was absolute and unlimited, when a vacancy should occur, and Mr. Madison moved to put in these terms of limitation, that where the vacancy should occur by resignation or otherwise, or equivalent terms, then the governor of the State might appoint.

I know it has been said that contemporaneous construction at the time militates against this view. In the debate which occurred in the Bell case an editorial was read from the National Intelligencer of March 8, 1825, and it was said that this had been adopted by Judge Story and by Mr. Gordon, who was compiling a book in regard to the proceedings of Congress at that time. The most authoritative statement in regard to the meaning of Congress and the debates of Congress at that time is found in Niles's Register, the authority of which I take it will not be questioned on this floor. In Niles's Register I find the following:

The following members—

Says the Register of March 12, 1825—

The following members, also re-elected for six years from this day, took the oath of office, namely: Mr. Lloyd, of Maryland; Mr. Macon, of North Carolina; Mr. Gaillard, of South Carolina; Mr. J. S. Johnston, of Louisiana; and Mr. Barton, of Missouri.

Some conversation took place on the case of Mr. Lanman, reappointed by the governor in the recess of the Legislature, the question being, whether a failure by the Legislature to make a choice of a Senator constitutes the contingency in which a governor may appoint a Senator, the language of the Constitution being, "if vacancies happen, by resignation or otherwise," &c.

It is said, and conspicuously by the Senator from Massachusetts [Mr. HOAR], that the quotation in the National Intelligencer and in the book by Gordon showed that the Lanman case decided in 1825 did not touch this question, did not determine it, and that the Lanman case, a case from Connecticut, went off on the power of the governor to make an appointment before the vacancy existed. Niles's Register asserts emphatically that the very point now at issue before the Senate was decided in 1825. I know that other cases were decided antecedent to the Lanman case, but they were decided, I affirm, without discussion, without debate.

In 1825 this precise case was brought before the Senate of the United States, and it was decided then that the governor could not appoint as to a full term. In 1825 for the first time this question was elaborately and exhaustively debated by the ablest lawyers then in the United States, and it was decided that the governor did not have the right to make such an appointment; and I say to-day, as was said in the Bell discussion, that from 1825 to the decision of the Bell case in 1879 not one solitary utterance was ever heard upon this floor or else-

where which questioned the accuracy of the position I take here now.

I know it is said that the Sevier case from Arkansas, decided in 1837, antagonizes this view; but the report of Mr. Felix Grundy on the Sevier case asserted that that decision was not in antagonism to the Lanman decision, but that it was made upon the express ground that Sevier had drawn his seat by lot, and that therefore the term "happen" applied to that case; but Mr. Grundy expressly says, and I have his report before me as chairman of the Judiciary Committee, that the Lanman case was the precedent; that it decided the correct doctrine, and it was held so invariably until the decision of the Senate in 1879.

Mr. Wadleigh, from New Hampshire, in discussing this very question, admitted that the Lanman case was decisive of the whole matter. Says Mr. Wadleigh:

The Senator from Ohio—

Referring to Mr. Thurman—

The Senator from Ohio would have us believe that there is some doubt as to whether this Legislature or the next is entitled to elect. That is a matter which greatly concerns the people of New Hampshire. It is desirable that that question should be settled at once, so that they may not put themselves in a position from which they can not be extricated without great embarrassment. Accordingly a bill was presented to this body by the Senator from Wisconsin [Mr. CAMERON] and referred to the Committee on Privileges and Elections, which reported unanimously that this Legislature can not elect the Senator; that the next Legislature must elect. That shows to us clearly that unless this bill passes *there must be a vacancy in this Senate from the State of New Hampshire for three months in the next Congress.*

In other words, that the governor could not fill the vacancy; and there is upon the other side of this Chamber a succession of weighty authority in the same direction. Mr. Thurman asked:

Is there any probability of Congress being in session during those three months?

Mr. WADLEIGH. I do not know about that.

Mr. WHYTE. I ask the Senator from New Hampshire why the governor of New Hampshire can not appoint for the vacancy until the Legislature meets in June?

Mr. BLAINE. He can not do that if the previous term has fully expired.

Which is the very case here.

Mr. WHYTE. Suppose this Legislature has power to elect and does not elect, is not that a vacancy?

Mr. BLAINE. Then the power of the governor does not come in.

Mr. WHYTE. It does, apparently.

Mr. BLAINE. *Not at all.*

Mr. DAWES. Every precedent of the Senate is against that.

Mr. BLAINE. The Senator from Maryland is too good a lawyer to make that assertion.

Mr. WADLEIGH. Having examined the precedents, I am inclined to think the governor can not appoint.

Mr. BLAINE. *Of course the governor can not appoint.* Nothing is better settled than that. The honorable Senator from Ohio [Mr. THURMAN] will give his assent to that, if the term has fully expired.

Never until the Bell decision by the Senate was any voice ever raised from 1825 to 1879 which gave to the governor of a State the right to fill a full term.

I remember very well in the Bell discussion when Senator Conkling, of New York, put a question to Senator Hill, of Georgia, in regard to the power of the governor to fill the term. Senator Conkling said: "If that power exists, the governor, by collusion with a majority of the Legislature, could from time to time put off an election and fill the vacancy out of his own creatures and to suit himself." Senator Hill replied to him that that was the identical argument which he proposed to make, and that that was the meaning of the constitutional provision, which did not give this power to the executive of a State.

But if I had any doubt about the meaning of the Lanman decision, I find it in Mr. Benton's Thirty Years' View, and he was the most accurate man who ever wrote in this country in regard to the proceedings of this body or the other. Mr. Benton says:

Mr. Lanman had served a regular term as Senator from Connecticut. His term of service expired on the 3d of March of this year, and the General Assembly of the State having failed to make an election of Senator in his place, he received a temporary appointment from the governor. On presenting himself to take the oath of office, on the 4th day of March, being the first day of the special Senatorial session convoked by the retiring President (Mr. Monroe) according to usage for the inauguration of his successor, his appointment was objected to as not having been made in a case in which a governor of a State could fill a vacancy by making a temporary appointment. Mr. Tazewell was the principal speaker against the validity of the appointment, arguing against it both on the words of the Constitution and the reason for the provision. The words of the Constitution are: "If vacancies happen (in the Senate) by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments, until the next meeting of the Legislature." "Happen" was held by Mr. Tazewell to be the governing word in this provision, and it always implied a contingency, and an unexpected one. It could not apply to a foreseen event, bound to occur at a fixed period. Here the vacancy was foreseen; there was no contingency in it. It was regular and certain. It was the right of the Legislature to fill it, and if they failed, no matter from what cause, there was no right in the governor to supply their omission. The Senators voting in favor of the motion were, &c.

Showing from the highest authority that in the Lanman case the identical point at issue here to-day was raised and decided and remained an unbroken precedent from 1825 to 1879.

But, Mr. President, more than that, and I am speaking as rapidly as possible, for this question has been fully exhausted, and I think the decision in the Bell case will be affirmed here again to-day; and I merely make this statement, as I said before, in order to affirm my own established opinion upon this question and the reasons which I have for it. It has been always held here, it has never been for one instant contradicted, that if the Legislature of a State had been in session which could have filled the vacancy, and had the power to fill the vacancy, and refused to do it under the Constitution, then the governor could not possibly have the power to appoint. Now, the Legislature of New Hampshire has been in session; the Legislature of New Hampshire has had the power to fill this vacancy. The Legislature of New Hampshire applied to the supreme court of that State, under the constitution of New Hampshire, to ascertain whether the power existed in the Legislative Assembly. The supreme court declared to them that the power did exist. They deliberately refused to exercise it; they adjourned; and now it is claimed, in view of these facts, that the chief executive of that State has the right, as I hold in direct contravention of the terms and spirit of the Constitution, to fill a full term, and that that power exists not *ex vi termini* upon those terms, but according to the meaning of the Constitution itself.

This is all I desire to say, sir. I shall vote against this gentleman's admission, believing the precedent in the Lanman case to be the correct one; and I shall do so the more cheerfully, because I am not ashamed to be found as a lawyer in company with the memory of Carpenter, of Wisconsin, with the opinion of Judge Davis, of Illinois, who voted with me, and with the present Attorney-General of the United States, who made a learned and exhaustive argument upon the same side. I am not ashamed to assert the same opinion in that company and to give feebly the reasons which were then uttered.

Mr. HOAR. Mr. President, I do not think it will be profitable to enter upon the very wide field of discussion which the question involved in this case opens. I think the Senate will prefer to rest its decision to day upon the authority of one of the most authoritative precedents which have occurred in its history.

If a legislative body exercising quasi-judicial functions like that which is exercised when the Senate determines the right of a claimant to a seat here can ever be bound by a precedent, the Senate has bound itself by the precedent established in the case of Mr. Bell. It was established on full discussion by great lawyers and great Senators. It was established by a decisive majority in which the division was totally nonpartisan. The great debaters and lawyers to whom my honorable friend from Missouri alluded who differed with the majority of the Senate on that occasion put forth some of their ablest and best intellectual efforts, rendering it certain that the decision to which the Senate then arrived was a decision moved in view of every reason which could be suggested bearing upon the question.

The people of the State of New Hampshire have governed themselves and must govern themselves and had a right to govern themselves by the decision which the Senate then made, and nobody can hope that if by a slight majority that decision should be reversed to-day it would stand reversed. Therefore the people of the State of New Hampshire and of all other States where like questions may arise would find themselves in the condition of being compelled to act one way one year and another another, as the changing majority or opinion of the Senate may decide this case and that as it should come up year after year.

When the question which now arises came up six years ago there were found voting in favor of the right, and of course of the duty and obligation, of the governor of a State to appoint a Senator in a case like this gentlemen on both sides of the Chamber. There was the distinguished gentleman who now sits at the left of my friend from Missouri, the Senator from Indiana [Mr. VOORHEES], in that vote, relying, as I have no doubt he did, on the decision of one of the very ablest judges then pronouncing the opinion of the supreme court of his own State on the intrepretation of precisely or substantially similar language. There was found Mr. Bayard, the present Secretary of State; Mr. Gordon, of Georgia; Mr. Groome, of Maryland; Mr. JONES, of Florida, now occupying a seat in the Senate; Mr. McDonald, then representing also the State of Indiana; Mr. Randolph, of New Jersey; Mr. Walker, of Arkansas, and Mr. W. Pinkney Whyte, of Maryland, who inherited both the name and blood and largely the capacity of one of the greatest constitutional lawyers who ever occupied a seat in this body.

Now, I think it is enough to rest this case upon the consideration that if the Senate can adjudge anything it has adjudged this; but perhaps it may not be improper to take a very few minutes, not in a discussion in detail, but in a mere statement of the history of this constitutional question.

The Constitution of the United States contains this provision, which I submit is the controlling and governing provision, that the several States of the Union shall have an equal and constant power in the Senate of the United States by the representation with which two Senators are clothed. That is what the Constitution means to effect. There is not a full Senate, there is not a State represented and having its equal right and authority in the Senate when any single seat is vacant. To that end the Constitution provides as a mechanism for carrying out and accomplishing the purpose that these seats shall always be full, and that every State in this body shall be the equal of every other State. The provision is that the Legislatures shall choose their Senators—

And if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appoint-

ments until the next meeting of the Legislature, which shall then fill such vacancies.

This language *verbatim* is repeated in the Constitution in another place, where it is provided that if vacancies happen in any executive office during a recess of the Senate the President shall have the power to make an appointment until the next session. Under that provision time out of mind, originally on the authority of William Wirt and I believe John Marshall, the President of the United States has been held without dispute to have the right to appoint to an office the legal or constitutional term of whose incumbency ends when Congress is not in session.

Here, therefore, are two sentences in the Constitution, one intended to preserve the continuance of executive power by the discharge of the duties of the subordinate executive officer, and the other intended to preserve the continuance of legislative power by keeping the Senate full, in regard to which the Senator from Missouri is compelled to claim that there is a totally different meaning. If the executive office is vacant, the small, the subordinate, which does not affect the functions of the Government or the equality of the States, or the completeness of one of the two great legislative bodies of the country, it means that if there happen, or if it so be that there is no officer in existence authorized to exercise those functions, then the President may appoint. And yet the Senator claims that the same language means a totally different thing in the case of the Senate.

Mr. VEST. Will the Senator permit me to ask him——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. HOAR. Certainly.

Mr. VEST. Does the Senator mean to assert that the language of the Constitution in the two cases is the same?

Mr. HOAR. The same, as you will see if you will read the two clauses.

Mr. VEST. I shall be obliged to my friend from Massachusetts if he will show me in regard to the filling of vacancies in office during a recess of Congress by the President the words "by resignation or otherwise," or if he will show me anywhere else in the Constitution, in the three clauses where the word "happen" is used, the words "by resignation or otherwise." If the Senator will answer that, I may change my opinion on this question. If the framers of the Constitution meant anything by the words "by resignation or otherwise," what did they mean? Why did they put those words in with regard to Senators and nowhere else as to vacancies?

Mr. HOAR. Then the Senator, I understand, puts his argument—I do not at this moment turn to the provision of the Constitution—upon the proposition that the words "if vacancies happen" mean one thing——

Mr. VEST. If the Senator will permit me I will read him the clause.

Mr. HOAR. I have it here now.

The President shall have power to fill up all vacancies that may happen.

Do these "vacancies" happen in any other way but "by resignation or otherwise" in any case? Will the Senator be kind enough to inform the Senate, if he can, whether the words "vacancies that may happen," occurring in both places, he claims that there is any method in which a vacancy can happen except by resignation or otherwise?

Mr. VEST. I think so.

Mr. HOAR. That is the Senator's proposition.

Mr. VEST. That is my argument. The words "or otherwise" do not mean "in any other manner."

Mr. HOAR. Then what does it mean? It means in the same manner, I suppose!

Mr. VEST. Not the same. My meaning has been explained.

Mr. HOAR. I should like to understand what meaning the Senator gives to the words "or otherwise."

Mr. VEST. I mean this: When the framers of the Constitution said the President might appoint when a vacancy should happen, that as a matter of course applied to any possible contingency, whether it happened by operation of law, or whether it happened by casualty or accident. In other words, whether the term expired by force of the Constitution or the statutes or whether the vacancy occurred by reason of the parties dying or resigning. Now, the meaning the Senator attaches to the word "otherwise" is "when it shall happen otherwise, or in any other manner." As a matter of course, that is equivalent to saying "when any vacancy shall happen," and the Senator's construction of the Constitution is that the framers when they used the words when any vacancy should happen by resignation or otherwise simply meant when any vacancy should happen.

I submit in the first place, whatever the argument may be worth, that the men who made that instrument did not put a word in it which did not have a meaning; and what makes this more significant is that this very question was discussed and that the original report of the committee was "when any vacancy should happen" in the convention of 1787, and that Mr. Madison himself put this limitation upon it and put in the words "by resignation or otherwise," or words equivalent to them. I say that the language "if vacancies happen by resignation, or otherwise," means vacancies by casualty or accident, such as death or resignation in antagonism to the distinct idea of the termination of a term by operation of law. In other words, the old Latin maxim of *noscitur à sociis* applies to this case, and the word "otherwise" in connection with "resignation" means something applying to that particular question, as where a Senator dies or resigns; but where the term expires by virtue of constitutional or statutory enactment, which, as a matter of course, is known to all men, which does not happen, but comes like the laws of nature, if you can apply such an analogy to the laws of men, then the Constitution says the governor shall not appoint.

Mr. HOAR. Well, Mr. President, I thank the Senator for his interruption. The Senator concedes that a vacancy has happened, within the constitutional meaning of that term, in the representation of the State of New Hampshire. Now, as I understand, he puts his argument solely on the ground that the words which were intended to mean, in my judgment, if a vacancy shall happen in any possible way, that is by resignation (which is one ordinary way of creating a vacancy) or in any other method whatever, then the right of the governor to fill the Senatorial office by appointment exists, do not apply to this case. Now, it seems to me, and I submit to the good sense of that Senator himself, that it is utterly incredible, first that the founders of the Constitution should ever have intended to let the Senate be full if the vacancy happened during a term and that it should be vacant until a Legislature should meet if a vacancy happened at the beginning of a term. It is utterly incredible that they should have entertained that purpose; but entertaining that purpose, it is still more incredible that any one of the learned lawyers and able statesmen who framed the Constitution could have undertaken to effectuate it by such language as he has described. Just think of Mr. Madison desiring to provide that this power of the governor of a State to keep full the representation of his State in the Senate should have a limitation upon it that he should not exercise it at the beginning of a constitutional term, and having in mind the limitation and the restraint that he should have undertaken to express it, and to give legal and constitutional effect to it, by simply adding the words, "by resignation or otherwise." He would have said, "by resignation, and not otherwise," if he had intended to give constitutional effect to that idea.

The Constitution using, I repeat, substantially the same language to provide for the two cases if a vacancy shall happen, the Senator is driven to say that "happen" means one thing in case of the Senatorial office and another thing in the case of the executive office. But conceding that the words have the same meaning, he undertakes to resort to language intended to amplify, to make clear, to make universal in the important case of the Senator the existence of the power, and claims that that is used as a limitation or restriction!

Mr. President, the framers of the Constitution, and the men who filled these seats from the beginning to the year 1825, beyond any question took the view of the matter which was taken by the Senate in the Bell case; and it is conceded, as the Senator from Missouri himself has conceded, that in ten instances Senators were appointed and took and held their seats in consequence of the exercise of the authority of the executives of their States at the beginning of a constitutional term, when the Legislature for any reason had failed to provide by an election. These cases are all cited in the report which was made in the case of Mr. Bell six years ago.

The first is the case of William Cocke, of the State of Tennessee. The State being admitted into the Union in 1796, Cocke having drawn the term which expired on the 3d of March, 1797, he was appointed by the governor to be his own successor on the 22d of April, 1797. The second case was that of Uriah Tracy, a Senator from the State of Connecticut, whose term expired on the 3d of March, 1801, and under an appointment by the governor made on the 4th of March—precisely the case of Mr. Blair—he claimed his seat and was admitted after a very earnest and heated discussion by a party vote of 13 to 10. This precedent was followed the next day by the admission of Mr. Hindman, of Maryland; by the admission of Mr. Condit, of New Jersey, in 1803; Mr. Anderson, of Tennessee, and Mr. Smith, of Maryland, in 1809; Mr. Cutts, of New Hampshire, in 1813; Mr. Williams, of Tennessee, in 1817, all executive appointments to fill places made vacant by the expiration of full terms of service during recesses of the Legislature, and all were admitted without discussion and without objection.

Then in the year 1825 came the case to which the Senator has referred of James Lanman. Mr. Lanman was appointed by the governor during the recess of the Legislature of the State of Connecticut for the beginning of the full term which was to begin on the following 4th of March. The vacancy had not happened when the governor made the appointment, and by an unbroken series of precedents with but one exception it had been held that the governor had no authority to make the appointment under this constitutional clause in anticipation of a vacancy. In the first place it did not come within the letter of the Constitution; and in the next place not only did it not come within the letter of the Constitution, but it was impossible for the governor to know that the Legislature would not assemble and fill the place before the constitutional term began. In one of the early cases the governor had made the appointment in anticipation. I think that was not noticed by the Senate, at least no point was made upon it, and the Senator was admitted without objection; but in no other case had that happened.

In the Lanman case, therefore, there was a clear, unquestionable objection. The debates are not reported. Who knows what the ground was upon which the majority of the Senate proceeded? The National Intelligencer on the next day in a very clear article stated that the Senate had proceeded on the ground which I have stated, that the governor could not exercise his authority until the vacancy actually occurred. Mr. Gordon, of Pennsylvania, in his Digest of the Laws of the United States, who is referred to by Judge Story as a very able and accurate law writer contemporary with that decision, and whose book was published a very few years after, stated that the case went upon the ground that the governor had no right to appoint until the vacancy actually happened. Judge Story in his work on the Constitution of the United States, on the authority of Mr. Gordon's Digest, Judge Story being a contemporary of the Senators who made the decision, sitting here in court at the time it was made, undoubtedly hearing and knowing something personally of so interesting a historic event, says that it was put by the Senate upon the ground that the governor had no right to appoint in anticipation of a vacancy. And the first suggestion, so far as I know—I do not remember the Niles's Register statement which the Senator read—that anybody put the Lanman case upon any other ground than the clear, indisputable ground which I have stated is in Mr. Grundy's report made twelve years after. Mr. Grundy, in distinguishing the Sevier case, undertakes to make his distinction from the Lanman case, by saying that the Lanman case went upon the ground that the governor could not appoint when the vacancy happened at the beginning of a term.

Mr. VEST. Will the Senator permit me to suggest that what seems to my mind conclusive of what the Senate decided is the report made by Mr. Benton, who was then a member of the Senate.

Mr. HOAR. How long after was Mr. Benton's report?

Mr. VEST. In his Thirty Years' View.

Mr. HOAR. Thirty years after, nearly.

Mr. VEST. He wrote the book then, but was giving his recollection in the Thirty Years' View of what the Senate then debated and decided.

Mr. HOAR. How is it possible that Mr. Benton or anybody else can know on what ground the majority of the Senate put their votes in a particular election case unless each Senator rose in his place and stated his reason?

Mr. VEST. Mr. Benton, in his Thirty Years' View, gives that debate and gives the very speech of Mr. Tazewell on this identical point and says that the debate was upon that.

Mr. HOAR. How weak a proposition—I do not now apply the adjective to my honorable friend's statement, which is a very strong and clear one—but how weak a proposition that is, whoever made it, that a single man should undertake to pronounce the ground upon which forty or fifty Senators proceeded in determining a question of constitutional law, when only one or two of them engaged in the debate. Suppose it to be true that Mr. Tazewell agreed with my honorable friend from Missouri and with the gentleman whose high authority he has cited and so argued, and every other member of the Senate knew perfectly well that, whether that was sound or unsound, Lanman was not entitled to his seat for the clear and indisputable reason that his appointment had been made by the governor before the vacancy occurred. Does the Senator from Missouri doubt that every one of that majority would have voted against Lanman for the reason that the governor had made the appointment before he had the right to appoint, just as if Mr. Blair had been appointed six months ago by the governor of New Hampshire? That being the case, we are all agreed that the majority of the Senate would have been constrained to deny the claim of Mr. Lanman. For that reason it seems to me that it is utterly preposterous to say that because one particular Senator made an argument stating another ground also, a majority of the Senate must of course have proceeded on that, and that is a judgment of the Senate of sufficient strength and weight to bear down an uninterrupted series of precedents coming down to the year 1825, and to bear down also the latest and gravest precedent bearing upon the question that happened six years ago.

Mr. President, this is the general history of this case. It will be found stated at greater length, with all the authorities, all the points as far as I could think of them, in the report made from the Committee on Privileges and Elections by the minority in the Bell case and in the discussion six years ago. If any Senator desires to refresh himself on the question he can look at that report and those debates. But it is, it seems to me, enough, in addition to what I have said, to remark that I can not conceive it credible that the framers of the Constitution, having for their first and leading object the keeping of the Senate full, the rights of the people and the rights of the States preserved by their full and complete representation, and having given the governor of the State the right to provide for an exigency which would arise at any other period of the term, should have intended to deprive the people of that privilege and the governor of that authority merely because the vacancy happened at the beginning of the term.

You have on one side the ten or twelve precedents made by the fathers of the Republic; you have also the decision of the executive department acquiesced in from the foundation of the Government, supported by the authority of John Marshall and William Wirt, in regard to the meaning of precisely similar language in another part of the Constitution; you have the great judgment of the supreme court of Indiana, your own State, Mr. President, made by one of its most accomplished jurists, and you have in addition to that the necessity of preserving the rights of the people of these States; and the one thing opposed is a decision of the Senate, in regard to which no man can know that any single Senator but Mr. Tazewell or possibly Mr. Benton who wrote about it twenty-five years after, put his decision on this ground, and a decision which the Senate would have been compelled to make on another ground if this ground had never existed; and it is that doubtful, questionable, uncertain precedent upon which the learned Senator and those who think with him rely to bear the weight of this case.

Mr. VEST. I want to say a single word, Mr. President, as to what was decided in the Lanman case. The Senator from Massachusetts put the greatest possible weight on the declaration of a newspaper, upon the affirmation of a gentleman named Gordon. Against that is found Niles's Register, the report of Felix Grundy, and the declarations of Thomas H. Benton, who was a member of the Senate at the time Lanman was excluded. As to the Indiana case it was decided upon a different provision of law, entirely different from the clause of the Constitution now under consideration. As to the earlier precedents, they were swept away by the Lanman case; and to show that the Senate of the United States construed the Lanman case to have settled the question, I may mention that there have been eight cases since 1825, when every few years vacancies occurred in representation in the Senate from different States until the Legislature could meet and elect. Conspicuously I recollect one, the vacancy in the seat filled by the election of James S. Green, of Missouri. For two years the people of Missouri were represented by but one Senator, because the Senate refused to admit a Senator until he was elected by the Legislature.

The Senator from Massachusetts says that I rely on a solitary precedent. I affirm that the Senator can not find one solitary instance against it from 1825 to 1879—not one single instance where any Senatorial action was ever taken against the decision in the Lanman case that the governor of a State can not fill a full term.

Mr. SAULSBURY. Mr. President, I do not intend to enter into this discussion; but I can not vote for the admission of the appointed Senator from New Hampshire. I voted against the precedent set in the Bell case in 1879. I examined the matter then, and came to the conclusion that there was no power in the governor of a State to appoint to a full term. I shall not now repeat the argument which I then made against the right of a governor so to do. The question seems never to have been examined before 1825. The Senator from Massachusetts referred to a number of cases occurring prior to 1825. It is true that up to 1825 those precedents were set by the Senate without examination. There had been appointments made by governors, acquiesced in by the Senate without investigation. There was a very obvious reason why it was so. Prior to that time the Senate was a small body, and it was important to have a full Senate. As is known to the history of the country, the men who came to the Senate of the United States with a commission from the governor of their State came with all presumptions in their favor; and it was very desirable also to have as many Senators present as possible. Consequently there was no objection made prior to 1825 to filling any vacancy, whether a vacancy in a term or at the commencement of a term, by the appointment of a governor. The only question raised was in the case of Mr. Tracy about 1801, but that was not much debated. In 1825, however, the question came in review before the Senate in the case of Lanman. The Senator from Massachusetts states that that case turned upon the question of whether the governor had the right to make an appointment for the full term before the vacancy happened; but if the Senator had read the discussion of that case he would have found that the Senators expressed themselves emphatically on the question now before us.

Mr. HOAR. Will the Senator allow me to call his attention to one thing which I should have said when I was up before?

Mr. SAULSBURY. I can not hear the Senator.

Mr. HOAR. I ask the Senator if he will allow me to call his attention to one point. Both he and the Senator from Missouri speak of the claim made on this side as a claim that the governor is authorized to make an appointment for a full term. Of course the claim is only that he may appoint until the session of the Legislature, not for the full term.

Mr. SAULSBURY. The Senator certainly claims that the governor has a right by his appointment to commence a term. He may call it a temporary filling of the term, but that is the very same question as to whether he has the right to fill for the whole term. This question really came up for the first time in the case of Lanman in 1825, and it was then thoroughly discussed by some of the ablest lawyers that ever sat in this Chamber. They expressed their opinion fully, ably, and distinctly upon the very question that is now before the Senate. Mr. Tazewell, who was the principal debater and speaker at that time, according to Benton's Thirty Years' View, expressly made an argument on that subject, and now, inasmuch as authorities are cited on the other side, I wish to cite the authority of Mr. Tazewell. Mr. Benton says:

Mr. Tazewell was the principal speaker against the validity of the appointment, arguing against it both on the words of the Constitution and the reason for the provision. The words of the Constitution are: "If vacancies happen

(in the Senate) by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature." "Happen" was held by Mr. Tazewell to be the governing word in this provision, and it always implied a contingency and an unexpected one.

Mr. Benton, commenting on this decision, says:

And with this decision the subsequent practice of the Senate has conformed, leaving States in part or in whole unrepresented when the Legislature failed to fill a regular vacancy.

That is the comment of Mr. Benton, who himself was for thirty years a member of this body, as to the practice of the Senate, following the decision in the Lanman case. There were States unrepresented either in whole or in part, and that had been the uniform practice from the decision in the Lanman case in 1825 up to the time when Mr. Benton wrote his Thirty Years' View.

The Senator from Massachusetts seems to suppose that the whole question in the Lanman case turned on the fact of whether the governor had the right to appoint to commence a term prior to the happening of the vacancy; but distinguished Senators at that time expressed themselves not only upon that point, but upon the further point as to whether the governor had a right to commence a term when the vacancy happened before the appointment, and that is a justification of the vote I shall give.

I will read some of the remarks made in a subsequent debate by some of the ablest lawyers that ever sat in this Chamber. Mr. Butler, the uncle, I believe, of the present Senator from South Carolina, said in 1854:

It seems to be conceded that the authority to choose a Senator to commence a new term of six years, after the efflux of a regular term, is exclusively vested in the State Legislature.

That was the remark of Senator Butler, of South Carolina, who was known to be one of the ablest men who ever sat in the Chamber, and was the chairman of the Committee on the Judiciary. He said emphatically:

To commence a new term of six years, after the efflux of a regular term, is exclusively vested in the State Legislature.

Again he said:

In 1825 Lanman's case came up for consideration involving both the questions. In that case, after a very full debate, it was solemnly decided that it was not competent for the governor of a State to put a member on this floor at the commencement of a term. In other words, it was decided that his power of appointment could not be substituted for the election of the State Legislaure. Even if such had not been the decision in the case of Lanman, I take it for granted that such would be and must necessarily be the decision now.

So Mr. Badger, of North Carolina, a gentleman whom I did not know, but who I have understood was one of the ablest lawyers this country ever produced, in discussing the same question said:

Now, my friend from Kentucky has suggested one or two questions which I think will be sufficiently answered by this statement. The vacancies which the executive of a State is authorized to fill are never vacancies that happen by the efflux of time; they are not foreseen vacancies; they are vacancies that "happen by resignation or otherwise."

Mr. President, from an exceeding desire to give to this clause of the Constitution such a construction as would keep the Senate always full, I labored hard, a year or two ago, when we had questions of this kind before us, to find out some method of supporting, in my own mind, the construction that a vacancy happening by the efflux of time, and not filled beforehand by the Legislature, might be brought within this limited power conferred upon the executive; but, sir, I have been obliged to abandon it.

"By resignation or otherwise" is the language. We must expound the word "otherwise" to apply to vacancies happening by similar events; that is, unforeseen events—death, resignation, appointment to an office which disqualifies—and it can never be applied to the expiration of the term of a Senator which leaves a seat vacant on this floor. My opinion, therefore, is that the governor of a State has no power to fill a vacancy in this body which is brought about by the expiration or efflux of the time for which a Senator was elected—in other words, at the determination of his term in the Senate. It must be a vacancy in the term happening during the recess of the Legislature; it must be a vacancy in the term happening by resignation or other casualty. That I understand to have been the express and solemn decision of the Senate in Mr. Lanman's case in 1825, overruling one or two earlier decisions, which had passed perhaps without full consideration.

I am reading from the debate of 1854 on Phelps's case——

Mr. JONES, of Florida. Will the Senator permit me to interrupt him?

Mr. SAULSBURY. Certainly.

Mr. JONES, of Florida. I desire to ask the Senator from Delaware if the Legislature of New Hampshire had elected a Senator while in session and before he came here and took his seat he had died, say the next day after his election, in that event could the governor have filled the vacancy?

Mr. SAULSBURY. No, sir; I do not think he could if the Legislature was in session. The Legislature of New Hampshire that met last summer was the proper Legislature to have elected for this term. It could have done so, and such I understand has been the decision of the supreme court of that State; such I understand was the opinion given by Senators on the other side of this Chamber, that an election could have been had by the Legislature that met last summer. But the term of Senator Blair having expired, the question now is, shall the governor commence that term? The Constitution says that the Legislature shall have the authority to fill seats in this body, and that the governor's power is limited to vacancies happening by casualty. That "happening" evidently referred to some casualty by which some person elected by the Legislature was not able to serve the State; where a man who had taken his seat and during the incumbency of his term a vacancy occurred by death, resignation, or otherwise. In that case the governor was empowered to appoint temporarily.

But I did not intend to discuss this question, but simply to cite some of the authorities which sustain the view that governed my vote in 1879 and will govern my action in this case. I have already cited the opinion of Mr. Butler and Mr. Badger, expressed in 1854. I now wish to call the attention of the Senate to the opinion of another learned and distinguished Senator, one who occupied a prominent position upon the Judiciary Committee of the Senate. I refer to the late Hon. James A. Bayard, father of the present Secretary of State. He discussed in 1854 the whole question, and I will read from what he said; but before coming to that I will read further from what Mr. Badger said:

Under the Constitution the power of appointing Senators is vested in the Legislature, and nowhere else; but if a vacancy happen in this body, by resignation, death, disqualification, or other unforeseen event, the Legislature not being in session, if the vacancy is to be filled, the power must, of necessity, be put somewhere else. That is the necessity. It is the necessity of devolving the power upon the executive, which necessity arises out of two facts: First, that the vacancy could not have been foreseen; and, secondly, that the Legislature is not in a constitutional condition to act; and therefore, those two things concurring, the Constitution gives to the executive the power of making a temporary appointment.

That was the emphatic language of Mr. Badger. Now I will read what Mr. James A. Bayard said:

You find that, in reference to the full term of a Senator, the provision is that he shall hold his office for six years and be chosen by the Legislature. The executive has no authority there. And you find, further, that if the Legislature is in session at the time a vacancy occurs by resignation or otherwise, though it may not even be known to them, yet no authority in such case is confided to the executive to appoint. You find, in other words, that within the intent of the Constitution no authority over the subject is meant to be intrusted to the executive whenever the primary power (the Legislature) is in existence as an organized body.

I am aware that at one time it was decided that even in reference to the full term the executive of a State might make an appointment until the Legislature met; but that construction was subsequently overruled by the Senate in the case of Mr. Lanman in the year 1825; and ever since the practice has been uniformly in accordance with the decision in that case.

He said further:

In reference to the full term, it can not be doubted that no authority whatever is confided to the executive. The negative of power in any other event than when the vacancy occurs in recess shows that it was the intent of the Constitution that the executive was merely to provide for casualties happening when the legislative power, which is the primary power, was not in existence, and of course could not act.

Again he said:

Where the seat alone is vacant, but the term has not been once filled by the Legislature, no authority is confided to the executive. The authority conferred upon the executive is to make temporary appointments in case of casualties.

These distinguished Senators, as able lawyers as ever sat in this body, perhaps, fully commented on this entire question. I should like to know whether such utterances are to be overruled by a precedent of a few years ago when party feeling was running high, when the other side of this Chamber was in a minority, when I know, as I have reason to know, that some votes were given for Mr. Bell not in accordance with what was deemed to be the law, but as a matter of expediency and generosity on the part of the dominant party at that time in the Senate—I ask whether that precedent so set is to overrule the settled judgment and conviction of this body from 1825 up to 1879?

Mr. JONES, of Florida. Will the Senator permit me to interrupt him at that point?

Mr. SAULSBURY. Yes, sir.

Mr. JONES, of Florida. I desire to correct the Senator in his statement with respect to the Bell case, and to say to him that at the time that question was under debate it was in no sense a party question, and the record will show that some of the strongest men on the other side of the Chamber voted against the admission of Mr. Bell, and some of the weakest, including myself, on this side voted in favor of his admission.

Mr. SAULSBURY. I am very thankful to the Senator for his voluntary statement that it was not a party question. It was not drawn out, I am sure, by any remarks I had made. I did not say it was a party question. I referred to the fact that at that time this side of the Chamber was in the majority, and I know the fact—it is not worth while for me to say how I know it—that there were votes on this side of the Chamber for Mr. Bell prompted by a feeling of generosity and liberality to Mr. Bell, and not by any conviction that the law in the case entitled Mr. Bell to a seat in the Senate.

Now, Mr. President, I desire to say that personally I have no objection to Mr. Blair, the appointee of the governor of New Hampshire, as a member of this body. I have served with him for six years. My relations with him have always been pleasant and friendly. I would as soon see him on that side of the Chamber as any other Senator. But there are higher feelings than mere friendship involved; and we should rise above every other consideration than the proper and true construction of the Constitution. Whenever any prejudice would make us violate the spirit and intent of the Constitution it is our duty to discharge all such prejudice and adhere to the true intent and meaning of the Constitution. While my personal relations have been kindly with Mr. Blair, while I would be as pleased to see him occupy a seat on that side of the Chamber as any gentleman in New Hampshire, I am

compelled by my conviction of what is right and proper in this case to record my vote against his admission.

Mr. JONES, of Florida. Mr. President, I am glad that this is not in any sense an original question in this body, and the light we have before us I think is sufficient to guide us to a conclusion. After a full review of all that was said in the Bell case, as one of those Senators to whom the Senator from Delaware alluded a while ago as voting for expediency, I must say that I have nothing to take back of what I said by my vote or by my utterance at that time. Whoever else voted for expediency's sake, I can say to the Senate that I was not one of them. I voted on that question, as I do on all others, from conviction. There were some very able lawyers on the other side of the body who voted against Mr. Bell's admission, Mr. Conkling, I think, and Mr. Carpenter. Mr. Bayard on this side, my humble self, and many other Senators here voted for his admission; but it was a question that excited, as far as my recollection goes, no party feeling whatever.

On looking over the Constitution I found no reflection that there were safeguards provided in it to secure at all times a full representation of the States, even when the Legislature failed to do its duty, just as in the case of the House of Representatives. If the Senator from Delaware will examine the language of the Constitution with respect to filling vacancies in the House, he will find that that language is not any broader, indeed it is not as broad as the language employed in the Constitution with respect to filling vacancies in the Senate; and still I imagine no Senator on this floor would attempt to say that a vacancy arising in any Congressional district in the United States by failure of the people to elect in the customary and ordinary way could not be filled at a special election ordered by the governor of the State under the provision of the Constitution analogous to that in relation to filling vacancies in the Senate. The validity of such an election could not for one moment be questioned. Suppose the people of a district fail to elect a Representative to represent them at the other end of the Capitol for any cause, and the governor, invoking the provision of the Constitution looking to a full representation of the people there, should order a special election for that purpose, could it be argued that there was no vacancy within the meaning of the Constitution because the vacancy existed at the commencement of the term? Would such a reason prevail for one moment?

And so, Mr. President, in respect to vacancies in the Senate. The Constitution declares that the Senate of the United States shall at all times be composed of two Senators from each State, and it has taken the precaution to guard that great principle and to secure to each State a full representation at all times and under all circumstances, even though the Legislature should fail to do its duty.

Mr. SAULSBURY. Will the Senator allow me to interrupt him a moment? The Constitution gives the power to the States. I want to know if New Hampshire had not in existence a legislative body which at the proper time could have elected a Senator for the term beginning on the 4th of March last?

Mr. JONES, of Florida. Most assuredly she had the power and it is not for us to question for a moment her reasons for failing to exercise it. But this Government is not to go to pieces because the Legislature of a State fails to do its duty. It has provided a double safeguard in that event by giving to the governor of a State the power to appoint a Senator to fill the vacancy occurring. This language does not refer to an individual, but it speaks of the body:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

In this same section the language under debate is found, and it reads as follows:

> If vacancies happen—
>
> Happen where?—
>
> If vacancies happen—
>
> In the Senate—
>
> by resignation or otherwise—
>
> Can anything be broader?—
>
> the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Mr. INGALLS. Will the Senator from Florida pardon an interruption at that point?

Mr. JONES, of Florida. Certainly.

Mr. INGALLS. I wish to have the Senator's opinion upon this proposition: If the Legislature meeting next after the vacancy has occurred fails to appoint, would the executive then have the power to fill the vacancy by appointment? In other words, could an entire term be filled by executive appointment, the Legislature failing to act?

Mr. JONES, of Florida. I do not think the present appointment would continue any longer than the meeting of the next Legislature, although I am not here to answer anything but practical questions. I think this appointment would continue only until the meeting of the New Hampshire Legislature in June; but I say that the spirit and intent of the Constitution was to have a full representation in this body from each State, and that if for any reason the Legislature fails to discharge its duty, the governor of the State representing the people of that State, is invested with authority to fill the vacancy, which appointment will continue until the meeting of the Legislature, when the term can be regularly filled. That is my construction of it. That was the view which guided me in the Bell case, and I abide by it now.

With respect to established precedents of this body, I have this to say: I do not think, as I said in the Bell case, that we are sitting here as a court of justice. I for one recognize the distinction between a political and a legal tribunal. The Constitution says that each House shall be the judge of the elections, returns, and qualifications of its members, and that is an independent and an original right. We are not hampered by any precedents that may have been established in the Lanman case or in any other case. We are exercising an original political power. Courts of justice for the sake of convenience and security to property follow judicial precedents in the interest of society, and they are permitted to go down for ages uninterrupted, so that innocent parties may not suffer and that rules of property may be established which will secure society in settled rights.

We are not in that position. Each House, that is each Congress, has the right to decide. We have as much right to exercise original judgment in this case as the Congress had who preceded us in the other cases, with all their great ability; and we are not bound by precedents in this body as the Supreme Court is bound by precedents in judicial cases. I have again and again uttered my dissent from that doctrine. Of course precedents may be invoked as far as their reason goes. The reason of this case is not satisfactory to my mind, and I shall vote in this case as I voted in the other for the admission of the governor's appointee.

Mr. INGALLS. I was not able to understand when this same question was under discussion six years ago, nor have I thus far been able to learn during this debate, why the Legislature of the State of New Hampshire, that was chosen in November, 1882, had not the right to choose a successor to Mr. Blair. If I understand the constitution and laws of that State, the Legislature is chosen in November each alternate year, but does not assemble until the month of June. Therefore, if the Legislature that was chosen in November, 1882, does not expire or lose its functions until June, 1885, I can not understand why under the terms of the law of 1866 it had not the right to choose the successor of Mr. Blair.

Mr. HOAR. The Senator will pardon me. Does not the law of 1866 say that the choice shall be made by the Legislature chosen last before the expiration of the term?

Mr. INGALLS. Yes, sir; but of course that language must be interpreted in accordance with the spirit of the legislation. The Legislature which was chosen last November is in embryo, it is a political fœtus that has been conceived or begotten, but not born. Suppose, for instance, that the State of New Hampshire to-day were to be invaded by a foreign enemy; suppose that the pestilence that walketh in darkness were to overtake its inhabitants, or the destruction that wasteth at noon-day, and it became necessary to assemble the Legislature to take steps for the purpose of protecting those people against the foreign foe, or of protecting them against domestic difficulty, or of making some arrangement for the purpose of carrying on some work provided by their constitution, what Legislature would the governor assemble by proclamation to-day? Will the Senator inform me?

Mr. PIKE. The Legislature chosen in November, 1882.

Mr. INGALLS. The Senator from New Hampshire informs me that the governor would assemble in that case by proclamation the Legislature chosen in November, 1882. Can there then be anything plainer as a political proposition or as a legal proposition than that the Legislature chosen in 1882 was the one and the only one competent to act before the expiration of the term of Mr. Blair? I think not.

The Senator from Massachusetts calls my attention to the language employed in the statute of 1866, that it shall be the Legislature chosen next before the expiration of the term which shall elect the Senator; but what does that mean? That law must be interpreted to carry out and effectuate the objects and purposes for which it was enacted, and not to destroy those purposes. The object of it was to fill up the ranks of this body and not to decimate them. Therefore I say that the inference to my mind is irresistible that the Legislature chosen in 1882 is to-day the Legislature of the State of New Hampshire. It is the only legislative body competent to act. In case of difficulty requiring legislative action it would be assembled by the governor of that State for the purposes contemplated by its constitution; and that being the case, I say that a proper interpretation of the statute of 1866 would irresistibly imply that that Legislature, being the one chosen and competent to act and the only one chosen and competent to act next before the expiration of the term of Mr. Blair, had a right to choose his successor when it was in session.

Mr. HOAR. May I ask the Senator, according to his construction, which is very interesting, when, under the statute of 1866, could that Legislature have made the election?

Mr. INGALLS. The statute may be silent upon that point. The governor would have the right to assemble it, and whenever that Legislature is properly in session, whenever it is assembled for the discharge of any of its political functions, it has a right to act under that constitutional provision which says that each State shall have in this body two Senators, chosen by the Legislature thereof.

Mr. HOAR. The statute of 1866—the Senator will correct me if I am wrong—goes further; at any rate the existing law, the Revised Statutes, which I suppose is the same, goes further, and says the Legislature last chosen before the Senator's term expired shall make the choice.

Mr. INGALLS. On the second Tuesday after the meeting and organization thereof.

Mr. HOAR. That is the time.

Mr. INGALLS. That was the time when they had the right to elect.

Mr. HOAR. Two years ago?

Mr. INGALLS. The Legislature of the State of Iowa chooses more than a year before the expiration of the term, a year and a half nearly. So does Louisiana; so does Ohio; so does Kentucky. It is not necessary that there should be a punctual assemblage of this political body within a few moments or days before the expiration of the term. The law must be interpreted to effectuate the object and purpose of it, and it appears to me that there can be no doubt whatever that the Legislature which was chosen in November, 1882, being to-day the depository of the legislative power of the State of New Hampshire, competent to act if assembled by the proclamation of the governor, had the right to exercise this power. It failed to do it.

Mr. EDMUNDS. That Legislature is in recess.

Mr. INGALLS. I do not know what the terms of the New Hampshire constitution are, whether the term of that Legislature is fixed and defined by the constitution or whether it is statutory. Perhaps the Senator from New Hampshire can inform me on that point. The term of that Legislature, the Senator from New Hampshire advises me, is fixed by the constitution, and those terms of course I am in ignorance of, and therefore can not speak further on that proposition. As the Senator from Vermont suggests, they certainly are not in session now, but that does not interfere with the proposition I have made, that some time, when they were in session in June, 1883, they had exactly the same right to choose the successor of Henry W. Blair as the Legislature that assembled in Iowa in January, 1884, had to choose the successor of my friend who sits on my left [Mr. ALLISON], who did not take the office until the 4th of March, 1885. That power the Legislature of New Hampshire did not exercise. The question therefore recurs whether this is a vacancy contemplated by the Constitution. I understand that the supreme court of the State of New Hampshire did advise upon a case made, or upon a suggestion of the governor, or of some other authority, that the Legislature which assembled in June, 1883, had the right to elect. Am I correct?

The supreme court of New Hampshire did so decide, a case being submitted to them. The supreme court so decided, but the Legislature for some reason saw fit not to exercise that power. It then becomes a question whether or not, the Legislature having failed to exercise that power that was confided to them, a vacancy occurs under the terms of the Constitution which the executive of that State is authorized to fill by appointment.

I asked the Senator from Florida a question which he saw fit smilingly to put by, and said he was here only for the purpose of considering practical questions. I inquired of him whether he thought, the Legislature having assembled and adjourned without making an election or appointment and the executive then having intervened by appointment and the Legislature again assembling and failing to appoint, the executive power continued, so that practically an entire term might be filled by executive appointment.

Mr. JONES, of Florida. I do not think the Senator did me full justice. I think I answered the question very pointedly by saying that I did not believe the temporary appointment would continue longer than the meeting of the following Legislature.

Mr. INGALLS. And that is exactly what I think. But I asked the Senator more than that; I asked him whether, in case the Legislature assembling next after the vacancy should fail to elect, the executive power then existed to fill the admitted vacancy by appointment?

Mr. JONES, of Florida. I believe it would.

Mr. INGALLS. The Senator believes it would. Now I have an answer to the question that I asked, and it appears to me it is a very practical one. We are not settling this question to-day for New Hampshire alone. There is a vacancy in Oregon. The Legislature has adjourned having failed to elect a successor to Mr. Slater, who formerly occupied a seat on this floor. The sessions of that Legislature are biennial. The Legislature of the State of Illinois up to this time has failed to elect, and there has been a vacancy in one of the seats in this body from Illinois since the 4th of March, 1885. Whether they will be able to fill that vacancy before they adjourn is yet in the future. We are acting not only upon the case of New Hampshire, but immediately before us are the cases of Oregon and Illinois, which present almost precisely the same aspect.

The Senator from Florida suggested that this was in many ways a question that had no practical bearing. We are aware that the Legislature of Illinois has on two occasions been a tie. When the former term of the Senator from Illinois, then Mr. Logan, expired in 1877, if I recollect aright the Legislature was a tie. It is to-day a tie. Under the system of cumulative elections which they have in that State there is no certainty that it will not be a tie when a Senator is to be chosen again in 1887. So we are confronted with a very considerable exigency in determining whether or not the word "vacancy" to which reference has been made in the Constitution carries with it the power, in case the Legislature fails to elect, that the executive may appoint so as to cover an entire Senatorial term.

Mr. JONES, of Florida. The Constitution provides that it shall continue only until the meeting of the Legislature. It never was intended that it should apply to the full term. Nobody I think ever held that.

Mr. INGALLS. But the Senator will see that practically, if his interpretation is correct, it may cover an entire term; that is to say, in the case of New Hampshire the Legislature has failed to elect; the governor has appointed Mr. Blair; he appears here; takes the oath of office; it may be that for some reason the Legislature in June may fail to elect, and it does not assemble again until June, 1887. The question is again presented whether that is a vacancy in the term contemplated by the Constitution that authorizes the executive of the State to fill it by appointment. The Constitution says:

> And if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

It is open to very grave doubt, it seems to me, whether a single appointment does not exhaust the executive power. I am aware, of course, that this body is made up of the representatives of States; it is contemplated that each State shall have two Senators here; but the Constitution is equally explicit in saying how they shall be sent here. They are to be sent here "by the Legislatures thereof," and there is nowhere a delegation of executive power except to fill vacancies temporarily that may occur until the Legislature thereof shall next meet.

Mr. JONES, of Florida. Will the Senator permit me to interrupt him?

Mr. INGALLS. Yes, sir.

Mr. JONES, of Florida. If three or four States were overrun by a public enemy at the time when it was necessary to choose Senators from those States, I would suggest to the Senator if the language employed by the Constitution did not contemplate the authority to the governor to fill the places from these States by temporary appointment? It seems to me his construction is very narrow. There are a great many exigencies outside of this. The Legislature might not be able to meet at the time, the public force of a foreign enemy might have possession of the State capitol, and half a dozen States in such a contingency would go without any representation on account of a mere technicality. Does the Senator believe that is the meaning?

Mr. INGALLS. It certainly is a grave question and open to very serious complications, and I should be disposed myself to hold under the provisions of the Constitution, the evident purpose and intent being that this Senate shall be in some way filled, that each State shall be entitled to two members of the body, that there is and must be somewhere resident the power to keep these numbers full. But I was unwilling to let this occasion pass without expressing my regret that every two or four years the State of New Hampshire by its action or by its failure to act exposes us to a continual repetition of these debates. There ought to be either a change in the action of the State of New Hampshire through its Legislature or some change in the language of the statute of 1866 by which the word "chosen" should be in some way qualified so as to include a case like that which is now before us. This suggestion was made when the case of Mr. Bell was before the Senate, and we were then told that it would be inconvenient to the people of New Hampshire to adjust their political relations with the National Government so as to enable them to choose their Senators before the expiration of the term.

Mr. MCPHERSON. Will the Senator from Kansas yield to me for a question?

Mr. INGALLS. Certainly.

Mr. MCPHERSON. Does the Senator argue that there is any power residing now in the governor of New Hampshire to convene the Legislature of 1882, which I understand him to be the constitutional, actual Legislature of that State, because the Legislature elected in November last can not act until the 1st day of June. Do I understand the Senator to say that there is power now residing in the governor to convene that Legislature for the purpose of electing a Senator?

Mr. INGALLS. I do not know anything about that, because I am entirely unfamiliar with the terms of the New Hampshire constitution. What I said was that the Legislature which assembled in June, 1883, had absolutely, in my judgment, the power to choose the successor of Mr. Blair, then Senator from that State.

Mr. MCPHERSON. I fully agree with the Senator from Kansas in that, because they had a right to anticipate a vacancy to occur.

Mr. INGALLS. They knew it would occur under the law.

Mr. MCPHERSON. And could provide for it. Otherwise it is to be presumed they desired no representative here. Now, the Legislature chosen in November last, as I understand, under the constitution of the State of New Hampshire, can not have legislative existence until the 1st day of June next. A vacancy occurs between the 4th day of March and the 1st day of June or such time as that Legislature shall act in

electing a Senator, and during that period the people of New Hampshire have but one representative on this floor. I understood the Senator from Kansas to say that the constitutional Legislature of the State of New Hampshire, for all purposes for which a Legislature could act, was the one elected in 1882. Why has not the governor of New Hampshire the power to convene that Legislature for this purpose as well as for any purpose of legislation?

Mr. INGALLS. That I can not answer, as I said, because I have no knowledge whatever of the language employed in the constitution of New Hampshire, nor what limitations are placed upon the exercise of this power by the constitution of that State. So I can not answer. I should say that in the absence of any limitation upon the power of the governor or of the Legislature to act, they might be convened at any time by proclamation for such purposes as the governor thought desirable to invite their action.

Mr. MCPHERSON. I assume that there is no State without a legislative body which can be convened at all times in case of emergency or peril for the purpose of caring for the interests of the State. Now, if the Legislature elected in 1884 in November can not be a constitutional, actual Legislature till June next, then it does seem to me as though the Legislature elected in 1882 was and must continue to be the actual Legislature until that time arrives.

Mr. INGALLS. On that I can have no debate with the Senator, because I am not familiar with the terms of the constitution of New Hampshire; but it is evident that the term of the Senator from New Hampshire has expired, that there is a vacancy, and that the Legislature is not in session. I believe it to be a vacancy contemplated by the Constitution, where the executive has the power to appoint, and that, therefore, Mr. Blair should be admitted to take the oath.

Mr. PIKE. Mr. President, inasmuch as some criticism has been made upon the Legislature of New Hampshire, and it has been stated by some gentlemen that they had not acted in the choice of a Senator when they should have acted, I desire to say a few words.

We have a Legislature once in two years—a biennial Legislature. One was chosen in November, 1882, and another was chosen last November, or November, 1884. Now, the question is, which Legislature has the right to elect? After our constitution was changed that became a mooted question in our State. We had the national law, to which I will ask the attention of Senators while I read:

> The Legislature of each State, which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

By this national law of 1866 the Legislature chosen next preceding the expiration of the term was the Legislature to elect. Our Legislature supposed that the Legislature chosen last November in Mr. Blair's case was the one next preceding the end of his term which was to expire on the 4th of March. A large majority of them acted upon that idea. But precisely the same question arose six years ago at the expiration of Mr. Wadleigh's term, and at the time when Mr. Bell was appointed, about whom so much talk has been made.

That our Legislature might put itself in harmony with the National Government, that it might act in obedience to the national law, application was made to the Congress of the United States, and the recent Senator from Wisconsin, Mr. Cameron, introduced a bill by which the national law that I have read might be so modified as to meet the condition of things in our State. The question came up here and was considered by the Committee on Privileges and Elections of this very Senate as to whether the Legislature elected in the autumn before the expiration of Mr. Wadleigh's term, or the Legislature elected two years before, was the one that should choose the Senator to succeed him; and that bill and that question were considered by the Committee on Privileges and Elections, and Mr. MCMILLAN, a Senator now upon this floor, made the unanimous report of that committee that the Legislature elected immediately preceding the expiration of the term, that is, the Legislature in Mr. Bell's case, elected the autumn before, and the Legislature in the present (Mr. Blair's) case, elected last autumn, was the Legislature that had the power, and the only Legislature that had the power to elect.

That report was submitted to this body, and by a unanimous vote, as the record shows, not a single Senator here dissenting upon adopting the report of that committee, the Legislature of New Hampshire elected last autumn was the one and the only one that could elect a Senator for this term. Now, it seems to me that New Hampshire ought not to be very much criticized when she has made this effort to find what the national will was and to find what the will of the Senate was because she has obeyed it and because she has not disobeyed it; more especially after the question as to whether the governor had the right to fill the vacancy at the end of Mr. Wadleigh's term in 1879 was raised and it was decided that he had the power.

Mr. President, I hold a seat on this floor. I was elected two years ago last August by the Legislature assembling in June, but my term commenced in the March before. Our Legislature acted upon the idea that the national law as they understood required, and as the construction given it unanimously by the Senate required, that the Legislature to elect, and the only one which could elect, was the one chosen immediately preceding the end of the term.

In a discussion six years ago in Mr. Bell's case the then Senator from Delaware, Mr. Bayard, so recently here and so distinguished when here, submitted his views to the Senate, and upon the question what Legislature has the right to elect in New Hampshire, whether it be the one elected in November preceding the end of the term or the one elected two years and a half before, said:

> By that law—

Having quoted immediately before the national law which I have read—

> By that law was indicated *the* Legislature and *the only* Legislature which should fill vacancies in the Senate of the United States, whether occurring by expiration of the term or from any other cause.

That was the opinion of the distinguished Senator from Delaware then, as it had been the unanimous opinion of the Senate only four years before.

Allusion has been made to the supreme court of our State. As I said, there has been considerable division of sentiment in our State, although our Legislature has been very largely in favor of giving the construction to the national law that its plain terms seem to indicate it ought to have, and which the Senate has given to it, and which the seating of Mr. Bell affirmed. The opinion of the court was asked three years ago. My recent colleague and the gentleman who asks a seat here introduced this question into the Senate by a resolution asking the Senate to reconsider and revise its opinion if it was erroneous. There may be found in the CONGRESSIONAL RECORD, which I have here, the opinion of the court upon this question which he cited. The opinion of our court was read by him, and, as I said, it is printed in the RECORD with other opinions. But notwithstanding that, the Senate decided that the national law was too plain to be misunderstood; that it was necessary it should be construed as it had been construed, and refused to render any relief.

Mr. President, I have but little more to say. I am not only asserting the fact, but I have the conviction in my own mind that the clause in our national Constitution which says that "when vacancies happen from resignation, or otherwise," instead of being words of limitation, ought to be construed to have a very different meaning. This is the only branch of the Government where States have an equality, where one State has just as much power as another. The framers of the Constitution were so much in earnest that that should be the fact, that they prohibited any amendment to the Constitution depriving the States of their equality of suffrage in this body. My idea is that when the framers of the Constitution said "when a vacancy happens by resignation, or otherwise," they meant when it happens by resignation, or otherwise, from any cause whatever; that they are words of enlargement and explanation, so that there might not be any doubt upon the question that this body should have equal representation, that there should be equal suffrage on this floor, and that if a vacancy occurred from any cause the executive should have the right to fill it.

Now where do we stand on this question? The Government decided first by the national law, and the Senate has decided upon the McMillan report and upon the admission of Mr. Bell, that the Legislature having the right was the one elected immediately preceding the end of the term. Then they have settled in Mr. Bell's case another question, as to filling the vacancy happening at the end of the term and before the meeting of the Legislature, that the governor had the right to appoint, under which appointment Mr. Bell was seated; and that is precisely the question before us to-day.

Mr. EDMUNDS. I wish to say one word, Mr. President, about what is called the act of Congress of 1866. The Constitution provides that Congress may regulate the manner by which and the time at which the Legislature of a State shall elect a Senator. That is all the authority which the Constitution of the United States reposes in Congress over that subject. It says in another place, but in the same connection, that the Legislature of a State shall ordinarily—I am not now on the question of filling vacancies—elect a Senator for a term of six years. It names nothing but the Legislature of a State to do that.

I was here when the act of 1866 passed, but I had just come into the Senate and I gave it no attention; I probably voted for it if there was a division, it being reported by a committee. But I have been of the opinion ever since I came to examine the subject, and I am of opinion now, as I have stated before I think in this body, that the act of Congress in so far as it undertakes to declare what Legislature, whether chosen before or after the expiration of a term or how long before or how long after, shall elect a Senator, goes beyond its constitutional power. I am also of opinion, and I state it deliberately and I believe I have stated it before, that when the Congress of the United States undertakes to create a body to elect a Senator which the constitution of the State has not created and which is not its Legislature, it has gone beyond its power.

By the constitution, I think, of every State in the Union, certainly every one that I know of, the legislative power is vested in two separate and independent bodies, each one of which acts by itself and for itself, and that is the Legislature of the State of which the Constitution of the

United States speaks when it says that the Legislature shall elect a Senator. Therefore, I am of opinion that Congress has no more power to turn the two bodies, the senate and house of representatives of a State, formed under its own constitution as two separate bodies of different numbers and of different constituencies, into one consolidated body voting *per capita*, than it has to declare that a town meeting in the State of Vermont may elect a Senator and call that a Legislature, because it is not by the constitution of the State its Legislature. But that is apart from this question, and I should not have referred to it only that the act of Congress has been spoken of.

Now let us come to the question. First, I will begin with the original Constitution, to which my friend from Missouri has made reference, as he supposes supporting his view of the meaning of the words "resignation or otherwise." In the original draught of the Constitution submitted to the convention, as it appears on page 205 of volume 5 of Elliott's Debates, in the Madison Papers, the third section was:

On the death, removal, or resignation of any Senator, his place to be filled out of the district from which he came.

That was the first draught. The scheme having been entirely changed and abandoned, later on, at page 377, Mr. Rutledge, on the 6th of August, 1787, reported from the committee of detail as follows:

ART. V, SEC. 1. The Senate of the United States shall be chosen by the Legislatures of the several States. Each Legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the Legislature. Each member shall have one vote.

There, as it stood in that final report in detail, final at that time but changed afterward, you will see that there was no limitation or qualification or restriction except "vacancies." They might occur during the sitting of a Legislature. Whenever they occurred the executive was to fill those vacancies until the Legislature should elect, not until its next meeting even; but in order to keep the representation of the States full, in order to create a national government which should have all its faculties and all its members in place to perform their duties, this draught reported by the committee of detail provided for a universal filling of a vacancy by the executive, and provided for his filling it if a vacancy happened or occurred or existed, whatever it was, even if the Legislature were sitting.

Now we come to the amendment of Mr. Madison. That draught was under consideration on the 9th of August. Article V, section 1, the one I have read was taken up, and I shall read the whole proceeding in connection, without any observation, so that it will appear just as it stands in these debates:

Mr. Wilson objected to vacancies in the Senate being supplied by the executives of the States. It was unnecessary, as the Legislatures will meet so frequently. It removes the appointment too far from the people, the executives in most of the States being elected by the Legislatures. As he had always thought the appointment of the executive by the legislative department wrong, so it was still more so that the executive should elect into the legislative department.

Mr. Randolph thought it necessary, in order to prevent inconvenient chasms in the Senate. In some States the Legislatures meet but once a year. As the Senate will have more power and consist of a smaller number than the other House, vacancies there will be of more consequence. The executives might be safely trusted, he thought, with the appointment for so short a time.

Mr. ELLSWORTH. It is only said that the executive may supply vacancies. When the legislative meeting happens to be near the power will not be exerted. As there will be but two members from a State, vacancies may be of great moment.

Mr. WILLIAMSON. Senators may resign or not accept. This provision is therefore absolutely necessary.

On the question of striking out "vacancies shall be supplied by the executives"—

Pennsylvania, ay, 1; New Hampshire, Massachusetts, Connecticut, New Jersey, Virginia, North Carolina, South Carolina, Georgia, no, 8; Maryland, divided.

Mr. Williamson moved to insert, after "vacancies shall be supplied by the executives," the words, "unless other provision shall be made by the Legislature" (of the State).

Mr. ELLSWORTH. He was willing to trust the Legislature or the executive of a State, but not to give the former a discretion to refer appointments for the Senate to whom they pleased.

On the question on Mr. Williamson's motion, Maryland, North Carolina, South Carolina, Georgia, ay, 4; New Hampshire, Connecticut, Massachusetts, New Jersey, Pennsylvania, Virginia, no, 6.

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators, or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words "happening by refusals to accept, resignations, or otherwise, may be supplied by the Legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the Legislature."

Mr. GOUVERNEUR MORRIS. This is absolutely necessary; otherwise, as members chosen into the Senate are disqualified from being appointed to any office by section 9 of this article, it will be in the power of a Legislature, by appointing a man a Senator against his consent, to deprive the United States of his services.

The motion of Mr. Madison was agreed to *nem. con.*

Thus you will see, Mr. President, that the motive for inserting the words "resignation or otherwise" (which was afterward trimmed down by leaving out on the report of the committee on style the words "refusal to accept;" so as to leave it only "resignation or otherwise") was distinctly stated by Mr. Madison to be, not that you were to classify a kind of vacancies by resignation, but they were put in expressly for the purpose of recognizing the power of a Senator to refuse to hold on to the office to which he had been appointed.

Mr. JONES, of Florida. The Senator will permit me to suggest that would certainly relate to a vacancy commencing at the beginning of a term.

Mr. EDMUNDS. So it would. There never was any question in the debates in the constitutional convention but what it was of the highest importance, the very purpose of the Constitution which provided two Senators from each State, that each State should have all the time, whenever this body met, its full representation, not only for the general benefit of all the people but sometimes, as was then thought, for its own security, for the preservation of its own rights.

I think, therefore, that this language of Mr. Madison and the action of the convention clearly show that the argument of my friend from Missouri is a mistaken one in supposing that the introduction of the word "resignation" was for the purpose of giving a class, one of a kind of events that might happen, on the occasion of which the executive might act and not otherwise; because Mr. Madison states the purpose to be exactly the other thing, by putting in one of the words of that kind and then putting in the word "otherwise," to make it clear that a Senator had a right to resign his place, and then, in order to carry on the whole operations of the Government according to the Constitution, providing that the executive, if the Legislature were not sitting, should fill it until the Legislature met.

There was nothing otherwise in the whole discussion, I repeat, from beginning to end; and as the draught originally stood it went to the extent, as every Senator will see, of authorizing the executive to fill a vacancy which happened when the Legislature itself was sitting until it did fill it; and the only motive stated for the change, which they all agreed to unanimously, was to put in some one word that would affirm and recognize the right of a Senator to resign his place, and then to provide that the State should not go without being represented.

Now let us come to the Constitution just for a moment, and I shall have done. The Legislature shall elect for the term of six years. That is the power given to the Legislature.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years.

If you stop there and give it a literal construction, not looking to the purposes of the Constitution—to have a full Senate—there would be no power in any State Legislature in this Union to elect if they allowed the time to go by so that when they elected they could not elect under the Constitution for a term of six years. They must elect for a shorter term; they must in New Hampshire; they must in the hundred cases almost which have happened, when the Legislature has failed to make provision in advance, so that the election was for six years. Nobody maintains any such proposition, because it defeats the object the Constitution had in view, which was that each State should have two Senators. Now, we come to this language about the executive, and see where we are upon the construction of my friend from Missouri:

And if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill—

What?—

such vacancies.

The very ones that are named in the preceding line. Therefore, if the authority of an executive is only to fill a vacancy which occurs by resignation or death or expulsion—the only three ways that I can think of, because a refusal to accept does not create a vacancy, it leaves the old vacancy just where it was—if that is the meaning, then the only authority which is left to the Legislature is to fill the very vacancy that the governor had a right to fill temporarily and no other. So if the governor of New Hampshire at this moment has not the power to fill this vacancy, by the very same sign and on the very same words the Legislature of New Hampshire when it meets next June can not fill it even, for the Constitution says in language as plain as words can make it, that the vacancy which the Legislature is to fill is "such" vacancy, that is, a vacancy which occurs by resignation or otherwise, that the executive of the State may fill if it happens during the recess of the Legislature. We can not stand on that construction; nobody pretends that we can.

By what authority of logic or law is it then that we hold that the very same words three lines before limit the power of the executive to a particular class of cases, and that the very same words three lines afterward expand the power of the Legislature to every kind of vacancy that may exist. "That won't do," to use a phrase of a late eminent Senator of this body. We can not stand on it.

We hear much of the word "otherwise." If Mr. Madison by proposing or the convention by adopting the words "resignation or otherwise," had meant to classify a series of cases like resignation, why would not Mr. Madison, eminent in his knowledge of the English language and clear in its expression, have said "likewise?" That is the adverb which would suit the class of cases to which my friend from Missouri refers. "Other things happening in like manner" is the definition of "likewise," while "otherwise" means things happening in any other manner than by resignation. That is the dictionary and the common sense and the universal knowledge of everybody who knows the English language.

What was the object of the Constitution? It was that the representation of each State should be full, and the Constitution provided two means of keeping it full. First, by the Legislature for the full term electing in advance before any vacancy occurred. That would provide

for all that. Then both the executive and the Legislature, after a vacancy did happen at a time when the Legislature was not in session, could fill it then and there, by providing that instantly the governor in the first instance and the Legislature at its next meeting should fill up that vacancy so as to carry out the great objects of the Constitution.

Wherefore, then, upon any principle of patriotism, or law, or justice, should we endeavor by construction to narrow down the franchise of a State, if I may call it that, and endeavor to find some class of cases where for some period of time a State shall go unrepresented? I am unable to see it; and this report of the debates in the convention shows clearly to my mind, and I think even to that of my friend from Missouri and my friend from Delaware, that the word "resignation" was not put in with the object that my friends think it was, but for an entirely different object, as was stated by Mr. Madison himself.

This question was fairly debated when the gentlemen on the other side were in a majority in this Chamber. Without a party division, gentlemen on both sides voting according to the light they had and not dividing upon party lines, settled this identical question. The Senate in sitting upon such a question sits as judges. The Constitution says so. We are not defining policies; we are not setting up expediencies; we are not carrying on party warfare; we are sitting as the solemn judges sworn to try and determine the election and qualification of a gentleman who presents himself to be a member of this body. We have come to a decision, just as the Supreme Court of the United States sitting two hundred feet from us comes to a decision in a great variety of cases where the judges differ—five one way four another or whatever it may be, a difference of opinion. The decision of the court is announced. What would become of that court if the next time a similar question came up the whole thing was opened again and the contest was gone over repeatedly from year to year and time to time in order to see which should get in the ascendency upon all questions? Nothing would be settled, and the court would be destroyed, and justice too, for that matter.

How is it different here? When we have come to a decision, even in a case of doubt, having come to it fairly, not in a time of party heat, or by a party vote—when we, after full deliberation, have come to a decision which carries out confessedly the objects of the Constitution to keep the representation of a State full, should we not stick to it; or are we, every time a similar question comes up about elections, to reverse our decisions, retry them, hold them of no force, and thus keep this body continually in a turmoil over questions of representation in it that come from the States? However doubtful it might have been—it did not seem to me so, to be sure, but however doubtful it might appear to the minds of gentlemen who voted in the minority—it appears to me that, once decided and decided in favor of representation, it would be better to follow that as an established precedent which carries out the objects the Constitution has in view.

Mr. MORGAN. Mr. President, I think the Constitution of the United States on this subject is mandatory upon the States and requires them to exercise a constitutional function in the choice of a Senator. I do not believe that it was the purpose of the Constitution in organizing this Government that the Legislatures of the several States should have no higher duty to perform than merely to fill up vacancies; and yet we find that the Legislature of New Hampshire under existing circumstances regularly, every four years or every six years, engages itself only in filling up vacances. What will take place in New Hampshire in the month of June when that General Assembly meets? They will there exercise only that part of their power under the Constitution which is described in these words:

> And if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

That will be precisely the action which the Legislature of New Hampshire will take in June if we decide that the governor of New Hampshire has the right now to make an appointment for the beginning of this Senatorial term. By our concession to what I may term a sort of peculiarity or idiosyncracy in the conduct of New Hampshire in respect of this great office we are indulging in a course of procedure which deprives that State really of its essential power under the Constitution of the United States, which is described in that instrument as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years.

Obviously it was the grand purpose of the introduction of that feature into the Constitution that the Legislatures of the States should choose Senators for the period of six years, but under the course of procedure in which we are indulging here in regard to New Hampshire we are cutting that State off or permitting herself to be cut off from this great leading constitutional function of choosing Senators by her Legislature for the full term of six years, and confining that State entirely to the exercise of the other power of filling up vacancies which may have occurred in the Senate. That reverses the whole order of procedure, as is clearly manifest from the face of the Constitution, and we are permitting that Legislature to subordinate its functions, its representation of this one of the States of the American Union to a very low class of powers as compared with that great power of choosing a Senator for a full term.

What is the next effect which is to be produced? What did we witness here six years ago on this same subject? When a Senator is chosen from the State of New Hampshire in the month of June he comes here with a commission which, if it is not actually antedated, is in effect antedated, and he is held to be and to have been a Senator from New Hampshire from the 4th day of March, 1885, for the period of six years. His pay account will be rated in that way; and the Government of the United States is thus taxed with the burden of a Senator from the 4th day of March, 1885, until such time as the Legislature of New Hampshire may meet in June, for we can not deny that that Senator when he comes here is the Senator elected for the full term.

Mr. PIKE. The Senator from Alabama will pardon me for saying that where a Senator is appointed, the Senator elected receives pay only from the time of his election. Where there is no Senator appointed, it is otherwise.

Mr. MORGAN. That I understand, at all events, to have been the rule, and I do not see how we could well deny it, for we do admit that although the Senator has been chosen after the lapse of several months from the 4th day of March, 1885, yet he is the Senator chosen by the Legislature for the full term; and it has become so arranged in our country as that the full term commences on the 4th day of March. The full term that is claimed by the former Senator from New Hampshire did commence on the 4th day of March. It is running on. We can not enlarge that term by having the Legislature elect a Senator in June, neither can we abridge it by having the Legislature elect a Senator in June. The one then elected will be the man chosen by the Legislature to hold that office for six years, and he will not get his six years unless his commission or his right, in some respect at least, dates back to the 4th day of March.

Suppose, as I very freely concede it to be true, that it is the duty of the Senate of the United States to keep this body always full as far as it constitutionally has the power to do it; grant that that is one of the highest duties of patriotism resting upon the Senate, still we can only fill up the Senate through the agencies appointed by the Constitution and in the manner appointed by the Constitution. I will add further that we can only fill up the Senate in the manner fixed by law. We have prescribed in the act of July 25, 1866, the full procedure for the election of a Senator of the United States, and in that act, section 16 of the Revised Statutes, it is provided as follows:

> Whenever on the meeting of the Legislature of any State a vacancy exists in the representation of such State in the Senate, the Legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

That is the duty, which we make mandatory, of the Legislature of New Hampshire and of every State in the Union where there exists one of the cases provided for by the last branch of the second clause of section 3 of the Constitution, which relates entirely to filling up vacancies that have occurred after the commencement of the full term or during its progress.

Suppose that it is a very high duty to keep this body full, we ought not to violate our statutes nor ought we to violate the spirit of the Constitution even in order to accomplish that great result. We ought to follow it, and it is the duty of the Legislature or the government of New Hampshire to reform and to change its laws or its constitution if need be so as to conform its action to the mandatory requirements of the Constitution of the United States.

How long is this question to be one of debate and vexation in the Senate of the United States? When are we ever to get rid of it? When is there to be a cessation of this controversy? Senators do not change their opinion upon constitutional laws, particularly when they are sitting as judges, merely through the influence of precedent. Every Senator who enters this body for the next fifty years to come, if this question remains in the precise attitude that it is now, must form his impressions upon the whole subject from his understanding of the Constitution of the United States and his oath to support it; and here we are to have this question brought back upon us from time to time.

It has been very frequently suggested that this might be remedied. The honorable Senator from Kansas [Mr. INGALLS] who now occupies the Chair put the very pertinent inquiry whether it is not in the power of the governor of the State of New Hampshire now to call the Legislature together for the purpose of solving this question, so far as that State is concerned, by an election. I apprehend it will be found on an examination of the constitutions of the different States of the American Union that there is not one which is at any period of time without the possession of an organized Legislature competent to elect a Senator of the United States. I surely have not heard of a State which at any moment of time has been so deficient in political organization as that it had no power to elect a Senator of the United States.

If any nice question arises as to whether the word "chosen," in the fourteenth section of the Revised Statutes, applies to a Legislature organized or to one merely selected by the people, we perhaps could remove that by legislation of Congress, by some explanatory act, but it seems to me that there is no reason for hanging upon the meaning of that word in the fourteenth section of the Revised Statutes, which reads:

> The Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress

shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

There may be a Legislature chosen in the State of New Hampshire to-day, chosen in every sense, but there was one chosen there two years ago or more which is to-day in every sense a Legislature until the new body selected has been organized into a Legislature. This statute, as I understand it, has not reference to the legislators who are chosen, but to the Legislature which has been chosen and organized according to law. So there must be in the State of New Hampshire a Legislature now organized which has the capacity to elect a United States Senator, or else there must be legislators chosen there who may be so organized as that they can elect a Senator of the United States. In either event where is the duty resting? Not upon Congress, to be continually trimming back and forth upon questions of this kind and having these disagreeable issues thrust in upon the Senate as the judges of the elections, returns, and qualifications of its membership, but upon the State of New Hampshire, which ought to provide by law, if it has not already done so, in order that this question may be solved.

We are informed that the supreme court of the State of New Hampshire, on being requested by the Legislature to render an opinion on this subject, affirmed that it was the duty of the Legislature chosen before the 4th day of March of the year in which the decision was rendered to provide for the election of a United States Senator. Why not allow the Legislature and the authorities of New Hampshire to follow that decision? Why not sustain them in that rational, logical, and constitutional view of this question?

Mr. DAWES. The Senator will allow me to say that the constitution of New Hampshire does not provide for the meeting of its Legislature until next June. How can that Legislature provide by law, as the Senator suggests? The Congress of the United States has attempted to say that that Legislature is the one to elect, and that the Legislature shall elect at its first meeting, and the constitution of New Hampshire says its first meeting shall be next June.

Mr. MORGAN. My understanding of the decision (I once looked at it, but I have not read it recently) was that the Legislature which was in existence as an organized body in the State of New Hampshire had the authority to elect, although there might have been one chosen last November which had not been organized and would not be organized until June.

Mr. DAWES. I may have misunderstood it.

Mr. MORGAN. I think the Senator has misunderstood it.

Mr. DAWES. I understood the decision to be as between the new Legislature and the old one, which should choose the Senator. I understood the decision to be that it must be the new Legislature.

Mr. MORGAN. I understood quite the reverse.

Mr. DAWES. I may be mistaken about that.

Mr. MORGAN. It is the old one which the supreme court of New Hampshire has decided was the proper one to make the election.

Mr. DAWES. I say I may be mistaken about that.

Mr. MORGAN. In that view of the case, the supreme court having made that decision and it being a subject over which the supreme court of the State has due authority, the expounding of its constitution and its laws, why should not the State of New Hampshire follow that decision and relieve us of this embarrassment?

If we reaffirm the decision made here six years ago, of course it will only be an inducement to keep up this controversy for an indefinite period of time. I do not know what the political motives may be in New Hampshire for keeping this question afloat in this way, why a Legislature may feel itself bound to decline to elect a Senator when it has full power to do it; but it does seem to me that inasmuch as the question is at least a debatable one, as opinion is divided not on party lines but in respect merely of our construction of the Constitution, a sound policy requires us to reverse our former decision, and to go back to the doctrine that the Legislature which now exists in the State of New Hampshire, and which will not be superseded in its functions until the 1st of June, should proceed to make this election. Then we shall have no further difficulty.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the resolution offered by the Senator from Massachusetts [Mr. HOAR].

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present, I should vote "nay" and he would vote "yea."

Mr. BUTLER (when his name was called). On this question I am paired with the Senator from Kansas [Mr. PLUMB]. If he were present, I should vote "nay" and he would vote "yea."

Mr. COLQUITT (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present, I should vote "nay."

Mr. BUTLER (when Mr. HAMPTON'S name was called). I beg to state that my colleague [Mr. HAMPTON] is absent from the Senate on account of illness, being confined to his bed.

The roll-call having been concluded, the result was announced—yeas 36, nays 20; as follows:

YEAS—36.

Aldrich,	Frye,	Manderson,	Sabin,
Allison,	Hale,	Miller of Cal.,	Sawyer,
Cameron,	Harrison,	Miller of N. Y.,	Sewell,
Chace,	Hoar,	Mitchell,	Sherman,
Conger,	Ingalls,	Morrill,	Spooner,
Cullom,	Jones of Florida,	Palmer,	Stanford,
Dawes,	Jones of Nevada,	Pike,	Teller,
Edmunds,	McMillan,	Platt,	Van Wyck,
Evarts,	Mahone,	Riddleberger,	Wilson.

NAYS—20.

Beck,	Eustis,	Kenna,	Pugh,
Blackburn,	Gibson,	McPherson,	Ransom,
Camden,	Gorman,	Maxey,	Saulsbury,
Cockrell,	Jackson,	Morgan,	Vance,
Coke,	Jones of Ark.,	Payne,	Vest.

ABSENT—13.

Bowen,	Colquitt,	Hampton,	Voorhees.
Brown,	Dolph,	Harris,	
Butler,	Fair,	Hawley,	
Call,	George,	Plumb,	

So the resolution was agreed to.

The VICE-PRESIDENT. Mr. Blair will come forward and take the oath of office.

Mr. BLAIR advanced to the Vice-President's desk escorted by Mr. PIKE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

The VICE-PRESIDENT. The credentials will be placed on file.

JOHN C. UNDERWOOD.

Mr. HOAR submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Alice C. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

WITHDRAWAL OF PAPERS.

On motion of Mr. MILLER, of New York, it was

Ordered, That the papers filed with Senate bill No. 83, Forty-eighth Congress, be withdrawn from the files of the Senate, no adverse report having been made.

On motion of Mr. PIKE, it was

Ordered, That Z. C. Robbins, of Washington, D. C., have leave to withdraw the papers now on the files of the Senate relating to his claim against the United States, provided he leave on file true copies of the same.

Mr. CAMERON. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 54 minutes p. m.) the Senate adjourned.

WEDNESDAY, *March* 11, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITION.

Mr. FRYE presented a resolution of the Bath (Me.) Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

The VICE-PRESIDENT. The resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] on Friday last is the business before the Senate.

Mr. VAN WYCK. The Senator from Colorado [Mr. TELLER] left last evening for New York, I think to be absent a couple of days, and he desired that the resolution should not be further considered until his return. In accordance therewith I suggest to the Senate that action on the resolution be deferred until Friday.

The VICE-PRESIDENT. That will be the order of the Senate unless objected to. It is so ordered.

RAILROAD LANDS IN FLORIDA.

Mr. VAN WYCK. I desire to offer a resolution, which I ask may lie upon the table for the present in order that I may call it up hereafter so as to make a few suggestions upon it and allow other Senators to do so, and then possibly to ask for its reference.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior and the Attorney-General of the United States be, and they hereby are, directed, respectively, to take such action as each may deem necessary to prevent any sale by the Atlantic and Gulf West India Transit Company, or by any company or person claiming under them, of the lands described in the act approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," so far as the same lie within the line of said railroads between Waldo and Tampa Bay, Florida, until Congress shall have authorized the same.

Mr. VAN WYCK. I ask that the resolution may lie on the table, and be printed.

The VICE-PRESIDENT. The resolution will lie on the table, and be printed.

ELECTRIC LIGHT FOR SENATE CHAMBER.

Mr. FRYE. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on Rules be instructed to inquire into the expediency of lighting the Senate Chamber by the electric process, the probable cost of the change, with the comparative cost of maintaining the same, and report to the Senate at the present session.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORRILL. I think the inquiry should be referred to the Committee on Public Buildings and Grounds. That committee has always had that subject before it, and has had it this year.

Mr. FRYE. I have no objection to changing it to the Committee on Public Buildings and Grounds.

Mr. MORRILL. It should go there, of course.

Mr. FRYE. The matter had been considered by the Committee on Rules and a communication had been referred to that committee, but it makes no matter of difference, only it is important, if anything is done, that it should be done at the present session.

Mr. MORRILL. The only difficulty about the matter is to obtain the service at a reasonable price and without the payment of a perpetual royalty. The Committee on Public Buildings and Grounds have had some negotiations on that subject, and propose to have the Government protected.

The VICE-PRESIDENT. Does the Senator from Maine modify the resolution?

Mr. FRYE. At the request of the Senator from Vermont I will modify the resolution by substituting the "Committee on Public Buildings and Grounds," when appointed, for the "Committee on Rules," only saying to the Senator from Vermont that it is important, if anything is to be done, that it should be done at the present session.

Mr. MORRILL. I think I may say that a majority of the Committee on Public Buildings and Grounds are satisfied that the electric light for this Chamber would be better than gas.

Mr. FRYE. Then I will ask that the resolution be put on its passage now as modified.

The VICE-PRESIDENT. The question is on the adoption of the resolution as modified.

The resolution as modified was agreed to.

ORDER OF BUSINESS.

Mr. ALLISON (at 12 o'clock and 15 minutes p. m.). I move that the Senate do now adjourn.

Mr. MORRILL. I have learned very indirectly that there will be a communication from the executive department.

Mr. ALLISON. I am glad my friend is able to speak for the Executive, and I of course withdraw the motion.

The VICE-PRESIDENT. The motion to adjourn is withdrawn.

Mr. INGALLS (at 12 o'clock and 30 minutes p. m.). Unless the Senator from Vermont, who appears to have confidential relations with the Executive, has some more definite information, I would suggest that the Senate may either take a recess or adjourn.

Mr. MORRILL. I have no confidential relations with the present administration. The only information that I have was derived from a Republican paper, which said that there would be a large number of communications this morning from the executive department. I thought that we should at least extend the courtesy of allowing the private secretary time to reach us from the executive department before we adjourned.

Mr. INGALLS. I supposed the Executive knew the hour of meeting.

Mr. MORRILL. I have had information also, since the Senator spoke, that the private secretary is on his way here.

At 12 o'clock and 35 minutes p. m. Mr. O. L. PRUDEN, one of the President's secretaries, appeared and delivered to the Senate several messages in writing.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 12 o'clock and 40 minutes p. m.) the Senate adjourned.

THURSDAY, *March* 12, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of Washington city.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM MISSISSIPPI.

Mr. GEORGE. I present the credentials of E. C. Walthall, appointed by the governor of the State of Mississippi to fill the vacancy occasioned by the resignation of Hon. L. Q. C. Lamar. I ask to have the credentials read.

The VICE-PRESIDENT. The credentials will be read.

The Chief Clerk read the credentials of E. C. Walthall, appointed by the governor of the State of Mississippi a Senator from that State to fill, until the next meeting of the Legislature of that State, the vacancy occasioned by the resignation of L. Q. C. Lamar.

Mr. GEORGE. If there be no objection, my colleague being present, I ask that he be sworn in.

The VICE-PRESIDENT. The Senator from Mississippi asks that the Senator appointed be sworn into office. If there be no objection he will come forward and take the oath.

Mr. WALTHALL advanced to the Vice-President's desk, escorted by Mr. GEORGE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

The VICE-PRESIDENT. The credentials will be placed on file.

AFFAIRS IN CENTRAL AMERICA.

Mr. MANDERSON. I offer a resolution and ask that it lie upon the table until the appointment of the Committee on Foreign Relations. After the appointment of that committee I desire its reference.

The resolution was read, and ordered to lie on the table, as follows:

Resolved, That the Secretary of State of the United States be, and he is hereby, directed to furnish to the Senate, with all convenient speed, all information in the State Department bearing upon the matter of a rumored attempt by General Rufino Barrios, President of Guatemala, to seize upon territory or destroy the integrity of the republics of Nicaragua, Honduras, San Salvador, and Costa Rica; also to state what precautions are being taken by the State Department looking to the protection and maintenance under existing or pending treaties with the republics of Central America of the rights of the United States thereunder; also to give what information said Department may have of any interference by or participation in the present difficulties in said Central American republics by any European power.

RAILROAD LANDS IN FLORIDA.

Mr. VAN WYCK. I desire to call up the resolution which I submitted yesterday and which at my request was laid on the table. I ask that it may now be read.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior and the Attorney-General of the United States be, and they hereby are, directed, respectively, to take such action as each may deem necessary to prevent any sale by the Atlantic and Gulf West India Transit Company, or by any company or person claiming under them, of the lands described in the act approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the State of Florida and Alabama, to aid in the construction of certain railroads in said States," so far as the same lie within the line of said railroads between Waldo and Tampa Bay, Florida, until Congress shall have authorized the same.

The VICE-PRESIDENT. The resolution is before the Senate, and the question is on agreeing to it.

Mr. VAN WYCK. I desire to make but a few suggestions in regard to the subject-matter of the resolution. Other Senators who are more conversant with the facts will explain them more fully to the Senate. To precede the few suggestions I shall make I ask to have read a letter directed to the chairman of the Committee on Public Lands of the House of Representatives, a copy of which was forwarded to me. As it is short I will ask that it be read as part of my remarks.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

FORT DADE, FLORIDA, *February* 5, 1885.

SIR: A bill was introduced in the House, during the first session of the present Congress, providing, as you are aware, for the forfeiture of the land grant of May 17, 1856 (11 Stats., page 15), made to the Florida Railroad Company, now styled the Florida Railway and Navigation Company. Owing to the unjust and unscrupulous manner adopted by the company in its dealings with the settlers who have been so unfortunate as to locate upon said grant, the passage of that bill was looked forward to by them with eager interest. But the session passed away, and though many bills of less importance, and which were subsequently introduced, were passed during that and the present session, the one forfeiting said grant has never been called up. This delay on the part of Congress has worked a hardship to myself and hundreds of other settlers upon the grant, a damage to the State and to the United States.

About the 1st of December, ultimo, the company, in the person of one S. I. Wailes, land commissioner for the same, proceeded to dispose of, at public sale, the lands occupied by myself and, as I have stated, hundreds of others residing in this vicinity.

The sale was extensively advertised for weeks in advance, and consequently a large number of speculators with ample means were present to profit by any opportunity that might be offered to their advantage. They had not long to wait.

The first act of the company was to appraise the land at its improved value, and the settler had either to pay for his own improvements, which he had established with great toil and pecuniary cost, or permit his little home, perhaps his all on earth, to pass into the hands of a stranger—a mercenary speculator.

Many of the settlers were too poor to pay the exorbitant price set upon their lands, and many others refrained from purchasing, being so advised by Hon. H. M. Teller, Secretary of the Interior, an extract from whose letter I herewith inclose:

"The company being predisposed to sell to the party, or parties, who could buy in large quantities and pay cash, our worst fears were realized. The actual settler, who, with his small means, could, at the most, only pay a portion down, giving his note for the balance, was no match for the monopolist, with whom he was confronted. As a consequence of this condition of affairs, large tracts of land passed into the hands of parties who have no interest in the soil beyond mere speculation. These lands will be held at a price far beyond their present value, and, consequently, will not be purchased by actual settlers and cultivated for many years to come. This, sir, is what I allege to be not only a great hardship to the settler but a damage to the State, and a damage, and, I may add, disgrace to the United States."

We have urged the Representatives from this State to use their influence in hastening the passage of the bill providing for the forfeiture of this grant; but, with the exception of Mr. CALL's efforts in the Senate, our requests have been ignored. We have petitioned both House and Senate with the same result. Some of our petitions were never presented and some were presented and referred to committees, where they seem to sleep the "sleep that knows no waking." In fact, we have begun to conclude that we might as soon expect to raise the dead by thundering on the iron doors of a tomb as to get Congress to hear us.

Though it is now nearly twenty-nine years since this grant was made, the company has not completed its road, and will not at its present rate of progress for many years to come. There are other companies that would be only too willing to build roads through this part of the State, and without delay; but they are blocked out by this immense grant, and prevented from so doing. Congress should have declared this grant forfeited eighteen years ago; but, instead of doing so, has slept upon its rights.

With due respect to you, sir, and all whom it may concern, I feel constrained to say that it is this dilatory manner of legislating, this trifling with the people's rights and grievances, that is so rapidly increasing their disrespect for and, consequently, insubordination to, the laws. These are matters too serious for Congress to wink at. The Government must expect to reap what it sows. The laboring classes of this country are beginning to realize that it is useless for them to look to or petition Congress for remedial legislation; they are losing their respect for the Government, are turning their backs upon it, and organizing for self-protection. The spirit that rebelled against the "stamp act" and severed us forever from Great Britain still lives, and will continue to live and grow, to the detriment of the Government, unless these evils be remedied, for it is the spirit that rebels against injustice and oppression. If the Government would retain the respect and cheerful support of the people it must remove the evils against which they complain, instead of conniving thereat.

In expressing my sentiments thus plainly to you I have intended no personal disrespect whatever. I would spurn to be embraced in the attitude of a beggar, in this matter, or as one representing the views of such, and have, therefore, endeavored to avoid the use of any *dictum* that might be so construed. I am asking, candidly, and earnestly, for justice for myself and thousands of others to whom justice is due.

I have addressed my remarks to you because of your stewardship, and because of a hope that you will place them before Congress, for whom they are especially intended. I can not yet believe that there is no power strong enough to cast off this worse than foreign yoke from the necks of the people, and if this matter is placed before Congress in its proper light, it will be strange, indeed, should it refuse to put an end to these outrages upon their rights.

I am, sir, with very great respect, your obedient servant,

H. J. SIMONTON.

Hon. THOMAS R. COBB,
Chairman of Committee on Public Lands,
House of Representatives, Washington, D. C.

Mr. VAN WYCK. Mr. President, I appreciate very fully the hazard which a Senator assumes when he undertakes to call the attention of this body, or one of the Executive Departments, or the people, to any of the remarkable chapters in the history of land-grant railroads.

If attention has been given to the letter just read it will be seen that this road is not remarkable. It has the same points of similarity with every other land-grant road. We were told a few days ago that the current of authority is unbroken in the Interior Department to legalize the demands made by these corporations upon the public domain and upon the Government. That is undoubtedly true. That has been the history of the Land Department, of the Interior Department of this Government, for the last fifteen years, and it has been kept unbroken even to the extent of reversing the decision of its predecessor. Occasionally there has been a lucid interval in that Department, and when it has been discovered the next successor was sure to annihilate, to reverse, to wipe out any fair, honest, decent ruling that had been made in that Department; and this railroad is a particular illustration of that fact.

In 1856 was made this grant of land to construct a railroad from Amelia Island, at Fernandina, to Tampa Bay, with a branch to Cedar Keys. Before 1860 the line had been constructed from Fernandina to Cedar Keys, but from Waldo, a point on that road, to Tampa Bay, about one hundred and fifty miles, and where the question now arises as to the public domain and the claims of this corporation, nothing was done for a long time, until 1876. From 1856 to 1876, twenty years, nothing was done. The lands were granted to the State of Florida to be used for this purpose with the condition that the road should be constructed within ten years, and if not that the lands should revert to the Government.

In 1876 application was made to the Department to have the company's claim recognized, but fortunately they met a man in that Department who has proved, as I say, the exception to the rule for the last fifteen or twenty years. Mr. Chandler, of Michigan, was then Secretary of the Interior, and application was made to him to revive this grant; a map was sent locating the road; and Secretary Chandler then plainly, with all the facts before him, with a full knowledge of what had been done, returned this map to the president of that railroad and said:

In this case, however, no title to any particular lands has vested in the State; the grant still remains afloat, and has never attached to any specific tracts of land; and now, after the lapse of twenty years since the passage of the act making the grant, and ten years after the time fixed by Congress for completing the road, the concurrence of this Department is requested in such action as shall for the first time give precision and effect to the grant.

While I do not question the principle established by the Supreme Court in the case of Schulenberg *vs.* Harriman—

Fortunately he had the fear of that decision before his eyes when he rendered his own decision on this grant—

cited by you, that the title which vested in the State of Florida by the grant and definite location of the road could not be divested by the mere failure to complete the road so located within the time fixed by the act, I find nothing in that case to sustain the doctrine that the State retains the right for an indefinite period, and long after the date fixed for the completion of the road, to designate its route and thus give effect to the grant.

The important act of definitely locating the road can only be performed by or under the authority of the State, and it should be done within a reasonable time after the date of the grant, and in all cases before the expiration of the time fixed for completing the road. Failure to discharge this duty should be taken as conclusive evidence of abandonment of the grant.

The completion and operation of the road from Fernandina to Cedar Keys as a single line, coupled with the failure for fifteen years thereafter to designate the line or perform any other act indicating an intention to build the road to Tampa Bay, would naturally be accepted as such an abandonment of the latter portion of the line as would render a former forfeiture unnecessary.

Under all the circumstances, I do not conceive it to be my duty to aid in reviving a grant which has so long remained dormant.

I must therefore decline to receive or approve the map above mentioned, and direct that it be returned to Mr. Yulee, with the information that this Department can not permit the company, after so great a delay, to file a map designating the route of its road.

The letter from Mr. Yulee and map are herewith returned.

Very respectfully,

Z. CHANDLER, *Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

That is one of the bright spots in the history of the Interior Department, and yet I contend that that should give little of glory to that Department. The very next Secretary of the Interior, when application was made to him, reversed this decision, and in that mode they preserve the continuity that they talk about of precedent in favor of this plundering of the public domain by railroad corporations. Who could have believed it? When a man like Chandler, occupying the position he did in this nation, interposed with the power of his Department to check this illegal, this outrageous demand, his successor, Schurz, was not long installed in that office before he was ready to recognize the validity of the grant, and to repeal, to reverse the decision of his predecessor. We were told here the other day that this charmed circle, this sacred circle around which everything revolved, had been continuous and unbroken; they had observed precedents and continued them, and this is the way in which they do it. A decision of Mr. Chandler that would protect the public domain was reversed by Secretary Schurz, and that record of Mr. Schurz preserved the symmetry of the Department; and that sort of dealing with the public lands, I suppose with few exceptions, has continued from the time of Mr. Schurz down to the present day.

Now, what more need be said about this matter? For twenty years the company slumbered and slept; they dared not pretend that preemptors and settlers had not the right to occupy these lands; and then these men had the audacity and the unblushing effrontery to come in and ask—what? That the lands which had been lost by the legal occupation of settlers and pre-emptors should be restored to them within the indemnity limits. Mark, in 1856 land was granted for the Florida Railroad Company to develop that country, the land then probably not worth 10 cents an acre. It was the theory of giving away the land that these men were to invest private capital, that they were to develop the country, that they were to improve the remainder of the land which the Government retained. In the mean time other railroads by private capital or by State aid had built lines in that country.

In the mean time the vigor of the American citizen in the shape of the settler, homesteader, and pre-emptor had gone on and settled on land and made that land valuable, and to-day that land has increased in value from 10 cents per acre to $5, $10, and $15, without any special investment of capital by the company which held this grant. Now they turn in and ask the Government still further to recognize their title to this unearned land and, still further, to give them indemnity lands for what they lost by their own abandonment. For twenty years they slept on this grant, they did no work, they did nothing except to come to the General Government and demand, as it is their wont to do, but fortunately when they first came they found no man who recognized their demand when it was beyond justice and fair dealing and honesty.

This, Mr. President, is all I desire to say in this connection at this time. The Senator from Florida [Mr. CALL], who is conversant with all the facts, will give more of the details than I find it necessary or than it is within my power to give.

Mr. CALL. Mr. President, I do not desire to occupy the time of the Senate to any great length, but inasmuch as the people of Florida have sent to the distinguished Senator from Nebraska [Mr. VAN WYCK] a petition stating their grievances in respect to this railroad grant and asked his interposition in their behalf, I desire to place myself upon record and show to them and to the country that so far as I have had any power I have endeavored to carry the wishes of the people of Florida into effect.

I hold in my hand a petition signed apparently by four hundred citizens of Hernando County, numbering the most respectable in point of character in their occupation and in their influence over public opinion, praying for the forfeiture of this grant, and that the land may be opened to actual entry and settlement. I will ask that the petition, and the names upon it, and also several other petitions to the same effect, may be printed as a part of my remarks.

Mr. MORGAN. I object to that. I object to the names going into the RECORD.

Mr. CALL. Then the Senator from Alabama will only require me to read them. I do not wish to detain the Senate for a moment longer than is necessary.

Mr. MORGAN. The Senator may do that if he chooses, but I object.

Mr. CALL. I wish to show the condition of public opinion and the character of the people who are asking for the forfeiture of this land grant.

Mr. MORGAN. It is entirely unusual to put the names of a large list of petitioners into the RECORD.

Mr. CALL. I suppose I can publish anything as a part of my remarks, and the objection will only make it necessary for me to read the names.

Mr. MORGAN. The Senator can take the responsibility of doing that of course if he chooses to do it, but I take the responsibility of objecting to its going in by consent of the Senate.

Mr. CALL. I do not hear what the Senator says.

Mr. MORGAN. I say the Senator can take the responsibility of doing that if he wishes, but that I object, and take the responsibility of making my objection upon the ground that it is an improper use of the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. COCKRELL in the chair). The Senator from Florida asks that he may be allowed to have printed, as a part of his remarks, the petition to which he has referred, with the names attached. Is there objection? The Chair hears none.

Mr. HARRIS. I think the Senator from Alabama interposed an objection just a moment since.

The PRESIDING OFFICER. Did the Senator from Alabama object?

Mr. MORGAN. I did.

The PRESIDING OFFICER. The proposition had not been stated by the Chair. The Senator from Florida can read the petition himself, if he desires, there being objection, or the question will be submitted to the Senate whether the clerks shall read it, just as the Senator from Florida chooses.

Mr. CALL. I hope the Senator from Alabama will not put the Senate or me to the inconvenience of reading a paper which has no interest to them but which will have a very great interest to the people of Florida.

Mr. MORGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Alabama?

Mr. CALL. Certainly.

Mr. MORGAN. We have just as much reason for printing every petition which comes to the Senate as we have for printing this petition. I have seen petitions here with 10,000 names on them, and it surely never has before been asked that any petition should be introduced into the RECORD, printed at public expense, and circulated throughout the country, containing merely a brief statement of grievances and a vast list of the signatures of private individuals. I regard it as an abuse of the privileges of the Senate to do it; I do not wish to do it, and I do not wish it to be done without objection. I have merely stated my objections, and of course the Senator can take his course.

Mr. CALL. I do not know whether I have a right to have it printed or not without unanimous consent. I will ask the Chair if I have a right to have it printed by a vote of the Senate?

The PRESIDING OFFICER. The Senator from Florida has a right to read whatever he chooses as a part of his remarks, subject to objection as the reading progresses.

Mr. SAULSBURY. If the Senator from Florida will permit me, I suggest that he be allowed to read the petition, stating the number of petitioners without reading their names, and he can then state the character of the petitioners, which I think would answer the same purpose.

Mr. CALL. Mr. President, this is an old and controverted matter in the State of Florida. It covers a large part of the most valuable portion of that State. There is a great deal of feeling there upon the question, and the people wish to know why it is we have not asked for the forfeiture of this grant. I desire to show precisely what the people want, but I do not wish to read seven or eight hundred names here, and delay the Senate by reading the names of persons they will never hear of again. I think the objection of the Senator from Alabama is altogether unreasonable; however, I will pass on for the present. There is one of these petitions opposed to the forfeiture of the grant, and I desire also that the names of those persons and their standing and reputation should be shown, and their influence in the community; and I shall read those at a later period of my remarks. The objection of the Senator is altogether out of place. I am only desiring to vindicate myself and my colleagues, and to show that we have endeavored to carry out the wishes of a majority of the people, including men of property and influence.

This grant was made in the year 1856 to the State of Florida. It was made shortly after the grant of the swamp and overflowed lands. The swamp and overflowed land grant, of which there have been nearly 20,000,000 acres, I believe, selected and approved to the State, was conveyed by the State to trustees for the purpose of sale, and the application of the proceeds of sale to the payment of the interest upon certain bonds which were authorized to be issued for the construction of railroads in that State. Under that act 700,000 acres of land are certified to have been granted by the State to this railroad company, then chartered to build the road to Tampa Bay.

The grant which is now referred to was made in 1856. A letter from the Secretary of the Interior, the publication of which I ask unless the Senator from Alabama interposes a similar objection, shows that there were 1,100,000 acres of land granted in addition to that granted by the State to this road for its construction. The act was limited, as the other acts, to a construction of the road within ten years. The ten years expired in 1866. While the branch road had been constructed before 1860, the main line from Waldo to Tampa Bay remained unbuilt, and no part of it was constructed until somewhere about the year 1878 or 1880. It was nearly fourteen or fifteen years after the expiration of the grant before anything whatever was done in reference to the construction of the road.

I ask leave here to print the reports of the Secretary of the Interior on this subject and the correspondence of Hon. David L. Yulee with that Department, and other documents relating to the subject, as a part of my remarks.

At that time a company claiming to be the assignee of the Florida Railroad Company entered upon the construction of the road, but the same persons were connected with it as were connected with the old company. What their interest was is unknown; but I hold in my hand a notice which has been sent with this petition, by which certain creditors of the road in 1856 have interposed by process of law through the courts of the country to prevent the sale referred to in the resolution of the Senator from Nebraska, claiming that their debts are yet unpaid, and that they are a lien upon the land granted and earned under the act before 1860. (See Appendix.)

So it seems that this railroad company, whoever they may be is unknown, but represented by the same parties, the same officers, have yet unpaid obligations which they ignore, and that these lands are being sold and the proceeds applied in a manner which is unknown to any one whatever, except that since 1880 the construction of the road has been commenced and is being continued to Tampa Bay, having been completed about sixty miles; but in the mean time these petitioners allege that two other lines of road have been built through that territory without any grant of land—the South Florida Railroad and the Florida Southern Railroad—and that the land has become immensely valuable, that the population has increased from 40,000 to nearly 500,000 in the State, and that the lands, which were worth less than the Government minimum price and would sell for nothing within the ten years limited for the completion of the road by the act of Congress, are now worth from $2 to $25 and even $50 an acre, and that actual settlers have gone upon them and improved them with valuable improvements.

There is an opinion prevalent in the country that this body, the Senate, is too far removed from the people to hear their complaints or sympathize with them; that it represents property and corporate power without sympathy with the people or the people's rights. I am anxious that that impression should be disabused. However, I am afraid that it has gained extensive ground with all parties in this country, and while both political parties in the last canvass pledged themselves that the land grants which were not completed within the terms prescribed by the acts of Congress should be forfeited and opened to actual settlement, there has been but little progress made in that direction here.

In regard to this grant, Mr. Chandler, the Secretary of the Interior under the administration of Mr. Hayes, declared that the grant had expired and there could be no reservation of land. So far as the executive department had any authority to decide that question, he did decide it. His successor, Mr. Schurz, reversed that decision, and reserved this large body of public land, being 1,100,000 acres, from actual settlement and entry.

There were upon the land at that time hundreds of families, who had entered upon it as the public land of the United States and made homes and settlements upon it. Those settlers were recognized in their rights and the railroad company were required to relinquish in their favor, but the people continued, under the pressure of immigration, to enter upon the land, and large numbers of settlers have entered upon the land since that time under the belief that as no road was built previous to 1866 the title to the land was really in the Government and that they had a right to enter upon the lands and have them opened to actual entry and settlement. The people of the United States have always regarded the public lands as their rightful home and open to them and their families, and I agree with them.

But the agent of this road, a Mr. Wailes, of Washington city, has undertaken to expose for sale at public auction these lands with the settlers upon them, and to sell them and their orange groves and their improvements, and the lands have been bought, as is stated in these petitions, largely by speculators, and they have been deprived of the possession of them so far as such an unauthorized act of sale can deprive them. This is done without the authority of law, without authority of the Interior Department, without any authority whatever except the act of the railroad company itself and the apparent assumption of this citizen of the District of Columbia that the Government of the United States is only an instrument for his individual and per-

sonal benefit, and through some manipulation of its clerical force he can dispose of its vast public domain for his personal uses and benefit, leaving the homesteader and actual settler with his family without a home or a roof to shelter them.

Whether those people have or have not a title it is proper that before it becomes complete these acts should be prevented, and they should not be deprived of their homes until the law is settled against them and in favor of the corporation. If Congress have any discretion upon this subject, if an act of confirmation is required, if they have the right to forfeit these lands, it is a duty which they owe to the people who have gone upon them in good faith, that to the extent of protecting them in the possession of their homes the authority of Congress should be exercised. Whether in the interest of the railroad company or in the interest of the people it is entirely proper that no man should be permitted to assume to dispose of the property of the United States at public auction or private sale without the consent of its authorities and of Congress.

The Secretary of the Interior has advised these parties that they had no title and no right to sell, and yet they have gone on to sell, and there is a state of alarm and uncertainty throughout the whole of that country. And nothing illustrates better how little is the authority of Congress, how small is the power of the people and of Congress, when an entirely unknown person can assume, twenty years after the expiration of a grant, the right to sell hundreds of thousands of acres of public lands, the forfeiture of which is being considered by Congress.

It is stated by Mr. Yulee, who at the time the grant was made was a Senator of the United States and president and one of the principal stockholders, as he states in the testimony which he has given and which I have before me, in a suit pending in the United States courts, and which I ask to be printed as a part of my remarks, that this road was built entirely from the proceeds of the land granted by the United States and by the State of Florida, and without any large contribution of money by its stockholders, and it was disposed of without any judicial sale and without any action of any court, and it was bought by the same parties who were the subscribers to or the holders of its stock before the sale. Its debts have been paid by the State of Florida, a million dollars have been paid within the last three years by the State, and yet the property is entirely in the possession of its original stockholders, and those who claim by purchase or assignment from them, and this large grant of eleven hundred thousand acres of land, with the road to-day incomplete, is going somewhere within their control, perhaps into the magnificent estates of these original stockholders and into fine edifices of royal luxury, while the poor man, with his family, toiling upon the ground, a resident of the State, paying taxes, whether from the North or from the South, is turned out of possession of his little homestead under a plea that a naked legal franchise can transfer the property and avoid the obligations of the company and leave the State to pay a million of dollars for its debts; while the debtor can hold the property freed from its debts and be a prince in luxury and social prestige and power, with the United States Government to aid and sustain him; and the Government of the United States is made a party to this transaction. No power can be obtained here, no action on the part of this body, for the protection of these people, while our inaction permits this wrong to be done to the settler, the citizen, the toiler, the man with a family, and to the State.

Mr. President, I desire that an investigation shall be had of these matters. I wish no injustice done to the corporation or to any person whatever; but I desire that this matter shall be inquired into, that Congress shall know where the money came from that built this road, that it shall know where the proceeds of this land have gone. I have before me a report of the treasurer of the State of Florida, which shows that about $40,000 in money, the proceeds of these grants, have been paid to an agent here in the city of Washington—a Mr. S. I. Wailes, the present commissioner of this railroad company—for what is called "adjusting land titles;" and this we all know to be a fraud.

The United States employs and pays its Secretary of the Interior and its hundred officers in the Land Office to adjust the land titles under the swamp-land grants; the State pays its officers; and yet we have here $40,000 in money and tens of thousands of acres of the public land donated or paid to individuals under the phrase of "adjusting land titles," which we know to be a consideration which does not exist. I say, therefore, that it is the duty of Congress to investigate the question before allowing the lands to be sold and the titles complicated, before allowing innocent parties to invest their money or the settlers to be ejected or be forced into a compromise and purchase of land they have a right to enter. I say it is the duty of Congress to listen to the complaints of the citizen, and to take some action upon this subject to prevent the sale of these lands until there shall be some final policy decided upon the subject.

Nearly thirty years have elapsed, as these petitioners state, since this grant was made, and yet we are told under the authority of the decision in Schulenberg *vs.* Harriman (a construction which it will not bear) that a law mandatory in its character ceased to become a law and to be mandatory because it relates to a grant of property or of land, and that it is in the discretion of some subsequent Congress and not of the Congress that passed it whether its enacting features shall be compulsory or voluntary. In other words, that a grant conveying a present title can not be avoided afterward unless some subsequent Congress shall see fit to so say, and then only *sub modo*. But the decision of Schulenberg *vs.* Harriman does not go to that extent. It declares the absolute nullity of the grant, it makes it absolutely void upon the exercise of the power vested in a subsequent Congress of re-entering upon the estate granted. It makes the whole title void *ab initio*. Now I say that there should be no sales allowed of this property until Congress has finally acted upon the subject.

I do not concur in the reasoning of the Schulenberg and Harriman case, or in the theory that the court has a veto on the power of Congress in the exercise of its sovereign legislative power, and that its laws respecting grants of the public domain are no more than a deed of private persons.

The proposition that a law of Congress, mandatory and absolute, requiring that a grant of land shall be absolutely void if a condition shall not be performed within ten years is obeyed and complied with if the condition be performed within a thousand years, is an evident error without a particle of reason to sustain it. It denies the mandatory character and nature of law. It asserts that a law is "not mandatory until repealed," but that it must be enforced by some future power or authority before it becomes law. It asserts that the law is operative to pass title to the property, but inoperative to establish the conditions on which alone the grantor agreed that the title should pass.

Assuming to reason from an analogy betweeen a law granting aid for certain declared public objects on certain prescribed conditions of which the time in which the object shall be obtained is the essence and an estate granted between private persons for private objects on conditions-subsequent of which time is not the essence, it finds an analogy and predicates a conclusion where none exists between two things essentially and absolutely different in all their qualities; one a private estate, granted for private purposes by private persons with authority to do nothing but attach a condition which can inure to the benefit of no one but themselves, and the other an exercise of sovereign legislative power, exercised as power, mandatory and absolute in its nature, and exercised as a trust which concerns all the people and for objects of a public nature.

It is evident that between the two things no resemblance exists, and that the whole argument of Schulenberg *vs.* Harriman is predicated on an analogy which has no existence in fact or reason. This the opinion of the court itself recognizes in saying that the granting act is both a grant and a law. If a law, then when it says that if the condition be not performed in ten years the grant shall be void potentially, it can not say that it shall be void if a subsequent exercise of power shall so declare by a re-entry. This conclusion is certainly clear and incontestable and can not be assailed on any ground of reason, and must be true if the law be a matter which concerns and rests in reason and argument.

In the State of Florida, since this act ceased by its own limitation to exist, there has been a vast increase in the value of property. There was not one foot of railroad built between Waldo and Tampa when this act ceased, when the ten years expired. For fifteen years there was nothing done. In the mean time, from every State, North and South, the tide of immigration poured into that State, and into that part of the State, which was exceedingly desirable because of its climate and adaptation to the cultivation of tropical fruit. Villages have sprung up everywhere; the population has become comparatively large; it has increased twenty-fold. Property which was worth not more than a dollar an acre has risen to five, ten, twenty, and even fifty dollars an acre. Other railroads have been built through the country. Now these people ask Congress to consider the question whether the act of Congress granting this land and requiring the construction of the road within ten years means within a quarter of a century afterward, when an entirely different and distinct condition of things exists.

Now, Mr. President, I have no wish whatever that anything shall be done in this matter which the people of the country do not desire. So far as I am concerned, I have no right, except as one of the people, to demand that the State shall assert her rights against this corporation to recover the million dollars it has paid for it, or whether it permits it to increase the private estates of gentlemen who reside out of the State to enable them to live in royal luxury. It is their business and not mine to see that this corporation shall not have these lands and appropriate them to the individual and personal benefit of those who own its stock; but I do wish that every actual settler upon these lands shall be protected by the Congress of the United States and his title secured to him. I do wish, and I shall insist, so far as my humble voice will enable me to do it, that every actual settler who has been sold out by the agent of this corporation shall be restored at the cost of the United States to the possession of his property; and I hope that the Senator from Nebraska will be able to obtain the attention of this body to secure the passage of his resolution at the proper time. I am in favor of protecting the honest laboring men and their families, and securing to them their homesteads at the smallest possible cost. My sympathies are with them, and not with the railroad corporation or the land speculator.

Mr. CAMERON. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CAMERON. I thought the Senator had concluded.

Mr. CALL. I am through with the exception that the Senator from

Alabama [Mr. MORGAN] desired me to detain the Senate for some time by reading names to the petitions to show that this is the sentiment of the majority of the people of that part of the State. These petitioners say:

SETTLERS' PROTECTIVE SOCIETY,
Lake Buddu, Hernando, November 28.

Whereas the Florida Railway and Navigation Company are now advertising for sale on December 3, 1884 (the sale having been postponed from the 26th of November), all railroad land or at least lands claimed by them in Hernando County as low as the last tiers in township 25; which lands are now or at least the greater portion have been settled upon by *bona fide* settlers, who have been induced to go on these lands by a circular issued by the railroad company allowing the settler the right of purchase when the same was put on market at Government prices. The railroad now refuse to recognize said circular, also the settler has been informed and believes that the company have no right to these lands, and that the Secretary has refused to issue them a patent for the same; should the Florida Railway and Navigation Company be allowed to sell these lands it will work great injury to the settler and will throw many out of a home, disturbing the peace and quiet of our county and producing innumerable hardships on many of our good citizens.

In view of these facts we keenly feel the need of legislative action taken in the premises by our Congress, and we expect and exhort them to take immediate action in matter, giving the settler all possible relief. Also inclosed circular of notice to purchasers: Therefore,

Be it resolved, That we urge our Congressmen to take such immediate action in the matter as will give the settler the right of purchasing at Government prices or homesteading the Government land now claimed by the railroad company in Hernando County.

Resolved, That we send a copy of the proceedings of this meeting to Senator CALL and Congressman DAVIDSON.

J. B. PIXTON, *Chairman.*
H. C. RENSHALL, *Secretary.*

Inclosed will find petition, which speaks the sentiment of our entire county.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners would respectfully represent that by act of Congress approved 17th May, 1856, a grant of land was made to aid in building a railroad from Amelia Island to the waters of Tampa Bay, on the Gulf of Mexico, with the provision that if the road is not completed in ten years the land shall revert to the United States. Near thirty years have elapsed since said grant was made, and the road is not completed.

Under this act a vast quantity of valuable land has been withheld from market, a very great hinderance to the settlement and prosperity of the country.

Your petitioners therefore pray your honorable body that an act be passed, taking effect from and after the 17th May, 1866, declaring said grant forfeited, and the land open to sale and settlement, as other public lands of the United States.

And your petitioners, as in duty bound, will ever pray, &c.

Mr. CALL proceeded to read the names of the signers to the petition. Having read about one hundred names,

Mr. HARRIS. If the Senator from Florida will yield to me——

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Yes, sir.

Mr. HARRIS. I appeal to the Senator from Alabama to allow these names to be printed in the RECORD without objection, instead of taking the time of the Senator from Florida unnecessarily in standing up here to read them. I quite agree with the Senator from Alabama in his view of it, but we shall economize time by the course I propose.

Mr. MORGAN. I do not wish to inflict any unnecessary labor upon the Senator from Florida, or to make any infliction upon the Senate to sit here and hear a list of names read. I made the point in this case because I thought the request was not a proper one to make, in view of the public expenditure as well as the consumption of public time. I have not a doubt of the respectability of every man who signed that petition and his right to be heard, and I am entirely willing to print the petition as a public document, but not to circulate it by the United States through the RECORD. It conveys no information to the people of the United States at all. I will, for the sake of the convenience of the Senator from Florida, withdraw my objection.

Mr. PLUMB. I renew it, and I do so because I do not think it is an essential part of any petition that the names of the persons who sign it shall be entered on the record. I make the objection, not because of this particular case, but because if it be the rule that a petition signed by a number of thousands of persons may be inserted in the RECORD we shall find that a good many people will desire to have that done as a means of bringing about a certain degree of notoriety. I beg the Senator from Florida to understand that if this was an ordinary request concerning his convenience I would not interpose any objection; but I think on the whole this is a good time to do that which really concerns the convenience of all of us with reference to matters of this kind hereafter. Of course if there is to be this advertisement of individual persons who sign petitions, then I, in common with all other members of this body, will be under constraint to see that our constituents who petition us about cattle-trails and about land-grant forfeitures and about Oklahoma, and every other subject on which they do petition us, are indulged in the same privilege, and I shall certainly avail myself, if this is to be done, of the opportunity which will be offered to advertise the people of Kansas who put their names to requests of different kinds which they ask me to present to this body.

Mr. HARRIS. I beg to say to the Senator from Kansas that while I quite agree with him in the objection to printing in the RECORD these petitions and the long list of thousands of names the Senator from Florida has a right to read them, and they go into the RECORD when read; and the practical question is whether we will compel the Senator to stand here and read that list of names and ourselves to sit here and listen to the reading. It seems to me we had quite as well allow him to print.

Mr. PLUMB. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield?

Mr. CALL. Yes, sir.

Mr. PLUMB. I do not ask any privilege; I stand by my objection; but I will say in reply to the Senator from Tennessee that if the Senator from Florida believes it important that all these names should go in the RECORD, then I think he ought not to object to anything which requires him to read them. And as to the Senate, it never has assumed to have any control over the length of speech any Senator should make; and if the Senator from Florida chooses to make his speech on this occasion a little longer than it otherwise would be by reading these names, the Senate will submit to this infliction as it has submitted to all inflictions of the same kind, from whatever source they have come, ever since I have been a member of this body at least.

I want to say another thing to the Senator from Tennessee. If it is to be supposed or understood that names attached to petitions only go into the RECORD because of the willingness of the individual Senator to whom they have been sent to read them, and therefore use up his time and that of the Senate in reading them, I suppose that generally the people who sign these petitions will not expect Senators to do that; but if they are to go in *nem. con.*, to be entered in a bunch by consent of the Senate, with no requirement to read them, then of course the Senator who gets them will be expected to indulge his constituents in that same rule. I think, therefore, the objection is well taken.

Mr. CALL. Mr. President——

Mr. EDMUNDS. Will the Senator from Florida yield to me for a moment?

Mr. CALL. Yes, sir.

Mr. EDMUNDS. I appeal to the Senator from Florida to allow this petition with all its signatures to be printed as a document of the Senate, so that it shall not go into the RECORD and swell the volume of the RECORD as every one of these things does. This is only one drop in the bucket I admit; but we have been latterly endeavoring to keep the RECORD diminished in bulk by not printing in it long petitions, by not printing in it names to petitions, and a variety of other things that have come to us. I think the course I propose will answer his purpose as well. I confess that I sympathize with the Senator from Florida in respect of the settlers of whom he is speaking, of whose condition I have heard something myself, but I appeal to him that his object will be attained by having this paper printed as a document.

Mr. CALL. Entirely so, Mr. President, and I should have very much preferred that course, and really thought I was going to pursue it until the interruption was made. I have no desire that this should go in the RECORD, but I have a desire that the people of Florida and those who are interested in these lands shall know who it is that has applied to Congress for their forfeiture and for their being opened to actual entry and settlement. I am entirely content with the suggestion made by the Senator from Vermont.

Mr. EDMUNDS. I ask unanimous consent then—which would not otherwise be in order at this time—to move that this petition be printed for the use of the Senate.

The PRESIDING OFFICER. The Senate hears the request of the Senator from Vermont that the petition referred to by the Senator from Florida shall be printed for the use of the Senate.

Mr. CALL. With the accompanying documents?

Mr. EDMUNDS. Yes, sir.

The PRESIDING OFFICER. The Chair hears no objection, and the printing is ordered.

Mr. CALL. Now I shall not detain the Senate any further than to say that the allusion in the letter signed by Mr. Simonton, who is, I believe, the head of a large Catholic colony settled upon these lands in Hernando County from the Northern States, an enterprising and very valuable colony of people, who went there last year, while doing credit to me perhaps as much if not more than I deserve for my efforts in this body, has done injustice to my colleague in the Senate [Mr. JONES] and my colleague in the House [Mr. DAVIDSON], both of whom have been zealous and solicitous for the protection of these settlers and for opening these lands so far as they could to actual settlement and cultivation.

Mr. MORGAN. Will the Senator allow me to ask a question?

Mr. CALL. Yes, sir.

Mr. MORGAN. I desire to ask the Senator whether he or his colleague ever introduced a bill to have this land grant forfeited?

Mr. CALL. We have introduced various petitions, and my colleague in the House, Mr. DAVIDSON, has been, I believe, before the committee there, as I understand, and I have been before the committee here. I am not blaming the committee of the Senate. I know they have been oppressed with a number of applications for forfeitures and bills pending there, but these petitions have been presented and they have been remarked upon by me, and for three years in the Senate I have been urging from time to time some action upon them.

Mr. MORGAN. The reason of my inquiry was this: There were two bills relative to Florida as far as I now recall, the only two that related to land grants in Florida, one, Senate joint resolution No. 130, introduced by the Senator from Nebraska [Mr. VAN WYCK], prohibiting the sale of lands between Waldo and Tampa Bay, Florida, under the grant to the State of Florida to aid in the construction of a line of

railroad from Amelia Island to Tampa, Fla., introduced February 18, 1885, very late in the session. The other was a bill introduced by the Senator from Kansas [Mr. PLUMB] June 30, 1884 (S. 2353), to forfeit the unearned lands granted to aid in the construction of the Florida Railroad by "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States" and to restore the same to settlement, and for other purposes.

My impression is that that is the same body of land referred to in the resolution now before the Senate. That bill came from Kansas. The Senator from Kansas the chairman of the committee introduced that bill. I have a pretty distinct impression that either one or both the Senators from Florida, pending this bill offered by the Senator from Kansas, made some request of the committee that action upon it should be delayed or deferred until the subject could be looked into by those Senators.

Mr. CALL. I did.

Mr. MORGAN. The Senator made that request. After that request was made by the Senator from Florida to delay action on this subject it occurs to me that it is hardly worth while to take up the time of the Senate in a merely executive session, one that in no sense is legislative, to consider a resolution directed to the Secretary of the Interior and Attorney-General that they shall not issue patents or proceed to exercise whatever are their lawful and constitutional functions in respect to these public lands. The laws of the United States as they stand upon the statute-book must be executed by the executive branch of the Government. The President himself, as well as every head of Department, is sworn that he will see that the laws are faithfully executed. They must have an unbiased judgment about a matter of this kind. We confide to them the decision of questions connected with the public lands; and if the laws are of such a character as that they need modification or amendment it is the duty of Congress to do that, and not the duty of the Senate of the United States alone. How can the Senate of the United States pass a resolution of the purport of this one, suspending the operation of a law or directing that the executive officers of this Government shall not execute it until Congress shall have taken a certain line of action upon it?

It seems to me that we are engaged here in the discussion of a topic over which we really have no jurisdiction, for I can not conceive that under a mere Senate resolution the officers of this Government can be instructed with respect to the execution of a law or the manner of the execution of a law. The Senate of the United States has no right to usurp to itself the function of suspending laws or amending laws or requiring that laws shall not be put into execution. I therefore think that this debate certainly can have no purpose in it unless it be merely to enable Senators to express their opinions about the conduct of certain officers perhaps heretofore or their apprehensions about the conduct of officers as it may exist in the future.

I will move, unless there is some further desire for debate about this matter, that the resolution lie on the table. If any Senator desires to discuss it further——

Mr. VAN WYCK. I suggested to the Senate yesterday, when I introduced this resolution and asked that it lie on the table until called up for discussion, that I should ask to have it referred to the Committee on Public Lands.

Mr. MORGAN. Well, I will not object to its reference to the Committee on Public Lands, but it is very obvious that that committee can take no proper action upon it at this session of the Senate. The session of Congress really has not opened in due form according to the laws and the Constitution. This is merely an executive session of the Senate.

Mr. CALL. The Senator from Alabama has referred to a bill introduced by the Senator from Kansas [Mr. PLUMB] on the 30th of June, 1884, a few days before the expiration of the long session of the last Congress. That bill provided for the forfeiture of the lands which are adjacent to and conterminous with the uncompleted portion of the main line of this road. I did ask that that bill should be delayed for examination. The bill provides for the confirmation of the title of this company to all lands conterminous to the road which has been built since the expiration of the grant. I was not prepared, without consulting the people of the State, to commit myself to that proposition.

I have always said to them that I would do whatever the people of that portion of the State desired in regard to this forfeiture, and that if they desired these lands forfeited from the point of Waldo to Tampa Bay, no part of the road having been built within fourteen years after the expiration of the grant, I would vote as the people desired me to vote on that proposition; and therefore I was not prepared to vote for the bill which the Senator from Kansas introduced. I have not made any reflection upon the Committee on Public Lands. I was not disposed to vote for that bill, and did not desire its introduction here until we knew what was the feeling of the settlers and the people of that part of the State.

Mr. President, I have made these remarks because a letter came to the Senator from Nebraska reflecting somewhat upon some of the representatives from Florida here for not having secured action on this subject and because there had been no forfeiture of these lands. The Senator from Kentucky received at the last session of Congress letters and petitions from Kentucky people who have settled there which he brought to my attention. Senators from different States and both sides of the Chamber have come to me with letters of this description from people of their States urging action on the subject, and whatever may be the fate of the Senator's resolution, it was eminently proper that I should show those people that we had not been inattentive to their request, and place upon the record the facts, which would do justice both to ourselves and to Congress.

I do not agree with the Senator from Alabama. I do not think that any grantee has a right to sell these lands where they were not earned before the act expired, where no part of the work was done, no part of the condition complied with. I think no one has a right to advertise and sell those lands as the absolute property of this corporation, thereby taking the money of innocent parties and dispossessing people; if the condition was not performed, Congress can re-enter upon the land, and I have no doubt that Congress has the absolute right to reenter on the land, and to open it to actual settlement, and to protect all actual settlers who may be on it.

I think the Senate has a perfect right, if it sees fit to do so, and if every one thought as I do it would to-day pass the resolution requesting the Attorney-General to prevent by notice or otherwise any further sale of this property, and I do the justice to the late Secretary of the Interior, Mr. TELLER, to say that in answer to a petition of citizens of Florida on this subject, as the correspondence I have referred to will show, he advised them that these people had no right to sell this land. I ask that this correspondence, so far as it relates to this subject, may be published as a part of my remarks.

In 1856, nearly thirty years ago, Congress granted these lands to the State to aid in the construction of a railroad from Amelia Island to Tampa Bay, and limited the time to ten years, after which it provided that the land should revert to the United States if the road was not built in ten years.

The State granted these lands to the Florida Railroad Company, which was then chartered to construct the line of railroad from Amelia Island to Tampa, with an extension to Cedar Keys. Mr. David L. Yulee, at the time this act was passed granting these lands to the State, was a Senator in Congress from Florida, and also one of the principal subscribers to the stock and president of the railroad company to the benefit of which the grant made by the Government inured.

Nearly thirty years have passed. The railroad to Tampa is not to-day built. The ten years expired nearly twenty years ago, and twelve years before a mile of road was built.

The subscribers to the stock of the railroad company for which the grant was made failed to pay their stock subscription and never have paid it, as has been testified by General James Finegan, who was one of them.

Mr. Yulee, the president of the road, makes the following statement in his testimony in the Johnson case:

But I will now say further that it was not expected that the gentlemen composing what was called "The Association" could furnish the means to build the road. It was known they could not. Mr. Cole and myself were probably the most wealthy of the number, and our means were very far short of the requirements of the enterprise. Indeed, there was no capital in Eastern Florida for the purpose. I selected the gentlemen who associated with me on account of the service I thought they could do in promoting my views for securing the construction of a road across the peninsula. It was expected that the charter and stock would be employed in the manner most useful for effecting that purpose.

To produce that end (the construction of such road) was the primary motive. I had been engaged in this object since 1835. I had embarked various parties at different times in its accomplishment, and had obtained for them legislation, in the shape of charters, at several sessions of the Legislature, in 1847, 1848, 1849, and 1850–'51. No interest in these charters was retained by myself or friends in Florida. They were placed wholly in the control and ownership of the Northern parties. No road was made under them. Some of my Florida friends became affected with the belief that the parties I had been treating with accepted the control of the charters for the purpose of defeating rather than constructing a road. At the session of 1852–'53 I procured a new charter and determined to hold its control in the interest of the enterprise. For this purpose the association was organized, and for this purpose so much of the stock as was not subscribed for by others was taken upon the last day by Judge Bronson and myself for the benefit of the gentlemen to be associated with us. They had all previously manifested sympathy and interest in my efforts. After the company was organized under this charter I secured for the company the terminal lands on the Atlantic, which Mr. Law owned, and those at the Gulf terminus, which were controlled by Mr. Parsons and myself. This valuable property was subordinated to the construction of the road for a nominal consideration. I procured also the passage of the "internal improvement act" by the State, whereby a good bonded security for $10,000 per mile, to iron and equip the road, and a grant of alternate sections of State lands were obtained.

I also procured a grant of alternate sections of public lands from the United States. These assets seemed sufficient for the construction of the road. They were all put into the treasury of the corporation and devoted to the uses of the enterprise. They were all by mortgages made primarily appropriate to construction. The means of construction were obtained upon the credit of this property and of the road to be constructed, and not upon the credit of the stock. The only benefit the stockholders could derive would be in dividends of earnings after the construction and maintenance of the road was fully paid. That was the only benefit they allowed themselves to contemplate for a successful result of their labors in securing the great boon to their State of a transit road across the peninsula. The object and spirit of the association is best shown in my letter to Mr. CALL of May 2, 1855, a copy of which I ask to be allowed to append to this answer.

The road was completed, but the disastrous consequences of the war swept the property from the company and extinguished the stock interest. All the assets of the association and of the company, which had proven to be in fact sufficient to build the road, were disposed of and exhausted in the work. The policy of the association practically made those outside of the stockholders, who furnished means in the construction, preferred stockholders to the full extent of the cost of the road. As a means of exhibiting and indicating my own notions and the

spirit that actuated me in respect to this enterprise, impeached as they are by the implications in this case, I ask permission to have appended to this testimony an extract from a sworn statement made by me to a joint committee of the Legislature at the session of 1858, years ago.

HOMOSASSA, *May* 2, 1855.

MY DEAR SIR: I have your two letters of 18th and 25th in regard to the matter with Judge Bronson. I will agree readily to anything that may be agreeable to the rest of you. The fact is, it is with reluctance that we would part with the judge as an associate, and only from the necessities of the case on both sides.

The case stands thus: We embarked in a confidential association, essential necessities in which were unity of design and purpose, personal co-operation and sympathy, and mutual confidence. At the bottom of the whole and pervading the organization was the primary purpose of effecting the construction of a road across the peninsula of our State. Next to this leading purpose, and as far only as compatible with it, we proposed a personal profit to ourselves from the enterprise. This was necessary and useful to the main purpose, because the expectation of profit would serve as a stimulus to labor for the work and encourage the necessary sacrifices of time and capital in its accomplishment; and it was just and proper, because we, whose particular exertions and sacrifices effected the result, had a fair preference to its peculiar pecuniary rewards; the public having the general benefit of a road, with all its enriching effects to the Commonwealth, as much as if the particular profits of the stock came to us or to any others. But still the distinct agreement, and to which all individual profits to ourselves was to be secondary, was that we could, at all hazards, conduct the enterprise to a successful issue by the creation of a road in the State uniting the two seas, and would hold the control of the stock for that purpose until it was accomplished. This involved also a mutual pledge that if it failed of profit and a loss ensued we would mutually contribute, standing by each other in every contingency. That personal profit was to be secondary and ultimate only is shown by the fact that we appropriated the whole fruits of the town and other property to the construction of the road, so that it is only in case the road, after it is made, pays dividends beyond its debts that we desire any benefits, and then surely we ought to, as the originators and conductors of so important and beneficial an improvement. It was also a part of the social compact of the partners that in the event of the death of either the rest would keep in view and protect the interest of the decedent's family.

Now, if the judge could pay up the installments required and due, as the other associates have done, there would be no difficulty at all in the case, because the state of his health would make it our pleasure to carry on the affairs of the company to its best success and best profits, for his advantage equally with our own, without taxing him with any personal service. This would be done in the cordial spirit of the relations founded by our association, besides our previous personal ties.

But how stands the matter? We call for the restoration of the first 1 per cent., which was loaned to the subscribers till called for (I have faithfully regarded this as a loan, and have held myself in law and honor bound for the whole sum to the company, being myself responsible for it), and we also call for something further. Our friend, unhappily, by reason of his protracted sickness, is unable to respond to the demand. We have with great pleasure waited, and no doubt all of us would be cordially content to wait still longer for him to make his services available; or we would make some other arrangements that would be the substitute to us for the amount due by him to the company, so as to relieve him from present inconveniences in providing for the company payments.

But his wishes extend beyond this. He desires to realize a profit now upon his stock before the object of the association is secured. With this view he contemplated a negotiation and sale of one-half his stock to a friend in New York, requiring therefor the payment in full of all installments due upon the whole stock, and an advance of a considerable sum besides, upon long loan, secured by mortgage upon the remaining half.

We desire to gratify him, because we all esteem him, and thus a delicate point was presented for our action touching our private associated relations. So anxious were we to gratify the judge by serving his views that we had at first agreed to let him take the course he suggested, but further reflection and discussion disclosed practical difficulties and discovered the incompatibility of the arrangement with our plan of organization.

The objections that appeared were various, as for instance:

1. It destroys the ability of the association to carry out their fundamental principle of a road at all hazards. To do this we must control the whole stock and possess the interest in the whole. It was in order to secure this complete control and subjection of the whole stock to the original purpose that it was kept in few hands, who were willing to incur pecuniary risks and devote their time to the general object and to subordinate personal profit to the success of the enterprise; or, in other words, who fully sympathized in a common object. After sanctioning its going into market at a premium before the construction of the road is secured, we can not call upon this outside purchaser to sacrifice his investment to our general public purpose. He invested at a premium, with our consent, for profit singly, and with no other motive. We invested for a great public good, primarily, and ultimate profit as incidental and possible only. Our motives and inducements being different, the same rule would not apply to both. Thus to the extent that we let any of the stock go out of the association the fundamental point of partnership is vitally injured, for the stock is a material part of the means for building the road.

Suppose other plans fail, and by paying out the whole stock we can get the work executed, the plan of our association would require us to do it; yet to the extent that any stock has gone out from our control we are disabled, and if this part goes out others may follow.

The practical effect is to dissolve the association, for, when the power to execute the design is gone, the utility and effective life of the body is gone.

2. It would subject us to the inconvenience, and not agreeable necessity, of accounting for our doings to an interest foreign in residence and not sympathetic in motive, and of submitting to be questioned and criticised by parties not participant in our councils.

3. It would impair one of the supports to our individual activity, namely, the consideration that although in what we were individually doing the whole benefit would not be to the actor—it would be shared by special friends. This consideration has had useful influence with me, and therefore, of course, with my associates.

4. It is by no means certain yet that the enterprise is securely established upon a basis of profit. If it proves a loss, the association would suffer the odium of any loss which they had caused to a person buying his way in at a premium; while the matter remains as now organized, the hazards are mutually and voluntarily incurred, and no one can blame the other.

5. If the present contract fails, we have to resort to other arrangements, which may require the control of the stock.

6. It would have a tendency to place the movement before the public as a mere speculation, which would be unjust to the association, such not being the spirit of its organization.

These objections appearing, the first alternative that suggested itself was to see if a sale upon the judge's terms could be negotiated with Mr. Barrett, who, if he became connected with Mr. Bangs, would be in unity with our purpose, as it would be a leading object with him to accomplish the making of the road, or, in default of that, to arrange with the body of the association, and, with that view, Finegan went up with me to see the judge.

When we came to consult over the matter at Saint Augustine two difficulties struck us:

First. That it was impolitic to increase the influence of the contracting party in the company at the present stage of the movement; and, secondly, that after arranging for half of the judge's stock, we might again hereafter, for the same reasons of regretted necessity on his part and the same motive of self-preservation on the part of the association, be obliged to enter into competition for the other half. The necessity to make any purchase at all crippled our means to meet the exigencies of the company, but we agreed to raise a sum sufficient to relieve our friend's pecuniary exigencies as a premium of profit to him, and to take the stock with all its incumbrances of installments and the whole risks of loss in the enterprise, rather than depart from the original scheme of the association, or be subjected to the odium of involving outside parties, if the enterprise failed under our management, or if, in carrying out our main purpose, we imposed upon them a sacrifice to a domestic good which did not enter into the motive of their investment.

These were the considerations that led to the proposal you were requested to confer about with the judge.

Any other form that would meet the views controlling us as an association would be equally as acceptable to me as far as my available means would permit.

Yours, truly,

D. L. YULEE.

GEO. W. CALL, Esq.

The State, through the internal improvement fund, guaranteed the interest on these bonds, and became a paid-up stockholder, and, General Finegan testifies, the only paid-up stockholder of any considerable amount. The railroad was sold in 1866, under the provisional State government, by the provisional officers, without any decree of any court, without any authority of law, and in violation of the express language of the statute. It was bought in the name of Edwin M. Dickinson and associates, and paid for with the bonds of the company, guaranteed, as to their interest, by the State internal improvement fund, which were not due for twenty years, bought for 20 cents on the dollar.

The railroad, one hundred and fifty miles in length, was sold for about $320,000, payable in these bonds, rated at 20 cents on the dollar. The purchaser of the railroad, Mr. E. M. Dickinson, had been before the war purchaser of a contract made by the railroad company with certain of its own directors and principal stockholders, which practically gave these directors, Finegan & Cole, all the lands granted by the State and the United States, also bonds to the extent of $10,000 a mile, with interest guaranteed by the State's internal improvement fund, also a majority of stock, to construct the road from Amelia Island to Cedar Keys. The plan evidently was, according to Mr. Yulee's statement, and it is so testified by General Joseph Finegan, to pay for the stock by building the road with the lands and with the State's guaranteed internal improvement fund's interest, guarantee of the railroad company's bonds, for which the State became a paid-up stockholder.

The result was that the State was the only paid-up stockholder, and instead of the company having as its assets, as the law required, the paid-up subscriptions to the capital stock, also the lands, also the interest guaranteed bonds, it had nothing but the benefits granted by the State and the United States. When Mr. Dickinson became the purchaser of the contract he obligated himself to assume all the debts of the contractors and to complete the road to Cedar Key. This was done by giving not his own but the railroad company's notes for the obligations of the contractors and for the construction of the road to Cedar Keys, which was thus built. Mr. Yulee further states as follows:

I append what I believe to be a full statement of the liabilities incurred by the company in aid of the contractors as well as on its account through my acts.

In my answer, as president, to the confederate district court, in the proceedings there pending under the confiscation act of the Confederate States government, and which are made an exhibit of in the bill of complaint in this case, I made an introductory statement in reference to the notes executed in connection with the contract of construction in the following words:

I said I thought it advisable to specify the debts owing by this company to parties residing in the United States (now at war with this government), which were contracted on account and in behalf of the contractors, Edward N. Dickerson & Company. The obligations of this company (Florida Railroad) were given, but the collateral security, in every case large, was furnished to the company by the contractors, to be placed with the notes as security to the company, as well as the creditors.

The convenience of the company name in these cases was afforded to the contractors for reasons useful to the object of the company, but without any agreed pecuniary considerations.

The notes given by the company in the place of the contractors under this arrangement were as follows:

Collaterals.

Names of payees.	Amount.	Free-land bonds.	Int. imp. bonds.
Vose, Livingston & Co	$156,201 62	.....	$195,000 00
Ebbavale & Co	298,370 29	.....	388,000 00
Riggs & Co	59,999 99	$106,000 00	56,000 00
Elisha Riggs	9,999 99	14,000 00	12,000 00
Gelpke, Kentzen & Rechart	47,600 00	56,000 00	49,000 00
Harlan & Hollingsworth	2,942 31	4,000 00	2,000 00
Taunton Loc. Mg. and Co	7,756 03	14,000 00	.....
M. K. Jessup & Co	1,609 00	2,000 00	.....
Corydon Wynch	3,363 28	9,000 00	.....
George E. Dascomb	1,068 56	2,000 00	.....
Danforth, Cook & Co	16,155 10	.....	27,000 00
James Tinker	25,779 08	About	35,000 00
	630,845 25	207,000 00	764,000 00

D. L. YULEE.

It appears, then, from this statement of Mr. Yulee, that the company gave its notes for $630,845.25, debts of the contractors for building the road which Mr. Dickerson, the purchaser at the sale in 1866, was bound to pay—and that this sale in 1866 was made in part to pay the "sinking fund" and the interest on the $764,000 of the company's first-mortgage bonds deposited by the company as a collateral for this debt which Mr. Dickerson was bound to pay, and that Mr. Dickerson instead of paying the $630,845.25 and the interest thereon, becomes the purchaser of the property at $320,000, purchases the bonds at 20 cents on the dollar and pays them in as purchase-money, and becomes, with his associates, the owner of the franchise, not only leaving his debt then and now unpaid, but also leaving the State or the internal improvement fund, which was the only paid-up stockholder, without any interest in the property, and also leaving this cash stockholder and creditor, the State, liable on its guarantee of the Vose bonds on which the State, through its internal improvement fund, in 1880 paid, under a decree of the United States court, the sum of about or near $1,000,000. Yet under these facts Mr. Dickerson and his associates and assigns claim a railroad property worth probably $3,000,000, including a land grant of near 1,800,000 acres, free from all liability to the State.

It is not too much to say that this is a plain and manifest absurdity. There is no such law. No court of last resort would dare to so prostitute their judicial functions as to sustain it. This more than a million of dollars due the State, if no more, should be collected and the money invested in the education of the children of the State and in her institutions of charity; and this great land grant, so far as it was not earned before 1866, should be held first subject to the rights of actual settlers, and it is one of the strangest of all strange things that there should ever have been or should be now any delay or hesitation in those who are charged with the duty of protecting the public interests in thus at least submitting the question to some judicial tribunal of last resort to know whether if the State pays the debts of a corporation with the public money it is not both their right and duty to hold its property liable for the debt; whether if the State was a paid-up stockholder and a creditor in a corporation where there were no other paid-up stockholders, there is any lawful means by which the property and the franchise may pass to the principal debtor and the stockholder who has not paid, by their compromising the claims of other creditors for 20 cents on the dollar many years before they were due, and paying them in as the purchase-money of the property and hold the property worth millions of dollars as their private property and leave the paid-up stockholder to pay a million of dollars of other debts for which its liability continues; whether the State being the grantee of 1,100,000 acres of land granted by Congress for the construction of a railroad between certain points in ten years and the title continuing in her unforfeited, it is right in those who control her public affairs twenty years after the ten years have expired to pass the title of this land to the persons for whom she has paid this million of dollars and who have grown enormously rich out of the property thus paid for by the State, leaving the poor man, the actual settler, to be turned out of his home and improvements by speculators who have bought the land from these debtors of the State and stockholders who have not paid for their stock and who never paid either money or other consideration for it. I do not think so. I think that this is so plain and undeniable that he who runs may read, and that the path of duty and right and public policy is in the defense and maintenance of the people's rights.

The State, through the internal improvement fund, being then and always the only paid-up stockholder, under his contract he became, as I think conclusively appears from a statement by Mr. Yulee, under oath, in the proceedings in confiscation during the war, a copy of which is still extant, a debtor of the company in an amount of something like one million of dollars.

Mr. Yulee, the Senator, and president of the railroad company at the time the grant was made, the president and one of the principal stockholders after the grant was made, and up to the time of the alleged sale to Mr. Dickinson, the vice-president and manager of the property since, as will appear from Executive Document No. 91 in 1880-'81, obtained from Mr. Schurz, Secretary of Interior, the reservation of these lands fourteen years after the ten years' limit of the grant had expired and before any road had been commenced to Tampa, although a contract had been made, as I have been informed, by Mr. Agnew, of Ocala, member of a distinguished and successful mercantile firm, to grade and cross-tie the road from Waldo to Ocala out of his own means and to take payment from the freights on the road.

The report of the treasurer of the State of Florida on the 20th November, 1860, contains the following statement:

THE FLORIDA RAILROAD COMPANY.

The amount of interest paid on the bonds of this company with that which has accrued on these bonds held by the trustees is		$195,195 00
To which add bond dividend and stock interest		19,265 91
		214,460 91
For which there has been received certificates of stock	$130,100 00	
Cash on net earnings of company	6,937 33	
		137,037 33
Balance due		77,423 58

Assets of internal improvement fund.

Florida Railroad stock		$130,000 00
Florida Railroad bonds		95,000 00
Amount paid interest on—		
$1,000 Florida Railroad Company's bonds	$35 18	
$86,000 Florida Railroad Company's bonds	3,025 05	
$10,000 Florida Railroad Company's bonds	351 75	
$10,000 Florida Railroad Company's bonds	700 00	
$ —— Florida Railroad Company's bonds	22,089 90	
$1,000 Florida Railroad Company's bonds	35 17	
$12,000 Florida Railroad Company's bonds	424 20	
$143,000 Florida Railroad Company's bonds	26,005 00	
$1,012,000 Florida Railroad Company's bonds	35,420 00	
$10,000 Florida Railroad Company's bonds	350 00	
$1,198,000 Florida Railroad Company's bonds	42,355 80	
	130,792 05	
To amount received from Florida Railroad Company, half net earnings		6,676 33
		231,676 33

Report treasurer internal improvement fund, January 1, 1883.

Feb. 28, 1881.—Paid master's certificate—	No. 48, part		$141 35
	No. 62, in part		122 00
	No. 89, in full		191 64
	No. 116, in part		133 62
	No. 97, in part		5,000 00
	No. 112, in part		2,290 00
	No. 113, balance		385 81
	No. 118, in full		3,500 00
	No. 101, in part		893 69
	No. 102, in part		158 89
	No. 103, in part		2,000 00
Mar. 31, 1881.	No. 111, in full		2,215 50
	No. 62, in part		32 00
	No. 97, in part		767 06
	No. 116, in part		261 85
	No. 114, in part		1,175 61
	No. 102, balance		145 98
	No. 101, balance		6 31
Apr. 30, 1881.	No. 88, in part		1,030 58
	No. 97, in part		152 94
	No. 116, in part		223 58
	No. 114, balance		28 38
	No. 117, in full		3,000 00
May 31, 1881.	No. 88, balance		969 42
	No. 97, part		80 00
	No. 123, in full		672 20
	No. 122, in full		1,132 51
	No. 106, in full		821 60
	No. 121, in full		2,815 58
	No. 96, in full		1,016 76
	No. 105, in part		69 21
	No. 116, in part		355 38
June 30, 1881.	No. 104, in full		190 58
	No. 107, in full		312 87
	No. 108, in full		75 42
	No. 109, in full		203 13
	No. 110, in full		300 00
	No. 124, in full		2,500 00
	No. 105, balance		71 36
July 31, 1881.	No. 119, part		571 15
	No. 120, balance		413 47
June 30, 1881.	No. 16, in part		9,019 95
Sept. 30, 1881.	No. 112, in part		1,041 87
	No. 119, in full		5,155 46
Total			60,880 12

Report treasurer internal improvement fund, January 1, 1882.

Sept. 30—C. D. Willard, attorney for James H. Paine, Vose assignee			$1,740 98
Do			73 09
Francis Vose			84,142 35
A. Doggett, master, report of coupons	$300 00		
Henry R. Jackson, attorney, costs, as per receipt	4,677 40		
C. D. Willard, attorney, costs, as per receipt			42,096 66
On certificate No. 98	1,595 70		
On certificate No. 99	609 15		
On certificate No. 115	4,489 31		
			6,694 16
Nov. 4—C. D. Willard, attorney for C. P. Greenough, administrator Francis Vose	71,965 47		
Assignee, J. H. Paine	870 49		
Assignee, J. H. Paine	36 54		
			72,872 50
Jan. 14—C. D. Willard, attorney Francis Vose estate	157,267 01		
Estate Vose, assignee J. H. Paine, in full	903 00		
Do	41 30		
			158,211 31
April 29—Paid land certificate No. 128	250 00		
Paid land certificate No. 126	300 00		
Paid land certificate No. 129	250 00		
			800 00
May 6—Paid claim estate Vose proper amount held in matter of Avery vs. Assignee Vose			30,307 50
July 10—Samuel E. Swann, Florida Railroad			71 64
July 19—Master's certificate, No. 1			500 00
July 20—W. H. Wagner, Florida Railroad coupons			2,871 93
			400,382 12

In the report of the treasurer of the internal improvement fund of January, 1882:

Paid C. D. Willard, attorney for Frances Vose estate	$157,267 01
Estate Vose, assignee J. H. Paine	903 00

It is thus seen that the State of Florida has paid about $1,000,000 on the capital stock of the Florida Railroad Company and in the payment of its debts—that it was really the only paid-up stockholder; that it paid the Vose debt within the last two or three years of about $1,000,000, which was for the iron on the road.

The State and the United States gave the lands, guaranteed the interest on the bonds, paid it, paid its debt for the iron in 1880–'81, yet the State has nothing, and there has never been a suit or judicial inquiry into her rights, and the subscribers for the unpaid stock hold all the property, and nearly twenty years after the expiration of the grant are selling the lands at high prices and dispossessing the settlers and their families, the poor men of the country. The commissioner, one S. I. Wailes, of Washington city, of whose acts these petitioners complain, seems to have assumed as railroad commissioner, as he terms himself, to control the State of Florida, to appropriate her revenues, and to dispose of the public lands of the United States without authority of Congress, without even the authority of the Commissioner of Public Lands or the Secretary of the Interior.

As an evidence of the necessity of some inquiry by Congress as to who this railroad company is composed of, what disposition is being made of the proceeds of the grants, as to whether they are being used for the purposes intended by Congress, as to whether they are being used to oppress and injure actual settlers and the citizens of the State, whether these proceeds are being invested in princely mansions and supporting in regal style those who have paid nothing while the creditors remain unpaid, I read the following items from the report of the treasurer of the internal improvement board—the following statement of sums of money paid Mr. S. I. Wailes as State land agent for getting patents under the acts of Congress, which the secretary is obliged and required to carry out, and in regard to which there is no possibility of rendering any service, or doing anything whatever more than to say to the secretary or commissioner what the law now says and what everybody knows, and to do which two Senators and two members of Congress are here with power and authority:

Report treasurer internal improvement fund, January 1, 1882.

1881.		
Feb. 28.	S. I. Wailes, for adjusting land claims	$2,122 09
Mar. 31.	Do	829 94
Apr. 30.	Do	1,016 50
May 31.	Do	3,855 43
June 30.	Do	16,913 66
July 31.	Do	10,096 52
Sept. 30.	S. I. Wailes, not stated for what	5,642 34
Nov. 3.	Do	240 00
Dec. 16.	S. I. Wailes, part compensation for services land entries certificates Nos. 10576, 10577, 10578, 10579, 10580	3,066 16
May 25.	S. I. Wailes, procuring patents entry No. 10980	85 08
June 17.	Do No. 10981	148 28
May 25.	Do No. 11062	76 80
Aug. 1.	S. I. Wailes, selecting land entry No. 112087	228 05
		44,320 85

Besides this large sum of money, I am informed that large grants of land have been made to Mr. Wailes as an alleged compensation for inducing the Secretary of the Interior to do what the law requires him to do, and what he will be subject to impeachment for not doing, and what no agent can render him any aid in doing.

The same commissioner, as appears from the letter of Hon. W. D. Bloxham, late governor of Florida, which will be published as an appendix to these remarks, has been demanding the payment of more than $60,000, being nearly the whole amount of money recommended by the Committee on Military Affairs to reimburse the State on account of its expenditure in suppressing Indian war hostilities, on the plea of services rendered in inducing Congress to make the appropriation. Every Senator here, and especially the distinguished Senator from South Carolina, General HAMPTON, who made the favorable report, well knows that we never saw his face here, that he had nothing whatever to do with the action of the Senate, and that he rendered no service of any kind.

Mr. President, I have made these statements in order that the people may know and Congress may know the facts as they appear in these papers and that it may be known that I shall do all in my power to induce Congress to protect the actual settlers on these lands, to prevent these grants and the proceeds of these sales from being invested outside of the State and accumulated in enormous fortunes for the benefit of individuals and not for the public good.

I am informed by the following letter of the Commissioner of Public Lands that the Florida Railroad has 300,000 acres of land, earned before the war by the completion of the railroad to Cedar Keys in 1860, and that its trustee has just made application that this land should be certified to the assignees of the Florida Railroad Company; and Mr. Samuel Swan, a well-known and reputable citizen of Florida, for a long time the representative of the Florida Railroad Company, has been appointed State agent to make the selection and receive the certificate.

Mr. President, there is living in this city a venerable gentleman nearly 85 years of age, who is dispensing a princely fortune in beautiful charities. The Louise Home, the Academy of Art, with many donations to education and religion, will bear his name to posterity with honor, and we may hope will obtain for him the crown of a happy immortality. This gentleman has held for many years the unpaid bonds of this Florida Railroad for a large amount, for which he has in vain up to this time sought payment. But it seems as if those who control it could defy creditors, and that even the Government of the United States is to be made a party to such action as will accumulate this vast land grant of 1,100,000 acres into the private estate of those who have contributed nothing in money to the purposes for which it was granted.

I shall oppose all such action as will interfere with the use of this land by actual settlers. I am willing that titles of persons who have bought in good faith should be protected in limited quantities, and I should like to see such legislation as will be just to the railroad company, to its *bona fide* owners, to its creditors, and to the State and the people, and such as will open to the light of day and a fair judicial investigation these transactions. It seems strange that in a country governed by law a case should exist where stockholders who have not paid for their stock should hold the property against the stockholders who have paid for their capital stock—debtors who have not paid their debts should hold the property against the creditors, and that a naked franchise shall be held valid to transfer rights to the property emancipated from all the obligations of the company without any judicial decree, and that this should be sought to be done by the artful manipulations of Congress and the Departments of the Government, and that the great powers of legislation in Congress should be made the convenient tool and ready instrument for such ends.

I have no right to say here whether the State should hold this property and this grant responsible for the large sums of money which she has only recently paid for its debts; but I have a right to say that her honest poor laboring citizens, who have gone upon this land and are making happy homes upon it, shall be protected and secured in their homes so far as my vote and voice can accomplish it.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 19, 1885.

SIR: In reply to yours of the 15th instant, requesting to be advised as to "the number of acres claimed by the Florida Railroad Company and its alleged successors," you are referred to Senate Executive Document 90, Forty-eighth Congress, first session, wherein upon page 25 "the estimated number of acres granted for the entire road" is given as 1,171,200.

Of that quantity, and on account of that part of the main line of said road from Fernandina to Waldo, and of the entire branch line from Waldo to Cedar Keys, completed within the time fixed by the grant of May 17, 1856, for the completion of the entire main line and branch, it is estimated that the State would be entitled to 595,200 acres, of which 290,183.28 acres have been certified to the State for the benefit of said Florida Railroad Company, leaving 305,016.72 acres as the estimated amount due the State on account of that part of said line and branch completed within the statutory period, and 576,000 on account of that part of the located line of said road from Waldo to Tampa, now said to be in process of construction.

You also ask as to "the number of homesteaders who were on said lands whose right to the same was contested by the assignees of the Florida Railroad Company, and the number of appeals taken by Mr. Willard to the Secretary of the Interior." Presuming that by "the assignees of the Florida Railroad Company" and "Mr. Willard" you refer to the same parties, namely, the Atlantic, Gulf, and West India Transit Company and their successors, the Florida Transit and Peninsular Railroad Company, you are advised that neither of said corporations has antagonized the claims of settlers whose entries under the homestead laws have been admitted to record, except for the determination of the rights of said companies under the act of June 22, 1874.

That question having been finally settled in favor of the company by the decision of the honorable Secretary of the Interior under date of January 30, 1884 (see Senate Executive Document 91, Forty-eighth Congress, first session), no appeals have since that date been taken by said corporations.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. WILKINSON CALL, *United States Senate.*

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 25, 1885.

SIR: In yours of the 19th instant you ask when application was first made for the certification to the State of Florida of the 305,076.72 acres shown by my letter of the 19th instant to be still due under the grant of May 17, 1856, on account of that part of the Florida Railroad and its branch completed within the statutory period, namely, that portion of the main line included between Fernandina and Waldo, and the entire branch extending from Waldo to Cedar Keys; in all, one hundred and fifty-six miles.

In reply you are advised that, under date of the 17th instant, the first application for the certification of said lands was made by Samuel A. Swann, esq., as a duly accredited agent of the State of Florida. I inclose herewith a copy of Mr. Swann's letter and of my reply thereto.

What proportion of the 500,000 acres certified to the State under the internal improvement act of September 4, 1841, lies within the limits of the withdrawal made for the benefit of the Florida Railroad Company can not be ascertained without such a thorough examination of the records of this office as would occupy a considerable clerical force for many days.

This office has no knowledge of the disposition made by the State of Florida, under the State internal-improvement act, of the lands granted by the act of Congress of September 4, 1841. Your queries in regard to swamp and overflowed lands will be the subject of another communication.

Very respectfully,

N. C. McFARLAND,
Commissioner.

Hon. WILKINSON CALL,
United States Senate.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 18, 1885.

SIR: Replying to yours of the 17th instant, you are advised that no withdrawal or reservation of lands has been made by this office, nor has any selection been made by the State of Florida on account of the deficiency of 305,016.72 acres supposed to exist as the estimated amount due the Florida Railroad Company, or its successors, under the grant of May 17, 1856, and on account of that part of the railroad constructed by said company within the period fixed by said act for the completion of the entire line.

The withdrawals made in 1856, reaffirmed in 1857 and again in 1881, are in full force and effect to-day, and the lands covered thereby are reserved for the satisfaction of the grant in its entirety.

No lands have been certified to the State of Florida for the benefit of said railroad company since 1858.

As regards action that may be taken by you to secure an early certification of lands on account of the deficiency above stated, you are advised that lists of selections of lands inuring to the grant, made up from the records of the local office at Gainesville, must first be filed in this office; but under the instructions of the honorable Secretary of the Interior (see Senate Executive Document 91, Forty-eighth Congress, page 87) no action can at present be taken by this office looking to the certification of such lists.

In compliance with your request, a certified copy of your appointment as agent for the State of Florida—original filed with your letter of the 17th instant—is herewith inclosed, the fee for said copy and certificate being $1.30, which you will please remit.

Very respectfully,

N. C. MCFARLAND, *Commissioner.*

SAMUEL A. SWANN,
Agent for the State of Florida, Washington, D. C.

WASHINGTON, D. C., *February* 17, 1885.

SIR: I have the honor to present herewith a certified copy of my appointment by the circuit court, fourth judicial circuit of Florida, as trustee of the Florida Railroad, in lieu of James T. Soutter and John McRae, both deceased.

Also copy of my further appointment, by the United States circuit court, northern district of Florida, as receiver of the real property thus far acquired by, and to be acquired, for the benefit of said Florida Railroad and its assigns.

And also my appointment by the governor of Florida as special agent, to apply for and acquire, in the name of the State, any and all lands that may be found due to the aforesaid road, or its assignees, under the grant of lands made by the United States to the State of Florida for the benefit of the said Florida Railroad, by act of Congress approved May 17, 1856; and, more especially, to ask the certification of the 305,016.72 acres found due upon the 155 miles of completed road from Fernandina to Cedar Keys.

As my stay in the city is very limited, may I ask that you inform me by Thursday evening next, if it is possible to do so in so short a time, the number of acres, both on the main line of road from Fernandina to Tampa and also on the branch to Cedar Keys (stated separately) that have been withdrawn from entry, reserved, or selected as indemnity on account of the deficit of 305,016.72 acres found due as above stated on the completed branch road?

Also, if any lands selected on account of said deficit have as yet been certified by your Department; and if so, what quantity and to whom have certified lists, if any, been delivered.

And, if no part of the 305,016.72 acres have as yet been certified to the State, if you will kindly inform me what further action, if any, should be taken by myself, or the railroad company, in order to promote an early certification of the lands.

I have copy of Senate Executive Document No. 91, Forty-eighth Congress, first session, embodying all correspondence touching the grant to the Florida Railroad and the action of the Interior Department upon the same, to the date of Secretary Teller's report, February 7, 1884, and now only desire to be advised of what further action has been taken looking to the reservation, indemnity selections, and certification of lands for the benefit of the road from Fernandina to Tampa, with branch to Cedar Keys, but with more special reference, as before mentioned, to the 305,016.72 acres found to be due on that portion of the road completed in 1860.

Respectfully,

SAML. A. SWANN.

Honorable COMMISSIONER GENERAL LAND OFFICE.

Mr. PLUMB. Mr. President, in the course of some investigation the Committee on Public Lands were making of the general question of the forfeiture of what are described as unearned land grants, this grant to which the Senator from Florida has referred in his speech and which is the subject of the resolution introduced by the Senator from Nebraska came under partial consideration, and enough was elicited to lead me to think that the committee ought to have more full jurisdiction with a view to at least a possible action forfeiting the grant. For that purpose I introduced on the 30th day of June, 1884, a bill, which I will ask to have printed in the RECORD, Senate bill 2353 of the Forty-eighth Congress. If there is any objection to printing it I will read it at length. It is a bill forfeiting so much of the grant as had not been earned by the completion of the railroad.

The bill is as follows:

A bill to forfeit the unearned lands granted to aid in the construction of the Florida Railroad by "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," and to restore the same to settlement, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all lands, excepting the right of way and lands for stations, heretofore granted for a railroad from Amelia Island, on the Atlantic, to the waters of Tampa Bay, with a branch to Cedar Keys, on the Gulf of Mexico, by an act entitled "An act granting public lands in alternate sections to the States of Florida and Alabama to aid in the construction of certain railroads in said States," approved May 17, 1856, and subsequent acts and joint resolutions of Congress, which are adjacent to and coterminous with the uncompleted portions of the main line of said road embraced within both the granted and indemnity limits, as contemplated to be constructed under and by the provisions of the said act of May 17, 1856, and acts and joint resolutions subsequent thereto and relating to the construction of said road, be, and the same are hereby, declared forfeited and restored to the public domain, and made subject to disposal under the general laws of the United States as though said grant had never been made: *Provided*, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even-numbered sections within said grant.

After the introduction of this bill, and as my recollection now serves me on the morning on which I introduced it, the Senator from Florida who has just taken his seat came to me and said to me with some particularity that he did not think it was proper to then proceed to forfeit the grant for some reasons which I do not now remember the full scope of, but which were satisfactory to him; and I thought he rather seemed to suppose that in introducing the bill myself I was interfering in a matter which was personal to the State of Florida, which might properly have been left to the consideration and to the initiative of the Senators from that State. I got the impression very decidedly from that conversation, as I did subsequently, that the Senator from Florida did not think the committee was in possession of facts to enable it to go ahead properly and forfeit this grant, but that it was a thing which ought to wait until he and his colleague were able to devote attention to it. That is the reason why the bill was not formally considered by the committee subsequently.

This being a matter personal to the State of Florida, I can conceive that there might have been reasons, from the standpoint of the State in regard to the completion of this road, which might have been presented with a great deal of force to the consideration of the Committee on Public Lands and of Congress, and which might have had the effect possibly of inducing Congress to let this grant remain. But this whole proceeding is in the nature of a reflection upon Congress for not having done something heretofore; and it seems to me that it is proper that the facts should be understood and that it should be brought to the attention of the Senate that those who have represented Florida here have not heretofore deemed it of sufficient importance to do anything of a practical character toward the forfeiture of this land grant. The practical thing is not to introduce a resolution, which is absolutely as futile as a Pope's bull against the comet would be, because there is no constraint that Congress itself or the Attorney-General or the Secretary of the Interior can possibly exercise on this railroad company to prevent it selling land. It can sell any property if it chooses so to do; that is to say, it can execute a paper for that purpose, and I do not know of any power to prevent it from doing that. No court can do that, no court can enjoin one man from proceeding to sell the property of another. That thing goes on by design or by mistake all the time.

This company, according to the theory of the Senator from Florida, does not own these lands, and yet it is proposing to sell them. Who gets any title by reason of that sale, and who is harmed by reason of it, and whether harmed or not, who can prevent it? If there is any power anywhere to do so it resides in the courts of Florida to proceed by injunction to prevent the company from doing this or any other act which they are seeking to do under their corporate franchise. Therefore it seems to me that if the Senator from Florida really designed to accomplish something practical in this matter, he would do it a great deal more effectively if he would simply introduce a bill, and if he would then go before the Committee on Public Lands and ask them to consider the bill upon the facts which he should present in support of it, in order that it might be reported to the Senate and thereby put the thing in shape to be developed in some practical way.

The committee has had a great deal to do, has endeavored to do something, but it would have been glad to have done more. If the Senator from Florida had presented a plain case, which he assumes now to exist in regard to this particular land grant, I do not know of any reason why the committee would not have reported this bill favorably. Certainly if it was not considered in the committee, it was because I at least, and I think other members of the committee also—the Senator from Alabama has spoken for himself—believed that the Senators from Florida did not think the time had arrived when Congress ought to proceed with propriety to forfeit this grant.

Mr. CALL. Mr. President, there is no authority for the opinion of the Senator from Kansas, nor for that of the Senator from Alabama, or for the statement that either of the Senators from Florida failed to take such action as was proper for the forfeiture of this grant. The State of Florida has never in its capacity as a State taken any action upon this subject; in this direction consequently there was nobody to apply for it except the people along the line of road. In 1880, for the first time, the application for the reservation of the land formally was allowed. We were not aware what was the popular sentiment there, whether they desired the grant to continue or not, until these petitions began to come in. In 1880 I presented a petition, and made some remarks upon it, from Hon. John T. Lesly, a member of the senate of the State of Florida from that section of the country, and from the people, and I had their petition referred to the Committee on Public Lands, praying for the forfeiture of this grant.

It was signed by a comparatively small number of persons. I have followed that up at every session of Congress, and there have been no bills of forfeiture passed except those which came from the House since I have been here. I have presented these petitions which I have read here at the last session of Congress and at the preceding session of Congress and have referred them to the committee. I have alluded to the bill referred to by the Senator from Kansas introduced late in the session. It is a bill of confirmation of the title of this company, and not a bill of forfeiture. While I made no reflection upon the Senator from Kansas or the Senator from Alabama, I was not prepared to say, and I am not now, that to confirm the title of the State and of this company to all the land between Waldo and the point where the road is now completed would be acceptable to the people of the State. I have done everything except the introduction of a bill, which was not at all necessary, because the committee could just as well have considered the case on the petitions which were presented and referred.

Mr. CAMERON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 27 minutes p. m.) the Senate adjourned.

FRIDAY, *March* 13, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution introduced by the Senator from Nebraska, which was postponed until to-day.

Mr. MANDERSON. I ask that the resolution may lie on the table until the committees shall be appointed.

The VICE-PRESIDENT. If there be no objection the resolution will lie on the table for the present.

PERSONAL EXPLANATION.

Mr. SAULSBURY. Mr. President, since I voted on the question of the admission of the Senator from New Hampshire [Mr. BLAIR] the other day, and made some remarks in opposition to his admission, my attention has been called to the fact that in the Bell case, in 1879, I appear, according to the Journal of the Senate, to have voted for the seating of Mr. Bell, therefore placing me in an inconsistent position on the question. I should not have given any attention to this matter but for the fact that I received a letter this morning from a gentleman who has published a pamphlet, apologizing for the injustice he had done me in following the Journal and so reporting me in his handbook of 1880. The Journal says that on the proposition to admit Mr. Bell I voted in the affirmative, but the RECORD shows that I did not vote at all, and that I stated I was paired with the Senator from Massachusetts [Mr. HOAR], who would vote for the seating of Mr. Bell, and but for the pair I should vote against his seating. I did not pay any attention to the matter when it was first brought to my notice.

Mr. HOAR. If the Senator from Delaware will yield to me for a moment I will state that my recollection is exceedingly distinct on the subject. The Senator did me the favor to pair with me on that occasion.

Mr. SAULSBURY. Inasmuch as the matter has been referred to in a book which has been published, and my attention has been called by the author of that book to the fact of his seeming injustice to me, I have deemed it proper on this occasion to state that I was against seating Mr. Bell, and that the Journal is incorrect. I am told by the clerks that it was a clerical error, because the manuscript copy of the Journal shows just as the RECORD does, that I was against seating Mr. Bell.

Mr. HOAR. The Senator was the author of the adverse report.

Mr. SAULSBURY. I may state further that I made the report of the committee, as chairman of the Committee on Privileges and Elections, against the seating of Mr. Bell, and I made an elaborate speech in opposition to his right to a seat. As I remarked, I should have given no notice to this matter except for the fact that my attention was called to it by the Journal Clerk, and I have received a letter from a gentleman who has published the handbook to which I referred, in which he stated that he followed the Journal, and apologized to me in that letter for the injustice he had done me in recording my vote on that question as in the affirmative.

SENATE COMMITTEES.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the following constitute the standing committees of the Senate of the United States for the Forty-ninth Congress:

STANDING COMMITTEES.

On Agriculture and Forestry—Messrs. Miller of New York (chairman), Blair, Plumb, Van Wyck, Sawyer, George, Fair, Gibson, and Jones of Arkansas.

On Appropriations—Messrs. Allison (chairman), Dawes, Plumb, Hale, Mahone, Beck, Cockrell, Call, and Gorman.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada (chairman), Chace, and Vance.

On Civil Service and Retrenchment—Messrs. Hawley (chairman), Dawes, Mitchell, Miller of California, Pike, Voorhees, and Walthall.

On Claims—Messrs. Pike (chairman), Hoar, Dolph, Chace, Spooner, Jackson, Fair, and Jones of Arkansas.

On Coast Defenses—Messrs. Dolph (chairman), Cameron, Sewell, Hawley, Maxey, McPherson, and Fair.

On Commerce—Messrs. McMillan (chairman), Jones of Nevada, Conger, Frye, Miller of New York, Dolph, Cameron, Ransom, Coke, Vest, Gorman, Jones of Florida, and Kenna.

On the District of Columbia—Messrs. Ingalls (chairman), Riddleberger, Pike, Palmer, Stanford, Harris, Vance, Brown, and Blackburn.

On Education and Labor—Messrs. Blair (chairman), Mahone, Miller of New York, Bowen, Palmer, Call, Pugh, Payne, and Walthall.

On Engrossed Bills—Messrs. Saulsbury (chairman), Call, and Allison.

On Enrolled Bills—Messrs. Bowen (chairman), Sabin, and Colquitt.

On Epidemic Diseases—Messrs. Harris (chairman), Hampton, Eustis, Sewell, Spooner, and Stanford.

To Examine the Several Branches of the Civil Service—Messrs. Sabin (chairman), Cullom, Allison, and Hampton.

On Expenditures of Public Money—Messrs. Cullom (chairman), Harrison, Plumb, Platt, Beck, Kenna, and Gibson.

On Finance—Messrs. Morrill (chairman), Sherman, Jones of Nevada, Allison, Aldrich, Miller of New York, Voorhees, Beck, McPherson, Harris, and Vance.

On Fisheries—Messrs. Palmer (chairman), Sewell, Dawes, Stanford, Morgan, and Harris.

On Foreign Relations—Messrs. Miller of California (chairman), Sherman, Edmunds, Frye, Evarts, Morgan, Brown, Saulsbury, and Payne.

On the Improvement of the Mississippi River—Messrs. Van Wyck (chairman), Mitchell, Cullom, Pike, Cockrell, George, and Eustis.

On Indian Affairs—Messrs. Dawes (chairman), Ingalls, Harrison, Bowen, Sabin, Maxey, Morgan, Hampton, and Jones of Arkansas.

On the Judiciary—Messrs. Edmunds (chairman), Ingalls, McMillan, Hoar, Wilson, Evarts, Pugh, Coke, Vest, and Jackson.

On the Library—Messrs. Sherman (chairman), Hoar, and Voorhees.

On Manufactures—Messrs. Riddleberger (chairman), Sabin, Mitchell, Stanford, Colquitt, Butler, and Walthall.

On Military Affairs—Messrs. Sewell (chairman), Cameron, Harrison, Hawley, Manderson, Cockrell, Maxey, Hampton, and Camden.

On Mines and Mining—Messrs. Teller (chairman), Jones of Nevada, Van Wyck, McMillan, Hampton, Fair, and Camden.

On Naval Affairs—Messrs. Cameron (chairman), Hale, Miller of California Dawes, Riddleberger, McPherson, Jones of Florida, Butler, and Blackburn.

On Patents—Messrs. Platt (chairman), Mitchell, Chace, Teller, Camden, and Jones of Arkansas.

On Pensions—Messrs. Mitchell (chairman), Blair, Van Wyck, Aldrich, Sewell, Jackson, Camden, Colquitt, and Payne.

On Post-Offices and Post-Roads—Messrs. Conger (chairman), Sawyer, Wilson, Mahone, Chace, Maxey, Saulsbury, and Colquitt.

On Printing—Messrs. Manderson (chairman), Hawley, and Gorman.

On Private Land Claims—Messrs. Ransom (chairman), Colquitt, Eustis, Edmunds, and Evarts.

On Privileges and Elections—Messrs. Hoar (chairman), Sherman, Frye, Telier, Evarts, Saulsbury, Vance, Pugh, and George.

On Public Buildings and Grounds—Messrs. Mahone (chairman), Morrill, Stanford, Spooner, Jones of Florida, Vest, and Camden.

On Public Lands—Messrs. Plumb (chairman), Blair, Van Wyck, Dolph, Teller, Morgan, Cockrell, and Walthall.

On Railroads—Messrs. Sawyer (chairman), Hawley, Sewell, Sabin, Riddleberger, Cullom, Brown, Kenna, George, Blackburn, and Eustis.

On the Revision of the Laws of the United States—Messrs. Wilson (chairman), Platt, Hale, and Kenna.

On Revolutionary Claims—Messrs. Jones of Florida (chairman), Coke, Pugh, McMillan, and Chace.

On Rules—Messrs. Frye (chairman), Sherman, Ingalls, Harris, and Blackburn.

On Territories—Messrs. Harrison (chairman), Platt, Conger, Cullom, Manderson, Butler, Jones of Florida, George, and Payne.

On Transportation Routes to the Seaboard—Messrs. Aldrich (chairman), Cameron, Manderson, Palmer, Cullom, Gibson, Vest, and Call.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following constitute the Select Committees of the Senate of the United States for the Forty-ninth Congress:

SELECT COMMITTEES.

To Investigate Condition of Potomac River Front of Washington—Messrs. McPherson (chairman), Ransom, Gorman, Conger, Sabin, Manderson, and Spooner.

To make provision for taking the Tenth Census and ascertaining the results thereof—Messrs. Hale (chairman), Morrill, Sawyer, Wilson, Coke, and Jackson.

To Inquire into all Claims of Citizens of the United States against the Government of Nicaragua—Messrs. Maxey (chairman), Beck, Hoar, and Harrison.

On Woman Suffrage—Messrs. Cockrell (chairman), Fair, Brown, Blair, Palmer, Chace, and Bowen.

On Additional Accommodations for the Library of Congress—Messrs. Voorhees (chairman), Butler, Gibson, Morrill, and Miller of California.

To Inquire as to the Capacity of Steel-Producing Works in the United States—Messrs. Hawley (chairman), Miller of California, Aldrich, Morgan, and Butler.

Mr. SHERMAN. Mr. President, I respectfully decline to serve upon the Committee on Finance.

The VICE-PRESIDENT. The Senator from Ohio declines to serve upon the Committee on Finance. Is it the pleasure of the Senate to excuse the Senator from Ohio?

Mr. HARRIS. I was simply going to suggest that if the Senator from Ohio does not wish to serve, the usual method is to ask the Senate to excuse him, the appointment having been made.

Mr. SHERMAN. I do not think it is necessary for me to ask the Senate to be excused from that service; I respectfully decline.

Mr. MORRILL. I hope that no action will be taken upon that question to-day.

Mr. MILLER, of California. I ask unanimous consent that there be a change made in the constitution of the Committee on Naval Affairs; that I be excused from serving on that committee and that my colleague [Mr. STANFORD] be appointed in my place; and that he be excused from serving upon the Committee on the District of Columbia and that I be appointed in his place. That is arranged between us so as to give him service on more prominent committees than he has under the present arrangement.

Mr. COCKRELL. We can not hear the Senator.

Mr. MILLER, of California. I first ask to be excused from serving upon the Committee on Naval Affairs and that my colleague be appointed in my place on that committee.

The VICE-PRESIDENT. The question is, Shall the Senator from California be excused from service on the committee mentioned by him and his colleague [Mr. STANFORD] be assigned to his place upon the committee?

The motion was agreed to.

Mr. MILLER, of California. The other change I request to have made is that my colleague [Mr. STANFORD] be excused from service upon the Committee on the District of Columbia and that I be appointed in his place.

The VICE-PRESIDENT. Is that agreeable to the Senate? If so, it will be done by unanimous consent. The Chair hears no objection.

Mr. BECK. I ask permission to make a statement in regard to the minority appointments on the committees. I am instructed by the committee having charge of filling up the minority places on the committees to say that the retirement of the Senator from North Carolina [Mr. RANSOM] from the Committee on Appropriations was at his own instance and request, he believing that in the last hours of the session, when the Senate has to consider the important appropriation bills, his

health was not quite sufficient to enable him to do justice to them; and therefore with regret we consented to his being relieved from service on that committee.

MESSAGE FROM THE PRESIDENT.

Several messages in writing were received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

OCCUPATION OF OKLAHOMA LANDS.

Mr. INGALLS. I ask action upon the resolution which I send to the Secretary's desk.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate such information as may be in his possession concerning the occupation of the Oklahoma lands in the Indian Territory by settlers, and also what action has been taken by the Executive thereon.

Mr. COCKRELL. Let that lie over until to-morrow.

Mr. INGALLS. Let it be printed and go over.

The VICE-PRESIDENT. The resolution will go over on the objection of the Senator from Missouri, and be printed.

AFFAIRS IN CENTRAL AMERICA.

Mr. MANDERSON. I move that the resolution I offered yesterday in relation to affairs in Central America, and which was ordered to lie on the table, be now referred to the Committee on Foreign Relations.

The motion was agreed to.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. MILLER, of New York, submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, continued, and authorized to sit during the recess of Congress, to consider the best means of preserving the forests of the public domain, and to employ a clerk at the regular per diem, who shall be paid out of the contingent fund of the Senate.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 12 o'clock and 37 minutes p. m.) the Senate adjourned until Monday next, March 16.

MONDAY, *March* 16, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

OCCUPATION OF OKLAHOMA LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted on Friday last by the Senator from Kansas [Mr. INGALLS], which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate such information as may be in his possession concerning the occupation of the Oklahoma lands in the Indian Territory by settlers, and also what action has been taken by the Executive thereon.

The VICE-PRESIDENT. The Senator who offered the resolution is not in his seat, and unless it be otherwise required it will be informally passed over until he comes in.

Mr. ALLISON. I ask that it lie on the table until the Senator from Kansas comes in.

The VICE-PRESIDENT. It will be so ordered unless there be objection.

RELATIONS BETWEEN LABOR AND CAPITAL.

Mr. BLAIR. I ask leave to offer a resolution authorizing the continuance of an investigation by a committee; a mere formal resolution.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Education and Labor be directed to continue, with a view to its completion during the ensuing vacation, the investigation of the relations between labor and capital, authorized and directed by Senate resolutions of August 7, 1882, and Febuary 26, 1883, with the same rights and powers conferred by previous resolutions of the Senate.

Mr. COCKRELL. Let that be printed and lie upon the table.

Mr. BLAIR. I wish merely to say a word.

The VICE-PRESIDENT. Does the Senator from Missouri object to the resolution?

Mr. COCKRELL. I object to its present consideration. I ask that it be printed and lie on the table; but I withdraw the objection until the Senator from New Hampshire can be heard.

Mr. BLAIR. If the Senator will give me his attention I have no doubt he will withdraw his objection. The investigation is substantially concluded. A like resolution was passed covering the last vacation, but owing to ill health and other engagements as chairman of the committee I was unable to give attention to it. I only desire that there be an extension of the time without any extension of the original work contemplated. The whole has been provided for, and I do not anticipate that it will be attended with any substantial expense. It is merely for the purpose of completing and submitting the final report of the committee.

Mr. COCKRELL. Let the resolution be printed and lie on the table, and I shall look at it by morning.

The VICE-PRESIDENT. It will be so ordered.

Mr. COCKRELL. The Senator can call it up to-morrow morning. There is nothing pressing about it.

Mr. BLAIR. No; nothing pressing.

CLERK TO COMMITTEE ON COAST DEFENSES.

Mr. DOLPH. I offer the following resolution, and ask unanimous consent for its immediate consideration:

Resolved, That the Committee on Coast Defenses be, and it is hereby, authorized to employ a clerk, who shall be paid, at the same rate that the other per diem clerks are paid, out of the contingent fund of the Senate.

Mr. INGALLS. Is that for the present session of the Senate or for the year?

Mr. DOLPH. I suppose it would apply to the present session, as well as for the year; it is for a per diem clerk.

Mr. INGALLS. The resolution had better go to the Committee on Contingent Expenses.

The VICE-PRESIDENT. Does the Senator so move?

Mr. INGALLS. Yes, sir.

The VICE-PRESIDENT. The Senator from Kansas moves that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. I was about to suggest that I think the Committee on Coast Defenses is entitled to a clerk under the rules of the Senate, as it is a standing committee. That is all I desired to say. However, it can go to the committee.

Mr. INGALLS. For the purpose of ascertaining the facts it had better go to the Committee on Contingent Expenses and be considered there.

The VICE-PRESIDENT. The question is on the motion to refer the resolution.

The motion was agreed to.

RAILROAD LANDS IN FLORIDA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] on the 11th instant, which is the unfinished business. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior and the Attorney-General of the United States be, and they hereby are, directed, respectively, to take such action as each may deem necessary to prevent any sale by the Atlantic and Gulf West India Transit Company, or by any company or person claiming under them, of the lands described in the act approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," so far as the same lie within the line of said railroads between Waldo and Tampa Bay, Florida, until Congress shall have authorized the same.

Mr. VAN WYCK. I ask that that resolution may lie over until to-morrow, and that the Senate consider to-day a former resolution submitted by me in regard to the Backbone Railroad land grant.

The VICE-PRESIDENT. The Senator proposes that the present resolution lie over until to-morrow. It is so ordered unless objection be made.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

Mr. VAN WYCK. Now I ask for the consideration of the other resolution.

The VICE-PRESIDENT. The Senator from Nebraska asks for the present consideration of the resolution submitted by him on the 6th instant, which will now be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be directed to inform the Senate whether patents have been issued for the lands granted in 1871 to the New Orleans, Baton Rouge and Vicksburg, popularly known as the Backbone, Railroad; if so, for what number of acres, to what corporation or individuals, whose receipt was taken for the same, when signed, whether unusual means were used to hasten the preparation and execution of said patents, whether the clerical force employed worked nights and Sunday so they might be completed before March 4, what day they were ready for the signature of the President, what the necessity for any special exertion to secure the completion and signature before the 4th day of March, whether anything was done to protect the actual settlers in their rights to any of such lands; also, whether previous to the 4th day of March anything was done or written in regard to any other of the unearned land grants the forfeiture of which had been considered by the Forty-eighth Congress.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. EUSTIS. Mr. President, the fact that many persons in Louisiana are interested in this question is my excuse for claiming the indulgence of the Senate for a few moments.

If this were an ordinary case, as was stated by the Senator from Colorado [Mr. TELLER]; if it did not present very exceptional features of hardship to honest settlers in my State; and if it were merely a ques-

tion between the New Orleans Pacific Railroad Company and the Government of the United States, I should leave the defense of the rights of the Government in much abler hands; but being personally cognizant that a great wrong has been done to the people of Louisiana, that an injury almost irreparable has been inflicted upon a poor class of people in that State, I wish to refer to one or two points in this controversy to sustain my protest against the issue of the patents by which the rights of these poor settlers are to be disturbed if they are not to be entirely despoiled of their present homesteads.

In order to understand whatever may be said upon this subject it is necessary to bear in mind two important facts: First, that the Government of the United States made an original grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company, known as the Backbone Railroad Company; secondly, that the grant of land was assigned by the Backbone Railroad Company to the New Orleans Pacific Railroad Company, and that the only title which the New Orleans Pacific Railroad Company claims is by virtue of that assignment, there never having been any privity whatsoever between Congress and the New Orleans Pacific Railroad Company, and there never having been any contract of any character whatsoever between them.

If the Government of the United States desired to make an unconditional and a gratuitous donation of these lands to the New Orleans Pacific Railroad Company contemplating that the New Orleans Pacific Railroad Company had accomplished work which the Congress of the United States desired should be accomplished—if, I say, in a spirit of liberality, the Government of the United States chose to confer this beneficence upon the New Orleans Pacific Railroad Company, that would be a different proposition from the one involved in this controversy. In that case the beneficence would have been conferred by Congress, and in that case, while Congress conferred this grant upon the New Orleans Pacific Railroad Company, the rights and the interests of these settlers would have been protected by the same act recognizing the claims of the New Orleans Pacific Railroad Company, whereas the present condition of affairs is (and I say it with due respect to the honorable Senator from Colorado) that this beneficence has been conferred by an executive officer of the Government, and thereby these poor settlers have been left at the mercy of this rich railroad corporation; and we all understand the full significance of that statement.

This grant was made by Congress and not by an executive officer of the Government. The conditions of the grant were imposed by Congress and not by an executive officer. Whether or not those conditions had been fulfilled was a question which I shall endeavor to show was properly and was exclusively within the jurisdiction of Congress, and was not within the cognizance of any executive officer of this Government. Congress was the tribunal which all the parties in interest had selected for the adjudication of their rights; Congress was the tribunal to whose judgment all the parties had appealed; Congress was the tribunal which was competent to judge of the peculiar equities involved in this controversy, and yet Congress is not the tribunal which has passed judgment upon these questions and has adjudicated these rights, but it has been done by the order of an executive officer of the Government.

Therefore these settlers have a right to demand, and I demand in their behalf, what is this title which you have set up as a legal and a valid title and a title superior to our own, by which you propose to dispossess us of the lands which we have acquired according to the laws of the United States? Is it a legal title? Is it a title free from fraud? Is it a title that can stand the test of scrutiny and investigation? Is it a title that can be exhibited in a court of justice? That title, you must remember, you rest upon; you claim no other right, you claim no other interest in these lands except what results from the alleged validity and legality of that title

Mr. President, I deny that that title is a legal title. It is true that we have been referred to opinions of the Attorney-General; it is true that we have been referred to the opinion of a committee of the House of Representatives upon this question; but on examining these documents it will be clearly apparent that what I consider and what others consider the most important questions in this whole controversy were never submitted to the Attorney General and were never passed upon by the Judiciary Committee of the other House; and it is for that reason that the New Orleans Pacific Railroad Company endeavored not once but repeatedly to have Congress recognize the validity of their claim to this grant of lands. It is for that reason that they made strenuous efforts to have legislative recognition that they had earned this land grant, and it is for that reason that no act of Congress, no proceeding of the two Houses can be shown by which the Congress of the United States, the grantor of these lands—by which the Congress of the United States, the tribunal which had been selected by these parties—has ever by any legislative act or by any joint proceeding given the slightest recognition whatever to the claim of the New Orleans Pacific Railroad Company to this land.

In my judgment that is not only an illegal but a fraudulent title. It would take too long to review all the proceedings and transactions connected with this land grant. It is a very painful history; it is one that presents features which I hope will never be presented again in the history of this country.

In 1869 the Legislature of Louisiana incorporated the Backbone Railroad Company. In 1872 the charter was amended, but in both of those acts it was specifically provided and made an express condition of the exercise of any corporate power by the Backbone Railroad Company that they should build a railroad on the east bank of the Mississippi River from New Orleans to Baton Rouge. That was, I say, an express condition and an essential condition of the very existence of the corporation. It was created for that purpose. The line of that railroad was located by the State of Louisiana in the act of incorporation. It was not left discretionary to any one, but it is in the proviso of the act, "provided that this railroad company incorporated shall build a railroad from New Orleans to Baton Rouge on the east side of the Mississippi River."

The grant of lands was made by Congress in 1871. That grant became as it were a part of the then charter of the Backbone Railroad. Congress could not increase the powers of that corporation; Congress could not change the location of the road as located by the State of Louisiana in the charter of the Backbone Railroad. If Congress chose to make a donation, it made that donation subject to all the conditions and limitations contained in that State charter.

Now I will ask the Senator from Colorado or any other person conversant with this subject whether either the original grantee or the assignee of the grant has ever built a solitary mile or foot of railroad on the east bank of the Mississippi River? Is it complying with the conditions of the State charter to the Backbone Railroad to purchase or to build a railroad on the west side of the Mississippi River? Had not the State of Louisiana the power to create whatever capacities and faculties it chose with reference to this act of State incorporation; and is it not a clear proposition that whether it was disabled by its charter or whether it was disqualified in any other manner it could not accept that grant from Congress unless it could fulfill the conditions of its State charter? The assignee of this road purchased a portion of a road on the west side of the Mississippi River, and continued to build it to Baton Rouge on the west side of the Mississippi River.

I say that it is a clear proposition in law that the original grantee was incapacitated from accepting this grant from Congress so long as it was not able to fulfill the conditions of the State charter, and the assignee in claiming this grant under the assignment accepted all the incumbrances and all the responsibilities and all the obligations which were imposed both by the grant and by the charter of the Backbone Railroad Company under the provisions of its act of incorporation. The honorable Senator says that this was a condition precedent.

Mr. TELLER. A condition subsequent.

Mr. EUSTIS. A condition subsequent, and that the opinion of the Attorney-General was that the grant vested in the Backbone Railroad Company. But whether it was a condition precedent or a condition subsequent; whether it was a suspensive condition, that is, a condition that suspended the grant, or whether it was a devolvative condition, that is, where the estate devolved pending the condition, what difference does that make so long as the condition exists? The condition must be fulfilled; there is no question about that. Whether it is precedent or subsequent, the condition must be wholly fulfilled. A grant is an entirety. A condition to a grant is an entirety. A man can not partially fulfill a condition and claim any interest in the estate, because the condition is imposed by the grantor. He imposes the condition of the grant and not the grantee. It is his purpose which is to be accomplished; it is his intention which is to be carried out; and whether the grantee chooses to accept the grant or not it is a voluntary act on his part, but if he does accept, then he accepts it subject to all the conditions.

If it be true that the grant is an entirety, if it be true that the condition to a grant is an entirety—and I hope that no one will dispute that proposition—then the grant can not be earned, no part of the grant can be earned, unless the whole of the condition is absolutely complied with and fulfilled and discharged. Therefore I say as to this corporation, the Backbone Railroad Company, whether the condition was precedent or subsequent, whether the condition was suspensive or not, whether the grant was suspended or not by the condition, yet the condition was a condition; it was an essential condition; it was a fundamental condition, and it had to be complied with before property could be acquired, and it could not be complied with because of the incapacity of the Backbone Railroad and of the assignee to build any railroad on the east bank of the Mississippi River.

If it be said, as has been said, that the New Orleans Pacific Railroad Company substantially complied with the grant by making the connection between New Orleans and Shreveport, although a large portion of the road was built on the west side of the Mississippi River, I maintain that the acquisition of this land was never made by the Backbone Railroad Company, because the essential conditions of its own charter were never complied with either by the original grantee or by the assignee of the grant.

Again, it is almost incredible that the New Orleans Pacific Railroad Company should at this day claim title to these lands by virtue of the alleged assignment. I heard the honorable Senator refer to a great deal of law, to the Attorney-General's office and to the office of the Interior Department, but certainly there is such a thing as the law of estoppel. This very title which the New Orleans Pacific Railroad Company sets up to-day, this very title which it claims to have derived from

the Backbone Railroad Company, has been denounced by the New Orleans Pacific Railroad Company in documents which have been presented both in Congress and in the Interior Department, as an utterly baseless, illegal, and fraudulent title.

The president of the New Orleans Pacific Railroad Company telegraphed as follows:

No arrangement looking to any recognition of the pretended claims of the Backbone Company will be entertained by my company.

Again, in another telegram, he said:

We now have ability to complete our road without Government assistance, and if our friends can not secure land grant, we must get along without it. My telegram—

Referring to the former telegram—

is final.

Mr. BUTLER. Whom is that signed by?

Mr. EUSTIS. It is signed by the president of the New Orleans Pacific Railroad Company.

The New Orleans Pacific Railroad Company had a bill introduced in the House of Representatives in order to have Congress recognize that it, the New Orleans Pacific Railroad Company, had earned this grant, and to declare the forfeiture of the grant as regards the Backbone Railroad Company. It represented—what I consider a very important point as a legal question, which has not been referred to by the Attorney-General, which has not been referred to by the Senator from Colorado, but which was urged with great strenuousness by the New Orleans Pacific Railroad Company, which if recognized, and I believe that it is a good point, would render this claim utterly without any foundation whatsoever—it represented that in 1877 the Legislature of the State of Louisiana, three years before this assignment was made, had repealed the charter of the Backbone Railroad Company. The New Orleans Pacific Railroad Company, in its statement to the House committee, says:

This corporation—

Speaking of the Backbone Railroad Company—

has forfeited its charter by a failure to comply with the conditions thereof.

As I said in 1877, everybody being perfectly well agreed that the Backbone Railroad Company was a nuisance, that it was a disgrace, that it never at any time or for any purpose complied with a single one of the many conditions of its charter, that it never paid a debt, not even its lawyers' fees, that it never lived for any corporate purpose whatsoever, but was considered the mere skeleton and carcass of a derelict and abandoned corporation, its charter was repealed by the State of Louisiana, the New Orleans Pacific Company having probably urged its repeal; and yet the New Orleans Pacific Railroad Company claims by virtue of an assignment by a corporation which itself had declared to have forfeited its charter by failure to comply with its conditions, whose charter had been repealed by the State of Louisiana, as dead a corporation as a corporation can be under any circumstances, stabbed by its enemies and stabbed by its friends.

At that time fierce war was raging between these two corporations, but the New Orleans Pacific Company accomplished its purpose of extinguishing the Backbone Railroad Company entirely; and yet in 1881, by one of the most extraordinary proceedings, I venture to say, which has ever occurred in the history of corporations, this defunct corporation, the Backbone Railroad Company, made an assignment of these lands to the New Orleans Pacific Railroad Company; and it is under such a title that the patents have been issued to the latter.

Now what were these proceedings? The charter of the Backbone Railroad Company provided that its domicile should be in the city of New Orleans. It was there where all the corporate acts had to be performed. It never had any real domicile anywhere, but it discovered a domicile in the city of New York, and there the assignment was made by what was called a board of directors of the Backbone Railroad Company to the New Orleans Pacific Railroad Company. The directors of a Louisiana company, a company incorporated by the State of Louisiana, passed in New York a resolution assigning its grant. The resolution does not state how many directors were present or even who were the directors of the company. It has been intimated that there were no directors at all, but they assumed to meet in the city of New York, and by a simple resolution a board of directory assumes to divest its corporation of all its property whatsoever, and to make a voluntary transfer of its property to another corporation.

Some one discovered that that was a barefaced proceeding, that it was utterly illegal, that not even any officer of the Government would recognize such a transaction as that; and in order to give it apparent validity, in order to sanctify the proceeding, there was a meeting gotten up of the stockholders of the Backbone Railroad Company in New Orleans, nearly all of them represented by proxies which were not worth the paper they were written upon, and those stockholders did not transfer or make the assignment itself, but they ratified what had been done by the directors in the city of New York.

Under the law of Louisiana, and I suppose it is the universal law, an act that is absolutely void is not susceptible of any ratification whatsoever. The act in New York by which the board adopted the resolution assigning the lands to the New Orleans Pacific Railroad Company was radically vicious, it was absolutely void, it had not the semblance of legality.

Mr. SHERMAN. I should like to ask the Senator from Louisiana what was the actual consideration which passed, or did any consideration pass, between the New Orleans Pacific Railroad Company and what is called the Backbone road?

Mr. EUSTIS. It was the large sum of "one dollar," sir. This act of ratification was only done by two-thirds of the stockholders. I have examined the charter of the Backbone Railroad Company very carefully, and I have yet to find by what provision two-thirds of the stockholders could assign the whole property of the corporation, admitting for an instant of time that the act performed in New York was not so absolutely void that it was susceptible of ratification. Two-thirds of the stockholders met in New Orleans to ratify the act. We know that in order to ratify an act you must have the same power as was required to perform the original act. You can not ratify an act unless you have that original power, and yet there were only two-thirds of those stockholders who consented by that act of ratification to the transfer of this property from the Backbone Railroad Company to the New Orleans Pacific Railroad Company.

What was the consequence? The third of the stockholders who were left out filed protest after protest in the Interior Department denouncing this transaction as a swindle, as a sham, as a fraud, saying that it had been done without their consent, without their knowledge, and without any notification whatsoever to them. The honorable Senator from Colorado may tell me in answer that those protests were withdrawn; but I notice that in the withdrawal of the protests there was not a single one of those stockholders or protestants who recanted what he had said in the protest or who withdrew any one of these serious charges with reference to this transaction. So we have the case of the Backbone Railroad Company, whose title and whose pretensions to this land, and even whose title to exist, had been denounced time and again by the New Orleans Pacific Railroad Company, which now claims to be the beneficiary under a grant made by this very dead corporation.

Mr. MAXEY. I have listened with a great deal of interest to the Senator's argument, and I wish to see if I understand the drift of it. If I understand the position of the Senator from Louisiana, it is first that the original charter of the Backbone road required that road to be built on the east bank of the Mississippi River; second, that they never built any there; third, that in 1877 the Legislature of Louisiana repealed the charter; and fourth, that the assignment was made subsequent to that repeal of the charter. What I want to know is if the Backbone road by any act acquired any vested right, choate or inchoate, by building or otherwise, prior to the repeal of the charter in 1877. The argument, if I understand it, is that having no right vested in any way whatever the company had nothing to assign. Is that the argument?

Mr. EUSTIS. There was not a single step taken prior to 1881, which is the date of the assignment of the Backbone Railroad Company to the New Orleans Pacific Railroad Company, there was not a single utterance made, there was not a single representation urged, which did not concur in the statement by the New Orleans Pacific Railroad Company that the Backbone Railroad Company had never earned the grant, that the Backbone Railroad Company had never acquired the grant, that the Backbone Railroad Company could not have any title whatsoever in these lands by virtue of the grant, and that on the contrary they had nothing but baseless pretensions, and could not come to Congress or go anywhere else and assert a single right or title to any portion of this domain.

Mr. President, in view of the position taken before Congress and the Interior Department by the New Orleans Pacific Railroad Company with reference to the existence, to the corporate rights, to the earning of this grant by the Backbone Railroad Company, is it surprising that all the proceedings by which this claim of this dead corporation was assigned, that all the proceedings by which it was claimed that it had an assignable capacity, that all the proceedings by which it is now claimed that that title was acquired and that that interest became vested—I ask in the face of such clear and emphatic contradiction, in the face of such absolute estoppel, is it surprising that there should be a suspicion that these proceedings have not been regular and that the interests of the poor settlers in the State of Louisiana who entered these lands under the laws of the United States, small farmers, black and white, whose complaints I have personally heard, have been sacrificed—I ask is it strange that the accusation should be made that these proceedings have been entirely irregular and in their effects are monstrously oppressive?

I do not intend to detain the Senate any longer. I merely wanted to state the argument rather than to elaborate it. I am glad indeed to know that the Secretary of the Interior under our new administration has suspended the issue of these patents. I am glad to know that he is to investigate this matter, and I hope that in the future, if Congress has not the power yet to effectively assert its jurisdiction over this question, which I do not concede, some power will be exerted. I trust there is power yet residing in Congress to assert its jurisdiction over this question, and that that jurisdiction will not be ousted by any executive officer of the Government. At any rate I hope that now and in the

future we have an administration that will be in sympathy with the people and will protect them against the exorbitant demands and merciless rapacity of rich railroad corporations. [Applause in the galleries.]

Mr. GEORGE. I desire to ask the Senator from Louisiana a question. Did I understand the Senator to say that the constitution of Louisiana authorized the Legislature of that State to repeal the charter of the Backbone Railroad Company?

Mr. EUSTIS. We have a provision in the Civil Code, which has been the law of the State of Louisiana over forty years, that the Legislature of the State has the power to repeal any charter, provided that if upon the faith of a contract any parties shall have advanced money or property to the corporation the State shall indemnify the parties. There was a provision in the charter of the Backbone Railroad Company that this was a contract, and therefore it has been claimed that the charter could not be repealed at the pleasure of the Legislature; but of course a contract imports a mutuality of obligation. The State of Louisiana, I think as a clear proposition, is not bound by a contract unless the party who makes the contract is also bound. This railroad corporation never discharged a single one of its obligations, and therefore the State of Louisiana assumed the power to repeal its charter. I mention that as an open question, which has not been referred to the Attorney-General. There was a case where the question which the Senator from Mississippi asks was submitted to the United States district court as to the effect of the repeal. The district judge decided that the repeal would not operate; but I will call the attention of the Senator to the fact that the New Orleans Pacific Railroad Company by a public document laid before the House of Representatives represented that that was a manufactured case, and that a fictitious issue was presented by that case, and that both parties to it had a concurrent interest in having the judgment in one way.

Mr. TELLER. Mr. President, I think I can answer the Senator from Mississippi to his entire satisfaction as to the question of repeal. In the first place, when the State of Louisiana chartered the original company it contracted with the company not to modify or repeal the act of incorporation except by its consent. That entered into and became a part of the charter. I have it here and can read it, and will read it. This is an extract:

That the said company shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made——

Mr. GEORGE. We do not hear what the Senator is reading.

Mr. TELLER. I will send it to the desk and have the Secretary read it.

The Chief Clerk read as follows:

By act of the Legislature of Louisiana approved December 30, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered, with a provision that the said company "shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be, and shall be, binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company."

In article 447, Code of Louisiana, the general law provides that—

"A corporation legally established may be dissolved—

"First. By an act of the Legislature, if they deem it necessary or convenient to the public interest; provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it can not be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals.

"Second. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the conditions of the act of incorporation."

Mr. TELLER. With this charter, and not, as the Senator from Louisiana says, without any act on their part of corporate authority, the company filed two plats in the Land Office, which was preliminary of course to anything that they might do in building the railroad, having issued a mortgage upon these very lands and put out bonds and sold them in the market. The company had exercised all the corporate authority that such a corporation could exercise except to build and complete its road, which had not been done. The Senator will not claim that there was any provision in the charter which restricted them to any particular time in which they were to build the road. It was a charter of wonderful power. It not only authorized them to build on the east side of the river, but pretty nearly anywhere else in the State that they saw fit. The Legislature of Louisiana did attempt to repeal the charter, and did undoubtedly make that attempt at the bidding and at the request of the subsequent grantee of the original company. There is no doubt that the New Orleans Pacific Railroad Company were the moving cause of the attempt to repeal that charter. It was the same company that afterward came here with a petition to have the Congress of the United States recognize the assignment. After the Legislature passed an act to repeal the charter the parties holding the bonds went into the United States court and brought a suit, and the court held that there had been no repeal. The honorable Senator says that is a question which had not been considered when the matter was before the Senate, and when it was before the Judiciary Committee of the House. Did I misunderstand him?

Mr. EUSTIS. I know that the Judiciary Committee of the House passed upon that point.

Mr. TELLER. I understood the Senator to say that nowhere had that been discussed. That very question has been considered every time the subject has been before either the legislative or executive branch of the Government. Every time three questions have been considered: First, the existence of this company, and its right to the lands; secondly, its right to assign; and thirdly, the right of the assignee to take, because even its corporate powers have been attacked by some parties. The New Orleans, Baton Rouge and Vicksburg Company had taken an initial step, had filed its map, had held its meetings as a corporation, had done everything that a corporation is required to do in the beginning, had claimed this property, had executed a mortgage, and put its bonds on the market and sold them. It is true it has been charged that the members of the corporation put in their pockets the money thus realized. That has nothing to do with the question. I do not care how dishonest the original incorporators may have been; they swindled somebody perhaps by selling the company's bonds; but they had asserted the corporate right to put a mortgage upon all the property that their franchise included; and when this New Orleans Pacific Company discovered that it could not get an assignment by legislative action, that it could not destroy the existence of the original company, and could not return these lands to the public domain, then it negotiated, as I stated the other day, with the original company, and at that time everybody in Louisiana (and so far as the record shows the Senator himself was not an exception) wanted the company to take these lands and build the road. Mr. Dodge put on file, and it has never been questioned or disputed, that they had repeatedly declared that they would not build the road unless they could succeed to the grant, either by a purchase or by an assignment or by some legislative action in their behalf.

Mr. EUSTIS. Will the Senator allow me?

Mr. TELLER. Yes, sir.

Mr. EUSTIS. I want to know whether it is not a fact that three parishes of the State of Louisiana protested against this whole proceeding?

Mr. TELLER. That is a fact.

Mr. EUSTIS. Are not those protests alive to-day? I will take for instance the parish of Saint Landry, which is the largest parish in the State of Louisiana, and the parish most interested in this question; I ask the Senator whether he does not know the fact that the police jury of that parish passed a resolution denouncing this whole proceeding, and that the New Orleans Pacific Company sent an attorney there to argue that case before the police jury, and that the police jury heard the argument and refused to rescind the resolution which they had passed?

Mr. TELLER. I have no objection to the honorable Senator interrupting me and asking me a question, but I do rather object, after he has had the floor, that he should make a speech in the middle of mine, for I do assert that he does not know any more about this case than I do. I know that the police jury did object. When did they object? Not when this company was raising money, not when this company was being importuned by the citizens of Louisiana to build the road, but after the road was built. That was the time they interposed their objection and sent it here by Mr. Lewis, who was elected to the Forty-eighth Congress. He came here after the election and brought these protests, and filed them after the road was built. Other members of that delegation had been before the Land Office, had been before the Secretary of the Interior who preceded me, had been before Congress, invoking the Department to recognize the assignment, and up to that time there had been no protest from anybody on this subject that I am aware of except the Vicksburg road, which protested against the transfer by Congress of the grant from that company to the New Orleans Pacific.

Mr. President, another suggestion the honorable Senator has made as a new one with reference to the illegality, as he calls it, of this proceeding. There is not a single suggestion in the case, not an idea, which has not been presented both to the legislative and executive departments of this Government. The whole question was presented to my predecessor, who recognized it by sending out a commission to determine whether the road had been built in accordance with the statute or not; it was recognized by the Attorney-General, and the very question that the Senator from Louisiana now raises here as to the right to build on the west side of the river was one of the questions that the Attorney-General specially passed upon, and he declared the right to exist to build this road on the west side of the river. The honorable Senator has not made a single suggestion that has not been made heretofore upon this question, that was not made to the Attorney-General, and every point that he has raised is covered by the Attorney-General's opinion, every point that he has raised has been covered by the opinion of thirteen out of the fifteen members of the Judiciary Committee of the House. I will send to the desk and have read and put in the RECORD the opinion of the Judiciary Committee of the House.

The Secretary read as follows:

[House Report No. 1556, Forty-eighth Congress, first session.]

EDWARD B. WHEELOCK, PRESIDENT OF THE NEW ORLEANS AND PACIFIC RAILROAD COMPANY.

May 17, 1884, referred to the House Calendar and ordered to be printed.

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report (to accompany Mis. Doc. 54):

The Committee on the Judiciary, to which has been referred House resolution

No. 232 and the memorial of Edward B. Wheelock in respect to the same matter, beg leave to report upon said memorial as follows:

By act of the Legislature of Louisiana approved December 30, 1869, the New Orleans, Baton Rouge and Vicksburg Railroad Company was chartered, with a provision that the said company "shall possess and enjoy the rights and franchises granted to said company by the State of Louisiana in this act and heretofore; and such grants and the engagements herein made and entered into on the part of the State of Louisiana shall be deemed to be, and shall be, binding contracts between the State of Louisiana and the said company, not to be impaired, disturbed, or modified by subsequent legislation, except with the consent and on the petition of said company."

In article 447, Code of Louisiana, the general law provides that—

"A corporation legally established may be dissolved—

"First. By an act of the Legislature, if they deem it necessary or convenient to the public interest; provided that when the act of incorporation imports a contract, on the faith of which individuals have advanced money or engaged their property, it can not be repealed without providing for the reimbursement of the advances made or making full indemnity to such individuals.

"Second. By the forfeiture of their charter, when the corporation abuses its privileges or refuses to accomplish the conditions on which such privileges were granted, in which case the corporation becomes extinct by the effect of the violation of the conditions of the act of incorporation."

This railroad was known as the Backbone Railroad. It was authorized to construct a road from New Orleans to Shreveport and to Baton Rouge, an intermediate point, upon the east side of the Mississippi River.

By act approved April 30, 1877, the Legislature repealed the said charter (S. Ex. Doc. No. 31, pages 12, 13, Forty-eighth Congress).

The first question presented for consideration is as to the effect of this repealing act. The committee hold it of no effect, because—

First. It was in violation of the terms of the charter, being without the consent and not upon the petition of the company.

Second. Bonds had been issued by the company upon money loaned to it; and in the repealing act no provision was made for reimbursement of money, or for indemnity, as required by article 447 of the code.

On both grounds the repealing act was void and of no effect. And the circuit court of the fifth circuit of Louisiana so decided in the case of Counsellor *vs.* New Orleans, Baton Rouge and Vicksburg Railroad Company, the record of which may be found in Senate Executive Document No. 31, pages 13-16.

The necessity of settling this as a preliminary question will hereafter appear, as it affects the capacity of the said company to make the deed under which the New Orleans Pacific Company claims.

Congress with a view, as appears by the legislation of the period, to securing a continuous line of railway communication along the thirty-second parallel, from San Diego, in California, to the Mississippi River, at New Orleans, incorporated the Texas Pacific (afterward the Texas and Pacific) Railroad Company by several acts, one approved March 3, 1871, and the other May 2, 1872.

The first of these acts made Marshall, in Texas, and San Diego, in California, the termini of the road (section 1). The ninth section of the act made land grants by alternate sections, twenty thereof in Texas, ten in California, on each side of the railroad, to aid in its construction, &c. The twelfth and eighteenth sections provided for issue of patents to said company upon completion of each section of the road, on the order of the President of the United States to the Secretary of the Interior, upon a report made to the President by a commissioner to be appointed by him, of the full completion thereof as in the act provided.

By the fifth section of the last of these acts, the Texas and Pacific Railroad Company was authorized and required to construct, maintain, control, and operate, or to control and operate any existing road between Marshall, in Texas, and Shreveport, in Louisiana, with privilege to all roads terminating at Shreveport to make and have running connections for business with the Texas and Pacific Company.

Comparing this section with the twenty-second section of the first act abovementioned, by which Congress granted lands to the Backbone Company to aid in its construction to unite with the Texas and Pacific Railway, it is very obvious that Congress contemplated making a continuous chain of railways from New Orleans to San Diego, of which the Backbone Company would furnish one link from New Orleans to Shreveport, the Texas and Pacific another from San Diego to Marshall on its own proper line, and another and final link from Marshall to Shreveport, provided for by the fifth section of the above act of May 2, 1872. This was the ruling idea of Congress—to use its own charter and that of the States of Texas and Louisiana to achieve the great result of a continuous communication from the Mississippi to the Pacific. And in order to make the line available for San Francisco, by the twenty-third section of the above act of March 3, 1871, the Southern Pacific Railroad, chartered by the State of California, was authorized to be connected with the Texas and Pacific Railway, at or near the Colorado River, in order to make the through connection from the Mississippi to the Golden Gate of the Pacific.

Bearing in mind this general purpose, and the means by which it was proposed to attain it, attention will now be directed to the seventeenth and twenty-second sections of the act of Congress, March 3, 1871, upon the construction of which the answers to the questions submitted to the committee depend.

Before proceeding to the interpretation of these sections, it will be well to state certain conceded facts:

1. The Backbone Company never constructed their road at all, nor earned the land grant made by the twenty-second section, and allowed the whole five years fixed for its completion from the date of said act to elapse without doing any work on its line.

2. The Backbone Company, at a special meeting of its board of directors held December 29, 1881, ordered a deed to be made of all the land granted to it by the act of March 3, 1871, to the New Orleans Pacific Railroad Company. The deed was made January 5, 1881 (date in deed erroneously recited as January 5, 1880), in accordance with said order, and the act was confirmed by the meeting of its stockholders December 9, 1881. All these facts appear in S. Ex. Doc. 31, pages 21, 22, 23-39, 40, 41, 42. And while some criticism has been made upon these proceedings and their good faith, nothing appears to your committee to impeach their legality. The said deed was duly accepted by the grantee.

3. The New Orleans Pacific Railroad Company was chartered by the State of Louisiana June 29, 1875, and under act of its Legislature approved February 19, 1876, (Sen. Ex. Doc. 31, pages 17-20). By its third article it had power to construct a road from Shreveport to New Orleans, or a point on the right bank of the Mississippi, or from any other points; to obtain and receive by purchase grant from the United States, real and personal property; to purchase from any railroad company its charter, franchises, or property, &c.

4. The New Orleans Pacific Railroad Company, after obtaining said deed from the Backbone Company, applied to the General Land Office and Interior Department for information as to the recognition of the validity of the transfer of land to it on the part of the authorities of the United States. The events which led to this may be noted in order.

February 3, 1881. Resolution of the New Orleans Pacific Railroad Company authorizing its president to accept the grant. On the 17th of February a letter of Commissioner Williamson to Mr. Barnum, president of the Backbone Company, which closes as follows (Senate Executive Document No. 31, pages 23, 24):

"There can be no doubt that when the president of the New Orleans Pacific Railway Company accepts said transfer the company will be fully vested with all the right, title, and interest which the New Orleans, Baton Rouge and Vicksburg Railroad Company has in and to said grant."

On the 19th of February, 1881, the New Orleans Pacific Company accepted the grant, and on the 21st of February, Commissioner Williamson wrote to Mr. Barnum, president of the Backbone Company, in these words:

"The transfer by the New Orleans, Baton Rouge and Vicksburg Railroad Company of all its right, title, and interest in and to said grant to the said New Orleans Pacific Railway Company is now complete." (Senate Executive Document No. 31, pages 24, 25.)

These events in their order show that before its acceptance of the grant of lands the New Orleans Pacific Company was careful to be satisfied that their titles would be effectual, and for the reason, which fully appears from the affidavits of G. M. Dodge and E. G. Wheelock, that they did not intend to undertake to build the road along the general line of the Backbone Company without the Congressional land grant to that company as a basis of credit upon which to proceed securely.

Much contention seems to have arisen over the whole matter, as appears in Executive Document No. 13, which ended in the opinion of Attorney-General Brewster, dated June 13, 1882, upon the validity of the assignment. (See pages 52-55.) That opinion held that the Congressional grant to the Backbone Company was legally assigned to the New Orleans Pacific Company, and was a grant *in præsenti*.

The Attorney-General, however, indicated a distinction of great importance in this connection. Where a grant of land is assigned to a company to aid it in the construction of the road contemplated by the grant, it will avail the assignee as it would have availed the original grantee. But where a grant of land in aid of construction has not been used for the purpose by the grantee, and another company has constructed the line of road, and afterward takes an assignment of the land grant, such assignment will be invalid.

The reason is obvious. The benefit of the grant to the original company is coupled with the duty of using the lands for construction of the road. Any other company which takes the assignment of the lands must take them with the same burden and for the same purpose. They are granted to aid in constructing—not to pay for construction already done. Construction is a condition subsequent annexed to the grant, and it operates upon every assignee of the grant—and his performance of the condition involves construction as incident to his title as assignee; and no construction of the road prior to his title as assignee of the grant can be imputed as a performance of a condition annexed to the grant with which at the time of construction the assignee had no privity. His construction of the road in such case is independent of the grant—has no relation to it—and can in no way be held to be a performance of the condition which will save the grant from forfeiture; for the grantee has not fulfilled it while holding the grant, and the supposed fulfillment by the other party was before any title by assignment.

In this case the Backbone Company, at the date of its deed of assignment of this land grant to the New Orleans Pacific Company, had fulfilled no part of the condition of its grant. The assignee company stepped into its shoes for the land grant and to use it in aid of performing the condition with which it was connected. It took the land *cum onere*. It would not have borne the burden, except for its buying the benefit. It cautiously inquired whether in construction of this line it would secure as assignee the granted aid from Congress. Supposing it had done so, it claims the aid, and the question remains, is its claim valid, and has it been or can it be forfeited?

To the interpretation of the twenty-second section of the act of March 3, 1871, it is now necessary to proceed. It reads as follows:

"SEC. 22. That the New Orleans, Baton Rouge and Vicksburg Railroad Company, chartered by the State of Louisiana, shall have the right to connect by the most eligible route to be selected by said company with the said Texas Pacific Railroad at its eastern terminus, and shall have the right of way through the public land to the same extent granted hereby to the said Texas Pacific Railroad Company; and in aid of its construction from New Orleans to Baton Rouge, thence by the way of Alexandria, in said State, to connect with the said Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns, the same number of alternate sections of public lands, per mile, in the State of Louisiana, as are by this act granted in the State of California, to said Texas Pacific Railroad Company; and said lands shall be withdrawn from the market, selected, and patents issued therefor, and opened for settlement and pre-emption, upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company, within said State of California: *Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

The first question in regard to this section is, what does it convey?

Its language is clear—that "in aid of its construction * * * there is hereby granted to said company, its successors and assigns," so much land.

The case of Schulenberg *vs.* Harriman (21 Wallace, 44) is complete authority to the point, that these words import a grant *in præsenti* (see also Railroad Company *vs.* Baldwin, 103 United States Supreme Court, 426; Grinnell *vs.* Railroad Company, *ibid.*, 742, 743).

Nor can there be any doubt of the right of the grantee company to assign the land grant. The *jus disponendi* is incident to the title granted, even if the word "assigns" did not imply such right, as it clearly does (Lewis *vs.* Lewis, 9 Mees. & W., 664; Bailey *vs.* De Crespigny, L. R. 4 Q. B., 186; Watson *vs.* Donnelly, 28 Barbour, 658; Furney *vs.* Ford, 22 Wisc., 173; Ball *vs.* Chadwick, 46 Ill., 32).

Whether the grant was absolute, or was upon condition subsequent, or was coupled with a trust enforceable by the grantor, depends upon other words in the section.

It was clearly not an absolute and indefeasible title and free from trust or condition.

The last clause of the section is in these words:

"*Provided*, That said company shall complete the whole of said road within five years from the passage of this act."

These words are appropriate to the creation of a condition subsequent, on the non-fulfillment of which the estate granted would determine, upon the re-entry of the grantor for its breach. And there is no doubt in this view, that as there was a breach of the condition by the grantee company, the right of the United States to enter is unquestionable.

Before proceeding to discuss the relative rights of the Government and of the assignee company under this view, it is proper to consider the alternative views insisted on for the assignee.

And first, it is claimed for the assignee that the seventeenth section of the act of March 3, 1871, is to be read and construed as affecting and modifying the provisions of the twenty-second section of the act.

That section is as follows:

"SEC. 17. That the said Texas Pacific Railroad Company shall commence the construction of its road simultaneously at San Diego, in the State of California, and from a point at or near Marshall, Tex., as hereinbefore described, and so prosecute the same as to have at least fifty consecutive miles of railroad from each of said points complete and in running order within two years after the passage of this act; and to so continue to construct each year thereafter a sufficient number of miles to secure the completion of the whole line from the aforesaid point on the eastern boundary of the State of Texas to the bay of San Diego, in the State of California, as aforesaid, within ten years after the passage of this act; and upon failure to so complete it Congress may adopt such measures as it may deem necessary and proper to secure its speedy completion."

This section applies expressly and only to the Texas and Pacific Railroad Company. That company was chartered by Congress. Whether it was a grant *in præsenti*, upon a condition subsequent, to be void upon the non-completion of its

road within ten years, or was a retention by Congress of a power to take such steps in the use of the lands granted "as it may deem necessary and proper to secure its speedy completion," is a question which your committee do not think it necessary to decide. It is sufficient to say that there is nothing in the language of the twenty-second section which refers in any such manner to the seventeenth section as to demand its incorporation into the twenty-second section, and that the condition subsequent found at the close of the twenty-second section should be qualified by the words of the last clause of the seventeenth section.

The grant by the twenty-second section was to a corporation chartered by Louisiana; that by the seventeenth section, to one chartered by Congress. Congress had no power, or certainly claimed none, to build the road in Louisiana, provided for by that State's charter. This accounts for the diverse language used in the act at the close of the two sections. Congress could construct the Texas Pacific road, if its chartered company failed to do so. It could not construct the Backbone road if the Backbone Company failed. It could use its own lands to construct the former, it could not do so to construct the latter. Its remedy, in the contingency of the failure of the Texas Pacific Company, was to use the lands granted to do what that company failed to do. Its only remedy as to the Backbone Company was to enter for a breach of the condition, and reinvest its title to the lands granted by the twenty-second section.

The only words in the twenty-second section which place the Backbone Company on the same basis as the Texas Pacific are contained in the clause which gives to the former the same quantity of land as is given to the latter in California, and the clause which provides for the withdrawal, selection, and issue of patents and opening for settlement and pre-emption "upon the same terms and in the same manner and time as is provided for and required from said Texas Pacific Railroad Company within said State of California." These terms, manner, and time are provided for in sections 9, 12, and 18 of the act, and do not relate at all to the contingency of a failure to construct by either company, or to the right of the Government in case of such failure.

There does not seem to be any reason why, if Congress intended to modify the proviso of the twenty-second section by the last words of the seventeenth section, the act should not have so expressly declared, or inserted the terms of the seventeenth at the close of the proviso of the twenty-second section. Not having done so, it does not seem to the committee that any canon of interpretation of statutes either requires or justifies it.

But there is a clause in the twenty-second section which may modify the construction given to the proviso at its close. That clause is as follows:

"And in aid of its construction from New Orleans, &c., * * * there is hereby granted to said company," &c.

And then comes the proviso—

"That said company shall complete the whole of said road within five years from the passage of this act."

Construing these clauses together, the question may be raised, does this create a technical common-law condition, or does it create a trust coupled with the grant?

In former times this question would not have been permitted. But the disfavor to forfeitures upon breach of conditions subsequent, in modern times, has given rise to the construction that the grant is charged with a trust rather than affected by a condition.

In the case of Wright *vs.* Wilken, in the Queen's Bench, and affirmed in the Exchequer Chamber (110 E. C. L. R., 232, Camm. Scac., 259), it was held that in a will the words "upon express condition" should be construed to import a trust, and not a condition, upon a view of the whole will, as to the real intention of the testator. And the language of Lord St. Leonards, in his great work on powers (Sugden on Powers, 122), is cited as high authority for the decision. His lordship's words are these:

"And in regard to its being an estate upon condition, we may observe that what by the old law was deemed a devise upon condition would now perhaps in almost every case be construed a devise in fee upon trust, and by this construction, instead of the heir taking advantage of the condition broken, the *cestui que trust* can compel an observance of the trust by a suit in equity."

If this modification of the common-law doctrine is now sanctioned in cases of devise, in order to effectuate the intention of the devisor, it might well be contended that a like rule should be applied to grants by the Government for great public purposes, and they be held to be enforceable as trusts binding on the grantee and not as conditions upon breach of which forfeitures will result, without securing the public benefit contemplated in the grant.

But conceding that neither of the alternative interpretations suggested are tenable, they are not without their weight in deciding the questions submitted to the committee, if the proviso in the twenty-second section of the act is construed as a strict condition subsequent.

It is undeniable that the condition follows the estate into whatever hands it comes. The assignee takes it *cum onere*. He is bound by and may perform the condition, in like manner as his assignor.

Any one who is interested in a condition, or the estate to which it is attached, may perform it, and when it has once been performed it is thenceforth gone forever. (2 Washburn on Real Property, second edition, page 10; 2 Crabbe, Real Property, 815.)

If the condition be performed in substance it is sufficient. So if it be performed as near the intent of the condition as can be. (Comyn's Dig., Condition, L. 1.)

And conditions are not favored, nor are forfeitures for their breach. (4 Kent's Comm., 128, 129.)

An entry after a breach of the condition avoids the original title conveyed, and revests the title in the grantor, avoiding all intermediate alienations, for the assignees of the original grantee taken subject to the condition. And it was a principle of the common law that no performance of the condition after the day fixed for it could save the forfeiture from the power of the grantor to re-enter. (2 Cruise Dig., title 13, chapter 2, section 10.)

This rule was prevalent three centuries ago, in respect to bonds in a penalty, defeasible on condition subsequent, whether to pay money or perform a collateral act, to mortgages, and to conditions for re-entry for non-payment of rent by lessees and the like. But that rule is now obsolete in a great degree, and the victims of its rigor are now happily unknown, owing to the beneficent intervention of courts of equity and the action of courts of law in accordance with the just rules of those tribunals.

As early as Langford *vs.* Barnard (Tothill, 134), decided in 37 Elizabeth, the equity of redemption was secured by the chancery court to the mortgageor, whose estate was forfeited at law for non-performance of the condition at the day.

In 1598, about two years after this decision convulsed the Kingdom by the fierce conflict between the rude common law and the public conscience, a poet companion of Lord Bacon and the lawyers of that day gave to the world a picture of the controversy in the immortal drama of the Merchant of Venice. The hard, unrelenting, and cruel Shylock, the impersonation of the common law, demanded the pound of flesh as his right by forfeiture for the failure to fulfill the condition subsequent within the fixed period of performance. In vain his victim tendered performance. It was too late. The day of grace was ended. No after performance could save the forfeited life. Such was the law maintained by judgment of a common-law court.

Portia, the impersonation of the court of equity, which had just asserted redemption as the right of the victim of forfeiture, put in the plea of mercy to temper the rigorous justice of the law. And ever since that day our jurisprudence has, with the poetic justice so wonderfully dramatized by the great master of the human heart, fixed it as a canon of right, that no forfeiture shall be enforced where the performance of the duty secured by a penalty is tendered in full by the victim of the rigid construction of his contract under the rules of the common law.

This principle has been extended to cases of penalties and conditions to do some collateral act other than payment of money; and where such can be compensated in money, when not specifically performed, forfeitures have been relieved against. (See Peachy *vs.* Somerset, 1 Strange 477; Sloman *vs.* Walter, 1 Bro. C. C., 413; the leading cases commented on in 3 Wh. and T. L. C. Eq., 862, 895.)

Nor are these mere creatures of equity; for so far has the equity of redemption been upheld that it is now regarded as an estate in land subject to descent, devise, entail, custody, &c. (Casborne *vs.* Scarpe, 1 Atk., 603.)

But this is not all. Courts of law, taking the lesson which equity and poetry in the Elizabethan period taught it, administers the same relief from penalties and forfeitures for condition broken in many cases as courts of chancery do.

As early as eighth William III, without statutory aid, the law court, in Downes *vs.* Turner, cited in Gregg's case (2 Salkeld, 597), stayed proceedings in ejectment by a lessor, who entered for breach of condition to pay rent, upon payment into court of what was due by the lessee, thus relieving at law from a forfeiture arising from failure to perform the condition at the day. (See also Doe *vs.* Roe, 4 Taunt., 883.)

Mr. Justice Wilde, in speaking for the court in the cases of Atkins *vs.* Chilsm (11 Metcalf, 112), and Sanborn *vs.* Woodman (5 Cush., 36), reviews the English cases on this point, and confirms the doctrine, that a court of law will stay the hand of the grantor who seeks to enforce a forfeiture upon one who tenders in court the performance of an already broken condition.

The legal right, therefore, of one who has incurred a forfeiture by breach of condition subsequent to relief against an unwilling adversary, upon a substantial performance after the day, at law and in equity, and undoubtedly in the latter forum, can not be denied.

But one other point remains to be considered. After breach of the condition subsequent the estate does not determine *ipso facto*, but only at the election of the grantor by re-entry. And, therefore, if the grantor after such breach accepts performance of the condition tendered by the grantee, he waives the forfeiture, the condition is gone forever, and the estate becomes absolute.

In Dumpor's case (2 Coke, 119; 1 Smith L. C., 15) we find the basis of this principle. In Goodright *vs.* Davies (Cowper, 803) Lord Mansfield says: "Cases of forfeiture were not favored at law; and where the forfeiture was once waived the court would not assist it." (See also Ward *vs.* Day, 116 E. C. & R., 337; Doe *vs.* Birch, 1 M. & W., 402; Croft *vs.* Lumley, 85 E. C. & R., 648; S. C. Camm. Scac., *ibid.*, 682; Jackson *vs.* Barman, 7 Johnson, 227, and other cases cited in note by American editor.)

Ludlow *vs.* R. R. Co. (12 Barbour, 440) is a case where a railroad company failed to construct road within time prescribed by the plaintiff in a grant of land to it. It proceeded to do so afterward, under the eye and without dissent by grantor. It was held to be a waiver of the forfeiture.

The facts already set forth with sufficient fullness satisfy your committee that the substantial fulfillment of the condition has been met by the assignee company; that it was done under the eye of, and was accepted by the executive department under the provisions of the law of Congress; that all which Congress contemplated in making the grant has been realized, and that it was done by the company on the belief of having secured the grant, a belief based upon the assurance of the Department of the Interior, and upon the official action of the President of the United States in the examination of the work as it progressed, in his sanction of its sufficiency under the law, and in his order for the issue of patents for the land.

After all this the question is, can—and if it can, ought Congress to forfeit the land grant to this assignee company? Your committee think both branches of the question must be answered in the negative.

But, more specifically, your committee answer the first question propounded by the memorial in the affirmative; the second under the case stated in this report in the negative; and the third in the negative; though under the view taken in this report that question is immaterial.

All of which is respectfully submitted, with the resolution of the House hereto annexed, and with the said memorial herewith returned:

[H. Res. 232, Forty-eighth Congress, first session.]

IN THE HOUSE OF REPRESENTATIVES, *April* 21, 1874.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ELLIS introduced the following joint resolution:

Joint resolution directing the Judiciary Committees of both Houses to inquire into and report upon certain legal questions involved in the proposed forfeiture of the land grant of the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned.

Whereas the Government, by the twenty-second section of the act of March 3, 1871, gave to the New Orleans, Baton Rouge and Vicksburg Railroad Company of Louisiana a land grant in the following terms, to wit: "And in aid of its construction from New Orleans to Baton Rouge, thence, by the way of Alexandria, in said State, to connect with the Texas Pacific Railroad Company at its eastern terminus, there is hereby granted to said company, its successors and assigns," &c., the land grant mentioned therein: "*Provided*, That said company shall complete the whole of said road within five years from the passage of this act;" and

Whereas said grantee did not build said road or any part thereof; and

Whereas said grantee did bargain, sell, convey, and assign all of its right, title, and interest in and to said grant, on the 5th of January, 1881, to the New Orleans Pacific Railway Company, which company did build and complete said line of railroad "from New Orleans to Baton Rouge, and thence, by way of Alexandria, to the eastern terminus of the Texas Pacific Railroad," at Shreveport, in November, 1882, and said road has been surveyed and accepted by the railroad commissioners appointed by the President as built in accordance with the design of Congress, and patents for said land grant were ordered to issue by the President; and

Whereas bills providing for the forfeiture of said grant have been introduced in both Houses of Congress and referred to the Committees on Public Lands; and

Whereas the Public Lands Committee of the House were and are substantially and equally divided on the question of said forfeiture; and

Whereas there are involved in said question grave and serious principles of law, which should be investigated and settled by the law committees of both Houses, in order to enable Congress to arrive at a just and legal settlement of said principles: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Judiciary Committee of each House be required to consider the legal questions involved in the proposed forfeiture of the grant to the New Orleans, Baton Rouge and Vicksburg Railroad Company, assigned to the New Orleans Pacific Railway Company, and especially to report within ten days their opinion—

First. If under the language of the grant as cited above from the twenty-second section of the act of March 3, 1871 (sixteenth Statutes, page 579), the said grant was a grant *in præsenti* with the condition subsequent, and did it convey a present estate which was susceptible of being alienated, subject to the condition, either before or after breach of condition, but before forfeiture or re-entry by the Government.

Second. Whether if said grant was earned by construction after the breach of condition, but before forfeiture or re-entry by the grantor, any legal right to forfeit remains to the grantor.

Third. Whether the language of the seventeenth section of the act of March 3, 1871 (sixteenth Statutes, page 578), applies to the grant to the New Orleans, Baton Rouge and Vicksburg Railroad, and does said language, or any part of it, import a waiver of the right to forfeit on the part of the grantor.

Mr TELLER. As the Department of the Interior has been quite vigorously assailed both as to its law and as to its honesty in this particular, I want to call the attention of the Senate and of the country to the men who passed upon this question in the House, the members of that committee, and I am free to say here that I am willing to stand with them, irrespective of their political affiliations, as men of brain, of legal learning, and of integrity. The minority report is signed by two men and two men only, and the two men who signed the minority report were Nathaniel J. Hammond, of Georgia, and Ezra B. Taylor, of Ohio.

Now I propose to have the benefit in the RECORD of the Committee on the Judiciary of the House, and I think it will be recognized by the Senate that the ablest men of that body were members of that committee. The gentlemen who concurred in the report were J. Randolph Tucker, of Virginia; David B. Culberson, of Texas; Samuel W. Moulton, of Illinois; James O. Broadhead, of Missouri; William Dorsheimer, of New York; Patrick A. Collins, of Massachusetts; George E. Seney, of Ohio; William C. Maybury, of Michigan; Moses A. McCoid, of Iowa; Luke P. Poland, of Vermont; Horatio Bisbee, jr., of Florida; Abraham X. Parker, of New York, and Edward K. Valentine, of Nebraska.

I may say here what I know to be a fact, that the subcommittee that examined this case consisted of Mr. Tucker, Mr. Poland, and Mr. Broadhead, and there were no three other men in the House who were more capable and whose opinion would have been received by the House or by this body or by the country with greater confidence. Against that we have the Senator from Nebraska [Mr. VAN WYCK] and the Senator from Louisiana [Mr. EUSTIS]. These men knew the difference between a condition subsequent and a condition precedent; these men knew what the law was, and they passed upon every question, and they did so for the benefit of the House, having been instructed by the House to do that for the purpose of enabling the House to act intelligently and properly upon this very question.

Mr. President, another committee reported on the subject in that body, a committee composed of some lawyers and some not lawyers, the Committee on Public Lands; and that committee, as I stated the other day, was divided—five for the grant and six against it. Now I will read the names of the members of that committee who were in favor of the validity of this grant and so reported; and two of them, prominent men in their political party, the party to which I do not belong, discussed the question before the House with an intelligence with which it has not been discussed here, I am free to say: Mr. William C. Oates, of Alabama; Mr. Henry S. Van Eaton, of Mississippi; Mr. James B. Belford, of Colorado; Mr. Horace B. Strait, of Minnesota; and Mr. Lewis E. Payson, of Illinois. Numbers do not always count. It is true they do count when there is a vote; but for influence and for safety for an executive officer he can sometimes take the view of a minority. If the gentlemen who take an interest in this subject will read the speeches made by Mr. Oates, Mr. Van Eaton, and Mr. Payson, I will submit to any fair and intelligent person that the weight of the argument was with those three men, no matter what the rest of the committee may have said or done.

The honorable Senator says that this case is peculiar—*sui generis*. It is not. I repeat what I said the other day: it has been the unbroken rule of the United States for sixteen years to issue the patents for lands granted to railroads whenever the parties had complied with the conditions subsequent, without reference to time; and that has been done in nine cases out of ten without any inquiry whatever. Since I have been Secretary I have issued title papers in the same identical way that are not called in question, and that, too, without having taken the opinion of a committee of this body or a committee of the other, or without having taken the opinion of the entire House, where by a majority vote of 42 it was declared that this grant should not be forfeited.

It is very easy for a man to address a few people in the galleries and talk about protecting the honest settler. The settler should have been protected when the grant was made. That was the time to raise this question, not now. The Government made a contract. The Government has said, "Here, you build a road within a certain time and we will give you a certain amount of land." A well-known rule of law said—and it did not need the decision of the Supreme Court—until we assert the right to re-enter you can keep right on regardless of the limitation fixed in the act; but in 1874 the Supreme Court of the United States, that all departments of the Government must bow to when it construes a statute, declared that the Government must by some action of Congress declare its intention to re-enter or else the party might continue, and when he had performed the condition the land was his as much as if he had built the road within the period fixed in the act. The court has reiterated this in repeated decisions, and this body and the other House have not been in ignorance of them. They knew what the law was. There are a great many men on this floor who knew what the law was without the decision of the Supreme Court, but they all knew what it was after the decision.

Mr. President, I said that this had been done for sixteen years. I meant to say that roads which had been built many years ago, nearly, if not quite, that much out of time, have been allowed to take their lands. The Land Office held that question in abeyance, and refused for some time to grant any titles to roads built out of time, but when this decision came in they went back to the cases of roads that had been built out of time, and they were allowed to take their titles. I stated the other day that I could call the attention of this body to a road that had been completed thirteen years out of time and nobody raised a question.

In 1874, after the act making the grant had passed, Congress provided that the people who had gone on to these lands prior to that time believing that they had been forfeited might be protected in their rights, and that the railroad company might take other lands in lieu thereof. It will be found in the statute passed on the 22d day of June, 1874. Then the contract that this company entered into with the settlers to give them all the land they occupied at $2 an acre was in accordance with the law as it then existed, and the settlers had the privilege, and have it to-day, of taking at any time previous to the month of October, 1881—had the right to go and take this land, and this company can then call if it chooses for other lands. There is nothing in this case that differs from very many other cases.

It is true that roads may be built long out of time. The late Secretary of the Interior made to this body, in his first annual report, a suggestion, which was all he was allowed to do, that there was a necessity for some legislation upon this subject; that either the Government should declare that the roads built out of time were not to have their lands, so that they could not go on building and claiming, or else a limit should be fixed, so that the settlers and the railroad alike might know it. That was repeated in the two following annual reports made by that Secretary, and it ill becomes any one in this body to complain of the executive department of the Government, that has no opportunity to cancel these grants, that has no power in the premises, but is required by law to issue the patents whenever the parties are entitled thereto. When Mr. Hoar was Attorney-General he was asked as to the right of an executive department to suspend the action of a statute, and he declared that it was the duty of the executive department with diligence to enforce the statutes as it found them without reference to the opinion the executive officer might have as to their propriety when originally passed.

I listened the other day to an attack upon the Attorney-General, an attack upon the Interior Department because the Interior Department had received the opinion of the Attorney-General. Upon just such a question as this, the right of this company to assign and the right of the assignee, one of the brightest Attorneys-General that ever held the office within our memory at least, Mr. Stanberry, of Ohio, passed. He declared that the right of assignment was not to be questioned, and that was in the case of a road that had received from the Government not only lands in quantities greater than were ever allowed before, but received $16,000 a mile in Government bonds. That company having assigned to another company, the assignee was held entitled to and received not only the lands but the bonds as the assignee. I suppose that nobody in this Chamber, certainly no lawyer, will question the ability of Mr. Stanberry to pass upon such a question, or his integrity, or his honesty, any more than any one would question the honesty and the integrity of the committee whose names I have read to the Senate.

If the new administration of which we hear now is to commence to undo what the late administration has done, it should proceed according to the forms of law; it should act in a manner that will comport with the dignity of a great administration presiding over the interests of 55,000,000 people. How shall it be done? By a resolution of this body? By speeches addressed to the public? No; but by its courts. If there is anything wrong in this transaction, go into the courts. Previous to the issuing of these patents it was impossible for either the railroad company or the settlers to be heard in the courts; and it was in the interest of the settlers that the matter should be put in such a shape that they might be heard. If this company is not entitled to the land, there is a court that will settle that, and it will settle it in accordance with law and in accordance with justice and in accordanec with right.

We may say of our courts as the great King of Prussia once heard said about his court. When the great king had built an elegant palace, and when he looked out around him he saw an old mill standing in its way and somewhat marring the view; he went down and said to the man who owned it, "I want to buy your mill." The old man said, "It has been my mill ever since I was a young man, and it was my father's before me, and my grandfather's before him, and I decline to sell." The king said to him impatiently, "If you do not, I will take it." He said, "Sire, I want you to remember that in this country we have courts to settle questions between individuals, and that, too, between the peasant and king." The old king turned around and said the mill might remain. He said, "That is a tribute to my court of which I am proud." We can say the same of our courts. There will be an opportunity to test the whole question. There will be an oppor-

tunity to decide whether the road was built, as I say it was, after the assignment, or, as the Senator said the other day, before the assignment. Everything in the Interior Department indicates that it was built after the assignment. If that is not true, the courts will find it out.

Mr. President, I have called the attention of the Senate to the condition of this case once before, and I do not propose to go over it again; I do not propose to continue it. I repeat, that if it is the intention of the new administration to take up this class of cases, they have not only this to take up but a great many others. I think it would be quite as modest when a question of inquiry is before the Senate for our friends on the other side, at least before they boast of what they are going to do, to wait and see if they can determine what ought to have been done by those who preceded them. I do not yield to the Senator from Louisiana in my devotion to the men who go out upon the public lands as settlers. I am as anxious as any man ever was that the lands of the Government should be reserved for actual settlers, and I have said on the floor of the Senate before that if I had been a member of this body when these grants were voted I should never have voted for a grant.

But that is not the question now. The grant has been made; the parties have complied with the conditions; and they are now entitled to their patents certainly in the absence of any legislation, which there has been full and ample opportunity to enact during the four years this case has been before the Interior Department. Four years has this question been discussed back and forth there and in this body. Two years ago last July the Senate declared that this company was entitled to this land. There has never been a declaration from any committee save the one that I mentioned, the Committee on Public Lands of the House, at any time declaring that it was not entitled to the land, and that not until after the company had built its road and the people were having the benefit of it. Whether it was a wise policy to give land for such a purpose or not is not now the question. The question is, the Government having agreed to do the thing, shall the Government do it, or shall an executive officer, in violation of law, simply say: "You are entitled by the law to the land, but I will wait an indefinite period; I will wait to see whether Congress may not forfeit this grant; it has been before two Congresses; it has been before the Senate; it has been before the House; it has been declared by the committees of both bodies that it ought not to be forfeited; it has been so declared by a positive vote; and yet I will wait to see whether the Forty-ninth Congress, that does not assemble until December, may not see fit to forfeit this grant."

Mr. President, I do not believe that that is a very good thing for an executive officer to do. I have not any idea that that will find any favor at least with the three gentlemen who are now executive officers who so recently left this body. It is not a very democratic doctrine, as I recollect it, that an executive officer may decline to execute a law because he thought the law was not wise in its incipiency, or because he thought that Congress ought to repeal it. Such a doctrine would leave an executive officer at liberty to nullify and destroy what the legislative department of the Government may do. All he has to do is simply to say, "I do not like the statute; I think if this Congress will not repeal it the next will;" and when he has waited till that Congress has adjourned and the next is assembled and declares affirmatively that it will not intervene, "I will say, I will wait until the next;" and so he might indefinitely postpone the execution of the law, and thus he might deny to the citizen that justice which the Government is bound to mete out to him. This can not be done in the name of the people; it can not be done under the pretense that you want to save the public lands to the people.

It has been pretty well known in this body and in the other that for many years laws enacted for the benefit of the people have been used to their hurt. It is well understood everywhere—it is here by my report, it is here by the report of the Commissioner of the General Land Office—that the pre-emption law, originally a valuable law to the people of the United States, is to-day being used to aggregate large quantities of land in the hands of individuals. Would any land officer or any Secretary of the Interior be justified in suspending the execution of the law? I only need to ask the question and everybody promptly says no. Why not suspend that law as well as suspend any other? Is it because in this case a corporation is concerned? Is it because there is something in a corporation that is especially obnoxious? Corporations are but the aggregation of individual capital and individual energy and individual enterprise; and if the Government sees fit to make a grant to a corporation or to deal with a corporation it must see fit then to execute the law in its behalf as it would in behalf of an individual.

Mr. President, I repeat that every question which has been submitted here to-day has had not only the consideration of the Department charged with the execution of this law, but has been submitted for the advice of the Attorney-General. The other day when the matter came up I was a little bit confused as to the exact time when the Attorney-General was charged with the duty that had been performed by him when he replied to the request of Secretary Kirkwood. I had forgotten just exactly when he was charged with that. It lacked only four years of being one hundred years since that duty was charged upon him. In the very beginning of this form of government he was charged with answering to the heads of Departments as to the law when they required his opinion; and I repeat now what I said then, that every Department from that time to this has felt itself obligated and bound, when the Attorney-General has been consulted as to the law of a case, to regard his opinion as the law of the case and to enforce the law in accordance with his views.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I wish to introduce a resolution.

Mr. MILLER, of California. Very well.

INTERSTATE COMMERCE COMMITTEE.

Mr. CULLOM. I submit the following resolution:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of commerce among the several States, with authority to sit during the recess of Congress, and with power to summon witnesses and to do whatever is necessary for a full examination of the subject. Said committee shall have power to appoint a clerk and stenographer, and the expenses of such investigation shall be paid from the appropriation for expenses of inquiries and investigations ordered by the Senate.

The PRESIDING OFFICER (Mr. HARRISON in the chair). Does the Senator ask for the present consideration of the resolution?

Mr. CULLOM. I do.

The PRESIDING OFFICER. Is there objection?

Mr. COCKRELL. Let it be printed and lie over.

The PRESIDING OFFICER. The resolution will be printed and lie over.

CLERK FOR COMMITTEE ON COAST DEFENSES.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted this morning by the Senator from Oregon [Mr. DOLPH], to report it favorably and without amendment. I ask for the present consideration of the resolution.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Coast Defenses be, and it is hereby, authorized to employ a clerk, who shall be paid, at the same rate that the other per diem clerks are paid, out of the contingent fund of the Senate.

The PRESIDING OFFICER. The Senator from Nevada asks for the present consideration of the resolution.

Mr. COCKRELL. I think that had better lie over until to-morrow.

The PRESIDING OFFICER. The resolution will lie over under the rule.

COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. JONES, of Nevada. I am also instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from New York [Mr. MILLER] on the 13th instant, to report it favorably without amendment. I ask for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, continued and authorized to sit during the recess of Congress, to consider the best means of preserving the forest of the public domain, and to employ a clerk at the regular per diem, who shall be paid out of the contingent fund of the Senate.

Mr. COCKRELL. I ask that that lie over, and I simply want to call the attention of our friends in the majority to this fact: I fear these expenditures coming out of the contingent fund of the Senate are getting a little top-heavy; I fear we shall have very great trouble in getting appropriations to meet them, and that the provision for drawing these moneys will exhaust the fund long before the expiration of the fiscal year, and so some matters of the Senate which are really necessary for the transaction of the business of the Senate will be left without any legitimate appropriation.

The PRESIDING OFFICER. Objection being made, the resolution will be printed and lie over.

BACKBONE AND OTHER RAILROAD LAND GRANTS.

Mr. MILLER, of California. I move——

Mr. VAN WYCK. I ask the Senator from California to withdraw his motion for a few moments that I may make some suggestions on the pending resolution.

The PRESIDING OFFICER. Does the Senator from California withdraw his motion?

Mr. MILLER, of California. If the Senator from Nebraska desires to make some reply to the speeches in the Senate made this morning I withdraw my motion.

The Senate resumed the consideration of the resolution submitted by Mr. VAN WYCK on the 6th instant.

Mr. VAN WYCK. Mr. President, the Senator from Colorado [Mr. TELLER] in his remarks previous to-day regretted that every person who spoke on this subject was not a lawyer—I suppose he meant of railroad proclivities, so there might be full accord; such lawyers as during most of the last sixteen years have filled the Attorney-General's and Interior Departments, making the precedents which the ex-Secretary boasted he had followed; lawyers who have enjoyed the advantages of a large acquaintance with railroad magnates, who have been broad

enough to understand and apply the liberal views of corporation attorneys.

The American people probably regret that there were not lawyers who were not seeking to smother plain, honest, common sense under quotations of bad Latin and Norman French. He was right—the Department and Attorney-General for sixteen years have been doing these things. Every reign has exhibited scandalous transactions, or rather transactions giving rise to scandals; Credit Mobilier frequently repeated itself. Locating and conveying lands to Sioux City and Pacific, giving lands from Portland to Puget Sound, is probably no worse, certainly no better, than allowing consolidation of Union Pacific with Kansas and Denver Pacific when the Union Pacific was made practically bankrupt. Gould and his syndicate realized not less than $20,000,000 at the expense of the nation.

Mr. TELLER. Who allowed that?

Mr. VAN WYCK. Some one in the Interior Department; probably the Commissioner of Railroads first did it, and how far it had the approbation of the Secretary of the Interior I do not know. My points are not personal, either to the chief or to his subordinates. I am talking of the system, of the precedents in the last sixteen years. It is not the first time I have taken an opportunity on this floor to say that the Attorney-General's Office and the Interior Department during the last sixteen years have been subjugated to the demands of railroad corporations. [Applause in the galleries.]

Gould and his syndicate realized not less than $20,000,000 by the consolidation to which I have alluded. That was done in 1881; the Secretary will know who then approved it. The people between the Missouri River and the Pacific Ocean in telegraph and railroad charges are subjected to an extortion as outrageous as England inflicts upon her subjects in India and which produces revolt and war among her serfs in the deserts of Africa.

It is usual for the corporation attorneys and defenders to stigmatize the settler, whose only earthly treasure may be a wife and children and the team he is driving, as an interloper, a speculator, seeking to obtain a homestead of one hundred and sixty acres. The ex-Secretary has listened so long to that dialect in the Department it was natural he should repeat it in his speech.

Mr. TELLER. Did I——

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. TELLER. Does the Senator say that I used any such term in reference to settlers?

Mr. VAN WYCK. The Senator said they go upon this land as settlers, they go upon the Northern Pacific lands as settlers, on that immense tract which the law and the Interior Department has allowed, a black belt one hundred and twenty miles in width and excluded from settlement as far as they may, and the Senator the other day said ettlers go on the Northern Pacific lands. Why, he would not allow those men the right to go on this boundless domain.

Mr. TELLER rose.

The PRESIDING OFFICER. Does the Senator from Nebraska yield?

Mr. VAN WYCK. Yes, sir.

Mr. TELLER. I want to ask the Senator from Nebraska if he understands that it is in the power of the executive department of the Government to interfere when the legislative department has fixed the status of these lands.

Mr. VAN WYCK. Let me finish my sentence. The Senator rose indignantly and asked whether he had said anything of that kind, and I referred him to his language, and then he turns and asks what can we do. Now let me finish that sentence and then I will answer the suggestion of the Senator. I said that the ex-Secretary has listened so long to that dialect in his Department that it was natural he should repeat it in his speech, and sneering at such men, almost in the language of Tweed, he said, "What are you going to do about it?" and then when the Senator again propounds the inquiry very vehemently if the law gives the land to the companies, what power had he to step in and interfere. I will tell him. By the terms of the grant to this very Backbone road every homestead and pre-emption claim was lawful up to the time of definite location.

Mr. TELLER. Certainly.

Mr. VAN WYCK. Certainly. There was no definite location until the actual building of the road.

Mr. TELLER. Certainly.

Mr. VAN WYCK. Certainly, the Senator says. Now settlers have gone upon these lands; they have been going there from 1871 to the building of the road in 1882, and when I ask him about the protection of those settlers he turns and says, "How could I protect them? How can you protect the settlers on the Northern Pacific when the company was entitled to the land?" Here he could protect them and here we can protect them. This Backbone grant was forfeited by broken conditions. Other rights in the mean time had intervened; legal rights had intervened; and when you come in the end and say there was an absolute grant to these men, was it not the duty of the Department over which the Secretary presided to have protected the settlers in their legal and valid claims to the land which they were occupying? I ask him to-day if he will not feel it his duty as a Senator when the question comes before this body as to forfeiting the lands of the Northern Pacific Railroad Company, if we are to relieve that great corporation from its broken condition, from its violated faith, will it not be his duty and mine to say to this great corporation, "Before you shall be entitled to the lands which you claim to have earned you shall recognize the title of men whose title is superior to your own. During the period of your broken condition the Government substantially encouraged the pioneer and the settler to occupy the lands." When years have gone by and it becomes necessary to realize this grant to this corporation I should like to know if the Senator will not feel it his duty as a member of this body of the American Congress to protect the rights of those men which have accrued during the time the condition was broken, where the law had been violated? I think the Senator will agree with me about that, and I do not think he will be ready, in so discharging his duty as a Senator, to have any one rise and tell him that is all "blood and thunder."

The Senator says the Backbone grant had more equity than the Texas Pacific, which fortunately Congress declared forfeited and rescued it from the tender mercies of the Interior Department and Cabinet.

The Southern Pacific, as did the New Orleans, undertook to build a parallel line to that on which a grant had been made to a rival company, and then to rob the public domain of millions of acres of land. Both adopted the same tactics.

My friend will excuse me from reading Huntington's letters over again. I have had occasion to read them several times by way of encouragement in this body. The proceedings in this case will probably get into history hereafter by the same historian. The Southern Pacific, as did the New Orleans Pacific, antagonized and built in opposition to a rival road; each came to Congress and defeated the schemes of its rival. Huntington said what it cost him to beat Tom Scott and the Texas Pacific, $200,000 I think, and he said there were such demagogues here and those who were not demagogues—he used a very illogical expression probably—asked too much.

Now the Senator says the New Orleans Pacific went to the Legislature of Louisiana to beat the Backbone charter and have it repealed. Then he says the New Orleans Pacific came here to Congress to defeat the Backbone scheme. Exactly what the Southern Pacific did. They came to Congress to beat the Texas Pacific. They were the same men, Gould and Huntington—the same crowd. The Senator says do justice to them. Certainly do justice to them. Nobody asks for anything else. A rich corporation should not be ostracized. Certainly not. No; measure to them the same meed of justice that is measured to the honest settler, but no more. There is no reason why the clerks in the Department of the Interior should be worked at nights and Sundays to get out patents for Jay Gould any more than for some poor fellow who has his homestead at the headwaters of some of the Western rivers. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator from Nebraska will suspend a moment. The Chair must say to persons in the galleries that it is in violation of the rules of the Senate to make any demonstration of any kind whatever. If it is repeated the Chair will be obliged to order the galleries to be cleared.

Mr. VAN WYCK. The Southern Pacific, as did the New Orleans Pacific, antagonized and built in opposition to the rival road; each came to Congress and defeated the schemes of its rivals. The Southern Pacific completed the road and secured an assignment during the lifetime of the grant, and therefore it had a better claim, while the New Orleans and Pacific took an assignment and completed the road six and eight years after the life of the grant was forfeited by conditions violated.

The ex-Secretary says the Backbone had a right to assign a grant thus forfeited. If so, why not the Texas Pacific in the lifetime of the grant? The Texas Pacific built its road in Texas but not a mile in New Mexico and Arizona, but the Backbone never built a rod of road on the broad earth.

Gould and Huntington were always logical; they intended to make the Backbone the forerunner, and if they captured the Department on that they were confident of securing the other. Only the interposition of Congress prevented it.

Twenty and thirty years ago Congress gave recklessly to any corporation applying; now the executive department and Congress in refusing to restore unearned lands to the public domain will be judged by the people as guilty of a crime against the nation.

The tide of our own and foreign population, which years ago laid the foundations and reared the structure of great States in the West, is now repelled by the desert lands, the arid plains, the sand hills and sage brush, and in its reflex is gathering at the border of the Indian lands impatient to enter, where the Federal bayonets are pointed against the breasts of hardy pioneers, like unto that class which carried the flag of the Union in advance of civilization over mountain peaks and furled it by the waves of the broad Pacific; no bayonets to drive out the cattle syndicates already in Oklahoma; no bayonets to destroy fences illegally inclosing millions of acres of the public domain.

The Senator admits that this road is only entitled to the lands earned after the assignment in 1881. The Senator has conceded that they are only entitled to lands for road constructed after 1881. Now, this road

was all completed in 1882, while in fact he gave lands for road built from 1875 to 1881, for the entire line——

Mr. TELLER. That is not correct.

Mr. VAN WYCK. That is not correct! Let us see if it is not correct. He has given lands for the whole road except sixty-eight miles built by Morgan & Co.—lands for all else. Now, this road was completed in 1882, while in fact he gave lands for road built from 1875 to 1881, for the entire line, and the only part excluded was the sixty-eight miles.

The Department evidently had not the time to ascertain what work was done before and after 1881, and decided againt the Government by giving land for the entire line. Why this hot haste? Why not have left it to the deliberation of his successor, who could have determined what portion did not properly belong to the road even upon the admissions of the last administration?

Before 1881 no work was done on the faith of this grant. Congress had refused to transfer it to the New Orleans and Pacific, and that road had often proclaimed the Backbone grant worthless. Now I suppose even a lawyer will admit that he who takes with notice of a defective title gets no title; and when the New Orleans Pacific presented itself to this Department asking these lands under a grant which it said was worthless to the Backbone Company, and only showed to the Department an assignment of a worthless grant from a bankrupt corporation, it was notice to them that they ought not at least to be called upon, an Executive Department of this Government, to assist in perpetrating a fraud which had been conceived by these two corporations. It was nothing less.

The president of the New Orleans Pacific in 1878 said: "No arrangement looking to any recognition of the pretended claims of the Backbone Company will be entertained by my company."

In 1879 he said, "We have now ability to complete our road without Government assistance." Just the same as Huntington was saying when he was endeavoring to beat Tom Scott and the Texas Pacific. The New Orleans Pacific, under the control of Gould and Huntington, said the same thing precisely before a committee of the other House, boldly stated that they had now the ability to complete their road without Government aid. They said that in 1879. The Cabinet ought to have known it, and yet with these facts before their eyes they surrendered in this manner 700,000 acres of the Government domain.

In 1876 the same man said about $750,000 in cash has been subscribed and a portion of it has been expended. Now mark, in March, 1880, Mr. Greene was chief engineer of that road before the assignment. Mr. Greene said more than two millions and a half cubic yards of graded road have been constructed, making approximately a continuous line of grading of some one hundred and sixty miles. Will the Secretary of the Interior pretend that this road was charged with those one hundred and sixty miles of graded road? No, sir. They were given this grant the same as if they had been at work since 1875. Their own engineer was presented to a committee of the other House, and said that they had one hundred and sixty miles of continuous graded road, and yet there was no account of this taken in the issue of these patents. Yet the company has been given land as if the entire line had been constructed after the assignment in 1881.

There was time for a Cabinet meeting the last day of the life of the last administration. The Secretary of the Interior was probably the only advocate, feeling as he says that this corporation had been wronged by having this grant withheld ten years, and in the exuberance of his sympathy for Gould and Huntington urged or consented to a free gift for one hundred and sixty miles of continuous graded road.

Faithful public servants indeed! It requires no corporation lawyer or any other lawyer to understand this performance. It is so plain that he who runs may read, and the wayfaring man, though a fool, need not err therein.

Another remarkable feature. The ex-Secretary, from many years' practice as attorney for the Union Pacific Road and long experience in the Department of the Interior, must have known that railroads to escape State and local taxation decline to take patents only as they market the lands. Millions of acres are yet unpatented to the Pacific railroads, although entitled thereto since 1869. Everybody knows, none better than the ex-Secretary, that the railroads do not take their patents if they can avoid it, because then the lands are subject to State and local taxation, and the Union Pacific and Central Pacific to-day have millions of acres of land which have been earned in 1869 for which they have not yet received patents.

Now mark! What was the great desire of this company then to obtain patents for all these lands without any regard to whether they could market them or not, so unusual from any other land-grant corporation? Does not the great desire of this company to secure patents for nearly a million acres which would be subject to immediate taxation suggest a strong suspicion that the motive must be a fear that the next Congress or that the incoming administration might not be completely subject to their control? Could it have been anything else?

Now, Mr. President, I have probably said all that is necessary in this case. The Senator alluded to the high standing of the committee of the House, and he seemed to find in that a warrant for the course he was pursuing, and when he referred to the Committee of the Judiciary in the other House, which he relies on to sustain him, why did he not pay some respect to the report of a committee of this body, which was not divided in its bill to forfeit a portion of the land grant of this road? Will not the Senator read the names and find at least some who were of ability as lawyers? Considering that question, even if it threw this matter over to be disposed of by the next administration, a respectful protest was sent to the Department, signed by members of the committee.

The Senator stated that the report of this committee did just what the Department did, precisely what they had done, and yet the report of the committee forfeits a portion, intending to forfeit all for work done before 1881. That is what the committee of this body did, and the committee of this body supplemented their report by a respectful request to the Secretary of the Interior that he and the President should withhold patents, but the Senator parades a divided report from the other House as sufficient justification, while he entirely overlooks the unanimous report of the Senate committee on this subject.

Mr. President, at least this resolution should be passed. I regret that my friend should have considered that there was anything personal in this matter, as he seems to have felt a personal grievance, but the resolution did ask for a suspension of action. I understand the Senator to take the position that that practice must stop. He has served notice on the Senate that the custom must stop which has existed here for years. There must be no more of this thing practiced; there must be no resolutions calling for information on any subject which a Senator may desire. That may be all very well, but I doubt whether even he himself will not find it at times necessary that he should seek and ask information, and he will consider it no reflection on a Department, no reflection on an administration, because he seeks to find or to correct even, if you please, abuses which may exist at one point and another, necessarily so in the Departments.

Mr. TELLER. Mr. President, it was said many years ago by a gentleman who was writing a treatise on oratory that one of the first things an orator should do was to be prudent. I regret that that has not been the rule in some sections where orators have been educated.

I object to the honorable Senator from Nebraska putting into my mouth words that I never uttered and imputing to me sentiments, and then saying that I had put myself on record on those sentiments which I never entertained. I have not been in the habit of making anything except occasional grammatical corrections in the reports of my speeches here, and ordinarily not even do I go to that extent, and the RECORD will bear me out in the remark that I said nothing which can be tortured, nothing which even his vivid imagination can work up into a statement that the interloping settler went on to the lands of the railroad company. I said simply that if there was trouble it was the fault of the law. It is a grievous fault of the law. It is the fault of the law that when the line has not been built and when the settler does not know whether it is to be built or not, he is prevented from going on the public land.

I called the attention of the Senate to that subject in almost these exact words in my report of 1882. I said that the settler could not tell whether the road was to be built or not, and he did not know whether to take his title from the railroad company or to take it from the Government. He could not get it from the Government, and if he got it from the railroad company he might lose all that he had paid. I never intimated that the settlers ought not to be protected, and if the honorable Senator had been posted sufficiently upon the rulings of the Department he would have known that all his anxiety for the settlers who had settled upon these lands in Louisiana previous to the definite location of the road, which was the building of the road, was needless, because they were protected by the very letter of the law. The Interior Department has not the power to take their land and give it to the railroad company, and has not attempted so to do. All his anxiety then about the settlers may be laid aside so far as the Louisiana grant is concerned; and there is not a man who now comes in contact with the grant except the man who came in after the road was built, and all such are provided for in the agreement with this company.

Mr. EUSTIS. Will the Senator allow me to ask a question?

Mr. TELLER. Yes, sir.

Mr. EUSTIS. What agreement does he refer to?

Mr. TELLER. I refer to the agreement made with this company by the two members of Congress, Mr. Blanchard and Mr. Robertson. Mr. Blanchard said in June, 1884, that nine-tenths of all the settlers were in his district and were entirely satisfied with the contract. I have just as much confidence in Mr. Blanchard's statements as I have in those of anybody else.

Mr. EUSTIS rose.

Mr. TELLER. I do not yield to the Senator to make a speech.

The PRESIDING OFFICER. The Senator from Colorado declines to yield further.

Mr. TELLER. I will yield to a question.

Mr. EUSTIS. That is a promise by the company to the world to do such a thing. It is not an agreement.

Mr. TELLER. It is a promise made by the company which can be enforced under the law, and if gentlemen who come here and talk about questions that they do not know anything about would study the stat-

utes they would see that there was power under the law to compel the company to do it, and there has never been any question made by any settler as to the *bona fides* of that contract.

The honorable Senator from Nebraska talks about the settlers on the Northern Pacific. Whose business is it to protect the settlers on the Northern Pacific? Is it mine? Is it not as much his? Was it the business of any man in the executive department of the Government? It was for the legislative department, and the legislative department alone. The Interior Department was powerless to protect them. The Legislature had provided that the grant should be made to the company. They had provided that they might take an indefinite period, for that is the law, in which to build the road, and then they said to the settler, "If you go on the land after the definite location of the road you shall not be allowed to take title under the Government, but you must deal with the railroad company and not with the Government." Did not the honorable Senator know that?

Why, Mr. President, when I left this body in 1882 I left upon the files a bill to forfeit the grant and protect the settlers. Has the honorable Senator ever been heard in the committee to which it properly belonged? Has he ever been heard in defense of these settlers in the committee where his voice is potent, where he is one out of seven, and where he could have reported a bill to this body? When I left the Senate there was a bill before his committee to forfeit this very identical grant over which he is spending so much time and worrying himself so seriously. What did the honorable Senator do? Did he attempt to bring it before this body? Did he not know that by a law of this body, which is recognized, no such bill would be touched without the approval of his committee? He sat silent in his committee or else he did the other thing, he opposed its presentation to the Senate. At all events he has never attempted to bring it before this body in any shape.

The Senator talks about the taxation of railroad lands. In 1882 the Secretary of the Interior presented to Congress the evil of which he complains, and said then, as I say now, it is a question that the Interior Department can not deal with. It is a question that the legislative department alone has power over. What has the honorable gentleman done? What has he done in committee, what has he done in this body, with reference to that question?

Then he talks about the consolidation of the Union Pacific with the Kansas Pacific, and says that there were twenty millions of steal in that. Mr. President, the Senator intended that the public should understand that it was done under my administration. He knew that that was not correct when he made the statement, but, whether it was or whether it was not, no Secretary of the Interior is charged with an investigation of that matter, and what is more he is powerless to interfere. Who ought to interfere if there is a steal of twenty million dollars? The legislative department of the Government, of which he has been a member the biggest part of the time since the act was passed organizing and creating those great corporations either in the other House or in this.

Jay Gould and Huntington and others are a great bugbear to the honorable Senator. If they have made anything out of the public that they ought not to have made by the consolidation of those roads, whose duty was it to see that they did not do it, that the great public were protected? Certainly not mine; and yet the Senator charges upon the executive department of the Government a dereliction of duty when the dereliction lies at his own door.

I repeat what I said the other day—and I do not repeat it offensively—that since the Senator has been a member for four years of the Committee on Public Lands he never has raised his hand to remedy the wrongs of which he complains; he never has raised his voice when it was potent and when it would do any good; he never has cast a vote that I am aware of except upon the Texas-Pacific, and that bill came from the House, no thanks to him or to any member of this body.

The honorable Senator says there is an analogy between the two cases. Why, Mr. President, the Attorney-General declared when he sent his report that there was no analogy. The Secretary of the Interior recognized the fact by declining to appoint commissioners to examine the road, and that was all that the executive department of the Government could do. I recollect some ignorant demagogues in a newspaper proceeded to arraign the Interior Department because it had not forfeited the grant, and I have no doubt the speeches made in Nebraska by the honorable Senator would have justified the public in the belief that the Secretary of the Interior had it in his power by his fiat to declare that the 15,000,000 acres of public land held by that corporation, to which they were not entitled, should become open to settlement and amenable to the settlement laws. He studiously concealed from his constituents and from the country the fact that he had one seventy-sixth part of the power in this body to declare that grant forfeited and that he had never even introduced a bill, much less had he made an effort in that direction.

The honorable Senator says that he does not intend any personal disrespect. Why, sir, he ought not to have been required to have made that statement. It is not supposed that he did. What does he intend? I do not think that he intended to do anything more than to parade himself before the public, as I said the other day, as the champion of the people who are looking for lands. He spoke about the fencing up of lands and he spoke about the people in the Oklahoma country. What has he done to protect the settler on the public lands against the great corporation fences? When the Secretary of the Interior, in 1882, reported to the Senate and to the other branch of Congress the necessity for legislation, did he move?

Mr. VAN WYCK. Do you want an answer now?

Mr. TELLER. Yes, sir.

Mr. VAN WYCK. The Senator desires to know what I have done in regard to this particular matter. The others he has passed I shall not allude to now, but right here he wants to know what I have done in regard to the fencing of the public domain. Now, I will show to the Senator what I did. When the House bill to prevent the illegal fencing of the public domain came to the Senate it was referred to the Public Lands Committee. The Senator seems to be very conversant with what takes place in the Public Lands Committee. The bill was referred to a subcommittee of which the Senator from Nebraska was chairman.

On examining that bill we found the House had not gone far enough. Upon examining still further we found what? I found from his own Department that there was the fencing of millions of acres of the public land by syndicates, some of them partly owned in this country, and some partly and some entirely owned in England. I found from his Department that there had been tolerated the system of fencing millions of acres of the public domain. I then inquired at the Land Office why was not the military power of this Government used to break down these fences? There is no pretense that they had any acknowledged right, and I was told then that the Secretary of the Interior held that the law of 1807 which gave the executive power to use the military to remove such obstructions was not binding at this time. I examined the record of his office, and found that his Land Commissioner had reported that the law was still in existence, and I went further and found that the Secretary had given the opinion that the law was not in existence.

Hence it was that when that bill came into my hands as a subcommittee of the Committee on Public Lands I insisted that the bill did not go far enough, and I explained to the committee the position of the Secretary of the Interior, which was supposed to be somewhat strange in view of all the facts of the case—the position of the Secretary of the Interior that a law made in 1807 unrepealed was not binding upon him—and then I insisted that the fencing bill should have some more stringent provision in it. The Secretary has not been correctly informed as to what took place in the Committee on Public Lands. I insisted that that bill should have some power, that the Secretary of the Interior and the Secretary of War should have power to use the civil and military authority of this nation to dislodge the men who were absorbing millions of acres of public domain, and after consultation and conference with the committee it was said it would call two Secretaries into being on one matter.

The Secretary of the Interior, of course, could not use the military force without the consent of the Secretary of War, and we drafted it so as to give them joint authority, the Secretary of the Interior to use the military force under the direction of the Secretary of War. Finally it was thought that was a little bungling, and we had better really reenact the law of 1807. Then it was that we put in the fencing bill which Congress passed the provision of the law of 1807 which the Secretary said did not exist and had no binding power—was inoperative; we re-enacted the law of 1807, directing the Executive to use the marshals and also the military forces of the United States to remove fences from the public domain. Is the Senator now answered?

Mr. TELLER. Mr. President, the evil of which the Senator has been heard to complain so grievously both here and at home existed in 1882, and it was in 1882 that the Secretary of the Interior sent to Congress his annual report, in which he declared that the power did not exist under the act of 1807, and in that he was fully supported not only by the late Attorney-General, but by several of his predecessors. The honorable Senator now comes out for what he did about two years and a half later. In the mean time, without having taken a step, without having ever drawn a line or uttered a word where it would be of value, he was proclaiming everywhere against the great frauds of allowing the syndicates he speaks of to fence up the public lands. When the House sent us a bill, then the Senator was ready, of course, to take part, because he could not well do otherwise. His well-known industry had not been exhibited in that direction before, but more than two years after Congress had been importuned, and that too after they had been importuned by three different reports, to move in this matter, he moved. And now he takes great credit to himself and finds fault with the executive department that they had not torn down these fences without any authority of law so to do, without any money to pay the men who went out, military or civil, without any right to use the civil arm of the Government by an express provision that prevented it. It was not doubted and was not questioned by anybody who examined into the subject, and Congress received notice that the executive department regarded itself as powerless. The executive department went into the courts, and went into the courts early in 1882, in the summer, immediately after my advent into that office, and we proceeded as zealously as we could, and in every annual report I submit-

ted to Congress that the system of procedure in the courts was entirely inadequate to do justice to the Government and to the settlers in that country. And I repeat now what I said before, that during all that time the honorable Senator did nothing, absolutely nothing except to talk; absolutely nothing except to make speeches abusing the co-ordinate branch of the Government for not doing that which he knew and which everybody knew it was powerless to do, which at least it had declared it was powerless to do, exactly as it had declared it was powerless to compel the railroad companies of which he speaks to take a patent unless they saw fit to do so, because the law had declared that they should not receive a patent until they had paid for the surveys and they declined to pay for the surveys. That was reported to this body in 1882, and although the gentleman when he made his campaign in Nebraska, if the newspaper reports are to be credited, was very loud in his denunciation of railroads that had paid no taxes and did nothing to support the government of the State with the great areas of land that they were holding without a patent, yet he never did anything in this body looking toward compelling those companies to pay taxes.

It is very easy for the honorable Senator to arraign the Secretary of the Interior; it is very easy for him to denounce the statute and the system, and to speak of the giving of land to railroads as a fraud on the public and as a steal, and all that kind of thing; but he can not escape the fact that it has all the time lain within the power of the legislative department of the Government to interfere and to right the wrongs of which he complains, and that they have been appealed to again and again, and a committee of which he is a member has been appealed to by bills offered by members of the committee and by others referred to them, and they have slumbered and slept in the committee, and Congress has adjourned and readjourned without rendering any aid to the people that he says have suffered at the hands of the executive department of the Government, because the legislative department of the Government declined to instruct and empower the executive department to proceed as it ought to have done.

Mr. EUSTIS. Mr. President, I desire to correct a statement made by the Senator from Colorado. I understood him to base his justification of his official action upon legal grounds. At the close of his remarks I discover that he bases his justification also upon an alleged agreement by which these settlers are to be protected.

Mr. TELLER. I think the Senator misunderstands me. I think the action of the Department must have been the same without that contract. It was precisely as if it had never been made.

Mr. EUSTIS. There is no question about the fact that the honorable Senator has made the statement that the settlers were protected by an agreement, and that is the statement the correctness of which I desire to challenge. While of course I do not mean to say that the honorable Senator does not believe that the agreement does protect the settlers, yet I desire to correct that statement by showing that the agreement does not in any sense whatsoever afford the slightest protection to the settlers.

The honorable Senator has intimated several times that my friend from Nebraska and myself do not know anything about the law or the facts in this case. I have one advantage over the honorable Senator. I have studied the law in Louisiana. All agreements made with reference to realty in that State are to be construed and governed by the laws of the State of Louisiana. If he is a civilian and I am not, it certainly must be owing to a very singular fact, for I have spent my whole life in studying the law of Louisiana, and I was considered to have been so successful that I was even made a professor of the civil law of Louisiana at the University of Louisiana.

What is the paper which the Senator tells the Senate and wishes to go forth to the country as the agreement under which the settlers are to be protected? It is an agreement, so called, between two members of Congress and the president of the New Orleans Pacific Railroad Company, by which, without any resolution of the directory whatsoever, merely the statement of the president of the New Orleans Pacific Railroad Company to the effect that "I agree and obligate myself and my company that the settlers shall not be required to pay more than $2 an acre, provided that you, Mr. Robertson and Mr. Blanchard, withdraw your protest from the Interior Department."

I asked myself when I heard the honorable Senator make that statement whether he was serious in supposing that a unilateral promise, a mere promise to the world, a mere promise to the air, that the president of a railroad company would sell lands at such a price is anything more than an advertisement. Does it import the slightest mutuality of obligation between the settler (who is the party interested, not Mr. Blanchard or Mr. Robertson) and the railroad corporation? I say that the only protection which these people could derive from a contract would be from a contract made between the settler and the railroad corporation as a corporation with reference to landed estate in the State of Louisiana, and not between a Representative in Congress and the president of the railroad company.

Therefore my statement was correct which I made in the original remarks I had the honor to address to the Senate, that these people were and are utterly at the mercy of this railroad corporation. Whether the company will sell the land to settlers at $2 an acre or not of course is a question in the future which no one can predetermine.

Mr. TELLER. I desire to ask the Senator what settlers he refers to. When did the settlers go on the land?

Mr. EUSTIS. It makes no difference, in my judgment, when they went on the land. You say that of course those who settled on the land up to a certain date will not be molested, but that those who settled after that date will be. I submit that has nothing to do with the question of agreement.

Mr. TELLER. What I did say, if the Senator will allow me, was that all settlers who went on the land before the final location, which was after the building of the road, are protected by the act of June 22, 1874, and they take the land from the Government at Government price; but that those who went on after that time and after the road was built, if they have any redress at all, look to the company to carry out its agreement. So nine-tenths probably of the people who went on will take their title from the Government, and not from the railroad company at all.

Mr. EUSTIS. It makes no difference for the purposes of the argument what proportion of the settlers are in one category or in the other; they have rights and they have interests, and it is in their behalf that I speak. How few or how numerous they may be makes no difference so far as the questions involved are concerned.

I say that agreement was never intended even to be a *bona fide* agreement, and I think it was a very unfortunate allusion for the honorable Senator to make as a statement of fact upon which he could base any justification for his official action. After this agreement, so called, was made between two Representatives and the president of this road, which did not bind and was not intended to bind the railroad company for an instant of time, the railroad company made a mortgage on the lands and mortgaged the lands without any reference or allusion to the agreement by which the settlers were to be protected, and it was only after a bill was introduced in Congress to forfeit the lands that there was a supplemental mortgage filed by which allusion was then, for the first time, made to the agreement under which the honorable Senator said the settlers were to be protected.

Mr. TELLER. Mr. President——

The PRESIDING OFFICER (Mr. COCKRELL in the chair). Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. EUSTIS. Certainly.

Mr. TELLER. I was about to ask the Senator if he was not aware of the fact that the company first filed a mortgage without reference to the agreement, and on their attention being called to it they withdrew it and filed another mortgage containing the terms of the agreement, and that is now on file?

Mr. EUSTIS. That merely confirms the statement I made.

Mr. TELLER. The statement the Senator has not yet made.

Mr. EUSTIS. But whether that is the case or not, or when that agreement was filed, I say that under the laws of Louisiana it is merely a vague promise, what we call a unilateral obligation, which is no obligation whatsoever. If two parties are to be bound with reference to realty in Louisiana there must be the consent of both parties, and that consent must produce a mutuality of obligation. A party will agree to sell at a certain price and a party will agree to buy at a certain price. That constitutes a contract with reference to landed property in the State of Louisiana; and a mere promise, as this is, made to the world and to everybody and to the air by the president of a railroad company that he will allow persons to purchase property, I say is not a binding promise; and every lawyer in the State of Louisiana knows that to be the fact.

Mr. VAN WYCK. It is necessary probably that I should make a few more suggestions in answer to some points made by the Senator from Colorado [Mr. TELLER]. I take no exception and will not manifest any feeling because the Senator calls in question my acts, either when occupying a seat on this floor or elsewhere. The position is unpleasant only because it renders necessary that I should make some response, and therefore I must ask the pardon of the Senate for alluding to anything pertaining to myself.

I regret that the ex-Secretary has found it to be more in accord with the merits of his case to confine his attention to what my attitude has been. That is not important to this body, neither is it important to the country; but I was surprised that the Senator should state certain matters as having taken place in the committee-room. The Senator said I was silent as the grave in the committee-room. Am I right?

Mr. TELLER. I said you were silent so far as I could hear.

Mr. VAN WYCK. Does the Senator change his reply? I did not know but what the Senator from Massachusetts [Mr. HOAR] who is speaking to him had probably interjected something that made it necessary for him to change it. I think it will be found in his printed remarks that he said I was silent as the grave, and now he says I was silent in the committee-room.

Mr. TELLER. So far as I know.

Mr. VAN WYCK. Oh, so far as he knows. I supposed he was speaking from knowledge, that he was arraigning me. I shall not manifest any indignation because he does. That is his privilege, and

it may be proper. After stating the fact to go forth to the country—and he never speaks to the country, he says—that I was silent as the grave in the committee-room, now the Senator qualifies it by saying (it may have been an interjection probably by the Senator from Massachusetts) so far as he knows. The question is whether it is important to arraign me, a humble member of his body, because possibly in the pursuit of knowledge under difficulties I am desirous of finding out some facts. I am willing to offer myself to the ordeal; I have no objection; but now the Senator says "so far as he knows." Will he please advise the Senate of the extent of his knowledge? I yield for that purpose.

Mr. TELLER. I will say that at least there was no result. As to what may have been done in committee, I accept the amendment; it is a little improbable that the Senator should have been quiet in the committee-room.

Mr. VAN WYCK. I thought the Senator would modify that. There was no result certainly. He was six years in the Senate and four years in the Department of the Interior, and I have no sort of doubt he can sit down frequently and refer to well-directed efforts and say that no results were attained. Certainly there were no results. There was some result on the fencing bill when the Interior Department ignored the law of 1807.

The Senator says he was advised to do it by the Attorney-General. The Attorney-General seemed to be there for that purpose. The Attorneys-General rendered opinions and swept away millions of the public domain, forfeited land grants, and Attorneys-General were there to give an opinion that there was no power in this great Government to prevent the fencing of the public domain by the cattle syndicates, the English and Scottish lords. The Attorney-General rendered an opinion that there was no power in this great Government to prevent the English aristocracy from putting their wire fences around millions of acres of the public domain. That is what you have the Attorney-General there for.

Now the ex-Secretary of the Interior claims to be a very distinguished lawyer, as he is, even for the Western country. He is a very distinguished lawyer, and he sits by and mildly pockets the opinion of the Attorney-General, and he too is as quiet as the grave and the fencing of the public domain goes on; but from the Committee on Public Lands of the Senate came the bill which said the Executive had the power to use the military force of the nation to expel and drive out such an invasion. That is what was the result.

The Senator speaks about the taxation of railroad land. I had not said anything about that. I had not called the Interior Department in question about that. We felt it a hardship in the State of Nebraska, and I suppose the Senator had felt it a hardship in Colorado, that large bodies of land owned by railroad companies are exempt from taxation. The poor man comes with his family. My friend does not like to hear much about the poor man who trundles his family with his team of jaded horses to the far West and gets title to a little plot of land, who is subject to taxation the next year and goes upon the assessment roll, while the huge corporations, the Union Pacific, the Central Pacific, owning millions of acres throughout our country, yours and mine, for the fifteen years they have kept on the statute-book, pay no taxes. The Senator says that noise is made about that. Certainly, and he will excuse me if I tell him that in the Forty-seventh and Forty-eighth Congresses I introduced a bill on that subject and another Senator introduced a bill. In the last Congress my bill was referred to the Committee on Public Lands.

One of my colleagues on that committee introduced a bill which was referred to the Judiciary Committee, and of course when that was the state of facts we all held our breath, as we usually do in this body when the Judiciary Committee is questioned. Nobody would ever venture to arraign that committee; and for that committee they proceeded with becoming haste and diligence. They finally reported a bill which would bring these lands under taxation. After the bill was reported I sought an early opportunity to have it placed among the special orders. It was placed on the Special Order Calendar, and I think next after the Texas Pacific forfeiture bill was this bill requiring the huge corporations to have their land subject to taxation as the people in Colorado and Nebraska have their lands.

The Senator said there were no results. Unfortunately we were hoping for them by his assistance. Does he remember the history of the Texas Pacific bill whose land grant we forfeited? Does he remember how much labor and toil and watchfulness were required to keep that bill in its place on the Special Calendar? Does he not know that this body buried it twice in the General Calendar and it had to be resurrected, that it was resurrected and put upon the Special Calendar and they buried it again, and then again we got it on the Special Calendar, and finally the bill came to a vote in this body, and, be it said to its credit, it was found that road had no more justice, no more equity, no more right than the land grant to which your Department gave 700,000 acres of the people's land? The Senator knows my position on that measure.

The Senator spoke about the other House. It is not worth while that I should revive what was done there; it is sufficient to speak of what was done here. I told him my attitude on the bill to tax the railroad lands. He knows it. I told him my attitude on the Texas Pacific forfeiture bill. He knows it. No allusion was made to any settlers on the Northern Pacific lands until he spoke of it himself in his speech a day or two ago. Here is what he said:

> The honorable Senator talks about the settlers. All along the line of the Northern Pacific the settlers have gone in upon the railroad lands, and the railroad company has completed its line since; it has performed the condition attached to the grant.

It performed it after it had violated it; and therefore it was that before they were allowed to have any benefit from the grant they should have been compelled by the Interior Department or by legislation to do justice to other parties who had acquired a title better than their own.

> Does the Senator suppose it is in the power of the Interior Department, does he suppose it is in the power of the executive or all the departments of Government acting together to protect those settlers who have gone upon that land after the rights of the company accrued?

Who is talking about the Northern Pacific settlers? The Senator says in advance there is no power in this Government to protect those men. Is there none, indeed, when this grant has been forfeited time and again? They were given an empire of land in the northern part of the country on condition that they should build the road, and they waited until the hardy pioneer in advance of the engineer and the locomotive developed that country. The pioneers go there and they know not what land to occupy. You have withdrawn land one hundred and twenty miles in width in the Territory of Washington, and every settler who goes to make a location does it at the peril of a contest with this great railroad company, which always has been, but I trust will not always be, backed, sustained, and supported by the executive department of this Government. That is the encouragement which you give to pioneers to go and settle your country.

More than one hundred and twenty miles in width have been withdrawn in Washington Territory for a road which has no legal and no equitable claim upon the Government. The land was comparatively worthless when the charter was granted. It has been increased in value not by any effort on the part of the railroad company or the expenditures of any of their own personal fortune, but by men going in advance and developing it whose claim to recognition you spurn by saying that not even the Executive has any power to protect them.

I say to the Senator that when this corporation comes to your Departments asking title and that you rehabilitate them and clothe them, you fold your hands and at the same time insist that you have no power to protect the men who went there after the conditions had been broken and the lands forfeited to the Government. No, the Executive Departments have as much right to protect the settler as they had to legalize the dead grants. That has been the trouble in this matter.

It has been this usurpation—it can be called by no other name—on the part of the executive department which has brought us face to face with this question with which we are contending to-day. Had the executive department obeyed the law when they found the time designated in the grant had expired, when they found the condition there expressed had been broken, then it would have accorded with the duty of the executive department to have modestly folded their hands and said: Congress has fixed the limit, Congress has annexed the condition, the grant is dead, and before it can be vitalized it must done by action of Congress.

The Senator spoke about what took place in committee and I will be excused for saying a few words in regard to that matter. He speaks about the Northern Pacific grant and he asks what became of that, who ever raised their voice in regard to that? Yet that case was before the Committee on Public Lands; they directed Mr. Slater to report the bill to this body for forfeiture and he did so. The bill was placed upon the Calendar and there it is, "A bill to forfeit the unearned lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes," acted upon and received the concurrence of the committee, was favorably reported and placed upon the Calendar, and Mr. Slater, a faithful, diligent, honest Senator, sought, but could not get the opportunity, to have the bill put upon its passage.

I will say further that the reason why the bill did not emerge sooner from the doors of the committee was on account of the continued importunity of the railroad corporations that their counsel should be heard. We listened day after day, week after week, month after month to a repetition of the same arguments, the committee seeking undoubtedly to reach final action as was desired, but yet so great is the power of the railroad companies that they can knock at either door of this Chamber and get admission, they can knock at the Interior Department, they can knock at the executive chamber, they can knock at the door of the committee-room and get admission there, and occupy the time and make all the delay that happens to suit their purpose.

No man knows better than the Senator from Colorado the vigilance, the persistence, and the power which these men exercise. If a reporter had correctly reported the proceedings which took place in the committee-room the Senator would have found that time and again I insisted that there should be voting upon these measures, and I declined to sit hour after hour listening to corporation attorneys repeat the

same story and the same argument, but I insisted that there should be action in the committee.

The Senate will excuse me for saying so much. It has nothing to do with the pending matter, and there is no occasion for it only as the Senator saw fit, without any necessity or reason, to feel aggrieved and offended at this resolution.

The issue of these patents was strange, it was suspicious, to say the least. It was suspicious that it should be rushed through with such hot haste. The ex-Secretary says they must not suspend the execution of the law. Who suspended it after 1875? The condition was broken in 1875, when not a foot of this road was built. In 1881, five years after, who suspended it then? For eleven years the speculators have been gambling and endeavoring to make fortunes upon the strength of the grant. The ex-Secretary himself says they have done nothing except to issue bonds. The only thing they ought not to have done was the thing they did do. They issued millions of bonds, but never built a mile of road, and now when it comes down to this last point, when there comes a great question with the law-making power of this Government, when here stands the Senate with a bill upon its Calendar forfeiting a portion of the road, what does the Interior Department——

Mr. TELLER. Not an acre that has been given to this company is included in the forfeiture clause of that bill.

Mr. VAN WYCK. The Senator says that the bill reported from the Committee on Public Lands confirmed the grant just as they had issued it. The records of his own Department will show when they come here that they have been given land for all that road except the sixty-eight miles built by the Morgan Company, to which neither of these companies has a claim. They have issued land for every other mile of the road. The bill reported from the Committee on Public Lands unanimously and placed on the Calendar forfeits more than the sixty-eight miles. It forfeits all on the east side of the Mississippi River and the one hundred and sixty miles of graded road. Such is the attitude. When we receive all the papers here we shall be better able to judge, but I say to my friend it was a suspicious circumstance and was necessary to be inquired into.

The Senator from Louisiana spoke of the repeal of the Backbone charter. The Senator from Colorado antagonizes that by saying it was declared unconstitutional by the court. That is what I understood the Senator to say. Did I understand the Senator correctly?

Mr. TELLER. The court decided that the charter could not be repealed.

Mr. VAN WYCK. Yes, the court decided it could not be repealed. Now mark! I presume the Secretary and the President were informed what the New Orleans Pacific Railroad Company itself said about it. If you look at the record you will see that it was a remarkable suit. On the 9th day of June a petition or a complaint was made in the United States court. On the 9th it was served; on the 11th, two days afterward, there was an answer from the defendant, and then on the 11th, the same day, there was consent that counsel should argue it in writing, and on the 13th, two days after, there was a judgment rendered by the court declaring that the act of the Legislature of Louisiana was unconstitutional. That is expedition about equal to that of the Interior Department. They were just as diligent as the Department. On the 9th proceedings were commenced in the United States court, and on the 13th the decree was rendered. That was suspicious on its face; but here is a paper which was in the Interior Department. Now let us see what Mr. Wheelock, the president of the New Orleans and Pacific Railroad Company, says about this judgment or what the railroad company itself says about it:

The repeal, so far as competent for the Legislature to make it, is an accomplished fact, and whether constitutionally done or not, it has placed Mr. Flanagan's company—

That is, the Backbone Railroad Company—

under such disability that no sane capitalist will venture his money in any such enterprise until the court of final resort shall have decided this case favorably.

Upon the best showing, the inconsistency, and the hardships and misfortunes of this company have led to the settled belief that they never intend to build this road, could not do so if they would—

Speaking of the Backbone road—

and with the embarrassment of a repealed charter to contend with, tedious and damaging delay in the work would necessarily result, and the company, long before the litigation is closed, will have descended to a point from which even a perpetual land grant can not resurrect them.

He quotes and cites a decision of a district judge of Louisiana—

That is the case to which the Senator from Colorado referred—

which declares the unconstitutionality of the act, and seeks to make the impression that a real issue, a valid case was before the court when the decision was made, and that the decision is a decisive one.

The facts, as they appear in the transcript, from which I will read, will show the character of the men who were engaged in this litigation. The suspicious circumstances under which the suit was instituted and prosecuted, and other facts taken in connection with the record, will prove that the case was a fictitious one—

There Mr. Wheelock, in behalf of the New Orleans Pacific, says the case was a fictitious one, and yet the Secretary of the Interior seriously says that that decision was a declaration of the unconstitutionality of the repeal by the State of Louisiana—

The case was a fictitious one; that the suit was a sham.

This whole thing has been a sham. It is a fraud, it was born of fraud, it has progressed thirteen years as a fraud, and, though consummated by the high authority of an Executive Department of the Government, the transaction was a fraud in its ending.

And other facts taken in connection with this record will prove that the case was a fictitious one; that the suit was a sham, and that the decision of the court will amount to nothing in the determination of the constitutionality of this act. More than this, the facts that I will bring out will create a strong presumption that Mr. Flanagan and his associates—

They were the Backbone Railroad men—

have connived at, and been parties to, the trickery by which this manufactured, prepared case came before the United States district court.

In this connection I call attention to the statement made by Mr. Flanagan, but not appearing in his printed brief, and which I deem significant as a test of the trustworthiness of the management of the Backbone Company.

The courts were prostituted to aid in the consummation of this, one of the greatest villainies ever connected with land grants. It is here boldly stated, uncontradicted, by the New Orleans Pacific Railroad Company that this was a sham, a pretended fictitious case and a fraud, and yet the Secretary of the Interior feels called upon to throw himself back upon the decision that the repeal made by the Legislature of Louisiana was unconstitutional, and yet the suit was commenced on the 9th of June and ended upon the 13th. There was fraud upon its face, and the New Orleans Pacific, through its president, characterized it as a fraud and showed the character of the transaction.

Mr. President, what more need be said except that the necessity is apparent that the Senate should have the information called for by the resolution? The country will desire to know why the transaction was closed in such haste. It is just as the suit in the district court of the United States, which was commenced on the 9th day of June and closed on the 13th, to declare unconstitutional the act of one of the sovereign States of this Union. Yet, after all, will that seem any more suspicious than the fact that this was done in the dying hours of the last administration by unusual means, by the working of clerks nights and Sundays, by great haste? Forced through in that way, under the whip and spur, it seems a fit ending of a corporation which was sustained by the fraudulent pretense and sham of an adjudication in the United States district court.

The nation will ask why an administration just going out of power should feel it necessary to act in such haste.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened.

CLERK TO COMMITTEE ON COAST DEFENSES.

Mr. COCKRELL. I withdraw my objection to the resolution of the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. I ask for the consideration of the resolution.

The Senate proceeded to the consideration of the following resolution:

Resolved, That the Committee on Coast Defenses be, and it is hereby, authorized to employ a clerk, who shall be paid, at the same rate that the other per diem clerks are paid, out of the contingent fund of the Senate.

The resolution was agreed to.

Mr. CAMERON. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned.

TUESDAY, *March* 17, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

RELATIONS BETWEEN LABOR AND CAPITAL.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from New Hampshire [Mr. BLAIR], which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Education and Labor be directed to continue, with a view to its completion during the ensuing vacation, the investigation of the relations between labor and capital, authorized and directed by Senate resolutions of August 7, 1882, and February 26, 1883, with the same rights and powers conferred by previous resolutions of the Senate.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. MORRILL. I think that there ought to be some investigation as to the contingent fund. I see by papers on my desk that there are three such propositions for the continuance of committees during the recess, and I understand that the contingent fund of the Senate is hardly large enough. I do not know what the facts may be, but I make the suggestion that the state of the fund ought to be investigated before any further burdens are put upon it.

Mr. BLAIR. There is no occasion for an investigation of the contingent fund so far as this resolution is concerned. There can be but

very slight expense attending it. It was contemplated that this investigation would be completed during the last vacation, but as I stated or designed to state yesterday, I was unable to attend to it as chairman of the committee, and no expense whatever was incurred.

It has been a very cheap investigation so far as the expenditure of money is concerned. It is one of those investigations which, while it seems to have attracted the attention of everybody as one that must be absorbing the funds of the nation overwhelmingly, has yet cost the very least to the public of any that have ever been instituted by the Senate. Some $25,000 or $30,000 covers the whole expense, while $80,000 is within the limits of at least some investigations which have not covered anything like the ground or which have not involved anything like the amount of labor expended in this case.

Four volumes of testimony have been taken and are published. A little more testimony has been taken which has not yet been published; some half-dozen witnesses or so remain to be examined. Provision has been made by resolution of the Senate and House; a joint resolution, which passed both Houses, for the publication of the whole in five volumes, four of which, as I have stated, are already issued, and the remaining volume, comprising some evidence and the report of the committee, remains to be put in shape for the use of the Printer.

As I stated, a very small amount of the testimony remains to be taken, which was to have been taken during the last vacation, but, for reasons which I have given, failed to be taken. It is not contemplated to expend any considerable amount of money. A thousand or two thousand dollars will undoubtedly cover the whole expense.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

INTERSTATE-COMMERCE COMMITTEE.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Illinois [Mr. CULLOM] yesterday. It will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of commerce among the several States, with authority to sit during the recess of Congress, and with power to summon witnesses and to do whatever is necessary for a full examination of the subject. Said committee shall have power to appoint a clerk and stenographer, and the expenses of such investigation shall be paid from the appropriation for expenses of inquiries and investigations ordered by the Senate.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. MORRILL. I should like to ask the Senator from Illinois the amount of expense which probably will be incurred under the resolution?

Mr. CULLOM. Of course I am not able to state exactly how much expense might be incurred under the resolution. I will say to the Senator, however, that there is no purpose to get a committee for the sake of having one for a play-spell or anything of that sort.

The Senator from Vermont knows that during the consideration of this subject at the last session of Congress there was a universal expression, wherever anything was said on the subject, that the Congress of the United States was without that full information which was necessary to enable Senators to vote as intelligently as they desired to do upon this very important question. There are several points of difference between Senators on the question of the regulation of interstate commerce. I felt myself during the consideration of the subject, having charge of the bill which was before the Senate, that there was a lack of that definite information which would enable us to do with certainty what we thought we ought to do.

The sole object of the resolution is to get a committee to make specific inquiries, so that the points of difference between Senators can be investigated and considered, testimony taken, &c., so that when Congress comes together again the committee will be able to lay before Congress that information which will satisfy Senators as to their duty in the premises. It will involve considerable work, and I introduced the resolution believing that it was necessary in the interest of the public.

Every man, I think, understands or believes that the subject of the regulation of commerce among the States is one of the most important now before the country, and so far as I am concerned, having had something to do with it, I want to satisfy myself exactly what kind of regulation is necessary in the public interest, and to do that I believe that this sort of committee should be raised.

I do not apprehend that it is going to be a very expensive affair, but still there is going to be some work to do if it does any good, and I ask for the committee for the purpose of getting one that will do the work in the interest of the people of the United States so that when we come to legislate upon this subject again we shall know what we ought to do.

Mr. HOAR. I think that the members of the Senate who have attended to the subject would agree generally that the most valuable state paper of modern times published by this country is the report made by the late Senator and Secretary of the Treasury, Mr. Windom, from the Committee on Transportation Routes to the Seaboard on the general question of the relation of the railroads to the commerce of the country and the means of controlling the railroads in the interest of commerce. That most instructive, valuable, and profound report brings the subject down to the year 1873. A year or two ago, having occasion to make a careful inquiry in this direction, I found very much the great want of a continuation of the work of that committee, the compilation of the matter which is found in State railroad reports and the reports of the great railroads of the country to their stockholders, with the additional instruction which the experience of the last ten or twelve years has furnished.

The country has been alive to this subject, and I believe there is no single committee of the Senate, either general or special, which can render a service which is more needed by all of us in dealing with the great duties which are before us for next winter than will be done by the committee proposed by the Senator from Illinois.

Mr. HARRISON. Will the Senator from Massachusetts allow me to suggest that I think the Senate has already passed a resolution directing the Committee on Transportation Routes to the Seaboard to do the very work which he has suggested?

Mr. HOAR. This is a kindred work. It is a different branch of the subject.

Mr. HARRISON. I refer to a resolution to continue the report of Secretary Windom from that time to the present date. I think on motion of the Senator from Rhode Island [Mr. ALDRICH] such a resolution has already been passed.

Mr. CULLOM. If the Senator from Indiana will allow me, I will state that a resolution was passed continuing the investigation, bringing the work of the committee that the Senator from Massachusetts referred to down to the present time or nearly so, but the purpose I have in view is not covered by that resolution. Under the former resolution the committee referred to by the Senator from Indiana and the Senator from Massachusetts has not its attention directed to specific lines of investigation. Every Senator knows that during the discussion of the question of the regulation of interstate commerce at the last session there were particular lines of ideas upon which Senators on this floor as well as members in the other House of Congress differed, and there was not that specific information which enabled any of us to feel absolutely certain as to which line of action was the best in the interest of the country.

It has been my purpose, if this investigation is ordered, to direct the attention of the committee generally to the whole subject, but specifically to the investigation of those points upon which honorable Senators and the people of the country have differed. I suppose that while the Committee on Transportation Routes to the Seaboard might take that into consideration, yet their work as charged by the former resolution does not specifically comprehend the questions which are involved in the regulation of interstate commerce such as we had before us during the last session of Congress. I hope, therefore, that the resolution will be adopted.

Mr. CONGER. My attention has just been called to this resolution. The Senate has always had a very efficient Committee on Commerce, and I presume I may say the Senate has at the present time an efficient Committee on Commerce. I do not know any particular reason why a special committee should be appointed to take charge of a subject-matter which, by the rules and by all custom and all precedent, has been referred to the Committee on Commerce from time immemorial, unless it may be thought that that committee is not capable of performing the duties and functions which have belonged to it and which do belong to it under the rules. Until that be made apparent to the Senate in some manner I venture to presume that the Senate will not desire to take away the duties and functions of an old standing committee and give them to a select committee.

From the remarks of the Senator from Illinois I would conclude that he meant to call attention more particularly to the question of railroad transportation and restrictions upon railroads and upon freights and upon such kindred subjects as might be implied in a law regulating transportation; but if he means simply to embrace the general subject under the clause of the Constitution for the regulation of commerce between the States and with foreign countries and with Indian tribes, I think it would be well enough to discharge the committee which has had and now has charge of that subject and have another appointed.

Mr. CULLOM. If the honorable Senator will allow me, so far as the mover of the resolution is concerned, I have had no purpose whatever to interfere with what has been understood to be the province of the Committee on Commerce, and I do not suppose that the investigation would result in any such arrogation of authority.

Mr. HOAR. The interstate-commerce bill of the last session did not come from the Committee on Commerce.

Mr. CULLOM. The bill that had for its object the regulation of interstate commerce during the last Congress did not come from the Committee on Commerce, but came from the Committee on Railroads. But whatever may be the fact as to that, I have had no purpose whatever in seeking to reach out and get possession of subjects that have been regarded as belonging to the Committee on Commerce.

It is true, as the Senator says, that the great work of such a committee as is proposed to be raised would be the investigation of the question of the control of the transportation companies, ordinarily known as railroad companies, and I do not know that it would go beyond that. But

I have felt, as I said before, that further information ought to be obtained if we are going to pass any law by which the internal commerce of the country shall be regulated under the provision of the Constitution, and it is not with any idea of trying to get possession of the special work that has been in the hands of the Committee on Commerce heretofore.

Mr. CONGER. The resolution is very unadvisedly worded, then. Under our rules a Committee on Commerce has been appointed, and all matters relating to that subject by the rules are referred to that committee. Now, it is true that at the last Congress, contrary to all the precedents and contrary to the precedent in the other House, the Railroad Committee did report a bill which subsequently worked its way into and was connected with the bill for the regulation of interstate commerce. As introduced that was a bill to limit and control and regulate railroads. Before it got through it came to be a bill to control all interstate navigation, and endeavored to apply what was supposed to be a rule for transportation and control of railroads to the general regulation of commerce. After it had assumed that form, and for that particular occasion, although the bill that came from the House came from the Committee on Commerce there, and although all bills heretofore on that subject had come into the Senate from the Committee on Commerce or the Committee on Transportation Routes to the Seaboard, this was allowed to go on in that way, but at the same time with a protest that it was not to be taken as a surrender of the rights of the Committee on Commerce or to be taken as a precedent.

As I said before, if this be a special committee to examine into railroad transportation it should be so worded in the resolution, and if any such resolution is to be passed as this it should be confined to the subject of inquiries as to railroad transportation, and not extend to general navigation and transportation by rail and water.

I think the resolution had better go over until another day.

Mr. MILLER, of New York. Mr. President——

The VICE-PRESIDENT. The Senator from Michigan proposes that the resolution shall lie over one day.

Mr. CONGER. I will withdraw that suggestion if the Senator from New York wishes to speak.

Mr. MILLER, of New York. I think the criticism of the Senator from Michigan upon the objects of the resolution is hardly well founded. For some years back the Committee on Commerce, of which I have the honor of being a member, has not assumed control of measures or investigations relating to commerce by railroads or what might be properly termed interstate commerce. Undoubtedly the scope of the Committee on Commerce is broad enough to cover all those subjects, but by common consent other committees have been established upon railroads and upon interstate commerce, and investigations of that kind have gone to those committees.

Mr. MCMILLAN. It was perhaps before the Senator from New York was a member of the Committee on Commerce that this entire subject was referred to the Committees on Commerce in both Houses.

Mr. MILLER, of New York. Of course I am not speaking of the distant past.

Mr. MCMILLAN. It has not been in the very distant past. It was the last time the subject was before Congress except the last occasion.

Mr. MILLER, of New York. Of course I have no desire to——

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Will the Senator from New York yield to the Senator from Illinois?

Mr. MILLER, of New York. Certainly.

Mr. CULLOM. By the consent of the Senate, I believe I shall have no objection to inserting the words "by railroads," after "States;" so as to read:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of commerce among the several States by railroads, with authority to sit during the recess, &c.

If that will remove the objection of the Senator from Michigan I will so modify the resolution.

Mr. CONGER. I object to taking the only phrase which can control the powers and duties of the Committee on Commerce as the guide of this proposed committee. If the Senator desires simply to make this an investigation as to some particular restraint upon railroads in regard to freights and things of that kind, that is one thing.

Mr. CULLOM. Those words inserted would relieve the resolution, I think, of any objection which the Senator desired to make.

The VICE-PRESIDENT. The Secretary will report the amendment proposed by the Senator from Illinois.

The CHIEF CLERK. In line 3, after the word "States," insert "by railroads," so as to read:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of commerce among the several States by railroads, with authority to sit during the recess, &c.

The VICE-PRESIDENT. The resolution will be so modified.

Mr. CONGER. I hope there will be no action on the resolution. I made the objection to its being considered to-day and withdrew it simply to hear the Senator from New York.

Mr. MILLER, of New York. I yielded to the Senator from Illinois. The Senator from Michigan can make his objection after I finish; he can not do it now.

The VICE-PRESIDENT. The Senator from New York has the floor.

Mr. CONGER. If the resolution is not subject to an objection to carry it over, I shall at the proper time make a motion that it go over.

The VICE-PRESIDENT. The resolution was introduced yesterday and was postponed, and it is now before the Senate for adoption.

Mr. CONGER. Then after the Senator from New York has concluded I shall make the motion.

Mr. MILLER, of New York. The Senator from Michigan always so closely follows parliamentary usage here that it is unnecessary for me to remind him that he can not make his objection while I have the floor.

The subject-matter contained in the resolution, when properly understood, has not, in my judgment, been lately considered by the Committee on Commerce, but it has, either by a vote of the Senate or by unanimous consent, been given to other committees.

I fully agree with the Senator from Illinois and the Senator from Massachusetts in the statement that a proper and full investigation should be had and a report made to the Senate. There are a number of matters deserving of the attention and investigation of the Committee on Commerce, and I shall hope that the chairman of the committee will move in that direction. I refer particularly to an investigation which I think should be made in regard to the workings of the shipping act which was passed a year ago, and which has now been in operation nearly a year. I believe the interests of foreign commerce require that a very thorough investigation of that matter should be made. If that is made by the Committee on Commerce during the recess between now and December, it will have all the work which it can well do.

I for one do not think that the rights of the Committee on Commerce are to be at all invaded or permanently destroyed by the investigation which it is proposed to make under this resolution. I think it very proper, and with the limitation which the Senator from Illinois has suggested I hope that it will pass and that the committee will be raised.

Mr. SAULSBURY. If I read the resolution aright, it asserts the power of the regulation of commerce by the railroads of the country.

Mr. CULLOM. Will the Senator allow me to make a suggestion? The amendment which I made in the third line I think would seem to require that the word "commerce" should be stricken out and the word "transportation" used in its place, so as to read, "to investigate and report upon the subject of the regulation of transportation among the several States by railroads."

Mr. SAULSBURY. That perhaps might obviate the objection which I was going to state to the resolution, which is that as the resolution had been amended by the Senator from Illinois it presupposed that there were regulations of commerce by the railroads of the country. If I understand the Constitution, the power to regulate commerce belongs to Congress and not to railroads, so that if we should adopt the resolution as amended by the Senator it would be the assertion that there were regulations of commerce by the railroads of the country.

I wish to take this occasion to say that I do not think this committee is necessary. We have had a great many committees of investigation, one of which was referred to by the Senator from Massachusetts. I do not know that any good whatever resulted from that except an expenditure of some $200,000. There were recommendations made by the committee of which Senator Windom was chairman, but I do not know that any practical good has resulted from that investigation, which cost, I believe, somewhere in the neighborhood of $200,000; at least that amount was appropriated to be expended by the committee.

I hold in my hand three resolutions to continue investigations, and if any good has resulted from those investigations except furnishing some general information, if anything has resulted which has shaped the legislation of the country, I do not know what it is.

The fact is, I think that we have too many investigations of this character, and in my opinion it would be well for Congress to put itself in harmony with the present disposition of the executive department of the Government to economize expenditures. The country seems very much pleased with the first steps of the present administration in cutting down the expenditures of the executive department, and I am very sure that if the legislative department of the Government would put itself in harmony with the spirit and purposes of the executive department it also would receive commendation from the country.

All these investigations are attended with enormous expense. Witnesses are summoned and are paid, and large mileage is paid to witnesses. Various expenses are incurred, and it takes a large amount of money from the Treasury of the United States to pay the expenses of these investigations.

Here is a resolution which I hold in my hand to continue investigations in reference to the forestry of the country. We all know something of that subject. I do not know why we want to summon witnesses to testify in regard to that. We know that there have been depredations upon the public lands; we have had investigations of that kind and reports of that character, and I do not see that any practical good can result from that resolution or any of the rest of the resolutions which I hold in my hand. I shall therefore vote against all of them.

Mr. MORRILL. I did not call attention to the resolution of the Senator from Illinois from any hostility to an investigation which would give the Senate further information that might be needed, but from the

fact that a resolution was passed by the Senate directing the Committee on Public Buildings and Grounds to look into the question of changing the gaslights to the Edison lights for use in the Senate Chamber; and if anything should be done in that direction it might involve some expenditure from the contingent fund, and observing that there were several propositions of this kind pending, I was not certain that they might not absorb the whole of the contingent fund. I do not wish to have it understood that I object to any of these investigations, but I only referred to the matter for the consideration of the question as to whether we had sufficient funds or not.

Mr. HARRISON. I called attention to the fact, and have sent for the resolution which was adopted by the Senate a few days before the final adjournment of Congress, directing the Committee on Transportation Routes to the Seaboard to make this very investigation. It seems to me nothing can be clearer than that the resolution of the Senator from Illinois if adopted will duplicate the work. If it shall be ordered to be done by a special committee, then I hope the other resolution, which was a resolution of the Senate and is still in our power, may be recalled. Certainly the contingent fund of the Senate is not in such a condition that we can now, if we could properly at any time, set two committees of this body, one regular and the other special, to doing precisely the same work; yet it can not be denied that if this resolution passes the work will be duplicated.

I was going to ask the Senator from Iowa [Mr. ALLISON] what the present condition of the Senate contingent fund is. We have already ordered several investigations which will involve a good deal of expense. The Committee on Indian Affairs has been directed to investigate the subject of leases of Indian lands for grazing purposes. It will be necessary that a subcommittee shall go to the Indian Territory to complete the taking of testimony which was begun here during the session in Washington. Then it will probably be necessary, as papers have been presented here calling the attention of the Senate to some abuses in connection with the leases of the lands of the Crow reservation in Montana, to have a subcommittee go there. I can not recall all the orders which have been made for special examinations.

I am advised further that the contingent fund of the Senate was drawn upon very heavily for the purpose of paying some residuum of the expenses of the late inauguration which were not otherwise provided for. I think an inquiry will develop the fact that that fund is already in some condition of dilapidation; and if all these committees are ordered the result will be that the contingent fund will be exhausted.

At the last Congress the Committee on Territories was directed to make an investigation as to some legislation in the Territory of New Mexico which was thought to be improvident. We made it simply by sending for certain documents; we refused to call witnesses; and yet the few hundred dollars of expense which was incurred in that investigation lay over from last year until this, and as chairman of the committee I have constantly in the interval been dunned by the people to whom the money was due, and it was not until a deficiency bill was recently passed that they were able to get their money. We ought not to lay out a plan of work here by these committees which will involve a deficiency that will compel those who are managing them to advance the money themselves or compel those who are witnesses, those who attend, or others, to remain without their compensation.

I hope, therefore, the Senator from Iowa will make some statement, if he can, as to the condition of the contingent fund, the amount of it, and that the chairman of the Committee on Contingent Expenses will add such information as is in his possession.

Mr. ALLISON. Mr. President, I can not give the Senate the information required with absolute accuracy, though it is easily attainable by inquiry at the office of the Secretary, in reference to the contingent fund for the present fiscal year. There is an appropriation for this class of service for the next year of $25,000, the appropriation for this year having been only $15,000. I can furnish, however, some information as to the investigations ordered.

The Committee on Privileges and Elections are authorized to sit during the recess; but I understand for one purpose only, namely, to compile the record of contested cases in the Senate, which of course can not involve any great expense, and probably only involves the expense of the per diem of a clerk during the vacation, which will be a very small sum.

The Committee on Indian Affairs have a number of matters that they are required to investigate during the vacation. I do not know what that expense will be.

The Committee on Naval Affairs, I believe, is authorized to sit during the vacation, for what precise purpose I do not know.

The Committee on the Improvement of the Mississippi River is also authorized to sit during the recess. I can not think that will be a very expensive investigation.

The Committee on Public Buildings and Grounds, as has already been stated by the Senator from Vermont, are required to investigate during the vacation whether it would be wise or unwise to substitute electric lights for gaslight in this Chamber. I can not think that that will be a very expensive investigation.

Mr. MORRILL. That matter is to be reported upon during this session.

Mr. ALLISON. The Committee on Rules are authorized to sit during the vacation; but I think that in the nature of things will not be a very expensive investigation.

Mr. FRYE. The Senator will pardon me for saying that the Committee on Rules is continued *ex necessitate*. The Senate wing has been transferred to their charge. The committee will not sit at all.

Mr. ALLISON. That authority to sit during the vacation, then, does not involve any expense.

Mr. HARRISON. Except the expense of a clerk.

Mr. ALLISON. Except the expense of a clerk. The committee alluded to by the Senator from Indiana, the Committee on Transportation Routes to the Seaboard, I believe is authorized to sit during the vacation. I do not know what the scope of that investigation will be.

Mr. HARRISON. If the Senator will allow me I will read the resolution:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to sit during the recess of Congress by a subcommittee or otherwise, to employ a stenographer, and with the same authority given the committee under the resolution of July 6, 1884—

Which was to continue the investigation made in the Windom report.

Mr. ALLISON. I ask the Senator—he is familiar with that, I believe——

Mr. HARRISON. I am not on the committee.

Mr. ALLISON. Then I will ask the Senator from Rhode Island whether that is likely to be an expensive investigation?

Mr. ALDRICH. No, sir; I think not.

Mr. ALLISON. Then having gone over these several committees that are to sit during the recess I do not think the expense will amount to a very great sum. Now, coming to the question of the resolution of the Senator from Illinois, I think that investigation ought to be made, and I know of no better way of making it than that proposed by the Senator from Illinois, to select five Senators, who shall be charged with the duty of undertaking that work and reporting to us at the beginning of the next session.

I know of no more important question pending in this country today than the question of the relation of our transportation companies to the people of the United States. I know that that has been a subject of investigation in the House of Representatives and it was also debated at considerable length here during the last session and gave rise to differences of opinion with reference to the situation of the railroads with regard to the question of transportation; and I supposed on reading the resolution of the Senator from Illinois that it was his purpose and intention to really continue the investigation of the subject that was debated here during the last session. If that is his purpose and the purpose of the committee which he proposes to raise, I can think of no more important question to be investigated during the vacation of eight or nine months than the question which he proposes to investigate here; and, for one, I shall vote for this investigation in the belief that there is a sufficient sum of money already appropriated to cover the purpose; but if there is not, I think the matter is of such magnitude and of such interest to all the people that it is important that we should have full and complete information upon it. That is a question which we all know was not disposed of at the last session. The House of Representatives passed a bill and sent it to the Senate at a very late day. The Senate of the United States, after such deliberation as it could have on the subject in the brief time allowed, returned a bill to the House of Representatives, and that bill was permitted to sleep without the usual committee of conference being ordered on this important question. So the matter hangs between the two Houses without any solution of it. For one, I desire that the Senate shall be placed in possession of such information as will enable us to deal with the question when we meet here in December next and deal with it with an intelligence that we ought to have in dealing with great subjects of this character. Therefore I hope the Senator from Illinois will be authorized to have a committee of five Senators, and that that committee will use the time intervening between the close of this executive session and the beginning of the next regular session to furnish us such information as they can procure for the purpose of legislation at the next session.

Mr. HARRISON. Does not the Senator from Iowa know that the resolution already passed directs the Committee on Transportation Routes to the Seaboard to make this very investigation?

Mr. ALLISON. I did not know that.

Mr. HARRISON. It does.

Mr. ALDRICH. I think the Senator from Indiana is mistaken in the statement he has just made. The Committee on Transportation Routes were directed to continue practically the Windom report of 1873 and to furnish certain statistics in regard to the prices of articles, the rates of transportation, and the amount and extent of the internal commerce of the United States. That investigation is not directed particularly to the legislation of the various States or to legislation by Congress, but merely to furnish facts in continuation of those contained in the report made by Mr. Windom in 1873.

There seems to be, in my mind at least, a distinction between the two committees. The function of one is to furnish facts in relation to the direction of trade and questions collateral to that; and of the other to investigate the proper legislation required at the hands of Congress.

Mr. ALLISON. I did not suppose that the Committee on Transpor-

tation Routes would be authorized or would take cognizance of the questions involved in the resolution of the Senator from Illinois, because that committee does not have control of those subjects. Its function is merely with reference to transportation routes to the seaboard. The question involved here is the general question of interstate commerce, and it seems to me that that is of sufficient magnitude to require the attention of five Senators who are willing to give their time and attention to the subject during the vacation.

Mr. MAXEY. Mr. President, the subject of interstate commerce and its regulation is the leading or at least among the leading measures which were considered by the Forty-eighth Congress with that degree of care and attention demanded by their importance and which have attracted the attention of the country, and I am willing to have any sort of investigation made in that respect which will throw light upon the question, especially of the competitive effect of railroad and river transportation and how far one acts as a competitor of the other. The present condition of railroad affairs in the United States, it occurs to me, makes it unusually important that this question should be investigated. But I have to say to the Senator from Iowa that what I regard as somewhat a thrust at the House in what he has said was in my opinion not called for. I can now speak of that because the Forty-eighth Congress has no existence now.

The House of Representatives sent a measure to us which pointed out a theory for interstate-commerce legislation. The House had had under consideration the commission system. It had distinctly voted down the commission system. The Senate was fully advised of that fact when the House bill came to us, and the Senate deliberately adopted the commission system notwithstanding that system had been voted down by the House; and the House did, and properly in my judgment, let the Senate bill sleep, because it was directly antagonistic to the bill which they had presented to us in every essential particular, and no conference could have led to any conclusion unless one or the other House had squarely backed down, which was not at all probable. There could be no compromise, because the theory of the House bill was in direct antagonism to that of the Senate.

That accounts for the action of the House. It was a deliberate action on the part of the House, because they had deliberately acted on both plans and had adopted the system of settling the question between the shipper and the railroad by due process of law in the courts of justice, while the Senate, disregarding that, struck out the entire House bill and put in, as a so-called amendment, a substitute adopting the commission system, which had been rejected by the House by a deliberate vote on the yeas and nays. I desire that to go on record with the statement of the Senator from Iowa.

Mr. ALLISON. Would it disturb the Senator if I asked a question?

Mr. MAXEY. Not in the slightest degree.

Mr. ALLISON. Is it not usual when the two Houses disagree with reference to the detail of a measure which both desire to pass that a conference is had upon the differences?

Mr. MAXEY. I think the question was as clearly presented during the discussion as it could possibly be. The Senator from Kentucky not now in his seat [Mr. BECK] in his usual manner stated that the very course which was pursued by the Senate in deliberately setting aside and holding for naught the action of the House and adopting a different system meant and was designed to mean that there should be no legislation at all. That was his view of the matter. I do not say that I go to that extent, but I do say that the course which the House pursued in my judgment was the dignified course to pursue under the circumstances. Whatever may be the usual course in ordinary cases where there is mere difference of opinion as to details that is not this case. This was not a case like those usually submitted where differences in detail may be adjusted in conference. The difference was in distinct and conflicting theories.

Here were two systems antagonistic to each other. Both those plans had been discussed in the House of Representatives and deliberately acted upon; one had been voted down by a yea-and-nay vote, and the other by an overwhelming majority had been adopted. The Senate, disregarding the action of the House, set it aside and held it for naught and took the plan rejected by the House and adopted that and sent it back to the House, and the House sent it to the tomb of the Capulets, where it justly, rightfully, and properly sleeps the sleep that knows no waking.

Now, Mr. President, I want to say that so far as the little expense connected with this matter is concerned, with me it is as a drop in the bucket as compared with the magnitude of the question involved. I care not where the information comes from, whether from the Railroad Committee, the Commerce Committee, or a special committee. That information which is sought is of the utmost importance to the well-being of this country. All must admit that no greater question can be presented for the material interests of the people than this very question of transportation. The whole country to-day is suffering from a derangement of the transportation system resulting from a conflict between the owners of the railroads and their employés. That the people will suffer still more than they have done is, I think, pretty sure, from the fact that the only remedy which is left in the way of competition with railroad transportation is river transportation, and we have neglected to make any appropriation whatever to keep our rivers in good condition.

Sir, this is a great question, and it makes no difference to me where the information comes from so that it is fairly obtained and all sides of the question are presented. The plan of the Reagan bill as it is known, the plan of the commission bill as it is known, and every plan that has been presented have been discussed in Congress and by the country. I want a committee to look into the question honestly, squarely, and fairly, and let us have an honest bill that men who really desire the best interests of the country can unite upon. So much for that.

I say in behalf of the resolution proposed by the Senator from Massachusetts [Mr. DAWES] the chairman of the Committee on Indian Affairs that I helped at a former Congress to procure the passage of the resolution, and I speak from personal knowledge when I say that I think the Committee on Indian Affairs ought to sit during the recess of the Senate. We have pending three or four different propositions of grave magnitude concerning our Indian relations. There is a question as to whether or not a new and novel court bill shall be adopted creating a court in the Indian Territory, creating a class of jurymen never before known to the law. That is a question which should be looked into and investigated, and we should look into the condition of the country as to whether or not they are sufficiently conversant with our system of laws to sit upon juries and to hold court. That is a question which that committee ought to investigate. The question of leases, about which so much has been said all over the country, should be looked into; and the great question which is looming up now, the Oklahoma question, should be looked fairly and squarely in the face by the Committee on Indian Affairs. As one of the members of that committee I feel it to be my duty to say that that committee in my judgment ought to sit and look patiently into all these questions.

Mr. DAWES. Mr. President, so far as the remarks of the Senator from Texas in reference to the attitude of the House of Representatives in refusing to confer with the Senate on differences between the two Houses is concerned, I have only to say that his remarks are as unusual as they are strange, and in my opinion——

Mr. MAXEY. I do not hear the Senator.

Mr. DAWES. I say that so far as the Senator undertakes to justify the House of Representatives in refusing to confer with the Senate on differences between them on a pending bill, his remarks are quite unusual in any quarter, and in my opinion more than unusual in this body. The House of Representatives discussed a measure in two aspects and decided in favor of one of them. The Senate discussed the same measure in both aspects, and came to a different conclusion. The Senator announces that because the Senate dared to differ in its conclusion upon that measure from the form in which it came to us from the other branch, in his opinion the House of Representatives consulted its own dignity and the proprieties of the situation in refusing to confer with the Senate upon their differences. So far as I can see, it involves the question whether there shall be any conferences between the two Houses upon their differing votes. It does not involve the merit of the difference so much as it does the propriety of conferring with each other upon their differences. If the idea suggested by the Senator from Texas in vindication of the position of the House be sound, there is an end to all conferences between the two Houses. There would be no occasion for conferences if there were not differences, and it is quite begging the question to say because a Senator differs from a majority of the body and agrees with a majority of the other branch, therefore it did not become the other branch to confer at all with the Senate upon the questions of difference.

Sir, the doctrine undertaken to be sustained in that manner puts an end to deliberations between the two Houses. Agreement can only come of full and free conference, such alone as is the custom and the parliamentary law of these two bodies; and there can be no shifting of responsibility before the country for an utter failure of any legislation upon this important question from that House which refused to confer with the Senate because the Senate took upon itself to venture a difference of opinion, and yet asked the House to confer with them to see if there were not some common ground upon which they could agree, some measure upon which they could agree that would be beneficent and remedy acknowledged and existing evils. That House which has refused to confer with the other upon a pending measure goes to the country with the declaration that the existing evils are not grievous and serious enough to demand its deliberation with its co-ordinate branch of the legislative assembly. That is the question before the country. Are the evils acknowledged and existing and calling for legislation so grievous as to justify conference between the two branches of the Legislature? And that branch which says it does not and will not confer may go to the country upon that issue and answer to its constituents.

Sir, so far as the investigations are concerned, let me say that I agree with the Senator from Iowa in the importance of these investigations and in the propriety of the method suggested by the Senator from Illinois, and I hope that his resolution will prevail. I know that drafts to a great extent have been made upon the contingent fund of the Senate in pursuing various investigations, but up to this time I think that

the country will see that the benefit arising from the investigations—I say it with great confidence as to all of them except those in which I have had a part—has been more than to compensate for all the expense. It has been my lot to have had considerable of that work devolved upon me by the Senate, never by my own asking. The last year the Committee on Indian Affairs was charged with a very extensive investigation, which took its members very many miles—thousands of miles—from their homes when their fellow-Senators were enjoying that ease to which we were all entitled after our laborious service here.

I ought to say in vindication of the contingent fund this much: The money which was set apart from that fund and placed in the hands of the Sergeant-at-Arms to be expended in the discharge of the duties devolving upon the Committee on Indian Affairs, though they devoted themselves nearly the entire vacation to that work, was but partially expended. More than half of it is still in the hands of the Sergeant-at-Arms, and enough, in my opinion, to defray all the expenses of the investigations by the Indian Committee that have been devolved upon it for the next vacation. I hope so at least. Certainly if these investigations can be carried on as economically as they were the last session there will be more than enough in the Sergeant-at-Arms's hands now withdrawn from the contingent fund to defray all the expenses of the investigations which the Indian Committee will be compelled in vacation to pursue. Their importance the Senator from Texas has well called the attention of the Senate to.

The perplexing questions which are pressing upon the Executive and upon Congress growing out of the new conditions of things among the Indians will call upon those who undertake these investigations to spend very much time and labor and pains and work in the investigations. Still I think they will not be compelled to draw anew upon the contingent fund; at least I hope they will not; and therefore in all the calculations of the Senate in reference to new investigations or the drafts upon the contingent fund I think it is safe for them to lay out of consideration the expenses that the Indian Committee will incur in pursuing their investigations.

Mr. MAXEY. Mr. President, the Senator from Massachusetts has seen proper to reply to my remarks, as he had a right to do. I have listened very patiently to all he has said, and I am exactly of the opinion I held before. The country has seen the course pursued by the Senate and the course pursued by the House on the great interstate-commerce bill. It has passed out of Congress; it has gone into the hands of the people, and there if the Senator sees proper to throw down the gauntlet it will be taken up, and the question determined which was right, the Senate or the House. Unusual, says the Senator, was the course of the House. Is it more unusual than was the course of the Senate when upon a mere little internal-revenue bill of half a dozen lines the Senate, in opposition to the spirit if not the letter of the Constitution, ingrafted an entire tariff bill from beginning to end under the pretext of an amendment? Was the course of the House on that measure more unusual that the course of the Senate on this? During the existence of this country since it was first organized down to that good hour there was no precedent for that action of the Senate. That is all I wish to say on that point.

The House acted as I believe they had a right to act. The country understands the question and the country believes that the men who passed that House bill meant to regulate interstate commerce. It believes they meant that, and there is a belief that whether the Senate meant to regulate interstate commerce or not, the plan which was adopted has no effective force or power whatever. The Senate undertook to create a commission absolutely without power to correct a single evil, and the country understands that, and the House was not willing to pass it. That is all.

The Reagan bill as passed by the House had been discussed by the country for years. The Senator from Ohio [Mr. SHERMAN] stated in the course of his argument that in his great State, which he in part represents with such distinction, the general spirit of the people as evidenced in their petitions was in favor of that bill. So it was everywhere all over the country; but that bill was rejected here, and although I was in a minority, I have not yielded my judgment to the majority on that question, and I am willing to place that before the people and let them determine whether the Senator from Massachusetts who has seen proper to arraign me for disagreeing with the majority, as I do very often with the majority in this Chamber, is wrong or whether I am wrong. The whole question between the two Houses in respect to interstate commerce is before the country. I am willing to abide its decision.

Mr. DAWES. My good friend from Texas seems to have failed entirely to understand what I said. It was not a question whether the House was right or the Senate right upon the amendment to the bill. That was not the question. Upon that question Senators and Representatives may well differ. It was upon the question whether the House should say, "We will not confer with the Senate upon these differences." That was my criticism of the remark of the Senator. He justified the House in refusing to confer with the Senate because the Senate took the liberty to differ with the House. That was the criticism which I made, and that was the length and the breadth of it.

I do not discuss here and I am not sure that I should quite agree with the position which the majority of the Senate ultimately took upon that bill or with the bill which came from the House; but I had faith when I voted that a conference, a free and full conference in the language of the parliamentary law, would have brought out just such a bill as the mischief and the exigency required. But the Senator says he justifies the House in refusing to confer, and I say that justifying the House is declaring to the country that the continuance of the evil and the mischief is not so great as would be the danger of the House conferring with the Senate upon their differences of opinion.

Mr. HARRISON. Mr. President, I believe I have not spoken a word in opposition to the suggestion that it would be wise at this time to make the investigation called for by the resolution of the Senator from Illinois. I did, early in the discussion, suggest that the Senate was duplicating this work; that it had already directed the Committee on Transportation Routes to the Seaboard to make this very inquiry. I find by looking at the report of that committee, as made by Mr. Windom, which has been referred to by several Senators, and the value of which is not overestimated by them, that it covered the whole subject, that it was intended to be the basis of legislation directly in the line suggested by the Senator from Illinois, that all the questions of the publication of rates and of reasonable profits and of the limitation of dividends and of the powers of the General Government were discussed; and the evidence taken by that committee was intended to furnish Congress with a full magazine of information to be the basis of legislation regulating interstate commerce by railroad. That committee is still continued in force. Last summer the Senate passed this resolution:

Resolved, That the Committee on Transportation Routes to the Seaboard be, and they are hereby, authorized to sit at any place within the United States during the recess of Congress, by subcommittee or otherwise, to take testimony for the purpose of preparing statistical data relative to freights, commodities, and prices for the period from 1873—

Which was the date of the Windom report—

to the present time; the committee to report by bill or otherwise.

What sort of bill were they to report and on what subject, if it was not the subject of the regulation of transportation by railroad?

And that the necessary expense thereof, including the services of a clerk, be paid out of the expenses for special and select committees, &c., of the contingent fund of the Senate.

I have already read the resolution adopted at the last session referring to the resolution which I have just read and continuing to that committee the powers given to it by that resolution. Now I undertake to say, whatever may be the plan of the Senator from Rhoad Island who is the chairman of that committee, that the Senate has authorized and directed just such an investigation as by that committee is thought to be important here. It may be that the Senator from Rhode Island does not contemplate doing this work. It may be that he will not sit at the great commercial centers with his committee and take this testimony. Perhaps he does not contemplate that. I supposed that the committee contemplated doing the work which had been suggested to the Senate as proper and necessary to be done and which the Senate had authorized and directed to be done. I resented the suggestion which has been made as to some of these resolutions, that it was simply the question of a clerk or anything of that kind, and supposed that the intention of the committee in proposing these resolutions was to do thoroughly and well the work which the Senate directed them to do. If they do intend to do it, it covers the whole ground proposed by the Senator from Illinois. If they do not, it is a self-imposed limitation, and not because the resolution is not broad enough to cover it all. My point was simply that we ought not to have two committees doing this thing, and I think it must be apparent to every Senator that if the resolution of the Senator from Illinois proposing a special committee to do this work is to be adopted—and I say to him frankly I think it ought to be adopted—it is probably the better way to do the work, especially as we are advised by the Senator from Rhode Island that he does not intend to undertake it with his committee, then we shall want some excuse offered, I think, for continuing in force the resolutions as to the other committee.

Mr. President, the Senator from Iowa went over the divers committees that had been directed to do something, and he said it simply involved the expense of having a clerk, which probably would not involve much, if any, expense; but in many of these cases provision is also made for a stenographer. The simple expense of continuing one of these committee clerks at $6 a day during the vacation would be $1,500 or $1,800, and the aggregate of them all would probably be $9,000 or $10,000, even if the committee did not sit and take testimony, as they are authorized to do.

I have made the point I intended to make. Perhaps the Senator from Rhode Island, as chairman of the Committee on Transportation Routes, has the power to limit the work, though the Senate has given it at his suggestion a pretty wide range. If he does so limit it and applies himself simply to the collection of some published statistics on the subject now accessible but not aggregated, probably he will not involve us in much more expense than the payment of his clerk during the vacation.

Mr. ALDRICH. Mr. President, the resolution which has been read by the Senator from Indiana directs the Committee on Transportation

Routes to the Seaboard to collect certain statistical data for the period from 1873 to the present time. Neither the chairman of that committee nor any member of it proposes to impose any limitation upon that inquiry. They propose in good faith, so far as I know, to do exactly what the Senate asked them to do.

Mr. HARRISON. Does the Senator propose to sit in the great commercial centers and take the testimony contemplated?

Mr. ALDRICH. There is no testimony in great commercial centers contemplated by the resolution. Whatever the Senator from Indiana may have in his own mind was not known to the members of that committee before.

Mr. HARRISON. Why, then, the authority for which the Senator asked to sit at any place within the United States during the recess of Congress by subcommittee or otherwise and to take testimony?

Mr. ALDRICH. Those are the usual words of resolutions of this kind authorizing committees to sit during the recess. The form used there is the form used always. If the Senator had listened to the preliminary report made by the committee, or if he would do the committee the honor to take it now and read it, he would find that they state in their report that they have not found it necessary to take any testimony. They have with considerable diligence, I believe, as I think the Senator when he sees the report will admit, proceeded to carry out the instruction of the Senate in collecting statistical data.

Mr. HARRISON. Will the Senator do me the favor to yield to another question?

Mr. ALDRICH. Certainly.

Mr. HARRISON. May I ask how many meetings of the committee were held during the recess?

Mr. ALDRICH. Two, I think.

Mr. HARRISON. Where? Here?

Mr. ALDRICH. One in New York and one here. They involved no considerable expense to the United States. The Senator, if he thinks that committee have been expending the money of the Government improvidently, is very much mistaken. He can find by an investigation at the office of the Secretary of the Senate or elsewhere that we have expended no money improvidently in meeting at the great commercial centers of the United States. We have employed certain statistical experts to assist the committee in procuring information which we then believed and which I now believe is extremely valuable in the discussion of the questions involved in the interstate-commerce problem.

The committee never have considered themselves intrusted with the duty of investigating the interstate-commerce question, merely for the reason that this committee never had jurisdiction of that subject. The Committee on Railroads reported the bill which was discussed so ably in the Senate by the Senator from Illinois and others, and the Committee on Commerce believed that they had some jurisdiction over the question of interstate commerce. The question of interstate commerce as such has never been considered by the Committee on Transportation Routes to the Seaboard.

Mr. HARRISON. That was the very object of the constitution of the original committee, and to that committee was referred a part of the President's message; and the resolutions of the Senate expressly continued to that committee the very question; and the only reason why it is continued to-day is because it is supposed to succeed to the duties and that the original exigency still requires them, which were to look into this very question and propose legislation.

Mr. ALDRICH. I think the Senator from Indiana himself was chairman of this committee when this question of interstate commerce was referred to the Committee on Railroads and when it was reported from that committee to the Senate; and if he has allowed the duties and prerogatives of that committee to lapse, it is his fault and not the fault of the present chairman of the committee. I never have understood, and I think no member of the committee has understood, that the broad question of interstate commerce was submitted to us for investigation. We had a certain line of investigation which we have been trying to follow. The work is now in progress, and I believe that we shall have some results which will be satisfactory to the Senate to show for any expenditure which we may make.

Mr. CULLOM. Mr. President, I did not expect when this resolution was introduced by me that it would call forth quite that extensive discussion which has seemed to occur to-day. I introduced it feeling, as I have felt ever since I came into the Senate, that there was a lack of specific information upon this great subject of the regulation of commerce between the several States. When I came into the Senate I believed that some legislation by Congress ought to be had, and in pursuance of that conviction I introduced a bill, which was referred to the Committee on Railroads on my motion simply because I happened to be on the committee, not with any desire to take jurisdiction from any other committee of that subject or any other. A bill was reported from the committee to the Senate. It was before the Senate a portion of the first session of the last Congress and during the last session of Congress until the Senate passed a bill. As every Senator upon this floor knows, every gentleman who spoke upon the subject in the Senate, I believe, gave utterance to the expression that there was not that definite information furnished to the Senate by anybody which was sufficient to entitle us to be certain as to what line of policy we should pursue in the attempt to regulate commerce by Congress.

So far as I was concerned and so far as the Committee on Railroads were concerned we reported the best bill that we could, and the Senate passed a bill the best that it thought it could. There was no purpose on my part or on the part of anybody else, so far as I know, in the Senate, to run a policy against the idea pursued by the House of Representatives. The House of Representatives under the lead of the distinguished gentleman from Texas passed a bill after very considerable discussion. It came to the Senate. The Senate considered that bill. The Senate considered a substitute for it, and after amending the substitute the Senate passed the substitute by as overwhelming a majority, I may be allowed to say, as was the House bill passed by the House of Representatives.

But that is neither here nor there. So far as I am concerned I have no special desire to cling to one idea or to one policy or theory upon this question. I am willing, if investigation convinces me it is right, to adopt the policy pursued by the House. If investigation convinces me that the Senate bill was not right in all particulars or in any particular, then I shall vote against that bill. But I do insist that the Senate of the United States is disposed to quibble over an important question when it lets trifling things be passed through here that are not of very much consequence to this country. There is no question before the country to-day in which the great body of the American people are more interested than they are in this question of regulating commerce between the several States; and I say that it comes with ill grace from anybody to insist that there shall not be that thorough, close, impartial, fair investigation which is necessary in order to enable the Senate to do the right thing.

I do not care what becomes of the bill that passed the Senate or that which passed the House so far as those measures are concerned, but I do care to know when I vote for a bill during the next session, which I hope to have the opportunity of doing, that the bill which the Senate and Congress shall pass will be the bill most in the interest of the great body of the people of this country.

Now I want to suggest another thing. There has been more or less testimony taken by the committee in charge of this subject in the other House of Congress at different sessions, and there has scarcely been anybody before that committee who was not a railroad president, or a railroad solicitor, or some magnate of that sort giving testimony before the committee. I want to go to the people upon this question and find out what they want as well as what the railroads want, and when the honorable Senator from Texas says that he is for any fair investigation, so far as I am concerned if I have anything to do with it there shall be no other kind of an investigation by any committee with which I am connected.

With these remarks I desire that this resolution shall be acted upon. If the Senate does not want the information, does not want the investigation upon the specific points which are in controversy among the people and in the Congress of the United States, let it vote the resolution down. That is all I have to say about it.

Mr. McMILLAN. Mr. President, I move to amend the resolution by striking out the words "commerce among," in the second and third lines, and inserting in lieu thereof the words "transportation by railroad of freights and passengers between;" so as to make the resolution read:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of the transportation by railroad of freights and passengers between the several States, &c.

My amendment directs the object of this select committee, if it is to be raised, in the channel in which I understand the Senator from Illinois desires to direct its inquiries. The resolution as it is now offered by the Senator from Illinois takes the whole subject of the regulation of commerce among the several States. That question is the entire jurisdiction of the Committee on Commerce of the Senate. The Senator from Illinois at the last Congress introduced a bill, which was referred properly, I think, at the time it was introduced, to the Committee on Railroads, and the result of that was the report of a bill regulating the transportation of freights by railroads between the several States. The Senator having had charge of that subject, it is perhaps well that he should continue it; and whatever course he desires to take in regard to that, so far as I am concerned, I am willing that that course should be taken; but to interfere with the general——

Mr. BROWN. Will the Senator permit me to interrupt him a moment?

Mr. McMILLAN. I will.

Mr. BROWN. I desire to ask the Senator from Minnesota why he confines this investigation to transportation by railroads alone. When a railroad runs upon the bank of a river for two hundred miles, and transportation is conducted on the railroad and on the river in competition, why should he investigate the one and refuse to investigate the other?

Mr. McMILLAN. So far as the question of transportation by water routes is concerned we have a very enlarged report on that subject from the Committee on Transportation Routes to the Seaboard.

Mr. BROWN. But as the competition is between the two, and the proposed committee is to have charge of the railroads, why not investigate the river transportation at the same time?

Mr. McMILLAN. I think the only competition railroads have in

the transportation of freights is perhaps with water routes, and we have heard no complaint——

Mr. BROWN. They often compete with each other.

Mr. MCMILLAN. We have heard no complaint of overcharges on the water routes.

Mr. BROWN. They very often compete with each other; and many a time a water route and a railroad route are the same, or, in other words, it takes both to form the one route—part of the route is by railroad and part is by water. Sometimes there is a link in the middle that is water and the balance rail at each end.

Mr. MCMILLAN. The water routes are always open to competition. Any person may put a boat upon the waters of this country and carry freight, but every person can not build a railroad. If the Senator from Georgia desires a modification of that kind, and the Senator from Illinois desires it, I have no objection to that. My object was to confine the investigation of this special committee to the particular subject of the regulation of transportation by rail, and not the regulation of commerce between the States.

Mr. BROWN. I would move to amend the amendment of the Senator from Minnesota after the word "railroad," as I recollect it, by inserting:

And water routes in connection therewith, or in competition with the railroad.

Mr. CULLOM. All right.

Mr. MCMILLAN. I have no objection to that.

Mr. BROWN. I would say "water routes in connection or competition with railroad routes."

Mr. MCMILLAN. Very well.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota as amended.

Mr. BROWN. That is the amendment of the Senator from Minnesota as amended by my amendment?

The VICE-PRESIDENT. As modified.

Mr. BROWN. By the amendment offered by myself?

The VICE-PRESIDENT. The Chair understood the modification to be accepted. The resolution as proposed to be amended will be read.

The Chief Clerk read as follows:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of transportation by railroad and water routes in connection therewith as in competition with railroads, of freights and passengers between the several States, with authority to sit during the recess of Congress, and with power to summon witnesses, &c.

Mr. MCPHERSON. I do not rise, Mr. President, for the purpose of opposing the resolution of the honorable Senator from Illinois or the amendment, but simply to make a suggestion to the Senate.

It will be remembered that some ten or twelve years ago this question of interstate commerce was under discussion by the people of the country and it reached Congress. The result was that a committee of investigation, known as the Committee to Investigate Transportation Routes to the Seaboard, was appointed. At great expense, lasting through a year or two, the members of that committee proceeded to investigate the whole subject, and I suppose no more able report was ever submitted to Congress than that made by that committee. They took a long time, they traveled over a large section of the country, they investigated every single thing that could be investigated touching the whole question of transportation both as to water routes and rail transportation, and submitted their report to Congress.

At that time complaints were made of discrimination, complaints were made as to the unreasonableness of freight charges. The same allegations have existed from that time to this, and complaints are coming to us to-day of unreasonable freight charges and of discrimination between different points and different individuals. For ten long years the House of Representatives also has been considering this question, and the records of the House to-day will show more intelligent testimony printed upon this question than upon any subject that was ever presented to Congress. Not only the shippers of freights but the transporters of freights and passengers have been examined; both sides of the question have been discussed; and if this committee were raised by this resolution the proper place for them to get information would be to go to the committee of the House of Representatives and sit down and read its records, for certainly the information can not be obtained in any other way so useful for the committee as it could be obtained there.

Now, sir, it is proposed to raise a committee to investigate a subject which the Congress that has just expired has investigated and the House of Representatives has considered by its committee and passed a bill through the House providing for a settlement of the question in a certain way. It proposed to fix the rates of transportation; it first proposed that as between two points the rates should be reasonable; it then proposed that as between points of lesser distance the freights should be less. In the first place it made a rate and then said that to points of shorter distance the rate should be a less rate than that charged for a longer distance.

The Senate on the other hand considered also the same subject. The committee of the Senate, charged with the consideration of the question, also reported a bill. It did not agree with the House bill, and the Senate bill received the votes of a large majority of the members of the Senate. That bill proceeded upon the idea that there was no way to settle this question except by conferring upon a commission to be appointed by the President power to determine in every case of complaint the reasonableness of the charges and all questions of discrimination.

Now I submit to the Senator from Illinois that after his committee with their roving commission run all over this country, in the end he will settle right down exactly to the principle found in the Senate bill, that a commission must be raised upon whom will be conferred the power and all power necessary to treat and to deal as between the lines of transportation and those using them. That commission, it was supposed, would be one of experts, of intelligent men, and after you have roamed the country all over you will come down simply to that proposition and report a like bill to that reported before, that a commission shall be clothed with power to determine the rights of the shipper as against the interests of the transportation company. After you have expended your money, spent your time, and traveled all over the land, you will then have no more information than can now be found in the records of the House and the Senate.

The expenditure of money is called for to be paid out of the contingent fund of the Senate, not only for this purpose but for several other purposes as I have heard expressed on the other side of the Chamber, and I ask Senators, what has been the experience of the Senate touching these matters? What benefit have these junketing tours over the country been in respect of information necessary to be had, as the Senator from Illinois says, with respect to these subjects? I do not know that we are much better informed than we could have been informed by having gentlemen visit Washington and give their testimony on these subjects and having their testimony appear in our printed reports. We may raise a special committee here for every purpose and for every bill that is likely to come before the consideration of the Senate or the House of Representatives, but with what result in making legislation?

A few years ago we employed a tariff commission. They traveled all over the country; they took any amount of testimony; that testimony was printed at great expense to the people of the country; and with what result? It resulted in nothing. No more information could be obtained from that report than almost any Senator who was at all conversant with the subject had before. A bill was presented as being the very best thing that the Congress of the United States could do touching the question of a tariff on imported merchandise and the relations of labor and capital in this country. What was done with it? The House simply emasculated the bill. It was sent to the Senate Committee on Finance, and when it left that committee even its originators and friends could scarcely know it. Therefore I say that no practical good comes from these special committees and commissions; and upon this particular question certainly there is no necessity for a committee of investigation, because we have more information upon it than upon any question to-day before Congress.

There is one thing for Congress to do with respect to this matter: either confer power upon somebody to keep the railroads of the country in check or pass the bill that was sent here from the House of Representatives by which the Senate and House of Representatives proceeded themselves to say how freight and passenger traffic should be conducted in this country. There are two distinct ideas and two distinct separate modes of action. One of them must and should be adopted. I think the Senator from Illinois will scarcely give us more information, even if he spends six months in making the investigation, than we now have.

Mr. CULLOM. I ask for a vote, Mr. President.

Mr. TELLER. I desire to offer an amendment. After the word "subject" I move to insert:

And report to the Senate on or before the first Monday of December next.

Mr. CULLOM. I have no objection to that. I do not see the use of the word "before." We can not very well report to Congress before the first Monday of December.

Mr. TELLER. "On or before the first Monday," that is the assembling of Congress.

Mr. CULLOM. We can not report before.

Mr. TELLER. No. Well, say "on the first Monday."

Mr. DAWES. I would not make it the first day of the session. I agree with the Senator from Colorado that the committee ought to be required to report very early, but I would not say the first day of the session.

Mr. TELLER. I have no objection to saying "the second Monday of December." That gives a week after Congress meets.

Mr. CULLOM. I have no objection to saying "on or before the second Monday."

Mr. TELLER. I will say "on or before the second Monday of December."

The VICE-PRESIDENT. Does the Senator from Illinois accept the proposed amendment?

Mr. CULLOM. Yes, sir; I accept it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota [Mr. MCMILLAN], which will be read.

The SECRETARY. In lines 2 and 3 it is proposed to strike out the words "commerce among the States" and insert "the ransportation by railroad and water routes, in connection or in competition with said railroads, of freights and passengers between the several States."

The amendment was agreed to.

The VICE-PRESIDENT. The question is on the resolution as amended, which will be read.

The Secretary read as follows:

Resolved, That a select committee of five Senators be appointed to investigate and report upon the subject of the regulation of the transportation by railroad and water routes in connection or in competition with said railroads of freights and passengers between the several States, with authority to sit during the recess of Congress, and with power to summon witnesses and to do whatever is necessary for a full examination of the subject, and report to the Senate on or before the second Monday of December next. Said committee shall have power to appoint a clerk and stenographer, and the expenses of such investigation shall be paid from the appropriation for expenses of inquiries and investigations ordered by the Senate.

The resolution was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That George W. Kingsbury have leave to withdraw his papers from the files of the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After two hours and fifty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned.

WEDNESDAY, *March* 18, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

COMMITTEE ON AGRICULTURE AND FORESTRY.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from New York [Mr. MILLER] on the 13th instant, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Agriculture and Forestry be, and it is hereby, continued, and authorized to sit during the recess of Congress to consider the best means of preserving the forests of the public domain, and to employ a clerk at the regular per diem, who shall be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. COCKRELL. I should like to know some reasons why all the committees of the Senate shall be continued during the recess and made peripatetic, with authority to visit different parts of the country, to employ a clerk, which is equivalent to an annual clerk, to employ a stenographer, and I suppose a messenger.

As I intimated the other day when I objected to the present consideration of one of these resolutions, I simply desire to say that if this thing is continued, in due time the Senate will hear something that may be interesting upon this question, and that something will be the extraordinary expenditures of the Senate beyond anything they have ever been in the history of the Senate. I submit this to my friends who are in the majority and who have the right to control the expenditures of the Senate in whatever manner they choose. The responsibility rests entirely with them.

I merely enter my protest now against these unnecessary and improper expenditures of the public money, and say that in my humble opinion they are not justified by the business interests of the Senate or of the country; and our friends can take the responsibility.

Mr. MILLER, of New York. There is no expenditure provided for in the resolution except the payment of a clerk. The meetings of the committee, no matter where they may be held throughout the country, will be paid for, if held at all, by the members of the committee themselves. I have been on investigating committees before, and thus far in my short period of service in the Senate I have been able to pay my own expenses and have not called upon the Government to do it. There is nothing of the kind in this resolution.

Mr. COCKRELL. Will the Senator yield for a question in that respect? I have never been on an investigating committee, and therefore can not speak from experience, but my understanding has been that all the special and select committees that sit during the recess of the Senate have their hotel bills, their railroad fare, their sleeping-berths, and such things paid for at public expense. That is my understanding. I may be mistaken about it, but I think the record shows it.

Mr. MILLER, of New York. I suppose that where a committee is ordered to make an investigation, and where the resolution provides for the expenses of the committee so ordered, the expenses are so paid. I have no doubt that is true, but there is nothing of the kind in this resolution.

The subject of forestry has been committed to the Committee on Agriculture, and I have desired to make a study of it, and to present it to the Senate. There is no expenditure provided for in the resolution except the payment of a clerk to do that work. I believe it to be important; I believe it to be valuable. Certainly the committee can not do it during the sessions of the Senate.

If the Committee on Agriculture and Forestry had been given an annual clerk, as I think should have been given by the Senate, there would be no occasion for the resolution, because then the committee could go on and do its work and keep the clerk employed without a resolution of the Senate. The Senate did at one time a few weeks ago during the past session of Congress, by a majority vote, provide that the Committee on Agriculture and Forestry should be made an annual committee and should have an annual clerk, but that came as an amendment to another amendment which finally failed, and so it went down.

The object is to put the committee in shape so that this work can be continued and carried on. There will be no expense attending it except the payment of the clerk. I believe the work to be done will be of sufficient value to more than repay the expenditure which will be put upon it.

Mr. VAN WYCK. The very difficulty to which the Senator from Missouri [Mr. COCKRELL] refers arises from the fact of the unjust assignment, if it may be proper to use that word, or the unequal assignment, of the duties of the clerks of the different committees. If the Senate would either confine the employment of annual clerks to committees who need them, or provide that each standing committee shall be entitled to an annual clerk, then this difficulty would be solved, and there would be much less expense to the Government. There would be much less apparent unfairness in legislation on these matters if we should prescribe that all clerks of standing committees should be annual.

It is remarkable, I think, that every clerk who has been assigned by a resolution to duty so that he shall be entitled to compensation during the recess is attached to a committee which hardly ever sits during the session of Congress, and the committees to whom are assigned annual clerks are not asking to be continued in this way, because there is no necessity for it. That is just the attitude. The rule is unjust as I say. We should either confine the annual clerks to committees who have duties to do and need such clerks, or secure equality by making them all annual. Day after day a resolution like this is resorted to as a mere subterfuge on the part of committees which have had per diem clerks assigned them for the purpose of getting a committee clerk payable annually. To secure that, the suggestion is made to have the committees meet during the recess when it hardly ever meets during the session.

I did not rise for the purpose of antagonizing the resolution of the Senator from New York. I presume the object is, as he states, to provide for the payment of a clerk during the recess.

Mr. MILLER, of New York. That is all there is of it.

Mr. VAN WYCK. We seek to do that because it becomes a necessity. It becomes a necessity to put this thing on an even platform. Certainly all such committees will do it. Every such committee will come in this way. Why not? The precedent has been established, and every standing committee which has not anything to do during the recess of the Senate, but feels that it is entitled to an annual clerk, which I suppose it is, will come in and do this. Therefore we had better throw the door wide open, and provide that all the standing committees shall have annual clerks.

Mr. HARRISON. I commend the entire frankness of the Senator from New York. He has not sought to put this resolution upon any false basis or even to conceal his purpose in asking the Senate to adopt it. He does not contemplate assembling his committee during the vacation. He has frankly said that he does not expect to call them together at any time. Of course, if he should do so, the expenses of travel and other expenses to which the members of the committee should be subjected would be a charge upon the contingent fund of the Senate.

Mr. MILLER, of New York. Not under the resolution.

Mr. HARRISON. Undoubtedly under any resolution which authorizes a committee to sit during the recess of Congress the expenses of the members of the committee are to be paid. So we have the question frankly and fairly presented.

At the last session the Senator from New York asked, as I did, that his clerk might be made an annual clerk. I thought in the case of my committee there were public reasons why it should be done. The committee passed such a resolution and proposed it as an amendment to one of the appropriation bills, which went to the Committee on Appropriations. That committee refused to incorporate the amendment in the bill. When the bill came back to the Senate I offered the amendment, and it was adopted. The Senator from New York proposed to make the clerk of his committee annual, and I believe the Senate adopted that, and then every one else similarly situated made a proposition to make his committee clerk annual, but instead of proposing them as independent amendments to the bill they were all tied upon my amendment. It reminded me of the method by which the monkeys are said to cross a stream, by fastening the tail of one to the tail of the first, who hangs upon a tree, and swinging across; but in this case there were too many monkeys and the whole file fell into the stream.

Since that time a number of the chairmen of those committees have by independent resolutions of this kind, which have passed the Senate, made provision for paying their clerks during the vacation. For one, I have declined to make such a proposition or to introduce such a resolution. If the clerk of my committee can not be made annual in the regular way, I do not propose by any resolution to have the committee assigned work in the vacation so that the clerk may get pay for the vacation days; and having taken that course with reference to my own committee clerk, I feel free to say to the Senator from New York that I can not vote for his proposition.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The question being put, it was declared that the noes appeared to prevail.

Mr. MILLER, of New York. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. I am quite willing myself to vote for an annual clerk for the Committee on Agriculture and Forestry, but I am not willing to vote for this roundabout method of securing that which the Senate declines to grant in a direct method.

Mr. MILLER, of New York. If the Senator had been a member of the Senate a few weeks ago he would know that the Senate by a majority vote did agree to make the clerk of the Committee on Agriculture and Forestry an annual clerk, but that, together with some other amendments, failed finally to be attached to the appropriation bill.

To go back in history, this proposition, like many others, was sent originally to the Committee on Appropriations; but the Committee on Appropriations in its wisdom and power failed to report in any of those cases, as has been stated, and there was no other course left then for Senators who felt aggrieved in this matter than to put in a resolution similar to this; and I have not attempted in any way to disguise the object of the resolution.

I believe, and I said upon the occasion when this matter formerly came before the Senate, that the position of Senators on this floor demands that there should be clerkships for committees and that they should be made annual in order to do their proper work. The Committee on Appropriations failed to take that view of the matter. After having made all the clerks of committees of which the members of that committee were chairmen annual they saw fit to leave out a number of the other standing committees.

It may be desirable, it may be best, that the Committee on Agriculture and Forestry should be made of no account and that it should be expected to do little or no work in this body, but I have believed that much valuable work could be done. I believe that it can be done through the chairman and clerk in making a report on the subject of forestry at the next session of Congress. A large number of bills were introduced during the last session of the Senate upon that question which came to the committee, but we were without sufficient information to enable us to properly report to this body and to prepare proper bills, and the subject went over with very little consideration.

I believe that by the vote of this body which prevailed a few weeks ago in making this committee an annual committee, and providing for it an annual clerk, the proposition should have been finally attached to one of the appropriation bills at that time. It was not. A large number of other committees, I think of no greater importance than this, have been provided for in the way specified in the resolution. If the Senate sees fit to make any exception in this case, of course it has it in its power to do so.

Mr. TELLER. I should like to ask the Senator from New York a question if he will allow me to do so.

Mr. MILLER, of New York. Certainly.

Mr. TELLER. Is it not in the power of the Senate to make this clerk an annual clerk?

Mr. MILLER, of New York. It is not in the power of the Senate at this time, at this session, to make the clerk an annual clerk, because to be made an annual clerk the provision should go into an appropiation bill. There is no other way now of paying the clerk during the recess except by a resolution paying him out of the contingent fund of the Senate.

Mr. TELLER. I am inclined to think the Senate may make it an annual clerkship and pay the clerk out of the contingent fund. I may be mistaken; if I am I can be corrected. The office exists already.

Mr. MILLER, of New York. Perhaps a resolution might be prepared and drawn making it an annual clerkship and then providing that the salary shall be paid out of the contingent fund of the Senate, but that has not been the customary way of doing it. The annual clerkships have been provided for in the regular appropriation bill which passes both Houses of Congress, but all other investigations have been paid for out of the contingent fund, which is entirely under the control of the Senate.

Mr. SHERMAN. I hope my friend will recall a remark he made to the effect that the Senate may create an office or change the character of an office by converting a per diem clerk into a permanent clerk. The Senate has no legislative power whatever, and it ought not to be attempted. I do not know that I shall object to the proposition of the Senator from New York if he desires to press it.

Mr. MILLER, of New York. The Senator from Colorado suggested that it might be done in that way. On reflection, I do not think it can at this session.

Mr. TELLER. I understand that this committee has a clerk already?

Mr. MILLER, of New York. It has.

Mr. SHERMAN. And the clerk is by law a per diem clerk.

Mr. TELLER. Of course if I am wrong about the power of the Senate the objection I made is not a good one, and on that statement I shall perhaps vote for the resolution.

Mr. CALL. I desire to inquire of the Senator from New York if as chairman of the Committee on Agriculture and Forestry he certifies to the Senate that the services of the clerk during the vacation are necessary or highly advantageous to the public service. Am I to understand him to make that statement?

Mr. MILLER, of New York. I made that statement. I made the statement that I proposed as chairman of the committee to prepare and make at the next session of Congress a report upon the subject of forestry on the public domain, to make it full and at my own expense, only asking the Senate that it shall pay a clerk to do the clerical work. There is to be no other expense attending it, no expense for myself or any member of the committee. That is the statement I made.

Mr. CALL. Then I am of the opinion, so far as I am concerned, that when a Senator, worthy to be the chairman of an important committee of this body, speaking by the authority of that committee, asks for a clerk for the committee during the vacation he ought to be accredited by the Senate to have it. I shall vote for the resolution.

The VICE-PRESIDENT. The question is on the adoption of the resolution, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FAIR (when his name was called). I am paired with my colleague [Mr. JONES, of Nevada].

The roll-call having been concluded, the result was announced—yeas 27, nays 25; as follows:

YEAS—27.

Blair,	Dawes,	Miller of Cal.,	Sewell,
Bowen,	Dolph,	Miller of N. Y.,	Spooner,
Call,	Edmunds,	Morrill,	Stanford,
Cameron,	Evarts,	Palmer,	Teller,
Chace,	Frye,	Pike,	Van Wyck,
Conger,	Hawley,	Sabin,	Wilson.
Cullom,	Hoar,	Sawyer,	

NAYS—25.

Beck,	Eustis,	Kenna,	Saulsbury,
Blackburn,	George,	McPherson,	Sherman,
Brown,	Gorman,	Maxey,	Vest,
Camden,	Harris,	Morgan,	Walthall.
Cockrell,	Harrison,	Payne,	
Coke,	Jackson,	Pugh,	
Colquitt,	Jones of Arkansas,	Riddleberger,	

ABSENT—19.

Aldrich,	Hale,	McMillan,	Plumb,
Allison,	Hampton,	Mahone,	Ransom,
Butler,	Ingalls,	Manderson,	Vance,
Fair,	Jones of Florida,	Mitchell,	Voorhees.
Gibson,	Jones of Nevada,	Platt,	

So the resolution was agreed to.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and twenty minutes spent in executive session the doors were reopened, and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned.

THURSDAY, *March* 19, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM DELAWARE.

Mr. SAULSBURY. I send to the desk the certificate of election of Hon. George Gray as Senator from the State of Delaware, which I ask may be read.

The VICE-PRESIDENT. The credentials will be read.

The Chief Clerk read the credentials of George Gray, chosen by the Legislature of Delaware to fill the vacancy occasioned by the resignation of Thomas F. Bayard for the term ending March 3, 1887.

The VICE-PRESIDENT. The credentials will be placed on file.

Mr. SAULSBURY. The Senator-elect from Delaware is present and ready to take the oath prescribed by the Constitution and laws.

The VICE-PRESIDENT. Is it the pleasure of the Senate that the gentleman be admitted to his seat and take the oath at this time? If there be no objection it will be so ordered.

Mr. GRAY advanced to the Vice-President's desk, escorted by Mr. SAULSBURY, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE ON PRINTING.

Mr. MANDERSON. The Committee on Printing, by reason of a statute, is required to approve certain contracts for printing-paper to be presented during the recess of Congress and is also charged with the superintendence of much of the printing matter ordered by Congress. In view of that fact, I present the following resolution and ask for its immediate consideration:

Resolved, That the Committee on Printing have leave to sit during the recess of the Senate.

I ask leave to say that this resolution is the same that is usually passed at the close of a session of Congress. It entails no expense to the contingent fund of the Senate.

The VICE-PRESIDENT. If there be no objection, the question will be on the adoption of the resolution.

The resolution was agreed to.

JOHN C. UNDERWOOD.

Mr. CHACE. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back a resolution and recommend its adoption. I wish to say that the resolution, having been before the Committee on Privileges and Elections, was reported favorably by that committee. The Committee to Audit and Control the Contingent Expenses of the Senate have not examined the merits of the case, but simply report the resolution back, saying that there is a fund applicable to the payment as proposed.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution submitted by Mr. HOAR on the 10th instant, as follows:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Alice C. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. COCKRELL. Where does that come from? I should like to know. It is a very familiar old face. Is that from a committee?

Mr. CHACE. Yes; it is reported from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. COCKRELL. It will not hurt if it lies over until to-morrow.

Mr. CHACE. It should probably in due course go to the Calendar. It will be called up by the Committee on Privileges and Elections undoubtedly.

The VICE-PRESIDENT. There being objection, the resolution will lie over and be placed upon the Calendar.

COMMITTEE ON FISH AND FISHERIES.

Mr. PALMER. I offer the following resolutions, and ask their reference to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Fish and Fisheries of the Senate be authorized to investigate the reported decrease of the food-fishes of the great lakes, with a view of recommending legislation for their protection.

Also, to examine such other branches of fish industry of the United States as the committee may deem advisable.

Resolved, That the said committee have power to send for persons and papers and to employ a stenographer, and that it be allowed to sit during the recess of the Senate.

Resolved, That the expenses incurred in the execution of the foregoing resolutions be paid out of the contingent fund of the Senate on the certificate of the chairman of the Committee on Fish and Fisheries.

The VICE-PRESIDENT. The resolutions will be referred, as the Senator from Michigan proposes, if there be no objection.

Mr. ALLISON. Let them lie over until to-morrow.

Mr. PLATT. The mover of the resolutions has asked that they be referred to the Committee on Contingent Expenses.

Mr. ALLISON. Very well.

The VICE-PRESIDENT. Does the Senator from Iowa object to the reference of the resolutions?

Mr. ALLISON. No, sir.

The VICE-PRESIDENT. The resolutions will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRIVATE CLAIMS.

Mr. PIKE. I send a resolution to the desk, which I ask may be read and lie over until to-morrow.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Claims be, and it is hereby, authorized and directed to compile the laws relating to the allowance of private claims, and to digest the judicial decisions and the reports to Congress relating thereto, and to continue and extend the list of private claims which have been presented to Congress so that the said list shall cover the Forty-seventh and Forty-eighth Congresses; the necessary expense to be paid out of the contingent fund of the Senate under the direction of the said committee.

The VICE-PRESIDENT. The resolution will lie over until to-morrow.

COMMITTEE ON COAST DEFENSES.

Mr. DOLPH. I am directed by the Committee on Coast Defenses to report a resolution giving authority to that committee to sit during the recess of Congress at such places as the committee shall determine to be proper, for the purpose of investigating and inquiring into the present condition of the coast defenses and as to the location, character, and extent of coast fortifications necessary for the national defense.

The necessity for such authority was called to my attention by several members of the committee, but not feeling willing to assume the responsibility of offering the resolution without formal authority of the committee, I called the committee together. The committee were unanimous as to the importance of the subject which has been intrusted to them. They also considered that so far as it related to Congressional investigation it was a new subject; and they were also unanimously of the opinion that it was the duty of the committee to at once commence an investigation of the subject, and to make it so thorough and to continue it in such a manner as to be able at an early day to report to Congress not only as to the present condition of the national defenses, but what is required for the protection of our coast and our commercial interests.

The committee were not unaware that there are sources of information independent of personal examination by the committee. Much valuable information may be obtained from the War Department and from the reports of the Coast Survey, but they were of the opinion also that the committee ought to supplement this information with their own personal inspection and investigation and with such information as they could obtain by personal inquiry from independent sources upon the ground.

They therefore unanimously, there being but one absentee from the meeting of the committee, directed me to offer for the consideration of the Senate the resolution which I now send to the desk.

The VICE-PRESIDENT. From the Committee on Coast Defenses the Senator from Oregon reports a resolution which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Coast Defenses be, and they are hereby, authorized to sit, by subcommittee or otherwise, during the recess of Congress, at such places in the United States as they may deem proper; and that they be, and they are hereby, authorized to inquire into all matters connected with the subject of seacoast fortifications and other works of defense, with power to administer oaths and take testimony, to employ a stenographer and a clerk, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actual necessary expenses of the said committee, properly incurred in the execution of this resolution, shall be paid out of the contingent fund of the Senate in the usual manner, upon the order of the chairman of the committee.

Mr. MAXEY. As a member of that committee I beg to add one word to what has been said by the chairman. The committee met, and after a very careful investigation of its duty, the condition of our Navy, and the defenseless condition of all our seaboard, on the Atlantic, the Pacific, and the Gulf, it was the conclusion of the committee unanimously that such an investigation as is contemplated by the resolution offered by the Senator from Oregon would be of great service to the country; and that the comparatively trifling expense of that investigation should not weigh in the balance against the importance of the subject.

We took into consideration the further fact that in the last few years, as is well known to every one who has investigated the question, there has been a complete revolution not only in gunnery, but in the science of fortifications; and that the proper character of fortifications is determined by the character of the ground. While strategic positions never change, the method of defense does change.

As was stated by the chairman of the committee, a great deal of valuable information may be gained from the War Department, but a personal inspection of some of the leading forts of the United States on the seaboard is considered important in the discharge of the duty of the committee. That the Senate on both sides regarded this as important is evidenced by the fact that this is a new committee raised for the special purpose of investigating seacoast defenses.

I hope that the resolution will pass.

The VICE-PRESIDENT. Is unanimous consent given to the consideration of the resolution?

Mr. SAULSBURY. It goes over until to-morrow, I presume.

Mr. COCKRELL. Let it lie over.

Mr. SAULSBURY. Let it go over until to-morrow.

The VICE-PRESIDENT. The resolution will lie over and be placed on the Calendar.

RAILROAD LANDS IN FLORIDA.

Mr. VAN WYCK. For the purpose of moving a reference to the Committee on Public Lands, I ask to take from the table the resolution heretofore considered in regard to railroad lands in Florida.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior and the Attorney-General of the United States be, and they hereby are, directed, respectively, to take such action as each may deem necessary to prevent any sale by the Atlantic and Gulf West India Transit Company, or by any company or person claiming under them, of the lands described in the act approved May 17, 1856, and entitled "An act granting public lands in alternate sections to the States of Florida and Alabama, to aid in the construction of certain railroads in said States," so far as the same lie within the line of said railroads between Waldo and Tampa Bay, Florida, until Congress shall have authorized the same.

The VICE-PRESIDENT. The Senator from Nebraska asks that the resolution be taken from the table with a view to its reference. Is there objection? The Chair hears none, and the resolution is before the Senate.

Mr. VAN WYCK. I move that the resolution be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. TELLER. I present the petition of Sidney I. Wailes concerning this matter. I move that it be referred to the Committee on Public Lands, to be considered in connection with the resolution.

The motion was agreed to.

OCCUPATION OF OKLAHOMA LANDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Kansas [Mr. INGALLS] on the 13th instant in relation to the occupation of lands in the Indian Territory, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate such information as may be in his possession concerning the occupation of the Oklahoma lands in the Indian Territory by settlers, and also what action has been taken by the Executive thereon.

Mr. INGALLS. That resolution was offered by me on Friday, I think, of last week. On Saturday, the Senate not being in session, it was practically answered by the proclamation of the President. That the resolution may not longer interfere with the business of the Senate or obstruct its Calendar, I move that it lie on the table.

The motion was agreed to.

COMMITTEE TO VISIT ALASKA.

Mr. MANDERSON submitted the following resolution, which was read:

Resolved, That a committee not exceeding five Senators, to be selected by the Committee on Territories, be authorized to proceed to Alaska during the recess of Congress, and inquire into and investigate the operation of the act of May 17, 1884, "providing a civil government for Alaska;" whether the system of government established by said act is adequate for the maintenance of order and the protection of the rights of persons and property; whether the said act is being properly executed by the officers appointed under the same; the condition of the natives or Indians of said Territory; their relations to the Government of the United States, and what legislation is required for their proper management; the condition and character of mines, mining claims, and mining titles; the character of land tenures, or possessions, or other titles to lands; the present condition and value of the public buildings belonging to the United States in said Territory; the manner in which the laws relating to customs and other laws and regulations have been and are now being executed.

Also to inquire into and investigate the past and present condition of the seal fisheries of the Pribylov Islands; whether the Alaska Commercial Company has heretofore complied, and is now complying, with the terms of its lease from, and its agreement with, the United States, and the laws relating to said seal fisheries, or whether the said company has heretofore violated, or is now violating the same in any manner; whether the officers of the Government appointed to see that said laws and the conditions of said lease are executed have been and are faithfully performing their duties, and whether the system in operation is adequate and proper for guarding and protecting the interests of the Government and the rights of said company in relation to said seal fisheries.

Also to inquire into the natural resources of said Territory, the character and value of its present and probable products; whether the general land laws or laws relating to timber or mining lands should be extended over said Territory, and to examine, generally, into all matters relating to the development of the said Territory and to the prosperity and welfare of its people. Said committee shall have power to sit in the vacation of the Senate at any place in the United States, to send for persons and papers, to examine witnesses, to appoint a clerk and a stenographer, and shall make report, with their recommendations in respect to future legislation, to the Senate at the next regular session of Congress.

The expenses of said committee, of the clerk, stenographer, witnesses, &c., shall be paid out of the contingent fund of the Senate, to be certified by the chairman of the committee, and audited and allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. MANDERSON. I ask that the resolution may be printed and lie on the table until to-morrow.

Mr. HARRISON. I suggest to the Senator from Nebraska that the resolution be referred to the Committee on Territories.

Mr. MANDERSON. I have no objection to that course being pursued if the Senator desires it.

Mr. COCKRELL. What is the motion?

The VICE-PRESIDENT. Is unanimous consent given to the present consideration of the resolution?

Mr. COCKRELL. I object to its present consideration.

Mr. HARRISON. My suggestion, to which the Senator from Nebraska has given his assent, is that the resolution be referred to the Committee on Territories.

Mr. COCKRELL. I do not know whether that can be done on the first introduction of it. I hope the resolution will not be referred, as I desire to offer a substitute for it.

Mr. HARRISON. I have no objection to its going over.

Mr. COCKRELL. I have not had time yet to write out the substitute, but the substitute will be in substance that any standing or select committee of the Senate, or any two or more Senators who may desire to constitute themselves into a select committee upon any particular subject which they deem worthy of investigation, shall have authority during the recess of the Senate to appoint a clerk and a stenographer and to have a sergeant-at-arms to accompany them, and to go to such places as they may deem necessary for the purpose of prosecuting their respective investigations. I think that would be broad enough to save us from the special resolutions we are passing. I desire that the present resolution shall lie upon the table until I have an opportunity of writing out the substitute.

The VICE-PRESIDENT. There being objection to the present consideration of the resolution, it lies over and will be printed.

Mr. CONGER. I wish to make a remark before the resolution goes over. I merely wish to say that the Senator from Missouri has heretofore been somewhat prominent in restricting the appointment of special committees and the appointment of clerks and stenographers, but it is now apparent that with his enlarged view of the interests of the nation and of the people of the United States he has come to a different conclusion, and I am glad he has made the announcement so early and so publicly.

Mr. HARRISON. May I be allowed to say before the resolution is disposed of that in suggesting its reference to the Committee on Territories I did not mean at all to indicate any purpose to ask an early disposition of it? I thought the resolution was one which should be considered by that committee before it was acted upon. I have no other connection with the matter.

The VICE-PRESIDENT. The resolution goes over.

SENATOR FROM MARYLAND.

Mr. GORMAN. My colleague, Mr. Ephraim K. Wilson, chosen by the Legislature of Maryland a Senator for the term beginning March 4, 1885, and whose credentials have been heretofore presented, is present in the Chamber, and I ask that he be sworn in.

The VICE-PRESIDENT. The Senator-elect will come forward and be sworn.

Mr. WILSON was escorted to the Vice-President's desk by Mr. GORMAN, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PAPERS WITHDRAWN.

On motion of Mr. HARRISON, it was

Ordered, That David G. Porter have leave to withdraw his papers from the files of the Senate, a copy thereof being left on file.

FINAL ADJOURNMENT.

Mr. SHERMAN submitted the following resolution for consideration:

Resolved, That a committee consisting of two Senators be appointed by the Chair to wait upon the President of the United States and inform him that, unless he may have some further communication to make, the Senate is ready to adjourn without day.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 12 o'clock and 45 minutes p. m.) the Senate adjourned.

FRIDAY, *March* 20, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of Montana Territory, remonstrating against the repeal of the so-called desert-land act; which was referred to the Committee on Public Lands.

The VICE-PRESIDENT. The Chair also presents a memorial of the Legislative Assembly of Montana Territory, favoring the enlargement of the United States penitentiary in that Territory; which will be referred to the Committee on Territories.

Mr. HARRISON. I think, it being a memorial of the Legislature of a Territory, it is entitled to a reading at the desk. I should like to have it read so that it may go in the RECORD.

The VICE-PRESIDENT. The Chair understands that it has not been the custom to have read memorials of Legislative Assemblies of Territories.

Mr. HARRISON. Then I ask that the memorial be read.

The VICE-PRESIDENT. The memorial will be read at the request of the Senator from Indiana if there be no objection.

The Chief Clerk read as follows:

Council joint memorial concerning the United States penitentiary in Montana.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives, composing the Legislative Assembly of the Territory of Montana, respectfully represent to your honorable bodies that the United States penitentiary at Deer Lodge, Montana Territory, in which are confined the convicts sentenced by the courts in this Territory, has but twenty-eight cells, suitable for one prisoner each, and that confined in said penitentiary are nearly one hundred convicts; that the original plan of said penitentiary contemplated the erection of another wing, which has not been built and which is now very necessary to the proper care and safe-keeping of the prisoners confined therein; that the wing of said penitentiary already constructed was paid for from the revenues received by the Government in this Territory; that the health of the prisoners is greatly impaired by the crowded condition of the penitentiary, and the rapidly increasing number of long-term convicts, many of whom are desperate characters, and who are necessarily in constant communication with each other, endangers the safety of the guards and of the community in which the penitentiary is located. Your memorialists therefore earnestly pray your honorable bodies to make an adequate appropriation to complete said penitentiary according to the original

plans, and would suggest the setting off of a portion of the internal-revenue receipts collected in Montana for that purpose. And your memorialists will, as in duty bound, ever pray.

JAMES ED. CALLAWAY,
Speaker of the House of Representatives.
F. K. ARMSTRONG,
President of the Council.

Mr. HARRISON. I ask that the memorial, if it has not already been done, may be referred to the Committee on Territories.

The VICE-PRESIDENT. It has been so referred. Does the Senator desire to have the other memorial read?

Mr. HARRISON. I do not ask to have it read.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Foreign Relations, as follows:

STATE OF MAINE.

Resolves in favor of arbitration and peace.

Whereas it is the duty of all nations to avoid by every honorable means the burden and curse of war, and to establish peace upon the broadest and most permanent basis possible; and

Whereas it seems to be the settled policy of the United States Government to insist on the insertion in its treaties with foreign governments a stipulation that controversies arising under the terms of such treaties on the failure of negotiations shall be referred to umpires, mutually satisfactory, whose decision shall be final and authoritative, a policy which has been already adopted by several foreign governments:

Resolved, That the Senate of the United States should refuse to ratify any treaty which omits such a stipulation.

Resolved, That in order to render the principle of arbitration permanently practical a standing high court of arbitration, composed of persons chosen by each covenanting nation, on account of their peculiar fitness, ought to be constituted, to which should be referred for consideration and settlement those questions which have hitherto too often been left to the arbitrament of war.

Resolved, That a convention or congress of representatives, from the nations, to adjust differences of international laws and usage, ought by mutual agreement to be called at some place most suitable and convenient, which might also agree upon the general character and powers of the aforesaid court of arbitration.

Resolved, That the bill introduced into the national House of Representatives March 3, 1884, by Hon. I. Newton Evans, of Tennessee, which provided for the calling of such a convention at Washington by the United States Government, meets with our approval, and we would hereby respectfully memorialize and petition the Congress of the United States to pass said bill, so that it may speedily become a law.

Resolved, That a copy of these resolutions, properly prepared and signed, be forwarded to each of the two Houses of Congress, and also to each Senator and Representative now in Congress from the State of Maine.

IN HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker.*

IN SENATE, *March* 4, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President.*

MARCH 4, 1885.

Approved.

FREDERICK ROBIE, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Military Affairs, as follows:

STATE OF MAINE.

Resolves relative to the sale of Kennebec arsenal at Augusta.

Resolved by the senate and house of representatives in Legislature assembled, That our Senators and Representatives in Congress are hereby requested to use all honorable means to discourage and prevent the sale of the Kennebec arsenal at Augusta, Me.

Resolved, That a copy of these resolves be forwarded by the secretary of state to each of our Senators and Representatives in Congress.

IN HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker.*

IN SENATE, *March* 4, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President.*

MARCH 4, 1885.

Approved.

FREDERICK ROBIE, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Indian Affairs, as follows:

STATE OF MAINE.

Resolves relating to United States appropriations for Indians.

Whereas believing that the education of Indians and their voluntary citizenship in the United States will most justly, quickly, and economically solve the Indian problem: Therefore,

Resolved, That our Senators and Representatives in Congress be, and they hereby are, requested to aid in the passage of resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following principles:

First. That the unpaid sum pledged for educational purposes by the Government, as part payment for the cessions of lands by Indians, be appropriated for the purchase of stock, farming implements, and tools for Indian manual labor schools.

Second. That so much of the net proceeds of the sale of public lands as may be necessary shall be set apart for the purpose of creating a permament fund for the education of Indians.

Third. That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship may be granted at once to all Indians who so desire.

Fourth. That the legal personality of all Indians may be granted, and that protection of law may be given them, as it is to all other races, within these United States.

Fifth. That the civilization of Indians may be hastened, by providing for and rewarding their civilized industries.

Sixth. That the salaries of Indian agents be sufficiently increased to secure good men of large capacity and business experience, and to retain them in service.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives in Congress from this State.

IN HOUSE OF REPRESENTATIVES, *March* 5, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker.*

IN SENATE, *March* 5, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President.*

MARCH 5, 1885.

Approved.

FREDERICK ROBIE, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

COMMITTEE TO VISIT ALASKA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. MANDERSON], which will be read.

The Chief Clerk proceeded to read the resolution.

Mr. MANDERSON. I suggest that, as the resolution was read at length yesterday and has been printed, it be referred without reading to the Committee on Territories.

The VICE-PRESIDENT. If it is the pleasure of the Senate, it will be so ordered.

Mr. VAN WYCK. Before that is done, I understood that the Senator from Missouri [Mr. COCKRELL] had an amendment to offer to the resolution. I do not know whether he desires to offer it now.

Mr. COCKRELL. The amendment of which I gave notice I think was to be proposed to the Coast Defenses Committee resolution. I did not notice the business laid before the Senate.

Mr. VAN WYCK. I take it that this resolution is offered in all seriousness and with the intention that it shall be passed by this body, and if so it ought to receive at least a moment's consideration. I notice what seems to be a change in the form. It reads:

That a committee not exceeding five Senators, to be selected by the Committee on Territories, be authorized, &c.

I should like to inquire why it is suggested in this resolution that the committee to visit Alaska shall be appointed by the Committee on Territories. I fail to recollect the appointment of any other committee of this body in that way, and why this innovation is made I am at a loss to know. Probably the chairman of the Committee on Territories can explain.

Mr. HARRISON. I do not know why the Senator from Nebraska should call upon the chairman of the Committee on Territories to give him any information about a resolution with the preparation of which that chairman had nothing to do and about which he was not consulted. The mover of the resolution would probably be able to give the Senator some information. But as the proposition is to refer the resolution to the Committee on Territories, I suggest to the Senator from Nebraska that if it comes back from that committee in a form subject to criticism that will be the time to make it. I suppose the intention of the mover of the resolution, if I may guess at what it was, or if I may judge from the terms used, was that it should be a committee of five from the Committee on Territories, and that is a very usual and common way of framing a resolution for a special investigation.

Mr. VAN WYCK. If it said "a committee of five to be selected from the Committee on Territories" I could understand that; but that is not the phraseology of the resolution, and I supposed this violent departure from the long-established usage of this body in the appointment of committees meant something. That is what I desired an explanation about. I beg the Senator's pardon, but I presumed this matter relating to Territories came from the Committee on Territories.

Mr. HARRISON. No, the resolution was introduced by the Senator's colleague [Mr. MANDERSON].

Mr. MANDERSON. If my colleague is really in search of information on this subject, I think perhaps if he would apply to his colleague who introduced the resolution he might be informed upon the subject-matter of his inquiry.

Mr. VAN WYCK. I will transfer the inquiry to my colleague.

Mr. MANDERSON. I thank my colleague for his courtesy. Not having had the experience in this body that it has been the good fortune of my colleague to have, I do not know whether the resolution is in the line of precedent or not. The resolution was introduced by me in conformance with the request of a number of gentlemen, some of them members of this body, who have seemed to think that an investigation into the subject-matter of Alaska and its interests was important.

My colleague was a member of this body at the first session of the Forty-eighth Congress when the act of May 17, 1884, to provide a civil government for Alaska, was passed. I think he must have observed,

as most persons who watched the debate upon that bill observed, the deplorable degree of ignorance which existed in this body upon the subject of Alaska and its interests. It seemed well to the gentlemen to whom I have adverted, by whom the resolution was prepared, that this inquiry should be made during the vacation of the Senate, for the reason that Alaska occupies quite a different position from any other of the territorial possessions of the United States, having no representative here and no representative in the other branch of Congress, and there being vast interests there in which the Government is interested pecuniarily, particularly the income derived from the so-called seal islands, or the seal fisheries of Alaska.

The reason for the language of the resolution as I understand it, that the committee should be selected by the Committee on Territories, was the fact that it would be extremely difficult, and from some inquiry that I have made upon the subject I do not know but that I may say it would be impossible, to obtain from any one committee, and probably impossible to obtain from the Senate, five Senators willing to give the six or eight weeks of time necessary and essential for the purposes of this inquiry. Therefore it was, as I understand it, that the Committee on Territories, if possible from their own number, and if not possible then from the membership of other committees, should select the names of those who would make this inquiry.

As I suggested yesterday, it seemed to me that the proper action to be taken on this resolution was that it should go to the Committee on Territories for their consideration and report. If that committee should see fit to change the language of the resolution and present it thus changed to the Senate, it would then come properly before the Senate for deliberation.

Mr. VAN WYCK. I realize the force of the suggestions made by my colleague, but I do not understand that there is any satisfactory reason, or that any reason has been given, why this committee should be appointed differently from any other committee of this body. The point on which I was seeking information was as to why this innovation was made. It seems from the suggestion of my colleague that the membership is not to be confined to the Committee on Territories because it may be difficult to obtain five Senators from that committee who are willing to spend six or eight weeks in visiting Alaska, and therefore it may be proper to take them from the body of the Senate. But the point is still unanswered as to why the selection of this committee shall be given to the Committee on Territories.

My colleague speaks of the lamentable ignorance which was discovered in this body on the occasion of the passage of the Alaska act. That is likely to be confessed on the passage of nearly every bill.

The act of 1884 provided officers for the Territory of Alaska. Before that time we had only a customs officer who supervised the interests of the Government in the Territory to which my colleague refers; but less than a year ago we appointed a full corps, a governor, judges, and marshals, and now this resolution requires us to send a committee there to learn whether those officers are discharging their duties and whether they understand anything about that country.

What interest is sought to be protected or looked after in this matter? Not the Indians, because the best Indians who live to-day under the American flag are the Indians in Alaska. They are very respectable Indians. At present they seem to be honest, moral, and virtuous. Such a committee as is proposed here might be useful if it was suggested to go up into Alaska and undertake to trade powder and shot and shotguns and bad whisky for the Indian lands. That would be a sort of precursor of civilized and Christian legislation, but I do not understand that is proposed.

Mr. MANDERSON. I suggest to my colleague that if such were the object of this inquiry, it might be well to refer the resolution to the Committee on Public Lands.

Mr. VAN WYCK. That would be a good place to refer it, but even the Public Lands Committee can not save the plunder of the lands that belong to the American citizen. The Public Lands Committee have been trying to stop the plunder of the public domain, but they have been unable to do it. The Public Lands Committee of this Senate is only a slight barrier; the public domain is taken from the white men of this nation and your Public Lands Committee and an enlarged public sentiment can not check it.

I do not know how far this proposed investigation is to go; neither do I know whether the Committee on Territories or the gentlemen having charge of this resolution understand about what it will probably cost the Government. I know the question of expense is a very small matter to suggest in so dignified a body. I do not know whether any calculation has been made of the expense to the Government.

We have been practicing sharp, shrewd devices to secure annual pay for clerks of committees that have little to do. Committees which have little to do during the session are very anxious to be clothed with authority to work during the recess, and those committees which labor very hard during the session and have annual clerks very seldom ask for the privilege to sit during the recess. We are going further and creating special committees, as we did a day or two ago on interstate commerce, when there are two or three committees already having charge of that subject.

Now, the proposition is to raise a special committee to go to Alaska, the furthermost boundary of this Republic. We have no interest beyond it that we know of except in the North Pole, and that would be an elegant place to send a committee if it would probably fare as Greely's expedition did. The North Pole would do, because there we should not be vexed with the Monroe doctrine. About the only spot on the earth where nations show a little civilized Christian deportment toward each other is the interest in the North Pole. But Alaska is just a few miles this side of the North Pole.

If the Senate will excuse me, I suppose they will agree that probably this expedition to Alaska would not be any less expensive than the commission to Central and South America. At the last Congress there was dovetailed into an appropriation bill a clause for the creation of a commission to the Central and South American countries. The salary of each commissioner was $7,500, and the compensation of the clerk $3,000, and the item for expenditures was so liberal that it would include even the buying of the country when they reached there, so generous is Congress in its beneficence.

I merely refer to this so that we may not have the lamentable ignorance which my colleague speaks about after we are through. To be forewarned is to be forearmed, and if we know what it costs to send a commission to the Central and South American states, we may have approximately some idea as to what it would cost to send this expedition toward the North Pole.

On the 7th of July, 1884, the act was approved by the President appointing the three commissioners, and they were duly appointed. The first thing done by this commission which was to visit the Central and South American states was to gallopade across the continent to San Francisco, and from San Francisco to Mexico, and from Mexico to New Orleans to witness the exposition and the carnival which was held there. Then, in January, they started for the Central and South American states, against which we partially declared war the other day.

I should like to ask my colleague if he has any idea how much it cost to get the commission started? The act was liberal and generous, and provided $7,500 for each of those gentlemen as salary. It did not say whether it was to be pay for four months or one year. They went, it seems, to Mexico. We talk about our plain democratic notions in this country, and yet, would you believe it, this commission, which never had but two men and a boy with it, started for San Francisco and Mexico, and the first thing they did was to hire a palace car at $35 a day. That was only for the car; they paid for their transportation besides; their provisions were furnished besides. A Pullman palace car for forty-one and one-half days, at $35 per day, cost $1,447.

There was lamentable ignorance in this body, I agree with my friend. Two men and a boy were carried across this continent in a Pullman palace car, and then when you look over the list which I had the opportunity of seeing this morning at the State Department it will be seen that there were supplies laid in at Kansas City, supplies laid in at San Francisco, supplies at New York. Besides, there was a cook on the Pullman palace car. Talk about plain democracy! Where does royalty go beyond this? Did the Prince of Wales do any better?

We have those who think that the highest privilege and the greatest enjoyment of an American citizen is to pay his last dollar in taxes to this Government. We are shrewd in devising ways to get the last dollar, and we are shrewd in devising ways how to spend it. We are just as shrewd in one as the other. They now charge "supplies." That includes liquids and solids. If this special committee must go to Alaska it of course will include a good deal of bay rum and Florida water.

I ask my friends on this side of the Chamber if we had not better stop? All we have left is just this little family circle here. The Democracy have the other end of the Capitol and they have the Administration. All we have left is here. Let us husband our honesty and our reputation. My friend would not have believed it, but we had acted in lamentable ignorance.

I need to say no more except that the commission appointed for South and Central America gallopaded all through the country, first to Boston; I think the boy only went to Boston. Would you believe it, from the 1st of October to the 1st of January the expenses of that commission were $6,000 besides salaries? But is there no check? We have your sworn officers to protect the Treasury and to protect the people. This money is taken from the pockets of men who have hardly money sufficient to pay $2 for a night's sleep on a Pullman car. Those are the men from whom you wring and extract the money which is given to pay the expenses to sustain the Government.

Thirty-five dollars a day for a palace car for forty-one and a half days, and the car fare besides, and the cook and "supplies." Since reaching Central America we have no report of expenses. Of course they will be enormous there.

I trust some gentleman on the other side will visit the Secretary of State and the Secretary of the Treasury and call their attention to the matter, so that they may not from this time be *participes criminis* to these transactions.

The president of that commission did not go to San Francisco, or Mexico, or New Orleans; yet on the 25th of February he received and took nearly $5,000 out of the Treasury—$4,679.16. The 16 cents were put on to show that the account was honest, of course.

Senators will excuse me from giving a further bill of particulars in this matter. I refer them to the State and Treasury Departments for the items. Here is this commission which cost us in salaries and expenses about $20,000 before they were ready to leave New Orleans. I refer to this incidentally, desiring the Senate to understand about what it will cost to get this special committee of five to Alaska. They probably can not charter a Pullman car all the way, but when they get to San Francisco they can charter a steamer.

If it is right for the commission to bear this expense it may be thought right for a committee of this body. Of course I do not say it would, but I desire to say this much to show the reckless, improvident waste of the money wrung from the people in the shape of taxes. I wish to call the attention of the Senate at this time in advance to what probably and naturally would be an approximation of the expense of any committee of this kind to be appointed.

Mr. MANDERSON. Before asking for action on my motion to refer the resolution to the Committee on Territories I wish to make one or two suggestions in reply to my colleague, not so much perhaps in reply as supplemental to his remarks.

I congratulate myself that the introduction of this resolution has afforded a text on which we have secured the discourse we have heard this morning. I certainly would be the last man in this body to pretend to defend any raid on the public Treasury such as my colleague has characterized as having been perpetrated by the commission of exploration to Central America; and I do not understand from my colleague that the action of that commission was in any way of such a character that any committee of this body or the Senate of the United States is responsible for it. This resolution that I have introduced is of the character that I have already stated. It is not the general resolution providing that a committee of this body may sit during the recess and employ a clerk and have its expenses paid, being privileged to sit anywhere within the United States for the purposes of its deliberations, but it has specific objects and purposes; and I submit to my colleague that if he had read the resolution (as I presume he has) he would admit that the labor devolved upon the proposed committee would be of such a character that they certainly would have no sinecure, but that active and vigorous efforts would be required at their hands to comply with its provisions.

I am not one of those who stand ready to condemn everything of this kind, and I do not stand here even to condemn the action of my colleague when he followed a few days ago in the line of precedent and, after effort made by him had failed to procure an annual clerk for the committee of which he is the chairman, he introduced a resolution that the Committee on the Improvement of the Mississippi River be permitted to sit during the recess of Congress. I fear that my colleague has forgotten the fact that within a very few weeks a resolution was introduced by him and considered by the Senate and adopted by the Senate in face of the fact avowed on the floor of the Senate that the purpose of the resolution was that the session clerk of my colleague's committee might be made an annual clerk through the means of the introduction and passage of this resolution.

Mr. VAN WYCK. My colleague will allow me a moment?

Mr. MANDERSON. Yes, sir.

Mr. VAN WYCK. I have not forgotten; I remember it perfectly. As I stated here several times, the rule of this body should be to confine annual clerks to committees needing them, and not go beyond that, or to give them to all the standing committees. That was my position, that the future rule should be that only the committees whose duties required an annual clerk should be allowed one; but this body had gone beyond that. The Committee on the Census, with nothing to do during the recess, the Committee on Private Land Claims, and some others had already been provided for, as my colleague knows, by reason of positions of important members, and then followed the other race, in which we all engaged.

If the Senate made it a rule to confine annual clerks to the committees having duties during recess, that would be one theory. If they went beyond that and gave to a half-dozen as a matter of favor an annual clerk when the duties of the committee did not require it, then it should extend to all the standing committees. That was my position, and I desire to stand there. I would prefer that we should do it in a manly way, by resolution making them all annual, and not seek to do it in the way of subterfuge. When we reached that point and included nearly all those, then we went beyond by the appointment of special committees, not only giving them clerks, but stenographers and messengers, and the privilege to go where they please in the United States and entail as much expense as they choose on the Treasury.

Mr. MANDERSON. I desire to call the attention of my colleague and the Senate to the peculiar character of this resolution. If it was for the purpose that my colleague states, it seems to me it would have been very easy for a gentleman with his knowledge of the English language and expert, as he is, in the use of words, to have drafted a resolution that would have reached the purpose that he designed; but this is the resolution presented by my colleague on the 2d of March, 1885, in the expiring hours of the administration that he says fortunately is just going out of power:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries, with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

At the request of my colleague this resolution upon that day was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, was reported back favorably by that committee and favorably acted upon by the Senate, and I can imagine that under it my colleague, with his clerk and perhaps two men and a boy in addition thereto, may be able to make a junketing expedition from the source to the mouth of the Mississippi River.

Mr. VAN WYCK. My colleague knows very well that that does not make any expense to the Government except the pay of the clerk.

Mr. MANDERSON. Yes, it does.

Mr. VAN WYCK. No, sir; no expense except the pay of the clerk.

Mr. MANDERSON. Then I do not understand the force of the English language.

Mr. VAN WYCK. Then the gentleman will have to confess to the lamentable ignorance he spoke of a while ago.

Mr. MANDERSON. The expenses of this committee for the purposes of this inquiry are to be paid from the contingent fund of the Senate. I do not wish it to be understood that I would suppose for an instant that my colleague would make this the pretense of a pleasure excursion or the excuse for a junketing trip; I do not think he is much given to excursions of that character; but I submit to him that if he does not desire to be so judged he should not judge; and I submit to him further that it is at least discourteous in him to his colleagues in this body, to the Senators of the United States, to suppose that because they introduce resolutions of this character they propose to make them the pretense for a raid on the public Treasury. I do not believe that he would be guilty of such action, and it seems to me it is rather unbecoming in him to charge that his associates in this body would do it. Does my friend now understand the purport of my language?

Mr. VAN WYCK. I do.

Mr. MANDERSON. So I submit, Mr. President, that in paying attention to the demands of gentlemen interested in this subject and introducing the resolution now before the Senate I have simply been following in the line of precedent set very largely by my colleague the Senator from Nebraska.

Mr. VAN WYCK. That sometimes is the case. If I had refrained from placing the Committee on the Mississippi River Improvement, which is a standing committee of this body, on the same basis with other committees probably not so important, if I had refrained from taking what was said to be the sense of the Senate, I doubt very much whether it would have held my colleague in check.

I endeavored to explain, and at the expense of repetition I will say again that we have standing committees of this body that have duties to perform which require diligent labor during all the session and the work of some of them probably continues into the recess. Those committees have annual clerks. Besides them we have other committees that have but little to do, which have grown up from the necessity of finding as many chairmanships as possible, and therefore it is there is but little for these committees to do.

I have always insisted that the proper way was that the employment of annual clerks should be confined to committees having duties to discharge which made it necessary; but the Senate saw fit to do differently, and in several cases, as was stated when the matter was discussed, clerks were appointed annually to committees who had few duties to discharge substantially, and then it was proposed and the struggle was made here that all the standing committees should be entitled to annual clerks.

Mr. MANDERSON. My colleague will yield to me?

Mr. VAN WYCK. Certainly.

Mr. MANDERSON. Does he mean to say that the resolution presented by him and acted upon by the Senate was a mere subterfuge, that it was not intended to carry out the purpose for which it was apparently introduced?

Mr. VAN WYCK. It was intended to carry out that purpose undoubtedly; but it was done as the mode, the means whereby the clerk of a standing committee of this body should be made an annual clerk. That my colleague understands. The Committee on the Improvement of the Mississippi River has a duty to discharge far more than some committees whose clerks are made annual. I think my colleague understands that precisely as well as I do.

That was the purpose of this system. It was to fasten the clerks of all the standing committees as annual clerks upon the pay-roll of the Senate.

My friend says my remarks were discourteous. Certainly not. Are we not to be allowed to criticise ourselves? Are we not to be allowed to criticise any department of this Government because by so doing we are liable to the charge of discourtesy?

Mr. MANDERSON. Will my colleague allow an interruption?

Mr. VAN WYCK. Certainly.

Mr. MANDERSON. I wish simply to state the fact that appears by the RECORD, that this resolution of mine was introduced during the

closing hours of the Forty-eighth Congress when it was supposed there would be yet another day for its consideration, but owing to the continuance of the session during the last legislative day of the second session of the Forty-eighth Congress the resolution was not acted upon, and therefore it was again introduced at this special session. So it was not, as my friend suggests, that this resolution was an afterthought because of a desire to procure the services of a clerk or of a stenographer.

Mr. VAN WYCK. I do not allege that this was intended solely for the purpose of having a clerk. I was drawn into that part of the discussion from allusion made to the standing committees who had only per diem clerks during the session being allowed to sit during the recess. The fact is, as my colleague states, that the resolution was introduced in the last hours of the last session; but I was remarking that then we commenced to introduce resolutions for special committees when there were standing committees of this body delegated to that duty; and now it is asked that there be a special committee to go to the Territory of Alaska, when every Territorial officer of the Territory of Alaska is in the city of Washington to-day, or most of them are. The governor of Alaska is here and has been from the commencement of the last session.

Mr. COCKRELL. That is the question I was going to ask, if he had not been performing his Territorial duties as governor of that Territory in the city of Washington the whole of last winter?

Mr. VAN WYCK. I understand the governor of Alaska was here during all of the last session; this is not the seat of his government, I suppose; but this special committee is to transfer the seat of its operations to Alaska and the United States officers in Alaska desire to visit Washington. All information can be gathered from them as to the condition of the Indian tribes, as to the condition of the seal fisheries, as to the condition of the Territory.

My friend was suggesting that my objection was discourteous. We are met with that everywhere. If we make an inquiry of an Executive Department, that is a discourtesy; and if we undertake to speak in the interest of fair play and make a suggestion even in regard to ourselves, that is a discourtesy.

I undertook to illustrate, as I think I had a right to illustrate, the enormous expense of the commission to South and Central America. I had no right to presume that this would be as costly, but I think the Senator does know, if he has had occasion to examine the list of traveling committees, the enormous amount that is drawn from the Treasury. It may be necessarily so. That, of course, I do not pretend to say. My objection is to the appointment of a specal committee which will entail expense on this Government.

Mr. HARRISON. I do not rise for the purpose of prolonging this debate, but for the purpose of bringing it to an issue and carrying it to its legitimate end, after what the Senate has listened to from the Senator from Nebraska, his earnest appeal in the interest of economy, with which I fully sympathize, and upon which I think I have preserved a better record than he has; for whereas he intimates that there was a general agreement among the chairmen of standing committees that, having failed those of them who asked of the Appropriations Committee to have their clerks made annual, they should seek to accomplish the same end by this method which he has himself characterized as a subterfuge, I want to say for one that I was not a party to any such agreement, that the Committee on Territories has never resorted to that subterfuge with a view of getting pay for its clerk during the vacation.

Let me add that this resolution was introduced without any consultation with me in the regular session of the Senate. As originally introduced it had no relation to the Committee on Territories whatever, but provided for the constituting of a special committee. I can only say for one that if a committee be sent, whether it be a special committee or whether it be constituted out of the Committee on Territories, I shall not be a member of it, that I shall not have the appointing power of any clerk or any usufruct from any clerk or any stenographer who may be appointed for it. Let me add further that I have not given the consent of my mind to the adoption of this resolution. I am not persuaded that it is essential. This simply by way of preface.

Now, Mr. President, if it be true, as the Senator from Nebraska has admitted, that he does not mean to call the Committee on the Mississippi River Improvement together during this coming vacation; that notwithstanding he has introduced and the Senate has passed a resolution committing to that committee the work of a certain investigation he does not contemplate undertaking that investigation, that he does not propose to do that work or any part of it——

Mr. VAN WYCK. I did not say that. I said that no expense would be entailed by this committee except the appointment of a clerk; it has no power to meet anywhere in the United States that it may please.

Mr. HARRISON. The Senator said more; he said it was a subterfuge with a view of getting a clerk. He so characterized his own resolution. Now, I want to say to the Senator who has appealed so justly in behalf of the people against any extravagant expenditure here that even that clerkship involves fifteen hundred or eighteen hundred dollars of the people's money, and by his own confession it has been accomplished here by a subterfuge. I am sure if he has been overpersuaded by others to going into any scheme of this kind he will be glad to be helped now to consummate this plea of his for economy by saving some money to the Treasury, because notwithstanding all he has said about the South American Commission the Senate can do nothing about that. That commission went in pursuance of a law passed by both Houses. We have no power to audit their accounts. We may perhaps in the future be able to bring them to book if there has been an extravagant expenditure of the public money. But there is an opportunity here to take the Senator from Nebraska at his word and to save the Government the cost of a clerk to his committee during the vacation. I therefore offer and ask to have read for information a resolution which I send to the desk.

The VICE-PRESIDENT. Does the Senator from Indiana propose an amendment to the pending resolution?

Mr. HARRISON. No; it is a resolution that I ask may be read for information at this time.

The VICE-PRESIDENT. It will be read.

The Chief Clerk read as follows:

Resolved, That the resolution of the Senate passed on the 4th day of March, 1885, authorizing the Committee on the Improvement of the Mississippi River to sit during the vacation of the Senate and to make certain investigations therein named, be, and the same is hereby, rescinded.

Mr. HARRISON. I ask the reference——

The VICE-PRESIDENT. The question before the Senate is the reference of the pending resolution of the Senator from Nebraska [Mr. MANDERSON] to the Committee on Territories.

Mr. HARRISON. I did not propose to ask action on my resolution now; I simply wanted to say that when it can be reached I shall ask its reference to the Committee on the Improvement of the Mississippi River, of which the Senator from Nebraska [Mr. VAN WYCK] is chairman, and let him deal with it.

Mr. VAN WYCK. I supposed I made myself plain to the Senator from Indiana.

Mr. HARRISON. Allow me to add one thing more.

Mr. VAN WYCK. Certainly.

Mr. HARRISON. Two or three days ago, when the debate was on upon the resolution of the Senator from New York [Mr. MILLER] giving the Committee on Agriculture and Forestry leave to sit during the vacation and make certain inquiries and have a clerk, the Senator will recollect that I spoke against it and voted against it. I see he was recorded in favor of that proposition also.

Mr. VAN WYCK. I was. Any other? No other resolution of that kind?

Mr. HARRISON. No. I suggest that when the Senator comes to consider my resolution in committee he can enlarge it so as to take in these others.

Mr. VAN WYCK. I supposed my friend from Indiana understood distinctly the history of what took place in the expiring hours of the Forty-eighth Congress, and also the attitude of the question. The Senator from Indiana the chairman of the Committee on Territories was engaged in this same attempt to secure a clerk for his Committee on Territories. Am I right?

Mr. HARRISON. The Senator is right in that the Committee on Territories introduced an amendment to an appropriation bill and referred it to the Committee on Appropriations asking for an annual clerk, but the Committee on Appropriations did not allow it, and the Senate on the final vote did not allow it, and there the Committee on Territories stopped.

Mr. VAN WYCK. Then the Committee on Territories started in this race, with the other committees of this body which had not an annual clerk, for the purpose of obtaining one. That was the attitude of all the standing committees. They felt, and the Senator from Indiana felt, that he was unjustly dealt by, and so he was. He was chairman of an important committee, far more important than some of those which were allowed annual clerks. There was far more necessity that his committee should have an annual clerk than many committees who were allowed one; and he was engaged in that race. So the gentleman from New York the chairman of the Committee on Agriculture and Forestry was also in that race, and so they all were. Then the chairman of the Committee on the Mississippi River Improvements modestly dropped in behind.

I stated before I had always insisted that the clerks of this body should be made annual clerks to committees only that had work to do or else all should be annual clerks. That is a plain proposition easily understood. When we examined we found the Committee on the Census, that never met, had an annual clerk; the Committee on Private Land Claims, that had but little to do, had an annual clerk; and was there any reason for that, and that the Committee on Territories should have none? There should have been some honesty in this matter. So we insisted on making them all annual or restricting them to those actually necessary. That did not suit the views of the Senate. Their action was that they would not assume that attitude to make these committee clerks all annual; but it was suggested and acted upon that each committee should report a resolution for its committee and have it referred to the Committee on Contingent Expenses and that committee report it back to the Senate; and the Senate adopted many of them unanimously. That was the mode suggested, carried out, and acted

upon; and when the Senator from New York the chairman of the Committee on Agriculture at this session adopted the same tactics, in saying a word upon that resolution, I said, as I say now, that one or the other course should be adopted in a straightforward, manly way.

Whatever rule the Senate might adopt it should apply equally to all.

Mr. VEST. Mr. President, it is not my purpose to become a participant in the very interesting domestic discussion which has been going on upon the other side of this Chamber, and of which I have been an interested auditor; but I must be permitted to observe that it seems to me the Senator from Nebraska who has last spoken is very much in the condition of that dutiful young gentleman who was found to have participated in the murder of his own father, and who gave as an excuse that he saw that the old man was about to be beaten to death, and as he could not help it he thought he would hit him a lick himself to put him out of his misery. The Senator from Nebraska it seems is chairman of a committee that never meets, that we all know is utterly unnecessary, and he thinks that its arduous duties demand the services of an annual clerk. I leave him to settle that question with the principal of reform which he upholds so often on this floor.

But I rose, sir, for a different purpose. The Senator from Nebraska, in his general raid upon the subject of reform, has seen proper to make an attack personal in its character upon the gentlemen composing the South American and Central American Commission. Mr. President, for twenty-five years I have been the intimate personal friend of one of the gentlemen upon that commission. I know him as well as I know any human being in this world. He has filled nearly every important position in the State of Missouri. His record, public and private, is as stainless and without reproach as that of any public man could possibly be. The man who charges in my presence that Thomas C. Reynolds has ever been extravagant or otherwise taken one cent of the people's money makes a statement which I contradict absolutely, positively, and unequivocally.

Sir, I have not been to the Secretary of State or to the Treasury Department to examine the accounts of the commission; but I undertake to say in advance (and I challenge the Senator from Nebraska to the issue) that those accounts will not put one stigma upon the character of Governor Reynolds. If he went to the City of Mexico in a palace car, he went as he thought a representative of this Government should go, and as a gentleman occupying that position should go. He did not go in a palace car with any idea of putting on any token of royalty, or of squandering the people's money, wrung, as the Senator says, from them by taxation. He went to the City of Mexico, as I know, under the orders of the Secretary of State. He came back to the city of New Orleans under the orders of the State Department for the purpose of interviewing the representatives from the Central American and South American states who were attending the great exposition. He has performed his duties honestly and faithfully, as he has performed every other duty public and private during his long and successful career. His report is before the Senate. It is the report of a statesman, of a gentleman, of a scholar, of a man who is worthy to fill any position in this Republic. I received from him only two days ago a letter from San José, in Costa Rica, where in the midst of a foreign people, confronted by disease, he was traveling over the mountains on mules for the purpose of discharging this mission. He is there to-day discharging the delicate functions imposed upon him in a manner so satisfactory that the new Secretary of State told me not forty-eight hours ago that he regarded him as one of the best officers in the service of the Government. And I desire to say now that when those accounts are examined it will be found that not one cent has been appropriated to any selfish purpose on the part of Governor Reynolds. He is one of that commission.

The Senator speaks of two men and a boy. The "boy" is nearly fifty years old, and has been the editor of one of the leading Republican papers in the city of Chicago and is the secretary of that commission, a gentleman who has rendered distinguished service, political and otherwise, in this country. The imagination of the Senator from Nebraska changes him into a "boy."

Governor Reynolds was a lawyer in full practice in the city of Saint Louis. He received at the hands of the Secretary of State or the President this appointment with a salary of $7,500 a year. The money which he receives could have been no inducement. He took with him upon this trip when he started out a member of his family, very dear to him, whose health was impaired, and who is now in the city of Baltimore in a condition which will necessitate his immediate return to the United States. I challenge the Senator from Nebraska to go into these accounts after Governor Reynolds returns here and place before the people of the United States the truth or the falsity of the statements he has made here to-day. All I desire to say in advance in defense of this gentleman, my friend, my constituent, is that he seeks no concealment and asks the fullest investigation.

Mr. VAN WYCK. I regret that anything further is necessary, but it would seem so from the earnest remarks made by the Senator from Missouri. I presume he is the only member of this body who could have supposed that there was any intention of making any reflection personally upon the gentleman of whom the Senator speaks.

Mr. VEST. I do not wish to do the Senator any injustice. I did speak earnestly. I ask the Senate now to decide this issue between us.

Mr. VAN WYCK. I have not a word to say against his friend from Missouri. I do not know anything about him. That was not the matter with me. I was talking about the commission. He knows it, and he believes as an honest reform Democrat that any individual who discharges his trust and performs his duty, who makes an expenditure beyond what he would do in his own pursuits in life is not administering his trust faithfully, to say the least.

Mr. HAWLEY. Will the Senator allow me?

Mr. VAN WYCK. Certainly.

Mr. HAWLEY. This is a curious subject. I should like to know whether the Senator has, I was going to say groveled, I will say examined, so far into these accounts as to know whether this may not cover the subsistence and the railway transportation. Does he know all about the details of this transaction? Does he know so much as to justify him in attacking the honor of these gentlemen, saying that here is an "infamous outrage," in addition to the other language repeated by the Senator from Missouri? If he is going on in this way exposing to the whole public of the United States, making present to the whole public of the United States the bitterest, fiercest attacks on the common integrity and honor of gentlemen who have always stood as high as he can ever hope to stand, I hope that he will be able to show that he does it on decent evidence.

Mr. VAN WYCK. I have groveled through this, I will say to my friend——

Mr. HAWLEY. Likely.

Mr. VAN WYCK. I suppose he understands the force of words when I say I have groveled far enough to understand the suggestions he has made. Here was this palace car—I was replying to my friend from Missouri—forty-one and a half days, at $35 a day, for three men, if you please, $1,447. I will say to my friend from Connecticut that the accounts still further show charges for supplies laid in at Kansas City, at San Francisco, pay to the cook on the palace car, pay for the tickets, he will find included in these accounts—they are all there and they foot up $6,000 and upward for one quarter's expenses merely—$6,000 for three men from October to January, and at that time they had not left this country!

Is a man to be arraigned and all sorts of threats and denunciations made against him for making a statement of figures which appear in the Treasury Department and in the State Department in regard to this matter? These facts are there, these statements are true; and will Senators undertake to justify and defend them? On what pretense?

Now, Mr. President, I have answered the suggestion of the Senator from Connecticut that these figures show just as I have stated, and I have answered the Senator from Missouri, who seems to regard the charge against this commission as a personal statement against his friend upon it. I stated the facts and characterized them strongly perhaps, as I thought the facts would abundantly justify.

Mr. MILLER, of California. Mr. President——

The VICE-PRESIDENT. The question is on the reference of the resolution to the Committee on Territories.

Mr. MILLER, of California. I do not wish to speak on that question. I wanted to make a motion that the Senate proceed to the consideration of executive business, but I will not make it just now.

The VICE-PRESIDENT. The question is on the motion to refer.

The motion was agreed to.

COMMITTEE ON MISSISSIPPI RIVER IMPROVEMENT.

Mr. SHERMAN. Before the Senator from California makes his motion I wish to offer a resolution which I have submitted to the Committee on Printing.

The VICE-PRESIDENT. Will the Senator excuse the Chair for calling attention to a resolution offered by the Senator from Indiana [Mr. HARRISON]?

Mr. SHERMAN. That is to be referred.

Mr. MILLER, of California. I ask that that resolution be referred.

The VICE-PRESIDENT. The resolution of the Senator from Indiana will be read.

Mr. SHERMAN. It can come up to-morrow.

Mr. MORRILL. Let it lie on the table to-day.

Mr. VEST. Let the resolution be read.

The Chief Clerk read the resolution of Mr. HARRISON, as follows:

Resolved, That the resolution of the Senate passed on the 4th of March, 1885, authorizing the Committee on the Improvement of the Mississippi River to sit during the vacation of the Senate and to make certain investigations therein named be, and the same is hereby, rescinded.

Mr. SHERMAN. I think that had better lie on the table. The Senator from Indiana is not present.

Mr. COCKRELL. The Senator from Indiana asked that it be referred to the Committee on the Improvement of the Mississippi River.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. It is moved to refer the resolution to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

DIGEST OF ELECTION CASES.

Mr. SHERMAN. Now I ask for the consideration of the following resolution:

Resolved, That there be printed for the Committee on Privileges and Elections eighteen copies of the digest of the contested-election cases of the Senate, ordered to be prepared under a resolution which passed the Senate February 26, 1885.

Mr. COCKRELL. I should like to hear some explanation of that.

Mr. SHERMAN. The Senator from Massachusetts [Mr. HOAR], chairman of the committee, when he left supposed that the Committee on Privileges and Elections had the power in its own right to order the printing of these copies, the Senate having already ordered the preparation of this digest, and he went away with that impression; but I hold in my hand a letter of the Public Printer, who says that the Committee on Privileges and Elections has not that right, although some other committees, like the Committee on Finance, have. He asks, therefore, to protect him in the execution of the order given by the chairman, that the Senate pass this resolution allowing eighteen copies for the committee, two for each member.

Mr. DAWES. Is that a digest to be prepared or the old digest?

Mr. SHERMAN. The digest the committee are ordered to prepare. I has to be revised, and it is supposed each member of the committee should have a chance of suggesting revisions. These are to be mere proof copies.

The VICE-PRESIDENT. If there be no objection to the present consideration of the resolution the question is on its adoption.

The resolution was agreed to.

TELEGRAPH CONTRACTS.

Mr. GORMAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed, in addition to the information furnished for the Senate on the 3d of March instant, to furnish the Senate with copies of the contract entered into between the Union Pacific Railroad Company and other railroad companies affected by the act approved July 1, 1862, and the Western Union Telegraph Company, together with all statements now on file in his Department touching the same.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. PIKE] yesterday, which will be read.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business. I do not think we can dispose of that resolution this morning; it will lead to discussion; and I insist on my motion.

The VICE-PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I hope the Senator from California will give way long enough to let the resolution which I offered yesterday by direction of the Committee on Coast Defenses be considered. I think it will take less time to consider it to-day than it will to-morrow, for we have already had an hour and a half's discussion on the general subject, and I apprehend we can dispose of the resolution in a few minutes.

The VICE-PRESIDENT. Does the Senator from California withdraw his motion?

Mr. MILLER, of California. I do not like to be discourteous, but there is some executive business which it was agreed by Senators should be taken up to-day, and it will require some time to dispose of it. I do not think this is a good time for the Senator from Oregon to bring forward his resolution.

The VICE-PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened.

CLERKS TO STANDING COMMITTEES.

Mr. SHERMAN submitted the following resolution for consideration:

Resolved, That so much of the several resolutions of the Senate passed since the 1st day of March instant as provides for a clerk for any standing committee of the Senate during the recess of Congress be, and is hereby, rescinded.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 16 minutes p. m.) the Senate adjourned.

SATURDAY, *March* 21, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVATE CLAIMS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. PIKE] on the 19th instant, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Claims be, and it is hereby, authorized and directed to compile the laws relating to the allowance of private claims, and to digest the judicial decisions and the reports to Congress relating thereto, and to continue and extend the list of private claims which have been presented to Congress so that the said list shall cover the Forty-seventh and Forty-eighth Congresses, the necessary expense to be paid out of the contingent fund of the Senate under the direction of the said committee.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. EDMUNDS. Does that come from a committee?

The VICE-PRESIDENT. The Chair understands not.

Mr. EDMUNDS. I move that it be referred to the Committee on Claims, so that they can see how much it will cost and the extent of it.

The VICE-PRESIDENT. The question is on the motion of the Senator from Vermont to refer the resolution to the Committee on Claims.

Mr. PIKE. I was requested by a majority of the Committee on Claims to report the resolution.

Mr. SHERMAN. If the resolution was reported from the Committee on Claims it is hardly worth while to refer it.

Mr. EDMUNDS. I made the inquiry and was told it had not been reported.

The VICE-PRESIDENT. Upon its face the resolution was offered by the Senator from New Hampshire.

Mr. EDMUNDS. Am I to understand the Senator from New Hampshire to say that the resolution is reported by direction of the Committee on Claims?

Mr. PIKE. It was offered by me at the request of the committee.

Mr. EDMUNDS. Then I withdraw the motion to refer it.

The VICE-PRESIDENT. The motion to refer is withdrawn, and the question now is on the adoption of the resolution.

Mr. HAWLEY. The committee will probably ascertain this fact for themselves when they come to have this work done and supervise it, but I understand from the clerks that the work referred to in the latter part of the resolution, bringing up to date the record of claims, is always done in the Secretary's office as a matter of course.

Mr. PLATT. I should like to inquire of the chairman of the Committee on Claims whether the resolution contemplates a revision of the three large volumes of private claims which have been before Congress, or whether it contemplates simply the compiling in a little pamphlet by itself of the claims which have been introduced since those volumes were published?

Mr. PIKE. It was not in the contemplation of the committee to revise the two large volumes, but only to make a compilation for the last two Congresses in a separate pamphlet.

Mr. DAWES. Do the last volumes come down to those two Congresses?

Mr. PIKE. They do.

Mr. DAWES. So it is a continuation?

Mr. PIKE. That is all.

Mr. EDMUNDS. I see on looking at the resolution that it is much wider than I supposed when I heard it read. It not only provides for continuing from the last print the list of private claims, which is necessary and valuable, the claims presented since the last print down to the present time, but what I do not remember to have seen or heard of before it is proposed to direct the committee "to compile the laws relating to the allowance of private claims," which would cover every private claims law from the beginning of the Government to this time, by its letter, "and to digest the judicial decisions and the reports to Congress relating thereto," which covers the whole period of the Government. There is no such thing now that I know of; perhaps I am mistaken. Then it provides what I supposed was all the resolution at first, "to continue and extend the list of private claims which have been presented to Congress" since the last print.

The last part of the resolution is perfectly correct, and it ought to be done. The first part of it I should very much doubt the wisdom of as compared to the very great expense of labor and of printing involved in it, and a great deal of it calls for an entirely unnecessary expense, going away back to the foundation of the Government.

I move to amend the resolution by striking out after the words "directed to" down to and including the word "to," where it first occurs in the fourth line, so that it will contain simply a provision for printing the list of private claims since the last print, which is quite a different thing from compiling all the laws and decisions on the subject of private claims.

The VICE-PRESIDENT. The amendment proposed by the Senator from Vermont will be read.

The CHIEF CLERK. In line 2, after the words "directed to," it is proposed to strike out down to and including the word "to," in line 4, as follows:

Compile the laws relating to the allowance of private claims, and to digest the judicial decisions and the reports to Congress relating thereto, and to.

So that the resolution will read:

Resolved, That the Committee on Claims be, and it is hereby, authorized and directed to continue and extend the list of private claims which have been presented to Congress so that the said list shall cover the Forty-seventh and Forty-eighth Congresses, the necessary expense to be paid out of the contingent fund of the Senate, under the direction of the said committee.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont.

Mr. PIKE. I will state for the information of the Senator from Vermont and the Senate that it was not contemplated by the committee to compile anything more than the laws now in force relating to private claims—not to go back to the beginning of the Government—but only those laws now actually in existence. They are in different volumes, considerably scattered, and some of them attached to appropriation bills; and to a person unacquainted with the examination of the statutes it is very difficult to find them. The compilation can not be very expensive, or the book when compiled very large. I hope for that reason that the amendment will not be adopted.

The committee deemed this compilation very necessary and very important, not only for the members of the committee, but for members of the Senate and all interested in private claims. It was discussed very much at the last session of Congress by the committee, and it was then deemed necessary, but in the hurry of business the resolution was not then offered.

I hope that the Senator from Vermont will not insist upon his amendment, or if he does that it will not be adopted. We have no objection to the resolution being amended so as to apply only to such laws as are now in force relating to private claims.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

The question being put, it was declared that the noes appeared to prevail.

Mr. EDMUNDS. Let us have a division.

Mr. SHERMAN. I ask for the yeas and nays. That is just as well.

Mr. EDMUNDS. Yes; that is better yet.

The yeas and nays were ordered.

Mr. MANDERSON. I ask that the amendment be read.

Mr. EDMUNDS. Let the amendment be read again.

Mr. INGALLS. Let the resolution be first read and then the proposed amendment, if the Chair please.

The Chief Clerk read the resolution of Mr. PIKE and the resolution as proposed to be amended by Mr. EDMUNDS.

Mr. PIKE. If there be no objection I will move to amend by adding after the words "compile the laws" the words "now in force;" so as to read:

To compile the laws now in force relating to the allowance of private claims, &c.

The VICE-PRESIDENT. Does the Senator propose that as an amendment to the original resolution or as an amendment to the amendment?

Mr. PIKE. Perhaps it would be better to propose it as an amendment to the original resolution.

The VICE-PRESIDENT. The proposed amendment will be read.

The CHIEF CLERK. In line 2, after the word "laws," it is proposed to insert the words "now in force;" so as to read:

That the Committee on Claims be, and it is hereby, authorized and directed to compile the laws now in force relating to the allowance of private claims, and to digest the judicial decisions and the reports to Congress relating thereto, &c.

The VICE-PRESIDENT. Is there objection to the amendment? The Chair hears none.

Mr. PIKE. I will move further to amend the resolution by adding, after the words "judicial decisions," the words "relating to the laws now in force" or "explanatory of the laws now in force."

The VICE-PRESIDENT. The Secretary will report the amendment of the Senator from New Hampshire,

The CHIEF CLERK. In line 3, after the word "decisions," it is proposed to insert the words "relating to the laws now in force;" so as to read:

That the Committee on Claims be, and it is hereby, authorized and directed to compile the laws now in force relating to the allowance of private claims, and to digest the judicial decisions relating to the laws now in force, and the reports to Congress relating thereto, &c.

Mr. HARRIS. I suggest the striking out where they last occur of the words "now in force," and inserting the words "such laws."

Mr. PIKE. I will accept that modification.

Mr. EDMUNDS. I wish to state, so that so far as I am concerned there shall not be any mistake about it, that since this debate began I have studied the Revised Statutes in the index, and my recollection is confirmed that there is not any such thing as a system of laws or even a part of a system of laws relating to private claims—private land claims even, or any other private claims. There are two or three provisions of the Revised Statutes of the United States that any Senator can turn to, or anybody else, any claimant, at any time, which provide first, that no claim shall be allowed in favor of a person who took up arms against the Government under certain circumstances and without certain relief, and so on. There is another provision that a certain class of claims shall be settled by the Quartermaster's Department, and that a certain other class of claims shall be settled by the Commissary Department, and so on, in the military laws of the United States, which need no compilation, which everybody engaged in dealing with the Government perfectly well understands, and which all the officers of the Government understand. Then in respect of the jurisdiction of the Court of Claims, there is a short section which provides that the Court of Claims shall have jurisdiction of all claims arising on contract, express or implied, against the United States; and there is a statute of limitations that suit must be brought in that court within a certain time, and there is the end of it.

It appears to me it is a totally useless labor and expense to undertake to codify and put into one book the laws respecting these various matters that I have named, and I believe I have named them about all. If you say that a claim for a refund of duties or a claim for an excess of duties paid under protest is a private claim, then you go into a revision of all the laws in respect of the collection of customs, which would swell the volume to be sure, but would not be of the slightest use to anybody when you had got it.

When you come to the digest of the judicial decisions relating to the laws on private claims now in force, you have got the decisions of the Supreme Court of the United States on appeals from the Court of Claims, of which decisions together with their other decisions there are perfect digests, not only of the names of cases but of the subjects decided, already provided, that anybody can buy for $2, and that every committee-room is furnished with and every Department furnished with at public expense, in which you can turn in an instant, if you know the name of any private claim or the name of any question that has arisen about any private claim, to any subject that you care to know about that has been decided—in a minute you can turn to a perfect index both of the subject and of the names of the parties concerned in the question; and there it is before you.

Now, what is the use of going to this expense? I do not see it. I hope therefore that the whole of this part of the resolution, however amended, will be stricken out, for to my mind it is an entirely unnecessary labor and an entirely unnecessary expense.

Mr. PIKE. I am very sorry to differ with the distinguished Senator, who is regarded almost as authority here, but it seems to me he never could have been a member of the Committee on Claims.

Mr. CALL. We can not hear the Senator from New Hampshire on this side of the Chamber.

Mr. PIKE. I was saying that it seems to me the Senator who has criticised the resolution and has offered an amendment to it which deprives it of almost all its value never could have been a member of the Committee on Claims. It has been my misfortune, or rather my fortune, since I have been a member of this body to be a member of that committee, and my experience is entirely different from his statement.

There are very many statutes which can not be easily found, and to a person unacquainted with them it will take a very long time to find them. There is the captured and abandoned property act, which is not in the general statutes, as I understand, or but very little of it; then there is the so-called Bowman act, which passed a little while ago, on which there are opinions of the Court of Claims; and there are very many other acts which I could mention that can not be found in the statutes.

It is said that the judicial decisions giving interpretations of these acts are easily found. They are found in a hundred volumes of reports, more or less—perhaps not a hundred, but very many, and there is no good index to all those reports.

I submit that the Committee on Claims and that the Senate ought to have these laws in a compact, accessible form. If the investigation of the Committee on Claims or of the Senate when the question of a claim comes here was like that in an ordinary suit at law the matter might be entirely different. In an ordinary suit at law in a court where there are plaintiff and defendant, where both sides are represented and all the evidence on both sides is presented, where the law is examined by counsel and presented to the tribunal to decide it, it is all or nearly all before them and they have the means to examine it; but it is entirely different with the Committee on Claims. Only one side is represented; the Government is not represented; and if the side of the Government, the law pertaining to the Government side of the case, is to be examined at all, it must be done by the committee hunting up whatever there may be and acting as counsel in the case. Really the duty of the Committee on Claims is not only to try the case as jurors and as judge, but also to act as counsel for the General Government. More than that; all the evidence produced is *ex parte*. It is a burden upon the committee which is not only onerous, but it is almost impossible of proper performance.

One-fourth of all the bills introduced in this body are sent to the Committee on Claims, involving questions running back to the beginning of the Government. The Committee on Claims of the Forty-eighth Congress examined claims for building the old part of the Capitol away back in George Washington's time, which in one form or other have been in Congress from that time to this. The claim of Mr. Meade relating to affairs occurring in the beginning of this century has been in Congress thirty years nearly, with any number of reports upon it. I do not propose to take the time of the Senate to any great extent, but it seems to me it would be a great saving of time to have such a compilation, vastly beyond any expense that will be incurred, which will not be large.

There is another consideration which it seems to me ought to weigh in this body. There ought to be uniformity in our decisions. A question considered, discussed, passed upon, and decided here ought to be regarded as a precedent. If there has been a decision of the Supreme

Court or of the Court of Claims upon a question it ought to be accessible to every Senator, so that he may not be obliged to go to the library and look over a hundred volumes or search the legislation of the last dozen years to find what ought to be at hand. We can not now have uniformity in our decisions; they will be one way at one Congress and another way at the next Congress, as has been the case, and it seems to me there is no way to get uniformity unless the law and decisions pertaining to these cases can be reasonably accessible.

Mr. PLATT. I should like the Senator from New Hampshire to explain exactly what is meant by the resolution. I wish to know just what I am voting on. As originally drawn it reads:

That the Committee on Claims be, and it is hereby, authorized and directed to compile the laws relative to the allowance of private claims, and to digest the judicial decisions and the reports to Congress relating thereto.

There have been a great many private claims and a great many reports to Congress upon them. If we are to have all the reports which have been made to Congress relating to private claims digested, it seems to me that the resolution lays out a work which will have to be published in a good many volumes. I do not know that the mover of the resolution intended it should go to that extent, and yet I can not see what else is meant by the reports to Congress relating to private claims which are to be digested. Of course they must all be digested if any of them are, and it is an immense work which is laid out here, and an expensive work, as I read the resolution.

The truth about the matter is that it has been customary to order the Secretary of the Senate once in about four years to continue the list of private claims. The work has to be done in the Secretary's office, and the Secretary is the proper person to do it. But here the Committee on Claims has an annual clerk who is paid now $2,200 a year. I suppose the Committee on Claims would like to have the clerk employed and get something more than his regular salary during the recess of the Senate. It seems to me, without reference to the amendment of the resolution, the Senate had better pursue the usual and customary course, and let the list be compiled as it has been in the past by the Secretary of the Senate. I think it has never been compiled by the Committee on Claims. The Secretary of the Senate is the proper person to compile it. At any rate there should be struck from the resolution, if not all that the Senator from Vermont proposes—and I think all that should be stricken from it—at least that portion of it which relates to compiling a digest of all the reports which have been made on private claims to Congress since the foundation of the Government.

Mr. PIKE. If the resolution will thereby be more acceptable to the Senator from Connecticut, I do not know that I shall object to those words being stricken out. The contemplation of the committee was nothing more than that reference should be made to reports. There is a question to be presented to the coming Congress, for instance. It has been in the House of Representatives and reported upon; it has been here and reported upon. There may be a dozen reports upon it and they may be all one way or they may be different. The idea was to have a reference made to those reports so they could be readily found.

Perhaps the resolution is susceptible of the criticism that the Senator makes upon it, that it will make a large book, but it was not contemplated. The contemplation was to have nothing more than a topical index or a statement at large of the statutes and a brief reference to the decisions of the Supreme Court; and it was thought wise and best that reference should be made to the action which had been had in Congress upon private claims.

Now, one word about the Committee on Claims having an annual clerk. They have an annual clerk and a good one. It was the purpose of the committee to utilize the labor of that clerk so far as they could; but this work does not properly belong to his duties; that is, it would be adding to his duties more than was originally contemplated.

I wish to say one word further on this subject. In the House of Representatives there is a Committee on Claims and there is also a Committee on War Claims. The Committee on Claims of the House has not only a clerk but an assistant clerk. The Committee on War Claims has not only a clerk but an assistant clerk. I believe both the clerk and assistant clerk are annual, and the clerks are paid as much as the clerk of the Committee on Claims of this body is paid. Yet the clerk of the Committee on Claims of this body does all that is done by the clerks of the Committee on Claims and the Committee on War Claims in the House; that is, one man does as much work here as four there.

Whatever the clerk of the committee can do the committee expect to have him do; but if he can not accomplish it all and some one has to help him, the resolution provides that that may be done. That is all the committee contemplated, and it is just what it did contemplate.

Mr. EDMUNDS. I think that my friend from New Hampshire must have forgotten in respect of that part of the subject to which attention was called by my friend from Connecticut a part of the words I have moved to strike out, making a digest of reports on private claims, going over the whole period of the Government or any part of the whole period of the Government—he must have forgotten that three or four years ago Congress by law provided for a perfect index being made of every document in the archives of the Senate and House of Representatives from the beginning of the Government to this day, a most useful work undoubtedly, for the very purposes that my friend speaks of in respect of reference. That index has been prepared and is now in press. I have seen the proof sheets of it and it will be on our tables before next December, if we happen to be here to have it laid on our tables. It is all set up and probably will be ready for binding in a month or two. That index, prepared with the care it has been, with double references, by name and by nature and in every way that a perfect index can be made, will furnish to any committee and to any Senator the means of finding out instantly whether a claim now pending has ever been presented before, what the report in either House on it was, what the action in each House was, when it was presented if ever again, and so on.

Now we have all this information ready to be laid before us. Wherefore then should we go to the expense of making a digest of what we have a complete index of? We can turn to the documents instantly when we have the index; and to make a digest of reports to be of any value in most instances would require setting out the whole report at large, because they are usually so condensed and terse, as they ought to be, that they can not be digested. They are brought down to the smallest point, they are really a syllabus themselves in general. Some are very long, but in general they are merely a condensed statement of what the case is, just what a digest would be. To require that is a double and an unnecessary expense.

As I think, with great respect to my friend from New Hampshire, this attempt to compile the laws about private claims will be an unnecessary and great expense, and when we have got it, according to my experience and observation as to a compilation of the land laws which was made some years ago, it will be more misleading and more confusing than any other kind of book which can be gotten up. The moment you turn to it, if you find what you wish, you immediately turn to the statute. It operates then only as an index. You turn to the statute as it stood originally, with all its context and parts, in order to find out what the law means. Every sort of digest of that kind of law or compilation of laws, unless it be a code all together and on one subject so that you know you have got everything about it, is really more injury and trouble to a committee or to a court or to a Senator than it is to just go to the indices of your statutes and turn to the whole statute at once.

Mr. PIKE. I do not propose to pursue the discussion, but after the word "decisions," in the third line, I will consent to strike out the words "and the reports to Congress."

The VICE-PRESIDENT. The Senator from New Hampshire proposes a modification of his amendment.

Mr. DOLPH. I do not propose to interfere with the management of the chairman of the committee in regard to the resolution he has offered, but I wish to say that I think the amendment now proposed strikes out the most important and valuable part of it.

Mr. PIKE. So I think, but that modification seems to be desired.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from New Hampshire [Mr. PIKE], upon which the yeas and nays have not been called.

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS], upon which the yeas and nays have been ordered.

Mr. PIKE. Members of the Committee on Claims do not agree with me in consenting to strike out the words "and the reports to Congress," but think that had better not be done. I will withdraw that amendment if I may be permitted to do so.

Mr. SHERMAN. I move that the matter be recommitted to the Committee on Claims. I desire to follow their lead, but there is some confusion about it. I therefore move that the resolution be recommitted.

The VICE-PRESIDENT. The Senator from Ohio moves that the resolution and the proposed amendment be referred to the Committee on Claims.

Mr. COCKRELL. Heretofore the list of claims pending in the Senate has been prepared ever since 1840 in the office of the Secretary of the Senate. There are several volumes. The last volume comes up to the end of the Forty-sixth Congress, I believe. There are two Congresses now the list of claims presented during which has not been prepared. The work to which the Senator from Vermont refers is being made in pursuance of a law of Congress. The original bill I had the honor of preparing and introducing. It provided for the preparation of an analytical and critical index of all publications of the Government from 1776 to the present time. The index is being prepared and will soon be completed. As a matter of course it will contain a great deal of information, and will enable persons to find anything that has been published by the Government on any subject-matter that has been treated of.

I sympathize with the Senator who has introduced this resolution. Having been a member of the Committee on Claims for six years, I have some knowledge of the difficulties under which the members of that committee labor. I do not think it would be wise, even if this list of private claims presented to the Senate should be compiled now, that it should be taken out of the office of the Secretary of the Senate. It was placed there in 1840. It has been continued there every time a compilation has been made.

There could be a publication prepared by the Committee on Claims, which I think would be very useful not only to the committee, to new

members coming upon it, but also to the Senate, and that would be a compilation of the existing laws in regard to claims not only pending in Congress but in the Court of Claims under the various acts and in the Departments and the regulations in regard to them, questions of limitation and all such things, because almost every variety of claim will come before the Committee on Claims. There are a large number of claims that have already been barred by limitation. Very often a Senator does not know where to find the particular law imposing the limitation. It may be in an appropriation act. For example in the Quartermaster-General's Department there are the 4th of July claims, as they are called. Over 52,000 of those claims have been filed before the Quartermaster-General. On an appropriation act providing for the payment of some of those claims a limitation was placed upon them so that all claims not presented prior to the 1st of January, 1881—I believe that was the date—are barred and can not be considered by the Department. So with other claims.

But I do not think it would be wise or proper for the Committee on Claims now to take away from the Secretary of the Senate the preparation of this list of private claims; but if the committee would confine itself to a preparation or compilation of the laws relating to claims under the United States, I think it would be an important work. I do not think the resolution covers that class of publications. Therefore I think it is best that the resolution should be referred to the Committee on Claims, so that they may report such a resolution as will meet with the approbation of the Senate.

The VICE-PRESIDENT. The question is upon the motion of the Senator from Ohio [Mr. SHERMAN] that the resolution and amendments be referred to the Committee on Claims.

The motion was agreed to.

PRINTING OF DOCUMENTS.

Mr. INGALLS. On the 24th of June, 1884, the Senate adopted a resolution requiring the commissioners of the District of Columbia to transmit certain information regarding the collection of taxes and the receipts and disbursements in various departments of the government of this District from 1875 to 1884. On the 3d of March, 1885, the commissioners responded by a letter of transmission, accompanied by certain papers, which was a partial compliance with the order of the Senate. This letter of transmission was printed as Executive Document No. 104, of the Forty-eighth Congress, second session, and was referred or ordered to be referred, with the accompanying papers, to the Committee on the District of Columbia.

The statements which the commissioners forwarded included a statement of expenditures for streets and roads from 1876 to 1884; a statement of receipts and disbursements on account of the water department from 1875 to 1884; a statement prepared by the collector of taxes, showing tax collections from 1875 to 1884, inclusive, in Washington, Georgetown, and the county; and a statement of special assessments charged against street railroads. These papers were prepared with great labor, and it is necessary in order to the proper information of the committee that they should be printed. I presume that the order for printing them was improvidently or inadvertently omitted. I ask an order that the papers accompanying Executive Document No. 104 may be printed for the use of the Senate.

The VICE-PRESIDENT. If there be no objection the order will be made. The order is made.

TRADE-DOLLARS.

Mr. MITCHELL submitted the following resolution; which was read:

Whereas Congress on the 12th of February, 1873, authorized the coinage of trade-dollars weighing 420 grains each of standard silver, which dollars by the same act were made coins of the United States and a legal tender at their nominal value for any amount not exceeding $5 in any one payment; and

Whereas by the joint resolution of July 22, 1876, Congress declared that the trade-dollars should not thereafter be a legal tender, and authorized the Secretary of the Treasury to limit from time to time the coinage thereof to such an amount as he might deem sufficient to meet the export demand for the same; and

Whereas prior to the passage of the said resolution nearly 15,600,000 trade-dollars were coined at and issued from the mints of the United States; and

Whereas subsequently to the passage of the said resolution over 20,300,000 of these pieces were coined at and issued from said mints; and

Whereas a former Secretary of the Treasury, now a Senator from Ohio, did on the 26th of February, 1885, in the Senate of the United States declare that the Secretary of the Treasury, in October, 1877, stopped the coinage of trade-dollars, and that the Government of the United States had no part or lot in this matter after the 15th of October, 1877; and

Whereas in truth and fact, as appears by the report for 1879 of the Director of the Mint, 5,248,960 were coined and issued after October, 1877, of which number 4,259,900, bearing date of 1878, were coined in 1878; and

Whereas millions of the said coins, as is believed, were put in circulation and circulated at their face value as coin of the United States in the channels of trade and business; and

Whereas the House of Representatives, on the 19th of June, 1882, passed a bill for the retirement of trade-dollars from circulation and their recoinage into standard silver dollars, which bill provided that the trade-dollar so received should be regarded as silver bullion, and should be deemed a part of the monthly purchase of bullion, as required by the act of February 28, 1878; and

Whereas, notwithstanding the appeals of merchants, business men, and the people at large by petitions presented while the said bill was pending in the Senate, the Senate failed to pass the bill, which fell finally on the expiration of the Forty-seventh Congress, March 4, 1883; and

Whereas some of the aforesaid merchants and business men in New York city thereupon organized opposition to the continued circulation of the said coins, agreed to refuse them, and in July, 1883, declined longer to receive them, whereupon these pieces were generally tabooed and ceased to circulate as theretofore; and

Whereas it is believed from five to seven millions of the said coins issued both before and after the legal-tender quality was taken from them are held by citizens who took them in due course of business at their face value, which coins are still uncurrent and at a great discount, by reason whereof the holders have already been deprived of the use of the same as money for nearly two years; and

Whereas the House of Representatives on the 1st of April, 1884, did again pass a bill for the retirement and recoinage of the trade-dollar, which bill also failed to pass the Senate and fell with the expiration of the Forty-eighth Congress on the 4th of March, 1885; and

Whereas in fixing the value of foreign coin as estimated by the Director of the Mint and proclaimed by the Secretary of the Treasury on the 1st of January, 1875, 1876, 1877, and 1878, the valuation of silver was for those four years at the trade-dollar rate, namely, 420 grains, 900 fine, to the dollar, thereby recognizing the said coins as dollars of the United States: Therefore,

Be it resolved, That a special committee of five Senators be appointed by the President of the Senate to inquire and report to the Senate not later than the second Monday of December next—

First. How many trade-dollars were put in circulation in the United States prior to the passage of the resolution repealing their legal-tender quality?

Second. How, when, where, and in what quantities the said coins came into circulation subsequently in this country?

Third. How many of the said coins are still held in this country, in what States, and the amount in each; and at what rates the same were taken?

Fourth. How much profit accrued to the United States by the coinage of trade-dollars, either from collecting customs duties levied at the trade-dollar rate from 1875 to 1878, inclusive, or otherwise?

Fifth. What has been the practice under this and other governments as to the receipt or refusal by them of their own coin?

And that the said committee have power to employ a stenographer, to subpœna witnesses, and to administer oaths and take testimony, and that the actual necessary expenses incurred in the execution of this resolution shall be paid out of the contingent fund of the Senate upon the allowance and order of the said committee.

Mr. BECK. I object to that resolution calling for a special committee. I do not see any reason why the Finance Committee can not do any work this special committee is to do; certainly it is competent for that work.

Mr. MITCHELL. I did not understand the remark of the Senator.

Mr. BECK. I say I object to any special committee being appointed for this purpose, believing that the Finance Committee is perfectly able to do the work.

Mr. MITCHELL. Do I understand that the resolution is now up for consideration?

Mr. HARRIS. It can not be considered without unanimous consent, and I shall object to that consent being given.

Mr. MITCHELL. I suppose the remarks of the Senator from Kentucky are not in order unless I am allowed to say something in reply.

The VICE-PRESIDENT. On objection the resolution lies over.

Mr. HARRIS. I was going to move that the resolution be printed and referred to the Committee on Finance.

Mr. MITCHELL. If the Senator does that at this time, it will necessitate a statement on the subject by myself. I believe that would be in order.

Mr. HARRIS. Let the resolution be printed and lie over then.

Mr. MITCHELL. I should be quite willing to discuss it, but I understand the Senator from California desires an executive session, and I do not wish at this or any other time unnecessarily to occupy the attention of the Senate on this subject.

The VICE-PRESIDENT. The Senator from Tennessee [Mr. HARRIS] has objected to the consideration of the resolution, and it lies over.

Mr. EDMUNDS. Let it be printed.

Mr. MITCHELL. I ask that the resolution be printed.

The VICE-PRESIDENT. The printing will be ordered.

Mr. COCKRELL. I offer a substitute for the resolution that has just been offered by the Senator from Pennsylvania——

The VICE-PRESIDENT. Is there unanimous consent to the consideration of the resolution for any purpose?

Mr. SHERMAN. There is no objection to the substitute being read.

Mr. COCKRELL. I offer the substitute to be printed and laid on the table with the resolution, and then I shall object to the consideration of either. I have a right to offer a substitute.

The VICE-PRESIDENT. The proposed substitute will be read.

The Chief Clerk read as follows:

That any standing or select committee of the Senate, or any two or more Senators desiring to make an investigation of any particular question or subject deemed worthy of investigation by them, are hereby authorized to sit by subcommittee or otherwise during the recess of Congress at such places at home or abroad, on land or sea, as they may deem proper; to send for persons, papers, and things; to administer oaths and examine witnesses; to appoint a sergeant-at-arms from the messengers of the Senate or elsewhere; to appoint a clerk and stenographer; and shall make such report with such recommendations to the Senate at the next regular session as they deem proper. The expenses of the said committee's employés, witnesses, &c., shall be paid out of the contingent fund of the Senate, upon the order of the chairman of such committee or subcommittee.

SENATE SEAL.

Mr. FRYE. I am instructed by the Committee on Rules to offer the following resolution, and I ask that it be printed and lie over.

Resolved, That the Committee on Rules be directed to prepare an official seal for the Senate of the United States, and that the expense of the same be paid out of the contingent fund.

The VICE-PRESIDENT. The resolution will lie over.

INTERSTATE-COMMERCE COMMITTEE.

The VICE-PRESIDENT. The Chair appoints the following as the

committee authorized by the resolution of the Senator from Illinois [Mr. CULLOM] adopted on the 17th instant:

Messrs. CULLOM, HOAR, MILLER of New York, GORMAN, and HARRIS.

PUBLICATION OF DEBATES IN THE RECORD.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. HAWLEY. I dislike to detain the Senate just now from the important business in executive session, but I rise to a question of privilege, not a new one I am sorry to say, but a very interesting one.

Mr. MILLER, of California. I withdraw my motion.

Mr. HAWLEY. Mr. President, there was a debate here yesterday which was more interesting to some spectators than it was dignified or valuable in my humble judgment. Some very severe things were said reflecting upon a previous administration of the Government, distinguished officers of that Government—I think I see one now before me—reflecting upon the Senate at large, the Senators, and a distinguished commission created by the Government—some very severe things indeed, directly personal and offensively personal. I find on looking at the RECORD this morning that many of these things which were said by the Senator from Nebraska [Mr. VAN WYCK] are for the most part stricken out of the RECORD, while the replies made to those remarks, made by his colleague [Mr. MANDERSON] and the Senator from Missouri [Mr. VEST], and incidentally and very briefly by myself, are some of them mutilated or stricken out. I did not suffer in that respect, though the little I said is hardly supported by what appears in the RECORD of the supposed or alleged remarks of the Senator from Nebraska. He said very much more than is printed in the RECORD. If he had not, I do not think I should have been upon my feet at all, and I do not know whether the Senator from Missouri would have been; I hardly think so, for I do not see why he made the speech he did, judging from the RECORD.

Mr. FRYE. The RECORD is not read in the galleries.

Mr. HAWLEY. I do not know how far the RECORD is read. This RECORD is ordinarily considered rather a dull newspaper and is not very much read by the great public at large. It is consulted frequently as a matter of record in order that one may see exactly what was said in Congress; and in that respect the RECORD of yesterday's debate in the Senate is very nearly valueless. While a very considerable portion of the public through the galleries and through the newspapers of the country will get an idea that something very severe was said, that can not be verified anywhere now except from the manuscripts of the reporter of the debate of yesterday, which I have before me. Much of the matter is not printed in the RECORD. I will just give a little example or two:

That was the position. The Senate was disinclined to do all that in one general appropriation, but they allowed this to be done, that every standing committee should introduce a resolution and that it should be referred to the Committee on Contingent Expenses, and they should report affirmatively, and it should receive the approbation of the Senate, and that was done. It was done substantially to give a clerk to all, or nearly all, the standing committees not included in the appropriation bill.

Mr. INGALLS. Will the Senator from Connecticut advise us what he is now reading from?

Mr. HAWLEY. I beg pardon. I am now reading what is not in the RECORD.

Mr. INGALLS. What is the manuscript from which the Senator from Connecticut is reading?

Mr. HAWLEY. The official manuscript.

Mr. INGALLS. Of the Reporter?

Mr. HAWLEY. I am reading from the Reporter's own manuscript. Again:

Standing committees are provided with annual clerks in this way; not the manly way of a vote to make them all annual, but by this subterfuge of introducing a resolution and having it referred to the Committee on Contingent Expenses and reported favorably by the Committee on Contingent Expenses and adopted by the body.

Senators will remember how much was said here about the word "subterfuge" in comments by other Senators, but the Senator from Nebraska omits that disagreeable expression of his about "subterfuge."

Another reference was made to some appointee of the Government who spent the winter hanging around Albany:

I do not intimate anything unkind or unpleasant. Then the two men and the boy were hanging around lamp-posts—no, the exposition in New Orleans—till the 1st of January.

That was considered disagreeable and that was omitted.

That sort of robbery.

That was omitted in a criticism upon some distinguished gentlemen. These are the words stricken out:

I was only suggesting that if the object of some persons was to trade shot, powder, shotguns, and bad whisky for the Indian lands, then it might do to have this precursor—

That is, the committee proposed by the junior Senator from Nebraska [Mr. MANDERSON]—

have this precursor go out of this body to pave the way. Is it any worse to steal from the Indians by a consideration of that kind than to rob the American citizen of his birthright in the public lands?

That was a shot at somebody else. Another thing omitted is:

There is not a Senator here who would believe it; and would you believe that the head of any Department of this Government would be guilty of putting his name to a ratification of such an infamous robbery as that? That is worse than the stealing of the public lands, a good deal.

That was supposed to be disagreeable to somebody and has been omitted from the RECORD.

Mr. INGALLS. By whom was it stricken out?

Mr. HAWLEY. I can not testify absolutely to that, but I can give what I regard as good evidence.

Mr. VAN WYCK. I will explain to the gentleman.

Mr. HAWLEY. Wait a moment. There will be abundant opportunity for the gentleman to explain. Again:

In Heaven's name there was a necessity for a change—

That is in the general direction of the Government—

was there not? If our friends on the other side do not do worse, there was necessity for a change when this robbery goes on day after day.

These are only illustrations. I leave other gentlemen to speak for themselves. I have not suffered, but this was the thing to be done: either any errors of the gentleman should have been apologized for and the language withdrawn, or that there should be unanimous consent given by the Senate to strike out on both sides on general consultation whatever was disagreeable in that debate and whatever reflected unfavorably on honorable gentlemen. I protest that it is not in accordance with the true usage of the Senate and not in accordance with fair play that a gentleman should take the manuscript of what he has said from the Reporter and strike out that which he afterward discovers to have been uttered without due premeditation or without due consideration for the feelings of others, and especially when it leaves the remarks of other Senators without any sufficient justification or foundation.

I think this is properly a matter of privilege. I should be glad if it would result in an imperative instruction to the Chief Reporter here and his able staff and to the Public Printer to publish the debates precisely as they occur, saving only the little grammatical corrections needed on account of the inelegance or mistake of a speaker, &c. I wish that might be the result of it.

I feel bound to make this protest, because I think the whole affair quite contrary to sound rules and fair play.

Mr. VAN WYCK. Mr. President, the Senator from Connecticut, to which of course I take no exception, has now placed in the RECORD some suggestions which I made yesterday which, as I will explain to the Senate, I thought it advisable to modify. I personally have no sort of objection, although some of the remarks were made in the heat of debate, that they should appear in the RECORD. It is seldom that I take an opportunity to correct the RECORD in respect to my remarks. I certainly added nothing to what I said yesterday; neither did I take anything out of the remarks of any other gentleman that I am aware of except it may be of the Senator from Missouri.

Several SENATORS. We did not hear the last remark.

Mr. VAN WYCK. I said I added nothing to the Reporter's manuscript. I discovered after these remarks were made that the Senator from Missouri felt that they were unkindly, or rather that the remarks were harsh toward a gentleman to whom he referred from Missouri, and thinking the matter over after the debate ended I spoke to the Senator from Missouri, and told him it was furthest from my wish to say anything unpleasant or unkind of any one, especially of any person with whom he had friendly relations, and I thought it well to strike those remarks out if it met his approbation, and he suggested that he thought it would be as well to do so.

I probably spoke to two or three other members of the Senate. I know I did to the Senator from Colorado [Mr. TELLER], because something had gone in my remarks which, on reflection, I thought might as well not have been said, and stated that whatever would seem to be harsh or unkind I would have stricken out. I did that.

Mr. FRYE. Was it not the duty of the Senator first not to have made the remarks at all?

Mr. VAN WYCK. My friend can answer that in his own experience through life if he fortunately has been occupying so high a position that he may never have uttered a word or a sentiment which he felt called upon subsequently to modify or retract. If he is without sin in that direction, or whoever is, let him cast the first stone.

It was a strange question for a man occupying a position on this floor, or any other position in life to ask, whether it had better not have been said. I have no sort of objection; I am perfectly willing, and if any Senator desires it, I will call back the manuscript and let it be published, every word and every sentiment as it was uttered. I have no sort of objection to that; but when I found that a brother Senator on this floor did take some exception to what I said in the spirit of kindliness merely, and in haste probably I stated that some things might have been uttered which should be modified or changed, and that I was perfectly willing that that should be done; yet if there be any Senator who desires that the RECORD shall contain every word as it was uttered, then I certainly will not only consent, but desire that every word that was said in that debate shall be so published.

The Senator from Connecticut said there were some things uttered

reflecting upon the officers of this Government. So there were, and so in my judgment there should have been. As I had looked at the act creating this commission and providing for its expenses, the first charge probably would lie against the Congress which passed a law so loosely drawn that probably, as I said yesterday, an executive officer or a Department officer of this Government might have approved every voucher, even to the purchase of some of the South American republics; but in accordance with the views which I had expressed to two or three brother Senators, I thought it well to modify my remarks by leaving out that statement and casting no reproach anywhere. If Senators desire I am perfectly willing to call back the manuscript and print it just as my words were uttered.

I do not know that anything further is necessary. I have explained the reason why and the manner in which the words came to be omitted which were contained in the Reporter's manuscript.

Mr. PLUMB. Before this subject is permitted to pass out of the consideration of the Senate I desire to make a statement for myself. I was writing at my desk when the Senator from Nebraska made his speech and did not hear all the speech as it was uttered; but subsequently when the Senator from Missouri came to speak on the subject he called the attention of the Senate to the fact that the Senator from Nebraska had made very harsh remarks about the members of the commission, charging them with being robbers or worse than robbers, because a robber took the chance of being punished by incarceration in the penitentiary while these men were free from that consequence of their wrong. That was the first I had heard of that statement. The Senator from Nebraska avowed the statement, reiterated the statement, and emphasized it in every way possible.

I intended then for a purpose which I shall mention in a moment to refer to that statement, but the early adjournment of the Senate prevented my doing so. I thought then I should have the opportunity of seeing in full print the remarks of the Senator from Nebraska this morning, and I looked at to-day's RECORD for the purpose of ascertaining the precise effect of his remark. There I ascertained that those words had been left out entirely, that there had been a careful elimination of everything in the nature of a personal reflection on the members of the South American Commission, and then, being moved by a little curiosity, I ran over a little further, and I found that where the Senator from Nebraska had made a little dash at a former member of this body who is now unfortunately a member of the Utah Commission, that had been left out too. So a very careful excision of these remarks seems to have been made, so that all that was calculated to excite attention and to be considered offensive has been eliminated, although uttered in the Senate and published to the country as having been made on this floor.

I am not going to say to the Senator from Nebraska that he ought not to have done that. I think on the whole if I had made those remarks I should have been moved myself in cold blood to have taken them out as being unworthy to be uttered here, and especially on the foundation that he laid for that purpose. And what was that foundation? That is what I am specially interested in, because a member of that commission is a citizen of my State, and a gentleman who, while not so well known at large as the gentleman from Missouri, Governor Reynolds, of whom the Senator from Missouri said yesterday only that which was true when he spoke of his very high character and of the manner in which he had discharged every public trust ever committed to him, is a gentleman equally as deserving of all the eulogy that was uttered upon Governor Reynolds, and I, like the Senator from Missouri, thinking of my friend thus traduced on this floor, was willing to say of him and for him all, and more, if human language could permit, that the Senator from Missouri said about his friend as a gentleman who in his sphere is the peer of any one anywhere in character and in reputation, and who holds his reputation, as his friends do, just as dear as human reputation is held by any one anywhere.

It sounds a little large to talk about $35 a day for a Pullman palace car. I am rather liable to be economical about the expenditure of public money myself; but when I reflect that every time I go to Denver, a distance of twenty-four hours only from Kansas City, I pay $10 for a section, and that there is only one of me, while there were three at least by confession of this commission, and that that makes $30 a day, leaving only a little bagatelle of $5 to be accounted for in some way that perhaps is not absolutely inexplicable, the Senator from Nebraska has all the foundation for this assault—I will not otherwise characterize it—upon honorable gentlemen not here to defend themselves, without knowing anything whatever as to whether there was anywhere any explanation of that which on its face is not unexplainable to an intelligent mind, and we see exactly what this amounts to.

Now, I learn on inquiry that every single step that these gentlemen took, their visit to the city of New York, to the city of Philadelphia, to the city of Boston, to the city of San Francisco, to the city of Mexico, and to the city of New Orleans, every single inch that they traveled was by the express direction of their superior, the Secretary of State. They commenced where he told them to commence, and they left off in any particular direction just precisely where he told them to leave off. More than that, I am assured by those who know, as I do not, that when it came to traveling in Mexico the necessity for an equipment of that kind is of a very obvious character and absolutely indispensable, as the Senator from Vermont [Mr. EDMUNDS] suggests. And yet because these gentlemen have taken the appliances and equipage which the Senator from Nebraska himself would have taken if he had been going across the continent or to the city of Mexico or elsewhere on his own business and have spent no more of the public money than he would have spent of his own money for similar service, they have been characterized here as robbers and as men who have committed their robbery with the risk of getting into the penitentiary, and therefore as worse than the men who commit robbery without that risk before them.

I have no feeling about this so far as the Senator from Nebraska is concerned. He can settle with the public or with any one who chooses to arraign him on this floor or elsewhere for his participation in it, and I repeat now that so far as these gentlemen are concerned—and I put them together, for my knowledge of Governor Reynolds warrants me in saying of him what I say from my intimate acquaintance with Judge Thatcher—those two gentlemen will bear comparison with any men on this floor or elsewhere not only with reference to the manner in which they discharge their public trusts but the absolute fidelity with which they expend every dollar of the public money committed to them to be expended, and I will trust them to render a truthful account of their stewardship not only as to money but as to every other thing committed to them in their public capacity.

Mr. VEST. Mr. President, this is an unpleasant subject, and I speak about it with great reluctance. I participated very briefly in the debate of yesterday in obedience to a sense of public and private duty, and I said then only what I believe to be true and what I am willing to repeat now.

After the debate closed with some unpleasant features the Senator from Nebraska approached me at the eastern entrance to the Senate Chamber, and expressed his regret for what he had said in regard to Governor Reynolds. He remarked that I had exhibited considerable feeling, and he believed it would be best to eliminate everything that was personal in regard to Governor Reynolds, as I understood him, from the CONGRESSIONAL RECORD. I told him that he had unquestionably done my friend very great injustice, and that I thought it was nothing but right and proper to repair that injustice in every possible way. He then said that I had made some remarks in reply to him which it would not do to leave without the context. I told him that so far as anything I had said was concerned I cared nothing about it and had only said it as a matter of justice to an absent individual who occupied very intimate relations with me.

This was the whole of it. I have never seen the official copy of the report since; I have had nothing to do with it, and for the first time this morning my attention was called to the CONGRESSIONAL RECORD as printed.

Permit me to say that this is but another illustration of the reprehensible practice which has grown up in both the House and Senate of making its RECORD a conduit for what has never occurred in many cases, and has made it not a true and correct report of the debates of the Senate and House. If this practice could be reformed and amended it would be in the interest of justice, of right, and I might almost say of public decency.

Mr. DAWES. I merely rise to inquire of the Senator from Missouri if it is an unusual thing for a Senator or for a Representative to withdraw from and strike out of the RECORD remarks which he regrets himself to have made. Although I never have corrected in any shape what I have said for publication in the RECORD, I have taken the liberty to withdraw remarks that I regretted myself that I had made, and I have always done it without being censured for doing it. I have been censured myself more frequently for letting remain in the RECORD unkind and improper remarks into which I have been led by the heat of debate.

Mr. VEST. The experience of my friend from Massachusetts is much more extended than my own. It has been the custom I believe—I do not recollect any case in my own individual experience but I have known it to be done—that remarks which were personal and unpleasant have been eliminated from the RECORD without explanation publicly made.

I do not want to discuss this matter, but I have simply to say this: It is hardly sufficient reparation under the circumstances which occurred here yesterday to take these remarks out of the CONGRESSIONAL RECORD. The CONGRESSIONAL RECORD, as has been said by the Senator from Connecticut, reaches but very few persons comparatively out of the 55,000,000 people in the United States; it is very little read; its circulation is confined to public men and to what are known as a class as politicians; but there is another conduit for public opinion in this country in the reporters' gallery, in the Associated Press, and the remarks that were made here yesterday have gone all over the country. They were in the evening papers yesterday and the morning papers to-day; and they comprise charges which involve the personal character of gentlemen as distinguished as any—I will say with all courtesy as distinguished as any on this floor. There is the injustice of which I spoke, there is the wrong committed. I do not make any individual application of it now, but the practice is reprehensible.

A Senator here makes a speech in which he characterizes some indi-

vidual as a thief, and immediately it is flashed to the Pacific coast, and north, south, east, and west; it enters into every household in the land through the public journals, and we all know the avidity with which this sort of personal discussion is seized by the public press of the country. It goes everywhere, while the RECORD, out of which it is eliminated, reaches but a very few hundred of the entire population. That is the wrong; and therefore there ought to be some rule adopted by which the reparation should be as wide and extensive as the wrong committed. Until that is done no just reparation can be made.

Mr. DAWES. I desire to add that I made my remark without any reference to the debate of yesterday; but having made it, I desire to add that there is no Senator who regretted more than I did the spirit of the language indulged in in the debate of yesterday, and I quite agree with the Senator from Missouri that but half reparation is made when a public injustice and wrong is done where a private explanation is substituted for an apology for an injury done to the public.

I myself experienced a short time since that very hurt and pain when there went into the RECORD what was publicly said here in a manner which pained me very much, and the Senator who said it felt as if he had done all that was required of him by coming privately to me and apologizing. Certainly, however, yesterday's proceedings had better have gone out of the RECORD. If the Senator from Nebraska did not feel that he was called upon to be as public in his withdrawal of his charge as he was in the making of it, certainly he did something in the way of correcting the mistake by withdrawing it from the RECORD with the sanction of the Senator from Missouri. It would have been better to have got up in his place here this morning and have expressed his regret to the Senate which he expressed to the Senator from Missouri in private yesterday.

Mr. VAN WYCK. Mr. President, I think the Senator from Massachusetts has misunderstood me. What I said in this matter was not intended by way of apology, and while something of what I uttered was said in the heat of debate, while much of it was said in the heat of debate, yet I do not understand that I was in a position requiring me to make any apology. I felt regret when I found the interest which the Senator from Missouri, whom I highly respect, took in this matter, and found that he felt it as a sort of personal injury to himself that I had made any seeming reflection on his friend. As he was the only person who had taken an active part in the discussion who might be interested by any withdrawal of that suggestion of mine, I thought proper to confer with him. It did not occur to me that the remarks of the Senator from Connecticut were of such a nature that it was necessary that there should be any explanation to him, because I thought the point of the thing was in the portion of the discussion in which the Senator from Missouri engaged; and therefore it was, desiring to leave no unpleasant impression on the mind of the Senator from Missouri but to place him in an attitude where I thought he would feel relieved from anything in the nature of a charge against his friend, I did suggest to him that I would withdraw any unkind statement or personal statement, if it was considered such, or anything reflecting on his friend. To that he assented, intimating that it would be well. Now it seems some Senators are not satisfied that that should be withdrawn.

I went further. I sent word to the Associated Press, after this conference with the Senator from Missouri, that I proposed to take out any unkind thing that might have been said to which he had objection and asked that there should nothing appear in the dispatches containing any reflection of that kind.

Mr. President, I will before I close ask unanimous consent of the Senate that my remarks as they were made yesterday and as they appear on the report of the Official Reporter shall be published in the RECORD. I know no other way to reach this matter. I have explained the motive that induced the course I took. When I had a conference with the Senator from Missouri and an understanding with him I did not deem it necessary to go any further, or make any suggestion, or rise in the Senate and say anything further about it. I had found something I thought which would strike the average public mind as remarkable in the matter of which I spoke.

We had appointed a commission to go to Central and South America to confer with those countries in regard to the re-establishment of trade, or the inauguration of trade, with them, and we found what? On an examination we found that before these gentlemen had left the United States on that mission, in the months of October, November, and December, the expenses they had incurred were over $6,000. Certainly that seemed enormous, and yet Senators here who represent individual members on this commission say that they probably did no more than they would have done if they had been engaged in private business of their own.

Here was a charge to which I referred for the service of a Pullman palace car at $35 per day for forty-one and one-half days to go to San Francisco, to go to Mexico, and it seems to New Orleans. The answer to that is the Secretary of State directed them to go. How many of this commission went on that excursion to San Francisco I do not know; but since yesterday I have learned—I no not know that it is true and it may seem unkind to refer to it—that not only the commissioners but members of their families were carried at Government expense, and the board bills, including members of their families, were paid out of the Treasury of the United States. That statement, which I have received, I know not as to the truth of; but if that be so and the other items be as stated, do gentlemen claim that such is the proper administration of the affairs of this Government? If the Secretary of State imposed an expenditure of $6,000 on this commission—and the size of the items would seem to include members of their families transported in this way—if the Secretary of State did that act, then the responsibility rests upon him, does it not? It must be somewhere.

Senators talk much about the public press, about public sentiment, and we are supposed to administer this Government in accord with public sentiment; we are supposed to make the expenditures of this Government in accord somewhat with public sentiment. Here a commission of three men was appointed, two only of whom went to San Francisco—indeed I understand that only one went to San Francisco—thence to Mexico, and to New Orleans in our own country; and during the months of October, November, and December the cost of the commission, excluding salaries, including only two commissioners and the clerk, was $6,000. That statement ought to be enough.

I care not about the respectability of the commissioner from Missouri; I said nothing of him nor of the commissioner from Kansas. That is not the point in this case. I was talking about the commission as a whole. Two members of the commission—possibly only one participated in part of the excursion—and the clerk go to San Francisco, Mexico, and New Orleans, and when they reach New Orleans the sum charged against the United States for expenses is $6,000! The Senator from Kansas says it would be nothing unusual for a private citizen on his own business. Would it not? Would it be nothing unusual for a private citizen to pay that amount for forty-one and a half days for a Pullman car? I know not where they went nor how long they delayed. I do know that this was a commission created for a conference with the South American countries so designated in the act, and yet up to the time of reaching New Orleans they spent more than $6,000.

In my judgment the American people without regard to party will think that there is something wrong. I thought there was something wrong, and I said so. I characterized it strongly it is true, and if gentlemen desire the same strength to be carried with it let it be so, I have no objection, although I would desire personally to have said nothing unkind to any Senator occupying a seat on this floor. But here was a wrong done, a wrong to the Treasury of the United States, a wrong done to the people of the United States. We pay each member of this commission a salary of $7,500 and all expenses. That meant the natural ordinary expenses of ordinary people, not probably of millionaires, but ordinary people who transact business. If these three men had been appointed ministers or consuls to the South American and Central American republics, the probability is that before they had started on their mission and left the United States they would not have incurred a debt of $6,000 against the people of the United States.

We have been asked what is the basis on which the Senator from Connecticut says that there was a suggestion about the president of the commission hanging around Albany. That I think was true. The president of this commission it was currently reported never reached nearer to Central and South America than the city of Washington, and yet as I stated his resignation was given in on the 27th of February and he received in salary nearly $5,000.

All these things may be right in the estimation of Senators. I think not, and thinking so, so expressed myself. There was blame somewhere—blame in the Departments or blame in the commission; and must it be understood that a man at great risk and great peril undertakes to arraign the Government or arraign its officers? This very body is arraigned; the people arraign it, the press arraign it. A distinguished Senator arose in his seat in this body and said that it was suspected—yes, said that this body was suspected. Was that a slander; was that a scandal on this body, for one of its own members deliberately to rise in his place and say it was suspected? In the minds of some to be suspected amounts to being convicted. It is proper that the Senate should be charged with that, but yet we must approach the sacred inclosure, must we, of the Government, of its officers, and we must be warned that any man who dares arraign them must prepare for a sacrifice. What a strange proposition!

It is not the first time that the sacredness of the Government and its officers has shown itself in this body, and it probably will not be the last. I have taken occasion before in commenting upon an officer of this Government to say that he who will not administer a public trust with something of the same diligence and economy that he would his own private affairs is liable to criticism; and when you find in a commission of this kind that two members, or one, if you please, feel at liberty to take their families, if they did so, if that statement is correct, and take a Pullman palace car and keep it forty or fifty days in their employ doing what the ordinary American citizen, the kind that it is supposed we employ in such commissions, would do in his own business, does not such conduct call for criticism?

Mr. President, I do not know that anything more is necessary to be said. I have explained as frankly and as fully as I could the whole transaction, and now I ask unanimous consent of the Senate that the remarks just as they were taken down be printed in the RECORD.

Mr. VEST. Mr. President, I shall object. The Senator from Nebraska, after deliberately eliminating those remarks from the RECORD, now asks unanimous consent to place them back without the context and not surrounded by the state of facts that occurred. I am perfectly willing for those remarks to be republished if the Senator so wishes, provided that every word that was uttered yesterday, in the way in which it was uttered, shall accompany what he said at that time.

Mr. VAN WYCK. Just as the Reporter has taken it, what the Senator from Missouri said, and what I said, and what the Senator from Connecticut said, so that it will all appear.

The VICE-PRESIDENT. The proposition of the Senator from Connecticut [Mr. HAWLEY] was regarded by the Senate as a question of privilege; and the Chair supposes that the proposition of the Senator from Nebraska [Mr. VAN WYCK] falls into that and forms a part of it, and holds that he has a right to propose in connection with it the modification of the RECORD which he suggests; but perhaps the Chair should leave that to the Senate. Is it the pleasure of the Senate that the Senator from Nebraska shall make this proposition and that it shall be considered? If there be no objection it will be so regarded.

Mr. SAULSBURY. Mr. President, what is the proposition?

The VICE-PRESIDENT. To modify the RECORD.

Mr. VAN WYCK. By inserting what was taken down yesterday.

Mr. SAULSBURY. I object to that. I think there has been enough said and enough done on this whole subject. I do not think that any public good will be accomplished by the republication in the RECORD of the debate just as it occurred yesterday. It has been modified. It appears in to-day's paper with the modifications which I understand were made by the consent of the Senator from Missouri; and I presume the matter ought there to rest. If there is any public good to be accomplished by republishing in the RECORD just what was taken down of the debate yesterday I would not object; but I can not conceive that any public good will be accomplished by it and I think we had better let this whole matter drop.

The VICE-PRESIDENT. The Senator from Nebraska asks the permission of the Senate to have the debate of yesterday published in the RECORD as it took place. The Chair will submit the question to the Senate.

Mr. HAWLEY. The Senator from Nebraska has not quite precisely stated my position at least. I have no criticism to make upon what any Senator shall deem to be his sense of duty in the way of criticising public men, and especially public officials. I have carefully refrained from finding any fault with that. My question yesterday was substantially asking whether before making seriously damaging charges against men of high reputation the Senator had carefully investigated his evidence. The RECORD will bear me out that was my question; for I have an utter disgust for what I conceive to be the bad habit of indiscriminate slander on the part of citizens in private life and by the public press on officials. It is discreditable to our character as American people and detrimental to the best interests of this Government. I say that we ourselves as newspaper men and public men assist in debauching the public conscience and in depreciating the true character and value of our Government. It is the best government under the sun, best founded in constitutional and statute law upon natural law and in accordance with the inspirations of mankind. Its institutions in general are the best; its administration is the best; the public men as a class may challenge comparison with the public men of any country that ever existed or exists to-day. Its Presidents for one hundred years may proudly challenge comparison with the sovereigns of any or all nations during these hundred years; and yet there is here and there all over the country an incessant stream of defamation calculated to bring down this Government in the estimation of its people, to make a republican government throughout the world seem far less worthy than it really is.

That is one reason of the protest I made. I did not seek to check the Senator in the performance of any duty that seemed to spring from a serious consciousness of necessity, from a high moral obligation, but I did mean in an indirect way to protest against defamation. If he had evidence of great wrong, I honor him for making the charge. That was the question I asked yesterday, and to-day I ask only another question. If he finds he was wrong yesterday, let him say so to-day. Let him not go privately and strike out his words from the official RECORD, where next to nobody would have seen them or have heard of them if I had not made these remarks. Let him not go to that, but let him rise and say: "I was unjust to that South American Commission; I believe they are gentlemen who mean well. Whatever their errors of extravagance may have been, I feel that they are honorable men." Let him say that if he feels it, and let him back out of what he said yesterday. I do not know this gentleman, Mr. Reynolds, from Missouri; I do not know Mr. Thatcher, from Kansas; I do not know that I ever saw either. I speak in behalf of the public service and in behalf of the fidelity of this RECORD. I want the gentleman to have the courage of his convictions and the courage of his charges. Stand by or back out of them, one or the other; that is all I ask for.

Mr. VAN WYCK. Only a word more, Mr. President. I would say to the Senator from Connecticut—though I do not desire to repeat what I have said once or twice before—that the RECORD was not corrected privately, that I had conference with those who I supposed were interested in any manner in the correction of the RECORD, and that it was done in that way. I will explain to the Senator that I did not do it because I thought what was said yesterday was wrong. I have already expressly stated that.

I will agree with allthe Senator says about the greatness of this Government for the last one hundred years; but does my friend remember that about twenty-five years ago there was an investigation known as the Covode investigation?

Mr. HAWLEY. I remember it. It was a careful investigation; witnesses were examined; and the committee solemnly and formally reported to Congress what it found.

Mr. VAN WYCK. My friend thought the Government was so good for the last hundred years that nothing could be said against it.

Mr. HAWLEY. I never said that in my life. I know that bad men abuse power.

Mr. VAN WYCK. I understood the Senator a moment ago to say that the Government was so grand for the last hundred years——

Mr. HAWLEY. I said it was the best government in the world.

Mr. VAN WYCK. Yes.

Mr. HAWLEY. I will speak and fight for that proposition. I do not say that there is not occasionally a Judas or an Ananias.

Mr. VAN WYCK. I was alluding to the Covode report made about twenty-five years ago. The Senator from Connecticut did not think so then. He did not think the administration then in office was the grandest administration the world had seen when about twenty-five years ago he was reading the Covode report and preaching from it in the State of Connecticut and the New England States. The Covode report arraigned a Democratic administration; that was one of the agents that helped to sweep it out of power. The Senator from Connecticut then, I have no doubt, was fighting the administration which for the time being was the Government, and helped to turn it out of power.

Our Democratic brethren arraigned us very severely only last fall and have been doing it for several years past. They arraigned us in many matters for the wasteful expenditure of money and wasteful extravagance in giving away the public domain. The Government is not here, I would say to my friend from Connecticut; it is not in your little commission; it is not in your Executive Departments; it is at the hearthstones and homes of the people of Connecticut and Missouri and Kansas and Nebraska. There is your Government to-day, in the hearts of the American people; and when their representatives here, when their Executive Departments or Congress fail to live up to what they believe to be the true principles of government, then they rise up as they did twenty-five years ago when they turned the Democratic party out of power and as they did last fall when they turned the Republican party out of power. They are the Government; there is where the Government is. But we have been taught to believe that there must be no word said against, no arraignment made, of officers of the Government, no reflection on the administration, no attempt to criticise those in power; and yet it was said by an eminent Senator that this body is suspected of being controlled by monopolies—I think that was the point then. Is not that a serious charge? This is a branch of the Government, and yet it is suspected. And the Senator from Connecticut brings that sort of sacred holy halo around the administration and wants to have it so bright and brilliant that the common vision will not undertake to peer and look beyond it.

Mr. HAWLEY. Did the gentleman ever hear me say anything that bore any resemblance to that whatever?

Mr. VAN WYCK. I think when we read the RECORD to-morrow probably we shall be able to discover it.

Mr. HAWLEY. I shall not eliminate any remarks of mine from the RECORD.

Mr. VAN WYCK. No; the Senator would not do that. I think they ought to remain. I think they expressed an idea which he ought not to eliminate.

I have explained that I desire the RECORD to be faithful and true. I have undertaken to explain my motive in this matter. The offense is that there seems to be an arraignment of somebody. If the facts arraign either this commission or the Secretary of State, it or he will be arraigned in the public mind, in the Government, which is in the minds and hearts of the people.

Now, that there may be no mistake about my attitude in this matter, my willingness to have the RECORD just what it ought to be, to contain everything said or done, I ask for the adoption of the resolution which I send to the Chair. That probably will indicate to the Senator from Connecticut whether I desire to back out or adhere to what I have said.

The VICE-PRESIDENT. The Senator from Nebraska offers a resolution in lieu of his verbal proposition a few minutes since, which will be read.

The Chief Clerk read as follows:

Resolved, That the Official Reporter of the Senate be instructed to correct the record of yesterday, so that it may be a faithful copy from his notes and a true record of all that was said.

Mr. TELLER. Mr. President, so far as any allusion was made to myself, or to the Department over which, until recently, I presided, I have not the slightest objection to the Senator's publishing exactly what he said yesterday. In a period of nearly six years that I have served in the Senate I have had occasion only three times to correct remarks that I have made. The first was with reference to the first speech I made in the Senate after my entrance here; the second was on the first speech that I made in the Senate on my return; and the third was when I felt that I had done injustice in remarks of mine to a fellow-Senator, and then I rose in the seat where my friend sits on my right and asked of the Senate the permission to strike from my speech the remarks that I had made, saying that I did so because in the heat of discussion I had said that which I regretted and which I ought not to have said.

The Senator from Nebraska did say yesterday to me that he had been led in the heat of discussion into saying some things that he regretted, and suggested that he would eliminate them from the RECORD. I had no objection. I concluded that if he did so I would make no further remarks about the matter.

To-day he reiterates and repeats everything that was objectionable and says he desires it to go in the RECORD. He alluded to a transaction of the Interior Department while I was the Secretary thereof as a robbery. The honorable Senator is very much astonished, he is surprised, that an honorable gentleman—and I suppose everybody who sits upon this floor ought to be a gentleman—should take offense at a remark of that kind. I do not know how he has been brought up, I do not know where he has lived all his life, but wherever I have lived among honorable men to charge robbery was an offense. I will admit that sometimes in the heat of debate words may fall from one's lips without attention and without thought; but when a Senator rises on the following day and says he desires to stand by what he said yesterday, he repeats his offense. He knows very well that he is not to be called to account for anything he may say here. He knows very well that he can stand here and give out to the country a statement that goes everywhere that there has been robbery of the public lands in the Interior Department under my administration; he knows that I have no remedy; and he knew more, when he said it, that it was untrue.

Mr. President, I will not go over that question. I do not propose every time that a man rises on this floor and denounces the administration of which I have been a member to feel compelled to admit the statement to be true or else get to my feet and deny it. Common decency, common respect for the co-ordinate departments of the Government, would lead men of gentlemanly instincts and proper ideas to not use language of that character with reference to any transaction unless it was plain as sunlight. Does anybody pretend that the transaction with reference to which the Senator spoke was of that character? As I stated on the floor of the Senate, I have on my desk now the opinions of Attorneys-General, men who are as much above him in questions of law or morals as it is possible for one man to get above another, declaring that it was the duty of the Secretary of the Interior to carry out the opinion of the Attorney-General.

Reverdy Johnson when Attorney-General, in the fifth volume of Opinions of Attorneys-General, declared that it had ever been the practice since 1789 of the various Departments of the Government to receive the law as laid down by the Attorney-General as binding upon them, and that the Departments were bound to administer the law as the Attorney-General had declared it when the Departments had called on the Attorney-General for an opinion. He was followed by Mr. Caleb Cushing; and these are both good Democratic authorities. Mr. Caleb Cushing, than whom there was no greater or better lawyer who ever filled that place, in an exhaustive treatise that he wrote upon the subject, declared that it was not only the practice but that it was the law. In a subsequent review of that opinion by the same officer he declared that the Secretary of the Interior—and it was with reference to a land grant—was bound to take the law as laid down by the Department of Justice, the Attorney-General, and to adjudicate the case upon it, and the Secretary of the Interior, Mr. Stuart, gave to the State of Iowa 560,000 acres of land that he said, in his opinion, he did not think the State was entitled to, but he did it because the Attorney-General had decided the law that way. Caleb Cushing declared that it became the law of the case and that the Attorney-General acted quasi-judicially in these opinions.

Mr. President, the honorable Senator knew that the Secretary of the Interior had the opinion of the Attorney-General. He knew more than that, because he stated it on the floor, which I never would have stated, that he had the opinion of the President and the entire Cabinet; and Mr. Cushing said that the Secretary of the Interior could not override the Attorney-General unless the President overrode the Attorney-General for him. The honorable Senator knew when he criticised that transaction as a robbery that a majority of the House of Representatives had deliberately, after a discussion of days, decided by a majority of 42 that the company alluded to was entitled to its land. He knew that the House Committee on the Judiciary, composed a majority of them of Democrats, men above reproach and above question, men whose integrity would not suffer by any comparison with his, men whose intelligence is equal to his, whose knowledge of the law no man will pretend is not equal to his—that committee deliberately, after hearing arguments, decided by a vote of 13 to 2 that this company was entitled to the land. He knew that a committee of this body had done the same thing; he knew that this body had acquiesced in that opinion; and yet he criticised that as a robbery, and he is astonished and surprised that anybody should think that he was taking liberties that were unjustified, and he says that when he criticises a Department he supposes he lays himself open, &c.

Mr. President, so far as I am concerned, I am willing to submit to any fair criticism, but the Secretary of the Interior and every other head of a Department is there to execute the law. He is not there to listen to demagogues who may attack the statutes that this body and the other body together have made laws. There is an opinion of Attorney-General Hoar upon just exactly such a case, where a committee of this body had asked the Secretary of the Interior to suspend the operation of a statute pending legislation, and he declared that it ought not to be done and could not be done without violating the fundamental principles of government. And yet, on a question upon which there can be no possible doubt, upon a question on which every lawyer that has ever put his eye on it, who is worthy of any confidence or belief (with the exception, perhaps, of two or three men), has asserted that this company was entitled to the land, the Senator characterizes the execution of the statute in its behalf as a robbery of the public land!

Why, Mr. President, with nothing but the vote of the House his mouth ought to be closed. I agree with the honorable Senator from Connecticut that just such attacks as these are calculated to bring into disrepute this body and the Executive Departments of the Government. The honorable Senator says that he supposes the Senator from Connecticut fell in and took part with the ideas expressed in the Covode investigation and attempted to oust the party then in power. Sir, if the Senator had come here with a committee of investigation, if he had taken that step, and then when the testimony had been brought here and upon a final hearing he had been heard, it would have been a different case.

Now, Mr. President, so far as I am concerned I do not propose, I repeat, upon every occasion when the late administration is attacked or when any member of the late administration is attacked by this Senator or any other, to defend every act of those officers. I only want to say here that I am willing that the Senator shall put in the RECORD whatever he sees fit. If he desires what he said yesterday to go in the RECORD, I am willing to vote that it shall go into the RECORD; but I want to put upon the RECORD my statement that in my judgment there is nothing that will justify such an attack upon an executive officer, no matter who he may have been, when he acts with the deliberation that was had in this case and with the support that the executive officer had with reference to this grant.

The VICE-PRESIDENT. The Senator from Nebraska proposes a resolution which will be read again.

The Chief Clerk read the resolution, as follows:

Resolved, That the Official Reporter of the Senate be instructed to correct the record of yesterday, so that it may be a faithful copy from his notes and a true record of all that was said.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-six minutes spent in executive session the doors were reopened.

Mr. INGALLS. I move that the Senate adjourn until Monday morning at 10 o'clock.

The motion was agreed to; and (at 2 o'clock and 44 minutes p. m.) the Senate adjourned until Monday next, at 10 o'clock.

EXECUTIVE PROCEEDINGS FROM WHICH INJUNCTION OF SECRECY IS REMOVED.

MARCH 21, 1885.

In the executive session of the Senate the following communication was submitted by Mr. MILLER, of California, and ordered to be printed in the RECORD:

DEPARTMENT OF STATE, *Washington, March* 9, 1885.

SIR: I have the honor to bring to the attention of your committee the inclosed copy of a note from the minister of Japan here of the 3d instant, warmly thanking Mr. Lucius H. Foote, United States minister in Corea, for his efforts for the protection of a party of Japanese subjects during the recent disturbances at Seoul.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN F. MILLER,
Chairman Committee on Foreign Relations,
United States Senate.

[Translation.]

LEGATION OF JAPAN,
Washington, 2d of the third month,
Eighteenth year of Meiji,

SIR: During the disturbance at Seoul, Corea, in December last, several Japanese subjects, who had in vain been seeking safety in different places from the

violence of the mob, took refuge in the United States legation. A number of other Japanese who had been taken prisoners by the Chinese troops were released at the instance of the United States minister, and were likewise afforded an asylum and protection at the United States legation.

Thus twelve Japanese subjects of both sexes were succored by General Foote, and during the time they were inmates of the legation he and Mrs. Foote were untiring in their efforts to make their condition more comfortable.

Finally, having obtained assurances from the Chinese and Corean officials that the refugees would not be harmed, General Foote provided an escort, composed of Chinese and Corean troops, under the command of Mr. Barnadau, naval attaché to the legation, and sent them, together with four soldiers who had been detailed by the Japanese minister to guard the United States and British legations, to Chenusepo, where they arrived in safety.

"These Japanese," the official Japanese report of the *emeute* declares, "owe their lives and safety entirely to the humane and zealous efforts of the American minister."

Those efforts on the part of the United States representative in behalf of my defenseless countrymen, efforts which greatly increased his own danger and rendered his position insecure, have awakened throughout Japan a feeling of deep gratitude to General Foote, and I have been instructed by His Imperial Majesty's Government to bring them to your attention, and through you to tender to General Foote their profound thanks for his brave and humane conduct on the occasion referred to.

Permit me, sir, in fulfilling this agreeable duty to add that acts such as I have recounted not only reflect the high character of the person who performs them, but they tend directly to draw closer the bonds of friendship and good-will which happily exist between our respective countries, because they demonstrate that deeds of generous bravery overstep the bounds of national limits.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

KUKI RINICHI.

Hon. FREDERICK T. FRELINGHUYSEN,
Secretary of State.

SECRECY AS TO TREATIES.

Mr. FRYE, from the Committee on Rules, submitted a report, from which the injunction of secrecy was removed, and it was ordered to be printed in the RECORD, as follows:

The Committee on Rules, to which was referred a question of order raised by the Senator from Maine [Mr. FRYE] as to the operation of clause 3, Rule XXXVI, report that it extends the injunction of secrecy to each step in the consideration of treaties, including the fact of ratification; that no modification of this clause of the rules ought to be made; that secrecy as to the fact of ratification of a treaty may be of the utmost importance, and ought not to be removed except by order of the Senate or until it has been made public by proclamation of the Executive.

The Senate having ordered the correction of the debate of Friday, the 20th instant, according to the notes of the Official Reporter, the entire day's proceedings are republished, as follows:

FRIDAY, *March* 20, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislative Assembly of Montana Territory, remonstrating against the repeal of the so-called desert-land act; which was referred to the Committee on Public Lands.

The VICE-PRESIDENT. The Chair also presents a memorial of the Legislative Assembly of Montana Territory, favoring the enlargement of the United States penitentiary in that Territory; which will be referred to the Committee on Territories.

Mr. HARRISON. I think, it being a memorial of the Legislature of a Territory, it is entitled to a reading at the desk. I should like to have it read so that it may go in the RECORD.

The VICE-PRESIDENT. The Chair understands that it has not been the custom to have read memorials of Legislative Assemblies of Territories.

Mr. HARRISON. Then I ask that the memorial be read.

The VICE-PRESIDENT. The memorial will be read at the request of the Senator from Indiana if there be no objection.

The Chief Clerk read as follows:

Council joint memorial concerning the United States penitentiary in Montana.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the council and house of representatives, composing the Legislative Assembly of the Territory of Montana, respectfully represent to your honorable bodies that the United States penitentiary at Deer Lodge, Montana Territory, in which are confined the convicts sentenced by the courts in this Territory, has but twenty-eight cells, suitable for one prisoner each, and that confined in said penitentiary are nearly one hundred convicts; that the original plan of said penitentiary contemplated the erection of another wing, which has not been built and which is now very necessary to the proper care and safe-keeping of the prisoners confined therein; that the wing of said penitentiary already constructed was paid for from the revenues received by the Government in this Territory; that the health of the prisoners is greatly impaired by the crowded condition of the penitentiary, and the rapidly increasing number of long-term convicts, many of whom are desperate characters, and who are necessarily in constant communication with each other, endangers the safety of the guards and of the community in which the penitentiary is located. Your memorialists therefore earnestly pray your honorable bodies to make an adequate appropriation to complete said penitentiary according to the original plans, and would suggest the setting off of a portion of the internal-revenue receipts collected in Montana for that purpose. And your memorialists will, as in duty bound, ever pray.

JAMES ED. CALLAWAY,
Speaker of the House of Representatives.
F. K. ARMSTRONG,
President of the Council.

Mr. HARRISON. I ask that the memorial, if it has not already been done, may be referred to the Committee on Territories.

The VICE-PRESIDENT. It has been so referred. Does the Senator desire to have the other memorial read?

Mr. HARRISON. I do not ask to have it read.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Foreign Relations, as follows:

STATE OF MAINE.

Resolves in favor of arbitration and peace.

Whereas it is the duty of all nations to avoid by every honorable means the burden and curse of war, and to establish peace upon the broadest and most permanent basis possible; and

Whereas it seems to be the settled policy of the United States Government to insist on the insertion in its treaties with foreign governments a stipulation that controversies arising under the terms of such treaties on the failure of negotiations shall be referred to umpires, mutually satisfactory, whose decision shall be final and authoritative, a policy which has been already adopted by several foreign governments:

Resolved, That the Senate of the United States should refuse to ratify any treaty which omits such a stipulation.

Resolved, That in order to render the principle of arbitration permanently practical a standing high court of arbitration, composed of persons chosen by each covenanting nation, on account of their peculiar fitness, ought to be constituted, to which should be referred for consideration and settlement those questions which have hitherto too often been left to the arbitrament of war.

Resolved, That a convention or congress of representatives from the nations, to adjust differences of international laws and usage, ought by mutual agreement to be called at some place most suitable and convenient, which might also agree upon the general character and powers of the aforesaid court of arbitration.

Resolved, That the bill introduced into the national House of Representatives March 3, 1884, by Hon. I. Newton Evans, of Tennessee, which provided for the calling of such a convention at Washington by the United States Government, meets with our approval, and we would hereby respectfully memorialize and petition the Congress of the United States to pass said bill, so that it may speedily become a law.

Resolved, That a copy of these resolutions, properly prepared and signed, be forwarded to each of the two Houses of Congress, and also to each Senator and Representative now in Congress from the State of Maine.

IN HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker.*

IN SENATE, *March* 4, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President.*

MARCH 4, 1885.

Approved.

FREDERICK ROBIE, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Military Affairs, as follows:

STATE OF MAINE.

Resolves relative to the sale of Kennebec arsenal at Augusta.

Resolved by the senate and house of representatives in Legislature assembled, That our Senators and Representatives in Congress are hereby requested to use all honorable means to discourage and prevent the sale of the Kennebec arsenal at Augusta, Me.

Resolved, That a copy of these resolves be forwarded by the secretary of state to each of our Senators and Representatives in Congress.

IN HOUSE OF REPRESENTATIVES, *March* 3, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker.*

IN SENATE, *March* 4, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President.*

MARCH 4, 1885.

Approved.

FREDERICK ROBIE, *Governor.*

A true copy. Attest:

ORAMANDAL SMITH,
Secretary of State.

The VICE-PRESIDENT presented a memorial of the Legislature of Maine; which was read, and referred to the Committee on Indian Affairs, as follows:

STATE OF MAINE.

Resolves relating to United States appropriations for Indians.

Whereas believing that the education of Indians and their voluntary citizenship in the United States will most justly, quickly, and economically solve the Indian problem: Therefore,

Resolved, That our Senators and Representatives in Congress be, and they hereby are, requested to aid in the passage of resolutions solemnly pledging the faith of the nation to the Indian policy embodied in the following principles:

First. That the unpaid sum pledged for educational purposes by the Government, as part payment for the cession of lands by Indians, be appropriated for the purchase of stock, farming implements, and tools for Indian manual labor schools.

Second. That so much of the net proceeds of the sale of public lands as may be necessary shall be set apart for the purpose of creating a permanent fund for the education of Indians.

Third. That lands in severalty, making their titles inalienable for twenty-five years, and United States citizenship may be granted at once to all Indians who so desire.

Fourth. That the legal personality of all Indians may be granted, and that protection of law may be given them, as it is to all other races, within these United States.

Fifth. That the civilization of Indians may be hastened by providing for and rewarding their civilized industries.

Sixth. That the salaries of Indian agents be sufficiently increased to secure good men of large capacity and business experience, and to retain them in service.

Resolved, That the governor be requested to transmit a copy of the foregoing resolutions to each of the Senators and Representatives in Congress from this State.

IN HOUSE OF REPRESENTATIVES, *March* 5, 1885.

Read and passed finally.

CHARLES HAMLIN, *Speaker*.

IN SENATE, *March* 5, 1885.

Read and passed finally.

WILLIAM D. PENNELL, *President*.

MARCH 5, 1885.

Approved.

FREDERICK ROBIE, *Governor*.

A true copy. Attest:

ORAMANDAL SMITH, *Secretary of State*.

COMMITTEE TO VISIT ALASKA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Nebraska [Mr. MANDERSON], which will be read.

The Chief Clerk proceeded to read the resolution.

Mr. MANDERSON. I suggest that, as the resolution was read at length yesterday and has been printed, it be referred without reading to the Committee on Territories.

The VICE-PRESIDENT. If it is the pleasure of the Senate, it will be so ordered.

Mr. VAN WYCK. Before that is done, I understood that the Senator from Missouri [Mr. COCKRELL] had an amendment to offer to the resolution. I do not know whether he desires to offer it now.

Mr. COCKRELL. The amendment of which I gave notice I think was to be proposed to the Coast Defenses Committee resolution. I did not notice the business laid before the Senate.

Mr. VAN WYCK. I take it that this resolution is offered in all seriousness and with the intention that it shall be passed by this body, and if so it ought to receive at least a moment's consideration. I notice what seems to be a change in the form. It reads:

That a committee not exceeding five Senators, to be selected by the Committee on Territories, be authorized, &c.

I should like to inquire why it is suggested in this resolution that the committee to visit Alaska shall be appointed by the Committee on Territories. I fail to recollect the appointment of any other committee of this body in that way; and why this innovation is made I am at a loss to know. Probably the chairman of the Committee on Territories can explain.

Mr. HARRISON. I do not know why the Senator from Nebraska should call upon the chairman of the Committee on Territories to give him any information about a resolution with the preparation of which that chairman had nothing to do, and about which he was not consulted. The mover of the resolution would probably be able to give the Senator some information. But as the proposition is to refer the resolution to the Committee on Territories, I suggest to the Senator from Nebraska that if it comes back from that committee in a form subject to criticism, that will be the time to make it. I suppose the intention of the mover of the resolution, if I may guess at what it was, or if I may judge from the terms used, was that it should be a committee of five from the Committee on Territories, and that is a very usual and common way of framing a resolution for a special investigation.

Mr. VAN WYCK. If it said "a committee of five to be selected from the Committee on Territories" I could understand that; but that is not the phraseology of the resolution, and I supposed this violent departure from the long-established usage of this body in the appointment of committees meant something. That is what I desired an explanation about. I beg the Senator's pardon, but I presumed this matter relating to Territories came from the Committee on Territories.

Mr. HARRISON. No, the resolution was introduced by the Senator's colleague [Mr. MANDERSON].

Mr. MANDERSON. If my colleague is really in search of information on this subject, I think perhaps if he would apply to his colleague who introduced the resolution he might be informed upon the subject-matter of his inquiry.

Mr. VAN WYCK. I will transfer the inquiry to my colleague.

Mr. MANDERSON. I thank my colleague for his courtesy. Not having had the experience in this body that it has been the good fortune of my colleague to have, I do not know whether the resolution is in the line of precedent or not. The resolution was introduced by me in conformance with the request of a number of gentlemen, some of them members of this body, who have seemed to think that an investigation into the subject-matter of Alaska and its interests was important.

My colleague was a member of this body at the first session of the Forty-eighth Congress when the act of May 17, 1884, to provide a civil government for Alaska, was passed. I think he must have observed, as most persons who watched the debate upon that bill observed, the deplorable degree of ignorance which existed in this body upon the subject of Alaska and its interests. It seemed well to the gentlemen to whom I have adverted, by whom the resolution was prepared, that this inquiry should be made during the vacation of the Senate, for the reason that Alaska occupies quite a different position from any other of the territorial possessions of the United States, having no representative here and no representative in the other branch of Congress, and there being vast interests there in which the Government is interested pecuniarily, particularly the income derived from the so-called seal islands, or the seal fisheries of Alaska.

The reason for the language of the resolution as I understand it, that the committee should be selected by the Committee on Territories, was the fact that it would be extremely difficult, and from some inquiry that I have made upon the subject I do not know but that I may say it would be impossible, to obtain from any one committee, and probably impossible to obtain from the Senate, five Senators willing to give the six or eight weeks of time necessary and essential for the purposes of this inquiry. Therefore it was, as I understand it, that the Committee on Territories, if possible from their own number, and if not possible then from the membership of other committees, should select the names of those who should make this inquiry.

As I suggested yesterday, it seemed to me that the proper action to be taken on this resolution was that it should go to the Committee on Territories for their consideration and report. If that committee should see fit to change the language of the resolution and present it thus changed to the Senate, it would then come properly before the Senate for deliberation.

Mr. VAN WYCK. I realize the force of the suggestions made by my colleague, yet I do not understand that there is any satisfactory reason, or that any reason has been given, why this committee should be appointed differently from any other committee of this body. The point on which I was seeking information was as to why this innovation was made. It seems from the suggestion of my colleague that the membership is not to be confined to the Committee on Territories, because it may be difficult to obtain five Senators from that committee who are willing to spend six or eight weeks in visiting Alaska, and therefore it may be proper to take them from the body of the Senate. But the point is still unanswered as to why it is that the selection of this committee shall be given to the Committee on Territories. It is not proposed that they shall all come from that committee necessarily, and I can not see the reason—and that is what I was desiring to have explained in this matter—why this power is given to the Committee on Territories. Ordinarily committees of investigation are differently appointed.

My colleague speaks of the lamentable ignorance which was discovered in this body on the occasion of the passage of the Alaska act. I might say to my friend that that is likely to be discovered on the passage of every bill that goes through this body. After the act is passed the lamentable ignorance of the body is displayed on the bill when they were passing it. Probably there will be no difference of opinion on that point.

The act of 1884 provided for a new set of officers for the Territory of Alaska. Before that time we had but few civil officers there. I think we had a customs officer in Alaska who supervised the interests of the Government in the Territory to which my colleague refers; but less than a year ago we appointed a full corps of officers, a governor, judges, and marshals. We provided a set of territorial officers for Alaska, and now this resolution requires us to send a committee there to learn whether those officers are discharging their duties, and whether they understand anything about that country.

What interest is sought to be protected or looked after in this matter? Not the Indians, because the best Indians who live to-day under the American flag are the Indians in Alaska. They are very respectable Indians. At present they seem to be honest, they seem to be moral, they seem to be virtuous; and now this resolution proposes to surround them with I do not know exactly what sort of influences. Such a committee as is proposed here might be useful if it was suggested to go up into Alaska and undertake to trade powder and shot and shotguns and bad whisky for the Indian lands. That might do. That would be a sort of precursor of civilized and Christian legislation, but I do not understand that that is proposed in this matter.

Mr. MANDERSON. I suggest to my colleague that if such were the object of this inquiry it might be well to refer the resolution to the Committee on Public Lands.

Mr. VAN WYCK. That would be a good place to refer it, but even the Public Lands Committee can not save the plunder of the lands that belong to the American citizen. The Public Lands Committee have been trying to stop the plunder of the public domain, but they have been unable to do it. When you have an administration and executive officers who will wantonly give away, as we saw them do a few weeks ago, 700,000 acres of the public domain, the Public Lands Committee of this Senate is only a slight barrier to that sort of robbery. You rob the public domain from the white men of this nation and your Public Lands Committee and an enlarged public sentiment can not check it.

I was only suggesting that if the object of some persons was to trade shot, powder, shotguns, and bad whisky for the Indian lands, then it might do to have this precursor go out of this body to pave the way. Is it any worse to steal from the Indians by a consideration of that kind than to rob the American citizen of his birthright in the public lands? Oh, no.

I do not know how far this proposed investigation is to go; neither do

I know whether the Committee on Territories or the gentlemen having charge of this resolution understand about what it will cost the Government. I know the question of expense is a very small matter to suggest in so dignified a body as this. I am aware of that. I do not know whether those persons have speculated upon the expense and considered how much it will cost the General Government.

We have been practicing sharp, shrewd devices to secure annual pay for clerks of committees that do not have anything to do. That is what we have been doing most of the time during this executive session. Committees which do not have anything to do during the session are very anxious to be clothed with authority to work during the recess, and those committees which labor very hard during the session and have annual clerks very seldom come here to ask for the privilege to sit during the recess. This goes a little further, it seems. We are not satisfied with scheming to make that class of committees annual, but we are going further, to create special committees, as we did a day or two ago on interstate commerce, when there are two or three committees already having charge of that business.

Now, the proposition is to raise a special committee to go to Alaska, the furthermost boundary of this Republic. We have no interest beyond it that we know of except in the North Pole, and that would be an elegant place to send a committee of this body if it would probably fare as Greely's expedition did. The North Pole would do, because there we should not be vexed with the Monroe doctrine. About the only spot on the earth where nations show a little civilized Christian deportment toward each other is the interest in the North Pole. But Alaska is just a few miles this side of the North Pole. It is probable an expedition to Alaska would be pleasanter than one to the North Pole.

If the Senate will excuse me for a few moments, I suppose they will agree with me that probably this expedition to Alaska would not be any less expensive than the commission to Central and South America. At the last Congress there was dovetailed into an appropriation bill a clause for the creation of a commission to the Central and South American countries. The attention of no one was called to it at the time. When it was suggested a few weeks ago to increase the compensation of one of the hardest worked and most faithful servants of this body who ever has been or ever will be in its employment, the Committee on Appropriations staggered over that proposition; there was not any law authorizing it; and yet turn to the act creating the Central and South American Commission. Without any law creating it, in the first place, the Committee on Appropriations added about half a dozen lines providing for the payment of three commissioners to be appointed by the President of the United States to visit the countries of Central and South America, and the compensation of the clerk and the item for expenditures was so large and liberal that it would include even the buying of the country when they got down there.

I suppose this expedition to Alaska can not be any more economically managed than the Central and South American Commission, and what do we find? I merely refer to this so that we may not have the lamentable ignorance which my colleague speaks about after we get through with it. That is all I desire. To be forewarned is to be forearmed, and if we know what it costs to send a commission to the Central and South American states, we may have approximately some idea as to what it would cost to send this expedition up toward the North Pole.

On the 7th of July, 1884, the act was approved by the President of the United States appointing the commission, and they were duly appointed. They were to roam, as those who are so disposed are to roam in this northern country for a little while. They probably did not report for duty, any of them, until October, and then what? The first thing done by the commission which was to go to the Central and South American states was to gallopade across the continent to San Francisco, and from San Francisco to the City of Mexico and from Mexico to New Orleans to witness the exposition and the carnival which was held at New Orleans. Then, about the 1st of January, they got ready to start and they went down to the Central and South American states, against which we partially declared war the other day. They reached there in January.

I should like to ask my colleague if he has any idea how much it cost to get the commission started. The act was liberal and generous, and provided $7,500 for each of those gentlemen. It did not say whether it was to be pay for four months, or one year, or ten years; that was not a matter of any moment; $7,500 was too small a matter for this grave and dignified body to consider! I suppose it was the pay annually. They went, it seems, to Mexico. We talk about our plain democratic notions in this country, and yet, would you believe it, this commission, which never had but two men and a boy with it—the president was never with it—this commission of two men and a boy started for San Francisco and Mexico, and the first thing they did was to hire a palace car at $35 a day. That was only for the car; they paid for their transportation besides; their provisions were furnished besides. A Pullman palace car for forty-one and one-half days at $35 per day cost $1,447.

There was lamentable ignorance in this body, I agree with my friend. There is not a Senator here who would believe it; and would you believe that the head of any Department of this Government would be guilty of putting his name to a ratification of such an infamous robbery as that? That is worse than the stealing of the public lands a good deal. Two men and a boy were carried across this continent in a Pullman palace car, and then when you look over the list which I had the opportunity of seeing this morning at the State Department it will be seen that there were supplies laid in at Kansas City, supplies laid in at San Francisco, supplies at New York. Besides all this, there was a cook on the Pullman palace car. Talk about plain democracy, where does royalty go beyond this? Did the Prince of Wales do any better? There were more than two men and a boy in the company of the Prince of Wales, but the Prince of Wales would not have aspired to anything higher. Do you have Government officers who will ratify such a bill and order it to be paid from the Treasury of the United States? Yet it is being done.

In Heaven's name there was a necessity for a change, was there not? If our friends on the other side do not do worse, there was necessity for a change when this robbery goes on day after day. We have men here in this Chamber who think that the highest privilege and the greatest enjoyment of an American citizen is to pay his last dollar in taxes to this Government. We are shrewd in devising ways to get the last dollar out of the poor fellows' pockets, and we are shrewd in devising ways how to spend it. We are just as shrewd in one as the other. Here is your royalty—$7,500 per year, and then you furnish two men and a boy with a palace car at $35 per day; and when you see the other items of the cook and the supplies laid in, that of course proves to be a very large item.

Since the Utah Commission explanation where "lager beer" and "wine" were boldly allowed, they have gotten now only to putting down "supplies." That includes liquids and solids both. If this special committee must go to Alaska it of course will include a good deal of bay rum and Florida water. That is necessary to perfume the concern! That would be itemized, I suppose.

I ask my friends on this side of the Chamber if we had not better stop? All we have left is just this little family circle here. The Democracy have got the other end of the Capitol and they have got the administration. All we have got is here. Let us husband our honesty and our reputation better than merely provide a few posts for men who are ready to step in and plunder the Treasury of the United States. My friend would not have believed it, but we have acted in lamentable ignorance, I suppose.

I need to say no more except that the commission appointed to go to South and Central America, as I said, gallopaded all through the country, first to Boston; I guess the boy went to Boston; I do not know; there is a charge there. Then, as I said, they took a palace car across to San Francisco; then down to Mexico; then to New Orleans; and about the 1st of January they got ready to start; and, would you believe it, from the 1st of October to the 1st of January the expenses of that commission were $6,000? A man who breaks into your house at night runs the risk of being caught or shot in the act. The man who breaks into your house is honorable compared with such robbery, because he takes his chance of life or the penitentiary in his hand. These other men do not do it. Armed with a mite of authority they step into the Treasury and rob it *ad libitum*. But is there no check? You have your sworn officers to protect the Treasury and to protect the people. This money is taken from the pockets of men who have hardly money sufficient to pay $2 for a night's sleep on board a Pullman car. Those are the men from whom you wring and extract the money which is given to pay the expenses to sustain an honest administration of the Government.

You crown these fellows with royalty, do you? Thirty-five dollars a day for a palace car for forty-one days, and then pay their fare besides, and pay the cook and pay for supplies. All this is done, and then you pay $7,500 annually to each man besides. Since they got there (for remember they are now down in Central America) we have no report of their expenses. Of course the expenses will be enormous there.

If this were a legislative session it would be well to stop this thing. I trust some gentleman on the other side will take interest enough to visit the Secretary of State and the Secretary of the Treasury and call their attention to the matter, so that they may not from this time on be *participes criminis* to these transactions.

There was a president of that commission appointed. I suppose he never left New York except to come to Washington. He did not even go to San Francisco, he did not even go to Mexico, he did not even go to New Orleans; yet on the 25th of February he received and took nearly $5,000 out of the Treasury—$4,679.16. The 16 cents were put on to show that the account was honest, of course. I say the president did not go into the Central or South American country. The papers said he did not, and if he did I suppose some gentleman of the Committee on Foreign Relations will know it and can correct me. The understanding was that he spent the winter hanging around Albany. I do not intimate anything unkind or unpleasant. Then the two men and the boy were hanging around lamp-posts—no, the exposition in New Orleans—till the 1st of January. But here are $5,000 taken out of the Treasury of the United States by a man who came no farther in the performance of his duty than the city of Washington.

Senators will excuse me from giving a further bill of particulars in this matter. I refer them to the State Department and the Treasury

Department for the items. Here is this commission which cost us in salaries and expenses about $40,000 before they got ready to leave New Orleans. I merely refer to that incidentally. I wish the Senate to understand about what it will cost to get this special committee of five to Alaska. They probably can not charter a Pullman car all the way, but when they get to San Francisco they can charter a steamer, and so they will go.

If it is right for the commission to bear this expense it may be thought right for a committee of this body to bear it. Of course I do not say it would, but I desire to say this much to show the reckless, improvident, wicked, infamous waste of the money wrung from the people in the shape of taxes. I had a right to say this, and I had a right to appeal to my brethren here that we should stop this thing, and that we should commence the work of reform a little. Reform is not the proper word; let us commence to be honest. Therefore it was, so that hereafter some one might not rise and have to make the humiliating confession which my colleague did, that there was lamentable ignorance after the thing was all done. I wished to call the attention of the Senate at this time in advance to what probably and naturally would be an approximation of the expense of any committee of this kind to be appointed.

Mr. MANDERSON. Before asking for action on my motion to refer the resolution to the Committee on Territories I wish to make one or two suggestions in reply to my colleague, not so much perhaps in reply as supplemental to his remarks.

I congratulate myself that the introduction of this resolution has afforded a text on which we have secured the discourse we have heard this morning. I certainly would be the last man in this body to pretend to defend any raid on the public Treasury such as my colleague has characterized as having been perpetrated by the commission of exploration to Central America; and I do not understand from my colleague that the action of that commission was in any way of such a character that any committee of this body or the Senate of the United States is responsible for it. This resolution that I have introduced is of the character that I have already stated. It is not the general resolution providing that a committee of this body may sit during the recess and employ a clerk and have its expenses paid, being privileged to sit anywhere within the United States for the purposes of its deliberations; but it has specific objects and purposes, and I submit to my colleague that if he had read the resolution (as I presume he has) he would admit that the labor devolved upon the proposed committee would be of such a character that they certainly would have no sinecure, but that active and vigorous efforts would be required at their hands to comply with its provisions.

I am not one of those who stand ready to condemn everything of this kind, and I do not stand here even to condemn the action of my colleague when he followed a few days ago in the line of precedent and, after effort made by him had failed to procure an annual clerk for the committee of which he is the chairman, he introduced a resolution that the Committee on the Improvement of the Mississippi River be permitted to sit during the recess of Congress. I fear that my colleague has forgotten the fact that within a very few weeks a resolution was introduced by him and considered by the Senate and adopted by the Senate in the face of the fact avowed on the floor of the Senate that the purpose of the resolution was that the session clerk of my colleague's committee might be made an annual clerk through the means of the introduction and passage of this resolution.

Mr. VAN WYCK. My colleague will allow me a moment just there.

Mr. MANDERSON. Yes, sir.

Mr. VAN WYCK. I have not forgotten it; I remember it quite well. As I stated here several times, the rule of this body should be to confine annual clerks to committees needing them, and not go beyond that, or to give them to all the standing committees of this body. That was my position, that the future rule should be that only the committees whose duties required an annual clerk should be allowed one; but this body had gone beyond that. The Committee on the Census, with nothing to do during the recess, the Committee on Private Land Claims, and some others had already been worked in, worked in as my colleague knows, by reason of certain positions of important members of this body, and then followed the other race, in which we all engaged. I say it should be one rule or the other. If the Senate made it a rule to confine annual clerks to the committees having duties, that would be one theory. If they went beyond that and gave to a half-dozen as a matter of favor an annual clerk when the duties of the committee did not require it, then it should extend to all the standing committees of this body. That was my position, and I desired to stand there. I would prefer that we should do it in a manly way, by resolution making them all annual, and not seek to do it in the way of subterfuge. That was my position on the matter, and that is where I stand to-day. When we got to that point and included nearly all those, then we went beyond it by the appointment of special committees, not only giving them clerks, but giving them stenographers and messengers, and the privilege to go where they please in the United States and entail as much expense as they choose on the Treasury of the United States.

Mr. MANDERSON. I desire to call the attention of my colleague and the Senate to the peculiar character of this resolution. If it was for the purpose that my colleague states, it seems to me it would have been very easy for a gentleman with his knowledge of the English language and expert, as he is, in the use of words, to have drafted a resolution that would have reached the purpose that he designed; but this is the resolution presented by my colleague on the 2d of March, 1885, in the expiring hours of the administration that he says fortunately is just going out of power:

Resolved, That the Committee on the Improvement of the Mississippi River be directed to prepare a detailed statement of the expenses of the improvements of the Mississippi River and its tributaries with a view to ascertain the amounts expended for purpose of commerce, the amount expended to protect the lands adjoining from the ravages of the rivers, to report the same to the Senate at the December session of Congress, and be authorized for that purpose to employ a clerk at the usual compensation until December 1, 1885, to be paid from the contingent fund of the Senate.

At the request of my colleague this resolution upon that day was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, was reported back favorably by that committee, and favorably acted upon by the Senate, and I can imagine that under it my colleague, with his clerk and perhaps two men and a boy in addition thereto, may be able to make a junketing expedition from the source to the mouth of the Mississippi River.

Mr. VAN WYCK. My colleague knows very well that that does not make any expense to the Government except the pay of the clerk.

Mr. MANDERSON. Yes, it does.

Mr. VAN WYCK. No, sir; no expense except the pay of the clerk.

Mr. MANDERSON. Then I do not understand the force of the English language.

Mr. VAN WYCK. Then the gentleman will have to confess to the lamentable ignorance he spoke of a while ago.

Mr. MANDERSON. The expenses of this committee for the purposes of this inquiry are to be paid from the contingent fund of the Senate. I do not wish it to be understood that I would suppose for an instant that my colleague would make this the pretense of a pleasure excursion or the excuse for a junketing trip; I do not think he is much given to excursions of that character; but I submit to him that if he does not desire to be so judged he should not judge; and I submit to him further that it is at least discourteous in him to his colleagues in this body, to the Senators of the United States, to suppose that because they introduce resolutions of this character they propose to make them the pretense for a raid on the public Treasury. I do not believe that he would be guilty of such action, and it seems to me it is rather unbecoming in him to charge that his associates in this body would do it. Does my friend now understand the purport of my language?

Mr. VAN WYCK. I do.

Mr. MANDERSON. So I submit, Mr. President, that in paying attention to the demands of gentlemen interested in this subject and introducing the resolution now before the Senate, I have simply been following in the line of precedent set very largely by my colleague the Senator from Nebraska.

Mr. VAN WYCK. That sometimes is the case. If I had refrained from placing the Committee on the Mississippi River Improvement, which is a standing committee of this body, on the same basis with other committees probably not so important, if I had refrained from taking what was said to be the sense of the Senate, I doubt very much whether it would have held my colleague in check—probably not.

It is strange that my colleague can not see the distinction. I endeavored to explain, and at the expense of repetition I will say again that we have standing committees of this body that have duties to perform which require diligent labor during all the session, and the work of some of them probably continues into the recess. Those committees have annual clerks. Besides them we have other committees that have but very little to do, which have grown up from the necessity of finding as many chairmanships as possible, and therefore it is there is but little for these committees to do.

I have often insisted that the proper way was that the employment of annual clerks should be confined to committees having duties to discharge which made it necessary; but the Senate saw fit to do differently, and in several cases, as was stated when the matter was discussed, clerks were appointed annually, or what was the same thing, continued during the recess to committees who had no duties to discharge substantially, and then it was proposed, and the struggle was made here, that all the standing committees should be entitled to annual clerks. That was the position. The Senate was disinclined to do all that in one general appropriation; but they allowed this to be done, that every standing committee should introduce a resolution, and that it should be referred to the Committee on Contingent Expenses and they should report affirmatively, and it should receive the approbation of the Senate, and that was done. It was done substantially to give a clerk to all, or nearly all, the standing committees not included in the appropriation bill. I think nearly all the standing committees are provided with annual clerks in this way; not the manly way of a vote to make them all annual, but by this subterfuge of introducing a resolution and having it referred to the Committee on Contingent Expenses and reported favorably by the Committee on Contingent Expenses, and adopted by the body. That was the course pursued.

Mr. MANDERSON. My colleague will yield to me?

Mr. VAN WYCK. Certainly.

Mr. MANDERSON. Does he mean to say that the resolution presented by him and acted upon by the Senate was a mere subterfuge, that it was not intended to carry out the purpose for which it was apparently introduced?

Mr. VAN WYCK. It was intended to carry out that purpose undoubtedly; but it was done as the mode, the means whereby the clerk of a standing committee of this body should be made an annual clerk. That my colleague understands. That committee has a duty to discharge far more than some committees whose clerks are made annual. I think my colleague understands that precisely as well as I do.

That was the purpose of this system. It was to fasten the clerks of all the standing committees as annual clerks upon the pay-roll of the Senate. There may be a few exceptions; but as I say every standing committee that has asked to have a clerk appointed in that way has had the clerk appointed. That was one branch of the case. That did not seem to satisfy all the gentlemen in this body, and there must be special committees appointed, and hence it was they had a special committee on interstate commerce when there were already two or three committees having charge of that matter, and then it was that the resolution for the appointment of a special committee to visit Alaska was offered.

My friend says my remarks were discourteous. Certainly not. Are we not to be allowed to criticise ourselves? Are we not to be allowed to criticise ourselves or any department of this Government because by so doing we are liable to the charge of discourtesy?

Mr. MANDERSON. Will my colleague allow an interruption?

Mr. VAN WYCK. Certainly.

Mr. MANDERSON. I wish simply to state the fact that appears by the RECORD, that this resolution of mine was introduced during the closing hours of the Forty-eighth Congress when it was supposed there would be yet another day for its consideration, but owing to the continuance of the session during the last legislative day of the second session of the Forty-eighth Congress the resolution was not acted upon, and therefore it was again introduced at this special session. So it was not, as my friend suggests, that this resolution was an afterthought because of a desire to procure the services of a clerk or of a stenographer.

Mr. VAN WYCK. I do not know that this was intended solely for the purpose of having a clerk. I was drawn into that part of the discussion from allusion made to the standing committees of this body who had only per diem clerks during the session being allowed to sit during the recess. The fact is, as my colleague states, that the resolution was introduced in the last hours of the last session; but I was remarking that then we commenced to introduce resolutions for special committees when there were standing committees of this body delegated to that duty; and now it is asked that there be a special committee to go to the Territory of Alaska, when I will say to my friend that I understand that every Territorial officer of the Territory of Alaska is in the city of Washington to-day, or most of them are. I think the governor of Alaska is here to-day and has been here from the commencement of the last session.

Mr. COCKRELL. That is the question I was going to ask, if he had not been performing his Territorial duties as governor of that Territory in the city of Washington the whole of last winter?

Mr. VAN WYCK. I understand the governor of Alaska was here during all of the last session; this is not the seat of his government, I suppose; but this special committee is to transfer the seat of its operations to Alaska and the United States officers in Alaska desire to visit Washington, and they are here. All information can be gathered from them as to the condition of the Indian tribes, as to the condition of the seal fisheries, as to the condition of the Territory, and all obtained from the Territorial officers who are in this city to-day.

My friend was suggesting that my objection was discourteous. We are met with that everywhere. If we make an inquiry of an Executive Department, that is a discourtesy; and if we undertake to speak in the interest of fair play and common honesty and make a suggestion even in regard to ourselves, that is a discourtesy.

I undertook to illustrate, as I think I had a right to illustrate, the enormous expense of the commission to South America and Central America. I had no right to presume that this would be as costly, but I think the Senator does know, if he has had occasion to examine the list of traveling committees, the enormous amount that is drawn from the Treasury in carrying them on. It may be necessarily so. That, of course, I do not pretend to say.

Now, the Senate will excuse me. I have said all that is necessary, I think, on this matter of special committees, and all that is necessary on the matter of the examination of Alaska. If that is required, it is an easy thing to ask the Committee on Territories, a standing committee of this body, to be allowed to discharge that duty and obtain that information. My objection is to the appointment of a special committee, which will entail expense on this Government which might run up to the extent of the rapacity of the commission to the South American and Central American countries to which I have referred.

Mr. HARRISON. I do not rise for the purpose of prolonging this debate, but for the purpose of bringing it to an issue and carrying it to its legitimate end after what the Senate has listened to from the Senator from Nebraska, his earnest appeal in the interest of economy, with which I fully sympathize, and upon which I think I have preserved a better record than he has; for whereas he intimates that there was a general agreement among the chairmen of standing committees that, having failed those of them who asked of the Appropriations Committee to have their clerks made annual, they should seek to accomplish the same end by this method which he has himself characterized as a subterfuge, I want to say for one that I was not a party to any such agreement, that the Committee on Territories has never resorted to that subterfuge with a view of getting pay for its clerk during the vacation.

Let me add that this resolution was introduced without any consultation with me in the regular session of the Senate. As originally introduced it had no relation to the Committee on Territories whatever, but provided for the constituting of a special committee. I can only say for one that if a committee be sent, whether it be a special committee or whether it be constituted out of the Committee on Territories, I shall not be a member of it, that I shall not have the appointing power of any clerk or any usufruct from any clerk or any stenographer who may be appointed for it. Let me add further that I have not given the consent of my mind to the adoption of this resolution. I am not persuaded that it is essential. This simply by way of preface.

Now, Mr. President, if it be true, as the Senator from Nebraska has admitted, that he does not mean to call the Committee on the Mississippi River Improvement together during this coming vacation, that notwithstanding he has introduced and the Senate has passed a resolution committing to that committee the work of a certain investigation, he does not contemplate undertaking that investigation, that he does not propose to do that work or any part of it——

Mr. VAN WYCK. I did not say that. I said that no expense would be entailed by this committee except the appointment of a clerk; it has no power to meet anywhere in the United States that it may please.

Mr. HARRISON. The Senator said more; he said it was a subterfuge with a view of getting a clerk. He so characterized his own resolution. Now, I want to say to the Senator who has appealed so justly in behalf of the people against any extravagant expenditure here that even that clerkship involves fifteen hundred or eighteen hundred dollars of the people's money, and by his own confession it has been accomplished here by a subterfuge. I am sure if he has been overpersuaded by others to going into any scheme of this kind he will be glad to be helped now to consummate this plea of his for economy by saving some money to the Treasury, because notwithstanding all he has said about the South American commission the Senate can do nothing about that. That commission went in pursuance of a law passed by both Houses. We have no power to audit their accounts. We may perhaps in the future be able to bring them to book if there has been an extravagant expenditure of the public money. But there is an opportunity here to take the Senator from Nebraska at his word and to save the Government the cost of a clerk to his committee during the vacation. I therefore offer and ask to have read for information a resolution which I send to the desk.

The VICE-PRESIDENT. Does the Senator from Indiana propose an amendment to the pending resolution?

Mr. HARRISON. No; it is a resolution that I ask may be read for information at this time.

The VICE-PRESIDENT. It will be read.

The Chief Clerk read as follows:

Resolved, That the resolution of the Senate passed on the 4th day of March, 1885, authorizing the Committee on the Improvement of the Mississippi River to sit during the vacation of the Senate and to make certain investigations therein named, be, and the same is hereby, rescinded.

Mr. HARRISON. I ask the reference——

The VICE-PRESIDENT. The question before the Senate is the reference of the pending resolution of the Senator from Nebraska [Mr. MANDERSON] to the Committee on Territories.

Mr. HARRISON. I did not propose to ask action on my resolution now; I simply wanted to say that when it can be reached I shall ask its reference to the Committee on the Improvement of the Mississippi River, of which the Senator from Nebraska [Mr. VAN WYCK] is chairman, and let him deal with it.

Mr. VAN WYCK. I supposed I made myself plain to the Senator from Indiana.

Mr. HARRISON. Allow me to add one thing more.

Mr. VAN WYCK. Certainly.

Mr. HARRISON. Two or three days ago, when the debate was on upon the resolution of the Senator from New York [Mr. MILLER] giving the Committee on Agriculture and Forestry leave to sit during the vacation and make certain inquiries and have a clerk, the Senator will recollect that I spoke against it and voted against it. I see he was recorded in favor of that proposition also.

Mr. VAN WYCK. I was. Any other? No other resolution of that kind?

Mr. HARRISON. No. I suggest that when the Senator comes to consider my resolution in committee he can enlarge it so as to take in these others.

Mr. VAN WYCK. I supposed my friend from Indiana understood distinctly the history of what took place in the expiring hours of the

Forty-eighth Congress and also the attitude of the question. My friend from Indiana, the chairman of the Committee on Territories, was engaged in this same raid to secure a clerk for his Committee on Territories. Am I right?

Mr. HARRISON. The Senator is right, in that the Committee on Territories introduced an amendment to an appropriation bill and referred it to the Committee on Appropriations, asking for an annual clerk; but the Committee on Appropriations did not allow it, and the Senate on the final vote did not allow it, and there the Committee on Territories stopped.

Mr. VAN WYCK. Then the Committee on Territories started in this race, it seems, with the other committees of this body which had not an annual clerk, for the purpose of obtaining one. That was the attitude, I think, of all the standing committees of this body. They felt, and the Senator from Indiana felt, that he was unjustly dealt by, and so he was. He was chairman of an important committee of this body, far more important than some of those committees which were allowed annual clerks. There was far more necessity that his committee should have an annual clerk than many committees who were allowed one; and he was engaged in that race. So the gentleman from New York the chairman of the Committee on Agriculture and Forestry was also in that race, and so I think they all were. Then the chairman of the Committee on the Mississippi River Improvements modestly dropped in behind. There was force in that.

As I stated before, I have always insisted that the clerks of this body should be made annual clerks to committees that had work to do, or else all should be annual clerks. That is a plain proposition easily understood. When we examined we found the Committee on the Census, that never met, had an annual clerk; the Committee on Private Land Claims, that had but little to do, had an annual clerk; and was there any reason for that, and that the Committee on Territories should have none? No. There should have been a little honesty in this matter. So we insisted on making them all annual or restricting them to those actually necessary. That did not suit the views of the Senate. Their action was that they would not assume that attitude to make these committee clerks all annual; but it was suggested and acted upon that each committee should report a resolution for its committee and have it referred to the Committee on Contingent Expenses, and that that committee should report it back to the Senate; and the Senate adopted many of them in that way. That was the mode suggested, carried out, and acted upon by the body itself; and when the Senator from New York the chairman of the Committee on Agriculture, at this session, adopted the same tactics, in saying a word upon that resolution I said, as I say now, that one or the other course should be adopted in a straightforward, manly way—restrict the clerks to necessary duties or give them to all the standing committees. I said then that inasmuch as the Senate had chosen to ratify this subterfuge to get rid of a vote that they should all be made annual clerks, and as one and another had dropped in in this way, since that had been adopted as the rule and practice of the Senate, I would vote to continue the clerk of the Committee on Agriculture. I voted that that committee should be included, and I am ready now to vote an annual clerk to every standing committee of this body, or if the Senate think what they should think, that the other is the proper solution, restrict them only to those committees that have duties to perform.

Mr. VEST. Mr. President, it is not my purpose to become a participant in the very interesting domestic discussion which has been going on upon the other side of this Chamber, and of which I have been an interested auditor; but I must be permitted to observe that it seems to me the Senator from Nebraska who has last spoken is very much in the condition of that dutiful young gentleman who was found to have participated in the murder of his own father, and who gave as an excuse that he saw that the old man was about to be beaten to death, and as he could not help it, he thought he would hit him a lick himself to put him out of his misery. The Senator from Nebraska it seems is chairman of a committee that never meets, that we all know is utterly unnecessary, and he thinks that its arduous duties demand the services of an annual clerk. I leave him to settle that question with the principle of reform which he upholds so often on this floor.

But I rose, sir, for a different purpose. The Senator from Nebraska, in his general raid upon the subject of reform, has seen proper to make an attack personal in its character upon the gentlemen composing the South American and Central American Commission. Mr. President, for twenty-five years I have been the intimate personal friend of one of the gentlemen upon that commission. I know him as well as I know any human being in this world. He has filled nearly every important position in the State of Missouri. His record, public and private, is as stainless and without reproach as that of any public man could possibly be. The man who charges in my presence that Thomas C. Reynolds has ever been extravagant or otherwise taken one cent of the people's money makes a statement which I contradict absolutely, positively, and unequivocally.

Sir, I have not been to the Secretary of State or to the Treasury Department to examine the accounts of the commission; but I undertake to say in advance (and I challenge the Senator from Nebraska to the issue) that those accounts will not put one stigma upon the character of Governor Reynolds. If he went to the City of Mexico in a palace car, he went as he thought a representative of this Government should go, and as a gentleman occupying that position should go. He did not go in a palace car with any idea of putting on any token of royalty, or of squandering the people's money, wrung, as the Senator says, from them by taxation. He went to the City of Mexico, as I know, under the orders of the Secretary of State. He came back to the city of New Orleans under the orders of the State Department for the purpose of interviewing the representatives from the Central American and South American states who were attending the great exposition. He has performed his duties honestly and faithfully, as he has performed every other duty public and private during his long and successful career. His report is before the Senate. It is the report of a statesman, of a gentleman, of a scholar, of a man who is worthy to fill any position in this Republic. I received from him only two days ago a letter from San José, in Costa Rica, where in the midst of a foreign people, confronted by disease, he was traveling over the mountains on mules for the purpose of discharging this mission. He is there to-day discharging the delicate functions imposed upon him in a manner so satisfactory that the new Secretary of State told me not forty-eight hours ago that he regarded him as one of the best officers in the service of the Government. And I desire to say now that when those accounts are examined it will be found that not one cent has been appropriated to any selfish purpose on the part of Governor Reynolds. He is one of that commission.

The Senator speaks of two men and a boy. The "boy" is nearly fifty years old, and has been the editor of one of the leading Republican papers in the city of Chicago and is the secretary of that commission, a gentleman who has rendered distinguished service, political and otherwise, in this country. The imagination of the Senator from Nebraska changes him into a "boy."

Governor Reynolds was a lawyer in full practice in the city of Saint Louis. He received at the hands of the Secretary of State or the President this appointment with a salary of $7,500 a year. The money which he receives could have been no inducement. He took with him upon this trip when he started out a member of his family, very dear to him, whose health was impaired, and who is now in the city of Baltimore in a condition which will necessitate his immediate return to the United States. I challenge the Senator from Nebraska to go into these accounts after Governor Reynolds returns here and place before the people of the United States the truth or the falsity of the statements he has made here to-day. All I desire to say in advance, in defense of this gentleman, my friend, my constituent, is that he seeks no concealment and asks the fullest investigation.

Mr. VAN WYCK. I regret that anything further is necessary to be said on this matter, but it would seem so from the earnest remarks made by the Senator from Missouri. I presume he is the only member of this body who could have supposed that there was any intention of making any reflection personally upon the gentleman the Senator speaks of.

Mr. VEST. I do not wish to do the Senator any injustice. I did speak earnestly. I ask the Senate now to decide this issue between us. The Senator from Nebraska said that men who would thus expend the public money were worse than men who would break into a house, or words to that effect, because, as he said, the burglar might be put in the penitentiary, while these men would escape probably.

Mr. VAN WYCK. Yes; I said that about this commission. I do not think I shall have any occasion to take it back, even when his friend Mr. Reynolds gets into the United States again. He can convey that to his friend Reynolds, that I do not think I shall be required to take it back.

Mr. VEST. This is no place for threats. I made none.

Mr. VAN WYCK. No, sir. The threat came from the Senator from Missouri when he said that when his friend came back then I would hear as to the truth or falsity of these charges. The threat came from there.

Mr. VEST. And I repeat it.

Mr. VAN WYCK. Very well. The gentleman talks about threats. I say I am ready when his friend from Missouri comes back to the United States, and I will have no occasion to take that remark back which he has repeated.

I have not a word to say about his friend from Missouri. I do not know anything about him. That was not the matter with me. I was talking about the commission. His friend from Missouri was appointed one of a commission to visit the Central American states. That was the object. They go to San Francisco, they go to Mexico, and now I say to my friend that they were not going there particularly with the robes of royalty about them; I do not suppose they even went to San Francisco or Mexico with the American flag wrapped about them; but there is no telling what this may be when they get to the states to which they are accredited from this Government—the Central American states—but I say to my friend, and he will agree with me, that when this commission traveled from New York city to San Francisco and hired a palace car at $35 a day they did what there was no justification for in the mind of the American people. He knows it, and he believes as an honest reform Dem ocrat that any individual who discharges his trust and performs his duty, who makes an expenditure beyond what he would do

in his own pursuits in life, is not administering his trust faithfully, to say the least. Mr. Reynolds and the other commissioner and the man fifty years old who went with them, had they been going on their own business, however important, to San Francisco or Mexico, would never have hired a palace car at $35 a day—never, never! Now what justification can there be for that? Tell me! tell me!

Mr. HAWLEY. Will the Senator allow me?

Mr. VAN WYCK. Certainly.

Mr. HAWLEY. This is a curious subject. I should like to know whether the Senator has, I was going to say groveled, I will say examined, so far into these accounts as to know whether this may not cover the subsistence, the commissary bills, and the railway transportation. Does he know all about the details of this transaction, know so much as to justify him in attacking the honor of these gentlemen, saying that here is an infamous outrage, in addition to the other language repeated by the Senator from Missouri? If he is going on in this way exposing to the whole public of the United States, making present to the whole public of the United States the bitterest, fiercest attacks on the common integrity and honor of gentlemen who have always stood as high as he can ever hope to stand, I hope that he will be able to show that he does it on decent evidence.

Mr. VAN WYCK. I have groveled through this, I will say to my friend——

Mr. HAWLEY. Likely.

Mr. VAN WYCK. I suppose he understands the force of words when I say I have groveled far enough to understand the suggestions he has made. Here was this palace car—I was replying to my friend from Missouri—forty-one and a half days at $35 a day for three men; if you please, $1,447. I will say to my friend from Connecticut that the accounts still further show charges for supplies laid in at Kansas City, at San Francisco, pay to the cook on the palace car, pay for the tickets, and I will say to my friend he will find included in these accounts—they are all there and they foot up $6,000 and upward for one quarter's expenses merely—$6,000 for three men from October to January, and at that time they had not left this country!

Is a man to be arraigned, and all sorts of threats and denunciations made against him, for making a statement of figures which appear in the Treasury Department and in the State Department in regard to this matter? These facts are there; these statements are true, and will Senators undertake to justify and defend them? On what pretense? How would you characterize such charges except in the manner stated by me? The only wonder is that there are any officers connected with this Government who would pass approvingly accounts like these. That is the wonder.

Now, Mr. President, I have answered the suggestion of the Senator from Connecticut; these figures show just as I have stated here precisely; and I have answered the Senator from Missouri, who seems to regard the charge against this commission as a personal statement against his friend upon it. I stated the facts and characterized them strongly perhaps, as I thought the facts would abundantly justify.

Mr. MILLER, of California. Mr. President——

The VICE-PRESIDENT. The question is on the reference of the resolution to the Committee on Territories.

Mr. MILLER, of California. I do not wish to speak on that question. I wanted to make a motion that the Senate proceed to the consideration of executive business, but I will not make it just now.

The VICE-PRESIDENT. The question is on the motion to refer.

The motion was agreed to.

COMMITTEE ON MISSISSIPPI RIVER IMPROVEMENT.

Mr. SHERMAN. Before the Senator from California makes his motion I wish to offer a resolution which I have submitted to the Committee on Printing.

The VICE-PRESIDENT. Will the Senator excuse the Chair for calling attention to a resolution offered by the Senator from Indiana [Mr. HARRISON]?

Mr. SHERMAN. That is to be referred.

Mr. MILLER, of California. I ask that that resolution be referred.

The VICE-PRESIDENT. The resolution of the Senator from Indiana will be read.

Mr. SHERMAN. It can come up to-morrow.

Mr. MORRILL. Let it lie on the table to-day.

Mr. VEST. Let the resolution be read.

The Chief Clerk read the resolution of Mr. HARRISON, as follows:

Resolved, That the resolution of the Senate passed on the 4th of March, 1885, authorizing the Committee on the Improvement of the Mississippi River to sit during the vacation of the Senate and to make certain investigations therein named be, and the same is hereby, rescinded.

Mr. SHERMAN. I think that had better lie on the table. The Senator from Indiana is not present.

Mr. COCKRELL. The Senator from Indiana asked that it be referred to the Committee on the Improvement of the Mississippi River.

Mr. SHERMAN. Very well.

The VICE-PRESIDENT. It is moved to refer the resolution to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

DIGEST OF ELECTION CASES.

Mr. SHERMAN. Now I ask for the consideration of the following resolution:

Resolved, That there be printed for the Committee on Privileges and Elections eighteen copies of the digest of the contested-election cases of the Senate, ordered to be prepared under a resolution which passed the Senate February 26, 1885.

Mr. COCKRELL. I should like to hear some explanation of that.

Mr. SHERMAN. The Senator from Massachusetts [Mr. HOAR], chairman of the committee, when he left supposed that the Committee on Privileges and Elections had the power in its own right to order the printing of these copies, the Senate having already ordered the preparation of this digest, and he went away with that impression; but I hold in my hand a letter of the Public Printer, who says that the Committee on Privileges and Elections has not that right, although some other committees, like the Committee on Finance, have. He asks, therefore, to protect him in the execution of the order given by the chairman, that the Senate pass this resolution allowing eighteen copies for the committee, two for each member.

Mr. DAWES. Is that a digest to be prepared or the old digest?

Mr. SHERMAN. The digest the committee are ordered to prepare. It has to be revised, and it is supposed each member of the committee should have a chance of suggesting revisions. These are to be mere proof copies.

The VICE-PRESIDENT. If there be no objection to the present consideration of the resolution the question is on its adoption.

The resolution was agreed to.

TELEGRAPH CONTRACTS.

Mr. GORMAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Interior be directed, in addition to the information furnished for the Senate on the 3d of March instant, to furnish the Senate with copies of the contract entered into between the Union Pacific Railroad Company and other railroad companies affected by the act approved July 1, 1862, and the Western Union Telegraph Company, together with all statements now on file in his Department touching the same.

The resolution was considered by unanimous consent, and agreed to.

EXECUTIVE SESSION.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution offered by the Senator from New Hampshire [Mr. PIKE] yesterday, which will be read.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business. I do not think we can dispose of that resolution this morning. It will lead to discussion; and I insist on my motion.

The VICE-PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I hope the Senator from California will give way long enough to let the resolution which I offered yesterday by direction of the Committee on Coast Defenses be considered. I think it will take less time to consider it to-day than it will to-morrow, for we have already had an hour and a half's discussion on the general subject, and I apprehend we can dispose of the resolution in a few minutes.

The VICE-PRESIDENT. Does the Senator from California withdraw his motion?

Mr. MILLER, of California. I do not like to be discourteous, but there is some executive business which it was agreed by Senators should be taken up to-day, and it will require some time to dispose of it. I do not think this is a good time for the Senator from Oregon to bring forward his resolution.

The VICE-PRESIDENT. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty minutes spent in executive session the doors were reopened.

CLERKS TO STANDING COMMITTEES.

Mr. SHERMAN submitted the following resolution for consideration:

Resolved, That so much of the several resolutions of the Senate passed since the 1st day of March instant as provides for a clerk for any standing committee of the Senate during the recess of Congress be, and is hereby, rescinded.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 16 minutes p. m.) the Senate adjourned.

MONDAY, *March* 23, 1885.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

COMMITTEE ON THE JUDICIARY.

On motion of Mr. EDMUNDS, it was

Ordered, That the Committee on the Judiciary have leave to sit during the sessions of the Senate.

PRIVATE CLAIMS.

Mr. PIKE, from the Committee on Claims, to whom was referred the resolution submitted by him on the 19th instant, directing the compilation of the laws relating to the allowance of private claims, reported it with an amendment, to strike out all after the word "Resolved" and insert:

That the Committee on Claims be, and it is hereby, authorized and directed to compile the existing laws relating to the presentation, consideration, and allowance of private claims against the United States, and to digest in brief form the judicial decisions and legislative precedents relating to the same, and that the necessary expense is hereby appropriated, to be paid from the contingent fund of the Senate under the direction of the said committee.

Resolved, That the Secretary of the Senate cause to be prepared an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the close of the Forty-sixth Congress.

Resolved, That 500 copies each of the digest and list hereinbefore mentioned be printed for the use of the Senate.

COLUMBIA INSTITUTE.

The VICE-PRESIDENT appointed Mr. JACKSON a director of the Columbia Institute for the Deaf and Dumb to fill the vacancy in the board of directors occasioned by the resignation of Mr. Bayard.

SMITHSONIAN INSTITUTION.

The VICE-PRESIDENT appointed Mr. MORRILL to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration of his term of service.

The VICE-PRESIDENT appointed Mr. CULLOM to fill the vacancy in the Board of Regents of the Smithsonian Institution occasioned by the expiration of the term of Mr. Hill.

INTERSTATE-COMMERCE COMMITTEE.

On motion of Mr. DAWES, it was

Ordered, That Mr. HOAR be excused from service as a member of the select committee on the subject of interstate commerce.

Whereupon,

The VICE-PRESIDENT appointed Mr. PLATT to fill the vacancy occasioned thereby.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six hours and thirty minutes spent in executive session the doors were reopened.

Mr. TELLER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned.

TUESDAY, *March* 24, 1885.

Prayer by Rev. W. I. MCKENNEY, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

OBSTRUCTION OF ARKANSAS RIVER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 25th ultimo, a report of the Chief of Engineers relative to the prevention of obstruction to navigation through the draw of the railroad bridge across the Arkansas River at Rob Roy, Ark.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Legislature of Arizona Territory; which was read, and referred to the Committee on Public Lands, as follows:

Memorial in reference to certain lands in Arizona Territory.

Whereas immense tracts of land in this Territory are now owned or claimed by a few railroad companies under grants from Congress; that such lands comprise a very considerable portion of the agricultural lands of our Territory; that the holding of a claim to such large tracts of land by a few persons has proved very disastrous to the interests of our citizens, by preventing the development of our resources and the settlement of our Territory; Therefore,

Be it resolved, That Congress is earnestly requested to order the said land, particularly that part now claimed by the Southern Pacific Railroad Company, to be restored, as soon as practicable, to settlement by pre-emption, homestead, &c.

On behalf of the citizens of this Territory we ask that Congress will not permit the present session to pass without granting us the relief so earnestly desired.

Resolved, That the governor of this Territory be respectfully requested to forward this memorial to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to our Delegate in Congress at Washington at his earliest convenience.

H. G. ROLLINS,
Speaker House of Representatives.
F. K. AINSWORTH,
President of Council.

Approved February 6, 1885.

F. A. TRITLE, *Governor.*

The VICE-PRESIDENT presented a memorial of the Legislature of Arizona Territory; which was read, and referred to the Committee on Foreign Relations, as follows:

Memorial petitioning Congress for further protection of the border between this Territory and the states of Sonora and Chihuahua, in Mexico.

Whereas the southern portion of the Territory of Arizona borders upon the states of Sonora and Chihuahua, in Mexico; and

Whereas a large portion of the criminal element of said Territory frequent and commit depredations along the said border, owing to the protection from punishment afforded them, from the fact that criminals after commission of crime can seek immunity from said punishment by crossing said border into Mexico; and

Whereas the treaty relations between our Government and that of Mexico are deficient, in so far that a large portion of our criminals are not subject to extradition, and owing to the difficulties and delay of extradition in such cases where said treaty relations admit of such extradition; and

Whereas there have been and are now bands of men organized for the purpose of stealing cattle in our country to be disposed of in another, which stealing has assumed such alarming proportions as to seriously threaten the financial welfare of the stock-raisers along the border: Now, therefore,

Be it resolved, That Congress is hereby memorialized to pass an act creating a mounted patrol, to patrol the border between this Territory and the states of Sonora and Chihuahua, in Mexico, for the apprehension of criminals from either country committing depredations in this Territory, or creating a large re-enforcement of the custom-house guard, with authority to arrest said criminals; and that the treaty relations between our Government and that of Mexico be modified in such a manner as will provide for greater security to residents near the border and reduce the difficulties and delays of extradition; and

Be it further resolved, That the governor of this Territory forward copies of this memorial, certified to under the seal of the Territory, to our Delegate in Congress, the President of the United States, the President of the Senate, and the Speaker of the House of Representatives for proper presentation to the Congress of the United States.

H. G. ROLLINS,
Speaker House of Representatives.
F. K. AINSWORTH,
President of Council.

Approved March 9, A. D. 1885.

F. A. TRITLE, *Governor.*

The VICE-PRESIDENT. The Chair presents a petition of the Legislature of Arizona Territory, praying that General Ulysses S. Grant be placed on the retired-list. The petition will lie upon the table, inasmuch as that subject has been acted upon by Congress, and requires no further action, the Chair supposes.

LEAVE OF ABSENCE.

Mr. GEORGE. I desire to announce that my colleague [Mr. WALTHALL] is absent attending the obsequies of a relative, and I ask that he be granted an indefinite leave of absence.

The VICE-PRESIDENT. That leave will be granted unless there be objection. The Chair hears none.

WITHDRAWAL OF PAPERS.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. DOLPH. I hope the Senator will give way a moment that I may have an order entered.

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Oregon?

Mr. MILLER, of New York. Certainly.

On motion of Mr. DOLPH, it was

Ordered, That Maj. Theodore J. Eckerson have leave to withdraw from the files of the Senate his petition and other papers in his case, subject to the rules of the Senate.

COMMITTEE ON COAST DEFENSES.

Mr. DOLPH. I hope the Senator from New York will also give way for the consideration of the resolution which I offered on the 19th instant, which was reported from the Committee on Coast Defenses. It has gone to the Calendar, and can be taken up only on motion, as I understand. I have not had an opportunity to call it up. If it leads to protracted discussion I shall not object to a motion to proceed to the consideration of executive business at any time.

The VICE-PRESIDENT. The Secretary will report the resolution for information.

EXECUTIVE SESSION.

Mr. MILLER, of New York. I have no doubt the resolution referred to would lead to discussion. I renew my motion to proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and thirty minutes spent in executive session the doors were reopened.

COMMITTTEE SERVICE.

Mr. MILLER, of California, on his own motion, was excused from further service as a member of the Select Committee to Inquire as to the Capacity of Steel-Producing Works in the United States.

NAVAL ACADEMY VISITORS.

The VICE-PRESIDENT appointed Mr. VOORHEES and Mr. SPOONER members of the Board of Visitors on the part of the Senate to attend the next annual examination of cadets at the Naval Academy at Annapolis, Md., under the requirement of the act of February 14, 1879.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of James H. Berry, chosen by the Legislature of Arkansas a Senator from that State to fill the vacancy occasioned by the resignation of Augustus H. Garland in the term ending March 3, 1889.

The credentials were read, and ordered to be filed.

Mr. VOORHEES. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 37 minutes p. m.) the Senate adjourned.

WEDNESDAY, *March* 25, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of yesterday's proceedings was read and approved.

SENATOR FROM ARKANSAS.

Mr. JONES, of Arkansas. Mr. President, I rise to a question of privilege. I ask that the Senator-elect from Arkansas, James H. Berry, who is now present, may be sworn in.

The VICE-PRESIDENT. The Senator-elect will come forward and take the oath of office.

Mr. BERRY was escorted to the Vice-President's desk by Mr. JONES, of Arkansas, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE SERVICE.

Mr. RANSOM, on his own motion, was excused from further service upon the Committee on Civil Service and Retrenchment.

On motion of Mr. COCKRELL, and by unanimous consent, it was

Ordered, That the Vice-President be authorized to fill the vacancies on the several committees.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at 4 o'clock and 10 minutes p. m.) the Senate adjourned.

THURSDAY, *March* 26, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of yesterday's proceedings was read and approved.

MEMORIAL.

Mr. FAIR presented a memorial and joint resolution of the Legislature of Nevada; which was read, and referred to the Committee on Indian Affairs, as follows:

Assembly memorial and joint resolution relative to a school for the Indian youth of Nevada.

Whereas large sums of money are annually appropriated by the United States Government to give the Indian youth literary and industrial training, such as is given at the schools of Carlisle, Hampton, Genoa, Forest Grove, and Albuquerque; and

Whereas there are in the State of Nevada about seven hundred Indian youth, between the ages of 6 and 16, and without the educational advantages afforded to such children in other States: Therefore,

Be it resolved, That our Senators and Representative in Congress be requested to use every honorable effort to secure from the General Government an appropriation of $10,000 for the erection of a school building in some suitable place in Nevada, and a further appropriation of $17,500 annually for each one hundred children in attendance, for the necessary expenses in conducting the literary and industrial departments of said school.

Passed March 5, 1885.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the annexed is a true, full, and correct copy of the original resolution relative to a school for the Indian youth of Nevada, as the same appears on file in my office.

In witness whereof, I have hereunto set my hand and affixed the great seal of State. Done at office in Carson City, Nev., this 10th day of March, A. D. 1885.

[SEAL.] JOHN M. DORMER,
Secretary of State.
By WELLS DENNY,
Deputy.

ELECTRIC LIGHT FOR SENATE CHAMBER.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, who were instructed by a resolution of the 11th instant "to inquire into the expediency of lighting the Senate Chamber by the electric process, the probable cost of the change, with the comparative cost of maintaining the same," submitted a report thereon, which was ordered to be printed.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and thirty-eight minutes spent in executive session the doors were reopened.

COMMITTEE SERVICE.

The VICE-PRESIDENT, in pursuance of the order of yesterday authorizing him to fill the vacancies on certain committees, appointed Mr. GRAY to fill the vacancies upon the Committee on Claims, the Committee to Examine the Several Branches of the Civil Service, the Committee on Fisheries, and the Committee on Patents; Mr. WILSON, of Maryland, to fill the vacancies upon the Committee on Civil Service and Retrenchment, the Committee on Post-Offices and Post-Roads, the Committee on the Revision of the Laws, and the Select Committee to Inquire into all Claims of Citizens of the United States against the Government of Nicaragua; Mr. BERRY to fill the vacancies upon the Committees on Civil Service and Retrenchment, the Committee on Public Lands, the Committee on Epidemic Diseases, and the Select Committee to make provision for taking the Tenth Census and ascertaining the results thereof; and Mr. BUTLER to fill the vacancy upon the Committee on Transportation Routes to the Seaboard.

FINAL ADJOURNMENT.

On motion of Mr. SHERMAN, the Senate proceeded to consider the following resolution submitted by him on the 19th instant:

Resolved, That a committee consisting of two Senators be appointed by the Chair to wait upon the President of the United States and inform him that, unless he may have some further communication to make, the Senate is ready to adjourn without day.

The resolution was agreed to; and Mr. SHERMAN and Mr. BECK were appointed the committee.

ROOMS FOR COMMITTEES.

Mr. ALLISON. I rise to offer a resolution, and after a brief explanation I shall ask unanimous consent to have it considered now. If there is objection, of course I shall not press it to-day.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the following resolution, adopted by the Senate July 5, 1884, "*Resolved*, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use at the next session of Congress of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate," be, and is hereby, rescinded, to take effect on the adjournment of the present session of the Senate.

Mr. ALLISON. I will state briefly to the Senate that under the resolution of last year a house was rented for the use of Senate committees which has proved to be inconvenient for that use, and it is deemed necessary to pass this resolution at this session in order that no arrangements may be made for the use of the building at the next session. Unless there is objection I ask for the present consideration of the resolution.

The VICE-PRESIDENT. Is unanimous consent of the Senate given to the present consideration of the resolution?

Mr. CALL. I object to the consideration of the resolution at this time.

The VICE-PRESIDENT. There being objection the resolution will lie over and be printed.

SENATE EMPLOYÉS AND EXPENSES.

Mr. ALLISON. I offer another resolution, and I shall ask unanimous consent for its present consideration. If there is objection it may lie over with the other.

The resolution was read, as follows:

Resolved, That a committee of seven Senators be appointed, with leave to sit during the recess of the Senate, to carefully examine and report on the first day of the next session, by bill or otherwise, what reduction should be made in the number and compensation of the employés of the Senate, and any further provisions that may be expedient to control and regulate the disbursement of the contingent expenses of the Senate.

The VICE-PRESIDENT. Is unanimous consent given to the present consideration of the resolution?

Mr. VEST. I should like to ask the Senator from Iowa if there is not a committee now upon that subject, a regular standing committee, the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. ALLISON. There is a standing committee known as the Committee on Contingent Expenses of the Senate, but I suppose that is rather an auditing committee than a committee that can go into the whole question of the expenditures of the Senate.

Mr. VEST. I am heartily in sympathy with the object of the resolution, and I shall vote for it if it is thought necessary.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. VOORHEES. Let it go over until to-morrow. I object to it now.

The VICE-PRESIDENT. Objection being made the resolution will lie over.

Mr. VOORHEES. Let it be printed.

The VICE-PRESIDENT. The resolution will be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. MAXEY, it was

Ordered, That the papers in the case of C. M. Wilcox be withdrawn from the files, subject to the rules of the Senate.

Mr. CAMERON. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 47 minutes p. m.) the Senate adjourned.

FRIDAY, *March* 27, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

FINAL ADJOURNMENT.

Mr. SHERMAN, from the committee appointed to wait upon the President of the United States and inform him that unless he may have some further communication to make the Senate is ready to adjourn without day, reported that the committee had performed the duty assigned them and that the President had replied that, if agreeable to the Senate, he would ask it to remain in session until Thursday next.

ADJOURNMENT TO MONDAY.

Mr. SHERMAN. I move that the Senate adjourn until Monday next.

The motion was agreed to; and (at 12 o'clock and 33 minutes p. m.) the Senate adjourned to Monday, March 30.

MONDAY, *March* 30, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. Before that motion is put I ask the Senator from Vermont to yield for a moment.

Mr. EDMUNDS. I must insist, Mr. President, in the state of the public business.

Mr. VAN WYCK. Public——

The VICE-PRESIDENT. The Senator from Vermont insists on his motion that the Senate proceed to the consideration of executive business. The question is on agreeing to the motion.

The motion was agreed to.

Mr. VAN WYCK. Mr. President——

Mr. EDMUNDS and others. Execute the order.

The VICE-PRESIDENT. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

COMMITTEE SERVICE.

On motion of Mr. HAWLEY, and by unanimous consent, the Vice-President was authorized to fill the vacancy on the Select Committee to Inquire as to the Capacity of Steel-Producing Works in the United States; and Mr. SEWELL was appointed.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate adjourned.

TUESDAY, *March* 31, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.
The Journal of yesterday's proceedings was read and approved.

EXECUTIVE SESSION.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. VAN WYCK. Will the Senator withhold that motion for a few moments so that I may make a report from the Committee on the Improvement of the Mississippi River?

Mr. CAMERON. No; I insist on my motion.

The VICE-PRESIDENT. The Senator from Pennsylvania insists on the motion.

Mr. VAN WYCK. I desire to state to the Senate——

Mr. CAMERON. The motion is not debatable.

The VICE-PRESIDENT. The motion is not debatable. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

ROOMS FOR COMMITTEES.

Mr. ALLISON. I ask that the Chair lay before the Senate the resolution submitted by me on the 26th instant in regard to rooms for Senate committees.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution heretofore submitted by the Senator from Iowa, which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the following resolution, adopted by the Senate July 5, 1884, "*Resolved*, That the Sergeant-at-Arms and the Architect of the Capitol be, and they are hereby, authorized and directed to rent and prepare suitable rooms outside of the Capitol for the use at the next session of Congress of such Senate committees as have no rooms, and that all expenses hereunder be paid out of the fund for the contingent expenses of the Senate, subject to the approval of the Committee to Audit and Control the Contingent Expenses of the Senate," be, and is hereby, rescinded, to take effect on the adjournment of the present session of the Senate.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

Mr. CALL. Mr. President, I shall make no objection to the repeal of the resolution of July 5, 1884, but I have the courage to say that for six years I have been in the Senate without a place, except such as I procured at the hotel where I have lived, for the papers, the documents, and the books which it is necessary to consult in regard to the public business of the Senate, and that in my judgment it is no respect to the people of this country or to the success of popular institutions that the proper facilities for study and investigation should not be allowed to Senators.

The disposition which seems to exist to make political capital on one side or the other of the expenses of the Senate, in my judgment, is a great mistake. The people of this country expect of those whom they send here such intelligent and wise legislation as will benefit the great mass of the people—as will enable them to earn bread and clothing for their families and will give them comfort and contentment. The failure to perform these duties will cost not millions but thousands of millions, and will increase the want, discomfort, and penury which now exist much too largely among the laboring people, the wage-earners of the country, who constitute the great body of the people. The important duties of Congress can not be performed without intelligent assistance, without proper facilities for study and a place where business may be done.

I think that every Senator ought to have some place provided by the public where his papers can be kept, his correspondence carried on, and where he can have some privacy for study and investigation. I know that during the past six years, until there were some rooms provided outside of this Capitol, I had no place, and many other Senators had no places where they could write or study. I think that the Senate ought to provide some conveniences for Senators who have to live upon their salaries, who are unable, not having large fortunes, to provide themselves with suitable accommodations, and have to live upon what the public provides for them. I do not believe that the business of the country can be properly conducted unless there are some facilities provided for Senators to carry on their correspondence, some place where their books and papers can be kept outside of their rooms at the hotels which they may have for their personal accommodation. The people, in my judgment, do not desire this. Their interest requires that Senators should not only attend to the debates of the Senate, but should devote their time to the study and investigation of important public questions, of great policies of state, which affect the great body of the people in their homes, their families, their comfort. They expect Senators and members of Congress to answer a large correspondence, and to attend to their interests before the Departments.

I desire to say further that there are many Senators here who are chairmen of committees who have convenient accommodation provided for them, who have rooms which are in every respect all that they desire, while there is a large proportion of Senators who have no such conveniences. If we shall adopt the policy that Senators shall have no other convenience at the public expense than a desk in the Senate Chamber, no place for study or books, no clerks, no assistance in correspondence or attending to business of their people in the Departments, but shall support their families and pay all this expense out of their salaries, we in effect adopt a policy that no poor man shall be a Senator, but that this body shall be composed of millionaires.

The VICE-PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

SENATE EMPLOYÉS AND EXPENSES.

Mr. ALLISON. I ask the Senate to take up the resolution offered by me on the 26th instant in regard to Senate employés and expenses.

The VICE-PRESIDENT. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a committee of seven Senators be appointed, with leave to sit during the recess of the Senate, to carefully examine and report on the first day of the next session, by bill or otherwise, what reduction should be made in the number and compensation of the employés of the Senate, and any further provisions that may be expedient to control and regulate the disbursement of the contingent expenses of the Senate.

The VICE-PRESIDENT. The question is upon the adoption of the resolution.

Mr. VAN WYCK. Before the resolution is adopted, I should like to ask the Senator from Iowa the probable expense of the proposed committee. The Senate has been engaged for some time in wrestling with that proposition with a view of reducing, limiting, and cutting off ex-

penses of that kind, and preventing the continuation of the duties of committees. While we are engaged in that work it would seem ill advised probably that another committee should be appointed, a special committee, unless we are fully apprised not only as to the object of the proposed committee, which is expressed in the body of the resolution, but as to the probable cost.

Mr. ALLISON. I will say to the Senator from Nebraska that it is not intended or expected that this committee will cost the Senate anything. It is understood that the work will be done without cost to the Senate.

Mr. VAN WYCK. That is satisfactory.

Mr. ALLISON. There is no provision in the resolution, as the Senator will see, for a clerk, a stenographer, or any expense whatever.

Mr. VAN WYCK. I discovered that in the resolution there were no allusions to that; but when the committee sits, if it shall find it necessary to have a clerk, or a stenographer, or a messenger, after having employed such assistance and discharged the duty required, the committee may come in at the next session and state then that it found it important to have assistance, and therefore the expense would still be fastened upon the Treasury. Therefore I desired in advance to have a statement from the Senator from Iowa that there was to be no expense upon the contingent fund or upon the Treasury in any way.

Mr. ALLISON. It is not my purpose to be considered in any way as a member of this committee, but it should be the distinct understanding of the Senate and among Senators that the force which we have now already in employ in the Senate will be able to perform all the clerical work required. The regular force of the Senate will furnish the necessary information to the committee.

Mr. SHERMAN. At an early part of this called session I submitted a resolution which proposed to rescind all the resolutions which had been passed since the 1st of March in respect to clerks for committees to go around making examinations upon different subjects-matter. I did that not so much for the small amount involved in the cost of those clerks as to arrest the attention of the Senate to what I regard as a growing evil in the Senate caused by the increase in the number of employés of various kinds for several years past, which has been authorized by the Senate, and the very large increase of our contingent expenses. I thought under the circumstances the authority given to sit during the recess to committees having but little business to do, merely or obviously for the purpose, or at least with the effect, of giving those committees clerks during the recess, was one of those cases which demanded attention from the Senate in order that a totally unnecessary expense should be arrested.

I am perfectly willing, however, to waive the consideration of that resolution if the committee proposed to be appointed under the pending resolution will take up that subject and consider the matter, not in a penurious way but in a liberal way. I do not wish to see the expenses of the Senate of the United States curbed, cabined, and cribbed merely for the sake of parsimony, or as I may say for the sake of demagogism. I think it is the cheapest kind of demagogy, but at the same time the Senate of the United States like all other legislative bodies should be reasonably considerate of the money of the people, and the money should not be expended even by so dignified a body as the Senate of the United States except for proper purposes and in proper amounts.

I believe that this committee properly organized, making a careful review of the contingent expenses of the Senate, the number of our employés and the salaries paid to them, will be able largely to reduce the number and amount of both, so that we may bring back the expenses of the Senate to something like their normal condition of a few years ago when they amounted to probably one-half what they do now.

I therefore accept the resolution offered by the Senator from Iowa as the best solution of the question. I hope that during the coming recess the committee will be able in good faith, strictly pursuing their duty, to investigate and to report to us such measure as will make the expenses of the Senate conform to what is a reasonably fair business allowance for the expenses of this body.

Mr. PLUMB. While this debate is going on in a sort of desultory way, I wish to call the attention of the Senate to the fact that another legislative body has been doing something in this line as well. As the legislative, executive, and judicial appropriation bill passed the House at the last session, it contained a paragraph providing for the constitution of a committee of five persons who should be members-elect of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives. I will read the entire provision so that its whole scope may be seen:

That a committee consisting of five members-elect to the House of Representatives of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives of the Forty-eighth Congress, shall, prior to the first Monday of December next, inquire into and investigate the expenditure of appropriations for Indians, under treaty, for their support, for their education, or otherwise, and whether any changes should be made in said appropriations or their expenditure. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee shall have power to appoint subcommittees and visit the places where appropriations mentioned herein are expended, and in doing so they are authorized to use Government conveyances and means of transportation. Said committee or any subcommittee thereof shall have power to send for persons and papers and to appoint a clerk, and the committee may report by bill or otherwise to the Forty-ninth Congress. A sum sufficient to pay expenses of said committee hereby authorized, and of witnesses that may be summoned before it, is hereby appropriated out of any money in the Treasury not otherwise appropriated, which shall be immediately available and payable on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time.

I think the Senate in all its extravagance, whatever that may have been, never sent abroad quite so wide a scoop-net as that in the shape of a junketing or investigating committee. This committee is authorized to go all over the United States wherever money is spent for Indian schools or wherever its members may seek to go, in the Yellowstone Park, or where anything relating to the Yellowstone Park may lead them to go, and they are not even required to make a report. They "may report" to the Forty-ninth Congress "by bill or otherwise," but they are not required so to do. I wish to call special attention to the last part of the paragraph, which provides that the "expenses of said committee" and "of witnesses that may be summoned before it" shall be paid—

Out of any money in the Treasury not otherwise appropriated * * * on the draft of the chairman of said committee in sums not exceeding $1,000 at any one time.

If that is not "straining at a gate and swallowing a saw-mill" then I have never known the force of that expression. A draft may be drawn every minute of every day for a thousand dollars, but no one draft shall embrace more than $1,000. Whatever guarantee of economy there may be in that, we shall see the result of when the committee comes to make its report, if it ever does report.

Mr. HALE. I did not notice. Is the draft to be made upon the contingent fund of the House?

Mr. PLUMB. No; I was about to call attention to the fact that the money is to be drawn from the Treasury of the United States. There is no limit as to the amount which shall be drawn except the amount which may be in the Treasury of the United States subject to be appropriated by Congress. It is not drawn upon the contingent fund of the House as a limit; it is not drawn subject to the scrutiny of the officers of the House, who would have some reference, of course, to the condition of that fund in approving accounts, but it is a general run and jump at the Treasury of the United States, only limited to the one condition that no single draft shall be issued for more than $1,000.

I understand that that committee having been constituted by the Speaker acting under this provision of law have already arranged to go to Alaska. We have heard a good deal about the use of cutters, &c., in getting down to Fortress Monroe and going up and down the Atlantic coast, and so on, but I understand the House committee thus provided for have already chartered a revenue-cutter to take them from San Francisco to Alaska. Of course from that very elevated position they can have a very good view, so far as the human eyesight can extend, over the Indian schools and the Yellowstone Park.

That provision was incorporated in the bill as it came from the House. As Senators will see by looking at the Senate print of the bill, the Senate Committee on Appropriations recommended that it be stricken out, and the Senate by a vote struck it out; but when it came into conference the conferees on the part of the House insisted so strenuously that they should have this little privilege of getting a jump at the Treasury that in the closing hours of the session, which was bound to expire by law at 12 o'clock on the 4th day of March, and as a tub to the whale, as one of the means of preventing that which seemed to be inevitably impending, an extra session of Congress with all that that meant adverse to the business interests of the people of the United States, the Senate conferees in that case, as in many others, against their former judgment and against the expressed wish of the Senate, yielded; and so the House has got its junketing commission in this shape and with this great scope before them in regard to what they may do and in regard to the expenditure of public money.

But, Mr. President, that is not all. When what is known as the fortification appropriation bill came to the Senate it contained a provision that—

The President of the United States shall appoint a board, of which the Secretary of War shall be a member and president, to be composed of two officers of the Engineer Corps, two from the Ordnance Corps, two of the Artillery corps of the Army, and two officers of the line of the Navy, which board shall examine and report at what ports fortifications or other defenses are most urgently required, the character and kind of defenses best adapted for each, with reference to armament, the utilization of torpedoes, mines, or other defensive appliances—

And for that purpose there was appropriated the sum of $300,000.

Mr. ALLISON. That is, by the bill as it passed the House?

Mr. PLUMB. By the bill as it came from the House. It was not an ordinary sum of $10,000, $15,000 or $20,000, the expenditure of which we characterize in our criticism upon the acts of our own committees as extravagant, but the sum of $300,000. Not only that, but it was an expenditure of this sum of money to cover ground which had been gone over carefully, critically, and painfully for years and years by various boards heretofore organized; and this board could do nothing but duplicate the work of those that had gone before.

The Senate Committee on Appropriations took that question up. They changed the constitution of the board to some extent, having understood that this was in the nature of a *sine qua non* on the part of the House, and struck out the sum of $300,000 and proposed to limit the expense to $25,000, which they thought was ample for that purpose. The bill came into conference within six or eight or ten hours at most

of the time when Congress was obliged to adjourn, and in that conference the Senate conferees yielded $15,000, and that commission with the authority to expend $40,000 is now authorized to go ahead.

I only mention these things to show that in the matter which has been spoken of here, and which was the subject of the resolution of the Senator from Ohio, the Senate has not been the chief sinner, if sinning there has been; that it has followed, a long way off in the measure of extravagance, the lead of the House of Representatives. All the committees which have sat in this body for the last five years, in my judgment, would not cost the Treasury of the United States the amount of money that these two commissions, authorized by law inserted in the appropriation bills by the House of Representatives and insisted on by them to the extent of saying that the bills should fail unless they could get them, will cost the Government.

I think myself that it is time generally to call a halt. Many matters may be properly the subject of investigation by committees of this body, but there is a great mass of information which can be obtained without the formal constitution of committees for that purpose, and which ought to be obtained for the use of the Senate by the ordinary appliances of its clerks and others in its permanent employ, as well as by the action of Senators themselves when they have leisure for that purpose during the vacation or at other times.

But, Mr. President, the trouble has been that out of this has grown a system of expenditure as an adjunct to the ordinary expenses of the committees, the expenses for stenographers, for clerks, for messengers, for transportation, for matters of personal convenience to Senators, each committee being assured by the person having it in charge that this is what some other committee has done, and from time to time these expenses have grown apace illegitimately and to the detriment of that economy which should be observed in the expenditure of public money by the Senate as well as by all public officials. But what the Senate has done has only been in the line of the example, if I may call it such, which has been set by the other House; in other words, this system has grown up in both branches of Congress, and has extended until it has become to some extent a means to the convenience or wishes of Senators or individual members of Congress to get to remote sections of the country at the public expense. If it is not that avowedly, then that has become apparently a necessary incident to what is going on, and what was authorized to be done.

I am glad the Senate has manifested a disposition to bring these expenses within limit. None of these committees ought to cost the Senate very much. All of them can do work enough if they are properly manned and properly inspired, to give a return which will equal the amount of any considerable expense which they may incur. But a committee which costs two, three, four, or five times more than is necessary ought not to receive favor at the hands of the Senate; and because of the expense, because of the unnecessary expense, I think the Senate does well to limit the sphere within which these committees shall move; and especially ought it not to constitute them for the acquisition of information which can readily be obtained without the investigation of a committee specially raised for that purpose.

Mr. SHERMAN. Mr. President, I did not intend in anything that I said or in introducing the resolution which I offered to criticise the Senate as contrasted with the House of Representatives. I have observed since my return to the Senate the large increase of expenditure in the nature of contingent expenses by both the House and the Senate; and I have no doubt that what the Senator from Kansas says is true, that if an abuse has sprung up in this body it has been followed by the House, or, if it originated in the House, it has been followed by the Senate; and the remark I made about the contingent expenses of the Senate applies as well to those of the House of Representatives under either political party; and I desire to say that the same criticism applies to the Senate, for I notice that during the two years when our Democratic friends had the majority in the Senate they largely increased the contingent expenses of the Senate, and even in the last Congress it is just to say that the large portion of the increase of expenditures was made to meet demands from the other side of the House, especially the large sum required for the employment of clerks to Senators. There would seem to be a great deal of justice in that demand. As the dominant party had the chairmen of the great majority of the committees, and Senators in the minority had not, therefore, the same facilities of clerical assistance, they would naturally require that there should be some better division of that kind of service. That appeal was made, and upon a resolution offered from the other side of the House some $40,000 is now expended each year for clerks to Senators, largely, as a matter of course, representing the minority of the Senate who are not chairmen of committees.

The same remark applies in regard to the Butler house, as it is called. The renting of that house was severely criticised, and I think justly criticised—the sudden employment of a large and expensive building somewhat remote from this wing of the Capitol for the purposes of committees. It was a movement made on both sides, I believe; it came from the other side in the first instance; at any rate it was adopted without distinction of party. Therefore the remarks I made have no application of a party character to either House; but the natural tendency of legislative bodies is always to increase this class of expenditures and increase the number of employés about them. We naturally become attached to those employés; we probably magnify their services; we want to render them favors; and I have sat here many and many a time and voted them thirty days' extra pay when they were already overpaid for the time they actually served. We dislike to refuse to grant a favor to those who are around us and who contribute so much to our comfort, and who are generally so ready to do the business assigned them.

Mr. President, I hope that if this committee is organized the members of it will give us some comprehensive scheme, not founded upon any narrow economy, but founded upon a fair business list of the number of employés necessary to conduct the business of the Senate and a fair and just compensation to each of them; and from that time forward let it be understood that the idea of extra compensation shall not be tolerated or allowed.

Mr. FRYE. Mr. President, I think that the resolution ought to be amended. I call the attention of the Senator from Iowa to it. In line 5, after the word "Senate," there should be added the words "in the number of committees."

Mr. SHERMAN. I think so, too.

Mr. FRYE. I do not think that the resolution is broad enough to give this proposed committee any jurisdiction to report touching the committees of the Senate.

Mr. President, the gravest extravagance of the last year was the leasing of the Butler house for committees of the Senate, and the appointment of some ten or twelve messengers to take charge of it. The cost was from $25,000 to $35,000 a year undoubtedly, and it accommodated largely committees who have no business to do. There are a dozen or sixteen committees of the Senate that can be dispensed with just as well as not, and if each Senator has a clerk the necessity for those committees, if ever there was any, ceases with the employment of that clerk. While these committees are in existence they are demanding rooms. The pressure is exceedingly great upon the Committee on Rules to provide rooms in the Senate wing of the Capitol. There are no rooms in the Senate wing that can be provided, without the removal of the Supreme Court to some other building, which in my judgment ought to be done, or without the erection of a Library building and the removal of the Library from its present location. That pressure for rooms led to the passage by the Senate of the resolution to hire rooms outside. The rooms outside had not been leased three months before every Senator occupying those rooms came to the conclusion he did not want them. The building is too far off. You can not get committee meetings outside, and the only place to have committee-rooms is in this wing of the Capitol; it is the only convenient place; and if our committees are reduced some ten or twelve or sixteen there will not be the slightest trouble about furnishing every committee with a room.

I move to amend the resolution by inserting after the word "Senate," in the fifth line, the words "in the number of committees."

The VICE-PRESIDENT. The Senator from Maine proposes an amendment, which will be read.

The CHIEF CLERK. In line 5, after the word "Senate," it is proposed to insert the words "in the number of committees;" so as to read:

Resolved, That a committee of seven Senators be appointed, with leave to sit during the recess of the Senate, to carefully examine and report, on the first day of the next session, by bill or otherwise, what reduction should be made in the number and compensation of the employés of the Senate, in the number of committees, and any further provisions that may be expedient to control and regulate the disbursement of the contingent expenses of the Senate.

The VICE-PRESIDENT. The question is on the adoption of the amendment proposed by the Senator from Maine.

The amendment was agreed to.

The VICE-PRESIDENT. The question is on the resolution as amended.

The resolution as amended was agreed to.

REPORT OF POST-OFFICE COMMITTEE ON POSTAL TELEGRAPH.

Mr. SAULSBURY. Mr. President, I desire to make a statement in behalf of the Committee on Post-Offices and Post-Roads.

At the last session of the Senate, on May 27, 1884, the Committee on Post-Offices and Post-Roads submitted a report accompanying a bill, the number of which I do not just now remember, in reference to the postal telegraph. That report was printed in two parts, the first containing the conclusions of the committee, and the second the testimony laid before the committee on the subject of the bill.

Mr. TELLER. It is impossible for us to hear what is going on, the confusion in the Chamber is so great.

The VICE-PRESIDENT rapped to order.

Mr. SAULSBURY. The attention of the committee has been called to a paper purporting to be a third part of that report, which paper was prepared and printed during the present month, having been sent to the Printing Office on the 16th of March. The committee have inquired into that, and feel it due to themselves to make the statement to the Senate that they are in no wise responsible either for the preparation or the publication of the paper marked part 3 of Report No. 577, and they adopted this morning a resolution, which I was directed to lay before the Senate, on this subject:

Resolved, That the paper purporting to be part 3 of Report 577, Forty-eighth Congress, first session, was not authorized to be printed by the Committee on Post-Offices and Post-Roads, and said committee is not responsible for its prep-

aration or publication. Said paper should be omitted from the bound copies of the reports.

That resolution expresses the view of the committee, and while I was not authorized by the committee, I will now offer the following resolution, which I shall ask the adoption of by the Senate:

Resolved, That the Public Printer be, and is hereby, directed to omit from the bound copies of Senate reports the paper purporting to be part 3 of Report No. 577, first session Forty-eighth Congress.

I send the resolution to the Secretary's desk and move its adoption. The document ought not to be printed as the report of the committee because the committee had nothing whatever to do with it.

Mr. HALE. Let us have the resolution read.

Mr. SAULSBURY. I will take occasion to state that the committee are not able to say definitely who is responsible for the publication. The then clerk of the committee took it to the Printer and had it printed, as he understood by direction of the chairman of the committee. But it was done after the chairman of the committee had ceased to be a member of the Senate, and I think was wholly unauthorized, and resulted from a mistake or misunderstanding. Perhaps nothing is chargeable against the late chairman of the committee or against the clerk. It is owing to some misunderstanding on the part of the clerk and chairman of the committee; but in order that the committee may vindicate itself from connection with it I have thought proper to offer the resolution which I have sent to the desk and move the adoption of.

The VICE-PRESIDENT. The Senator from Delaware offers a resolution, which will be read.

The Secretary read as follows:

Resolved, That the Public Printer be, and he is hereby, directed to omit from the bound copies of Senate reports the paper purporting to be part 3 of Report No. 577, first session Forty-eighth Congress.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. MAXEY. I wish to add to what my honorable colleague on the Post-Office Committee [Mr. SAULSBURY] has said, that the report of the committee on the bill referred to on the postal telegraph system was read to the full committee on behalf of the subcommittee, which subcommittee consisted of the chairman, Mr. Hill, Mr. JACKSON, of Tennessee, and Mr. WILSON, of Iowa. The report was very carefully considered by the committee. On the 27th day of May last—that was the date it was adopted—it was presented to the Senate. That embraced two parts. One part was the report proper, and the second part the evidence accompanying the report. That was submitted on the 27th of May, 1884. This third part which now comes in contains a large mass of matter prepared long after the adoption of the report. Hence the committee is not responsible for it and was not aware of it at the time of the adoption of the report. There was never any action, as shown by the committee journal, in reference to the bill after the 27th day of May, 1884.

Mr. INGALLS. Who prepared the document known as the third part of this report?

Mr. MAXEY. I am not prepared to answer that question.

Mr. INGALLS. How did it get in the hands of the Public Printer?

Mr. SAULSBURY. I will state that the late clerk of that committee came before the committee and stated that there were certain interrogatories propounded to the president of the Western Union Telegraph Company which had been omitted in the report made May 27, 1884. The attention of the chairman of that committee was called to the fact by the clerk of the committee.

Mr. INGALLS. Who was chairman of the committee at that time?

Mr. SAULSBURY. Mr. Hill, of Colorado, the chairman of the committee, stated that the clerk informed him that those questions could be published as a kind of addendum to the report. He said, however, that newspaper criticisms were also in possession of the chairman of the committee, and his understanding was that those criticisms of newspapers were also to be appended as part of the report, and with that understanding he prepared the paper and carried it to the regular officer of the Senate who delivered it to the Public Printer.

Mr. INGALLS. The clerk of the committee prepared it at the direction of the chairman?

Mr. SAULSBURY. He said that the chairman never saw this part of the report as he had prepared it, but that he had prepared it in accordance with what he understood to be the wishes of the chairman. That was about the substance of what he said, but he also said the chairman had never seen the paper after it was prepared.

Mr. INGALLS. How many copies were printed?

Mr. SAULSBURY. Two hundred.

Mr. INGALLS. On whose order?

Mr. SAULSBURY. One hundred and fifty of them are in the possession of the late clerk, who neglected to deliver them to the committee. He did not know what had become of the other fifty. They were printed, according to the usual course, for the use of the committee.

Mr. INGALLS. Who ordered them printed?

Mr. SAULSBURY. They were ordered printed under the general order. The clerk of the committee carried the paper to the person having supervision of the printing of reports for the Senate, and he understanding it to be a part of the report had the usual number, two hundred, printed for the use of the committee.

Mr. INGALLS. Did the clerk of the committee act on his own responsibility?

Mr. SAULSBURY. As I before stated, he said that he understood Mr. Hill to desire it to be published as an addendum to the report which had been made in May, 1884.

Mr. INGALLS. It was not by any order or concurrence on the part of the committee?

Mr. SAULSBURY. Not by any order of the committee, nor by any knowledge of the committee.

Mr. MAXEY. I will now resume what I was going on to say. The last order made by the committee was on the 27th day of May, 1884. When the attention of the committee was called to this matter yesterday, we sent for the Journal Clerk of the Senate, Mr. Spencer, and inquired of him if any order had ever been made by the Senate authorizing that paper to be printed. He ascertained that no order had ever been made by the Senate authorizing that publication. There is no order whatever of the committee on the subject subsequent to the 27th of May, 1884, and as I stated in respect to it, it would be a simple impossibilty that the committee should have known anything about that third part, because it contains articles bearing date long subsequent to the date of the report.

That, I think, is all that it is necessary to say. I do not care to lay any blame. I do not wish to be understood as laying any blame on anybody about it, but simply as saying that the committee, as a committee, is not responsible for that document.

Mr. ALLISON. I ask that the resolution may be again read.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary read as follows:

Resolved, That the Public Printer be, and he is hereby, directed to omit from the bound copies of Senate reports the paper purporting to be part 3 of Report No. 577, first session Forty-eighth Congress.

Mr. SAULSBURY. I propose to add to that:

Said paper not having been prepared under the direction of the said committee.

I move to amend the resolution in that way.

The VICE-PRESIDENT. The resolution will be so modified, if there be no objection.

Mr. ALLISON. It seems to me the language suggested by the Senator from Delaware may cover all that ought to be provided for, but here is a proposition made in this resolution apparently to suppress a report. Now, it seems to me that if we propose to withhold this paper from the printed documents of the Senate, we should give upon the face of the order the reason why, and I think it should state distinctly that it is not the report of the committee.

Mr. SAULSBURY. I have just submitted a report stating that.

Mr. ALLISON. The Senator says "said paper not having been prepared." I would make the language stronger, so that hereafter it may appear that this is not a report, that it was not prepared by the committee, that the committee did not authorize its printing, and, in short, that it is a total fabrication, because I believe that is about the statement of the committee now, that this report was never seen by the committee or any member of it, that it was not authorized to be reported, and therefore the face of the paper should show that this is a fabrication, and for that reason should not enter into the permanent records of this body.

Mr. VAN WYCK. Mr. President, I did not hear all that was said by the Senator from Delaware, a member of the committee. I should like to inquire when the first publication was made of any report from the Post-Office Committee on this subject.

Mr. SAWYER. If the Senator will give way I will state that I have in my hand a statement from the Journal Clerk made to the committee. We asked him to furnish the reason why this portion of the report came to be in print. He came before the committee. The committee reported some time in April their bill, and obtained permission then to make a further report. On the 27th of last May they made their report and it was authorized to be printed. That was last year. On the 16th of March of this year, this present month, this part 3 was sent to the Printer, while never any portion of it came before the committee to my knowledge, and I was on that committee, and I do not think I was ever absent from a meeting. I send up the statement to which I have referred.

Mr. INGALLS. Let the statement be read.

Mr. SAWYER. This is the statement we had prepared.

The VICE-PRESIDENT. The Senator from Wisconsin offers a statement, which will be read.

Mr. CONGER. The present Committee on Post-Offices and Post-Roads did not meet until the 19th of March. The publications were all prior to that time.

Mr. SAWYER. I had reference to the committee of the previous Congress.

Mr. INGALLS. Let us hear the statement read.

The VICE-PRESIDENT. The statement will be read.

The Chief Clerk read as follows:

UNITED STATES SENATE, *Washington, D. C., March* 30, 1885.

SIR: In compliance with the request of the Committee on Post-Offices and Post-Roads I beg leave to submit the following statement relative to the recent publication of a document purporting to be a continuation of the report of the committee on the subject of the postal telegraph:

The bill (S. 2022) "to establish a postal telegraph" was reported to the Senate

on the 9th of April, 1884, by Mr. Hill, who asked at the time, on behalf of the committee, the privilege of submitting at a day in the near future a report in writing to accompany the bill. The request was granted, and on the 27th of May following Mr. Hill submitted the report (No. 577), which, together with the testimony taken and printed as part 2, was sent to the Public Printer on that day.

The printing of the report and testimony was under the direction of Mr. Williams, bill clerk, whose desk is the regular channel through which printing, by order of the Senate, accompanying bills, goes to the Printer, and he receives his instructions from the desk in the Senate.

On the 16th of the present month it seems Mr. Fox, clerk of the Committee on Post-Offices and Post-Roads, came to Mr. Bartlett, who has charge of the miscellaneous printing and binding for the use of Senators and committees on requisition of the Secretary of the Senate, and asked for a requisition to print for the use of the committee 200 extra copies of a document which Mr. Bartlett did not closely examine, but which appeared to be manuscript and printed matter in the nature of a report, and bore the usual heading placed by Mr. Williams, the bill clerk, on reports ordered printed by the Senate.

The heading (with the exception of the word and figure, "Part 3," in writing) is in print, and is a copy of the heading of the original report. It is as follows:

48TH CONGRESS, 1ST SESSION. SENATE. REPORT No. 577. PART 3.

REPORT ON POSTAL TELEGRAPH.

IN THE SENATE OF THE UNITED STATES.

MAY 27, 1884.—Ordered to be printed.

Mr. Bartlett assuming that the request for the extra copies came from the committee, and from the heading of the document that the transaction was regular, gave the requisition without question, as it involved simply the expense of the paper and presswork of two hundred copies.

Mr. Bartlett's statement and a copy of the requisition are herewith appended.

The document never passed through the desk in the Senate, and Mr. Williams, whose desk, as stated before, is the regular channel through which such matter, excepting as to the requisition for extra copies, goes to the Printer, states that he never saw the document until it was printed.

The authority of the Printer for the composition and printing of the regular number is the heading of the document as quoted above. The only indication on its face as to who prepared the heading is the word and figure "Part 3" in writing which I do not assume to identify.

Very respectfully,

WM. E. SPENCER,
Journal Clerk.

Hon. O. D. CONGER,
Chairman Committee on Post-Offices and Post-Roads.

Mr. SAWYER. The committee's report was presented on the 27th of last May and is entirely complete except two or three pages in which questions were propounded to officers of the telegraph company and a copy sent in writing to them for them to prepare answers to; but instead of doing that, they came before the committee and most of the questions asked were answered in their testimony. Part 3, besides these interrogatories, consists of clippings from newspapers published since the election of last fall running up into December. The committee did not feel that they ought to be responsible for a report purporting to be made last May and containing newspaper clippings from newspapers of last December after the election.

Mr. VAN WYCK. Will the Senator state when the first authority was given to print any report in connection with that subject?

Mr. SAWYER. Some time in April, 1884.

Mr. VAN WYCK. Was this report ordered to be printed by resolution of the committee, or by resolution of the Senate?

Mr. SAWYER. The committee got permission in April to make a report; in May they made the report; and no authority has been granted by the Senate or by the committee since then.

Mr. VAN WYCK. Who made the first report?

Mr. SAWYER. The chairman.

Mr. VAN WYCK. Mr. Hill made it as chairman of the committee. Was he the subcommittee to whom that matter was referred?

Mr. SAWYER. It all came before the whole committee.

Mr. VAN WYCK. Authority was given to print the report, and this I understand to be an addendum to that report.

Mr. SAWYER. It purports to be that.

Mr. VAN WYCK. It purports to be an addendum to that. Outside of newspaper clippings it had some queries propounded to the telegraph companies.

Mr. SAWYER. Oh, yes, sir, but these questions had been in the report and printed. They were sent to them in New York.

Mr. VAN WYCK. Have two hundred copies been printed?

Mr. SAWYER. I believe they have.

Mr. VAN WYCK. It would seem before any action should be taken by this body time at least should be given so that Mr. Hill should be heard. Therefore I think I shall have to ask that the resolution go over until to-morrow that we may see the whole statement in the RECORD.

Mr. SAWYER. I do not think any one has attempted to do anything wrong.

Mr. VAN WYCK. I was desirous that that statement should be made.

Mr. SAWYER. I think it was all through an oversight; but the committee do not feel that they ought to be responsible for a report made last May containing matters that occurred long afterward.

Mr. VAN WYCK. It seems some things have happened since, because here an interrogatory was propounded which I understand appears in this addendum.

Mr. SAWYER. Those interrogatories were asked of these parties during February of last year; they were sent to them at New York; and then they came before the committee and the questions were asked over, substantially the same things.

Mr. VAN WYCK. I shall have to ask that the resolution go over until to-morrow.

Mr. ALLISON. Let us have the amendments reported.

The VICE-PRESIDENT. Some amendments have been suggested to the resolution which have not been reported. The Secretary will report the amendments so that they may be understood.

The SECRETARY. At the end of the resolution it is proposed to add:

Said paper not having been prepared under the authority of said committee or printed by its direction.

The VICE-PRESIDENT. The Senator from Nebraska moves that the further consideration of the resolution be postponed——

Mr. VAN WYCK. I raise objection to its consideration. It may as well go over until to-morrow. It may just as well be passed then. We are not crowded with business.

The VICE-PRESIDENT. The Senate has unanimously agreed to the present consideration of the resolution.

Mr. VAN WYCK. I think an objection is in order at any time.

The VICE-PRESIDENT. Does the Senator propose the postponement of the further consideration of the resolution until to-morrow?

Mr. VAN WYCK. I think an objection is in order at any time before a resolution is voted on. That is my understanding.

The VICE-PRESIDENT. Is that agreeable to the Senate? The Chair hears no objection, and the resolution lies over until to-morrow.

RECESS COMMITTEES.

Mr. VAN WYCK. From the Committee on the Improvement of the Mississippi River I make the following report:

The Committee on the Improvement of the Mississippi River, to whom was referred the following Senate resolution:

"*Resolved*, That the resolution of the Senate passed on the 4th day of March, 1885, authorizing the Committee on the Improvement of the Mississippi River to sit during the vacation of the Senate and to make certain investigations therein named, be, and the same is hereby, rescinded"—

respectfully report as a substitute therefor the following:

"*Resolved*, That all resolutions of the Senate of the Forty-eighth Congress and the present extra session of the Senate authorizing any committee to sit during the recess and to employ a clerk or stenographer or messenger, be rescinded," and recommend adoption of the same.

Only a few words, Mr. President, as no written report accompanies the result of the committee's deliberations, by way of explanation.

The Senate understands full well the circumstances under which the resolution was introduced and referred to the Committee on the Improvement of the Mississippi River. They had that resolution under consideration and they felt that the object of the introduction of the resolution was to strike at what has been referred to already this morning in the suggestions of Senators on this floor. It was not so much that one committee as that the system, which the Senator from Ohio says has grown to be so enormous in its proportions and in its expenditures, should somehow be curtailed. Looking at it with that view the committee felt it their duty to receive the resolution in the spirit in which it was sent for the purpose of accomplishing the object which was intended, and therefore looking over the matter fully they came to the conclusion that the better way was to strike at this thing so that it could be perceived that something had been done, and so radically as to prevent its recurrence in the future.

Mr. President, much has been said for and against this resolution in previous discussions in this body, but it would seem if there is to be a beginning it should be a beginning to eradicate and strike out and get at the root of this matter. What the Senator from Kansas [Mr. PLUMB] has said in regard to the action of the House of Representatives is certainly no precedent for us. It shows them equally guilty and possibly a little more so than the Senate; but that only illustrates the necessity of radical action at this time upon this matter.

Now, I think I have a right to ask this much of the Senate. No doubt every committee feels properly the weight and the responsibility of its duties and it feels them sometimes weighing very heavily during the recess of the Senate. If each committee would exercise just a little self-sacrifice and consent that it should share the fate which belongs to others having equally as much merit, then there certainly would be no difficulty about this matter.

I know it is claimed that some two or three of these committees were appointed by the Forty-eighth Congress at its first session, and that they partially finished their labors during one sitting in the last summer, and it is claimed that they are exceptional, and should be reserved from the operation of any sweeping resolution of repeal. It would appear that if a special committee appointed to examine a special object have occupied one entire summer, or as much of it as they deemed necessary, there should be no reason for that committee occupying a second summer.

It will be generally conceded, I think, on both sides of the Chamber that the results of the labors of committees which sit during the recess are not commensurate with the labor expended by members of the committees and the expense imposed on the Treasury; and therefore when we are starting to move properly, let us do it in such a way that our action will be effective and known and felt.

It was hardly necessary for the Senator from Ohio [Mr. SHERMAN] to make any sort of apology in the direction he indicated when he said that this thing can be done without seeming to be done in a spirit of demagogy. That is a very fashionable word sometimes to be used when an idea or an argument is lacking to oppose a thing to call it by

that name. This matter needs no excuse or apology of that kind; and what gentlemen mean by demagogy I fail fully to understand. What does it mean? That this body and that at the other end of this Capitol are so far removed from and so much above and beyond the source of their being, the creation of the powers which they are exercising, that it is rather an offense to stop long enough to ask what this same source of power thinks of a matter. I suppose the people who are competent to elect members to the other end of this building, or the Legislatures who represent the people of the States who elect members to this, may reasonably ask that those whom they elect shall stop long enough to consider their wants and their desires.

It is no matter whether this is done in reference to the clamor of the people, if you please to call it so, or the press. This body and the other are here to represent the people, to do as they want; and that other class, the press, are only strong when they have the people behind them, whose darts are only felt when the power that impels them comes from the great body of the people. It is well enough to consider both aspects of the case now and then; and therefore it is when we find the Senator from Ohio saying that the expenses of this body have crept up without any sort of necessity, as I understand striking at a few committees which probably do as much service to the nation as the three or four that may be retained. he will not accomplish anything. We have started out in this matter; and are we to stop without accomplishing anything when we have it in our power to do it? The Indians and the Indian lands will be taken care of whether the Committee on Indian Affairs go out again or not. Education and labor will be taken care of in this body whether that committee sit during another summer recess. And so with all the committees. I name those because they are the two most important, and when those are left out there is hardly anybody to rise in this Chamber and say that any of the others are of sufficient importance to continue a week or a month or during the summer solstice. They both devoted much time during the last summer to the matters committed to them. The Indian Territory was exhausted. I suppose now the excuse is Oklahoma. Well, what is the matter with Oklahoma? Oklahoma is here in the Capitol. All the facts are now known. It is true, while the discussion was going on, it was stated that nobody was occupying Oklahoma, that it was as free as when it came from the hands of the Maker; but now by the papers it seems the military have been destroying some ranches of syndicates located in Oklahoma. But that is not the point. We in the Capitol have acted, and the Executive has been delegated with authority to attempt to obtain control of that country besides some others for the use and occupation of settlers who may seek to go there.

Now, Mr. President, I may be allowed to say, I trust—I say it with no spirit of unkindness—if there are ten or fifteen committees here with the same powers as at the last recess, the expense will be great. I think the committees during the last recess which then sat averaged between $8,000 and $10,000 each in expense, so that the expenditure may rise up to $100,000 or upward—for what? Therefore I think I have a right to ask, as the Committee on the Mississippi River Improvement yields to this sort of clamor very readily, that the other committees will yield just as readily and just as gracefully, and save this money. The public interests will not suffer; no interest will suffer; and the Treasury will be slightly benefited. It is true I do not believe that the people are penurious, that they care much about the $100,000. Oh, no; if we had been careful in the discharge of our duties in some other matters they would cheerfully and ungrudgingly submit to many things. The people probably would not complain if we had done the things they wanted done; but when we have turned our backs on some very great projects dear to the people of the nation, then naturally they are complaining even at the $100,000; they naturally feel hurt that their servants should turn upon them and insist upon taking that much out of the Treasury.

Mr. President, I do not know that anything further is necessary to be said in the general tenor of my remarks. I have spoken in no spirit of unkindness to any committee of this body. The Mississippi River Committee is placed with the others in the body of this resolution, and we think a little patriotism at this moment would raise us above the ordinary level and induce us to say that every one of those recess committees shall be blotted out and the resolutions giving power to sit during the recess shall be rescinded.

The VICE-PRESIDENT. The report will lie over for further consideration until to-morrow.

Mr. PLATT. Let it go to the Calendar.

SENATE EMPLOYÉS AND EXPENSES.

Mr. ALLISON. Mr. President, I desire to say a few things with respect to the suggestions which have been made by the Senator from Nebraska [Mr. VAN WYCK], and also the suggestion made by the Senator from Ohio [Mr. SHERMAN]. I think there is a misapprehension as to the actual increase of the expenditures of the Senate during the last few years, although I believe this increase has gone on too rapidly, and for that reason I offered the resolution which was passed this morning. I have had prepared some statements with reference to the expenditures of the Senate for a number of years, and I can state to the Senator from Nebraska, if he will be kind enough to give me his attention, that when we come to examine these statements we shall find that the increase has not been so rapid as Senators would seem to think.

Here is a statement of the total appropriations for the Senate for the ensuing fiscal year, and for several years preceding:

Amount of appropriations made for the Senate of the United States for the following fiscal years:

1886.	
By legislative act	$867,083 10
1885.	
By legislative act	809,566 60
Extra compensation, estimated	26,500 00
Deficiencies	66,992 96
	903,059 56
1884.	
By legislative act	808,164 60
Extra compensation, estimated	26,500 00
Deficiencies	62,516 30
	897,180 90
1883.	
By legislative act	786,353 82
Extra compensation	26,317 52
Deficiencies	34,361 03
	847,032 37
1882.	
By legislative act	$778,150 76
Deficiencies	62,136 25
	840,287 01
1881.	
By legislative act	757,483 92
Deficiencies	36,126 17
	793,610 09
1880.	
By legislative act	759,907 00
Deficiencies	95,180 00
	855,087 00
1879.	
By legislative act	712,914 30
Deficiencies	112,812 95
	825,727 25
1878.	
By legislative act	739,081 80
Deficiencies	96,553 72
	835,635 52
1877.	
By legislative act	699,220 80
Deficiencies	147,783 60
Belknap impeachment expenses	50,000 00
	897,004 40
1876.	
By legislative act	701,496 80
Deficiencies	34,201 00
	735,697 80
1875.	
By legislative act	662,915 80
Deficiencies	35,594 19
	698,509 99

It will be seen that these appropriations have not been increased as Senators have supposed. I, of course, include in these sums every expenditure for the Senate, including the compensation and mileage of Senators and every item of expense in and about this body. When we come to consider the employés of the Senate, which term includes clerks of committees and all messengers, laborers, &c., and employés of every name (but not including the Capitol police, because they belong to the two bodies), we find the state of things shown by the following table:

Statement showing the number of employés of the Senate and amounts of appropriations therefor provided in the several legislative acts, including deficiencies on account of same, for the following fiscal years:

Fiscal year.	No. of employés.	Amounts.
1886	251	$344,113 10
1885*	†235	266,596 60
Deficiencies		17,492 96
		284,089 56
1884‡	198	276,044 60
Deficiencies		28,700 30
		304,744 90
1883*	197	263,596 32
Deficiencies		19,072 00
		282,668 32
1882	§194	253,590 76
Deficiencies		20,333 55
		273,924 31

Statement showing the number of employés, &c.—Continued.

Fiscal year.	No. of employés.	Amounts.
1881	182	$227,752 68
Deficiencies		26,015 57
		253,768 25
1880	178	235,307 00
Deficiencies and additional compensation		35,180 23
		270,487 23
1879	172	208,314 30
Deficiencies		28,476 45
		236,790 75
1878	170	228,545 80
Deficiencies		20,553 72
		249,099 52
1877	165	199,530 80
Deficiencies		14,316 97
		213,847 77
1876	129	188,406 80
For labor		18,000 00
Deficiencies		19,400 00
		225,806 80
1875	125	166,450 80
For labor		12,000 00
Deficiencies		26,886 00
		205,336 80

* Extra month's pay, $26,317.52.
† Thirty-one clerks to Senators included in number of employés for 1885.
‡ Extra month's pay, $26,317.52; about same as 1883.
§ Seven new messengers to committees provided for 1882.

That these expenditures have increased, and increased beyond what they ought to be, I think will be apparent to every one who examines with care the appropriations from year to year. But let us see now how these expenditures have grown up. Last year just before the adjournment, on the 5th of July, there was brought in a resolution providing for the renting of a building outside of this Capitol for committees that could not be provided for within the Capitol. That involved an expenditure of, say, $25,000, if continued.

Mr. PLATT. Twenty thousand dollars.

Mr. ALLISON. Twenty thousand dollars, the Senator from Connecticut tells me, which is more nearly the sum. That involved an expenditure of say $20,000, including the messengers, laborers, watchmen, and employés of every name and nature needed to take care of the additional building.

There is another expenditure which has grown up here in the last few years which I desire to call the attention of the Senate to, because I think it is well enough for us to know a little of the details. I will not go back further than 1876, prior to which time it had been the custom to allow the session employés of both Houses to have an extra month's pay. The Democrats then being in possession of the House of Representatives stated that that custom should be broken up, and that instead of allowing them an extra month's pay we should incorporate into our statutes a provision whereby the long session should be considered as continuing for seven months and the short session for four months, whereas in fact the long session usually was less than seven months and the short session from necessity was only three months. So the extra month's pay which had been voted from year to year was in another form incorporated in a statute upon the request of the House of Representatives; but no sooner had that law fairly become a part of our statutes when the House of Representatives itself, in March, 1879, provided for an extra month's pay to its session employés, and of course that being a matter which related only to the House of Representatives, and it being a Democratic body, the Senate did not resist that request of the House. They went avowedly upon the idea, which was incorrect, that the Senate employés were receiving greater compensation in the aggregate than were the House employés. The Senate, however, of course assented to the proposition that the House should have this increased month's compensation. That made the session employés of the House receive for the long session eight months' pay, and for the short session five months' pay. That went on in the House of Representatives, the Senate doing nothing about it until the 1st of July, 1879, when the House of Representatives not only provided for its session clerks and other employés to have an additional month's pay, but provided that the clerks and others borne upon the annual roll of the House of Representatives and receiving annual salaries should also have an extra month's pay. That the Senate disagreed to at first, but finally yielded to it in conference, and the House employés therefore were receiving for twelve months' work thirteen months' pay beginning in 1879 when the House first insisted upon that proposition.

So again on the 3d of March, 1881, in the sundry civil bill the House of Representatives again presented this proposition to the Senate of giving not only their session clerks an extra month's pay, but of giving their annual clerks an extra month's pay. At that session the Senate insisted that if the session clerks and annual clerks of the House of Representatives were to receive an extra month's pay, at least the session clerks of the Senate should have the same extra pay. That may have been wise or otherwise, but that was done. How was it done? The Committee on Appropriations refused to do it. They refused to put it in the regular bill, and the bill passed without the session employés of the Senate having an extra month's pay; but on the following day a resolution was introduced into this body by a Democratic Senator—I desire to speak plainly in reference to this matter—providing that the Senate employés borne upon the session roll should each receive an extra month's pay, and that was passed. It was a joint resolution. Of course it could not be done otherwise, and it promptly passed the House. Thus in 1881 we began in this body for the first time to appropriate for the session clerks an extra month's pay beyond that provided in the statutes of 1877, which provided that the sessions should continue for four months and seven months respectively during the long and the short term.

The same thing was repeated the next year, the House employés, both session and annual, getting a month's extra pay, and the Senate annual employés not receiving it.

The following year when the sundry civil appropriation bill came before the Senate it found in it a proposition from the House of Representatives again providing for an extra month's pay to the session clerks and to the annual clerks borne upon the rolls of the House of Representatives, including even their official reporters, who are borne upon the annual rolls of the House and receive a compensation of $5,000 each per annum. It included every officer and employé of every name and nature connected with the House of Representatives. Then that year the Senate of the United States—and I do not say what particular Senator or body of Senators is responsible for it—said it was a manifest injustice that men, a number of whom were receiving larger annual compensation in the House of Representatives for services performed by like employés of this body, should receive as annual compensation more than was paid to corresponding officers of the Senate, and also an additional month's pay, or pay for thirteen months. We said it was a manifest injustice to the employés of this body that not only their compensation should be less than that of the House employés, but that, in addition to that, we should consent that an extra month's pay should be paid to those borne on the annual rolls of the House. Therefore the Senate struck out this provision with an understanding, I may say, derived from the debates of this body, as will be seen by reference to them, that if the House insisted upon this provision the Senate should also insist upon a like provision. During that year—and I have the law before me—when it was first proposed that this extra month's pay should be paid to all of our employés, we incorporated into the law making the appropriation for this purpose a provision for a joint commission, in this language:

That a joint commission consisting of three Senators to be appointed by the presiding officer of the Senate, and three members-elect of the Forty-eighth Congress to be appointed by the Speaker of the House of Representatives shall during the recess of Congress consider the question of the salaries and compensation of the officers and employés of the Senate and House respectively and also the number of such employés necessary for the official transaction of the business of the two Houses, and shall report to the two Houses on the second Monday of December next their conclusions, with reference to the whole subject, and shall recommend legislation respecting the same if in their judgment any legislation is necessary.

That provision was made in 1883, because it was agreed that the expenditures of the two Houses were growing more rapidly than they should grow. That commission was appointed and selected and met, but it was absolutely unable to agree, and after a thorough and full examination its members reported to their respective Houses that it was impossible for them to agree. Since that time it has been the custom in both Houses to appropriate at the end of each session an additional month's pay to the employés of both Houses. That amounts in round numbers in this body to $20,000 per annum. It amounts in the House of Representatives to from $36,000 to $40,000 per annum.

It was in order that the Senate of the United States may overhaul this whole question that I proposed the resolution relating to the expenditures which has been adopted. If we can not have an agreement with the House, let us have some thorough understanding with respect to our own expenditures.

When we come to another item of expenditure which has been added in the last two or three years, an item of expenditure known as clerks to Senators, that is an expenditure amounting to $40,000 per annum. The Senators know how that was adopted, and with what tenacity Senators insisted upon that as being essential and necessary to the proper and legitimate conduct of the public business of this body.

I mention these matters now as a partial answer to the Senator from Nebraska why these appropriations have apparently grown within the last few years. They have grown up from the fact that clerks to Senators have been employed, they have grown up from the fact that the extra month's pay was forced upon us by the House of Representatives for four years before we placed our own employés on a par with this insistance on the part of the House of Representatives.

Now, it seems to me that it is timely and proper that we should con-

sider these questions and see whether or not we can reduce, as I am sure we can, both the number and, in some instances, the compensation of our employés.

But there is another thing I wish to call the attention of Senators to, and that is that it will not do to take the appropriations of 1875, 1876, and 1877 as a measure for the appropriations for clerks and employés of this body. It was the habit up to 1877 in this body, and to some extent since, to appropriate large contingencies in bulk so that the entire clerical labor force of this body did not appear as among the employés in the appropriation bills specifically appropriated for. These appropriations were made in bulk for contingent expenses of the Senate, and in that way the contingent expenses in those years prior to 1877 were very much larger than they are at this time.

For 1884, 1885, and 1886 every expenditure involving the compensation of an employé is drawn into the regular appropriations in the form of a clerk, or a messenger, or a watchman, or a laborer, so that while the roll has apparently grown largely in numbers, if you compare one appropriation bill with another, in fact the employés of this body have not been increased largely, except by the number of clerks to Senators and by the increase made necessary by the renting of the Butler building. There was an increase of some eight or ten made in 1879 for the convenience and proper conduct of the business of this body.

I agree with the Senator from Ohio in the desire that the Senate shall have force enough and that it shall have that degree of intelligence and competency in its force which will enable it to transact the great business of this body; but in order to secure that intelligence and degree of competency it is necessary that the men about us here shall have a reasonable compensation for the service they render.

I say then, Mr. President, if we look over the expenditures of this body, while I believe we can reduce them, I do not want to have Senators believe that we have doubled the expenditures in the last ten years, because we have done no such thing. I have shown you the details. There has been a considerable increase, and I have given you in the main the causes of that increase.

I might mention one other item, that is, the increase of the number of committees and the compensation paid to committee clerks. In 1877 we had but five annual committee clerks of this body. Now we have seventeen. Of course that involves an increased compensation for clerks of committees. That is a subject which can very well be revised by this special committee.

Now, I want to say one word in reference to the suggestions made by the Senator from Nebraska in another regard. As I stated before, since we have come into the habit of appropriating specifically for the employés of this body our contingent expenses have been reduced, not perhaps proportionately, but we have made special appropriations year by year for the purposes of investigating committees such as have been suggested in various resolutions before us. The appropriation of last year was $15,000, to which was added $15,000 more in a deficiency bill, making the expense of such investigations last year $30,000. The appropriation in the last legislative bill for committees making investigations for the next fiscal year is $25,000. I hope that all the committees that are making investigations will endeavor to bring their expenditures of every name and nature within the appropriation of $25,000 for the next year, and I believe this can be done.

Mr. VAN WYCK. Will the Senator allow me right there to ask him to state how many investigating committees were expending the money?

Mr. ALLISON. I can not say just at the moment.

Mr. VAN WYCK. I think my friend will find that the average of each committee was from $8,000 to $10,000. One committee expended about $25,000.

Mr. ALLISON. The Senator now refers to the Committee on Education and Labor. That committee entered upon a very large expenditure and a very large scope of investigation, as the Senator from Mississippi who sits before me [Mr. GEORGE], and who was an able member of that committee, well knows. They have published, I believe, or propose to publish four or five volumes. Every Senator for himself can judge of the utility or inutility of that investigation and examination; but that is the committee which has created the largest expenditure of public money, and I believe has expended in all, exclusive of printing, much less than $25,000. Whether that committee has performed its duty or not, I will not say. I suppose it has. I know that that investigation was requested by a very large body of men in this country and by a body of men that the Senate it seems to me ought to regard.

Mr. GEORGE. Will the Senator allow me a word?

Mr. ALLISON. Certainly.

Mr. GEORGE. The largeness of the expense caused by the Committee on Education and Labor was occasioned by paying for the summoning and examination of a large number of witnesses who were brought before them. Nearly all the expenditures made by that committee were occasioned in that way. I will undertake to say, without having made any special examination, that eliminating the expenses arising from the summoning of witnesses before that committee, the other expenses of that committee were of a very moderate character, as much so as those of any committee of a similar size who have ever been engaged in doing work for the Senate during vacation.

Mr. ALLISON. Mr. President, I did not intend to discuss in detail these questions but only to mention some of the circumstances under which the apparent increase of expenditures and the real increase has grown up. The Committee on Education and Labor perhaps spent the largest sum of money of last year's appropriation. The Indian Committee I suppose is the next largest in expenditure, and the chairman tells me that the expenditure was within $2,400, although they extended their examinations to a great number of Indian tribes, even going so far as to California.

So, Mr. President, it seems to me that while this re-examination is necessary, it is not a wise thing for us to improperly and improvidently carry to the country the idea that we are increasing rapidly and unnecessarily the expenditures of this body.

While I am up, I want to say another word, and that is that in the nature of things expenditures in certain departments of this Government will grow from year to year. I saw it stated very gravely in a newspaper the other day that the Forty-eighth Congress, in comparison with the Forty-seventh Congress that was Republican in both Houses, had saved to the people of this country more than $100,000,000. Mr. President, the appropriations of the Forty-eighth Congress, leaving out the appropriations for pensions, were in excess of the appropriations of the Forty-seventh Congress. The appropriations, leaving out those for pensions, made by the Forty-eighth Congress are nearly $8,000,000 in excess of the appropriations made by the Forty-seventh Congress.

I do not say this for any partisan purpose or in any partisan way. I do it for the purpose of calling the attention of the public to the fact that the Forty-eighth Congress, leaving out the appropriations for pensions, have authorized the drawing from the public Treasury of near $8,000,000 more than the Forty-seventh Congress which expired on the 3d of March, 1883, and I can give the absolute details of these appropriations showing the truth of what I say. So that when it comes from any quarter or whatever quarter it may, that the Forty-seventh Congress was an extravagant Congress because it was all Republican, and the Forty-eighth Congress was an economical Congress because it was half Democratic, I wish to make the statement that an examination will disclose the fact that, excluding pensions, the appropriations of the Forty-eighth Congress are, in round numbers, $8,000,000 in excess of the appropriations of the Forty-seventh Congress which adjourned on the 3d of March, 1883. The truth of this statement is verified by the following table:

Statement showing the appropriations, exclusive of pensions, made by the Forty-seventh and Forty-eighth Congresses—the Forty-seventh Congress covering the fiscal years 1883 *and* 1884, *and the Forty-eighth Congress covering the fiscal years* 1885 *and* 1886.

Title.	Forty-seventh Congress.		Forty-eighth Congress.		Total Forty-seventh.	Total Forty-eighth.
	Fiscal year 1883.	Fiscal year 1884.	Fiscal year 1885.	Fiscal year 1886.		
Military Academy	$335,557 04	$318,657 50	$314,563 50	$310,021 64	$654,214 59	$624,584 14
Fortifications	375,000 00	670,000 00	700,000 00	725,000 00	1,045,000 00	1,425,000 00
Consular and diplomatic	1,256,655 00	1,296,755 00	1,219,390 00	1,242,925 00	2,553,410 00	2,462,315 00
Navy	14,819,976 80	15,894,434 23	14,980,472 59	15,070,837 95	30,714,411 03	30,051,310 54
Post-Office	44,643,900 00	44,489,520 00	49,040,400 00	53,700,990 00	89,133,420 00	102,741,390 00
Indian	5,229,374 01	5 358,655 91	5,859,402 91	5,762,512 70	10,588,039 92	11,641,915 61
Army	27,258,000 00	24,681,250 00	24,454,450 00	24,014,052 50	51,939,250 00	48,468,502 50
Legislative, &c	20,038,000 65	20,454,246 22	21,393,141 85	21,376,708 70	40,492,246 84	42,769,850 55
Sundry civil	25,589,358 06	23,679,575 44	22,299,434 30	26,079,257 49	49,268,933 50	48,378,691 79
District of Columbia	1,695,998 04	1,700,697 23	1,686,743 27	1,716,643 46	3,395,795 27	3,403,386 73
River and harbor	18,738,875 00		13,949,200 00		18,738,875 00	13,949,200 00
Deficiency	9,689,951 10	2,749,941 49	7,057,509 00	4,926 855 80	12,439,892 59	11,984,364 80
Agricultural	427,280 00	405,640 00	480,190 00	585,790 00	832,920 00	1,065,980 00
Total	170,097,025 70	141,699,373 02	163,434,897 42	155,511,595 24	311,796,398 72	318,946,492 66
Miscellaneous	9,413,614 16	1,912,723 88	9,592,598 40	2,177,648 20	11,326,338 04	11,770,246 60
Grand total	179,510,639 86	143,612,096 90	173,027,495 82	157,689,243 44	323,122,736 76	330,716,739 26

Total appropriations, exclusive of pensions, Forty-seventh Congress $323,122,736 76
Total appropriations, exclusive of pensions, Forty-eighth Congress 330,716,739 26

Increase in appropriations made by the Forty-eighth Congress over the Forty-seventh Congress $7,594,002 50

PENSION APPROPRIATIONS.

Forty-seventh Congress, as follows:	
1883	$100,000,000
Deficiency	16,000,000
1884	*86,575,000
Total Forty-seventh Congress	202,575,000
Forty-eighth Congress, as follows:	
1885	†20,810,000
1886	60,000,000
Total Forty-eighth Congress	80,810,000
Increase Forty-seventh Congress over Forty-eighth Congress	121,765,000

*Also reappropriated and made available for 1884 an unexpended balance of $39,000,000.

†Also reappropriated and made available for 1885 an unexpended balance estimated to be $66,000,000.

A careful examination of this table in detail will show that the increase of the Forty-eighth Congress over the Forty-seventh is, in exact figures, $7,594,002.50.

While these appropriations may appear extravagant and excessive with reference to many departments of the Government, they were deemed by both political parties, Republicans and Democrats alike, as necessary for the faithful and successful conduct of the public business, and during the Forty-eighth Congress, so far as I know, there was no suggestion of distinction of party with reference to the economies of that Congress as compared with the prior Congress, which was wholly Republican.

Having said this much, Mr. President, I am willing that this resolution shall go over.

Mr. VEST. I should like to ask my friend from Iowa a question in that connection. I ask him if it is not the fact that the expenditures were largely increased in the Senate over the appropriations made by the House in the last Congress?

Mr. ALLISON. In some instances they were increased undoubtedly.

Mr. VEST. I ask him if the figures do not show that the increase was $16,000,000 on the general appropriation bills?

Mr. ALLISON. If the Senator desires to go into that, I am willing to go into it. The Senate of course did increase the appropriations and they surrendered appropriations. The House of Representatives wholly omitted many necessary appropriations—the House of Representatives wholly omitted to appropriate for necessary expenditures of this Government. Take for illustration, where there was no hostility or opposition: We had made a solemn compact and treaty with France that we would appropriate whatever sum should be awarded under that treaty by commissioners to pay the claims of French citizens. Those awards were $625,000 in all. It was not appropriated for at all in the House of Representatives; and yet the treaty required it; it was a solemn obligation that we should appropriate that sum.

In addition to that, in 1883 we made a treaty with Mexico whereby we agreed that the boundary line between Mexico and the United States should be marked anew from a certain point on the Rio Grande, I think from El Paso to the Pacific Ocean. We agreed that we would appoint commissioners to remark that boundary and set up new stakes and monuments, and there were commissioners appointed who reported $224,000 necessary to do the work, and the Secretary of State sent to us the urgent request of the Mexican Government that we should carry out that treaty stipulation, and he giving as reason therefor in addition that the boundary was undefined in many parts along this line as between the United States and Mexico, and that there were disputes constantly arising and that that boundary should be remarked. The Senate of the United States put in $224,000 for that purpose.

Thus I have given you in two items nearly a million of dollars that we added to the appropriations with reference to two international questions, and I might give you others. And yet are we to be charged with extravagance because we have put in these essential and necessary appropriations of public money which the public interest and our treaties with foreign nations required us to make? If the Senator wants to reargue the additions made in the Senate over the original appropriations made by the House of Representatives in detail, if he specifies any single item of extravagance I will be able, as chairman of the committee, I hope to give him at least the reasons why the appropriations were enlarged in the Senate.

But I was not speaking of partisanship in either body. I am glad to say that I do not know of any such thing as partisanship in the Senate with reference to appropriations. The Senator does not know of any such thing, and I would not now speak of this question if I did not believe that there was a public misapprehension with reference not only to the character of our public expenditures, but to the necessity of many of the appropriations we make from year to year.

Mr. BLAIR. I should have no reason for taking part in this debate save for the allusion that has been made in the remarks of the Senator who has just taken his seat to the investigation, which is not yet fully concluded, that has been under the conduct of the Committee on Education and Labor. That investigation was ordered in the year 1882. The original resolution calling for the investigation was introduced by the honorable Senator from Alabama [Mr. MORGAN], whom I now see in his seat. It was somewhat limited in its scope. It seemed to be directed mainly at a development characteristic to some extent of the manufacturing industries of the North, an occasional development. I have reference to the matter of strikes.

It was thought, as that resolution was referred to the Committee on Education and Labor for consideration before action by the Senate, that it would be well to enlarge its scope so that the investigation, if conducted at all, should have a comprehensive and appropriate reference to the interests of labor generally and so that all systems of labor, at the South as well as at the North, should be the subject-matter of appropriate investigation and consideration. Accordingly the resolution was so enlarged in its scope as to embrace the subject-matter which I have indicated, and as thus enlarged the investigation was ordered I think by a unanimous vote of the Senate, substantially so at all events; and the committee entered upon its labors.

I wish now to say that since that time that committee has, as I state from an examination of the work done by the various investigating committees of this body, as far as any trace of it can be found, performed more labor by at least 100 per cent. for the same amount of expenditure than ever has been performed by any other committee of this body or of the other body in my belief, certainly of this. The committee has been exceedingly careful and prudent in the matter of its expenditures. So far as the personal expenditures of members of the committee are concerned, they have not drawn on the resources at command as deeply as they would if they had been engaged in their own private personal business, and anybody can satisfy himself in regard to that by an examination of the vouchers on file.

So far as the expenditure of money for the summoning of witnesses is concerned, which has been alluded to by the Senator from Mississippi [Mr. GEORGE], himself a member of the committee, very careful discretion was exercised by the chairman in that regard. It was, of course, necessary to examine a large number of witnesses coming from or representing all portions of the country. That was contemplated by the resolution itself, and in the discharge of our duty, as we understood it, that was an indispensable thing to be done. As an example of the effort of the committee to avoid expense in that regard, I will state one or two instances, one particularly.

Of course the testimony of the leaders of the various labor organizations of the country was necessary. We found that a national, almost an international convention of the leaders of these various societies was to be held in the city of New York. These leading men were to be assembled from all parts of the country and from Canada. We took advantage of that opportunity, and thus saved what is the principal source of expense, as we all know, in the summoning of witnesses, we avoided the mileage of those witnesses, and thus obtained a thousand pages at least of indispensable and valuable testimony direct and pertinent to the subject-matter at a very slight expense to the Government. What was done in that instance was aimed to be done in all cases.

Testimony was taken in the city of New York, in the city of Boston, in the city of Manchester, N. H.; in the city of Birmingham, Ala.; in Augusta, and in Columbus, Ga. Witnesses in this way were obtained from all portions of the country, including the Mississippi Valley and the Pacific coast as well as along the lines of the great lakes.

The committee did its principal work in the way of gathering testimony in the year 1883. The testimony thus taken aggregates somewhere between 4,000 and 5,000 pages of printed matter. It comes from witnesses who are representatives of all classes in society, of all the interests of society, and especially those who would be likely to be well informed on all questions touching the social and industrial development of our people. Whoever takes pains to read that testimony or to read any considerable portion of it will be willing to admit that upon the problems which are involved in the good of our people valuable information is there to be found, such as the committee was directed to obtain by order of the Senate.

Incidentally I may say that whoever has occasion to study the topic which is now so prominently before the Senate and before the country, that of interstate commerce, the great transportation problem, will find the views of the most important and reliable witnesses in this country, and the facts bearing upon the problem have never been more fully, carefully, completely, or comprehensively stated than they are to be found in that testimony. Mr. Albert Fink has never before any other committee of this or any other body or in either a public or private capacity, to my knowledge, and I have read the most that he has said, stated the transportation problem and his views from his standpoint so comprehensively as in his testimony before that committee. He had notice, he had time; and the committee upon interstate commerce would do well to study the transportation problem from his standpoint in his testimony before the Committee on Education and Labor.

On the other hand we found in the State of Georgia, what may be new to the Senate, it was certainly so to me, the only State railroad commission that I know anything about—and there are twenty or thirty of them in the country—which has any real power and which in the matter of regulating fares and freights and public accommodations to be furnished by corporations to the people exercises any force emanating from the sovereignty itself. We took the testimony while there of the chief of that commission, and there is a large amount of valuable data given from the standpoint of a commission which has actually had

power and has exercised that power from a governmental standpoint in relation to fares and freights and the general management of corporations, the accommodations that they shall give to the public in the matter of transportation and accommodation at depots, and all that sort of thing. That was of course an important topic as bearing upon the condition of the industrial classes as well as of all classes in this country.

The food problem has been thoroughly discussed by witnesses who know something in regard to it. I might go on extensively and indicate to the Senate directions in which they might find valuable information, and information pertinent to the inquiry which the committee was ordered to make.

I may say further that it was a labor not of the day alone but of the night, performed by the committee under the hostile criticism of the press of the entire country, and yet it was a work to which that committee can now point as the initiatory step, the commencement of the movement which has culminated in giving to the people of this country a Labor Bureau, which is now fostered and kindly fostered by both political parties, so that this very year an appropriation of $35,000 has been made in order that it may commence its work; and it was the initiatory movement, too, as I believe, of most of that legislation to which members on both sides of the Senate give very close attention in these days, bearing upon the general, the more free and equal applications of the great principles of philanthropy and of Christianity to the condition of the races of our people.

Having said this much with reference to the work of the committee, I wish to state something further and something definite in regard to what it has cost. The Senator from Iowa says that this committee is the one which occasioned the great increase of cost so far as the matter of investigations is concerned. Let me state what it has cost up to this date, and it is substantially true. Two thousand dollars, and probably $1,000, will complete everything further that it proposes to do.

For the expenses of its members and the taking of this vast amount of testimony upon this great variety of subjects, that committee has paid out less than $13,000 of the public money for the summoning of witnesses and paying their attendance before the committee, for the personal expenses of the committee in transportation, in board, and in everything that appertains to the expenses of an investigating committee. Beyond that, there has been paid a sum which I take in round numbers from the stenographer of the Senate to be $9,000, to whom the committee committed the whole charge of the subject of reporting the testimony, which, of course, if the testimony was to be printed, as it has been, was an exceedingly important work. There has been paid out under the direct superintendence of the Reporter of the Senate some $9,000. A subcommittee was appointed from the general committee, consisting of the Senator from Rhode Island [Mr. ALDRICH] and the Senator from New York [Mr. MILLER], who were to obtain certain statistics bearing upon the relative wages of laborers in this and foreign countries, and the wages of working people in different portions of our own country.

That was an investigation which they conducted upon their own account, the results of which I have never seen any further than to approve the expenditures. Their expenditures will not be over $2,000 or at most $2,500, and are included in the $13,000 which I have already stated as the aggregate of the amount paid out for the personal expenses of the committee and the summoning of witnesses. Beyond that is the matter of the stenographic fees which the Reporter says to me in a note amount to about $9,000 already expended, and which at the utmost can not possibly be swollen above the amount of $10,000 at the outside when the whole work shall have been concluded. Thus there has been so far an expenditure by that committee doing this vast amount of work not exceeding $23,000, and the whole will be brought inside of the sum of $25,000.

Beyond this, which is not a part of the expenditures of the investigating committee, there is the further circumstance that upon an examination of the evidence by the members of the House and Senate a law was passed requiring it to be printed. The cost of printing that testimony, an edition of some 25,000 copies to be distributed throughout the country, if it were bound as the Agricultural Reports are to be bound, in five volumes, the fifth volume remaining to be completed, by the computations relied upon by the Senate committee and the House committee, would be about $60,000. The law as it was passed was with the understanding on the part of the House committee that those volumes should not be bound in the style of the Agricultural Reports, so that the cost of binding will be reduced I have no doubt by something like $20,000; I can not tell exactly how much. I anticipate that the entire cost of printing the edition will not be over $40,000.

Every year we are expending for the printing of the Agricultural Reports from $160,000 to $200,000, as I am informed by members of the Committee on Printing, and sometimes we expend more. This report of the Committee on Education and Labor, in its general distribution throughout the country, will reach quite as large a circle of interested people as are accustomed to rely upon the publications of the Agricultural Department. There are from 20,000,000 to 30,000,000 people in the United States interested in this subject-matter, for whom there never has been any expenditure before, either in the way of an investigation or in the way of a publication at the expense of the country in which they felt themselves specially interested.

Having said this as to the absolute expenses of the committee, I wish in this connection to give to the Senate and to the country a little data which I have had collected by the financial clerk of the Senate in regard to the expenditures of this body in years previous in this direction and up to the present time. I am unable to give the Congresses which ordered these investigations. Some of them extended, as this one has done, to more than one Congress, but they are all since the war. The financial clerk of the Senate wrote to me as follows:

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
FINANCIAL ROOM,
Washington, October 9, 1883.

SIR: Your favor of the 8th instant received. To give you the gross amount of expenditure of each of the investigating committees of the Senate since the war closed would require about a week's work, as many of these expenditures are scattered through the appropriations for miscellaneous items for the several fiscal years.

I inclose you a statement of some of these expenditures which I had prepared for a Senator some time ago. If this will answer your purpose, please inform me.

Respectfully,

R. B. NIXON.

Hon. H. W. BLAIR,
Manchester, N. H.

The first in the list is the Joint Select Committee on Alleged Outrages in the Southern States, the cost of which committee and its investigation was $80,419.95. That does not include, as I understand it, any expenditure for printing an edition of the result of their labors as does the estimate for the Committee on Education and Labor, the expense for printing its report being some $40,000 while the entire expense of collecting the material and making the report will not exceed $25,000. I say the Joint Select Committee on Alleged Outrages in the Southern States expended $80,419.95, not including the expense of publishing its report. The other items furnished by the financial clerk are:

Committee on Privileges and Elections, to inquire into certain charges of bribery and corruption in connection with the recent Senatorial election in Kansas	$18,210 79
Joint select Committee on Retrenchment	3,692 40
Expenses of investigations in regard to elections in Louisiana, Kansas, and Arkansas	13,369 13
Committee on Privileges and Elections in investigating the Kansas Senatorial election	21,994 90
Select Committee on Investigation and Retrenchment	13,039 55
Committee to inquire into certain allegations against Hon. Powell Clayton	5,628 12
Committee on Privileges and Elections in investigating Louisiana elections in 1872	5,539 20
Committee to inquire into the sale of ordnance stores	4,522 95
Committee on Transportation Routes to the Seaboard	9,320 77
Committee on alleged frauds in elections, 1879	21,822 53
Committee to investigate the books, accounts, &c., of the Treasury Department	11,202 25
Select committee on the exodus of the negroes from the Southern States (about)	82,000 00
Copiah investigation	8,989 69
Danville investigation	8,359 57

Making $17,349.26 for the Copiah and Danville investigations.

I think it is well enough that these items should be understood and studied and digested by Senators who have the impression, if there are any such, that the Committee on Education and Labor in its investigation is the source of all their woes. I apprehend that in the end it will be found that it has done as much for as little money as any committee which has ever been established by this body and intrusted with the duty of investigation. Whether it shall continue and complete its labors is of course a matter which comes under the scope of the resolution offered by the Senator from Nebraska. As I said before, when the resolution continuing the investigation passed the Senate it only asked for the opportunity of completing its labors. It was authorized to do so during the last fiscal year, and failed to do it because of the illness of the chairman. The expenditure is substantially over. God knows I should be glad to be relieved of any additional labor, and if the action of the Senate is such as to cut off any further work on its part, I shall be thoroughly satisfied and abundantly relieved.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair will state that there is no question before the Senate, the resolution reported by the Senator from Nebraska [Mr. VAN WYCK] having under the rules gone over.

Mr. PLUMB. Before the subject which has been referred to by the Senator from Iowa [Mr. ALLISON] passes out of mind, I wish to say that I have observed a disposition on the part of the Senate, while asserting the right to control its own force both as to numbers and salaries, to follow the House of Representatives in any increase which the House saw fit to make of the salaries of the members of its force. I have never myself assented to that proposition. I regard it as subversive of the independence of the Senate, of all true ideas of economy, and of every principle of legislative propriety.

One question which I think the Senate ought to study is the number of its employés and the proper salaries to be paid to them with reference to the duties which they do and entirely without reference to anything which the House of Representatives may do about its force, either as to numbers or as to salaries. I think I could show, if I were disposed to go into it, that the large portion of the increase of the ex-

pense of the Senate in regard to its employés of late years has grown out of the apparently insane desire to see that the House did not get its fingers into the Treasury in regard to its employés unless the Senate was there too.

When this committee is formed I hope that the committee will go at this question of the Senate employés with reference to a desire only to discharge honestly the obligation which the Senate as a body owes to the country in regard to that control which it asserts concerning the expenditure of public money with reference to matters which are pertinent either to the convenience of Senators or the dispatch of public business in which the Senate is concerned, and that it will separate itself wholly and entirely from any dependence upon the House with reference to the numbers of employés or with reference to salaries or anything else, leaving the House to be extravagant or economical as it sees fit, the Senate maintaining itself upon its own basis as it ought with reference to the expenditure of that money which it controls.

SENATE SEAL.

Mr. FRYE. I rise to call up a resolution reported by the Committee on Rules some days ago touching preparing a seal for the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Rules be directed to prepare an official seal for the Senate of the United States, and that the expenses of the same be paid out of the contingent fund.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. MCMILLAN. Will the Senator from Maine state the object of the resolution?

Mr. FRYE. The Senate is without any official seal. There is a legend of one, three women very slightly clothed, but it is only a legend. The Secretary of the Senate is annoyed a great deal by requests that the seal may be attached to papers. He is very desirous that there shall be a seal, and it seems to the Committee on Rules that there ought to be one. I take it it will cost about $100.

The resolution was agreed to.

EXECUTIVE SESSION.

Several messages in writing of an executive character were received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two minutes spent in executive session the doors were reopened, and (at 2 o'clock and 30 minutes p. m.) the Senate adjourned.

WEDNESDAY, *April* 1, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CONDITION OF GENERAL GRANT.

The VICE-PRESIDENT. The Chair has received several dispatches touching the failing health of General Grant. Is it the pleasure of the Senate that the Secretary shall read them?

Mr. SHERMAN and others. Let them be read.

The Chief Clerk read as follows:

About 5 o'clock this morning great unfavorable change occurred in General Grant's condition. Rev. Dr. Newman hurriedly sent for. It is believed the end is near. Family summoned to the sick room.

At 6.55 this morning ex-Senator Chaffee left General Grant's house. He says the General is very low and is conscious that he is dying. The doctors say he may last the day out.

At 9 o'clock General Grant is growing weaker. The throat is thickening, but the main trouble is with the heart. The doctors say he may die at any time.

Senator Chaffee states that the sudden weakness of General Grant this morning was the result of an affection of the heart. It is understood now (10.45 a. m.) that the General has entirely lost the power of speech.

NEW YORK, 11.40 a. m.

General Grant still alive, but sinking fast.

TELEGRAPH CONTRACTS.

The VICE-PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, in response to a resolution of the 20th instant, the contracts between the Union Pacific Railroad Company and the Western Union Telegraph Company; which, with the accompanying papers, was referred to the Committee on Railroads, and ordered to be printed.

SENATE EMPLOYÉS AND EXPENSES.

Mr. SHERMAN. I move that the Vice-President be authorized to appoint the committee ordered by the Senate by its resolution of yesterday in regard to the number and pay of the employés of the Senate.

The VICE-PRESIDENT. If there be no objection it will be so ordered. The Chair will appoint the following committee pursuant to the order just made: Senators ALLISON, PLATT, PLUMB, MILLER of New York, COCKRELL, HARRIS, and PAYNE.

FREDERICK W. STEIGELMAN.

Mr. SHERMAN. I offer for adoption a resolution, which is in the ordinary form, on the death of an employé of the Senate, allowing six months' pay. I ask that it be referred to the Committee on Contingent Expenses.

The resolution was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to the widow of Frederick W. Steigelman, deceased, late mail-carrier in the post-office of the Senate, the sum of $600, being an amount equal to six months' salary as mail-carrier aforesaid, said sum to be considered as including funeral expenses and all other allowances.

REPORT OF POST-OFFICE COMMITTEE ON POSTAL TELEGRAPH.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Delaware [Mr. SAULSBURY].

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. SAWYER. I hope the Senator from New York will withdraw the motion and allow the resolution to pass.

Mr. MILLER, of New York, I do not see the Senator from Delaware in his seat.

The VICE-PRESIDENT. The Senator from New York moves that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session the doors were reopened, and (at 1 o'clock and 2 minutes p. m.) the Senate adjourned.

THURSDAY, *April* 2, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read.

Mr. HOAR. I notice that in journalizing the motion made by the Senator from Ohio [Mr. SHERMAN] yesterday that a special committee authorized by a resolution of the Senate be appointed by the Chair, the Journal recites the motion and the vote as a motion that the committee should be appointed "by the Vice-President." I understand that under the Constitution the Vice-President is President of the Senate, and that it is in his capacity as President of the Senate that this particular authority is intrusted to him. If the chair had been vacated for a day and a President *pro tempore* appointed, that authority would have passed to him under the vote of the Senate, although the office of Vice-President would not of course have devolved upon him.

I merely call attention to the fact. I think in future the distinction should be preserved in the Journal.

Mr. SHERMAN. I do not know what the precedents are in the past. I think the suggestion of the Senator from Massachusetts is a correct one and conforms to the old custom, but I am not sure of that.

The VICE-PRESIDENT. The Secretary of the Senate informs the Chair that the custom is uniform in accordance with the present Journal.

Mr. HOAR. I do not ask any change in the Journal, but I think the custom should be changed. If the Journal Clerk has inadvertently fallen into such a custom, whether it is recent or remote, I think in future it should be changed. The practical importance of the question is what I have stated. If the authority be conferred upon the President of the Senate, it devolves upon anybody who holds the office of President of the Senate, temporarily or permanently, and I do not understand that the Senate can confer under the Constitution any additional authority upon the Vice-President in his capacity as a high officer of the Government, except so far as he is President of the Senate.

Mr. FRYE. The rules recognize him as presiding officer always.

Mr. HOAR. Always.

The VICE-PRESIDENT. Unless there be objection the Journal as read will be approved. [A pause.] It is approved.

CONDITION OF GENERAL GRANT.

The VICE-PRESIDENT. The Chair has received additional bulletins in regard to the condition of General Grant. If it be the pleasure of the Senate they will be read.

The Chief Clerk read as follows:

NEW YORK, *April* 2—11 o'clock a. m.

The following has just been issued:

"The General is now resting easily on his couch, only Harrison, his colored servant, being in attendance. He has rallied considerably within the last hour, and there is now said to be no danger for several hours at least."

NEW YORK, 11 o'clock and 20 minutes a. m.

General Grant is failing rapidly.

CHEROKEE INDIAN APPROPRIATION.

The VICE-PRESIDENT. The Chair will lay before the Senate the resolution submitted on the 31st of March by the Senator from Delaware [Mr. SAULSBURY].

Mr. MORGAN. Before that is taken up I ask leave to offer a resolution.

The VICE-PRESIDENT. The Senator from Alabama offers a resolution which will be read by the Secretary.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish for the information of the Senate copies of all papers and correspondence filed in his office since the 4th day of March, 1885, relating to the appropriation of $300,000 for the Cherokee Nation of Indians and the alleged misappropriation of a portion thereof.

Mr. MORGAN. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of the resolution.

Mr. SHERMAN and Mr. INGALLS. Let it be read again.

The VICE-PRESIDENT. It will be again read.

The resolution was read.

Mr. INGALLS. Let that lie over until to-morrow.

The VICE-PRESIDENT. There being objection, the resolution will lie over until to-morrow.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty-three minutes spent in executive session, the doors were reopened.

FINAL ADJOURNMENT.

During the executive session,

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two Senators be appointed by the Chair to wait upon the President of the United States and inform him that, unless he may have some further communication to make, the Senate is ready to adjourn without day.

The VICE-PRESIDENT appointed Mr. HOAR and Mr. CAMDEN the committee.

Mr. HOAR subsequently said: Mr. President, the committee appointed by the Senate to wait upon the President of the United States and inform him that, if he have no further communication to make, the Senate is ready to adjourn, were about to obey the instruction of the Senate when they received from the private secretary of the President a communication to the effect that the President had instructed him to say to the committee of the Senate formerly appointed that he had no further communication to make and knew no reason why the Senate should not adjourn after disposing of the nominations already made. The committee being of opinion that it is unnecessary to take any further steps in obedience to the instruction of the Senate, will consider themselves discharged unless the Senate shall otherwise order.

FREDERICK W. STEIGELMAN.

Mr. CHACE (after the doors were opened). I ask leave to report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution referred yesterday and recommend that it be passed.

The VICE-PRESIDENT. The Senator from Rhode Island reports from the Committee on Contingent Expenses a resolution which will be read.

The Chief Clerk read the following resolution submitted yesterday by Mr. SHERMAN:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to the widow of Frederick W. Steigelman, deceased, late mail-carrier in the post-office of the Senate, the sum of $600, being an amount equal to six months' salary as mail-carrier aforesaid, said sum to be considered as including funeral expenses and all other allowances.

Mr. CHACE. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

REPORT OF POST-OFFICE COMMITTEE ON POSTAL TELEGRAPH.

The VICE-PRESIDENT. The Chair will lay before the Senate a resolution offered by the Senator from Delaware [Mr. SAULSBURY] on March 31.

The Chief Clerk read the resolution, as follows:

Resolved, That the Public Printer be, and he is hereby, directed to omit from the bound copies of Senate reports the paper purporting to be part 3 of Report No. 577, first session Forty-eighth Congress, said paper not having been prepared under the authority of said committee or printed by its direction.

Mr. SAULSBURY. In the debate that was had the morning when I introduced that resolution there were perhaps some remarks made which might seem to reflect on the late clerk of the committee. He has placed in my hands an affidavit which discloses his connection with the transaction, and I ask that this affidavit of the clerk may be read. I desire to say that the service of Mr. Fox, while clerk of the Committee on Post-Offices and Post-Roads for a number of years, impressed me favorably with his integrity and intelligence, and I do not believe that he has done anything but what in his judgment he believed to be perfectly right. I ask therefore that his affidavit may be read.

The VICE-PRESIDENT. The paper will be read if there be no objection.

The Chief Clerk read as follows:

WASHINGTON, D. C., *April* 2, 1885.

To the Senate of the United States:

Having noticed by the CONGRESSIONAL RECORD containing the proceedings of March 31 that after the resolution of the Committee on Post-Offices and Post-Roads to suppress part 3, Report No. 577, on the postal telegraph had been laid before the Senate, and the matter explained by members of the committee, a Senator expressed himself as understanding that the statements of the members of the committee were to the effect that the document was a "total fabrication" and that "it was never seen by any member of the committee," I deem it in the interest of truth and but just to myself that I furnish the following statement to your honorable body:

Part 3 of Report 577, in question, consists:

1. Of the questions propounded to the president of the Western Union Telegraph Company during the progress of his examination under several resolutions of the Senate. These questions were omitted from part 2 of the report by an oversight and are necessary to the intelligent reading of the testimony.

2. Of about sixty extracts from newspapers, about thirty from papers in the Associated Press, and about thirty from papers outside the Associated Press, intended to show "the action of the Associated Press in furnishing reports of the Presidential election November, 1884," these extracts are plainly designated as "press comments," are properly credited to each newspaper, and, like the matter contained in part 2 of the report, are appendixed to the report proper. They pertain to the "free and independent use of the telegraph by the press," which subject the committee was directed to inquire into by the resolution of Mr. PLATT, January 29, 1884.

During the second session of the Forty-eighth Congress I was instructed by the chairman of the committee, Mr. Hill, to prepare the above material for the Printer, which was to form an appendix to the report already printed. I had informed the chairman that it was customary when the chairman of a committee made a report on a subject of special interest to himself, for the committee and the Senate to allow him to prepare the report in his own way and time, so long as the important conclusions of the report were concurred in by a majority of the committee. I still believe that advice to be well founded. I proceeded with the work of arranging and copying as I had time between my various duties as clerk of the committee; but when the adjournment of Congress approached it found me with the work uncompleted. On the 3d or 4th of March I mentioned the fact to the printing clerk, in the office of the Secretary, and told him I would like to have the copy sent over to the Printer at my convenience after the 4th of March. I had always transacted such business with this clerk, known as the printing clerk in the Secretary's office, and supposed he had entire charge of such matters. I was not referred to any other department of the Secretary's office, but given to understand that my request would be attended to. About the close of the next week I had the copy ready for the Printer. As the materials furnished me only required copying and arranging I did not deem it necessary to submit the copy when prepared to Mr. Hill; and about 2 or 3 p. m. on the 14th of March (not the 16th) I took the same to the Secretary's office, intending to deliver it to the printing clerk, Mr. Bartlett. Not finding him there, and being unable to learn his whereabouts, I left it on his desk with the request in writing that he would send it to the Printer, have two hundred extra copies printed for the use of the committee (as had been done with all previous prints), and have the proof delivered to me for correction. The requisition shows that the copy was sent to the Printer on the 16th of March. I received the proof some days after.

Journal Clerk Spencer, in his report of March 30, to the Committee on Post-Offices and Post-Roads, states that—

"On the 16th of the present month it seems Mr. Fox, clerk of the Committee on Post-Offices and Post-Roads, came to Mr. Bartlett, who has charge of the miscellaneous printing and binding for the use of Senators and committees on requisition of the Secretary of the Senate, and asked for a requisition to print for the use of the committee two hundred extra copies of a document which Mr. Bartlett did not closely examine."

This statement is not correct, as I have shown above, and conveys a wrong impression. Had it been intimated to me by any one in the office of the Secretary, as might have been done at any time between the 3d and the 16th of March, that what I requested was unusual or irregular, it could not have been done and I would not have asked it.

In the same report of Journal Clerk Spencer prominence is given to the fact that the "heading" placed by me upon the manuscript copy was "the usual heading placed by Mr. Williams, the bill clerk, on reports ordered printed by the Senate." It is stated also that the other clerk, Mr. Bartlett, "assumed from the heading of the document that the transaction was regular," and also that "the authority of the Printer for the composition and printing of the regular number is the heading of the document." Such statements are calculated to convey the idea that there is a peculiar heading used in the Secretary's office by the use of which, in this instance, an appearance of regularity was given to the document, the printing clerk disarmed, and the Public Printer deceived, when, as a matter of fact, no such peculiar heading exists. The heading I used was merely one torn from an old print in the committee-room to save that much writing.

Trusting that the above statement of facts will aid the Senate in properly disposing of the matter, and relieve me of any suspicion of improper conduct,

I am, yours, very respectfully,

GILBERT D. FOX,
Late Clerk of Committee on Post-Offices and Post-Roads.

WASHINGTON CITY.
District of Columbia, ss:

Subscribed and sworn to before me this 2d day of April, 1885.
[SEAL.]
R. B. NIXON,
Notary Public.

The VICE-PRESIDENT. What action shall be taken on the communication? Shall it lie on the table?

Mr. SAULSBURY. Let it lie on the table.

The VICE-PRESIDENT. Does the Senator desire it to be printed?

Mr. SAULSBURY. No, sir.

The VICE-PRESIDENT. The communication will lie on the table. The question is on the resolution submitted by the Senator from Delaware [Mr. SAULSBURY].

The resolution was agreed to.

PERSONAL EXPLANATION.

Mr. CALL. Mr. President, at all times the man who willfully and maliciously bears false witness against another, the assassin of charac-

ter, has been regarded as an outlaw and unworthy of the association or the notice of respectable and honest people. An instance of this kind of person is to be found in the writer, whoever he may be, of an article published in the Brookville Register, a newspaper published in the town of Brookville, Fla., which is as follows:

SENATOR CALL SAYS IT SMELLS BAD.

The old battle-scarred soldier of the Seminole war (the payment for whose services has been due and unpaid for thirty years) as well as the owners of the scrip, must feel as if an icicle had passed down their backs when the testimony before the Indian war committee brought out the fact that Senator CALL did all he could to prevent the payment, going so far as to characterize the matter as a fraud, and saying that it smelt badly, thus defeating the measure, while other States, whose Senators have labored to secure the rights of their citizens, have long since secured payment of similar claims.

The Legislature that made Senator CALL a Senator passed resolutions setting up the justice of this claim. Then, in pronouncing it a fraud and denominating it as smelling badly, he assails the character of the men who made him as well the owners of the same, who depended upon him to see justice done them. Yet in his testimony he does not know even the nature of the claim, except as it appears from others. "It smells badly." This may appear a little rough, but the committee drew out these facts, and the majority of this committee were his friends, and he was before them and did not deny the charge, failing to do which he stands as admitting the same, self-convicted.

If ever a claim was a just one this one is, and we will say to Senator CALL, the right man is after you, and you shall work under the lash, and this claim, so just and so long deferred, shall be settled. It is the only great claim Florida has ever had and amounts to nearly $1,000,000.

Moneys due the State, also the school fund, are by the United States Government being wrongfully covered into the United States Treasury to the extent of $100,000, which is filled to overflowing, and our State and schools are a direct burden upon the people. All this because of an apparent showing of indebtedness on the part of the State.

Next week we will publish this evidence in full for the benefit of our readers. CALL is our Senator, and as such entitled to our support when right, but no man can expect this when he is wrong.

This great claim is largely owned in this and other Southern counties by men who took it many years ago as cash, never dreaming it smelt bad, who have warmly indorsed CALL as a man, and they must find it hard to believe their hearty love and support of him should leave it possible for him to pay them thus. Our columns are open to CALL or any friends who choose or can explain.

This is a subject of some interest to the people of Florida, and the object of this malicious and false statement is to injure me in the good opinions of the people of that part of the State, and as the article is a willfully false statement of the action of Congress and my own action on the subject, I take this occasion in my place in the Senate to correct it and brand the falsehood and its author.

In the first place, it is a falsehood that I ever said the claim "smelled badly;" in the second place, it is another falsehood that I either defeated it or had anything to do with defeating it, as the letters herewith presented from Governor Bloxham, Senator HAMPTON, and Senator JONES will show the people of the State. All this the writer of this shameless article must have known. In the third place, there never was any claim before Congress out of which it was proposed to pay the Indian war soldiers or the holders of scrip one cent except the bill herewith presented which I introduced, being a bill requiring that this money when paid to the State shall be appropriated by the State to the payment of the Indian war soldiers instead of going into the pocket of Mr. S. I. Wailes, the State agent, as the journals of Congress will show; also providing for the payment of the unaudited and unpaid claims of soldiers and of the unpaid Indian war scrip.

The bill intended to be referred to in this article in the Register was a bill by Senator JONES which was reported favorably by Senator HAMPTON, of South Carolina, to reimburse the State for its expenditures on account of Indian war hostilities, not to pay the soldiers and the scrip owners. This bill was defeated and laid over, not by me, but by Senator JONES at Governor Bloxham's request, because Governor Bloxham found out, and so wrote to Senator JONES, as his letter here published will show, that of the $92,600 proposed to be paid to the State in money Mr. S. I. Wailes claimed about $62,000 under an alleged contract for collecting the claim, with which he had just as little to do as the writer of this shameless article has with the truth. The bill, therefore, would have been, if it had then passed, a bill to rob the Indian war soldiers, and the scrip-holders, and the State, for the benefit of Mr. S. I. Wailes. However this may be, I had nothing to do with it. Governor Bloxham's letter was not addressed to me, but to Senator JONES, and it was Senator JONES who stated the fact to the Senate, and not me. I heartily approve his action in the premises, and had the letter been addressed to me should have done as he did; and the action of my colleague was, and the effect of the bill I introduced would have been to prevent the robbery of the Indian war soldiers and the scrip-holders, and to defeat a fraudulent claim against the State for $62,000. At every session since I have been in the Senate, as the records will show, I have introduced bills and made speeches for pensions to the Florida Seminole war soldiers and for bounty lands to them, and I have introduced a bill for the payment of the scrip and of the soldiers with the money to be paid the State, and it will take something more than this unblushing falsehood to rob me of this just reputation in the minds of the people of South Florida.

Governor HAMPTON has made this statement before through the correspondent of the Times-Union, so there is no excuse for the willful falsehoods of the Brookville Register. The press is one of the most honorable and useful agencies of modern time, and the men who are connected with it are many of them the highest type of citizens and men of learning and character. They owe it to themselves and the country to purge themselves of the despicable creatures who make a business of falsehood and slander.

Senator CALL had nothing to do with the defeat of the resolution to pay the State of Florida $92,600 to reimburse Indian war expenses. I asked that it be laid over at Governor Bloxham's request. See his letter.

The resolution had nothing to do with the payment of scrip or the Indian war soldiers. It was to reimburse the State for expenses already incurred, and at the suggestion of Governor Bloxham it was recommitted to the Committee on Military Affairs with the hope that a more favorable settlement could be obtained.

C. W. JONES.

UNITED STATES SENATE, *Washington, D. C., March* 31, 1885.

MY DEAR SIR: I have seen an article from the Brookville Register reflecting on you "for defeating," as it says, the joint resolution providing for the payment to the State of Florida the expenses incurred in the suppression of Indian hostilities in the Seminole war. In justice to you I must say that you did not defeat, nor prevent in any way, the passage of this resolution, and the Register is utterly mistaken in the statement about this matter. The resolution was reported from the Military Committee by myself and was recommitted to the committee on the request of Senator JONES, who acted in pursuance, as I understood, of a letter from Governor Bloxham, asking that the resolution should not pass in its present form.

I am, very truly, yours,

WADE HAMPTON.

Hon. WILKINSON CALL.

EXECUTIVE OFFICE, *Tallahassee, Fla., April* 11, 1884.

DEAR JONES: Your favor of the 7th has been received and considered. After advising with many members of our State government, I sent the telegram about the Indian claim. Now, my dear Senator, I will give you our reasons according to the settlement proposed in the Hampton report. The State would receive the difference between the $224,000 allowed by the Secretary of War and the 132,000 of our bonds held by the Indian trust fund, or $92,000 in cash and our 132 bonds.

Governor Drew made a contract with Mr. Wailes to allow him 15 per cent. I supposed, when we assented at last Congress, that it was 15 per cent. upon the money we received. But Mr. Wailes claims the 15 per cent. on the money, and on the 132,000 bonds and on the interest due on those bonds or the coupons representing said interest. When in Jacksonville last February Mr. Wailes and myself called on Governor Drew and he interpreted the contract as Mr. Wailes did. Now take $132,000 in bonds, interest on same $240,000, and $92,000 in cash, making $464,000 upon which Mr. Wailes would claim 15 per cent. interest, you see at once, after deducting his commission from the cash we receive, there would be but an insignificant sum to turn into the treasurer. It would be too small to be satisfactory. I think it had better go over than, practically, for all we receive in cash to go in the shape of commissions.

Believe me, your friend, truly,

W. D. BLOXHAM.

Hon. C. W. JONES,
United States Senate.

[S. 822.—Forty-eighth Congress, first session.]

IN THE SENATE OF THE UNITED STATES, *December* 19, 1883.

Mr. CALL asked, and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and referred to the Committee on Military Affairs:

A bill providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claims of soldiers who were mustered into the United States service in the several Indian wars in Florida, who have not received their pay, shall be audited and paid.

SEC. 2. That the claims of soldiers who served in the said Indian wars in Florida for horses furnished by them and lost in the service shall be audited and paid out of any money in the Treasury of the United States otherwise unappropriated.

SEC. 3. That where money shall be paid by the United States to the State of Florida, or any other State, to reimburse it for money paid for organizing and maintaining troops for defense against the Indians, if any of the troops which served in such war have been charged for and allowed in the settlement with such State, such money shall be paid on condition that the State shall agree to apply the said money first to the payment of such troops; and the said money shall not be used by the said State for any other purpose until such troops have received their pay: *Provided*, That in the case of the State of Florida this act shall not prevent the payment by the State of Florida to Letitia K. Beard for the services of her husband, William K. Beard, as agent of the State of Florida in the settlement of said accounts.

[Senate Report No. 995, Forty-seventh Congress, second session.]

IN THE SENATE OF THE UNITED STATES.

February 16, 1883, ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following report (to accompany bill S. 2098):

The Committee on Military Affairs, to whom was referred the bill (S. 2098) "to authorize the Secretary of the Treasury to settle the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities," beg leave to submit the following report:

In accordance with the requirements of the joint resolution of Congress approved March 3, 1881, the Secretary of War has investigated, audited, and made a report to Congress, May 22, 1882, of the amount due the State of Florida for expenditures made in suppressing Indian hostilities in that State between the 1st day of December, 1855, and the 1st day of January, 1860. (Executive Document No. 203, Forty-seventh Congress, first session.)

The expenditures grew out of the Seminole war of 1855, 1856, and 1857, the State authorities being compelled, in the presence of an anticipated and subsequently actual outbreak of the Indians, to call forth the militia of the State, the force of United States troops then on duty being inadequate to the protection of the people. The report of the Secretary of War (Executive Document No. 203) fully sets forth in detail the items of expenditure allowed and disallowed, the total amount found due the State being the sum of $224,648.09.

It is established that the funds at the command of the executive of the State of Florida in the years referred to were insufficient to equip, supply, and pay the troops in the field, and, relying upon the approval given by the President of the United States and the Secretary of War, on the 21st day of May, 1857, of the services of these volunteers, the State Legislature, in order to provide their equipment and maintenance, authorized the issue of 7 per cent. bonds.

A portion of the bonds, amounting to $132,000, was sold by the governor to the Indian trust fund of the United States, and the proceeds of such sale were disbursed by the treasurer of the State for the "expenses of Indian hostilities," as appears from his report to the Legislature for the year ending October 31, 1857. Another portion was hypothecated to the banks of South Carolina and Georgia as security for a loan of $222,015, and $192,331 of this loan was disbursed directly by a disbursing agent of the State in payment of "expenses of Indian hostilities," including pay of volunteers.

The portion of the bonds sold to the United States for the "Indian trust fund" is still held by that fund and accrued interest since 1857.

The State of Florida paid out through a disbursing agent, as shown by War Department report	$193,330 16	
And through warrants from State treasurer	78,056 11	
Total		271,386 27
Interest on this sum from January 1, 1857, to April 1, 1883		$498,672 27
Total cost to the State to date		770,058 54

We quote from a statement made by the United States Treasurer of the State indebtedness to the "Indian trust fund," June 12, 1882, as follows:

Loan on 7 per cent. bonds of the State of Florida	$132,000	
Coupons due and unpaid January 1, 1877	138,040	
Interest to July 1, 1882, from January 1, 1857	50,820	
Interest from July 1, 1882, to April 1, 1883	6,930	
		327,790 00
Due the State		442,268 54

There appears, therefore, lawfully due the State of Florida, according to the State treasurer's account, the sum of $770,058.54, being the principal and interest of the sums which she borrowed and expended on behalf of the United States.

If from this sum be deducted the amount loaned the State by the Indian trust fund, principal and interest, $327,790, there still remains due the State the sum of $442,268.54.

In auditing the accounts of the State, however, the Secretary of War has disallowed many items under the rules and regulations governing payments to the regular forces, and yet, with all his disallowances, after an exhaustive examination, he finds due $224,648.09. Now, if we add the interest on this sum from January 1, 1857, to April 1, 1883, to wit, $412,790.86, we have $637,438.95. Now, if we deduct the amount due the Indian trust fund, to wit, $327,790, there is still due the State the sum of $309,648.95.

This case is one where the Government, through the President of the United States and Secretary of War, promised to pay these troops when mustered into the United States service, and they would have been long since paid by the Government, if so mustered, but the mustering officer arrived in the State after they had been mustered out, and the State was compelled to borrow money with which to pay them.

Congress has universally paid interest to the States where they have paid interest. We cite the cases where interest has been allowed and paid for moneys advanced during the war of 1812-'15 as follows: Virginia, act March 3, 1825 (4 Stat. at L., page 132); Maryland, act May 13, 1826 (4 Stat. at L., page 161); Delaware, act May 20, 1826 (4 Stat. at L., page 175); New York, act May 22, 1826 (4 Stat. at L., page 192); Pennsylvania, act March 3, 1827 (4 Stat. at L., page 241); South Carolina, act March 22, 1832 (4 Stat. at L., page 499); Massachusetts, July 8, 1870 (16 Stat. at L., page 198).

For advances for Indian and other wars the same rule has been observed in the following cases: Alabama, act January 26, 1849 (4 Stat. at L., page 344); Georgia, act March 31, 1851 (9 Stat. at L., page 626); Georgia, act March 3, 1879 (20 Stat. at L., page 385); Washington Territory, act March 3, 1859 (11 Stat. at L., page 429); New Hampshire, act January 27, 1852 (10 Stat. at L., page 1).

Thus it will be seen that the precedent for the payment of interest under the rule adopted for the settlement of claims of war of 1812-'15 is well established.

The committee are of the opinion that the urgent necessity for the services of these troops and the action of the President and the Secretary of War create an equitable obligation on the part of the General Government; and as the State of Florida not only borrowed money from the Indian trust fund, but also from the banks of the States of Georgia and South Carolina, for their payment, upon which the State has since paid interest, your committee have concluded to recommend the sum of $92,648.09 as a full payment to the State of all Indian war claims, this being the difference after deducting the sum borrowed by the State from the Indian trust fund ($132,000) from the amount found due the State by the Secretary of War ($224,648.09), and to further recommend the delivery to the State of all bonds and coupons held by the trustee of the Indian trust fund.

The committee have amended the bill in accordance with the views expressed in this report, and they recommend the passage of the bill as thus amended. Accompanying the report is a communication from the Secretary of War, explaining the origin and the present condition of the claim of the State of Florida against the Government of the United States.

FINAL ADJOURNMENT.

Mr. SHERMAN (at 4 o'clock and 20 minutes p. m). I move that the Senate do now adjourn *sine die.*

The VICE-PRESIDENT. The Senator from Ohio moves that the Senate do now adjourn *sine die.* Senators in favor of that motion will say "ay;" those opposed will say "no" (putting the question). Before announcing the result of the vote, Senators, I desire to express to you my obligation and thanks for the kindness and support that I have received at your hands. The motion is agreed to; and the Senate stands adjourned *sine die.*

FORTY-NINTH CONGRESS, FIRST SESSION

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FORTY-NINTH CONGRESS.

FIRST SESSION.

SENATE.

MONDAY, *December* 7, 1885.

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the first session of the Forty-ninth Congress commenced this day.

The Senators assembled in the Senate Chamber in the Capitol at Washington city.

PRAYER.

Rev. E. D. HUNTLEY, D. D., Chaplain to the Senate, offered the following prayer:

Let us pray. Almighty God, our Heavenly Father, it behooveth those who would have audience with Thee to come into Thy presence with reverence and godly fear. So would we come this morning.

It is remembered by Thy servants here convened that they represent the interests of a Christian people; and it is fitting that before engaging in the legislative business of the hour we should make glad recognition of the high claims of Him with whom we have to do.

In Thy hands are the issues of national as of individual life, and it is because of Thy favor that we have been spared and are yet numbered among the nations of the earth. Thou hast given us peace at home and made us at peace with all the world. Thou hast protected us from "the pestilence that walketh in darkness, and the destruction that wasteth at noonday." Thou hast maintained the high court of this nation in its judicial and its numerical integrity. For these and all Thy providential preservations be pleased, O God, this morning to accept our thanks.

Especially grateful are we for that kind providence that hath preserved the life and health of our Chief Executive. Be pleased to continue Thy defenses round about him. May he be shielded from all danger; may he be proof against all evil influences; and may he be spared to administer the will of the people in the fear of God.

It is of Thy mercy that so goodly a number of these Senators are permitted to occupy their places here this morning and address themselves to the high work for which they have been set apart. Be with them as by Thy grace they engage again in the exacting duties of a legislative session.

We grieve that since we last assembled in this room death has been so specially busy in the ranks of men and has recruited his grim armies from among the very chiefest of our people. He has knocked at the House of Representatives, and in recognition of his unwelcome visit the flags upon the Capitol have fluttered downward, signaling the earth to open and receive the nation's dead. Once and again has he demanded the unconditional surrender of those who had led our armies and who had ridden in safety through the wild storm of many a battle. But his summons was not to pass unheeded, and our heroic chieftains, laden with death's icy chains, are at last also numbered among his captives.

He has crowded his way into this Chamber, and at his stern behest the chief seat in the higher legislative body of the Republic has been declared vacant, and its occupant has been transported to "that undiscovered country from whose bourne no traveler returns." Encurtained by the shadows of this recent sad bereavement, enable us rightly to estimate the character and religiously to emulate the many virtues of the distinguished dead.

O God, death is Thy servant, yet while we pray he is pressing his relentless way toward other of these seats, which must also soon be hung with somber drapery except Thou do restrain. Bid him, oh bid him for a time, withdraw his withering gaze from our chief citizens, that they may recover strength before they go hence to be no more.

Our petition is before the God of Nations. Answer it, we pray Thee, according to Thy riches in glory, by Christ Jesus, our Redeemer. Amen.

ELECTION OF PRESIDENT PRO TEMPORE.

The SECRETARY (ANSON G. MCCOOK). The Senate will please be in order.

Mr. EDMUNDS. Mr. Secretary, I offer the resolution which I send to the desk.

The SECRETARY. The Senator from Vermont offers a resolution, which will be read.

The Chief Clerk (CHARLES W. JOHNSON read the resolution, as follows:

Resolved, That JOHN SHERMAN, a Senator from the State of Ohio, be, and he hereby is, chosen President *pro tempore* of the Senate.

Mr. VOORHEES. Mr. Secretary, I am requested and instructed by my associates on this side of the Chamber to move to strike out "JOHN SHERMAN, a Senator from the State of Ohio," and insert "ISHAM G. HARRIS, a Senator from the State of Tennessee," in the resolution just offered.

The SECRETARY. The question will be first upon the amendment offered by the Senator from Indiana [Mr. VOORHEES] to the resolution of the Senator from Vermont [Mr. EDMUNDS].

Mr. VOORHEES. On which I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Let the amendment be read.

The SECRETARY. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out of the resolution the words "JOHN SHERMAN, a Senator from the State of Ohio," and insert in lieu thereof the words "ISHAM G. HARRIS, a Senator from the State of Tennessee."

The Secretary proceeded to call the roll.

Mr. BECK (when his name was called). I am paired on this question with the Senator from Maine [Mr. HALE], who is detained from the Chamber by sickness. I should vote "yea" if he were present.

Mr. CAMDEN (when his name was called). I am paired with the Senator from Colorado [Mr. BOWEN]. If he were present, I should vote "yea."

Mr. CULLOM. The Senator will allow me to state that in view of the fact that the Senator from Florida [Mr. JONES] is not present, I have taken the liberty of transferring the pair of the Senator from West Virginia [Mr. CAMDEN] to the Senator from Florida, so that the Senator from West Virginia is at liberty to vote if he chooses.

Mr. CAMDEN. Very well; I vote "yea," then.

Mr. HARRIS (when his name was called). I agreed to pair with the Senator from California [Mr. MILLER], who is detained at home by sickness. The Senator from South Carolina [Mr. HAMPTON] is also absent just now. I transfer the pair and withhold my vote.

Mr. CULLOM (when the name of Mr. JONES, of Nevada, was called). The Senator from Nevada [Mr. JONES] is paired with his colleague [Mr. FAIR], both of whom are absent.

The roll-call was concluded.

Mr. CALL. I desire to announce that my colleague [Mr. JONES, of Florida] is absent from the city, detained by illness.

The result was announced—yeas 29, nays 34; as follows:

YEAS—29.

Berry,	Colquitt,	Kenna,	Vance,
Blackburn,	Eustis,	McPherson,	Vest,
Brown,	George,	Maxey,	Voorhees,
Butler,	Gibson,	Morgan,	Walthall,
Call,	Gorman,	Payne,	Wilson of Md.
Camden,	Gray,	Pugh,	
Cockrell,	Jackson,	Ransom,	
Coke,	Jones of Arkansas,	Saulsbury,	

NAYS—34.

Aldrich,	Evarts,	Miller of N. Y.,	Sawyer,
Allison,	Frye,	Mitchell,	Sewell,
Cameron,	Harrison,	Morrill,	Spooner,
Chace,	Hawley,	Palmer,	Stanford,
Conger,	Hoar,	Pike,	Teller,
Cullom,	Ingalls,	Platt,	Van Wyck,
Dawes,	McMillan,	Plumb,	Wilson of Iowa.
Dolph,	Mahone,	Riddleberger,	
Edmunds,	Manderson,	Sabin,	

ABSENT—10.

Beck,	Hale,	Jones of Florida,	Sherman.
Bowen,	Hampton,	Jones of Nevada,	
Fair,	Harris,	Miller of Cal.,	

So the amendment was rejected.

Mr. VOORHEES. That vote exhausts my call for the yeas and nays, and, of course, I do not renew it on the adoption of the main resolution.

The SECRETARY. The question recurs on the main resolution offered by the Senator from Vermont [Mr. EDMUNDS].

The resolution was agreed to.

The SECRETARY. The Secretary requests the Senator from Vermont [Mr. EDMUNDS] and the Senator from Indiana [Mr. VOORHEES] to escort the President *pro tempore* to the chair.

Mr. SHERMAN was escorted from his seat by Mr. EDMUNDS and Mr. VOORHEES, and, the oath prescribed by law having been administered to him by Mr. EDMUNDS, he took the chair as President *pro tempore* of the Senate and said:

Senators, I return you my grateful thanks for the high honor you have conferred upon me.

In common with all the people of the United States I share in profound sorrow for the death of the Vice-President, specially designated by the Constitution to act as President of the Senate. It is an impressive lesson of the uncertain tenure by which we all hold office and life. The contingency has happened which compels you now at the beginning of the session to choose a President *pro tempore*.

In assuming this position without special aptitude or experience as a presiding officer, I feel that for a time at least I shall have often to appeal to the habitual courtesy and forbearance of Senators. Fortunately the rules of the Senate are simple and clear. My aim will be to secure the ready and kindly obedience and enforcement of them, so that in an orderly way the sense of the majority may be ascertained and the rights of the minority may be protected.

I can only say, Senators, that while I hold this position I will endeavor to the utmost of my ability to be just and impartial and I invoke from each of you assistance and forbearance.

CREDENTIALS.

Mr. CULLOM presented the credentials of JOHN A. LOGAN, chosen by the Legislature of Illinois a Senator from that State for the term beginning March 4, 1885; which were read.

Mr. PIKE presented the credentials of HENRY W. BLAIR, chosen by the Legislature of New Hampshire a Senator from that State for the term beginning March 4, 1885; which were read.

Mr. BLAIR and Mr. LOGAN advanced to the Vice-President's desk, escorted respectively by Mr. PIKE and Mr. CULLOM, and the oath prescribed by law having been administered to them, they took their seats in the Senate.

SENATORS PRESENT.

The following Senators were present: From the State of—
Alabama—John T. Morgan and James L. Pugh.
Arkansas—James H. Berry and James K. Jones.
California—Leland Stanford.
Colorado—Henry M. Teller.
Connecticut—Joseph R. Hawley and Orville H. Platt.
Delaware—George Gray and Eli Saulsbury.
Florida—Wilkinson Call.
Georgia—Joseph E. Brown and Alfred H. Colquitt.
Illinois—Shelby M. Cullom and John A. Logan.
Indiana—Benjamin Harrison and Daniel W. Voorhees.
Iowa—William B. Allison and James F. Wilson.
Kansas—John J. Ingalls and Preston B. Plumb.
Kentucky—James B. Beck and Joseph C. S. Blackburn.
Louisiana—James B. Eustis and Randall L. Gibson.
Maine—William P. Frye.
Maryland—Arthur P. Gorman and Ephraim K. Wilson.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—Omar D. Conger and Thomas W. Palmer.
Minnesota—Samuel J. R. McMillan and Dwight M. Sabin.
Mississippi—James Z. George and E. C. Walthall.
Missouri—Francis M. Cockrell and George G. Vest.
Nebraska—Charles F. Manderson and Charles H. Van Wyck.
New Hampshire—Henry W. Blair and Austin F. Pike.
New Jersey—John R. McPherson and William J. Sewell.
New York—William M. Evarts and Warner Miller.
North Carolina—Matt W. Ransom and Zebulon B. Vance.
Ohio—Henry B. Payne and John Sherman.
Oregon—Joseph N. Dolph.
Pennsylvania—James Donald Cameron and John I. Mitchell.
Rhode Island—Nelson W. Aldrich and Jonathan Chace.
South Carolina—M. C. Butler and Wade Hampton.
Tennessee—Isham G. Harris and Howell E. Jackson.
Texas—Richard Coke and Sam. Bell Maxey.
Vermont—George F. Edmunds and Justin S. Morrill.
Virginia—William Mahone and Harrison H. Riddleberger.
West Virginia—Johnson N. Camden and John E. Kenna.
Wisconsin—Philetus Sawyer and John C. Spooner.

HOUR OF MEETING.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock m; until otherwise ordered.

NOTIFICATION TO THE HOUSE.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that the Senate has chosen Hon. JOHN SHERMAN, a Senator from the State of Ohio, President of the Senate *pro tempore*, the office of Vice-President having become vacant by the death of the late Thomas A. Hendricks.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the President of the United States that the Senate has chosen Hon. JOHN SHERMAN, a Senator from the State of Ohio, President of the Senate *pro tempore*, the office of Vice-President having become vacant by the death of the late Thomas A. Hendricks.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication that he may be pleased to make.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee on the part of the Senate; and Messrs. EDMUNDS and HARRIS were appointed.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Comptroller of the Currency communicating the twenty-third annual report of that office in compliance with section 333 of the Revised Statutes of the United States.

The letter was read.

The PRESIDENT *pro tempore*. The Chair will submit to the Senate the question whether this communication shall be printed, or referred to the Committee on Printing. If no motion to refer be suggested, the Chair will put the question on printing the communication.

Mr. PLUMB. That which has been read is only a brief memorandum, as it were, and it seems to me hardly worth while to print it. The report itself is printed with the public documents of the United States in a form with which we are all familiar. I think it might as well go to the proper committee without printing.

The PRESIDENT *pro tempore*. If there be no objection, the communication will lie on the table without any order for printing.

RECESS.

Mr. EDMUNDS. To await the action of the House of Representatives in completing its organization, I move that the Senate take a recess for one-half of one hour.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now take a recess for one-half hour.

The motion was agreed to; and the Senate (at 12 o'clock and 30 minutes p. m.) took a recess until 1 o'clock, when the President *pro tempore* resumed the chair.

Mr. EDMUNDS. Mr. President, from information I have, I think there will be no occasion for the sitting of the Senate for say twenty minutes more, and I move a further recess of twenty minutes.

Mr. COCKRELL and others. Let it be half an hour.

Mr. EDMUNDS. Well, make it thirty minutes.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate take a further recess until half past 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate reassembled.

Mr. EDMUNDS (at 1 o'clock and 40 minutes p. m.). I am advised that it will be about an hour yet before we can receive a communication from the House of Representatives. I therefore move that a further recess of one hour be taken.

The motion was agreed to; and (at 1 o'clock and 40 minutes p. m.) the Senate took a recess, and at the expiration of the recess (at 2 o'clock and 40 minutes p. m.) the President *pro tempore* resumed the chair.

MESSAGE FROM THE HOUSE.

Mr. CLARK, the Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that there is a quorum of the House of Representatives present, and that JOHN G. CARLISLE, a Representative from the State of Kentucky, has been elected Speaker, and John B. Clark, jr., of the State of Missouri, has been chosen Clerk; and that the House of Representatives is now ready to proceed to business.

It has also resolved that a committee of three be appointed on the part of the House, to join the committee appointed on the part of the Senate, to wait on the President of the United States and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make, and that Mr. BLOUNT, Mr. RANDALL, and Mr. REED have been appointed members of that committee on the part of the House.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. VOORHEES. Mr. President, in the discharge of the saddest duty of my public life I beg leave to offer resolutions which I send to the Chair.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States, and for a number of years a distinguished member of this body.

Resolved, That the business of the Senate be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives.

Mr. VOORHEES. I ask that the resolutions lie on the table subject to be called up at a future day, of which the Senate will have due and timely notice.

Mr. HARRISON. Mr. President, out of respect to the memory of the late Vice-President I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The resolutions will lie on the table. The question is on the motion of the Senator from Indiana [Mr. HARRISON] that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 42 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 7, 1885.

This day, in compliance with the prescription of the Constitution, the members-elect of the House of Representatives of the Forty-ninth Congress assembled in their Hall, and at 12 o'clock m. were called to order by Mr. John B. Clark, Clerk of the last House.

The CLERK. Gentlemen, the hour having arrived for the meeting of the Forty-ninth Congress of the United States, the Clerk of the Forty-eighth Congress will proceed, as required by law, to call the roll of Representatives-elect who have complied with the law in furnishing proper certificates of election.

The roll was called, showing the presence of the following Members and Delegates:

ALABAMA.

James T. Jones.
Hilary A. Herbert.
William C. Oates.
Alexander C. Davidson.
Thomas W. Sadler.
John M. Martin.
William H. Forney.
Joseph Wheeler.

ARKANSAS.

Poindexter Dunn.
C. R. Breckinridge.
Thomas C. McRae.
John H. Rogers.
Samuel W. Peel.

CALIFORNIA.

Barclay Henley.
J. A. Louttit.
Joseph McKenna.
W. W. Morrow.
Charles N. Felton.
H. H. Markham.

COLORADO.

George G. Symes.

CONNECTICUT.

John R. Buck.
Charles L. Mitchell.
John T. Wait.
Edward W. Seymour.

DELAWARE.

Charles B. Lore.

FLORIDA.

Robert H. M. Davidson.
Charles Dougherty.

GEORGIA.

Thomas M. Norwood.
Henry G. Turner.
Charles F. Crisp.
Henry R. Harris.
N. J. Hammond.
James H. Blount.
Judson C. Clements.
Seaborn Reese.
Allen D. Candler.
George T. Barnes.

ILLINOIS.

Ransom W. Dunham.
Frank Lawler.
James H. Ward.
George E. Adams.
A. J. Hopkins.
Robert R. Hitt.
Thomas J. Henderson.
Ralph Plumb.
Lewis E. Payson.
Nicholas E. Worthington.
William H. Neece.
James M. Riggs.
William M. Springer.
Jonathan H. Rowell.
Joseph G. Cannon.
Silas Z. Landes.
John R. Eden.
William R. Morrison.
Richard W. Townshend.
John R. Thomas.

INDIANA.

John J. Kleiner.
Thomas R. Cobb.
Jonas G. Howard.
William S. Holman.
Courtland C. Matson.
Thomas M. Browne.
William D. Bynum.
James T. Johnston.
Thomas B. Ward.
William D. Owen.
George W. Steele.
Robert Lowry.
George Ford.

IOWA.

B. J. Hall.
J. H. Murphy.
David B. Henderson.
William E. Fuller.
Ben. T. Frederick.
J. B. Weaver.
Edwin H. Conger.
William P. Hepburn.
Joseph Lyman.
Adoniram J. Holmes.
Isaac S. Struble.

KANSAS.

E. N. Morrill.
E. H. Funston.
Bishop W. Perkins.
Thomas Ryan.
John A. Anderson.
Lewis Hanback.
Samuel R. Peters.

KENTUCKY.

William J. Stone.
Polk Laffoon.
John E. Halsell.
Thomas A. Robertson.
Albert S. Willis.
John G. Carlisle.
William C. P. Breckinridge.
James B. McCreary.
W. H. Wadsworth.
W. P. Taulbee.
Frank L. Wolford.

LOUISIANA.

Louis St. Martin.
Michael Hahn.
Edward J. Gay.
Newton C. Blanchard.
J. Floyd King.
Alfred B. Irion.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Seth L. Milliken.
Charles A. Boutelle.

MARYLAND.

Charles H. Gibson.
Frank T. Shaw.
William H. Cole.
John V. L. Findlay.
Barnes Compton.
Louis E. McComas.

MASSACHUSETTS.

Robert T. Davis.
John D. Long.
Ambrose A. Ranney.
Patrick A. Collins.
Edward D. Hayden.
Henry B. Lovering.
Eben F. Stone.
Charles H. Allen.
Frederick D. Ely.
William W. Rice.
William Whiting.
Francis W. Rockwell.

MICHIGAN.

William C. Maybury.
Nathaniel B. Eldredge.
James O'Donnell.
Julius C. Burrows.
Charles C. Comstock.
Edwin B. Winans.
Ezra C. Carleton.
Timothy E. Tarsney.
Byron M. Cutcheon.
Spencer O. Fisher.
Seth C. Moffatt.

MINNESOTA.

Milo White.
J. B. Wakefield.
H. B. Strait.
John B. Gilfillan.
Knute Nelson.

MISSISSIPPI.

John M. Allen.
J. B. Morgan.
T. C. Catchings.
F. G. Barry.
O. R. Singleton.
H. S. Van Eaton.
E. Barksdale.

MISSOURI.

William H. Hatch.
John B. Hale.
Alexander M. Dockery.
James N. Burnes.
William Warner.
John T. Heard.
John E. Hutton.
John J. O'Neill.
John M. Glover.
Martin L. Clardy.
Richard P. Bland.
William J. Stone.
William H. Wade.
William Dawson.

NEBRASKA.

Archibald J. Weaver.
James Laird.
George W. E. Dorsey.

NEVADA.

William Woodburn.

NEW HAMPSHIRE.

Martin A. Haynes.
Jacob H. Gallinger.

NEW JERSEY.

George Hires.
James Buchanan.
Robert S. Green.
James N. Pidcock.
William W. Phelps.
Herman Lehlbach.
William McAdoo.

NEW YORK.

Perry Belmont.
Felix Campbell.
Darwin R. James.
Peter P. Mahoney.
Archibald M. Bliss.
John J. Adams.
Timothy J. Campbell.
Joseph Pulitzer.

Abram S. Hewitt.
Truman A. Merriman.
Abraham Dowdney.
Egbert L. Viele.
William G. Stahlnecker.
Lewis Beach.
John H. Ketcham.
James G. Lindsley.
Henry G. Burleigh.
John Swinburne.
George West.
Frederick A. Johnson.
Abraham X. Parker.
J. Thomas Spriggs.
John S. Pindar.
Frank Hiscock.
Stephen C. Millard.
Sereno E. Payne.
John Arnot.
Ira Davenport.
Charles S. Baker.
John G. Sawyer.
John M. Farquhar.
John B. Weber.
Walter L. Sessions.

NORTH CAROLINA.

Thomas G. Skinner.
James E. O'Hara.
Wharton J. Green.
William R. Cox.
James W. Reid.
Risden T. Bennett.
John S. Henderson.
William H. H. Cowles.
Thomas D. Johnston.

OHIO.

Benjamin Butterworth.
Charles E. Brown.
James E. Campbell.
Charles M. Anderson.
Benjamin Le Fevre.
William D. Hill.
George E. Seney.
John Little.
William C. Cooper.
Jacob Romeis.
W. W. Ellsberry.
Albert C. Thompson.
Joseph H. Outhwaite.
Charles H. Grosvenor.
Beriah Wilkins.
George W. Geddes.
A. J. Warner.
Isaac H. Taylor.
Ezra B. Taylor.
William McKinley, jr.
Martin A. Foran.

OREGON.

Binger Herman.

PENNSYLVANIA.

Edwin S. Osborne.
Henry H. Bingham.
Charles O'Neill.
Samuel J. Randall.
William D. Kelley.
Alfred C. Harmer.
James B. Everhart.
I. Newton Evans.
Daniel Ermentrout.
John A. Hiestand.
William H. Sowden.
John B. Storm.
Joseph A. Scranton.
Charles N. Brumm.
Franklin Bound.
Frank C. Bunnell.
William W. Brown.
Jacob M. Campbell.
Louis E. Atkinson.
John A. Swope.
Andrew G. Curtin.
Charles E. Boyle.
James S. Negley.
Thomas M. Bayne.
Oscar L. Jackson.
Alexander C. White.
George W. Fleeger.
William L. Scott.

RHODE ISLAND.

Henry J. Spooner.
William A. Pirce.

SOUTH CAROLINA.

Samuel Dibble.
George D. Tillman.
William H. Perry.
John J. Hemphill.
George W. Dargan.
Robert Smalls.

TENNESSEE.

A. H. Pettibone.
L. C. Houk.
John R. Neal.
Benton McMillin.
James D. Richardson.
A. J. Caldwell.
J. G. Ballentine.
John M. Taylor.
P. T. Glass.
Zach. Taylor.

TEXAS.

Charles Stewart.
J. H. Reagan.
J. H. Jones.
D. B. Culberson.
J. W. Throckmorton.
Olin Wellborn.
J. F. Miller.
R. Q. Mills.
J. D. Sayers.
S. W. T. Lanham.

VERMONT.

John W. Stewart.
William W. Grout.

VIRGINIA.

Harry Libbey.
George D. Wise.
James D. Brady.
George C. Cabell.
John W. Daniel.
Charles T. O'Ferrall.
John S. Barbour.
C. F. Trigg.
John R. Tucker.

WEST VIRGINIA.

Nathan Goff, jr.
William L. Wilson.
Charles P. Snyder.
Eustace Gibson.

WISCONSIN.

Lucien B. Caswell.
Edward S. Bragg.
Robert M. La Follette.
Isaac W. Van Schaick.
Joseph Rankin.
Ormsby B. Thomas.
William T. Price.
Isaac Stephenson.

ARIZONA.

Curtis C. Bean.

DAKOTA.

Oscar S. Gifford.

IDAHO.

John Hailey.

MONTANA.

Joseph K. Toole.

NEW MEXICO.

Anthony Joseph.

UTAH.

John T. Caine.

WASHINGTON.

Charles S. Voorhees.

WYOMING.

Joseph M. Carey.

When the State of Nebraska was reached in the call,

The CLERK said: The Clerk desires to state that he has some doubt as to whether the certificates from the State of Nebraska fully comply with the law, but as they are identical with the certificates filed with the Clerk of the House of Representatives of the Forty-seventh and Forty-eighth Congresses, and as there is no protest or contest, he has placed the names upon the roll.

The calling of the roll was concluded.

Mr. BENNETT. My colleague, Mr. JOHN S. HENDERSON, is detained at his room by illness.

Mr. DIBBLE. My colleague, Mr. AIKEN, is absent on account of sickness.

Mr. LANHAM. My colleague, Mr. CRAIN, is sick and unable to be present.

Mr. VIELE. My colleague, Mr. MULLER, is detained at home by sickness.

The CLERK. Three hundred and nineteen members, more than a quorum, have answered to their names.

Of interest to members and as a matter of permanent record the Clerk presents in tabulated form the changes in the list of members since the election of the Forty-ninth Congress, and requests that it be incorporated in the RECORD. It is as follows:

List of changes since the election of Forty-ninth House of Representatives.

District.	Name.	Date of vacancy.	Successor.
Nineteenth Pennsylvania.	William A. Duncan*.	Nov. 14, 1884	John A. Swope.
Third Arkansas	James K. Jones†	March 4, 1885	Thomas C. McRae.
Eighth New York	Samuel S. Cox†	May 20, 1885	Timothy J. Campbell.
Fifth Illinois	Reuben Ellwood*	July 1, 1885	Albert J. Hopkins.

*Died. †Resigned.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that a quorum of the Senate had assembled, and that that body was now ready to proceed to the transaction of public business.

It further announced that the Senate had elected Hon. JOHN SHERMAN, a Senator from the State of Ohio, President *pro tempore* of the Senate, the office of Vice-President having become vacant by reason of the death of Hon. Thomas A. Hendricks.

It also announced that a committee, consisting of Mr. EDMUNDS and Mr. HARRIS, had been appointed on the part of the Senate to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that Congress was ready to receive any communication he might be pleased to make.

ELECTION OF SPEAKER.

The CLERK. A quorum of members having appeared and answered to their names, the first business in order will be the election of a Speaker of the House of Representatives for the Forty-ninth Congress, and nominations for that office are now in order.

Mr. TUCKER. Mr. Clerk, I nominate for the office of Speaker of the House of Representatives for the Forty-ninth Congress Hon. JOHN G. CARLISLE, a Representative-elect from the State of Kentucky.

Mr. CANNON. Mr. Clerk, I nominate for Speaker of this House the Hon. THOMAS B. REED, a Representative-elect from the State of Maine.

The CLERK. There being no other nominations the Clerk will request Mr. MORRISON of Illinois, Mr. TUCKER of Virginia, Mr. HISCOCK of New York, and Mr. BROWNE of Indiana to act as tellers; and the rules of the House providing that the vote shall be *viva voce*, the Clerk will proceed to call the roll.

The roll was called with the following result:

For Mr. John G. Carlisle, of Kentucky—178.

Adams, J. J.	Campbell, T. J.	Eden,	Henley,
Allen, J. M.	Candler,	Eldredge,	Herbert,
Anderson, C. M.	Carleton,	Ellsberry,	Hewitt,
Arnot,	Catchings,	Ermentrout,	Hill,
Ballentine,	Clardy,	Findlay,	Holman,
Barbour,	Clements,	Fisher,	Howard,
Barksdale,	Cobb,	Foran,	Hutton,
Barnes,	Cole,	Ford,	Irion,
Barry,	Collins,	Forney,	Johnston, T. D.
Beach,	Compton,	Frederick,	Jones, J. H.
Belmont,	Comstock,	Gay,	Jones, J. T.
Bennett,	Cowles,	Geddes,	King,
Blanchard,	Cox,	Gibson, C. H.	Kleiner,
Bland,	Crisp,	Gibson, Eustace	Laffoon,
Bliss,	Culberson,	Glass,	Landes,
Blount,	Curtin,	Glover,	Lanham,
Boyle,	Daniel,	Green, R. S.	Lawler,
Bragg,	Dargan,	Green, W. J.	Le Fevre,
Breckinridge, C. R.	Davidson, A. C.	Hale,	Lore,
Breckinridge, W. C. P.	Davidson, R. H. M.	Hall,	Lovering,
Burnes,	Dawson,	Halsell,	Lowry,
Bynum,	Dibble,	Hammond,	Mahoney,
Cabell,	Dockery,	Harris,	Martin,
Caldwell,	Dougherty,	Hatch,	Matson,
Campbell, Felix	Dowdney,	Heard,	Maybury,
Campbell, J. E.	Dunn,	Hemphill,	McAdoo,

McCreary,	Pidcock,	Skinner,	Tucker,
McMillin,	Pindar,	Snyder,	Turner,
McRae,	Pulitzer,	Sowden,	Van Eaton,
Merriman,	Randall,	Spriggs,	Viele,
Miller,	Rankin,	Springer,	Ward, J. H.
Mills,	Reagan,	Stahlnecker,	Ward, T. B.
Mitchell,	Reid, J. W.	Stewart, Charles	Warner, A. J.
Morgan,	Reese,	St. Martin,	Weaver, J. B.
Morrison,	Richardson,	Stone, of Ky.	Wellborn,
Murphy,	Riggs,	Stone, of Mo.	Wheeler,
Neal,	Robertson,	Storm,	Wilkins,
Neece,	Rogers,	Swope,	Willis,
Norwood,	Sadler,	Tarsney,	Wilson,
Oates,	Sayers,	Taulbee,	Winans,
O'Ferrall,	Scott,	Taylor, J. M.	Wise,
O'Neill, J. J.	Seney,	Throckmorton,	Wolford,
Outhwaite,	Seymour,	Tillman,	Worthington.
Peel,	Shaw,	Townshend,	
Perry,	Singleton,	Trigg,	

For Mr. Thomas B. Reed, of Maine—138.

Adams, G. E.	Felton,	Lindsley,	Ryan,
Allen, C. H.	Fleeger,	Little,	Sawyer,
Anderson, J. A.	Fuller,	Long,	Scranton,
Atkinson,	Funston,	Lyman,	Sessions,
Baker,	Gallinger,	Markham,	Smalls,
Bayne,	Gilfillan,	McComas,	Spooner,
Bingham,	Goff,	McKenna,	Steele,
Bound,	Grosvenor,	McKinley,	Stephenson,
Boutelle,	Grout,	Millard,	Stewart, J. W.
Brady,	Hahn,	Milliken,	Stone, E. F.
Browne, T. M.	Hanback,	Moffatt,	Strait,
Brown, C. E.	Harmer,	Morrill,	Struble,
Brown, W. W.	Hayden,	Morrow,	Swinburne,
Brumm,	Haynes,	Negley,	Symes,
Buchanan,	Henderson, D. B.	Nelson,	Taylor, E. B.
Buck,	Henderson, T. J.	O'Donnell,	Taylor, I. H.
Bunnell,	Hepburn,	O'Hara,	Taylor, Zach.
Burleigh,	Herman,	O'Neill, Charles	Thomas, J. R.
Burrows,	Hiestand,	Osborne,	Thomas, O. B.
Butterworth,	Hires,	Owen,	Thompson,
Campbell, J. M.	Hiscock,	Parker,	Van Schaick,
Cannon,	Hitt,	Payne,	Wade,
Caswell,	Holmes,	Payson,	Wadsworth,
Conger,	Hopkins,	Perkins,	Wait,
Cooper,	Houk,	Peters,	Wakefield,
Cutcheon,	Jackson,	Pettibone,	Warner, William
Davenport,	James,	Phelps,	Weaver, A. J.
Davis,	Johnson, F. A.	Pirce,	Weber,
Dingley,	Johnston, J. T.	Plumb,	West,
Dorsey,	Kelley,	Price,	White, A. C.
Dunham,	Ketcham,	Ranney,	White, Milo
Ely,	La Follette,	Rice,	Whiting,
Evans,	Laird,	Rockwell,	Woodburn.
Everhart,	Lehlbach,	Romeis,	
Farquhar,	Libbey,	Rowell,	

Not voting—8.

Aiken,	Croxton,	Henderson, J. S.	Muller,
Carlisle,	Guenther,	Loutitt,	Reed, T. B.
Crain,			

Mr. BENNETT (when the name of Mr. HENDERSON, of North Carolina, was called). My colleague, as I have already stated, is detained from the House by sickness.

Mr. VIELE (when the name of Mr. MULLER was called). Mr. MULLER is detained at his home by reason of a serious accident.

Mr. MORRISON. Mr. Clerk, on behalf of the tellers appointed to canvass the vote for Speaker, I am directed to report that they have agreed in their tally, with this result: Whole number of votes cast 316; of this number Mr. CARLISLE has received 178 votes, and Mr. REED 138.

The CLERK. The House has heard the report of the tellers, showing a total vote cast of 316; of which Hon. JOHN G. CARLISLE, a member-elect from the State of Kentucky, received 178 votes for the office of Speaker of this House, and Mr. THOMAS B. REED, a member-elect from the State of Maine, received 138. The Clerk therefore declares that Hon. JOHN G. CARLISLE, a Representative-elect from the State of Kentucky, is duly elected Speaker of the House of Representatives for the Forty-ninth Congress. [Applause.]

Mr. TUCKER, of Virginia, and Mr. REED, of Maine, will please escort the Speaker-elect to the chair.

Mr. TUCKER and Mr. REED conducted Mr. CARLISLE to the chair, when the Speaker-elect addressed the House as follows:

Gentlemen of the House of Representatives, in assuming the duties and responsibilities of this place for the second time I beg to return my most profound thanks for this manifestation of your continued confidence. It is a compliment which I shall always remember with pride and gratitude.

Nowhere else in the world can there be found a legislative assembly representing so great a constituency as that represented by this House, and certainly no similar body, consisting of an equal number of members, is its superior in point of ability and fidelity to the interests intrusted to it. The privilege of presiding over the deliberations of such a body is a very high and honorable distinction, the highest and most honorable it can confer upon any of its members, and I appreciate it as such.

But, gentlemen, my full appreciation of your action to-day can best be shown by a conscientious and impartial discharge of my official duties, and, although it may not be wise to make pledges in advance, I venture to promise that to the full extent of my ability the law governing the proceedings of the House shall be evenly administered, with a view to the preservation of order and decorum, the protection of the personal and representative rights of members, and the prompt transaction of the public business. None of these results, however, can be attained without your active co-operation and support.

In a body so large as this, and representing such vast and varied and sometimes conflicting interests, a constant observance of established rules and precedents is imperatively required, not only by considerations vitally affecting the public welfare, but in order to maintain the honor and dignity of the House itself. In the sharp contests for priority, which inevitably occur in such a body, the restraints imposed by fixed rules are sometimes quite severely felt, especially after there has been a large accumulation of business; but experience has shown that the necessity for order and regularity in the consideration of legislative measures is so fully appreciated by gentlemen on the floor that they can be always relied upon to sustain the presiding officer in every proper effort he may make to secure that result. In view of this fact, I feel much more confident of a reasonable degree of success in this trying position than would otherwise be justifiable. Questions of order must be decided promptly as they arise, generally without much opportunity for deliberation, and consequently whoever may be the occupant of this chair, and however careful he may be, mistakes must frequently be committed; but fortunately the House has at all times in its own hands the power to correct them, and preserve the integrity and consistency of its practice; and I am sure you will not hesitate to exercise that power whenever the occasion may demand it.

Gentlemen, we are about to enter upon the work of an important session, more important perhaps than any that has preceded it for many years. The political relations heretofore existing between the two sides of the House and the executive department of the Government have been reversed, and this of itself imposes new duties and obligations upon both.

Under a popular form of government like ours a political change in the executive branch necessarily, to a greater or less extent, involves altered methods of administration, inaugurates new legislative policies, and consequently presents new questions for the consideration of the people and their representatives. It is probable, therefore, that many subjects not heretofore prominent in our deliberations will engage a large share of your attention during the present Congress. It may reasonably be anticipated also that wide differences of opinion will exist upon many of these questions, resulting in long and perhaps exciting contests upon the floor; and it may be that these differences will not always be defined by recognized party lines. Under these circumstances, a proper appreciation of the integrity and patriotism of each other, a sincere respect for the honest opinions of opponents in debate, and the cultivation of a spirit of mutual forbearance and personal regard will be necessary to enable the House to conduct its proceedings with order and deliberation, and avoid unpleasant incidents, which are always most seriously regretted by those who actually participate in them. The House is the only custodian and guardian of its own peace and dignity, and without its cordial support no presiding officer can preserve either.

And now, gentlemen, before taking the oath of office allow me to renew the expression of my sincere acknowledgments for the great honor you have conferred and the great trust you have confided to my hands. I accept them both, I trust, with a proper sense of the important obligations they impose, and certainly with an earnest desire to discharge those obligations without prejudice to any public interest. [Loud applause from both sides of the House.]

Mr. KELLEY, having served longest continuously as a member of the House, administered to the Speaker-elect the oath prescribed.

SWEARING-IN OF MEMBERS.

The SPEAKER proceeded to administer to the members in attendance the oath of office. The Members and Delegates elect presented themselves as their names were called by States and Territories and took the oath prescribed by section 1757 of the Revised Statutes.

ELECTION OF CLERK, SERGEANT-AT-ARMS, ETC.

Mr. TUCKER. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That John B. Clark, jr., of the State of Missouri, be, and is hereby, elected Clerk of the House of Representatives of the Forty-ninth Congress.

That John P. Leedom, of the State of Ohio, be, and is hereby, elected Sergeant-at-Arms of the House of Representatives of the Forty-ninth Congress.

That Lycurgus Dalton, of the State of Indiana, be, and is hereby, elected Postmaster of the House of Representatives of the Forty-ninth Congress.

That Samuel Donelson, of the State of Tennessee, be, and is hereby, elected Doorkeeper of the House of Representatives of the Forty-ninth Congress; and

That Rev. W. H. Milburn, of the State of New York, be, and is hereby, elected Chaplain of the House of Representatives of the Forty-ninth Congress.

Mr. CANNON. I offer as an amendment to the resolution what I send to the desk.

The Clerk read as follows:

Strike out of the resolution the name of John B. Clark, jr., of the State of Missouri, and insert in lieu thereof the name of W. O. Crosby, of the State of Iowa.

For Sergeant-at-Arms, strike out the name of John P. Leedom, of the State of Ohio, and insert the name of Albert O. Marsh, of the State of Indiana.

For Postmaster, strike out the name of Lycurgus Dalton, of the State of Indiana, and insert the name of Charles W. Adams, of the State of Maryland.

For Doorkeeper, strike out the name of Samuel Donelson, of the State of Tennessee, and insert the name of Joseph Selden, of the State of Connecticut.

For Chaplain, strike out the name of Rev. W. H. Milburn, of the State of New York, and insert the name of Rev. F. L. Britt, of the State of Nebraska.

The SPEAKER. If there be no demand for a division of the question it will be taken on the adoption as a whole of the substitute offered by the gentleman from Illinois [Mr. CANNON.] The Chair does not hear that demand made. The question, then, is upon the adoption of the substitute proposed by the gentleman from Illinois for the resolution offered by the gentleman from Virginia.

The question being taken, the substitute was not agreed to.

The SPEAKER. The question now is upon the adoption of the resolution.

The resolution was adopted.

The officers just elected, with the exception of the Chaplain-elect, who was not in attendance, then presented themselves and took the prescribed oath of office.

NOTIFICATION TO THE SENATE.

Mr. MORRISON. I offer for adoption the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a message be sent to the Senate informing that body that a quorum of the House of Representatives has assembled; that JOHN G. CARLISLE, a Representative from the State of Kentucky, has been elected Speaker, and that John B. Clark, jr., a citizen of the State of Missouri, has been chosen Clerk, and that the House of Representatives is ready to proceed to business.

The resolution was adopted.

NOTIFICATION TO THE PRESIDENT.

Mr. BLOUNT. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a committee of three be appointed on the part of the House to join the committee appointed on the part of the Senate to wait on the President of the United States and inform him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication he may be pleased to make.

The resolution was adopted.

The SPEAKER. The Chair appoints as the committee to join the committee on the part of the Senate to wait upon the President, Mr. BLOUNT of Georgia, Mr. RANDALL of Pennsylvania, and Mr. REED of Maine.

HOUR OF DAILY MEETING.

Mr. COX. Mr. Speaker, I move that the daily hour of the meeting of the House each day, until further order, be at 12 o'clock m.

The resolution was agreed to.

DRAWING OF SEATS.

Mr. WELLBORN. Mr. Speaker, I move that this House do now take a recess until 3 p. m., to await the return of the committee appointed to wait upon the President of the United States.

Several MEMBERS. No! No! Let us draw for seats.

Mr. WELLBORN. The House will hardly proceed to draw for seats while the members of the committee just appointed are absent in the discharge of their duty.

The question was taken on the motion for a recess until 3 o'clock p. m.; and it was not agreed to.

Mr. SPRINGER. Mr. Speaker, I offer a resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House do now proceed to the assignment of permanent seats of Members and Delegates, in pursuance of the rule of the House of Representatives of the Forty-eighth Congress on that subject.

The resolution was agreed to.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. DIBBLE. Mr. Speaker, my colleague, Mr. AIKEN, being sick, I ask leave of the House to act for him in the selection of a seat.

The SPEAKER. The gentleman from South Carolina [Mr. DIBBLE] states that his colleague [Mr. AIKEN] is sick, and unable to be in attendance at this time, and therefore asks the privilege of selecting a seat for him when his name is called. Is there objection?

No objection was made, so the request was granted.

Mr. BENNETT. Mr. Speaker, I ask a similar privilege on behalf of my colleague, Mr. HENDERSON of North Carolina.

Mr. DUNN. Mr. Speaker, I move that a like privilege be extended to the colleagues of all absent members.

Several MEMBERS. No! No!

Mr. SPRINGER. The House will desire to know who the gentlemen are that are to select seats for others, and I therefore think each case had better be taken up separately.

The SPEAKER. The gentleman from Arkansas, Mr. DUNN, moves that the privilege of selecting seats for members not present be extended to the colleagues of all absent members.

A MEMBER. Absent on account of sickness.

The SPEAKER. That is not the motion of the gentleman from Arkansas, as the Chair understands it. The motion is to extend this privilege to the colleagues of all absent members.

Mr. SPRINGER. And Delegates.

The SPEAKER. And Delegates.

Mr. BRUMM. Mr. Speaker, was not the motion of the gentleman from Arkansas [Mr. DUNN] confined to the colleagues of members who are absent by reason of sickness?

The SPEAKER. It was not so qualified.

A MEMBER. It should be so qualified, then.

The question was taken on the motion of Mr. DUNN; and it was agreed to.

Mr. MILLS. Mr. Speaker, I move that, preceding the drawing for seats, the gentleman from Pennsylvania, Mr. KELLEY, be permitted, in accordance with the custom heretofore observed in his case, to choose his seat. That gentleman has been regarded for several years—I believe ever since the Fortieth Congress—as the Father of the House. Under the rules it has been his privilege and his duty to swear in each succeeding Speaker chosen since that time. The House has always accorded to him the privilege of selecting his seat in this way——

A MEMBER. Not always.

Mr. MILLS. Always, I think, since the time I have mentioned; at least that is my recollection. I think the House has for many years accorded to the gentleman from Pennsylvania the privilege of selecting his seat before the regular drawing, and I move that he be given that privilege now.

The SPEAKER. That requires unanimous consent. The gentleman from Texas, Mr. MILLS, asks unanimous consent that the gentleman from Pennsylvania, Mr. KELLEY, may be permitted to select a seat before the regular drawing begins. Is there objection?

Mr. BENNETT. I object.

Mr. MILLS. Mr. Speaker, we have no rules at present, and therefore, I think, a majority of the House ought to determine this question.

The SPEAKER. But the House has just adopted a resolution to proceed to the regular drawing of seats in accordance with the rule of the Forty-eighth Congress on that subject.

Mr. REED, of Maine. Mr. Speaker, if the gentleman from Pennsylvania [Mr. KELLEY] will do as he did in a previous Congress, indicate what seat he desires, I have no doubt he can have it by the unanimous consent of the Republican side of the House. [Applause on the Republican side.]

The SPEAKER. The Clerk will proceed to execute the order of the House in relation to the drawing of seats. As preliminary thereto, the Chair will cause to be read the rule which under the resolution just adopted governs this proceeding.

The Clerk read as follows:

RULE XXXII.

DRAWING OF SEATS.

At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls of marble or other material equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball, shall advance and choose his seat for the term for which he is elected.

2. Before said drawing shall commence, each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn, no proposition for a second drawing shall be in order during that Congress.

The SPEAKER. In accordance with this rule, the Chair requests members to retire to the lobbies in the rear of the seats. In order to prevent confusion hereafter, the Chair also suggests that members, as they select their seats, place their names upon the desks, so that the officers of the House may know to what member each seat has been assigned.

The drawing of seats was then proceeded with, commencing at twenty minutes after 2 o'clock and concluding at a quarter before 4 o'clock; the name of Mr. STAHLNECKER being first called, and that of Mr. ATKINSON being the last called.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. HOLMAN. Mr. Speaker, the melancholy duty has been assigned to me of announcing to the House that Thomas A. Hendricks, Vice-President of the United States, departed this life at his home in the city of Indianapolis, Ind., on the 25th day of last month. The death, after a long period of public service, of this eminent citizen, holding at the time the second office in the gift of the Republic, and with a reputation in public and private life of unsullied purity, has occasioned expressions of deep-felt grief throughout the whole country. Undoubtedly Congress, acting through both its Houses, will at an early moment set apart an occasion for a proper expression touching the life, character, and public services of the deceased. In view of this announcement, and out of respect for his memory, I move that the House do now adjourn.

The motion was unanimously agreed to; and accordingly (at 3 o'clock and 47 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. HARMER: Petition of Peter Woll & Sons, of the city of Philadelphia, Pa., asking for a refund of duties erroneously paid on importation of quitch-grass root—to the Committee on Ways and Means.

By Mr. McCOMAS: Petition of Otho W. Trendle, for quartermaster's stores and supplies taken from him in Frederick County, Maryland, by the Army of the United States for army use during the war of 1861, and stated at $1,597—to the Committee on War Claims.

Also, petition of Thomas E. Holmes, for stores and supplies taken or furnished for army use, and stated at $1,059—to the same committee.

Also, petition of William P. Leaman, for quartermaster's stores and supplies taken from him in Montgomery County, Maryland, by the United States Army during the war of 1861, and stated at $1,235.25—to the same committee.

Also, petition of Isabella Hance, for quartermaster's and commissary stores taken or furnished in Montgomery County, Maryland, stated at $7,081.35—to the same committee.

Also, petition of George Phelps, of the District of Columbia, for transportation, labor, and service furnished to the Quartermaster's Department, stated at $3,394.50—to the same committee.

Also, petition of H. N. Lansdale, for quartermaster's stores and supplies taken from him in Frederick County, Maryland, during the war of 1861, by the Army of the United States, stated at $2,312.70—to the same committee.

Also, petition of Samuel D. Piper, of Maryland, for quartermaster's and commissary supplies and stores, stated at $553.90, and request that same be referred to the Court of Claims—to the same committee.

Also, petition of Henry Piper, for commissary stores taken for the public service, stated at $652.80, and request that same be referred to the Court of Claims—to the same committee.

By Mr. TUCKER: Petition of J. D. Morrison, of Virginia, for relief from unlawful assessment of taxes—to the Committee on Ways and Means.

SENATE.

TUESDAY, *December* 8, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

EUGENE HALE, a Senator from the State of Maine, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

NOTIFICATION TO THE PRESIDENT.

Mr. EDMUNDS and Mr. HARRIS, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. EDMUNDS said: Mr. President, the committee appointed by the two Houses of Congress to wait upon the President of the United States and inform him that a quorum of each House has assembled and organized, and that the two Houses are now ready to receive any communication he may have to make, have performed that duty, and the President of the United States replied that he would send a message in writing to Congress immediately.

PRESIDENT'S ANNUAL MESSAGE.

At 12 o'clock and 10 minutes p. m. Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar of the Senate and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the Secretary and handed to the President *pro tempore*.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate read the message, as follows:

To the Congress of the United States:

Your assembling is clouded by a sense of public bereavement, caused by the recent and sudden death of Thomas A. Hendricks, Vice-President of the United States. His distinguished public services, his complete integrity and devotion to every duty, and his personal virtues will find honorable record in his country's history.

Ample and repeated proofs of the esteem and confidence in which he was held by his fellow-countrymen were manifested by his election to offices of the most important trust and highest dignity; and at length, full of years and honors, he has been laid at rest amid universal sorrow and benediction.

The Constitution which requires those chosen to legislate for the people to annually meet in the discharge of their solemn trust also requires the President to give to Congress information of the state of the Union and recommend to their consideration such measures as he shall deem necessary and expedient. At the threshold of a compliance with these constitutional directions, it is well for us to bear in mind that our usefulness to the people's interests will be promoted by a constant appreciation of the scope and character of our respective duties as they relate to Federal legislation. While the Executive may recommend such measures as he shall deem expedient, the responsibility for legislative action must and should rest upon those selected by the people to make their laws.

Contemplation of the grave and responsible functions assigned to the respective branches of the Government under the Constitution will disclose the partitions of power between our respective departments and their necessary independence, and also the need for the exercise of all the power intrusted to each in that spirit of comity and co-operation which is essential to the proper fulfillment of the patriotic obligations which rest upon us as faithful servants of the people.

The jealous watchfulness of our constituencies, great and small, supplements their suffrages, and before the tribunal they establish every public servant should be judged.

It is gratifying to announce that the relations of the United States with all foreign powers continue to be friendly. Our position after nearly a century of successful constitutional government, maintenance of good faith in all our engagements, the avoidance of complications with other nations, and our consistent and amicable attitude toward the strong and weak alike, furnish proof of a political disposition which renders professions of good will unnecessary. There are no questions of difficulty pending with any foreign government.

The Argentine Government has revived the long dormant question of the Falkland Islands, by claiming from the United States indemnity for their loss, attributed to the action of the commander of the sloop-of-war Lexington in breaking up a piratical colony on those islands in 1831, and their subsequent occupation by Great Britain. In view of the ample justification for the act of the Lexington and the derelict condition of the islands before and after their alleged occupation by Argentine colonists, this Government considers the claim as wholly groundless.

Question has arisen with the Government of Austria-Hungary touching the representation of the United States at Vienna. Having, under my constitutional prerogative, appointed an estimable citizen of unimpeached probity and competence as minister at that court, the Government of Austria-Hungary invited this Government to take cognizance of certain exceptions, based upon allegations against the personal acceptability of Mr. Keiley, the appointed envoy, asking that, in view thereof, the appointment should be withdrawn. The reasons advanced were such as could not be acquiesced in without violation of my oath of office and the precepts of the Constitution, since they necessarily involved a limitation in favor of a foreign government upon the right of selection by the Executive, and required such an application of a religious test as a qualification for office under the United States as would have resulted in the practical disfranchisement of a large class of our citizens and the abandonment of a vital principle in our Government. The Austro-Hungarian Government finally decided not to receive Mr. Keiley as the envoy of the United States, and that gentleman has since resigned his commission, leaving the post vacant. I have made no new nomination, and the interests of this Government at Vienna are now in the care of the secretary of legation, acting as chargé d'affaires *ad interim*.

Early in March last, war broke out in Central America, caused by the attempt of Guatemala to consolidate the several states into a single government. In these contests between our neighboring states the United States forebore to interfere actively, but lent the aid of their friendly offices in deprecation of war and to promote peace and concord among the belligerents, and by such counsel contributed importantly to the restoration of tranquillity in that locality.

Emergencies growing out of civil war in the United States of Colombia demanded of the Government at the beginning of this administration the employment of armed force to fulfill its guarantees under the thirty-fifth article of the treaty of 1816, in order to keep the transit open across the Isthmus of Panama. Desirous of exercising only the powers expressly reserved to us by the treaty, and mindful of the rights of Colombia, the forces sent to the Isthmus were instructed to confine their action to "positively and efficaciously" preventing the transit and its accessories from being "interrupted or embarrassed."

The execution of this delicate and responsible task necessarily involved police control where the local authority was temporarily powerless, but always in aid of the sovereignty of Colombia.

The prompt and successful fulfillment of its duty by this Government was highly appreciated by the Government of Colombia, and has been followed by expressions of its satisfaction.

High praise is due to the officers and men engaged in this service.

The restoration of peace on the Isthmus by the re-establishment of the constituted government there being thus accomplished, the forces of the United States were withdrawn.

Pending these occurrences a question of much importance was presented by decrees of the Colombian Government, proclaiming the closure of certain ports then in the hands of insurgents, and declaring vessels held by the revolutionists to be piratical and liable to capture by any power. To neither of these propositions could the United States

assent. An effective closure of ports not in the possession of the government, but held by hostile partisans, could not be recognized; neither could the vessels of insurgents against the legitimate sovereignty be deemed *hostes humani generis* within the precepts of international law, whatever might be the definition and penalty of their acts under the municipal law of the state against whose authority they were in revolt. The denial by this Government of the Colombian propositions did not, however, imply the admission of a belligerent status on the part of the insurgents.

The Colombian Government has expressed its willingness to negotiate conventions for the adjustment by arbitration of claims by foreign citizens arising out of the destruction of the city of Aspinwall by the insurrectionary forces.

The interest of the United States in a practicable transit for ships across the strip of land separating the Atlantic from the Pacific has been repeatedly manifested during the last half-century.

My immediate predecessor caused to be negotiated with Nicaragua a treaty for the construction by and at the sole cost of the United States of a canal through Nicaraguan territory, and laid it before the Senate. Pending the action of that body thereon, I withdrew the treaty for reexamination. Attentive consideration of its provisions leads me to withhold it from resubmission to the Senate.

Maintaining, as I do, the tenets of a line of precedents from Washington's day, which proscribe entangling alliances with foreign states, I do not favor a policy of acquisition of new and distant territory or the incorporation of remote interests with our own.

The laws of progress are vital and organic, and we must be conscious of that irresistible tide of commercial expansion which, as the concomitant of our active civilization, day by day, is being urged onward by those increasing facilities of production, transportation, and communication to which steam and electricity have given birth; but our duty in the present instructs us to address ourselves mainly to the development of the vast resources of the great area committed to our charge, and to the cultivation of the arts of peace within our own borders, though jealously alert in preventing the American hemisphere from being involved in the political problems and complications of distant governments. Therefore, I am unable to recommend propositions involving paramount privileges of ownership or right outside of our own territory, when coupled with absolute and unlimited engagements to defend the territorial integrity of the state where such interests lie. While the general project of connecting the two oceans by means of a canal is to be encouraged, I am of opinion that any scheme to that end to be considered with favor should be free from the features alluded to.

The Tehuantepec route is declared by engineers of the highest repute and by competent scientists to afford an entirely practicable transit for vessels and cargoes, by means of a ship-railway, from the Atlantic to the Pacific. The obvious advantages of such a route, if feasible, over others more remote from the axial lines of traffic between Europe and the Pacific, and particularly between the valley of the Mississippi and the western coast of North and South America, are deserving of consideration.

Whatever highway may be constructed across the barrier dividing the two greatest maritime areas of the world must be for the world's benefit, a trust for mankind, to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize for warlike ambition. An engagement combining the construction, ownership, and operation of such a work by this Government, with an offensive and defensive alliance for its protection, with the foreign state whose responsibilities and rights we would share, is in my judgment inconsistent with such dedication to universal and neutral use, and would, moreover, entail measures for its realization beyond the scope of our national polity or present means.

The lapse of years has abundantly confirmed the wisdom and foresight of those earlier administrations which, long before the conditions of maritime intercourse were changed and enlarged by the progress of the age, proclaimed the vital need of interoceanic transit across the American Isthmus, and consecrated it in advance to the common use of mankind by their positive declarations and through the formal obligation of treaties. Toward such realization the efforts of my administration will be applied, ever bearing in mind the principles on which it must rest, and which were declared in no uncertain tones by Mr. Cass, who, while Secretary of State, in 1858, announced that "what the United States want in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead through it."

The construction of three transcontinental lines of railway, all in successful operation, wholly within our territory and uniting the Atlantic and the Pacific Oceans, has been accompanied by results of a most interesting and impressive nature, and has created new conditions, not in the routes of commerce only, but in political geography, which powerfully affect our relations toward, and necessarily increase our interests in, any transisthmian route which may be opened and employed for the ends of peace and traffic, or, in other contingencies, for uses inimical to both.

Transportation is a factor in the cost of commodities scarcely second to that of their production, and weighs as heavily upon the consumer.

Our experience already has proven the great importance of having the competition between land carriage and water carriage fully developed, each acting as a protection to the public against the tendencies to monopoly which is inherent in the consolidation of wealth and power in the hands of vast corporations.

These suggestions may serve to emphasize what I have already said on the score of the necessity of a neutralization of any interoceanic transit; and this can only be accomplished by making the uses of the route open to all nations and subject to the ambitions and warlike necessities of none.

The drawings and report of a recent survey of the Nicaragua Canal route, made by Chief Engineer Menocal, will be communicated for your information.

The claims of citizens of the United States for losses by reason of the late military operations of Chile in Peru and Bolivia are the subject of negotiation for a claims convention with Chile, providing for their submission to arbitration.

The harmony of our relations with China is fully sustained.

In the application of the acts lately passed to execute the treaty of 1880, restrictive of the immigration of Chinese laborers into the United States, individual cases of hardship have occurred beyond the power of the Executive to remedy, and calling for judicial determination.

The condition of the Chinese question in the Western States and Territories is, despite this restrictive legislation, far from being satisfactory. The recent outbreak in Wyoming Territory, where numbers of unoffending Chinamen, indisputably within the protection of the treaties and the law, were murdered by a mob, and the still more recent threatened outbreak of the same character in Washington Territory, are fresh in the minds of all, and there is apprehension lest the bitterness of feeling against the Mongolian race on the Pacific slope may find vent in similar lawless demonstrations. All the power of this Government should be exerted to maintain the amplest good faith toward China in the treatment of these men, and the inflexible sternness of the law in bringing the wrongdoers to justice should be insisted upon.

Every effort has been made by this Government to prevent these violent outbreaks and to aid the representatives of China in their investigation of these outrages; and it is but just to say that they are traceable to the lawlessness of men not citizens of the United States engaged in competition with Chinese laborers.

Race prejudice is the chief factor in originating these disturbances, and it exists in a large part of our domain, jeopardizing our domestic peace and the good relationship we strive to maintain with China.

The admitted right of a government to prevent the influx of elements hostile to its internal peace and security may not be questioned, even where there is no treaty stipulation on the subject. That the exclusion of Chinese labor is demanded in other countries where like conditions prevail is strongly evidenced in the Dominion of Canada, where Chinese immigration is now regulated by laws more exclusive than our own. If existing laws are inadequate to compass the end in view, I shall be prepared to give earnest consideration to any further remedial measures, within the treaty limits, which the wisdom of Congress may devise.

The independent state of the Congo has been organized as a government, under the sovereignty of His Majesty the King of the Belgians, who assumes its chief magistracy in his personal character only, without making the new state a dependency of Belgium. It is fortunate that a benighted region, owing all it has of quickening civilization to the beneficence and philanthropic spirit of this monarch, should have the advantage and security of his benevolent supervision.

The action taken by this Government last year in being the first to recognize the flag of the International Association of the Congo has been followed by formal recognition of the new nationality which succeeds to its sovereign powers.

A conference of delegates of the principal commercial nations was held at Berlin last winter to discuss methods whereby the Congo Basin might be kept open to the world's trade. Delegates attended on behalf of the United States on the understanding that their part should be merely deliberative, without imparting to the results any binding character so far as the United States were concerned. This reserve was due to the indisposition of this Government to share in any disposal by an international congress of jurisdictional questions in remote foreign territories. The results of the conference were embodied in a formal act of the nature of an international convention, which laid down certain obligations purporting to be binding on the signatories, subject to ratification within one year. Notwithstanding the reservation under which the delegates of the United States attended, their signatures were attached to the general act in the same manner as those of the plenipotentiaries of other governments, thus making the United States appear, without reserve or qualification, as signatories to a joint international engagement imposing on the signers the conservation of the territorial integrity of distant regions where we have no established interests or control.

This Government does not, however, regard its reservation of liberty of action in the premises as at all impaired; and holding that an engagement to share in the obligation of enforcing neutrality in the remote valley of the Congo would be an alliance whose responsibilities we are not in a position to assume, I abstain from asking the sanction of the Senate to that general act.

The correspondence will be laid before you, and the instructive and

interesting report of the agent sent by this Government to the Congo country and his recommendations for the establishment of commercial agencies on the African coast are also submitted for your consideration.

The commission appointed by my predecessor last winter to visit the Central and South American countries and report on the methods of enlarging the commercial relations of the United States therewith has submitted reports, which will be laid before you.

No opportunity has been omitted to testify the friendliness of this Government toward Corea, whose entrance into the family of treaty powers the United States were the first to recognize. I regard with favor the application made by the Corean Government to be allowed to employ American officers as military instructors, to which the assent of Congress becomes necessary, and I am happy to say this request has the concurrent sanction of China and Japan.

The arrest and imprisonment of Julio R. Santos, a citizen of the United States, by the authorities of Ecuador, gave rise to a contention with that government, in which his right to be released or to have a speedy and impartial trial on announced charges, and with all guarantees of defense stipulated by treaty, was insisted upon by us. After an elaborate correspondence, and repeated and earnest representations on our part, Mr. Santos was, after an alleged trial and conviction, eventually included in a general decree of amnesty and pardoned by the Ecuadorian Executive and released, leaving the question of his American citizenship denied by the Ecuadorian Government but insisted upon by our own.

The amount adjudged by the late French and American Claims Commission to be due from the United States to French claimants on account of injuries suffered by them during the war of secession, having been appropriated by the last Congress, has been duly paid to the French Government.

The act of February 25, 1885, provided for a preliminary search of the records of French prize-courts for evidence bearing on the claims of American citizens against France for spoliations committed prior to 1801. The duty has been performed, and the report of the agent will be laid before you.

I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstration of the absence of sanitary danger in its use; but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria, and other countries, where such food-products are absolutely excluded without present prospect of reasonable change.

The interpretation of our existing treaties of naturalization by Germany during the past year has attracted attention by reason of an apparent tendency on the part of the imperial government to extend the scope of the residential restrictions to which returning naturalized citizens of German origin are asserted to be liable under the laws of the empire. The temperate and just attitude taken by this Government with regard to this class of questions will doubtless lead to a satisfactory understanding.

The dispute of Germany and Spain relative to the domination of the Caroline Islands has attracted the attention of this Government, by reason of extensive interests of American citizens having grown up in those parts during the past thirty years, and because the question of ownership involves jurisdiction of matters affecting the status of our citizens under civil and criminal law. Whilst standing wholly aloof from the proprietary issues raised between powers to both of which the United States are friendly, this Government expects that nothing in the present contention shall unfavorably affect our citizens carrying on a peaceful commerce or there domiciled, and has so informed the Governments of Spain and Germany.

The marked good will between the United States and Great Britain has been maintained during the past year.

The termination of the fishing clauses of the treaty of Washington, in pursuance of the joint resolution of March 3, 1883, must have resulted in the abrupt cessation on the 1st of July of this year, in the midst of their ventures, of the operations of citizens of the United States engaged in fishing in British-American waters, but for a diplomatic understanding reached with Her Majesty's Government in June last, whereby assurance was obtained that no interruption of those operations should take place during the current fishing season.

In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of the North American fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America. The fishing interests being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof, in all their equities, might also properly come within the purview of such a commission, and the fullest latitude of expression on both sides should be permitted.

The correspondence in relation to the fishing rights will be submitted.

The Arctic exploring steamer Alert, which was generously given by Her Majesty's Government to aid in the relief of the Greely expedition, was, after the successful attainment of that humane purpose, returned to Great Britain, in pursuance of the authority conferred by the act of March 3, 1885.

The inadequacy of the existing engagements for extradition between the United States and Great Britain has been long apparent. The tenth article of the treaty of 1842, one of the earliest compacts in this regard entered into by us, stipulated for surrender in respect of a limited number of offenses. Other crimes, no less inimical to the social welfare, should be embraced, and the procedure of extradition brought in harmony with present international practice. Negotiations with Her Majesty's Government for an enlarged treaty of extradition have been pending since 1870, and I entertain strong hopes that a satisfactory result may be soon attained.

The frontier line between Alaska and British Columbia, as defined by the treaty of cession with Russia, follows the demarkation assigned in a prior treaty between Great Britain and Russia. Modern exploration discloses that this ancient boundary is impracticable as a geographical fact. In the unsettled condition of that region the question has lacked importance, but the discovery of mineral wealth in the territory the line is supposed to traverse admonishes that the time has come when an accurate knowledge of the boundary is needful to avert jurisdictional complications. I recommend, therefore, that provision be made for a preliminary reconnaissance by officers of the United States, to the end of acquiring more precise information on the subject. I have invited Her Majesty's Government to consider with us the adoption of a more convenient line, to be established by meridian observations or by known geographical features without the necessity of an expensive survey of the whole.

The late insurrectionary movements in Hayti having been quelled, the government of that republic has made prompt provision for adjudicating the losses suffered by foreigners because of hostilities there, and the claims of certain citizens of the United States will be in this manner determined.

The long-pending claims of two citizens of the United States, Pelletier and Lazare, have been disposed of by arbitration, and an award in favor of each claimant has been made, which, by the terms of the engagement, is final. It remains for Congress to provide for the payment of the stipulated moiety of the expenses.

A question arose with Hayti during the past year, by reason of the exceptional treatment of an American citizen, Mr. Van Bokkelen, a resident of Port-au-Prince, who, on suit by creditors residing in the United States, was sentenced to imprisonment, and, under the operation of a Haytian statute, was denied relief secured to a native Haytian. This Government asserted his treaty right to equal treatment with natives of Hayti in all suits at law. Our contention was denied by the Haytian Government, which, however, while still professing to maintain the ground taken against Mr. Van Bokkelen's right, terminated the controversy by setting him at liberty without explanation.

An international conference to consider the means of arresting the spread of cholera and other epidemic diseases was held at Rome in May last, and adjourned to meet again on further notice. An expert delegate on behalf of the United States has attended its sessions and will submit a report.

Our relations with Mexico continue to be most cordial, as befits those of neighbors between whom the strongest ties of friendship and commercial intimacy exist, as the natural and growing consequence of our similarity of institutions and geographical propinquity.

The relocation of the boundary line between the United States and Mexico westward of the Rio Grande, under the convention of July 29, 1882, has been unavoidably delayed; but I apprehend no difficulty in securing a prolongation of the period for its accomplishment.

The lately concluded commercial treaty with Mexico still awaits the stipulated legislation to carry its provisions into effect, for which one year's additional time has been secured by a supplementary article signed in February last and since ratified on both sides.

As this convention, so important to the commercial welfare of the two adjoining countries, has been constitutionally confirmed by the treaty-making branch, I express the hope that legislation needed to make it effective may not be long delayed.

The large influx of capital and enterprise to Mexico from the United States continues to aid in the development of the resources and in augmenting the material well-being of our sister republic. Lines of railway, penetrating to the heart and capital of the country, bring the two peoples into mutually beneficial intercourse, and enlarged facilities of transit add to profitable commerce, create new markets, and furnish avenues to otherwise isolated communities.

I have already adverted to the suggested construction of a ship-railway across the narrow formation of the territory of Mexico at Tehuantepec.

With the gradual recovery of Peru from the effects of her late disastrous conflict which Chile, and with the restoration of civil authority in that distracted country, it is hoped that pending war claims of our citizens will be adjusted.

In conformity with notification given by the Government of Peru,

the existing treaties of commerce and extradition between the United States and that country will terminate March 31, 1886.

Our good relationship with Russia continues.

An officer of the Navy, detailed for the purpose, is now on his way to Siberia, bearing the testimonials voted by Congress to those who generously succored the survivors of the unfortunate Jeannette expedition.

It is gratifying to advert to the cordiality of our intercourse with Spain.

The long-pending claim of the owners of the ship Masonic, for loss suffered through the admitted dereliction of the Spanish authorities in the Philippine Islands, has been adjusted by arbitration, and an indemnity awarded. The principle of arbitration in such cases, to which the United States have long and consistently adhered, thus receives a fresh and gratifying confirmation.

Other questions with Spain have been disposed of, or are under diplomatic consideration with a view to just and honorable settlement.

The operation of the commercial agreement with Spain, of January 2–February 13, 1884, has been found inadequate to the commercial needs of the United States and the Spanish Antilles, and the terms of the agreement are subjected to conflicting interpretations in those islands.

Negotiations have been instituted at Madrid for a full treaty, not open to these objections, and in the line of the general policy touching the neighborly intercourse of proximate communities, to which I elsewhere advert, and aiming moreover at the removal of existing burdens and annoying restrictions; and although a satisfactory termination is promised, I am compelled to delay its announcement.

An international copyright conference was held at Berne in September, on the invitation of the Swiss Government. The envoy of the United States attended as a delegate, but refrained from committing this Government to the results, even by signing the recommendatory protocol adopted. The interesting and important subject of international copyright has been before you for several years. Action is certainly desirable to effect the object in view. And while there may be question as to the relative advantage of treating it by legislation or by specific treaty, the matured views of the Berne conference can not fail to aid your consideration of the subject.

The termination of the commercial treaty of 1862 between the United States and Turkey has been sought by that government. While there is question as to the sufficiency of the notice of termination given, yet as the commercial rights of our citizens in Turkey come under the favored-nation guarantees of the prior treaty of 1830, and as equal treatment is admitted by the Porte, no inconvenience can result from the assent of this Government to the revision of the Ottoman tariffs, in which the treaty powers have been invited to join.

Questions concerning our citizens in Turkey may be affected by the Porte's non-acquiescence in the right of expatriation and by the imposition of religious tests as a condition of residence, in which this Government can not concur. The United States must hold, in their intercourse with every power, that the status of their citizens is to be respected and equal civil privileges accorded to them without regard to creed, and affected by no considerations save those growing out of domiciliary return to the land of original allegiance, or of unfulfilled personal obligations which may survive, under municipal laws, after such voluntary return.

The negotiation with Venezuela relative to the rehearing of the awards of the Mixed Commission constituted under the treaty of 1866 was resumed in view of the recent acquiescence of the Venezuelan envoy in the principal point advanced by this Government, that the effects of the old treaty could only be set aside by the operation of a new convention. A result in substantial accord with the advisory suggestions contained in the joint resolution of March 3, 1883, has been agreed upon and will shortly be submitted to the Senate for ratification.

Under section 3659 of the Revised Statutes, all funds held in trust by the United States and the annual interest accruing thereon when not otherwise required by treaty, are to be invested in stocks of the United States bearing a rate of interest not less than 5 per cent. per annum. There being now no procurable stocks paying so high a rate of interest, the letter of the statute is at present inapplicable, but its spirit is subserved by continuing to make investments of this nature in current stocks bearing the highest interest now paid. The statute, however, makes no provision for the disposal of such accretions. It being contrary to the general rule of this Government to allow interest on claims, I recommend the repeal of the provision in question, and the disposition, under a uniform rule, of the present accumulations from investment of trust funds.

The inadequacy of existing legislation touching citizenship and naturalization demands your consideration.

While recognizing the right of expatriation, no statutory provision exists providing means for renouncing citizenship by an American citizen, native-born or naturalized, nor for terminating and vacating an improper acquisition of citizenship. Even a fraudulent decree of naturalization can not now be canceled. The privilege and franchise of American citizenship should be granted with care, and extended to those only who intend in good faith to assume its duties and responsibilities when attaining its privileges and benefits; it should be withheld from those who merely go through the forms of naturalization with the intent of escaping the duties of their original allegiance without taking upon themselves those of their new status, or who may acquire the rights of American citizenship for no other than a hostile purpose toward their original governments. These evils have had many flagrant illustrations.

I regard with favor the suggestion put forth by one of my predecessors that provision be made for a central bureau of record of the decrees of naturalization granted by the various courts throughout the United States now invested with that power.

The rights which spring from domicile in the United States, especially when coupled with a declaration of intention to become a citizen, are worthy of definition by statute. The stranger coming hither with intent to remain, establishing his residence in our midst, contributing to the general welfare, and, by his voluntary act, declaring his purpose to assume the responsibilities of citizenship, thereby gains an inchoate status which legislation may properly define. The laws of certain States and Territories admit a domiciled alien to the local franchise, conferring on him the rights of citizenship to a degree which places him in the anomalous position of being a citizen of a State, and yet not of the United States, within the purview of Federal and international law.

It is important within the scope of national legislation to define this right of alien domicile as distinguished from Federal naturalization.

The commercial relations of the United States with their immediate neighbors and with important areas of traffic near our shores suggest especially liberal intercourse between them and us.

Following the treaty of 1883 with Mexico, which rested on the basis of a reciprocal exemption from customs duties, other similar treaties were initiated by my predecessor.

Recognizing the need of less obstructed traffic with Cuba and Porto Rico, and met by the desire of Spain to succor languishing interests in the Antilles, steps were taken to attain those ends by a treaty of commerce. A similar treaty was afterward signed by the Dominican Republic. Subsequently overtures were made by Her Britannic Majesty's Government for a like mutual extension of commercial intercourse with the British West Indian and South American dependencies, but without result.

On taking office, I withdrew for re-examination the treaties signed with Spain and Santo Domingo, then pending before the Senate. The result has been to satisfy me of the inexpediency of entering into engagements of this character not covering the entire traffic.

These treaties contemplated the surrender by the United States of large revenues for inadequate considerations. Upon sugar alone duties were surrendered to an amount far exceeding all the advantages offered in exchange. Even were it intended to relieve our consumers, it was evident that, so long as the exemption but partially covered our importation, such relief would be illusory. To relinquish a revenue so essential seemed highly improvident at a time when new and large drains upon the Treasury were contemplated. Moreover, embarrassing questions would have arisen under the favored-nation clauses of treaties with other nations.

As a further objection, it is evident that tariff regulation by treaty diminishes that independent control over its own revenues which is essential for the safety and welfare of any government. Emergency calling for an increase of taxation may at any time arise, and no engagement with a foreign power should exist to hamper the action of the Government.

By the fourteenth section of the shipping act, approved June 26, 1884, certain reductions and contingent exemptions from tonnage dues were made as to vessels entering ports of the United States from any foreign port in North and Central America, the West India Islands, the Bahamas and Bermudas, Mexico, and the Isthmus as far as Aspinwall and Panama. The Governments of Belgium, Denmark, Germany, Portugal, and Sweden and Norway have asserted, under the favored-nation clause in their treaties with the United States, a claim to like treatment in respect of vessels coming to the United States from their home ports. This Government, however, holds that the privileges granted by the act are purely geographical, enuring to any vessel of any foreign power that may choose to engage in traffic between this country and any port within the defined zone, and no warrant exists under the most-favored-nation clause for the extension of the privileges in question to vessels sailing to this country from ports outside the limitation of the act.

Undoubtedly the relations of commerce with our near neighbors, whose territories form so long a frontier line difficult to be guarded, and who find in our country, and equally offer to us, natural markets, demand special and considerate treatment. It rests with Congress to consider what legislative action may increase facilities of intercourse which contiguity makes natural and desirable.

I earnestly urge that Congress recast the appropriations for the maintenance of the diplomatic and consular service on a footing commensurate with the importance of our national interests. At every post where a representative is necessary, the salary should be so graded as to permit him to live with comfort. With the assignment of adequate salaries the so-called notarial extra-official fees, which our officers abroad are now permitted to treat as personal perquisites, should be done away with. Every act requiring the certification and seal of the officer should be taxable at schedule rates, and the fee therefor returned to the Treasury.

By restoring these revenues to the public use the consular service would be self-supporting, even with a liberal increase of the present low salaries.

In further prevention of abuses, a system of consular inspection should be instituted.

The appointment of a limited number of secretaries of legation at large, to be assigned to duty wherever necessary, and in particular for temporary service at missions which for any cause may be without a head, should also be authorized.

I favor, also, authorization for the detail of officers of the regular service as military or naval attachés at legations.

Some foreign governments do not recognize the union of consular with diplomatic functions. Italy and Venezuela will only receive the appointee in one of his two capacities, but this does not prevent the requirement of a bond and submission to the responsibilities of an office whose duties he can not discharge. The superadded title of consul-general should be abandoned at all missions.

I deem it expedient that a well-devised measure for the reorganization of the extraterritorial courts in Oriental countries should replace the present system, which labors under the disadvantage of combining judicial and executive functions in the same office.

In several Oriental countries generous offers have been made of premises for housing the legations of the United States. A grant of land for that purpose was made some years since by Japan, and has been referred to in the annual messages of my predecessor. The Siamese Government has made a gift to the United States of commodious quarters in Bangkok. In Corea, the late minister was permitted to purchase a building from the government for legation use. In China, the premises rented for the legation are favored as to local charges. At Tangier, the house occupied by our representative has been for many years the property of this Government, having been given for that purpose in 1822 by the Sultan of Morocco. I approve the suggestion heretofore made, that, in view of the conditions of life and administration in the Eastern countries, the legation buildings in China, Japan, Corea, Siam, and perhaps Persia, should be owned and furnished by the Government, with a view to permanency and security. To this end I recommend that authority be given to accept the gifts adverted to in Japan and Siam, and to purchase in the other countries named, with provision for furniture and repairs. A considerable saving in rentals would result.

The World's Industrial Exposition, held at New Orleans last winter, with the assistance of the Federal Government, attracted a large number of foreign exhibits, and proved of great value in spreading among the concourse of visitors from Mexico and Central and South America a wider knowledge of the varied manufactures and productions of this country and their availability in exchange for the productions of those regions.

Past Congresses have had under consideration the advisability of abolishing the discrimination made by the tariff laws in favor of the works of American artists. The odium of the policy which subjects to a high rate of duty the paintings of foreign artists and exempts the productions of American artists residing abroad, and who receive gratuitously advantages and instruction, is visited upon our citizens engaged in art culture in Europe, and has caused them, with practical unanimity, to favor the abolition of such an ungracious distinction; and in their interest, and for other obvious reasons, I strongly recommend it.

The report of the Secretary of the Treasury fully exhibits the condition of the public finances and of the several branches of the Government connected with his Department. The suggestions of the Secretary relating to the practical operations of this important Department, and his recommendations in the direction of simplification and economy, particularly in the work of collecting customs duties, are especially urged upon the attention of Congress.

The ordinary receipts from all sources for the fiscal year ended June 30, 1885, were $322,690,706.38. Of this sum $181,471,939.34 was received from customs and $112,498,725.54 from internal revenue. The total receipts, as given above, were $24,829,163.54 less than those for the year ended June 30, 1884. This diminution embraces a falling off of $13,595,550.42 in the receipts from customs and $9,687,346.97 in the receipts from internal revenue.

The total ordinary expenditures of the Government for the fiscal year were $260,226,935.50, leaving a surplus in the Treasury at the close of the year of $63,463,771.27. This is $40,929,854.32 less than the surplus reported at the close of the previous year.

The expenditures are classified as follows:

For civil expenses	$23,826,942 11
For foreign intercourse	5,439,609 11
For Indians	6,552,494 63
For pensions	56,102,267 49
For the military, including river and harbor improvements and arsenals	42,670,578 47
For the Navy, including vessels, machinery, and improvements of navy-yards	16,021,079 69
For interest on the public debt	51,386,256 47
For the District of Columbia	3,499,650 95
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	54,728,056 21

The amount paid on the public debt during the fiscal year ended June 30, 1885, was $45,993,235.43; and there has been paid since that date and up to November 1, 1885, the sum of $369,828, leaving the amount of the debt at the last-named date $1,514,475,860.47. There was, however, at that time in the Treasury, applicable to the general purposes of the Government, the sum of $66,818,292.38.

The total receipts for the current fiscal year, ending June 30, 1886, ascertained to October 1, 1885, and estimated for the remainder of the year, are $315,000,000. The expenditures ascertained and estimated for the same time are $245,000,000, leaving a surplus at the close of the year estimated at $70,000,000.

The value of the exports from the United States to foreign countries during the last fiscal year was as follows:

Domestic merchandise	$726,682,946
Foreign merchandise	15,506,809
	742,189,755
Gold	8,477,892
Silver	33,753,633
	784,421,280

Some of the principal exports, with their values and the percentage they respectively bear to the total exportation, are given as follows:

Articles.	Value.	Percentage.
Cotton and cotton manufactures	$213,799,049	29.42
Breadstuffs	160,370,821	22.07
Provisions	107,332,456	14.77
Oils—mineral, vegetable, and animal	54,326,202	7.48
Tobacco and its manufactures	24,767,305	3.41
Wood and its manufactures	21,464,322	2.95

Our imports during the year were as follows:

Merchandise	$579,580,053 80
Gold	26,691,696 00
Silver	16,550,627 00
	622,822,376 80

The following are given as prominent articles of imports during the year, with their values and the percentage they bear to the total importation:

Articles.	Value.	Percentage.
Sugar and molasses	$76,738,713	13.29
Coffee	46,723,318	8.09
Wool and its manufactures	44,656,482	7.73
Silk and its manufactures	40,393,002	6.99
Chemicals, dyes, drugs, and medicines	35,070,816	6.07
Iron and steel and their manufactures	34,563,689	5.98
Flax, hemp, jute, and their manufactures	32,854,874	5.69
Cotton and its manufactures	28,152,001	4.88
Hides and skins other than fur skins	20,586,443	3.56

Of the entire amount of duties collected 70 per cent. was collected from the following articles of import:

	Percentage.
Sugar and molasses	29
Wool and its manufactures	15
Silk and its manufactures	8
Iron and steel and their manufactures	7
Cotton manufactures	6
Flax, hemp, and jute, and their manufactures	5

The fact that our revenues are in excess of the actual needs of an economical administration of the Government justifies a reduction in the amount exacted from the people for its support. Our Government is but the means established by the will of a free people, by which certain principles are applied which they have adopted for their benefit and protection; and it is never better administered and its true spirit is never better observed than when the people's taxation for its support is scrupulously limited to the actual necessity of expenditure, and distributed according to a just and equitable plan.

The proposition with which we have to deal is the reduction of the revenue received by the Government, and indirectly paid by the people from customs duties. The question of free trade is not involved, nor is there now any occasion for the general discussion of the wisdom or expediency of a protective system.

Justice and fairness dictate that in any modification of our present laws relating to revenue the industries and interests which have been encouraged by such laws, and in which our citizens have large investments, should not be ruthlessly injured or destroyed. We should also deal with the subject in such manner as to protect the interests of American labor, which is the capital of our workingmen; its stability

and proper remuneration furnish the most justifiable pretext for a protective policy.

Within these limitations a certain reduction should be made in our customs revenue. The amount of such reduction having been determined, the inquiry follows, where can it best be remitted and what articles can best be released from duty, in the interest of our citizens?

I think the reduction should be made in the revenue derived from a tax upon the imported necessaries of life. We thus directly lessen the cost of living in every family of the land, and release to the people in every humble home a larger measure of the rewards of frugal industry.

During the year ended November 1, 1885, one hundred and forty-five national banks were organized, with an aggregate capital of $16,938,000, and circulating notes have been issued to them amounting to $4,274,910. The whole number of these banks in existence on the day above mentioned was 2,727.

The very limited amount of circulating notes issued by our national banks compared with the amount the law permits them to issue, upon a deposit of bonds for their redemption, indicates that the volume of our circulating medium may be largely increased through this instrumentality.

Nothing more important than the present condition of our currency and coinage can claim your attention.

Since February, 1878, the Government has, under the compulsory provisions of law, purchased silver bullion and coined the same at the rate of more than $2,000,000 every month. By this process up to the present date 215,759,431 silver dollars have been coined.

A reasonable appreciation of a delegation of power to the General Government would limit its exercise without express restrictive words to the people's needs and the requirements of the public welfare.

Upon this theory, the authority to "coin money" given to Congress by the Constitution, if it permits the purchase by the Government of bullion for coinage in any event, does not justify such purchase and coinage to an extent beyond the amount needed for a sufficient circulating medium.

The desire to utilize the silver product of the country should not lead to a misuse or the perversion of this power.

The necessity for such an addition to the silver currency of the nation as is compelled by the silver-coinage act is negatived by the fact that up to the present time only about fifty millions of the silver dollars so coined have actually found their way into circulation, leaving more than one hundred and sixty-five millions in the possession of the Government, the custody of which has entailed a considerable expense for the construction of vaults for its deposit. Against this latter amount there are outstanding silver certificates amounting to about $93,000,000.

Every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the idle mass already accumulated.

If continued long enough, this operation will result in the substitution of silver for all the gold the Government owns applicable to its general purposes. It will not do to rely upon the customs receipts of the Government to make good this drain of gold, because the silver thus coined having been made legal tender for all debts and dues, public and private, at times during the last six months 58 per cent. of the receipts for duties have been in silver or silver certificates, while the average within that period has been 20 per cent. The proportion of silver and its certificates received by the Government will probably increase as time goes on, for the reason that the nearer the period approaches when it will be obliged to offer silver in payment of its obligations, the greater inducement there will be to hoard gold against depreciation in the value of silver, or for the purpose of speculating.

This hoarding of gold has already begun.

When the time comes that gold has been withdrawn from circulation, then will be apparent the difference between the real value of the silver dollar and a dollar in gold, and the two coins will part company. Gold, still the standard of value, and necessary in our dealings with other countries, will be at a premium over silver; banks which have substituted gold for the deposits of their customers may pay them with silver bought with such gold, thus making a handsome profit; rich speculators will sell their hoarded gold to their neighbors, who need it to liquidate their foreign debts, at a ruinous premium over silver, and the laboring men and women of the land, most defenseless of all, will find that the dollar received for the wage of their toil has sadly shrunk in its purchasing power. It may be said that the latter result will be but temporary, and that ultimately the price of labor will be adjusted to the change; but even if this takes place the wage worker can not possibly gain, but must inevitably lose, since the price he is compelled to pay for his living will not only be measured in a coin heavily depreciated, and fluctuating and uncertain in its value, but this uncertainty in the value of the purchasing medium will be made the pretext for an advance in prices beyond that justified by actual depreciation.

The words uttered in 1834 by Daniel Webster in the Senate of the United States are true to-day: "The very man of all others who has the deepest interest in a sound currency, and who suffers most by mischievous legislation in money matters, is the man who earns his daily bread by his daily toil."

The most distinguished advocate of bimetallism, discussing our silver coinage, has lately written:

"No American citizen's hand has yet felt the sensation of cheapness, either in receiving or expending the silver-act dollars."

And those who live by labor or legitimate trade never will feel that sensation of cheapness. However plenty silver dollars may become, they will not be distributed as gifts among the people; and if the laboring man should receive four depreciated dollars where he now receives but two, he will pay in the depreciated coin more than double the price he now pays for all the necessaries and comforts of life.

Those who do not fear any disastrous consequences arising from the continued compulsory coinage of silver as now directed by law, and who suppose that the addition to the currency of the country intended as its result will be a public benefit, are reminded that history demonstrates that the point is easily reached in the attempt to float at the same time two sorts of money of different excellence, when the better will cease to be in general circulation. The hoarding of gold, which has already taken place, indicates that we shall not escape the usual experience in such cases. So if this silver coinage be continued we may reasonably expect that gold and its equivalent will abandon the field of circulation to silver alone. This, of course, must produce a severe contraction of our circulating medium, instead of adding to it.

It will not be disputed that any attempt on the part of the Government to cause the circulation of silver dollars worth eighty cents, side by side with gold dollars worth one hundred cents, even within the limit that legislation does not run counter to the laws of trade, to be successful must be seconded by the confidence of the people that both coins will retain the same purchasing power and be interchangeable at will. A special effort has been made by the Secretary of the Treasury to increase the amount of our silver coin in circulation; but the fact that a large share of the limited amount thus put out has soon returned to the public Treasury in payment of duties, leads to the belief that the people do not now desire to keep it in hand; and this, with the evident disposition to hoard gold, gives rise to the suspicion that there already exists a lack of confidence among the people touching our financial processes. There is certainly not enough silver now in circulation to cause uneasiness; and the whole amount coined and now on hand might after a time be absorbed by the people without apprehension; but it is the ceaseless stream that threatens to overflow the land which causes fear and uncertainty.

What has been thus far submitted upon this subject relates almost entirely to considerations of a home nature, unconnected with the bearing which the policies of other nations have upon the question. But it is perfectly apparent that a line of action in regard to our currency can not wisely be settled upon or persisted in without considering the attitude on the subject of other countries with whom we maintain intercourse through commerce, trade, and travel. An acknowledgment of this fact is found in the act by virtue of which our silver is compulsorily coined. It provides that "the President shall invite the governments of the countries composing the Latin Union, so called, and of such other European nations as he may deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between these metals."

This conference absolutely failed, and a similar fate has awaited all subsequent efforts in the same direction. And still we continue our coinage of silver at a ratio different from that of any other nation. The most vital part of the silver-coinage act remains inoperative and unexecuted, and, without an ally or friend, we battle upon the silver field in an illogical and losing contest.

To give full effect to the design of Congress on this subject I have made careful and earnest endeavor since the adjournment of the last Congress.

To this end I delegated a gentleman well instructed in fiscal science to proceed to the financial centers of Europe, and, in conjunction with our ministers to England, France, and Germany, to obtain a full knowledge of the attitude and intent of those governments in respect of the establishment of such an international ratio as would procure free coinage of both metals at the mints of those countries and our own. By my direction our consul-general at Paris has given close attention to the proceedings of the congress of the Latin Union, in order to indicate our interest in its objects and report its action.

It may be said, in brief, as the result of these efforts, that the attitude of the leading powers remains substantially unchanged since the monetary conference of 1881, nor is it to be questioned that the views of these governments are in each instance supported by the weight of public opinion.

The steps thus taken have therefore only more fully demonstrated the uselessness of further attempts at present to arrive at any agreement on the subject with other nations.

In the mean time we are accumulating silver coin, based upon our own peculiar ratio, to such an extent, and assuming so heavy a burden to be provided for in any international negotiations, as will render us an undesirable party to any future monetary conference of nations.

It is a significant fact that four of the five countries composing the Latin Union mentioned in our coinage act, embarrassed with their silver

currency, have just completed an agreement among themselves that no more silver shall be coined by their respective governments, and that such as has been already coined and in circulation shall be redeemed in gold by the country of its coinage. The resort to this expedient by these countries may well arrest the attention of those who suppose that we can succeed without shock or injury in the attempt to circulate upon its merits all the silver we may coin under the provisions of our silver-coinage act.

The condition in which our treasury may be placed by a persistence in our present course is a matter of concern to every patriotic citizen who does not desire his Government to pay in silver such of its obligations as should be paid in gold. Nor should our condition be such as to oblige us, in a prudent management of our affairs, to discontinue the calling in and payment of interest-bearing obligations which we have the right now to discharge, and thus avoid the payment of further interest thereon.

The so-called debtor class, for whose benefit the continued compulsory coinage of silver is insisted upon, are not dishonest because they are in debt; and they should not be suspected of a desire to jeopardize the financial safety of the country in order that they may cancel their present debts by paying the same in depreciated dollars. Nor should it be forgotten that it is not the rich nor the money-lender alone that must submit to such a readjustment, enforced by the Government and their debtors. The pittance of the widow and the orphan, and the incomes of helpless beneficiaries of all kinds, would be disastrously reduced. The depositors in savings banks and in other institutions which hold in trust the savings of the poor, when their little accumulations are scaled down to meet the new order of things, would, in their distress, painfully realize the delusion of the promise made to them that plentiful money would improve their condition.

We have now on hand all the silver dollars necessary to supply the present needs of the people, and to satisfy those who from sentiment wish to see them in circulation; and if their coinage is suspended they can be readily obtained by all who desire them. If the need of more is any time apparent, their coinage may be renewed.

That disaster has not already overtaken us furnishes no proof that danger does not wait upon a continuation of the present silver coinage. We have been saved by the most careful management and unusual expedients, by a combination of fortunate conditions, and by a confident expectation that the course of the Government in regard to silver coinage would be speedly changed by the action of Congress.

Prosperity hesitates upon our threshold because of the dangers and uncertainties surrounding this question. Capital timidly shrinks from trade, and investors are unwilling to take the chance of the questionable shape in which their money will be returned to them, while enterprise halts at a risk against which care and sagacious management do not protect.

As a necessary consequence labor lacks employment, and suffering and distress are visited upon a portion of our fellow-citizens especially entitled to the careful consideration of those charged with the duties of legislation. No interest appeals to us so strongly for a safe and stable currency as the vast army of the unemployed.

I recommend the suspension of the compulsory coinage of silver dollars, directed by the law passed in February, 1878.

The steamboat inspection service on the 30th day of June, 1885, was composed of one hundred and forty persons, including officers, clerks, and messengers. The expenses of the service over the receipts were $138,822.22 during the fiscal year. The special inspection of foreign steam vessels, organized under a law passed in 1882, was maintained during the year at an expense of $36,641.63. Since the close of the fiscal year reductions have been made in the force employed which will result in a saving during the current year of $17,000 without affecting the efficiency of the service.

The Supervising Surgeon-General reports that during the fiscal year 41,714 patients have received relief through the Marine-Hospital Service, of whom 12,803 were treated in hospitals and 28,911 at the dispensaries.

Active and effective efforts have been made, through the medium of this service, to protect the country against an invasion of cholera, which has prevailed in Spain and France, and the small-pox, which recently broke out in Canada.

The most gratifying results have attended the operations of the Life-Saving Service during the last fiscal year. The observance of the provision of law requiring the appointment of the force employed in this service to be made "solely with reference to their fitness, and without reference to their political or party affiliation," has secured the result which may confidently be expected in any branch of public employment where such a rule is applied. As a consequence, this service is composed of men well qualified for the performance of their dangerous and exceptionally important duties.

The number of stations in commission at the close of the year was 203. The number of disasters to vessels and craft of all kinds within their field of action was 371. The number of persons endangered in such disasters was 2,439, of whom 2,428 were saved and only 11 lost. Other lives which were imperiled, though not by disasters to shipping, were also rescued, and a large amount of property was saved through the aid of this service. The cost of its maintenance during the year was $828,474.43.

The work of the Coast and Geodetic Survey was, during the last fiscal year, carried on within the boundaries and off the coasts of thirty-two States, two Territories, and the District of Columbia. In July last certain irregularities were found to exist in the management of this bureau, which led to a prompt investigation of its methods. The abuses which were brought to light by this examination, and the reckless disregard of duty and the interests of the Government developed on the part of some of those connected with the service, made a change of superintendency and a few of its other officers necessary. Since the bureau has been in new hands an introduction of economies and the application of business methods have produced an important saving to the Government and a promise of more useful results.

This service has never been regulated by anything but the most indefinite legal enactments and the most unsatisfactory rules. It was many years ago sanctioned apparently for a purpose regarded as temporary, and related to a survey of our coast. Having gained a place in the appropriations made by Congress, it has gradually taken to itself powers and objects not contemplated in its creation, and extended its operations, until it sadly needs legislative attention.

So far as a further survey of our coast is concerned, there seems to be a propriety in transferring that work to the Navy Department. The other duties now in charge of this establishment, if they can not be profitably attached to some existing Department or other bureau, should be prosecuted under a law exactly defining their scope and purpose, and with a careful discrimination between the scientific inquiries which may properly be assumed by the Government and those which should be undertaken by State authority or by individual enterprise.

It is hoped that the report of the Congressional committee heretofore appointed to investigate this and other like matters will aid in the accomplishment of proper legislation on this subject.

The report of the Secretary of War is herewith submitted. The attention of Congress is invited to the detailed account which it contains of the administration of his Department, and his recommendations and suggestions for the improvement of the service.

The Army consisted at the date of the last consolidated returns of 2,154 officers and 24,705 enlisted men.

The expenses of the Departments for the fiscal year ended June 30, 1885, including $13,164,394.60 for public works and river and harbor improvements, were $45,850,999.54.

Beside the troops which were dispatched in pursuit of the small band of Indians who left their reservation in Arizona and committed murders and outrages, two regiments of cavalry and one of infantry were sent last July to the Indian Territory to prevent an outbreak which seemed imminent. They remained to aid if necessary in the expulsion of intruders upon the reservation, who seemed to have caused the discontent among the Indians, but the Executive proclamation warning them to remove was complied with without their interference.

Troops were also sent to Rock Springs, in Wyoming Territory, after the massacre of Chinese there, to prevent further disturbance, and afterward to Seattle, in Washington Territory, to avert a threatened attack upon Chinese laborers and domestic violence there. In both cases the mere presence of the troops had the desired effect.

It appears that the number of desertions have diminished, but that during the last fiscal year they numbered 2,927; and one instance is given by the Lieutenant-General of six desertions by the same recruit. I am convinced that this number of desertions can be much diminished by better discipline and treatment; but the punishment should be increased for repeated offenses.

These desertions might also be reduced by lessening the term of first enlistments, thus allowing a discontented recruit to contemplate a nearer discharge and the Army a profitable riddance. After one term of service a re-enlistment would be quite apt to secure a contented recruit and a good soldier.

The Acting Judge-Advocate-General reports that the number of trials by general courts-martial during the year was 2,328, and that 11,851 trials took place before garrison and regimental courts-martial. The suggestion that probably more than half the Army have been tried for offenses, great and small, in one year, may well arrest attention. Of course many of these trials before garrison and regimental courts-martial were for offenses almost frivolous; and there should, I think, be a way devised to dispose of these in a more summary and less inconvenient manner than by court-martial.

If some of the proceedings of courts-martial which I have had occasion to examine present the ideas of justice which generally prevail in these tribunals, I am satisfied that they should be much reformed, if the honor and honesty of the Army and Navy are by their instrumentality to be vindicated and protected.

The board on fortifications or other defenses, appointed in pursuance of the provisions of the act of Congress approved March 3, 1885, will in a short time present their report; and it is hoped that this may greatly aid the legislation so necessary to remedy the present defenseless condition of our seacoasts.

The work of the Signal Service has been prosecuted during the last year with results of increasing benefit to the country. The field of instruc-

tion has been enlarged with a view of adding to its usefulness. The number of stations in operation June 30, 1885, was 489. Telegraphic reports are received daily from 160 stations. Reports are also received from 25 Canadian stations, 375 volunteer observers, 52 Army surgeons at military posts, and 333 foreign stations. The expense of the service during the fiscal year, after deducting receipts from military telegraph lines, was $792,592.97. In view of the fact referred to by the Secretary of War, that the work of this service ordinarily is of a scientific nature, and the further fact that it is assuming larger proportions constantly, and becoming more and more unsuited to the fixed rules which must govern the Army, I am inclined to agree with him in the opinion that it should be separately established. If this is done the scope and extent of its operations should, as nearly as possible, be definitely prescribed by law, and always capable of exact ascertainment.

The Military Academy at West Point is reported as being in a high state of efficiency, and well equipped for the satisfactory accomplishment of the purposes of its maintenance.

The fact that the class which graduates next year is an unusually large one has constrained me to decline to make appointments to second lieutenancies in the Army from civil life, so that such vacancies as exist in these places may be reserved for such graduates; and yet it is not probable that there will be enough vacancies to provide positions for them all when they leave the military school. Under the prevailing law and usage those not thus assigned to duty never actively enter the military service. It is suggested that the law on this subject be changed, so that such of these young men as are not at once assigned to duty after graduation may be retained as second lieutenants in the Army if they desire it, subject to assignment when opportunity occurs, and under proper rules as to priority of selection.

The expenditures on account of the Military Academy for the last fiscal year, exclusive of the sum taken for its purposes from appropriations for the support of the Army, were $290,712.07.

The act approved March 3, 1885, designed to compensate officers and enlisted men for loss of private property while in the service of the United States, is so indefinite in its terms, and apparently admits so many claims the adjustment of which could not have been contemplated, that if it is to remain upon the statute-book it needs amendment.

There should be a general law of Congress prohibiting the construction of bridges over navigable waters in such manner as to obstruct navigation, with provisions for preventing the same. It seems that under existing statutes the Government can not intervene to prevent such a construction when entered upon without its consent, though when such consent is asked and granted upon condition, the authority to insist upon such condition is clear. Thus it is represented that while the officers of the Government are with great care guarding against the obstruction of navigation by a bridge across the Mississippi River at Saint Paul, a large pier for a bridge has been built just below this place directly in the navigable channel of the river. If such things are to be permitted, a strong argument is presented against the appropriation of large sums of money to improve the navigation of this and other important highways of commerce.

The report of the Secretary of the Navy gives a history of the operations of his Department and the present condition of the work committed to his charge.

He details in full the course pursued by him to protect the rights of the Government in respect of certain vessels unfinished at the time of his accession to office, and also concerning the dispatch-boat Dolphin, claimed to be completed and awaiting the acceptance of the Department. No one can fail to see, from recitals contained in this report, that only the application of business principles has been insisted upon in the treatment of these subjects, and that whatever controversy has arisen was caused by the exaction on the part of the Department of contract obligations as they were legally construed. In the case of the Dolphin, with entire justice to the contractor, an agreement has been entered into providing for the ascertainment by a judicial inquiry of the complete or partial compliance with the contract in her construction, and further providing for the assessment of any damages to which the Government may be entitled on account of a partial failure to perform such contract, or the payment of the sum still remaining unpaid upon her price, in case a full performance is adjudged.

The contractor, by reason of his failure in business, being unable to complete the other three vessels, they were taken possession of by the Government in their unfinished state, under a clause in the contract permitting such a course, and are now in process of completion in the yard of the contractor, but under the supervision of the Navy Department.

Congress at its last session authorized the construction of two additional new cruisers and two gunboats, at a cost not exceeding in the aggregate $2,995,000. The appropriation for this purpose having become available on the 1st day of July last, steps were at once taken for the procurement of such plans for the construction of these vessels as would be likely to insure their usefulness when completed. These are of the utmost importance, considering the constant advance in the art of building vessels of this character, and the time is not lost which is spent in their careful consideration and selection.

All must admit the importance of an effective navy to a nation like ours, having such an extended seacoast to protect. And yet we have not a single vessel of war that could keep the seas against a first-class vessel of any important power. Such a condition ought not longer to continue. The nation that can not resist aggression is constantly exposed to it. Its foreign policy is of necessity weak, and its negotiations are conducted with disadvantage, because it is not in condition to enforce the terms dictated by its sense of right and justice.

Inspired, as I am, by the hope, shared by all patriotic citizens, that the day is not very far distant when our Navy will be such as befits our standing among the nations of the earth, and rejoiced at every step that leads in the direction of such a consummation, I deem it my duty to especially direct the attention of Congress to the close of the report of the Secretary of the Navy, in which the humiliating weakness of the present organization of his Department is exhibited, and the startling abuses and waste of its present methods are exposed. The conviction is forced upon us, with the certainty of mathematical demonstration, that before we proceed further in the restoration of a navy we need a thoroughly reorganized Navy Department. The fact that within seventeen years more than $75,000,000 have been spent in the construction, repair, equipment, and armament of vessels, and the further fact that, instead of an effective and creditable fleet, we have only the discontent and apprehension of a nation undefended by war vessels, added to the disclosures now made, do not permit us to doubt that every attempt to revive our Navy has thus far, for the most part, been misdirected, and all our efforts in that direction have been little better than blind gropings and expensive, aimless follies.

Unquestionably, if we are content with the maintenance of a Navy Department simply as a shabby ornament to the Government, a constant watchfulness may prevent some of the scandal and abuse which have found their way into our present organization, and its incurable waste may be reduced to the minimum. But if we desire to build ships for present usefulness, instead of naval reminders of the days that are past, we must have a department organized for the work, supplied with all the talent and ingenuity our country affords, prepared to take advantage of the experience of other nations, systematized so that all effort shall unite and lead in one direction, and fully imbued with the conviction that war vessels, though new, are useless unless they combine all that the ingenuity of man has up to this day brought forth relating to their construction.

I earnestly commend the portion of the Secretary's report devoted to this subject to the attention of Congress, in the hope that his suggestions touching the reorganization of his Department may be adopted as the first step toward the reconstruction of our Navy.

The affairs of the postal service are exhibited by the report of the Postmaster-General, which will be laid before you.

The postal revenue, whose ratio of gain upon the rising prosperity of 1882 and 1883 outstripped the increasing expenses of our growing service, was checked by the reduction in the rate of letter postage, which took effect with the beginning of October in the latter year; and it diminished during the two past fiscal years $2,790,000, in about the proportion of $2,270,000 in 1884 to $520,000 in 1885. Natural growth and development have meantime increased expenditure, resulting in a deficiency in the revenue to meet the expenses of the Department of five and a quarter million dollars for the year 1884, and eight and a third million in the last fiscal year. The anticipated and natural revival of the revenue has been oppressed and retarded by the unfavorable business condition of the country, of which the postal service is a faithful indicator. The gratifying fact is shown, however, by the report, that our returning prosperity is marked by a gain of $380,000 in the revenue of the latter half of the last year over the corresponding period of the preceding year.

The change in the weight of first-class matter which may be carried for a single rate of postage, from a half ounce to an ounce, and the reduction by one-half of the rate of newspaper postage, which, under recent legislation, begun with the current year, will operate to restrain the augmentation of receipts which otherwise might have been expected, to such a degree that the scale of expense may gain upon the revenue and cause an increased deficiency to be shown at its close. Yet, after no long period of reawakened prosperity, by proper economy, it is confidently anticipated that even the present low rates, now as favorable as any country affords, will be adequate to sustain the cost of the service.

The operation of the Post-Office Department is for the convenience and benefit of the people; and the method by which they pay the charges of this useful arm of their public service, so that it be just and impartial, is of less importance to them than the economical expenditure of the means they provide for its maintenance and the due improvement of its agencies, so that they may enjoy its highest usefulness.

A proper attention has been directed to the prevention of waste or extravagance, and good results appear from the report to have already been accomplished.

I approve the recommendation of the Postmaster-General to reduce the charges on domestic money-orders of $5 and less from 8 to 5 cents. This change will materially aid those of our people who most of all avail themselves of this instrumentality, but to whom the element of

cheapness is of the greatest importance. With this reduction the system would still remain self-supporting.

The free-delivery system has been extended to nineteen additional cities during the year, and one hundred and seventy-eight now enjoy its conveniencies. Experience has commended it to those who enjoy its benefits, and further enlargement of its facilities is due to other communities to which it is adapted. In the cities where it has been established, taken together, the local postage exceeds its maintenance by nearly $1,300,000. The limit to which this system is now confined by law has been nearly reached, and the reasons given justify its extension, which is proposed.

It was decided, with my approbation, after a sufficient examination, to be inexpedient for the Post-Office Department to contract for carrying our foreign mails under the additional authority given by the last Congress. The amount limited was inadequate to pay all within the purview of the law the full rate of 50 cents per mile, and it would have been unjust and unwise to have given it to some and denied it to others. Nor could contracts have been let under the law to all at a rate to have brought the aggregate within the appropriation, without such practical prearrangement of terms as would have violated it.

The rate of sea and inland postage, which was proffered under another statute, clearly appears to be a fair compensation for the desired service, being three times the price necessary to secure transportation by other vessels upon any route, and much beyond the charges made to private persons for services not less burdensome.

Some of the steamship companies, upon the refusal of the Postmaster-General to attempt, by the means provided, the distribution of the sum appropriated as an extra compensation, withdrew the services of their vessels and thereby occasioned slight inconvenience, though no considerable injury, the mails having been dispatched by other means.

Whatever may be thought of the policy of subsidizing any line of public conveyance or travel, I am satisfied that it should not be done under cover of an expenditure incident to the administration of a Department, nor should there be any uncertainty as to the recipients of the subsidy, or any discretion left to an executive officer as to its distribution. If such gifts of the public money are to be made for the purpose of aiding any enterprise, in the supposed interest of the public, I can not but think that the amount to be paid, and the beneficiary, might better be determined by Congress than in any other way.

The international congress of delegates from the Postal-Union countries convened at Lisbon, in Portugal, in February last, and after a session of some weeks the delegates signed a convention amendatory of the present Postal-Union convention in some particulars designed to advance its purposes. This additional act has had my approval and will be laid before you with the departmental report.

I approve the recommendation of the Postmaster-General that another assistant be provided for his Department. I invite your consideration to the several other recommendations contained in his report.

The report of the Attorney-General contains a history of the conduct of the Department of Justice during the last year, and a number of valuable suggestions as to needed legislation; and I invite your careful attention to the same.

The condition of business in the courts of the United States is such that there seems to be an imperative necessity for remedial legislation on the subject. Some of these courts are so overburdened with pending causes that the delays in determining litigation amount often to a denial of justice. Among the plans suggested for relief is one submitted by the Attorney-General. Its main features are: The transfer of all the original jurisdiction of the circuit courts to the district courts and an increase of judges for the latter where necessary; an addition of judges to the circuit courts and constituting them exclusively courts of appeal, and reasonably limiting appeals thereto; further restrictions of the right to remove causes from the State to Federal courts; permitting appeals to the Supreme Court from the courts of the District of Columbia and the Territories only in the same cases as they are allowed from State courts, and guarding against an unnecessary number of appeals from the circuit courts.

I approve the plan thus outlined, and recommend the legislation necessary for its application to our judicial system.

The present mode of compensating United States marshals and district attorneys should in my opinion be changed. They are allowed to charge against the Government certain fees for services, their income being measured by the amount of such fees within a fixed limit as to their annual aggregate. This is a direct inducement for them to make their fees in criminal cases as large as possible in an effort to reach the maximum sum permitted. As an entirely natural consequence, unscrupulous marshals are found encouraging frivolous prosecutions, arresting people on petty charges of crime and transporting them to distant places for examination and trial, for the purpose of earning mileage and other fees; and district attorneys uselessly attend criminal examinations far from their places of residence, for the express purpose of swelling their accounts against the Government. The actual expenses incurred in these transactions are also charged against the Government.

Thus the rights and freedom of our citizens are outraged, and public expenditures increased, for the purpose of furnishing public officers pretexts for increasing the measure of their compensation.

I think marshals and district attorneys should be paid salaries, adjusted by a rule which will make them commensurate with services fairly rendered.

In connection with this subject I desire to suggest the advisability, if it be found not obnoxious to constitutional objection, of investing United States commissioners with the power to try and determine certain violations of law within the grade of misdemeanors. Such trials might be made to depend upon the option of the accused. The multiplication of small and technical offenses, especially under the provisions of our internal-revenue law, render some change in our present system very desirable, in the interests of humanity as well as economy.

The district courts are now crowded with petty prosecutions, involving a punishment, in cases of conviction, of only a slight fine, while the parties accused are harassed by an enforced attendance upon courts held hundreds of miles from their homes. If poor and friendless they are obliged to remain in jail during months, perhaps, that elapse before a session of the court is held, and are finally brought to trial surrounded by strangers and with but little real opportunity for defense. In the mean time frequently the marshal has charged against the Government his fees for an arrest, the transportation of the accused and the expense of the same, and for summoning witnesses before a commissioner, a grand jury, and a court; the witnesses have been paid from the public funds large fees and traveling expenses, and the commissioner and district attorney have also made their charges against the Government.

This abuse in the administration of our criminal law should be remedied; and if the plan above suggested is not practicable, some other should be devised.

The report of the Secretary of the Interior, containing an account of the operations of this important Department and much interesting information, will be submitted for your consideration.

The most intricate and difficult subject in charge of this Department is the treatment and management of the Indians. I am satisfied that some progress may be noted in their condition as a result of a prudent administration of the present laws and regulations for their control.

But it is submitted that there is lack of a fixed purpose or policy on this subject, which should be supplied. It is useless to dilate upon the wrongs of the Indians, and as useless to indulge in the heartless belief that because their wrongs are revenged in their own atrocious manner therefore they should be exterminated.

They are within the care of our Government, and their rights are, or should be, protected from invasion by the most solemn obligations. They are properly enough called the wards of the Government; and it should be borne in mind that this guardianship involves, on our part, efforts for the improvement of their condition and the enforcement of their rights. There seems to be general concurrence in the proposition that the ultimate object of their treatment should be their civilization and citizenship. Fitted by these to keep pace in the march of progress with the advanced civilization about them, they will readily assimilate with the mass of our population, assuming the responsibilities and receiving the protection incident to this condition.

The difficulty appears to be in the selection of the means to be at present employed toward the attainment of this result.

Our Indian population, exclusive of those in Alaska, is reported as numbering 260,000, nearly all being located on lands set apart for their use and occupation aggregating over 134,000,000 acres. These lands are included in the boundaries of one hundred and seventy-one reservations of different dimensions scattered in twenty-one States and Territories, presenting great variations in climate and in the kind and quality of their soils. Among the Indians upon these several reservations there exists the most marked differences in natural traits and disposition and in their progress toward civilization. While some are lazy, vicious, and stupid, others are industrious, peaceful, and intelligent; while a portion of them are self-supporting and independent, and have so far advanced in civilization that they make their own laws, administered through officers of their own choice, and educate their children in schools of their own establishment and maintenance, others still retain, in squalor and dependence, almost the savagery of their natural state.

In dealing with this question the desires manifested by the Indians should not be ignored. Here, again, we find a great diversity. With some the tribal relation is cherished with the utmost tenacity, while its hold upon others is considerably relaxed; the love of home is strong with all, and yet there are those whose attachment to a particular locality is by no means unyielding; the ownership of their lands in severalty is much desired by some, while by others, and sometimes among the most civilized, such a distribution would be bitterly opposed.

The variation of their wants, growing out of and connected with the character of their several locations, should be regarded. Some are upon reservations most fit for grazing, but without flocks or herds; and some, on arable land, have no agricultural implements. While some of the reservations are double the size necessary to maintain the number of Indians now upon them, in a few cases, perhaps, they should be enlarged.

Add to all this the difference in the administration of the agencies. While the same duties are devolved upon all, the disposition of the agents and the manner of their contact with the Indians have much to

do with their condition and welfare. The agent who perfunctorily performs his duty and slothfully neglects all opportunity to advance their moral and physical improvement, and fails to inspire them with a desire for better things, will accomplish nothing in the direction of their civilization; while he who feels the burden of an important trust, and has an interest in his work, will, by consistent example, firm yet considerate treatment, and well-directed aid and encouragement, constantly lead those under his charge toward the light of their enfranchisement.

The history of all the progress which has been made in the civilization of the Indian I think will disclose the fact that the beginning has been religious teaching, followed by or accompanying secular education. While the self-sacrificing and pious men and women who have aided in this good work by their independent endeavor have for their reward the beneficent results of their labor and consciousness of Christian duty well performed, their valuable services should be fully acknowledged by all who, under the law, are charged with the control and management of our Indian wards.

What has been said indicates that, in the present condition of the Indians, no attempt should be made to apply a fixed and unyielding plan of action to their varied and varying needs and circumstances.

The Indian Bureau, burdened as it is with their general oversight and with the details of the establishment, can hardly possess itself of the minute phases of the particular cases needing treatment; and thus the propriety of creating an instrumentality auxiliary to those already established for the care of the Indians suggests itself.

I recommend the passage of a law authorizing the appointment of six commissioners, three of whom shall be detailed from the Army, to be charged with the duty of a careful inspection, from time to time, of all the Indians upon our reservations or subject to the care and control of the Government, with a view of discovering their exact condition and needs, and determining what steps shall be taken on behalf of the Government to improve their situation in the direction of their self-support and complete civilization; that they may ascertain from such inspection what, if any, of the reservations may be reduced in area, and in such cases what part, not needed for Indian occupation, may be purchased by the Government from the Indians and disposed of for their benefit; what, if any, Indians may, with their consent, be removed to other reservations, with a view of their concentration and the sale on their behalf of their abandoned reservations; what Indian lands now held in common should be allotted in severalty; in what manner and to what extent the Indians upon the reservations can be placed under the protection of our laws and subjected to their penalties; and which, if any, Indians should be invested with the right of citizenship. The powers and functions of the commissioners in regard to these subjects should be clearly defined, though they should, in conjunction with the Secretary of the Interior, be given all the authority to deal definitely with the questions presented deemed safe and consistent.

They should be also charged with the duty of ascertaining the Indians who might properly be furnished with implements of agriculture, and of what kind; in what cases the support of the Government should be withdrawn; where the present plan of distributing Indian supplies should be changed; where schools may be established and where discontinued; the conduct, methods, and fitness of agents in charge of reservations; the extent to which such reservations are occupied or intruded upon by unauthorized persons; and generally all matters related to the welfare and improvement of the Indian.

They should advise with the Secretary of the Interior concerning these matters of detail in management, and he should be given power to deal with them fully, if he is not now invested with such power.

This plan contemplates the selection of persons for commissioners who are interested in the Indian question, and who have practical ideas upon the subject of their treatment.

The expense of the Indian Bureau during the last fiscal year was more than six and a half million dollars. I believe much of this expenditure might be saved under the plan proposed; that its economical effects would be increased with its continuance; that the safety of our frontier settlers would be subserved under its operation, and that the nation would be saved through its results from the imputation of inhumanity, injustice, and mismanagement.

In order to carry out the policy of allotment of Indian lands in severalty, when deemed expedient, it will be necessary to have surveys completed of the reservations, and I hope that provision will be made for the prosecution of this work.

In May of the present year a small portion of the Chiricahua Apaches on the White Mountain reservation in Arizona left the reservation and committed a number of murders and depredations upon settlers in that neighborhood. Though prompt and energetic action was taken by the military, the renegades eluded capture and escaped into Mexico. The formation of the country through which these Indians passed, their thorough acquaintance with the same, the speed of their escape, and the manner in which they scattered and concealed themselves among the mountains near the scene of their outrages put our soldiers at a great disadvantage in their efforts to capture them, though the expectation is still entertained that they will be ultimately taken and punished for their crimes.

The threatening and disorderly conduct of the Cheyennes in the Indian Territory early last summer caused considerable alarm and uneasiness. Investigation proved that their threatening attitude was due in a great measure to the occupation of the land of their reservation by immense herds of cattle, which their owners claimed were rightfully there under certain leases made by the Indians. Such occupation appearing upon examination to be unlawful, notwithstanding these leases, the intruders were ordered to remove with their cattle from the lands of the Indians by executive proclamation. The enforcement of this proclamation had the effect of restoring peace and order among the Indians, and they are now quiet and well-behaved.

By an executive order issued on February 27, 1885, by my predecessor, a portion of the tract of country in the territory known as the Old Winnebago and Crow Creek reservations was directed to be restored to the public domain and opened to settlement under the land laws of the United States, and a large number of persons entered upon those lands. This action alarmed the Sioux Indians, who claimed the territory as belonging to their reservation under the treaty of 1868. This claim was determined, after careful investigation, to be well-founded; and consequently the executive order referred to was by proclamation of April 17, 1885, declared to be inoperative and of no effect, and all persons upon the land were warned to leave. This warning has been substantially complied with.

The public domain had its origin in cessions of land by the States to the General Government. The first cession was made by the State of New York, and the largest, which in area exceeded all the others, by the State of Virginia. The territory, the proprietorship of which became thus vested in the General Government, extended from the western line of Pennsylvania to the Mississippi River. These patriotic donations of the States were encumbered with no condition, except that they should be held and used "for the common benefit of the United States." By purchase, with the common fund of all the people, additions were made to this domain until it extended to the northern line of Mexico, the Pacific Ocean, and the Polar Sea. The original trust, "for the common benefit of the United States," attached to all. In the execution of that trust the policy of many homes, rather than large estates, was adopted by the Government. That these might be easily obtained, and be the abode of security and contentment, the laws for their acquisition were few, easily understood, and general in their character. But the pressure of local interests, combined with a speculative spirit, have in many instances procured the passage of laws which marred the harmony of the general plan, and encumbered the system with a multitude of general and special enactments, which render the land laws complicated, subject the titles to uncertainty, and the purchasers often to oppression and wrong. Laws which were intended for the "common benefit" have been perverted so that large quantities of land are vesting in single ownerships. From the multitude and character of the laws, this consequence seems incapable of correction by mere administration.

It is not for the "common benefit of the United States" that a large area of the public lands should be acquired, directly or through fraud, in the hands of a single individual. The nation's strength is in the people. The nation's prosperity is in their prosperity. The nation's glory is in the equality of her justice. The nation's perpetuity is in the patriotism of all her people. Hence, as far as practicable, the plan adopted in the disposal of the public lands should have in view the original policy, which encouraged many purchasers of these lands for homes and discouraged the massing of large areas. Exclusive of Alaska, about three-fifths of the national domain has been sold or subjected to contract or grant. Of the remaining two-fifths a considerable portion is either mountain or desert. A rapidly increasing population creates a growing demand for homes, and the accumulation of wealth inspires an eager competition to obtain the public land for speculative purposes. In the future this collision of interests will be more marked than in the past, and the execution of the nation's trust in behalf of our settlers will be more difficult. I therefore commend to your attention the recommendations contained in the report of the Secretary of the Interior with reference to the repeal and modification of certain of our land laws.

The nation has made princely grants and subsidies to a system of railroads projected as great national highways to connect the Pacific States with the East. It has been charged that these donations from the people have been diverted to private gain and corrupt uses, and thus public indignation has been aroused and suspicion engendered. Our great nation does not begrudge its generosity, but it abhors peculation and fraud; and the favorable regard of our people for the great corporations to which these grants were made can only be revived by a restoration of confidence, to be secured by their constant, unequivocal, and clearly manifested integrity. A faithful application of the undiminished proceeds of the grants to the construction and perfecting of their roads, an honest discharge of their obligations, and entire justice to all the people in the enjoyment of their rights on these highways of travel, is all the public asks, and it will be content with no less. To secure these things should be the common purpose of the officers of the Government, as well as of the corporations. With this accomplishment, prosperity would be permanently secured to the roads, and national pride would take the place of national complaint.

It appears from the report of the Commissioner of Pensions that there were on the 1st day of July, 1885, 345,125 persons borne upon the pension-rolls, who were classified as follows: Army invalids, 241,456; widows, minor children, and dependent relatives of deceased soldiers, 78,841; Navy invalids, 2,745; Navy widows, minor children, and dependents, 1,926; survivors of the war of 1812, 2,945; and widows of those who served in that war, 17,212. About one man in ten of all those who enlisted in the late war are reported as receiving pensions, exclusive of the dependents of deceased soldiers. On the 1st of July, 1875, the number of pensioners was 234,821, and the increase within the ten years next thereafter was 110,304.

While there is no expenditure of the public funds which the people more cheerfully approve than that made in recognition of the services of our soldiers, living and dead, the sentiment underlying the subject should not be vitiated by the introduction of any fraudulent practices. Therefore it is fully as important that the rolls should be cleansed of all those who by fraud have secured a place thereon as that meritorious claims should be speedily examined and adjusted. The reforms in the methods of doing the business of this bureau which have lately been inaugurated promise better results in both these directions.

The operations of the Patent Office demonstrate the activity of the inventive genius of the country. For the year ended June 30, 1885, the applications for patents, including reissues, and for the registration of trade-marks and labels, numbered 35,688. During the same period there were 22,928 patents granted and reissued, and 1,429 trade-marks and labels registered. The number of patents issued in the year 1875 was 14,387. The receipts during the last fiscal year were $1,074,974.35, and the total expenditures, not including contingent expenses, $934,-123.11.

There were 9,788 applications for patents pending on the 1st day of July, 1884, and 5,786 on the same date in the year 1885. There has been considerable improvement made in the prompt determination of applications and a consequent relief to expectant inventors.

A number of suggestions and recommendations are contained in the report of the Commissioner of Patents which are well entitled to the consideration of Congress.

In the Territory of Utah the law of the United States passed for the suppression of polygamy has been energetically and faithfully executed during the past year, with measurably good results. A number of convictions have been secured for unlawful cohabitation, and in some cases pleas of guilty have been entered and a slight punishment imposed upon a promise by the accused that they would not again offend against the law, nor advise, counsel, aid, or abet, in any way, its violation by others.

The Utah Commissioners express the opinion, based upon such information as they are able to obtain, that but few polygamous marriages have taken place in the Territory during the last year. They further report that while there can not be found upon the registration lists of voters the name of a man actually guilty of polygamy, and while none of that class are holding office, yet at the last election in the Territory all the officers elected except in one county were men who, though not actually living in the practice of polygamy, subscribe to the doctrine of polygamous marriages as a divine revelation and a law unto all higher and more binding upon the conscience than any human law, local or national. Thus is the strange spectacle presented of a community protected by a republican form of government, to which they owe allegiance, sustaining by their suffrages a principle and a belief which sets at naught that obligation of absolute obedience to the law of the land which lies at the foundation of republican institutions.

The strength, the perpetuity, and the destiny of the nation rest upon our homes, established by the law of God, guarded by parental care, regulated by parental authority, and sanctified by parental love.

These are not the homes of polygamy.

The mothers of our land, who rule the nation as they mold the characters and guide the actions of their sons, live according to God's holy ordinances, and each, secure and happy in the exclusive love of the father of her children, sheds the warm light of true womanhood, unperverted and unpolluted, upon all within her pure and wholesome family circle.

These are not the cheerless, crushed, and unwomanly mothers of polygamy.

The fathers of our families are the best citizens of the Republic. Wife and children are the sources of patriotism, and conjugal and parental affection beget devotion to the country. The man who, undefiled with plural marriage, is surrounded in his single home with his wife and children, has a stake in the country which inspires him with respect for its laws and courage for its defense.

These are not the fathers of polygamous families.

There is no feature of this practice, or the system which sanctions it, which is not opposed to all that is of value in our institutions.

There should be no relaxation in the firm but just execution of the law now in operation, and I should be glad to approve such further discreet legislation as will rid the country of this blot upon its fair fame.

Since the people upholding polygamy in our Territories are re-enforced by immigration from other lands, I recommend that a law be passed to prevent the importation of Mormons into the country.

The agricultural interest of the country demands just recognition and liberal encouragement. It sustains with certainty and unfailing strength our nation's prosperity by the products of its steady toil, and bears its full share of the burden of taxation without complaint. Our agriculturists have but slight personal representation in the councils of the nation, and are generally content with the humbler duties of citizenship and willing to trust to the bounty of nature for a reward of their labor. But the magnitude and value of this industry is appreciated when the statement is made that of our total annuul exports more than three-fourths are the products of agriculture, and of our total population nearly one-half are exclusively engaged in that occupation.

The Department of Agriculture was created for the purpose of acquiring and diffusing among the people useful information respecting the subjects it has in charge, and aiding in the cause of intelligent and progressive farming by the collection of statistics, by testing the value and usefulness of new seeds and plants, and distributing such as are found desirable among agriculturists. This and other powers and duties with which this Department is invested are of the utmost importance, and if wisely exercised must be of great benefit to the country. The aim of our beneficent Government is the improvement of the people in every station and the amelioration of their condition. Surely our agriculturists should not be neglected. The instrumentality established in aid of the farmers of the land should not only be well equipped for the accomplishment of its purpose, but those for whose benefit it has been adopted should be encouraged to avail themselves fully of its advantages.

The prohibition of the importation into several countries of certain of our animals and their products, based upon the suspicion that health is endangered in their use and consumption, suggests the importance of such precautions for the protection of our stock of all kinds against disease as will disarm suspicion of danger and cause the removal of such an injurious prohibition.

If the laws now in operation are insufficient to accomplish this protection, I recommend their amendment to meet the necessities of the situation, and I commend to the consideration of Congress the suggestions contained in the report of the Commissioner of Agriculture calculated to increase the value and efficiency of this Department.

The report of the Civil Service Commission, which will be submitted, contains an account of the manner in which the civil-service law has been executed during the last year, and much valuable information on this important subject.

I am inclined to think that there is no sentiment more general in the minds of the people of our country than a conviction of the correctness of the principle upon which the law enforcing civil-service reform is based. In its present condition the law regulates only a part of the subordinate public positions throughout the country. It applies the test of fitness to applicants for these places by means of a competitive examination, and gives large discretion to the commissioners as to the character of the examination and many other matters connected with its execution. Thus the rules and regulations adopted by the commission have much to do with the practical usefulness of the statute and with the results of its application.

The people may well trust the commission to execute the law with perfect fairness and with as little irritation as is possible. But of course no relaxation of the principle which underlies it and no weakening of the safeguards which surround it can be expected. Experience in its administration will probably suggest amendment of the methods of its execution, but I venture to hope that we shall never again be remitted to the system which distributes public positions purely as rewards for partisan service. Doubts may well be entertained whether our Government could survive the strain of a continuance of this system, which upon every change of administration inspires an immense army of claimants for office to lay siege to the patronage of Government, engrossing the time of public officers with their importunities, spreading abroad the contagion of their disappointment, and filling the air with the tumult of their discontent.

The allurements of an immense number of offices and places, exhibited to the voters of the land, and the promise of their bestowal in recognition of partisan activity, debauch the suffrage and rob political action of its thoughtful and deliberative character. The evil would increase with the multiplication of offices consequent upon our extension, and the mania for office-holding, growing from its indulgence, would pervade our population so generally that patriotic purpose, the support of principle, the desire for the public good, and solicitude for the nation's welfare would be nearly banished from the activity of our party contests and cause them to degenerate into ignoble, selfish, and disgraceful struggles for the possession of office and public place.

Civil-service reform enforced by law came none too soon to check the progress of demoralization.

One of its effects, not enough regarded, is the freedom it brings to the political action of those conservative and sober men who, in fear of the confusion and risk attending an arbitrary and sudden change in all the public offices with a change of party rule, cast their ballots against such a chance.

Parties seem to be necessary, and will long continue to exist; nor can it be now denied that there are legitimate advantages, not disconnected with office-holding, which follow party supremacy. While par-

tisanship continues bitter and pronounced, and supplies so much of motive to sentiment and action, it is not fair to hold public officials in charge of important trusts responsible for the best results in the performance of their duties, and yet insist that they shall rely, in confidential and important places, upon the work of those not only opposed to them in political affiliation, but so steeped in partisan prejudice and rancor that they have no loyalty to their chiefs and no desire for their success. Civil-service reform does not exact this, nor does it require that those in subordinate positions who fail in yielding their best service, or who are incompetent, should be retained simply because they are in place. The whining of a clerk discharged for indolence or incompetency, who, though he gained his place by the worst possible operation of the spoils system, suddenly discovers that he is entitled to protection under the sanction of civil-service reform, represents an idea no less absurd than the clamor of the applicant who claims the vacant position as his compensation for the most questionable party work.

The civil-service law does not prevent the discharge of the indolent or incompetent clerk, but it does prevent supplying his place with the unfit party worker. Thus, in both these phases, is seen benefit to the public service. And the people who desire good government having secured this statute will not relinquish its benefits without protest. Nor are they unmindful of the fact that its full advantages can only be gained through the complete good faith of those having its execution in charge. And this they will insist upon.

I recommend that the salaries of the Civil Service Commissioners be increased to a sum more nearly commensurate to their important duties.

It is a source of considerable and not unnatural discontent that no adequate provision has yet been made for accommodating the principal library of the Government. Of the vast collection of books and pamphlets gathered at the Capitol, numbering some seven hundred thousand, exclusive of manuscripts, maps, and the products of the graphic arts, also of great volume and value, only about three hundred thousand volumes, or less than half the collection, are provided with shelf room. The others, which are increasing at the rate of from twenty-five to thirty thousand volumes a year, are not only inaccessible to the public, but are subject to serious damage and deterioration from other causes in their present situation.

A consideration of the fact that the Library of the Capitol has twice been destroyed or damaged by fire, its daily increasing value, and its importance as a place of deposit of books under the law relating to copyright, make manifest the necessity of prompt action to insure its proper accommodation and protection.

My attention has been called to a controversy which has arisen from the condition of the law relating to railroad facilities in the city of Washington, which has involved the commissioners of the District in much annoyance and trouble. I hope this difficulty will be promptly settled by appropriate legislation.

The commissioners represent that enough of the revenues of the District are now on deposit in the Treasury of the United States to repay the sum advanced by the Government for sewer improvements under the act of June 30, 1884. They desire now an advance of the share which ultimately should be borne by the District of the cost of extensive improvements to the streets of the city. The total expense of these contemplated improvements is estimated at $1,000,000, and they are of the opinion that a considerable sum could be saved if they had all the money in hand, so that contracts for the whole work could be made at the same time. They express confidence that if the advance asked for should be made the Government would be reimbursed the same within a reasonable time. I have no doubt that these improvements could be made much cheaper if undertaken together and prosecuted according to a general plan.

The license law now in force within the District is deficient and uncertain in some of its provisions, and ought to be amended. The commissioners urge, with good reason, the necessity of providing a building for the use of the District government which shall better secure the safety and preservation of its valuable books and records.

The present condition of the law relating to the succession to the Presidency in the event of the death, disability, or removal of both the President and Vice-President is such as to require immediate amendment. This subject has repeatedly been considered by Congress, but no result has been reached. The recent lamentable death of the Vice-President, and vacancies at the same time in all other offices the incumbents of which might immediately exercise the functions of the Presidential office, have caused public anxiety and a just demand that a recurrence of such a condition of affairs should not be permitted.

In conclusion, I commend to the wise care and thoughtful attention of Congress the needs, the welfare, and the aspirations of an intelligent and generous nation. To subordinate these to the narrow advantages of partisanship, or the accomplishment of selfish aims, is to violate the people's trust and betray the people's interests. But an individual sense of responsibility on the part of each of us, and a stern determination to perform our duty well, must give us place among those who have added in their day and generation to the glory and prosperity of our beloved land.

GROVER CLEVELAND.

WASHINGTON, *December* 8, 1885.

The PRESIDENT *pro tempore*. If there be no objection the message of the President and the accompanying documents will lie on the table and be ordered to be printed.

ORDER OF BUSINESS.

Mr. HOAR. I ask unanimous consent that the usual morning call for petitions, bills, &c., may proceed until it is concluded, notwithstanding it is past 1 o'clock.

The PRESIDENT *pro tempore*. The Chair understands that under the rules it is the duty of the Senate to proceed in that order, unless otherwise ordered, there being no Calendar.

Mr. HOAR. Very well.

FINANCE REPORT.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1885; which was referred to the Committee on Finance, and ordered to be printed.

COURT OF CLAIMS REPORT.

The PRESIDENT *pro tempore* laid before the Senate the report of the chief clerk of the Court of Claims, communicating, in obedience to law, a statement of the judgments rendered by that court during the year ending November 30, 1885, &c.; which was referred to the Committee on Claims, and ordered to be printed.

REPORT OF SECRETARY OF SENATE.

The PRESIDENT *pro tempore* laid before the Senate the report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1884, to June 30, 1885; which was ordered to lie on the table and be printed.

The PRESIDENT *pro tempore* also laid before the Senate a report from the Secretary of the Senate, communicating, in obedience to law, a full and complete statement of all property in his possession belonging to the United States December 7, 1885, and of the amounts received from the sale of waste paper; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a joint resolution of the Legislature of New Hampshire; which was referred to the Committee on Public Lands, as follows:

STATE OF NEW HAMPSHIRE,
In the year of our Lord one thousand eight hundred and eighty-five.

Joint resolution in relation to our national domain.

Resolved by the senate and house of representatives in general court convened, That whereas more than twenty million acres of the lands of the United States are now held by non-resident aliens, and in great measure by the titled and governing class of Great Britain; and

Whereas this non-resident ownership of lands in the United States may eventually lead to a system of alien landlordism, of which the unhappy condition of Ireland is a lamentable example; and

Whereas this system of ownership, whereby immense landed estates are in possession of a few individuals, to the exclusion of actual settlers, is incompatible with the best interests of the people, and antagonistic to our free institutions; and

Whereas our remaining public lands, so far as they are adapted to agriculture, ought to be granted as homesteads, or sold in small quantities to actual settlers only, citizens of the United States or those intending to become such: Therefore,

Resolved, That American soil is for Americans, and should be exclusively owned and controlled by American citizens, and those intending to become such; and

Resolved, That our Senators in Congress be instructed and our Representatives be requested to use their utmost endeavors in that body to secure the speedy enactment of such laws as will secure exclusively to the American people the public lands of the United States, and prevent sales to, or the vesting of title to the public lands in, any but citizens of this country or those intending to become such, to be held by individuals only in moderate quantities, reserving all the unsold agricultural lands for homesteads for actual settlers; and

Resolved, That the governor be requested to send a copy of this joint resolution to each of our Senators and Representatives in Congress, to the President of the Senate, and to the Speaker of the House of Representatives, at the opening of the next session of Congress.

EDGAR ALDRICH,
Speaker of the House of Representatives.
CHESTER PIKE,
President of the Senate.

Approved August 28, 1885.

MOODY CURRIER, *Governor.*

STATE OF NEW HAMPSHIRE, SECRETARY'S OFFICE,
Concord, November 11, 1885.

I hereby certify that the foregoing is a correct copy of the orginal joint resolution.

In testimony whereof I have hereunto subscribed my official signature and affixed the seal of the State.

[SEAL.]

A. P. THOMPSON,
Secretary of State.

The PRESIDENT *pro tempore* presented a memorial from the Choctaw Nation favoring the establishment of certain courts, &c.; which was referred to the Committee on the Judiciary.

He also presented a petition of the Louisiana Educational Society favoring national aid to education; which was referred to the Committee on Education and Labor.

He also presented a preamble and resolutions adopted at a meeting of

the merchants of New Orleans favoring the construction of a ship-railway across the Isthmus of Tehuantepec; which were referred to the Committee on Commerce.

Mr. MORRILL. I present the petition of C. C. Bayley, of Wisconsin, praying legislation providing for the Presidential succession in case of a vacancy by continuing the office of Presidential electors for four years. I move that it be referred to the Committee on Privileges and Elections.

Mr. EDMUNDS. That proposes to change the Constitution, I think. Therefore it ought to go to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. It is proposed to refer the petition to the Committee on the Judiciary. That order will be made if there is no objection.

Mr. HOAR presented a petition of Capt. George B. Proctor and others, who were commissioned officers of the Thirty-sixth Regiment United States Colored Troops, praying compensation for services rendered from April to September, 1864; which was referred to the Committee on Military Affairs.

Mr. PLUMB presented a petition of the board of managers of the National Temperance Society, officially signed, praying for an amendment to the Constitution of the United States to prohibit the manufacture and sale of intoxicating beverages; which was referred to the Committee on Education and Labor.

Mr. VEST. I present various resolutions of the General Assembly of the State of Missouri upon different subjects. I will not ask that they be read at length, but I will ask that the Secretary shall read them by title and that they be printed in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Missouri presents certain resolutions of the Legislature of Missouri and asks that they be read by their titles and printed in the RECORD. Is there objection?

Mr. EDMUNDS. I wish to suggest to my friend from Missouri that the printing of memorials, petitions, &c., in the RECORD is expensive.

Mr. ALLISON. These are memorials of a State Legislature.

Mr. EDMUNDS. I know it; but the memorial of a Legislature, although read at the desk, I believe does not usually go into the RECORD in full unless it is so ordered. The printing of these things in the RECORD swells it to an enormous size, and makes it inconvenient. It should be a record of proceedings and debates. Unless it is specially desirable in this instance to print the resolutions at length, I should rather hear them read all the way through than to have them printed in the RECORD without reading; but if the Senator from Missouri thinks it of much public importance that the course he proposes ought to be taken, I shall not object on this occasion.

Mr. VEST. I have known the practice to obtain in both directions in this body. I have known resolutions of the General Assemblies of States to be printed in the RECORD, at the request of a Senator, without being read, in the interest of economy of time. I want the Legislature of my State to be treated with entire respect. I do not care about these resolutions being read at length, but if there is any objection to their being printed, then I do ask that they be read, as is customary in this body, by the Secretary. They are very lengthy, and for that reason I preferred to have them printed without being read at the desk.

Mr. EDMUNDS. As I understand, they will go in the RECORD if they are read. I do not object to the Senator's suggestion.

The PRESIDENT *pro tempore*. The Senator from Missouri asks the unanimous consent of the Senate that the memorials be printed in the RECORD without being read. The Chair hears no objection, and that order will be made.

Mr. VEST. Let them be read by title.

The PRESIDENT *pro tempore*. They will be read by their titles.

The Chief Clerk read the resolutions by their titles; and they were ordered to be printed in the RECORD, as follows:

Joint and concurrent resolution memorializing the Congress of the United States for an appropriation or appropriations for the protection of the bottom lands in the southeastern part of the State of Missouri from annual inundations from the Mississippi River and other sources.

Whereas there is lying in the southeastern part of the State of Missouri a vast domain of over one and one-fourth millions of acres of the most fertile and heavily timbered lands to be found in the great valley of the Mississippi, or upon the continent of North America; and

Whereas during the years 1882, 1883, and 1884 the inundations from the Mississippi River were greater than were ever before known in the history of the country, while the destruction of property, both private and public, amounted to millions of dollars, and a general desolation marked the whole face of the country; and

Whereas these bottom lands, if protected from the inundations from the Mississippi River and rain-water overflows, would in a short period of time be converted into the thrifty homes of thousands of hardy yeomanry, yielding to the Government millions of dollars for revenue, and supplying to the markets of the world untold treasures in the products of the soil; and

Whereas the bottom lands in the southeastern part of the State of Missouri and northeastern part of the State of Arkansas mainly depend for drainage upon the river Saint Francis and tributaries thereto, now greatly obstructed by rafts, drift-wood, fallen timber, sand, and mud-bars, thereby impeding the natural flow of the water and causing it to overflow vast areas of country; and

Whereas these vast bodies of fertile lands now subject to annual inundations from the Mississippi River and overflows from local rains and heavy rainfall running from the water-sheds of the hill country north and west of them, so as to prevent the settling up and cultivation of their greater part, may be thoroughly reclaimed by a judicious system of levees along the western bank of the Mississippi River, and by removing obstructions from, cutting the bends, and deepening the channel of the river Saint Francis and its small tributaries; and

Whereas, for the purpose of obtaining relief from the annual floods which devastate and depopulate the territory in this preamble mentioned, and for the purpose of permanently reclaiming the same: Therefore,

Be it resolved by the house of representatives (the senate concurring therein):

First. That our Senators from this State be instructed, and our Representatives in Congress be requested, to urge upon Congress the necessity of speedily enacting such laws and making such appropriations as shall be adequate to free from obstructions, cut the bends, and deepen, where necessary, the channel of the Saint Francis River and smaller streams tributary thereto, which form the natural water ways for the drainage of the southeastern part of the State of Missouri and adjacent territory in the northeastern part of the State of Arkansas, known as the "sunk or low lands," and to erect a levee along the bank of the Mississippi River sufficient to protect said territory from inundations of that vast stream.

Second. That in order to promote the objects hereinbefore mentioned, and that speedy action may be had in the premises, our Senators are further instructed, and our Representatives are further requested, to urge upon the Mississippi River Commission the necessity of using all honorable means in its power to secure from Congress the passage of the laws and appropriations herein contemplated, and the recommendation of a well-devised system of improvements, consisting of dikes, levees, and drainage, in order that these rich bottom lands, now unfit for the habitation of man, lying in the southeastern part of our State, may be permanently reclaimed.

Third. Upon the adoption of these resolutions, the secretary of state is required to forward a copy thereof to each of our Senators and Representatives in Congress.

Fourth. That a copy of these resolutions be forwarded to the Legislature of the State of Arkansas, and that said body be respectfully requested to join with the State of Missouri and make common cause with her in urging upon the attention of Congress the importance of the work and material aid herein solicited.

Approved March 18, 1885.

Joint and concurrent resolution instructing our Senators and requesting our Representatives in Congress to procure legislation authorizing receivers of railroad companies appointed by Federal courts to be sued in local State courts, and preserve the right of trial by jury in such suits.

Whereas the circuit courts of the United States, in the exercise of their powers as courts of equity jurisdiction, have, of late, adopted the extraordinary practice of taking charge of and for years operating and managing railroads, oftentimes embracing a system of roads hundreds of miles in length and extending into different and distinct States; and

Whereas for the purposes aforesaid such courts appoint receivers with authority to make contracts and incur liabilities, but have refused and do refuse to permit suits to be brought against the receivers in the local courts along the line of such roads at such places as the claims accrue for supplies, damages, and other demands, but require all litigants, however small their demands, to attend with witnesses and litigate at the place of sitting of such Federal courts, and at the same time deny them the right of trial by jury, thereby entailing on small claimants an expense oftentimes largely in excess of their demands and practically denying them any trial, and expressly denying the common-law right of trial: Now, therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Senators in Congress be instructed, and our Representatives requested, to procure such legislation as shall be necessary to secure to all persons the right to sue receivers of railroad companies appointed by Federal courts in the same places and courts of the States, and to prosecute to judgment, under the same forms of law as is provided by State laws for suits against the companies, and for such further legislation therein as will properly regulate and limit the powers of the Federal courts in their equitable interference with and control over railroad companies, so as to preserve to the people their common law and constitutional rights.

Approved March 19, 1885.

Joint and concurrent resolution instructing our Senators and requesting our Representatives in Congress to favor the passage of an act giving pensions to the surviving soldiers of the Mexican war.

Whereas the soldiers of the Mexican war have ever been held in grateful remembrance by the people of this Republic, and who, through their great achievements, won not only honor for the nation but placed within its control unlimited wealth in precious metals and an area of territory fit for a mighty empire; and

Whereas the fruits of their labor and victories have been too long intrusted to the annals of military renown, without due and considerate regard for their advanced age and increased necessities, and for the means of a livelihood be [ne]-fitting the last years of a surviving soldier of the Mexican war; and

Whereas it has been the policy of the Government of the United States to grant pensions as a reward to those who have faithfully served it in the hour of danger: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress the passage of a bill granting pensions to surviving soldiers of the Mexican war and to the widows of those who are dead.

Resolved, That the secretary of state be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress of the United States.

Approved March 19, 1885.

Joint and concurrent resolution instructing our Senators and Representatives in Congress to vote against and use all honorable means to defeat the passage of the Buckner bill to suspend the further coinage of silver.

Be it resolved by the house of representatives (the senate concurring therein), That our Senators and Representatives in Congress be instructed to vote against and use all honorable means to defeat the passage of the Buckner bill to suspend the further coinage of silver.

Resolved, That the secretary of state be requested to furnish a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved April 3, 1885.

Joint and concurrent resolution asking Congress to provide for the auditing and adjusting the war debt of Missouri, and the appointment of a commissioner, whose duty it shall be to hear and determine the validity of the same, as recited in section 52 of the constitution of State of Missouri, on the limitation of legislative powers, which reads as follows: "Sec. 52. The General Assembly shall have no power to make any appropriation of money, or to issue any bonds or other evidence for the payment on account or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled 'An act to adjust the war debt of the State,' approved March 19, 1874, or any act of a similar nature, until after the claim so audited shall have been presented to and paid by the Government of the United States to the State of Missouri."

Be it resolved by the house of representatives (the senate concurring therein), That our Senators be instructed, and our Representatives in Congress be requested, to

use all honorable means to secure the appointment of a commissioner, whose duty it shall be to audit such claims as are just and equitable, as contemplated in section 52 of the constitution of the State of Missouri as above removed [cited].

Approved April 3, 1885.

Joint and concurrent resolution memorializing the Congress of the United States for an appropriation for the building of a levee on the west side of the Mississippi River, extending from the city of Clarksville, Mo., to the mouth of the Missouri River.

Whereas there is in the counties of Pike, Lincoln, and Saint Charles a vast domain of over 50,000 acres of the most fertile lands found in the great valley of the Mississippi; and

Whereas said lands are subject to overflow and inundation by the waters from the Mississippi River; and

Whereas said lands can be redeemed by the building of a levee from the city of Clarksville, Mo., to the mouth of the Missouri River, a distance of only about 50 miles: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), First. That our Senators from this State be instructed, and our Representatives in Congress be requested, to urge upon Congress the necessity of speedily securing such legislation and such appropriations as will be sufficient to permanently reclaim the above-mentioned vast body of land.

Second. Upon the adoption of these resolutions the secretary of state is required to forward a copy thereof to each of our Senators and Representatives in Congress.

Approved April 3, 1885.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move any reference of the resolutions?

Mr. VEST. No, sir; let them lie on the table for the present.

The PRESIDENT *pro tempore*. They will lie on the table.

Mr. COCKRELL. I present similar resolutions, copies having been sent to each Senator and Representative from Missouri. Let them lie on the table.

The PRESIDENT *pro tempore*. The duplicates will also lie on the table.

Mr. COCKRELL presented the petition of Harmon Conley, of Joplin, Mo., praying to be reimbursed for certain losses sustained by him during the war of the rebellion; which was referred to the Committee on Claims.

Mr. MANDERSON presented the petition of John C. Myers, formerly consul-general at Shanghai, China, praying reimbursement of moneys expended in exposing alleged frauds and irregularities in office of Oliver B. Bradford and George F. Seward; which was referred to the Committee on Foreign Relations.

Mr. LOGAN presented the petition of John Stafford, of Chicago, Ill., praying for an appropriation of $15,000 for the purchase of Thomas Le Clear's portrait of General U. S. Grant; which was referred to the Committee on the Library.

Mr. BLAIR presented a petition of the Trinity Baptist church, of New York city, signed by the pastor and officers, praying for the appointment of a commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

He also presented a petition of the Friends' Temperance Union, of New York, officially signed, praying for an amendment of the Constitution of the United States to prohibit the manufacture and sale of all alcoholic beverages throughout the national domain; which was referred to the Committee on Education and Labor.

He also presented the petition of William Trefethen, of New Castle, N. H., praying to be reimbursed for injury alleged to have been suffered by him in consequence of carelessness of United States colored troops stationed at Fort Sullivan, Portsmouth Harbor, New Hampshire, in 1883; which was referred to the Committee on Claims.

Mr. FRYE presented a petition of the board of managers of the National Temperance Society, officially signed, praying for a national commission of inquiry concerning the alcoholic liquor traffic; which was referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 1) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. HOAR. I desire to introduce a bill concerning Federal elections and to state before the title of the bill is read that it is a bill which I introduce at the request of certain persons who are interested in one of the numerous patent ballot-boxes. I am not myself acquainted with all the details of the bill—I introduce it at the request of these persons—but I generally favor some scheme of the kind and I have entire confidence in the purity of the public purpose of the persons who have drafted the bill, but I do not deem myself responsible for its details.

The bill (S. 2) concerning Federal elections was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. HOAR also introduced a bill (S. 3) to establish a uniform system of bankruptcy throughout the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 4) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 7) making appropriation for the relief of the First National Bank of Newton, Mass; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 8) to provide for the distribution of public documents among the depositaries of public documents; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Printing.

Mr. EDMUNDS introduced a bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which was read twice by its title, and referred to the Committee on Privileges and Elections.

He also introduced a bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 11) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. HARRIS introduced a bill (S. 12) to authorize the juries of the United States circuit and district courts to be used interchangeably, and to provide for drawing talesmen; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 13) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 14) for the relief of J. W. Newman, administrator of Jacob Newman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 15) for the relief of the estate of Thomas Jones, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 16) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 17) for the relief of William G. Ford; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 19) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 20) for the relief of Mrs. Julia Elliott, widow of Newell D. Elliott, deceased; which was read twice by its title, and referred to the Committe on Claims.

He also introduced a bill (S. 21) for the relief of Adelicia Cheatham; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 22) for the relief of Martin and P. B. Murphy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 23) giving a military record to Thomas Miller; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 25) for the relief of the personal representatives of Frank Williams, late postmaster at Paris, Tenn.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 26) for the relief of Reuben S. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 27) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United

States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 28) to authorize the payment of customs duties in legal-tender notes; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 29) to repeal certain laws relating to permanent and indefinite appropriations; which was read twice by its title, and referred to the Committee on Appropriations.

He also introduced a bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 31) for the relief of Warren Mitchell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 33) for the relief of the Madison Female Institute, located at Richmond, Ky.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 34) for the relief of Mrs. Sultana S. Farrell; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS introduced a bill (S. 35) to remove the limitation in the payment of arrears of pensions; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 36) making an appropriation for the purchase of two sites and for the erection thereon of two military posts on the southwestern frontier of Kansas; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 37) to authorize the President of the United States to appoint certain acting assistant surgeons as first lieutenants and assistant surgeons in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 38) to confirm the title of *bona fide* purchasers of certain lands heretofore granted to the State of Kansas for certain purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 39) to annex a portion of the Territory of Idaho to Washington Territory; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 40) to provide for the formation and admission into the Union of the State of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 41) for the relief of James S. Clark & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 42) for the relief of Capt. Nicholas J. Bigley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 43) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 44) providing for the erection of a public building at San Antonio, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 45) providing for the erection of a public building at El Paso, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 46) for the relief of Overton Love and the administratrix of the estate of Wyatt Gilschrist; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 47) for the relief of William Beddo and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 48) for the relief of Mrs. Susan M. Roach; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 49) for the relief of Santiago de Leon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 50) for the relief of D. W. Hatch; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 51) for the relief of A. B. Norton; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 53) for the relief of the Mission Indians, in the State of California; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SAWYER introduced a bill (S. 55) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 56) granting a pension to Chauncey Read; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 57) for the erection of a public building at Oshkosh, Wis.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CULLOM introduced a bill (S. 58) to provide for the construction of the Michigan and Mississippi River Canal, and to cheapen transportation; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 59) to reimburse the several States for interest paid on war loans, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 60) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORRILL introduced a bill (S. 61) authorizing the construction of a building for the accommodation of the Congressional Library; which was read twice by its title, and referred to the Select Committee on Additional Accommodations for the Library of Congress.

He also introduced a bill (S. 62) enlarging the powers of the Washington Safe Deposit Company, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 63) to authorize the construction of a highway bridge across that part of the waters of Lake Champlain lying between the towns of North Hero and Alburg, in the State of Vermont; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DOLPH introduced a bill (S. 64) to prevent the obstruction of navigable waters, and to protect public works against trespass or injury; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 65) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 66) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 68) for the relief of S. B. Cranston, of Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 69) for the relief of Thomas Guinean; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 70) for the relief of John Fitzhugh, of Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

He also introduced a bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 72) for the relief of the survivors of the massacre of Dr. Marcus Whitman and others in the Columbia River Valley, and the heirs of those killed in said massacre; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 73) for the relief of Francis M. Vanderpool; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 74) to grant an increase of pension to Frederick Beno; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 75) for the relief of P. C. Davis; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 76) to pay for the survey of certain public lands in Washington Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 77) further defining the class of persons included in the provisions of section 5 of the act of July 17, 1854, amendatory of the Oregon donation law of September 27, 1850; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 78) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 79) for the relief of Tunis Swick; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 80) for the relief of H. B. Oatman; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 81) for the relief of Michael Riley; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 83) for the relief of R. G. Combs and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 84) for the relief of the First National Bank of Portland, Oreg.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 85) for the relief of B. Jennings; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 86) to provide for the construction of a public building at Portland, Oreg.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 87) for the relief of Thomas J. Miller, of Washington Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 88) for the relief of Ben Holladay; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 89) for the adjustment of the claim of the State of Arkansas against the United States; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 90) to grant to the Kansas and Arkansas Valley Railway the right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. MAXEY introduced a bill (S. 91) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was read twice by its title, and referred to the Committee on Railroads.

Mr. HARRISON. I rise to a question with regard to the reference just made. It seems to me that those bills granting rights of way through the Indian Territory should go to the Committee on Indian Affairs and not to the Committee on Railroads.

The PRESIDENT *pro tempore*. Does the Senator from Indiana make that motion?

Mr. HARRISON. I suggest it to the Senators who introduced the bills. All the questions involved relate to the rights of those Indian tribes and the method of dealing with them, and the bills involve questions of intercourse with them and not questions relating to ordinary railroad traffic. Unless the Senators concede a reference to the Committee on Indian Affairs, I shall make that motion.

The PRESIDENT *pro tempore*. The title of the bill just introduced will be again reported so that the Senate may understand it.

Mr. MAXEY. I can make a statement which I think will be satisfactory to the Senator from Indiana. This is merely a proposed amendatory bill to an act which was reported from the Committee on Railroads, and that committee is in possession of all the facts in connection with the original bill, having reported it. Therefore I had this bill referred to the Committee on Railroads as the proper committee, and I think so yet. That is the only committee which has really had charge of the subject-matter.

Mr. HARRISON. I shall ask a reconsideration of the reference of the bill introduced by the Senator from Arkansas [Mr. BERRY] with a view of making the same motion in relation to that measure. It is obvious that this question ought to be dealt with by the Committee on Indian Affairs. That is the committee which is charged with the care of legislation relating to those tribes. All these bills present the question of our treaty relations with those tribes, and it is the proper reference undoubtedly.

Waiving this point for a moment, if the Senator from Texas will allow me, I ask for a reconsideration of the reference of the bill introduced by the Senator from Arkansas in order that I may make a motion that it be referred to the Committee on Indian Affairs.

Mr. MAXEY. I wish to make one additional statement for the benefit of the Senator from Indiana. The bill which I now present is a mere reintroduction of a bill which was referred without objection to the Committee on Railroads at the last Congress and reported unanimously from that committee. That committee has examined this identical bill, and hence it is the proper committee to take control of it.

Supposing this explanation to be satisfactory, I now propose to introduce another bill.

The PRESIDENT *pro tempore*. The motion to reconsider will be acted on before other business is entertained. The question is on the reconsideration of the vote referring to the Committee on Railroads the bill introduced by the Senator from Arkansas [Mr. BERRY].

Mr. HARRISON. I suppose that will be done informally and then the vote be taken on the proposition of reference directly. I suppose the Senator from Arkansas will not object to that. Let it be formally reconsidered.

The PRESIDENT *pro tempore*. The bill introduced by the Senator from Arkansas is now before the Senate on the motion to reconsider its reference to the Committee on Railroads; and it will be reported by its title.

The CHIEF CLERK. A bill (S. 90) to grant to the Kansas and Arkansas Valley Railway the right of way through the Indian Territory, and for other purposes.

Mr. SEWELL. I will say that the Railroad Committee of the Senate is one of the largest bodies of that kind, and it is probably one of the best equipped for taking into consideration a subject of this nature. I acknowledge, though, that the bill involves the rights of the Indians and possibly it ought to go to the Committee on Indian Affairs for the purpose of finding out whether by the granting of a charter we should interfere with any of our present treaties; but I desire to give notice that when the bill is reported from that committee I shall ask to have it referred to the Railroad Committee for their consideration so far as the railroad part of it is concerned.

Mr. HARRISON. To that proposition I should offer no objection at all; but it does seem to me too plain for argument that as this question involves our treaty relations with Indian tribes, the bill should be considered by the Committee on Indian Affairs; and if then the Senate should desire that the guards relating to railroad management and railroad rights should be considered by the Committee on Railroads, I should deem it very appropriate.

Mr. MAXEY. I will ask the Senator from Indiana if he makes his motion in reference to the bill I offered as well as the one introduced by the Senator from Arkansas?

Mr. HARRISON. I intended to do so, but I asked to take up the question of the reference of the other bill first as it was first introduced.

Mr. MAXEY. I hope the Senator from Indiana will not insist upon that after the statement which I have made in regard to what was done heretofore.

Mr. VEST. If the subject-matter of this bill came before the Senate now for the first time, there would be a good deal of force in the remarks of the Senator from Indiana. I believe that I had the honor of introducing the bill which passed the Senate and became a law and to which the bill now offered by the Senator from Texas is amendatory. If my memory serves me correctly (and I think the record will substantiate what I state), that bill was reported by the Committee on Railroads, and was elaborately discussed in the Senate, my friend from Indiana opposing its passage. The entire bearing of the various treaty stipulations was discussed at length. The whole subject-matter which comes up now in regard to this proposed amendatory act was discussed to a threadbare extent upon the passage of the original bill.

Why the necessity now of taking this bill and sending it before a new committee, when the Committee on Railroads have examined the question and passed their judgment upon it and the Senate confirmed that judgment? I belong to neither of these committees and have no special interest in the matter, but it seems to me that for the economy of time and for the expedition of public business the bill ought to go to the committee that has already examined the subject and is familiar with it.

I hope the motion to reconsider will be voted down.

Mr. PLUMB. It seems to me that if the bill is to go to two committees the order ought to be reversed from what is here proposed. The first thing to be determined is the necessity or desirability of the building of the suggested railroad. If in the discussion of that question it shall transpire that the railroad is proposed to be built over somebody's land, there being a question about the propriety or legality of taking that land, it is a question to come up afterward; and it would be proper enough for the Senator from Indiana (who of course is opposed to this bill as he has been to all bills of a similar character on perfectly well-understood grounds) to move at the time when it shall be reported from the Railroad Committee, if it shall be so reported, that it shall go to the Committee on Indian Affairs for the purpose of the special inquiry which he desires to have made by that committee, and which it is proper enough, of course, to have made by that committee, if in the mean time it shall be determined by the Senate, or there shall seem to be even reasonable ground for supposing, that these questions have not been authentically settled by the action of the Senate heretofore taken. But

I submit that the first question to be determined is, is there a necessity for a railroad and for the chartering or the building of that railroad by the action of Congress? After that comes the question as to the protection of private or other rights.

Mr. DAWES. I was out when the bill was introduced and would like to hear the title of it.

The PRESIDENT *pro tempore*. The title of the bill will be again read. The bill has been by order of the Senate referred to the Committee on Railroads and the motion is to reconsider that reference.

The CHIEF CLERK. "A bill (S. 90) to grant to the Kansas and Arkansas Valley Railway the right of way through the Indian Territory, and for other purposes."

Mr. DAWES. I have no desire to try to gather under the jurisdiction of the Committee on Indian Affairs anything that I could avoid sending there; but it does not seem to me that the question is whether a particular railroad shall be built. The whole purpose of the bill, I think, is to authorize the construction of a railroad through the Indian Territory; and why should not that go to the Committee on Indian Affairs? Why should not the question whether we shall depart from the policy of the Government in the establishment of that Territory, and in the treaty obligations we have with those Indians, be considered by the Committee on Indian Affairs?

My own opinion is that railroads must be built through the Indian Territory in various ways. I have stated that already to the Senate many times, and I have not opposed the building of railroads through the Indian Territory. The difficulty in my mind is in what manner we can justly and properly authorize the building of those railroads, and I have no other point to consider.

The question of the Indian Territory is assuming every day more interesting phases and features, and has to come before Congress, will certainly come before this Congress, in a way that must arrest our attention. I do not want to see the broad question of what we are going to do with the Indian Territory in the future disturbed by any minor question, which I think this must be, in comparison with the broad question, it being the construction of one particular railroad through that Territory.

If there is any difficulty to-day in dealing with the Indian Territory question, it has arisen from what I regard as the inconsiderate manner of legislation heretofore in respect to railroads through that Territory. I think if it had not been for some, I may be permitted to say, unwise provisions in existing railroad charters in that Territory, the whole Territory, or certainly that part of it under the control of the five civilized nations, would be ready to come under the immediate and direct jurisdiction of the United States, and be legislated for and about as other territory in the United States is. I do not know that there is anything in this bill which will operate against that, but I desire myself to see that legislation in reference to the Indian Territory shall all contribute to that end. There has been legislation heretofore in reference to railroads in that Territory which has had precisely the opposite direction. The alienation of the Indians and the hostility to the United States policy in reference to Indians generally and that Territory in particular, which exists there, has its foundation in our lack of regard for some treaty obligations we have with regard to that Territory, in reference to railroads.

Now, that the Territory can remain there as a barrier in the way of railroads, nobody who looks at it, it seems to me, can for a moment contend. The railroads must go through, but they ought to go through with great care, not only in reference to treaty rights but in reference to existing prejudices in that Territory growing out of mistaken ideas the Indians have of the purport and extent of legislation heretofore upon the subject. I wish, therefore, that the Senator from Arkansas would consent that this bill might go to the Committee on Indian Affairs that they might have as much as possible the legislation in reference to that Territory before them when they come to consider, as they must, the future policy of the Government in reference to those Indians and what measures will most contribute to make them a part of the United States in fact as they are now in their territorial location.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator from Texas proceeds, the Chair feels it his duty to remind the Senate that a motion to reconsider is not debatable except by unanimous consent, and that this debate is going on by unanimous consent. The Senator from Texas has the floor.

Mr. MAXEY. I will then ask unanimous consent to say now what I wish to say, because I want the Senate to understand the question perfectly. My object in rising is to keep in the minds of Senators the distinction which separates the bill introduced by me from that which was offered by the Senator from Arkansas.

Mr. HARRISON. Will the Senator from Texas allow me to interrupt him for a moment?

Mr. MAXEY. Yes, sir.

Mr. HARRISON. Had we not better dispose of the bill introduced by the Senator from Arkansas, which is the one now before the Senate, and then let the Senator from Texas state the distinction between that case and his? We shall in that way keep the bills separate.

Mr. MAXEY. That is what I want to do, and I wish to do it now for the reason that Senators may understand my position.

The original act to which the bill offered by me is a proposed amendment was referred to the Committee on Railroads without a dissenting voice; it was reported by that committee, and after a long discussion involving every question of constitutional law, of treaty, and of the rights of the Indians, was passed by the Senate by over two-thirds majority. It went to the House—I can speak of that now for it was in a past Congress—and was passed there by over three-fourths majority after discussion.

The bill which is now introduced by me was offered at the last, the Forty-eighth, Congress, and was referred to the Committee on Railroads, the same committee which reported the original bill. It was by that committee examined and reported to the Senate in the Forty-eighth Congress unanimously so far as the report goes, but was not passed at the last session for want of time. There was no objection to the original bill being referred to the Committee on Railroads, and there was no objection at the last Congress to the very bill which I now introduce being referred to the Committee on Railroads. So I say that committee already has possession of every fact not only in regard to the original bill but every fact in regard to this proposed amendment, and hence it is the proper and right committee, in my judgment, for the reference.

I say all this having the highest respect for the Committee on Indian Affairs, having no fear about that committee. I am myself a member of that committee, and I think I could take care of the bill there very well; but it is right for this bill to go to the Committee on Railroads. They have all the facts now. It will expedite time, and bring the bill back much earlier, because they have already made the investigation.

In taking a vote on the reference of the bill introduced by my friend from Arkansas, which is a different bill, I beg that the Senate will bear in mind that the bill introduced by me is simply the reoffering of a bill which was once reported by the Committee on Railroads.

Mr. BROWN. I ask the consent of the Senate, as I believe I can only proceed by unanimous consent, to make a few remarks on this question.

If the question were an open one now as to the propriety of building railroads through the Indian Territory, it might be proper to refer this bill and all other bills of like character to the Committee on Indian Affairs; but the champion of the Indian cause—and I think I justly call him so—my friend from Massachusetts [Mr. DAWES], admits that railroads must be built through that Territory. I think he is right. He admits that the Indians can not occupy that vast territory and prevent the connections of the great highways of commerce being made through the Territory, and therefore it is proper that railroads should be built there. So the Senate has determined on two or three occasions. Either in the Forty-sixth Congress, or at the first session of the Forty-seventh, the first act was passed incorporating a railroad company there or giving it the right to build through that Territory. At the last Congress there were one or two other charters granted, clearly establishing the policy of building railroads through the Territory. The propriety of the policy is admitted by the strongest advocate of the Indian cause. The Committee on Railroads are entirely familiar with this question. They have looked into it in all its bearings. It has been discussed extensively here in the Senate. The champions of the Indian cause have had much to say on that subject, and why should we at this stage change the rule upon it? What is there in the conduct of the Committee on Railroads that has been condemned by the body? Why should the question be now withdrawn from the Committee on Railroads and referred to another committee, to wit, the Committee on Indian Affairs?

As I have said, if it were a question whether we would build railroads across the Territory or not, then all these suggestions as to treaty stipulations might come up and be proper for consideration; but those questions having been decided over and over again by the Senate, I can see no reason now for an implied reflection upon the conduct of the Committee on Railroads by taking a bill like this from them and referring it to the Committee on Indian Affairs.

I think, therefore, that both bills should be referred, as heretofore, to the Committee on Railroads.

Mr. DAWES. Mr. President, the question is not so much whether railroads shall be built through that Territory, but as to how and on what terms. It is more desirable, it seems to me, that they shall be so built through that Territory as to have the Indians desire to have them through the Territory. Whatever course in the building of these railroads will tend to make the Indians desire to have railroads built through that Territory will contribute more to the solution of the question than any other policy which we could adopt, and that is all I care for. I want——

Mr. BROWN. Will the Senator allow me to interrupt him one moment? Will the Senator please explain to the Senate how it would better conciliate the Indians to have a bill recommended by the Indian Committee passed to build a railroad across the Territory than it would if it were recommended by the Railroad or any other committee?

Mr. DAWES. I am not here to criticise the Railroad Committee or its policy. I am here to suggest that possibly the Indian Committee

understand—they certainly ought to understand—the best method of adapting legislation on this subject to the Indian Territory, or the best method of authorizing the building of a railroad through that Territory. They ought to understand it better. The Senator from Texas, who introduced one of these bills, is, as he says, a member of the Indian Committee. I do not know but that he is also of the Railroad Committee.

Mr. MAXEY. I am not.

Mr. DAWES. I have no criticism to make on the Senator's position in this matter. I know he is familiar with what are the views, what are the wants, and what are the necessities of the Indians in the Indian Territory. I have been there with him myself; and I have no doubt that he is as familiar as any Senator in this body with the feelings of those Indians in reference to existing railroads running through that Territory, all growing out of a mistake, as I think every one will say, in the manner of authorizing existing railroads to be built. Now that the railroad is built, the building of the railroad is a great blessing to the Indians; but they do not see it; they are blinded by a fear that something in the manner of authorizing that railroad will ultimately work great wrong to them.

Mr. MAXEY. Allow me to interrupt the Senator a moment. I am familiar, as the Senator states, with the status of the Indian Territory, I think, not only on the question of railroads, but pretty well all about their general ideas. I have lived near them a long time. I know the objections which they have to the measure to which the gentleman refers, involving land grants. I also know their views in regard to this road; and their views are not inimical to, on the contrary they are in favor of, the measure I propose.

Mr. DAWES. I do not understand that they are opposed to it; but I understand that some of the details of machinery in the act which authorized the other road to which the Senator has alluded were such as to make a good deal of friction and complaint on the part of the Indians as to the manner of adjusting the land damages and so on.

Mr. BROWN. Does the Senator mean the manner or the amount?

Mr. DAWES. The manner of adjusting the damages.

Mr. BROWN. What was the manner?

Mr. DAWES. I can not go into the details. I know of the existence of complaint. I have no doubt that the Indians can be brought to be made friends of railroad enterprises there just as easily as they were made hostile by the legislation which has gone before. I desire to have this bill referred to the Indian Committee because I believe the Indian Committee could adjust those questions with the Indian Territorial government and the Indian Territory itself better than the Railroad Committee could do it.

I agree heartily with all these Senators, as I said before, in the idea that railroads in some form and by some authority have got to cross and recross that Territory as all other parts of the territory within the limits of the United States. I think the Indians are beginning to see that fact, but the Indians at the same time feel that there is a desire to get this authority and the necessary land for the building of railroads in a way different from that which seems to them to be just. I do not think the intention is to do that; but there is often more in the way you deal with an Indian than in the substance of what you do with him. Those who know the Indians best, unless they are hostile to the thing itself, are the best persons to consider the question. I do not myself claim any such thing, but aside from myself the members of the Indian Committee who have lived with or in the vicinity of the Indians, and have had more to do with them than anybody else, are well informed on these questions. Men upon that committee have recently had considerable knowledge of their attitude toward the railroads, certainly more than the Railroad Committee can possibly have, and the members of the Committee on Indian Affairs are, in my opinion, better capable of considering the questions of detail about these railroads than the Railroad Committee. That is all I have to say.

Mr. HARRISON. Mr. President, this is not a question of the construction of railroads over the public domain of the United States. The proposed road is not to cross one foot of the public domain. It is to be built through territory that we have by treaty set apart to the use in fee of certain Indian tribes. It is not our property. It is not a question of chartering a railroad, under our general laws, through the public domain, giving certain rights of way; but it is a question of giving a right of way over territory that we have ceded away to certain Indian tribes. Now, the very first question that is presented by such a bill is, have we reserved by treaty a right to grant such charters to railroads to run across these lands thus ceded to the Indian tribes?

The gentlemen say railroads must be built. I am not inimical to the building of them anywhere; but I do not believe that broken faith makes a good substructure for a railroad company or any other organization, and I think for one that this involves the question of the treaty rights of these Indians first, and in the second place involves negotiation with them, or some provision of law by which they are to be compensated for the land that is taken for this railroad company; and as it involves further provisions in the bill as to the intercourse of the laborers, white men who are to be brought into the Territory in the construction and operation of this railroad, I say it must be plain to every Senator that these are topics the decision of which should be committed to the committee of this body that is charged with legislation in relation to the Indian tribes.

I understand that during the last summer a subcommittee of that committee have been among these tribes. They have been making careful inquiry as to their wants; they have been considering some change of relation between the General Government and the tribes; and I do not hesitate to announce for myself that substantial changes must be made and made speedily, but they should be made by treaty; they should be made by the concurrence of both parties; and if we are to come upon a fair basis and a fair and amicable relation with these people in these negotiations we should not attempt ruthlessly to deal with their rights without consulting them.

For one, I hold that if our present treaties stand in the way, then we can only grant these rights after negotiation with the tribes, and we should be particularly careful that all the legislation upon this subject secures all their rights.

But I have been told by the Senator from Kansas that I opposed these bills on the floor of the Senate. So I did. For one thing I was opposed to these bills because they neither granted to the legislature of these tribes in the Territory any powers to impose taxes upon the corporate property within the Territory, but the bills did not provide themselves for any such taxation. They allowed these corporations to build the railroads, and simply contained a provision that at some time in the future, when it might please Congress, Congress might provide for taxation for the benefit of the treasury of the tribe. That was one reason why I opposed them, and I stand still upon the proposition that they should pay a fair price for the lands they take, that it should be a matter of kind negotiation with these people, and that as to taxation, the corporate property that is invested there should at least be subject to like burdens with those which it bears in the States of the Union.

I want to raise no controversy with the Committee on Railroads, but I do think it must be obvious to every Senator that it is clearly the function of the Committee on Indian Affairs to consider these incidents of this legislation to which I have referred.

Mr. HAWLEY. Mr. President, my distinguished friend, the Senator from Texas [Mr. MAXEY], observed that this bill had been reported with substantial unanimity, or had been unanimously reported by the Committee on Railroads, at a former session. I do not wish to be misunderstood; so I will make a partial correction, at least, of that statement.

I have the honor to be a member of the Committee on Railroads and have served there now some four or five years. I have never liked these railroad bills, and have opposed them in committee, and have suggested many minor amendments, some of which have been adopted; but the fundamental defect has been in each of the bills as they have been successively reported and some of them passed, that they totally disregard this fact: The Indian Territory exists by treaty; every right these Indians have there is created by treaties with the various tribes; and yet these railroad bills proceed with total disregard of treaty rights. I say "total." They do not ask the Indians to make a treaty with regard to them; they create the road, and set apart what may appear to be a reasonable sum as compensation, something to be set aside as a permanent fund for the benefit of the Indians; but it is not because the Indians have agreed to it, it is because we in our judgment think it is about a fair thing to give the Indians.

Either the Territory in question is a creature of treaty or it is not. Let us come to some conclusion about it. Let us make a new arrangement with the Indians for the future, if you choose, by which they shall waive all treaty rights and start upon some new basis; but for the present I see no way of dealing with them, at least in a matter so serious as this, taking away their lands, except by fair agreement. There may be a natural fear there—they may be entirely at sea—if this is to be the way the Federal Congress is to deal with their property.

Mr. VEST. Mr. President, time and again we hear in this body about making new treaties with Indian tribes. The Congress of the United States has legislated upon that subject, and forbidden any more treaties with any Indian tribe at all; and in order to make a treaty we must first get rid of the existing legislation.

Again, we have heard to-day from the Senator from Indiana that the five civilized tribes of Indians hold their lands in fee. Mr. President, they hold no lands in fee, unless the Cherokees may be said to have that sort of title. The other tribes in the Indian Territory hold simply a determinable fee, an incomplete title to their lands, and by the language of the treaties themselves it is provided that they only hold those lands so long as they maintain their tribal autonomy and remain in actual *pedis possessio*. I have read these treaties in the Senate time and again.

Mr. DAWES. Allow me to say that that very element in the title to the land which the other tribes held, except the Cherokees, is the element of distrust on their part and hostility on their part to these railroads. They have got the impression, growing out of the phraseology contained in the charters, that every one of these efforts tends to and will ultimately result in wresting their lands from them. Now, a little negotiation, a little fair and square talk with them, and a little rea-

soning with them, will bring the Indians to see what is for their interest in reference to these railroads and what is the best way to adjust their claims upon those who build the railroads.

Mr. VEST. Mr. President, I think the Senator from Massachusetts will do me the justice to admit that he has never heard me raise my voice on this floor and has never heard me give a vote in favor of violating any treaty stipulation with any Indian tribe. Upon the other hand I have persistently and consistently maintained that these helpless and almost hopeless people should be treated with the largest justice and charity.

Mr. MAXEY. If the Senator will allow me, I wish to say in corroboration of what has been said by the Senator from Missouri that the original bill to which the bill I propose is an amendment makes provision completely for the payment of every foot of the right of way and a very large price was imposed, and not only so but before that took effect the Choctaw and Chickasaw Nations had sixty days within which to file a protest if they saw proper to do so.

On the other point raised by the Senator from Indiana, whether the fee-simple is in the United States or in the Indian nation, let me say that it was originally in the United States; the right of eminent domain is in the United States, and the jurisdiction being in the United States a railroad authorized by the United States has as much right to pass over that country as a road has to pass over Missouri under a charter from that State.

Mr. VEST. I was about to remark, Mr. President, that if a railroad company sees proper to apply to a circuit court in the State of Missouri to run over my farm and through my house, that court appoints commissioners, who condemn my land against my protest and take it for the use of that corporation, and that is done by the statutory law of each of the States. Are the Indians in this country to be placed upon a pedestal above the law? Are we to be told that this domain is so sacred that no railroad shall run through it in the interest of commerce and civilization? I say, sir, that that is a distinction of privilege to the Indian to which he has never arrived, and which I pray God he may never reach. I propose to treat these Indians as I would treat white men. Whether the land be held in fee or not, they should be amenable to the same laws and to the same course as the other people of the United States.

The Railroad Committee having investigated this subject, why the necessity of putting it before any other tribunal? Does the Senator from Indiana want to amend the bill when it is reported, or the Senator from Connecticut? Of course that right will be retained.

The PRESIDING OFFICER (Mr. INGALLS in the chair). Will the Senate reconsider the vote by which the bill was referred to the Committee on Railroads?

Mr. HARRISON. I call for the yeas and nays.

Mr. TELLER. Which bill is this?

The PRESIDING OFFICER. The bill introduced by the Senator from Arkansas [Mr. BERRY].

The yeas and nays were ordered and taken.

Mr. HAMPTON. I was paired with the Senator from California [Mr. MILLER]. I do not know whether it was a permanent pair or not. I should like to ask his colleague what the understanding was. I have voted on this question.

The PRESIDING OFFICER. The Secretary did not understand whether the Senator from South Carolina wished to withdraw his vote.

Mr. HAMPTON. It will depend on what is said by the colleague of the Senator from California. I do not know whether or not the pair was a permanent one. I am perfectly willing to pair with him permanently. I do not know how the pair affects this question.

The PRESIDING OFFICER. As there is no response the Senator will be compelled to decide for himself.

Mr. HAMPTON. Then I shall let my vote stand.

The result was announced—yeas 30, nays 27; as follows:

YEAS—30.

Aldrich,	Dawes,	Logan,	Platt,
Allison,	Dolph,	McMillan,	Spooner,
Blackburn,	Evarts,	Manderson,	Stanford,
Blair,	Frye,	Miller of N. Y.,	Teller,
Call,	Harrison,	Mitchell,	Van Wyck,
Cameron,	Hawley,	Morgan,	Wilson of Iowa.
Chace,	Hoar,	Morrill,	
Conger,	Ingalls,	Palmer,	

NAYS—27.

Beck,	George,	Maxey,	Sawyer,
Berry,	Gibson,	Plumb,	Sewell,
Brown,	Gray,	Pugh,	Vest,
Cockrell,	Hampton,	Ransom,	Voorhees.
Coke,	Harris,	Riddleberger,	Walthall,
Colquitt,	Jackson,	Sabin,	Wilson of Md.
Cullom,	McPherson,	Saulsbury,	

ABSENT—18.

Bowen,	Fair,	Jones of Nevada,	Pike,
Butler,	Gorman,	Kenna,	Sherman,
Camden,	Hale,	Mahone,	Vance.
Edmunds,	Jones of Arkansas,	Miller of Cal.,	
Eustis,	Jones of Florida,	Payne,	

So the motion to reconsider was agreed to.

The PRESIDING OFFICER. The question now recurs on the motion made by the Senator from Indiana [Mr. HARRISON] to refer the bill to the Committee on Indian Affairs.

Mr. RIDDLEBERGER. Mr. President, I understand the Senator from Indiana to make the proposition to refer this bill to the Committee on Indian Affairs because he is apprehensive of some ruthless invasion of the Indian Territory by this endeavor to construct a railroad. I also understand from what he says that he is opposed to the construction of a railroad through the Indian Territory. That is what this motion to reconsider means, to refer this bill to a committee other than a committee that has once reported upon it after having heard the subject discussed at two sessions of the last Congress.

Now, sir, I undertake to say that if the Senator from Indiana be correct in his proposition that these Indians have a fee-simple title, they are to all intents and purposes a separate government and the United States Government as such can exercise no jurisdiction over their lands, and therefore can not exert the right of eminent domain. Then there is no reason, no sense, in referring this bill to either of the committees named or to any committee. But, sir, the Committee on Railroads do believe differently. If I can accept what they have done in reporting this and similar bills heretofore they believe that this Government can exercise that right over the Indian Territory, that this Government can condemn lands there for the purpose of constructing one or more railroads. The Committee on Railroads as such has reported that this Government can go there and exercise the same authority as a State government exercises over private property when it condemns private property for public uses and pays compensation therefor.

If this bill is to go to the Committee on Indian Affairs, there can be no reason assigned for it except that the Senate has changed its view in reference to the construction of a railroad across the Indian Territory, that the Senate has not the confidence in the Railroad Committee that it has in other committees; because the insinuation is broadly cast out here that we have not that respect for treaty obligations which the Indian Committee itself has. I may not have that respect for the Indians which some Senators have, but I really think I do have respect for all the treaty obligations made with the Indians.

I say first that it is the right of this Government to condemn land in the Indian Territory; and I believe it will conserve a great public purpose to construct the proposed railroad; and for that reason I can honestly say while I am a member of the Railroad Committee that I believe the bill ought to remain in the hands of that committee, and they ought to have the entire control of it and report it back here either favorably or adversely. It is a proposition to construct a railroad, and not to make a treaty with the Indians. It is a proposition to construct a railroad across the Indian Territory, to be sure; but the Railroad Committee has passed upon it and Congress has passed upon it, and I do not see how the Senator can becomingly ask that the bill shall be taken from its proper committee and referred to another.

The PRESIDENT *pro tempore*. The question is on the motion to refer the bill to the Committee on Indian Affairs, as proposed by the Senator from Indiana [Mr. HARRISON].

The motion was agreed to.

Mr. VEST. I believe the order of business is still the introduction of bills.

The PRESIDENT *pro tempore*. A bill has been introduced by the Senator from Texas [Mr. MAXEY], being a bill (S. 91) to amend an act entitled "An act to grant the right of way for a railroad and telegraph line through the land of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes." The Senator from Texas has moved that this bill be referred to the Committee on Railroads.

Mr. MAXEY. I have moved that the bill be referred to the Committee on Railroads and I simply want to call the attention of the Senate in a word to the difference between the bill just voted on and this. The original act of which this is an amendment came from the Committee on Railroads, having been referred there without any objection, and this bill is an amendment of that. At the last session it went to the Committee on Railroads and was reported from that committee, as I said, without objection so far as the record shows. If there was any objection the record does not show it. The record shows the report and no minority report. That committee having investigated this whole matter, having had charge of the original act, having had charge of this very bill at the last session, I say that it is useless and idle to take it away from that committee and refer it to the Committee on Indian Affairs. I do not think it would be just to the Committee on Railroads, I do not think it would be just to me. I have had the matter investigated, and all the testimony brought in that could be, and the Senate has passed upon the question by over a two-thirds majority.

Mr. HARRISON. I certainly have no disposition to do anything that might seem unkind to the Senator from Texas, but I think he will advance his own bill if he will acquiesce in the vote of the Senate just taken and let this bill go to the Committee on Indian Affairs with the other. I assure him that so far as I am concerned I have only a disposition that these bills proceed conformably to law and treaty, and that I have every disposition in the world to advance the building of railroads there upon fair and just terms when it can be done conformably to the treaties and law. Nor have I any objection in the world to the sug-

gestion of the Senator from New Jersey [Mr. SEWELL] that after the Committee on Indian Affairs have considered this phase of the question the bill shall then go to the Committee on Railroads. I really think the Senator from Texas would advance the interests of his bill by acquiescing in the vote of the Senate and letting it take the course I have proposed.

Mr. MAXEY. I insist, sir, on the bill being referred where it properly belongs, to the Committee on Railroads.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas to refer this bill to the Committee on Railroads.

Mr. HARRISON. I move to amend by substituting the Committee on Indian Affairs. If we are to have another roll-call, let us try it.

The PRESIDENT *pro tempore*. The Chair must hold that the pending motion is not amendable. If it be voted down, then the motion of the Senator from Indiana would be in order.

Mr. CULLOM. There seems to be a good deal of conflict over this question of references which I think might be got along without. In the first place, the Railroad Committee, as has been stated, has had control of this subject in the case of the bills which have been passed by the Senate. Now, I suggest to the Senator from Indiana and the Senate that this bill be allowed to go to the Committee on Railroads, that that committee be permitted to investigate it and report it back if it sees proper, after which, so far as I am concerned as a part of that committee, I shall be perfectly willing to have it referred to the Committee on Indian Affairs, to be dealt with, that it may be seen whether there is any real conflict.

Mr. MAXEY. I have no objection to that, but the original reference should be where the bill went before.

Mr. CULLOM. I hope that will be agreed to without further objection.

Mr. HARRISON. As the Senator from Texas claims that this is a mere amendment of a bill considered and reported by the Railroad Committee, with the understanding just stated, and acknowledging that difference—a slight one, but perhaps enough to take it out of the fate of the other bill—I shall be content.

Mr. CULLOM. I move that the bill be referred to the Committee on Railroads.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Railroads.

Mr. MAXEY introduced a bill (S. 92) for the relief of William Franklin Grounds; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 93) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON (by request) introduced a bill (S. 94) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 95) for the relief of William E. Woodbridge; which was read twice by its title, and referred to the Committee on Patents.

He also (by request) introduced a bill (S. 96) for the relief of the legal representatives of Egbert Thompson, deceased; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 97) for the relief of Basil Moreland; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 98) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 99) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 100) for the relief of William H. Crook; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 101) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 102) to establish a United States court in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 103) making an appropriation for the purchase of ground and the erection thereon, in the city of Washington, of a building to be used as a hall of records; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 104) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 105) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 106) authorizing the construction of a bridge across the Mississippi River at or near the Chain of Rocks, in the northern part of the city of Saint Louis, State of Missouri; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 107) authorizing the construction of a bridge over the Mississippi River at Saint Louis, Mo.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 108) fixing compensation of United States marshals and deputies, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 109) to amend section 3734 of the Revised Statutes, and to provide for the erection of public buildings by contract with the lowest bidders; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 110) fixing the compensation of United States district attorneys, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 111) to authorize the construction of bridges across the Missouri River between its mouth and the mouth of the Dakota or James River, and across the Mississippi River between the port of Saint Paul, in the State of Minnesota, and the port of Natchez, in the State of Mississippi, and across the Illinois River between its mouth and La Salle, in the State of Illinois, and to prescribe the character, location, and dimensions of the same; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 112) for the relief of certain officers of the Missouri State Militia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 113) for the relief of Samuel Browning, of Missouri; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 114) for the relief of Joseph Knight; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 115) for the relief of Richard F. Barrett; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 116) for the relief of Maria E. Warfield; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 117) making an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BROWN introduced a bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MILLER, of New York, introduced a bill (S. 119) for the relief of Richard Oulahan, late of the One hundred and sixty-fourth Regiment New York Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 120) to revise section 1754 of the Revised Statutes, relative to the employment of persons discharged from the military or naval service; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

He also introduced a bill (S. 121) to authorize the construction of certain bridges across the Staten Island Sound, known as Arthur Kill or Kill von Kull, and to establish the same as post-roads; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced a bill (S. 122) to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan; which was read twice by its title, and referred to the Committee on Public Lands.

He also (by request) introduced a bill (S. 123) for the relief of George K. Otis; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 124) for the relief of George K. Otis; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 125) for the relief of the New York, Lake Erie and Western Railroad Company; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MCMILLAN introduced a bill (S. 126) to change the name of the National Bank of Winona; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 127) for the relief of H. K. Belding; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's Bank of Lawrenceburg, Ind.; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 129) authorizing the Secretary of War

to adjust and settle the account for arms, ammunition, and accouterments between the Territory of Montana and the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 130) for the relief of John Fletcher; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 131) to provide for the erection of a public building at Madison, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 132) for the purchase of suitable grounds in the city of Richmond, in the State of Indiana, and the erection thereon of a public building for the post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 133) to fix the salary of the judge of the district court of the United States for the district of Indiana; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 134) granting an increase of pension to Shadrach Brown; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 135) granting a pension to Mary A. Tibbets; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 136) granting a pension to Bridget Sherlock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 137) to increase the efficiency of the infantry branch of the Army; which was read twice by its title.

Mr. MANDERSON. Mr. President, desiring to submit to the Senate a few remarks upon the bill at some early opportunity, I ask that it lie upon the table so that I may call it up hereafter.

The PRESIDENT *pro tempore*. The bill will lie on the table and be printed.

Mr. MANDERSON introduced a bill (S. 138) requiring notice of deficiency in accounts of principals to be given to sureties upon bonds of United States officials, and fixing a limitation of time within which suits shall be brought against said sureties upon said bonds; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 139) requiring transcripts of judgments obtained in United States courts to be filed with county officers having charge of judgment records in certain cases; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 140) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 142) for the relief of John Breitling; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 143) for the relief of Sallie Carroll; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 144) granting an increase of pension to General S. W. Price; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 145) for the relief of James Bainter; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 146) for the relief of George S. Comstock; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 147) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1866; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 148) for the relief of the heirs of Charles B. Smith, deceased, late a lieutenant in the Fifth Iowa Calvary; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 150) to quiet the title of settlers on the Des Moines River lands, in the State of Iowa; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 151) granting pensions to the soldiers and sailors of the Mexican war, to soldiers and sailors who served in the United States Army and Navy during the war of the rebellion, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 152) to establish a board of public education and to aid in the support of common schools in the several States and Territories; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. ALDRICH introduced a bill (S. 153) establishing additional life-saving stations on the seacoast of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 154) to provide for ascertaining and settling a certain private land claim in the Territory of Arizona; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 155) for the relief of the heirs of Edmund Cole, of Rhode Island; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 156) for the relief of George C. and William J. Munro; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 157) for the relief of Ellen May Brown, widow of Zachary T. Brown; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 158) granting a pension to Mary A. Mykins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 159) granting an increase of pension to Abby S. Slocum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 160) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 161) granting a pension to Mrs. Ann E. Tew; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 162) granting an increase of pension to Mrs. E. S. Kelly; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STANFORD introduced a bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL introduced a bill (S. 164) to prohibit the judges and courts of the United States from authorizing the borrowing of money by receivers on the security of railroad or other corporate property beyond the amount of the annual net income; also from appointing receivers of railroads without satisfactory evidence of the condition of said company upon an examination of its books and the person in charge of its receipts and expenditures; which was read the first time by its title.

Mr. CALL. Mr. President, I ask that this bill may lie on the table, and I give notice that I will ask the consent of the Senate to take it up at an early day that I may submit some remarks upon it before referring it to the Committee on the Judiciary.

The courts of the United States are being made the frequent and convenient instruments of the most apparent frauds, having no other foundation than fraudulent collusion between the officials of corporations and parties having a merely nominal interest, without reference to the interests of the State or the people of the States by whom the franchises were granted and to the loss or detriment of all honest and *bona fide* creditors, and of the domestic creditors and the people whose labor has been made use of by them.

The record of a case now pending in the State of Florida and of those which have preceded it will conclusively establish this statement, and the necessity of legislation not only in the interests of common honesty and justice but to preserve the good reputation of the courts of the United States and to prevent them from becoming the synonym of fraud and robbery.

The PRESIDENT *pro tempore*. The bill will be considered read the second time, and lie on the table.

Mr. BLACKBURN introduced a bill (S. 165) for the relief of William H. Gray, of Kentucky; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 166) for the relief of Perry G. Wall and the executors of O. B. Hart, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 167) for continuing work on the bar of the Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 168) for the improvement of the Saint John's River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 169) providing for the opening of a passage through San Carlos Bay and the improvement of the Caloosahatchee

River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 170) for the relief of Jane Latham Donelly, only surviving daughter and heir of Amos Latham, a soldier of the Revolutionary war; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

He also introduced a bill (S. 171) securing the right of a party complainant in the United States courts to file a supplemental bill in equity causes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 172) for the relief of Herman Ruge; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 173) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers, or at some point between Algiers and Port Eads; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 174) to provide for the erection of a public building in the city of New Orleans, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 175) for a public building at Monroe, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 176) to increase the endowment of the Louisiana State University and Agricultural College; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 177) for the relief of the heirs of Maurice Grivot; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 178) for the relief of Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 179) to provide a building for the use of the United States courts, post-office, customs office, and internal-revenue office at Vicksburg, Miss.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 180) supplemental to an act entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," approved August 11, 1856; which was read twice by its title, and referred to the Committee on Railroads.

He also introduced a bill (S. 181) to protect employés and servants engaged in foreign and interstate commerce, and employés and servants in the District of Columbia and the Territories of the United States; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. FRYE introduced a bill (S. 182) to provide for a commission on the subject of the alcoholic liquor traffic; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 183) for the relief of Thomas S. Hopkins, late of Company C, Sixteenth Maine Volunteers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 184) for the encouragement of the American merchant marine, and to promote postal and commercial relations with foreign countries; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 185) to provide for the erection of a public building at the town of Houlton, Me.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 186) for the relief of Samuel D. Bailey; Samuel D. Bailey, administrator of the estate of B. C. Bailey, and Nancy S. Ballard, administratrix of the estate of Calvin Ballard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 187) for the relief of Frederick W. Ruggles, of Westport, Nova Scotia; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 188) to prevent the acquisition of real property by aliens, and for other purposes; which was read twice by its title.

Mr. PLUMB. That is the same bill which was introduced by me at the last session of Congress, and reported by the Committee on Public Lands. I move its reference to the Committee on Public Lands.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 189) granting the right of way through the Fort Selden military reservation, New Mexico, to the Rio Grande, Mexico and Pacific Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 190) to establish a court of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HAWLEY introduced a bill (S. 191) to establish an international copyright; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 192) to change the rank and pay of an officer on the retired-list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 193) for the relief of John Hollins McBlair; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill granting pensions to soldiers and sailors of the Mexican war, the late civil war, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 194) to aid in the establishment and temporary support of common schools; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 195) to provide for the study of physiology, and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare, by the pupils in the public schools of the Territories and the District of Columbia; which was read twice by its title, and referred to the Committee on Education and Labor.

He also (by request) introduced a bill (S. 196) for the relief of Willis N. Arnold; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 197) to increase the pension of Florence Murray; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 198) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes; which was read twice by its title.

Mr. MITCHELL. I desire to state in connection with the introduction of the bill that it is the same one which was passed by the Senate during the last Congress but which did not become a law.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Pensions.

Mr. BLAIR. I introduced the same bill as the chairman of the committee has introduced, and I wish to withdraw the introduction of the bill of the same title.

Mr. MITCHELL. Had I known that fact I should not have introduced my bill.

Mr. BLAIR. I prefer that it should be introduced by the chairman of the committee.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks leave to withdraw a bill introduced by him in respect to pensions. If there is no objection, it may be withdrawn.

Mr. BLAIR. There is no difference except a slight difference in the title. I inserted "the late civil war," and I suggest to the chairman that possibly that amendment to the title of his bill will be no injury to it.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from New Hampshire will have leave to withdraw his bill.

Mr. MITCHELL introduced a bill (S. 199) for the retirement and recoinage of the trade-dollar; which was read twice by its title, and referred to the Committee on Finance.

Mr. RIDDLEBERGER introduced a bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GORMAN introduced a bill (S. 201) to provide for the erection of a public building in the city of Annapolis, Md.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 202) for the relief of Ernest H. Wardwell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 203) for the relief of Cyprian T. Jenkins; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 204) granting a pension to Frank Gray; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 205) for the relief of C. H. Eddy; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 206) to provide for the erection of a public building in the city of Zanesville, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 207) to provide for the erection of a public building in the city of Youngstown, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 208) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 210) for the relief of Charles P. Chouteau; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 211) for the relief of Wetmore & Brother, of Saint Louis, Mo.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 212) for the relief of Samuel A. Lowe;

which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 213) for the relief of the estate of Leander W. Black; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 215) for the relief of Edward P. Vollum; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 217) for the relief of the estate of Thomas L. Price, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 218) to confirm the title to certain lands in Platt County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 219) relinquishing the right of the United States to an island therein named; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 220) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 221) for the relief of Alexander Smiley; which was read twice by its title, and referred to the Committee on Finance.

Mr. MORRILL introduced a joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution; which was read twice by its title, and ordered to lie on the table.

Mr. TELLER introduced a joint resolution (S. R. 2) directing the cancellation of the one and two dollar United States notes; which was read twice by its title.

Mr. TELLER. I desire to have the joint resolution lie on the table for the present.

The PRESIDENT *pro tempore*. It will lie on the table.

Mr. ALDRICH introduced a joint resolution (S. R. 3) for the relief of the widow and children of John W. Judson, late agent of the United States at Oswego, N. Y., for public works on Lake Ontario; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB. I have introduced heretofore at different Congresses a joint resolution proposing an amendment to the Constitution of the United States. By the request of the same parties who induced me to present the former amendment, I introduce now the same joint resolution.

The joint resolution (S. R. 4) proposing an amendment to the Constitution of the United States in relation to the manufacture and sale of intoxicating liquors was read twice by its title, and referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DOLPH, it was

Ordered, That the papers of Ben Holladay be taken from the files and referred to the Committee on Claims.

On motion of Mr. JACKSON, it was

Ordered, That the papers in the cases of Alfred G. Hatfield, Mrs. Eliza E. Hebert, William H. Crook, Frank and Surah Della Torre, and John Leathers be withdrawn from the files and referred to the Committee on Claims, there being no adverse reports.

Ordered, That the papers in the case of William Wheeler Hubbell be withdrawn from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of William E. Woodbridge be withdrawn from the files and referred to the Committee on Patents, there being no adverse report.

Ordered, That the papers in the case of Basil Moreland be withdrawn from the files and referred to the Committee on Indian Affairs, there being no adverse report.

Ordered, That the papers in the case of Maj. William M. Maynadier be withdrawn from the files and referred to the Committee on Military Affairs, there being no adverse report.

Ordered, That the papers in the case of Egbert Thompson be withdrawn from the files and referred to the Committee on Naval Affairs, there being no adverse report.

Mr. COCKRELL. I ask that the same order be made in regard to the various private bills I introduced, that the papers on file in each case be withdrawn and referred to the proper committee.

The PRESIDENT *pro tempore*. That order will be made unless there be objection.

JOINT RULES FOR THE TWO HOUSES.

Mr. FRYE submitted the following resolution; which was referred to the Committee on Rules:

Resolved by the Senate (the House of Representatives concurring), That the following be the joint rules of the two Houses.

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

I.—ORGANIZATION.

At the commencement of each Congress, and of each session thereafter, it shall, on motion, be the duty of the Secretary of the Senate and Clerk of the House of Representatives to communicate promptly to the other House notice of the appearance of a quorum and of the organization of their respective Houses for the transaction of business, which notice shall be in writing and be duly attested by each of said officers.

II.—MESSAGES.

1. All messages between the two Houses shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, or by clerks designated by them for that purpose, which messages shall be announced at the door of each House by the Doorkeeper or his assistant, and shall be communicated to the Chair by the person by whom they may be sent.

2. All messages from the President of the United States or the other House, all reports and communications from the heads of Departments, and all communications addressed to the Senate or House of Representatives, shall be placed in order on the table of the presiding officer of each House.

3. It shall be the duty of the presiding officer of each House, immediately after the reading and approval of the Journal of the proceedings of the last day's sitting, to lay before the Senate or House of Representatives, as the case may be, all messages on their respective tables, for reference to appropriate committees, or for such other action as may be deemed proper.

4. All bills, joint and concurrent resolutions, referred to committees under the foregoing clause, shall be printed, unless otherwise ordered at the time of reference.

III.—COMMITTEE OF THE WHOLE.

All bills, joint resolutions, or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill or joint resolution has commenced.

IV.—GENERAL APPROPRIATION BILLS.

1. No amendment shall be in order to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be to carry out the provisions of existing law, or treaty stipulation, or in pursuance of a resolution of the House having the bill under consideration, unless the same be moved by direction of a standing or select committee.

2. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto, and all questions of relevancy of amendments under this rule, when raised, shall be decided without debate.

V.—ENGROSSED BILLS.

Bills, joint and concurrent resolutions, which have passed either House, and amendments thereto which shall have passed the other House, shall be engrossed on paper and attested by the signature of the Secretary of the Senate or Clerk of the House of Representatives, respectively, as the case may be.

VI.—ENROLLED BILLS.

1. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on parchment by the Secretary or Clerk of the House in which said bill or joint resolution originated; shall be examined by a member of the Committee on Enrolled Bills of said House, who shall carefully examine and compare the enrolled with the engrossed bill as passed by both Houses, and, correcting all errors, if any be found, report the said bill or joint resolution forthwith for signature, as hereinafter provided.

2. After examination of any bill or joint resolution by a member of the Committee on Enrolled Bills of either House, it shall be reported, first to the House of Representatives, where it shall be signed by the Speaker or Speaker *pro tempore*, and be communicated forthwith to the Senate for the signature of its President or President *pro tempore*, as the case may be in either House.

3. After a bill or joint resolution shall have been thus signed in each House, it shall be presented to the President of the United States by a member of the Committee on Enrolled Bills of the House in which it originated, which fact shall be indorsed on the back of said bill or joint resolution, and be duly attested by the Secretary or Clerk, as the case may be, of the House in which it did originate.

4. The member of the Committee on Enrolled Bills presenting to the President an enrolled bill or joint resolution, shall certify to the Secretary or Clerk of the House in which the same originated the date of such presentation, which shall be entered on the Journal of said House.

VII.—RESOLUTIONS.

All resolutions which are to be presented to the President of the United States or head of a Department shall be duly engrossed, attested by the Secretary or Clerk of the House adopting [or agreeing to] the same, and by him be presented to the President or head of a Department as the case may be.

VIII.—BILLS, JOINT AND CONCURRENT RESOLUTIONS.

1. Each House shall transmit to the other all papers on which any bill, joint or concurrent resolution shall be founded, and when a bill, joint or concurrent resolution which has passed one House shall be rejected in [by] the other, it shall not be introduced or submitted again during the same session without a notice of ten days and leave of two-thirds of the House in which it shall be renewed.

2. When a bill, joint or concurrent resolution, which shall have passed one House, is rejected by the other, notice thereof shall be given to the House passing the same.

3. After each House shall have adhered to their disagreement, a bill, joint or concurrent resolution shall be lost.

IX.—CONFERENCES.

1. When a bill, joint or concurrent resolution has passed one House and been amended in the other, it shall be in order for the amending House to at once insist on its amendment or amendments, and ask a conference thereon with the other House, or in case it does not so insist, and the originating House disagrees to said amendment or amendments, it shall be in order at the time of such disagreement to move a conference thereon with the other House. If a conference be ordered, the presiding officer shall appoint three members as managers at the said conference on the part of the dissenting House, which action shall be promptly communicated to the other House. If that House insist on its amendment or amendments, and agree to the proposed conference, the presiding officer thereof shall thereupon appoint three Senators or Representatives, as the case may be, to represent said House at said conference, which action shall be promptly communicated to the other House.

2. All committees of conference shall meet at the call of their chairman, and shall state verbally or in writing, as they may choose, the reasons for the actions

of their respective Houses touching the amendment or amendments in dispute between the two Houses. It shall not be in order for a conference committee to consider or include in their report matter or subjects not in dispute between their respective Houses, nor shall the committee change the text of a bill, joint or concurrent resolution to which both Houses have agreed, unless it becomes necessary to change the text in order to perfect the bill after amendment.

3. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, while either House is dividing, or pending a motion to adjourn, and a detailed statement sufficiently explicit to inform the two Houses what effect the report will have upon the subjects or propositions to which they relate shall accompany every conference report.

X.—CALENDARS.

During the last ten days of a session, when either House has proceeded to the consideration of business on a calendar, bills, joint and concurrent resolutions of the other House shall be given precedence, and shall be taken up and disposed of in regular order unless otherwise ordered.

XI.—JOINT COMMITTEE ON THE LIBRARY.

There shall be a Joint Committee on the Library of Congress, to consist of three members on the part of each House, to which shall be referred all proposed legislation or matters touching said Library, and all matters relating to statuary or pictures or works of art which may come before either House. It shall also superintend and direct the expenditure of all moneys appropriated therefor, and shall perform such other duties as are or may be directed by law or order of the two Houses, and during the period between the end [expiration] of a Congress and the commencement of the next, all duties devolving by law or otherwise on the Joint Committee on the Library shall be performed by the members of said committee on the part of the Senate of the preceding Congress.

XII.—JOINT ADDRESS TO THE PRESIDENT.

When the two Houses shall judge it proper to make a joint address to the President it shall be presented to him at such place and time as he may designate by the President or President *pro tempore* of the Senate in the presence of the Speaker or Speaker *pro tempore* of the House of Representatives, and both Houses.

XIII.—SALE OF LIQUORS FORBIDDEN.

No spirituous or malt liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto; and it shall be the duty of the Sergeants-at-Arms of the two Houses, under the supervision of the presiding officers thereof, respectively, to strictly enforce the foregoing provisions, and any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

TARIF DUTIES.

Mr. CAMERON submitted the following resolution; which was read, and referred to the Committee on Finance:

Resolved, That inasmuch as the business industries of the country at present seem to be reviving, it is inexpedient during this Congress to pass upon any measure looking to a reduction of tariff duties.

Resolved, That any future reduction of the tariff should be based upon information common to the country, as shown by complete census returns, and at such definite periods as can be readily anticipated and met by the different producing interests of the country.

IMPROVEMENT OF BROAD CREEK, DELAWARE.

Mr. GRAY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he hereby is, directed to communicate to the Senate information as to the state of the work done by the United States Government in 1881 and 1882 for the improvement of the navigation of Broad Creek, in Delaware, and what is necessary to complete said work, and the amount of money required therefor.

PRINTING OF DOCUMENTS.

Mr. MORRILL submitted the following resolution:

Resolved, That there be printed for the use of the Senate 1,000 copies of the annual message of the President and the reports proper of the heads of Departments, Comptroller of the Currency, Director of the Mint, and Treasurer of the United States, not including appendices.

Mr. MORRILL. I desire to state that unless this resolution shall pass at the present time, or soon, we shall be delayed in receiving these reports of the different Departments for about ninety days. This is intended to obviate the delay so that we can have these documents, as they are already in type, printed at once. I think there will be no objection. I believe the Committee on Printing are in favor of the resolution.

Mr. MANDERSON. I understand that this is the usual resolution passed for the printing of the President's message and accompanying reports.

Mr. PLUMB. I should like to have the resolution again read.

The Chief Clerk read the resolution.

Mr. MANDERSON. All the matter is in type, I understand, and the cost of printing this thousand copies will be quite small. I should like to know, however, from the Senator from Vermont whether he desires by this resolution to place the message and accompanying reports under one cover.

Mr. MORRILL. No, to have each separately, as the various reports will be called for by Senators and their constituents. It is a great convenience to have them early in the session, instead of waiting until next March for them.

Mr. PLUMB. There is a provision of the Revised Statutes, section 3798, which provides for the printing of all the documents ordinarily known as documents accompanying the President's message, and I want to know something about what we are to get as the result of this apparent duplication. The section provides:

Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, 1,000 copies for the use of the members of the Senate, and 2,000 copies for the use of the members of the House of Representatives.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, 10,000 copies for the use of the members of the Senate, and 25,000 copies for the use of the members of the House of Representatives.

Mr. MANDERSON. The Senator from Kansas will permit me to interrupt him. That, as I understand it, provides for printing the reports of the heads of Departments and all the accompanying documents *in extenso*. This resolution provides, not for the accompanying documents, but simply for the reports of the Department chiefs, each of which is but a small pamphlet.

Mr. MORRILL. Each with a paper cover.

Mr. MANDERSON. In the natural order of printing we shall not get the reports called for by the statute until late in February or early in March.

Mr. PLUMB. I wanted to know what the purpose of this was, whether we were to have a double number printed of the reports. It seems to me provision has already been made for printing all these documents; but if any more are necessary, of course the resolution is proper.

Mr. MANDERSON. This does not call for the printing of the accompanying documents, but simply the reports proper.

Mr. ALLISON. I notice that this only provides for the printing of the report of the Director of the Mint, the Treasurer of the United States, and one or two other subordinate officers in the Treasury.

Mr. MORRILL. And the reports of all the heads of Departments.

Mr. ALLISON. And of all the heads of Departments. I do not know whether that distinction has been kept up hitherto, or whether we have been in the habit of printing also the report, for instance, of the Commissioner of Pensions and of the Commissioner of the General Land Office and of the Commissioner of Indian Affairs and other subordinate officers, which of course are in substance repeated in the reports of the heads of Departments. In other words, I do not see any special reason why we should print the report of the Director of the Mint and the report of the Treasurer of the United States which would not apply at least to the reports of some of the other heads of bureaus in our Government. There may be some reason, and, if so, I should be glad to know what it is.

Mr. INGALLS. I do not find upon a casual inspection of the Journals of some preceding sessions that similar action has been taken; and while it will be a very great affliction to be deprived of the perusal of these messages and reports for a brief time, inasmuch as there is evidently a misunderstanding about what has been done and what is now wanted to be done, I will move the reference of this resolution to the Committee on Printing, so that we may have a report to-morrow or at such early day as they may see fit to act on the subject.

Mr. MORRILL. I have no objection, if the Senator from Kansas thinks that the proper thing to be done. I will say, however, that I think precisely this was done at the last session of Congress.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Printing.

The motion was agreed to.

COMMITTEE SERVICE.

Mr. RIDDLEBERGER. I want respectfully to ask to be relieved from further service upon the Committee on Railroads. I do not make the request because I feel any very severe rebuke from the vote of the Senate to-day; but I have served on that committee for two years and I do not think I have been of much consequence to it. I hope it will be the pleasure of the Senate to allow me to withdraw from it. The committee at best is not a very desirable one to be upon, and especially so if it is simply to hear arguments and discussions and hold interminable sessions and then to have nothing else to do but hear. I prefer that some other Senator who comes from some section of the country that understands the peculiar questions which come before that committee shall occupy the place I now do on it.

Mr. INGALLS. The subject to which the Senator from Virginia refers is under consideration at the present time, and I will therefore move that the Senate do now adjourn.

Mr. RIDDLEBERGER. I do not want to occupy the floor; but I hope the Senator from Kansas will not compel me to do what the Presiding Officer of this body did on another occasion—simply decline to serve. I respectfully ask to be excused. I think the Senator from Kansas can afford to allow me to do that.

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion?

Mr. INGALLS. I did not understand that the Senator from Virginia desired immediate action on the suggestion he made. He declines to serve on the committee. I do not understand that the fact of my making the motion to adjourn will interfere with his wishes.

Mr. RIDDLEBERGER. I merely ask the Senator out of courtesy to allow the Senate to excuse me now. I know they will not hesitate to do it.

The PRESIDENT *pro tempore*. Does the Senator from Kansas insist on his motion to adjourn?

Mr. INGALLS. I think I shall ask a vote on my motion to adjourn now.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 8, 1885.

The House met at 12 o'clock m. Rev. W. H. MILBURN, D. D., Chaplain-elect of the House, offered the following prayer:

Almighty and everlasting God! Shrouded in the mystery of the solemn event, we stand in thought with love and sorrow by a new-made grave, the grave of our Vice-President, praying Thee to help us to lay to heart the lesson of his life, that sobriety, courtesy, honor, magnanimity, coupled with unflinching courage and fidelity to conviction, with virtue and religion, are true sucess. Help us likewise to lay to heart the lesson of his life's end, that there is but a step betwixt us and death; that when our last hour shall come we too may depart in peace, having a good conscience toward God and man. To the widow who sits in her desolation we pray Thee come with comfort and consolation. These and all other things necessary for life and godliness we humbly ask in the name and through the merits of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUALIFICATIONS OF MEMBERS-ELECT.

The SPEAKER. The Chair is advised that some Representatives-elect who were not present in their seats yesterday are now in the Hall. If so, they will now come forward and take the oath of office.

Mr. THOMAS CROXTON of Virginia, Mr. RICHARD GUENTHER of Wisconsin, and Mr. JOHN S. HENDERSON of North Carolina presented themselves and were duly qualified by taking the oath prescribed in section 1757 of the Revised Statutes.

QUALIFICATION OF CHAPLAIN-ELECT.

The SPEAKER. The Chair will also administer the oath of office to the Chaplain-elect.

Rev. W. H. MILBURN, D. D., was then duly qualified by taking the oath prescribed by law.

COMMITTEE ON MILEAGE.

The SPEAKER. If there be no objection, the Chair will appoint temporarily a special committee on mileage, in order that the accounts of members may be adjusted. Is there objection? The Chair hears none. The Chair appoints as the committee the gentleman from Arkansas, Mr. ROGERS, the gentleman from Texas, Mr. WELLBORN, the gentleman from Indiana, Mr. HOWARD, the gentleman from Massachusetts, Mr. RANNEY, and the gentleman from California, Mr. FELTON.

PRESIDENT'S ANNUAL MESSAGE.

Mr. BLOUNT (appearing at the bar of the House in company with Mr. RANDALL and Mr. REED) said: Mr. Speaker, the committee appointed by the two Houses of Congress to wait upon the President of the United States and inform him of their organization for business, and their readiness to receive any communications he might be pleased to make, have discharged that duty; and the President has replied that he would immediately communicate with the two Houses in writing.

[A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.]

The SPEAKER. The Chair lays before the House the annual message of the President of the United States, which the Clerk will proceed to read.

[The message, which will be found in another part of to-day's RECORD, was read.]

Mr. MORRISON. Mr. Speaker, I move that the message just read be referred to the Committee of the Whole House on the state of the Union, and be printed.

The motion was agreed to.

DEATH OF HON. REUBEN ELLWOOD.

Mr. HOPKINS. Mr. Speaker, I rise to perform the sad duty of announcing to the House the death of my predecessor, Hon. REUBEN ELLWOOD, late a member of this House from the State of Illinois, who died at his home in the city of Sycamore on the 1st day of July last. I desire also to express in some slight degree the profound sorrow of the people of the fifth district of the State of Illinois in the death of their able and distinguished Representative.

I ask to have read the resolutions which I send to the desk, and beg leave to state that at some future and more convenient time the House will be called upon to further consider them and to accord to members the privilege of expressing the esteem in which the memory of the deceased is held.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. REUBEN ELLWOOD, late a member of this House from the State of Illinois.

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate, and that as a further mark of respect to the memory of the deceased this House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] asks that the resolutions just read lie on the table for the present, and states that he will request the House at some future time to designate a day for their consideration. If there be no objection, that course will be pursued as to the resolutions proper. The last resolution proposes that the House do now adjourn; and the question is upon that motion.

The motion was agreed to; and accordingly (at 3 o'clock and 10 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Papers relating to the claim of William Watkins—to the Committee on Claims.

Also, papers relating to claims of Asa Faulkner, Lewis Faulkner, and S. B. Sparloch—to the Committee on War Claims.

Also, petition of Asa Faulkner, of Warren County, Tennessee, asking compensation for 1,115 pounds of cotton taken by the United States Army in 1863—to the same committee.

Also, petition of Matthew Allison's heirs, asking the refunding of money unlawfully taken from said Allison by the military officers of the United States and transmitted to the Secretary of the Treasury—to the same committee.

Also, petition of Samuel Edmondson, of Tennessee, asking compensation for stores and supplies taken for the use of the United States Army—to the same committee.

Also, application of the bishop of Tennessee for compensation for St. Peter's and St. Paul's church building at Chattanooga, Tenn., used by the United States Army—to the same committee.

By Mr. BAYNE: Papers relating to the claim of Nicholas J. Bigby, of Pittsburgh, Pa.—to the same committee.

By Mr. CULBERSON: Papers relating to the claim of Horace Boughton—to the Committee on Claims.

By Mr. GEDDES: Papers relating to the claim of Joseph W. Parish—to the Committee on War Claims.

By Mr. HARMER: Petition of Mary F. Potts—to the Committee on Patents.

Also, petition of Joseph Van Holt, for allowance of pension—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of citizens of Lucas, Iowa, asking that a pension be granted Robert Gray—to the same committee.

By Mr. LIBBEY: Petition of William E. Woodbridge, for extension of patent—to the Committee on Patents.

Also, papers relating to claim of Edward Byrne, late captain Tenth United States Cavalry—to the Committee on Military Affairs.

Also, papers relating to claim of Mrs. E. E. Hebert—to the Committee on War Claims.

Also, papers relating to claim of James Millinger—to the same committee.

Also, papers relating to claim of William Wheeler Hubbell—to the Committee on Patents.

Also, petition for relief of Egbert Thompson—to the Committee on Naval Affairs.

Also, papers relating to claim of Alfred G. Hatfield—to the Committee on War Claims.

By Mr. McRAE: Paper relating to the claim of Jacob Cagle, of Polk County, Arkansas, for supplies taken for the use of the United States during the late war, stated at $366.76—to the same committee.

By Mr. O'DONNELL: Memorial of Edward Stone, in relation to commutation-money—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CHARLES O'NEILL: Papers relating to the claim of Mrs. Catharine P. French—to the Committee on War Claims.

By Mr. PERKINS: Petition of A. H. McDonnell and 54 others, citizens of Montgomery County, Kansas, asking for the free coinage of silver and for other legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. STORM: Papers relating to the claim of Tilghman Weaver, of Fauquier County, Virginia—to the Committee on War Claims.

By Mr. TUCKER: Papers relating to the claim of C. P. Culver and Mrs. C. P. Culver—to the Committee on Claims.

By Mr. J. B. WEAVER: Petition of H. L. Bartholomew and 123 others, of Ohio, requesting that the coinage of silver be placed on an equal footing with gold, and that one and two dollar notes be kept in circulation and that they be issued in quantities sufficient to answer the demands of labor and trade—to the Committee on Coinage, Weights, and Measures.

Also, petition of Frank Willett and 63 others, citizens of Hale, Kans., praying that silver be placed upon an equal footing with gold as to coinage, that coin certificates be issued in denominations of $5 and less, and that one and two dollar notes be kept in circulation and that they be

issued in quantities necessary to meet the wants of trade—to the same committee.

Also, petition of William Hoyt and 35 others, citizens of New York city, asking that Congress shall place the coinage of silver upon equal footing with gold, provide for the issue of coin certificates of $5 and less, and that one and two dollar bills be kept in circulation and that they be issued in quantities equal to the demands of business—to the same committee.

By Mr. WHEELER: Petition of James McPeters, for reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on Claims.

SENATE.

WEDNESDAY, *December* 9, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the Senate of March 3, 1885, certain information in regard to the boundary lines of the reservation heretofore occupied by the Sioux Indians at the Crow Creek agency, in Dakota; which was read.

The PRESIDENT *pro tempore*. The communication will be printed and with the accompanying papers referred to the Committee on Indian Affairs. What is the pleasure of the Senate as to printing the accompanying papers?

Mr. ALLISON. I think they all ought to be printed.

Mr. DAWES. I desire to have them printed.

The PRESIDENT *pro tempore*. The document is quite a large one, with maps, &c.

Mr. DAWES. It certainly ought to be printed.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the accompanying papers be printed.

Mr. HAWLEY. My impression at the moment is that that order would provide for the usual 1,950 copies only, which would give a very small surplus for distribution. If the Senator from Massachusetts will allow the matter to lie without sending the document to the Printing Office, I will cause inquiry to be made by the clerk of the Printing Committee.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut desire the motion to print to lie on the table for the present?

Mr. HAWLEY. Informally let the package remain, and the Senator from Massachusetts can make the motion afterward.

Mr. DAWES. Very well, let the entire package lie on the table. The motion to print may be made just as well after it has been examined by the Committee on Printing. If there is anything there that it is not necessary to have printed as part of the history of the matter, of course I do not desire to have it printed.

The PRESIDENT *pro tempore*. The communication with the accompanying papers will lie on the table for the present.

Mr. DAWES. I think, on reflection, it would be better that a motion be made to print the documents and have that motion referred to the Committee on Printing. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the communication and the accompanying papers be referred to the Committee on Printing, the Chair understands.

Mr. DAWES. No; I move that the accompanying papers be printed and that that motion be referred to the Committee on Printing so that they may report upon it.

The PRESIDENT *pro tempore*. The motion to print will be referred to the Committee on Printing, if there be no objection.

REPORT OF SERGEANT-AT-ARMS.

The PRESIDENT *pro tempore* laid before the Senate the annual report of the Sergeant-at-Arms of the Senate, communicating, in obedience to law, a full and complete statement of all the property in his possession belonging to the United States December 8, 1885; also a statement of the amount received from the sale of waste paper, old carpets, and condemned furniture; which, with the accompanying papers, was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SEWELL presented the petition of Elisha M. Luckett, of Camden, N. J., praying to be allowed arrears of pension for his service during the Mexican war; which was referred to the Committee on Pensions.

Mr. JACKSON presented the petition of George L. Gray, of Franklin County, Tennessee, praying that his claim for supplies furnished the Federal Army be referred to the Court of Claims under the provisions of the Bowman act; which was referred to the Committee on Claims.

He also presented a petition of the Tennessee State Teachers' Association, praying that national aid be granted to education; which was referred to the Committee on Education and Labor.

Mr. HARRIS. I present the petition of C. B. Bryan & Co., of Memphis, Tenn., praying that a claim of theirs against the Government for the loss of a steamboat be referred to the Court of Claims. Upon the same subject I present a resolution, and I ask the reference of both the petition and the resolution to the Committee on Claims.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Claims. The resolution itself is not in order at this moment. It will lie over, and the reference of it will be made at the proper time.

Mr. BROWN presented the petition of Andrew J. Cheney, of Cobb County, Georgia, praying that his claim for supplies furnished the Federal Army during the war be referred to the Court of Claims under the Bowman act; which was referred to the Committee on Claims.

Mr. COCKRELL presented resolutions of O. P. Morton Post, No. 14, Department of Missouri, Grand Army of the Republic, Joplin, Mo., favoring the passage of an amended Mexican war pension bill similar to that which was pending in the Forty-eighth Congress; which were referred to the Committee on Pensions.

Mr. BROWN. Yesterday I introduced a bill to remove the political disabilities under which General A. R. Lawton, of Georgia, labors, if there be any disabilities under which he labors, under the fourteenth amendment. I now have his petition and present it, and ask that it be referred to the Committee on the Judiciary, to accompany the bill.

The PRESIDENT *pro tempore*. The petition will be received and referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 223) to regulate the promotion of graduates of the United States Military Academy; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 224) for the relief of Charles F. Bowen; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 226) granting a pension to Margaret D. Marchand; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 227) for the protection of fisheries on the Atlantic coast; which was read twice by its title, and referred to the Committee on Fisheries.

He also introduced a bill (S. 228) for the erection of a public building at Camden, N. J.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RANSOM introduced a bill (S. 229) to provide for the erection of a public building at Wilmington, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HOAR introduced a bill (S. 230) for the erection of a public building at Worcester, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 231) granting a pension to Jennette S. Kent; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 232) granting a pension to Van Buren Dorr; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 233) granting a pension to Christiana Cooley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 234) granting a pension to Sarah Ann Waters; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 235) granting the title of the United States in certain lands to the county of Randolph and State of Illinois on certain conditions; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 236) to authorize the Bellingham Bay Railway and Navigation Company to build certain bridges in the Territory of Washington; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 237) to reimburse the several States for interest paid on war loans, and for other purposes; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 238) to increase the pension of Capt. J. S. Jackson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 239) granting an increase of pension to Sarah H. Briggs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 240) to restore Charles H. Campbell to

the rank of captain in the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 241) for the relief of Joseph W. Parish; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL introduced a bill (S. 242) for the relief of Joseph Walton & Co.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 243) for the relief of the heirs of Richard W. Meade; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 244) for the relief of Mary F. Potts; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLATT introduced a bill (S. 245) to prevent frauds on American manufacturers; which was read twice by its title, and referred to the Committee on Finance.

Mr. VANCE introduced a bill (S. 246) to provide for the erection of a public building at Charlotte, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 247) to provide for the erection of a public building at Asheville, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also (by request) introduced a bill (S. 248) to define the routes of steam-railroads entering the city of Washington and District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES introduced a bill (S. 249) for the payment of Sewell Coulson, and Porter, Harrison & Fishback, for legal services; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 250) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. JONES, of Arkansas, introduced a bill (S. 251) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 252) for the relief of Zeb. Ward, of Little Rock, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 253) for the relief of John D. Adams; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 254) relating to claim agents and attorneys in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 255) to provide for the deposit in the Treasury of the receipts of the money-order system, and for the payment of its expenses out of appropriations; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 256) to secure cheaper telegraphic correspondence; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. JACKSON introduced a bill (S. 257) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 258) for the relief of William H. Turley; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, introduced a bill (S. 259) for the relief of the Seventh Regiment New York Cavalry Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 260) to prohibit the mailing of newspapers containing lottery advertisements, and prescribing a penalty for the violation of the same; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 261) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories; which was read twice by its title, and referred to the Committee on the Library.

Mr. PALMER introduced a bill (S. 262) to prevent the introduction and diffusion of contagious and infectious diseases in the United States, and to promote the general sanitary welfare of the people; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. DAWES introduced a bill (S. 263) providing for the erection of a public building at Springfield, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FRYE introduced a bill (S. 264) relating to sea-letters, passports, and evidence of title to vessels; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 265) relating to pilots and pilotage; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 266) for the relief of L. Madison Day; which was read twice by its title, and referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 267) for the relief of Edway A. Grant; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. INGALLS. A distinguished citizen of this city has handed me a bill to incorporate the Washington Cable Electric Railway Company. I have not examined the proposed route, and do not desire to be committed in any way whatever to the provisions of the bill, but I ask that it may be twice read and referred to the Committee on the District of Columbia.

The bill (S. 268) to incorporate the Washington Cable Electric Railway Company was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 269) for the relief of W. H. Powell; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 270) to provide for the sale of the lands belonging to the Prairie Band of Pottawatomie Indians in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 271) to remove the charge of desertion from the military record of John H. Mitchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 272) granting a pension to Joseph Bell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 273) to define the routes of steam-railroads in the city of Washington, and for other purposes; which was read twice by its title, and referrred to the Committee on the District of Columbia.

Mr. McMILLAN introduced a bill (S. 274) for the relief of certain settlers on swamp lands in Minnesota; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 275) for the relief of William Pfaender; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAWYER introduced a bill (S. 276) granting a pension to Philip C. Enders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS (by request) introduced a bill (S. 277) for the relief of Samuel P. Evans; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GIBSON introduced a bill (S. 278) to extend the limits of the port of New Orleans; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 279) to authorize and direct the Secretary of the Treasury to cede the abandoned marine-hospital buildings and grounds at New Orleans to the board of administrators of the Tulane University of Louisiana; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SHERMAN introduced a bill (S. 280) to authorize the Secretary of the Treasury to adjust, settle, and pay to the owners of private dies the balance of commissions due them; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 281) for the relief of Cintha A. Mason, sister of William Longnecker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 282) for the relief of A. B. Norton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 283) granting a pension to Isaac N. Minshall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 284) granting a pension to Margaret B. Harwood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 285) for the relief of Napoleon B. Giddings; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 286) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 287) for the relief of James Bridger or his legal representatives; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL. By request of a reputable attorney of this city I introduce a bill.

The bill (S. 288) for the relief of James Price was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL (by like request) also introduced a bill (S. 289) for the relief of J. A. Henry and others; which was read twice by its title, and referred to the Committee on Claims.

He (by like request) also introduced a bill (S. 290) for the relief of

Davidson Dickson and others; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 291) for the relief of John Smith; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 292) for the relief of the heirs of colored soldiers who served in the war of the rebellion; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 293) to extend the provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 294) to facilitate the negotiation of bills of lading and other commercial instruments, and to punish fraud therein; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 295) granting a pension to Columbus C. Kerr; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL. By request of a reputable attorney I introduce a bill.

The bill (S. 296) for the relief of Alfred G. Hatfield was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL (by like request) also introduced a bill (S. 297) for the relief of James Millinger; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 298) for the relief of captains, pilots, engineers, and mates of steam-vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MORGAN introduced a bill (S. 299) for the relief of Sarah S. Watson, administratrix of the estate of Hugh P. Watson, deceased, late of Montgomery, Ala.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 300) for the relief of the Mobile Marine Dock Company; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 301) for the relief of William C. Dodge; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 302) granting a pension to Letitia Tyler Semple; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 303) for the relief of William A. Cowles; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 305) for the erection of a public building at Huntsville, Ala.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 306) for the relief of Alexander K. Shepard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 307) to amend section 688 of the Revised Statutes of the United States, relating to writs of prohibition, &c.; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 308) for the relief of Henry H. Sibley; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLACKBURN introduced a bill (S. 309) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 310) for the relief of the Russellville and Logan County Agricultural and Mechanical Association; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 311) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 312) for the relief of those suffering from the destruction of the salt-works near Manchester, Ky., pursuant to the orders of Maj. Gen. Carlos Buell; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 313) for the relief of Royal M. Hubbard; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 314) for the relief of William M. Keightley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 315) for the relief of B. F. Rockefellow; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 316) for the relief of Ethan A. Sawyers; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 317) for the relief of Horace A. W. Tabor; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 318) to authorize the readjustment of the compensation of postmasters at certain fourth-class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB introduced a bill (S. 319) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 320) to confirm the title of the residents thereof to the town or community grant of the town of Albuquerque, N. Mex., and for the allotment and disposition of the lands in said grant; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 321) to provide for contesting surveys of private land grants, and for other purposes; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 322) for the relief of S. N. Wood; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 323) to remove the charge of desertion against David Wood; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GIBSON introduced a bill (S. 324) for the erection of a public building at Opelousas, La.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 325) for the relief of Mrs. Eliza E. Hebert, widow of Jules J. Hebert, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN (by request) introduced a bill (S. 326) conferring authority upon the Court of Claims to review the case of Charles H. Adams *vs.* The United States; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 327) granting a pension to James E. O'Shea; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 328) for the relief of Benwood Hunter; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 329) to increase the pension of Michael J. Hewston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 330) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VAN WYCK introduced a bill (S. 331) for the relief of George W. Ira, M. D., of Nebraska; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 332) for the relief of John Fraser; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 333) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 334) to declare certain lands subject to taxation and to release and quitclaim to any State, county, or municipality all equity and interest that the United States may have by reason of the neglect or refusal of any railroad company to pay costs of locating and selecting lands donated by act of Congress in and to lands sold and to be sold by States, counties, or municipalities for non-payment of taxes by any railroad company; also when costs of surveying and locating lands shall be due and payable by corporations entitled to the same; and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. RANSOM introduced a bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia; which was read twice by its title.

Mr. RANSOM. This is the same bill which under a resolution of the Senate at the last Congress was reported by the Judiciary Committee to this body. It did not then pass, and I introduce it now and ask that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The bill will be so referred.

Mr. BLAIR introduced a bill (S. 336) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion; which was read twice by its title.

Mr. BLAIR. I will state in connection with this bill that it was prepared by the Navy Department, the design of it being to extend to so-called deserters from the Navy the same relief from disabilities incurred thereby which has already been extended to deserters from the Army by legislation—in the Forty-seventh Congress, I think. I move that the bill with the accompanying papers be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. BLAIR. At the request and in behalf of the National Woman's Suffrage Association I introduce a joint resolution.

The joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women was read twice by its title, and referred to the Select Committee on Woman Suffrage and ordered to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Mr. BLAIR introduced a joint resolution (S. R. 6) proposing an amendment to the Constitution in relation to alcoholic liquors and other poisonous beverages; which was read twice by its title, ordered to lie on the table, and to be printed in the RECORD, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid when ratified by the Legislatures of three-fourths of the several States, as provided in the Constitution:

ARTICLE —.

SECTION 1. From and after the year of our Lord 1900 the manufacture and sale of distilled alcoholic intoxicating liquors, or alcoholic liquors any part of which is obtained by distillation or process equivalent thereto, or any intoxicating liquors mixed or adulterated with ardent spirits or with any poison whatever, except for medicinal, mechanical, chemical, and scientific purposes, and for use in the arts, anywhere within the United States and the Territories thereof, shall cease; and the importation of such liquors from foreign states and countries to the United States and Territories, and the exportation of such liquors from and the transportation thereof within and through any part of this country, except for the use and purposes aforesaid, shall be, and hereby is, forever thereafter prohibited.

SEC. 2. Nothing in this article shall be construed to waive or abridge any existing power of Congress, nor the right, which is hereby recognized, of the people of any State or Territory to enact laws to prevent the increase and for the suppression or regulation of the manufacture, sale, and use of liquors, and the ingredients thereof, any part of which is alcoholic, intoxicating, or poisonous, within its own limits, and for the exclusion of such liquors and ingredients therefrom at any time, as well before as after the close of the year of our Lord 1900; but until then, and until ten years after the ratification hereof as provided in the next section, no State or Territory shall interfere with the transportation of said liquor or ingredients, in packages safely secured, over the usual lines of traffic, to other States and Territories wherein the manufacture, sale, and use thereof for other purposes and use than those excepted in the first section shall be lawful: *Provided*, That the true destination of such packages be plainly marked thereon.

SEC. 3. Should this article not be ratified by three-fourths of the States on or before the last day of December, 1890, then the first section hereof shall take effect and be in force at the expiration of ten years from such ratification; and the assent of any State to this article shall not be rescinded nor reversed.

SEC. 4. Congress shall enforce this article by all needful legislation.

Mr. GIBSON introduced a joint resolution (S. R. 7) as to giving notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. WALTHALL introduced a joint resolution (S. R. 8) to provide for the settlement of accounts of the Mobile and Ohio Railroad Company; which was read twice by its title, and referred to the Committee on Railroads.

C. B. BRYAN & CO.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order, and the Chair lays before the Senate the resolution submitted by the Senator from Tennessee [Mr. HARRIS], which will be read.

The resolution was read, as follows:

Resolved, That the claim of Messrs. C. B. Bryan & Co., of Memphis, in the State of Tennessee, for the value of a boat and its lading of coal, destroyed by collision with the United States snag-boat De Russy, in the Mississippi River, November 17, 1879 (said boat and cargo being valued by said claimants at $3,643.60), be referred to the Court of Claims, in conformity to the provisions of section 1059, Revised Statutes.

Mr. HOAR. I think that order should go to the Committee on Claims in the first instance. If I understand the order aright, it is an order not under what is known as the Bowman act, but under the Revised Statutes to send the case to the Court of Claims. The effect of that order is that the Court of Claims are authorized to render judgment, and we should be bound, I suppose, to treat it as an adjudication which binds the Government to appropriate the amount.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Tennessee as desiring to refer the resolution to the Committee on Claims.

Mr. HARRIS. My motion was to refer the resolution to the Committee on Claims.

Mr. HOAR. I thought the question was stated to be on the adoption of the order.

Mr. HARRIS. No; I desire it to go to the Committee on Claims, to be there investigated.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Claims.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MITCHELL, it was

Ordered, That the papers in the case of Mary F. Potts be withdrawn from the files and referred to the Committee on Patents, there being no adverse report.

Ordered, That the papers in the case of the heirs of Richard W. Meade be withdrawn from the files and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. BLAIR, it was

Ordered, That the papers in the case of Samuel Noble be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. HARRISON, it was

Ordered, That the papers in connection with the claims of John Fletcher, of Indiana, be taken from the files and referred to the Committee on Indian Affairs.

On motion of Mr. HARRIS, it was

Ordered, That the papers in respect to the following claims be taken from the files, and referred to the following committees:

Claim of W. J. Smith—Finance.
Claim of J. W. Newman, administrator—Claims.
Claim of W. W. McDowell, administrator—Claims.
Claim of Sallie Jarrett, executrix—Claims.
Claim of William G. Ford—Claims.
Claim of P. C. Montgomery—Claims.
Claim of H. B. Wilson, administrator—Claims.
Claim of Julia Elliott—Claims.
Claim of Adelicia Cheatham—Claims.
Claim of Martin and P. B. Murphy—Claims.
Claim of Thomas Miller—Military Affairs.
Claim of personal representatives of Frank Williams—Post-Offices and Post-Roads.

On motion of Mr. JACKSON, it was

Ordered, That the petition and accompanying papers in the case of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, be taken from the files and referred to the Committee on Claims.

On motion of Mr. DOLPH, it was

Ordered, That the papers in the case of Thomas J. Miller, of Washington Territory, be taken from the files and referred to the Committee on Military Affairs.

Ordered, That the papers relating to the case of S. B. Cranston be taken from the files and referred to the Committee on Claims.

Ordered, That the papers relating to the claim of Frederick Beno be taken from the files and referred to the Committee on Pensions.

Ordered, That the papers relating to the case of Michael Riley be taken from the files and referred to the Committee on Indian Affairs.

Ordered, That the papers relating to the case of R. G. Combs and others be taken from the files and referred to the Committee on Claims.

Ordered, That the papers relating to the claim of the First National Bank of Portland, Oreg., be taken from the files and referred to the Committee on Claims.

Ordered, That the papers relating to the claim of B. Jennings be taken from the files and referred to the Committee on Public Lands.

On motion of Mr. HOAR, it was

Ordered, That the papers on the files of the Senate relating to the claims of Sarah E. Bowker, Jennette S. Kent, Sarah Ann Waters, and Mary E. Williams be withdrawn and referred to the Committee on Pensions.

On motion of Mr. MORGAN, it was

Ordered, That the papers relating to the case of the remission of the forfeiture of the British bark Viscount Canning be withdrawn from the files and referred to the Committee on the Judiciary.

Ordered, That the papers in the claim of William C. Dodge be withdrawn from the files and referred to the Committee on Patents.

Ordered, That the papers in the claim of the Mobile Dry Dock Company be withdrawn from the files and referred to the Committee on Claims.

Ordered, That the papers in the claim of A. K. Shepard be withdrawn from the files and referred to the Committee on Claims.

Mr. COCKRELL. I ask that an order be made that the papers relating to the claims in each of the bills I introduced this morning be taken from the office of the Secretary of the Senate and referred to the appropriate committees to which the bills were referred.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that certain papers in relation to bills introduced by him be referred to their appropriate committees. If there be no objection that order will be made.

UNION PACIFIC RAILROAD COMPANY.

Mr. WILSON, of Iowa, submitted the following resolution; which was read:

Resolved, That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company from date of first appointment of such directors to the present time.

Mr. WILSON, of Iowa. As it is my purpose to submit some remarks to the Senate on the subject of this resolution, I ask that it may for the present lie on the table.

The PRESIDENT *pro tempore*. There being no objection, the resolution will lie on the table, subject to call, and be printed.

S. S. BROWN.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas it is alleged that S. S. Brown, a citizen of the State of Maine, has

been largely instrumental in procuring the removal of certain postmasters in said State, and the appointment of other persons to serve in their stead; and

Whereas it is further alleged that said Brown has written to parties whose appointment he has procured as aforesaid letters in form and substance like the following, to wit:

WASHINGTON, D. C., ——, 1885.

DEAR SIR: I have secured your appointment as postmaster at your place. Your papers will be sent in a day or two. If you feel like sending a small sum to help defray the expense of attending to our Maine matters you may do so.

My mail comes to the above address.

Respectfully, yours,

S. S. BROWN.

Therefore,

Resolved, That the Postmaster-General be, and is hereby, directed to furnish to the Senate a list of the post-offices in Maine, and the names of the persons removed and of those appointed postmasters of the same where the said S. S. Brown has favorably recommended the same or indorsed the applications therefor.

GOLD AND SILVER COINAGE.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interest, any documents or information received from our consul-general at Paris, or from the special agent sent to the financial centers of Europe, "in respect of the establishment of such an international ratio of gold and silver coinage as would procure free coinage of both metals at the mints of those countries and our own."

A. M. KEILEY.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the Senate the correspondence had by the Government of the United States with the Governments of Italy and Austria-Hungary in relation to the appointment by this Government of A. M. Keiley as envoy extraordinary and minister plenipotentiary, first to the Government of Italy and then to that of Austria-Hungary; and also any other correspondence or information which may be deemed by the President of importance and pertinent to the subject-matter of this resolution.

COMMITTEE SERVICE.

Mr. MAXEY. I ask the consent of the Senate to be relieved from duty on the Committee on Military Affairs. I will state in a moment the reasons for my request.

At the time of the reorganization of committees last spring I was placed on two additional committees, one very important now, the Committee on Indian Affairs, and another, the Committee on Coast Defenses, which I am sure will be quite important. I was left upon the Committee on Military Affairs and the Committee on Post-Offices and Post-Roads, and was made chairman of the Committee on Nicaraguan Claims. The work is more than one man can do, and for that reason, and that only, having served for nine years upon the Committee on Military Affairs, I ask to be relieved from further service on that committee.

The PRESIDENT *pro tempore*. The Senator from Texas asks to be relieved from further service upon the Committee on Military Affairs. If there be no objection the request will be granted.

Mr. MAXEY. I also ask that the Chair be authorized to fill the vacancy.

The PRESIDENT *pro tempore*. If there be no objection that will be considered as agreed to, and the Chair will appoint the Senator from Mississippi [Mr. WALTHALL] to fill the vacancy on the Committee on Military Affairs caused by the resignation of the Senator from Texas [Mr. MAXEY].

Mr. RIDDLEBERGER. I hope it will be the pleasure of the Senate to do for me what has just been done for the Senator from Texas, to grant my request to be excused from further service upon the Committee on Railroads.

The PRESIDENT *pro tempore*. The Senator from Virginia asks to be excused from further service upon the Committee on Railroads. If there be no objection that request will be considered as granted.

SMITHSONIAN INSTITUTION REGENTS.

Mr. MORRILL. If there are no further resolutions, I ask for the consideration of the joint resolution I introduced yesterday filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The PRESIDENT *pro tempore*. The Chair is informed that the joint resolution has gone to the Printer, and has not yet been returned to the custody of the Senate.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 9, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

INVENTORY OF PROPERTY IN POSSESSION OF THE CLERK.

The SPEAKER laid before the House a letter from the Clerk of the House of Representatives, transmitting an inventory of property belonging to the United States in his possession on the 7th of December, 1885; which was laid on the table, and ordered to be printed.

EXPENDITURES, ETC., OFFICE CLERK OF HOUSE OF REPRESENTATIVES.

The SPEAKER also laid before the House a report of the Clerk of the House of Representatives of the persons employed under the Clerk, with the payments and issues made in his office from the 30th day of June, 1884, to the 30th day of June, 1885; which was ordered to be printed, and referred to the Committee on Accounts when appointed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MILLARD, by reason of important business, until next Tuesday.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. HEPBURN to withdraw from the files of the House, without leaving a copy, certificate of discharge from the military service of Charles C. Moore, erroneously filed in the case of Charles A. Moore; no adverse report having been made against said Moore.

APPOINTMENT OF CERTAIN COMMITTEES.

The SPEAKER. The Chair will suggest to the House that it has been usual, or at least it has sometimes heretofore been done, for the purpose of perfecting the organization of the House, to confer on the Chair authority to appoint a Committee on Rules, a Committee on Accounts, and a Committee on Enrolled Bills, to consist of the same number of members provided for in the rules of the preceding Congress. The Chair thinks that this provision is necessary now in order to perfect the organization of the House, and if there be no objection the Chair will exercise the privilege of appointing such committees. Is there objection?

There was no objection, and it was so ordered.

THE RULES.

Mr. MORRISON. Mr. Speaker, I offer for reference to the Committee on Rules, when appointed, what I send to the desk.

The Clerk read as follows:

[NOTE.—The amendments proposed are to omit the words in brackets and insert the words printed in *italics*.]

Resolved, That the rules of the House of Representatives in force at the close of the second session of the Forty-eighth Congress be the rules of the House of Representatives of the Forty-ninth Congress, with the following amendments, viz:

Amend Rule X as follows:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of [eleven] *thirteen* members.
On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of [eleven] *thirteen* members.
On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of [eleven] *thirteen* members.
On Indian Affairs, to consist of [eleven] *thirteen* members.
On the Territories, to consist of thirteen members.
On Railways and Canals, to consist of [eleven] *thirteen* members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of [eleven] *thirteen* members.
On Public Buildings and Grounds, to consist of thirteen members.
On Pacific Railroads, to consist of [eleven] *thirteen* members.
On Levees and Improvement of the Mississippi River, to consist of [eleven] *thirteen* members.
On Education, to consist of [eleven] *thirteen* members.
On Labor, to consist of [seven] *thirteen* members.
On the Militia, to consist of [eleven] *thirteen* members.
On Patents, to consist of [eleven] *thirteen* members.
On Invalid Pensions, to consist of fifteen members.
On Pensions, to consist of [eleven] *thirteen* members.
On Claims, to consist of fifteen members.
On War Claims, to consist of [eleven] *thirteen* members.
On Private Land Claims, to consist of [eleven] *thirteen* members.
On the District of Columbia, to consist of thirteen members.
On Revision of the Laws, to consist of [eleven] *thirteen* members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.
Also the following joint standing committees, viz:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time;

3. The first-named member of each committee shall be the chairman; and in

his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of its members elect a chairman;

4. The chairman shall appoint the clerk of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

Amend Rule XI as follows, viz:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the Committee on Elections.

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, as herein provided: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; and for all deficiencies: to the Committee on Appropriations;

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses: to the Committee on Commerce;

8. to the improvement of rivers and harbors: to the Committee on Rivers and Harbors; [and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;]

9. to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department;

10. to the relation of the United States with foreign nations, [other than] *including* appropriations therefor: to the Committee on Foreign Affairs;

11. to the military establishment and the public defense, [other than] *including* the appropriations for its support, *and for that of the Military Academy:* to the Committee on Military Affairs;

12. to the naval establishment, [other than] *including* the appropriations for its support: to the Committee on Naval Affairs;

13. to the post-office and post-roads, [other than] *including* appropriations for their support: to the Committee on the Post-Office and Post-Roads;

14. to the lands of the United States: to the Committee on the Public Lands;

15. to the relations of the United States with the Indians and the Indian tribes, [other than] *including* appropriations therefor: to the Committee on Indian Affairs;

16. to Territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

17. to railways and canals, other than Pacific railroads: to the Committee on Railways and Canals;

18. to the manufacturing industries: to the Committee on Manufactures;

19. to the mining interests: to the Committee on Mines and Mining;

20. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;

21. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

22. to the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River;

23. to education: to the Committee on Education;

24. to and affecting labor: to the Committee on Labor;

25. to the militia of the several States: to the Committee on the Militia;

26. to patents, copyrights, and trade-marks: to the Committee on Patents;

27. to the pensions of the civil war, *and the pension appropriation bill:* to the Committee on Invalid Pensions;

28. to the pensions of all the wars of the United States, other than the civil war: to the Committee on Pensions;

29. to private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

30. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

31. to private claims to lands: to the Committee on Private Land Claims;

32. to the District of Columbia, other than appropriations therefor: to the Committee for the District of Columbia;

33. to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;

34. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payments of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows:

35. In the Department of State: to the Committee on Expenditures in the State Department;

36. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

37. In the War Department: to the Committee on Expenditures in the War Department;

38. In the Navy Department: to the Committee on Expenditures in the Navy Department;

39. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

40. In the Interior Department: to the Committee on Expenditures in the Interior Department;

41. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

42. On public buildings: to the Committee on Expenditures on Public Buildings;

43. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

44. Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House: to the Committee on Accounts;

45. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;

46. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

47. All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House;

48. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills;

49. The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

50. No committee shall sit during the sitting of the House without special leave.

Amend clause 3, Rule XXI, as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, *and for the contingencies for carrying on the several Departments of the Government.* [Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.]

Amend clause 5, Rule XXI, as follows:

5. All bills for improvement of rivers and harbors, [and] for the establishment or change of post-routes, *and private bills* shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

Amend clause 4, Rule XXIII, as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to the consideration of any bill or proposition, the committee shall [thereupon rise and report such objection to the House, which shall] decide, without debate whether such bill or proposition shall be considered or laid aside for the present; [whereupon the committee shall resume its sitting without further order from the House].

Amend Rule XXIV as follows:

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and [joint resolutions] *resolutions* for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

2. *After the Journal is read and approved each day, the Speaker shall lay before the House, for reference, messages from the President, reports and communications from the heads of Departments, and other communications addressed to the House, and also such bills, resolutions, and other messages from the Senate as may have been received on the previous day.*

[2] 3. On all days other than Monday, as soon as the [Journal is read and approved] *business on the Speaker's table has been disposed of*, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed [,] [and a copy thereof mailed by the Public Printer to each Member and Delegate]; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business *as hereafter provided;* but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

[3] 4. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

5. *After the hour shall have been devoted to reports from committees (or the call completed), the Speaker shall call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill theretofore reported by it, on either the House or Union Calendar: Provided, That whenever any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn: Provided further, That when any proposition shall have occupied two hours on this call, it shall then be transferred to the calendar of unfinished business and there taken up in its order.*

6. *After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.*

Mr. SPRINGER. Mr. Speaker, I desire to offer for the consideration of the House at this time, if I can get the attention of the members, a resolution providing for the adoption of the rules of the last House with certain amendments and modifications which are pointed out in the copy which I hold in my hand. I have taken occasion to have this document printed and it will soon be in the hands of the members for inspection. In order that the Clerk may be able to read this proposition so that members may understand clearly the modifications it proposes in the old rules, I will ask that those portions of the paper which are printed in type similar to the old rules of the House be omitted, and that those portions which are struck through be read with what immediately follows in italics, which is intended to be a substitute for the part stricken out. It is my desire to ask the indulgence of the House to make a brief explanation before this proposition is disposed of, as I believe that some of the general provisions embodied in this proposed code of rules can be explained very briefly and to the satisfaction of all members. I may be permitted to state in this connection that I have given some considerable time during my vacation preparing this revision of our code of rules, and after the resolution has been read I shall ask permission to hold the floor with a view to making an explanation before the vote is taken, whether for reference or otherwise.

Mr. HERBERT. I desire to inquire, Mr. Speaker, whether these

resolutions are to be read now with a view to their reference, or whether it is understood that any consent is to be given to their immediate consideration?

The SPEAKER. The Chair does not understand that any consent is given. The gentleman from Illinois in offering the proposition states that his purpose is to have present consideration. But if a point of order is raised, or a motion is made to refer, as a matter of course that will be disposed of at the proper time.

Mr. HERBERT. I desire to reserve all points.

Mr. DUNHAM. Can not a motion be made to refer them now without reading?

The SPEAKER. The Chair thinks the gentleman has a right to have his proposition read.

Mr. HERBERT. I only desire to reserve all points of order.

Mr. SPRINGER. Of course they are understood as being reserved.

The SPEAKER. The Clerk will read the proposition submitted by the gentleman from Illinois.

The Clerk read as follows:

RULES OF THE HOUSE OF REPRESENTATIVES.

[NOTE.—The words in brackets were parts of the Rules of the House of Representatives of the Forty-eighth Congress, and the words printed in *italics* are modifications thereof or new provisions.]

Resolved, That the following be adopted as the Rules of the House of Representatives of the Forty-ninth Congress:

RULE I.

DUTIES OF THE SPEAKER.

1. The Speaker shall take the chair on every legislative day precisely at the hour to which the House shall have adjourned at the last sitting, immediately call the members to order, and on the appearance of a quorum, cause the journal of the proceedings of the last day's sitting to be read, having previously examined and approved the same.

2. He shall preserve order and decorum, and in case of any disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and the disposal of the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

4. He shall sign all acts, addresses, joint resolutions, writs, warrants, and subpœnas of, or issued by order of, the House, and decide all questions of order, subject to an appeal by any member, on which appeal no member shall speak more than once, unless by permission of the House.

5. He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: "As many as are in favor (as the question may be) say Ay;" and after the affirmative voice is expressed, "As many as are opposed say No;" if he doubts, or a division is called for the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question, to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision.

6. He shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in all cases of a tie vote the question shall be lost.

7. He shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment: *Provided, however*, That in case of his illness, he may make such appointment for a period not exceeding ten days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker *pro tempore*, to act during his absence.

RULE II.

ELECTION OF OFFICERS.

There shall be elected by a *viva voce* vote at the commencement of each Congress, to continue in office until their successors are chosen and qualified, a Clerk, Sergeant-at-Arms, Doorkeeper, Postmaster, and Chaplain, each of whom shall take an oath to support the Constitution of the United States, and for the true and faithful discharge of the duties of his office, to the best of his knowledge and ability, and to keep the secrets of the House, and each shall appoint all of the employés of his department provided for by law.

RULE III.

DUTIES OF THE CLERK.

1. The Clerk shall, at the commencement of the first session of each Congress, call the members to order, proceed to call the roll of members by States in alphabetical order, and, pending the election of a Speaker or Speaker *pro tempore*, preserve order and decorum, and decide all questions of order, subject to appeal by any member.

2. He shall make, and cause to be printed and delivered to each member, or mailed to his address, at the commencement of every regular session of Congress, a list of the reports which it is the duty of any officer or Department to make to Congress, referring to the act or resolution and page of the volume of the laws or journal in which it may be contained, and placing under the name of each officer the list of reports required of him to be made; also make a weekly statement of the resolutions and bills upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the dates of such orders and proceedings, which statement shall be printed.

3. He shall note all questions of order, with the decisions thereon, the record of which shall be printed as an appendix to the Journal of each session; and complete, as soon after the close of the session as possible, the printing and distribution to Members and Delegates of the Journal of the House, together with an accurate and complete index; retain in the library at his office, for the use of the members and officers of the House, and not to be withdrawn therefrom, two copies of all the books and printed documents deposited there; send, at the end of each session, a printed copy of the Journal thereof to the executive and to each branch of the Legislature of every State and Territory; preserve for and deliver or mail to each Member and Delegate an extra copy, in good binding, of all documents printed by order of either House of the Congress to which he belonged; attest and affix the seal of the House to all writs, warrants, and subpœnas issued by order of the House, certify to the passage of all bills and joint resolutions, make or approve all contracts, bargains, or agreements relative to furnishing any matter or thing, or for the performance of any labor for the House of Representatives, in pursuance of law or order of the House, keep full and accurate accounts of the disbursements out of the contingent fund of the House, keep the stationery accounts of Members and Delegates, and pay them as provided by law.

RULE IV.

DUTIES OF THE SERGEANT-AT-ARMS.

1. It shall be the duty of the Sergeant-at-Arms to attend the House during its sittings, to maintain order under the direction of the Speaker, and, pending the election of a Speaker or Speaker *pro tempore*, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

2. The symbol of his office shall be the mace, which shall be borne by him while enforcing order on the floor.

3. He shall give bond to the United States, with sureties to be approved by the Speaker, in the sum of $50,000, for the faithful disbursement of all moneys intrusted to him by virtue of his office and the proper discharge of the duties thereof, and no member of Congress shall be approved as such surety.

RULE V.

DUTIES OF OTHER OFFICERS.

1. The Doorkeeper shall enforce strictly the rules relating to the privileges of the Hall and be responsible to the House for the official conduct of his employés.

2. At the commencement and close of each session of Congress he shall take an inventory of all the furniture, books, and other public property in the several committee and other rooms under his charge, and report the same to the House, which report shall be referred to the Committee on Accounts to ascertain and determine the amount for which he shall be held liable for missing articles.

3. He shall allow no person to enter the room over the Hall of the House during its sittings; and fifteen minutes before the hour for the meeting of the House each day he shall see that the floor is cleared of all persons, except those privileged to remain.

RULE VI.

The Postmaster shall superintend the post-office kept in the Capitol for the accommodation of Representatives, Delegates, and officers of the House, and be held responsible for the prompt and safe delivery of their mail.

RULE VII.

The Chaplain shall attend at the commencement of each day's sitting of the House and open the same with prayer.

RULE VIII.

OF THE MEMBERS.

1. Every member shall be present within the Hall of the House during its sittings, unless excused or necessarily prevented; and shall vote on each question put, unless, on motion made before division or the commencement of the roll-call, and decided without debate, he shall be excused, or unless he has a direct personal or pecuniary interest in the event of such question.

2. Pairs shall be announced by the Clerk, after the completion of the second roll-call, from a written list furnished him, and signed by the member making the statement to the Clerk, which list shall be published in the RECORD as a part of the proceedings, immediately following the names of those not voting; *Provided*, Pairs shall be announced but once during the same legislative day.

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, namely:

On Elections, to consist of fifteen members.
On Ways and Means, to consist of [thirteen] *fifteen* members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On the Executive Department, to consist of thirteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of [eleven] *thirteen* members.
On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of [eleven] *thirteen* members.
On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of [eleven] *thirteen* members.
On Indian Affairs, to consist of [eleven] *thirteen* members.
On the Territories, to consist of thirteen members.
[On Railways and Canals, to consist of eleven members.
On Manufactures, to consist of eleven members.]
On Mines and Mining, to consist of [eleven] *thirteen* members.
On Public Buildings and Grounds, to consist of thirteen members.
On [Pacific] Railroads, to consist of [eleven] *thirteen* members.
[On Levees and Improvement of the Mississippi River, to consist of eleven members.]
On Education, to consist of [eleven] *thirteen* members.
On Labor, to consist of [seven] *thirteen* members.
[On the Militia, to consist of eleven members.]
On Patents, to consist of [eleven] *thirteen* members.
On [Invalid] Pensions, to consist of fifteen members.
On Claims, to consist of fifteen members.
On War Claims, to consist of [eleven] *thirteen* members.
On Private Land Claims, to consist of [eleven] *thirteen* members.
On the District of Columbia, to consist of thirteen members.
[On Revision of the Laws, to consist of eleven members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.]
On Public Expenditures, to consist of fifteen members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
[On mileage, to consist of five members.]
Also the following joint standing committees, viz:
On the Library, to consist of three members.
On Printing, to consist of three members.

On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time;

3. The first-named member of each committee shall be the chairman; and in his absence, or being excused by the House, the next-named member, and so on, as often as the case shall happen, unless the committee by a majority of its number elect a chairman.

4. The chairman shall appoint a clerk of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the Committee on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, *except as hereinafter provided:* to the Committee on Appropriations;

4. to judicial proceedings, civil and criminal law, *and to the revision of the laws:* to the Committee on the Judiciary;

5. *to the election and tenure of office of the President and Vice-President, the count of the electoral votes, the succession to the Presidential office, the compensation of Federal officers, except appropriations therefor, and to the reform of the civil service: to the Committee on the Executive Department;*

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce, life-saving service, and light-houses, other than appropriations for life-saving service and light-houses: to the Committee on Commerce;

8. to the improvement of rivers and harbors, *and to the construction and improvement of canals:* to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations [for the improvement of rivers and harbors] as is accorded to the Committee on Appropriations in reporting general appropriation bills;

9. to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department;

10. to the relations of the United States with foreign nations, other than appropriations therefor: to the Committee on Foreign Affairs;

11. to the military establishment, [and] the public defense, [other than the appropriations for its support] *fortifications, the Military Academy at West Point, and the appropriations for their support:* to the Committee on Military Affairs;

12. to the naval establishment, [other than the appropriations for its support] *the Naval Academy at Annapolis, and the appropriations for their support:* to the Committee on Naval Affairs;

13. to the post-office and post-roads, [other than] *and the* appropriations for their support: to the Committee on the Post-Office and Post-Roads;

14. to the lands of the United States: to the Committee on the Public Lands;

15. to the relations of the United States with the Indians and the Indian tribes, other than appropriations therefor: to the Committee on Indian Affairs;

16. to territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on the Territories;

17. to railways [and canals, other than Pacific railroads]: to the Committee on Railways [and Canals].

[18. to the manufacturing industries: to the Committee on Manufactures.]

19. to the mining interests: to the Committee on Mines and Mining;

20. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;

[21. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

22. to the levees of the Mississippi River: to the Committee on Levees and Improvements of the Mississippi River:

23. to education: to the Committee on Education;

24. to and affecting labor: to the Committee on Labor;

[25. to the militia of the several States: to the Committee on the Militia;]

26. to patents, copyrights, [and] trade-marks, *and manufactures:* to the Committee on Patents;

28. to the pensions of all the wars of the United States, [other than the civil war:] to the Committee on Pensions;

29. to private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

30. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

31. to private claims to lands: to the Committee on Private Land Claims;

32. to the District of Columbia, other than appropriations therefor: to the Committee for the District of Columbia;

[33. to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws;]

34. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the [eight standing] committees on [the] public expenditures [in the several Departments, as follows:

35. In the Department of State: to the Committee on Expenditures in the State Department;

36. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

37. In the War Department: to the Committee on Expenditures in the War Department;

38. In the Navy Department: to the Committee on Expenditures in the Navy Department;

39. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

40. In the Interior Department: to the Committee on Expenditures in the Interior Department;

41. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

42. On public buildings: to the Committee on Expenditures on Public Buildings;]

43. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

44. Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House: to the Committee on Accounts; [45.] the ascertainment of the travel of members of the House shall be made by the Committee on [Mileage] *Accounts* and reported to the Sergeant-at-Arms.

46. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

47. All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House;

48. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills;

49. The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the [Committee on] *committees having authority to report* appropriations, the general appropriation bills; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; [and] the Committee on Accounts, on all matters of expenditure of the contingent fund of the House; *and the Committee on Public Lands, on bills forfeiting unearned land grants. The committees having authority to report appropriations, and other committees having jurisdiction of the subject-matter thereof, may at any time after the morning hour report bills, involving but not making appropriations, the provisions of which shall retrench expenditures.*

50. No committee shall sit during the sitting of the House without special leave.

RULE XII.

DELEGATES.

The Speaker shall appoint from among the Delegates one additional member on each of the following committees, viz: Coinage, Weights, and Measures; Agriculture; Military Affairs; Post-Office and Post-Roads; Public Lands; Indian Affairs; Territories; and Mines and Mining; and they shall possess in their respective committees the same powers and privileges as in the House, and may make any motion except to reconsider.

RULE XIII.

CALENDARS.

1. There shall be three calendars of business reported from committees, viz:

First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character, directly or indirectly appropriating money or property.

Second. A House calendar, to which [shall] *may, unless otherwise disposed of,* be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property; and

Third. A calendar of the Committee of the Whole House, to which shall be referred all bills of a private character *directly or indirectly appropriating money or property. Other bills of a private character may be referred to this committee, or otherwise disposed of by the House.*

2. The question of reference of any proposition, other than that reported from a committee, shall be decided without debate, in the following order, viz: a standing committee, a select committee; but the reference of a proposition reported by a committee, when demanded, shall be decided according to its character, without debate, in the following order, viz: House Calendar, Committee of the Whole House on the state of the Union, Committee of the Whole House, a standing committee, a select committee.

RULE XIV.

OF DECORUM AND DEBATE.

1. When any member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

2. When two or more members rise at once, the Speaker shall name the member who is first to speak; and no member shall occupy more than one hour in debate on any question in the House or in committee, except as further provided in this rule.

3. The member reporting the measure under consideration from a committee may open and close, where general debate has been had thereon; and if it shall extend beyond one day, he shall be entitled to one hour to close, notwithstanding he may have used an hour in opening.

4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case, without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case require it, he shall be liable to censure or such punishment as the House may deem proper.

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

6. No member shall speak more than once to the same question without leave of the House, unless he be the mover, proposer, or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

7. *Debate on points of order shall be limited to five minutes by the member making the point, and to five minutes by a member opposing it; and thereafter the debate shall be confined to such members as the presiding officer may recognize, and limited to such time as he may indicate, not exceeding five minutes to each person so recognized. On appeals from the decision of the Chair, five minutes shall be allowed to the member taking the appeal, and five minutes to a member sustaining the decision, after which the vote shall be taken thereon.*

8. While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

RULE XV.

ON CALLS OF THE ROLL AND HOUSE.

1. Upon every roll-call, the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called, the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair.

2. In the absence of a quorum, fifteen members, including the Speaker, if there is one, shall be authorized to compel the attendance of absent members, and in all calls of the House the names of the members shall be called by the Clerk, and the absentees noted; the doors shall then be closed, and those for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by officers to be appointed by the Sergeant-at-Arms for that purpose, and their attendance secured; and the House shall determine upon what condition they shall be discharged.

RULE XVI.

ON MOTIONS, THEIR PRECEDENCE, ETC.

1. Every motion made to the House and entertained by the Speaker shall be reduced to writing on the demand of any member, and shall be entered on the Journal with the name of the member making it, unless it is withdrawn the same day.

2. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in possession of the House, but may be withdrawn at any time before a decision or amendment.

3. When any motion or proposition is made, the question, Will the House now consider it? shall not be put unless demanded by a member.

4. When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

5. A motion to fix the day to which the House shall adjourn, a motion to adjourn, and to take a recess shall always be in order, and the hour at which the House adjourns shall be entered on the Journal.

6. On the demand of any member, before the question is put, a question shall be divided if it include propositions so distinct in substance that one being taken away a substantive proposition shall remain.

7. A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

8. Pending a motion to suspend the rules, the Speaker may entertain one motion that the House adjourn, *or one motion to take a recess:* but after the result thereon is announced he shall not entertain any other dilatory motion till the vote is taken on suspension.

9. At any time after the expiration of the morning hour it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue, *retrenchment bills*, or general appropriation bills.

RULE XVII.

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its engrossment and third reading, and then, on renewal and second of said motion, to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee; and a motion to lay upon the table shall be in order on the second and third reading of a bill.

2. A call of the House shall not be in order after the previous question is ordered, unless it shall appear upon an actual count by the Speaker that a quorum is not present.

3. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

RULE XVIII.

RECONSIDERATION.

When a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and thereafter any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

2. No bill, petition, memorial, or resolution referred to a committee, or reported therefrom for printing and recommitment, shall be brought back into the House on a motion to reconsider; and all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

RULE XIX.

OF AMENDMENTS.

When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected, but either may be withdrawn before amendment or decision is had thereon.

RULE XX.

OF AMENDMENTS OF THE SENATE.

Any amendment of the Senate to any House bill shall be subject to the point of order that it shall first be considered in the Committee of the Whole House on the state of the Union if, originating in the House, it would be subject to that point.

RULE XXI.

ON BILLS.

1. Every bill and joint resolution shall receive three readings before its passage, which shall be as follows: The first and second readings by title on introduction for reference, or, being original bills, on report from committees for commitment, except when the second reading in full shall be demanded by a member: *Provided*, That original bills on being reported by unanimous consent for present consideration, shall be read the first time in full; the second and third time by title, unless the third reading in full shall be demanded by a member.

2. Bills and joint resolutions on their passage shall be read the first time by title and the second time in full, when, if the previous question is ordered, the Speaker shall state the question to be: Shall the bill be engrossed and read a third time? and if decided in the affirmative, it shall be read the third time by title, unless the reading in full is demanded by a member, and the question shall then be put upon its passage.

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. [Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.] *Nor shall any provision which changes existing law or embodies general legislation of any kind be in order in any general appropriation bill, or as an amendment thereto.*

4. No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

5. All bills for improvement of rivers and harbors and for the establishment or change of post-routes, *and all bills of a private character*, shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

[6. Upon all general appropriation and revenue bills, and bills for the improvement of rivers and harbors, the yeas and nays shall be taken on the passage of such bills in the House and entered upon the Journal.]

RULE XXII.

OF PETITIONS AND MEMORIALS.

1. Members having petitions or memorials to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal together with the names of the members presenting them, and the Clerk shall furnish a transcript thereof to the Official Reporters of Debates for publication in the RECORD.

2. Any petition or memorial excluded under this rule shall be returned to the member from whom it was received; and petitions which have been inappropriately referred may, by direction of the committee having possession of the same, be properly referred in the manner originally presented.

RULE XXIII.

OF COMMITTEES OF THE WHOLE HOUSE.

1. In all cases, in forming a Committee of the Whole House, the Speaker shall leave his chair after appointing a chairman to preside, who shall, in case of disturbance or disorderly conduct in the galleries or lobby, have power to cause the same to be cleared.

2. Whenever a Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

3. All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, *retrenchment bills*, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence *in the order named*, and when objection is made to the consideration of any bill or proposition, the committee shall [thereupon rise and report such objection to the House, which shall] decide, without debate, whether such bill or proposition shall be considered or laid aside for the present [; whereupon the committee shall resume its sitting without further order of the House].

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

6. The [House] *Committees of the Whole House* may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

7. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection. Whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House. But before the question of concurrence is submitted, it is in order to entertain a motion to refer the bill to any committee, with or without instructions, and when the same is again reported to the House it shall be referred to the Committee of the Whole without debate.

8. The rules of proceeding in the House shall be observed in Committees of the Whole House so far as they may be applicable.

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and [joint] resolutions for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only, resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

2. On all days other than Monday as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, [which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off] *during which reports from committees shall be called for and disposed of; in doing which the Speaker shall call upon each standing*

committee in regular order, and then upon select committees; and if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the report last under consideration. Whenever any committee shall have occupied the morning hour on two days, it shall not be in order for such committee to report further until the other committees shall have been called in their turn; but any bill or resolution which may then be pending and undisposed of shall be placed in the order of unfinished business.

Any committee when called during this hour may, in lieu of reporting, call up from the House Calendar bills or resolutions theretofore reported by that committee, to be disposed of in the same manner as if reported at the time.

3. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present and voting thereon.

4. After the hour shall have been devoted to reports from committees, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

5. Unfinished business having been disposed of, it shall be in order to entertain a motion that the House do now proceed to the business on the Speaker's table, which, the motion prevailing, the Speaker shall dispose of in the following order:

First. Messages from the President and other executive communications.

Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

Third. Bills and resolutions from the Senate on their first and second reading, that they be referred to committees or put on their passage; and the motions so to refer shall have precedence of all other motions touching their disposition.

Fourth. Engrossed bills and bills from the Senate on their third reading.

6. Business on the Speaker's table having been disposed of, it shall then be in order to entertain motions in the following order, namely:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

7. *Messages from the President, communications from heads of Departments, and Senate bills and resolutions on the Speaker's table may be laid before the House at any time after the approval of the Journal, for printing and reference only.*

MISCELLANEOUS RULES.

RULE XXV.

PRIORITY OF BUSINESS.

All questions relating to the priority of business shall be decided by a majority without debate.

RULE XXVI.

PRIVATE BUSINESS.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined [by a two-thirds vote of the members present and voting] *by the House.*

RULE XXVII.

UNFINISHED BUSINESS OF THE SESSION.

After six days from the commencement of a second or subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and remained undetermined at the close of the last preceding session, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

RULE XXVIII.

CHANGE OR SUSPENSION OF RULES.

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, and no rule shall be suspended except by a vote of two-thirds of the members present, nor shall the Speaker entertain a motion to suspend the rules except on the first and third Mondays of each month after the call of States and Territories shall have been completed [preference being given on the first Monday to individuals and on the third Monday to committees], and during the last six days of a session.

2. All motions to suspend the rules shall, before being submitted to the House, be seconded by a majority by tellers, if demanded.

3. When a motion to suspend the rules has been seconded, it shall be in order, before the final vote is taken thereon, to debate the proposition to be voted upon for thirty minutes, one-half of such time to be given to debate in favor of, and one-half to debate in opposition to, such proposition, and the same right of debate shall be allowed whenever the previous question has been ordered on any proposition on which there has been no debate.

RULE XXIX.

CONFERENCE REPORTS.

The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, or the House is dividing on any proposition. And there shall accompany every such report a detailed statement sufficiently explicit to inform the House what effect such amendments or propositions will have upon the measures to which they relate.

RULE XXX.

SECRET SESSION.

Whenever confidential communications are received from the President of the United States, or whenever the Speaker or any member shall inform the House that he has communications which he believes ought to be kept secret for the present, the House shall be cleared of all persons except the members and officers thereof, and so continue during the reading of such communications, the debates and proceedings thereon, unless otherwise ordered by the House.

RULE XXXI.

READING OF PAPERS.

When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and the same is objected to by any member, it shall be determined without debate by a vote of the House.

RULE XXXII.

DRAWING OF SEATS.

At the commencement of each Congress, immediately after the Members and Delegates are sworn in, the Clerk shall place in a box, prepared for that purpose, a number of small balls, of marble or other material, equal to the number of Members and Delegates, which balls shall be consecutively numbered and thoroughly intermingled, and at such hour as shall be fixed by the House for that purpose, by the hands of a page, draw said balls one by one from the box and announce the number as it is drawn, upon which announcement the Member or Delegate whose name on a numbered alphabetical list shall correspond with the number on the ball shall advance and choose his seat for the term for which he is elected.

2. Before said drawing shall commence each seat shall be vacated and so remain until selected under this rule, and any seat having been selected shall be deemed forfeited if left unoccupied before the call of the roll is finished, and whenever the seats of Members and Delegates shall have been drawn no proposition for a second drawing shall be in order during that Congress.

RULE XXXIII.

HALL OF THE HOUSE.

The Hall of the House shall be used only for the legislative business of the House, and for the caucus meetings of its members, except upon occasions where the House, by resolution, agree to take part in any ceremonies to be observed therein; and the Speaker shall not entertain a motion for the suspension of this rule.

RULE XXXIV.

OF ADMISSION TO THE FLOOR.

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, namely: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members-elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the law library, such persons as have, by name, received the thanks of Congress, ex-members of Congress who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees, when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

RULE XXXV.

OF ADMISSION TO THE GALLERIES.

The Speaker shall set aside a portion of the west gallery for the use of the President of the United States, the members of his Cabinet, Justices of the Supreme Court, foreign ministers and suites, and the members of their respective families, and shall also set aside another portion of the same gallery for the accommodation of persons to be admitted on the card of members. The southerly half of the east gallery shall be assigned exclusively for the use of the families of members of Congress, in which the Speaker shall control one bench, and on request of a member the Speaker shall issue a card of admission to his family, which shall include their visitors, and no other person shall be admitted to this section.

RULE XXXVI.

OFFICIAL AND OTHER REPORTERS.

1. The appointment and removal, for cause, of the Official Reporters of the House, including stenographers of committees, and the manner of the execution of their duties, shall be vested in the Speaker.

2. Stenographers and reporters, other than the Official Reporters of the House, wishing to take down the debates and proceedings, may be admitted by the Speaker to the reporters' gallery over the Speaker's chair, under such regulations as he may, from time to time, prescribe; and he may assign two seats on the floor to Associated Press reporters, and regulate the occupation of the same.

3. *Representatives of daily newspapers residing at the capital may be admitted by the Speaker, upon the request of any Member or Delegate for such admission, to the members' corridor and rooms in the rear of the Speaker's chair, under such regulations as he may, from time to time, prescribe.*

RULE XXXVII.

PAY OF WITNESSES.

The rule for paying witnesses subpœnaed to appear before the House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of $2; for each mile he shall travel in coming to or going from the place of examination, the sum of 5 cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.

RULE XXXVIII.

PAPERS.

1. The clerks of the several committees of the House shall, within three days after the final adjournment of a Congress, deliver to the Clerk of the House all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee under the order of the House during the said Congress, and not reported to the House; and in the event of the failure or neglect of any clerk of a committee to comply with this rule the Clerk of the House shall, within three days thereafter, take into his keeping all such papers and testimony.

RULE XXXIX.

WITHDRAWAL OF PAPERS.

No memorial or other paper presented to the House shall be withdrawn from its files without its leave, and if withdrawn therefrom, certified copies thereof shall be left in the office of the Clerk; but when an act may pass for the settlement of a claim, the Clerk is authorized to transmit to the officer charged with the settlement thereof the papers on file in his office relating to such claim, or may loan temporarily to any officer or bureau of the Executive Departments any papers on file in his office relating to any matter pending before such officer or bureau, taking proper receipt therefor.

RULE XL.

BALLOT.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election, and where there shall not be such a majority on the first ballot, the ballots shall be repeated until a majority be obtained; and in all ballotings blanks shall be rejected and not taken into the count in enumeration of votes or reported by the tellers.

RULE XLI.

MESSAGES.

Messages received from the Senate and the President of the United States, giving notice of bills passed or approved, shall be entered in the Journal and published in the RECORD of that day's proceedings.

RULE XLII.

EXECUTIVE COMMUNICATIONS.

Estimates of appropriations, and all other communications from the Executive Departments, intended for the consideration of any committees of the House, shall be addressed to the Speaker and by him submitted to the House for reference.

RULE XLIII.

QUALIFICATION OF OFFICERS AND EMPLOYÉS.

No person shall be an officer of the House, or continue in its employment, who shall be an agent for the prosecution of any claim against the Government, or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House any violation of this rule.

RULE XLIV.

Motions to print additional numbers of any bill, report, resolution, or other public document shall be referred to the Committee on Printing; and the report of the committee thereon shall be accompanied by an estimate of the probable cost thereof.

Bills of a private character heretofore printed by order of either House shall not be again printed, unless it appears that all printed copies have been exhausted.

RULE XLV.

JEFFERSON'S MANUAL.

The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives.

RULE XLVI.

RULES OF THE HOUSE.

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

Mr. RANDALL. It is understood that the point of order reserved by the gentleman from Alabama [Mr. HERBERT] is still pending.

The SPEAKER. The Chair so understands.

Mr. HAMMOND. Will the gentleman from Illinois, before he makes his argument, allow me to present a resolution to the House?

Mr. SPRINGER. I have no objection if it does not take me off the floor.

Mr. HAMMOND. I do not desire to do that, but now merely ask the Clerk to read a resolution which I believe will commend itself to the approval of the House.

The SPEAKER. The Chair hears no objection, and the resolution of the gentleman from Georgia will be read.

The Clerk read as follows:

Resolved, That pending the consideration of the proposed rules, and until the rules of the House shall be adopted, this House be governed by the rules of procedure of the last House of Representatives, so far as applicable, and by Jefferson's Manual.

Mr. HAMMOND. I do not desire to take up more of the time of the gentleman from Illinois further than to call attention to the fact we are now proceeding without any rules at all, and therefore it would be well to have that understood.

Mr. RANDALL. I have no objection in the world, so far as that point is involved, of agreeing to the proposition of the gentleman from Georgia at once; but I ask whether the point of order the gentleman from Alabama has made on the subject of consideration does not apply as well to it as to the possession of the floor by the gentleman from Illinois?

Mr. HAMMOND. Certainly.

Mr. RANDALL. But I make no such point as against any debate which the gentleman from Illinois may wish to indulge in; but in order not to give it a status before the House I shall insist on the point of order of the gentleman from Alabama.

Mr. HAMMOND. By permission of the gentleman from Illinois I hope the Chair will be allowed without debate to put the question on the adoption of my resolution.

The resolution was again read.

Mr. SPRINGER. I do not understand this resolution in any way interferes with the right of the House to adopt rules for its government.

The SPEAKER. Not at all.

Mr. SPRINGER. Or to require the reference of any particular proposition on that subject; but as simply requiring the rules of procedure ordinarily governing parliamentary bodies should be enforced until we shall agree to some system of rules for the government of this body.

The SPEAKER. Of course it is not the province of the Chair to decide upon what construction shall be put on the resolution. It will have to be voted upon according to the construction put upon it by members themselves.

Mr. HAMMOND. I simply desire there shall be some rule of procedure adopted at this time. We are now in a contest whether the gentleman from Illinois is entitled to the floor or not. We have no rule about anything, and my object is we shall adopt some rule applicable to the present situation; that is, some rule of procedure during the time we are trying to arrange a code of rules for our future action.

Mr. BEACH. Permit me to ask a question. I find in the rules of the last House Rule XLV provides "these rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered."

Mr. HAMMOND. It is plain no previous Congress can make rules for this House of Representatives.

Mr. MCMILLIN. And of course that is a nullity.

Mr. ANDERSON, of Kansas. Will the gentleman from Georgia permit me to ask him a question?

Mr. HAMMOND. Certainly.

Mr. ANDERSON, of Kansas. In the event your resolution is adopted would it require a two-thirds vote to make any change in the present rules?

Mr. HAMMOND. I think not. My resolution does not mean any such thing, and in my judgment it would not be susceptible of any such construction.

Mr. RANDALL. It provides simply our procedure at present shall be in compliance with good order and proper decorum.

Mr. SPRINGER. If the resolution of the gentleman from Georgia is adopted will it require that all propositions to amend the rules shall be referred to the Committee on Rules without debate?

Mr. PETERS. Certainly.

Mr. SPRINGER. If that be so I object, for it would then take me off the floor.

Mr. MCMILLIN. The gentleman is not in condition to object, as he is on the floor at the present time only by the courtesy of the House.

Mr. SPRINGER. I yielded to the gentleman from Georgia for the purpose of having his resolution read; but I certainly did not propose to yield to any proposition which would have the result of taking me off the floor.

Mr. MCMILLIN. The gentleman had his amendments read subject to the point of order.

Mr. SPRINGER. I thought the point of order was to be reserved and that the resolution was to be acted on.

The SPEAKER. When a point of order is made against a proposition it must be decided, except by common consent of the House it is reserved. The Chair understood the gentleman from Illinois was proceeding by consent to state his views on his proposed rules, but if the point of order be insisted upon, it must first be decided. Is it insisted upon?

Mr. RANDALL. I suggest to the gentleman he let the vote be taken without debate on the proposition of the gentleman from Georgia, and then the House will permit him to go on with his statement. It seems to me the House should fix upon some rule of procedure during the time we are engaged in acting on the rules for the future guidance of the House.

Mr. HAMMOND. I may remark further that I am satisfied this House will adopt no rules to-day, nor will they act upon any rules to-day until they have been referred to the Committee on Rules. We will not certainly take any so speedy action as that; and this merely gives some form of control by the Chair while we are considering what permanent rules we shall have.

Mr. HERBERT. I understand that now, inasmuch as we have adopted no rules as yet, we are acting under general parliamentary law, which is embodied in Jefferson's Manual and in other works upon the subject. It seems to me this general parliamentary law is sufficient to enable us to adopt rules, and that we ought not to embarrass ourselves by adopting the rules of the last House or of any preceding House until we have first decided what shall be the permanent rules of this House. I therefore see no necessity whatever for adopting the proposition of the gentleman from Georgia [Mr. HAMMOND]. The general parliamentary law is entirely sufficient; and we should embarrass ourselves with nothing else until we decide what are to be the rules of this Congress. And it seems to me, Mr. Speaker, it would be wise to adopt a resolution, inasmuch as we have provided for the appointment of a Committee on Rules, that all propositions touching the rules shall be as soon as introduced referred to that committee. I shall therefore offer the resolution which I hold in my hand as soon as I can get the floor for that purpose.

The SPEAKER. The Chair is not quite certain whether the resolution proposed by the gentleman from Georgia is pending or not. There seems to be some question on the part of the gentleman from Illinois [Mr. SPRINGER] as to whether it was allowed to come in.

Mr. HAMMOND. The real position of the matter is that the gentleman from Illinois yielded me the floor and consented the House should adopt without debate the resolution I offered.

Mr. HERBERT. I am simply giving notice that if the proposition of the gentleman from Georgia be voted down I shall offer a resolution that all propositions to establish or amend the rules shall immediately upon being offered be referred without debate to the Committee on Rules to be appointed by the Speaker under the resolution heretofore adopted.

Mr. SPRINGER. I will yield to the resolution of the gentleman from Georgia, with a distinct understanding that it does not adopt that rule which relates to the adoption of rules.

Mr. ANDERSON, of Kansas. But it does.

Mr. SPRINGER. If it does, I object to it.

Mr. HERBERT. I would suggest that if the proposition of the gentleman from Georgia be adopted we would never be able to adopt any change or amendment of the rules if a hostile minority sought to prevent it. You tie your hands by adopting the rules of the last House.

Mr. HISCOCK. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. HISCOCK. Has it not been the law of all previous Houses of Representatives, and so ruled by the Chair, that a new House should have the code of rules of the last House to govern it until otherwise ordered? The Speaker, I believe, has uniformly ruled that the rules

of the last House, until new rules were adopted, were the rules that governed the new House. I am sure the gentleman from Pennsylvania [Mr. RANDALL] so ruled while occupying the chair, and I think the present occupant of the chair has made the same ruling.

Mr. SPRINGER. I claim the floor.

Mr. HISCOCK. I make the point which I have suggested as a point of order.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] makes the point of order that the House, until it otherwise orders, is governed by the rules of the last Congress, and that therefore the proposition of the gentleman from Illinois must go to the Committee on Rules.

Mr. SPRINGER. I should like to be heard upon that.

The SPEAKER. Upon that question the Chair would like to hear briefly the views of gentlemen, because there is some difficulty about it. It has been decided, according to the present recollection of the Chair, both ways. The present occupant of the chair is not aware that he has made any decision upon that question.

Mr. HISCOCK. The present occupant of the chair may not perhaps have made a decision; but I certainly did hear him express his opinion to that effect in the last Congress, and it was certainly so ruled by the gentleman from Pennsylvania.

The SPEAKER. That was in the Forty-sixth Congress; and the Chair is under the impression it was also so ruled in the Forty-fourth Congress by Speaker Kerr.

Mr. SPRINGER. As this point of order has been made by the gentleman from New York, I ask the indulgence of the Chair and of the House to speak to that point for a moment. It was decided by Speaker Kerr in the Forty-fourth Congress, when a similar question was raised, that under the Constitution of the United States each House was empowered to make rules for its own government. This constitutional prerogative can not be surrendered by this House, nor can it be usurped by a previous House. When the House of Representatives of the Forty-eighth Congress on the 4th of March last ceased to exist that body passed out of existence forever, and it had no more power to make rules for the government of this House than it had to make rules for the government of the Parliament of England.

Under the Constitution of the United States each House is to judge for itself upon this subject, and the mere fact that in the rules of the last House of Representatives there is a provision that those rules shall continue in force until otherwise ordered by the succeeding House does not carry those rules over to this body or impose any obligation upon us whatever. If it did it would be in the power of a House of Representatives having a majority of one political complexion, and knowing that the succeeding House would have a majority of another political complexion, to impose its own rules upon that succeeding House, so that they could not be changed except by a two-thirds vote. In that way the majority in one House, which would be the minority in the succeeding House, might effectually tie up the hands of the majority of that House so that they would be unable to act freely for themselves or their constituents. Sir, this point of order, if sustained, would virtually deprive this House of the right to make its own rules. In the rules of the last House is a requirement that all propositions of this character shall be referred to a committee without debate; in the mean time we shall have not only that rule, but all the rules of the last House, thrust upon us; and if the committee which is to consider these propositions does not choose to report, the House goes on under the old rules and we are unable to get rid of them. Therefore, I hope that all gentlemen who desire a modification of the rules of the last Congress, and who believe that this House is given by the Constitution the right to make its own rules, will insist that this point of order is not well taken, and I trust the Chair also will so rule.

Mr. REAGAN. Mr. Speaker, I beg to call the attention of the House to the last clause of section 5, Article I of the Constitution of the United States. This question has been up before, and I have several times had occasion to make the point which I am about to make now. That clause of the Constitution reads:

> Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The jurisdiction of the last House of Representatives was exhausted when that House ceased to exist. The rules which it had made for its government are not the rules of this House. If they were, no motion would be necessary to make them the rules of this House. We propose to adopt our own rules, because the Constitution provides that each House shall adopt rules for its own government. I am aware, sir, that in some points of view it has been heretofore held that some rules came over from a previous Congress. The logic or the lawfulness of that ruling I never could comprehend. If that were true as to any rule it would be true as to all the rules, and if it is true as to any, then we have all the rules of the last Congress operating upon us now without further action on our part; but I take it for granted that we will obey the Constitution and assert the right of this House to adopt its own rules for its own guidance and government.

Mr. REED, of Maine. Mr. Speaker, the statement which was made by the gentleman from New York [Mr. HISCOCK] that it has been repeatedly ruled by Speakers of former Houses of Representatives that the rules of one House were carried over into the succeeding House is, according to my recollection, strictly correct; but, for my part, I never believed that that series of rulings was correct; I never believed that any House of Representatives had the right to bind its successors. I believe that each House has got to establish rules for itself, and that no dead hand can be laid upon us. But I do not think that that conclusion remits us to chaos. I believe that in this country an assembly like this, coming together without special rules, would necessarily be remitted to the common parliamentary law, or what I should perhaps more properly call the common legislative law, of the country, the foundation of which is to be found in Jefferson's Manual and which has been modified by the general action of American legislative assemblies, especially by the action of this legislative assembly; and it is very possible that the rulings which have been made upon this subject by previous Speakers were, after all, intended only to cover that. If I apprehend correctly the proposal of the gentleman from Georgia [Mr. HAMMOND], it is substantially to have this House governed by the general parliamentary law of the country until it shall have adopted rules for itself. I understand that he proposes to adopt the rules of the last House only so far as methods of procedure are concerned.

Mr. HAMMOND. The gentleman from Maine [Mr. REED] understands the gentleman from Georgia correctly.

Mr. REED, of Maine. Then, Mr. Speaker, with that understanding, I, for my part, should have no objection to the passage of the resolution offered by the gentleman from Georgia; nor, on the other hand, should I consider it needful that we should pass it. I must confess that I hardly know what would be regarded as the legislative parliamentary law of this country. I suppose that the Speaker will have to evolve it out of his own knowledge of the subject, with such aid as we can give him by discussion on the floor; but I hope that this interregnum will last only a very short time, and that these proposed rules may go to a committee where they may be properly digested and reported for the consideration of the House at the earliest moment possible.

Mr. HERBERT. Mr. Speaker, I understand the gentleman from Maine [Mr. REED] to state that he understands the meaning of the resolution offered by the gentleman from Georgia [Mr. HAMMOND] to be that the rules of the last House shall be adopted only in so far as methods of procedure are concerned. He will permit me to say——

Mr. HAMMOND [interposing]. It says, "procedure."

Mr. REED, of Maine. Mr. Speaker, I think the gentleman from Georgia [Mr. HAMMOND] will probably consent to amend his resolution so as to remove all such objections.

Mr. HAMMOND. I have no objection to any amendment, but I have used the word "procedure."

Mr. HERBERT. Permit me to say that even then the effect of the proposition would be doubtful; and I see no reason in the world why we should adopt the rules of the last House in part, unless we go to the extent of specifying particularly, so that there can be no doubt about it, what portion of those rules we do adopt. If the gentleman from Maine [Mr. REED] be correct in the general proposition he has submitted, and which I understand to be a reaffirmation of the position I took, that the general or, as he calls it, the common parliamentary law of this country is now prevailing over the deliberations of this body, why complicate the question by the addition of the words "and the rules of procedure of the last House?" What are those rules of procedure? Do they cover the question as to whether a majority or two-thirds are sufficient to adopt a particular proposition? How far does that word "procedure" extend? How many and which of the rules of the last House does it embrace? The language is altogether too indefinite. It is liable to lead to misunderstanding and perpetual confusion. It seems to me there is no necessity whatever for the adoption of any such resolution; and if it be now in order, I move to lay it on the table.

Mr. BLOUNT. Mr. Speaker, I take it no gentleman will deny that under the Constitution it is the prerogative of this House to determine its own rules of procedure; and, therefore, technically, neither the general parliamentary law nor the rules of any prior House are to govern us. I do not see upon what principle, except that of usage, gentlemen can claim that the general parliamentary law should govern the proceedings of this House prior to the adoption of specific rules. I think, sir, the practice of this House (which is the only foundation of the principle) has been that the rules of the preceding House govern; and hence we find in the rules heretofore adopted by this House this language:

> These rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered.

I submit that this provision has no force other than that of usage; and upon this ground the Speakers in prior Congresses have, according to my recollection, uniformly held that the rules of the preceding House did obtain.

Now, what is the trouble in this case? What difference does it make whether our proceedings are governed by the general parliamentary law or by the rules of the last House? I presume we shall have a Commit-

tee on Rules, to which we shall refer everything on this subject that we wish to have considered; that the committee will make their report to this House; and when they shall have done so, the House will accept their conclusions or modify them to suit its own views. Therefore it seems to me this is a very simple question, in regard to which no difficulty need arise. The House will eventually have its own way, no matter whether we proceed under the general principles of parliamentary law or in accordance with the rules of the last House.

Mr. REAGAN. Mr. Speaker, in part I must dissent from the suggestion of my friend from Georgia [Mr. BLOUNT]. Mr. Cushing and other general writers on parliamentary law lay down the doctrine that bodies like this, before organization, are to be governed by the common parliamentary law without reference to any particular rules; and that common parliamentary law, which is the general usage of legislative bodies in this country, is, it seems to me, sufficient to guide the action of the Speaker in regulating the proceedings of this House until specific rules are adopted by the action of the House.

The clause which was read by my friend from Georgia from the rules of the last House, if it has any effect at all, would perpetuate the rules of the last House. The language is:

These rules shall be the rules of the House of Representatives of the present and succeeding Congresses unless otherwise ordered.

At the time that rule was adopted I objected to its adoption, because no House of Representatives has power under the Constitution to adopt rules for the government of the House in any future Congress. The adoption of any such rule as I have just read is the assumption of an unwarranted authority. We are, it seems to me, relieved of all difficulty if we rest upon the doctrine that the common parliamentary law will govern this body until we have by express action adopted rules of proceeding. No one will doubt that the Speaker is sufficiently familiar with the general doctrines of parliamentary law to be able to dispose of any questions of order or procedure that may arise before we have adopted specific rules.

If the suggestion of my friend from Georgia be correct, then the rules of the last House are in full force; and I venture the statement that if those rules be once conceded as fully operative in this body without any action on our part, we shall never succeed in obtaining such a revision as will permit that sort of legislation which should be adopted by the representatives of the people, and that freedom of action which ought to exist here. I trust, therefore, that we shall not by a strained construction of the Constitution, and by an unwarrantable assumption that the rules of a past House are still in force, or by any preliminary resolution which we may now adopt, bind the action of this House. I am one of those who believe that the rules ought to be revised; that the public service will be benefited and the fairness and justice of proceeding in this House promoted by a proper revision of the rules.

Mr. HERBERT. I move to lay on the table the resolution of the gentleman from Georgia.

The SPEAKER. There is a point of order now pending before the House; and the question is on that point of order.

Mr. HERBERT. What point of order is now pending?

The SPEAKER. The point of order made by the gentleman from New York [Mr. HISCOCK].

Mr. HERBERT. I give notice then that I will make that motion as soon as it may be in order.

Mr. RANDALL. Mr. Speaker, this is a legislative body, fully organized with a presiding officer. No one will deny that we should be governed by some parliamentary law; and whether we adopt or do not adopt a resolution in relation to the rules, the Speaker must be governed by the general parliamentary law. Such has been the practice, so far as I know, for many years. And if the Speaker is to be governed by the general parliamentary practice prevailing in the United States, what better authority can he have in guiding the proceedings of this House than the rules of the last House of Representatives? Therefore I agree with those gentlemen who have said it is not altogether necessary that we should adopt any resolution in relation to the rules. We naturally fall under the guidance of the past rules of the House so far as they are applicable, as stated in the resolution of the gentleman from Georgia.

Mr. HISCOCK. I desire to say one further word on this question. I am not aware any Speaker has gone to the extent of holding the rules of the last or preceding House should be enforced so far as the appointment of committees is concerned, or so far as the jurisdiction of committees is involved. No such question as that has ever been presented, as I remember. I certainly do not believe the last Congress had power to bind this House to its parliamentary law, but I think the rule is, or that the principle underlying the decisions heretofore made is, that you must adopt for yourselves some code of rules for the government of this body while it is taking action as to the jurisdiction of committees. Subsequently, of course, we will be under the necessity of fixing the code of parliamentary law we shall adopt for our government during the Congress. The principle underlying the decisions heretofore made, as I understand it, is, so far as the regulation of the proceedings of the House is concerned, that the parliamentary law to be enforced is the rules in force in the preceding House. The reason for it does not rest upon any binding force in the rules of the preceding House; not at all, and I do not so hold.

Mr. MILLS. Mr. Speaker, I believe a large number of the members of this House are agreed there should be some amendment of our rules. In order to accomplish that much-needed result the resolution of the gentleman from Illinois should be referred to the Committee on Rules, who will carefully examine each one of its provisions and report back to the House. Pending the consideration of that report, it seems to me to be proper we should adopt some mode of procedure under which we may act in good order and with due decorum. For that purpose, it occurs to me, no better plan could be adopted than the one adopted heretofore under like circumstances, and that is, of adopting the rules of the last House of Representatives—say for a period of ten or twenty days as may be most convenient and agreeable to the judgment of the House. I hope that course will be taken; that the gentleman from Illinois will consent to the reference of his proposed amendments to the Committee on Rules and that we shall then adopt a resolution that the rules of the House of Representatives of the Forty-eighth Congress shall be and remain in force, say until the 20th of December next. Afterward we may go on with the business of the House under the new rules as they may be arranged by the House on the report of the Committee on Rules.

The SPEAKER. The Chair will now hear the gentleman from Illinois against whom the point of order has been made.

Mr. MORRISON. Mr. Speaker, in my judgment the proposition of the gentleman from Georgia or something like it should be adopted, that our proceedings may be orderly. When it was proposed my colleague [Mr. SPRINGER] was on the floor, and he can not, as I understand, be taken from it without his consent. He was on the floor to make a short statement in explanation of the proposition he has presented for the amendment of the rules for the government of the House, and I know my colleague well enough to know the shortest way out of this controversy will be to allow him to make his statement or speech. [Laughter.] I think he has given this subject much attention and study, and therefore it is only just that he should be allowed to make his statement before action is taken by the House or its committee. Then, Mr. Speaker, the gentleman from Georgia [Mr. HAMMOND] can submit his resolution, and it can be adopted or otherwise disposed of by the House. When that is disposed of, if my colleague does not move to refer his proposition to the Committee on Rules, where it may be considered in connection with all other propositions for the amendment of the rules referred to that committee, I shall submit that motion myself. I trust my colleague will be allowed to go on with his statement and that the House will hear him.

Mr. HAMMOND. I do not desire to interfere with the gentleman from Illinois [Mr. SPRINGER] submitting any remarks he may desire on his proposed amendments to the rules of the House. It was my belief when I submitted the resolution which has been read that it would be adopted at once without debate. Now, if it can be the understanding after the gentleman has made his remarks that my resolution shall be taken up for action, I have no objection to that course being pursued.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has made a question of order which the Chair understands he insists on having decided before the gentleman proceeds. If, however, the gentleman from New York consents to the arrangement suggested by the gentleman from Georgia, of course that will obviate all further difficulty.

Mr. HISCOCK. What was it?

The SPEAKER. That the gentleman from Illinois [Mr. SPRINGER] be permitted to make a brief statement in explanation of the proposition which he has made, after which the vote shall be taken on the resolution of the gentleman from Georgia.

Mr. WARNER, of Ohio. Without a ruling on the point of order?

The SPEAKER. The gentleman waives the point of order.

Mr. HISCOCK. I am entirely willing the gentleman from Illinois shall be heard in explanation of his amendment, but I reserve the point on the resolution of the gentleman from Georgia until after the gentleman from Illinois has been heard. Permit me, while I am upon the floor, to ask the Clerk to read what has been said on this subject by Senator CONGER when formerly a member of this House.

The Clerk read as follows:

Mr. SPARKS. Very well.

Mr. CONGER. I simply wish to call the attention of the Chair to a suggestion in the remarks of Mr. Grow in 1860, which to me seems to have considerable force, although it was not enlarged upon by Mr. Grow, and has not been referred to in the present discussion. The constitutional provision is that—

"Each House may determine the rules of its proceedings."

Now, I submit that the phrase "each House" does not mean each renewed House of Representatives; but the Constitution, referring alike to the two Houses of Congress, provides that each of them may make its own rules independently of the other. This is the great constitutional point, as I take it, and Mr. Grow, in his remarks, merely alluded to it.

Now, if it be true that all the rules of the House of Representatives are vacated upon the termination of the official life of its members, it could equally be said that all rules adopted in the other branch of Congress expire with the change of its members. It happens, however, that the Senate is a continuing body in this sense, that two-thirds of its old members are always understood to continue in office at the opening of each new Congress.

Now, the power of this House to make its own rules is conferred upon it as

one of the two branches of Congress; the power is not, by the language of the Constitution, intended to apply specifically to each renewed House of Representatives.

I wish to call the attention of the Chair to another point. It is admitted by all that each successive House of Representatives as organized is subject at any rate to the general rules of parliamentary law, if not to any formal rules which may have been previously adopted. Now, I submit that in the case of a long-existing constitutional body like the House of Representatives the natural and proper criterion for determining the rules of the body would be to refer to those rules which by usage, by custom, by prescription, by enactment, or in any other way, may have been established as the rules of that particular body, rather than to refer to the more general principles of parliamentary law which may or may not in their entirety have received the sanction of that particular body. In other words, it would seem proper to look to the last expression of the will of the House in reference to the parliamentary rules which should govern it.

The SPEAKER. The Chair thinks that would be the best example to follow.

Mr. CONGER. The best criterion as to the parliamentary rules applicable to that body.—*Congressional Record*, Forty-sixth Congress, first session, page 112.

Mr. SPRINGER. In this connection I ask to have read the following proceedings of the Forty-fourth Congress, in which Speaker Kerr decided this particular point, and I ask the special attention of the gentleman from Pennsylvania [Mr. RANDALL] to what he said at the time.

The Clerk read as follows:

RULES OF THE HOUSE.

Mr. RANDALL. I submit the following resolutions:

"*Resolved*, That the rules of the House of Representatives of the Forty-third Congress shall be the rules of the House of Representatives until otherwise ordered, except Rule 166 and Rule 167.

"*Resolved further*, That a committee of five, to consist of the Speaker and four members, to be named by him, be appointed, to whom shall be referred the rules of the House, who shall report all such amendments or revisions of the same as they shall think proper, and such reports shall always be in order to be made."

Mr. GARFIELD. I rise to a point of order.

Mr. RANDALL. I demand the previous question.

Mr. GARFIELD. I rise to a point of order. I object to the resolution under the existing rules, which are our rules without a declaration of this sort.

Mr. RANDALL. I submit that both these resolutions are strictly in order. I propose that we adopt the rules of the last House, with the exceptions stated. As to the second resolution, I will say there is no rule providing for the appointment of a Committee on Rules. The gentleman from Ohio [Mr. GARFIELD] is therefore mistaken on this point.

Mr. GARFIELD. That particular point is not what I object to. I object to the first branch of the gentleman's resolutions, on the ground of immemorial usage.

Mr. RANDALL. The gentleman has a perfect right to object by voting against the resolutions, but in no other manner.

Mr. GARFIELD. I submit that this is not a privileged question.

The SPEAKER. Does the gentleman make that point of order?

Mr. GARFIELD. I do.

The SPEAKER. The Chair overrules it, on the ground that the Constitution clearly gives to each House the right to adopt its own rules. Whatever may have been the rules or orders of a preceding House in reference to this matter, they cannot supersede the constitutional right of this House to adopt its own rules.

Mr. RANDALL. The Speaker is clearly right.

Mr. GARFIELD. I submit that these resolutions should be referred to the Committee on Rules when appointed.

Mr. RANDALL. There is no rule of this House, and there was no rule of the last House, by which a Committee on Rules can be appointed. It is only by a resolution of this character that the Speaker can be authorized to appoint a Committee on Rules.

Mr. GARFIELD. The gentleman will find that immemorial usage is in itself a rule.

Mr. RANDALL. Immemorial usage will do for that side of the House, but we mean to have strict construction of the rules. [Laughter.] For the information of the House, let the rules excepted be read, and then I shall demand the previous question on the adoption of my resolution, unless some gentleman on that side of the House may desire to speak. I ask the Clerk to read the two excepted rules.

The Clerk read as follows:

"166. All motions to suspend the rules, except where they may be suspended by a majority, shall, before being submitted to the House, be seconded by a majority, as in the case of the previous question.—*January* 20, 1874.

"167. Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn. But the previous question on the engrossment and third reading of any bill or joint resolution shall not be ordered during the first day of its consideration unless two-thirds of the members present shall second the demand: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That it shall not apply to any proposition to appropriate the money, the credit, or other property of the United States, except the regular annual appropriation bills."—*February* 1, 1875.—*Congressional Record*, Forty-fourth Congress, first session.

Mr. RANDALL. And I have never maintained anything except what is in exact harmony with that statement. I maintain now that a motion to adopt rules by this House is a motion which is strictly in order——

Mr. SPRINGER. What is the necessity for a motion if the rules are already in force?

Mr. RANDALL. And that motion the gentleman from Georgia [Mr. HAMMOND] has made.

But the gentleman from Illinois can go a little further in my history and reach a later date when he will find a decision touching this very question. The ground of Mr. Garfield's objection at that time was as to the exception mentioned in the resolution which has been read, and nothing more. And further, Mr. Speaker, I submit as a matter of fact to you, that up to this very hour the organization of this House has been carried on under and according to the rules of the last House.

Mr. PETERS. By consent only.

Mr. BURROWS. I have no desire to prolong the discussion of this question, but I desire for one to enter my protest against the idea that any preceding House can by any method establish any rules which can bind a succeeding House. Each House must proceed under the Constitution in its organization, and frame for itself its own code of rules. But I rose particularly to call the attention of the Speaker to a paragraph on this very question in Cushing's work on parliamentary law, which I think is very clear and possibly may serve to solve this proposition. On page 311 he says:

In the American constitutions it is provided generally that each house shall have the right to determine the rules of its own proceedings. No legislative assembly, therefore, can make any rules which will be binding upon its successors, even until abrogated or rescinded by them.

And gentlemen seem to lay great stress on that provision of the rules which declares that they shall be binding until they are rescinded.

Hence the system of standing orders is not in use in our legislative bodies, but it is the invariable practice for each of them soon after its first meeting and organization to frame and adopt a code of written rules for the government and regulation of its own proceedings. * * *

But though each house may and does determine its rules of procedure, it does not follow from this principle that until it adopts rules a legislative assembly is entirely destitute of rules for the government of its proceedings. It is in the mean time governed by what may be called the common parliamentary law; that is, so much of the usages and methods of Parliament as are of general application, modified by usage and practice in this country.

That, Mr. Speaker, seems to me to be very clear, and places the Chair in the determination of this question under the common parliamentary law modified by the established usage of this House.

Mr. DOUGHERTY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOUGHERTY. What is before the House?

The SPEAKER. There is a question of order pending.

Mr. DOUGHERTY. Will the Chair please state what is the question of order?

The SPEAKER. The gentleman from Illinois, Mr. SPRINGER, offered a resolution proposing the adoption of the rules of the last House for the government of this House with certain modifications. The gentleman from New York, Mr. HISCOCK, makes the point of order that the rules of the last House are in force until otherwise ordered by this House, and that under these rules this proposition must be referred to the Committee on Rules.

Mr. HISCOCK. As I understand it, an arrangement has been made——

Mr. DOUGHERTY. I believe I have the floor.

The SPEAKER. The gentleman had the floor, as the Chair understands, to make a parliamentary inquiry.

Mr. DOUGHERTY. I had not concluded what I desired to say.

Mr. HISCOCK. An arrangement had been already made that the gentleman from Illinois was to be heard on his proposition, and I supposed I had waived the point of order for the purpose of permitting him to be heard.

The SPEAKER. The gentleman from Florida will now be recognized.

Mr. DOUGHERTY. It seems to me, Mr. Speaker, that while gentlemen are discussing the point of order they are also discussing a resolution submitted by the gentleman from Georgia [Mr. HAMMOND].

The SPEAKER. That is not now before the House.

Mr. DOUGHERTY. I am aware of that, but it seems they are discussing it as if it was now pending before the House.

If I understand the statement of the Chair, then, the point of order is raised by the gentleman from New York that any proposition to change the rules, under the existing orders of this House, must go to the Committee on Rules. Now, I submit to the gentleman from New York and to the Speaker of the House this proposition, that there is no Committee on Rules to which such reference can be made. The rules of the last House prescribed "that these rules shall be the rules of the House of Representatives of the present and succeeding Congresses, unless otherwise ordered." The last House had no right to prescribe rules which shall govern this House. I think, sir, that the authorities upon that subject are conclusive; and it seems to me that action could be taken which would cut short this discussion and do away with all of this argument if the gentleman from Georgia would incorporate in his resolution words to the effect that the rules in question shall govern this House unless otherwise ordered, and that it shall not require a two-thirds vote of the House to abrogate them.

The SPEAKER. The rules do not require a two-thirds vote to abrogate or change them, but a two-thirds vote is required to suspend the rules.

Mr. WARNER of Ohio. Mr. Speaker, it seems to be very generally agreed on all sides that this House is governed by parliamentary law. Now it occurs to me that the very best embodiment or expression of what is the parliamentary law of this country governing such bodies is the rules of the last House, and that they therefore do obtain as the rules of this House, with the right, of course, to change or modify them. If, then, we can dispose of the point of order, we will be ready to proceed to the next proposition. If the rules of the last House obtain, I see no necessity for the proposition of the gentleman from Georgia. The adoption of the motion of the gentleman from Georgia would make specific, of course, what are to be the rules of the House; but otherwise they remain as the general embodiment of the legislative law of the country as applicable to such purposes. His proposition specifically adopts them until they are changed.

Mr. REAGAN. I would like to ask the gentleman from Ohio, if he will permit an interruption, this question: If the rules of the last House are in force here, what more force or efficacy can be given them by a motion for their specific adoption? What is the necessity for such a motion?

Mr. WARNER, of Ohio. I do not think there is any. I think the rules are in force as an expression and the best expression or embodiment of parliamentary law; only, however, governing our general procedure until they are modified by the House itself.

Mr. HAMMOND. The gentleman from Ohio [Mr. WARNER] thinks the rules of the last House are in force, not because of the rule which so declares—for he concedes that that is unconstitutional—but because they are the best embodiment of parliamentary law known to us. I am far from desiring that the Chair should make such a ruling as that the rules of the last House are in force by reason of anything and for any purpose. I would not place this House in a position where a minority could keep those rules in existence by filibustering or otherwise.

I understand that we have no rules at all applicable to this House, and that as soon as this House was organized it was its duty to exercise its constitutional right to determine its rules. We have none until we determine them; and if the Chair should rule that the old rules are in force the Chair would be doing what I think would be wrong and certainly distasteful to this body; for there is a strong disposition to change the rules of the House, and we do not wish to start out with those rules.

But apart from that it is important that we shall have certain rules of procedure, something recognized, so that in case of dispute we shall have an arbiter to settle that dispute. I do not think, therefore, that the point of order is well taken, because we have no rules that make such points of order. We are seeking simply to get at our business until we can adopt regular rules determined under the Constitution; and I say candidly that I do not desire to bind anybody to any rule that he thinks objectionable. My whole object is to have good order while we are determining the rules of our proceedings.

The SPEAKER. The gentleman from New York [Mr. HISCOCK] has stated he was entirely willing the gentleman from Illinois [Mr. SPRINGER] should proceed to make an explanation of his proposition and that the House should then dispose of this other matter. The gentleman from Illinois [Mr. SPRINGER] will proceed.

Mr. SPRINGER. After I have made an explanation of the changes which I have proposed to the rules I will then, unless some other gentleman proposes to discuss the question, move to refer the whole subject to the Committee on Rules.

There are five general objects which I desire to accomplish by the amendments which I have offered. The first of these is a partial distribution of the labors of the Appropriations Committee. The amendment which I have suggested proposes to take the business and appropriations pertaining to the Post-Office Department, to the Army and to the Navy, and to refer those subjects to the appropriate committees. My object in taking these matters away from the Appropriations Committee is not merely for the sake of the division or distribution of this labor. It is founded upon the better ground that as now constituted, in view of the vast business of this country, the Committee on Appropriations has more business committed to it than it is possible for any fifteen members of this House to properly consider and mature in the little time allowed them by the law. It is for that reason only that I propose this division of labor so that other committees can assist in preparing these bills and assist in the investigation of the vast and intricate machinery of government which requires these appropriations.

Other propositions have been made to go still further and give the Committee on Foreign Affairs, the Committee on Indian Affairs, and the Committee on Pensions the appropriations pertaining to those subjects. But I think that with the distribution which I have suggested now there will be ample time for the Committee on Appropriations to consider the subjects which are properly left within their jurisdiction.

There are many reasons why this labor should be divided. Take the Navy Department, for instance. We are now met by a condition of circumstances which requires that we should enter upon a systematic rebuilding of the Navy. The labor required to properly consider measures relating to that subject is so great, it seems to me, as to require the attention of one committee during the entire Congress.

We are also about to enter upon a system of coast defenses. Under the resolution which I have proposed the subject of fortifications would go to the Committee on Military Affairs. Heretofore the Committee on Appropriations has simply reported perfunctory measures upon the subject of fortifications and but little attention has been given to the subject. But recently a discussion has taken place in the public press and distinguished statesmen of the country have called the attention of Congress to the important subject of coast defenses. It seems to me that to-day that subject of itself is one of sufficient importance to require the attention of one committee of this body during this session. It is for that reason I propose to refer the whole subject of coast defenses and the appropriations for the Army to the Committee on Military Affairs.

Thirdly, the Committee on the Post-Office and Post-Roads is one of very great importance to the country. Our postal system is now becoming extensive, beyond the expectations of the most sanguine friends of the governmental postal service. It ramifies into every school district of the Union. It carries the mails of the people through the length and breadth of the land, and even across the waters to every civilized nation in the world. If the subjects pertaining to the postal service should be committed to one committee of this House where they can be properly considered and adjusted, it seems to me, that committee if it will properly perform its duties will have all the work it can do during one session of Congress. If these subjects, therefore, were referred to the several committees mentioned, it seems to me that the Committee on Appropriations would then have ample time to consider the important measures with which it has to deal.

Another reason for distribution is this: Under the present system, the Committee on Appropriations is so far overloaded and overworked that many bills are not brought in until the very last days of the session. It happens frequently that bills covering millions of dollars are brought into the House at so late a period in the session that it becomes necessary to suspend the rules and pass them in order to avoid the necessity for a called session of Congress. If you distribute the work as I have proposed, there will be no longer any necessity of incurring that hazard. The committees can bring their bills here in ample time and have them considered intelligently and deliberately by the House.

An objection has been made to the proposed system of distribution that it will cause increased appropriations. To that objection I desire to address myself for one moment only. The objection implies that careful scrutiny of expenditures, careful investigation of the objects for which appropriations are to be made, and of the necessities which require them to be made, will conduce to extravagance, and that, on the other hand, a partial examination of a subject by a subcommittee hastily brought together is necessary in order to secure economy in expenditures! It seems to me, Mr. Speaker, that the mere statement of these propositions should be sufficient to completely answer the arguments of gentlemen who have contended that there will be an increase of expenditures as a result of dividing the labors of the Committee on Appropriations. I maintain, sir, that strict economy and wise legislation will be the result of more careful investigation and more thorough inquiry into the objects and the necessities which demand appropriations. It is for that reason that I have proposed this distribution. The objection which I have mentioned also implies a reflection upon this House, upon the representatives of the people here, to the effect that they can not be intrusted with this important function of legislation. I believe that when our constituents sent us here to represent them they intended that this House, acting through a majority of its members, should be free at all times to formulate and pronounce their will, and that there is to be no favored few or no honored few in our midst who are alone to be intrusted with appropriation of the people's money. I believe, therefore, that the distribution of powers will encourage and secure economy in expenditures, and will certainly conduce to wise legislation.

Another proposition which is contained in the revision I have submitted relates to the abolition of useless committees. I propose to abolish those committees that have no business to transact, or business so trifling and unimportant as to make it unnecessary to have standing committees upon such subjects. I propose to abolish some twenty-one standing and select committees and to create four new ones to take their places. This will at once do away with sixteen committee clerkships and leave in existence only those belonging to committees which have important business to consider and bring before the House. If we allow these twenty-one useless committees to be again put upon our list, to be called regularly in the morning hour, each committee being entitled to the morning hour for two days, forty-two days will be consumed in calling these committees if they have any business at all to report. It seems to me, Mr. Speaker, that that time had better be saved and devoted to the transaction of important business, instead of being consumed by matters of little or no consequence. Some of the committees that I have proposed to abolish are the Committee on Mileage, the Committee on Manufactures, the Committee on Militia, the Committee on Revision of the Laws, the Committee on Levees and Improvement of the Mississippi River, and the eight committees on expenditures in the several Departments. I also propose to consolidate the two committees on railways into one. There are several other changes proposed which will be seen in the printed statement which will be laid upon members' tables this evening or to-morrow.

I hope, Mr. Speaker, that these useless committees will be abolished, so that when we are assembled in the important committees of the House for the transaction of business it will not be necessary for half the members to ask to be excused in order that they may go out and attend the meetings of other committees to which also they have been assigned. If a gentleman is a member of one good committee and will give the business of that committee proper attention, he can always be present at its sessions and can give due consideration to the subjects committed to him there.

Another change which I propose is in reference to the morning hour. Under the rules of preceding Houses, ever since the Forty-sixth Congress, the morning hour has been occupied by reports from committees, which reports are printed and go upon the Calendar, or are referred to the respective Committees of the Whole. I propose to restore the old

morning hour, with this addition: That when a committee is called in the morning hour, and has no bills which it desires to report, it may call up from the Calendar any bill theretofore reported by it and have that bill considered at the time the same as if it were then reported. And further, that when a committee has occupied the morning hour for two days and any bill is left pending at the expiration of that period, that bill will go to the order of Unfinished Business, so that when the committees are called in the next morning hour the next succeeding committee on the list may have its place; the House proceeding to dispose of the unfinished business during such time as may be required for that purpose.

Now, Mr. Speaker, it seems to me that these are very important changes, and that this departure from the rules heretofore in force is one which should receive the approbation of every gentleman here who desires to place it in the power of the majority of this House to bring forward and have considered from time to time such measures of legislation as our constituents and the necessities of the country may demand, and as the majority of this House shall deem proper to enact.

I remember that during the last Congress a very important bill, that providing for the Presidential succession, placing it in members of the Cabinet, was reported from a committee of which I had the honor to be a member, and was placed on the Calendar of the House on the 21st day of April, 1884; and that bill, which was favored by nearly the entire House, was permitted to die on the Calendar, because there never was a moment when, under the rules as they then existed, that bill could be reached and passed upon by the House. I believe members of the last House will bear me out in the statement that during the sittings of that House we never went to the Calendar as a distinct order of business; that, owing to the fact that we could not transact business under the rules, all business was done by unanimous consent or under propositions to suspend the rules upon the two Mondays in each month on which such suspensions were allowed.

I propose, therefore, to open up an avenue for general legislation by which the committees of this House can have a hearing on this floor and measures affecting the rights of their constituents, the people of this country, can be brought forward and considered. In opening this avenue to general legislation I propose, Mr. Speaker, to trust the representatives of the people. I am not afraid that gentlemen here who have been chosen to represent the fifty-five millions of the people of the United States are incompetent to discharge their duties. Heretofore, as soon as we met here, it has been our habit to proceed immediately to bind ourselves hand and foot, the majority delivering themselves over to the power of the minority that might oppose any particular measure, so that nothing could be done in the way of legislation except by unanimous consent or by a two-thirds vote. I propose to permit measures of legislation to come forward and be considered by the House, to be adopted if wise, and if not, to be rejected.

The effect of the blocking of legislation under our past practice is shown by the number of bills which has accumulated on the House Calendar and the calendars of the Committees of the Whole House. When the last Congress adjourned 10,000 bills had been introduced and printed, nearly all of which had been introduced also in the preceding Congress, from which they had come over as a legacy, exhibiting the inefficiency of our rules and the impossibility of transacting business under them. In this way bills have been piled up almost mountain high, while the House has been unable to reach measures of legislation which it desired to consider. I hope, therefore, that when this subject is brought back from the Committee on Rules the proposition I have indicated will be so embodied as to enable the representatives of the people to transact the people's business.

I have also proposed to change the rule of the House which allows legislation on appropriation bills. In submitting this proposition I have accompanied it with another proposed change of the rules, to the effect that those committees having charge of appropriations, and other committees having jurisdiction of the subject-matter of these bills, may be permitted to bring forward general legislation in separate bills which retrench expenditures, and that these retrenchment bills shall have the privilege of report, and priority of consideration over appropriation bills themselves in the Committee of the Whole; so that when the House is in Committee of the Whole for the purpose of considering business therein we can first consider such general bills retrenching expenditures as may be referred there for consideration; and afterward the Committee on Appropriations can bring in money bills to meet the provisions which may be adopted in these general retrenchment bills.

It seems to me that this proposition has many features which commend it to this House as a substitute for the present system. It may be improper under the rules, if we have any, to refer to the other branch of Congress; but it is known to gentlemen here that the Senate has placed itself fixedly against legislation upon appropriation bills, and that many provisions in appropriation bills looking to economy in expenditure have been rejected by the Senate, the sole reason alleged being that such measures came in the shape of legislation upon appropriation bills. In this way the Senate has been permitted to raise a false issue with the representatives of the people. Senators reject our economical legislation because, they say, it is incorporated in appropriation bills, and not because they are opposed to it on its merits. I propose, therefore, to meet Senators on this subject in a spirit of fairness; to send to them economical legislation in one class of bills and appropriations of money in another, asking them to consider and adopt these measures of retrenchment coming from the representatives of the people and then to pass the appropriations in conformity therewith. If this be done the Senate will have no opportunity to make a false issue with us, but will be compelled to meet on their merits these measures of economical legislation and not dodge the issue on the plea that we have sent them legislation on appropriation bills. The provision, therefore, which I have suggested is that no proposition changing existing law or embodying general legislative provisions shall be incorporated in any general appropriation bill, either in the text or as an amendment thereto.

I have also incorporated in this proposition some amendments looking to the disposition of bills of a private character. I propose that such bills, instead of being introduced under the call of States and Territories on Mondays, shall be handed to the Clerk, as have been bills for the improvement of rivers and harbors and bills to establish post-routes. Thus any member having a private bill for introduction can place it in the box at the Clerk's desk, and in that way it will be properly journalized and referred to the appropriate committee.

I submit also another proposition with regard to private bills—that when they have been once printed they shall not be again printed until the copies already on file have been exhausted. If this proposition be adopted it will result in a saving of some forty or fifty thousand dollars a year upon the item of printing. We have a vast accumulation of bills of a private character. I desire that these bills shall be sent to appropriate committees without taking up the time of the House with formally introducing them and reading them twice; but my proposition contemplates that when measures of this class are reported from committees they shall then be printed and also the accompanying reports, and placed on the Calendar or referred to the Committee of the Whole for consideration.

These embody the general and main features of the revision which I propose; but there are some less important provisions to which I desire to call the attention of the House. Under our former rules, when objection was made to the consideration of a bill reached in Committee of the Whole, it was necessary that the committee should rise and report the objection to the House, when, if the committee was endeavoring to reach a bill that the minority opposed, filibustering would immediately begin, and the House would not get back into Committee of the Whole. In this case I have proposed an amendment, so that when objection is made to the consideration of any bill in Committee of the Whole the committee shall decide without rising whether it will consider that bill or some other.

Again, under the rules as heretofore existing, when it was desired to close debate on any proposition in Committee of the Whole, it was necessary that the committee should rise and submit the question to the House, when the yeas and nays might be called and other filibustering proceedings adopted. I propose in this revision that the Committee of the Whole shall decide such questions for itself, and proceed with the consideration of its business without the necessity of rising.

In short, the revision which I have proposed is intended to facilitate legislation. I have endeavored to eliminate from the old rules all those provisions which have tended to obstruct legislation and prevent the majority of the House from bringing forward and considering such bills as their constituents desired them to consider.

By some wonderful ingenuity or mystery the rules as heretofore framed seem to have been peculiarly constructed with a view to prevent legislation and place all the powers of the House in the hands of one committee. I desire to distribute that power, to divide that responsibility with the whole body of the people's representatives. It is my wish that every member shall stand on this floor equal in legislative power as equal under the law. I desire all should have equal right in bringing forward their respective measures and having them considered and disposed of.

If the proposition I have formulated shall meet the views of the House of Representatives, we shall then proceed as a legislative body to perform the high functions which have been committed to us by fifty-five millions of people—the functions of legislating for the people. On the contrary, as our rules heretofore have been, as soon as we got here we have turned over all these functions to one of the committees of the House and relieved all the other members from all further business. I propose, therefore, to give all the committees a chance, to give all the members a chance, to enable this House in an intelligent way to consider and adopt or reject such measure as to their judgment may seem best.

Now, Mr. Speaker, if no other gentleman desires to speak, and this point does not dispose of the subject, I will move to refer my resolution to the Committee on Rules with the further provision that it shall be presented in bill form.

There was no objection, and it was ordered to be printed.

Mr. HERBERT. I gave notice I would move at the proper time to table the resolution of the gentleman from Georgia. A modification of that proposition has been suggested and accepted. If the gentleman

from Georgia will offer the modified proposition it will be entirely satisfactory to me.

The SPEAKER. The question before the House is on the motion of the gentleman from Illinois to refer his resolution to the Committee on Rules.

Mr. RANDALL. No one will object to that.

Mr. ANDERSON, of Kansas. Would it be in order to move an amendment to the resolution of the gentleman from Illinois?

Mr. SPRINGER. Of course it would.

The SPEAKER. Provided the gentleman accepts it. The resolution is not before the House for consideration, but merely for reference.

Mr. SPRINGER. The gentleman can introduce it and have it referred to the Committee on Rules.

Mr. ANDERSON, of Kansas. That is all I ask.

The SPEAKER. The gentleman can introduce his proposition afterward and it can be referred to the Committee on Rules.

Mr. SPRINGER'S motion was agreed to; and his resolution was referred to the Committee on Rules, and ordered to be printed.

Mr. REED, of Maine. I desire to offer an amendment for reference to the Committee on Rules.

Mr. HOLMAN. Let it be read.

Mr. REED, of Maine. It is precisely the same proposition I offered two sessions ago and which came within 11 votes of being adopted.

The proposition was read, as follows:

Mr. REED proposed the following changes in the rules of the House: That when the rules of the last House be adopted it be with the following amendments:

That clause 2 of Rule XXIV be amended so as to read as follows:

"2. On all days other than Monday, as soon as the Journal is read and approved, and on all Mondays (except the first and third in each month), after the call of States and Territories, there shall be a morning hour for reports of committees, which shall be appropriately referred and printed, and a copy thereof mailed by the Public Printer to each Member and Delegate.

"*Provided*, That during such morning hour it shall be in order to consider such bills as would otherwise go to, or are already on, the House Calendar, if the committee in charge when called shall so direct. The Speaker shall call each committee in regular order, and if the Speaker shall not get through the call of committees before the House passes to other business, he shall resume the next call where he left off, giving preference to the measure last under consideration; but whenever any committee shall have occupied the morning hour on one day, it shall not be in order for such committee to report further until the other committees shall have been called in their turn."

That clause 4 be so amended as to read as follows:

"4. After one hour shall have been devoted to reports from committees, except on the second and fourth Mondays of each month, it shall be in order to proceed to business on the Speaker's table, to the Committee of the Whole House on the state of the Union, or to the House Calendar, motions therefor having priority in the order named. The morning hour shall continue until the House determines to go to other business."

That clause 5 be so amended as to read as follows:

"5. When the House proceeds to the Speaker's table, the business shall be disposed of in the following order:

"First. Messages from the President and other executive communications.

"Second. Messages from the Senate and amendments proposed by the Senate to bills of the House.

"Third. Bills and resolutions from the Senate on their first and second reading; that they be referred to committees or put on their passage, and the motions so to refer shall have precedence of all motions touching their disposition.

"Fourth. Engrossed bills and bills from the Senate on their third reading."

That clause 6 be amended so as to read as follows:

"6. When a motion is made that the House resolve itself into the Committee of the Whole House on the state of the Union, it shall be in order, pending that motion, if directed by a committee, to move to designate a bill to be first considered in the committee, which motion shall not be subject to amendment or debate, and only one designation shall be pending at a time. If no bill be designated, or, being designated, is disposed of in committee, it shall then consider first bills for raising revenue and general appropriation bills, and then other bills on its Calendar.

"7. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days."

Add to Rule XXIV the following clause:

"8. After the morning hour, on the second and fourth Mondays of each month, it shall be in order to consider legislation relating to the District of Columbia, unless dispensed with by a two-thirds vote of the House."

That there be added to Rule XXIV the following clause:

"9. Before the morning hour it shall be in order to proceed to the consideration of unfinished business, other than that in the morning hour or on the Speaker's table, and the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules."

The proposition was referred to the Committee on Rules, and ordered to be printed.

Mr. BEACH submitted the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

Resolved, That all eulogies of deceased members shall be delivered upon a Sunday, at such hour as may be fixed, and shall be accompanied with brief religious services by the Chaplain under the direction of the Speaker.

Resolved further, That upon all such occasions the galleries and the seats on the floor, if not claimed by those entitled to them at the hour fixed for the ceremonies to begin, shall be free to the public.

Resolved, That a committee of fifteen members be appointed, to be known as the "Committee on Constitutional Amendments," to which shall be referred all resolutions and bills proposing amendments to the Constitution.

Mr. ANDERSON, of Kansas, moved the following amendment; which was referred to the Committee on Rules, and ordered to be printed:

Amend Rule XXXIV by striking out the words "ex-members of Congress" and inserting instead thereof the words "an ex-member of Congress on not more than six legislative days during the same."

Mr. REAGAN moved the following resolution; which was referred to the Committee on Rules, and ordered to be printed:

Resolved, That the Committee on Rules be instructed to consider and report to the House on the propriety of the adoption of a rule providing that the members of the House shall appoint the committees of the House; with a proviso that such rule shall not prevent the Speaker of the House from appointing its committees during the present Congress.

Mr. MILLS submitted the following amendment; which was referred to the Committee on Rules, and ordered to be printed:

Resolved, That it shall be in order on any day, after the reading of the Journal, to move to suspend the rules and pass any bill which may have been reported to the House by the Committee on Ways and Means; and the votes of a majority of the members present may suspend the rules and pass said bill.

Mr. DINGLEY moved the following amendments; which were referred to the Committee on Rules, and ordered to be printed:

Amend Rule X by inserting after "Committee on Rivers and Harbors" the following:

"On Navigation and Fisheries, to consist of thirteen members."

Also amend Rule XI by inserting after item 8 the following:

"To the merchant marine, seamen and fisheries: to the Committee on Navigation and Fisheries."

Mr. HAMMOND. As possibly the word "procedure" in my former resolution may have a broader meaning than I intended, I offer as a substitute the following.

The Clerk read as follows:

Resolved, That pending the consideration of proposed rules, and until this House shall determine the rules of its proceedings, the House be governed by Jefferson's Manual as modified by the parliamentary practice of the House of Representatives.

The resolution was adopted.

Mr. MORRISON. In order that the Committee on Rules may have time to consider this subject, I move that when the House adjourns today it adjourn to meet on Saturday next.

The motion was agreed to.

COMMITTEE ON RULES.

The SPEAKER announced that he had appointed the Committee on Rules as follows: The Speaker, SAMUEL J. RANDALL of Pennsylvania, WILLIAM R. MORRISON of Illinois, THOMAS B. REED of Maine, and FRANK HISCOCK of New York.

THE RULES.

Mr. HERBERT submitted the following proposition; which was referred to the Committee on Rules, and ordered to be printed:

RULE —.

None of the standing committees of the House, except the Committees on Pensions, Invalid Pensions, Claims, War Claims, Private Land Claims, and the various committees on expenditures in the several Departments, shall consider or report any bill allowing or touching upon the allowance of any designated claim or claims for money, unless such claim shall have been referred to such committee by a vote of the House.

Mr. ANDERSON, of Kansas. I offer the amendment which I send to the desk for reference to the Committee on Rules.

The Clerk read as follows:

Amend Rule X so as to read:

"On Ways and Means, to consist of fifteen members."

The SPEAKER. The amendment will be printed and referred to the Committee on Rules.

CANADIAN FISHERIES.

Mr. DINGLEY. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the heading only of a memorial signed by a large number of the citizens of Maine respecting the fisheries.

There was no objection.

The memorial is as follows:

To the Congress of the United States:

The undersigned, citizens of the State of Maine who feel a deep interest in the preservation and encouragement of the sea fisheries which have always proved so valuable a nursery of seamen to man our national vessels in case of war, represent to the Congress of the United States that these fishing interests have seriously declined during recent years, largely in consequence of the disastrous competition of Canadian fish, which, under treaty arrangements, have until recently been admitted into the markets of the United States without the payment of any duty. This exceptional privilege was granted to Canadians under the belief that certain privileges of fishing in Canadian waters, granted to American fishermen, would prove more valuable to our fishing interests than the privileges conceded to Canadians. But experience so fully established the fact that the arrangement was greatly to the disadvantage of our fishermen—partly in consequence of changed methods of fishing, which made Canadian waters of little advantage for fishing purposes—that Congress unanimously instructed the President to give the requisite notice for the termination of the fishery clause of the treaty; and accordingly the arrangement terminated on July 1, 1885, and Canadian fish have ever since been charged the same duty as fish brought into our markets by other foreign fishermen.

Your petitioners further represent that the Canadian Government, fully understanding that the free admission of their fish products to American markets is necessary in order to give their fishermen the advantage which they have secured over American fishermen, has entered into negotiations with the Government of the United States, through the British minister, to secure the renewal of the fishery arrangement which so seriously injured our fishing interests, either by special treaty dealing with this subject alone, or by a reciprocity treaty including other articles.

Your memorialists respectfully protest against any treaty, arrangement, or legislation which would admit Canadian fish into American markets free of duty, except in the case of herrings brought into our ports for sardine packing, and earnestly pray that Congress will recognize the claims of our American fishermen to the same measure of protection that is accorded other industries of the nation. We urge this not simply because of the importance of the industry, which can not maintain itself in open, free competition with the cheaper labor

and cheaper vessels and supplies of Canadians engaged in this industry, but also and especially because it is a nursery of seamen from which the nation has in the past drawn the men that have defended our flag on the ocean in time of war, and which it is as essential to maintain as a resource and defense in case of a conflict with naval power as it is to erect forts and build a navy.

And as in duty bound will ever pray.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: A bill for the relief of Joseph Walton & Co.—to the Committee on Claims.

By Mr. BLANCHARD: Memorial of the Chamber of Commerce of New Orleans, favoring Eads's ship-railway across the Isthmus of Tehuantepec—to the Committee on Commerce.

Also, memorial of the New Orleans Cotton Exchange, asking an investigation of the claimed discovery in Brazil and Mexico of prevention, by inoculation, of yellow-fever infection—to the Select Committee on the Public Health.

By Mr. BRECKINRIDGE: Petitions of Julia F. Crosby, administratrix of W. M. Crosby, deceased; of P. A. Willis; of Sarah Case, widow of George Case, deceased; and of Thomas Watkins, asking that their several claims be referred to the Court of Claims under act of March 3, 1885—to the Committee on War Claims.

By Mr. BUCHANAN: Memorials of Henry R. Pierson and William Dennody—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: Papers relating to the claim of Joseph Connerat, of Savannah, Ga., for reference to the Court of Claims under act March 3, 1883—to the Committee on War Claims.

By Mr. CURTIN: Petition of William Fichthorn, captain Company C, One hundred and first Regiment Pennsylvania Volunteer Infantry, for increase of pension—to the Committee on Invalid Pensions.

By Mr. FORNEY: Petition for the relief of Samuel Noble—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of F. P. Westmoreland, of Georgia, for a fee for representing the United States in the district court of the United States at Atlanta, Ga., with accompanying papers—to the Committee on Claims.

By Mr. HEPBURN: Petition of many citizens of Lucas County, Iowa, asking that the name of Thomas Williams be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HOUK: Petition of Robert Heiskell, for relief—to the Committee on War Claims.

By Mr. HOWARD: Memorial of John W. Beaman and B. F. Scribner, for relief (accompanying House bill)—to the Committee on Claims.

By Mr. T. D. JOHNSTON: Petition of William P. Payne, to be put on muster-rolls of Company F, Second Tennessee Cavalry—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Petition of L. G. Dodge and W. C. Fonda, vice-president and cashier of the Merchants' National Bank, Poughkeepsie, N. Y., asking that authority be given the Secretary of the Treasury to issue a duplicate bond in place of one destroyed—to the Committee on Banking and Currency.

By Mr. KING: Petition for relief by H. Filhiol, of Louisiana—to the Committee on War Claims.

By Mr. LANHAM: Memorial of Juan S. Hart, administrator of the estate of Simeon Hart, deceased, for the payment of certain lost checks drawn by disbursing officers of the United States—to the Committee on Claims.

By Mr. LIBBEY: Petitions of George H. Plant, John Leathers, Frank and Susan Della Terre, Charles Murphy, and Maj. William M. Maynadier—to the same committee.

Also, petitions of Ignacio Chaves and others; of owners of San Clemente grant, New Mexico, and of owners of Onago de San Lorenzo grant, New Mexico—to the Committee on Private Land Claims.

Also, petition of Basil Moreland—to the Committee on Indian Affairs.

Also, petitions of George W. Morse and of Sarah E. Holroyd—to the Committee on Patents.

By Mr. LORE: Petition of Robert H. West to be placed on pension-roll—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petitions of Elijah Hutchinson; of James M. Crawford; of Maj. John A. Morrison; of James P. Carroll; of Culvern Sanders; of Joseph Falconer; of George Denny, sr.; of Alderson T. Keene; of W. F. Scott; of the trustees of the Baptist church of Crab Orchard, Ky., for relief—to the Committee on War Claims.

Also, paper relating to Baptist church at Somerset, Ky.—to the same committee.

Also, petitions of Tabitha Ball, Samuel M. Boone, Jacob M. Pruitt, W. D. James, Samuel King, James J. McKinney, Francis M. Moore, Sarah A. Murphy, Robert Blain, Charlotte T. Brown, George W. Waddle, William Huffman, Thomas J. Worthington, Beaufort N. Sampson, Mary Riley, John R. Collett, Eliza Mason, and John C. Sayers, asking for pensions—to the Committee on Invalid Pensions.

Also, petition of Rebecca Robinson, asking for pension—to the Committee on Pensions.

Also, petition of W. G. Collier, praying payment of claim; also of James Gann for return of whisky tax—to the Committee on Claims.

Also, of D. M. Yocum, asking relief from stolen postage-stamps—to the same committee.

Also, of L. D. Hutchinson, for reimbursement of money expended in defending prosecutions—to the same committee.

Also, of S. R. Mershon, for relief; and paper relating to claim of J. S. Fisk—to the same committee.

Also, petitions of W. R. Boice; of James Clark Smith; of Archibald B. Rue; of Edmond Penn; of Andrew C. Meadows; of William D. Wolford; of T. M. Pennington; of George W. Sweeney; of Sarah Wills; of Benjamin W. Sloan; of John Hoffman; of C. K. Coffey; of John Owens; of W. F. Goggin, and of the heirs of Amanda Goggin, deceased, for relief—to the Committee on War Claims.

Also, papers relating to the claim of Capt. J. B. Sinclair, United States Army, retired, for relief—to the Committee on Military Affairs.

Also, papers relating to the claim of First Lieut. M. O'Brien, for relief—to the same committee.

Also, petition of Milton Burch, late private Company C, Thirteenth Kentucky Cavalry, for removal of charge of desertion against him—to the same committee.

Also, papers relating to the claim of First Lieut. L. W. Cooke, for relief—to the same committee.

Also, petition of John A. Morrison, for additional pay as officer in the Army—to the same committee.

Also, petition of A. Brown, for removal of charge of desertion against him—to the same committee.

Also, petition of T. C. Winfrey, for relief—to the same committee.

Also, petition of Nathaniel Warford, for back-pay—to the same committee.

By Mr. NEAL: Petition of the city of Chattanooga, for street across United States grounds at Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. O'HARA: Petition of Furnifold Mercer, praying reference of claim to Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

By Mr. PHELPS: Petition of residents of Morris County, New Jersey, in favor of Mexican reciprocity treaty—to the Committee on Ways and Means.

By Mr. RANNEY: Petition of the owners of the brig Tally Ho, asking reference of claim to the Court of Claims—to the Committee on Claims.

By Mr. ROBERTSON: Petition of Wesley H. Bratchen and others, of Kentucky, to be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. ROGERS: Petition and papers of Richard Hudgins, sole heir of B. B. and Rachael Hudgins; of Lauretta M. Herrol, widow of Josiah Herrol; of William Brents; of Warren Drake; of J. W. Hopkins; of Ruth C. Wallace, widow of Vincent Wallace, deceased; of Ethan A. Deuell and Edward V. Deuell, and of Phillip R. Jones, praying that their several claims be referred to the Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

By Mr. VIELE: Memorial of the Chamber of Commerce of the State of New York, in behalf of Joseph Francis, the inventor of the life-saving car—to the Committee on Commerce.

By Mr. WHEELER: A bill to appropriate $500,000 to complete the Muscle Shoals Canal and improve the navigation of the Tennessee River—to the Committee on Appropriations.

Also, petitions of F. E. Ashford, administrator of Bolling Byrd; Mary A. Allen, widow of N. G. Allen; John W. McGivier; Lewid F. Martin, executor of Francis C. Martin; Nancy Phillips, widow of Wilson Phillips; Reuben Copeland, Steven J. Matthews, and Clark M. Tompkins, praying that their several claims may be referred to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

SENATE.

THURSDAY, *December* 10, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

THOMAS M. BOWEN, a Senator from the State of Colorado, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 1665 of the Revised Statutes, a statement of the expenditures at the Springfield Armory, and of the arms, components of arms, and appendages fabricated, altered, and repaired at that armory during the fiscal year ended June 30, 1885; which, together with the accompanying pa-

pers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with law, the correspondence in regard to the proposed purchase for Army uses of the site and building in New York city known as the Old Produce Exchange; also, tracings of the plans for the reconstruction of the building; which was referred to the Committee on Military Affairs, and ordered to be printed.

The PRESIDENT *pro tempore*. The Chair calls attention to the fact that the communication of the Secretary of War in regard to the purchase of an armory building in New York city is accompanied by large and, as he is informed, expensive exhibits and maps. The Chair suggests that the question of printing these maps be referred to the Committee on Printing also.

Mr. EDMUNDS and others. That is right.

The PRESIDENT *pro tempore*. That question will be so referred.

TREASURY ACCOUNTS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Treasurer of the United States, transmitting, in compliance with section 311 of the Revised Statutes of the United States, copies of the accounts rendered to and settled with the First Comptroller for the fiscal year ending June 30, 1885; which was read.

The PRESIDENT *pro tempore*. These accounts, being in large folio volumes, have been filed with the Secretary of the Senate, and the Chair is advised that they are not usually published.

Mr. COCKRELL. Ought they not to be referred to the Committee on Printing, so that the committee may determine the propriety of printing them? They have heretofore been occasionally published, but not regularly.

The PRESIDENT *pro tempore*. Does the Senator from Missouri make a motion to refer?

Mr. COCKRELL. I do.

The PRESIDENT *pro tempore*. The communication, together with the accompanying papers, will be referred to the Committee on Printing, to consider the question of printing.

PETITIONS AND MEMORIALS.

Mr. LOGAN presented a petition of ex-soldiers in the late war, of Decatur, Ill., praying for an amendment to the act to "provide for the muster and pay of certain officers and enlisted men;" which was referred to the Committee on Military Affairs.

He also presented the petition of Amos Baccus, of Smithfield, Ill., late private Company B, One hundred and fifty-first Regiment Illinois Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Edmund C. Bailey, of Chicago, Ill., praying compensation for the use by the Government of his spiral cutter in the manufacture of rifle and musket barrels; which was referred to the Committee on Patents.

Mr. JACKSON presented the petition of Josiah M. Baird, of Rutherford County, Tennessee, praying to have his claim for quartermaster's stores furnished to the United States Army referred to the Court of Claims under the Bowman act; which was referred to the Committee on Claims.

Mr. PIKE. I present a joint resolution of the Legislature of New Hampshire favoring the enactment of such laws as will secure exclusively to American citizens the public lands of the United States. It is a resolution similar to the one which was sent to the President *pro tempore*, and which has been presented to the Senate and printed in the RECORD. I do not desire to have it read, but simply referred.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Public Lands.

Mr. McPHERSON. I present a joint resolution of the Legislature of New Jersey in regard to the establishment of a penal colony in Alaska.

The PRESIDENT *pro tempore*. The resolution sent to the desk being a printed copy, not certified to, is of such a character as is usually not read. It may lie on the table or be referred.

Mr. McPHERSON. I have a letter from the governor inclosing it.

The PRESIDENT *pro tempore*. If the Senator so desires, it will be read.

Mr. McPHERSON. I do.

The resolution was read, and referred to the Committee on Territories, as follows:

STATE OF NEW JERSEY.

[Joint resolution.]

Joint resolution relative to penal colonization.

1. *Be it resolved by the senate and general assembly of the State of New Jersey*, That the Senators and Representatives in Congress from this State be hereby requested to ask for a Congressional inquiry into the fitness of a portion of the Territory of Alaska for the purpose of a penal colony and the advisability of establishing such a colony for life or long-term convicts of the General Government and of the several States, to the end that with equally complete sequestration of dangerous criminals and equally effective punishment there may be better secured the improvement or reformation of the convicts, the comfort of their families, and the interest of honest labor, with which, under the present penal system, the labor of convicts must inevitably conflict in all parts of the country.

2. *And be it resolved*, That the governor be hereby requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives of this State in Congress.

Approved February 23, 1885.

PRINTING OF DOCUMENTS.

Mr. MANDERSON. I desire to make a report on behalf of the Committee on Printing. The committee instruct me to report back the resolution submitted by the Senator from Vermont [Mr. MORRILL] on the 8th instant for the printing of the President's message and certain accompanying reports. I ask that the resolution may be read before submitting a statement.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That there be printed for the use of the Senate 1,000 copies of the annual message of the President and the reports proper of the heads of Departments, Comptroller of the Currency, Director of the Mint, and Treasurer of the United States, not including appendices.

Mr. MANDERSON. Under the requirements of the law the message of the President and the reports of all heads of Departments, with the accompanying documents, are printed, 1,000 copies for the use of the Senate and 2,000 for the use of the other House. It is impossible, however, that these documents and reports can be printed for the use of Congress before, perhaps, March or April.

There is also required by law to be printed an abridgment of the message and documents; and under the statute it is provided that the head of each Department shall furnish to the Public Printer copies of the documents usually accompanying his annual report on or before the 1st day of November in each year, and a copy of his annual report on or before the third Monday in November in each year. Were this statute complied with, this abridgment of the messages and documents would be furnished to Congress during the month of January; but it is not within the knowledge, I think, of any member of the Committee on Printing that the statute has been complied with, and the message and documents are not placed in the hands of the clerk of the Committee on Printing until some time during the month of December. Therefore it is impossible that either the documents in full or the abridgment can be printed for the use of Congress during the early part of the session.

When a document is laid upon the table and ordered to be printed, that carries with the motion the printing of 1,900 copies—what is known as the "usual number." Of these 1,900 copies thus printed, but 243 pass to the Sergeant-at-Arms of the Senate, and 190 to the folding-room of the Senate; so that it will be seen that of "the usual number" the portion for the use of Senators is quite limited.

The committee has ascertained that the cost of printing the 1,000 copies of the message, and of the accompanying reports of the heads of Departments, as proposed by this resolution, will cost $320, and it therefore recommends the adoption of the resolution of the Senator from Vermont.

Mr. PLUMB. I wish to say to the chairman of the Committee on Printing that I think all this enforces the necessity of some general rule of legislation governing this question. There is no more reason why we should pass a resolution of this kind for the printing of a particular public document, say the message of the President or the report of the head of a Department, than there is that we should be adopting special resolutions for the printing of the accompanying documents.

I therefore commend to the Printing Committee the advisability of an amendment of the law whereby this printing will go on in the usual way. I am told by the superintendent of the document-room that the full report is not printed yet of some documents ordered to be printed last year because of the fact that the State Department has not furnished the matter; and of course if it had to wait upon the passage of a special resolution it may not be printed until next year.

I think we ought to have some rule about it to obviate the necessity of doing this, as the course we now pursue sometimes begets the fear that there may be some laxity or some duplication of printing which is not necessary.

Mr. MANDERSON. I will suggest, in response to the Senator from Kansas, that the Committee on Printing have already this matter under consideration and hope to report proper legislation. One difficulty, however, which I may suggest is that many of the reports that are placed on the table and ordered to be printed are of such importance that an additional number to the usual number should be printed. I recognize that there are evils because of the fact that no general rule is applicable to the printing of documents as of bills. One of the evils in regard to the printing of bills is that we print of every bill that is introduced 950 copies, and in many cases of private bills that is far in excess of the amount required. The difficulty is to establish any general rule on the subject. That, however, is under consideration.

Mr. COCKRELL. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again reported.

The Chief Clerk read the resolution.

Mr. COCKRELL. That will be in addition to the usual number that will be printed afterward.

Mr. MANDERSON. That will be in addition to the usual number of 1,900 copies, of which usual number the Senate obtains about 300 copies.

Mr. COCKRELL. I hope the Committee on Printing will see that the work is done promptly and sent to us.

The PRESIDENT *pro tempore*. The question is the adoption of the resolution reported by the Committee on Printing.

The resolution was agreed to.

SIOUX INDIAN LANDS IN DAKOTA.

Mr. MANDERSON. I report back from the Committee on Printing the answer to the resolution of the Senate of March 3, 1885, of the Secretary of the Interior, giving information in regard to the boundary line of the reservation heretofore occupied by the Sioux Indians at the Crow Creek agency in Dakota. The committee finds that the regular or usual number of this report when printed will cost $1,482. The 1,000 additional copies provided for by the resolution of the Senator from Massachusetts [Mr. DAWES] will cost, unbound, $500, and bound, $662.50. The cost being $500 to print the unbound copies, it requires a concurrent resolution of the two Houses of Congress to obtain this printing.

We therefore report back the resolution unfavorably, and I suggest to the Senator from Massachusetts the propriety of his presenting a concurrent resolution.

Mr. DAWES. I will inquire of the Senator whether the committee did not regard the information as of sufficient importance to be printed.

Mr. MANDERSON. The committee has not been able to give it thorough attention. The committee has simply understood that this was an important subject-matter.

Mr. DAWES. All the documents will be printed, the usual number I suppose, without any resolution?

Mr. MANDERSON. Without any resolution there will be 1,900 copies printed.

Mr. DAWES. Of the full report?

Mr. MANDERSON. Of the full report. The committee report back this resolution unfavorably.

Mr. ALLISON. It is a mere communication from the Secretary of the Interior, not a public document.

Mr. MANDERSON. It comes, however, under the head of "documents" so far as printing is concerned.

Mr. ALLISON. I should like the opinion of the Chair on that point. I do not think it does.

Mr. MANDERSON. The provision is that all documents and reports of or to either House of Congress shall be printed, and that the usual number printed shall be 1,900.

Mr. ALLISON. This communication is in answer to a resolution of the Senate passed at the last session.

Mr. MANDERSON. Yes, sir.

Mr. ALLISON. This is not a regular report.

Mr. EDMUNDS. We can make an order to print it.

Mr. ALLISON. But we have not made that order.

Mr. MANDERSON. If the communication of the Secretary of the Interior goes to the table and is ordered to be printed, 1,900 copies, the usual number, are printed under the rule.

Mr. DAWES. As at present advised, I think I shall not move the printing of an extra number.

Mr. ALLISON. I desire the Chair to state whether this document sent to us by the Secretary of the Interior, with the accompanying papers, will be printed without an order.

The PRESIDENT *pro tempore*. The motion to print the usual number was referred to the Committee on Printing. The Chair does not quite understand the report of the Committee on Printing.

Mr. MANDERSON. The committee report adversely to the motion to print 1,000 additional copies.

The PRESIDENT *pro tempore*. But the motion to print the usual number was also referred to the Committee on Printing.

Mr. MANDERSON. The committee did not so understand.

The PRESIDENT *pro tempore*. The Chair is advised that that was the order.

Mr. DAWES. There was no motion made to print 1,000 extra copies. A motion to print was made and referred, it being supposed that the committee themselves might pass upon the question whether extra copies were necessary or not. If the usual number of all the documents is to be printed, so far as I am concerned, I think that is all I shall ask.

The PRESIDENT *pro tempore*. The Chair understands then that the Committee on Printing report in favor of printing the usual number.

Mr. MANDERSON. Yes, sir; but adversely on printing the extra thousand.

The PRESIDENT *pro tempore*. If there be no objection, the report will be agreed to.

Mr. DAWES. That means with the accompanying papers?

The PRESIDENT *pro tempore*. That includes the accompanying papers.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 337) to provide for the establishment of a postal telegraphic system; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Post-Offices and Post-Roads.

Mr. EDMUNDS. That is the correct reference; but before the subject of the reference is disposed of, I wish to say that this bill is the same one that I introduced at the last Congress, and which went to the same committee, and was delayed there without any report until so late a period that in the press of business the subject could not be considered by the Senate before the expiration of the Congress.

I hope that the Committee on Post-Offices and Post-Roads will take the earliest opportunity to investigate this subject and to report upon the bill what they may think it right to do, either to reject it altogether or to amend it, so that the subject may be brought before the Senate at an early day for discussion and action. I wish to press it to a vote in this body, after reasonable discussion and examination by the committee. It may be that I should be willing myself (differing from my disposition last year) to provide for purchasing at their actual value the plants of telegraph companies that may wish to sell them to the United States—not the value of stock, watered or unwatered, but the actual value of the material substance of the lines and implements &c., provided we can find a tribunal that we have sufficient confidence in to appraise them or agree for them at a fair rate.

But, at any rate, what I wish now is to invite the committee, as I have no doubt it will gladly do, to an early consideration of and report upon the subject.

Mr. SAULSBURY. I think the remarks of the Senator from Vermont seem to convey an impression which perhaps he did not intend in regard to the bill of which he speaks having been referred to the Committee on Post-Offices and Post-Roads at the last Congress and there delayed unnecessarily. I wish to say to the Senator that the committee gave to that bill the most careful consideration and listened attentively to the argument of the Senator himself and the arguments on the other side, and that there was no unnecessary delay. They made a report at as early a day as they could arrive at a proper conclusion upon the merits of the bill referred to them.

Mr. EDMUNDS. I did not intend to impute the slightest reflection upon the Committee on Post-Offices and Post-Roads. The subject certainly was then comparatively new, and the enormous power of the opposition to any scheme of this kind demanded a right to be heard by counsel, and by witnesses, and all that kind of investigation that great corporations always invite, which have the effect, whether intended or not, greatly to delay matters before committees, as I have myself experienced in the Committee on the Judiciary and other committees.

But now, the committee at the last session having got possession of all the history and the broad facts concerning the matter, I think will find that they need not go over all the ground again in detail and spend a large part of the session in hearing the arguments of counsel and the testimony of witnesses upon a subject that they are already in possession of all the facts about. So I should hope, while I impute no impropriety in the action of the committee last year, that we may get a very early report at this session, so that the question may be brought to a decisive judgment of this body by discussion and a vote.

The PRESIDENT *pro tempore*. The bill is referred to the Committee on Post-Offices and Post-Roads.

Mr. CONGER introduced a bill (S. 338) to provide for the purchase of the two canals known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-Canal Railway and Iron Company Canal, being the water communication across Keweenaw Point, Lake Superior, by way of Portage River and Lake, in the State of Michigan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

He also introduced a bill (S. 339) to enable the Light-House Board to increase the number of the light-house districts on the Western rivers, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 340) to authorize the creation of an additional light-house district; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 341) to provide for the erection of a building for the Light-House Board at Washington, D. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 342) granting a pension to Marrilla Parsons, of Detroit, Mich.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 343) to remove the charge of desertion from the military record of William H. McBride; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 344) for the relief of Edward H. Leib; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 345) for the relief of Assistant Engineer Howard D. Potts, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PIKE introduced a bill (S. 346) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1867; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT introduced a bill (S. 347) to relieve commercial travelers from license taxes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 348) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry W. Benham, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE introduced a bill (S. 349) for the promotion of anatomical science, and to prevent the desecration of graves; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WILSON, of Maryland, introduced a bill (S. 350) for the relief of Edmund Wolf; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 351) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes; which was read twice by its title.

Mr. COKE. This bill was before the Committee on Railroads at the last session and was favorably reported by that committee. In my judgment it should go back to it, but as the Senate has ruled on similar bills that they should go before the Committee on Indian Affairs, I move the reference of this bill to the Committee on Indian Affairs.

The motion was agreed to.

Mr. HARRIS introduced a bill (S. 352) for the relief of Mrs. E. G. C. Abbott; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. and J. D. Morrison; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 354) to provide for protecting the interests of the United States in respect of any incumbrances on property wherein it has an interest; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 355) to promote peace amongst nations, for the creation of a tribunal for international arbitration, and for other purposes; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 356) granting a pension to Samuel Hanson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 357) granting arrears of pension to Nancy B. Leach; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 358) granting an increase of pension to Mrs. Emily M. Wyman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 359) granting a pension to Margaret A. Blake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 360) for the relief of John W. Beaman and B. F. Scribner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 361) granting a pension to John L. Willhoite; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 362) granting a pension to James H. King; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 363) granting a pension to Edward Ayers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 364) granting a pension to Nancy Battorff; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 365) for the relief of Martin L. Bundy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of New York, introduced a bill (S. 366) for the relief of William W. Webb; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 367) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 368) for the relief of Susan E. Alger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 369) for the payment of certain coupons of certain Indian-war bonds of the State of California; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JACKSON (by request) introduced a bill (S. 370) for the relief of Payne, James & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL. By request of a reputable attorney of this city I desire to introduce a bill.

The bill (S. 371) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes," was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GEORGE introduced a bill (S. 372) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of acts supplementary thereto; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. INGALLS introduced a bill (S. 373) to establish a municipal code for the District of Columbia; which was read twice by its title.

Mr. INGALLS. As the bill is very voluminous, I ask that it may be referred to the Committee on the District of Columbia without printing, and should it be necessary to print it I will take that order hereafter.

Mr. HARRIS. I should like to ask the Senator from Kansas if he knows whether there are quite a number of copies of the bill that he has just introduced now in print?

Mr. INGALLS. Enough for the use of the committee.

The PRESIDENT *pro tempore*. If there is no objection, the bill will be referred to the Committee on the District of Columbia without an order to print.

Mr. INGALLS introduced a bill (S. 374) relating to police regulations in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committe on the District of Columbia.

He also introduced a bill (S. 375) to refer the claims of the Eastern and Western Bands of Cherokee Indians to the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 376) granting a pension to L. V. Hollyfield; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 377) granting a pension to Matthias Leckner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 378) granting a pension to Jacob Beck; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 379) for the relief of David Cornpropst; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN (by request) introduced a bill (S. 380) for the relief of Mrs. Henrietta H. Cole; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced a bill (S. 381) for the relief of the trustees of the Christian Brothers' College of Saint Louis, Mo.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 383) for the relief of John P. Walworth; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 384) for the relief of John R. Treutlen; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 385) concerning the issuance of arms to the State militia; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 386) to make an additional Article of War; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 387) to define the status and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 388) to grant the right of way through the Fort Bliss military reservation to the Rio Grande and El Paso Railroad Company; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 389) for the relief of the heirs or legal representatives of Robert J. Baugness; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 390) for the relief of H. A. Myers; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 391) for the relief of A. A. Thomas; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 392) for the relief of Edward Fenlon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 393) to open to homestead settlement

certain portions of the Indian Territory, and for other purposes; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

Mr. PLUMB. Before the bill is referred, permit me to say that it is a literal copy of one introduced by me in the last Congress.

In the closing hours of the last session of the last Congress the President was authorized—and by the use of the word "authorized" I think it was intended that he should be required—to open negotiations with the Indians for the purpose of securing from them a cession of whatever interest they might have in these lands in order that the lands might be opened to homestead settlement. It was the expectation that that would be done during the last summer, and that the result of the negotiation would be reported to Congress at this session. I am informed by good authority that no steps at all have been taken in that respect.

I do not offer this bill with any preference for its particular terms. I present it in order that the subject itself may be taken up by the Committee on Indian Affairs, if they will consider it of sufficient importance to have it engage their time, so that some settlement of this very important question may be arrived at.

I say now, as I have heretofore said on this floor, that if the question is not settled by Congress it will in some way settle itself, and I fear not in a manner creditable to the Government or to the people. In view of the occurrences which are now taking place in that country by the removal of men who are there in the belief that they have a right to be there, and similar occurrences which will take place hereafter no doubt, and some of them I am afraid accompanied by a more or less tragical conclusion, I think this subject ought to receive the early and favorable consideration of the Committee on Indian Affairs and of Congress.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs.

Mr. VAN WYCK introduced a bill (S. 394) to establish an additional land district in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GIBSON introduced a bill (S. 395) to admit free of duty a certain set of altars for the Catholic church of St. John the Evangelist, in the parish of La Fayette, Louisiana; which was read twice by its title, and referred to the Committee on Finance.

Mr. GIBSON. A short memorial or petition accompanies the bill, which I ask the consent of the Senate to have printed and referred to the Finance Committee.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks the unanimous consent of the Senate to have printed a memorial accompanying the bill. Is there objection? The Chair hears none, and it is so ordered. The paper will be referred to the Committee on Finance, to accompany the bill.

Mr. GIBSON introduced a bill (S. 396) for the relief of Mrs. Mary Shannon, administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON. There is also a memorial accompanying that bill which I should like to have printed, with the consent of the Senate.

The PRESIDENT *pro tempore*. The Senator from Louisiana asks unanimous consent to have printed the memorial accompanying the bill just introduced.

Mr. ALLISON. In the RECORD?

Mr. GIBSON. No, sir.

The PRESIDENT *pro tempore*. Not in the RECORD, but as a document. If there is no objection, the paper will be printed and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 397) for the relief of Archibald White; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 398) for the relief of Wilson Ryan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 399) for the relief of J. D. Butler; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 400) for the relief of Robert Langston; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 401) for the relief of Julia A. Read; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 402) for the relief of George Denny, sr.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 403) for the relief of Alfred Ray and John W. Ray, executors of the estate of Enos Ray, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 404) for the relief of Amelia B. Caldwell, administratrix of John H. Caldwell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 405) for the relief of Anthony L. Woodson; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 406) for the relief of Miles Kelly; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 407) for the relief of John W. Rowlett; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 408) for the relief of A. C. Meadows; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 409) for the relief of Thomas J. Whitman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 410) for the relief of J. A. Hodges; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 411) for the relief of A. C. P. Shoemaker; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 412) for the relief of the legal representatives of Francois Fournier; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also introduced a bill (S. 413) giving a military record to Alexander Francesco, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 414) for the relief of Mrs. Fanny S. Conway, of Louisville, Ky.; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 415) for the relief of M. B. Pilkinton, executrix of Edward T. Pilkinton, deceased, for internal-revenue stamps lost on tobacco burned in his factory; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 416) for the relief of J. M. Lobban; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 417) for the relief of Weissinger & Bate, Edward Holbrook, and others; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB (by request) introduced a bill (S. 418) for the relief of the Western Miami Indians; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GIBSON introduced a bill (S. 419) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at said place, for educational purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 420) to amend the law relating to the bonds of executors in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CALL subsequently said: I introduced a bill this morning (S. 420) to amend the laws in relation to bonds of executors in the District of Columbia, and it was referred to the Committee on the District of Columbia. I ask to change that reference and refer it to the Committee on the Judiciary, by which it has been twice reported and on which committee's report it has once passed the Senate.

The PRESIDENT *pro tempore*. That change of reference will be made. The bill will be referred to the Committee on the Judiciary.

Mr. BLACKBURN introduced a bill (S. 421) granting a pension to Isabella Bullock; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 422) granting a pension to Eliza Francesco; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 423) granting a pension to Elizabeth Daniel; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 424) giving a military record to Alexander Francesco, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 425) giving a military record to James King; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 426) giving a military record to Thomas Miller; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DOLPH introduced a bill (S. 427) for the repeal of an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of property destroyed in the military service of the United States;" which was read twice by its title.

Mr. DOLPH. I ask that the bill may lie on the table until after the morning business is concluded, when, if it shall be the pleasure of the Senate, I desire to make a brief statement in regard to it, and then have it referred.

The PRESIDENT *pro tempore*. The bill will lie on the table to await the pleasure of the Senate, if there be no objection.

Mr. MORGAN introduced a bill (S. 428) to provide for the appointment and compensation of a district judge for the southern district of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 429) to repeal the statute of limitations on the allowance of pension arrears and to regulate proof in pension cases; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 430) to change the limit of appropriation for the public building at Terre Haute, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL introduced a bill (S. 431) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 432) donating certain lots to the city of Saint Augustine, Fla., for public schools, parks, and a public library; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 433) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 434) for the relief of the heirs and distributees of the estate of Silvia Wilford, of Duval County, Florida; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

He also introduced a bill (S. 435) granting land-warrants to soldiers and sailors in the United States service in the Seminole Indian war of 1856, their widows and orphans; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 436) for the relief of persons whose property has been confiscated under the act of Congress entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July 17, 1862; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 437) for the relief of the legal represent atives of Maj. Matthew Smith; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 438) for the relief of James Filor, William Curry, and William Pinckney; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 439) to disqualify justices of the Supreme Court from sitting in the trial of causes which have been previously heard before them in their circuits or otherwise; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 440) confirming titles to certain lands in the State of Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 441) for continuing the work on the channel between Cumberland and Amelia Islands, Florida, and the entrance to Fernandina, Fla., and Saint Mary's, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 442) for the improvement of the Suwannee River, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 443) to improve the entrance and channels of Pensacola Harbor, Florida, including both the outer and inner bars; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 444) providing for the establishment of a land office at Bartow, Polk County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 445) to repeal all laws and parts of laws prohibiting pensions to wounded soldiers of the United States without proof of loyalty; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 446) to amend section 4400 of the Revised Statutes so that vessels under five tons' burden, and used for private purposes and not carrying passengers for hire, shall not be subject to license; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 447) granting a pension to Julia A. Ross; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 448) to investigate the issue of fraudulent land-warrants and to protect soldiers and sailors of the United States from loss therefrom; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 449) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 450) to establish a bureau of the fine arts; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 451) for the improvement of certain channels, rivers, and harbors in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 452) for continuing work on improvement of the harbor of Tampa, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 453) for the erection of a public building at Jacksonville, Fla.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 454) for the donation of the public land known as the Fort Brooke military reservation, in Florida, to the town of Tampa, in Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 455) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 456) providing for a resurvey of township 12 south, of range 27 east, in Putnam County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 457) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 458) to prevent the sale of adulterated food in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 459) authorizing the Secretary of the Treasury to overrule and reverse the decisions of all inferior officers of the Treasury Department in respect to all matters of account; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 460) granting bounty land to Laura Prine; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 461) to change the time of holding United States circuit and district courts in the southern district of the State of Florida; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 462) to remove the political disabilities of H. Myers, of Florida; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 463) amending section 4414 of the Revised Statutes, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 464) to amend article 103 of the Rules and Articles of War; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 465) for continuing the improvement of the harbor at Tampa, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 466) to regulate the subletting of contracts for carrying the United States mails; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 467) providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 468) for the purchase of the Mallory lot in Key West, Fla., for naval purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 469) for extension of pension of Mrs. Ann Leddy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 470) for a survey and estimate for a railroad from the mainland to Key West, Fla., and for a canal connecting the same with the Saint John's River, for military and naval purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a joint resolution (S. R. 9) for the relief of Caroline M. Seton and Mary Jeannette Sibbald, heirs at law of Charles F. Sibbald, deceased; which was read twice by its title, and referred to the Committee on Private Land Claims.

PROPOSED ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. BECK. I ask the Senator from Iowa to withhold that motion for the present. I understand that a communication will come from the President to-day, and it may be followed by another to-morrow. If the Senator will postpone his motion for a little while he can renew it at any time.

Mr. ALLISON. I withdraw the motion.

The PRESIDENT *pro tempore*. The motion is withdrawn.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JACKSON, it was

Ordered, That the petition and accompanying papers in the case of Payne, James & Co. be taken from the files and referred to the Committee on Claims.

On motion of Mr. BECK, it was

Ordered, That the papers now on file in the office of the Secretary of the Senate be withdrawn, subject to the rules, and referred to the appropriate committees in the following-named cases:

Bills:
For the relief of James Trabue and others.
For the relief of Anthony L. Woodson.
For the relief of Miles Kelly.
For the relief of John W. Rowlett.
For the relief of A. C. Meadows.
For the relief of Thomas J. Whitman.
For the relief of J. A. Hodges.
For the relief of Alexander Francesco.
For the relief of A. C. P. Shoemaker.
For the relief of Archibald White.
For the relief of James M. Lobban.
For the relief of Wilson Ryan.
For the relief of J. D. Butler.
For the relief of Robert Langston.
For the relief of Mrs. Fannie S. Conway.
For the relief of Weissinger & Bate and others.
For the relief of Julia A. Reed.
For the relief of George Denny, sr.
For the relief of representatives of Francois Fournier.
For the relief of the executrix of M. B. Pilkington.
For the relief of the executors of Enos Ray.
For the relief of the administratrix of John H. Caldwell.
For the relief of Harry I. Todd.
For the relief of Warren Mitchell.
For the relief of Mrs. Lizzie D. Clarke.
For the relief of Madison Female Institute.
For the relief of Mrs. S. S. Farrell.
For the relief of Russellville A. and M. Association.
For the relief of sufferers at Manchester Salt Works.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of E. G. C. Abbott be taken from the files and referred to the Committee on Claims.

On motion of Mr. PLATT, it was

Ordered, That the papers relating to the bill for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. H. W. Benham, be taken from the Secretary's office and referred to the Committee on Pensions, no adverse report on the bill having been made.

On motion of Mr. PLUMB, it was

Ordered, That the petition and accompanying papers in the claim of the Western Miami Indians be taken from the files and referred to the Committee on Indian Affairs.

On motion of Mr. HOAR, it was

Ordered, That the papers now on the files of the Senate relating to the bill making appropriation for the relief of the First National Bank of Newton, Mass., be withdrawn and referred to the Committee on Claims.

PRINTING OF BILLS.

Mr. DAWES. I ask for the adoption of the following resolution:

Resolved, That there be printed 1,000 extra copies each of Senate bills Nos. 52 and 54.

They are bills which I introduced day before yesterday, and which it would be very desirable to have distributed and understood pretty thoroughly among the people whom they affect.

The resolution was considered by unanimous consent, and agreed to.

OBSEQUIES OF GENERAL GRANT.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the appropriation for miscellaneous items of the contingent fund of the Senate the actual and necessary expenses of the Senate committee appointed to attend the funeral obsequies of General U. S. Grant, late President of the United States, on voucher or vouchers properly allowed by the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORT ON EUROPEAN SEACOAST FORTIFICATIONS.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and hereby is, directed to communicate to the Senate a copy of the report of Capt. W. H. Bixby, of the United States Engineer Corps, on the seacoast fortifications in Europe in 1881–'82.

SMITHSONIAN INSTITUTION REGENTS.

Mr. MORRILL. If it be now in order, I call up the joint resolution in relation to the Board of Regents of the Smithsonian Institution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

Mr. MORRILL. I will merely state that this joint resolution is for the reappointment of three of the present Regents, and to supply the vacancy in consequence of the removal of General Sherman from the city, in whose place the name inserted is that of General Meigs.

Mr. INGALLS. Let us hear the joint resolution read at length.

Mr. HARRIS. Let it be read.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the reappointment of John Maclean, of New Jersey; Asa Gray, of Massachusetts; Henry Coppee, of Pennsylvania; and the appointment of Montgomery C. Meigs, of the city of Washington, vice William T. Sherman, whose term has expired and who is no longer a citizen of Washington.

Mr. INGALLS. Has the joint resolution been reported by any committee?

The PRESIDENT *pro tempore*. It has not been reported.

Mr. INGALLS. It appears to me that in a matter of this consequence we ought not to be called upon to act on the joint resolution without having the opinion of some committee on the subject. I shall hear with interest what the Senator from Vermont has to say upon the subject, but I am very clear that we should have the opinion of a committee.

Mr. MORRILL. In the first place, I will say that I am not aware of any appropriate committee to which this measure could be referred; and, in the next place, the joint resolution merely provides for the reappointment of three distinguished citizens, of different States, who have already served their term, which has expired, and the other nomination made is that of General Meigs, to supply the place of General Sherman, who is no longer eligible in consequence of having removed from the city of Washington, and the original law requires two to be residents of the city of Washington.

I may say that I was unfortunate in not conversing with the Senator from Kansas, but I conversed with quite a number of other Senators, who agreed that the presentation of the name of General Meigs was an eminently proper one to be made.

Mr. VOORHEES. May I inquire whether there is any new name suggested in that list with the exception of that of General Meigs?

Mr. MORRILL. That is the only one.

Mr. VOORHEES. So I understood.

The PRESIDENT *pro tempore*. Is the Chair to understand the Senator from Kansas as moving to refer the joint resolution to a committee? If not, the joint resolution is before the Senate as in Committee of the Whole.

Mr. MAXEY. As a member of the Board of Regents I wish to say, in reply to the suggestion of the Senator from Kansas, that the character of General Meigs is too well known to require the report of any committee of this body; and the reason which actuated me in sustaining the position taken by the Senator from Vermont, who is also a member of the Board of Regents, was that there is to be some very valuable improvement soon made in the Smithsonian building and General Meigs is an architect of distinguished reputation, and his appointment as a member of the Board of Regents, he living here in Washington, would be eminently proper. I think he ought to go on that board. His well-known character we thought was ample to justify the appointment without a reference to a committee.

The joint resolution was reported to the Senate without amendment.

Mr. MORGAN. I hope that the resolution will pass, although I consider that it is a little hasty for us to act, as the Senator from Kansas has suggested, without the advice of any committee; but I do not wish it to be understood that I vote for it on the ground stated by the Senator from Texas, that of General Meigs's architectural capacity or ability, for if we take the new Pension Office here as a sample of it and we undertake in advance to refer that to the judgment and taste of the people of the United States, we shall make a very wide mistake. I shall vote for General Meigs because I think he is a scientist, not because I think he is an architect.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LOSS OF PROPERTY BY OFFICERS AND SOLDIERS.

The PRESIDENT *pro tempore*. If there be no further morning business, the bill introduced by the Senator from Oregon [Mr. DOLPH] will be laid before the Senate.

The CHIEF CLERK. A bill (S. 427) for the repeal of an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of property destroyed in the military service of the United States."

Mr. DOLPH. Mr. President, agreeably to notice, I ask the indulgence of the Senate while I make a brief statement in regard to this bill.

During the last days of the second session of the Forty-eighth Congress, at a time when the Senate was in a mood to accommodate individual Senators who desired to have bills taken up out of their order in which they were particularly interested, the Senator from Missouri who sits nearest the desk [Mr. COCKRELL] asked to have taken up a bill to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States. I had never examined the bill, but upon the reading of it was unable to give it my assent. I endeavored then to call the attention of Senators to what I considered to be the extraordinary provisions of the bill; but as I appeared to stand alone and the occasion was not a suitable one for an extended discussion of the merits of the bill, I contented myself with voting against it. I ask the Sec-

retary now to read what I have marked in the discussion of the bill itself, as it appears in the RECORD.

The Chief Clerk read as follows:

Mr. DOLPH. Before I vote on the bill, as I have not had time to examine it, I should like to know something more about it. I inquire of the Senator from Missouri if I understand the provision of the bill to be that in all cases where property of officers or enlisted men in the service of the United States is accidentally destroyed, as in the case of an accidental fire, while they are in service, the claim may be presented to the War Department, allowed, and paid?

Mr. COCKRELL. Let the amendment be read as proposed and the bill with it, and then the Senator will get the idea. As I stated, there is no new principle in this. It is simply to take out of Congress a large number of cases that are pending here every year and that always pass when reached. It establishes no new principle of liability at all, and the Senator will discover exactly what it is if he listens to its being read as proposed to be amended.

The PRESIDING OFFICER. The whole bill?

Mr. COCKRELL. The part in regard to liability.

Mr. DOLPH. I thought I caught the reading of the bill. I should like the Senator from Missouri to inform me if it is proposed by this bill, which is certainly new, although it may be a general law in conformity to the practice of the committee, to provide that any officer or enlisted man who has lost property by an accidental fire without his negligence may present his claim to the War Department and have it allowed and paid?

Mr. COCKRELL. Under certain conditions therein stated.

Mr. DOLPH. It seems to me that it is based on a wrong principle.

Mr. COCKRELL. The question has been debated fifty times in the Senate, and always decided one way; and the committee, in order to get rid of the personal investigation of all these cases, reported this general bill which has been passed by the House, and we limited it, did not make it as wide as it was when it passed the House. We restricted it more narrowly than the House bill.

Mr. FRYE. And the payment in case of a loss by fire is limited, is it not?

Mr. COCKRELL. It is.

Mr. FRYE. Where an officer or soldier in taking charge of Government property sacrifices his own.

Mr. SEWELL. The limitation extends to the articles necessary for the position of the officers or men, not to watches, trinkets, or anything of that kind, but to the necessary equipment of the soldier or officer.

Mr. COCKRELL. The bill as proposed to be amended reads:

"That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service under the following circumstances:

"First. When such fault or destruction was without fault or negligence on the part of the claimant.

"Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

"Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances. And the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*. That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war or hostilities with Indians: *And provided further*, That the liability of the Government under this act shall be limited to such article of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty."

Mr. DOLPH. Now I think I understand the bill. In the first place it proposes to pay for the loss of all property of persons in the military service of the United States where the property was lost without the fault of the party losing the property. In the second place it proposes to pay for the loss of all property shipped on unseaworthy vessels by order of the Government. In the next place it proposes to pay for the loss of property of the claimant, notwithstanding he may be negligent himself, if his negligence arose from the fact that he was engaged at the time in saving Government property instead of saving his own. The very first provision there is that the United States invites claims for payment for all property lost while in the military service except in time of war and during hostilities, without the fault or negligence of the party losing the property. I think that is a very broad and very important measure to be brought up on the spur of the moment.

Mr. DOLPH. Mr. President, the bill passed and became a law. Its provisions are considered so extraordinary as to have been made a subject of discussion by the Secretary of War in his report under a distinct heading and have also been noticed by the President in his message. I ask the Secretary to read what the Secretary of War says about the bill in his annual report, which I send to the desk.

The Chief Clerk read as follows:

Congress, in the act of March 3, 1885 (23 Statutes, page 350), enacted:

"That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to examine into, ascertain, and determine the value of the private property belonging to officers and enlisted men in the military service of the United States which has been, or may hereafter be, lost or destroyed in the military service, under the following circumstances:

"First. When such loss or destruction was without fault or negligence on the part of the claimant.

"Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

"Third. Where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances; and the amount of such loss so ascertained and determined shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted on under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war or hostilities with Indians: *And provided further*, That the liability of the Government under this act shall be limited to such articles of personal property as the Secretary of War, in his discretion, shall decide to be reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in the public service, in the line of duty: *And provided further*, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction."

This act proposes to compensate officers and enlisted men for personal property lost while they are on duty in the military service of the United States, in time of peace. While making an indefinite continuing appropriation for the payment of the claims, it establishes no limit to the amount of property to be paid for, except what the Secretary of War "shall decide to be reasonable, useful, necessary, and proper for the officer or soldier while in quarters, engaged in the public service, in the line of duty." It extends to all claims of the character mentioned, without limitation of time, if presented within two years from its passage; and also applies to all claims hereafter arising, provided they are presented within two years from the date of loss.

The Government thus becomes the insurer of all the personal property of every officer and enlisted man in the Army while in the line of duty in time of peace which may be decided by the Secretary of War to be "reasonable, useful, necessary, and proper." Eighty claims have already been received at the War Department, amounting to about $60,000, and the scope of the act is indicated by an examination of their character. One, amounting to $2,311.50, is the claim of an officer high in rank for apparently the entire contents of his residence destroyed by the great conflagration in Chicago in 1871. An assistant surgeon makes a claim for property burned at Fort Keogh, Mont., in 1878, stated at $5,536 in value, one item being for "underwear and clothing of all kinds for a family of six. $1,834," and another for "two gold watches, chains, rings, and other jewelry, $572." Another claim for property lost in the same fire is for a "Saratoga trunk and contents, $258," and a "leather trunk and contents, $304.50."

The first item of the first claim presented is for an "envelope containing, in United States currency, $47.54," and a claim (stated at $6,178.50) for property destroyed at Memphis, Tenn., in 1867, embraces "family clothing and underwear, $1,500; gold and silver coin, $525; personal clothing, $605.50; paintings, engravings, and frames, $500." The widows of two officers have filed claims for property lost in 1849, stated at $1,000 and $136 respectively. When it is remembered that the Government must depend almost entirely upon the statement of the claimant, it is evident that an opportunity is afforded for the presentation of claims which may be greatly magnified beyond the actual loss. Attention is invited to the clause wherein the Secretary of War is directed to determine what articles are reasonable, useful, &c. This clause is capable of two constructions: (1) That the Secretary shall prepare a list of articles applicable to all cases; in other words, shall make a general and inflexible rule upon the subject; (2) that the Secretary shall determine in each case what articles lost or destroyed are reasonable, &c. The last would seem to be the more probable construction, and yet the method by which it is to be accomplished is both unusual and inconvenient, and may be inconclusive.

The mode of procedure in effecting a settlement of these claims differs from the well-established rules which govern the adjudication of other claims against the Government. Under the act and the rules prescribed by the accounting officers, claimants make up their claims and file them with the Third Auditor of the Treasury, who, after the receipt of evidence in support thereof, forwards the papers, without stating whether the claim is proved, to the Secretary of War for him to decide what articles are considered "necessary, useful, proper," &c. None of the claims have yet received the action required of the Secretary, but when one is acted upon by him it will go back to the Auditor to determine the value of the articles decided by the Secretary to be necessary, &c. The papers will then go to the Second Comptroller, who, not considering the proof in a given case sufficient to establish the loss, may reject the claim. It will thus be seen that the labor required of the Secretary of War may be a work of supererogation.

On the subject of compensation for property lost by officers and men in the military service of other countries, an examination has been made of the works found in the libraries of this city relating to such losses in the British, French, and German armies. In the British army there is an allowance granted to officers, non-commissioned officers, and soldiers to enable them to re-equip themselves after having incurred losses of property, either by the enemy, shipwreck, fire, or by the voluntary destruction of articles or horses, with the view of preventing the spread of infectious diseases. In all such cases a board of officers is required to establish the nature, extent, and cause of the loss, and to recommend the amount to be allowed within a scale from a maximum of £314 (light equipment in the field) and £373 (full equipment in garrison) for a general officer, to a minimum of £70 2s. and £97 2s., respectively, for assistant or veterinary surgeons of infantry. No compensation is given to officers for losses incurred while they are on leave of absence, except in the case of sick leave; and should an officer in proceeding to or returning from a station send his baggage by a vessel in which he does not himself proceed, and fail to insure it, should he have the opportunity of doing so, then any loss incurred by shipwreck or fire will not be made good by the public. The claims of non-commissioned officers or soldiers for the loss of clothing and necessaries are required to be established by a board of regimental officers, and compensation is given according to the actual value of the articles at the time of their loss. In the estimates for 1884 and 1885 £1,500 is asked to compensate officers and men for losses supposed to be those above mentioned, which is a very small amount for the objects enumerated.

In the French army there exists a fund known as "the general sustenance fund," being a certain sum allowed by the government to each regiment or other military organization, which is applied to commutation of officers' quarters, office expenses, commutation of rations, loss of private effects, or when horses or effects are taken by the enemy—open to officers of all grades.

In regard to the German army, there does not appear to be any legislation of this character.

In the provision made by Congress for payment of losses by officers and men of private property, under exceptional circumstances, on the steamer J. Don. Cameron, the property insured was wisely exempted from the benefits of the act. In the enactment under consideration there is no such restriction. It is doubted whether the act was intended to be of the comprehensive character its language imports, and the matter is submitted for such further action as Congress may deem proper.

Mr. DOLPH. The President of the United States in his annual message says:

The act approved March 3, 1885, designed to compensate officers and enlisted men for loss of private property while in the service of the United States, is so indefinite in its terms, and apparently admits so many claims the adjustment of which could not have been contemplated, that if it is to remain upon the statute-book it needs amendment.

Now, sir, re-enforced and confirmed in my opinion as to the unwise character of this enactment, I have introduced this bill for the repeal of the act.

The palpable objections to this act are:

First. That it makes an indefinite continuing appropriation for the payment of claims against the Government.

Second. That it authorizes the presentation, settlement, and payment of claims of the character mentioned which have arisen at any time since the formation of the Government.

Third. That it establishes no limit to the amount of property to be paid for, and does not sufficiently define the character of such property,

but relegates these subjects to the judgment or caprice of the Secretary of War.

Fourth. It makes the Government an insurer of the personal property of every officer and enlisted man in the Army while in the line of duty in time of peace, which may be decided by the Secretary of War to be "reasonable, useful, necessary, and proper."

It prescribes a different mode of procedure for the settlement of such claims from the established rules which govern the adjudication of other claims against the Government.

As to the character of the claims to be paid under this act, the act appears to be without precedent in this country, and, so far as known, in foreign countries. It should be either repealed or greatly modified. I think it should be repealed; if not, it should be amended so as to provide for the payment of such property only as has been or shall be destroyed or lost not only without the fault or negligence of the claimant but by reason of the fault or negligence of the agents of the Government in the performance of their official duties, so as to limit its provisions to claims which have arisen within a comparatively recent period, say to the period of six years prior to the passage of the act, to such articles as are necessary for the use of the officer or soldier while on duty, which should be, as far as possible, described in the act, and to provide for a board of Army officers or other competent tribunal to pass upon such claims and report upon the nature, extent, and cause of the loss and recommend the amount to be paid.

The truth is, sir, that there is no Department of the Government, so far as I am informed, where the Government is liable for the mistakes, defaults, or negligences of its officers by which its citizens have incurred loss; and I think even if the act were amended as I have suggested it would still be unwise legislation. It would not be well even in favor of so meritorious a class as the officers and enlisted men of the Army to undertake to make the Government liable in every case for the negligence of the officers of the Government.

I ask that the bill be referred to the Committee on Military Affairs.

Mr. COCKRELL. Mr. President, I hope the conscience of the distinguished Senator from Oregon is relieved of the weight of responsibility which rested upon him in entering his objections to this bill, particularly since the very lucid and elaborate explanation of the bill which has been made by the distinguished Secretary of War.

Mr. President, this bill is nothing new. It is simply an enunciation of a policy and principle which has guided the legislation of this country from the foundation of it down to this date. The Statutes at Large teem with bills passed in pursuance of the policy indicated in this law. Every committee of this body in the last ten years that has jurisdiction of such matters has reported favorably such bills. They have been reported favorably from the Committee on Claims; they have been reported favorably from the Committee on Military Affairs; and they have been reported favorably from the Committee on Naval Affairs; and they have passed; and this bill is as carefully guarded as any measure of the kind could be. If the War Department may not be able to determine what "articles of personal property" are "reasonable, useful, necessary, and proper for such officer or soldier while in quarters, engaged in public service in the line of duty," it is certainly not the fault of Congress. It does seem to me that there ought to be some machinery in the War Department that could determine so plain a question as that—so plain that even he who runs may read and understand.

Our Government is not as liberal in this respect as other governments, and the very authority that the Secretary of War quotes shows that the English Government is much more liberal. This bill was passed by the House of Representatives and was referred to the Committee on Military Affairs of the Senate and was submitted to me as a subcommittee of that committee. It was reported back to the full committee, sanctioned by the full committee, reported to the Senate, passed, and became a law.

These questions are not new. As I stated when the bill was passed, I have personally been opposed to the principle of the Government being liable for any kind of loss of this character. Other members have been; but we yielded to the majority of the committee not only on claims but also on military affairs after we had discussed it and the committees had decided it. Then the committees followed that rule afterward. It was for the purpose of taking out of Congress the consideration of all these questions that the bill was passed. And how could Congress consider them? They would refer them to the Secretary of War and he would make a report to us and we would act upon that report. We thought that he could, with the machinery he had of inspectors and quartermasters and paymasters and commissaries and all those officers, ascertain the facts in the various cases, and that being at the head of the War Department he would be best competent to determine what articles of personal property were necessary and proper and suitable for the subordinates of his Department to have while in their quarters in public service in the line of duty—certainly as much so as a committee of Congress would be. If he has not the machinery to ascertain that fact, I suppose that Congress will have to assume the responsibility of it.

I confess, Mr. President, that, so far as I can see, the criticisms on the bill, both from the Senator and from the Secretary of War, are without any sufficient foundation.

Mr. DOLPH. Mr. President, in what I said in opposition to this bill when it was passed, and in what I have now said, I meant no criticism or reflection upon the Senator from Missouri. I have great faith in his ability and his integrity, and I feel like commending him on all occasions for his zeal and watchfulness over the interests of the Government. I knew he did not introduce this bill; it originated in the House of Representatives. I do not say it was prepared by any member of the House; I think it was prepared by parties interested, and I will say here that I believe the bill is in the interest of an organized raid upon the Treasury of the United States and was intended as such by whoever drew it. It passed through the Senate without such consideration as it ought to have received. I did not believe the Senator from Missouri gave the bill such consideration as he usually gives to such matters, and I do not think so still. If anything would shake my confidence in his judgment of this matter, it would be the zeal he has now manifested in defending the bill.

The bill is wrong in principle. So far as I know there has never been, while I have been a member of the Committee on Claims, a report made in which the committee undertook to hold the Government liable for the fraud or the mistake or the negligence of the officers of the Government. Such a principle, if established in this Government, would be very disastrous. If in every department of the Government the United States should hold itself liable to any citizen for every injury occurring by reason of the wrongdoing or the negligence of public officers, no amount of taxation would be sufficient to keep the Treasury full. And, sir, I do not think there can be found upon the statute-books a single general law in which the Government has undertaken to pay such claims. If there have been private acts reported from the Committee on Military Affairs as suggested by the honorable Senator, in discussing this bill at the time it was passed I undertook to say that that practice was wrong, that the principle upon which those claims were paid was wrong. What reason is there why the Government should make itself an insurer of the personal property of all the officers and enlisted men in the Army, and if the Government is to make itself the insurer of the property of such officers and employés, why not of every officer and agent and employé of the Government in every department?

Then again the worst feature, probably, about this bill is that claims may be presented at any time within two years after its passage which originated at any period since the formation of the Government, and already claims have been presented for losses which are alleged to have been incurred in 1849, for the contents of trunks, for the contents of safes, for the contents of buildings—presented after the evidence which the Government might have obtained to show what the property was that was lost and the character and value of it has been lost to the Government, when no one has any particular interest in looking up testimony and defending the Government against such claims, claims that must be determined entirely on the *ex parte* statement of the claimant.

In examining a claim presented from the State of New York to the Committee on Claims, I had occasion to examine a somewhat similar bill to provide for the loss of property during actual hostilities and to comment upon it, and the remarks made by me in that report are applicable now to this feature of this bill which allows claims to be presented which are a hundred years old. I ask the Secretary to read what I reported at that time on that subject.

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection, the matter sent up by the Senator will be read.

The Chief Clerk read as follows:

War claims have in the past been the subject of much fraud, even when audited while they were fresh and the witnesses to the transactions out of which they arose were living. As an example of such frauds your committee cite the case of certain claims closely connected with the one under consideration, presented for payment under the provisions of an act of Congress approved April 9, 1816, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes." By that act provision was made for the payment to any volunteer or drafted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the war of 1812, sustained damage by the loss of any horse in battle, or for want of sufficient forage, and for the payment for the loss of any horse in consequence of the owner having been dismounted or separated from the same by order of the commanding officer, or in consequence of the rider having been killed or wounded in battle; and by the fourth section of said act it was provided, among other things, that any person who, in the war of 1812, had acted in the military service of the United States as a volunteer or drafted militiaman, and who furnished himself with arms and military accouterments, and has sustained damage by the capture or destruction of the same, without fault or negligence on his part, should be allowed and paid the value thereof. A commission was appointed to audit such claims.

On the 11th of March, 1818, a report was made to the House of Representatives by a committee thereof concerning claims presented under this act, in which it is said that the documents from the commissioners of claims "develop the fact that on the frontiers of New York *a system of fraud, forgery, and perjury* has been in operation which the committee believes has never been witnessed in this country. It may well be questioned whether in a national point of view it would not have been better that the law of April, 1816, had never been passed. It is the duty of a good government to attend to the morals of the people as an affair of primary concern."

Mr. DOLPH. I am prepared to discuss the provisions of this bill further; but I shield myself behind the opinion of the Chief Magistrate of the nation and the Secretary of War as to the character of this bill.

Mr. HAWLEY. Mr. President, I confess this is a somewhat singular way of discussing a bill that is already on the statute-book; but the remarks of the Senator from Oregon are so particularly severe, and assume

to pass such sweeping judgment upon the Military Committee of the Senate, that I am compelled to say a word or two.

As the Senator from Missouri has said—and perhaps it is all that needed to be said—there is nothing new whatever in the principle of this bill. Congress has a thousand times over recognized the equity in this consideration, that when an officer is commanded by authority that he dares not resist, and does not dream of resisting, to put his personal property upon a certain ship or in a certain warehouse, while he goes off perhaps upon a raid—no matter what, upon whatever military duty he is ordered—and when that property shall be destroyed by no fault of his, simply while he is obeying orders, then he should be allowed a reasonable compensation, not for gold watches, and curtains, and carpets, and all sorts of things that some foolish people have presented a claim for, as the Secretary of War says; but whatever is reasonable, useful, necessary, and proper for him in quarters in the line of duty, as the statute substantially prescribes already. It tells just how many coats and shirts and pairs of trousers, and boots, and socks a private soldier shall have; it prescribes uniforms for an officer, prescribes the sword and the pistol and the spurs and the cavalry boots; so that the claim in each individual case can not be a very large one. If an officer chooses to furnish his quarters luxuriously and stores that furniture in the warehouse while he goes off on duty, and that is destroyed, this statute excludes him from any claim whatever for that.

The principle of the bill is one that has been recognized; and the purpose of the bill was simply to save Congress from the everlasting consideration of little petty details in the shape of claims. I do not say that the bill is perfect. It is possible that it might be revised and some additional safeguards put into it; but the general purpose and principle of it is right, and I am astonished that any man capable of being a Cabinet officer should have felt himself embarrassed under the provisions of the bill when some foolish person asked to be paid for a gold watch.

Mr. PLUMB. Mr. President, this is rather an extraordinary discussion on the whole, but after what has been said I think it proper to have a little more said.

There is no question what the intent of the bill is. There is also no question that it puts a very dangerous power in the hands of the Secretary of War. The Senator from Connecticut [Mr. HAWLEY] and the Senator from Missouri [Mr. COCKRELL], who advocate the bill as they advocated the passage of special bills heretofore on the same subject, will admit, I have no doubt, that the Secretary of War can very readily by a little careless omission on his own part in passing upon claims submitted, which may have been the result of collusion among brother officers, commit the Treasury to very extraordinary payments. It is a power that ought not to be committed to any executive officer in a matter of this kind.

I dissent totally from the principle of the bill, as I have objected to similar bills that have been passed, and I do not think Congress has committed itself heretofore to the principle found in this bill. We pass Indian claims here occasionally, but Congress has never held that that committed it to the payment of every Indian claim. Whenever we have passed a bill (at least since I have been on this floor) for the payment of losses incurred by Army officers of this character, it has been stated that the case was a special one. While it is true, as the Senator from Connecticut says, that probably what a military man has may be the subject of regulation, I do not think it is quite as much in detail as he says it is; but still suppose an officer can only have certain pairs of pistols, a certain sword, a certain number of dress-coats, &c., I think the Senator has had familiarity enough with boards of survey to know that when a question of loss arises to be considered, the men who lose anything are always the men who had a full supply. I never knew a man to be employed in the Army who was necessarily called on to account for the loss of property, where that man did not happen to be equipped with everything from a watering pail to a picket-pin that he was entitled by law to have, though not one man in a thousand ever had them fifteen minutes after they were drawn.

This bill is as vicious, I think, as a bill of that kind, well intended as it was, could possibly be. I hope it will be repealed, but I have no expectation that it will be.

Mr. COCKRELL. I simply want to call attention to some precedents in this case and to a bill that was once passed couched in the exact language of this bill, sent to the Secretary of War for him to determine the amount that should be paid, and it was determined and he never complained of the looseness of the language. A bill of this kind was passed:

That the Secretary of war is hereby authorized and required to ascertain the value of the property lost by First Lieut. Frank P. Gross, U. S. A., by the burning of his quarters at Fort Clark, Tex., on or about the 19th day of April, 1869, without fault or neglect on his part, and the amount so ascertained is hereby appropriated for that purpose: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer whilst in quarters, engaged in the public service, or exceeding in amount the sum of $2,000.

That was passed and became a law. The Secretary of War adjudicated the claim and paid it. There was no complaint that the law was so loose that the Department did not know what to do under it. Sundry other bills of that kind have passed. We put in an amendment, which became a part of this law, using the exact language which we had used before in many cases conferring on the Secretary of War authority to adjudicate and pay.

Now as to the precedents. I have before me a few of them selected from different administrations, and I ask to have read from a report made by me the part I have marked. That will show what was done under the administration of Andrew Jackson and other illustrious successors of his.

The Chief Clerk read as follows:

Your committee gave due consideration to this case and made as thorough examination as time and opportunities would afford as to the policy and precedents of the Government in similar cases. Your committee find that by "An act for the relief of sundry persons in the service of the United States in consequence of the destruction of their tools by fire at the navy-yard, approved March 3, 1815" (6 Statutes at Large, page 155), a sum not to exceed $5,000 was appropriated to pay "all claims for losses that have been sustained by artificers, mechanics, and other workmen in the employ or service of the United States for tools and other articles essential to and connected with their trade and occupation which have been destroyed by fire in consequence of burning the buildings of the navy-yard in the city of Washington;" and that by "An act for the relief of John Crosby and John Crosby, jr., approved April 26, 1816" (6 Statutes at Large, pages 167 and 168), "the proper accounting officers of the Navy Department were directed to settle the claim of John Crosby and John Crosby, jr., on account of the destruction by fire of their store-house, goods, and wharf in the town of Hampden, in the State of Massachusetts, and to allow them in settlement thereof the value of said property destroyed as aforesaid."

Your committee further find that the following acts were passed by Congress in 1832, to wit:

An act for the relief of the heirs and legal representatives of Edward Barry, deceased.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be paid to the heirs and legal representatives of Edward Barry, late a sailing-master in the Navy of the United States, out of any money in the Treasury not otherwise appropriated, the sum of $568.35, in full compensation for the property of the said Edward Barry, destroyed in the conflagration of the navy-yard at Washington, in the year 1814.

Approved July 14, 1832.

(Volume 6, Statutes at Large, private bills, page 520.)

An act for the relief of the officers and soldiers of Fort Delaware.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Second Auditor of the Treasury be, and he is hereby, authorized and required to ascertain the amount of property lost by each officer and soldier in the conflagration which occurred at Fort Delaware on the night of the 8th of February, 1831; and the amount so ascertained shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved July 14, 1832.

(Volume 6, United States Statutes at Large, private laws, page 512.)

And by "An act for the relief of the heirs and legal representatives of John Rose, sr., deceased, approved June 30, 1834" (6 Statutes at Large, page 594), a sum not to exceed $2,500 was appropriated, to be paid for "the actual value of the property of John Rose, sr., late in the employ of the United States, as a machinist, at the navy-yard at Washington, but now deceased, which was destroyed by fire by the burning of said navy-yard in the year 1814." And that by

An act for the relief of the United States troops who were sufferers by the recent disaster to the steamship San Francisco.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That there shall be paid, under the direction of the President, to each of the officers, non-commissioned officers, musicians, and privates, who, on the 21st day of December, 1853, embarked at New York, under orders for California, on the steamship San Francisco, and who was on board that vessel on the occasion of her recent disaster at sea, and to Lieut. Francis Key Murray, and other officer or seaman of the United States Navy who was on board the said steamship, under orders, a sum equal in amount to his pay and allowances for eight months.

SEC. 2. *And be it further enacted*, That if any such officer, non-commissioned officer, musician, or private shall have died before receiving such payment from any cause consequent upon said disaster, his widow, if one survive him, and, if not, then his minor children, if any there be, shall be paid a sum equal in amount to six months' pay and allowances of the deceased. And that the widows and minor children of those officers, non-commissioned officers, and privates who perished by this disaster, or who died from disease in consequence thereof, shall be allowed pensions in the same manner in all respects as if the said officers, non-commissioned officers, and privates had been killed in battle. (10 Stat., 269).

Approved March 27, 1854.

An act for the relief of certain officers of the Third United States Artillery, who suffered by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of Treasury of the United States be, and are hereby, authorized to settle with the first lieutenants of the Third United States Artillery who lost their personal effects by fire at Fort Hamilton, New York Harbor, on the 3d of March, 1875, at a sum not to exceed $600 each, and a sufficient sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved January 30, 1877.

An act for the relief of the sufferers by the wreck of the United States steamer Huron, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to reimburse the survivors of the officers and crew of the United States steamer Huron, wrecked off the coast of North Carolina on the morning of the 24th of November, 1877, for the losses incurred by them respectively in said wreck, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, the following sums, to wit:

To William P. Conway, master, $1,000.

To Lucien Young, ensign, $1,000.

To Robert G. Denig, assistant engineer, $1,000.

To Edgar T. Warburton, cadet-engineer, $1,000; and the following-named survivors of the crew of said vessel, to wit: Patrick Kane, Michael Trainor, Joseph Murphy, William McHugh, Michael Kennedy, Frank Watts, Peter Duffy, Frederick Hoffman, William L. Houseman, Robert Sampson, Michael Durkin, Dominique O'Donnell, August Lindgrist, Daniel Devoy, J. J. Robertson, Dennis Deasy, Samuel Clark, John E. Holland, John Collins, W. W. Brooks, Harry W. Avery, Daniel Burgan, Frank May, Harry Nelson, Thomas Price, Antoine Williams, Joseph Haynes, Thomas Carley, E. P. Trainer, Edward Aaronburg, $100 each.

With this long list of precedents, your committee does not feel willing to make Lieutenant Gross an exception. Your committee holds that no allowance should be made for any property not necessary and proper for Lieutenant Gross while in the service in the line of duty; and not being able to determine from the evidence what articles claimed and destroyed were useful, necessary, and proper for such an officer while in the public service, or the exact value thereof, your committee recommend a substitute by striking out all after the enacting clause and inserting the following, to wit: "That the Secretary of War is hereby authorized and required to ascertain the value of the property lost by First Lieut. Frank P. Gross, U. S. A., by the burning of his quarters at Fort Clark, Tex., on or about the 19th day of April, 1869, without fault or neglect on his part, and the amount so ascertained is hereby appropriated for that purpose: *Provided*, That no allowance be made for any property except what was useful, necessary, and proper for such an officer while in quarters, engaged in the public service, or exceeding in amount the sum of $2,000."

Mr. LOGAN. Mr. President, I desire to say but a word in relation to this proposition.

I desire first to state that, as is well known by the Committee on Military Affairs, on which I served for a number of years, I have never willingly acceded to the proposition that the Government of the United States should become an insurance office in order to become responsible for the loss of property. This bill, however, was passed after due consideration by the committee, as I remember it, for the reason that at every session of Congress bills were passed allowing compensation to officers and men of the Army for the loss of property. I am very much surprised, sir, at the report of the Secretary of War. Doubtless he is an able man, an able jurist, and occupying the position he does should be well versed in military affairs, and I presume he has so become; but if any Senator will read this act carefully I do not believe he can come to the same conclusion the Secretary of War has arrived at.

In the first place, if I were required to construe this law I would try to do it in about this way: I would first examine the statutes and ascertain what a soldier is allowed, how many suits of clothes he is entitled to during one year, with necessary bedding, &c., their value, &c., and then if he had an excess beyond that amount unnecessary for him as a soldier, that the Government would not be liable for such excess should loss occur as pointed out by the law. If the loss was occasioned not by *laches* on his part but by negligence on the part of the Government or its agents, he would then be entitled to compensation for that loss. If he had accumulated a number of articles not recognized by law, not recognized by the regulations of the Army as being those which the Government supplied to him as a soldier, I would say that he was not entitled to compensation for them; and this law bears that simple, plain construction. Why the Secretary of War shall say that it is impossible to construe this law when by law the articles that shall be issued to the soldier, and named—for those articles he is certainly entitled to pay if lost in the manner stated in the act—I can not understand.

Mr. DOLPH. I wish to ask the Senator a question if he will permit me.

Mr. LOGAN. Certainly.

Mr. DOLPH. Does not the first clause of that bill, which is separately numbered, authorize and direct the payment for property lost or destroyed where the Government is not in fault? For instance, a claim was presented by a certain high officer for the loss of his household effects which were burned during the great fire in Chicago for which the Government was not at all responsible. Is not that clause broad enough to authorize and direct payment for the loss of property under any circumstances where the officer or enlisted man who owned the property was not in fault?

Mr. LOGAN. In case of a fire where the Government might not be in fault or the officer in fault, where the loss was not on account of any negligence on the part of the officer, he might be entitled to compensation, where the Secretary, weighing the matter fairly, could see that his claim was equitable and just; not entitled to compensation, however, for a large amount of household furniture; and there is where the Secretary of War is in error. The officer losing his property by reason of a fire would not be entitled to receive compensation for property lost that was not necessary to and for his use as an officer but only as a householder and head of a family. Does the Secretary of War mean that because a claim has been presented here for the underwear of a family of six, therefore the Secretary of War is bound to allow a claim of that kind when the material was not necessary to the claimant as an officer? The law applies to him as an officer and applies to the soldier as a soldier and in no other respect.

That which is necessary to him by way of clothing and equipment as an officer he is entitled to, and entitled to receive compensation for; but suppose he has accumulated a large number of articles that are not necessary to him for use as a military man, accumulated for his comfort and convenience, can any one construe this law to mean that the Government should be responsible and bound to pay for articles of that kind? Will the Senator from Oregon say that a claim for two watches should be allowed? Will any Secretary of War or any reasonable man construe the law to mean that two watches are necessary for an officer when one watch is sufficient for any other man?

Mr. DOLPH. Will the Senator permit me to make a suggestion?

Mr. LOGAN. Certainly.

Mr. DOLPH. The provision as to the character of the property to be paid for is too indefinite, too uncertain. It vests too much, as I have before stated, in the judgment or the caprice of the Secretary of War. One fault that I find with this legislation is that the first subdivision provides for payment for property "when such loss or destruction was without fault or negligence on the part of the claimant," independent of the question as to whether the Government was at all at fault. Therefore under the provisions of this act the claim which has been presented for the loss of household furniture by an officer of the Army stationed at Chicago during the great fire comes within this clause. What shall be allowed, I grant, is to be determined by the Secretary of War, but by him alone, according, as I said before, to his judgment or caprice. That provision is too indefinite, if the law shall stand at all.

Mr. LOGAN. Now let the Senator listen to the reading of the law in that particular, and let us see if we can not arrive at the same conclusion in reference to its proper construction. The section, after going on and enumerating how the value of the articles shall be determined by the Secretary of War, provides—

That the liability of the Government under this act shall be limited to—

To what?

To such articles of personal property as the Secretary of War in his discretion shall decide to be reasonable, useful, necessary, and proper for such officer or soldier.

What is reasonable, useful, and necessary for an officer or a soldier? The Secretary of War ought to be competent to determine that matter, and if he is not he lacks in that competency which ought to pertain to his position. Now, sir, what is reasonable, useful, and proper for a soldier are his clothing and his bedding and such articles as are allowed and furnished him by the Government which are charged against him. If he loses those things which pertain to him as a soldier, which are charged to him by the Government, then he is entitled to compensation for them if he loses them under any of the circumstances mentioned in this law. If he has accumulated half a dozen suits of clothes, he is not entitled under the law to compensation for their loss, but he is only entitled to compensation for what is "necessary, useful, and proper."

What is necessary for an officer? He may be entitled to a horse or horses and to the equipments for the animals, and entitled to his sword, which, however, he purchases himself; he is entitled to his uniform, but he purchases it himself. He is entitled to his bedding. He is entitled to a box or trunk or mess-chest, or whatever is necessary to carry those things in time of war or to retain them in time of peace. But will any man say that because a person is a commissioned officer the Secretary of War is to extend his generosity so much as to allow bedding and clothing for six of a family and say all that is necessary for an officer? That may be necessary to his family, but is not to him as an officer. That which is necessary to him as an officer is that which is allowable and that which is provided for—the equipment, the accouterment, and the paraphernalia that belong to an officer—nothing more.

To say that this law can not be fairly construed and that it is subject to different constructions and that it can not be determined how much property an officer or soldier shall be allowed, is a conclusion that I should dislike to arrive at were I Secretary of War. He speaks of claims having been presented for two gold watches, chains, rings, and other jewelry, and he can not determine whether an officer is entitled to watches, rings, chains, and jewelry as an officer of the Army! It seems to me that this could be determined by a man of learning in this line without being a secretary of war. I have never heard stores proper for an officer denominated in this way before. It seems to me that he could readily determine that an officer is not entitled to an allowance for chains, rings, and jewelry, as an officer of the Army. He is entitled to them for himself if he purchases them, but the Government is not responsible for them or their loss, as they are not necessary to an officer or soldier.

The simplest mode of construing statutes, in my judgment, would give to this act a definite meaning and understanding, without bothering Congress or the President of the United States on the subject. Although, as is well known to the Committee on Military Affairs, I have heretofore opposed, while serving on that committee, this proposition, yet when a law has been passed and it comes to a mere question of construction, I say there should be no doubt in the Secretary's mind as to the proper construction of this statute.

The PRESIDENT *pro tempore*. The question is on the motion to refer this bill to the Committee on Military Affairs.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALLISON. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Several messages of an executive character were received from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries.

Mr. ALLISON. Now, Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consid-

eration of executive business. After twenty-six minutes spent in executive session the doors were reopened, and (at 2 o'clock and 36 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 12, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Wednesday was read and approved.

ANNUAL REPORT SECRETARY OF THE TREASURY.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year 1885; which was laid on the table, and ordered to be printed.

COLLECTION OF CUSTOMS REVENUE.

The SPEAKER also laid before the House a report of the Secretary of the Treasury on the collection of customs duties for the year 1885; which was laid on the table, and ordered to be printed.

EXPENDITURES DEPARTMENT OF STATE.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting statement of expenditures and disbursements in the Department of State for the year 1885; which was laid on the table, and ordered to be printed.

CONTINGENT EXPENDITURES TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report of the contingent expenditures of the Treasury Department for the fiscal year ending June 30, 1885; which was laid on the table, and ordered to be printed.

CONTINGENT FUND WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of the expenditures of the contingent fund for that Department for the fiscal year ending June 30, 1885; which was laid on the table, and ordered to be printed.

MONEY ACCOUNTS DISBURSING OFFICERS, WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of inspection of money accounts of disbursing officers of the War Department for the year ending June 30, 1885; which was laid on the table.

SPRINGFIELD ARMORY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of expenditures for the Springfield armory for the fiscal year ending June 30, 1885, and of arms manufactured and repaired during said fiscal year; which was laid on the table, and ordered to be printed.

COL. T. G. BAYLOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a memorial of Col. T. G. Baylor, of the Ordnance Department, recommending that he be relieved of an item of $431.69 charged against him upon the books of the Treasury Department; which was laid on the table.

BOND OF UNITED STATES MARSHAL, ALASKA.

The SPEAKER also laid before the House a letter from the Attorney-General, inclosing a letter from the United States attorney for Alaska, recommending such legislation as will enable the United States marshal for Alaska to execute his official bond; which was laid on the table, and ordered to be printed.

ANNUAL REPORT ATTORNEY-GENERAL.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting his annual report to Congress; which was laid on the table.

PROPOSALS FOR CARRYING THE MAILS.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting an abstract of proposals for carrying the mails received during the fiscal year ending June 30, 1885; which was laid on the table.

CONTINGENT FUND INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement of expenditures of the contingent fund for that Department for the year ending June 30, 1885; which was laid on the table.

BUILDING IN NEW YORK FOR ARMY USES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting correspondence relative to the proposed purchase of a site and building in New York city for Army uses; which was laid on the table, and ordered to be printed.

ASSISTANT TREASURER'S ACCOUNTS.

The SPEAKER also laid before the House a letter from the Assistant Treasurer, transmitting copies of accounts settled with the First Comptroller of the Treasury for the fiscal year ended June 30, 1885; which was laid on the table.

JUDGMENTS OF COURT OF CLAIMS.

The SPEAKER also laid before the House a communication from the Clerk of the Court of Claims, transmitting a statement of the judgments rendered during the year ended November 30, 1885; which was laid on the table, and ordered to be printed.

REPORT OF COMPTROLLER OF THE CURRENCY.

The SPEAKER also laid before the House a letter from the Comptroller of the Treasury, transmitting his twenty-third annual report; which was laid on the table, and ordered to be printed.

JAMES H. AYRES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting a copy of the order and findings of that court in the case of James H. Ayres against the United States; which was laid on the table, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the Commissioner of the Freedman's Savings and Trust Company, transmitting his annual report; which was laid on the table, and ordered to be printed.

INVENTORY OF PUBLIC DOCUMENTS, ETC.

The SPEAKER also laid before the House a report from L. F. Warder, Acting Doorkeeper of the House, submitting an inventory of all the books and public documents in the folding and storage rooms of the House of Representatives under charge of the Doorkeeper December 9, 1885; which was laid on the table, and ordered to be printed.

PROPERTY OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER also laid before the House a communication from L. F. Warder, Acting Doorkeeper of the House, transmitting a report and inventory of the property of the House under charge of the Doorkeeper December 9, 1885; which was laid on the table, and ordered to be printed.

RULES OF THE THIRTY-SIXTH AND FORTY-SIXTH CONGRESSES.

Mr. REED, of Maine. I offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the compilation of the revisions of the rules of the House in the Thirty-sixth and Forty-sixth Congresses prepared by the Journal Clerk be printed under his direction for the use of the House.

Mr. REED, of Maine. I think that that publication may be of use in the discussion of the rules. I understand it can be printed and laid before the House by Tuesday morning next.

The SPEAKER. The question is on the adoption of the resolution.

Mr. CANNON. Does the gentleman from Maine propose to have this compilation printed before the rules are passed upon?

Mr. REED, of Maine. Yes; before the rules are passed upon.

Mr. CANNON. What number of copies does he propose to have printed?

Mr. REED, of Maine. The usual number. This is simply a compilation of the changes made in the rules in the Thirty-sixth and Forty-sixth Congresses.

Mr. HOLMAN. I trust the gentleman from Maine will state the reason for this, or the purpose in view.

Mr. REED, of Maine. The purpose is to enable members more thoroughly to comprehend the proposed revision of the rules after the report of the Committee on Rules shall have been made.

Mr. HOLMAN. We have, of course, the rules of the Forty-sixth Congress before us; but if the gentleman from Maine thinks it is important to have this compilation printed I will, of course, make no objection.

The resolution was agreed to.

Mr. REED, of Maine, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COUNTING THE ELECTORAL VOTE.

Mr. BUCK. I desire to present a letter from the governor of Connecticut, transmitting resolutions of the General Assembly of that State relative to the ascertainment and counting of the electoral vote, and move that it be laid on the table and printed in the RECORD.

Mr. MORRISON. I object to printing in the RECORD.

Mr. BUCK. These are resolutions of the Legislature of Connecticut relative to the counting of the electoral vote.

Mr. MORRISON. I have no objection to the resolutions being laid on the table and going to a committee when appointed. But I must at the outset object to printing everything in the RECORD.

Mr. BUCK. I ask to have the letter and resolutions read.

The SPEAKER. The gentleman from Connecticut asks to have the resolutions read. The gentleman has that right.

The letter and accompanying resolutions were read, and were laid on the table.

ORDER OF BUSINESS.

Mr. HOLMAN. It is understood that the Committee on Rules are not yet prepared to report to the House. It is important that this committee should have proper time for deliberation, and it is manifest that the House can not proceed with any advantage until action shall be taken in regard to the rules. I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 17 minutes p. m.) the House adjourned till Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: A bill authorizing the President to appoint and retire Alfred Pleasonton a major-general—to the Committee on Military Affairs.

By Mr. BLANCHARD: Memorial of the merchants of New Orleans concerning the ship-railway across the Isthmus of Tehuantepec—to the Committee on Railways and Canals.

By Mr. BRADY: Petition and papers in the case of Thomas William Smith, Wellville, Va., being a claim for property taken and used by United States Army during late war, with request for reference of same—to the Committee on War Claims.

By Mr. C. E. BROWN: Paper relating to claim of William Elder—to the Committee on Military Affairs.

Also, papers relating to claim of Orville Burke—to the same committee.

Also, bill for relief of John A. Coan, and papers relating to same—to the Committee on War Claims.

By Mr. CALDWELL: Petition of Francis E. Stewart, administratrix of Michael S. Stewart, for relief—to the same committee.

By Mr. COLE: Petition of the Merchants and Miners' Transportation Company, of Baltimore, Md., for relief for the seizure and use of their steamships Ben Deford and S. R. Spaulding during the late war—to the Committee on War Claims.

Also, petition of William Weddingfield, praying the passage of an act of Congress to amend an act approved February 26, 1885, granting a pension to William Weddingfield—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of merchants and shippers of Delaware County, Pennsylvania, for improving Darby Creek—to the Committee on Rivers and Harbors.

By Mr. GAY: Memorial of citizens of New Orleans, La., favoring Eads's ship-railway across the Isthmus of Tehuantepec—to the Committee on Railways and Canals.

By Mr. GLASS: Petitions of S. Y. Taylor and others and of A. Walker and others, of Haywood County, Tennessee, protesting against further appropriations for the Forked Deer River—to the Committee on Rivers and Harbors.

By Mr. GOFF: Petition of Bridget Kearney, widow of Patrick Kearney, late private Company B, Third Regiment Virginia Infantry Volunteers, for relief—to the Committee on Invalid Pensions.

By Mr. HAYDEN: Petition of Augustus P. Clarke, late surgeon Sixth Regiment New York Cavalry Volunteers, war of 1861, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. HEPBURN: Petition of many citizens of Decatur County, Iowa, on the subject of the coinage of silver and the issue of silver certificates—to the Committee on Coinage, Weights, and Measures.

By Mr. HERMAN: Petition of John Campbell, praying the reference of his claim to the Court of Claims under act of March 3, 1885—to the Committee on War Claims.

By Mr. HOLMES: Petitions of John Smith and 173 others, citizens of Boone County, and of L. Oliver and 23 others, citizens of Gilbert, Iowa, asking that the coinage of silver be placed upon an equality with the coinage of gold; that the coin certificate system be continued and modified, and that such certificates be made a legal tender, requiring the reissue of one and two dollar legal-tender notes, and that the public debt may be paid as rapidly as possible—to the Committee on Coinage, Weights, and Measures.

By Mr. PERKINS: Petition of J. P. Slaughter and others, citizens of Labette County, Kansas, asking for the free coinage of silver, and other legislation—to the Committee on Coinage, Weights, and Measures.

Also, petition of J. B. Davidson and others, of Parsons, Kans., asking for legislation prohibiting the employment of convict labor on the public works of the General Government—to the Committee on Labor.

Also, petition of J. A. Whitcraft and 230 others, citizens of Cherokee County, Kansas, asking for the free coinage of silver, and for other legislation—to the Committee on Coinage, Weights, and Measures.

By Mr. PETTIBONE: Petition of Andrew Floyd, late of Company F, Second New Hampshire Volunteers, for relief—to the Committee on War Claims.

By Mr. SENEY: Petition of Lake Carriers' Association, respecting the improvement of Saint Mary's River—to the Committee on Rivers and Harbors.

By Mr. SHAW: Petition of Emanuel Mackly, for relief—to the Committee on War Claims.

By Mr. SKINNER: Petitions and papers of Kenneth R. Pendleton; of Elisha Colbert, and of Nancy C. Hill, widow of Isaac S. Hill, praying the reference of their claims to the Court of Claims, under act of March 3, 1883—to the same committee.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of Saint Paul, Minn., praying for the early passage of an equitable bankrupt law—to the Committee on the Judiciary.

By Mr. TOOLE: Petition of Maj. Theo. Eckerson, for an advancement in grade upon being retired from the service, his service dating back to 1883, with testimonials from Generals Grant, Sheridan, Ripley, Ingalls, and others—to the Committee on Military Affairs.

Also, petition of Maj. Theo. Eckerson, Quartermaster's Department, United States Army, praying to be retired with additional rank on account of long and faithful services, with papers relating to and in support of the same—to the same committee.

By Mr. J. B. WEAVER: Petitions of Ellis Smith and 160 others, citizens of Missouri; of R. J. Harvey and 36 others, citizens of Indiana; of John Mawbray and about 150 others, citizens of Illinois; of J. M. Stephen and 30 others, citizens of Kansas; of J. G. Freeman and 8 others, citizens of Michigan; of Thomas Dolley and 36 others, citizens of Colorado; of J. R. Shoemaker and 21 others, citizens of Missouri; of S. Chadwick and 108 others, citizens of Wisconsin; of J. P. Holmes and 35 others, citizens of Oregon; and of S. Deadwick and 62 others, citizens of Wisconsin, asking that silver be placed upon an equal footing with gold, and for legislation favorable to the people—to the Committee on Coinage, Weights, and Measures.

By Mr. WILLIS: Petition of Moore, Bremaker & Co., and others, of Louisville, Ky., asking that any act affecting the tariff on sugar shall take effect in the month of November—to the Committee on Ways and Means.

SENATE.

MONDAY, *December* 14, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of the proceedings of Thursday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* laid before the Senate a letter from the governor of Connecticut, transmitting a certified copy of a resolution of the General Assembly of Connecticut; which was read, as follows:

STATE OF CONNECTICUT.
General Assembly, January session, A. D. 1885.

Resolution concerning the election of President.

Resolved by this Assembly in the name and behalf of the State, That Congress is hereby respectfully but earnestly requested to enact, without unnecessary delay, some suitable law regulating the ascertainment and counting of the votes of Presidential electors.

That the governor is hereby requested to transmit to the presiding officer of each House of Congress a duly certified copy of this resolution for presentation to the House over which such officer presides; and that the governor is also requested to send a like copy hereof to the governor of each of the States of the Union.

STATE OF CONNECTICUT,
Office of Secretary of State, ss:

I, Charles A. Russell, secretary of the State of Connecticut and keeper of the seal thereof and of the original record of the acts and resolutions of the General Assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning the election of President with the original records of the same now remaining in this office, and have found the said copy to be a correct transcript thereof, and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 22d day of August, 1885.

[SEAL.] CHARLES A. RUSSELL,
Secretary of State.

Mr. PLATT. Mr. President, I have been requested by the governor of Connecticut to commend this resolution and the subject to which it relates to the earnest and immediate consideration of the Senate. In view of the fact that since I have been a member of the Senate three bills having reference to the ascertainment and counting of the vote for Presidential electors have been passed by this body, it can not be necessary to urge upon the body the necessity of doing so. I merely speak of it to show that the State which I have the honor in part to represent is very much interested in this subject.

Mr. HOAR. Mr. President, I think the failure of this measure in the last Congress, if I may be permitted to say a word, was in some sense due to the State which my friend has the honor in part to represent, and that that State should understand it. The Senate passed a bill which it had three times passed. That bill was referred in the House of Representatives—the last House, not the present. It is a matter of history of which I have a right to speak. They differed with the Senate in some matters of detail. Thereupon a committee of conference in the usual form was appointed at the session before the last, and that committee of conference failed to agree. I believed, on such informa-

tion as I had, that on the reporting of that failure the House would promptly recede from its action and agree with the Senate. I was informed by very many members of the House who knew its opinion that it would recede from its action and agree with the Senate. But the chairman of the committee of conference on the part of the House, a distinguished Representative from the State of Connecticut, failed to report the action of the committee, the Congress expired, and no report whatever was made to the House.

Mr. EDMUNDS. According to the parliamentary form the report had to be made first in the other House.

Mr. HOAR. The parliamentary rule required that the report should be made first there. Thereupon the chairman of the committee on the part of the Senate, I having the honor to occupy that position, reported to the Senate late in the session the difficulty and informed the Senate of the fact. My impression is that a message was sent to the House informing them of what the Senate had done, that the report had been made here contrary to the usual form. But however that may be—I may be in error in that recollection; that is entirely unimportant—the substantial fact remained that the opportunity that the House or the Senate either might recede from its position and agree upon the bill passed by, in consequence of the fact that no report to the House of Representatives was made by the distinguished gentleman from Connecticut, who then occupied the position of chairman of the committee of conference on the part of the other House.

Mr. PLATT. All that the Senator has stated, which I believe to be accurately stated, scarcely justifies him in saying that the responsibility for the failure of that bill is upon the State of Connecticut, which was the statement with which he prefaced his remarks. I suppose it is known to all the members of the Senate that a Representative from one of the districts of the State of Connecticut, who was formerly a member of this body, entertains different views as to the bill which should be passed upon this subject; but his action is not the action of the State; and it is very possible that the knowledge of that action in the State may be a reason for the governor's desiring that emphasis be given to this resolution of the General Assembly of Connecticut.

The resolution was referred to the Committee on Privileges and Elections, and ordered to be printed.

The PRESIDENT *pro tempore* presented a communication from the State executive committee of Dakota; which was read, as follows:

OFFICE OF STATE EXECUTIVE COMMITTEE,
Yankton, Dak., December 7, 1885.

To the honorable President of the Senate of the Congress of the United States,
Washington, D. C.:

SIR: We, the State executive committee of the State of Dakota, on this behalf appointed by a constitutional convention of that part of the Territory of Dakota south of the forty-sixth parallel of latitude, have the honor to herewith transmit to you a certified copy of the constitution of the State of Dakota, and of a memorial from the constitutional convention to the President and Congress of the United States.

We have also forwarded through the hands of Hon. BENJAMIN HARRISON, United States Senator, an engrossed and certified copy of the constitution for presentation to the Senate through the President thereof.

I am instructed on behalf of the constitutional convention of Dakota to request you to have the said memorial and constitution duly presented to the Senate of the United States for their consideration, and that the same be referred to the proper committee and acted upon as the application of said convention for and on behalf of the people of said State for the admission of the State into the Union.

Yours respectfully,

HUGH J. CAMPBELL,
President State Executive Committee.
JOSEPH R. HANSON,
E. P. BEEBE,
A. J. SIMMONS,
JOHN CAIN,
JAMES A. WARE,
STEPHEN G. UPDYKE,
Committee.

The PRESIDENT *pro tempore*. This communication, together with the accompanying papers, will be printed and referred to the Committee on Territories, if there be no objection.

Mr. HARRISON. In that connection, I may be allowed to say that I have been only awaiting the presentation of this memorial in order to bring in a bill for the admission of Dakota. I will do so at an early day.

The Committee on Territories will consider what portion of the documents submitted in connection with the proceedings of the people of that Territory it will be necessary to print. We ask no present order on that subject; but after the committee have considered the documents we shall report them to the Senate with the request that such of them as shall be deemed necessary be printed.

The PRESIDENT *pro tempore*. The order to print will be withheld.

Mr. EDMUNDS presented the petition of Sarah J. Foy, widow of A. B. Foy, late private Company G, Second Regiment Vermont Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

The PRESIDENT *pro tempore* presented a petition of claimants in the Court of Alabama Claims, praying for the enactment of a law to set aside certain judgments of that court; which was referred to the Committee on the Judiciary.

He also presented the petition of the Maumee Valley Monumental Association of Ohio, praying for an appropriation of not less than $50,000 to assist in acquiring lands and erecting monuments on the battlefields of Fallen Timber, Fort Meigs, Fort Miami, Fort Defiance, Fort Wayne, and Fort Industry; which was referred to the Committee on the Library.

Mr. COLQUITT presented the petition of John S. E. J. Crawford, of Jefferson County, Georgia, praying to have his claim for supplies furnished the Government referred to the Court of Claims under the provisions of the Bowman act; which was referred to the Committee on Claims.

Mr. GORMAN presented the petition of William Fitch, of the District of Columbia, praying the reference of certain claims for timber used by the Army to the Court of Claims under the Bowman act; which was referred to the Committee on Claims.

Mr. DAWES presented the petition of Ann Smith, of Boston, Mass., widow of Levi Smith, late private Company A, Massachusetts Third Heavy Artillery, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented a petition of citizens of Washington, D. C., praying for the incorporation of the North Washington Cable Railway Company; which was referred to the Committee on the District of Columbia.

Mr. WALTHALL presented the petition of Mrs. Rebecca T. Bowen, of De Soto County, Mississippi, praying to have her claim for supplies furnished to the Government referred to the Court of Claims under the provisions of the Bowman act; which was referred to the Committee on Claims.

Mr. JONES, of Arkansas, presented the petition of James A. Brown, of Saline County, Arkansas, praying to have his claim for supplies furnished the Army referred to the Court of Claims under the provisions of the Bowman act; which was referred to the Committee on Claims.

Mr. JACKSON presented the petition of Penelope V. Rudd, of Dresden, Tenn., widow of James A. Moore, praying that the charge of desertion against her late husband may be removed; which was referred to the Committee on Military Affairs.

Mr. HOAR presented the petition of the heirs of John F. Shorter, late lieutenant Fifty-fifth Regiment Massachusetts Infantry, praying to be allowed pay for his services from March 24, 1864, to July 1, 1865; which was referred to the Committee on Military Affairs.

He also presented additional papers to accompany the petition of Eugene Dickinson, of Elliott, Iowa, praying compensation for certain information furnished the Treasury Department; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Daniel A. Whitesell, of Washington, D. C., late sergeant Battery C, Fifth United States Artillery, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

Mr. EVARTS presented a petition of the Chamber of Commerce of New York, praying for the suspension of the coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. DOLPH presented the petition of George Brown, of Virginia, praying compensation for property taken by the United States Army in 1862; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. COKE, from the Committee on the Judiciary, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Claims; which was agreed to:

A bill (S. 326) conferring authority upon the Court of Claims to review the case of Charles H. Adams *vs.* The United States;

A bill (S. 277) for the relief of Samuel P. Evans; and

A bill (S. 304) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back a communication from the Secretary of War, transmitting papers in relation to the purchase of what is known as the Old Produce Exchange Building in the city of New York and its conversion into an army building. The communication, with the accompanying maps, was referred to the committee that they might consider the advisability of printing the maps attached. The committee instruct me to report adversely to the printing of such maps.

The PRESIDENT *pro tempore*. The report will lie on the table.

Mr. HOAR, from the Committee on Privileges and Elections, to whom was referred the bill (S. 1) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President, reported a bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; which was read twice by its title.

Mr. HOAR. I give notice that to-morrow, at the conclusion of the morning business, I shall call up the bill just reported for the consideration of the Senate and ask its passage.

Mr. RIDDLEBERGER. I wish to inquire of the Senator from Massachusetts whether one objection will carry the bill over. I do not understand the rules very well.

Mr. EDMUNDS. An objection will not carry it over to-morrow, but it will require a majority to take it up.

Mr. HOAR. I will state that although this is in the form of a new bill,

it is in substance the bill which was reported last year by the committee. There are some verbal changes.

Mr. EDMUNDS. I wish to say that I have hoped that a measure of some kind regulating the count and the declaration of the result of the count of the votes for President and Vice-President might have been incorporated in this measure, as the two subjects belong together and are parts of one and the same systematic course of procedure; and I wish to ask my friend from Massachusetts if he will give his notice for one day later, inasmuch as I wish to consider the propriety of bringing the Presidential count bill, that has three times passed the Senate without party votes and by very large majorities, to the attention of the Senate as an amendment to this bill, so that the whole scheme may be brought to the attention of the co-ordinate branch of the legislative power of this country, and so that under the peculiar rules of that body one may not be entirely lost sight of while the other may possibly go through. I ask my friend, therefore, if he can not consistently postpone his notice for one day longer.

Mr. HOAR. I will do what I suppose will be quite as agreeable to the Senator from Vermont and accomplish his purpose. I may like to submit a few remarks to the Senate in presenting the bill; they will be very brief, and perhaps it will not be necessary to submit any; but before asking any vote upon the bill which would advance it at all I shall consent, after it is taken up to-morrow, that it go over one day for the purpose the Senator indicates.

Mr. EDMUNDS. That is quite satisfactory.

Mr. HOAR. Let the bill go on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 191) to establish an international copyright, asked to be discharged from its further consideration, and that it be referred to the Committee on Patents; which was agreed to.

JOINT RULES FOR THE TWO HOUSES.

Mr. FRYE. I am instructed by the Committee on Rules to report back a concurrent resolution in relation to the joint rules of the two Houses of Congress.

The PRESIDENT *pro tempore*. The concurrent resolution will be placed on the Calendar.

Mr. FRYE. I give notice that I shall call it up to-morrow for consideration.

BILLS INTRODUCED.

Mr. PIKE introduced a bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON introduced a bill (S. 473) to suspend the coinage of the standard silver dollar; which was read twice by its title, and referred to the Committee on Finance.

Mr. EDMUNDS introduced a bill (S. 474) for the relief of George W. Saulpaw; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 475) granting a pension to Mrs. Bridget Rush; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAHONE introduced a bill (S. 476) to repeal section 3151 of the Revised Statutes of the United States, concerning inspectors of tobacco and cigars; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 477) to allow drawback on imported materials used in the manufacture of tobacco, snuff, and cigars exported from the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 478) to amend section 572 of the Revised Statutes, so as to provide for the holding of the regular terms of the district courts for the western district of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 480) for the improvement and enlargement of the public building at Petersburg, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SAWYER introduced a bill (S. 483) to restore Sidney B. Tullar to the pension-roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 484) to authorize the Secretary of the Treasury to sell and convey certain premises in the city of Chicago; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 485) to amend the charter of the Capitol, North O Street and South Washington Railway Company, of Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GRAY introduced a bill (S. 486) to amend article 3 of chapter 354 of United States Statutes at Large, passed at the second session of the Forty-eighth Congress; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 487) for the relief of Emily J. Fardy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 488) to carry into effect the recommendation of the board of admirals, convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 489) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 490) to carry out the findings of the Court of Claims in the case of James H. Ayres; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 492) for the relief of Frank Della Terre and Susan F. Della Terre, heirs of Peter Della Terre, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON (by request) introduced a bill (S. 493) granting an increase of pension to Sallie M. Michler, widow of Lieut. Col. Nathaniel Michler, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BUTLER (by request) introduced a bill (S. 494) for the relief of Frank P. Murphy; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 495) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VOORHEES introduced a bill (S. 496) for the relief of John P. T. Davis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 497) regulating rates of postage on second-class mail matter at letter-carrier offices; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL introduced a bill (S. 498) for the relief of George T. Dudley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CONGER introduced a bill (S. 499) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas, in accordance with certain treaty stipulations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 500) for the relief of Elon A. Marsh and Minard Lafever; which was read twice by its title, and referred to the Committee on Patents.

Mr. HARRIS (by request) introduced a bill (S. 501) for the relief of Charles W. Foulke; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 502) for the relief of T. M. English, administrator of the estate of Richard Fitzpatrick, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 503) relating to the supreme court of Montana Territory, and providing for the establishment of judicial districts in said Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 504) for the relief of Eugene Wells; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Arkansas, introduced a bill (S. 505) for the relief of William J. Gamble; which was read twice by its title, and referred to the Committee on Claims.

Mr. JACKSON introduced a bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 507) for the relief of Mrs. Amy M. Rogers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VANCE introduced a bill (S. 508) for the relief of Mrs. Augusta Ellison, of North Carolina; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 509) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 510) for the relief of Sophia B. Moore; which was read twice by its title, and referred to the Committee on Claims.

Mr. BROWN introduced a bill (S. 511) to provide for the settlement of accounts with certain railway companies; which was read twice by its title, and referred to the Committee on Railroads.

Mr. HOAR. What railroad companies are those, may I inquire of the Senator from Georgia?

Mr. BROWN. They are certain railroad companies who purchased rolling-stock from the Quartermaster's Department of the United States soon after the war. A part of the accounts has been settled, but other accounts have never been paid.

Mr. HOAR introduced a bill (S. 512) to repeal certain sections of the Revised Statutes of the United States relating to the appointment of civil officers; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 513) granting arrears of pension to Jacques L. Vranz; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 514) providing for the erection of a public building at New Bedford, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 515) for the relief of Maj. Michael P. Small, commissary of subsistence, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 516) granting an increase of pension to Mrs. Mary C. Ringgold; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 517) for the relief of Avery D. Babcock and wife, of Oregon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 518) for the relief of John Alexander; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL introduced a bill (S. 520) for the relief of Richard C. Ridgway and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 521) for the relief of Jacob and Elizabeth Sener; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 522) for the relief of J. M. Hobbs; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 523) for the relief of George H. Pettigrew; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. CHACE introduced a bill (S. 524) granting a pension to Ruth Chappell; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. PLUMB introduced a bill (S. 525) granting a pension to Abraham Westfall; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 526) for the relief of women and children who were wives or minors of Federal officers or soldiers, and who were taken captive by hostile Indians during the late Southern rebellion commencing A. D. 1861; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 527) for the relief of Elkanah Huddleston; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 528) for the relief of William H. Morgan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 529) for the relief of L. J. Worden; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 530) for the relief of Ira Haworth; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HARRISON introduced a bill (S. 531) to provide for the erection of a public building at Lafayette, Ind.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 532) granting a pension to Martin G. Geyer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON (by request) introduced a bill (S. 533) for the relief of Henry A. Paus; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 534) to grant to the Gulf and Chicago Air-Line Railway Company the right to construct bridges over navigable water courses; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 535) for the relief of Coronna, Taussig & Co., and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE (by request) introduced a bill (S. 536) for the relief of John L. Lake, jr.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BECK introduced a bill (S. 537) to establish the eastern judicial district of Kentucky; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 538) to provide for the erection of a public building in the city of Newport, Ky.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 539) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS introduced a bill (S. 540) for the relief of Rebecca Dougherty; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 541) for the relief of Alexander J. Mueller; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 542) for the relief of William Ervin; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 543) to incorporate the North Washington Cable Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 544) to grant a right of way through the Indian Territory to the Saint Louis, Baxter Springs and Mexican Railway Company; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 545) to grant a right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 546) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees; which was read twice by its title.

Mr. INGALLS. I introduce the bill by request, and do not desire to be considered as in any way committed to its provisions. I move that it be referred to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

Mr. RIDDLEBERGER introduced a bill (S. 547) for the relief of John S. Braxton; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa, introduced a bill (S. 548) for the appointment of railway postal clerks, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BUTLER introduced a bill (S. 549) for a public building at Greenville, S. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 550) for the relief of Mrs. Louisa H. Hassell; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 551) for the preservation of the woods and forests of the national domain adjacent to the sources of the navigable rivers and their affluents in the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Agriculture and Forestry.

He also introduced a bill (S. 552) for the relief of Benjamin D. Lakin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 553) to authorize the Secretary of War to remove the charge of desertion against Henry King from the rolls of Company I, Thirty-second Regiment of Indiana Volunteer Infantry, and to give him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 554) granting a pension to

Broadus G. Roberts; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 555) authorizing the Postmaster-General to pay rent for building used as a branch post-office in the city of Washington; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. CALL introduced a joint resolution (S. R. 10) to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the ninth section of the statute be extended to the port of Tampa, Fla.; which was read twice by its title, and referred to the Committee on Commerce.

DEATH OF REPRESENTATIVE ELLWOOD.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following resolutions:

Resolved, That this House has heard with profound sorrow of the death of Hon. REUBEN ELLWOOD, late a member of this House from the State of Illinois.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate.

Mr. CULLOM. I ask that the resolutions of the House of Representatives be allowed to lie on the table until Thursday of this week.

The PRESIDENT *pro tempore*. If there be no objection that course will be taken.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MANDERSON, it was

Ordered, That the papers in respect to the following claims be taken from the files and referred to the following committees:
Claim of John Breitling—Claims.
Claim of Sallie Carroll—Claims.
Claim of General S. W. Price—Pensions.
Claim of James Bainter—Indian Affairs.
Claim of George S. Comstock—Indian Affairs.
Claim of George S. Fisher—Foreign Relations.
Claim of Charles B. Smith—Military Affairs.

On motion of Mr. VEST, it was

Ordered, That the claimant in the case of G. Henry Carlyle, Senate bill 1706, Forty-seventh Congress, have leave to withdraw the papers from the files of the Senate.

On motion of Mr. SHERMAN, it was

Ordered, That the petition of Timothy Kibby for arrears of pension be withdrawn from the files of the Senate.

On motion of Mr. HOAR, it was

Ordered, That the petition of A. W. Shaffer, on the files of the Senate, be withdrawn and referred to the Committee on Claims.

Ordered, That the petition of Eugene Dickinson and the accompanying papers, now on the files of the Senate, be withdrawn and referred to the Committee on Finance.

Ordered, That John M. Goodhue have leave to withdraw the papers in his case now on file in the Senate.

On motion of Mr. GIBSON, it was

Ordered, That the papers in the case of T. G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida Richardson, and Carolina A. Urquahart, be taken from the files and referred to the Committee on Claims.

On motion of Mr. MITCHELL, it was

Ordered, That the papers in the claim of Joseph Walton & Co. be taken from the files and referred to the Committee on Claims, to accompany Senate bill 242.

On motion of Mr. PLUMB, it was

Ordered, That the papers in the case of certain recruits for the Fourteenth Kansas Cavalry be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That the papers in the case of A. A. Thomas be taken from the files of the Senate and referred to the Committee on Public Lands.

Ordered, That the papers in the case of Edward Fenlon be taken from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of the heirs or legal representatives of Robert J. Baugness be taken from the files and referred to the Committee on Military Affairs.

Ordered, That the papers in the case of H. A. Myers be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. VANCE, it was

Ordered, That the papers in the case of the claim of Sophia B. Moore be withdrawn from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. BUTLER, it was

Ordered, That Louisa H. Hasell have leave to withdraw her papers from the files, subject to the rules, and that they be referred to the Committee on Claims.

On motion of Mr. MORGAN, it was

Ordered, That the papers on file relating to the claims of Coronna Taussig & Co. and other claimants, heretofore considered together under former Senate bill 453, be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. WILSON, of Iowa, it was

Ordered, That the petition and papers in the case of A. J. Purviance, now on the files of the Senate, be withdrawn therefrom and referred to the Committee on Post-Offices and Post-Roads.

On motion of Mr. DOLPH, it was

Ordered, That the papers relating to the claim of George Brown be taken from the files of the Senate and referred to the Committee on Claims, subject to the rules.

TEHUANTEPEC SHIP-RAILWAY.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested, if not inconsistent, in his opinion, with the public interests, to communicate to the Senate any report of an actual instrumental survey of a line for a ship-railroad across the Isthmus of Tehuantepec, and any map of the same that has been made to, or placed on file in, any of the Executive Departments, and of any canal or canals designed to connect such ship-railway with the Gulf of Mexico or the Pacific Ocean.

COMMITTEE SERVICE.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That until the expiration of the Forty-ninth Congress the Committee on Appropriations shall consist of ten members, and that the additional member be appointed by the Chair.

The PRESIDENT *pro tempore*. The occupant of the chair asks the consent of the Senate to be relieved from further service on the Committee on the Library and the Committee on Privileges and Elections. If there be no objection this request will be granted.

Mr. SEWELL. I desire to be relieved from further service as chairman of the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks to be relieved from further service as chairman of the Committee on Military Affairs. That request will be granted if there be no objection.

Mr. MANDERSON. I ask to be relieved from further duty upon the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks to be relieved from further service upon the Committee on Military Affairs. That request will be granted if there be no objection. How shall the vacancies made by the requests granted be filled?

Mr. CAMERON. I move that they be filled by the Chair.

The PRESIDENT *pro tempore*. If there be no objection that will be considered as the order of the Senate. The Chair appoints the Senator from New Jersey [Mr. SEWELL] as chairman of the Committee on the Library, and the Senator from Illinois [Mr. LOGAN] as chairman of the Committee on Military Affairs and as a member of the Committee on Privileges and Elections.

Mr. CAMERON. I suggest that the Chair now appoint the additional member added to the Committee on Appropriations by the resolution of the Senator from Iowa [Mr. ALLISON].

The PRESIDENT *pro tempore*. The Chair will appoint the Senator from Illinois [Mr. LOGAN] as the additional member of the Committee on Appropriations.

REPORT ON INTERSTATE COMMERCE.

Mr. CULLOM. During the special session of the Senate last spring a select committee on interstate commerce was created by this body with instructions to investigate during the recess and report by the second Monday of this session. The committee is not quite ready to report, and I ask that the time be extended until the 22d of this month, with the privilege of reporting at any time between now and then.

The PRESIDENT *pro tempore*. If there be no objection that request is granted.

CHANGE OF REFERENCE.

Mr. CALL. At the last sitting of the Senate I introduced a bill (S. 467) providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida, and had it referred to the Committee on Pensions. I move that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GIBSON. I ask a change of the reference of the bill (S. 419) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College, at said place, for educational purposes, which was referred to the Committee on Military Affairs. I find that that reference is wrong, and I move that the Committee on Military Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Public Lands.

The motion was agreed to.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there are no further resolutions the Calendar is now in order. [A pause.] The Chair is advised that there is no business upon the Calendar of the Senate.

Mr. HOAR. I move that the Senate do now adjourn.

Mr. INGALLS and others. Let us have an executive session.

Mr. HOAR. I withdraw the motion to adjourn, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened.

A. M. KEILEY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and,

on motion of Mr. VEST, ordered to lie on the table, and, with the accompanying papers, be printed:

To the Senate of the United States:

In response to the resolution of the Senate of the 9th instant, calling for the correspondence on file in relation to the appointment of Mr. A. M. Keiley as envoy extraordinary and minister plenipotentiary, first to the Government of Italy, and then to that of Austria-Hungary, I transmit herewith a report from the Secretary of State, with accompanying papers.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 14, 1885.

COMMITTEE SERVICE.

Mr. LOGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the United States Senate, That the Committee on Military Affairs be increased to ten, instead of nine, during the Forty-ninth Congress, and that the President *pro tempore* of the Senate appoint the additional member of the committee.

The PRESIDENT *pro tempore*. The Chair will name as an additional member of the Committee on Military Affairs the Senator from Nebraska [Mr. MANDERSON].

Mr. BROWN. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 14, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

Mr. J. A. LOUTITT, of California, appeared, and was duly qualified by taking the oath prescribed by law.

AWARDS IN LIEU OF MOIETIES.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report of awards of compensation in lieu of moieties to informers and officers in customs, fines, and forfeitures, for the fiscal year ending June 30, 1885; which was laid on the table, and ordered to be printed.

REFUNDS OF CUSTOMS DUTIES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a statement of refunds of customs duties for the fiscal year ending June 30, 1885; which was laid on the table, and ordered to be printed.

RULES.

Mr. MORRISON. Mr. Speaker, the Committee on Rules, to which were referred several propositions in relation to the adoption of rules for the government of the House, direct me to submit a report thereon. I ask that it be printed and laid upon the table.

There being no objection, it was so ordered.

Mr. HAMMOND. Mr. Speaker, I suggest that that report be printed also in the RECORD, as we shall probably get it in that form more promptly than in the other.

There being no objection, it was so ordered.

Mr. RANDALL. Mr. Speaker, I ask leave to present a statement of the views of the minority of the Committee on Rules, and ask that it also be printed in connection with the report of the committee.

There was no objection, and it was so ordered.

Mr. MORRISON, from the Committee on Rules, submitted the following report:

The Committee on Rules, to which were referred certain resolutions for the adoption of the rules of the last House, with amendments, having had the same under consideration, submit the following resolution and accompanying report:

[NOTE.—The amendments proposed are to omit the words in brackets and insert the words printed in *italics*.]

Resolved, That the rules of the House of Representatives in force at the close of the second session of the Forty-eighth Congress be the rules of the House of Representatives of the Forty-ninth Congress, with the following amendments, viz:

RULE I.

Amend clause 3, Rule I, as follows:

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and [the disposal of] *of the corridors and passages and* the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

Amend Rule X as follows:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, viz:
On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of [eleven] *thirteen* members.
On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of [eleven] *thirteen* members.
On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of [eleven] *thirteen* members.
On Indian Affairs, to consist of [eleven] *thirteen* members.
On the Territories, to consist of thirteen members.
On Railways and Canals, to consist of [eleven] *thirteen* members.
On Manufactures, to consist of eleven members.
On Mines and Mining, to consist of [eleven] *thirteen* members,
On Public Buildings and Grounds, to consist of thirteen members.
On Pacific Railroads, to consist of [eleven] *thirteen* members.
On Levees and Improvement of the Mississippi River, to consist of [eleven] *thirteen* members.
On Education, to consist of [eleven] *thirteen* members.
On Labor, to consist of [seven] *thirteen* members.
On the Militia, to consist of [eleven] *thirteen* members.
On Patents, to consist of [eleven] *thirteen* members.
On Invalid Pensions, to consist of fifteen members.
On Pensions, to consist of [eleven] *thirteen* members.
On Claims, to consist of fifteen members.
On War Claims, to consist of [eleven] *thirteen* members.
On Private Land Claims, to consist of [eleven] *thirteen* members.
On the District of Columbia, to consist of thirteen members.
On Revision of the Laws, to consist of [eleven] *thirteen* members.
On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.
On Rules, to consist of five members.
On Accounts, to consist of seven members.
On Mileage, to consist of five members.
Also the following joint standing committees, viz:
On the Library, to consist of three members.
On Printing, to consist of three members.
On Enrolled Bills, to consist of seven members.

2. He shall also appoint all select committees which shall be ordered by the House from time to time;

3. The first named member of each committee shall be the chairman; and in his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee, by a majority of its numbers, elect a chairman;

4. The chairman shall appoint the clerk of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

Amend Rule XI as follows, viz:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz: Subjects relating,

1. to the election of members: to the Committee on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, *as herein provided, viz: for legislative, executive, and judicial expenses; for sundry civil expenses; for forfications; for the District of Columbia; for pensions; and for all deficiencies:* to the Committee on Appropriations;

4. to judicial proceedings, civil and criminal law: to the Committee on the Judiciary;

5. to banking and currency: to the Committee on Banking and Currency;

6. to coinage, weights, and measures: to the Committee on Coinage, Weights, and Measures;

7. to commerce, live-saving service, and light-houses, other than appropriations for life-saving service and light-houses: to the Committee on Commerce;

8. to the improvement of rivers and harbors: to the Committee on Rivers and Harbors; [and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;]

9. to agriculture and forestry: to the Committee on Agriculture, who shall receive the estimates and report the appropriations for the Agricultural Department;

10. to the relations of the United States with foreign nations, [other than] *including* appropriations therefor: to the Committee on Foreign Affairs;

11. to the military establishment and the public defense, [other than] *including* the appropriations for its support, *and for that of the Military Academy:* to the Committee on Military Affairs;

12. to the naval establishment, [other than] *including* the appropriations for its support: to the Committee on Naval Affairs;

13. to the post-office and post-roads, [other than] *including* appropriations for their support: to the Committee on the Post-Office and Post-Roads;

14. to the lands of the United States: to the Committee on the Public Lands;

15. to the relations of the United States with the Indians and the Indian tribes, [other than] *including* appropriations therefor: to the Committee on Indian Affairs;

16. to territorial legislation, the revision thereof, and affecting Territories or the admission of States: to the Committee on Territories;

17. to railways and canals, other than Pacific railroads: to the Committee on Railways and Canals;

18. to the manufacturing industries: to the Committee on Manufactures;

19. to the mining interests: to the Committee on Mines and Mining;

20. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds;

21. to the railroads and telegraphic lines between the Mississippi River and the Pacific coast: to the Committee on Pacific Railroads;

22. to the levees of the Mississippi River: to the Committee on Levees and Improvement of the Mississippi River;

23. to education: to the Committee on Education;

24. to and affecting labor: to the Committee on Labor;

25. to the militia of the several States: to the Committee on the Militia;

26. to patents, copyrights, and trade-marks: to the Committee on Patents;

27. to the pensions of the civil war: to the Committee on Invalid Pensions;

28. to the pensions of all the wars of the United States, other than the civil war: to the Committee on Pensions;

29. to private and domestic claims and demands, other than war claims, against the United States: to the Committee on Claims;

30. to claims arising from any war in which the United States has been engaged: to the Committee on War Claims;

31. to private claims to lands: to the Committee on Private Land Claims;

32. to the District of Columbia, other than appropriations therefor: to the Committee for the District of Columbia;

33. to the revision and codification of the statutes of the United States: to the Committee on the Revision of the Laws.

34. The examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payments of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments, as follows:

35. In the Department of State: to the Committee on Expenditures in the State Department;

36. In the Treasury Department: to the Committee on Expenditures in the Treasury Department;

37. In the War Department: to the Committee on Expenditures in the War Department;

38. In the Navy Department: to the Committee on Expenditures in the Navy Department;

39. In the Post-Office Department: to the Committee on Expenditures in the Post-Office Department;

40. In the Interior Department: to the Committee on Expenditures in the Interior Department;

41. In the Department of Justice: to the Committee on Expenditures in the Department of Justice;

42. On public buildings: to the Committee on Expenditures on Public Buildings;

43. All proposed action touching the rules and joint rules shall be referred to the Committee on Rules;

44. Touching the expenditure of the contingent fund of the House, the auditing and settling of all accounts which may be charged therein by order of the House: to the Committee on Accounts;

45. The ascertainment of the travel of members of the House shall be made by the Committee on Mileage and reported to the Sergeant-at-Arms;

46. Touching the Library of Congress, statuary, and pictures: to the Joint Committee on the Library;

47. All proposed legislation or orders touching printing shall be referred to the Joint Committee on Printing on the part of the House;

48. The enrollment of engrossed bills: to the Joint Committee on Enrolled Bills;

49. The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees *having jurisdiction of* appropriations, the general appropriation bills; *the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors;* the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

50. No committee shall sit during the sitting of the House without special leave.

RULE XXI.

Amend clause 3, Rule XXI, as follows:

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, *and for the contingencies for carrying on the several Departments of the Government.* [Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.]

Amend clause 5, Rule XXI, as follows:

5. All bills for improvement of rivers and harbors, and for the establishment or change of post-routes, shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

Amend Rule XXI by inserting the following as clause 6:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

RULE XXIII.

Amend clause 4, Rule XXIII, as follows:

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to [the consideration of] *passing over* any bill or proposition the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present, whereupon the committee shall resume its sitting without further order of the House.

Amend Rule XXIV as follows:

RULE XXIV.

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and [joint resolutions] *resolutions* for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

2. *After the Journal is read and approved each day, the Speaker shall lay before the House, for reference, messages from the President, reports and communications from the heads of Departments, and other communications addressed to the House, and also such bills, resolutions, and other messages from the Senate as may have been received on the previous day.*

[2] 3. On all days other than Monday, as soon as the [Journal is read and approved] *business on the Speaker's table has been disposed of*, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business *as hereafter provided;* but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off.

[3] 4. The morning hour for the call of committees shall not be dispensed with except by a vote of two-thirds of those present voting thereon.

5. *After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day on either the House or Union Calendar. And whenever any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn; and when any proposition shall have occupied two hours on this call it shall thereafter remain on the Calendar as unfinished business and be taken up in its order: Provided, That when the hour herein prescribed shall expire while the Committee of the Whole House on the state of the Union is considering a bill the said committee shall rise without motion therefor.*

6. *After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.*

Strike out clauses 4, 5, and 6 of Rule XXIV and insert in lieu thereof the following as new clauses, numbered, respectively, 5, 6, and 7:

7. *Unfinished business, if any, having been disposed of, motions shall be in order as follows:*

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

Amend Rule XXVI as follows:

RULE XXVI.

Friday in every week shall be set apart for the consideration of private business, unless otherwise determined [by a two-thirds vote of the members present and voting] *by the House.*

REPORT.

RULE I.

The committee recommends the amendment of clause 3, Rule I, by striking out the words "the disposal of" and inserting in lieu thereof the words "of the corridors and passages and;" so that it will read as follows, namely:

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and of the corridors and passages and the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

Under clause 3 of Rule I of the last House the Speaker was given general control of the Hall of the House and unappropriated rooms, but neither he nor any officer of the House was given any control or supervision over the corridors or passages.

Before the revision of the rules in the Forty-sixth Congress he possessed this authority, and the committee is of opinion that it should be restored to him, and to that end recommend the foregoing amendment.

RULE X.

The next rule of the last House which is proposed by the committee to be amended is Rule X, creating or designating the standing committees of the House for the present Congress.

It is proposed to amend Rule X by increasing the following-named committees, viz:

Coinage, Weights, and Measures, Naval Affairs, Public Lands, Indian Affairs, Railways and Canals, Mines and Mining, Pacific Railroads, Levees and Improvement of the Mississippi River, Education, Labor, Militia, Patents, Pensions, War Claims, Private Land Claims, and Revision of the Laws, from eleven to thirteen members each, the Committee on Labor being increased from seven to thirteen members.

The committee was of opinion, in view of other changes proposed, especially that distributing certain of the general appropriation bills among committees having jurisdiction of their subject-matter, and those changing the order of business, as prescribed by Rule XXIV, by which there might be a daily call of committees, if the House so desired, for the consideration of business theretofore reported by committees which might be on either the House or Union Calendar, that certain committees should be increased so as to correspond with their increased importance, and others for the purpose of securing greater uniformity of committee membership.

RULE XI.

Rule XI is proposed to be amended by transferring certain of the general appropriation bills from the custody and control of the Committee on Appropriations to the following-named committees, viz:

The consular and diplomatic bill to the Committee on Foreign Affairs; the Army and Military Academy bills to the Committee on Military Affairs; the naval bill to the Committee on Naval Affairs; the Post-Office bill to the Committee on the Post-Office and Post-Roads; and the Indian bill to the Committee on Indian Affairs.

This leaves with the Committee on Appropriations the following-named bills, namely: Legislative, executive, and judicial, sundry civil, deficiency, fortification, pension, and District of Columbia bills, which include more than half the annual appropriations for carrying on the Government. The total appropriations for the fiscal year 1885-'86 are $215,511,595.24, of which sum $114,824,465.45 was appropriated in the bills last named. The remaining expenditures of the Government are provided for by permanent appropriations.

The Committee on Appropriations was created on the 2d of March, 1865 (second session Thirty-eighth Congress), but was not appointed until the following Congress. Prior to its creation the general appropriation bills were reported by the Committee on Ways and Means, which committee was further divided by the transfer of its jurisdiction on the subjects of banking and bank currency and the Pacific Railroad to standing committees on those subjects.

On the 14th of September, 1837 (first session Twenty-fifth Congress), the House adopted the following rule, viz:

"It shall also be the duty of the Committee on Appropriations, within thirty days after their appointment, at every session of Congress, commencing on the first Monday of December, to report the general appropriation bills."

On the 2d of March, 1865, the House adopted the following amendment to the foregoing clause, viz: "or, in failure thereof, the reasons for such failure."

Under these provisions the various appropriation bills were reported within

the time prescribed, or the failure therefor explained, with but few exceptions, until the revision of the rules in the second session of the Forty-sixth Congress.

In that revision the requirement as to reporting these bills was omitted, and from that time the general appropriation bills have been reported as the committee saw fit. The following table shows the date of their several reports since the Forty-fourth Congress:

Title.	44th Congress, 1st session.		44th Congress, 2d session.		45th Congress, 2d session.		45th Congress, 3d session.		46th Congress, 2d session.	
	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.
Agricultural									May 19	May 28
Army	Jan. 19	June 26	Mar. 2	Mar. 3	May 28	June 10	Feb. 8	Feb. 25	Apr. 13	Apr. 23
Consular	Feb. 11	Apr. 12	Jan. 11	Jan. 19	Mar. 13	Mar. 28	Dec. 10	Dec. 17	Mar. 31	Apr. 15
Deficiency	Apr. 12	Apr. 19	Feb. 9	Feb. 23	June 8	June 12	Feb. 17	Feb. 27	Mar. 19	Apr. 1
District of Columbia									Apr. 27	May 7
Fortification	Feb. 15	June 7	Dec. 19	Jan. 27	Mar. 6	Mar. 18	Dec. 3	Dec. 12	Dec. 12	Mar. 12
Indian	Feb. 15	Aug. 4	Jan. 27	Feb. 9	Apr. 27	May 16	Dec. 19	Jan. 14	Apr. 17	Apr. 30
Legislative, &c	Apr. 28	June 8	Feb. 5	Feb. 22	May 4	June 1	Feb. 25	Mar. 1	May 14	May 22
Military Academy	Feb. 1	Feb. 29	Jan. 11	Jan. 27	Feb. 14	Mar. 11	Dec. 3	Dec. 13	Dec. 17	Jan. 12
Naval	May 23	June 23	Feb. 15	Feb. 24	Mar. 21	Apr. 8	Dec. 10	Jan. 23	Apr. 22	Apr. 30
Pension	Jan. 14	Feb. 16	Dec. 8	Dec. 20	Apr. 11	May 8	Dec. 12	Dec. 17	Dec. 12	Dec. 18
Post-Office	May 18	June 10	Dec. 16	Dec. 21	Apr. 26	May 15	Jan. 30	Feb. 21	May 7	May 18
River and harbor	Apr. 10	Aug. 4			Apr. 22	June 12	Jan. 17	Mar. 3	May 17	June 3
Sundry civil	June 24	July 3	Feb. 28	Mar. 2	June 14	June 18	Feb. 24	Mar. 1	May 31	June 11
	Session closed August 15, 1876.		Session closed March 3, 1884.		Session closed June 20, 1878.		Session closed March 3, 1879.		Session closed June 16, 1880.	

Title.	46th Congress, 3d session.		47th Congress, 1st session.		47th Congress, 2d session.		48th Congress, 1st session.		48th Congress, 2d session.	
	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.	Passed House.	Passed Senate.
Agricultural	Feb. 22	Feb. 26	Mar. 9	Apr. 19	Dec. 13	Dec. 22	Apr. 5	May 21	Jan. 24	Feb. 20
Army	Jan. 5	Jan. 15	Apr. 5	June 7	Jan. 4	Feb. 22	May 19	June 23	Jan. 27	Feb. 12
Consular	Dec. 20	Jan. 8	Mar. 6	Mar. 23	Dec. 9	Dec. 20	May 19	June 12	Jan. 17	Feb. 7
Deficiency	Mar. 1	Mar. 3	June 8	July 5	Mar. 1	Mar. 3	June 17	June 30	Feb. 25	Mar. 3
District of Columbia	Feb. 2	Feb. 19	May 10	June 9	Jan. 5	Feb. 24	May 19	May 31	Jan. 24	Feb. 20
Fortification	Dec. 15	Feb. 23	Jan. 24	Mar. 20	Jan. 13	Feb. 22	July 2	July 3	Feb. 28	Mar. 3
Indian	Jan. 11	Jan. 22	Mar. 1	Apr. 1	Dec. 7	Dec. 20	Apr. 4	May 14	Jan. 22	Feb. 17
Legislative, &c	Feb. 9	Feb. 23	June 14	July 1	Feb. 16	Feb. 26	June 2	June 27	Feb. 17	Feb. 27
Military Academy	Dec. 18	Jan. 14	Feb. 28	Mar. 21	Dec. 13	Jan. 4	Feb. 21	Mar. 4	Dec. 10	Dec. 24
Naval	Jan. 20	Jan. 29	July 6	July 31	Jan. 25	Feb. 24	Mar. 6	Apr. 15	Feb. 23	Feb. 27
Pension	Dec. 16	Feb. 11	June 19	July 17	Jan. 13	Feb. 10	Apr. 22	May 23	Jan. 6	Feb. 10
Post-Office	Jan. 25	Feb. 15	Feb. 25	Mar. 20	Dec. 20	Jan. 20	Mar. 18	Apr. 18	Feb. 13	Feb. 24
River and harbor	Feb. 17	Feb. 28	June 17	July 13	Mar. 1		June 12	July 2	Feb. 27	
Sundry civil	Feb. 28	Mar. 3	July 13	Aug. 3	Feb. 24	Mar. 2	June 23	July 3	Feb. 27	Mar. 2
	Session closed March 3, 1881.		Session closed August 8, 1882.		Session ended March 3, 1883.		Session ended July 7, 1884.		Session ended March 3, 1885.	

The foregoing table does not show the dates of the submission and adoption of the conference reports on the various appropriation bills, but a careful examination shows that nearly all were submitted and adopted within a week and many during the closing hours of the various sessions of Congress named. The exceptions are few and unimportant in character.

For nearly forty years of our history the appropriations were made in one act, entitled "An act making appropriations for the support of the Government." The first separate bill for the expenses of the Post-Office Department was passed in 1844.

In 1847 the appropriations were made in nine separate bills, viz: Army, civil and diplomatic, deficiencies, fortifications, Indians, Military Academy, Navy, pensions, and Post-Office.

In 1856 the consular and diplomatic appropriations were for the first time embodied in a separate bill. In 1857 the legislative, executive, and judicial bill first appeared in its present form.

In 1862 the sundry civil bill was established, containing the various miscellaneous items not embraced in the other bills, and in 1880 the agricultural and District of Columbia bills were established, the agricultural bill being transferred to the Committee on Agriculture. With but few exceptions the river and harbor bill was prepared and reported by the Committee on Commerce until the creation of the Committee on Rivers and Harbors in 1883, when it was assigned to that committee.

As showing the great increase of appropriations for the support of the Government, it may be stated that each one of our principal general appropriation bills embraces as much money as the whole amount of the net ordinary expenditures of the Government during the first ten years of its existence, and the specific objects to be investigated and provided for in these bills have so greatly increased in number that it has become a very considerable task even to enumerate them. For several years past the various general appropriation bills have been reported at such late periods in the session as to preclude their careful and thorough investigation by members not on the Committee on Appropriations. The committee is of opinion that the distribution proposed will enable all these bills to be reported at earlier periods in the session, will permit a more careful and thorough consideration of each bill by the committee having jurisdiction of it, and also by the House, resulting in more considerate and economic legislation, and will obviate the necessity for the passage of any of these bills under a suspension of the rules, which has been so frequently done in late years.

The fortification bill, being one relating jointly to Army and Navy fortifications and the general public defense, is left with the Committee on Appropriations.

As there is no local or municipal government in the District of Columbia, the duties of the committee having charge of its affairs in the House are to a large extent both executive and legislative in their nature. Experience has shown that the great number of matters now requiring the attention of that committee occupy all the time it can devote to them. It has not been considered proper under these circumstances to impose upon it the additional labor of preparing the bill making appropriations for the support of the District government, and that bill is left with the Committee on Appropriations.

RULE XXI.

The committee is of opinion that the general appropriation bills should be confined strictly to items and matters of appropriation authorized by existing law, to continuation of appropriations for such public works as are already in progress, and for the contingencies for carrying on the several Departments of the Government, and to this end recommend the restoration of the old rule, adopted in the Twenty-fifth Congress, and which stood without amendment until the Forty-fourth Congress, a period of nearly forty years, and was further amended in the Forty-sixth Congress.

The committee recommends striking out all after the word "progress," in line 252, page 11 of the printed bill (Mis. Doc. No. 23), and the insertion in lieu thereof of the following words, viz: "And for the contingencies for carrying on the several Departments of the Government."

As thus amended the clause will read as follows, viz:

"3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, *and for the contingencies for carrying on the several Departments of the Government.*"

This accomplishes the result proposed by the committee, and, in connection with another amendment proposed to Rule XXIV, will, it is believed, more evenly distribute the burden of committee work and responsibility, and avoid heated controversies and prolonged conferences between independent branches of the Government as to legislation on general appropriation bills.

The committee also recommends the further amendment of Rule XXI of the last House by the insertion of the following words as clause 6, viz:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

The committee is of opinion that this clause is required in order to secure a stricter observance of the jurisdiction of the several committees, and limit the consideration of private claims against the Government to the committees having appropriate jurisdiction of such claims, thereby affording the other committees greater time and opportunity for the examination of the public questions committed to them.

RULE XXIII.

It is recommended that clause 3 be amended by striking out the words "the consideration of," in lines 277 and 278, page 12, and inserting in lieu thereof the words "passing over."

4. In Committees of the Whole House, business on their calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to passing over any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House.

It often happens in the Committee of the Whole that the committee reporting the first bill in order on the Calendar does not desire it taken up at that sitting and that there might be no objection to passing it over temporarily. The amendment also gives the Committee of the Whole what it ought to have, *i. e.*, greater control of its business and proceedings.

RULE XXIV.

The committee recommends the striking out of the words "joint resolutions," in clause 1, page 13, line 299, and the insertion of the word "resolutions."

The object is to permit the reference, on the call of States and Territories, of simple House resolutions and concurrent resolutions which have not hitherto

been in order for reference. The word "bills" is a generic term, and has usually been held to include only "bills and joint resolutions" in the practice of the House. The committee recommends the insertion of the following words as clause 2 of Rule XXIV:

2. *After the Journal is read and approved each day, the Speaker shall lay before the House, for reference, messages from the President, reports and communications from the heads of Departments and other communications addressed to the House, and all such bills, resolutions, and other messages from the Senate as may have been received on the previous day.*

Its adoption will secure the prompt reference to committees of all messages from the President, executive and other communications, as well as all bills and messages from the Senate, thereby permitting their earlier consideration by the various committees and avoiding the requests for unanimous consent merely to refer a Senate bill, which are so often made and consume so much time, frequently to no purpose. It is substantially the Senate rule on this subject.

The next amendment to this rule is to change clause 2 to 3 and amend it so as to conform to the preceding clause; that is to say, postpone the call of committees until after business on the Speaker's table has been disposed of.

The committee also recommends the insertion of the words "as hereinafter provided," in line 325, after the word "business."

The committee also recommends the insertion of the following words, as a new clause, to be numbered 5, viz:

5. *After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day, on either the House or Union Calendar. And when any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn; and when any proposition shall have occupied two hours on this call, it shall thereafter remain on the Calendar as unfinished business and be taken up in its order: Provided, That when the hour herein prescribed shall expire while the Committee of the Whole House on the state of the Union is considering a bill under this clause the said committee shall rise without motion therefor.*

The committee is of opinion that this hour will facilitate useful legislation.

The committee further recommends an additional clause to this rule to be numbered 6, as follows:

6. *After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment, and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.*

This clause is simply a transposition of clause 4 of Rule XXIV of the last House changed only as to the order of time of considering the unfinished business, and conforms to the new clauses inserted.

The committee proposes to strike out clauses 4, 5, and 6 of Rule XXIV, and insert in lieu thereof the following as new clauses, numbered, respectively, 5, 6, and 7:

7. *Unfinished business, if any, having been disposed of, motions shall be in order as follows:*

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and, if this motion fail, then public business shall be in order as on other days.

This amendment is merely a transposition and renumbering of clause 6 of the old rule, which is not changed in any respect.

RULE XXVI.

The committee recommends striking out the words "a two-thirds vote of the members present and voting," and inserting in lieu thereof the words "the House." This is necessary in order to make it harmonize with the third paragraph of clause 7 of Rule XXIV.

There is a conflict between the two provisions which has occasioned frequent controversies in the past, and the committee believes it should be settled by allowing a majority to decide what business it will take up.

Recognizing the necessity for the early adoption of such rules as will enable the House to complete its organization and proceed with the public business, the committee has not considered it wise to attempt at the present time such a general revision of the practice as was contemplated by the several measures referred to it, but has endeavored to confine itself to such recommendations as appeared to be essential to the proper distribution of the work of the committees and the promotion of necessary legislation.

The committee does not ask to be discharged from the further consideration of the other proposed amendments, but retains them for further examination.

Mr. RANDALL, from the Committee on Rules, submitted the following as the views of the minority:

The undersigned, a member of the Committee on Rules, respectfully dissents from the report of said committee proposing material and important changes in the rules heretofore in force in the House of Representatives, and begs leave to submit his reasons for such disagreement.

There are three principal changes submitted. First, it is proposed to take from the Committee on Appropriations six of the general appropriation bills, and turn them over to the several committees having jurisdiction of general legislation on the same subject-matters. In other words, these separate committees are to bring forward their special legislation, and at the same time say what shall be the measure of expenditure to carry it into execution. The consular and diplomatic appropriation bill will go to the Committee on Foreign Affairs, the Army bill and the Military Academy bill to the Committee on Military Affairs; the Navy appropriation bill to the House Committee on Naval Affairs; the Post-Office appropriation bill to the Committee on the Post-Office and Post-Roads; and the Indian appropriation bill to the Committee on Indian Affairs. Such distribution of the labors of the Committee on Appropriations is without example in any enlightened legislative body in this country or in Europe.

Before the war, the Committee of Ways and Means prepared and reported the necessary appropriation bills to execute the laws and carry on the Government, and it also arranged the taxes requisite to provide income sufficient to meet the proposed expenditures. Those who were for lessening taxes were of course in favor of economical expenditures, and those who were not, favored the largest appropriations. Instead of returning to the old system it is proposed still further to separate these closely related and interdependent subjects. General appropriation bills are to be still further divided and scattered, and the result inevitably will be that it will be impossible to keep up any just relations between receipts and expenditures.

Experience and observation demonstrate such distribution leads to continually increasing appropriations, and renders it more difficult to keep expenditures within the limits of receipts. In the instances where appropriation bills have been taken from the Committee on Appropriations and given to the committees having charge of general legislation on the same subjects, it is susceptible of proof that those particular appropriations have steadily increased, and to such a degree that, if the same ratio of increase were to be followed in all the other appropriations, the result would be not only to exhaust the surplus revenue, but compel the levying of increased taxation.

The best interests of the people require that the subject of appropriations should mainly be committed to the charge of one committee—not that one set of men is abler or more honest than another set, but because experience has shown it is the safest course to pursue. Such body of men can make careful scrutiny into every detail by itself, and, in connection with others, and taking a survey of the whole field of receipts and expenditures, it will be responsible to the House to see to it that the latter shall be reduced to an economical basis, and kept within the limits of the public revenue.

If that responsibility be disseminated through many committees it will become so loose and uncertain as to be lost altogether, and it is not unlikely, as we have been told in debate on this floor by men of the highest distinction in our councils, that if the proposed distribution of appropriation bills among the several committees shall take place it will be at the "peril of the public interests, and will release the grasp which the Committee on Appropriations can alone keep on the purse-strings of the Government." The result, as we have also been told, would "absolutely break down all economy and good order and good management of the finances."

If, as it is unadvisedly alleged, the duties of the Appropriations Committee are more than the present number of that committee can manage, the remedy naturally would be to increase the number. But such is not the proposition. On the contrary, it is proposed to distribute the work of that committee in such a way as to make it practically impossible to secure anything like harmony of action and unity of purpose in making up the general appropriation bills. This change is not based on any pretense that the Committee on Appropriations has been extravagant or reckless in reporting appropriations. The reverse is the truth.

In the Forty-fourth Congress the reduction in the appropriations reached thirty millions for the next fiscal year. This was accomplished against the protest of the heads of Departments and influential leaders in Congress, who said that it would hamper the operations of the Government. In the sequel it proved to be the first practical step to specie resumption and the return of business to its former safe channels. Confidence was fully restored, and the credit of the Government became so fully re-established that it was able to place its loans at extremely low rates of interest.

If, in place of the responsibility and certainty of keeping appropriations within economical limits, we are to inaugurate a system of making appropriations by many committees, without regard each to the other or the amount of money involved, increased expenditures will ensue, and the party in power and responsible for the control of legislation in this House will be held to strict account by the people.

It has been stated heretofore in the debate on this subject that the history of legislation in Congress shows that amendments to appropriation bills coming from other committees having jurisdiction of general legislation concerning kindred subjects have been invariably in the direction of increased expenditure. When these same committees shall have the power not only to originate legislation, but also the power to provide appropriations to carry that legislation into effect, who can tell what the end will be?

A particular Department or bureau may prefer to have its special committee, with which it has intimate and cordial relations, to make the appropriations for its use rather than to undergo the scrutiny of an appropriations committee having control of the appropriations for all the Departments and having attachment no more to one than to another. But it is the part of wisdom to adhere to the precedents of the past, which have proved so efficacious heretofore in promoting economy and good government.

If the proposition shall prevail, and the work of the Appropriations Committee be divided among other committees and added to their present duties, the extinction of the Appropriations Committee is not far distant; and when appropriations shall be withdrawn from the consideration and control of one committee, and no longer kept within due order and subordination to each other, and to the burdens of taxation imposed upon the people, and those several committees are launched out into unrestrained freedom of appropriations, each striving to surpass the other in greater recognition and larger appropriations for its special charge, it will not be difficult to prophesy the day of wasteful extravagance and all its attendant corruptions is near at hand.

As the session grows in length, and it comes toward its termination, what a scene of confusion will be presented, with many appropriation committees antagonizing each other, each seeking precedence and passage for its own particular measure! The session would be procrastinated to the latest period, and after the adjournment it would not be unlikely that the appropriations would be found to be greater in amount than the revenues of the Government.

Who would then be responsible to the people for such grave blunder, if not crime, in a time of profound peace? Not the Appropriations Committee, for that would be degraded and rendered powerless; nor the many committees separarately making appropriations for special objects regardless of the aggregate appropriations coming from all other committees. No; it would be the party in power in this House that would be held to the strictest account. And even if it should be discovered before the adjournment that the appropriations far exceeded the revenue, where would the reductions take place?

What committee would step forward and offer to surrender any share of the amount of money deemed by it necessary to carry on its special department of the Government? Would not each one strive to impose the unpleasant scaling down upon the others?

If it should be agreed there should be a 20 per cent. reduction all along the line, in order to bring expenditures within receipts, it would turn out that in some cases, where the amount is already fixed by law, a deficiency would be left over, which would necessarily have to be provided for at the next session. So even that way would not answer the purpose, and debt would grow until it must be met by new taxation.

Then, when differences occur between the two Houses, how are they to be adjusted on any plan recognizing the whole field of appropriations, when the members of a special appropriation committee can only know, in detail and accurately, what relates to their own committee?

It is the glorious tradition of the land from which we get our laws that the House of Commons shall protect with every safeguard the money of the people. It is an inheritance which this House of Representatives has maintained during the existence of our Government with singular fidelity. At this hour to disregard the prudential lessons of the past, to surrender to the Senate the protection of the Treasury, is to dethrone the House of Representatives from the exalted position it has occupied in our history, and leave it powerless. For the protection of the people's money means the practical control of the people's Government, because freedom from uncertainty in our finances, and stability, which can alone come from comprehensive and harmonious action, will be found in that body which refuses to yield itself up to the almost chaotic confusion of a score of committees, all seeking to outvie each other in the career of expenditure in order to enhance the importance and consideration of the special interests confided to their care.

In the second place it is proposed to change clause 3, Rule XXI, by striking out the following proviso, originally adopted during the first session of the Forty-fourth Congress, and in operation for the intervening ten years:

"Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of

the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures."

This provision has been so frequently debated pro and con in this House, it must be taken for granted its character, extent, value, and beneficent results are generally known. We recognize the fact that most of the reductions in recent years in public expenditures have been greatly promoted by the operation of that rule. It has purified the House from public scandals.

If, then, the majority should determine so to amend it as to exclude all general legislation from appropriation bills, very well if the right shall be left to reduce salaries and force of officials engaged in administering the Government when such motion is made to the bill providing for such payment. In that view the following is submitted as an addition to the proposition reported by the Committee on Rules:

"But provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill, and it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures."

The third principal change in the rules proposed by the Committee on Rules is to establish a morning hour for the consideration of business reported from the committees of the House. Any fair and reasonable measure to bring about expedition in disposing of the public business, instead of meeting my dissent, will have my approval.

There are, in fact, two morning hours, one for reports for reference and printing, and another immediately afterward for consideration of business previously reported and called up for consideration by committees in their order. If the committee calling up a bill shall occupy the said hour for one day it is not in order for that committee to designate any other proposition until all the other committees shall have been called in their turn. If it shall occupy a second hour with the same proposition, then that subject goes to what may be called a preferred calendar of unfinished business, to be called up subsequently on motion or reached for action in its order.

It provides for what I have denominated a calendar of unfinished business. This will not, in my judgment, accomplish the object in view to the extent expected, but, favoring what fairly looks to expedition in the transaction of the public business, no objection will be interposed to its adoption on my part.

Other points of a minor character I will defer to the discussion of the report of the committee in the House as it proceeds.

As fully reflecting the views I now entertain on this proposition to send to certain standing committees of the House general appropriation bills, thereby rejecting the principle that the whole expenditures of the Government should be reviewed and reported upon by one committee, constituted without reference to the claims of any particular branch of the public service, but to deal fairly and justly with the whole, and with due consideration for the sum total of revenues, I earnestly call attention to the views expressed by the Committee on Rules in the report it submitted to the House during the Forty-sixth Congress, and to the opinions expressed by certain gentlemen who participated in the protracted discussion which followed upon a proposition made to distribute the appropriation bills.

The Committee on Rules (the Speaker, J. C. S. BLACKBURN, A. H. Stephens, J. A. Garfield, and W. P. FRYE) said:

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* * * "It follows as a logical sequence that if any other committee is to take charge of one of the general appropriation bills, the interests therein involved and considered will stand separate and apart from the interests involved and considered in the other bills, and as a further result any scheme of reduction of expenditures made necessary by a deficit of revenue for that fiscal year must be executed by the Committee on Appropriations without respect to the interests involved in the bill so taken from them, thereby leaving that particular interest to stand independent of and without any relation whatever to the other interests for which appropriations are annually made."

Mr. Garfield, of Ohio, said:

"There are two committees of this House that stand, if I may so speak, with their backs to each other and facing in opposite directions. One is the Committee of Ways and Means. That committee faces out upon all the business of this country from which a revenue can be had. They ask the nation this one question: Where can we get a revenue to supply the machinery of this Government, to fill the Treasury as it ought to be filled? And they apply to all of the people of this country, to all its wealth, to all its trade, its commerce, and ask what contributions shall be gathered and how they shall be gathered from the people.

"But that committee wants one thing before they start out upon this inquiry—they want the figures, the sum total. And they turn to the other committee which stands back to back to them, the Committee on Appropriations, and inquire of that committee how much money must we give you to run this Government for the coming year? And they get the figures from the Committee on Appropriations. That committee says to them, we will require so many millions of dollars. Thereupon the Committee of Ways and Means turns to the nation and asks for a contribution. It passes a law that tells how much the burden shall be and how that burden shall be distributed.

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"It is a fact within the experience of every member who has been here long that the Committee on Appropriations always finds itself confronted with a demand from each of the committees having a special subject in charge for larger appropriations than the Committee on Appropriations think should be made. There never was a time within my knowledge since I have been here when the Committee on Military Affairs did not resist the tendency of the Committee on Appropriations to cut down the appropriations for the Army. The Committee on Naval Affairs has always been found resisting the reduction of the naval appropriation bill. For this reason, I say that if each of these several committees had charge of getting up the appropriation bills on these several subjects the amount of the bills would be very large; they would outgrow the grasp of the House, and there would be no unity in the appropriations of public money.

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"I do say, sir, without the slightest question in my own mind of the truth of the statement, that the scattering of these appropriations as suggested by gentlemen here will be absolutely breaking down all economy and good order and good management of our finances. It can not be otherwise.

"We know the length of our session depends on the appropriation bills. Whatever other things fail, these must pass. However far into the hot weather of the summer we go, we must go by the pressure of the appropriation bills; and unless we say to one committee, take this in charge and make it your chief business, we give you the primacy, we give you the priority, we waive all other things off to carry this through and accomplish it—I say unless we do that, there can be no reasonable end to our session and there can be no safety to our Treasury. I hope, therefore, gentlemen will not break down the old conservative habits we have thrown around the Committee on Appropriations."

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Mr. RANDALL, of Pennsylvania, said:

* * * "If you undertake to divide all these appropriations and have many committees where there ought to be but one, you will enter upon a path of extravagance you can not foresee the length of or the depth of, until we will find the Treasury of the country bankrupt."

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Mr. Whitthorne, of Tennessee, said:

"When I first entered Congress, in the Forty-second Congress, General Coburn, of Indiana, was a member of the Committee on Appropriations. He at that time proposed to divide the labors of that committee as is now proposed by the gentleman from Pennsylvania [Mr. Shallenberger] and by others. At that time I was heartily in favor of that proposition. But during all these years that I have been here my experience and observation have led me to believe that if we turn loose a half-dozen committees upon the subject of appropriations it will be impossible to control the amount of those appropriations. I believe that it is for the interest of the people that the subject of appropriations should be committed mainly to one committee. I say this not out of any feeling with respect to my own committee, because if I considered that I should be jealous of its rights and should speak jealously of its intelligence and its power of comprehending the duty before it. But, speaking in the interest of the people, in the interest of the public Treasury, in the interest of a proper control of public expenditures, I may say, what has been forced upon me contrary to my original convictions, that it is the duty of this House to have the subject of appropriations controlled by one committee." * * *

Mr. Robeson, of New Jersey, said:

"Mr. Chairman, the business of the country to be transacted in a great assembly like this must of course be committed to committees for examination, digestion, organization, and accomplishment. The general business of Congress divides itself naturally into three classes: First, legislation; second, revenue; third, appropriations. First, legislation for the purpose of doing the business of the country, or carrying on the Government, for securing the rights which that Government guarantees to its citizens, and for the progress and development of the country. These three general propositions include within their compass all the subject-matters of general legislation. The second class comprises the subject-matter of the revenue—the means by which the money of the country is to be raised and collected from the people and property of the country. The next and final division is, naturally, the appropriation of that money. Let me repeat—first the requirements of legislation; second, the raising of the money; third, the application of that money.

"It is not possible, Mr. Chariman, for any one committee to do all this business. No one committee can investigate and understand everything necessary and proper to originate legislation, to raise the money for it, and to divide and appropriate that money. Therefore this House is divided into subcommittees, to each of which is committed a portion of its business. These subcommittees are divided into three general classes corresponding to the divisions I have indicated. To the great departmental committees and those of like nature are committed the legislation for the maintenance of the Departments, and for carrying on the business of the country. To them is committed the investigation, the digestion, the organization, and accomplishment of that business; and to them it should be left. They are specially delegated with those duties; they are specially clothed with those powers. They give to the different subjects special investigation and special study. By long continuance of service on particular committees, they acquire a knowledge of systems and of details; and it is only by leaving legislation to them that you have a settled and harmonious policy in any Department of the Government.

"Wise economy is brought about by system and settled policy; and you can have no really economical service in any Department unless you have a committee which year after year and session after session, as long as the party which they represent dominates in the country, establishes a settled and continuous policy which can be worked out from its base to its consummation.

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"I do not believe that the various committees to whom is intrusted the legislation of this country should also be intrusted with the appropriation of the money, because this last I hold to be the province of the Appropriations Committee—a committee which not only adds, multiplies, and subtracts, as my friend from Connecticut [Mr. HAWLEY] said yesterday, but a committee which must investigate and take into consideration the results of the action of all other committees.

"They must examine work of the Congress as a whole. They must take into consideration what are the requirements of each particular Department as represented by its appropriate committee; what are the means supplied by the Ways and Means Committee; and looking over the whole field, and aggregating and considering the whole system, they must determine what it is wise to appropriate to each particular object; not the objects, but how much can be appropriated to each. No individual committee, which has in hand only the interests of its own business, can possibly know what are the results of the work of all the other committees. This is not their province, and it is not expected of them. Therefore it is that this Appropriations Committee is necessary. It is a sort of universal solvent that deals with the results of the action of all other organized committees, and puts them in a systematic policy, for which the party which they represent is responsible." * * *

Mr. Cox, of New York, said:

* * * "But if the Committee on Foreign Affairs would rid the country of these superfluous appendages, have they not the chance without having exclusive control of the diplomatic appropriation bill? Have we not the right to report a general bill repealing existing laws creating these offices? Can not we prepare amendments to the appropriation bill for such a purpose and take the sense of the House upon them? When the majority of the House favors such a motion can not it be done? If we have left the right to amend appropriation bills, when they come up in Committee of the Whole, or if preliminary we may report appropriation bills on special subjects for the final revision of the Appropriations Committee, what then? Nothing except greater guards over the strong-box in the Treasury. Let us, therefore, leave to the Committee on Appropriations its general supervision, which is indispensable to our fiscal system."

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Mr. Young, of Tennessee, said:

"There are, I think, few members of this House who have had more cause, real or imaginary, of complaint against the Committee on Appropriations than I have had, though I am glad to number every member of it among my personal friends; and few members, I presume, are more willing to curtail and impose every restraint upon that absolute dominion which has heretofore been allowed it in the management and direction of public legislation upon the floor of this House; yet I would not do this at the peril of the public interest. I know, sir, whenever we relax that rigid grasp which the Appropriations Committee can alone keep upon the purse-strings of the Government, whenever we wrest from it the key of the national Treasury, we will at once enter upon a vast field of public expenditure that has no bounds, and embark upon a turbid ocean of public extravagance which will soon swallow up our entire public resources."

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Mr. REED, of Maine, said:

* * * "But if we say that appropriations are to be made according to law by one committee, then we have control of the great general appropriations of the Government, and we know what we can appropriate; and then the other committees can carve out of what is left."

Mr. Simonton, of Tennessee, said:

"The question of the distribution of the powers of the Appropriations Com-

mittee is one that has engaged the attention of this Committee of the Whole for some time. A great many reasons have been offered why such distributions should be made. Among others, it has been gravely argued on this floor that if the duties and powers of that committee were divided among other committees, then gentlemen would have a better opportunity to put themselves forward in this House. I have no doubt that would be true.

"We have been told that if there was a distribution of the powers and duties of the Appropriations Committee there would not be any increase of the expenditures of the Government. I would ask, gentlemen, how do you know that the Agricultural Committee will not bring in a larger appropriation for that Department than would the Appropriations Committee? I would ask this question: If gentlemen do not want more money for the particular departments to which their committees relate, then why are they dissatisfied with the action of the Appropriations Committee? If it is not in order that they may obtain more money, why then do they want the powers of the Appropriations Committee distributed among the other committees of this House? Why must the Committee on Agriculture say what amounts shall be appropriated for the Department of Agriculture; or the Committee on Military Affairs say what amount shall be appropriated for the maintenance and support of the Army? Is it not because members are not satisfied with the amounts given by the Appropriations Committee? Now, if the Appropriations Committee should give too much, gentlemen can very easily move amendments to cut down the amount proposed.

"Mr. BLACKBURN. They never move to cut down.

"Mr. SIMONTON. I have never known an amendment offered to cut down the amount proposed. The truth is the difficulty with gentlemen arises from the fact that the Appropriations Committee does not give the Departments to which their committees relate enough of the public money; that is the difficulty."

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Mr. BLACKBURN, of Kentucky, said:

"I know very well that it is proper and right that each Department of the Government should have its own special friends upon this floor. The Committee on Naval Affairs is selected by the Speaker with the view of getting together men who are friendly to that Department. So with the Committee on Military Affairs; and it is the same way all through the list of committees. They are appointed that they may see to a change of the law wherever it is necessary to guard the interests of the particular Department committed to their care. That is the theory of the construction of the committees of this House; and it is a proper theory.

"The Committee on Appropriations stands in a very different attitude. Bearing no special relation to any Department, selected as a fair and impartial arbiter, with no more concern for the Navy or the Army than for the Interior Department or the Post-Office Department, it has been selected as the one grand reservoir into which all these proposed disbursements of money should pour, in order that fairly, judiciously, impartially it may make its recommendations to this House. Now, if you mean to take these bills from that committee—and the Committee of the Whole seem so determined—if the amendment now pending be adopted, I enter a solemn protest against it, not in the interest of party, but in the interest of economy and fair administration.

"But I go further, and remind the gentleman from Ohio [Mr. Garfield], my colleague on the Committee on Rules, that we are not yet reduced to the dire alternative which he describes. We are not yet forced to extricate ourselves from this threatened dilemma by adopting his suggested amendment and striking off the only limitation that the rule now puts upon the increase of appropriations by amendment after an appropriation bill comes into the House. He says that the alternative suggested by him is the only escape. I remind him that he has spoken hastily. There is another escape, and I trust it will be embraced. If this proposition for the distribution of the appropriation bills shall be adopted without limitation, and then if the only safeguard that we hold to-day under the rule upon the people's Treasury is to be stricken down, I sincerely, honestly, and earnestly trust that the report made by the Committee on Rules in the shape of a revision, so mangled and marred, with all its sins, if it has any, and with whatever good may belong to it, may be rejected and spewed out of the mouth of this House."

Mr. KEIFER, of Ohio, said:

"I believe, Mr. Chairman, that if you transfer to the various committees of this House the duties of preparing the several appropriations bills there will be a strife between those committees, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on the Post-Office and Post-Roads, and so on through, each striving to obtain the most appropriations for the Department of the Government directly under its charge, and in that way we will necessarily augment the annual appropriations beyond the ordinary revenues of the Government."

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Mr. HAWLEY, of Connecticut, said:

"Now, taking this as an illustration, the Committee on Appropriations, the general supervising committee of amounts to be granted, would be better able to reach a harmonious balance with reference to the wants of each branch of the service than could be attained if each of the various committees should control the appropriations for its particular Department. It is inevitable that a committee in charge of any subject will, I will not say unjustly, magnify the importanec of that subject, but will see it in all its force. I know this from my experience as a member of the Committee on Military Affairs, and also as a member at one time of the Committee on Banking and Currency." * * *

During the first session of the last Congress an amendment was proposed to the rules of the Senate referring the District of Columbia appropriation bill to the District of Columbia Committee. The following are extracts from the debate which occurred in the Senate on that proposition:

Senator BECK said:

"This is the beginning of a raid on the Appropriations Committee that if allowed to proceed can not be resisted, because each committee will claim that it has special knowledge and special information that the Committee on Appropriations does not have and can not have, because of the intimate relations of the various committees with the different Departments; and it will end in abolishing the Committee on Appropriations substantially. Perhaps that may be a good thing to do. It is a good way to get money out of the Treasury; there is no doubt about that.

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"I do not believe that the effort to take cognizance by special committee of the appropriations relative to the District of Columbia or to the Agricultural Department, or the Military, or Navy, or any other Department of the Government, is based upon the idea that the Committee on Appropriations are too extravagant in their appropriations for any of those things, or that it is now proposed to take any bill away from us for the purpose of curtailing extravagance or economizing expenditures in any of the different Departments of the Government. I think if this movement succeeds that the reverse will be found to be the fact. I think the history of legislation in these halls will show that wherever amendments have been moved to appropriation bills as they came from the Committee on Appropriations by gentlemen representing any other of the great interests of the Government, whether military or naval, or the District of Columbia or anything else, it has generally been asking an addition to an increase of appropriation over what the Committee on Appropriations had seen fit to allow; and I predict now that if this move is successful, and the Committee on Appropriations is abolished, as it will virtually be if all these motions carry—because I suppose if one shall carry all will—the result will be increased appropriations and a want of harmony, instead of strict economy and a thorough knowledge of all that has been done, and we shall have hereafter a good deal of extravagance in the management of our public affairs.

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"I have made notes of the remarks made by many of the leading men of the House, agreeing, almost without exception, that the rule was that each of the special committees charged with special interests were demanding more than the Committee on Appropriations was willing to give, and that there would be no uniformity if they were allowed to control appropriations. One committee would succeed in getting more than its share, while another would get less than its proportion; trading, bickerings, and heart-burnings would follow, to the detriment of the public service. The Post-Office Committee, whose jurisdiction reaches all the people, or the Agricultural Committee, banking on its popularity by representing the farmers of the country, might get more than the Army or the Navy, which are not so popular in time of peace, whereas when the bills all went to one committee composed of gentlemen some of whom are on the majority of the important committees, and are acting uniformly to see how the aggregate that can be afforded from the taxation imposed may be best distributed, doing justice to each one, ignoring none, giving none an advantage over others as far as they are able, then uniformity and equal justice would be obtained.

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* * * "Each Department of the Government would be represented by a different body of men in each conference who are not advised as to any of the other appropriations which have been made, and have to begin at the beginning and get the appropriations of all the other Departments from the different committees in order to get the information before they can tell what is going to be anything like an approximation to the aggregate of the expenditures of the Government for any fiscal year.

"For these reasons, among others, I think it would be a misfortune to break up the unity of the action of the two Houses, as these propositions, if carried, certainly will, because if one be taken away from the Appropriations Committee the others I assume will be.

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"It surely must be better to allow one body of men to frame the laws and another to provide the appropriations to carry them out than to allow one set of men to frame the laws and that same body of men provide the appropriations to make them operative. It at least gives two bodies in the Senate a chance to understand all about these things; and if the committee that frames the laws sees that the Appropriations Committee is not making sufficient appropriations to carry them out in good faith, each member of that committee can on the floor of the Senate show wherein injustice has been done, and he will overrule the Committee on Appropriations, of course, and ought to do it.

"This is the trouble about the move now made; it is in the wrong direction; it is a consolidation of all power in a single committee. If one committee frames the law and votes the money to carry it out, no other man in the Senate will know anything about it. The Agricultural Committee will frame the law and vote all the money they can, and no man not on that committee will know anything about it. So of the Post-Office Committee, so of the Naval Committee, so of the Military Committee, so of the District of Columbia Committee. They become autocrats, not only in the framing of the law, but in the appropriation of the people's money to carry it out; and outside of that committee-room no man can get the information to enable him to contradict what they say if they are wrong; and they are selected because they are special friends of the Department they are appointed to represent, for each Secretary ought to have men he can trust before whom he can present the wants of his Department here.

"What is the direction we ought to move in, and that I hope the great party I have so long been connected with has been moving in? Checks and guards ought to be thrown around all official acts. Discretion should be restricted by positive laws, and no man or set of men should hold unrestricted power. We ought to have one committee a check upon another, one guard placed upon another, so that no body of men sitting as a committee of Congress shall have absolute power over the money of the people. * * *

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"Whenever we depart from the present system of legislation and say that the committee that have the right to frame the laws for the Navy, or the Army, or the District of Columbia, or the Post-Office, or any of the great Departments of the Government, shall at the same time declare what money is necessary to carry those laws into effect, and no other committee, no other member of this House, shall have the power or the opportunity to see whether they are right or wrong, then we are taking a step in a wrong direction and concealing from the great mass of the Senate and the great mass of the people the facts on which we act; but when one committee frames the law and another provides the money, the two committees will develop all the facts, so that the whole body of the Senate will understand what is the proper thing to do.

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* * * "While I admit—and I wish that distinctly understood that I not only admit but I believe—that every other member of every other committee, whether of the District of Columbia, on Agriculture, the Post-Office, or any other committee, is as honest and as able and better informed as to his special matter than the members perhaps of the Committee on Appropriations in the aggregate, still it is not wise that the framing of laws and the voting of money to carry them out shall be united; and if you put them in the hands of a single committee, who will look over the aggregate, summons the different committees, reason together, and see what the Government, with the money produced by the taxes levied, can afford to expend, then the books of one committee will show what can be done with justice to all."

Senator EDMUNDS, chairman of the Judiciary Committee, said:

* * * "I wish to say that in the main part of the observations of my friend from Kentucky [Mr. BECK] I entirely agree. I think it would be injurious to the interests of the Treasury, and so to the interests of the people who supply the Treasury of the United States, to send appropriation questions for reports of sums to be appropriated to the various committees that have charge of the classes of the public service about which appropriations must be made, and that the practical result would be, if we divide them up, that the sum total of appropriations would be enormously increased. If there be a standing order of the Senate which says that all appropriations respecting the judicial establishment of the United States should be sent to the Committee on the Judiciary, the relations between the Committee on the Judiciary and the Department of Justice and the judicial establishment are of such an intimate and friendly character that we should be quite likely to be acting under a bias and to be more liberal in the money that we would recommend to be expended for the judicial establishment than a body of men not under such a bias would be likely to be. And I confess I do not see any distinction between the matter of the District of Columbia and any other of the various branches of the public service—the Army, the Navy, Indian affairs, post-offices and post-roads, public lands, and every one of the scores of separate subjects of public expenditure. I repeat I do not see any distinction between one and another.

"If it be correct to send appropriations regarding the District of Columbia to that committee, so far as I can see it is perfectly correct to send all judicial appropriations to the Committee on the Judiciary, all naval appropriations to the Naval Committee, all military appropriations to the Military Committee, all Indian appropriations to the Indian Committee, and so on through the whole cat-

alogue. I am fully persuaded that the aggregate of the separate bills, when we got to the end of a session of Congress, would be altogether beyond that which we now have; and I think we should find, in the main—although there are and probably must be more or less deficiencies that we have to make up (in general they are small)—that the aggregate of the public expenditure would be largely increased, on account of the necessary fact in human nature that committees charged with particular subjects and in direct communication with particular branches of the public service get to be impressed with the ideas of the special Departments with which they have to do, and feel, with the Departments, that the public service would be better promoted with still larger appropriations to carry it on.

"That is perfectly natural, perfectly reasonable in the philosophic sense, and is certain in my opinion to occur; and therefore, while I should be very glad to have the Judiciary Committee consider appropriations for the judicial establishment, because I think that the laws ought to be furnished with more money to carry them out, and the judges ought to have higher pay, and the marshals and everybody else be provided with more funds, I do not think it would be for the public interest that the Committee on the Judiciary should be charged with reporting appropriations for that branch of the public service. If it is true as to the Committee on the Judiciary, I assume that it would be true as to all the other committees in this body.

"I should hope, then, that we would adhere to the idea, with all the assistance we can get and suggestions from the several committees charged with the various branches of the public service, of having an independent committee, not charged with the administration of any particular branch of the public service, but only charged with following the law providing for appropriations, have all these bills under their general charge grouped as they generally have been. That is my opinion, and I shall feel obliged, therefore, to vote with my friend from Kentucky to keep the appropriation bills (and I would extend it to appropriations for rivers and harbors which have been by some custom sent to the Committee on Commerce) in the care of the Committee on Appropriations."

Senator SHERMAN said:

* * * "I concur generally in the views expressed by the Senator from Kentucky and the Senator from Vermont, but I say that the argument they make does not apply to the bill providing for the government of the District of Columbia. * * *

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"I agree with what has been said as to the tendency of dividing out the appropriation bills among different committees being to increase the expenditures. * * *

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* * * "I will not vote to transfer the naval appropriation bill to the Naval Committee, because these naval expenditures are fixed by law and the Naval Committee can report, if they choose, under our rules, amendments. Nor will I vote to carry the appropriations for agriculture to the Agricultural Committee. That is an interest represented by every man among us. * * *

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"Sir, I would not do anything at all to weaken the restraint or power of the Committee on Appropriations. I believe that it is necessary, as my friend from Vermont says, to bring all the items of expenditure for the nation under the eye and control of one committee, so that they may limit the amount of expenditure."

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Senator PLUMB said:

* * * "Not as expressing my ultimate judgment on this question of detail, but to some extent voicing this idea, I propose the following amendment to this Rule XVII:

"'That the general appropriation bills shall be referred as follows:

"'Making appropriations for the support of the Army, for the erection and repair of fortifications, and for the support of the Military Academy, to the Committee on Military Affairs; appropriations for the payment of pensions to the Pensions Committee; appropriations for the Navy and for the Naval Academy, to the Naval Committee; appropriations for the Post-Office Department, to the Committee on Post-Offices and Post-Roads; appropriations for the Department of Agriculture, to the Committee on Agriculture; appropriations for the Indian Bureau, to the Committee on Indian Affairs; appropriations for the District of Columbia, to the Committee on the District of Columbia; and the several items of appropriation contained in the remaining general appropriation bills, germane to the general jurisdiction of other committees of the Senate, shall be referred to such committees respectively. All such subjects of appropriation, and all appropriation bills so referred, shall be reported to the Senate by the committees to which referred, with proposed amendments, within one week of the date of such reference, and shall be printed, and referred to the Committee on Appropriations.'"

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Senator MORRILL said:

"I trust that the amendment will not be adopted. It would evidently procrastinate the session of the two Houses for an indefinite period if we were to have all the committees report and wait until they did report before the Committee on Appropriations should have possession of the bills. My opinion is that the business of the two Houses has never been so well performed as it was before the former duties of the Ways and Means and Finance Committees were separated. One committee ought to have the charge not only of the receipts of the Government but of its disbursements; but it was found that in the short session one committee in each House could not dispose of all the business in proper season if it had charge both of revenue matters and of all the appropriations, and, therefore, it was thought best, very properly, to separate the business of appropriations by having an independent committee for its consideration. I do think that this independent Committee on Appropriations is so large that it will overlook the details of the business that may be referred to it upon every subject, and this does not deprive the other committees of their potential power. Whenever a subject is brought here they will have their legitimate influence, and if there is anything wrong in the appropriations proposed by the Committee on Appropriations they will be heard fully."

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Senator BAYARD said:

* * * "I am entirely opposed to the amendment of the Senator from Kansas; yet at the same time I do not regret that he has offered it, because it serves to emphasize the error into which, I respectfully submit, the Committee on Rules have entered in proposing, even as far as they have, to commit to the two committees here named, Internal Improvements and the District of Columbia, the conjoint consideration, first, of general legislation of matters relating to the subject-matter respecting which the committee is generally charged, and, at the same time, the duty of appropriating money to carry into effect existing laws relating to those subjects. If there be one thing that the rules of the Senate have been questioned about, if there be one subject that has constantly been challenged in the Senate, it has been the offering of inappropriate amendments to appropriation bills; and if there be one form of legislation worse than another, it is the ingrafting of provisions of general law upon appropriation bills, and yet the same effect is produced when you shall combine the two under the name of either a legislative or an appropriation bill.

"I concur very largely in what was said by the Senator from Kentucky [Mr. BECK] and what was added by the Senator from Vermont [Mr. EDMUNDS], and I hope the Senate will not abandon the rule of legislation which enables the estimates of the Executive Departments to pass before a separate committee for the purpose of being examined with reference to the needs of existing law. I am very sure that when the two functions shall be found combined in the same committee of general legislation, and providing money to carry it into effect, the expenses of this Government will be found to be enormously increased.

"When we speak of a system of checks and balances in powers, it is not the subject of distrust of the individuals in this body who may be charged with the performance of the duties of certain committees; it is simply that under the circumstances there is certainty by delay and there is increased security in having separate and distinct judgments upon the same subject-matter. Therefore it is that I am glad that the error, or, as I may call it, the legislative vice, proposed by the Senator from Kansas has been brought more emphatically and more broadly before the Senate by the amendment that he has offered; and I hope before the rule is accepted by the Senate that the amendments in italics proposed by the committee will of themselves be rejected."

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Senator DAWES, chairman of the Committee on Indian Affairs, said:

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"I think with the Senator from Vermont who last spoke [Mr. MORRILL], that it was a misfortune when it came to be necessary to separate the duties of the Committee on Ways and Means in the House, when that committee which considered the resources and receipts of the Government was unable also at the same time to consider and determine upon the expenditures of the Government. For seventy years or more the Government was administered upon the idea that the receipts and expenditures of the Government should be considered in both branches by one and the same committee, and they were, I think no one can doubt, more wisely and economically administered under that system than under any other possibly devised. There can be no considerable expenditure of money in the Government that does not have its proper relation to the receipts of the Government and be determined in some measure by the receipts. What is in the Treasury, what is coming into the Treasury, and what is to be expended out of the Treasury are questions which ought to come under one general eye and one supervision as far as possible.

"I admit that when the duties of the Committee on Ways and Means were separated and a new Committee on Appropriations was created in the other branch, and also here, it was a necessity. The great amount of the business necessary to be considered as the country grew, and as the war brought new and great questions to be decided with rapidity and upon the moment, made it absolutely necessary, and there has been no time and no possibility since that they could be united. And just so far as we do depart from that idea, that they are a unity, it is a defect; it results in larger expenditure, and in my opinion in a less careful scrutiny. Every special committee, if I may so style the standing committees, to which the appropriation bills shall be distributed, has its specialty to amplify its jurisdiction and to accomplish more for its specialty than its predecessor has done, and I have never known the instance where such a reference has been made that the committee has ever come back with a bill that commended it to consideration because it had been cut down. When in the other branch they succeeded in having the agricultural bill taken from the control of the Committee on Appropriations and referred to the Committee on Agriculture, it was doubled in amount. It went on increasing, and it has gone on from that very reference to this day; and so it will be with every particular appropriation bill which goes to any other committee, especially a committee that has the general subject of legislation upon any particular branch of the public service committed to it; if you put along with it the appropriations for that branch they will legislate and appropriate at the same time.

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"I think the Senate will find it has made a very great mistake if it goes any further than existing rules as to the reference of the different appropriation bills, if it does not hold them just as far as it can under the control of a single committee, responsible to the body and to the country for the aggregate as well as for details, a committee whose duty it is to survey the whole field when they consider any particular appropriation bill. I say this proposition to refer the river and harbor bill to a particular committee separate from the Committee on Commerce will not meet that to which I think there is a response in the country; it will disappoint those who think that by thus doing they are going to cut down river and harbor bills. That is not the way to do it. I am not one of those who join in the cry against just and proper and ample and large appropriations for rivers and harbors, but I do not want to see such a bill magnified, swollen, extended, to objects not proper to be expressed within it, which has brought all this scandal on river and harbor bills heretofore, by the ambition of any committee to which it may be referred. I would rather see it take the general course of all appropriation bills, and let the amount appropriated for particular improvements, for great public works, be measured and determined by a fair view of the whole field, by a proper consideration of the entire amount of receipts and the amount of expenditures for other matters, and let other matters be determined also by the amount proper to be appropriated for these great and important duties devolved upon the Government. The improper features of the appropriation bills, that one in particular, do not creep into them, if my experience teaches me anything, from the regular committees. The proper Committees on Appropriations of the two bodies cut down bills; they scrutinize; it is their duty to do so. They are responsible to their respective bodies for the reports they make as a whole, while each separate committee is responsible only for the particular bill referred to it, and does not consider it with the aggregate, for it does not have the aggregate before it."

Senator HALE said:

* * * "I do not want to take up the time of the Senate upon this question; it is not a new one either in this body or in the other body, where my colleague, the chairman of the committee reporting this rule, had somewhat long service. There never was the time there when there was not some form or condition of a struggle to shear the Committee on Appropriations of a large part of its power; it was a struggle that constantly came up. In the course of that debate, as everybody will see who has read it, and as is shown in the extracts from it read here by the Senator from Kentucky [Mr. BECK], there was found, what will undoubtedly be found here, that there is a feeling on the part of other committees that the control of the money of the Government which is to be applied to any particular branch of the service should be in the hands of the committee raised to consider the interests and concerns of that Department. A Senator expressed it to me only a few moments ago quite epigrammatically. He said: 'You give us power to legislate, but that is good for nothing without the money to carry it out.' Of course it was precisely to meet that condition that one Committee on Appropriations was raised to consider all such subjects.

"I know from my own experience that the tendency of the mind of a member of either of the other committees calling for appropriations each year—the Military or the Naval Committee (I will speak of the latter because I have had service upon that committee)—is to gain all the power in appropriating money possible, and connected with that is the unerring result of desiring to have the power to appropriate more money. There has never been any exception to that. I think few Senators will dispute the statement that if all the business of the Committee on Appropriations was taken from it and given to the several committees we should then be confronted with a general scramble upon the part of each committee for more money. The Senator from Vermont [Mr. EDMUNDS] urged that point much more forcibly and clearly than I can, and his experience, never a member of the Appropriations Committee, but belonging to other committees here, taught him that.

"The Committee on Appropriations is liable to make great mistakes; there is no committee that is not; but it is so situated that it has no favoritism for any branch of the Government; it considers all. First, it determines, so far as in it lies, how much money in all shall be appropriated. In the work that is now going on in the other legislative branch of the Government, in the work that is laid out by the Committee on Appropriations of the House of Representatives, one of the first things that will be considered by the moving spirits of that committee is, how much money can we afford to give for all the branches of the Government? If there is to be a movement in the interest of what is called economy, that is the fundamental question that is first attacked, and that is a proposition in which the Committee on Appropriations has, as I have said, no favoritism. It does not want to unduly build up the Army; it does not want to extravagantly increase the Navy; it does not want to waste money on the Indian service; and so on throughout all the Departments; and so you get an action complete in itself, though, as I have said, by no means perfect. The tendency of the mind upon other committees, that is, of my own mind I know, is the other way. I am looking, if upon the Naval Committee, to that as a question of great importance. I do believe it to be. I do not think that there are many questions likely to come before this Congress of more immediate importance than that; and if I were guided only by my investigations and desires upon that committee, I know that my mind inevitably would run to a larger appropriation than it would if it was considering all the needs of all the branches of the Government. This is so apparent that it is trite to say it, and I need not urge it."

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Senator CALL said:

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* * * "It seems to me that the chief object of the Committee on Appropriations is to preserve a proper correspondence between the receipts and revenues of the Government and its disbursements, its appropriations. How can that be done if each committee of the Senate has a right to fix the amount, so far as a committee can do it by a recommendation of the amount to be appropriated? Manifestly there can be no revising power by the Senate after the specific appropriation is fixed if separate appropriation bills are to come from each committee. There can be no general aggregate presented by any agency whatever for the consideration of the Senate, and there can be no proportion preserved between the receipts, the revenues of the Government, and its disbursements. This, undoubtedly, is a necessary object, and one to which there can be no exception. If one committee, the Committee on the District of Columbia, has it, still the disproportion will exist. It is true there will be no great difference if that committee appropriates only a small amount, but the principle is unquestionably violated. It is necessary that there shall be a correspondence preserved between the amount of revenue received by the Government and the amount appropriated, and so far, as an incident, the Committee on Appropriations is vested with authority to make recommendations as to items of appropriation which are excessive, extravagant, or too little for the object proposed. That is a necessary incident of the great power of making such recommendations to the Senate as will preserve the proper proportion between the disbursements and the revenue of the Government.

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"I do not perceive that there is any force in the arguments which have been submitted to us, because the committees have now absolute power to make recommendations such as they see fit upon all the subjects within the jurisdiction of each committee. As I interpret the rules, a committee has power when an appropriation bill comes here to take every item of that appropriation bill, relating to the subjects within the jurisdiction of that committee, and either recommend the appropriation according to the bill, or in excess of it or in diminution of it. The simple difference, as it appears to me, proposed by this rule, is that of a compulsory reference to a committee, except so far as the rule now stands without the amendment of the Senator from Kansas that it gives to the Committee on the District of Columbia and the Committee on Internal Improvements the absolute right to recommend such appropriations as they see fit for the immediate action of the Senate."

SAML. J. RANDALL.

TEMPORARY RULES.

Mr. WEAVER, of Iowa. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That, until the adoption of permanent rules for the government of the House, there shall be, on to-day and each Monday hereafter, a call of States for the introduction of bills for reference, as provided by the rules of the Forty-eighth Congress; not to interfere with the consideration of the report of the Committee on Rules.

Mr. GIBSON, of West Virginia. Mr. Speaker, does the consideration of that resolution require unanimous consent?

The SPEAKER. It does not.

Mr. CANNON. But it is subject to a point of order, I take it. Under the rule it would go to the Committee on Rules.

Mr. WEAVER, of Iowa. I think not.

The SPEAKER. The resolution does not propose any change in the rules. It simply proposes a method of procedure in the House, in relation to a particular subject, until the rules are adopted.

Mr. CANNON. I understand that the rules have been adopted.

The SPEAKER. The rules have not been adopted.

Mr. CANNON. I thought they were temporarily adopted.

The SPEAKER. If the rules had been adopted, even temporarily, no such resolution as this would be necessary, because the Chair would proceed to call the States and Territories under the rule; but there being no rule in force which requires the Chair to make that call, the gentleman from Iowa [Mr. WEAVER] proposes the adoption of this resolution for to-day and other Mondays until the House shall have adopted its permanent rules.

Mr. LONG. Mr. Speaker, have we not adopted the parliamentary rules laid down in Jefferson's Manual, as modified by the rules of the last House? And if that be so, then are we not temporarily acting under the rules of the last House?

Mr. WEAVER, of Iowa. The gentleman is incorrect, I think.

The SPEAKER. In response to the gentleman from Massachusetts [Mr. LONG] the Chair will state that on motion of the gentleman from Georgia [Mr. HAMMOND] a resolution was adopted providing that the House in its proceedings should be governed by the general parliamentary law as modified by the usage and practice of the House of Representatives; but the Chair is not prepared to say that the adoption of that resolution revives any committee or any rule or practice of the last House in relation to the jurisdiction of committees.

The Chair is inclined to think that the purpose and effect of that resolution simply are, to govern the proceedings and deliberations of the House—that is, the proceedings on the floor—by the common parliamentary law and the practice heretofore prevailing in the House.

Mr. GIBSON, of West Virginia. I understand a resolution has been adopted by the House requiring all propositions affecting the rules of proceeding to be referred to the Committee on Rules without debate. Now, while this resolution does not, in direct terms, undertake to establish a permanent rule, it does propose a temporary rule; it provides that as a temporary arrangement the business of the House shall be conducted in accordance with this resolution. I think, therefore, that in accordance with the resolution adopted by this House on a former day this proposition must go to the Committee on Rules. I raise that point of order, and object to the present consideration of the resolution.

The SPEAKER. The gentleman from West Virginia [Mr. GIBSON] is mistaken in the statement that a resolution has been adopted by the House providing for the reference of propositions of this character to the Committee on Rules without debate. All the propositions heretofore referred to the Committee on Rules, at the present session, have been so referred by a vote of the House upon a motion of some member on the floor. The gentleman from Iowa [Mr. WEAVER], the mover of this resolution, is entitled to the floor.

Mr. WEAVER, of Iowa. I have no remarks. I call for a vote.

Mr. ROWELL. I rise to make a parliamentary inquiry. If bills be introduced under this resolution, is there any rule by which they may be referred to committees and printed?

The SPEAKER. The resolution itself provides that they shall be referred to committees when appointed, as provided in the rules of the last House.

Mr. KING. I desire to ask the gentleman from Iowa [Mr. WEAVER] whether this resolution includes to-day.

Mr. WEAVER, of Iowa. It does.

Mr. HAMMOND. Mr. Speaker, it occurs to me that we shall make no progress by introducing bills to-day, while we put ourselves in such a condition that great confusion may arise. This resolution provides that bills introduced to-day and until we adopt permanent rules shall be referred to committees, as if the rules of the House in the Forty-eighth Congress were now in force. This House is about to try to change the jurisdiction of a number of the committees. If we refer to the Committee on Appropriations to-day a bill which under the rules as they may be modified would go to some other committee, a question will hereafter arise whether the bill can be taken from the committee to which it has been referred—whether the jurisdiction of that committee, having attached under this resolution, will not continue.

This method of introducing bills before the appointment of committees has been tried once or twice before—only once, I believe—and I have been told by gentlemen who were then officers of the House that the proceeding produced a great deal of annoyance, vexation, and confusion, in consequence of the transfer of bills from the hands of committees that had had the custody of them *ad interim*. If any good could come from introducing bills to-day I would have no objection; but I do not see what advantage can arise, and I am told that a great deal of difficulty may be produced, even apart from the matter of confusing jurisdiction.

Mr. MCMILLIN. Will the gentleman from Georgia [Mr. HAMMOND] permit me to make a suggestion?

Mr. HAMMOND. Certainly.

Mr. MCMILLIN. The gentleman will remember that during the extra session of the Forty-sixth Congress, when a resolution was reached not to enter on general legislation at that session, a large number of bills were introduced, and one of the officers of the House who then had charge of the bills told me on Saturday that during that Congress it was never possible to get the bills entirely straightened out, and that great confusion resulted. I think the gentleman from Georgia is correct in his statement.

Mr. HAMMOND. I thank the gentleman from Tennessee [Mr. MCMILLIN] for aiding my memory in that particular. I have heard the general remark that this proceeding when heretofore attempted caused confusion, there having been, as I am informed, only one occasion when it ever was done. I think this resolution ought not to pass.

Mr. WEAVER, of Iowa. Mr. Speaker, I can not see how any difficulty such as is suggested by the gentleman from Georgia would arise.

Mr. MCMILLIN. Will the gentleman from Iowa [Mr. WEAVER] permit me to suggest one of the difficulties?

Mr. WEAVER, of Iowa. Certainly.

Mr. MCMILLIN. At present there is no chairman or clerk of any committee to receive bills which may be introduced and ordered to be referred; so that, after they are printed, they can not be distributed. There ought to be some officials of the committees to take charge of bills as they are referred; but under this arrangement, if they are dumped down into the committee-rooms, no committee clerk will be authorized to receipt for them, and the officers in charge of them can do

nothing with them. It seems to me likely that we shall get into some trouble if we adopt this resolution.

Mr. WEAVER, of Iowa. Certainly there is nothing in the suggestion made by the gentleman from Tennessee. These bills, if introduced, will be ordered to be referred to the regular committees. I do not understand that the report of the Committee on Rules will change the regular committees at all. How can any confusion arise? No gentleman will be compelled to introduce bills under this resolution. If any gentleman is afraid his bills, if referred now, may be lost or may not go to the proper committee, he can withhold them until the regular committees are appointed.

Mr. SPRINGER obtained the floor.

Mr. WEAVER, of Iowa. I yield to the gentleman from Maine [Mr. DINGLEY].

Mr. SPRINGER. I believe I have the floor.

The SPEAKER. The Chair has recognized the gentleman from Illinois [Mr. SPRINGER]; but will recognize next the gentleman from Maine [Mr. DINGLEY].

Mr. SPRINGER. Mr. Speaker, I am not at liberty to refer to any of the substance of the proposed report of the Committee on Rules of this House; but I am at liberty to refer to a proposition which was laid before the House and referred to that committee, and which I believe will be reported back with the recommendation that it be adopted as a part of the rules of the House. I refer to a proposed amendment to the twenty-first rule, to the effect that—

No bill for the payment or adjudication of private claims against the Government shall be referred, except by a two-thirds vote of the House, to any other than the following-named committees, namely: to the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

I hope this rule will be adopted before any bills are introduced for reference, because if bills are now introduced, in the present condition of the rules of the House, and referred to other committees than those to which they would properly go under the new rules, such committees will have obtained jurisdiction of the subject-matter referred to them in this hasty and inconsiderate manner.

This rule is for the purpose of sending all bills of a private character to committees to be raised for the purpose of considering them, instead of sending them to the general committees of the House as has heretofore been the custom. During the last session of the House, and in fact for many years past, it has been the custom to refer a number of bills of a private character to the Committee on the Judiciary, the Committee on Appropriations, the Committee on Ways and Means, and other committees of the House having jurisdiction of general subjects, thereby giving them jurisdiction and charge of matters of a purely private character I hope, until this amendment to the rules shall have been finally adopted—I mean this proposition to provide special committees having charge of matters of private legislation—that no bills will be introduced in the House to flood the committees having control of general legislation.

In addition to this it has been proposed, sir, to require all bills of a private character to be placed in the petition-box, along with bills for the establishment of post-roads and those which have reference to the improvement of rivers and harbors. If that be adopted, as I believe it will be, and ought to be, it will avoid the necessity of printing a vast number of bills of a private character. The mere printing of these bills heretofore has cost the Government thousands and thousands of dollars. The document-room of the House is now loaded down with bills of a private character which have been printed from Congress to Congress at an enormous expense to the people. If we open up this flood-gate of bills to-day and allow them to be introduced under the former rules of the House, they will all go to the Printing Office and be reprinted at Government expense; and the cost of reprinting bills already in print, which will be presented under this resolution and ordered to be printed, I venture to assert will not be less than from $10,000 to $15,000.

But if this were not a matter of economy I should still object to the passage of this resolution for the reasons I have already stated. I hope, therefore, that it will not be adopted, and that no bills will be introduced until the jurisdiction of the committees has been finally determined by the House on the report of the Committee on Rules. After that there will be ample time to introduce bills. If they are introduced now, they can not be considered; because no committees are organized or ready to receive them, and hence no time is saved by letting them in now and referring them to committees which have no existence. I hope, therefore, the resolution will not be adopted.

Mr. HOUK. Mr. Speaker, it seems to me that the first thing the House wants is a set of rules. If you commence introducing bills to-day, they will only contribute more to the confusion prevailing, when no rules exist, as has been well said by other gentlemen on the floor. There are no clerks, no committees, no authorized authority to receive and distribute the bills after they are introduced, and I hope the House will vote down the resolution and let us begin at the beginning, take up the question of the rules, adopt what we are going to adopt, and proceed, like business men, in an orderly way.

Mr. WEAVER, of Iowa. Mr. Speaker, I have not as yet heard a valid objection to the resolution I have introduced. It has been the practice of this House from time immemorial to receive bills before the appointment of the standing committees of the House for reference to the committees when they are appointed. That is the purport of the resolution—that the bills be introduced for reference to committes when appointed.

The suggestion of the gentleman from Illinois [Mr. SPRINGER] has no weight, because bills printed in the last Congress are worth nothing but that much blank paper. They can not be considered by the committees of the House hereafter unless they be introduced, nor can they be considered by the House itself until they are introduced and printed. Hence I see no objection to the resolution. I yield the floor to the gentleman from Maine.

Mr. DINGLEY. Mr. Speaker, I desire simply to call the attention of the House to the fact that what is proposed by the resolution of the gentleman from Iowa is simply what has been done by former Houses of Representatives without objection, certainly in the Forty-seventh and Forty-eighth Congresses. It has been the custom on the first Monday after organization, before the committees have been appointed, to introduce bills, and they have been received for reference to the proper committees when they are appointed. I see no confusion that can arise if we proceed to-day according to the custom that has prevailed in previous Congresses.

Mr. LONG. Mr. Speaker, there is another objection to the proposed resolution which has not yet been stated. If this resolution shall pass, the lists of all of these bills will have to be printed twice—first in the RECORD when they are introduced, and afterward when they are referred to the committees.

I move, therefore, that this resolution be referred to the Committee on Rules.

Mr. HATCH. I move the House do now adjourn.

Mr. WEAVER, of Iowa. I call for a division of the House on that vote.

The House divided; and there were 151 ayes.

Mr. LONG. No further count.

Mr. WEAVER, of Iowa. Yes; there is.

The nays were counted; and there were 58.

Mr. ANDERSON, of Kansas. I demand the yeas and nays. [Cries of "Oh, no!"]

The SPEAKER. Twenty-nine have voted in the affirmative; not being one-fifth of the last vote, the yeas and nays are not ordered.

Mr. PAYSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYSON. As the rules of the House are not now operating, is not the gentleman from Kansas entitled to the yeas and nays by general parliamentary usage?

The SPEAKER. He is entitled to the yeas and nays by the Constitution of the United States when one-fifth of the members present demand them. [Laughter and applause.]

So the motion was agreed to; and accordingly (at 12 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petitions and papers of Mary C. Starnes; of Ann McLaurine, widow of F. T. McLaurine; of J. W. Nance; of Ira B. Martin; of Henry P. McMillion; of Luke Lee; of R. F. Lanier, administrator of E. Lanier, deceased; of Elizabeth Hensley; of Sallie Gray; of Harriet Day; of J. C. Burgess, and of James D. Anthony, that their claims be referred to the Court of Claims—to the Committee on War Claims.

Also, petitions and papers of Mrs. Annette Carter Connor; of Coleman White, administrator of Mrs. Jane White; of Thomas J. Whitaker; of E. W. Shadden; of William F. Moore; of Thomas Harville; of James Henderson; of James S. Fogg; of William H. Brown; of Walker Akin, administrator of James Akin, and of James D. Terry, for relief—to the same committee.

Also, petition of trustees of the Cumberland Presbyterian church of Pulaski, Tenn., for compensation for the use of their church by United States troops during the war—to the same committee.

Also, a bill to appropriate $10,000 for the improvement of Duck River, Tennessee, by continuance of the work now in progress—to the Committee on Rivers and Harbors.

Also, memorials and papers of R. R. Reed, administrator of R. F. Buchanan, and of W. G. Adkisson, for relief—to the Committee on Claims.

By Mr. BRADY: Petition and papers of L. Madison Day, for relief—to the same committee.

By Mr. W. C. P. BRECKINRIDGE: Petitions and papers of the heirs of Andrew F. McMillin, deceased; of William N. Robb; of John Jones; of Henry Williams, administrator of Dr. Joel C. Frazier, for relief—to the Committee on War Claims.

Also, petition of Martin De Moss, county judge of Oldham County, Kentucky, and other citizens of said county, for compensation to said county for use of court-house by United States troops during the war—to the same committee.

Also, petition of S. M. Berry, for relief—to the Committee on Pensions.

Also, petition of Peter P. Little, administrator of Michael Shiner, deceased, for relief—to the Committee on the District of Columbia.

Also, petition of Sanford Goin, for a pension—to the Committee on Invalid Pensions.

Also, papers of George W. Taylor, for return of money paid on account of overassessment—to the Committee on Claims.

By Mr. BUCK: Petition of John M. Hatheway, a soldier of the Mexican war, for a pension—to the Committee on Pensions.

By Mr. BUTTERWORTH: Petition of Margaret A. Hanch, Ellen Lee, Catherine A. Connolly, and 300 other ladies of Cincinnati, Ohio, praying for the suppression of Mormonism in the United States and Territories—to the Committee on the Judiciary.

Also, petition of B. G. Stoll & Co. and 12 other wholesale grocers of Cincinnati, praying that in case of a change in the tariff on sugar the law making such change shall go into effect on the 1st of November next succeeding the passage of the act—to the Committee on Ways and Means.

By Mr. COLLINS: Petition of Amelia F. Gill, an army nurse, for a pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: A bill to provide for the completion of the harbor of refuge at Portage Lake, in the county of Manistee, Michigan—to the Committee on Rivers and Harbors.

Also, a bill for the better protection of life and property on Lake Michigan by the construction of a harbor of refuge—to the same committee.

Also, memorial of the Lake Carriers' Association respecting the proposed improvement of the Saint Mary's Falls Ship Canal and Hay Lake Channel—to the same committee.

Also, memorial of citizens of Manistee County, Michigan, relative to the improvement of the entrance to Bar Lake, on Lake Michigan—to the same committee.

Also, memorial of the Detroit Board of Trade, relative to the improvement of the Saint Mary's River—to the same committee.

Also, concurrent resolutions of the Legislature of the State of Michigan with reference to the purchase by the United States of the Portage Lake Canal and Lake Superior Ship Canal—to the same committee.

Also, joint resolutions of the Legislature of the State of Michigan relative to a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

By Mr. FISHER: Petition of W. W. Peck, Amzy Clay, and 108 others, citizens of Tuscola County, Michigan, praying for the restoration of the pension arrearage act—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Petition and papers of Jacob F. Chandler and 11 others, citizens of New Hampshire, praying that Congress enact a law authorizing the payment of certain unpaid balances of bounty—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. GEDDES: Letter of the Secretary of the Treasury, transmitting claims allowed under act of July 4, 1864—to the Committee on War Claims.

By Mr. GIFFORD: Petition of the actual settlers of the Crow Creek and Winnebago reservation, in Dakota, that early action be taken by Congress and the claims of the settlers to the lands settled upon be ratified—to the Committee on Indian Affairs.

By Mr. D. B. HENDERSON: Petition of citizens of Dubuque, Iowa, praying for the passage of special act of Congress granting a pension to Mrs. Hannah Maloney—to the Committee on Invalid Pensions.

Also, petition of citizens of Dubuque, Iowa, praying that Mrs. Anna D. W. Eichman be granted a pension—to the same committee.

Also, petition of Alonzo V. Richards, asking that he be allowed pension as second lieutenant Signal Corps, United States Army, instead of as sergeant of said corps—to the same committee.

Also, petition of citizens of Dubuque, Iowa, praying that a pension be granted Mrs. Anna Deggendorf—to the same committee.

By Mr. LONG: Petition of James P. Murphy and 77 others, of Scituate, Mass., for protection of their business of gathering and curing Irish grass—to the Committee on Ways and Means.

By Mr. LOVERING: Memorial of the selectmen and citizens of the towns of Winthrop and Revere, Mass., asking an appropriation for certain improvements of their harbor channel—to the Committee on Rivers and Harbors.

By Mr. T. B. REED: Petition and papers relating to the claims of James McGowan, of Matilda A. Lake, and of Hannah Hutchins—to the Committee on Invalid Pensions.

Also, papers relating to claims of George L. Hunt & Co., of Phinney & Jackson, and of Dudley Hall & Co.—to the Committee on War Claims.

Also, petition for survey of York Harbor, Maine—to the Committee on Rivers and Harbors.

By Mr. ROGERS: Petition of John B. Hogue, administrator of Powell E. Hogue, praying the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. T. B. WARD: Petition of John Kennedy, for relief—to the Committee on War Claims.

SENATE.

TUESDAY, *December* 15, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, communicating a report of "tests of iron and steel" made during the fiscal year ending June 30, 1885.

The PRESIDENT *pro tempore*. The communication, together with the accompanying papers, of which there are a great number, will be referred to the Committee on Printing for the consideration of the question of printing them, as was done at the last Congress, if there be no objection. If there is any motion made in respect to their printing it will be entertained.

Mr. EDMUNDS. What are the papers?

The PRESIDENT *pro tempore*. They are voluminous papers in respect to the tests of iron and steel. As they are quite voluminous, probably the question of their printing, as was done last year, had better be referred to the Committee on Printing.

Mr. EDMUNDS. Decidedly.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on Printing, together with the communication of the Secretary of War transmitting them.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 10th instant, a report in four parts by Capt. W. H. Bixby, Corps of Engineers, on the seacoast fortifications in Europe in 1881-'82.

The PRESIDENT *pro tempore*. This communication is accompanied by a great number of voluminous reports. What shall be done with them?

Mr. EDMUNDS. They had better be referred to the Committee on Printing, I should think.

Mr. DOLPH. I had the honor to introduce the resolution calling for this report. It is a very important one indeed, being the report, as stated, of an agent sent to Europe to examine and report on the seacoast fortifications of the different countries. I think I shall ask to have the papers referred to the Committee on Coast Defenses in the first instance, with a view of having them make some recommendation, and then have their report referred to the Committee on Printing.

The object in calling for the report was to have it printed, as there seems to be no authority in the War Department to have it printed; but I think perhaps it had better be examined in the first instance by the Committee on Coast Defenses.

Mr. MANDERSON. I hope the communication will be referred to the Committee on Coast Defenses, and that that committee will pass upon the question of printing the document. Of course it is extremely difficult for the Committee on Printing to take these voluminous documents and decide as to their importance and the necessity for their printing. I hope the Committee on Coast Defenses will also report as to the number of the document which should be printed.

Mr. DOLPH. My object in suggesting that the report be first referred to the Committee on Coast Defenses was to enable them to make some recommendation as to the number of the document to be printed and the character of the printing.

The PRESIDENT *pro tempore*. The communication and accompanying papers will be referred to the Committee on Coast Defenses without an order to print.

Mr. EDMUNDS. The communication ought to be printed, so that the records of the Senate may show that the report has been sent in, but not the papers, I think.

The PRESIDENT *pro tempore*. The order will be so modified, and the letter of the Secretary of War will be printed, but not the accompanying papers.

Mr. DOLPH. That is right.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th instant, a report of the Chief of Engineers in reference to the improvement of Broad Creek, in Delaware; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

THE WASHINGTON MONUMENT.

The PRESIDENT *pro tempore* laid before the Senate a communication from W. W. Corcoran, transmitting, in compliance with law, the annual report of the Joint Commission for the Completion of the Washington Monument; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a letter from the Secretary of War, transmitting a communication from the Adjutant-General of the Army, together with petitions of officers and non-com-

missioned officers of twenty-two regiments, favoring the passage of an act to equalize the pay of certain non-commissioned officers. The communication from the Secretary of War will be printed and referred to the Committee on Military Affairs.

Mr. EDMUNDS. I think that the letter of the Adjutant-General, which probably contains the largest amount of information upon the subject, should be printed also, but not the papers that accompany the Adjutant-General's letter.

The PRESIDENT *pro tempore*. If there be no objection, the order to print will include also the letter of the Adjutant-General, but without the accompanying papers in the form of petitions.

Several SENATORS. That is right.

The PRESIDENT *pro tempore* presented a communication from Hugh J. Campbell, president of the State executive committee of the Territory of Dakota; which was read, as follows:

SIOUX FALLS, DAK., *December* 8, 1885.

DEAR SIR: I have the honor to herewith transmit a certified copy of the constitution and memorial of the State of Dakota, and ask that it be presented to the Senate.

Yours respectfully,

HUGH J. CAMPBELL,
President State Executive Committee.

Hon. JOHN SHERMAN,
President of the Senate.

The PRESIDENT *pro tempore*. Is it the pleasure of the Senate to order the printing of the accompanying constitution?

Mr. HARRISON. I have a copy of that document in my hand, which I intended to present when the call for bills was reached, in connection with a bill I shall introduce; but as the document is laid before the Senate by the Chair, it obviates that necessity. I suggest that there be no order for the printing at present, but that the communication and accompanying paper go to the Committee on Territories.

The PRESIDENT *pro tempore*. The papers will be referred to the Committee on Territories without any order to print.

Mr. HARRIS. Though not in sympathy with the views of the petitioners, I present resolutions, in the nature of a memorial, of the Tennessee Teachers' Association favoring national aid to education. I move that the resolutions be referred to the Committee on Education and Labor.

The motion was agreed to.

The PRESIDENT *pro tempore* presented the petition of Mrs. Margaret A. Watson, Mrs. R. C. Shepherd, Mrs. E. H. Atkinson, Mr. D. H. Pierce, and 100 other citizens of East Liberty, Logan County, Ohio, praying the adoption of a sixteenth amendment to protect the women of the United States in the exercise of their citizen's right to vote; which was referred to the Select Committee on Woman Suffrage.

Mr. WILSON, of Iowa, presented the petition of H. C. Lane and 102 other citizens of Sheldon, Iowa, praying for the passage of an act of absolute forfeiture of certain lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company; which was referred to the Committee on Public Lands.

Mr. ALLISON presented the petition of members of the bar of the fifth judicial district of the Territory of Dakota, praying for two additional judges of the United States court for Dakota Territory and for a redivision of the judicial districts of the Territory; which was referred to the Committee on the Judiciary.

Mr. CALL presented two memorials signed by 141 citizens of Hillsborough County, Florida, remonstrating against the forfeiture of the land grant made to the State of Florida for the construction of a railroad from Amelia Island to Tampa Bay, Florida; which were referred to the Committee on Public Lands.

Mr. GORMAN presented the petition of Mrs. Mary M. Semmes, widow of the late Commodore A. A. Semmes, praying for an increase of pension; which was referred to the Committee on Pensions.

He also presented the petition of James Crutchett, of Washington, D. C., praying payment for property taken by the Government; which was referred to the Committee on Claims.

Mr. SEWELL presented the petition of Daniel F. Hammell, praying compensation for his services as first sergeant and second lieutenant in the One hundred and twenty-second Regiment New York Volunteers; which was referred to the Committee on Military Affairs.

Mr. EVARTS presented the petition of Hyland C. Kirk and other citizens of New York, praying that their claim for compensation for the use by the United States Government of a perforated tax-paid spirit stamp may be referred to the Court of Claims; which was referred to the Committee on Claims.

Mr. GIBSON presented the petition of the minor heirs of John W. King and Edward M. Lane, of Warren County, Mississippi, praying to be allowed the proceeds of certain cotton taken and sold by the United States; which was referred to the Committee on Claims.

Mr. COCKRELL. I present the petition of William R. Testerman, of Missouri, praying for the reference to the Court of Claims under the act of March 3, 1883, of a bill for his relief which I shall introduce when bills are in order. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL. I present the petition of William H. Wymore, of Missouri, administrator of the estate of Cary Nall, deceased, praying compensation for sundry articles furnished to the officers of the Army for the use of scouts, &c. I move that the petition be referred to the Committee on Claims, to accompany the bill which I shall present when in order.

The motion was agreed to.

Mr. COCKRELL. I present additional evidence to accompany the bill (S. 295) granting a pension to Columbus C. Kerr, and move that this additional evidence, consisting of the petition of Mr. Kerr and the affidavits of Dr. S. S. Stacey and Lieut. John B. Mittus, be referred to the Committee on Pensions, to accompany the bill.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, reported it without amendment.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 126) to change the name of the National Bank of Winona, reported it without amendment.

Mr. BECK, from the Committee on Finance, to whom was referred the bill (S. 416) for the relief of J. M. Lobban, reported it without amendment.

Mr. INGALLS. I am directed by the Committee on the Judiciary to report, without amendment, the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia. The bill relates to what is commonly known as the Kidwell patent to the Potomac Flats, upon which, as is now well known, the Government is expending vast amounts of money for the improvement of the river front. While the claim appears to me to be vague and insubstantial, yet it is a cloud upon the title of the United States, and it appears to me important that the Attorney-General should be authorized to commence proceedings without delay to determine the rights under that patent. Although I can not at this time, as the Senator from Massachusetts [Mr. HOAR] has the floor, ask for the consideration of the bill, I shall in view of its importance ask the Senate to consider it as soon as possible after the Presidential succession bill is disposed of, perhaps to-day.

Mr. HOAR I will state for the information of the Senate that I announced yesterday that I would ask the Senate to take up to-day the Presidential succession bill, and then in view of a possible amendment to be offered to it would ask to have it go over until to-morrow. I am not sure that that amendment will be offered, but still Senators who heard the announcement probably supposed that the chief consideration of that bill would take place to-morrow. I shall therefore, after the bill has been read at the desk so as to have it understood that it has started in its consideration by the Senate, without any further delay give way and let the bill go over until to-morrow and let any other business that Senators may have ready come up.

Mr. INGALLS. Then I shall ask, after the consideration of the Presidential succession bill to-day shall have been concluded, that the Senate proceed with the consideration of the bill that I have just reported.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

ALEXANDER R. LAWTON.

Mr. EDMUNDS. I am authorized by the Committee on the Judiciary to report back favorably the bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia. I ask unanimous consent that the bill be now considered. It is a bill to remove the political disabilities of Mr. Lawton, of Georgia, who, it may be remembered, was nominated last spring to an important office, but it is understood from the public papers that he was thought to be laboring under certain disabilities. Mr. Lawton, with a high sensibility to the question, withdrew himself from the consideration of the President in view of this difficulty, about which there was a difference of opinion, and has now petitioned Congress in a perfectly respectful and proper way, stating that while he himself does not think that he was under disabilities yet, in deference to the opinion, as he understood it, of a good many people, he now applies that his disabilities, if there be any, may be removed. I, therefore, ask unanimous consent that the bill be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to relieve Alexander R. Lawton, of the State of Georgia, of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

BILLS INTRODUCED.

Mr. MCPHERSON introduced a bill (S. 556) for the relief of Betts, Nichols & Co.; which was read twice by its title, and referred to the Committee on Finance.

Mr. JACKSON introduced a bill (S. 557) to grant for the use of the public a street across the United States grounds in the city of Chattanooga, State of Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 558) to refund internal-revenue taxes in certain cases; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 559) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. VANCE introduced a bill (S. 560) for the relief of Mrs. Hetty Martin, widow of Capt. James G. Martin, deceased; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 561) for the relief of A. S. Bloom; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BECK introduced a bill (S. 562) to refund certain internal-revenue taxes to the Deposit Bank of Glasgow, Glasgow, Ky.; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 563) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 564) to limit fees for the consular verification or authentication of invoices; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GORMAN introduced a bill (S. 565) for the relief of Joseph H. Maddox and others; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON (by request) introduced a bill (S. 566) for the relief of E. Troisgros; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 567) for the relief of the estate of Lucien Goyaux; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 568) referring the joint claim of T. Alonzo Walker and Augusta C. Todd, for proceeds of cotton, to the Court of Claims for adjudication; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MORRILL introduced a bill (S. 569) to authorize the acquisition of certain parcels of real estate embraced in square numbered 406 of the city of Washington for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 570) for the relief of Jabez Burchard; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 571) for the refunding to Josiah F. Bailey and Samuel W. Groome, lately trading as J. F. Bailey & Co., the amount of certain duties on steel blooms illegally exacted from them by the collector of customs at the port of Philadelphia; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Finance.

He also introduced a bill (S. 572) granting a pension to Lena Kebler; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 573) granting a pension to Lewis P. Howard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PIKE introduced a bill (S. 574) for the relief of Robert Strachan; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 575) for the relief of Lysander H. Carroll; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SABIN introduced a bill (S. 576) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or Lake) at any accessible point between Prescott, Wis., and Taylor's Falls, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 577) for the erection of a public building at Stillwater, Minn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON introduced a bill (S. 578) providing for the admission of the State of Dakota into the Union and for the organization of the Territory of North Dakota; which was read twice by its title.

Mr. HARRISON. In connection with the bill I desire to present to the Senate an engrossed and certified copy of the constitution adopted by the convention held at Sioux Falls on the 25th of September. I ask the reference of the bill with the accompanying papers, without any present order for the printing of the constitution submitted, to the Committee on Territories.

I desire to say in this connection that the bill I have presented is the bill prepared by the executive committee appointed by the constitutional convention with a view of advancing the work of that convention to its completion by the admission of Dakota as a State. I do not desire to be understood as giving my assent to all the details of the bill, but I have thought it better to submit it for consideration and amendment by the committee rather than to undertake that work myself in advance.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Territories with the accompanying papers.

Mr. EDMUNDS introduced a bill (S. 579) granting a franking privilege to Julia D. Grant; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also introduced a bill (S. 580) granting a pension to Julia D. Grant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EDMUNDS. I wish to say as to both these bills for the widow of the late President Grant, that they are precisely in the form of the bills heretofore passed by Congress into laws granting the franking privilege to the widows of ex-Presidents and granting pensions to the widows of ex-Presidents; and I hope that the respective committees will find it convenient to report them as early as possible.

Mr. EDMUNDS introduced a bill (S. 581) to establish a forest reservation on the headwaters of the Missouri River and the headwaters of Clark's Fork of the Columbia River; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. BUTLER introduced a bill (S. 582) for the relief of the board of field officers of the fourth brigade of South Carolina Volunteer State troops; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 583) to provide for the settlement of the rights of the States, and of the corporations and persons interested in any grant of lands in aid of railroads and canals which shall be declared forfeited by act of Congress; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VEST introduced a bill (S. 584) to incorporate the Atlantic and Pacific Ship Railway Company, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 585) for the relief of William R. Testerman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 586) for the relief of William H. Wymore, as administrator of the estate of Carey Nall, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS introduced a bill (S. 587) to provide for the sale of the Kickapoo diminished reservation in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN introduced a bill (S. 588) to resume to the United States certain lands granted to the State of Iowa to aid in the construction of a railroad in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALDRICH introduced a bill (S. 589) to amend section 4414 of the Revised Statutes, regulating inspection districts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 590) to amend certain sections of the Revised Statutes of the United States relating to pensions, and certain laws enacted since the revision of the statutes, and for other purposes; which was read twice by its title.

Mr. MITCHELL. I desire to say in this connection that this is almost precisely the bill reported by the Committee on Pensions last Congress. It relates to a large number of minor defects in the pension laws. It was recommended from the office of the Commissioner of Pensions and was very carefully considered by the Committee on Pensions at the last Congress. The bill includes a number of cases which give Senators trouble very frequently, cases of inequality and other cases which we have to relieve now by a multitude of private measures. I desire that Senators shall be interested in this matter and endeavor to cure these small defects of the pension laws by a general act. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MANDERSON introduced a bill (S. 591) granting increase of pension to Edward Hill, late of the Sixteenth Regiment Michigan Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 592) for the voluntary retirement of lieutenants in the line of the Army after twenty years' service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BROWN introduced a bill (S. 593) for the relief of Morgan Rawls; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 594) granting pensions to the soldiers and sailors of the Mexican war; which was read twice by its title.

Mr. GEORGE. The bill does not express my idea of the measure of justice and right that is due to the soldiers of the Mexican war, but I

introduce it rather in conformity to what I believe to be the wish of the Senate so far as the soldiers of that war are concerned. It is in fact the bill which was passed by the Senate on the subject, divested of all extraneous legislation, of all legislation that does not refer to the soldiers of the Mexican war. I move that the bill be referred to the Committee on Pensions.

The motion was agreed to.

Mr. ALLISON introduced a bill (S. 595) granting a pension to David Peterson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 596) for the relief of Russell Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 597) for the relief of Mary Heron; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 598) granting an increase of pension to Charlotte D. Crocker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 599) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 600) for the relief of the assignees of Addison C. Fletcher; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 601) for the relief of the Sone and Fleming Manufacturing Company (Limited), of the city of New York; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRISON introduced a bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming; which was read twice by its title, and referred to the Committee on Territories.

Mr. MAHONE introduced a bill (S. 603) for the relief of J. R. Jones, late postmaster at Boydton, Va.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. EUSTIS introduced a bill (S. 604) providing for the appointment of a commission to investigate the declared discovery of inoculation of yellow fever and protection so afforded against that disease; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Epidemic Diseases.

Mr. JACKSON introduced a joint resolution (S. R. 11) proposing an amendment to the Constitution of the United States changing the terms of office of President and Vice-President of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PAYNE introduced a joint resolution (S. R. 12) to authorize the application of money appropriated by act of July 5, 1884, for continuing improvement of harbor at Cleveland, Ohio, to construction of an eastern arm to the breakwater; which was read twice by its title, and referred to the Committee on Commerce.

CHANGE OF REFERENCE.

Mr. SABIN. I introduced a bill several days since, the bill (S. 267) for the relief of Edway A. Grant, and through a misapprehension asked its reference to the Committee on Post-Offices and Post-Roads. The bill should have been referred to the Committee on Claims, and I now ask its transfer to the Committee on Claims by permission of the chairman of the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. That change of reference will be made if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GORMAN, it was

Ordered, That the papers in the claim of Joseph H. Maddox be taken from the files and referred to the Committee on Claims.

On motion of Mr. GIBSON, it was

Ordered, That the papers in the joint claim of T. Alonzo Walker and Augusta C. Todd be taken from the files and referred to the Committee on the Judiciary.

On motion of Mr. PIKE, it was

Ordered, That the papers on file relating to the claim of Robert Strachan be taken therefrom and referred to the Committee on the District of Columbia.

On motion of Mr. EVARTS, it was

Ordered, That the petition and papers of the Sone and Fleming Manufacturing Company (Limited), of the city of New York, on the files, be referred to the Committee on Claims.

On motion of Mr. JONES, of Arkansas, it was

Ordered, That the papers in the claim of William J. Gamble be taken from the files and referred to the Committee on Claims.

On motion of Mr. VOORHEES, it was

Ordered, That the petition and papers in the case of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, be taken from the files and referred to the Committee on Finance.

On motion of Mr. ALLISON, it was

Ordered, That A. V. Richards have leave to withdraw the papers in his case from the files of the Senate.

On motion of Mr. BECK, it was

Ordered, That Charles D. Pennybaker have leave to withdraw from the files the papers in his case for the refunding of taxes alleged to have been illegally collected from him, subject to the rules.

CONSULAR FEES.

Mr. BECK. I offer the following resolution:

Resolved, That the President of the United States be, and he hereby is, requested to cause inquiry to be made, and to inform the Senate whether or not any consular officer or commercial agent of the United States is now, or has been since 1868, personally interested in, or benefited by, the fees paid to the notarial, consular, or commercial officials of any other nation, for oaths administered or verifications made on invoices destined to the United States, and if any are, or have been, so interested or benefited, to report the amount of such benefit or interest as to each officer or agent.

Mr. ALLISON. Let that lie over until to-morrow. I should like to look at it.

The PRESIDENT *pro tempore*. Objection being made to its consideration, the resolution lies over under the rule.

Does the Senator from Kentucky desire to have the resolution printed?

Mr. BECK. I would rather it should be printed for the information of the Senate. I shall call it up to-morrow.

PRESIDENTIAL SUCCESSION.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions," the Calendar is now in order.

Mr. HOAR. I move to take up the Presidential succession bill. I believe that is the first bill on the Calendar.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

Mr. HOAR. The Senator from Kansas [Mr. INGALLS] desired to take up a bill which he has indicated, but I understand that he now prefers not to ask the consideration of that measure at this time. I will therefore, if there be no other desire on the part of the Senate, state very briefly the purpose of this bill and proceed with it to-day as far as may be, and then let it go over until to-morrow.

The bill provides for two changes in the existing law. First, it substitutes for the President *pro tempore* of the Senate and the Speaker of the House as the officers upon whom the duties of President shall devolve in case of a vacancy in the office of President and Vice-President, the members of the Cabinet in the order of their official seniority—the order in which the various Departments were created, except that the head of the Department of Justice, which is the last Department created by law, is continued in his old place as Attorney-General, ranking the heads of the Departments created since the original establishment of the Cabinet. That is the first change proposed in the existing law.

Second, the bill as reported from the committee provides that the officer who shall be called upon to act as President in case of a vacancy in the office of President and Vice-President or in case of inability, shall continue so to act during the term for which the President and Vice-President had been elected, and abrogates the provisions of law providing for an election in the interval.

Without undertaking to make a full and elaborate speech upon this question, I will state, what I suppose are well known to most Senators, the reasons for proposing both these changes.

Certainly the present arrangement, which devolves the office of President of the United States in any contingency upon the President of the Senate or Speaker of the House, is a most awkward and inconvenient one. It was adopted originally in opposition to the opinion of Mr. Madison and in opposition to the opinion of the first House of Representatives, of which he was the leader. It was adopted as the result of a continuance of the old controversy in the convention which framed the Constitution of the United States, of the struggle for the equality of the small States in the Government as against the claim that the powers of the Government should be wielded by the people of the different States in proportion to their population. The scale was turned, however, in favor of the adoption of the existing principle by the jealousy entertained toward Mr. Jefferson by the leading Federalists of the first Administration; and undoubtedly but for the apprehension of the growing public influence of Thomas Jefferson and of the political opinions of which he was the representative the provision would have been made in the First Congress that the Secretary of State should succeed to the executive function in case of a vacancy.

The present arrangement is bad, first, because during a large portion of the term there is no officer in being who can succeed. That was the case during the whole of the last vacation after the expiration of the last Congress.

It is inconvenient, also, because it would be almost impossible for the President of the Senate to continue to perform the functions of his office, which is the principal office, to which the Presidency of the United States is made a mere adjunct or appendix in the contingency which is provided for by law. Nothing can be conceived more awkward, more repugnant to our sense of propriety, than for the President of the United States to sit in the chair of the Senate and preside over and listen to discussions in regard to his own nominations, voting upon them himself as an equal in the Senate, and presiding over and

listening to the severe criticisms of executive policy which in times of high party antagonism must be always heard in this Chamber, and ought to be always heard in this Chamber.

Then, the political functions are devolved by the present arrangement upon an officer changeable at the will of this body. The President of the Senate may be removed from time to time by the majority of the Senate, after the Presidential functions have devolved upon the office as before; and that suggests many very grave and doubtful constitutional questions as to the title in certain contingencies to the Chief Executive office, a matter which should be removed by every possible legislative precaution from any question whatever.

The President of the Senate is not elected with reference to his fitness for executive functions. He is to be under our constitutional theory a senior, representing the principle of seniority, one of the elders, as his name implies. He is chosen for his capacity as a debater and a framer of legislation. If, as is usual, his life has been passed specially in the discharge of like duties with those which he is performing here, he will have little or no executive experience. Both these two last suggestions, which apply with great force to the case of President of the Senate, apply with uncontrollable force to the case of Speaker of the House of Representatives. It would be almost a physical impossibility to discharge the duties of these two great offices, that of President and Speaker, for any considerable time by one man—offices the two most laborious, responsible, and anxious probably known to our Government, each of which properly performed is enough to tax the strength and shorten the life of a strong and capable man.

The statistics of this matter are very remarkable. I have here a list of the Presidents *pro tempore* of the Senate, the Speakers of the House of Representatives, the Secretaries of State, and the Secretaries of the Treasury, and it is a very curious list in the suggestion which it affords upon this question. Here is the list of the Presidents *pro tempore* of the Senate, which I will read:

PRESIDENTS PRO TEMPORE OF THE SENATE.

John Langdon, Richard Henry Lee, John Langdon, Ralph Izard, Henry Tazewell, Samuel Livermore, William Bingham, William Bradford, Jacob Read, Theodore Sedgwick, John Lawrence, James Ross, Samuel Livermore, Uriah Tracy, John E. Howard, James Hillhouse, Abraham Baldwin, Stephen R. Bradley, John Brown, Jesse Franklin, Joseph Anderson, Samuel Smith, Stephen R. Bradley, John Milledge, Andrew Gregg, John Gaillard, John Pope, William H. Crawford, Joseph B. Varnum, John Gaillard, James Barbour, John Gaillard, Nathaniel Macon, Samuel Smith, L. W. Tazewell, Hugh L. White, George Poindexter, John Tyler, William R. King, Samuel L. Southard, W. P. Mangum, D. R. Atchison, William R. King, D. R. Atchison, Lewis Cass, Jesse D. Bright, Charles E. Stuart, James M. Mason, Thomas J. Rusk, Benjamin Fitzpatrick, Jesse D. Bright, Solomon Foot, Daniel Clark, Lafayette S. Foster, Benjamin F. Wade, Henry B. Anthony, Matthew H. Carpenter, Henry B. Anthony, Thomas W. Ferry, A. G. Thurman, T. F. Bayard, David Davis, George F. Edmunds, John Sherman.

Here is the list of the Speakers of the House of Representatives:

SPEAKERS OF THE HOUSE OF REPRESENTATIVES.

F. A. Muhlenburg, Jonathan Trumbull, F. A. Muhlenberg, Jonathan Dayton, Theodore Sedgwick, Nathaniel Macon, Joseph B. Varnum, Henry Clay, Langdon Cheves, Henry Clay, John W. Taylor, Philip P. Barbour, Henry Clay, John W. Taylor, Andrew Stevenson, John Bell, James K. Polk, Robert M. T. Hunter, John White, John W. Jones, John W. Davis, Robert C. Winthrop, Howell Cobb, Linn Boyd, Nathaniel P. Banks, James L. Orr, William Pennington, Galusha A. Grow, Schuyler Colfax, James G. Blaine, Michael C. Kerr, Samuel J. Randall, Joseph W. Keifer, John S. Carlisle.

Now, on the other hand, with reference to the question of fitness in the public estimation for the Presidential office, listen to the list of Secretaries of State:

Thomas Jefferson, Edmund Randolph, Timothy Pickering, John Marshall, James Madison, Robert Smith, James Monroe, John Quincy Adams, Henry Clay, Martin Van Buren, Edward Livingston, Louis McLane, John Forsyth, Daniel Webster, Hugh S. Legaré, Abel P. Upshur, John C. Calhoun, James Buchanan, John M. Clayton, Daniel Webster, Edward Everett, William L. Marcy, Lewis Cass, Jeremiah S. Black, William H. Seward, Hamilton Fish, William M. Evarts, James G. Blaine, F. T. Frelinghuysen, and T. F. Bayard.

Six of the Secretaries of State have actually become Presidents, though not originally appointed with reference to any succession. Thirty-six years out of the ninety-six that this Government has been in operation, the office of President has been held by men who had once been Secretary of State. See, too, how the others who have not been elevated to the Presidency have been men who have been great leaders and exponents of the political opinions of their countrymen. In addition to the six Presidents (Jefferson, Madison, Monroe, Adams, Van Buren, and Buchanan) are Timothy Pickering, John Marshall, Henry Clay, Edward Livingston, Daniel Webster, Legare, Calhoun, John M. Clayton, Edward Everett, William L. Marcy, Lewis Cass, William H. Seward, Fish, Evarts, Blaine, and Bayard; and the list of the Secretaries of the Treasury, while not so impressive, emphasizes the same point.

No President *pro tempore* of the Senate, except Lewis Cass, has ever been the candidate of any considerable political organization for President of the United States. Of the Speakers of the House there have been four who have been candidates for the Presidency of any considerable political organization, and of those two had been Secretaries of State.

I do not forget, of course, that among the recent occupants of the office of President of the Senate *pro tempore* the names of Mr. Thurman, Mr. Bayard, Mr. Davis, Mr. EDMUNDS, and Mr. SHERMAN are names of gentlemen who, while not candidates of any political organization, have been in the thoughts and minds of large numbers of their countrymen as persons suited to the performance of the highest executive office. But still the selection of the Secretary of State as the person to succeed to this function, it is clear from the statement which has been read, is the carrying out of the principle which lies at the foundation of the constitutional provisions in regard to executive power.

It was intended by the framers of the Constitution that the process by this great and free people of changing its mind should be a process which should take place but once in four years; and when a man is elected to the Presidency it is not so much the purpose of the American people to confer honor and authority upon an individual, or to put confidence in an individual, as it is to pronounce that certain policies, certain tendencies, certain opinions on great public questions in which the country has an interest shall prevail and have the ascendency in its administration for four years.

Then it is not necessary to say that the protection of the person holding the office of President against political violence and crime is a practical matter deserving the attention of the Legislature. It is unlikely that any person desiring to accomplish by crime a change of the political administration of this country would ever assassinate a President to cause the accession to the Presidency of his chief political adviser and friend. Guiteau would hardly have tried to elevate Mr. Blaine, and Booth would hardly have tried to elevate Mr. Seward. Of our Presidents, four out of seventeen Presidents and five out of nineteen Vice-Presidents have died in office; two Presidents have died by the hand of an assassin; and it therefore is well worthy the practical consideration of the legislative power to provide against this contingency.

Now, Mr. President, the other matter, the matter in regard to which I suppose the Senate will be likely perhaps to entertain more doubt, is the provision to repeal all the sections of the Revised Statutes which provide for an early election by the people in case of a vacancy. In the opinion of a majority of the committee the reasons are very strong that whoever succeeds to the Presidency under the provisions of this bill should carry on the office until the end of the regular constitutional term. In the first place, I think if the question were submitted to the people either after or before the event occurred which gave rise to it, there would be an almost unanimous desire that there should be no increase in the frequency of our Presidential elections. Originally the contest was between six years and four. There were various opinions in the convention that framed the Constitution, but the two opinions which had any considerable strength there were the opinion in favor of a six years' term, or longer, and the opinion in favor of the present term; and there has been, so far as I know, no suggestion anywhere to amend the Constitution of the United States by providing for more frequent Presidential elections, for shortening the Presidential term. All the tendency of the popular feeling has been in favor of the present term or a still longer one.

Then you have practically not only a great disarrangement and doubt and uncertainty attending all business when a Presidential election is coming on, as everybody knows, but you disarrange the whole calendar, the whole olympiad under which we have reckoned, according to which we have adjusted all our political processes and all our statutes. If you provide for an immediate election instead of having the acting President serve out the term—the election being for four years—you have a new four years' term fitting awkwardly upon the present one. All the officers have been appointed by the existing President with reference to his continuance for four years, and all that great class of offices which are, in the opinion of even some men who claim to be civil-service reformers, of such a confidential or personal nature so related to the Executive that they ought properly to be changed with the head of a Department, must be changed again on the coming in of a new President, and that, as I understand it, includes all the foreign consuls, great and small, all the foreign ministers, all the collectors of internal revenue, all the local post-offices, large as well as small, all the collectors of customs, and a very large number of subordinates and clerks in all their offices. That is not my own theory, but I understand it is held by some.

Mr. President, as it has been said, the immediate occasion for this bill, which has given it its prominence in public estimation, although it has passed the Senate once or twice when there was no such contingency—the immediate occasion of this bill is the impression upon the public mind of the grave and serious necessity for casting new safeguards about the life of the President of the United States; it is clear, as I said just now in another connection, that the security against the attempts on the life of the President by any political criminal in a time of great public excitement, when persons are maddened and crazed as the feeble mind of Guiteau was by a political quarrel, or a person who persuades himself that he is performing the part of a Brutus by ridding

the country of a tyrant, who is sane—will be much greater under this bill than under existing law. The motive which affects their minds, and which has affected at least two such minds in our country, will continue to affect them if a new election of President is to be the result of the removal of the President and Vice-President. But if the principal adviser, the principal leader and exponent of the policies and principles of the party that elected the existing President, is to succeed to the office, and so in turn his other Cabinet advisers, that motive is entirely gone. And it is not a man, it is under the theory of our Constitution a principle of political conduct for which the people of the United States declare when they elect a President and Vice-President; and that is continued by the provisions of this bill.

I had a few other considerations to present; but I dealt with this matter very fully and thoroughly in introducing a bill substantially like this two years ago, which was passed by the Senate and sent down to the House, and, without repeating myself, I do not think I could profitably undertake to prolong a discussion on this question at this time. If any other Senator desires to address the Senate this morning, I hope he may do so; otherwise I shall ask unanimous consent to have the bill go over until to-morrow.

Mr. CONGER. Mr. President, before the Senator from Massachusetts takes his seat, I desire to suggest that there seems to be in the bill and also in the remarks of the Senator a little uncertainty whether in case of the death or inability of one of these officers having the duties of President cast upon him as Secretary of State, to illustrate, the succession would be to the then Secretary of State, or whether the law would have fulfilled itself in the case of an emergency of that kind and it would pass to the next officer mentioned, the Secretary of the Treasury.

Mr. HOAR. I do not understand the Senator's question exactly.

Mr. CONGER. In case of the inability of the President to perform the duties, by this bill the duties of the office would devolve upon the Secretary of State, and the other Cabinet officers in succession. Suppose the duties had been cast on the Secretary of State and disability was to arise in his case?

Mr. HOAR. Then it would go to the Secretary of the Treasury.

Mr. CONGER. But suppose another Secretary of State had been appointed meanwhile?

Mr. HOAR. But it could not be. He remains Secretary of State. It is on him *ex officio* and as Secretary of State that the duties of the Presidency continue to rest all through.

Mr. CONGER. That was the point I wished to have more clearly presented.

Mr. HOAR. I understand that under the existing law if to-day there should be a vacancy in the office of President of the United States, the President *pro tempore* of the Senate would continue to take that office, but he must continue to be President *pro tempore* of the Senate. That is one of the debated questions; but the fact that it is a debated question is a reason for abrogating the present condition.

The Constitution says Congress shall in the contingency named provide by law what officer shall act as President. He acts as President by virtue of being that designated officer. It becomes one of the duties of the Secretary of State to act as President of the United States. The Constitution exhausts itself, so far as any special provision is concerned, in providing for an election of two officers who may be President of the United States. Originally they were both voted for as President, as everybody recollects. Then after 1801, after the strife between Jefferson and Burr, that was changed, and the Constitution now provides that the Vice-President shall become President—I do not give the precise phrase but the substance of it. He, as I understand, becomes President. There the Constitution exhausts itself, and remits to the legislative power the designation of an officer who shall perform the duties of the President until the term has expired; or, to use the phrase of the Constitution, until an election is had.

There are many excellent constitutional lawyers who are of opinion, for very grave reasons indeed, that it is not within the constitutional power of Congress to provide for an election in the *interim*, and that it was intended by the Constitution that the officer on whom this function is devolved by law should serve out the entire term. I have not undertaken to deal with that question at this moment. I think it will probably come up in the debate before the bill passes.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill is before the Senate as in Committee of the Whole.

Mr. HOAR. I now ask unanimous consent, as I understand the Senator from Maine [Mr. FRYE] is ready to take up his report from the Committee on Rules, that this bill go over and stand for consideration at the close of the morning hour to-morrow.

The PRESIDING OFFICER. Retaining its place on the Calendar. Is there objection? ["None."] It is so ordered.

JUDICIAL SALARIES.

The next bill on the Calendar was the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; which was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out in section 2 the following words:

That no judge of any district or circuit court of the United States, or officer by him appointed, shall appoint to any office or employment in or pertaining to any court presided over by said judge any person related to him, by affinity or consanguinity, within the degree of first cousin.

And to insert in lieu thereof:

That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed to or employed in any office or duty in any court of which such justice or judge may be a member; and no person heretofore so appointed or employed shall continue in said office or employment after the expiration of six months from the passage of this act.

Mr. MORGAN. I should like to inquire of the chairman of the Committee on the Judiciary, or the Senator who reported this bill, whether the language in line 9 of section 2 would apply to an attorney of the court.

Mr. HOAR. No, sir; it applies merely to such officers as auditors, masters in chancery, &c., appointed by the court. An attorney is not appointed by the court.

Mr. MORGAN. Then I would suggest to the Senator that he insert after the word "appointed" the words "by the court," so as to read "appointed by the court, or employed by the court in any office or duty."

Mr. HOAR. I have no objection to that amendment if it makes it more clear.

Mr. MORGAN. I think it makes it more clear.

Mr. HOAR. It was intended to prevent the appointment by the judge of a court or by any other judge holding the court temporarily of the judge's brother or son to these lucrative offices. We have had in my part of the country no experience of any scandal or complaint, but the lawyers in the Senate during the last Congress, when this bill passed substantially in this condition, from almost all parts of the country testified to complaints in their neighborhoods which made this section proper. It was with deference to the very pronounced opinion of the Senate at the last Congress that this section was inserted at this time.

Mr. MORGAN. I move to amend, then, by inserting after the word "appointed," in line 8, the words "by such court;" and also by inserting after the word "employed," in the same line, the words "by such court."

Mr. McMILLAN. "Or judge," I would suggest to the Senator from Alabama.

Mr. MORGAN. Very well; I will add that.

Mr. HARRISON. I suggest whether it is necessary to insert those words twice, or whether the object would not be attained by inserting them once after the word "employed."

Mr. HOAR. The amendment as moved would allow another judge to come in and appoint. For instance, suppose the circuit court in Alabama or any other State is held by the district judge, as it may be under the law, and he appoints a son of the judge of the circuit court as clerk or auditor.

Mr. MORGAN. The word "court" would apply to that.

Mr. HOAR. Let it be read as the amendment will read after it is amended.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be read.

The CHIEF CLERK. In line 8, after the word "appointed," it is proposed to insert the words "by such court or judge;" and after the word "employed," in the same line, to insert the words "by such court or judge;" so as to read:

That no person related to any justice or judge of any court of the United States by affinity or consanguinity within the degree of first cousin, shall be appointed by such court or judge to, or employed by such court or judge in, any office or duty in any court of which such justice or judge may be a member.

Mr. HOAR. No objection.

Mr. COKE. I desire to say that I moved this provision as an amendment at the last session, and I think the amendment proposed by the Senator from Alabama is entirely proper.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama which has just been read.

The amendment to the amendment was agreed to.

Mr. MORGAN. There is one other matter which I wish to call to the attention of the Senator from Massachusetts. In line 12 of the second section I suggest whether it would not be better to strike out "six" and insert "twelve," so as to read:

And no person heretofore so appointed or employed shall continue in said office or employment after the expiration of twelve months from the passage of this act.

Mr. HOAR. It seemed to the committee that six months from the passage of the act was long enough, because the pendency of the act will be well known, and these persons will have all that time in addition to the six months to obtain other employment.

Mr. MORGAN. I think I can call the attention of the lawyers of the Senate to a certain state or condition of a cause in which it would be inconvenient to cut off an officer thus appointed by the court from the complete discharge of the duties, such as a receiver, for instance, of a large railroad company or a large commercial corporation or other corporation who might have proceeded for a month or two to acquaint himself with the business of the receivership. If he is cut off now, in six months after the passage of this bill a large portion of the labor that he has performed in acquiring the proper information would be lost to the parties and to the court.

I do not understand that there is any particular case in the mind of anybody where there has been an abuse of the law in the appointment

of a receiver, for instance, or a referee in cases on the law side of the docket, where referees are appointed under the practice of some of the States. It might work a very serious inconvenience to have a receiver or referee cut off within six months after the passage of this bill from the conduct of a very important cause which might be nearing completion and where his services would be indispensable.

Mr. HOAR. It has been held by several of the courts, and I suppose is settled throughout the country now, that a judge of a probate court can not appoint to the office of administrator, or the office of commissioner to settle an insolvent estate, a relative of his own within these degrees of consanguinity, because he is incapacitated from passing on the question of the accounts, from exercising that constant and strict supervision and control which ought to be exercised by an impartial and severe judge upon this class of officers.

The committee, I believe, were of the opinion that the original appointment by a judge of a relative of this sort was a scandal in itself, and that six months would be abundant time. If there be such a receiver he should surrender to some person whose official conduct can be controlled in the interest of all parties by an impartial judge, whose accounts and the rates for whose services can be fixed by an impartial judge. Of course in the case the Senator puts, if it ever should happen that there was a receiver who had acquired a special knowledge and skill which was indispensable to the settlement of an estate, he would give the benefit of his skill and experience to his successor, he would give him advice and give him information, and I suppose possibly there might be a case where the employment of such a receiver as an agent by the succeeding one would not be considered a violation of the principle of the law, though there would be very strong cause for watching it. I do not believe there will be any practical injustice done to anybody. This bill will not get through both Houses probably for some time, and when it does get through there will be six months allowed. I think that is sufficient.

Mr. MORGAN. I have no case in my mind at all.

Mr. HOAR. As the bill passed the Senate last year, if I recollect aright, there was no time given after the passage of the act.

Mr. MORGAN. I was about to say that if the object of the bill is to destroy and remove the scandal of the appointment of a receiver or referee or any other officer of the court by a judge who may be related to him within a certain degree, let the ax fall at once and remove him instantly; but if you give six months it must be not in consequence of the fact that the man who holds the office needs protection, but because the parties need protection, and I think that is not quite time enough in all cases. Now you have a practice in the Northern States with which I am not at all familiar, and which I do not think exists in many of the other States, that of having referees in causes in the common-law courts.

Mr. HOAR. We have a class of officers called auditors who are probably what the Senator refers to.

Mr. MORGAN. Yes; but in New York they are called referees in certain cases, and then in this District——

Mr. HOAR. They are not appointed by the court, but chosen by the parties, in my vicinity.

Mr. MORGAN. I was quite mistaken, then. I supposed that in this District referees were appointed by order of the court in certain cases.

Mr. EDMUNDS. The Senator from Alabama will pardon me. I think the practice in a good many of the Northern States is that these appointees, by whatever name they are called, sometimes auditors in certain classes of actions, sometimes referees—the referees usually must be agreed upon by the parties—and sometimes commissioners, sometimes masters, and so on, depending upon the nature of the jurisprudence which is being exercised, are constantly appointed in the discretion of the court. This bill would certainly, as I think it ought to, prevent the judge of a court from appointing his own son or nephew, because it only goes to sons and nephews, to carry on this administration of justice, because human experience has proved, as all men must see from a great many sad instances of it, that it is not a good thing to do, and this time which is given is needed to allow the judge to find a suitable successor wherever this scandal may exist, and to allow the person, who in many instances has been appointed in good faith and is a good man, to wind up his affairs and transmit them fairly to his successor. So I hope my friend from Alabama will see that six months is about the right time.

Mr. MORGAN. I have said that I had no case in my mind. I have no experience with such provisions of law as have been referred to in this debate; we have no referee system in the Southern States; but I take it that if a judge had appointed a cousin as referee in a law cause or a receiver in an equity cause, and had died leaving him in this office with some important trust placed in his hands, this man would under the bill be removed from office after the expiration of the term of six months although the judge who appointed him may be dead at the time of the passage of this act. It makes no difference how important he may be to the parties or to the cause, he would be removed absolutely, and they could not consent that he should remain in that receivership or in that position of referee and continue to wind up the case.

I have merely suggested that if we are going to destroy an office that already exists in conformity with law, a right that exists among the parties to have the referee chosen by the court go on and finish up the case, it seems to me prudent that we should not do it very hastily, that we should give twelve months rather than six months for the dispatch of that officer and his function, whatever it may be.

Mr. EDMUNDS. Mr. President, as to the case my friend from Alabama has alluded to, of a judge being dead and his son continuing, this bill would not apply then at all, because the referee or master or commissioner would not be akin to the then judge of the court; the connection would have been entirely severed, and he would be entirely within the propriety of the law then.

Mr. MORGAN. Has the Senator from Vermont read the language of the tenth line?

And no person heretofore so appointed or employed shall continue in said office or employment after the expiration of six months from the passage of this act.

Who is the person "so appointed or employed?" The person who was at the time of his appointment or employment a cousin of the judge.

Mr. EDMUNDS. I think my friend is technically right, but that can be corrected in a minute.

Mr. MORGAN. I will yield to an amendment.

Mr. EDMUNDS. My suggestion is to relieve that difficulty, which of course is a very distant one, by inserting after the word "employed" the words "being so related to such judge." That will relieve it of the difficulty suggested by the Senator from Alabama. It brings it down to the then time; if he is then related to the judge he shall go out; if he is not, he can stay in unless the succeeding judge chooses to name another.

The PRESIDENT *pro tempore*. There is an amendment in the second degree already pending.

Mr. MORGAN. I withdraw my amendment to let the Senator from Vermont get his in.

The PRESIDENT *pro tempore*. The Senator from Alabama withdraws his amendment so that the Senator from Vermont can submit his.

Mr. EDMUNDS. I move to amend the amendment reported from the Committee on the Judiciary by inserting, at the end of line 10, the words "being so related to such justice or judge;" so as to read: "and no person heretofore so appointed or employed, being so related to such justice or judge, shall continue in said office or employment after the expiration of six months from the passage of this act."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. Does the Senator from Alabama renew his amendment?

Mr. MORGAN. No, Mr. President. If the Judiciary Committee are satisfied that they have got the law liberal enough, it will suit me. In the South we have very little such practice.

Mr. EDMUNDS. It suits us.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on the Judiciary as amended.

The amendment as amended was agreed to.

Mr. MORGAN. I have an amendment to propose. I move to amend by adding as a third section to the bill:

The first section of this act shall only apply to judges who are hereafter appointed by and with the advice and consent of the Senate.

I did not suppose this bill would be called up to-day. In fact, I did not suppose that it had been reported by the committee, inasmuch as we have no printed Calendar, and I desire to submit some observations on this feature of the bill which I think is an important one and a just one to the people as well as to the judges in office; but I do not feel quite prepared to go on with it this morning, unless the Senator has some reason for pressing the consideration of the bill at once.

Mr. HOAR. I have no objection to having this bill go over. I do not want it to go over as unfinished business to supplant the Presidential succession bill, which, of course, is of larger public importance than this.

Mr. MORGAN. Of course I would not ask that.

Mr. HOAR. But trusting to the Senator from Alabama to help me get it up as soon as that bill is disposed of, I will consent that it go over.

Mr. MORGAN. I regard the bill of the Senator from Massachusetts on the Presidential succession as the most important one we can possibly consider at this time.

The PRESIDENT *pro tempore*. The bill will go over by unanimous consent, retaining its place on the Calendar.

Mr. EDMUNDS. I hope the amendments which have been agreed to may be printed, showing what they are in the form of the print, so that we may see exactly how the bill stands to-morrow, together with the amendment of the Senator from Alabama.

The PRESIDENT *pro tempore*. The bill as amended will be printed, if there be no objection, and also the amendment proposed by the Senator from Alabama.

CHANGE OF REFERENCE.

Mr. MITCHELL. Senate bill No. 541, for the relief of Alexander J. Mueller, was referred to the Committee on Pensions. The Senator introducing it [Mr. INGALLS] thinks it should go to the Committee on

Claims, and I ask that the Committee on Pensions be discharged from its further consideration and that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. If there be no objection, that change of reference will be made.

JOINT RULES FOR THE TWO HOUSES.

Mr. FRYE. I move that the Senate proceed to the consideration of the concurrent resolution proposing joint rules.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution reported by Mr. FRYE from the Committee on Rules on the 14th instant.

The PRESIDENT *pro tempore*. The proposed rules will be read.

Mr. FRYE. I ask that the first reading of the joint rules in Committee of the Whole be dispensed with, and that they be read by clauses for amendment.

The PRESIDENT *pro tempore*. If there is no objection that course will be taken, and the first reading will be dispensed with. The rules will be read *seriatim* and considered open to amendment.

Mr. FRYE. I desire just to say one word. These are precisely the same rules that were adopted without dissent by the Senate at the last Congress, with the exception of an amendment which has been reported. There are now no joint rules, and the Congress of the United States is the only legislative body in the world that is without joint rules. The matters of special importance are contained in section 2, clauses 2 and 3, which provide that each House shall dispose every morning of all messages from the other on its table. That would prevent the other House from adjourning at the close of a session with two hundred and forty Senate bills on its table, and it can be done just as well as not, and would expedite business greatly.

The next is clause 4, "general appropriation bills," which prevents any general legislation on appropriation bills and amendments to that effect. That every Senator knows would be a relief.

The next of importance is on "conferences." There is now no regulation touching conferences.

The next is "10. Calendars," a provision that each House during the last days of the session, in proceeding to its Calendar, shall take up the business from the other House. That is what the Senate does to-day. This simply provides that both Houses shall do it.

The next is a provision for a joint committee on the Library. There is now no provision for a joint committee on the Library, and that article provides that the Senate portion of the Joint Committee on the Library shall continue in existence and power during vacation. There is now no authority for it, although the Senate continues it.

These are the only matters of importance. The first question, if the Chair will allow me, was an amendment offered by the committee striking out Rule XIII, touching the sale of intoxicating liquors. A majority of the committee believed that that was a matter which should be left to each House.

Mr. MCMILLAN. I should like to ask the Senator from Maine whether the members of the committee appointed on the part of the Senate constitute the Library Committee of the Senate also. Our Library Committee constitutes a portion of the joint committee.

Mr. FRYE. Yes, sir.

The PRESIDENT *pro tempore*. The proposed joint rules will now be reported subject to amendment. Does the Senator from Maine desire to have action first upon the amendment reported by the committee?

Mr. FRYE. On the amendment, if the Chair please.

The PRESIDENT *pro tempore*. The amendment of the committee will be read.

The CHIEF CLERK. The proposed amendment of the Committee on Rules is to strike out Rule XIII, as follows:

XIII.—SALE OF LIQUORS FORBIDDEN.

No spirituous or malt liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto; and it shall be the duty of the Sergeants-at-Arms of the two Houses, under the supervision of the presiding officers thereof respectively, to strictly enforce the foregoing provisions, and any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

The PRESIDENT *pro tempore*. The question is on the proposed amendment striking out this clause.

The amendment was agreed to.

The PRESIDENT *pro tempore*. This is the only amendment proposed by the committee.

Mr. CONGER. I did not understand the proposition. Was the vote on adopting the clause just read, inserting it?

The PRESIDENT *pro tempore*. The vote was on adopting the amendment proposed by the committee.

Mr. CONGER. I should like to have the effect of it stated.

The PRESIDENT *pro tempore*. The question just taken was on the adoption of the amendment proposed by the Committee on Rules.

Mr. CONGER. Which was what?

The PRESIDENT *pro tempore*. To strike out the thirteenth clause, which will be again read.

Mr. CONGER. That proposition was not stated by the Chair. I voted under a misapprehension.

The PRESIDENT *pro tempore*. It was read by the Chief Clerk, and the Chair stated the proposition as read to strike out a certain portion, being the words contained in clause 13. That amendment has been agreed to.

Mr. CONGER. I should like to have another vote on it. I ask for a division on that question.

The PRESIDENT *pro tempore*. As the Senator from Michigan states that he did not understand the question, the Chair will again submit it.

Mr. HARRIS. The Senator from Michigan can ask for a separate vote on that when the resolution is reported to the Senate.

Mr. CONGER. I can ask for a division, too, I suppose, which I do if there is no other way of getting at it. Now, will the Chair state the proposition?

The PRESIDENT *pro tempore*. The Committee on Rules have proposed to strike out clause 13 of the proposed joint rules.

Mr. CONGER. The whole clause?

The PRESIDENT *pro tempore*. The words proposed to be stricken out will now be read.

The Chief Clerk read as follows:

XIII.—SALE OF LIQUORS FORBIDDEN.

No spirituous or malt liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto; and it shall be the duty of the Sergeants-at-Arms of the two Houses, under the supervision of the presiding officers thereof, respectively, to strictly enforce the foregoing provisions, and any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

The PRESIDENT *pro tempore*. The question is on striking out this clause.

Mr. CONGER. I call for the yeas and nays.

Mr. MCMILLAN. I would like to ask the Senator from Maine what was the object of striking out this rule.

Mr. FRYE. The majority of the committee believed that that was a matter to be regulated by each House for itself. The Senate regulates this side of the building, and the majority of the committee believed that the matter should be left to the House of Representatives on the other side. And I learn from the committee of the House that they entertained that belief very decidedly.

Mr. CONGER. This clause provides for the control of the Capitol and its officers and employés and the grounds of the Capitol Square. Neither House has control over the Capitol Square *per se*. Neither House has control of the Rotunda. Neither House has control of the rooms around it. It can only be by joint rule that such control in regard to the sale of intoxicating liquors in the Capitol and the grounds of the Capitol of the nation can be exercised. I should be very sorry, when such a rule has been proposed, to see a vote of the Senate striking it out and having no control over the general public grounds around the Capitol or any part of the Capitol itself. I think the public demand will be that such a rule as this should be adopted and should be enforced, and I should like to have the views of the Senate upon that; so I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I should like to ask the Senator from Maine by what authority the Senate gets the control of its own wing of the Capitol. Is it by authority of law, or is it by the authority of the joint rules, by which each House of Congress takes control of that part of the building?

Mr. FRYE. I know of no authority except the rule of the Senate which gave the Committee on Rules this general authority over the Senate wing.

Mr. HOAR. My question is where the Senate gets its authority?

Mr. FRYE. I do not know.

Mr. HOAR. Because if the Senate gets its authority only by virtue of a joint rule, it is quite proper that a joint rule should be mandatory upon both Houses, so that neither House can repeal or interfere with it without the consent of the other.

Mr. INGALLS. Section 1820 of the Revised Statutes says:

The Sergeants-at-Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

That seems to be the only statutory declaration as to the control of the Capitol building and the public property therein. My understanding is that the Capitol grounds, under which designation would be included the reservation immediately adjoining the Capitol, are under the control of the general laws and regulations of the District of Columbia, that is, so far as the preservation of the public peace and order extends. What I have read, I think, is the only statutory provision that bears on this question.

Mr. MORGAN. I would suggest also to the chairman of the Committee on Rules that there is another part of the building over which I suppose we would not exercise any supervision, and ought not, and perhaps can not, unless in pursuance of a law, and that is the part of it which is occupied by the Supreme Court, its clerk, its marshal, and its librarian. This thirteenth clause is broad enough to cover all the Capitol building and all of the adjacent grounds. We may find our-

selves legislating about the control of that portion of the Capitol which has been assigned to the Supreme Court and its officers, and may exclude the Supreme judges, if they saw proper, from having any such refreshment as a glass of wine or something like that which they might find necessary in their arduous labors. I think we had better not undertake to legislate on this subject by a joint rule. We had better pass a statute if we expect to deprive the Supreme Court of any of its supposed privileges in this regard.

Mr. INGALLS. Mr. President, this building was constructed by funds appropriated from the public Treasury, and it belongs to the people of the United States. Although this room and the adjacent offices and committee-rooms are occupied by the Senate and its officers and its committees, it can not in any sense whatever be regarded as the property of the Senate or under the control of the Senate other than as they are authorized to control it by some statute of the United States regularly passed and approved by the President; and I should very much question whether the power of the Senate or the power of the Senate and House of Representatives jointly could be properly exerted to the extent that is proposed in the thirteenth joint rule which the committee propose to strike out.

This is a public building belonging to the people of the United States, constructed with their money, and the portion that we now occupy is designated for our use for a specific purpose, and could be employed by statute or devoted by statute to any other purpose; and my judgment as one member of the committee was that it was beyond the purview of the authority which we are empowered to exercise over this structure and its surroundings.

If it is thought advisable to legislate upon the subject of prohibition that is a matter in which the House of Representatives and the Senate and the President of the United States will all be called upon to do their share; and while I might entertain my private views as to the propriety or the impropriety of the use of alcoholic liquors in the restaurants of this building or in the committee-rooms of this building, still I am inclined to think that the exclusion of intoxicating liquors or of improper personages is a matter for legislation, and not for action by the Senate sitting in its individual capacity. It was in consequence of these views that as one member of the Committee on Rules, without expressing any opinion as to the morality or policy of prohibition, I thought it wise to relegate, so far as the police of these two sections of the Capitol is concerned, the subject to the legislation, if it can so be called, of each House for itself so long as the two Houses occupy the Capitol Extension.

Mr. HOAR. Mr. President, it seems to me that the remarks of the two members of the Committee on Rules who have spoken have disclosed a very grave and serious defect in the law, which that committee or some other ought instantly to address itself to remedying. Certainly each House of Congress ought to have absolute power by rule to control the use and occupation of the wing of the Capitol which it occupies, and the two Houses ought to have the power by joint rule to control the approaches to the Capitol, the entire public grounds in which the Capitol is situated; and I hope the chairman of the Committee on Rules will see that a bill is introduced to confer that power upon the two Houses of Congress.

Mr. EDMUNDS. Mr. President, in respect to the power of the presiding officers to control certain things in the Capitol Grounds, there is a law which forbids any procession or military array, and all that sort of thing which I need not go into in detail, from parading or coming within the Capitol Grounds except on the joint authority of the presiding officers of the two Houses, and I do not know but that it must be also recommended by somebody else; but no matter for that; there is a provision of law which appears to be adequate for that purpose as regards the public use of these grounds. I do not know where it is in the statutes, but while I was Presiding Officer of the Senate I had occasion in one or two instances to have it examined and looked up, and I found that to be the law in regard to particular things.

Mr. HOAR. That is very inadequate to the general purpose.

Mr. EDMUNDS. Oh, yes; I am only speaking of it as a suggestion.

The PRESIDENT *pro tempore*. The question is on the amendment of the Committee on Rules.

Mr. FRYE. I think the Senator from Kansas expressed the opinion of the majority of the committee that the Senate had power to regulate the conduct of these matters within that portion of the building which is delegated or assigned to the Senate for its use, that its power did not extend any further, that the House of Representatives had the same power in regard to that portion of the Capitol assigned to it, and its power extended no further, and that there must be a resort to law to extend the provisions to the rest of the building and to the grounds. The Senate commits to the Committee on Rules regulations touching the use of all these rooms and the conduct of certain matters in the rooms, and the Senate Committee on Rules has established rules for the regulation of the Senate wing, contained in the manual, to which the attention of Senators is not very frequently called, and among these rules is Rule X, "Senate restaurant," which goes on to make provision touching the Senate restaurant, what shall be and what shall not be done. The other House remits to the Speaker, if I remember correctly, the same supervision of its restaurant that the Committee on Rules has here, and nothing has been done in a number of years touching that matter in the House restaurant.

Now, the committee, believing that under the law they had no authority to pass a rule like clause 13, preferred to leave that matter to be offered in the House for the consideration of the House, and retain its own rule adopted by the Committee on Rules for the conduct of this sort of business on the Senate side.

Mr. CONGER. Read that rule.

Mr. FRYE. The rule is quite long.

Mr. CONGER. Read the part relative to this subject.

Mr. FRYE. It provides that—

> The restaurant shall be kept open during the session of the Senate and during such other parts of the year as the Committee on Rules may direct.
>
> The caterer shall give his personal attention and care to the management of the restaurant. The equipment for the tables and for the service shall be first class. No spirituous liquors shall be sold, furnished, or kept in the restaurant. All parts of the restaurant, with its kitchen and office, shall be kept scrupulously clean.

And so on. What the Committee on Rules here is authorized to do by the rules of the Senate, the Speaker of the House is authorized to do in the other wing by the rules of the House, and as I say the committee on examining that clause arrived at the conclusion by a majority that that clause would require a law rather than a rule.

The PRESIDENT *pro tempore*. The question is upon the adoption of the amendment proposed by the Committee on Rules on which the yeas and nays have been ordered. The words proposed to be stricken out will be read.

The Chief Clerk read the proposed amendment.

Mr. FRYE. Before action is had on the motion I ask to amend in line 4 of this section before the words "Sergeants-at-Arms" by inserting the word "respective," so that it shall be the duty of the Sergeant-at-Arms of each House to enforce this rule.

The PRESIDENT *pro tempore*. That amendment will be made if there be no objection. The question is on the amendment reported by the Committee on Rules.

Mr. RIDDLEBERGER. I move to amend by striking out the words "for sale."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Virginia [Mr. RIDDLEBERGER] to strike out the words "for sale," so as to read:

> No intoxicating liquors shall be offered, exhibited, or kept within the Capitol, &c.

The question is on the amendment proposed by the Senator from Virginia.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment proposed by the Committee on Rules to strike out the thirteenth clause.

Mr. RIDDLEBERGER. I certainly thought I asked for the yeas and nays on striking out the words "for sale."

The PRESIDENT *pro tempore*. There was but one vote cast on either side that the Chair could hear.

Mr. RIDDLEBERGER. I do not think the Chair presented the question properly to the Senate. I ask pardon for speaking in that way. The question should have been, "Are there a sufficient number up to order the yeas and nays?"

The PRESIDENT *pro tempore*. The Chair will again submit the question on the motion of the Senator from Virginia, upon which he now asks for the yeas and nays.

Mr. RIDDLEBERGER. Yes, sir.

The PRESIDENT *pro tempore*. The question is on ordering the yeas and nays upon the amendment of the Senator from Virginia.

The yeas and nays were not ordered, not a sufficient number of Senators rising.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Virginia.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Committee on Rules.

Mr. RIDDLEBERGER. Have I not a right now to ask for the yeas and nays on that proposition?

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the pending proposition.

Mr. RIDDLEBERGER. I refer to the question of striking out the words "for sale."

The PRESIDENT *pro tempore*. The yeas and nays have been refused on that motion. If the Senator desires again to ask for them——

Mr. RIDDLEBERGER. The Chair did not put the question, to my knowledge, as to whether the yeas and nays should be ordered.

The PRESIDENT *pro tempore*. If the Senator from Virginia desires, the question will be again put to the Senate.

Mr. RIDDLEBERGER. I should like to have the yeas and nays on the proposition to strike out the words "for sale." If I can not get them, it will determine the question as to whether the Senate is opposed to really having a temperance organization here, or whether it is not; that is all. It is not a mere question of saying that you shall not have some beer or something else in the restaurant, but it involves more than

that. The main point is as to the committee-rooms. If we are going to have anything like prohibition, why are we not able to meet the question here now and say that there shall be no liquor exhibited in this wing of the Capitol, no liquor offered here, and leave out the words "for sale?"

The PRESIDENT *pro tempore*. The Senator from Virginia asks that the question on the amendment proposed by him shall be taken by yeas and nays. Those in favor of ordering the yeas and nays will rise and stand till they can be counted. [Senators rose.] The Chair finds but three rising, and the call for the yeas and nays is denied. The question recurs on the amendment reported by the Committee on Rules to strike out clause 13.

The yeas and nays were taken.

Mr. SAWYER. I was paired on this question with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay." I now understand that my pair has been changed to the Senator from New Hampshire [Mr. BLAIR], and I vote "nay."

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON], who is temporarily absent from the Chamber. I have voted on this question, believing he would vote similarly.

The result was announced—yeas 20, nays 36; as follows:

YEAS—20.

Beck,	Eustis,	Jackson,	Ransom,
Brown,	Gray,	Kenna,	Riddleberger,
Call,	Hampton,	Manderson,	Vest,
Cockrell,	Harris,	Maxey,	Voorhees,
Coke,	Ingalls,	Morgan,	Walthall.

NAYS—36.

Aldrich,	Dawes,	Logan,	Saulsbury,
Allison,	Dolph,	McMillan,	Sawyer,
Berry,	Edmunds,	Mitchell,	Sewell,
Blackburn,	Evarts,	Morrill,	Spooner,
Cameron,	Frye,	Palmer,	Stanford,
Chace,	Harrison,	Payne,	Teller,
Colquitt,	Hawley,	Pike,	Vance,
Conger,	Hoar,	Platt,	Van Wyck,
Cullom,	Jones of Arkansas,	Sabin,	Wilson of Iowa.

ABSENT—19.

Blair,	George,	Jones of Nevada,	Plumb,
Bowen,	Gibson,	McPherson,	Pugh,
Butler,	Gorman,	Mahone,	Sherman,
Camden,	Hale,	Miller of Cal.,	Wilson of Md.
Fair,	Jones of Florida,	Miller of N. Y.,	

So the amendment was rejected.

Mr. FRYE. Now I ask that the reading proceed.

The PRESIDENT *pro tempore*. The joint rules as proposed will now be read at length.

Mr. FRYE. By clauses for amendment.

The PRESIDENT *pro tempore*. They will be read by clauses for amendment.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the following be the joint rules of the two Houses:

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

I.—ORGANIZATION.

At the commencement of each Congress, and of each session thereafter, it shall, on motion, be the duty of the Secretary of the Senate and Clerk of the House of Representatives to communicate promptly to the other House notice of the appearance of a quorum and of the organization of their respective Houses for the transaction of business, which notice shall be in writing and be duly attested by each of said officers.

The PRESIDENT *pro tempore*. If there is no objection or amendment this rule will be considered as agreed to.

The Chief Clerk read Rule II, as follows:

II.—MESSAGES.

1. All messages between the two Houses shall be communicated by the Secretary of the Senate and Clerk of the House of Representatives, or by clerks designated by them for that purpose, which messages shall be announced at the door of each House by the Doorkeeper or his assistant, and shall be communicated to the Chair by the person by whom they may be sent.

2. All messages from the President of the United States or the other House, all reports and communications from the heads of Departments, and all communications addressed to the Senate or House of Representatives, shall be placed in order on the table of the presiding officer of each House.

3. It shall be the duty of the presiding officer of each House, immediately after the reading and approval of the journal of the proceedings of the last day's sitting, the time allotted for morning business remaining unexpired, to lay before the Senate or House of Representatives, as the case may be, all messages on their respective tables, for reference to appropriate committees, or for such other action as may be deemed proper.

4. All bills, joint and concurrent resolutions, referred to committees under the foregoing clause, shall be printed, unless otherwise ordered at the time of reference.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule III, as follows:

III.—COMMITTEE OF THE WHOLE.

All bills, joint resolutions, or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill or joint resolution has commenced.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to, if there be no objection.

Mr. CALL. I do not know that an objection will have force here, but it seems to me that this rule and the following one are not within the constitutional power of a concurrent resolution. The Constitution says "each House may determine the rules of its proceeding." This is certainly a separate power in each House, a continuing power. It does not refer to any particular period of time, but relates to the Senate or the House at all times. It is a separate power. Now the proposed joint rule says that each House shall not determine the rules of its proceeding in the respect mentioned, but that it shall be done by a joint rule of the two Houses. These things are certainly incompatible. A thing can not be constitutionally done by the joint action of both Houses and yet each House at all times at any minute when the question may come up have the power to disregard it and proceed according to its own ideas. Therefore, sir, it seems to me very clear that we can not by a joint rule of the two Houses deprive each House of the constitutional power of proceeding at any time in regard to matters before it as it may see fit to determine.

The PRESIDENT *pro tempore*. The question is on the adoption of the third rule proposed by the Committee on Rules.

The rule was adopted.

The Chief Clerk read Rule IV, as follows:

IV.—GENERAL APPROPRIATION BILLS.

1. No amendment shall be in order to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be to carry out the provisions of existing law, or treaty stipulation, or in pursuance of a resolution of the House having the bill under consideration, unless the same be moved by direction of a standing or select committee.

2. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto, and all questions of relevancy of amendments under this rule, when raised, shall be decided without debate.

The PRESIDENT *pro tempore*. The question is on the adoption of this rule.

The rule was adopted.

The Chief Clerk read Rule V, as follows:

V.—ENGROSSED BILLS.

Bills, joint and concurrent resolutions, which have passed either House, and amendments thereto which shall have passed the other House, shall be engrossed on paper and attested by the signature of the Secretary of the Senate or Clerk of the House of Representatives, respectively, as the case may be.

The PRESIDENT *pro tempore*. If there be no objection this rule will be considered as agreed to.

The Chief Clerk read Rule VI, as follows:

VI.—ENROLLED BILLS.

1. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on parchment by the Secretary or Clerk of the House in which said bill or joint resolution originated; shall be examined by a member of the Committee on Enrolled Bills of said House, who shall carefully examine and compare the enrolled with the engrossed bill as passed by both Houses, and, correcting all errors, if any be found, report the said bill or joint resolution forthwith for signature, as hereinafter provided.

2. After examination of any bill or joint resolution by a member of the Committee on Enrolled Bills of either House, it shall be reported, first to the House of Representatives, where it shall be signed by the Speaker or Speaker *pro tempore*, and be communicated forthwith to the Senate for the signature of its President or President *pro tempore*, as the case may be, in either House.

3. After a bill or joint resolution shall have been thus signed in each House, it shall be presented to the President of the United States by a member of the Committee on Enrolled Bills of the House in which it originated, which fact shall be indorsed on the back of said bill or joint resolution, and be dully attested by the Secretary or Clerk, as the case may be, of the House in which it did originate.

4. The member of the Committee on Enrolled Bills presenting to the President an enrolled bill or joint resolution shall certify to the Secretary or Clerk of the House in which the same originated the date of such presentation, which shall be entered on the Journal of said House.

The PRESIDENT *pro tempore*. This rule will be agreed to if there be no objection.

The Chief Clerk read Rule VII, as follows:

VII.—RESOLUTIONS.

All resolutions which are to be presented to the President of the United States or head of a Department shall be duly engrossed, attested by the Secretary or Clerk of the House adopting the same, and by him be presented to the President or head of a Department as the case may be.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule VIII, as follows:

VIII.—BILLS, JOINT AND CONCURRENT RESOLUTIONS.

1. Each House shall transmit to the other all papers on which any bill, joint or concurrent resolution shall be founded, and when a bill, joint or concurrent resolution which has passed one House shall be rejected in the other, it shall not be introduced or submitted again during the same session without a notice of ten days and leave of two-thirds of the House in which it shall be renewed.

2. When a bill, joint or concurrent resolution, which shall have passed one House, is rejected by the other, notice thereof shall be given to the House passing the same.

3. After each House shall have adhered to their disagreement, a bill, joint or concurrent resolution shall be lost.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule IX, as follows:

IX.—CONFERENCES.

1. When a bill, joint or concurrent resolution has passed one House and been amended in the other, it shall be in order for the amending House to at once insist on its amendment or amendments, and ask a conference thereon with the other House, or in case it does not so insist, and the originating House disagrees to said amendment or amendments, it shall be in order at the time of such disagreement to move a conference thereon with the other House. If a conference be ordered, the presiding officer shall appoint three members as managers at the said conference on the part of the dissenting House, which action shall be promptly communicated to the other House. If that House insist on its amendment or amendments, and agree to the proposed conference, the presiding officer thereof shall thereupon appoint three Senators or Representatives, as the case may be, to represent said House at said conference, which action shall be promptly communicated to the other House.

2. All committees of conference shall meet at the call of their chairman, and shall state verbally or in writing, as they may choose, the reasons for the actions of their respective Houses touching the amendment or amendments in dispute between the two Houses. It shall not be in order for a conference committee to consider or include in their report matter or subjects not in dispute between their respective Houses, nor shall the committee change the text of a bill, joint or concurrent resolution to which both Houses have agreed, unless it becomes necessary to change the text in order to perfect the bill after amendment.

3. The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, while the roll is being called, while either House is dividing, or pending a motion to adjourn, and a detailed statement sufficiently explicit to inform the two Houses what effect the report will have upon the subjects or propositions to which they relate shall accompany every conference report.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule X, as follows:

X.—CALENDARS.

During the last ten days of a session, when either House has proceeded to the consideration of business on a calendar, bills, joint and concurrent resolutions of the other House shall be given precedence, and shall be taken up and disposed of in regular order unless otherwise ordered.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule XI, as follows:

XI.—JOINT COMMITTEE ON THE LIBRARY.

There shall be a Joint Committee on the Library of Congress, to consist of three members on the part of each House, to which shall be referred all proposed legislation or matters touching said Library, and all matters relating to statuary or pictures or works of art which may come before either House. It shall also superintend and direct the expenditure of all moneys appropriated therefor, and shall perform such other duties as are or may be directed by law or order of the two Houses, and during the period between the expiration of a Congress and the commencement of the next, all duties devolving by law or otherwise on the Joint Committee on the Library shall be performed by the members of said committee on the part of the Senate of the preceding Congress.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule XII, as follows:

XII.—JOINT ADDRESS TO THE PRESIDENT.

When the two Houses shall judge it proper to make a joint address to the President it shall be presented to him at such place and time as he may designate by the President or President *pro tempore* of the Senate in the presence of the Speaker or Speaker *pro tempore* of the House of Representatives, and both Houses.

The PRESIDENT *pro tempore*. This rule will be considered as agreed to if there be no objection.

The Chief Clerk read Rule XIII, as follows:

XIII.—SALE OF LIQUORS FORBIDDEN.

No intoxicating liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto: and it shall be the duty of the respective Sergeants-at-Arms of the two Houses, under the supervision of the presiding officers thereof, respectively, to strictly enforce the foregoing provisions, and any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

Mr. MORGAN. I offer an amendment to come in after the word "therewith" in the second line——

Mr. HOAR. Will the Senator from Alabama withdraw that a moment? I rose to speak on the twelfth rule. I did not catch the question being put.

Mr. MORGAN. I yield.

Mr. HOAR. I wanted to ask the chairman of the committee whether it is worth while to preserve in our legislative processes the power of the President to designate a place other than the Capitol at which the two bodies may be required to be present in session. It seems to me a joint address may be presented by the officers of the two Houses without the attendance of the bodies.

Mr. FRYE. The old rule contained the words "audience chamber," and those were stricken out and these words put in.

Mr. HOAR. Now, if the Senate will allow this to be considered as before them——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move to reconsider the vote by which the twelfth rule was adopted?

Mr. HOAR. Let it be treated as reconsidered.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks that the vote on the adoption of the twelfth rule be informally reconsidered. If there be no objection, that will be considered agreed to.

Mr. HOAR. I now move to strike out the words "and both Houses." If the Houses choose to attend on any particular state occasion, to accompany the presentation of an address, they can provide for it at the time, but to deny the Houses the power of communicating in the old fashion their views to the President, without requiring them always to attend in person and in organizations, seems to me a very cumbrous and useless mechanism. I move to strike out the words "and both Houses."

Mr. FRYE. I do not regard that as of any particular importance. The old joint Rule XX was exactly that, with the exception that the words "audience chamber" were in the old rule instead of the words inserted here, "at such place and time as he may designate." That is the only change from the old rule.

Mr. HOAR. I propose to make another one by striking out the words which I think unimportant.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts is to strike out the words "and both Houses" at the end of the proposed joint rule. The question is on that amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Rule XII as amended will be considered as agreed to. Rule XIII is now before the Senate.

Mr. MORGAN. I move to amend, after the word "therewith," in the second line of the print, by inserting "which by law is under the exclusive control of either House or the joint control of both Houses;" so as to read:

No intoxicating liquors shall be offered for sale, exhibited, or kept within the Capitol or in any room or building connected therewith which by law is under the exclusive control of either House or the joint control of both Houses.

My object being to avoid interfering with that part of the Capitol which is not under the control of either House by law. In some way the Supreme Court has a lodgment in this Capitol building, and its members certainly have a right to prescribe rules within their own domain for the proper preservation of order, and we have no right as two Houses, by concurrent resolution, in the absence of a law, to provide for them what those rules shall be; but the rule as reported, and which the Senate has refused to strike out, includes the Supreme Court and assumes to exercise a jurisdiction over that body as a means of preserving order, which I think we have no right to do. I offer the amendment for that purpose.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. FRYE. I do not see any objection to it. I make no objection to the amendment.

Mr. RIDDLEBERGER. I see objection to it, sir, and my objection amounts to this, that we are undertaking here to establish a kind of local option or prohibition business in the Senate wing of the Capitol. That is exactly what this means. I have no objection to prohibition in Maine, or local option in Kansas or wherever else it may suit the people to have it; but I do object to voting for a proposition here which has an appearance of doing something which every Senator on this floor knows, if he has read the paragraph, is a matter of false pretense. That is just what this paragraph amounts to.

"No intoxicating liquors shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, or on the public grounds adjacent thereto."

And the men who are to enforce this paragraph are men who have not access to your committee-rooms unless you choose to let them come in. The Sergeant-at-Arms can not come into my committee-room, if you will allow me to use that personal pronoun, without my consenting to his coming in. He can not come in there unless he comes by order of the Senate to take my body into his possession and bring me here under a call. There is not a civil officer under the Government of the United States or any State government who can take me or anybody else from a committee-room under civil process, and this is not made a misdemeanor even.

Now, sir, if we are to have something that amounts to prohibition in the Senate, let us have it. Let us say that no man shall keep liquor in his committee-room, or if he does so it shall be a misdemeanor, and he shall be liable to fine and imprisonment when he gets out of the Senate Chamber and when he can be made answerable to criminal process. Otherwise this amounts to nothing. I object to it for that reason. I object to it because I assert again that it is a pretense of doing something that the Senate of the United States does not mean.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Alabama.

Mr. FRYE. Mr. President, it may seem strange to some old Senators here, but this is exactly word for word the rule of these two bodies from 1866 down to the time that the joint rules went out of existence, with the exception of one single word, and that is the word "strictly." This says the officers shall "strictly enforce." So from 1867 down to the time the joint rules ceased to be joint rules, that was the joint rule of these two bodies.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Alabama [Mr. MORGAN].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the adoption of the thirteenth rule as amended.

Mr. BROWN. I desire to offer the following amendment: At the end of line 1, strike out the words "exhibited or kept;" so as to read:

No spirituous or malt liquors shall be offered for sale within the Capitol, &c

I believe the rule in all the prohibition States, so far as I know anything of it, is that the law only prevents the sale or the manufacture and sale, and it does not pretend to regulate the conduct of persons as to whether they will keep the article or drink it. I have never kept spirituous liquors of any kind in the Capitol, and I never drink spirituous liquors in the Capitol; but still if any Senator chooses to carry such things to his committee-room or to any other place in the Capitol, and there with his friends take a social glass, I do not think we should prohibit it by the rules of the two Houses. I see no reason why we should make the rule here more stringent than it is made in the prohibition States, and therefore no reason why we should do more than prevent the sale of liquor in the Capitol or the Capitol grounds. I move, therefore, to strike out the words I have indicated.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Georgia, which will be read.

The CHIEF CLERK. It is proposed by the Senator from Georgia to strike out after "sale" the words "exhibited or kept;" so as to read:

No spirituous or malt liquors shall be offered for sale within the Capitol, &c.

Mr. BROWN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VEST. I wish to say a word on the amendment. I have no committee-room and have no personal interest in this matter, but there is one thing in this rule which I have always opposed, and that is the system of espionage, of informers, which seems to be embraced within the provisions of this thirteenth rule. Every Senator here knows very well that his clerk or his doorkeeper who sees him—assuming the case to exist—with a jug or a bottle or a flask in his committee-room, under the provisions of this rule must inform upon him, or he will be put out of office. We know that will not be done, and we know no Senator would tolerate it. If this rule is enacted there ought to be an amendment to it that any member of either House or any employé who connived at keeping liquor in the Capitol should be expelled. Let us apply it to Senators and Representatives, and do not let us, if we propose to go into wholesale prohibition, put it on the humble employés of the Senate and escape ourselves. We know very well that any Senator who wants alcoholic stimulants in his committee-room will have them, and we know that he would inflict the severest punishment within his power on any appointee of his who would inform on him. All I ask is that equal justice shall be meted out to all. I am opposed myself to the spirit of the whole thing. I believe that it will do no good; that it encourages hypocrisy, and that it is simply an attempt of which no Senator would be guilty. It is tampering to a fanatical spirit in the country on this question, to which I for one will never give my counsel.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Georgia [Mr. BROWN], upon which the yeas and nays have been ordered.

The yeas and nays were taken,

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from New Hampshire [Mr. BLAIR].

The result was announced—yeas 21, nays 35; as follows:

YEAS—21.

Beck,	Coke,	Kenna,	Voorhees,
Berry,	Eustis,	Morgan,	Walthall,
Brown,	Gibson,	Payne,	Wilson of Md.
Butler,	Gray,	Riddleberger,	
Call,	Hampton,	Vance,	
Cockrell,	Jackson,	Vest,	

NAYS—35.

Aldrich,	Edmunds,	Mahone,	Sawyer,
Allison,	Evarts,	Manderson,	Sewell,
Cameron,	Frye,	Maxey,	Sherman,
Chace,	Harrison,	Mitchell,	Spooner,
Colquitt,	Hawley,	Morrill,	Stanford,
Conger,	Hoar,	Palmer,	Teller,
Cullom,	Jones of Arkansas,	Pike,	Van Wyck,
Dawes,	Logan,	Platt,	Wilson of Iowa.
Dolph,	McMillan,	Saulsbury,	

ABSENT—19.

Blackburn,	George,	Jones of Florida,	Plumb,
Blair,	Gorman,	Jones of Nevada,	Pugh,
Bowen,	Hale,	McPherson,	Ransom,
Camden,	Harris,	Miller of Cal.,	Sabin.
Fair,	Ingalls,	Miller of N. Y.,	

So the amendment was rejected.

Mr. COCKRELL. I move an amendment to come in at the end of the proposed joint rule. The last clause reads:

And any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

I move to add:

And any Senator or Representative who violates the rule shall be liable to expulsion from the House of which he is a member.

Mr. President, I simply desire to say that it looks to me very small for grave Senators here to be adopting a rule for the purpose of inflicting severe punishment upon subordinate officers of this body when it is notorious that distinguished Senators who vote for that rule keep intoxicating liquors in their rooms. Why shall we undertake to visit punishment upon the subordinates, the poor officers of this body, for what distinguished Senators do, and they know it, and the public knows it? I am not speaking this out of any disrespect. I am not so hide-bound, although I have never had any liquor in this building. I have never drank it in any of the rooms of the distinguished Senators who have it so constantly and who will vote against this amendment.

I appeal to the Senate. Does it not look small, very small, will it not look so before an intelligent community, that Senators will undertake to inflict heavy punishment upon subordinate officers of the body for doing what they themselves set the example to do? Is this right? Is it fair? Is it just?

I want Senators treated by themselves as they would treat others. "Do unto others as you would have them do unto you," is a command higher and more binding than any mere rule of the Senate, and I now ask that Senators will be obedient to that command.

Mr. INGALLS. Mr. President, it is best, I think, inasmuch as this great demonstration has been made here in behalf of the cause of prohibition, that the country should understand that we are straining at gnats and swallowing camels. I hold in my hand the bill of fare of the Senate café, the proprietor of which is alleged to be Mr. T. L. Page, whom I recollect a short time since to have seen advertised in the papers as being the only man in this country who could be selected to conduct the Senate restaurant on a strictly temperance basis. I presume that the majority of those Senators who have voted to-day to exclude from every portion of the Capitol everything of an intoxicating character take their lunch in the restaurant in the basement of the Capitol and order it from this bill of fare, which I send now to the Secretary's desk and ask to have read as my contribution to the debate, in order that the sincerity of those who are voting for this rigid, cast-iron rule to exclude everything that can intoxicate from the Capitol may be judged of by the country. Let the fourth page be read by the Chief Clerk.

Mr. VEST. Is the Senator able to inform the Senate from what State this gentleman comes?

Mr. INGALLS. From the State, I am told, of Maine.

Mr. VEST. Ah!

The PRESIDENT *pro tempore*. If there be no objection, the paper sent up to the Chair will be read.

Mr. INGALLS. I ask that it may be read by the Chief Clerk. It will, of course, sound mysterious, and will to a very large number of Senators, I presume, be in an unknown language; but let it be read with the figures appended to the names that appear thereon.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

WINES.

SAUTERNES.

	Pts.	*Qts.*		*Pts.*	*Qts.*
Sauterne	$0 75	$1 25	Haut Sauterne	$1 00	$2 00
Château Yquem		4 00			

SHERRY.

Topaz	75	1 50	Yvarte	75	1 50
Oloroso	1 00	2 00	Amontillado	1 25	2 50

MADEIRA.

Blackburn's Reserve		3 50	Montiero		4 00

HOCKS.

Hock	50	75	Niersteiner		1 50
Erbacher		1 00	Liebfraumilch	1 25	2 50
Marcobrunner	1 50	3 00			

CLARETS.

Sainte-Julien	45	75	Sainte-Julien, Cruse & fils.	65	1 25
Monfurand	65	1 25	Château Leonville, Cruse & fils	1 00	2 00
Château Larose, Cruse & fils	1 50	3 00	Château Lafitte, Cruse & fils	2 00	4 00
Château Margaux, Cruse & fils	1 25	2 50			

CHAMPAGNE.

Pommery and Greno Sec.	1 75	3 50	Mumm's Extra Dry	1 75	3 50
Roederer's Carte Blanche.	1 75	3 50	Piper Heidsieck	1 50	3 00

PORT.

Old Port	1 25	2 50	White Port, very fine	1 50	3 00

BURGUNDY.

Pommard		2 50	Beaume		2 00

AMERICAN WINES.

Werner Champagne	65	1 25	California Angelica		1 00
Muscatelle		1 00	Sweet Catawaba		1 00

ALES.

Muir & Sons' Scotch Ale	25	Ross Ginger Ale, imported		25
Dublin Stout	25	Ginger Ale		15
Bass & Co. White Label	25	Milwaukee Lager		10

Russet apple cider, bottled expressly for Senate Café, pt. 25; half pt., 15.

LIQUEURS.

Absinthe	Kümmel	Gilka	Curaçoa	Maraschino
Anisette	Chartreuse	Benedictine	Vermouth	

Waiters are furnished with wine cards.

Mr. TELLER. I had observed that bill of fare myself. I have not ordered anything from it, and I desire to vote for the proposed rule so that the restaurant-keeper may amend his bill of fare.

Mr. SAULSBURY. Mr. President, I voted against the proposition to strike out the proposed rule, not because I expected by that vote to stop any gentleman who wanted to take a drink of whisky from doing so, and not with a desire to stop any man who saw proper to do it, but I think the bill of fare which has been read exhibits to the country the necessity for the adoption of the rule. When in the Capitol of this nation a bill of fare is exhibited inviting to dissipation, and when we have the control of that restaurant, the control of this building, I believe we meet the just expectation of the country when we exhibit a determination that that thing, that disgrace, I may say, to the nation shall be no longer perpetrated.

While I do not myself indulge in intoxicating liquors I have no objection to gentlemen, who see proper, doing so, nor would I legislate to stop them from exercising the freest liberty, but as a Senator called upon to say whether liquor shall be sold or exhibited around the Senate Chamber, I believe that the judgment of the country is that it ought to be stopped, and hence I voted for the proposed joint rule. I think it is a disgrace to the American people that the Capitol of the country, erected for the enactment of laws for the government of the people, should be converted into a grog-shop or a place where liquor can be exhibited and sold, and where the youth of the land who come here, and who see proper to go to the restaurant, may purchase liquor. I think that we should not suffer this Capitol to become a grog-shop for the dissemination of intemperance throughout the land. I stand upon the resolution firmly fixed in my own mind that such a joint rule ought to be passed, and that liquor should not be sold within the bounds of the Capitol.

As to the objection which was made that we do not have control of this entire property, we do exercise a certain control; we appoint the police of the Capitol who take cognizance of this whole building, and we are not exceeding our authority when we say that there shall be no liquor sold within the Capitol or in the grounds surrounding it.

The PRESIDENT *pro tempore*. The question is upon the amendment offered by the Senator from Missouri [Mr. COCKRELL] to the proposed joint rule.

Mr. COCKRELL. I hope my good friend from Delaware will pay careful attention to the amendment which has been offered, and I hope he will vote for it. I have as little patience with drinking as the distinguished Senator from Delaware has, and I dislike to see it in this Capitol as much as he does; but I have never seen one-half as much of it among the employés of the Senate as I have among the Senators. The point I make is that it is a very small thing for Senators to be attempting to inflict condign punishment of dismissal upon the mere servants and employés of this body because they may have liquor in this establishment, when they, the Senators themselves, keep it in their rooms, invite their friends to go there, and often, at a time inopportune, are very merry.

I had never seen the bill of fare of which the distinguished Senator from Kansas spoke and which he had read. As I have understood, the Senate wing of the Capitol is under the control of the Senate and has been for years, and I prefer that the Senate wing shall remain under the control of the Senate, and that the Senate shall be responsible for its management. If every Senator is opposed to it, we can very quickly stop the sale of intoxicating liquors in that place. There is no doubt about that; there is no question of it. We have the power to-day without a joint rule. I believe that the Senate is capable of local self-government and that no joint rule is necessary. If we are not able to control our wing of the Capitol, and if we have to call upon a House of Representatives to enable us to keep liquor out of our end of the Capitol, we are not fit for local government, we are not capable of it.

I propose that the same penalties shall be visited upon Senators that we propose to visit upon our subordinate officers for a violation of this rule. It is right, it is just. I have known appropriation committees a few times delayed by reason of intoxication among the subordinates. I have seen the Senate adjourn largely because of the excitement of some of its members and of the plain indications that unnecessary discussions were about to grow up. I do not say that the Senate had to adjourn in consequence of this fact, but certain Senators were so disposed to discussion that the public business would not have been carried on, discussion would have been prolonged indefinitely, and other Senators here know that that point is well taken.

I do not want to see Senators so careful about subordinates and so negligent themselves, and I hope that my amendment will be adopted.

Mr. MANDERSON. I certainly will vote for the amendment proposed by the Senator from Missouri, and I do it on the score of consistency.

I agree with him that if a violation of this rule is to bring upon the head of an employé of the Senate expulsion or dismissal from his place, there should be a similar penalty for a member of the Senate who will so far forget his duty as to violate the rule.

I say I vote for it on the ground of consistency. I turn to Rule XXXVI of the standing rules governing this body and I read in paragraph 4 as follows:

> Any Senator or officer of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer, to dismissal from the service of the Senate, and to punishment for contempt.

It seems to me that the proposition of the Senator from Missouri is in accord with the spirit of the rule which has obtained in the Senate of the United States from time immemorial, and therefore I shall vote for it.

But, Mr. President, it struck me as rather a remarkable thing that the class of liquors mentioned in the bill of fare read at the Secretary's desk should be offered for sale at the restaurant in the basement of the Senate wing, in view of the rule which was adopted, as I recall it, in the early part of the Forty-eighth Congress prohibiting the sale of spirituous liquors. I am not an expert as to what should come under the name of "spirituous liquors," but it seems to me that some of the liquors read by the Secretary would certainly come under that rule.

I voted in favor of the report of the Committee on Rules. I did it because it seemed to me that much of the action of this body with reference to the sale of liquors had been extremely farcical, and it struck me that this proposed joint rule, worded as it is, like the rule of the Senate which was adopted in the Forty-eighth Congress, really meant nothing, and was a rule made simply to be broken.

I voted for the report of the committee also because of the statement of the chairman of the Committee on Rules that it was the opinion of the majority of that committee that this proposed joint rule should not be adopted by the Senate, but that each of the two Houses of Congress should for itself control this matter, and if not to be thus controlled by a separate rule it should be made a matter of law, and a statute be passed by the action of both branches of Congress and the approving power of the President of the United States. Yet we have the remarkable condition of things that when a yea-and-nay vote is called upon this proposition not one member of the Committee on Rules comes to the support of the report of that committee. I certainly would like to hear from some of the gentlemen who are presumed to be learned in the laws governing these bodies, and let them come to the defense of the report.

Mr. HARRIS. Will the Senator from Nebraska allow me to interrupt him?

Mr. MANDERSON. Certainly.

Mr. HARRIS. Do I understand the Senator to say that no member of the Committee on Rules voted according to the report of that committee?

Mr. MANDERSON. No, sir; that was not my statement.

Mr. HARRIS. Then I misunderstood the Senator.

Mr. MANDERSON. That was not my statement, but I say that no member of the Committee on Rules by argument upon this floor has sustained or attempted to sustain the report of the committee.

Mr. INGALLS. I did.

Mr. MANDERSON. I did not hear the Senator, if that is so.

Mr. INGALLS. That is the Senator's misfortune.

Mr. MANDERSON. Perhaps it is. It is always a misfortune not to hear the Senator from Kansas. I would suggest to the Senator from Kansas that if this is a matter so important for enforcement in the Senate wing of the Capitol it might perhaps be well also for the Committee on the District of Columbia to attempt to supplement the action of the Committee on Rules by proper legislation concerning the sale of liquors in the District of Columbia.

Mr. INGALLS. We have often done that.

Mr. MANDERSON. Not in the way of this proposed rule, as I understand.

Mr. RIDDLEBERGER. As I understand the civil code which has just been presented by the Senator from Kansas for the government of the District of Columbia, we are to be licensed to drink liquor everywhere in the District of Columbia except in the Capitol, and we are to be licensed to drink it here if we are just smart enough not to be caught at it.

Now, sir, that is all the difference I can see between no rule and some rule. I can go to the Hamilton House, to the Arlington, to the Metropolitan, to the National—and I beg pardon if I fail to advertise all of them—and I can find just this same bill of fare. I speak for myself—I do not undertake to speak for any other Senator; but I say if you tear off the fourth page of that bill of fare you will soon find the gentleman from Maine vacating his place downstairs, because he will not have patronage enough to support him. That is an honest expression, but it is true in my opinion. We are to be licensed to drink wherever we please in the District of Columbia, but we are not licensed to drink in the Capitol unless we shall sneak liquor into a committee-room. That is just what this whole proposition amounts to.

I want to treat the whisky question as it deserves to be treated, for it is made a great question in the States. If we are going to treat it at all, let us say that we will not license the whisky traffic in the District of Columbia, where we have the entire right to make a law which shall prohibit it. I am ready for one, I am ready now, to vote for absolute prohibition in the District of Columbia; but if it is to be licensed for other people, then I do not want my liberty limited by a withdrawal of my right to take a drink whenever I may please where other people have a right to take it.

Meet the question here and now. If Senators can not control them-

selves, then let us have it understood that no liquor shall be allowed to come into this Capitol and none into the District of Columbia. The distinction that I draw between myself and the Senator from Kansas, myself and one of the Senators from Maine, is that they will only prohibit in this Capitol and will not prohibit in the District of Columbia.

Mr. FRYE. I am on the whole rather sorry that this discussion has arisen on this clause, because some things have been said here that Senators will regret to have said. I remember breakfasting with some distinguished Senators, five or six years ago, who were members of the United States Senate twenty or twenty-five years back. The father of the distinguished Senator from Pennsylvania at my right [Mr. CAMERON] was one of them; Senator Hamlin of Maine was another. They began to relate reminiscences of the United States Senate, and they said that they had seen the Senate again and again without a quorum because more than a quorum was drunk. They had seen distinguished Senator after Senator undertake to rise in his seat to make a speech, and he could not rise because he was drunk.

I have been in Congress some fifteen or sixteen years. When I first came into the national House of Representatives, take a night session, there would be a dozen members of the other House breaking up the proceedings of the body and making it a disgrace. That thing does not exist to-day; and I say to the Senator from Missouri that he is doing grave injustice to Senators on this floor, associated with him, by the remarks which he has made, sending out the impression to the country that so many Senators in the United States Senate were drunk in the ordinary business of the Senate that the Senate was obliged to suspend its business.

Mr. COCKRELL. Will the Senator permit an interruption?

Mr. FRYE. I will.

Mr. COCKRELL. I hope the Senator will not quote me without quoting me correctly.

Mr. FRYE. I meant to have done so.

Mr. COCKRELL. I never intimated, directly or indirectly, that so many Senators were even under the influence of liquor, that business could not be transacted. I have never seen that to be the case. I think I have been as attentive a listener and observer of the proceedings of the Senate for the last ten years as any man. I have never seen anything approaching a majority of Senators in such a condition, but I have seen, and there are other Senators who have seen, some few Senators so under the inspiration and exhilaration of excitement in discussions that it was deemed best for the transaction of business to adjourn.

Mr. FRYE. Then I did misunderstand the Senator.

Mr. COCKRELL. I did not intimate it. I have been at every night session and every other session, and I do say that I have seen instances when in the discussions that had sprung up here it was deemed best to adjourn in order to facilitate business. I say further, there has been within my experience a most marked and commendable change for the better.

Mr. FRYE. What I desire to say is that there never was a great reform in the history of this world which has made such immense strides forward as this same reform of temperance in the last twenty years. I say, go over to the House of Representatives this very year, or last year, or the year before, and have your night sessions, and you do not find those sessions broken up by intoxicated members of that House—not by any manner of means. I say the reform there has been perfectly amazing as well as gratifying. I have been a member of the Senate, now, for six years, and I never have seen on the floor of the Senate two United States Senators so intoxicated as to be unfit for business in my whole six years, and I am not certain that I could say I had ever seen one; and yet as Senator Cameron said, speaking of forty years ago, over one-half of the Senate every now and then was so intoxicated that a quorum could not be obtained to do business.

Sir, the advance has been gratifying; it has been immense; and I do not like to see a reform which has made such strides receive any such blows at the hands of Senators here to-day. I do not like to see it made to a certain extent a farce.

I admit that if the United States Senators all determine that not a drop of liquor of any kind, spirits, wine, or malt, or cider, shall be sold in the restaurant, it will not be sold there. I admit that on the other side of this Capitol building if every Representative in Congress determines there shall be no liquor sold in the national Capitol, it will not be sold there. But we have learned in this matter of temperance to strive to get all that we can rather than all that we want. If we can not get all we want, we will take just as near to it as we can.

Mr. COCKRELL. What is the objection to my amendment, then?

Mr. FRYE. I have not alluded to the Senator's amendment. I think it would to a certain extent make a farce of that clause.

Mr. COCKRELL. Why any more a farce to punish a Senator for violating the rules of the Senate than to punish a page or a doorkeeper?

Mr. FRYE. I doubt myself the propriety of punishing a page or a doorkeeper in the proposed rule.

Mr. COCKRELL. Then why did you report it that way?

Mr. FRYE. I did not notice that. I have only read it since the discussion opened here, because the committee reported to strike it out, and I paid no attention to it.

Mr. COCKRELL. It looked to me like a very small thing to punish a little page or a doorkeeper.

Mr. FRYE. If the Senator will pardon me, he knows that that was the joint rule of the two Houses from 1867 to four years ago, and no page was ever punished and no messenger was ever punished under its provisions. The Senator knows perfectly well there is no danger of anything transpiring——

Mr. COCKRELL. Then why put it in?

Mr. FRYE. It is to make officers vigilant in the enforcement of this rule, if anything can make them vigilant.

So far as I am concerned, I should like to have all kinds of liquor excluded from the Capitol of the United States. I should like to have absolute prohibition in the Capitol of this great Republic. I do not believe it can be had now. Therefore, I wish to get just as near to it as I can, and I voted for this clause for the purpose of getting as near to it as I could. When you have excluded from these restaurants the strong liquors of rum, gin, brandy, and whisky, you have made one step in advance beyond anything that you ever have achieved from the day this Capitol was built to to-day.

Mr. RIDDLEBERGER. Will the Senator permit me to ask him whether he would be willing to strike out the word "intoxicating" and insert in lieu the words "no spirituous or malt liquor, wine, or cider?" That is the Senator's Maine temperance pledge, as I understand it.

Mr. FRYE. The first rule ever reported to the Senate on the subject contained that very language and by a vote of the Senate it was stricken out.

I admit that so far as I am concerned I am a prohibitionist and believe in it fully, completely, thoroughly. I wish every State, and every county, and every town, and every village in the United States had prohibition and enforced it; but I recognize that other Senators have rights as well as I, and that other people have rights as well as I. I have not any fanatical mania or craziness about this sort of thing. I do not wish to do anything here that the average Senator does not wish to do. I do not wish to undertake to crowd anything down Senators which they object to. If Senators vote to exclude all these things from the Capitol, if you could have a unanimous vote to do it, they would all be excluded.

The Senator from Missouri [Mr. VEST] inquired—why I do not know—where the restaurant-keeper was from, and it was replied, "from Maine," and a pleased smile spread over the face of the distinguished Senator from Missouri.

Mr. ALLISON. "Child-like and bland."

Mr. FRYE. "Child-like and bland," as is suggested. Now, we have prohibition in Maine. Have we not any liquor sold? Yes. Any wine sold? Yes. But we do not have the one-hundredth part so much sold as we did before we had prohibition. We have a law against stealing in Maine. Have we not any thieves? Yes. We have a law against murder. Have we not any murders? Certainly. We do not have so much stealing and so many murders as we should have if there was not a law prohibiting murder and stealing. This man was selected because I was authorized to select a restaurant-keeper, and I selected one whom I believe to be the best restaurant-keeper within my knowledge. I notice that the New York Sun said that it was on the Maine platform. I do not know who authorized the New York Sun to say that it was on the Maine platform. I have no doubt that this restaurant-keeper, being a gentleman, will obey any orders of the United States Senate strictly, and I know him well enough to know that if he says he will comply with your rule he will comply with it to the very letter. All that you have to do is to give him the rule. I can trust him in that. That he was a teetotaler I never affirmed; that he ever professed to be I never affirmed. I am not aware that I knew anything about it or inquired anything about it.

If this clause is to be sent to the other House, I hope it will be sent as it is now. If the other House assents to it I believe that under the instructions of this rule and a strict enforcement of it you will have a new order of things somewhere around this Capitol.

Mr. VEST. It is hardly to be supposed or entertained for a moment that we can enter now into a discussion of the question of prohibition. I did ask from what State the restaurant-keeper came because I knew he had been appointed by the chairman of the Committee on Rules, and I took it for granted that that Senator had selected one of his constituents who would carry out to the fullest and most literal extent his opinions upon the question of prohibition and temperance.

The Senator has gone so far as to say that prohibition has increased temperance within the State of Maine, and to a certain extent he has opened up the discussion of that question. I do not propose to follow him further than to say that the reports of the Internal-Revenue Department show that in the State of Maine, with a population about equal to that of West Virginia, prohibition obtaining in Maine and a high-license system in West Virginia, there are more saloons licensed under the laws of the United States in the State of Maine than in the State of West Virginia, and I take it that that argument is conclusive as to the effect of prohibition as a temperance agency.

So far as the selection of a constituent of the honorable Senator to take charge of the restaurant is concerned, I have simply to say that from

what I have seen and heard and read of the operation of the Maine law within the State where it originated I would trust no man under heaven coming from that State upon the question of selling liquor if he could.

Mr. COCKRELL. Mr. President——

Mr. FRYE. Will the Senator from Missouri allow me just one moment, while I think of it?

Mr. COCKRELL. Yes, sir.

Mr. FRYE. I desire to say to the Senator from Missouri [Mr. VEST] that his returns touching these licenses are very misleading. Every druggist in the State of Maine gets a license. Under our law he is not allowed to sell liquor, and he gets a license even for the little alcohol which he uses in mixing medicines. I do not suppose that a little druggist can be found in the State of Maine who has not a license from the Internal Revenue Bureau to sell liquor, and yet he can not sell liquor and does not sell liquor. So far as that is concerned the Senator from Missouri is entirely mistaken.

Mr. VEST. I know something about the question of prohibition. I have met it in my own State and had occasion to examine statistics, and I have heard that explanation given. If the time should ever come in the Senate when the question is to be discussed as it ought to be, and as I hope it will be, I shall undertake to show from the statements of Neal Dow himself, the author of the law, and from the most distinguished temperance advocates in Maine, that the law is a failure; that intemperance, instead of decreasing in the very places where it ought to be decreased, in the cities, has increased, and that the law has only been operative in the rural districts where no such law is needed.

Mr. FRYE. I shall be glad to join issue with the Senator whenever that time comes.

Mr. VEST. I shall be ready to discuss it.

Mr. COCKRELL. I wish to call the attention of the Senator from Maine—I believe he is now chairman of the Committee on Rules—to some of his oversights and mistakes. I read from the Constitution, Rules, and Manual of the United States Senate, 1885:

RULE I.

SERGEANT-AT-ARMS.

The Sergeant-at-Arms of the Senate, under the direction of the presiding officer, shall be the executive officer of the body for the enforcement of all rules made by the Committee on Rules, for the regulation of the Senate wing of the Capitol.

These rules were adopted March 15, 1884, only a little over a year ago. Now I turn to Rule X:

The large private room of the restaurant shall be reserved exclusively for Senators and their guests.

The small private room shall be reserved exclusively for the use of Senators and Members of the House of Representatives, and such use of the private rooms of the restaurant shall not be interfered with.

The viands served in the restaurant shall be of the best quality, and the prices for the same shall not exceed those stated in the printed bills of fare to be previously approved by the chairman of the Committee on Rules, and said prices shall be subject to modification from time to time as the chairman of the Committee on Rules may direct.

Here is the Senate bill of fare, whisky and all, approved by the chairman of the Committee on Rules of the Senate, or we have a Senate restaurant-keeper who is violating the rules of the Senate.

Mr. HARRIS. Not whisky, but wines and malt liquors.

Mr. COCKRELL. Hold on; I am not through reading. These wines and liquors are on that bill of fare, a part and parcel of it, the prices fixed just as much as the others. But I read a little further:

The restaurant shall be kept open during the session of the Senate and during such other parts of the year as the Committee on Rules may direct.

The caterer shall give his personal attention and care to the management of the restaurant. The equipment for the tables and for the service shall be first-class.

Now, listen!

No spirituous liquors shall be sold, furnished, or kept in the restaurant.

That is a rule of the Senate. Here is the bill of fare, prepared by the restaurant-keeper selected by the chairman of the Committee on Rules, and the rules require the chairman of that committee to approve this bill of fare, prices and all. The rules prohibit the selling or the keeping or the furnishing of any spirituous liquors there. Here is this bill of fare with the spirituous liquors upon it for sale, for furnishing, for giving away, kept in the restaurant by the restaurant-keeper in violation of that rule, and yet it must be done by the sanction of the chairman of the Committee on Rules.

We have rules enough on this question. Here is the rule of the Senate. It is sufficient. Let the chairman of the Committee on Rules enforce the rule. Let him make that restaurant-keeper strike from this bill of fare these spirituous liquors and take them out of the restaurant, as he has the power to do. There it is. We want no more authority. We have already given it into the hands of the Senator himself; and now we are going through the miserable farce of attempting to get a joint rule of the Senate through and taking the yeas and nays upon it, and making a parade over it, as if we were all strongly in favor of excluding spirituous liquors from use in the Senate wing of the Capitol. We already have the power. There it is. Exercise it. The Senate has delegated the power to the officers of the body, and this joint rule will give them not one particle of power they do not possess to-day. It is to me a wonderful farce.

Mr. MAXEY. Mr. President, I voted against the proposed rule under discussion, in other words, I voted to strike it out, because I think the police regulations of each House should be controlled by that House. The Senate is responsible to the country for this end of the Capitol, the other House for its end, and I do not see any reason in the world why that should go into the joint rules. If a like proposition comes up in the Senate rules, then I shall vote for it most cheerfully; but I do not propose to vote for this matter going into the joint rules, because I think it is improperly proposed to be placed there.

I voted against the amendment offered by the Senator from Georgia [Mr. BROWN] to strike out the words "exhibit or keep," for the reason that I believe the committee-rooms are just as much under the control of the Senate as the restaurant or any other part of this building. That is my view of it; but when the final vote comes I shall vote to strike out the rule as amended, because I do not believe it belongs here at all.

I wish to add a word to what has been so admirably said by the Senator from Maine [Mr. FRYE]; and that was the object I had in view in seeking the floor. The country would believe from what has been said here to-day that the Senate of the United States is a band of debauchees and drunkards. I have served in many conventions and other deliberative bodies in the course of my life, and in my judgment there is not to-day in the wide world a deliberative body of men more sober than the Senate of the United States. I desire that to go out with the other statement. In the ten years I have been here I have on very few occasions, perhaps not more than two or three during the entire ten years, seen gentlemen who I thought had better be somewhere else; but for the last two or three or four years I have not seen a single instance in a night session, although we were here sometimes all night, where there was a member of the Senate who manifested himself under the slightest influence of spirituous liquor.

We know how readily and greedily everything that is said against this body or the other House is picked up and circulated, and I hope that when what has been said by the Senator from Missouri [Mr. COCKRELL] goes out to the press and the country what I have said on the same subject, having precisely the same experience as the Senator from Missouri, having been sworn in on the same day, re-elected and sworn in a second time on the same day, will go, too, as well as what the Senator from Maine has so admirably said.

Mr. LOGAN. I do not wish to enter into this discussion. I have not seen the bill of fare alluded to here at any time, but I should like to ask the Senator from Missouri whether there is anything but wine or malt liquors upon it.

Mr. COCKRELL. I confess very frankly that I do not know enough about these things to tell what they are. There are:

SAUTERNES—

I suppose they are wines.

Mr. LOGAN. Sauterne is wine, of course.

Mr. COCKRELL. Then—

SHERRY,
MADEIRA,
HOCKS,
CLARETS,
CHAMPAGNE,
PORT,
BURGUNDY,
AMERICAN WINES,
ALES—

and then a big thing—

LIQUEURS.

I do not know whether it is similar to "liquors" or not.

Mr. LOGAN. I wish to make a suggestion to the Senator as a legal proposition, and when I speak of a legal proposition I refer to the terms applied to liquors in law. As I understand the meaning of "vinous, spirituous, and mixed liquors," the term "spirituous liquors" being used in the rule, it has not been a violation of the rule in any sense whatever if there is nothing more sold than what I have heard read on the bill of fare. I was once unfortunate enough to be a district attorney and I had to prosecute a great many cases. I used to examine occasionally the meaning of the words applicable to the different kinds of liquors and wines; and "spirituous liquors" have never been considered in law as being vinous liquors.

Mr. COCKRELL. I should like to ask the Senator from Illinois a question as to what this thing "absinthe" is.

Mr. RIDDLEBERGER. Will the Senator from Missouri permit me to answer him? It is very clear that some Senators are not prepared to legislate on this question, and it would be better to let those of us who know something about the proposition discuss it. If the Senator from Missouri will permit me to move to strike out the word "intoxicating" and insert "spirituous and malt liquors, wine, and cider," he will get at it all—all the French cordials, absinthe, and everything. I assure the Senator from Missouri that I really understand what I am discussing in connection with this matter.

Mr. CALL. Mr. President, as a member of the Senate I desire to express my disapproval of this debate and of the impressions which it gives to the country. I think that it is entirely below the dignity of the Senate for such a discussion to be carried on, and it gives to the people of the country an entirely erroneous impression as to the char-

acter of the Senate and the manner in which it discharges its high legislative duty.

I concur with the Senator from Maine [Mr. FRYE] and the Senator from Texas [Mr. MAXEY]. I have been here six years, and I could not for my life truthfully say that I have ever seen a single Senator under the influence of intoxicating drinks to such an extent as to be plainly and clearly observable. I declare that I have never been among a body of men with whom habitual sobriety and constant attention to their duty was more plainly characteristic than here. I think that I have been at every session of the Senate, with the exception of not more than ten, both night and day, for the last six years and a half, and I affirm that it is not true that any members of this body have ever been characterized by a want of sobriety or by the habit of using intoxicating drinks in this body and while performing their legislative duties to any observable extent.

If the declarations made in this debate, and these proposed rules, were in sympathy with any great object for the advancement of mankind, if they had for their purpose the encouragement of temperance in any practicable point of view, it might be well to consider them; but we very well know that Senators who are professing the most extreme views upon this subject are those who themselves use intoxicating liquors to a greater or less extent, although it may be within the limits of prudence and propriety, if there be such propriety.

The propositions made in this debate are far in advance of the temperance movement and are a great injury to it.

There has never been anywhere in the temperance movement a purpose to prohibit the individual from the use of intoxicating liquors within a reasonable extent, and to make the use of it a crime. The temperance movement proposes to prohibit the sale of liquor, to prohibit its exhibition in public places, to withdraw license and lawful sanction from it, but nowhere has it been made a crime in the individual to use it within the limits of sobriety and prudence, and yet we from the speeches here and these rules proclaim to the country an idea that the Senate declares that it is a crime in the individual to use intoxicating drinks in any form or to any extent, and we know that these votes and these extreme statements are intended to create a favorable opinion in the country for the individual rather than to advance the great interests of temperance in any important degree. I therefore think, sir, that it is not becoming to the Senate to lend themselves to a manifest purpose of creating a false impression upon the country.

I am willing to go as far as any other in advancing the great cause of temperance in a proper way, in creating a public opinion that is unfriendly to the use of intoxicating liquors; but I am not willing for the Senate to declare directly or indirectly that it is a criminal act in an individual to use wine or spirituous liquors to a reasonable and a prudent extent within the limits of propriety; and such seems to be the tone of the declaration here. I protest against it as unbecoming to the dignity of the Senate and an injury to the great cause of temperance, which rests upon reason and truth for its success.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Missouri [Mr. COCKRELL].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the thirteenth rule as amended.

Mr. PLATT. There was an amendment voted upon just now which I have not heard reported to the Senate, and therefore do not know what it was.

The PRESIDENT *pro tempore*. It will be read again.

Mr. PLATT. I am not aware that it has been reported at all, though I may be mistaken.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be again reported to the Senate.

The CHIEF CLERK. It is proposed to add to section 13:

And any Senator or Representative who may violate this rule shall be liable to expulsion.

Mr. HOAR. I do not think the Senate understood that amendment. Certainly it is beyond the function of a joint rule to provide for the discharge of a duty, the exertion of a power, which is expressly committed by the Constitution itself to each House as it assembles, the Senate by itself, the House of Representatives, and each succeeding House as it assembles.

Mr. COCKRELL. I insist that this is out of order, and raise the point of order that my amendment was adopted and we have passed to another transaction, and the only way to reach it is by reconsideration.

Mr. HOAR. Suppose it is; under the rules of the Senate a Senator has a right to address the Chair on any subject under heaven or on earth when any other subject is up; and I am not liable to any point of order.

As I was saying when interrupted, a joint rule enacts those things which one House can not help doing hereafter, when the burden of a joint rule is upon it, without the consent of the other. The Senate can not be released, the House can not be released from a duty which it undertakes by a joint rule, if that rule be operative, without the consent of the other branch. I do not think it was understood by Senators—it certainly was not by me—that the vote was upon this proposition which the Chair has now had reported; and I hope the question will be put again.

The PRESIDENT *pro tempore*. On the statement made by a Senator that he did not understand the question put to the Senate, the Chair thinks it his duty to again submit the question to the Senate, as has been the usual custom, he believes. Therefore, the question is again upon the adoption of the amendment proposed by the Senator from Missouri [Mr. COCKRELL], which will be again read if desired.

Mr. VEST and others. Yeas and nays.

The PRESIDENT *pro tempore*. Upon that question the yeas and nays are called for.

The yeas and nays were ordered.

Mr. TELLER. I am in favor of the rule as reported by the committee. I am very much in favor of excluding from this building all intoxicating drinks of every character, not because I think the members of the Senate can not restrain themselves, but because I think the Senate of the United States might and ought to set an example in this matter.

I can not vote for the amendment of the Senator from Missouri, for the reason given by the Senator from Massachusetts in part, and also because the punishment is excessive. If a Senator should bring into this body a pocket-flask or a bottle, I hardly think anybody would suppose the country would justify this body in the expulsion of that Senator, even though there was a rule to that effect. The punishment, it is said, of a page or an employé by dismissal is severe. It is nothing compared with the punishment proposed by this amendment. The page may be disciplined to-day and return to-morrow. A Senator expelled is out for good, and his State is outraged, and much more perhaps than the member who has been expelled.

Of course it is the duty of every Senator to obey the rules. We understand that he ought to do it. He pledges himself as an honorable man to obey the rules. I am sorry to say that since I have been in this body I have frequently seen the rules violated with very little excuse.

I do not think that this body justly merits all that has been said about its inebriety, and yet I must admit that there is some truth in what has been stated by the Senator from Missouri. I have not for the last three years, nearly four now, been a member of this body; but nine years ago I saw scenes in this Chamber not creditable to this body growing out of the fact that Senators retired either to the restaurant or to their private rooms to consult their bottle.

Mr. BUTLER. May I ask the Senator from Colorado if this rule was not in force at that time?

Mr. TELLER. I do not know; I think very likely it was in force; and it is impossible to make a rule upon this subject that will bind Senators or anybody else. I am in favor of temperance, but I believe after all it is a question that must be persuasively addressed to the public mind. I doubt whether you can make people temperate by law, and I speak after very much thought upon this subject, Mr. President, and I speak as a person who has never tasted in any manner or at any time either spirituous or vinous drinks. I do not believe that you can make a rule which will prevent Senators from taking wine or even that which is stronger if they see fit to do so; and yet I must exclude it from this Capitol, from the employés, and from the public gaze, but I am not willing to go to the extent of the amendment of the Senator from Missouri.

Mr. INGALLS. Mr. President, it appears to me that the amendment proposed by the Senator from Missouri is entirely proper, because this rule of the Senate is not intended to punish the guilty, but merely to oppress the innocent. There is no attempt to inflict any penalty on a man for being drunk. It does not punish a man for drinking liquor. A Senator or Representative under this rule can drink all he pleases; that is not the offense; and if the amendment proposed by the Senator from Missouri should go into effect, all that he would be punishable for would be for keeping liquor for sale in this building, becoming himself a saloon-keeper, or else keeping for exhibition or for some other purpose within the Capitol.

Sir, all the comment that has been made about the inebriety of public men is without any sort of appropriateness upon this subject, because we do not propose to deal with it by this rule. This rule has no relation whatever to a man who gets drunk and poses on this floor in a condition of inebriety. He is not the man to be punished, and if you adopt this rule, he will still not be the man to be punished, and if the rule is amended by the adoption of the amendment offered by the Senator from Missouri, all the penalty that any Senator or Representative will suffer will be in case he should open a bar in his committee-room or keep a certain selection of liquors for sale perhaps, or for exhibition, I might say, rather like that which now adorns the shelves of the Senate restaurant.

Therefore, Mr. President, it seems to me that there ought not to be this difficulty about adopting the amendment of the Senator from Missouri. This rule is not intended for the purpose of preventing improper conduct in this Capitol, but for the purpose of producing the effect upon the country that the Senate and the House of Representatives are in favor of prohibition. This is a public declaration on the part of the Senate of the United States that they are all in favor of temperance.

That is why the yeas and nays have been repeatedly called, and that is why men who were entirely cognizant of what was being conducted in the basement of the Capitol, why men who were themselves responsible for what I had read on the back of that bill of fare, are the men who have voted in the affirmative upon the proposition to exclude liquor entirely from this Capitol, while others who voted in the negative were to be left liable to the suspicion that they were in favor of inebriety.

I have heard some suggestions, Mr. President, *sotto voce*, and otherwise, notably lately from the Senator from Illinois [Mr. LOGAN], that there were no spirituous liquors upon that card that was just now read at the Secretary's table, and that because there were no spirituous liquors on it there was no violation of the rule of this body. Sir, my experience in these matters is reasonably limited; as an eminent apostle of this subject once said, while I am in favor of temperance, I am no bigot; but my observation leads me to say that there are spirituous liquors upon that bill of fare of a very pronounced quality. Any man who is at all familiar with the liquors whose names were read in the last clause of that bill of fare is very well aware that as much absinthe or maraschino as will fill a lady's thimble is about all that an ordinary stomach can digest or an ordinary brain sustain.

I had no personal, I had no sinister or furtive purpose in causing that bill of fare to be read. I happen to be a representative of a State that has pronounced very affirmatively in favor of absolute prohibition, and I felt called upon in the discharge of my duty here to vote upon the adoption or rejection of the thirteenth rule in opposition to what might seem to be the view or demand of those who distinctly represent that sentiment, and I thought I saw here a very distinct purpose and attempt on the part of some gentlemen to create an unjustifiable public opinion, and I thought it to be my duty to show to the country that, notwithstanding the declarations which might be made here upon the adoption of the thirteenth joint rule, those who were so ready to record themselves in favor of that were at the same time entirely cognizant of practices that were absolutely in violation of it.

This exhibition this afternoon has been discreditable in the extreme. It is not a chapter of the history of this body to which members will revert with pleasure. There have been declarations made that I think had better have been qualified or omitted, and it appears to me, sir, after all that has been said upon this subject, that the best and most sensible and patriotic and just disposition of this thirteenth joint rule would be to lay it upon the table; but as I have once voted as I voted in committee to strike out the rule, I do not feel at liberty to make that motion, but I should vote for it with very great pleasure.

Mr. LOGAN. Mr. President, I merely desire to correct the Senator's reference to me. He states that I said there was no spirituous liquors on that bill. I did not say that. I asked the question of the Senator from Missouri whether there were on that bill other liquors than wines and malt beverages, and I stated that those named were understood technically as "vinous, spirituous, and mixed liquors," and that if there was not spirituous liquors on the bill the rule had not been violated. That is what I said.

Mr. HARRIS. "Vinous, spirituous, and malt," is it not?

Mr. LOGAN. Either one, "mixed" or "malt;" both words are used as applicable to that character of drinks; but they are distinctly known as three different varieties. I only mentioned that by way of interrogatory to know whether or not that was the character of the articles sold.

Mr. FRYE. Mr. President, as the chairman of the committee reporting this rule I stated the objections, as I said, of a majority of the committee to this clause. I stated them fairly. I stated them exactly as they were stated in committee. I reserved to myself the right to vote as I pleased. In committee I voted against striking out this clause. It was well understood by all the committee that I was in favor of a clause of this kind, that I had advocated it at a former time, and of course I had the right when the question was presented here of recording my vote as I did. I have recorded it so always whenever I have had an opportunity on a question of this kind.

Mr. President, my attention has been called to what was said to be a statement of the Senator from Missouri, that it was made the duty, by the rules, of the chairman of the committee to examine these bills and to approve them and that I had examined the bills and approved them, including the wine list. I do not think the Senator said exactly that, though he thought so.

Mr. COCKRELL. What I did say was pointing directly to you and you were looking at me—I can not recall the exact words, except that they were to the effect that you were responsible for the bill of fare.

Mr. FRYE. I am responsible for the bill of fare so far as the viands are concerned on the only bill of fare that was ever presented to me for my examination. I did examine it, and if the Senator had looked at the bill of fare that was originally placed in that restaurant and then at the one subsequently placed there he would have seen the result of my examination in more than twenty different prices that were carried out. The prices were changed and I approved of that bill of fare. No bill of fare containing wines or liquors of any kind was ever handed to me. I regarded the Committee on Rules as instructed by the United States Senate on a former occasion. When they reported a rule containing the words "spirituous and malt liquors," by a majority vote of the Senate those words were stricken out and the Committee on Rules were under instruction and their purpose was to put in here what was put in by the Senate before.

Now I say I am willing and I am desirous of getting rid of all of them, and the Senate can, if it pleases, at any time that it pleases.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment offered by the Senator from Missouri.

Mr. CONGER. Mr. President, when this rule was presented and the question taken on its adoption, I asked for the yeas and nays because I thought having been presented to the Senate by the Committee on Rules it would be unworthy of the Senate to vote it down; but I had another and a stronger reason. In the rule of the Senate the words "spirituous liquors" are used. I do not know but that whole list of wines might be on the bill of fare under the rule as the Senate has it now in its own rules; but this rule said "intoxicating liquors," covering everything which can intoxicate. So it was a better rule in that respect than the existing Senate rule, and therefore I desired that it should be adopted, and therefore I called for the yeas and nays, and therefore I shall now support this rule.

So much you will excuse me for saying, because under the rule now before the Senate as to intoxicating liquors there could be no bill of fare properly presented or kept which would include vinous and malt liquors.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on this question.

Mr. HARRIS. Is the question on the amendment of the Senator from Missouri?

The PRESIDENT *pro tempore*. It is. Do Senators desire that it be read?

Mr. HARRIS. Let it be read.

The CHIEF CLERK. At the end of clause 13 it is proposed to add:

And any Senator or Representative who may violate this rule shall be liable to expulsion.

The question being taken by yeas and nays, resulted—yeas 20, nays 38; as follows:

YEAS—20.

Brown,	Dolph,	Ingalls,	Morgan,
Butler,	Eustis,	Jackson,	Payne,
Cockrell,	Gibson,	Jones of Arkansas,	Vest,
Conger,	Gray,	Mahone,	Voorhees,
Dawes,	Harris,	Manderson,	Walthall.

NAYS—38.

Aldrich,	Edmunds,	Maxey,	Sewell,
Allison,	Evarts,	Mitchell,	Sherman,
Beck,	Frye,	Morrill,	Spooner,
Berry,	George,	Palmer,	Stanford,
Blackburn,	Gorman,	Platt,	Teller,
Call,	Hampton,	Ransom,	Vance,
Cameron,	Harrison,	Riddleberger,	Wilson of Iowa,
Chace,	Hawley,	Sabin,	Wilson of Md.
Coke,	Hoar,	Saulsbury,	
Colquitt,	McMillan,	Sawyer,	

ABSENT—17.

Blair,	Hale,	McPherson,	Pugh,
Bowen,	Jones of Florida,	Miller of Cal.,	Van Wyck.
Camden,	Jones of Nevada,	Miller of N. Y.,	
Cullom,	Kenna,	Pike,	
Fair,	Logan,	Plumb,	

So the amendment was rejected.

Mr. EDMUNDS. I move, in line 6, after the word "provisions," in the rule now under consideration, to strike out all the rest of the clause, the words being:

And any officer or employé of either House who shall in any manner violate or connive at the violation of this rule shall be dismissed from office.

My object in that is to make it harmonize with this vote of the Senate; and besides that, as most of us know, under the Constitution each House was intended to be absolutely independent of the other in regard to the control and conduct and dismissal of its own officers.

I therefore for that reason move to strike out these words so as to leave each House its constitutional power to deal with any of its officers or members who violate its own regulations according to its own will and discretion at all times.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont. The amendment will be read.

The Chief Clerk read the amendment.

Mr. COCKRELL. I was aiming to get the floor to make precisely the same motion which the Senator from Vermont has made, to strike out those words. I think they ought to be stricken out and ought never to have been reported there.

Mr. FRYE. This clause, as I have stated, was copied from an old joint rule exactly word for word, with the exception of putting in the word "strictly" before the word "enforce." That is the only difference between the old rule which prevailed and this rule. I fully agree with the Senator from Vermont. I never examined it with any special care, it being a copy of the old rule; but I fully agree with him that those last two lines ought to come out.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

The amendment was agreed to.

Mr. EDMUNDS. I wish to go back to Rule IX on a subject of real importance regarding legislation, but I suppose it will not be in order until this is disposed of.

The PRESIDENT *pro tempore*. The Senate voted to proceed with the rules in order.

Mr. RIDDLEBERGER. I now ask to have my amendment considered. I understood the Senator from Missouri to yield to me for the purpose of offering it. The amendment is to strike out the words "intoxicating liquors" and insert "spirituous or malt liquors, wine, or cider." I think these words have had a legal construction. They have had in some of the States, at any rate.

If there has been anything demonstrated by the discussion here today it is that wine is not intoxicating and that beer is not. We do have wine and we do have beer in the Senate restaurant, and every Senator who goes down there and looks at those shelves understands it. It seems to me that the comprehensive way is to make it apply to spirituous or malt liquors, wine, and cider, and that does away not only with the bottles, but with the shelves themselves.

The PRESIDENT *pro tempore*. The amendment of the Senator from Virginia will be reported.

The CHIEF CLERK. In the first line of the thirteenth rule it is proposed to strike out the words "intoxicating liquors" and insert in lieu thereof the words "spirituous or malt liquors, wine, or cider;" so as to read:

No spirituous or malt liquors, wine, or cider, shall be offered for sale, exhibited, or kept within the Capitol, or in any room or building connected therewith, &c.

Mr. RIDDLEBERGER. I ask for the yeas and nays. I believe this is the only amendment that has not had the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 35; as follows:

YEAS—20.

Aldrich,	Dolph,	Mahone,	Riddleberger,
Butler,	Frye,	Mitchell,	Sawyer,
Cameron,	Hawley,	Morgan,	Sewell,
Conger,	Ingalls,	Palmer,	Teller,
Cullom,	Jones of Arkansas,	Platt,	Wilson of Iowa.

NAYS—35.

Allison,	Dawes,	Hoar,	Saulsbury,
Beck,	Edmunds,	Jackson,	Sherman,
Berry,	Eustis,	Kenna,	Spooner,
Blackburn,	Evarts,	McMillan,	Stanford,
Brown,	George,	Manderson,	Vance,
Call,	Gray,	Maxey,	Vest,
Chace,	Hampton,	Morrill,	Voorhees,
Coke,	Harris,	Payne,	Walthall.
Colquitt,	Harrison,	Ransom,	

ABSENT—20.

Blair,	Gibson,	Logan,	Plumb,
Bowen,	Gorman,	McPherson,	Pugh,
Camden,	Hale,	Miller of Cal.,	Sabin,
Cockrell,	Jones of Florida,	Miller of N. Y.,	Van Wyck,
Fair,	Jones of Nevada,	Pike,	Wilson of Md.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the adoption of Rule XIII as amended, upon which the yeas and nays have been ordered. ["No!" "No!"] Then the question is on the adoption of the thirteenth rule as amended.

The rule as amended was adopted.

Mr. EDMUNDS. Mr. President——

Mr. MORGAN. Before we leave the subject, I desire to offer an addition to the Senate rule on this subject——

Mr. EDMUNDS. That would not be in order just now, the Senator will pardon me as I have the floor and I wish to go away. I desire to call the attention of the Senate to Rule IX with respect to conferences.

Every Senator is aware that always hitherto every committee of the Senate—and we have nothing to do as to how a committee shall be appointed in the other House—is appointed by the Senate itself. When it gives unanimous consent for the President of the Senate to appoint a conference committee or any other committee, it is the action of the Senate, because every Senator assents for convenience that it may be done. Of course at the present time when we only have a President *pro tempore* of the Senate liable to the action every day of the will of the Senate in removing him and replacing him with another, it is not of so much importance; but as a principle that the Senate has always stood upon, and I think rightly, it has never conferred upon the Vice-President of the United States the power to appoint any of its committees. He is merely a constitutional officer who by the Constitution presides over the deliberations of the Senate; and that is all. This ninth rule as it stands departs from that traditional history of the Senate, and from what I think is its true constitutional duty as a matter of power, and requires that every committee of conference shall be appointed by the President of the Senate, so that in a given case the Vice-President of the United States would have it in his power, in spite of the will of a majority of this body, to select for it in some most important emergency the persons who should be its representatives in a conference with the House of Representatives.

To correct this, which I think to be an error and an evil, I move to amend the ninth rule, in the second sentence of the first paragraph, where it begins, "If a conference be ordered," by striking out "the presiding officer" and inserting the word "there;" and after the word "shall," in the same line, inserting the word "be," and then striking out the word "appoint," next following, and inserting the word "appointed;" so that the clause will read:

If a conference be ordered, there shall be appointed three members as managers.

Leaving it to either House in the exercise of its constitutional powers to be its own judge for the time being, under its own rules, as to how its conferees shall be selected. Sometimes in the English practice in the House of Commons they are selected by ballot, and I am under the impression without looking it up that in the very early times in our House of Representatives they were sometimes so selected on very important questions, but I am not sure about it.

Then to carry out the same idea in the next clause, beginning "If that House insist on its amendment or amendments and agree to the proposed conference," I move to strike out after the word "conference," in the fourth line from the bottom of that first head, "the presiding officer thereof" and insert the word "there" in the place thereof; and after the word "shall" to insert the word "be;" and strike out the word "appoint" in the same line and insert "appointed;" so as to read:

If that House insist on its amendment or amendments and agree to the proposed conference, there shall be thereupon appointed three Senators or Representatives, as the case may be.

Mr. HOAR. "There shall thereupon be appointed."

Mr. EDMUNDS. Yes; as it is suggested by my friend from Massachusetts, put the word "be" after "thereupon"—"there shall thereupon be appointed"—so as to make this clause read:

If a conference be ordered there shall be appointed three members as managers at the said conference on the part of the dissenting House, which action shall be promptly communicated to the other House. If that House insist on its amendment or amendments and agree to the proposed conference, there shall thereupon be appointed three Senators or Representatives, as the case may be, to represent the said House at said conference.

So as to leave it in the power of either House, according to its own rules of procedure, to decide how it will select its representatives.

Mr. FRYE. The only reason for the change is that clause 2 of the House rules provides that the Speaker shall appoint all select committees, and the construction has been, I think under that rule, that a conference committee was a select committee to be appointed by the Speaker, while in the Senate the usual custom—I never have known it to be otherwise since I have been here—has been to authorize the presiding officer at the time to appoint the conferees.

Mr. EDMUNDS. By unanimous consent.

Mr. FRYE. This rule only purposed to follow the House rule and the Senate custom. I myself, so far as I am concerned, have no manner of objection to the amendment offered by the Senator from Vermont.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Vermont will be read so that it may be understood.

The CHIEF CLERK. In the ninth rule it is proposed to amend the first paragraph, beginning after the word "House," in line 7, so as to make it read:

If a conference be ordered, there shall be appointed three members as managers at the said conference on the part of the dissenting House, which action shall be promptly communicated to the other House. If that House insist on its amendment or amendments and agree to the proposed conference, there shall thereupon be appointed three Senators or Representatives, as the case may be, to represent said House at the said conference, &c.

The amendment was agreed to.

Mr. HOAR. I desire to call the attention of the Senate to Rule XI. The Secretary will be good enough to read the last clause as it stands.

The PRESIDENT *pro tempore*. The last clause of the rule will be read.

The Chief Clerk read as follows:

It shall also superintend and direct the expenditure of all moneys appropriated therefor, and shall perform such other duties as are or may be directed by law or order of the two Houses, and during the period between the expiration of a Congress and the commencement of the next, all duties devolving by law or otherwise on the Joint Committee on the Library shall be performed by the members of said committee on the part of the Senate of the preceding Congress.

Mr. HOAR. Mr. President, every other Congress, quite as a matter of course with the coming in of a new Administration, and frequently oftener than that, the Senate meets early in March, just after the 4th of March, and then appoints its committees for the Congress according to the present rules; formerly it appointed them for the session only. Under this clause the Senate Library Committee in existence, appointed for the new Congress, can not perform the duties in vacation after the committee is appointed, but the duties would devolve on the members of the Committee on the Library of the last Congress, who might have ceased to be members of the Senate altogether, or who might have gone off that committee and on to some other.

Now, I propose to alter the rule in this way: Strike out the last four words of the printed rule, as reported from the committee, so as to make it end, "be performed by the members of said committee on the part of the Senate," and then to insert the words, "or if no such committee exist, then by the committee on the part of the Senate of the preceding Congress," so that you have somebody vested with the authority which is necessary.

Mr. FRYE. That is undoubtedly necessary, Mr. President.

The PRESIDENT *pro tempore*. The Secretary did not catch the amendment. The Senator will be kind enough to repeat it.

Mr. HOAR. Strike out the four last printed words of Rule XI and insert after the word "Senate:"

Or if no such committee exist, then by the committee on the part of the Senate of the preceding Congress.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Massachusetts.

Mr. FRYE. I do not see any objection to that. On the contrary, I think it ought to be adopted.

The amendment was agreed to.

Mr. COCKRELL. I wish to suggest an amendment on the line just above it to make it accurate. The words "and during the period between the expiration of a Congress and the commencement of the next" would mean the commencement of the next Congress. That would be an indescribably short period of time, because as one Congress expires another begins, and I would suggest to amend that so as to read:

During the period between the expiration of a Congress and the beginning of the first session of the next Congress.

Mr. HARRISON. Would not the word "assembling" answer there?

Mr. COCKRELL. Yes; "on the assembling of the first session of the next Congress."

Mr. INGALLS. Why "the first session?" Why not say "the assembling of the next Congress?" They might meet in called session.

Mr. ALLISON. Strike out "commencement" and insert "assembling."

Mr. COCKRELL. Well, that will do; "assembling of the next Congress."

Mr. HOAR. Why would not the word "organization" be better than assembling?"

Mr. COCKRELL. "Organization" will do, or "assembling," either one.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to strike out the word "commencement" and insert "assembling."

Mr. HOAR. These duties, I suppose, are largely the approving of small bills of expenditures that come in. They formerly involved the care of the Botanic Garden, but I think that has been removed from the Library Committee lately.

The PRESIDENT *pro tempore*. They consist of supervising small labor bills and the like, and continue during the vacation.

Mr. HOAR. It is quite desirable for laborers and persons in humble life who have small claims to have somebody to audit those accounts, and therefore the "organization" of Congress, I think, would be the better term.

Mr. COCKRELL. I accept the suggestion. "Organization of the next Congress" I believe would be better.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that instead of the word "commencement" in the eleventh rule, in the place stated, the word "organization" be inserted. The question is on that amendment.

The amendment was agreed to.

Mr. INGALLS. Mr. President, I endeavored to obtain the attention of the Chair to move a further amendment in Rule IX before the Senator from Massachusetts rose. I call attention to the second clause of Rule IX, about conferences, and move to strike out the words after "agreed" in the last line but one of that clause, as follows:

Unless it becomes necessary to change the text in order to perfect the bill after amendment.

One of the most insidious dangers that threaten legislation, and one of the causes from which some exceedingly vicious legislation has proceeded, has been the assumption by conference committees of authority to change the text of a bill and introduce matter that had not been considered by either House when the bill was under deliberation. The text of a bill should always be changed in order to make it harmonious with the amendment before it leaves the House where the amendment is made; nothing ought to be conceded to the discretion of the conference committee; and I therefore move to strike out that clause which gives them the discretion in the words I have mentioned.

Mr. FRYE. I have had but little experience on conference committees, and I will call on some Senator who has had very much more. It seemed to the committee necessary to have that simple authority, limited and controlled as it is, given in order to make a bill correspond in language with the amendments which the conference committee had recommended. I wish the Senator from Iowa [Mr. ALLISON] would inform the Senate on the subject.

Mr. ALLISON. I have had some experience in conference committees on appropriation bills, and I think it would be exceedingly difficult to carry out this provision, if those words were stricken out, on some of the appropriation bills. I thoroughly agree with the Senator from Kansas that the general sense of a bill should not be changed in a conference committee, and I think that is sufficiently guarded here; but I am sure numerous instances will occur where there will of necessity be required a change in the text of a bill.

Mr. INGALLS. Why should not that change be made by the House making the amendment?

Mr. ALLISON. The conference committee may modify an amendment made, for instance, in the Senate on an appropriation bill, which would require a change in the original text of the bill. I do not know that I can illustrate by any instance now, but I do not think any danger will occur from allowing the provision to stand as it is. Obviously this rule as it stands would prevent the changing of the sense of any bill. I am perfectly willing that conference committees should be absolutely restricted in that regard, and I think latterly there has been great care exercised in conference committees on appropriation bills with reference to this subject. I know some years ago one or two instances occurred where the sense of the text of a bill was changed; but I only know of one or two such instances.

Mr. INGALLS. There was one last session—I think it was the bill making appropriations for the District of Columbia—in which the conference committee absolutely changed the bill as it left the House in which the amendment was made and incorporated matter which had not been considered by either House. I remember that the present occupant of the chair called the attention of the Senate to that fact and protested vigorously against what he said was undoubtedly a violation of the privilege and duty and authority of the conference committee. My object is not to allow a conference committee to take any liberties whatever with the text of a bill. If they have an inch they will take an ell. If you allow them the discretion to take whatever liberties they please with the text of a bill, to make it as they think correspond with an amendment, you simply give them all the authority they could possibly ask. While they might not be disposed to do mischief, still the liberty itself is dangerous.

Mr. HOAR. May I ask the Senator from Kansas a question?

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. ALLISON] had the floor, and he yielded to the Senator from Kansas.

Mr. INGALLS. I beg the Senator's pardon.

Mr. ALLISON. I do not wish to occupy the floor.

Mr. HOAR. I ask the Senator from Kansas this question: Suppose the Senate appropriates a hundred thousand dollars for a particular purpose, and the House strikes out $100,000 and inserts $50,000, and the conference committee want to agree on $75,000, how are they going to do it under the rule as he would amend it?

Mr. ALLISON. Let me suggest still further——

Mr. INGALLS. I will take time to deliberate, and then I will answer. I do not wish to be required to give an instantaneous reply.

Mr. HOAR. I do not think you can reply, my learned and amiable brother.

Mr. INGALLS. The Senator might allow me an opportunity to reply.

Mr. ALLISON. In the illustration given by the Senator from Massachusetts suppose that the conference committee requires some additional restrictions and restraints to be put about that appropriation than are contained in the text, they can not alter the text under the suggestion of the Senator from Kansas——

Mr. INGALLS. They ought not to be allowed to.

Mr. ALLISON. Not even in order to throw restrictions around that appropriation? Suppose, for instance, the Senate puts in an amendment making an entirely new appropriation—it has a right to do that—and that amendment goes to the House. In order to make that appropriation effective, it is found to be necessary to make some modification in the original text of the bill. It would seem to me that a conference committee ought to have that privilege.

The illustration given by the Senator from Kansas in reference to the appropriation last year or perhaps two years ago, I remember very well when the attention of the Senate was called, as I believe it was by the Senator from Ohio [Mr. SHERMAN], to that infraction of our own rules. The Senate at once rereferred that question back to the committee of conference.

Mr. INGALLS. The Senate adopted the report of the committee of conference.

Mr. ALLISON. They did finally.

Mr. INGALLS. Exactly as the committee agreed to it.

Mr. ALLISON. They did finally, because on consultation and debate it was found on the whole to be a wise provision, as I remember. But I do not know of an instance within the last four years where a conference committee having charge of an appropriation bill has undertaken to amend the text or change its sense in any way, unless for the purpose of making some new disposition made necessary by the amendment itself. I have no wish about this, of course; but it seems to me that this provision is very well guarded as it stands, and I am quite sure that no committee will act in violation of the spirit of this rule, and if it does not the general text of a bill will not be changed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

Mr. MANDERSON. As this seems likely to lead to some debate, and I think other of these rules will excite discussion, I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fourteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December* 15, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

Mr. W. H. CRAIN, of Texas, appeared, and was duly qualified by taking the oath prescribed by law.

ADJOURNMENT OVER.

Mr. MORRISON. I offer the following resolution and ask it may lie on the table, at least until to-morrow.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, December the 22d, 1885, they stand adjourned until Tuesday, January 5, 1886.

The SPEAKER. The resolution will be printed and laid over.

PAGE AT CLERK'S DESK.

Mr. ROGERS. I offer the following resolution for present consideration.

The Clerk read as follows:

Resolved, That the Clerk be authorized to employ Harry Blair Smith as a page at the Clerk's desk in the Hall, and pay him at the rate of $2 per day out of the contingent fund of the House until further orders.

Mr. ROGERS. Mr. Speaker, I wish to say this is identical with the resolution adopted at the last Congress. There is now but one page in the office of the Clerk, who has his clerks scattered about the three floors, and an additional one is necessary. I ask for present consideration.

Mr. MORRISON. I hope my friend will consent to let this lie over until we have a committee to examine it. I do not think we should begin appropriating so early.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COX. I object.

Mr. ROGERS. I ask that it be permitted to lie over for one day.

There was no objection, and it was ordered accordingly.

IMPORTATION OF GLASSWARE.

Mr. BURLEIGH. I ask for the present consideration of the following resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to this House such information as he possesses, including copies of all official documents and correspondence on file in his Department, relating to the importation from Bohemia in July last, by L. Lehman, of New York, into the port of New York, of certain glassware, and to the appraisement and reappraisement of the same.

Mr. MORRISON. I must object for the present.

The SPEAKER. Objection is made, and the resolution will lie over for the present.

RULES.

Mr. MORRISON. With permission of the House I desire to call up for present consideration the report of the Committee on Rules.

The SPEAKER. As a matter of privilege the gentleman from Illinois calls up the report of the Committee on Rules, which will be read.

The Clerk proceeded to read the report of the Committee on Rules, which, with the report of the minority, was printed in yesterday's RECORD. Before he had concluded the reading,

Mr. MORRISON said: Unless there is a demand for it, I ask that the further reading of the report may be dispensed with.

The SPEAKER. The gentleman from Illinois asks unanimous consent to dispense with the further reading of the report. Is there objection?

Mr. RANDALL. There is not, if we shall have the opportunity of considering each particular item—an opportunity which, I think, ordinary parliamentary law would give us.

Mr. MORRISON. There is no objection to that.

The SPEAKER. There is no objection, then, to dispensing with the further reading of the report.

Mr. HOLMAN. Perhaps there will be no objection to considering these rules in the House as in Committee of the Whole. The Chair is, of course, advised as to what are the ordinary rules of procedure when the House considers a measure as in Committee of the Whole. I suggest that this report be subject to the same consideration in the House as if the House were in Committee of the Whole under the usual rules of procedure by which the Committee of the Whole is governed.

Mr. MORRISON. I have no objection to considering the rules in open House without referring them to the Committee of the Whole.

The SPEAKER. The Chair desires to understand exactly what the arrangement is.

Mr. MORRISON. There is no arrangement about considering the report as in Committee of the Whole.

The SPEAKER. Does the Chair correctly understand the gentleman from Illinois to consent to consider the report in the House as in Committee of the Whole?

Mr. MORRISON. No, sir; I do not consent to that; but I consent to the consideration of the report by clauses.

Mr. HOLMAN. That accomplishes the same result. I am satisfied with that.

The SPEAKER. The report then is now before the House for discussion. The gentleman from Illinois [Mr. MORRISON] is entitled to the floor.

Mr. MORRISON. Mr. Speaker, with the consent of the House, I desire to make a short statement in explanation of the changes proposed by the committee of the rules as they were in force in the Forty-eighth Congress. The report of the committee is the proposition submitted by me, bettered by some changes and not very material modifications made by the Committee on Rules. There is nothing new in the proposition I submitted. I had simply grouped or put together such of the propositions as have been submitted to the House from time to time, or have been suggested by its members, as were believed to be essential to the speedy organization of the House, to the proper distribution of its work, and to more considerate and economical legislation. Other propositions which were submitted to the committee, or some of them, remain with it for further consideration.

The rules of the Forty-eighth Congress, which are in the main proposed to be adopted for the government of this, were forty-six in number. Of these it is proposed to change seven only; and some of the proposed changes are but verbal, or, as I have already suggested, but slight modifications. It will be observed that only so many of the rules as are proposed to be changed appear at length in the resolution under consideration.

The first rule it is proposed to change is number one in the system proposed to be amended. This will give control to the Speaker of the passages and corridors leading to the Hall. By the rules as they existed heretofore he was given control or supervision of the Hall of the House and the unoccupied rooms, leaving the passages and corridors uncontrolled by any officer of the House. Properly controlled, they may be made to contribute to the convenience and comfort of members or visitors; without control, they may be and are used to the annoyance of both. This authority was vested in the Speaker previous to the adoption of the rules of the Forty-sixth Congress.

The next amendment or change is proposed in Rule X. This amendment simply proposes to increase the membership of several committees. So many committees as were composed of fifteen or thirteen members are to be left as in former Congresses. The membership of some of the others heretofore composed of a less number are by the pending resolution increased to thirteen members. This will entail no additional expense or inconvenience, and will enable an increased number of members to share and participate in the responsibilities and work of important legislation.

The next rule to be changed was No. XI of the old code. This is intended to be so changed as to make some division among other committees of the labors which formerly devolved on the Committee on Appropriations alone. The appropriations for legislative, executive, and judicial expenses, embracing nearly the whole *personnel* of the Government, for sundry civil expenses, for expenses of the District of Columbia, for fortifications, for pensions, and for all deficiencies, aggregating in amount nearly $120,000,000, or more than half of the total annual appropriations, are left with the Committee on Appropriations. It is believed by the Committee on Rules that to give diligent and considerate attention to appropriation bills appropriating such an amount of money will require all the effort and all the industry that can be found in any one committee of the House.

It has been claimed, and I believe it is insisted upon in the minority report made by the gentleman from Pennsylvania [Mr. RANDALL], that this division or distribution of appropriation bills will result in increased expenditure. It can only do so, Mr. Speaker, if the members that constitute other committees are less intelligent, less honest, less vigilant, and less capable of performing the duties so imposed upon them. It is said, too, that the appropriations made by the committees formerly vested with this power to prepare and report appropriation bills, the Committee on Agriculture and on Rivers and Harbors, go to show that the appropriations will be increased. These two committees have had this power, and it is left with them by the report of the Committee on Rules, and five other committees are given jurisdiction of appropriation bills. I hardly need to enumerate them; they are the Military, Naval, Indian, Foreign Affairs, and Post-Office and Post-Roads.

It is said that the agricultural appropriation bills have increased since the Committee on Agriculture was given the power to prepare and report them. It may be that in some degree the expenses of the Agricultural Department have increased, since to the expenditures strictly agricultural have been added those of animal industry and forestry. I believe the whole appropriation made in the interest of agriculture is less than $600,000. One-half of our people are engaged in this industry—agriculture. I think I read something like that; I think it is in the platform. The total appropriations for this great interest amount annually to about one-twelfth part of the expenditures made for the erection of a public building in Philadelphia to tax it—about the same amount that was appropriated, given, or allowed at the last session for the erection of a public building in an interior town where one member of the

Committee on Appropriations resided. I do not know, Mr. Speaker, whether, in the proper exercise of economy, the Committee on Appropriations, or any other committee, may or may not reduce the expenditure for the agricultural interest, but I presume that if it can be rightly done at all it will be as well done by the Committee on Agriculture as by any other.

It is said, too, that the Committee on Rivers and Harbors has largely increased expenditures since it was given power to report bills. The largest bill ever reported by the Committee on Rivers and Harbors was, I believe, in the first session of the last Congress.

Mr. WILLIS. If the gentleman will permit me to correct him, the largest bill of that character was in the Forty-second Congress.

Mr. MORRISON. I am addressing myself more especially now to my Democratic colleagues, and I say, or meant to say, that the largest river and harbor appropriation bill ever reported by a Democratic committee was in the first session of the last Congress. On looking over the vote by which that bill was passed I find but four members of the committee of fifteen on appropriations recorded against it. If that Committee on Appropriations had had charge of the bill I have no doubt that the other eleven members would have outvoted the four and made the bill quite as large as it was made by the committee which had it in charge.

Mr. REAGAN. If the gentleman will permit me to interrupt him for a moment, I wish to say to the House that the idea that the appropriations for rivers and harbors during the period from 1876 to 1880 were under the supervision of the Committee on Rivers and Harbors is a mistake. Each one of those bills within the period I have mentioned was reported by the independent action of the Committee on Commerce. Therefore the assumption that extravagance grew up in those appropriations owing to their being controlled by the Committee on Rivers and Harbors has no foundation in fact.

Mr. MORRISON. Mr. Speaker, the change now proposed is no new proposition with me. In the Forty-sixth Congress, when the code of rules which governed the House in the Forty-eighth was adopted, I voted in favor of a division or distribution of bills among the several committees, as now proposed. The increase of the appropriation for the agricultural interest is used as an argument to show that distribution or division will increase expenditure, and against the proposed change. The agricultural appropriation is not the only one that has increased. Why, sir, under the management of this carefully economic Democratic Committee on Appropriations the Post-Office appropriations have grown seventeen millions since the Forty-third Congress, which was a Republican Congress; then they were $33,000,000, now they are $50,000,000. I do not complain of it. I do not say that the increase may not have been a proper one. I call attention to the fact that appropriations in some Departments and for the promotion of some of the public interests will grow, and may rightly grow, whether they are reported by the Committee on Appropriations or on Agriculture.

At the time I voted to distribute appropriation bills, to which I have already referred, and as is now proposed, that most painstaking, earnest, honest man, a man most valuable to the public service, General Atkins, now Commissioner of Indian Affairs, was chairman of the Committee on Appropriations. To him the public owes as much, if not more, than to any other for such reductions of expenditures as have been made since the Forty-third Congress. He was longer chairman and longer an efficient worker on the Committee on Appropriations than any member of the last five Congresses. With him at the head of the Appropriations Committee, I favored this division as I do now. Several Senators, who are, I believe, members of the Committee on Appropriations at the other end of the Capitol, have been summoned or introduced here by the minority report of the gentleman from Pennsylvania [Mr. RANDALL] as witnesses against the policy of the proposed division.

These witnesses object to this division of bills and of legislative work because they say it will lead to extravagance. These appropriation bills ought be kept together and in the hands of a single committee, it is insisted here, in the interest of economy. Why, sir, against whom have we had to contend in the interest of economy during these long years? No President has ever vetoed an appropriation bill on the ground that the sum apportioned was too small. From whence, then, has come the obstruction we have met in the work of economy and the reduction of appropriations? It has come from that very body at the other end of the Capitol which has one committee to deal with all the appropriation bills. At all events, that is what we have been told by the Committee on Appropriations. All "riders" or legislation on appropriation bills and all rules authorizing such legislation have been justified here on the alleged necessity for compelling the legislative body from which these witnesses come to accept and agree to our reduced appropriations, and yet it is there where all appropriations are committed to a single committee; and yet members of that body are summoned to show that the appropriation bills ought to be kept together in the control and under the supervision of a single committee—here it is claimed that expenditures may be reduced; there, that reduction may be resisted!

Another amendment proposed is in Rule XXI. It is to be so amended that committees having jurisdiction of appropriation bills, or charged with preparing and reporting them, shall confine themselves to the work of appropriation, and make appropriations as required by existing law, leaving the wok of retrenchment and the framing of laws in relation thereto to the respective committees severally in charge of the different and appropriate committees. It is objected that if this right to control all the appropriations is not saved to the committee having in charge the general appropriation bills, no consent will be given at the other end of the Capitol to moderate or economic appropriations. Does anybody believe that if this Democratic House shall reduce or provide for the reduction of the amounts of money to be expended by Democratic officials a Republican Senate is going to worry itself much about increasing those amounts?

Why, sir, there is just a little selfishness in most if not in all of us. A careful inspection of the expenditures authorized by this House in the last ten years for its own officials will show that the reductions made have hardly been on a scale or kept up with the reductions made in appropriations made for expenditures in other branches of the public service.

The body of excellent gentlemen at the other end of the Capitol are not very different from their fellow-men, and in some respects may be very like those who assemble here or have met here in the Congresses of the past ten or more years, and therefore I assume that the Senate will not much exercise itself in any attempt to greatly increase any economic appropriation made here to be enjoyed or expended by officials not of their own selection.

Mr. Speaker, there is an amendment in Rule XXIII, I believe, providing that when the House, being in Committee of the Whole, proceeds to the consideration of bills not in their order, the Committee of the Whole may pass over any bill which it does not desire to consider, unless objection is made, without the necessity of rising that the House may order such bill passed over, as the old rule requires.

There is also an amendment to the twenty-first rule under which private bills must be referred to some one of the claims committees having appropriate jurisdiction—the Committee on Invalid Pensions, the Committee on Pensions, the Committee on Claims, the Committee on War Claims, the Committee on Private Land Claims, and the Committee on Accounts.

Mr. THROCKMORTON. Will the gentleman allow me to interrupt him a moment?

Mr. MORRISON. Yes, sir.

Mr. THROCKMORTON. There is one point to which I wish to call the gentleman's attention in this connection. Paragraph 15 of Rule XI provides that the Committee on Indian Affairs shall have jurisdiction of bills in respect to the relations of the United States with the Indians and Indian tribes. The twenty-ninth and thirtieth paragraphs of the same rule provide that private and domestic claims, and demands other than war claims, against the United States shall be referred to the Committee on Claims, and claims arising from any war in which the United States has been engaged to the Committee on War Claims. What I desire to ask is whether this proposed change of the rules will take from the Committee on Indian Affairs the consideration of Indian depredation claims?

Mr. MORRISON. It is intended to do so. The power to adjudicate claims against the United States is intended to be taken away from that and all others but the Claim Committees.

Mr. THROCKMORTON. The twenty-ninth paragraph of Rule XI speaks of private and domestic claims and demands other than war claims against the United States. Now, these depredation claims grow out of wars with the Indian tribes; and in view of these provisions to which I have referred, it seems to me that under the proposed amendment a great deal of confusion and disorder is likely to arise in respect to the reference of claims of this description.

Mr. MORRISON. It is intended by these amendments to the rules to leave with the Committee on Indian Affairs no power to adjudicate claims against the United States.

Mr. THROCKMORTON. No claims?

Mr. MORRISON. None against the Government. Mr. Speaker, it is proposed to change, by striking out a single word, Rule XXIV, in relation to the introduction of bills and resolutions during the call of States and Territories on Mondays. We offer to strike out the word "joint" before the word "resolution," so that under this order not only joint resolutions but also concurrent and simple resolutions may be introduced. Resolutions other than joint resolutions have no place in the orders of the House under the former rules.

A provision is also inserted directing the Speaker to lay before the House for reference on each day immediately after the reading of the Journal all executive communications on his table, and also bills, resolutions, and other messages from the Senate.

There is also inserted in the twenty-fourth rule a clause providing that after the usual morning hour there shall be one hour in which the Speaker shall call the committees in order, during which hour each committee as it is called may call up for consideration any bill reported by it on a previous day; and if after two hours' consideration the bill is not disposed of, it will take its place in the order of unfinished business. It is believed that this change will enable the House to dispose more speedily of its business, and to pass many bills which under the former rules were left unconsidered.

Mr. WARNER, of Ohio. Will the gentleman allow me to ask him a question on this point?

Mr. MORRISON. Yes, sir.

Mr. WARNER, of Ohio. How are these bills called up by committees to be considered—in the House or in Committee of the Whole, or will that be determined by the character of the bill?

Mr. MORRISON. If the bill is one which under the rules must be considered in Committee of the Whole it will be necessary for the House to resolve itself into Committee of the Whole; and there is also a provision requiring the Committee of the Whole to rise when the hour has expired. The proposed rule provides that committees when so called in their order may call up a bill on either the Union or the House Calendar.

I believe, Mr. Speaker, I have stated substantially all that is embraced in this report of the Committee on Rules; certainly it has been my purpose to do so; and having done this, will hear what objections may be urged against it.

Mr. RANDALL. Mr. Speaker, it was not my intention to address the House to-day on the subject under consideration; but there have been expressed by the gentleman from Illinois [Mr. MORRISON] some views which I am unwilling to have pass without immediate notice. I realize fully that my past relation to the Committee on Appropriations would seem to indicate perhaps in the minds of some that I may be peculiarly wedded to a particular control in that respect; but I am sure that those who know me best will give me the credit of acting in this matter from a pure sense of duty, having relation only to the public good. If I shall fail to impress this view upon the House, then I shall labor under an imputation which is not deserved.

The gentleman from Illinois has seen fit to allude to my views as expressed in the minority report. Let me say there is not a word in that report which reflects upon a human being. I have studiously, in and out of this Hall, endeavored to discuss and argue this question from a higher level than that of mere individuality.

I have said, with deliberation, that the tendency of a division of the labors of the Committee on Appropriations is likely to be in the direction of increasing public expenditures, and I have facts which I deem to be correct to substantiate what I have said in that regard. It is that knowledge which now induces me to reply to one matter which the gentleman from Illinois [Mr. MORRISON] has alluded to in his opening remarks in this discussion.

He has particularly spoken in reference to river and harbor bills. No one knows better than I do the pressure from within and from without in connection with river and harbor appropriation bills. There is hardly a member on this floor who does not feel and know it. I have often said we ought to have some way in this connection to protect us from ourselves when it came to making up such bills. I do say, nevertheless, that the tendency of the separation of the river and harbor appropriation bills from the Committee on Appropriations, first to the Committee on Commerce, and next to the Committee on Rivers and Harbors, has been to increase the aggregate appropriations, much of which I consider to have been wasted; and in proof of that I will give in detail the figures which I have before me. I ask the Clerk to read them.

The Clerk read as follows:

Appropriations for rivers and harbors.

Prior to reference of bill to Committee on Commerce:	
1876	$6,648,517 50
1877	5,015,000 00
1879	8,322,700 00
1880	9,577,494 61
Committee on Commerce and Rivers and Harbors:	
1881	$8,976,500 00
1882	11,451,300 00
1883	18,988,875 00
1885	14,948,300 00
Average appropriation per annum for four years prior to reference of river and harbor bill to Committee on Commerce	7,390,928 02
Average appropriation per annum since reference to Committee on Commerce	13,591,243 75

Mr. GIBSON, of West Virginia. May I ask the gentleman from Pennsylvania a question?

Mr. RANDALL. Certainly.

Mr. GIBSON, of West Virginia. I desire to know of the gentleman from Pennsylvania how the aggregate appropriations for rivers and harbors compare with the appropriations which have been made for railroads in money and in land.

Mr. RANDALL. My answer to that is that I have not particular knowledge on that subject, but the gentleman from West Virginia will find my vote recorded against both whenever presented in the past.

Mr. GIBSON, of West Virginia. I wish to ask the gentleman this further question——

Mr. RANDALL. I decline to be further interrupted.

Mr. BLOUNT. Will the gentleman from Pennsylvania state to the House what committee prepared the river and harbor bills for 1876, 1877, and 1878?

Mr. RANDALL. I have stated it all there in the paper which has been read.

Mr. BLOUNT. But I think my friend from Pennsylvania is mistaken.

Mr. RANDALL. If I am mistaken in reference to any statement made by me, I shall be glad to be corrected. No one will be more willing to make correction of any statement made by me which may be found to be incorrect.

Mr. BLOUNT. I wish to say to the gentleman that my memory is different as to the fact.

Mr. RANDALL. I would rather go to the record than rely upon my memory.

Mr. REAGAN. I will state to the gentleman from Georgia that the appropriations for rivers and harbors for 1876 was reported by Mr. Hereford, then chairman of the Committee on Commerce.

Mr. RANDALL. I have so stated.

Mr. BLOUNT. I thought it came from the Committee on Appropriations.

Mr. RANDALL. No, sir; the gentleman from Georgia will find I am accurate in my statement, and figures I have given were those from Commerce and River and Harbor Committees.

Mr. GIBSON, of West Virginia. The Committee on Rivers and Harbors will take care of itself.

Mr. RANDALL. Mr. Speaker, in further illustration of this tendency to increase appropriations by distributing the work of the Committee on Appropriations, I wish to read, or cause to be read, a communication sent to this House on the 4th of March, 1882, by President Arthur. I ask the Clerk to read what I have marked.

The Clerk read as follows:

This leads me to offer a suggestion which I trust will commend itself to the wisdom of Congress. Is it not advisable that grants of considerable sums of money for diverse and independent schemes of internal improvement should be made the subjects of separate and distinct legislative enactments? It will scarcely be gainsaid, even by those who favor the most liberal expenditures for such purposes as are sought to be accomplished by what is commonly called the river and harbor bill, that the practice of grouping in such a bill appropriations for a great diversity of objects, widely separated, either in their nature or in the locality with which they are concerned, or in both, is one which is much to be deprecated unless it is irremediable. It inevitably tends to secure the success of the bill as a whole, though many of the items, if separately considered, could scarcely fail of rejection. By the adoption of the course I have recommended, every member of Congress, whenever opportunity should arise for giving his influence and vote for meritorious appropriations, would be enabled so to do without being called upon to sanction others undeserving his approval. So also would the Executive be afforded thereby full opportunity to exercise his constitutional prerogative of opposing whatever appropriations seemed to him objectionable, without imperiling the success of others which commended themselves to his judgment.

Mr. RANDALL. Notwithstanding the President of the United States in his annual message stated the Government had sufficient for all purposes connected with rivers and harbors, what did this House do? There was, I believe, no estimates that year for any sum necessary to carry on improvements in rivers and harbors, and yet this House, and I think the Senate, too, passed a resolution calling for estimates, and upon those estimates, when received, after the President, as I have said, had stated to Congress no money was necessary for the purpose, this House, with all the facts before it, actually passed a bill involving large expenditure.

A MEMBER. When was that?

Mr. RANDALL. That was at the second session of the Forty-seventh Congress. Notwithstanding the message of President Arthur to Congress, second session, Forty-seventh Congress, the Committee on Rivers and Harbors, on February 20, 1883, reported a river and harbor bill appropriating $7,987,000, which passed the House March 1 increased to $8,047,000.

I want to know whether that does not demonstrate tendency to which I have referred toward making additional and unnecessary appropriations? Nay, more, Mr. Speaker; the estimates of last year as submitted to this House by the President called for $8,000,000, and yet this House introduced and passed—introduced and considered, at least—appropriations of $12,000,000 or $13,000,000 for these objects, more than four millions in excess of the estimates. And this year we have in the estimates which have been laid before us at the beginning of this session $10,000,000 for rivers and harbors. I ask any one here whether he supposes, in view of the past legislation on these subjects, the next river and harbor bill will be within the estimates as recommended by the President of the United States?

Now, sir, with this statement of facts, I am quite content to leave this particular controversy to the House and to the country, as to whether there has been a tendency to increase appropriations under these subdivisions of the powers and duties of the Committee on Appropriations as proposed here.

Mr. O'NEILL, of Pennsylvania. I would like to ask my colleague, if he will permit me, a question just here.

Mr. RANDALL. Very well.

Mr. O'NEILL, of Pennsylvania. I do not wish to interrupt the course of his argument.

Mr. RANDALL. You do not interrupt me.

Mr. O'NEILL, of Pennsylvania. I wish, then, to ask my colleague whether any evidence has ever come to him, or to this House, that the judgment of President Arthur in recommending that there should be no river and harbor appropriation bill passed, and in his veto of that bill

during the Congress before the last, was sustained by the people of this country? I ask my colleague if there is evidence of that fact? As to the question whether the Committee on Rivers and Harbors can make as judicious appropriations as the Committee on Commerce, or whether the Committee on Commerce can make as judicious appropriations for this purpose as the Committee on Appropriations, is a matter of opinion; but I ask him whether the people have sustained the President, and, if so, where is the evidence of the fact? I venture to say that there is no such evidence, because his recommendations were the most injudicious and the most uncalled-for acts of his administration, otherwise good. [Laughter and applause on the Democratic side.]

Mr. RANDALL. Mr. Speaker, in reply to the question of my colleague, for whom I entertain great personal respect, I have only to say that I have never had access to President Arthur's views on any subject except what I have gained in connection with his public statements and acts. As to whether the people have ever condemned this legislation, or condemned his recommendations or not, I could, if I chose, individualize instances where the struggle has taken place before the people in connection with the return of members to this body who favored these excessive appropriations, and show that under the will of the people these men have gone down.

Mr. O'NEILL, of Pennsylvania. I would like to know where they live. Certainly they were not residents of the locality from which my colleague and myself come. His four Republican colleagues, all of whom I believe have uniformly voted for the passage of proper appropriations for rivers and harbors, have been sustained by the people and have come back to Congress. And I may say here, Mr. Speaker, in this connection, that I never believed President Arthur understood half as much about the necessity for the appropriations in connection with rivers and harbors as did the individual members from the various districts which they represented on this floor.

Mr. RANDALL. My four Republican colleagues came back; that is true. They voted for these excessive appropriations—excessive as I think, but that is a mere opinion of mine and simply goes for what it is worth. On the other hand I voted against every one of them and I came back. But I know this, that their conduct before the people was criticised and mine was not.

Mr. O'NEILL, of Pennsylvania. And I venture to say that these four Republican colleagues received more praise for their action, and the gentleman himself received less commendation than any of them.

Mr. RANDALL. I now yield the floor to the gentleman from Georgia [Mr. HAMMOND].

The SPEAKER. The gentleman from Pennsylvania has forty-two minutes remaining, which he yields to the gentleman from Georgia.

Mr. RANDALL. The gentleman from Georgia will take the floor in his own right. There will be no difficulty about the time for debate on this subject, I am satisfied, between the gentleman from Illinois [Mr. MORRISON] and myself.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

THE RULES.

Mr. HAMMOND. Mr. Speaker, I shall try to get as far as possible away from this altercation as to the views and veto of President Arthur alluded to by the gentlemen from Pennsylvania [Mr. RANDALL and Mr. O'NEILL]. It is very plain that he has no friends here now. [Laughter.]

There are some things in this report of the Committee on Rules and many things which I approve. There is one that does not commend itself to my judgment, and against that I desire to make some remarks. Professor Trench, in his "Study of Words," has said that we might read the history of a nation if we knew the meaning and the origin of the words in its language; and I have often thought, in glancing over the names of the committees of this House, that one might almost read in them the history of this Government were he thoroughly familiar with their names, their origin, and their component parts.

It was very natural and proper that in the beginning of the Government—in 1789—there should be a Committee on Elections. It was natural that very early—in 1794—there should be a Committee on Claims. There ought also to have been at that time a Committee on Commerce, and there was as early as 1795; then a Committee on Ways and Means in 1802, a Committee on Public Lands in 1805, and a Committee on the Judiciary in 1813, and so on. We thus might trace the growth of the country and see as it magnified how the number and capacity of these committees were increased. We have seen the Committee on Commerce embracing the subject of manufactures, and then manufactures as they grew demand a separate committee for themselves. We have seen first the Committee on Railroads and Canals, then a separate committeee on the Pacific Railroad, and when more than one great line spanned our continent it took on the plural; and so these committees have grown as the country itself has grown. In passing, one single fact needs to be mentioned as to their number: no committee has ever died.

The Committee on the Revision of the Laws was a necessity when we were revising the laws. It has passed out of need, but it lives for its chairman and its members. There is no going back. As this House increases, its committees must increase and day by day add to the expenses and to the difficulties of legislation and the administration of the Government.

Up to 1844 the Ways and Means Committee reported all appropriation bills in one bill. They then had the functions of the "committee of supply" in the House of Commons of Great Britain, which reported in the same bill the ways and means by which to run the government and the appropriations to the specific objects for which the government needed money. In 1847 they divided these appropriations into nine bills. A few years later they took on another and another and another until now, I believe, we have thirteen bills per session from the Committee on Appropriations all reported by that committee. From 1802, when the Ways and Means Committee was made, up to the 2d day of March, 1865, it had control not only of raising money but also of expending money, and of all the public debt.

The war had so changed our circumstances, had so increased the public debt and our financial necessities of legislation, that as early as 1864 it was found important to raise a committee on banking and currency. Then, in 1865, with an old man, Thaddeus Stevens, however strong mentally, feeble physically, at the head of the Ways and Means Committee, by his own consent the matter of appropriations was taken away and the matter of raising revenue only left to that great committee. It was said then that that was a necessity. We had an enormous public debt, in every form and shape, bearing various amounts of interest, payable in various ways and at different times. It was said that that was large enough with all the duties as to taxation, internal and external, to engage the full capacity of one committee, and that there should be another great committee to take the aggregate sum when brought in and distribute it according to the needs of the Government.

If we were to follow the logic of the situation to-day, with our debt adjusted, our bonds reduced to a certainty and the interest rate to a minimum, with very little left to the Ways and Means Committee except to report a bill on the tariff occasionally (which seldom becomes a law), we might vote to remand all appropriations to that committee, to which, under the law of nearly every civilized country in the world, it naturally belongs. But we will never go back. The Committee on Appropriations has been raised and the committee will exist forever.

The gentleman from Illinois [Mr. MORRISON] has said that there is nothing new in his reported proposition. That is true; and yet it may be that even those who have been here some years may not see the full force of that remark. I do not know that the gentleman intended that the full force of it, as I understood it, should be seen. Not that he would conceal anything; he is far above that; but that it was not to his purpose to tell all that was not new in regard to this particular measure. I have taken the pains to cull from former debates here certain facts which will show how this matter has affected other Houses and how it has been dealt with by them.

In 1879, in April, the Committee on Commerce was permitted to report the river and harbor appropriations bill by a vote of 146 yeas to 97 nays. It was objected to at the time; but it was said in defense of the proposition that as the Committee on Commerce (which then had that jurisdiction) had to devote months to the study of the bill, they better than any other committee could make the necessary appropriations; because, it was said, it was impossible to infuse into other minds all the facts that they had acquired in reading the voluminous reports necessary to make a proper river and harbor bill.

In that session, which was the extra session of the Forty-sixth Congress, a committee was appointed to revise the rules. That committee was composed of Mr. RANDALL, the then Speaker, Messrs. BLACKBURN and FRYE, now gone to the Senate, and Messrs. Stephens, of Georgia, and Garfield, now gone to a better place. These were all skilled men, all men of training both as to rules and parliamentary practice, and possessing general knowledge of the Government. They reported in favor of keeping the river and harbor bill in charge of the Appropriations Committee; but because they were not unanimous upon that subject, and because of that vote a few months before, the House agreed again to let the Committee on Commerce retain the bill and report the appropriations for the improvement of rivers and harbors.

Another innovation was made. It was asked that the Committee on Agriculture should take charge of the bill making the appropriation for agriculture. I remember well the speech made on that occasion by Mr. Loring, the late Commissioner of Agriculture. He admitted the general principle that all appropriations should pass through one committee; but he took that case out of the rule by declaring that the whole scheme was tentative, that there was no law fixing just what appropriations were necessary, and that, at most, it was a case in which even if there was extravagance, it was extravagance to please the largest body of the people in the United States. With such arguments as those that proposition prevailed. But that was not all the innovations attempted. On the 8th January, 1880, Mr. Hooker, of Mississippi, offered an amendment distributing the appropriations bills to nine committees. This report distributes them to eight.

On the 15th of January Mr. Shallenberger, of Pennsylvania, offered a like division to nine committees, but slightly varied in details. After three weeks of wrangling, and mainly of abuse of the Appropriations

Committee for having too much power, Mr. Muldrow, of Mississippi, profiting by the debate and guessing which way the current was running, drafted another resolution to give to the Appropriations Committee only the legislative, executive, and judicial bill, that for the consular and diplomatic service, and the sundry civil and general deficiency bills.

This report of the Committee on Rules now proposes to give to the Committee on Appropriations three of the four bills proposed by Mr. Muldrow, takes away the consular and diplomatic bill, but adds the District of Columbia and the fortifications bills. It will be observed that these two propositions, therefore, are practically the same. After a debate of nearly one month there was a vote on the former proposition. Mark you, Muldrow's included the essence of Hooker's and the essence of Shallenberger's, and after discussion all the vote it could command in the House was 24 against 83.

The fact, therefore, is that upon consideration of this question that House, without any of the present animosities existing, and considering only what was good and proper for legislation, determined that it would be unwise thus to cut up the Appropriations Committee. I was at that time a new member in Congress, and I remember very well how I was struck by a remark which I shall take the pains to quote here from Mr. Garfield. I may be permitted to quote it notwithstanding his amplified remark on the same line made at a different period in the debate, quoted by Mr. RANDALL in his minority report here. Mr. Garfield's language was this: "Let me state that the proposition to divide the Committee on Appropriations, to scatter its bills as suggested, and as once moved indeed [this was before Mr. Muldrow's motion was made], is in my judgment (although I think it now not pending) an utterly ridiculous proposition. I believe it would cost the Government twenty millions a year if the appropriations were scattered to the several committees."

It is always advantageous to invoke great names, especially when history tells us that those names belong to men who were versed in the affairs about which they spoke, and therefore I think it very proper for Mr. RANDALL to quote, as he has done in his minority report, various remarks of members of Congress which doubtless all of you gentlemen will read, and with which I will not now occupy your time. But certainly with such a vote upon the question as I have stated, and with such an array of names as the history of these debates show against the proposition reported by the Committee on Rules, that committee should have been cautious——

Mr. MORRISON. Will the gentleman allow me to interrupt him a moment?

Mr. HAMMOND. Certainly.

Mr. MORRISON. I simply want to say to the gentleman that I was here when the vote was taken on this question; that there were several votes taken, and that, with all the power of the Committee on Appropriations and the Republican party against us, the vote on taking away the Post-Office appropriation bill was 90 to 97; on giving the military bill to the Committee on Military Affairs, 93 to 107; and the vote on taking away the naval appropriation bill and giving it to the Committee on Naval Affairs was somewhere between the figures I have given.

Mr. HAMMOND. Mr. Speaker, I thank the gentleman for recalling to my recollection what I did not remember, the fact that in various ways, in detail as well as wholesale, this proposition was voted down in the House. The majorities on the different branches of the proposition differed because of peculiar circumstances. Perhaps on that occasion, as now, gentlemen were reminded that it would add to their importance if their respective committees were given this extra power. That may have had the effect of making some gentlemen "drum" for custom when the general Committee on Appropriations had no such power.

I was about to show by a mere call of names the men who so recently, as I have stated, set their faces against a proposition like this. I have named Mr. Garfield; I have named Mr. Stephens, of Georgia; Mr. Whitthorne has been mentioned; Mr. RANDALL has spoken for himself; Mr. Robeson, of New Jersey; Mr. Cox, of New York; Mr. Young, of Tennessee; Mr. REED, of Maine—all these gentlemen spoke against these propositions. And as the gentleman last named is a member of the Committee on Rules now reporting their change, I will read a few lines from his speech on that occasion.

Mr. REED. They are all you could find.

Mr. HAMMOND. They are brief, but they are quite enough for my purpose. The gentleman from Maine uses but few words to express much sense. His language on that occasion was this: "But if we say that appropriations are to be made according to law by one committee, then we have control of the great general appropriations of the Government and we know what we can appropriate, and then the other committees can carve out what is left."

In other words, the gentleman from Maine indorsed every word that had been said against this proposition by the other distinguished members of that House whom I have named.

Pursuing this list I find the names of Mr. Simonton of Tennessee, Mr. BLACKBURN of Kentucky (now Senator), Mr. Keifer of Ohio, Mr. HAWLEY of Connecticut (now Senator), Senator BECK, Senator EDMUNDS, Senator MORRILL, Senator Bayard (now Secretary of State), Senator DAWES, Senator HALE, Senator CALL, and Senator HOAR. The answer of the gentleman from Illinois [Mr. MORRISON] to this is that a great deal of the extravagance on appropriation bills has come from the Senate. That is true. But does that affect the argument here at all? Would there have been any less extravagance if there had been half a dozen appropriation committees instead of one committee listening to all comers who asked for increased appropriations?

Besides, that is a source of extravagance we can never avoid by any rule. The Constitution declares that one-fifth of the members of this House may call the yeas and nays; we can not make any rule to the contrary. The Constitution declares that a majority of the House is necessary for a quorum; we can not make any rule to the contrary. The same Constitution declares that the Senate may amend an appropriation bill as it may any other bill; and no rule that we may make can prevent the Senate from placing on an appropriation bill from the House any amendment it may desire to add. It has a constitutional right to put on such amendments; and we have only the constitutional right to vote them off. That makes it a very difficult proposition to deal with, I grant, but these remarks show that the answer of the gentleman from Illinois [Mr. MORRISON] is bad.

But I will not be drawn away from the particular item I wish to discuss. Suppose this measure be adopted. Let us look at the confusion which at once comes up in the mind of the Speaker. He is as competent to meet it as any man living, I have no doubt. Yet what confusion will there be in his mind. Take the Post-Office Committee. Shall its chairman be a man versed in postal affairs or one versed in the fiscal affairs of the Government? So with the Naval Committee; so with the Military Committee. Which is the consideration of most importance—that he who presides over these committees shall be qualified to control the appropriations for the particular Department, or shall be competent to devise measures for its enlargement or its modification or its pruning down? These two branches of duty require a different order of talent and training. The very fact of changing our rules and giving these additional functions to these committees ought to change the *personnel* of every one of them.

In every well-organized government in the world, so far as I know, the lower house of the legislative body receives estimates from all the departments of the governments as to their wants. These form the basis for appropriating money. How will the Appropriations Committee, with only the estimates for five bills, know how to adjust their measures to the work of seven other committees having estimates for the other seven bills? Assume that the members of these different committees are all equally intelligent, all equally honest, how is this matter to be adjusted without confusion, without clashing?

Why, sir, the very fact that the Committee on Public Buildings had the right to report in favor of the construction of a public building, and, at the same time, the Committee on Appropriations had a right in its general bill to make appropriations therefor, placed us last year in the awkward position of making in more than one instance double appropriations. The first-named committee reported a bill, which was passed, making appropriation for the erection of a public building in Richmond, Va.; and the Appropriations Committee, ignorant of what had been done (for, by the permission of the House, its members were out of the Hall when that bill was passed), made another appropriation of a similar sum for the same purpose; and the most amusing fact of all in this connection is, that the head of the Department having the matter in charge has decided that both appropriations are in force, though nobody wanted more than half of the sums appropriated. Some gentleman behind me says that the Committee on Appropriations had too much to do. That is not the point. It was not too much for one committee; it was too many committees to build one house.

Mr. HENLEY. Did not the business of the Appropriations Committee, from its large amount, require the members of that committee to absent themselves from the business here in this Hall, and was it not in this way that they were ignorant of what was going on here, and hence the mistake occurred?

Mr. HAMMOND. I do not say that is not true; but the same permission to sit during the sessions of the House is given to the Committee on Commerce and to the Committee on Rivers and Harbors every session. The members of the latter committee are hardly ever in this Hall until their bill is brought in. So that, if the argument amounts to anything, if the rules be changed as asked, we must give permission to eight times fifteen members to retire while they are considering in committee proposed appropriation bills, and thus be ignorant of what the remainder of us are doing here in their absence.

Mr. Speaker, there are some few governments in the world, though they are small, that undertake to regulate this matter in a particular way; and I have sometimes thought we might profit by imitating their example. There are Belgium and Portugal, and perhaps one or two other governments, that divide up their legislative body into so many committees, and then each committee selects one man, and these selected men, called the reporters, make a central committee. This central committee reports all appropriations of money for the government. The idea is that the great appropriations committee there shall be in direct contact with each of the other committees, having accredited to it a member from each of them.

While I am speaking of the practice of other governments, I may allude to the fact that great as ours is we have fewer men on our Appropriations Committee than almost any considerable government in the world. I do not speak of England, that considers its bills only in committee of the whole. But take such a government as Italy, where the appropriations committee consists of 30 members; Germany, where the number is never less than 14, and generally up to 35; Austria, where with 360 members of the whole body they have 36 members on their appropriations committee. Perhaps it would be wise if, instead of undertaking to take work away from this committee, we would by the Belgian rule add to its number. Let the Speaker appoint one man from each of these committees to whom this report would give an appropriation bill, who shall be sent to the Appropriations Committee as an additional member, running the number up to 21 or 23. We should thus have a body with larger capacity for work and larger means for information, not hostile to, but in accord with, those other committees.

Mr. Speaker, I do not care to go into the matter of the *personnel* of any committee or to try to defend any set of men in this Congress or another Congress. All I have to say is that if any committee, or any men on any committee, have wasted the public money or in any other way failed to perform their duty, the right thing to do is to take such men off that committee and put in their places men who will perform their duty. I do not mean to intimate that there is any such justifiable complaint; I do not believe that there is; but if such is the fact, that is the remedy. No fifteen men in this body ought ever to be big enough to compel the House to change its rules. Our rules should be founded on logic and sense and governmental experience. I have never yet heard in any assembly that objections to particular men or particular committees should change the order of transacting public business.

A good deal has been said about extravagance. In the very nature of things there must be more lavish expenditures if eight sets of men have charge of the expenditures than if a single body provides for all expenditures. Then the sense of individual responsibility would be gone; the intimate knowledge of what is going on can not exist. How can the Appropriations Committee pare down this and that and the other item, bringing them within the estimates or within the amount which the Ways and Means Committee can raise, when they do not know what is going to be done, when in the nature of things they can not know what is going to be done?

The gentleman from Illinois [Mr. MORRISON] has said we are all selfish. That is true. Selfishness is the safeguard of society. It is not wrong to be selfish, but we have to guard against its excess, and we know that every committee feels that its particular work should be magnified as against every other committee's work.

Mr. GIBSON, of West Virginia. May I ask the gentleman a question?

Mr. HAMMOND. Certainly.

Mr. GIBSON, of West Virginia. I wish to know if the appropriations made against the estimates of the Department are not simply a ratio of paring down?

Mr. HAMMOND. Perhaps they are; but how many parers will you have when you are paring? The River and Harbor Committee does not know how to pare, because it does not know how deeply another's knife will cut. Some will only skin off the epidermis, and another would cut deep enough to hurt or kill.

Mr. GIBSON, of West Virginia. Then it is a question of who shall skin.

Mr. HAMMOND. No; not at all. It is a question of how far the people will be skinned. [Laughter.]

The Appropriations Committee is told by the great Committee on Ways and Means, "We raise so much money for you to spend, and by the estimates here are the things for which it must be spent." Having divided the committee into subcommittees to learn what is needed here, and what there, getting together all the estimates, there is unity of purpose and unity of action; but whenever you divide the Appropriations Committee you necessarily destroy both.

It is said the Committee on Appropriations has great power. It is the fault of this House if it has. The only power they have had was to put legislation on appropriation bills. This report proposes to take it away, although I do not think the words fully accomplish that purpose. Most of the delay in bringing in the appropriation bills is due to the fact that the committee is puzzled as to putting on such matters of legislation as causes study and investigation. If you will confine them to what they ought to be, a grand committee to examine these estimates and appropriate money, their bills in the main will be scissors' work performed by the clerks of the committee, and they will then need only to come here with such intimate knowledge of them as will enable them to defend them and explain them to the Committee of the Whole.

It is said they take much time, but how much time will be wasted if there are contentions between eight committees as to which shall first get in and put its arms into the Treasury? The Naval Affairs may say we want $20,000,000 this year, and we must be in a hurry, for if we wait for rivers and harbors or fortifications, and especially with Mr. Tilden's letter ready to be read by some one, we will get nothing for the Navy; we must crowd. Fortifications will say, we must crowd; Agriculture, we must crowd; and so with all the other eight committees. We will spend days after days in calling the yeas and nays—not on legislation, but on who shall have the right of way to propose legislation.

I have said, Mr. Speaker, there is much philosophy in the old rule of the Ways and Means Committee raising the revenue and appropriating it both. It is the practice, I believe, of nearly every government in the world.

Mr. KELLEY. Will the gentleman pardon me for a moment?

Mr. HAMMOND. Certainly.

Mr. KELLEY. The gentleman from Georgia seems to have fallen into an error as to the functions of our Ways and Means Committee. The Ways and Means Committee report at long intervals, according to the history of our country, bills for raising revenue, and then until the season comes for reporting another bill changing the scope or system of revenue the Ways and Means Committee have nothing to do with it. The idea that each year the Ways and Means Committee provides as much money as the Appropriations Committee wants to appropriate or Congress wants to expend is a fanciful theory. It has no foundation, or at least has had none during the sixteen years I have had the honor to be on the Committee on Ways and Means. We have never heard of the Appropriations Committee intimating to the Committee on Ways and Means what amount of money they were likely to appropriate; nor have I heard, on the other hand, of the Committee on Ways and Means saying to the Committee on Appropriations, we will not give you more than so much money. I am quite sure the business men of the country would be frightened from their propriety if they were to hear it was now to be so arranged that the tariff should be changed by each Congress to meet the opinions of the Appropriations and Ways and Means Committees. The theory is a purely fanciful one.

Mr. HAMMOND. I did not say there was any such practice. I said the logic of the case made it proper for one committee to both raise and apply the money, and that most other governments so believed. I am not ignorant of the history of this Government in that regard. During the first thirty-six years of this Government there were thirty-eight ways and means bills raising revenue and thirty-eight appropriation bills reported and passed by the same committee. I grant that in later years there are statutes seemingly as fixed as the laws of the Medes and Persians by which the hands of the people are tied, by which war taxes are still fixed upon us and that we can not change them. I grant it, but that does not change the logic of my argument at all. The Ways and Means Committee, I admit, by the action of 1865 and by the subsequent history of obstruction thwarted every effort to change the law on the subject of the tariff; allowed itself to be stripped of a great deal of its power and a great deal of its importance. We only remember its struggles, but can not often speak of its triumphs. Our able head of that committee, in the last House, as chairman of the Ways and Means Committee had the pleasure of reporting two bills reducing taxation and on both occasions the argument in favor of the proposition was followed by Democratic triumphs.

Mr. MORRISON was chairman of the Ways and Means Committee when Tilden was elected President——[cries of "Oh!" "Oh!" and derisive laughter on the Republican side], and he was chairman of the Ways and Means Committee when Cleveland was elected President.

Mr. Speaker, I have no other purpose possible in this matter but to aid in molding rules that will facilitate the business of the House. I have seen the blockade produced in our business by the present calendar system, and I am ready to lift it. But I have seen no evil grow out of this unity in that committee that expends the money, and I am not ready to try an experiment that so many great names and so many serious votes have pronounced against. We have a new era in the political history of this country. For a quarter of a century the other party has been in power. We have just come to the ascendant and are on trial. About the administration of the Government we have been kept in ignorance, and are necessarily green. The officering of this great Government, the management of its affairs, subjects us to a criticism that but few men would be able to stand. I am afraid to take upon us this additional burden. I am afraid to try this experiment when we have been posing for years as the party of reform and the party of economy *par excellence*.

Mr. HAYDEN (from his seat). "Posing!" That is good.

Mr. RANNEY (from his seat). Better say imposing.

Mr. HAMMOND. I said "posing," and the whole world has been looking at our posture, and has learned to admire and commend us, while it has driven you out of power. [Laughter and applause on the Democratic side.]

I remarked that I was afraid to try this experiment, and yet I am afraid now that I ought not to have so remarked. It occurs to me that possibly there are men on that side of the House who will carelessly say that if this experiment is likely to hurt the Democratic party by all means let it be tried. But I warn you, gentlemen, to take heed of my original remark that such revolutions never go backward, and that when you shall again come into power in this Government, which God grant may be a long way off [laughter and applause on the Democratic side], you will be visited by the same trouble. I take it for granted, and I say it in conclusion, that there is and ought to be no political significance in anything we have to say to-day.

We ought to meet as a House of Representatives of the American people, and determine the best way of doing the best thing that can be done for our country. If it is right that there should be one head and one purpose to control these appropriations, let us keep it so. If it be right to aggrandize these other committees do that, not by violating logic, not by taking away from the Appropriations Committee what logically and rightfully belongs to them, but by taking away from it only the power to legislate, and thus leaving the other committees, which heretofore have been shut out somewhat in that department, to advance to their proper level. Then we will have theoretically, and I believe practically, good government. [Applause.]

Mr. SINGLETON. I shall vote for the report of the Committee on Rules, and ask the indulgence of the House for a few moments that I may give the reasons which prompt my vote.

I may premise by saying that for six years I was a member of this committee, and it will not be denied that I had every opportunity to find out its workings.

The first point I make is that this committee is overburdened with work and overtaxed with responsibility.

The annual expenses of the Government are about $250,000,000. This money passes out of the Treasury into the hands of disbursing officers through thirteen regular appropriation bills, all prepared and reported to the House by the Appropriations Committee. This money is not to be spent in bulk for any one purpose, but is to be applied to innumerable objects relating to every department of the Government.

To act understandingly, therefore, this committee must consult not only the heads of Departments but the heads of bureaus, and sometimes the subalterns of the lowest grade, to find out the efficiency of a particular system and see whether it is the best and most economical that could be adopted.

Every item of expense must be examined and every estimate closely scanned to know whether or not they are necessary and reasonable, and to enable the committee to explain them to the House.

It will be seen, then, that the labors of this committee are herculean, and that no fifteen members of this House should be required to perform the committee work of its three hundred and twenty-five members. Those of us who have served on said committee or held seats in this House in the past know that it has at every session applied for and obtained leave to sit during the sessions of the House, thus, to a certain extent, depriving the Representatives of fifteen districts of any participation in its current business. This is not fair play, either to these gentlemen or their constituents, or to the country at large, and the evil should be at once corrected.

Again, the responsibility thrown upon them is more than they should be required to bear.

Each member here represents a constituency which is interested in every general appropriation bill, and each should be allowed to assume his appropriate share of responsibility, not only in voting upon, but in the preparation of, subject-matters to be considered by this House. Why are so many committees appointed if it be not to divide the labors and responsibilities of legislation? We know it to be a fact that the acts of this committee are constantly criticised before this House; that it is charged with the usurpation of powers that belong to other committees, when, upon examination of the rules, it will be found it is very nearly moving in the orbit prescribed by the action of this House.

It is said to be the tendency of power to concentrate in the hands of the few as against the many, and this committee does not form an exception to that rule. I have ever entertained, and doubtless shall continue to entertain, the profoundest respect not only for the *personnel*, but for the integrity and industry of said committee, but have been compelled at times to note its encroachments upon the rights and privileges of other committees. This was done not wantonly or corruptly, however, but from a latitudinous construction of the powers actually conferred, oftentimes giving offense to members, and provoking antagonisms and angry discussions.

It may fairly be presumed that in the construction of the committees the Speaker has always selected such members for each as he thought best acquainted with the work to be done; as, for instance, for the Agricultural Committee practical agriculturists or those interested in the cultivation of the soil; for the Committee on Naval Affairs, gentlemen who have had experience or from opportunity and observation have learned something of the practical workings of this arm of the service. So also the Committee on Military Affairs is generally made up of persons who have been educated in the art of war, or have seen service in the field, and are better prepared to judge of the wants and needs of our Army than those of less education and less experience on the subject. And so on through all the committees.

Now, Mr. Speaker, these several committees are expected and required to examine into and report upon all matters referred to them or that shall come within the scope of their powers. If reforms are to be instituted, they suggest them to the House. If money be needed to bring about these reforms, to strengthen or enlarge this branch of the public service, the committee is expected to say how much and how to be expended. What then, sir? Does the House take up the said report and recommendation, hear the arguments pro and con of the committee and the House, and decide upon the merits of the case, as it should do? Oh, no, sir. With one or two exceptions these committees have to go to the Committee on Appropriations and humbly ask its sanction of the report and recommendation, and very often no notice is taken of the one or the other, either because the Appropriations Committee has not the time or inclination to examine them, or, sitting as an appellate court, chooses to override the decisions of its less potent neighbors. This ought not to be so, and hence the needed change.

But there is still another grievance which towers above all others as the Alps tower above the surrounding hills. It is the power resting with said committee, and oftentimes employed by it, to arrest any legislation upon any subject which does not meet its approval. A motion to go into Committee of the Whole to consider appropriation bills is always in order, and takes precedence of all other motions as to the order of business. How often have I witnessed in this House a scene like the following: A member proposes to take up for consideration a tariff-reform bill, or it may be an educational bill, a bill to pension the Mexican soldiers, a bill to improve rivers and harbors, to erect a public building at some point, or any other bill; and if it does not suit the taste of said committee to allow Congress to consider the bill proposed, a counter motion is made to proceed to the consideration of an appropriation bill, which is sure to carry, because the mover appeals to the House to first dispose of the appropriation bills to secure an early adjournment, which, with the average Congressman, his family being at home and his fences to be repaired, either literally or by metaphor, practically settles the question.

Thus we have seen time and again the fate of important measures which should have received the respectful and earnest consideration of this House consigned to failure and death by a member or members of the Appropriations Committee.

Could the work be divided among the several committees there would be no necessity for hurrying up bills and oftentimes passing them in such hot haste.

It is a well-known fact that several of the committees of this House meet only once or twice during a session and adjourn without maturing any bills or reports—all because a few committees have been placed in charge of all business of the session, and notably the Committee on Appropriations, which, like some gigantic oak of the forest, has sent out its roots and spread its branches until it has absorbed all the wealth of the soil about it and no vegetation can live and flourish in its shadow. How often does it happen toward the close of a session bills are whipped through this House under the spur of the previous question and a ten minutes' speech of some member of the Appropriations Committee, when millions of dollars are appropriated by them.

Mr. Speaker, I do not advocate the abrogation of this committee. I only desire that its labors and responsibilities be divided with others, and that its power and privileges be curtailed.

In the division of labor I would assign to the Committee on Military Affairs everything pertaining to the War Department, to our Army, and to West Point. To the Committee on Naval Affairs, everything relating to our Navy, with power to make recommendations to Congress as to the enlarging or strengthening of this arm of the service. The Naval Academy, too, should be under its inspection. To the Committee on Agriculture everything should go affecting this mammoth industry. To the Committee on Foreign Relations all our diplomatic and consular service should be referred. And to other committees I would refer appropriate subjects of legislation, with power in each to report such bills as they deem right and proper to be by the House considered without the intervention of the Appropriations Committee.

To the latter, the Committee on Appropriations, I would leave all matters relating to the executive, legislative, and judicial branches of the Government, together with the sundry civil and deficiency bills, and I would place the said committee upon the same footing with other committees as to the time and manner of considering its bills and reports. I have never been able to see the propriety of conferring upon fifteen members of this House such despotic powers as that committee is known to possess and upon occasions has been seen to exercise. Put this committee upon an equal footing with others, first apportioning the labors and responsibilities properly, and let it be understood that every member of this House, as well the newly elected as its veterans, shall have an equal chance. Let us have no more close corporations, no more star-chamber proceedings.

Mr. REAGAN. Mr. Speaker, as I shall vote for the proposed amendments to the rules, I desire to say a few words upon that subject, and also upon another subject that has been brought into the debate. No one can be familiar with the proceedings of this House and the condition of its business for the last few years without knowing that the labors of the Committee on Appropriations have been too great for one committee. That is demonstrated by the fact that their bills are generally reported at so late a period of the session as to render a fair and full consideration of them entirely impracticable, even at so late a period as to have made it necessary in some instances to pass very important bills without debate or amendment under a suspension of the rules. I think, therefore, it is better to divide the labors of that committee, and I say this with all respect to the *personnel* of the committee as it has been heretofore constituted. I do not give great weight to the argument that a single committee must report all the appropriation bills in order that proper proportion may be observed in the appropriations for the different branches of the public service.

If we were simply engaged in a division of spoils, it might perhaps

be true that such a distribution could be more equitably made by a single committee than by many. But, sir, we are engaged in a much higher duty, the duty of considering the necessities of the public service and making appropriations to carry on the Government, and each member of the House is supposed to understand the wants of the Government, especially as they are set forth to us by the President and the heads of the Departments, in messages and reports, and by the practical operation of the different Departments of the Government. Each member of this House is bound to regulate his action by the information he receives from proper sources as to the necessities of the public service; and to assume that one committee of fifteen members is essential to the economical administration of the Government is to assume that the remainder of the three hundred and twenty-five members of this House are deficient in information or deficient in patriotism. I am not prepared by any vote of mine to sanction such an idea. Each of us must stand upon his own votes here and upon the action which he takes as a Representative in making provision for the requirements of the public service. And why is it, sir, that the Military Committee, for instance, can not consider and report a bill providing means for carrying on the military establishment as well as the Committee on Appropriations can? Is there any reason? Why should the Committee on Military Affairs be more extravagant than the Committee on Appropriations? Each of them sets out to provide for the requirements of the Government in the same arm of the service. Each of them necessarily acts upon the same information and the same recommendations coming from the proper Department. It is fair to presume, then, that each will act with equal patriotism and equal intelligence. Why should one committee be regarded as likely to be more conservative or less extravagant than another? I do not understand the force of the reasoning that has been urged here on that subject. However many committees may be charged with the duty of considering and reporting appropriations, I do not believe that gentlemen upon those committees will regard it as their duty to grab all the money they can for their particular Departments. But if any committee should so far forget its real duty as to attempt to aggrandize the branch of the public service which it represents here, it is to be presumed that this House will not sanction such conduct.

Would there not be the restraint of the House in its capacity as the House to correct any attempt to enlarge beyond the proper boundaries the appropriations for the public service? Whatever committee may report the appropriation bills, it must expect its action to receive the revision of the House; and it seems to me the appropriations ought to be so divided and distributed as to get the bills reported to the House in time to enable the House to give them fair and full consideration. If it is the purpose of the House to be extravagant, that can not be controlled by the committee from which the bills may come. If it is the purpose of the House to be economical in its appropriations, it will be so, whatever committee the bills may come from.

Why, sir, many gentlemen here must remember the number of general appropriation bills that were precipitated upon the House at the close of the last session. One, the sundry civil bill, appropriating twenty-six or twenty-seven million dollars, was passed under a suspension of the rules, and without the privilege of debate or amendment. There is another feature growing out of this accumulation of appropriation bills at the close of the session: a conference committee, made up of three members of the Appropriations Committee, acting in connection with a similar conference committee on the part of the Senate, does substantially our legislation upon this subject of appropriations, and to an extent far too great for the healthful and proper action of Congress in the making of appropriations. I think we should avoid crowding the appropriation bills to the close of the session, putting them into conference without proper consideration, and letting six men settle what their terms are to be, beyond our power of control unless we consent to a called session of Congress.

These are some of the reasons which induce me to support that feature of the committee's report; and I am inclined to support most of the recommendations which they make. It has seemed to me, Mr. Speaker, very singular that in the discussion of this subject special reference has been made both by the gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Georgia [Mr. HAMMOND] to the appropriations for rivers and harbors of the country and to the action of the committee having charge of those appropriations. All the bills of that character which have become laws since 1876 were reported by the Committee on Commerce until the last Congress; and but one bill reported by the Committee on Rivers and Harbors was passed by that Congress. The tone of the debate here is to sneer at the appropriations for the benefit of the rivers and harbors of this country. It is a response to the local press of New York and of other places representing the trunk railroads of this country and opposing all appropriations for the improvement of rivers and harbors, and in my judgment opposing in this manner the best and most important interests of this country.

Why, sir, when we think of the extent of our country, of its productions, of its commerce, of the volume and cost of its carrying trade, it becomes one of the great problems that Congress must deal with to cheapen that transportation for the benefit of producers and consumers alike. If you refuse to deepen and improve the harbors, if you refuse to deepen the channels of the rivers, removing obstructions and providing for larger classes of vessels with cheaper freights, you refuse to respond to one of the highest demands of the public interest in this country.

Mr. Speaker, when we contemplate the fact that to accommodate this commerce there have been nominally over seven thousand million dollars invested in railroads; when we contemplate the fact that there are more than four hundred million dollars annually paid by private capital for the improvement and repair of these systems of railroads to accommodate this commerce; when we contemplate the fact that we have twenty-eight or thirty thousand miles of internal navigation in this country, operating, by means of competition, to lower the prices of transportation, saving to producers the difference of freight and saving to the consumers of the products of the country a like amount of money, it seems to me that a statesman, it seems to me that a patriot, it seems to me that a man who loves his country, should not be found sneering at the pitiful appropriation of ten or twenty million dollars for the improvement of the rivers and harbors of the country. Sir, it is enough that hired newspapers, sustaining trunk roads, should denounce members of Congress and the River and Harbor Committee as "thieves;" they ought not to be sneered at here without a proper response and without a proper arraignment of the unpatriotic motives that cause such denunciation.

Why, sir, France, not so large as the State of Texas, appropriates much greater sums of money to the improvement of her harbors and her little rivers than this mighty Union receives at the hands of Congress. This is because the legislators of France are wise and patriotic enough to comprehend the interests of France and her people. If we, sir, are to listen to the arguments of the trunk railroads we shall soon be taught that the rivers, the great lakes, the harbors of this country are not to be used at all, but that we must concentrate all the mighty volume of commerce, amounting to twenty or thirty billions of dollars annually, upon the railroads and let them charge whatever price they please to the producers and burden the consumers with the same load.

I am no longer a member of the River and Harbor Committee. I went off of it by my own choice to escape the labor incident to its membership; but I know enough to realize the importance of that committee; I know enough to realize the purposes that committee may carry out in the improvement of the navigation of the country—deepening rivers and harbors, removing obstructions, lowering rates of insurance and rates of freight by producing competition with the railroads, thus securing more millions of dollars to the people in one year than this Government has ever spent to improve its rivers and harbors.

Mr. GIBSON, of West Virginia. And it is the railroads that fight us.

Mr. REAGAN. Undoubtedly it is the railroads, through their organs representing the trunk lines, demanding all the transportation, and fighting every suggestion for the improvement of the great water ways of this country. When we remember that the God of nature has supplied us with splendid and navigable rivers, traversing all parts of the country and draining the great Valley of the Mississippi, that embraces two-thirds of the population of this country and raises three-fourths of its agricultural productions, we may be excused for being astonished at occasionally finding a member from that country who thinks it very bad to appropriate for the improvement of rivers and harbors.

My judgment is that as this subject becomes understood, and as the knowledge of its public interest is revealed to the people, not many men will come to Congress who oppose giving the people the facilities they should receive from the improvement of their navigable rivers and harbors throughout the country. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

A bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia; and

Joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

ORDER OF BUSINESS.

Mr. MORRISON. Mr. Speaker, before making a motion to adjourn I desire respectfully to give notice to those gentlemen who desire to speak upon this subject that I hope they will be ready to proceed to-morrow morning, because it is my desire, if the House will permit me to do so, to close the general debate to-morrow.

I move that the House do now adjourn.

NORTHERN CHEYENNE INDIANS.

The SPEAKER. Pending the motion to adjourn, the Chair will lay before the House a message from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 10th instant from the Secretary of the Interior, inclosing the report of the Committee on Indian Affairs upon the subject of the condition of the Northern Cheyenne Indians upon the Rosebud and Tongue Rivers, in Montana, the inadequacy of the appropriations made for

their support during the current fiscal year, and requesting legislative authority for the use of certain funds indicated for their relief. The proposed legislation does not involve any additional appropriation, and the necessity for the authority requested is urgent. I therefore recommend the matter to the early and favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, D. C., December 14, 1885.

The SPEAKER. The message will be printed and laid upon the table for the present.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DANIEL indefinitely.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and upon a division there were—ayes 73, noes 101.

So the motion was not agreed to.

THE RULES.

The SPEAKER. The regular order of business is the further consideration of the report of the Committee on Rules.

Mr. WILLIS and Mr. GIBSON addressed the Chair.

The SPEAKER. The Chair will recognize the gentleman from Kentucky, if no gentleman desires to address the House in opposition to the report of the committee.

Mr. BUTTERWORTH. Are the rules before the House now for consideration to the exclusion of other business?

The SPEAKER. This is a privileged question and the House is now engaged in the consideration of the report of the Committee on Rules.

Mr. BUTTERWORTH. To the exclusion of any other business?

The SPEAKER. Other business, of course, could not be interjected in the consideration of the matter pending before the House. It would have to be postponed to permit of it.

Mr. DINGLEY. Let me ask whether the report is now open for amendment.

The SPEAKER. When a gentleman obtains the floor in his own right the Chair thinks he has the right to offer an amendment.

The gentleman from Kentucky is now entitled to the floor.

Mr. WILLIS. I had no expectation of offering one word on the subject now pending before this House. The debate has taken such a course, however, that I ask attention to a brief statement of facts.

The pivotal point upon which this discussion has turned seems to be the question of economy. It is contended by the honorable gentleman from the Committee on Rules who offers the minority report [Mr. RANDALL] that if these appropriation bills are distributed among seven or eight different committees the result will be extravagant and profligate expenditures of the public money. While I differ with the honorable gentleman in that opinion I would not trespass upon the time of the House except for the fact that in illustration of his argument that gentleman has seen fit to criticise the action of the committee of which I had the honor to be the chairman in the last Congress—the Committee on Rivers and Harbors In view of the important interests confided to that committee, I am unwilling that some of the statements he has made should go unchallenged to this House and to that part of the country that takes note of its proceedings. I regret to hear statements which will not stand the test of investigation, and which, although not so intended, are calculated at the very threshold of this Congress to bias the minds of its members and to prevent that fair and full consideration which every subject is entitled to.

The honorable gentleman has said that in the last House the Committee on Rivers and Harbors reported a bill for some $14,000,000. The bill as it left the committee of the House was for some $12,000,000, and $2,000,000 were added at the other end of the Capitol. No bill was passed in the last session; so that the average amount for each year of the Forty-eighth Congress, dividing the aggregate by 2, was $7,000,000. Referring to the report of the committee in the last House the gentleman tells this House that the estimate of the Secretary of War and of the Chief of Engineers was only for $8,000,000. Now, I need only——

Mr. RANDALL. Will the gentleman permit me to state that I did not say the estimate of the engineers was for that amount?

Mr. WILLIS. I meant the estimate of the President and Secretary of War.

Mr. RANDALL. I spoke of the recommendation that came in the estimates from the President, but not of the estimates of the engineers, because they were $30,000,000, if I recollect rightly, and they are now, I believe, $42,000,000.

Mr. WILLIS. It was because the gentleman did not say that, that I believe it proper to call attention to what was laid before this House. Under the law passed on the 2d of March, 1867 (14 Statutes, page 421), it is made the duty of the Chief of Engineers from year to year to submit to Congress and to the committee charged with these appropriations a report of "the amount that can be profitably expended in the next fiscal year." In obedience to that law the Chief of Engineers—the officer of this Government who has direct charge and control of your rivers and harbors—did make his report, and I have it before me. It is a part of the regular Book of Estimates, which embraces all the official recommendations for appropriations. It occupies five of these large pages. What is it? Did he tell the last Congress that they should appropriate only $8,000,000? Did the Chief of Engineers, gathering together and analyzing the reports made by the local engineers and carefully supervising them, as his duty is—did he say to this House in the Forty-eighth Congress that you should only expend for your rivers and harbors the sum of $8,000,000?

Here is his report giving in detail and by name all the rivers and harbors to which he asks the attention of Congress.

He told this House that he could "profitably expend"—how much? That he could "profitably expend" $35,301,885; that is the amount which he, on his oath of office, informed us that he and his engineers can "profitably expend"—not profligately but profitably—for the benefit of commerce in our country. The fifteen members of the Committee on Rivers and Harbors, day in and day out, gave their undivided attention to these reports of the Engineer Department; and as the result of their deliberations they came into the House with a bill for $12,619,100. This House, with almost perfect unanimity, including the Committee on Appropriations, indorsed the action of that committee and passed the bill; and when the conference report was brought in this House for the first time in its history, without a division and without a single dissenting vote, acted on the conference report and thus made it a law. And thus the river and harbor bill of the Forty-eighth Congress went forth to the country with the unanimous sanction of both branches of Congress, and without criticism, even in those papers most given to criticism of such appropriations.

The honorable gentleman has referred to the action of President Arthur and to the fact that the Secretary of War, Mr. Lincoln, refused in the Forty-seventh Congress to make any estimate in the second session thereof for rivers and harbors. I am not here to speak for the Forty-seventh Congress. I was not a member of that committee at the time, nor did I vote for the bill which it reported; but I have before me a report made by that same Secretary of War that proves conclusively that he was mistaken.

When the Forty-eighth Congress met, the Committee on Rivers and Harbors was hardly organized before urgent appeals were made from all directions for immediate appropriations, and all based upon the ground that the second session of the Forty-seventh Congress had made no appropriation, and that therefore there was immediate need of money that the works of the Government in progress should not go to pieces; that the plant and the employed labor should not be scattered, to be gathered together again at the loss of millions of dollars.

Our committee, desiring official information in regard to these demands, addressed a letter to the Secretary of War, this same gentleman who had refused to make any estimate in the last session of the Forty-seventh Congress, and what was his reply? Here is his report, in which he says to the Forty-eighth Congress in the very first days of its session that there is need for four and a half million dollars at once to meet these urgent demands, and he gives a list of rivers and harbors needing immediate appropriations for "their protection and advancement." The whole amount covered by the bill to which the gentleman refers as having been rejected by the Senate was $7,000,000, and here this Secretary of War on the threshold of the Forty-eighth Congress comes in four months after the last fiscal year with an official recommendation of an appropriation more than one-half of that amount! The committee was right, the honorable Secretary of War was wrong, and the criticism of the gentleman from Pennsylvania on this point is without foundation.

Now, sir, I stand here to contend that the appropriations made for rivers and harbors have not been out of proportion with the increase of the wealth, commerce, and population of the country.

The increase of the amount of appropriation for rivers and harbors may be, as the gentleman contends, great; but it has not been greater, or even as great, since they were made by the Committee of Commerce and the Committee on Rivers and Harbors as it was when the Committee on Appropriations had charge. The increase as to this branch of the public service has not been one-half, ay, one-tenth, as great as many of the bureaus and Departments whose exclusive care has been with the Committee on Appropriations. To these propositions I challenge successful contradiction. Nor has this increase even remotely approximated the growth of the railroad system, upon whose exactions these improvements are intended to be a check.

The first appropriation of this kind was made in 1802 for the honorable gentleman's own constituents, when the Delaware River received the modest sum of $30,000. Since then nearly every year such appropriations have been made, growing in size with the growth of the country. Thus we find for the year ending June 30, 1871, the sum of $3,445,900 was appropriated; for 1872, $4,407,500; for 1873, $5,588,000; for 1874, $6,102,900. Passing to the year 1881, we find that $8,976,500 was appropriated; in 1882, $11,547,800; for the year ending June 30, 1883, the amount was $18,743,875; for 1884, $14,000,000. Taking the average from 1876 to the present year the annual amount appropriated for rivers and harbors is $7,000,000, and the average increase during the past ten years is a fraction over one million per annum.

This increase may seem great at first blush, but we must bear in mind that during an equal period of time—ten years—our population increased from 38,000,000 to 50,000,000. We must consider the enormous increase of production and its corresponding demand for transportation; but chiefly must we remember the wonderful progress of the railroad system, which is its great rival.

The first 20 miles of railroad were built in 1830. Between 1830 and 1850 9,000 miles of road were constructed. To-day we have a grand total of 143,503 miles, whose capitalization is $7,320,409,461; or, deducting for depreciation, &c., for allowances of every kind, put the total at four billions. How does the comparison stand? The whole amount appropriated by the Federal Government for rivers and harbors from the foundation of the Government up to the present moment, as appears from official reports, is only $150,000,000. Thus you perceive that the railroad system, upon which our system of rivers and harbors is intended to be a check, has expanded in thirty or forty years over thirty times the total amount that we have appropriated for the improvement of the rivers and harbors of the country. The expenditures, therefore, for these two rival systems bear no comparison with each other, either in aggregate amount or annual increase, and there is no room for invidious criticisms of this class of appropriations.

Sir, it is only necessary to refer to what our neighbors and other nations have expended for their water ways to show how utterly inadequate are the amounts we allow for similar purposes. One province alone of England, the province of India, expended in two or three years for the purpose of cheapening transportation more money than we have expended in all the States of the Union for the same purpose. The Republic of France expends every year between twenty and forty millions of dollars. Upon one harbor alone, that of Cherbourg, she has expended the magnificent sum of $100,000,000; an amount four times as great as all that we have appropriated for the improvement of all the great harbors on the Atlantic and Pacific seaboard and on the great lakes of the country.

This great country out of its thirty-eight States can present a half-dozen into any one of which you might put France and England combined and then have to take out a search-warrant to find where they were. Our neighbor, Canada, expended $45,115,000 on the Welland Canal and its branches. The single State of New York expended for the Erie Canal alone $49,591,852, and other canals have cost that State over $79,000,000. Yet gentlemen talk about this appropriation of this Committee on Rivers and Harbors as an illustration of the extravagance which must result from giving to these several committees control of the appropriations relating to the subjects under their jurisdiction. I have before me a tabular statement of the expenditures of this Government for the last thirty or forty years, which I wish I had time to read. The Committee on Rivers and Harbors has been vested with authority over one subject. The Committee on Appropriations has had control since 1865, when it was split off from the Committee on Ways and Means, of the appropriations for all the great Departments of our Government.

How do the appropriations for these Departments or bureaus compare as to increase with the appropriations for rivers and harbors? Need I give the figures to this intelligent audience? Need I ask any gentleman to remember what your Signal Service Bureau was ten years ago when it demanded only ten thousand or twenty thousand, a bureau which now through the Committee on Appropriations demands and receives its hundreds of thousands? What was your Geological Survey ten or fifteen or twenty years ago? It cost then only fifteen or twenty or thirty thousand dollars, but now through the Appropriations Committee it commands and receives its millions of dollars. What was your Coast and Geodetic Survey a few years ago? It demanded a mere pittance, a few thousand dollars. Now it asks and receives hundreds of thousands. What committee has had charge of that? The Committee on Appropriations.

Take any of these Departments or bureaus, take the Fish Commission. What were its demands upon the purse of this country ten years ago? Nothing. What are they now? Hundreds of thousands. What committee has had charge of those appropriations? The Committee on Appropriations. Yet I will not follow the example of the distinguished gentleman and hold that committee entirely responsible. I know and I recognize the fact, which some of the members of that committee seem unwilling to recognize, that this is a great and growing country; that while in 1860 we had a population of only 38,000,000, we now look abroad upon fifty-five or sixty millions; that the necessary expenditure for our rivers and harbors, for our geological surveys, for all the different bureaus and Departments of the Government have increased with our increasing population, and the money which sufficed to carry on this Government twenty years ago will not approximate such a result now. And yet every word which has been uttered on this floor against the appropriation for rivers and harbors applies with fourfold force to the stupendous increase which, through the Committee on Appropriations, has resulted in all the branches and dependencies of our Government.

Mr. Speaker, as I said at the beginning, I did not intend to take part in this discussion of the rules, but in the light of these facts I have stated I do protest here and now against any effort that would prejudge the minds and legislative consciences of this House against appropriations which I believe are more thoroughly identified with the progress, the commercial prosperity, and the general welfare of our people than any coming from the committees represented on this floor.

Mr. SCOTT. Mr. Speaker, I have listened with a great deal of interest to this discussion on the river and harbor bill. I presumed, sir, that the matter which we had before us was the amendment of the rules of the House of Representatives. As a new member, and speaking for myself and myself alone, I have been hoping as I sat here that some gentleman more conversant with the rules than I am would so enlighten me as to enable me to vote intelligently on the question when it came up for decision. I recognize the fact that this House is composed of three hundred and twenty-five members and that of that number one hundred and twenty-five of them were not members of the Forty-eighth Congress. I recognize the additional fact that upon the opening of this session the first vote I am called upon to cast is one involving a proposition to make a fundamental and radical change in the rules governing our deliberations and the conduct of business, and which must, when made, result either to the advantage or disadvantage of legislation by the House. I do not believe the one hundred and twenty-five gentlemen who for the first time have taken their seats here are more conversant with parliamentary law than I am, though it is barely possible I may be mistaken in that regard. I have some ordinary acquaintance with Jefferson's Manual, and I admit, so far as the rules of the House are concerned, I did hope after being here a short time I would have an opportunity to understand them better even than I do now.

But, sir, there is one proposition contained in the contemplated change which does not require a man to be conversant with parliamentary law in order to reach a proper conclusion. Any man of ordinary business intelligence, who has had any practical experience in the affairs of the country, can decide that point without being a parliamentarian. The question before this House is one of much importance, and involves the control of the expenditures of this Government, so that at the end of the fiscal year 1887 we can say to the people of this country, "We have expended no money in excess of your revenues."

I concede to all the committees among which it is proposed to distribute the various appropriation bills, that the gentlemen composing those committees are honest, able, and desirous of economizing and placing the Government where the revenues and expenditures will harmonize with each other; but, sir, I say that under the system proposed it will be an utter impossibility to apply the same check to your expenditures that would be practicable if the general question of appropriation bills were confined to one committee.

In years gone by these appropriation bills properly belonged to the Committee on Ways and Means. Now, if this House has not confidence in the organization of the Appropriations Committee, if there is anything personal in this proposed action, and I do not pretend to say there is, then I, sir, for one, would be willing to vote in favor of taking the appropriation bills away from the Committee on Appropriations and sending them back to the Committee of Ways and Means, where they were, as I have already said, for years, and until that committee was subdivided and a new Committee on Appropriations was created for the purpose of considering questions of appropriations. I think, with due deference to the gentlemen who have had so much more experience than I have had in this matter, that it would at least have been better if the proposed change of the rules had been referred to the Committee on Rules and reported back for consideration at a later date, so as to enable those who appear here for the first time to vote intelligently and not merely by proxy, as they must necessarily do under the present circumstances.

I will add, Mr. Speaker, that I am in favor of any modification or change of the rules which will expedite the business of the House, which will, in effect, give every gentleman on this floor full and fair opportunity to have considered in regular order any business which he may bring forward. To that extent I am in favor of the change proposed by the majority of the Committee on Rules.

Mr. GIBSON, of West Virginia. Now, Mr. Speaker, I take it for granted that the object of the rules of this House is to facilitate the transaction of the business confided to our care, so as to give the Representatives of the different States a fair opportunity not only to be recognized upon the floor, but also to be recognized in the legislation of this House as it is prepared by the committees of the House. My observation of the working of the House under the present system of rules is that about nine-tenths of the constituencies of this country are practically disfranchised, and that we have in this body two or three men who set themselves up, or who are set up by the rules of the House, as the only men competent to manage its affairs, or who can be trusted either on account of their capacity or on account of their honesty.

The history of political legislation for the last twenty years in this country has demonstrated the fact that nearly every legislative scandal of modern times has been found nestling in the belly of an appropriation bill. [Laughter.] I do not believe in this pretentious sort of honesty that some men set up here, that they and they alone are competent and qualified solely to manage and distribute the treasure of this country. I have yet to discover that the gentleman from Pennsylvania [Mr. RANDALL] or the gentleman from Indiana [Mr. HOLMAN] has ever objected to an appropriation for his own State.

Mr. RANDALL. The gentleman is mistaken so far as I am concerned.

Mr. GIBSON, of West Virginia. If I am mistaken, then the gentleman's objections were so slight and were so infrequent that they have not become so historical as some other of his actions. I remember standing here at the closing hours of the last session of this House, when almost every piece of legislation the whole country demanded was throttled by these gentlemen; and when they brought in their appropriation bill on the very last day of the session, and demanded that we should pass that without objection or stand the odium of an extra session, in which bill there were appropriations for public buildings in Pennsylvania, and public buildings in Indiana, and not once did we hear the gentleman from Indiana rising to make his famous objection.

Mr. RANDALL. The gentleman's memory is certainly defective. I resisted here on this floor every addition for any public building in that sundry civil appropriation bill; and I am at liberty to say that so far as my vote in committee was concerned I was quite consistent there with my public acts. Further let me say that there was not any appropriation in that bill, so far as I know, that I voted for in connection with Pennsylvania.

Mr. GIBSON, of West Virginia. I would like to ask the gentleman if he ever thrust an appropriation bill into the way of an appropriation for his own State.

Mr. RANDALL. I do not consider that an intelligent question. [Laughter.]

Mr. GIBSON, of West Virginia. Now, Mr. Speaker, I want to say this, and there is not a member of this House who was here at the last session of Congress who does not know the fact, that for one week we had to stand here obeying the minority cranks and the majority cranks upon that committee in their demand that we should allow them to pass an appropriation bill. As to whether they had been able to report the bills before or, not we only know that they did not come in here until Congress was about to adjourn; and it was an absolute fact, apparent to all, that they must get the unanimous consent of the majority of the members of this House for the passage of the bill or else an extra session was thrust upon them. The gentleman from Pennsylvania in charge of that committee knows that fact and knows that we had to give way in order to allow these appropriation bills to get through. We had to appeal to Republicans and appeal to Democrats to allow the appropriation bill to pass, otherwise an extra session would be thrust upon the incoming Administration; and that was the great argument used here.

Mr. RANDALL. And a very sound one.

Mr. GIBSON, of West Virginia. It was a sound one, but who made it a necessity? Was it the incapacity of the committee, or was it through bad motives? It was either the one or the other. They are either incompetent to manage the appropriation bills, or they can not be trusted on account of their motives. They had no business holding back the appropriation bills. They had no business throttling the voice of the members of this House. They should have brought their bills in and given an opportunity to pass upon them, an opportunity to legislate upon them. When the whole country was demanding a general bankrupt bill nothing could be done because the appropriation bills were in the way. When the great mercantile interests of the West were demanding cheap transportation nothing could be done for the same reason. There was no particle of remedial legislation to be had here in this House because the committee chose to thrust itself with its measures upon the House, and the remainder of the members had to sit idly in their seats, although equally responsible to their constituents, and yet not able to do one solitary thing in their behalf.

Now, look at it a moment. I say here that that Appropriations Committee is not competent to attend to all of this business. The rules of this House require and provide for from thirteen to fifteen members of that committee, and how do they do? It is subdivided into smaller committees, three or four members constituting each of the subcommittees. The subcommittees do the work, and not one solitary member of that committee, except the three or four on the particular subcommittee, know one solitary thing about what they are reporting. They can not answer any questions about the business. They are absolutely ignorant of the affairs of the House, of the committee, and of the country; and yet they come here and ask us, the great body of the people's representatives, to allow ourselves to become subservient to the reports of these three or four men, and undertake to become responsible for the bad work of the committee by passing their bills when the matter is brought before the House. And then, to add to this injury, they come forward with an insult, a positive insult to the House, and thrust it into the papers for publication, that if the ordinary members of this House are allowed to do their ordinary business, to attend to the interests of their constituents, they will be found in the interest of lobbyists and thieves, and that nobody but two or three gentlemen here on the Appropriations Committee can be trusted to legislate for the country.

Why is it that the gentleman from Pennsylvania and the gentleman from Indiana are the only gentlemen in this country that can be trusted to handle the purse of this country? Are they any better than the ordinary members of this House? Does their record of legislation upon appropriation bills show they are any more patriotic than the balance of us? When those immense land grants were given to railroads, when those thievish appropriations were made, where was this great committee then, when the interests of the country required protection? They tell me they objected. Why was not their objection as potent then as it is now? It is potent now to stop legislation for the building up of a free navigation, but it had no power when it was confronted with railroad steals.

I want further to say this: I dissent entirely from this view that the change here proposed will increase expenditures. On the contrary, I believe if the responsibility were divided out among the members, as it ought to be divided, and if each member is made responsible to his own constituency, we will have every member upon this floor vieing with every other member in bringing about economy and wise and honest legislation. What has been the result of intrusting the Committee on Rivers and Harbors with the river and harbor appropriations? Gentlemen have attacked that committee and charged us with extravagant appropriations. I asked the gentleman from Pennsylvania how the appropriations for rivers and harbors compared with the immense amount of money and lands that had been given to railroads, and he did not answer me.

Mr. RANDALL. Will the gentleman allow me a moment?

Mr. GIBSON, of West Virginia. Certainly.

Mr. RANDALL. I never voted a dollar or an acre of land to any railroad.

Mr. GIBSON, of West Virginia. I did not ask the gentleman from Pennsylvania how he voted. But it is well known while he has had charge of these matters he has controlled legislation and been responsible.

Mr. RANDALL. Not in the least.

Mr. GIBSON, of West Virginia. I asked him that question, and he did not answer it. He undertook to tell me he had voted thus and so. It is not the question how the gentleman from Pennsylvania voted.

Mr. RANDALL. I am glad to say the Democrats almost uniformly voted as I did in that particular.

Mr. GIBSON, of West Virginia. It is not a question of how the gentleman from Pennsylvania voted or how he did not vote.

Mr. RANDALL. I thought it was.

Mr. GIBSON, of West Virginia. No, sir. And it is only because the gentleman thrusts himself in here and makes himself a personal feature in this discussion that he is discussed. What I desire is an amendment of the rules for the public good, not an amendment either to hurt or to help the gentleman from Pennsylvania. I asked the gentleman from Pennsylvania how the appropriations for rivers and harbors compared with the extraordinary appropriations that had been made for railroads in this country, and he did not answer me except by saying how he had voted.

There is not a member of this House or an intelligent man in this country who does not know that millions of money and millions of acres of the public land have been given to private corporations to enable them to lay a tax upon the commerce of this country where one solitary dollar has been expended for the free navigation of our magnificent streams. And yet, as the gentleman from Texas [Mr. REAGAN] said, "the voice of railroads is heard not only through the papers, but is heard in these halls, and every attempt made to obtain free navigation and to allow the people to get their commerce out to the water ways is attacked, and the committee intrusted with this matter is charged by innuendoes with steals and dishonest action." As one member of that committee I stand here and challenge the Appropriations Committee to a comparison with it. I challenge them to bring up their bills and the bill of the River and Harbor Committee to see which of them has most jobs in it, the one or the other.

I say that not only will the adoption of these rules bring about economy, but it will facilitate the public business. We have had the Appropriations Committee for years. They have had charge of the naval affairs of this country. They have had the charge of our coasts, and what is the condition to-day?

The American people is the greatest military power on the globe, holding in the breast of every one of its citizens a trained and a tried soldier, and has along its thousands of miles of seacoast multitudes of men that almost at a moment's notice could man a navy. Yet under the charge and direction of this Appropriations Committee our Navy has been swept off the seas, our commerce has been destroyed, and all the millions of dollars invested in our great cities lie at the mercy of any military power that chooses to send a gunboat there to attack them. Why did not this efficient committee that has had charge of this matter take care of it before? Why did you not build a navy? Why did you not look after our commerce? Why did you not protect our great cities? Why did you leave us at the mercy of any power that chooses to attack us or make us a mere laughing-stock? Am I going too far when I say that this one committee that has had charge of these things and has left the country in this condition is incompetent to manage them?

I do not care who is on the committee. I do not care whether it is the gentleman from Pennsylvania, or whether it is the gentleman from

Indiana with his famous objection. I do not care whether it is one man or another; I point to the history of legislation in this country.

We see all our great material interests frustrated, threatened, and jeopardized by the incapacity of this committee to provide means for their protection. But they tell us that they are going to do these things now. Will you give us a navy? Then why have you not done it in the past? Will you build up our commerce? You have had twenty years in which to do it, and you have not done it. Do you mean to tell me that these things will cost? They may cost; but what is the benefit of the Government to the people unless it be to provide for these things? We are not afraid of expenditures, provided those expenditures promote the business and the welfare of the country. Oh, these gentlemen will make expenditures freely enough when they are for the purpose of taxing the people by putting bounties into the pockets of manufacturers! They do not care about the complaints or the money of the people then. But when it comes to paying out money to provide for the protection of the great cities of this country, to build up our Navy, to revive our commerce, to bring about cheap transportation as against the railroad monopolies, then they are heard in this House in opposition to such expenditures.

The gentlemen on the Committee on Appropriations, some of them, have been here for years. They have had every opportunity to bring about these reforms, every opportunity in the world; but now, with all the demands of the people for fortifications, for a navy, for commerce, we are told that all these interests which these gentlemen have neglected for years must be turned over to this same single committee if they are to be properly provided for. Suppose you pick out fifteen of the best men in this House and multiply their capacity tenfold and multiply their industry tenfold, do you imagine that any fifteen men could attend to all the great interests of this country? If so, why have all these other committees? Why have a Committee on Naval Affairs? Why have a Committee on Military Affairs? Why have a Committee on Commerce or a Committee on Indian Affairs, or any of these different committees, if there are only fifteen men in this House who are competent to manage such matters? We meet here and discuss subjects for months in our own committees, and agree upon them and report them, and then what happens? Why, the gentleman from Pennsylvania [Mr. RANDALL] either thrusts in a privileged bill and stops legislation, or, if some member introduces a bill or seeks to have one considered, the gentleman from Indiana [Mr. HOLMAN] rises in his majesty and objects. [Laughter.] So the fact is that although we stand here as the representatives of constituencies, there is scarcely one of us who really has an opportunity to be heard or to act for his constituency upon this floor. Therefore, for the simple reason that it emancipates the members of this House, that it makes each member equal, that it puts each constituency upon a fair, honest, and equal footing here, and gives every section of the country an equal right to be heard and to be felt through its representatives here, I shall vote for the proposed amendment of the rules which will destroy, as far as possible, the arbitrary and tyrannical power of this Committee on Appropriations.

Mr. RANDALL. Mr. Speaker, lest the remarks of the gentleman from West Virginia [Mr. GIBSON] might convey the impression that there had been any omission on the part of any of the gentlemen who are now here and who were here during the period of land grants and subsidies it is due to me and to the history of this House to say that there has not been a dollar of subsidy or an acre of land given by this House since it has been under the control of the party which now controls it. [Applause on the Democratic side.]

Now, as to the personalities which the gentleman introduces, as to my thrusting myself forward here in any personal relation, the House and every member of it ought to know that I have done just the reverse. I do not deal in personalities in this House, and if anybody wants to deal with me personally he ought not to do it here.

Mr. CANNON. Mr. Speaker, I had hoped that before I should occupy the few minutes during which I expect to detain the House the Committee on Rules would have enlightened us so far as they intend to do so touching this report, especially the two members of that committee upon this side of the House, because, able as I know them to be and earnest as they always are, it might have been in their power to have presented something that would have changed my mind as to some of these proposed amendments. But I have waited so far in vain, and as my colleague from Illinois [Mr. MORRISON] announced some time ago that to-morrow he proposed to close general debate, I thought that even at this late hour in the afternoon I would submit what little I have to say upon this general question.

The gentleman from Kentucky [Mr. WILLIS] stated that he had given no thought to this matter. I have made no formal preparation, but I have given some thought to the subject. All admit that these rules should be amended. All admit that this Government is so great and strong and powerful and that the demands and requirements of the people are so numerous that this House of three hundred and twenty-five members can not in six months or nine months or twelve months exhaust the business that comes before it, either under the present rules or under any rules that can be adopted. That business can be expedited, that legislation can be facilitated, that necessary appropriations can be better and more readily made by apt amendment of the rules, I have no doubt; and I shall vote with great pleasure for the recommendations of the Committee on Rules—I believe for all their recommendations except the one which proposes the creation of eight or nine committees of appropriation. As at present advised I shall not vote for that proposition. The committees on appropriations which it proposes are either too many or too few.

It is a long story, Mr. Speaker, as to how these rules got into their present condition. I will tell a part of it if gentlemen will bear with me a few moments. I well recollect, sir, that when that tidal wave swept over the country in 1874 and swept the Democratic party into this House with nearly two-thirds of the membership, the first thing done was to change the rules and to change them radically, and I think it was there that the trouble commenced. Now, whenever something goes wrong, be sure that the best thing to do is to take the back track and right the wrong, and you must do that before you can have prosperity either in matters of legislation or other matters. Picking up the first volume of the RECORD for the Forty-fourth Congress, I find that Mr. Cox, from the Committee on Rules, reported what was known as the Holman amendment to the then one hundred and twentieth rule, now the twenty-first, making legislation in order upon general appropriation bills, provided it retrenched expenditures. Prior to that time, since the first organization of the Committee on Appropriations (the gentleman from Maine [Mr. REED] will correct me if I am mistaken), prior to that time, ever since the organization of the Government, it never had been in order upon appropriation bills reported either from the Committee of Ways and Means or the Committee on Appropriations to move, by way of amendment or otherwise, a matter of general legislation.

Yet, with this triumphant Democratic party that got into the saddle ten years ago in this House, old standing rules of that kind, as old as the Government, had no effect. The experience of the fathers demonstrated that appropriation and legislation never should go together, because when they do go together in governments like ours, or substantially like ours, the appropriation will buy through the objectionable legislation nine times out of ten. But all that passed for nothing. The report of the Committee on Rules in the Forty-fourth Congress, presented by Mr. Cox, recommended the Holman amendment. What was it?

> Nor shall any provision in any such bill—

That is, general appropriation bills—

> or amendment thereto, changing existing law, be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, I recollect that debate very well. Mr. Garfield, then the leader of this side of the House, objected to this provision. Mr. Kasson and various others objected. Mr. Kasson said:

> The objection we take to this proposition is that it deprives the House of the benefit of the deliberation of the committees that have specific portions of our jurisdiction committed to them, and practically gives to one committee the whole of that jurisdiction.

Now, what did the gentleman from Pennsylvania [Mr. RANDALL] say then in reply? He claimed that the Committee on Appropriations would only have the power to present bills to the House, that in the Committee of the Whole amendment and debate under the rules would be in order, and that a majority would control. What did Mr. Kasson reply?

> But my objection is that the proper committee will have no chance to consider the changes of the law.

Mr. HALE, then a member of the House, now a Senator, said:

> And when the Appropriations Committee reports to the House, it will be the only committee that comes with the authority of having examined and dissected the subject-matters embraced in its bill.

Mr. Garfield said substantially the same.

Mr. Hurlbut said:

> The proposed rule will practically abolish all committees except the Committee on Appropriations.

Still, this rule was adopted—adopted by a strict party vote. Who voted for it? Every Democrat voting in the House of Representatives of the Forty-fourth Congress. Then the lion and the lamb—my colleague from Illinois [Mr. MORRISON] and the gentleman from Pennsylvania [Mr. RANDALL]—lay down together, and the little child led them—the gentleman from Indiana [Mr. HOLMAN]. [Laughter.] All was harmony. Yet, Mr. Speaker, then and there was opened the Pandora's box which through the succeeding ten years was to do great harm to the country, and to-day brings the Democracy upon the floor of this House, all of them substantially agreeing to wipe out the power to legislate upon appropriation bills. But not content to stop there, they come here and say, "We will commit another egregious blunder; because we committed a blunder ten years ago we will now go to the other extreme; we will not only right the wrong we committed then, but in addition we will make eight, nine, ten, or fourteen committees of appropriations, if you please, because this Committee on Appropriations, the creature of our own loins, made with power to report legislation with appropriation against the protest and vote of the Republican side of the House, has abused its privileges—has abused the privileges of the House, if you choose; therefore we will make nine, or ten, or fourteen other committees of appropriations, further to revolutionize parliamentary usages

and parliamentary law." That is the proposition, as I will try to demonstrate.

Why, sir, do gentlemen recollect that while it was claimed a majority could always control, that very little harm could result from the proposition, that it was only introduced to retrench expenditures—do gentlemen recollect how pliant chairmen of Committees of the Whole from time to time ruled anything or everything in order under the amendment to that rule? Do gentlemen recollect how at the extra session of the Forty-sixth Congress, the previous Congress, under the lead of the other side, having refused to appropriate the necessary means for carrying on the Government—do gentlemen recollect how under the operation of that rule a grip was placed on the throat of the Executive and he was informed that he should not have money to carry on this Government unless he submitted to legislation of the most sweeping character which would revolutionize our whole election system and otherwise radically change the laws?

Now all admit the evil. What is the remedy? There are two proposed. One to restore the rule as it was prior to the Holman amendment; the other, to distribute the general appropriation bills to several committees.

I give it as my opinion for what it is worth, that the true remedy is to let the Committee on Appropriations report the various general appropriation bills in pursuance of existing law, and at the same time take from that committee and from every one of the three hundred and twenty-five members that may compose the Committee of the Whole the power to move upon any appropriation bill any amendment changing existing law. That used to be the rule; I believe that should be the rule again. That, it appears to me, is the true remedy. Then the Appropriations Committee becomes, if you please, a mere auditing committee. You strip it of this objectionable power, this Democratic abuse, this power that you upon the other side of the House fastened upon it—ay, this abuse that even the gentleman from West Virginia [Mr. GIBSON], who a few moments ago steeped his tongue in gall, laid his hands upon and blessed, along with the other Democratic members, during four years past.

Mr. GIBSON, of West Virginia. No, sir. It is only by a combination of the Republicans with a minority on the Democratic side that these things have been done.

Mr. CANNON. That is it, is it? I did not think that my friend from West Virginia, with a party that had 84 majority in this House in the last Congress, would plead infancy.

Now gentlemen say the Committee on Appropriations is too strong. I do not care whether you call it the Committee on Appropriations or not; I do not care what you call it; I do not know who is going to be on that committee; I do not know whether it is going to be "wiped out" or not, or left with small jurisdiction; I do not know whether you are going to have one committee or many. You may if you please give all this business back to the Committee on Ways and Means—that I am inclined to think would do as well—but I say it does not make much difference so you get fifteen or thirteen good, sound men who are willing to work. Genius is not so important on an auditing committee, but on the contrary is a disqualification. [Laughter.] You do want fifteen or thirteen men who have knowledge of accounts and the ability to find out what the law is and to take the estimates, sift them, inquire into them, and make recommendations to the House of Representatives for their consideration and action.

I think it ought to be one committee and not many, and I will tell you why. I served six years in this House as a member of the Committee on the Post-Office and Post-Roads, and, at the same time, as a member of one or two minor committees. During that six years' time I had an idea that the Committee on the Post-Office and Post-Roads, with its business, was of more importance than any other half-dozen committees of this House. That was natural; and why? Because that great committee furnished business enough in matters of legislation alone to take up all of my time and all of the time of every other member of it. And, gentlemen, you know how natural it is when you are thinking about one subject to come to the conclusion it is the important one, and how apt you are to magnify it. That same thing might be said of every committee of this House.

"Oh," say some statesmen, "I will not have room enough for my genius to act on some of these committees." Now, let me say to all such, do not fret about that; we shall have room for all the ability and all the industry we have on any one of these committees, provided after we have matured legislation—that is, after we have amended our rules so as to enable the majority of the House of Representatives without undue obstruction to consider and pass upon proposed legislation. And when you take these eight, nine, or fourteen appropriations committees, each one will magnify its own department.

I am not here, Mr. Speaker, to abuse the Rivers and Harbors Committee, by no manner of means, nor the Committee on Commerce, nor the Committee on Agriculture, nor, indeed, any other committee. The gentleman talks about the river and harbor bill. I was one who voted for that eighteen millions in the river and harbor bill, and I went home and defended it through thick and thin. I believed there were many provisions which ought not to have been there, but on the whole I thought it was a good bill because it was liberal to great Western water ways. I remember that some of my colleagues on this side voted against it, as they had the right to do. But I say that the River and Harbor Committee, rightfully or wrongfully—rightfully, if you please—since they have had complete control of the appropriations contained in the bills reported by that committee have been largely increased. I speak of this not to find fault with that committee, but merely to show the natural tendency of magnifying a specialty. This tendency pervades all animal creation. A hen with one chicken makes more fuss than one with a dozen chickens.

How is it under the Committee on Appropriations if you will take from it the power to report legislation? It reports its appropriation bill after a full investigation of the law and estimates. Let us take the Post-Office appropriation bill for instance. It is reported from the committee, and from the moment it is reported for consideration by the Committee of the Whole House on the state of the Union the Post-Office Committee, being familiar with that subject, having in charge matters of legislation touching the Post-Office Department, will take the bill as reported and dissect it and it will be ready when it comes up for consideration to move such amendments as it may deem necessary and insist upon their adoption; so it will be with each of the other appropriation bills and with the committees having charge of the special subjects embraced in the provisions of those general appropriation bills.

Mr. BROWNE, of Indiana. But they can not increase the appropriation.

Mr. CANNON. The gentleman says they can not increase their appropriations. Yes, they can, provided the majority of the House can show a law for it, and if there be no law for it they ought not to be allowed to increase the appropriations. Nor do I understand these new rules permit them to increase appropriations under like circumstances in the way of amendments to appropriation bills.

So you see there are two great committees to audit and investigate these appropriations, and there is your legislative check.

Let us for a moment make an appropriations committee of the Committee on Post-Offices and Post-Roads. Under these proposed rules what jurisdiction has it? First, all legislation of every kind touching the Post-Office Department. What next? All appropriations for that Department. Thus it exhausts every function of this House so far as original jurisdiction is concerned for these purposes. There is no other committee in this House which can investigate or inquire under the rules, by resolution or otherwise, touching the service of that great Post-Office Department, so far as the jurisdiction of the Post-Office Committee goes, because nowhere else is jurisdiction given in reference to it.

Why, if some gentleman would rise in his place and move an investigation, or ask for certain information as to the Department, it would go under another rule that is recommended here to the Post-Office Committee, and it would depend on that committee whether it should be reported back favorably or unfavorably. That committee having the exclusive power to propose legislation, and also to report the appropriations for the service, would be an autocratic committee without any check upon it with any other committee of this House. Now, I undertake to say when you give a committee of that kind that kind of power—you may put my friend from Maine [Mr. REED] upon it, or you may put my friend from New York [Mr. HISCOCK] upon it, or the gentleman from West Virginia [Mr. GIBSON], or the gentleman from Pennsylvania [Mr. RANDALL]—they might make fair appropriations this session, and possibly next session; but, as the years roll around, so sure as the sun rises, that committee, having exclusive jurisdiction of legislation and appropriations for that subject, would abuse its jurisdiction and magnify its department.

Why, Mr. Speaker, when you come to select the committees which are to have charge of the business of the War Department, or the Navy Department, or of the Post-Office Department, I take it, sir, that it will be your duty to select able men, that have a knowledge of these different Departments; and not only that, but men who are friendly, if you please, to the Navy of this country, to the Army of this country, and to the Post-Office Department. You ought not, sir, to pick out enemies, and I do not believe you would do so. So when you have placed the power in the hands of the friends of these various Departments, and given them this exclusive jurisdiction of legislation, and of appropriations, you have at once this abuse ready to come into this House and from Congress to Congress to run riot, blossoming and bearing the fruit of bad legislation and inordinate appropriations.

Mr. Speaker, much has been said in this discussion about the power of conference committees in settling the differences on the appropriation bills between the two Houses. Since the Holman amendment was adopted, before referred to, a bad practice in the appointment of conference committees has grown up. Prior to the Forty-fourth Congress in appointing the committees of conference the Speaker would select two from the Committee of Appropriations and one from the appropriate departmental committee for the bill under consideration. In this way the knowledge and ability of two committees were utilized in the settlement of matters of difference between the House and Senate. Since the Democratic party came into power in the House ten years ago the practice, I believe, has been to select all the conferees upon the money bills from the Committee on Appropriations.

Now, Mr. Speaker, there is one thing that I shall not do in the discussion of this proposition—I shall not play the demagogue. I do not believe I would deceive anybody in this House if I attempted it. If I say that I am the superior in some respects touching certain matters of legislation to some gentlemen on the floor of this House, I stand here to say at the same time that I am satisfied other gentlemen on the floor of the House are my superiors touching many matters of legislation. And yet one would suppose to hear some of the speeches upon the other side that all men were cast in the same mold and had the same attainments.

I have frequently regretted, and in my earlier legislative life was somewhat disgusted, that I did not have some commanding committee positions. I never heard my distinguished friend from Maine [Mr. REED] take the floor upon any subject but that I did not feel sometimes regretful that I could not crystallize an idea, if I had one, as he does, roll it up within my hands into proper shape and hurl it at the head of my opponent. But nevertheless I must take things as I find them. I have frequently regretted that I had not knowledge touching the revenues of this country, such as my distinguished friend from Pennsylvania [Mr. KELLEY] possesses, or my distinguished friend, the gentleman from Texas [Mr. MILLS], who stands before me.

Mr. MILLS. You have got it right at last. [Laughter.]

Mr. CANNON. I knew well that I would get it right [renewed laughter], yet the Speaker has never recognized my tremendous knowledge, ability, and information touching the economic questions of this country and touching the revenues, nor has he ever seen proper to designate me as a member of that great Committee on Ways and Means. What would the House say if I went around whining and saying that I am not the equal of the honorable gentleman from Pennsylvania [Mr. KELLEY] or the honorable gentleman from Texas [Mr. MILLS], because the Speaker has not placed me on that committee? Why I confess that they have more ability and experience in that line than I have. And so it is, sir, all the way through these committees.

One gentleman asked me to-day when you, Mr. Speaker, were going to make up the committees. I turned around to ask a member of the Committee on Rules when you were going to do the work of making up the committees of the House. He answered and said that you could not do the work now, because you did not know what the rules were going to be; you did not know what appropriation committees were to be provided, or whether the work of the Committee on Ways and Means was to be divided or not. Further, he replied, you must wait and see so as to get proper men to serve on the various committees as members and as chairmen for the transaction of the business of the House under the rules. That was a reasonable answer, and I have no doubt that it is the proper plan to pursue. The Speaker who would undertake to organize the House without regard to what a member's profession is, and what is his knowledge of law or want of it, his knowledge of commerce or want of it, his knowledge of ordinary business or want of it, his knowledge of banking or want of it, would, indeed, be a sorry Speaker; in fact, such a Speaker could be well dispensed with, because you could take one of the pages, blindfold him, shake up the names of all the members in a box, and let him draw out the members first who should constitute the Committee on Ways and Means, and so on through the list, if all members were equally competent for all committees. Yet to listen to the remarks of some gentlemen one would suppose there is no difference in the make-up or attainments or experience of members of this House upon any and all subjects.

I had intended during these remarks to refer to some statements of eminent men, who have had service in the House of Representatives, touching the proper functions of a committee on appropriations and of the other committees. But I am admonished now by glancing at the clock that I have been talking for nearly half an hour, and I do not know that it is necessary to do so. Suffice it to say, the Congressional debates show that such men as Garfield, Kasson, Alexander H. Stephens, the present Secretary of State Bayard, Senators EDMUNDS, BECK, and nearly all others who have had experience or studied the questions connected therewith, all claim that no appropriations committee should have the power to report general legislation upon appropriation bills, and that there should be one great central committee that would unify the work of auditing these appropriations and would report them with all the benefits resulting from harmonious action. I send to the Clerk's desk to be read a portion of an article written by Mr. Garfield and published in the North American Review in 1879.

The Clerk read as follows:

GENERAL LEGISLATION ON APPROPRIATION BILLS.

Perhaps the most reprehensible method connected with appropriation bills has resulted from a change of one of the rules of the House made in 1876, by which any general legislation germane to a bill may be in order if it retrenches expenditures.

The construction recently given to this amended rule has resulted in putting a great mass of general legislation upon the appropriation bills and has so overloaded the committee in charge of them as to render it quite impossible for its members to devote sufficient attention to the details of the appropriations proper.

If this rule be continued in force it will be likely to break down the Committee on Appropriations and disperse the annual bills to several committees so that the legislation on that subject will not be managed by any one committee nor in accordance with any general and comprehensive plan.

It is of the first importance that one strong, intelligent committee should have supervision of the whole work of drafting and putting in shape the bills for the appropriation of public money. That committee ought every year to present to Congress and the country a general and connected view of what we may fairly call our budget, showing not only the aggregate of expenditures but the general distribution of revenue to the several objects to be supported.

To accomplish this work thoroughly and comprehensively is all that any one committee can do; and any attempt to load general legislation upon their bills will be disastrous, not only to general legislation by making it fragmentary and incomplete, but especially so to the proper management of our fiscal affairs. This unwise rule furnished the temptation to the Democratic caucus to tack upon the two appropriation bills which failed at the last session of Congress the political legislation which has caused the extra session and has done more to revive the unfortunate memories of the rebellion than any political event of the last ten years.

The true policy is to separate all financial questions as far as possible from mere partisan politics and bring to their discussion and management the best intelligence of all parties.

JAMES A. GARFIELD.

Mr. CANNON. I want to read a sentence or two from an article by the late Representative (and now Senator) HOAR, from the State of Massachusetts, in the same year. Let us see what was his remedy. After discussing the methods of legislation and of making appropriations at very considerable length in this article, showing the disadvantage under which the House labored in making appropriations, he says:

I must take another occasion to deal with the question of remedy for these evils. I do not believe in radical changes in the institutions of the State contrived by doctrinaires. The practice of the House of Representatives is a growth, not a scheme. Still less would I urge a blind reverence for English examples. But if we could in some way secure a Speaker who should be absolutely independent of party it would be a great gain. If the three committees, Ways and Means, Appropriations, and Banking and Currency, could be blended in one, as formerly, the number of this committee to be at least fifteen, dividing its functions among subcommittees, the chairman never himself to have charge of an appropriation bill, but to be responsible for the order of business of the House, subject of course to the control of the body itself, a great step in efficiency would be gained.

That is what that distinguished parliamentarian and man has to say about the remedy. Instead of making from nine to fourteen committees of appropriation in the House of Representatives, abolish the one you have and let the Committee on Ways and Means perform the functions of both, as it did from the organization of the First Congress down to the year 1865.

Yes, Mr. Speaker, these rules are something more than mere theory; as Senator HOAR well said, they are a growth, not a scheme. They have been forming in the school of experience and necessity for nearly one hundred years in this country. In many respects they are like unto the procedure in the House of Commons, which was established in the conflicts between the King on the one hand and the Commons on the other, waged for over two centuries in the northern country; and now in the prejudices and conflicts of the hour, instead of applying the true remedy for your mistakes and vicious parliamentary practices of the last ten years, in the name of reform you propose to make reform impossible; you strike off the provision you put on ten years ago and prohibit general legislation on appropriation bills, and then make many appropriation committees where there should be but one. You thereby make the approaches to the Treasury smooth and easy. You give to each one of eight committees of appropriation, so far as the House is concerned, a key to the money vaults of the Treasury, with none of the ordinary or extraordinary checks usual in legislative bodies upon them. There is, in my opinion, but one result possible—reckless and unjustifiable expenditure.

In conclusion, Mr. Speaker, I want to say a word to this side of the House. I do not pretend to be a leader. I never thought I had that kind of power. I have always had plenty to do to take care of my own vote. Still I have an opinion touching the creation of one or many appropriation committees. So I modestly want to say to my friends on this side of the House, if this action is to be had let the Democrats, with their 40 majority, consummate it. While I admit it would tend to give us a temporary party advantage growing out of increased expenditure—and in many instances objectionable expenditures—yet the advantage would only be temporary. No party can have success worth having that is builded purely on the mistakes of its opponents. Success worth calling such either to individuals or parties is success that is won upon the merits—success that betters the condition of the country.

Samson, being in the minority, overthrew and destroyed his enemies when he blindly and in blindness put his back to the pillars of the temple and threw it down; but he perished with them.

A minority has its uses and duties in a legislative body. We are upon the watch-tower to point out and give notice of the mistakes of the majority, and, when called upon to act, act as we would if we had a majority—act right. In all methods of expenditure and accounting, in the preservation and perfection of rules for procedure, and of legislative checks, co-operate with any and all persons who are traveling in the right direction, for whatever party may be in power the rules of procedure should be the same. They are the implements, the tools by which appropriations and legislation should be shaped. Those that have been approved by experience and long use bring, in the hands of skilled men, shapely work. But confusion comes when the old implements are thrown aside and new ones not tried in the school of experience or necessity are substituted in their place.

Mr. REED, of Maine. Mr. Speaker, I had not intended to address

the House to-night, but I feel that perhaps I can express my thought on the subject more satisfactorily under the influence of the vigorous and able speech made by my friend from Illinois [Mr. CANNON] than I could after the cooling influences of a night's repose. [Laughter.] For I wish to say that that gentleman has done precisely what I anticipated—he has given this House the full strength of all the argument which can be presented upon the side of the Committee on Appropriations. The gentleman from Pennsylvania [Mr. RANDALL] has not that facility of utterance, that fervor of belief, that oratorical power which is possessed by my friend from Illinois [Mr. CANNON], and the result in his case was that he gave us precisely the same line of objection which he made two years ago to that freedom of general legislation which he is ready to consent to here to-day.

For the last three Congresses the representatives of the people of the United States have been in irons. They have been allowed to transact no public business except at the dictation and by the permission of a small coterie of gentlemen who, while they possessed individually more wisdom than any of the rest of us, did not possess all the wisdom of this world. [Laughter.] I fully agree in the arraignment which the gentleman from West Virginia [Mr. GIBSON] has made of the Committee on Appropriations, which has left us without a fortification, which has left us without a navy, which has in no respect responded to the needs of the country.

I, for one, believe that an appropriation unnecessarily of a dollar of this country's money for anything except the honest expenses of this Government is a shame that ought not to be permitted.

And I, for one, also believe that the safety of this country is not in the hands of any one man or any set of men, but in the general virtue of the representatives of the people, backed and watched by the people of the country themselves. My experience is that the expenditures of the United States and the laws of the United States are passed in obedience to the wishes of the people; and I believe that the largest publicity, the widest discussion should be given to all such measures; and the first preliminary is to place the investigation of the accounts of this country upon the broadest possible basis.

My friend from Illinois [Mr. CANNON] has well said that when the right to legislate upon an appropriation bill is taken away, the committee that reports such a bill to the House and the House that considers it are merely auditing the accounts of this country. How, then, shall we have them audited? Shall it be by a single committee of thirteen or fifteen men, or shall these accounts be audited by different committees? I suppose, gentlemen, when you were listening to my friend you pictured to yourselves a board of grave and reverend gentleman, carefully scrutinizing in full committee each item, and each member of the committee knowing all about what is going on in the way of expenditure all over this country. Oh, my friends, that is a picture of an ideal committee, not of the Committee on Appropriations as it has existed in mundane flesh. [Laughter.] How do they audit the accounts of this country? Why, they appoint subcommittees, each of which has charge of a particular bill. And how many of the gentlemen outside of the subcommittees have you seen discussing this audit in the face and eyes of the House of Representatives? Why, almost always the discussion is by the subcommittee alone. In other words, these gentlemen of the Appropriations Committee do this very thing which they think the House of Representatives can not be trusted to do: they parcel out the auditing of these accounts to small committees of their own.

My friend from Illinois says that there will be no check; that the power of legislation and the power of appropriation will be in the same committee. He forgets that there is going to be a great check in the increased intelligence of this House, in its increased information on these subjects. One department, so far as its administration is concerned, resembles in many respects other departments; and men who have been investigating the administrative character and nature of particular departments will require knowledge enough to enable them to act as checks upon each other. And, in addition to that, the Committee on Appropriations will still have jurisdiction of the deficiency bills, which will oblige them to have that knowledge and to exercise the check and supervision over the other committees that is so much needed and so much demanded.

Why should not these matters be disposed of by the respective committees, they investigating the whole subject? How can they know what legislation is necessary unless they can go to the bottom of the affairs involved? And how can a man learn anything about the workings of this Government except by the aid of labor which he performs in investigating the expenses? What are the expenses? They are the records of legislation, the records of the ultimate act itself which we do.

Hence I say there is an immense advantage in having this House thoroughly informed as to the affairs of the country by increasing the number of men who will know something about these subjects.

But, after all, what I specially congratulate this House upon is that at last we have succeeded in obtaining a unanimous House in favor of the transaction of some business other than the noble and lofty business of the Committee on Appropriations. Ever since the Forty-sixth Congress, that has been the only business we have been allowed to transact. Two years ago, my friend, the gentleman from Pennsylvania [Mr. RANDALL], warned the Democratic party that all manner of evil would come upon them, that the way was going to be opened for something terrible, all the more terrible because it lacked the nice description which could have been given if it had really existed, which was going to happen if the other committees of this House should be allowed to do any sort of work. But to-day he has not a single word to say in defense of that restriction of his of general legislation in this House which has prevailed here for three Congresses.

How have we stood under the old rule of the House of Representatives? Practically, we made a lot of calendars. The committees went to work, sedulously performed their duties, and deposited the results on the calendars; and then we had to have a two-thirds vote to get at even the few we could reach at all, with an appropriation bill flung at them even then if they were not satisfactory. There is the system of legislation or non-legislation we have had.

I want to say that the system which the Committee on Rules now propose upon this matter, which has been somewhat lost sight of, is this: it is proposed that each of the committees during a second morning hour, which is provided for, shall have power to call up any bill which they may designate upon the House Calendar or the Calendar of the Committee of the Whole, and continue the consideration of that bill during this morning hour on two successive days. If they can finish a bill before the expiration of their two hours they can take up others. But if a bill runs beyond two days, then, in order to prevent the clogging of unobjectionable legislation, such unfinished matter is placed back upon the Calendar, to be taken up in its order when reached; unfinished business being first on each Calendar, and each piece of unfinished business to be taken up in its order.

For my part I do not know that this will afford to the House very great relief. I do not believe that these rules as now proposed are a panacea for the evils of life. I do not believe that any system of rules can enable three hundred and twenty-five men to transact business like a board of mayor and aldermen. But this proposition will afford us some relief; and if it turns out not to furnish enough, I shall be found, as I always have been, in favor of the largest liberty which gives a majority of this House, representing a majority of the people of this country, a right to control.

Some gentlemen have been kind enough to resuscitate a youthful effort of mine, made when I was a member of the Forty-sixth Congress. "Why," says some gentleman to me, "you then said the Appropriations Committee was the be-all and end-all of things; what sort of a person are you to say anything different to-day?" Why, that is not half the extent of my offending against good sense. [Laughter.] I actually believed that our old rules, adopted in the Forty-sixth Congress, were going to furnish a sensible way of transacting business; and I would hang my head in shame to-day if I had not had such good company at that time. [Laughter.]

I do not promise the members of this House whenever they listen to me to give them wisdom of adamant. I do not promise them I shall not change my opinion when I see good reason for doing it. I only promise that I will give them honestly what my opinion is at the time. They must take their chances of its being for eternity. [Laughter and applause.]

Mr. DIBBLE asked and obtained indefinite leave of absence for his colleague, Mr. AIKEN, on account of sickness.

And then, on motion of Mr. MORRISON (at 4 o'clock and 35 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADY: Petition of Waddy T. James, L. W. Morgan, and W. H. Dickinson, of Virginia, for pay for horses killed in the service of the United States in Franklin County, Virginia, February 18, 1884—to the Committee on Claims.

By Mr. FARQUHAR: Petition of James M. Smith and others, for relief of Chaplain Blake, United States Army—to the Committee on Military Affairs.

Also, petition of Ann Turner and George Kerr, for relief—to the Committee on Invalid Pensions.

By Mr. GIFFORD: Petition for an act granting a pension to Sterne H. Fowler—to the Committee on Pensions.

By Mr. HAHN: Papers relating to claim of Edward Davis, executor of Ezra Davis, deceased—to the Committee on War Claims.

By Mr. HARMER: Petition of John Dougherty, for a pension—to the Committee on Invalid Pensions.

By Mr. HILL: Papers relating to the claims of Abram G. Hoyt, of the heirs of Martin Webb, and of the legal representatives of Alexander H. Brown—to the Committee on War Claims.

Also, petition of John S. Chirum—to the Committee on Indian Affairs.

Also, petition of Francis M. Oliver—to the Committee on Invalid Pensions.

By Mr. HIRES: Petition of Samuel K. Robbins and others, for the improvement of the thoroughfare between Townsend's and Corsen's Inlets, Cape May County, New Jersey—to the Committee on Rivers and Harbors.

By Mr. JAMES: Petition of Nathaniel Moody, a soldier of war of 1812, for pension and arrears—to the Committee on Pensions.

Also, petition of Isabell J. Ramsdell, for increase of pension—to the same committee.

By Mr. LAFFOON: Petition of James J. Lipscomb—to the Committee on War Claims.

Also, petition and papers relating to claim of W. A. Easton—to the same committee.

Also, papers relating to claim of James C. Rudd—to the Committee on Claims.

By Mr. McCREARY: Petition of John Farley, asking payment of supplies purchased by the Army—to the Committee on War Claims.

By Mr. MORRILL: Petition of E. B. Keck and 60 others, asking for the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, paper pertaining to the claim of Isaac A. Meyer—to the Committee on War Claims.

By Mr. NEAL: Petition of P. R. Dabney, for a pension—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of citizens of Kansas, against suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. THOMPSON: Papers relating to the claim of Theodore J. Gillett—to the Committee on War Claims.

SENATE.

WEDNESDAY, *December* 16, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read.

The PRESIDENT *pro tempore*. The Journal will be considered approved, unless objection be made.

Mr. MANDERSON. I simply desire to call attention to a matter which may appear in the Journal as it does in the RECORD. I must have been unfortunate in my language or else my remarks were not properly heard. There was laid before the Senate yesterday a communication from the Secretary of War, transmitting, in response to a resolution of the Senate of the 8th instant, introduced by the Senator from Oregon [Mr. DOLPH], a report of Captain Bixby, which was voluminous and of a technical character. That report was referred to the Committee on Coast Defenses. My suggestion was that that committee, when they report the communication back, shall advise as to the importance of the matter therein contained, so that the Committee on Printing, when it shall come to them under the law, may have some guide to go by as to whether it is essential to print the entire document. I hope that when the report shall come from the Committee on Coast Defenses the matter will go to the Committee on Printing, that it may investigate as to the cost, and with the light of the report of the Committee on Coast Defenses as to the advisability of its printing.

The PRESIDENT *pro tempore*. The Journal is correct, and stands approved.

DEATH OF VICE-PRESIDENT HENDRICKS.

The PRESIDENT *pro tempore*. The Chair presents resolutions adopted by American citizens resident in the City of Mexico in regard to the death of the late Vice-President of the United States. If there be no objection an order will be entered to print the resolutions, which are brief, in the CONGRESSIONAL RECORD.

The resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

IN MEMORIAM.

Whereas the nation mourns the loss of Thomas A. Hendricks, one of America's most prominent sons, an eminent citizen, a distinguished statesman, and Vice-President of the United States; and

Whereas we recognize in the character of our late Vice-President the realization of the highest type of American citizenship; in private life, a faithful friend, kind and noble, loved and revered by all who knew him; in political life, by his sterling integrity, the courage of his convictions and devotion to principle he commanded the admiration of even his most bitter opponents; as a lawyer, sagacious, bold, and vigorous, manly and straightforward, possessing the earnestness of one who felt the importance of scrupulous fidelity to his clients, regardless of consequences; as a statesman, above party demagogism and always true to the best interests of his country, scorning resorts to expedieney and uncompromising in everything affecting the welfare of the nation. Such qualities elevated him to the second highest honor within the gift of the people, and will cause him to live in history as one of the most prominent figures in the annals of our country, and one in every way worthy of emulation.

Resolved, That the American residents of the City of Mexico hereby express their deep sense of the great loss which their country has sustained in the death of this eminent citizen, distinguished statesman, and patriotic American.

Resolved, That they tender their heartfelt sympathy to the widow and family of the deceased statesman, humbly invoking Divine assistance for their consolation; and

Resolved, That a copy of these resolutions be forwarded to the bereaved family, another to the United States Senate, and a third be furnished The Two Republics for publication.

Mexico, November 28, 1885.

HENRY R. JACKSON, *Chairman*.

J. MASTELLA CLARKE, *Secretary*.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of M. Krauskopf, of New York, praying for the establishment, as a branch of the Post-Office, of the United States Mail Press for the free publication of individual opinion; also that the Government legislate for the protection of the liberty of the press; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of J. I. Rodrigues, a citizen of the United States, praying for relief in the case of Cirilo Pouble, a citizen of the United States, imprisoned in Havana, Cuba, since the 23d of November, 1884; which was referred to the Committee on Foreign Relations.

Mr. DOLPH. I hold in my hand two memorials of the Legislative Assembly of the State of Oregon, one praying for additional appropriations for the speedy completion of the improvement of the Columbia River, and the other praying for an appropriation for opening a channel sufficient for navigation in the Umpqua River, in Douglas County, Oregon. One is addressed to the Congress of the United States, and the other does not appear to be so addressed, but is evidently intended for presentation. I ask unanimous consent, as the memorials are informal, to present them for reference to the Committee on Commerce.

The PRESIDENT *pro tempore*. The memorials will be received and referred to the Committee on Commerce.

Mr. INGALLS presented the petition of S. D. J. Moore, of Jefferson County, Alabama, praying for such legislation as will remove the causes of taxation in this country and prevent poverty; which was referred to the Committee on Education and Labor.

Mr. MANDERSON. I present the petition of Napoleon Wabasha, and 20 others, members of the Dakota tribe of Indians of the bands known as the Santee Sioux, praying that they may be permitted, in accordance with certain treaty stipulations, to enter under the land laws of the United States the lands upon their reservation, and that they may be admitted to citizenship by proper legislation in accordance with that treaty.

The petition sets forth the history of the treaty with these people and the action of the Interior Department since the treaty of 1869. It states all these matters very clearly and succinctly, and while I do not desire to encumber the CONGRESSIONAL RECORD with it, I do desire that it may be printed as a document. I therefore move that the petition be referred to the Committee on Indian Affairs and printed.

The motion was agreed to.

Mr. WILSON, of Iowa, presented the petition of James McCallen, of Rock Rapids, Iowa, praying that he be granted a pension; which was referred to the Committee on Pensions.

Mr. HOAR. I present the petition of Elizabeth Callaghan, of Boston, Mass. The petitioner states that she committed to the mails some 600 copies of a book, of which she was the author, directed to Catholic institutions of education throughout the country and other correspondents of hers, and that none of the books have ever reached their destination She claims compensation from the United States Government. I suppose that, although the petition may properly go to the Committee on Claims, yet as it involves a charge against the Post-Office Department of negligence, which would seem to demand grave inquiry, if it be true, on the part of the proper committee, I think it had better go to the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Post-Offices and Post-Roads if there be no objection.

Mr. HOAR presented the petition of Adeline A. Coolidge, of Natick, Mass., praying to be allowed the pension granted by act of Congress to Charles W. Blodgett, late of Company I, Fourth United States Artillery; which was referred to the Committee on Pensions.

Mr. VAN WYCK presented the petition of John Kennedy, of Washington, D. C., praying compensation for land taken from him by the Government during the late rebellion; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 68) for the relief of S. B. Cranston, reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 487) for the relief of Emily J. Fardy, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 59) to reimburse the several States for interest paid on war loans, and for other purposes, reported it with amendments, and submitted a report thereon.

BILLS INTRODUCED.

Mr. JACKSON introduced a bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. PUGH introduced a bill (S. 606) for the relief of the creditors of the Deposit Savings Association, of Mobile, Ala.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 607) for the relief of H. M. Jones; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 608) to pay William F. Martin, of Mo-

bile, Ala., the value of one hundred half-boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS (by request) introduced a bill (S. 609) for the relief of the legal representatives of Henry S. French; which was read twice by its title, and referred to the Committee on Claims.

Mr. BERRY introduced a bill (S. 610) to provide for a building for the use of the Federal court, post-office, internal revenue, and other civil offices, and a United States jail, in the city of Fort Smith, Ark.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON, of Maryland, introduced a bill (S. 611) for the relief of William C. Spencer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CONGER introduced a bill (S. 612) granting a pension to William Weightman; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 613) for the relief of the heirs of Mark Davis, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa, introduced a bill (S. 614) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 615) to amend an act entitled "An act granting a pension to James McCallen," approved February 20, 1885; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 616) for the relief of the legal representatives of Robert Cornell White; which was read twice by its title.

Mr. PLATT. I know nothing of the merits of the bill, and introduce it by request. I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. HALE. I introduce a bill by request; I am not committed in any way to its provisions.

The bill (S. 617) to give the commandant of the United States Marine Corps the rank of a brigadier-general of the Army was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. GORMAN introduced a bill (S. 618) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. TELLER introduced a bill (S. 619) to provide for the free and unlimited coinage of the silver dollar; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 620) to grant the right of way through the public lands for irrigation purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PLUMB introduced a bill (S. 621) to authorize a suit to settle the boundaries of the grant known as the Rancho Corte de Madera del Presidio, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 622) authorizing the issue of artificial eyes to soldiers, seamen, and others; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 623) to provide for the payment of bounty to certain discharged soldiers of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 624) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORRILL introduced a bill (S. 625) for the relief of Louis Garon from the charge of desertion; which was read twice by its title.

Mr. MORRILL. I introduce this bill at the request of an attorney of this District, knowing nothing about the party, who seems to be a resident of Canada and is under an *alias*, and I know nothing about the merits of the question. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. GIBSON (by request) introduced a bill (S. 626) for the relief of the minor heirs of John W. King and Edward M. Lane, of Warren County, State of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 627) relating to the Court of Commissioners of Alabama Claims; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also introduced a bill (S. 628) authorizing the Secretary of the Treasury to compensate clerks and employés for extra work performed in the exchange of bonds in the Department; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON introduced a bill (S. 629) declaring certain persons entitled to pensions, fixing the rate and regulating the proof in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 630) to provide for determining the existence and removal of inability of the President to discharge the powers and duties of his office; which was read twice by its title, and referred to the Committee on Privileges and Elections.

He also introduced a bill (S. 631) for the relief of Francis Scala; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 633) to change the name of Uniontown to Anacostia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 634) relating to sales for taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SAWYER introduced a bill (S. 635) to provide for the purchase of the Sturgeon Bay and Lake Michigan Ship Canal and harbor of refuge, connecting the waters of Green Bay with Lake Michigan, in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 636) granting a pension to Elizabeth L. W. Bailey, widow of Col. Davis W. Bailey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 637) for the erection of a public building at Hudson, N. Y.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 638) granting a pension to Mary G. Walker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 639) for the relief of L. S. Ensel; which was read twice by its title, and referred to the Committee on Claims.

Mr. PUGH introduced a joint resolution (S. R. 13) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read, and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department, and for which no compensation has been made; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAWES introduced a joint resolution (S. R. 14) authorizing the appointment and retirement of Samuel Kramer as a chaplain in the Navy of the United States; which was read twice by its title.

Mr. DAWES. I introduce the joint resolution by request. I do not know anything about the merits of the case and do not desire to be committed one way or the other. I move that the joint resolution be referred to the Committee on Naval Affairs, with the accompanying papers.

The motion was agreed to.

CHANGE OF REFERENCE.

Mr. GIBSON. I ask to change the reference of Senate bill 568, referring the joint claim of T. Alonzo Walker and Augusta C. Todd for proceeds of cotton to the Court of Claims for adjudication, which was introduced by me yesterday and referred to the Committee on Claims. I desire now that that committee be discharged from its consideration and that it be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JACKSON, it was

Ordered, That the papers in the case of J. J. Pulliam's estate be taken from the files and referred to the Committee on Claims.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the claim of Alexander Swift & Co. and Alexander Swift & Co. and the Niles Works be taken from the files and referred to the Committee on Claims.

On motion of Mr. WILSON, of Maryland, it was

Ordered, That the papers in the case of William C. Spencer (S. 662, Report No. 654, second session Forty-sixth Congress) be taken from the files and referred to the Committee on Military Affairs, there having been no adverse report or adverse action thereupon.

CONSULAR FEES.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order, and the Chair, under the rule, lays before the Senate the resolution which was submitted yesterday by the Senator from Kentucky [Mr. BECK] and laid over. The resolution of the Senator from Kentucky will be read.

The Chief Clerk read as follows:

Resolved, That the President of the United States be, and he hereby is, requested to cause inquiry to be made, and to inform the Senate, whether or not any consular officer or commercial agent of the United States is now, or has been since 1868, personally interested in, or benefited by, the fees paid to the notarial, consular, or commercial officials of any other nation for oaths administered or verifications made on invoices destined to the United States; and if any are or

have been so interested or benefited, to report the amount of such benefit or interest as to each officer or agent.

Mr. INGALLS. Who introduced the resolution?

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK], yesterday. It lay over under the rule, and comes up in order this morning.

Mr. BECK. I will state the object I have in view in calling for this information. We have been for several years endeavoring to build up our carrying trade by lightening the burdens on our commerce. This was aided very much in the last Congress by the bill introduced by the Senator from Maine [Mr. FRYE]. More is still needed. I introduced a bill yesterday prohibiting the charge of more than two and a half dollars for the authentication, certification, or any other steps taken toward the verification of invoices on goods coming to this country, which I think will still further reduce the present burdens and enable us to compete more successfully with the people of other countries.

I have information, upon which I think I can rely, that many of our efforts have been and are still rendered less useful than they otherwise would be by the practice of our consular agents, in cases where they can not legally charge fees, obtaining the consuls of other countries to aid in the necessary certification and make charges in which our officials share. I desire to put an end to that practice if I can. If my information is not correct, so much the better; if it is true, if these things are done, then I desire to amend the bill I offered on yesterday, and send the amendment to the Committee on Commerce to see if we can not pass some law to stop these practices. That is all there is in it.

Mr. ALLISON. I do not see precisely why it is necessary for the Senator from Kentucky to provide for this information running back to a period as far as 1868. It seems to me that will require the examination of a great many accounts of consuls and a very large correspondence that would be utterly ineffectual for the purpose which the Senator has in view. I am in entire sympathy with him.

Mr. BECK. Let it run back to 1878, then. I do not care. If the practice has been existing and still exists, if it has become a long-continued and chronic one, I desire that to be shown; but perhaps 1878 will do as well as 1868. I do not care.

Mr. ALLISON. It seems to me that this information may be had in a general way without requiring it in detail. The Secretary of the Treasury in his report calls attention to the fact that in this indirect manner many consuls have added, or at least he supposes they have added, to their compensation.

Mr. INGALLS. Improperly?

Mr. ALLISON. Well, that is the inference in the report of the Secretary of the Treasury. Certain consuls at certain ports, according to the statement of the Secretary of the Treasury, have been in the habit of having notaries outside of their offices, or at least not connected with their offices, to make the necessary certification and charge a fee for it. The implication of the resolution is that the consular officers have divided the fees with those notaries. It seems to me it will be exceedingly difficult for any officer, either the Secretary of State or the Secretary of the Treasury, to inquire of foreign notaries and get an accurate statement of the amount of fees they have divided with our consuls. So I think the inquiry will be rather a difficult one and hardly necessary for the purpose indicated.

I am perfectly willing myself that the proper committee, the Committee on Commerce or whatever committee has charge of this subject, should report the bill suggested by the Senator from Kentucky, that the sum of $2.50, if that be the sum, shall constitute the entire fee. I do not think it is very important that the notaries in foreign countries should be required to take the affidavit of manufacturers; I doubt whether it is very important in any view to take their evidence; but if the Senator from Kentucky is anxious to have this inquiry made, I do not know that I shall interpose any objection.

Mr. BECK. The bill I introduced yesterday reaches that branch of it, and I only desire, as it is a very bad practice, to have it broken up. The Secretary of the Treasury in his report does suggest—he does not argue elaborately—that the condition of things I seek to prevent is now going on and has been for years. If it is, or has been, we ought to find some way to stop it. I am not seeking to expose any particular persons. I have no information to the effect that any particular man is guilty; I do not propose to intimate that I have; if any one has done so in times gone by I do not specially desire to prove that he has been guilty of anything wrong. I only desire that the practice shall be stopped.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky modify his resolution?

Mr. BECK. Make the date 1878 instead of 1868, or any other reasonable year. I do not care.

Mr. INGALLS. I should like to ask the Senator from Kentucky, assuming that notarial and consular and commercial fees have been paid as is implied in the resolution, whether there is any violation of a statute or existing regulation on the subject in their so doing?

Mr. BECK. I think it is a violation of our existing regulations for our commercial agents or consuls to go into partnership in fees or anything else with the consuls or commercial agents of foreign nations, and they ought not to be allowed to do indirectly what they can not themselves do by law. I think these things have been done; perhaps they are being done now. If so, we ought to endeavor to stop the practice.

Mr. INGALLS. If this is to be an inquisition for partisan purposes, directed to the action of officials appointed under previous Administrations, it requires some examination before it is adopted by the Senate, and I will therefore move that the resolution be referred to the Committee on Commerce, which I believe would be the appropriate committee for its consideration and report.

Mr. BECK. I have only this to say: I have no partisan purpose in offering the resolution and desiring to obtain the information. If the Senator from Kansas or anybody else thinks that any one appointed under a previous Administration is liable to be affected by it and that he can send it to a partisan committee to keep us from obtaining the information, I shall call for the yeas and nays on the motion of reference and see whether that information is to be thus withheld.

Mr. INGALLS. I did not assume that this was intended for any partisan purpose, for it relates to a subject concerning which I am absolutely without information; and therefore, for the purpose of enabling myself to vote intelligently, I asked the Senator from Kentucky whether it was his understanding, admitting the assumptions in the resolution to be true, that there had been any acts committed in violation of existing statute or existing regulations of law. He said that he supposed there were such alleged violations; and he wishes to go back over a period of nearly a quarter of a century to ascertain if possible what has been done by Republican officials in violation of law. If the Senator from Kentucky desires to make his inquiry for the purpose of relieving commerce from certain burdens which ought not to be imposed upon it, that is one thing, and that could be accomplished by a different procedure from the one which is contemplated by the resolution.

I, therefore, sir, repel any insinuation made by the Senator from Kentucky that the resolution is to be referred to a partisan committee for the purpose of inculpating or exculpating anybody. It is the proper course to be taken after the averments which have been made by the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Commerce.

The motion was agreed to.

DAKOTA TERRITORY.

Mr. BUTLER submitted the following resolution; which was read:

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire and report to the Senate under and by what authority a so-called State Legislature has been organized in the Territory of Dakota, if such a body has been organized as alleged, and by what warrant or authority said organization has proceeded to elect Senators to this body. And that said committee inquire further and report whether said organization is not calculated to bring about a conflict of authority prejudicial to the good order of said Territory and demoralizing to the present Territorial government legally organized and administered under the authority of the National Government; and that said committee have leave to report any special matter relating to the affairs of said Territory requiring or demanding the attention of Congress.

Mr. BUTLER. I ask for the immediate consideration of the resolution.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. The Senator from Indiana objects.

Mr. HARRISON. No, sir.

The PRESIDENT *pro tempore*. The resolution goes over under the rule.

Mr. HARRISON. I did not object.

Mr. INGALLS. I ask that the resolution may lie on the table and be printed under the rule.

The PRESIDENT *pro tempore*. The Chair begs pardon. The Senator from Kansas asks that the resolution lie on the table and be printed under the rule. That order will be made.

DISALLOWED ACCOUNTS AND VOUCHERS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a list of claims, accounts, and vouchers against the Government, paid by disbursing officers or otherwise, which have been, since the 1st of January last, disallowed by the accounting officers of the Treasury, together with a memorandum in each case showing the reasons for disallowance; and what further action, if any, has been taken thereupon; and also copies of all written opinions and decisions which have been rendered by any officer in such cases and of any explanations made by officials making or authorizing such payments.

SEVENTH NEW YORK CAVALRY.

Mr. MILLER, of New York, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate copies of all official orders and correspondence relative to the recruiting, enlistment, organization, history, and discharge of the Seventh Regiment New York Cavalry Volunteers, commonly called the Second Black Horse Cavalry; also, to state whether any bounty has been paid to the enlisted men of said regiment, and, if not, upon what grounds such bounty has been denied.

PRINTING OF SENATE RULES.

Mr. FRYE. I offer the following resolution, and ask for its present consideration:

Resolved, That there be printed in pamphlet form for the use of the Senate 500 copies of the standing rules of the Senate, together with the rules for the regulation of the Senate wing of the Capitol building.

That is simply this pamphlet [exhibiting] and the edition is completely exhausted. The calls are very frequent indeed. The cost of it would be less than $500, the matter being all in type now. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. INGALLS. I wish the Senator would enlarge the number. I have frequent applications, not for the Manual, but for the rules of order and regulations concerning the parliamentary proceedings of the Senate, from persons outside, and I think the number could be profitably doubled, if it would not go outside of the limit which is prescribed by the regulations for printing without a reference to the Committee on Printing.

Mr. FRYE. I think if the number was made over 600 it would be obliged to be sent to the committee.

Mr. INGALLS. Make it 600.

Mr. FRYE. I have no objection to making it 600. I think that would come entirely under the rule.

The PRESIDENT *pro tempore*. The resolution will be so modified. The question is on the adoption of the resolution.

The resolution as modified was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia.

The message also announced that the House had passed a joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents; in which it requested the concurrence of the Senate.

NORTHERN CHEYENNE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a communication of 10th instant from the Secretary of the Interior, inclosing a report from the Commissioner of Indian Affairs upon the subject of the condition of the Northern Cheyenne Indians upon the Rosebud and Tongue Rivers, in Montana, the inadequacy of the appropriation made for their support during the current fiscal year, and requesting legislative authority for the use of certain funds indicated, for their relief.

The proposed legislation does not involve any additional appropriation, and the necessity for the authority requested is urgent. I therefore recommend the matter to the early and favorable consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 14, 1885.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senate to the reference of this message of the President. In the absence of any motion it will be referred to the Committee on Appropriations.

The message was ordered to be printed and referred to the Committee on Appropriations.

THE COMMITTEE ON PRINTING.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senate to a discrepancy between the law and the rules of the Senate in respect to the appointment of the Committee on Printing, and will ask the Secretary to read the section of the Revised Statutes upon the subject.

The Chief Clerk read as follows:

SEC. 3756. There shall be a joint committee on public printing, consisting of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated.

The PRESIDENT *pro tempore*. The Chief Clerk will also read the rule of the Senate.

The Chief Clerk read as follows:

RULE XXIV.

APPOINTMENT OF COMMITTEES.

In the appointment of the standing committees the Senate, unless otherwise ordered, shall proceed by ballot to appoint severally the chairman of each committee, and then, by one ballot, the other members necessary to complete the same.

The PRESIDENT *pro tempore*. The Chair is of the opinion that under the rule the Committee on Printing would be legally organized, and that under the express power granted by the Constitution the Senate should have a right to prescribe the mode of organizing its committees; but to avoid a doubt that might arise as to the validity of contracts made under existing law the Chair will appoint the committee under the provisions of law, following the example set by his predecessor in the last Congress. The Chair appoints as members of the committee the Senator from Nebraska [Mr. MANDERSON], the Senator from Connecticut [Mr. HAWLEY], and the Senator from Maryland [Mr. GORMAN], the same members appointed by the Senate.

Mr. HOAR. I shall not interpose an objection if the Chair is following the precedent of the last Congress.

The PRESIDENT *pro tempore*. The Chair is following the precedent adopted by his predecessor.

Mr. HOAR. I wish to say that I think it is very clear no statute can in the least limit or qualify the constitutional power of this body to determine by its rules in what mode its committees and other officers shall be appointed, and that I would be sorry to have the Senate recognize that question as a doubtful one by taking any steps upon any other theory than that of the absolute authority of the Senate over the question; but as the Chair has made that point and I have entered this protest on my own part I shall let it pass.

Mr. EDMUNDS. The same question was presented to the person who occupied the chair at the last Congress, and he thought it wise and safe to adopt the course that the present President of the Senate has done. Agreeing entirely with what the Senator from Massachusetts has said as to the inherent, the inalienable constitutional power of each House of Congress to do its own business in its own way by its own committees of its own appointment, and that no statute of the United States can interfere with that power in the least degree, it still occurred to the President of the Senate in the last Congress, as doubtless it has to the President of the Senate at this session, that it might be competent for Congress in regulating the public printing to say that no money should be paid from the Treasury except under contracts made by the authority and consent of a certain board of persons appointed in a particular way. Therefore, the fear of your predecessor was that there might be a trouble about the accounts for printing passed by a committee not named in the statute, the statutory committee being the one whose certificate was necessary to pass the accounts at the Treasury. That is one thing, and it is open to considerable fair argument, I think, in support of the idea that Congress has the power, in regulating the expenditure of public money and in carrying on the public business, to say that that shall be done under such and such supervision or it shall not be done at all.

While, therefore, the Senate would have a right to have a dozen committees on printing if it wanted them in spite of any statute that said it should not, when it came to the test as to what was the authority for expending certain public money, if the law had said that the authority must be six persons named by the President of the United States, if you please, or by the presiding officers of the two Houses, or whoever, it might be a different question. Owing to that difficulty your predecessor thought it fit to do what I think you have rightfully done to guard against any difficulty.

PRESIDENTIAL SUCCESSION.

The PRESIDENT *pro tempore*. The Calendar is now in order, and the first bill on the Calendar will be reported.

The CHIEF CLERK. A bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. If there be no amendment offered the bill will be reported to the Senate.

The bill was reported to the Senate without amendment.

Mr. MAXEY. Mr. President, in the fall of 1881 my attention was very forcibly called to the subject under discussion owing to the assassination of President Garfield, which found the country without a President of the Senate or a Speaker of the House of Representatives. I had not believed that the President of the Senate or the Speaker of the House was such an officer as the Constitution contemplated. While at home during the vacation I made a very thorough investigation of the question and became fully satisfied that neither the President *pro tempore* of the Senate nor the Speaker of the House was eligible under the Constitution to act as provisional successor. Reaching here, I had the honor of introducing the following resolution on the second day of the session, December 6, 1881:

Resolved, That the Committee on the Judiciary be, and is hereby, instructed to inquire what legislation, if any, is necessary to carry into effect the provision of the Constitution in case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, as well as the provision in case of the removal, death, resignation, or inability of both the President and Vice-President; and said committee will report by bill or otherwise.

It will be observed that the only substantial difference between this resolution and that offered the same day by the Senator from Kentucky [Mr. BECK] is that mine leaves off the preamble, which I considered unnecessary. Both, however, have the same end in view.

Both resolutions were referred to the Committee on the Judiciary. The verbiage of the resolution of the Senator from Kentucky was exactly that of the resolution which passed the Senate on the 26th of June, 1856, and which was referred to the Committee on the Judiciary, and a very able report from that committee was presented to the Senate through Mr. Butler, of South Carolina. That committee drew certain conclusions as to the law as it now stands, being the act of 1792, conferring the office, upon the death, resignation, removal, or inability of both President and Vice-President, first upon the President of the Senate, and second upon the Speaker of the House, and contrasted it with the proposition to devolve the office on the Chief-Justice, and also with the proposition to devolve it on the Secretary of State. Able as the report undoubtedly is, I am unable to agree with its reasoning or conclusions.

The subject of devolving the office upon the Cabinet was discussed by them, and the objection so happily covered by the pending bill was presented in that report, namely, that there might be a Cabinet officer who did not possess the constitutional qualifications for President, that is

to say, he might be under the age of thirty-five years, or he might not be a native citizen of the United States. That was discussed. In fact there has been one Cabinet officer (Mr. Schurz), not a native of the United States, since I have been in the Senate. Their conclusion was that the office might properly, in the case mentioned, go to the Chief-Justice. I differ widely.

The resolution of the Senator from Kentucky and that of myself, to which I refer, were presented, as I have stated, on the 6th of December, 1881. On the 8th of December, two days thereafter, Mr. Garland, of Arkansas, introduced a bill to remedy the existing evil. The theory of the bill of the then Senator from Arkansas was precisely that of the bill under consideration, but devolved the office, in the contingency of the death, resignation, removal, or inability of both President and Vice-President, first upon the Secretary of State and next upon the Secretary of the Treasury, and I believe the bill stopped at that point, as that distinguished Senator and able lawyer evidently thought that ample provision was made by the designation of the two chief officers of the Cabinet.

Mr. HOAR. If the Senator from Texas will allow me, I will state that the substance of the pending bill was stated to the House of Representatives, I believe in the Congress between 1873 and 1875, in a speech there by a Representative from Massachusetts who is a near relative of mine and was formerly Attorney-General in Mr. Grant's Cabinet. That I may not appear to shine in borrowed plumes at all, I will state that the idea of this measure I got from that speech of my brother.

Mr. MAXEY. I surely do not endeavor to cast reflection upon anybody, but my purpose is simply to give a true history of what occurred in the Senate. I was not aware of what had occurred in the other House, as stated by the Senator from Massachusetts.

The first bill offered by the Senator from Massachusetts was during the Forty-seventh Congress, first session, and was reported June 19, 1882. He offered a like bill (that Congress having failed to enact a law) on December 4, 1883, Forty-eighth Congress, first session, and at the present Congress, on the 8th of this month, the same bill with some slight amendments not of importance.

So far as I have investigated, no steps had been taken in the Senate on this all-important subject since the passage of the Crittenden resolution, before referred to, in June, 1856, until the introduction of the resolutions of the Senator from Kentucky and myself on the 6th of December, 1881, suggesting no plan, but seeking a plan from the Committee on the Judiciary, followed promptly, as I have stated, on the 8th of December, 1881, by the bill of Mr. Garland, framed on the same theory as that now under consideration.

Now, I desire to state that the investigation I made of this subject satisfied me that the clause of the Constitution of the United States which declares that in the event I have mentioned the Congress shall designate by law the officer who shall discharge the duties of President until an election can be had means an officer of the United States. That the President of the Senate is not an officer of the United States was distinctly settled in the Blount case, and for the same reason the Speaker of the House is not an officer of the United States. Therefore the designation of these officers is not a compliance with that provision of the Constitution. Senator Blount was impeached by the House of Representatives. The case came to the Senate, I believe in the year 1797—at all events in one of the last years of the last century—and a plea to the jurisdiction was filed by him here, in which he said in substance that the clause that the President and Vice-President and all civil officers of the United States shall be liable to impeachment did not apply to him, because he was not the President, the Vice-President, or a civil officer of the United States; that he held his commission from the State of Tennessee and not from the United States, and in no sense was an officer of the United States. That plea to the jurisdiction was sustained, and the articles of impeachment went out. That was a conclusive settlement of the question that a Senator is not an officer of the United States, and for a like reason the Speaker of the House is not an officer of the United States, but an officer commissioned by the governor of his State, holding his election from a district of his State. That was the view I had on that subject, and it is proper to observe that the decision in the Blount case nearly ninety years ago has never been overturned; and it is also entirely plain from the Constitution itself, which prohibits an officer of the United States from being a member of either House.

Now, in reference to the designation of the Chief-Justice, as well as President *pro tempore* of the Senate, as indicated by the report of the Judiciary Committee in 1856, I call attention to Mr. Madison's view in the debate in the First Congress of the United States, as shown in the Annals of Congress, page 855; and if there is any higher authority than Mr. Madison on a question like this I do not know it:

Mr. Madison objected to the Chief-Justice, as it would be blending the judiciary and the executive. He objected to the President *pro tempore* of the Senate. He will be a Senator of some particular State, liable to be instructed by the State, and will still hold his office; thus he will hold two offices at once.

Mr. Smith states a variety of objections to Mr. Livermore's proposition. He thought it unconstitutional, as it would, in its operation, deprive a State of a vote in the Senate.

The presentation of these suggestions of Mr. Madison and Mr. Smith came about because the House of Representatives, in the bill which ultimately became the law of 1792, favored the designation of the Secretary of State as the officer to succeed in the event of the death, &c., of both the President and Vice-President. The Senate was in favor of the President *pro tempore* of the Senate and Speaker of the House. It is historically known that at that time the House was in favor of and in sympathy with the policy of Mr. Jefferson, who was then Secretary of State. It is also true that the Senate was not in sympathy with the politics of Mr. Jefferson, and refused to accept the designation of the Secretary of State, and insisted on the President *pro tempore* of the Senate and the Speaker of the House, and the matter was finally settled in conference, and the law passed as we have it.

It has been said on the floor of the Senate that we should pay great deference to the law of 1792 as it stands, because it has been on the statute-book for more than ninety years and was sanctified by time. Mr. President, there has never been an occasion in the history of this country, happily, where there was any need to call into exercise that act of Congress, and while we have had four Presidents to die in office (President Harrison, President Taylor, President Lincoln, and President Garfield), and while we have had five Vice-Presidents die in office (Vice-Presidents Clinton of New York, Gerry of Massachusetts, King of Alabama, Wilson of Massachusetts, and Hendricks of Indiana), and in addition to these five deaths we have had one vacancy occasioned by resignation, that of Mr. Calhoun, who resigned as Vice-President during the first Adminstration of General Jackson, yet it has most fortunately and happily for the country happened that the President and Vice-President did not both die during one Presidential term. Therefore there has been no occasion for calling into exercise the act of 1792.

But as to the sanctity of that act, it vanishes in the light of history. It is of record from the pen of Alexander Hamilton himself, in his letter to Colonel Carrington, which I placed on record in January, 1883, that he was one of the men who prevented the Secretary of State (then Mr. Jefferson) being named as the provisional successor, and for the assigned reason that Mr. Jefferson had thrown his influence against him on every occasion, and this was a fair opportunity to practice the doctrine of *lex talionis*. Those were not his words, but that was the substance.

In a letter which was addressed by Mr. Madison to Edmund Pendleton, then governor of Virginia, dated February 21, 1792, pending the bill which became the act of 1792, Mr. Madison, then being a member of Congress, wrote as follows:

The bill concerning the election of a President and Vice-President, and the eventual successor to both, which has long been depending, has finally got through the two Houses. It was made a question whether the number of electors ought to correspond with the new apportionment or the existing House of Representatives. The text of the Constitution was not decisive, and the Northern interest was strongly in favor of the latter interpretation. The intrinsic rectitude, however, of the former turned the decision in both Houses in favor of the Southern. On another point the bill certainly errs. It provides that in case of a double vacancy the executive powers shall devolve on the President *pro tempore* of the Senate, and he failing, on the Speaker of the House of Representatives. The objections to this arrangement are various:

1. It may be questioned whether these are officers in the constitutional sense.
2. If officers, whether both could be introduced.
3. As they are created by the Constitution, they would probably have been there designated if contemplated for such a service, instead of being left to the legislative selection.
4. Either they will retain their *legislative* stations, and then incompatible functions will be blended; or the incompatibility will supersede those stations, and then, those being the substratum of the adventitious functions, these must fail also. The Constitution says, Congress must declare *what officers*, &c., which seems to make it not an appointment or a translation, but an annexation of one office or trust to another office. The House of Representatives proposed to substitute the Secretary of State, but the Senate disagreed, and there being much delicacy in the matter it was not pressed by the former.—*Writings of James Madison*, volume 1, 1769 to 1793, pages 548 and 549.

The letter to which I referred, of Alexander Hamilton to Colonel Carrington, which is dated on the 26th of May, 1792, may be found in Hamilton's History of the Republic of the United States, volume 4, page 536. He there said:

You know how much it was a point to establish the Secretary of State as the officer who was to administer the Government in defect of the President and Vice-President. Here I acknowledge, though I took far less part than was supposed, I ran counter to Mr. Jefferson's wishes; but if I had had no other reason for it, I had already experienced opposition from him, which rendered it a measure of *self-defense*.

The letter of Fisher Ames, in which he gave the same account of it as Hamilton, and in which he stated that the Senate had stricken out the Secretary of State because they were determined that he should not be "king of the Romans," is found in Mr. Ames's works, volume 1, pages 113, 114, as follows:

The Secretary of State is struck out of the bill for the future Presidency, in case of the two first offices becoming vacant. His friends seemed to think it important to hold him up as king of the Romans. The firmness of the Senate kept him out.

In "The Life and Times of Madison" the same letter of Alexander Hamilton is referred to, and what was said about it may be found on page 223, as follows:

That this decision proceeded mainly, if not exclusively, from feelings of personal and political enmity to the gentleman who then filled the office of Secretary of State, and the jealousy entertained of him by the friends and partisans of the Secretary of the Treasury, is rendered apparent by the surviving memorials of the time. Colonel Hamilton himself, in a letter to a friend of his, of nearly contemporaneous date with the transaction, acknowledged that he used

his influence, from motives of personal and political opposition to Mr. Jefferson, to defeat the amendment of the House.

All these historical facts go to show that the act of 1792 was not the deliberate judgment of Congress looking alone to what was best, but that there was a fierce war going on between Alexander Hamilton, the leader of the Federal party, then Secretary of the Treasury, and Thomas Jefferson, Secretary of State, and that this act was the result of the controversy. Hence with me it has no sanctity whatever.

I therefore look upon the question as presented fairly and squarely by the bill under consideration. Shall the provisional successor be taken from the line of the Cabinet or shall he be the President *pro tempore* of the Senate, and, if none, the Speaker of the House? The inefficiency of the present law we have found twice within a little over four years. When President Garfield was assassinated there was no President *pro tempore* of the Senate; there was no Speaker of the House; and when Mr. Hendricks died a few days ago there was no President *pro tempore* of the Senate, there was no Speaker of the House. As I have stated, there have been four occasions of death of President and five of Vice-President and one vacancy by resignation. It has *happened*—that is the proper word—that the death of both President and Vice-President did not occur in the same Administration, but that was a mere fortuitous circumstance. Suppose that the President and Vice-President in the cases mentioned had both died during the same Administration, and without, as in the last two cases, any President *pro tempore* of the Senate or Speaker of the House, the country would have been without anybody entitled by law to take the position of President.

While I do not believe that anarchy would have ensued, yet it is infinitely better never to put any strain unwarranted by the Constitution or law upon the institutions of our country.

It has been said that the President of the Senate and the Speaker of the House should be selected because they come from the people; that the Secretary of State and the Secretary of the Treasury, and so on, should not be because they do not. The President of the Senate does not come by election from the people of the United States. I have shown that he is not an officer of the United States. He comes from his State and holds his commission from his State, and the influences, whatever they may be, brought to bear upon the action of a Senator in this body are brought by the people of his State. The Speaker of the House is not an officer of the United States, does not come from the United States by election of the people of the United States, but from the election of one of the districts in his State. The Secretary of State is an officer of the United States beyond all possible question. He is appointed by authority of the Constitution of the United States; he holds his commission by and with the advice and consent of the Senate of the United States, and he is selected by the President, whatever may be the policy of the President, because he is in accord with the policy which the President proposes to pursue in his Administration. So that whether the President be a Republican or a Democrat, whatever he may be, it is carrying out the will of the people as nearly as it is possible for us to do should the unfortunate occurrence come about that we have no President or Vice-President when we place in his stead a man whose politics are in accord with those of the people as indicated by their election of President and Vice-President. Therefore, in my judgment, not only because these are officers of the United States, but because they are the proper officers, I believe that the provisional successor should come from that line.

It has been suggested in the report of 1856 referred to that the Chief-Justice should be the provisional successor. Mr. President, the greatest calamity that ever befell the Supreme Court, in my judgment, was when a portion of its members were taken out of their proper functions as judges and placed upon the Electoral Commission. More stain was brought upon this high court by that among the American people than ever was brought by all other causes put together. Not that I say or intimate that the judgment of those five men was unconscientious, but it so happened that their judgment was in strict accord with their party affiliations. I want to keep that court absolutely unspotted and pure from any connection with the political or executive department of this Government, and to confine them exclusively to the judicial department.

As I mentioned a moment ago, this bill contains a clause which removes one material objection to the former bill. It makes the provision that the Secretary of State and the Secretary of the Treasury, and so on, shall have the qualifications necessary for President of the United States. That removes a serious objection; and while the line may be unnecessarily long, going through the entire list of the Cabinet, still that does no harm. It makes it next to impossible that the wheels of this Government can constitutionally stop for one instant; so that, although the President and the Vice-President may both die, the Secretary of State, the Secretary of the Treasury, and so on, still the wheels of Government shall be kept in motion so long as one of the Cabinet survives. The bill, in my judgment, is wise and proper, and provides, as far as human foresight can provide, against any probable contingency.

But one question further do I care to discuss, and that is only for a moment. Shall the provisional successor, whoever he may be, hold until the next quadrennial election? I admit that the question is one of great doubt and difficulty. I have examined that point in all the lights that I can. The Constitution simply says that Congress shall designate the officer who shall hold until the disability is removed or an election shall be had. That is all the light we get from the Constitution. It does not say when the election shall be had. But while there is great doubt in the minds of many enlightened lawyers and statesmen in regard to the matter, the solution of that doubt by Congress will be accepted by all as a final settlement of the question. The weight of authority, in my judgment, leads to the conclusion that it was the design and intent of the framers of our Constitution that we should have only quadrennial elections, and so I believe; that the elections should take place every four years; and if it was designed by the Constitution, as provided by the act of 1792, that this provisional successor should hold until such election can be had as is named in that act, it would break the entire line of our Presidential succession; it would change the organization of every branch of the Government at unexpected times; everything would be turned topsy-turvy. I do not think that was designed or intended.

It has been suggested in the report of 1856 before referred to that the Cabinet officers might not be proper, because it might be argued that their commissions expire with the term of the President appointing them. I can not think so. A Cabinet officer is commissioned and his commission holds until his successor is duly qualified, and he remains an officer of the United States until thus superseded precisely like all others thus appointed. And on that point I am glad to say that my distinguished friend, a great lawyer, the Senator from New York [Mr. EVARTS], coincides with that view, as I notice that he nods assent to the position. So you have absolutely and conclusively a provision to meet public expectation by curing a defect, and, in my judgment, a wise provision, and in the right line, in the line of the political departments of the Government as intrusted to the Executive by the people.

Mr. President, I have heretofore elaborated many of the propositions which I have briefly suggested to-day in the remarks I made on the 14th of December, 1881, and on the 5th of January, 1883, reported in the RECORD of the next day in each case. I have only on this occasion deemed it proper to state historically the course of this bill so far as it has come under my observation since I have been a member of the Senate and so far as the records of the Senate show, including the report of the Committee on the Judiciary in August, 1856, by Mr. Butler, and to summarize briefly the leading points material to be discussed.

In my judgment we will signally fail to meet the just expectations of the people in providing against a great evil which, as the law stands, may befall our country at any time when Congress is not in session.

Mr. BECK. Mr. President, I do not propose to make a speech on this bill, but as the Senator from Texas has alluded to the fact that at an early day in December, 1881—I believe on the second day of the session—I introduced a resolution looking to a thorough investigation of this question—I desire now only to say that, having preserved a number of copies of the debate at that time, including the speeches of myself, the Senator from Texas [Mr. MAXEY], the Senator from Rhode Island [Mr. Anthony], the Senator from Arkansas [Mr. Garland], and the Senator from Florida [Mr. JONES], which were bound together in one pamphlet, I have caused copies of them to be laid on the desk of every Senator this morning, so that each can look at them for himself.

I wish also to add that the most valuable part of the contribution to that debate, so far as I was concerned, consisted of a very elaborate and able paper furnished me by the very accomplished Reporter of the Senate [Mr. Murphy], which contains the whole history of the difficulties attending the Presidential succession law as it now stands—a paper prepared with absolute impartiality and with great ability. As this bill will go to the House of Representatives, if we pass it, and as many of the gentlemen who have to consider it there may not have access to Mr. Murphy's paper, I should be very glad if the Senate would allow me to have it published in the RECORD as part of my remarks. I do not care to take time to read it. If there is no objection I will consider that leave as granted.

Mr. HOAR. Will the Senator state what that paper is? There is no objection, of course; but we did not hear his statement of the paper.

Mr. BECK. The paper prepared by Mr. Murphy in reply to a note addressed by me to him on the 6th of July, 1881, four days after President Garfield was shot, in which he reviewed the whole matter now under consideration very carefully and very elaborately. I think it will be well to publish it in the RECORD, so that gentlemen of the other House may have a chance to look at it.

The PRESIDING OFFICER (Mr. BROWN in the chair). The Chair hears no objection.

Mr. BECK. I will therefore hand the correspondence to the Reporter for publication in the RECORD.

The PRESIDING OFFICER. The paper will be so published.

The correspondence is as follows:

LETTER OF SENATOR BECK.

UNITED STATES SENATE, *Washington, July* 6, 1881.

DEAR SIR: The attempted assassination of the President will require a careful examination by Congress of the constitutional and legal provisions relative to vacancies in that high office. I submitted to you on yesterday the remarks

of Mr. Crittenden in 1856, with a few suggestions of my own, before mailing them to the Louisville Courier-Journal. Knowing how thoroughly you understand and how keenly you appreciate the importance of this question, I hope you will give me your views in regard to the subject at your earliest convenience, and oblige,

Yours, truly,

J. B. BECK.

D. F. MURPHY, Esq.

REPLY OF MR. MURPHY.

WASHINGTON, *July* 14, 1881.

DEAR SIR: Your note of the 6th instant was duly received, and I proceed to reply as soon as a reference to the authorities of which I spoke to you in our conversation has enabled me to verify my recollection of the historic facts which I verbally stated to you.

The only constitutional provision on the subject to which my attention is invited is found in Article II, section 1, clause 5. That clause provides for the devolution of the powers and duties of the President upon the Vice-President in the event of the removal from office, death, resignation, or inability of the President, and proceeds to declare:

"And the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring *what officer shall then act as President*, and *such officer shall act accordingly*, until the disability be removed, or a President shall be elected."

The history of the insertion of this clause may be briefly stated:

The Federal Convention, after discussion, gave expression to its views of the principles on which the new government of the Union should be formed by a series of resolutions, which on the 26th of July, 1787, were referred to a committee of detail to formulate in the form of a draught of a constitution. The committee of detail reported a draught on the 6th of August, 1787. This report provided for the executive power being vested in a President and for his removal by impeachment, and then proceeded to declare:

"In case of his removal, as aforesaid, death, resignation, or disability to discharge the powers and duties of his office, the President of the Senate shall exercise those powers and duties until another President of the United States be chosen, or until the disability of the President be removed."

When this report was made no provision had been made for a Vice-President, nor does a proposition for such an officer appear to have been broached. When this clause came up for consideration, on the 27th of August, Mr. Madison records the proceedings as follows:

"The clause for removing the President on impeachment by the House of Representatives and conviction in the Supreme Court of treason, bribery, or corruption, was postponed, *nem. con.*, at the instance of Mr. Gouverneur Morris, who thought the tribunal an improper one, particularly if the first judge was to be of the privy council.

"Mr. Gouverneur Morris objected also to the President of the Senate being provisional successor to the President, and suggested a designation of the Chief-Justice.

"Mr. Madison adds, as a ground of objection, that the Senate might retard the appointment of a President, in order to carry points while the revisionary power was in the president of their own body; but suggested that the executive powers during a vacancy be administered by the persons composing the council to the President.

"Mr. Williamson suggested that the Legislature ought to have power to provide for occasional successors, and moved that the last clause of Article X, section 2, relating to a provisional successor to the President, be postponed.

"Mr. Dickinson seconded the postponement, remarking that it was too vague. What is the extent of the term 'disability,' and who is to be the judge of it?

"The postponement was agreed to, *nem. con.*"—*The Madison Papers*, volume 5 of Elliott's Debates, pages 480 and 481.

Several other clauses of the article relative to the Executive were postponed, and finally the postponed clauses were on the 31st of August referred to a committee of eleven. This committee, on the 4th of September, made a report, in which the Vice-President first appeared, and it also provided for his assuming the powers and duties of the President in the event of his removal, death, absence, resignation or inability, but made no provision for the event of a vacancy in both offices. After this report was agreed to the omission just referred to was supplied on the 7th of September upon the motion of Mr. Randolph. The proceedings on that point are thus recorded by Mr. Madison:

"Mr. Randolph moved to insert in the first section of the report made yesterday the following:

"'The Legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or disability of the President and Vice-President, and such officer shall act accordingly until the time of electing a President shall arrive.'

"Mr. Madison observed that this, as worded, would prevent a supply of the vacancy by an intermediate election of the President, and moved to substitute 'until such disability be removed or a President shall be elected.'

"Mr. Gouverneur Morris seconded the motion; which was agreed to.

"It seemed to be an objection to the provision, with some, that, according to the process established for choosing the Executive, there would be difficulty in effecting it at other than the fixed periods; with others, that the Legislature was restrained in the temporary appointment to '*officers*' of the *United States*. They wished it to be at liberty to appoint others than such.

"On the motion of Mr. Randolph, as amended, it passed in the affirmative."—*The Madison Papers*, volume 5 of Elliott's Debates, pages 520 and 521.

This amendment, after undergoing the scrutiny of the committee on revision and style, is substantially the provision already quoted as contained in the Constitution.

In the First Congress an attempt was made in the House of Representatives to execute the power thus conferred. On the 20th of December, 1790, "Mr. Benson, from the committee appointed for the purpose, presented a bill declaring the officer who, in case of vacancies both of the offices of President and Vice-President of the United States, shall act as President," and the bill came up for discussion on the 10th of January, 1791. The committee's bill as reported left a blank for the name of the officer to be designated. A motion was made to fill the blank with "the Secretary of State." Suggestions were made for filling it with "the Secretary of the Treasury," with "the Chief-Justice," with "the President *pro tempore* of the Senate," and with "the Speaker of the House;" but, after considerable discussion, no conclusion was reached, and an adjournment was had without any result. The debate was resumed on the 13th of January, when the same contrariety of opinion was manifested, and finally, several members suggesting that there was no necessity for immediate action, the subject was postponed and was not resumed during that Congress.

When the Second Congress met, October 24, 1791, it was important to make early provision relative to the choice of electors who were to make the second election of President during the ensuing year, and early in the session the Senate appointed a committee "to report a bill determining the time of choosing the electors of President and Vice-President and the day on which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of Government." This committee reported a bill on the 15th of November, and on the 23d of that month the bill, being under consideration, was recommitted, and the committee "instructed to report a clause making provision for the administration of government in case of vacancies in the offices of President and Vice-President." The bill was reported again on the 28th of November with amendments, which were agreed to, and the bill ordered to a third reading. On the 30th of November it was read the third time and passed, with the ninth and tenth sections substantially as they now appear in the act of March 1, 1792. As at that time the Senate sat with closed doors, there is no record of the reasons which induced it to provide in the ninth section of this bill for the President of the Senate *pro tempore*, or, in case there should be none, the Speaker of the House of Representatives, acting as President in the event of the removal, death, resignation, or inability both of the President and Vice-President of the United States, nor is there any record of the reasons why this subject should have been joined in the same bill with the provisions relative to the choice of electors and the mode of casting and counting their votes.

The bill was received by the House of Representatives on the 30th of November, 1791, was read the first time on the 1st of December, and on the 21st of December the House in Committee of the Whole proceeded to consider it. A motion was made to strike out the ninth section upon the ground that it was not germane to the main purpose of the bill. This motion being negatived, it was then moved to strike out the words "the President of the Senate *pro tempore*, and in case there should be no President of the Senate, then the Speaker of the House of Representatives for the time being," and the question of the competency of these officials for the position was discussed; but the account of the discussion in the Annals of Congress is quite meager and unsatisfactory. On the 2d of January, 1792, the Committee of the Whole voted upon the question, and the motion to strike out was negatived. Amendments having been made to the prior clauses of the bill, it was reported to the House, and the motion to strike out the ninth section being renewed, the question was divided. On the motion to strike out "the President of the Senate *pro tempore*" the vote was yeas 24, nays 27. Among the yeas were three members who had been delegates to the constitutional convention, viz: Messrs. Baldwin, Fitzsimons, and Madison, while in the negative was the name of but one member who had served in the constitutional convention, Mr. Gilman. Then the question being put on striking out the words "and in case there should be no President of the Senate then the Speaker of the House of Representatives for the time being" the vote was yeas 26, nays 25. The record adds: "The bill was then laid on the table." It is evident that these votes had placed the bill in a very unsatisfactory condition. It was taken from the table on the 6th of January and recommitted to a Committee of the Whole House. Its consideration was resumed on the 9th of February, when the ninth section was stricken out, and on the following day the blank thus made in the bill was filled by a provision in these words:

"*And be it further enacted*, That in case of removal, death, resignation or inability, both of the President and Vice-President of the United States, the Secretary of State, for the time being, shall act as President of the United States until the disability be removed or a President shall be elected."

When the bill was reported from the Committee of the Whole the amendment striking out the ninth section of the Senate bill was concurred in by a vote of 32 yeas to 22 nays, and in the affirmative are recorded the names of four members who had been in the constitutional convention, while in the negative is not the name of a single member who had served in that body. The amendment substituting for this section the provision designating "the Secretary of State" was then agreed to without a division. On the 14th of February the bill was further considered, but no allusion seems then to have been made to this portion of it, and on the 15th of February it was passed by the House with amendments.

On the return of the bill to the Senate the amendments of the House were all agreed to on the 20th of February, 1792, with the exception of that to the ninth section, designating who should act as President in the event of a vacancy in the offices of both President and Vice-President, and to this amendment the Senate disagreed.

The difference between the two Houses was thus narrowed down to this single question, and the bill being returned to the House of Representatives, a motion was made on the 21st of February that the House recede from its amendment, and this motion was agreed to by a vote of yeas 31, nays 24. Among those who voted for receding were two members who had been in the constitutional convention, the name of one of whom, Mr. Dayton, does not appear in the previous votes on this question, the other being Mr. Fitzsimons, who had previously voted with Mr. Baldwin, Mr. Gilman, and Mr. Madison, which latter three still adhered to their position.

The report of the debates on this bill is so brief and unsatisfactory as to leave much room for surmise as to the motives which actuated members. A reference, however, to the current history of that day proves that many men were actuated more by their feelings in regard to the particular persons occupying the stations whose occupants were named to fill a possible vacancy in the Presidency than by the mere consideration of the stations themselves. Perhaps this is well illustrated by a few extracts from the writings of one of the most prominent leaders of the Federal party at that day in Congress. Soon after the debate in the First Congress, above referred to, Mr. Ames, in a letter to Thomas Dwight, under date of January 24, 1791, having spoken of various measures pending in Congress, proceeded to say:

"On a late debate on the bill to provide what officer shall act as President when the two first offices shall be vacant the ambition of Mr. Jefferson's friends was disclosed. They contended for him with zeal. That will have its share in the business of the session. All this is *inter nos*."—*Life and Works of Fisher Ames*, Little, Brown & Co.'s edition of 1854, volume 1, page 93.

And again, after the bill pending in the Second Congress had been disposed of by the two Houses, in a letter to Thomas Dwight, dated February 23, 1792, Mr. Ames said:

"The Secretary of State is struck out of the bill for the future Presidency in case of the two first offices becoming vacant. His friends seemed to think it important to hold him up as king of the Romans. The firmness of the Senate kept him out."—*Ibid.*, page 114.

The bill, having been agreed to by both Houses, became a law by the signature of President Washington on the 1st day of March, 1792, and has since remained on the statute-book entirely unaltered, except temporarily in 1877, as to some of the electoral provisions, but in the respect now under consideration it has never been changed in any particular. Its provisions are now embodied in Title III of the Revised Statutes, and the particular sections of that title which embrace the ninth and tenth sections of the act of March 1, 1792, are sections 146, 147, 148, and 149. Section 146 provides:

"In case of removal, death, resignation, or inability, of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives for the time being, shall act as President until the disability is removed or a President elected."

Here, in passing, I must notice the fact that the revisers of the statutes, in embodying the act of 1792 in their revision, designate the presiding officer chosen by the Senate as "the President of the Senate," omitting the words "*pro tempore*," which are used in the act of 1792, following the Constitution. Brevity in the use of language is commendable in the draughtsman of a statute, but it should never be carried so far as to cause obscurity of meaning. As the Vice-President of the United States is made by the Constitution "President of the Senate," and it is only in his absence or when he exercises the office of President of the United States that the Senate is empowered to choose a President *pro tempore* for itself, I submit that where the law intends to refer to the latter it should employ the proper constitutional designation. If the object of the revisers was to exclude unnecessary verbiage, it is difficult to see why, having stricken "*pro tempore*" from the title of the presiding officer chosen by the Senate, they should

retain the words "for the time being" after "the Speaker of the House of Representatives."

The first question which suggests itself in the consideration of this enactment is, whether the President of the Senate *pro tempore* or the Speaker of the House of Representatives is such an *officer* as, within the contemplation of the Constitution, can be designated to act as President of the United States in the contingency provided for. I do not venture to suggest any doubt of my own in this respect, but merely to bring to your notice the fact that grave doubt may exist upon this point, and on a question of such vital importance to the peace of the country as the succession to the Presidential office it is dangerous even to leave room for doubt. From Mr. Madison's record of the insertion of the clause in the Constitution, it is evident that the convention regarded the word "officer," as there used, as meaning "officer of the United States," and in the debates in the First and Second Congresses, before referred to, it seems to have been almost universally taken for granted that this was the meaning of the clause. Many of eminence and distinction then contended that no member of the Senate or House of Representatives, even though occupying the chair by the choice of either House, was or could be an "officer of the United States" within the meaning of the Constitution. These debates occurred in 1791 and 1792. A few years thereafter, in 1798, the House of Representatives exhibited articles of impeachment against William Blount, who had been a Senator from Tennessee. Mr. Blount presented by demurrer the point that a Senator was not a civil officer of the United States, and the Senate, sitting as a court of impeachment, negatived resolutions declaring that a Senator was a civil officer of the United States, and therefore liable to impeachment. This has ever since been considered a decision that a Senator was not a civil officer within the impeaching power of the Constitution, and I presume the same reasoning would apply to a Representative. The language of the Constitution (Article II, section 4) is:

"The President, Vice-President, *and all civil officers* of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors."

If a Senator or Representative is not "a civil officer of the United States" within the impeaching clause of the Constitution, how can he be an "officer of the United States" capable of being designated to perform the functions of acting President of the United States in any contingency?

But suppose no constitutional question could be raised upon this enactment, are there not practical difficulties in the way of its execution if the occasion should ever arise for putting it in force? In the first place, of the two functionaries designated, one, the Speaker of the House of Representatives, ordinarily has no official existence for at least nine months of every alternate year, and the other, the President *pro tempore* of the Senate, may have no official existence at the same time, so that the law may be practically inoperative. This is the case at the present time, and it was the case during the recess of the Senate from March 17 to October 15, 1877. It was also the case from March to December, 1845. On these three occasions there were recesses of the Senate without a President *pro tempore*, the Vice-President not having vacated the chair prior to the adjournment to enable one to be elected. I believe these are the only instances of the kind since the passage of the act of 1792.

Prior to the election of Mr. Cobb to the Speakership of the House there had been no Speaker for nearly ten months, and prior to the election of Messrs. Banks and Pennington, respectively, there had been no Speaker for the period of eleven months. As to the President *pro tempore* of the Senate, his election, when there is a Vice-President, can take place only in one contingency, specifically defined by the Constitution, viz, "in the absence of the Vice-President, or when he shall exercise the office of President of the United States;" and the uniform construction has been that when the Vice-President appears again and resumes the chair after such "absence" the President *pro tempore* is *functus officio*, and none can exist until the Vice-President again retires and the Senate again elects a President *pro tempore*.

As I have stated, on the present occasion there is neither President *pro tempore* of the Senate nor Speaker of the House of Representatives; and in the present division of both Houses he would be a wise man who should venture to predict when such an officer will be chosen by either House.

But there seem to be other practical difficulties in the way of either of these functionaries ever acting as President, if the contingency calling for an acting President should in the course of events arise. It will be noticed that the power of Congress to provide for such a case is a power to designate an officer already existing. He is therefore selected, as the lawyers say, *virtute officii*. It would seem, therefore, that he must continue to hold the office, the possession of which qualifies him for designation as acting President; otherwise he would lose capacity so to act. The practical effect would be that the President *pro tempore* of the Senate, if designated as acting President, would still retain his position as Senator and as presiding officer of the Senate, and thus, on the passage of any proposed law, he would have a vote as Senator; when it had passed both Houses he would attest the enrolled bill by his signature as President *pro tempore* of the Senate, and then this enrolled bill would be submitted to him for his approval or disapproval as acting President of the United States. The same remark would be true if the Speaker of the House of Representatives were called upon to act. Could such a result have been anticipated by the framers of the Constitution, who were so careful to define the lines of demarkation between the legislative and the executive powers and their respective possessors?

The Senate, after much debate, on the 13th of January, 1876, passed a resolution declaring "That the office of President *pro tempore* of the Senate is held at the pleasure of the Senate;" and thus the President *pro tempore* of the Senate may be changed daily or hourly, at the pleasure of the body over which he presides. If he should be called upon to perform the duties of acting President of the United States still remaining President *pro tempore* of the Senate, would not its power to change him continue? Could not the Senate thus secure a daily rotation in the administration of the executive office by changing its President *pro tempore* every day; thus, perhaps, affording to each of its members an opportunity to be acting President of the United States? Or, if between the deposition of one President *pro tempore* and the election of another there should be an appreciable instant of time, might not the Speaker of the House of Representatives claim that the time had come for him to exercise the functions of acting President of the United States? Would there not thus be an opportunity for complications and disputes which the peace of the country forbids the incitement of?

Again, the vacancy might happen on the 1st of March, when the Senatorial term of the then President *pro tempore* might expire on the 3d of that month, as that of the Speaker of the House of Representatives necessarily would. In such a case there would be no provision for the period following the 3d of March.

What would be the term of the officer designated to act as President in the contingency specified? The Constitution answers, "Until the disability be removed or a President shall be elected." In the case of a temporary disability the provision is clear enough; but in case of the removal, death, or resignation of both President and Vice-President the officer designated then to act as President is to so act "until * * * a President shall be elected." These words do not, of themselves, necessarily indicate whether the election of President here referred to is to be at the regular quadrennial period or a special election is to be held; but I am inclined to think, from the change made in the language of the text of the original clause on the motion of Mr. Madison and from his remarks in the Virginia convention (2 Elliott's Debates, page 468), that the purpose was that the election of another President should immediately take place, and this was evidently the view of the framers of the act of 1792. Accordingly, sections 146, 147, and 148 of the Revised Statutes provide for an election of President by the electors on the first Wednesday in December following a vacancy in the offices of President and Vice-President, provided there be the space of two months between the date of notification which the Secretary of State is required to give and the first Wednesday in December.

When the Vice-President succeeds to the Presidential office, his term is expressly defined to be the remainder of the period for which the President was elected. Title III of the Revised Statutes seems to proceed upon the assumption that the regular quadrennial elections of President are to be held notwithstanding an occasion for a special election may intervene. I can find no authority in the Constitution for the election of a President for a less period than four years, and if the occasion for a special election should ever arise, it would, of course, disarrange the machinery of regular quadrennial elections, and this title of the Revised Statutes would need amendment to meet the case.

If such a vacancy should unfortunately arise at the present time, or within two months before the first Wednesday of next December, what would be the practical condition of affairs? An election would be made by the electors in December next, and the President elected would be installed on the 4th of March, next, in the midst of the term of an existing Congress, when no Senatorial or Representative term expires, thus disarranging the symmetry of the machinery of our Government relative to the order and arrangement of legislative and executive terms of office. This is a point which it seems to me requires careful consideration.

I have thus given you the "views" called for in your note of the 6th instant; but I assure you that my purpose has not been to advance any theories or conclusions of my own, rather by some practical considerations to suggest that there is grave necessity for action by Congress upon the question to which you have invited my attention, and it seems to me that I can not more fitly conclude than by using the words which were employed on this very same subject by one of the most illustrious of your own predecessors in the Senate when he said:

"It greatly concerns the peace of the country, and perhaps the very existence of the Government, that the laws enacted by Congress in pursuance of that provision of the Constitution should be so comprehensive as to provide for any vacancy that can possibly occur in the office of President, and so clear as to admit of no controversy nor any question of disputed succession to that high office."

I can not doubt that when the attention of the National Legislature shall be directed to the subject its wisdom and patriotism will soon be able to devise a plan "so comprehensive" and "so clear" as was thus indicated to be desirable by Mr. Crittenden.

I have the honor to be, truly, your friend,

D. F. MURPHY,
Official Reporter United States Senate.

Hon. JAMES B. BECK,
United States Senate.

Mr. BECK. One other word. When that debate was had, having introduced the resolution referred to by the Senator from Texas [Mr. MAXEY] with a preamble in the same language used by Mr. Crittenden, of Kentucky, in 1856, when he had a resolution of the same character referred to the Committee on the Judiciary, and being impressed with the report made by the committee of the Senate at that time through its distinguished chairman, Mr. Butler, of South Carolina, my mind leaned in the direction of that committee's report; but after a thorough investigation of the subject when it came to be debated here on the 9th day of January, 1883, I expressed my conviction that the present bill, based on the bill of the Senator from Arkansas [Mr. Garland], which was introduced by him a day or two after my resolution in 1881, was better and safer than the plan proposed in 1856. Therefore I made a speech giving my adhesion to the present bill, which I believe to be the best I could, after investigation, hope to see passed. This bill was passed by the Senate in that Congress by a vote of 40 to 13 and in the last Congress it was passed by the Senate *nem. con.* I hope it will pass the Senate again.

The Senator from Massachusetts [Mr. HOAR] said yesterday, and it has been repeated to-day by the Senator from Texas [Mr. MAXEY], that great difficulties might have been experienced by the country if both the President and Vice-President had died or been disqualified for office when this Congress met. We are constantly in the face of dangers under the present law. Suppose that contingency had happened. One died; the other might have died. The Senate when it met two weeks ago found itself here with only 35 Republican Senators able to take their seats; 38 is a quorum necessary to do business. The people of the country had placed the executive authority for four years in the hands of the Democratic party. The Republicans did not propose to respect that decision and did not have a quorum of their own members to transact business and elect a President *pro tempore*. The Senator from Illinois [Mr. LOGAN], the Senator from New Hampshire [Mr. BLAIR], and the Senator from Oregon [Mr. MITCHELL], who has not yet arrived, could not aid them. They were powerless to proceed with business of any sort. The question might have been presented at once whether it was the duty of the Democrats in this Chamber to help the Republicans elect a President *pro tempore* of the Senate, who should on his election exercise all the powers of President of the United States, or whether they should stand still and allow the Republicans to remain in their helpless condition and permit the House of Representatives to do as they did, elect Mr. CARLISLE Speaker by 178 votes, 16 more than a constitutional quorum of that House. If he had been once elected Speaker when there was no President of the Senate, a serious question might have arisen under the present law. He might have asserted his right to act as President even after the Senate had obtained a quorum and elected their President *pro tempore* and directed him to act as President of the United States. A serious complication might have arisen. I do not know what would have happened. For one, I would not have aided a minority in the Senate who had no quorum to put a Republican in that place in order to assume the position of President when on the same day a Democratic House of Representatives could elect a Democrat; and I doubt whether any gentleman on this side would. That is one of the difficulties which might have confronted us seriously within the last few days. This bill disposes of all that; and whether it is the

best thing to be done or not, it is so much better than the present condition that I shall vote for it heartily.

Mr. EDMUNDS. Mr. President, I confess I am somewhat surprised at the observations of the distinguished Senator from Kentucky [Mr. BECK] on the question of whether it might or might not have been the duty of the Democratic minority in this Senate to absent themselves and prevent the organization of this body until the co-ordinate branch of the Legislature had been organized and elected a Speaker, and then raised the question whether the President of the Senate, if we ever got one, or the Speaker of the House should be entitled to administer the Government for the forty-five days, or whatever it might be, that the law provides shall intervene before another election of President.

I admit that it is within the capacity of the distinguished and famous party of which my friend is the distinguished leader to resort to revolutionary methods. I admit that it is within the capacity of a large minority of any government to become revolutionists and to attempt to break it up; but I should hope that the day would be a long way off before any Democratic Senator, or Republican Senator if we were in the minority, would resort to any revolutionary method either of action or inaction, presence or absence, with a view to gain the political advantage of dispensing the post-offices and signing the land-warrants during the interval of time between the occurrence of a vacancy in the offices of both President and Vice-President and the time when by the law as it now stands a new President should be elected.

I think all that fear, although it is stated very strongly now by my distinguished friend, is imaginary; I certainly hope it is imaginary; and I should doubt very much, supposing we leave the law to stand as it does now, holding the reins of political power, as the executive office is, in the hands of one or the other of the two political bodies of the country, as the fathers left it until a new election could be had, that it would be fraught with any very great danger to the country. We ought to find some better reason for the passage of this bill than that.

The fact that the Senate of the United States has failed on two or more occasions to do its duty in electing a President *pro tempore* before it adjourned I agree is lamentable. It ought never to occur again. I doubt if it will occur, whether this law stands or is repealed and the administration of the office is turned over to some other officer or not, for I think it is clear under the Constitution that it is within the power of the Senate, as it is within the power of the legislative bodies of all the States I believe, to elect a President *pro tempore* or a Speaker *pro tempore* in view of a constitutional contingency that is to occur or may occur; and it is not necessary that this body should be left disorganized before it can provide by an order and resolution of its own who shall be its presiding officer when the Vice-President is absent from the chair. But I need not spend time in going into that. There ought to have been such a presiding officer. I have no doubt it was in our power when the Vice-President, Mr. Arthur, did not leave the chair, to have elected a President *pro tempore* to serve when the Vice-President should be absent from the chair. It was equally in our power to have done it last spring, but nobody thought of it in that way.

I am very sorry that we repealed the law which was passed in 1867, requiring the House of Representatives to meet and organize on the 4th day of March, when the term of its members begins, for I believe in a Republic like ours, vast as it is, multiplied as its interests are, that it is fit and right that the representatives of the people of the United States in the strictest sense, the people as people and not through the organization of States, should be in a state of organization during the whole period of their term. I was sorry—and I believe I voted against it, as I certainly ought to have done—when we repealed that provision of law which for some two or three Congresses was in force, providing for the meeting and organization of the House of Representatives on the 4th day of March each alternate year.

If, therefore, I were to regulate this matter (as I know from the present situation and from the opinion of a majority of the Senate I am not to do) or if I were to assist in regulating it, I should leave the substance of the law to stand exactly where it is now, but I should add to it by providing that the House of Representatives should meet and organize on the 4th day of March, when its term begins, so that the country would have four lives between the execution of its executive office and chaos. That would meet everything except a contingency that would not happen once in a hundred thousand years probably before a new election could be had. That is what I would have, and I would have it upon the solid principle, which I believe in, that it was the intention and the necessary scheme of a government of the people that when a vacancy occurred in the office of Chief Magistrate whom the people had elected the representatives of that people, through its States and through its House of Representatives, should be the guardians of that high political office until the voice of the people could be taken again in the selection of a Chief Magistrate elected directly, and that it was not their intention and that it is not in accordance with the true philosophy of republican and democratic government that the President of the United States shall be authorized to name the man who in case of his disability shall be President in his stead, and, as this bill has it, it may be for three years eleven months and twenty-nine days.

It approaches in its nature to the exertion of a royal prerogative of the king in his will or in some way naming the regent who shall perform the functions of the executive office in a kingdom during the minority of the heir apparent. I do not believe in it. And this bill in this respect of continuing the exertion of the Presidential power in the hands of the Secretary of State, whoever he may be—and of course I am not speaking of persons at all, because I have a very high personal regard and respect for the present Secretary of State—but the continuing in his hands, or by another accident in the hands of some one of six or seven men, the absolute possession of the Executive office by designation of the President and his selection for almost the whole of a term of four years, without any power in the States or the people to change it or to have a new election, is, with great respect to this committee, contrary to my ideas of good and safe republican government.

Whatever may be the inconvenience—and it is an inconvenience—of having a new election changing the period of four years, its beginning and its termination, from the 4th of March of the odd years to the 4th of March, it might be, of an even year. However great that inconvenience may be, it appears to me that it weighs nothing in comparison with the danger of the principle and the danger of the practice of saying that whoever is elected President of the United States shall have the power by his selection of Secretary of State and so on to designate during the whole of his term if he be sick——

Mr. MORGAN. He has not that power, the Senator will allow me to say. The power can only be exercised by the President of the United States by and with the advice and consent of the Senate.

Mr. EDMUNDS. Yes, I understand. The advice and consent of the Senate of the United States having been obtained to the appointment of a Cabinet, he has that power, and he has it during his lifetime without being dead, because in case of inability he has that power. You give therefore to him the power within a certain range of six or seven persons in succession, the absolute power himself, of naming who shall be the acting Chief Magistrate of the United States; and in case of his death that acting Chief Magistrate can not be displaced until the end of the four years, because you can not even change the law unless you have two-thirds of both Houses to do it, without his assent, and obtain a new election, and he might not be willing to assent.

Mr. MORGAN. The Senator will allow me a word. That is the second instance named in the Constitution or law under which the Senate participates as an electoral body. The first is when an election of a Vice-President has failed before the electoral colleges; then the Senate elects a Vice-President, elects him for the full term. In that instance the Senate of the United States is the electoral body. The Constitution requires Congress to arrange by law for still another electoral body; that is to say, it can ordain by statute who shall fill this office. This bill provides that the person who has been chosen as Secretary of State in the first instance and consecutively on through the whole line of executive officers shall fill the office of President; but the Senate must concur in the ratification of the nomination of that person, so that virtually the Senate is twice made the electoral body in case of a failure in the office.

Mr. EDMUNDS. Yes, Mr. President, I had not entirely forgotten what the Constitution said on that subject, though I am much obliged to my friend from Alabama for reminding me of it.

Mr. MORGAN. I did not say it for the purpose of reminding the Senator, but merely for the purpose of making a point.

Mr. EDMUNDS. I understand that. I am not speaking with any intention to reproach my friend. I had not reached that branch of the subject, to which I meant to refer. I may as well do it now.

It is true, as the Senator has said, that the Constitution provides in a certain instance, which I will not fill up the RECORD by amplifying upon, that the Senate of the United States shall elect a Vice-President, and that Vice-President by the Constitution may become the person who administers the executive office; whether President or not technically is of no consequence. That is perfectly true. But what is that action of the Senate? It is the action of all the States of this Union directly to one purpose and for one object and in the selection of a particular person to perform a particular duty and no other.

What does our own experience through all the years that we have been here and what does history tell us as to all our predecessors is the fixed practice, that can never be changed, of the Senate in advising and consenting to the appointment of gentlemen who are the heads of Departments called the Cabinet? Have we ever for a single moment hesitated, usually without a reference, to allow the President of the United States to be his own judge of the persons whom he would select as heads of Departments to assist him to exert his executive functions and carry on the Government? We have not considered what our independent judgment would have been if we had been the selecting body of those persons, because they by the very nature of their office are the confidential agents of the Executive, with whom he must confer and consult and with whom he must be on terms of the most intimate personal relations. We do not weigh, and we should not weigh if this bill were to be passed into a law, the question whether the present Secretary of State would be agreeable to us as President of the United States. If we did that, we should have divided on party lines on the nomination of Mr. Bayard, then and for many years an honored member of our own body, and I should have been obliged to advise the President of the United States not to select Mr. Bayard as a person to carry on the executive functions of this Government if I am an honest Repub-

lican, as I believe I am, because I do not think Mr. Bayard would make a good President, because I believe his policy and his views upon great public questions are wrong. He thinks they are right, and a majority of the States thought they were right, I suppose, in electing Mr. Cleveland. That is all true enough, and I only speak of it to illustrate the idea that in our approval of the selections of gentlemen to assist the President in carrying on the business of the Departments under the law we have never had and we never shall have under this or any other law any conscientious and steady reference to the question of their capacity or fitness to be President of the United States, what their policies would be, what their views might be; and the consequence is that as a fact we come down to the single fact, not that the representatives of the States have selected the persons whom they would have act in the case of a vacancy in both these offices, but they have selected the persons for the probable duties they are to be called upon to perform and no others, and they acquiesce in whatever selection within bounds—and those bounds are very wide—the Chief Magistrate may make. So he becomes in fact therefore, and in reality, the man who is to name his successor in office as this bill now has it, repealing these sections of a law which has been in force for nearly a century about a new election for the period it may be of almost four years. I regret that I can not agree to such a proposition.

The bill would be less unsatisfactory if what I believe has not been hitherto proposed, that is, the continuance in this office of the Secretary of State, and so on for the whole period of the term, were left out; and in order to test the sense of the Senate on that question, so that we may see what is its opinion in regard to leaving this office to run in the hands of a Secretary of State and so on for it may be near the full term or whether it desires to have the people of the United States, as our fathers did in case of a vacancy in both these offices, select another as soon as they could, I move to strike out section 3, which will leave the existing law for a new election in force.

Mr. BECK. Mr. President——

Mr. HOAR. The Senator from Kentucky will pardon me a moment. If the Senator from Vermont will permit me, I desire to make a suggestion to him. He wishes to strike out of section 3 all the sections there enumerated but one, which I think is the first one named, as he will find if he will look at the statutes. He clearly wants to repeal one of those sections, whatever may be his view as to the rest.

The PRESIDENT *pro tempore*. The Senator from Kentucky [Mr. BECK] has the floor.

Mr. EDMUNDS. Will the Senator from Kentucky pardon me a moment until I get my amendment in the right form?

Mr. BECK. Certainly.

Mr. EDMUNDS. One hundred and forty-six is the section providing for the President of the Senate and Speaker of the House. I will leave that for the time being, and move to amend section 3 by striking out in lines 1, 2, and 3 the words "147, 148, 149, and 150," so as to leave the section standing, if this be stricken out:

That section 146 of the Revised Statutes is hereby repealed.

Which is the one providing for the President of the Senate and Speaker of the House.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 3, after the words "one hundred and forty-six," in line 1, it is proposed to strike out all down to and including the words "one hundred and fifty," in line 3, as follows: "One hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty;" so that the section when amended will read:

SEC. 3. That section 146 of the Revised Statutes is hereby repealed.

Mr. EDMUNDS. There was one other brief observation that I forgot to mention in connection with what I was saying. I should have added, as I have made no preparation for this discussion, in respect to what my friend from Alabama said as to these gentlemen being confirmed by the Senate, that if any one of them resigns or dies and so goes out of office in vacation, the Constitution itself gives the President of the United States the absolute power of appointing a new man of his own and commissioning him by a special commission to be Secretary of State, for instance, until the end of the next session of the Senate; and it is maintained by many that if the Senate does not confirm that man or some other, so as to leave the office vacant at the end of that next session, the President may again select of his own will the same man or some other person. That I do not agree to myself, but it is the opinion of a great many gentlemen for whose opinions about constitutional law I have a very great respect.

So it might happen, and in the course of human events it often would happen, that there would be for long periods of time, from the end of a short session to the beginning of a long one, months and months a person filling the office of Secretary of State for instance—I only mention one to save time in going over them all—who had been selected by the President of the United States alone, without the Senators, the representatives of the States, ever having been consulted; and that person, if an accident should happen to the President, then once in office by force of this bill, perhaps by force of circumstances, whatever the Senate did when it met again on his own nomination of himself to be Secretary of State to be confirmed, would continue to hold the office.

Mr. HOAR. Does the Senator from Vermont understand that by force of this bill such a person could ever have the duties of President devolved upon him?

Mr. EDMUNDS. I do.

Mr. HOAR. I understand that that case is excepted in the second section. Will the Senator look at the second section of the bill?

Mr. EDMUNDS. I see the second section, and if that is what it is intended to mean——

Mr. HOAR. Certainly.

Mr. EDMUNDS. Then it helps the thing in that respect, only we have this difficulty: if the Secretary of State resigns in vacation and the Secretary of the Treasury (if he is the next man) comes to be the acting President, he then appoints somebody as acting President to be Secretary of State. When the Senate meets that name is sent in and it is confirmed. Which of these two gentlemen then acts, the Secretary of State having been confirmed by the action of the Senate and got that commission? Is it then the Secretary of State or is it the Secretary of the Treasury who is to be the President for the next three years? It may be that my friend from Massachusetts can explain that.

I am not making these observations for the purpose of any criticism of detail, but only in reference to the dangers of the complications arising of some man being called upon and put into the actual possession of the office of President of the United States for the period of three or four years, with the law for a new election repealed, whom the Senate have not intended should ever fill that office.

Mr. HOAR. Will the Senator from Kentucky pardon me for one-half minute?

Mr. BECK. Certainly.

Mr. HOAR. The bill seems to be as clear upon the two matters which the Senator from Vermont has suggested certainly as I know how to make it by the use of the English language:

That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State. * * *

Skipping now the rest of the section—

shall act as President until the disability of the President or Vice-President is removed or a President shall be elected.

Or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, and so on.

So when one of these officers has become authorized and required by law to act as President that authority never is divested, but he continues to the end of his term. So that meets the last suggestion. It does not seem to me to be left at all doubtful in the bill.

Then:

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives, &c.

That seems to dispose of the first objection of the Senator from Vermont. If there be a Secretary of State who has not been confirmed by the Senate it is a case of his inability; the duties of President then are to devolve upon the Secretary of the Treasury for the rest of the term. If he dies or his inability occurs then the next officer, and so on. You never go back up the ladder after you have gone down a round.

Mr. EDMUNDS. Even in a case of temporary sickness?

Mr. HOAR. I am not dealing with a case of temporary sickness, but only with the two propositions the Senator mentioned. The Senator asked me what I would say to a case of temporary sickness. What will happen in case of an inability within the meaning of the Constitution is a debated and difficult question, which the Judiciary Committee have tried for a good while to deal with by having a separate bill in regard to defining inability under the Constitution and providing for its being lawfully ascertained. The committee, in reporting this bill, do not design to deal with that difficulty. It would raise a doubtful question in a bill which we have desired to have as simple and clear and comprehensive as possible; and the whole question (which is a difficult one under the Constitution) will remain so. The Constitution has left it a difficult one. What constitutes inability and how the question of inability shall be ascertained, and what shall happen when an officer under inability has once ceased, temporarily or permanently, to act as President if inability or disability be removed—all that class of questions is left where the Constitution now leaves them, without undertaking to settle the problem by this bill, to be dealt with another time.

Mr. BECK. Mr. President, the Senator from Vermont has expressed several regrets in regard to this bill. I rise to express my regret that he should assume that there was anything so very extraordinary in the statement I made a while ago. I thought I was in a very modest way giving my opinion that his bill ought to pass because it was likely to remove many of the difficulties which might arise under the present law. I did not attempt to enumerate them all; I had done that in previous debates.

It is very questionable in the minds of many persons, of whom I am one, whether the President *pro tempore* of the Senate or the Speaker of the House is an officer of the United States in the sense in which the

Constitution provides that an officer shall be designated to fill the office of President in case of the death or inability of both the President and Vice-President. For example, it is very doubtful, after the term of the President of the Senate as a Senator has expired and he no longer represents his State, whether he can act as President; and so in regard to the Speaker of the House. It certainly would be very improper for him to sit in this body and sign bills after voting upon them as a Senator from a State, and then, if need be, veto them as President, and exercise many other functions which he would have to exercise as Chief Executive. On the other hand, his State might be deprived of her equal representation in the Senate by his having become disqualified to act if he should not still be a Senator. All these questions and many more have been discussed over and over again. The present condition of affairs is admitted on all hands to be bad.

I happened, however, to say at the opening of the present Congress, after the people of the United States had declared that the executive branch of this Government should be in the hands of the Democratic party for the next four years, if by reason of death or inability there had been neither a President nor Vice-President that I, however high my personal regard may be, entertaining no respect for the political methods of the distinguishe d Senator from Vermont, as he asserts he had none for those of the present Secretary of State, and being as pronounced a Democrat as he avows himself a Republican, having no sort of faith in his political sentiments, I might not have been in hot haste to rush up to the Senate on the first day of its session to make him the acting President of the United States, and thus overthrow the expressed will of the people of the United States as declared at the polls by electing him President *pro tempore* in order to turn over the functions of the executive branch of the Government into his hands to be managed in his way, when a House of Representatives Democratic to the core, and meeting on the same day at the other end of the Capitol, would almost at the same minute elect a Democratic Speaker in accordance with the people's expressed will and do it under the forms of law. That suggestion as to a possibility to be guarded against is in his judgment revolutionary!

Mr. President, if gentlemen look over the Electoral Commission act of 1876, the "if any" and all the other technicalities that were thrown into it in order to give the Republican party advantage, they can see, I think, much further than most men if they can see anything revolutionary in the suggestion I made that difficulties might have ensued on the question as to whether the Speaker of the House was entitled to hold the place and should have priority of right over the Senate when the other party in this body was seeking to overthrow and annul the well-known will of the people and by an unforeseen accident place some gentleman in that high place who could not have been placed there by the popular vote. The Republican Senators knew as well on the morning of the first day of the session that the people had declared that there should be a Democratic administration for four years as I did. I might say it was as revolutionary in them, through their representatives who were present in this body, to refuse to elect a President *pro tempore* of the Senate who was in full accord with his party and the known wishes of the people as declared at the polls, as to ask Democrats to aid them, when they could not do it themselves on that day, to place a man in this chair in order to enable him to discharge the functions of President, and thus overthrow the expressed wish and policy which the people declared they desired.

But I only suggested that as one of the difficulties that might have arisen, and as a reason why this bill or some bill like it should become a law. I had no idea of revolution, conspiracy, or treason in my mind. I was earnestly endeavoring to aid in doing something to get clear of the present difficulties and dangers by which all admit we are now surrounded.

Mr. EDMUNDS. Mr. President, the Republican members of the Senate of the United States, I believe—and I think I am safe in speaking for them all in this—have never asked, they do not ask now, and probably never will ask, the Democratic members of the Senate to help them in that character to do anything at all. We did not wish the Senator from Kentucky to be in hot haste to come into this Chamber and help the Republicans of this body elect a President *pro tempore;* but we did wish and believe that the State of Kentucky would perform her constitutional duty in selecting Senators who would perform their constitutional duty, not because they were Democrats or Republicans, but because they were Senators, in coming into this Chamber at the time appointed by law and help to form a quorum of this body for the doing of business. That, I believe, is the Republican attitude; at any rate it is mine.

Suppose the same theory should be extended a little further, as it was by one party in this Chamber in the year 1881, if I am right in my dates, who refused to allow the credentials of three regularly elected Senators to be acted upon in this body, there being no doubt or question as to their being the due and lawful representatives of their States here, to take the oath of office until that party had elected a President *pro tempore* of its own, and in the hope that he, not only against the will of the people but against the will of the majority of this body, once in, could be kept in indefinitely. That enterprise failed. I am happy to believe in this Republic that all revolutionary enterprises will fail as they have failed hitherto, whether carried on upon a large scale or whether carried on upon a small scale.

Mr. MORGAN. How about that of 1776?

Mr. EDMUNDS. That was not a revolutionary operation of this Government. It was a revolutionary operation under the Empire of Great Britain, of which we then formed a part. I suggest the difference to the thoughtful consideration of my friend.

Suppose this notion were carried a little further, and that on the 7th of December, no quorum appearing in this body because Democratic members chose to absent themselves for the reason stated, suppose the somewhat formidable and respectable and intelligent minority of the House of Representatives had set up a counter revolution and in obedience to the somewhat mysterious rules, as it is said, of that body, had contrived to filibuster for a week or two or three weeks or an indefinite length of time, as you, Mr. President, have known years ago to have been done, so as to prevent the election of a Speaker at all until the Senate in this supposed race for power could get a quorum together and act, would that be a spectacle to be encouraged? Would it not come pretty near to being moral treason on the part of the Republican minority over there? I should think so. But what is treason in a Republican may be patriotism in a Democrat for aught that I know. I will not undertake to solve a question of that kind. No, Mr. President; what the people of the United States said when they elected their last President and Vice-President was that they were carrying on a Government under a constitution and under laws passed in pursuance of that Constitution, as they then stood, and they therefore had provided in that election that in case of a vacancy in both the offices of President and Vice-President the President *pro tempore* of the Senate, of whatever political opinions he might happen to be, should carry on this Government until a new election should be had, if there were a President *pro tempore*, and if there were not, then the Speaker of the House of Representatives, of whatever political opinions he might be, should do the same thing. That was what the people did in their election, if, as I believe, they are a people who respect their own Constitution and the laws that are made in pursuance of it.

So there would not have been a terrible catastrophe to this Republic if it should have happened at some time or if it shall happen again that the President of this body or the Speaker of the House of Representatives, being here the selected representative of all the States and being there the selected representative of all the people of the United States in their character purely as a people, should administer this Government for the period of a month or two or three, whatever the time required by law to have a new election. That is all there is to it, and it appears to me therefore that it is not wise, particularly not wise to say that this person, when he is once selected by the President as Secretary and when the vacancy once occurs, shall by force of law and in spite of the will of the people in a new election hold on to that office for what may be nearly four years. On the question of striking out these election sections I ask for the yeas and nays.

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business at 2 o'clock, being the consideration of the joint rules.

Mr. HOAR. I move to proceed with the present bill. I think that was the understanding when I gave way to the joint rules yesterday. It was not intended to have this bill displaced.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to postpone the consideration of the joint rules. If there is no objection that will be considered as agreed to, and the bill remains before the Senate.

Mr. FRYE. I hope the Senator from Massachusetts will allow the unfinished business to be laid aside informally. I recognize the importance of this bill, more important of course than the joint rules, but I do not want them to be displaced.

The PRESIDENT *pro tempore*. Is there objection?

Mr. HOAR. I have no objection, but I suppose in the present condition of the business of the Senate there will probably be no practical difficulty.

Mr. FRYE. There is a court bill between.

Mr. HOAR. I have no objection.

The PRESIDENT *pro tempore*. The unfinished business will be laid aside informally by common consent and the pending bill proceeded with.

Mr. EDMUNDS. I asked for the yeas and nays, and I wish that they may be ordered on my amendment.

The PRESIDENT *pro tempore*. The Senator from Vermont asks for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MORGAN. Mr. President, this great question has been so much thought over and so much debated, both by members of Congress and through the newspaper press and in the periodicals of the day, and not of this day only but of former days, that I will not essay the vain and unnecessary effort of thrashing over old straw in the presentation of my views in support of this bill. I merely wish to call the attention of the Senate distinctly to its provisions, to see if there can be any possible

misunderstanding about them, for the bill is radical in its nature, works an entire change in the method of performing a duty devolved by the Constitution upon Congress, and we ought to be very careful to know that we are agreed about all things that are contained in it.

In the event of the death of the present incumbent of the office of President of the United States there would devolve upon Congress under Article II of the Constitution, section 1, a distinct and peculiar duty, provided for in this clause:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

This duty has been provided for in existing laws, but in a manner not satisfactory to the country, and, as some persons believe, not in a manner warranted by the Constitution.

It is obvious that there can be only one event in which this duty devolves upon Congress; that is the death, disability, or removal both of the President and Vice-President elected by the college of electors according to the Constitution and the laws. This bill presupposes the happening of such a contingency and undertakes to provide for it. There can be no doubt of the right of Congress to presuppose the happening of such a contingency and to provide for it in advance. That was done under the statute which is now upon the book, and what Congress is now seeking to do is to change the nature and character of that statute.

So far, then, there is no dispute, I suppose, on the part of any person as to the right of Congress to anticipate the unhappy event of a vacancy in the office of both the President and Vice-President, and provide by law (for that is the only way in which Congress can provide) for the discharge of the duties of the office of President. This power conferred upon Congress has a limitation imposed upon it. Congress shall provide only for filling that office during the disability until it is removed, or, in case of the death or resignation of the President and Vice-President, until a President is elected. We can not provide an absolute successorship and for a full term in the case that I have supposed; we can only provide for a succession subject to the condition that it shall continue only during the disability or until a President is elected. That is one restriction upon our power, and that restriction is observed in this bill.

The next restriction is that we shall select an "officer" for the purpose of performing these duties or to act as President. The Constitution is as well interpreted frequently by what is omitted from it as by what is contained in it. In this case there is an express designation in the Constitution of the particular class of persons from whom this selection shall be made by law; that is to say, they are to be "officers" and all other persons are omitted. There is but one class of men who are eligible under the Constitution of the United States to fill the vacancy in the office occasioned by the death, disability, or removal of the President and the Vice-President; that class of persons are "officers," so nominated in the Constitution. This clause of the Constitution did not confer, as I understand, the power upon Congress to create a new office or an officer for the particular occasion, but only a power to select from the then existing list of officers the person who should fill this particular vacancy in the office created by the Constitution and to discharge these particular functions.

The view of the framers of the Constitution seems to have been that in the selection of the line of the officers who might become eligible by statute to the office of Presidency of the United States in the emergency which I have mentioned, those functionaries of the Government who have an agency in the selection of officers would be guarded and admonished continually by the possibility that those officers might be called upon to discharge the highest executive power under this Government, and that the framers of the Constitution were not willing to leave it to be determined by Congress what office should be created and what officer should be appointed to fill that office so that he might become eligible after the fact had occurred that the office of President of the United States and Vice-President had become vacated by death, resignation, or removal.

The most dangerous legislation that could be conceived would be that of declaring by act of Congress who should fill the Presidential office after it had become vacant, and whether he should hold the office for four years or only for an unexpired term.

There were certainly very substantial reasons why this phrase of language which I have quoted should have been used in the Constitution, looking to the security and the permanency of the establishment of the Government of the United States and also of those interests of the people which might be in the control of its political agents at the time of the happening of such an event as is spoken of in this clause of the Constitution. I therefore conclude that the power of Congress in passing a law on this subject is limited to selecting from officers of the United States Government some one whom Congress by law shall have declared, in advance, to be eligible to the office of President upon the death, or resignation, or the disability of the President and Vice-President.

To be an "officer" within the meaning of this clause of the Constitution of the United States, he must be an officer of the United States. There should be no question upon that point in the designation of the officer in an act of Congress. Indeed, in legislating upon a subject like this, there should be no question upon any point that we could preclude by any sort of care and caution in wording such legislation. I consider that this interpretation is strictly correct, and it is clearly followed in this bill. The term "officer" used in this clause of the Constitution refers only to the officers who are such under the laws and Constitution of the United States, officers of the Government of the United States, officers responsible to that Government, officers who derive their commission and authority from that Government and from no other.

Now, a Senator of the United States can scarcely be called in any sense an officer of the United States. He is an officer of a different government, an officer whose election is declared and provided for by a State, whose commission is issued by a State; who comes here more in the character of an embassador from a State than, perhaps, in any other character, for he represents not merely the great body of the people of a State, but he represents them in their organic capacity. He represents them as the chosen man selected by the Legislature in the exercise of the highest local sovereignty. Holding that commission, he comes here not amenable to the President of the United States for his commission, or to the Supreme Court for his authority, or to Congress for his conduct; he is made amenable by the Constitution to the particular House of which he is a member and which is the sole and final judge of his election and his qualifications. A man filling that peculiar attitude, and having so many of his high powers derived from other authority than that of the Government of the United States, can scarcely be called an officer of the United States. He is far more an officer of his State than he is of the United States.

No man can be considered eligible to the office of President of the United States through the mere act or declaration of the Senate, or through the declaration of Congress, if you please, who is a member of either House of Congress; for in that capacity he is not an officer of the United States and is not included within the meaning of the language of the clause of the Constitution which I have read. Choosing a Senator as President *pro tempore* does not make him an officer of the United States.

More than that; as was argued by the Senator from Massachusetts very briefly on yesterday, but on a previous occasion much more elaborately, and by various Senators in debate here on former occasions, the duties which are devolved upon the presiding officer of the Senate of the United States are incompatible, in a large sense, with the duties of the executive office of the United States. For instance, the President *pro tempore* of the Senate ought to be here presiding in this body and assisting in its proceedings. He has no right or power to delegate his authority to another. He is a Senator, representing his State, and we can not, by a vote, excuse him permanently from that service. If he resigns, his resignation is sent to the governor of his State.

The Constitution expressly declares that a State shall not be deprived of its equal suffrage in the Senate except by its own consent. So the Senate can impose no duty by its vote upon any Senator which disqualifies him from sitting in the Senate and performing all his functions as a Senator here. If we should confer upon him by our election of him as President *pro tempore* of this body the power and functions and duties of President of the United States, we should confer upon him many duties, obligations, and powers which he can not exercise as a Senator, and in the exercise of which he would be necessarily carried away from the body sitting in this Chamber.

In case of war, suppose that the honorable Senator from Illinois [Mr. LOGAN], who is distinguished in the history of his country as a commander, should be the President *pro tempore* of the Senate, and he should deem that it was his conscientious and constitutional duty to take charge of the troops in the field to meet some great emergency which a foreign invasion might press upon the country, could he go abroad and take command of the armies in the field and yet retain his position as President *pro tempore* of the Senate? Certainly not; and yet in a case of that kind, where his higher duties to the Government and the people call him to the field, what should we do here? Should we have two Presidents *pro tempore*? The Constitution says we shall have but one, and certainly not more than one, at a time. Should we, in an event of that kind, elect a successor? If we did, the moment we elected him he would take the command from the officer in the field, and that Senator would have to return to his duties here as a Senator, as an ordinary member of this body.

These are inconveniences which have been referred to in debate, but in my judgment there is a principle underlying this which is much more important than any inconvenience which might be cited by way of illustration to show the impropriety of such a condition of things, and that is the blending and confusion of the functions of the great departments of this Government. If there is a point in legislation about which the Senate of the United States ought to be always cautious and always vigilant, it is that it will not encourage, and certainly that it will not promote, any invasion of the rights and powers of one of the coordinate branches of the Government. The powers and duties of the executive branch of the Government of the United States as defined

and prescribed in the Constitution are entirely distinct from those of the Senate and of Congress. We ought to do nothing to blend or to unite these greats departments in a common head, or to confer upon one man full and complete power to discharge the functions of both at the same time. That was an error in the legislation which is upon the statute-book that ought never to have crept into it, and I dare say would never have done so but under the pressure of some particular party incentive or agitation as the time that statute was passed.

The President *pro tempore* of the Senate sits in that chair as a member of the Senate and as presiding officer of the Senate. If he is also President of the United States he sends from that chair his appointments to this body, and they are discussed and voted upon, and he as a Senator votes to confirm the appointments made by him as President of the United States. He votes upon bills that are passed through this body; he votes against a measure, and afterwards as President he vetoes it. From that desk he lays his veto message before the Senate of the United States, the body in which the bill originated. On a call of the yeas and nays, when it requires two-thirds of the Senate to pass the bill over his veto, as a Senator he votes to sustain his veto made by himself as President of the United States. Can there be a plainer case of the unavoidable blending of the functions of two of the great departmental organizations of this Government in a way which tears down the limitations which the Constitution built around each of them?

I have, therefore, not been able to doubt that it is the duty of Congress to select some other person than the President of the Senate or Speaker of the House of Representatives—some person who by law is an officer of the United States at the time the event occurs when there is a vacancy in both the office of President and Vice-President of this country; and naturally and properly the officer to be selected ought to belong to the executive department of the Government. We would naturally take the highest officer first, the officer of greatest rank. He would be, as this bill describes, the Secretary of State. Who is the Secretary of State? An officer selected by the President of the United States for nomination, whose nomination is sent to the Senate and considered by that body, and who is afterward appointed to the office because the Senate advises and consents to it.

The constitutional language is, "by and with the advice and consent of the Senate." There must be affirmative action taken here, and the vote of this body by its majority must show that the consent has been given by this body before a commission can issue from the President to a Secretary of State. Therefore in every essential sense the Secretary of State is as much chosen by the consent of the Senate as he is selected by the consent and approval of the President; and while we do not perform the entire office of selecting him, we perform that most essential part of it—without which he can never have the commission given—we advise and consent to his selection.

Here, then, the States of this Union, representing the people in their organic capacity through their Senators upon this floor, representing also the popular constituencies by which they were chosen in the respective States, unite their voices with the President in the selection of a Secretary of State; and when that is done, barring the fact that no nomination is required to be made by the President of the United States in the case of the election of a Vice-President when the electors have failed to choose, all the conditions have been fulfilled by the Senate in the selection of a Secretary of State that are performed when we elect a Vice-President, and it is done in precisely the same manner. It must be remembered that when the House of Representatives votes for the election of a President in case the electors have not chosen a President, that vote is by States. When the Senate votes to choose a Vice-President, that vote is per capita here. Why the difference? Because the States are represented by the Senators.

Mr. HOAR. I wish to ask the Senator from Alabama if there is any possibility of a vote other than by States in the Senate? Am I to understand him to indicate that in his judgment there can be from the nature and character of the body anything but a vote by States? That is, if the two Senators from a State agree they cast exactly the vote of their State.

Mr. MORGAN. Of course.

Mr. HOAR. If they disagree, there is no vote cast; practically it comes to the same thing.

Mr. MORGAN. I do not understand that that is the rule in the election of the Vice-President. In the election of the Vice-President the Senate votes per capita.

Mr. HOAR. But my proposition is whether it is possible that a vote per capita in a body in which each State contributes two votes can be anything but a vote by States in the nature of the case?

Mr. MORGAN. Certainly not.

Mr. HOAR. In other words, suppose the Constitution said that all votes or any particular vote in the Senate should be by States. If the two Senators agree, then it would be a vote by States. If the two Senators from any State differ, then there is no vote at all.

Mr. MORGAN. It is practically a combination of the two ideas of a vote by the people through their representatives in the Senate. Their representatives vote per capita, but they vote also by States. And this is necessary because the small States must have equal power here with the larger States. In our organization Rhode Island has the same power with New York. A Vice-President chosen by the Senate would be chosen by a per capita vote of the Senators, an individual vote, and in that respect he would represent the political opinion in the States, and sometimes, as in the case of Ohio, where one Senator represents the Democratic party and another represents the Republican party. But Ohio, great as it is in population and in wealth, has no higher power in the election of a Vice-President in the emergency I have mentioned than has the State of Delaware or the State of Rhode Island.

But I was looking at the analogy of the method of the election of a Vice-President by the Senate, as provided in the Constitution, and the selection, as I call it, of a Secretary of State. The difference between the two methods is so slight in its practical effect and in its political effect that they may be called almost identical.

For these reasons, Mr. President, I sustain this bill. I believe that we are in the right line, and I believe every safeguard that was intended by the framers of the Constitution to protect the country against agitation and to have a fair expression by States and by people of their will in the election of their Chief Magistrate is secured when we select from the officers who have been confirmed by the Senate in the executive branch of this Government.

Now another question is presented on this bill, and it is the one which is affected by the amendment moved by the Senator from Vermont. I have not looked up carefully the history of legislation and of debate upon this question to determine whether that point has ever been distinctly raised and passed upon by Congress. Some Senators here who are better informed than I am will doubtless bring out the fact in the course of the debate if such a thing has ever occurred; but the effect of this bill if passed as reported by the committee will be to declare that the office of President, when vacated by the death or resignation of both the President and Vice-President, is vacated for the four years' term, and that it is within the competency of Congress to provide by law for the filling up of that vacancy by supplying an officer to discharge the duties of President during the remainder of that term. I am anxious to know, and I shall continue to be anxious to know until the matter is stated by some authorized member of the Committee of the Judiciary, whether the meaning of this bill is distinctly clear that the Secretary of State, if perchance he should take office under this law, will hold for the residue of the unexpired term of four years from the time he is inaugurated in the Presidency. There ought to be no room for doubt about that, no question about it; and if any amendment of this bill is necessary in order to make its language thoroughly distinct upon that proposition, it should be resorted to.

As I understand the bill, the Secretary of State, if he should take office under this law, would take for the remainder of the unexpired term of four years. That is to say, if the President of the United States should die on the 4th day of March next the officer the law selects by this statute to act as President would act from the 4th of March next for the three years of the unexpired term. I not only believe that that is constitutional, but I believe that this feature of the bill is required under the mandate of the Constitution, and that a bill otherwise framed is not constitutional. I believe it was the design of the framers of the Constitution that when the Congress of the United States should provide by law for filling up the vacancy in the event named in the clause I have quoted, it should so provide as that the vacancy should be filled up for the whole time until the next general election for President should occur after the expiration of the preceding constitutional term of four years. I wish to submit a very few observations in support of that proposition.

The first provision in the Constitution in Article II, section 1, is as follows:

> The executive power shall be vested in a President of the United States of America.

That investiture by constitutional authority of the executive power, as defined in the Constitution, of course is beyond the reach of all legislative control. No act of Congress can reduce or abate or modify or change the executive power prescribed in the Constitution, which is thus vested in whom? "The President of the United States of America." The investiture is full, plenary, and when made is beyond the reach of legislative interference and equally beyond the reach of the interference of any other department of the Government.

> He shall hold his office during the term of four years.

Whose office does he hold? "His office," the office conferred upon him in accordance with the Constitution and the law. How long shall he hold it? During the term of four years. There is then a term of office prescribed, and that term of office is as distinct a part of the Constitution as the office itself. The powers conferred upon the Executive, and the manner of conferring these powers upon the Executive, are not more distinct, more limited, more definite in the Constitution than is the office itself and the term of that office. It is a four years' term, and it is the office of a particular person for that term, unless he dies, resigns, or is disabled from holding it.

Was there no reason why the fathers of this Republic should have fashioned a four years' term for the Presidential office? It seems to me that there was every reason why they should have done so. The devolution of power into the hands of the President of the United States is

not a compliment to him; it is not a private trust conferred upon him; not a conferring of rights or authority which the people of the United States bestow upon him to reward him for services never so great. It is the expression of the wishes of the people of the United States in respect of all current political questions, and by political I mean governmental. The object was to give permanency to the tenure of office and to an established policy of government, not to have it fluctuating continually.

The example of the British Government stood before the eyes of our people in every movement that they made upon the ordination of every part of the framework of this Constitution. What was their theory and their system? It was that the sovereign power which, to the extent that we confer sovereignty on him, we have bestowed in the President of the United States, which in England was vested in the Crown. The Crown was a continuing power, changed from one king to another by blood, by inheritance.

But the House of Commons was the representative body of the political opinions and sentiments of the people, and first traditionally and afterward constitutionally that House of Commons acquired the power of so expressing the will of those people, not so as to change the actual sovereignty, not so as to interfere with the tenure of office inuring to the Crown of Great Britain or the person who held it, but merely the political complexion of the persons who might be managing the subordinate departments of the Government, the cabinet officers. Our fathers so ordered that the President, for the term of four years, should represent the political opinions of the people, and also the sovereign executive powers of the Government.

Our fathers had that in view when they adopted this Constitution. We did not want to have a king in this country; we did not want to have any officer elected to the Presidency for life. We wanted to have a term of office, not measured at all by the life of the man who might fill it at any time, but measured by the Constitution. We wanted to have a succession that should come quadrennially. Not the power by an expression of the people's will in the House of Representatives to change the executive officers of the Government, but every four years the people of the United States were to have the opportunity of giving expression through the ballot-box and through their electors to their wishes in such form as that they might supply a new man to take the new term of office.

Sir, if you should strike these words, "term of four years," out of this Constitution would it make any impression upon the instrument? It would so emasculate it that it could never again be read in the sense in which you read it with those words in. Therefore any action on the part of Congress which ignores the existence of these words does emasculate the Constitution, and does take out of it those important words which were put there to fix and define the limitation of a four years' term.

When we come to supplying an incumbent for that office language equally distinct, emphatic, and pointed is employed:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President.

What shall devolve? The office with its term. Does the Constitution say that the Vice-President shall hold for four years from the time of the devolution? Certainly not. Does it say that he shall hold until a President shall be selected by some special act of Congress? Certainly not. The office devolves upon him, and after the devolution the question is what is the length of the term? Everbody concedes, as everybody has always conceded, that it is for the balance of the Presidential term, and yet the Constitution is utterly silent in that clause which creates and compels the devolution, utterly silent as to the length of time the Vice-President shall continue in office. He takes the office that the President took. He takes the term that the President took. He takes the same office and same term to which he, along with the President, was chosen by the people at the same time, and without any language in the Constitution to define that his term shall be four years or only the remainder of an unexpired Presidential term of four years, he takes it for the residue of the "term" of four years prescribed in the Constitution.

I proceed further to draw evidence from this clause of the Constitution in support of my views:

> The same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The Constitution of the United States provided in every essential way for the election of a President, and if there had never been a statute passed by Congress the President of the United States could still have been lawfully elected. The Presidential election in a very large measure is left to the States, because they choose the electors. They may do it by a general vote of the people, or they may do it by districts, or they may do it by their Legislature. They may do it pretty much in their own way, so that it is a republican way, only they must all elect at the same time fixed by the law, and their electors must have certain qualifications. Now what is the meaning of this language, "or a President shall be elected?" It means a President elected in conformity with the Constitution, and not merely in conformity with an act of Congress. A President shall be elected on the expiration of the previous constitutional term of four years, for it was not the intention of the framers of the Constitution that the people should be agitated by general Presidential elections perhaps three or four times during a quadrennial term. It was, on the contrary, the intention that they should have one opportunity every four years to impress themselves upon the policy of this Government in the election of their Chief Magistrate, and every two years in the election of their representatives in the House, and every six years in the election of their representatives in the Senate. Those were the opportunities given by the Constitution to the people for the exercise of the power which they rightfully possess under the Constitution of choosing their representatives and their rulers, if that term is not a misnomer.

I therefore conclude that any act of Congress which would call for an election of a President of the United States to take the office before the expiration of the preceding term of four years would be an act that would violate the spirit if not the language of the Constitution. It would disturb the constitutional system and bring incalculable inconvenience and perhaps mischief upon the country, for I can conceive of nothing that would be more dangerous to the public peace and welfare than the change of the Presidential term of office and the change of the President of the United States by elections that might occur as often as once a year or even oftener.

For these reasons I support this bill. I now see the Senator from Massachusetts [Mr. HOAR] in his seat, and I desire to repeat the inquiry whether there is any doubt at all under this bill that the officer who may be chosen to act as President under this law would hold for the entire unexpired term of four years?

Mr. HOAR. I understand there is no doubt on that subject.

The PRESIDING OFFICER (Mr. MCMILLAN in the chair). The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. TELLER. Mr. President, as a member of the committee that reported this bill, I withheld my approval from that provision of the bill which the Senator from Vermont has moved to strike out. I am of the opinion that in case of the death of the President and Vice-President the country would be much better satisfied with an election as provided by the old statute than as proposed by the pending bill. Therefore I shall vote in favor of the amendment of the Senator from Vermont.

Mr. CALL. Mr. President, I shall vote for this bill, but in doing so I desire to say that the sole meritorious feature of the bill, to my mind, is that it preserves the decree of the people in regard to executive policy for the term for which the preceding President and Vice-President were elected. I do not concur in the idea that a Senator of the United States is not an officer of the United States, or that the President of the Senate, elected as a temporary President, is not an officer of the United States, or that the Speaker of the House of Representatives is not an officer of the United States. I can not see the ground for such an argument. The Senate of the United States is a constitutional body, created under the Constitution of the United States. The Senators are charged with duties created by the Constitution alone, and so of the members of the House of Representatives. Their sole existence and their sole function is derived entirely from their relation to the Constitution of the United States and their representing the constitutional duties and functions created by that instrument.

Therefore, sir, I can not see the ground of an argument upon that subject, nor do I think that this bill is the best plan of succession that could be devised. I believe that it would be more consistent with the character of this Government that the two Houses of Congress should alternately, as designed in the present law, declare who should be the successor in case of the decease or disability of the President and Vice-President, and I believe if that law were amended so as to make it obligatory upon Congress to select a person representing the political opinion of the deceased President to carry into effect the popular decree, the will of the people constitutionally expressed at the last preceding election in regard to the executive policy, that would be an entirely proper and consistent manner of declaring the succession to the Presidency. And I also think it would be more consistent with the character of this Government that the electors chosen by the people who elected the deceased President should continue in power and be reconvened to express again the will of the people who had elected them as to the successor of the deceased President, who should be charged with the duty of carrying out the executive policy as declared by the people when they were elected.

But that is not the question, sir. I shall support the bill as it stands because it has the redeeming feature that it carries into effect the will of the people in regard to the executive policy as expressed at the last election for the constitutional term of four years.

On this point the proposition is clear and incontrovertible that no power is expressly given to Congress to change the Presidential term from four years to any greater or shorter time, and that the Constitution has fixed the term at four years and requires an election every four years; and that it provides for a vacancy and for filling it without an election. These several propositions seem to leave no ground for the conclusion that there is either an express or implied power conferred

on Congress to provide for any other election than the quadrennial one expressly required by the Constitution.

Mr. EVARTS. Mr. President——

Mr. HOAR. I understand the Senator from New York would as lief address the Senate to-morrow morning as this afternoon, and I understand there is a very large number of executive messages to be dealt with by the Senate. I desire to say that there are three measures now which are ripe for the action of the Senate which have been taken up; several others I dare say; but there are three that I happen to have in my mind—the measure now pending; the joint rules, which have been considerably discussed, and the bill in regard to the salaries of district judges, to which the Senator from Alabama I think has moved an amendment. I hope the Senate will sit on Thursday and Friday, if necessary, long enough to dispose of these bills, without adjourning from Thursday to Monday, as is sometimes done at this period of the session. I shall ask the Senate to dispose of the two in which I have especial interest this week.

I now move, with the leave of the Senator from New York, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and forty-six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 46 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December* 16, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

WASHINGTON MONUMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the chairman of the Joint Commission for the Completion of the Washington Monument, transmitting his annual report; which was laid on the table, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. DAWSON, by unanimous consent, was granted an indefinite leave of absence on account of sickness.

PATENT OFFICE.

Mr. BUTTERWORTH. Mr. Speaker, I desire to offer a resolution for immediate consideration, to which I think there will be no objection.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to use so much of the contingent fund, not exceeding $600, as was appropriated by the act of March 3, 1885, for the use of the Interior Department, as may be necessary to put in proper order the rooms in the Interior Department building which have been assigned by the Secretary for the use of the Commissioner of Patents.

Mr. BUTTERWORTH. Allow me one single moment. The honorable Secretary of the Interior has designated certain rooms for the use of the Commissioner of Patents. They are required to be repaired and put in order so as to fit them for the use for which they were intended. The contingent fund is ample. It is the opinion of the officers of that Department that they are authorized to use the fund appropriated for contingent expenses, but the Comptroller of the Treasury thinks additional legislation is required, and to remove any doubt this joint resolution ought to pass, specially authorizing the use of the contingent fund for that purpose. I do this at the suggestion of the Department.

There being no objection, the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a certain portion of the contingent fund of that Department for certain purposes was read a first and second time, ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. BUTTERWORTH moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT TO RULES.

Mr. BROWNE, of Indiana, by unanimous consent, submitted the following proposed amendment; which was referred to the Committee on the Rules, and ordered to be printed:

Leave to print in the RECORD shall be allowed only when a question is under consideration by the House, and such leave shall authorize remarks in order in the discussion of such question and none other, and such remarks shall first appear in the RECORD before the final adjournment of the session.

ALEXANDER R. LAWTON.

Mr. NORWOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia. This is a bill which passed the Senate, relieving the political disabilities of Mr. Lawton, and I ask that it be taken up and passed at this time.

The SPEAKER. The bill will be read subject to objections.

The bill is as follows:

Be it enacted, &c., That Alexander R. Lawton, of the State of Georgia, is hereby relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed (two-thirds voting in favor thereof).

AMENDMENT TO THE RULES.

Mr. KING. Mr. Speaker, I offer for reference to the Committee on Rules the amendment which I send to the desk.

The Clerk read as follows:

Resolved, That members desiring to see correspondents of the press occupying seats in the reporters' gallery are hereby allowed to receive them in the rooms in the rear of the Speaker's desk.

The proposed amendment was referred to the Committee on Rules, and ordered to be printed.

THE RULES.

Mr. HERBERT addressed the Chair.

The SPEAKER. Does the gentleman from Alabama rise to discuss the subject under consideration at the time of the adjournment on yesterday?

Mr. HERBERT. That is my purpose in rising.

Mr. Speaker, I favor every proposition contained in the report of the majority of the Committee on Rules with a single exception, and I regret that in that respect I am not able to follow their report. The provision reinstating the morning hour for the consideration of bills will tend very largely in my opinion to the facilitation of the business of the House by giving each committee in turn an opportunity to put before the House for its consideration such legislation as it may have matured. The other and new provision, that the important committees of this House, organized for purposes of public legislation, shall not have their time consumed by the importunities of members begging committeemen to take up and consider private bills of their constituents, is a much needed reform, and one I have long been in favor of. It will enable these committees to effect more rapidly and to present sooner and in better shape for the consideration of the House proposed public legislation.

The proposition I find myself unable to favor is that relating to the distribution of the powers now exercised by the Committee on Appropriations. While opposed to that provision as incorporated into the report of the committee, I do most heartily favor the proposal to strike down that provision in the existing rules known as the Holman amendment, adopted ten years ago, and under which legislation that changes existing law is upon certain conditions in order upon an appropriation bill.

That amendment, Mr. Speaker, in my opinion, has been much misunderstood. There has prevailed a common idea among many members of the House that it was simply a limitation of an already existing right. There was an impression that but for the existence of that amendment the power existed without limitation to amend appropriation bills by the addition of any kind of legislation that was germane. That is not true.

Up to the time of the passage of the Holman amendment in the Forty-fourth Congress an appropriation bill was in theory at least and according to rule what it purported to be, simply a bill appropriating money, and nothing more. The Committee on Appropriations had up to that time no power to recommend legislation that changed existing law. It was the Holman amendment which conferred that power.

The true theory of correct legislation is that every bill ought to stand or fall upon its own merits. That is the last result of the best thought of this generation; and you will find it crystallized in the constitution of nearly, if not quite, every State in this Union which has made a new constitution or largely amended its old constitution within the last twenty years. You will find provisions prescribing in one form or another that every bill shall contain but one subject-matter. The purpose of such a provision is that no proposition before a legislative body shall be hindered or advanced by being coupled with another.

Now, this Holman amendment, adopted in the Forty-fourth Congress—I understand, for I was not in that Congress—worked very well at that time. Let that much be conceded. The crucial test of its operation, however, came in the Forty-fifth Congress. In that Congress three amendments, each one of them more or less political in its nature, were put upon the appropriation bills by a Democratic House and sent to a Republican Senate. That was my first Congress, and I remember well wherein that Holman amendment served the Democratic party and wherein it failed us. It served us in this, that it gave us a good jury law, and that was a most beneficent gift. It failed us in these, that it gave us but a small portion of our demand that troops should not be crowded to the polls at the time of an election. It gave us no part of

our demand that the laws providing for Federal interference in and superintendence of elections should be repealed. It gave us an extra session of Congress, and it gave us in the election for the Forty-seventh Congress defeat. The discussions of the questions involved at that time convinced this country, I believe—they certainly convinced me, coupled with the results which followed—that it was not a wise plan for a Democratic House to put a political rider upon an appropriation bill and send it to the Senate when that body was Republican.

Mr. Speaker, we are in the same condition now as we were then. The House was Democratic then; it is Democratic now. The Senate was Republican then; it is Republican now. But there is this difference. We know now the position the Senate takes, though we did not know it then, at least till we tried it. We know now that not only are the Republican Senators opposed to this method of legislation, but the Democratic Senators also. In the last Congress we sent over to the Senate two very important pieces of legislation upon appropriation bills. One was in relation to pensions. A bill similar in every respect, I believe—I have been so told; I have not examined it—had already passed the Senate unanimously. And yet when that same bill, favored unanimously by the Senators individually, came to them as a rider upon an appropriation bill they struck it off. If that same legislation had been sent to that Republican Senate as an independent bill their action shows they would not have dared to reject it. If they had the country would have held them responsible. As it was they rejected it with impunity, and the country says, if it says anything about it, they were right in doing it, because it infringed one of their rules, a rule they have a right to establish, and a rule, I believe, upon which the country insists.

There was another piece of legislation which many of my Democratic friends here had at heart just as I had. That also we sent over to the Senate last session. It was the bill in relation to marshals and district attorneys and United States commissioners, giving salaries instead of fees to the marshals and attorneys and limiting and defining the jurisdiction of the commissioners. That bill was considered here at great length in two committees. The provisions of it were finally agreed upon. It was put upon an appropriation bill and carried over to the Senate in that shape. I had it much at heart and followed it over there. The result of my conversations and investigations there was the belief that the Senate would have passed that bill, and we would have that good law in existence to-day, had it been sent to them as an independent measure. As it is, they feel themselves justified before the country in having rejected it.

Now, Mr. Speaker, why shall we adhere to such a mode of legislation as this? It is by adhering to that amendment, as I believe, and claiming the power and authority it conferred, and thus largely monopolizing the power of legislation in this House, that the great Committee on Appropriations has raised up for itself enemies here; and if it finds itself finally dismembered it has largely to thank the Holman amendment for that result. That amendment has been somewhat changed or modified by the gentleman who has made a report as a minority of the committee; and I suppose he hopes that in its modified form it will pass. I think I have demonstrated that it is vicious in principle and that we can hope to gain nothing whatever by it; and if it be vicious in principle, it ought to be stricken down entirely.

Up to this point, Mr. Speaker, as I have said, I go heartily with the majority of the Committee on Rules. I want to strike off that Holman amendment. I want to rob the Committee on Appropriations of this power to monopolize legislation on this floor. Whether intended on the part of members of that committee or not—and I do not charge that they have had any such intention—the result of that rule, coupled with this fact that all other avenues to the consideration of bills seem to have been closed by the rules which we had, did give that committee a monopoly of the legislation of this House in previous Congresses. Let us take away that right. Let us confine the Committee on Appropriations to what is its legitimate purpose, that of recommending in the first instance to this House how much money shall be spent and for what purposes. If this be done we shall not find, in my opinion, such complaints made against the Appropriations Committee in the future as have been made against it in the two past Congresses.

I do not think, my Democratic friends, that we ought now, when for the first time in twenty-four years we have a Democratic administration, to attempt any such novel experiments as the committee proposes when it recommends the taking away of half the power of the Committee on Appropriations and its distribution among six other committees. Look back at the history of this country. This Government has been in existence nearly one hundred years. Forty-eight Congresses have preceded us, and in not one of them was ever such distribution of powers made as is now proposed by the report of the majority of the committee. Up to 1865 one committee not only laid taxes but appropriated the moneys, and up to the Forty-sixth Congress one committee continued to have complete jurisdiction over all appropriation bills.

Then there was made a change as to two of these bills—and why? The time had come when this House and the country wanted larger appropriations for rivers and harbors. Therefore it was, and for the very purpose of getting the larger appropriations, that full jurisdiction over the bill for rivers and harbors was conferred upon a separate committee. We got just exactly what was expected and wanted.

So, too, the country and this House wanted larger appropriations for the Agricultural Bureau, and because we wanted these larger appropriations this House conferred upon the Agricultural Committee the right to appropriate for the purposes of that bureau, and we got what we wanted and what we expected.

Now the question is, what do you want for the future? What do you want as to all the other departments of this Government? Do you wish a larger and, if you please so to call it, a more liberal expenditure of money than heretofore? Have we not been scattering the people's money fast enough? If we have not, then do as you did in the case of the agricultural appropriation bill, do as you did in the case of the river and harbor bill, and you will have like results. Scatter the appropriation bills and you will scatter the people's money.

For myself, I believe it to be the duty of a Democratic House to carry out the professions of economy upon which we were elected. If it is, will you make this division of authority and responsibility as recommended by the majority?

Mr. Speaker, these are the teachings of history, and they are largely re-enforced by the lessons to be drawn from the nature of man. Man's mental organism is very like his physical. Take a dime and hold it up close enough to the natural eye and it will obscure almost, if not entirely, the whole of the universe. Remove that dime farther and farther from the eye and it appears in its more proper relations to other objects. Eventually, when you see it at a distance, you observe its insignificant proportions. Just so it is with our mental perceptions. Contemplate intently any one subject, fix your mental eye upon it, and it expands and increases in magnitude. Just in proportion as you study it intently it grows upon you.

There is not a chemist in the employment of the Government, especially if he be enthusiastic in his profession, as he ought to be in order to be of any value, who will not tell you, as I heard one of these gentlemen say in a lecture the other night, that the Government of the United States ought to spend more money on chemistry. There is not a geologist in the employment of the Government to-day who will not tell you that the Government ought to spend more money for geological purposes. There is not a geodetic specialist in the employ of the Government to-day who is not enthusiastic about the accuracy of his triangulations and his geodetic calculations and the beauty and grandeur of that science which, as he will tell you, measures the shape and size of the earth as it came forth fitted and fashioned from the hand of its Creator.

The same thing, Mr. Speaker, will be true of any gentleman on this floor who will study any single one of the departments of this Government. I was very much struck with a remark made yesterday by the gentleman from Illinois [Mr. CANNON]. He had been for six years a member of the Post-Office Committee, and that committee, because he had diligently studied the subjects specially coming within its jurisdiction, seemed to him to be the most important of all the committees appointed by the Speaker. So it will be if any one of you will take up the business of the Committee on Patents and study that question; at the end of the Congress you will come out with yourself enthusiastic about the grandeur and beneficence of the great system that has grown up in the Patent Office under the fostering care of Government.

Now, there is not one of these great purposes for which we spend money that is not useful and beneficent. Take the Post-Office Department. It would be a great convenience if the letter-carrier every morning could knock at the door of every cabin in this land—in the depths of the forest, on the steep mountain side—and say to the inmates, "Here is your mail the Government has sent you." But we can not afford to spend the money necessary to expand our postal facilities to that extent. How far we shall go, what facilities we can afford, is a question of money.

So, too, we all admit we ought to have a better navy; we all admit we ought to have better seacoast defenses. It would be a matter of pride if we could boast we had ships afloat that could successfully contend upon the high seas with the combined navies of Europe. But we have not the money to build such a fleet as that just now. How far we shall go in that direction, how much of a navy we shall build, depends largely upon the question how much money we have at our command, how much can we afford when we take into consideration our financial condition and the other purposes for which we must spend money and the condition of our tax-payers.

The same thing might be said of our seacoast defenses. We would like to have guns mounted which would send a shot through the proudest ironclad afloat as if it were an egg-shell. We would like to have such guns placed so thickly along our seacoast, east and west, north and south, that not a single vessel in the world would dare to approach our most insignificant port. But we can not afford just now to build or purchase to that extent artillery for our fortifications. How far can we go? Is it not a question of money after all? Is not that the most important question? And can you divide that question into tidbits and decide by piecemeal how much you can give to the Navy, how much you can give to seacoast defenses, how much you can give to the Post-Office Department, and so on through the list? It seems to me, Mr. Speaker, it would be very unwise to attempt it.

But it has been urged here by such gentlemen as the gentleman from

Texas [Mr. REAGAN] and our friend from Illinois [Mr. MORRISON] that the argument against the disruption of the Appropriations Committee and the distribution of its business assumes the fact that no other than fifteen men in this House are capable enough, are honest enough, have information enough, to be trusted with appropriation bills. Is that argument a fair one? If it be a fair one, where would it not apply? Why, you could go back to the days when the Constitution was framed and say that when our ancestors provided for a single President they did it upon the idea that there could not be in the United States at the same time more than one man who could be trusted with Presidential power. Or you might say of the Congress which provided for nine judges of the Supreme Court that they so limited the number because only nine fit and competent judges could be found at the same time in the United States. Or you might say of all the forty-eight Congresses that have preceded us, embracing such men as Madison, Clay, John Quincy Adams, and so on down to Robert Toombs, whose bright spirit left us only yesterday, that all of these men supposed there were not more than fifteen men in the House at any one time who could be trusted with the appropriations for the Government, because they always confined that work to one committee. Was that the reason which actuated them? Ah! no; it was because it has always been the belief of all the good and wise men who have considered the question that there ought to be one committee, one body of men, whose duty it should be to study our financial situation, who should balance our books, and adjust in harmonious relations the expenditures to be made by the several Departments of the Government, subject always to the will of the House. It was because they believed that this was the only logical system; that it would be impossible otherwise to reconcile the claims of conflicting interests.

But, Mr. Speaker, I am taking up more of the time of the House than I intended, and I will in conclusion only allude to one more argument advanced in support of the report of the Committee on Rules. The gentleman from Maine [Mr. REED] put forward yesterday in his forcible way this point. He says that the Committee on Appropriations, having so many bills to consider, divides them out to subcommittees, each subcommittee consisting of three members, and that each one of those subcommittees considers the bills intrusted to it, while the rest of the committee know little or nothing about it. "Then," said he, "will you submit to that? Ought we not to have more knowledge on the subject?" And he argues we will get more knowledge by distributing these bills as proposed in the report of the majority of the committee.

Let us see about that. I do not now see the gentleman from Maine in his seat. He was in one Congress upon the Judiciary Committee and in another Congress upon the Ways and Means Committee. If he were here, I would ask him or any other gentleman in this House familiar with the way in which business is transacted by our committees how business was conducted before the Judiciary Committee. If there was a bill for a new court in Texas, was not that bill referred to a subcommittee of three members of that Judiciary Committee, and did not that subcommittee of three, after it had made up its action on the subject, report it back to the whole committee, and did not the Judiciary Committee as a whole generally adopt its report? If there was a redistribution of judicial authority in the State of Iowa, was not that question referred to a subcommittee of three, and did not that subcommittee report to the whole committee, and did not the whole Committee on the Judiciary adopt that report?

And so it was with the Ways and Means Committee. The question as to whether or not the tariff should be increased or lowered on works of art was submitted, according to my recollection, to a subcommittee of three. I see before me the chairman of the Committee on Elections in the last House, and that suggests to me another illustration. He referred, as all other chairmen of committees did, separate bills to separate subcommittees. Now, whenever you make the distribution proposed by the report of the majority of the Committee on Rules you will have precisely the same thing over again complained of by the gentleman from Maine. The first act of a chairman of one of these eight or ten appropriation committees, when estimates were referred to him, would be to divide his committee into subcommittees. Every member of that committee would expect to be and would be put upon one or the other of these subcommittees, among whom the estimates referred to the committee would be distributed. We would then have, as now, three men and no more deciding originally on each item. And so it would be all the way through. You would not have, as the gentleman from Maine has contended, more knowledge, but you would merely have the same knowledge divided into more pieces. Your cloth would be cut into more fragments and you would have more tailors, but when you came into the House to sew up your garment only one tailor could work at a time in putting together the several pieces. And what would result from that?

As it is now, Mr. Speaker, nearly every member of the Appropriations Committee is expected at some time or other during the session to make an hour's speech in the House in explanation of the bill he is supporting before going into the Committee of the Whole. Now, if you divide the work at present done by this single committee of fifteen into seven committees consisting of some hundred men, instead of fifteen speeches in the House before going into the Committee of the Whole from members of the Appropriations Committee you will have a hundred speeches. The tendency will be for men who get a modicum of this knowledge, who have learned about one section of a bill, to state to the House all they know about it, and the consequence will be you will take five or six times as long to pass an appropriation bill in the future as in the past. For one, I do not believe, Mr. Speaker, we have the time to waste which would be wasted by a distribution of half the labors and authority of the present Appropriations Committee to six other committees.

How this body shall legislate is fast becoming a serious question. Our population is rapidly increasing, our business is rapidly extending, and the legislative wants are rapidly multiplying. At the same time the members of this House increase and our body becomes more unwieldy at every decade. One solution of the difficulty would be decentralization—remitting to the States more of the business of legislation. But that we may not look for now. What, then, are we to do? The only remedy seems to be to begin our sessions, say, in November or October, and when in session to speak less and legislate more. The tendency of this new proposition, it seems to me, is to block up the way with more speeches, and, consequently, to have less legislation. For this, also, I oppose it.

Mr. HISCOCK. Mr. Speaker, it has been stated in the course of the discussion of the pending question by gentlemen on this side of the House that it would have been better for the members of the Committee on Rules representing it at the outset to have made some explanation of the reasons which induced them to unite in the majority report. If I forbore to make any explanation, sir, it was simply that I might supplement my reasons for my action by answering to some extent the objections which were urged against the report.

The report which has been submitted by the committee is radical in some of the changes it contemplates. It proposes to distribute certain of the appropriation bills to certain of the standing committees of the House. It proposes to eliminate entirely from appropriation bills all legislation. It proposes to abolish the Speaker's table, and it proposes an hour for the consideration of such questions as may be brought up for the consideration of the House by the different standing committees. In the remarks which I shall submit now I shall say but little in reference to the points to which I have alluded except the first.

We are confronted here by the opposition of gentlemen on the other side of the House, the majority of the House, who shrink from the adoption of our report because, as they frankly say, and as they believe, the party majority now in control is not to be trusted with the liberty which this amendment to the rules would give to it, and there are gentlemen on this side of the floor animated by the same reason to oppose these rules. They tell us that we, as the minority, can not afford to trust the majority of the House with the opportunities, which they point out in this amendment, to get at the public Treasury.

They tell us, Mr. Speaker, that you, possessed of all the capacity of which you are possessed, honest, as we all know that you are, that it is impossible for you to select from the majority of this House—the other side of it, from among the gentlemen who have elevated you to the position you occupy—committees that can keep within limits the expenditures of this Congress. They attempt to disguise this argument under the specious one that the committees when they are organized seek to aggrandize themselves by adding to their powers, and that hence they are not to be trusted; and this debate has drifted into a discussion of the river and harbor appropriation bill, which has been pointed to as a reason why no committee work in the shape of appropriations should be done by any other committee than the Committee on Appropriations or taken from that committee and distributed to the other standing committees. It does seem to me, sir, that the gentleman who made that argument was not ingenuous and did not deal frankly with the House. He knows—for he has been here longer than I have, and I know it—he knows that the Committee on Appropriations never had control of the river and harbor bill; and yet the argument was forced to our attention that at a certain period of time, when that committee lost jurisdiction of that subject, the appropriation for it increased in amount. Now, I say it never had jurisdiction of the subject in any practical sense. The rule has always been, so far as my memory goes——

Mr. HERBERT. Let me ask the gentleman from New York if he alludes to me?

Mr. HISCOCK. No, sir. The rule has always been, so far as my recollection extends, and so far as I have been able to look back into the history of legislative proceedings in this House, that first the Commerce Committee and then the Committee on Rivers and Harbors prepared that bill; I mean, sir, prepared it to be presented to the Committee on Appropriations. But when it was presented the records will show that in almost every single instance the motion was entertained to pass it under a suspension of the rules, and it passed and became a law, and the Appropriations Committee never took jurisdiction of it. Now, we have gained this in reference to that bill by removing this slight incumbrance or restriction imposed upon the Committee on Commerce and then upon the River and Harbor Committee. We have gained this, that since that committee has taken the absolute jurisdiction of it it has been usually brought in here and discussed at length, and if it had enormities in it there was an opportunity of pointing them out and disscussing them and the country was advised in reference to it, for

it received ample consideration. The result has been that we have defeated—this House has defeated—practically two river and harbor appropriation bills. I call the attention of gentlemen to that fact. The bills have come in here and been discussed. They have not been forced through under suspension of the rules.

I might allude, sir, to another reason why the river and harbor bill is unlike any other one of the appropriation bills. It carries items that are to be expended in the districts of the different members of Congress. They are interested for large appropriations that are to be expended in their districts, and combinations may be made which will swell its volume and swell the aggregate amount. That, sir, is not true of any other appropriation bill which we propose to take from the Committee on Appropriations.

I say the gentleman was not ingenuous in another particular. He knows, as we all know, that the reason why this bill has been so swollen in its dimensions in the last few years is that the committee has taken jurisdiction of the improvement of the Mississippi River and of the rivers that empty into it. He favored that; the House favored it; and the result of it was a large increase in the volume of that bill. I say then, Mr. Speaker, there is nothing in the consideration of this argument, in my judgment, that should influence the action or the vote of any member of the House.

And now, Mr. Speaker, briefly, I proceed to examine precisely what we propose to do. As I said a little while ago, these bills which we propose to distribute do not carry appropriations for certain specified localities; the appropriations are to be spread over the whole United States. Most of them are to be expended under provisions of existing law.

I will take, if you please, the Post-Office bill, and I hope I shall not weary the attention of members as I discuss the question. My friend who last addressed the House upon this subject has been frightened lest we would attempt to build up new bureaus and provide for the expenditure of more money. If the gentleman would only take the trouble to examine the general appropriation bills that we propose to take from the Committee on Appropriations, he will discover that not one of them has any jurisdiction over those subjects whatever. All the bills that carry the appropriations for those objects this report of the majority of the Committee on Rules leaves with the Committee on Appropriations. Take the Post-Office bill. I find in it this item:

For mail depredations and post-office inspectors, including amounts necessary for fees for United States marshals and attorneys, $200,000.

Will gentlemen tell me there is danger of any committee enlarging that item beyond what it ought to be—that any man will consent to increase it for the purpose of enlarging his consequence as a committee man? It is for the general service. There is no job in it. It is not to be expended in his district. It is to be expended all over the United States by men who are strangers to him. It is to be expended under the supervision of the heads of the Departments. I read another item:

For compensation to clerks in post-offices, $5,150,000.

These are the clerks that are employed in the post-offices which are above the fourth class, for the distribution of letters and for attention to the public business generally. Will any gentleman in the investigation of this question tell me that any committee will attempt to increase that appropriation beyond what it ought to be? What motive, what incentive, what reason could he have for doing it? There is the great post-office in the city of New York, another in Boston, another in Chicago, one in each of the cities where the office is a Presidential office, and there the postmaster makes his estimates and sends his communication to the Postmaster-General indicating the number of clerks it is necessary for him to have in the transaction of his business, the amounts of money it is necessary for him to expend in managing the business of that office. Is there here any danger of any committee giving too much money for that branch of the service? It seems to me not, sir; and I ask gentlemen what committee is there more proper to dispose of that question, to give it a full, fair investigation and to examine the records in regard to it, than the Post-Office Committee, which shall be constituted.

I have called attention to a few items in the general Post-Office bill, and with the exception of those items over which a committee has no control, they are all of the same character. The Post-Office Committee will have the power to say how much money shall be expended for letter-carriers. Will they attempt to magnify themselves by appropriating more money than is necessary for that service? They have the right to say how many mail messengers shall be employed upon the railroads, or rather they have the right of appropriating the amount of money which shall be used in that branch of the service. Is there any danger of their enlarging the amount beyond the proper limits? If they do, sir, the expenditure of that money is under the control of the Postmaster-General and the different officers of that Department, and he, as a faithful, honest officer, is compelled to turn back into the Treasury all that is not required. You may take the carrying of the mails upon the railroads. We have general legislation which fixes the amount of money that can be expended. The compensation is determined by the weight, speed, and the space which is occupied by the mail matter, and the committee has no control over it whatever. You may take the salaries of the postmasters; these are all controlled by general law; all the salaries throughout the Departments are controlled by the general law, and no committee will have the power under these rules to change that law or to appropriate more money than is required for the different branches of the service.

So you might go through these different appropriation bills. Take, if you please, the consular and diplomatic bill, which it is proposed shall be sent to the Committee on Foreign Affairs. Look at that bill. It contains no items for any establishment here in Washington; that matter is left with the Committee on Appropriations; but it provides for our ministers abroad, for the diplomatic and consular service. The salaries which are to be paid to the officers of that service are fixed by general statute, and under the rulings of the House, under the rulings of the Committee of the Whole into which the House resolved itself for the consideration of bills of this character, it has been held that no bill can carry a single item of appropriation for the establishment of a new consulate unless authority is contained in a previous act. I ask what committee is so fit as the Committee on Foreign Affairs, conversant with the needs of our consular service, conversant with our relations abroad, to frame a bill containing appropriations or recommendations in reference to the establishment of new consulates, and the abolishment of existing consulates, and the general regulation of the diplomatic service?

Why, sir, to nearly half the members present a scene must be perfectly fresh that occurred on this floor when that bill was presented in the last House. It came from the Committee on Appropriations stricken down in such a way that there was not a single member of the committee who did not know that inadequate appropriation for that service were recommended. I remember it well; and as I see gentlemen around me smile, I know that they remember it. Yet that bill came here upon the unanimous report of the Committee on Appropriations. A gentleman whom I saw here but a moment ago stood forth at that time as the special representative of the Committee on Foreign Affairs to contest the different items of appropriation which had been made by that bill.

Mr. CANNON. If the gentleman will yield a moment, I desire to say that I recollect very well the bill to which he refers; but in one particular the gentleman's statement, if he will allow me to say so, is not accurate. There was a minority of the Committee on Appropriations that did not favor the bill as reported; and if the gentleman had done me the honor to listen while the bill was under consideration in the Committee of the Whole it occurs to me he would have ascertained that fact.

Mr. HISCOCK. I give the gentleman from Illinois [Mr. CANNON] the full benefit of his statement, which I have no doubt is correct; and in so far as it differs from what I have said, I modify my statement accordingly. I will concede that he, and, if you please, the Republican members of the Committee on Appropriations, were opposed to that bill.

Now, why was that bill brought in here in that form? What reason could any committee give for having brought it here? The purpose was simply that gentlemen might stand before the House and play as economists.

Mr. CANNON. Will the gentlemen allow me again?

Mr. HISCOCK. Yes, sir.

Mr. CANNON. The gentleman's question is very apt and proper, and I think he has given the true reason. But he might go further and say that in the House of last session, in which the Democratic party had a majority of more than 80, the Democratic Committee of the Whole backed up the majority of their Committee on Appropriations; so that the bill became the act of the Democracy with their large majority as much as that of the Committee on Appropriations.

Mr. HISCOCK. Mr. Speaker, I am entirely willing the gentleman's remarks shall be interpolated into mine. Yet, sir, I am not here to-day to criticise the Democratic party. They have come into power. They hold this House. Certain gentlemen on this side have acted with certain gentlemen on the other side in formulating a code of amendments to the rules which, in my judgment, will correct certain abuses. Mr. Speaker, we have been met in entire fairness upon this question by action on the part of the majority of that committee (and "actions speak louder than words"), indicating that while they have no apologies for the past they do not desire the continuance of the vicious practice in the future. I united in that report for one, because I accepted those assurances in good faith, and because I believe that the amendments which we have reported will correct the evils of which the gentleman from Illinois complains.

Yes, sir, and he agrees with me that appropriation bills were reported here simply that men might pose as economists, that they might claim in their districts that they had endeavored to hold down the appropriations, but that a wantonly extravagant Congress had overruled them. There was not a single member of the Committee on Appropriations who, but for the fact he knew we would be here to-day to vote a deficiency, would have dared to present the bills I have mentioned to the House. The policy was false, unfair, and disingenuous; my friend from Illinois has indicated it, and I say these amendments which we propose to the rules promise fair dealing and frankness in reference to questions of that kind.

There is no reason, gentlemen of the other side, why you should indulge in that policy any longer. I do not know but you would do so if circumstances had not changed; but they have. You have the Administration. It is upon its estimates that you are to pass; it is for its service that you must provide, and I call attention to the fact that if you are now to starve an administration, it will be your Administration that will be starved and not ours.

I ask members to take up the bills to which I have referred and read them item by item, and point out a single item that is a suitable subject for "robbing the Treasury" or wantonly increasing appropriations.

Mr. Speaker, let us turn again to the Post-Office appropriation bill. We all remember what transpired upon this floor in connection with that bill; I have called your attention to it; I have referred to the items of that bill and stated what they contained. Yet the Committee on Appropriations brought in a report striking down that service. It did not provide for a sufficient number of mail-agents or mail-carriers; and I say the Committee on Appropriations knew that when they reported the bill.

And that bill was brought in here in order that gentlemen might again exhibit themselves in the attitude of economists. It was cheap talk on their part. It was the full height of statesmanship to which they could attain. Items would be reported here they knew were insufficient; and again I repeat, in reference to this bill, they never would have dared to pass it except that they knew another session of Congress might, by a deficiency bill, provide for the service which they had starved.

Sir, you may take up the Army bill, and it is made up of transportation and pay of the Army, over which this House has no control except by way of general legislation. The pay of the Army is fixed by statute. The transportation of the Army, the support of the Army is within the discretion of the Secretary of War or the commanding general, I do not remember which.

Mr. BROWNE, of Indiana. I guess they do not know themselves. [Laughter.]

Mr. HISCOCK. That supply has never been made to depend on the annual Army appropriation bill. Do gentlemen say it is within the power of a committee of Congress to rob the public Treasury by giving too many rations to the soldiers, to rob the public Treasury by giving too much clothing to the soldiers, or to rob the public on the item of transportation? It is not to be spent among their constituents. It is for the support of this great arm of the service, over which individual members or committees have no control.

We will take up next the Navy bill, and I repeat in reference to that all that I have said in regard to the others.

Gentlemen know, under our rulings, new ships can not be built except by new legislation. They have been ruled from our bills. It is the pay of the Navy, it is the maintenance of yards and docks away from the city of Washington—no jobs in them—nothing which interests an individual member for which appropriations are made; and I ask again, can not the Committee on Naval Affairs be trusted with that bill? Is there danger of their depleting the Treasury unduly? No, sir; they have no incentive to build up that branch of the service beyond its needs. All they appropriate in the main comes under the general provisions of the Revised Statutes for expenditure.

I do not mean to say they can not increase or diminish the amount, but I do mean to say that the money, when appropriated, is expended under law which fixes and controls the amount which should be disbursed.

Now we have taken these bills from the Committee on Appropriations, and we have given them to these several standing committees—why? Because, in our opinion, they could investigate these questions as well, as thoroughly, as exhaustively as the Committee on Appropriations. And we have arbitrarily, I will state, given to the Committee on Appropriations the bills which cover items of expenditure which might possibly be unduly enlarged. We have left to that committee the legislative, executive, and judicial appropriation bill. Every bureau in the city of Washington is supplied and fed by it. I will say to my friend, if he still continues to put his trust in the Committee on Appropriations, we have left that bill precisely where he wants it to remain. All the clerkships, all the heads of bureaus are to be there provided for.

He has said the heads of these bureaus were here lobbying in behalf of the passage of this amendment of the rules. I say in reply that every single one of them, if he desires to have his bureau force or their salaries increased, must knock at the door of the old Committee on Appropriations.

Then take the sundry civil appropriation bill, a bill, sir, which carries all those items which are purely discretionary—which carries all those items in reference to which there is no existing law providing for the disbursement of money. I have been told in private discussion we had not carried out our reasoning to its legitimate result because we should have divided that bill up too and sent it to the other committees. Oh, no; we should not have divided it up. We have confidence in the Committee on Appropriations, and wherever there are these large discretions they are still left with the Committee on Appropriations.

Mr. CASWELL. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. Yes, sir.

Mr. CASWELL. Does the gentleman intend to say these doubtful questions would be safer when left with the Committee on Appropriations than with the other committees?

Mr. HISCOCK. Mr. Speaker, I will answer the gentleman with all frankness. I believe you can constitute from the body of this House committees with whom those questions can be safely left. I believe you have the integrity and capacity to do it. I believe this body of three hundred and twenty-five men has in it yet enough of honesty to constitute all those committees. [Applause on the Republican side.]

Gentlemen still ask why we left it there? I voted to leave it there in part for this reason, because I know there are members on this floor who do not agree with me in this good opinion of the House.

I, for one, voted to leave it there to answer their objections that I knew would be urged upon this floor. That is one of the reasons which prompted me in my action, and I doubt not that the same reason prompted other members of the Committee on Rules.

But, sir, we had another reason. We were in favor of the distribution of this work. This principle, to a certain extent, I believe, actuated every member of that Committee on Rules—I will not say every member, but nearly every member—that the responsibilities of legislation should be scattered in this House.

Mr. RANNEY (from his seat). Distributed.

Mr. HISCOCK. I used the word scattered; distributed the gentleman from Massachusetts, from Boston, says is better and I accept it. I, sir, am in favor for one of as many members of this House as possible sharing in its responsibilities, sharing in its labors, sharing in its honors, and sharing in its leadership. I, sir, am opposed, and I might as well say it here as elsewhere—I am opposed to this legislative body, as I would be to any legislative body of which I was a member, building up a system of rules that shall crown any man or set of men as kings of that deliberative body. [Applause.] No; we are here as equals, and I doubt if there is very much difference in our intellectual capacities. I doubt if there is very much difference in our aptitude for labor, and therefore it is that I have been in favor of distributing the work which is to come before the House. Mr. Speaker, I would not have taken from this Committee on Appropriations that work or that kind of work which I believe it can do well. I will say further to the gentleman from Wisconsin [Mr. CASWELL] that I never would have joined in this report if I had believed that the Committee on Appropriations could do this work well. No, sir; never. I do not mean to say that it has been excessive in its appropriations, nor do I mean to say that it has been too parsimonious in its appropriations. I do not mean to say that so far as the work itself was concerned it has not been in the main well done. But what I mean to say is that it has not done it well for the country, well for the House, because it has not been well done for the other business which is brought to the House, and that is the ground of my present position on this report.

Mr. CANNON. I wish to ask the gentleman from New York, who was chairman of this committee during the Congress before the last, whether he believes there is any difficulty which will prevent the Committee on Appropriations, consisting of fifteen men who are willing to work, from doing all the business that will come before that committee if you confine it to appropriations solely, divorcing from it all power to recommend legislation, and divorcing from every member of this House the power to move legislation upon the general money bills?

Mr. HISCOCK. Mr. Speaker, I can not answer the gentleman from Illinois categorically, but I propose to argue the question which he has submitted to me. Sir, the Committee on Appropriations of this House is made up, and it ought to be, of leading men—leading men before the country, leading members of the House, men of large experience, men who are looked to for the leadership of their party, men who are looked to to guard carefully the rights of the people and to criticise the legislation which may be proposed here, and to defeat or forward it. Strong leading men of the House usually have been made members of that committee. Now, sir, what I say is this: that you can not constitute the Committee on Appropriations of that class of men who can be able to bring in their bills here in season to procure their passage and still discharge the other duties that are expected of them by the House and the country. They are interested in other legislation. If it is a tariff bill that is up they must needs be here to watch it. If general legislation is here for consideration they are interested in it, as you and I are interested in it, and they must be here to further or defeat it. The result is if they discharge their duty to the country and to their constituents they have not the time to prepare these bills. Why, sir, there is no gentleman for whom I have a higher personal respect and regard, very few for whom I have more admiration, than the gentleman from Indiana [Mr. HOLMAN] upon that committee. Will the gentleman from Indiana tell me if he can properly discharge his duty as a member of the Committee on Appropriations in reference to all of these bills and yet stand here as a guardian of the Treasury, occupying the position that is expected of him by the country? What is the result? What has been the result since I have been a member of the House, and since my friend from Illinois [Mr. CANNON] has been here? The House knows what it has been; the country knows it. The Committee on Appropriations prepare their bills as other committees prepare their reports, and then the report of the Committee on Appropriations and the reports of the

other committees all come in here at the same time, and the result is that the Committee on Appropriations takes the right of way, while, as a consequence, all other legislation is crowded out.

There is no chance for any deliberate discussion of another question. The committees have prepared their work and brought it in here. Work comes over here from the Senate. Senate bills are brought here. They accumulate during the last days of the session. It may be legislation in which a locality, or a State, or a section of the country may be deeply interested. When it comes here from the Senate some discussion of the question is desired. But it is within the last thirty days of the session, and you have to pass the appropriation bills or have an extra session. The result is that there is a denial of a hearing in this House for other bills.

I heard something said here yesterday on the floor in the course of this discussion with reference to the bankruptcy bill. It is not my purpose now to discuss that bill. But, sir, I say this, that the people who are in favor of that measure have a right to a hearing for it on this floor. They have a right to have it discussed here, and they have a right to have a vote upon it in this House; and yet, sir, by this manner and method of doing business which has prevailed here since the adoption of the present code of rules it could not have a hearing. This, too, while there is a majority of the House in favor of it. Why? Because it had to yield to the appropriation bills or else we were to have an extra session.

I believe, sir, if the appropriation bills are distributed in the way proposed we can go back to the old rule that has been cited in this report that every appropriation bill shall be reported to the House within thirty days after the appointment of the committees. If the report is adopted I will be in favor of that amendment to the rule so as to compel the committees within thirty days to bring in their bills for consideration and put them on their passage and get them out of the way of other legislation.

Mr. RANDALL. Will the gentleman allow me to ask him a question?

Mr. HISCOCK. With pleasure.

Mr. RANDALL. I wish to ask the gentleman from New York whether his experience as chairman of the Appropriations Committee in the Forty-seventh Congress has not taught him it is impossible to get these bills into this House, no matter where they come from or where they go to, within thirty days. We have not even the estimates on which to base the bills in thirty days. The rule to which the gentleman refers was a dead letter from the day it was enacted.

Mr. HISCOCK. Then I would have the rule amended so as to say that the bills should be reported within thirty days after the estimates were presented. And I would say further, with reference to this question, that I do not believe there is a single one of these general appropriation bills that any intelligent committee thoroughly posted in reference to the service could not prepare and present to the House within one week after the committee has received the estimates.

Mr. RANDALL. That statement does not correspond with your record as the chairman of that committee.

Mr. HISCOCK. I am entirely willing that my record as chairman of that committee shall be paraded before the House. Certainly so far as the presentation of the bills was concerned it will more than favorably compare with the record of any other committee before or since for ten years.

Mr. RANDALL. I think not.

Mr. HISCOCK. I say to the gentleman from Pennsylvania I think he had better content himself with remaining in the fields of speculation and thought on that question.

Mr. RANDALL. I am willing to stand by the record.

Mr. HISCOCK. Take my own experience with reference to those bills. I had the power; I grant it. And when I had it I did not bring in those bills early; I grant that. I could have done so if I had desired. But what did I do? I held back the legislative and sundry civil bills until away in July to force this House to pass the little internal-revenue bill and to pass the Tariff Commission bill.

Mr. RANDALL. There was a little log-rolling.

Mr. HISCOCK. Oh, yes.

Mr. MORRISON. Who log-rolled with you?

Mr. HISCOCK. I did it on the ground I have stated, and I say if you will examine the RECORD you will find that on the floor of the House I distinctly proclaimed my intention and policy to the country. My action was not covert. It was taken boldly and manfully. Whether I ought to have had that power or not, perhaps, sir, is questionable. Since I had it I chose to exercise it. And I believe in that particular case it was wisely exercised.

But, sir, what I say in reference to this matter is this, and the record proves it, that nearly all the appropriation bills have passed this House within thirty days before Congress adjourned. I say the record shows an aggregate amount of $275,000,000 has passed the House within thirty days of the final adjournment, and has been dumped—I use the word advisedly, having relation both to the method and quality of the material deposited—has been dumped into the Senate for its examination in that late period of the session. I ask gentlemen upon this side, yes, and upon the other side of the House if this is a good and wise method of legislation? Should the Senate be compelled to consider the appropriation of this vast amount of money within thirty days of the expiration of the session? Why, sir, it is often the case—it is no exception to the rule—that within the last week of the session $50,000,000 or $75,000,000 have gone over to the Senate for consideration with the other appropriation bills still there undisposed of. Is this a proper system? Are we afraid to adopt a method that will not subject us to those evils? The gentleman from Illinois said he took the responsibility of his vote, and that he desired not to influence anybody else. I say for myself, on this question, I am willing to take the responsibility of my vote and go to the country on it.

Many new members are sitting around me, and I ask them to appeal to the old members for verification of the facts I will now state. Six, seven, eight, nine, ten millions of dollars are disposed of by committees of conference, and no member of the House—perhaps I ought to except the conferees, yet I hardly think I ought—no member of the House knowing precisely what disposition is made of the money.

Mr. CANNON. Does the gentleman propose a scheme which will better that or will hasten the business of this House?

Mr. HISCOCK. I do. I believe if you will give to the Post-Office Committee the Post-Office appropriation bill, which embraces only such questions as those to which I have called attention, that within one week after the estimates are presented here that committee can report its bill. More than that, I believe if it is a fair bill, instead of there being speeches upon the question, as has been suggested by the gentleman from Alabama, there will be no speech upon the bill, but it will pass by unanimous consent.

Why, sir (and this remark does not apply to the gentleman from Illinois), I must say that many a time I have thought these bills had been constituted for the very purpose of promoting discussion on this floor; that this was the objective point of the men who prepared them—that they might come here to enter the lists as debaters and demolish all the gentlemen who sought to assail their bills. I believe that discussion is prolonged by these bills being presented here in this way; and I say to you, gentlemen upon the other side, that you should have no fear—you, Mr. Speaker, as we know, have no fear—of these amendments, because it is the estimates of your President that are to pass under review.

I wish to say a little more with reference to one of the evils that have grown out of this system. Twenty-five, fifty, seventy-five, one hundred and twenty-five millions of dollars tied up in conference in different bills! And to what a spectacle was the country and the House invited! The Committee on Appropriations through its conferees dickering, not with reference to items in the particular bill, but with reference to items in different bills, trading off the provisions in one bill for the provisions in another. I have made this charge, Mr. Speaker, with great boldness, and I pause for any member of the last Committee on Appropriations to dispute my assertion.

Mr. CANNON. I will say very frankly to the gentleman that while I was never the chairman of the Committee on Appropriations, he was; and I had the honor to be upon that committee. If such "trading" as he refers to took place in that committee then it was known to the gentleman and not to me. And so far as I am concerned, if such "trading" took place in any Committee on Appropriations it did not come to my knowledge or meet my approval.

Mr. HISCOCK. I believe, Mr. Speaker, all that the gentleman says. It did not come to his knowledge when he and I served together; and it would never have come to his knowledge if we had served together for many Congresses more.

But, sir, under this system there is a chance for that sort of thing; and I will vote to abolish any system which admits in practice such vicious legislation.

[Here the hammer fell.]

Mr. HISCOCK. I hope some gentleman will yield me his time or ask an extension of mine.

Mr. ANDERSON, of Kansas. I ask unanimous consent that the time of the gentleman from New York be extended.

Mr. HISCOCK. I will not occupy a great while longer.

The SPEAKER. The gentleman from Kansas asks unanimous consent that the time of the gentleman from New York be extended. Is there objection? The Chair hears none.

Mr. HISCOCK. Again, Mr. Speaker, what is the result of this system? For the correctness of your appropriation bills as passed—nearly every one of them—you are dependent upon the integrity of two clerks of Congress. I undertake to say (and I will pause to be contradicted on this point) that the Committee on Enrolled Bills has never been able to read the appropriation bills after they were engrossed. In this particular you are compelled to depend upon the integrity and capacity of two clerks, overwearied with night service, extending frequently into the early, or, if you please, the late, hours of the morning—yes, Mr. Speaker, when the hand has been turned back upon the dial to prolong the session. You are compelled to depend upon the physical strength, the integrity, and the capacity of these men.

Mr. CANNON. Do I understand the gentleman to say that the hand was turned back on the dial to lengthen the session?

Mr. HISCOCK. Well, I will withdraw that remark, and if per-

mitted I would be glad to have it left out of the RECORD, because I do not care to enter into an investigation of that question.

Mr. CANNON. I wanted to see what committee was responsible or that, and whether we could not break up that system.

Mr. HISCOCK. I will not enter into a discussion of that question. But, sir, the legislation of this Congress is relegated to these clerks who make up and engross these bills; and, as I said a moment ago, no committee of the House knows what provisions are in them. The conferees themselves who have charge of the bills do not know what is contained in them. I have seen it stated somewhere in the newspapers in reference to the closing hours of the last session that an item for the armament of new cruisers was left out through an oversight of the engrossing clerk. My friend from Maine [Mr. BOUTELLE], who is a newspaper man, will perhaps corroborate my statement on this question. This House spoke in emphatic terms in reference to making an appropriation for the armament of these new cruisers. The Secretary told us that we needed to start the building of these guns before we commenced building the ships. The Committee on Appropriations resisted that provision. Still I think the House put it in. If it did not put it in there was a decisive vote on that question, and, as one of the newspapers said—I do not know whether truthfully or not—the conferees reported in favor of that item going into the bill. Yet it was left out. And the Secretary of the Navy —not our Secretary of the Navy; ours, speaking as an American citizen; but not ours speaking as a party man—has sent in here the report of his Department, saying, in purport, there was no need of so early an appropriation for those ships, since no appropriation was made for their armament, as it takes a much longer period of time to prepare the armament of vessels than to build them.

And this is the kind of legislation, Mr. Speaker, dealing with millions—amounts so large the brain grows dizzy as it contemplates them—this is the species of legislation, I say, to which I am opposed and against which we have attempted to provide a remedy.

I come, now, to consider one further point in this discussion. Just think of it, Mr. Speaker, $275,000,000 of appropriation bills, under this system, are passed through Congress and laid before the President of the United States, demanding his approval, when he is not able to read one word or one line of them. I believe that this great country would respond to a veto from the Executive if he said, I will not sign a bill that comes to me at such a questionable time.

Look at it, sir. I will recall to your mind the scenes you have witnessed, Mr. Speaker, in the closing hours of a session of Congress—not the closing days, but the closing hours of a session. The President with his Cabinet, and all the legislation of this House, incuding all the bills of the Committee on Appropriations, at 1, 2, and 4 o'clock in the morning, all placed before the President of the United States, and the alternative presented to him to sign the bills or to be forced to call an extra session. He, sir, is a part of the law-making power of this country, and I believe that, under the Constitution, he should have ample time for the consideration of all bills. We, in the State of New York, give, I believe, our governor thirty days after the Legislature has adjourned for the examination of bills. Not an hour is given under our Constitution, and, more than all that, Congress so manages its business as absolutely to force the signature of the President to bills under such circumstances that he can not know what provisions they contain.

Mr. Speaker, I notice that the minority report here states that what is proposed is unusual. I do not know, but it says that it is unheard-of in legislative bodies. Sir, I think somewhere in the report we are pointed to the mother country to be guided by her experience on the question. I am willing to be guided by the practice of England on this question. What does she do? The committee on supply is the committee of the whole house, and it takes up the budget and approves or rejects the items in it. If you please, the standing committees that I have referred to may formulate the budget for administering the Government and bring it to us with their views, with the result of their investigations, and we can adopt or reject the items as they are presented to us.

We have been told that eminent men in the past have given the sanction of their approval to this system. Well, the gentleman from Pennsylvania has quoted their sayings in his report. I wish he would have been willing to have followed them in some of the other doctrines they have preached, as it would have been more profitable to the country than simply to quote their sayings here now in this manner.

It to me is always a little questionable for an individual to invoke the testimony of his opponents on a great question. We do not know the surroundings or political exigencies of the case, if you please, which may have induced men to make their arguments in reference to a certain theory or policy. I can understand there might be circumstances where I might think it wise policy to lodge the legislation of the House in some ten or fifteen members, but in these times of peace, when there are no questions before the people but those of finance, I do not recognize this as any such occasion.

I might say further in reference to the statements of these gentlemen who have been quoted that all men grasp for power and leadership, and that there are but few men who have been willing to add their voice to arguments in favor of their own deposition. Great parliamentary leaders often conclude those who surround them need their guardianship; that it is unsafe to trust them with the depositing of their own votes. Now, if that has been so in times past, let us start out in a new era and educate every man to the responsibility of voting and acting for himself.

I have no fault to find with the statesmanship or high character of the distinguished gentlemen who have been referred to. They have been the great leaders of the party to which I belong. I believe I was present when some of the utterances which have been referred to were made. Presidential candidates were then before the country. I do not question the good faith or the earnestness of the men who made those statements. Self-interest, perhaps, dictated they should be aggrandized as leaders of the Republican party.

Well, Mr. Speaker, we are not a triumphant party to-day, and we do not need to invest anybody on this side of the House with extraordinary powers of leadership. And in the interest of good legislation for this country I do not believe it is worth while, since you have the President, since you have the Administration and must pass on its estimates, you should force leadership on any particular individual or any particular committee on your side of the House.

Mr. Speaker, I believe I have but little more to say in the discussion of this question. I have not touched any of the other amendments which have been proposed by the committee. This one in reference to eliminating legislation from the general appropriation bills I must, however, say a word in reference to. We have passed the period in the history of this country in which I am afraid of riders upon appropriation bills.

I see coming up in the distance no great political question that it may be necessary to solve in that manner, and I am frank to say that if that had been the only danger that confronted me I should be indifferent as to whether that amendment of the committee prevailed or not. But, sir, it has a far greater range, a more far-reaching effect upon the legislation of this House than that.

Again, to answer the objections made by gentlemen on both sides of the House that this House can not be trusted with itself, we propose that no committee shall have the power of putting any legislation upon its appropriation bills. How can you increase your appropriation bills, when they are made under existing law, to any great amount if you can not carry with the proposed appropriation the legislation which authorizes the expenditure of the money?

That, sir, is the great reason for that amendment to the rule. You take, for instance, the Committee on Naval Affairs. The country, we will say, expects a new navy; but that committee can not bring in an appropriation here for this new navy upon the same bill which provides for it. The legislation must first pass the House, then the Senate, and be approved by the President, and the great object of that provision of the rules is as a limitation upon the powers of the committees themselves.

I think, sir, I have said all I desire to say. We have divided these labors; we have given to the Committee on Appropriations all the labor which it can perform for the benefit of the public service. There is not a single man on this floor who hears me but who knows the fact which I state. We have not intended to say that its work has not been well done in the past. We cast no reflections upon the committee; but we do say you are overwhelmed with work, you are overloaded, and these other standing committees can do the work as well and as economically as you can.

Now, sir, not precisely in the same language as the gentleman from Illinois [Mr. CANNON], I say in conclusion that I have given the reasons that influenced my vote upon this question in committee, and, for one, I desire to influence no other member upon this floor, but I shall cast my vote in the House in accordance with the views which I have expressed, and am willing to take the responsibility. [Applause.]

Mr. HOLMAN. Mr. Speaker, while I am not hopeful that any of the amendments proposed to the rules in this report of the committee will be found beneficial or facilitate the business of the House, I am inclined for one to acquiesce in all of the amendments suggested with two exceptions. I indulge no hope that the business of the House will be promoted by the additional morning hour proposed, or that it will secure better legislation. I hope I am mistaken in that. Still, I repeat, I indulge no such hope. But the temper of the House is manifest. A change of the rules is demanded in the belief that the present system obstructs legislation. A belief is widespread that under the present rules of the House minorities have improper power, and that bills that would receive the approval of a majority of the House, measures of beneficial legislation, are defeated by the simple operation of the rules of the House. I believe this is a misapprehension, but that misapprehension will not be apparent until the new rules shall have been applied. I think it will finally be conceded that it is the vast body of measures that accumulate in the House, growing greater every year, and not the rules, that obstruct legislation, if, indeed, it is improperly obstructed.

The two propositions in the report of the Committee on Rules to which I take exception are, and I name them in their order of importance, according to my judgment, the change in the third clause of the twenty-first rule of the House, relating to legislation in the interest of economy, and the change in the eleventh rule of the House, touching the considera-

tion of appropriation bills, I shall confine what I wish to say to these two propositions alone.

I listened with great pleasure last evening to the gentleman from Illinois [Mr. CANNON] when he addressed the House on this subject. I always listen with pleasure to that gentleman; he always speaks well. I thought I had misapprehended his remarks as to the old retrenchment rule of the House, and therefore I have had recourse to the CONGRESSIONAL RECORD. I find that the gentleman made use of the following words; he is always vigorous in his language:

Yet, Mr. Speaker, then and there was opened the Pandora's box, which through the succeeding ten years was to do "great harm to the country."

Then was opened the "Pandora's box!" What evil to the country was it that justified this elegant allusion to the classics? Why, it is the rule adopted by the Forty-fourth Congress, a rule for which this side of the House, when in the minority for years and years, had struggled, a rule which had received at an earlier period the support of some of the most experienced members on the other side of the House.

Nor shall any provision in any such bill—

Appropriation bill—

or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures.

The whole rule is as follows:

RULE XXI.

3. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

That rule my friend from Illinois regards as the source of all our troubles for the last ten years—a mischievous rule. All of the evils incident to legislation were turned loose upon us and the country by that unhappy provision. The presumption would naturally arise, from what the gentleman from Illinois said, that prior to that time there had been no legislation upon appropriation bills, and during the long period of time that the gentleman and his associates upon the other side of the House had control legislation it had been carefully kept off of appropriation bills, and this rule of the Forty-fourth Congress changed the whole order of things. Now, what are the facts? I do not need to go into the details of this question. I think I am justified in saying that but few appropriation bills were passed for years before the Forty-fourth Congress that did not contain independent legislation, but I call attention to a striking instance with which the gentleman from Illinois is familiar. I refer to the sundry civil appropriation bill, passed on the 10th of June, 1872, which contained page after page of legislation on the subject of Federal supervisors of election and of various provisions of law connected with that subject.

But I point to an instance preceding the time of the adoption of the rule of the Forty-fourth Congress so denounced which will show very clearly what was the practice prior to the Forty-fourth Congress under the rule now proposed to be readopted.

Mr. REAGAN. Will the gentleman from Indiana allow me to make a suggestion without interrupting his argument?

Mr. HOLMAN. Certainly.

Mr. REAGAN. My suggestion is this, and it is in reference to what was stated by the gentleman from Indiana: In a former session of Congress, when a question was up about general legislation upon appropriation bills, I had occasion to go to the statutes and look through the twelve years that the Republicans controlled both Houses of Congress, and I had printed in a speech of mine a table that showed three hundred and eighty and odd different cases of general legislation on appropriation bills in the time that Congress was controlled by the Republican party.

Mr. HOLMAN. I am obliged to my friend for making my statement more specific. I find scarcely an appropriation bill in those former years where independent legislation does not appear. But I will call the attention of the House to the event in Congress which especially impressed on this side of the House the necessity of the rule which is the subject of this denunciation. I ask the Clerk to read from the Congressional Globe the passage I have marked, that the House may see what the rule was prior to the adoption of the rule which, in the opinion of the gentleman, opened the Pandora box from which so many evils have sprung to harrass this House and the country.

The Clerk read as follows:

[Proceedings of the House, January 8, 1873.]

For compensation of the President of the United States, $25,000.

Mr. SARGENT. I move to amend the paragraph just read by striking out $25,000 and inserting $50,000; also by adding to the paragraph the following proviso:

"*Provided*, That from and after the 4th March, 1873, the salary of the President of the United States shall be $50,000 per annum, payable monthly."

The salary which the President of the United States receives was fixed——

Mr. HOLMAN. I desire to reserve the point of order upon this amendment before the gentleman proceeds.

Mr. SARGENT. Then we had better settle the point of order now.

Mr. HOLMAN. The law fixes the salary at $25,000 a year, and has done so for more than seventy-five years.

Mr. SARGENT. That I concede; but the rule of the House allows salaries to be increased.

Mr. HOLMAN. I am perfectly willing to reserve my point of order on this amendment and allow the gentleman to be heard.

Mr. SARGENT. The point of order having been raised, I would like to have it decided.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] will state his point of order.

Mr. HOLMAN. My point of order is that there is no law authorizing this increase of salary. The law, as it now exists, fixes the salary of the President of the United States at $25,000 a year. This amendment proposes a change of the law. If there is any doubt about that I will read the law fixing the salary.

Mr. SARGENT. I admit that the law fixes the salary at $25,000 a year, and it can not be changed for this term and a higher salary can not be paid for any future term unless the law is changed. I call the attention of the Chair to Rule 120 and the practice under that rule.

Mr. HOLMAN. I wish to interrupt the reading for a moment to call the attention of the House to the fact that the rule as now to be read is exactly the rule word for word proposed to be adopted by the report of the Committee on Rules.

The Clerk continued the reading, as follows:

The CHAIRMAN. The Clerk will read the rule and the practice under it.

The Clerk read as follows:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."—Rule 120. [It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose].

The CHAIRMAN. The Chair understands the uniform practice to have been that under this rule amendments increasing salaries are in order, though the Chair confesses he does not understand the reason of the practice. The Chair overrules the point of order.

Mr. HOLMAN. The events that followed that action changed the political complexion of this House. The public indignation at the legislation based upon that ruling, and following it, gave at the next election the Democrats instead of a small minority in the House an overwhelming majority. That unquestionably resulted from the legislation predicated on that ruling, which included the increase not only of the salary of the President but of the Federal judges, the salaries of members of Congress, with the increased salary covering the preceding two years, the heads of Departments, and a vast body of other officers of the Government, involving a large expenditure beyond any previous example in official salaries. The effect on the public judgment was clearly seen in the election of 1874—I think more clearly than it has ever been expressed except in a few instances on a question of public policy.

The Democratic side of the House as soon as the Forty-fourth Congress was organized brought forward and adopted this rule of retrenchment. What have been the fruits of it all through these years? What has occurred to justify its repeal? I have shown some of the fruits of the system under the rule as it formerly existed. What have been the fruits of the new rule of the Forty-fourth Congress? In the very first Congress in which that rule was adopted, and adopted by a unanimous vote on this side of the House for it, comparing the appropriations in that Congress under the then new rule and the appropriations in the Congress immediately preceding under the old rule, the one allowing amendments to increase expenditure, the other only allowing amendments to reduce expenditures, there is a difference of $63,926,423.18—over $63,000,000. Over $30,000,000 a year were saved to the labor of the country. Such was the rule now so roundly denounced. That economy is perhaps one of those evils in the view of my friend that escaped from this Pandora box—this new rule of the House formed in the interest of economical government.

Mr. BURROWS. Will the gentleman from Indiana yield to me for a single moment?

Mr. HOLMAN. Yes, sir.

Mr. BURROWS. The gentleman has referred to the proposed rule as reported by the committee as enabling the House to increase salaries and has referred to a certain decision under the rule, and states that the proposed rule of the committee is identical with the one under which the decision he has referred to was made.

Mr. HOLMAN. That is my understanding.

Mr. BURROWS. I desire to send to the Clerk's desk and have read about half a column of proceedings which occurred after what the gentleman has read, showing that the decision——

Mr. HOLMAN. Wait a moment.

Mr. BURROWS. Will the gentleman hear me? Showing that the decision of the Chair was reversed by the committee then and there.

Mr. HOLMAN. Certainly. But the gentleman ought not to consume my time in an explanation. The explanation makes the case much stronger than I put it.

Mr. BURROWS. Will the gentleman allow that to be read?

Mr. HOLMAN. I will state what it is; and the gentleman knows what my statement will be. I appealed from that decision. Although the ruling was sustained by uniform precedent I regarded the construction that had been placed upon the rule in the interest of extravagant

government as absolutely indefensible, and although no gentleman ever occupied the chair for whose judgment in general I had a higher respect than Mr. DAWES, of Massachusetts, who made the decision, I appealed from that decision; and strangely enough, in view of subsequent events, the House sustained the appeal and overruled the Chair. Every gentleman knows the subsequent history of the measure. When the proposition embraced not only the President's salary but a multitude of other salaries the ruling was sustained.

A MEMBER. Who was the Speaker then?

Mr. HOLMAN. Mr. DAWES, of Massachusetts, was the presiding officer of the Committee of the Whole when the decision was made; so when a great body of the officers of the Government, legislative, executive, and judicial were embraced in the proposed increase of salaries, then upon the same point of order and a similar decision the appeal was defeated, and this measure of extraordinary legislation on an appropriation bill became the law on the 3d day of March, 1873, and you all know the result. The people condemned the measure, and the rule now sought to be abrogated became the rule of the House. I think my friend should not have required me to go into these details, because they do not affect the point before the House.

Mr. BURROWS. I simply ask to have read that portion of the proceedings.

Mr. HOLMAN. Let it be read. I intended that a friend should have a portion of my time, and that is the only objection I had to the reading.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Clerk will read.

Mr. HOLMAN. I have no objection to the extract being printed in the RECORD. I trust that will be satisfactory.

The SPEAKER *pro tempore*. If there be no objection, the extract sent to the desk by the gentleman from Michigan will be printed in the RECORD. The Chair hears no objection.

The extract referred to by Mr. BURROWS, from the proceedings of the House of Representatives of January 8, 1873, is as follows:

The CHAIRMAN. The Chair understands the uniform practice to have been that under this rule amendments increasing salaries are in order, though the Chair confesses he does not understand the reason of that practice. The Chair overrules the point of order.

Mr. HOLMAN. I very respectfully appeal from the decision of the Chair, on the ground that the rule is rendered utterly nugatory if the salaries can be increased beyond those fixed by law.

The CHAIRMAN. The Chair understands the uniform practice to be in conformity with his decision.

Mr. GARFIELD, of Ohio. Does the decision of the Chair reach the proviso offered as an amendment?

Mr. SARGENT. Certainly; it is meant to reach that. Where the law fixes a salary, even if you appropriate a greater amount, it is held by the Treasury Department that the greater amount can not be paid unless the law is changed.

Mr. FARNSWORTH. While we may increase a salary to be paid for the year for which the appropriation is made, can we provide in an appropriation bill that two years hence, or ten years hence, the salary shall be so and so? That is the point I would suggest.

The CHAIRMAN. An amendment has been proposed by the gentleman from California [Mr. SARGENT]. The gentleman from Indiana [Mr. HOLMAN] raises the point of order that the amendment is not in order because it changes existing law. The Chair overrules the point of order, and the gentleman from Indiana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of this committee?

The CHAIRMAN. The Chair understands the amendment to change the amount appropriated for the fiscal year, with the proviso that the increased amount shall continue to be the salary of the President of the United States. Under the uniform ruling, both in the House and in the Committee of the Whole, the Chair overrules the point of order. An appeal being taken, the question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 22, noes not counted.

So the decision of the Chair was not sustained.

Mr. SARGENT. I offer the amendment without the proviso, and proposing simply to strike out "$25,000" and insert "$50,000;" so that the clause will read:

"For compensation of the President of the United States, $50,000.

Mr. HOLMAN. I raise the point of order that the gentleman can not offer an amendment in the exact words of a proposition which has been already submitted and ruled out of order by the committee. The gentleman uses the exact words of his former amendment, merely leaving out the proviso.

Mr. SARGENT. To sustain the point of order just raised by the gentleman from Indiana would not be more absurd than the action of the Committee of the Whole a few moments ago, because the committee have overruled what has been the uniform practice of the House and of the Committee of the Whole.

Mr. HOLMAN. I make the further point of order that in spite of the ruling, which has been clearly erroneous, this amendment does change an existing law.

Mr. SARGENT. I raise the point of order that somebody else than the gentleman from Indiana has a right to speak sometimes. [Laughter.]

The CHAIRMAN. The gentleman from Indiana will state his point of order.

Mr. HOLMAN. My point is that this amendment does in fact change an existing law, and is in violation of the rule of the House.

The CHAIRMAN. The Chair overrules the point of order.

Mr. HOLMAN. I take an appeal from the decision. I do not believe the precedents are uniform or at all reliable. I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, there were—ayes 50, noes 45; no quorum voting.

Tellers were ordered; and Mr. SARGENT and Mr. HOLMAN were appointed.

The committee divided; and the tellers reported—ayes 60, noes 67.

So the decision of the Chair was not sustained.

Mr. HOLMAN. I presume it is only necessary to refresh the memory of gentlemen in reference to these matters. The rule, as I have said, framed to increase salaries, notwithstanding this action of the Committee of the Whole, when this entire measure of salary increase was consolidated, finally triumphed and became the law. You all remember how promptly it was repealed as far as it could be.

Mr. CANNON. Will the gentleman allow me, as he has referred to me in this connection——

Mr. HOLMAN. Yes, sir.

Mr. CANNON. I hold in my hand and desire to read a statement in reply to the claim of enormous reduction——

Mr. HOLMAN. I will answer a question.

Mr. CANNON. I wanted to correct the gentleman on a statement of fact; that was all.

Mr. HOLMAN. No, sir; I am not mistaken as to my facts. I have examined them over and over again. My friend must not misapprehend me. He thinks I have not embraced in my statement the $25,000,000 not appropriated for the Army in the last session of that Forty-fourth Congress; but I include every dollar of it.

Mr. CANNON. Oh, no; the gentleman is still mistaken.

Mr. HOLMAN. You refer to deficiencies.

Mr. CANNON. No, sir; I refer to an official statement of the expenditures.

Mr. HOLMAN. Oh, I understand all that; I can not consent that shall go into my speech. I have seen that campaign document. I have spoken by the public records; they will confirm the correctness of my statements. My friend ought not to insist upon my allowing a mere political campaign document to go into the RECORD.

Again, Mr. Speaker, take the last session of Congress. Let us see how this Pandora's box of a rule has affected the public interest. You had in the last Congress a very excellent Committee on Invalid Pensions; and one of my colleagues [Mr. MATSON], a very excellent gentleman, well informed as to the duties of that committee, was the chairman. Yet it was only in connection with the appropriations that it appeared you were expending a larger sum of money in connection with your medical boards than the public interests required. So on the last pension appropriation bill there was adopted an amendment, which received the approval of every member of the House and every member of the Senate, so far as I am informed, and is now approved, I think, by the Pension Bureau—at least I am not aware that it has been the subject of a word of objection—reducing the expenditures on that single item—I state it carefully—at least $150,000 per annum. I could go on and enumerate in detail a great multitude of similar instances in your legislation during the last ten years. Whenever that rule has been justly applied the results have been beneficial; in no instance has it injured the public service, and it has annually saved millions to the people.

Mr. O'NEILL, of Missouri. Is not that an argument in favor of allowing the Committee on Pensions to have charge of that branch of our appropriation bills?

Mr. HOLMAN. I have no objection to that—none whatever. It is a bill that stands out without connection with the other appropriation bills except as to salaries.

Mr. KING. Will the gentleman allow me a question?

Mr. HOLMAN. Just a question.

Mr. KING. I understood the gentleman to state that this Pandora's box was opened by the interpretation given to the rule by the then Speaker.

Mr. HOLMAN. The interpretation of the Chair to which I have referred was prior to the adoption of the rule under discussion by the Forty-fourth Congress and while the rule now proposed to be readopted by the report of the Committee on Rules was in operation.

Mr. KING. Then I understand the gentleman to state that all these evils grew out of the decision of the Speaker.

Mr. HOLMAN. No, I cannot say that was the fact. They grew out of the rule, for the rule was held to have been adopted for the express purpose of allowing an increase of salaries on appropriation bills. The Chairman simply followed the uniform precedent.

What I mean to say, Mr. Speaker, is that that ruling was in conformity with the uniform ruling previously made, when it was held that the words of this proposed rule now before the House, "and for contingencies for carrying on the several Departments of the Government," were placed in the rule as far back as 1836 for the express purpose of promoting legislation on appropriation bills to increase salaries.

Mr. KING. But I understand an appeal was taken and the decision of the House was reversed.

Mr. HOLMAN. The gentleman is correct.

Mr. KING. Then how could these evils have grown up?

Mr. HOLMAN. I have stated that subsequently the decision was sustained, and the provisions increasing the salaries became the law.

It is said this rule of the House is in conflict with that of the Senate, and this body is put at disadvantage; that the rules of the two bodies should in some degree be in harmony; that the appropriation bills should contain no legislation, but simply consist of appropriations to carry on the Government under the estimates.

Let me call attention to the last Post-Office appropriation bill. There is an item of $400,000 (one-half of the $800,000 named) contained in that appropriation bill, in a provision which had been defeated in the House, a measure of new legislation paying steamship corporations 50 cents per mile for transportation of your mails without any reference whatever to the amount of mail to be transported. That independent legislation was put on the bill in the Senate, came to the House, and after

a long and exciting contest became the law. While the Senate year after year has been putting legislative provisions on appropriation bills, as I think, in the interest of lavish expenditure, it can be said to the credit of the House that, whatever may have been the character of your other legislation, it at least under the operation of this rule has uniformly retrenched expenditures of the Government. Let me say in all candor that large as were the appropriations of the last Congress, many millions in my judgment beyond the wants of the public service, they would have been far greater had it not been for the restrictive power of this rule which it is now proposed to repeal.

I understood the gentleman from New York [Mr. HISCOCK], who discussed this subject with his usual ability, to express the opinion that the Committee on Appropriations, or committees, should take the estimates and appropriate accordingly. He suggested at least to this side of the House that confidence should be reposed by it in the men now at the heads of your great Departments and bureaus. I am glad to believe that the men on this side of the House will apply the same rigid rule to the expenditures of the Government estimated for by the Departments that they would apply if, instead of their own party, the opposition controlled the Government. I am sure the gentlemen at the head of your great Departments will ask the aid of Congress in behalf of frugal government. President Jefferson, a very high authority among Democrats, in speaking of the duty of Congress to guard against the natural tendency of the Executive Departments of the Government toward extravagance, in one of his earlier messages used the following language:

> Considering the general tendency to multiply offices and dependencies and to increase expense to the ultimate term of burden which the citizens can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, Government shall itself consume the residue of what it was instituted to guard.
>
> In our care, too, of the public contributions intrusted to our direction it would be prudent to multiply barriers against their dissipation by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money, and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious, and uniform.

Yet my friend from New York would have your Committee on Appropriations simply appropriate the sums estimated, on the plausible argument that, with Democrats at the heads of your Departments, whatever appropriations were made and not required for administering the Government would be returned to the Treasury. This is not a democratic view. No, the duty of the legislative department of the Government is to see to it that not one dollar beyond the wants of the public service shall be withdrawn from the Treasury, or authorized to be withdrawn. Whoever may be at the head of your great Departments, the people expect in the interest of honest government that Congress shall faithfully perform that duty.

This rule which authorizes legislative retrenchment on appropriation bills has been in operation for ten years. Every retrenchment effected up to this time in these ten years has resulted from the operation of that rule. It is now proposed to reverse that rule. You have that issue, gentlemen, squarely before you. It is proposed, instead of a rule permitting legislation on appropriation bills in the interest of economy, you shall have a rule which, by the old and uniform interpretation at least, will be exclusively employed in the increase of salaries. The latter was the rule of the Republican party, the former of the Democratic party. You will decide, gentlemen, which shall be the rule of this House.

You have the two measures before you, gentlemen, for selection; the rule that saves the public service from extravagance, the rule that in one Congressional term saved over $63,000,000 to the people of this country, the rule under which every reform that has been made in the last ten years has been accomplished, that has stood up a strong barrier against extravagance in Government, and the rule reported by the Committee on Rules, the uniform interpretation of which, especially the words printed in italics in the report, is that it was framed for the purpose of promoting legislation upon appropriation bills for the increase of salaries.

I hope that all that is necessary is to call the attention of this side of the House to the difference between these measures to secure a continuance of the wise and safe rule now in force; for I know that a party pledged as the Democratic party is, and has been throughout all its past history, to frugal, honest government, will be loath to see reinstated a rule repudiated by a Democratic House ten years ago, when that party after years of defeat obtained the control of this House, and a rule expressing economy and reform repealed. I hope you will not decide, gentlemen, that this barrier against extravagance shall be stricken down. It would be a melancholy spectacle, Mr. Speaker, it would be a sad hour for the people of this country, if, after a quarter of a century, this great party, as soon as it acquires control of public affairs, should strike down the barrier of its safety, especially if stricken down in the legislative department which is specially charged with maintaining the purity and honor of the Government.

But, Mr. Speaker, I come for a few moments to the other proposition. I put it last, gentlemen, for I do not attach as much importance to the question of who or what committees shall frame your appropriation bills as I do to a rule under which the frugality of this Government can be maintained and enforced, no matter what is done by committees. And yet I am fearful that the result of the change of the rules, if you determine it shall be brought about, touching the consideration of your appropriation bills, will be entirely different from that which is so fondly hoped for. I am well aware that none of you gentlemen would vote to distribute the appropriation bills, determine that they shall be considered in fragments, and that the number of committees responsible for their consideration should be increased, unless you believed that the public interests would be subserved.

The river and harbor bill may well be, I think, under the charge of a separate committee. It is a bill standing out by itself. It is solitary and alone. It stands upon the same basis exactly as the bill making appropriations for the Agricultural Department. Either of these bills, important as they are, embracing a single subject with many items, could be placed under the control of any of the committees of the House. Indeed I never have known the time when the Committee on Commerce, on which I had the honor to serve for some six years, or the Committee on Rivers and Harbors more recently, had not the main work of forming the river and harbor bill, a bill of many items, requiring much study, and which was, I think, very properly given in charge of a committee having no other duties. The question of economy could alone be considered here. It is a bill full of difficulties and stands by itself.

The Appropriations Committee in former years often reported the bill, it is true, but simply for the reason that under the former rules of the House the Committee on Commerce had not the right to report at any time, and hence the report was made to the Committee on Appropriations and through that committee to the House for consideration. I think the Committee on Commerce should have had control of it from the first. I can say very nearly the same with reference to the bill making appropriations for fortifications. That has no connection with the other bills. That is a separate and distinct measure, standing alone like those to which I have referred. The question of economy alone arises here. I think I understand the motives which induced the leaving of that bill with the Appropriations Committee. But that bill, as to the framework of the measure, might be considered very well by a separate committee of the House. The same is also true of the District of Columbia appropriation bill. I do not wish to be misunderstood, Mr. Speaker. The bill touching the District of Columbia is a separate and distinct bill, carved out, so to speak, separated from the balance of your budget, and if it was apparent that it would result in the economical administration of the affairs of the District that bill ought to be considered by the committee having charge of legislation for the District of Columbia, except so far as it is found to be unwise policy to invest a committee with general legislative power on the one hand and the power to appropriate on the other. This has been fully discussed.

But, sir, we have three bills, the legislative, executive, and judicial appropriation bill, the sundry civil bill, and the bill providing for deficiencies. If you leave these bills in the hands of your Committee on Appropriations and send the other great bills to the other committees, I shall indulge the hope, gentlemen, at least, then, that such a system of adjusting your large appropriations will not work grave public injury. But I am apprehensive that it will. Do you remember, gentlemen, that the bill known as the sundry civil appropriation bill now appropriates from twenty-five to twenty-seven million dollars annually, is, after all, but a part of the other great appropriation bills? You had no such bill, I think, until 1857. It grew out of the occasional mistakes in passing bills through the House and Senate, and conference committees, mistakes in many instances of omissions, by accident, at the last moment discovered. As late as 1864 that bill was laid on the table without the public interest suffering a particle and without the necessity of afterward appropriating a single item contained in the bill. But it has grown enormously. It now embraces provisions belonging in greater or less degree to all the other great bills except the bill under the control of the River and Harbor Committee.

Heretofore it contained a part of those appropriations. They were stricken out at the last session for the purpose of being provided for by the river and harbor bill. The river and harbor bill failed, so that your appropriations for the Mississippi River Commission were not made, and if they have rendered service up to this time since the 1st day of last July it has been rendered without any compensation. If you have the Army appropriation bill, the Navy appropriation bill, the Post-Office appropriation bill, the Indian appropriation bill, and the consular and diplomatic appropriation bill, all the great Department bills under the control of separate committees, according to the report of the Committee on Rules, and then the sundry civil bill, which contains provisions belonging to each of them before another committee, who is to determine what estimates are to go to one committee and what to the other? Who can prevent duplications? What committee can prevent disorder injurious to the public interests and fatal to economy?

How can you adjust your appropriations in such a manner as that confusion will not arise? And remember while your estimates are indispensable and of great value in indicating what the Departments deem neces-

sary for the Government, yet after all they are but the general indications of what the departments of the Government require. It is almost inevitable that there will be duplications when you take the sundry civil bill and place it in the hands of one committee, while the other bills appropriating for the same general purposes are sent to other committees for consideration. Take your deficiencies in the Army and Navy appropriations, Indian service, Post-Office Department, and foreign service. How can you hold your Committee on Appropriations to any accountability if you leave them in control of the deficiency bill and yet leave them wholly uninformed how the deficiencies occurred and the circumstances out of which they grew?

I think my friend from Illinois [Mr. MORRISON] must see on reflection that the deficiencies ought not to go to a separate committee. If they are deficiencies in the appropriations for fortifications or for the Army let them go to the committee having charge of the Army appropriation. In like manner let the deficiencies for the Navy go to the committee having charge of the naval appropriations bill; and so with the consular and diplomatic. Let the committee that knows something about that branch of the service and made the appropriations examine the details of the deficiencies. Otherwise what intelligence is there in your legislation? What intelligence can there be in it?

I think, therefore, inasmuch as the legislative, executive, and judicial bill is in a certain sense a part of all the bills, as well as the sundry civil is a part of them all, except a few which I have named, and inasmuch as the deficiency bill grows out of them all to a great extent, if you send some of these bills to one committee and others to other committees you run the risk not merely of duplicate appropriations and of mistakes in appropriations, but you run the risk inevitably of greatly increased appropriations, and no one will be responsible.

I do not think that the argument—not argument but statement which gentlemen have indulged in, that there are other committees of this House able to examine these bills as well as the Committee on Appropriations—is a fair or generous statement. Does any gentleman believe that any one of the committees of the House, I do not care what committee you name, consisting of thirteen members, could not, with a reasonable experience, frame your appropriation bills well? Gentlemen who indulge the idea that the Appropriations Committee is one that arrogates to itself more power than any other or more capacity and intelligence than any other do, I think, that committee and every other committee of this House injustice. There is nothing in the history of that committee to justify it. Your appropriation bills ought to be regarded as one bill. Your appropriations as a whole have always been regarded one general appropriation of money, as much so as if it was a budget and the appropriation made in gross in a single item with a vast number of details. You divide it up into bills simply for convenience. And, as I have mentioned, you do not divide it by Departments. All that pertains to the Navy does not go to one bill. All that pertains to the Post-Office Department does not go to one bill. You have simply provided by arbitrary rulings and by changes, in course of time correcting mistakes which have been made, what appropriations belonged to particular bills. Now you leave the sundry civil bill with one committee and yet propose to give bills of which it is only a part into the hands of other committees. How can you do this without running the risk of embarrassing the public service and especially the risk of appropriating more money than the public service requires?

An argument was indulged in by the gentleman from Illinois which I think was not distinctly heard. I thought there was great force in it. In making up committees the Speaker of the House, I suppose, takes into consideration not simply the experience but the character of the experience of a member of the House, the nature of his employment—as a banker, as a farmer, as a manufacturer, as a merchant, or the like—in determining on what committee he would render the most valuable public service. Now take the Post-Office appropriation bill, or either of the other great bills, the Army, the Navy, diplomatic and consular, or Indian appropriation bills. Suppose one of those bills under the charge of a committee. Let its members be as just, as pure, and upright and honest in the interest of the Government as they possibly can be, the department or branch of the Government to which that bill relates comes to be to them of primary engrossing importance. We can not overlook that fact. It is in view of that argument mainly that I think the Senate has refused to divide up the bills; or, at least, it has been largely upon that argument. It is certain that each of these committees will, in the nature of things, magnify the branch of the public service under their charge, and enlarged appropriations are certain to follow.

So far as possible, a positively impartial committee should be organized to consider your appropriation bills; and I think, gentlemen, you run a great risk of acting unwisely if you put the legislation for each of these various departments—the Army, the Navy, the Post-Office Department, the diplomatic service, &c.—under the control of distinct committees and the appropriations for those branches of the service under the direction of the same committees the result will ultimately be fatal to honest and frugal government.

If, for instance, the appropriations for all branches of the public service be put under the charge of one committee, that committee would not magnify any particular branch of the service to the same extent as would a committee considering one branch of the service alone. Take your Committee on Appropriations, as gentlemen here have known it, and as I have known it, give them charge of a single bill for one branch of the public service, the Army, the Navy, or the diplomatic service, and that committee would be greater than men if they did not magnify the particular duties which would devolve upon them. It is natural and proper that such should be the case if extended to appropriations; but it would increase your expenditures. No matter how upright and earnest your committees may be, the inevitable tendency under such circumstances would be to magnify the business of the particular committee, and ultimately to increase your appropriations beyond the requirements of the Government.

The gentleman from New York [Mr. HISCOCK], who generally speaks so fairly, made use of the following remarkable words:

> We propose that no committee shall have the power to put legislation on the bills.

Now my friend was not only the chairman, but the very able chairman, of the Committee on Appropriations of this House in the Forty-seventh Congress; and I would ask him whether he is able to tell the House how many legislative provisions were put upon appropriation bills reported by that committee during the time he was chairman? The bills were loaded down with legislative provisions, mostly judicious.

But a more remarkable utterance was the following:

> I am opposed to any system of rules that will crown any man or set of men as kings of a legislative body.

I would like to ask the gentleman how it happened that during the time he was presiding so ably over the Committee on Appropriations it did not occur to him that the rule giving such extraordinary power to himself and his associates was one derogatory to the honor of this House. How did my friend from New York happen to overlook that? How does that argument strike you, gentlemen? How does it strike my friend from Illinois [Mr. CANNON], who was an honored member of that committee at the same time? Not a word then about distributing these appropriation bills. In all that Congress that House did not dare even to touch the rule of economy which is now assailed.

Mr. CANNON. The gentleman will allow me to say that was a Republican House, and it did not propose to do any such foolish thing as distribute these bills to various committees.

Mr. HOLMAN. My friend, the gentleman from New York, the chairman of the Committee on Appropriations in the Forty-seventh Congress, would not, perhaps, give that answer. I call his attention to the fact, when he shall have occasion to consider it, that during the whole of those two years he made no appeal for a change of this rule; he made no appeal to be dethroned from the important powers of that committee, but earnestly, honestly, with credit to himself, performed the duties of its chairman till the last hour of the Congress.

My friend from Illinois has said that the rule to which he referred, known as the rule in the interest of economy in the Government, was opposed by his side of the House but received the united support of this side of the House. Gentlemen, you have now come to take for the first time in a quarter of a century the responsibilities of Government. You are pledged to administer it on the great principles which have brought the members of this side of the House together in the control of legislation. Can you afford, gentlemen, to reverse the policy we adopted at the beginning? When this responsibility is thrown upon you, can you afford to say to the country that the rule of economy which was adopted for the purpose of shielding your Treasury against the effects of improvident, extravagant, and unwise legislation has been abandoned and the directly reverse policy adopted, throwing open your Treasury to increased appropriations almost without limit or restraint?

The Republican side of the House did not disturb your committees or rules. And now all at once there seems to be a general unanimity on that side that the duties of the Committee on Appropriations should be distributed and that your rule of economy should be broken down. I admit some gentlemen on the other side of the House have expressed doubt as to the wisdom of this raid upon your rules; but, as far as the general opinion expressed by those who are entitled to be recognized as representative men on that side is concerned, your rules are to be reversed, all safeguards stricken down, and a condition of things which no Congress has ever yet dared to face in the last ten years is to be brought about. Your bills broken into fragments are to be considered by different committees having no harmonious connection with each other, each only responsible to itself, and at the same time the only safeguard to economical administration in this House is to be repealed and a contrary proposition adopted. Measures in the interest of expenditure are to be in order, and measures in the interest of economy are to be out of order.

I do not believe this House will adopt any such change. I call upon you, gentlemen, in this critical period of the great political organization with which you are associated, to consider the character of both these measures, to consider it carefully, and avoid a mistake which may prove and is likely to prove an injury to the country and a disaster to the party you represent.

It is said that free scope to legislation is impossible under the old Democratic rules of the House. We can not legislate enough gentlemen say.

If there is any one maxim we all as Democrats appreciate it is the Democratic maxim, that "the world is governed too much." Take

each successive year, and what do you find to be the extent of legislation by Congress? Talk to me about no opportunities for legislation! Why, take up any volume of each successive year and what do you find? Every successive Congress we have a volume of a thousand pages of legislation, and but a small portion consisting of appropriation bills. This vast body of legislation is piled up year after year, and yet we are told there are no facilities for the enactment of laws. The great trouble, on the contrary, is that there are too many measures pressed upon the attention of Congress—too much legislation.

The SPEAKER. The gentleman's time has expired.

Mr. RANDALL. I ask that the same time be accorded to the gentleman from Indiana [Mr. HOLMAN] that was accorded on the other side to the gentleman from New York.

The SPEAKER. The Chair hears no objection, and the gentleman from Indiana will proceed.

Mr. HOLMAN. The tendency, in our Government at this time, Mr. Speaker, is toward too much legislation. This endless and prodigal multiplication of laws promises no good to the country. Gentlemen complain of the defeat of measures in a given Congress, forgetting the fact they are always measures which without injury to the public interests can for a time be postponed. Gentlemen complain in fact there is want of time. Does that result from the action of the Committee on Appropriations? It occupies but a small portion of the time of any session. It is further complained appropriation bills come in too late. What becomes of the time intervening between the organization of Congress and the time when appropriation bills are reported? Is not that time devoted to other legislation? The tendency is not only toward too much legislation, but it is toward encroaching upon the jurisdiction of the States. The Federal Government with limited powers, great as they are, may be greatly abused by this everlasting tendency to encroach upon powers which belong to the States. States have found it necessary to provide only biennial sessions of the Legislatures. Here for three months one year and from six to nine months the other Congress is in session. Do you think it results from the action of the Committee on Appropriations that your bills in respect to general legislation do not pass?

Take the Committee on the Public Lands, in my judgment the most important committee in the House, one engaged in bringing forward measures of the highest utility; that committee, by a rule adopted at the beginning of the last Congress, had the right of way against every other committee, save two—the Committee on Ways and Means and the Committee on Appropriations; and yet that committee, with the highest responsibility was able to get through scarcely one-half of the bills which it had framed and reported to Congress. I trust gentlemen will not overlook that fact. The pretense is that the rules will not permit legislation—that all opportunities for legislation are cut off; and yet this Committee on Public Lands, invested with the absolute power to report and with the absolute right to have its bills considered, could only get through one-half of the bills which it reported. You are legislating too much.

I have but one additional word to add. If in the beginning you strike down the only safeguard you have for economical legislation; if you strike down the only rule underlying your legislation which prevents extravagance of expenditure; if you distribute the work of the Committee on Appropriations not in the interest of economy, I fear that the results of this Congress will not be satisfactory either to this House or to the people, whose representatives we are. If you determine to adopt the course proposed by the Committee on Rules the result in my judgment will be unfortunate, not now but in the early future. I hope my apprehension may not be realized, but I think it does not need the voice of a prophet to predict that if you repeal the rule adopted ten years ago in the interest of honest and frugal government, a rule then adopted without one dissenting voice on this side of the House, which has stood ever since as a barrier against wasteful extravagance—I say it will not require the voice of a prophet to foretell that you yourselves will in the end admit a great and vital mistake was upon the very threshold of our entry upon great responsibilities in the Forty-ninth Congress. [Applause.]

Mr. WELLBORN. Mr. Speaker, It is not my purpose to undertake a general discussion of the recommendations of the committee, or a majority of the Committee on Rules, but merely to speak to one of the propositions contained in their report—the proposed distribution of the appropriation bills among the various committees respectively charged with the subject-matters to which these bills relate. I shall vote for this proposition, and I desire in the few minutes in which I shall occupy the floor to make a hurried statement of the reasons which move me to this action.

Mr. Speaker, to my mind this question is one of supreme concern, and if we would accurately, or even approximately, measure its importance we must first clearly fix in our minds the functions and privileges of the Committee on Appropriations. And right here at the threshold I distinctly disclaim any purpose to criticise the *personnel* of the Committee on Appropriations. On the contrary, I am glad of the opportunity to state that during the period of my public service on this floor it has been composed of gentlemen whose acknowledged ability and manifest faithfulness to their convictions of public duty would command respect in any department of human effort. My remarks, therefore, are designed to be the discussion of a system, and not a criticism upon individuals.

The Committee on Appropriations, then, is charged with the duty of appropriating to its support the revenues of the Government. On the action of this committee, as finally perfected and matured in the two Houses of Congress, depends the continued operation of the machinery of our Government. From this committee as a source the Government draws its existence, its life. All the vast expenditures in all the various departments of the public service are under the control of this committee. These great functions, these large offices, are, from inexorable necessity, accompanied by correspondingly great privileges. Among these privileges is the privilege to report to the House at all times; but the highest privilege of all is the privilege of demanding of the House consideration of their reports at such times as the committee may suggest.

Mr. Speaker, it is difficult to realize the vast extent and power of this privilege. Forcibly were they stated by General Garfield in a discussion in the Forty-sixth Congress of a proposition similar to the one now under debate. Let me read a few lines from his remarks:

He said:

Whatever other things fail, these—

The appropriation bills—

must pass. However far into the hot weather of the summer we go, we must go by the pressure of the appropriation bills; and unless we say to one committee take this in charge and make it your chief business, we give you the primacy, we give you the priority, we waive all other things off to carry this through and accomplish it—I say unless we do that, there can be no reasonable end to our session.

Whatever else may be left undone, whatever else may be neglected in the way of legislation, the suggestions of the Committee on Appropriations must receive consideration. The money bills must pass, no matter what else fails. In a word, sir, these bills have the right of way from necessity, they have the right of way as against all other matters of legislation; and, sir, the passage of these bills invariably terminates a long session of Congress. Now, sir, from this simple statement it must be obvious to the commonest understanding that the supreme power of controlling the proceedings of this House is lodged in the Committee on Appropriations. The destinies, Mr. Speaker, think of it, the destinies of 60,000,000 people who inhabit this country, so far as these destinies are affected by legislation, are in the hands of fifteen members on this floor, and are virtually subject to their control. What is the effect on the other committees of the House? They are practically reduced to subordinate stations. Measurably is this true, sir, of even the great Committee on Ways and Means. Look at the Judiciary Committee. Once high in dignity and powerful in its functions, that committee to-day is but the splendid grave in which is buried some of the noblest legal talent of America. And, sir, the same thing is true of other committees. What is the effect on the general membership of the House? Why, sir, of the three hundred and twenty-five Congressional districts into which this country is divided but fifteen have an opportunity to be fully heard on this floor. Three hundred and ten, in whole or in part, are denied representation. I was startled to-day, Mr. Speaker, at a statement made by the gentleman from New York [Mr. HISCOCK], showing the supreme power which the chairman of this one committee can exercise in this House. If I did not mistake him, he made this statement substantially, that two Congresses ago there were two bills, perhaps the internal-revenue bill and the tariff-commission bill, which he thought the best interests of this Government required should be passed. He made the startling statement that in the exercise of the power which he had as chairman of the Committee on Appropriations he was enabled to so handle two of the great appropriation bills as to secure the passage of the two matters of legislation in which he thought the interests of the country were wrapped up. He said he exercised this power, that he exercised it successfully and he still thinks wisely. Now, what I think and say is this: However wisely or however well that power may have been exercised in the past, it is a power which no man and no set of men should exercise on this floor. [Applause.]

The existence, Mr. Speaker, of this primacy, which General Garfield accorded to the Committee on Appropriations, was clearly indicated by another distinguished leader on the floor in that same debate. I refer to the gentleman from Pennsylvania [Mr. RANDALL]. I will read just one paragraph, showing the extent, in his opinion, to which this system goes and its tendencies. While the gentleman was discussing this very proposition of scattering the power of the Committee on Appropriations, he used this language:

In regard to the scattering of the service of this committee among the various other committees of this House I have very decided views. I believe that whatever party may be in the ascendant in this House the party discipline and the party judgment as to economical expenditures of the public money will lead in the direction of having a single head to control.

Mr. Speaker, with all respect to the gentlemen who are fighting for the continuance of the power of this committee I submit that the autocracy here championed is not only antagonistic to, but utterly subversive of, the representative principle on which not only this House but all our free institutions are constructed, and I submit further that this situation of things ought not to be perpetuated a day longer.

Oh, yes; but we are told that there are great embarrassments, there are great inconveniences, there are positive evils which will follow any change of the rules in this respect. Mr. Speaker, concede for the sake of argument—and I make the concession only for that purpose—concede that inconvenience, embarrassment, yea, that positive evils will result from the proposed change, still I declare it as my deliberate judgment that it is far better to encounter such inconvenience and such evils than longer to submit to the domination in this House of a handful of its members. [Applause.]

But, sir, let us look at this matter for a moment. I deny that the evils which have been so abundantly prophesied as likely to result from this proposed change—I deny that they will come to pass. Let us look at them. We are told, in the first place, that if we distribute these money bills the expenditure of the Government will be vastly increased. With solemn shakings of the head and ominous rollings of the eye we are constantly admonished by the more experienced members of this House that the expenditures of the Government will be vastly swollen if this proposed change is effected.

This, sir, is nothing in the world but naked assertion. The truth is that the logic of the situation conducts to a different conclusion; that is, unless it be claimed for the Committee on Appropriations that they are possessed of higher intelligence and a greater disposition to frugality than the members of any other committee; and I believe that claim will not be advanced. But, sir, suppose these bills are scattered—the Army bill given to the Military Committee, the naval bill to the Naval Committee, and so on. Each one of these committees is charged, specially charged, with the supervision only of that particular branch of the public service. Hence that committee—take, for instance, the Military Committee, which has supervision of the military establishment of the Government, and that only—will have greater time and more enlarged opportunities for investigation than any committee could have which is charged with the general supervision of all branches of the Government. Hence, if you concede to the Military Committee equal wisdom, an equal disposition to economy, equal patriotism with the Appropriations Committee, the conclusion inevitably follows that the tendency would be to greater accuracy and a nearer approach to perfection in the expenditures for the military establishment. And why? Because this committee, having larger opportunities to investigate the needs of the service, being equally honest, equally patriotic, would discover the points at which reforms could be made, where retrenchment could be effected without injury to the public service, and would recommend them.

In view of these facts the admonitions on this point have produced no apprehension in my mind. But what is the other difficulty? And here it seems to me gentlemen have gone out purely into the region of fancy. They tell us that if this proposed distribution is effected the harmony and symmetry which now characterize our system of fiscal legislation will be disturbed. The older members of this House remember the manner in which General Garfield presented this idea in the Forty-sixth Congress. He told us—of course I do not undertake to give his language but merely his idea—that there were two great committees in this House, that they stood back to back, the Committee on Appropriations and the Committee on Ways and Means, the latter facing the people and their sources of revenue, and thus being enabled to determine what amount of taxation the people could bear; the other, the Committee on Appropriations, facing the machinery of government, and thus being able to determine how much was needed for the administration of its affairs. These two committees, gentlemen now tell us, thus interchanging the knowledge acquired by each in its respective sphere, constitute a perfect and symmetrical and harmonious system of fiscal legislation. This may be, Mr. Speaker, very pretty metaphor, but it is utterly without foundation in point of fact, as was pertinently suggested by the gentleman from Pennsylvania, Judge KELLEY, on yesterday. No such relations have ever existed between these two great committees. They have never imparted and do not in practice impart to each other this information which this figure of General Garfield's would indicate.

But again and right here I ask the careful attention of the House to this point. This harmony of action, this unity of purpose argument, which seems to be a favorite theme with some of our friends on the other side of this debate, is utterly fallacious for another reason. The idea that the Government has just so much money to expend in a given year and that the money bills, therefore, should be in the hands of one committee to the end that that committee may equitably distribute the ascertained amount among the various branches of the public service—I say that idea is a flagrant fallacy. Nay, it is the very essence of profligacy. It is the principle, sir, on which the spendthrift, the prodigal, acts, "I have got just so much money to spend for this twelve months and spend it I will; and now what shall I spend it for?" That is not the true theory of fiscal legislation, but the very reverse of it.

The correct principle is this: First ascertain the needs of the Government, how much money is required to run its various Departments, economically but efficiently administered, and then let the taxing committee—the Committee on Ways and Means—cast up the general aggregate and raise that amount by suitable taxation. That is the true theory of fiscal legislation, and that is the principle of the Morrison proposition.

This proposition is to put these money bills in the hands of committees who have time, who have opportunity to investigate them, and ascertain their several needs, and then let the Committee on Ways and Means cast up the general aggregate and lay the necessary duties.

Mr. Speaker, as I indicated a few moments ago, this oneness of design, this "harmony of action," this "unity of purpose," of which the distinguished gentleman from Pennsylvania speaks in his minority report, is not consistent with the genius and spirit of our institutions; it is not the object for which the framers of this Government labored. They sought not to concentrate power in the hands of a few men to the end that "harmony of action" and "unity of purpose" might be secured, but their great aim was the general diffusion of power among all the people, and its ultimate expression through the agency of the representative principle.

It is true that some of the men who participated in the establishment of our institutions participated also in adopting the fiscal system that now prevails in this House. But, sir, remember that the conditions then were widely different from the conditions that surround us to-day. Then the House of Representatives was small in numbers, consisting, I believe, of but sixty-six members. Then the House of Representatives was in fact as well as in theory a deliberative body. How is it to-day? We have swollen our membership to three hundred and twenty-five. The House practically has ceased to be a deliberative body. Its work is matured and perfected and accomplished in the committee-room; so that a system which in the early days of the Republic promoted the development of the representative idea might now be utterly subversive of that principle.

I repeat, then, that this idea of concentrating vast powers of Government in the hands of a few men to the end that "harmony of action" and "unity of purpose" may be secured, is not the theory on which the fathers constructed this Government. This was not their object. If they had been laboring to this end they would not have been the builders of a Republic. On the contrary their work would have been fashioned after models of government found on the other side of the seas. Had "harmony of action," "unity of purpose," resulting from concentrated power, been the objects for which the framers of this Government labored, profitably could they have studied (as I had occasion to declare in a prior Congress on a kindred subject) the structure of that gigantic despotism planted amid the snows and icebergs of Northern Europe, where the autocratic idea, "oneness of design," "unity of purpose," enables the Russian despot to keep firmly riveted the chains of slavery on his eighty millions of oppressed and degraded subjects. With equal advantage could they have explored the machinery of that other equally gigantic despotism farther south, where through "oneness of design," "unity of purpose," resulting from concentrated power, the iron-hearted Prince of Germany commands mighty, resistless armies to the execution of the will of his imperial master.

No, sir; the framers of this Government sought no such object. They built on a nobler principle. Theirs was a grander conception—that of a representative democracy; and in the realization of that grand conception we have to-day the American Republic, a government wise and beneficent, a government for which the past furnished no model, and of which the future will never be able to make a copy.

Mr. Speaker, I know not what action other Representatives may take on this question; my own course is resolved on. Others, if their judgments so incline them, may by their votes aid in condemning the general membership of this House to further vassalage and again fastening upon them the despotism of a single committee. For myself, my voice shall be raised and my vote cast to subvert rather than perpetuate the mischievous domination. [Applause.]

The SPEAKER. To whom does the gentleman from Texas [Mr. WELLBORN] yield the remainder of his time—thirty-two minutes?

Mr. WELLBORN. I yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, in my opinion the real issue joined here has not yet been presented on either side of this House. It is an old struggle that has gone on through many Congresses and is here with us at this time—the Committee on Appropriations on the one hand urging their own views in behalf of their jurisdiction with an exaggeration which will not be accepted by the House; the other committees presenting the grievances they have suffered at the hands of the Committee on Appropriations, grievances which will not be justified upon examination. Time and again have we heard from the Committee on the Post-Office and Post-Roads, from the Committee on Naval Affairs, and from other committees representing the several departments of the Government that they have had no hearing in this House. It is true. The Committee on Appropriations have usurped much of that jurisdiction.

But I do not believe the real remedy, the proper adjustment of the trouble, lies in either proposition before this House. My own opinion is that we shall best settle this difficulty in a manner the propriety of which I shall endeavor to illustrate by the history of these committees; that is, by taking from the Committee on Appropriations and from any committee charged with the preparation of any of the general appropriation bills any power to put a single legislative proposition upon such a bill, and then remitting to these other committees not the power to come in with all sorts of propositions that they may

see fit to report and which have no precedent here, but the duty of reporting suitable legislation with reference to the interests of their respective departments. To illustrate: The Secretary of the Navy tells you that the Navy Department needs reorganization. On a former occasion I learned from the Secretary of the Treasury that the system of book-keeping in that Department is a patchwork; that one Congress would adopt a proposition involving proper checks and balances in the matter of accounts, and in a few years another Congress with a new committee, unacquainted with the workings of the Department, uninformed as to the history of legislation, would bring forward another system of book-keeping. In this way matters have gone on until there are in that Department four or five independent systems having no relation to each other.

So I might go forward illustrating how under the rules of the House preventing these committees from having a hearing all these things have been left unadjusted and uncorrected. It is right, sir, in my judgment, that these several committees should have the same right in regard to that character of legislation which the Committees on Appropriations and Ways and Means possess, that is, to report important measures to the House and to have those measures take precedence of consideration. When you have done that you will have struck from the Committee on Appropriations any excuse for putting general legislation on appropriation bills. You will also have taken from the House all disposition after it has been deprived of a hearing to force important and needed legislation upon appropriation bills. You will then have magnified the other committees of the House by permitting them to file their reports involving subjects of great public interest and granting them the right of that hearing they are entitled to on this floor.

Why, sir, the Army, the Navy, the Treasury, and other departments of the Government have no hearing to-day in this House, while you set apart every Friday for the consideration of bills on the Private Calendar, bills for the payment of loose claims coming here merely upon *ex parte* statements. Those bills are passed by this House when others are neglected. Yet you will not give these committees representing great departments of the Government the right to come forward with the great measures of reform which they have matured. When you do give them the right to have their measures considered they will care very little for the mere matter of appropriations contained in appropriation bills.

Indeed, sir, I have said there were extravagances on both sides of the House. My friend from Pennsylvania [Mr. RANDALL] inadvertently, no doubt, in an interview given by the Associated Press, stated, by way of showing how the appropriations had increased when they had been severed from the Committee on Appropriations, what I will read. He took the years 1876, 1877, 1879, and 1880 to show the expenditure of those years on rivers and harbors, as recommended by the Committee on Appropriations.

Mr. RANDALL. I am not to be held responsible for errors. I stated that proposition very clearly yesterday and showed the years when those appropriations for rivers and harbors came from the Committee on Commerce. Prior to that time they had gone to the Committee on Appropriations either for review or some advantage in precedence.

Mr. BLOUNT. I would not do the gentleman from Pennsylvania any injustice. On page 101 of the RECORD of December 16 it is stated "the Clerk read as follows." This is from the speech of the gentleman himself. He sent to the Clerk's desk to be read for the information of the House the following: "Committee on Commerce and Rivers and Harbors, 1885." Here is the table printed which my friend sent to the Clerk's desk to be read, and which was read just as he is reported as saying in the Associated Press dispatch.

Mr. RANDALL. The paper I sent to the Clerk's desk is correct in stating that those bills came from the Committee on Commerce.

Mr. BLOUNT. That is not what the gentleman had read at the Clerk's desk. I will again read for his information from the RECORD.

The Clerk read as follows:

Appropriations for rivers and harbors.

Prior to reference of bill to Committee on Commerce:	
1876	$6,648,517 50
1877	5,015,000 00
1879	8,322,700 00
1880	9,577,494 61
Committee on Commerce and Rivers and Harbors:	
1881	8,976,500 00
1882	11,451,300 00
1883	18,988,875 00
1885	14,948,300 00
Average appropriation per annum for four years prior to reference of river and harbor bill to Committee on Commerce	7,390,928 02
Average appropriation per annum since reference to Committee on Commerce	13,591,243 75

Mr. RANDALL. I have sent for the original.

Mr. BLOUNT. I have no objection to any correction being made. I wish to say, no matter what the gentleman from Pennsylvania did say or what he intended to say, it has gone in the press dispatches from one end of the country to the other that he did say what he is reported to have said there. Such is the understanding of the House.

Mr. RANDALL. I tried to correct that twice, and did correct it personally to the gentleman himself.

Mr. BLOUNT. I did not object to the gentleman correcting it, but it has gone to the country, and the country has the right to the correction of the error.

Mr. RANDALL. The country had it, and I thought the gentleman had it.

Mr. BLOUNT. I do not know what the gentleman thought or what he intended. Any gentleman can read the contrary in the RECORD. I would not misrepresent the gentleman from Pennsylvania, because I have a profound respect for him.

Mr. RANDALL. You do not seem to pay much attention to my correction.

Mr. BLOUNT. I will leave that to the House. I have only referred to the statement made by the gentleman from Pennsylvania in the RECORD, and if there is any injustice in that I do not see where it is.

Mr. RANDALL. I tried to correct the impression in your mind.

Mr. BLOUNT. The gentleman will understand me that the country had got a different impression from the Associated Press dispatch, which has been corroborated by the report of the gentleman's speech made by the Official Reporters of the House and printed in the CONGRESSIONAL RECORD. Now I trust the gentleman can find no purpose of disrespect toward him. I have never indulged in such reflection on this floor upon the gentleman from Pennsylvania or any other gentleman, and since my service here I am glad to say no discourtesy has ever been shown to me. Now, Mr. Speaker, that argument, therefore, all falls to the ground so far as the river and harbor bill is concerned, for the gentleman from Pennsylvania now himself repudiates, or corrects the statement, if he sees fit to put it in that form.

In that same report the gentleman from Pennsylvania tells us how the appropriations for the Agricultural Bureau, which had been supported for a round sum of $189,000, I think, had increased to the neighborhood of $400,000. Well, in the first place the agricultural bill, now by the action of the House not on an appropriation bill, contains several other matters of appropriation for consideration, and which must be provided for, and the committee were bound to make provision in accordance with the additional legislation. But let us see how unfair that statement is on comparison with other bills. Suppose I take the Committee on Appropriations and try that committee by the rule thus set up. Let us take Powell's Survey as an illustration to begin with. In 1878 this cost $50,000 and in 1885 $400,000; an increase of eightfold, far beyond what the agricultural appropriations have increased. The Geological Survey is running beyond what the Committee on Agriculture has appropriated for its vast increase. Take, again, the Signal Service. Under the control of the Committee on Appropriations this service has gone from $440,000 to $847,000 from 1878 to 1885. The Fish Commission has gone from $75,000 to $257,000. Now I am not undertaking to discuss the merits of these increases, but to show that the argument made here is an unfair one.

Mr. BRAGG. Will the gentleman from Georgia permit a suggestion?

Mr. BLOUNT. With pleasure.

Mr. BRAGG. I hold in my hand the figures of the aggregate appropriations made by the sundry civil bill for the year 1880, showing $17,634,868.56, while for the year 1886, coming from the same general Appropriations Committee, it is $26,079,251.49, showing a large increase.

Mr. BLOUNT. I was aware of the increase, but am obliged to the gentleman for the statement of it to the House. I do not undertake to say that the growth of these bills has not been legitimate. Population and wealth will multiply; public interests will increase, and the expenditures of the Government must necessarily increase with them. With all the care that has been taken by a Democratic House from that time forward, and even with the aid of this side of the House in the Forty-seventh Congress given to the Committee on Appropriations on the other side, we have not been able to make anything but a gradual increase of appropriations.

Mr. HAMMOND. Will my colleague allow me a question?

Mr. BLOUNT. Certainly.

Mr. HAMMOND. Is it not true that the sundry civil appropriation bill will include items one year that did not belong to it or were not provided for by it in a former year, or are the items contained in the bill always fixed like the items of other general appropriation bills?

Mr. BLOUNT. Of course it is a miscellaneous bill and covers a variety of items, but at the same time there has been a gradual growth of that bill for many years; and I must be permitted to add that it has very largely come, this increase, from the Senate Chamber, from the very gentlemen who were invited to discuss the question of economy with this House and to lead and guide it.

Now, the Forty-fourth Congress changed the rules so as to provide that there should be no general legislation on appropriation bills, except in the case of certain provisions, which have been quoted to the House so often that they are now understood. At the time that proposition was brought before the House I supported it with pleasure. The public interests required it. The public expenditures were great; a financial crisis had come upon the country. The Republican party, with its friends in all the Departments, was utterly incompetent to make this reduction. Their friends stood with fixed bayonets driving them on in the contest with this House in its attempt to reduce expend-

itures. Many were frank enough in private conversation to say that our side would be able to reduce expenditures because we had no party friends in the Departments, but they were not. Reductions did take place, which were facilitated by the falling off of the public revenues and the great financial crisis prevailing at the time. I have no complaint now of that work. It was right and proper then. The gentleman from Pennsylvania [Mr. RANDALL] then headed the Committee on Appropriations, and gave to the Democratic party of this country a record of economy that made it, thank God, one of the idols of Democracy—not that it was an original idea, not that it had not been in existence in the past, but it inaugurated in this House a great measure of reform which the country needed.

But, sir, time has intervened. The gentleman from Indiana [Mr. HOLMAN], who has just spoken with so much power and fertility of thought by reason of long experience in this House, when setting forth the advantages of this rule told you that he had reduced expenditures over $60,000,000 in the Forty-fourth Congress. So it was done, in my judgment. But afterward, running on through the years from then till now, how much reduction has taken place? We had gotten almost to bed-rock. We had gotten to a point where the opposition to this side of the House were enabled to come in and report their bills almost unanimously. That has been the history of these bills for years. Then what? The natural result followed. It was very natural that the Committee on Appropriations should undertake legislation in addition to what grew out of the rules. That Committee on Appropriations, which is so jealous of the other committees of the House, which is so much alarmed about the danger of distributing the appropriation bills, which is so careful to preserve all the rules relating to appropriations, at the very last session of this Congress came in with the Post-Office appropriation bill filled with new legislation, and I will take that because my friend from Indiana has just cited that bill——

Mr. HOLMAN. Will the gentleman from Georgia allow me to interrupt him a moment?

Mr. BLOUNT. Certainly.

Mr. HOLMAN. The last Post-Office appropriation bill contained quite a number of legislative provisions, but I inquired of a gentleman in charge of those provisions in that committee, the gentleman from Pennsylvania [Mr. BINGHAM], who is now before me, and I understand that they were all provisions agreed upon by the committee. Does the gentleman from Pennsylvania remember that?

Mr. BINGHAM. I do very well. The four provisions emanated from the Committee on Post-Offices and Post-Roads, but they went into the appropriation bill because we could not get them recognized in the House; and I hope to speak on that point later in this debate.

Mr. HOLMAN. That is true.

Mr. BLOUNT. Ah, Mr. Speaker, I want to state the facts and see whether or not the Committee on the Post-Office and Post-Roads was correct in this matter and whether the Committee on Appropriations was correct in it. The previous Congress had reduced letter postage from 3 to 2 cents. The report of the Postmaster-General at the time announced to Congress that there would be a falling off in the revenue of several millions of dollars by reason of that change; exactly what the reduction would be time alone would disclose. It seems to me, sir, that under these circumstances it was about time to pause in the matter of legislation on the appropriations bill, by getting into it a provision reducing letter postage further and the postage on newspapers.

But, Mr. Speaker, how about this? The Committee on Appropriations in their committee-room agreed to the following resolution and put it on the sundry civil bill:

Resolved, That it is expedient that there should be a suspension of silver coinage.

Who told them to put that there? Under what rule of the House was that placed there? Who gave them this power? There are other committees in this House with jurisdiction over this matter and especially charged with it, and it does not appear and will not appear that they were invited to do that. The truth about the matter is, the Committee on Appropriations are just like any other men in this House, just like men to be found everywhere. If they are permitted to use power they will exercise it.

There is another view to which I wish to call the attention of the House. It has been urged here by several gentlemen that the division of the appropriations ought not to be made because a division of the work would prevent a general superintendence by one head. Well, sir, rhetoric is very pleasant, theories are very agreeable, but in legislation the actual facts are much more valuable. I had the pleasure of serving upon that committee for six years and gave its duties considerable attention. In the Forty-fifth Congress I reported the Post-Office appropriations bill; I made it up in my room in the Christmas recess and reported it to a subcommittee of excellent gentlemen who had the confidence of this House. They concurred in it. It went to the Committee on Appropriations, and they looked at it but one day and they concurred in it, and it went through this House with the addition of only $5,000 and became a law with that addition, and I never heard during the whole of the discussion the suggestion how much can we give to the postal service. I served on the committee which prepared the naval appropriation bill and helped to make it up, and I never heard such a suggestion as to that bill. Those bills have been agreed upon successively by the committee, first one and then another. Two or three were reported in this House and passed and after them another, and at the end came the sundry civil and deficiency bills, and until the bills were passed nobody knew what we were going to expend. The work is subdivided in that committee. I know that occasionally there are gentlemen on that committee who feel a great interest in the appropriations—two or three members of the committee or possibly more—and who watch the separate bills very closely, looking to the end, but with no purpose of restraining them to any given sum.

Now let us see when these bills have gone to the other committees that have been proposed whether or not there will be an increase of expenditure. I will not undertake to say whether there will or will not. The facts which have been cited fail to give us any information on that subject. Let us take the Post-Office bill, and let us put on it what is permitted by the report of the majority of the Committee on Rules. I believe that proposition to put on appropriation bills contingencies for carrying on the several Departments of the Government will be used just as every other legislative provision has been. It will be conveniently construed by some gentleman selected perhaps to preside over the Committee of the Whole for the purpose of doing it. That has been the experience in reference to every rule you have ever had here.

The restriction has been ridden over. Now when you shall have stricken off the legislative provision, then the Committee on the Post-Office and Post-Roads take up the estimates; and what do they find there? Your mails must be transported by railway, and you know almost exactly what it will be. Whether it be much or little, the transportation of mails is paid for by weight. If you have not appropriated enough a deficiency must supply it. If you have appropriated too much it is covered into the Treasury under the operation of law. I may say the same of the item as to the compensation of postmasters. And these are the two large items in the Post-Office appropriation bill. As to the star-route service, this House has always, or for many years, given whatever was needed for that service, and we have had no question of economy as to that. Then we have had some appropriation of money for the steamboat service; and the balance of the items are insignificant.

Now take the naval bill. The Committee on Naval Affairs take charge of that bill with the intention on the part of the House that there shall not go upon it a single legislative provision. What do they find? The great item is that for the payment of the officers and men of the Navy, which is fixed by law and can not be increased or decreased and it is a matter of absolute mathematical calculation.

Then you come to the Bureau of Construction and Repair, the Bureau of Steam-engineering. These items are matters about which there is no legislation—matters for the judgment of this House as to how much it will give for steam-engineering or for construction and repair. If the appropriate committee takes up these subjects and considers them, not as has been done in the past, when under the rules they had no charge of the subject but could merely come in here and make recommendations for the action of another committee—if the appropriate committee should now take up the expenditures of the Government in this Department, understanding that the House has cast upon them the responsibility, understanding that their action will be subject to just criticism, why will they not take the history of the Navy in its expenditures; why will they not take up report after report and see what has been done in the past, as these other gentlemen have done? What will be the inducement to go beyond this? Not the endeavor to adopt new legislation, because if the majority report, qualified by providing for the prohibition of legislation on these bills, be adopted they will have no power. So I might go on through these several bills.

I do not believe the question of economy is half so large in connection with this question as it would appear from some arguments pressed upon this House. I believe that the rule which has been so frequently cited has served its purpose and had its day; that all legislation on appropriations bills will be hurtful. The gentleman from Illinois has seen fit to state to this House the magnificent course of his party up to the time when, as he claims, our party brought this great evil upon the country. I heard that charge in the Forty-fourth Congress from Republican after Republican in the Senate Chamber; I heard it in this House from Republican after Republican. But at last there came forward a frank, broad, intelligent man, the present presiding officer of the Senate, JOHN SHERMAN, who confronted his party in the Senate and said it was idle to attack the Democratic party for any such vice, for it had been the practice of his own party during the whole time it was in power, and it had been the practice from the earliest days. The only method of correction, in my judgment, is to prevent, on the part of any committee, legislation upon appropriation bills, and to give committees charged with legislation in reference to great matters of public interest the right to come before this House and have those great interests considered.

[Here the hammer fell.]

Mr. BLOUNT. I ask to be allowed to go on a few moments longer.

Mr. RANDALL. I ask that the gentleman be granted leave to do so.

The SPEAKER. The Chair hears no objection.

Mr. RANDALL. Will the gentleman from Georgia allow me to make a single statement before he resumes?

Mr. BLOUNT. Certainly.

Mr. RANDALL. The gentleman from Wisconsin [Mr. BRAGG] a moment ago alluded to the large disparity in the amount of appropriations between the sundry civil bill for 1880 and that for 1886. I was not prepared at the moment to refer accurately to the figures which in part explain that disparity. I find upon examination that the sundry civil appropriation bill for 1880 did not contain, as passed, the usual appropriations for the expenses of the United States courts, which had been transferred that year to the legislative bill, the bill which had upon it the legislation with reference to United States marshals, the bill which failed that year, and was subsequently vetoed at the extra session of the Forty-sixth Congress. The amount thus transferred, accounting in part for the difference referred to, was $3,121,000.

It should also be borne in mind that the sundry civil appropriation act for 1886 contained, as passed, enormous appropriations for public buildings. The Committee on Appropriations reported appropriations for such purposes to the amount of $1,794,719.84, to which the Senate, by amendments to which the House subsequently yielded, but with which the Committee on Appropriations had nothing to do, added in round numbers $2,200,000, making in all for these purposes $3,988,-319.84.

Mr. BRAGG. Will the gentleman permit me to give figures showing the aggregate amount of the sundry civil bills for each year from 1880 to 1886?

Mr. RANDALL. Certainly.

Mr. BRAGG. They are as follows:

For 1880	$17,634,868 56
For 1881	22,503,508 23
For 1882	22,092,194 12
For 1883	25,589,358 06
For 1884	23,679,575 44
For 1885	22,299,434 30
For 1886	26,079,251 49

Mr. RANDALL. And almost invariably those increases were made in the Senate or in the House—rarely I think were they recommended by the Committee on Appropriations. The Appropriations Committee, with all their energy and determination, have been unable in many cases to resist these increases. But I admit there necessarily must be some increase of appropriation in consequence of the increasing population and the increasing business of the country.

Mr. BRAGG. Does not the increase of appropriation for the Agricultural Department come from similar causes?

Mr. RANDALL. I do not know what Congress has to do with these various matters, such as education. I have never believed that Congress ought to have anything to do with education in the States. I believe that the system of education there can be sufficiently cared for by the States themselves.

Mr. BRAGG. I spoke of appropriations for agricultural purposes, not for education.

Mr. BLOUNT. I can not now speak otherwise than from memory, but my memory on this subject is pretty good. There has been a great increase in our sundry civil bills from the Forty-fourth Congress down to the present time. The exact figures I can not give. But I am not complaining in regard to the Committee on Appropriations. The gentleman from Pennsylvania says that the Senate has forced upon us in many cases these increases. This suggests to me another thought. I believe that the Committee on Appropriations, if they had no power to incorporate legislation in the general appropriation bills, could report every one of these bills at an early stage of the session, and we would not in the closing hours of every session be involved in a struggle with the Senate, that body saying, "Give us legislation on an appropriation bill; give us this thing we have so frequently denounced or you shall not go home to your families."

I remember that in the dead hours of the night—at 2 o'clock in the morning—at the last session of Congress, when the majority side of this House time and again refused appropriations of large sums in Senate amendments which were designed to entangle this Government in relation to the Nicaragua Canal in treaty stipulations and other complications—I say the effort was repeated time and again in the dead hours of the night, at 2 o'clock in the morning, when the House was so worn and anxious, that at last it yielded under physical exhaustion to the Senate, and that appropriation was forced upon it. So, sir, very much of that power which the Senate has over this House comes from the fact that the House bills do not get in at an earlier date, and they do not get in at an earlier date because so much legislation of a general character is placed upon them.

Take, for instance, at the last session the Post-Office appropriation bill, and I ask the attention of gentlemen who were here at that time to the debate on that bill. We could have passed that bill in three hours if there had been no general legislation upon it, but, on the contrary, the whole time was taken up, hour after hour and day after day, in discussing the mode of compensating railroads for carrying the mails and the rates of postage. And it will be found, if the RECORD is examined, that the great bulk of the time taken up in discussion is taken up in that way.

I believe, sir, not in taking these bills away from the committee, and for reasons I shall give hereafter, but I do believe in taking from that committee any right or privilege of putting a single thought upon any one of the appropriation bills in the nature of changing existing law. And I do believe at the same time, Mr. Speaker, in giving all proper legislative functions to the other committees, allowing them a hearing in this House the same as has heretofore been allowed to the Ways and Means and Appropriations Committees of having the legislation reported by them fully and fairly considered?

Mr. ROGERS. Will the gentleman allow me to call his attention for one moment to a statement of fact made by him which perhaps he might like to correct?

Mr. BLOUNT. Certainly, as I have no wish to mislead the House.

Mr. ROGERS. It is no misleading of the House; but the point to which I wish to call his attention is one of fact. The gentleman referred to an appropriation of $2,000,000 forced upon the House for the Nicaragua Canal scheme. It was not for the Nicaragua Canal scheme, but it was in favor of subsidies to steamship companies for carrying the mails.

Mr. BLOUNT. I thank the gentleman for his correction. It was, as he states, for subsidies to steamship companies that the $2,000,000 were forced upon the Post-Office appropriation bill. We were finally able to beat down the canal scheme, but we had to fight into the dead hours of the night before we could accomplish that result. These two propositions, one involving the Government in delicate foreign complications, in treaties and stipulations, the end of which no man could foretell, the very secret of them still remaining a secret to this day, not having been communicated to Congress as yet, and the other an appropriation of $2,000,000 as subsidies to steamship companies, kept all other legislation from the floor. That has been a trouble all the time, that we have been forced by the Senate just in that way to yield to these matters of general legislation placed in precisely a similar way upon the general appropriation bills.

The House has indulged me and I will not abuse its patience. While I do not apprehend any danger of increased expenditures from the transfer of these bills, yet I contend the functions of the other committees will rise in magnitude if you give them the right to report legitimate legislation with the right to have a fair hearing for it before the House. It will take up all the time they will have to spare to consider and mature the important matters properly coming before them. Then the time of the Committee of the Whole would not be required in the matter of compensating railroads by weight and space and speed, or to go into the testimony and innumerable calculations of experts. When the Committee on the Post-Office and Post-Roads had reached a right conclusion they would have settled the trouble long ago instead of having this matter thrust upon the House by every administration. Such would have been the result if the Post-Office Committee had been allowed to have a fair hearing before the House for the consideration of its reports. Give it that work, and it will have enough to engage its time and attention.

And so you can take all these other committees, and when you have done that—that is, when you have given them the right to a fair hearing—instead of hasty legislation on appropriation bills, we should pursue the safe course of acting calmly and deliberately on proper reports in due season. I would not cripple those committees, but I would give them their full manhood in this House. It is not any little matter of appropriating a small sum for the Navy or the Post-Office service, as a large part of it is already fixed by law. I would permit the appropriations to remain with the Appropriations Committee.

We will first take the deficiency bill. That is made up of amounts of money from the Naval Committee, the Post-Office Committee, the Committee on Foreign Affairs, and so on, all relating to the several Departments of the Government. In order to understand whether the deficiencies are correct or proper it is important for the Committee on Appropriations to qualify themselves by information coming from the Departments in relation to the expenditures provided for before they can determine intelligently in reference to those deficiencies. You must give them that bill or you will have a deficiency bill from every committee in the House, and that of itself will induce, in my judgment, the disapproval of any proposition to take that bill from that committee.

Take the sundry civil bill, and it is made up of items relating to the several Departments. For instance, the dry-docks and many other items never go into the Navy appropriation bill, but are reserved for the sundry civil bill. The gentleman from Indiana has better illustrated this than I can. That bill is made up very much like the deficiency bill, relating as it does to the business of the Government in the several Departments.

The committee in charge of that bill must go over the whole ground. They must take up every one of these Department reports, and after examining them carefully to see what the public service requires, they are competent to frame the bill. Let all your bills be prepared in this manner, with the responsibility to the country which their formation imposes—for there is after all something more of responsibility on one

man than when the work is divided among three—and with no power to legislate, but with power alone to report how much shall be expended, with the duty to take up all of the subjects relating to appropriations found in the reports, and they will be better qualified, in my judgment, for that work than if they had any legislation of any kind, and better than another committee which is charged with legislation.

I do not believe, Mr. Speaker, what has been said about the one-man power of the Committee on Appropriations. Take its legislation away and there is no power except that of appropriation. The gentleman from New York [Mr. HISCOCK] is reported here to have said that when chairman of the Committee on Appropriations he had in his fist two bills and was invested with power to prevent important legislation o the sort the country desired.

Mr. HISCOCK. I beg the gentleman's pardon, I did not say that. I said that I had forwarded legislation; that I had kept Congress in session until it passed certain bills.

Mr. BLOUNT. Well, the gentleman says he kept those bills in his hand or kept Congress here until it had passed them. Why, Mr. Speaker, is it quite certain that the House would not have passed those bills any way in spite of the gentleman? But suppose one man can do that, and you give the power to nine appropriation committees in this House every one of them with the power to keep a bill in their pockets until you pass some other.

The evil does not belong to the Committee on Appropriations alone; it may happen anywhere, and is vicious, no matter from whence it comes. But I do not believe the gentleman from New York exercised so much power as he thought. I think it very likely his associates on the Committee on Appropriations and the general sentiment of the House were on his side or he would not have dared it.

Mr. Speaker, I have sought to do my simple duty in regard to these questions. I regret to find myself not in harmony with either one of these reports. I may be in error in my views as I have stated them here, but I am responsible to my own conscience and to my constituents, and if I have done my duty in the expression of these sentiments on the floor I shall content myself with that. [Applause.]

Mr. STORM. Mr. Speaker, before proceeding with the discussion of this question I shall first yield a portion of my time to my colleague from Philadelphia [Mr. KELLEY].

Mr. KELLEY was recognized.

Mr. HATCH. I ask the gentleman from Pennsylvania if he will yield for a motion to adjourn?

Mr. KELLEY. Certainly I will. I shall esteem the motion most gracious at this hour of the day.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted until Tuesday, 22d instant, to Mr. BURLEIGH, on account of important business.

And then, on motion of Mr. HATCH (at 4 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Papers relating to the case of Richard C. Ridgway and others—to the Committee on Ways and Means.

By Mr. BLAND: Petition of T. A. Bray, for retaining tariff on wool—to the same committee.

By Mr. C. R. BRECKINRIDGE: Petition of Jacob Berg, for pension—to the Committee on Invalid Pensions.

By Mr. CUTCHEON: Memorial of the board of supervisors and many citizens of Antrim County, Michigan, asking for the survey of a navigable connection between Torch Lake and Lake Michigan—to the Committee on Rivers and Harbors.

By Mr. GROSVENOR: Petition of Isaac Carleton, for relief—to the Committee on Invalid Pensions.

By Mr. LIBBEY: Memorial of John T. Gray, praying the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, papers relating to the claim of John T. Gray—to the same committee.

By Mr. MATSON: Petition of S. N. Shuck and 59 others, citizens of Johnson County, Indiana, asking that the coinage of silver be not stopped—to the Committee on Coinage, Weights, and Measures.

By Mr. McCOMAS: Petitions of Michael J. Brown; of Owen Ardinger; and of Emanuel Bomberger, for relief—to the Committee on War Claims.

Also, petition of Mary W. Craggs, George Clive, and Jos. B. Stollinger, for equalizing pensions—to the Committee on Invalid Pensions.

By Mr. McKINLEY: Petition of Baker, McMillen & Co., of Akron, Ohio, and other leading manufacturers, against the restraints of trade among the several States—to the Committee on the Judiciary.

By Mr. NEAL: Papers relating to the claim of H. H. Faulkner and Mary Woolee—to the Committee on Claims.

By Mr. O'DONNELL: Petition of Jonathan P. Hinshaw, for relief—to the same committee.

By Mr. RIGGS: Petition for the improvement of Saint Mary's River and Hog Lake Channel—to the Committee on Rivers and Harbors.

Also, resolutions of merchants of New Orleans in favor of the Eads ship railway—to the Committee on Commerce.

Also, petition of Maj. N. Vedder, for relief—to the Committee on War Claims.

By Mr. SPRINGER: Petition of John Moore, of Illinois, for relief—to the Committee on Invalid Pensions.

By Mr. STRUBLE: Petition of James McCallen, for arrears of pension—to the same committee.

By Mr. ZACH TAYLOR: Petitions of Mrs. Jackey Armour; of Erastus T. Allen; of O. M. Alsup, administrator of Thomas B. Crenshaw; of Bettie L. Abington, widow of James B. Abington; of M. A. Gober; of Dixon S. Boswell; of William J. Bishop; of Julia C. Baily, administratrix of Sylvester Baily; of John Bateman; of Richard L. Andrews, administrator of M. H. Battle; of J. J. Baily; of Robert H. Cleeve; of D. W. Caldwell; of Lucy E. Dowd, executrix; of H. C. Dacus, administrator of H. A. Dacus; of A. D. Neilson; of M. L. M. Edenton; of R. D. Frayser, administrator of Fletcher Lane; of D. A. Ferguson; of Willis Ferrell; of Elizabeth J. Finney; of Louisiana E. Green; of R. D. Goodwin; of Mark M. Harwell; of W. H. Hughey, administrator of Jacob Hughey; of Robert C. Hardwicke; of Henry T. Jones, administrator of J. C. Anderson; of Harriet Jones, administratrix of John L. Jones; of James H. Johnson; of William Johnson; of R. D. Jordan, guardian of minor children of Claiborne Delsach; of William R. Kearney; of Elijah Kennon; of Ezekiel T. Keel; of William A. Lowery; of James P. Lowery; of Patrick G. Meath; of Pearson C. Montgomery; of John Morrison; of Thomas E. Moore; of E. P. McNeal; of B. M. Parham; of Robert J. Pirtle, administrator of James Toon; of Mary K. Rogers; of Leger Restle; of Alexander P. Rose; of John T. Stratton, Edgar McDavitt, and Samuel H. Dunscomb; of Mary Speed; of Mary A. Somerville, administratrix of Thomas T. Somerville; of Mrs. J. D. Scott; of Ellen Savage; of George W. Shearin; of George P. Shelton; of David H. Townshend, administrator of Oswell P. Newby; of Thomas L. Taylor, administrator of Andrew Taylor; of Margaret A. Tally, J. M. Tally, and H. A. Tally, heirs of Benjamin F. Tally; of Joseph I. Williamson; of Thomas H. Webb, administrator of Emily Ewell; of William H. Wood, administrator of George Wood; of Thomas H. Webb, asking compensation for property taken and used by the United States Army during the late rebellion—to the Committee on War Claims.

SENATE.

THURSDAY, *December* 17, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM OREGON.

Mr. DOLPH presented the credentials of John H. Mitchell, chosen by the Legislature of Oregon a Senator from that State for the term beginning March 4, 1885; which were read.

The PRESIDENT *pro tempore*. The credentials will be placed upon the files of the Senate. The Senator-elect will please come forward and take the oath prescribed by law.

Mr. MITCHELL advanced to the desk of the President *pro tempore*, escorted by Mr. DOLPH, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

PATENT OFFICE ROOMS.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents.

The joint resolution was read the first time by its title.

Mr. PLATT. I ask that the joint resolution may be read at length so that it will go in the RECORD, and then, having received its second reading, that it may lie on the table, and I shall ask to have it taken up and passed to-morrow. I think there will be no objection to it on the part of the Senate.

The PRESIDENT *pro tempore*. The joint resolution will be read the second time at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized to use so much of the contingent fund, not exceeding $600, as was appropriated by the act of March 3, 1885, for the use of the Interior Department as may be necessary to put in proper repair the rooms in the Interior Department building which have been assigned by the Secretary for the use of the Commissioner of Patents.

The PRESIDENT *pro tempore*. The joint resolution will lie on the table for the present.

REPORT OF COAST AND GEODETIC SURVEY.

The PRESIDENT *pro tempore* laid before the Senate a communica-

tion from the Secretary of the Treasury, transmitting, in compliance with section 4690 of the Revised Statutes, the annual report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in that work during the fiscal year ending June 30, 1885, accompanied by a map illustrating the advance in the general operations of the survey; which, with the accompanying papers, was referred to the Committee on Printing.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting the petition of James E. Macklin, late second lieutenant Eleventh Infantry, praying for restoration to his original rank before dismissal in November, 1876; which was referred to the Committee on Military Affairs.

Mr. CAMERON presented the petition of John Donnelly and other citizens of Bucks County, Pennsylvania, praying that a pension be granted to Magdalena Fonash, widow of John Fonash, late a private in Company E, One hundred and fourth Regiment Pennsylvania Volunteers; which was referred to the Committee on Pensions.

Mr. PLUMB. I present the petition of a committee formed by the Association of Union Soldiers who lost an arm or leg during the war of the rebellion, praying for such legislation in their behalf as will do equal justice to all. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CALL presented a petition of citizens of Florida, praying the forfeiture of the land granted to aid in the construction of a railroad from Waldo to Tampa, in that State; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, to report the same without amendment and recommend its passage.

I give notice that I shall endeavor to call up the bill and ask its early passage by the Senate immediately after the measures which have already begun (the amendment of the rules, the bill providing for the Presidential succession, and the bill in regard to the salaries of Federal judges), shall have been disposed of.

The PRESIDENT *pro tempore*. The bill will take its place on the Calendar.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (S. 484) to authorize the Secretary of the Treasury to sell and convey certain premises in the city of Chicago, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

BILLS INTRODUCED.

Mr. HARRIS introduced a bill (S. 640) to perfect the military record of John C. Green, of Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 641) to amend section 3255 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 642) to provide for warehousing fruit brandy; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 643) to modify and re-enact an act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States;" which was read twice by its title, and referred to the Select Committee on Epidemic Diseases.

Mr. VANCE introduced a bill (S. 644) for the better security of persons and greater facility of transportation on street railroads within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PAYNE introduced a bill (S. 645) for the relief of Mary E. Hopkins; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MANDERSON introduced a bill (S. 646) to authorize the location of a branch home for volunteer disabled soldiers and Sailors in either of the States of Iowa, Minnesota, Nebraska, Colorado, or Dakota Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 647) for the relief of F. Courtney Cochnower; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 648) granting a pension to John K. Hummer; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 649) for the relief of Jesse M. Jones; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 650) for the relief of John N. Runyan; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 651) granting a pension to Benjamin F. Shields; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 652) granting a pension to Dillon Bridges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 653) granting a pension to William Cozzins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PIKE introduced a bill (S. 654) declaratory of the meaning of section 3 of the act of June 16, 1882, for the relief of Howard University; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 655) to amend sections 4693 and 4695 of the Revised Statutes of the United States so as to extend the right of pensions to steamboat-men and others acting under orders from United States officers; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 656) for the relief of the heirs of Asa O. Gallup; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 657) for the relief of Thomas C. Ellison; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 658) for the relief of Andrew Bridgeman; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SEWELL introduced a bill (S. 659) to encourage societies of the vicinage to erect monuments on the few important battle-fields of the Revolution yet unmarked; which was read twice by its title, and referred to the Committee on the Library.

Mr. JONES, of Arkansas, introduced a bill (S. 660) to provide for the sale of the Cherokee reservation, in the State of Arkansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 661) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 662) to encourage the manufacture of steel for modern army ordnance, armor, and other army purposes, and to provide heavy ordnance adapted to modern army warfare; which was read twice by its title, and referred to the Committee on Coast Defenses.

He also introduced a bill (S. 663) to encourage the manufacture of steel for modern naval ordnance, armor, shafting, and other naval purposes, and to provide heavy ordnance adapted to modern naval warfare; which was read twice by its title, and referred to the Committee on Coast Defenses.

Mr. INGALLS (by request) introduced a bill (S. 664) to provide for additional judges for the supreme court of the Territory of Dakota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 665) to authorize the construction of a bridge across the Missouri River at the city of Pierre, Dak.; which was read twice by its title, and referred to the Committee on Commerce.

He also (by request) introduced a bill (S. 666) to create two additional land districts in the Territory of Dakota, and to define the boundaries of the Deadwood land district, in said Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FRYE introduced a bill (S. 667) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. TELLER (by request) introduced a bill (S. 668) for the relief of Charles DeArnaud; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 669) to provide for the issue of silver certificates on the deposit of standard silver dollars; which was read twice by its title, and referred to the Committee on Finance.

Mr. HAWLEY introduced a bill (S. 670) to increase the pension of the widow of the late Commander T. A. M. Craven; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CALL (by request) introduced a joint resolution (S. R. 15) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; which was read twice by its title, and referred to the Committee on Appropriations.

CONCURRENT OR OTHER RESOLUTIONS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. The Chair will lay before the Senate the resolution submitted yesterday by the Senator from South Carolina [Mr. BUTLER], which was laid over under the rules. The resolution will be read.

Mr. PLUMB. I desire to submit a resolution.

The PRESIDENT *pro tempore*. The resolution which was laid over yesterday, under the rules of the Senate, is now to be laid before the body.

Mr. PLUMB. I submit that the proper construction of our procedure is that resolutions shall first be introduced, and that that order can not be or should not be displaced under the rule by the consideration of resolutions introduced on a preceding day, which may exhaust the entire morning hour.

The PRESIDENT *pro tempore*. The Chair is advised that the practice under the rule is directly the contrary, and that a resolution which was laid over under the rule must be presented at the call of the order of "concurrent or other resolutions." That, the Chair is advised, has been the custom of the Senate.

Mr. INGALLS. It is a custom that would be more "honored in the breach than in the observance." The request of my colleague is undoubtedly correct, that the ruling should be such that resolutions could be offered immediately after the conclusion of the order for the introduction of bills, because unless that is the order, as he has suggested, a resolution coming up from the previous day for discussion may occupy the entire remainder of the morning hour, and no opportunity be offered for the introduction of resolutions. Resolutions offered to-day are not subject to debate. Upon any Senator objecting to their consideration they go over under the rules and are printed. Therefore I hope, if the rule will admit of a double interpretation, that that one will be adopted which will facilitate the business of the Senate.

The PRESIDENT *pro tempore*. The Chair asks the Secretary to read the rule under which the practice has grown up. As a matter of course the Chair will be very willing to conform to any rule that the Senate may prescribe.

The Chief Clerk read as follows:

The presiding officer shall then call for, in the following order:
"The presentation of petitions and memorials;
"Reports of standing and select committees;
"The introduction of bills and joint resolutions;
"Concurrent and other resolutions;"
all which shall be received and disposed of in such order unless unanimous consent shall be otherwise given.

The PRESIDENT *pro tempore*. Under that rule the Chair is advised that the custom has been to first lay a resolution thus laid over under the rule before the Senate; but as a matter of course the procedure is subject to the disposition of the Senate.

Mr. HOAR. Has it not been the practice of the Senate to have presented first the resolutions which are introduced in the morning and afterward to lay before the Senate the resolutions that came over? I have a very distinct recollection that at a former time there was some debate in the Senate as to whether resolutions which were laid over from the previous day came under this order at all, or whether there should not be a calendar of resolutions and that they should go to the Calendar.

The PRESIDENT *pro tempore*. The occupant of the chair can not answer the question from his own personal recollection, but he is advised by the Chief Clerk that uniformly the rule has been adopted of presenting to the Senate resolutions laid over under objection in the first instance. It is subject, however, to the disposition of the Senate. The Chair simply wishes to follow the rule.

Mr. HOAR. A discussion came up in the Senate a year or two ago on that subject when the Senator from Vermont [Mr. EDMUNDS] was in the chair.

Mr. HARRIS. My recollection is that the uniform practice of the Senate since I have held a seat upon this floor has been to receive resolutions offered during the morning hour in their order and before the consideration of resolutions offered upon a previous day, except perhaps during a period of the last two years occasionally when the then presiding officer did first lay resolutions upon the Calendar before the Senate. But it is very clear to my mind that the better practice is, and certainly there is nothing in the rules of the Senate that forbids it, to receive resolutions that Senators may desire to offer within the morning hour, and when that business has been concluded then to lay before the Senate the resolutions which have been offered on a previous day and laid over under objection.

Mr. FRYE. There is not the slightest difficulty about receiving these resolutions by unanimous consent. Under the old rules the regular formula on presenting bills was, "I ask leave to introduce a bill." Under the new rules that is not necessary, because there is a rule providing that bills shall be presented at such a time. All that a Senator has to do when this order is called is to ask leave to present a resolution. The Chair will say, "There being no objection, the resolution will be received." I do not think there is any practical difficulty about it.

Mr. HARRIS. Does the Senator see any difficulty in the rule as it stands in the Chair's receiving the resolutions that Senators may choose to offer after the introduction of bills and joint resolutions?

Mr. FRYE. I do not; but if the Chair felt constrained by former rulings to adopt a different course all that the Senator from Kansas has to do is to say, "I ask leave to present a resolution."

Mr. PLUMB. Yes; but that is not the point. I do not want to introduce the resolution by unanimous consent. I want to introduce it because I have a right to do it unless somebody objects. Therefore I hope we may have some exposition of the rule which will make it proper for a Senator rising in his place to offer a resolution because he is a member of this body and has a respectful resolution which he desires to offer.

Mr. HOAR. I ask leave to move this order:

Ordered, That until otherwise ordered the Chair shall proceed with the call for resolutions to be newly offered before laying before the Senate resolutions which come over from a former day.

The Senate can at any time rescind the order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that an order be made that before the resolutions which have been objected to on a previous day, and which lie over, shall be presented to the Senate the call shall be made for "concurrent or other resolutions."

Mr. INGALLS and others. That is right.

The PRESIDENT *pro tempore*. If that is the pleasure of the Senate the Chair will so understand it, and will conform his conduct to that rule. The Senator from Kansas [Mr. PLUMB].

RAILROAD LAND-GRANT SETTLERS IN KANSAS.

Mr. PLUMB. I offer the following resolution:

Resolved, That the Secretary of the Interior be, and is hereby, requested to furnish the Senate with the names of all settlers and a description of the odd-numbered sections of land settled upon by such settlers within the granted limits of each of the land-grant railroads in the State of Kansas prior to the definite location of said roads; also the names of settlers and a description of the lands settled upon within the indemnity limits of said roads prior to the selection of such lands by the said railroad companies; also a description of lands claimed by said companies and heretofore included within the granted and indemnity limits of said roads, but which the records of the General Land Office show to be outside and beyond said limits.

I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers in respect to the claim of Mrs. E. G. C. Abbott be taken from the files and referred to the Committee on Claims.

DAKOTA TERRITORY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair will lay before the Senate the resolution submitted by the Senator from South Carolina [Mr. BUTLER], which came over from yesterday. The resolution will now be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire and report to the Senate under and by what authority a so-called State Legislature has been organized in the Territory of Dakota, if such a body has been organized as alleged, and by what warrant or authority said organization has proceeded to elect Senators to this body. And that said committee inquire further and report whether said organization is not calculated to bring about a conflict of authority prejudicial to the good order of said Territory and demoralizing to the Territorial government legally organized and administered under the authority of the National Government, and that said committee have leave to report any special matter relating to the affairs of said Territory requiring or demanding the attention of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HARRISON. Mr. President, ordinarily I should not deem it appropriate to discuss a resolution of inquiry, but the resolution proposed by the Senator from South Carolina suggests an inquiry into matters of which, as I shall presently show, the Senate is already fully advised; and, in the second place, it contains, by suggestion, a reflection upon a body of the American people as patriotic, loyal, and law-abiding as any that are to be found within the limits of our National Government, not excepting those who abide under the palmetto trees of South Carolina.

This resolution has already been the occasion of some newspaper discussion. A sample of the treatment that the people of Southern Dakota are receiving at the hands of the Democratic press of this country I find in the issue of the New York World for to-day:

The bogus South Dakota Legislature, now in session at Huron, has enacted the farce of electing two judges—Moody and Edgerton—United States Senators for the alleged State of South Dakota. This is one way, we presume, of forcing recognition, but a poorer plan for breaking into the Union could hardly be devised—

May I pause to suggest, Mr. President, that even this unfriendly critic takes notice of the difference between an attempt to break into the Union and an attempt to break out of it?—

in fact it is a question whether in setting up a bogus State government the impatient Territorial politicians are not guilty of some sort of constructive treason.

That, I take it, is the implication of the resolution which is now before the Senate. I would not discourage, whether in the press of the

country or in any Senator here, a sensitive disposition toward treason. I think we can not too early take notice of incipient rebellion nor too severely condemn it when we have once fairly located it.

But in addition to the distinction which I have already made in the interest of my Dakota fellow-citizens, that this attempt of theirs is an effort to break into the Union and not to break out of it, I shall undertake to show that it is respectful toward the Government of the United States in the manner of it, deferential to the Constitution and Government of the United States in every step of it, orderly, decent, and conformable to precedents which the Senators on the other side of the Chamber at least ought to respect.

Mr. President, there is no need of a committee of inquiry. It is not necessary that we should look after facts or summon witnesses. All that has been done by Dakota for the last six years in her efforts to secure at the hands of a reluctant Congress the recognition of the full rights of her people as American citizens has been done in the light of open day. There have been no conspiracies, no cabals, no midnight assemblages, no mustering of conspirators in the shadows of the wood.

Let me very briefly review the history of the attempt of Dakota to secure admission as a State of the Union. Two questions are involved. First, the question of the division of the Territory upon the forty-sixth parallel or some other convenient line. The Legislatures of Dakota, in their annual assemblies, and the annual conventions of both of the great political parties in the Territory have for six years been representing by resolutions to Congress that the best interests of the people of that Territory require a division. Upon the question of the right of South Dakota to admission as a State the Legislature, large popular conventions held in different parts of the Territory, and influential committees of her ablest men have made their representations to the Congress of the United States.

At the last Congress the Senate passed an enabling act authorizing the people of Dakota south of the forty-sixth parallel to organize a State government. The measure received no attention from the House of Representatives. What has been done since that time? The Territorial Legislature of Dakota, made up of representatives from the entire Territory as now organized, passed an act authorizing the assembling of a constitutional convention for South Dakota, for the purpose of framing a constitution to be submitted to Congress as the basis of its admission to the Union of the States. This act is in the libraries of Congress, a public act passed by the Legislature and approved by its governor. I take it that neither the Senator from South Carolina nor any other Senator here will desire to put a committee to the trouble of finding that law and bringing it to his attention.

What was done under the law? The members of the constitutional convention were chosen at a popular election, of which due notice was given. A convention, consisting of over one hundred delegates, assembled on the 4th of September last at Sioux Falls, and set about framing a constitution for the proposed State of Dakota. I am not sure whether there has been formally submitted to us the journal of the proceedings of that convention, though a copy of it is in my possession, but an engrossed and certified copy of the constitution adopted has been presented to the Senate through its presiding officer.

What further steps were taken? That constitution provided that a Legislature should be elected and should assemble at Huron, or at a point designated by a popular vote as a capital for a new State, which was Huron, and that they should do certain things.

In order that we may know exactly what the Legislature, whose existence is questioned, whose assembly is called to our attention as a possible menace upon the national authority, was authorized by the constitutional convention to do, and that we may get the spirit of that convention in its relation to the Government of the United States, I will read the last section of the schedule attached to the constitution:

SEC. 32. Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect United States Senators, to provide and pass means and measures necessary, preliminary, and incident to admission to the Union, and to assemble and reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union, nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

There is the concluding section of the Dakota constitution. It contains the fullest recognition of the authority of the National Government. It stays the hands of each department of the new State government proposed to be organized until Congress shall recognize the work of the constitutional convention and by a proper law admit Dakota to an equal standing among the States.

Mr. BUTLER. May I ask the Senator from Indiana by what authority that organization proceeded to the election of United States Senators before Congress had acted upon the question?

Mr. HARRISON. I will come to that presently, and I will show the Senate that Senators of the United States elected under precisely similar circumstances have stood at the door of the Senate waiting for admission until Congress had passed upon the question of the admission of their States.

Mr. BUTLER. I hope the Senator will be able to do that.

Mr. HARRISON. The Senator has not read up on this subject or he would not have introduced this resolution. Whatever may have been the differences between the great politicians of the past there was practical unanimity among the Democratic politicians in the case of Tennessee, California, and Michigan as to the right of States to proceed as far as Dakota has proceeded.

I call the Senator's attention to the fact that while he is seeking information and asking the Committee on Territories to inquire whether there is not danger that this formative and tentative State organization in Dakota may come into conflict with the national authority, this very constitution in the section I have read, breathing the most thorough submission to the authority of the General Government, has been authoritatively laid before this body.

Mr. BUTLER. Where? I have never seen it, I must confess. In what form, let me ask the Senator?

Mr. HARRISON. It was laid before the Senate in the form of an engrossed and certified copy of the constitution, presented by the President *pro tempore* and referred to the Committee on Territories, of which the honorable Senator is a member.

Mr. BUTLER. At what time?

Mr. HARRISON. Four or five days ago.

Mr. BUTLER. I thought it had not been done very long. Certainly the Committee on Territories has had no meeting since that paper has been referred to it, that I remember.

Mr. HARRISON. It has had no meeting at all at this session. It will assemble to-morrow for the first time. I am glad to know that the Senator from South Carolina was ignorant of this provision in the constitution of Dakota when he framed his resolution, and I am willing to believe that if he had known that it was there he would not have suggested such an inquiry.

Mr. BUTLER. The Senator is entirely mistaken about that. My resolution is one simply of inquiry, and I must express very great surprise that the opposition to it comes from the Senator from Indiana, who is chairman of the committee.

Mr. HARRISON. Unless the Senator chooses to state it I can not understand the ground of his surprise; for I know nothing more appropriate than that the chairman of the Committee on Territories, to whose care the appeal of the people of Dakota has come and been intrusted by a reference of the Senate, should meet at the very outset an attempt to put upon them the stigma of having inaugurated a movement in hostility to the Government of the United States. I am not willing that it should wait until the committee can make inquiry and report. I think justice to them should be done now—at the earliest possible moment.

Mr BUTLER. Mr President——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield to the Senator from South Carolina?

Mr. HARRISON. Certainly.

Mr. BUTLER. The Senator is entirely mistaken if he supposes that I intended to put a stigma upon anybody. This form of resolution is one very usually adopted in the Senate, and is one of inquiry simply; and if it should turn out that it was a proper proceeding on the part of the people of Dakota nobody will be more gratified than myself. I therefore think the Senator is working himself into a passion entirely unnecessarily and charging me with purposes which certainly did not enter my mind.

Mr. HARRISON. I am not in a passion. The Senator has never seen me in a passion or he would be able to discriminate. More than that, I am making no special charges; but I ask the Senator from South Carolina if any Senator had risen upon this floor and offered a resolution directing a committee of this body to inquire whether some proceeding taken in the State of South Carolina was not inimical to the Government and hostile and treasonable if he would not have resented it at the very outset?

Mr. BUTLER. I think it very doubtful if I should, sir.

Mr. HARRISON. I know the Senator better than he knows himself.

Mr. BUTLER. I think it very likely that I should not have objected to it. That kind of a resolution has been introduced in this body and has passed; and I say to the Senator now and here, that if at any time in the future he feels called upon to introduce a resolution of that kind he shall have my most cordial support.

Mr. HARRISON. Mr. President, I repeat, I know the Senator better than he knows himself.

Mr. BUTLER. Possibly

Mr. HARRISON. I know how often and with passion he has risen at the very faintest suggestion even of an election impropriety in the State of South Carolina—an accusation, of course, which could not possibly carrry any weight with it, and yet he felt it necessary to meet it very promptly.

Mr. President, I have shown that this State organization in all its departments, by the terms of the constitution adopted and under which only it can act, is staid, and that its attitude here to-day is that of entire deference to the Constitution of the United States, of respectful submission to the national authoriry, and one of entreaty to the Congress of the United States to do what is just and right for the semi-disfranchised people of that Territory. That is their attitude. Why move an in-

quiry? They have laid all the facts before us; every step in the progress of the affair has been officially communicated to this body.

But now, Mr. President, is there anything disorderly in the method which they have adopted? I have here in this same document, the memorial which accompanies the copy of the constitution, addressed to the President and Congress of the United States, a respectful memorial, full of arguments and statistics in the interest of Statehood for Southern Dakota. Let us see how it begins:

The people of that part of Dakota south of the forty-sixth parallel of north latitude, having adopted a constitution republican in form and taken the necessary preliminary measures toward organizing a State government, now through their properly constituted agents present such constitution to the President and Congress of the United States, and confidently relying upon the rights which pertain to American citizens like circumstanced, respectfully but earnestly pray to be admitted as a State into the Union of States.

So they come. The Senate is advised of their attitude, for this memorial has been laid before the Senate; and yet we are asked to inquire whether the steps they have taken are not in derogation of the authority of the United States.

Again, from the same memorial I read the concluding paragraph as I have read the introductory one:

The people of Dakota invoke these guaranties to let a stronger light in upon the injustice of which they complain, by the neglect of Congress, in failing to give them precedent authority to organize a State government, and that Congress may see with clearer view the justness of their claims to admission.

For the granting of the request herein your memorialists, the people of Dakota, will ever pray.

That is their attitude here, Mr. President. But is the course pursued so unusual or unprecedented in the history of the admission of new States to our Union that it should have suggested the inquiry contained in this resolution? Does the Senator from South Carolina recollect the case of Tennessee?

Mr. BUTLER. Perfectly well, sir.

Mr. HARRISON. Does the Senator remember that in that case there was no enabling act? Does the Senator recollect that the Legislature of Tennessee notified the General Government that on a particular day the Territorial government in that Territory would cease? Does he remember that? Does he then also recall the fact that the Democratic party insisted upon the formality and regularity and propriety of the organization of the State of Tennessee?

Mr. BUTLER. Oh, Mr. President, this is not a question of the Democratic or Republican party. The Senator has been trying to give that direction to his observations from the time he took his position on this question. It is a matter of not the slightest consequence to me now what the Democratic policy in the past has been or what the Republican policy. I offered the resolution in perfect good faith, and to anticipate precisely what happened when Michigan applied for admission to the Union.

Mr. HARRISON. Mr. President, I do not think that there was any bad taste in that reference of mine, for while I hope the Senator and his colleagues can be brought to consider this question of the right of the citizens of Dakota to admission among the States upon the high platform of statesmanship and in the pure air of patriotism, it has unfortunately been so in the past that the divisions upon the question of the admission of Dakota in the Senate have been party divisions.

Mr. BUTLER. I think that division has been brought about very largely by the instrumentality of gentlemen like the Senator from Indiana. That is my opinion on that subject. I think they might have presented here a scheme fair and liberal and according to fair statesmanship under which there would not be the slightest difficulty on the subject.

Mr. HARRISON. Mr. President, there is hope in what the Senator has said, and I trust, as a member of the Committee on Territories, that the fair, just, and righteous basis upon which Dakota may be admitted to her rights will be suggested by the Senator in committee, and that if a majority of his associates on the committee should disagree with him he will not content himself simply with opposing or criticising our scheme, but that he will promptly propose one of his own and put us to the test whether we are not ready to accept any fair bill on this question.

Mr. BUTLER. Whatever might be my intention on that question, inasmuch as the Senator has assumed the entire championship of the people of Dakota, I prefer that he should make that suggestion.

Mr. HARRISON. Ah, Mr. President, in taking that position the Senator retires, and he extinguishes that gleam of hope which shot up over the dark horizon when he made his first utterance. He declines to have anything to do with the people of Dakota.

Mr. BUTLER. Oh, no.

Mr. HARRISON. I have assumed no championship. I only wish it were conformable to the usages of the Senate that Dakota could speak for herself here.

In the case of Tennessee—and I do not want to detain the Senate by much reading—I read from Hough's American Constitutions:

As a measure preliminary to State organization, a census was ordered July 11, 1795, which returned a population of 66,650 free persons and 10,612 slaves, and an expression of the voters taken at the same time gave a return of 6,504 *for* and 2,562 *against* the formation of a State government. A convention elected for preparing a State constitution met at Knoxville, January 11, 1796, and the next day a committee of two from each county was appointed to prepare a constitution. A bill of rights was reported on the 15th, and a frame of government on the 27th, by Daniel Smith, chairman of this committee. Their labors being completed, on the 6th of February an engrossed copy was read and passed. On the 19th an engrossed copy—

And this I ask the Senator's attention to—

On the 19th an engrossed copy was forwarded to the President, with a notification that on the 28th of March, at which time the Legislature would meet to act on the constitution, the temporary government established by Congress would cease.

That was the attitude of Tennessee. They organized their constitutional convention, framed a constitution, assembled their Legislature, and sent their constitution to the President and Congress with a notification that on a particular day the Territorial government of the United States would cease.

Mr. BUTLER. Does the Senator think that a proper way of getting into the Union of these States?

Mr. HARRISON. No, Mr. President; I was only distinguishing between this way of Tennessee and that of Dakota, showing how much more conformable to good reason and propriety the proceedings in Dakota are.

Mr. BUTLER. Then I understand the Senator to say that he does not approve of that method adopted by Tennessee.

Mr. HARRISON. I do not approve of this message sent to Congress that the Territorial government would cease at a particular day.

Mr. BUTLER. Does the Senator approve of the method by which Tennessee was admitted?

Mr. HARRISON. I approve it fully; it is according to established precedents, and, as I believe, to the Constitution, that the people of a Territory may assemble and organize a constitutional convention and a State government, and if they come with that organization and submit it to the judgment and approval of Congress and do not assert in it anything against the national authority, I say it is orderly and constitutional.

Mr. BUTLER. Does the Senator go further and state that that body, call it legislature, convention, or whatever you please, has a right to set up a government in conflict with the government maintained by the National Government in the Territory?

Mr. HARRISON. I have been endeavoring to show the Senate that none such has been set up. There is no intention to set up a State government of that sort. If it is attempted it will not meet my approval.

Mr. BUTLER. May I ask the Senator if he would take the same position if the Territory of Utah were to form a similar organization and adopt the policy which seems to have been adopted by the Senator's friends in the Territory of Dakota?

Mr. HARRISON. Whether I would take a similar position?

Mr. BUTLER. Yes, sir.

Mr. HARRISON. Precisely.

Mr. BUTLER. Or any other Territory?

Mr. HARRISON. Any Territory in the world; of course I mean appurtenant to the United States. But I reserve the power to Congress to act on their constitution and to decide whether the conditions are such that they should be admitted into the Union of States.

Mr. BUTLER. But this organization goes a step further and assumes to legislate, to collect taxes, to elect judges—in other words, to exert all the functions of a complete State, as I understand.

Mr. HARRISON. The Senator is wrong, as the concluding section of the constitution must satisfy him, if he will reread it. They have collected no taxes. They have elected judges and Senators, and they have said to them all, "You shall not exercise the functions of your offices in the smallest particular until Congress has approved the bill for our admission into the Union." That is the distinction, I would say to the Senator.

Mr. BUTLER. Then what is the necessity for such a proceeding on the part of the people of Dakota?

Mr. HARRISON. It is a preparatory work. It is one of two recognized ways. There have been twelve or thirteen instances in our history where States have been admitted without any enabling act, under a constitution formed by themselves by a popular movement and submitted to Congress. It is just as orderly a method as the other, though we may have our preferences between the two.

Mr. BUTLER. I should like to call the Senator's attention to a pronunciamento which appears to have been issued by Mr. Hugh J. Campbell.

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. HARRISON. If it would suit the Senator as well when I get through the reading of the Tennessee case, I would rather get through that and hear what he has to say afterward. It breaks the connection of my remarks.

I finish the extract from Hough's American Constitutions:

This notification, with accompanying documents, was received by the President February 28 and laid by him before Congress on the 8th of April.

I believe at that time Washington was President—I do not see the date here—but notwithstanding the announcement, which seems to be a little impolite if not revolutionary, that the Territorial government would cease at a particular time, it was not treated as a disrespectful

communication, but was by the President laid before Congress with the accompanying documents.

The claims of the new State for admission were not recognized by all, but after an energetic discussion the bill became a law on the 1st of June, 1796. The principal grounds of opposition were, that the proceedings had not been authorized by an enabling act of Congress; that the census, being taken by those most interested in showing a large return, might be liable to error, and that it belonged to Congress alone to decide whether one or more States should be formed in the ceded territory, and to establish the time and manner of organization. The Constitution of 1796 was not submitted to the people for ratification. It was considered by Mr. Jefferson—

I call attention to his opinion as given here—

It was considered by Mr. Jefferson as the least imperfect and most republican of any that had then been adopted, and it remained in force without change nearly forty years.

That is the history of the admission of Tennessee organized by a popular movement calling a legislature into existence, notifying the Government when they would put that State organization into force, and sending their message in the form I have described. They were admitted by Congress as a State into the Union.

The cases of Arkansas and Michigan are instructive, because the Senator from South Carolina will recollect that this was in the old slave days, when the States were paired for admission; when on the one hand there was opposition to the admission of a slave State and on the other opposition to the admission of a free State, and there was generally a good deal of convention and arrangement by which two were put together, in order that the equality of the States, slave and free, might not be disturbed. Arkansas and Michigan were thus bunched for admission. What was the case in Arkansas? Arkansas had no enabling act, and in discussing the question of the admission of Arkansas Mr. Adams, speaking upon that subject, expressed the same view as to the guarantees of the Louisiana treaty. May I stop right here and say that the people of Dakota are entitled not only to the benefit of the provision in the treaty with Louisiana, which expressly stipulated that this territory should be divided and organized into States, but they are also entitled to the guarantees and provisions of the ordinance of 1787, which have by acts of Congress been extended over the territory west of the Mississippi River?

Mr. BUTLER. Now, if it does not disturb the Senator, I should like to ask him a question in this connection.

Mr. HARRISON. I pause for a question.

Mr. BUTLER. Is there anything in the authority which he has just quoted which authorizes the citizens of South Dakota, as it is called, to carve out a part of that Territory and organize it into a State, and leave the remaining portion of the Territory unprovided for?

Mr. HARRISON. There is nothing at all in the way of authority. There is nothing binding. The people of any part of an organized Territory of the United States may take these proceedings. They can not divide an established Territory without the sanction of Congress, but they can propose such a division just as well as they can propose anything else.

Mr. BUTLER. But I understand they have divided the Territory of Dakota and have assumed the functions of a State in one part of that Territory by an arbitrary line which they themselves drew without the consent of Congress, settling for themselves the boundary line of the State which they propose shall be admitted into the Union. I will ask now if the Senator can cite a single precedent in the history of this Government which authorizes any part of a Territory under the jurisdiction of the General Government to carve out a State to itself?

Mr. HARRISON. The case of Michigan was just such a case.

Mr. BUTLER. In the case of Michigan the controversy——

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. BUTLER. One moment. I only desire to make one suggestion in that connection. In the case of Michigan the controversy was between the State of Ohio and the State of Michigan and the State of Indiana as to the boundary lines; but the people of Michigan did not succeed in the attempt to carve out a part of the Northwest Territory and say, "This shall be the State of Michigan." Congress had something to say about that and did prevent it, and the State of Michigan was admitted into the Union, as the Senator has suggested, by way of compromise, and only by way of compromise, and for the purpose of preventing bloodshed and revolution. It was distinctly stated by the statesmen of that day that that was the object of their votes.

Mr. HARRISON. I hope there was no such grave contingency at that time as the Senator suggests; but I have in my hand Cooley's work, entitled "Michigan," in the "American Commonwealths" series. Let me read a paragraph to the Senator:

At this time Michigan was enlarged by the addition of the territory west of the Mississippi and north of the Missouri, as far west as the Missouri and White Earth Rivers, and counties were laid out in that distant country. But the people were now becoming earnest in their desire for State government. A census was ordered in 1834, which showed that there were within that portion of the territory which by the ordinance of 1787 was to constitute one of the five States 87,278 inhabitants, considerably more than were necessary to entitle it to admission as a State in the Union under the compact. Congress was, therefore, memorialized to set off the western territory from Michigan; and in anticipation of compliance the people west of Lake Michigan were allowed to name one of their own number for a Delegate in Congress. In April, 1835, an election was held of delegates to a State convention for forming a State constitution, and this convention met at Detroit in May and agreed upon a constitution, which was submitted to the people and approved by them in October.

At the time Michigan took this step this outlying western territory was attached to her and part of her Territorial organization, as I understand and as this authority seems to show very clearly, and in organizing a State government Michigan did not undertake to organize for the whole Territory then known as Michigan Territory, but selected a portion of that Territory and organized for it a State government.

I had begun to read an extract from John Quincy Adams, taken from Benton's Thirty Years' View. John Quincy Adams expressed the same views as to the guarantees of the Louisiana treaty—and I hope the Senator will bear in mind that this applies to Dakota—entitling Arkansas to admission in spite even of her slavery, much as that Massachusetts statesman was opposed to the institution. John Quincy Adams was then the most decided opponent of slavery in the House, and he expressly declared that in his opinion not only the compromise of 1820 but also the Louisiana treaty forbade all opposition to the admission of Arkansas as a slave State. Recognizing the obligation of the provisions in the Louisiana treaty for subdividing that Territory and guaranteeing it admission to the Union, John Quincy Adams overcame his repugnance to the admission of a slave State, and acted under what he believed to be his constitutional obligation.

Mr. BUTLER. He was more honest than some of the modern statesmen on that subject.

Mr. HARRISON. Yes, Mr. President; I was going to make that remark, but as the Senator himself has made it it saves me the trouble.

Mr. BUTLER. I am glad I did.

Mr. HARRISON. And we will each make the application. I know where I would lodge it.

Mr. Adams's words were:

She [Arkansas] is entitled to admission as a slave State, as Louisiana, and Mississippi, and Alabama, and Missouri have been admitted, by virtue of that article in the treaty for the acquisition of Louisiana, which secures to the inhabitants of the ceded Territories all the rights, privileges, and immunities of the original citizens of the United States; and stipulates for their admission conformably to that principle into the Union.

* * * * * * *

It is written in the bond, and however I may lament that it ever was so written, I must faithfully perform its obligations.—*Benton's Thirty Years' View*, volume 1, page 616.

Mr. Hamer, of Ohio, in discussing this question, as reported by Mr. Benton, took this view of the subject:

One of the principal objections urged against their admission at this time is that their proceedings have been lawless and revolutionary—

Speaking of the two States—

and that, for the example's sake, if for no other reason, we should reject their application and force them to go back and do all their work over again. I can not assent to this proposition. Two ways are open to every Territory that desires to emerge from its dependent condition and become a State. It may either petition Congress for leave to form a State constitution, and, when that permission is given, proceed to form it, and present the new State constitution for our approbation; or they may meet, in the first instance, form the constitution and offer it for our approval.

There is no impropriety in either mode. It is optional with Congress at least to admit the State or not, as may be thought expedient. If they wish to admit her, they can do it by two acts of Congress; one to authorize the formation of a constitution, and the other to approve of it when made; or by one act, allowing the prayer of the petitioners to become a State, and approving of their constitution at the same time. This latter course is the one adopted in the present case. There is nothing disrespectful in it. Indeed, there is much to justify the Territory in its proceeding. Year after year they petitioned for leave to form a constitution and it was refused, or their application was treated with neglect.

Wearied with repeated instances of this treatment, they have formed a constitution, brought it to us, and asked us to sanction it, and admit them into the Union. We have the authority to do this; and if their constitution is republican we ought to do it. There is no weight in this objection, and I will dismiss it without further remark.—*Benton's Thirty Years' View*, volume 1, page 634.

In that connection I wish to offer a brief extract from the speech of Mr. Buchanan on the Michigan case. I believe Mr. Buchanan was in charge of the bill for the admission of Arkansas, and Mr. Benton in charge of the bill for the admission of Michigan. Mr. Buchanan said upon the Michigan case—and I quote again from Benton's Thirty Years' View—

I think their course is clearly justifiable; but if there is anything wrong or unusual in it, it is to be attributed to the neglect of Congress.

That may be said here with equal force.

For three years, they have been rapping at your door, and asking for the consent of Congress to form a constitution, and for admission into the Union; but their petitions have not been heeded, and have been treated with neglect. Not being able to be admitted in the way they sought, they have been forced to take their own course and stand upon their rights—rights secured to them by the Constitution and a solemn, irrepealable ordinance. They have taken the census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude, they now demand admission as a matter of right; they demand it as an act of justice at your hands. Are they now to be repelled, or to be told that they must retrace their steps, and come into the Union in the way they at first sought to do, but could not obtain the sanction of Congress? Sir, I fear the consequences of such a decision; I tremble at an act of such injustice.—*Benton's Thirty Years' View*, volume 1, page 629.

Upon the question of the admission of Arkansas the vote in the House of Representatives was 143 to 50; in the case of Michigan 153 to 45. In the case of Michigan there was an absolute overturning of the Ter-

ritorial government. They set up their State government; their State judges held courts; their governor assumed the executive functions of the State; their Legislature made laws, not during the first winter, for while they assembled that year they awaited the action of Congress, and did not assume to enter into general legislation; they did not put their State government into full operation in all its parts until Congress at that session refused to admit them to the Union. Then they did, and the Territorial government of Michigan was absolutely wiped out, and had no existence in fact as a *de facto* government.

I believe the Territorial governor, or the secretary who was acting as governor, became State governor.

It is worthy of remark that Andrew Jackson was President at that time. Andrew Jackson knew secession and nullification at sight, and he had the courage to proclaim against it. But as to the State of Michigan, though all these steps were taken, there was no proclamation from the President of the United States, there was no suggestion that this was revolutionary; and when he transmitted to Congress the papers in connection with this case, so far as I recollect, there was no word of censure. But I do not propose to defend the action of Michigan in going so far as was done in that case. I would not suggest to the good people of Dakota that they should attempt to set up any State government and put its officers in the exercise of their functions until they have received the sanction of Congress.

Mr. President, I do not care to detain the Senate longer. In the case of Oregon there was no enabling act. In the case of California there was no enabling act. The case of California is instructive, because as appears from a reference in Mr. Benton's book the Senators were actually elected by the State Legislature, and were here waiting to be sworn in before Congress took action upon the constitution of the State of California and admitted the State.

Mr. BUTLER. The Senator will pardon me a moment?

Mr. HARRISON. Certainly.

Mr. BUTLER. I think he is taking an unnecessary amount of trouble, so far as I am concerned, in citing authority about which he and I certainly will not differ. There is one point on which I desire an investigation by the Committee on Territories, and if it would suit him I should like to read an extract from what I styled a while ago the pronunciamento of Mr. H. J. Campbell, who seems to be the prime mover in this State organization. I should like to read it now and ask his opinion of it.

Mr. HARRISON. I will not deny the Senator the privilege of reading it now if he wants to, though it breaks a little upon the order of my discussion.

Mr. BUTLER. I certainly will not disturb the Senator, but here is what I understand Mr. Campbell to proclaim——

Mr. HARRISON. From what does the Senator read?

Mr. BUTLER. It is from a pamphlet prepared by ex-Chief-Justice P. C. Shannon, of the Territory of Dakota.

Mr. HARRISON. Is Mr. Shannon opposing the admission?

Mr. BUTLER. I do not know; I am not able to say upon that subject.

Mr. HARRISON. I have not had the pleasure of seeing that pamphlet.

Mr. BUTLER. He is evidently opposing this so-called State organization I judge from what he says. Mr. Shannon quotes Mr. Campbell to this effect:

Mr. Campbell says:

"We have the undoubted authority to meet in convention and to adopt a constitution. The same being ratified by the people, we have the right to elect State officers, to provide our own courts, to collect taxes, and to manage our own affairs. Should the provisional organization provided by the General Government refuse to recognize the government provided by the people, such refusal would not in any degree affect the legality of that government. Should Congress delay the admission of our representatives for the time being, that act would not take from us the privilege of governing ourselves here at home.

* * * "We are therefore in favor of immediate State organization."

Further on down, Hugh J. Campbell offered the following resolution, which was unanimously adopted.

Resolved—

Mr. HARRISON. Will the Senator inform me where that resolution was offered; in what body?

Mr. BUTLER. The pamphlet speaks of Mr. Hugh J. Campbell and of some convention at Yankton or Sioux Falls or some place.

Mr. HARRISON. Perhaps the Senator had better examine the pamphlet and be able to locate the place and know whether it was in town meeting or in the constitutional convention.

Mr. BUTLER. I do not think it makes a particle of difference.

Mr. HARRISON. Nor do I. It is simply the expression of Mr. Campbell's views.

Mr. BUTLER. I think a town meeting has about as much authority to do what has been done by the so-called legislature as the so-called legislature had to do what it has done.

Now, if the Senator will allow me, I should like to read one other extract and ask if it meets his approbation; I read Mr. Campbell's resolution:

Resolved, That it is the sense of the people of Yankton County, and we so advise the delegates to-day nominated, that it is the unquestioned and lawful right of the people of Dakota, south of the forty-sixth parallel, to at once establish for themselves a State constitution and a State government, and that we recommend the constitutional convention at Sioux Falls to submit to the people for election, at the same time that the constitution is submitted, a full list of offices [officers?] for a complete State government, a State Legislature, and a Representative in Congress.

That I understand to be the spirit behind this movement. Now I should like to ask the Senator if that meets his approbation.

Mr. HARRISON. What force does the Senator himself give to the utterance of an individual who was connected with this movement in some popular convention or county meeting in advance of the assembling of the constitutional convention—what force does he give to that against the deliberate action, the unanimous action, of the convention, saying that that thing should not be done? I never thought there was much force in bringing in a letter or a statement of some individual when the question is, What is the attitude of an organized movement which has expressed itself as this body has in the constitution submitted? That is Mr. Campbell's view. I repeat again that if Mr. Campbell or anybody else proposes, much as I sympathize with the heat and indignation and sense of injustice which the people of Dakota must feel at being kept out of the Union—I say much as I sympathize with them in all that, I would not advise them to put this State government in force without the sanction of Congress.

Mr. President, I will omit the extract to which I referred. Mr. Benton says that in the case of Mr. Gwin and Mr. Frémont, Senators from California, they were here waiting, and immediately after Congress acted upon the constitution which the people of California had adopted and admitted that State they were led to the desk of the President *pro tempore* and sworn in as Senators. They were here waiting to be sworn in as Senators from a State that was organized only by a popular movement within itself, to which organization Congress had not given any sort of sanction in advance. So then, Mr. President, I conclude——

Mr. McMILLAN. The Senator from Indiana will permit me to interrupt him a moment?

Mr. HARRISON. Certainly.

Mr. McMILLAN. The State which I have the honor to represent was admitted to the Union without any previous enabling act; the State officers were elected before the State was admitted; Senators were elected—Democratic Senators—the Hon. Henry M. Rice and General James Shields; the first Senators from Minnesota were here, and took their seats after the State was admitted; a Democratic State ticket was elected with General Sibley as the first governor of the State. The State was admitted without an enabling act or any authority from the General Government.

Mr. BUTLER. Admitted into the Union without any enabling act?

Mr. McMILLAN. Without any previous enabling act.

Mr. BUTLER. Do I understand the Senator to say that Minnesota was admitted to the Union without an enabling act by Congress?

Mr. McMILLAN. The people of Minnesota adopted a constitution and elected a complete set of State officers and United States Senators.

Mr. HARRISON. The Senator from South Carolina does not understand the Senator from Minnesota. An enabling act, technically so called, is an act passed in advance of holding a constitutional convention.

Mr. BUTLER. I understand that perfectly well.

Mr. HARRISON. The Senator says in the case of Minnesota there was no such act.

Mr. BUTLER. No authority from Congress, in other words, to organize a State government?

Mr. HARRISON. None whatever until the people came here with their constitution and Congress sanctioned it. I have not examined the precedent, but I have no doubt the Senator from Minnesota is right in what he says.

I have just had it suggested to me—and that is the disadvantage of listening to extracts from a paper with which you are not familiar—that the resolution which the Senator from South Carolina has just read as having been offered somewhere by Mr. Campbell was offered in the constitutional convention of Dakota and was voted down. That being so, ought it to be used here? I am informed that is the fact.

Mr. MANDERSON. Will the Senator yield to me?

Mr. HARRISON. Certainly.

Mr. MANDERSON. The resolution that was read by the Senator from South Carolina was presented at a meeting of the people of Yankton County. I wish further to call his attention to the fact that the language read as the language of Mr. Campbell is not his language, although it is attached to a pamphlet issued by Judge Campbell, but is an editorial from the Press and Dakotian, printed in Yankton, and the editorial article was published on the 29th day of May. I have it in my hand.

Mr. BUTLER. I simply read that extract from Mr. Campbell to show the animus by which he was actuated, stating at the time that I had been informed that Mr. Hugh J. Campbell, late of the State of Louisiana, was the prime mover in perfecting this organization in the Territory of Dakata, and was at the time, if I am not incorrectly informed, a United States district attorney; and it was he who swore in these so-called members of the Legislature. That was the purpose I had in reading it.

Mr. HARRISON. If I were inclined to impute motives I think I could find some evidence of unfriendliness toward Dakota in what the Senator has said. I have shown him here what the convention said. I have shown him a section, the last one in the schedule, unanimously adopted, prohibiting the State government from exercising any of the functions of government until the State is admitted, and yet he comes here to say that he understands somebody who was a member of the convention said so and so, and that what he said is to be taken as the spirit of the convention rather than its official vote unanimously passed.

Mr. BUTLER. I thought the Senator had been quoting from the opinions of gentlemen all the morning in vindication of his position.

Mr. HARRISON. Yes, Mr. President, but I have read opinions that were afterward crystallized by a majority vote in the Senate and House of Representatives and became precedents.

Mr. BUTLER. So have I, sir. It seems that the opinion of Mr. Campbell was crystallized by the organization of this Legislature.

Mr. HARRISON. The Senator will himself recognize presently the unfairness of that, and I will not urge it further; that is, that the expression of a single individual shall be brought here, and he shall say to the country and the Senate that that expression uncovers the springs and motives of this movement in this constitutional convention, though that expression is directly in the face and teeth of a deliberate article of the constitution unanimously adopted by that body. I submit there is no force in that sort of reasoning or suggestion.

And now, Mr. President, to conclude—for I have detained the Senate longer than I intended—I thought at the outset, when this resolution was proposed and the character of comment to which I have alluded was going about the country, that instead of waiting for any inquiry by the Committee on Territories it was due to these people that I, as the chairman of that committee, should endeavor briefly to set before the country something of the precedents in this case, and also to make it apparent from the Constitution itself that the people of Dakota were proceeding in respectful deference to the Constitution and laws of the United States.

Mr. President, unless there shall be further debate upon this question, I move the reference of the resolution to the Committee on Territories.

Mr. HOAR. I understand that the Senator from Illinois desires to address the Senate on this question to-morrow. I move that the Senate proceed to the consideration of the bill known as the bill in regard to the Presidential succession.

Mr. BUTLER rose.

Mr. HOAR. I do not wish to interfere with the Senator from South Carolina if he desires to obtain the floor.

Mr. BUTLER. I was just going to suggest to the Senator from Massachusetts that if it is entirely agreeable to him I would prefer that the resolution for the present be not referred to the Committee on Territories, as some observations may be submitted upon it.

Mr. HOAR. I understood the Senator from Illinois not now in his seat desired to say something on this resolution, and would like to have it stand over until to-morrow for that purpose.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of unfinished business.

The motion was agreed to.

PRESIDENTIAL SUCCESSION.

The Senate resumed the consideration of the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, and inability both of the President and Vice-President.

Mr. EVARTS. Mr. President, I should not venture to take any part in this debate at this stage of its consideration by the Senate when the subject has been so fully debated at previous sessions in the years 1881 and 1882 if my interest in and my investigations into the subject had commenced with my acquaintance with the action and proceedings of the Senate. But having had occasion professionally heretofore to give a very thorough examination into the constitutional provisions and to the natural and necessary workings of the provisions one way and the other that should be adopted by Congress to meet the exigency which is now presented for its action, I have thought that it was on my part at least reasonable that I should present the views thus formed. It is quite true that they concur in result and the means by which the results of reasoning on the subject are reached with those that have been presented on one side and the other of this Chamber which apparently are to receive the assent of the majority of this body; and that, if it were the only consideration that should guide me, would lead me to interpose no interruption, even of a half hour's consideration, of the action upon the bill.

The amendment before the Senate relates exclusively, as I understand it, to that portion of the present bill which provides for the continuance in the discharge of the duties of the Presidency of the officers designated under this law in its preceding part who are to assume and execute those duties; and I should confine myself entirely to the latter branch of the subject were it not for the general considerations that in my mind have made it a necessary conclusion to me upon the text of the Constitution itself that the succession provided by this measure is not only entirely constitutional, which is admitted I believe on all sides, but is the only possible constitutional exercise of the very limited power that is accorded by the Constitution to Congress.

There are two general propositions, I think, which all students of the Constitution will admit without question. One is that in the frame of the office of President and its origin of authority from the direct action of the people in a channel marked out by the Constitution, the purpose plainly expressed and written all over the action of the Constitution in this very matter was that Congress shall not participate either substantially or circumstantially in the election of the President of the United States. I then think it will be found generally impressed upon the Constitution, I would say imbedded in the Constitution, that periodicity and accommodated and adjusted periodicity in all the action of the great departments of the Government except the judicial, is not to be treated as circumstantial or only of convenience and propriety, but that it enters into the very scheme by which the election of President by the people without the aid and without the control and without regulation by Congress possible was provided, and it carries with it that the President is to come upon the scheme of the election and this arrangement of periodicity with a concurrent and attendant action of the people on the other branches of election. I believe it is essential in the contemplation of the framers of the Constitution, I believe it is embraced in the firm provisions of the Constitution, that a newly elected President, as he is fixed upon a periodicity of four years, is to come into power and assume the reins of government with a concurrence of periodicity in the election of the lower House of Congress.

I believe therefore that the inference from the mere nomination of the period of duration is not the essential idea for the Presidency or for the lower House of Congress. It is that when this whole frame of government was launched into action and became the operative government of the people of the United States, it was understood by the framers and is written in the provisions of the Constitution that after the initial date of this periodicity was fixed, it was predetermined that it was not to be disturbed and that this synchronism of the action of the electors of President and the voters for the House of Representatives was not to be disturbed.

But it is said that while all that is so in purpose and intent, and while the gravity and importance of that adjustment can not be disparaged and has not been disparaged, yet there is no connection impressed in the Constitution in terms upon the actual calendar as established by our working system. It is true that the Constitution of the United States as originally framed and under which the Government was set in motion does not refer to the 4th of March or any stated period as the initial step in the periodical rotation, but ever since the adoption of the twelfth amendment to the Constitution the 4th of March appears as one of the dates fixed in the Constitution that can not be changed in the matter to which that relates, however much you may certify the period of election otherwise. The twelfth amendment provides that the time and opportunity of the House of Representatives to intervene in the juncture prescribed for the election of a President is limited and determined by the succeeding 4th of March. The alternative presented by a failure of the electoral colleges to present a President is devolved then, as we all know, upon a particular frame and adoption of the action of that body upon the House of Representatives; and if that function is not observed and executed within a certain limit of time in electing a President of the United States, then an alternative arises for the action of the Senate, which then, but not before that period, can elect a Vice-President, and thus provide a successor for the term that is thus left vacant.

> And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

Under this periodicity that we have spoken of this firm line of demarkation between the liberty and power secured to the House of Representatives and the line upon which the Senate shall succeed with its authority the 4th of March is fixed; and if the calendar be disturbed by this new election of President then there may be an interval when the House will have a much longer period than was contemplated by the arrangement of this Government as fixed in the Constitution for exercising its option of choosing or not choosing a President, and the Senate will be left expectant in an indeterminate form for a very considerable time, for the Senate can not proceed to furnish a Vice-President who can take the place until the period within which the action of the House of Representatives is possible shall have expired.

It is true that an inconvenience of this nature in the actual provisions of the law of 1792 regulating the period for election has not actually arisen in practice; but the argument is that the Constitution meant to fix it, and did not leave it to Congress to determine whether there should be an accommodation to this circumstantial consideration; nay, it did not leave it to Congress to determine in the face of an exigency that they would provide, *pro re nata*, for the occasion, whether there should be an election or not. That would be by Congress an open breach in the main fortress of the Presidency, that the people should

maintain it entirely out of the intervention of Congress. That is broken down by the proposition that the Constitution left it open to Congress to determine whether or not an election should be held; and, if so, when and under what circumstances of date, under what circumstances of haste or of protraction, this election should be ordered. In other words, whatever general and wise law might be adopted that should ameliorate the interruption of succession in the disturbance of the working of the Government as little as possible was fastened in the hands of Congress and was open to repeal or modification, and repeal or modification in close proximity to and in the near actual contemplation of the political situation of the country as betweeen parties that should incline it to have an election or not have an election as an election would be favorable or not favorable to one or the other party of the country. I need not say that in these suggestions concerning political methods and political action of political men and political bodies I am not casting an aspersion upon either men or the constitution of the bodies. The bodies are political, the men are political, and the Constitution recognized both these facts, and determined that the lines of the Presidency should be drawn free from, not open to, any circumstantial invasion of the method for the establishment of the Presidency.

Now, with these propositions, which I think must be recognized, let us see by recurring to the few clauses in the Constitution which have the least reference either to the original election of President or to the provision for the catastrophe by which the source of authority and the proceedings of election have been frustrated by the intervention of death or disaster or removal of the President or the Vice-President acting as President and being President—let us see whether there is anything in the actual provisions that interferes with or reduces in the least the proposition that Congress is not intended by the Constitution to meddle at all in the Presidential election. It will be found that so far from carrying such an impression as that the power was meant to be given, they show that it was carefully guarded against *ex industria*. So it is on every proper construction, legal and constitutional, of the narrowest and the best-defined power accorded to Congress when any exigency was supposed by irregular and undesired and unexpected derangements, Congress should need to be appealed to.

In the first place, in regard to the election itself, as we all know, the President came independent of Congress, and as there might be some pretension and some necessity that circumstantial authority might be claimed by Congress and the claim might be enlarged by constitutional construction, the language is firm that—

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

In other words, the Constitution determines that the votes shall be cast on the same day. That the Constitution protects; and what does it say about it? Merely that the time of choosing electors and the day of the electors' voting may be regulated by Congress. There is the sole intervention possible to Congress in the election, and that firmly excludes every argument in favor of circumstantial arrangement or modification.

There is but one other clause as to any power of Congress respecting the subject of the Presidency in its constitution, and that is for the concurrent misfortune that shall attend the constitutionally elected President and Vice-President. Now, notice here the equal apportionment and reservation in the Constitution, by which it was fixed in advance what could be accorded and what should not be in the power of Congress even in the especial contingency suggested. If, instead of doubting whether this or that conclusion may be inferred in clauses of the Constitution by its expression or by its limit of expression, constitutional lawyers and those charged with legislative action in obedience to the Constitution would submissively and carefully weigh what the wise, sagacious, circumspect, patriotic framers of the Constitution had in their minds and in their language had definitely expressed, thereby we should have much less of loose discussion about whether this or that might be found in the Constitution or in the acts of Congress. This body was filled with the purpose that Congress should not meddle with the original constitution of the Presidency. They had thrown every guard about that. They had precluded on all sides by insurmountable barriers that this protection of the Presidential source of authority should not be interrupted by Congress. They saw that their contrivance against the contingencies of life and health and of political disturbance leading to the action of Congress by impeachment and conviction might not always be effectual; and with all that in their minds they undertook to leave Congress to provide for this one emergency. They shaped it in every way they could shape it, leaving open only what they could not provide for; that is, an elective successor to fill a vacancy in a term.

In the case of disability that should affect both the officers elected Congress may do what? It might be said that they might elect. It might be said that they might provide for an election. It might be said that the first officer of state should be authorized by Congress to assume the power. What did the Constitution say? "Congress may by law provide"—provide what? Provide "declaring what officer shall then act as President," and these words that I have read are the be-all and the end-all of what the Constitution has intrusted to Congress. "By law" it may "provide." It can not wait to provide as a mere emergency for the occasion, treating it as they might desire, but "by law" it must be provided for, in which law the President of the United States must concur. It limits it by exclusive words in our language and in our law. There is the distinction between announcing and enacting, between the power of selection and the power of declaring; and that was to carry out the purpose of the framers of the Constitution, that Congress should have by settled law (changeable, of course), which had received the concurrence of the President of the United States, power to declare "what officer shall then act as President," and then on that designation Congress exhausted the power; and the Constitution itself declares what the consequence shall be of that declaration, which is all that is open to Congress.

Now the Constitution resumes its authority: "And such officer shall act accordingly"—that is, discharge the duties of President—"until the disability be removed;" which is one of the occasions for the action of Congress, and the other occasion, the alternative occasion, when the office is vacant, "or" in that case "a President shall be elected." And when the Constitution stops there, and does not provide for Congress the right to determine whether there shall be an election or when there shall be an election, and the power of the Constitution asserts itself as disposing of the whole question, when Congress has made its declaration of the officer and the Constitution has prescribed what shall ensue, it is then fastened upon the power of the officer; that is, if he takes the place to perform the duties by reason of disability, the Constitution says he shall hold it for the disability. Does any one pretend that Congress could order an election during a temporary disability, during a constitutional disability, whatever that may be? By no means. Here then is an exhausted power. It comes then to the alternative, the vacancy, however it may have occurred. There it provides that the duties of the Presidency shall be executed until the election of a President; and what does that mean? It means an election that the Constitution provides for; it means what the framers of the Constitution knew and recognized as a condition that was to follow. That is, the whole frame of the periodicity of the Constitution, and that frame which protects the office against innovation from Congress is maintained in all respects and always. And you will find that all the mischiefs which have threatened and all the difficulties which have given rise to debate among eminent statesmen and eminent lawyers as to there being any doubt and therefore difficulty come from not reading the Constitution as meaning what the framers meant—meant by them intelligently—and what they were undertaking to provide for, what at least they meant to maintain, that whatever in the unforeseen vicissitudes that should attend the life of a great nation might occur, they meant this principle at least should last, that Congress should not say whether or not there should be an election or when there should be one, but should do what? Exactly what the framers of the Constitution did not undertake to do and did not feel themselves competent to do.

They had made a reasonable provision for the vicissitudes of life; they had made a reasonable provision for the emergencies of political excitement by impeachment and removal. Unless there was a designated succession by persons that were to proceed from the electoral college, unless there was to be, so to speak, a provision of a larger number of Vice-Presidents who would take the place in the failure of succession (which was not reasonable and was not suitable), they had no choice but to leave in that emergency the situation to be provided for by Congress in the second, the third, the fourth, or the fifth vacancy that might take place. But the moment you have acted in that direction then the certainty is fenced in the frame of the Constitution, and the officer designated is intrusted with the execution of the powers that would have devolved on the constitutionally elected Vice-President if he had succeeded to the Presidency.

So then in my humble judgment, fortified by the views expressed by colleagues on this side and on the other side of the Chamber, fortified by commentary, fortified by the action and the argument of eminent successors to the framers in all the divisions of political parties on this question, I find at last that we simply wander into difficulties that our fathers had left open to us as they thought, when by understanding the purpose of the Constitution we should have seen that no expatiation and no argument to meet these difficulties was imposed upon the wisdom or the discretion of Congress.

In case the Vice-President fails, under the vicissitudes named, to take his place, then the Constitution says what the consequence is to be. Here there are to be considered two subjects; first, whether it is desirable that the succession should be placed where since 1792 it has been lodged, but where it has never been exercised, in the President of the Senate or the Speaker of the House. I will not repeat any of the views of expediency, both of the higher and of the lesser weight in this matter, when the vacation of office is created by a power higher than human will; but I must submit that when one of the alternatives of vacating the office depends upon the will of Congress in its two branches, then to say that the framers of this Constitution, who meant to keep hands off by Congress from the election and determination of the Presidency, in that event actually opened it to them to substitute a successor, one that was to emerge from their own body by their own elec-

tion, and was to take and fill the vacancy that had been created by the will of the two Houses of Congress—what say you of the wisdom of providing for one of these officers to succeed in the Presidency when the place was to be made for him by the impeachment of the House and the sentence of the Senate? Is that according to the circumspection and the precaution of the framers of the Constitution? I apprehend that I can readily satisfy you, as I have myself, that on the plan of the Constitution they left it not possible to either of the two Houses of Congress to allow the successor in the Presidential office named by Congress to take the place where Congress itself had been the accuser and judge to vacate it.

Now was it not a very precise way used by the framers of the Constitution when they said that all Congress could do was to declare what officer should fill the place? Did they not mean an officer of the United States? They certainly could not name an officer of a State, much less an officer of a foreign state. An officer of the United States unquestionably was meant; and then, having in their minds that Congress should not meddle with the constitution of the Presidency, they saw when they limited it to an officer of the United States that they excluded a Senator and a Representative, because in the same Constitution, using the same phrase, not pointed to any particular circumstance of this kind, there was this provision touching the question who could by possibility and who could not by possibility be an officer of the United States:

> And no person holding any office under the United States shall be a member of either House during his continuance in office.

You have not only shut out the two Houses from meddling with the Presidency, but you have shut out the members of the two Houses from any possible succession, because they can not ever be officers of the United States. Can it be supposed that the framers of this Constitution, so circumspect and so sagacious, left this loop-hole for the Presidency that you could vacate it yourselves and fill it yourselves?

I need not refer to the other clauses of the Constitution that have been insisted upon, and usefully and wisely, in the argument. I think when I read this Constitution in these clauses I have a right to feel that the great men who framed it knew how to write it as well as I know how to read it.

Now look at the difficulties. Let me suggest one, that the President's office being vacated and the Vice-Presidency being vacant, then the President of the Senate or the Speaker of the House, as the present arrangement is, becomes the person to discharge the duties. It is an annexation to this old and important position, no doubt, of President of the Senate or Speaker of the House, as the case may be; but if either of them stays here the Constitution has said he shall have no office and can not be chosen an officer. Then is the discharge of the duties of President a new office? That seems to be settled in the general judgment. What then does the present arrangement do with the decision, and I think the sound constitutional decision, that a Senator or a member of the House of Representatives is not within the impeachment clause of the Constitution?

The President is named; the Vice-President is named. Both of them are officers; and, *ex industria* and to guard against the notion that their dignity is such that they should not be included in the list of impeachable officers, they are specially named. The only persons who are open to impeachment under the Constitution are the President, the Vice-President, and all civil officers. Military officers are not under it. No one who does not come within the designation of a civil officer is impeachable. The Senate having decided in Blount's case in 1798 that he was not open to impeachment, what is your constitutional position when you have got a Senator who is discharging as an annex to his office the duties of President? Is he open to impeachment? If so, how do you expose him to impeachment? He is not named as President, he is not named as Vice-President, but the duties are annexed to the place that he fills in the Senate as a member or in the House as a member. He is not open to impeachment in that capacity. Thus by this, which I must regard as a sedulous scheme departing from the precise line of the Constitution, you are actually involved in the condition of making a man not subject by the Constitution to impeachment execute all the offices and duties and powers of the President.

I have said all that I need to say on the subject of the line of succession. To my mind no one can support under this Constitution and the construction of it the deposit of this power in an officer only of the Senate, and not of the United States; an officer only of the House of Representatives, and not an officer of the United States, within the meaning of the Constitution.

Now, in regard to what happens in case of a designation by Congress by law declaring the successor; then as to the question whether Congress can proceed any further and say he shall discharge it only so long—he shall discharge it only till this or that event or circumstance; he shall discharge it until an election that the Constitution has named or defined—let us look at that a moment. Let us see whether this is a technical construction of the language of this clause that I refer to. There are two conditions in regard to the situation of the Presidency where Congress may be called upon and has been empowered by the Constitution to act.

I need not enumerate or further repeat the three conditions under which the office may be vacant—removal, resignation, death. That is a vacancy in the Presidency; that is one situation, and the circumstances under which it arises need no further attention from me. But there remains another condition for the Presidency in which the office shall be full, constitutionally full, not to be touched at all. There is a President of the United States, but by the infirmities that attend all, great and small, an interruption of health, mental or physical incapacity occurs, creating a situation incompatible with the exercise of the duty the Constitution has reposed in him. Then is the naming of a successor exposed to any judgment or any rapacity to be exercised by the two Houses? No. They can only name the officer to fulfill the duties during that disability (which is the antithesis of ability), to provide for that case, which is an ordinary condition, not of deposition, not of possible impeachment, not of possible condemnation in the height of party excitement, but a disability from providential interference, recognized and submitted to; but Providence has not vacated the Presidency, and there must then be a substituted execution of the duties just as long as that disability shall last, never possibly to be interrupted by an election.

Why, then, should we be so eager to understand that when there was a vacancy the framers of the Constitution were not satisfied to have the Congress name a man who was fit, an officer, to take what was left of the term of the Presidency to be filled out? I do not understand why it can be supposed that the framers of the Constitution, having two alternatives laid before them and undertaking to provide by a disjunctive for the one and for the other, and neither of them has anything to do with Congress, Providence having struck its blow upon the President, he still filling the office, allowed Congress to take charge of the vacancy by death or removal and make it possible to derange the synchronism of our whole scheme of government.

Nay, more than that, sacred duty requires that it should not be construed to have been left at the option of Congress to say whether the office was vacated or not. They did not leave it for Congress declaring the officer, so that where they were satisfied with him they would repeal the law and not order a re-election or otherwise resort to an old law for an election and a successor, or you please that the two Houses of Congress or the people of the United States, if they should find out what did please them, could then order a re-election. No; let us understand that this business of filling at the will of Congress the Presidency or omitting to fill it for this or that length of time is not circumstantial, but is at the very bottom of the propositions of the Constitution.

Mr. President, I think I have, however little they may be entitled to consideration, presented my views to the members of the Senate. For myself, I find here a statute to put on the book, if this bill is enacted, that in both respects of succession and term of office of the successor is conformed to the absolute language of the Constitution and the necessary purpose and scheme of its provisions.

Mr. EDMUNDS. Mr. President, I quite agree with my distinguished friend from New York [Mr. EVARTS] in the admiration he expresses for the wisdom and the sagacity and the foresight and the patriotism of the framers of the Constitution; but I do not agree that they attempted to withdraw from the States of this Union and from its people represented in Congress any connection that possibly could be withdrawn from the election of a President and Vice-President of the United States. On the contrary, the Constitution, as it explains itself to me in its plain language, declares that in the very first contingency, in the very first step in an election of President and Vice-President after the States have acted, Congress is called upon to be an important actor and factor in the great drama of political government.

The President of the Senate of the United States, be he a pre-existing Vice-President or be he the daily choice of the members of this body, like our present President of the Senate, is to be the sacred custodian of the electoral votes. On a certain day thereafter he is to open and display those votes in the presence of both Houses of Congress, the political representatives and embodiment of the whole power of the States and of the people. Then the votes are to be counted and the result declared by somebody; it is not necessary to go into the question of how or with what effect here, because it does not touch the question we have now under consideration.

Then I find that those wise and sagacious men provided that in case of any failure of a choice as to the President the House of Representatives shall choose him; in the case of a failure of choice of Vice-President the Senate of the United States shall choose him; and if the House of Representatives shall not have elected a President then that Vice-President under the Constitution elected by the Senate becomes the Chief Executive of the nation. That is the Constitution as I read it. It is the Constitution as the very fathers who framed it, members of the First and Second Congresses many of them, understood it when they provided by the act of 1792, which we now to-day review and think was amazingly erroneous, that the President of the Senate of the United States, if there were one, or the Speaker of the House of Representatives of the lower House, if there were not a President of the Senate, for the time being should carry on the Government until a new President should be elected.

I repeat that in those very first Congresses, having in them members

of the constitutional convention familiar with the whole tendency and spirit and letter of the scheme, composed of men as wise and as patriotic as the members of the convention who framed it, in the light of their then recent experience and discussions in the constitutional convention, in the eyes of all the people of the United States, proceeded deliberately, first in one session and then again in another (because it was not finally acted upon at once), with every one of these aspects of the question before them, discussed and suggested just as my learned and distinguished friend has discussed and suggested them—only of course not with the scholastic and forensic ability that he possesses—deliberately determined that the Congress of the United States had the power under its Constitution not only to provide that the President of the Senate or the Speaker of the House should carry on the Government until an election could be had, but also to provide that a new election in the case of a vacancy in both these offices should be had immediately; and no man questioned—some one or two in the debate, I believe, as the old books tell us, hinted what my friend has so stoutly maintained now—that it was open to question whether a new President and Vice-President could be elected in a case of vacancy until the four years had come around; but the great drift of the debate, receiving the assent of everybody who divided as to where the practical choice should be as between the Secretary of State and the President of the Senate, with the consent of everybody dividing upon the questions, the great merit in that bill for such a contingency which might arise was that it provided for a speedy and immediate new election by the States and the people, as the Constitution provided, of a President of the United States.

Were these men deluded? Did they not understand the scheme that they had just then framed and were putting into operation of their own Government? Were they not patriotic enough to believe that the great source of all power in the people and in the States formed by the people and composed of the people was to be resorted to at the earliest moment possible when their choice had failed of its due execution by a vacancy occurring in both these offices? They said so and they provided so; and I repeat (because I wish to have it clearly understood what our fathers thought) that on every side, differing as the House of Representatives did largely on the question of the practical choice between the Secretary of State and the President of the Senate, on this question of an immediate election of a new President and a new Vice-President everybody agreed that it was the great merit and the chief merit and the safety of the scheme that this great power should not be devolved upon anybody longer than the possible necessities of time and circumstances should compel it. Here is the proof of it, here are the Annals of Congress, here are the Debates. I shall not take your time to read them over.

Is it possible to suppose that our fathers who were so wise in framing the Constitution became so ignorant and so dull the moment they undertook to execute it and to carry on the Government that they had so wisely framed? Had they exhausted all the intellect and the patriotism that they possessed in framing an instrument which they had not capacity to understand when they had once got it or the will to carry into execution a scheme of government for a free people? I do not think so.

It was suggested by two gentlemen, as my friend has to-day suggested, that neither the President of the Senate nor the Speaker of the House of Representatives was an officer, and then the Constitution which we both admire so much was read to those two gentlemen where it said that the Senate shall have power to choose a President *pro tempore* and their other officers—I may not quote the language exactly, but that is the substance of it—and those gentlemen were asked (just as is done in debates nowadays) to explain what that meant if it did not mean that the President of the Senate was an officer referred to, recognized, named in the Constitution of the United States.

Whether you call him a civil officer, or a military officer, or a theological officer, or whatever kind of officer, is not of the least consequence to this question. The Constitution had referred to him and named him as the holder of an office that the Constitution had itself authorized to be created and had created and authorized the Senate of the United States to fill. There was an end of that debate then.

The House of Representatives naturally (and human nature is the same to-day that it was almost a century ago and has been since this law has stood) thought that it was a scheme of the Senate to magnify its importance and to get the President of the Senate, being as they then understood, as we do now and as we have declared by formal resolution of this body, subject to the changing will of the representatives of the States from day to day if they choose to change—a scheme of the Senate to take the control of the Government into its own possession until a new election could be had; and so at first a majority of the House of Representatives adopted by four or five or six majority—a small one too—an amendment fixing, instead of the President of the Senate and the Speaker of the House of Representatives, the Secretary of State—precisely the measure that is now before us.

Mr. HOAR. As far as it went.

Mr. EDMUNDS. As far as it went. I save taking up time. Yours is much better, to provide for further accidents, of course much better; but they substituted the Secretary of State by a small majority. They sent that bill to the Senate, no question arising on the other parts of the bill further than I have stated, in regard to the immediate new election, which everybody appeared to regard as indispensable to the true idea of republican and constitutional liberty. They sent it with that amendment to the Senate. The Senate disagreed. The House of Representatives on a reconsideration receded from their amendment and agreed to the provision as it stood in the Senate bill and as it stands to-day in the law, of the President of the Senate and the Speaker of the House of Representatives.

I am not going to take up your time, sir, to discuss the practical question as to whether it is more convenient that the Secretary of State and so on or the President of the Senate should carry on the Government. I said all that I wish to say about that yesterday, but I only desire to say in reply to my honorable friend from New York that so far as the scheme of the Constitution goes as explained and expounded by the men who made it at that time, not only in the constitutional convention but in the two Houses of Congress when immediately the question arose of the execution of these powers, they agreed on all hands that it was within the competency of Congress and it was its imperative duty to provide that there should be an immediate election when vacancies occurred; and I repeat that was without any essential dissent on any hand, however much the two Houses and the members of the two Houses may have disagreed as to the convenient practicability of having one officer or another officer hold the reins of Government until a new election could be had. Everybody agreed that one must be had and should be had at the earliest possible moment.

That is the way the history of these transactions stands, and now for a century almost has stood that law which the fathers who made the Constitution enacted, when it was fresh in the minds of them all as to the purpose and spirit and intent of its letter and its scope and its scheme, that we now propose to hold has been an entire mistake, and that there is no competency under the Constitution to provide for electing a new President if both the offices get vacant. I can not read the Constitution that way, Mr. President. If I am right in supposing that the Constitution of our country does authorize us to provide by law for a new election of President, then will any man who believes in a government of the people deny that it is wise to come to a new election, as our fathers provided, as soon as it possibly may be done?

Mr. EVARTS. Mr. President, I desire a single moment. To go to the constitutional argument, I do not consider that because in the Constitution certain duties have been imperatively and definitively carried to this or that branch of Government it is an argument against the position that the framers of the Constitution and the Constitution itself did not intend to carry to the Houses of Congress any discretion in the exercise of their duties.

In regard to the count of the Presidential vote, that is devolved on the Vice-President, we will say, without discussing what that means; but the Constitution puts it there. It did not leave it for Congress to put it there or withhold it, nor to qualify it, nor to limit it. So, too, on the devolution upon the House of Representatives it was defined and imperative both what they could do and when they could do it and how they could do it, and they did not act then as any portion of Congress in the instructions reposed upon Congress as Congress. It was to avoid calling the electoral colleges together again or to require a reinstitution of an election that by a rough simulation to the electoral system and the source of the Presidency springing from the people it was devolved on the existing representatives in the House of Representatives as a convention of the States, in that form and by that action. Their quality in that action was not as members of Congress or under the powers conferred upon Congress. It was accepted and adopted as a convention of the States employed to do what Congress should not do, but which must represent the States by the people, and had recently been chosen within the term.

Thus you will see my proposition is that whatever the Constitution reposes in regard to the Presidency it reposes within its own limits imperative and definite, and it is not open either to decline or to exert the power. The Senate's President can not decline the count of the Presidential vote; the House can not decline the election of a President. I mean in obedience to the Constitution. All can disobey the Constitution.

So, when we come here, Congress does not choose a Vice-President. It takes the office of Vice-President that holds only the aspect, so far as the Presidency is concerned, of expectancy provided by emergency, in order that Congress need not meddle with the succession so far, but he has also some duty and some function in the Government to preserve in the Senate. Then by the emergency that the Constitution can not provide for in the actual election of the third successor or the second successor, if you call the Vice-President the first, it says to the Senate, you may choose, as you have a right to choose, a President of your body, and you may then choose the Vice-President of the United States.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

Mr. HOAR. Have the yeas and nays been ordered upon it?

The PRESIDENT *pro tempore*. The yeas and nays have been ordered. The amendment will be reported.

The CHIEF CLERK. In section 3, line 1, it is proposed to strike out

"sections" and insert "section;" in the same line, after "one hundred and forty-six," to strike out "one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty;" and in line 4 to strike out "are" and insert "is;" so as to read:

"SEC. 3. That section 146 of the Revised Statutes is hereby repealed."

Mr. EDMUNDS. Lest there may be some Senators now present who were not here yesterday, I will explain in a single word that this amendment if agreed to leaves the law to stand as it is now, providing for an early election of President and Vice-President of the United States in case both offices are vacant. The committee recommend to repeal the law so that upon whomever the administration of the office may devolve he will hold it until the expiration of the regular term.

The Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). I was paired with the Senator from California [Mr. MILLER], but yesterday I transferred the pair to the Senator from New Jersey [Mr. MCPHERSON], and the pair of the Senator from New Jersey stands for the Senator from California, but I do not see the Senator's colleague here. Perhaps I had better observe the pair and withhold my vote. I should vote "nay" if I were not paired.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. I should vote "nay" if he were here.

Mr. SAWYER (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN], who is detained from the Senate by sickness.

The roll-call was concluded.

Mr. HARRIS. I see that the Senator from New Jersey [Mr. SEWELL] is now present. I record my vote "nay."

The result was announced—yeas 21, nays 37; as follows:

YEAS—21.

Aldrich,	Hawley,	Palmer,	Teller,
Blair,	McMillan,	Plumb,	Vance,
Cameron,	Mahone,	Sewell,	Vest.
Cockrell,	Manderson,	Sherman,	
Conger,	Mitchell of Pa.,	Spooner,	
Edmunds,	Morrill,	Stanford,	

NAYS—37.

Allison,	Cullom,	Harrison,	Pugh,
Beck,	Dolph,	Hoar,	Ransom,
Berry,	Eustis,	Ingalls,	Saulsbury,
Blackburn,	Evarts,	Jackson,	Voorhees,
Brown,	Frye,	Jones of Arkansas,	Walthall,
Butler,	George,	Logan,	Wilson of Iowa,
Call,	Gibson,	Maxey,	Wilson of Md.
Chace,	Gorman,	Mitchell of Oreg.,	
Coke,	Gray,	Morgan,	
Colquitt,	Harris,	Platt,	

ABSENT—18.

Bowen,	Hampton,	Miller of Cal.,	Sabin,
Camden,	Jones of Florida,	Miller of N. Y.,	Sawyer,
Dawes,	Jones of Nevada,	Payne,	Van Wyck.
Fair,	Kenna,	Pike,	
Hale,	McPherson,	Riddleberger,	

So the amendment was rejected.

Mr. EDMUNDS. I stated the other day that I was considering the question of the wisdom of moving as an amendment to this bill the provision for regulating the count of the electoral votes, just as the founders of the Constitution in the First Congress provided the two schemes together then; but yielding to the opinion of gentlemen in whose judgment and good intentions I have the greatest possible confidence, I shall not offer that amendment. I merely make this explanation as showing why I do not.

The bill was ordered to be engrossed for a third reading, and read the third time.

Mr. MCMILLAN. Mr. President, it was not my intention, until the rejection of the amendment just acted on by the Senate, to make any remarks upon this bill. I should have voted in favor of the bill with that amendment, but I do not feel at liberty, with the amendment rejected, to vote for the bill.

I believe the people are at all times to be trusted with the choice of the Chief Magistrate of the nation. It is a principle which I regard as a very sacred one; and my confidence in the people of this country to choose their rulers is unabated. The framers of the Constitution in providing for the emergency which is contemplated by the proposed act provided expressly that the vacancy should exist only until a President should be elected. I do not believe they intended that language to prevent the people from choosing a President at the first suitable occasion.

The people have made no choice of a Secretary of State or of any of the members of the Cabinet designated in the bill to discharge the duties of President. They have never had an opportunity of selecting in any way the officer who may be called to that responsible position; and yet the emergency may arise at the very commencement of a Presidential term, and during all the remainder of the term the duties of the President of the United States are to be executed by a person who has not been chosen by the people of the United States, a person who is a mere appointee of the President, as one of his own counselors. I do not believe that any danger can result to the institutions of this country by permitting the people to have the opportunity of selecting a President when an emergency of this kind shall occur, if it ever should occur.

I am not at liberty, with the amendment rejected, to vote for the order of succession which is provided in the bill. I much prefer that the law as it exists shall remain upon the statute-book, and that the succession shall not be changed.

Mr. TELLER. Mr. President, I shall not enter upon a discussion of this bill. I withheld my assent from the third section. I recognize a popular demand for some legislation upon this subject. I have not recognized any popular demand for the third section of the bill. I do not believe the public attention has been called to it, and I am confident it will not meet with public approbation. To me at least it is objectionable.

I do not share with some who have already spoken upon this subject the fear of a popular election. I am a believer in the doctrine that the oftener we go to the people, the source of power, the better it is for national affairs. I do not believe it was contemplated by the early founders of the Government that any person selected in the way these officers are to be selected should discharge the duties of the executive office except for such a short time as might be necessary to secure a popular election; and because of the adoption of the third section by the Senate I shall be compelled to vote against the bill.

Mr. HAWLEY. Mr. President, I voted for the amendment proposed by the Senator from Vermont, and regret that it was rejected. But I see no constitutional objection to the bill as it stands, and there has been so much reproach, I might say justly, showered upon the Congress of the United States for neglecting to provide for the emergencies here contemplated that I am compelled to vote for a bill that I might criticise so that this reproach may no longer be justly placed upon us.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was passed.

JUDICIAL SALARIES.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the next business in order, which is the proposed joint rules.

Mr. HOAR. As I see that the Senator from Maine [Mr. FRYE] is not present, I move to take up the next bill in order, the judicial salaries bill, allowing the joint rules to be laid aside informally.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported by its title.

The CHIEF CLERK. A bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and the pending question is upon the amendment of the Senator from Alabama [Mr. MORGAN], which will be read.

The CHIEF CLERK. It is proposed to add as an additional section:

SEC. 3. That the first section of this act shall only apply to judges who are hereafter appointed by and with the advice and consent of the Senate.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope the Senator will allow this bill to be disposed of in a few minutes, and not have it called up every day.

Mr. COKE. I am informed that the amendment offered by the Senator from Alabama will not be disposed of in a few minutes. We have a good deal of executive business, and I adhere to my motion.

The PRESIDENT *pro tempore*. The Senator from Texas insists on his motion.

Mr. HOAR. I hope it will be voted down.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Texas, that the Senate proceed to the consideration of executive business.

Mr. HOAR. If the Senator will waive his motion for one moment, I merely wish to say that I supposed there would not be much further debate on the bill; but if there is to be debate on it, I understand it is the general desire of Senators on both sides of the Chamber to have an executive session, and therefore I shall not insist on the bill further.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas [Mr. COKE] that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened.

JOINT RULES FOR THE TWO HOUSES.

Mr. FRYE. I ask the Senate to resume the consideration of the resolution providing for a code of joint rules for the two Houses of Congress, so as to have it left as the unfinished business for to-morrow.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution reported from the Committee on Rules proposing a code of joint rules.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 54 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

The Senate having ordered the publication in the RECORD of nominations to office by the President, beginning with the commencement of the present session, the following list is presented:

Received the 10th day of December, 1885.

George V. N. Lothrop, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to Russia, *vice* Alphonso Taft, resigned.

Jabez L. M. Curry, of Richmond, Va., to be envoy extraordinary and minister plenipotentiary of the United States to Spain, *vice* John W. Foster, resigned.

Charles Denby, of Evansville, Ind., to be envoy extraordinary and minister plenipotentiary of the United States to China, *vice* John Russell Young, resigned.

John B. Stallo, of Ohio, to be envoy extraordinary and minister plenipotentiary of the United States to Italy, *vice* Anthony M. Keiley, resigned.

Charles D. Jacob, of Louisville, Ky., to be envoy extraordinary and minister plenipotentiary of the United States to the United States of Colombia, *vice* William L. Scruggs, resigned.

John E. Bacon, of Columbia, S. C., to be chargé d'affaires of the United States to Paraguay and Uraguay, *vice* William Williams, resigned.

Lambert Tree, of Illinois, to be minister resident of the United States to Belgium, *vice* Nicholas Fish, resigned.

Boyd Winchester, of Kentucky, to be minister resident and consul-general of the United States to Switzerland, *vice* Michael J. Cramer, resigned.

Frederick H. Winston, of Chicago, Ill., to be minister resident and consul-general of the United States to Persia, *vice* S. G. W. Benjamin, resigned.

John E. W. Thompson, of New York city, N. Y., to be minister resident and consul-general of the United States to Hayti, *vice* John M. Langston, resigned.

William A. Seay, of Louisiana, to be minister resident and consul-general of the United States to Bolivia, *vice* Richard Gibbs, resigned.

Moses A. Hopkins, of Franklinton, N. C., to be minister resident and consul-general of the United States to Liberia, *vice* John H. Smyth, resigned.

Walker Fearn, of New Orleans, La., to be minister resident and consul-general of the United States to Roumania, Servia, and Greece, *vice* Eugene Schuyler, resigned.

D. Lynch Pringle, of South Carolina, to be secretary of the legation and consul-general of the United States to Guatemala, *vice* H. Remsen Whitehouse, resigned.

Frederick S. Mansfield, of Tyler, Tex., to be secretary of the legation of the United States to Japan, *vice* Gustavus Goward, suspended.

Joseph L. Morgan, of South Carolina, to be secretary of the legation of the United States to Mexico, *vice* Henry H. Morgan, resigned.

John G. Lee, of Philadelphia, Pa., to be secretary of the legation of the United States at Constantinople, *vice* William C. Emmet, transferred to the consulate at Smyrna.

James Fenner Lee, of Maryland, to be secretary of the legation of the United States to Austria-Hungary, *vice* William T. Strong, resigned.

Christian M. Siebert, of New York city, N. Y., to be secretary of the legation of the United States to Chili, *vice* Clement Carpenters, suspended.

Charles A. Dougherty, of Pennsylvania, to be secretary of the legation of the United States at Rome, *vice* Edwards Pierrepont, deceased.

Edward H. Strobel, of New York, to be secretary of the legation of the United States at Madrid, *vice* Dwight T. Reed, resigned.

William W. Rockhill, of Baltimore, Md., formerly second secretary of the legation of the United States to China, to be secretary of the legation at Peking, *vice* Chapman Coleman, transferred to Berlin.

Henri Vignaud, of Louisiana, formerly second secretary of the legation of the United States at Paris, to be secretary of the legation, *vice* E. J. Brulatour, suspended.

Charles Denby, jr., of Indiana, to be second secretary of the legation of the United States to China, *vice* William W. Rockhill, promoted to secretary of the legation.

Augustus Jay, of New York, to be second secretary of the legation of the United States at Paris, *vice* Henri Vignaud, promoted to the office of secretary of the legation.

Jacob Mueller, of Cleveland, Ohio, to be consul-general of the United States at Frankfort-on-the-Main, *vice* Ferdinand Vogeler, suspended.

H. Clay Armstrong, of Auburn, Ala., to be consul-general of the United States at Rio de Janeiro, *vice* C. C. Andrews, suspended.

Michael H. Phelan, of Saint Louis, to be consul-general of the United States at Halifax, *vice* Wakefield G. Frye, resigned.

C. Meyer Zulick, of Tombstone, Ariz., who was commissioned during the recess of the Senate, to be governor of Arizona, *vice* Frederick A. Trittle, resigned.

Alfred P. Swineford, of Marquette, Mich., who was designated during the recess of the Senate, to be governor of the District of Alaska, *vice* John H. Kinkead, suspended.

Edward A. Stevenson, of Boisé City, Idaho, who was commissioned during the recess of the Senate, to be governor of the Territory of Idaho, *vice* William M. Bunn, resigned.

Samuel T. Hauser, of Helena, Mont., who was designated during the recess of the Senate, to be governor of the Territory of Montana, *vice* B. Platt Carpenter, suspended.

Edmund G. Ross, of Albuquerque, N. Mex., who was commissioned during the recess of the Senate, to be governor of New Mexico, *vice* Lionel A. Sheldon, whose term of office had expired.

Strother M. Stockslager, of Corydon, Ind., who was commissioned during the recess of the Senate, to be Assistant Commissioner of the General Land Office, *vice* Luther Harrison, resigned.

Frank Gordon, of Atlanta, Ga., who was designated during the recess of the Senate, to be principal clerk of the surveys in General Land Office, *vice* Oscar Hinrichs, suspended.

John Hise, of Payson, Ariz., who was designated during the recess of the Senate, to be surveyor-general of Arizona, *vice* Royal A. Johnson, suspended.

Richard P. Hammond, jr., of San Francisco, Cal., who was commissioned during the recess of the Senate, to be surveyor-general of California, *vice* William H. Brown, resigned.

James A. Dawson, of Denver, Colo., who was designated during the recess of the Senate, to be surveyor-general of Colorado, *vice* Norman H. Meldrum, suspended.

Maris Taylor, of Yankton, Dak., who was commissioned during the recess of the Senate, to be surveyor-general of Dakota, *vice* Cortez Fessenden, whose term of office had expired.

William D. Bloxham, of Tallahassee, Fla., who was commissioned during the recess of the Senate, to be surveyor-general of Florida, *vice* James F. McClellan, resigned.

Joseph C. Straughan, of Fort Wayne, Ind., who was designated during the recess of the Senate, to be surveyor-general of Idaho, *vice* William P. Chandler, suspended.

Benjamin F. Ledbetter, of Summerfield, La., who was designated during the recess of the Senate, to be surveyor-general of Louisiana, *vice* James Lewis, suspended.

Benjamin H. Greene, of New Orleans, La., who was commissioned during the recess of the Senate, to be surveyor-general of Montana, *vice* John S. Harris, whose term of office has expired.

Jonathan F. Gardner, of Falls City, Nebr., who was commissioned during the recess of the Senate, to be surveyor-general of Nebraska and Iowa, *vice* David F. Stephenson, resigned.

George W. Julian, of Irvington, Ind., who was designated during the recess of the Senate, to be surveyor-general of New Mexico, *vice* Clarence Pullen, suspended.

Richmond S. Dement, of Lexington, McLean County, Illinois, who was designated during the recess of the Senate, to be surveyor-general of the Territory of Utah, *vice* Frederick Salomon, suspended.

John C. Thompson, of Harrodsburg, Ky., who was commissioned during the recess of the Senate, to be surveyor-general of Wyoming, *vice* John W. Meldrum, resigned.

George A. Jenks, of Brookville, Pa., who was commissioned during the recess of the Senate, to be Assistant Secretary of the Interior, *vice* Henry L. Muldrow, appointed First Assistant Secretary.

Henry L. Muldrow, of Starkville, Miss., who was commissioned during the recess of the Senate, to be First Assistant Secretary of the Interior, to fill an original vacancy.

William E. McLean, of Terre Haute, Ind., who was commissioned during the recess of the Senate, to be first deputy commissioner of pensions, *vice* Calvin B. Walker, resigned.

Joseph J. Bartlett, of New York city, who was commissioned during the recess of the Senate, to be second deputy commissioner of pensions, *vice* Lewis C. Bartlett, resigned.

Robert B. Vance, of Asheville, N. C., who was commissioned during the recess of the Senate, to be assistant commissioner of patents, *vice* Robert G. Dyrenforth, resigned.

Leslie E. Brooks, to be postmaster at Mobile, in the county of Mobile and State of Alabama, in place of James E. Slaughter, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Eugene L. Brown, to be postmaster at Eufaula, in the county of Barbour and State of Alabama, in place of Henry C. Russell, resigned.

L. R. Davis, to be postmaster at Athens, in the county of Limestone and State of Alabama, in place of Thomas J. Lake, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama, in the place of Henry Cochran, resigned.

R. R. Hunley, to be postmaster at Talladega, in the county of Talladega and State of Alabama, in place of Robert A. Moseley, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel T. Thompson, to be postmaster at Birmingham, in the county of Jefferson and State of Alabama, in place of Thomas U. Green, sus-

pended under the provisions of section 1768 of the Revised Statutes of the United States.

William F. Avera, to be postmaster at Camden, in the county of Ouachita and State of Arkansas, in place of Henry A. Millen, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas H. Bayless, to be postmaster at Hope, in the county of Hempstead and State of Arkansas, in place of Thomas M. Humphreys, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William J. Fleming, to be postmaster at Fort Smith, in the county of Sebastian and State of Arkansas, in place of James K. Barnes, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James T. Stuart, to be postmaster at Van Buren, in the county of Crawford and State of Arkansas, in the place of Alvis Smith, resigned.

John W. Owens, to be postmaster at Jonesborough, in the county of Craighead and State of Arkansas, in the place of J. Thomas Dowell, resigned.

John N. Major, to be postmaster at Redding, in the county of Shasta and State of California, in the place of James McCormick, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Richard H. Piatt, to be postmaster at Napa City, in the county of Napa and State of California, in the place of George M. Francis, resigned.

Jo. D. Sproul, to be postmaster at Chico, in the county of Butte and State of California, in place of John M. Ormsby, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Russell D. Stephens, to be postmaster at Sacramento, in the county of Sacramento and State of California, in place of Christopher Green, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

David Frakes, to be postmaster at Ouray, in the county of Ouray and State of Colorado, in the place of Albert Moore, resigned.

Robert W. Speer, to be postmaster at Denver, in the county of Arapahoe and State of Colorado, in place of Robert Morris, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin R. English, to be postmaster at New Haven, in the county of New Haven and State of Connecticut, in the place of Nehemiah D. Sperry, whose commission expired March 10, 1885.

William B. Hall, to be postmaster at Wallingford, in the county of New Haven and State of Connecticut, in the place of Leverett M. Hubbard, resigned.

John L. Lindley, to be postmaster at Ansonia, in the county of New Haven and State of Connecticut, in the place of Charles E. Bristol, resigned.

Willard P. Carr, to be postmaster at Sioux Falls, in the county of Minnehaha and Territory of Dakota, in the place of Ernest W. Caldwell, resigned.

L. D. Palmer, to be postmaster at Yankton, in the county of Yankton and Territory of Dakota, in place of Wheeler S. Bowen, suspended under the provisions of section 1769 of the Revised Statutes of the United States.

John H. Bewley, to be postmaster at Smyrna, in the county of Kent and State of Delaware, in place of William H. Baggs, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Harrison W. Clark to be postmaster at Jacksonville, in the county of Duval and State of Florida, in place of William M. Ledwith, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

David W. Gwynn, to be postmaster at Tallahassee, in the county of Leon and State of Florida, in place of William G. Stewart, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin Harrison, to be postmaster at Palatka, in the county of Putnam and State of Florida, in place of Wesley C. Snow, resigned.

James B. Blackwell, to be postmaster at Marietta, in the county of Cobb and State of Georgia, in place of Augustine A. Fletcher, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Ker Boyce, to be postmaster at Augusta, in the county of Richmond and State of Georgia, in place of William F. Holden, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

H. H. Whitfield, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia, in the place of William D. King, whose commission expired May 18, 1885.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perces and Territory of Idaho, in the place of Isaac N. Hibbs, resigned.

Elijah T. Eads, to be postmaster at Knoxville, in the county of Knox and State of Illinois, in the place of Thomas B. Tate, whose commission expired October 15, 1885.

S. Corning Judd, to be postmaster at Chicago, in the county of Cook and State of Illinois, in place of Frank W. Palmer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James H. Richardson, to be postmaster at Quincy, in the county of Adams and State of Illinois, in the place of Michael Piggott, whose commission expired May 16, 1885.

Clinton Rosette, to be postmaster at De Kalb, in the county of De Kalb and State of Illinois, in place of Aaron S. Jackson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

D. Wilmot Scott, to be postmaster at Galena, in the county of Jo Daviess and State of Illinois, in place of James B. Brown, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John F. Smith, to be postmaster at Freeport, in the county of Stephenson and State of Illinois, in place of Smith D. Atkins, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Albert Snyder, to be postmaster at Arcola, in the county of Douglas and State of Illinois, in the place of Perry M. Moore, resigned.

William Steiner, to be postmaster at Oak Park, in the county of Cook and State of Illinois, in the place of Edwin W. Phelps, whose commission expired May 5, 1885.

William D. Swail, to be postmaster at Belvidere, in the county of Boone and State of Illinois, in the place of Charles B. Loop, resigned.

Edwin W. Callis, to be postmaster at Martinsville, in the county of Morgan and State of Indiana, in place of James G. Bain, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Henry J. Feltus, to be postmaster at Bloomington, in the county of Monroe and State of Indiana, in place of Joseph G. McPheeters, jr., suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Daniel W. Krisher, to be postmaster at North Manchester, in the county of Wabash and State of Indiana, in place of Shelby Sexton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John B. Mitchell, to be postmaster at New Albany, in the county of Floyd and State of Indiana, in place of Madison M. Hurley, suspended under the provisions of section 1768 of the Revised Statutes of the United Statutes.

David Overman, to be postmaster at Marion, in the county of Grant and State of Indiana, in the place of Jacob M. Wells, whose commission expired March 22, 1885.

John T. Regan, to be postmaster at Terre Haute, in the county of Vigo and State of Indiana, in the place of Joseph O. Jones, whose commission expired May 4, 1885.

John B. Ruger, to be postmaster at La Fayette, in the county of Tippecanoe and State of Indiana, in place of John G. Sample, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Patrick Cain, to be postmaster at Fort Dodge, in the county of Webster and State of Iowa, in place of Nelson M. Page, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

S. R. Davis, to be postmaster at Creston, in the county of Union and State of Iowa, in place of Lowell C. Teed, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

L. H. Edwards, to be postmaster at Waterloo, in the county of Black Hawk and State of Iowa, in the place of W. H. Hartman, whose commission expired March 22, 1885.

W. E. Lewis, to be postmaster at Chariton, in the county of Lucas and State of Iowa, in place of James H. Stewart, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. W. Sherman, to be postmaster at Osceola, in the county of Clarke and State of Iowa, in the place of Wallace G. Agnew, resigned.

E. R. De Bray, to be postmaster at Clyde, in the county of Cloud and State of Kansas, in the place of Arthur Cornforth, resigned.

G. B. Falconer, to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas, in the place of William L. Harvey, whose commission expired March 22, 1885.

Thomas P. Fulton, to be postmaster at El Dorado, in the county of Butler and State of Kansas, in place of Alvah Sheldon, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank T. Lynch, to be postmaster at Leavenworth, in the county of Leavenworth and State of Kansas, in place of John McKee, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Taliaferro, to be postmaster at Winchester, in the county of Clark and State of Kentucky, in place of Allen H. Sympson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert R. McBride, to be postmaster at Thibodeau, in the county of La Fourche and State of Louisiana, in place of Gus Bondreaux, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mary Leveque, to be postmaster at Lake Charles, in the county of Calcasieu and State of Louisiana, in the place of William D. Mearns, who has left the State.

Albert B. Page, to be postmaster at Houlton, in the county of Aroostook and State of Maine, in the place of Eben Woodbury, whose commission expired May 5, 1885.

Joshua S. Palmer, to be postmaster at Portland, in the county of Cumberland and State of Maine, in place of Clark H. Barker, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Timothy Shaw, jr., to be postmaster at Biddeford, in the county of York and State of Maine, in place of Esreff H. Banks, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank L. Thayer, to be postmaster at Waterville, in the county of Kennebec and State of Maine, in place of Willard M. Dunn, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Delance Young, to be postmaster at Auburn, in the county of Androscoggin and State of Maine, in the place of Henry Little, whose commission expired March 22, 1885.

Alonzo L. Barry, to be postmaster at Port Deposit, in the county of Cecil and State of Maryland, in the place of Samuel A. Vannort, whose commission expired October 15, 1885.

Bushnell Danforth, to be postmaster at Williamstown, in the county of Berkshire and State of Massachusetts, in place of Calvin R. Taft, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas Ingalls, to be postmaster at Marblehead, in the county of Essex and State of Massachusetts, in the place of Knott V. Martin, resigned.

James J. Oakes, to be postmaster at Southbridge, in the county of Worcester and State of Massachusetts, in place of P. Henry Carpenter, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John L. Rice, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts, in the place of Edward B. Chapin, resigned.

Martin V. Meredith, to be postmaster at East Saginaw, in the county of Saginaw and State of Michigan, in place of William G. Gage, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank A. Mitchell, to be postmaster at Menominee, in the county of Menominee and State of Michigan, in the place of James C. Sherman, whose commission expired March 22, 1885.

Willard Stearns, to be postmaster at Adrian, in the county of Lenawee and State of Michigan, in the place of Jerome H. Free, whose commission expired May 13, 1885.

John Flynn, to be postmaster at Duluth, in the county of Saint Louis and State of Minnesota, in place of Joseph E. Knowlton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas Hall, to be postmaster at Preston, in the county of Fillmore and State of Minnesota, in the place of Bohan S. Loomis, whose commission expired May 16, 1885.

S. N. Horneck, to be postmaster at Detroit City, in the county of Becker and State of Minnesota, in place of Charles W. Dix, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin F. Mackall, to be postmaster at Moorhead, in the county of Clay and State of Minnesota, in the place of James Douglas, resigned.

Samuel De Wolf, to be postmaster at Rochester, in the county of Olmstead and State of Minnesota, in place of Joseph H. Wagoner, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Richard N. Hall, to be postmaster at Grenada, in the county of Grenada and State of Mississippi, in place of Mathew K. Mixter, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. W. McMaster, to be postmaster at Hazelhurst, in the county of Copiah and State of Mississippi, in the place of George T. Matthews, whose commission expired May 5, 1885.

T. J. Stokes, to be postmaster at Macon, in the county of Noxubee and State of Mississippi, in the place of Jefferson B. Allgood, deceased.

G. W. Thomas, to be postmaster at Canton, in the county of Madison and State of Mississippi, in the place of Francis B. Pratt, whose commission expired May 17, 1885.

Erskine P. Linzee, to be postmaster at Pierce City, in the county of Lawrence and State of Missouri, in place of Thomas Carlin, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Homer Luce, to be postmaster at Higginsville, in the county of La Fayette and State of Missouri, in place of John W. Endly, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Shearman, to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in place of Benjamin H. H. Tucker, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Richard J. Wickersham, to be postmaster at Lebanon, in the county of Laclede and State of Missouri, in place of Charles M. Wilson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

C. E. Forbes, to be postmaster at Saint Paul, in the county of Howard and State of Nebraska, in place of Adelbert A. Kendall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William N. Hensley, to be postmaster at Columbus, in the county of Platte and State of Nebraska, in place of Henry J. Hudson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Jonathan N. Wise, to be postmaster at Plattsmouth, in the county of Cass and State of Nebraska, in the place of John W. Marshall, resigned.

George W. Crockett, to be postmaster at Concord, in the county of Merrimack and State of New Hampshire, in place of Lysander H. Carroll, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Albert N. Flynn, to be postmaster at Nashua, in the county of Hillsborough and State of New Hampshire, in place of Mark R. Buxton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Harriet F. Cadmus, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey, whose commission expired October 14, 1885.

Charles Jenney, to be postmaster at Camden, in the county of Camden and State of New Jersey, in place of William T. Bailey, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Delos L. Birge, to be postmaster at Cooperstown, in the county of Ostego and State of New York, in the place of Harvey I. Russell, resigned.

James D. Corcoran, to be postmaster at Rome, in the county of Oneida and State of New York, in the place of Gustavus M. Palmer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles E. Gallagher, to be postmaster at Salamanca, in the county of Cattaraugus and State of New York, in place of Blanchard B. Weber, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

D. V. O'Leary, to be postmaster at Albany, in the county of Albany and State of New York, in the place of William H. Craig, whose commission expired May 4, 1885.

Charles O. McCreedy, to be postmaster at Ballston, in the county of Saratoga and State of New York, in place of Edward F. Grase, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles E. Weeks, to be postmaster at Jamestown, in the county of Chautauqua and State of New York, in place of Edgar P. Putnam, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel A. Ashe, to be postmaster at Raleigh, in the county of Wake and State of North Carolina, in place of John Nichols, whose commission expired May 19, 1885.

Archibald H. Boyden, to be postmaster at Salisbury, in the county of Rowan and State of North Carolina, in place of James H. Ramsay, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Matthias Manly, to be postmaster at New Berne, in the county of Craven and State of North Carolina, in place of Edward A. Richardson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John A. Young, to be postmaster at Charlotte, in the county of Mecklenburg and State of North Carolina, in place of William W. Jenkins, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. H. H. McIlyar, to be postmaster at Cambridge, in the county of Guernsey and State of Ohio, in place of David D. Taylor, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

R. J. Piatt, to be postmaster at West Liberty, in the county of Logan and State of Ohio, in the place of Charles E. Darlington, whose commission expires December 16, 1885.

George W. Stratler, to be postmaster at Mansfield, in the county of Richland and State of Ohio, in the place of Thomas E. Douglas, whose commission expired March 22, 1885.

K. Coffroth, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania, in the place of Augustus C. Davis, resigned.

Daniel W. Connolly, to be postmaster at Scranton, in the county of Lackawanna and State of Pennsylvania, in the place of Edward C. Fuller, whose commission expired May 5, 1885.

John Crull, to be postmaster at Marietta, in the county of Lancaster and State of Pennsylvania, in place of George H. Etla, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Ezra Evans, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania, in the place of William Shields, deceased.

George T. Gross, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania, in the place of Robert Iredell, whose commission expired March 22, 1885.

John B. Larkin, to be postmaster at Pittsburgh, in the county of Allegheny and State of Pennsylvania, in the place of William H. McCleary, resigned.

Peter A. Reed, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania, in the place of Francis M. Bell, whose commission expires December 15, 1885.

Benjamin F. Huger, to be postmaster at Charleston, in the county of Charleston and State of South Carolina, in the place of William N. Taft, whose commission expired May 6, 1885.

Daniel C. Kirkley, to be postmaster at Camden, in the county of Kershaw and State of South Carolina, in the place of Edward H. Brooks, whose commission expired December 15, 1883.

Frederick A. Schiffley, to be postmaster at Orangeburg Court-House, in the county of Orangeburg and State of South Carolina, in place of Alonzo Webster, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mary H. Edwards, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee, in place of William S. Tipton, whose commission expired May 5, 1885.

Jeptha M. Fowlkes, to be postmaster at Memphis, in the county of Shelby and State of Tennessee, in place of James H. Smith, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George W. Martin, to be postmaster at Chattanooga, in the county of Hamilton and State of Tennessee, in place of Harry F. Griscom, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Slack, to be postmaster at Bristol, in the county of Sullivan and State of Tennessee, in place of William Mullenix, whose commission expired May 4, 1885.

John H. Cochran, to be postmaster at Dallas, in the county of Dallas and State of Texas, in place of Lysander S. Garrison, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas R. Cocke, to be postmaster at Victoria, in the county of Victoria and State of Texas, in the place of William Billings, resigned.

Howell Tatum, to be postmaster at Belton, in the county of Bell and State of Texas, in place of John P. Osterhout, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John L. Street, to be postmaster at Park City, in the county of Summit and Territory of Utah, in the place of Albion B. Emery, whose commission expired October 24, 1885.

Henry L. Kenyon, to be postmaster at Northfield, in the county of Washington and State of Vermont, in the place of Jasper H. Orcutt, resigned.

William D. McMaster, to be postmaster at Woodstock, in the county of Windsor and State of Vermont, in the place of James H. Murdock, whose commission expired May 6, 1885.

William A. Burke, to be postmaster at Staunton, in the county of Augusta and State of Virginia, in place of Samuel M. Yost, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles W. Button, to be postmaster at Lynchburg, in the county of Campbell and State of Virginia, in place of Robert P. W. Morris, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

L. W. Caldwell, to be postmaster at Warrenton, in the county of Fauquier and State of Virginia, in place of William A. Pattie, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Bruce Gibson, to be postmaster at Winchester, in the county of Frederick and State of Virginia, in place of John H. Dean, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mrs. Mary H. S. Long, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia, in the place of Mrs. Mary H. S. Long, whose commission expired May 18, 1885.

William H. Ritenour, to be postmaster at Harrisonburg, in the county of Rockingham and State of Virginia, in place of James Sullivan, suspended under the provision of section 1768 of the Revised Statutes of the United States.

John A. R. Varner, to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in place of Charles E. Deaver, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Lloyd Reed, to be postmaster at Clarksburg, in the county of Harrison and State of West Virginia, in place of Wilbur F. Richards, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Nelson Bruett, to be postmaster at Jefferson, in the county of Jefferson and State of Wisconsin, in the place of William P. Forsythe, resigned.

Henry S. Howell, to be postmaster at Watertown, in the county of Jefferson and State of Wisconsin, in place of Justus T. Moak, whose commission expired March 22, 1885.

Harvey C. Moore, to be postmaster at Brodhead, in the county of Green and State of Wisconsin, in place of Bela W. Beebe, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George H. Paul, to be postmaster at Milwaukee, in the county of Milwaukee and State of Wisconsin, in place of Henry C. Payne, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel M. Smead, to be postmaster at Fond du Lac, in the county of Fond du Lac and State of Wisconsin, in place of George E. Sutherland, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Albert C. Snyder, to be postmaster at Cheyenne City, in the county of Laramie and Territory of Wyoming, in the place of John W. Jones, resigned.

Capt. John G. Walker, a resident of Iowa, to be chief of the Bureau of Navigation in the Department of the Navy, with the relative rank of commodore.

Capt. Montgomery Sicard, a resident of New York, to be chief of the Bureau of Ordnance in the Department of the Navy, with the relative rank of commodore.

Commodore Stephen B. Luce, a resident of the District of Columbia, to be a rear-admiral in the Navy, from the 5th of October, 1885, *vice* Rear-Admiral F. A. Roe, retired.

Commodore John Lee Davis, a resident of the District of Columbia, to be a rear-admiral in the Navy, from the 30th of October, 1885, *vice* Rear-Admiral J. C. P. De Krafft, deceased.

Capt. George E. Belknap, a resident of New Hampshire, to be a commodore in the Navy, from the 2d of June, 1885, *vice* Commodores J. Young, deceased, and J. C. P. De Krafft, promoted.

Capt. David B. Harmony, a resident of Pennsylvania, to be a commodore in the Navy, from the 23d of September, 1885, *vice* Commodores O. C. Badger, retired, and A. A. Semmes, deceased.

Capt. Andrew E. K. Benham, a resident of New York, to be a commodore in the Navy, from the 30th of October, 1885, *vice* Commodores S. B. Luce and J. L. Davis, promoted.

Commander Albert Kautz, a resident of Ohio, to be a captain in the Navy, from the 2d of June, 1885, *vice* Capt. G. E. Belknap, promoted.

Commander Alfred T. Mahan, a resident of New York, to be a captain in the Navy, from the 23d of September, 1885, *vice* Capt. D. B. Harmony, promoted.

Commander George C. Remey, a resident of Iowa, to be a captain in the Navy, from the 30th of October, 1885, *vice* Capt. A. E. K. Benham, promoted.

Lieut. Commander Benjamin P. Lamberton, a resident of Pennsylvania, to be a commander in the Navy, from the 2d of June, 1885, *vice* Commander A. Kautz, promoted.

Lieut. Commander John Schouler, a resident of Massachusetts, to be a commander in the Navy, from the 8th of June, 1885, *vice* Commander Lewis Clark, deceased.

Lieut. Commander Francis W. Dickins, a resident of Connecticut, to be a commander in the Navy, from the 23d of September, 1885, *vice* Commander A. T. Mahan, promoted.

Lieut. Commander George F. F. Wilde, a resident of Massachusetts, to be a commander in the Navy, from the 2d of October, 1885, *vice* Commander F. Pearson, resigned.

Lieut. Commander Charles H. Davis, a resident of Massachusetts, to be a commander in the Navy, from the 30th of October, 1885, *vice* Commander George C. Remey, promoted.

Lieut. William W. Reisinger, a resident of the District of Columbia, to be a lieutenant commander in the Navy, from the 2d of June, 1885, *vice* Lieut. Commander B. P. Lamberton, promoted.

Lieut. John C. Rich, a resident of Pennsylvania, to be lieutenant-commander in the Navy, from the 8th of June, 1885, *vice* Lieut. Commander John Schouler, promoted.

Lieut. William T. Burwell, a resident of New York, to be lieutenant-commander in the Navy, from the 23d of September, 1885, *vice* Lieut. Commander F. W. Dickins, promoted.

Lieut. John J. Hunker, a resident of Ohio, to be a lieutenant-commander in the Navy, from the 2d of October, 1885, *vice* Lieut. Commander G. F. F. Wilde, promoted.

Lieut. Franklin Hanford, a resident of New York, to be a lieutenant-commander in the Navy, from the 30th of October, 1885, *vice* Lieut. Commander C. H. Davis, promoted.

Lieut. Robert H. McLean, junior grade, a resident of New York, to be a lieutenant in the Navy, from the 13th of July, 1884, *vice* Lieuts. D. G. McRitchie, retired, and William C. Gibson, promoted.

Lieut. Oren E. Lasher, junior grade, a resident of New York, to be a

lieutenant in the Navy, from the 2d of March, 1885, *vice* Lieuts. C. S. Sperry and Frank Courtis, promoted.

Lieut. Howard S. Waring, junior grade, a resident of Missouri, to be a lieutenant in the Navy, from the 2d of June, 1885, *vice* Lieuts. E. W. Very, resigned, and W. W. Reisinger, promoted.

Lieut. Frank E. Sawyer, junior grade, a resident of Massachusetts, to be a lieutenant in the Navy, from the 16th of June, 1885, *vice* Lieuts. J. C. Rich, promoted, and J. D. Keeler, resigned.

Lieut. Milton K. Schwenk, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy, from the 31st of July, 1885, *vice* Lieuts. A. S. Dabney, retired, and H. C. T. Nye, deceased.

Lieut. William H. Schuetze, junior grade, a resident of Missouri, to be a lieutenant in the Navy, from the 2d of October, 1885, *vice* Lieuts. W. T. Burwell and John J. Hunker, promoted.

Lieut. Thomas B. Howard, junior grade, a resident of Illinois, to be a lieutenant in the Navy, from the 7th of November, 1885, *vice* Lieut. R. B. Peck, deceased.

Ensign Charles C. Rogers, a resident of Tennessee, to be a lieutenant, junior grade, in the Navy, from the 2d of June, 1885, *vice* Lieuts. O. E. Lasher and H. S. Waring, junior grade, promoted.

Ensign John T. Newton, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 16th of June, 1885, *vice* Lieuts. H. F. Reich, retired, and F. E. Sawyer, promoted.

Ensign Waldemar D. Rose, a resident of California, to be a lieutenant, junior grade, in the Navy, from the 2d of August, 1885, *vice* Lieuts. F. S. Hotchkin, wholly retired, and F. Guertin. resigned.

Ensign Charles F. Pond, a resident of Connecticut, to be a lieutenant, junior grade, in the Navy, from the 2d of October, 1885, *vice* Lieutenants (junior grade) M. K. Schwenk and W. H. Schuetze, promoted.

Naval Cadets S. Dana Greene, a resident of Rhode Island; Samuel W. Armistead, a resident of Virginia; George W. Street, a resident of Wisconsin; Charles P. Eaton, a resident of Wisconsin; John M. Elliott, a resident of Maryland; John B. Jackson, a resident of New Jersey; Charles E. Smeeting, a resident of New York; Benjamin F. Thurston, a resident of Indiana; Harry George, a resident of Michigan; Frederick L. Chapin, a resident of Illinois, and Harry A. Field, a resident of Massachusetts—all graduates of the Naval Academy—to be ensigns in the Navy, from the 1st of July, 1885, to fill vacancies.

(Such of the foregoing names of naval officers as have not been examined for promotion, as required by law, to be subject to examination and to be found qualified before receiving their commissions.)

Lieut. Robert E. Impey, a resident of Ohio, to be a lieutenant commander in the Navy, from the 1st of October, 1882, to fill an existing vacancy in that grade.

(This officer was nominated to the Senate on the 12th of October, 1881, to fill a vacancy existing at that date, and was confirmed on the 22d of October, 1881, subject to passing the examination required by law. When the vacancy occurred he was absent on duty abroad, and on his return was examined and failed to pass. Under section 1505 of the Revised Statutes he was suspended from rank for one year and granted re-examination and was recommended for promotion.)

Passed Assistant Engineer George W. Hall, a resident of New York, to be a chief engineer in the Navy, from the 15th of February, 1885, *vice* Chief Engineer B. F. Garvin, retired.

Passed Assistant Engineer John A. Scot, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 6th of July, 1885, *vice* Chief Engineer J. Q. A. Zeigler, deceased.

Passed Assistant Engineer John L. D. Borthwick, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 7th of September, 1885, *vice* H. H. Stewart, retired.

Passed Assistant Engineer William L. Nicoll, a resident of New York, to be a chief engineer in the Navy, from the 17th of October, 1885, *vice* Chief Engineer J. Van Hovenberg, deceased.

Assistant Engineer Frank H. Bailey, a resident of New York, to be a passed assistant engineer in the Navy, from the 7th of October, 1884, *vice* Passed Assistant Engineers S. L. Smith, resigned, and A. J. Kenyon, promoted.

Assistant Engineer L. Cathcart, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 24th of December, 1884, *vice* Passed Assistant Engineers J. Van Hovenberg, promoted, and S. Gragg, retired.

Assistant Engineer George S. Willits, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 1st of July, 1885, *vice* Passed Assistant Engineers George W. Hall, promoted, and W. L. Bailie, retired.

Assistant Engineer Walter F. Worthington, a resident of Maryland, to be a passed assistant engineer in the Navy, from the 19th of July, 1885, *vice* Passed Assistant Engineers J. A. Scot, promoted, and C. H. Greenleaf, retired.

Assistant Engineer William N. Little, a resident of Georgia, to be a passed assistant engineer in the Navy, from the 17th of October, 1885, *vice* Passed Assistant Engineers J. L. D. Borthwick and W. L. Nicoll, promoted.

Naval Cadets William J. Baxter, a resident of Ohio; Charles W. Dyson, a resident of Pennsylvania; William F. Darrah, a resident of Rhode Island; William C. Herbert, a resident of Pennsylvania, and Alexander S. Halstead, a resident of Pennsylvania—all graduates of the Naval Academy—to be assistant engineers in the Navy, from July 1, 1885, to fill vacancies.

Such of the foregoing officers named for the Engineer Corps of the Navy as have not been examined for promotion, as required by law, to be subject to examination and to be reported qualified before receiving their commissions.

Passed Assistant Surgeon John F. Brassford, a resident of Virginia, to be a surgeon in the Navy, from the 16th of June, 1885, *vice* Surg. M. D. Jones, resigned.

Ernest William Auzal, a resident of Pennsylvania, Andrew R. Wentworth, a resident of Maine, and Oliver D. Norton, a resident of Ohio, to be assistant surgeons in the Navy, from the 22d of April, 1885, and Joseph Shafer, a resident of Virginia, to be an assistant surgeon in the Navy, from the 12th of June, 1885, all to fill vacancies in that grade.

Captain and Assistant Quartermaster Horatio B. Lowry, Marine Corps, a resident of Pennsylvania, to be quartermaster in the Marine Corps, from the 4th of May, 1885, with the rank of major, *vice* Maj. William B. Slack, retired.

Capt. Richard S. Cullom, Marine Corps, a resident of Indiana, to be captain and assistant quartermaster in the Marine Corps, from the 4th of May, 1885, *vice* Capt. H. B. Lowry, promoted.

First Lieut. Francis H. Harrington, Marine Corps, a resident of the District of Columbia, to be a captain in the Marine Corps, from the 4th of May, 1885, *vice* Capt. R. S. Cullom, transferred to the general staff of the Marine Corps.

Second Lieut. James A. Turner, Marine Corps, a resident of Texas, to be a first lieutenant in that corps, from the 4th of May, 1885, *vice* First Lieut. F. H. Harrington, promoted.

Second Lieut. Littleton W. T. Waller, Marine Corps, a resident of Virginia, to be a first lieutenant in that corps, from the 26th of September, 1885, *vice* First Lieut. S. J. Logan, retired.

Received the 14th day of December, 1885.

John Goode, of Virginia, to be Solicitor-General, *vice* Samuel F. Phillips, resigned.

Robert A. Howard, of Arkansas, to be Assistant Attorney-General, *vice* Thomas Simons, resigned.

Francis Wharton, of Pennsylvania, to be examiner of claims for the Department of State, *vice* Henry O'Connor, resigned.

John C. Shields, of Michigan, to be chief-justice of the supreme court of the Territory of Arizona, *vice* Sumner Howard, suspended.

Bartlett Tripp, of Dakota, to be chief-justice of the supreme court of the Territory of Dakota, *vice* A. J. Edgarton, resigned.

James B. Hays, of Wisconsin, to be chief-justice of the supreme court of the Territory of Idaho, *vice* John T. Morgan, suspended.

Elisha Van Long, of Indiana, to be chief-justice of the supreme court of the Territory of New Mexico, *vice* William A. Vincent, who was appointed during a recess of the Senate to fill a vacancy caused by the resignation of Samuel B. Axtel, and subsequently suspended.

William H. Barnes, of Illinois, to be associate justice of the supreme court of the Territory of Arizona, *vice* William F. Fitzgerald, suspended.

William M. Merrick, of Maryland, to be associate justice of the supreme court of the District of Columbia, *vice* Andrew Wylie, retired.

William B. McConnell, of Dakota, to be associate justice of the supreme court of the Territory of Dakota, *vice* Sanford A. Hudson, term expired.

Charles R. Pollard, of Indiana, to be associate justice of the supreme court of the Territory of Montana, *vice* John Coburn, suspended.

William H. Brinker, of Missouri, to be associate justice of the supreme court of the Territory of New Mexico, *vice* Joseph Bell, resigned.

William F. Henderson, of Arkansas, to be associate justice of the supreme court of the Territory of New Mexico, *vice* William B. Fleming, resigned, he having been designated during the recess of the Senate to perform the duties of Stephen F. Wilson, suspended.

William G. Langford, of the Territory of Washington, to be associate justice of the supreme court of the Territory of Washington, *vice* Samuel C. Wingard, suspended.

Lafayette Dawson, of Missouri, to be United States judge for the district of Alaska, *vice* Edward J. Dawne, who was designated during the recess of the Senate to perform the duties of Ward McAllister, jr., suspended, and who was himself subsequently suspended.

John D. Burnett, of Alabama, to be attorney of the United States for the southern district of Alabama, *vice* George M. Duskin, suspended.

Joseph W. House, of Arkansas, to be attorney of the United States for the eastern district of Arkansas, *vice* Charles C. Waters, suspended.

Henry W. Hobson, of Colorado, to be attorney of the United States for the district of Colorado, *vice* Andrew W. Brazee, suspended.

John E. Carland, of Dakota, to be attorney of the United States for the Territory of Dakota, *vice* Hugh J. Campbell, suspended.

James H. Hawley, of Idaho, to be attorney of the United States for the Territory of Idaho, *vice* Wallace R. White, term expired.

Gustavus Van Hoorebeke, of Illinois, to be attorney of the United

States for the southern district of Illinois, *vice* James A. Connolly, suspended.

John E. Lamb, of Indiana, to be attorney of the United States for the district of Indiana, *vice* Charles L. Holstein, suspended.

Daniel O. Finch, of Iowa, to be attorney of the United States for the southern district of Iowa, *vice* John S. Runnells, resigned.

Timothy P. Murphy, of Iowa, to be attorney for the United States for the northern district of Iowa, *vice* M. D. O'Connell, resigned.

William C. Perry, of Kansas, to be attorney of the United States for the district of Kansas, *vice* James R. Hallowell, resigned.

John C. Wickliff, of Kentucky, to be attorney of the United States for the district of Kentucky, *vice* G. M. Thomas, term expired.

George E. Bird, of Maine, to be attorney of the United States for the district of Maine, *vice* Wilbur F. Lunt, suspended.

Cyrenius P. Black, of Michigan, to be attorney of the United States for the eastern district of Michigan, *vice* S. M. Cutcheon, resigned.

Robert B. Smith, of Montana, to be attorney of the United States for the Territory of Montana, *vice* W. H. DeWitt, resigned.

Owen T. Rouse, of Missouri, to be attorney of the United States for the Territory of Arizona, *vice* James A. Zabriskie, suspended.

John S. H. Frink, of New Hampshire, to be attorney of the United States for the district of New Hampshire, *vice* Charles H. Burns, resigned.

William Dorsheimer, of New York, to be attorney of the United States for the southern district of New York, *vice* Elihu Root, resigned.

Mark D. Wilbur, of New York, to be attorney of the United States for the eastern district of New York, *vice* Asa W. Tenney, suspended.

Fabius H. Busbee, of North Carolina, to be attorney of the United States for the eastern district of North Carolina, *vice* W. S. O. B. Robinson, suspended.

Hamilton C. Jones, of North Carolina, to be attorney of the United States for the western district of North Carolina, *vice* James E. Boyd, who was temporarily appointed by Chief-Justice Waite.

Robert S. Shields, of Ohio, to be attorney of the United States for the northern district of Ohio, *vice* E. H. Eggleston, suspended.

Le Roy F. Youmans, of South Carolina, to be attorney of the United States for the district of South Carolina, *vice* Samuel W. Melton, term expired.

Henry W. McCorry, of Tennessee, to be attorney of the United States for the western district of Tennessee, *vice* W. F. Poston, suspended.

Charles B. Pearre, of Texas, to be attorney of the United States for the northern district of Texas, *vice* J. C. Bigger, suspended.

Henry C. Allen, of Virginia, to be attorney of the United States for the western district of Virginia, *vice* D. S. Lewis, suspended.

Mottrom D. Ball, of Virginia, to be attorney of the United States for the district of Alaska, *vice* E. W. Haskett, suspended.

John Catlett Gibson, of Virginia, to be attorney of the United States for the eastern district of Virginia, *vice* Edmund Waddill, suspended.

Thomas Smith, of Virginia, to be attorney of the United States for the Territory of New Mexico, *vice* Joseph Bell, resigned.

Arthur H. Keller, of Alabama, to be marshal of the United States for the northern district of Alabama, *vice* J. M. Hinds, suspended.

Thomas Fletcher, of Arkansas, to be marshal of the United States for the eastern district of Arkansas, *vice* David B. Russell, suspended.

William K. Meade, of Arizona, to be marshal of the United States for the Territory of Arizona, *vice* Zan L. Tidball, suspended.

Barton Atkins, of New York, to be marshal of the United States for the district of Alaska, *vice* M. C. Hillyer, suspended.

Charles M. Newlin, of Delaware, to be marshal of the United States for the district of Delaware, *vice* H. H. McMullen, suspended.

Daniel W. Maratta, of Dakota, to be marshal of the United States for the Territory of Dakota, *vice* Harrison Allen, resigned.

Albert A. Wilson, of the District of Columbia, to be marshal of the United States for the District of Columbia, *vice* Clayton McMichael, resigned.

John W. Nelms, of Georgia, to be marshal of the United States for the northern district of Georgia, *vice* John E. Bryant, resigned.

Edward Campbell, jr., of Iowa, to be marshal of the United States for the southern district of Iowa, *vice* Richard Root, resigned.

Edward Hawkins, of Indiana, to be marshal of the United States for the district of Indiana, *vice* Robert S. Foster, term expired.

Frederick H. Marsh, of Illinois, to be marshal of the United States for the northern district of Illinois, *vice* Alfred M. Jones, term expired.

William C. Jones, of Kansas, to be marshal of the United States for the district of Kansas, *vice* B. F. Simpson, resigned.

Andrew J. Gross, of Kentucky, to be marshal of the United States for the district of Kentucky, *vice* A. J. Auxier, resigned.

Albert C. Gibson, of Louisiana, to be marshal of the United States for the western district of Louisiana, *vice* James C. Meeks, term expired.

Elijah Gates, of Missouri, to be marshal of the United States for the western district of Missouri, *vice* Joseph H. McGee, suspended.

W. Lee Dinkins, of Mississippi, to be marshal of the United States for the southern district of Mississippi, *vice* William C. Raum, term expired.

Walter H. Bunn, of New York, to be marshal of the United States for the northern district of New York, *vice* C. D. McDougall, term expired.

Martin T. McMahon, of New York, to be marshal of the United States for the southern district of New York, *vice* Joel B. Erhardt, resigned.

Van V. Richardson, of North Carolina, to be marshal of the United States for the eastern district of North Carolina, *vice* Joshua B. Hill, suspended.

Romulo Martinez, of New Mexico, to be marshal of the United States for the Territory of New Mexico, *vice* A. L. Morrison, suspended.

Henry C. Urner, of Ohio, to be marshal of the United States for the southern district of Ohio, *vice* Lot Wright, suspended.

Elias M. Boykin, of South Carolina, to be marshal of the United States for the district of South Carolina, *vice* Timothy J. Tuomey, suspended.

William L. Cabell, of Texas, to be marshal of the United States for the northern district of Texas, *vice* James A. McKee, suspended.

Joseph J. Ivins, of Tennessee, to be marshal of the United States for the eastern district of Tennessee, *vice* Thomas H. Reeves, term expired.

Thomas W. Scott, of Virginia, to be marshal of the United States for the eastern district of Virginia, *vice* Rutledge P. Hughes, resigned.

Francis H. West, of Wisconsin, to be marshal of the United States for the eastern district of Wisconsin, *vice* Henry Fink, term expired.

Columbus Sehon, of West Virginia, to be marshal of the United States for the district of West Virginia, *vice* George W. Atkinson, term expired.

William E. Smith, of New York, appointed under a temporary commission during the recess of the Senate, to be Assistant Secretary of the Treasury, *vice* Charles E. Coon, resigned.

Conrad N. Jordan, of New Jersey, appointed under a temporary commission during the recess of the Senate, to be Treasurer of the United States, *vice* Albert U. Wyman, resigned.

James W. Whelpley, of New York, appointed under a temporary commission during the recess of the Senate, to be Assistant Treasurer of the United States, *vice* Edward O. Graves, resigned.

William A. Day, of Illinois, appointed under a temporary commission during the recess of the Senate, to be Second Auditor of the Treasury, *vice* Orange Ferriss, resigned.

John S. Williams, of Indiana, appointed under a temporary commission during the recess of the Senate, to be Third Auditor of the Treasury, *vice* Edwin W. Keightley, resigned.

William H. Welsh, of Maryland, appointed under a temporary commission during the recess of the Senate, to be Deputy Third Auditor of the Treasury, *vice* Allen M. Gangewer, resigned.

Charles M. Shelley, of Alabama, appointed under a temporary commission during the recess of the Senate, to be Fourth Auditor of the Treasury, *vice* Charles Beardsley, resigned.

Anthony Eickhoff, of New York, appointed under a temporary commission during the recess of the Senate, to be Fifth Auditor of the Treasury, *vice* De Alva S. Alexander, resigned.

William S. Rosecrans, of California, appointed under a temporary commission during the recess of the Senate, to be Register of the Treasury, *vice* Blanche K. Bruce, resigned.

Roswell A. Fish, of California, appointed under a temporary commission during the recess of the Senate, to be Assistant Register of the Treasury, *vice* William P. Titcomb, resigned.

John R. Garrison, of Virginia, appointed under a temporary commission during the recess of the Senate, to be Deputy First Comptroller of the Treasury, *vice* Jonathan Tarbell, resigned.

Isaac H. Maynard, of New York, appointed under a temporary commission during the recess of the Senate, to be Second Comptroller of the Treasury, *vice* William W. Upton, resigned.

Richard R. McMahon, of West Virginia, who was appointed under a temporary commission during the recess of the Senate, to be Deputy Second Comptroller of the Treasury, *vice* James S. Delano, resigned.

John S. McCalmont, of Pennsylvania, appointed under a temporary commission during the recess of the Senate, to be commissioner of customs, *vice* Henry C. Johnson, resigned.

Daniel M. Fox, of Pennsylvania, appointed under a temporary commission during the recess of the Senate, to be superintendent of the Mint of the United States at Philadelphia, in the State of Pennsylvania, *vice* A. Loudon Snowden, resigned.

Spruille Braden, of Montana, appointed under a temporary commission during the recess of the Senate, to be assayer in charge of the United States assay office at Helena, in the Territory of Montana, *vice* Russell B. Harrison, resigned.

Edmund W. Booker, of Alabama, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the district of Alabama, *vice* P. D. Barker, resigned.

Asa Ellis, of California, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the first district of California, *vice* Chancellor Hartson, resigned.

Alexander Troup, of Connecticut, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the district of Connecticut, *vice* Joseph Selden, resigned.

Andrew Welch, of Illinois, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the second district of Illinois, *vice* Lucien B. Crooker, resigned.

Hunter Wood, of Kentucky, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the second district of Kentucky, *vice* Edwin Farley, resigned.

Francis S. Shields, of Louisiana, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the district of Louisiana, *vice* H. C. Minor, resigned.

George N. Davis, of Michigan, appointed under a temporary commission during the recess of the Senate to be collector of internal revenue for the fourth district of Michigan, *vice* Charles W. Watkins, resigned.

Cornelius Voorhis, of Missouri, appointed under a temporary commission during the recess of the Senate to be collector of internal revenue for the fourth district of Missouri, *vice* David A. Stewart, resigned.

William A. Beach, of New York, to be collector of internal revenue for the twenty-first district of New York, in place of James Armstrong, suspended.

Americus Warden, of Ohio, appointed under a temporary commission during the recess of the Senate, to be supervising inspector of steam-vessels for the seventh district, *vice* John Fehrenbatch, resigned.

Richard Sinnott, of Louisiana, appointed under a temporary commission during the recess of the Senate, to be surveyor of customs for the port of New Orleans, in the State of Louisiana, *vice* Pinckney B. S. Pinchback, resigned.

Stuart Taylor, of California, appointed under a temporary commission during the recess of the Senate, to be naval officer of customs in the district of San Francisco, in the State of California, *vice* Bradley J. Watson, whose commission expired by limitation, May 6, 1885.

Robert A. Thompson, of California, appointed under a temporary commission during the recess of the Senate, to be appraiser of merchandise in the district of San Francisco, in the State of California, *vice* J. G. Moore, deceased.

Cornelius S. Schenck, of Oregon, appointed under a temporary commission during the recess of the Senate, to be appraiser of merchandise in the district of Willamette, in the State of Oregon, *vice* John P. Ward, resigned.

Edward R. Pierce, of Maine, appointed under a temporary commission during the recess of the Senate, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine, *vice* Sidney Perham, resigned.

John C. Byxbee, of Connecticut, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of New Haven, in the State of Connecticut, *vice* Amos J. Beers, whose commission expired by limitation, May 5, 1885.

Benjamin R. Tate, of Connecticut, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of New London, in the State of Connecticut, *vice* John A. Tibbits, whose commission expired by limitation, November 1, 1885.

Walter Goddard, of Connecticut, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Fairfield, in the State of Connecticut, *vice* Julius S. Hanover, whose commission expired by limitation, May 5, 1885.

Richard L. Cropley, of the District of Columbia, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Georgetown, in the District of Columbia, *vice* J. Henry Wilson, whose commission expired by limitation, May 17, 1885.

Jacob E. Dart, of Georgia, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Brunswick, in the State of Georgia, *vice* Henry P. Farrow, resigned.

Richard F. Dodge, of Maine, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Salem and Beverly, in the State of Massachusetts, *vice* Charles H. Odell, whose commission expired by limitation May 6, 1885.

Charles H. Call, of Michigan, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Superior, in the State of Michigan, *vice* Charles Y. Osburn, whose commission expired by limitation November 1, 1885.

Arthur D. Bissell, of New York, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Buffalo Creek, in the State of New York, *vice* Charles A. Gould, whose commission expired by limitation May 22, 1885.

Edward L. Hedden, of New York, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of New York, in the State of New York, *vice* William H. Robertson, whose commission expired by limitation June 28, 1885.

Alpheus A. Hanscom, of New Hampshire, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Portsmouth, in the State of New Hampshire, *vice* Alfred F. Howard, resigned.

Richard H. Arbuckle, of Pennsylvania, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Erie, in the State of Pennsylvania, *vice* Henry C. Stafford, resigned

John P. Robinson, of Virginia, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Alexandria, in the State of Virginia, *vice* Jonathan H. Gray, whose commission expired by limitation May 22, 1885.

Richard T. Rundlett, of Maine, appointed under a temporary commission during the recess of the Senate, to be collector of customs for the district of Wiscasset, in the State of Maine, *vice* George B. Sawyer, whose commission expired by limitation May 17, 1885.

Madison Allen Lybrook, of Indiana, to be consul of the United States at Algiers, *vice* Archibald K. Brown, resigned.

George B. Goodwin, of Boston, Mass., to be consul of the United States at Annaberg, *vice* George E. Bullock, resigned.

William H. Moffett, of New Jersey, to be consul of the United States at Athens, *vice* De Witt T. Reiley, suspended.

George W. Savage, of Rahway, N. J., to be consul of the United States at Belfast, *vice* Arthur B. Wood, transferred to the consulate at Dundee.

Wendell A. Anderson, of La Crosse, Wis., to be consul-general of the United States, at Montreal, for the British North American Provinces, *vice* Sergeant P. Stearns, suspended.

William Slade, of Cleveland, Ohio, to be consul of the United States at Brussels, *vice* John Wilson, suspended.

James Whelan, of New York, to be consul of the United States at Fort Erie, Canada, *vice* La Rue Peck, suspended.

Charles Förster, of Indiana, to be consul of the United States at Elberfeld, *vice* Albert Rhodes, suspended.

William W. Lang, of Marlin, Tex., to be consul of the United States at Hamburg, *vice* John M. Bailey, suspended.

Robert E. Withers, of Virginia, to be consul of the United States at Hong-Kong, *vice* John S. Mosby, suspended.

Nageeb J. Arbeely, of Tennessee, to be consul of the United States at Jerusalem, *vice* Selah Merrill, suspended.

Francis H. Wigfall, of Baltimore, Md., to be consul of the United States at Leeds, *vice* Alfred V. Dockery, suspended.

Charles T. Russell, of Haddam, Conn., to be consul of the United States at Liverpool, *vice* Stephen B. Packard, suspended.

M. J. Newmark, of San Francisco, Cal., to be consul of the United States at Lyons, *vice* Benjamin F. Peixotto, suspended.

Wallace S. Jones, of Florida, to be consul of the United States at Messina, to fill a vacancy.

Edward Camphausen, of Erie, Pa., to be consul of the United States at Naples, *vice* Frank G. Haughwout, suspended.

Thomas E. Heenan, of Morris, Minn., to be consul of the United States at Odessa, *vice* George Scott, resigned.

John Devlin, of Detroit, Mich., to be consul of the United States at Windsor, Ontario, *vice* Charles Ewers, suspended.

Thomas R. Jernigan, of North Carolina, to be consul of the United States at Osaka and Hiogo, *vice* T. McF. Patton, suspended.

Alexander Bertrand, of Beekmantown, N. Y., to be consul of the United States at St. John's, Quebec, *vice* Silas P. Hubbell, suspended.

Pierce M. B. Young, of Georgia, to be consul-general of the United States at St. Petersburg, *vice* Edgar Stanton, resigned.

Charles P. Kimball, of Chicago, Ill., to be consul of the United States at Stuttgart, *vice* Charles Einstein, suspended.

Charles W. Wagner, of Kansas City, Mo., to be consul of the United States at Toronto, *vice* Walter E. Howard, suspended.

Augustus M. Boyd, to be consul of the United States at Tuxpan.

Matthew O'Brien, of Louisiana, appointed under a temporary commission during the recess of the Senate, to be supervising inspector of steam-vessels for the tenth district, *vice* George L. Norton, resigned.

James A. Bayard, of Fort Pendleton, Md., who was commissioned during the recess of the Senate, to be secretary of Arizona, *vice* Hiram M. Van Arman, resigned.

M. L. McCormack, of Grand Forks, Dak., who was designated during the recess of the Senate, to be secretary of Dakota Territory, *vice* James H. Teller, suspended.

George W. Lane, of Buffalo, N. Y., who was designated during the recess of the Senate, to be secretary of the Territory of New Mexico, *vice* Samuel A. Lasch, suspended.

William B. Webb, of Washington, D. C., to be a commissioner of the District of Columbia, *vice* Joseph R. West, term expired.

Alfred P. Edgerton, of Fort Wayne, Ind., to be Civil Service Commissioner, *vice* Dorman B. Eaton, resigned.

William L. Trenholm, of Charleston, S. C., to be Civil Service Commissioner, *vice* John M. Gregory, resigned.

Dorman B. Eaton, of New York, to be Civil Service Commissioner, *vice* Leroy D. Thoman, resigned.

John S. Ward, of San Bernardino, Cal., who was commissioned during the recess of the Senate, to be agent for the Indians of the Mission agency in California, *vice* John G. McCallum, resigned.

William H. Black, of Montour, Tama County, Iowa, who was commissioned during the recess of the Senate, to be agent for the Indians of the Sac and Fox agency in Iowa, *vice* Oscar H. Mills, resigned.

Robert L. Owen, of Vinita, Ind. T., who was commissioned during the recess of the Senate, to be agent for the Indians of the Union agency in the Indian Territory, *vice* John Q. Tufts, resigned.

Elihu C. Osborne, of Gallatin, Tenn., who was commissioned during the recess of the Senate, to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland agency in the Indian Territory, *vice* John W. Scott, resigned.

Jesse Lee Hall, of La Salle County, Texas, who was commissioned during the recess of the Senate, to be agent for the Indians of the Kiowa, Comanche, and Wachita agency in the Indian Territory, *vice* Philemon B. Hunt, resigned.

Frederick Hoover, of Jasper County, Indiana, who was commissioned during the recess of the Senate, to be agent for the Indians of the Osage agency, in the Indian Territory, *vice* Laban J. Miles, resigned.

Charles H. Potter, of Homer, Dakota County, Nebraska, who was commissioned during the recess of the Senate, to be agent for the Indians of the Omaha and Winnebago agency, in Nebraska, *vice* George W. Wilkinson, resigned.

Joseph Emery, of Corvallis, Oreg., who was commissioned during the recess of the Senate, to be agent for the Indians of the Klamath agency in Oregon, *vice* Linus M. Nickerson, who has resigned.

Truman H. Allen, of Oakland, Cal., who was designated during the recess of the Senate, to be pension agent at San Francisco, Cal., *vice* Henry Cox, suspended.

Mrs. Marian A. Mulligan, of Chicago, Ill., who was commissioned during the recess of the Senate, to be pension agent at Chicago, Ill., *vice* Miss Ada C. Sweet, resigned.

Charles A. Zollinger, of Fort Wayne, Ind., who was commissioned during the recess of the Senate, to be pension agent at Indianapolis, Ind., *vice* Fred'c Knefler, whose term of office has expired.

Don Carlos Buell, of Kentucky, who was commissioned during the recess of the Senate, to be pension agent at Louisville, Ky., *vice* Robert M. Kelly, resigned.

Benjamin F. Peach, jr., of Lynn, Mass., who was designated during the recess of the Senate, to be pension agent at Boston, Mass., *vice* Daniel W. Gooch, suspended.

Robert McKinstry, of Jackson, Mich., who was designated during the recess of the Senate, to be pension agent at Detroit, Mich., *vice* Samuel Post, suspended.

Gilbert H. Bargar, of Coshocton, Ohio, who was designated during the recess of the Senate, to be pension agent at Columbus, Ohio, *vice* Allen T. Wikoff, suspended.

Frank J. Parke, of Union, W. Va., who was commissioned during the recess of the Senate, to be principal clerk of the public lands in the General Land Office, *vice* Myron E. N. Howell, resigned.

Robert V. Yeakle, of Little Rock, Ark., who was commissioned during the recess of the Senate, to be register of the land office at Little Rock, Ark., *vice* M. W. Gibbs, whose term of office had expired.

Samuel C. Williams, of Querida, Col., who was commissioned during the recess of the Senate, to be register of the land office at Del Norte, Col., *vice* John Cleghorn, jr., resigned.

C. F. M. Niles, of Garden City, Kans., who was designated during the recess of the Senate, to be register of the land office at Garden City, Kans., *vice* Howell P. Myton, suspended.

Thomas J. Butler, of Ringgold, Bienville County, Louisiana, who was commissioned during the recess of the Senate, to be register of the land office at New Orleans, La., *vice* Chester B. Darrall, resigned.

Michael J. Cady, of Bodie, Cal., who was commissioned during the recess of the Senate, to be receiver of public moneys at Bodie, Cal., *vice* Hiram L. Childs, resigned.

Charles Spalding, of Topeka, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Topeka, Kans., *vice* John Q. A. Peyton, resigned.

Samuel Thanhouser, of Newton, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Garden City, Kans., *vice* Andrew J. Hoisington, resigned.

August Peterson, of Albert Lea, Minn., who was commissioned during the recess of the Senate, to be receiver of public moneys at Worthington, Minn., *vice* Christopher H. Smith, whose term of office had expired.

Charles R. Vann, to be postmaster at Saint Helena, in the county of Napa and State of California, in the place of George M. Lander, resigned.

Joseph Brelsford, to be postmaster at Onarga, in the county of Iroquois and State of Illinois, in the place of James E. Owen, resigned.

Erastus R. McKinney, to be postmaster at Lacon, in the county of Marshall and State of Illinois, in the place of Leonard C. McMurtrie, resigned.

Henry E. Wadsworth, to be postmaster at La Porte, in the county of La Porte and State of Indiana, in the place of Samuel A. Bagley, whose commission expires December 21, 1885.

A. C. Hutchinson, to be postmaster at Burlington, in the county of Des Moines and State of Iowa, in the place of John L. Waite, whose commission expires December 20, 1885.

John D. Smith, to be postmaster at Bedford, in the county of Taylor and State of Iowa, in the place of W. F. Evans, resigned.

A. J. Weber, to be postmaster at Albia, in the county of Monroe and State of Iowa, in the place of J. P. Early, whose commission expires December 20, 1885.

W. C. Clark, to be postmaster at Paducah, in the county of McCracken and State of Kentucky, in the place of James H. Ashcraft, resigned.

Thomas A. Carr, to be postmaster at Thomaston, in the county of Knox and State of Maine, in the place of Henry A. Willis, whose commission expires December 16, 1885.

James H. Covington, to be postmaster at Easton, in the county of Talbot and State of Maryland, in the place of Henry Shreve, whose commission expires December 20, 1885.

Ransom Nutting, to be postmaster at Decatur, in the county of Van Buren and State of Michigan, in the place of John L. Harrison, whose commission expired October 14, 1885.

Angelo E. Tower, to be postmaster at Ionia, in the county of Ionia and State of Michigan, in the place of A. H. Heath, whose commission expires December 20, 1885.

John Foran, to be postmaster at Lambertville, in the county of Hunterdon and State of New Jersey, in the place of Clark Pierson, whose commission expires December 16, 1885.

Mary E. Simonson, to be postmaster at East Orange, in the county of Essex and State of New Jersey, in the place of Stephen M. Long, whose commission expires December 20, 1885.

John A. Barry, to be postmaster at Oswego, in the county of Oswego and State of New York, in the place of Charles R. Parkinson, whose commission expired October 14, 1885.

W. W. Nichols, to be postmaster at Wellsville, in the county of Allegany and State of New York, in the place of Alfred S. Brown, whose commission expires December 16, 1885.

R. B. Gordon, jr., to be postmaster at Saint Mary's, in the county of Auglaize and State of Ohio, in the place of Charles Hipp, whose commission expires December 15, 1885.

Thomas Hubbard, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio, in the place of Samuel E. Allmon, whose commission expires December 16, 1885.

Ringgold W. Meily, to be postmaster at Lima, in the county of Allen and State of Ohio, in place of George P. Waldorf, whose commission expires December 15, 1885.

Daniel J. Sherman, to be postmaster at Ashtabula, in the county of Ashtabula and State of Ohio, in the place of Joseph F. Sexton, whose commission expires December 20, 1885.

James W. Talbott, to be postmaster at Middleport, in the county of Meigs and State of Ohio, in the place of George Womeldorff, whose commission expires December 16, 1885.

John Haviland, to be postmaster at Phœnixville, in the county of Chester and State of Pennsylvania, in the place of John R. Dobson, whose commission expires December 21, 1885.

M. S. Longaker, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania, in the place of Alexander Malsberger, whose commission expires December 15, 1885.

John G. Randall, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania, in the place of Thomas P. Miller, whose commission expires December 20, 1885.

George Schall, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania, in the place of Robert Iredell, whose commission expires December 15, 1885.

W. B. Colston, to be postmaster at Martinsburg, in the county of Berkeley and State of West Virginia, in the place of George F. Evans, resigned.

Clarence Snyder, to be postmaster at Racine, in the county of Racine and State of Wisconsin, in the place of Norton J. Field, whose commission expires December 15, 1885.

TO BE BRIGADIER-GENERAL.

Col. John Gibbon, of the Seventh Regiment of Infantry, July 10, 1885, *vice* Augur, retired from active service.

INSPECTOR-GENERAL'S DEPARTMENT.

Col. Absalom Baird, Inspector-General, to be Inspector-General with the rank of brigadier-general, September 22, 1885, *vice* Davis, retired from active service.

Capt. Henry J. Farnsworth, of the Eighth Regiment of Cavalry, to be inspector-general with the rank of major, September 22, 1885, *vice* Heyl, promoted.

QUARTERMASTER'S DEPARTMENT.

First Lieut. Francis B. Jones, regimental quartermaster Third Infantry, to be assistant quartermaster with the rank of captain, April 16, 1885, *vice* Smith, promoted.

ORDNANCE DEPARTMENT.

Second Lieut. Sidney E. Stuart, of the First Regiment of Artillery, to be first lieutenant in the Ordnance Department, August 6, 1885, *vice* Lyon, promoted.

INSPECTOR-GENERAL'S DEPARTMENT.

Lieut. Col. Joseph C. Breckinridge, inspector-general, to be inspector-general with the rank of colonel, September 22, 1885, *vice* Baird, appointed Inspector-General with the rank of brigadier-general.

Maj. Edward M. Heyl, inspector-general, to be inspector-general

with the rank of lieutenant-colonel, September 22, 1885, *vice* Breckinridge, promoted.

QUARTERMASTER'S DEPARTMENT.

Maj. Charles A. Reynolds, quartermaster, to be deputy quartermaster-general with the rank of lieutenant-colonel, April 9, 1885, *vice* Dana, retired from active service.

Capt. Gilbert C. Smith, assistant quartermaster, to be quartermaster with the rank of major, April 9, 1885, *vice* Reynolds, promoted.

MEDICAL DEPARTMENT.

Lieut. Col. Thomas A. McParlin, assistant medical purveyor, to be surgeon with the rank of colonel, September 16, 1885, *vice* Campbell, retired from active service.

Maj. Bernard J. D. Irwin, surgeon, to be assistant medical purveyor with the rank of lieutenant-colonel, September 16, 1885, *vice* McParlin, promoted.

Capt. Calvin De Witt, assistant surgeon, to be surgeon with the rank of major, July 21, 1885, *vice* Bill, deceased.

Capt. Benjamin F. Pope, assistant surgeon, to be surgeon with the rank of major, September 16, 1885, *vice* Irwin, promoted.

ORDNANCE DEPARTMENT.

Capt. James W. Reilly to be major, May 9, 1885, *vice* Lyford, deceased.

First Lieut. Marcus W. Lyon to be captain, May 9, 1885, *vice* Reilly, promoted.

First Lieut. Charles W. Whipple to be captain, May 9, 1885, having served fourteen years continuously as lieutenant (section 1207, Revised Statutes).

First Lieut. Andrew H. Russell to be captain, June 12, 1885, having served fourteen years continuously as lieutenant (section 1207, Revised Statutes).

FIRST REGIMENT OF CAVALRY.

Lieut. Col. Nathan A. M. Dudley, of the Ninth Cavalry, to be colonel, June 6, 1885, *vice* Grover, deceased.

Capt. Henry Carroll, of the Ninth Cavalry, to be major, July 3, 1885, *vice* Green, promoted to the Second Cavalry.

SECOND REGIMENT OF CAVALRY.

Maj. John Green, of the First Cavalry, to be lieutenant-colonel, July 3, 1885, *vice* Alexander, retired from active service.

Capt. Frank T. Bennett, of the Ninth Cavalry, to be major, June 6, 1885, *vice* Brisbin, promoted to the Ninth Cavalry.

THIRD REGIMENT OF CAVALRY.

First Lieut. Edgar Z. Steever, adjutant, to be captain, March 4, 1885, *vice* Simpson, whose promotion expired by constitutional limitation.

Second Lieut. George H. Morgan to be first lieutenant, November 26, 1884, *vice* Simpson, promoted.

FIFTH REGIMENT OF CAVALRY.

First Lieut. Earl D. Thomas to be captain, April 1, 1885, *vice* Volkmar, who resigns his line commission only.

Second Lieut. Fred. W. Foster to be first lieutenant, April 1, 1885, *vice* Thomas, promoted.

SEVENTH REGIMENT OF CAVALRY.

First Lieut. George D. Wallace to be captain, September 23, 1885, *vice* Nave, retired from active service.

Second Lieut. Edwin P. Brewer to be first lieutenant, September 23, 1885, *vice* Wallace, promoted.

EIGHTH REGIMENT OF CAVALRY.

First Lieut. Harrison S. Weeks, to be captain, April 4, 1885, *vice* Caraher, deceased.

First Lieut. Henry W. Sprole, to be captain, July 23, 1885, *vice* Boyd, deceased.

Second Lieut. Henry F. Kendall, to be first lieutenant, April 4, 1885, *vice* Weeks, promoted.

Second Lieut. William A. Shunk, to be first lieutenant, July 23, 1885, *vice* Sprole, promoted.

NINTH REGIMENT OF CAVALRY.

Maj. James S. Brisbin, of the Second Cavalry, to be lieutenant-colonel, June 6, 1885, *vice* Dudley, promoted to the First Cavalry.

First Lieut. Martin B. Hughes, to be captain, June 6, 1885, *vice* Bennett, promoted to the Second Cavalry.

First Lieut. Clarence A. Stedman, to be captain, July 3, 1885, *vice* Carroll, promoted to the First Cavalry.

Second Lieut. George R. Burnett, to be first lieutenant, June 6, 1885, *vice* Hughes, promoted.

Second Lieut. Alton H. Budlong, to be first lieutenant, July 3, 1885, *vice* Stedman, promoted.

TENTH REGIMENT OF CAVALRY.

Second Lieut. Millard F. Eggleston, to be first lieutenant, April 30, 1885, *vice* Jouett, dismissed.

FIRST REGIMENT OF ARTILLERY.

Second Lieut. David Price, to be first lieutenant, July 1, 1885, *vice* Barber, resigned.

SECOND REGIMENT OF ARTILLERY.

Capt. William Sinclair, of the Third Artillery, to be major, April 6, 1885, *vice* Elder, deceased.

Second Lieut. Hamilton Rowan, to be first lieutenant, March 28, 1885, *vice* Hoyle, appointed regimental adjutant.

THIRD REGIMENT OF ARTILLERY.

First Lieut. William A. Kobbé, to be captain, April 6, 1885, *vice* Sinclair, promoted to the Second Artillery.

Second Lieut. George P. Scriven, to be first lieutenant, April 6, 1885, *vice* Kobbé, promoted.

FOURTH REGIMENT OF ARTILLERY.

Second Lieut. John T. French, jr., to be first lieutenant, September 23, 1885, *vice* O'Brien, retired from active service.

FIFTH REGIMENT OF ARTILLERY.

Second Lieut. William W. Galbraith, to be first lieutenant, September 23, 1885, *vice* Curry, retired from active service.

Second Lieut. Solon F. Massey, to be first lieutenant, October 31, 1885, *vice* Morton, resigned.

FIRST REGIMENT OF INFANTRY.

First Lieut. Matthew Markland, to be captain, September 23, 1885, *vice* Lynde, retired from active service.

Second Lieut. Lewis H. Strother, to be first lieutenant, September 23, 1885, *vice* Markland, promoted.

SECOND REGIMENT OF INFANTRY.

Maj. Joshua S. Fletcher, jr., of the Twenty-third Infantry, to be lieutenant-colonel, July 10, 1885, *vice* Merriam, promoted to the Seventh Infantry.

Capt. Edmund Butler, of the Fifth Infantry, to be major, October 8, 1885, *vice* Smith, promoted to the Twentieth Infantry.

THIRD REGIMENT OF INFANTRY.

First Lieut. William Krause, to be captain, July 1, 1885, *vice* Kent, promoted to the Fourth Infantry.

First Lieut. William C. Bartlett, to be captain, September 12, 1885, *vice* Page, promoted to the Eleventh Infantry.

Second Lieut. Arthur Williams, to be first lieutenant, March 26, 1885, *vice* Roe, appointed regimental adjutant.

Second Lieut. William C. Buttler, to be first lieutenant, April 16, 1885, *vice* Jones, who resigns his line commission only.

Second Lieut. Frank P. Avery, to be first lieutenant, July 1, 1885, *vice* Krause, promoted.

Second Lieut. William E. P. French, to be first lieutenant, September 12, 1885, *vice* Bartlett, promoted.

FOURTH REGIMENT OF INFANTRY.

Capt. Jacob F. Kent, of the Third Infantry, to be major, July 1, 1885, *vice* De Russy, promoted to the Fourteenth Infantry.

FIFTH REGIMENT OF INFANTRY.

First Lieut. Henry Romeyn, to be captain, July 10, 1885, *vice* Ovenshine, promoted to the Twenty-third Infantry.

First Lieut. Theodore F. Forbes, regimental quartemaster, to be captain, October 8, 1885, *vice* Butler, promoted to the Second Infantry.

Second Lieut. Joseph M. T. Partello, to be first lieutenant, July 10, 1885, *vice* Romeyn, promoted.

Second Lieut. Thomas M. Defrees, to be first lieutenant, October 14, 1885, *vice* Thompson, appointed regimental quartermaster.

SEVENTH REGIMENT OF INFANTRY.

Lieut. Col. Henry C. Merriam, of the Second Infantry, to be colonel, July 10, 1885, *vice* Gibbon, appointed brigadier-general.

First Lieut. Allan H. Jackson, to be captain, November 14, 1885, *vice* Benson, retired from active service.

Second Lieut. Daniel A. Frederick, to be first lieutenant, November 14, 1885, *vice* Jackson, promoted.

EIGHTH REGIMENT OF INFANTRY.

Second Lieut. John J. Haden, to be first lieutenant, April 8, 1885, *vice* O'Connell, resigned.

TENTH REGIMENT OF INFANTRY.

Lieut. Col. Henry Douglass, of the Fourteenth Infantry, to be colonel, July 1, 1885, *vice* Clitz, retired from active service.

ELEVENTH REGIMENT OF INFANTRY.

Capt. John H. Page, of the Third Infantry, to be major, September 12, 1885, *vice* Krause, deceased.

First Lieut. John Whitney, to be captain, October 9, 1885, *vice* Kingsbury, retired from active service.

Second Lieut. William H. Wheeler, to be first lieutenant, October 9, 1885, *vice* Whitney, promoted.

THIRTEENTH REGIMENT OF INFANTRY.

Capt. Duncan M. Vance, of the Sixteenth Infantry, to be major, June 28, 1885, *vice* Van Horn, promoted to the Twenty-fifth Infantry.

FOURTEENTH REGIMENT OF INFANTRY.

Maj. Isaac D. De Russy, of the Fourth Infantry, to be lieutenant-colonel, July 1, 1885, *vice* Douglass, promoted to the Tenth Infantry.

FIFTEENTH REGIMENT OF INFANTRY.

First Lieut. Cyrus M. De Long, to be captain, September 23, 1885, *vice* Shorkley, retired from active service.

Second Lieut. James A. Maney, to be first lieutenant, September 23, 1885, *vice* De Long, promoted.

SIXTEENTH REGIMENT OF INFANTRY.

First Lieut. William V. Richards, regimental quartermaster, to be captain, June 28, 1885, *vice* Vance, promoted to the Thirteenth Infantry.

Second Lieut. Samuel W. Dunning, to be first lieutenant, July 1, 1885, *vice* Lassiter, appointed regimental quartermaster.

TWENTIETH REGIMENT OF INFANTRY.

Maj. Leslie Smith, of the Second Infantry, to be lieutenant-colonel, October 8, 1885, *vice* Layton, retired from active service.

TWENTY-FIRST REGIMENT OF INFANTRY.

First Lieut. Frederick H. E. Ebstein, to be captain, April 1, 1885, *vice* Burton, who resigns his line commission only.

Second Lieut. Solomon E. Sparrow, to be first lieutenant, April 1, 1885, *vice* Ebstein, promoted.

TWENTY-THIRD REGIMENT OF INFANTRY.

Capt. Samuel Ovenshine, of the Fifth Infantry, to be major, July 10, 1885, *vice* Fletcher, promoted to the Second Infantry.

Second Lieut. S. Allen Dwyer, to be first lieutenant, April 10, 1885, *vice* Pardee, resigned.

TWENTY-FIFTH REGIMENT OF INFANTRY.

Maj. James J. Van Horn, of the Thirteenth Infantry, to be lieutenant-colonel, June 28, 1885, *vice* Gentry, deceased.

TO BE SECOND LIEUTENANTS.

Signal Corps.

Sergt. James Mitchell, of the Signal Service, August 15, 1885, to fill an original vacancy.

Sergt. Frank W. Ellis, of the Signal Service, August 15, 1885, to fill an original vacancy.

Eighth Regiment of Cavalry.

First Sergt. Charles W. Farber, Troop H, Eighth Calvary, August 15, 1885, *vice* Kendall, promoted.

Tenth Regiment of Infantry.

Sergt. Evan M. Johnson, jr., (who served under the name of James Scarlet), Company F, Tenth Infantry, August 15, 1885, *vice* Wooley, promoted.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenant.

Francis J. Ives, of New York, July 25, 1885, *vice* De Witt, promoted.

William P. Kendall, of Massachusetts, August 12, 1885, *vice* Azpell, retired from active service.

Edward R. Morris, of Indiana, September 17, 1885, *vice* Pope, promoted.

CADET APPOINTMENTS.

SEVENTH REGIMENT OF CAVALRY.

Class rank.

12. Cadet Lorenzo P. Davison, second lieutenant in the Army, to date from August 28, 1885, *vice* Bellinger, transferred to the Fifth Cavalry.

The following cadets, graduates of the Military Academy, to be second lieutenants in the Army, to date from June 14, 1885:

CORPS OF ENGINEERS.

Class rank.

1. Cadet Joseph E. Kuhn, *vice* Zinn, promoted.
2. Cadet William E. Craighill, *vice* Langpitt, promoted.

FIRST REGIMENT OF CAVALRY.

17. Cadet Willard A. Holbrook, *vice* Galbraith, promoted.
32. Cadet George L. Byram, *vice* W. C. Brown, promoted.

SECOND REGIMENT OF CAVALRY.

26. Cadet Robert E. L. Michie, *vice* Hoppin, promoted.

FOURTH REGIMENT OF CAVALRY.

11. Cadet Robert A. Brown, *vice* Gale, promoted.
21. Cadet Frank A. Cook, *vice* Huse, promoted.

FIFTH REGIMENT OF CAVALRY.

14. Cadet John M. Carson, jr., *vice* Foster, promoted.

SIXTH REGIMENT OF CAVALRY.

24. Cadet Lewis M. Koehler, *vice* Glass, promoted.

NINTH REGIMENT OF CAVALRY.

31. Cadet Philip A. Bettens, jr., *vice* Parker, promoted.
36. Cadet James W. Benton, vice Burnett, promoted.

TENTH REGIMENT OF CAVALRY.

38. Cadet Herbert S. Whipple, *vice* Eggleston, promoted.

FIRST REGIMENT OF ARTILLERY.

13. Cadet Elmer W. Hubbard, *vice* Marsh, promoted.

SECOND REGIMENT OF ARTILLERY.

4. Cadet Cornélis De W. Willcox, *vice* Howard, promoted.
6. Cadet Arthur F. Curtis, *vice* Gayle, promoted.
10. Cadet Charles F. Parker, *vice* Rowan, promoted.

THIRD REGIMENT OF ARTILLERY.

9. Cadet John D. Barrette, *vice* Woodward, promoted.
19. Cadet John K. Cree, *vice* Scriven, promoted.

FOURTH REGIMENT OF ARTILLERY.

7. Cadet John C. W. Brooks, *vice* Springett, resigned.

SECOND REGIMENT OF INFANTRY.

35. Cadet Charles D. Towsley, *vice* Abercrombie, promoted.

THIRD REGIMENT OF INFANTRY.

5. Cadet Haydn S. Cole, *vice* Williams, promoted.
20. Cadet Henry P. McCain, *vice* Butler, promoted.

FOURTH REGIMENT OF INFANTRY.

15. Cadet Austin H. Brown, *vice* Lovering promoted.

FIFTH REGIMENT OF INFANTRY.

34. Cadet Edward R. Gilman, *vice* Miller, promoted.

EIGHTH REGIMENT OF INFANTRY.

28. Cadet Samuel E. Smiley, *vice* Haden, promoted.

NINTH REGIMENT OF INFANTRY.

18. Cadet Frank De W. Ramsey, *vice* Baxter, promoted.

TENTH REGIMENT OF INFANTRY.

27. Cadet Robert L. Bullard, *vice* Kirby, promoted.

THIRTEENTH REGIMENT OF INFANTRY.

3. Cadet Michael J. O'Brien, *vice* Davies, promoted.
22. Cadet William S. Biddle, jr., *vice* Goe, promoted.
39. Cadet Edward P. Lawton, *vice* Paddock, transferred to the Sixth Cavalry.

SIXTEENTH REGIMENT OF INFANTRY.

30. Cadet Beaumont B. Buck, *vice* Thurston, promoted.
33. Cadet George I. Putnam, *vice* Newton, promoted.

SEVENTEENTH REGIMENT OF INFANTRY.

8. Cadet Charles H. Muir, *vice* Chynoweth, promoted.

TWENTY-FIRST REGIMENT OF INFANTRY.

16. Cadet Almon L. Parmenter, *vice* Patten, promoted.

TWENTY-THIRD REGIMENT OF INFANTRY.

29. Cadet Daniel B. Devore, *vice* Dyer, promoted.

TWENTY-FOURTH REGIMENT OF INFANTRY.

23. Cadet John Little, *vice* Leavell, promoted.
25. Cadet George S. Cartwright, *vice* Ripley, promoted.

TWENTY-FIFTH REGIMENT OF INFANTRY.

37. Cadet William F. Martin, *vice* Glenn, promoted.

Received the 16th day of December, 1885.

John B. Christian, to be postmaster at Uniontown, in the county of Perry and State of Alabama, in place of James H. Houston, supended under the provisions of section 1768 of the Revised Statutes of the United States.

George C. Clisby, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama, in the place of Charles W. Buckley, resigned.

J. B. Cooke, to be postmaster at Marion, in the county of Perry and State of Alabama, in the place of James F. Childs, resigned.

Daniel Liddell, to be postmaster at Gadsden, in the county of Etowah and State of Alabama, in the place of Whitley T. Ewing, whose commission expired May 17, 1885.

James W. Locke, to be postmaster at Greensborough, in the county of Hale and State of Alabama, in place of W. White Jones, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin L. Long, to be postmaster at Greenville, in the county of Butler and State of Alabama, in place of James H. Perdue, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John W. McAlester, to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in the place of William E. Harrison, resigned.

Reuben A. Mitchell, to be postmaster at Opelika, in the county of Lee and State of Alabama, in the place of Isaac Heyman, whose commission expired April 23, 1884.

(Mr. Heyman was reappointed October 18, 1884, but the nomination was rejected by the Senate.)

James W. Satcher, to be postmaster at Union Springs, in the county of Bullock and State of Alabama, in place of John W. Raborn, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William H. Wilds, to be postmaster at Tuscaloosa, in the county of Tuscaloosa and State of Alabama, in the place of J. R. Horner, resigned.

C. S. Clark, to be postmaster at Tombstone, in the county of Cochise and Territory of Arizona, in the place of John P. Clum, resigned.

William B. Alexander, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas, in place of Anthony A. C. Rogers, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Franklin D. Denton, to be postmaster at Batesville, in the county of Independence and State of Arkansas, in the place of John S. Thomas, resigned.

Richard B. Pulliam, to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas, in the place of John W. True, resigned.

George Beck, to be postmaster at Livermore, in the county of Alameda and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

Albert O. Bristol, to be postmaster at Pasadena, in the county of Los Angeles and State of California, the appointment of a postmaster for the said office having by law, become vested in the President on and after April 1, 1885.

Robert J. Chilton, to be postmaster at Santa Ana, in the county of Los Angeles and State of California, in the place of Charles E. French, resigned.

Jacob Van de Grift, to be postmaster at Riverside, in the county of San Bernardino and State of California, in the place of Charles W. Wilkins, resigned.

G. W. Jorres, to be postmaster at San Diego, in the county of San Diego and State of California, in the place of George D. Copeland, whose commission expired October 15, 1885.

Edward A. Pueschel, to be postmaster at Bakersfield, in the county of Kern and State of California, in the place of Hiram A. Wickware, deceased.

William F. Roe, to be postmaster at Vallejo, in the county of Solano and State of California, in place of Frank A. Leach, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Alfred R. Story, to be postmaster at Dixon, in the county of Solano and State of California, in the place of William Hall, resigned.

W. J. Thomasson, to be postmaster at Gilroy, in the county of Santa Clara and State of California, in the place of Henry W. Briggs, whose commission expired March 22, 1885.

John E. Ward, to be postmaster at Modesto, in the county of Stanislaus and State of California, in place of Walter F. Scott, who was previously designated, *vice* Theo. W. Ferry, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

A. E. Buddecke, to be postmaster at Montrose, in the county of Montrose and State of Colorado, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1885.

Thomas B. Crawford, to be postmaster at Grand Junction, in the county of Mesa and State of Colorado, in the place of Edwin Price, resigned.

Matthew D. Crow, to be postmaster at Pueblo, in the county of Pueblo and State of Colorado, in the place of Irving W. Stanton, whose commission expired May 5, 1885.

Charles C. Hathaway, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado, in the place of William H. Cochran, resigned.

Milton H. Huntress, to be postmaster at Breckenridge, in the county of Summit and State of Colorado, in the place of Samuel D. Wilson, resigned.

Lyman Thompson, to be postmaster at South Pueblo, in the county of Pueblo and State of Colorado, in the place of George B. Stimpson, resigned.

Henry A. Bills, to be postmaster at Winsted, in the county of Litchfield and State of Connecticut, in the place of Henry L. Roberts, resigned.

Charles R. Chapman, to be postmaster at Hartford, in the county of Hartford and State of Connecticut, in the place of Leonard A. Dickinson, whose commission expired May 5, 1885.

Christian T. Georgia, to be postmaster at Unionville, in the county of Hartford and State of Connecticut, in place of James D. Cooke suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Willis B. Isbell, to be postmaster at Westville, in the county of New Haven and State of Connecticut, in the place of George L. Finney, resigned.

Silas K. Montgomery, to be postmaster at Bristol, in the county of Hartford and State of Connecticut, in the place of Silas M. Norton, resigned.

Edward Mullen, to be postmaster at Putnam, in the county of Windham and State of Connecticut, in the place of Perry P. Wilson, resigned.

Marshall P. Ryder, to be postmaster at Plainville, in the county of Hartford and State of Connecticut, in the place of Edwin F. Tomlinson, whose commission expired May 5, 1885.

Henry N. Wales, to be postmaster at Willimantic, in the county of Windham and State of Connecticut, in the place of James Walden, resigned.

George D. Whittlesey, to be postmaster at New London, in the county of New London and State of Connecticut, in the place of William H. Tubbs, resigned.

Burritt B. Breed, to be postmaster at Lisbon, in the county of Ransom and Territory of Dakota, in the place of Richard D. Bigger, deceased.

Cornelius Carr, to be postmaster at Woonsocket, in the county of Sanborn and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Francis G. Horton, to be postmaster at Ellendale, in the county of Dickey and Territory of Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

George T. Lashell, to be postmaster at Larimore, in the county of Grand Forks and Territory of Dakota, in the place of Lyman P. Goodhue, resigned.

George J. Love, to be postmaster at Huron, in the county of Beadle and Territory of Dakota, in place of John Cain, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Edward B. Miller, to be postmaster at Pierre, in the county of Hughes and Territory of Dakota, in place of Seth M. Laird, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John D. Pratt, to be postmaster at Ipswich, in the county of Edmunds and Territory of Dakota, the appointment of a postmaster for the said offices having, by law, become vested in the President on and after July 1, 1885.

Michael P. Slattery, to be postmaster at Bismarck, in the county of Burleigh and Territory of Dakota, in the place of Clement A. Lounsberry, resigned.

Lucius M. Thomas, to be postmaster at Watertown, in the county of Codington and Territory of Dakota, in the place of John I. Monks, whose commission expired October 15, 1885.

Leonard Dozier, to be postmaster at Ocala, in the county of Marion and State of Florida, in the place of Benjamin C. Harter, resigned.

C. C. Yonge, jr., to be postmaster at Pensacola, in the county of Escambia and State of Florida, in the place of John Eagan, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William S. Evans, to be postmaster at La Grange, in the county of Troup and State of Georgia, in the place of John C. Beall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas Hardeman, to be postmaster at Macon, in the county of Bibb and State of Georgia, in the place of William W. Brown, resigned.

William Milner, to be postmaster at Cartersville, in the county of Bartow and State of Georgia, in the place of Jesse R. Wikle, resigned.

J. C. Roney, to be postmaster at Americus, in the county of Sumter and State of Georgia, in place of William A. Black, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin E. Russell, to be postmaster at Bainbridge, in the county of Decatur and State of Georgia, in the place of Jesse A. Wilder, resigned.

Y. G. Rust, to be postmaster at Albany, in the county of Dougherty and State of Georgia, in the place of Charles W. Arnold, resigned.

Thomas J. Watt, to be postmaster at Columbus, in the county of Muscogee and State of Georgia, in place of Thaddeus C. Sturgis, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Henry Bews, to be postmaster at Hailey, in the county of Alturas and Territory of Idaho, in the place of H. Z. Burkhart, resigned.

Charles A. Foster, to be postmaster at Bellevue, in the county of Alturas and Territory of Idaho, in the place of Erwin W. Johnson, resigned.

E. B. Williams, to be postmaster at Ketchum, in the county of Alturas and Territory of Idaho, in the place of Henry F. Stewart, resigned.

Samuel Berry, to be postmaster at Winchester, in the county of Scott and State of Illinois, in place of Mathew Brennan, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Christian Blievernicht, to be postmaster at Elmhurst, in the county of Du Page and State of Illinois, in place of Jacob Gloss, whose commission expired October 14, 1885.

George E. Blackstone, to be postmaster at Paxton, in the county of Ford and State of Illinois, in the place of Theodore M. King, whose commission expired October 15, 1885.

Andrew Borders, to be postmaster at Sparta, in the county of Randolph and State of Illinois, in the place of James D. Watson, whose commission expired May 20, 1885.

Thomas J. Carroll, to be postmaster at Bunker Hill, in the county of Macoupin and State of Illinois, in place of Fenwick Y. Hedley, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. S. Catherwood, to be postmaster at Hoopeston, in the county of Vermillion and State of Illinois, in the place of Dale Wallace, resigned.

Michael W. Corbett, to be postmaster at Aurora, in the county of Kane and State of Illinois, in the place of Oscar B. Knickerbocker, deceased.

Martin V. Daggett, to be postmaster at Tuscola, in the county of Douglas and State of Illinois, in the place of Henry R. Ingraham, resigned.

John H. Golden, to be postmaster at Minonk, in the county of Woodford and State of Illinois, in the place of Melvin A. Cushing, resigned.

Charles G. Hagnauer, to be postmaster at Highland, in the county of Madison and State of Illinois, in place of Louis Kinne, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John L. Handley, to be postmaster at Fairfield, in the county of Wayne and State of Illinois, in place of Thomas W. Scott, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

C. A. Hartmann, to be postmaster at Collinsville, in the county of Madison and State of Illinois, in place of Sarah H. Nelson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Hartley, to be postmaster at Henry, in the county of Marshall and State of Illinois, in the place of Peleg S. Perley, resigned.

Frank W. Havill, to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in the place of Robert T. Wilkinson, resigned.

Joseph F. Henderson, to be postmaster at Aledo, in the county of Mercer and State of Illinois, in the place of John M. McKinney, jr., whose commission expired May 5, 1885.

William S. Hervey, to be postmaster at Carlyle, in the county of Clinton and State of Illinois, in the place of Joseph W. Maddux, whose commission expired October 15, 1885.

Edward M. Kinman, to be postmaster at Jacksonville, in the county of Morgan and State of Illinois, in place of John Gordon, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles T. Marsh, to be postmaster at Oregon, in the county of Ogle and State of Illinois, in place of Benjamin F. Sheets, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John W. Marshall, to be postmaster at McLeansborough, in the county of Hamilton and State of Illinois, in place of Charles M. Lyon, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Bazel D. Meek, to be postmaster at Eureka, in the county of Woodford and State of Illinois, in the place of Francis B. Jeanpert, resigned.

Ambrose M. Miller, to be postmaster at Lincoln, in the county of Logan and State of Illinois, in the place of A. D. Cadwallader, whose commission expires December 20, 1885.

George W. McMillen, to be postmaster at Mount Sterling, in the county of Brown and State of Illinois, in place of Jacob Friendlich, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William H. Newcomb, to be postmaster at Pana, in the county of Christian and State of Illinois, in the place of Joseph N. Patton, whose commission expired October 15, 1885.

John P. Norvell, to be postmaster at Danville, in the county of Vermilion and State of Illinois, in place of William R. Jewell, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

S. Barclay Radebaugh, to be postmaster at Urbana, in the county of Champaign and State of Illinois, in place of Francis M. Wright, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Andrew J. Reddick, to be postmaster at La Salle, in the county of La Salle and State of Illinois, in place of Dan. A. Leahy, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank Shutt, to be postmaster at Litchfield, in the county of Montgomery and State of Illinois, in the place of William Campbell, resigned.

John D. Stevens, to be postmaster at Carthage, in the county of Hancock and State of Illinois, in the place of W. H. D. Noyes, resigned.

Henry F. Tallman, to be postmaster at Lanark, in the county of Carroll and State of Illinois, in the place of Henry Foulds, resigned and since deceased.

Joseph Vonnahme, to be postmaster at East Saint Louis, in the county of Saint Clair and State of Illinois, in the place of John B. Sikking, resigned.

George K. Yerington, to be postmaster at Girard, in the county of Macoupin and State of Illinois, in the place of Albert G. Leigh, whose commission expired October 15, 1885.

E. E. Waggoner, to be postmaster at Shelbyville, in the county of Shelby and State of Illinois, in the place of Samuel H. Webster, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John D. Waterman, to be postmaster at Rockford, in the county of Winnebago and State of Illinois, in place of Thomas G. Lawler, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William N. Martin, to be postmaster at Muscogee, in the county of Creek Nation and Indian Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

Walter S. Armstrong, to be postmaster at Kokomo, in the county of Howard and State of Indiana, in place of Orlando A. Somers, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

M. A. Barnett, to be postmaster at Madison, in the county of Jefferson and State of Indiana, in the place of John W. Linck, whose commission expired May 18, 1885.

E. Volney Bingham, to be postmaster at Mishawaka, in the county of Saint Joseph and State of Indiana, in the place of George C. Merrifield, whose commission expires December 15, 1885.

Norval Blackburn, to be postmaster at Decatur, in the county of Adams and State of Indiana, in the place of Shaffer Peterson, resigned.

Michael Boland, to be postmaster at Auburn, in the county of De Kalb and State of Indiana, in the place of George W. Gordon, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Benjamin P. Brown, to be postmaster at Franklin, in the county of Johnson and State of Indiana, in the place of William M. Conner, resigned.

Eli W. Brown, to be postmaster at Columbia City, in the county of Whitley and State of Indiana, in place of John W. Baker, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James C. Carlton, to be postmaster at Bedford, in the county of Lawrence and State of Indiana, in the place of Henry Davis, whose commission expired May 9, 1885.

George W. Cooper, to be postmaster at Columbus, in the county of Bartholomew and State of Indiana, in the place of Isaac T. Brown, whose commission expired May 9, 1885.

Henry W. Cook, to be postmaster at Michigan City, in the county of La Porte and State of Indiana, in place of John H. Peters, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

A. B. Crampton, to be postmaster at Delphi, in the county of Carroll and State of Indiana, in the place of James M. Watts, resigned.

Oliver S. Dale, to be postmaster at Monticello, in the county of White and State of Indiana, in place of William J. Huff, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James Elder, to be postmaster at Richmond, in the county of Wayne and State of Indiana, in place of Edwin D. Palmer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Joshua Ernest, to be postmaster at Sullivan, in the county of Sullivan and State of Indiana, in place of Uriah Coulson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William H. Evans, to be postmaster at Princeton, in the county of Gibson and State of Indiana, in place of Erastus R. Pinney, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Morman Fisher, to be postmaster at Huntingburg, in the county of Dubois and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

Harman Freygang, to be postmaster at Angola, in the county of Steuben and State of Indiana, in place of Francis Macartney, suspended

under the provisions of section 1768 of the Revised Statutes of the United States.

William P. Hale, to be postmaster at Peru, in the county of Miami and State of Indiana, in place of George I. Reed, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John M. Higgs, to be postmaster at Connersville, in the county of Fayette and State of Indiana, in place of John W. Ross, suspended under the provisions of Section 1768 of the Revised Statutes of the United States.

Francis M. Householder, to be postmaster at Noblesville, in the county of Hamilton and State of Indiana, in the place of James K. Fisher, resigned.

William Huber, to be postmaster at Lawrenceburg, in the county of Dearborn and State of Indiana, in place of Thomas J. Lucas, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Juliette M. Jones, to be postmaster at Cambridge City, in the county of Wayne and State of Indiana, in place of Frank C. Mosbaugh, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James E. Kackley, to be postmaster at Vincennes, in the county of Knox and State of Indiana, in the place of William D. Lewis, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William Kaough, to be postmaster at Fort Wayne, in the county of Allen and State of Indiana, in the place of Frederick W. Keil, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James W. Lauer, to be postmaster at Evansville, in the county of Vanderburgh and State of Indiana, in the place of Henry S. Bennett, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mrs. Julia Loer, to be postmaster at New Castle, in the county of Henry and State of Indiana, in the place of Leander S. Denius, resigned.

Benjamin F. Louthain, to be postmaster at Logansport, in the county of Cass and State of Indiana, in the place of Edward N. Talbott, resigned.

Squire L. Major, to be postmaster at Shelbyville, in the county of Shelby and State of Indiana, in place of Alfred P. Bone, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William G. Morris, to be postmaster at Frankfort, in the county of Clinton and State of Indiana, in place of William H. Hart, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Neff, to be postmaster at Winchester, in the county of Randolph and State of Indiana, in place of Charles E. Ferris, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. H. Norton, to be postmaster at Elkhart, in the county of Elkhart and State of Indiana, in the place of Alba M. Tucker, resigned.

John O'Donnell, to be postmaster at Mitchell, in the county of Lawrence and State of Indiana, in the place of George Z. Wood, whose commission expired May 9, 1885.

John W. Pence, to be postmaster at Anderson, in the county of Madison and State of Indiana, in the place of Stephen Metcalf, resigned.

James E. Pinnell, to be postmaster at Lebanon, in the county of Boone and State of Indiana, in the place of Charles E. Wilson, resigned.

George R. Reynolds, to be postmaster at Plymouth, in the county of Marshall and State of Indiana, in place of William M. Kendall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert M. Roberson, to be postmaster at Tipton, in the county of Tipton and State of Indiana, in place of Stephen Lowley, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas J. Seamans, to be postmaster at Wabash, in the county of Wabash and State of Indiana, in the place of Daniel Sayre, whose commission expired May 5, 1885.

Albert A. Sparks, to be postmaster at Mount Vernon, in the county of Posey and State of Indiana, in place of Charles J. Hovey, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

C. S. Stoy, to be postmaster at Butler, in the county of De Kalb and State of Indiana, in place of Miss Ida Carpender, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frederick W. Verbarg, to be postmaster at North Vernon, in the county of Jennings and State of Indiana, in place of Walter S. Prather, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert E. Austin, to be postmaster at Tama City, in the county of Tama and State of Iowa, in place of Flavius J. M. Wonser, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Jacob L. Bake, to be postmaster at Red Oak, in the county of Montgomery and State of Iowa, in the place of Elliot S. Rogers, whose commission expired May 5, 1885.

George W. Bell, to be postmaster at Webster City, in the county of Hamilton and State of Iowa, in place of John D. Hunter, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

David M. Bossert, to be postmaster at Jefferson, in the county of Greene and State of Iowa, in the place of Justus M. Rhoads, resigned.

Thomas Bowman, to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa, in place of Philip Armour, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Annie Brennock, to be postmaster at Dunlap, in the county of Harrison and State of Iowa, in the place of George W. Thompson, resigned.

Charles E. Bronson, to be postmaster at Manchester, in the county of Delaware and State of Iowa, in the place of William C. Cauley, whose commission expired March 22, 1885.

T. S. Brokaw, to be postmaster at Mount Vernon, in the county of Linn and State of Iowa, in the place of Simon H. Bauman, whose commission expired October 25, 1885.

Sumner B. Chase, to be postmaster at Osage, in the county of Mitchell and State of Iowa, in place of Frank G. Atherton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel M. Childs, to be postmaster at Atlantic, in the county of Cass and State of Iowa, in the place of Lafayette F. Mullens, resigned.

C. C. Colclo, to be postmaster at Carroll, in the county of Carroll and State of Iowa, in place of Eugene R. Hastings, suspended for illness, by his request.

Eliphalet B. Crawford, to be postmaster at Sioux City, in the county of Woodbury and State of Iowa, in place of Edwin R. Kirk, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles Doerr, to be postmaster at Fort Madison, in the county of Lee and State of Iowa, in the place of Charlie A. Lisle, resigned.

A. L. Downard, to be postmaster at Marengo, in the county of Iowa and State of Iowa, in place of Hamilton R. Crenshaw, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Paul Dowlin, to be postmaster at Greenfield, in the county of Adair and State of Iowa, in the place of Ebenezer Spooner, resigned.

John L. Etzel, to be postmaster at Clear Lake, in the county of Cerro Gordo and State of Iowa, in the place of Alfred D. Eldridge, resigned.

Samuel B. Evans, to be postmaster at Ottumwa, in the county of Wapello and State of Iowa, in place of Augustus H. Hamilton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Harry C. Evans, to be postmaster at Bloomfield, in the county of Davis and State of Iowa, in place of A. H. Fortune, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

E. D. Fenn, to be postmaster at Nevada, in the county of Story and State of Iowa, in the place of Thomas J. Ross, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Finn, to be postmaster at Decorah, in the county of Winneshiek and State of Iowa, in place of Ansel K. Bailey, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Patrick Gibbons, to be postmaster at Keokuk, in the county of Lee and State of Iowa, in place of Samuel M. Clark, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William B. Gillespie, to be postmaster at Traer, in the county of Tama and State of Iowa, in the place of John W. Hart, resigned.

J. M. Gilliland, to be postmaster at Nashua, in the county of Chickasaw and State of Iowa, in place of Joseph F. Grawe, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Russell J. Harrison, to be postmaster at Toledo, in the county of Tama and State of Iowa, in the place of Mrs. E. L. Dillman, resigned.

J. J. Hartenbower, to be postmaster at Sheldon, in the county of O'Brien and State of Iowa, in the place of Edward C. Brown, resigned.

S. W. Hobbs, to be postmaster at Storm Lake, in the county of Buena Vista and State of Iowa, in place of Warner L. Vestal, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Norman E. Ives, to be postmaster at Marion, in the county of Linn and State of Iowa, in the place of H. Lizzie J. McClellan, resigned.

Theodore W. Ivory, to be postmaster at Glenwood, in the county of Mills and State of Iowa, in the place of Thomas L. Stephens, resigned.

T. M. Lynn, to be postmaster at Grundy Centre, in the county of Grundy and State of Iowa, in the place of Charles W. Reynolds, resigned.

P. D. Minick, to be postmaster at Villisca, in the county of Montgomery and State of Iowa, in the place of John M. Patton, whose commission expired October 29, 1885.

Joseph R. Ratekin, to be postmaster at Shenandoah, in the county of Page and State of Iowa, in the place of H. P. Duffield, resigned.

Abraham Rose, to be postmaster at Vinton, in the county of Benton and State of Iowa, in the place of John F. Pyne, resigned.

William T. Sharp, to be postmaster at Brooklyn, in the county of Poweshiek and State of Iowa, in place of George Phillips, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Parley Sheldon, to be postmaster at Ames, in the county of Story and State of Iowa, in the place of John Watts, resigned.

Edward H. Thayer, to be postmaster at Clinton, in the county of Clinton and State of Iowa, in the place of Charles H. Toll, resigned.

A. D. Tinsley, to be postmaster at Sibley, in the county of Osceola and State of Iowa, in the place of Henry S. Brown, resigned.

James F. Vogt, to be postmaster at Le Mars, in the county of Plymouth and State of Iowa, in place of James M. Emery, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James V. Ward, to be postmaster at Cherokee, in the county of Cherokee and State of Iowa, in the place of Robert M. Smith, resigned.

Milton H. Westbrook, to be postmaster at Lyons, in the county of Clinton and State of Iowa, in place of Theron R. Beers, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

D. C. West, to be postmaster at Perry, in the county of Dallas and State of Iowa, in the place of Lindsey Willis, whose commission expired October 14, 1885.

George Wise, to be postmaster at Hamburg, in the county of Fremont and State of Iowa, in place of Herman C. Coolbaugh, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George S. Witters, to be postmaster at Ida Grove, in the county of Ida and State of Iowa, in the place of Charles N. Clark, whose commissionexpired May 17, 1885.

James P. Alcorn, to be postmaster at Kinsley, in the county of Edwards and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

Max J. Alwens, to be postmaster at Belleville, in the county of Republic and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Hattie P. Bain, to be postmaster at Great Bend, in the county of Barton and State of Kansas, in the place of Edward L. Chapman, whose commission expired October 15, 1885.

William Becker, to be postmaster at Marysville, in the county of Marshall and State of Kansas, in place of William H. Smith, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Othniel Beeson, to be postmaster at Caldwell, in the county of Sumner and State of Kansas, in the place of Simeon Donaldson, whose commission expired October 15, 1885.

William C. Butts, to be postmaster at Valley Falls, in the county of Jefferson and State of Kansas, in the place of Albert G. Patrick, resigned.

John R. Brunt, to be postmaster at Osage Mission, in the county of Neosho and State of Kansas, in the place of James S. Custis, resigned.

Samuel T. Carrico, to be postmaster at Harper, in the county of Harper and State of Kansas, in the place of James O. Graham, resigned.

Colin Campbell, to be postmaster at Florence, in the county of Marion and State of Kansas, in the place of William A. Stanford, resigned.

Gottlieb Christ, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas, in the place of James F. Clough, whose commission expired May 17, 1885.

Jno. F. Cottrell, to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas, in the place of Thomas F. Robley, resigned.

Benjamin F. Devore, to be postmaster at Independence, in the county of Montgomery and State of Kansas, in the place of William T. Yoe, resigned.

Frank W. Frye, to be postmaster at Parsons, in the county of Labette and State of Kansas, in the place of Samuel O. Fletcher, resigned.

Joseph B. Fugate, to be postmaster at Newton, in the county of Harvey and State of Kansas, in place of Henry C. Ashbaugh, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Hugh V. Gavigan, to be postmaster at Columbus, in the county of Cherokee and State of Kansas, in the place of Matthew W. Coulter, resigned.

Charles Hardcastle, to be postmaster at Marion, in the county of Marion and State of Kansas, in the place of Francis Bower, whose commission expired October 15, 1885.

Samuel J. Hess, to be postmaster at Fredonia, in the county of Wilson and State of Kansas, in place of Miles T. Cantrell, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert W. Hill, to be postmaster at Jewell, in the county of Jewell and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

J. P. De Jarnette, to be postmaster at Chetopa, in the county of Labette and State of Kansas, in the place of James M. Cavaness, resigned.

J. G. Johnson, to be postmaster at Peabody, in the county of Marion and State of Kansas, in the place of Bertine Pinkney, resigned.

R. E. Lawrenson, to be postmaster at Junction City, in the county of Davis and State of Kansas, in the place of Frank Patterson, whose commission expired March 22, 1885.

Ebenezer M. Lockwood, to be postmaster at Burlington, in the county of Coffey and State of Kansas, in place of Ansel D. Brown, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas R. Love, to be postmaster at Wellington, in the county of Sumner and State of Kansas, in the place of Joseph Y. Coffman, resigned.

Frank E. Martin, to be postmaster at Larned, in the county of Pawnee and State of Kansas, in place of Timothy M. McCarthy, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. A. Mantey, to be postmaster at Mound City, in the county of Linn and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Justinian Mayberry, to be postmaster at Burlingame, in the county of Osage and State of Kansas, in the place of George W. Doty, whose commission expired May 5, 1885.

Walter W. McGrew, to be postmaster at Eureka, in the county of Greenwood, and State of Kansas, in the place of James W. Nicholas, resigned.

Thomas A. McCleary, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas, in the place of William D. Van Slyke, resigned.

Clement Philbrick, to be postmaster at Halstead, in the county of Harvey and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

F. M. Reamer, to be postmaster at Dodge City, in the county of Ford and State of Kansas, in place of N. B. Klaine, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Cyrus A. Rieder, to be postmaster at Anthony, in the county of Harper and State of Kansas, in the place of Amasa S. Lindsay, resigned.

George C. Rembaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas, in the place of Daniel A. Millington, resigned.

George W. Sain, to be postmaster at Nickerson, in the county of Reno and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

B. J. Sheridan, to be postmaster at Paola, in the county of Miami and State of Kansas, in the place of Leslie J. Perry, resigned.

Martin N. Sinnott, to be postmaster at Arkansas City, in the county of Cowley and State of Kansas, in the place of James C. Topliff, resigned.

George M. Ufford, to be postmaster at Wa Keeney, in the county of Trego and State of Kansas, in the place of James W. Millard, resigned.

Ethan Wait, to be postmaster at Kingman, in the county of Kingman and State of Kansas, in the place of Clayton W. Myers, resigned.

E. V. Wharton, to be postmaster at Yates Centre, in the county of Woodson and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

R. E. Cook, to be postmaster at Henderson, in the county of Henderson and State of Kentucky, in place of Harvey S. Park, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

A. H. Dudley, to be postmaster at Princeton, in the county of Caldwell and State of Kentucky, in the place of Robert M. Cravens, resigned.

Thomas M. Goodknight, to be postmaster at Franklin, in the county of Simpson and State of Kentucky, in the place of Joseph B. Harris, resigned.

James Kennady, to be postmaster at Owensborough, in the county of Daviess and State of Kentucky, in the place of Lawson Reno, resigned.

James R. Marrs, to be postmaster at Danville, in the county of Boyle and State of Kentucky, in the place of Joseph S. Linney, resigned.

James H. McConnell, to be postmaster at Catlettsburg, in the county of Boyd and State of Kentucky, in the place of James S. Wood, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel M. Peacock, to be postmaster at Lancaster, in the county of

Garrard and State of Kentucky, in the place of Hall Anderson, whose commission expired October 14, 1885.

E. H. Porter, to be postmaster at Bowling Green, in the county of Warren and State of Kentucky, in the place of William E. Hobson, resigned.

Augustine C. Respess, to be postmaster at Maysville, in the county of Mason and State of Kentucky, in the place of Morris C. Hutchins, resigned.

G. R. Rodman, to be postmaster at Frankfort, in the county of Franklin and State of Kentucky, in place of James G. Hatchitt, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

R. C. Speed, to be postmaster at Madisonville, in the county of Hopkins and State of Kentucky, in place of Ebenezer B. Frost, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Henry F. Taylor, to be postmaster at Fulton, in the county of Fulton and State of Kentucky, in place of John F. Hall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William W. Wathen, to be postmaster at Lebanon, in the county of Marion and State of Kentucky, in the place of Adolph B. Hilpp, whose commission expired October 14, 1885.

James D. Watson, to be postmaster at Mayfield, in the county of Graves and State of Kentucky, in the place of John T. Happy, resigned.

Samuel H. Buck, to be postmaster at New Orleans, in the county of Orleans and State of Louisiana, in place of Washington B. Merchant, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Isaiah Garrett, to be postmaster at Monroe, in the county of Ouachita and State of Louisiana, in the place of Julius Ennemoser, resigned.

Carmelite C. Guilfoux, to be postmaster at New Iberia, in the county of Iberia and State of Louisiana, in the place of Charles Decuir, resigned.

William P. Hurley, to be postmaster at Rockland, in the county of Knox and State of Maine, in the place of George W. Kimball, jr., whose commission expires December 16, 1885.

Lemuel B. Fowler, to be postmaster at Augusta, in the county of Kennebec and State of Maine, in the place of Joseph H. Manley, whose commission expired May 21, 1885.

Nathaniel A. Swett, to be postmaster at Saccarappa, in the county of Cumberland and State of Maine, in place of James M. Webb, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Henry Williams, to be postmaster at Frederick, in the county of Frederick and State of Maryland, in the place of Charles W. Miller, resigned.

Lewis S. Fowler, to be postmaster at Chestertown, in the county of Kent and State of Maryland, in the place of William H. Hamilton, deceased.

Daniel C. Hopper, to be postmaster at Centreville, in the county of Queen Anne and State of Maryland, in the place of William J. Hand, whose commission expired October 17, 1885.

Frank T. Spinney, to be postmaster at Medford, in the county of Middlesex and State of Massachusetts, in the place of John H. Eames, resigned.

Henry C. Stark, to be postmaster at Hyde Park, in the county of Norfolk and State of Massachusetts, in the place of Silas P. Blodgett, resigned.

Arthur Watson, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in the place of Lorenzo W. Joy, whose removal for cause is hereby proposed.

William L. Williams, to be postmaster at Melrose, in the county of Middlesex and State of Massachusetts, in the place of Susan E. Eastman, resigned.

Edward McDonald, to be postmaster at Lenox, in the county of Berkshire and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

John B. Lombard, to be postmaster at South Framingham, in the county of Middlesex and State of Massachusetts, in the place of Willard Howe, resigned.

Simeon A. Jacobs, to be postmaster at Chicopee, in the county of Hampden and State of Massachusetts, in the place of Arthur F. Gaylord, resigned.

Albert A. Haggett, to be postmaster at Lowell, in the county of Middlesex and State of Massachusetts, in the place of Edward T. Rowell, resigned.

Adrian Foote, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts, in the place of James H. Jones, deceased.

Charles H. Adams, to be postmaster at Allegan, in the county of Allegan and State of Michigan, in the place of George R. Stone, resigned.

Charles A. Bowles, to be postmaster at Otsego, in the county of Allegan and State of Michigan, in the place of Henry E. Botsford, whose commission expired May 5, 1885.

Byron Bradley, to be postmaster at Reed City, in the county of Osceola and State of Michigan, in the place of James N. Crocker, whose commission expired October 14, 1885.

James Blair, to be postmaster at Grand Rapids, in the county of Kent and State of Michigan, in place of Heman N. Moore, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Cornelius S. Barrett, to be postmaster at Charlotte, in the county of Eaton and State of Michigan, in the place of Frank E. Leiter, resigned.

A. W. Copland, to be postmaster at Detroit, in the county of Wayne and State of Michigan, in place of George C. Codd, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Edward Duffy, to be postmaster at Ann Arbor, in the county of Washtenaw and State of Michigan, in place of Jerome C. Knowlton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Timothy Killian, to be postmaster at Escanaba, in the county of Delta and State of Michigan, in place of Edwin P. Barras, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel S. Lacey, to be postmaster at Marshall, in the county of Calhoun and State of Michigan, in place of William R. Lewis, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William A. Lewis, to be postmaster at Evart, in the county of Osceola and State of Michigan, in the place of Joseph Sayles, whose commission expired May 5, 1885.

Marshall P. Maxon, to be postmaster at Union City, in the county of Branch and State of Michigan, in the place of David G. Easton, resigned.

Henry H. Porter, to be postmaster at Dowagiac, in the county of Cass and State of Michigan, in the place of C. L. Sherwood, whose commission expires December 20, 1885.

C. E. Ressegnie, to be postmaster at Ludington, in the county of Mason and State of Michigan, in the place of T. P. McMaster, resigned.

James Russell, to be postmaster at Marquette, in the county of Marquette and State of Michigan, in place of Samuel M. Billings, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Edwin S. Smith, to be postmaster at South Haven, in the county of Van Buren and State of Michigan, in the place of Charles Delamere, whose commission expired May 5, 1885.

William Schermerhorn, to be postmaster at Hudson, in the county of Lenawee and State of Michigan, in the place of Edward J. Southworth, resigned.

William W. Slawson, to be postmaster at Greenville, in the county of Montcalm and State of Michigan, in place of Elliot F. Grabill, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Andrew J. Shakespeare, to be postmaster at Kalamazoo, in the county of Kalamazoo and State of Michigan, in place of Lyman M. Gates, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George P. Sanford, to be postmaster at Lansing, in the county of Ingham and State of Michigan, in place of Stephen E. Bingham, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George D. Stanford, to be postmaster at Grand Haven, in the county of Ottawa and State of Michigan, in the place of Samuel C. Glover, resigned.

William W. Van Antwerp, to be postmaster at Jackson, in the county of Jackson and State of Michigan, in place of William L. Seaton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John F. Wedow, to be postmaster at Marine City, in the county of Saint Clair, and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

I. Parker Veazey, to be postmaster at Baltimore, in the county of Baltimore and State of Maryland, in the place of Harrison Adreon, whose commission expired May, 6, 1885.

James Delany, to be postmaster at Saint Peter, in the county of Nicollet and State of Minnesota, in the place of Joseph K. Moore, resigned.

Alexander McKennon, to be postmaster at Crookston, in the county of Polk and State of Minnesota, in the place of Delos Jacobus, resigned.

John R. Parshall, to be postmaster at Faribault, in the county of Rice and State of Minnesota, in place of Eden N. Leavens, whose commission expired March 22, 1885.

Charles J. Strunk, to be postmaster at Shakopee, in the county of Scott and State of Minnesota, in place of Truman D. Strait, whose commission expired October 14, 1885.

D. A. Sullivan, to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota, in the place of Benjamin F. Farmer, resigned.

William J. Whipple, to be postmaster at Winona, in the county of Winona and State of Minnesota, in place of Daniel Sinclair, suspended

under the provisions of section 1768 of the Revised Statutes of the United States.

John C. Wise, to be postmaster at Mankato, in the county of Blue Earth and State of Minnesota, in place of Louis P. Hunt, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Wirt Adams, to be postmaster at Jackson, in the county of Hinds and State of Mississippi, in the place of George C. McKee, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. H. Brister, to be postmaster at Water Valley, in the county of Yalobusha and State of Mississippi, in place of B. G. Boothe, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. H. Brinker, to be postmaster at West Point, in the county of Clay and State of Mississippi, in place of H. H. Harrington, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John S. Finley, to be postmaster at Holly Springs, in the county of Marshall and State of Mississippi, in the place of Mary H. Mahon, resigned.

William Groome, to be postmaster at Vicksburg, in the county of Warren and State of Mississippi, in the place of John D. Tinney, whose commission expired October 15, 1885.

Mrs. O. A. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi, in the place of Thomas Richardson, whose commission expired May 5, 1885.

Richard Holmes, to be postmaster at Natchez, in the county of Adams and State of Mississippi, in place of William McCary, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James C. Reed, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi, in the place of Thomas D. Duncan, whose commission expired May 19, 1885.

J. J. Shannon, to be postmaster at Meridian, in the county of Lauderdale and State of Mississippi, in place of William M. Hancock, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel T. Bassett, to be postmaster at Richmond, in the county of Ray and State of Missouri, in the place of Lindell C. Cantwell, resigned.

Lee Beall, to be postmaster at Rich Hill, in the county of Bates and State of Missouri, in place of George P. Huckeby, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William E. Black, to be postmaster at Gallatin, in the county of Daviess and State of Missouri, in place of Jehiel T. Day, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George Blakeney, to be postmaster at Carthage, in the county of Jasper and State of Missouri, in place of Alonzo F. Lewis, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John A. Collins, to be postmaster at Washington, in the county of Franklin and State of Missouri, in place of Daniel Q. Gale, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John C. Evans, to be postmaster at Saint Joseph, in the county of Buchanan and State of Missouri, in the place of Frank M. Tracy, whose commission expired October 22, 1885.

Thomas H. Frame, to be postmaster at Liberty, in the county of Clay and State of Missouri, in the place of William H. Robinson, resigned.

Chauncey W. Freeman, to be postmaster at Brookfield, in the county of Linn and State of Missouri, in place of James A. Arbuthnot, resigned.

Putnam S. Fulkerson, to be postmaster at Lexington, in the county of La Fayette and State of Missouri, in the place of Henry W. Turner, whose commission expired May 5, 1885.

Samuel D. Garth, to be postmaster at Clinton in the county of Henry and State of Missouri, in the place of Isaac N. Jones, resigned.

William Groesbeeck, to be postmaster at Independence, in the county of Jackson and State of Missouri, in the place of Cornell Crysler, whose commission expired May 5, 1885.

Horatio S. Herbert, to be postmaster at Rolla, in the county of Phelps and State of Missouri, in the place of Hamilton E. Baker, whose commission expired May 18, 1885.

George M. Houston, to be postmaster at Harrisonville, in the county of Cass and State of Missouri, in the place of William T. Brison, deceased.

Eli Hodge, to be postmaster at Columbia, in the county of Boone and State of Missouri, in the place of Henry N. Cook, whose commission expired May 5, 1885.

Charles W. Huggins, to be postmaster at Lamar, in the county of Barton and State of Missouri, in the place of John B. Emery, resigned.

William Hyde, to be postmaster at Saint Louis, in the county of Saint Louis and State of Missouri, in place of Rodney D. Wells, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas W. Locke, to be postmaster at Louisiana, in the county of Pike and State of Missouri, in place of William H. Purse, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Louis Lowry, to be postmaster at Cameron, in the county of Clinton and State of Missouri, in place of Fred. M. Kimball, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Marens, to be postmaster at Hamilton, in the county of Caldwell and State of Missouri, in place of William A. Morton, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Edmund P. Matthews, to be postmaster at Bowling Green, in the county of Pike and State of Missouri, in place of William J. Shepherd, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Enoch A. McLeod, to be postmaster at Palmyra, in the county of Marion and State of Missouri, in the place of Presley C. Lane, whose commission expired May 20, 1885.

James S. McGee, to be postmaster at Paris, in the county of Monroe and State of Missouri, whose commission expired October 17, 1885.

William H. Pipkin, to be postmaster at Springfield, in the county of Greene and State of Missouri, in the place of Edward R. Shipley, whose commission expired October 24, 1885.

Edward D. Porter, to be postmaster at Joplin, in the county of Jasper and State of Missouri, whose commission expired October 24, 1885.

Newton J. Price, to be postmaster at Neosho, in the county of Newton and State of Missouri, in the place of James R. Woolfenden, whose commission expired May 16, 1885.

Henry P. Renick, to be postmaster at Holden, in the county of Johnson and State of Missouri, in place of William C. Smith, deceased.

Francis M. Setzer, to be postmaster at Albany, in the county of Gentry and State of Missouri, in place of Adrian C. Case, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas M. Shelton, to be postmaster at Windsor, in the county of Henry and State of Missouri, in the place of Walter T. Glover, resigned.

George M. Shelley, to be postmaster at Kansas City, in the county of Jackson and State of Missouri, in the place of Theodore S. Case, whose commission expired October 25, 1885.

Benjamin B. Smith, to be postmaster at Chillicothe, in the county of Livingston and State of Missouri, in the place of Eli J. Marsh, resigned.

William H. Tatum, to be postmaster at Glasgow, in the county of Howard and State of Missouri, in the place of William C. Dewey, resigned.

James E. Watson, to be postmaster at Fulton, in the county of Callaway and State of Missouri, in place of David W. Ebersole, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles J. Walden, to be postmaster at Fayette, in the county of Howard and State of Missouri, in the place of M. S. Lake, resigned.

John T. Wrinkle, to be postmaster at Plattsburg, in the county of Clinton and State of Missouri, in the place of Francis D. Phillips, whose commission expired October 24, 1885.

Robertz P. Menefee, to be postmaster at Bozeman, in the county of Gallatin and Territory of Montana, in place of Edward C. Alderson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Ryan, to be postmaster at Anaconda, in the county of Deer Lodge and Territory of Montana, the appointment of a postmaster for said office having, by law, become vested in the President on and after October 1, 1885.

Hermon A. Pettengill, to be postmaster at Peterborough, in the county of Hillsborough and State of New Hampshire, in the place of Wilbur E. Davis, whose commission expires December 16, 1885.

John Van der Burgh, to be postmaster at Matteawan, in the county of Dutchess and State of New York, in the place of Abram Van Tine, whose commission expires December 16, 1885.

Willard H. Tappan, to be postmaster at Baldwinsville, in the county of Onondaga and State of New York, in the place of William W. Perkins, whose commission expires December 11, 1885.

Edward T. Best, to be postmaster at Neligh, in the county of Antelope and State of Nebraska, in the place of J. Jones Melick, resigned.

Miss Caradora Clark, to be postmaster at Blair, in the county of Washington and State of Nebraska, in the place of Lozein F. Hilton, resigned.

Adam Ferguson, to be postmaster at North Platte, in the county of Lincoln and State of Nebraska, in place of John E. Evans, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John A. Frawley, to be postmaster at Stormsburg, in the county of Polk and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

John S. Kittle, to be postmaster at Seward, in the county of Seward and State of Nebraska, in the place of Charles E. Van Pelt, whose commission expired May 5, 1885.

Edward H. Krier, to be postmaster at Plum Creek, in the county of Dawson and State of Nebraska, in the place of George Little, resigned.

Alvin S. Marsh, to be postmaster at Red Cloud, in the county of Webster and State of Nebraska, in the place of Manley B. McNitt, resigned.

James Murray, to be postmaster at Fremont, in the county of Dodge and State of Nebraska, in the place of Hiram O. Paine, resigned.

George A. Paxton, to be postmaster at Valentine, in the county of Cherry and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Simeon Sawyer, to be postmaster at Fairmount, in the county of Fillmore, and State of Nebraska, in the place of Virgil A. Stuart, resigned.

Alonzo P. Sharp, to be postmaster at McCook, in the county of Red Willow and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

George J. Spohn, to be postmaster at Superior, in the county of Nuckolls and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Sanford L. Sturtevant, to be postmaster at Fullerton, in the county of Nance and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

George H. Tracy, to be postmaster at Wilbur, in the county of Saline and State of Nebraska, in the place of Horace Cole, whose commission expired June 16, 1884.

Albert Watkins, to be postmaster at Lincoln, in the county of Lancaster and State of Nebraska, in the place of Joseph McBride, whose commission expired October 19, 1885.

Forrest L. Wheedon, to be postmaster at York, in the county of York and State of Nebraska, in the place of Lemuel J. Gaudy, resigned.

F. E. Wilson, to be postmaster at David City, in the county of Butler and State of Nebraska, in the place of Archibald F. Coon, whose commission expired October 21, 1885.

John C. Bell, to be postmaster at Astoria, in the county of Clatsop and State of Oregon, in the place of William Chance, whose commission expires December 15, 1885.

Horatio N. Cronkrite, to be postmaster at Clinton, in the county of Rock and State of Wisconsin, in the place of James Irish, whose commission expires December 16, 1885.

Isaac M. Kelley, to be postmaster at Ravenna, in the county of Portage and State of Ohio, in the place of Winfield S. Krake whose commission expires December 16, 1885.

Franz Sigel, of New York city, to be pension agent at New York city, State of New York, in place of Charles R. Coster, who has resigned, to take effect February 1, 1886.

Albert B. Stearns, of Massachusetts, to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts, to succeed Robert K. Darrah, deceased.

William D. Robinson, of New York, to be supervising inspector of steam-vessels for the ninth district, in place of Thomas Van Valkenburgh, suspended.

George Hays, of Minnesota, to be supervising inspector of steam-vessels for the fifth district, in place of Mark D. Flower, suspended.

David R. Asbury, of Missouri, to be supervising inspector of steam-vessels for the fourth district, in place of Frank Burnett, suspended.

William M. Daly, of Michigan, to be supervising inspector of steam-vessels for the eighth district, in place of Joseph Cook, suspended.

Irwin Dugan, of Kentucky, to be supervising inspector of steam-vessels for the sixth district, to succeed Silas S. Garrett, deceased.

Auguste Alers, of California, to be special examiner of drugs, medicines, and chemicals in the district of San Francisco, in the State of California, in place of Charles Burrill, suspended.

William G. Austin, of Louisiana, to be special examiner of drugs, medicines, and chemicals in the district of New Orleans, in the State of Louisiana, in place of Jacob E. Fitch, suspended.

Andrew H. Ward, of Massachusetts, to be special examiner of drugs, medicines, and chemicals, in the district of Boston and Charlestown, in the State of Massachusetts, in place of P. Ambrose Young, suspended.

Dennis J. Loughlin, of Pennsylvania, to be special examiner of drugs, medicines, and chemicals, in the district of Philadelphia, in the State of Pennsylvania, in place of William W. Lamb, suspended.

James E. Tucker, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California, in place of William H. Grattan, suspended.

Daniel Z. Yost, of California, to be assistant appraiser of merchandise in the district of San Francisco, in the State of California, in place of Charles M. Leavy, suspended.

James F. Griffen, of Louisiana, to be assistant appraiser of merchandise in the district of New Orleans, in the State of Louisiana, in place of A. Fortuné Riard, suspended.

Oscar Valeton, of Louisiana, to be assistant appraiser of merchandise in the district of New Orleans, in the State of Louisiana, in place of Benjamin J. Morey, suspended.

Russell D. Woodman, of Maine, to be assistant appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine, in place of Franklin Sawyer, suspended.

Edgar A. Brown, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Merritt Wickham, suspended.

David C. Halsted, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Joseph C. Biglin, suspended

Daniel J. Moore, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Edward S. Fowler, suspended.

Edward Rowe, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of Immanuel Auerbach, suspended.

Charles E. Scott, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, in place of William H. Gregg, suspended.

George H. Hoffman, of Pennsylvania, to be assistant appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania, in place of John A. Caldwell, suspended.

George R. Snowden, of Pennsylvania, to be assistant appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania, in place of William Gaw, jr., suspended.

Thomas Beck, of California, to be appraiser of merchandise in the district of San Francisco, in the State of California, in place of George W. Dent, suspended.

P. Léonce Bouny, of Louisiana, to be appraiser of merchandise in the district of New Orleans, in the State of Louisiana, in place of Louis J. Souer, suspended.

George V. Brower, of New York, to be general appraiser of merchandise for the port of New York, in the State of New York, in place of Andrew J. Perry, suspended.

Nathan B. Gatchell, of New York, to be appraiser of merchandise in the district of Buffalo Creek, in the State of New York, in place of William Fleming, suspended.

Lewis McMullen, of New York, to be appraiser of merchandise in the district of New York, in the State of New York, in place of Alexander P. Ketchum, suspended.

Nathaniel Newburgh, of Ohio, to be appraiser of merchandise for the port of Cincinnati, in the State of Ohio, in the place of Charles A. Santmyer, suspended.

Joseph M. Poe, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio, in place of Adam J. Begger, suspended.

Joseph B. Baker, of Pennsylvania, to be appraiser of merchandise in the district of Philadelphia, in the State of Pennsylvania, in place of Edward B. Moore, suspended.

John S. Hager, of California, to be collector of customs for the district of San Francisco, in the State of California, in place of William H. Sears, suspended.

Jeptha V. Harris, of Florida, to be collector of customs for the district of Key West, in the State of Florida, in place of Dennis Eagan, suspended.

William A. Mahoney, of Florida, to be collector of customs for the district of Fernandina, in the State of Florida, in place of John W. Howell, suspended.

Benjamin F. Jonas, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana, in place of Algernon S. Badger, suspended.

Samuel J. Anderson, of Maine, to be collector of customs for the district of Portland and Falmouth, in the State of Maine, in place of Frederick N. Dow, suspended.

Erastus Redman, of Maine, to be collector of customs for the district of Frenchman's Bay, in the State of Maine, in place of John D. Hopkins, suspended.

David S. Presson, of Massachusetts, to be collector of customs for the district of Gloucester, in the State of Massachusetts, in place of Fitz J. Babson, suspended.

Leveritt Saltonstall, of Massachusetts, to be collector of customs for the district of Boston and Charlestown, in the State of Massachusetts, in place of Roland Worthington, suspended.

Isaac B. Poucher, of New York, to be collector of customs for the district of Oswego, in the State of New York, in place of John J. Lamoree, suspended.

William Reed, of New York, to be collector of customs for the district of Champlain, in the State of New York, in place of Stephen Moffit, suspended.

Charles H. Robinson, of North Carolina, to be collector of customs for the district of Wilmington, in the State of North Carolina, in place of Enos J. Pennypacker, suspended.

John Cadwalader, of Pennsylvania, to be collector of customs for the district of Philadelphia, in the State of Pennsylvania, in place of John F. Hartranft, suspended.

John McWilliams, of Rhode Island, to be collector of customs for the district of Providence, in the State of Rhode Island, in place of Cyrus Harris, suspended.

Theodore D. Jervey, of South Carolina, to be collector of customs for the district of Charleston, in the State of South Carolina, in place of Thomas B. Johnston, suspended.

Charles F. Bailey, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas, in place of Lovell H. Jerome, suspended.

Charles C. Sweeney, of Texas, to be collector of customs for the district of Galveston, in the State of Texas, in place of Adam G. Malloy, suspended.

Bradley B. Smalley, of Vermont, to be collector of customs for the district of Vermont, in the State of Vermont, in place of William Wells, suspended.

Peter F. Cogbill, of Virginia, to be collector of customs for the district of Petersburg, in the State of Virginia, in place of James D. Bowie, suspended.

Robert M. T. Hunter, of Virginia, to be collector of customs for the district of Tappahannock, in the State of Virginia, in place of Benjamin Upton, jr., suspended.

Wyndham R. Mayo, of Virginia, to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia, in place of George E. Bowden, suspended.

Henry P. Kernochan, of Louisiana, to be naval officer of customs in the district of New Orleans, in the State of Louisiana, to succeed Andrew J. Dumont, whose term of office has expired by limitation.

Henry O. Kent, of Massachusetts, to be naval officer of customs in the district of Boston and Charlestown, in the State of Massachusetts, in place of Daniel Hall, suspended.

Silas W. Burt, of New York, to be naval officer of customs in the district of New York, in the State of New York, in place of Charles K. Graham, suspended.

Henry B. Plumer, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania, in place of Edwin H. Nevin, jr., suspended.

Alexander M. Wallace, of Georgia, to be surveyor of customs for the port of Atlanta, in the State of Georgia, in place of William A. Pledger, suspended.

John T. Gathright, of Kentucky, to be surveyor of customs for the port of Louisville, in the State of Kentucky, in place of John K. Faulkner, suspended.

Bion Bradbury, of Maine, to be surveyor of customs for the port of Portland, in the State of Maine, in place of Stanley T. Pullen, suspended.

Hans S. Beattie, of New York, to be surveyor of customs for the port of New York, in the State of New York, in place of James L. Benedict, suspended.

Addison D. Cole, of New York, to be surveyor of customs for the port of Albany, in the State of New York, in place of John A. Luby, suspended.

John M. Campbell, of Pennsylvania, to be surveyor of customs for the port of Philadelphia, in the State of Pennsylvania, in place of George F. Leland, suspended.

Alfred C. Egerter, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia, in place of Albert H. Beach, suspended.

Moses Neal, of Humboldt, Kans., who was commissioned during the recess of the Senate, to be agent for the Indians of the Sac and Fox agency, in the Indian Territory, *vice* Isaac A. Taylor, resigned.

Fletcher J. Cowart, of Troy, Pike County, Alabama, who was commissioned during the recess of the Senate, to be agent for the Indians of Mescalero agency, in New Mexico, *vice* W. H. H. Llewellyn, resigned.

Dolores Romero, of Ocaté, Mora County, New Mexico, who was commissioned during the recess of the Senate, to be agent for the Indians of the Pueblo agency, in New Mexico, *vice* Pedro Sanchez, resigned.

Joseph B. Kinney, of Boonville, Mo., who was commissioned during the recess of the Senate, to be agent for the Indians of the Uintah agency, in Utah, *vice* Elisha W. Davis, resigned.

E. L. Carson, of Abilene, Taylor County, Texas, who was commissioned during the recess of the Senate, to be agent for the Indians of the Ouray agency, in Utah, *vice* James F. Gardner, resigned.

Henry E. Williamson, of Holly Springs, Miss., who was commissioned during the recess of the Senate, to be agent for the Indians of the Crow agency, in Montana, *vice* Henry J. Armstrong, resigned.

Peter Ronan, of Saint Ignatius, Mont., who was commissioned during the recess of the Senate (his term of office having expired), to be agent for the Indians of the Flathead agency, in Montana Territory.

James McLaughlin, of Fort Totten, Dak., who was recommissioned during the recess of the Senate, when his former appointment expired, to be agent for the Indians of the Standing Rock agency, in Dakota.

John W. Cramsie, of Fort Totten, Dak., who was recommissioned during the recess of the Senate, when his term of office had expired, to be agent for the Indians of the Devil's Lake agency, in Dakota.

James T. Gregory, of Ashland, Wis., who was commissioned during the recess of the Senate, to be agent for the Indians of the La Pointe agency, in Wisconsin, *vice* William R. Durfee, whose term of office expired May 5, 1885.

Charles Hill, of Santee, Nebr., who was commissioned during the recess of the Senate, to be agent for the Indians of the Santee agency, in Nebraska, *vice* William H. Spaulding, declined.

Thomas Jennings, of Shawano, Wis., who was designated during the recess of the Senate, to be agent for the Indians of the Green Bay agency, in Wisconsin, *vice* Darwin P. Andrews, declined.

John V. Summers, of El Dorado Springs, Mo., who was designated during the recess of the Senate, to be agent for the Indians of the Quapaw agency, in the Indian Territory, *vice* William M. Ridpath, suspended.

Thomas M. Jones, of Warrenton, Va., who was designated during the recess of the Senate, to be agent for the Indians of the Shoshone agency, in Wyoming Territory, *vice* Sanderson R. Martin, suspended.

Benjamin P. Moore, of New York city, who was designated during the recess of the Senate, to be agent for the Indians of the Colville agency, in Washington Territory, *vice* Sidney D. Waters, suspended.

Timothy A. Byrnes, of Atlantic City, N. J., who was designated during the recess of the Senate, to be agent for the Indians of the Yakima agency, in Washington Territory, *vice* Robert H. Milroy, suspended.

W. L. Powell, of Winchester, Va., who was designated during the recess of the Senate, to be agent for the Indians of the Neah Bay agency, in Washington Territory, *vice* Oliver Wood, suspended.

Henry R. West, of Woodsfield, Ohio, who was designated during the recess of the Senate, to be agent for the Indians of the Fort Peck agency, in Montana, *vice* Burton Parker, suspended.

Israel Green, of Mitchell, Dak., who was designated during the recess of the Senate, to be agent for the Indians of the Sisseton agency, in Dakota, *vice* Benjamin W. Thompson, suspended.

Charles E. McChesney, of Dakota, who was designated during the recess of the Senate, to be agent for the Indians of the Cheyenne River agency, in Dakota, *vice* William A. Swan, suspended.

William W. Anderson, of Elizabethtown, Ky., who was designated during the recess of the Senate, to be agent for the Indians of the Crow Creek and Lower Brulé agency, in Dakota, *vice* John G. Gasmann, suspended.

John B. McClane, of Salem, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Grand Ronde agency, in Oregon, *vice* Patrick B. Sinnott, suspended.

Jason Wheeler, of Albany, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Warm Springs agency, in Oregon, *vice* Alonzo Gesner, suspended.

Bartholomew Coffey, of Salem, Oreg., who was designated during the recess of the Senate, to be agent for the Indians of the Umatilla agency, in Oregon, *vice* Edward J. Sommerville, suspended.

Mark W. Stevens, of Flint, Mich., who was designated during the recess of the Senate, to be agent for the Indians of the Mackinac agency, in Michigan, *vice* Edward P. Allen, suspended.

John Bigelow, of New York, to be assistant treasurer of the United States at New York, State of New York, to succed Thomas C. Acton, whose term of office will expire on the 19th instant.

Ernest P. Baldwin, of Mo., appointed under a temporary commission during the recess of the Senate, to be deputy first auditor of the Treasury, *vice* Henry K. Leaver, resigned.

James Q. Chenoweth, of Texas, appointed under a temporary commission during the recess of the Senate, to be First Auditor of the Treasury, *vice* Robert M. Reynolds, resigned.

Israel Lawton, of California, to be superintendent of the mint of the United States at San Francisco, in the State of California, in place of Edward F. Burton, suspended.

Leonard Magruder, of Louisiana, to be melter and refiner of the mint of the United States at New Orleans, in the State of Louisiana, in place of Frank F. Claussen, suspended.

William Stapleton, of Colorado, to be melter of the mint of the United States at Denver, in the State of Colorado, in place of John S. Dormer, suspended.

Allen Thomas, of Louisiana, to be coiner of the mint of the United States at New Orleans, in the State of Louisiana, in place of Frederick K. Jones, suspended.

John W. Twiggs, of California, to be assayer of the mint of the United States at San Francisco, in the State of California, in place of Oscar D. Munson, suspended.

Posey S. Wilson, of Colorado, to be assayer of the mint of the United States at Denver, in the State of Colorado, in place of Herman Silver, suspended.

Henry F. Wild, of Idaho, to be assayer of the United States assay office at Boisé City, in the Territory of Idaho, in place of Norman H. Camp, suspended.

Frank F. Claussen, of Louisiana, to be assayer of the mint of the United States at New Orleans, in the State of Louisiana, in place of William Christy Wilson, suspended.

Robert P. Waring, of North Carolina, to be assayer and melter of the United States assay office at Charlotte, in the State of North Carolina, in place of Calvin J. Cowles, suspended.

Thomas H. Simms, of Arkansas, to be collector of internal revenue for the district of Arkansas, in place of Henry M. Cooper, suspended.

Robert Barnett, of California, to be collector of internal revenue for the fourth district of California, in place of Amos L. Frost, suspended.

William B. Anderson, of Illinois, to be collector of internal revenue for the thirteenth district of Illinois, in place of Charles W. Pavey, suspended.

Thomas Cooper, of Illinois, to be collector of internal revenue for the eighth district of Illinois, in place of Jacob Wheeler, suspended.

Maurice Kelly, of Illinois, to be collector of internal revenue for the fourth district of Illinois, in place of Richard Rowett, suspended.

William D. H. Hunter, of Indiana, to be collector of internal revenue for the sixth district of Indiana, in place of Horace McKay, suspended.

August H. Kuhlemeier, of Iowa, to be collector of internal revenue for the fourth district of Iowa, in place of John W. Burdette, suspended.

Thomas S. Bronston, of Kentucky, to be collector of internal revenue for the eighth district of Kentucky, in place of William J. Landram, suspended.

James F. Robinson, of Kentucky, to be collector of internal revenue for the seventh district of Kentucky, in place of Charles H. Stoll, suspended.

Gabriel Montegut, of Louisiana, to be superintendent of the mint of the United States at New Orleans, in the State of Louisiana, in place of Andrew W. Smythe, suspended.

Charles H. Chase, of Maine, to be collector of internal revenue for the district of Maine, in place of Franklin J. Rollins, suspended.

Frank J. Pratt, of Massachusetts, to be collector of internal revenue for the tenth district of Massachusetts, in place of Edward R. Tinker, suspended.

John B. Malony, of Michigan, to be collector of internal revenue for the first district of Michigan, in place of James H. Stone, suspended.

Freeman Barnum, of Missouri, to be collector of internal revenue for the first district of Missouri, in place of Isaac H. Sturgeon, suspended.

Samuel Klotz, of New Jersey, to be collector of internal revenue for the fifth district of New Jersey, in place of Robert B. Hathorn, suspended.

Robert Black, of New York, to be collector of internal revenue for the first district of New York, in place of Rodney C. Ward, suspended.

Isban Hess, of New York, to be collector of internal revenue for the fourteenth district of New York, in place of James W. Bentley, suspended.

John A. Sullivan, of New York, to be collector of internal revenue for the second district of New York, in place of Marshall B. Blake, suspended.

Samuel J. Tilden, jr., of New York, to be collector of internal revenue for the fifteenth district of New York, in place of James S. Smart, suspended.

William H. Yarborough, of North Carolina, to be collector of internal revenue for the fourth district of North Carolina, in place of Isaac J. Young, suspended.

William T. Bishop, of Ohio, to be collector of internal revenue for the first district of Ohio, in place of Clark B. Montgomery, suspended.

James W. Newman, of Ohio, to be collector of internal revenue for the eleventh district of Ohio, in place of Marcus Boggs, suspended.

Edmund A. Bigler, of Pennsylvania, to be collector of internal revenue for the twenty-third district of Pennsylvania, in place of Samuel M. Jackson, suspended.

John Dowlin, of Pennsylvania, to be collector of internal revenue for the twenty-second district of Pennsylvania, in place of Frank P. Case, suspended.

Frederick Gerker, of Pennsylvania, to be collector of internal revenue for the first district of Pennsylvania, in place of William J. Pollock, suspended.

Charles H. Henshaw, of Rhode Island, to be collector of internal revenue for the district of Rhode Island, in place of Elisha H. Rhodes, suspended.

D. Frank Bradley, of South Carolina, to be collector of internal revenue for the district of South Carolina, in place of Ellery M. Brayton, suspended.

Jonn T. Hillsman, of Tennessee, to be collector of internal revenue for the fifth district of Tennessee, in place of Archelaus M. Hughes, suspended.

Robert M. Henderson, of Texas, to be collector of internal revenue for the fourth district of Texas, in place of Webster Flanagan, suspended.

Andrew L. Ellett, of Virginia, to be collector of internal revenue for the second district of Virginia, in place of Asa Rogers, suspended.

George L. Spear, of Vermont, to be collector of internal revenue for the district of Vermont, in place of John C. Stearns, suspended.

Joseph M. Morrow, of Wisconsin, to be collector of internal revenue for the sixth district of Wisconsin, in place of Leonard Lottridge, suspended.

Alfred C. Parkinson, of Wisconsin, to be collector of internal revenue for the second district of Wisconsin, in place of Henry Harnden, suspended.

Edward C. Wall, of Wisconsin, to be collector of internal revenue for the first district of Wisconsin, in place of Irving M. Bean, suspended.

Owen A. Wells, of Wisconsin, to be collector of internal revenue for the third district of Wisconsin, in place of Howard M. Kutchin, suspended.

Thomas F. Cowing, of Fergus Falls, Minn., who was designated during the recess of the Senate, to be register of the land office at Fergus Falls, Minn., *vice* Bernt N. Johnson, suspended.

John B. Webb, of La Crosse, Wis., who was designated during the recess of the Senate, to be register of the land office at La Crosse, Wis., *vice* Henry Espersen, suspended.

William Foxen, of Detroit, Mich., who was designated during the recess of the Senate, to be register of the land office at Detroit, Mich., *vice* Adam E. Bloom, suspended.

Winfield S. Austin, of Seattle, Wash., who was commissioned during the recess of the Senate, to be register of the land office at Vancouver, Wash., *vice* Frederick W. Sparling, whose term of office had expired.

Robert C. McFarland, of Murray, Shoshone County, Idaho, who was commissioned during the recess of the Senate, to be register of the land office at Cœur d'Alene, Idaho, *vice* James E. Putnam, resigned.

Harlan Pefley, of Boisé City, Idaho, who was commissioned during the recess of the Senate, to be register of the land office at Boisé City, Idaho, *vice* Edward L. Curtis, resigned.

Mark W. Sheafe, of Elk Point, Dak., who was commissioned during the recess of the Senate, to be register of the land office at Watertown, Dakota, *vice* C. G. Williams, resigned.

John G. Higgins, of Columbus, Nebr., who was commissioned during the recess of the Senate, to be register of the land office at Grand Island, Nebr., *vice* Christopher Hostetter, resigned.

Clate M. Ralstin, of Independence, Kans., who was commissioned during the recess of the Senate, to be register of the land office at Independence, Kans., *vice* Melville J. Salter, resigned.

George W. Warner, of Mankato, Minn., who was commissioned during the recess of the Senate, to be register of the land office at Tracy, Minn., *vice* Charles B. Tyler, whose term of office expired.

Ralph N. Marble, of Duluth, Minn., who was commissioned during the recess of the Senate, to be register of the land office at Duluth, Minn., *vice* Guildford G. Hartley, resigned.

William Smith, of Red Lake Falls, Minn., who was commissioned during the recess of the Senate, to be register of the land office at Crookston, Minn., *vice* John Cromb, whose term of office had expired.

Stephen E. Thayer, of Wausau, Wis., who was commissioned during the recess of the Senate, to be register of the land office at Wausau, Wis., *vice* Myron H. McCord, resigned.

Emmett Horan, of Eau Claire, Wis., who was commissioned during the recess of the Senate, to be register of the land office at Eau Claire, Wis., *vice* Alexander Meggett, whose term of office had expired.

William E. Russell, of Natchitoches, La., who was commissioned during the recess of the Senate, to be register of the land office at Natchitoches, La., *vice* Louis Dupleix, whose term of office had expired.

James D. Stewart, of Jackson, Miss., who was commissioned during the recess of the Senate, to be register of the land office at Jackson, Miss., *vice* Richard C. Kerr, whose term of office had expired.

Edmund G. Shields, of Silver City, N. Mex., who was designated during the recess of the Senate, to be register of the land office at Las Cruces, N. Mex., *vice* John R. McFie, suspended.

David Webb, of Covington, Ind., who was designated during the recess of the Senate, to be register of the land office at Salt Lake City, Utah, *vice* Humphrey McMaster, suspended.

Edgar S. Wilson, of Jackson, Miss., who was designated during the recess of the Senate, to be register of the land office at Cheyenne, Wyo., *vice* Henry W. Rothert, suspended.

Chester H. Warner, of Colfax, Wash., who was designated during the recess of the Senate, to be register of the land office at Walla Walla, Wash., *vice* Joseph Jorgensen, suspended.

James M. Adams, of Yakima, Wash., who was designated during the recess of the Senate, to be register of the land office at Spokane Falls, Wash., *vice* James M. Armstrong, suspended.

Frank W. Beane, of Salt Lake City, Utah, who was designated during the recess of the Senate, to be register of the land office at Oxford, Idaho, *vice* August Duddenhausen, suspended.

Samuel W. Langhorne, of Bozeman, Mont., who was designated during the recess of the Senate, to be register of the land office at Helena, Mont., *vice* Francis Adkinson, suspended.

John S. McFarland, of Chicago, Ill., who was designated during the recess of the Senate, to be register of the land office at Huron, Dak., *vice* George B. Armstrong, suspended.

William Bayard, of Pueblo, Colo., who was designated during the recess of the Senate, to be register of the land office at Pueblo, Colo., *vice* Mark L. Blunt, suspended.

Frederick A. McDonald, of Cross Keys, Oreg., who was designated

during the recess of the Senate, to be register of the land office at The Dalles, Oreg., *vice* Ezra L. Smith, suspended.

Henry Rinehart, of Summerville, Oreg., who was designated during the recess of the Senate, to be register of the land office at La Grande, Oreg., *vice* Samuel O. Swackhamer, suspended.

Joseph D. Bethune, of San Bernardino, Cal., who was designated during the recess of the Senate, to be register of the land office at Los Angeles, Cal., *vice* Charles R. Johnson, suspended.

Sylvester Hull, of Shasta County, Cal., who was designated during the recess of the Senate, to be register of the land office at Shasta, Cal., *vice* John W. Garden, suspended.

Samuel F. Burtch, of Papillion, Nebr., who was designated during the recess of the Senate, to be register of the land office at Valentine, Nebr., *vice* James Morris, suspended.

William Neville, of North Platte, Nebr., who was designated during the recess of the Senate, to be register of the land office at North Platte, Nebr., *vice* Hanson M. Grimes, suspended.

Frank Dale, of Wichita, Kans., who was designated during the recess of the Senate, to be register of the land office at Wichita, Kans., *vice* Richard L. Walker, suspended.

William R. Brownlee, of Kingman, Kans., who was designated during the recess of the Senate to be register of the land office at Larned, Kans., *vice* William R. Brown, suspended.

Henry C. Tipton, of Melbourne, Ark., who was designated during the recess of the Senate, to be register of the land office at Harrison, Ark., *vice* John Murphy, suspended.

William K. Ramsey, of Camden, Ark., who was designated during the recess of the Senate, to be register of the land office at Camden, Ark., *vice* Samuel W. Mallory, suspended.

William P. Christensen, of Olivia, Minn., who was designated during the recess of the Senate, to be register of the land office at Redwood Falls, Minn., *vice* Everett P. Freeman, suspended.

James Browne, of Las Vegas, N. Mex., who was designated during the recess of the Senate, to be receiver of public moneys at Las Cruces, N. Mex., *vice* Samuel W. Sherfey, suspended.

William M. Garrard, of Lawrenceville, Ill., who was designated during the recess of the Senate, to be receiver of public moneys at Cheyenne, Wyo., *vice* Walter S. Hurlbut, suspended.

John Montgomery, of Blackfoot, Idaho, who was designated during the recess of the Senate, to be receiver of public moneys at Oxford, Idaho, *vice* Allen W. Eaton, suspended.

Abram Hall, of Miles City, Mont., who was commissioned during the recess of the Senate, to be receiver of public moneys at Miles City, Mont., *vice* Charles H. Gould, resigned.

Horatio S. Howell, of Virginia City, Mont., who was designated during the recess of the Senate, to be receiver of public moneys at Helena, Mont., *vice* Zachary T. Burton, suspended.

Ezra W. Miller, of Elk Point, Dak., who was designated during the recess of the Senate, to be receiver of public moneys at Huron, Dak., *vice* Robert Lowery, suspended.

James McCluer Ellis, of Denver., Colo., who was designated during the recess of the Senate, to be receiver of public moneys at Denver, Colo., *vice* Warren C. Willits, suspended.

Charles A. Coryell, of Denver, Colo., who was designated during the recess of the Senate, to be receiver of public moneys at Del Norte, Colo., *vice* Charles A. Brastow, suspended.

Jonathan B. Kilbourn, of Pueblo, Colo., who was designated during the recess of the Senate, to be receiver of public moneys at Pueblo, Colo., *vice* Michael H. Fitch, suspended.

John T. Outhouse, of La Grande, Oreg., who was designated during the recess of the Senate, to be receiver of public moneys at La Grande, Oreg., *vice* George P. Curry, suspended.

John W. Leigh, of California, who was designated during the recess of the Senate, to be receiver of public moneys at San Francisco, Cal., *vice* Charles H. Chamberlain, suspended.

William H. Bickford, of Shasta County, California, who was designated during the recess of the Senate, to be receiver of public moneys at Shasta, Cal., *vice* Adolph Dobrowsky, suspended.

Samuel G. Glover, of Arlington, Nebr., who was designated during the recess of the Senate, to be receiver of public moneys at Valentine, Nebr., *vice* J. Wesley Tucker, suspended.

Oliver Shannon, of North Platte, Nebr., who was designated during the recess of the Senate, to be receiver of public moneys at North Platte, Nebr., *vice* John D. Seaman, suspended.

John R. Thornton, of Hampton, Ark., who was designated during the recess of the Senate, to be receiver of public moneys at Camden, Ark., *vice* Alfred A. Tufts, suspended.

John J. Hoge, of Boonville, Mo., who was designated during the recess of the Senate, to be receiver of public moneys at Boonville, Mo., *vice* Patrick H. McNulty, suspended.

Lawrence L. Aune, of Fergus Falls, Minn., who was designated during the recess of the Senate, to be receiver of public moneys at Fergus Falls, Minn., *vice* Jacob Austin, suspended.

Colin F. MacDonald, of Saint Cloud, Minn., who was designated during the recess of the Senate, to be receiver of public moneys at Saint Cloud, Minn., *vice* William B. Mitchell, suspended.

Lloyd T. Boyd, of Waukesha, Wis., who was designated during the recess of the Senate, to be receiver of public moneys at Bayfield, Wis., *vice* Currie G. Bell, suspended.

J. Massie Martin, of Opelousas, La., who was designated during the recess of the Senate, to be receiver of public moneys at New Orleans, La., *vice* Morris Marks, suspended.

Wallace McLaurin, of Brandon, Miss., who was designated during the recess of the Senate, to be receiver of public moneys at Jackson, Miss., *vice* John T. Hull, suspended.

Leigh O. Knapp, of Raton, Colfax County, N. Mex., who was commissioned during the recess of the Senate, to be receiver of public moneys at Santa Fé, N. Mex., *vice* William H. Bailhache, whose term of office had expired.

Hugh C. Wallace, of Salt Lake City, Utah, who was commissioned during the recess of the Senate, to be receiver of public moneys at Salt Lake City, Utah, *vice* Moses M. Bane, whose term of office expired.

William T. Shaffer, of Evanston, Wyo., who was commissioned during the recess of the Senate, to be receiver of public moneys at Evanston, Wyo., *vice* Edgar S. Wilson, declined.

John O'Keane, Vancouver, Wash., who was commissioned during the recess of the Senate, to be receiver of public moneys at Vancouver, Wash., *vice* Albert O. Marsh, resigned.

Henry C. Branstetter, of Boisé City, Idaho, who was commissioned during the recess of the Senate, to be receiver of public moneys at Boisé City, Idaho, *vice* Malachi Krebs, whose term of office has expired.

Downer T. Bramble, of Yankton, Dak., who was commissioned during the recess of the Senate, to be receiver of public moneys at Watertown, Dak., *vice* Henry R. Pease, whose term of office had expired.

John Lafabre, of Chamberlin, Dak., who was commissioned during the recess of the Senate, to be receiver of public moneys at Deadwook, Dak., *vice* Edward P. Champlin, resigned.

Ariel C. Jones, of Roseburg, Oreg., who was commissioned during the recess of the Senate, to be receiver of pubic moneys at Roseburg, Oreg., *vice* James C. Fullerton, whose term of office had expired.

William M. Townsend, of La Fayette, Oreg., who was commissioned during the recess of the Senate, to be receiver of public moneys at Lakeview, Oreg., *vice* Jerome Knox, resigned.

Tyree H. Bell, of Fresno City, Cal., who was commissioned during the recess of the Senate, to be receiver of public moneys at Visalia, Cal., *vice* Tipton Lindsey, whose term of office had expired.

John E. Budd, of Stockton, Cal., who was commissioned during the recess of the Senate, to be receiver of public moneys at Stockton, Cal., *vice* Otis Perrin, whose term of office had expired.

Thomas W. Tipton, of Brownville, Nebr., who was commissioned during the recess of the Senate, to be receiver of public moneys at Bloomington, Nebr., *vice* Richard W. Montgomery, whose term of office had expired.

Samuel L. Gilbert, of Winfield, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Wichita, Kans., *vice* James L. Dyer, resigned.

Henri W. Young, of Independence, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Independence, Kans., *vice* Henry M. Waters, resigned.

Tully Scott, of Beloit, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Oberlin, Kans., *vice* Charles E. Chandler, whose term of office expired.

Henry M. Bickel, of McPherson, Kans., who was commissioned during the recess of the Senate, to be receiver of public moneys at Larned, Kans., *vice* Henry Booth, resigned.

Andrew Quindley, of Little Rock, Ark., who was commissioned during the recess of the Senate, to be receiver of public moneys at Little Rock, Ark., *vice* Charles E. Kelsey, whose term of office had expired.

Alfred L. King, of Harrison, Ind., who was commissioned during the recess of the Senate, to be receiver of public moneys at Harrison, Ark., *vice* Absalom C. Phillips, resigned.

William R. Edgar, of Ironton, Mo., who was commissioned during the recess of the Senate, to be receiver of public moneys at Ironton, Mo., *vice* George H. Crumb, whose term of office had expired.

Martin D. McHenry, of Des Moines, Iowa, to be receiver of public moneys at Des Moines, Iowa, *vice* Henry M. Griffiths, deceased.

Philip K. Wiser, of Mankato, Minn., who was commissioned during the recess of the Senate, to be receiver of public moneys at Tracy, Minn., *vice* John Lind, whose term of office had expired.

Ole Christian Hals, of La Crosse, Wis., who was commissioned during the recess of the Senate, to be receiver of public moneys at La Crosse, Wis., *vice* John Ulrich, resigned.

Sylvester S. Kepler, of Eau Claire, Wis., who was commissioned during the recess of the Senate, to be receiver of public moneys at Eau Claire, Wis., *vice* Vincent W. Bayless, resigned.

Matthew H. Maynard, of Marquette, Mich., who was commissioned during the recess of the Senate, to be receiver of public moneys at Marquette, Mich., *vice* James M. Wilkinson, resigned.

William C. Jordan, of Midway, Bullock County, Alabama, who was commissioned during the recess of the Senate, to be receiver of public moneys at Montgomery, Ala., *vice* Algernon A. Mabson, resigned.

Received this 17th day of December, 1885.

William L. Alden, of New York city, N. Y., to be consul-general of the United States at Rome, *vice* Samuel H. M. Byers, resigned.

John M. Birch, of Wheeling, W. Va., to be consul of the United States at Nagasaki, *vice* Alexander C. Jones, suspended.

Oscar Bischoff, of Topeka, Kans., to be consul of the United States at Sonneberg, *vice* George F. Mosher, suspended.

Erhard Bissinger, of New York city, N. Y., to be consul of the United States at Beirut, *vice* John T. Robeson, suspended.

William J. Black, of New Castle, Del., to be consul of the United States at Nuremberg, *vice* G. Henry Horstmann, resigned.

Benjamin F. Bonham, of Salem, Oreg., to be consul-general of the United States at Calcutta, *vice* J. A. Leonard, resigned.

J. Harvey Brigham, of Louisiana, to be consul of the United States at Paso del Norte, *vice* Eugene O. Fechét, suspended.

Preston L. Bridgers, of North Carolina, to be consul of the United States at Montevideo, to fill a vacancy.

Edmund B. Briggs, of the District of Columbia, to be consul of the United States at Santos, *vice* William T. Wright, suspended.

John Cardwell, of Austin, Tex., to be agent and consul-general of the United States at Cairo, to fill a vacancy.

James U. Childs, of Farmington, Me., to be consul of the United States at Guelph, Canada, *vice* Harry P. Dill, suspended.

William S. Crowell, of Ohio, to be consul of the United States at Amoy, *vice* W. Elwell Goldsborough, suspended.

Theodore W. Downs, of Bridgeport, Conn., to be consul of the United States at Quebec, *vice* John A. Wasson, suspended.

Ferdinand F. Dufais, of New York city, N. Y., to be consul of the United States at Havre, *vice* John B. Glover, suspended.

William C. Emmet, of New York, formerly secretary of the legation at Constantinople, to be consul of the United States at Smyrna, *vice* William E. Stevens, resigned.

Joseph Falkenbach, of Columbus, Ohio, to be consul of the United States at Barmen, *vice* Wolfgang Schoenle, suspended.

Benjamin J. Franklin, of Kansas City, Mo., to be consul of the United States at Hankow, *vice* Isaac F. Shepard, suspended.

William A. Garesché, of Saint Louis, Mo., to be consul of the United States at Martinique, to fill a vacancy.

Lewis Gebhard Reed, of Brooklyn, N. Y., to be consul of the United States at Barbadoes, *vice* Robert Y. Holley, suspended.

Henry W. Gilbert, of Fort Montgomery, N. Y., to be consul of the United States at Trieste, *vice* F. W. Hossfeld, suspended.

Warren Green, of Louisville, Ky., to be consul-general of the United State at Kanagawa, *vice* Thomas B. Van Buren, resigned.

E. J. Hale, of Fayetteville, N. C., to be consul of the United States at Manchester, *vice* Albert D. Shaw, suspended.

Albert N. Hatheway, of Hartford, Conn., to be consul of the United States at Nice, *vice* Thomas Wilson, suspended.

Daniel W. Herring, of Purdy, Tenn., to be consul of the United States at Tegucigalpa, to fill a vacancy.

William Hill, of Bloomington, Ill., to be consul of the United States at Port Sarnia, *vice* Samuel D. Pace, suspended.

Joseph D. Hoff, of Keyport, N. J., to be consul of the United States at Vera Cruz, *vice* Bruno Tzschuck, suspended.

Joseph B. Hughes, of Hamilton, Ohio, to be consul of the United States at Birmingham, *vice* Wilson King, suspended.

J. P. Imboden, of Georgia, to be consul of the United States at Yuscaran.

Darius H. Ingraham, of Portland, Me., to be consul of the United States at Cadiz, *vice* Ernest L. Oppenheim, suspended.

Henry M. Keim, of Reading, Pa., to be consul of the United States at Charlottetown, Prince Edward Island, *vice* Warren A. Worden, suspended.

Edward D. Linn, of Victoria, Tex., to be consul of the United States at Piedras Negras, *vice* Bolivar J. Pridgen, suspended.

Albert Loening, of New York city, N. Y., to be consul of the United States at Bremen, *vice* John M. Wilson, suspended.

Gustavus Lucke, of Walpole, N. H., to be consul of the United States at Sherbrooke, Canada, *vice* Benjamin S. Parker, suspended.

Beckford Mackey, of South Carolina, formerly consul at Rio Grande do Sul, to be consul of the United States at Nuevo Laredo, *vice* Stephen H. Smith, suspended.

Henry F. Merritt, of Chicago, Ill., to be consul of the United States at Aix-la-Chapelle, *vice* George F. Lincoln, suspended.

Joseph W. Merriam, a citizen of the United States, to be consul of the United States at Iquique, to be accredited to the Government of Chili, instead of Peru, as heretofore.

J. L. McCaskill, of Brandon, Miss., to be consul of the United States at Dublin, *vice* Benjamin H. Barrows, suspended.

Owen McGarr, of Denver, Colo., to be consul-general of the United States in Ecuador, *vice* Horatio N. Beach, suspended.

J C. Monoghan, of Providence, R. I., to be consul of the United States at Mannheim, to fill a vacancy.

James M. Morgan, of South Carolina, to be consul-general of the United States, for the British colonies in Australasia, at Melbourne, *vice* O. M. Spencer, suspended.

James Murray, of New York city, N. Y., to be consul of the United States at Saint John, New Brunswick, *vice* Darius B. Warner, suspended.

D. J. Partello, of the District of Columbia, to be consul of the United States at Dusseldorf, to fill a vacancy.

Frank H. Pierce, of Hillsborough, N. H., to be consul of the United States at Matanzas, *vice* David Vickers, suspended.

James W. Porch, of Saint Joseph, Mo., to be consul-general of the United States at the City of Mexico, to fill a vacancy.

John H. Putman, of Chillicothe, Ohio, to be consul-general of the United States at Honolulu, *vice* David A. McKinley, suspended.

Otto E. Reimer, of New York city, N. Y., to be consul of the United States at Santiago de Cuba, *vice* John C. Landreau, suspended.

Frank W. Roberts, of Biddeford, Me., to be consul of the United States at Coaticook, to fill a vacancy.

James M. Rosse, of Tarrytown, N. Y., to be consul of the United States at Three Rivers, Canada, *vice* Frederick F. Farmer, suspended.

Victor A. Sartori, of Philadelphia, Pa., to be consul of the United States at Leghorn, *vice* Charles P. Barnard, suspended.

Jacob Schoenhof, of New York city, N. Y., to be consul of the United States at Tunstall, *vice* Edward E. Lane, suspended.

Alexander H. Shipley, of New York, to be consul of the United States at Auckland, to fill a vacancy.

Jasper Smith, of the District of Columbia, formerly commercial agent at Nottingham, to be consul of the United States at Newcastle-upon-Tyne, *vice* Robinson Locke, resigned.

John M. Strong, of New York, to be consul of the United States at Belleville, Canada, *vice* Frederick W. Prince, suspended.

Peter Staub, of Knoxville, Tenn., to be consul of the United States at St. Galle, *vice* Emory P. Beauchamp, suspended.

Richard Stockton, of New Jersey, to be consul of the United States at Rotterdam, *vice* John F. Winter, suspended.

George C. Tanner, of Spartanburg, S. C., formerly consul at Tegucigalpa, to be consul of the United States at Chemnitz, *vice* Jehu L. Parish, suspended.

Francis H. Underwood, of Boston, Mass., to be consul of the United States at Glasgow, *vice* Bret Harte, suspended.

William D. Wamer, of Charleston, S. C., formerly consul at Dusseldorf, to be consul of the United States at Cologne, *vice* Samuel Spackman, resigned.

Thomas R. Welch, of Little Rock, Ark., to be consul of the United States at Hamilton, Canada, *vice* John F. Hazleton, suspended.

Charles H. Wills, of Glymont, Md., to be consul of the United States at Managua, *vice* H. H. Leavitt, suspended.

Arthur B. Wood, of New York, formerly consul at Belfast, to be consul of the United States at Dundee, *vice* Willard B. Wells, suspended.

Bayless W. Hanna, of Crawfordsville, Ind., to be minister resident and consul-general of the United States to the Argentine Republic, *vice* Thomas O. Osborn, resigned.

Charles L. Scott, of Monroe County, Alabama, to be minister resident and consul-general of the United States to Venezuela, *vice* John Baker, resigned.

William B. Webb, of Billings, Montana Territory, who was commissioned during the recess of the Senate, to be secretary of the Territory of Montana, *vice* John S. Tooker, resigned.

Nathaniel H. Harris, of Vicksburg, Miss., who was commissioned during the recess of the Senate, to be register of the land office at Aberdeen, Dak., *vice* Charles T. McCoy, resigned.

George W. Glick, of Atchison, Kans., who was commissioned during the recess of the Senate, to be pension agent at Topeka, Kans., *vice* Nathaniel A. Adams, whose term of office expires December 19, 1885.

Robert L. Taylor, of Johnson City, Tenn., who was designated during the recess of the Senate, to be pension agent at Knoxville, Tenn., *vice* Henry R. Gibson, suspended.

William W. H. Davis, of Doylestown, Pa., who was designated during the recess of the Senate, to be pension agent at Philadelphia, Pa., *vice* A. Wilson Norris, suspended.

N. A. Wade, to be postmaster at Butler, in the county of Bates and State of Missouri, in the place of Omar D. Austin, whose commission expired October 17, 1885.

John W. Crosby, to be postmaster at Milford, in the county of Hillsborough and State of New Hampshire, whose commission expired March 22, 1885.

John J. Dudley, to be postmaster at Newport, in the county of Sullivan and State of New Hampshire, in place of George W. Nourse, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles W. Howe, to be postmaster at Rochester, in the county of Strafford and State of New Hampshire, in place of Osmon B. Warren, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William M. Hunnewell, to be postmaster at Exeter, in the county of Rockingham and State of New Hampshire, in place of George S. Leavitt, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Harry S. Parker, to be postmaster at Farmington, in the county of Strafford and State of New Hampshire, in the place of William H. Hayes, resigned.

Fred. B. Bardon, to be postmaster at Madison, in the county of Morris and State of New Jersey, in the place of Edward C. Tunis, whose commission expired October 14, 1885.

William H. Bennett, to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey, in the place of Matthias Woolley, resigned.

Thomas G. Bunnell, to be postmaster at Newton, in the county of Sussex and State of New Jersey, in the place of William R. Mattison, whose commission expired October 29, 1885.

James J. Casey, to be postmaster at Weehawken, in the county of Hudson and State of New Jersey, in place of Sophia Marklein, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George W. Evans, to be postmaster at Ocean Grove, in the county of Monmouth and State of New Jersey, in the place of Henry B. Beagle, resigned.

John Fothergill, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey, in the place of John F. Van Broek, whose commission expired October 24, 1885.

Augustus W. Irons, to be postmaster at Tom's River, in the county of Ocean and State of New Jersey, in the place of James W. Cowperthwait, whose commission expired October 24, 1885.

Jacob G. Van Riper, to be postmaster at Rutherford, in the county of Bergen and State of New Jersey, in the place of William H. Stevens, whose commission expired May 16, 1885.

Charles Rittenhouse, to be postmaster at Hackettstown, in the county of Warren and State of New Jersey, in the place of Robert Rushing, jr., whose commission expired May 5, 1885.

William K. Vansciver, to be postmaster at Beverly, in the county of Burlington and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1885.

Tranquilino Labadie, to be postmaster at Las Vegas, in the county of San Miguel and Territory of New Mexico, in the place of Serapio Romero, resigned.

William A. Walker, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico, in the place of Thomas Hughes, resigned.

Thomas H. Beal, to be postmaster at Hamilton, in the county of Madison and State of New York, in the place of Edwin W. Cushman, resigned.

Charles A. Burke, to be postmaster at Malone, in the county of Franklin and State of New York, in the place of William H. Barney, whose commission expired October 15, 1885.

Nicholas Best, to be postmaster at Millerton, in the county of Dutchess and State of New York, in the place of John H. Templeton, deceased.

Ledett A. Bostwick, to be postmaster at Lowville, in the county of Lewis and State of New York, in the place of Louis A. Scott, resigned.

Horace S. Crittenden, to be postmaster at Glens Falls, in the county of Warren and State of New York, in the place of William H. Van Cott, whose commission expired May 5, 1885.

George Donnalley, to be postmaster at Waterloo, in the county of Seneca and State of New York, in the place of Luke Johnson, whose commission expired May 5, 1885.

Henry Eldredge, to be postmaster at Union Springs, in the county of Cayuga and State of New York, in the place of Manson F. Backus, whose commission expired May 16, 1885.

Docteur L. La Grange, to be postmaster at Port Richmond, in the county of Richmond and State of New York, in place of Thomas J. Butler, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Ward Gregory, to be postmaster at Ithaca, in the county of Tompkins and State of New York, in the place of E. C. Van Kirk, resigned.

David G. Hackney, to be postmaster at Fort Plain, in the county of Montgomery and State of New York, in place of Abram Hoffman, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Jonah T. Howe, to be postmaster at Trumansburg, in the county of Tompkins and State of New York, in place of David S. Biggs, resigned.

James R. Howard, to be postmaster at Castile, in the county of Wyoming and State of New York, in the place of George H. Bush, whose commission expired May 6, 1885.

James M. Hubbell, to be postmaster at Potsdam, in the county of Saint Lawrence and State of New York, in place of George R. C. Smith, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Orlando Humphrey, to be postmaster at Nyack, in the county of Rockland and State of New York, in place of Sarah L. Christie, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles H. Kavanaugh, to be postmaster at Waterford, in the county of Saratoga and State of New York, in the place of Joseph Harriman, whose commission expired March 23, 1885.

Henry Kingsley, to be postmaster at Schoharie, in the county of Schoharie and State of New York, in the place of Peter S. Clark, resigned.

W. Edgar Lawrence, to be postmaster at Sing Sing, in the county of Westchester and State of New York, in the place of James Williamson, resigned.

Jerome La Due, to be postmaster at Westfield, in the county of Chautauqua and State of New York, in the place of Frank A. Hall, whose commission expired March 22, 1885.

Abram L. Mace, to be postmaster at Walton, in the county of Delaware and State of New York, in the place of Lewis Marvin, whose commission expired May 6, 1885.

James F. Maybury, to be postmaster at Cortland, in the county of Cortland and State of New York, in the place of James A. Nixon, resigned.

Robert J. McNally, to be postmaster at Keeseville, in the county of Essex and State of New York, in the place of H. C. Stevens, resigned.

Otto R. Miller, to be postmaster at Brighton, in the county of Monroe and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

Richard Mooney, to be postmaster at Rondout, in the county of Ulster and State of New York, in place of Andrew N. Barnes, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Andrew J. Odell, to be postmaster at Rhinebeck, in the county of Dutchess and State of New York, in place of John N. Cramer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Jacob Odell, to be postmaster at Tarrytown, in the county of Westchester and State of New York, in the place of Marcius D. Raymond, whose commission expired March 23, 1885.

John Keyes Paige, to be postmaster at Schenectady, in the county of Schenectady and State of New York, in the place of John A. De Remert, whose commission expired May 18, 1885.

David Quackinbush, to be postmaster at Mount Vernon, in the county of Westchester and State of New York, in place of Andrew Bridgman, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mrs. Amanda Quinlan, to be postmaster at Monticello, in the county of Sullivan and State of New York, in the place of Richard Oakley, resigned.

Frank W. Rogers, to be postmaster at Norwich, in the county of Chenango and State of New York, in the place of James K. Spaulding, resigned.

Benjamin Ryall, jr., to be postmaster at Port Jervis, in the county of Orange and State of New York, in the place of Charles St. John, jr., resigned.

George W. Sembler, to be postmaster at City Island, in the county of Westchester and State of New York, in the place of Jerome Bell, whose commission expired May 18, 1885.

Andrew W. Smith, to be postmaster at Flushing, in the county of Queens and State of New York, in place of John W. Rickey, resigned.

Henry Stowell, to be postmaster at Seneca Falls, in the county of Seneca and State of New York, in place of Stephen Weatherlow, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Conrad F. Suderly, to be postmaster at Saugerties, in the county of Ulster and State of New York, in the place of Thomas Maxwell, resigned.

William H. Swan, to be postmaster at Mount Morris, in the county of Livingston and State of New York, in the place of Hathorn Burt, resigned.

Lemuel B. Treadway, to be postmaster at Port Henry, in the county of Essex and State of New York, in the place of Charles L. Palmer, whose commission expired May 6, 1885.

Joseph H. Allen, to be postmaster at Durham, in the county of Durham and State of North Carolina, in place of De Witt C. Mangum, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Warren J. Barrett, to be postmaster at Kinston, in the county of Lenoir and State of North Carolina, in place of William A. Coleman, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. A. Bennett, to be postmaster at Reidsville, in the county of Rockingham and State of North Carolina, in place of Richard H. Wray, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

T. B. Douthit, to be postmaster at Salem, in the county of Forsyth, and State of North Carolina, in place of Jacob Bleckenderfer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William M. Gay, to be postmaster at Wilson, in the county of Wilson and State of North Carolina, in place of Mrs. Virginia Sharp, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George H. Gregory, to be postmaster at Greensborough, in the county of Guilford and State of North Carolina, in place of Jonathan D. White, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John H. Hill, to be postmaster at Goldsborough, in the county of Wayne and State of North Carolina, in place of Hiram L. Grant, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William G. Lewis, to be postmaster at Statesville, in the county of Iredell and State of North Carolina, in the place of Silas A. Sharpe, resigned.

Oscar G. Parsley, to be postmaster at Wilmington, in the county of New Hanover and State of North Carolina, in place of Edwin R. Brink, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mrs. M. F. Pender, to be postmaster at Tarborough, in the county of Edgecombe and State of North Carolina, in place of Walter P. Williamson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James B. Smith, to be postmaster at Fayetteville, in the county of Cumberland and State of North Carolina, in place of Robert M. Orrell, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel H. Smith, to be postmaster at Winston, in the county of Forsyth and State of North Carolina, in place of Wiley A. Walker, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. A. Taylor, to be postmaster at Oxford, in the county of Granville and State of North Carolina, in place of Manly B. Jones, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. T. Weaver, to be postmaster at Asheville, in the county of Buncombe and State of North Carolina, in place of Henry L. Gudger, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles W. Roby, to be postmaster at Portland, in the county of Multnomah and State of Oregon, in the place of George A. Steel, whose commission expired October 21, 1885.

George W. Bell, to be postmaster at Cardington, in the county of Morrow and State of Ohio, in the place of Thomas C. Thomson, deceased.

C. S. Brady, to be postmaster at Newark, in the county of Licking and State of Ohio, in place of William C. Lyon, resigned.

William Clevenger, to be postmaster at Wilmington, in the county of Clinton and State of Ohio, in place of C. N. Browning, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert W. Cowan, to be postmaster at Ashland, in the county of Ashland and State of Ohio, in the place of Alfred O. Long, resigned.

J. P. Cook, to be postmaster at Kenton, in the county of Hardin and State of Ohio, in the place of Herman Sagebiel, resigned.

Russell T. Dobson, to be postmaster at Bowling Green, in the county of Wood and State of Ohio, in place of Julius D. Bowles, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

B. F. Ellsberry, to be postmaster at Ironton, in the county of Lawrence and State of Ohio, in place of S. Brady Steece, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Wilson W. Forney, to be postmaster at Leetonia, in the county of Columbiana and State of Ohio, in the place of Mathew E. Taggert, whose commission expired May 5, 1885.

M. M. Gaunce, to be postmaster at Xenia, in the county of Greene and State of Ohio, in place of Thomas G. Brown, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Martin V. Gibson, to be postmaster at Upper Sandusky, in the county of Wyandot and State of Ohio, in place of J. F. Rieser, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Samuel C. Haag, to be postmaster at Napoleon, in the county of Henry and State of Ohio, in place of L. G. Randall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Winfield S. Hammaker, to be postmaster at Findlay, in the county of Hancock and State of Ohio, in place of Eli J. De Wolfe, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Henry Hollberg, to be postmaster at Jackson, in the county of Jackson and State of Ohio, in the place of Bradford F. Holcomb, resigned.

Joseph S. Laughlin, to be postmaster at Sidney, in the county of Shelby and State of Ohio, in the place of Joseph E. Wilkinson, whose commission expired May 5, 1885.

John W. Morris, to be postmaster at Troy, in the county of Miami and State of Ohio, in the place of Frank M. Sterrett, resigned.

L. P. Ohliger, to be postmaster at Wooster, in the county of Wayne and State of Ohio, in the place of Peter C. Given, resigned.

Cary T. Pope, to be postmaster at Hillsborough, in the county of Highland and State of Ohio, in place of James W. Patterson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James I. Pritchard, to be postmaster at Nelsonville, in the county Athens and State of Ohio, in the place of Jacob W. Frost, resigned.

F. S. Reefy, to be postmaster at Elyria, in the county of Lorain and State of Ohio, in place of Frank E. Bishop, resigned.

Charles Rose, to be postmaster at Logan, in the county of Hocking and State of Ohio, in the place of F. S. Pursell, resigned.

John C. Sceva, to be postmaster at Mechanicsburg, in the county of Champaign and State of Ohio, in the place of Thomas E. Shepherd, whose commission expired May 5, 1885.

Samuel L. P. Stone, to be postmaster at Urbana, in the county of Champaign and State of Ohio, in place of Samuel B. Price, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Daniel C. Stearns, to be postmaster at Berea, in the county of Cuyahoga and State of Ohio, in place of William H. James, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. R. Thorne, to be postmaster at Piqua, in the county of Miami and State of Ohio, in place of La Roy S. Jordan, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. E. Touvelle, to be postmaster at Celina, in the county of Mercer and State of Ohio, in the place of John W. Dickman, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Bartholomew Tristram, to be postmaster at Marion, in the county Marion and State of Ohio, in the place of Valentine Lapham, resigned.

Gustavus A. Van Horn, to be postmaster at New London, in the county of Huron and State of Ohio, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

Gardner A. Wilder, to be postmaster at Circleville, in the county of Pickaway and State of Ohio, in place of H. E. Lutz, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Jacob J. Zeller, to be postmaster at Ottawa, in the county of Putnam, and State of Ohio, in the place of Thomas D. Campbell, resigned.

S. N. McCloud, to be postmaster at Marysville, in the county of Union and State of Ohio, in the place of Dwight Webb, resigned.

Henry G. Ashmead, to be postmaster at Chester, in the county of Delaware and State of Pennsylvania, in place of John A. Wallace, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Michael D. Baker, to be postmaster at Uniontown, in the county of Fayette and State of Pennsylvania, in the place of Orin J. Sturgis, resigned.

S. B. Bennett, to be postmaster at Pittston, in the county of Luzerne and State of Pennsylvania, in the place of Jeremiah B. Shiffer, whose commission expired October 25, 1885.

Henry S. Benner, to be postmaster at Gettysburg, in the county of Adams and State of Pennsylvania, in the place of John M. Krouth, whose commission expired May 5, 1885.

David R. Boyer, to be postmaster at Tamaqua, in the county of Schuylkill and State of Pennsylvania, in the place of Mary B. McGuigan, whose commission expired May 5, 1885.

Joseph K. Bogert, to be postmaster at Wilkes Barre, in the county of Luzerne and State of Pennsylvania, in place of Albert S. Orr, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas Chalfant, to be postmaster at Danville, in the county of Montour and State of Pennsylvania, in the place of Charles W. Eckman, resigned.

George A. Clark, to be postmaster at Bloomsburg, in the county of Columbia and State of Pennsylvania, in place of Daniel A. Beckley, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank P. Crotzer, to be postmaster at Nanticoke, in the county of Luzerne and State of Pennsylvania, in the place of John H. James, resigned.

Alexander M. Dick, to be postmaster at West Newton, in the county of Westmoreland and State of Pennsylvania, in the place of Harman D. Smith, resigned.

James H. Dobbins, to be postmaster at Bellefonte, in the county of Centre and State of Pennsylvania, in the place of John T. Johnson, whose commission expired May 5, 1885.

James Drury, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania, in the place of William B. Baker, whose commission expired March 22, 1885.

J. E. Eichholtz, to be postmaster at Sunbury, in the county of Northumberland and State of Pennsylvania, in the place of Jacob Rohrback, whose commission expired May 5, 1885.

L. R. Erdice, to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania, in place of F. A. Weaver, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. H. Fulmer, to be postmaster at Muncy, in the county of Lycoming and State of Pennsylvania, in the place of George L. I. Painter, whose commission expired October 29, 1885.

James G. Hasson, to be postmaster at Ebensburg, in the county of Cambria and State of Pennsylvania, in place of Edmund James,

suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William F. Harrity, to be postmaster at Philadelphia, in the county of Philadelphia and State of Pennsylvania, in place of Henry S. Huidekoper, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank Harvey, to be postmaster at Renovo, in the county of Clinton and State of Pennsylvania, in place of Newton Wells, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George F. Herman, to be postmaster at Bethlehem, in the county of Northampton and State of Pennsylvania, in the place of Owen A. Lukenbach, resigned.

Isaac Horton, to be postmaster at North East, in the county of Erie and State of Pennsylvania, in the place of Oscar W. Davis, resigned.

James B. Hutchison, to be postmaster at Hazleton, in the county of Luzerne and State of Pennsylvania, in the place of James James, whose commission expired March 22, 1885.

Samuel P. Kindt, to be postmastmer at Shenandoah, in the county of Schuylkill and State of Pennsylvania, in the place of James Wooley, whose commission expired May 5, 1885.

Maurice Litsch, to be postmaster at Mahanoy City, in the county of Schuylkill and State of Pennsylvania, in the place of Jacob L. Bricker, whose commission expired March 22, 1885.

William McFarlan, to be postmaster at Downingtown, in the county of Chester and State of Pennsylvania, in place of Richard D. Wells, whose commission expired October 14, 1885.

James McKinney, to be postmaster at Susquehanna, in the county of Susquehanna and State of Pennsylvania, in the place of Isaac W. Jones, whose commission expired March 22, 1885.

James H. Moore, to be postmaster at Monongahela City, in the county of Washington and State of Pennsylvania, in the place of Chillion C. W. Hazzard, resigned.

Augustus Owen, to be postmaster at Canton, in the county of Bradford and State of Pennsylvania, in the place of Allen M. Ayres, resigned.

Elijah A. Parsons, to be postmaster at Towanda, in the county of Bradford and State of Pennsylvania, in place of Jackson P. Keeney, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank H. Piatt, to be postmaster at Tunkhannock, in the county of Wyoming and State of Pennsylvania, in the place of Hiram W. Bardwell, resigned.

J. F. Rayen, to be postmaster at Sandy Lake, in the county of Mercer and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

William C. Schultze, to be postmaster at Reynoldsville, in the county of Jefferson and State of Pennsylvania, in the place of Tilton C. Reynolds, resigned.

Jacob B. Shale, to be postmaster at McKeesport, in the county of Allegheny and State of Pennsylvania, in the place of Samuel E. Carothers, whose commission expired October 29, 1885.

Henry E. Slaymaker, to be postmaster at Lancaster, in the county of Lancaster and State of Pennsylvania, in place of James N. Marshall, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William Strohmeier, to be postmaster at Ashland, in the county of Schuylkill and State of Pennsylvania, in the place of William H. Lieb, resigned.

John Swan, to be postmaster at Allegheny, in the county of Allegheny and State of Pennsylvania, in place of John A. Myler, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Joseph P. Taylor, to be postmaster at Du Bois, in the county of Clearfield and State of Pennsylvania, in the place of Jesse E. Dale, resigned.

Robert S. Wagner, to be postmaster at Bangor, in the county of Northampton and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

Alexander Wentz, to be postmaster at Mechanicsburg, in the county of Cumberland and State of Pennsylvania, in the place of Miss Catherine Singer, whose commission expired May 18, 1885.

John McWilliams, to be postmaster at Coatesville, in the county of Chester and State of Pennsylvania, in the place of Francis G. Parke, whose commission expired March 22, 1885.

Stephen S. Crittenden, to be postmaster at Greenville Court-House, in the county of Greenville and State of South Carolina, in the place of Mitchell K. Robertson, resigned.

James E. Crosland, to be postmaster at Aiken, in the county of Aiken and State of South Carolina, in the place of Benjamin P. Chatfield, whose commission expired October 14, 1885.

Wade H. Gibbes, to be postmaster at Columbia, in the county of Richland and State of South Carolina, in the place of Charles M. Wilder, whose commission expired May 11, 1885.

Charles W. Webb, to be postmaster at Anderson Court-House, in the county of Anderson and State of South Carolina, in the place of Mrs. Grace C. Cochran, whose commission expired May 19, 1885.

W. R. Andrews, to be postmaster at Union City, in the county of Obion and State of Tennessee, in place of William P. Richards, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

B. F. Cheatham, to be postmaster at Nashville, in the county of Davidson and State of Tennessee, in the place of William P. Jones, whose commission expired October 27, 1885.

James M. King, to be postmaster at Knoxville, in the county of Knox and State of Tennessee, in the place of Oliver P. Temple, whose commission expired October 21, 1885.

Thomas J. Lane, to be postmaster at Greeneville, in the county of Greene and State of Tennessee, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1885.

Henry Clay McLaurine, to be postmaster at Pulaski, in the county of Giles and State of Tennessee, in the place of John D. Lewis, whose commission expired October 15, 1885.

William L. Norton, to be postmaster at Tullahoma, in the county of Coffee and State of Tennessee, in the place of George W. Davidson, resigned.

Samuel W. Shields, to be postmaster at Morristown, in the county of Hamblen and State of Tennessee, in the place of John H. Trent, resigned.

Frank White, to be postmaster at Murfreesborough, in the county of Rutherford and State of Tennessee, in the place of Reese K. Henderson, resigned.

Willis H. Bates, to be postmaster at Denton, in the county of Denton and State of Texas, in the place of John B. Nicholas, whose commission expired May 20, 1885.

Robert Burns, to be postmaster at Houston, in the county of Harris and State of Texas, in the place of Henry D. Johnson, whose commission expired October 15, 1885.

H. T. Davis, to be postmaster at Orange, in the county of Orange and State of Texas, in the place of Lilburn C. R. Scott, confirmed February 20, 1885, but not commissioned.

John W. Duncan, to be postmaster at Bonham, in the county of Fannin and State of Texas, in the place of Henry E. Taylor, resigned.

Thomas A. Gary, to be postmaster at Galveston, in the county of Galveston and State of Texas, in place of William H. Griffin, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

C. A. Gildea, to be postmaster at Brackettsville, in the county of Kinney and State of Texas, in the place of William W. Lambert, whose commission expired May 13, 1885.

George A. Giddings, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas, in the place of A. D. Acres, resigned.

R. E. Harris, to be postmaster at San Angelo, in the county of Tom Green and State of Texas, in the place of William E. Ellis, resigned.

Henry P. Howard, to be postmaster at San Antonio, in the county of Bexar and State of Texas, in place of James P. Newcomb, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John O. Johnson, to be postmaster at Austin, in the county of Travis and State of Texas, in the place of Jacob C. De Gress, whose commission expired October 15, 1885.

Fidelia Kilgore, to be postmaster at Longview, in the county of Gregg and State of Texas, in the place of John T. Kilgore, deceased.

E. P. Rutherford, to be postmaster at Clarksville, in the county of Red River and State of Texas, in the place of Henry S. Sanderson, resigned.

John Snoddy, to be postmaster at Big Spring, in the county of Howard and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1885.

John Q. Tabor, to be postmaster at Bryan, in the county of Brazos and State of Texas, in place of J. Allen Meyers, suspended under the provisions of section 1768 of the Revised Statutes of the United tates.

Andrew J. Ward, to be postmaster at Beaumont, in the county of Jefferson and State of Texas, in the place of George E. Vallade, resigned.

Dudley C. Brown, to be postmaster at Brandon, in the county of Rutland and State of Vermont, in place of John L. Knight, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Clark Holden, to be postmaster at Barre, in the county of Washington and State of Vermont, in place of William A. Perry, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

W. L. Howard, to be postmaster at Fair Haven, in the county of Rutland and State of Vermont, in the place of Harris Whipple, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George F. O. Kimball, to be postmaster at Vergennes, in the county of Addison and State of Vermont, in the place of Hiram C. Johnson, resigned.

George W. Morse, to be postmaster at Waterbury, in the county of Washington and State of Vermont, in the place of Justin W. Moody, resigned.

Charles C. Peck, to be postmaster at Middlebury, in the county of Addison and State of Vermont, in the place of George Hammond, whose commission expired May 6, 1885.

Jerome W. Pierce, to be postmaster at Springfield, in the county of Windsor and State of Vermont, in place of Loren B. Hurd, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Lyman W. Redington, to be postmaster at Rutland, in the county of Rutland and State of Vermont, in place of Albert H. Tuttle, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

A. P. Bibb, to be postmaster at University of Virginia, in the county of Albemarle and State of Virginia, in place of Robert H. Fife, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Mattie K. Chisman, to be postmaster at Hampton, in the county of Elizabeth City and State of Virginia, in the place of Hunter R. Booker, resigned.

William H. Cullingworth, to be postmaster at Richmond, in the county of Henrico and State of Virginia, in the place of George K. Gilmer, whose commission expired May 13, 1885.

Oscar D. Derr, to be postmaster at Roanoke, in the county of Roanoke and State of Virginia, in place of Alexander S. Asberry, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Frank T. Forbes, to be postmaster at Fredericksburg, in the county of Spottsylvania and State of Virginia, in place of Lawrence Taliaferro, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

M. Glennan, to be postmaster at Norfolk, in the county of Norfolk and State of Virginia, in place of James W. Long, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George R. Head, to be postmaster at Leesburg, in the county of Loudoun and State of Virginia, in place of Owen T. Holmes, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William W. Herbert, to be postmaster at Alexandria, in the county of Alexandria and State of Virginia, in place of David A. Windsor, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Alexander S. Haller, to be postmaster at Wytheville, in the county of Wythe and State of Virginia, in place of William F. Slater, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

H. B. Linney, to be postmaster at Gordonsville, in the county of Orange and State of Virginia, in place of Joseph H. Yager, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Thomas R. McDearman, to be postmaster at Danville, in the county of Pittsylvania and State of Virginia, in place of Algar M. Wheeler, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John N. Shepherd, to be postmaster at Berryville, in the county of Clarke and State of Virginia, in the place of John W. Beemer, resigned.

J. T. Burns, to be postmaster at Dayton, in the county of Columbia and Territory of Washington, in the place of William O. Matzger, resigned.

Arthur D. Glover, to be postmaster at Olympia, in the county of Thurston and Territory of Washington, in place of James N. Gale, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Daniel Stewart, to be postmaster at Walla Walla, in the county of Walla Walla and Territory of Washington, in the place of William Stine, whose commission expired October 18, 1885.

Richard J. Ashby, to be postmaster at Charleston, in the county of Kanawha and State of West Virginia, in place of Alvaro F. Gibbens, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Patrick J. Rogers, to be postmaster at Piedmont, in the county of Mineral and State of West Virginia, in place of George T. Gosorn, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Robert Simpson, to be postmaster at Wheeling, in the county of Ohio and State of West Virginia, in place of Hugh Sterling, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John A. Bardon, to be postmaster at Superior, in the county of Douglas and State of Wisconsin, in place of Sidney E. Tubbs, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James W. Beattie, to be postmaster at Marshfield, in the county of Wood and State of Wisconsin, in place of Edward S. Renne, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Oscar F. Blakely, to be postmaster at Darlington, in the county of La Fayette and State of Wisconsin, in place of Sylvester W. Osborne, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William Brown, to be postmaster at Lake Geneva, in the county of Walworth and State of Wisconsin, in the place of Charles A. Noyes, resigned.

Charles A. Burroughs, to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin, in place of Benjamin F. Bryant, suspended under the provisions of section 1768 of the Revised Statutes of the United Saates.

William H. Canon, to be postmaster at Merill, in the county of Lincoln and State of Wisconsin, in place of Spencer Wiley, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William N. Carter, to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin, in place of Robert S. McMichael, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Edward Van De Casteele, to be postmaster at De Pere, in the county of Brown and State of Wisconsin, in the place of Pembroke R. Proctor, resigned.

Drummond G. Craig, to be postmaster at Fort Atkinson, in the county of Jefferson and State of Wisconsin, in place of Monmouth H. Ganong, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Dawe, to be postmaster at Edgerton, in the county of Rock and State of Wisconsin, in place of Edward A. Burdick, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Walter H. Dawley, to be postmaster at Antigo, in the county of Langdale and State of Wisconsin, in place of Henry Smith, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Charles B. Draper, to be postmaster at Oconomowoc, in the county of Waukesha and State of Wisconsin, in the place of Warham Parks, resigned.

A. Everhard, to be postmaster at Ripon, in the county of Fond du Lac and State of Wisconsin, in place of Calvin H. Upham, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

William T. Hall, to be postmaster at Beloit, in the county of Rock and State of Wisconsin, in place of Chalmers Ingersoll, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

R. P. Hitchcock, to be postmaster at Tomah, in the county of Monroe and State of Wisconsin, in the place of Hiram S. Beardsley, resigned.

Henry C. Hunt, to be postmaster at Reedsburg, in the county of Sauk and State of Wisconsin, in place of John Kellogg, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. E. Jones, to be postmaster at Portage, in the county of Columbia and State of Wisconsin, in place of Charles C. Dow, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

James M. Keys, to be postmaster at Richland Centre, in the county of Richland and State of Wisconsin, in place of David G. James, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Peter McCamley, to be postmaster at Grand Rapids, in the county of Wood and State of Wisconsin, in the place of George F. Witter, whose commission expired October 14, 1885.

M. H. Mould, to be postmaster at Baraboo, in the county of Sauk and State of Wisconsin, in place of David E. Welch, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John Pepper, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin, in the place of William E. De Lap, resigned.

Adolph Piening, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin, in the place of Charles Esslinger, whose commission expired March 22, 1885.

Curtis Reed, to be postmaster at Menasha, in the county of Winnebago and State of Wisconsin, in the place of Selden M. Bronson, whose commission expired May 5, 1885.

Valentine Ringle, to be postmaster at Wausau, in the county of Marathon and State of Wisconsin, in place of Robert H. Johnson, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

Michael W. Ryan, to be postmaster at Medford, in the county of Taylor and State of Wisconsin, in place of Soloman H. Keeler, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

J. H. Donkersley, to be postmaster at Laramie City, in the county of Albany and Territory of Wyoming, in place of Charles W. Spaulding, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John C. Friend, to be postmaster at Carbon, in the county of Carbon and Territory of Wyoming, in place of Harvey T. Snively, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December* 17, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PROPOSED AMENDMENT TO THE CONSTITUTION.

Mr. DIBBLE. Mr. Speaker, I ask leave to have printed at this time, and that it lie on the table, a joint resolution proposing an amendment to the Constitution of the United States defining the office of Second Vice-President of the United States.

The joint resolution was read at length.

Mr. RANDALL. I do not desire to object to the introduction of that proposition at this time, but as I have one that relates to the same subject, I would ask consent to have it go with the proposition of the gentleman from South Carolina.

Mr. DIBBLE. I have no objection to that.

Mr. TUCKER. Mr. Speaker, I suppose that both of these propositions when regularly introduced in the House would be referred to a committee of the House—the Committee on the Judiciary.

Mr. DIBBLE. Undoubtedly, that is the intention.

Mr. TUCKER. And I see no reason why they should have precedence in this way over other measures that gentlemen want to introduce in the House.

Mr. DIBBLE. The only object in view is to have the joint resolution printed for the information of members of the House.

Mr. TUCKER. Such matters can be printed when they are introduced regularly under the call.

Mr. RANDALL. I did not mean to precipitate action upon the House in receiving and referring such matters, but since this has been introduced by the gentleman from South Carolina, if it goes into print I ask the same privilege for a similar proposition.

Mr. REED, of Maine. I think we had better have the assembled wisdom of the House if we are to have it at all.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] objects, and neither proposition is before the House.

THE RULES.

Mr. MORRISON. I call up the unfinished business. In doing so I would be glad to have some understanding as to the time when the general debate is to close. I ask unanimous consent that it be closed at 3 or 4 o'clock this afternoon.

The SPEAKER. The gentleman from Illinois calls up for consideration the unfinished business, which is the report of the Committee on Rules, and asks unanimous consent that the debate under the hour rule be closed at 3 o'clock this afternoon.

Mr. CASWELL. I hope that will not be done. I have the impression that there are several gentlemen on this side of the House whose turn will come about the hour named, and who are very anxious to be heard.

Mr. MORRISON. I have no objection to saying 4 o'clock.

The SPEAKER. The Chair understands the arrangement to have been made heretofore that after the debate under the hour rule shall have been concluded the debate under the five-minute rule as in Committee of the Whole shall be allowed.

Mr. CASWELL. That does not meet my objection.

Mr. CANNON. Do I understand there is to be debate as in Committee of the Whole under the five-minute rule?

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] reserves, as the Chair understands, the right to move the previous question on any amendment.

Mr. MILLS. What is the proposition?

The SPEAKER. The Chair understands the proposition to have been made the other morning, and assented to by the gentleman from Illinois, that after the debate under the hour rule shall have concluded there might be debate under the five-minute rule on the clauses and amendments.

Mr. RANDALL. I do not understand the proposition of the gentleman from Illinois to cut off the five-minute debate at all.

The SPEAKER. Nor does the Chair so understand.

Mr. KELLEY. I desire to take this opportunity to make a statement as to my own relations to the time permitted. Yesterday in asking an opportunity to be heard I found that my colleague [Mr. STORM] had precedence in the list at the Speaker's desk, and it was suggested, as he desired to speak but a few minutes and as the gentleman from Massachusetts [Mr. LONG] was to speak in his hour and said he wanted but ten minutes, there would be about half an hour for me. But circumstances took such a course, my colleague not wishing to speak at so late an hour last evening and the gentleman from Massachusetts being indisposed or having for some other cause left the Hall, that instead of being the third speaker in the hour I came to the front. It has been suggested to me within the last two or three minutes that it is expected two other gentlemen will speak within the hour. That was not my understanding. My understanding was that there were from twenty-five to thirty minutes to be taken out of the hour and I was to have the remainder. Under that arrangement I desire to speak; but I do not desire to speak with the understanding that I am to skip out at any point when it is thought convenient to let four other gentlemen come into the hour and take two-thirds of the thirty minutes given me.

The SPEAKER. The Chair, of course, has nothing to do with the arrangement which gentlemen on the floor may make among themselves as to the distribution of time.

Mr. STORM. I wish to say it was understood this hour now running for debate was given to those opposed to the report.

The SPEAKER. The Chair so understood.

Mr. STORM. When I was at the Speaker's desk, in the presence of my colleague [Mr. KELLEY], I understood the Speaker to put my colleague down on the same side. I understand since that he proposes to speak on the other side of the question. I do not think it fair for him to take away one-half of the hour allowed me to parcel out between myself and my friends in opposition to the view my colleague proposes to take.

Mr. KELLEY. If I said anything indicating the side of the question I was to speak upon, what I indicated was my strong desire to support that provision which proposes to prohibit riders on appropriation bills, which have been the agency by which the powers belonging to the House have been absorbed by the Committee on Appropriations.

The SPEAKER. The Chair desires to say that when the gentleman from Pennsylvania [Mr. KELLEY] was asked by the Chair with a view to a distribution of time which side he desired to speak upon, the Chair understood the gentleman to say he was opposed to one of the propositions, which the Chair understood to be that one relating to the distribution of appropriations; and as that has been the chief matter of controversy on the floor, the Chair put the name of the gentleman on the list as opposed to the report.

Mr. KELLEY. Then I have been misunderstood, and I retire for the present and take such chance as I can hereafter to get the floor.

Mr. STORM. I will give my colleague fifteen minutes.

Mr. KELLEY. I am not disposed to enter into a scramble for the floor. Will my colleague agree that I shall have fifteen minutes after other gentlemen have spoken in the hour?

Mr. STORM. Yes, sir.

Mr. KELLEY. All right.

COAST AND GEODETIC SURVEY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Coast and Geodetic Survey, showing the progress made in that work during the last fiscal year; which was laid on the table, and ordered to be printed.

THE RULES.

The SPEAKER. The gentleman from Pennsylvania [Mr. STORM] is entitled to the floor.

Mr. STORM. I yield a portion of my time to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, it seems to me we have practically settled the "weightier matters of the law" in this matter, and are in some danger of thrashing too long the anise and mint and cummin. I am not at all certain that I can add anything to this debate except general suggestions. It does occur to me to say that there has been a good deal of emphatic declamation about propositions on which we are all agreed. The gentleman from New York [Mr. HISCOCK] in his able speech of yesterday asked us whether we propose to submit to a rule which robs a majority of Representatives of their rights, or whether we are willing to commit ourselves to the doctrine that a majority of the House can not be trusted. As I heard him repeat this over and over again, I almost felt that my liberties had been taken away, until on cooler reflection I remembered that not one man in the House would dare say a majority of the representatives of the people can not be trusted, and that not ten men in the House believe that a majority of the representatives of the people can not be trusted. Shivers almost ran down my back as I listened to the peroration of the gentleman from Texas [Mr. WELLBORN] when he referred to the Siberian despotism of the Russian Czar and the blood and iron hand of Bismarck; and it was only on later reflection that I remembered we are American citizens, in no danger of becoming Russian serfs, and that nobody on this floor proposes that we should be brought to that condition.

I agree with gentlemen here who demand the largest liberty for the people and the largest parliamentary freedom for the representatives of the people. But I have also been taught that liberty is of little value except as it is regulated by law, and I have learned that general parliamentary rights are of little value except as they are regulated by necessary parliamentary rules. There is only one way in which we can have on this floor that ideal liberty which seems to be in some gentlemen's minds; that is, by abolishing all parliamentary rules, by abolishing all committees with their preferences and their privileges, by abolishing all restrictions upon debate, all limitations of time, and remanding ourselves to the condition of a debating society. But nobody proposes to do that. Everybody recognizes that the necessities of public business require certain rules, certain preferences, in the transaction of

business. The gentlemen on this side of the Hall, before this Congress met, gathered in this Hall and nominated as their leader the gifted and distinguished gentleman from Maine [Mr. REED]. He was made, not a tyrant or a despot, but a parliamentary leader upon this floor. Great power was confided to him, power which he will use conscientiously and faithfully, but which also, from the necessity of the case, he will use to facilitate some business, to delay and defeat other business; and we shall probably at times fret under his direction and leadership. Indeed, we are constantly recognizing the necessity of trusts of power, and the true philosophy is not to destroy but to regulate them.

The simple question before us at this time is whether, having agreed upon the reform measures that are necessary to cure abuses in our system of rules, we shall go further, and take from the Appropriations Committee the bills which have heretofore been in its charge and distribute them among some eight or nine other committees; whether these bills shall be confided to one committee or distributed among a number, with the friction and delay thereby resulting, and also with the possibility of tyrannous combination; for the chairman of each one of these committees will be be a leading member of the other side of the House, and combination can be used at any time to cause delay, to renew abuses, and if need be to obstruct the fortunes of the minority on this side of the House.

I yield to no member in my criticism of the abuses under which we have been suffering. I find that that system of abuses arose under the revision of the rules which was adopted in the Forty-sixth Congress; and the general tendency now seems to be to slough off the shackles then imposed on us and go back to the freer and more generous system prevailing prior to that time. But going back to that time I find that under that better system the appropriation bills were not distributed among various committees but were left in the hands of the Appropriations Committee. So that, even if we go back to that better system, relieving ourselves from the fetters which the Forty-sixth Congress put upon us, we shall still preserve the system of giving jurisdiction of all the appropriation bills to the Appropriations Committee. That has been the invariable practice from the beginning of the Government; and the burden of proof rests upon those who claim that a change should be made, not upon us who say that no sufficient reason exists for making a change.

What is the great evil under which we have been suffering? I was a member of the last House. For the short session I was a member of the Committee on Appropriations, but not long enough to become wedded to it, certainly not long enough to become blinded to the extraordinary power that was in its hands and the abuse of that power which arose in its administration. On the contrary, I am heartily in favor of this revision which the Committee on Rules have placed before us, in its length and breadth, up to but not including this one point of distributing the bills which have heretofore been entirely in the hands of the Appropriations Committee. The evil, if I may put it in one word, is that we were practically bound hand and foot so completely that substantially there were only three classes of measures which could pass this House: First, those bills which were of such utter insignificance and so little account that by unanimous consent they were carried through, thereby entailing upon a member the humiliation of asking as a favor what as a Representative he ought to have the right to demand, and entailing upon the Chair the ungracious task of making preferences among us; second, those measures which were of such overwhelming necessity that although there was violent opposition, yet if they could command a two-thirds vote they would go through under a suspension of the rules—and we know how very few there were which went through in that way; third, those bills which, by the grace of the Appropriations Committee, were carried through in the form of riders or amendments to the general appropriation bills.

Now, I admit just as cordially as is claimed by the gentleman from New York [Mr. HISCOCK] that under that system the majority were deprived of their rights and at the same time evaded their responsibility—in short, that it was a complete system of *how not to do it*. The question is, What remedy then is necessary to cure just this evil but not any other? I am not suffering from the despotism of the Czar of Russia; I am not suffering from the tyranny of any kings here, whether they be the kings of the Appropriations Committee, the kings of the Ways and Means, or the kings of the Committee on Rules, but I want relief from just this difficulty of a bad system. I find it first in so amending our rules that every committee of the House shall have full, fair, and equal opportunity with every other committee to present its business to the House and to have a majority of the House determine whether its measures shall become law or not. That is fair and that is right, and the revision now under consideration accomplishes that result so far as it can be accomplished and it has the hearty assent of us all.

The second thing to do, and this is the key-note of the whole matter so far as the distribution of bills is concerned, is to shear the Appropriations Committee of every vestige of the power of enacting general legislation in the form of riders or amendments to appropriation bills, thereby absorbing and in the absence of other means of legislation actually controlling the action of the House. This evil is further aggravated by the fact that in the Senate an entirely different rule prevails, providing that no general legislation shall be put in the form of a rider or amendment to an appropriation bill. The effect is that the two branches are at this cross-purpose; one, the House, can practically only enact general legislation in the form of riders or amendments to appropriation bills, while in the Senate that is the one way in which no general legislation is possible at all. This has resulted in differences, in conferences, in delays to the last minute, in a final agony, and in an ultimate delivery at which only the three nurses from either side are present and of which nobody knows anything until the general laws are published two or three months after the session ends.

I agree to the enormity and wrong of that system, desire it should be rectified, and give my hearty support to the revision now under consideration in that it adopts the Senate plan, and takes away from the Committee on Appropriations the right to enact general legislation in riders on appropriation bills and as far as possible cures the evil.

There is one step further necessary, because by delay in reporting these appropriation bills business is forced to the close of a session, and the condition of things I have described arises. I would therefore go further, and provide that the Committee on Appropriations in the short session should report all its bills by the 1st of February, and in the long session by the 1st of March. Do that and you will then have accomplished all you can do. I say all you can do, because no human ingenuity, Mr. Speaker, can put a bushel of wheat into a quart measure. But so far as you can accomplish anything in preventing the evils before us the adoption of the two provisions which I have referred to in this revision and of this third rule, which is not in it, will do all that can be done. The business of the House can then be transacted more efficiently, committees will have an equal chance, individual members will have their rights as far as possible, a majority will determine what the House shall do, and the Appropriations Committee will be shorn of its excessive power.

So far so good. But I believe that here we should stop, restoring ourselves to the condition of things in the Forty-sixth Congress before the present rules were adopted. But, as often happens in the rush of reform, it is now proposed to go a step further, to take a step which I believe will lead to additional delay, to the friction of a half dozen committees, instead of the delay of one, to increase the expenditure of the revenue of the nation and to the violation of sound parliamentary principle.

If there is any parliamentary principle which has been well established it is the principle which has the authority of our best parliamentarians, whose names have been already cited in the course of the debate, which prevails in other countries and which has prevailed in ours from the very beginning. That principle is that the various matters of legislation shall be referred to the various committees charged with their subject-matter for enactment into law; but that the appropriation of money for carrying such enactments into execution shall be lodged in one general, large, central Committee on Appropriations, which, in homely language, can cut the garment of Government expenditure according to the cloth of its revenue. Formerly, as has been stated, this Committee on Appropriations embraced matters relating to revenue as well as to expenditure. As Mr. Garfield put it, it was divided into a Committee on Ways and Means and a Committee on Appropriations, standing back to back, but preserving the unity of the old system.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. LONG. I ask the gentleman from Pennsylvania to yield to me a few minutes longer.

Mr. STORM. I will yield five minutes longer.

Mr. LONG. But nobody has suggested that the Committee on Appropriations should be still further divided in its functions, until now comes the proposition not to establish eight or nine new appropriation committees, but—for, Mr. Speaker, we might just as well face the facts which are before the House and call things by their right names—to destroy, abolish, and annihilate the Appropriations Committee of this parliamentary body so far as the function of its responsibility for the general expenditures is concerned.

It is proposed to leave it a Committee on Appropriations in name, but to destroy it so far as this, its responsibility for the expenditures for the Government, is concerned. To be sure, it is proposed to leave with that committee a half-dozen bills, but you take away from it six or seven of the most important appropriation bills, and everybody knows that a divided responsibility is no responsibility at all.

The value of a central appropriation committee charged with all of the expenditures is not that it contains better men, not that it contains more patriotic men, or that it contains more competent men, but that it is a committee responsible for all of the expenditures of the Government. For instance, suppose you give to the Committee on Naval Affairs the preparation of the naval appropriation bill. The Naval Committee is equally patriotic, equally competent with the Committee on Appropriations, but the Naval Committee has to do simply with affairs relating to the Navy Department. It is constantly in close alliance and sympathy with that Department. It is responsible only for the expenditures of that Department. Its constant tendency is to carry out as far as it can the wishes, demands, and needs of that Department. I do

not say, Mr. Speaker, that in that case the Naval Committee would be no check upon the expenditures of the Naval Department, but I do say, and every man's common sense so tells him, that that committee would be no such check upon expenditures as would one contral committee charged solely with all the expenditures of the Government, pressed on one side by the Naval Committee, on the other by the Committee on Military Affairs, in front by the Committee on Pensions, in the rear by the Committee on Post-Offices and Post-Roads, and which was cutting the garment according to the cloth.

Sir, reference has been made during the course of this discussion to the River and Harbor Committee, and some unjust things have been said. That committee is as good as another committee—it is just as patriotic, just as competent. In 1882, however, that committee, then under the name of the Committee on Commerce, put $18,000,000 into the appropriation bill for the improvement of rivers and harbors—an unparalleled sum. I do not propose, Mr. Speaker, to discuss that appropriation. I do not propose to say whether it was too much or too little. It met the disapproval of the President and the country and resulted in a change in the political complexion of this House. Whether that bill was right or not I shall not undertake to say, but I stake my reputation upon this, that if the Appropriations Committee of this House, then under the control of the gentleman from New York [Mr. HISCOCK], had had charge of the appropriations for rivers and harbors that bill would not have carried $18,000,000. I go further and say that if even the then River and Harbor Committee had had charge of the other general appropriations that bill would not have been $18,000,000. I go still further, sir. We had last year a most excellent, able, competent, and patriotic Committee on Rivers and Harbors; at its head a man in whom we all have confidence, the gentleman from Kentucky [Mr. WILLIS]. Their appropriation bill for harbors and rivers may have been well enough. Whether good or bad I do not undertake now to discuss; but I stake my reputation upon the statement that if that committee had been making appropriations for all the other departments of the Government, as by the way it was entirely competent to do, its appropriations for rivers and harbors would have been from 20 to 25 per cent. less than they actually were. In other words, the moment you distribute your appropriations among various committees there comes an increase of expenditures.

There is another question which lies deeper in this discussion than the question of this distribution of the appropriation bills. We are coming to a question of policy upon which we must declare ourselves. The gentleman from Texas is the only one on that side of the House who has touched the real issue. It touches the fiscal policy of the country. That question is this: The gentleman says that the proper fiscal policy is not to ascertain what our revenue is and expend accordingly, but to find out first what our needs are, what the wants of the Departments are, and then raise revenue accordingly. I do not believe the country is prepared for that policy. I do not believe that prudent men act upon that principle in their business. A man with an income of $5,000 a year needs just as much and would enjoy just as much as Vanderbilt with his twelve millions a year, but he would be assigned to the mad-house if he should attempt to arrange his expenditure on the basis of Vanderbilt's income.

More than that. If we are to adopt that policy, if we are first to determine our expenditures and then raise money accordingly, the gentleman from Pennsylvania [Mr. KELLEY] may well look for anxiety among the business men of the country as to the constant fluctuation of our revenue and tariff policy. Nobody would then know how much would be required this year or how much would be required next year. Undoubtedly the truth lies between the two lines of policy. It is wise that we should be able to reckon on stable revenue laws, and that we should be able to count on about so much income for each year and regulate our expenditures accordingly.

There lies this deeper question here than the mere distribution of these bills. It is a question whether this House is prepared to enter upon and whether the country demands that we should enter upon a more liberal expenditure of the public money. Put the question fairly and squarely in that way and I should be very much tempted to set my face in the way of liberal appropriations. But do not disguise the matter. Let us call things by their right names. This distribution of these bills means a policy of larger expenditure. Are you prepared to enter upon that, you on that side of the House who are now in power, or you on this side who are going to be in power? The country, I think, is not yet prepared for it.

Let me refer to one other objection which has been made. The gentleman from New York [Mr. HISCOCK] referred to the dangers which arise from the concentration of power which these bills bring into the hands of the Appropriations Committee. I would like to ask him, by the way, in view of his long service as chairman of the Committee on Appropriations, whether he really believes—I think the gentleman from Illinois [Mr. CANNON] put the same question—that the Committee on Appropriations can not do all the work these bills would entail upon them when they are shorn of anything in the way of legislation? I should like also to ask him whether he did not feel, when he was chairman of the Committee on Appropriations, and made a record which is very much to his credit for its economy and prudence, that the expenditures were less than if the bills had been distributed to the various committees which do not share the responsibility for the whole expenditure?

But they tell us that if the power of these bills remains lodged in the hands of the Appropriations Committee the result will be its arbitrary exercise in order to defeat or interfere with legislation. I recognize that danger. But I think you will overcome it if you adopt the rule I suggest, requiring the committee to report within a given time. But, sir, that danger inheres in the very necessity of the transaction of our business. That danger arises either from the constitution and nature of the committee, or else from the make-up of its personal membership. If the fault is in the nature and constitution of the committee—if the fact that a committee has precedence in the reporting and consideration of its bills gives that committee undue power to interfere with the transaction of the general business of the House, how do you cure that evil by giving the same power to six or eight other committees? Instead of having one, you have six or seven despots.

[Here the hammer fell.]

Mr. LONG. Will the gentleman from Pennsylvania [Mr. STORM] give me five minutes more?

Mr. STORM. Yes, sir.

Mr. LONG. The Committee on Ways and Means has the same privilege, the same power. Does anybody suggest that we go into the Committee on Ways and Means and distribute its bills; that we give its bills relating to the tariff on wools to the Committee on Agriculture, or its bills with regard to the tariff on woolens to the Committee on Manufactures, and so on? The Committee on Rules is also a despot in this House, if you care to use that expression. It is a committee which has almost absolute power. Offer an amendment for a change of the rules, and, without discussion, without a word, it is referred to the Committee on Rules, who pigeon-hole it and control it. But does anybody desire to divide the duties of the Committee on Rules, to give part of its duties to one committee and another part of its duties to another committee?

Is the difficulty in the *personnel* of the Appropriations Committee? If it is, Mr. Speaker, then, if you are satisfied of that and are backed up by the sentiment of the House to the same effect, change the *personnel* of that committee. It is your duty to do it, if the *personnel* of that committee be the cause of delay and of interference with business. But the difficulty is not in the *personnel* of the committee. The gentleman from New York [Mr. HISCOCK] tells us that he himself, when chairman of the Committee on Appropriations, used the power which came to him by virtue of that position to interfere with public business and to facilitate the passage of certain bills. No fairer, truer man is on the floor, and if he would use his power in that way, other chairmen, whoever they may be, may be expected to use it in the same way. And yet you are asked to distribute this power and give six or seven chairmen the right to use it to delay business?

Mr. Speaker, we shall have gone far enough when we have secured the rights of the majority and when we have shorn the Appropriations Committee of its power to report general legislation, leaving with them, subject to this restriction, the general appropriation bills, not because they are more competent, but because their responsibility circles the whole limit of the expenditures of the Government, and results in less delay, greater economy, and, I believe, in the maintenance of a sounder parliamentary principle. We are flying from evils, I know. We shall probably, as always happens in such cases, fly to some evils we dream not of; but let us not fly to evils that stare us in the face. It is a first-rate thing to fill the reform bucket, but not to fill it to such an extent that it slops over. [Applause.]

Mr. STORM. I yield ten minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. Mr. Speaker, it had not been my intention to trespass upon the time of the House in this discussion. But the questions involved are so important and the House seems to be so much divided upon the propriety of the different propositions submitted, that I trust I shall be pardoned for asking the indulgence of the House for a few moments while I address myself to some of the features of this report and the proposed changes in the rules.

I will state in the beginning that I sympathize heartily with the desire manifested on all sides of the House to expedite business as far as possible, and to devise some means by which we can more efficiently transact legislation. The increase of the membership of committees I approve because of the increase of membership of the House since the present basis was adopted.

To that portion of the report which looks to the taking up by the House of bills sent here from the Senate, and to the prevention of delay in considering bills which have been passed by that body, I give my most unqualified assent. There are many other features of the report of the committee to which I think we can give our sanction. But there are two recommendations of that report which I am constrained to say it is not best, in my judgment, for us to adopt. No man appreciates more highly than I do the ability and fidelity of the committee to whom this question was submitted and who have made their report to us; but, after some experience here, I repeat that the two features to which I am about to call attention should not, it seems to me, be adopted.

In this discussion I am no defender of any committee or of any man on this floor; nor do I believe this is a question of confidence or want of confidence in the integrity and intelligence of members of this House. I believe that if you were to select the fifteen members best suited for the consideration of appropriation bills, and then take them out of the House, there would still be fifteen more to whom we could safely intrust all those bills. Ay, more, if we were then to take out that second fifteen there would still be found fifteen, yes, thirty more, to whom we could intrust these subjects with assurances of fair and intelligent results. I believe the members of this House are actuated by an honest desire to do whatever is best for their constituents and their country. It is a question merely of how most effectually to attain the best legislation.

The first question is, Shall we have a committee supervising the expenditures of the Government and knowing what is to be appropriated to each department of the Government, or shall we distribute the bills to various committees, none of which can know what the others are going to appropriate? I shall oppose the distribution of these bills for the very same reason that I would oppose a proposition to divide the duties of the Committee on Ways and Means and distribute the tariff question to one committee and the internal-revenue question to another. All the sources from which you are to get your revenues ought to be within the knowledge and reach of a single committee which is to consider the raising of the revenue. In like manner, Mr. Speaker, when we come to appropriate, there should be one committee in charge of the matter knowing what is demanded in each department, so that if the revenues are not sufficient to meet all, they will know what should be given to each department and where cutting down can best be effected. We will suppose all the committees of appropriations organized as contemplated by this amendment. What will any one committee know of the line of policy to be pursued or the amount to be appropriated by the others? Then, will not each committee, being onerated with the appropriations for one department only, tend inevitably to magnify that department and to increase expenditures?

I do not question the integrity or intelligence of the committees to which it is proposed to refer these questions. I have very high regard for the men who served on them in the last three Congresses, of which I have been a member. I would trust them fully. And it may be that the very committee to whom you would refer one of these questions could be intrusted with the whole business of appropriations. But I do not think that the splitting up of jurisdiction is going to result in any advantage to the House, but the contrary. I oppose this, not because I favor placing power or position in the hands of any few men of the House, but because I believe to do otherwise will destroy that unity of design which should characterize the appropriations for the various departments.

There has been a clamor for more time for the consideration of general business. To that I wish to address myself for a moment. I sympathize with that demand. No man would go further than I to obtain the expedition of the business of the House and time for the deliberate consideration of public measures. But if it takes time for one committee to report and discuss and pass these bills, by what reasoning, by what arithmetic will you show that eight times that number can do the work any more expeditiously? It can not be done; and I predict that if this report be adopted instead of a saving of time you will see a third more time taken in the consideration of appropriation questions than has ever been taken heretofore. There will be more speaking and more delay.

But enough, as my time is brief, on that branch of the case. I wish next to call the attention of the House to what I think is even more injurious than the distribution of the appropriation bills—I mean the repeal of the third clause of the twenty-first rule, which was adopted when appropriations were at their highest pitch since the war, a clause of the rule which was adopted in the interest of economy, and which when carried out can only result in saving money to the people whom we represent upon this floor.

The following is the section to be stricken out:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Members talk about not wanting to be tied to an appropriation committee. Before you adopt this proposed revision of the rules, before you launch out upon a repeal of the third clause of the twenty-first rule, I wish to call attention to the fact that you will not only bind your committees but you will bind yourselves by the repeal. To-day, under the old rules, if a proposition is made to expend money which you think is not proper, you can offer an amendment on an appropriation bill to prevent it; but should you repeal the third clause of the twenty-first rule and any member of the House offer an amendment changing the law which cuts down a salary or abolishes an office which ought not to exist, you will see the point of order successfully made that it can not be done under the rule on an appropriation bill. The purse is power, and should never be unconditionally surrendered.

Now what spectacle have we presented? Under this revision, if adopted, members will observe by paying particular attention to that portion of the proposed rule which is in italics, and which I have not read, that you may offer amendments which change existing law and increase expenditure, but you can not offer any amendment which changes existing law and retrenches expenditure.

Mr. MORRISON. Where do you find that?

Mr. McMILLIN. I find it in that portion of the rule in italics, which gives to the committees the power to report for "contingencies" of carrying on the several departments of the Government. I believe a "contingent fund" is one not authorized by any particular law. I am glad my friend from Illinois is giving his attention to what I am saying. I know his fine ability and great integrity, and that he joins with all in a desire for the best rules possible. I wish his opinion on it. I believe if that is adopted without discussion now the chairman of the Committee of the Whole, before whom the question comes, would be the sole judge of the "contingencies" or the necessity for appropriations. I do not believe that was the intention of the committee. I wish to know whether it was or not.

Mr. MORRISON. Of course it was not.

Mr. McMILLIN. Then I understand the gentleman from Illinois that the only object of that amendment is to authorize what is known as contingent expenses in the Departments.

Mr. MORRISON. It is done under the present rule.

Mr. McMILLIN. But it makes a provision for expenditure not authorized by law, and to that extent you might change existing law to increase, but not to diminish, expenditures.

Mr. HOLMAN. I wish to state to the gentleman from Tennessee a fact which he perhaps overlooks, that at the time the rule was adopted, as far back as 1836, it was held by the chairman that an amendment increasing salaries was in order, and an amendment reducing salaries was not in order.

Mr. McMILLIN. I so understood the gentleman from Indiana to state yesterday in the remarks which he then submitted. I am glad to have the construction the gentleman from Illinois places on the pending proposition, that we can not authorize increase of appropriation under this provision. I thought it very important to have a contemporaneous construction of the rule if adopted.

Mr. Speaker, I think the twenty-third rule has done too much for the country to be abandoned now. Star-route plundering, extortionate charges for carrying mails on land-grant railroads, mistakes in arrears-of-pension act, improper use of troops at polls, have all been prevented by it. It would not be difficult to show that one hundred millions of money have been saved by it, and I oppose its repeal.

The SPEAKER. The time of the gentleman has expired.

Mr. McMILLIN. I would have liked a few minutes longer to continue my remarks and add some statistics in support of my statements, but as the time for debate is about up I will not insist.

Mr. STORM. I can not yield longer without violating my promise to the gentleman from New Jersey, to whom I now yield for ten minutes.

Mr. McMILLIN. I would not have the gentleman from Pennsylvania disappoint another.

Mr. McADOO. Mr. Speaker, it is generally conceded that, owing to the congestive state of affairs so eloquently spoken of by the gentleman from Texas [Mr. WELLBORN] yesterday the rules will be modified so as to give relief in calling up bills for the consideration of the House. The only remaining question put to this side of the House is whether we shall have an increase in the expenditures of the Government. During the whole course of this debate the *personnel* of the Appropriations Committee has not been assailed; there is no charge that the Appropriations Committee has done anything but insist on an economical expenditure of the money of the people.

Now I wish to ask if there is one man in the House who has not, during his whole public career, time and again gone before his people and preached retrenchment. It was not until the year 1874, ten years after the close of the civil war, that the Democratic party got control of this House; and how did it get control? Why, sir, by successfully impeaching the administration of affairs when in the possession of its opponents. Every gentleman on this side of the House, during the time the Democratic party was practically ostracised from the administration of this Government, went before his people and preached to them that only under Democratic administration of this Government was it possible to secure economy of expenditure.

The result of that successful impeachment, sir, of the party then controlling the Government was a tidal wave, and for the first time since the war between the States this House was given by an overwhelming majority to the control of the Democratic party. Shortly after we thus came in control the rules placed in the code established by this House were those which are to-day being assailed; and it was through the successful policy, through the unselfish devotion of this very Appropriations Committee, standing at the doors of the public Treasury, between the Treasury and those making raids upon it, that we have successfully held our own in public affairs.

I want to know, sir, what gentleman here will take upon himself the responsibility of saying by his vote after preaching the doctrine of economy, retrenchment, and reform to the people of the United States, and preaching it successfully to get the control of Federal affairs, that the first action of the successful Democratic party under a Democratic administration shall be to take away their commissions, reduce to the ranks and disgrace the old guard who have protected the Treasury against raids from all sides. The steadfast gentlemen who have staid the march of triumphant extravagance and confederated greed are now to be taken from the watch-towers—gentlemen who, while opposing no legitimate governmental project, have protected the people's money. There was no assailing of "uncrowned kings" when the Czars and Mikados of the opposition were in power.

I was struck yesterday, Mr. Speaker, with a statement which was interjected into the remarks of the distinguished gentleman from Pennsylvania [Mr. RANDALL] then occupying the floor by the gentleman from Wisconsin [Mr. BRAGG]. The gentleman from Wisconsin confronted him with the expenditures of the Committee on Appropriations on the sundry civil bill for the years from 1880 to 1886, endeavoring to show that under their administration these appropriations had fluctuated; one year they would be increased several millions of dollars as compared with the previous year. Here are the gentleman's figures, and I give them only in round millions, leaving out the odd thousands: For 1880, $17,000,000; for 1881, $22,000,000; for 1882, $22,000,000; for 1883, $25,000,000; for 1884, $23,000,000; for 1885,$22,000,000; and for 1886, $26,000,000.

With all the pressure from every department of this Government, with all the pressure from within and without, that the expenditures of this vast concern called the Federal Government have not increased more than that within that number of years is something extraordinary. It should be printed in letters of gold and put upon the walls of this House as a lasting memorial to the granite integrity and sterling honesty of the gentlemen controlling the Appropriations Committee. I venture the prediction, sir, that, if the affairs of this committee are disseminated, the gentleman from Wisconsin can not in the year 1890 give the figures and show such uniformity in the appropriations of this Government as is exhibited under the control of the Committee on Appropriations as at present authorized by the rules.

And now, sir, the singular spectacle is presented of a combined assault upon the citadel of the Appropriations Committee. The distinguished, determined, and able gentleman from Illinois [Mr. MORRISON] swings the broadax of alleged reform against it. And under the leadership of whom is this House asked to change its rules? This Democratic House is asked, under the leadership of the gentleman from Maine [Mr. REED], to break down the barriers between the public Treasury and those who would take from it dishonestly or imprudently, and we are asked to follow the combined leadership of the gentleman from Illinois and the gentleman from Maine in making the assault. It is an unnatural alliance, which we, on this side of the House, can not, in my opinion, safely follow.

I remember well, Mr. Speaker, the old and classical adage, "I fear the Greeks even when they come bringing gifts;" and I am a little apprehensive when I see the gentleman, who in the Forty-seventh Congress remained mute and dumb while these "uncrowned kings," as they have been designated, were dealing with the public Treasury of this country, now foremost in his zeal to break down the Appropriations Committee when the Democratic party is in power in the executive branch of this Government. I am extremely suspicious when I see the king himself of the Appropriations Committee in the Forty-seventh Congress, the gentleman from New York [Mr. HISCOCK], assail that committee now. When he occupied that position in the House himself there was no voice of warning to the people who were being duped by the Committee on Appropriations; but the moment he finds us in the majority here, when the onerous responsibilities of government are upon us, he wants the Appropriations Committee broken down. And in such a crisis, in such a state of affairs as exists in this Chamber, it is remarkable and most creditable to the patriotism and intelligence and the honesty of the distinguished gentleman from Massachusetts [Mr. LONG] and my scholarly and statesmanlike colleague from New Jersey [Mr. PHELPS], who were advocating and upholding the Appropriations Committee—I say it is creditable to their patriotism to find them taking the position they do. It shows, sir, that partisanship does not control honorable gentlemen in this House. It shows that there are men on the other side of this Chamber who believe that we are here to make rules of this House, which affect the whole law of the land and affect the people of this country, not for the benefit of a party but for the benefit of the people. I sincerely hope, not as a partisan or for any partisan advantage, but as one who believes in preserving the public funds, that this rule will not be adopted by the House. For necessary public works every dollar needed; not one cent for robbery and waste.

But in order to excite gentlemen on this side of the floor the river and harbor bill has been brought into the discussion and the singular logic applied to it that those of us who are opposed to large appropriations for rivers and harbors are monopolists. I have never during my short career in the last Congress voted against any bill that curbed the power of railroads, and voted for all that did. I have on the other hand uniformly voted against river and harbor bills. Why? Was it, Mr. Speaker, because I was opposed to making a canal at the Muscle Shoals in the Tennessee River to improve navigation and lessen the cost of transportation? No, sir! Was it because I am opposed to legitimate improvements that are necessary and give employment to honest labor? No, sir! But because I was opposed to attaching to these natural and legitimate projects, such as improving great rivers and harbors, hundreds of little pirate craft with leave to float into the Treasury of the Government at the public expense. If my time permitted there are one or two other considerations I would like very much to present.

Mr. HATCH. Will the gentleman from New Jersey allow me to ask him a question?

Mr. MCADOO. I understand my time has almost expired.

Mr. HATCH. I merely wish to ask the gentleman whether I understood him correctly as saying that the gross amount of appropriations for the support of the Government were only $22,000,000.

Mr. MCADOO. I was speaking of the appropriations in the sundry civil bill.

The SPEAKER. The time allotted to the gentleman from New Jersey has expired.

Mr. STORM. Mr. Speaker, I do not claim that our present system of House rules is perfect or even satisfactory, though it is only five years since they were revised by a very competent and experienced committee. They can and ought to be improved. But the most important changes recommended by the present Committee on Rules are not, in my opinion, the changes the people of this country desire.

Much has been said in this discussion about one-man power, and the undue influence of the Committee on Appropriations, and the embarrassment we labor under by being trammeled by our present rules.

These members want legislation "made easy" and their access to the public Treasury free from every impediment. I assert, Mr. Speaker, that the people demand no such thing of us. The personal importance, ambition, or convenience of members is not what the people are clamoring for. It is not the quantity but the quality of legislation that they are concerned about. They want every safeguard thrown around the public Treasury that wisdom and prudence can suggest. This House is about entering upon an experiment fraught with great danger to the public interests and to the political party on this side of the Chamber.

Has the past history of this committee been such as to warrant its pratical obliteration from the list of committees of the House? Has it not been for the last ten years the great protector of the public Treasury? Has it not compelled the practice of economy where it was not practiced before? Has it not within that period saved to the tax-payers more than $100,000,000, and turned out of power one of the great political parties of the country and put its opponents in power?

The abandonment of this agency that has proved to be a safe and reliable one for one which, to say the best, is of doubtful expediency, is not the part of wisdom.

That the country which is least governed is the best governed is a maxim in strict accord with the idea of true civil liberty. That the world is too much governed is equally true, and is especially true of us under our dual system of State and National Government. The Constitution of the United States has given to Congress a very few general powers of legislation. The great mass of legislative subjects has been reserved to the States themselves. Under our modern idea that this is a paternal Government, and that it is the duty of the Government to do something for everybody, a great deal of legislation is attempted that ought to find no place in our system.

Nine-tenths of the bills introduced into this House have no business here. The members who offer them know it. They are offered without the least expectation that they will become a law. The great mass of claims are mostly stale or fraudulent, and are kept alive here by claim agents and lobbyists without the knowledge or consent of the claimants in many cases. Pension bills by the thousand are introduced, after they have been carefully and patiently examined by the Bureau of Pensions—a bureau established for the very purpose of determining the merits of this class of claims. And general bills—those relating to general legislation—are often reported fifty times in one Congress. So when it is claimed that not 6 per cent. of the bills introduced are acted on, I think I may safely say that 6 per cent. is all that ought to be acted on.

Rules of parliamentary procedure are framed not only to facilitate legislation, but to protect the minority and the public Treasury. They ought to be framed before Congress enters upon the business of general legislation. They should be framed when the legislative mind is free from prejudice, feeling, or bias. It is too late when the ambition, greed, or prejudice of members is once excited. Great stress is laid on the assertion that we are "hampered" by our "iron-clad" rules; they have been styled in this debate as a "dead hand." Yet the chief value of these rules consists in the fact that they "hamper" just at the time when a hamper is necessary.

In this discussion it has been repeated again and again that the majority ought to do just what it pleases and when it pleases. That is the underlying thought running through the report of the majority of the committee. As an abstract proposition it may be true, but as applied to parliamentary law I deny it. And there are members of this House

favoring this change who will call on the gods to save them from the consequences of the change before this Congress shall expire. It is not true as applied to the most sacred rights of the people.

Under the Constitution of the United States one-fifth of the members of this House can compel the other four-fifths to go on the record on any vote. A majority can not expel a member, however clear the guilt which disqualifies him to sit with honorable men. It takes two-thirds to overcome the effects of a Presidential veto. And no amendment can be made to that instrument unless two-thirds of Congress or two-thirds of the several States propose it; then it can not become a part of the Constitution until ratified by three-fourths of the Legislatures or conventions of the several States, so that nine of the smallest States in the Union can make any change of that instrument impossible at present.

Here is "hampering" for you. For nearly a century we have been subject to "tyranny" of our patriotic ancestors. No one now would have the hardihood to deny that these propositions are among the most important in our admirable Constitution, and illustrate the profound wisdom and sagacity of its framers. They foresaw the time when passion would dethrone the reason, when prejudice would usurp the judgment, and provided for the emergency. Let us imitate their wisdom.

Ulysses, warned of the danger he would encounter in sailing by the isle of the sirens, filled the ears of his companions with wax, that they might not hear the sorcerous song of the sirens; he commanded that he should be bound by thongs to the mast of his ship, that he might not yield to the same enchanting spell. Let us do likewise; there are dangers ahead—the sorcerous isles of rivers and harbors, of service pensions, of public buildings, and wild schemes for depleting the public Treasury; and may we by the strong cords of parliamentary law be restrained from yielding. "Lead us not into temptation" should be our daily prayer. You have seen the storm of angry passion sweep this Hall; you have seen it wrought into such a pitch of excitement that it refused to hear read a respectful message from the President of the United States.

Both political parties in this House for many years have respected the rights of the minority by a provision that not less than two-thirds of its members should suspend the rules. Yet I have seen the time when each of the great political parties, when in the majority, has felt "hampered" by the rule which thus protected the minority.

I appeal to my political associates, upon whom new duties and responsibilities have been recently imposed. As a party we have entered upon a new era, which is to determine our future destiny. The people have trusted us because they mistrusted our opponents. The latter refused to reduce superfluous taxation. Instead of leaving the surplus of revenues in the pockets of the people, they allowed them to remain in the Treasury, a tempting source of danger and extravagance. As a party we have in the most solemn manner pledged ourselves to lift this unnecessary burden from the shoulders of the tax-payers.

Our President has honestly fulfilled his part of this pledge in his annual message. And are we, the direct representatives of the people, going to redeem our pledge? Adopt the proposed change of rules, and in my judgment you can not redeem your pledge and keep faith with the people, however sincerely you may desire. Our opponents at least handed over to us an overflowing treasury; and shall we, without reducing taxation one cent, find ourselves at the end of this Congress with a deficiency? A surplus of revenues is bad; a deficiency is worse.

The question of the distribution of the appropriations is not new. It was thoroughly discussed in 1880, on a report made by a very able committee. After a full discussion, this House preferred to stand by the old landmarks. Later, the same question was discussed in the Senate, with the like result. They declared that the unity of this important fiscal agency was essential to a wise economy in the appropriation of the public revenues. That the division of its duties among seven or eight committees, charged as most of them are with important general legislation, will not remedy, but enhance, the evils complained of.

When you divide responsibility you diminish the sense of it. One hundred men will do what fifty will not, fifty will do what ten will not, and ten will do what one will not.

Mr. Speaker, much has been said about the "undue influence" of certain members of the Appropriations Committee of this House. Every member of this House acquires his influence here by virtue of his natural endowment, improved by study, by experience, and by his position on some committee of the House. The first two sources of influence are inalienable. This body can not deprive their possessor of them. The influence and prominence due to his committee position can be taken away by the Speaker of this House. If the old committee has improperly used the powers which must necessarily belong to it, it is no reason for abolishing the committee, but for the removal of its members. The evil, instead of being remedied, is only intensified. For one "boss" committee we are to have seven or eight little "boss" committees. Mr. Speaker, I do not like bosses, but if we must have them, give us a competent, honest, and intelligent one. Napoleon said he would prefer one poor general to a half-dozen good ones. I prefer one good leader to a half-dozen, good or bad.

The SPEAKER. Ten minutes remain of the time of the gentleman from Pennsylvania [Mr. STORM].

Mr. STORM. I yield the balance of my time to my colleague [Mr. KELLEY]. I had promised him fifteen minutes, but, as I have not that time left now to yield him, I hope there will be no objection to his proceeding for the full fifteen minutes.

Mr. KELLEY. I hope the House will give me back the five minutes which my colleague gave me in its presence and which he has taken back again.

The SPEAKER. The gentleman from Pennsylvania [Mr. KELLEY] is entitled to ten minutes.

Mr. KELLEY. If I know myself I shall, so far as the limited time allowed me to discuss the questions before me will permit, discuss them without personal or partisan feeling. I am, I believe, a conservative man, and my habit is to bear the ills I meet rather than to fly to those I know not of. But patience and long suffering have made me feel that no rules which the majority of this House will adopt can be more oppressive than those it is now proposed to amend.

The legislation of a democratic republic of fifty millions of people of at least ordinary intelligence ought to be the result of deliberation. Our legislation is not deliberate. It is never preceded by deliberation. It is done by a few selected members. The mass of the members of this House can learn what has been done and why it was done only after it has been done. I think, sir, the ills existing rules inflict have been borne until they have become unendurable, and the House in duty to the country should emancipate itself.

Sir, it may be that the wisdom and honesty of the House are concentrated in a single committee thereof, but I do not believe it. I find myself one of three hundred and twenty-five chosen Representatives, who, I believe, present a fair average of the prosperous and intelligent men of their respective districts. If it is true that we need but fifteen men to determine what appropriations ought to be made, what existing offices ought to be abolished or reduced in consideration under the plea of economy, and what laws ought to be repealed or enacted, why not change our laws and save the pay of the other three hundred and ten members? If, sir, you have a better guarantee of integrity and intelligence in the case of a committee of fifteen, operating, so far as the public is concerned, in the dark, with a guardian at the door of the committee-room to prevent intruders from spying into the procedure, than you have with three hundred and twenty-five men, each directly responsible to an intelligent constituency, operating in the broadest electric light, with the representatives of the press eying them with the microscope and the telescope in order that every constituent may judge of the wisdom and integrity of their acts—if the secret committee offers the better guarantee I have miscalculated probabilities.

I believe there would be a larger sense of responsibility and more careful legislation in the broad gaze of the country by three hundred and twenty-five members, each feeling his direct responsibility, than is now done by the Committee on Appropriations, and I repeat that I am not saying anything personal or partisan. I am treating an old sore which I have probed time and again.

In the Forty-second Congress the Committee on Appropriations was a Republican committee. The last day of the session was the 10th of the month of July, and 12 o'clock had been fixed as the hour for adjournment. Suffering from hemorrhages, and prostrate almost to the last degree, I spent the evening before going from hotel to hotel and from lodging-house to lodging-house to awaken the consciences of the Republican members of the House, and in pursuance of this labor when the House came together I moved to recommit to the committee of conference an appropriation bill upon which a force bill had been placed as a rider under circumstances that justified me in saying that in view of the circumstances under which that rider had been put there, in view of the promises made to the minority, that if they would yield the position by which they could filibuster the session to its close the conference committee would abandon the force bill which had been put on in the Senate; that in view of these circumstances I felt justified in saying that in my judicial career I had sentenced to hard labor men who did not better fulfill the provisions of the statute of Pennsylvania for the punishment of false pretenses than the majority of that committee of conference had done in keeping that force bill there.

[Here the hammer fell.]

The SPEAKER. The ten minutes allowed to the gentleman from Pennsylvania have expired.

Mr. KELLEY. I have asked the House to give me the five minutes given me by my colleague in its presence and which were taken from me in its presence also.

The SPEAKER. If there be no objection the gentleman will be permitted to continue his remarks for five minutes.

Mr. CANNON. That is right; but I hope it will be five minutes after four when the general debate is closed.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] objects, unless there be an understanding that the debate shall not close till five minutes past four. Is that the understanding?

There was no objection.

Mr. KELLEY. I shall not detain the House by quoting my language on that occasion, but if gentlemen are curious enough they will find it in volume 91 of the Congressional Globe, which contains the proceedings of the second session of the Forty-second Congress. It is under the date of the 8th, but the incidents of which I speak occurred

on the 10th, for we had been in session on Saturday and Sunday, and instead of adjourning at 12 o'clock that day we adjourned at 8 o'clock that night, having freed ourselves and the majority from the reproach of having by false pretenses and deliberately false statements put a most objectionable rider upon an appropriation bill.

I denounce the habit of admitting riders as a most fruitful source of legislative meannesses and frauds. Sir, it was in 1871, after this House had defeated in half a dozen forms a proposition to increase the pay of members and give them back pay, that so many of the members of both Houses who, upon general reputation, were regarded as purists, came to feel themselves tainted and some of them to be so adjudged by their constituents. In the Senate, nobody knows how, a rider was put on an appropriation bill providing, among other things, for a slight increase of pensions; the amended bill came back to the House, and, under the plea that if we did not adopt it as amended we could not give $4 per month additional to each pensioner, we concurred in the amendment. Rather than deprive the pensioners of $4 each per month we agreed to take a few thousand dollars ourselves and to raise our pay from $5,000 to $7,500 per annum. [Laughter.]

There were those who let the money stand to their credit with the Sergeant-at-Arms until the gentlemen up there [pointing to the reporters' gallery] with their microscopes and telescopes had shown the country what had been going on; and then these conscientious gentlemen tried to return the money to the Treasury. But the Sergeant-at-Arms would not take it, as it had passed to their credit. Some of them concluded they would send it to religious, municipal, or benevolent bodies; one at least of the religious bodies asked: "Why do you give this money away?" "Well, we do not think we have a perfect title to it." Then the reply in at least the instance referred to was, "We do not want to receive that to which you doubt your own title;" and so the conscientious gentleman was compelled to keep the money. [Laughter.] But for that rider some gentlemen who went to their graves feeling disgraced and others who could not bear to speak of the matter or to hear it spoken of would have gone through the remainder of their lives proudly as they had walked before that bill was passed. Let us prohibit the possibility of such pernicious legislation.

To avert inquiry or doubt, I beg leave to say that I took that money and kept it; and the only threat I ever heard made against me in connection therewith was from a constituent, who said that if I had not been man enough to vote myself just pay, or, having taken it, had attempted to convert it into a matter of piety or philanthropy, he never would have voted for me again. [Laughter and applause.] I believed that I had earned the money; my constituents knew and said that I had; and with apparent unanimity they approved the act.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. KELLEY] has expired.

Mr. KELLEY. I was promised by the gentleman who is, I believe, to succeed me a brief portion of his time.

Mr. SPRINGER. I think we ought to have the rest of this statement by unanimous consent.

Mr. LORE. Will five minutes be enough for the gentleman from Pennsylvania?

Mr. KELLEY. You promised me ten.

Mr. LORE. Very well.

The SPEAKER. The gentleman will proceed for ten minutes in the time of the gentleman from Delaware [Mr. LORE].

Mr. KELLEY. On the 17th of April, 1879, in a controversy which will be found reported in volume 37 of the RECORD, again I defended the rights of the minority against the majority, when the Republican chairman of the Committee on Appropriations and leader of the House insisted that for the minority to filibuster in order to prevent the putting of an obnoxious rider on an appropriation bill was to invoke revolution. I have indicated to gentlemen where they can find this debate if they wish to consider it; I shall therefore not detain the House by reading it.

And now, when we are considering the revision of the rules, I ask that that may be done which, in the face of such influences, I have pleaded for fifteen years to have done by my own party—to give dignity to our legislation and to enable the people's representatives to know what they are doing when enacting laws. They can not do this while the rules permit riders to be put upon appropriation bills; and while under these rules no legislation can be effectively originated outside of the Committee on Appropriations, unless it be a bill which will command unanimous consent or a stray bill that may get a two-thirds vote or a pension bill. I include pension bills, because we have for several years by special order remitted the whole subject of pensions to a committee who bring up their bills at sessions held one night in each week, when ten or fifteen gentlemen decide what soldiers may have pensions and what soldiers may not.

I remember that not a great while ago, when the chairman of the Pension Committee was from Pennsylvania, and the House had confided the business to that committee and the few interested gentlemen who might meet it once a week, a story got abroad that no soldier who did not hail from Pennsylvania was getting a pension, or if one did it was by a system of log-rolling, when some member coming in at a night session and wanting a particular pension bill passed would object to other bills and demand a quorum until his point was yielded. So we find that there is no deliberation even on pension bills.

The gentleman from Indiana [Mr. HOLMAN] expressed earnestly the hope that we would not interfere with the blessed privilege on the part of the Committee on Appropriations to apply riders proposing to reduce expenditures.

Sir, I have a notion that the body of this House can tell whether a bill will reduce expenditures as well as the chairman of the Committee of the Whole or the Speaker can on having a rider suddenly brought to his attention. In some cases plausible phraseology is adopted which gives a measure the semblance of reducing expenditures, while in fact it is punishing somebody or some class of employés who have incurred the displeasure of the gentleman who presents the proposition and says it will effect a reduction of expenditures. Thus by this provision the House executes private malice. There have, I firmly believe, been such cases. I do not charge any member of the committee or of the House with having done anything of that kind deliberately. But plausible cases have been presented and acted on, and we should prevent their recurrence by repealing the provision under which they may occur. Let rules permit the House to legislate deliberately, and members to understand what they are doing when acting upon appropriation bills.

Gentlemen say if you send appropriations to committees having business in charge they will wait until the last days of the session, as the Appropriations Committee has done. Oh, no. If the Naval Committee presents a bill for building ships it will want its bill to get through, and you will have the work proposed by its bill and the scheme of appropriation, so much for this year and so much for each year until the work shall have been completed.

The report of the committee proposes to systematize appropriations, to adapt them to the work in hand. How is it now, sir? Appropriations are made of little more than enough in one year to repair the waste of the past winter. The committee in charge of the work could tell how much would be required. The Committee on Appropriations makes up its mind it will make a good campaign document if it does not appropriate this year as much as it did last year, and so it cuts down a little here and a little there, and more here and more there. In the matter of annual appropriations for public buildings and grounds they are often wasted in repairing the work left unfinished and exposed to the weather during the interval. I believe, sir, wisdom and a just sense of economy, and above all the preservation of purity and honor in the story of our legislation, invite the adoption of the change of rules proposed by the Committee on Rules.

The SPEAKER. The gentleman from Delaware [Mr. LORE] has fifty-three minutes of his time remaining.

Mr. LORE. Mr. Speaker, the very best test of any system of rules or laws is the application of them and the experience we have had under them. I came here a new member in the Forty-eighth Congress, and I may say, sir, the system of rules which we are now seeking to amend was then in operation, and the effect of that system, so far as I could learn, was legislative paralysis. It may be a strong term, but I will submit a very few facts and ask whether I speak correctly or not.

We will all agree that rules, whether they be of a general parliamentary character or have been specially passed to meet exigencies of the body for which they are adapted, have for their single end the passage of just legislation. Now, sir, did our rules promote that just legislation? After the Forty-eighth Congress met the committees were formed; they met in their respective committee-rooms day after day, week after week, working up the business which was committed to them by this House, and they reported to this House 8,290 bills. They came from the respective committees, and they were consigned to the Calendars of this House, which became for them the tomb of the Capulets; most of them were not heard of afterward. From the Senate there were 2,700 bills. I will not speak of them. So far as the House is concerned, we did not act upon a tithe of the bills presented. There were less than 800 of the 8,290 which came under the supervision of this House that were finally acted upon. Then, sir, nine-tenths of the time of the committees of the Forty-eighth Congress was wasted. We met week after week, month after month, and labored over the cases prepared, and reported bills to the House. They were put upon the Calendars and were there buried, to be brought in again and again in succeeding Congresses.

That was the operation of the rules which we now seek to amend. There was very little general legislation passed by the Forty-eighth Congress that affected our people to any marked extent that was not in the shape of riders on appropriation bills. I think I will not be contradicted in this statement. Then this legislative paralysis operated not only by impeding the passage of the bills reported to this House, but absolutely deprived this House of its legislative functions to say in general legislative bills what should be the policy of the country and what laws should or should not be adopted.

Such general legislation came in the shape of riders upon appropriation bills; and how were they passed? I will ask gentlemen who were with me in the Forty-eighth Congress how these measures were passed. Why, sir, in a number of cases under a suspension of the rules; forced through the House with no opportunity for fair and full consideration

at the hands of the House in any respect. Some of these appropriation bills upon which the riders were fastened came in here in the closing hours of the session, and then, under a suspension of the rules, were forced through the House. Why, I saw the distinguished gentleman from Pennsylvania [Mr. RANDALL] in the very closing hours of the Forty-eighth Congress standing there in front of the Speaker's desk with all his masterful power beseeching the House of Representatives to pass the sundry civil bill in order to obviate the necessity of an extra session of Congress. Am I not justified in saying there was absolutely a legislative paralysis prevailing in the Forty-eighth Congress?

Am I speaking too strongly? Am I not fully warranted in the assertion by the facts? Why was it? It was not because the people did not want legislation. From one end of this land to the other there was a demand for legislation. The great commercial interests of the country demanded a regulation of transportation on our great commercial highways; the country demanded action on the Presidential succession, the building up of a navy, the fortification of our coasts, and I might enumerate measures that were demanded by public interests until they were piled up here to an appalling height. All of these came from the people, and they asked us for legislation. It was not, then, the fault of the people.

I will ask whose was the fault? Was it the fault of the members of this House? I have seen them thronging that area in front of the Speaker's desk asking to be recognized for the consideration of important measures, but they were not recognized because under the rules one man could say "I object," and unless by unanimous consent, or by a suspension of the rules of this House, there would be no opportunity to get a bill before the House for its consideration. I have seen three hundred and ten members of the House asking recognition, asking that they might be heard in support of their measures and that a majority of their confreres might pass upon these measures of public policy, but they were not even permitted to be heard.

Nor, Mr. Speaker, was it the fault of the man who presided over the deliberations of this body in the Forty-eighth Congress. Whenever a parliamentary question was raised it was decided with a promptness and impartiality that challenged alike the favorable comment of opponents as well as political friends. Then again I say, why this legislative paralysis? Why could nothing be done that the people demanded?

If the members of this House desired legislation, and if there was no fault in the promptness or the efficiency of the Speaker, why did we not secure needed legislation? I will submit to the members who were here in that Congress that the fault is chargeable to the system of rules which we are now asking the House to amend.

Sir, if I were to select from mythology a fit type for the House of Representatives of the Forty-eighth Congress under that system of rules which paralyzed the power of the House, prevented the transaction of business, and centralized power in the hands of the Appropriations Committee, I should take the classic figure of Laocoon and his two sons struggling and writhing in the folds of the serpents and hold it up a true symbol. The rules operated in this way: Your bills were placed upon these Calendars, and then, unless by unanimous consent, you could never reach them. There was always some one in the House ready to object unless the measure was one of the utmost insignificance or lack of interest, a measure which nobody knew anything about and about which nobody cared anything; but whenever a matter of grave public interest came up, a matter which affected the interests of the people, there was always some man who raised his voice against it, and most potently, by the simple words, "I object," and that was an end of the effort on the part of the House.

There were certain days, it is true, in which we might come in under a suspension of the rules and reach matters of public concern, but so infrequent as to avail little. The Committee on Rules now ask us to amend the old rules in such way as will relieve us of the incubus that sat upon us. The amendments, as I understand them, work such changes as will relieve the last-named difficulty. It gives us one hour to call the committees for the purpose of considering such measures as they may deem of public importance, or by which the public will be benefited. It lets the House have the opportunity to pass upon just and proper legislation. Another and a very important one is that when we are in Committee of the Whole House we can pass over a bill and take up the next one without the formality of rising and going back into the House, disposing of the question there, and then back into the Committee of the Whole again. This manifestly will greatly facilitate the transaction of business.

Another amendment proposed by the committee strikes at the powers of the Committee on Appropriations, and has justly provoked criticism in the House. I allude to the amendment distributing the appropriation bills. Permit me to say, sir, that I am heartily in favor of that distribution. I do not yield to any man in this House in my regard and respect for members of the last Appropriations Committee or such a committee as you may see fit to create under your power in the present House, which I know will be wisely exercised. But I believe the distribution of these bills will effect a needed change in the policy and in the mode of administering the affairs of the House. And let me suggest some of the methods. In the first place, what is the proposition? To distribute the appropriations bills among the committees of the House. Why, the Committee on Appropriations have heretofore adopted this very plan. It consisted of fifteen members. That committee of fifteen is subdivided into five subcommittees of three, to whom, and to whom alone, is given the entire consideration of the subject-matter of the various bills which are reported to the House by this committee.

Now we propose, instead of letting the Committee on Appropriations divide up these bills among their members, that this House shall divide the bills up among committees consisting of fifteen members each. Is it not better, considering the policy of our Government, that we should have fifteen members—wise, active, intelligent, zealous, particularly qualified for the special work—who may examine carefully and thoroughly in their committee-room every bill that is presented to them? Are not fifteen men thus selected from this House better than three of a subcommittee of the Committee on Appropriations to digest the naval appropriation bill or the Army bill? You have the benefit of the experience of fifteen men. You diffuse the knowledge of the subject among those fifteen men.

Let me ask you again, is it not in the very nature of things reasonable and just that fifteen men who have had the matter of the building up of the Navy as the one theme for their investigation during the entire session of Congress, who understand the needs of that branch of the Government, who know equally well what methods to adopt in order to economize in one place or to enlarge in another—is it not reasonable that in their hands the naval appropriation bill would receive the most intelligent consideration? It is only the men who understand the necessity that is laid upon the people for the enlargement of any particular branch of our Government that can intelligently lop off in one place or enlarge in another.

In giving the bill to fifteen men of equal intelligence instead of the subcommittee of three we are carrying out the identical policy inaugurated by the Committee on Appropriations; but we do it through the Speaker of this House and the members of this House instead of through the chairman of the Committee on Appropriations, whoever he may be. I submit that upon that point we shall gain not only in numbers but in that careful and thorough analysis and investigation of the subject that will enable these committees intelligently to frame laws to meet the necessities of the Departments in the subject-matters intrusted to their care.

But there is another point, and it is one which has been mooted and considered in this House. Distribute these appropriation bills and take away the power of putting riders on them, and at once the appropriations cease to be a matter of much controversy either one way or another. They are simply the aggregation of the expenses needed for any Department. There will be no contest about them; they will be introduced one day and probably in two or three days will pass without opposition. The very subject of contention, the general legislation, the riders you have attached to the respective bills, will be removed from them, and they will be passed without much difficulty.

Another advantage will be gained. The very rivalry existing between these committees will promote legislation in this respect. It will secure earlier reports by the respective committees to this House. Having nothing to do with general legislation, having simply to receive the estimates from the respective Departments, which they formulate into shape and present, there will be no need of holding the bills off till the last hours of the session of Congress and then pressing them for passage under a suspension of the rules; but they will be introduced in due season, and there will be an opportunity for members of this House fairly and fully to consider and discuss every provision of them.

I am not afraid of the clashing that is so much apprehended by the gentlemen on this floor between these rival committees struggling to get precedence on this floor, and for this reason: Stripped of their riders, as these bills will be, there will be no necessity for struggling. They will come in in the ordinary methodical course of business. They will be passed as any other financial bill is passed, without much comment, unless they embrace some novel experiment, some new feature, or some topic like the creation of a navy or the coast fortifications, which in themselves become a matter of needed consideration. But they will be here early, the rivalry will not take place, and this House will be able to exercise one of its prerogatives which in the Forty-eighth Congress we had no power to exercise—it will have the opportunity of considering the measures carefully and with ample time at their disposal.

I submit on these grounds that the distribution of the appropriations among the several committees having the particular subject-matters in charge is a wise and judicious thing. I see no other mode of getting out of this legislative labyrinth than by the thread of common sense and amendment which has been thrown into it by the Committee on Rules. By means of this we may get out of it. We want no shirt of Nessus investing this House. We mean to be free. This nation has grown too large and this House too wise for that expedient.

Nor am I afraid of the phantom that our friend from Indiana [Mr. HOLMAN] has with great and masterly, I may say with consummate, skill held up before other Congresses and this Congress. Like the terrific ghost of Banquo, it will not down, but is ever by his side. Increase of the expenditures has been the argument that has been used again

and again. It is the one argument upon which opposition to the amendment of the rules rests. I will ask is there a basis for this apprehension? I am not afraid of a reasonable expenditure. I am sometimes afraid that in the intense zeal of the gentleman who sits at the door of the Treasury in this House he forgets there is another word in the English language, and that parsimony sometimes passes for economy.

Economy is wise; but it means the best use of the money to accomplish an end. It is not economy to take an estimate of $20,000,000, sent in by one of the Departments, and pare it down $5,000,000, without any regard to the necessities of our Government. That is not the true method of reaching a just conclusion. I agree fully with the member from Texas [Mr. WELLBORN], that the test and the only reasonable test by which we are to measure our appropriations is the necessary wants of the Government in the respective Departments upon a strictly economical basis; and the American people will not be deluded by cries of "economy." Whenever justly you ask them for the sum needed for any arm of the service they will respond with ready zeal and will not cavil over a small amount.

I agree fully with the gentleman from Texas that the amount demanded should be commensurate with the absolute needs of the respective Departments. Why, sir, the subcommittee of the Committee on Appropriations receives the estimates from the Departments. Under the change proposed your committee of fifteen charged with the jurisdiction of the particular subject will receive the estimates from precisely the same quarter. They will bring to the adjustment of the question the intelligence resulting from the inquiry of fifteen men during, perhaps, the entire session. Instead of the paring process of cutting down $20,000,000 to $15,000,000, or, *vice versa*, the enlargement of $15,000,000 to $20,000,000, the appropriations will be measured by the just wants of each respective Department.

I am not sure but that in the effort of some gentlemen on this floor to magnify the fiscal concerns of this nation we have forgotten that we have other and more important functions. While I would not in any way depreciate the necessity of watching carefully and thoroughly the finances of our country, yet I submit the questions how we shall get money and how we shall spend money are not all that three hundred and twenty-five men are sent here for. There are other needs.

This country of ours is broad; and I sometimes fear that the dwarfing of our legislation into the mere financial circle may have resulted in producing just the two classes of statesmen who in the past have grown as fungi on our body-politic: First, the class of men who imagine that a dollar when it is about to be taken from the public Treasury, unless for their own districts, is about as large as the moon; and another class of men, whoever they may be, who would open up all the avenues to the Treasury and cause streams of gold and silver to flow out into the pockets of the people everywhere. But the happy and the true medium is between these two classes of exaggerated statesmen. There are other matters in which we have an abiding interest besides simply the finances of the country.

The suggestion has been made, "Divide up these committees, and immediately you will have a system of log-rolling." But if you take away the right to place riders on appropriations bills, that system of log-rolling will be, to some extent, broken up. The committees having charge of appropriations will have no need of log-rolling, because they will measure their appropriations by the exact demands of the Government, and when they ask only that which the Government needs the American people will give readily.

But, sir, that objection has as its substratum an idea which I apprehend no man is willing to place himself upon in this House; that is, either the mental imbecility or the moral untrustworthiness of the other members of this House. Accredit the remaining three hundred and ten members of the House with intelligence, with moral probity, and you may safely trust these measures in their hands. Log-rolling need no more prevail then than under any other possible system. And, as a member on my right suggests, the very rules you are asked now to amend originated this practice of log-rolling. It is a fungus that grew upon legislative proceedings under them—an outgrowth of the system that is now hampering this House.

I find that my time is rapidly passing, and, as there is another gentleman to speak in the hour, I will therefore say but a word in conclusion. These amendments of the Committee on Rules commend themselves to me because they will open a door by which the younger members on this floor may have some opportunity to get before the House measures which their constituents are anxious to have considered. Again, bear in mind that these amendments are recommended to the House by a committee embracing five old and experienced members—the Speaker and the distinguished gentlemen from Pennsylvania, from Illinois, from Maine, and from New York—five able and experienced men, who certainly ought to know something about legislation. They recommend four to one the change in these rules. Who are the wiser? If you test the question by experience and by numbers, apart from the argument, this committee stands four to one, and the members joining in the majority report are gentlemen of large experience, of incorruptible integrity, and men possibly who know and are willing to take the consequences.

But suppose it did lead to a little enlargement of legislation and expenditure, would my friend from Indiana come here and wear his boy's roundabout which he has outgrown and when he has come to man's stature? Would he take his old coat split up the back like a locust? No; but he would go to a tailor and have made and put on a new coat meeting his present necessities and growth. In 1789 $3,000,000 met all our national expenses; in 1884 it had grown to $300,000,000. If we grow our appropriations will grow; if we expand we will throw away our old clothes, and we will not let our progress in the future be blocked by moss-grown and unsuitable rules and regulations. I am in favor of adopting the course which wisdom suggests, and therefore shall support the proposed revision of the rules.

I will yield the rest of my time to the gentleman from Missouri [Mr. HATCH].

The SPEAKER. The gentleman from Missouri [Mr. HATCH] is entitled to twenty-five minutes.

Mr. HATCH. Mr. Speaker, I have listened with a good deal of interest to the entire discussion on the report of the Committee on Rules, and especially that portion of the debate sustaining the views of the minority. I have heard an immense number of predictions, a great deal of prophesying, to sustain the views of the minority, but I have yet to hear one single legislative fact stated in their support. There has been a great deal of talk about what will or may happen to the country and this House.

For the past few years we have had the opportunity to test the proposition presented by the Committee on Rules, and I challenge the gentleman from Pennsylvania [Mr. RANDALL] or any other gentleman sustaining that minority report to present one single fact or number of facts to sustain him in the general assertion he makes in his report that the distribution of appropriation bills to committees having jurisdiction of the subject-matters of those bills have resulted either in extravagance or increased appropriations, except increased as the bills reported to the House from the Committee on Appropriations have been increased on account of the growth and prosperity of the country.

I shall occupy the few minutes of the time of the House allotted to me in presenting some dry statistics to be found on record. In the Forty-sixth Congress the Committee on Agriculture was charged for the first time with reporting the agricultural appropriation bill. The gentleman from Pennsylvania [Mr. RANDALL], in his remarks day before yesterday in sustaining his minority report before this House, said nothing about the history of the five appropriation bills which that Committee on Agriculture had reported and which have become laws by the action of the House and Senate.

What are the facts? When the Committee on Agriculture in the Forty-sixth Congress was first given jurisdiction over the agricultural appropriation bill they found that under the fostering care, under the rules and principles of economy which had governed the Committee on Appropriations, there had been allowed to be built up by annual appropriations three or four separate and distinct peripatetic commissions, which were charged to the Agricultural Department first in one form and then in another. The gentleman from Pennsylvania will remember the grasshopper commission and the sugar-experiment commission.

Mr. RANDALL. Not by me.

Mr. HATCH. You were on the committee and you kept them alive. You need not shake your head at it; you are responsible for it as much as any member of the committee, whether you voted for it in committee or not. You remember another commission located in the Treasury Department to keep up quarantine stations on the seacoast for animals imported into this country—all these gentlemen drawing magnificent salaries, with quarters in Washington, surrounded by a retinue of clerks, and nothing on the face of God's earth to do except make a written report once in twelve months. The first thing the Agricultural Committee did was to strike them down and "wipe them out" and concentrate the agricultural business of the country in the Department of Agriculture.

That committee in the five years it has had charge of this bill has done more for the interest of agriculture than the Committee on Appropriations has done for the last fifty years. The last bill reported by the Committee on Appropriations for the support of the agricultural interests of this country was in 1879, and amounted to $215,900. About sixty-five or seventy thousand dollars were appropriated outside of that to these extra commissions. The first bill reported by the Committee on Agriculture of this House was in 1880, for $212,000; in 1881, $264,300, and in 1882 there were placed on that bill separate and special appropriations amounting to $40,000, which made the bill for that year $371,500.

In 1883 we had $50,000 of special appropriations under the special recommendation of the Commissioner and the President, and also $80,000 for collecting agricultural statistics, which made the bill $487,080. In 1884 the bill amounted to $428,140, including $80,000 again for the statistical division; in 1885, $677,690, including the amount of $150,000, which passed this House as an appropriation in the animal-industry bill, and which ought not to be chargeable to the annual agricultural appropriation bill, and also $100,000 for the statistical division, which was strongly and earnestly urged by the Commissioner and approved by Congress. The bill creating a Bureau of Animal Industry was a

separate and distinct measure. It was brought before this House and after a consideration which extended over nearly thirty days was passed by the House. Afterward it passed the Senate and became a law. In the bill making appropriations for the fiscal year ending July 1, 1886, we reduced the aggregrate amounts to $598,438, including an appropriation to the Bureau of Animal Industry of $100,000 and reducing the appropriation for the statistical division to $75,000.

The tabular statement which I hold in my hand, and which I ask leave to print without reading it entire, shows all the appropriations to this Department proper from the year 1877 to 1886, inclusive.

Department of Agriculture.

Objects of appropriation.	Appropriations for fiscal years ending June 30—										
	1877.	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.	1886.	Aggregate.
Regular appropriations:	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
Salaries	67,836 96	65,640 00	66,900 00	66,900 00	69,200 00	79,500 00	102,580 00	127,640 00	137,590 00	137,590 00	921,376 96
Collecting agricultural statistics	10,000 00	15,000 00	10,000 00	10,000 00	10,000 00	10,000 00	80,000 00	80,000 00	100,000 00	75,000 00	400,000 00
Laboratory	1,300 00	1,000 00	1,500 00	1,500 00	4,000 00	6,000 00	6,000 00	*16,000 00	*50,000 00	*40,000 00	127,300 00
Purchase, &c., of valuable seeds	63,000 00	75,000 00	75,000 00	75,000 00	72,000 00	80,000 00	80,000 00	75,000 00	100,000 00	100,000 00	795,000 00
Tea-culture					5,000 00	10,000 00	5,000 00		3,000 00	3,000 00	26,000 00
Experimental garden	5,000 00	4,000 00	7,000 00	6,600 00	7,600 00	7,000 00	7,500 00	7,500 00	7,350 00	8,200 00	67,750 00
Museum	2,000 00	1,500 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	11,500 00
Furniture, cases, and repairs	2,000 00	4,500 00	4,000 00	4,000 00	5,000 00	4,000 00	6,700 00	6,000 00	6,000 00	7,500 00	49,700 00
Library	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,500 00	1,500 00	1,500 00	1,500 00	12,000 00
Investigating the history of insects			10,000 00	5,000 00	5,000 00	20,000 00	20,000 00	20,000 00	20,000 00	25,000 00	125,000 00
Examination of wool and animal fibers					4,000 00	5,000 00	10,000 00				19,000 00
Investigating the diseases of swine			10,000 00	10,000 00	10,000 00	25,000 00	25,000 00	25,000 00			105,000 00
Experiments in manufacture of sugar					7,500 00	35,000 00	25,000 00				67,500 00
Reclamation of arid and waste lands					20,000 00	10,000 00	20,000 00	10,000 00			60,000 00
Report on forestry	2,000 00	2,500 00			5,000 00	5,000 00	10,000 00	10,000 00	10,000 00	10,000 00	54,500 00
Postage	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	4,000 00	40,000 00
Contingent expenses	10,000 00	8,000 00	8,000 00	8,000 00	10,000 00	10,000 00	15,000 00	14,000 00	15,000 00	15,000 00	113,000 00
Improvement of grounds	6,550 00	6,500 00	6,500 00	6,500 00	5,000 00	8,000 00	8,000 00	8,000 00	9,750 00	8,000 00	72,800 00
Bureau of Animal Industry									150,000 00	100,000 00	250,000 00
Silk-culture									15,000 00	15,000 00	80,000 00
Quarantine stations for neat cattle									25,000 00	30,000 00	55,000 00
Printing and binding	9,000 00	9,000 00	11,000 00	11,000 00	11,000 00	11,000 00	15,000 00	20,000 00	22,500 00	17,662 00	137,162 00
Totals	183,686 96	197,640 00	215,900 00	210,500 00	256,300 00	331,500 00	442,280 00	425,640 00	667,690 00	598,452 00	3,539,589 96
Special appropriations:											
Data respecting agricultural needs of arid regions, &c					5,000 00	5,000 00					10,000 00
Erecting buildings for display of agricultural implements						10,000 00					10,000 00
Transportation, &c., of exhibits from Atlanta, Ga						5,000 00					5,000 00
Purchase, &c., of seeds	20,000 00	20,000 00				20,000 00	20,000 00				80,000 00
Erecting stable				1,500 00							1,500 00
Erecting building for seed division							25,000 00				25,000 00
Preparing pamphlet on husbandry of Angora goat							500 00				500 00
International Industrial Exposition, Paris		10,000 00									10,000 00
Experiments in varieties and culture of cotton					3,000 00						3,000 00
Building greenhouse								2,500 00			2,500 00
Total	20,000 00	30,000 00		1,500 00	8,000 00	40,000 00	45,500 00	2,500 00			147,500 00
Gross amount of each appropriation bill from 1877 to 1886, inclusive	203,686 96	227,640 00	215,900 00	212,000 00	264,300 00	371,500 00	487,780 00	428,140 00	677,690 00	598,452 00	3,687,089 96

*Including sugar experiments.

So that the annual increase in the agricultural appropriation bill during these five years has been less than that of other general appropriation bills for any Department of the Government that has been reported to this House. Why, my friends, what do you think of the gentleman's attack in this report upon this great industry of agriculture, that never had outside of these special appropriations over about $400,000 per annum, when in a bill reported by him at the last session of Congress, and which he asked the House to pass under a suspension of the rules, there are two items, one for the World's Industrial Exposition at New Orleans, La., $300,000, and the expositions at Cincinnati and Louisville, $20,000, or a total of $320,000 in two single items? And appropriated to what? Simply to a private enterprise, to a local enterprise; appropriations that ought never to have passed this House, in my judgment, and which I steadily voted against for six years.

What is this Department of Agriculture and what does it represent, this great industry that costs between $450,000 to $500,000 per annum? What is it? Let me call the attention of the House to a few figures:

Our largest total exports in a single year were during the twelve months ended June 30, 1881, when they were, excluding specie, valued at $883,925,947. For the last five years an average of 78.42 per cent. of these exports has consisted of agricultural products. The value of wheat exports for the last twenty-four years was $1,600,000,000, and of flour $700,000,000. Since the war closed 55,000,000 bales of cotton, valued at over $3,400,000,000, have been exported.

For the last twenty-five years one-fourth of our products of agriculture, an industry in which half our people are engaged, have been sent abroad. The carrying of these exports to seaboard by rail and water gave 80,000,000 tons of freight to our carrying companies in ten years, representing to them a business of $800,000,000. These exports for the last ten years amounted to $7,000,000,000, Great Britain taking about four-sevenths of the whole, or $3,933,000,000.

For the ten years ended June 30, 1884, Great Britain took about 565,000,000 bushels of wheat out of an export of 920,000,000 bushels; 31,000,000 of 59,000,000 barrels of wheat flour; 445,000,000 of 640,000,000 bushels of Indian corn, and $1,200,000,000 worth out of $2,000,000,000 worth of cotton. Three-fourths of our exports are agricultural products, and of these England takes about two-thirds, or about one-half of the whole.

This is the great industry of the country, and this is the number of our population engaged in and interested in it which gets from the Government in these annual bills the beggarly sum of about $500,000, and that has been increased to that amount by these special acts creating the Bureau of Animal Industry for the protection of the live-stock of the country, and the $100,000 which we reduced in the last appropriation bill to $75,000 for the Statistical Bureau.

Now, I desire to call attention of the House to this record of facts. The first bill presented to the Forty-eighth Congress from the Committee on Agriculture, of which I had the honor to be chairman, passed the House, having been reported previously, on the 4th day of April, 1884. That bill consumed in this House about thirty-five or forty minutes in its consideration, but one single amendment having been offered to the bill as it came from the committee, and that by Mr. Vance, of North Carolina, who moved to increase the seed appropriation from $75,000 to $100,000 on account of the increased membership of the House. When that bill was placed before the House on its final passage there were ayes 211, noes none.

Not a single vote in the House of Representatives was recorded against it, while we find recorded for it, "ay," in the affirmative, the names of the gentleman from Pennsylvania [Mr. RANDALL] and that of the gentleman from Indiana [Mr. HOLMAN]. They had no objection to that bill. They did not object to an item in it; if they did, they ought never to have voted for it. It passed the Senate almost unchallenged, and came back here with but two or three Senate amendments. The conference between the two Houses occupied but a few minutes, and it came back to the House and became a law. In the last session of Congress the bill was reported by the Committee on Agriculture, and passed the House with but one single vote in the negative and without a single amendment offered to it. It passed the Senate substantially in the same way. It passed both the House and the Senate unchallenged and uncriticised. Can the gentleman from Pennsylvania say the same of any appropriation bill that ever emanated from the Committee on Appropriations?

The fact of it is, that these bills had been so carefully considered by the Committee on Agriculture, that committee having such close relations with the Department of Agriculture, its individual members investigating and acquainting themselves with the working of every single division and bureau of that Department, that when this bill is

perfected and presented here it commands the approbation of the House and passes without challenge.

But that is an agricultural appropriation bill. It affects the great agricultural interests of the country, and there are certain gentlemen upon the floor of this House who, when they look at any measure and can not see in it increased revenues or protection to some manufacturing industry, will not support it.

I claim that the distribution of these appropriation bills will result in no increased or extravagant expenditures, but, on the contrary, that we will have economical, well-considered, and intelligent appropriation bills, and further than that, this House will have the opportunity of giving them consideration. I have nothing in the world to say, and do not propose to say anything, that can be construed into a reflection upon the *personnel* of the Committee on Appropriations.

For some of the gentlemen on that committee I have the highest esteem and the warmest personal attachment, but I do not believe it is in the power of any fifteen men that can be selected in this House to properly consider all these appropriation bills and to give the House the opportunity of considering them too. I do not believe that any fifteen men of this House are so very much larger, either intellectually or in any other way, than any other fifteen men in the House. The fact is, since I became a member of the House of Representatives I have had more than one idol shattered. My experience is that these self-exalted great men of the House of Representatives grow small by degrees and beautifully less as you get close to them. For the benefit of some of the younger members, the new members who are here for the first time, I want to relate some of my experience in these matters.

The gentleman from Pennsylvania [Mr. RANDALL] and the gentleman from Indiana [Mr. HOLMAN] sound the note of alarm. They say that there is great danger in trusting any other fifteen men in this House than the fifteen placed on the Committee of Appropriations. Well, I undertake to say that it is utterly impossible that the ingenuity of man can suggest a change to these rules, so far as the appropriation bills are concerned, that will not be for the better. It is utterly impossible to make a set of rules worse than the set of rules we have been working under for the last two Congresses. I witnessed a scene here in the concluding hours of the last Congress that ought to put every member of this House to shame who will by his vote in any way render it possible that that scene shall ever be repeated again.

Let me give you the dates. Here is a bill reported by the gentleman from Pennsylvania the chairman of the Committee on Appropriations on the 23d day of February, 1885, appropriating $22,200,177.22, and the House was asked on that late day in the session, the session closing by constitutional enactment on the 4th of March, to pass that bill under a suspension of the rules; and not one single item, except the two excepted in his original proposition, that any member of this House could have the opprtunity of amending or proposing to amend.

I do not care what may happen under this revision of the rules. A more vicious system of legislation can never be interjected into this House. The gentleman from Pennsylvania knows that on that last night, between sundown on the 3d of March and 12 o'clock on the 4th of March, appropriation bills aggregating at least $50,000,000 or perhaps $100,000,000, passed this House without the opportunity of a single member having the chance to consider them or to offer an amendment. And, worse than that, the late President of the United States was compelled within a few moments of the end of his term to sign money bills appropriating and distributing nearly $100,000,000 of the people's money without ever reading the titles of the bills. He had no opportunity of considering them; he did not even know the titles of the bills which he signed, but simply signed them blindfold. But I give notice to the gentleman from Pennsylvania and this House, that unless I am wofully mistaken you have a President of the United States now whom you can not blindfold and make sign bills appropriating fifty millions of the people's money without seeing their captions. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HATCH. I understood I had thirty-three minutes and I have only spoken about twenty.

The SPEAKER. The gentleman was entitled to twenty-three minutes.

Mr. CULBERSON. I ask that the gentleman's time be extended.

Mr. HATCH. I do not ask for an extension of time. The gentleman from Texas [Mr. MILLS] offered me five or ten minutes of his hour, and I ask the courtesy of having that time now so as to continue my remarks.

Mr. RANDALL. Where does the hour of the gentleman from Texas come in?

The SPEAKER. The next hour will be occupied by gentlemen in opposition to the report. The gentleman from Wisconsin [Mr. CASWELL] has the floor.

Mr. BRECKINRIDGE, of Arkansas. I ask that the gentleman from Missouri may have ten minutes additional time.

The SPEAKER. If there be no objection the time of the gentleman from Missouri will be extended for ten minutes.

Several members objected.

The SPEAKER. The Chair understands there is objection unless the time for closing general debate is extended.

Objection was made.

Mr. HATCH. I believe in the six years I have served in this House I have never failed to extend the courtesy I have now asked to every member that claimed it. I believe this is the first time in my Congressional life that I have asked the courtesy of an extension of ten minutes, and I am exceedingly obliged to the kindness of the gentlemen who have refused it.

Mr. CASWELL. I have not served long enough upon the Appropriations Committee to merit any degree of censure I trust, but I have served long enough to understand that these charges and this arraignment of that committee which have been made here upon the floor of this House are to a large extent unfounded and without justification.

There is a great portion of that report which I am not here to oppose; there are only two paragraphs in it to which I find objection; one is the distribution of the jurisdiction of the Appropriations Committee to several other committees; and the other is the readoption of that provision which permits the Appropriations Committee to ingraft upon appropriation bills the contingent expenses that may arise in the several Departments. So long as you retain that paragraph, so long you preserve the very cause of the mischief.

If the other amendments proposed by this committee had been adopted six years ago we would not have found ourselves in the dilemma in which we are to-day. As has been often and correctly said by members in this debate, the great mischief arises not from any mismanagement on the part of the Appropriations Committee, not from any excess of power that has been vested in them with reference to appropriations, but from this mischievous practice of ingrafting upon appropriation bills legislation in its various forms. I want to declare my opposition to placing upon an appropriation bill any legislation at all. Sir, upon my theory the Appropriations Committee should be divested of all authority to ingraft upon an appropriation bill and bring into the House any measures of legislation. Are gentlemen aware of the extent of this mischief?

Why, sir, the gentleman from Georgia who spoke yesterday in favor of the adoption of this report said that the great cause of the trouble here was the delay in presenting appropriation bills, and that this was owing to the legislation ingrafted upon them. I think he was right in his statement. Adopting the proposed amendment in this respect, we strike down this power of legislation on appropriation bills, and leave the Committee on Appropriations to perform its legitimate functions; nothing more. My idea is that the legislative committees of this House and the committee that metes out the money that is to execute these laws should be kept separate and distinct.

We listened yesterday to a very eloquent speech of the gentleman from Texas [Mr. WELLBORN] upon the centralization of power. He seems to think that all power in this House under the rules as they have existed has been concentrated in the Appropriations Committee. I tell the gentleman I am opposed to the centralization of power as much as he, and I presume every member on this floor is opposed to it. But, sir, his proposition would centralize in eight or ten committees of this House not only legislative authority, but the authority to propose appropriations to execute the very laws they have framed.

Gentlemen talk about the arbitrary power of the Committee on Appropriations and the arbitrary manner in which it has been exercised. I wish to say to them that those charges are very much overstated and lack facts as a basis. Why, sir, we must place power in some of the departments of this House if we would carry on its business. I undertake to say that the Speaker of this House occupies a place which gives him more power than any other man this side of the Chief Executive of the Government, and properly so; otherwise he could not execute the duties of presiding officer of this great body of men, who are here trying to transact the public business. So it is necessary that whatever committee may have charge of the appropriations for the Government should have the right to present their bills and secure their passage in preference to other business; otherwise the whole machinery of the Government might be obstructed.

Why, sir, if this committee is authorized simply to audit the accounts of the Government and prepare the appropriation bills—nothing more—it has less power than many of the other committees on this floor; and I do not understand what gentlemen mean when they speak of all the wisdom of this House being embodied in the Appropriations Committee. What occasion have they to make such remarks? Why, sir, I presume there are gentlemen who have been members of the Appropriations Committee who could not perform the duties required upon the Judiciary Committee—who could not perform well the duties of a member of the Committee on Naval Affairs. But that is no reason why we should say that the Judiciary Committee or the Naval Committee embodies the wisdom of the House. The question is simply whether we shall preserve a finance committee who shall pass upon all the great appropriations of this Government and provide for its expenditures. The question is not one of *personnel* at all, but whether we shall maintain at the gates of the Treasury a committee specially authorized to examine the disbursements of the several Executive Departments and see that they are kept within proper limits.

Some gentleman says that the principal objection to this power which

the Committee on Appropriations has exercised is in the fact that they have without proper reason withheld from the House their appropriation bills. Is that true? Is there really any cause for that complaint? I think not. My able friend from New York [Mr. HISCOCK], in his eloquent speech of yesterday, confessed that on one occasion he exercised the power to hold back an appropriation bill. He confessed it partly in humiliation and partly in self-approval. Yet I undertake to say that his action on that occasion was perfectly justifiable, as all who were then here will remember.

The fact was simply this, that he held back the deficiency bill for the purpose of keeping here a quorum of the House; for on an appropriation bill, upon which the yeas and nays were required under the rules, there must be a quorum voting or the bill would fail. He held back that appropriation bill, with the approval of most of the members here, for the purpose of retaining a quorum on this floor. But, gentlemen, there was another reason, which he did not mention, for his holding back that bill. I remember well that the Ways and Means Committee of this House had then under consideration before the House, and had had for many days, the revision of the tariff, and the Appropriations Committee had not the power to take the floor from them. That was a good reason why the gentleman did not present the bill.

But, sir, if we turn to the record we will be greatly deceived as to the progress these appropriation bills have made from time to time in the House. Let us examine the charge that the appropriation bills have been held back. The gentleman from Massachusetts [Mr. LONG] suggested the remedy of adopting a rule here in the short sessions that appropriation bills should be reported to the House by the 1st of February and in the long sessions by the 1st of March. What is the fact? What has been the practice of these committees?

Go with me to the Forty-seventh Congress. I find in the long session, which closed its labors on the 8th day of August, one bill was passed in January, two were passed in February, two in March, one in April, one in May, three in June, and two before the middle of July, leaving a full month of the session yet unexpired when the appropriation bills passed this House. Go with me to the second session. I find upon examination of the record before the holiday recess, before the 20th of December, there were four of the great appropriation bills passed by this House, one on the 7th, one on the 9th, one on the 13th, and one on the 20th of December—all before the holiday recess. During the time we have been here discussing these rules one-third of the great appropriation bills of the House had been passed through. Go with me further. During the month of January, namely, on the 4th, 5th, and 13th, and on the 20th, in all five of these appropriation bills were passed prior to the 21st day of January. Here are nine of the great appropriation bills of this House which had been considered and passed through and sent to the Senate by the 20th of January, leaving only three for subsequent consideration.

Then again on the 16th and 24th of February of the same session two of the remaining bills were passed, only one being held until the 1st day of March—the deficiency bill—which my friend from New York [Mr. HISCOCK] so generously admits he held back for the purpose of showing to this House that the Appropriations Committee did have some little authority.

I ask if we should distribute these appropriation bills among seven or eight or ten committees is there any assurance that some of those committees would not for the same purpose hold back their bills until near the close of the session? Is it not only natural to suppose these committees, which have had before them a large amount of legislative duties, would hold back their appropriation bills until the close of the session, as they might wish to know the wants and necessities of their action in order they might be acquainted with the amount necessary to be expended for the execution of the laws reported by them for the action of the House?

Suppose further that all these five committees should take the same view and postpone the reporting of their appropriation bills until the expiring days of the session, would we not have a grand family of confusion on this floor? Would it not be better to delegate this entire authority to one committee, whose duty it should be to report appropriation bills and nothing more?

Why, gentlemen of this House complain this committee has had the power, and it exercised it, to keep back the appropriation bills until the last hours of the session, and in the next breath they tell us it has obstructed legislation during the whole session. Which of these statements is correct? Charges of this character seem to have taken hold of this House without parallel in the history of discussion.

I remember day before yesterday when the gentleman from West Virginia [Mr. GIBSON] arraigned this Appropriations Committee for its neglect of the Navy, for its neglect of the great cities, and for its neglect of the commerce of the country. He said to us, and it seemed to meet with approval, "Why have you neglected to build up your Navy, why have you neglected to take care of your commerce on the high seas, why have you neglected to protect by your appropriations the great cities of the country?" Next comes the gentleman from New York [Mr. HISCOCK], who lays down the rule that the Appropriations Committee has no power to build a single new ship; that it has no power, as the rules exist, to inaugurate any new enterprise; that no appropriation can be reported unless authorized by previous law.

The gentleman from New York further stated it was the duty of the Committee on Naval Affairs to inaugurate a system for building up a navy; that it was the duty of the Committee on Commerce to report legislation to revive our commerce; and that it was the duty of the Committee on Foreign Affairs to report legislation in reference to all the circle of our diplomatic establishments. And then I say let them do that, and let the Secretaries of the different Departments send to the Committee on Appropriations their estimates and reports, and then, and not until then, would it be their duty to act.

But what further? Why, my distinguished friend from Maine [Mr. REED], who by the recent action of this side of the House has been placed in the front rank, even the leadership of this House, and, if he is not within the bar of the House I shall regret it, for I want to call attention to the advice he is now giving us. After the strong arraignment made by the gentleman from West Virginia [Mr. GIBSON] of the Appropriations Committee for not violating the rules of the House and reporting bills for the building up of the Navy, for extending the commerce and the protection of the cities, my distinguished friend said:

> I fully agree in the arraignment which the gentleman from West Virginia has made of the Committee on Appropriations which has left us without a fortification, which has left us without a navy, which has in no respect responded to the needs of the country.

That is the indorsement which our distinguished leader gives to the House, to our side of the House, on this floor, and yet it would be in direct violation of the rules had the committee done so, as has been fully explained by the gentleman from New York and as shown by the rule itself. Why, sir, we may well pause and stop to see whether we are to crystallize a code of rules which will perhaps govern this House for the next fifty years upon such glittering generalities as that. Why, in the language of Bob Ingersoll, permit me to ask, What is this you are telling us? [Laughter.] We are arraigned here for not violating the rules of the House, for not inaugurating a system of revival in the Navy, for not extending our commerce, for not building up our barracks, for not carrying on the different enterprises of this country in its great stride in growth and prosperity. Let me remind you, gentlemen, that it is the duty of these several law-making committees to furnish the law, and the Appropriations Committee will not, I think, be backward in appropriating money to execute the law.

Mr. BINGHAM (from his seat.) They do not get a hearing.

Mr. CASWELL. Why lay so much blame upon that committee? Strike down the authority under the present rules that govern this House, the privilege of presenting any kind of legislation upon their bills, and their work will be comparatively easy; their duties will be plain. Gentlemen talk about the committee being overwhelmed with labor while members who have watched the progress of this House for years will bear me witness that day after day we adjourn here because there is nothing to do or because the majority of the House do not care to proceed to the consideration of the business that would be in order.

There is no kind of trouble, as has been shown you here, of passing the appropriation bills within the proper time. I have shown you that four of them have been passed before the holiday recess and five more in the month of January following, and there is no occasion to say that that committee is so loaded down that it can not perform its duties. Why, sir, belittle its action by saying that the bills are submitted to a small subcommittee, who pass upon these great measures and report them to the House and have the management of them in the House and nobody else knows anything about it?

Why single out the Appropriations Committee and make this charge against it? Experience will tell you that in every large committee of the House the work is divided up among subcommittees; and I tell you, should these appropriations be distributed to the several committees named in the report, they, too, will delegate them to subcommittees appointed for the preparation of the bills, and they will come in here and be reported in the same way. But do not understand me to say that it is done without the full knowledge of the whole committee. They examine it all in detail by the rules of the House. The man that reports the bill, who has most investigated it, usually is the man who is entitled to the control of it upon the floor of the House. I say to you, Mr. Speaker, that the cause of all this complaint, in my judgment, is without foundation.

But, sir, while I am on the floor I desire to call the attention of the members of this House to another paragraph in that report. It is now proposed not only to distribute the jurisdiction of the Appropriations Committee in the way indicated, but it is proposed to revive an old amendment and attach it to the rules, which I think will be fraught with much mischief. I call your attention particularly to that clause which they now propose and which ingrafts upon the rule, after forbidding legislation in various forms, the general provision, "and for the contingencies for carrying on the several Departments of the Government."

That was a rule that was adopted in the good old Democratic days of

Andrew Jackson in 1836, and has been followed until the Forty-fourth Congress, when it was repealed after an unbroken line of precedents that under that paragraph, as it then existed, it was in order to move an amendment which should increase the salaries of officers of the Government. It never was controverted in any shape except in the Committee of the Whole in the case of the "salary grab," as it is termed, where by a bare majority, the committee voted against putting that construction upon it, but doubtless they were influenced and guided largely by the enormous steal that was then ingrafted upon the bill. But, sir, Speaker after Speaker held that under that paragraph it was in order to propose legislation to increase the salaries of the officers of this Government. Now they propose to ingraft upon the rules that govern this House that very dangerous clause. Why, sir, if I wanted to help the Democratic party out of power in this House I would support this measure. But I don't think they want my help at this time.

Mr. BROWNE, of Indiana. Don't you want to help them out?

Mr. CASWELL. That may be, but I reserve that point. [Laughter.]

Mr. SPRINGER. Not by bankrupting the Government.

Mr. CASWELL. I do not believe it is our policy to dethrone the Democratic party by assisting them in their blunders. Better let us do it, as we shall do it, by the correctness of our own example. I am not here to lay snares for any person or party or to dig the pit in which to bury those gentlemen on the other side. Rather let us build monuments to the happiness and prosperity of the great American people. But I want to say I believe it my duty to warn you gentlemen that while doubtless you are correct in saying that it was the operation of the rules under Republican guidance and control in this House which was the cause of putting us out of power, the day may come when Providence or some unseen power will return it here for us to use for the same purpose.

We will understand how easy it is to stretch our imagination as to why these gentlemen are for the first time supporting this revision of the rules. But I want to warn you that in adopting this paragraph which they propose to put into the rules you enter upon a sea of darkness; you will be dependent wholly upon the construction the chairman of the Committee of the Whole may see fit to give you, and you have no ruling to guide you.

I ask the Committee on Rules, why did you not ingraft a paragraph so plain that we might read though we run? Why conceal the real interpretation of that rule? Is it because you covertly want to advance the interests of your own party by way of increasing the salaries now that you are in power? I do not charge that. I do not believe that was the purpose that actuated any member of that committee. I have too much respect for them to do so; but if they had cooly and deliberately intended to enact a paragraph upon the rules to permit them to advance the salaries of their officers who are holding positions under this Administration they could not have taken a better step than they have taken. I warn them again that the people of this country will not approve of such an act, and I am in favor of eliminating that proposed amendment from the rules. Otherwise I shall be pleased to support them.

You remove that great pit which we have had here since the Forty-fourth Congress into which all committee reports are dumped, if you please. Remove that from these rules and provide, as this revision will provide, that we may sometimes go to the Calendar of the House and take up measures for enactment. You will then have no cause to complain that the Appropriations Committee are obstructing the legislation of this House. When you do that do you not saddle the blame on the wrong shoulders? It has been the practice here since the adoption of this rule for committee after committee to report its business and have it put upon the Calendar, where it is destined to slumber during the remainder of the Congress.

Let us remove that obstruction and let the Appropriations Committee go on with the discharge of their proper functions relating to the financial business of the Government. Give them no power of legislation. Delegate that to the other great committees of the House. Keep these two elements separate.

I have great respect for the Committee on Rules, but it has unfortunately, although composed of different members from time to time, proposed rules which have done more to defeat legislation than the Appropriations Committee.

Mr. BROWNE, of Indiana. The Committee on Appropriations is the result of the Committee on Rules. The Committee on Rules made the Committee on Appropriations and gave it its powers.

Mr. CASWELL. Let the reporting of appropriations be lodged in whosesoever hands it may, wherever there is found an appropriation bill there must be lodged in the committee having charge of it the power to move it at any time when the majority will consent, but never without that consent. Only in that way can you insure its passage.

Why, sir, one would think, to listen to this discussion, that there have been no laws passed in this Congress for many years. But notwithstanding the fact that thousands of bills have been reported and thrown into this great pool from which they could never be resurrected—notwithstanding that, I see that during the last Congress there were 695 general bills passed.

Mr. BROWNE, of Indiana. The gentleman from Wisconsin does not mean to say that that number of public bills were passed?

Mr. CASWELL. That is precisely what I mean.

Mr. BROWNE, of Indiana. Then the gentleman is mistaken.

Mr. CASWELL. I think I am not, for I examined the statutes. The number of the last chapter shows that there were 695, and I could see no chapter omitted. In addition to that there were 850 bills of a private nature that passed also.

Mr. BROWNE, of Indiana. Will the gentleman allow me for a moment?

Mr. CASWELL. Certainly; if I am in error I desire to be set right.

Mr. BROWNE, of Indiana. Of the 996 bills which became laws in the last Congress 682, or nearly two-thirds of the whole, were of a private character, and of these 588 were pension bills.

Mr. CASWELL. That may be true as regards the last session of Congress. For that session I think that is about true, and I ask my friend if he does not refer to the last session?

Mr. BROWNE, of Indiana. I refer to the last Congress.

Mr. CASWELL. If you will take the Statutes at Large you will find the last general chapter is the last of six hundred and ninety-five laws of a general nature; and you will find there were eight hundred and eighty and odd bills of a private nature. On examination I found a few numbers were skipped. That is the result of my investigation. Perhaps I am wrong. If I am I will take great pleasure in being corrected.

Mr. BROWNE, of Indiana. It is fair to state that I have read from an article prepared by the Journal Clerk of this House and printed in The Current, published at Chicago December 5, 1885.

Mr. CASWELL. Well, Mr. Speaker, I have given the result of my own personal observation; and I freely invite every member on this floor to investigate for himself whether I am not correct in the figures I have given.

But, Mr. Speaker, if we did not pass one hundred bills, it is not because the Appropriations Committee has obstructed their passage; it is because bills have been buried upon the Calendar, and under the rules of the House could not be taken up. I am glad to hail the day when we have before us an amendment which will permit us, after the morning hour, to proceed to the Calendar and take up such bills as the committee entitled to the floor may see fit to have considered for one or two successive days.

But, notwithstanding this privilege, it is for the interest of the House, it is for the interest of the Government, it is a matter of imperative necessity that sufficient time should be given to the Appropriations Committee to prepare their bills and have them considered in the House. Remember that at all times when they seek the floor for the passage of these bills it is within the power of the majority, if they wish, to prevent their consideration. Nothing is done against the will of the majority.

I can not for my part see the reason for this grave arraignment of that committee. I can not see any reason why we should depart from this long-established precedent, indorsed by all civilized nations, which places the appropriations for the Government under the supervision of a single committee; and if this precedent be reversed I predict for this House confusion unparalleled in the history of our legislation.

Mr. Speaker, I am reminded that my time is passing, and I desire to yield a portion to the gentleman from Kansas [Mr. RYAN]. I now yield to him.

Mr. RYAN. Mr. Speaker, how much of the hour remains?

The SPEAKER. Seventeen minutes.

Mr. RYAN. I do not care to occupy the attention of the House for only seventeen minutes. In that time I could not say what I wish to say. If the gentleman from Wisconsin [Mr. CASWELL] has other friends to whom he may desire to yield the time, I will waive my right.

Mr. CASWELL. Then I yield the remainder of my time to the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY. I yield the time to the gentleman from New Jersey [Mr. PHELPS].

Mr. PHELPS. Mr. Speaker, this debate is tedious, but it accomplishes something. We are making the issue simple. We all agree that the majority of the House ought to control its legislation and that the other amendments will accomplish this result. But when we come to the amendment which would arm five new committees with the power to report appropriation bills and with the privileges belonging to that power and challenge the proposition with the questions, Will it dispatch business? Will it be without harm to the public interest? we get different answers, and so we reach different conclusions. But because this difference divides both sides of the House, it is a difference not of party but of conviction, and such a difference is one which excuses and often rewards discussion. Only we, who oppose the distribution of appropriations, can not claim that our objections are new. They are old, but they have not lost their strength. They have been used both in House and Senate whenever this proposition has been up, and used to defeat it. They have not been answered. I do not believe they can be answered; and my belief turned to knowledge when the gentleman from Maine looked respectfully at them, played on them with his wit, but refused to touch them with his reason.

What are these objections? The first is that it takes out of our parliamentary system the only body whose duty it is to take charge of the appropriations as a whole. It removes the only body that supervises,

regulates, and controls the sum total of expenditures—the whole amount of the appropriations. And the result is that we have nobody that knows, and what is worse nobody that cares, what these sums are. So there is no place where we can go to get this information and no place where we can go and place this responsibility. It is a system without a sun, a confederacy without a federal center, a union of states without a national government.

But the friends of distribution say "the responsibility will rest with the House, and all its members will be made—as they ought to be—responsible for this high duty." What kind of responsibility? Responsibility grows by concentration; is weakened by dispersion. This responsibility, when shared by us all, will rest so lightly on the shoulders of each that it will exercise no check; and light as its weight is, each of us will toss it off with the jaunty assertion, "I voted with the committee."

But while there will be nobody that knows and nobody that is responsible for the whole amount of the appropriations, there will be nobody that can adjust and control the relations which the different appropriations made by these different committees shall bear to each other and to the income of the Government.

There will be no equalizing board to fix these ratios. And the Government, without anybody to know and equalize and control the total of its appropriations, will soon discover that its expenditures will outrun its income and that it is taking the first step on the road to bankruptcy.

Another objection is the assurance that this new system of appropriations is pregnant at every point with tendencies and temptations to lavish expenditure. The new committeeman is assigned to his subject. He gives to the subject time and thought. Under the rules that govern the human mind this devotion creates interest. He magnifies his subject—looks at it so earnestly that he loses sight of the other subjects about it, and conceives an exaggerated opinion of its relative importance. In the end he is conscientious in his conviction that this subject is the most important of any that engages the attention of Congress.

Next comes in the measure that shall develop this subject. He creates or promotes the measure. Perhaps it gets his name—certainly his reputation and success are identified with it—and he soon acquires, and for the same reasons, an exaggerated opinion of the value of the measure, and finally believes it to be the most important measure that can come before Congress. As if this was not enough to secure a generous appropriation, we have the influence of the Department. The Speaker, in selecting the member, considered his tastes and temperament in connection with the officials he would have to meet in the Department, and did right in doing so. The relations between the Department and the member become friendly and cordial, and he keeps the approbation of the Department when he makes generous provision for its needs.

And as if this was not running the whole gauntlet of such temptation, when the committeeman comes out into the House he finds his fellow-members all working with zeal in their respective committees. He wants to do as well for his committee as they do for theirs, and a friendly contest is inaugurated, where victory is claimed by the one who does best for his committee; and that proposition, when expressed in its simplest terms, is, get the largest appropriations. Under these circumstances, can there be any wonder if the new system of appropriations should lead to extravagance?

Generally before this point is reached in the argument the friends of divided appropriations ask, with more rhetoric than force, "Are there only fifteen men in the House you can trust?" And I answer promptly, "There are three hundred and twenty-five. I trust the three hundred and twenty-five as I trust the fifteen; but no more. I would trust the fifteen on a single committee of appropriations, and I would trust any other fifteen of our number; but I would not trust this fifteen on different committees of appropriations, nor any other fifteen of us. The question is not the difference between different men, but the difference between the same men under different circumstances."

Now if you ask me if I do not think this is excessive power to be given to a single committee, I answer, "Yes;" but I add: "This excessive power has to be placed somewhere, in some body, and, according to all theory and practice heretofore, in a single body. And no better repository has yet been discovered for it. Certainly this committee suggests none." And if you ask me again, "Does not this excessive power tend to abuse?" I answer, "Yes;" and go further by saying, "It not only tends, but does." And if further asked, "Do not these privileges tempt the fortunate fifteen to errors in manners and in act?" Again I answer, "Yes;" and add: "It not only tempts to but produces errors in manners and in fact." And then I insist that all this abuse and all these errors will not be nearly so harmful as the inevitable consequences of the change proposed. The old method offers the less of two evils. But with all the dangers that seem to be threatened by the proposition to distribute the appropriations, it does not seem to me it will help us to dispatch business. Take our single Committee of Appropriations. We have given it the right of way, and, to enable it to use its power, have exhausted our parliamentary skill to supply it with every weapon that would aid it to get its rights, and yet——

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from New Jersey has expired. There are forty minutes of the time for general debate remaining, of which the gentleman from Pennsylvania presenting the minority report is entitled to twenty.

Mr. MILLS. What has become of the hour I was to have?

The SPEAKER. It has gone with the hours of many other gentlemen. After the gentleman from Pennsylvania has exhausted twenty minutes the gentleman from Illinois [Mr. MORRISON] will have twenty minutes to close the debate.

Mr. RANDALL. Mr. Speaker, if the members of this House who have heretofore held position on the Appropriations Committee were to consult their own ease I do not doubt that they would yield up the duty that is proposed to be taken from that committee, in case they were selected again to serve upon it, without a murmur. But there is a graver and more far-reaching effect in the proposition as presented than the mere convenience of a member or his ability to perform labor. I knew always, as every member who has ever served on that committee knows, that in the effort to resist undue appropriations we were engaged in a thankless task; but I never knew that there would be those in public stations who would rise on this floor and condemn a man or set of men who were engaged in the laudable purpose of saving from wasteful expenditure the public money.

We meet condemnation, and that has been meted out here in large measure. But I trust that the representatives of the people who here surround me will rise above any feeling of bias. I am quite aware that the pet measures of many members have been interfered with by the rigid necessity of passing appropriation bills before an adjournment could take place. And in the instance that the gentleman from Missouri [Mr. HATCH] cites I will say it was a great public exigency when I asked on this floor during the last session of Congress that the sundry civil bill might be passed under a suspension of the rules; and I never have had cause to regret that I asked an exception to be made in that instance. For, mark you, the issue at that time was between provision before the adjournment for carrying on the Government after the 4th of March or a new administration with an extra session of Congress on its hands. I was willing to do anything to prevent an extra session. I believed that no greater peril could come to my party and no greater wrong and injury could result to the country.

It has come to be the fashion in Congress that every proposition which does not meet with favor or does not secure a hearing has its defeat attributed to the Appropriations Committee. I will illustrate the incorrectness of that statement when I tell you that the Appropriations Committee at the first session of the Forty-eighth Congress, as shown by the record, in the consideration of their entire twelve bills, occupied but one-sixth of the time of the House; and very little more, if I included the printed speeches on the tariff, than was consumed by the tariff bill at that session.

It has been suggested—perhaps not here but elsewhere—that the Appropriations Committee interfered with the consideration of revenue measures. The gentleman from New York [Mr. HISCOCK] states, as I think to his discredit, that upon one occasion to execute a policy he found it incumbent upon him to thrust in appropriation bills to accomplish his end. I submit that as to the tariff, as to the river and harbor bill, as to the interstate-commerce bill, the Appropriations Committee never did interpose except when it was essential that Congress should pass appropriation bills prior to adjournment.

The river and harbor bill took one-third as much time in the House in the session to which I allude as did the twelve appropriation bills. True, an appropriation bill has the right of way. It has the right of way properly. But it has not the right of way to the disadvantage of revenue measures. Revenue measures have precedence by the rules, and have the first right to be considered. The Appropriations Committee is a committee formed in my judgment only for the purpose of examination and recommendation to this body. It is by this body that the final voice is to be given, and the Appropriations Committee could be halted at any moment if a majority of this House saw fit to stop it in its course of procedure.

I have said that the Appropriations Committee from time immemorial, or certainly during my experience in Congress, has brought upon itself complaints in every direction because of the fact that it does of necessity interfere with bills in the hands of other members. But it has never, so far as I have known, departed from the established purpose, as I have stated. Let me make my language plainer. If I understand the rule of the committee it always adopts for guidance in the conduct of its business the same course the Speaker does in the appointment of committees—it enforces the policy of its party. The policy which the Committee on Appropriations has adopted when under the control of this side of the House has been one of economy. And I fail to find anywhere in declarations either of national conventions or of conventions of my party in the several States an instance where that was not the principal and main enunciation of what we wanted to do if the people would intrust us with power.

I was a little surprised yesterday, and I confess to some regret, when the gentleman from Texas [Mr. WELLBORN] in the discussion raised the question and indicated what is to come, in my judgment, as the effect of the change of these rules. For myself I have in a large degree been educated in the same school of politics as the gentleman from Texas. The statement of the gentleman struck me with great surprise when I saw its significance and took into consideration

whence it came—the statement that we were about to enter upon a new departure as to the manner of making up appropriation bills.

I came here during the war; I am not going to refer to what was my course of conduct during that immediate period; but when the war was over I wanted that we should go straight back to a strict construction of the Constitution, permitting only that exercise of Federal authority which was distinctly given to us and reserving in every particular everything that belonged to the States. One of the propositions which I stated then, and have often stated since, was that I wished the Federal Government to do nothing in the way of legislation that could be as well done by the State authority; and if I was addressing a body composed of my fellow-citizens, I would deliberately say that I want neither the Federal nor the State authorities to do anything that could be as well or better done by the people in their immediate localities.

I made the assertion that the war had produced two principal results: it had abolished slavery, and it had put an end to the thought and doctrine of secession. There I stopped. Those ends having been accomplished, I wanted to rehabilitate the States in all their prior authority. The gentleman from Texas and I have both read the principles of the founder of the Democracy. Among those teachings I have found Thomas Jefferson in substance declaring that there should be no money appropriated for any purpose unless in pursuance of direct authority in the Constitution of the United States to that end.

This doctrine, in my action as a member of the Appropriations Committee, has been my guide. If members of this House will but follow that rule there will be no need of controversy as to river and harbor bills; for who is there that would not vote for a river and harbor bill if it was brought within the purview of the Constitution as construed by the Supreme Court of the United States, when it declared that a river, to be considered navigable, must be able to float a vessel of at least twenty tons burden? It is not legitimate appropriations for rivers and harbors that anybody objects to, but the provisions outside of the Constitution of the United States which are put into such bills. We have no right to collect taxes to be distributed in that way.

I remember very well an enunciation of the late candidate of gentlemen on the other side for President of the United States, when he proposed that the surplus funds in the Treasury of the Government should be distributed among the States. What was the people's response to that? It was that this Government possesses no power to take from the people of the United States taxes to be distributed among the States; and a greater objection to such a system is that it would make, in my opinion, the States the vassals of the Federal Government, which they were never intended to be.

The gentleman from Texas with great ability has given us the real issue involved in this controversy; for I can not for a moment bring myself to think that there is any individual bias or hostility toward those who have been members of the Appropriations Committee. He tells us that we must find out how much money is needed to be expended—in other words, for what expenditures we shall be able to secure the concurrence of the two Houses—and then we must raise the revenue accordingly. This, to my mind, would lead to enlarged appropriations and a loose construction, and I think a most dangerous departure from past practice. I agree it is in large degree involved in the propositions now before the House, but I did not expect that either side of this House would be prepared to give sanction to such a declaration. I beg, therefore, that members will stop and consider what we are entering upon.

I do not say that one set of men are abler than another, or possess more integrity of purpose than another. I have rarely seen the time when I even ventured to surmise that any man on this floor was actuated by any other than the purest motives. In resisting this proposition I act from a high sense of duty, because I believe that by its adoption we would enter upon a dangerous field in the appropriation of the public money. I hope no one will assume that I do not think my neighbor as good in every respect as I am. In fact I am inclined to believe that in my course here I oftentimes need the kindly judgment of my fellow-members, for I am frequently provoked to say things which upon mature judgment I might not say; but I do know that I have never uttered a word which would reflect at all, directly or indirectly, upon the motives or the integrity of any of my associates on this floor. At the same time I affirm with positiveness that to distribute these bills is to take from them that unity and harmony of action which are essential to the legislation of every party in power that it may meet the requirements of the pledges which placed it in power.

[Here the hammer fell.]

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] is now entitled to the floor for twenty minutes.

Mr. WELLBORN. Will the gentleman allow me one statement?

Mr. MORRISON. I have given my time to a gentleman on the other side of the House.

Mr. WELLBORN. I desire but a moment.

Mr. RANDALL. Have I no time to yield to the gentleman from Texas [Mr. WELLBORN]?

The SPEAKER. The gentleman from Illinois is entitled to the floor.

Mr. MORRISON. In consideration of the fact that the last hour occupied on the other side of the House was in opposition to the committee's report made by me, and in support of which I had already spoken, I promised to give to the gentleman from Michigan [Mr. BURROWS] the twenty minutes yet remaining for general debate. I now ask to take back two of them; and in these two minutes I desire to say that the assumption of the gentleman from Pennsylvania [Mr. RANDALL] that anybody finds fault with the Appropriations Committee, or any gentleman who has been a member of it, because it has helped to reduce expenditures, is largely gratuitous. Why, sir, our Chaplain without eyes has not followed his God more blindly than I have followed the Committee on Appropriations in every reduction it has proposed or attempted to make in these last twelve years.

Mr. RANDALL. And I hate to part with you now. [Laughter.]

Mr. MORRISON. And the assumption that you will part with me is equally gratuitous and unfounded. And the inference sought to be drawn by the gentleman from Pennsylvania from the presentation of the proposed amendments to the rules that anybody who has participated in making this report has for his purpose the increase of expenditures or that the adoption of this report will have that effect is altogether unwarranted. It has no fact to rest on and is assertion only.

Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, it had been my purpose in the beginning to allude to some features of the report of the Committee on Rules which in this discussion have been entirely overlooked, but the limited time at my disposal compels me to confine my remarks to that portion of the report which has been the subject of the severest criticism, namely, the distribution of the appropriation bills.

If there was no other reason for distributing the appropriation bills than to break the despotic power of the Committee on Appropriations, that power, I grant you, which has molded the legislation of previous Congresses, I very much question whether the proposed amendment will accomplish that result.

You only take from the Appropriations Committee half its power. You yet leave it armed with six great appropriation bills. You leave with that committee still the power to control in no small degree the legislation of this House. I am not certain but you multiply the difficulty by making it necessary to contend against the machinations of seven committees instead of one, and I should be inclined to agree with the gentleman from Pennsylvania [Mr. KELLEY] that we had better endure the ills we have than fly to others that we know not of.

But I favor the distribution of these bills for other and, to my mind, weightier reasons. I believe in the distribution of these bills, first, because they will be better considered in committee; and, second, because a larger number of the members of the House will be made familiar with their details, and the House itself better informed of their general character.

Now, I affirm they will be better considered, because they will be placed in the hands of committees which have the subjects for which appropriations are required particularly in charge. To illustrate: The Speaker in making up the committees of this House will place on the Committee on Military Affairs gentlemen who have had some experience in military matters, who have been in the Army and know something of the needs and hardships of the service, and in making appropriations for the support of the Army will have some regard for the comfort of the soldier in field and in camp. The Speaker in making up the Committee on Foreign Affairs will select, if there is a member of the House who has been in the foreign service, such a member to be placed on that committee. Will not that committee so constituted be better prepared to make the necessary appropriations for the support of the foreign service than the Committee on Appropriations? What I have said in relation to these two committees may be affirmed in regard to all the others. And what, in a word, can be more appropriate than to place in the hands of committees which have special branches of the service in charge and constantly in mind the appropriations for their support?

Then, too, it will from necessity make a larger membership of the House familiar with the details of appropriation bills. Every gentleman who has served on the Committee on Appropriations—and I have had that honor—knows how the appropriation bills are prepared in that committee. The Committee on Appropriations, let me say here, would not object to the distribution of the bills if, when prepared, they were to be reported back to the Committee on Appropriations; but the real objection to this change is that it proposes these bills shall be reported directly to the House, and not to the Committee on Appropriations, for the Committee on Appropriations itself, from necessity, parcels out these bills or distributes them to subcommittees. I hold in my hand a list of twelve committees in the last Congress made up from the membership of the Appropriations Committee, to which were assigned the several appropriation bills. Let me call attention to them:

Subcommittees of the Committee on Appropriations of the House of Representatives of the Forty-eighth Congress.

Legislative, executive, and judicial—Messrs. Holman, Hancock, and Cannon.

Sundry civil—Messrs. Randall, Forney, and Ryan.

Army—Messrs. Forney, Townshend, and Keifer.
Navy—Messrs. Hutchins, Randall, and Calkins (Long, second session).
Post-Office—Messrs. Townshend, Holman, and Horr.
Indian—Messrs. Ellis, Holman, and Ryan.
Consular and diplomatic—Messrs. Burnes, Townshend, and Washburn.
Pension—Messrs. Hancock, Follett, and Washburn.
Military Academy—Messrs. Keifer, Forney, and Ellis.
District of Columbia—Messrs. Follett, Hutchins, and Cannon.
Deficiencies—Messrs. Randall, Burnes, and Calkins (Long, second session).
Fortifications—Messrs. Ellis, Hoar, and Hancock.

These subcommittees, each consisting of three members of the Committee on Appropriations, take in charge the bill assigned to them. They formulate it in the quiet of their apartments, away from the full committee, and gentlemen who are interested in that particular appropriation are called and heard by the subcommittee.

When the bill is formulated thus, it is reported to the full committee. It is then read, it is true, to the full committee, but the subcommittee is relied upon for all knowledge of the details of that bill. And outside of these three gentlemen composing the subcommittee and the chairman of the Appropriations Committee, who is supposed to be familiar with the details of all the bills—I say, outside of the subcommittee and the chairman of the Whole Committee, there is no general knowledge of the details of that bill. The subcommittee report the bill to the House, and the chairman of the subcommittee stands sponsor for it upon the floor of the House. If by accident the members of that subcommittee are not present when the bill is called up for consideration in Committee of the Whole, the chairman of the Committee on Appropriations asks that the consideration of the bill may be postponed until the members of the subcommittee, the gentlemen having it in charge, can be present.

So, I say these bills are already distributed; and so, in conclusion on this point, instead of having three members familiar with the details of an appropriation bill, you will have under this distribution proposed a committee of fifteen members considering each bill item by item, and standing sponsors for it before the House.

If the proposed modification is adopted and six of the appropriation bills are sent to six different committees, you will have, instead of eighteen members, ninety members of the House familiar with all the details of these six appropriation bills.

One word about the objection to this part of the report. It is insisted that the distribution of these bills will increase expenditures. That is an assumption. Bear in mind that all legislation upon appropriation bills is to be done away with, for we all agree upon that. The appropriations then must be made within the terms of existing law. How can there be then any serious increase of expenditures? But is the Committee on Appropriations the only committee to be trusted in the matter of expenditures? Is there no spirit or purpose of economy with the majority now in power, outside of the Committee on Appropriations and its former distinguished chairman? Are the apprehensions of the people to be thus early realized that the majority are here simply devoted to the "old flag and an appropriation," and that there is no arm powerful enough to beat back the hungry horde but that of the gentleman from Pennsylvania? Is that true? Is there no pilot of sufficient capacity on the other side of the Chamber to guide the affairs of this Administration in safety over even undisturbed waters? Is that to be conceded? I mistake very much the temper and character of the gentlemen composing the majority of this House if thus early they publicly confess their incompetency and profligacy and apply for the appointment of a guardian. [Laughter.] Who doubts but that, if the gentleman from Indiana, representing the fourth district [Mr. HOLMAN], is at the head of a committee having in charge an appropriation bill, he will guard the Treasury with as much fidelity as the gentleman from Pennsylvania?

But it is cited that the agricultural bill has been increased in the hands of the Committee on Agriculture, and the gentleman from Pennsylvania filed his brief in advance of the argument to the effect that the appropriation had been increased for that Department. But that proves nothing. He must go further and demonstrate that the Committee on Appropriations would never have made that increased appropriation. Are you prepared to say you would not have voted $150,000 for the establishment of a bureau of animal industry? True, the appropriations have been increased, but they are not extravagant. The present Commissioner of Agriculture calls for the next fiscal year for an increase of $70,000 over what was appropriated for the present fiscal year. So he commends what we have done. Why, in the beginning the Department of Agriculture had an appropriation of only $1,000, and for many years it fluctuated from $1,000 and nothing, and the whole Department for many years was a clerkship in the Patent Office. In 1862 it was made a Department of the Government, and for thirty-three years the total amount of the appropriations made for it was less than two and a half millions of dollars. Its expenses were necessarily enlarged. While the present Commissioner of Agriculture, in an address delivered in Chicago less than a month ago, said that with $20,000 in his hand he could have arrested the spread of disease among the great herds of Missouri, but instead of that it went on until it cost that State more than $2,000,000.

Mr. Speaker, there is an economy that is extravagance. There is a parsimony that approaches crime. But they tell us that the Ways and Means Committee are looking to the resources of the Government, and we must have one committee—we must have one committee looking toward expenditures as a corresponding committee with the Committee on Ways and Means, which committees must stand back to back, one looking one way and one the other. Let me ask is not the Book of Estimates in the hands of every member of the House? Do gentlemen suppose that all knowledge of the resources of this Government and its needed expenditures is contained in the Committee on Appropriations? Is it not known to every member of the House that the estimated expenditures of this Government for the next fiscal year are $340,000,000, and the estimated revenue only $315,000,000? Is not that well known? Why, sir, there would be no increased expenditures, for all must see what would immediately occur. The moment the bills are distributed the chairman of the Committee on Appropriations will confer with the chairmen of the several other committees having appropriations in charge; they will consult together and agree how much each bill should carry, in order to bring the expenditures within the resources of the Government.

And now, sir, in conclusion a word. As my friend from Illinois said to the members of the House on this side; he cautioned the members of the House how they should vote on this question; let me caution you also. There are many new members here; you do not know what these old rules will impose upon you. Let me say to this side of the House that the day of deliverance from the oppression of the old rules is at hand. You understand what these old rules mean, and if you vote for them it is a self-organized tyranny; and if hereafter the chains gall do not complain; it is your deliberate act. [Applause.]

I trust, however, that this House will break these fetters, assert its manhood and its individual freedom, the freedom of the membership of this House, and adopt a code of rules which comports with the spirit of our institutions and the dignity and intelligence of this body, and enable the House of Representatives to meet in some slight degree the expectations of an enlightened constituency. [Applause.]

The SPEAKER. According to the understanding had this morning, debate under the hour rule is now closed and the Clerk will proceed to read the report by clauses. If there be no objection the Clerk will read only those clauses which it is proposed to amend.

Mr. HAMMOND. I ask whether the Speaker means that the Clerk shall skip those paragraphs which are proposed to be amended by the report. I suggest that amendments may be offered to paragraphs which the committee do not propose to amend.

The SPEAKER. It may perhaps be as well then for the Clerk to read the whole.

The Clerk read as follows:

[The amendments proposed by the committee are to omit the words in brackets and insert the words printed in italics.]

Resolved, That the rules of the House of Representatives in force at the close of the second session of the Forty-eighth Congress be the rules of the House of Representatives of the Forty-ninth Congress, with the following amendments, viz:

RULE I.

Amend clause 3, Rule I, as follows:

3. He shall have general control, except as provided by rule or law, of the Hall of the House, and [the disposal of] *of the corridors and passages and* the unappropriated rooms in that part of the Capitol assigned to the use of the House until further order.

The amendment was agreed to.

The Clerk read as follows:

Amend Rule X as follows:

RULE X.

OF COMMITTEES.

1. Unless otherwise specially ordered by the House, the Speaker shall appoint, at the commencement of each Congress, the following standing committees, namely:
On Elections, to consist of fifteen members.
On Ways and Means, to consist of thirteen members.
On Appropriations, to consist of fifteen members.
On the Judiciary, to consist of fifteen members.
On Banking and Currency, to consist of thirteen members.
On Coinage, Weights, and Measures, to consist of [eleven] *thirteen* members.

The SPEAKER. The Chair desires to know whether it is the intention of the gentleman having charge of the report that when a clause is read by the Clerk and no amendment offered it shall be understood that that clause is agreed to.

Mr. MORRISON. That is my understanding.

The SPEAKER. But of course a vote will be taken on the whole report.

Mr. CANNON. The vote will be taken on the whole proposed substitute?

The SPEAKER. Of course. All the rules of procedure of the House will be observed.

The amendment last read was agreed to.

Mr. HAMMOND. I offer the following amendment:

On page 2, line 20, strike out "fifteen" and insert "twenty-one;" so that it will read:
"On Appropriations, to consist of twenty-one members."

I set very small store by this amendment. But inasmuch as other committees have been increased, quite a number of them, and the

Committee on Appropriations is small, and, indeed, no larger than many other committees, it occurs to me as best that its number be increased to twenty-one. That is a good number, because it gives the proportion of about twelve of the dominant party to nine of the other, which has been the rule, I believe, hitherto on both sides of the House.

There are twelve bills, and this change will give a larger scope for the distribution of bills between subcommittees. We all know all the work done in Congress by all the committees is first submitted to subcommittees. The Committee on Claims usually refers a bill to a subcommittee of one, and then the general committee passes on it.

As I have said, I set very small store by this matter, but it occurs to me as proper that while we are increasing other committees we should also increase this one.

The amendment was not agreed to.

The Clerk read as follows:

On Commerce, to consist of fifteen members.
On Rivers and Harbors, to consist of fifteen members.
On Agriculture, to consist of fifteen members.
On Foreign Affairs, to consist of thirteen members.
On Military Affairs, to consist of thirteen members.
On Naval Affairs, to consist of [eleven] *thirteen* members.

Mr. HATCH. I offer as an amendment to the amendment the following:

Add to line 27 the following: "and one Delegate;" so that it will read:
"On Agriculture, to consist of fifteen Members and one Delegate."

Mr. HOLMAN. That has been passed.

Mr. HATCH. We have not passed the paragraph.

Mr. SPRINGER. I suggest to the gentleman from Missouri that there is a clause further on where representation of Delegates on committees is provided for.

Mr. HATCH. I withdraw my amendment for the present.

The amendment of the committee to line 30 was agreed to.

The Clerk read as follows:

On the Post-Office and Post-Roads, to consist of fifteen members.
On the Public Lands, to consist of [eleven] *thirteen* members.

The amendment was agreed to.

The Clerk read as follows:

On Indian Affairs, to consist of [eleven] *thirteen* members.

The amendment was agreed to.

The Clerk read as follows:

On the Territories, to consist of thirteen members.
On Railways and Canals, to consist of [eleven] *thirteen* members.

Mr. SPRINGER. I desire to move an amendment to this clause, and also to a subsequent line; I propose to strike out the words "railways and," so that this shall be a committee on canals. And further on, in line 44, I shall move to strike out the word "Pacific," so that there will be one Committee on Railroads and one Committee on Canals. I propose now first to strike out the words "railways and;" so that it will read: "on Canals, to consist of thirteen members."

There is no use, it seems to me, for two committees on railroads. This House has something to do with those railroads which have received subsidies from the Government, but other railroads are merely State creations, and we have nothing to do with them except in so far as their business concerns interstate commerce, and over that commerce the Committee on Commerce has jurisdiction. Therefore I see no reason why railroads generally and canals should be intrusted to the same committee, for it is well known to every gentleman on this floor that the railroads are opposed to the canals, and that the canals have nothing in common with railroads. Why, then, undertake to couple these inconsistent and warring elements in one committee?

I hope this amendment will be agreed to. I may say, Mr. Speaker, that it has nothing specially to do with the Hennepin Canal [laughter], because the committee as it will be constituted at any rate will have jurisdiction of the subject under the head of canals. The object is simply to separate these two subjects. But even if the proposition had relation to the Hennepin Canal, it would be an additional reason why the amendment should be adopted. Under a subsequent clause this Committee on Canals would have the right during the new morning hour which is provided for to call up from the Calendar of the Committee of the Whole on the state of the Union any bill that it had previously reported. It would have this power at any rate, unless the Speaker, constituting the committee so as to represent the railroads, should smother the canals, which I do not believe he intends to do, and which he did not do in the last Congress.

Mr. HENDERSON, of Illinois. While my colleague [Mr. SPRINGER] has said that his amendment has nothing whatever to do with the Hennepin Canal, I should be very glad to have this or some other rule of the House so amended that it would have something to do with that canal; and I now give notice that if this motion to amend shall be voted down, I will move to strike out the words "and canals," so that this committee will then be the Committee on Railroads exclusively. My reason for this proposition has been already indicated by my colleague, that there are no relations existing between railroads and canals which make it consistent to confer jurisdiction of these two subjects upon the same committee, for they are in fact hostile and antagonistic to each other. We have heard it stated during this discussion by gentlemen on both sides of the House that our rivers and water ways are the great regulators of railway charges and the means of securing cheaper transportation. We are voting millions of dollars every Congress to improve the Mississippi River, the Tennessee River, the Alabama River, the Arkansas River, and various other rivers all over the country, even including the Big Sandy in West Virginia, for the express purpose of giving to the people increased facilities for transportation and of keeping within reasonable limits the charges made by railroads for transportation.

During the ten years that I have had the honor of a seat in this House a great deal has been said about laws for regulating the charges of railroads, and it has been generally conceded by eminent gentlemen who have discussed the subject that nothing will so effectually regulate railway charges and cheapen transportation as to give increased facilities for navigation by improving the water ways of this country.

In England, unfortunately, the railroads of that country were given some years ago the control of the canals and water ways; and a few years ago the English board of trade, which, unlike our boards of trade, is a part of the executive administration of the government, resolved that the control of the canals and water ways of England and Ireland should be taken from the railroads; in other words, that the canals and water ways should be divorced from the railways, it having been found necessary to do so in order to cheapen transportation even in that country, where there is a commission constituted by law with judicial powers conferred upon it for the regulation of railroads and for the purpose of preventing unjust discriminations and unreasonable charges.

Now, I repeat what I said at the beginning of these remarks, that there are no relations existing between railways and canals which justify giving jurisdiction over subjects relating to them to the same committee; and the canals ought to be placed within the control of that committee which has jurisdiction over the rivers and other water ways of the country.

[Here the hammer fell.]

Mr. MORRISON. I hope we shall now have a vote, and that the amendment of my colleague [Mr. SPRINGER] will be voted down.

Mr. DAVIDSON, of Florida. Mr. Speaker, the Committee on Railways and Canals has been in existence for years, and no harm, so far as I know, has resulted from bringing these two subjects under the supervision of a single committee. I suggest it is very proper that the canals should watch the railroads and the railroads watch the canals.

Mr. MURPHY. Mr. Speaker, I greatly agree with the expression used by my friend on my right that the Committee on Railways and Canals have given offense to no one, because they have done nothing. I know that the bills introduced in this House, and which have been referred to it, have slept the sleep of peace from the time they were introduced until the time they were reported. They have remained on our Calendars without action. I distinctly remember that I reported a bill in favor of the Hennepin Canal. [Laughter.] That committee made a unanimous report on the 10th of January, 1883, and it was referred to the Committee of the Whole House on the state of the Union, and when we adjourned it was number 20, the same that it was on the day it was reported. [Laughter]. Now what we say is this, that we are entitled to some little respect and attention; but when we have tried for years to get that attention and respect through the channel of the Committee on Railways and Canals we have failed. Therefore, would it not be right for us to pursue some other and different course? I was pleased, therefore, when the Speaker ruled at the last session of Congress that the Committee on Rivers and Harbors had jurisdiction of the celebrated Hennepin Canal project. I believe it has to-day, and I hope when presented at this session it will meet with no objection on that score.

Will any gentlemen tell me there is no harmony between rivers, canals, and the improvement of rivers and harbors? Are they not all water ways?

Mr. BROWNE, of Indiana. Some of the streams for which appropriations have been made by the River and Harbor Committee are not water ways in any sense of the term. [Laughter.]

Mr. MURPHY. That may be true, but perhaps the gentleman himself was the cause of it. I do not know how that may be; I do not say that he or I have not committed blunders or committed wrongs at times; but I will say this, that the water ways in my judgment ought all to be under one administration, because they are cognate to each other. They ought not to go to the Committee on Railroads when we know that railroads are hostile to water ways. And that is why we desire this change. Then this conflict of jurisdiction would be removed. I hope and trust the House in considering this matter will give it that consideration it merits, and that when we present in the river and harbor bill, as we shall, a proposition asking for an appropriation for the Hennepin Canal there will be no technical objection made against it as to the jurisdiction of the committee.

[Here the hammer fell.]

The question recurred on Mr. SPRINGER'S amendment, and there were—ayes 94, noes 103.

So the amendment was disagreed to.

Mr. MORRISON moved to reconsider the vote by which the amend-

ment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HENDERSON, of Illinois. I move to strike out the words "and canals." In my former remarks I said that two years ago a motion had been made by the board of trade, which is part of the executive of the Queen's Government, to divorce canals from railroads. I will read that resolution, and ask gentlemen to listen to it:

That in order that commerce and agriculture may be able to take every advantage of the easily and cheaply worked traffic of the canals of Great Britain and Ireland, it is greatly to be desired that canals be entirely emancipated from the control of the railway companies. The traffic on them requires no organization like that on railways, and hence should be free from the control of the railroad companies as the high roads now are, thus making canals here what they are in other countries, namely, the cheapest means of conveying goods and agricultural products to market, and not the obstructive instruments of railway companies.

[Cries of "Vote! "Vote!"]

Mr. WILLIS. I think the object of the House is to give to each committee something to do. We have now, and have had for many years, a committee known as the Committee on Railroads and Canals. So far as the subject of railroads is concerned, it is one branch of that committee which has been called upon to do but little; but the other branch is one which in past Congresses has had ample work to do. If this Congress proposes to enter upon the work of constructing these canals, bills for which will be soon pending before this body, it will require or ought to have a committee with entire jurisdiction over that subject. There are to-day great canal schemes which will be presented to this Congress, and which involve the expenditure of large sums of money, which deserve the fullest and amplest consideration by the representatives of the people. There is a great canal proposed across the isthmus of Florida, and which was sought to be passed by the chairman of the committee on Railroads and Canals at the last Congress. It is proposed to connect the waters of the Atlantic with those of the Gulf of Mexico. There is another proposition, to connect the waters of the Chesapeake Bay with the Atlantic Ocean. A bill for that purpose was presented to the last Committee on Railroads and Canals, and was reported favorably to this House. It is proposed, also, to connect the headwaters of the Missouri River with the headwaters of the Columbia River. It is proposed to cut across the isthmus of Michigan in two places and to construct two canals.

There is another proposed, to cut across the isthmus of Michigan, involving the construction of two canals. There is also one, and larger, to give us an interior line of navigation or water way, extending from one end of the country to the other down the Atlantic coast. These are propositions which have been before the country for years, and they will be brought to the attention of this Congress. I submit, therefore, to gentlemen that they ought not to take away from that committee the only work that it has had or will probably have to do in the present Congress. If that be done, it will be followed by a proposition to impose upon the River and Harbor Committee this identical work. I say to the House, as a member of that committee in the last Congress, that it had then more work than it could do. That committee in the last House was occupied day in and day out by the subject of rivers and harbors alone, and then, even, its work was unsatisfactory to some members of the House.

Mr. REAGAN. Mr. Speaker, I desire to say but a word for the purpose of supplementing what has been said by the gentleman from Kentucky who has just taken his seat. If the House determines to add canals to the duties to be performed by the Rivers and Harbors Committee, I want to tell those interested in the improvement of the navigable waters of the country that, in my judgment, there will never be another bill passed for that purpose; for, undoubtedly, we have all seen that when attempts are made to make reasonably liberal appropriations for the improvement of your rivers and harbors they were objected to by many gentlemen as extravagant. If we add to them the canal scheme, several of which have been named by the gentleman from Kentucky, and which will involve, necessarily, the expenditure of many millions of dollars, it will simply load down that bill, and there will be no possibility of passing a river and harbor bill, no matter how important it may be to the country. So I suggest to the friends both of rivers and harbors and canals that if they desire work to be done in this direction they had better keep the two propositions separate.

Mr. MURPHY. Mr. Speaker, I desire to submit only a word or two in connection with this subject. My examination of the history of Congress in making appropriations for the construction of all canals that have been constructed by the aid of the Government of the United States since its organization leads me to a knowledge of the fact that the Committee on Rivers and Harbors have made the appropriations. I wish to call the attention of my friend formerly the chairman of the Committee on Rivers and Harbors to the fact that the canal right in front of his door—I think it is called the Louisville and Portland Canal—received an appropriation of $250,000 at the last session of Congress for its improvement. Now, there is the fact that every canal constructed by the United States, fifteen or twenty in number—the Saint Mary's Canal in Michigan and all the others that have been constructed under Government aid—have been constructed by appropriations made by the Rivers and Harbors Committee, whether it was called the River and Harbor Committee or the Committee on Commerce.

I have a statement here of the number of bills that have been referred to the Committee on Railways and Canals in the Forty-fifth, Forty-sixth, and Forty-seventh Congresses. I believe there is also a summary statement of what action was taken. It seems that in these three Congresses there were 107 bills referred to this committee, of which number 13 were reported from the committee, while 2 only of the whole number became laws. Now I ask, in behalf of our people, and I am frank to say that I have a little bit of interest in the Hennepin Canal, when we show that all of the canals have been constructed which have been aided by the Government by appropriations which came from this Committee on Rivers and Harbors, and when we find that the Committee on Railways and Canals have only acted upon 2 bills of the 107 referred to them in the last three Congresses, can we hope for any relief or remedy there? Why make a distinction; that is the question? If we do not demonstrate to the Rivers and Harbors Committee in this Congress as we did in the last that the proposition has merit, as a matter of course it will not receive the attention it did receive; and I can not see why you are going to apply one rule to the Hennepin Canal and a different rule to all the others.

Mr. REAGAN. Mr. Speaker, I rise for the purpose of adding a a word in reference to the suggestion that all of the canals heretofore constructed with Government aid were constructed on reports of the Committee on Rivers and Harbors. That was probably true. The Louisville and Portland Canal, the Sault Ste. Mary Canal on the great lakes, the Des Moines Rapids Canal, and the one on the Columbia River are instances of it. But it must be remembered that in each case it was a canal simply along the bank of a river to aid the natural navigation. There was no single one proposed for the purpose of cutting a new water way through from water course to water course. These were simply auxiliary to the improvement of the natural water ways.

Mr. MORRISON. Unless we can have a vote on the amendment I shall move the previous question.

The SPEAKER. The gentleman from Illinois demands the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. HENDERSON, of Illinois, was rejected, there being on a division 57 votes in the affirmative, negative not counted.

Mr. BAYNE. I offer the amendment which I send to the desk.

The SPEAKER. The Chair is advised that the amendment sent up by the gentleman from Pennsylvania has no relation to the clause under consideration.

Mr. BAYNE. There is no clause under consideration, as I understand.

The SPEAKER. There is. Does the gentleman desire to insert that provision in the list of committees?

Mr. BAYNE. I do.

The SPEAKER. The Clerk will report the proposed amendment.

The Clerk read as follows:

After line 38 insert as follows:
"On Amendments of the Constitution, to consist of thirteen members."

Mr. BAYNE. If that proposition should prevail——

Mr. MORRISON. Which it will not.

Mr. BAYNE. That may be; but if that proposition shall prevail I shall ask unanimous consent to place that committee on the list immediately after the Committee on the Judiciary, where its proper place would be. A committee of that character would be one of great dignity and importance and one which the experience of the members of this House will teach them it is necessary to have, if we desire to have propositions for amending the Constitution reported upon. All propositions and resolutions for amending the Constitution have been referred heretofore to the Committee on the Judiciary, and all those propositions have slept, as my friend from Iowa says, the sleep that knows no waking. The Committee on the Judiciary have never seen fit to report any of them.

There should be some amendments made to the Constitution. There should be one, in my opinion, authorizing the election by the people of their postmasters and their marshals and their district attorneys and other officers through the country.

A MEMBER. And their Senators.

Mr. BAYNE. Yes. I agree to that. Their Senators should be elected by the people.

There should be an amendment to the Constitution prohibiting special legislation. We have heard ever so much here about the Committee on Appropriations standing in the way of legislation. But I ask you how much more have your private bills stood in the way of legislation than the Committee on Appropriations? The Committee on Appropriations have had to bear the brunt of all sorts of attacks. But I say this Government is the only highly civilized government in the world whose courts are not open to its citizens, whose citizens can not go into its courts for the recovery of a right or the redress of a grievance. This Government ought to enact a constitutional amendment which will prohibit legislation by private bills, and should at the same time enact a broad law that will enable its citizens to go into its courts and have their rights and their redress. If that were done we would not have one-half of the struggle and the friction that there have been between contending bills.

In the last Congress there were introduced over 11,000 bills. I have not made a calculation how many of those were private bills,

but probably there must have been 9,000 of those bills that were private in their nature. They have no place here and should not have a place here; and if we followed the progress which has been made in the States—and many of the States have set us the example—we would incorporate a provision in the Constitution which would prohibit special legislation and enable some competent committee to report some such law. You will never get it from your Judiciary Committee. The Judiciary Committee reports very little. I hope gentlemen will see their way to the creation of such a committee as I have proposed, whose membership and whose action will be honorable and efficient in all respects.

[Here the hammer fell.]

Mr. TUCKER. The gentleman from Pennsylvania [Mr. BAYNE] says the Committee on the Judiciary at the last session reported very little. They reported a great deal, and a great deal of their work died on the Calendar, as reports from other committees did. The gentleman is very anxious to have a separate committee to report on amendments to the Constitution, and complains that the Committee on the Judiciary did not report on any of the amendments which were referred to it. I will say, sir, that it was not because the Committee on the Judiciary did not consider the amendments, but because they did not consider them fit to be made as amendments to the Constitution.

Mr. Speaker, I know nothing in the world that the experience of members of the House will better sustain than the remark I am now going to make. If you want to have a tinkering with the Constitution of the United States create a committee especially for that purpose. I never knew a man or a committee to set up in a business that did not try to increase it. But, for God's sake, let us have no tinkering with the Constitution of the country. The Committee on the Judiciary will consider fairly, if I am on it and if the gentlemen that were there last year are on it—will consider fairly all propositions to amend the Constitution. But those amendments, which have become very frequent, which they do not consider fit to be made they will not report upon at all. I hope the proposition of the gentleman from Pennsylvania will be voted down.

Mr. HAMMOND. I think the chairman of the late Judiciary Committee has made a mistake. [Cries of "Vote!" "Vote!"] I only wish to say one word. I simply wish to correct a mistake the chairman of that committee seems to have made. When the gentleman from Pennsylvania stated he intended to put his committee immediately under the Judiciary Committee he did not intend to be sat down upon. [Laughter.]

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was not agreed to.

The Clerk read as follows:

39. On Manufactures, to consist of eleven members.

Mr. SPRINGER. I move to strike out the clause which has just been read, and ask the House to indulge me for a moment. I had the honor to submit some amendments to the rules which went to the committee in charge of that subject.

That proposition embraced the abolition of twenty-one committees, standing and select, and the creation in their place of four new committees. One of the committees which I proposed to strike out was this Committee on Manufactures. I have been in Congress ten years and more, and I do not remember that during all this time this committee has ever done anything besides having a clerk and occupying a room assigned for its meetings, except reporting one single bill.

Now, if it is the intention of this House to create committees in order to give some gentlemen clerks, and also rooms in the Capitol in which to transact their private business, then I want to have some more committees created; and I would like to have several of the committees divided so as to distribute this luxury more generally. Take for instance the Committee on Coinage, Weights, and Measures. We have there room for three good committees. One might be a committee on coinage, with my distinguished friend from Missouri [Mr. BLAND] as chairman, to look after the "dollar of our fathers." Then a committee on weights might be constituted for the purpose of devising a uniform system of weights throughout the country; and we might give to the Republican side of the House the chairmanship of that committee by according that position to the distinguished gentleman from Connecticut [Mr. WAIT]. [Laughter.] And we might fill up the committee with some of the "heavy weights" of both sides of the House. Then we might have a committee on measures. We have four Taylors in the House; and they could take our measures, if you would give them a clerk and a committee-room. It seems to be popular to have plenty of committees; and if we want a committee on manufactures we certainly want a committee on measures.

There are various other subjects to which I wish to call attention as we proceed in the consideration of this report; but at this moment I desire only to urge that the Committee on Manufactures is utterly useless, and I hope we shall vote to abolish it.

Mr. MORRISON. This report from the Committee on Rules has provided for no new committee. This committee is older than my colleague [Mr. SPRINGER].

Mr. SPRINGER. I do not say that you have provided for any new committee; but I propose to get rid of some committees for which, as we know by experience, there is no business.

The question being taken on the amendment of Mr. SPRINGER, it was not agreed to.

The Clerk resumed the reading of the report; and the proposed amendments, increasing to thirteen the membership of the Committee on Mines and Mining, the Committee on Pacific Railroads, the Committee on Levees and Improvement of the Mississippi River, the Committee on Education, and the Committee on Labor, were adopted.

The Clerk read as follows:

Strike out "eleven" and insert "thirteen," so as to provide that the Committee on the Militia consist of thirteen members.

Mr. SPRINGER. I move to amend by striking out the clause providing for this Committee on the Militia. In view of the vote on my last proposition, I do not expect that this motion will receive the favor of the House. But I had hoped that the Committee on Rules, in making this revision, would recommend getting rid of some of these useless committees. The Executive which the people of this country have elected and placed at the other end of the Avenue has instituted governmental reform by dispensing with useless clerkships and in other ways stopping useless expenditures. I hope that this House will supplement the reforms of the Executive by abolishing some of these useless clerkships in the House of Representatives.

Under the rules of the last House there were sixteen clerks to committees that had no public business to transact; and twenty-one rooms of this Capitol which were assigned to committees were in fact used for the transaction of the private business of their chairmen. I supose this arrangement is to continue. It provides chairmanships for a number of gentlemen, and it furnishes them clerks and comfortable rooms for the transaction of their private business. The idea of having these numerous committees is so popular that gentlemen will hardly listen to an argument to abolish even this Committee on the Militia. I believe since I have been a member of this House that committee has never made a report on that subject.

A MEMBER. Oh, yes; it made one. [Laughter.]

Mr. SPRINGER. One report my friend from Missouri states has been made in ten years. [Renewed laughter.] Well, that report, if a proper one, was never passed by the House or enacted into law.

If there is any business of the militia to transact it could go to the Committee on Military Affairs and there be better transacted. What I hope the House will do will be to get rid of some of the rubbish in these rules.

[Here the hammer fell.]

Mr. SPRINGER's amendment was disagreed to.

The Clerk read as follows:

In line 51 strike out "eleven" and insert "thirteen;" so it will read: "On Revision of the Laws, to consist of thirteen members."

Mr. SPRINGER. I move to strike out that committee. It was created for the purpose of preparing a codification and revision of the laws of the United States. It was created some time ago, and has accomplished the object for which it was raised, and since that time it has had no business to transact. Indeed there has been none which could properly come before it.

However, Mr. Speaker, I do remember on one occasion when my distinguished colleague from Shawneetown [Mr. TOWNSHEND] was a member of that committee, and being a new member and desiring to have something to do he introduced a bill to amend certain sections of the Revised Statutes, and had it referred to the Committee on Revision of the Laws. When it was referred to that committee and printed it was discovered that it related to the subject of the tariff.

Mr. MORRISON. Which of your colleagues do you refer to?

Mr. SPRINGER. The gentleman from Shawneetown [Mr. TOWNSHEND]. Not my friend before me, because he was made chairman of the Committee on Expenditures in the Treasury Department, and was so offended by his assignment to that committee that he never called the committee together or appointed his clerk, much to his credit.

But my colleague from Shawneetown desiring to do something, and supposing the committees of the House were created for that purpose, had a tariff bill referred to this Committee on the Revision of the Laws, of which he was chairman. It exasperated the Republican side of the House, and the distinguished member from Ohio [Mr. GARFIELD] led the fight on that side of the House. We did not get that business away from my colleague's committee until after a struggle which lasted three days and which led to animosities which have never yet been extinguished. That committee was discharged from the further consideration of the bill, and it was referred to the Committee of Ways and Means, where it might have gone in the first place.

Now, as this committee was voted out of existence by the House, and as it never has had any business to do since I have been here, we can, I think, afford to drop it from our list.

[Here the hammer fell.]

Mr. PAYNE. I move to amend by inserting before the word "revision" "amendments to the Constitution and;" so it will read: "Proposed Amendments to the Constitution and Revision of the Laws, to consist of thirteen members."

Now, Mr. Speaker, I was a member of this celebrated committee

during the last Congress. It met, was duly organized, and appointed a clerk, and that constituted most of its business during the session. By some hook or crook we got into our jurisdiction one little bill, introduced by a member of the committee and referred to it by the courtesy of the House. It was a bill to reduce the punishment for some offense under the internal-revenue laws. The committee, being an able-bodied committee of eleven members—and I wish to say in all seriousness, from my association with the members of that committee, it would compare favorably with the Judiciary or any other committee of this House [laughter]—labored earnestly and struggled over that amendment to the internal-revenue laws for nearly five minutes, I think, and then unanimously reported the bill to the House. In the course of time that bill was taken up and duly considered, passed, and went to the Senate, and the Senate proposed various amendments to it and sent it back. I also had the honor to be on the committee of conference on that bill. The committee met the Senate committee and duly considered the amendments. That occupied full three minutes more of our time, and we came back into the House and presented a unaminous report and the bill became a law. So it will be seen that this is not altogether a useless committee [laughter], or was not in the last Congress.

But there is another thing the committee did or tried to do. After a session of mutual admiration we concluded that we were able to grapple with some of the subjects which had been referred to the Committee on the Judiciary, and unanimously resolved to introduce a measure in the House in the shape of an amendment to the rules giving this committee jurisdiction over some matters which had been referred to the other committee, and I believe we appointed a committee to see the members of the Committee on Rules, or who were to visit the different members of that committee—well, I suppose if they were members of the Appropriations Committee we would call them kings—we went to see the princes among the members of the House for the purpose of trying to find out if we could not get a few crumbs falling from the table of the Judiciary Committee. [Laughter.] We introduced an amendment to the rules and sent it to the committe, and that was the last we ever heard of it, for it slept the sleep we have heard so much of this evening, the sleep that knows no waking. [Laughter.]

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Speaker, I will take the floor and yield my time to the gentleman from New York, if he desires to proceed. [Laughter.]

The SPEAKER. Is there objection to the gentleman from Iowa taking the floor and yielding his time to the gentleman from New York?

Mr. PAYNE. I thank the gentleman from Iowa for his courtesy.

Mr. MORRISON. Are we to hear the other side of the debate on this amendment?

The SPEAKER. Is there objection?

Mr. MORRISON. I have none.

Mr. PAYNE. Now I am coming to the other side, Mr. Speaker [laughter], and the other side is on the amendment I have proposed here. I think that this committee ought to have something to do, and I do not want the House to understand that I am trying to get this measure through for the purpose of getting on the Committee on the Revision of the Laws. I resign all claim here and now for reappointment on that committee. [Laughter.] But I think there ought to be a committee that has sufficient time sufficiently well organized for the purpose of taking up and properly considering all of these proposed amendments to the Constitution of the United States. There have been some propositions introduced which ought to be considered not only by the Committee on the Judiciary, but by the whole House. Take, for instance, the proposition which has been so often made to give to the Executive the power to veto any single provision contained in an appropriation bill. We have had that provision in the constitution of the State of New York for a number of years. It has manufactured considerable of timber for Democratic candidates for the Presidency, because some of our citizens have made their chief reputation through that amendment to the Constitution, and one at least has become President of the United States in consequence thereof.

I say it would be a most salutary thing to enact into a provision of the Constitution a law allowing the President to look over river and harbor appropriation bills to see whether there was in that bill some provision that needed to be stricken out before it became a law; to look over all of your appropriation bills and to cut out those provisions that are a waste of the people's money. At least this is a matter that should have the careful attention of the House; and if the Committee on the Judiciary, as I understand its former chairman to say, will properly consider all propositions for the amendment of the Constitution and agree to report none of them, I say then let us refer by this amendment of the rules to the Committee on the Revision of the Laws, or some other committee which has the time to properly look into them, all matters of this character, and let it report to the House whether they are such as ought to be ingrafted upon the Constitution or whether they should be thrown aside. Let us refer them to a committee which has time to report upon these matters, whether they report favorably or unfavorably upon them.

I call for a vote on the amendment. [Applause.]

The question was taken on the adoption of Mr. PAYNE's amendment. The House divided; and there were—ayes 83, noes 114.

So the amendment was not agreed to.

The SPEAKER. The Chair will state that there are no further amendments proposed by the committee in that part of the report which relates to the list of committees, and unless there be some gentleman who desires to offer an amendment the Clerk will omit the reading of that part to save time.

Mr. ADAMS, of Illinois. I think perhaps I may have misunderstood the Speaker. Did I understand the Chair to say that if there are no further amendments the Clerk will report the next paragraph?

The SPEAKER. There are no further amendments reported by the committee. The Chair said that unless some gentleman desired to offer an amendment to some part of this clause the Clerk would omit the further reading of it to save time.

Mr. ADAMS, of Illinois. I desire to offer an amendment to line 79.

Mr. SPRINGER. I think the Chair has neglected to put the question on my motion to strike out the Committee on the Revision of the Laws.

The SPEAKER. The gentleman is correct. The gentleman from New York offered an amendment to the text, on which a vote was taken. The question is on the motion of the gentleman from Illinois to strike out the provision relating to the Committee on Revision of the Laws.

The question was taken. The House divided; and there were—ayes 44, noes not counted.

So the amendment was not agreed to.

Mr. ADAMS, of Illinois. I now move, in line 79, to strike out the word "seven" and insert "nine;" so that it will read:

On Accounts, to consist of nine members.

Mr. MORRISON. Some members who were upon the Committee on Accounts in the last Congress inform me that that committee is greatly overworked. With the consent of the Committee on Rules I will accept the amendment.

The SPEAKER. The Chair understands the gentleman from Illinois makes no objection; but it must be voted upon by the House.

The amendment was agreed to.

The Clerk read as follows:

On Expenditures in the State Department, to consist of seven members.
On Expenditures in the Treasury Department, to consist of seven members.
On Expenditures in the War Department, to consist of seven members.
On Expenditures in the Navy Department, to consist of seven members.
On Expenditures in the Post-Office Department, to consist of seven members.
On Expenditures in the Interior Department, to consist of seven members.
On Expenditures in the Department of Justice, to consist of seven members.
On Expenditures on Public Buildings, to consist of seven members.

Mr. SPRINGER. I move to amend by striking out all of these special committees on expenditures from line 62 to line 77 and to insert in lieu thereof as follows:

On Public Expenditures, to consist of fifteen members.

I propose to strike out eight committees on expenditures and insert one committee on public expenditures, to consist of fifteen members. I have moved this amendment because I hope the House will adopt it, and as it is now so near the time of adjournment I hope the question will not be taken on this proposition until to-morrow. I will therefore yield to my colleague [Mr. MORRISON] for a motion that the House do now adjourn.

Mr. MORRISON. I have no objection to the adjournment at this time. I desire to suggest to gentlemen who have amendments to propose that if they will offer them this evening they will get them printed in the RECORD.

Mr. HOLMAN. I presume there will be no objection to that.

There was no objection.

The SPEAKER. The Chair will state to gentlemen desiring to offer amendments that if they will attach their names to their amendments and send them to the Clerk's desk, so that it may be ascertained by whom they are offered, they will be printed in the RECORD.

Mr. BUTTERWORTH. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUTTERWORTH. I wish to inquire whether it is understood that no amendments will be considered except those that are now sent in.

The SPEAKER. That is not the understanding. This is simply an arrangement that those who have amendments read can have them printed in the RECORD.

The following proposed amendments were sent to the Clerk's desk:

By Mr. TUCKER:

Amend Rule XI, clause 4, so that it will read:
"All bills regulating the jurisdiction of courts, practice therein, and salaries and fees of judges and officers connected therewith, to the Committee on the Judiciary."

By Mr. HENLEY:

Amend Rule XI, paragraph 49, by adding thereto the following:
"*Provided further*, The Public Lands Committee shall have leave to report at any time bills for the forfeiture of land grants."

By Mr. MILLIKEN:

Amend Rule XI by inserting the following as clause 50:
"It shall be the duty of the committees having jurisdiction of the general ap-

propriation bills, on or before the 1st day of March in the long and on or before the 1st day of February in the short session of Congress, to report the general appropriation bills."

By Mr. HERBERT:

Insert after section 50 of Rule XI the following:
"No reference of any bill to any committee which has not jurisdiction thereof by the previous provisions of this rule shall confer any jurisdiction on such committee, unless such reference shall have been made by a vote of the majority of the House."
After the words "contingent fund of the House," in paragraph 49 of Rule XI as proposed in the report of the majority of the committee, insert the following:
"Any commission authorized by law to report by bill to the House shall have the right to report such bill at any time for consideration, subject to the consideration of bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors."

By Mr. CASWELL:

Strike out of lines 252, 253, and 254, in Rule XXI, clause 3, the following:
"And for the contingencies for carrying on the several Departments of the Government."

By Mr. ADAMS, of Illinois:

Add to clause 3, Rule XXI, the following words: "Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

By Mr. HOLMAN:

Amendment to the third clause of Rule XXI: "Nor shall any provision changing an existing law be in order in any such bill, except that provision for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on any general appropriation bill, if germane to the subject-matter of the bill."

By Mr. SOWDEN:

1. Amend clause 10, Rule XI, by striking out the word "including."
2. Amend clause 11, Rule XI, by striking out the word "including," as also the words "and for that of the Military Academy."
3. Amend clause 12, Rule XI, by striking out the word "including."
4. Amend clause 13, Rule XI, by striking out the word "including."
5. Amend clause 15, Rule XI, by striking out the word "including."
6. Amend clause 24, Rule XI, by inserting after the word "officers," in the ninth line thereof, the following clause, namely: "And the appropriations for the different Departments of the Government not otherwise hereinbefore provided for."

By Mr. HAMMOND:

Amend Rule XI, paragraph 3, by disagreeing to the proposed amendments and then adding thereto so as to make the paragraph read as follows:
"3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations; but no general legislation shall be in order on any general appropriation bill nor as an amendment thereto; and no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress."

By Mr. OATES:

Amendment to Rule XI, to come in after the word "bills," in line 240, on page 11:
"The Committee on Public Lands: all bills for the disposition of any part of the public domain or pertaining to the forfeiture of land grants."
On page 12, after line 278, add as follows:
"And any such bill, the subject-matter of which has been considered and reported adversely by any committee of a former Congress, shall not be considered by either of said committees unless accompanied by an affidavit showing newly discovered evidence in support of such claim which, with the evidence upon which it was formerly considered, would *prima facie* entitle such claimant to relief."

Should the appropriation bills be left with the Committee on Appropriations, Mr. BLOUNT offers to amend substantially as follows:

The Committee on Foreign Affairs shall have the same privileges in reporting and having considered bills in relation to organizing the State Department and the consular and diplomatic service as are accorded to the Committees on Appropriations and Ways and Means.
The Committee on Military Affairs shall have like privileges as to bills relating to the organization of the War Department or the Army.
The Committee on Naval Affairs shall have like privileges as to bills relating to the organization of the Navy Department, the Navy, and additions of vessels to the same.
The Post-Office Committee shall have like privileges as to bills relating to the organization of the Post-Office Department, the transportation of the mails, and regulating rates of postage.
The Committee on Indian Affairs shall have like privileges as to bills relating to the regulation of the Indian tribes.

By Mr. WEAVER, of Nebraska:

In line 239, after the word "harbors," insert the words "the Committee on Commerce, bills for the regulation of interstate commerce."

By Mr. MURPHY:

Amend rule XI, clause 8, by adding "canals;" so that it will read: "To the improvement of rivers, harbors, and canals, to the Committee on Rivers, Harbors, and Canals."
Amend section 17 by striking out "and canals."

By Mr. GALLINGER:

Amend Rule XI, by inserting, after line 61, the following:
"On the Public Health, to consist of eleven members."

By Mr. WORTHINGTON:

Amendment to Rule XXIV:
"Members shall have the right to print remarks in the RECORD, upon any public bill or resolution, at any time after it shall have been favorably reported by a committee to the House, and before final action is taken upon it, but not thereafter."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the President *pro tempore* of the Senate had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN members on the part of the Senate of the Joint Committee on Printing, under the provisions of section 3756 of the Revised Statutes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House was requested:

A bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMAS D. JOHNSTON, indefinitely, on account of serious illness in his family; and

To Mr. DINGLEY, indefinitely, on account of illness in his family.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. T. M. BROWNE: Petition of 400 citizens of Wayne Township, Henry County, Indiana, for an amended pension law for soldiers of the war of 1861—to the Committee on Pensions.

By Mr. BYNUM: Papers relating to pension claim of Susan M. Conger—to the Committee on Invalid Pensions.

Also, petition of 110 citizens of Shelby County, Indiana, against the suspension of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, papers relating to the pension claims of Andrew W. Billings; of Rosanna Flahiff; of Emma Hollway; of Louisa C. Beezeley; of James Kiley, and of Susan Jones—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: Papers relating to the claim of Michael Mulholland, of Mississippi, for compensation for property seized and used by the United States military authorities at Memphis, Tenn., in 1863—to the Committee on War Claims.

By Mr. CLEMENTS: Memorial of Dinnitia W. Bates, for reference of claim to Court of Claims—to the same committee.

By Mr. CRAIN: Petition for reference of the claim of the heirs of Henry Harrison, of Texas, to the Court of Claims, for correction of mistake of fact in decision of the Southern Claims Commission—to the same committee.

By Mr. DINGLEY: Memorials of 201 citizens of North Haven; of 150 citizens of Booth Bay; of 75 citizens of Southport; of 38 citizens of Monhegan; of W. S. White and 30 others, of Hurricane Isle; and of 30 citizens of New Castle, in the State of Maine, protesting against any commission looking to an arrangement for the admission of Canadian fish free of duty—to the Committee on Foreign Affairs.

Also, petition of 54 citizens of Matinicus, Me., for protection of the fisheries—to the same committee.

Also, petition of the board of managers of the National Temperance Society, officially signed, asking for a national commission of inquiry concerning the alcoholic liquor traffic—to the Select Committee on Alcoholic Liquor Traffic.

By Mr. FARQUHAR: Petition of George E. Fell, M. D., to enact bill to establish the metric system of weights and measures in Government Departments—to the Committee on Coinage, Weights, and Measures.

By Mr. LITTLE: Petition of Almon Bradford and others, for refunding of bounties in certain cases to officers and soldiers of the late war, their widows and legal representatives—to the Committee on Military Affairs.

By Mr. LAFFOON: Petition for the relief of Houston L. Taylor—to the Committee on Public Lands.

By Mr. MCCOMAS: Petition for the relief of Terence and Joseph Byrne—to the Committee on War Claims.

By Mr. SPRINGER: Memorial of J. S. Allen and 108 others, citizens of Bath, Mason County, Illinois, praying Congress to authorize unlimited coinage of the standard silver dollar, to issue silver certificates in denominations of one, two, and five dollars, and to apply surplus reserve to payment of the national debt—to the Committee on Coinage, Weights, and Measures.

By Mr. SOWDEN: Petition of Daniel A. Whitesell, late sergeant of Battery C, Fifth United States Artillery, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. ZACH. TAYLOR: Petitions of John T. Dowell; of heirs of Martha O. Ward; of Henry E. Wade; of Martha W. Taylor; of Eliza B. Yandell; of Thomas Polk, guardian of heirs of Levi M. Todd, and of Edmund Taylor, executor of Howard Taylor, asking that their several claims be referred to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, petitions of Robert Quin; of P. L. Vernon, administrator of Robert U. Vernon; of W. F. Tipler, and of J. J. Tharp, executor of R. R. Moon—to the same committee.

By Mr. WORTHINGTON: Two petitions from Fulton County, Illinois, for pensions and half-pay for services in Black Hawk war—to the Committee on Pensions.

SENATE.

FRIDAY, *December* 18, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting a report from Bvt. Col. G. L. Gillespie, Corps of Engineers, concerning the damage done by the storm of November 23 and 24, 1885, to the north and west sides of Governor's Island, New York Harbor.

The PRESIDENT *pro tempore*. The Chair is in doubt whether the communication should be referred to the Committee on Appropriations or to the Committee on Commerce.

Mr. CONGER. This document relates to Governor's Island, as I understand, in the harbor of New York, which is controlled by the military. I judge that the communication should be referred in the first instance to the Committee on Military Affairs for consideration, and that if an appropriation be necessary they should report it back and have it referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The communication will be printed, and, if no objection is made, will be referred to the Committee on Appropriations, which the Chair is informed is the usual committee to consider such matters.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 3663 of the Revised Statutes, a plan and estimate of the cost of protecting the roads and public buildings at Fort Canby, Wash., against the waters of Baker's Bay; which, together with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION.

The PRESIDENT *pro tempore*. The Chair has received a letter, addressed to him as President of the Senate, which was evidently intended for the Senate, and the Chair will ask that it be read.

The communication was read, and ordered to lie on the table and to be printed, as follows:

THE NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION,
New Orleans, December 15, 1885.

DEAR SIR: The board of management of the North, Central, and South American Exposition have designated Tuesday, December 29, as American "Congressional Day," and all Senators are respectfully invited to be present upon that occasion.

The leading object of the exposition is to develop more intimate commercial and social relations between the various nations of the three Americas, and it is earnestly hoped that Senators may favor us with their presence, and thereby lend the weight of their influence to the promotion of this important work.

Very respectfully,

S. B. McCONNICO.

Hon. JOHN SHERMAN,
President of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of residents of Jackson County, Indiana, praying that all soldiers of the late war be allowed pensions and that the limitation as to arrears of pension be removed; which was referred to the Committee on Pensions.

Mr. PALMER presented the petition of Merritt Lewis, late a private in Company K, Seventh Michigan Cavalry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. GRAY presented the petition of Anthony Reybold, a citizen of Delaware, praying to be reimbursed for money expended by him in raising a sunken vessel for the benefit of the Government; which was referred to the Committee on Claims.

Mr. CALL presented the petition of Oliver Chamberlain, late surgeon of the Eighth Regiment Kansas Volunteers, praying the passage of a special act authorizing the Pension Office to place his name on the pension-roll at the rate of $72 per month, his present lower rating being caused by the imperfection of the act of June 16, 1880; which was referred to the Committee on Pensions.

Mr. FRYE presented a memorial of 105 citizens of Booth Bay, Me., protesting against any arrangement with Great Britain to admit Canadian fish free of duty; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL. Some days ago I introduced a bill (S. 298) for the relief of captains, pilots, engineers, and mates of steam-vessels, and it was referred to the Committee on Commerce. I now present to the Senate a brief prepared in that case explaining its provisions, and ask that that brief be received and referred to the Committee on Commerce to be considered in connection with the bill.

The PRESIDENT *pro tempore*. The paper will be received and referred to the Committee on Commerce.

JULIA D. GRANT.

Mr. MITCHELL, of Pennsylvania. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 580) granting a pension to Julia D. Grant, to report it favorably, without amendment. I ask the unanimous consent of the Senate to proceed to the immediate consideration of the bill.

Mr. INGALLS. Let the bill be first read at length.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place the name of Julia D. Grant, widow of the late Ulysses S. Grant, deceased, on the pension-roll, and to pay her a pension during her natural life at the rate of $5,000 a year, from and after the 23d day of July, A. D. 1885.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? If not, the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. HARRIS. I do not desire to object and shall not object, but I ask the chairman of the Committee on Pensions if an act passed a year or two ago does not extend pensions to the widows of all deceased Presidents?

Mr. MITCHELL, of Pennsylvania. No, sir; I have no knowledge of any such act.

Mr. HARRIS. There was an act, the Senator knows, passed a year or two ago under which certain widows of deceased Presidents were pensioned.

Mr. MITCHELL, of Pennsylvania. Yes, sir.

Mr. HARRIS. My impression was that it was a general act and extended to all widows of deceased Presidents.

Mr. MITCHELL, of Pennsylvania. No, sir; it only applied to those then widows, the cases of Mrs. Garfield, Mrs. Tyler, and Mrs. Polk. That was in conformity with what had been done by Congress in the case of Mrs. Lincoln. This bill follows the others in every respect except that Mrs. Tyler had formerly been pensioned by Congress at a lower rate, and the rate of pension in those cases was fixed to begin from the death of President Garfield. It is proposed to pension Mrs. Grant from the date of the death of her husband.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS ON IRON, STEEL, ETC.

Mr. HAWLEY, from the Committee on Printing, reported the following concurrent resolution, which was read:

Resolved by the Senate (the House of Representatives concurring), That the reports of tests of iron and steel and other materials for industrial purposes made at the Watertown arsenal and transmitted to the Senate by the Secretary of War on the 3d of December, 1884, and 11th of December, 1885, be printed, and that 3,500 additional copies of each report be printed; of which 1,000 copies of each report shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

Mr. HAWLEY. The report for 1884, it will be seen, is provided for in the resolution. The Senate passed the usual resolution on the subject a year ago, but it failed in the other House. Therefore the committee now reports in favor of the printing of the reports for both years. These are valuable reports, valuable to the scientific and industrial world.

The PRESIDENT *pro tempore*. The question is on the adoption of the concurrent resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. FRYE. I introduce a bill relating to the bureaus of the Navy Department. It is a very important bill, making radical changes. It is intended to prevent abuses in that Department, and I commend it to the consideration of the Naval Committee, to which I ask that it may be referred after being twice read.

The bill (S. 672) relating to the bureaus of the Navy Department was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FRYE. I also introduce a bill in relation to the departments of the Army of the United States, and I commend it, as a bill of great importance, to the consideration of the Committee on Military Affairs, to which I ask that it may be referred after being twice read.

The bill (S. 673) in relation to the departments of the Army of the United States was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 674) granting an increase of pension to Mrs. Ellen M. Mitchell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 675) for the relief of E. B. McPherson, jr.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PALMER introduced a bill (S. 676) for the relief of Mrs. Catherine E. Whitall; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 677) for the relief of Seth Colvin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 678) for the relief of Mary Howard Farquhar; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 679) to provide for the establishment of evening schools in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 680) for the relief of the heirs of the late William A. Burt, inventor of the solar compass adopted and used by the United States Government for fifty years in making the original survey of the public domain; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 681) for the relief of Eunice Tripler, widow of Charles S. Tripler, late a surgeon in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 682) granting a pension to James S. Donahue; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 683) granting a pension to Henry O. Hill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 684) granting a pension to Amelia J. Gill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 685) granting a pension to Mary Marsh; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 686) granting a pension to Charles N. Sebastian; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 687) granting a pension to Erik Peterson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM (by request) introduced a bill (S. 688) to authorize the reinstatement and retirement of Capt. T. J. Spencer as a captain of the United States Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 689) concerning the Capitol building and grounds; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CALL (by request) introduced a bill (S. 690) for the relief of Francis Denmead; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAMPTON introduced a bill (S. 691) to make it unlawful for Senators or Representatives to recommend or solicit appointments to office; which was read the first time by its title.

Mr. CONGER. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Whereas additional legislation is necessary to carry out the intention of the tenth section of the act of Congress of the 16th January, 1883, entitled "An act to regulate and improve the civil service of the United States;" and

Whereas the recommending or soliciting appointments to office by Senators and Representatives is not only contrary to the spirit of the said tenth section, but also interferes seriously with the performance of their legislative duties: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be a misdemeanor for any Senator or Representative of the Congress of the United States to recommend or solicit directly or indirectly the appointment of any person to an office under the Government of the United States, and that any such Senator or Representative who shall be convicted of making such recommendation or solicitation shall be punished by a fine of not more than $1,000 and not less than $500, one-half of which shall go to the person or persons upon whose testimony such conviction shall have been obtained, and the other half to the United States.

SEC. 2. That whenever the appointing power shall call on a Senator or Representative for information touching an applicant for office he shall do so in writing, and such information as may be given shall be furnished in writing under the signature of such Senator or Representative, and shall be filed in the Department or bureau of the office at whose request it was furnished.

SEC. 3. Nothing in this act shall be construed so as to forbid any Senator or Representative of the Congress of the United States from forwarding to the appointing power any application for office that he may receive, but any indorsement he may make thereon shall relate only to the facts of the case or the character of the applicant.

Mr. INGALLS. Who introduced that bill?

The PRESIDENT *pro tempore*. The Senator from South Carolina [Mr. HAMPTON].

Mr. HAWLEY. I believe it is not retroactive, is it?

The PRESIDENT *pro tempore*. It is not for the Chair to state. The bill will be referred to the Committee on Civil Service and Retrenchment.

Mr. MILLER, of New York, introduced a bill (S. 692) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also (by request) introduced a bill (S. 693) for the relief of H. J. Simonson and others; which was read twice by its title, and referred to the Committee on Finance.

Mr. HARRIS introduced a bill (S. 694) for the relief of Lucinda McGuire, of Memphis, Tenn.; which was read twice by its title.

Mr. HARRIS. With the bill I present the petition of Mrs. Lucinda McGuire, asking compensation for the use and occupation of certain houses in Memphis, Tenn., from 1863 to 1865 by the United States Army. I move that the bill and petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. INGALLS (by request) introduced a bill (S. 695) to incorporate the Washington Central Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 696) to regulate licenses in the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 697) to extend time of payment of special assessments, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 698) to prevent the unlawful inclosure of public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a bill (S. 700) for the relief of Madeleine Vinton Dahlgren, widow of the late Rear-Admiral John A. Dahlgren, of the United States Navy, and administratrix of his estate; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 701) for the relief of the legal representatives of Peter Lyle, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. ALDRICH introduced a bill (S. 703) for the relief of William G. Budlong; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 704) defining sea-service; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 705) to extend letters patent granted to Charles H. Field; which was read twice by its title, and referred to the Committee on Patents.

He also introduced a bill (S. 706) granting a pension to Robert Sheridan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 707) donating condemned cannon to Tower Post No. 17, Grand Army of the Republic, of Pawtucket, R. I.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 708) for the relief of Stephen N. Smith; which was read twice by its title, and referred to the Committee on Patents.

Mr. GIBSON introduced a bill (S. 709) for the relief of the Citizens' Bank of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 710) for the relief of the State National Bank of Louisiana; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 711) to establish the meaning of the word "month" in the statutes of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. COLQUITT introduced a bill (S. 712) for the erection of a public building at Augusta, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 713) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BECK (by request) introduced a joint resolution (S. R. 16) for the relief of Mrs. Lizzie M. Phelps, widow of Hon. S. L. Phelps, late minister of the United States to Peru; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers pertaining to the claim of C. B. Bryan & Co., of Memphis, Tenn., be taken from the files and referred to the Committee on Claims, subject to the condition imposed by the rule.

On motion of Mr. VOORHEES, it was

Ordered, That the petitions and papers of Nicholas J. Bigley be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the claim of Sewell Coulson, and Porter, Harrison & Fishback, be taken from the files and referred to the Committee on Claims.

On motion of Mr. HARRISON, it was

Ordered, That the papers in the case of F. Courtney Cochnower be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of Dr. Delany Wiley be taken from the files and referred to the Committee on Pensions.

On motion of Mr. MITCHELL, of Pennsylvania, it was

Ordered, That the papers in the case of Peter Lyle, deceased, be referred to the Committee on Pensions, no adverse report having been made.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of Maria E. Warfield be taken from the files of the Senate and sent to the Committee on Claims.

Ordered, That the papers in the claim of William R. Testerman be taken from the files and referred to the Committee on Claims.

On motion of Mr. CAMERON, it was

Ordered, That the papers on the files of the Senate in the case of Jabez Burchard be taken therefrom and referred to the Committee on Naval Affairs.

COIN DUTIES ON IMPORTED GOODS.

Mr. BECK submitted the following preamble and resolution; which were read:

Whereas the laws of the United States require that all duties on imported goods shall be paid in coin; and

Whereas it is provided by section 3594 of the Revised Statutes that "The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment, in coin, of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall, from time to time, direct; third, the residue to be paid into the Treasury:"

Resolved, That the Committee on Finance be instructed to inquire whether the laws above stated now are, or have heretofore been, obeyed; and if they have not, to report by bill, or otherwise, such measures as will secure their enforcement.

Mr. BECK. I desire the preamble and resolution to lie on the table, and I shall call them up perhaps on Monday, if it should be the pleasure of the Senate then to permit me to make some remarks in regard thereto.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will lie on the table and be printed.

ROOMS FOR COMMITTEES.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay the rent of the building leased by the Sergeant-at-Arms of the Senate and the Architect of the Capitol Extension, under the resolution of the Senate of July 5, 1884, from the 1st day of April to the 15th day of November, 1885, inclusive, at the rate agreed upon in the contract, and upon vouchers properly approved by the Committee to Audit and Control the Contingent Fund of the Senate.

UNPAID CLAIMS FOR MOIETIES.

Mr. COCKRELL. I am requested by a reputable attorney to offer this resolution, which he says is necessary in the consideration of certain claims before Congress:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what unpaid claims are on file in the Department for moieties or shares of penalties under the internal-revenue laws, claimed to have accrued under section 179 of the act of June 30, 1864 (13 Statutes at Large, 305), as amended by the act of July 13, 1866 (14 Statutes at Large, 145), which was repealed by section 39 of the act of June 6, 1872 (17 Statutes at Large, 256); stating the amounts recovered in each case, the collection district in which the penalties accrued, the causes of non-payment of said claims, and the amount required to be appropriated in case said claims should be deemed just and valid.

The resolution was considered by unanimous consent, and agreed to.

UNION PACIFIC RAILROAD COMPANY.

Mr. WILSON, of Iowa. I give notice that on Monday next I shall ask the Senate to take from the table the resolution introduced by me on the 9th instant, directing the Secretary of the Interior to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company, on which occasion it is my purpose to submit some remarks to the Senate upon the subject.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Calendar is now in order.

Mr. BUTLER. I ask the unanimous consent of the Senate to take up the resolution in reference to the Territory of Dakota with a view of disposing of it. I see that it has been placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks the unanimous consent of the Senate to take up the resolution in respect to the Territory of Dakota. Is there objection? The Chair hears none.

Mr. BUTLER. If in order to do so, I will yield to the Senator from Kansas [Mr. INGALLS], who has a matter he wishes to dispose of.

Mr. INGALLS. I was about to observe that unless the Senator from South Carolina is specially and personally anxious to proceed with that debate this morning I should like very much to ask the Senate to consider the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia. I am quite sure that it will take but very little longer than will be necessary for the reading of the bill and it will readily be concluded before the close of the morning hour.

Mr. BUTLER. I yield to the Senator from Kansas for that purpose.

POTOMAC RIVER FLATS.

Mr. INGALLS. I then ask unanimous consent that the Senate at this time consider Senate bill 335.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia.

Mr. INGALLS. I move to amend the sixth section, in line 6, by inserting after the word "than" the words:

Upon property in respect of which there is no claim adverse to the title of the United States, or—

So as to read:

That until the final decision of the matters hereinbefore in this act mentioned shall have been had, no moneys appropriated for the improvement of the Potomac River, the establishment of harbor lines in the District of Columbia, and the raising of the flats therein shall be expended otherwise than upon property in respect of which there is no claim adverse to the title of the United States, or for the improvement of navigation in the said river.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Secretary calls the attention of the Chair to the sixth line of section 3, where the word "promises" as printed should be "premises." It is a typographical error.

Mr. INGALLS. Let the change be made to correspond with the sense.

The PRESIDENT *pro tempore*. The correction will be made.

Mr. SAULSBURY. I should like to ask the Senator who has charge of the bill if there is any right of appeal reserved, or whether the decision of the supreme court of the District is to be final and conclusive?

Mr. RANSOM. By the fifth section of the bill the right of appeal to the Supreme Court of the United States is secured.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DAKOTA TERRITORY.

The PRESIDENT *pro tempore*. The resolution submitted on a former day by the Senator from South Carolina [Mr. BUTLER] will now be read.

The Chief Clerk read the resolution of Mr. BUTLER, as follows:

Resolved, That the Committee on Territories be, and they are hereby, instructed to inquire and report to the Senate under and by what authority a so-called State Legislature has been organized in the Territory of Dakota, if such a body has been organized as alleged, and by what warrant or authority said organization has proceeded to elect Senators to this body. And that said committee inquire further and report whether said organization is not calculated to bring about a conflict of authority prejudicial to the good order of said Territory, and demoralizing to the Territorial government legally organized and administered under the authority of the National Government, and that said committee have leave to report any special matter relating to the affairs of said Territory requiring or demanding the attention of Congress.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. VEST. Mr. President, I am glad that the Senator from South Carolina has introduced this resolution. It brings to my attention a matter which entirely escaped it the other day in the proceedings of the Senate, and which I am satisfied is one deserving the immediate and earnest consideration of every member of this body. The Senate, according to its record, now stands committed to the fact that there is a State in this Union, or at least in existence as a political body, known as the State of Dakota. Speaking for myself, I had never contemplated any such assertion or admission; and when the Senator from Indiana [Mr. HARRISON] the other day presented a memorial coming from certain persons in that Territory, in the hurried reading of the Secretary it escaped me that it came from the official representatives of a State of which I had never heard except in the daily press.

The constitution, so called, of this State of Dakota, a copy of which I have in my hand, appointed a certain body to act for the State and to represent it. The provisions of the constitution, which will be found on page 43 of this printed copy, provide that—

Within ten days after such election the several boards of county canvassers provided by law for the canvassing of the results of elections, and the several county boards provided for by this schedule and ordinance, of their several counties, shall either or both make and certify under oath, to the president of the State executive committee a true and honest return of the total number of votes cast for the constitution and against the constitution, of the number of votes cast for and against "prohibition," &c.

* * * * * * *

The president of the State executive committee shall receive all returns of the election transmitted to him as above provided, and shall preserve the same. Within twenty days after said election the president of said State executive committee, together with such members of said committee as may assemble with him, and with the secretary of the Territory, the chief-justice of the Territory, if they will so act, and with such other officers of the Territory as he may associate with him who shall consent to act, shall canvass and compile the certificates and returns of such elections.

Mr. HARRISON. Will the Senator from Missouri name the section and article to which he is referring?

Mr. VEST. I am referring to sections 19 and 20, page 43, of the so-called constitution of the State of Dakota.

Mr. HARRIS. Will the Senator from Missouri please inform me what executive committee is there referred to? A committee of what?

Mr. VEST. Of the State of Dakota, so called.

Mr. HARRIS. How created?

Mr. VEST. Created by the convention which formed this so-called constitution, a body of gentlemen who have no official existence unless they get it from this convention, who came to the Senate as the representatives of a State, the State of Dakota, and who so style themselves

in a memorial which we received and referred to the Committee on Territories, and thereby gave sanction to their claim, indirectly, if not directly. For one, I enter my protest against any such assumption.

The chairman of this committee is a gentleman not unknown to fame, Mr. Hugh J. Campbell, recently United States district attorney or Territorial attorney for the Territory of Dakota, a gentleman who in recent events in the State of Louisiana distinguished himself as a partisan of the Hayes administration, and who was rewarded by appointment as United States attorney for the Territory of Dakota for his zealous and not overscrupulous efforts in behalf of Mr. Hayes. This gentleman, carrying his revolutionary principles to the Territory of Dakota, now figures as the chairman of this committee. He has published an address, 5,000 copies of which have been distributed over that Territory, asserting the monstrous and revolutionary doctrine that the State of Dakota exists by virtue of the vote of the people of that Territory without reference to Congress.

Gentlemen upon the other side of this Chamber are fond of talking about rebellion, they are fond of talking of treason, they are fond of talking of assserting an authority within the domain of the United States against the National Government. I want to see now whether they favor this attempt against Congress, against the Administration which the people have chosen, to set up a State government, and at the head of this movement is a man who distinctly and emphatically declares in his address to the people that this government exists without regard to Congress and by virtue of the votes that were taken without the sanction of Congress.

Mr. President, if it is not the truth, it ought to be discarded. If it is the truth, then Senators, without regard to party, should say whether this thing can be done in open day and in defiance of the Constitution and laws of the United States.

Here is the memorial, which escaped my attention:

YANKTON, DAK., *December* 7, 1885.

To the honorable President of the Senate of the Congress of the United States, Washington, D. C.:

SIR: We, the State executive committee of the State of Dakota, in this behalf appointed by a constitutional convention of that part of the Territory of Dakota south of the forty-sixth parallel of latitude, have the honor to herewith transmit to you a certified copy of the constitution of the State of Dakota and of a memorial from the constitutional convention to the President and Congress of the United States. We have also forwarded through the hands of Hon. BENJAMIN HARRISON, United States Senator, an engrossed and certified copy of the constitution for presentation to the Senate through the President thereof. I am instructed on behalf of the constitutional convention of Dakota to request you to have the said memorial and constitution duly presented to the Senate of the United States for their consideration, and that the same be referred to the proper committee and acted upon as the application of said convention, for and in behalf of the people of said State, for the admission of the State into the Union.

Yours, respectfully,

HUGH J. CAMPBELL,
President State Executive Committee.
JOSEPH R. HANSON,
E. P. BEEBE,
A. J. SIMMONS,
JOHN CAIN,
JAMES A. WARE,
STEPHEN G. UPDYKE,
Committee.

These gentlemen are here in the official character of the State executive committee of the State of Dakota, and they are here in no other. They do not come here as private citizens; they come here asking recognition. I see by this morning's paper that an ovation has been extended to Mr. Hugh J. Campbell by the Legislature, so called, of the State of Dakota, for his success in obtaining recognition of Statehood at the hands of the United States Senate, and that we are now by our action in referring these papers to the Committee on Territories estopped from ever after denying that any such State exists.

Mr. PLUMB. Will the Senator permit me to interrupt him for a moment?

Mr. VEST. Of course.

Mr. PLUMB. I do not happen to know Mr. Campbell, and the Senator is giving him a great deal of gratuitous advertising; but, if he will permit me to say so, the ovation which he speaks of which has been given Mr. Campbell may serve, I think, to show that the people who gave it know Mr. Campbell better than the Senator himself does.

Mr. VEST. I care nothing for Mr. Campbell, speaking with due respect to him and his friends on this floor. Mr. Campbell is nothing to me; I never saw him; I never heard of him except in connection with the Louisiana matter, and when he appears again on the plains of Dakota. I speak of his indorsement by the constitutional convention, so called, and his official character here before the Senate, and I have a right to do that without being subjected to the criticism of my friend.

Mr. PLUMB. The Senator will permit me to say that I think he brought in the name of Mr. Campbell to cast odium upon him in that he had been engaged in this movement to get into the Union. In view of that remark I imputed to it what I think every other person who heard it imputed to it.

Mr. VEST. I am not responsible for the apprehensions or the deductions of the Senator from Kansas, nor am I particular about what conclusion he draws. I spoke of Mr. Campbell because Mr. Campbell appears in connection with these papers. As to gratuitous advertising, he is welcome to it if it will do him any good in his business, whatever it is, but he appears here as the chairman of this executive committee; in an address he receives an ovation for having obtained this recognition; and if these are not public events about which I, as a Senator of the United States, have a right to speak and upon which I can comment, then I had better leave this floor to my distinguished friend from Kansas. I propose to discuss Mr. Campbell so far as he comes here as the representative of this revolutionary movement, not personally, for I know nothing about him personally. He may be the purest man in all the domestic and personal relations that there is on this continent. I have nothing to do with that. I am discussing public events and public results, and I shall continue to do so notwithstanding the criticism that has been made.

This ovation is very significant from the fact that Mr. Campbell, representing this movement, and at the head and front of it, has distinctly avowed his revolutionary opinions in the address to which I have alluded. I say "revolutionary," because they are opposed to the Constitution and laws of the United States, because they set up a government that can not exist except by the will of Congress, and if there is a Senator on this floor who holds the opposite opinion I want to hear from him. I want to know if there is any Senator here representing a sovereign State who will undertake to say now that this State government can exist except by the voice and will of Congress, and whether the doctrine is now to be asserted here directly or indirectly, incidentally or otherwise, that any set of gentlemen, however respectable in their personal relations, can assemble anywhere within our public domain and create a government and put it into operation and usurp the functions of sovereignity and come here and say they are not in open and direct violation of the Constitution and laws of this Government. No talk about past events can deter me from making a legitimate argument as a lawyer and a member of this body.

I do not propose to discuss now what has happened in the past, and I shall not be induced to do it. I am now under my duty as a Senator discussing passing events of the most pressing importance, and I thank the Senator from South Carolina for this resolution, because I believe that the deliberate and calm and earnest attention and action of this body will now prevent trouble. I have no doubt from the papers before me, as I shall attempt to show the Senate, that the intent of these men in Dakota is, if Congress shall adjourn without admitting this State, that they will go on in defiance of the will of Congress to operate a State government. I assert here as a lawyer that the organization of any State government without the consent of Congress directly given is revolutionary. The Supreme Court of the United States and this body have over and over again declared that to be so.

Now let us see what is the opinion of Mr. Campbell at the head of his committee—not his individual opinion but his official declaration as chairman of this State executive committee of the so-called State of Dakota.

Mr. HARRISON. Will the Senator be good enough to announce to the Senate the document from which he reads and the page of it, so that we may follow him?

Mr. VEST. I read an extract from an address issued by Mr. Campbell over his own signature to the people of Dakota.

Mr. ALLISON. Is that the document?

Mr. VEST. This is an argument by Judge P. C. Shannon.

Mr. HARRISON. I have it in my hand. If the Senator will refer to the pages I shall be able to follow him.

Mr. VEST. The fourth page.

The doctrine of the pamphlet is, that the people south of that line—

The forty-sixth degree of latitude—

by virtue of their population, their territory, their constitutional rights, and the inviolable guarantees of treaties, and the will of the people, are a State, and ought, without further delay, to form a State constitution and a State government.

But if it be said that that is not an authoritative and official declaration of the purpose of these parties, I go now to an official address issued by this State executive committee to the people of Dakota under the sanction and by direction of the so-called constitutional convention, an address signed by Mr. Campbell, the chairman, and to which I call the attention of the Senate to show that every syllable of what I have charged is the absolute truth. Mr. Campbell says in this address issued under the sanction and direction of the constitutional convention:

We speak advisedly when we say to you that in all directions the sentiment in favor of the admission of this part of Dakota—

The Senator from Indiana will find this on the third page of the address to the people of Dakota, with the constitution of the State of Dakota adopted by the constitutional convention—

We speak advisedly when we say to you that in all directions the sentiment in favor of the admission of this part of Dakota as a State into the Union has grown stronger each year, until the demand from the people of the United States that this act of justice shall be done is now almost universal.

Almost all the great newspapers of the land, East as well as West, and even in California, are demanding that Congress shall admit Dakota.

We do not believe that the party now in power can afford to antagonize the sentiment of justice on the part of the American people which is thus voiced by the press. We do not believe that the present national Administration will have the disposition so to do.

[One thing is sure, if the two hundred and fifty thousand people of Dakota, by a full vote at the polls this coming November, adopt this constitution and elect such men as will represent their wishes, and if the people of the new State, after

electing them, with the temper and firmness of American citizens, stand upon their rights under the Constitution of the United States and support their State government—

Mark that language—

"stand upon their rights under the Constitution of the United States and support their State government," the people of the United States will respect their attitude and will join with them in demanding their immediate admission. And one of two results will surely follow: either the immediate admission of the State of Dakota by the next Congress at its first session or the hurling from power of the Congress that thus abuses its power and defies the public sentiment of the country. It is time that Congress ceases to trifle with the rights and interests of two hundred and fifty thousand citizens of the United States.

We believe that your admission into the Union is a matter to be determined by you by your votes at this election. If a full vote is polled and your constitution is adopted and your State government is elected, no Congress and no administration will dare to so far defy public opinion as to deny your admission.

But to remove any doubt about the meaning of this committee, let us read further:

The ordinance of 1787 and the treaty with France, by which Louisiana was ceded to the United States, contained irrevocable guarantees to the people of this Territory of the right to form a State Government for themselves and be admitted into the Union as soon as their population and resources are sufficient for self-government. The ordinance of 1787 has been extended by Congressional enactment over Dakota by four successive statutes. The rights guaranteed by that ordinance are matters of compact, which compact is stipulated in the ordinance to be forever irrevocable without the consent of the people of the Territory. The ablest lawyers and jurists of the country have united in declaring that the people of this Territory are parties to those compacts, and of right entitled to act upon them and demand their fulfillment. In addition to these compacts, the Constitution of the United States, as judicially interpreted by the Supreme Court, which interpretation has never been reversed by any subsequent court, has guaranteed to the people of this Territory, as of all Territories, the absolute right of self-government and Statehood whenever their condition, their population, their area, and their resources are sufficient to enable them to govern themselves.

These are constitutional and legal rights which Congress has no lawful power to set aside, and can only disregard, as Senator HARRISON stated upon the floor of the Senate last winter, by "brute force."

Did the Senator from Indiana ever express upon this floor that these people or the people of any other Territory had the right to admission without the action and consent of Congress? Does the Senator say now or intimate that the language of this pamphlet is true that these people have that right, without regard to the action of either House of Congress or both collectively? I assert that the Senator from Indiana will not stand upon this floor and say that any State can so exist inside or outside this Union——

Mr. HARRISON. The Senator does not need to state anything on that subject on his own authority, if he heard my words yesterday; and I say to him now that I hold, and have always held, to the doctrine that a State can neither break into nor break out of this Union.

Mr. VEST. Very good. We are not talking about breaking out. That question is *res adjudicata*, and nobody is asking now to reopen it. I am talking now about the transaction that is immediately pressing on the Senate. This question is one not of breaking into or breaking out of the Union, but breaking into Statehood without the consent of Congress. That is the proposition. I say that the Senate of the United States and the Supreme Court of the United States have declared in unmistakable tones over and over again that this can not be done. I know, as the Senator said yesterday, that there are precedents of States being admitted without enabling acts. When Tennessee was admitted she came to the Senate with two Senators elected and with a constitution creating a complete State government, but it was done under peculiar circumstances, because Tennessee claimed that by virtue of the cession of her territory made by North Carolina to the Union she was entitled——

Mr. HARRISON. But, Mr. President, she did not pass immediately from the jurisdiction of the State the Senator has referred to. She passed into a Territorial condition under United States law before she became a State.

Mr. VEST. That does not touch the point I was making on that subject.

Mr. HARRISON. Then there could have been no point in it.

Mr. VEST. Well, I am not leaving that to the Senator. Heaven help me if he is to decide this argument. I am now appealing to this body and to the Senators here who have taken no such part in this debate or in this question as to be prejudiced one way or the other. It matters not whether it was a Territory immediately or not. The point I make is that Tennessee claimed the right to organize a State government because under the terms of the original cession of the Territory of Tennessee by North Carolina to the Federal Union the provision was placed in that cession that it should be immediately organized into a State. That was the claim, that was the condition, and upon that Tennessee claimed the right of Statehood.

California was also admitted into the Union without an enabling act, and Michigan was admitted; but the history of the Michigan case, which has been appealed to time and again as a precedent for the actions of this so-called constitutional convention in Dakota, shows that Michigan was finally admitted upon the compromise of a question of boundary which almost resulted in civil war in 1836 between Ohio and Michigan. The proceedings of the Senate of the United States at that time develop the fact that the very question which is now pending in the resolution of the Senator from South Carolina before this body came up in regard to Michigan.

A young gentleman of revolutionary proclivities, of considerable talent, a daring—I will not say an adventurer, but a daring statesman was appointed when twenty years old to be Secretary of the Territory of Michigan, a Mr. Mason, descended from the Virginia Masons. He originated the idea in his young and boyish ambition of organizing a State government and pressing that government upon the Congress of the United States. He became the acting governor of the Territory in Jackson's administration, and he issued the celebrated proclamation that if Ohio undertook to drive one solitary stake into the soil of Michigan he would call out the militia of the Territory and make war upon her. We all recollect, who have given any attention to the matter, that General Jackson appointed two commissioners to visit the scene of hostilities, Mr. Rush and Mr. Howard, and these commissioners succeeded in allaying the intense excitement for a time. Michigan applied for admission under a State constitution, and with this Mr. Mason elected as governor; and the debates of the Senate show that the memorial presented was exactly like this memorial, and purported to come from the State of Michigan. Mr. William Hendricks of Indiana, the uncle of the late Vice-President, moved in the Senate a resolution which declared "in receiving this memorial"——

Mr. HARRISON. Will the Senator give me the page again?

Mr. VEST. If the Senator wishes the exact language I will turn to it with pleasure. It is on page 26 of the pamphlet I have referred to.

That this paper shall be considered in no other light than as a memorial coming from individual citizens of Michigan.

It was presented, as this memorial here was presented, coming or purporting to come from a State; and the Senate of the United States after debate in which Mr. Webster, Mr. Calhoun, Mr. Clay, Mr. Benton, Mr. Buchanan, the greatest statesmen of that era, participated for days, and finally on a deliberate vote adopted the motion of Mr. Hendricks, and declared that this State of Michigan, so called, could have no legal or constitutional existence except by the will of Congress; and to-day that question is presented here.

This memorial has been received and referred to a committee coming from a so-called "State executive committee" when no such State exists under the Constitution or laws of the United States. Why, Mr. President, if it be a State, if what they have done is justified by law and the Constitution, why do they ask for admission into the Union? The Constitution of the United States provides that the highest act of sovereignty on the part of a State shall be the election of two Senators, and yet these gentlemen meet upon the plains of Dakota at Sioux Falls or Huron, elect two gentlemen as Senators, two gentlemen from the State of Indiana—Mr. Moody, whose celebrated opinion declaring the Yankton bonds to be unconstitutional and illegal, we have heard, and Mr. Edgerton, who, I believe, held a seat in this body since I have been a member from the State of Minnesota, but both originally from the State of Indiana. These gentlemen are the elected Senators and are coming to this body claiming to represent the sovereignty of a State, and this "State executive committee," representing the same sovereignty, puts this memorial before us!

Mr. President, I say the Supreme Court of the United States have decided emphatically and distinctly that these proceedings are illegal, revolutionary, and void. I quote from the decision of the Supreme Court of the United States found on page 37 of the pamphlet to which I have alluded for convenience, although the printed reports of the Supreme Court contain the same. Mr. Justice McLean said in a case that went up from Michigan testing the constitutionality of what was known as the Mason State constitution:

Now the conflict of power, in the case under consideration, is clear and distinct.

That was a case in which the so-called State Legislature under the so-called constitution had incorporated or given a charter to what was known as the Young Men's Society in the State of Michigan, and the question was as to the legality of that act. The supreme court of the so-called State of Michigan, appointed by the so-called governor, Mr. Mason, decided the act to be constitutional, because if they had decided it unconstitutional they would have judicially cut their own throats, as that supreme court simply had its existence and being by virtue of the same authority which created this society; and no court composed of mortal men has ever yet been found that was capable of committing political or judicial suicide. Therefore they decided that this act was entirely constitutional, and that the State government had a legal existence. The case came to the Supreme Court of the United States, and I read now an extract from their opinion. Justice McLean said:

Now the conflict of power in the case under consideration is clear and distinct. The two sovereignties of the State and the Territorial government can not exist at the same time within the same limits. The Territorial government exists in full vigor until it is abolished by the admission of the State. There was, then, a direct and irreconcilable repugnance in the exercise of the sovereign power by the State so long as the Federal authority was exercised in the Territory.

Now, sir, we have the anomaly presented by the Senator from Indiana of a Delegate in the other branch of Congress representing the Territory of Dakota and two Senators representing the sovereignty of the State of Dakota knocking for admission at our doors. It is impossible, say the Supreme Court, that these two forms of government should exist on the same soil; one must give place to the other; and I could stand

here until my strength was exhausted and produce to the Senate a pile of decisions from courts from the State of Ohio, from the State of Minnesota, from the highest judicial authority in the State of Michigan, Judge Cooley, who in the fourth edition of his work on Constitutional Limitations declares that an enabling act is the only safe and constitutional method in order to enable a Territory to come into the Union as a State; and I declare here that no matter what may have been done in the case of other States under political pressure or excitement or necessity, the Congress of the United States can alone give Statehood, and the proper way in which it is given is through an enabling act, and the Senate so determined during its last session.

Mr. President, look at the condition of this matter. The Senator from Indiana, the chairman of the Committee on Territories, prepared a bill entitled "An act to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes"—a carefully-prepared piece of legislation, distinct and emphatic, and passed by this body by a large majority. I was a member of the Committee on Territories when this bill was prepared. It was then thought necessary by the Senator from Indiana that this enabling act should go into effect in order to enable this Territory to become a State and to be admitted as a member of the Union. This bill passed the Senate and went to the House of Representatives, but the House failed to act upon it, and then these gentlemen in Dakota, not willing to await the action of Congress, come together for the second time—because this is the second time they have attempted to organize a State—meet together at Sioux Falls in a so-called convention, adopt a constitution with powers in the Legislature equal to those of any other State Legislature in this Union, elect a governor and lieutenant-governor, all the officers of State, members of the House of Representatives, two Senators, and proclaim to the world that the State of Dakota has come into existence notwithstanding the failure on the part of Congress to pass an enabling act to enable it to do so.

Mr. President, in these assertions of sovereignty against the United States, what can be more flagrant, what can be more outrageous? We are told here it makes no difference whether you pass an enabling act or not, if the people say in so many words, "We have a constitution, we have a State government under the will of the people, and all that is necessary is the presence of 250,000 freemen of Dakota to assert in thunder tones that they have made a State to enforce that mandate upon Congress."

A serious question has been presented here. For years there has been great conflict of opinion in that Territory as to the division of the Territory. A large portion of the people have urged that the Territory should be divided from east to west, and others from north to south. This convention took that question out of the hands of Congress and settled it themselves. They do not consult the people of Northern Dakota. For all practical purposes they disfranchise them; they ignore the action of the last Congress, in which it was proposed to pass an enabling act for Southern Dakota under the name of the State of Dakota, and to organize a Territorial government in the northern part of it to be called the Territory of Lincoln; they take the whole thing into their own hands and pass upon the question of dividing the Territory, and then say to the world, "We defy the action of Congress, because we have spoken and our voice is supreme."

Mr. President, if this can be done, what becomes of many adjudications of the Supreme Court of the United States, one made as late as the last term in the Murphy case, that the Congress of the United States has absolute authority over the Territories to do with them as it pleases; that it can legislate directly for the Territories; that it can annul any act of a Territorial Legislature; that under the constitutional provision that Congress shall make all needful rules and regulations concerning the territory and other property of the United States they have the absolute, unquestioned, and sole right, if they choose to exercise it, of making any law they please, and that no State can exist there except by the will and by the enactment of Congress? If this can be done we have a state of anarchy and are outside of all constitutional limitations. I say that it is a very grave question and involving consequences of the most serious kind in the subsequent history of this country. If this can be done, if this be the law, then the Constitution of the country which declares that no authority except that of a State can send Senators to this body amounts to nothing; the decisions of the Supreme Court, which declare that we are to decide when a State shall come into existence, are simply waste paper, nonsense, simply sound and fury, signifying nothing. I shall offer to the Senate the following resolution——

The PRESIDENT *pro tempore*. Does the Senator from Missouri offer an additional resolution?

Mr. HARRISON. Let it be read for information. I suppose it is offered only for that purpose, as there is another resolution before the Senate.

Mr. VEST. I understand——

The PRESIDENT *pro tempore*. The proposed resolution will be read.

The Secretary read as follows:

Resolved, That the memorial from certain persons calling themselves the State executive committee of the State of Dakota, and referred to the Committee on Territories, shall be considered in no other light than as a memorial coming from individual citizens of the Territory of Dakota.

Mr. HARRISON. Let the resolution be printed and go over.

The PRESIDENT *pro tempore*. Is it introduced as an independent resolution?

Mr. VEST. Yes, sir; independent entirely.

The PRESIDENT *pro tempore*. It will be received and printed and laid over.

Mr. VEST. Mr. President, when Michigan elected two Senators in the very same way that Dakota has done here, and sent them to this body, and sent Representatives to the House of Representatives, they were not admitted into either body. Neither body undertook to say, although party spirit then ran as high as it does to-day and even higher, that they were entitled to seats on either floor in their official capacity. The proceedings of the Senate, which I have examined, show that these two gentlemen were admitted as spectators upon the floor of the Senate, and the gentlemen elected as Representatives were admitted by the House of Representatives to the floor of the House, but not one lawyer could be found who asserted the right on the part of the Territory of Michigan to organize that State government and give it the power of a State *propria vigore*. If it can be done in one instance it can be done in any, and the debates which were then had in regard to Michigan, extracts of which I have before me, show by an unbroken current of declaration that both parties on this floor united in the position which I maintain. For that reason I offer this resolution.

Mr. LOGAN. Will the Senator allow me to make an inquiry of him at this point?

Mr. VEST. Certainly.

Mr. LOGAN. I do not know of any one who claims that these men have a right to seats as Senators on this floor; I have never heard any such proposition; but I desire to ask the Senator in reference to the State of Colorado. Does he not remember that two men were elected by a Legislature purporting to be the Legislature of Colorado, and who were admitted here on the floor as spectators you may call them, and were here for two years, and that a bill passed Congress twice admitting that State into the Union, these Senators presenting themselves to be sworn in if the State was admitted, but the bill was vetoed by President Johnson? The State was afterward admitted under a law of Congress, because the President at that time persisted in vetoing the bill. Does he not know that no Senator on either side pretended that that was a revolutionary proceeding merely because they claimed that they ought to be admitted? I did not hear any one talk about it as a revolutionary proceeding.

Mr. VEST. If the so-called State of Colorado had done as these men have done in Dakota, organized a State government, elected their officers, proclaimed it a State, issued an address to the people declaring it to be a State without reference to the action of Congress, I do not care what was done in the case of Colorado it was revolutionary if these facts existed. What is revolution? It is subverting the constitutional government of a country; it is asserting a jurisdiction and authority in any portion of the public domain antagonistic to the constitutional authority. What is the constitutional authority in regard to the Territories? The people of the United States by a written Constitution have given the right and the sole right to Congress to organize a State—I assert that proposition—to organize a State. If these gentlemen see proper to hold a barbecue or a picnic and pass resolutions that they are a State, that amounts to nothing.

Mr. LOGAN. I do not wish to enter into this discussion, for I am not on the committee, but I should like the proposition fairly stated. Does any one in the Senate claim that Dakota is now a State? Do that people claim so themselves? By virtue of the very constitution they present to the Senate they do not claim that they are a State until it is agreed to by Congress. Because they use the term "State," does that make them revolutionists against the Government, when they come to Congress and ask to be admitted as any other State has been heretofore? Is that a revolutionary proceeding? Is it not the right of the citizens of this country to petition Congress? Congress need not admit them, but certainly it is not a revolution against this Government merely for them to come as citizens and present their claim to the country asking that Congress shall pass upon their rights when they provide in the very constitution they submit that they are not a State until their Statehood is acknowledged by this Government. I do not think it is fair to treat them in that way, nor to try and arouse the country to the belief that there is a rebellion going on against this Government when there is no such intention.

Mr. BUTLER. The Senator from Missouri will allow me a moment. As I offered the resolution I think it perhaps proper to say that I have not claimed or insisted that this action has gone itself to the extent of revolution. I maintain and I think my friend from Missouri maintains that the tendency is toward revolutionary proceedings, that it threatens to bring about a conflict between the constitutional authority and an organization which has no legal existence. That is the point I make, and that was the object in offering the resolution. The Senator from Illinois is familiar with the history of the application of Michigan for admission into the Union, and he must recall that similar action in that Territory, as my friend from Missouri suggested, came very near

bringing on a bloody conflict with the people of Ohio and also of Indiana; and that is exactly what I desire to prevent here by anticipation.

Mr. LOGAN. In response to the Senator from South Carolina I desire to say that I am not in any way suggesting what idea the resolution may anticipate in the future or what the results may be; but until the people of this Territory set themselves up as a State organization and undertake to act as a State exercising the functions of a State government you can not charge them with revolution, no matter what they may call themselves. Terms are easily used. The fact that I may call myself by one name or another does not make it true. The fact that they in their petition call it a State does not make it a State, and until they undertake to exercise the powers of Statehood they are in no wise in violation of the Constitution or revolutionists against it.

Mr. BUTLER. May I interrupt the Senator for a moment with the consent of my friend from Missouri?

Mr. VEST. I would rather go on.

Mr. BUTLER. I simply want to put one question, and that is whether any other organization than that of a State can elect United States Senators? Is not that exercising the functions of Statehood? Is not the provision for the collection of taxes, and is not the provision for courts, exercising the functions of Statehood? If not, then I have misapprehended what constitutes a commonwealth.

Mr. LOGAN. I will answer the Senator's question. The election of Senators from a Territory does not make them Senators.

Mr. BUTLER. Precisely. They must come from a State.

Mr. LOGAN. They make a proposition to Congress. If Congress accepts it, then they become Senators, but not until then. Territory after Territory has elected Senators and sent them here in advance of admission as a State, for what purpose? For the purpose of presenting the claims of the people before the Congress of the United States, that their claims may be passed upon, and for no other purpose. If the Senate then says they are not Senators, they are not. They must be admitted; it must be a State before they can be admitted, as has been done heretofore in divers and sundry instances.

Mr. BUTLER. There is but one instance that I remember.

Mr. LOGAN. I do not wish to correct the Senator's recollection of history; but it has been done, and at the time it was done no one here or elsewhere thought that there was an act of revolution against this Government, but the notion was that they were acting as persons appearing on the part of the Territory, presenting as petitioners their claim to the Government of the United States.

Mr. VEST. Now, Mr. President, I prefer to let these people speak for themselves. Though I listen with much pleasure always to the Senator from Illinois, yet I take it that their written words and their official acts are worth more in this argument than his declarations as to what they mean; and permit me to say to the Senator, speaking as to historical events, there never was but one case parallel with that of Dakota, and that was the case of the Territory of Michigan.

Mr. MCMILLAN. If the Senator from Missouri will allow me to correct him, I think the case of Minnesota is somewhat parallel to the present application of Dakota for admission.

Mr. VEST. I dislike exceedingly to correct a Senator as to the history of his own State, but I have recently read it. Minnesota had an enabling act.

Mr. INGALLS. Kansas had not.

Mr. VEST. I do not know how Kansas came into the Union. She got in, broke in, somehow or other.

Mr. MCMILLAN. The Senator from Missouri will permit me to correct him.

The PRESIDING OFFICER (Mr. DOLPH in the chair). Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. VEST. Yes, sir.

Mr. MCMILLAN. The State of Minnesota it is true had an enabling act to form a State government, and under it a constitutional convention was called. That body divided, and in fact there were two conventions held, and throughout the entire session they remained apart until at the close of the action of the conventions they came together and adopted a constitution. Under that constitution, before action by Congress, in the fall before Congress met, a State ticket was elected from the governor down to the lowest State officer, and of those officers—I happened to be one of the district judges elected—Governor Sibley was elected governor of the State; a whole State ticket was elected and remained so, while the Territorial organization was still in existence, Governor Medary, of Ohio, being the Territorial governor.

The State officers continued in office after being elected. The State was not admitted until the next spring, in May. Hon. Henry M. Rice and General James Shields were elected United States Senators for the State during the winter, and they were admitted in May when the State was admitted.

Mr. LOGAN. They were elected before the State was admitted.

Mr. MCMILLAN. Yes, sir; and if the Senator from Missouri will refer to the debates in the Congress of the United States he will find the position taken by Mr. Douglas, of Illinois, expressed in the strongest terms favoring the admission of the Senators elected prior to the admission of the State. The State was admitted under all those circumstances and the members of Congress elected in advance received in the House. We had elected three members of Congress, believing we were entitled to three. One of those was rejected on account of there not being sufficient population, and two were admitted to their seats, and the Senators were admitted at the same time to the Senate of the United States.

Mr. PLUMB. If the Senator from Missouri will permit me, I should like to call his attention to another case.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Kansas?

Mr. VEST. Yes, sir.

Mr. PLUMB. The Senator from Missouri thinks there is no case except that of Michigan which is on a parallel with this case of Dakota. I want to call his attention to the case of the admission of the State of Kansas. He professed some lack of knowledge of how Kansas got in. A few vacancies occurred about that time and we wanted a State or two to make up the quorum in the general list of States, and so Kansas got in. It was admitted on the 29th day of January, 1861. On the very next day, the 30th of January, as the debate in the Globe before me discloses, the following occurred in the House of Representatives:

> Mr. GROW. The member from the State of Kansas is present and ready to be sworn in.
>
> Martin F. Conway, Representative from the State of Kansas, then appeared and took the usual oath to support the Constitution of the United States.

Mr. Conway had been here waiting on the proceedings of Congress for the admission of the State under the Wyandotte constitution for several months, and he served out the remainder of the term for which he had been elected; that is, the residue of the two years' term. He had been elected at the time of holding the regular election for members of Congress in the States of the Union. The question was discussed in this body also, and among the persons who discussed it very fully was one of the Senator's predecessors in this body, Mr. Green, of the State of Missouri, and as a general thing the Missourians about that time knew pretty well what was going on in Kansas, and if there was any chance to find a joint in the Kansas harness they found it. Mr. Green was a man who was quick of wit, I have been told, and I think the State of Missouri regards him now as one of the ablest men that ever held a seat on this floor from that State.

Mr. HARRISON. There has been a succession in that line.

Mr. VEST. What is that?

Mr. HARRISON. The Senator from Kansas said that Senator Green of Missouri was distinguished for his wit. I say that succession has been kept up.

Mr. PLUMB. The Senator from Missouri spoke of the fact that part of the Territory of Dakota had been carved out, and the Senator from South Carolina commented on that fact as an evidence of the revolutionary character of these proceedings. When the constitutional convention of the State of Kansas came to fix the boundaries of that State, the new free State of Kansas, they took about two-thirds of the Territory of Kansas. Instead of taking the entire Territory extending as it did from the Missouri River to the crest of the Rocky Mountains, they took the first four hundred miles of the east portion of that Territory and named that part in the constitution as the State of Kansas in case it should be admitted.

Mr. Green, one of the Senators from Missouri, proposed to amend by making the larger boundary, and he made reference to what the Senator quoted from H. J. Campbell as to the Louisiana treaty and the right to demand admission on account of the terms of that treaty. Mr. Green said:

> Mr. GREEN. I have but one word to say in reply. It is true, under the Louisiana treaty there was a stipulation that they should be admitted as States—and I pressed this upon the attention of Congress two years ago—but the time was never named. The circumstances under which they were to be admitted depend upon the sound discretion of Congress. It is also true that the Senator from Illinois takes an improper position when he says the people of Kansas are satisfied with these boundaries, and that he is willing to put in a portion of Nebraska if the people of Nebraska are so. Why, sir, when these Territories were organized there was a special provision put into the Territorial bill reserving the right to change the boundaries as we pleased.

I speak of that to show that the question of the boundaries of the proposed State of Kansas were different from those of the Territory of Kansas, and that fact was specially referred to in the Senate; and yet that State was received in that turbulent time, when there was revolution cropping up around us; so he need not go far away off for a parallel case. No one then suggested that the people of Kansas had adopted a revolutionary proceeding by reason of the fact that they had changed their boundaries, but it was freely conceded that they had a right to do it, and no one suggested that because they had (as they did at the time they adopted the constitution) elected a governor, lieutenant-governor, and every State officer, including district judges and supreme court judges, as Minnesota had done, they put themselves in a position of revolution to the General Government, nor that that followed because they had elected a member of Congress who was here waiting, cooling his heels in the anteroom of the House of Representatives, waiting for Congress to admit that State into the Union and ready to take his seat, as he did the very next day. Neither was that suggested as an evidence of the fact that the people of Kansas were in a state of rev-

olution; and it presents, as I think, a perfectly parallel case to that of the citizens of Dakota who are now asking admission here as a State by reason of the fact that they have agreed on certain boundaries and adopted a constitution to govern that particular territory.

Mr. VEST. Well, Mr. President, I confess frankly that I really did not know how Kansas was admitted into the Union. I made an examination as to the respective States that have been admitted from a Territorial condition, and I did not find any act of Congress for the admission of the State of Kansas. I say this with due deference to the statement of my friend from Kansas that the Missourians were and are very cognizant of the affairs of the State of Kansas. That is very natural. A large portion of our personal property found its way into that State and needed looking after from time to time; but let that be as it may, we have had no undue solicitude in regard to the affairs of Kansas, but only a friendly interest in her welfare.

Now the Senator from Illinois says that revolution has never been charged as to the admission of these other States which have organized a State government and come here with elected Senators. No Territory in this Union ever before came to Congress with such a declaration as we find from the State executive committee of the Territory of Dakota.

Mr. HARRISON. Why, Mr. President, has the Senator in mind the declaration of the State of Tennessee which I read yesterday?

Mr. VEST. The people of Tennessee, I undertake to say, never openly declared that they could exist as a State without any action on the part of Congress.

Mr. HARRISON. I read yesterday from Hough's American Constitutions the message sent to the Senate and House of Representatives by the State organization that had been formed there, and it contained a notification that on a particular day named the Territorial government would cease and the State government would assume its powers.

Mr. VEST. I understand that they did, but at the same time it was stated in the debates in Congress and by the representatives of the State of Tennessee that they made profert and offer of that constitution for the action of Congress.

Mr. HARRISON. Is not that done here?

Mr. VEST. They thought they would be admitted as a State before a certain day, and they undertook to hurry up the action of Congress.

Mr. HARRISON. I ask the Senator if that profert is not made here in the constitution of the proposed State of Dakota, accompanied by a respectful memorial, and whether the last clause of the constitution adopted there does not expressly stay the hands of her State officers until Congress acts.

Mr. VEST. Yes, Mr. President, the Senator has anticipated my argument. Here is the declaration with which these persons come to Congress; I have read it before, and I will read it now in answer to the Senator from Illinois particularly. They do not come here and make a respectful profert of a constitution. They do not come and say, "Here is our constitution; we ask you to recognize us as a State." The whole issue in this case is, Does the power to make a State rest in Congress, or does it rest in a collection of individuals in a Territory? That is the whole of it, and we are bound to take one side or the other. I assert that this address declares that the State exists by virtue of their action and irrespective of any action had by Congress in the matter at all; either that or the English language has lost all significance.

Mr. HARRISON. Will the Senator allow me to correct him? He is not reading from the memorial addressed to Congress at all; he is reading from an address issued by this State executive committee to the people of Dakota.

Mr. VEST. Yes, sir.

Mr. HARRISON. Not from the memorial. I have the memorial if he wants to hear it.

Mr. VEST. I am reading an authoritative and official declaration, if such terms can be used in connection with this proceeding, from the recognized and organized State executive committee created by the convention that made this constitution.

Mr. HARRISON. That may be true, but the Senator said he was talking of the attitude in which they addressed themselves to Congress. Their memorial to Congress is not what he is reading.

Mr. VEST. With all due deference to the Senator that is an evasion of the whole argument. These men have put before the world their status in this case. They have set forth and crystallized in the form of an address to their own people their rights and their claims, and what are they? This is a public document, it is an official document. Is it necessary to thrust it on the desk of the Secretary of the Senate in order that we may take cognizance of it? It comes from that convention, it comes from the only authority they recognize so far as Statehood is concerned.

Mr. HARRISON. The Senator need not attempt to put me in the position of evading anything; I have not that habit in debate. I simply corrected the Senator as to his description of the document, but he is entirely welcome to all he can get out of that as an official document.

Mr. VEST. I shall use it without any permission. What is the language of this address put before the people of Dakota, and which they accept as the voice of that convention and which is their platform, so to speak, in all this matter? They claim that they have the right to admission into the Union whenever in their judgment they have sufficient population and resources to entitle them to become a State. These are constitutional and legal rights, they say, growing out of the ordinance of 1787. I do not care what Mr. Green said about it or about the Louisiana purchase; I say the Supreme Court of the United States decided that, irrespective of the ordinance of 1787 or the purchase from Napoleon of the Louisiana territory, under the Constitution of the United States Congress and Congress alone can create a State or admit it into the Union. Congress can repeal any treaty; Congress can tear up any stipulation or condition in any cession of territory, and the very day that it becomes our territory the impress and stamp of the Constitution of the United States is put upon it and it is subject to such rules and regulations as Congress may make. Yet these men assert here and proclaim it officially—

> These are constitutional and legal rights which Congress has no legal power to set aside and can only disregard, as Senator HARRISON stated upon the floor of the Senate last winter, by brute force.

That is, outside of the law, outside of the Constitution, like a set of ruffians and brigands we can take them by the throat, but if we do it, we do an illegal, an unconstitutional, and disgraceful act. I deny it. The power exists in Congress and Congress alone, and I say this proceeding is revolutionary. It can be nothing else, for it is outside of the decisions of the Supreme Court and the decisions of the Senate.

But I come now to the provision alluded to yesterday by the Senator from Indiana and to-day by the Senator from Illinois, which they say is the salve of this whole matter. This is St. Jacob's Oil, that takes away all pain. Look at it.

After they had organized a State government, elected their officers, provided for taxation, provided for schools, provided to restrict corporations, done everything that is done under the State constitutions, as they say, of Pennsylvania and of Illinois, now here is the only solitary thing that looks toward any limitation of the powers of that State Legislature:

> SEC. 32. Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization to elect United States Senators, to provide and pass means and measures necessary preliminary and incident to admission to the Union and to assemble and reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

What is this but a declaration of sovereignty, with a limitation on the powers of the Legislature? Here they exercise and provide for exercising the highest attribute of sovereignty known to the Constitution of the United States, and that is the election of two Senators to represent a State. But more than that, they provide that means may be provided by the Legislature to secure the admission of the State. What means? I take it money appropriated to pay the expenses of the State executive committee, with Campbell at his head, to come here and secure this Statehood for the people of Dakota. The judges are not to act, but they are still judges. The governor is not to act as governor, but still he sanctions certain measures that are necessary to secure admission into the Union. It is a State outside the Union. Can such a thing exist under our Constitution? What Senator here, even under the plea of the mad necessity of party, can assert such a principle as that? Why is it a State?

The Senator from Illinois says it is a proposition. Is this a proposition? That Legislature is now in session. It adjourns from day to day. Its receives its minister plenipotentiary and envoy extraordinary to the Congress of the United States as if he came from Austria or Germany. Mr. Campbell is received with plaudits from the galleries, loaded with bouquets, and receives the thanks of the Legislature of the State of Dakota for his extraordinary success in obtaining recognition at the hands of the Senate of this State executive committee of a State that exists only in the imagination of these gentlemen at Sioux Falls.

I suppose, as a matter of course, what I may say avails nothing so far as actual results are concerned. I do not accuse my friends on the other side with wanting three more electoral votes. Oh, no; I do not ascribe to them any partisan feeling in this matter, although I have been placarded and blackguarded through all the press of that interesting and growing community called Dakota for having exercised my constitutional privilege in objecting to their Statehood, because I made objection to the admission of two States out of that Territory into the Union. The Rocky Mountain Banner of Freedom, the Prairie Courier, and the Yankton Almanac have lived almost for the last two years by attacking me, but I still survive and am able to make a "few feeble remarks" in the same direction which tempted my first effort.

Mr. PLUMB. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. PLUMB. He has said a great deal about this State being out of the Union. That I can understand; that I have heard something about before; but when he talks about our getting three electoral votes by reason of it I do not understand him. How are we going to get three

electoral votes in the electoral college of the United States from a State outside of the Union?

Mr. VEST. I have seen many strange things. I do not know whether these people will undertake to give electoral votes in the next election or not. If they do, it will be about on a par with what they have done. They would have as much right to go to the electoral college and cast three votes as they have had to organize a State government. I want them to pass through the ordeal other States have, the discriminating judgment of Congress.

Mr. LOGAN. They have done that, and you have voted it down twice.

Mr. VEST. I do not blame my friend from Illinois for his zeal in this matter. If I were disposed to be ill-natured I might say that he and the Senator from Indiana anticipated that these votes might become very essential in the future.

Now, the Senator says we voted down the proposition. We have never voted it down.

Mr. LOGAN. I know what has been done.

Mr. VEST. These people have never come here and proposed to bring in a State of Dakota composed of the whole Territory. They divided the Territory themselves without our consent, and when we undertake to show that it ought not be divided and that the population is not sufficient for any such scheme as this, then those of us who oppose it are told that we are partisans actuated by a desire to deprive these people of their equal and constitutional rights in the Union!

Mr. LOGAN. If the Senator refers to me in what he says about partisans I think he makes a mistake. He was the Senator who insinuated that persons might desire to get States in for the purpose of getting electoral votes. He ought not to insinuate that and then try to cast an aspersion on others that they were acting from partisan motives. I said nothing about partisan motives, except that I referred back to the language that he had used, and said perhaps the same reason would apply for keeping out votes as would apply for getting them in. That was all I said, and I said that in a low tone of voice.

Mr. VEST. I make no assault on the Senator from Illinois. He is like myself. I make no pretensions to be an esthetic statesman. I suppose I am a politician. I fight for my party, and hope always to do so. I am perfectly satisfied with my party. It represents, I believe, the sound constitutional theories of this Government. I never rose to that esthetic pedestal where I could not tell a friend from a foe. The Senator from Illinois has never been accused of that, nor have I. Therefore I meant nothing personal. I simply meant to say that if the members of this body, in view of the record which these people have made, now can undertake to say in view of their declarations that there is no ground here to believe that they are acting without regard to the will of the Congress of the United States, then I must conclude that some partisan feeling has entered into a discussion which should admit of only the most impartial consideration and action.

Mr. HARRISON. Mr. President, I desire simply to take the floor. As the hour of 2 o'clock has arrived and there is other business, I will give way.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

JOINT RULES FOR THE TWO HOUSES.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, which is the concurrent resolution concerning the joint rules for the Senate and House of Representatives. The pending amendment, moved by the Senator from Kansas [Mr. INGALLS], will be read.

The CHIEF CLERK. In Rule IX, paragraph 2, line 8, after the word "agreed," strike out "unless it becomes necessary to change the text in order to perfect the bill after amendment."

Mr. FRYE. I do not think that amendment helps the rule at all; neither does it hurt it at all, and if the Senator who proposed it desires it, I have no objection.

Mr. HOAR. Let it be read.

Mr. INGALLS. I think upon reflection, after hearing the observations made by the Senator from Iowa [Mr. ALLISON], perhaps the amendment should be modified so as to provide that conference committees shall only make such changes in the text as are necessary to harmonize the bill with the amendments in language. That was the object I had in view, and I understand that all those who have spoken agree that that ought to be done, that the liberty of a conference committee ought to extend no further than that. Therefore I will submit such a modification of my amendment as will bring about that result, changing the clause so that it shall read:

> Unless it becomes necessary to change the text in order to harmonize the text with the amendment.

Mr. FRYE. I see no objection to that, and I think that will accomplish all that the Senator desires.

The PRESIDENT *pro tempore*. The precise language of the amendment will be written by the Secretary and reported.

Mr. FRYE. In the last line, clause 2, strike out the word "perfect" and insert the word "harmonize."

The PRESIDENT *pro tempore*. The amendment as modified will be read.

Mr. FRYE. Strike out the word "bill," in the same line, and insert the word "text," and strike out "after" and insert "with" and also the word "the."

The PRESIDENT *pro tempore*. It will be read as modified.

The CHIEF CLERK. In line 9, after the word "to," it is moved to strike out the words "perfect the bill after" and insert the words "harmonize the text with the;" so as to read:

> Unless it becomes necessary to change the text in order to harmonize the text with the amendment.

Mr. HOAR. Let the whole part of the rule containing that subject be read as it will read if amended.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

> It shall not be in order for a conference committee to consider or include in their report matter on a subject not in dispute between their respective Houses; nor shall the committee change the text of a bill, joint or concurrent resolution, to which both Houses have agreed, unless it becomes necessary to change the text in order to harmonize the text with the amendment.

Mr. HOAR. Mr. President, that rule as now proposed makes a very serious change, as I understand it, in the parliamentary law in regard to conference committees, and one which in some important emergencies—one, particularly, where a measure was under the charge of my honorable friend from Maine, himself and others—which may arise, would have been found very inconvenient and will be so found hereafter. That is, it prohibits a conference except upon matters where a dispute has already arisen between the two Houses.

In the history of legislative bodies it is often found exceedingly convenient to accompany an original proposition with a request for a conference committee, without waiting for a dispute, in order that a dispute may not arise. Suppose, with these joint rules in force, we were approaching the end of a Congress instead of being at its beginning; suppose we were approaching some occasion when the existence of these joint rules should be found very important, we should send down an original proposition to the other House with a request for a conference. That is perfectly in order. It is just what the Senator from Maine did with one bill—I have forgotten now what it was, but something relating to the shipping proposition, I think. We made a new amendment, and the question was discussed of his right to move a conference, but we sent down, on his motion, the proposition with an original request for a conference.

It seems to me this rule should be so modified as to limit the prohibition to dealing with matters not in dispute between the two Houses, only to measures where matters in dispute between the two Houses have been committed to committees of conference, that they shall not then go beyond the borders of their jurisdiction and undertake to agree upon something out of their own head which has not been submitted to either of the two Houses.

Mr. INGALLS. Mr. President, the case to which the Senator from Massachusetts refers does not bear the interpretation he places upon it, and historically it does not sustain his position. The fact was that we passed a bill in this body, and when it was sent over to the House of Representatives we accompanied it with a request for a committee of conference. That is the only way. We can not ask a committee of conference on something that never has occurred.

Mr. HOAR. The Senator will pardon me. Allow me to recall the history. The House sent up a bill on some subject connected with commerce. The Senator from Maine desired to annex to that bill a proposition originating here in regard to, if I recollect aright, the removal of certain taxes and burdens upon American shipping—pilot dues and other things. He desired to lose no time, in the first place, by having the House disagree and then the message come asking for a conference committee, and he desired in the next place to have the advantage which the right to report at any time of a conference committee in the House would give his measure there. So he moved his amendment, which was an original proposition here. It was adopted, and then the Senate asked for a committee of conference.

Mr. INGALLS. That amendment was first adopted in the Senate to the bill.

Mr. HOAR. Certainly; but before the House had disagreed to it.

Mr. INGALLS. Very true.

Mr. HOAR. There was no controversy, therefore, between the two branches. In that debate it was clearly shown by precedents which were looked up and cited that you might within the parliamentary law ask for a conference committee when you sent down an original proposition.

Mr. INGALLS. Certainly; but that does not change the aspect of the case that we are now considering. The motion for a committee of conference was sent down with the amendment in advance for the purpose simply, as the Senator says, of obtaining a parliamentary advantage in point of time. It does not change at all the question that is involved in my amendment. It was merely the effort on the part of the Senate to get a parliamentary advantage. It can not be considered

in any way whatever as bearing upon the question whether or not conference committees ought to be limited to amendments that have been considered by either House, or whether they shall be at liberty to play whatever tricks they please with the text of bills that are submitted to them for consideration.

Mr. HOAR. My remark was not addressed at all to the Senator's amendment, which I agree to. It has nothing to do with it. The Senator misconceived it. I asked for the reading of the whole rule and then pointed out to the Senate the fact that the rule as drawn would change the parliamentary law so that the House never could ask for a committee of conference unless a dispute first had arisen. This is the language:

It shall not be in order for a conference committee to consider or include in their report matter or subjects not in dispute between their respective Houses.

You may have a conference in advance of disagreement. That is no part of the Senator's amendment; the amendment does not affect that; that is in the original rule. It seems to me, therefore, that this rule should be so limited, not the part the Senator has moved to amend but the other part, as to prohibit them when a matter in dispute has been committed to them from going beyond it.

Mr. INGALLS. Now take the case to which the Senator has just called my attention; had not a dispute arisen?

Mr. HOAR. No.

Mr. INGALLS. Why? Whenever the Senate adopted an amendment to the House bill a dispute had arisen, and the only question was whether we should bring it to the attention of the House of Representatives by asking a conference committee before or after they had acted on the Senate amendment.

Mr. HOAR. The dispute had not arisen parliamentarily until that amendment had gone down to the House and they had non-concurred in the amendment. But still, whether that be true or not in that case, it is very well settled, and will be very often found convenient, that we may do what was then done. We might pass an original bill on the last day of the session, and, knowing that if there were a day's delay the bill would be lost, we might desire to communicate to the House formally and officially the reasons that had governed us in the passage of the bill or resolution before the House acted upon it at all. That is, the object of the conference might be to prevent a dispute ever arising; and although that is a rare occasion in our American parliamentary history, it is something which may arise in very important cases. There is no earthly reason for tying up the parliamentary powers of the two bodies by prohibiting that.

Mr. FRYE. I think the Senator is slightly mistaken. The bill to which he refers was a bill which came from the House, was referred to the Committee on Commerce, and by the committee amendments to it were reported, and when I reported it to the Senate and action was had I moved all of the recommendations of the Senate committee as amendments to the House bill. Then I moved a committee of conference. A discussion arose on the point as to whether or not I could move a committee of conference, there being no dispute. The authorities which I cited satisfied the presiding officer that I was right, because under parliamentary rule a dispute has arisen the very moment an amendment has been made by one House to the other's proposition. That is a parliamentary construction, and it was the construction given then.

Now, if the Senator will observe, I have provided in this rule for exactly that case, which never before was provided for in a rule of the Senate, in the first clause:

When a bill, joint or concurrent resolution, has passed one House and been amended in the other, it shall be in order to move a committee of conference.

The whole struggle over that proposition of mine was on the question whether or not in parliamentary view I had a right to move a conference, there having been an amendment only and no non-concurrence and no insistence, and the Chair decided according to parliamentary law, which is, that the moment an amendment is adopted by one House to a bill of the other, that moment a dispute commences between the two Houses, and concurrence or refusal to concur and insistence are not at all necessary to establish that position where a conference may be asked. Now under this rule I have so far amended the previous practice as to make provision for exactly that case where one House proposes an amendment.

I desired to go one step further and to put into the rule that you might ask a conference on a bill sent originally from one House to the other House. I examined the authorities with a good deal of care, and could find in all only two occasions where it had ever been attempted in Congress, and I found on examining the authorities on parliamentary law that they were all against it, and I gave it up. I have made one advance in this rule from anything that was ever done in a rule, that upon an amendment being offered you might call for a committee of conference; and that was the case which I had exactly.

Mr. HOAR. But the thing was put by the Senate, if I am not very much mistaken; of course I shall defer to the recollection of my friend from Maine who had charge of that matter, but I feel quite confident that the Senate went on the ground that it was not necessary that a dispute should have arisen, and that you might ask for a conference in advance of a dispute. I move this amendment to the rule——

The PRESIDENT *pro tempore*. There is one amendment pending to a part of the rule.

Mr. HOAR. Let that be agreed to.

Mr. FRYE. Let the amendment be read again. I think it requires, for good language, another amendment.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 9, paragraph 2 of Rule IX, strike out the word "perfect" and insert "harmonize the text with;" so as to read:

It shall not be in order for a conference committee to consider or include in their report matter or subjects not in dispute between their respective Houses, nor shall the committee change the text of a bill, joint or concurrent resolution, to which both Houses have agreed, unless it becomes necessary to change the text in order to harmonize the text with the amendment.

Mr. FRYE. I ask that the first two words, "the text," be stricken out and "it" substituted.

Mr. INGALLS. I am not entirely satisfied with the language that has been suggested even yet. One of the great masters of human phraseology has suggested to me language that I think will be a great deal better, and that is to insert the words "to conform the text to the." "Harmonize" is a vague word, with many significations, and I suggest that the amendment be "to conform the text to the."

The PRESIDENT *pro tempore*. The Senator's amendment as modified will be read.

The CHIEF CLERK. The proposed amendment is to strike out the words "perfect the bill after" and insert the words "conform the text to the;" so as to read:

Unless it becomes necessary to change the text in order to conform the text to the amendment.

The amendment was agreed to.

Mr. HOAR. Now, I move at the beginning to amend the second clause of article 9, after the word "Houses," in the fourth line, by inserting these words:

Whenever a matter in dispute between the two Houses is committed to a conference committee—

Then, in line 5, strike out the words "a conference" and insert the word "said;" so as to read:

Whenever a matter in dispute between the two Houses is committed to a conference committee it shall not be in order for said committee to consider or include in their report matter or subjects not in dispute between their respective Houses.

That will prevent the rule from making, as it now does, an absolute prohibition of ever asking a conference committee on a matter which is not in dispute.

Mr. FRYE. Let the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In line 4, after the word "Houses," insert:

Whenever a matter in dispute between the two Houses is committed to a conference committee.

So as to read:

Whenever a matter in dispute between the two Houses is committed to a conference committee, it shall not be in order for said committee to consider or include in their report matter or subjects not in dispute between their respective Houses.

The PRESIDENT *pro tempore*. The question is the amendment of the Senator from Massachusetts.

Mr. FRYE. Let the Chief Clerk read the whole clause as it will be after the amendment. I do not know that I got it exactly.

The PRESIDENT *pro tempore*. It will be read.

The CHIEF CLERK. In Rule IX, paragraph 2, line 4, after the word "Houses," insert:

Whenever a matter in dispute between the two Houses is committed to a conference committee—

So as to read:

2. All committees of conference shall meet at the call of their chairman, and shall state verbally or in writing, as they may choose, the reasons for the actions of their respective Houses touching the amendment or amendments in dispute between the two Houses. Whenever a matter in dispute between the two Houses is committed to a conference committee, it shall not be in order for said committee to consider or include in their report matter or subjects not in dispute between their respective Houses, nor shall the committee change the text of a bill, joint or concurrent resolution, to which both Houses have agreed, unless it becomes necessary to change the text in order to conform the text to the amendment.

Mr. FRYE. I do not like the repetition of the words "the text" there.

Mr. HOAR. That does not come into my amendment. That does not affect this matter at all.

Mr. FRYE. That is true. I do not see how the Senator's amendment effects the purpose which he was seeking.

Mr. HOAR. As the rule is now drawn it declares henceforth as a principle of parliamentary law for this Congress that it shall not be in order in either branch of Congress to ask for a conference committee unless a dispute has already arisen. In my judgment it is now within the parliamentary law to make that request. Certainly it can do no harm, and I desire to preserve that authority. The rule does not in the least affect in the case provided for by the Senator from Kansas

the original rule. It simply changes the phraseology, the sentence meaning exactly what it does now, so as not to include that case. That is all.

Mr. FRYE. I have no objection to that. I fail to see how it does the slightest harm, even under my view of the rule.

Mr. HOAR. It does not, of course, do any harm.

The PRESIDENT *pro tempore*. If there is no objection the amendment of the Senator from Massachusetts will be considered as agreed to.

Mr. FRYE. Now if the President will have the Chief Clerk read the last three lines of clause 2, I want to change them. There are three repetitions of the words "the text," which seem to me offensive.

The Chief Clerk read as follows:

Nor shall the committee change the text of a bill, joint or concurrent resolution, to which both Houses have agreed, unless it becomes necessary to change the text.

Mr. FRYE. Now put in "it" instead of "the text;" so as to read "becomes necessary to change it."

The CHIEF CLERK. In the last line strike out "the text" and insert "it;" so as to read:

Unless it becomes necessary to change it in order to conform the text to the amendment.

Mr. FRYE. "In order to conform it."

Mr. INGALLS. The words "change the text" might as well all be stricken out. Those words are not necessary to the sense.

Mr. FRYE. Those four words may as well come out. "Unless it becomes necessary in order to conform the text to the amendment" would be better.

The PRESIDENT *pro tempore*. The Senator from Maine proposes to strike out the words "change the text."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on the adoption of the proposed ninth joint rule as amended.

The rule was adopted.

The PRESIDENT *pro tempore*. Are there further amendments?

Mr. FRYE. The Senate as in Committee of the Whole has gone through with all the clauses of these joint rules.

The PRESIDENT *pro tempore*. The question now is on the adoption of the resolution.

Mr. HARRIS. Has it been reported to the Senate?

Mr. FRYE. It has not been reported to the Senate. It is necessary now to report it to the Senate with amendments.

The PRESIDENT *pro tempore*. If there be no further amendments proposed the resolution will be reported to the Senate.

The concurrent resolution was reported to the Senate as amended.

Mr. FRYE. I ask that the vote on the amendments may be taken in gross.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendments made as in Committee of the Whole. The Chair will put the question on the amendments in gross unless a separation be called for.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question is on the adoption of the concurrent resolution providing for joint rules.

The resolution was agreed to.

CHANGE OF NAMES OF BANKS.

Mr. HARRIS. I ask the Senate to consider at this time Senate bill No. 382, order of business 3, being a bill to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

Mr. HOAR. I should like, with the leave of my friend from Tennessee, to have the unfinished business, which is the district court bill, laid before the Senate. I will then consent that it be laid aside informally for any other business. I do not desire any action on it today.

Mr. HARRIS. I have no objection.

The PRESIDENT *pro tempore*. The next bill in order is the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, pending which the Senator from Massachusetts yields to the Senator from Tennessee.

Mr. HOAR. No, it is to be laid aside informally.

The PRESIDENT *pro tempore*. It is proposed that the pending bill be laid aside informally with a view to consider the next bill on the Calendar. Is there objection? The Chair hears none.

The bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MCMILLAN. I ask the Senator from Massachusetts to yield to me to have the next bill on the Calendar passed. It is a bill of the same character precisely as that just acted on, simply to change a bank's name.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to lay aside the pending bill with a view to consider Senate bill No. 126.

There being no objection, the bill (S. 126) to change the name of the National Bank of Winona was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. CAMERON. I ask to be relieved from service upon the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania?

The request was acceded to.

Mr. MCMILLAN. I ask the Senate to excuse me from further service upon the Committee on Mines and Mining.

The PRESIDENT *pro tempore*. The Senator from Minnesota asks to be relieved from further service upon the Committee on Mines and Mining. That will be considered as agreed to unless objection be made.

Mr. CHACE. I ask to be excused from further service upon the Committee on Claims.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks to be excused from further service upon the Committee on Claims. That request will be considered as agreed to if there be no objection. How shall the vacancies be filled?

Several SENATORS. By the Chair.

The PRESIDENT *pro tempore*. It will be so ordered if there be no objection; and the Chair appoints the Senator from Oregon [Mr. MITCHELL] to fill the vacancies upon the Committee on Claims, the Committee on Mines and Mining, the Committee on Railroads, and the Committee on Transportation Routes to the Seaboard.

COMMITTEES.

The committees as now arranged are as follows:

STANDING COMMITTEES.

On Agriculture and Forestry—Messrs. Miller of New York (chairman), Blair, Plumb, Van Wyck, Sawyer, George, Fair, Gibson, and Jones of Arkansas.

On Appropriations—Messrs. Allison (chairman), Dawes, Plumb, Hale, Mahone, Beck, Cockrell, Call, Gorman, and Logan.

To Audit and Control the Contingent Expenses of the Senate—Messrs. Jones of Nevada (chairman), Chace, and Vance.

On Civil Service and Retrenchment—Messrs. Hawley (chairman), Dawes, Mitchell of Pennsylvania, Miller of California, Pike, Voorhees, Walthall, Wilson of Maryland, and Berry.

On Claims—Messrs. Pike (chairman), Hoar, Dolph, Spooner, Jackson, Fair, Jones of Arkansas, Gray, and Mitchell of Oregon.

On Coast Defenses—Messrs. Dolph (chairman), Cameron, Sewell, Hawley, Maxey, McPherson, and Fair.

On Commerce—Messrs. McMillan (chairman), Jones of Nevada, Conger, Frye, Miller of New York, Dolph, Cameron, Ransom, Coke, Vest, Gorman, Jones of Florida, and Kenna.

On the District of Columbia—Messrs. Ingalls (chairman), Riddleberger, Pike, Palmer, Miller of California, Harris, Vance, Brown, and Blackburn.

On Education and Labor—Messrs. Blair (chairman), Mahone, Miller of New York, Bowen, Palmer, Call, Pugh, Payne, and Walthall.

On Engrossed Bills—Messrs. Saulsbury (chairman), Call, and Allison.

On Enrolled Bills—Messrs. Bowen (chairman), Sabin, and Colquitt.

On Epidemic Diseases—Messrs. Harris (chairman), Hampton, Eustis, Sewell, Spooner, Stanford, and Berry.

To Examine the Several Branches of the Civil Service—Messrs. Sabin (chairman), Cullom, Allison, Hampton, and Gray.

On Expenditures of Public Money—Messrs. Cullom (chairman), Harrison, Plumb, Platt, Beck, Kenna, and Gibson.

On Finance—Messrs. Morrill (chairman), Sherman, Jones of Nevada, Allison, Aldrich, Miller of New York, Voorhees, Beck, McPherson, Harris, and Vance.

On Fisheries—Messrs. Palmer (chairman), Sewell, Dawes, Stanford, Morgan, Harris, and Gray.

On Foreign Relations—Messrs. Miller of California (chairman), Sherman, Edmunds, Frye, Evarts, Morgan, Brown, Saulsbury, and Payne.

On the Improvement of the Mississippi River—Messrs. Van Wyck (chairman), Mitchell of Pennsylvana, Cullom, Pike, Cockrell, George, and Eustis.

On Indian Affairs—Messrs. Dawes (chairman), Ingalls, Harrison, Bowen, Sabin, Maxey, Morgan, Hampton, and Jones of Arkansas.

On the Judiciary—Messrs. Edmunds (chairman), Ingalls, McMillan, Hoar, Wilson of Iowa, Evarts, Pugh, Coke, Vest, and Jackson.

On the Library—Messrs. Sewell (chairman), Hoar, and Voorhees.

On Manufactures—Messrs. Riddleberger (chairman), Sabin, Mitchell of Pennsylvania, Stanford, Colquitt, Butler, and Walthall.

On Military Affairs—Messrs. Logan (chairman), Sewell, Cameron, Harrison, Hawley, Manderson, Cockrell, Hampton, Camden, and Walthall.

On Mines and Mining—Messrs. Teller (chairman), Jones of Nevada, Van Wyck, Hampton, Fair, Camden, and Mitchell of Oregon.

On Naval Affairs—Messrs. Cameron (chairman), Hale, Dawes, Riddleberger, Stanford, McPherson, Jones of Florida, Butler, and Blackburn.

On Patents—Messrs. Platt (chairman), Mitchell of Pennsylvania, Chace, Teller, Camden, Jones of Arkansas, and Gray.

On Pensions—Messrs. Mitchell of Pennsylvania (chairman), Blair, Van Wyck, Aldrich, Sewell, Jackson, Camden, Colquitt, and Payne.

On Post-Offices and Post-Roads—Messrs. Conger (chairman), Sawyer, Wilson, of Iowa, Mahone, Chace, Maxey, Saulsbury, Colquitt, and Wilson of Maryland.

On Printing—Messrs. Manderson (chairman), Hawley, and Gorman.

On Private Land Claims—Messrs. Ransom (chairman), Colquitt, Eustis, Edmunds, and Evarts.

On Privileges and Elections—Messrs. Hoar (chairman), Frye, Teller, Evarts, Saulsbury, Vance, Pugh, George, and Logan.

On Public Buildings and Grounds—Messrs. Mahone (chairman), Morrill, Stanford, Spooner, Jones of Florida, Vest, and Camden.

On Public Lands—Messrs. Plumb (chairman), Blair, Van Wyck, Dolph, Teller, Morgan, Cockrell, Walthall, and Berry.

On Railroads—Messrs. Sawyer (chairman), Hawley, Sewell, Sabin, Cullom, Brown, Kenna, George, Blackburn, Eustis, and Mitchell of Oregon.

On the Revision of the Laws of the United States—Messrs. Wilson of Iowa (chairman), Platt, Hale, Kenna, and Wilson of Maryland.

On Revolutionary Claims—Messrs. Jones of Florida (chairman), Coke, Pugh, McMillan, and Chace.

On Rules—Messrs. Frye (chairman), Sherman, Ingalls, Harris, and Blackburn.

On Territories—Messrs. Harrison) chairman), Platt, Conger, Cullom, Manderson, Butler, Jones of Florida, George, and Payne.

On Transportation Routes to the Seaboard—Messrs. Aldrich (chairman), Manderson, Palmer, Cullom, Gibson, Vest, Call, Butler, and Mitchell of Oregon.

SELECT COMMITTEES.

To Investigate Condition of Potomac River Front of Washington—Messrs. McPherson (chairman), Ransom, Gorman, Conger, Sabin, Manderson, and Spooner.

To make Provision for taking the Tenth Census and ascertaining the Results thereof—Messrs. Hale (chairman), Morrill, Sawyer, Wilson of Iowa, Coke, Jackson, and Berry.

To Inquire into all Claims of Citizens of the United States against the Government of Nicaragua—Messrs. Maxey (chairman), Beck, Hoar, Harrison, and Wilson of Maryland.

On Woman Suffrage—Messrs. Cockrell (chairman), Fair, Brown, Blair, Palmer, Chace, and Bowen.

On Additional Accommodations for the Library of Congress—Messrs. Voorhees (chairman), Butler, Gibson, Morrill, and Miller of California.

To Inquire as to the Capacity of Steel-producing Works in the United States—Messrs. Hawley (chairman), Aldrich, Morgan, Butler, and Sewell.

On Transportation by Railroad between the several States—Messrs. Cullom (chairman), Platt, Miller of New York, Gorman, and Harris.

To Consider the Subject of Reduction of Employés and Committees of Senate—Messrs. Allison (chairman), Platt, Plumb, Miller of New York, Cockrell, Harris, and Payne.

ADJOURNMENT TO MONDAY.

Mr. MORRILL. I move that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

PATENT OFFICE ROOMS.

Mr. PLATT. I ask that the joint resolution of the House which was laid on the table yesterday be taken up at this time.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the joint resolution received yesterday from the House of Representatives be now taken up for consideration.

The motion was agreed to; and the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents was read twice and considered as in Committee of the Whole.

Mr. PLATT. A single word of explanation, Mr. President. The Commissioner of Patents has been assigned to different rooms in the building of the Interior Department, and it becomes necessary to fit them up and repair them. The Secretary of the Interior and also the Commissioner of Patents think that the power exists now to take from the contingent fund the sum necessary for that purpose, but the Comptroller of the Treasury has doubts about it, and so they request that this resolution may be passed. I think there is no necessity for referring it to a committee. I will ask, however, that a single amendment may be made; that is, after the word "necessary," in line 7, to insert the words "fit up and;" so as to read:

As may be necessary to fit up and put in proper repair the rooms in the Interior Department building, &c.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time, and passed.

JUDICIAL SALARIES.

The PRESIDENT *pro tempore*. The regular order is the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, the pending question being on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 39 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December* 18, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. WILSON, of West Virginia. I ask unanimous consent to take from the Speaker's table for present consideration Senate joint resolution No. 1, filling existing vacancies in the Board of Regents of the Smithsonian Institution.

The SPEAKER. The joint resolution will be read, after which the the Chair will ask for objections.

The joint resolution was read, as follows:

Resolved, &c., That the existing vacancies in the Board of Regents of the Smithsonian Institution of the class "other than members of Congress" shall be filled by the reappointment of John Maclean of New Jersey, Asa Gray of Massachusetts, Henry Coppee of Pennsylvania, and the appointment of Montgomery C. Meigs, of the city of Washington, *vice* William T. Sherman, whose term has expired and who is no longer a citizen of Washington.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The joint resolution was read three times, and passed.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GOVERNOR'S ISLAND, NEW YORK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the damage by storm to Governor's Island, New York Harbor, and asking an appropriation for continuing the sea-wall around the island; which was laid on the table, and ordered to be printed.

FORT CANBY, WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting detailed estimates of the cost of protecting roads and public buildings at Fort Canby, Washington Territory, against the waters of Baker's Bay; which was laid on the table, and ordered to be printed.

THE RULES.

Mr. MORRISON. I call up as a privileged question the unfinished business.

The SPEAKER. The gentleman from Illinois calls up the report of the Committee on Rules. The question is upon an amendment proposed by the gentleman from Illinois [Mr. SPRINGER] which the Clerk will report.

The Clerk read as follows:

Strike out, from line 62 to line 77, the following:
"On Expenditures in the State Department, to consist of seven members;
"On Expenditures in the Treasury Department, to consist of seven members;
"On Expenditures in the War Department, to consist of seven members;
"On Expenditures in the Navy Department, to consist of seven members;
"On Expenditures in the Post-Office Department, to consist of seven members;
"On Expenditures in the Interior Department, to consist of seven members;
"On Expenditures in the Department of Justice, to consist of seven members;
"On Expenditures on Public Buildings, to consist of seven members,"
and insert as follows:
"On Public Expenditures, to consist of fifteen members."

Mr. SPRINGER. I have moved to strike out these various committees and create one committee consisting of fifteen members. My object is not to destroy any imaginary good that these committees might produce if allowed to exist, but it is to bring the responsibility of making these investigations within such a number of members as will insure some work being done by the committees.

I also have in view the saving of the public funds. I have been a member of Congress for ten years, and my observation with regard to these committees is that in nearly all cases, after their appointment, organization, and the election of a clerk, the committees practically cease to exist, and nothing further is done. We have been paying about $25,000 a year for clerks to these committees, which would amount to $250,000 in the last ten years for clerkships to committees that have done no work, except in a few cases to which I shall refer.

I hold in my hand indices showing the reports of these committees during the last two Congresses, which may be taken as a sample of the work generally done by these committees on Departmental expenditures. With one or two exceptions these indices show simply the appointment of the committee and the authorization of a clerk to it; and there the record stops. The exception is in the case of the Committee on Expenditures in the Department of Justice, of which during the last Congress I had the honor to be the chairman. That committee made several reports, and was engaged very industriously, as all gentlemen who were members of the committee will testify, in the work assigned to it. But with this exception none of these committees during the last Congress or the preceding Congress, or for any number of years within my recollection except during the Forty-fourth Congress, made any reports whatever.

Mr. ADAMS, of Illinois. Will my colleague allow me a question?

Mr. SPRINGER. Certainly.

Mr. ADAMS, of Illinois. Is it not the purpose in forming these committees that they shall stand ready for the occurrence of such a necessity for investigation as did arise in the last Congress in the case of the particular committee of which my colleague was chairman?

Mr. SPRINGER. That was the intention, I have no doubt; and I propose that we create one committee which will be a good one and will stand ready to do this work, a committee consisting of fifteen members, which can be divided into subcommittees, and can no doubt perform any work that may be required by any emergency in the future. But if there should arise hereafter some extraordinary occasion for investigation, I have no doubt the House would promptly respond by creating a special committee for that purpose.

Mr. PETERS. The gentleman says he would like to have "one good committee." I hope he does not mean to intimate that these other committees have been bad.

Mr. SPRINGER. Oh, no; I mean nothing of the kind. The gentleman may, if he chooses, indulge in reflections of that kind, but I

do not. I am talking about useful committees as distinguished from committees that have no work to do.

I believe that this proposition is in the interest of economy. During the last ten years it has cost $250,000 to pay the clerks to these useless committees. The President has set us an example of economy; I hope this House will respond to it by cutting off some of the useless expenditures of this body. It is for this purpose and to secure more efficient service that I have moved this amendment. I hope it will be adopted.

Mr. MORRISON. Mr. Speaker, I trust the motion of my colleague [Mr. SPRINGER] will not prevail. It is based, as is every other proposition made here in opposition to the report of the committee, chiefly upon the assumption that it will result in curtailing, limiting, or cutting down expenditures of public money. My colleague [Mr. SPRINGER] refers to the expense that is to result from the employment of clerks to these committees, which he says ought not to have clerks. Why, sir, I remember in the last Congress, when my colleague was the chairman of one of these committees, one clerk was not enough for him; so important was his committee that he had to have two. He asked for them and they were voted to him.

Mr. SPRINGER. I beg the gentleman's pardon; I had but one.

Mr. MORRISON. Two. It is so reported in the Directory.

Mr. BLOUNT. Allow me to suggest that the Committee on Expenditures in the War Department in a former Congress made the investigation that resulted in articles of impeachment against the then Secretary of War, General Belknap.

Mr. SPRINGER. That was in the Forty-fourth Congress.

Mr. BLOUNT. But it answers the gentleman's statement that these committees have nothing to do.

Mr. MORRISON. I was about to say, Mr. Speaker, that these committees constitute the eyes, the ears, and the hands of the House. In fact, I believe it was claimed in some cases, when they were making their investigations, that they also constituted the nose or noses of the House, for they were called "smelling committees." [Laughter.] Be that as it may, a great deal of good has resulted from the work done by them, and I am sure they should not and will not be abolished. During the late canvass especially, and in fact in all our recent Democratic canvasses, we have heard it proclaimed everywhere, at least wherever a Democratic speech was made, that we wanted to see or "look at the books." Now we are in possession and have an opportunity to see the books; and I hope we shall not begin by closing our eyes and refusing to look at them.

Mr. BROWNE, of Indiana. I hope you will not. You will have some books of your own in a few years that you will need to look at, and there ought to be committees of this kind for that purpose.

Mr. BINGHAM. We had these same committees in the last Congress; there is nothing new in this proposition to continue them.

Mr. HERBERT. Mr. Speaker, in the last Congress the work of the Committee on Expenditures in the Department of Justice was very effective. It made clear to the whole country that great abuses existed in that Department. In the investigation which it made it had the sympathy and aid of the chief of that Department, Attorney-General Brewster. All these other committees on expenditures in the various Departments will no doubt, if continued now, have the sympathy in every case of the head of the particular Department. If there is any truth whatever in the charges we made during the last canvass that abuses have crept into all the Departments of this Government, we ought certainly to stand ready to investigate them by every means in our power. These committees existed heretofore when the Republicans were in power, not only in this House, but when they had the Presidency.

Now, since they have gone out of power and we have come in, I can not see that the Republicans can afford to vote against the continuance of these committees, which existed when they had control of the House as well as the administration. To do so would be to confess that they are afraid of the investigation.

Mr. BROWNE, of Indiana. One committee can do it all.

Mr. HERBERT. No, one committee can not do it all. One committee could not have done seven times as much work as the Springer committee did in the last Congress. It is absolutely impossible, and if these committees shall have anything at all to do, and I believe they all will, they will have their hands full. Already, under the Interior Department, in the matter of geodetic surveys, abuses most outrageous have been exposed by investigations instituted by that Executive Department of this Government. Let this House stand ready to second all such efforts. Let us not tie our hands. Let us not take away from ourselves the means of exposing and correcting these abuses. Those were the reasons that actuated the Committee on Rules in perpetuating these several committees, and they ought to be sufficient, in my judgment, with this House to induce it to sustain the Committee on Rules in its recommendations. This is not the time to make the reform, if it shall be one, which the gentleman from Illinois [Mr. SPRINGER] insists upon.

[Here the hammer fell.]

Mr. HOUK. Mr. Speaker, I simply desire to say, in reply to the gentleman from Alabama, that he need not appeal to the Republican side of this House to vote to abolish these committees. We do not propose any such measure; but, on the contrary, it comes from the Democratic side of this House. It is true that when the Republican party were in power there was little necessity for any such committees, but the prospect now is that they will be useful in the future, and we are therefore all going to vote to continue them. [Laughter.]

Mr. REAGAN. If these several committees, Mr. Speaker, are useless, it must be because they have neglected to perform the duties appointed to them by the rules. Let us look at the duties assigned to them. They are as follows:

34. The examination of the accounts and expenditures of the several Departments of the Government, and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demads; retrenchment; the enforcement of the payments of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of pay of officers, shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments.

If these committees will perform faithfully what they are authorized by the rules to perform I know nothing which will tend more to correct administration, toward economy in expenditures, and to a correction of the abuses which for a long time have crept into the operations of the Federal Government.

If one committee should attempt to do this it would be found to be impossible to go through all the Departments. Any one committee that will discharge the duties pointed out by this provision in any one of the Departments of the Government will find ample labor and ample employment and it may render to the Government valuable service.

I am informed these committees have existed since 1816. There have been within the last eight or ten years some investigations made by these committees. The fact that their duties may have been neglected is no argument against the utility of the committees, but it should be understood those who are appointed to perform the duties of these committees will be expected to perform their duties with fidelity to the House and to the country.

Besides, there are no clerks allowed to these committees. If an emergency shall arise requiring a clerk it could be provided. So there is no additional expense incurred.

With three hundred and twenty-five members in this House there is ample material for all the committees provided by the rule and ample work for all of those committees if they shall discharge the duties assigned to them. Therefore I trust the amendment of the gentleman from Illinois will not be adopted, but that these several committees will be continued.

[Here the hammer fell.]

Mr. WARNER, of Ohio. The question, Mr. Speaker, is whether this work can be better done by a number of smaller committees or by one large committee. I am inclined to agree with the gentleman who has submitted the proposition, that it would be better to have one large committee on expenditures than to have a number of small committees. A large committee could be divided into subcommittees, and that is the practice in the British Parliament, just as the Appropriations Committee is divided into subcommittees. After that Committee on Appropriations had recommended its appropriations then here would come in another committee to look after the expenditure of that money. I believe that one committee taking all the Departments, inquiring into all the expenditures, following them up—a committee having the power to do so, and a committee intended to exercise that power not only in this House but in future Houses—would be more efficient than a number of smaller committees. I am therefore in favor of the proposition submitted by the gentleman from Illinois [Mr. SPRINGER].

Mr. HILL. Mr. Speaker, the fact is, these committees on expenditures in the several Departments are not allowed clerks under the rule except by the report of the Committee on Accounts, which has to be approved by the House itself. So that the whole subject is under the control of the House, and not a single solitary dollar of expense will be added by the continuation of these committees except under special order of the House itself.

Mr. SPRINGER. Which always follows.

Mr. HILL. You wanted two or three last Congress, and you got them because you asked for them and because the House thought you ought to have them. That is the fault of the House and not the fault of the rules.

I dislike to hear members quote the rules of the British Parliament as a precedent for the action of this House. That Parliament would do better, Mr. Speaker, to follow our example. I am opposed to following the example of the British Parliament, or that of any other monarchical form of government on the face of the earth. Let them follow ours.

As has been remarked by the gentleman from Texas on my right [Mr. REAGAN], the time may come when these committees may be useful even if there is nothing for them to do now. Why then abolish them when they are accompanied by no expense? If there is work to do they can report it to the House, and ask the authority of this House to enable them to do that work, and that is all there is of it. I hope the amendment of the gentleman from Illinois will not prevail.

Mr. MORRISON. I move the previous question upon the amendment.

Mr. SPRINGER. I hope my colleague will yield to me to make a single correction.

Mr. MORRISON. Very well.

Mr. SPRINGER. The committee of which I was chairman in the last session of Congress had a clerk and a messenger. The messenger may have been put in the Directory as a clerk, but the resolution under which he was appointed called him a messenger, and he was a messenger, although sometimes he acted as a clerk, and was an exceeding useful man. Further, let me say, that committee had use for both these officers the whole session. I do not think that any committee of the House sat more hours or did more hard work than did that committee. But that was the only one of these committees named here that did any work; and hence I was of opinion that one committee, that had work to do, would succeed in doing more business than the whole lot of these committees together.

Mr. MORRISON. I now demand the previous question.

The previous question was ordered; and under the operation thereof the amendment of Mr. SPRINGER was rejected.

The Clerk read as follows:

Clause 2. He shall appoint all select committees which shall be ordered by the House from time to time.

Mr. HAMMOND. Mr. Speaker, I offer an amendment to this clause.

The Clerk read as follows:

At the end of the second paragraph of Rule X, line 86, insert:
"The jurisdiction of said committees shall be as prescribed in the rules or laws and resolutions ordering select committees, but no general legislation shall be in order on any general appropriation bill, nor as an amendment thereto; and no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuance of appropriations for such public works and objects as are already in progress."

Mr. HAMMOND. I propose to incorporate that provision as a part of the rule just read after the list of committees, in line 86, and before we come to the consideration of Rule XI, in which we will have a contest over the distribution of the powers of the House among the committees, that being the rule that prescribes the powers and duties of the committees.

It is well, Mr. Speaker, that we should understand whether the appropriations committees of this House will have power longer to put general legislation upon their bills or not. If they have that power, gentlemen may vote in one way who would occupy a different position if the power was taken away from them. I think it is proper, therefore, to define in advance the jurisdiction, or the want of it, of these various committees. The amendment which I have sent to the desk regulating the jurisdiction of the committees is almost exactly that reported by the Committee on Rules, except that it leaves out the words "and for the contingencies for carrying on the several Departments of the Government," as prescribed in Rule XXI.

Mr. MORRISON. I have no objection to the gentleman making a statement or offering an amendment, but I desire to save the point of order that this does not belong to this part of the resolution before the House and is not in order in this section.

Mr. HAMMOND. After I have offered an amendment and spoken for five minutes upon it it is too late for the gentleman to make the point of order. But there is no point of order such as the gentleman suggests, nor was any point of order reserved.

Mr. MORRISON. The point of order I make is that it is not germane here.

The SPEAKER. The Chair thinks it is a matter for the House to determine in what part of the report it will insert any particular provision. Although the Chair may agree that it does not harmonize with the general tenor of the report at this point, it is a question for the House to decide.

Mr. MORRISON. I insist if it goes in at all that it shall go in in connection with the section to which it properly belongs.

Mr. HAMMOND. The natural thing is to find out in advance whether this or the other side intends to retain the power to keep riders on appropriation bills or not. If they do, one course of conduct may be necessary. If they do not, quite a different course may be necessary, and therefore I hope that the House will agree to come to a vote at once upon this most important question; and when I say at once I do not mean without debate, but I mean without postponing the question until we shall have reached the consideration of Rule XXI, after all the other adjustments of the duties of committees have been made, for it may be that if that delay be had, then what gentlemen suppose obtainable now may not be within the grasp of the House.

Mr. BLOUNT. I ask to have the amendment again reported.

The amendment was again read.

The SPEAKER. The question is on agreeing to the amendment proposed by the gentleman from Georgia.

Mr. HISCOCK. It seems to me, Mr. Speaker, that this question had better be deferred to the point in the report of the committee where it can be properly considered. The proper policy would seem to be, when we reach that point, to consider it where the amendment is germane to the subject-matter, and we can then take it up and consider it.

I believe there is no doubt but that the rule covers it as reported, but if it be necessary to make it stronger I shall be in favor of making it stronger. Still I see no connection that it has with the present subject which will not permit it to be deferred to that point.

There is one question which has been debated on this floor at great length; and I fancy, sir, that under the amendment now offered there is a covert attempt to obscure that question. I prefer to meet that question fairly when it is presented, and I am opposed to any amendment of the rules at this time which shall have the effect to obscure it.

Mr. MORRISON. Unless the gentleman from Georgia consents his amendment shall come at the appropriate place I shall move to lay it on the table.

The SPEAKER. That can not be done; an amendment can not be laid on the table.

Mr. MCKINLEY. It occurs to me, Mr. Speaker, that we should have a fair opportunity to vote upon this question of whether we are to have hereafter riders upon appropriation bills.

Mr. MORRISON. You will have that opportunity.

Mr. MCKINLEY. It occurs to me we ought to have that opportunity now and that we ought to adopt the amendment of the gentleman from Georgia, whether we distribute the appropriation bills or continue those bills with the Appropriations Committee. It does seem to me if we are to meet this question fairly we ought to be permitted to vote upon it before we reach the question of the distribution of the bills.

Mr. HAMMOND. The gentleman from New York [Mr. HISCOCK] has said this amendment had better come in its regular order. He thinks that perhaps there is something covert in it. I appeal to those who know me in this House to sustain me in the assertion that I do nothing covertly. My purpose is plain. It is to find out in the beginning, before these additional avenues to the Treasury shall be opened, how far these several appropriation bills may carry general legislation. I want to know when the flood comes how high it must rise before I vote.

Mr. HISCOCK. I desire to say this to the gentleman, that as far as this side of the House is concerned he will find us a unit—every man of us.

Mr. MCKINLEY. Why not vote it now?

Mr. HISCOCK. And I say that also to the gentleman from Ohio, there will be no division on this side of the House in voting for a proposition at the right and proper time to eliminate all legislation from appropriation bills.

Mr. MCKINLEY. Let us make our record now.

Mr. HISCOCK. I have the right to say that precipitating the amendment at this time was intended to obscure another question.

Mr. BLOUNT. I can not see how voting upon this proposition will obscure anything. It proposes what the gentleman from New York [Mr. HISCOCK] admits is correct, that no matter whether these bills are distributed or whether they remain with the Appropriations Committee there shall be no legislation upon appropriation bills. What can be obscured by that declaration?

Does not this proposition remove any obscurity? Does it not leave the question clear from any other as to whether or not the appropriation bills are to be separated? And will not the House be better able to reach a conclusion by a direct vote upon this proposition than it will be by taking the order in which these several propositions will be brought to us as presented in this report? I trust we shall be allowed to have a vote now. There can be nothing covert in this proposition. Take the vote now and when you approach the other questions you will approach them absolutely free to act. I believe now is the time that this vote should be taken.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed a bill (S. 580) granting a pension to Julia D. Grant; in which the concurrence of the House was requested.

THE RULES.

Mr. HOLMAN. Mr. Speaker, I think it is unfortunate that my friend from Georgia has thought proper to present this subject at this time, but I do not know what action the House may think proper to take, and I desire to offer an amendment to the pending proposition. I therefore offer as a substitute that which I send to the desk.

Mr. BLOUNT. Will the gentleman from Indiana yield to me for a moment?

Mr. HOLMAN. Certainly.

Mr. BLOUNT. I wish to say I was under a wrong apprehension when I stated my impression that the pending propositions related only to the question whether there should be legislation on appropriation bills. I find it does involve other questions.

The Clerk read Mr. HOLMAN'S proposed substitute, as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government; nor shall any provision changing existing law be in order upon any general appropriation bill, or be received as an amendment thereto; but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

Mr. HISCOCK. Is that offered now as an amendment?

The SPEAKER. It is offered by the gentleman from Indiana [Mr. HOLMAN] now on the floor as a substitute for the proposition of the gentleman from Georgia.

Mr. HISCOCK. I desire to inquire whether it is in order at this point?

The SPEAKER. As a substitute for the amendment offered by the gentleman from Georgia it is in order.

Mr. ANDERSON, of Kansas. I rise to a parliamentary inquiry. At what point is it proposed that the amendment of the gentleman from Georgia shall come in?

The SPEAKER. After line 86.

Mr. HOLMAN. Mr. Speaker, it will be observed that the proposition I submit takes the rule as reported by the Committee on Rules in exact terms, including the words "and for contingencies for carrying on the several Departments of the Government." It retains those words and adds the language which I desire the Clerk to read again.

The Clerk read as follows:

Nor shall any provision changing existing law be in order upon any appropriation bill or be received as an amendment thereto; but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

Mr. HOLMAN. Mr. Speaker, the language incorporated in the rule by the committee, "and for the contingencies for carrying on the several Departments of the Government," makes it the same as the old rule adopted in 1836, and manifestly opens a very wide door, unless by a subsequent provision you impose a clear restriction. It is for this purpose I have offered these additional words. I certainly hope that the power of the House to reduce, on any bill to which the matter is germane, the number and salaries of officers of the United States will not be taken away. If these bills are to be distributed, let each of the committees having charge of appropriation bills exercise this power. I hope that no gentleman will object to the House retaining this power of retrenchment on proper bills.

I apprehend that in the absence of a severe restriction the words in italics, reported as an addition to this rule, would be found mischievous to the last degree, because the history of this clause, which was contained in the old rule, must become ultimately, from the necessity of the case, a portion of the rule; and when originally adopted as a part of the old rule it was adopted avowedly for the purpose of allowing the increase of salaries. It was so decided at the beginning, and so decided up to the time of the passage of the famous salary measure, which resulted in the adoption of the rule that it is now sought to abrogate, the vital part of which will be retained if the proposition I have submitted as an amendment be adopted.

Mr. MORRISON. I wish merely to say that this proposition does not properly come in at this point; and therefore I hope it will be voted down, that it may come up in its regular order.

Mr. REED, of Maine. That is the actual fact about the situation. The gentleman from Georgia [Mr. HAMMOND] is undoubtedly correct, and, as all of us will bear witness, nobody suspects him of any methods that are unsuitable.

Mr. HAMMOND. That may be true, except as to the vice-president of the other side.

Mr. REED, of Maine. It is something I should say almost anywhere.

Mr. HAMMOND. The gentleman did not understand my remark. I said the gentleman's suggestion was probably true except as to the vice-president of that side, who has said he did suspect.

Mr. REED, of Maine. I do not understand the allusion. I desire simply to remark that while the gentleman from Georgia has said the truth in regard to his intentions and his duties toward this House, nevertheless, like all of us, he is perfectly willing to avail himself of any fair and honorable parliamentary strategy; and his object in pressing this matter now is to disarrange the order of affairs. In the report of the committee this matter is in its proper place and regular order; and it is perfectly apparent from the discussions in this House what will be the result of the vote. Everybody must understand precisely what is going to be done. Now the object of putting this proposition forward is to make some confusion in members' minds on this subject. It seems to me perfectly plain that the proper method of procedure for us is to take up the matter in its regular order, as proposed in the report of the committee. I therefore hope, for my part, that this proposition will be voted down for the present, in order that it may be met and voted upon by the House in language which, in my view, would be more suitable for accomplishing the object which the gentleman from Georgia, in common with myself, undoubtedly has in view.

Mr. HAMMOND. Mr. Speaker, the object of "the gentleman from Georgia" and that of the gentleman from Maine [Mr. REED] are very different. To a certain extent we agree, but at a particular point we separate, he taking seven or eight roads and I trying to keep one, after we shall have determined what to do. If the power belongs to nine committees it will be a greater evil to add to that power than if it belongs to one. So it will be in proportion to the number of committees to which it may be distributed. This House can not know until a vote has been taken on it in what form the prohibition against riders may be made. There are various propositions, and gentlemen differ as to the verbiage of such restriction when it shall come in, and therefore I insist before we undertake to handle the question of distribution at all we ought to know where we are going. And if this is a mere objection to form or place, I admit that it is according to the report of the Committee on Rules, and I thought I had made myself plain that I have been fighting that report from the beginning to the end. [Cries of "Vote!"]

Mr. REAGAN. I desire to make this one explanation. I favor the amendment of the gentleman from Indiana and will vote for it when it is reached in proper order, but I shall vote against all these amendments until the proper time has been reached.

Mr. HOLMAN. I withdraw my substitute.

The question then recurred on Mr. HAMMOND'S amendment; and it was disagreed to.

Mr. HAMMOND. I offer the following amendment, to come in after line 86:

The Clerk read as follows:

Amend by inserting at the end of the second paragraph of Rule X, at the end of line 86, the following paragraph:

3. The jurisdiction of said committees shall be as prescribed in the rules or laws and resolutions ordering select committees. But no general legislation shall be in order on any general appropriation bill nor as an amendment thereto, and no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such works and objects as are already in progress and for contingencies for carrying on the several Departments of Government.

Mr. HAMMOND. That is like the amendment which has just been voted upon, with the addition of the words "and for the contingencies for carrying on the several Departments of the Government," which are printed in the bill in italics.

Mr. MORRISON. I hope it will be voted down.

The amendment was disagreed to.

Mr. DOUGHERTY rose.

The SPEAKER. The Chair will state to the gentlemen who filed their amendments last evening to be printed in the RECORD that it is necessary to offer them upon the floor at the proper time; that is to say, when the clause to which they are in order shall be reached. The amendment sent up by the gentleman from Florida is to Rule XIV, which we have not yet reached.

Mr. DOUGHERTY. I will reserve my amendment then until we reach Rule XIV.

The Clerk read as follows:

RULE XI.

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, namely: Subjects relating—

1. to the election of members: to the Committee on Elections;

2. to the revenue and the bonded debt of the United States: to the Committee on Ways and Means;

3. to appropriation of the revenue for the support of the Government, *as herein provided, viz: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies:* to the Committee on Appropriations.

Mr. CANNON. I move to strike out, in line 106, commencing with the word "as" and concluding with the word "deficiencies," in line 109.

The SPEAKER. The Clerk will read the words which it is proposed to strike out—

As herein provided, viz: for legislative, executive, and judical expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Is the motion of the gentleman from Illinois in order? Is not the question on concurring in the particular amendment of the Committee on Rules?

The SPEAKER. The report of the committee is one entire proposition, but gentlemen have a right to a division in taking votes on it. The gentleman proposes an amendment to the report of the committee by striking out the words indicated, which the Chair thinks is proper.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. Would it be in order to offer to the amendment of the gentleman from Illinois an amendment giving to the Committee on Foreign Affairs the same privilege in relation to the organization of the State Department and the diplomatic service which is accorded to the Committee on Ways and Means and the Committee on Appropriations; and to the Committee on Military Affairs the same privilege in relation to the organization of the War Department and the Army, and to the Committee on Naval Affairs like privilege as to bills relating to the naval establishment and the organization of the Navy Department?

The SPEAKER. The Chair will state to the gentleman from Georgia that when he gets the floor in his own right it will be in order to offer that amendment at the proper place. Clause 49 of Rule XI is the one which prescribes the duties of committees as to the manner of making their reports. While the amendment would be more proper there than here, still it will be in order here if the gentleman thinks proper to offer it.

Mr. CANNON. Mr. Speaker, I am constrained to call attention to a remark made by the gentleman from New York [Mr. HISCOCK] day before yesterday, I believe, and which is published in the CONGRES-

SIONAL RECORD of the 17th instant. I send the RECORD to the Clerk's desk to be read where I have marked it.

The Clerk read as follows:

Mr. HISCOCK. Take my own experience with reference to those bills. I had the power; I grant it. And when I had it I did not bring in those bills early; I grant that. I could have done so if I had desired. But what did I do? I held back the legislative and sundry civil bills until away in July to force this House to pass the little internal-revenue bill and to pass the Tariff Commission bill.

Mr. RANDALL. There was a little log-rolling.

Mr. HISCOCK. Oh, yes.

Mr. MORRISON. Who log-rolled with you?

Mr. HISCOCK. I did it on the ground I have stated, and I say if you will examine the RECORD you will find that on the floor of this House I distinctly proclaimed my intention and policy to the country. My action was not covert. It was taken boldly and manfully. Whether I ought to have had that power or not, perhaps, sir, is questionable. Since I had it I chose to exercise it. And I believe in that particular case it was wisely exercised.

Mr. CANNON. All who heard the remarks which have just been read by the Clerk in the House of Representatives were profoundly struck with it. Indeed I may say throughout the length and breadth of the country it created a profound impression. The next morning there was nearly a column article in the New York Tribune in reference to it, from which article I read a short extract. After speaking of Mr. HISCOCK's very able speech—and it was an able speech—the writer of that article proceeded to say, among other things, as follows:

To Mr. HISCOCK, who was for two years chairman and for four years a member of the Appropriations Committee, the House to-day became indebted for a searching exposure of the arbitrary methods of that committee, and also for a powerful and convincing argument in favor of curtailing its enormous power. His speech was the most effective one delivered since the debate began. He remembered what most of the other speakers seemed to have forgotten—the necessity of enlightening the one hundred and thirty-five new members respecting the evils from which the House has suffered in the past and the importance of convincing them that the changes proposed will facilitate business and promote orderly legislation.

I can say that in the remarks which the gentleman from New York made the House got the impression, which I believe still remains, that the gentleman from New York as chairman of the Committee on Appropriations in the Forty-seventh Congress did have the power to withhold these bills by virtue of that chairmanship and did have power to control the business in this House; that hence it was an unsafe power, and that he was a shining example of its arbitrary use.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. CANNON. I have but a few moments.

Mr. MILLIKEN. I only want to ask the gentleman if he does not believe that every member of the Forty-eighth Congress has the same opinion without being informed by the gentleman from New York.

Mr. CANNON. Ah, the gentleman insists on asking a question when I have but five minutes, but I will inform him before I get through.

[Here the hammer fell.]

Mr. ROWELL took the floor and by consent yielded his time to Mr. CANNON.

Mr. CANNON. Mr. Speaker, under the rules of the House the highest question of privilege is the right of a member to a seat, which comes from the Elections Committee. Under the rules of the House the next question of privilege is the consideration of revenue bills, coming from the Committee on Ways and Means; and next the general appropriation bills, in the order of which I speak, *the majority of this House always having the power to control its business* under its rules. Now, then, I want to say to the House and to the gentleman from New York, who can correct me if I set down aught in error, in the Forty-seventh Congress we, the Republicans, commenced with a bare majority of 2. We had one hundred and forty-nine members and we caucused frequently. We had a caucus committee, of which I had the honor to be a member along with the gentleman from New York himself, I believe, and others. He was the chairman of the Committee on Appropriations and I was a member of that committee. There was a majority of Republicans, barely a majority, in the Forty-seventh Congress, first session, and that majority concluded to pass important measures—the Edmunds bill, touching the Mormons; reports of the Committee on Elections for the purpose of seating members of this House who had been duly elected to the House but kept out of their seats by improper returns; and to do that we had to so amend the rules as to prevent filibustering; also to pass what was known as the little revenue bill, decreasing taxation some $25,000,000, and to extend the charters of the national banks by general legislation. All these were matters considered by the Republican caucus, and it is an open secret to every member on this side of the House that it was determined in caucus that no bills of any kind should obstruct these matters of legislation.

In pursuance of the determination of the House, *or of the majority of the House in this matter*, the gentleman from New York then in charge of the Committee on Appropriations did pursue the course pointed out as the organ of that committee, and speaking through the committee as the voice of the majority of the House of Representatives (not the voice of the gentleman from New York) indicated. And, Mr. Speaker, there is nobody that knew it better than did he; for while I have not time to read what he said upon that occasion—I wish I had—I have the remarks of the gentleman before me, his able speeches made in July and August, 1882, in the House, in which he speaks of this action and avows that it was had not as the chairman of the Committee on Appropriations, but as all the Republican majority of this House at that time, as my friend from Pennsylvania [Mr. BINGHAM] and the gentleman from Maine [Mr. REED], the gentleman from Ohio [Mr. MCKINLEY], and every other member on this floor who was a member of the Forty-seventh Congress on this side of the House, knows as the action of that Republican majority.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has two minutes of his time remaining.

Mr. CANNON. I would have been glad, sir, had further time been accorded to me, but I can not under the discussion allowed by the rules hope to extend the time. I will, however, if there be no objection, incorporate the remarks of the gentleman from New York in my remarks to show what the facts were to which I now refer.

Now, Mr. Speaker, the statement of the gentleman from New York made the other day as it found a lodgment in the minds of the members of this House, when punctured by the spear of fact, when you leave the domain of romance, fades like the baseless fabric of a vision. There is no man in this House of greater ability than the gentleman from New York, in my opinion; none for whom I entertain a higher respect, none more able when he keeps within the domain of fact and out of the domain of romance. I do not complain because the gentleman from New York changed his opinion touching the distribution of these bills since the Forty-sixth Congress, when he voted against the proposition, as shown by the record. Sir, he had a right to change.

But after the gentleman rose yesterday and corrected his speech in one matter and did not correct it in this I felt it to be my duty in the interest of fair play to call the attention of the House to these facts. And now, sir, I insert in the RECORD, in pursuance of notice given, a part of the speech of the gentleman from New York, made at the close of the Forty-seventh Congress, while he was chairman of the Appropriations Committee, as follows:

Now, Mr. Chairman, I may be pardoned for saying a word in reference to the late day at which the appropriation bills have been presented to the House. This has been a long and laborious session; and, sir, it has not been the intention of the committee of which I have the honor to be the chairman to crowd its appropriation bills upon the attention of the House to the exclusion of other public business. We have recognized the fact that we came here not alone to pass appropriation bills to support the Government and enable it to discharge its various functions and duties, but that the country had the right to demand of us certain general legislation of great public benefit, and that it was our duty rather to hold back the appropriation bills that such general legislation might have consideration than to force the appropriation bills upon the House to the exclusion of that legislation if that exclusion would result in its defeat.

It was the duty of this Congress to reapportion the members of Congress to the various States. The last Congress failed in that great constitutional duty. It was a matter which we were to dispose of. The Constitution imposed it upon us. It took time; it took consideration. It received the necessary consideration at our hands; and a bill was perfected and passed with which I believe the whole country is satisfied.

Another important question has claimed the attention of Congress, the revision of the tariff. For years there has been an effort to readjust in some way the customs duties. The Forty-fourth, the Forty-fifth, and the Forty-sixth Congresses failed in all efforts in that direction, until it seemed to be the settled sentiment of the whole country that a tariff commission should be created to which this subject should be referred. The last Congress had failed to pass a law, though there was a public demand for such a measure. This Congress has considered the subject and disposed of it. No man can prophesy what result may come from it; but we have at least answered the demands of the country that the legislation should be had.

I shall not go through with all the various matters which have occupied the attention of this Congress; but there are one or two others to which I will refer. The Pacific coast has been for years agitated by Chinese immigration. The question within what restrictions or limits the Chinese should be allowed to immigrate to this country other Congresses had confronted as we confronted it. We believed a policy should be determined upon and the subject be removed from politics; that the people of the Pacific States and of the whole country, however the question might be determined, would be better off if it were settled. This Congress has considered and disposed of that question.

It is removed from politics. It has ceased to be a disquieting influence in the communities on the Pacific coast.

Sir, one other matter, perhaps in its effects not as widespread as the Chinese question, but more pernicious, more poisonous in my opinion, claimed the attention of Congress—the Mormon question. For twenty years or more that community, that government, has been allowed to have its Delegate seated on this floor. It almost seemed as if the Government of the United States was fostering the institution; that it was under the protection of the Federal Congress. It had increased, it had strengthened until as an ulcer in our social and political system it was recognized and abhorred by every Christian community throughout the length and breadth of the land.

There came to us in the Forty-fifth and Forty-sixth Congresses appeals from our constituents to destroy and do away with this offense to our civilization, yet those appeals were denied. This Congress, sir, has answered the appeals of Christian constituencies. It has perfected the legislation which we believe will destroy the institution of Mormon, the Mormon hierarchy, as a political force and political body. Appropriation bills were not pressed against that legislation.

There is, Mr. Chairman, another matter we have taken time to consider. We believed it was the duty of an American Congress before it disposed of its business, before its last days were reached, to settle the question of the title of members to their seats. We believed it was our right to know whether the gentleman whose vote and voice might offset or defeat the vote and voice of another was entitled to vote and voice. We believed, for the settlement of grave business and political questions by the American Congress, it was the first duty of Congress to purge itself of members not entitled to seats, and to seat in their places those entitled to them. We believed it was a duty we owed to the country that men who were elected should represent the constituencies which had elected them; and we believed that it was a duty we owed to these constituencies. We believed every constituency had the right of representation upon the floor of this House, and that he who had received a majority vote in a Congressional district should be the one to represent it.

We encountered great delay, but still we did consider these matters and ques-

tions to the exclusion of the consideration of appropriation bills, and we did get a vote upon the election cases which the Committee on Elections could bring before us. We did as a Republican party dispose of them, and at the first, the present session of Congress, rather than defer them to the last days of the last session, then to be disposed of by paying the full salary both to the contestant and the contestee without regard to our own rights or the rights of constituencies.

There is one other matter I must not forget. Coming into power, we believed that it was the duty of Congress to investigate the subject of taxation. There were the old war taxes, levied and collected year after year. We believed it was the duty of the Republican party to consider whether an overburdened people could not be relieved from some of them. We considered the question in this House. We have given to it all the time needed for debate. We have accomplished this, if our actions shall be approved by the Senate. We have removed from the people taxation to the amount of $35,000,000 a year at least.

Under our national banking law most of the charters of the banks were about to expire. Here was a question of pressing importance. That expiration, Mr. Chairman, with the consequent withdrawal of circulation, threatened a contraction of the currency, a disturbance of business, and almost a financial convulsion in the great business centers. We believed that our time was demanded to provide legislation on the subject, that it was the business of a Republican Congress not to pass appropriation bills, adjourn, and go home, but to devote itself to the business interests of the country, and that this was one question which demanded our closest attention.

It is not unfair to say, Mr. Chairman, that on this question as on others we were not aided by the opposition as a party. I concede, sir, that there were some patriotic men who joined hands with us in this legislation as they did in reference to other. But the fullest debate on this as on all questions was exacted, and in the end a law was passed by this House providing for the extension of bank charters, averting the financial panic and catastrophe impending.

As stated by the gentleman from Georgia [Mr. COOK], since then we have been borrowing money at 2 per cent. It will be well for him, to his credit I mean, and I am willing to have his expression preserved forever in my remarks.

I must beg the pardon of the committee for having taken up so much of its time, not so much in the discussion of the details of the bill as of the details of all the appropriation bills which have come before the House, and in the discussion of those great questions which have been the occasion of delay in the presentation and consideration of appropriation bills, which in my judgment afforded ample justification for whatever delay may have taken place.

I now move that the committee rise for the purpose of limiting general debate.

[Here the hammer fell.]

Mr. SPRINGER. I do not know what is the object of my colleague in moving this amendment. He has not stated it in his remarks. I presumed he desired to make a personal explanation. I desire to move an amendment to the amendment that I may speak to the question on its merits. My amendment is to strike out the words indicated in the amendment of my colleague and to insert after the word "Government" the word "except;" so that it will read:

To appropriations of the revenue for the support of the Government except as herein provided.

The object of my amendment is that the bills shall not be enumerated, but simply to provide that the appropriations for the support of the Government shall be left to the Committee on Appropriations "except as herein provided."

The legislative and executive bill and also the sundry civil bill, which are mentioned here, contained in them numerous items for the support of the Army and the Navy and the Post-Office Department, and relating to foreign affairs and Indian affairs. I hold in my hand the law passed at the last session upon these respective subjects; and it will be seen that page after page of the sundry civil bill is devoted to appropriations for the support of the Navy and the support of the Army and the support of the Indian Bureau. In a subsequent part of this report these subjects are referred to other committees. The enumeration of bills mentioned in this part of the report refers the same subjects to the Appropriations Committee. The result of this will be confusion worse confounded when the respective committees bring in their bills upon these subjects.

As stated by the gentleman from Indiana a day or two ago, the sundry civil bill has grown up from year to year to its present enormous proportions from having been merely a little bill to correct some omissions in the other bills. It is now composed entirely of those items for the support of the Government which might be put in any other of the bills of the House without any detriment to the public service or any marring of the harmony of these propositions. It is well known to gentlemen that a few years ago, when the sundry civil bill was about to be defeated, and when it was defeated, just before the adjournment of Congress on the 4th of March, one of the committees of conference deliberately took page after page out of the sundry civil bill and put it in the legislative and executive bill in order to save those clauses; and that bill was passed, the sundry civil bill having been defeated.

The proposition as it now stands reported from the Committee on Rules refers item after item, line after line, relating to the same subject, to two different committees, and it will result in the greatest confusion when we come to consider these matters in Committee of the Whole on the reports of separate committees.

The proposition which I had referred to the Committee on Rules provided that two subjects should be referred to the respective committees; that all the subjects relating to foreign affairs and the Post-Office Department and the Army and the Navy should be referred to the committees having charge respectively of those branches of the service. This would require a recasting of this report, but it would secure harmony and perfect consistency in the apportionment of the duties of the several committees.

Mr. BLOUNT. I offer an amendment, which I send to the desk.

The SPEAKER. Two amendments are now pending. The Chair will recognize the gentleman from Georgia at the proper time. The Chair understands the proposition of the gentleman from Illinois [Mr. SPRINGER] strikes out the word "as."

Mr. SPRINGER. No, sir. The proposition is to insert the word "except" before the word "as;" so that it will read "except as herein provided."

The SPEAKER. The gentleman then offers his amendment as a substitute for the amendment of his colleague [Mr. CANNON]?

Mr. SPRINGER. Yes, sir.

The SPEAKER. And the gentleman from Illinois [Mr. CANNON] proposes to strike out the words which follow.

Mr. SPRINGER. I do not know whether my colleague desires to have his amendment voted on or not, as he did not speak on his amendment.

Mr. SPEAKER. The first question is on the amendment that the gentleman from Illinois [Mr. SPRINGER] offers as a substitute for that of his colleague [Mr. CANNON].

Mr. HOLMAN. I ask that it be again reported, that it may be understood.

The amendment of Mr. SPRINGER, offered as a substitute, was again read.

Mr. BLOUNT. I would like to know if it would be in order to offer an amendment to the substitute of the gentleman from Illinois [Mr. SPRINGER].

The SPEAKER. It would.

Mr. SPRINGER. To avoid confusion I will withdraw my substitute for the present, and allow the vote to be taken on the amendment of my colleague.

Mr. BLOUNT. I offer as an amendment to the amendment what I send to the desk.

The Clerk read as follows:

The Committee on Foreign Affairs shall have the same privileges in reporting and having considered bills in relation to organizing the State Department and the consular and diplomatic service as are accorded to the Committees on Appropriations and Ways and Means.

The Committee on Military Affairs shall have like privileges as to bills relating to the organization of the War Department or the Army.

The Committee on Naval Affairs shall have like privileges as to bills relating to the organization of the Navy Department, the Navy, and additions of vessels to the same.

The Post-Office Committee shall have like privileges as to bills relating to the organization of the Post-Office Department, the transportation of the mails, and regulating rates of postage.

The Committee on Indian Affairs shall have like privileges as to bills relating to the regulation of Indian tribes.

Mr. BLOUNT. Gentlemen have asked me why I have offered this proposition. It will be observed I do not undertake to prescribe what are all the subjects of consideration of the Committee on Naval Affairs, or the Committee on Foreign Affairs, or the Committee on Military Affairs, of the Post-Office Committee or of the Committee on Indian Affairs; but my object is this: The proposition of the gentleman from Illinois [Mr. CANNON] is to give all the appropriation bills to the Committee on Appropriations. The difficulty has been heretofore that by reason of the inability of the several committees having relation to the Departments to have a hearing upon this floor the Committee on Appropriations have been enabled to take charge of a very large part of the legislation of this House. This created infinite discontent on the part of the other committees of the House and has produced unwise and hasty legislation.

Again, sir, I think it ought to be in the power of some committee or this House other than the Committee on Appropriations to bring forward propositions relating to the organization of the Army or Navy or the United States, to the organization of the War Department, or any other Department, or the organization of the consular and diplomatic service, the reorganization of which has been recommended by the Secretary of State. Subjects of this kind we should be enabled to bring forward under the privileges contemplated by my amendment, the object of which is to give precedence on these special subjects, and none others, to these several committees in order that these great branches of the public service shall not be subordinated to less important questions, such as those of claims, &c. I trust that the House will see fit to agree to this proposition as an amendment at least to that of the gentleman from Illinois [Mr. CANNON]; and when that shall have been done we shall be in better condition to determine whether these bills shall or shall not be distributed.

Mr. CANNON. I will withdraw my amendment, and the gentleman from Georgia can offer his as a direct proposition.

Mr. BLOUNT. I offer the amendment of the gentleman from Illinois coupled with the amendment which I have sent to the desk.

Mr. SPRINGER. Let the proposition be read as it now stands.

The SPEAKER. Does the gentleman from Illinois withdraw his amendment.

Mr. CANNON. I do.

Mr. BLOUNT. I renew it, modified by the addition of the proposition I have sent to the Clerk's desk.

The SPEAKER. The gentleman from Georgia moves to strike out in the report the words which the Clerk will read.

The Clerk read as follows:

As herein provided, viz: For legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies.

The SPEAKER. The gentleman from Georgia moves to strike out the words just read and to insert what the Clerk will now read.

The Clerk read as follows:

The Committee on Foreign Affairs shall have the same privileges in reporting and having considered bills in relation to the organization of the State Department and the consular and diplomatic service as are accorded to the Committees on Appropriations and Ways and Means. The Committee on Military Affairs shall have like privileges as to bills relating to the organization of the War Department or the Army. The Committee on Naval Affairs shall have like privileges as to bills relating to the organization of the Navy Department and Navy and the addition of vessels to the same. The Post-Office Committee shall have like privileges as to bills relating to the organization of the Post-Office Department, transportation of the mails, and regulating rates of postage. The Committee on Indian Affairs shall have like privileges as to bills relating to the regulation of the Indian tribes.

Mr. BLOUNT. Mr. Speaker, I have reoffered the amendment of the gentleman from Illinois (he having withdrawn it) because I was not willing that the House should be brought now to a direct vote on the proposition whether or not these bills should remain with the Committee on Appropriations. For one, I am not willing for them to remain where they are unless something shall be done giving to other committees of this House the right to report important legislation instead of allowing all such legislation to remain practically under the control of the Committee on Appropriations as heretofore.

Mr. HENLEY. Mr. Speaker, I think it must be obvious to the House that the amendment proposed by the gentleman from Georgia [Mr. BLOUNT] would be in its effect almost entirely destructive of the value of the privilege which he proposes to confer upon these various committees; in other words, he proposes to give to so many different committees the privilege of reporting their bills at any time that the value of the privilege is very largely impaired. The amendment is, I submit, at variance with the whole idea upon which this scheme of rules reported by the committee is predicated. It is conceded by the committee that there is a certain character of legislation so important that it is necessary it should be enacted in preference to all other business, in order that the Government may be carried on; hence the Committee on Appropriations and a few other committees have been heretofore accorded the privilege of reporting at any time. Now, the gentleman from Georgia proposes to give this privilege to innumerable other committees—I do not know how many are enumerated in the amendment. Everybody can see the effect. Why, sir, one of the most convincing points made the other day by the gentleman from Indiana [Mr. HOLMAN] in his argument against the alteration of these rules was that this privilege as already extended was so large as to make it impossible in some cases to enact legislation of the utmost importance; and he instanced bills coming from the Committee on Public Lands. I hope, therefore, that this amendment will be defeated.

Mr. BLOUNT. I wish to say a word in reply to the gentleman from California [Mr. HENLEY]. He says that the extension of this privilege of reporting at any time, as proposed by me, would create infinite confusion. Why, sir, upon any of these reports when presented the question of consideration may be raised, and a majority of the House may refuse to consider them. I ask no more than that these committees in relation to important matters confided to their charge shall have the privilege of asking this House whether it will consider them—whether questions involving the organization of our diplomatic service, our Army, our Navy, and various important Departments of the Government shall have a hearing; that is all.

Mr. HENLEY. Mr. Speaker, of course it is important that these committees should have a hearing; it is important that every committee should have a hearing. The question to be determined in the wise discretion of this House is, Which of these committees should be specially privileged? The gentleman from Georgia proposes to give this privilege to so many committees that the value of the privilege would be annihilated. That is the difficulty.

Mr. RYAN. Mr. Speaker, the proposition submitted by the gentleman from Georgia is the only one presented which provides for bringing legislation here to be submitted to the will of this House. All the clamor here has been to the effect that the majority should rule upon all questions of legislation. The difficulty, it is claimed, has been that the majority could not rule, because the measures reported by its committees could not be brought before the House. The proposition of the gentleman from Georgia provides simply for bringing these important measures before the House and letting the majority of the House determine what action shall be had in regard to them. If this rule prevails there can never be any such criticism justly made as has been made heretofore, that a majority of this body can not control its legislation.

So far as the other proposition is concerned, namely, whether one or more appropriation committees shall be constituted by this body, personally I care nothing. I regard it, however, as most pernicious that you divide the responsibility among several committees of the House to distribute the revenues of the country. I think, Mr. Speaker, we shall ascertain by experience we have made a departure which we ought not to have made. The experience of our own Congress for nearly a hundred years, the experience of the legislative bodies of nearly every State in the Union, and the experience of nearly all the civilized nations of the earth is against it.

Much has been said about the abuse of the power of the Committee on Appropriations. Why, sir, those supply bills must be passed in order that the Government may move along in its ordinary way. You can not bring forward one of those bills that you do not antagonize some other subject; the question is which shall be taken up, and the House has the power to determine whether it will consider the appropriation bill or some other subject. Usually the good judgment of the House prevails in favor of an appropriation bill because of the paramount necessity of passing it. And all this clamor about the abuse of the power exercised by that committee is uncalled-for, to say the least, of it, and scarcely any foundation in truth to justify it.

I was sorry to hear my friend from New York [Mr. HISCOCK] who was the able chairman of the Committee on Appropriations in the Forty-seventh, Congress come in here and confess to the country that he had held the appropriation bills of that committee in his own hands to force certain legislation through that House.

The fact is, Mr. Speaker, he is at fault in his memory. Every single solitary bill that he referred to, together with certain other measures, was regarded by the party which he represented here on that committee as important legislation. It was their will—the will of the majority—that that committee should not antagonize that important legislation with any appropriation bill if it could possibly be avoided, and he simply obeyed the will of the majority. He tells us that he withheld these appropriation bills until away in July that the tariff-commission bill might pass, together with the little internal-revenue bill. Both of them had the right of way against any appropriation bill in this House. Besides, sir, the tariff-commission bill passed the House on the 6th day of May, and he could not have held these bills back away in July to let a bill pass which had already passed the 6th day of the previous May. The other bill, the internal-revenue bill, was reported to this House as early as March, more than four months before he reported his sundry civil appropriation bill, and that internal-revenue bill could have been passed at any time the committee in charge of it desired to bring it up if the House desired to pass it.

Mr. CUTCHEON. Allow me to ask the gentleman from Kansas [Mr. RYAN] a question.

Mr. RYAN, of Kansas. Certainly.

Mr. CUTCHEON. Did the gentleman from New York, chairman of the Committee on Appropriations, hold the power in his hand to execute the wish of the caucus by holding those bills back?

Mr. RYAN. He never had the power as against the majority of the House. I wish to say that any chairman of any appropriations committee who would come into this House and say to this House and to the country, "I will not bring in the appropriation bills—the supply bills to keep this Government running—until you pass some specific legislation," would so offend the House, would so offend propriety, would so offend the country that he would merit and would possibly receive a prompt and severe rebuke.

It has always been in the power of the House to control its own matters. You do not propose to remedy any of these things of which you complain by any of the rules you have brought forward. You propose to clothe eight committees with the same power, with the same temptation and capacity to abuse it. You multiply eightfold the very evils of which you complain.

[Here the hammer fell.]

Mr. HISCOCK. Mr. Speaker, I may reply briefly to these criticisms which have been made upon me by my old colleagues of the Appropriations Committee. It may be that I arrogated to myself too much when I said I did it. I am willing that should be modified and changed and made to read that the gentleman from Illinois [Mr. CANNON] and the gentleman from Kansas [Mr. RYAN] most ably seconded me in doing it. [Laughter.]

Mr. RYAN. And, you might add, every Republican member of the House at that time.

Mr. PETTIBONE. Put it that way—that the majority of the House seconded you.

Mr. HISCOCK. Put it, if you please, in that way, that the majority of the House aided me in doing it. I was backed by the Republican party in doing it. I admit that I was the organ of the Republican party in doing it. It was not done by my little hatchet alone. [Laughter.]

What I was discussing the other day was this—what I was illustrating was the power placed in one committee, either, if you please, through its chairman or any other accredited agent—illustrating its power for good or evil to control legislation and protract the session of the House. That was what I was intending to do, and I doubt if the country misunderstood me, and I doubt if any member on the floor misunderstood me. The question is not as to differences of opinion between members on the floor, but whether the power to coerce a minority, whether this vast power should be exercised anywhere by any committee. It was against that I was making my argument.

Perhaps too often when we are placed in prominent positions where we are the organ of our party we assume great consequence to ourselves. But the fact that the Appropriations Committee has had great power and assumed to itself to control and regulate the action of the House was what I was intending to illustrate and against which I was making my argument. That is all I wish to say in reply to the remarks of the gentleman from Illinois and the gentleman from Kansas.

Now, that is all I wish to say in reference to the strictures of the gentleman, but I desire to add a single word now in reference to the particular proposition which has been presented by the gentlemen from Georgia and now pending. There is such a thing as making confusion worse confounded on this floor. There is such a thing as putting it into the power of a minority to prevent action on the part of a majority. You can carry the rule too far in your attempt to give a majority power. I say, then, if you adopt the amendment to the rules proposed by the gentleman from Georgia its logical effect will be to enable a minority on this floor to constantly exhaust the time of the House by questions of consideration, by raising questions whether this bill or that or the other shall receive consideration first. Between these committees your whole time will be exhausted by questions of consideration. Now, we did not believe that it was right or that it would facilitate the public business to extend these committees and their privileges with reference to the passage of appropriation bills.

But we have done this, we have put into the rules a provision for a morning hour for the consideration of business from committees, and have provided that if their business is not finished in that hour it goes upon the Calendar as unfinished business, and as unfinished business is entitled to consideration whenever you go to the Calendar appertaining to that particular class of business. I say to all gentlemen of the House that so far as any theory can be formulated in these rules for facilitating the business of the House in my judgment you can not improve upon that which has been reported here by the majority of the Committee on Rules.

Mr. ROGERS. Mr. Speaker, seated immediately in my front is the chairman of the Committee on the Public Lands of the last Congress, and I invite his attention particularly to what I am going to say. In response to the gentleman from Georgia, if I did not mistake his remarks, he said that upon a question of consideration in the Forty-fifth Congress the Public Lands Committee had been voted down. I wish to state in response to that, upon the responsibility of my own recollection as well as upon the recollection of one other member of the Committee on the Public Lands, that that committee never was voted down in that Congress except by the Appropriations Committee. I do not want the idea to go to the country that the Democratic party with 80 majority on this floor had taken the position that it would consider other matters of legislation in preference to the forfeiture of unearned land grants.

A word now in response to the gentleman from Georgia upon his amendment. These rules, as reported by the committee, propose the creation of five additional privileged committees. The amendment of my friend from Georgia contemplates the creation of five more committees. If, then, the proposition of my friend from Georgia shall be adopted, you simply increase the number of those committees to ten, with equal powers and right of way, and all these committees are to go before the Committee on the Public Lands.

Sir, I hope the Democratic party in this House with its 40 majority will not embark in any legislation through amendments of the rules or otherwise which will degrade the Public Lands Committee; certainly not at least as long as the question of the forfeiture of the public lands is a live question before the people of this country. But it has been said that this is another way by which you can elevate these committees which have in charge subjects of important legislation of which the gentleman from Georgia speaks. My opinion is, after some two years' experience on this floor, that the way to accomplish that purpose is to take all general legislation away from the Appropriations Committee and force it upon the other committees on this floor, and then we can go to the Calendars, that ought in the transaction of our business here to be like the dockets of a court, and take up the business in regular order that may be upon them and dispose of it in accordance with the views of the majority of the House.

[Here the hammer fell.]

Mr. BARKSDALE. Mr. Speaker, the pending paragraph is the Aaron rod of all this controversy. I shall support the majority report just as it is, and trust that its friends will keep their lines unbroken and adopt it as it came from the committee. I submit, sir, that there has been an infinite amount of irrelevant discussion introduced into the consideration of the question. Partisan politics, personalities, criminations and recriminations, all tending to inflame the passions and to prevent judicial impartiality. It might well be asked, "What business have they here at such an hour as this?"

Now, sir, the considerations that properly enter into the discussion of this question are these: Will the distribution of the powers of the Committee on Appropriations tend to salutary, intelligent, and economical legislation? Will it secure to this House its right for supremacy over legislation which it is called upon to enact? Why, sir, to state the propositions is to answer them. A committee appointed by the Speaker with reference to the aptitude and fitness of its members is presumed to be more competent to deal with the business of the department to which it pertains than any other committee. The physician who makes a diagnosis of a disease is more capable of prescribing for it than any amount of skill outside.

Take the Committee on Naval Affairs, for example. As I have said, it is appointed by the Speaker with direct reference to the aptitude of its members for that branch of the service. And will you tell me they are less competent to deal with the affairs of the Navy and to prescribe the amount that is needed to maintain it than any other committee, however able? And so with every other committee which has to deal with the affairs of the Government.

[Here the hammer fell.]

Mr. BARKSDALE. I should like to be allowed a few minutes more.

Mr. RANDALL. I ask that the gentleman be permitted to continue his remarks for the time he has indicated.

There was no objection.

Mr. BARKSDALE. To devolve upon the Committee on Appropriations the duty of reporting every appropriation bill is to impose upon it a task which it is not capable of performing satisfactorily. The result will be, as it has been heretofore, that bills will be reported at the close of the session, and members will be compelled to choose between the alternative of adopting items which they do not approve or of rejecting the whole, and thus forcing an extra session with all its attendant burdens upon the Treasury.

It has been well said that the House of Representatives is the great master body of the legislative department of the Government. Its Representatives come directly from the people. There are no middlemen between them and the real sovereigns of the land. The clause of the Constitution which devolves upon it the sole power of originating revenue bills attests the high mission to which it was appointed by the venerated framers of that instrument. It is the business of the Ways and Means Committee to provide the necessary revenue. It is the business of the House to disburse it wisely and economically for the maintenance of the Government. To vest this power in a single committee is to violate the true theory of the Government, and places upon the shoulders of this House an Old Man of the Sea to fetter its energies and obstruct it in the performance of its functions. I trust it will assert its rightful prerogative and throw off the incubus.

Mr. MORRISON. I yield one minute to the gentleman from Georgia.

Mr. BLOUNT. If the gentleman does not yield me five minutes it is not worth while for me to take the floor.

Mr. MORRISON. I will yield the gentleman from Georgia five minutes before demanding the previous question.

Mr. BLOUNT. I will not take up time in discussing whether the Committee on Public Lands or the Committee on Appropriations occupied the most time during the last session. The Committee on Appropriations did not take more than one-sixth of the time of this House, and conceding that the Committee on Public Lands occupied more time, that committee reported important legislation, and by reason of the privilege given them passed important bills through the last House, and for doing so it claimed and deserved great credit. But how were they able to do so? By the very proposition I now offer.

Mr. RYAN. It never was done before.

Mr. BLOUNT. It never was done before till the Committee on Public Lands got that privilege, and it did the country good service. I want to give other committees like powers, and I am ready if gentlemen in this House have important bills such as were presented in the last Congress—I am willing to give them an opportunity of having those bills considered. I would give this privilege so as to have the opportunity of having some of those great measures considered here rather than we should be left as we have been in prior Congresses. You have tried heretofore the method of leaving important legislation to go on appropriation bills and the result has been that the other committees have no privileges. You have forced this legislation on the Committee on Appropriations. They have taken jurisdiction because of the disposition of the House that they should exercise it, and the House has accepted the usurpation because it was in the line of their will.

Mr. BUTTERWORTH. May I ask the gentleman from Georgia a question?

Mr. BLOUNT. Yes, sir.

Mr. BUTTERWORTH. I do not understand you to intend by your amendment to double the number of privileged committees, but to extend certain privileges to certain committees.

Mr. BLOUNT. That is all I propose to do.

Mr. HENLEY. Does not that double the number of privileged committees?

Mr. BUTTERWORTH. I understood the gentleman who preceded the gentleman from Georgia to intimate that this proposition looks to doubling the number of privileged committees.

Mr. ROGERS. That is precisely what it does.

Mr. BLOUNT. I do not like to have all these gentlemen answering for me. I will read my proposition that the House may see what it is:

The Committee on Foreign Affairs shall have the same privileges in reporting and having considered bills in relation to organizing the State Department and the consular and diplomatic service as are accorded to the Committees on Appropriations and Ways and Means.

And so with the other committees. I designate specifically what they can do. I do not undertake to define generally what they may do. I select certain important measures that they may report and have considered by this House. And one of the reasons I have for inserting here the Committee on Foreign Affairs was because the consular service has

not been reorganized since the Forty-third Congress. The condition of the commercial relations with foreign countries is such that the Secretary of State has seen fit to make special recommendations with reference to the reorganization of the consular and diplomatic service, and I want the Committee on Foreign Affairs to have the right to come here and submit its propositions.

[Here the hammer fell.]

Mr. MORRISON. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Georgia [Mr. BLOUNT], which will be again reported.

The amendment was again read.

The question being taken on the amendment, it was not agreed to.

Mr. HAMMOND. I call up now the amendment of which I gave notice, and which is printed on page 298 of the RECORD.

The Clerk read the proposed amendment, as follows:

Amend Rule XI, paragraph 3, by disagreeing to the proposed amendments and then adding thereto so as to make the paragraph read as follows:

"3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations; but no general legislation shall be in order on any general appropriation bill nor as an amendment thereto; and no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress."

Mr. HISCOCK. At what point does the gentleman propose this amendment shall come in?

The SPEAKER. In clause 3 of Rule XI, the same clause already under consideration. The gentleman's amendment in the form in which it has been read proposes to disagree to the amendments of the committee. It should really be to strike out those words and insert what has been read.

Mr. HAMMOND. Yes, sir; that is the proper form.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] is entitled to the floor upon his amendment.

Mr. HAMMOND. Mr. Speaker, the objection made to this proposition when presented before was that it was then out of place; that it anticipated something which the committee had disposed of at another point. The House has just consented to hear argument and to vote upon a proposition of my colleague [Mr. BLOUNT] about the right of way of several committees, although that question is treated in lines 232 to 243 inclusive of this report, we now being upon page 5. I take it, therefore, that the point as to this proposition not coming in at the right place will not now be urged. Having arrived at the Committee on Appropriations, we are now properly defining its jurisdiction. I therefore hope that those gentlemen who before urged no other objection to this proposition than that it was out of place will now recognize that it is offered in the right place and will vote for it.

I wish to correct what I have been told was too broad a statement made by me this morning when I said it was known that I was fighting this report. I stated distinctly when I made my first observations on this subject that I was not opposed to the report in any particular except the division of the Appropriations Committee. I did say that I wished to prevent "riders" on appropriation bills, but that I believed the report of the committee did not use apt words for that purpose. If you will look at the report of the committee on page 11, Rule XXI, you will observe that the provision reported forbids no rider except riders making appropriations. It does not forbid general legislation on appropriation bills at all. Under this rule as reported by the Committee on Rules you may on an appropriation bill organize a new court or change all the laws of the land, provided you make no appropriation therefor. Hence I have provided in the first clause of my amendment that there shall be no general legislation on any appropriation bill, either in the original report or by amendment thereto. I hope we shall now have a test as to the sentiment of the House on the subject of riders on appropriation bills.

Mr. HERBERT. I desire to call the attention of the gentleman from Georgia to the clause at the beginning of Rule XI:

All the proposed legislation shall be referred to the committees named in the preceding rules, as follows.

That language is very broad, and it would include legislation of the kind to which the gentleman refers. I submit that the object of the gentleman's amendment is provided for in the report of the committee.

Mr. HAMMOND. Let me explain. When a member proposes a bill it is referred to the committee having jurisdiction of the proposition; but the committee in reporting it may embrace in it any proposition they deem proper, unless there be a rule declaring they shall not do so.

Mr. HERBERT. The language "all proposed legislation" is broad enough to cover any proposition, whether it comes by way of bill or by way of a proposed amendment.

Mr. HAMMOND. Then the report of the committee is utterly nugatory; for they have tried to make a restriction in this respect, although they have not gone far enough.

Mr. HERBERT. They have by the words I have quoted.

Mr. HAMMOND. Why then put in the twenty-first rule at all?

[Here the hammer fell.]

Mr. WARNER, of Ohio. I move to amend the amendment proposed by the gentleman from Georgia by adding the words "and for such contingent expenses as may be necessary for carrying on the several Departments of the Government."

This is a modification of the phraseology of the amendment proposed to Rule XXI by the committee. One word, Mr. Speaker, respecting the proposition of the gentleman from Georgia, which I most heartily support. I believe in the principle involved in the amendment, which is that, first, we should take from the Appropriations Committee all power of legislation; and, secondly, we should keep from the legislative committees the power of appropriation. The wise practice of legislative bodies for centuries has shown that appropriation and legislation do not properly go together. The correct principle is to keep them apart. A committee charged with the preparation of legislation is not a proper committee to determine upon appropriations required by such legislation. There is a principle involved here which I think it is not safe to depart from. I therefore most heartily support the proposition of the gentleman from Georgia, and simply offer this amendment because it seems to be agreed that the power must be left with the committee to report appropriations for contingencies not provided for by previous law.

Mr. SPRINGER. Mr. Speaker, I am opposed to the amendment of the gentleman from Ohio, from the fact that the words "for contingencies for carrying on the several Departments of the Government" have had put upon them by previous constructions and decisions in this House an interpretation which I think the House does not want to carry into our new rules. I wish to call the attention of members to the proceedings of the House of Representatives of February 24, 1873, when General Butler, of Massachusetts, offered that celebrated amendment known as the "salary grab." I desire the Clerk to read the decision of the chairman of the Committee of the Whole on a point of order raised upon that amendment.

The Clerk read as follows:

The CHAIRMAN. The history of the last clause of the rule, "and for the contingencies for carrying on the several departments of the Government," is this: Some twenty-five years ago, when the rule existed without that clause, the chairman of the Committee of Ways and Means offered an amendment increasing the compensation of custom-house officers. The point of order was raised that the amendment was not in conformity to existing laws, and that point of order was sustained. The next day the chairman of the Committee of Ways and Means moved this additional clause as an amendment to the rule, and it was adopted by the House for the purpose of making it in order for him to move to increase the compensation of officers of customs. From that day till the present session of Congress the ruling under that rule has been uniform. Some seven years ago, while the present occupant of the chair happened to be in it in the Committee of the Whole, the gentleman from Indiana [Mr. HOLMAN] raised the same point of order; and this same history of the rule was presented to the committee. The decision of the Chair at that time, corresponding with that which he now makes, was sustained by the Committee of the Whole.

The Chair is aware that upon two occasions during the present session the Committee of the Whole have overruled the Chair in making this decision. Since that, however, the Committee of the Whole has sustained the Chair in the same decision. The Chair has no doubt whatever that it is in conformity to the rules of the House. Therefore, so far as this amendment provides for increasing official compensation or salaries now fixed by law, the Chair rules it in order. From that decision the gentleman from Indiana [Mr. HOLMAN] appeals.

Mr. BEATTY: I move that the committee rise.

The motion was not agreed to; there being ayes 33, noes not counted.

Mr. WILLARD: I desire to inquire of the Chair whether his ruling goes to the extent of affirming that a salary may be permanently increased by a provision of law. I supposed the ruling only went to this extent: that an appropriation for paying a salary for the next fiscal year could be increased.

The CHARIMAN: The Chair rules it is in order to fix an increase of salary; but he does not rule that it will not be within the power of Congress to diminish it. [Laughter]. Shall this decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative—yeas 92, nays 29.

So the decision of the Chair was sustained.

Mr. HOLMAN. I move to add to the proposition as it now stands the following——

The SPEAKER. There is an amendment pending and an amendment to that amendment, and one must be disposed of before another can be received.

The question recurred on the amendment of the gentleman from Ohio [Mr. WARNER] to the amendment of the gentleman from Georgia [Mr. HAMMOND].

Mr. ADAMS, of Illinois. I desire to oppose the amendment, and it is simply for the purpose of informing the House of the exact question as it is in my mind now before the House. If I understand the proposition of the gentleman from Georgia it is to exclude the power of legislation on appropriation bills, and thereupon to include all appropriation bills in one committee.

Mr. HAMMOND. No; I do not. My real desire is to leave the appropriation bills where they are.

The SPEAKER. That is what the amendment does.

Mr. ADAMS, of Illinois. That is my meaning.

Mr. HAMMOND. There are two propositions in mine. One is to strike out and one is to insert.

Mr. ADAMS, of Illinois. I understand the gentleman from Georgia does not accept the theory of the dispersion of the appropriation bills, but that he couples with his motion that there shall be no dispersion a proposition that there shall be no legislation on appropriation bills?

agree that questions shall be made clear, and I have already sent in last night an amendment which I suppose will be considered when that part of the rules shall be reached. I believe a majority of the House is in favor of the distribution of the appropriation bills for reasons independent of considerations arising from riders on appropriation bills; but I also believe if the appropriations shall be distributed still a large majority of this House is in favor of any proposition keeping off legislation on appropriation bills; and therefore when we come to that part of the rules, even if appropriations shall be distributed, I shall then offer my amendment to cut off legislation from appropriation bills.

Mr. WARNER, of Ohio. I withdraw my amendment for the present.

Mr. HOLMAN. I offer the following amendment:

The Clerk read as follows:

Nor shall any provision changing existing law be in order on any general appropriation bill or be received as an amendment thereto, but provisions or amendments for the direct reduction of the number, salary, or compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

Mr. HOLMAN. I wish to say a word on that amendment. I think this subject is well understood by the House. I think the House is not inclined to favor legislation on appropriation bills, judging from the expressions of this amendment. The gentleman from Georgia [Mr. HAMMOND] has certainly guarded these bills from general legislation with great care. I trust the House will not object to the question of preventing some degree of retrenchment in the one possible form in which it can come before this House. I take it if you reduce offices and salaries it would be done on appropriation bills. I am willing to confine general legislation, so that I trust gentlemen around me will not misapprehend the fact that so far as any reform in the Government is to be brought about it must be brought about in this way.

Mr. MORRISON. Rule XI, under consideration, is the rule relating to the powers and duties of committees. As this report is presented the clause under consideration involves the question whether appropriation bills are to be distributed. So much of the clause as relates to the extent or manner of distribution has been read and is well understood. The proposition of the gentleman from Georgia, with the amendment proposed to it, couples together what in the report is kept apart—that is, the question of what committee shall have jurisdiction of appropriation bills and the question as to whether such committee shall not only have the power to appropriate money but also to incorporate new legislation into bills making appropriations required by law. In this report of the Committee on Rules these are presented as separate questions. One proposition is presented in Rule XI, and provides for the distribution of appropriation bills, and the other in Rule XXI, relating to or preventing legislation on appropriation bills.

The effect and purpose of the proposition of the gentleman from Georgia is to couple them all together, with the view of weakening (at least that is the purpose) the proposition to divide the appropriation bills. I trust it will be voted down, and that the appropriation bills will be distributed when we come to Rule XXI, in which this question is provided for in the old rules, and we will then decide whether we are to have new legislation on appropriation bills, and if so what it is, what its nature and character shall be.

Mr. MCKINLEY. I rise to favor the amendment of the gentleman from Georgia [Mr. HAMMOND] and to oppose the amendment of the gentleman from Indiana [Mr. HOLMAN]. In this proposition, Mr. Speaker, is involved the whole question, and the real fight might just as well be had here as when we reach Rule XXI. In my judgment the chief trouble has been with the power of the Appropriations Committee to pass general legislation as riders upon their bills; and the immense power that that committee has had in this House is not acquired from the fact that they have twelve appropriation bills committed to their charge or five or ten appropriation bills committed to their charge, but comes from the fact that they can legislate upon their money bills, bills which are necessary for the running of the Government and without which the Government can not proceed; that they use these bills, the passage of which is indispensable to the conduct of public business, as a vehicle for general legislation.

Now, I think if you deprive the Committee on Appropriations of the power to legislate for this House by riders much of the evil complained of will be removed and we will have orderly procedure and promote the legislation of the country. The reason of the great importance of that committee in the past has been because every member of this House and every other committee of this House if they desire any legislation for the good of the country or for their constituents were driven to the Appropriations Committee as the only practical way to secure for their measures consideration and action. They were compelled to go to that committee and beg their favor because there was no way to appeal to the deliberate judgment of the House, and it is because that committee has had the power to legislate, not because it has the power to bring in all or a part of the appropriation bills, that has given them such weight and authority and tyranny in this House, preventing other committees from securing the consideration of the House upon important public measures committed to their charge. If you give to the Committee on Naval Affairs the right to come in here and propose all original legislation touching the Navy, the right to the Post-Office Committee to do the same covering post-office matters, the right to the Military Committee to bring in a bill concerning the military establishment or any changes thereto, and prevent the Appropriations Committee from proposing any new or original legislation—I say if you do that, then each of these committees will be restored to its proper dignity and its legitimate sphere.

Mr. MILLIKEN. Let me ask the gentleman, if that is done, what will be the status and dignity and power of the other committees?

Mr. MCKINLEY. We have not been troubled at all in the past by them.

Mr. MILLIKEN. No, and they will not have power to trouble the House in the future if this is adopted.

Mr. MCKINLEY. We have now many committees that never have disturbed and never will disturb the House, and it is not proposed by this revision to give them any new power or clothe them with additional jurisdiction.

Mr. MILLIKEN. I hope they will not all be put in chancery on account of their modesty.

Mr. MCKINLEY. You hope they will not be put in chancery on account of their modesty! So do I. Why, if anything is referred to your committee, bring it in and change the rules of the House so as to have consideration for it; and I say that if you take from the Committee on Appropriations the power to legislate, then every committee having control of subjects-matter of legislation great or small submitted to them will be able to have a hearing in this House. To my mind that is the real objection and the most serious objection to our present rules. Speaking from a minority standpoint, I do not care, Mr. Speaker, how soon the present majority of this House shall change the rules or how soon it shall distribute the power of appropriation among the committees of the House, but they shall never have my vote to distribute them unless such distribution is necessary to rid us of what I regard as the most pernicious system in our code of rules to-day, the power to legislate upon appropriation bills. I do not sympathize with the sentiment so prevalent in certain quarters, notably among some of my own party friends, that because we are in the minority and the Democratic party are in the majority, that it is good policy for us, good policy for the Republicans, to help the majority to enact rules which everybody admits will lead to extravagance.

Mr. MORRISON. Oh, no. Nobody admits it.

Mr. MCKINLEY. Nobody admits it? Why, it is admitted all over the House. The distinguished leader on your side of the House, the gentleman from Pennsylvania [Mr. RANDALL], admits it.

Mr. REED, of Maine. Oh! he would admit it.

Mr. MCKINLEY. The gentleman from Pennsylvania, who for twenty years has occupied a conspicuous place on this floor, who has stood in the very forefront of Democracy, who knows his party and his party friends better than any other man in this country, who knows their tendencies and their purposes, comes here and appeals to us, the minority side of the House, to put on the brakes and help to keep his party friends out of the Treasury. [Laughter.]

The gentleman from Pennsylvania said the other day, and he said it feelingly, as an appeal to this side of the House, "Help! save them from themselves!"

[Here the hammer fell.]

Mr. LONG took the floor, and by consent yielded his time to Mr. MCKINLEY.

Mr. MCKINLEY. Mr. Speaker, I can not resist that feeling appeal. I can not resist it coming as it does from such a source, for, I repeat, if there is a man in this country to-day who knows the desires and purposes of the Democratic party it is the gentleman from Pennsylvania [Mr. RANDALL], for he has been with them and of them, and when he says all this means extravagance I must believe him.

Mr. BINGHAM. He was with us in the last Congress.

Mr. MCKINLEY. Yes, and we were glad to have him with us. We were glad to have him help defeat the Morrison tariff bill. Is that the reason that gentlemen occupy the position they do on this side of the House? Is that to be the meaning of this vote? If it is, then let us vote down this proposition to distribute the bills; and I say to this side of the House if it is to punish the gentleman from Pennsylvania because he helped us defeat that bill it is hardly a sound reason.

Mr. BINGHAM. Oh, no; that is not the reason.

Mr. MCKINLEY. I say if that is the reason, that he helped us to defeat that bill which would have destroyed the industries of this country, then I ask what is the position of the gentleman and those who are in accord with him?

Mr. BINGHAM. Our position is Judge KELLEY's position, and not that of his colleague [Mr. RANDALL].

Mr. MCKINLEY. Judge KELLEY can speak for himself.

Mr. BINGHAM. He has done so.

Mr. MCKINLEY. We recognize him as our leader on the question of protection, one whom I have always gladly followed. But the gentleman shall not lead me away from the legitimate discussion of this question.

As I was saying a moment ago, the gentleman from Georgia, a gentleman in whom I have the highest confidence, who is always conservative and always conscientious, told us the other day that his party, now in the ascendant in the country, was on trial; that they had been kept

from the knowledge of Governmental affairs and that they were necessarily green. And then he said he was afraid to try this experiment. I tell you it is wise, it is good statesmanship to help the gentlemen on that side to keep up the barriers, from the start. That is the part of a wise minority, to preserve the dam at the head of the stream lest you may not be able to erect it at the foot.

Mr. REED, of Maine (in his seat). Dam them altogether. [Laughter.]

Mr. MCKINLEY. My friend from Maine says "dam them altogether." I repeat his remark, so as to give him the benefit of it in the RECORD. [Laughter.] He has been trying to do that for six or eight years in the House but has not succeeded. The party still comes up smiling. [Applause.] My fellow-citizens [laughter]—I beg pardon, I thought from the applause I must be addressing my fellow-citizens. But, Mr. Speaker, there is another thing I want to say in this connection.

If the committee in the past having had charge of all these appropriation bills have acted as a check upon jobbery and upon waste and upon extravagant public expenditures, and all admit it has, in God's name we need that check now when the Democratic party has taken control of this Government. If we ever needed it we need it now against the wild projects and visionary schemes which will find advocates in this House. And especially do we need it, Mr. Speaker, in view of the fact that the first official message of the President of the United States announces to this House and to the country the astounding fact that the estimated revenues of the next fiscal year are $24,000,000 short of the estimated expenditures for that year. The Lord knows, if economy was needed in the past it is needed now with a threatened deficit. Our surplus that we left you will disappear. We can not save that, but we can do our utmost to prevent a large deficit. [Applause].

[Here the hammer fell]

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The form in which I drew the amendment in the printed proposition is to disagree to the proposed amendment of the committee and to add after that certain words. The Speaker suggested that the proposition should be to strike out and insert. I desire to ascertain whether after a proposition to strike out and insert, which is indivisible, shall be voted upon it will then be in order to strike out the words supplied by the report of the committee.

The SPEAKER. It will. The proposition now is to strike out certain words and add certain other words. The proposition merely to strike out would be a different proposition.

Mr. HAMMOND. I will ask a further question. To get a direct vote without coupling the two things together, may I not modify my suggested amendment at this time by an amendment merely to strike out, stating it is my purpose to follow that with the other proposition?

The SPEAKER. The gentleman can do that if the gentleman from Indiana [Mr. HOLMAN] will also withdraw his amendment for the present.

Mr. HOLMAN. I will do so.

Mr. HAMMOND. Then I move to strike out the words supplied by the committee.

Mr. RANDALL. Let us hear that read. This, as I understand, presents the real test.

The Clerk read the proposed amendment, as follows:

Strike out the words:

"As herein provided, viz: for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications; for the District of Columbia; for pensions; and for all deficiencies."

So that it will read:

"3. To appropriation of the revenue for the support of the Government: to the Committee on Appropriations."

Mr. HAMMOND. This will leave the committees precisely as they are, the Committee on Rivers and Harbors having their bill, the Committee on Agriculture having their bill, and the Committee on Appropriations all the others.

Mr. RANDALL. I wish to make a suggestion to the gentleman from Georgia. To accomplish what he has stated, and which I consider the real test, he had better retain these words, "except as hereinafter provided."

Mr. HAMMOND. I have no objection to that; but that gets us again into the trouble of striking out and inserting, which is an indivisible motion.

Mr. MORRISON. The amendment as now offered presents the question of the division of the appropriations, which is really the living question.

Mr. RANDALL. I think we had better have the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 55.

The SPEAKER. There having been no previous vote, the Chair is unable to determine whether the affirmative is sufficient to order the yeas and nays. Those opposed to ordering the yeas and nays will rise. [After beginning to count the negative vote.] Evidently more than one-fifth have voted in the affirmative, and the yeas and nays are ordered.

Mr. ANDERSON, of Kansas. Will the Chair state the question?

The SPEAKER. The amendment is to strike out that part of the report which provides for the distribution of the appropriations.

Mr. REED, of Maine. Those in favor of the distribution will vote "no."

The SPEAKER. The proposition will be again read.

The amendment was again read.

Mr. HOLMAN. I rise to a question of order.

Mr. HATCH. I demand the regular order.

The SPEAKER. The gentleman from Indiana rises to ask a question.

Mr. HOLMAN. Is it proposed to strike out the words "as herein provided?" I suggest that they ought not to be stricken out.

Mr. HAMMOND. The words proposed to be stricken out are the designation of particular bills.

Mr. MORRISON. The effect of which will be to leave all the appropriation bills with the Appropriations Committee.

Mr. HAMMOND. Except the river and harbor bill and the bill making appropriations for the Agricultural Department.

Mr. HOLMAN. I ask that the proposition may be again read.

The Clerk again read the proposed amendment.

The question was taken; and it was decided in the negative, there being—yeas 70, nays 227, not voting 27; as follows:

YEAS—70.

Atkinson,	Foran,	Little,	Romeis,
Bennett,	Forney,	Long,	Ryan,
Buchanan,	Funston,	Mahoney,	Scott,
Burnes,	Green, R. S.	Martin,	Shaw,
Butterworth,	Hall,	McAdoo,	Skinner,
Campbell, Felix	Hammond,	McKinley,	Sowden,
Candler,	Harmer,	McMillin,	Spriggs,
Cannon,	Harris,	Merriman,	Storm,
Caswell,	Hemphill,	Morrill,	Strait,
Clements,	Henderson, J. S.	Neal,	Swope,
Cobb,	Herbert,	Payson,	Taylor, I. H.
Compton,	Hires,	Perry,	Taylor, J. M.
Cowles,	Holman,	Phelps,	Turner,
Dargan,	Hopkins,	Pidcock,	Wadsworth,
Ely,	Jackson,	Pindar,	Warner, A. J.
Ermentrout,	Ketcham,	Randall,	White, A. C.
Everhart,	La Follette,	Reid, J. W.	
Fleeger,	Lehlbach,	Richardson,	

NAYS—227.

Adams, G. E.	Dunham,	Landes,	Rowell,
Adams, J. J.	Dunn,	Lanham,	Sadler,
Allen, C. H.	Eden,	Lawler,	Sawyer,
Allen, J. M.	Eldredge,	Libbey,	Sayers,
Anderson, C. M.	Ellsberry,	Lindsley,	Scranton,
Anderson, J. A.	Evans,	Lore,	Seney,
Baker,	Farquhar,	Loutitt,	Singleton,
Ballentine,	Felton,	Lovering,	Smalls,
Barbour,	Findlay,	Lowry,	Snyder,
Barksdale,	Fisher,	Lyman,	Spooner,
Barnes,	Ford,	Markham,	Springer,
Barry,	Frederick,	Matson,	Stahlnecker,
Bayne,	Fuller,	Maybury,	Steele,
Beach,	Gallinger,	McComas,	Stephenson,
Belmont,	Gay,	McCreary,	Stewart, Charles
Bingham,	Geddes,	McKenna,	St. Martin,
Blanchard,	Gibson, C. H.	McRea,	Stone, W. J., Ky.
Bland,	Gibson, Eustace	Millard,	Stone, W. J., Mo.
Bliss,	Gilfillan,	Miller,	Struble,
Blount,	Glass,	Milliken,	Swinburne,
Bound,	Glover,	Mills,	Tarsney,
Boutelle,	Goff,	Mitchell,	Taulbee,
Brady,	Green, W. J.	Moffatt,	Taylor, E. B.
Bragg,	Grosvenor,	Morgan,	Taylor, Zach.
Breckinridge, C. R.	Grout,	Morrison,	Thomas, J. R.
Breckinridge, W. C. P.	Guenther,	Morrow,	Thomas, O. B.
Browne, T. M.	Hahn,	Murphy,	Thompson,
Brown, C. E.	Hale,	Neece,	Threckmorton,
Brown, W. W.	Halsell,	Negley,	Tillman,
Buck,	Hanback,	Nelson,	Townshend,
Bunnell,	Hatch,	Norwood,	Trigg,
Burrows,	Hayden,	Oates,	Tucker,
Bynum,	Haynes,	O'Donnell,	Van Eaton,
Cabell,	Heard,	O'Ferrall,	Van Schaick,
Caldwell,	Henderson, D. B.	O'Hara,	Viele,
Campbell, J. M.	Henderson, T. J.	O'Neill, Charles	Wade,
Campbell, J. E.	Henley,	O'Neill, J. J.	Wait,
Carleton,	Hepburn,	Osborne,	Wakefield,
Clardy,	Herman,	Outhwaite,	Ward, J. H.
Cole,	Hewitt,	Owen,	Ward, T. B.
Collins,	Hiestand,	Parker,	Warner, William
Comstock,	Hill,	Payne,	Weaver, A. J.
Conger,	Hiscock,	Peel,	Weaver, J. B.
Cooper,	Holmes,	Perkins,	Weber,
Crain,	Houk,	Peters,	Wellborn,
Croxton,	Howard,	Pettibone,	West,
Culberson,	Hutton,	Pirce,	Wheeler,
Curtin,	Irion,	Plumb,	White, Milo
Cutcheon,	James,	Price,	Whiting,
Davidson, A. C.	Johnson, F. A.	Ranney,	Wilkins,
Davidson, R. H. M.	Johnston, J. T.	Reagan,	Willis,
Davis,	Jones, J. H.	Reed, T. B.	Wilson,
Dibble,	Jones, J. T.	Reese,	Winans,
Dockery,	King,	Riggs,	Wise,
Dorsey,	Kleiner,	Robertson,	Wolford,
Dougherty,	Laffoon,	Rockwell,	Worthington.
Dowdney,	Laird,	Rogers,	

ABSENT—27.

Aiken,	Cox,	Johnston, T. D.	Sessions,
Arnot,	Crisp,	Kelley,	Seymour,
Boyle,	Daniel,	Le Fevre,	Stewart, J. W.
Brumm,	Davenport,	Muller,	Stone, E. F.
Burleigh,	Dawson,	Pulitzer,	Symes,
Campbell, T. J.	Dingley,	Rankin,	Woodburn.
Catchings,	Hitt,	Rice,	

So the amendment of Mr. HAMMOND was not agreed to.

During the roll-call the following announcements were made:

Mr. VIELE. I desire to announce that my colleague, Mr. MULLER, is detained from the House by sickness.

Mr. GEDDES. My colleague, Mr. LE FEVRE, is unavoidably absent attending the funeral of a friend. He wished me to say that if present he would vote "no" on this proposition.

Mr. ADAMS, of New York. My colleague, Mr. ARNOT, is sick and unable to be here. If present, he would vote "no."

The following pairs were announced:

Mr. BOYLE with Mr. DINGLEY, on all political questions, and on this question until Tuesday next.

Mr. STEWART, of Vermont, with Mr. CRISP, on the question of the distribution of the appropriation bills as recommended by the Committee on Rules. Mr. STEWART would vote in the affirmative and Mr. CRISP in the negative.

Mr. HITT with Mr. PULITZER, on all political questions until December 22; also on Mr. MORRISON'S report to amend the rules. Mr. HITT would vote for the report; Mr. PULITZER against it.

Mr. BURLEIGH with Mr. STONE, of Massachusetts, on questions of amendment to the rules reported by the Committee. Mr. BURLEIGH would vote for the report; Mr. STONE against it.

Mr. CRISP. By the announcement of the pairs I observe that I am paired with the gentleman from Vermont [Mr. STEWART], and I therefore withdraw my vote. But the statement read from the Clerk's desk as to our respective votes is not what it was designed to be. The form of this vote is perhaps different from that anticipated by the gentleman from Vermont. He would vote "ay" upon the proposition to adopt the report of the Committee on Rules and I would vote "no." Therefore on the vote just taken his vote would have been "no," and mine, were I permitted to vote, would be "ay."

The result of the vote was announced as above stated.

Mr. HAMMOND. I now ask a vote upon the amendment proposed by me as printed on page 298 of the RECORD.

The Clerk read as follows:

Add to clause 3 these words:

"But no general legislation shall be in order on any general appropriation bill nor as an amendment thereto; and no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress."

Mr. HISCOCK. It seems to me we had better vote on this amendment when we reach that point in the report of the committee to which it is applicable.

Mr. HAMMOND. Very well. I have now no reason for pressing it at at this point. I desired a vote on the other proposition. I withdraw the amendment for the present.

Mr. HOUK. I move to amend by striking out in the paragraph under consideration the words "for pensions." I offer this amendment with the view of submitting, when we reach clause 27, a proposition to give to the Committee on Invalid Pensions the right to report the pension appropriation bill. It strikes me that no committee can be so well prepared to perfect and report the appropriation bill on this subject as the committee that has gone through and digested all the legislation requiring such appropriation to be made.

This committee (and I will say, by way of parenthesis, the vote just taken clearly indicates it is the will of the House of Representatives to distribute the labor of this body and give to each committee all that comes within its proper sphere)—this Committee on Invalid Pensions has proved itself, I think, under the circumstances in the past a very careful committee. It enters upon no legislation and enacts no law until after it has examined into all its bearings and ascertains precisely what amount it will draw from the Treasury—how much money it will take to carry that law into execution. But it does seem to me if it is proper, and the House has just voted that it is, for the Military Committee to make up the appropriation bill for the War Department and the Post-Office Committee the bill for the Post-Office Department, that it is pre-eminently right for that committee, which has gone down into the groundwork of every enactment involving the question of invalid pensions, to make up the bill necessary to carry out the provisions which it has enacted or been instrumental in bringing before this House to be enacted by, as I conceive, having more knowledge than it is possible for the Appropriations Committee to acquire after the legislation has first been effected. They have to retrace—go over and look into every question which has been examined by the committee perfecting legislation on that subject. I will say that I make this speech gratuitously and make this motion in the same way, because I do not want or intend to be on that committee. [Laughter.]

Mr. MATSON. Mr. Speaker, there is a great deal of force in the proposition that the pension bill stands by itself. That observation was made by the gentleman from Pennsylvania or by my colleague from Indiana, and therefore it very properly may be taken from the Committee on Appropriations, rather than some others which are to be taken from that committee. But there is more force in the proposition that the Committee on Invalid Pensions has already more than it can possibly do. It is certainly the observation of this House that that committee, which had more than one-third or nearly one-third of the bills which were introduced into the last Congress, has as much as it can possibly do.

Besides that, the matter of appropriation bills is something which will suffer in the hands of one committee in this House, because the past shows that every single dollar which has been asked by the Commissioner of Pensions has been given by every Congress. So that there is no question about it. Besides that, with the overwhelming sentiment in the House in favor of doing away with general legislation on appropriation bills, there will be little to which the Invalid Pensions can ingraft in the way of legislation on appropriation bills. It would be of no value to pensioners, and therefore I think the motion of the gentleman from Tennessee, a former colleague on the Committee of Pensions, ought not to prevail.

The question was taken, and Mr. HOUK'S amendment was disagreed to.

Mr. BROWNE, of Indiana. I desire to offer an amendment in the interest of economy. After the word "pensions," in line 108, add the words "the improvement of rivers and harbors."

Mr. Speaker, the object of this amendment is apparent, I think, to every gentleman in this House. I first desire by the amendment to place river and harbor appropriations among the general appropriation bills. The result will be that committee will not have the power to propose general legislation. It can not therefore, by a mere ruling of the Speaker, propose to turn dry land into a water way, and then appropriate money for its construction. In other words, in order that I may crystallize the point, I would not permit the Committee on Rivers and Harbors, or any other committee of the House, to appropriate money for the construction of the Hennepin Canal until the representatives of the people determined that a Hennepin Canal should be made. I would remit the appropriations for the improvement of rivers and harbors to the condition of our public buildings bill. We do not allow the Committee on Public Buildings and Grounds to bring in a measure for the construction of a hundred independent public buildings and in the same measure propose to appropriate in a lump for them all. There is as much intimate relation between the Federal court-house in the city of Pittsburgh and the City Hall in the city of Washington as between the improvements of the Missouri River and the improvements in New York Harbor. If we desire to escape the enormous appropriations which have at times been proposed by the Committee on Rivers and Harbors and adopted by this House we will have to adopt some measure by which the Congress of the United States will resolve that the work shall be done before there shall be an appropriation made for its completion.

I remember when it was proposed to create the River and Harbor Commmission and send it out for the purpose of ascertaining what with propriety might be done toward the improvement of the Mississippi River and to propose to the Congress of the United States the plans upon which it might be done, I said then that the work of that commission, its propositions, its plans, the methods of its improvement, would never be submitted to the Congress of the United States to be adopted or repudiated by it. What is the result? They proposed to confine the waters of the Mississippi River within bounds by wire screens and willow branches and incorporated the proposition on an appropriation bill, and they have since that time proceeded year after year to squander millions of the people's money in an undertaking which has resulted in no permanent good to the commerce of the Mississippi River.

Give these to the Appropriations Committee; provide by the rules that that committee, as the House will provide, shall not have the power of general legislation, and put your river and harbor bill beside your public buildings, and before the Congress of the United States are called upon to pass an appropriation for the improvement of New York Harbor let it first resolve that it shall be according to plans and specifications that shall be submitted to it by the proper engineer department of the Government or a proper committee which may be organized for that purpose and from which it may receive a report.

The question being taken on the adoption of the amendment proposed by Mr. BROWNE, of Indiana, it was rejected.

Mr. BROWNE, of Indiana. I am astonished that there are so few economists in the House. How did my friend from the fourth district of Indiana vote? [Laughter.]

Mr. SPRINGER. I desire to move an amendment to this clause, to strike out the words "and provide for deficiencies." I do not understand why the Committee on Rules should have given all deficiency bills to the principal Committee on Appropriations while the appropriations for the respective Departments are in subsequent provisions referred to separate committees. It seems to me that every committee should keep up its own deficiencies.

Now, the Committee on Military Affairs is, by a subsequent clause, which I think will be adopted by the House, as indicated by the last vote, given power to report appropriations for the support of the military arm of the Government, and if that committee should fail to supply enough funds for that purpose then the Committee on Appropriations is to take jurisdiction of the whole subject in order to know why the Committee on Military Affairs failed to supply a sufficient amount of money to run that branch of the subject. They must ascertain wherein that committee has failed to appropriate in whole or in part; it must

look over the whole work of all of the other committees and see whether they have left out something that ought not to have been left out or put in something that ought not to have gone into the bill. I do not see much improvement in the work of the Committee on Appropriations.

My object in a revision of these rules was to relieve that committee from the burdens which had been imposed upon it. But this provision in this report requires them to go still further, and go over the work of these other committees and see whether deficiencies coming up from time to time are properly deficiencies or not. I do not see why we should make this committee do that work.

It seems to me it would be much more in accordance with the eternal fitness of things, if not in accordance with the report of this committee, if the deficiencies of every committee should be provided for by a report of the committee itself.

Mr. CANNON. Mr. Speaker, I rise to oppose the amendment of my colleague. I accept the significance of the vote which has been lately taken, not because I want to but because I have to. I still am of the same opinion that under the rules of this House heretofore, so to speak, we have had war and pestilence; and I say to gentlemen around me that by and by they will come to me and say before this Congress closes its session that the amendments to these rules have brought war, pestilence, and famine with them. [Laughter.]

Having stated that much, I want to say that I may be mistaken about this; each one must act according to his own opinion; but the vote just taken shows the fact that the Committee on Rules, with you at the head, Mr. Speaker, are to be sustained—and the vote was taken on the vital proposition—and that this report is to be adopted. While I will say that there is no argument in favor of the distribution of these bills in part that does not legitimately run to their distribution in full—public buildings and grounds appropriations to Committee on Public Buildings and Grounds, deficiency estimates to be scattered among the appropriate committees, pension bills to that committee, and so on—yet I stand ready, Mr. Speaker, as this experiment is to be tried, in good faith to let, so far as my vote is concerned, its friends provide the details, and no one will be more gratified than myself, if the scheme shall prove a success.

Mr. BROWN, of Pennsylvania. You surrender, then?

Mr. CANNON. Yes; I surrender because I am compelled to surrender. But I will say further to my friend from Pennsylvania, if perchance his constituents should call him to account for the vote given to-day he can come to me and I will give him a clean bill, because I believe he is mistaken and does not understand it. [Laughter.]

The question being taken upon Mr. SPRINGER'S amendment, it was rejected.

The Clerk read as follows:

8. To the improvement of rivers and harbors: to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Mr. BROWNE, of Indiana. Mr. Speaker, before me in the printed report what seems to be clause 8 ends with the word "harbor," the balance having a line drawn through it.

The SPEAKER. That is as the committee reports it to the House. It is recommended that that portion be stricken out.

Mr. BROWNE, of Indiana. I move to concur in the report of the committee by adding after the word "harbor" the words "except to make appropriations for the improvement thereof;" so that it will read:

To the improvement of rivers and harbors: to the Committee on Rivers and Harbors, except to make appropriations for the improvement thereof.

Mr. MORRISON. That has just been voted down.

The amendment of Mr. BROWNE, of Indiana, was not agreed to.

Mr. WILLIS. As I understand, the amendment offered by the committee is now pending.

The SPEAKER. It is.

Mr. WILLIS. Before it is voted upon I would like to ask the gentleman from Illinois whether it is intended by the provisions in lines 238 and 239 to give the Committee on Rivers and Harbors the same privilege as is given by the clause here proposed to be stricken out.

Mr. MORRISON. It does. It gets the same power in the section authorizing appropriations.

Mr. WILLIS. That is right.

The amendment of the committee was agreed to.

The Clerk read sections 9 to 14.

The amendments proposed by the committee were agreed to *nem. con.*

The Clerk read the fifteenth section, as follows:

15. To the relations of the United States with the Indians and the Indian tribes, including appropriations therefor: to the Committee on Indian Affairs.

Mr. THROCKMORTON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 145, insert between the word "therefor" and the words "to the Committee on Indian Affairs" the words "also the consideration of Indian depredation claims."

Mr. THROCKMORTON. I am aware that at the conclusion of the last paragraph of Rule XXI the amendment proposed by the committee makes this provision:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

I desire to call the attention of the House to the fact that some or most of the claims in relation to Indian depredations are not claims against the Government, and hence they would be considered by the Committee on Indian Affairs. There are other claims arising out of the Indian depredations which are not provided for by the treaties with the Indians, and these would be claims against the Government. My object is that the Committee on Indian Affairs shall consider and report on claims for Indian depredations, whether they be claims against the Indian fund provided by the treaties or claims against the Government. There are various tribes with whom there are no treaties providing for reclamations against them.

Mr. NELSON. If the object of this amendment is to give the Committee on Indian Affairs the authority to pass on depredation claims and report bills for their payment, I will say the committee has already that power. If it is the design of this amendment to allow the incorporation of depredation claims in a general appropriation bill, that power ought not to be given to the committee. It is a dangerous power, and the Committee on Indian Affairs ought not to be permitted to bring in any claim in the nature of a depredation claim or any private claim into a general appropriation bill.

Mr. THROCKMORTON. That is not the object. As the rule now is, claims arising from Indian depredations are referred to the Committee on Indian Affairs, but appropriations for them are not incorporated in the Indian appropriation bill. The object of this amendment is, that the Committee on Indian Affairs shall consider and report upon the propriety or impropriety of paying these Indian depredation claims that are provided for by treaty between the Indians and the Government and report them separately. And there are claims which are not provided for by treaty but which arise from depredations by Indians which would be just claims against the Government; and the object of my amendment is that the committee may consider both those provided for by treaty and those not provided for, but not that they shall put them on appropriation bills.

Mr. NELSON. I say again, if I understand the gentleman from Texas correctly, this amendment ought not to be adopted. The Committee on Indian Affairs already has the general power to investigate and report by bill all these claims. It has that general power, and that power is ample and sufficient. If anything more is intended by this amendment in addition to that, such additional power should not be granted and this amendment should be voted down.

I say this from the experience I have had in the last two years on that committee, that one of the greatest dangers it encounters is from the host of depredation claims, and no power should be given to the committee to report those claims beyond the power it already has.

Mr. THROCKMORTON. The gentleman from Minnesota does not understand the object of my amendment. As I have already stated, there are claims arising against the Government for depredations by the Indians that these rules would exclude from that committee. There is a portion of those claims which is left in the hands of the committee as provided by this proposition; but there are other claims which would be excluded by the amended rules and would be referred to the Committee on Claims. And any man who knows the great number of claims before that committee knows that these claims for Indian depredations never could be reached by it.

Mr. LAIRD. The district I have the honor to represent was a few years ago on the frontier, and there is a large number of claims in the hands of citizens who suffered depredations from the savages. As I understand the amendment of the gentleman from Texas its object is to confer on the Committee on Indian Affairs the power to adjust these claims and to report appropriations for them where they do not affect anything except the annuities coming to these Indian tribes and does not involve an appropriation of money *de novo* from the Treasury. Is that the idea?

Mr. THROCKMORTON. Yes, sir; but it goes further. There are certain claims for depredations by Indians not provided for by treaty, and the rule as proposed to be amended seeks to take the consideration of these claims from the Committee on Indian Affairs and to give it to the Committee on Claims. I think sound judgment requires that all these claims arising from depredations by Indians against the tribal funds or against the Government should be considered by the Committee on Indian Affairs.

Mr. LAIRD. I certainly agree with the gentleman from Texas. The amendment ought to prevail. [Cries of "Vote!" "Vote!"] I am ready for the vote.

The question being taken, the amendment was not agreed to; there being—ayes 30, noes not counted.

The SPEAKER. The Chair will state that the Committee on Rules has proposed no further amendment to Rule XI until the forty-ninth clause is reached. Unless some gentleman desires to offer an amend-

ment to the other portions of the rule the Chair will direct the Clerk to read clause 49.

The Clerk read as follows:

The Committee on Rules propose to amend clause 49 by inserting, before the word "appropriations," the words "having jurisdiction of;" and by inserting, after the words "general appropriation bills," the words "the Committee on Rivers and Harbors, bills for the improvement of rivers and harbors;" so as to make the clause read as follows:

"The following-named committees shall have leave to report at any time on the matters herein stated, viz: the Committee on Elections, on the right of a member to his seat; the Committee on Ways and Means, on bills raising revenue; the committees having jurisdiction of appropriations, the general appropriation bills; the Committee on Rivers and Harbor, bills for the improvement of rivers and harbors; the Committee on Enrolled Bills, enrolled bills; the Committee on Printing, on all matters referred to them of printing for the use of the House or two Houses; and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

Mr. HERBERT. I move to amend by inserting in this paragraph, between lines 243 and 244, these words:

Any commission authorized by law to report by bill to the House shall have leave to report such bill at any time, and may call the same up for consideration as provided in the fifth clause of Rule XXIV.

This amendment, I believe, has the approval of the Committee on Rules.

Mr. WARNER, of Ohio. Let us understand the amendment.

The SPEAKER. There are two commissions authorized by law to report by bill to this Congress. This amendment will give those commissions the privilege of reporting their bills at any time and of calling up their reports in the morning hour.

Mr. MORRISON. Without such a provision those committees would have, under the rules, no opportunity to report.

The SPEAKER. They are not called as committees.

Mr. REAGAN. What are the commissions?

The SPEAKER. There is one on ordnance and one on the geological and geodetic surveys.

The amendment of Mr. HERBERT was agreed to.

Mr. COBB. I move the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "harbor," in line 232, the words "Committee on Public Lands, bills for the forfeiture of land grants to railroad and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and *bona fide* settlers.

Mr. COBB. Mr. Speaker, I think members will at once see the importance of this amendment, which simply embodies what was a special rule of the House in the last Congress. This question of the public lands is perhaps one of the most important upon which we are called to legislate, and it is becoming more important every year. Under this amendment, as will be observed, the Committee on Public Lands will have the right to report at any time bills for the forfeiture of land grants to railroad or other corporations—meaning, of course, where such grants have not been properly earned under the law. It provides, further, for the reporting of bills which look to the protection of the public domain and its reservation for actual *bona fide* settlers. Every one familiar with our public land system is aware of the depredations and frauds committed by parties who seek to procure the public lands for speculative purposes instead of for homesteads. Our public lands are steadily and rapidly diminishing in area. It therefore becomes important, I submit, that the Committee on the Public Lands, to which these questions of great public magnitude are referred, should have right of way in this House for their legislative measures.

I will not take up time by going into details with reference to the manner in which our public domain is being despoiled. It is not necessary for me to discuss now the land-grant question and the importance of Congress taking up that question and determining what lands now unjustly held by railroads as against settlers should be forfeited. Every member here understands as well as I the importance of these matters. I trust, therefore, that this amendment will be adopted.

Mr. MORRISON. I hope the amendment will be voted down.

Mr. HENLEY. I want to draw the attention of this House to the fact before we come to a vote on the proposed amendment, that the Forty-eighth Congress almost unanimously adopted a rule offered by the gentleman from Indiana [Mr. HOLMAN] embodying this identical proposition—that is, making bills forfeiting unearned land grants to railways bills of a privileged character. I wish also to draw the attention of the House to this other still more important fact, that since the adoption of that rule by the last House two national conventions have assembled and with all conceivable solemnity pledged themselves this thing should be done. Therefore, Mr. Chairman, to vote in opposition to the proposed amendment of the gentleman from Indiana I conceive would be nothing less than infidelity to those pledges.

Mr. SPRINGER. I desire to state that in the propositions I submitted to the House, and which were referred to the Committee on Rules, there was one which substantially made this precise addition to the rules. I am glad that the gentleman from Indiana [Mr. COBB] the former chairman of the Committee on Public Lands has renewed his proposition as an amendment to the rules, and I hope that the Committee on Rules will not regard such amendments as being in antagonism to the proposition which they have reported, but will allow the House to assist them in making what must be considered as valuable additions. This certainly is one, and, as the gentleman from Indiana has stated, it is in accordance with the vote cast by the House in the last session of Congress with unprecedented unanimity, and which gave the Committee on Public Lands the same privilege which this amendment proposes to give it. It is in accordance with the pledges of our party to the people and in accordance with the vote of the Democratic majority in this House in the last Congress when we gave this committee the same power. I hope there will be a departure from the uniform proceeding heretofore made upon amendments, so that this provision may be allowed to go into the rules.

Mr. HOLMAN. Mr. Speaker, I trust the motion will be adopted. I think there will be no more important subjects before Congress than those embodied in the proposition of my colleague, that the Committee on Public Lands should have the right and privilege of the most favored committees to report and have considered bills for the purpose which he has indicated, to protect the public domain and reclaim the forfeited grants. It is a subject growing more important every hour as your great public domain disappears in vested estates. I call the attention of the House to the fact that at the opening of the last Congress the proposition giving this committee these powers was adopted I believe with only 6 assenting votes on a yea-and-nay vote. The subject is more urgent now than then. I again repeat that I hope the proposition will be adopted. The highest public interests demand it.

Mr. MORRISON. Mr. Speaker, if we commence by giving this privilege of report or special right to all, or so many, of these committees, they will all be privileged, all be placed upon an equal footing, and we will then never get to the end of anything. We shall then be as if none were privileged. When this proposition was presented in the last Congress as a separate proposition or privilege I voted for it. I shall vote for it again, and have no doubt a large majority of the House now as then will vote for it when it comes before us for consideration as a separate measure, and therefore I insist it shall not be allowed to go into this report as a part of a permanent code of rules.

Mr. LAIRD. Mr. Speaker, the gentleman from Massachusetts [Mr. LONG] may be satisfied with the government of this country by the Committee on Appropriations—so may the gentleman from Pennsylvania [Mr. RANDALL] and the gentlemen from New Jersey and from New York. There are some reasons for this not found in the exalted patriotism and intelligence of those gentlemen. One is the head and others members of that committee. In judging of the weight which should be given to the opinions of these gentlemen, it is just to consider their relation to the money appropriated by the Committee on Appropriations. While the center of population of the United States has passed a thousand miles westward from the Atlantic coast, the center of appropriations and expenditures of public money will be found on a line drawn from this Capitol through the city of Philadelphia to Boston by way of New York.

To my mind the despotism of the Committee on Appropriations, as constituted in the last Congress, is in keeping with the domination which the East has exercised over the West, since there has been a West. The East has colonized the West, and Eastern men in the West have kept alive a prejudice for the East, which has colored Western thought and action for generations. The representatives of the West come here to find the important places on the committees that shape the legislation of the nation, filled by men of the East, and they are forced to pay tribute even in the passage of laws to the domination of the older States. Admitting that the East is mother to the West, is it not time that we declared, not a sectional but a legislative, independence; time that we realized that we had reached our majority, and have a right to think and act for ourselves?

In no way can we more effectually do this than to break down the despotism of this committee, composed for the most part of men whose sectional sympathies are all against us, and some of whom are either ignorant, or, worse, indifferent to the development of the great West. It may be answered that this is a sectional view of the question. Possibly so; but is it not as defensible for a Western man in behalf of justice to the West to rebel against the tyranny of an Eastern committee, as it is for that committee, in behalf of Eastern ignorance (of the West), and self-interest, to continue to dwarf the powers of Congress and paralyze the development of the whole country? We are moving on; you are standing still. You are developed; we are developing; you are cautious, conservative; we audacious, progressive; and from the reciprocal action and reaction of the forces we represent must and will come the harmony of good laws.

Thus far in the progress of the debate the Committee on Appropriations stands charged with the failure to give the country a navy, and provide fortifications for the Atlantic frontier. An unpatriotic omission truly, but still subject to the negative defense that the omission has not cost the country one dollar of treasure or one drop of human blood. Their failure to provide against prospective dangers by the construction of a navy and coast defenses, is an injury to our national pride which so far in no wise imperils the property or person of a single American citizen.

So much for the failure of this committee to permit national legislation looking to the protection of the East from prospective danger. How has the West fared at their hands? In the Territories of New Mexico

and Arizona a war of extermination has raged since the adjournment of the last Congress, and continues to-day. Geronimo and his band of Chiricahua Apaches, breaking from the San Carlos agency in May last, have murdered over an hundred defenseless settlers and destroyed hundreds of thousands of dollars' worth of property and driven millions from investment in that region of unexampled mineral richness.

The unchecked outrages of this band of savages have struck a blow at the development of these Territories from which they will not recover in a half score of years. Unless this Congress wishes to see a commentary upon this day's work written in the blazing homes and murdered and mutilated bodies of the pioners of Arizona and New Mexico, let them take at least one bill from this committee and give it into the hands of some committee that has time to so consider and act upon the Indian question as to control these and all other Indians or kill them.

We of the West do not ask this in vengeance of the numberless outrages of which this section has been the victim—outrages as often chargeable to the ignorance or indifference of Congress as to the murderous savage. We ask it in the name of mercy to both the savage and the pioneer.

Let the government of these cut-throat Apaches be placed in the hands of a committee, a majority of whom shall be from the West or Southwest. Put no man on that committee from east of the Alleghany Mountains, unless he is in favor of the prosecution of these murderers of mothers and babes or is willing to see them colonized on Cape Cod or Beacon Hill.

We want this business in the hands of a committee who, from experience, will know enough to protect both the Indian and the white man; and the only protection of the white man lies in justice to the red man.

The cause of Indian wars in most cases comes not from the mismanagement or rascality of agents or the encroachments of border men, but from the lying contracts of the Government, miscalled treaties.

Whenever the agents of the United States, to secure the peaceable release of lands held by Indians and their removal to some reservation, commonly selected because no white man can live upon it, promises the Indian a home where game is plenty and, in addition to this, all the blankets he wants and all the provisions he can eat, the Indian has not learned that the written, and not the spoken word controls. He listens, believes, and is turned loose upon a gameless desert. His appeal for provisions is answered by the treaty which binds the Government in writing to give him one ration a week. He asks for more; the agent truthfully tells him he has no more. The Indian says, "But the Great Father promised me all I wanted to eat if I would come here." The agent tells him that it makes no difference what the Great Father said; he is not bound by that, but only by what was written—the treaty. Treaty, indeed! Treaty with children having the destructive powers of men, multiplied by centuries of savagery!

The Indian asks to leave the reservation to hunt for food, not for fun, and is told that if he does he violates the treaty and will be killed.

What answer is to be made to this being, fearless as the eagle, maddened with hunger, and stung to fury by deceit?

What answer, gentlemen of the East, gentlemen of the Appropriations Committee, you of the humane society, seated in the soft-cushioned seats of authority, defended by distance from the stealthy blow and brutal death?

Your answer is, let him work as others work! Ay, he does work; his tools are the knife, the hatchet, and the gun; his fields the homes of those who are the forerunners of a great nation's power, who, trusting to the parchment promises of protection to life and property, have gone out to find a road and blaze the way for civilization.

Let this business go into the hands of men who have time to think and feel; men who know enough to know that an Indian will fight before he will starve; men just enough to realize that if this Government takes from an Indian his lands and game, the implication is that it will give him in return food enough to eat and clothing for his nakedness. Let there be no more lying contracts. Let this Government make business-like agreements with the Indian and then keep them.

Let it be understood that the Indian can not live on the sympathy of humane societies. With him it is bread, or bloody reprisal upon all that comes in his way. Do not mix education with starvation. Feed him at the same time that you teach him. Give him the ration of a soldier, appropriate for him as you do for the Army, and then if he does not keep his contract of peace, kill him; and the conscience of all mankind will approve the act. See that the Indian is properly fed, then disarm and dismount him, and visit with punishment as if for murder any man who provides him with arms or horses. Give him a few cattle and sheep, a good range, and cupidity will civilize him.

Do this, and you take the menace of death from the pioneers of the West and give wings to the development of these Territories, destined, in my judgment, to outstrip Colorado and California in the race for wealth.

Mr. Speaker, I am aware that the Committee on Appropriations will meet this proposition with the answer that it is not economical:

Which is preferable, economy of human life or of money? As the gentleman from Michigan [Mr. BURROWS] pregnantly remarked but a moment ago, "There is an economy that is criminal." If we can not save both, which shall we save, the dollar or the man?

The Committee on Appropriations last year scaled the estimates of the Indian Bureau $1,500,000 and upward. That bureau asked for nearly eight millions and got six millions.

The House will take notice that during this debate, in the face of the boast by the Committee on Appropriations, that the Departments had money enough, the proceedings were interrupted by the reading of a message from the President calling our attention to the dangerous deficiency in the appropriations for the support of the northern Cheyennes.

This is not the only instance of a failure of the supplies during the past year. In several cases, notably that of the Mescalero Apaches and the Southern Utes, supplies not provided for by existing law have been furnished to prevent hostile outbreaks.

The Territories are practically helpless here; they have no vote in this Congress. Any failure on our part to deal fairly and generously with them is obnoxious to that principle of natural justice which commands us to protect the weak.

Any economy, falsely so called, which turns loose the western savage upon the western settler is a disgrace to this House and an outrage upon American civilization.

Mr. Speaker, the gentleman from Pennsylvania [Mr. RANDALL] argues danger to the country from the distribution of the appropriation bills to seven committees, because since the Committee on Agriculture was empowered to report appropriations for the Department of Agriculture the appropriations for that Department have increased. The appropriations for that Department have increased since 1880. So have all the appropriations for all the Departments of the Government. The appropriations in the gentleman's own State and in that of the other great economist from Indiana [Mr. HOLMAN] have increased also. The gentlemen do not complain of the increase that comes home to them! Is it the idea of the gentlemen that the public money expended west of the Mississippi River is wasted and that spent east is saved?

Is it patriotic to spend millions on public buildings in Pennsylvania and criminal to expend a little more than half a million on agriculture in the West?

We submit, Mr. Speaker, that the test is not whether the appropriations for agriculture have increased, but whether they ought to have increased. Never before the year 1885 have the appropriations for agriculture equaled or exceeded $500,000, and those of 1885 would not have equaled that sum but for the creation of the Bureau of Animal Industry, which took $150,000 of the appropriation in 1885 for the Agricultural Department, and $100,000 of that appropriation in 1886.

The average annual appropriations for the Agricultural Department from its creation to 1880 were $84,634.37 per year, and the total expenditure from its creation to that year amounted to $3,216,114.37. There was appropriated for the support of the military and naval establishment of this Government in 1877 the sum of $50,117,824. The appropriation for agriculture in the same year was $174,686. That is, there was appropriated for defense in a time of profound peace two hundred and eighty-six times as much as there was for production. I do not say that this was too large an appropriation for national defense, but I do say it was infinitely too small an appropriation for agriculture.

The census of 1880 shows that, practically, one-half of the population of the United States live by agriculture, and the new contribution which they annually add makes possible the material prosperity of the whole country.

The gentleman from Pennsylvania [Mr. RANDALL] complains of the increase of agricultural apporpriations. I invite not only his but the attention of this House to the amounts appropriated in aid of agriculture in that same year, 1877, by other governments.

Austria and Hungary	$5,495,125
France, for agriculture and commerce	20,534,410
Prussia	2,612,340
Italy, for agriculture and commerce	2,715,995
Russia, for agriculture and public lands	14,826,184
Great Britain	795,590
Sweden	651,737
United States (as before stated)	174,686

The Kingdom of Sweden, with twenty-one times less area and less than one-twelfth the population of the United States, appropriates more than three times as much toward the promotion of her agricultural industries than does this country; and this, too, with an area scarcely half as large as the State of Texas, and a population less than the State of New York.

Mr. Speaker, there is one item in the appropriation complained of that I wish to refer to briefly; that is the item of $250,000 for the establishment of a bureau of animal industry, having for its object the protection of domestic animals from contagious diseases. The gentleman [Mr. RANDALL] says this is a wasteful appropriation.

Two hundred and fifty thousand dollars too much?

Alas, Mr. Speaker, had the Forty-eighth Congress had the courage and intelligence to have appropriated at least four times as much for this purpose it would have resulted in the saving of millions.

Does the gentleman recall the German, French, and (practically) English embargo on American meats? The several States of the Union might better have appropriated and expended a million dollars each

than have suffered the loss which has fallen upon this country since 1880 in this one item alone.

Does the gentleman from Pennsylvania realize that disease has cost a loss (direct and indirect) which scales $100,000,000 during that period?

The losses to my own State (Nebraska) in the last year from contagious diseases of swine alone amount to $2,445,778.

The United States has 40,000,000 head of horned cattle; Great Britain has 7,000,000 head. With her 7,000,000 head of horned cattle that country has sustained an annual loss of $6,000,000 per year from pleuro-pneumonia in her herds. If that disease gets rooted in this country we may look forward to an annual loss of from $60,000,000 to $70,000,000, and this disease when once disseminated can not be stamped out except by the destruction of the herds. Pleuro-pneumonia has already appeared in nearly half the States of the Union, and as it can not be successfully grappled with by the States, owing to their limited jurisdiction, it must be controlled, if controlled at all, by the General Government through Congress.

The value of the herds of horned cattle of the United States is given at $1,200,000,000, and when the gentleman from Pennsylvania remembers that this amount represents the present earnings and possible future profits of one-half the population of this country he will hesitate to complain of the paltry appropriation of $250,000 expended in defense of this vast property from the encroachments of disease. The gentleman is never tired of asking Congress to protect the labor of his great State from the ruinous competition of the pauper-paid labor of Europe.

We have been patriotic enough to stand by him, believing it to be American to even suffer some in our individual interests rather than to become an obstacle to the prosperity of our wage-working countrymen of the East. You ask us to protect your labor against poor pay. We ask you to protect our property against destruction. For twenty-five years we have answered that we would protect you. Can you now afford to answer that you will not protect us? The question is so plain that the wayfaring man, though from Pennsylvania, can no more afford to say no, than the wayfaring man, though a fool, can afford to say there is no God.

Hon. H. G. Davis said in his place in the Senate of the United States, in January, 1881:

From the time of the landing at Jamestown and Plymouth Rock the American farmers have always constituted the advance guard and the largest part of that grand army of progress and liberty which, in its triumphant march in the face of dangers, trials, privations, and the cruelty of the savage, has gradually subdued forests, crossed rivers, and climbed mountains, until civilization, society, churches, schools, and happy homes have been established from ocean to ocean and from the lakes to the Gulf.

The American farmers have laid the foundations of an empire on this continent destined largely through their efforts, virtues, industry, courage, and devotion to free government to surpass in substantial glory, grandeur, wealth, progress, and prosperity all the nations of this world and the achievements of history.

Our liberties were conquered and our Constitution made mainly by farmers, and to them, in any and every great crisis, we must look for the safe-keeping and protection of both. As a rule the agricultural classes have always been devoted to liberty, peace, and good order, and the friends of established society and the enemies of disorder, wrong, change, violence, and unjust revolution; they constitute the reserve forces of conservatism in all governments, particularly in ours.

The collection of large populations in commercial centers, by depleting the country, has a dangerous tendency. It is in the cities and these great centers that rings, strikes, frauds, trades unions, centralization, and consolidation are born, fostered, and best flourish, while in the agricultural districts the tendency is in the opposite direction.

General Jackson, in his fourth annual message to Congress (December, 1832), says:

The wealth and strength of a country are its population, and the best part of the population are the cultivators of the soil. Independent farmers are everywhere the basis of society and the true friends of liberty.

Washington, in a letter to Sir John Sinclair, said:

I know of no pursuit in which more real and important service can be rendered to any country than by improving its agriculture and its breed of useful animals.

Washington, in his eighth message to Congress, said:

It is not to be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population, and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety?

Mr. Speaker, in the light of the wisdom of the Father of his Country, and the strength of one of its grandest defenders, Andrew Jackson, is it not safe to say that upon the protection and elevation of agriculture, and its accompanying productive industries depends, to a great extent, not only the prosperity of the country but the stability of the Government itself? The most prosperous nations of the earth foster agriculture by appropriations of money from the public treasury, and find it a paying investment.

The time has come when the intelligent producers of this country should demand at the hands of their representatives the substantial recognition of the fact that the productive industries form the basis of national wealth, and that this fact be recognized by extending to them fostering care, support, and protection commensurate with their importance.

Mr. Speaker, there is another question of great moment to the country which I have the honor to represent and to the country west of the Missouri River, and for that matter to the entire country. On the 3d of April, 1885, the Commissioner of the General Land Office issued the following order:

SUSPENSION OF ENTRIES.

Final action in this office upon all entries of the public lands, except private cash entries, and such scrip locations as are not dependent upon acts of settlement and cultivation, is suspended in the following localities, namely:

All west of the first guide meridian west in Kansas. All west of range 17 west in Nebraska. The whole of Colorado except land in late Ute reservation. All of Dakota, Idaho, Utah, Washington, New Mexico, Montana, Wyoming, and Nevada, and that portion of Minnesota north of the indemnity limits of the Northern Pacific Railroad and east of the indemnity limits of Saint Paul, Minneapolis, and Manitoba Railroad.

In addition, final action in this office will be suspended upon all timber entries under the act of June 3, 1878; also upon all cases of desert-land entries.

W. A. J. SPARKS, *Commissioner.*

APRIL 3, 1885.

As appears by the report of the Commissioner of the General Land Office, the number of pre-emption entries made during the year was 47,946, which he says would cover 7,671,360 acres of land. The number of homestead entries made during the year is placed at 50,877, embracing an area of 7,415,885 acres. The number of pre-emption entries unacted upon under the operation of the foregoing order at the close of the fiscal year was 32,374, and the number of homestead entries unacted on was 28,811—making a total of settlers' claims unacted on of 61,185, which would represent 9,789,600 acres of land.

The Commissioner states that final proof was made in 22,066 of the 50,877 homestead entries, but does not state that patents issued in any of such cases. It is fair, therefore, to presume that no patents have issued to any of the 22,066 homesteaders who have made final proof. This would give 3,530,560 acres to add to the 9,789,600, making a total of 13,320,160 acres of homestead and pre-emption land suspended.

To any one conversant with the land laws of the United States, it is known that any homesteader or pre-emptor of the public lands, having complied with the laws as to settlement and improvement of the tract taken by him, can make final proof on the same at the expiration of six months, and on the payment of the minimum or double minimum price, as the case may be, receive a final receipt for the land, which final receipt, under the decisions of the Supreme Court of the United States and the decisions of the State supreme courts, has always been treated as absolute title, and would be treated so now but for this order, which operates as an impeachment of title, as well as an impeachment of the good faith of the 84,251 settlers making the settlements and proof thereof.

As the report of the Commissioner relates to the 30th of June, 1885, all of the persons who had made entries by that time would now be entitled to make final proof and receive their final receipts for these lands, if they could show, as most can, compliance with the law as to settlement and improvement. This would make the number of homestead and pre-emption settlers on the public domain of the United States now entitled to patent, or to claim patent, as shown by the report, 84,251—that is, 84,251 persons, heads of families, representing at a fair estimate a population of 252,753 persons, under the ordinary operations of the law entitled *prima facie* to an absolute title to 13,320,160 acres of land, and now deprived of their rights by the order cited.

But for this order the Government would have received from the sale of these lands to these settlers the sum of $16,650,200; this being at the minimum rate of $1.25 per acre for the 13,320,160 acres of land "hung up" under the order, and the settlers would under fair circumstances have been able to procure credit on these same lands of from $16,650,200 to $23,310,280 over and above the sum paid to the Government. This sum if so raised by mortgage of the lands is necessary and would be used by the settler in making life on the claim possible during the winter and providing seed for the spring planting.

In the face of this order the settlers can not, so far as my knowledge goes, raise a cent on their lands. In this connection I beg to submit as a part of my remarks a letter addressed to myself, written on the 15th of this month from a constituent 1,600 miles away; the writer is an intelligent man, located in the heart of the agricultural district in Nebraska, which is affected.

DEAR SIR: The actions and rulings of Commissioner Sparks in regard to the issuing of patents as affecting deeding and mortgaging land on final receipts will almost depopulate Southwest Nebraska unless it is reversed.

The idea of prohibiting people from obtaining money enough to live on while they are trying to improve this "Great American Desert" appears to me most ridiculous. The effect of the whole matter will be to force the homesteaders to sell their claims for whatever they can get and leave the country and go back to the densely populated East; and of course the lands will fall into the hands of the cattle syndicates.

It would look very much like this was the intention of the Commissioner "to a man up a tree;" but the more charitable view to take of the case is that Commissioner Sparks has never lived, with a wife and half dozen ragged children, in a sod house for four or five years trying to prove up on a homestead, and knows but little of the effect of his rulings.

Sincerely yours,

———.

The order in question, it will be noticed, applies to all lands west of the first guide meridian west, in Kansas, and all west of range 17 west in Nebraska. An examination of any map of those States will show that the suspension affects fully one-half of the area of each of those States named. More than this, the order, it will be observed, operates to withdraw from settlement all the lands in the United States

available for settlement in the States and Territories west, southwest, and northwest. All the lands owned by the Government now being sought for settlement by the people, except those in the south, are practically unavailable to the people wanting homes.

It must be borne in mind that millionaires do not migrate to Nebraska, Kansas, or Colorado. The people that go there go much as the first settlers came to the colonies in the old time. They bring neither gold nor silver. They are without resources; their only property is their willingness to work. Their wealth is in the future. They are surrounded by no splendor except that of hope. They are sustained alone by the faith of things not seen.

In the light of the extraordinary consequences of evil to the present and future of the States and Territories affected by this order, it becomes pertinent to inquire upon what authority of law and what warrant of fact this wholesale slaughter of the rights of 252,753 citizens of this country is based? The authority of law is raised by construction, by implication, and that is raised by what is called evidence furnished by the published report of eighteen special agents who are relied upon to impeach the sworn evidence of 83,251 claimants and 166,502 disinterested witnesses, and who must have sworn for them, and in addition to this the official finding of the trusted local land officers of the Government.

Some of the evidence (reports) of the special agents would seem to commend itself to the ridicule of all reasonable men by statements of this kind:

I give it as my opinion that in Kansas, Nebraska, and Dakota the proportion is 90 per cent. to 10 per cent. of *bona fide* and possibly successful cultivators.

Here the gentleman is speaking of timber-culture claims, and, on the strength of this opinion of a man hired to hunt down these settlers of the frontier, an order issues suspending not only timber-culture patents, but all patents. When before, with the approval of civilized men, was the opinion of an informer taken as ground for the suspension of the due course of law? No one from the West, that region which has suffered most from the aggressions of the landed corporations, but will sympathize with the Commissioner in his effort to protect the public domain from the encroachments of the corporations of all kinds, whether cattle kings, so called, or railroads.

We do not object to the suspension of timber-culture entries or to the suspension of any entry of whatever kind whenever a specific charge of fraud is made against that entry. We do protest against a cloud being cast upon the honest claims of settlers on the agricultural lands of Nebraska and other States and Territories by the dust raised by eighteen spies whose official heads hang upon the slender thread of the caprice of an administration *mad* with reform, and a Department which believes itself laboring with a mountain of fraud, which seems to breathe an atmosphere of suspicion, and which appears more than willing to see in the sweat-stained face of the Western settler a masked and contemptible scoundrel, intent on robbing the people of their great patrimony, the public land.

Does not this Congress understand that in Nebraska, where every hundred and sixty acres of agricultural land is worth from $500 to $1,000 as soon as patented, and where there are from five to twenty claimants for every claim; where every man has the right to contest any entry, fraud upon the public domain is an impossibility? Does it not occur to the honorable Commissioner that he is doing in these States and Territories, where the land is valuable for agriculture, the very thing that the land-grabbers and thieves want done?

This order makes it impossible for an honest settler to raise a dollar on his final receipt; failing in this he must abandon the land, or stay on it and starve. The result is plain, he is compelled to sell, to sacrifice for almost nothing what has cost him the torture of long toil to get; his claim is "gobbled" by the land shark, the cattle syndicates, and he is sacrificed to a special agent who rides through the region of "suspected lands" in a palace-car and writes lurid reports of crimes and shames that smack of the sensational, that ought no more to be received as evidence of the character of the homesteaders than the illustrations in the Police Gazette ought to be received as evidence of the fireside morality of New York.

Mr. Speaker, these men are poor—good proof they are not rascals. They are not prepared for a siege, much less can they withstand for years the fire of all the official batteries. They have some rights as human beings; they are not wholesale liars. Men do not commit perjury by the hundred thousand.

This order covers half a continent. Men do not sin by the continent—they do not attempt to take an empire by perjury. Men are not punished geographically, or condemned by the million without their day in court. The reasonable doubt which saves the wretch trembling for his life, "the presumption of innocence" which guards us all, speaks for these men and demands that the heel of the Department of the Interior be taken from the neck of these settlers.

Let the power which has been too long trusted with the Committee on Appropriations be taken from them and given to a committee which will take the time to see and know for itself before it will permit a great Department of this Government to be prostituted through imposition on the one hand or credulity on the other into an engine of oppression. Give the power of this Department into the hands of a committee who will remember that the presumptions of law do not change with a change of administration.

Mr. HISCOCK. The objection to the adoption of the amendment, it seems to me, is this, that the more committees to which we give the right of way the more confusion we will have on the floor. One will be antagonizing the business of another, and we will use up an immense amount of time in voting which shall have the right of way.

I undertake to say that the Committee on Public Lands will in this as it did in the last Congress meet with no successful opposition to having all the time assigned to it which it may want for this purpose. It has been the uniform practice to give them that time whenever they wanted it.

In the rule as we have it, in the morning hour they can report their bills, and when they are up for consideration, if at the end of that hour they shall be unfinished they can go upon the Calendar of unfinished business. And it seems to me if they have that right with other committees it is all they can ask for, when we know the practice has been in the past, as no doubt it will be in the future, to give them such time as they may desire for the consideration of their business.

Mr. MORRISON. I demand the previous question.

The previous question was ordered.

The House divided; and there were—ayes 126.

So (no further count being demanded) the amendment was adopted.

Mr. MILLIKEN. I rise for the purpose of moving an amendment to Rule XI by inserting the following as clause 50——

Mr. HAMMOND. Let me offer a verbal amendment before the amendment of the gentleman from Maine is taken up.

Mr. MILLIKEN. I have no objection.

Mr. HAMMOND. I move to amend by inserting in line 239, after the word "harbors," the words "including appropriations therefor." In every other place where there is a provision for an appropriation bill the words "including appropriations therefor" is inserted in the rule. Their omission at this place might mislead, and so by the insertion of the words I have indicated it will be provided that it is not only the purpose to empower the committee to provide for the improvement of rivers and harbors, but also to make the appropriations therefor.

The SPEAKER. The Chair will state that the construction placed upon these words as they stand in another rule of the House has always been that they apply to appropriations for the improvement of rivers and harbors.

Mr. HAMMOND. I understand that; but it can do no harm, as we are now preparing a code of rules, to put those words in, lest some chairman hereafter in construing the rules shall deem that there exists ground for another construction.

The SPEAKER. The clause of the rule which gave the right of consideration under the old rule uses this exact language.

Mr. HAMMOND. But that was when it had other words in connection with it which have subsequently been stricken out.

The SPEAKER. No; the Chair thinks the gentleman is mistaken. The construction has always been that it conferred the right of appropriation.

Mr. HAMMOND. If there is no special occasion for it I shall withdraw the amendment in order to save time.

The SPEAKER. The Clerk will proceed with the reading.

Mr. SPRINGER. Before passing to another subject I wish to offer an amendment at this point.

The Clerk read as follows:

Insert by adding to line 243 the following:

"The committees having authority to report appropriations, and other committees having jurisdiction of the subject-matter thereof, may at any time after the morning hour report bills involving but not making appropriations the provisions of which shall retrench expenditures."

Mr. SPRINGER. The object of that amendment is to enable the Committee on Appropriations, which are now to be deprived of the privilege of incorporating general legislation upon appropriation bills, to bring their economical legislation into the House as a privileged matter in another shape, so that we can put provisions for the retrenchment of expenditures in one bill and money propositions in another and take them together to the Senate, so that we may still have the privilege, which has heretofore been enjoyed by the House, of legislating in the interest of economy whenever the majority of the House desires to do so.

We will not be permitted to place them upon appropriation bills hereafter, and I hope that another avenue will be opened quite as broad and quite as good and convenient, so that we can legislate hereafter in the interest of economy.

The question being taken, the amendment proposed by Mr. SPRINGER was not agreed to.

Mr. MILLIKEN. I now call up the amendment which I have sent to the desk to be inserted as an additional clause, to be known as clause 50 of Rule XI.

The Clerk read as follows:

It shall be the duty of the committee having jurisdiction of the general appropriation bills on or before the 1st day of March in the long or on or before the 1st day of February in the short session of Congress to report the general appropriation bills.

Mr. MILLIKEN. Mr. Speaker, I desire to say but a word in ex-

planation of my purpose in introducing this amendment. I suppose that every member of this House has, among a thousand others, two purposes in view: one to have an opportunity to call up such legislation as he believes to be necessary; and another, the opportunity to understand the legislation upon what he is voting. Now, I will not discuss the question of the use that has been made by the Committee on Appropriations of its power in the past. That has been all pretty well gone over. My friend upon my right [Mr McKINLEY], whom I do not now see in his seat, stated a short time ago that one of the greatest abuses was the power in the hands of the Appropriations Committee to legislate. That I acknowledge. But, Mr. Speaker, one of its other great abuses is its power to obstruct legislation by withholding the bills upon appropriations to the end of the session, and then use them as a club to knock out the propositions and measures of every other committee that may come up before the House or the country demands the passage of. I desire, sir, that there shall be some time in the session, some period when these appropriation bills shall have been passed, when we will have an opportunity of discussing other matters of legislation without the power on the part of the Committee on Appropriations, or any other committee that has the right of way in this House, of putting its garrote around our necks and choking us off.

There is another purpose in view, as I stated, and that is that the members of the House should have one opportunity to understand the legislation that we are called to vote upon. These supply bills are great bills; they are matters of great consequence. I do not think that the Committee on Appropriations in their discussions in the House have belittled their consequence in that respect. But it is a matter of great importance to every member of the House to be able to understand the bills before he votes upon them. But as a rule they do not come here until toward the close of the session—too late for consideration.

Mr. HISCOCK. Will the gentleman from Maine yield to me for a suggestion? Will he accept an amendment to his proposition that they shall report the bills within thirty days after the general estimates are submitted to them?

Mr. MILLIKEN. I have no objection to that. I only desire to fix some period when they shall come in.

But a word, sir, further. I ask gentlemen what opportunity did we have in the Forty-eighth Congress to understand these matters? Why, the sundry civil bill came into this House almost at the end of the session, so that there was not time even to read it. It was passed through the House under a suspension of the rules, just as a mother would make a boy shut his eyes and open his mouth to take physic, and nobody except God himself, and possibly the Committee on Appropriations, understood what on the green earth or in the heavens above was in that bill. Then we had afterward, in the vacation, ample time in which we could sit down and look over the bill and see what laws we had been passing in that hasty manner for the people of this country. I believe that every man in this House owes it to himself, owes it to his constituency, owes it to his country, that he should vote to give himself an opportunity to examine this important legislation before he is called upon to vote upon it.

[Here the hammer fell.]

Mr. ROCKWELL. This is the same proposition as was advanced yesterday by the gentleman from Massachusetts [Mr. LONG], who was on the Committee on Appropriations of the last Congress. The gentleman from Massachusetts admits that last session we were bound hand and foot, that matters were so bad that only three classes of measures could be passed:

1. Insignificant bills;
2. Bills the overwhelming necessity for which could command a two-thirds vote; and
3. Bills passed by the grace of the Appropriations Committee.

He says relief is desired from this difficulty, and the claim is made that the needed relief comes from the additional changes proposed, namely:

1. A morning hour for committees;
2. By depriving the committee of the power of annexing general legislation on appropriation bills; and
3. Through this amendment.

I can not agree with this claim. The whole question divides itself into the idea of, first, the one-man power; and, secondly, the distribution of responsibility.

The difficulty with the present system is this: It gives power to the Committee on Appropriations to crowd out other business, no matter how important, and to practically make the House take up what the chairman of that committee prefers, for no one wishes to antagonize or vote down appropriation bills. They must be passed.

The real difficulty will not be met by leaving the present power with the committee. The practice has grown up, on one pretext and another, to hold the bills over until such time as the committee from the actual situation of affairs holds the power.

Two objections are made to the distribution of this power among the other existing committees: First, extravagance; second, the possibility of a combination of those committees being formed causing danger and delay. It is claimed that a divided responsibility will increase expenses; that the House in the Committee of the Whole, with the advice of these committees, can not "cut the garment to the cloth." The fallacy of this argument has been ably met by the gentleman from Michigan. This is a reflection upon the ability and good judgment of the House and the Representatives whom the people have chosen.

The argument of the gentleman from Massachusetts that the combination of these committees will cause danger and delay is easily met. If there is danger from the combination of several committees, how much more danger and delay may arise when the power is lodged, as it now is, in one committee?

It is urged in defense that other committees have despotic power. The Committee on Ways and Means and the Committee on Rules are cited. The former may possibly report one bill to Congress in a session, but the Appropriations Committee has thirteen. That the Committee on Rules has great power and privileges is true, but it is also true that the duties of that committee have been so satisfactorily performed that nobody wishes to deprive them of that power.

However strong the arguments may seem, the real question at issue remains, Shall the majority dictate practical legislation, or by giving thirteen appropriation bills to one committee practically place in the power of that committee, under the rules, the control of legislation?

The country wants the House so to shape its rules that public matters shall as far as possible have a hearing and consideration. The report of the majority of the committee looks toward that end, and the recent vote indicates that such action will be taken. This course is conservative, and meets the approval of many of the best and most experienced parliamentarians.

The proposed amendment of the gentleman from Maine will not work practically and will not aid in the solution of the problem. These bills can not be prepared in the time he suggests, or if prepared would still lie over till late in the session.

The real difficulty now is not so much that the appropriation bills are reported late as that the power practically residing in the committee when they are reported is liable to misuse.

Mr. MORRISON. I demand the previous question.

The SPEAKER. The Chair wishes to ask the gentleman from Maine [Mr. MILLIKEN] whether he desires a vote to be taken on his amendment as it was read at the desk, or whether he accepts the modifications proposed by the gentleman from New York [Mr. HISCOCK].

Mr. MILLIKEN. I have no objection to accepting the modifications suggested by the gentleman from New York.

Mr. CANNON. I ask my colleague [Mr. MORRISON] before he insists upon the previous question to allow me two minutes, if the gentleman from Maine accepts that modification.

Mr. MORRISON. I will yield to my colleague for two minutes.

The SPEAKER. The amendment as proposed to be modified will be read.

The Clerk read as follows:

Amend Rule XI by inserting the following:

"50. It shall be the duty of the committee having jurisdiction of general appropriation bills to report the same within thirty days after the estimates are received."

Mr. CANNON. I desire to say that with that modification gentlemen can see at once the foolishness of the proposed rule. It would either work great harm to the House, if enforced, or would stand a dead letter. The general estimates for most of these bills are now in the document-room, and have been ever since the commencement of the session, and your thirty days will have expired almost before the committees are announced. I undertake to say that it is absolutely impossible to do this thing. The deficiency bill, for example, can not be made up with any propriety in the long session before the 1st day of June or the 1st day of July, because you do not know what deficiencies have to be provided for.

Mr. MILLIKEN and Mr. BAYNE rose.

The SPEAKER. The gentleman from Illinois has demanded the previous question.

Mr. LOWRY. I ask the gentleman to withdraw his demand for a moment that I may offer an amendment.

Mr. MORRISON. I do not want this proposition to be amended because I want the whole of it beaten.

The previous question was ordered.

The question being taken on Mr. MILLIKEN'S amendment, it was not agreed to.

Mr. LOWRY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following proviso:

"*Provided*, That the committees having jurisdiction of appropriations shall report all general appropriation bills at the first session of Congress within sixty days and at the second session within forty days after the commencement of the respective sessions."

Mr. LOWRY. I have no disposition, especially in the present temper of the House, to enter upon any general discussion of this proposition, but I desire to call the attention of the House to the fact that the objection to the proposition of the gentleman from Maine [Mr. MILLIKEN] mainly lay, in my judgment, in the fact that it would have proven inoperative. Such has been the previous experience of this House, there having been in former Congresses a similar rule to that proposed by the gentleman from Maine.

By the terms of this proviso the exercise of the privilege of reporting at any time is made conditional on the committee having charge of general appropriation bills reporting in a given time. I am indifferent with reference to the period of time that shall be prescribed in the event of the House agreeing with me in the propriety of the adoption of this amendment; but it does appear to me the experience of the House is to the effect that it is extremely desirable the appropriation bills shall be reported at such a period of the session as shall afford sufficient time for their consideration. We all remember that some of the most important appropriation bills were reported at the very close of the last session of Congress. And it would be mere repetition on my part to refer to the fact that has been so often referred to here, that when those bills were acted upon by this House but a very small proportion in numbers of members of this body were cognizant of what was contained in the bills themselves.

I might cite by way of illustration some instances of the effect of reporting bills at that late period, but I will not extend the discussion. Either the entire membership of this House must see the desirability of having such a provision inserted in connection with this amendment or they must be satisfied that under the changes of the rules that have been already provided for the difficulty will no longer exist.

Mr. MORRISON. I demand the previous question.

The previous question was ordered.

The question being taken on agreeing to Mr. LOWRY'S amendment, there were—ayes 10, noes not counted.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 126) to change the name of the National Bank of Winona;

A bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats in the District of Columbia; and

A bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for printing the report of tests of iron and steel and other materials for industrial purposes made at the Watertown arsenal and transmitted to the Senate by the Secretary of War.

THE RULES.

Mr. WEAVER, of Nebraska. I desire to call up the amendment which I sent up last evening, and which is printed in the RECORD.

The Clerk read as follows:

In line 239, after the word "harbors," insert the words "the Committee on Commerce, bills for the regulation of interstate commerce."

Mr. WEAVER, of Nebraska. Mr. Speaker, no committee, in my judgment, should have greater privilege to have speedily considered any bill that may be presented by it than the Committee on Commerce, such bills as have for their object the regulation of interstate commerce. There is no kind of legitimate business in the United States the prosperity, stability, and character of which would not be greatly improved and rest upon a more permanent basis if some honest, wholesome, and well-considered legislation could be had at the hands of the Congress of the United States regulating railroad transportation. Foreign commerce sinks into insignificance when compared with the interstate commerce carried on through the railroad system of the United States.

All our foreign commerce exports and imports amounts annually to only one thousand five hundred millions, while our internal commerce amounts to fifteen thousand millions of dollars.

We may build the Hennepin Canal and improve the navigable rivers and continue to make an annual expenditure of from fifteen to twenty million dollars a year for the benefit of commerce, yet it will remain a fact that nine-tenths of all commercial business will continue to be done by the railroads; and so long as the Congress of the United States, the only power that can regulate commerce between the States, shall delay action in this important matter so long will it continue to be a fact that a few of the great railroad managers of this country are exercising more power in levying and collecting taxes from the industries of this country than Congress and all the State Legislatures combined.

No regularity in these assessments, like assessments and taxes levied and collected according to law. Think of it—a power resting in the hands of a few men to say, at any time without notice or other condition save the will of the managers of the trunk lines, that charges for carrying a bushel of grain to the market shall be advanced 2, 3, or 5 cents per bushel, not because it costs or is worth more to carry the grain after than before the advance of rates, but because they can do these things arbitrarily and without notice and without reason, and sometimes because of capitalization of increased values, which means water, which water is, under what is known as good management, required to make the same return as the honest capital which has gone into the enterprise.

Mr. Speaker, at the last session of the Forty-eighth Congress the United States Senate appointed a committee to investigate the subject of interstate commerce and make report at the present session. I have not yet seen the report, but am in the possession of the answer of F. B. Thurber, of New York, to certain questions propounded by the committee, and as the answer of Mr. Thurber touching "the reasonableness of the rates now charged by such corporations for local and through traffic" is so comprehensive and shows so fully the system of overcapitalization whereby dividends are paid upon watered stock, which capitalization and the dividends are extorted fron honest industries—I say that the answer of Mr. Thurber is so comprehensive and yet so brief upon this and kindred subjects that I ask that the same be read and printed in the RECORD.

To the honorable the Select Committee of the United States Senate on Interstate Commerce:

Referring to the questions contained in your circular of April 10, the undersigned respectfully submits the following views bearing upon this subject, and as far as possible in the order of the subdivisions therein contained:

"1. As regards 'the best method of preventing the practice of extortion and unjust discrimination by corporations engaged in interstate commerce.'"

We need first a specific prohibition of practices generally admitted to be wrong, together with an executive to see that the laws are executed. Laws without a police force, or a police force without laws, are equally useless.

"2. As to 'the reasonableness of the rates now charged by such corporations for local and through traffic.'"

Rates as a whole on interstate traffic are now lower than ever before and in some cases unreasonably low, but in certain sections, and on certain kinds of traffic, rates are still excessive and unjust discriminations pervade the entire system.

In considering the subject, "What is a reasonable rate?" we are constantly brought face to face with perhaps the greatest difficulty and one of the greatest wrongs connected with the whole subject, namely, fictitious capitalization. Professional promoters have overloaded our railway system with watered stock, and have imposed upon the practical railway men of this country, who operate these great highways, the impossible task of earning dividends upon this mass of fictitious capital and at the same time satisfying the public. Having thus overcapitalized our transportation system they endeavored by combination to enforce rates which would yield dividends upon the entire mass of capital. This in turn has stimulated the building of parallel lines, which in many cases were not needed, and in times of commercial depression like the present their pools and combinations break down and they appeal to the national Government for legislation to enforce their agreements upon each other and enable them to tax the commerce of the country to sustain these fictitious values.

A good illustration of how excessive capitalization operates as a mortgage upon the industry of the country, and as a machinery for concentrating wealth in few hands wherever the power exists to impose rates for transportation which will yield dividends on watered stock, is found in the following table, showing what the dividends have amounted to (with interest compounded annually) on the $47,000,000 of watered stock put into the New York Central and Hudson River Railroad in 1867-'68 by the Vanderbilt management:

Watered stock issued in 1867 *and* 1868 *by the New York Central and Hudson River Railroad*, $47,000,000.

Dividend on this watered stock at 8 per cent. for the year 1869, $3,760,000 (1869).

Interest on 1869 dividend at 7 per cent., $263,000; with 1870 dividend, $3,760,000, $7,783,000 (1870).

Interest on $7,783,000 at 7 per cent., $544,000; with 1871 dividend, $3,760,000, $12,087,000 (1871).

Interest on $12,087,000 at 7 per cent., $846,000; with 1872 dividend, $3,760,000, $16,693,000 (1872).

Interest on $16,693,000, at 7 per cent., $1,168,000; with 1873 dividend, $3,760,000, $21,621,000 (1873).

Interest on $21,621,000 at 7 per cent., $1,513,000; with 1874 dividend, $3,760,000, $26,894,000 (1874).

Interest on $26,694,000 at 7 per cent., $1,882,000; with 1875 dividend, $3,760,000, $32,536,000 (1875).

Interest on $32,536,000 at 7 per cent., $2,277,000; with 1876 dividend, $3,760,000, $38,573,000 (1876).

Interest on $38,573,000 at 7 per cent., $2,700,000; with 1877 dividend, $3,760,000, $45,033,000 (1877).

Interest on $45,033,000 at 7 per cent., $3,152,000; with 1878 dividend, $3,760,000, $51,945,000 (1878).

Interest on $51,945,000 at 7 per cent., $3,666,000; with 1879 dividend, $3,760,000, $59,341,000 (1879).

Interest on $59,341,000 at 7 per cent., $4,153,000; with 1880 dividend, $3,760,000, $67,254,000 (1880).

Interest on $67,254,000 at 6 per cent., $4,035,000; with 1881 dividend, $3,760,000, $75,049,000 (1881).

Interest on $75,049,000 at 6 per cent., $4,502,000; with 1882 dividend, $3,760,000, $83,311,000 (1882).

Interest on $83,311,000 at 6 per cent., $4,998,000; with 1883 dividend, $3,760,000, $92,069,000 (1883).

Interest on $92,070,000 at 6 per cent., $5,524,000; with 1884 dividend, *$3,525,000, $101,118,000 (1884).

In other words, if the capital had been maintained at the amount then outstanding, and the rates for transportation had been reduced to a point which would only have yielded the same dividends upon the capital then existing (which, by he way, had been previously largely watered), the public would have been about $100,000,000 richer, and Mr. Vanderbilt and his associates $100,000,000 poorer, and this represents the results for but sixteen years and upon a single road.

It was, of course, claimed that this watering of stock was but a capitalization of increased values, but if this railroad had been owned by the State no such proceeding would have taken place, and Mr. Vanderbilt's own definition of the relations which should exist between the State and railroads (hereafter quoted from his communication to the Hepburn committee) shows the wrongfulness of such capitalization. The Baltimore and Ohio Railroad furnishes a good illustration of a different policy. It has exacted enormous sums from the public in excess of liberal dividends, and employed them in extending and improving its

*In 1884 the rate of dividend was reduced to 7½ per cent., which on the $47,000,000 of water amounts to but $3,525,000 instead of $3,760,000, which is the amount at the rate of 8 per cent.; and in 1885 the dividend, owing to the competition of the West Shore Railroad, has been still further reduced.

road, but it has not capitalized this increase of value, and the estimated value of its "surplus" now exceeds $47,000,000. In other words, it has exacted from the public the capital necessary for an enormous extension of its lines, but it has had the decency not to capitalize this sum and make the people pay dividends upon their own capital thus exacted. Railroad men claim that rates bear no relation to capitalization. I admit that where they are governed by competition they do not, and this is why I so strenuously advocate holding fast to the sheet-anchor of competition, because without it the railroad companies would practically own the country. Indeed, it would be better than ownership, for with the machinery of Government invoked to sustain rates which would pay dividends upon a fictitious capitalization they would be able to tax most of the profit out of production and commerce without the trouble or responsibility of ownership.

In view of this immense overcapitalization of our entire railroad system, we should consider with great caution any proposition which would confer the power upon existing railroad corporations to enforce rates which would yield satisfactory dividends to them, as it would necessarily impose corresponding burdens upon the industries of the country. Again, the cost of constructing railways has declined enormously in many respects, and it is hard to see why the owners of railroad property should be allowed to continue to make profits based upon the original cost of their property when owners of other property have to base their charges upon present values. This is illustrated by the following letter which appeared in the New York *Tribune* of March 3, 1885:

"RESTRICTION OF COMPETITION.

"*To the editor of the Tribune:*

"SIR: I see that your columns are open to the 'no competition' railroad people, and thinking you might be able to assist me, I present my case.

"I am the only retail dealer in drugs and medicines in this place, and have been in business for almost twenty years. I am a good citizen, keep sober, pay my taxes, and endeavor to support our little church in order that the cause of the Lord may spread and flourish. The stock of goods in my store has cost me about $20,000 (though I frankly admit it could to-day be replaced for less than $10,000). A few days ago a stranger came to our little town and looked around a while and then went away. To-day he returned, and I find he has bought a store and put in a stock of drugs (about $10,000 worth, and it is as good as mine, which cost $20,000), and openly announces that he will 'run me out.' Now what I want you to do is this: Present a bill to the Legislature and get them to restrict competition in regard to drug stores; and, please you, Mr. Editor, get the bill passed as soon as possible, for the welfare of myself and family and of the little church depends upon it. I think the action of that opponent of mine is an outrage on vested rights. (He is 'a common, miserable thief.' He doesn't pay as large a tax as I do, he has no family to support as I have, and, worst of all, he never goes to church.

"JONATHAN WIFFLETREE,
"*Deacon in the Church.*

"PUMPKINVILLE, N. Y., *Feb.* 26, 1885."

If our railroad system had not been thus overcapitalized it might, and probably would, be expedient to legalize pooling contracts and establish a system of maximum and minimum rates which would be fair alike to the public and to the railroads. No one can deny, or wishes to deny, the great benefits conferred upon the human race by the inventors who have given us these modern highways, but it is the inventors, and not the financial freebooters who have obtained control of them, that are entitled to our thanks. In sections where the law of competition does not work—and this is true of most local traffic, and of through traffic in large sections of our country—excessive and unequal charges have been arbitrarily levied, and the carrier, always an important factor in commerce, has absorbed the profits and substance alike of the producer, the shipper, and the consumer. Never in the history of the world have we seen such enormous accumulations of wealth suddenly acquired by any class as we have seen in this country during the last quarter of a century through the carrier thus taxing all other classes in the community. Within twenty-five years the Vanderbilt estate has grown from $5,000,000 to over $200,000,000. Within the same time the Central Pacific quartet have, it is estimated, extorted from the public more than $250,000,000. Twenty-five years ago Jay Gould was not rated even as a single millionaire. Within two years he exhibited to an admiring group of Wall street friends railroad securities estimated worth from $50,000,000 to $75,000,000, and it was announced that this was only a portion of his gains. The men connected with our transportation system who are rated at $10,000,000 and upward are too numerous to mention, and by far the greater portion of this has been accumulated within twenty years. Yet railroad men, when confronted with these facts, meet them with the assertion that rates are reasonable; that the transportation of this country is done cheaper than any other country in the world, and that a majority of all the railroads of the country are unremunerative to their owners. It is true that wherever water competition prevails rates are reasonable, and, fortunately for the people of the United States, a large portion of our country is thus favored. It is also true that, where excessive rates have unduly stimulated the building of competing lines of railroad, for a time excessive competition has resulted in unreasonably low rates, but this has usually been followed by combination, with an advance in rates to the other extreme.

This brings us to the consideration of question 3:

"Whether publicity of rates should by required by law; whether changes of rates without public notice should be prohibited, and the best method of securing uniformity and stability of rates."

I am of the opinion that publicity of rates should in all cases be required by law; that changes should not be permitted without reasonable public notice; and that these requirements would be the best methods of securing uniformity, if not stability, of rates. Both of these provisions were prominent features in the Reagan bill, but were opposed by the railroads as impracticable because it was alledged that they would give an undue advantage to Canadian lines, but, like most of the railroad arguments in dealing with the public, this was specious and misleading, for the reason that our railroads would still possess and exercise the same power over Canadian lines to prevent the cutting of rates which they now possess, namely, the fear of retaliation, which is constantly exercised by railroad lines in forcing competitors to observe an agreed schedule. Where one road cuts under an agreed schedule it is the custom of another road to at once reduce rates so low that the cutting road is forced sooner or later to restore and live up to the schedule of rates, and the American roads could hold this whip over their Canadian rivals as well after the passage of such a law as before, the only difference being that if five days' notice should be required of American roads before a change of rates they would be at a disadvantage for that period only.

"4. The advisability of establisiuhg a system of maximum and minimum rates for the transportation of interstate commerce."

I do not think that this is advisable or practicable at present. The various States within their borders can regulate their local rates in this manner with success, as has been shown by the experience of the State of Georgia. But, for the present, I do not think this necessary on interstate commerce. Our water lines, if properly sustained and developed, will do much to secure reasonable rates over a large extent of our territory; and if pooling combinations are prohibited there will be but little necessity for fixing a maximum, while in order to give railroads the remedy of retaliation mentioned in the previous section it would not be advisable to fix a minimum rate.

"5. The elements of cost, the conditions of business, and the other factors that should be considered in fixing the tariffs on interstate traffic."

This is answered by the discussion of the preceding section.

"6. Should any system of rebates and drawbacks be allowed; if so, should such transactions be regulated by law and subject to official inspection or approval, or should they be entirely prohibited?"

I believe that they should be entirely prohibited. Publicity of rates would be of little use if they could be nullified by secret agreements, and there would be no occasion for secret agreements if all railroads doing an interstate business were required to observe their public tariff of rates. Under present conditions I would leave railroads free to make any tariff they choose, with the qualification that their rates should be reasonable and public, and for substantially a like service the same to all. In the event of an unreasonable rate being charged, power should be lodged with a board of commissioners or elsewhere to, upon proper application, reduce said rate. Rebates are now the favorite form of discrimination and should be entirely prohibited.

"7. Should pooling contracts and agreements between railroads doing an interstate business be permitted, or should they be entirely prohibited by law? If they should be regulated by law, would it be sufficient to require the terms of such agreements to be made public and subject to official approval?"

I believe that pooling contracts should be entirely prohibited, but railroads would naturally agree upon the public tariff between common points. These tariffs might be made subject to the approval of a board of commissioners, as the French railroad tariffs are made subject to the approval of the minister of public works; but they should not be made legally binding, because in that case the freedom to make lower public rates, which is now a safeguard against extortion, would be abridged or abrogated. Railroad men now excuse pooling contracts by claiming that they prevent discrimination as between shippers; but this object would be reached by compelling railroads, under adequate penalties, to observe their public rates. This was well provided for in the Reagan bill.

"8. Should provision be made by law to secure to shippers the right to select the lines and parts of lines over which their shipments shou d be transported?"

Unquestionably. This is one of the rights of the shipper which the carrier has arbitrarily overridden.

"9. By what method can a uniform system of rates for the transportation of passengers and freights by all corporations engaged in interstate commerce be best secured?"

By publicity of rates and holding all roads to a rigid observance of same as hereinbefore advocated.

"10. Should corporations engaged in interstate commerce be permitted to charge a lower proportionate rate for a long than for a short haul? Does the public interest require any legislation on that subject?"

I think that railroads should be permitted to charge a lower proportionate rate for a long than for a short haul, but that this should not be carried so far as to charge more for a shorter than for a longer distance in the same direction. Railroad men plausibly argue that where water competition exists they should be permitted to do this, but as in other matters there must be some principle of action established, and the occasional hardships which would be experienced under this rule should not be permitted to justify the serious evils which have heretofore existed from this cause. As for instance, where points in Utah and Nevada, 500 or 1,000 miles this side of San Francisco, were charged double the rates that were charged for hauling goods through to San Francisco. The theory upon which this was done was, they were charged the through rate to San Francisco and the local rate from San Francisco back to their destination, although in point of fact this work was not done, and there is no rule of law by which a common carrier can justly be permitted to do such things.

In the past it has been generally conceded that railroad companies ought to be allowed to charge as much more for the transportation of small shipments as it cost them more to transport such shipments compared with larger ones, but there is another view to this question which has great weight. A railroad is both a public highway and a common carrier, doing business by virtue of a public franchise, in granting which the vote of the small shipper was as potent as that of the large shipper, and therefore the right of a citizen on the highway comes in to limit the operation of the law of wholesale and retail which applies in private transactions. The railroads are performing a delegated function of the State, and, in my opinion, should be required to act toward shippers as the State would act. Upon this point the views of Mr. William H. Vanderbilt, of the New York Central, and Mr. Jewett, late president of the Erie road, as expressed in a letter to the Hepburn legislative committee, are important. They say (see testimony, volume 1, page 37):

"That it is the primary duty of the State to furnish 'highways,' whether they be the road, the canal, the turnpike, or the railroad, the State alone having the right of 'eminent domain.'

"That this duty has been complied with by the State in most of these ways.

"That, for prudential and other reasons, the State of New York preferred to engage the services and capital of her citizens to do what was her duty to do, granting them certain powers under certain limitations and restrictions, which are made part of the contract between these 'citizens' and the State.

"The State places such 'citizens' in her place to perform her duties, and for this purpose clothes them with the imperial right of 'eminent domain' so far as may be required to perform the duty devolv ing upon them.

"Such 'citizens' so placed have a right to the fullest protection of the State, and to be protected against any laws that the State would not pass if such property of 'citizens' had been built by the Stat e itself, and further, such 'citizens' should be protected against any legislation that would lessen the value of property so obtained by its 'citizens' by reason of their contract with and their willingness to take the place of the State in the performance of one of its highest duties.

"The railway company thus holds, in its relation to the State:

"First. Its position as a substitute for the State under the powers and limitations of the law; and

"Second. The right of pecuniary recompense and of ample protection of property.

"The writers of the (citizens') address look upon the railway company as for pecuniary profit only, and ignore their position as created to perform the duty of the State, taking the risks of investments, of management, &c., upon themselves. The railroad companies thus have a higher claim than the ordinary corporation can have upon the State.

"The ordinary corporation is organized for the special pecuniary profit of its shareholders, the profit of the public being secondary. The railway corporation is organized primarily for the benefit of the people of the State, and the pecuniary consideration is secondary, but necessary to induce the citizens of the State to assume the performance of the duty of the State. This assertion is true, and is in the essence of the grant by the State of its powers."

The same gentlemen, in their testimony before the Hepburn committee, advocated that a car-load should be the unit beyond which no lower rate should be made, and Mr. Albert Fink, the pool commissioner, testified before the same committee as follows (see report, page 65):

"It is sometimes urged that railroad companies should grant lower rates on large shipments upon the same principle that wholesale merchants can sell cheaper than retail merchants. The same reasons why wholesale merchants can sell cheaper than retail merchants do not apply to the case of large or small shipments on railroads, when we have reference merely to car-load shipments. The cost of retailing merchandise is much greater than the cost of sell-

ing it in large quantities. It requires a different kind of an establishment, larger warehouses in comparison with the goods stored, more clerks, longer time to sell the same quantity of goods, slower returns, &c.

"In the case of shipments on railroads in less than car-loads, the cost will be greater than full car-load shipments—not always, but as a rule. Cars can not be fully loaded when a number of small shipments are made, which have to be unloaded at different stations. After unloading one shipment at an intermediate station the train has to proceed with the smaller load, but without reducing expenses in proportion. It is therefore proper that the shipper should pay the additional cost. There is good ground for discriminating between small and large shipments. But when shipments are made by the car-load, where it is merely a question of one or more car-loads, no additional cost is incurred by the railroad company.

"Whether these shipments are made by one or by many shippers, it costs the same. It costs no more to ship car-loads of freight between two stations of a railroad whether they belong to one shipper or to ten shippers, whether one man ship ten car-loads or ten men ship one car-load each. There is no ground for discriminating in favor of the large shipper. Any discrimination made in his favor is entirely arbitrary.

"There is no rule, no principle on which it can be established or defended. All arbitrary discrimination works injustice to others.

"Take a flour-mill producing ten car-loads of flour a day, and alongside of it at the same station a mill producing only a car-load. The railroad company decides that it give to the larger mill a rebate of 25 cents a barrel. This of itself constitutes a fair profit.

"The large mill can undersell the small mill in any market in which they are competitors. It can sell at cost and make 25 cents per barrel profit, when the other mill, if it wants to sell at all, must sell without any profit at all. This leads to breaking up of the small establishment, and the railroad company is the instrument through which it is accomplished.

"A common carrier has no right to make itself a party to such transactions. Moreover, it is not to its advantage to do so. This policy of discrimination prevents the employment of small capital, and prevents the building up by slow degrees the industries of the country. Only large capitalists can afford to carry on business, and they are not always to be found. From small beginnings, if properly fostered, large enterprises are built up. The larger manufacturers enjoy already sufficient advantages over the smaller. Being able to produce cheaper, they do not require the aid of railroad companies to still further discriminate in their favor."

Also at page 155 of the exhibits:

"The practice of making special contracts with some shippers—the larger shippers generally—at lower than regular rates, and charging the regular rates to all other shippers, constitutes one of the most unjust discriminations. It is practiced to a great extent. The rates of transportation between two points should be the same to all shippers.

"The payment of rebates, or drawbacks, by which means their unjust discriminations are practiced, should be forbidden."

It will be noticed that Mr. Fink advocates a distinction between car-load rates and those of smaller quantities, but in practice the west-bound pool for several years, while able to enforce its mandates, made no distinction between car-load shipments and smaller quantities. It is evident that it costs but little, if any, more for a car-load of freight composed of a dozen different shipments going to the same place than if composed of but one shipment, and the public certainly under such circumstances ought to have the benefit of the aggregate thus shipped. While it may seem just that parts of car-loads should pay more than full car-loads, yet the Government in transporting the mails carries a single letter for one citizen at the same rate it charges for carrying one thousand letters for another citizen. It is probable that if the State was the carrier, as suggested by Messrs. Vanderbilt and Jewett, the same rule would be observed, and the practice of the west-bound pool show that when it suits their convenience railroads can and do operate upon this principle. It is the departure from this principle which has built up most of the commercial monopolies in this country. The Standard Oil Company is a case in point, of which the Hepburn committee say in their report, page 42:

"Your committee were unable to ascertain the exact relations of these different organizations, owing to the refusal of several members of the Standard Oil Company subpœnaed as witnesses to obey the subpœna, and the refusal of those who did attend to answer our questions; but succeeded in establishing the fact that 90 or 95 per cent. of all the refiners of the country act in 'harmony' with the Standard Oil Company, and that they ship 95 per cent. of all the oil of the country; and, of course, the three and a half millions capital of the Standard is but an insignificant portion of the aggregate capital of this mysterious organization, whose business and transactions are of such a character that its members declined giving a history or description of it, lest their testimony be used to convict them of a crime. (See testimony of Messrs. Bostwick, Archbold, Rogers, &c)."

The great coal companies furnish similar illustrations. Our forefathers abolished the laws of primogeniture and entail in order to prevent the evil of large accumulation of wealth in few hands. As railroads have been operated in the past, they have been the most potent force to nullify this principle, which I believe to be a beneficial one, and which should be followed as far as possible. There should be no concessions allowed to large shippers, except such as represent the actual difference in expense in handling large shipments. Certainly no higher limit should be established than the unit of a car-load, as mentioned by Mr. Fink, and I believe that the welfare, both of the public and the railroads, would be ultimately subserved if rates were made uniform without regard to quantity. But if any concessions are made, there should be none beyond the car-load unit, and all such concessions should be as public as the rates themselves.

"12. Should corporations engaged in interstate commerce be required to adopt a uniform system of accounts?"

Within certain limits I believe they should, but that these limits should be prescribed by the commission hereinafter mentioned, and the same answer applies to question 13, as to annual reports to the Government, which should undoubtedly be required.

"14. In making provisions for securing cheap transportation, is it or is it not important that the Government should develop and maintain a system of water routes?"

It is of the greatest importance, and this is perhaps more forcibly illustrated by the following quotation from the report of the Hepburn committee:

"New York possesses the key to the situation in the Erie Canal. While the committee made no attempt to investigate the relation of the railroads to the canal, and sought to lessen their labors by avoiding this question, the canal, like Banquo's ghost, would not down; we were compelled to meet it at every point and turn of the investigation. The cost of water transportation from Chicago to New York is the base line upon which railroad rates are determined and fixed throughout the country. The rates, by agreement of the principal railroads of the country, from all points in the West to the seaboard, are made a certain percentage of the Chicago rate (testimony, pages 3001-3004). Thus Cincinnati is 87 per cent. of the Chicago rate; Saint Louis, 116 per cent.; Kansas City, 146 per cent.; Louisville, 96 per cent.; Cleveland, 73½ per cent., etc. There remains for the railroads to do this additional act of justice and see that the rates from points in the State of New York to the city of New York are made a proper percentage of the Chicago rate."

Mr. Blanchard (testimony, page 2840) says:

"The State holds within its grasp the great controller of the freight rate within its borders, to wit, the canal; there is not a town that is not affected more or less within this whole State, from the extreme northeast to the extreme southwest corner of it, by the canal policy and rates of this State."

"Mr. Fink, a recognized authority on railroad matters, testifies (testimony, page 530) that whenever a reduction is made in the rail rate from Chicago to New York, occasioned by lake and canal competition, that that reduction extends to Louisville, Nashville, and Savannah.

"It extends to every part of the country, I might say; to-day, when they charge 10 cents or 12 cents a hundred from Chicago to New York, the steamship lines from here to Savannah take up that freight and carry it for 15 cents from here to Savanvah, making a rate from Chicago to Savannah of 25 cents; the regular rate from Chicago to Savannch by railroads may be at the same time 50, 60, 70, or 80 cents; they have to come down and conform to the water rate; the rate in Savannah determines again the rate in Atlanta; Atlanta is perhaps the most interior of all towns in the country, and generally gets the highest rates on that account; they carry their freight for nothing, from Chicago to New York almost, and then from here by water to Savannah, and then carry the short distance from Savannah up to Atlanta themselves—that is 200 miles—and the other rail lines that work from Chicago to Nashville, Louisville, Chattanooga, and Atlanta, have simply to conform to the rates that the steamship lines and the rail lines from Chicago and New York make; thus the lake navigation and canal navigation regulate the rates of the whole country, you may say, from Canada down to the Gulf."

"Mr. Vanderbilt, in his testimony, attached equal importance to the canal and regarded it as an important factor in the commerce of the State and country.

"The maintenance of our trunk canal should engage the earnest solicitude of the State. Nothing could be more prejudicial to the interests of the city of New York, or the State as a whole, than to permit their efficiency to be impaired or their usefulness compromised."

The water lines are, I may say, the salvation of this country, and should be developed and extended in every possible way. While enormous improvements have been made in railroad transportation during the past twenty years, little or no improvements have been made in our system of American water ways. Steel rails, more powerful locomotives, improved freight cars which will carry two tons of paying freight for each ton of dead weight in rolling stock, as against the old rule of ton for ton; improved methods of handling freight, improved signals and labor-saving appliances in every department of railroad operation, have enormously reduced the cost of railroad transportation during the past two decades, while little or nothing has been done to improve our system of water ways. This is, doubtless, largely to be attributed to the adverse influence of railroad corporations in legislation. In Pennsylvania and other States they have bought up the canals and abolished them. Whenever a river and harbor bill is pending in Congress the railroad representatives will vote millions for improvements which do not materially affect them, but when it comes to an item like the Hennepin Canal, which promises to be of value in extending our system of water ways, the railroad representatives, whether Democrats or Republicans, are found voting solidly against it. Can there be any better illustration of the necessity for the people to insist upon the extension and improvement of our country's water ways? France has just entered upon the construction of a comprehensive system of canals designed to furnish water competition to the chief sections of that country. In England, where the canals have been largely bought up by the railways and dwarfed or closed, as has been done to some extent in this country, the principal commercial organizations are now advocating the re-establishment of the canals, on an improved basis, as a check upon railroad extortion. Our canals, connecting the great lakes with the ocean, which are really national highways, ought to be as much a recipient of the national bounty as the isolated trout streams, bayous, and petty harbors for which liberal appropriations are provided each year in the river and harbor bill. A comprehensive system of improving our principal water ways should be undertaken upon a scale which will enable steam, the great motive power of the world, to be advantageously used, and thus reduce the cost of water transportation in the same proportion that the same motor has reduced the cost of transportation on land. If France can expend $300,000,000 in constructing a system of canals, how much better can the United States afford to undertake the same work?

"15. In what manner can legislation for the regulation of interstate commerce be best enforced? Should a commission, or other State tribunal, be established to carry out the provisions of any law Congress may enact?"

Undoubtedly such a tribunal should be established. I can not better emphasize this than by the following extract from the report of the railroad commission of the State of Georgia for the year 1881, which says:

"Prior to the act of 1879 the common-law right of the citizen to be protected against extortion and unjust discrimination existed in its full force; but the remedy for its violation was wholly inadequate. Practically the citizen had no rights, though his theoretical right was ample and complete.

"The rights of the railroad companies were well defined enough, and their remedies also were adequate, being in their own hands. It was their capacity for abusing their powers which was not sufficiently held in check.

"*The remedies of the citizen.*—In the very nature of the case, the citizen stood at such a disadvantage that his rights were merely nominal. To illustrate: Suppose him to receive a package on which the actual freight charge was $1.50, while a just and reasonable rate would be but $1. What could he do? Usually he could not wait, but must pay the $1.50 under protest—and bring suit afterward, if he thought it worth his while for the half-dollar overcharge. But could he afford to do this? His interest in the matter would not warrant the expense—the costs, fees, witnesses, the discussion of the principles and facts involved, as to what rate would be reasonable and just in the particular case. And only the one case would be settled after all. The next day a parcel would be charged 75 cents, worth but 50, and the 25 cents would involve a new suit. Practically he was obliged to submit. Were it a merchant who overcharged him, he would transfer his trade to another house. But in dealing with the railroad he is dealing usually with a monopoly, unless at a competing point—and now even at such a point by reason of pooling—and so he was remediless. A litigation would usually settle but a single case—one class, one distance—scarcely any principle at all.

"Such was the attitude of the citizen. Consider next the attitude of the railroad prior to the act of 1879.

"It had a large interest in results. Instead of 50 cents multiplied by 1 (the citizens' interest), the railroad had 50 cents multiplied by 1,000 or 100,000 as its interest. It would have also ample experience, and the best legal talent already engaged and trained, and waiting, and all the experts favorably inclined.

"So unequally were the parties matched, that in the whole history of the State there has been (so far as we remember) not one single case of a suit by a citizen to enforce this common-law right—and but one to enforce even a statutory right for an overcharge. In that case the charter of the railroad, in express terms, limited the rates, yet the railroad fixed its rates beyond the chartered limit—printed them and collected them, and was checked by this suit.

"A remarkable commentary on the absolute worthlessness of rights without remedies.

"The consciousness of this huge disparity between the parties is the great reason why juries lean toward the weaker side. Notwithstanding all this, however—unless the sum involved was large, say a suit for life or limb or injury—the party aggrieved would not enter into so formidable a controversy, even with the sympathy of the jury in his favor.

"Indeed the case was not prepared for jury trial. As well turn a jury loose

into a great pile of copartnership or bank books to strike a balance, as into the complex principles and facts involved in rates of freight without some report like that of a master in chancery as the basis of decision. Now all this has been in large measure remedied by the act of 1879, and adequate provision made also for such a report, so that the parties can stand on a level.

"JAMES M. SMITH,
"CAMPBELL WALLACE,
"SAMUEL BARNETT,
"*Commissioners.*
"R. A. BACON, *Secretary.*"

Your committee will, I am sure, pardon me for the extensive quotations I have made from various authorities, and especially from the report of the Hepburn committee. This committee, appointed by the Legislature of New York in 1879, occupied nearly eight months in a thorough examination of the subject under consideration, taking some five thousand pages of testimony, and their report is generally acknowledged to be one of the ablest presentations of this difficult subject which has yet been placed before the public. While it was only instituted for the purpose of defining the relations between the railways of our own State and the public, the investigation necessarily took in much that applied to interstate commerce, which must be my excuse for quoting liberally from their report. After considering various defects in the general relations of railroads to the public the committee say (page 7):

"The mistake was in not providing proper safeguards to protect the public interest and hold the roads to a strict accountability for their transactions. Thus, through the laxity of our laws and the want of governmental control (measureably excusable, considering the unforeseen possibilities of railroad development at the time of the enactment of those laws, but no longer pardonable in the light of the evidence herewith submitted), have crept in those abuses hereafter mentioned, so glaring in their proportions as to savor of fiction rather than actual history."

After considering these abuses at length the committee say (page 69):

"Now, as to the necessity for some regulation to protect the public, see testimony of Mr. Rutter, pages 453-54, where he testifies that he serves the stockholders only, and only regards the public interest to make it tributary to the interests of the stockholders.

"Mr. Vilas (testimony, pages 414-15) testifies to the same controling motives.

"Mr. Blanchard, after describing a railway officer as subject to three practical tribunals—first, the president of the road; second, the law as laid down affecting transportation; and third, the unwritten law of commerce—says:

"'It has been our policy in this matter, while keeping within the statute law, as far as I knew it, or had occasion to know it, that wherever this public unwritten law came into contact with the interests of the shareholders, I believed it to be my conscientious duty to decide in favor of the shareholder; I knew of no claim that the non-shareholding interests had upon me as a railroad officer, so long as I was within the written law, to concede its views in the matter of rates and in the management of our traffic.'

"In the joint letter (testimony, page 47), Messrs. Vanderbilt & Jewett say:

"'That the managers of a railroad company desire to make all the money they can for their clients, and to do this they have constantly before them the question what rate *within their chartered limits* will an article bear that will yield the largest profit and at the same time stimulate its production.'

"The marked importance which is here attached to keeping within the law emphasizes the necessity for a law, for governmental control. The railroads have already confessed the necessity for regulation and supervision to protect them from the disastrous consequences of their own acts—acts of their own management.

"Mr. Blanchard tells us the pool will continue and will grow in extent and be respected, because roads are beginning to find out that they are better paid, by so doing they get better rates and make money. The possibility of combining practically under one management over 80,000 miles of railroad, with capital aggregating about $5,000,000, is certainly a strong reason why the Government should subject this vast interest to a proper regulation. The proposition that Congress should give to the pooling agreements the force of law, if practicable—which is doubtful—the people of this country, with the good reason they have to distrust the exercise of vast corporate power and the motives of some of the most potent railway kings, will never consent to; and this brings us to the embarrassing question of what shall be done."

On page 64 the report says:

"We have seen what gross infractions our railroads make upon the apparent rules of justice; and yet let the State propose to make a general rule or law and they immediately produce some remote exception, and insist that it argues the injustice and unwisdom of such a law."

On page 71 of their report the committee say (pages 71-77):

"RECOMMENDATIONS.

"The question we are called upon to consider is as broad as commerce, and commerce is king with the whole world for vassals. It has kept pace with progress and grown with civilization. It extends its blessings and its burdens alike to the remotest hamlet. The cost of transportation enters into what we eat and what we wear, that which preserves and nourishes our physical nature and that which administers to our spiritual. It enters into the necessities of life and is equally potent in determining our luxuries. Though it only affects certain industries and certain interests directly and perceptibly, its influence is equally potent in all the ramifications of society. The problem of transportation is an unsolved one, and from its very nature must ever remain so. Each generation must determine for itself. The constantly shifting conditions which surround it, the ever-changing elements that enter into it, the continual offerings which genius contributes to cheapen and facilitate transportation, present an ever-shifting phase to this kaleidoscopic question, calling for an ever-varying solution. The telegraph, the steel rail, the improved motor, the Atlantic cable, and kindred causes, have revolutionized and are continually revolutionizing commerce. The tariff of a dozen years ago seems extortion in the light of present charges. Called from various pursuits to consider this question, we were naturally embarrassed by its magnitude and the vital interests involved; and now, at the point of suggesting remedies for the wrongs proven to exist, remedies in themselves not difficult of suggestion, we are confronted with practical difficulties of a very embarrassing nature.

"The jurisdiction of this State is too limited. Proxies, watered stock, annual reports, and other matters within our State limits, are within our control and should be fully and properly regulated. The New York Central is the only road engaged in the carriage of freight to and from the West wholly within our jurisdiction. The Erie is a New York corporation, but runs through three States and has its eastern terminus in a foreign State. Even the port of New York, that contains the city of our pride and our solicitude, is not wholly within our control. The eastern borders of her harbor are marked by the coast of a foreign State. Thirty-four per cent. of New York's business is done by powerful rivals of our own roads that tap the granaries of the West by the shortest and most direct route. We might enact laws that would drive the business from our own roads without improving the condition of affairs in this State. Indeed, such a course would aggravate matters, for the interests of these rival roads center in rival cities.

"We might cripple the prosperity of New York; we might enact laws that would build up Jersey City and transfer the legitimate growth of New York to the Jersey coast. It is as imperative that such consequences be avoided as it is that present wrongs be redressed. While the laws of commerce ignore political divisions wholly, our jurisdiction is circumscribed by the limits of the State of New York.

"States divided by navigable waters, which are everybody's highway, present borders which the two systems of traffic must respect, and the breaking of bulk and terminal expense incidental thereto is unavoidable; but the artificial line of the surveyor, marking a political boundary, though it may determine where a man shall vote or pay his taxes, least of all lines has neither breadth nor thickness in determining the currents of trade. Whatever prominence may be attached to State individuality and State rights, in a commercial sense we are eminently a nation, and the sooner that fact is recognized the better it will be for our commerce. There is not the slightest reason why the Liverpool merchant should not buy his grain, graded, in Kansas City, by cable, and have it placed along side the dock at Liverpool with but one intermediate handling—the transfer from car to vessel at the seaboard. In the close competition of the present age transportation must be cheapened to that extent, and it were absurd to expect produce to be handled at New York for the sake of enabling those who handle it to make a profit. The point of production will seek the point of consumption by the cheapest and quickest route, and kings and parliaments are powerless to prevent. The complaint that New York makes as to the loss of jobbing trade, Chicago must make and Saint Louis also. Certainly, a percentage of the complaints lodged against railroads is due to the inexorable laws of trade. Congress, with power commensurate with our territorial limits, in conjoint action with the States, can regulate this matter. Under the Federal Constitution Congress may regulate interstate commerce, while the State only can regulate that within their borders.

"The complication of jurisdiction is emphasized by the peculiarities of our geographical position. The Baltimore and Ohio and Pennsylvania Railroads reach New York city by lighterage and ferry from the Jersey coast without anywhere coming within our jurisdiction. The Erie road has thirty-five points of actual contact and competition with other roads (testimony page 2845). Many of these points of contact are with roads leading to Philadelphia and Baltimore. The New York Central has nine points of actual contact with roads running or connecting through to Philadelphia and Baltimore. Many of these competing roads are foreign corporations, running but a few miles within this State, and, therefore, could be controlled by absolute law to but a limited extent.

"Rates ought not to be secret; but to go to the extreme urged by some, and compel the publication and posting of rates at all stations within this State, and prescribe a fixed period that all rates must be posted before they could go into effect, a rule that would be eminently just and proper could it be enforced generally throughout the country, would not only give notice to the public, but also to all competing roads. And at all points of contact—and there are many along the Erie and Central also—Pennsylvania and New Jersey roads could make their rates just enough lower to get the business and take it to Philadelphia or Baltimore or even to New York over their lines. For instance, the Delaware, Lackawanna and Western, in fixing a through rate from Oswego or Utica to New York, can comply with any requirement the Legislature may enact, until they get to the State line, and then, unrestricted as they are in Pennsylvania and New Jersey, could vary their rates so as all the while to place our own State roads at a disadvantage; this road, which is a Pennsylvania corporation, might publish its rates at all New York stations, and, for instance, charge 25 cents per 100 cwt. from Oswego to the State line and nothing from there to Jersey City. The line being a continuous one it would make no difference to its treasury whether the charge was located upon a portion of its line or the whole of it. The same may be said of the Northern Central running from Canandaigua to Baltimore, and the same of the Buffalo, New York and Philadelphia running from Buffalo to Philadelphia, and others. Our railroads should be forbidden to make secret rates and compelled to treat all shippers alike, but the propriety of compelling the publication of rates and the publication of all proposed changes is a matter for your serious consideration.

"Your committee made an earnest effort to ascertain the cost of transportation and the relation of the cost of through and local traffic. The best information that we could obtain does not enable us to suggest the enactment of any fixed ratio between State and extra State points, neither are we able to suggest the enactment of any fixed ratio between different points within this State. A thorough consideration of all the evidence adduced upon this subject, and of the subject itself, induces the conviction that the passage of what is popularly termed a pro rata freight law would be prejudicial to the interests of the public. The experience of Western States in this direction ought to be a warning and a satisfactory reason for declining to bring this subject into the field of legislation in this State. While there are certain general propositions that may with propriety be laid down by the Legislature for the control of traffic managers in the adjustment of rates, within whose general rules there must be permitted an elasticity of management and freedom to exercise judgment and discretion upon the ever varying questions that constantly present themselves for action, as a principle of railroad management, no more should be charged on small shipments than on large shipments proportionately than the additional cost of handling.

"A proper unit of shipment should be fixed. The practice of charging more for a short haul than for a long haul should be forbidden; the granting of unequal or preferential rates should be forbidden; the making of secret rates and the giving of drawbacks and rebates for such purpose should be forbidden; and your committee are of the opinion that the Legislature may safely go to this extent without infringing the proper discretion and elasticity of management which railroad managers must of necessity possess without driving the business from our own State roads to the rival roads of other States, without driving the commerce from our own cities to rival cities, and without in the slightest degree infringing or compromising the vested rights of railroad property. Your committee therefore accompany their report with proposed legislation designed to correct the above evils and the evils of the proxy system; designed to remove the defects in the law requiring an annual report to the State engineer and surveyor so that said report shall disclose a full and complete history of the year's transactions of the road, both financial and otherwise; designed to remove those provisions of law whereby it is possible to issue bonds convertible into stock, convert them into stock, and place the stock upon the market, all in one transaction, as was notably done during the Fisk and Gould administration of the Erie, and which may be done at any time for the purpose of obtaining or maintaining control of a road; amending the law passed in 1869, and still in force, which permits any two railroads upon consolidation to fix their capital stock at any amount, or, in other words, to infuse any amount of water into it; amending that provision of law which provides for issuing stock by railroads so as to give to the transaction publicity and require, preliminary thereto, the consent of the public through its proper officers; and designed to prevent discriminations upon like and contemporaneous shipments.

"The business of transportation requires the greatest freedom of management of any business extant. This is manifest to the most casual observer. The difficulty and the danger of imposing cast-iron regulations upon our railroads, especially in view of the fact that they would apply to our railroads only, leaving their competitors free and untrammeled, compel us to inquire what other means or instrumentality may be made effective in obtaining the redress which the public seek and to which they are entitled. Certainly, a railroad, in order to be successfully managed and prosperous in the whirlpool of competition of the present time, must be run by brains and not by legislation, and the reforms in railroad management must come through railroad managers by means of a public pressure brought to bear upon them. The claim given prominence by Mr. Depew, that railroads in guarding the interest of their stockholders will regulate them-

selves, would have more force were it not painfully apparent that railroads are not always run in the interest of the stockholders (and the interest of shippers must be considered). During recent years the management and the stockholding interest of the New York Central have been identical, and that road has been conducted with the best of economy and with exceptional ability, but according to Mr. Depew himself under prior managements the interests of the stockholders were disregarded in various ways. Boards of railroad directors frequently represent but a small share of the stockholding interest, and under the temptations which our railroad system holds out have in the past frequently consulted their own interests to the detriment of the trust which they represented.

"It seems to your committee that the wrongs that exist may be ameliorated, if not corrected, by introducing into the determination of these questions a public element which shall give to the public interest a consideration which the evidence shows it does not now receive; and to that end we recommend a commission, to be composed of three individuals, with power of investigation and recommendation.

"The claim recently put forth through the press by Mr. Vanderbilt, that, in case of a commission, the commission must either own the railroads or the railroads own it, presupposes an absolute hostility between the interest of the railroads and the public, which, in the judgment of this committee, does not or, at least, should not exist; and also a degree of venality on the part of public officials which a judicious executive will easily avoid. The prosperity of our State is inseparably connected with the prosperity of our railroads. And in contending for commercial supremacy and the control of the traffic of the West and Southwest, with their constantly growing power in questions of commerce and of government, public and railway interests will be identical and their efforts must be united. This emphasizes the necessity of immediately correcting the evils of railway management in this State, in order that all interests may be united.

"A commission, to be properly constituted, should, as does the English commission, give a representative to the railroads as well as to the public. One of the commissioners should be a man thoroughly familiar with the business of railroading, one of recognized ability and a recognized authority upon such questions; another should be a representative of the commercial interests of the city of New York, and another should represent the interests of the interior of the State; and one of the three should possess legal training.

"With a commission thus constituted, composed of men of recognized ability and unquestioned integrity, who should devote to this vast question their especial consideration and entire attention, it seems to us it would be alike profitable to the public and to the railroads. By means of their powers they could bring railroad management into the scrutiny of the public, and subject it to the influence of that most powerful of all motors for the correction of evil—public opinion. This will afford to the public a tribunal to whom they can appeal for a redress of grievances, easily and without expense; whereas now the only redress is to be had in a legal controversy with a powerful corporate interest. If wrongs should be practiced or attempted, the commission, by investigation, could bring them to light, and the restraining effect of possible or probable exposure of improper management would, in itself, be a powerful conservator of public interests. Commissions have been tried in many other States of the Union, and from their long continuance it is to be presumed that they have worked satisfactorily and beneficially there. While we easily foresee that an improperly constituted commission, composed of dishonest and incompetent men, would be alike a curse to the railroads and to the public, yet the necessity of enforcing a proper relation of these vast interests to the public and holding them to a proper accountability, and especially in view of our State government as at present constituted, your committee are of opinion that the example of other States and other countries in respect to a commission may with propriety and with profit be copied by us. Your committee have suggested remedies for the prominent evils discovered. The very limited time since our testimony was in print has not enabled us to review the whole field of legislation with the thoroughness desired, but the testimony submitted and the wisdom of the Legislature will suggest such remedies as we have omitted to specify."

While the foregoing recommendations were made as applying to the railroads of the State of New York, it will be observed that they embody the essential principles that should govern in interstate commerce, namely: first, publicity of rates; second, prohibition of preferential rates; third, prohibiting drawbacks and rebates; fourth, that no more should be charged on small shipments than the additional cost; fifth, that charging more for a short haul than for a long one should be forbidden: sixth, declining to legalize pooling; seventh, establishing a board of commissioners to see that these laws are enforced, and to investigate complaints and see that justice is done as between shippers and carriers. (I also believe that actions in the United States courts with penalties, as provided in the Reagan bill, are necessary in a country of such a vast area as ours.) The leading features of these recommendations were included in the bill known as the New York anti-discrimination, bill, which, however, was defeated in our Legislature by the money and influence of the railroads, combined with that of favored shippers. These were rallied and required by the railroad companies to appear at Albany and help defeat the bill; a special train was run and free transportation provided for this purpose; how they obeyed is shown by the following from the New York evening Post of that date:

"The power thus exerted upon the pending bill to prohibit unfair discriminations in freight charges may at any time be exerted upon legislation touching railroad interests. The railroads reach into every important center of population, and thousands of men may be precipitated upon the capital at a few hours' notice. One of the objections urged against establishing the State capital in New York city, when the subject was under discussion, was the danger of intimidation by a rabble populace. A similar means of influencing legislation is, it appears by to-day's experience, in the hands of the railroads. Whether the pending bill be wise or not, the means taken to crush it out are reprehensible. By the admission of one of the leading opponents of the measure, the crowd around the railroad committee to-day was made up of men who are the recipients of favors from the railroads. They could not refuse nor neglect to obey when summoned, because the railroads, under existing laws, are their masters. If they hesitate to come to the relief of the railroads when they are wanted, they run the risk of losing the enjoyment of those favors by reason of which they fare better than their neighbors. The whole proceeding was, it is not too much to say, a species of intimidation, which, if allowed to come into practice at Albany, will be a source of great evil."

The commission feature, however, was enacted into a law, but the commission has been constantly hampered for want of power, and its decisions have been disobeyed and disregarded. The railroads would not object to a national commission with limited powers, to act as a buffer between them and public opinion, and the danger is that such a law will be passed and that they will control the appointment of a majority of the commissioners in their interest. I am of the opinion that any adequate law for the regulation of interstate commerce should embody the foregoing provisions, that the commissioners should be given adequate power and be paid salaries as high as railroad companies pay for similar talent.

That these reforms, if real and genuine, will be opposed alike by the railroads and favored shippers, experience in New York and other States shows. Eloquent advocates, both in and out of Congress, will endeavor to show that the proposed remedies will work more harm than the evils which exist. Favored localities and favored shippers will honestly and earnestly endeavor to show this, but the welfare of the many should prevail over that of the privileged few, and the Congress which grapples with and provides a remedy for the great wrongs known to exist will be a memorable one in the history of this country?

F. B. THURBER, *New York.*

The facts stated by Mr. Thurber seem to me to be a complete and full argument that ought to leave no doubt in the mind of any member on this floor as to his duty in giving the subject of interstate commerce a preference in the business that may come before this House.

One-half of all the laboring people of this country are engaged in agriculture, and more than any other industry is agriculture subject to and under the absolute control of railroad management, and there will be no satisfactory settlement of this question until the Congress of the United States shall pass a just and reasonable law regulating the commerce between the States carried on by the railroads. The annual product in bushels of the different kind of grain in the United States is about 3,000,000,000, and an unjust exaction of 1 cent per bushel takes away from the farmers of this country $30,000,000.

Even conceding that freight rates may be reasonable at times, yet it is important they should be made public and not be subject to constant change.

Mr. MORRISON. I demand the previous question.

The previous question was ordered.

The question being taken on the amendment, there were—yeas 71, noes 95.

Mr. WEAVER, of Nebraska. I call for the yeas and nays.

The yeas and nays were not ordered, only 28 members voting therefor—not one-fifth of the last vote.

So the amendment was not agreed to.

The Clerk read as follows:

Amend Rule XXI, by inserting after the word "progress" the words "and for the contingencies for carrying on the several Departments of the Government," and by striking out the following clause:

"Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures."

So as to make the rule read as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government."

Mr. McCOMAS. I wish to make a parliamentary inquiry. I desire to know whether, under this clause as proposed to be amended, it will be in order at any time for any member to move to amend an appropriation bill by striking out any sum of money proposed to be appropriated and inserting a less sum. In other words, I wish to know whether this clause will allow the amplest opportunity for amendments reducing sums of money proposed to be appropriated by an appropriation bill.

The SPEAKER. The Chair does not think it is his province to decide in advance questions of construction which may arise under these rules. He is called upon to decide such questions only when presented in the course of the proceedings of the House.

Mr. ADAMS, of Illinois. I now offer, and ask the Clerk to read, an amendment of which I gave notice and which is printed on page 298 of the RECORD.

The Clerk read as follows:

Add to clause 3, Rule XXI, the following words: "Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

Mr. ADAMS, of Illinois. The purpose of this amendment is to avoid any controversy that might otherwise arise in regard to the meaning and effect of this rule. The fact that there is such controversy has been brought to our attention time and again during the course of the debates in this House. The Committee on Rules have simply struck out "the Holman amendment," so called, and have restored, word for word, I think, the precise rule which prevailed in the Forty-third Congress. As there was controversy in that Congress in reference to the meaning of this rule, there will be such controversy again if it be readopted now without the amendment which I propose. The "Holman amendment" is a prohibition of legislation upon appropriation bills; but to that prohibition there are subjoined certain exceptions.

If the Committee on Rules had stricken out these exceptions, and left the first part of the amendment standing, there would be, I think, no question as to its construction. But they have stricken out not only the exceptions but the general prohibition, leaving the subject without any rule to govern it. If this question be left to general parliamentary law, there is no parliamentary law excluding legislation from appropriation bills.

That there is a division of opinion in the House on this subject is clear. One of my colleagues said the other day that when the "Holman amendment" was adopted a "Pandora's box" of evil was opened. He must have meant that before this amendment was adopted it was not in order to legislate upon an appropriation bill. But the gentle-

man from Indiana [Mr. HOLMAN] and the gentleman from Texas [Mr. REAGAN] have informed us that prior to the Forty-fourth Congress legislation on appropriation bills was of frequent occurrence.

So far as I am concerned I agree with the gentleman from Indiana and the gentleman from Texas, and I do not know why we should not settle the controversy if we can foreclose it by a written rule. If we adopt this rule the decision unquestionably will be against all legislation on appropriation bills.

I have only to add as to the necessity of this amendment that the decision when it comes to be made will not be made by the Speaker of the House but by some chairman of the Committee of the Whole. We do not know who he will be nor which way his views will incline. He may be governed by Mr. Garfield, Senator HOAR, and my colleague from Illinois, and if so he will decide one way; or he may be governed by the great name of my friend from Indiana [Mr. HOLMAN] or that of my friend from Texas [Mr. REAGAN], and if so he will decide the other way. Let us foreclose the question altogether, and let us settle it by a written rule, so that no decision of the chairman of the Committee of the Whole depending on some unwritten tradition of the Forty-third Congress will enable any of us to evade it.

Mr. HAMMOND. I desire to offer the amendment I have laid on the table as a substitute for the pending proposition.

The Clerk read as follows:

But no general legislation shall be in order on any general appropriation bill nor as an amendment thereto; and no appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditures not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Mr. HAMMOND. It will be plain that my substitute covers a little more ground than that of the gentleman who has just taken his seat. His would forbid appropriations for works in progress. My substitute covers the whole ground, and as I have been heard on it already, I will not further take up the time of the House.

Mr. WARNER, of Ohio. Does not the gentleman's substitute also cover the first part of the rule?

Mr. HAMMOND. Certainly it does.

Mr. WARNER, of Ohio. A substitute for the whole?

Mr. HAMMOND. That is what I said; it is offered as a substitute for the pending proposition; that is, the rule and his amendment.

Mr. HOLMAN. I believe a further substitute is now in order.

The SPEAKER. An amendment to the substitute is in order and the gentleman may offer it in the form of a substitute for it.

Mr. HOLMAN. I will offer it in that form—as a substitute for the amendment.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government. Nor shall any provision changing existing law be in order upon any general appropriation bill or be received as an amendment thereto, but provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

Mr. HOLMAN. Mr. Speaker, I trust the House will indulge me even at this late hour with an opportunity to point out the direct effect of this amendment. It embodies the words of the rule as reported by the Committee on Rules. It also embodies the words of the amendment of the gentleman from Illinois, which is a part of the former rule heretofore in force. Then it adds these words:

But provisions or amendments for the direct reduction of the number, salary, and compensation of officers and employés of the United States shall be in order on a general appropriation bill if germane to the subject-matter of the bill.

Gentlemen will see that it is confined, first, to a direct reduction, not indirect; and secondly, to a reduction of salaries and numbers alone of officers and employés. It is confined to just that narrow scope. I wish to avoid this cry against legislation and yet leave to the House some power for reform, and I trust the House will go at least to that extent. It simply creates and retains the power to reduce the number and salaries of employés in the only manner that experience demonstrates it can be done—on appropriation bills; nothing more.

Mr. HISCOCK. So far as the reduction of employés is concerned, either in number or salary, in any branch of the Government, the committee having the bill in charge has full jurisdiction. As to that there is no question. They have the power originally under the statutes, and I presume the gentleman will not controvert my proposition, to add to the number of clerks or to increase their compensation or to reduce their number or compensation. That is the case now. He seeks to go further than that. He seeks to take jurisdiction of an appropriation bill and reduce the salaries of officers under the general statutes. To that I object.

If it is necessary or proper that the salary of any public officer should be reduced, do not let it be done on the general appropriation bill that is brought in here and considered. Do not attempt to force it upon the House by saying you shall reduce this salary or the appropriation bill shall not pass. That is what I object to. I object to a proposition to bring in legislation which may change salaries, and of course that means that the salaries will be the salaries of officers; and it is a matter in which I shall probably have no personal interest; but I do not believe it should be put into the power of any committee charged with appropriating to force this House, at the peril of losing the bill, to reduce salaries in accordance with the recommendations of that committee.

Mr. RYAN. Let me ask the gentleman a question. Is not the rule under which we have heretofore operated framed so as to permit just that very thing? Does it not permit a reduction of salaries, as well as the other—the reduction of officers?

Mr. HISCOCK. So far as the salaries of clerks are concerned, yes; but so far as the salaries of officers, under general statutes, are concerned, I apprehend, no.

Mr. RYAN. I ask the gentleman further, if the provision by which a former Congress voted this back pay or salary grab was not under that identical rule?

Mr. HISCOCK. Under the identical rule as proposed here?

Mr. RYAN. As reported by the Committee on Rules.

Mr. HISCOCK. I do not know how that may be. I know that if there is any authority for legislation of that kind it is cured by the amendment proposed by the gentleman from Illinois [Mr. ADAMS], and which I hope will be adopted. What I am in favor of is the elimination of all legislation from these bills.

But there is another point in connection with this subject to which I desire to say a word. When you once commence to amend, after a bill has been brought in here to the House and the House has jurisdiction over the bill and the legislation which it proposes then you scarce know where the privilege of amending may be extended or to what point it may go. It is to depend on the mind of the person, whoever he may be, who is chosen chairman of the Committee of the Whole.

Now, I do not propose to have a chairman of the Committee of the Whole say—for such will be the effect of it—how much jurisdiction a committee may have over a particular subject. Eliminate it all from the bill; and this rule, as I said before, giving all these committees ample opportunity to get their special legislation before the House, will permit them to bring it in, and then after bringing in a bill to change salaries, if it be adopted, let them make the appropriations in accordance.

Mr. MILLS. If the amendment of the gentleman from Indiana is adopted, Mr. Speaker, it seems to me that the greater part of the work done by the Committee on Rules will have been done in vain. The object in the main, as I understand it, of the Committee on Rules in revising this system of rules was to distribute the work and confine committees to the discharge of the duties belonging to them and for which they are created.

In other words, the proposition here is to make each committee of the House equal to the other committees. It requires the Committee on Appropriations to attend to appropriations solely, and the Committee on the Judiciary to attend to the judicial affairs of the country, the Committee on Military Affairs to military matters. But now, after having gone so far, the gentleman from Indiana invites us to let him open the bars and get into the field, and all our work which has been accomplished so far will have been in vain. He says his amendment only relates to the number of officers of the Government and their salaries. Why, Mr. Speaker, I remember at the last session of Congress when the Committee on Appropriations—not the Tariff Committee, but the Committee on Appropriations—brought in a bill with a provision reorganizing every one of our customs districts. They thought it a matter over which they could take jurisdiction and economize. The Committee on Ways and Means was absolutely ignored, and we had a fight here on the floor of the House whether the Committee on Appropriations should assume jurisdiction of that subject or whether it should remain with the Committee on Ways and Means to reorganize the customs service as recommended. If an amendment is to be adopted by which the Committee on Appropriations can put a sponge upon the Judiciary Committee and blot it out as a parliamentary body, why then they can send the Committee on Military Affairs to Van Dieman's Land, and any other committee of the House to sheol or any other country, when once you give them the power which this amendment would confer upon them. [Laughter.] If you help them strike at an officer, then they can strike at a whole subject over which that officer is appointed; and if we intend to carry out the policy adopted here, or which has been recommended by the committee in this reformation of the rules, let us confine each committee closely within the limits of its own jurisdiction as we shall define it.

Mr. HOLMAN. Mr. Speaker, I wish to say in answer to what has been said but a very few words. I think during the last twenty years not a bill can be found reported to this House, or any provision of a bill, reducing the salaries or the number of public employés as an independent measure which became a law. I speak with some confidence on this point. For the period of twenty years, confined indeed to the last ten, every reduction that has been made, every approach made to economy in the salaries of officers or in public employments, unless in some exceptional cases, has been made through the instrumentality of an appropriation bill. This measure I propose confines the power of the House in legislating on appropriation bills, as I see nothing more can be hoped for, to the simple contracted—I think improperly restricted—power of reducing the number of public employés and their salaries; nothing more.

Why, sir, the gentleman from Texas [Mr. MILLS] reminds me of a very interesting fact. Two years ago—more than two years ago—when a great citizen of New York was at the head of the Treasury Department, under the last administration, he reported to Congress that there was necessity, in his opinion, for the reorganization of the customs districts, by which a reduction of about half a million dollars a year might be made in expenditures in the collection of the customs revenues.

I admit that the Committee on Appropriations, after waiting patiently for the action of some other committee, did try to carry out that recommendation of the Republican Secretary of the Treasury, did try upon an appropriation bill to reduce your expenditures to the extent of half a million of dollars in conformity with that recommendation in a single branch of the service. I admit all that. Was there anything in that to justify condemnation? Would it have done injury to the public service? Did it matter from what committee it came?

Every gentleman who has been in the House for any considerable period knows that if there has been the abolition of a single office or the reduction of a single salary it has been through one of these appropriation bills. Can you not trust the various committees that have charge of these bills—the Committee on Military Affairs, the Committee on Indian Affairs, the Committee on the Post-Offices, the Committee on Naval Affairs—you have invested with power to control appropriation bills. Can you not trust these various committees to make reductions on the appropriation bills, the only bills that will become laws? No appeal, I trust, is necessary to the gentlemen around me who are receiving every day from their constituencies demands that the extravagance incident to a great war and an inflated currency not yet remedied shall be reformed. It is absolutely necessary that the extent of the powers of legislation shall be such as to permit the accomplishment of such a result unless a new policy is intended. Certainly we can not hesitate to confer on these various committees having charge of the subject the power of reducing the number of officers where necessary, or the amount of salaries, where the salaries are found excessive, unless we intend to abandon all efforts at reform, and take the Government as we find it, as needing no improvement at our hands.

Mr. MILLS. The argument of the gentleman from Indiana is to the effect that if there is a committee of this House which the Committee on Appropriations thinks is not discharging its duty the Committee on Appropriations can take the business which belongs to that committee as a subject of legislation and report it to this House. It is true, as stated by the gentlemen and as was stated before by myself, that the Secretary of the Treasury did report that the customs districts could be changed and a large saving made to the Government. The Committee on Ways and Means appointed a subcommittee of which I was chairman, and I went to the Secretary of the Treasury to investigate the matter with a view to preparing a bill to report to the House, and I found this to be the state of the case: There had been simply drawn lines on the surface of the map in this district here, this district there, and this district over yonder. When I looked at the districts I found that they had no reference to commercial points. There was one in Virginia which looked very pretty on the map, but when the people of Virginia came and complained, "You have changed our commercial point and assigned it to a place where the railroad does not terminate," and when I reported that fact to the Secretary of the Treasury and invited his investigation he referred me to the bureau man, and the bureau man admitted that he had made a mistake because he had known nothing as to the railroad.

Mr. MILLIKEN. Will the gentleman yield to me for a question?

Mr. MILLS. Yes, sir.

Mr. MILLIKEN. Did you not also find that in that report the Secretary had made a mistake, and that the result, if it had been carried out, would have been simply to cripple the service and make no saving to the Government?

Mr. MILLS. I found out it was a work so large that we had to investigate and continue our investigation, and we could not in one session reconcile all conflicting interests and bring in such a bill as ought to have been brought in.

Mr. MORRISON. Until this debate I have always understood that the main purpose of the power to enact or put legislation on appropriation bills was to force the other branch of the national Legislature to agree to some reductions reducing the cost and expense of administration. The gentleman from Indiana [Mr. HOLMAN] now tells us that no bill has been reported by any committee other than the Committee on Appropriations to reduce any of these expenditures. Why, sir, is this the fact if it is a fact? It is because and only because we had assumed here on the authority of our Appropriations Committee that the legislative body at the other end of the Capitol, in the interest of their own friends, then holding all the offices, would resist these reductions; and therefore the Committee on Appropriations has been allowed to have complete and absolute control of the subject. I insist again, as I have already, the Senate is not going to stand in the way of our reducing the compensation of our own officials. If the necessity or justification for such legislation ever existed it no longer exists.

As to the words inserted in clause 3 of Rule XXI, authorizing appropriations for contingencies, you will find in every general appropriation bill which has come from the hands of the Committee on Appropriations in the last ten years a considerable sum appropriated for contingencies unauthorized by any law—not reducing expenditures but often increasing them—and without any rule under which it might be done. And I violate no trust or committee secrets when I say it was at the instance of the Speaker this much-criticised clause was inserted, in order that that which before had been done without a rule and in violation of existing rules might be done in conformity with the rules only for necessary contingencies.

I have no objection, nor has any member of the Committee on Rules, to having that clause stricken out. And further, in order to make this more secure against the possibility of increased expenditure, I am willing for myself that the proposition of my colleague from Illinois [Mr. ADAMS], which is perhaps more definite in prohibiting legislation on appropriation bills, may be adopted. Nor have I any objection to the proposition of the gentleman from Georgia [Mr. HAMMOND]. Either will do what the Committee on Rules sought to accomplish. I trust, therefore, if the report is to be amended it will be amended by one or the other of these propositions, and that the amendment of the gentleman from Indiana will be voted down. Either the amendment of my colleague [Mr. ADAMS] or that of the gentleman from Georgia [Mr. HAMMOND] will be entirely acceptable, but that of the gentleman from Indiana [Mr. HOLMAN] keeps alive the old mischief and again opens the way to confusion.

Mr. HOLMAN. Will the gentleman permit me to make an inquiry?

Mr. MORRISON. Certainly.

Mr. HOLMAN. How does he propose to accomplish the object of reducing the number of employés or the amount of salaries if he shuts off every opportunity to make amendments on the only bills reasonably certain to become law?

Mr. MORRISON. I shut off nothing—no opportunity. Why, sir, any of these committees having charge of any particular Department, service, or branch of the public service, if they find that the expenditures are extravagant and beyond what is just and right, beyond what the public service requires, more than reasonable compensation, will have the right to bring in a bill to meet the case. The gentleman from Indiana [Mr. COBB] has just secured for the committee of which he was the head in the last Congress the right to report at any time. If he, or some other head of the committee, should find that the Commissioner of the General Land Office, or other officer or employé in that branch of the public service, is receiving more money as compensation than he ought to have, it will, under that privilege, be the duty of the Public Lands Committee to report a bill to cut off or reduce such compensation. When any such bill is presented here and passed, is there a member of this House who honestly believes that any Senator of the majority will stand in the way of such reduction? Not one. Why should they?

Mr. HOLMAN. I predict that if you set up this barrier against economy there will not be the reduction of the salary of a solitary employé of the Government.

Mr. MORRISON. There is no "barrier." The gentleman assumes that nobody is going to serve the public and the public interest but a member of that committee of which he has been so long an important part. [Laughter.]

Mr. HAMMOND. Will the gentleman from Illinois allow me to ask him a question?

Mr. MORRISON. Certainly.

Mr. HAMMOND. The gentleman has said he is willing that either the amendment of his colleague or my amendment should be adopted. I desire to call his attention to the fact that the amendment of his colleague omits certain words which mine retains—the words "unless in continuation of appropriations for such public works and objects as are already in progress." The gentleman does not desire to have those words left out, does he?

Mr. MORRISON. Oh, no.

Mr. HAMMOND. Then the gentleman is in favor of my proposition as embodying all that should be included.

Mr. RYAN and others. That is right.

Mr. HOLMAN. The gentleman misapprehends. The language with reference to contingencies for the various Departments is in the proposition which I have submitted.

Mr. HAMMOND. But it is not in mine.

Mr. HOLMAN. Certainly not; and there would be the trouble. I have taken the rule just as reported by the Committee on Rules, have added what was proposed by the gentleman from Illinois, which was part of the old rule, but have added the proposition allowing the reduction of salaries and the abolition of unnecessary offices. That is all—nothing more. [Cries of "Vote!" "Vote!"]

Mr. SPRINGER. I desire to support briefly the amendment of the gentleman from Indiana [Mr. HOLMAN]. This proposition does not authorize a committee to bring in a rider upon an appropriation bill, but simply allows the committee to report, or members of the House to propose, amendments reducing directly the number and pay of officers and employés of the Government. It simply allows this House, when the appropriation bills are before it, to determine how much compensation shall be given to the officers of the Government and how many officers we shall have.

It is well known to the country, and I hope it will be better known to this House when we come to consider the appropriation bills than it seems to be now, that our present President and heads of the Departments have shown the necessity for a large reduction in the number and pay of officers and employés of the Government. We ought to supplement the wise economies of this Democratic administration by legislation looking to such reductions. This is all that the amendment of the distinguished gentleman from Indiana contemplates. I hope that this Democratic majority will not now give up every opportunity that has heretofore been afforded to the Appropriations Committee in reference to the reduction of the expenditures of the Government. We have surrendered much; we have given away almost everything to the other side. I hope we shall now reserve to ourselves the privilege of bringing about something in the way of reform and economy.

Mr. BLOUNT. Mr. Speaker, if we had not had some experience under this proposition of the gentleman from Indiana I might agree with him as to its necessity and efficacy. But for several years, under a rule authorizing what the gentleman proposes, almost every Committee on Appropriations has come in here with propositions to increase the salaries of somebody in the Departments. That has been the practice. I remember, for instance——

Mr. HOLMAN. Does my friend say this rule would allow that?

Mr. BLOUNT. No, sir; but you will do it in spite of the rule, as you have done.

Mr. HOLMAN. Not the Committee on Appropriations.

Mr. BLOUNT. Mr. Speaker, under that rule, in a legislative appropriation bill which I have now in my mind, the salaries of the assistant or deputy commissioners of patents were increased. There have been a number of such increases. The theory of the rule is very beautiful, but——

Mr. HOLMAN. My friend knows very well that any such increase would under the rule be subject to a point of order.

Mr. BLOUNT. Yes, I know it; yet, notwithstanding that fact, such provisions were reported in these bills and passed time and again. I do not believe in giving to that committee any such authority. It has been abused. Sir, it has been hinted sometimes that persons who were favorites of gentlemen on the Committee on Appropriations had had their salaries increased. I do not believe in being misled by a proposition which on its face is exceedingly fair. We have suffered from this abuse. I think it better that there should be no increase of salaries in this way.

Now, I am not disposed to take the position of my friend from Indiana a while ago, that there is no other committee that will look after economy in this respect.

Mr. HOLMAN. Oh! I did not say that.

Mr. BLOUNT. But the gentleman said in reference to the reorganization of the employés in the customs service that the Committee on Appropriations found nobody else would do it, and they took it up. I am afraid they will find themselves in that condition all the while. I am therefore opposed to this proposition.

There is an additional reason against the proposition—the greater temptation that there may be at the present time for such things as I have referred to. This side of the House is in the majority. It has the control of the administration. The important employés are in the several Departments. We shall be constantly tempted, and a thousand fold more than we have ever been before, to violate this rule and to abuse these provisions, as we have done under this rule in the past.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Speaker, I think that is a very remarkable view to take of this question. A positive rule to allow only reduction of salaries and reduction of the force of public officers my friend from Georgia is afraid will be taken advantage of to enlarge the force of employés and the compensation which is paid to them.

Mr. BLOUNT. What I am afraid of is that you will not obey the rule any more in the future than you have in the past.

Mr. HOLMAN. That may be, the rule may be violated; but I submit, sir, that is no argument against the rule itself. And if under a rule designed for the express purpose of reducing the expenses of the Government—if under such a rule there has been still further increase of salaries and of the number of employés, can this House afford to run the risk of adopting a new code of rules in which no opportunity for reduction either of salaries or the force of employés is permitted?

Mr. HERBERT. Let me ask the gentleman from Indiana a question right here.

Mr. HOLMAN. Certainly.

Mr. HERBERT. Is it not a fact that the number of employés generally is not fixed by law at all?

Mr. HOLMAN. As a general thing.

Mr. HERBERT. But that it depends entirely upon appropriations made in appropriation bills. If the committee appropriates money for them, very well; and if not, very well. You have without this rule for which you contend the power then either to increase or to decrease the salaries and the number of employés.

Mr. HOLMAN. Certainly.

Mr. HERBERT. Then if you have, this discussion it seems to me is proceeding with an entire misunderstanding of the facts.

Mr. HOLMAN. Within certain limitations that is correct. There are many clerks in the Departments the body of them not provided for by law except as to classes upon the appropriation bills. The great body of employés in every branch of the public service is provided for by classifications, but the great body of officers is provided for by law. You can on appropriation bills refuse to make an appropriation, but that does not abolish the office, but leaves it still standing.

Mr. HERBERT. It is only the highest officers and not the great body of employés to which that refers.

Mr. HOLMAN. The great body of offices. I never expected to be called upon to urge on this side of the House a proposition like this—a necessary rule if reforms are to be made. I am asking simply the opportunity should be left to reduce what we have claimed heretofore, that the public service was overburdened with unnecessary offices, that we should be permitted to offer propositions to reduce their number, which we have insisted was more than the public service required, and to reduce a multitude of salaries which we have pronounced to be unnecessarily large.

There is not a stump, sir, in this whole land from which has not rung out the denunciations of Democratic orators that these expenditures were greatly beyond what the people ought to endure. Is it now possible that this House intends deliberately to set up a barrier against every attempt to retrench expenditures?

Mr. MORRISON. It is only in the imagination of the gentleman.

Mr. HOLMAN. And that, too, when we are occupying these seats under and by virtue of a platform demanding economy and reform in the administration of this Government? At this early moment are we to go back upon that platform?

Gentlemen talk of a new departure, new theories of political action. I shall not believe until it occurs, if it must occur, that this Democratic House will enact an impregnable barrier against all efforts to carry out the pledges we have made to the people and on the strength of which we occupy these seats.

Mr. BLOUNT. Will my friend from Indiana allow me to ask him a question, and that is whether he has no hope in any other committee than his own?

Mr. HOLMAN. I am not speaking of any committee. I am on no committee. I never indulge in personal allusions or personal preferences in debate. I am speaking simply of the effect of these rules on all committees.

Mr. BLOUNT. I did not mean it in any personal sense.

Mr. HOLMAN. Nor have I referred to any committee. I have served on many of the committees in this House, and have found them all composed of able and efficient members. I claim nothing more for the Committee on Appropriations than for any other committee in this House.

You have sent these appropriation bills by your vote to different committees. Why not then trust those committees with the power to restrict the expenses of the Government in the several departments placed under their control. As the rule came from the Committee on the Rules it opens the door for increase in expenditures by increase of salaries at least. That very rule, so far as the last clause is concerned, has been through all the years it was in force so interpreted—was designed for the express purpose of enabling the House to increase salaries on appropriation bills.

[Here the hammer fell.]

Mr. MORRISON. I demand the previous question.

Mr. ADAMS, of Illinois. I understand the only difference between my proposition and that of the gentleman from Georgia consists in this, that if my proposition is adopted then the following words will be a part of the rule, "and for the contingencies for carrying on the several departments of the Government;" and that if his proposition is adopted those words will not be a part of the rule.

The SPEAKER. The gentleman from Illinois demands the previous question.

Mr. ADAMS, of Illinois. Well, I desire to say simply this, that so far as the words in italics are concerned I would be glad to be permitted to modify my proposition by moving to strike out that part of the report of the Committee on Rules, that is to say, that part providing for "contingencies for carrying on the several departments of the Government," and add the words printed in the RECORD.

Mr. REED, of Maine. I suggest to the gentleman from Illinois that he allow the House to have a vote upon the first proposition, and then take the other up after we have disposed of that.

Mr. CASWELL. I have submitted and had printed in the RECORD a motion to strike out the very words to which the gentleman from Illinois refers.

Mr. MORRISON. I demand the previous question.

The previous question was ordered.

Mr. RANDALL. It is understood that this provision applies to appropriation bills, no matter where they are.

The SPEAKER. The Chair so understands.

The first question is on the amendment of the gentleman from Indiana [Mr. HOLMAN], which the Clerk will again report.

The amendment was again read.

Mr. HOLMAN. I ask for the yeas and nays upon the adoption of that amendment.

The yeas and nays were not ordered, 40 members only voting in favor thereof and 162 against.

Mr. RANDALL, Mr. HOLMAN, and others demanded tellers.

Tellers were ordered.

Mr. HOLMAN and Mr. MORRISON were appointed tellers.

The House again divided; and the tellers reported 57 in the affirmative and 203 in the negative. So (the affirmative being more than one-fifth of the whole) the yeas and nays were ordered.

Mr. REAGAN. I move that the House do now adjourn.

The motion was not agreed to.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Indiana, on which the yeas and nays have been ordered; and the Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 205, not voting 50; as follows:

YEAS—69.

Allen, J. M.	Gibson, C. H.,	McMillin,	Springer,
Ballentine,	Glover,	McRea,	Storm,
Barnes,	Green, R. S.,	Merriman,	Swope,
Barry,	Green, W. J.,	Neal,	Taulbee,
Beach,	Harris,	Oates,	Taylor, J. M.
Burnes,	Hemphill,	Peel,	Throckmorton,
Caldwell,	Henderson, J. S.	Perry,	Tillman,
Campbell, F.,	Henley,	Pidcock,	Townshend,
Clements,	Hiestand,	Pindar,	Turner,
Cobb,	Holman,	Randall,	Ward, T. B.
Cole,	Howard,	Reagan,	Warner, A. J.
Cowles,	Laffoon,	Reid, J. W.	Wheeler,
Crisp,	Le Fevre,	Richardson,	Willis,
Dargan,	Lowry,	Scott,	Wilson,
Dowdney,	Mahoney,	Shaw,	Worthington.
Ermentrout,	Matson,	Skinner,	
Ford,	McAdoo,	Sowden,	
Forney,	McCreary,	Spriggs,	

NAYS—205.

Adams, G. E.	Ellsberry,	Lanham,	Rowell,
Adams, J. J.	Ely,	Lawler,	Ryan,
Allen, C. H.	Evans,	Lehlbach,	Sadler,
Anderson, J. A.	Everhart,	Lindsley,	Sawyer,
Atkinson,	Farquhar,	Little,	Sayers,
Baker,	Felton,	Long,	Scranton,
Barksdale,	Fisher,	Lore,	Seney,
Bayne,	Fleeger,	Loutitt,	Sessions,
Belmont,	Frederick,	Lovering,	Smalls,
Bingham,	Fuller,	Lyman,	Snyder,
Blanchard,	Gallinger,	Markham,	Spooner.
Bland,	Geddes,	Martin,	Stahlnecker,
Blount,	Gibson, Eustace	McComas,	Steele,
Bound,	Glass,	McKenna,	Stephenson,
Boutelle,	Goff,	McKinley,	Stewart, Charles
Brady,	Grosvenor,	Millard,	Stone, E. B.
Bragg,	Grout,	Miller,	Stone, W. J., of Ky.
Breckinridge, C. R.	Guenther,	Milliken,	Stone, W. J., of Mo.
Breckinridge, W. C. P.	Hale,	Mills,	Strait,
Browne, T. M.	Halsell,	Mitchell,	Struble,
Brown, C. E.	Hammond,	Moffatt,	Symes,
Brown, W. W.	Hanback,	Morgan,	Taylor, I. H.
Buchanan,	Harmer,	Morrison,	Taylor, Zach.
Buck,	Hatch,	Morrow,	Thomas, J. R.
Bunnell,	Hayden,	Murphy,	Thomas, O. B.
Burrows,	Haynes,	Neece,	Thompson,
Butterworth,	Heard,	Negley,	Trigg,
Bynum,	Henderson, D. B.	Nelson,	Tucker.
Cabell,	Henderson, T. J.	Norwood,	Van Eaton,
Campbell, J. M.	Hepburn,	O'Donnell,	Van Schaick,
Campbell, J. E.	Herbert,	O'Ferrall,	Viele,
Cannon,	Herman,	O'Hara,	Wade,
Caswell,	Hewitt,	O'Neill, Charles	Wadsworth,
Catchings,	Hill,	O'Neill, J. J.	Wait,
Clardy,	Hires,	Osborne,	Wakefield,
Collins,	Hiscock,	Outhwaite,	Ward, J. H.
Comstock,	Holmes,	Parker,	Warner, William
Conger,	Hopkins,	Payne,	Weaver, A. J.
Crain,	Houk,	Perkins,	Weaver, J. B.
Croxton,	Hutton,	Peters,	Weber,
Curtin,	Jackson,	Pettibone,	Wellborn,
Cutcheon,	James,	Pirce,	West,
Davidson, A. C.	Johnson, F. A.	Plumb,	White, A. C.
Davidson, R. H. M.	Johnston, T. J.	Price,	White, Milo
Davis,	Jones, J. H.	Ranney,	Whiting,
Dockery,	Kelley,	Reed, T. B.	Wilkins,
Dorsey,	Ketcham,	Reese,	Winans,
Dougherty,	King,	Riggs,	Wise,
Dunham,	Kleiner,	Robertson,	Wolford.
Dunn,	La Follette,	Rockwell,	
Eden,	Laird,	Rogers,	
Eldredge,	Landes,	Romeis,	

NOT VOTING—50.

Aiken,	Cooper,	Hahn,	Pulitzer,
Anderson, C. M.	Cox,	Hall,	Rankin,
Arnot,	Culberson,	Hitt,	Rice,
Barbour,	Daniel,	Irion,	Seymour,
Bennett,	Davenport,	Johnston, T. D.	Singleton,
Bliss,	Dawson,	Jones, J. T.	Stewart, J. W.
Boyle,	Dibble,	Libbey,	St. Martin,
Brumm,	Dingley,	Maybury,	Swinburne,
Burleigh,	Findlay,	Morrill,	Tarsney,
Campbell, T. J.	Foran,	Muller,	Taylor, E. B.
Candler,	Funston,	Owen,	Woodburn.
Carleton,	Gay,	Payson,	
Compton,	Gilfillan,	Phelps,	

So the amendment was not agreed to.

On motion of Mr. WEAVER, of Iowa, by unanimous consent, the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. DAWSON with Mr. MORRILL.

Mr. CULBERSON with Mr. PAYSON, for the rest of the day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment of the gentleman from Georgia [Mr. HAMMOND] as a substitute for that of the gentleman from Illinois [Mr. ADAMS], which the Clerk will again report.

The amendment was again read.

The House divided; and there were—ayes 65.

Before the negative vote was announced,

Mr. HAMMOND. It seems preferable that the other side shall pass it; therefore I am perfectly willing to allow them that privilege.

So the amendment was rejected.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Illinois [Mr. ADAMS], which will be reported.

The amendment was again read.

The amendment was agreed to.

The Clerk read as follows:

Amend clause 5, Rule XXI, as follows:

"5. All bills for improvement of rivers and harbors, and for the establishment or change of post-routes, shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees."

Amend Rule XXI by inserting the following as clause 6:

"No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts."

Mr. EVERHART. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to Rule XXI, as clause 7:

"No vote shall be taken on the adoption of any conference committee report, or on the final passage of any amended bill or joint resolution, before said report, bill, or resolution shall have been printed for the use of the members. And this rule shall be suspended, not by a two-thirds vote, as provided for the suspension of other rules, but only by unanimous consent."

The amendment was not agreed to.

The Clerk read as follows:

RULE XXIII.

Amend clause 4, Rule XXIII, as follows:

"4. In Committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence, and when objection is made to passing over any bill or proposition, the committee shall thereupon rise and report such objection to the House, which shall decide, without debate, whether such bill or proposition shall be considered or laid aside for the present; whereupon the committee shall resume its sitting without further order of the House."

Mr. HOLMAN. I wish to call the attention of my colleague [Mr. COBB] to the fact that the Committee on Public Lands is not placed in the same relation to the business here as other committees. I suggest that the bills reported by the Committee on Public Lands should be included in the exception.

Mr. COBB. I will move to amend the clause so as to include bills reported by the Public Lands Committee.

The SPEAKER. The Chair supposes the gentleman desires to have precedence for the same measures as are included in the other amendment.

Mr. HOLMAN. Yes, sir; measures relating to the forfeiture of land grants.

The SPEAKER. The Chair will state to the gentleman from Indiana that bills relating to forfeited land grants do not go into the Committee of the Whole House on the state of the Union.

Mr. COBB. That is true. I will withdraw the amendment.

Mr. SPRINGER. I see that there is a slight change here between the proposition which was referred to the Committee on Rules and the proposition as reported by the Committee on Rules in this respect: When objection is made to the consideration of a bill under the rule as reported by the Committee on Rules—

The committee shall thereupon rise and report such objection to the House, which shall decide without debate whether such bill or proposition shall be considered or laid aside for the present.

I desire to strike out the words "shall thereupon rise and report such objection to the House, which;" so that it will read:

The committee shall decide without debate whether such bill or proposition shall be considered or laid aside for the present.

That is the form in which the proposition was referred to the committee. And it seems to me if you are to transact any business in Committee of the Whole this amendment is necessary. If every time the objection is made you have to go back into the House where a yea-and-nay vote can be called and filibustering can be resorted to, it is impossible a committee can ever reach any bill if a minority of the House is opposed to it. It seems to me all our arrangements for transacting business would be nullified if you require the committee to rise and report the objection to the House, where filibustering could begin and all proceedings with reference to the bill could be cut off. I hope the amendment will be adopted as originally reported by my colleague [Mr. MORRISON]. It seems to be in consequence of some omission and accident that it has not been reported back.

Mr. MORRISON. There has been no omission. My colleague is

correct as to what was introduced. The committee thought differently and that the provision should stand as in the old rule.

Mr. SPRINGER. I am sorry that all that rigmarole is to be perpetuated, of the Committee of the Whole jumping up and going back and in and out every minute. I had hoped that we would have got rid of some of that rubbish. I withdraw the amendment.

Mr. CANNON. I renew the amendment. I want to draw the attention of the House to the report of the Committee on Rules in the line of the remarks of my colleague from the Springfield district [Mr. SPRINGER]. I would also like to call the attention of my friend from Maine, of the Committee on Rules [Mr. REED], who in former sessions and in this, by his able remarks on this rule, has made a convert of me completely on this subject.

I want to say, as I understand this rule and its operation heretofore and as to what its operation will be in the future, that as it now is proposed to be adopted there is more delay by far in it than there is in any other provision that has been talked about or advocated or believed in by gentlemen who have discussed these rules for the last two or three days. I submit if we are to have peace and harmony, and if everybody is to have his legislation done in a minute and a half after he wants it accomplished, we had better adopt the original proposition of my colleague [Mr. MORRISON] and reject this recommendation of the Committee on Rules.

Mr. REED, of Maine. I have had the pleasure of describing to the House this interesting performance referred to by the gentleman from Illinois [Mr. SPRINGER]. I take back nothing that I have said on that subject. Personally I desired to modify our rules so as to meet this suggestion of the gentleman, but it was thought not advisable by other gentlemen to do it. I did not insist upon it, because the relief which I proposed to provide in the set of rules which I submitted to previous Congresses has been provided for in another way.

My plan was to allow members acting under the direction of their committees to go to the Calendar of the Committee of the Whole and take up any bill by name. The method now proposed by the Committee on Rules is that during the morning hour now provided for—the morning hour for action—any committee may be allowed to call up, without regard to its order as reported, any bill, not only bills upon the House Calendar, which contain no appropriations of money, but also bills upon the Calendar of the Committee of the Whole on the state of the Union, which do appropriate money. It is only when we go to the Committee of the Whole, outside of the moring hour and by a vote of the House, that we shall take up bills in their order upon the Calendar.

It will be seen that under these circumstances the method of procedure will be less cumbersome and less objectionable than when we had no morning hour for the consideration of bills and the House had no right to go into the Committee of the Whole to take up a particular bill. Still I must say I fully agree with the idea of the gentleman from Illinois that the procedure which he would abolish is cumbersome.

The question being taken on the amendment of Mr. SPRINGER, there were—ayes 61, noes 73.

So the amendment was not agreed to.

The next amendment proposed by the Committee on Rules was read, as follows:

In Rule XXIV, clause 1, strike out the word "joint" before the word "resolutions;" so as to make the clause read as follows:

"1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and *resolutions* for printing and reference without debate, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter."

Mr. BURROWS. I wish to inquire whether it was the intention of the Committee on Rules that the presentation to the House of executive communications and Senate messages upon the Speaker's table should be omitted on Mondays?

Mr. HISCOCK. In the next clause of the rule the presentation of such business for reference to appropriate committees is provided for.

Mr. BURROWS. But there seems to be a conflict between the two provisions. This clause provides that on each Monday morning, immediately after the reading of the Journal, the Speaker shall call the States and Territories. The next clause provides that "after the Journal is read and approved each day the Speaker shall lay before the House for reference" executive communications and also bills, resolutions, &c., from the Senate.

The SPEAKER. The Chair will state, with the permission of the House, that in clause 2 of this rule, which will be next read, the words "except Monday" should be inserted, in line 307, after the words "each day;" otherwise these two rules would require two different things to be done on Monday immediately after the reading of the Journal.

Mr. BURROWS. It appears to me that such an amendment is necessary.

The proposed amendment to clause 1 was agreed to.

Clause 2 of Rule XXIV, as proposed by the Committee on Rules, was read, as follows:

After the Journal is read and approved each day, the Speaker shall lay before the House, for reference, messages from the President, reports and communications from the heads of Departments and other communications addressed to the House, and also such bills, resolutions, and other messages from the Senate as may have been received on the previous day.

The SPEAKER. Is there objection to inserting in this clause after the words "each day" the words "except Monday?" This amendment seems to be necessary in order to prevent an apparent conflict in the rules; and if there be no objection it will be inserted.

Mr. WARNER, of Ohio. Will it not be necessary also to make a change in the language at the close of the clause—"on the previous day?" There might be on the Speaker's table the accumulation of two days.

The SPEAKER. The Chair supposes the rule would be construed as meaning the previous legislative day—the day when the House was last in session.

There being no objection, the proposed amendment was agreed to.

The next amendment proposed by the Committee on Rules was read as follows:

In clause 3, Rule XXIV, strike out the words "Journal is read and approved," and insert "business on the Speaker's table has been disposed of;" so as to make the clause read:

"3. On all days other than Monday, as soon as the business on the Speaker's table has been disposed of, and on all Mondays (except the first and third in each month) after the call of States and Territories, there shall be a morning hour for reports from committees, which shall be appropriately referred and printed and a copy thereof mailed by the Public Printer to each Member and Delegate; and the Speaker shall call upon each standing committee in regular order and then upon the select committees; and if the whole of the hour is not consumed by this call, then it shall be in order to proceed to the consideration of other business as hereafter provided; but if he shall not complete the call within the hour, he shall resume it in the succeeding morning hour where he left off."

The amendment was agreed to.

The next amendment of the committee was read, as follows:

"Insert, as clause 5 of Rule XXIV, the following:

After the morning hour shall have been devoted to reports from committees (or the call completed), the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day on either the House or Union Calendar. And whenever any committee shall have occupied the said hour for one day, it shall not be in order for such committee to designate any other proposition for consideration until all the other committees shall have been called in their turn; and when any proposition shall have occupied two hours on this call it shall thereafter remain on the Calendar as unfinished business and be taken up in its order: *Provided*, That when the hour herein prescribed shall expire while the Committee of the Whole House on the state of the Union is considering a bill the said committee shall rise without motion therefor."

Mr. WARNER, of Ohio. It does not seem quite clear from the phraseology of this provision whether it will give a committee the right to call up more than one bill if the first bill called up does not consume the hour. I suggest this point, so that the intention of the committee may be made plain.

A MEMBER (to Mr. WARNER, of Ohio). Move an amendment.

Mr. WARNER, of Ohio. I move to amend by inserting after the words "any bill" the words "or bills."

The SPEAKER. Under this provision each committee will have one hour in which to call up bills.

Mr. WARNER, of Ohio. If that is the understanding.

Mr. REED, of Maine. That will be the inference from the last clause.

The amendment of the committee was agreed to.

The Clerk read as follows:

6. After the hour under the preceding clause shall have been occupied, it shall be in order to proceed to the consideration of the unfinished business in which the House may have been engaged at an adjournment and at the same time each day thereafter, other than the first and third Mondays, until disposed of; and it shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

Mr. HOLMAN. I desire to know what the effect of this rule will be in reference to the business of the Committee on Public Lands. I call the attention of the gentleman from Illinois to the fact that it does not seem to be clear after an hour has been given to a bill and it has gone to the Calendar it will have priority. It seems to me that committees authorized to report at any time should have priority. Motions will be in order as at present to go into committee. It might be possible under these rules that bills reported from that Committee on the Public Lands might go to the Committee of the Whole.

The SPEAKER. Bills forfeiting public lands?

Mr. HOLMAN. Yes.

The SPEAKER. If they do not make appropriations or grants of land they do not go there necessarily.

The clause as read was agreed to.

The Clerk read as follows:

7. Unfinished business, if any, having been disposed of, motions shall be in order as follows:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, and then other business on its Calendar.

Second. To proceed to the consideration of business on the House Calendar.

Third. On Friday of each week, after the morning hour, it shall be in order to entertain a motion that the House resolve itself into the Committee of the Whole House to consider business on the Private Calendar; and if this motion fail, then public business shall be in order as on other days.

Mr. WILLIS. I move after the words "general appropriation bills,"

in line 364, to insert "bills for the improvement of rivers and harbors;" so it will read:

First. That the House resolve itself into the Committee of the Whole House on the state of the Union to consider, first, bills raising revenue and general appropriation bills, bills for the improvement of rivers and harbors, and then other business on its Calendar.

Mr. MORRISON. This is the old rule. These are simply transpositions, and because other clauses were inserted these came lower down. They are the old rules, word for word.

Mr. WILLIS. I hope the gentleman from Illinois will make no objection to my amendment.

Mr. MORRISON. I do make objection. These rules are the same as they were before.

Mr. REED, of Maine. These rules give the same power as before.

Mr. WILLIS's amendment was rejected; and section 7, as read, was agreed to.

The Clerk read as follows:

Amend Rule XXVI as follows:

"RULE XXVI.

"Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote of the members present and voting."

The SPEAKER. The amendment of the committee is to strike out the words "by a two-thirds vote of the members present and voting" and in lieu thereof to insert "by the House."

Mr. WARNER, of Ohio. I do not see the necessity for that rule at all with the preceding clause.

The amendment was agreed to.

Mr. SPRINGER. I move to amend the report of the committee by adding to Rule LIV the following:

Bills of a private character heretofore printed by order of either House shall not be again printed, unless it appears that all printed copies have been exhausted.

If that rule be adopted it will result in saving from forty-five to fifty thousand dollars. It provides that bills of a private character heretofore printed by order of either House shall not be again printed unless it appears that all printed copies have been exhausted.

The amendment was disagreed to.

Mr. HISCOCK. I ask to turn back to line 313, on page 14, and strike out the words "as may have been received on the previous day" and insert "as may have been received on preceding days;" so it will read:

2. After the Journal is read and approved each day, the Speaker shall lay before the House, for reference, messages from the President, reports and communications from the heads of Departments and other communications addressed to the House, and also such bills, resolutions, and other messages from the Senate as may have been received on the previous day.

Mr. WARNER, of Ohio. I think that is necessary.

Mr. HISCOCK. Yes; I think the gentleman's suggestion is a good one.

The SPEAKER. Instead of reading "such bills, resolutions, and other messages from the Senate as may have been received on the previous day," that it shall read "as may have been received on previous days."

Mr. MORRISON. That was proposed by the gentleman from Ohio.

Mr. WARNER, of Ohio. There is no objection to it.

The amendment was agreed to.

Mr. MORRISON demanded the previous question on the adoption of the report as amended.

Mr. DOUGHERTY. If the previous question be ordered would that preclude amendments to other portions of the rules?

The SPEAKER. The other rules are not inserted in this report.

Mr. MORRISON. But it adopts the old rules.

The SPEAKER. It does.

Mr. DOUGHERTY. It seems to me the motion does carry with it the adoption of the other rules.

The SPEAKER. It does.

Mr. MORRISON. Ordering the previous question carries with it the other rules.

The previous question was ordered; and under the operation thereof the report of the Committee on Rules as amended was adopted.

Mr. MORRISON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT FOR THE HOLIDAY RECESS.

Mr. MORRISON. I desire to call up the resolution providing for the adjournment for the holidays.

Mr. BEACH. Does that require unanimous consent?

Mr. MORRISON. I ask that the resolution be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, December 22, 1885, they stand adjourned until Tuesday, January 5, 1886.

Mr. MORRISON. I ask that that be changed so as to read, "Monday, December 21," instead of "Tuesday, 22d."

Mr. HAMMOND. I move to amend by inserting "Saturday, the 19th."

Mr. KELLEY. The Senate has adjourned until Monday, and can not take action upon that.

Mr. HAMMOND. Then I withdraw the amendment.

The SPEAKER. The question is on agreeing to the resolution submitted by the gentleman from Illinois, as now modified, which provides for an adjournment from Monday next until Tuesday, January 5.

Mr. BEACH. Mr. Speaker, is that resolution debatable?

The SPEAKER. It is.

Mr. BEACH. I would like to be heard for a few moments.

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. BEACH. Mr. Speaker, I have always looked upon this holiday recess as a childish proceeding, discreditable to the House and detrimental to the public interest, and ever since I have been here I have invariably opposed it. My opposition in the past, however, has been in vain, and I have no hopes now of any better success and I do not care to repeat the arguments I have advanced on former occasions, but I deem it my duty to call the attention of members briefly to a single fact before they proceed to vote upon this resolution. [Cries of "Vote!" "Vote!"]

A very grave responsibility rests upon this House. The death of the Vice-President has given rise to a feeling of great disquietude throughout the country. There is a broadcast fear, which I rejoice to notice is not partisan in its nature, that in the event of the death of the President a crisis might arise which would shake not only the political but the business circles of the country to the center.

When we consider the uncertainty of human life and the vast interests that depend upon the life of our Executive, is it not time for us to pause and formulate some legislation which will effectuate the will of the people as expressed at the polls a year ago last November? Should not the Democratic House go as far in this direction as the Republican Senate? We are in the second week of the session and as yet nothing has been done in this House to perpetuate the Democratic administration which the people after twenty-five years of Republican rule have called into power. The Administration is Democratic to-day, but how may it be to-morrow?

The morning papers of to-morrow may tell us that the President is dead and the Republican President of the Senate has taken the oath of office as President of the United States. Should such a condition of things be allowed to exist? The Republican Senate, with a broad patriotism which does it honor, says no. What say we? Nothing—simply nothing. We propose to take a recess of two weeks and leave this vital question until our return. [Cries of "Vote!" "Vote!"]

Now, Mr. Speaker, I claim that it is our duty to sit in these seats until this question of the Presidential succession is settled, so far as it is in the power of this House to settle it. Until it is settled there should be no adjournment whatever. A vast responsibility rests upon the members of this House, and I for one shall vote against this resolution.

The SPEAKER. The question is on agreeing to the resolution submitted by the gentleman from Illinois.

The resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAMMOND. Mr. Speaker, it is obvious that we can do no business to-morrow and will adjourn on Monday. It would relieve a great many gentlemen living at a distance from the capital who desire to go home if we can get consent that on to-morrow we may introduce bills as on Monday, and I ask unanimous consent that there be a call of States to-morrow for that purpose.

Several members objected.

Mr. BROWNE, of Indiana. I move that when the House adjourn to-day it be to meet on Monday next. Evidently we will do no business to-morrow. [Cries of "No!" "No!"]

The SPEAKER. The question is on agreeing to the motion of the gentleman from Indiana.

The House proceeded to divide.

Mr. HISCOCK. I desire to make perhaps not exactly a parliamentary inquiry, but to ask if it is not probable that there may be some further amendments to these rules in reference to the creation of select committees, which business can be transacted to-morrow if the House is in session; and if we adjourn on Monday, unless the Speaker desires it, it may interfere with the constitution of the committees.

Mr. MORRISON. That is the object of our working to-morrow.

The SPEAKER. The Chair will state that the Committee on Rules has under consideration the propriety of the reappointment of certain of the select committees of previous Congresses. The Committee on Rules will have a meeting to-morrow, and hopes to make a report to the House before the recess and have the question disposed of, so as to know what committees are to be provided for.

Mr. BROWNE, of Indiana. I did not intend by my motion to interfere in any manner with the business to be transacted. I supposed that

there would not be anything done to-morrow in view of the fact that objection was made to the introduction of bills. I thought it likely that many members who had business in the Departments would have an opportunity to-morrow to attend to such business, so as to be prepared to start for their homes on Monday. But as it seems that the House may transact some business of importance on to-morrow, then I ask permission to withdraw my motion.

There was no objection.

PENSION TO MRS. GENERAL GRANT.

Mr. MATSON. Mr. Speaker, the Senate to-day by unanimous consent passed a bill to place the widow of General Grant upon the pension-rolls, and I am requested to ask unanimous consent of this House that that bill may be passed to-day. It is the usual bill, giving $5,000 a year to Mrs. Grant during the remainder of her natural life. The same sum has been given to widows of ex-Presidents of the United States heretofore, and I ask unanimous consent that it may be taken from the Speaker's table and put upon its passage.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask for objections.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Julia D. Grant, the widow of the late Ulysses S. Grant, deceased, on the pension roll, and to pay her a pension during her natural life at the rate of $5,000 a year from and after the 23d day of July, A. D. 1885.

The SPEAKER. Is there objection to present consideration of the bill?

There was no objection.

The bill was taken from the Speaker's table, read three times, and passed.

Mr. MATSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. I now renew my appeal to the House, that we may have unanimous consent for the introduction of bills to-morrow. This will give the Clerk the whole time until after the adjournment to make up the record. And I wish to say that the condition of my affairs at home, on account of sickness, is such that I would like to have an opportunity to-morrow of introducing some bills which I desire very much to have introduced.

Mr. WARNER, of Ohio. I think the House can take up the Presidential succession bill.

Mr. BROWNE, of Indiana. We can do that to-morrow or we can do it now.

Mr. PETERS. I would remark that it is in the knowledge of those who were members of the last Congress that the introduction of bills then took two days. We can not get through on Monday if we begin it then.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] asks unanimous consent that to-morrow be set apart for the introduction of bills.

Mr. WARNER, of Ohio. Not to interfere with the Presidential succession bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Several members objected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIDSON, of Alabama, until the 10th of January, 1886.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. LAIRD to extend in the RECORD his remarks made during the discussion of the report on the rules.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 6 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRADY: Petitions and papers in the case of John B. Ege, of Petersburg, Va., for pay of printing materials and use and occupancy of building by the United States military forces during April, May, June, and July, 1865, at Petersburg, Va., after he had taken the oath of allegiance to the United States—to the Committee on War Claims.

By Mr. CLEMENTS: Memorial of Nancy Black, widow of Allen Black, praying the reference of her claim to the Court of Claims under act of March 3, 1883—to the same committee.

By Mr. COMPTON: Petition of heir of Matilda Chase, deceased, for wood, &c., taken for army use near Annapolis, Md., during the war of 1861, and stated at $8,950—to the same committee.

By Mr. GLASS: Petitions of W. A. Allison; of Josiah Baker; of Joshua Baker; of John J. Burrow; of J. B. Bradberry; of L. R. Burwell; of Zachariah Bryant; of James Cook; of Paul C. Crafton; of J. W. Crafton; of Isaac W. Coppedge; of J. C. Ferris; of G. H. Ramsey; of C. E. Robertson; of Mrs. Martha S. Scales, widow of James H. Scales; of J. L. Trimble; of William Erwin; of L. K. Gillespie, heir of John C. Gillespie; and of W. W. Hutchison, administrator of Gillim Jackson; of N. J. Heathcock; of W. H. Holmes; of Stephen S. Hale; of J. T. Peck; of George E. Rust; of William P. Posey; of John A. Roe; of J. A. Roe; of James E. Wood, of Gibson County, Tennessee; of James E. Wood, of Trenton, Tenn.; of Eloe A. Harper; of George W. Sims; of Z. C. Nolen; of Richard Hill, and of trustees of Humboldt Female College, in Gibson County, Tennessee, asking compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. GIFFORD: Memorial from the people of the proposed State of Dakota, praying for admission into the Union of States, also accompanying papers, consisting of a certified copy of the constitution of the proposed State and certified copy of the journal of the convention which framed said constitution—to the Committee on Territories.

By Mr. E. F. STONE: Petition of Frank Dalton, for correction of error in his account—to the Committee on Post-Offices and Post-Roads.

By Mr. ZACH. TAYLOR: Memorial of the Tennessee State Teachers' Association, asking national aid to education—to the Committee on Education.

Also, petition of steamboatmen, asking the refunding license tax—to the Committee on Claims.

By Mr. TUCKER: Petition of John Kelly, of Alleghany County, Virginia, for property taken by or furnished to the Army of the United States for their use during the war of 1861, in Alleghany County, Virginia, and stated at $9,408.15—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December* 19, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

REPAIRS IN PATENT OFFICE.

Mr. BUTTERWORTH. I ask unanimous consent to take from the Speaker's table the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents. It has been returned to the House with an amendment by the Senate, which is merely verbal. I ask concurrence in the Senate amendment.

The amendment of the Senate was read, as follows:

In line 5, after the word "necessary," insert the words "to fit up and;" so that it will read:

"That the Secretary of the Interior be, and he is hereby, authorized to use so much of the contingent fund, not exceeding $600, as was appropriated by act of March 3, 1885, for the use of the Interior Department as may be necessary to fit up and put in proper repair the rooms in the Interior Department building which have been assigned by the Secretary for the use of the Commissioner of Patents."

The SPEAKER. Is there objection to the present consideration of the Senate amendment?

There was no objection.

The amendment of the Senate was concurred in.

Mr. BUTTERWORTH moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION.

The SPEAKER. The Chair submits a communication received from the president of the North, Central, and South American Exposition, with the request that it be laid before the House.

The Clerk read as follows:

THE NORTH, CENTRAL, AND SOUTH AMERICAN EXPOSITION,
New Orleans, December 15, 1885.

DEAR SIR: The board of management of the North, Central, and South American Exposition have designated Tuesday, December 29, as "American Congressional Day," and all members of the House are respectfully invited to be present upon that occasion.

The leading object of the exposition is to develop more intimate commercial and social relations between the various nations of the three Americas, and it is earnestly hoped that members of the House may favor us with their presence, and thereby lend the weight of their influence to the promotion of this important work.

Very respectfully,

S. B. MCCONNICO, *President*.

Hon. J. G. CARLISLE,
Speaker of the House.

Mr. TOWNSHEND. Mr. Speaker, I desire to say that the exposition at which the members of the House are invited to be present is one of vast importance to the people of the United States. An opportunity will be afforded to meet with representatives from all the governments of Mexico and Central and South America. Exhibits will be found there from nearly all those states as well as from all the States

of the Union. I trust the members of the House will avail themselves of the opportunity of mingling with the people from those countries, of witnessing the development made in their commerce and their trade, and of studying the means by which we may bring about closer commercial relations between the governments on this continent.

I have been authorized by the secretary of the exposition to state to the House that arrangements are now being made which will afford an opportunity of securing transportation for the members of the House. I will further say it is not the intention of the managers of the exposition to seek any further aid from Congress. They have already received very liberal help from Congress. It is simply a continuation of the exposition of last winter.

The communication was laid on the table.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER announced the appointment of the following as the Committee on Enrolled Bills: Mr. NEECE of Illinois, Mr. SNYDER of West Virginia, Mr. FISHER of Michigan, Mr. MCREA of Arkansas, Mr. HOLMES of Iowa, Mr. PERKINS of Kansas, and Mr. ALLEN of Massachusetts.

PRESIDENTIAL SUCCESSION.

Mr. FINDLAY. I ask unanimous consent to take up, and pass as it came from the Senate, the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

The Clerk having read the title of the bill,

The SPEAKER. Is there objection to the request of the gentleman from Maryland [Mr. FINDLAY] that the House take up for present consideration this bill?

Mr. MORRISON. I object, for the present.

Mr. PETERS. I dislike to object to the present consideration of that bill——

The SPEAKER. It has been objected to by the gentleman from Illinois [Mr. MORRISON].

Mr. FINDLAY. I understood that the gentleman from Illinois has objected only to its immediate consideration.

Mr. MORRISON. Yes, sir; only until I make a report from the Committee on Rules.

Mr. FINDLAY. That was my understanding.

SELECT COMMITTEE.

Mr. MORRISON. I present, from the Committee on Rules, the report which I send to the desk, and ask its adoption.

The Clerk read as follows:

The following-named select committees of the House for the Forty-ninth Congress are hereby created, namely:

The Committee on the Election of President and Vice-President, to consist of thirteen members, to which shall be referred all propositions touching the election and tenure of office of President and Vice-President, the count of the electoral votes, and the succession to the office of President.

The Committee on Reform in the Civil Service, to consist of thirteen members, to which shall be referred all propositions touching the civil service of the United States.

The Committee on American Ship-Building and Ship-Owning Interests, to consist of thirteen members, to which shall be referred all propositions relating to American ship-building and ship-owning interests, with authority to investigate the causes of the decline of the American foreign carrying trade.

The Committee on the Alcoholic Liquor Traffic, to consist of eleven members, to which shall be referred all propositions touching the alcoholic liquor traffic.

The Committee on Ventilation and Acoustics, to consist of seven members, to which shall be referred all propositions relating to the ventilation and acoustics of the Hall of the House of Representatives.

Mr. MORRISON. These special committees, with others, existed in the last and some former Congresses. This proposition omits, I believe, three special committees of the last Congress. Unless some member objects or wants to speak upon the report, I move its immediate adoption.

Mr. REAGAN. I ask that the Clerk read again the clause of this report with reference to a select Committee on American Ship-Building.

The Clerk read as follows:

The Committee on American Ship Building and Ship-Owning Interests, to consist of thirteen members, to which shall be referred all propositions relating to American ship-building and ship-owning interests, with authority to investigate the causes of the decline of the American foreign carrying trade.

Mr. REAGAN. This is, I believe, one of the select committees raised during the last Congress. The duties assigned to it belong appropriately to the Committee on Commerce; and I do not see the necessity for this select committee. Its creation will cause some trouble about the reference of bills and the jurisdiction over them. The river and harbor bill having been taken from the Committee on Commerce, it was not necessary further to abridge its jurisdiction by taking away the class of subjects committed to this select committee, and I hope the House will refuse to agree to the creation of this committee.

Mr. MORRISON. I move the previous question on the adoption of the report.

The SPEAKER. The Chair did not understand whether the gentleman from Texas [Mr. REAGAN] submitted a motion to strike out the clause of the report to which he has referred.

Mr. REAGAN. That was my intention.

Mr. SPRINGER. Why not have a separate vote on each clause?

The SPEAKER. The gentleman has a right to demand a separate vote.

Mr. SPRINGER. Let us have a division of the question. That does not interfere with the previous question.

The SPEAKER. It does not; and it will accomplish the purpose of the gentleman from Texas.

Mr. REAGAN. I ask a separate vote on the adoption of the clause which has just been read.

Mr. REED, of Maine. If the House will permit me to say a word——

The SPEAKER. Debate is not in order except by unanimous consent.

Mr. SPRINGER. I think consent ought to be given.

The SPEAKER. Is there objection to allowing the gentleman from Maine to make a statement? The Chair hears none.

Mr. REED, of Maine. I did not catch the purport of the observations of the gentleman from Texas [Mr. REAGAN] until this moment; and in the absence of my colleague [Mr. DINGLEY], who has given very special consideration to the subject which will be committed to this special committee, and whose appearance upon the floor in connection with this subject will be remembered by all the members of the last House, I think, in justice to him, I should say that he regards it as very important that this committe should be continued in order to finish the work which it has so well begun. I sincerely hope the House will not strike this from the list of special committees.

The SPEAKER. The question is on ordering the previous question.

The previous question was ordered.

The clause of the report authorizing the appointment of a select committee on American ship-building and ship-owing interests (on which a separate vote was demanded by Mr. REAGAN) was agreed to.

The clause authorizing a select committee on the alcoholic liquor traffic (on which a separate vote was demanded by Mr. SPRINGER) was agreed to; there being—ayes 113, noes 13.

No other separate vote being demanded, the question was taken on agreeing to the report of the Committee on Rules; and it was agreed to.

Mr. MORRISON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF DIGEST.

Mr. REED, of Maine. I desire to offer the following resolution:

The Clerk read as follows:

Resolved, That there be printed and bound for the use of the House 2,500 copies of the Digest for the present session.

Mr. REED, of Maine. I desire to say, Mr. Speaker, in explanation of that, that the printing of this Digest is provided for by the act of March 3, 1877, and this merely fixes the number. That number until the last Congress was always 2,000, but upon the enlargement of the membership of the House the number was increased to 2,500 copies.

Mr. REAGAN. I do not see the necessity of printing so large a number of this book. We should, in my judgment, try to abridge the printing ordered by the House instead of enlarging it. That subject of printing has come to be a serious matter. It is costing a great deal more than it was supposed it ever would cost. I hope we shall in the future cease to indulge in such extravagance. I move to amend by making the number 1,500 instead of 2,500 copies.

The amendment was disagreed to.

The resolution was adopted.

Mr. REED, of Maine moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESIDENTIAL SUCCESSION.

Mr. FINDLAY. I call up Senate bill No. 471, to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

Objection was made on this side of the House to the original offer, but as I understand it that was for a temporary purpose. There was objection on the other side of the House, but I understand it is not to be seriously pressed. If it is, we wish to know from which side of the House the objection comes. I ask unanimous consent to put the bill which I have indicated upon its passage, regarding it as the most important bill before the House.

The SPEAKER. The gentleman from Maryland asks to take up by unanimous consent the bill which he has indicated. Is there objection?

Mr. PETERS. Yes; I object.

Mr. RANDALL. I suggest to the gentleman from Maryland that on Monday next the motion will be in order to suspend the rules, so that this bill may be considered before the holiday recess.

Mr. FINDLAY. I so understand; and in response to the gentleman's suggestion I give notice that I will make that motion to suspend the rules and pass the bill on Monday next.

NATIONAL BANK OF WINONA.

Mr. WHITE, of Minnesota. I ask by unanimous consent to take up

for present consideration the bill (S. 126) to change the name of the National Bank of Winona.

The bill was read.

Mr. BEACH. I have no special objection to this particular bill, but I have a general objection to this class of legislation. In the last Congress I introduced a bill giving the Comptroller of the Currency power to change the names of these national banks, and I will object to all these special bills until that general bill has been considered and disposed of.

PAYMENT OF EMPLOYÉS.

Mr. HILL, by unanimous consent, introduced joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; which was read a first and second time.

The joint resolution, which was read, provides that the Secretary of the Senate and Clerk of the House of Representatives be authorized and instructed to pay the officers and employés of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1885, on the 21st day of said month.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTRODUCTION OF BILLS.

Mr. HAMMOND. As the House will adjourn on Monday and the list of States can not be called in one day, I ask we begin the call of States for the introduction of bills to-day, and I hope there will be no objection.

Mr. LOWRY. I object.

Mr. HAMMOND. Allow me then, as I am on the floor, to make a personal request. I desired to avoid doing so. I am advised this morning of serious illness in my family, and as I shall leave to-day for home, I ask by unanimous consent I may submit certain bills without waiting for the regular call.

Mr. SPRINGER. That is all right.

Mr. WARNER, of Ohio. I hope the same privilege will be accorded to my friend from Indiana [Mr. BROWNE], who stated last night as a reason for asking unanimous consent that he would be called home because of illness in his family.

There was no objection.

GEORGIA WAR CLAIM.

Mr. HAMMOND introduced a bill (H. R. 1) to require the payment in cash to the State of Georgia of $35,555.42, appropriated for said State by an act to refund to the State of Georgia certain money expended by said State for the common defense in 1777, approved March 7, 1883; which was read a first and second time.

Mr. HAMMOND. I move the bill be referred to the Committee on the Judiciary.

The SPEAKER. It will be referred to the Committee on War Claims when appointed.

Mr. HAMMOND. It went to the Judiciary Committee before, and has been twice reported on by that committee.

Mr. RANDALL. But the rule has since been changed.

The SPEAKER. There is a rule which prohibits the going of any of those claims to any other than claims committees, except by unanimous consent.

The bill was referred to the Committee on War Claims when appointed, and ordered to be printed.

REMOVAL OF PROSECUTIONS, STATE TO UNITED STATES COURTS.

Mr. HAMMOND also introduced a bill (H. R. 2) to amend section 643 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WAR TAXES.

Mr. HAMMOND also introduced a bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON ALCOHOL.

Mr. HAMMOND also introduced a bill (H. R. 4) to authorize the withdrawal from distillery warehouse, without tax, of alcohol and other spirits to be used in manufacturing and preparing drugs, medicines, and chemicals; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NANCY JOHNSON LONSDALE AND OTHERS.

Mr. HAMMOND (by request) also introduced a bill (H. R. 5) for the relief of Nancy Johnson Lonsdale, Betty Erwin Brockett, and Laura G. Johnson, heirs at law of E. P. Johnson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY S. STONE, ADMINISTRATRIX.

Mr. HAMMOND (by request) also introduced a bill (H. R. 6) for the relief of Mary S. Stone, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE T. REEVES.

Mr. HAMMOND (by request) also introduced a bill (H. R. 7) for the relief of George T. Reeves; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EBENEZER T. WHITE.

Mr. HAMMOND (by request) also introduced a bill (H. R. 8) for the relief of Ebenezer T. White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN J. HART.

Mr. HAMMOND (by request) also introduced a bill (H. R. 9) for the relief of John J. Hart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TIMOTHY D. LYNES.

Mr. HAMMOND (by request) also introduced a bill (H. R. 10) to appropriate money to pay the claim of Timothy D. Lynes, of Georgia, for tobacco seized during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL KRIES.

Mr. HAMMOND (by request) also introduced a bill (H. R. 11) for the relief of Michael Krics, of Fulton County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RANDOLPH PEYTON.

Mr. HAMMOND (by request) also introduced a bill (H. R. 12) for the relief of Randolph Peyton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. BROWNE, of Indiana, introduced a joint resolution (H. Res. 3) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

CARACAS AWARD.

Mr. BROWNE, of Indiana, also introduced a joint resolution (H. Res. 4) referring the controversy between the United States and Venezuela in respect to the award of Caracas of 1868, to the President; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MEXICAN WAR PENSION.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 13) granting pensions to soldiers of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARTIN L. BUNDY.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 14) for the relief of Martin L. Bundy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. HUNT.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 15) granting a pension to John A. Hunt; which was read a first and second time, referred to the Committe on Invalid Pensions, and ordered to be printed.

NANCY L. RIBBLE.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 16) granting a pension to Nancy L. Ribble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS WAR OF 1812.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 17) increasing the pensions of the surviving officers, sailors, and enlisted and drafted men of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 18) granting arrears of pensions to persons pensioned by special act; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID C. PAULLUS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 19) for the relief of David C. Paullus; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ERNEST BEECHNER.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 20) authorizing the Secretary of War to remove the charge of desertion from the record of Private Ernest Beechner; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID M. WINKLE.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 21) for the relief of David M. Winkle; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES WINDER.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 22) for the relief of Charles Winder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPITOL AND SOUTH WASHINGTON RAILWAY.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 23) to authorize the Capitol, North O Street and South Washington Railway Company to extend its lines, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES MOSS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 24) for the relief of James Moss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GALLINGER. Important business is demanding my attention at home, and I ask unanimous consent to present a few bills at this time.

Mr. LOWRY. I object.

IMPORTATION OF GLASSWARE.

Mr. PAYNE. Early in the week my colleague [Mr. BURLEIGH] offered a resolution, the consideration of which was objected to at that time by the gentleman from Illinois [Mr. MORRISON]. I understand that that gentleman now withdraws his objection. I ask unanimous consent to call it up now.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to this House such information as he possesses, including copies of all official documents and correspondence on file in his Department, relating to the importation from Bohemia in July last, by L. Lehman, of New York, into the port of New York of certain glassware, and to the appraisment and reappraisement of the same.

Mr. PAYNE. I desire to offer an amendment, to insert the words "if compatible with the public interest."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. COX. I object.

The SPEAKER. Objection being made, the resolution is not before the House except for reference.

Mr. PAYNE. I ask that it be referred to the Committee on Ways and Means.

The SPEAKER. The resolution will be so referred when the committee is appointed.

PAGE AT THE CLERK'S DESK.

Mr. ROGERS. I desire to call up the resolution which I offered a few days ago and which is now on the Speaker's table.

The Clerk read the resolution, as follows:

Resolved, That the Clerk be authorized to employ Harry Blair Smith as a page at the Clerk's desk in the Hall, and pay him at the rate of $2 per day, out of the contingent fund of the House, until further ordered.

Mr. HOLMAN. I have no objection to the resolution being referred to the Committee on Accounts.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] objects to the present consideration of the resolution. It will be referred to the Committee on Accounts, when appointed.

ORDER OF BUSINESS.

Mr. PERKINS. I think it must be the desire of all members that Congress should take its recess on Monday next. If we do that, it is necessary that we should have more than Monday for the introduction of bills, if anything like so many are introduced this session as were introduced at the commencement of the Forty-eighth Congress. For that reason I renew the request for unanimous consent that States and Territories be now called for the introduction of bills and resolutions.

The SPEAKER. The gentleman from Kansas asks unanimous consent that States and Territories be called to-day for bills and resolutions.

Mr. BUTTERWORTH. I object. The committees have not yet been appointed, and you are not to gain anything by this course, except that it may appear in the RECORD as if some members were more vigilant than others.

Mr. RANDALL. I suggest to the gentleman from Ohio that to allow the introduction of bills to-day will be a very great convenience to many members. The motive is not that they may appear in the RECORD, but it is to enable them to get away.

Mr. PETERS. I desire to state that if the Presidential succession bill can be brought up and considered in this House to-day and debated as a bill of that dignity and character should be debated, I will withdraw my objection to its present consideration. My sole reason for making the objection to-day was that I did not believe a bill of that character should be passed through this House without that consideration which it merits; and being opposed to the principle of the bill, I felt it my duty to object to its consideration. But I do not object to its being taken up and debated, and if we can finish the debate upon the bill during the day it can then be passed. I make this statement now because I see from the temper of the House we will not be able to introduce bills to-day.

The SPEAKER. The Chair will state, if the bill is taken up it will be considered of course under the rules of the House, which allow debate unless the previous question is ordered by the House. What the purpose is of the gentleman who has the bill in charge the Chair can not say.

Mr. SPRINGER. I would like to understand how much time the gentleman from Kansas [Mr. PETERS] would desire for debate. Perhaps he will state at what time he would be willing that the previous question shall be moved. If so, we can take up the bill with that understanding.

The SPEAKER. But the gentleman who has asked unanimous consent to take up the bill is not now present to make any arrangement about it, and the Chair does not know his purpose.

Mr. WARNER, of Ohio. The House can make the arrangement. No doubt the gentleman from Maryland [Mr. FINDLAY] will agree to any reasonable arrangement.

Mr. SPRINGER. Will the gentleman from Kansas state how much time he desires to debate this bill?

Mr. PETERS. Why, Mr. Speaker, I am not prepared to discuss the provisions of the bill, and I did not make the objection with the desire to have anything to say upon it. I do not know that any member on this side of the House—perhaps none on that—is ready to discuss the subject. But I think there are some questions involved in the bill that should be discussed. I do not believe in the principle involved in the bill; yet, as I said, I am not prepared to go into a discussion of the bill to-day, and I would not like to make any arrangement as to time.

Mr. WARNER, of Ohio. Say one or two hours.

Mr. LOWRY. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LOWRY. I wish to inquire whether next Monday, being the third Monday of the month, is not, under the rules we have adopted, a day when motions to suspend the rules will be in order?

The SPEAKER. Under the rules the States and Territories will be called every Monday for the introduction of bills, &c.; but after that call, on next Monday, motions to suspend the rules will be in order.

Mr. BUTTERWORTH. If I am the only one objecting I will very cheerfully withdraw my objection to the call of States to-day for the introduction of bills.

Mr. RANNEY. If the gentleman withdraws it I will renew it.

Several MEMBERS. That is right.

Mr. BUTTERWORTH. I knew a large number of gentlemen were opposed to it.

Mr. FINDLAY. Mr. Speaker, for the third time I call up the Senate bill providing for the performance of the duties of President in case of the inability, death, or resignation of the President and Vice-President; and understanding this to be a time to make the motion and not to make a speech, and regarding the passage of this bill as much more important than any speech that can be made by any man on this floor, I move that we put the bill immediately on its passage. I would like to understand from my friend from Kansas [Mr. PETERS] on the other side whether he still presses his objection to the immediate consideration of the bill.

Mr. GOFF. I would like to know whether this bill is any more important now than it was at the last session of Congress when it was here.

Mr. FINDLAY. It is just as important now as it was then.

Mr. GOFF. The other side of the House then opposed its consideration altogether. Now the gentleman from Maryland makes an appeal to the House that it is important the bill should be considered immediately.

Mr. FINDLAY. All I have to say to the gentleman from West Virginia [Mr. GOFF] is, that if the House made a mistake then it is no reason for making a mistake now.

Mr. GOFF. No; the circumstances are changed now.

Mr. FINDLAY. Very well; I understand that "circumstances do alter cases," and wise men are governed by circumstances.

The SPEAKER. Objection seems to be made to the consideration of the bill.

Mr. REED, of Maine. There is an opportunity now, thanks to the action of the House yesterday, for the transaction of business in regular order; and there is no occasion for stampeding the House with any bill,

even though it be a bill which is pretty sure to meet the unanimous support of the entire Republican side of the House in the future as it has in the past. Let us have business conducted regularly and in some sensible way. There is no public exigency that demands such a vociferous display of patriotism as has been exhibited by gentlemen who were opposed to this bill last session.

Mr. FINDLAY. Will the gentleman from Maine indicate what time the other side of the House desires for the discussion of this bill or what programme he would see followed with reference to it?

Mr. REED, of Maine. It is not any part of my business to furnish "programmes" for the House. [Laughter.]

Mr. FINDLAY. Well, I did not suppose it was any part of the gentlemen's business; but he seemed to be taking a very earnest and active part in this discussion; and I want to say to him, in the spirit of perfect courtesy, that if he will indicate how much time he wishes for the discussion of this bill and what the object is with reference to its discussion I shall not stand in the way of any such discussion.

Mr. REED, of Maine. I suppose the proper course would be to refer this bill, like all others, to a committee; and the moment the committee reports it I have no doubt it will receive the approval of the House.

Mr. FINDLAY. Then the gentleman wants the bill referred, as I understand, and wants the delay incident to the reference.

Mr. REED, of Maine. Not at all.

Mr. FINDLAY. That is what I do not want.

Mr. REED, of Maine. I am not seeking delay or anything of that sort. So soon as the Speaker appoints the committees the bill can go right on.

The SPEAKER. Objection is made to the present consideration of the bill.

Mr. MORRISON. If this bill is up for consideration——

The SPEAKER. It is not.

Mr. MORRISON. If the bill is before the House I move its reference to the Committee on the Judiciary.

The SPEAKER. The bill is not before the House. It is on the Speaker's table.

Mr. SPRINGER. I believe the gentleman from Ohio [Mr. BUTTERWORTH] withdrew his objection to the call of States for the introduction of bills.

The SPEAKER. He did; but the objection was immediately renewed by the gentleman from Massachusetts [Mr. RANNEY] and other gentlemen.

Mr. LOWRY. I move, then, that the House do now adjourn.

Mr. TUCKER. I ask the gentleman to withdraw that motion for a moment.

Mr. LOWRY. I withdraw the motion temporarily for the purpose of allowing the gentleman from Virginia [Mr. TUCKER] to introduce a proposition.

C. H. MANN.

Mr. HOLMAN. Mr. Speaker, I wish to call the attention of the House to the fact that one of its employés, who at the last session was employed as a messenger in the press reporters' gallery, has been unintentionally placed in a position where he can receive no pay from the 5th of March to the first Monday of the present month, and I ask for the reading of a proposition to the House authorizing him to be paid.

Mr. WARNER, of Ohio. Let it go the Committee on Accounts.

Mr. HOLMAN. It is suggested the matter should go to the Committee on Accounts. It is so well understood that it is hardly necessary. This gentleman was put on furlough when the Doorkeeper died, so he was not properly appointed.

The SPEAKER. The Clerk will read the joint resolution which it is proposed to introduce.

The Clerk read as follows:

Joint resolution (H. Res. 5) authorizing the payment of C. H. Mann, messenger to the reporters' gallery.

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized to pay to C. H. Mann the salary provided in the act making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1885, as messenger in the reporters' gallery from July 1 to December 7, 1885, inclusive.

Mr. REAGAN. The clerk of the Committee on Commerce, who has an annual salary, resigned to accept a clerkship under the President just at the adjournment of Congress. I had no authority to appoint his successor because Congress had ceased to exist, and if I had, in my judgment it would have been unjust to the Government to tax it for a clerk for whom there was nothing to do.

Mr. HOLMAN. I will consent to let the joint resolution go to the Committee on Accounts when appointed.

There was no objection, and it was read a first and second time, and so referred.

WIDOW OF LEANDER A. ROBB.

Mr. BINGHAM, by unanimous consent, submitted a resolution directing the payment out of the contingent fund of the House to the widow of Leander A. Robb, late an employé of the House; which was referred to the Committee on Accounts.

DEPARTMENT OF JUSTICE.

Mr. TUCKER. I ask by unanimous consent to submit for present consideration the bill which I ask to be read as well as the papers accompanying it.

The Clerk read as follows:

A bill making an appropriation of money for the relief of the Department of Justice.

Be it enacted, &c., That to enable the Attorney-General to employ additional clerical force in the Department of Justice, and for the purchase of furniture necessary for the building of that Department to facilitate the examination and preparation of French spoliation claims to be submitted to and considered by the Court of Claims, $8,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be drawn upon the warrant of the Attorney-General. All acts and parts of acts inconsistent herewith be, and the same are hereby, repealed. This act shall take effect from the passage thereof.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 18, 1885.

SIR: It has been assigned to me to resist on behalf of the Government the prosecution of the "French spoliation" claims in the Court of Claims under the act approved January 20, 1885; but this Department has not afforded me the requisite facilities or assistance necessary to the prompt and proper discharge of that duty; nor can it do so, as I am informed and believe, without authority from Congress. Petitions have been filed in 535 cases up to this date, and they are rapidly coming in; and with most of them accompanying papers have also been filed. I have copies of the papers in each case separately jacketed, and have been promised a press by the chief clerk in which to put them, but have no suitable place to put the press.

My colleagues, Messrs. Dewees and May, engaged with other matters, and myself are all crowded into one room, and it is not infrequently necessary for some one of us to take depositions there for want of room elsewhere.

I need not suggest to you that the presence of attorneys and witnesses and in the midst of the loud talking incident to taking testimony is not a suitable place for the careful examination and consideration of legal questions and the preparation of important cases.

In some of these French spoliation cases the printed record on the part of the claimants at this time aggregates twenty printed pages, each page of which must be carefully read and considered. From the best information I have there will be in all about 1,500 of these claims submitted to the court.

The liability of this Government to pay the valid claims upon the Government of France contemplated by the act referred to involves the consideration or two treaties prior in point of time to January 1, 1800, and four treaties since that date.

A large accumulation of papers, bearing on these subjects, is on file in the State Department, some of them in the French language.

That Department gives it out that it has not sufficient force to do the necessary translating, copying, or printing.

To examine and file copies of these petitions and accompanying papers as they come in, to examine claimants' pleadings and proofs, to hunt up and pick out matters for defense, which may, and probably will, require personal inspection of papers in the State Department, to superintend the taking of such testimony in different States as some of the claimants desire to have taken, to carry on the necessary correspondence incident to the conduct of the defense, to prepare a request for finding and brief for the defense in each case, and to argue orally before the court questions of novelty and difficulty as they may arise and to "resist all claims presented under this act by all proper legal defenses," as required by Congress—all this, I respectfully submit, is more work than any one man can do.

I beg to suggest that whoever may have charge of the defense in these cases should have a separate room, and should have the aid of at least one energetic competent assistant now, and that provision should be made for increased assistance as cases accumulate and the work increases.

The claimants in these cases are naturally anxious to have them disposed of as soon as may be, and I have sought by diligent labor to mature a line of defense and to submit some test cases early in the ensuing year—say by March 1. That this may be done it is necessary, if Congress shall give any relief at all, that it be given before the holiday recess.

I have the honor to be, yours, very respectfully,

B. WILSON, *Assistant Attorney.*

Hon. A. H. GARLAND, *Attorney-General.*

Mr. BOUTELLE. All through the last Congress——

Mr. DUNN. Regular order.

Mr. BOUTELLE (continuing)—— the Democratic side of this House professed to be investigating what they proclaimed to be the extravagance of the Department of Justice. I think this can wait until Monday next.

Mr. TUCKER. Does the gentleman object to the consideration of the bill?

The SPEAKER. The gentleman has objected to its introduction.

Mr. BOUTELLE. I object to its consideration, except in accordance with the regular order of the House.

The SPEAKER. The bill is not before the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

On motion of Mr. HEMPHILL, to Mr. DIBBLE, for five days, on account of sickness in his family.

On motion of Mr. WHEELER, to Mr. SADLER, until January 5, 1886.

And then, on motion of Mr. HOLMAN (at 1 o'clock and 12 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BUCHANAN: Petition for the improvement of the harbor of Atlantic City—to the Committee on Rivers and Harbors.

By Mr. CASWELL: Petition of Delilah Knill, for widow's pension—to the Committee on Invalid Pensions.

By Mr. DUNN: Petition for the relief of Jean Louis Legavé—to the Committee on Indian Affairs.

Also, petition of Sewell Coulson, and Porter, Harrison & Fishback, for legal services—to the Committee on Claims.

Also, petition for relief of Leander M. Black—to the same committee.

Also, memorial of John P. Moore, praying reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, a petition, asking an amendment to an act making appropriations for the naval service, and for other purposes—to the Committee on Naval Affairs.

Also, petition for the relief of John F. Trentlen—to the Committee on Claims.

By Mr. GLASS: Petition of Nancy Tuck, of Tennessee, asking compensation for property taken and used by United States Army during the late war—to the Committee on War Claims.

Also, petition of John H. Edwards for relief—to the Committee on Claims.

Also, petitions of Jane Woodrough; of Elmira L. Brogden, and of Agnes J. Whicker, asking for pensions—to the Committee on Invalid Pensions.

Also, petition of Elizabeth Rogers, asking compensation for property, taken and used by United States Army in the late war—to the Committee on War Claims.

Also, papers relating to the claim of William M. Henry, Company E, First Tennessee Cavalry—to the same committee.

By Mr. GOFF: Petition of James A. Demastus, for a pension—to the Committee on Invalid Pensions.

Also, petition of John Nay, of West Virginia, for a pension on account of wounds received while serving as a scout—to the same committee.

By Mr. HAMMOND: Petition of Permelia B. Wanocks, for relief—to the Committee on Claims.

Also, petition of F. Hiram Nichols, of Atlanta, Ga., for property taken by the Army of the United States in 1864—to the Committee on War Claims.

By Mr. HOLMAN: Petition of Silas O. Howe, surviving partner of W. T. Pate & Co., for relief—to the Committee on Ways and Means.

Also, petition of Henry W. Smith, surviving partner of T. and J. W. Guff & Co., of Aurora, Ind., for relief—to the same committee.

By Mr. IRION: Petition of J. Madison Wells, for property seized by the Army of the United States in Louisiana, and stated at $446,578—to the Committee on War Claims.

Also, petition of the heirs of Joseph Benillotte, for property taken at Alexandria, La., in 1864, by the Army and Navy of the United States, and stated at $153,548.25—to the same committee.

Also, petition of Mary E. Barrow, of Louisiana, for stores and supplies taken from her at Bayou Sara, during the war of 1861, by the Army of the United States for army use, and stated at $58,850—to the same committee.

By Mr. LOVERING: Petition of Lieut. Col. David B. Muzzey and 60 others, survivors of the storming column or "forlorn hope," organized at Port Hudson, La., under General Order No. 49, Department of the Gulf, June 15, 1863, asking that the medal therein promised as recognition for their services in volunteering for the same may now be granted them by Congress—to the Committee on Military Affairs.

By Mr. T. B. REED: Petition of Sophronia Witham, for a pension—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition of J. D. Spurgeon and 265 others, asking pension law for soldiers of the late war—to the same committee.

By Mr. VAN SCHAICK: Petition of James Shaahan, for increase of pension—to the same committee.

Also, petition of William Gannon, for pension—to the same committee.

Also, petition of Walter McCarty, for increase of pension—to the same committee.

Also, memorial of wholesale grocers of the city of Milwaukee, relative to the proposed changes in the tariff on imported sugar—to the Committee on Ways and Means.

Also, petition of J. and A. Hiss, to purchase the Portage Lake Harbor—to the Committee on Commerce.

Also, petition of Andrew Barton, praying for relief—to the Committee on Naval Affairs.

By Mr. WORTHINGTON: Petition of the Women's Silk Culture Association of Illinois and the Northwest—to the Committee on Appropriations.

Also, petition of wholesale grocers of Peoria, Ill., with reference to tariff duties on sugar—to the Committee on Ways and Means.

Also, petition of Isaac Mann, for pension—to the Committee on Invalid Pensions.

SENATE.

MONDAY, *December* 21, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, recommending the passage of an act granting Joseph Rawicz, United States consul at Warsaw, Russia, permission to accept decorations from the Russian Government; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the river and harbor act approved July 5, 1884, reports of engineer officers as to the bridges and other obstructions that interfere with navigation; which, with the accompanying papers, was, on motion of Mr. CONGER, referred to the Committee on Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Board of Trade of Cleveland, Ohio, praying the purchase by the United States of the Portage Lake and Lake Superior Ship-Canal; which was referred to the Committee on Commerce.

He also presented the petition of John G. Kennedy, and others, citizens of Washington, D. C., praying for the adoption of certain methods to secure cheaper and superior gas for fuel, power, and light; which was referred to the Committee on the District of Columbia.

Mr. MAXEY. I present the petition of the National Association of Veterans of the Mexican War, by their president, J. W. Denver, and their secretary, A. M. Kenaday, praying that a pension may be granted to the surviving soldiers of that war and the widows of those who are deceased. I move that the petition, with the accompanying papers, be referred to the Committee on Pensions, and I wish to say that this being an association of old men, highly respectable, who served their country well, I should be glad that the petition be printed for the use of the Senate, not in the RECORD, but as a document.

The PRESIDENT *pro tempore*. The Senator from Texas asks the unanimous consent of the Senate to print a petition with reference to pensioning the soldiers of the Mexican war. That order will be made if there be no objection.

Mr. CONGER. I desire to say that when statements on the other side of the Chamber are made on the presentation of papers we can not hear anything on this side. They should be read by the Chief Clerk, so that we may understand them.

Mr. MAXEY. I stated the substance of the petition.

The PRESIDENT *pro tempore*. The Senator from Michigan asks that the matter be more clearly stated.

Mr. CONGER. I simply say that in the noise I could not even hear the subject-matter of the petition.

Mr. MAXEY. The petition I have presented is that of the National Association of Veterans of the Mexican War. The purpose of it is to secure a pension to the surviving soldiers of that war, and to the widows of those who are deceased. I said that the petition was that of a highly respectable body of citizens, who have served their country well and are old men, and I asked that it be printed, not in the RECORD, but for the use of the Senate as a document. It embodies a great many important facts. I will state that I do not introduce a bill to accompany the memorial for the reason that the Senator from Mississippi [Mr. GEORGE] has already presented and had referred a bill on that subject, but the petitioners present the form of a bill which they ask may be considered by the Committee on Pensions.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Pensions, and the order to print will be made unless objection be interposed.

Mr. JONES, of Arkansas, presented a petition on behalf of the Wichita, Caddo, and affiliated tribes of Indians, praying for such legislation as will authorize the President of the United States to make an agreement with them in regard to certain matters of complaint that they have; which was referred to the Committee on Indian Affairs.

Mr. CALL presented the petition of J. C. Tilson and other citizens of Polk County, Florida, praying the forfeiture of land granted by Congress to the State of Florida for the construction of a railroad from Amelia Island to Tampa Bay, Florida, and that the settlers upon such lands may be allowed to enter them under the homestead or pre-emption laws; which was referred to the Committee on Public Lands.

Mr. BUTLER presented the memorial of the grand jury of the western district of South Carolina to the presiding judge of the United States district court, favoring the erection of a public building in the city of Greenville, S. C.; which was referred to the Committee on Public Buildings and Grounds.

Mr. LOGAN presented resolutions adopted by the Millers' State Association of Illinois, favoring the passage of a bill regulating interstate commerce; which were referred to the Committee on Commerce.

He also presented resolutions adopted by George H. Thomas Post, No. 5, Grand Army of the Republic, Chicago, Ill., and a petition of Acker Post, No. 21, Grand Army of the Republic, Saint Paul, Minn., praying Congress to purchase a picture of General George H. Thomas, painted by a member of the former post; which were referred to the Committee on the Library.

Mr. BLAIR presented the petition of Philander C. White, of Concord, Mass., late a private in Company D, Fourteenth Regiment New Hampshire Volunteers, praying for arrears of pension; which was referred to the Committee on Pensions.

He also presented a petition of the Louisiana Education Society, praying temporary national aid to the public schools; which was referred to the Committee on Education and Labor.

Mr. HOAR presented the petition of Harriette R. Shattuck, president of the National Woman's Suffrage Association, and other citizens of Massachusetts, praying Congress to submit to the States an amendment to the Constitution which shall secure the ballot to women; which was referred to the Select Committee on Woman Suffrage.

Mr. VOORHEES presented the petition of Theophilus Fisk Mills, sculptor, of Washington, D. C., praying compensation for a plaster mold of the face and measurements for an equestrian statue of the late General J. A. Rawlins; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to which was referred the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, to report the same favorably and without amendment. I give notice that immediately after the holidays, which I suppose we must attend to first, I shall endeavor to ask the Senate to act upon the bill.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. JACKSON. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 133) to fix the salary of the judge of the district court of the United States for the district of Indiana, to report it adversely and ask its indefinite postponement, as we have already reported from that committee a general bill covering the case.

Mr. VOORHEES. What is the bill?

Mr. HARRISON. I will explain to my colleague that it is a bill introduced by me increasing the salary of the judge of our district to $5,000. The Committee on the Judiciary have reported a general bill raising the salaries of all district judges to $5,000, and therefore this bill may be disposed of.

Mr. VOORHEES. That is satisfactory.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered as indefinitely postponed.

Mr. HOAR. I am instructed by the Committee on the Judiciary, to whom was referred the bill (S. 3) to establish a uniform system of bankruptcy throughout the United States, to report an original bill on the subject. It is substantially the bill referred to the committee, but I report it in the form of an original bill.

The bill (S. 714) to establish a uniform system of bankruptcy throughout the United States was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HOAR. It would not of course be worth while to attempt to bring up the bill to-day, but I give notice that as soon as it is possible after the holidays I shall ask the Senate to consider it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 580) granting a pension to Julia D. Grant.

The message also announced that the House had concurred in the amendment of the Senate to the joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents.

The message further announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Monday, December 21, 1885, they stand adjourned until Tuesday, January 5, 1886.

The message also announced that that House had passed a joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; in which it requested the concurrence of the Senate.

BILLS INTRODUCED.

Mr. VAN WYCK introduced a bill (S. 715) to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes; which was read twice by its title, and referred to the Committee on Indians Affairs.

He also introduced a bill (S. 716) to establish an additional land office in the State of Nebraska; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 717) to provide for the organization of all that part of the territory of the United States now known as the Indian Territory and the "Public Land Strip" into a Territory, to be known as the Territory of Oklahoma, to provide a temporary government for the same, for the allotment of homesteads to the Indians in severalty, and to open unoccupied lands to actual settlers; which was read twice by its title.

Mr. VAN WYCK. I ask that the bill be referred to the Committee on Territories.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

Mr. DAWES. The bill should go to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. The Senator from Massachusetts suggests the reference of the bill to the Committee on Indian Affairs.

Mr. VAN WYCK. I suppose the proper reference for the bill would be to the Committee on Territories, as it provides for a Territorial government for that Territory, a part of which has some lands belonging evidently to the United States.

Mr. DAWES. The question whether those lands belong to the United States has always been referred to the Committee on Indian Affairs heretofore, and upon that they have made reports at several times. The question whether the Indian Territory should be thus invaded and in the center of it a Territorial government formed it seems to me should be considered by the Committee on Indian Affairs. I do not see why the Committee on Territories should take charge of the Indian reservations. If they are to do so, it will relieve the Committee on Indian Affairs of a very large share and a very difficult and laborious part of their duty, and it had better be surrendered at once and not by piecemeal.

No element of consideration enters into the propriety of the passage of such a bill (of course I express no opinion about that propriety) which does not belong exclusively to the Committee on Indian Affairs. There is the relation of that Territory to the Indians, the Indians to the Territory, the title which the Indians claim to have in the Territory, and the effect of a Territorial government upon the Indians there, to whom it was by treaty set apart and by a treaty covenanted with the United States to be forever theirs. Why should the Committee on Indian Affairs, to whom the matters of the Indians have been committed heretofore, be relieved of the subject, and the Committee on Territories take charge of it simply because the word "Territory" has some application to that committee, while the subject-matter belongs exclusively to the Committee on Indian Affairs?

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move to refer the bill to the Committee on Indian Affairs?

Mr. DAWES. I make that motion, but I do not want to antagonize the Senator from Nebraska.

Mr. VAN WYCK. Neither do I desire to antagonize the Senator from Massachusetts, of course. I have no choice about the matter. I presumed that it was a clear case, and therefore it might be as well that the bill should go to the Committee on Territories.

I will say to my friend that the bill carefully provides for the rights of the Indians. There is no attempt on the part of the bill, nor would there be on the part of any committee of the Senate, to strike down the Indians in their rights. The object was to get a solution of this vexed question, which must be solved in some way. That is imperatively demanded. I merely introduced the bill and suggested its reference to the Committee on Territories for that reason. I have no sort of objection to a reference to the Committee on Indian Affairs, but I thought possibly it might go into the hands of the Committee on Territories, who can not be so much overburdened as the Committee on Indian Affairs; but still if the Committee on Indian Affairs will take charge of it and make a speedy report to the body, I shall be satisfied.

Mr. DAWES. I do not mean to criticise the bill or the motive of the Senator from Nebraska. I only suggested the peculiar relations of all that question to the Indians and to the matters which the Committee on Indian Affairs have under consideration. If the Senator does not object, I hope the bill will be referred to the Committee on Indian Affairs.

Mr. VEST. I wish simply to remark, to the Senator from Massachusetts particularly, that there have been several of these bills introduced and they have always gone to the Committee on Territories. I do not belong to either committee. I am not now upon the Committee on Territories and I am not upon the Committee on Indian Affairs, but there have been within my recollection some five or six of these bills introduced in the Senate and they have always gone, without exception, to the Committee on Territories.

Mr. DAWES. I would inquire of the Senator from Missouri, from his knowledge of the peculiarities of the question, whether he does not think the Committee on Indian Affairs ought—I do not know whether they are quite capable of it—to consider all the matters connected with that Territory?

Mr. VEST. I heard only imperfectly the title of the bill. As I caught it from the reading, it is a bill to organize a government in the Indian Territory.

Mr. DAWES. A government with special reference to Oklahoma, as I heard it.

Mr. VEST. That has been the nature of the bills that have heretofore been introduced. As a matter of course they embrace, you might say, two distinct ideas. One is the formation of a Territorial government and all the details as to organization, and the other is as to providing for the rights of the Indians who are already in possession there. The question may be said then to be one a part of which should go to the Committee on Territories and a part to the Committee on Indian Affairs; but the primary object being the organization of a Territory the

Senate has heretofore always sent such bills to the Territorial Committee. Of course nobody will question the ability of the distinguished chairman nor of any member of the Committee on Indian Affairs to deal with the question. I only speak in the interests of public business as to the precedents which the Senate has established.

Mr. DAWES. I have no desire to shrink from the question of establishing a Territorial government in the Indian Territory. My own opinion about it is that it must come in some way or other. It is a matter which has arrested the attention of the Committee on Indian Affairs, and has impressed itself very much of late upon the attention of the committee; but there are so many things connected with the future of the Indians in that section, which can not be ignored in any Territorial government possible there, that I do think that if the Committee on Indian Affairs are to be held responsible at all for what is done with the Indians they should have charge of that matter.

Mr. CONGER. I suppose the only object of the Committee on Territories is to take charge of the Territories of the United States, to provide for their organization, and recommend measures of law for their government. That is what the committee were appointed for. But if there is an Indian in such a Territory the bill must go to the Committee on Indian Affairs, apparently.

Mr. DAWES. The Territory of the United States, if the Senator will allow me——

Mr. CONGER. In a moment; the Senator has made his remarks. Now there is hardly a Territory in the United States but what has a good many Indians in it, and if the rule should apply in this case it should in regard to the management of all Territorial questions. My impression is that it would be a good thing to keep this succession of bills in regard to the Indian Territory before the Committee on Territories, because they have had charge of the examination of them for years. I do not see that it conflicts at all with the question which the Senator from Massachusetts proposes; but it is a doubtful question, and with all humility I might say for the Committee on Territories that they may not be able to cope with the Indian question which is involved in it, and I have no particular desire for myself, and I do not know that the chairman of that committee has, to take even what belongs to it if the Committee on Indian Affairs desires to encroach upon its jurisdiction. The subject has been for ten or fifteen years before the Committee on Indian Affairs and the Committee on Territories in one way and another, and there has been no action as yet; and I was very happy to learn by the remarks of the distinguished chairman of the Committee on Indian Affairs that they had thought a little about the subject and were willing to take charge of it. In that view I make no objection to the proposed reference.

Mr. MAXEY. I wish to say, in addition to what the chairman of the Committee on Indian Affairs has said, that under a resolution of the Senate the Committee on Indian Affairs were instructed to inquire what legislation, if any, was necessary in regard to the relations between the United States Government and the Indians, and in the discharge of that duty went into that country, the chairman himself and myself among others, and made a very thorough investigation with a view to determine what legislation was necessary. The committee, therefore, supplied itself, by direction of the Senate, with the proper information, as I think, at least as I hope.

In respect to the Indian Territory I beg to say that it is *sui generis*. It does not bear the same relation to the United States as any other Territory whatever, and I think the proper committee to look into the affairs connected with the Indian Territory is the Committee on Indian Affairs. So I think the reference ought to be to that committee.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Indian Affairs, if there be no objection. The Chair hears none.

Mr. MAXEY introduced a bill (S. 718) for the relief of Francis Gilbeau; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 719) for the relief of Thomas F. Purnell; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 720) for the relief of Albion S. Keith, late of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COKE introduced a bill (S. 721) to establish a national live-stock highway and to promote commerce in live-stock between the States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 722) for increase of pension to Mrs. E. M. Boggs; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 723) for the relief of Julius A. Kaiser; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 724) granting a pension to Charles E. Creager; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 725) for the relief of Maj. G. W. Candee, paymaster United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 726) granting a pension to Theodore M. Piatt; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 727) granting a pension to Lona S. Fitzgerald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE introduced a bill (S. 728) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 729) for the relief of Rear-Admiral Carter; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 730) for the relief of E. W. Crozier, executrix of the last will and testament of Dr. C. W. Crozier, of Tennessee; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BLACKBURN (by request) introduced a bill (S. 731) for the relief of the estate of C. M. Briggs, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 732) for the relief of Silas F. Feild, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 733) for the relief of Edward Fitzgerald, trustee of the Catholic church at Fort Smith, Ark.; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 734) for the relief of the estate of William Wright; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 735) granting a pension to Margaret C. Bupp; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 736) granting a pension to James D. Remy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 737) for the relief of Prairie County, Arkansas; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 738) for the relief of James Clifford; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 739) for the relief of James H. Hamilton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 740) for the relief of Pryor N. Lea; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 741) for the relief of J. H. T. Main; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 742) for the relief of the heirs of the late John Rogers, deceased; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BECK introduced a bill (S. 743) for the relief of Mrs. Martha Vaughn and the legal representatives of Mrs. Louisa Jackman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McPHERSON introdued a bill (S. 744) for the relief of the officers and crew of the United States steamer Monitor who participated in the action with the rebel iron-clad Merrimac on the 9th day of March, 1862; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 745) for the relief of Betts, Nichols & Co.; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 746) for the relief of Lauman & Kemp; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 747) for the relief of Capt. Andrew W. Johnson; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 748) for the relief of Joseph E. Moore; which was read twice by its title, and referred to the Committee on Claims.

Mr. PAYNE (by request) introduced a bill (S. 749) for the relief of R. G. Huston & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 750) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United

States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" which was read the first time by its title, and ordered to lie on the table.

Mr. BROWN introduced a bill (S. 751) for the erection of a public building at Columbus, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 752) to authorize suits in certain cases therein named; which was read twice by its title.

Mr. BROWN. As the bill relates to certain claims for property taken during the war, I move that it be referred to the Committee on Claims.

The motion was agreed to.

Mr. CONGER introduced a bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 754) for the relief of R. H. Shropshire; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 755) to provide for the establishment of a postal telegraph system; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PIKE (by request) introduced a bill (S. 756) for the relief of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon; which was read twice by its title, and referred to the Committee on Claims.

Mr. HOAR introduced a bill (S. 757) granting a pension to Helen Plunkett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 758) for the relief of Jacob Dundore; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. STANFORD introduced a bill (S. 759) for the relief of George C. Parkinson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 760) for the relief of Fred. E. Brooks; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON, of Iowa, introduced a bill (S. 761) granting a pension to William Webster; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 762) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York city by dumping or otherwise, and to punish and prevent such offenses, and other provisions in connection therewith; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ALLISON introduced a bill (S. 763) for the erection of a public building at Sioux City, Iowa; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 764) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER (by request) introduced a bill (S. 765) for the relief of the heirs of John S. Fillmore, deceased; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 766) for the relief of Francis Denmead; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 767) for the relief of John Leathers; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 768) for the relief of George A. Jaeger; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 769) to provide for the removal of the Southern Ute Indians from Colorado; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 770) relating to lands in Colorado lately occupied by the Uncompahgre and White River Ute Indians; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLAIR introduced a bill (S. 771) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 772) to provide for the erection of a public building in the city of Nashua, in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 773) granting a pension to M. Louise Butler; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 774) for the relief of Frances McNeil Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 775) granting arrears of pension to Timothy Kibby; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 776) granting arrears of pension to Catharine Lanigan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 777) to increase the efficiency of the Army of the United States; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 778) to equalize the bounties of soldiers, sailors, and marines of the late war for the Union; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 779) for pensioning prisoners of war who were confined in confederate military prisons during the late war; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 780) to regulate appointments in the Marine-Hospital Service of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL introduced a bill (S. 781) granting a pension to John T. Sayers; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 782) for the relief of Jacob Swofford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. PLUMB introduced a bill (S. 783) granting a pension to D. B. Randall; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 784) granting a pension to William A. Griffin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 785) granting a pension to George Ham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 786) granting a pension to James C. Ledbetter; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 787) granting a pension to Reuben Farnum; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 788) granting a pension to John L. Bruce; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 789) granting a pension to John S. Williams; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 790) granting a pension to Jesse C. Osgood; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 791) granting a pension to George W. De Motte; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 792) to remove the charge of desertion against Miner Ellis; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 793) for the relief of Louis Coon; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 794) for the relief of A. H. Von Luettwitz; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 795) amendatory of an act to incorporate the Columbia Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SAWYER introduced a bill (S. 796) for the relief of Benjamin F. Landis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 797) to provide for the study of physiology and hygiene and the effect of intoxicating, narcotic, and poisonous substances upon life, health, and welfare by the pupils in the public schools of the Territories and of the District of Columbia, and in the Military and Naval Academies; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BLAIR. A like bill has already been introduced by myself several days ago. This bill, however, is introduced by request of temperance societies, and especially the Woman's Christian Temperance Union, they having been instrumental in securing its passage substantially in this form in fourteen of the States already; and they desire to be heard by the committee and by Congress, and to press the passage of the bill in this form.

Mr. HOAR introduced a bill (S. 798) for the relief of M. H. Collins; which was read twice by its title, and referred to the Committee on Patents.

Mr. RANSOM introduced a bill (S. 799) providing for the erection of a public building at Winston-Salem, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PLUMB introduced a joint resolution (S. R. 18) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read twice by its title, and referred to the Committee on Claims.

CASE OF A. M. KEILEY.

Mr. VEST introduced a joint resolution (S. R. 17) relating to the appointment of Anthony M. Keiley as envoy extraordinary and minister plenipotentiary to Austria-Hungary; which was read the first time at length, as follows:

Whereas the correspondence between the Governments of the United States and Austria-Hungary, which has been transmitted to the Senate by the President, shows that Hon. Anthony M. Keiley, of Virginia, was, on April 29, 1885, appointed envoy extraordinary and minister plenipotentiary to Austria-Hungary; that on May 9, 1885, the Government of the United States was officially notified by the Government of Austria-Hungary that "the position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna," and on August 4, 1885, the Government of Austria-Hungary declared its determination not to receive Mr. Keiley as envoy extraordinary and minister plenipotentiary from the United States.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the position assumed by this Government and the principles affirmed in said correspondence by the Secretary of State meet with our unqualified approbation.

The Constitution of the United States provides that "no religious test shall ever be required as a qualification to any office or public trust under the United States;" and, whilst sincerely anxious to maintain friendly relations with Austria-Hungary and all other governments, the people of the United States deny the right of any foreign government to assert against any citizen of this country disqualification for office by reason of his religious belief or that of his family.

Mr. VEST. Mr. President, it is my purpose, unless some other suggestion should be made by a member of the Senate, to move the reference of this resolution, together with the President's message transmitting to the Senate this correspondence, to the Committee on Foreign Relations. I ask the indulgence of the Senate to make one or two remarks before I make that motion.

I take it for granted that if Senators have not read the correspondence they have had their attention attracted to it by the wide discussion in the public press upon the subject.

I prefer that the resolution should go to the Committee on Foreign Relations, because there seems to be a difference of statement between the Government of Austria-Hungary and that of the United States in regard to the understanding of the correspondence as it progressed.

In April last, as the Senate is very well aware, Mr. Anthony M. Keiley, of Richmond, Va., was appointed by the Government of the United States envoy extraordinary and minister plenipotentiary to the Government of Italy, and on the 3d day of April, I believe, that appointment was confirmed by the Senate. So soon as notice of the appointment reached the Government of Italy the Government of the United States was notified through the Italian minister in this city that for personal reasons the appointment of Mr. Keiley was not acceptable to the Kingdom of Italy, and it was stated in a perfectly frank and courteous manner that in 1871, at a public meeting in the city of Richmond, Mr. Keiley had made statements in regard to Victor Emanuel, the father of the present reigning king in Italy, King Humbert, which statements were exceedingly offensive to his son, who is now upon the throne. These statements were made in a public speech by Mr. Keiley in regard to the occupation of Rome by Victor Emanuel, the virtual imprisonment of the Pope in the Vatican, and the deprivation of all his civil power. It is not my purpose to discuss that address of Mr. Keiley or the subject-matter of it. He is a member of the Roman Catholic Church, and spoke, as a matter of course, from a standpoint which I do not occupy.

That speech was reported in the public press and conspicuously in the New York Herald. It reached the Kingdom of Italy, and the result, to make a summary of the whole matter, was that the State Department of the United States recognized the right of the Government of Italy to object to the reception of Mr. Keiley as a minister, and on the 28th of April Mr. Keiley on his own motion, resigned as minister to Italy.

Immediately afterward, on the 29th of April, he was appointed minister plenipotentiary and envoy extraordinary to Austria-Hungary, and the Austrian minister was notified of his appointment. On the 7th day of May Mr. Keiley with his family sailed from the port of New York, and on the 8th day of May the minister of Austria-Hungary transmitted to the Secretary of State a telegram received from Count Kalnoky, the minister of foreign affairs for Austria-Hungary, in these words:

VIENNA, *May* 8, 1885.

We regret the nomination of Mr. Keiley as minister plenipotentiary and envoy extraordinary to the imperial court and his sudden departure from America, as here, too, like in Rome, prevail scruples against this choice.

Please direct in the most friendly way the attention of the American Government to the generally existing diplomatic practice to ask previously to any nomination of a foreign minister the *agrément* (consent) of the government to which he is accredited.

You are therefore requested to earnestly entreat them that the newly nominated minister may not reach Vienna before our confidential consent to his nomination has taken place.

The position of a foreign envoy wedded to a Jewess by civil marriage would be untenable and even impossible in Vienna.

COUNT KALNOKY.

It will be noticed from this telegram that two positions are assumed by the Government of Austria-Hungary through its accredited minister of foreign affairs. One is that the custom prevails in diplomacy of obtaining the *agrément* or consent of a foreign government before sending a minister near its court. The second is that the position of a foreign minister wedded by civil marriage to a Jewess is impossible and untenable in the city of Vienna, in that kingdom.

Mr. Bayard, the Secretary of State, promptly responded to this communication by stating in the first place (and I shall not read his letter at length) that no such practice as that of securing first the consent of a foreign government obtained in this country. The Secretary of State denied emphatically in his reply that any such practice had obtained in this country as first obtaining the consent or *agrément*, as it is termed in diplomacy, of any foreign country to the accredited minister near its court, and he further states that upon an examination of all the precedents in the State Department no such instance has been found. To dispose of that position now it is only necessary to say that subsequently Count Kalnoky withdrew that assertion and admitted that the United States were not bound by a precedent which had obtained only upon the Continent and in European countries.

Mr. HOAR. May I inquire of the Senator from Missouri whether he is informed that Austria has ever asked such an assent from us first?

Mr. VEST. I only say, and I quote from the letter of the Secretary of State, that he has found no such case; that he examined critically and closely the files of the State Department, and no such practice in any single instance has ever obtained in this country. We have accredited our ministers without consulting or notifying the government near whose court they were sent.

As I stated before, Count Kalnoky subsequently withdraws, I will not say that pretense but that assertion, and admits that the United States has never followed such a practice, and that it obtained only in European countries.

But as to the second point made in the communication from the Government of Austria-Hungary, it permeates and pervades the entire correspondence; it is affirmed directly and indirectly, over and over again to the end of the correspondence, namely, that the Government of Austria-Hungary can not receive Mr. Keiley because in plain language he is "wedded to a Jewess by civil marriage," and his position would therefore be "untenable and even impossible in Vienna."

Without reading the correspondence at length, for I do not seek to detain the Senate, I call attention to the appearance for the first time, June 11, 1885, of any additional reason besides that which I have read. Then Baron Von Schaeffer communicates officially to the Government of the United States a statement. Mr. Bayard in the mean time, as Secretary of State, I should say had distinctly and emphatically stated to the Government of Austria-Hungary that with the constitutional provisions existing in this country, with our traditional history, and with the unanimous and unbroken sentiment of our people upon the subject, the Government of the United States could not accede to the proposition or admit it for an instant that any citizen of the United States could be deprived really of an office to which he had been appointed by this Government, by reason of his religious opinions or those of any of his family; that it was the duty of this Government to state to the world that the corner-stone and foundation of our republican institutions was religious liberty to the largest extent; and when they assigned as a reason for refusing an American citizen otherwise acceptable and otherwise qualified to a position of honor, trust, or profit, it was an attack upon the principle on which our Government was based and we intended to meet it.

Mr. HAWLEY. May I ask the Senator a question?

Mr. VEST. Certainly.

Mr. HAWLEY. I shall be glad if what I conjecture shall turn out to be true——

Mr. TELLER. There is so much noise in the Chamber that it is almost impossible to hear either of the Senators.

The PRESIDENT *pro tempore*. Senators will please come to order and suspend conversation in the Chamber.

Mr. HAWLEY. I got an impression from hastily reading the correspondence that probably the Austrian Government did not mean to say that there was any legal or high political objection to Mr. Keiley because of his having married a Jewess, but to intimate that socially it would be very disagreeable to him. Is not that justified by the correspondence?

Mr. VEST. I was about to refer to the point advanced by the Government of Austria-Hungary, and I will come to it in a moment.

In reply to the assertion of Mr. Bayard that this Government would not permit the Government of Austria-Hungary to make this objection—because, as a matter of course, it was simply a protest—Baron Von Schaeffer informed Mr. Bayard that he was instructed by his government to enter into no discussion on the subject of religious toleration, that the Government of Austria-Hungary permitted entire liberty of conscience, and then for the first time appears the allegation to which the Senator from Connecticut has referred, that the meaning of the Government of Austria-Hungary was that the position of an American minister who was wedded to a Jewess by civil marriage would be such as to deprive him of all social influence and diplomatic consideration at the court of Austria-Hungary.

In Austria-Hungary, as well as in the United States, the constitution grants

entire liberty to all forms of religious worship. Our objections to Mr. Keiley's appointment as minister of the United States to the imperial court are founded upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him, and upon the certainty that his domestic relations preclude that reception of him by Vienna society which we judge desirable for the representative of the United States, with which power we wish to continue the friendly relations existing between the two Governments.

Mr. President, it is very obvious that, with the indirection of diplomatic correspondence and assertion, the Government of Austria-Hungary simply means to say that any gentleman who has married a Jewess can not obtain the position to which he is entitled in the court of Austria-Hungary or the society of Vienna, which is precisely the same thing, by reason of that marriage; that position has never been abandoned from the beginning to the end of the correspondence; it is the salient point throughout the whole; and subsequently acting upon that reason the court of Austria-Hungary rejected Mr. Keiley. These are substantially the facts as they appear from the correspondence.

I do not propose to detain the Senate by elaborating the questions of international law which are involved in this matter. They are very plain and very simple. If the Government of Austria-Hungary had simply contented itself with saying that it had personal objections, as did the Government of Italy, to Mr. Keiley, then the Government of the United States, acting as it did in the case of Italy, would have recognized the right of Austria-Hungary to have made the objection, and Mr. Keiley would have resigned, as he subsequently did resign, and as he had before resigned the Italian mission. But when the Government of Austria-Hungary put its rejection of Mr. Keiley on the ground that his wife entertained certain religious opinions, this Government was bound, in my judgment, by its constitutional provisions, by its traditions, and by the opinions of its people to assert respectfully but firmly to that foreign government that we can not for one instant admit the justice of any such objection to an American citizen.

I speak frankly and perhaps earnestly because the great political leader in whose doctrines I believe, in whose public life I feel an especial pride, is peculiarly the author of the doctrine of religious toleration in the United States. It is a singular fact, but nevertheless a fact, that, out of the thirteen colonies which achieved independence from the British Crown, prior to the revolution there were but three that admitted liberty of conscience to its fullest extent, and those three colonies were Rhode Island, Maryland, and Pennsylvania. In the others there were statutes for a number of years of a stringent—I was about to say barbarous—character, including Virginia and some of the Southern States, against the right of any citizen to worship God according to the dictates of his own conscience, but he was compelled to abide by the dictates of the established church. Mr. Jefferson, in his autobiography, written when he was seventy-seven years old, gives a graphic account of the condition of affairs in Virginia when he returned after writing the Declaration of Independence. He found the established church with a licentious clergy, who were simply adjuncts of the great houses where high play and old Madeira rewarded complaisant ministry.

The first act of Mr. Jefferson when he left the Continental Congress and became a member of the Virginia house of burgesses, was to attack the doctrine of the union of church and state, and assert the fullest right of freedom of conscience and religious opinion. In his autobiography, written when he was seventy-seven years old, as I have stated, he says this was the most terrible struggle of his long and eventful career. Against him were united all the great families of Virginia, almost without exception, and, more than all, the established church, with its ministers and laity, who resented his attack upon church and state as a sacrilege and as a personal outrage upon themselves. So terrible was the struggle that the enmities which it engendered pursued Mr. Jefferson through life and assailed his memory after death. Jefferson had been a member of the house of burgesses of Virginia, of the Continental Congress, governor of Virginia, minister to France, Secretary of State, Vice-President and President of the United States; but in the epitaph written by his own hands, to be placed upon the stone that marked his grave, were only the words: "Here was buried Thomas Jefferson, author of the Declaration of American Independence and of the statute of Virginia for religious freedom, and father of the University of Virginia;" and if there be one of these great achievements greater than the other, it was that which gave to every freeman upon this continent the right to bend his knee to the God of his own adoration in his own way. This principle, attacked now in this correspondence, is, as Mr. Bayard has properly said, sacred to every American citizen and the corner-stone of our institutions. I am glad that the Department of State has assumed this position, and I sincerely hope that it may receive the indorsement of both Houses of our national Congress.

Now, sir, I move the reference of this joint resolution, together with the message of the President and accompanying papers, to the Committee on Foreign Relations.

Mr. PLUMB. I think this correspondence and this whole occurrence illustrates more perfectly and fully what we accomplish by what we call our diplomatic service than anything else which has recently taken place; and I am unwilling that this resolution shall go to the Committee on Foreign Relations without briefly calling attention to it.

I think myself that there is no question of religious liberty whatever involved here. I think the key to all this situation is found in the letter of Baron Schaeffer to Mr. Bayard of the 11th day of June and the letter of Mr. Bayard to Mr. McLane, in which he himself interprets, I think, this whole discussion very correctly, of the date of May 27.

In the first place, Austria is the neighbor of Italy. Italy having declined to receive Mr. Keiley, Austria said in substance it would be an unneighborly act to receive him as minister; and in addition to that it was stated that because he had married a Jewess Vienna society would not receive him; and as Mr. Keiley's duties there would be wholly social, and as he could not get into society unless the Austrian Government took him in under its wing, and as it could not properly undertake this, and thereby do violence to the social code of Vienna, it therefore advised that he be left at home. Vienna society would not receive him, and his position would therefore necessarily be hampered and disagreeable, and they thought on the whole he had better not go there; and I think so too.

That that is the whole of it, appears from the letter of Mr. Bayard of the 27th day of May to Mr. McLane, in which he makes himself, I think, the only satisfactory interpretation of this whole correspondence. He is directing Mr. McLane to interrupt the progress of Mr. Keiley toward the Austrian dominions, and goes on to say:

The Austrian minister communicated Mr. Bayard's note to his government and nothing further had been heard from him. It was not understood that the Austrian Government distinctly refused to receive Mr. Keiley for the reasons stated, but it holds out the threat of social ostracism, which would make the position of the minister painful and perhaps untenable.

It was purely and solely and only, according to Mr. Bayard on the 27th of May, a social question. That is exactly what it remains now; and it is a social question, because the only duty performed by our minister at the Austrian court, as I presume also the sole and only duties of our minister at any court, are social duties. I am glad, therefore, that this case has arisen, not because a good man has been deprived of the salary of a good office, but because the attention of the country has been called to the fact that we pay a large sum of money to keep up a service which is purely ornamental. I say "ornamental;" I can not even say so much as that. If what I have heard about the attire of the people whom we send abroad, and their general performance at the various capitals to which they are accredited be true, then, to "my untutored vision," I should think they were not even ornamental; certainly they would not be edifying west of the Mississippi River. In the letter of Baron Schaeffer to Mr. Bayard of the 11th of June the matter is set out distinctly as follows:

In Austria-Hungary, as well as in the United States, the constitution grants entire liberty to all forms of religious worship.

Nothing can be more emphatic than that. I believe that to be true, and that is stated for the purpose of setting forth distinctly that no religious question was involved in this refusal to receive Mr. Keiley.

Baron Schaeffer continues:

Our objections to Mr. Keiley's appointment as minister of the United States to the imperial court are founded upon want of political tact evinced on his part on a former occasion, in consequence of which a friendly power declined to receive him—

In other words he had made such utterance as would make his presence offensive at Rome, and Austria, desiring to keep on the good side of Italy and remain in that neighborly frame of mind which the contiguity of their borders naturally enforced, did not want to receive him and thought it best he should not come—

and upon the certainty that his domestic relations preclude that reception of him by Vienna society which we judge desirable for the representative of the United States, with which power we wish to continue the friendly relations existing between the two governments.

In other words, in plain English, Mr. Keiley was appointed to perform some social duties about the court of Vienna, and he could not do these unless the Austrian Emperor should receive him at the "drawing-rooms" at which the nobility and others of social standing are received, because the people who have that standing would not associate with Mr. Keiley. This seems, of course, a little bit harsh in this country, where there is no social distinction of the kind here set up—except at one hotel, I believe, at Saratoga. I think there is perhaps at Saratoga a hotel where a social distinction of this kind is recognized; but as a general rule it is not recognized, and it seems a little hard generally. I am told, too, that some gentlemen who have come over on this side in an official capacity, with domestic relations which were not of a kind that were in vogue anywhere in this country, except possibly in the limited area of the Salt Lake Valley, have felt a little bit put out that we did not think well of those social relations; and there have been some intimations, I have understood, at times rather plain, that persons who came in that way could not be expected to participate, very extensively at any rate, in the social ordinances of Washington.

I think, with the Senator from Missouri, the reason was not a very good one—that is to say, judging it in a large way; but the reason was not what Mr. Bayard argued so strenuously and so very well, and nothing could have exceeded the ability of the disquisition which he has put forth in this correspondence upon the subject of religious liberty, in which I entirely concur; but it is wide of the mark. No such subject appears in the correspondence in any way, except as he himself put it in.

But I am reminded that I have heard some of my legal friends say

at times that there is very often a good decision founded upon a very poor reason.

Shortly after this Mr. Keiley was appointed to Italy, and in anticipation of his going a dinner was given him at Richmond, at which he made a speech which was reported in the newspapers, and the last time I saw it it was made the subject of a cartoon in an Administration illustrated newspaper. So I am warranted in assuming that the report which I saw in more than one newspaper was correct. In that speech Mr. Keiley is reported as saying in the way of defending himself against what was then in the air as having been alleged against him by the Italian Government that he had substantially said of the Italian Government what he now said of the American Government, and that was that it was a government that was founded upon a gross and bloody violation of public right. Mr. President, when I read that I could not help thinking that that was not the kind of a person that ought to represent the American Government anywhere, even in a drawing-room, even at what my friend the other day felicitously described as a picnic. Certainly if anybody is going abroad to represent the sovereignty, the power, the purposes, whatever they may be, social or political, of the American Government, he ought to be a man who has no such opinion as that about the Government whose commission he bears; and so I would have said if I had been asked to decide this question myself as an individual, that while the Austrian Government had alleged a very poor reason, and one which by the lights I have about it seems entirely insufficient, that is to say, that this man had married a Jewess and consequently could not get in the society of the Austrian capital, I should have said that back of all that decision perhaps was a very good one, because as I believe he was not a proper person to represent this Government at Austria or elsewhere.

So when the Committee on Foreign Relations come to consider this question, as I hope they will, I trust they will give careful consideration to the question whether we need any minister at the Austrian court or not. I hope it will be found that this whole diplomatic service, which costs us a great deal of money, is an antiquated and totally unnecessary appendage, and recommend to the Senate that it shall be dispensed with *in toto*. I am not aware that the wheels of Government have moved with any less celerity and freedom from friction since Mr. Keiley was rejected by the Austrian Government, or that we have had during the very exciting times that have occurred in that neighborhood during the last few months any loud cry for anybody to represent American interests there during the Servian, Bulgarian, and Roumelian complications. Those countries have been contending by force of arms, and yet there has never been a suggestion, even from the exporters of American petroleum, or from any other source I have ever heard of, that anything was lacking in the representation which our Government had in that neighborhood.

I hope also the committee will go a little further and consider whether or not this controversy has not proceeded upon a false basis, whether, in fact, there is any foundation for any controversy whatever; and in the next place and fundamentally whether or not Mr. Keiley, or a man professing the sentiments which he is said to have uttered at Richmond on the occasion I have referred to, is a proper person to represent this Government anywhere abroad, or at home either, for that matter, estimable as he may be, and as I have no doubt he is.

Mr. VEST. Will the Senator from Kansas be kind enough to cite me the letter to Mr. McLane?

Mr. PLUMB. It is found on page 11 of this correspondence, Executive Document No. 4, at the bottom of the page, telegram No. 6, Mr. Bayard to Mr. McLane, dated Washington, May 27, 1885.

The PRESIDENT *pro tempore*. If there is no objection the reference will be made. The joint resolution will be considered read the second time, and referred to the Committee on Foreign Relations.

HOLIDAY RECESS.

Mr. EDMUNDS. Under the rule I ask the Chair to lay before the Senate the resolution of the House of Representatives on the subject of adjourning for the holidays. I think it will be a convenience to the gentlemen of the other House to know what the action of the Senate is.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Monday, December 21, 1885, they stand adjourned until Tuesday, January 5, 1886.

The PRESIDENT *pro tempore*. The question is upon concurring in the resolution of the House of Representatives.

The resolution was concurred in.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EVARTS, it was

Ordered, That the papers on the files of the Senate with Senate bill 459, Forty-eighth Congress, be taken from the files of the Senate and referred to the Committee on Finance.

On motion of Mr. HALE, it was

Ordered, That the papers in the case of L. Madison Day be withdrawn from the files of the Senate and referred to the Committee on Claims, there having been no adverse report thereon.

On motion of Mr. MITCHELL, of Pennsylvania, it was

Ordered, That the papers in the case of Richard C. Ridgway on the files of the Senate be referred to the Committee on Claims, no adverse report having been made.

On motion of Mr. CONGER, it was

Ordered, That the papers in connection with Senate bill providing for the sale of the Fort Brady military reservation, in Michigan, be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. TELLER, it was

Ordered, That the papers in the case of J. J: Rockafellow be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of Horace A. W. Taber be withdrawn from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of William M. Keightley be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. MAXEY, it was

Ordered, That the papers on file relating to the claim of the legal representatives of Francis Guilbeau, deceased, be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. SHERMAN, it was

Ordered, That the papers in the case of James Crutchett on the files of the Senate be referred to the Committee on the District of Columbia.

On motion of Mr. HARRIS, it was

Ordered, That the papers in respect to the bill for the relief of Rear-Admiral Samuel P. Carter be withdrawn from the files of the Senate and referred to the Committee on Naval Affairs.

Ordered, That the papers in respect to the claim of Henry S. French be withdrawn from the files and referred to the Committee on Claims.

STORES AND SUPPLIES OF NAVY DEPARTMENT.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate whether the Navy Department complied with the provisions of section 2 of the naval appropriation act of August 5, 1882, requiring an account to be taken of the stock of stores and supplies pertaining to the several bureaus of the Department, and an appraisement to be made of such stores and supplies; and, if so, to describe the manner in which such account and appraisement were made, and whether any part of the requirement of the law was not complied with, and whether or not the account and appraisement constituted an inventory of the stock on hand at the time they were made.

COMMITTEE ON INTERSTATE COMMERCE.

Mr. CULLOM. I asked a week ago for an extension of time in which the Select Committee on Interstate Commerce could make its report. I expected to be able to report to-day, but on account of one of the members of the committee being called home we have not yet quite concluded the report, and I therefore ask that the committee be continued until the 15th of January, within which time it shall have leave to make its report.

The PRESIDENT *pro tempore*. The Senator from Illinois asks the consent of the Senate to extend the time of making a certain report until the 15th of January next. Is there objection? The Chair hears none, and the order is made.

ALLOWANCE OF PENSION CLAIMS.

Mr. HARRISON submitted the following resolution and asked for its present consideration:

Whereas it is stated in substance in the last annual report of the Commissioner of Pensions that under the administration of his predecessors, or some of them, in that office, other tests than those of the law were applied to applications for pension, and that applicants were required to show, in addition to service in the field, submission to and support of a party before pensions were granted: Therefore,

Resolved, That the Committee on Expenditures of Public Money is hereby directed to inquire into said statements and to report the facts to the Senate. Said committee is authorized to send for persons and papers and to employ a stenographer.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let it lie over.

The PRESIDENT *pro tempore*. Objection is made, and the resolution lies over.

PAY OF EMPLOYÉS.

Mr. ALLISON. I ask the Chair to lay before the Senate the House joint resolution relative to the pay of the employés of the two Houses for the present month.

The PRESIDENT *pro tempore* laid before the Senate the joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; which was read twice by its title.

Mr. ALLISON. I ask for the present consideration of the joint resolution.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed a joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. 580) granting a pension to Julia D. Grant;

A bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia;

Joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents; and

Joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

CUSTOMS FRAUDS AT NEW YORK.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance are hereby authorized and directed by themselves, or by a subcommittee, to investigate the frauds and abuses alleged to exist in the collection of the customs revenue of the Government at the port of New York, especially the subject of undervaluations of imported merchandise and the reappraisement of the same at said port; and that said committee, or subcommittee, have power to pursue such investigation and take testimony at such times and places as they may deem proper, to send for persons and papers, to administer oaths, and compel the attendance of witnesses; and shall report the result of their investigation to the Senate, with recommendations as to what changes, if any, should be made in the customs laws in order to prevent frauds in the importation of merchandise and in the collection of the revenue from customs.

C. H. MANN.

The joint resolution (H. Res. 5) authorizing payment of C. H. Mann, messenger to the reporters' gallery, was read twice by its title.

Mr. ALLISON. That relates, I understand, to a correction of an appropriation made last year for an employé of the House of Representatives. It seems to be their own matter, and I suppose the Senate should consent to it; therefore I ask that the joint resolution be put upon its passage.

Mr. EDMUNDS. Let it be read for information.

The PRESIDENT *pro tempore*. It will be read at length.

The Chief Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Clerk of the House of Representatives be, and he hereby is, authorized and directed to pay to C. H. Mann the salary provided for in the "act making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1885," for the messenger in the reporters' gallery, from July 1, to December 7, 1885, inclusive.

Mr. EDMUNDS. Is there any explanation?

Mr. ALLISON. I have not examined it, but a member of the House spoke to me about it. I ask that it be referred to the Committee on Appropriations.

Mr. EDMUNDS. I am under the impression from reading the debates in a place elsewhere that there is a question whether this gentleman is to have double pay or something of that kind, he having been appointed in another department. While I entirely agree that in ordinary cases each House should regulate such little matters for itself, I think this had better be referred.

The PRESIDENT *pro tempore*. It is proposed to refer the resolution to the Committee on Appropriations. That order will be made if there be no objection.

NEW ORLEANS COTTON EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith a report, together with accompanying documents, made to me by the board of management of the World's Industrial and Cotton Centennial Exposition held at New Orleans from December 16, 1884, to May 31, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 21, 1885.

Mr. COCKRELL. Let the question of printing the accompanying documents be referred to the Committee on Printing for examination.

The PRESIDENT *pro tempore*. The message and accompanying documents will be referred to the Committee on Printing.

RAILROADS THROUGH INDIAN RESERVATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a report of the Commissioner of Indian Affairs concerning the failure of the Utah and Northern Railroad Company to compensate the Indians upon the Fort Hall reservation, in Idaho, for lands taken and used in the construction of their line of road crossing the reservation from north to south.

The subject is recommended to the early attention and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to accept and ratify an agreement made by the Sisseton and Wahpeton Indians, and to grant a right of way for the Chicago, Milwaukee and Saint Paul Railway through the Lake Traverse reservation, in Dakota.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakima reservation, in Washington Territory, for the right of way of the Northern Pacific Railroad across said reservation, &c.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

TRESPASSES ON INDIAN LANDS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill to amend section 2148 of the Revised Statutes of the United States, relating to trespasses upon Indian lands.

The subject is one of great importance, and is commended to the early and favorable action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

TIMBER DEPREDATIONS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Public Lands, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers on the subject, a draught of a bill to amend section 5388 of the Revised Statutes of the United States, relating to timber depredations upon lands reserved or purchased for military, Indian, or other purposes, &c.

This is an important subject, and is commended to the early attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

CALIFORNIA MISSION INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the acompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill for the relief of the Mission Indians in California.

The subject is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

DECEASED KICKAPOO INDIANS.

The PRESIDENT *pro tempore* laid before the Senate the following

message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill "to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes."

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

TERRITORY OF DAKOTA.

Mr. BECK. I call up the resolution submitted by me on the 18th instant and I ask that it be read.

The PRESIDENT *pro tempore*. The resolution submitted by the Senator from Kentucky on the 18th instant is before the Senate and will be read.

Mr. HARRISON. Do I understand that the Senator gave previous notice of a desire to address the Senate at this time on this resolution?

Mr. BECK. I desire to address the Senate in regard to it now, as I gave notice on Friday that I should.

Mr. HARRISON. I had expected this morning that the resolution in relation to the action of the people of Dakota would come before the Senate again for discussion, and had prepared to submit more remarks upon that subject in response to the Senator from Missouri [Mr. VEST], but as the hour of 2 o'clock has been nearly reached now, the only time I could claim a right to use for the discussion of the subject, and as I understand the Senator from Kentucky has given previous notice of his intention to go on and I can not with propriety interpose an objection after 2 o'clock, I desire to suggest to the Senator from Missouri [Mr. VEST] that the resolution offered by him and also the resolution offered by the Senator from South Carolina [Mr. BUTLER] both be referred to the Committee on Territories. The Senator from South Carolina has expressed to me his acquiescence in that disposition of his resolution.

Mr. VEST. I have no objection.

Mr. HARRISON. Then after the recess that committee will no doubt be ready to bring the subject before the Senate in the form of some bill that will offer for discussion the whole subject-matter, and not simply the single phase of it which has been presented in this preliminary discussion. While I preferred to proceed now that the remarks of the Senator from Missouri are fresh in my mind, I yield to the stress of circumstances this morning and propose that disposition of these resolutions.

Mr. DOLPH. I do not desire to discuss these resolutions, but I propose at some favorable time to add my mite to the historical part of this debate by a reference to the circumstances under which Oregon was admitted to the Union; but, inasmuch as Congress is about to adjourn now until the 5th of January, I shall not ask to submit what I desire to submit at this time, but will take occasion to do so when the resolutions are reported back or when some bill is reported to the Senate.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the resolutions respecting the Territory of Dakota be referred to the Committee on Territories.

Mr. HARRISON. The two resolutions—that of the Senator from Missouri [Mr. VEST] and that of the Senator from South Carolina [Mr. BUTLER].

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and that order is made.

JUDICIAL SALARIES.

Mr. HOAR. Will the Senator from Kentucky permit me to make a suggestion which I suppose will be for his convenience and that of the Senate? I understand the Senator from Kentucky proposes to address the Senate to-day.

Mr. BECK. I do.

Mr. HOAR. I have charge of the pending measure, the unfinished business, which is the district court salary bill. As I suppose it will hardly be worth while to take that up after the Senator has proceeded with his remarks, I should like to have unanimous consent now that that salary bill may be the unfinished business on the morning after the holidays, as it is to-day, and then let it go over so that it shall not be in the Senator's way at 2 o'clock.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill to which he refers (S. 6), fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, be considered as the unfinished business at the meeting of the Senate on the 5th of January next. If there be no objection, that order will be considered as agreed to. The Chair hears no objection.

COIN DUTIES ON IMPORTED GOODS.

The Senate proceeded to the consideration of the following resolution, submitted by Mr. BECK on the 18th instant:

Whereas the laws of the United States require that all duties on imported goods shall be paid in coin; and

Whereas it is provided by section 3594 of the Revised Statutes that "The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment, in coin, of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall, from time to time, direct; third, the residue to be paid into the Treasury:"

Resolved, That the Committee on Finance be instructed to inquire whether the laws above stated now are, or have heretofore, been obeyed; and if they have not, to report by bill, or otherwise, such measures as will secure their enforcement.

Mr. BECK Mr. President, no man will deny that the laws passed by Congress are as imperative on the highest executive official as on the humblest citizen, whether they approve them or not. I venture to assert that no man will contend that the laws recited in the preamble to the foregoing resolution either are now or have for many years past been obeyed. All sorts of excuses may be and have been offered for their violation, still the fact remains that the laws of the land have been disregarded by our executive officers, and the legislative power has been subordinated to the will of men whose duty it is to submit to them and to execute them as they exist. They have no right to decide whether a law is good or bad, politic or impolitic; so long as it is law they must be compelled to render implicit obedience to it. They have officially informed Congress for years past that they neither require coin to be paid for duties on imported goods, nor do they set apart the coin or its equivalent so received as a special fund to pay the interest on our public debt, or to procure bonds for the sinking fund. On the contrary, they admit that as the existing laws do not coincide with their views of what is politic they disregard them. I deny their right to do so, because I believe many of the evils the country is now afflicted with grow out of the disregard of the plainest provisions of law by our Treasury officials. I have no faith in the remedies which are now and have for past years been proposed for the evils they allege to exist. That the country is not as prosperous as it ought to be I admit, but I insist that the remedy is not to be found in striking down our silver coinage or the currency based upon it, but rather in requiring our public creditors to take it as the law and the contracts they required us to make demand.

I do not propose to find fault with much that is recommended by our executive officers; indeed, upon all questions, except that of coinage and the payment of our public debt, I heartily indorse what they advise. No Secretary of the Treasury has ever, in my opinion, expressed more enlightened views in regard to our present system of tariff taxation than the present Secretary, and I assume that he has but elaborated the views of the President. No more intelligent and statesmanlike message, taking it as a whole, has ever emanated from the Executive Mansion since I have taken part in public affairs; but I disagree with the President and his officials as to the management of our currency and our coinage, and I propose, respectfully but plainly, to state the reasons why, and to point out the remedy I recommend as a substitute for changes proposed in the message and official reports.

I believe that it can be demonstrated that gold and silver coin, and the paper representatives of both, stand on an absolute equality before the law, and that three-fourths of our present troubles grow out of the refusal of our officials to pay the money received at our custom-houses to our public creditors in the manner and for the purposes prescribed by the laws of the United States. Therefore I have recited these laws, which are plain and simple, in the preamble; and in the resolution have asked the Committee on Finance to tell the Senate whether they have been executed or not; and if not, to report measures which will secure their enforcement. I admit that even when that is done other combinations must be broken up before we can become a prosperous commercial people, but as all measures for tariff and tax reform must be originated at the other end of the Capitol, I am content to await the action taken there, being confident that the Executive is in full sympathy with all proper efforts in that regard.

There can be no dispute as to the fact that there must be something wrong in the management of public affairs when the ports of great nations like Germany, France, Austria, and other countries are arbitrarily closed against our cattle, hogs, and other food products, without, as the President tells us in his message, "present prospect of reasonable change." It is not a healthy condition of things when wheat, hogs, and other farm products, debarred from foreign markets in retaliation because of our protective tariff, sell at home for prices which will barely pay the cost of production. As to them certainly protection does not protect. The great American agricultural industries, which give employment to more than half of the workers for wages, whose welfare is held up (properly so) as the highest aim of legislation, and whose products constitute at least 80 per cent. of our exports, receive no real consideration here, and are not even ranked among the industries of the country over which Congress is asked or expected to throw its protecting arm.

These great interests are the unorganized, unequipped, and therefore neglected militia, whose strength can not be brought to bear with half the efficiency of a single regiment of thoroughly armed veterans, fighting for special interest. This is illustrated here and now by the zeal everywhere displayed by the combinations of bankers and bondholders and their able and well-paid press to maintain their bonds at a premium of 24 per cent., or rather to increase that premium to 30 or 40 per cent. at the expense of the already impoverished masses of tax-payers. It

seems as though it was thought to be the duty of Congress to see to it that the rich should be made richer by making the poor poorer. Why should we be in hot haste to strike down our silver currency for fear of a fall in our outstanding bonds below 24 per cent. premium? Have the representatives of the people any interest in maintaining, far less in increasing, the premium on bonds bearing 4 per cent. interest beyond 24 per cent., when we must soon become the purchasers of them at any premium, or else contract our currency at ruinous rates by locking up in the Treasury all our surplus revenue, as reduction of taxation seems to be impossible, by the passage of laws which will still further depreciate the prices of farm products, now so low that producers can not raise them and pay wages to their laborers on which they can live?

When fat hogs sell at 3½ cents a pound, and other things in proportion, when all the world is combining to exclude our agricultural products from their markets in retaliation against our protective system, which prohibits our farmers from buying what they must have with the proceeds of what they must sell, unless they pay 46 per cent. on the average more than they are offered them for, in order to enrich a few organized combinations of manufacturers, who seek no markets abroad and refuse to sell their products in competition with so-called paupers with whom the farmers must compete, our condition is not satisfactory.

But I agree that the Senate can not inaugurate measures to relieve the country from oppressions of that character; therefore I propose to seek relief in the treatment of our circulation, not by destroying it, but by extending its usefulness. The present crusade against silver is only another evidence of the audacity of the organizations of wealth; they have always secured all they demanded, however unjust their demands; they have succeeded in alarming the President and the Secretary of the Treasury as they have done several preceding administrations; they threaten to use the power which our laws give them over our currency, of withdrawing from circulation among the people and, if need be, from the country the gold they control, and thus derange, even if ruin follows, the business of the people. Every concession increases their audacity and adds to their power. A stand must be made somewhere by the representatives of the tax-payers, or an absolute surrender of all the monetary interests of the country into their hands must follow. A mere reference to the past legislation of Congress on this subject proves what I say. When it was first asserted, in 1868, by the bondholders, as the time approached when the United States could lawfully pay off the 5-20 6 per cent. bonds, and when the outstanding principal of the public debt exceeded $2,600,000,000, that the honor of the country demanded that the principal as well as the interest on the bonds should be paid in gold or silver coin, a cry of indignation was raised all over the land against such a demand by all honest disinterested men.

They were told, and told truthfully, that all the bonds they held had been purchased with legal-tender notes at par; that for each $100 in greenbacks they paid to the Government they had received a bond for $100, bearing 6 per cent. interest, payable in gold or silver coin; that the greenback when they exchanged it for the bond was only worth 50 cents on the dollar in coin, and that it was an outrage in the face of the contract they had made, with the privileges given to many of them in addition as national bankers to have currency issued for them to loan out on the security of their bonds equal to 90 per cent. of the bonds deposited, to demand that the principal of their bonds should be paid in coin. They knew—everybody knew—that the claim was false. The legal-tender notes had and continue to have an indorsement on their back that "This note shall be receivable at its face value for all debts, public and private, except interest on the public debt and customs dues," so that there could be neither doubt nor dispute either as to the law or the fact. Nobody denounced the impudent demand of the bondholders more emphatically than the present presiding officer of the Senate [Mr. SHERMAN]. He said in his letter to a friend in 1868:

DEAR SIR: I was pleased to receive your letter. My personal interests are the same as yours; but, like you, *I do not intend to be influenced by them.* My construction of the law is the result of careful examination, and I feel quite sure an impartial court would affirm it, if the case could be tried before a court. I send you my views as fully stated in a speech. Your idea is, that we propose to repudiate or violate a promise when we offer to redeem the "principal" in legal-tenders.

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by law, I am right; if it is to be tested by Jay Cooke's advertisements, I am wrong. I hate repudiation, or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets.

If under the law as it stands the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

Truly yours,

JOHN SHERMAN.

Every word he said was true, and remains true to this day. The pledge is on the back of every greenback now that it shall be receivable, at its face value, for every debt, public and private, except interest on the public debt and customs dues. The men who demanded more were repudiators of the public faith and credit, as he truthfully and indignantly said. Mr. Stevens, then the leader of his party, denounced their claim still more fiercely, and threatened to abandon his party and join the Democracy, even with "Frank Blair" on the ticket, rather than countenance such an outrage on public decency.

The subsequent legislation by Congress only proves the truth of Macaulay's observation that if large pecuniary interests were concerned in denying the truth of the attraction of gravitation that most obvious of physical facts would be strongly and ably disputed.

It seems to me that any set of men who would deny the fact that the legal-tender note, indorsed as it was and is, which had purchased the bonds at its face value should be received again by the bondholder in payment of the principal of the obligation he held, would not hesitate to deny the truth of the attraction of gravitation.

Yet these men not only denied it, but in 1869 procured the passage of an act of Congress, against the vote and protest (I am happy to say) of every Democrat in both Houses, declaring that the principal of the bonds should be paid in coin—in gold and silver coin, as both are named. Legal-tenders were only worth 50 cents on the dollar in coin when the bonds were bought; they were worth from 66 to 70 cents when this act was passed. The act was simply legalized robbery. The bondholders and their attorneys in and out of Congress knew it, and knew that no court would sustain such a law. The indorsement could neither be erased nor sworn off the back of the legal-tender note, and nobody could plead ignorance either of the law or the fact that it was to be received at par in payment of the principal of all our bonds.

Therefore they caused the act of July 14, 1870, to be passed, extending the time of payment, reducing the interest, and exempting the new bonds in express terms from all taxation, State, Federal, or municipal; and to prevent all mistake or misapprehension as to the character, quality, and weight of the money in which payment of the new bonds should be made, they caused to be printed on each bond as part of its obligation, "that it shall be paid in coin of the standard value prescribed by law on the 14th of July, 1870. The present gold and silver coin are both of the standard value prescribed by the law of July 14, 1870, and were then as now both full legal-tenders for all our obligations. All the bonds that mature in 1892 and 1907, amounting to about $1,000,000,000, stand to-day unchanged, and payable as required by the act of 1870. The remnant of those payable now have been changed, the interest has been lowered, and the time extended, but the same provisions govern them, and the same conditions are written out as part of the contract in all of them. Let me read. Inscription on face of bonds of the 5 per cent. funded loan of 1881:

This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the national debt, approved July 14, 1870, amended by an act approved January 20, 1871," and is redeemable at the pleasure of the United States after the first day of May, A. D. 1881, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof, at the rate of 5 per cent. per annum, payable quarterly on the 1st day of February, May, August, and November, in each year. The principal and interest are exempt from the payment of all taxes and duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

Extract from face of United States 4 per cent. bond:

"This bond is issued in accordance with the provisions of an act of Congress entitled "An act to authorize the refunding of the National Debt," approved July 14, 1870, amended by an act approved January 20, 1871, and is redeemable at the pleasure of the United States after the 1st day of July, A. D. 1907, in coin of the standard value of the United States on said July 14, 1870, with interest in such coin from the day of the date hereof at the rate of 4 per cent. per annum, payable quarterly on the 1st day of October, January, April, and July in each year. The principal and interest are exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority.

In the face of these facts it is simply absurd for anybody to assert that they are payable in gold alone, or that the tax-payers of the country are under any obligation, express or implied, either to demonetize or stop the coinage of the silver dollar, which is of the standard value required by the act of July 14, 1870, or to increase its weight thirty, forty, or any other number of grains, because England, to whom we have ignominiously surrendered the carrying trade of this country and the world, with her 200,000,000 of serfs in India and elsewhere, and Germany, after extorting $1,000,000,000 of gold from France, have combined in the interest of their money-changers to depreciate silver, or put up the market price of gold 20 per cent.

If the gold mines of California and Australia had continued to produce abundantly, and the Comstock lode and the Leadville mines had not produced silver, so that the market value of the two metals as bullion in London had been reversed, the argument could be made quite as plausibly that the silver dollar was the constitutional unit of value in 1870, which the bondholders have a right to demand.

There is not an outstanding obligation of the United States, nor of any State, municipality, corporation, or individual which can not be legally and honorably discharged by the payment of the present standard silver dollar. What right has Congress to deprive the debtor of that right by adding more silver to the coin than he agreed to pay, or by stopping its coinage so that he can not obtain it? It is as palpable a violation of a contract to increase the obligation of the debtor as it is to impair or reduce the standard value of the coin which the creditor stipulated in his contract should be paid to him. When Congress has once coined money and regulated the value thereof, and contracts are based upon it, the right to pay according to its terms can not rightfully or justly be taken from the

people, and Senators and Representatives who deprive them of that right will have unpleasant explanations to make to the men whose burdens are increased by their vote. It is simply an attempt to repeat the legislation of 1869, and the same pretenses are made now that were made then. An honest dollar for the laboring man was then, as now, held up as the patriotic object of those who repudiated the greenback, as higher wages to labor is claimed to be the prime object of all the patriotic combinations of monopolists and machine-owners, who tax us all 46 per cent. under the present protective tariff and yet hire the cheapest pauper labor they can import. It is the wolf guarding the lamb, the spider the fly, and the hawk the sparrow.

I propose to test this question in the light of the facts furnished us by our Treasury officials. We are, of course, as good judges of the value of the facts they furnish and as competent to draw correct conclusions from them as they are. The last report from the Treasury Bureau of Statistics, relative to our foreign commerce for the fiscal year 1885, proves that there is no such condition either in our trade or exports of metals, whether of coin or bullion, as to render it necessary to strike down our silver coinage. It shows (page 1) that our total exports for 1885 were $726,682,946, and for 1884, $724,964,852, while our total imports for 1885 were $577,527,329, and for 1884, $667,697,693.

It will thus be seen that while the value of our exports in 1885 exceeded those of 1884 our imports were more than $90,000,000 less. The same report shows that for 1885 our exports of gold were $8,477,892, and for 1884, $41,081,957, or over $32,000,000 less for the last fiscal year than for the year before. Our exports of silver for 1885 were $33,750,633, and for 1884, $26,051,426, or nearly $8,000,000 more last year than the year before, while our imports of gold last year exceeded those of the year before nearly $4,000,000. These facts falsify the clamor that gold is fleeing from our country, and proves that all the (pretended) evils of a single depreciated silver standard are myths.

Nor is it true that our silver coin has depreciated since July, 1870, when tested by any other standard than the market value of bullion in London.

The report above referred to (pages 5 and 6) gives the New York or export prices in currency of the commodities which constituted over 80 per cent. of our exports, nearly all agricultural products in 1870 and 1885; from which it will be seen that the silver dollar, which it has become fashionable to malign and denounce in aristocratic circles, will now purchase from 25 to 30 per cent. more of all that the toiling millions of this country labor to produce, and of all that men need money to obtain, than it would in July, 1870. To avoid all dispute as to these facts I quote the language of the report, as follows:

The following table shows the annual average export price in currency of the articles of domestic product named and for the years indicated:

Articles.		Year ending June 30—	
		1870.	1885.
Indian corn	per bushel	$0 92.5	$0 54.0
Wheat	do	1 28.9	86.2
Wheat flour	per barrel	6 11.2	4 89.7
Cotton	per pound	23.5	10.6
Leather	do	28.5	19.8
Mineral oils, refined	per gallon	30.5	08.7
Bacon, hams	per pound	15.7	09.7
Lard	do	16.6	07.9
Pork, salted	do	13.2	06.3
Beef, salted	do	07.3	07.5
Butter	do	29.3	16.8
Cheese	do	15.5	09.3
Eggs	per dozen	39.6	21.5
Starch	per pound	08.2	04.0
Sugar, refined	do	12.6	06.4
Tobacco, leaf	do	11.3	09.9

In the face of these official facts and figures as to our trade, and exports and imports of gold and silver, and the comparative purchasing power of the silver dollar now and in 1870, I repeat: Why should it be stricken down, or its purchasing power further increased 20 per cent. by adding 40, 50, or any other number of grains to its weight? In other words, why should every producer and debtor have to give 20 per cent. more of the products of his labor to obtain either a new silver dollar or gold coin with which to pay his debts than he does now, when he is already paying his obligations according to the terms of his contract in a coin which will procure for its owner much more of all he needs than it would in 1870? It is only another phase of the constant struggle of the rich to grind the face of the poor, and of the favored few to enrich themselves by class legislation.

While no one can deny that every obligation of the United States and every contract within our own borders can be discharged honorably with the present silver dollar, we are told that our foreign obligations and relations are such that gold will be at a premium very soon, and we will be on a basis of degraded silver at once if we do not increase the weight or stop the coinage of silver; that all Europe is horrified at our stupidity or dishonesty, or both. Even England, whose gold is said to be used so freely to buy Senators and Representatives to vote for revenue tariffs against protection to monopolies called American industry, is held up now by the gold monometallists as an example worthy of all imitation; her financial policy is lauded as the perfection of human wisdom. Fortunately the official reports overthrow all the reckless assertions of the gold worshipers. The Register of the Treasury (see report for this year, page 4), shows that out of $1,071,460,262 registered bonds of the United States outstanding only $11,927,900, or a little over one-tenth of 1 per cent. is held abroad, and of those which can be paid before 1892, foreigners hold only $34,150, which is less than the interest on the money now lying idle in the Treasury for one day at 3 per cent. per annum.

These facts coupled with the fact that our exports of goods exceeded our imports $130,000,000 this year, and our imports of gold exceeded our gold exports $18,213,804, an amount greatly exceeding all our bonds held abroad, settle the question. The falsity of the clamor about foreign complications or gold premiums is made too apparent for any sensible man to be deceived by it.

The press is filled with articles day by day which seek to make people believe that all other nations have ceased to coin silver, and that we alone are stubbornly persisting in forcing it upon this country after it has been abandoned everywhere else.

I propose to disprove these allegations by officially stated facts. The Director of the Mint in his last report shows (pages 131, 132) that for the year 1884 the world's production of gold was $95,292,569; of silver $115,147,878; and that $99,459,240 of gold was coined, while the coinage of silver last year amounted to $90,039,443, of which the United States coined $23,991,756 of gold, and $28,534,866 of silver. Other nations, therefore, coined in 1884 $61,504,577 of silver, showing that we are far from being alone in the coinage of that metal. England coined $3,204,824 of silver last year and $6,201,517 the year before, to add to her stock which has been accumulating for generations; while she has coined silver for India in the last three years to the value of $68,234,000.

The workers for wages in England to-day get their pay in silver coin, and the question is never mooted by them as to the comparative bullion value of the silver and gold coin of that country. Even Germany, notwithstanding she pretended to have demonetized silver twelve years ago, coined in 1882 $6,407,157 of it to add to her vast stock on hand; her laborers are paid in it now. No complaint is made anywhere, here or in Europe, about silver coin except by the holders of our bonds, who seek to increase largely the purchasing power of gold, or, which is the same thing, reduce the value of all our property from 25 to 50 per cent. below its present value when tested by the single standard of gold, which they claim shall be paid by us to them and to them alone. They do not seek to establish the single gold standard, they say; they are bimetallists. They agree that silver is a legal tender for all debts and obligations of the Government, except those held by them. It is good enough to pay the laborer, the soldier, the sailor, in short, all who work for the United States, but they insist that it is dishonest in us to pay it to them, although their bonds and obligations all show on their face that it is a legal tender in payment of them all so long as it is coined of the standard value fixed by law, July 14, 1870, as it is now and always has been.

Our dollar is more valuable than that coined by most of the other leading nations, France included, theirs bearing the relation of 15½ to 1 with gold, while ours is 16 to 1. I need not repeat in detail what the official reports show in regard to the gold, silver, and paper currency of the several countries. It is sufficient to prove by them that while the difference in the market value of gold and silver in London operates to degrade their silver coin more than it does ours, France and other countries maintain their silver and paper in all transactions, public and private, at par with gold under far greater difficulties than we have to contend with, no matter from what standpoint the comparison is made.

The Comptroller of the Currency is his last report, page 26, says:

> From information communicated to the State Department by the minister of the United States to France, it appears that notes of the Bank of France are legal-tender, and are redeemable at sight, either in gold or silver 5-franc coins, at the option of the bank (silver coins of smaller denominations being legal-tender only to the extent of 50 francs).
>
> On October 1, 1885, as shown by the returns of the Bank of France, the notes in circulation amounted to 2,786,051,930 francs, the bank holding at that time cash amounting to 2,265,636,853 francs, of which 1,162,987,434 francs was gold and 1,102,649,419 francs silver.

It will be observed that the Bank of France alone holds more silver coin than the total silver coinage of the United States. Up to July 1, 1885, we had only coined 203,000,000 of silver dollars. The silver coin in the Bank of France, at five francs to the dollar, amounts to $220,529,884, or over $17,500,000 more than our total coinage. How many millions more are in the hands of her people I am not advised—more, perhaps, than are held by the Bank of France, yet they are all a full legal tender and all as good as gold. France is little more than two-thirds as large as the State of Texas; her internal trade and commerce is a mere bagatelle compared with that of this almost boundless continent; her population is not two-thirds as large as ours and far less enterprising; her foreign commerce is much smaller than ours; gold can be transported from the Bank of France in Paris to the Bank of Eng-

land in London in a few hours; they are not as far apart as New York and Washington. Why is it not done? Why is she not brought to the so-called degraded silver standard? Five more years of coinage of silver at the present rate will not bring ours up to hers either in volume or proportion to gold. Simply because her officials and her public creditors sustain her silver and do not repudiate it nor seek to degrade it as ours have done for years past and still continue to do in violation of the plainest provisions of law.

As I have stated in the preamble to my resolution, our customs dues are made payable in coin, and section 3694 Revised Statutes provides that—

The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment in coin of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, &c.; * * * third, the residue to be paid into the Treasury.

No Secretary of the Treasury can mistake his duty under that law; no public creditor can complain when the interest on his bond is paid in the coin which is set apart as a special fund, first for the payment of the interest due to him. Yet millions, hundreds of millions, have been paid for duties on imported goods since 1878 in silver coin and silver certificates, which is only a convenient form of handling silver, as the coin they represent is ours when the certificates are paid to us; yet not one dollar, so far as I am advised, has ever been paid in silver as interest on the public debt or in the purchase of a single bond for the sinking fund, though it has been recognized as a coin which constituted the special fund created by law by its acceptance in payment of duties on imported goods. The public creditors have unjustly demanded gold for the interest on their bonds without any semblance of right, and every Secretary of the Treasury has disregarded the law and acceded to their demands. Our officials have thus aided and abetted the organization of the most powerful body of capitalists in the United States against silver coinage; men who control the currency of the country and hold the obligations of all its business concerns; men who can inflate or contract the circulating medium on which all our commercial transactions depend; men who hold $737,742,850 of bonds of the United States maturing in 1907, on which they now demand a premium of 24 per cent., and seek by striking down silver still further to increase their premiums.

They hold also $250,000,000 of our bonds payable in 1892, which they seek to enhance the value of even beyond the 12 per cent. premium they now command. These men control boards of trade, chambers of commerce, and the best talent of the press; they can crush all who are in debt if they dare to dissent from or object to the demands they make; the reports of their conventions and speeches are laid before us with a parade and semblance of authority equal to the report of the Secretary of the Treasury or the message of the President.

I shall not be surprised if they dominate this Congress, but it will be after I have entered my protest against it and have given to the country my reasons for so protesting.

If the managers of the finances of France had treated her silver coinage as our officials have ours she would have been prostrated, financially, at the feet of England and Germany long ago.

Why have the holders of the dishonored trade-dollar been importuning Congress for years to give them in exchange for it a standard dollar containing 412½ grains, while it contains 420? Simply because one is a legal tender and will pay the debts of its owner, and the other will not. Yet tested by the bullion value the trade-dollar is worth the most. When our Treasury officials yielded to the clamor of the bondholders and violated the law by admitting their right to refuse silver received at the custom-house in payment of the interest or principal of their bonds, they degraded our standard silver dollar by depriving it of its most important function as a legal tender; and now, having captured the executive branch of the Government, the bondholders and their attorneys are besieging Congress to enforce their demand for gold alone in the settlement of their claims, all law, justice, and equity to the contrary notwithstanding, by striking down the silver of the standard value of July, 1870, which they then demanded and inserted in the face of every bond they hold as one of the coins in which the bonds should be paid. It is hard to do justice to their audacity in temperate language; I hardly think I am equal to the task, and will not attempt it. I can, however, get the facts before the people.

The last report of the Treasurer, page 35, shows that the receipts at the New York custom-house for the fiscal year 1885, were paid as follows:

United States legal-tender notes	$36,161,000, or	28.9 per cent.
United States gold coin	1,544,000, or	1.2 per cent.
United States gold certificates	42,779,000, or	34.1 per cent.
United States silver certificates	44,660,000, or	35.6 per cent.
United States silver coin	158,000, or	0.1 per cent.
Total	125,302,000, or	100 per cent.

It is fair to assume that the payments at the other custom-houses were made in substantially the same character of money. It will be observed that more of the customs dues were paid in silver and silver certificates than were paid in gold and gold certificates; all of it is by law a special fund which can not legally be paid or covered into the Treasury till the interest on the public debt is paid out of it, and the bonds for the sinking fund are purchased or redeemed.

These, together, required about $108,000,000, yet not a dollar of silver has been so applied; it is paid into the Treasury and held there, and a clamor is raised that it can not be again got into circulation. If the law was obeyed and the bondholders required to take the same proportion of silver dollars that the Government receives through its custom-houses, the bondholders would have no difficulty in getting them all into circulation; and when it is made their interest to maintain and support the silver they own we would hear no more about its being dishonest money. The Secretary says (page 14 of his report) that the balance in the Treasury has been increased from the 4th of March, 1885, to the 1st of November, 1885, $58,053,702.27, yet there has been no reduction of the interest-bearing debt (and that is the only debt that is a burden on tax-payers) since November, 1884, certainly not since March, 1885. The monthly reports show $194,000,000 of 3 per cent. bonds then outstanding and precisely the same amount in November.

How is the surplus silver coin to get out of the Treasury if the Secretary refuses to pay it out for interest and refuses to call in the bonds which are now payable?

There is no more effectual or pernicious method of contracting the currency than by collecting by taxation a large sum in excess of the needs of an economically administered Government and locking it up in the Treasury. Every dollar needlessly taken from the tax-payer wrongfully deprives him of that much capital which he needs and labored to obtain, and when it is locked up the circulating medium which all the people want is wrongfully withheld from them. The thief who steals and squanders an unneeded surplus locked up in the Treasury vaults would inflict less injury on the country and its business if the money he stole was put in circulation, than a Secretary who holds and hides in vaults currency which the people want, and refuses to use it to pay the debts, especially interest-bearing debts, which the men who own this money owe. It is easy to raise a clamor about a surplus, but it will be more difficult to explain to the people why such vast amounts of the money they have been so heavily taxed to furnish is lying idle in the overloaded Treasury vaults, and they deprived of its use, while interest is running against them on bonds which can be and ought to be paid. The idle money when paid out for interest on bonds would at once be released and restored to circulation.

Speaking of circulation, we are constantly told that there is now a great abundance of it outstanding; indeed, we are officially advised that the legal-tender notes and the silver certificates should all be withdrawn—I presume because of the superabundance of currency. Let us look for a few minutes at the effect of these recommendations, if carried out, and see how far these certificates are now used as currency.

It was the avowed purpose of the advocates of both gold and silver certificates, and I was one of them, to furnish a safe, convenient paper currency, every dollar of which could be used just as the coin paid for it could be, and which would be secured by the deposit of an equal amount of coin in the Treasury. No better security could be asked or given. It was not thought desirable to have the coin of either metal exposed to the risk of loss or reduction of value by the abrasion which necessarily accompanies its active use. The transportation of both was known to be dangerous and expensive; all the expense and risk, as well as the deterioration of the coin, was avoided by the use of the paper substitutes, while the United States were sure to be amply compensated for all the expenses incurred for vaults, custodians, and everything else.

We—I mean by we all the people—received a coin dollar for every paper dollar issued. We only pay out the coin on the paper brought back to our agents. All of it that is lost or destroyed by fire, flood, or the thousand accidents that all transitory things are subject to, is our gain. We had experience in operations of that sort, and knew that they were profitable. Forty-five millions of dollars of fractional currency was issued. We afterward called it in for cancellation, and we now know that $15,000,000, or one-third of it, has been lost or destroyed. We made $15,000,000 out of that issue, as we received full consideration for the whole amount issued. We only redeem such national-bank notes as are returned; and the amount now known to be lost is so great that the Comptroller is devising all sorts of ingenious plans in his report to get it away from us for the benefit of the banks. None of them lost any of it. The people who borrowed it or worked for it, after the banks got value received for it, were the sufferers; yet the Comptroller wants it all for the banks. I expect they will get it. They have as much right to it as to have their interest and principal paid in gold alone or to have our silver stricken down. I have no idea that $300,000,000 of the $346,000,000 of greenbacks charged in the reports as outstanding could be returned if they were called in to-day. All lost is clear profit to the Government. It is a sufficient answer to all the clamor about expense and vaults that the coin is preserved from loss and from abrasion, and that our gain from the loss of the outstanding paper, if it is kept in denominations in which it will circulate, as it ought to be, will amply compensate the United States for all the expenses of its safe-keeping.

The object we all had in view by keeping in actual use paper substitutes for gold coin to the extent of the coin deposited has been grossly perverted. The coin is locked up, and four-fifths of the certificates issued are of such high denominations that they are of no sort of use as currency.

The Treasurer's report, page 23, shows that on the 30th of June, 1885, the outstanding gold certificates amounted to $137,760,860, of which all but $33,360,000 were in denominations of $500 and upward, more than $55,000,000 of them being for $10,000 each. It is obvious that the people get no benefit in the form of currency when bills or certificates exceed $100.

The Director of the Mint, on page 29 of his report, speaking of these paper substitutes, says: "As these certificates represent coin in the Treasury, which coin can only be used in their redemption, they really form a part of the active coin circulation of the country." The Director, perhaps, did not know that $55,000,000 of them were for $10,000 each, as it would be absurd to speak of such notes or certificates as forming part of our active circulation.

The Treasurer's report (page 24) shows that on June 30, 1885, silver certificates amounting to $139,901,646 were outstanding, and that $103,758,091 were in ten and twenty dolllar bills, in about equal proportions. None were higher than $1,000; so that the only real currency furnished to the people in the shape of certificates is that based on the deposit of silver coin. Yet the dollars so deposited are held up as useless incumbrances, performing no function of value, and all our officials join in the crusade against them and the certificates that represent them, and urge Congress to withdraw the one and stop the coinage of the other. I do not propose to do either unless better reasons are given why it should be done than any I have yet seen or heard. I would, however, amend the law so that no certificate should be of a higher denomination than $500, and not more than 25 per cent. of the amount outstanding at any time should be of denominations higher than $50. The legal-tender notes, too, are attacked. It seems as though every form of currency which costs nothing and enriches nobody is condemned.

It is assumed that the Government has no right to use its own credit or to furnish any part of the currency the people need. Legal-tender notes are denounced as a forced loan, as rag-babies, shinplasters, indeed every opprobrious epithet has been hurled against them by those who insist that they must be vested with the sole right to issue currency to loan at a profit to themselves, and to dictate through their organization how much or how little it is most profitable to them to keep in circulation. But the people and their representatives have so far sustained the greenbacks, and while they have always been repudiated to the extent that they could not be legally paid at the custom-houses for duties on imports, and that is the law now, over $47,000,000 of them were received for duties last year in New York alone by executive orders in plain violation of law. The majority of the Senate refused last year to make them receiveable for duties, and yet we permit $47,000,000 of them to be so received. I have a bill now before the Finance Committee making it legal to receive them for customs dues, as I believe they ought to be; yet I insist that no executive officer ought to be allowed to do anything in violation of law, or to be placed in a position in which he feels authorized or compelled to disregard it.

Congress by the act of May 31, 1878 (see Statutes at Large, volume 20, page 87), made an effort to retain what was then left of the legal-tender notes, and to preserve them in such shape that they would be currency in the hands of the people. We provided, in substance, that whenever legal-tender notes are received at the Treasury from any source they shall not be retired, but shall be reissued and paid out again and kept in circulation, and that new notes of the same denomination of those returned because too much mutilated for use shall be issued in their stead. It is obvious that Congress did not intend to allow any increase of the denomination of the legal-tender notes above what existed when that act was passed; yet the table on page 20 of the Treasurer's report shows that bills of the denomination of $500 have increased in the last year nearly $10,000,000, while those of smaller denominations have been proportionally decreased.

There can be but one purpose in this attack all along the line on everything except gold and national-bank notes, and that is to transfer to the holders of our bonds absolute power over the currency, which means over the business of the country.

The report of the Comptroller of the Currency develops that purpose, perhaps, more plainly than the others. After insisting that Congress should repeal the tax on circulation, give up the profit made on the lost bank notes, or put it into a safety fund with other things for the benefit of the banks, he adds, on page 18:

> Such legislation would have the effect of maintaining bank-note circulation, and prevent its being superseded by Government issues, which an authority as high as Alexander Hamilton has said "are of a nature so liable to abuse, and it may even be affirmed so certain of being abused, that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an experiment."

I assume that it is too clear to admit of debate, no matter what Mr. Hamilton or anybody else said, that a circulating note, in any form, properly secured, is as good when issued by the Government as a like note would be when issued by a corporation created by the Government and secured by a Government bond; and hardly anybody but the Comptroller or a bank attorney would venture to assert that the Secretary of the Treasury is not as likely to be honest and careful of the public interest in maintaining and keeping the necessary amount of circulation afloat for legitimate business purposes as bank presidents would be, who are under no obligation to consult the public welfare, but, as the private interests of their stockholders demand, may contract or expand their issues as the one course or the other best subserves their private ends regardless altogether of the public weal; indeed, they are apt to be enriched when they can most surely oppress the masses.

Yet, in the face of his claim that all other circulation is unsafe, the Comptroller shows that the decrease in national-bank circulation in the last three years amounts to over $48,000,000, and says that it would have decreased $25,000,000 more if the Secretary of the Treasury had not come to their rescue by refusing to use the money at his command in the purchase of the 3 per cent. bonds on which their circulation is based; in other words, the people have lost over $2,000,000 of interest and the bankers have made $6,000,000 on loans by the operation. The Comptroller shows very clearly why the bondholders are so anxious to get clear of the silver dollar; they fear that the premium on their bonds will fall if they are paid in whole or in part in silver. But he stated the whole case so clearly that I will read, on page 15 of his report:

> It will be seen that the banks held on November 1, 1884, $155,604,400, and on November 1, 1885, $138,920,650, of 3 percents under the act of July 12, 1882, payable at the pleasure of the Government. The Secretary of the Treasury, during the year ending November 1, 1883, paid $105,634,150, and during the year ending November 1, 1884, $105,970,450 of the public debt. In the latter year 3 percents only were called. No bonds were called for the year ending November 1, 1885. Reasoning upon the theory that the public debt would, during the year ending November 1, 1885, continue to be reduced by the payment of 3 per cent. bonds, and that this reduction would occasion the reinvestment of trust and other funds invested in threes, and cause a greater demand for and consequent increase in the price of 4 per cent. bonds to a point at which it would be more profitable for the national banks to sell them, the Comptroller estimated in his last annual report to Congress, that unless legislation should be secured enabling the banks to issue currency at a fair profit, circulation would be reduced at the rate of at least $40,000,000 per annum. It is believed that this estimate would have been substantially correct had the Government continued during 1885 to call and pay the 3 per cent. bonds as rapidly as during the two previous years.
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> The reduction of circulation of national banks during the year ending November 1, 1885, for reasons other than the call of bonds by which it was secured, was greater than anticipated. The causes which have led to this result are small profit remaining to national banks on circulation after paying the tax of 1 per cent. per annum imposed by the Government; reduction in the rates of interest throughout the country, occasioned by the abundance of money in the financial centers; and, doubtless, uneasiness among certain of the bankers of the country as to the outcome of the increase of silver in the Treasury, *such increase indicating that possibly the interest on the public debt, and even some portion of the principal, might be paid in standard silver dollars*, and that Government bonds might thereby become depreciated in foreign markets, which would undoubtedly affect their price in this country. The credit and standing of this country is deservedly high, and it is not believed that the people desire either the principal or interest on the bonded debt of this country to be paid in anything but gold coin or its equivalent.

I think the Comptroller makes it clear that the country can not afford to rely for its circulation on national-bank notes. He asserts that the bankers will surrender their circulation and sell the bonds upon which it is based, regardless altogether of the public needs, whenever they can make more money by selling the bonds than they can by loaning the circulation. We all know that to be true.

Can Congress afford to vest absolute power over the contraction and expansion of the circulating medium which regulates all our transactions exclusively in the hands of men who gamble with it for private gain without any sort of public responsibility?

I think not; yet, if we retire the greenbacks and the silver certificates, as our officials advise us to do, we will have no currency but national-bank notes left, *which they can expand or contract at pleasure.* Nobody pretends that in the reduction of these notes from $324,000,000 in November, 1882, to $276,000,000 in November, 1885, the public interests or needs were for a moment considered.

I desire to state with great distinctness that I am not making war on bondholders or national banks or bankers. I voted to renew their charters, to repeal all taxes on their capital and deposits, and will cheerfully vote for any and all measures necessary to add to their usefulness, either by increasing their circulation to par with the bonds deposited, or, if it can be done with justice to their competitors in business, reduce or repeal the tax on their circulation. But I would require them to take the same coins, both gold and silver, that all other creditors of the Government receive. I shall always oppose the grant or recognition of any superior rights or privileges in them or in the obligations they hold over those of other citizens. I would divorce them from politics, and deprive them of power to control or influence legislation by contracting or expanding or by threatening to interfere with our currency, as was done when they obtained President Hayes's veto on a memorable occasion. I would require them to obey the law and receive the coin which we take at the custom-house and set apart as a special fund for their security and payment. When we say by law, as we have done, that "no national banking association shall be a member of any clearing-house in which such (silver) certificates shall not be receivable in the settlement of clearing-house balances," I would forfeit the charter of any bank that dared to disobey the law, as I would fine and imprison any officer of any of them who would certify checks when the funds were not actually in the bank at the time.

In short, no set of men should be allowed to exercise privileges prohibited by law, nor have rights given to them in regard to the character and quality of the coin in which their debts shall be paid which are denied to all other equally meritorious creditors; and no set of men should ever have power to regulate or control, as their private interests may be affected, the currency or the business of the people. If that power is yielded or conceded to them, with legal-tender notes and silver certificates withdrawn and gold paid to them, and to them alone, for their interest and bonds, Congress would be powerless to resist any demands our bondholders and bankers might make. I know their power and appreciate the adroitness with which they can have their claims presented. Even the President in his message has been induced to say that up to the present time only about $50,000,000 of the silver dollars we have coined have found their way into circulation. He modified that statement by showing that a large amount of silver certificates were outstanding.

But the press of the country has taken up the first statement, leaving out all the qualifications, and parade it before the country as conclusive evidence that too much silver has already been coined, and that all of it is an incumbrance except about $50,000,000. They utterly ignore the fact which the official reports show that at the close of the last fiscal year, June 30, 1885, out of a total coinage of $203,000,000, $140,000,000 in round numbers was in active circulation in the form of silver certificates, in addition to the coin in the hands of the people, of which certificates $44,660,000 was paid to the Government for customs dues during the last fiscal year at the port of New York alone—more than was paid in gold and gold certificates combined. Why is not the coin represented by these certificates as much in active circulation as if it was passed from hand to hand as often as the certificates are? I ask, is it fair to complain of the silver held in the Treasury as being expensive and useless, under such circumstances, and yet not utter one word of complaint in regard to over $137,000,000 of gold coin locked up, at the same time and in the same way, represented by the same sort of certificates, most of them in a far less useful form? If our officials would unlock the Treasury vaults and pay our interest-bearing debt with the money they are complaining of being overwhelmed with they would be doing their duty more satisfactorily than by the course they are now pursuing.

The President says:

A special effort has been made by the Secretary of the Treasury to increase the amount of our silver coin in circulation.

Let him make one more effort and pay out the $60,000,000 or $75,000,000 he received for customs dues, and which he has no use for, in payment of interest and in the redemption of the bonds now redeemable, and the ordinary expenses of the Government will keep the vaults reasonably clear of all, not represented by certificates or bills, which the people have a right by law to demand on making a deposit of coin. No public creditor other than the bondholder has ever complained when payment is made to him in silver or silver certificates. All other creditors are entitled to the same consideration as the holders of our bonds. We as a tax-paying people are not interested in keeping our bonds 24 per cent. above par when we must soon buy them with our surplus revenues.

I may observe here that silver certificates are now and have always been a popular currency.

The Treasurer in his last report, page 24, says:

The issue of silver certificates by Treasury officers in the South and West for gold coin deposited with the assistant treasurer at New York, under Departmental circular of September 18, 1880, was discontinued in January last. The amount which had been issued in that manner to the date named was $80,730,500.

The Treasury order referred to reads thus:

"TREASURY DEPARTMENT, SECRETARY'S OFFICE,
"*Washington, D. C., September* 18, 1880.

"Until further notice the United States assistant treasurer in New York will pay out at his counter standard silver dollars or silver certificates in sums of $10, or any multiples thereof, in exchange for like amounts of gold coin or gold bullion deposited with him.

"Upon the receipt by the Treasurer of the United States in this city of an original certificate of deposit issued by the United States assistant treasurer at New York, stating that there has been deposited with him gold coin or gold bullion in the sum of $10, or any multiple thereof, payment of a like amount in standard silver dollars or silver certificates at the counter of any United States assistant treasurer designated by the depositor will be ordered.

"JOHN SHERMAN, *Secretary.*"

The Treasurer of the United States in his report to Congress dated November 1, 1880, says:

The demand for silver certificates under the circular of the Department dated September 18, 1880, authorizing their exchange for gold coin and bullion, has been quite extensive at New Orleans, Saint Louis, Chicago, and Cincinnati, and there were paid out at these points during the month of October $3,485,000 in silver certificates for an equal amount of gold coin deposited in the subtreasury in New York.

And in December, 1881, the Secretary of the Treasury in his report says:

The Department has issued silver certificates at the several subtreasury offices upon a deposit of gold coin in like amount with the assistant treasurer at New York, and through this means certificates have been issued for nearly all the silver held by the Treasury. These certificates amount to about $66,000,000 and are now outstanding.

That condition of things doubtless rendered the following order necessary, as all or nearly all the silver coin in the Treasury was represented by outstanding silver certificates:

TREASURY DEPARTMENT, SECRETARY'S OFFICE,
Washington, D. C., November 1, 1881.

Until further notice the exchange of silver certificates for gold coin deposited at the office of the United States assistant treasurer at New York will be suspended, and Department circular No. 75, of September 18, 1880, is hereby modified accordingly.

H. F. FRENCH,
Acting secretary.

Subsequently this restriction was removed for a time and over $80,000,000 of silver certificates were taken principally by the people of the South and West in exchange for gold coin. The privilege was finally withdrawn in January, 1885. I ask in view of these facts how it can properly be charged that the people will not use the silver coinage, that they are hoarding gold, that the depreciated paper will soon greatly impair the purchasing power of the poor man's wages, and that we are on the verge of a financial crisis unless we bring all our transactions at once to a gold basis?

It must not be forgotten that all the gold coin deposited for silver certificates became at once the property of the United States; it was not held in the Treasury for their redemption. An equal amount of silver coin took its place for that purpose at once. Men who owned gold all over the South and West, in Louisville, Indianapolis, Nashville, and other places, as well as those cities named in the report, sent their coin at their own expense to the assistant treasurer in New York in order to have silver certificates delivered to them for use as currency at home. Yet during all that time the bullion value of gold in London was at least 15 per cent. more than silver, and the country was being periodically alarmed, and Congress advised by our officials that gold was leaving the country, that silver was a degraded standard of value, and that its coinage must be stopped or its weight increased or ruin would speedily be upon us because of its depreciation in the London market.

The facts I have stated overthrow all the speculations of the theorists. Our business men gladly exchanged their gold coin for silver certificates and did not ask any better security for the paper they took than the silver dollar deposited in the Treasury. So far from hoarding gold because of its greater bullion value in a foreign market, they sent it to a distant depository to get the paper we are advised is dishonest money because it is depreciated 15 or 20 per cent. below gold in London. I have thus imperfectly outlined the reasons why I can not sustain at this time a policy which seeks to withdraw either our legal-tender notes, the silver certificates, or stop the silver coinage, and I see no propriety in increasing the weight of our silver coin beyond the standard value fixed by law in July, 1870, under and by which all our outstanding bonded indebtedness is regulated. I am convinced that we can no longer look with safety to the national banks to furnish the country with a stable currency.

I insist that every creditor of the Government is by law entitled to be paid in the same coin, and that our Treasury officials should be required to pay silver as well as gold when received for customs dues to our bondholders, as they do to all others who have legal demands upon the Treasury; that done there will be no need, at least for years to come, to strike down silver in any form. The country is now rallying from a long period of depression. All railroad securities recently fell 50 per cent. on the average in eighteen months. Wheat, cotton, cattle, hogs, all farm products, are even now so depressed that they leave no profit to the producer, even after he pays the lowest wages for which he can obtain labor in their production. Foreign nations are closing their ports against our leading exports and throwing all obstacles possible in the way of our commerce.

Our carrying trade is gone and is in the hands of our foreign competitors. We need to use all our resources of both gold and silver, and their paper representatives, to enable us to regain our lost prestige and to develop our resources in the most economical way. Contraction, or destruction of any part of our means is, in my judgment, fatal to our laboring and especially to our debtor classes. So believing, I am opposed to it.

Mr. President, I will only add that I have no interest in the silver question other than my conviction in regard to the best interest of the country. I never owned a dollar's worth of stock, directly or indirectly, in any silver or other mine. The people I represent here are not specially interested in it. We are in the central portion of this great continent, and our prosperity depends on the prosperity of every section. If hereafter I ascertain that I am wrong, and that the public good requires me to change my views, I hope I will have the courage to do so, and state the reasons therefor as frankly as I have given the reasons for my present convictions.

Mr. MORRILL. Mr. President, this seems to be a very elaborate assault upon the Secretary of the Treasury and the President of the United States. If the resolution should pass, I take it it would be an expression of want of confidence in this Administration. I regret that the Senator from Kentucky should represent the Secretary of the Treasury as being little better than a common thief, and allege that the President of the United States and the Secretary together have been bought up by the bondholders. But as it is probable that no Senator upon the

left is prepared at the present time to enter into a defense of the Administration, I will move that the Senate proceed to the consideration of executive business.

Mr. WILSON, of Iowa. I ask the Senator to yield to me.

Mr. MORRILL. I yield to the Senator from Iowa.

Mr. WILSON, of Iowa. Mr. President, on Friday last I gave notice that I would to-day——

The PRESIDENT *pro tempore*. Pending the question on the adoption of the resolution offered by the Senator from Kentucky the Senator from Iowa asks——

UNION PACIFIC RAILROAD COMPANY.

Mr. WILSON, of Iowa. On Friday last I gave notice that I should ask the Senate to-day to take from the table a resolution submitted by me on the 9th of December, and stated that it was my purpose to submit some remarks to the Senate touching the subject-matter of that resolution; but inasmuch as the day has progressed so far into the later hours I will not ask that action be taken now, but give notice that on the reassembling of the Senate on the 5th of January I shall ask that that resolution be taken up for the purpose indicated.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; and it was thereupon signed by the President *pro tempore*.

FLORIDA PUBLIC LANDS.

Mr. CALL. I ask unanimous consent to submit at this time a resolution.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That a special committee of five Senators be, and are hereby, appointed, who shall be, and are hereby, charged with an investigation of all alleged unlawful, unauthorized, or fraudulent appropriations of the public lands of the United States in the State of Florida, to the detriment of actual settlers, or homesteaders, or purchasers for cash, or of the United States, under the several acts of Congress making grants of the public domain to the State of Florida and otherwise. And that the Commissioner of Public Lands furnish said committee with a competent clerk from the office of Public Lands. And that they have authority to send for persons and papers, and to employ a stenographer. And that said committee report to the Senate the evidence taken by them and their recommendations on the subject.

Mr. CALL. Mr. President, in offering the resolution it is not my intention to make or suggest either directly or indirectly any charge against any official either of the Federal or the State Government. There have come to me in the past twelve months numerous letters in which it has been alleged that there have been improper dispositions of the public lands of the United States in Florida to a large extent; and for the purpose of doing justice to the people who have made the charges as well as to allow an opportunity for refutation on the part of those who may be connected with them, I have thought it right to ask that the matter may be investigated by the Senate.

There has been a very large amount of the public lands of the United States appropriated under the several acts of Congress within the last few years, and there have been very great complaints on the part of homesteaders and other settlers of interference with their rights under the law by the locations that have been made. I think the subject is of sufficient importance to have the matter investigated by the Senate, and upon conference with members of the Committee on Public Lands they have some of them suggested to me that it would be better if it were done by a special committee of the Senate than by that committee, who are already charged with various important bills.

If there be no objection to the adoption of the resolution I will ask for its present consideration.

Mr. MORRILL. It should be referred.

Mr. HOAR. Is there legal authority in the Senate to direct the Interior Department or a bureau in it to furnish a clerk for the use of the Senate?

Mr. CALL. I do not know in regard to that. It might be made a simple request if the Senator thinks there is any difficulty in that respect.

Mr. HOAR. I do not propose to interfere with the Senator's resolution, but I should think he had better give the committee the ordinary authority to appoint a clerk, and then if the chairman of the committee wants a clerk of special skill he can make the arrangement with the proper Department. Certainly we have no such authority as to direct the Department to furnish a clerk.

Mr. CALL. I shall have no objection to amending the resolution by inserting the word "request," but it was suggested to me by the Assistant Secretary of the Interior that there are some very well qualified clerks there who are familiar with the subject.

Mr. HOAR. I should object to having either of them as I am at present advised. I think the ordinary authority of a committee to appoint a clerk should be put in, and then the chairman can make any arrangement with a particular Department to furnish him a clerk that is lawful and proper.

Mr. CALL. I accept the suggestion, and ask the Secretary to amend the resolution by striking out that portion of it.

Mr. ALLISON. I hope the Senator from Florida will consent to have the resolution referred to the Committee on Public Lands. I have read with some interest the report of the Commissioner of the General Land Office, and if I recollect correctly he does not confine his statements respecting the public lands to the State of Florida, but rather extends his comments to various portions of our country and intimates that there has been in divers places and in numerous States a misappropriation of the public domain through land grants and other violations of the homestead, pre-emption, and various other laws.

While I do not object to any investigation with reference to Florida, it seems to me that the resolution should go to the Committee on Public Lands and be reported back from that committee, so that if necessary the scope of the investigation may go beyond the State of Florida.

I know that a great many years ago there were numerous land grants made to the State of Florida for railroad purposes. I am not aware that there have been any recent grants made to that State, but I suggest to the Senator that the resolution should go to the Committee on Public Lands, from which committee it can be reported back in an acceptable form.

Mr. CALL. I will ask the Senator if it would not meet his views to have the other States included in the resolution for a special committee. The only object I have in asking for a special committee is that it may have time to devote itself to the subject. I understand that the Committee on Public Lands have their time very much occupied with many important matters already before it.

Mr. ALLISON. It seems to me that the resolution itself should go to the Committee on Public Lands, and then with the knowledge they have upon the subject and with the information they have derived from various sources they may wish to enlarge the scope of the inquiry or they may not think it necessary; I do not know.

Mr. CALL. I suggest to the honorable Senator that while I shall not be very importunate for a special committee, the Committee on Public Lands are engaged almost all their time, and will be at this session, in hearing various representatives of different railroad corporations on the subject of the forfeiture of railroad land grants, and that they will have very little time to devote themselves to this subject. I have no objection to an amendment of the resolution so as to include all other States.

Mr. ALLISON. The Senator misunderstands me. I do not wish to have this subject examined by the Committee on Public Lands, but only that the Committee on Public Lands shall report whether it is necessary to raise a special committee for the purpose; in other words, that the resolution shall go to the Committee on Public Lands and be reported back with such recommendation as that committee may see fit to make. That is my idea in regard to a special committee; or if the Committee on Public Lands can undertake the investigation, it seems to me wiser and better that they should make it. They must have a large amount of information upon the general topic, and indeed the investigations of the committee are in the very direction indicated by the Senator from Florida in many respects; that is, as to public lands included in railroad land grants. I only ask a reference of the resolution to the Committee on Public Lands. It seems to me that it ought to be referred to the committee.

Mr. CALL. It was my purpose in offering the resolution to send up and have read a number of letters from gentlemen of character and consideration asking that some action might be taken. The subject is of necessity one which will require special proof and investigation into each individual case. I do not know that there is anything before the Committee on Public Lands or accessible to them beyond these letters making statements in individual cases which have come to me, some of which I ask the consent of the Senate to publish in the RECORD as part of my remarks. I shall not detain the Senate by reading them.

I do not undertake to say that there is any truth in these statements, but only state that there have been complaints from men of great respectability and character, stating the facts in individual cases. If there is any truth in the statements, then there is a subject upon which Congress should take some action, but the proof of the fact whether there is or not remains to be discovered by this proposed committee.

There is nothing now before the Committee on Public Lands, and there can be nothing accessible to them until they send for witnesses and examine them as to specific statements in each particular case.

For that reason I should prefer a special committee, though I should have no objection to their being charged with the inquiry into every other State where other statements of like character may be made if the Senator will not object to it. If he does, I shall of course accept whatever order the Senate may make in the premises.

Mr. PLUMB. Is the resolution before the Senate?

The PRESIDENT *pro tempore*. It is not before the Senate except by unanimous consent. The Senator from Florida asks the unanimous consent of the Senate to proceed to the consideration of the resolution. Is there objection?

Mr. MORRILL. I think it ought to go to the Committee on Public Lands before it is considered here.

Mr. PLUMB. Before that is done——

The PRESIDENT *pro tempore*. The resolution is not before the Sen-

ate except by unanimous consent. Is there objection to its present consideration?

Mr. MORRILL. I have no objection to its being referred to the Committee on Public Lands, but I think that committee ought to decide whether the investigation should be made by a special committee and whether it should apply to Florida or include the whole country.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Vermont as objecting to the further consideration of the resolution.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Florida asks the unanimous consent of the Senate to print in the RECORD certain letters to which he has referred. Is there objection? The Chair hears none, and that leave will be granted.

The letters are as follows:

ORLANDO, ORANGE COUNTY, FLORIDA, *November* 16, 1885.

SIR: Some time last June I wrote your Department relative to applications pending to have certain United States lands selected under Congressional act of 1850 (swamp and overflowed) as State lands in townships as follows: 22 south, of ranges 30 and 31 east, comprising nearly 13,000 acres of land; also township 21 south, of ranges 30, 31, 32, and 33 east. I then inquired what measures were pending to ascertain how much of these lands could be properly classified as swamp and overflowed, informing your Department that some of them, from personal knowledge (perhaps one-quarter to one-third at least), were high, dry lands, and nearly one-half in township 22 south, of ranges 30 and 31 east, saying that I did not wish to contest the right to have them selected as State lands. I assumed then, as I assume now, that your Department will have competent and trustworthy agents to report upon them before they are approved as State selections. What I desire to know specially is the condition of the pending applications. How soon will they probably be disposed of? And if any remain United States lands I desire to make selections therefrom. Some, if not all, of these applications were filed about last March; and my first correspondence with your Department, as I now recall it, was some time in June last. I have made several ineffectual requests through the department at Gainesville for full information, and especially to know by name the person or persons who filed the applications, whether as individuals, corporations, or State officials.

I understood that some of these lands are ready to be approved as State selections as soon as parties can be secured to purchase them from the State. Can it be possible that these lands are thus withdrawn and withheld from entry from the time of the filing of these applications to this date in the interest of speculators?

If your Department will promptly answer this letter, by advancing the correspondence to the head of the list, I may be able to give further and more specific information, should your Department deem it advisable to be further informed.

I now aver, as I did in June last, that these lands as one body should not be passed to the State and the opportunity taken away from those who desire to homestead them under the national laws before searching inquiry be had by your Department; and if any have already been approved as State selections, an abrogating order should promptly issue, pending further inquiry.

Awaiting your early reply, I am,

Yours, very respectfully,

A. B. LONGAKER.

Hon. SECRETARY OF INTERIOR.

ORLANDO, *November* 23, 1885.

MY DEAR SIR: I regret that I did not meet you during your late stay in and visit at Orlando. I have lately been visiting and prospecting the lands in Polk, Manatee, Monroe, Hillsborough, Dade, Brevard, and have been thoroughly acquainted in Orange County, and quite familiar heretofore with the whole southern region of the counties south of this, and I can safely say there are several hundred thousand acres of United States lands which I understood is sought to be taken and selected as State land under the allegation that it is swamp and overflowed, and I can safely say from personal knowledge of the county generally that there are at least 100,000 acres that in no sense can be claimed to be swamp and overflowed; and I understand that the United States land in Manatee and Monroe has been applied for as State land. This region I have traveled over during the last six months, and find much of it high and dry, and which ought not to be permitted to be selected as State lands.

I therefore ask you to interest yourself to prevent these lands from getting away from homesteaders, who ought to be secured the exclusive right to homestead them; at all events they should not be taken from the United States Government to get into railroad corporations and other monopolies.

Very truly yours,

A. G. ROBERTS.

Hon. W. CALL.

WILDWOOD, FLA., *August* 4, 1885.

HONORABLE SIR: I, as a citizen of Hernando County, Florida, having made improvement upon 160 acres of land claimed by the Yulee Railroad Company, known lately as the Florida Railway and Navigation Company's road, I settled upon the land as a *bona fide* settler in sincere good faith. Last December the lands were sold in my absence, while I was off from my place, to a monopolizing party. I still hold my improvement, but, as the lands have been sold for 20 miles ahead of the road, taking in my improvement at the same time, I have no courage to do anything, not knowing what is best for me to do. I now write to you to give me your sincere and definite opinion as to whether these lands will be canceled at the next Congress or not. I have no courage to go ahead and make any further improvements upon the lands until I can find out as to whether the land will be canceled and revert back to the Government or not; so I thought it my duty to write to you and get your opinion relative to the matter as to those lands, whether they will revert back or not. I made improvement on these lands, 160 acres, March 18, 1883, in good faith. Please address me by return of mail, to Reddick's Station, Marion County, Florida.

In conclusion, I remain,

Yours, very respectfully,

OWEN BOYLE.

Hon. WILKINSON CALL,
United States Senate.

DADE CITY, FLA., *June* 13, 1885.

DEAR SIR: I write you this to show you how the actual settler has been treated by the Yulee Railroad Company. My father-in-law, P. M. Alexander, and myself settled upon this land, believing that we would get it at Government price. He is employed by one H. N. Bratton, who is a son-in-law of J. L. Clarkson. Now, when these lands were advertised for sale I went up to secure mine. When I got there I was informed by one Ricord, who is an employé of the company, that my land was sold. I then appealed to Mr. Wailes, and he told me that he would make everything satisfactory.

Mr. W. B. Clarkson then told me that his cousin, James L. Clarkson, had bought the property to befriend my father-in-law, P. M. Alexander. I then told him if that was the case I would relinquish to H. M. Bratton, which I did. On my return home I got my father, J. J. Thrasher, to borrow the money at 12 per cent. and go and pay Mr. Bratton, which he did, and had Mr. Bratton to order the company to make him the deed. Now Mr. Bratton told my father that the company made him pay $5 per acre for the land. My father, believing the statement, paid the money; but when the deed comes it only calls for $1 per acre. It also comes accompanied with the following letter from W. B. Clarkson in way of explanation:

J. J. THRASHER, *Hatton, Fla.:*

MY DEAR SIR: As agent for my cousin, J. L. Clarkson, and following his instructions, I inclose herein your deed from F. R. & N. Co. for 80 acres land in section 21, T. 25, R. 21. My cousin paid $5 per acre, as follows: $4 to the company and $1 per acre for securing land in advance. The price was marked at $5 per acre, and would have cost you just that much had you bought yourself; but I succeeded in reducing the price to $4 per acre, which, with the charge as above, raised the price to $5 per acre, as before. I hold receipt to show this. So then you only pay what you would have had to pay if you had bought it yourself. I make this explanation to show why J. L. C. charged you $5 per acre; 'tis what he himself paid.

"Very truly, yours,

"W. B. CLARKSON."

Hon. WILKINSON CALL,
Jacksonville.

I then wrote Mr. Wailes a letter, telling him what W. B. Clarkson had written my father, and asked him if the statement was a true one, and if the rate of my land was not $2.50 per acre instead of $5 per acre, and the following is his reply. You will see that he does not answer a single question I asked him to:

"DEAR SIR: Replying to yours of 3d instant, I would state that the southeast quarter of section 21, T. 25 S., R. 21 E., was relinquished by you December 4, 1884, to Henry N. Bratton for value received, and in accordance with said relinquishment we sold the land to Mr. Bratton, and not to Mr. W. B. Clarkson, as your letter states. Mr. Clarkson also informs us that he has never bought any land of us for you. We can not see, therefore, that you have any cause of complaint against the company or against Mr. Clarkson.

"Yours, respectfully,

"S. I. WAILES, *L. C.*
"Per STANFORD."

"Mr. C. B. THRASHER,
"*Dade City, Fla.*"

Now, sir, what am I to do? Shall I fold my hands and silently submit to this outrage, because I am not able to take any proceedings against them? I can but cry to Heaven, because I know there is no law to protect a poor man, because he has no money to law with.

I do not think that there is hardly a settler in this country but what would gladly take the amount he has paid out for these lands with the value of his improvements added on, and kick the dust from his feet and leave the State. They have made appeals after appeals to the Government for protection against this company, but alas! it was all in vain, and nearly every one of the settlers to-day is in a state almost equal to beggary itself. They are like a helmless ship at sea without compass or rudder, at the mercy of every wind and wave, for they know of no power that they can appeal to for protection.

I tell you, sir, that the time is not far distant when the poor people of this country will be forced to resort to desperate means for the protection of their families and themselves against these unprincipled corporations that would rob them of the last vestige they had and cause their children to beg bread.

If you will only stand up to the settler you will long be remembered and never forgotten by the good people of Hernando County, Florida.

Hoping to hear from you soon, I remain, most respectfully,

C. B. THRASHER.

N. B.—I would write to the press, but do not know of a paper that would publish without pay. You can use this any way you please. If you think there is any chance for me to recover my money please write me how to proceed.

Your friend,

C. B. THRASHER.

DADE CITY, FLA., *July* 7, 1885.

Senator CALL:

DEAR SIR: About February, 1882, I wrote a letter to A. T. Williams, railroad land commissioner of what was known as the "Yulee" railroad lands, making application for the east one-half of northeast one-quarter of section 15, T. 25 S., R. 21 E., and I received a circular stating that their lands lying in 6 miles of railroad line, which was mapped on the Washington line, would be sold to actual settlers at $2.50 per acre, and farther than 6 miles at $1.25 per acre. From this consideration I made improvement and settlement in March following, and have resided on it continuously ever since. Now my land is appraised at $10 per acre, and reserved, as they (the railroad company), say for railroad purposes. I am a poor man with a large family, and am not able to pay so much, and would not have settled had I known I would have had to pay so much. I am not able to pay so much, and will have to leave my place if I can not get it for less. I write to you for your advice and see if you can not induce the company to let me have it at Government price.

The way the railroad company have treated the people, they are now, except the land speculators, who bought their lands much less than the actual settlers who have bought, are praying for Congress to declare the lands forfeited and subject them to homestead entry. But few settlers have paid up for their lands, and many have not paid any, because they are not able, and the speculator will get them if there is no redress.

Respectfully,

J. J. ROGERS.

P. S.—Please to write me as soon as possible.

LEESBURG, SUMTER COUNTY, FLORIDA, *October* 9, 1885.

SIR: Yours of the 22d ultimo to hand and contents noted. Allow me to thank you for the interest manifested in the Cauthen homestead matter. The old gentleman has bought it out of the office. It is a great hardship upon him; but he thought he had better do it, as the railroad was claiming it. I hope the homestead settlers will be protected in their rights and property and not let the railroad corporation swindle them out of their lands. Corporations must be held in check as well as individuals.

Yours, truly,

THOMAS C. LANIER.

Hon. W. CALL,
Washington City, D. C.

BROOKSVILLE, FLA., *May* 22, 1884.

DEAR SIR: Our county and other parts are much troubled at the course of the Yulee railroad officials. They are now selling their lands—their unearned lands, as we think—without anything more than a mere shadow of a right. For the people to be thus wantonly robbed of their money and in many respects their lands also is certainly a fraud punishable by law. Will you please answer and give us your opinion on the subject. Will you give us your undivided support in Congress to help rid the country of so many fraudulent railroad officials, and have the lands thrown back as Government land, and thereby greatly benefit the masses and add more to your already fair-won fame as an honest promulgator of the rights of the people?

N. A. WILLIAMS.

Hon. WILKINSON CALL.

SUMTER COUNTY, FLORIDA, *October* 19, 1885.

DEAR SIR: I respectfully lay before your honor my complaint concerning my land. I can not get any satisfaction about it from Gainesville. I have been living on it ever since 1883. My father owned it in the date of 1880. I lived with him and helped him cultivate and improve it until I married, and in the date of 1883 I bought it and built on it, and sent my proof of this by two others, besides my own oath. I sent my money, $18, with my affidavit and application for the east half of the northwest quarter of section 11, and the east half of the southwest quarter of section 2, township 21 south of range 24 east, and they rejected it; and then I sent $50 to enter the northeast quarter of the northwest quarter of section 11, township 21 south, of range 24 east, and it was refused, and their excuse was that it was railroad reserved land. And now Mr. King claims that he has bought it from the railroad company, and I want you to instruct me how to manage to homestead or enter, or whether I can get it or not. If I can get it please instruct me; and if you want to see their letters, all you have got to do is to let me know and I will send them to you at once. I can prove all of this if you want me to. Please send me full instructions how to do and what to do and all about it. I am entitled to a homestead and I want it. Where I am living my improvement is here. I am the only man that ever has lived on this land. I want you to do all you can towards it, for I am a mighty poor man, and I don't want to lose it and have it took away by speculators. I have got about six acres of hummock land cleared and under a good fence and a dwelling-house and corn-crib. If you can get it, all right; I will be more than glad.

Please let me hear from you soon. Direct to Exeter, Sumter County, Florida. Please let me hear from you at once.

Yours, respectfully,

JOHN REVELS.

Hon. WILKINSON CALL,
Washington, D. C.

CRYSTAL RIVER, FLA., *May*.

DEAR SIR: In a former letter I gave you a copy of a letter from D. M. Coffman, United States timber agent, which was as follows—(date March 18, 1885, from United States land office at Gainesville, Fla.):

"MY DEAR SIR: On my return here I found that the land you live upon belongs to the State, or rather did belong to it, but now belongs to a Mr. Ham, of Jacksonville, but he has offered me one-half interest in it, which I will buy Saturday, and then some time next week I will write you again. We want about ten acres cleared up right away, and then you can have some of the land or pay for your improvements.

"Your friend,

"D. M. COFFMAN.

"Mr. OLIVER SHRIVER,
"*Crystal River, Fla.*"

I wrote to D. C. Wilson, esq., of Tallahassee, who replies, "I found that the lands in question do not now, and never did, belong to the State. Their status is as follows: They were United States lands, and were selected by John A. Henderson, of this place, in 1884, and are comprised in his selection, List 18. These lands have not as yet been patented to the State. I called on Colonel Henderson, and he says that by application to him before patent is issued to the State, he will sell them at State prices to *actual settlers* in preference to any speculators." Under date of April 23, 1885 (also from Gainesville land office), Coffman writes as follows:

"MY DEAR SIR: I failed to make trade with Ham, but he will be down himself soon. The land you asked me to look after down the river belongs to a man by the name of Hatton, in Missouri. Hatton seems to have bought a good many lands down there. I will probably be down in a few weeks. Ham says when he gets everything in shape he will give you a good job of clearing, probably forty or fifty acres, at $12 an acre. You will give my kindest regards to Mrs. Shriver and the children, also to Sharp and Carroll. Will say this to you, that you must not be uneasy as to yourself or family on account of Ham's purchases. While I can give you no definite answer yet, you will not be the loser or injured in any way, but, to the contrary, you will be benefited by the purchase.

"Your friend,

"D. W. COFFMAN.

"Mr. OLIVER SHRIVER,
"*Crystal River, Fla.*

"P. S.—Tell Mr. Carroll I am ready to purchase the Sullivan land whenever he says to the commissioner that he releases it."

This needs no comment. Neither Ham nor Dutton could have purchased any of these lands, and it is clear that it is a confederacy, probable with connivance, if not the positive aid of the officials of the Gainesville land office, to cheat the settlers out of their lands. With this S. I. Wailes has some probable connection, as will appear. I give the letters in the order of their dates:

"GAINESVILLE LAND OFFICE, *December* 11, 1884.

"SIR: Inclosed find map of township 19 south, range 16 east, as per your order of 23d ultimo. I have made you a $3 —— as per money forwarded. I can furnish you with a diagram showing land for $1 per township.

"Respectfully,

"L. A. BARNES, *Register*.

"Mr. S. A. GILMORE,
"*Crystal River, Fla.*"

"OFFICE OF S. I. WAILES, LAND COMMISSIONER,
"*Gainesville, January* 30, 1885.

"DEAR SIR: I am in condition to inform you that lots 4, 7, and 8, section 10, township 19 south, range 16, can be purchased at the Government price, which is $1.25 per acre. These lots contain 138.49 acres; at the price named the purchase-money would amount to $198.02, which you can send me and I will see that you get your deed for the land. If the Johnson entry is canceled it will relieve the conflict with the State, and the lots can be purchased from the representative of said State. Let me hear from you.

"Very respectfully,

"A. N. HAM.

"S. A. GILMORE, Esq.,
"*Cedar Key, Fla.*

"OFFICE OF S. I. WAILES,
"*Gainesville, February* 15, 1885.

"DEAR SIR: Did you receive my letter of July 30, 1885, about the price of lots 4, 7, and 8, section 10, township 19 south, range 16 east. I informed you by letter that the land could be purchased at Government price ($1.25 per acre). There are 158.42 acres, which would amount to $198.02. Let me know whether or not you wish to buy.

"Very truly,

"A. W. HAM.

"S. A. GILMORE, Esq.,
"*Cedar Key, Fla.*

"OFFICE OF S. I. WAILES,
"*Gainesville, March* 7, 1885.

"DEAR SIR: I am in receipt of yours of 28th ult. in regard to lots 4, 7, and 8, section 10, township 19, range 16 east. The price named ($1.25) is the lowest price fixed for said lands. If I can be of any service to you in locating the improvements, &c., let me know; or if you desire other plats of the same I will attend to your matter until a deed is secured for the sum of $10. This is a small fee, bu under the circumstances I will not charge more. Please let me hear from you.

"Very truly,

"A. N. HAM.

"S. A. GILMORE, Esq.,
"*Cedar Key.*"

The next is from the Gainesville land office, March 23, 1885:

"DEAR SIR: In reply to yours of 15th instant, I would state that Alexander Johnson's homestead, No. 14116, conflicts with State selections. Should Mr. Johnson relinquish his homestead it could not be entered by any one while it conflicts with State selections.

"Respectfully,

"L. A. BARNES, *Register*."

"S. A. GILMORE, Esq.,
"*Cedar Key.*"

So it appears that Mr. Ham promised Gilmore what he could not perform, with what purpose is not very clear, but that he and D. M. Coffman intended, and intend, to cheat Shriver out of his patent is enough. Shriver entered a pre-emption upon his tract, lot 6, section 26, and lot 7, section 25, T. 19, R. 16, but was unable to raise the money when the time came to redeem it. He now has the money. He has lived upon it continuously, and is still upon it.

Respectfully,

E. W. PERRY.

Hon. WILKINSON CALL,
United States Senator, Washington, D. C.

EXECUTIVE OFFICE,
Tallahassee, Fla., December 12, 1885.

DEAR SENATOR: I have received copy of a communication from you to the honorable Commissioner of Public Lands at Washington of date November 19, 1885, in which you inform the Commissioner that you have reason to believe, from information given to you by persons of good character, &c., that there is an extensive and organized system of fraud practiced in connection with the land office in Gainesville in the appropriation of the public lands of the United States for the benefit of speculators and to the detriment of actual settlers, whereupon you request that there shall be no further approvals by the Land Department of selections from the State until Congress shall meet and this subject receive full investigation, and that you will ask for a committee of investigation on the subject when Congress shall convene.

If there is any reason to suspect fraud or crookedness of any kind, either on the part of those representing the United States or on the part of those who in the past have represented or who now may be representing the State in the matter of swamp lands, to which I understand your communication refers, I beg to assure you of my willingness to heartily co-operate in such investigation as will discover the wrong and in such steps as will repair any injury that may have resulted therefrom.

I am totally in the dark as to the grounds of suspicion beyond what I can gather from your communication to the Commissioner, but from that I would infer that there must be suspicion against parties other than subordinates of the United States Government; for if not, I infer from the high character of the present officials of the Interior Department and the public confidence in their integrity and honest purpose to put down all crookedness in the administration of public interests you would have first applied to that Department for the investigation before bringing the matter to the attention of Congress.

If I am right in my inference that your information gives grounds for suspicion against any who have represented the State or are now doing so in the matter of determining what lands passed to the State by the act of 1850 as swamp and overflowed lands, am I asking too much in asking to be furnished with the facts upon which such suspicions are based, as I feel as much interest in straightening out crookedness, if any, on the part of those representing the State in that matter or any other as you or Congress can possibly feel.

As to those representing the United States, I can not readily see how there could be "an extensive and organized system of fraud practiced in connection with the land office in Gainesville," such as to lead to a suspension of all further approval by the Interior Department of selections of swamp and overflowed lands under the act of 1850, unless the State's representatives are in some way implicated; and if so I desire it to be distinctly understood that I am anxious to co-operate in making the investigation a thorough one, whether it be made by the Department at Washington or by Congress, should resort thereto be necessary (which I can not imagine in view of the character of the present Land Department of the United States Government) or wherever and however it may be proper that such investigation should be made.

Very truly, yours,

E. A. PERRY.

Hon. WILKINSON CALL,
United States Senator, Washington, D. C.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of executive business.

Mr. CALL. The Senator from Vermont consents to withdraw his motion, I understand.

Mr. MORRILL. I withdraw the motion for the purpose of having the resolution referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Vermont withdraws his objection to the present consideration of the resolution with a view to having it referred.

Mr. PLUMB. I renew the objection.

Mr. CALL. I ask the Senator from Kansas to withdraw the objection and allow me to have the resolution referred.

Mr. PLUMB. All right. I wish one moment, however, to say by way of explanation that this question I think the Senator from Florida

somewhat mistakes. Certainly everything in relation to public lands that has been made the subject of any complaint is or may easily be brought to the attention of the Secretary of the Interior. If the reports made there indicate that there is a defect in the law, then of course Congress ought to act; but that it should ever go into the general discussion or investigation of individual cases of entry throughout the entire country is absolutely physically impossible.

I should be glad to have the case which the Senator from Florida makes presented to some committee, or to the Senate, or to the country, or anything of that kind which might meet with his views, but I think he is somewhat mistaken in regard to the scope which the investigation necessarily would take; and not for the purpose of enlarging the duties of the committee of which I happen to be chairman, but simply that this matter may be undertaken with a perfect knowledge of what it will undoubtedly bring forth I think myself the resolution ought to go to the Committee on Public Lands.

Mr. CALL. I understand the Senator from Kansas does not object to a reference of the resolution to the Committee on Public Lands.

Mr. PLUMB. No, not at all. I withdraw the objection.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Public Lands. If there is no objection the motion will be considered agreed to.

Mr. BLAIR. Before the matter is disposed of I should like to call the attention of the Senator from Florida to his suggestion to print in connection with what he has said certain correspondence bearing upon the subject. Before the consent is given without objection I should like to inquire of him the nature of the correspondence, whether it is of a character which if not replied to would be defamatory to individuals officials, or others.

Mr. CALL. Not at all; there are no charges in reference to any individuals or officials, either State or United States.

Mr. BLAIR. Then I have no objection to the printing.

The PRESIDENT *pro tempore*. That order has already been entered.

EXECUTIVE SESSION.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were reopened.

MICHIGAN RAILROAD LANDS.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Public Lands:

Whereas by act of Congress approved June 3, 1856, there were granted to the State of Michigan certain lands to aid in the construction of railroads mentioned therein, among others for a line from Marquette to Ontonagon and from the two last named places to the Wisconsin State line; and

Whereas the State of Michigan conferred said grant from said points to the State line upon two companies, known as the Ontonagon and State Line Railroad Company, and the Marquette and State Line Railroad Company, which said companies, or their successor, so located their respective lines as to leave common or overlapping limits near the State line at the Brulé River; and

Whereas by joint resolution of Congress approved July 2, 1862, the grantees of the State were authorized to construct and build the said road to the State line upon another and different route, and said State was authorized to receive and was granted a like quantity of land upon said new line upon consideration of a surrender and release to the United States of the lands previously granted and certified to her upon said original lines, which surrender and release was duly made by said State and other lands along the new line certified to her in lieu thereof; and

Whereas the United States is largely interested pecuniarily in its right under the law to the benefit of competition in the sale of such of said lands as may not be covered by lawful claims of pre-emption or homestead settlers, which lands, so subject to public sale, are said to aggregate several millions of dollars in value: Therefore be it

Resolved, That the Secretary of the Interior be, and is hereby, requested to inform the Senate what is the exact present status of said lands, both odd and even sections, as shown by the records of his Department; whether, since the passage of the joint resolution of 1862, any of said lands, either odd or even sections, within the so-called common limits, have been reoffered at public sale or in any manner restored to private entry by executive order; also, what, if any, sales of said lands have been made at private entry, when and to whom, and whether patents have issued upon any of the same, and when and to whom so issued; also what, if any, pre-emption or homestead settlers' claims are now shown to be in conflict with such private entries, together with the names of such settlers and description of the land claimed, and whether any of such claims have been prosecuted to final proof and payment, and if so for what land and by whom; also what, if any, action has been had or taken in cases of such conflicts or is now being taken therein by the General Land Office or Department of the Interior; also, whether any of these claims have ever been examined upon the ground and reported upon by any special agent or agents of the Land Office, and if so to transmit copies of said reports to the Senate; also, whether any of such lands are being stripped of timber, and if so by whom, and what, if any, measures have been taken to stop such waste pending the final disposition of the question of title.

Mr. CONGER. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned to Tuesday, January 5, 1886.

EXECUTIVE NOMINATIONS.

Received this 21st day of December, 1885.

ASSISTANT ATTORNEY-GENERAL.

Zach. Montgomery, of California, to be Assistant Attorney-General, *vice* Joseph K. McCammon, resigned.

ASSOCIATE JUSTICES.

William W. Porter, of California, to be associate justice of the supreme court of the Territory of Arizona, *vice* Daniel H. Pinney, suspended.

Louis K. Church, of New York, to be associate justice of the supreme court of the Territory of Dakota, *vice* Seward Smith, suspended.

UNITED STATES ATTORNEYS.

William H. Denson, of Alabama, to be attorney of the United States for the northern and middle districts of Alabama, *vice* George H. Craig, suspended.

Monti H. Sandels, of Arkansas, to be attorney of the United States for the western district of Arkansas, *vice* William H. H. Clayton, suspended.

Montfort S. Jones, of Louisiana, to be attorney of the United States for the western district of Louisiana, *vice* Milton C. Elstner, resigned.

Charles Parlange, of Louisiana, to be attorney of the United States for the eastern district of Louisiana, *vice* A. H. Leonard, suspended.

George N. Baxter, of Minnesota, to be attorney of the United States for the district of Minnesota, *vice* D. B. Searle, resigned.

J. Bomar Harris, of Mississippi, to be attorney of the United States for the southern district of Mississippi, *vice* Luke Lea, suspended.

Charles B. Hawry, of Mississippi, to be attorney of the United States for the northern district of Mississippi, *vice* Green C. Chandler, suspended.

Ernest Pillow, of Tennessee, to be attorney for the United States for the middle district of Tennessee, *vice* Andrew J. McLain, suspended.

James C. J. Williams, of Tennessee, to be attorney of the United States for the eastern district of Tennessee, *vice* James M. Meek, suspended.

Rudolph Kleberg, of Texas, to be attorney of the United States for the western district of Texas, *vice* Andrew J. Evans, suspended.

John E. McComb, of Texas, to be attorney of the United States for the eastern district of Texas, *vice* Asa E. Stratton, jr., suspended.

William H. White, of Washington Territory, to be attorney of the United States for the Territory of Washington, *vice* John B. Allen, suspended.

Arthur K. Delany, of Wisconsin, to be attorney of the United States for the eastern district of Wisconsin, *vice* Gerry W. Hazelton, suspended.

Anthony C. Campbell, of Wyoming, to be attorney of the United States for the Territory of Wyoming, *vice* John A. Riner, resigned.

UNITED STATES MARSHALS.

William W. Allen, of Alabama, to be marshal of the United States for the middle and southern districts of Alabama, *vice* Joseph H. Speed, suspended.

John Carroll, of Arkansas, to be marshal of the United States for the western district of Arkansas, *vice* Thomas Boles, suspended.

William C. Bird, of Florida, to be marshal of the United States for the northern district of Florida, *vice* Joseph H. Durkee, resigned.

Herman G. Weber, of Illinois, to be marshal of the United States for the southern district of Illinois, *vice* John R. Tanner, suspended.

William M. Desmond, of Iowa, to be marshal of the United States for the northern district of Iowa, *vice* George D. Perkins, suspended.

Reuben B. Pleasants, of Louisiana, to be marshal of the United States for the eastern district of Louisiana, *vice* J. R. G. Pitkin, suspended.

David R. Waters, of Michigan, to be marshal of the United States for the western district of Michigan, *vice* James Monroe, resigned.

James M. Liddell, of Mississippi, to be marshal of the United States for the northern district of Mississippi, *vice* Joseph L. Morphis, suspended.

Robert S. Kelly, of Montana, to be marshal of the United States for the Territory of Montana, *vice* A. C. Botkin, suspended.

George W. Miller, of Pennsylvania, to be marshal of the United States for the western district of Pennsylvania, *vice* James S. Rutan, suspended.

James H. Freeman, of Tennessee, to be marshal of the United States for the western district of Tennessee, *vice* M. T. Williamson, suspended.

Richard B. Reagan, of Texas, to be marshal of the United States for the eastern district of Texas, *vice* James G. Tracy, suspended.

John Robinson, of Vermont, to be marshal of the United States for the district of Vermont, *vice* William W. Henry, resigned.

Samuel L. Graham, of Virginia, to be marshal of the United States for the western district of Virginia, *vice* J. G. Watts, suspended.

Thomas J. Hamilton, of the Territory of Washington, to be marshal of the United States for the Territory of Washington, *vice* Jesse W. George, suspended.

Thomas J. Carr, of Wyoming, to be marshal of the United States for the Territory of Wyoming, *vice* Gustave Schnitger, suspended.

DIRECTOR OF THE MINT.

James P. Kimball, of Pennsylvania, to be Director of the Mint, in place of Horatio C. Burchard, removed; and the reasons for such removal are herewith communicated to the Senate, pursuant to the statute in such case made and provided.

ASSISTANT TREASURERS OF THE UNITED STATES.

Samuel H. Brooks, of California, to be assistant treasurer of the

United States at San Francisco, Cal., to succeed Nathan W. Spaulding, whose term of office has expired.

James T. Healy, of Illinois, to be assistant treasurer of the United States at Chicago, Ill., to succeed John L. Beveridge, resigned.

Samuel Flower, of Louisiana, to be assistant treasurer of the United States at New Orleans, La., in place of P. Felix Herwig, suspended.

COLLECTORS OF INTERNAL REVENUE.

John W. Causey, of Delaware, to be collector of internal revenue for the district of Delaware, in place of Beriah Watson, suspended.

Renssalaer Stone, of Illinois, to be collector of internal revenue for the first district of Illinois, in place of Joel D. Harvey, suspended.

George A. Wilson, of Illinois, to be collector of internal revenue for the fifth district of Illinois, in place of Howard Knowles, suspended.

Thomas Hanlon, of Indiana, to be collector of internal revenue for the seventh district of Indiana, in place of William W. Carter, resigned.

John O. Henderson, of Indiana, to be collecter of internal revenue for the eleventh district of Indiana, in place of Thomas M. Kirkpatrick, suspended.

William C. Thompson, of Iowa, to be collector of internal revenue for the second district of Iowa, in place of John W. Green, suspended.

Byron Webster, of Iowa, to be collector of internal revenue for the third district of Iowa, in place of James E. Simpson, suspended.

Nelson F. Acers, of Kansas, to be collector of internal revenue for the district of Kansas, in place of John C. Carpenter, suspended.

Attilla Cox, of Kentucky, to be collector of internal revenue for the fifth district of Kentucky, in place of Lewis Buckner, suspended.

George H. Davison, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky, in place of John W. Finnell, resigned.

Eben F. Pillsbury, of Massachusetts, to be collector of internal revenue for the third district of Massachusetts, in place of Charles W. Slack, deceased.

Adolph Bierman, of Minnesota, to be collector of internal revenue for the district of Minnesota, in place of William Brickel, suspended.

Robert W. Banks, of Mississippi, to be collector of internal revenue for the district of Mississippi, in place of James Hill, suspended.

Charles E. Hasbrook, of Missouri, to be collector of internal revenue for the sixth district of Missouri, in place of Philip Doppler, suspended.

Calvin Page, of New Hampshire, to be collector of internal revenue for the district of New Hampshire, in place of Henry M. Putney, suspended.

Thomas M. Ferrell, of New Jersey, to be collector of internal revenue for the first district of New Jersey, in place of William P. Tatem, suspended.

Matthew H. Vanderveer, of New Jersey, to be collector of internal revenue for the third district of New Jersey, in place of Culver Barcalow, suspended.

Archibald Skillman, of Nevada, to be collector of internal revenue for the district of Nevada, in place of Frederick C. Lord, suspended.

Christian J. Knecht, of Ohio, to be collector of internal revenue for the sixth district of Ohio, in place of George P. Dunham, suspended.

John H. Farley, of Ohio, to be collector of internal revenue for the eighteenth district of Ohio, in the place of Worthy S. Streator, suspended.

John Whiteaker, of Oregon, to be collector of internal revenue for the district of Oregon, in place of John C. Cartwright, suspended.

John T. McGonigle, of Pennsylvania, to be collector of internal revenue for the ninth district of Pennsylvania, in place of Andrew J. Kauffman, suspended.

Charles B. Staples, of Pennsylvania, to be collector of internal revenue for the twelfth district of Pennsylvania, in place of Edward H. Chase, suspended.

Frank Schlaudecker, of Pennsylvania, to be collector of internal revenue for the nineteenth district of Pennsylvania, in place of Jacob F. Walther, suspended.

Samuel B. Cooper, of Texas, to be collector of internal revenue for the first district of Texas, in place of William H. Sinclair, suspended.

George M. Helms, of Virginia, to be collector of internal revenue for the fourth district of Virginia, in place of John B. Raulston, suspended.

Hambleton Sheppard, of Virginia, to be collector of internal revenue for the sixth district of Virginia, in place of William E. Craig, suspended.

John T. McGraw, of West Virginia, to be collector of internal revenue for the district of West Virginia, in place of Samuel P. McCormick, suspended.

LIEUTENANTS IN REVENUE SERVICE.

Lieut. Henry B. Rogers, of Michigan, to be a first lieutenant in the revenue service of the United States, to fill a vacancy.

Lieut. John W. Howison, of Pennsylvania, to be a first lieutenant in the revenue service of the United States, to fill a vacancy.

Lieut. Daniel P. Foley, of the District of Columbia, to be a second lieutenant in the revenue service of the United States, in place of Second Lieut. John W. Howison, to be promoted.

Lieut. William E. Reynolds, of the District of Columbia, to be a second lieutenant in the revenue service of the United States, in place of Second Lieut. Henry B. Rogers, to be promoted.

Lieut. Charles A. Barnes, of the District of Columbia, to be a third lieutenant in the revenue service of the United States, in place of Third Lieut. Samuel Howard, promoted.

Lieut. Johnstone H. Quinan, of the District of Columbia, to be a third lieutenant in the revenue service of the United States, in place of Third Lieut. Worth G. Ross, promoted.

Lieut. Byron L. Reed, of the District of Columbia, to be a third lieutenant in the revenue service of the United States, in place of Third Lieut. C. C. Fengar, promoted.

Lieut. Kirtland W. Perry, of New York, to be a third lieutenant in the revenue service of the United States, in place of Third Lieut. George A. Cook, promoted.

ASSISTANT ENGINEERS IN REVENUE SERVICE.

Engineer Charles W. Beckwith, of Connecticut, to be a first assistant engineer in the revenue service of the United States, to fill a vacancy.

Engineer Oliver P. Remick, of Maine, to be a first assistant engineer in the revenue service of the United States, in place of First Assistant Engineer W. H. Warren, whose resignation has been accepted.

Engineer Charles F. Coffin, of Maryland, to be a first assistant engineer in the revenue service of the United States, in place of First Assistant Engineer Alexander L. Churchill, promoted.

Engineer David McC. French, of Virginia, to be a first assistant engineer in the revenue service of the United States, to fill a vacancy.

Engineer Herbert W. Spear, of Massachusetts, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer David McC. French, to be promoted.

Engineer Harry L. Boyd, of Maryland, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer Charles F. Coffin, to be promoted.

Engineer Philip Littig, of Maryland, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer James T. Keleher, who has been promoted.

Engineer Robert B. Higgins, of Maryland, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer Oliver P. Remick, to be promoted.

Engineer Wilmer Church, of New York, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer Thomas T. Hall.

Engineer Richard W. Champlain, of Pennsylvania, to be a second assistant engineer in the revenue service of the United States, in place of Second Assistant Engineer Charles W. Beckwith, to be promoted.

COLLECTORS OF CUSTOMS.

Willis G. Clark, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama, to succeed Joseph W. Burke, resigned.

John E. Grady, of Florida, to be collector of customs for the district of Apalachicola, in the State of Florida, in place of Seth M. Sawyer, suspended.

John J. McGuire, of Florida, to be collector of customs for the district of Pensacola, in the State of Florida, in place of John M. Tarble, suspended.

Anthony F. Seeberger, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois, in place of Jesse Spalding, suspended.

William T. Carrington, of Louisiana, to be collector of customs for the district of Teche, in the State of Louisiana, in place of James R. Jolly, suspended.

William L. Bancroft, of Michigan, to be collector of customs for the district of Huron, in the State of Michigan, in place of William Hartsuff, suspended.

Dudley O. Watson, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan, in place of David McLaughlin, suspended.

Adelard Guernon, of Minnesota, to be collector of customs for the district of Minnesota, in the State of Minnesota, in place of Joseph Bookwalter, suspended.

Horace B. Moore, of Minnesota, to be collector of customs for the district of Duluth, in the State of Minnesota, in place of Vespasian Smith, suspended.

Theophilus M. Favre, of Mississippi, to be collector of customs for the district of Pearl River, in the State of Mississippi, in place of William G. Henderson, suspended.

Oliver Kelly, of New Jersey, to be collector of customs for the district of Perth Amboy, in the State of New Jersey, in place of Milton A. Edgar, suspended.

James Tilton, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey, in place of John Price, suspended.

Clother H. Vaughn, of New York, to be collector of customs for the

district of Sag Harbor, in the State of New York, in place of William Lowen, suspended.

William F. Howland, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina, in place of Alexander C. Davis, suspended.

John A. Richardson, of North Carolina, to be collector of customs for the district of Pamlico, in the State of North Carolina, in place of Thomas A. Henry, suspended.

John Flanagan, of Oregon, to be collector of customs for the Southern district of Oregon, in the State of Oregon, to succeed Chandler B. Watson, resigned.

John Hobson, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon, to succeed John D. Merryman, whose term of office has expired.

William J. McKinnie, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio, to succeed George W. Howe, resigned.

Henry W. Richardson, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina, in place of George Holmes, suspended.

B. Huger Ward, of South Carolina, to be collector of customs for the district of Georgetown, in the State of South Carolina, in place of Henry F. Heriot, suspended.

Joseph J. Cocke, of Texas, to be collector of customs for the district of Brazos de Santiago, in the State of Texas, in place of James O. Luby, suspended.

Joseph Magoffin, of Texas, to be collector of customs for the district of Paso del Norte, in the State of Texas, in place of William A. Saylor, suspended.

Otto L. Threlkeld, of Texas, to be collector of customs for the district of Saluria, in the State of Texas, in place of Francis A. Vaughan, suspended.

Baker P. Lee, of Virginia, to be collector of customs for the district of Yorktown, in the State of Virginia, in place of Henry de B. Clay, suspended.

George G. Savage, of Virginia, to be collector of customs for the district of Cherrystone, in the State of Virginia, in place of George Foy, suspended.

Herbert Foote Beecher, of the Territory of Washington, to be collector of customs for the district of Puget Sound, in the State of Oregon and the Territory of Washington, to succeed Albert W. Bash, whose term of office has expired.

Conrad Krez, of Wisconsin, to be collector of customs for the district of Milwaukee, in the State of Wisconsin, in place of Ahira W. Hall, suspended.

SURVEYORS OF CUSTOMS.

Daniel O. Barr, of Pennsylvania, to be surveyor of customs in the district of Pittsburgh, in the State of Pennsylvania, to succeed John F. Dravo, whose term of office has expired.

August M. Kuhn, of Indiana, to be surveyor of customs for the port of Indianapolis, in the State of Indiana, to succeed John R. Leonard, whose term of office has expired.

Richard D. Lancaster, of Missouri, to be surveyor of customs for the port of Saint Louis, in the State of Missouri, in place of Charles M. Whitney, suspended.

James Burns, of Missouri, to be surveyor of customs for the port of Kansas City, in the State of Missouri, in place of Robert C. Crowell, suspended.

George Frank Bayles, of New York, to be surveyor of customs for the port of Port Jefferson, in the State of New York, to succeed Sidney H. Ritch, whose term of office has expired.

Thomas F. Donvan, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York, in place of Edward T. Moore, suspended.

Frank L. H. Phillips, of New York, to be surveyor of customs for the port of Greenport, in the State of New York, to succeed William Z. King, resigned.

Joseph S. Gillespie, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee, to succeed Joseph L. Gaston, whose term of office has expired.

George A. Hessen, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, in place of T. F. Cassels, suspended.

Leon Trousdale, of Tennessee, to be surveyor of customs for the port of Nashville, in the State of Tennessee, in place of James M. Kercheval, suspended.

REGISTERS OF LAND OFFICES.

James R. De Remer, of Pueblo, Colo., who was commissioned during the recess of the Senate, to be register of the land office at Leadville, Colo., *vice* Septimus J. Hanna, whose term of office has expired.

Thomas B. Davis, of Lincoln, Nebr., to be register of the land office at Lincoln, Nebr., *vice* Charles W. Pierce, whose term of office has expired.

David H. Hall, Eureka, Nev., to be register of the land office at Eureka, Nev., *vice* Fred. C. Hinckley, whose term of office has expired.

RECEIVERS OF PUBLIC MONEYS.

R. W. Hutchins, of Eureka, Cal., to be receiver of public money at Humboldt, Cal., *vice* John K. Dollison, who was commissioned during the recess of the Senate but declined the appointment.

F. M. Ziebach, of Yankton, Dak., to be receiver of public moneys at Yankton, Dak., *vice* Joseph G. Chandler, resigned.

William O. Mille, of Eureka, Nev., to be receiver of public moneys at Eureka, Nev., *vice* Harvey Carpenter, resigned.

INDIAN INSPECTOR.

Morris A. Thomas, of Baltimore, Md., who was designated during the recess of the Senate, to be an Indian inspector, *vice* Henry Ward, suspended.

INDIAN AGENTS.

S. S. Patterson, of Newton, Iowa, to be agent for the Indians of the Navajo agency in New Mexico, *vice* James H. Bowman, resigned.

Robert L. Leatherwood, of Charleston, N. C., to be agent for the Indians of the Eastern Cherokee Indians in North Carolina, *vice* Julius L. Holmes, resigned.

FIRST ASSISTANT POSTMASTER-GENERAL.

Adlai E. Stevenson, of Illinois, to be First Assistant Postmaster-General, *vice* Malcolm Hay, resigned.

POSTMASTERS.

Thomas W. Newton, to be postmaster at Little Rock, in the county of Pulaski and State of Arkansas, in the place of Rollin A. Edgerton, whose commission expired December 20, 1885.

Isaac W. Horton, to be postmaster at Bethel, in the county of Fairfield and State of Connecticut, in the place of Amos Woodman, resigned.

William H. Miller, to be postmaster at Meriden, in the county of New Haven and State of Connecticut, in the place of Erwin D. Hall, resigned.

Joseph S. Williams, to be postmaster at Mystic Bridge, in the county of New London and State of Connecticut, in the place of John A. Rathbun, whose commission expired December 20, 1885.

William P. Baird, to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois, in the place of Richard J. Thompkins, deceased.

Willis S. Grimes, to be postmaster at Batavia, in the county of Kane and State of Illinois, in the place of Edward S. Smith, whose commission expired December 15, 1885.

Edwin S. Hawley, to be postmaster at Hyde Park, in the county of Cook and State of Illinois, in the place of Goodrich Q. Dow, whose commission expired December 15, 1885.

Charles Kelley, to be postmaster at Effingham, in the county of Effingham and State of Illinois, in the place of Samuel N. Scott, whose commission expired December 15, 1885.

William A. Mehan, to be postmaster at Mason City, in the county of Mason and State of Illinois, in the place of Wells Corey, whose commission expired December 20, 1885.

William Osman, to be postmaster at Ottawa, in the county of La Salle and State of Illinois, in the place of William E. Bowman, whose commission expired December 20, 1885.

Thomas Philpot, to be postmaster at Macomb, in the county of McDonough and State of Illinois, in the place of J. B. Venard, whose commission expired December 20, 1885.

Henry Sharer, to be postmaster at Mount Morris, in the county of Ogle and State of Illinois, in the place of Oliver H. Swingley, deceased.

Samuel S. Kemp, to be postmaster at Maywood, in the county of Cook and State of Illinois, in the place of Orren H. Benson, whose commission expired December 15, 1885.

Sidney B. Stout, to be postmaster at Vandalia, in the county of Fayette and State of Illinois, in the place of Hector S. Humphrey, whose commission expired December 15, 1885.

John Warner, to be postmaster at Peoria, in the county of Peoria and State of Illinois, in place of Washington Cockle, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

George E. Young, to be postmaster at Amboy, in the county of Lee and State of Illinois, in the place of Henry E. Badger, whose commission expired December 20,1 885.

Oscar B. Harriman, to be postmaster at Hampton, in the county of Franklin and State of Iowa, in the place of Stephen M. Jones, whose commission expired December 20, 1885.

A. B. Keith, to be postmaster at Denison, in the county of Crawford and State of Iowa, in the place of J. Fred Meyers, whose commission expired December 16, 1885.

William T. Smith, to be postmaster at Oscaloosa, in the county of Mahaska and State of Iowa, in the place of Charles Leighton, whose commission expired December 16, 1885.

Joseph N. Bell, to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky, in the place of Camden W. Ballard, whose commission expired December 28, 1885.

William S. Hagar, to be postmaster at Richmond, in the county of Sagadahoc and State of Maine, in the place of Abner C. Spaulding, whose commission expired December 16, 1885.

Henry H. Gilpin, to be postmaster at Elkton, in the county of Cecil and State of Maryland, in the place of Palmer C. Strickland, whose commission expired December 16, 1885.

William G. Goldsmith, to be postmaster at Andover, in the county of Essex and State of Massachusetts, in the place of William Marland, whose commission expired December 20, 1885.

Samuel Henderson, to be postmaster at Mount Ayr, in the county of Ringgold and State of Iowa, in the place of W. A. Reger, resigned.

Timothy Leary, to be postmaster at Waltham, in the county of Middlesex and State of Massachusetts, in the place of Samuel O. Upham, whose commission expired December 20, 1885.

Reuben Noble, to be postmaster at Westfield, in the county of Hampden and State of Massachusetts, in the place of Merritt Van Deusen, resigned.

Isaac W. Bush, to be postmaster at Howell, in the county of Livingston and State of Michigan, in the place of Charles E. Beurman, whose commission expired December 15, 1885.

William J. Edwards, to be postmaster at Niles, in the county of Berrien and State of Michigan, in the place of E. J. Bonnie, whose commission expired December 20, 1885.

Patrick H. McGarry, to be postmaster at Stanton, in the county of Montcalm and State of Michigan, in the place of C. C. Miller, whose commission expired December 20, 1885.

Fred. A. Stebbins, to be postmaster at Mount Pleasant, in the county of Isabella and State of Michigan, in the place of Charles E. Westlake, whose commission expired October 14, 1885.

William R. Crockett, to be postmaster at Nevada, in the county of Vernon and State of Missouri, in the place of Hiram L. Tillotson, resigned.

Frank H. Daniells, to be postmaster at Franklin Falls, in the county of Merrimack and State of New Hampshire, in the place of Walter Burleigh, whose commission expired December 20, 1885.

Leonard B. Holland, to be postmaster at Walpole, in the county of Cheshire and State of New Hampshire, in the place of Ransom L. Bell, whose commission expired December 20, 1885.

William M. Kimball, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire, in the place of Alpheus W. Baker, resigned.

Mark F. Nason, to be postmaster at Dover, in the county of Strafford and State of New Hampshire, in the place of Joshua Varney, whose commission expired December 20, 1885.

Orville A. Manville, to be postmaster at Whitehall, in the county of Washington and State of New York, in place of John F. Clark, whose removal for cause is hereby proposed.

William F. Plaisted, to be postmaster at Sandy Hill, in the county of Washington and State of New York, in the place of Ira E. Locke, whose commission expired December 20, 1885.

William Archinal, to be postmaster at Canton, in the county of Stark and State of Ohio, in the place of Augustus Vignos, whose commission expired December 16, 1885.

George Haumesser, to be postmaster at Wauseon, in the county of Fulton and State of Ohio, in the place of William Meeks, deceased.

David A. Stark, to be postmaster at Delaware, in the county of Delaware and State of Ohio, in the place of Archibald Lybrand, jr., whose commission expired December 20, 1885.

Samuel H. Smith, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania, in the place of Miss Margaret R. Thompson, whose commission expired December 15, 1885.

R. R. Dashiell, to be postmaster at Jackson, in the county of Madison and State of Tennessee, in the place of George K. Foote, whose commission expired October 15, 1885.

N. B. Johnson, to be postmaster at Weatherford, in the county of Parker and State of Texas, in place of N. B. Johnson, whose commission expired December 21, 1885.

R. J. Humphrey, to be postmaster at Poultney, in the county of Rutland and State of Vermont, in the place of Henry T. Hall, resigned.

Felix W. McGettrick, to be postmaster at Saint Albans, in the county of Franklin and State of Vermont, in the place of Benjamin D. Hopkins, resigned.

Newton S. Barus, to be postmaster at Fairmont, in the county of Marion and State of West Virginia, in the place of Thomas Reed, whose commission expired October 14, 1885.

James V. N. Sonn, to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in the place of James R. West, whose commission expired December 16, 1885.

CONFIRMATIONS.

John Bigelow, of New York, to be assistant treasurer of the United States at New York, State of New York.

HOUSE OF REPRESENTATIVES.

MONDAY, *December* 21, 1885.

The House met at 12 o'clock, m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of Saturday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate was received by Mr. SYMPSON, one of its clerks, announcing the adoption of joint rules of the Senate and House of Representatives; in which concurrence was requested.

TESTS OF IRON AND STEEL, ETC.

The SPEAKER. In compliance with the statutes the Chair will lay before the House the following concurrent resolution for printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *December* 18, 1885.

Resolved by the Senate (the House of Representatives concurring), That the reports of tests of iron and steel and other materials for industrial purposes made at the Watertown arsenal and transmitted to the Senate by the Secretary of War on the 3d of December, 1881, and 11th of December, 1885, be printed, and that 3,500 additional copies of each report be printed; of which 1,000 copies of each report shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the War Department.

Attest:

ANSON G. McCOOK, *Secretary*.

The resolution was referred to the Committee on Printing, and ordered to be printed.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the contingent fund to fit up rooms for the Commissioner of Patents; when the Speaker signed the same.

IMPORTATION OF CERTAIN GLASSWARE.

Mr. MORRISON. Mr. Speaker, some time in the week last past the gentleman from New York [Mr. BURLEIGH] offered a resolution asking for certain information from the Treasury Department in relation to an importation or invoice of Bohemian glass by a New York merchant. Not knowing exactly the purpose of the inquiry, I objected to the consideration of the resolution, and which was afterward referred. On examination I became satisfied the resolution has for its purpose the correction of some abuses that ought to be corrected, and will I think help to that end. I therefore ask unanimous consent that the resolution be now considered by the House, and to do which it will be necessary to discharge the committee.

The SPEAKER. The Chair will state that the resolution is not now with the Clerk of the House. Will the gentleman state where it is?

Mr. MORRISON. It was ordered to be referred to the Committee on Ways and Means when formed. I ask now that it be brought into the House and passed.

The SPEAKER. The Clerk will read from the Journal the resolution to which reference is made by the gentleman from Illinois, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and hereby is, directed to transmit to this House such information as he possesses, including copies of all official documents and correspondence on file in his Department, relating to the importation from Bohemia, in July last, by L. Lehman, of New York, into the port of New York, of certain glassware, and to the appraisement and reappraisement of the same.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. BEACH. I have an amendment to suggest to this resolution; that the word "requested" be substituted for the word "directed," where it occurs in the resolution.

Mr. MORRISON. We do not use the word "request" in communications of this kind with the heads of Departments. The word used is the one always employed in like cases.

Mr. BEACH. Then I withdraw the amendment, which I offered under the impression that this was not in the customary form.

The SPEAKER. It is in the usual form of such resolutions.

The resolution was agreed to.

Mr. MORRISON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

C. H. MANN.

Mr. REAGAN. Mr. Speaker, I ask consent of the House to allow me to withdraw an objection to a resolution which was submitted by the gentleman from Indiana [Mr. HOLMAN] on Saturday. The resolution to which I refer was one relating to the compensation of the messenger to the reporters' gallery. Since that objection was made I have ascertained that he did not occupy the position I supposed he did, and I therefore withdraw the objection.

The SPEAKER. The gentleman from Texas, who objected on Satur-

day to the consideration of a resolution offered by the gentleman from Indiana with reference to the compensation of the messenger to the reporters' gallery, now desires to withdraw the objection and asks unanimous consent that the Committee on Accounts, to which the resolution was to be referred when appointed, be discharged from the further consideration of said resolution, and that it be brought back into the House for immediate action.

Mr. HOLMAN. It was referred to the Committee on Accounts, and if there be no objection I ask that that committee be discharged from its further consideration and that it be taken up for immediate action by the House.

The SPEAKER. The joint resolution will be read, after which objection will be asked for.

The joint resolution was read, as follows:

Joint resolution (H. Res. 5) authorizing the payment of C. H. Mann, messenger to the reporters' gallery.

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized to pay to C. H. Mann the salary provided in the act making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1885, as messenger in the reporters' gallery from July 1 to December 7, 1885, inclusive.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. COX. I would like to ask what is the necessity for the passage of this resolution.

Mr. HOLMAN. There is no necessity, except that the messenger is not able to receive his pay without it. I presume the difficulty results from the circumstance of the death of the Doorkeeper during the vacation. Such I have understood to be the case.

There being no objection, the joint rosolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOLMAN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TEMPORARY APPROPRIATION, DEPARTMENT OF JUSTICE.

Mr. HERBERT. Mr. Speaker, I ask unanimous consent of the House to introduce and put upon its passage the bill which I send to the desk.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

A bill making an appropriation of money for the relief of the Department of Justice.

Be it enacted, &c., That to enable the Attorney-General to employ additional clerical force in the Department of Justice, and for the purchase of furniture necessary for the building of that Department to facilitate the examination and preparation of French spoliation claims to be submitted to and considered by the Court of Claims, $8,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be drawn upon the warrant of the Attorney-General. All acts and parts of acts inconsistent herewith be, and the same are hereby, repealed. This act shall take effect from the passage thereof.

The SPEAKER. The Chair does not understand the request of the gentleman from Alabama.

Mr. HERBERT. I will state the facts very briefly. On Saturday last a letter was received and read to the House from an assistant attorney of the Department of Justice addressed to the Attorney-General, containing a recommendation and request for an appropriation to meet a temporary necessity which is fully set forth in that letter. This bill is in compliance with his request. It provides for only $8,000. If any gentleman desires to hear it again I will ask that the letter be read for the information of the House. Unless some such desire is expressed, I ask unanimous consent for the immediate passage of the bill.

Mr. COBB. I ask that this resolution be referred to the proper committee. It is an appropriation that ought to be looked into.

The SPEAKER. The gentleman from Indiana objects.

Mr. HERBERT. Then I ask consent that it be referred to a special committee of three, to be appointed by the Speaker, with authority to report without delay.

The SPEAKER. The Chair will state to the gentleman from Alabama that the gentleman from Virginia [Mr. TUCKER] on Saturday last introduced this bill and asked its immediate consideration, but objection was made, and therefore, as the Chair was informed, it was referred to the Committee on the Judiciary.

Mr. HERBERT. That committee can be discharged from its further consideration by unanimous consent.

Mr. GOFF. That is a mistake. This bill was not referred to the Committee on the Judiciary.

Mr. HERBERT. I understood that the objection made on Saturday would not be renewed to-day.

The SPEAKER. But it has gone to the Committee on the Judiciary.

Mr. GOFF. It was not referred to the Committee on the Judiciary. The gentleman from Virginia withdrew it.

Mr. HERBERT. Then I shall change the form of my request and ask that the Committee on the Judiciary be discharged from its further consideration. If the gentleman from Indiana will withdraw his objection I will put the request in that form.

Mr. BLOUNT. Mr. Speaker, I wish to say simply, in reference to this communication from the Attorney-General's Office, that it has been the custom heretofore for the Departments to send in special communications in relation to such matters, and they have uniformly been sent to the Committee on Appropriations to investigate and make provision for them. I do not see any reason for any difference in this respect.

Mr. HERBERT. If the gentleman will listen to the reasons contained in the letter to which I have referred he will see that the circumstances of this case are special.

Mr. BLOUNT. They are always special.

The SPEAKER. The subject is not before the House, objection having been made.

ORDER OF BUSINESS.

Mr. WAIT. I ask unanimous consent to offer a resolution.

Mr. HENLEY. I demand the regular order.

The SPEAKER. The regular order is demanded, which is the call of States and Territories for the introduction of bills and joint resolutions for reference to the appropriate committees when appointed. Under this call——

Mr. WAIT. I trust the gentleman from California will withdraw his objection. I only want to refer this resolution to the Committee on Accounts.

Mr. HENLEY. The gentleman can do that under the call, which is the regular order.

Mr. WAIT. This resolution is different in its character from bills and joint resolutions.

The SPEAKER. The Chair was about to state that under the amended rule not only bills and joint resolutions but concurrent resolutions and simple resolutions of the House will be in order under this call; also memorials and joint resolutions from State and Territorial Legislatures for reference only. The call begins with the State of Alabama.

VACATION OF PATENTS.

Mr. HERBERT introduced a bill (H. R. 25) to provide a mode of vacating patents in certain cases; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

UNITED STATES ATTORNEYS, MARSHALS, ETC.

Mr. HERBERT also introduced a bill (H. R. 26) relating to the compensation and duties of United States attorneys, marshals, and commissioners, and for other purposes; which was read a first and second time.

Mr. HERBERT. I ask that the bill be referred to the Committee on the Judiciary.

The SPEAKER. Under the rules of the House the bill belongs to the Committee on Expenditures in the Department of Justice.

Mr. HERBERT. It relates to a matter of which I think the Committee on the Judiciary has jurisdiction.

Mr. SPRINGER. Last session this bill was referred to the Committee on Expenditures in the Department of Justice.

The SPEAKER. The clause defining the jurisdiction of the Committee on the Judiciary is a general clause; whereas the clause defining the jurisdiction of the Committee on Expenditures in the Department of Justice is special, and enumerates various subjects over which it shall have jurisdiction; and the fees and compensation of public officers is one of these subjects.

The bill was referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

WILLIAM F. MARTIN.

Mr. JONES, of Alabama (by Mr. HERBERT), introduced a bill (H. R. 27) to pay William F. Martin, of Mobile, Ala., the value of one hundred half-boxes of tobacco illegally seized and sold by the collector of internal revenue at New Orleans; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISTRICT JUDGE, ALABAMA.

Mr. JONES, of Alabama (by Mr. HERBERT), also introduced a bill (H. R. 28) to provide for the appointment and compensation of a district judge for the southern district of Alabama; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MOBILE DOCK COMPANY.

Mr. JONES, of Alabama (by Mr. HERBERT), also introduced a bill (H. R. 29) for the relief of the Mobile Dock Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOBILE DEPOSIT SAVINGS ASSOCIATION.

Mr. JONES, of Alabama (by Mr. HERBERT), also introduced a bill (H. R. 30) for the relief of the Deposit Savings Association of Mobile, Ala.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT BIRMINGHAM, ALA.

Mr. MARTIN introduced a bill (H. R. 31) for the erection of a public building at Birmingham, Ala.; which was read a first and second time,

referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC LANDS IN ALABAMA.

Mr. MARTIN also introduced a bill (H. R. 32) to amend an act entitled "An act to exclude the public lands in Alabama from the operation of the laws relating to mineral lands," approved March 3, 1883; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ALEXANDER K. SHEPARD.

Mr. MARTIN also introduced a bill (H. R. 33) for the relief of Alexander K. Shepard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDEXING AND SALE OF PUBLIC DOCUMENTS.

Mr. MARTIN also introduced a joint resolution (H. Res. 6) providing for the indexing and sale of public documents; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

BRIDGE ACROSS THE COOSA.

Mr. FORNEY introduced a bill (H. R. 34) to authorize the East and West Railroad Company of Alabama to maintain a bridge across the Coosa River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM L. WHITLOCK.

Mr. FORNEY also introduced a bill (H. R. 35) to refund to William L. Whitlock, of Alabama, taxes illegally collected as income taxes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. M. I. DONAHOE AND OTHERS.

Mr. FORNEY also introduced a bill (H. R. 36) for the relief of Mrs. M. I. Donahoe, J. A. Henry, and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHANGE OF RANK.

Mr. FORNEY also introduced a bill (H. R. 37) to change the rank of an officer on the retired-list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALFRED HEDBERD.

Mr. FORNEY also introduced a bill (H. R. 38) for the relief of Alfred Hedberd; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. G. FELL AND OTHERS.

Mr. FORNEY also introduced a bill (H. R. 39) for the relief of J. G. Fell, Edward Hoopes, and George Burnham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OSCAR EASTMOND AND JAMES W. ATWILL.

Mr. BURNES (by Mr. FORNEY) introduced a bill (H. R. 40) for the relief of Oscar Eastmond and James W. Atwill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. BURNES (by Mr. FORNEY) also introduced a bill (H. R. 41) to authorize the construction of a bridge across the Missouri River at or near the city of Saint Joseph, in the State of Missouri, and to establish it as a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UTAH EXPEDITION.

Mr. BURNES (by Mr. FORNEY) also introduced a bill (H. R. 42) referring to the Court of Claims the claims for property seized by General Johnston on the Utah expedition; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUITS AGAINST RECEIVERS OF RAILROAD COMPANIES.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, instructing the Senators and requesting the Representatives to procure national legislation authorizing receivers of railroad companies appointed by Federal courts to be sued in local State courts and to preserve the right of trial by jury in such suits; which was referred to the Committee on the Judiciary.

MISSOURI WAR DEBT.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, instructing the Senators and requesting the Representatives to support the appointment of a commissioner on the part of the United States to investigate and audit the war debt of the State, as contemplated by section 52 of the constitution of said State; which was referred to the Committee on War Claims.

SUSPENSION OF SILVER COINAGE.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, instructing the Senators and requesting the Representatives to vote against and use all honorable means to defeat a bill to suspend or stop the coinage of silver money; which was referred to the Committee on Coinage, Weights, and Measures.

SURVIVING UNITED STATES SOLDIERS OF THE MEXICAN WAR.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, instructing the Senators and requesting Representatives to favor the passage of an act giving pensions to surviving soldiers of the United States in the war with Mexico; which was referred to the Committee on Pensions.

PROTECTION OF BOTTOM LANDS IN MISSOURI.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, memorializing Congress for an appropriation or appropriations for the protection of the bottom lands in the southwestern portion of said State from annual inundation from the Mississippi River, Saint Frances River, and other sources; which was referred to the Committee on Levees and Improvements of the Mississippi River.

LEVEE IN MISSISSIPPI RIVER.

Mr. BURNES (by Mr. FORNEY) also presented a joint and concurrent resolution of the General Assembly of the State of Missouri, memorializing Congress for an appropriation for the construction of a levee on the west side of the Mississippi River from Clarksville, Mo., through the counties of Pike, Lincoln, and Saint Charles, to the mouth of the Missouri; which was referred to the Committee on Levees and Improvements of the Mississippi River.

ORDER OF BUSINESS.

Mr. WHEELER. Mr. Speaker, I desire, at the request of General BRAGG, of Wisconsin, who can not be here, to introduce a bill for him.

Mr. DUNN. I shall have to object to that, Mr. Speaker. When the State of Wisconsin is called I shall have no objection to any member present introducing a bill for any Representative of that State who may be unable to be here; but I can not consent that the State shall be taken out of its regular order.

The SPEAKER. Objection is made, and the request of the gentleman from Alabama [Mr. WHEELER] is not granted.

SUPPORT OF COMMON SCHOOLS.

Mr. WHEELER introduced a bill (H. R. 43) to aid in the temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

BUREAU OF MILITARY STATISTICS.

Mr. WHEELER also introduced a bill (H. R. 44) to create a bureau of military statistics and information; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COURTS OF APPEAL.

Mr. WHEELER also introduced a bill (H. R. 45) to establish courts of appeal, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS TO SOLDIERS OF TIPPECANOE CAMPAIGN.

Mr. WHEELER also introduced a bill (H. R. 46) granting pensions to the officers and soldiers of the Tippecanoe campaign of 1811 and to their surviving widows; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONS TO SOLDIERS IN INDIAN WARS.

Mr. WHEELER also introduced a bill (H. R. 47) granting pensions to the soldiers who served against the Indians in 1817, 1818, and 1823; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SURVIVORS OF THE BLACK HAWK WAR.

Mr. WHEELER also introduced a bill (H. R. 48) granting pensions to the surviving soldiers of the Black Hawk war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SURVIVORS OF INDIAN WARS.

Mr. WHEELER also introduced a bill (H. R. 49) granting pensions to the survivors of the Indian wars of 1835 to 1842; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SURVIVORS OF THE MEXICAN WAR.

Mr. WHEELER also introduced a bill (H. R. 50) granting pensions to the survivors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WAR OF 1812.

Mr. WHEELER also introduced a bill (H. R. 51) amending the laws

granting pensions to the soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. WHEELER also introduced a bill (H. R. 52) to amend an act to regulate and improve the civil service of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

RESTORATION OF ARMY OFFICERS.

Mr. WHEELER also introduced a bill (H. R. 53) to authorize the President to restore officers to the Army in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS OF STATES.

Mr. WHEELER also introduced a bill (H. R. 54) to adjust the claims of the States against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RECORDS OF THE WAR OF THE REBELLION.

Mr. WHEELER also introduced a bill (H. R. 55) to provide for the printing of additional copies of the Records of the War of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. WHEELER also introduced a bill (H. R. 56) to provide for refunding to the several States certain sums of money which were collected from persons residing in said States as a tax upon cotton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAINT LOUIS, ALABAMA AND ATLANTIC RAILROAD.

Mr. WHEELER also introduced a bill (H. R. 57) to grant the right of way over the public lands in Alabama and to grant lands to said State in aid of the Saint Louis, Alabama and Atlantic Railroad, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ROME AND DECATUR RAILROAD COMPANY.

Mr. WHEELER also introduced a bill (H. R. 58) to grant the right of way over the public lands in Alabama to the Rome and Decatur Railroad Company from Rome, Ga., to Decatur, Ala., on the Tennessee River; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT HUNTSVILLE, ALA.

Mr. WHEELER also introduced a bill (H. R. 59) for the erection of a public building at Huntsville, Ala.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLAIMS OF PHYSICIANS.

Mr. WHEELER also introduced a bill (H. R. 60) to compensate physicians for services rendered under an order of the United States court of the northern district of Alabama; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN M. SIMPSON.

Mr. WHEELER also introduced a bill (H. R. 61) for the relief of Benjamin M. Simpson; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN J. BROWN.

Mr. WHEELER also introduced a bill (H. R. 62) for the relief of John J. Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. JOHN B. READ.

Mr. WHEELER also introduced a joint resolution (H. Res. 7) in relation to the claim made by Dr. John B. Read against the United States for the alleged use of projectiles claimed as the invention of said Read and by him alleged to have been used pursuant to a contract or arrangement made between him and the War Department and for which no compensation has been made; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONGRESSIONAL RECORD.

Mr. WHEELER also presented a concurrent resolution to amend the concurrent resolution of the Senate and House of Representatives adopted January 2, 1874, directing the Congressional Printer to furnish the Senate and House of Representatives with the CONGRESSIONAL RECORD; which was referred to the Committee on Printing.

ESTATE OF WILLIAM TINDER.

Mr. WHEELER (by request) also introduced a bill (H. R. 63) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY RINGGOLD ARCHER.

Mr. WHEELER (by request) also introduced a bill (H. R. 64) granting arrears of pension to Mrs. Mary Ringgold Archer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. ALLEN L. ANDERSON.

Mr. WHEELER (by request) also introduced a bill (H. R. 65) to place the name of Capt. Allen L. Anderson on the retired list of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS L. ROSSER.

Mr. WHEEER (by request) also introduced a bill (H. R. 66) to remove the political disabilities of Thomas L. Rosser; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FITZ-JOHN PORTER.

Mr. WHEELER. Mr. Speaker, I understand the gentleman from Arkansas [Mr. DUNN] withdraws his objection to the request I have heretofore made to be allowed to introduce a bill for the gentleman from Wisconsin [Mr. BRAGG] who is unavoidably absent.

The SPEAKER. Is there objection?

Mr. BUCHANAN. I object.

Mr. WHEELER. Then I introduce it as my own bill, stating that I do so introduce it in behalf of General BRAGG, of Wisconsin, and by his request.

Mr. WHEELER (by request) also introduced a bill (H. R. 67) for the relief of Fitz-John Porter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM P. CHAMBLISS.

Mr. WHEELER (by request) also introduced a bill (H. R. 68) for the relief of William P. Chambliss; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PACIFIC RAILROAD.

Mr. DUNN introduced a bill (H. R. 69) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

RAILROAD AND TELEGRAPH LINE TO PACIFIC OCEAN.

Mr. DUNN also introduced a bill (H. R. 70) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

REPEAL OF TONNAGE DUTIES.

Mr. DUNN also introduced a bill (H. R. 71) to repeal the tonnage duties upon ships and vessels of the United States and upon certain foreign vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REMOVAL OF OBSTRUCTIONS TO NAVIGATION.

Mr. DUNN also introduced a bill (H. R. 72) to provide for the removal of obstructions to the free navigation of the navigable waters of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MINERAL LANDS.

Mr. DUNN also introduced a bill (H. R. 73) to exclude the public lands in Arkansas from the operation of the laws relating to mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, HELENA, ARK.

Mr. DUNN also introduced a bill (H. R. 74) for the erection of a public building at Helena, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES CLIFFORD.

Mr. ROGERS introduced a bill (H. R. 75) for the relief of James Clifford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLAIM AGENTS AND PENSION ATTORNEYS.

Mr. ROGERS also introduced a bill (H. R. 76) relating to claim agents and attorneys in pension cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHEAPER TELEGRAPHIC CORRESPONDENCE.

Mr. ROGERS also introduced a bill (H. R. 77) to secure cheaper telegraphic correspondence; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

BUILDING AT FORT SMITH.

Mr. ROGERS also introduced a bill (H. R. 78) to provide for a building for the use of the Federal court, post-office, internal-revenue, and other civil offices, and a United States jail, in the city of Fort Smith, Ark.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRYOR N. LEA.

Mr. ROGERS also introduced a bill (H. R. 79) for the relief of Pryor N. Lea; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MONEY-ORDER SYSTEM.

Mr. ROGERS also introduced a bill (H. R. 80) to provide for the deposit in the Treasury of the receipts of the money-order system and for the payment of its expenses out of appropriations; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MARGARET B. HARWOOD.

Mr. ROGERS also introduced a bill (H. R. 81) granting a pension to Margaret B. Harwood; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES H. HAMILTON.

Mr. ROGERS also introduced a bill (H. R. 82) for the relief of James H. Hamilton; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. H. T. MAIN.

Mr. ROGERS also introduced a bill (H. R. 83) for the relief of J. H. T. Main; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ROGERS, DECEASED.

Mr. ROGERS also introduced a bill (H. R. 84) for the relief of the heirs of John Rogers, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN D. ADAMS.

Mr. ROGERS also introduced a bill (H. R. 85) for the relief of John D. Adams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ZEB. WARD.

Mr. ROGERS also introduced a bill (H. R. 86) for the relief of Zeb. Ward, of Little Rock, Ark.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAY OF DISTRICT JUDGES, UNITED STATES.

Mr. ROGERS also introduced a bill (H. R. 87) regulating the pay of the district judge of the United States for the western district of Arkansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ROGERS also introduced a bill (H. R. 88) regulating the pay of the district judges of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETER NOLAN.

Mr. ROGERS also introduced a bill (H. R. 89) for the relief of the heirs or legal representatives of Peter Nolan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ETHAN A. AND EDWARD V. DEUELL.

Mr. ROGERS also introduced a bill (H. R. 90) referring to the Court of Claims the claim of Ethan A. and Edward V. Deuell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID DICKSON AND OTHERS.

Mr. ROGERS also introduced a bill (H. R. 91) for the relief of David Dickson and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

SILAS FEILD.

Mr. ROGERS also introduced a bill (H. R. 92) for the relief of Silas Feild, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL FITZGERALD.

Mr. ROGERS also introduced a bill (H. R. 93) for the relief of Daniel Fitzgerald, trustee of the Catholic church at Fort Smith, Ark.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES D. RENNY.

Mr. ROGERS (by request) also introduced a bill (H. R. 94) granting a pension to James D. Renny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET C. BUPP.

Mr. ROGERS (by request) also introduced a bill (H. R. 95) granting a pension to Margaret C. Bupp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIAN F. HAYNIE.

Mr. ROGERS (by request) also introduced a bill (H. R. 96) for the relief of Marian F. Haynie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. E. FOLSOM.

Mr. ROGERS (by request) also introduced a bill (H. R. 97) granting a pension to F. E. Folsom; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES SUPPLE.

Mr. ROGERS (by request) also introduced a bill (H. R. 98) granting a pension to James Supple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. BURNS.

Mr. ROGERS also introduced a bill (H. R. 99) for the relief of William W. Burns; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCY ANN AND ALLEN G. LEE.

Mr. ROGERS (by request) also introduced a bill (H. R. 100) for the relief of Lucy Ann Lee and Allen G. Lee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALONZO H. KENT.

Mr. ROGERS also introduced a bill (H. R. 101) granting a pension to Alonzo Hayward Kent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KANSAS CITY AND GULF RAILWAY.

Mr. PEEL introduced a bill (H. R. 102) to grant to the Kansas City, Fort Scott and Gulf Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM J. GAMBLE.

Mr. PEEL also introduced a bill (H. R. 103) for the relief of William J. Gamble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL DIAL.

Mr. PEEL also introduced a bill (H. R. 104) for the relief of Samuel Dial; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT LOUIS AND SAN FRANCISCO RAILWAY.

Mr. PEEL also intodnced a bill (H. R. 105) to amend an act entitled "An act to grant a right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOMESTEADS AND PRE-EMPTIONS.

Mr. PEEL also introduced a bill (H. R. 106) to repeal an act entitled "An act to provide additional regulations for homesteads and pre-emptions of the public lands," approved March 3, 1879; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ELIAS B. MOORE.

Mr. PEEL also introduced a bill (H. R. 107) for the relief of Elias B. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. PHILLIPS.

Mr. PEEL also introduced a bill (H. R. 108) to pay George W. Phillips, of Madison County, Arkansas, for property taken from him by the United States Army in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. J. WOOLUM.

Mr. PEEL also introduced a bill (H. R. 109) to pay E. J. Woolum for carrying United States mails from Blue Mountain, Ala., to Rome, Ga., in 1865, by order of the military authorities of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES CROWELL.

Mr. PEEL also introduced a bill (H. R. 110) to pay Charles Crowell for property taken from him by the United States Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARION D. STEEL.

Mr. PEEL also introduced a bill (H. R. 111) to pay Marion D. Steel for property taken from him by the United States Army during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRICE OF PUBLIC LANDS IN ARKANSAS.

Mr. PEEL also introduced a bill (H. R. 112) to graduate the price of the public lands in the State of Arkansas, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PACIFIC AND GREAT EASTERN RAILWAY.

Mr. PEEL also introduced a bill (H. R. 113) to grant to the Pacific and Great Eastern Railway Company the right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRODUCERS OF TOBACCO.

Mr. PEEL also introduced a bill (H. R. 114) to allow producers of tobacco to sell the same in the leaf, hand, or twist without internal-revenue restriction or tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. PEEL also introduced a bill (H. R. 115) to amend section 2, chapter 137, Statutes at Large, of an act entitled "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALBERTINE COCKRUM.

Mr. PEEL also introduced a bill (H. R. 116) for the relief of Albertine Cockrum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOUNTAIN MEADOW MASSACRE.

Mr. PEEL also introduced a bill (H. R. 117) donating 320 acres of public land to each of the survivors of the Mountain Meadow massacre and each of the legal heirs of any one killed in such massacre; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. M. HOBBS.

Mr. PEEL also introduced a bill (H. R. 118) for the relief of J. M. Hobbs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. PETTIGREW.

Mr. PEEL also introduced a bill (H. R. 119) for the relief of George H. Pettigrew; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES R. BERRY.

Mr. PEEL also introduced a bill (H. R. 120) to refund illegal internal-revenue taxes collected of James R. Berry as late auditor of the State of Arkansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JASPER J. HENRY.

Mr. PEEL also introduced a bill (H. R. 121) for the relief of Jasper J. Henry for a horse killed while acting as guide to the First Arkansas Cavalry Volunteers in the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDICIAL DISTRICT IN ARKANSAS.

Mr. PEEL also introduced a bill (H. R. 122) to create a new judicial district in the State of Arkansas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JABEZ CHAMBERLAIN.

Mr. PEEL (by request) also introduced a bill (H. R. 123) for the relief of Jabez Chamberlain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SHIRLEY.

Mr. PEEL (by request) also introduced a bill (H. R. 124) for the relief of the estate of John Shirley, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. T. DICKSON.

Mr. PEEL (by request) also introduced a bill (H. R. 125) granting a pension to J. T. Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. COWAN.

Mr. PEEL (by request) also introduced a bill (H. R. 126) to place James H. Cowan on the roll of the Arkansas volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. LOWELL.

Mr. PEEL (by request) also introduced a bill (H. R. 127) to place William J. Lowell on the rolls of the Arkansas volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES FANNING.

Mr. PEEL (by request) also introduced a bill (H. R. 128) to amend the military record of James Fanning; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROTECTION OF HOMESTEAD SETTLERS.

Mr. McRAE introduced a bill (H. R. 129) to protect homestead settlers within railway limits, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SECTION 2291 REVISED STATUTES.

Mr. McRAE also introduced a bill (H. R. 130) to amend section 2291 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF THE STATE OF ARKANSAS.

Mr. McRAE also introduced a bill (H. R. 131) for the adjustment of claims of the State of Arkansas against the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT TEXARKANA.

Mr. McRAE also introduced a bill (H. R. 132) to provide for the erection of an interstate public building at the city of Texarkana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. McRAE also introduced a bill (H. R. 133) to refund to the producers the tax collected by the United States on raw cotton in the years 1863 to 1868, inclusive, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPPORT OF COMMON SCHOOLS.

Mr. McRAE also introduced a bill (H. R. 134) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

JACOB BERG.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 135) for the relief of Jacob Berg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIZZIE E. M'CORD.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 136) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WRIGHT.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 137) for the relief of the estate of William Wright; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF THE CHEROKEE RESERVATION.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 138) to provide for the sale of the Cherokee reservation, in the State of Arkansas; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILSON G. GRAY.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 139) for the relief of Wilson G. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 140) to grant the Kansas and Arkansas Valley Railway Company the right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIM OF ARKANSAS AGAINST UNITED STATES.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 141) for the adjustment of the claim of the State of Arkansas against the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMMON SCHOOLS.

Mr. BRECKINRIDGE, of Arkansas, also introduced a bill (H. R. 142) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

BUILDING FOR LIGHT-HOUSE BOARD.

Mr. BRECKINRIDGE, of Arkansas (by request), also introduced a bill (H. R. 143) to erect a building for the use of the Light-House Board at Washington; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CABLE ELECTRIC RAILWAY COMPANY.

Mr. BRECKINRIDGE, of Arkansas (by request), also introduced a bill (H. R. 144) to incorporate the Cable Electric Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIGHT-HOUSE DISTRICTS.

Mr. BRECKINRIDGE, of Arkansas (by request), also introduced a bill (H. R. 145) to authorize the creation of an additional light-house district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BRECKINRIDGE, of Arkansas (by request), also introduced a bill (H. R. 146) to enable the Light-House Board to increase the number of the light-house districts on the Western rivers and making appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HENLEY introduced a bill (H. R. 147) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HENLEY also introduced a bill (H. R. 148) to declare forfeited certain lands granted to the Southern Pacific Railroad Company by the act of Congress approved July 27, 1866; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HENLEY also introduced a bill (H. R. 149) to declare forfeited certain land grants to aid in the construction of a railroad from Portland, in Oregon, to the Central Pacific Railroad in California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PROCEEDS OF PUBLIC LANDS.

Mr. HENLEY also introduced a bill (H. R. 150) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ACCOUNTS IN THE INDIAN SERVICE.

Mr. HENLEY also introduced a bill (H. R. 151) to authorize the adjustment of certain accounts arising in the Indian service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REIMBURSEMENT OF STATES.

Mr. HENLEY also introduced a bill (H. R. 152) to reimburse the several States for interest paid on war loans, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPPRESSION OF INDIAN HOSTILITIES IN CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 153) to reappropriate the unexpended balance heretofore appropriated by Congress for the suppression of Indian hostilities in the State of California; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRICE OF LANDS IN CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 154) to establish the price of certain lands in the State of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RELIEF OF CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 155) for the relief of the State of California; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. HENLEY also introduced a bill (H. R. 156) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections, found to be mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRINTING OF CONSTITUTION AND STATUTES.

Mr. HENLEY also introduced a bill (H. R. 157) to print the Constitution of the United States and amendments thereto with the United States Statutes at every session of Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. HENLEY also introduced a bill (H. R. 158) to restore the Klamath Indian reservation to the public domain; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. HENLEY (by request) also introduced a bill (H. R. 159) to adjust claims of owners of lands within the limits of the Klamath Indian reservation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

VOID ENTRIES OF PUBLIC LAND.

Mr. HENLEY also introduced a bill (H. R. 160) amendatory of an act entitled "An act for the relief of certain settlers on public lands, and to provide for the repayment of certain fees, purchase-money, and commissions paid on void entries of public lands," approved June 6, 1880; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REFUND OF MONEYS.

Mr. HENLEY also introduced a bill (H. R. 161) prescribing the proof to be made on application for the refund of moneys paid for lands erroneously entered; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES MURPHY.

Mr. HENLEY also introduced a bill (H. R. 162) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INDIAN WAR CLAIMS.

Mr. HENLEY also introduced a bill (H. R. 163) to reimburse the States and Territories for money heretofore used and expended by them in the suppression of Indian hostilities; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DIRECT TAX.

Mr. HENLEY also introduced a bill (H. R. 164) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KLAMATH INDIAN RESERVATION.

Mr. HENLEY also introduced a bill (H. R. 165) to restore the Klamath reservation to the public domain; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DESERT-LAND SETTLERS.

Mr. HENLEY (by request) also introduced a bill (H. R. 166) for the relief of settlers under the desert-land act; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRANCH SOLDIERS' HOME, CALIFORNIA.

Mr. HENLEY also introduced a bill (H. R. 167) to provide for the establishment of a branch soldiers' home in the State of California; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAILORS' HOME, SAN FRANCISCO.

Mr. HENLEY also introduced a joint resolution (H. Res. 8) authorizing the city of San Francisco to relinquish to the State of California title to certain property for a sailors' home; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

J. M. HOGAN.

Mr. LOUTITT introduced a bill (H. R. 168) for the relief of J. M. Hogan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BEET-ROOT ALCOHOL.

Mr. McKENNA introduced a bill (H. R. 169) to exempt from taxation alcohol distilled from the molasses made in the manufacture of

beet-root sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMANDER HENRY GLASS, U. S. NAVY.

Mr. McKENNA also introduced a bill (H. R. 170) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHINESE.

Mr. MORROW introduced a bill (H. R. 171) supplementary to and amendatory of an act to execute certain treaty stipulations relating to the Chinese, approved May 6, 1882, as amended by an act to amend said act approved July 5, 1884; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. MORROW also introduced a bill (H. R. 172) to provide for the designation of certain commissioners in the circuit court of the United States to hear and determine certain cases of alleged restraint of liberty under acts of Congress relating to the restriction of Chinese immigration and to provide a system of procedure in such cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CHINESE TREATY STIPULATIONS.

Mr. MORROW also introduced a bill (H. R. 173) to provide for the expenses incurred in enforcing the provisions of the act to execute certain treaty stipulations relating to Chinese, approved May 6, 1882, and the amendment thereto; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

PUBLIC BUILDING, SAN FRANCISCO.

Mr. MORROW also introduced a bill (H. R. 174) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PRODUCTION OF FRUIT BRANDY, ETC.

Mr. MORROW also introduced a bill (H. R. 175) to amend an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March 3, 1877; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF INTERNAL-REVENUE LAWS.

Mr. MORROW also introduced a bill (H. R. 176) to amend an act entitled "An act to amend the laws in relation to internal revenue," approved May 28, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RETAIL LIQUOR DEALERS, ETC.

Mr. MORROW also introduced a bill (H. R. 177) to amend section 3244 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXEMPTION OF FRUIT BRANDY.

Mr. MORROW also introduced a bill (H. R. 178) to amend section 3255 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RESIGNATION OF JUDGES OF UNITED STATES COURTS.

Mr. MORROW also introduced a bill (H. R. 179) to amend section 714 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPEALS TO SUPREME COURT.

Mr. MORROW also introduced a bill (H. R. 180) to amend section 764 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXCHANGE OF MUTILATED SILVER COIN.

Mr. MORROW also introduced a bill (H. R. 181) providing for the exchange of worn, defaced, clipped, punched, or otherwise mutilated silver coin of the United States of smaller denominations than one dollar for new or unworn subsidiary silver coins, at designated places and under certain conditions; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

RELEASE OF CERTAIN PUBLIC LANDS.

Mr. MORROW (by request) also introduced a bill (H. R. 182) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and its grantees; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE A. NORTON.

Mr. MORROW (by request) also introduced a bill (H. R. 183) for the relief of George A. Norton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM D. SPRAGUE.

Mr. MORROW (by request) also introduced a bill (H. R. 184) for the relief of William D. Sprague; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRED. E. BROOKS.

Mr. MORROW (by request) also introduced a bill (H. R. 185) for the relief of Fred. E. Brooks; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. J. BARNES.

Mr. MORROW (by request) also introduced a bill (H. R. 186) for the relief of A. J. Barnes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE C. PARKINSON.

Mr. MORROW (by request) also introduced a bill (H. R. 187) for the relief of George C. Parkinson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ATLANTIC AND PACIFIC RAILROAD COMPANY.

Mr. FELTON introduced a bill (H. R. 188) to forfeit the unearned lands in California granted or claimed to have been granted to the Atlantic and Pacific Railroad Company "to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast," and to restore the same to settlement, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DUTY ON PLUMS, PRUNES, ETC.

Mr. FELTON also introduced a bill (H. R. 189) to increase the duty on plums, prunes, and raisins; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF OF CERTAIN EMPLOYÉS, LIGHT-HOUSE ESTABLISHMENT.

Mr. FELTON also introduced a bill (H. R. 190) for the relief of certain employés and others in the twelfth United States light-house district; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, LOS ANGELES, CAL.

Mr. MARKHAM introduced a bill (H. R. 191) providing for the erection of a public building at Los Angeles, Cal.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NEW JUDICIAL DISTRICT, CALIFORNIA.

Mr. MARKHAM also introduced a bill (H. R. 192) to detach certain counties from the United States judicial district of California and create the United States judicial district of Southern California; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MISSION INDIANS, CALIFORNIA.

Mr. MARKHAM also introduced a bill (H. R. 193) for the relief of the Mission Indians in the State of California; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC PARK, PAGOSA SPRINGS, COLO.

Mr. SYMES introduced a bill (H. R. 194) to establish a public park at Pagosa Springs, Colo.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRANCH MINT, DENVER.

Mr. SYMES also introduced a bill (H. R. 195) to provide for coinage at the branch mint at Denver, Colo.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HENRY H. STUTSMAN.

Mr. SYMES also introduced a bill (H. R. 196) granting a pension to Henry H. Stutsman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROYAL M. HUBBARD.

Mr. SYMES also introduced a bill (H. R. 197) for the relief of Royal M. Hubbard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. KEIGHTLEY.

Mr. SYMES also introduced a bill (H. R. 198) for the relief of William M. Keightley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HORACE A. W. TABOR.

Mr. SYMES also introduced a bill (H. R. 199) for the relief of Horace A. W. Tabor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRIETTA H. COLE.

Mr. MITCHELL introduced a bill (H. R. 200) for the relief of Henrietta H. Cole; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

SECTION 4742 REVISED STATUTES.

Mr. MITCHELL also introduced a bill (H. R. 201) to amend section 4742 of the Revised Statutes of the United States relating to Revolutionary pensions and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LEMUEL ADAMS.

Mr. MITCHELL also introduced a bill (H. R. 202) for the relief of Lemuel Adams; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THOMAS BUTLER.

Mr. MITCHELL also introduced a bill (H. R. 203) for the relief of Thomas Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. F. P. GARDNER.

Mr. MITCHELL also introduced a bill (H. R. 204) for the relief of Mrs. F. P. Gardner; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

OFFICERS OF UNITED STATES ARMY.

Mr. MITCHELL also introduced a bill (H. R. 205) for the relief of certain officers of the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES WATERHOUSE.

Mr. MITCHELL also introduced a bill (H. R. 206) for the relief of Charles Waterhouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. EUNICE S. NICHOLS.

Mr. MITCHELL also introduced a bill (H. R. 207) for the relief of Mrs. Eunice S. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVALINA P. LOW.

Mr. MITCHELL also introduced a bill (H. R. 208) for the relief of Evalina P. Low; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRADUATES OF MILITARY ACADEMY.

Mr. MITCHELL (by request) also introduced a bill (H. R. 209) to provide for assignments of graduates of the Military Academy to duty in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPRESENTATIVES OF PAUL NOYES.

Mr. MITCHELL also introduced a bill (H. R. 210) for the relief of the legal representatives of Paul Noyes, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT CORNELL WHITE.

Mr. MITCHELL (by request) also introduced a bill (H. R. 211) for the relief of Robert Cornell White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED G. HATFIELD.

Mr. MITCHELL (by request) also introduced a bill (H. R. 212) for the relief of Alfred G. Hatfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH H. POTTS.

Mr. MITCHELL (by request) also introduced a bill (H. R. 213) granting an increase of pension to Joseph H. Potts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADMINISTRATOR OF JOHN W. DEAR.

Mr. MITCHELL (by request) also introduced a bill (H. R. 214) for the relief of the administrator of the estate of John W. Dear, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN LEATHERS.

Mr. MITCHELL (by request) also introduced a bill (H. R. 215) for the relief of John Leathers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARTHUR L. FISH.

Mr. MITCHELL (by request) also introduced a bill (H. R. 216) for the relief of Arthur L. Fish; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF PETER DELLA TORRE.

Mr. MITCHELL (by request) also introduced a bill (H. R. 217) for the relief of Frank Della Torre and Susan F. Della Torre, heirs of Peter Della Torre, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRIVATE LAND CLAIMS IN NEW MEXICO.

Mr. MITCHELL (by request) also introduced a bill (H. R. 218) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARY F. POTTS.

Mr. MITCHELL (by request) also introduced a bill (H. R. 219) for the relief of Mary F. Potts; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM WHEELER HUBBELL.

Mr. MITCHELL (by request) also introduced a bill (H. R. 220) to determine the rights of William Wheeler Hubbell and the United States, respectively, therein stated; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM E. WOODBRIDGE.

Mr. MITCHELL (by request) also introduced a bill (H. R. 221) for the relief of William E. Woodbridge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH E. HOLROYD.

Mr. MITCHELL (by request) also introduced a bill (H. R. 222) for the relief of Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPT. HENRY H. HUMPHREYS.

Mr. MITCHELL (by request) also introduced a bill (H. R. 223) for the relief of Henry H. Humphreys; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. PLANT.

Mr. MITCHELL (by request) also introduced a bill (H. R. 224) for the relief of George H. Plant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL CONNOLLY.

Mr. SEYMOUR introduced a bill (H. R. 225) granting a pension to Daniel Connolly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA E. TURNEY.

Mr. SEYMOUR also introduced a bill (H. R. 226) granting a pension to Mrs. Martha E. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET ROACH.

Mr. SEYMOUR also introduced a bill (H. R. 227) granting a pension to Bridget Roach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ROACH.

Mr. SEYMOUR also introduced a bill (H. R. 228) for the relief of James Roach; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. E. A. BENHAM.

Mr. SEYMOUR also introduced a bill (H. R. 229) for the relief of Mrs. E. A. Benham, widow of Bvt. Maj. Gen. Henry H. Benham, deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

NANCY E. DAY.

Mr. WAIT introduced a bill (H. R. 230) for the relief of Nancy E. Day, administratrix of James L. Day, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WATERMAN CLIFT.

Mr. WAIT also introduced a bill (H. R. 231) for the reimbursement of Waterman Clift, of Mystic River, Conn., for property destroyed in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE O'DONNELL.

Mr. WAIT also introduced a bill (H. R. 232) for the relief of George O'Donnell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. R. BENNETT AND OTHERS.

Mr. WAIT also introduced a bill (H. R. 233) for the relief of William R. Bennett, John Eldridge, and William G. Dewey; which was

read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES CALER.

Mr. WAIT also introduced a bill (H. R. 234) for the relief of James Caler, of Stamford, Conn.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MAJ. JAMES BELGER.

Mr. WAIT also introduced a bill (H. R. 235) for the relief of Maj. James Belger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. WAIT also introduced a bill (H. R. 236) amending the laws granting pensions to the soldiers and sailors of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

Mr. WAIT also introduced a bill (H. R. 237) amending the pension laws, and restoring pensions to widows of soldiers taken from them by second marriage, on death of or of divorce from second husband; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TELEGRAPHIC OPERATORS DURING THE WAR.

Mr. WAIT also introduced a bill (H. R. 238) for the relief of telegraphic operators during the war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER MACK.

Mr. WAIT also introduced a bill (H. R. 239) granting a pension to Alexander Mack, late captain of the maintop, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STANDARD SILVER DOLLARS.

Mr. WAIT also introduced a bill (H. R. 240) to suspend the coinage of standard silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CLAIMS OF OWNERS OF PRIVATE DIES.

Mr. LORE introduced a bill (H. R. 241) to authorize the Secretary of the Treasury to adjust, settle, and pay to the owners of private dies the balance of commissions due them; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES V. WISE.

Mr. LORE also introduced a bill (H. R. 242) for the relief of Charles V. Wise; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A LIGHT-HOUSE ON DOG ISLAND, FLA.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 243) making an appropriation for the erection of a light-house on Dog Island, Fla.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LEGAL REPRESENTATIVES OF ARVAH HOPKINS.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 244) to provide for the payment to the legal representatives of Arvah Hopkins of the rent of certain property in Tallahassee, Fla., for the use of the Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING IN TALLAHASSEE, FLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 245) for the erection of a public building in the city of Tallahassee, in the State of Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. DAVIDSON, of Florida (by request), also introduced a joint resolution (H. Res. 9) in relation to the immediate transportation of dutiable goods; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia;

A bill (S. 580) granting a pension to Julia D. Grant; and

Joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

Mr. DAVIDSON. I send to the desk a bill which I introduce by request of my colleague [Mr. DOUGHERTY], who is absent on account of the illness of a relative.

PUBLIC BUILDING, JACKSONVILLE, FLA.

Mr. DOUGHERTY (by Mr. DAVIDSON, of Florida) introduced a bill (H. R. 246) to authorize the Secretary of the Treasury to erect a public building in the city of Jacksonville, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEWIS TYNS.

Mr. TURNER introduced a bill (H. R. 247) granting a pension to Lewis Tyns; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY GEE.

Mr. TURNER also introduced a bill (H. R. 248) for the relief of Henry Gee; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GEORGE M'DONALD.

Mr. TURNER also introduced a bill (H. R. 249) for the relief of George McDonald, administrator of the estate of E. McDonald; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT AUGUSTA, GA.

Mr. BARNES introduced a bill (H. R. 250) for the erection of a public building at Augusta, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN B. ROBERTS.

Mr. BARNES also introduced a bill (H. R. 251) for the relief of John B. Roberts, postmaster at Sandersville, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN D. MUNNERLYN.

Mr. BARNES also introduced a bill (H. R. 252) for the relief of John D. Munnerlyn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BERNARD RICE.

Mr. BARNES also introduced a bill (H. R. 253) for the relief of Bernard Rice, of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEAM RAILROADS IN DISTRICT OF COLUMBIA.

Mr. HARRIS (by request) introduced a bill (H. R. 254) to define the routes of steam railroads entering the city of Washington and District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PUBLIC BUILDING, COLUMBUS, GA.

Mr. HARRIS also introduced a bill (H. R. 255) for the erection of a public building at Columbus, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN WALKER.

Mr. HARRIS also introduced a bill (H. R. 256) for the relief of John Walker, postmaster at Butler, Taylor County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARK MILLER.

Mr. CANDLER introduced a bill (H. R. 257) for the relief of Mark Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JASPER N. MARTIN.

Mr. CANDLER also introduced a bill (H. R. 258) for the relief of Jasper N. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WOOD.

Mr. CANDLER also introduced a bill (H. R. 259) for the relief of Elizabeth Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage, without amendment, of joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month.

It further announced agreement in concurrent resolution of the House that when the two Houses adjourn on Monday, December 21, 1885, they stand adjourned until January 5, 1886.

MARGARET S. FAIN.

Mr. CANDLER also introduced a bill (H. R. 260) for the relief of Margaret S. Fain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMBROSE CHEWNING.

Mr. CANDLER also introduced a bill (H. R. 261) for the relief of

Ambrose Chewning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. D. MULLINS.

Mr. CANDLER also introduced a bill (H. R. 262) for the relief of G. D. Mullins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GREEN D. MULLIN.

Mr. CANDLER also introduced a bill (H. R. 263) for the relief of Green D. Mullin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HANNAH SIMS.

Mr. CANDLER also introduced a bill (H. R. 264) for the relief of Hannah Sims; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY E. CHUMLY.

Mr. CANDLER also introduced a bill (H. R. 265) for the relief of Mary E. Chumly; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DICY D. FOWLER.

Mr. CANDLER also introduced a bill (H. R. 266) for the relief of Dicy D. Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY JONES.

Mr. CANDLER also introduced a bill (H. R. 267) for the relief of Wesley Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM A. DARNELL.

Mr. CANDLER also introduced a bill (H. R. 268) for the relief of Hiram A. Darnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SANFORD A. PINYAN.

Mr. CANDLER also introduced a bill (H. R. 269) for the relief of Sanford A. Pinyan, late a private in Company A, First Regiment Georgia Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT M'CUTCHEON.

Mr. CANDLER also introduced a bill (H. R. 270) for the relief of Robert McCutcheon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VALINCIA HUTCHINSON.

Mr. CANDLER also introduced a bill (H. R. 271) for the relief of Valincia Hutchinson, widow of Curtis C. Hutchinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALBERT MOSELEY.

Mr. CANDLER also introduced a bill (H. R. 272) for the relief of Albert Moseley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEWTON COKER.

Mr. CANDLER also introduced a bill (H. R. 273) for the relief of Newton Coker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN A. MORRIS.

Mr. CRISP introduced a bill (H. R. 274) for the relief of John A. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM D. STEWART AND OTHERS.

Mr. CRISP also introduced a bill (H. R. 275) for the relief of William D. Stewart and others, heirs at law of James Stewart, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MISSOURI PACIFIC RAILROADS.

Mr. CRISP also introduced a bill (H. R. 276) to amend an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

JAMES M. LOWRY.

Mr. CLEMENTS introduced a bill (H. R. 277) for the relief of James M. Lowry, of Whitfield County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RUFUS BARKER.

Mr. CLEMENTS also introduced a bill (H. R. 278) for the relief of Rufus Barker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

T. H. TRIPLETT.

Mr. CLEMENTS also introduced a bill (H. R. 279) for the relief of T. H. Triplett, postmaster at Dalton, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH DAVIS.

Mr. CREMENTS also introduced a bill (H. R. 280) granting a pension to Joseph Davis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SETTLEMENT OF CERTAIN RAILWAY ACCOUNTS.

Mr. CLEMENTS (by request) also introduced a bill (H. R. 281) to provide for the settlement of accounts with certain railway companies; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WALTER WADSWORTH.

Mr. CLEMENTS (by request) also introduced a bill (H. R. 282) for the relief of the estate of Walter Wadsworth; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENSATION OF UNITED STATES ATTORNEYS, MARSHALS, ETC.

Mr. SPRINGER introduced a bill (H. R. 283) relating to compensation and duties of United States attorneys, marshals, and other court officials, and for other purposes; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

OFFICIAL CORRESPONDENCE WITH GOVERNMENT DEPARTMENTS.

Mr. SPRINGER also introduced a bill (H. R. 284) concerning official correspondence with the Departments of the Government; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RETIREMENT OF CERTAIN OFFICERS.

Mr. SPRINGER also introduced a bill (H. R. 285) to enable officers of the Army who were promoted for gallant and distinguished services in the war of the rebellion to be retired with the rank and full pay of the grade to which they were so promoted; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTION AND RETIREMENT.

Mr. SPRINGER also introduced a bill (H. R. 286) to facilitate promotions, and retire from actual service, upon their own application, officers of the Army who served during the war of the rebellion as general officers of volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

B. H. GRIERSON.

Mr. SPRINGER also introduced a bill (H. R. 287) to correct and complete the record of Col. B. H. Grierson, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BOYNTON LEECH.

Mr. SPRINGER also introduced a bill (H. R. 288) for the relief of Boynton Leech, late lieutenant in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES H. CAMPBELL.

Mr. SPRINGER also introduced a bill (H. R. 289) to restore Charles H. Campbell to the rank of captain in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

L. S. ENSEL.

Mr. SPRINGER also introduced a bill (H. R. 290) for the relief of L. S. Ensel; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. CAMPBELL.

Mr. SPRINGER also introduced a bill (H. R. 291) granting a pension to George H. Campbell, late lieutenant-colonel of the One hundred and sixth Illinois Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IDA DAVENPORT.

Mr. SPRINGER also introduced a bill (H. R. 292) granting a pension to Ida Davenport, widow of William Davenport, late provost-marshal United States volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA J. H. TOMLIN.

Mr. SPRINGER also introduced a bill (H. R. 293) for the relief of Eliza J. H. Tomlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CHILDERS.

Mr. SPRINGER also introduced a bill (H. R. 294) for the relief of John Childers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN L. KNICK.

Mr. SPRINGER also introduced a bill (H. R. 295) granting a pension to Calvin L. Knick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL CLARY.

Mr. SPRINGER also introduced a bill (H. R. 296) granting an increase of pension to Daniel Clary; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JORDAN RICHARDSON.

Mr. SPRINGER also introduced a bill (H. R. 297) granting a pension to Jordan Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS JEFFRIES.

Mr. SPRINGER also introduced a bill (H. R. 298) granting a pension to Thomas Jeffries; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD D. M'KINNEY.

Mr. SPRINGER also introduced a bill (H. R. 299) granting a pension to Richard D. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB LUCAS.

Mr. SPRINGER also introduced a bill (H. R. 300) for the relief of Jacob Lucas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LORENZO DURHAM.

Mr. SPRINGER also introduced a bill (H. R. 301) for the relief of Lorenzo Durham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATENTS FOR RAILROAD LAND GRANTS.

Mr. SPRINGER also introduced a joint resolution (H. Res. 10) suspending issues of patents of lands which have been granted to aid in the construction of railroads and proceedings affecting the titles to such lands until Congress otherwise directs; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AMENDMENTS TO CONSTITUTION.

Mr. SPRINGER also introduced a joint resolution (H. Res. 11) proposing an amendment to the Constitution in reference to the election of President and Vice-President of the United States and members of Congress; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

Mr. SPRINGER also introduced a joint resolution (H. Res. 12) proposing an amendment to the Constitution prohibiting special legislation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BALANCES OF UNITED STATES INDEBTEDNESS.

Mr. SPRINGER also submitted the following resolution; which was read, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed:

Resolved, That the Secretary of the Treasury be, and he is hereby, respectfully requested to transmit to the House of Representatives as soon as practicable a statement of all balances of indebtedness due by or to the United States, as shown by the books of the Treasury, on the 30th day of June, 1885.

AMENDMENT OF RULES.

Mr. SPRINGER also submitted the following resolution; which was read, referred to the Committee on Rules, and ordered to be printed:

Resolved, That Rule XXXVI be amended by adding thereto the following as clause 3:

"The representatives of daily newspapers residing at the capital may be admitted by the Speaker, upon the request of any Member or Delegate for such admission, to the members' corridor and rooms in the rear of the Speaker's chair, under such regulations as he may from time to time prescribe."

MONUMENT TO LATE VICE-PRESIDENT HENDRICKS.

Mr. LAWLER introduced a bill (H. R. 302) for the erection of a monument in Indianapolis, Ind., to the memory of Thomas A. Hendricks, late Vice-President of the United States; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

SCIENCE OF SPELLING.

Mr. LAWLER (by request) also introduced a bill (H. R. 303) to test and try the science of spelling; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ADMIRALTY LAW.

Mr. LAWLER also introduced a bill (H. R. 304) to amend the admiralty law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. LAWLER also introduced a bill (H. R. 305) to constitute eight hours a day's work for all laborers, workingmen, and mechanics employed by or on behalf of the Government of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

Mr. LAWLER. Mr. Speaker, I desire to say that there is more importance attached to this bill than to any other yet introduced in this House——

The SPEAKER *pro tempore* (Mr. SPRINGER). The Chair will inform the gentleman from Illinois [Mr. LAWLER] that it is not in order to make remarks upon the merits of a bill at this stage.

GEORGE SCHNEIDER.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 306) granting a pension to George Schneider; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN K. MANNON.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 307) granting a pension to John K. Mannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY SULLIVAN.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 308) granting a pension to Mary Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMISSIONERS OF INTERSTATE COMMERCE.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 309) to establish a board of commissioners of interstate commerce, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

L. MADISON DAY.

Mr. HENDERSON, of Illinois, (by request) also introduced a bill (H. R. 310) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALEXANDER HALL.

Mr. RIGGS introduced a bill (H. R. 311) to increase the pension of Alexander Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY S. AND SARAH BATES.

Mr. RIGGS also introduced a bill (H. R. 312) to place on the pension-rolls the names of Mary S. and Sarah Bates; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES C. WHITESIDE.

Mr. RIGGS also introduced a bill (H. R. 313) for the relief of Charles C. Whiteside; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. DODSON.

Mr. RIGGS also introduced a bill (H. R. 314) for the relief of James T. Dodson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. TOWNSHEND introduced a bill (H. R. 315) to organize the Territory of Oklahoma and consolidate certain Indian tribes under Territorial government, and for the establishment of a court; also to allot lands in severalty among the Indians, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 316) granting pensions to the soldiers and sailors of the Mexican War, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONERS OF THE CREEK AND OTHER WARS.

Mr. TOWNSHEND also introduced a bill (H. R. 317) granting pensions to the soldiers and sailors of the Creek, Florida, and Black Hawk wars, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONS OF WIDOWS AND MINOR CHILDREN.

Mr. TOWNSHEND also introduced a bill (H. R. 318) increasing the pensions of widows and minor children and dependent parents to $12 a month; also providing that the fact of the enlistment and muster into the service of a soldier shall be *prima facie* evidence of soundness at the time of enlistment, and for other purposes; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOUNTY LANDS FOR SOLDIERS.

Mr. TOWNSHEND also introduced a bill (H. R. 319) granting bounty lands to soldiers of the late war; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

H. W. HUBBARD.

Mr. TOWNSHEND also introduced a bill (H. R. 320) for the relief of Hiram W. Hubbard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEUT. JAMES M. BLADES.

Mr. TOWNSHEND also introduced a bill (H. R. 321) granting an increase of pension to Lieut. James M. Blades, of Company H, Sixth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP TRAMEL.

Mr. TOWNSHEND also introduced a bill (H. R. 322) granting a pension to Philip Tramel; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES TRIMBLE.

Mr. TOWNSHEND also introduced a bill (H. R. 323) granting a pension to James Trimble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. WEAVER.

Mr. TOWNSHEND also introduced a bill (H. R. 324) granting a pension to W. H. Weaver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE WATERS.

Mr. TOWNSHEND also introduced a bill (H. R. 325) granting a pension to Catharine Waters, mother of Thomas Waters, deceased, late steward of the steamer Benefit; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARQUIS T. DAVIS.

Mr. TOWNSHEND also introduced a bill (H. R. 326) for the relief of Marquis T. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF SENATORS.

Mr. TOWNSHEND introduced a joint resolution (H. Res. 13) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the people of the States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMERICAN CUSTOMS UNION.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 14) requesting the President to invite the co-operation of the governments of American nations in securing the establishment of free commercial intercourse among those nations and an American customs union; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

AMERICAN EXHIBITION AT LONDON.

Mr. TOWNSHEND (by request) also introduced a joint resolution (H. Res. 15) concerning an American exhibition to be held in London, May, 1886; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. TOWNSHEND. I desire to say in regard to this last resolution that I have introduced it by request, not desiring to commit myself to its terms.

MAIL TRANSPORTATION ON RAILROADS.

Mr. TOWNSHEND submitted the following resolution; which was referred to the Committee on the Post-Office and Post-Roads:

Resolved, That the Postmaster-General be, and he is hereby, requested to inform this House, if not incompatible with the public interest, what, if any, changes should be made in the law regulating compensation to railway companies for carrying the mails; and if any additional authority or facilities are necessary to enable him to make a thorough and satisfactory examination of this subject, he is also requested to inform this House what means will be required for that purpose.

NATIONAL BANKS.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ARNO VOSS.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 328) for the relief of Arno Voss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHNSON S. PRALL.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 329) for the removal of charge of desertion against the record of Johnson S. Prall; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHARINE LANIGAN.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 330) granting arrears of pension to Catharine Lanigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK FLYNN.

Mr. HITT (by Mr. ADAMS, of Illinois) introduced a bill (H. R. 331) for the relief of Patrick Flynn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK J. BRAENDLE.

Mr. HITT (by Mr. ADAMS, of Illinois) also introduced a bill (H. R. 332) for the relief of Frederick J. Braendle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXTRATERRITORIAL JURISDICTION OF THE UNITED STATES.

Mr. HITT (by Mr. ADAMS, of Illinois) also introduced a bill (H. R. 333) to provide for the exercise of the jurisdiction conferred upon the United States in places out of their territory and dominion, and to repeal the Revised Statutes from section 4083 to 4130, inclusive; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LAND TITLES IN ILLINOIS.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 334) granting the title of the United States to certain lands to the county of Randolph, in the State of Illinois, on certain conditions; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIENS ON REAL ESTATE.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 335) regulating liens on real estate created by judgments rendered by the United States circuit and district courts in the several States and Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 336) granting a pension to all United States soldiers and sailors of the late war of the rebellion who served thirty days or were in any engagement therein, and to the widows of all soldiers who are deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 337) granting an increase of pension to certain classes of pensioners therein mentioned; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE CORPS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 338) to regulate appointments and promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous services in battle or who have served thirty years in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PAY OF GRADUATES OF THE NAVAL ACADEMY.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 340) to equalize the pay of graduates of the Naval Academy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 341) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 342) to equalize bounties of soldiers of the war of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THREE JUDICIAL DISTRICTS, ILLINOIS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 343) to divide the State of Illinois into three judicial districts, and to provide for holding courts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SEMINARY OF QUEBEC.

Mr. THOMAS, of Illinois, also introduced a bill (H. R 344) concerning certain lands in the State of Illinois ceded by France to the Seminary of Quebec, and to indemnify the grantee therefor; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OFFICERS AND CREW OF THE MONITOR.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 345) for the relief of the officers and crew of the United States steamer Monitor, which participated in the action with the rebel iron-clad Merrimac on March 9, 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAMBOAT NEW ERA NO. 5.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 346) to authorize the payment of prize-money to captors of the steamboat New Era No. 5 and cargo; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MOLLIE B. WALDO.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 347) granting a pension to Mollie B. Waldo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER M. HAGLER.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 348) granting a pension to Peter M. Hagler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM COVER.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 349) granting a pension to Abraham Cover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. F. WALLACE.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 350) granting a pension to James F. F. Wallace; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BARROW.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 351) for the relief of Mary Barrow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WARREN J. BURGESS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 352) granting a pension to Warren J. Burgess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP HAHN.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 353) for the relief of Philip Hahn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. MATTHEWS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 354) for the relief of John N. Matthews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. B. AGNEW.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 355) granting an increase of pension to A. B. Agnew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCINDA BARRETT.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 356) granting a pension to Lucinda Barrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. HESTER.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 357) granting a pension to Samuel W. Hester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE HIGGERSON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 358) granting a pension to Caroline Higgerson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. COWENS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 359) for the relief of James P. Cowens; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSAN D. REYNOLDS.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 360) for the relief of Susan D. Reynolds; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF GILBERT PARRIGIN.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 361) for the relief of the estate of Gilbert Parrigin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. T. J. SPENCER.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 362) for the relief of Capt. T. J. Spencer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES H. ADAMS.

Mr. THOMAS, of Illinois (by request), also introduced a bill (H. R. 363) for the relief of Charles H. Adams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM F. WILSON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 364) for the relief of William F. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POLYGAMY.

Mr. THOMAS, of Illinois, also introduced a joint resolution (H. Res. 16) proposing an amendment to the Constitution of the United States in relation to polygamy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE TAX ON SPIRITS.

Mr. WORTHINGTON introduced a bill (H. R. 365) to amend the internal-revenue laws so as to tax all fractional parts of a gallon of distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONVICT LABOR ON PUBLIC BUILDINGS.

Mr. WORTHINGTON also introduced a bill (H. R. 366) to prevent the employment of convict labor in the preparation or manufacture of materials for public buildings and supplies in the Departments; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JUDICIAL DISTRICTS, ILLINOIS.

Mr. WORTHINGTON also introduced a bill (H. R. 367) to amend section 536 of the Revised Statutes of the United States relating to the division of the State of Illinois into judicial districts, and to provide for holding terms of court of the northern district at the city of Peoria; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, PEORIA.

Mr. WORTHINGTON also introduced a bill (H. R. 368) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois, approved July 9, 1882;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ISAAC MANN.

Mr. WORTHINGTON also introduced a bill (H. R. 369) granting a pension to Isaac Mann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE C. JAMESON.

Mr. WORTHINGTON also introduced a bill (H. R. 370) granting a pension to George C. Jameson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES G. SMITH.

Mr. WORTHINGTON also introduced a bill (H. R. 371) increasing the pension of Charles G. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH REVE.

Mr. WORTHINGTON also introduced a bill (H. R. 372) granting a pension to Joseph Reve; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. BUCK.

Mr. WORTHINGTON also introduced a bill (H. R. 373) granting a pension to James A. Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TESTS OF IRON, STEEL, ETC.

Mr. PAYSON introduced a bill (H. R. 374) for the appointment of a commission of experts for the testing of steel, iron, and other building material; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

COURT OF APPEALS.

Mr. PAYSON also introduced a bill (H. R. 375) to establish a court of appeals; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LANDS FOR HONORABLY DISCHARGED SOLDIERS.

Mr. PAYSON also introduced a bill (H. R. 376) granting lands to

honorably discharged soldiers of the United States Army in the war of the rebellion; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

RESTORATION OF CERTAIN PUBLIC LANDS.

Mr. PAYSON also introduced a bill (H. R. 377) to restore all lands held in indemnity limits for railroad and wagon-road companies, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MISSOURI PACIFIC RAILROAD.

Mr. PAYSON also introduced a bill (H. R. 378) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal and other purposes, approved July 1, 1862," approved July 2, 1864; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

REPEAL OF TIMBER-LAND ACT.

Mr. PAYSON also introduced a bill (H. R. 379) to repeal the timber-land act of June 3, 1878; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF PRE-EMPTION LAWS.

Mr. PAYSON also introduced a bill (H. R. 380) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORFEITURES OF RAILROAD LAND GRANTS.

Mr. PAYSON also introduced a bill (H. R. 381) to forfeit the unearned lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast and to restore the same to settlement, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 382) to declare forfeited a grant of land in aid of the Girard and Mobile Railroad, in Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 383) to declare a forfeiture of certain lands granted to the State of Alabama in aid of the Memphis and Charleston Railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 384) to declare a forfeiture of certain lands granted to the State of Alabama to aid in the construction of the Savannah and Albany Railroad, and to enforce the same by judicial proceedings; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 385) to declare forfeited certain lands granted in the State of Alabama, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 386) to declare a forfeiture of certain lands granted to the State of Louisiana to aid in the construction of railroads, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 387) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 388) to declare forfeited certain lands granted to the State of Mississippi to aid in the construction of railroads, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 389) to declare a forfeiture of certain lands granted in aid of certain railroads named; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 390) to declare a forfeiture of certain lands granted to aid in the construction of the Northern Pacific Railroad; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 391) to declare forfeited certain lands granted to the State of Michigan to aid in the construction of a railroad from Ontonagon to the Wisconsin State line, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. PAYSON also introduced a bill (H. R. 392) declaring forfeited certain grants of land made to certain States to aid in the construction of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DUTIES ON SUGAR.

Mr. PAYSON also introduced a bill (H. R. 393) to reduce the duties on sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON LUMBER.

Mr. PAYSON also introduced a bill (H. R. 394) to place lumber on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LUCRETIA M. LARKIN.

Mr. PAYSON also introduced a bill (H. R. 395) granting a pension to Lucretia M. Larkin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF CONSTITUTION.

Mr. PAYSON also introduced a joint resolution (H. Res. 17) to amend the Constitution of the United States to permit the President to veto items in general appropriations bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPORT OF PUBLIC LANDS COMMISSION.

Mr. PAYSON also introduced a joint resolution (H. Res. 18) for the further distribution of the report of the Public Lands Commission; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EDWARD STEVENS.

Mr. HOPKINS (by Mr. PAYSON) introduced a bill (H. R. 396) for the relief of Edward Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADULTERATIONS OF BUTTER, ETC.

Mr. HOPKINS (by Mr. PAYSON) also introduced a bill (H. R. 397) to amend title 35, entitled "Internal Revenue," of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

HENRY AND THOMAS WASHBURN.

Mr. EDEN introduced a bill (H. R. 398) for the relief of Henry Washburn and Thomas Washburn, of Fayette County, Illinois; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD D. M'KINNEY.

Mr. EDEN also introduced a bill (H. R. 399) granting a pension to Richard D. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY G. CONRAD.

Mr. EDEN also introduced a bill (H. R. 400) granting a pension to Henry G. Conrad; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. LEWIS.

Mr. EDEN also introduced a bill (H. R. 401) granting a pension to John E. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC K. YOUNG.

Mr. PLUMB introduced a bill (H. R. 402) for the relief of Isaac K. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. SHERWOOD.

Mr. PLUMB also introduced a bill (H. R. 403) for the relief of William T. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. RICH.

Mr. LANDES introduced a bill (H. R. 404) for the relief of W. B. Rich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MILLER.

Mr. LANDES also introduced a bill (H. R. 405) for the relief of John Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD HUNLEY.

Mr. LANDES also introduced a bill (H. R. 406) for the relief of Archibald Hunley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADIS ISRAEL HEBREW CONGREGATION.

Mr. WARD, of Illinois, introduced a bill (H. R. 407) for the relief of Adis Israel Hebrew congregation in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

S. B. BALDWIN.

Mr. WARD, of Illinois, also introduced a joint resolution (H. Res. 19) for the relief of Silas B. Baldwin, late colonel Fifty-seventh Regiment Illinois Infantry Volunteers; which was read a first and second

time, referred to the Committee on Military Affairs, and ordered to be printed.

FORFEITURE OF LAND GRANTS.

Mr. NEECE introduced a bill (H. R. 408) to declare certain lands heretofore granted in aid of the construction of railroads forfeited to the United States for not complying with their charters, and to open the same for settlement, and protecting the rights of settlers thereon, and where lands have been conveyed in violation of law, or the conveyance thereof has been procured by fraud, to recover the same or the value thereof; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. NEECE also introduced a bill (H. R. 409) granting pensions to widows and children of all deceased officers, soldiers, and sailors of the Mexican war and the late war of the rebellion; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF GOVERNMENT EMPLOYÉS UNDER THE EIGHT-HOUR LAW.

Mr. NEECE also introduced a bill (H. R. 410) to pay the employés of the Government wages hitherto withheld in violation of the eight-hour law; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADAM CURRY.

Mr. NEECE also introduced a bill (H. R. 411) to rerate the pension of Adam Curry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARSHALL WILLARD.

Mr. NEECE also introduced a bill (H. R. 412) granting a pension to Marshall Willard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE SCHAEFER.

Mr. NEECE also introduced a bill (H. R. 413) granting a pension to George Schaefer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. B. CLARK.

Mr. NEECE also introduced a bill (H. R. 414) granting a pension to Daniel B. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CONDON.

Mr. NEECE also introduced a bill (H. R. 415) granting a pension to William Condon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY PARKER.

Mr. NEECE also introduced a bill (H. R. 416) granting a pension to Mary Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. SHANKS.

Mr. NEECE also introduced a bill (H. R. 417) granting a pension to George W. Shanks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. SAUNDERS.

Mr. NEECE also introduced a bill (H. R. 418) granting a pension to John W. Saunders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. M. MERRITT.

Mr. NEECE also introduced a bill (H. R. 419) granting a pension to T. M. Merritt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZEBULIN PARKER.

Mr. NEECE also introduced a bill (H. R. 420) for the relief of Zebulin Parker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. B. SCUDDER.

Mr. NEECE also introduced a bill (H. R. 421) granting a pension to Jesse B. Scudder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. BAYLES.

Mr. NEECE also introduced a bill (H. R. 422) for the relief of Joseph H. Bayles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. MOYNIHAN.

Mr. NEECE also introduced a bill (H. R. 423) granting a pension to Jeremiah Moynihan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GILES C. HAWLEY.

Mr. NEECE also introduced a bill (H. R. 424) to amend the military record of Giles C. Hawley and place his name on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND T. CLINE.

Mr. NEECE also introduced a bill (H. R. 425) granting a pension to Edmund T. Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. ROBBINS.

Mr. NEECE also introduced a bill (H. R. 426) granting a pension to Elizabeth A. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS T. SMITHERS.

Mr. NEECE also introduced a bill (H. R. 427) for the relief of Thomas T. Smithers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. DAVIDSON.

Mr. NEECE also introduced a bill (H. R. 428) for the relief of James W. Davidson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRY M'ELHINNY.

Mr. NEECE also introduced a bill (H. R. 429) granting a pension to Harry McElhinny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL WILLIAMS.

Mr. NEECE also introduced a bill (H. R. 430) granting a pension to Daniel Williams; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT J. BAUGNESS.

Mr. NEECE also introduced a bill (H. R. 431) to remove the charge of desertion from the military record of Robert J. Baugness; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROMOTION OF THRIFT, ETC.

Mr. NEECE (by request) also introduced a bill (H. R. 432) granting lands to aid in the establishing of an endowment for services by which thrift may be promoted and citizens aided and assisted to save and preserve themselves from the economic impotence and dependence involved in their lack of the material factors to make available their personal productive capabilities; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. HOLMAN introduced a bill (H. R. 433) limiting the time for the presentation and payment of claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC LANDS FOR ACTUAL SETTLERS.

Mr. HOLMAN also introduced a bill (H. R. 434) to limit the disposal of public lands adapted to agriculture to actual settlers under the provisions of the homestead laws, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. HOLMAN also introduced a bill (H. R. 435) to declare the forfeiture of certain public lands heretofore granted to aid in the construction of certain railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PURITY OF ELECTIONS.

Mr. HOLMAN also introduced a bill (H. R. 436) to maintain the purity of the ballot-box, prevent bribery and corruption in elections and appointments, and punish perjury for the violation of its provisions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BOUNTIES.

Mr. HOLMAN also introduced a bill (H. R. 437) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. HOLMAN also introduced a bill (H. R. 438) in relation to claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS AT MADISON, IND.

Mr. HOLMAN also introduced a bill (H. R. 439) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Madison, in the State of Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NEAL MEGINLEY.

Mr. HOLMAN also introduced a bill (H. R. 440) granting a pension to Neal Meginley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE AMANN.

Mr. HOLMAN also introduced a bill (H. R. 441) granting a pension to Kate Amann; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M'LEASTER.

Mr. HOLMAN also introduced a bill (H. R. 442) granting a pension to Harriet McLeaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN WOOLLEY.

Mr. HOLMAN also introduced a bill (H. R. 443) granting a pension to Susan Woolley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. HOLMAN also introduced a bill (H. R. 444) to amend section 3336 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. HOLMAN also introduced a bill (H. R. 445) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CAPT. JOHN BURKHART.

Mr. HOLMAN also introduced a bill (H. R. 446) for the relief of John Burkhart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON SHADDAY.

Mr. HOLMAN also introduced a bill (H. R. 447) granting a pension to Jackson Shadday; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON DAY.

Mr. HOLMAN also introduced a bill (H. R. 448) granting a pension to Newton Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. T. DAVIS.

Mr. HOLMAN also introduced a bill (H. R. 449) for the relief of John P. T. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FORFEITURE OF RAILROAD GRANTS, ETC.

Mr. COBB introduced a bill (H. R. 450) repealing all laws granting public lands to certain railroad companies and to certain States for the benefit of said railroad companies, and declaring the right and interest of said railroad companies and States in said land forfeited, and also declaring said lands to be a part of the public domain, subject to homestead, pre-emption, and sale, as other public lands belonging to the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. COBB also introduced a bill (H. R. 451) for the relief of settlers on lands granted in aid of railroads; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REPEAL OF PRE-EMPTION AND TIMBER-CULTURE LAWS.

Mr. COBB also introduced a bill (H. R. 452) to repeal all laws providing for the pre-emption of public lands and the laws allowing entries for timber-culture; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORFEITURE OF ATLANTIC AND PACIFIC RAILROAD GRANTS.

Mr. COBB also introduced a bill (H. R. 453) to forfeit the lands granted to the Atlantic and Pacific Railroad Company to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and to restore the same to settlement, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. COBB also introduced a bill (H. R. 454) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WORN SILVER COIN.

Mr. COBB also introduced a bill (H. R. 455) providing that all silver coin of the United States which is worn or defaced by ordinary usage only shall be hereafter received by the Government and paid for in perfect coin at its face or original value at all places where it is now received and paid for at bullion value; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. COBB also introduced a bill (H. R. 456) providing for paying the cost of surveying lands granted in aid of the construction of the Northern Pacific Railroad and to subject the same to taxation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HUBBARD H. SMITH.

Mr. COBB also introduced a bill (H. R. 457) for the relief of Hubbard H. Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEMALE NURSES.

Mr. COBB also introduced a bill (H. R. 458) for the payment of female nurses during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAGDALENE BULLOCK.

Mr. COBB also introduced a bill (H. R. 459) for the relief of Magdalene Bullock, widow of Robert M. Bullock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE B. HESS.

Mr. COBB also introduced a bill (H. R. 460) for the relief of George B. Hess; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEXTER GARDNER.

Mr. COBB also introduced a bill (H. R. 461) for the relief of Dexter Gardner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FORFEITURE OF UNEARNED LAND GRANTS.

Mr. COBB also introduced a joint resolution (H. Res. 20) to prevent the Secretary of the Interior from issuing patents for lands granted by the United States to aid in the construction of railroads or other improvements where the said railroads or other improvements have not been completed within the time fixed in the act making said grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MICHIGAN LAND GRANTS.

Mr. COBB also submitted a resolution requesting the Secretary of the Interior to furnish the House of Representatives with certain information in regard to lands in the State of Michigan and requesting him to withhold the issuing of patents therefor until action is had by Congress; which was referred to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month; when the Speaker signed the same.

HENRY H. DENTON.

Mr. OWEN introduced a bill (H. R. 462) granting a pension to Henry H. Denton, a soldier of the United States Army in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENT RIGHTS.

Mr. OWEN also introduced a bill (H. R. 463) to limit the jurisdiction of United States courts and to protect the innocent purchasers of patent rights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ROBERT M'ALEXANDER.

Mr. OWEN also introduced a bill (H. R. 464) granting a pension to Robert McAlexander, a soldier of the Union Army in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, LOGANSPORT, IND.

Mr. OWEN also introduced a bill (H. R. 465) to provide for the purchase of ground and the erection of a public building for the post-office and for other uses at Logansport, Ind; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS C. KNIGHT.

Mr. OWEN also introduced a bill (H. R. 466) granting a pension to Thomas C. Knight, a soldier of the Union Army in the late war; which

was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESTRICTION OF ALIENS AND OTHERS TO PUBLIC LANDS.

Mr. OWEN also introduced a bill (H. R. 467) to restrict to aliens and foreign corporations and companies the ownership of public lands and of any land in the Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EFFICIENCY OF UNITED STATES INFANTRY.

Mr. STEELE introduced a bill (H. R. 468) to increase the efficiency of the infantry branch of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MIAMI INDIANS OF INDIANA.

Mr. STEELE also introduced a bill (H. R. 469) to reimburse the Miami Indians of Indiana for moneys improperly taken from them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. STEELE also introduced a bill (H. R. 470) to equalize the bounties of soldiers, sailors, and marines; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARREARS OF PENSION.

Mr. STEELE also introduced a bill (H. R. 471) to amend section 2 of an act making appropriations for the payment of the arrears of pensions granted by act of Congress, January 25, 1879, and for other purposes, approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY YOUNG.

Mr. STEELE also introduced a bill (H. R. 472) for the relief of Mary Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BOONE.

Mr. STEELE also introduced a bill (H. R. 473) granting a pension to William Boone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. BAKER.

Mr. STEELE also introduced a bill (H. R. 474) granting a pension to William B. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES P. JOHNSON.

Mr. STEELE also introduced a bill (H. R. 475) for the relief of James P. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. REYNOLDS.

Mr. STEELE also introduced a bill (H. R. 476) for the relief of William B. Reynolds; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FIRST NATIONAL BANK, WABASH, IND.

Mr. STEELE also introduced a bill (H. R. 477) to authorize the increase of the capital stock of the First National Bank of Wabash, Ind.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JOHN HOLLINS M'BLAIR.

Mr. STEELE (by request) also introduced a bill (H. R. 478) for the relief of John Hollins McBlair; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. STEELE also introduced a bill (H. R. 479) to extend the benefits conferred by section 1219 of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. ALEXANDER M'CREARY.

Mr. STEELE also introduced a bill (H. R. 480) for the relief of Capt. Alexander McCreary, One hundred and first Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GRANT OF CERTAIN LANDS, INDIANA.

Mr. LOWRY introduced a bill (H. R. 481) releasing to the State of Indiana the title of the United States to certain lands in said State; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

APPLICATIONS FOR PENSIONS.

Mr. LOWRY also introduced a bill (H. R. 482) repealing all limitations as to the time within which meritorious applications for pensions may be filed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON BOOKS.

Mr. LOWRY also introduced a bill (H. R. 483) to repeal the import duties on German and French books used in educational institutions; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES B. WHITE.

Mr. LOWRY also introduced a bill (H. R. 484) for the relief of James B. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS M. M'DONALD.

Mr. LOWRY also introduced a bill (H. R. 485) for the relief of Francis M. McDonald; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEWIS DEEMS.

Mr. LOWRY also introduced a bill (H. R. 486) for the relief of Lewis Deems; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELMER WYATT.

Mr. LOWRY also introduced a bill (H. R. 487) granting a pension to Elmer Wyatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM STERNBERG.

Mr. LOWRY also introduced a bill (H. R. 488) granting a pension to Adam Sternberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE OTIS.

Mr. LOWRY also introduced a bill (H. R. 489) to restore the name of George Otis to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. WARD.

Mr. LOWRY also introduced a bill (H. R. 490) increasing the pension of William A. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS B. JOHNSTON.

Mr. LOWRY also introduced a bill (H. R. 491) for the relief of Silas B. Johnston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN CRAIG.

Mr. LOWRY also introduced a bill (H. R. 492) granting a pension to Ann Craig; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE KOPE.

Mr. LOWRY also introduced a bill (H. R. 493) for the relief of George Kope; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH DUKES.

Mr. LOWRY also introduced a bill (H. R. 494) granting a pension to Josiah Dukes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. MURRAY.

Mr. LOWRY also introduced a bill (H. R. 495) granting a pension to Mary C. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. BETHEL.

Mr. LOWRY also introduced a bill (H. R. 496) granting a pension to Benjamin F. Bethel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MAXHEIMER.

Mr. LOWRY also introduced a bill (H. R. 497) granting a pension to William Maxheimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH T. ERWIN.

Mr. LOWRY also introduced a bill (H. R. 498) granting a pension to Joseph T. Erwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE ALCOTT.

Mr. LOWRY also introduced a bill (H. R. 499) for the relief of George Alcott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM P. PATRICK.

Mr. LOWRY also introduced a bill (H. R. 500) for the relief of William P. Patrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SCHOOLS OF MEDICAL PRACTICE.

Mr. LOWRY (by request) also introduced a joint resolution (H. Res. 21) relative to schools of medical practice in the United States and to

the graduates thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPILATION OF COMMITTEE REPORTS.

Mr. LOWRY also introduced a joint resolution (H. Res. 22) authorizing the preparation of a compilation of the reports of the committees of the Senate and House of Representatives; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. WARD, of Indiana, introduced a bill (H. R. 501) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, LA FAYETTE, IND.

Mr. WARD, of Indiana, also introduced a bill (H. R. 502) for the purchase of a site and the erection of a public building thereon in the city of La Fayette, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JULIUS A. KAISER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 503) for the relief of Julius A. Kaiser; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ANNA KLESSINGER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 504) granting a pension to Anna Klessinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH J. LEWIS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 505) granting a pension to Joseph J. Lewis; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELEANOR T. BROOKBANKS AND OTHERS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 506) for the relief of Eleanor T. Brookbanks and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID BRYAN.

Mr. WARD, of Indiana, also introduced a bill (H. R. 507) for the relief of David Bryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA WHITE.

Mr. WARD, of Indiana, also introduced a bill (H. R. 508) granting a pension to Louisa White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL BAKER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 509) granting a pension to Samuel Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL AYERS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 510) for the relief of Samuel Ayers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTIS S. STAFFORD.

Mr. WARD, of Indiana, also introduced a bill (H. R. 511) granting a pension to Otis S. Stafford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MARTIN.

Mr. WARD, of Indiana, also introduced a bill (H. R. 512) granting a pension to George W. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BAGLEY.

Mr. WARD, of Indiana, also introduced a bill (H. R. 513) granting a pension to Mary Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. HETRICK.

Mr. WARD, of Indiana, also introduced a bill (H. R. 514) for the relief of James W. Hetrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALTHEA A. FRASNER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 515) granting a pension to Althea A. Frasner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK W. KENNEDY.

Mr. WARD, of Indiana, also introduced a bill (H. R. 516) for the relief of Patrick W. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. PETER J. WELSCHBILLIG.

Mr. WARD, of Indiana, also introduced a bill (H. R. 517) to rerate the pension of Capt. Peter J. Welschbillig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA M. SMITH.

Mr. WARD, of Indiana, also introduced a bill (H. R. 518) granting a pension to Anna M. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH VAN ARSDEL.

Mr. WARD, of Indiana, also introduced a bill (H. R. 519) granting a pension to Joseph Van Arsdel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM N. CLIFT.

Mr. WARD, of Indiana, also introduced a bill (H. R. 520) for the relief of William N. Clift; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI CONNER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 521) for the relief of Eli Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL MOORE.

Mr. WARD, of Indiana, also introduced a bill (H. R. 522) for the relief of Samuel Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS R. BRUNER.

Mr. WARD, of Indiana, also introduced a bill (H. R. 523) for the relief of Thomas R. Bruner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL H. ROSS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 524) granting a pension to Daniel H. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT C. M'KEE.

Mr. WARD, of Indiana, also introduced a bill (H. R. 525) to restore Robert C. McKee to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA HOLLIKOH.

Mr. WARD, of Indiana, also introduced a bill (H. R. 526) for the relief of Anna Hollikoh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM PIKE.

Mr. WARD, of Indiana, also introduced a bill (H. R. 527) for the relief of William Pike; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILAS QUACKENBUSH.

Mr. WARD, of Indiana, also introduced a bill (H. R. 528) for the relief of Silas Quackenbush; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. BALDWIN AND OTHERS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 529) for the relief of George W. Baldwin, Charles L. Baldwin, and Dora Thompson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LARKIN F. ROBERTS.

Mr. WARD, of Indiana, also introduced a bill (H. R. 530) granting a pension to Larkin F. Roberts; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BOUNTIES.

Mr. KLEINER introduced a bill (H. R. 531) to extend the time for the payment of additional bounty, as provided in the acts of Congress of July, 1866, and July, 1876, as applied to soldiers of the United States in the late war; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CRAWFORD BROWN.

Mr. KLEINER also introduced a bill (H. R. 532) for the relief of Crawford Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS FERGUSON.

Mr. KLEINER also introduced a bill (H. R. 533) for the relief of Thomas Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOVEMENT OF VESSELS, ETC.

Mr. KLEINER also introduced a bill (H. R. 534) to amend certain

provisions of chapter 4, title 34, of the Revised Statutes, relating to the movement of vessels and the landing of goods and personal effects; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES SPENCER.

Mr. KLEINER also introduced a bill (H. R. 535) for the relief of Charles Spencer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY AYRES.

Mr. KLEINER also introduced a bill (H. R. 536) for the relief of Henry Ayres; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID H. ELLS.

Mr. KLEINER also introduced a bill (H. R. 537) for the relief of David H. Ells; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONS.

Mr. KLEINER also introduced a bill (H. R. 538) granting a pension to the surviving soldiers of the Mexican, Florida, and Black Hawk wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN G. EIGENMAN AND JOHN BIEDENKOPF.

Mr. KLEINER also introduced a bill (H. R. 539) for the relief of John G. Eigenman and John Biedenkopf, on account of moneys illegally collected from them by the sale of a distillery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS, BOUNTIES, ETC.

Mr. MATSON introduced a bill (H. R. 540) to repeal the acts of limitation as to the beginning of pensions; whichw as read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. MATSON also introduced a bill (H. R. 541) to equalize the bounties of all soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. MATSON also introduced a bill (H. R. 542) prescribing a rule of evidence in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. MATSON also introduced a bill (H. R. 543) to amend the pension law; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAVE OF ABSENCE IN GOVERNMENT PRINTING OFFICE.

Mr. MATSON also introduced a bill (H. R. 544) granting leave of absence to employés in the Government Printing Office; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSIONS.

Mr. MATSON also introduced a bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. MATSON also introduced a bill (H. R. 546) relating to special examinations in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. MATSON also introduced a bill (H. R. 547) to provide for the appointment of a commission to investigate the question of revising the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT TO GENERAL JAMES SHIELDS.

Mr. MATSON also introduced a bill (H. R. 548) for the erection of a monument to the memory of General James Shields; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ENOCH GOSS.

Mr. MATSON also introduced a bill (H. R. 549) granting a pension to Enoch Goss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM GASTON.

Mr. MATSON also introduced a bill (H. R. 550) to restore to the pension-roll the name of Adam Gaston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RHODA DANE.

Mr. MATSON also introduced a bill (H. R. 551) granting a pension to Rhoda Dane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. HAMMANS.

Mr. MATSON also introduced a bill (H. R. 552) to increase the pension of John T. Hammans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. SUFFALL.

Mr. MATSON also introduced a bill (H. R. 553) granting a pension to William J. Suffall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN SINGLETON.

Mr. MATSON also introduced a bill (H. R. 554) granting a pension to Susan Singleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER W. WELTY.

Mr. MATSON also introduced a bill (H. R. 555) to increase the pension of Walter W. Welty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET SHERLOCK.

Mr. MATSON also introduced a bill (H. R. 556) granting a pension to Bridget Sherlock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. TRACEY.

Mr. MATSON also introduced a bill (H. R. 557) granting a pension to Samuel W. Tracey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN P. BURGET AND OTHERS.

Mr. MATSON also introduced a bill (H. R. 558) granting a pension to Franklin P. Burget, William Burget, and Lydia A. Burget; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM ALLEN.

Mr. MATSON also introduced a bill (H. R. 559) granting a pension to William Allen, late of Company C, Third Indiana Volunteers (war with Mexico); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES A. HANGER.

Mr. MATSON also introduced a bill (H. R. 560) for the relief of John A. Hanger; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JESSE M. JONES.

Mr. MATSON also introduced a bill (H. R. 561) for the relief of Jesse M. Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES E. MACKLIN.

Mr. MATSON also introduced a bill (H. R. 562) for the relief of Second Lieut. James E. Macklin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL REPRESENTATIVES OF GIDEON WALKER.

Mr. MATSON also introduced a bill (H. R. 563) for the relief of the representatives of Gideon Walker, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN LOOKABAUGH.

Mr. MATSON also introduced a bill (H. R. 564) for the relief of John Lookabaugh; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FLETCHER.

Mr. MATSON also introduced a bill (H. R. 565) for the relief of John Fletcher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELECTION OF POSTMASTERS.

Mr. MATSON also introduced a joint resolution (H. Res. 23) proposing an amendment to the Constitution of the United States so as to provide for the election of postmasters by the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

M. W. HOVEY.

Mr. JOHNSON, of Indiana, introduced a bill (H. R. 566) granting a pension to M. W. Hovey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. LITTLE.

Mr. JOHNSON, of Indiana, also introduced a bill (H. R. 567) granting a pension to Mary A. Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB N. GARD.

Mr. JOHNSON, of Indiana, also introduced a bill (H. R. 568) granting a pension to Jacob N. Gard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, INDIANAPOLIS, IND.

Mr. BYNUM introduced a bill (H. R. 569) appropriating $45,000 for the improvement of the post-office building in the city of Indianapolis, Ind.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

E. P. THOMPSON.

Mr. BYNUM also introduced a bill (H. R. 570) for the relief of E. P. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROSANNA FLAHIFF.

Mr. BYNUM also introduced a bill (H. R. 571) for the relief of Rosanna Flahiff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW W. BILLINGS.

Mr. BYNUM also introduced a bill (H. R. 572) for the relief of Andrew W. Billings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN M. COYNER.

Mr. BYNUM also introduced a bill (H. R. 573) for the relief of Susan M. Coyner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER CURRAN.

Mr. BYNUM also introduced a bill (H. R. 574) for the relief of Peter Curran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE L. CAMPBELL.

Mr. BYNUM also introduced a bill (H. R. 575) for the relief of Kate L. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA C. BEEZELEY.

Mr. BYNUM also introduced a bill (H. R. 576) for the relief of Louisa C. Beezeley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KILEY.

Mr. BYNUM also introduced a bill (H. R. 577) for the relief of James Kiley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA J. HOLLOWAY.

Mr. BYNUM also introduced a bill (H. R. 578) for the relief of Emma J. Holloway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN JONES.

Mr. BYNUM also introduced a bill (H. R. 579) for the relief of Susan Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FLORA SKINNER.

Mr. BYNUM also introduced a bill (H. R. 580) for the relief of Flora Skinner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEWIS BITLICK.

Mr. BYNUM also introduced a bill (H. R. 581) for the relief of Lewis Bitlick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN B. TALGE.

Mr. BYNUM also introduced a bill (H. R. 582) granting a pension to John B. Talge; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LONA S. FITZGERALD.

Mr. BYNUM also introduced a bill (H. R. 583) for the relief of Lona S. Fitzgerald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORY OF OKLAHOMA.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 584) to provide for the organization of that part of the territory of the United States now known as "The Indian Territory" and the "Public Land Strip" into a Territory to be known as the Territory of Oklahoma, and to provide a temporary government for the same, for allotment of homesteads to the Indians in severalty, and to open unoccupied lands to actual settlers; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

DEPARTMENT OF LABOR.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 585) to establish at the seat of Government an Executive Department to be known as the Department of Labor, with a Secretary of Labor, who shall be at the head thereof; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

AMENDMENT, PENSION LAWS.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 586) to define the time when pensions granted under the invalid-pension laws of the United States shall take effect; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF CERTAIN DUTIES.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 587) to admit free of duty sawed boards, planks, deals, laths, pickets, palings, and shingles; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 588) to enlarge the postal facilities of the United States by the establishment of a postal telegraph; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 589) to provide for the free and unrestricted coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ISSUE OF SILVER CERTIFICATES.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 590) to provide for the issue of silver certificates on the deposit of standard silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PAYMENT OF PUBLIC DEBT.

Mr. WEAVER, of Iowa, also introduced a joint resolution (H. Res. 24) instructing the Secretary of the Treasury to apply the lawful money now in the Treasury to the payment of an equal amount of the interest-bearing public debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ELECTION OF UNITED STATES SENATORS.

Mr. WEAVER, of Iowa, also introduced a joint resolution (H. Res. 25) proposing an amendment to section 3, article 1, of the Constitution of the United States, so as to provide for the election of United States Senators by a vote of the people in the several States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BALLARD PAVEMENT COMPANY.

Mr. WEAVER, of Iowa, (by request) also introduced a bill (H. R. 591) for the relief of the Ballard Pavement Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIABILITIES OF THE DISTRICT OF COLUMBIA.

Mr. WEAVER, of Iowa, (by request) also introduced a bill (H. R. 592) to define the liabilities of the District of Columbia under certain executed contracts; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIMITATION IN PENSION CASES.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 593) to remove the limitation in pension cases, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF UNITED STATES DISTRICT COURT JUDGES.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 594) fixing the salaries of the several judges of United States district courts at $5,000 per annum; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 595) granting pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. K. OTIS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 596) to authorize the Secretary of the Interior to issue to George K. Otis the duplicate of certain land-warrants lost while in the possession of officers of the Government; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

INCREASE OF CERTAIN PENSIONS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 597) to extend the benefits of the act of March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation and increasing the rate thereof, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRIBUTION OF STATUTES AND CONGRESSIONAL RECORD.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 598) to

provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

MRS. HONORAH MALONEY.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 599) granting a pension to Mrs. Honorah Maloney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA DEGGENDORF.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 600) granting a pension to Anna Deggendorf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALONZO V. RICHARDS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 601) granting a pension to Alonzo V. Richards, second lieutenant Signal Corps, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN D. W. EICHMAN.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 602) granting a pension to Mrs. Ann D. W. Eichman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HERON.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 603) for the relief of Mary Heron; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

W. H. MORHEISER.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 604) for the relief of W. H. Morheiser; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOWS AND ORPHANS IN DISTRICT OF COLUMBIA.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 605) for the relief of widows and orphans residing in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STATUE OF GENERAL J. A. RAWLINS.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 606) authorizing the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JANNET E. B. SMITH.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 607) granting a pension to Jannet E. B. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAKE MICHIGAN AND MISSISSIPPI RIVER CANAL.

Mr. MURPHY introduced a bill (H. R. 608) to provide for the construction of Lake Michigan and Mississippi River Canal, and to cheapen transportation; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. MURPHY. I want it understood that there is no prejudice arising by reason of that reference.

CONVICT LABOR.

Mr. MURPHY also introduced a bill (H. R. 609) to prohibit the employment of convict labor or the product of the same; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

PROOF IN PENSION CLAIMS.

Mr. MURPHY also introduced a bill (H. R. 610) to regulate proof in pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES FARLEY.

Mr. MURPHY also introduced a bill (H. R. 611) for the relief of James Farley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS S. BROOKS & CO.

Mr. MURPHY also introduced a bill (H. R. 612) for the relief of Thomas S. Brooks & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CATHARINE COLLINS.

Mr. MURPHY also introduced a bill (H. R. 613) for the relief of Catharine Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE J. KRAUSE.

Mr. MURPHY also introduced a bill (H. R. 614) for the relief of George J. Krause; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVANS, NICHOLLS & CO.

Mr. MURPHY also introduced a bill (H. R. 615) for the relief of Evans, Nicholls & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. H. SHROPSHIRE.

Mr. MURPHY also introduced a bill (H. R. 616) for the relief of R. H. Shropshire; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. HUBBERT.

Mr. HEPBURN introduced a bill (H. R. 617) granting a pension to J. W. Hubbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MORGAN.

Mr. HEPBURN also introduced a bill (H. R. 618) granting a pension to James Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT F. H. GOODE.

Mr. HEPBURN also introduced a bill (H. R. 619) granting a pension to Robert F. H. Goode; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT GRAY.

Mr. HEPBURN also introduced a bill (H. R. 620) granting a pension to Robert Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. MILLS.

Mr. HEPBURN also introduced a bill (H. R. 621) for the relief of George W. Mills; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. LEMASTER.

Mr. HEPBURN also introduced a bill (H. R. 622) for the relief of W. A. Lemaster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN S. RAWLINS AND EUGENE W. SQUIRES.

Mr. HEPBURN also introduced a bill (H. R. 623) for the relief of Benjamin S. Rawlins and Eugene W. Squires; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM E. WARD.

Mr. HEPBURN also introduced a bill (H. R. 624) for the relief of William E. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL P. GLENN.

Mr. HEPBURN also introduced a bill (H. R. 625) granting a pension to Samuel P. Glenn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINTON PRALL.

Mr. HEPBURN also introduced a bill (H. R. 626) granting a pension to Minton Prall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL K. WRIGHT.

Mr. HEPBURN also introduced a bill (H. R. 627) for the relief of Daniel K. Wright; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS BROCKETT.

Mr. HEPBURN also introduced a bill (H. R. 628) for the relief of Thomas Brockett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KENNEDY.

Mr. HEPBURN also introduced a bill (H. R. 629) for the relief of John Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. GRAHAM.

Mr. HEPBURN also introduced a bill (H. R. 630) for the relief of William A. Graham; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

REV. ERASTUS LATHROP.

Mr. HEPBURN also introduced a bill (H. R. 631) for the relief of Rev. Erastus Lathrop; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS WILLIAMS.

Mr. HEPBURN also introduced a bill (H. R. 632) for the relief of

Thomas Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. G. W. CANDEE.

Mr. HEPBURN (by request) also introduced a bill (H. R. 633) for the relief of Maj. G. W. Candee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN DEFENBAUGH.

Mr. HEPBURN also introduced a bill (H. R. 634) granting a pension to John Defenbaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONSTITUTION FOR DAKOTA.

Mr. FREDERICK (by request) introduced a bill (H. R. 635) to enable the people of Dakota Territory to form a constitution; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

REBELLION RECORDS.

Mr. FREDERICK also introduced a bill (H. R. 636) for the reissue of the first five volumes of the Records of the War of the Rebellion, with the issue of nine additional copies to each member of the Forty-ninth Congress, as per act of August 7, 1882; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

JAMES LANG.

Mr. FREDERICK also introduced a bill (H. R. 637) granting a pension to James Lang; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT J. GILLESPIE.

Mr. FREDERICK also introduced a bill (H. R. 638) granting a pension to Robert J. Gillespie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. ELLIOTT.

Mr. FREDERICK also introduced a bill (H. R. 639) granting a pension to Andrew J. Elliott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TITLE OF SETTLERS ON DES MOINES RIVER LANDS.

Mr. HOLMES introduced a bill (H. R. 640) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRISONERS OF WAR.

Mr. HOLMES also introduced a bill (H. R. 641) for the pensioning of prisoners of war who were confined in confederate military prisons during the war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT FORT DODGE.

Mr. HOLMES also introduced a bill (H. R. 642) for the erection of a public building at Fort Dodge, Iowa, which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. HOLMES also introduced a bill (H. R. 643) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of the act approved July 2, 1862, and the acts supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MATHIAS PEDERSEN.

Mr. HOLMES also introduced a bill (H. R. 644) for the relief of Mathias Pedersen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS M. LINN.

Mr. HOLMES also introduced a bill (H. R. 645) granting a pension to Lewis M. Linn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. COMMUCK.

Mr. CONGER introduced a bill (H. R. 646) granting a pension to Thomas M. Commuck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. CONGER also introduced a bill (H. R. 647) to increase the pensions of soldiers and sailors who have been permanently and totally disabled; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. SOLLADA.

Mr. CONGER also introduced a bill (H. R. 648) granting a pension to W. H. Sollada; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH M'LAREN.

Mr. CONGER also introduced a bill (H. R. 649) granting an increase of pension to Elizabeth McLaren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE D. CROCKER.

Mr. CONGER also introduced a bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FOURTH REGIMENT IOWA VOLUNTEERS.

Mr. CONGER also introduced a bill (H. R. 651) for the relief of the volunteers of the Fourth Regiment of Iowa Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARREARS OF PENSION.

Mr. FULLER introduced a bill (H. R. 652) to amend an act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITING RAILROAD LAND GRANTS.

Mr. STRUBLE introduced a bill (H. R. 653) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING, SIOUX CITY, IOWA.

Mr. STRUBLE also introduced a bill (H. R. 654) for the erection of a public building at Sioux City, Iowa; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES M'CALLEN.

Mr. STRUBLE also introduced a bill (H. R. 655) amending an act entitled "An act granting a pension to James McCallen;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF ARREARS OF PENSIONS.

Mr. LYMAN introduced a bill (H. R. 656) to amend section 2 of an act entitled "An act making appropriations for the payment of the arrears of pensions granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RANDALL.

Mr. LYMAN also introduced a bill (H. R. 657) granting an increase of pension to Wi n Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS W. HALDEMAN.

Mr. LYMAN also introduced a bill (H. R. 658) for the relief of Francis W. Haldeman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GRANT TO COUNCIL BLUFFS.

Mr. LYMAN also introduced a bill (H. R. 659) to grant to the corporate authorities of the city of Council Bluffs, in the State of Iowa, for public uses, a certain lake known as Honey Creek Lake; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. RYAN introduced a bill (H. R. 660) to grant the right of way through the Indian Territory to the Southern Kansas Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FORT SELDEN MILITARY RESERVATION.

Mr. RYAN also introduced a bill (H. R. 661) granting the right of way through the Fort Selden military reservation in New Mexico to the Rio Grande, Mexico and Pacific Railroad Company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INDIAN DEPREDATIONS.

Mr. RYAN also introduced a bill (H. R. 662) to provide for the appointment of commissioners to ascertain and report losses sustained by citizens of the United States by reason of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. RYAN also introduced a bill (H. R. 663) to amend section 2 of an act making appropriations for the payment of the arrears of pensions

granted by act of Congress approved January 25, 1879, and for other purposes, approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF CERTAIN CITIZENS OF KANSAS.

Mr. RYAN also introduced a bill (H. R. 664) to authorize the appointment of a commissioner and the settlement of the claims of certain citizens of Kansas named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. RYAN also introduced a bill (H. R. 665) to equalize the bounties of soldiers and others who served in the late war for the Union; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS FOR HORSES, ETC.

Mr. RYAN also introduced a bill (H. R. 666) to extend the time for the filing of claims for horses and equipments lost by officers and enlisted men in the service of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RANK OF CERTAIN RETIRED OFFICERS.

Mr. RYAN also introduced a bill (H. R. 667) to fix the rank of certain retired officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN GARAHTY.

Mr. RYAN also introduced a bill (H. R. 668) for the relief of John Garahty; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BERNARD CARLIN.

Mr. RYAN also introduced a bill (H. R. 669) granting a pension to Bernard Carlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIO GRANDE, MEXICO, AND PACIFIC RAILROAD COMPANY.

Mr. RYAN also introduced a bill (H. R. 670) to authorize the Rio Grande, Mexico and Pacific Railroad Company to purchase certain lands, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS H. SOWARD.

Mr. RYAN also introduced a bill (H. R. 671) for the relief of Thomas H. Soward; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIJAH CRUDGINGTON.

Mr. RYAN also introduced a bill (H. R. 672) for the relief of Elijah Crudgington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. MORGAN.

Mr. RYAN also introduced a bill (H. R. 673) for the relief of William H. Morgan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. P. E. BROADDUS.

Mr. RYAN also introduced a bill (H. R. 674) granting a pension to Mrs. P. E. Broaddus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HENRY.

Mr. RYAN also introduced a bill (H. R. 675) for the relief of Samuel Henry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. N. M'CLURE.

Mr. RYAN also introduced a bill (H. R. 676) granting a pension to T. N. McClure; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNIE M. BRODERICK.

Mr. RYAN also introduced a bill (H. R. 677) granting a pension to Annie M. Broderick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID W. BOUTWELL.

Mr. RYAN also introduced a bill (H. R. 678) granting a pension to David W. Boutwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION TERRITORIAL LAWS.

Mr. RYAN also introduced a bill (H. R. 679) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REBECCA J. LOWRY.

Mr. RYAN also introduced a bill (H. R. 680) granting a pension to Rebecca J. Lowry, guardian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. CHILDS.

Mr. RYAN also introduced a bill (H. R. 681) granting a pension to John B. Childs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. RYMAN.

Mr. RYAN also introduced a bill (H. R. 682) for the relief of John T. Ryman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT R. HUGHES.

Mr. RYAN also introduced a bill (H. R. 683) for the relief of Robert R. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DYE.

Mr. RYAN also introduced a bill (H. R. 684) to grant a pension to James Dye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI W. CAMPBELL.

Mr. RYAN also introduced a bill (H. R. 685) to grant a pension to Eli W. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. SHAWBELL.

Mr. RYAN also introduced a bill (H. R. 686) to grant a pension to John G. Shawbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP HOFELD.

Mr. RYAN also introduced a bill (H. R. 687) to rerate the pension of Philip Hofeld; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SNOVELY.

Mr. RYAN also introduced a bill (H. R. 688) for the relief of Jacob Snovely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 2139, REVISED STATUTES.

Mr. RYAN also introduced a bill (H. R. 689) to amend section 2139 of the Revised Statutes in regard to the sale of intoxicating liquors to Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EDWARD FENLON.

Mr. RYAN also introduced a bill (H. R. 690) for the relief of Edward Fenlon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. LEWELLEN AND A. G. DAVIS.

Mr. RYAN also introduced a bill (H. R. 691) for the relief of Dr. Lewellen and Anthony G. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DR. LEWELLEN.

Mr. RYAN also introduced a bill (H. R. 692) for the relief of Dr. Lewellen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. KEITH.

Mr. RYAN also introduced a bill (H. R. 693) granting a pension to William B. Keith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. N. WOOD.

Mr. RYAN also introduced a bill (H. R. 694) for the relief of S. N. Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. MORRILL introduced a bill (H. R. 695) to provide for the sale of the lands belonging to the Prairie Band of Pottawatomie Indians in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CLAIMS OF KANSAS CITIZENS.

Mr. MORRILL also introduced a bill (H. R. 696) authorizing the settlement of claims of certain citizens of Kansas therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAAC A. MEYER.

Mr. MORRILL also introduced a bill (H. R. 697) for the relief of Isaac A. Meyer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP D. CAMPBELL.

Mr. MORRILL also introduced a bill (H. R. 698) granting a pension

to Philip D. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KICKAPOO RESERVATION IN KANSAS.

Mr. MORRILL also introduced a bill (H. R. 699) for the sale of the Kickapoo diminished reservation in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

M. A. BICKERDYKE.

Mr. MORRILL also introduced a bill (H. R. 700) granting a pension to M. A. Bickerdyke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY B. KENNEY.

Mr. MORRILL also introduced a bill (H. R. 701) granting a pension to Mrs. Mary B. Kenney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CULBERSON. I move that the House do now adjourn.

The motion was not agreed to; there being ayes 33, noes not counted.

JOHN F. BRUNER.

Mr. MORRILL also introduced a bill (H. R. 702) granting a pension to John F. Bruner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RATING OF INVALID PENSIONS.

Mr. MORRILL also introduced a bill (H. R. 703) to establish a uniform grade of rating for invalid pensions and to abolish all distinctions on account of rank in pensions hereafter granted; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN DUBACH.

Mr. MORRILL also introduced a bill (H. R. 704) granting a pension to Benjamin Dubach, dependent father of Adolph Dubach, late of Captain Fleming's company, Tenth Kansas Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSIONS TO WIDOWS.

Mr. MORRILL also introduced a bill (H. R. 705) to provide for an increase of pension to widows of soldiers in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL W. ROBINSON.

Mr. MORRILL also introduced a bill (H. R. 706) granting a pension to Samuel W. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. R. MARTIN.

Mr. MORRILL also introduced a bill (H. R. 707) for the relief of J. R. Martin, late postmaster at Perry, Kans.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES M'DONALD.

Mr. MORRILL also introduced a bill (H. R. 708) granting a pension to James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. MATTHEWS.

Mr. MORRILL also introduced a bill (H. R. 709) for the relief of William D. Matthews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

KICKAPOO ESTATES.

Mr. MORRILL also introduced a bill (H. R. 710) to provide for the settlement of the estates of the Kickapoo Indians in the State of Kansas, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCIS O'LEARY.

Mr. MORRILL also introduced a bill (H. R. 711) granting a pension to Francis O'Leary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, ATCHISON, KANS.

Mr. MORRILL also introduced a bill (H. R. 712) for the erection of a public building at Atchison, Kans; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM S. THATCHER.

Mr. MORRILL also introduced a bill (H. R. 713) for the relief of William S. Thatcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORNELIUS W. KEIFER.

Mr. MORRILL also introduced a bill (H. R. 714) for the relief of Cornelius W. Keifer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TUNIS J. ROOSA.

Mr. MORRILL also introduced a bill (H. R. 715) granting a pension to Tunis J. Roosa; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WELCH.

Mr. MORRILL also introduced a bill (H. R. 716) granting a pension to Isaac Welch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. W. D. MORRISON.

Mr. MORRILL also introduced a bill (H. R. 717) increasing the pension of Capt. W. D. Morrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS ACCORDING TO DISABILITY.

Mr. FUNSTON introduced a bill (H. R. 718) to pension all honorably discharged persons of the Army or Navy according to disability; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASING THE EFFICIENCY OF THE ARMY.

Mr. FUNSTON also introduced a bill (H. R. 719) to increase the efficiency of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

L. J. WORDEN.

Mr. FUNSTON (by request) also introduced a bill (H. R. 720) for the relief of L. J. Worden; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN PREWITT.

Mr. FUNSTON also introduced a bill (H. R. 721) to place the name of John Prewitt on the pension-roll; which was read a first and second time, referred to the Commitee on Invalid Pensions, and ordered to be printed.

PORTER B. HEWITT.

Mr. FUNSTON also introduced a bill (H. R. 722) granting a pension to Porter B. Hewitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN CAPTIVES.

Mr. FUNSTON also introduced a bill (H. R. 723) for the relief of women and children who were captured by hostile Indians; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN B. ROSS.

Mr. FUNSTON also introduced a bill (H. R. 724) to place the name of John B. Ross on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN PERKINS.

Mr. FUNSTON also introduced a bill (H. R. 725) to pension Mary Ann Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE BARRETT.

Mr. FUNSTON also introduced a bill (H. R. 726) to place the name of George Barrett on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY E. MORRIS.

Mr. FUNSTON also introduced a bill (H. R. 727) to place the name of Nancy E. Morris on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM WESTFALL.

Mr. FUNSTON also introduced a bill (H. R. 728) to place the name of Abraham Westfall on the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK MARSHALL.

Mr. FUNSTON also introduced a bill (H. R. 729) to place the name of Frederick Marshall on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEW YORK INDIAN LANDS IN KANSAS.

Mr. PERKINS introduced a bill (H. R. 730) to provide for the sale of certain New York Indian lands in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM H. HEISTER,

Mr. PERKINS also introduced a bill (H. R. 731) granting a pension

to William H. Heister; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. ATCHISON.

Mr. PERKINS also introduced a bill (H. R. 732) granting a pension to John H. Atchison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LAURA M. CHEEK.

Mr. PERKINS also introduced a bill (H. R. 733) granting a pension to Mrs. Laura M. Cheek; which was read a first and second time, referred to the Committe on Invalid Pensions, and ordered to be printed.

OXLEY JOHNSON.

Mr. PERKINS also introduced a bill (H. R. 734) granting a pension to Oxley Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS W. BARNETT.

Mr. PERKINS also introduced a bill (H. R. 735) for the relief of Nicholas W. Barnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID M. LOGAN.

Mr. PERKINS also introduced a bill (H. R. 736) for the relief of David M. Logan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

N. M. MILLER.

Mr. PERKINS also introduced a bill (H. R. 737) granting a pension to N. M. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAINT LOUIS, BAXTER SPRINGS AND MEXICAN RAILWAY.

Mr. PERKINS also introduced a bill (H. R. 738) granting the right of way through the Indian Territory to the Saint Louis, Baxter Springs and Mexican Railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LANDS TO INDIANS IN SEVERALTY.

Mr. PERKINS also introduced a bill (H. R. 739) to provide for the allotment of lands in severalty to the United Peorias and Miamis of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

H. L. NEWMAN.

Mr. PERKINS also introduced a bill (H. R. 740) for the relief of H. L. Newman; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

GEORGE W. CUSHMAN.

Mr. PERKINS also introduced a bill (H. R. 741) for the relief of George W. Cushman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE MAXWELL.

Mr. PERKINS also introduced a bill (H. R. 742) for the relief of George Maxwell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

A. L. DICKERMAN AND OTHERS.

Mr. PERKINS also introduced a bill (H. R. 743) for the relief of A. L. Dickerman and others, which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HOLDEN COOK.

Mr. PERKINS also introduced a bill (H. R. 744) granting a pension to Holden Cook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. C. BULKLEY.

Mr. PERKINS also introduced a bill (H. R. 745) for the relief of F. C. Bulkley; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. W. BENNETT.

Mr. PERKINS also introduced a bill (H. R. 746) granting a pension to J. W. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISSUE OF DUPLICATE LAND-WARRANTS.

Mr. PERKINS also introduced a bill (H. R. 747) authorizing the Commissioner of the General Land Office to issue land-warrants for 120 acres of land to the holder of warrant No. 51456, with certain provisions and upon certain conditions; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

UNITED STATES COURT, INDIAN TERRITORY.

Mr. PERKINS also introduced a bill (H. R. 748) to establish a United States court in the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HOMESTEAD SETTLEMENTS, INDIAN TERRITORY.

Mr. PERKINS also introduced a bill (H. R. 749) to open to homestead settlement certain portions of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSIAH MOOSA.

Mr. PERKINS also introduced a bill (H. R. 750) granting a pension to Josiah Moosa; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. REBECCA ADAMS.

Mr. PERKINS also introduced a bill (H. R. 751) for the relief of Mrs. Rebecca Adams; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES SMITHPETER.

Mr. PERKINS also introduced a bill (H. R. 752) granting a pension to James Smithpeter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHADSEY BROTHERS.

Mr. PERKINS also introduced a bill (H. R. 753) for the relief of Chadsey Brothers; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JURISDICTION UNITED STATES COURTS.

Mr. PERKINS also introduced a bill (H. R. 754) to limit the jurisdiction of the circuit and district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EASTERN AND WESTERN BANDS OF CHEROKEE INDIANS.

Mr. PERKINS also introduced a bill (H. R. 755) to refer claims of the Eastern and Western Bands of the Cherokee Indians to the Court of Claims; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALLOTMENT OF LANDS IN SEVERALTY.

Mr. PERKINS also introduced a bill (H. R. 756) to authorize the Secretary of the Interior to allot lands in severalty to Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

KANSAS CITY, FORT SCOTT AND GULF RAILROAD COMPANY.

Mr. PERKINS (by request) also introduced a joint resolution (H. Res. 26) for the relief of the Kansas City, Fort Scott and Gulf Railroad Company; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

JANE CAPTAIN.

Mr. PERKINS also introduced a bill (H. R. 757) for the relief of Jane Captain; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALEXANDER HARPER.

Mr. PERKINS also introduced a bill (H. R. 758) granting a pension to Alexander Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIATT & CO.

Mr. PERKINS also introduced a bill (H. R. 759) for the relief of Hiatt & Co.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HANBACK introduced a bill (H. R. 760) to remove the limitation of payment of arrears of pension, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID F. HOOD.

Mr. HANBACK also introduced a bill (H. R. 761) for the relief of David F. Hood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY A. HUDSON.

Mr. HANBACK also introduced a bill (H. R. 762) for the relief of Henry A. Hudson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MISSOURI PACIFIC RAILROAD.

Mr. HANBACK also introduced a bill (H. R. 763) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first amended act, to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

RELIEF OF SAILORS FROM CHARGE OF DESERTION.

Mr. PETERS introduced a bill (H. R. 764) to relieve certain sailors from the charge of desertion; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

INCREASE OF PENSION.

Mr. PETERS also introduced a bill (H. R. 765) giving to honorably discharged soldiers and sailors of the rebellion under disability from gunshot wounds equal to loss of an arm or leg increased pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. PETERS also introduced a bill (H. R. 766) giving to the honorably discharged soldiers and sailors of the rebellion increased pension for loss of limbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISABLED SOLDIERS.

Mr. PETERS also introduced a bill (H. R. 767) granting a pension to all disabled soldiers and sailors serving more than three months in the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF PENSION.

Mr. PETERS also introduced a bill (H. R. 768) to increase the pensions of all widows and minor children of soldiers and sailors of the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WICHITA AND ARKANSAS VALLEY RAILROAD COMPANY.

Mr. PETERS also introduced a bill (H. R. 769) to grant the right of way through the Indian Territory to the Wichita and Arkansas Valley Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

NATIONAL ARBITRATION.

Mr. PETERS also introduced a bill (H. R. 770) to regulate interstate commerce through a national court of arbitration; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

TERRITORY SOUTH OF KANSAS.

Mr. PETERS also introduced a bill (H. R. 771) to extend the laws of the United States over certain unorganized territory south of the State of Kansas; which read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PERSONS KILLED BY RAILWAY ACCIDENTS.

Mr. PETERS also introduced a bill (H. R. 772) to pay dependent relations of persons killed by accident engaged in the railway mail service, and to compensate for injuries received; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS AT FIFTY-FIVE YEARS.

Mr. PETERS also introduced a bill (H. R. 773) granting pensions to all honorably discharged soldiers and sailors of the war of the rebellion who are now or may hereafter become fifty-five years of age; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY POSTS, KANSAS.

Mr. PETERS also introduced a bill (H. R. 774) making an appropriation for the purchase of two sites and for the erection thereon of two military posts on the southwestern frontier of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN BANKS.

Mr. PETERS also introduced a bill (H. R. 775) for the relief of John Banks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS G. BARTON.

Mr. PETERS also introduced a bill (H. R. 776) to increase the pension of Thomas G. Barton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK BOTTJER.

Mr. PETERS also introduced a bill (H. R. 777) granting a pension to Frederick Bottjer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA BURCH.

Mr. PETERS also introduced a bill (H. R. 778) for the relief of Rebecca Burch, widow of a soldier of the Revolution; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZA J. CAMPBELL.

Mr. PETERS also introduced a bill (H. R. 779) for the relief of Eliza J. Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. CLARK.

Mr. PETERS also introduced a bill (H. R. 780) for the relief of John C. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. J. DREESEN.

Mr. PETERS also introduced a bill (H. R. 781) granting a pension to B. J. Dreesen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT M. FORSYTHE.

Mr. PETERS also introduced a bill (H. R. 782) to increase the pension of Robert M. Forsythe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY FONES.

Mr. PETERS also introduced a bill (H. R. 783) for the relief of Henry Fones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY D. GREWELL.

Mr. PETERS also introduced a bill (H. R. 784) granting a pension to Henry D. Grewell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. HALL.

Mr. PETERS also introduced a bill (H. R. 785) for the relief of William S. Hall; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY HEGWER.

Mr. PETERS also introduced a bill (H. R. 786) for the relief of Henry Hegwer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELKANAH HUDDLESTON.

Mr. PETERS also introduced a bill (H. R. 787) for the relief of Elkanah Huddleston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEPTHA HORNBECK.

Mr. PETERS also introduced a bill (H. R. 788) granting a pension to Jeptha Hornbeck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORREN D. LEMERT.

Mr. PETERS also introduced a bill (H. R. 789) for the relief of Orren D. Lemert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUSTIN B. LYNCH.

Mr. PETERS also introduced a bill (H. R. 790) granting a pension to Austin B. Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. LEWIS.

Mr. PETERS also introduced a bill (H. R. 791) to restore John F. Lewis to the rank of first lieutenant, Twenty-first United States Infantry, and place him on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID M'KINNEY.

Mr. PETERS also introduced a bill (H. R. 792) granting a pension to David McKinney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALBERT E. MAGOFFIN.

Mr. PETERS also introduced a bill (H. R. 793) granting a pension to Albert E. Magoffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. M'ARTHUR.

Mr. PETERS also introduced a bill (H. R. 794) for the relief of D. McArthur; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID MORROW.

Mr. PETERS also introduced a bill (H. R. 795) for the relief of David Morrow; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEVI H. NARON.

Mr. PETERS also introduced a bill (H. R. 796) granting a pension to Levi H. Naron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. NELSON.

Mr. PETERS also introduced a bill (H. R. 797) granting a pension to William H. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN O'CONNOR.

Mr. PETERS also introduced a bill (H. R. 798) for the relief of

Stephen O'Connor; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. W. PATTERSON.

Mr. PETERS also introduced a bill (H. R. 799) for the relief of J. W. Patterson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH A. PORTER.

Mr. PETERS also introduced a bill (H. R. 800) granting a pension to Joseph A. Porter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. ROSE.

Mr. PETERS also introduced a bill (H. R. 801) for the relief of William L. Rose; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUGUST SCHINDLER.

Mr. PETERS also introduced a bill (H. R. 802) granting a pension to August Schindler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM J. SHANER.

Mr. PETERS also introduced a bill (H. R. 803) granting a pension to Adam J. Shaner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. VERNAY.

Mr. PETERS also introduced a bill (H. R. 804) granting an increase of pension to James D. Vernay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. UNDERWOOD.

Mr. PETERS also introduced a bill (H. R. 805) to increase the pension of James A. Underwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST WEIDE.

Mr. PETERS also introduced a bill (H. R. 806) to provide for the payment of arrears of pension to August Weide, of Ellenwood, Kans., late a private in Company B, Ninth Wisconsin Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. VAN EATON. Mr. Speaker, being satisfied that my State can not be reached under this call to-day, I move that the House do now adjourn. [Cries of "No!" "No!" "Divide!"]

The SPEAKER proceeded to put the question; but before the vote was taken the demand for a division was withdrawn.

Mr. REED, of Maine. Mr. Speaker, it seems to me that we ought to have an understanding about this matter. If it is proposed that we shall go through with the presentation of bills without the necessity of members remaining, it may as well be so announced. If we do not purpose to go through with the call, it is not quite fair to members whose States are far down on the list, some of whom would like to go away, but who desire to stay if the call is to go on. Perhaps the best way would be to have an understanding that the bills can all be presented, but that no other motion will be in order except a motion to adjourn when we get through.

Several MEMBERS. That is right.

Mr. REED, of Maine. If that is the understanding, there will be no difficulty in getting on.

Mr. TUCKER. I would suggest, Mr. Speaker, in connection with what has been said by the gentleman from Maine [Mr. REED], that at 5 o'clock a recess may be taken until 7. It is desirable, I think, that there should be some intermission in the arduous labor of calling out the titles of the bills.

Several MEMBERS. No! no! Go on!

Mr. TUCKER. I have no objection to going on, so far as I am concerned personally.

Mr. McCREARY. Mr. Speaker, I am sure that we who have remained here up to this time are all very anxious to introduce our bills, and I therefore move that each member be allowed to hand his bills to the Clerk.

The SPEAKER. That can only be done by unanimous consent.

Mr. REED, of Maine. I think, Mr. Speaker, we ought to proceed as we have been proceeding, with the understanding that no business shall be in order except the introduction of bills. I am informed by the gentlemen at the Clerk's desk that they would prefer to go on without a recess.

The call of States was then resumed and bills were introduced as follows:

MEXICAN WAR PENSIONS.

Mr. WOLFORD introduced a bill (H. R. 807) granting a pension to soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF MICHAEL O'BRIEN.

Mr. WOLFORD also introduced a bill (H. R. 808) for the relief of the heirs of Michael O'Brien; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

W. N. BOTTS.

Mr. McCREARY (by request) introduced a bill (H. R. 809) for the relief of W. N. Botts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. McCREARY also introduced a bill (H. R. 810) for the establishment of a Department of Agriculture and to authorize the appointment of Secretary of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

BAPTIST CHURCH AT CRAB ORCHARD.

Mr. McCREARY also introduced a bill (H. R. 811) for the relief of the trustees of the Baptist church at Crab Orchard, Ky.; which was referred to the Committee on War Claims, and ordered to be printed.

JOHN S. BOSWELL.

Mr. McCREARY also introduced a bill (H. R. 812) for the relief of John S. Boswell, of Anderson County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. W. GILBERT.

Mr. McCREARY also introduced a bill (H. R. 813) for the relief of A. W. Gilbert; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES ALLEN.

Mr. McCREARY also introduced a bill (H. R. 814) for the relief of Charles Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOHN PATTON.

Mr. McCREARY also introduced a bill (H. R. 815) for the relief of the heirs at law of John Patton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES C. MATHERLY.

Mr. McCREARY also introduced a bill (H. R. 816) for the relief of James C. Matherly, assignor of John Pierce; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. F. SCOTT.

Mr. McCREARY also introduced a bill (H. R. 817) for the relief of W. F. Scott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN S. KENDRICK.

Mr. McCREARY also introduced a bill (H. R. 818) for the relief of John S. Kendrick, executor of Amanda Egan, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALDERSON T. KEENE.

Mr. McCREARY also introduced a bill (H. R. 819) for the relief of Alderson T. Keene; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. THEODORA M. PIATT.

Mr. McCREARY (by request) also introduced a bill (H. R. 820) to pension Mrs. Theodora M. Piatt, widow of Capt. Benjamin M. Piatt, assistant adjutant of volunteers; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAMUEL M. GAINES.

Mr. HALSELL introduced a bill (H. R. 821) for the relief of Samuel M. Gaines; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM H. WHEELER.

Mr. HALSELL also introduced a bill (H. R. 822) for the benefit of William H. Wheeler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES W. BIVENS.

Mr. HALSELL also introduced a bill (H. R. 823) for the benefit of Charles W. Bivens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. MASSEY.

Mr. HALSELL also introduced a bill (H. R. 824) for the relief of John H. Massey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILAS H. CLARK.

Mr. HALSELL also introduced a bill (H. R. 825) for the relief of

Silas H. Clark; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

N. G. ALEXANDER.

Mr. HALSELL also introduced a bill (H. R. 826) for the benefit of N. G. Alexander; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN E. RENO.

Mr. HALSELL also introduced a bill (H. R. 827) for the benefit of John E. Reno; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIS E. ARNOLD.

Mr. HALSELL also introduced a bill (H. R. 828) for the benefit of Willis E. Arnold; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL E. CARPENTER.

Mr. HALSELL also introduced a bill (H. R. 829) for the benefit of Samuel E. Carpenter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. EWING.

Mr. HALSELL also introduced a bill (H. R. 830) to provide for extension of letters patent for medical compound to J. W. Ewing, assignee of M. R. Garsam, administrator of C. H. Mitchell, deceased; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THOMAS B. GOSSOM.

Mr. HALSELL also introduced a bill (H. R. 831) for the relief of Thomas B. Gossom, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. E. DOWNING.

Mr. HALSELL also introduced a bill (H. R. 832) for the benefit of D. E. Downing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES BOREN.

Mr. HALSELL also introduced a bill (H. R. 833) for the relief of James Boren; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. LANDON.

Mr. HALSELL also introduced a bill (H. R. 834) for the relief of John A. Landon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. J. READ.

Mr. HALSELL also introduced a bill (H. R. 835) for the benefit of S. J. Read; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL STOVAL.

Mr. HALSELL also introduced a bill (H. R. 836) for the relief of Daniel Stoval; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDGAR PAINE.

Mr. HALSELL also introduced a bill (H. R. 837) for the relief of Edgar Paine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY A. SEBELL AND OTHERS.

Mr. HALSELL also introduced a bill (H. R. 838) for the benefit of Henry A. Sebell and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES F. EWING.

Mr. HALSELL also introduced a bill (H. R. 839) for the relief of James F. Ewing; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALGERNON S. WALKER.

Mr. HALSELL also introduced a bill (H. R. 840) for the relief of Algernon S. Walker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES FOSTER.

Mr. HALSELL also introduced a bill (H. R. 841) for the relief of James Foster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEBASTIAN HEETER.

Mr. HALSELL also introduced a bill (H. R. 842) for the relief of Sebastian Heeter; which was read a first and second time, referred to he Committee on War Claims, and ordered to be printed.

PHILIP HACK.

Mr. HALSELL also introduced a bill (H. R. 843) granting a pension to Philip Hack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL T. FERGUSON.

Mr. HALSELL also introduced a bill (H. R. 844) granting a pension to Daniel T. Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUMPTER & CHRISTIAN.

Mr. HALSELL also introduced a bill (H. R. 845) for the relief of Sumpter & Christian; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL V. BALLARD.

Mr. HALSELL also introduced a bill (H. R. 846) granting a pension to Samuel V. Ballard; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

FRANKLIN COUNTY SEMINARY.

Mr. HALSELL also introduced a bill (H. R. 847) for the relief of the Franklin County Seminary; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. HERNDON, ADMINISTRATOR.

Mr. HALSELL also introduced a bill (H. R. 848) for the relief of James W. Herndon, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. SHORT.

Mr. HALSELL also introduced a bill (H. R. 849) granting a pension to J. H. Short; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY ANN PROFFITT.

Mr. HALSELL also introduced a bill (H. R. 850) for the relief of Nancy Ann Proffitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN MEANS.

Mr. HALSELL also introduced a bill (H. R. 851) for the relief of Calvin Means; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. A. M'ELWAIN.

Mr. HALSELL also introduced a bill (H. R. 852) for the relief of W. A. McElwain; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSHUA E. LOGAN.

Mr. HALSELL also introduced a bill (H. R. 853) for the relief of Joshua E. Logan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. P. HENDRICKS.

Mr. HALSELL also introduced a bill (H. R. 854) for the relief of W. P. Hendricks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM L. HUDSPETH.

Mr. HALSELL also introduced a bill (H. R. 855) for the relief of William L. Hudspeth; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. WILLIMAN THURMAN.

Mr. HALSELL also introduced a bill (H. R. 856) for the relief of Mrs. Williman Thurman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUMBERLAND PRESBYTERIAN CHURCH, RUSSELLVILLE, KY.

Mr. HALSELL also introduced a bill (H. R. 857) for the relief of the Cumberland Presbyterian church, of Russellville, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCY J. MITCHELL.

Mr. HALSELL also introduced a bill (H. R. 858) granting a pension to Lucy J. Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLEN COUNTY COURT-HOUSE, KENTUCKY.

Mr. HALSELL also introduced a bill (H. R. 859) for the relief of the Allen County court-house, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUSSELLVILLE AND LOGAN COUNTY AGRICULTURAL ASSOCIATION.

Mr. HALSELL also introduced a bill (H. R. 860) for the relief of the Russellville and Logan County Agricultural and Mechanical Association; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEREMIAH CLINE.

Mr. HALSELL also introduced a bill (H. R. 861) granting a pension to Jeremiah Cline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN H. COURSY.

Mr. HALSELL also introduced a bill (H. R. 862) for the relief of Benjamin H. Coursy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. B. W. CAMP.

Mr. HALSELL also introduced a bill (H. R. 863) for the relief of M. B. W. Camp; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. DRAIN.

Mr. HALSELL also introduced a bill (H. R. 864) for the relief of A. Drain; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASBURY DAWSON.

Mr. HALSELL also introduced a bill (H. R. 865) for the relief of Asbury Dawson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, BOWLING GREEN, KY.

Mr. HALSELL also introduced a bill (H. R. 866) for the purchase of a site and the erection of a public building thereon in the city of Bowling Green, in the State of Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANCIS SCALA.

Mr. HALSELL (by request) also introduced a bill (H. R. 867) for the relief of Francis Scala; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, FRANKFORT, KY.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 868) appropriating money for the completion of the public building at Frankfort, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EASTERN JUDICIAL DISTRICT OF KENTUCKY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 869) to establish the eastern judicial district of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS IN KENTUCKY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 870) to regulate civil, criminal, and penal jurisdiction of circuit and district courts of the United States in the district of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NANCY ANN PROFFITT.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 871) for the relief of Nancy Ann Proffitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. HARDIN.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 872) for the relief of T. J. Hardin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. VILEY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 873) for the relief of John M. Viley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRY J. TODD.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 874) for the relief of Harry J. Todd, late keeper of the Kentucky penitentiary; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

D. W. PRICE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 875) for the relief of D. W. Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANÇOIS FOURNIER.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 876) for the relief of the legal representatives of François Fournier; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SIGMUND LUSCHER.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 877) for the relief of Sigmund Luscher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ST. ANDREW'S LODGE, CYNTHIANA, KY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 878) for the relief of St. Andrew's Lodge, No. 18, of Free and Accepted Masons, of Cynthiana, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. GRAY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 879) for the relief of William H. Gray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ANNIE B. LEWIS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 880) for the relief of Mrs. Annie B. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE TAYLOR.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 881) for the relief of George Taylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. W. KING.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 882) granting a pension to C. W. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'GONNELL.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 883) granting a pension to James McGonnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. R. CALDWELL.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 884) granting a pension to J. H. R. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS D. TERRY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 885) granting a pension to Lewis D. Terry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY COONS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 886) for the relief of Nancy Coons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS S. DUVALL.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 887) granting a pension to Thomas S. Duvall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS C. ISGRIG.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 888) for the relief of Thomas C. Isgrig; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. W. SOUTH.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 889) for the relief of J. W. South; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM ASHMUT.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 890) for the relief of William Ashmut; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEAL SARY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 891) for the relief of Neal Sary; which was read a first and second times referred to the Committee on War Claims, and ordered to be printed.

JOHN H. CHILES.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 892) for the relief of John H. Chiles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAFAYETTE ADERY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 893) for the relief of Lafayette Adery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH CARSON.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 894) for the relief of Elizabeth Carson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM N. ROBB.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R 895) for the relief of William N. Robb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN JONES.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 896) for the relief of John Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF ANDREW F. M'MILLIN.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed .

ESTATE QF JOEL C. FRAZIER.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. S. BLOOM.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 899) for the relief of A. S. Bloom; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUPPORT OF COMMON SCHOOLS.

Mr. WILLIS introduced a bill (H. R. 900) to aid temporarily in the support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

WITHDRAWAL FROM DISTILLERY WAREHOUSE.

Mr. WILLIS also introduced a bill (H. R. 901) to authorize the withdrawal from distillery warehouse without tax of alcohol and other spirits to be used in industrial pursuits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SUBTREASURY, LOUISVILLE, KY.

Mr. WILLIS also introduced a bill (H. R. 902) to establish a subtreasury at Louisville, Ky.; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PENSIONS FOR SURVIVORS OF MEXICAN AND INDIAN WARS.

Mr. WILLIS also introduced a bill (H. R. 903) granting pensions to survivors of the Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COMMERCE AMONG THE STATES.

Mr. WILLIS also introduced a bill (H. R. 904) to regulate commerce among the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RESTRICTIONS ON TERM OF OFFICE.

Mr. WILLIS also introduced a bill (H. R. 905) to repeal the sections of the Revised Statutes restricting the term of certain officers to four years, and for other purposes; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

PARTITION OF LANDS.

Mr. WILLIS also introduced a bill (H. R. 906) authorizing the partition of certain lands in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

W. J. TAPP & CO.

Mr. WILLIS also introduced a bill (H. R. 907) for the relief of W. J. Tapp & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. E. COCHRAN.

Mr. WILLIS also introduced a bill (H. R. 908) granting a pension to Margaret E. Cochran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY S. COHN.

Mr. WILLIS also introduced a bill (H. R. 909) granting a pension to Henry S. Cohn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE WILHARLITZ.

Mr. WILLIS also introduced a bill (H. R. 910) granting a pension to Kate Wilharlitz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN SHEFFIELD.

Mr. WILLIS also introduced a bill (H. R. 911) granting a pension to Mrs. Ann Sheffield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH GEOSTESPHAN.

Mr. WILLIS also introduced a bill (H. R. 912) granting a pension to Elizabeth Geostesphan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. Q. ROUSSEAU.

Mr. WILLIS also introduced a bill (H. R. 913) for the relief of D. Q. Rousseau; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. FANNY S. CONWAY.

Mr. WILLIS also introduced a bill (H. R. 914) for the relief of Mrs. Fanny S. Conway; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN FINZER & BROTHERS.

Mr. WILLIS also introduced a bill (H. R. 915) for the relief of John Finzer & Brothers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THEODORE SCHWARTZ.

Mr. WILLIS also introduced a bill (H. R. 916) for the relief of Theodore Schwartz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY S. COHN.

Mr. WILLIS also introduced a bill (H. R. 917) for the relief of Henry S. Cohn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GILBERT A. PHILIPS.

Mr. WILLIS also introduced a bill (H. R. 918) granting a pension to Gilbert A Philips; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KATE WILHARLITZ.

Mr. WILLIS also introduced a bill (H. R. 919) granting a pension to Kate Wilharlitz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF K. A. MILLER.

Mr. WILLIS also introduced a bill (H. R. 920) granting relief to the heirs of K. A. Miller, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLARA L. PREUSS.

Mr. WILLIS also introduced a bill (H. R. 921) granting a pension to Clara L. Preuss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDICIARY DISTRICTS IN KENTUCY.

Mr. TAULBEE introduced a bill (H. R. 922) to divide the State of Kentucky into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CUDBERTH STONE.

Mr. TAULBEE also introduced a bill (H. R. 923) for the relief of Cudberth Stone; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES STONE.

Mr. TAULBEE also introduced a bill (H. R. 924) for the relief of James Stone; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RACHAEL NICKELL.

Mr. TAULBEE also introduced a bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachael Nickell;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES STONE.

Mr. TAULBEE also introduced a bill (H. R. 926) granting a pension to James Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUDBERTH STONE.

Mr. TAULBEE also introduced a bill (H. R. 927) granting a pension to Cudberth Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS A. THORNBERRY.

Mr. TAULBEE also introduced a bill (H. R. 928) granting a pension to Lewis A. Thornberry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. FRALEY.

Mr. TAULBEE also introduced a bill (H. R. 929) granting a pension to G. W. Fraley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS C. DILS.

Mr. TAULBEE also introduced a bill (H. R. 930) for the relief of

Lewis C. Dils; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW HOWARD, SR.

Mr. TAULBEE also introduced a bill (H. R. 931) for the benefit of Andrew Howard, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. J. PITZER.

Mr. TAULBEE also introduced a bill (H. R. 932) for the relief of T. J. Pitzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER FRANCESCO.

Mr. TAULBEE also introduced a bill (H. R. 933) giving a military record to Alexander Francesco; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES W. MINNIX.

Mr. TAULBEE also introduced a bill (H. R. 934) granting a pension to Charles W. Minnix; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. CASKEY.

Mr. TAULBEE also introduced a bill (H. R. 935) giving a military record to James T. Caskey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TAULBEE also introduced a bill (H. R. 936) granting a pension to James T. Caskey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 4414 REVISED STATUTES.

Mr. STONE, of Kentucky, introduced a bill (H. R. 937) to amend section 4414 of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARINE HOSPITAL AT PADUCAH.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 938) authoring the construction of a marine hospital at Paducah, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SECTION 3360 REVISED STATUTES.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 939) to repeal section 3360 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN M. HIGGINS.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 940) for the relief of John M. Higgins, of Caldwell County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HESTER V. BLACKBURN.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 941) granting a pension to Hester V. Blackburn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. JAMES MORTON.

Mr. WADSWORTH introduced a bill (H. R. 942) granting a pension to Lieut. James Morton, of Greenup County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH T. DUKE.

Mr. WADSWORTH also introduced a bill (H. R. 943) for the relief of Sarah T. Duke, widow of Capt. John M. Duke, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY JANE CONRAD.

Mr. WADSWORTH also introduced a bill (H. R. 944) for the relief of Mary Jane Conrad, widow of James Conrad, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FREW STEWART.

Mr. WADSWORTH also introduced a bill (H. R. 945) for the relief of John Frew Stewart, guardian of the minor children of James Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMANDA JACOBS.

Mr. WADSWORTH also introduced a bill (H. R. 946) for the relief of Amanda Jacobs, widow of Thomas Sexton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LILBURN E. TABER.

Mr. WADSWORTH also introduced a bill (H. R. 947) for the relief of Lilburn E. Taber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

P. O. COLLINS.

Mr. WADSWORTH also introduced a bill (H. R. 948) for the relief of P. O. Collins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT MAYSVILLE, KY.

Mr. WADSWORTH also introduced a bill (H. R. 949) for the erection of a public building in the city of Maysville, Ky.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. VAN EATON. I move that the House do now adjourn.

The motion was not agreed to, only 10 voting therefor.

Mr. BAYNE. It is evident that we can not get through the call of States to-night. I move, therefore, that we take a recess until to-morrow morning at 10 o'clock. [Cries of "Oh, no!"] At that time we can continue the introduction of bills.

The motion was not agreed to.

HEIRS OF MAURICE GRIVOT.

Mr. ST. MARTIN introduced a bill (H. R. 950) for the relief of the heirs of Maurice Grivot; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH E. RAMSAY.

Mr. ST. MARTIN also introduced a bill (H. R. 951) for the relief of Sarah E. Ramsay, widow in community, and Anna E. Wagner, sole heir of G. Alexander Ramsay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONGRESSIONAL TERMS.

Mr. BLANCHARD introduced a bill (H. R. 952) establishing the time when the terms of Congress shall begin and end and when Congress shall meet; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RED RIVER COMMISSION.

Mr. BLANCHARD also introduced a bill (H. R. 953) to provide for the creation of the Red River Commission, and for other purposes; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

NATIONAL CEMETERY, PINEVILLE, LA.

Mr. BLANCHARD also introduced a bill (H. R. 954) making an appropriation to construct a road and approaches from Pineville, La., for the national military cemetery near that town; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COMMERCE OF RED RIVER VALLEY.

Mr. BLANCHARD also introduced a bill (H. R. 955) to promote the commerce of the Red River Valley, in Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

BAYOU PIERRE, IN NORTHWESTERN LOUISIANA.

Mr. BLANCHARD also introduced a bill (H. R. 956) to remove the raft from Bayou Pierre, in Northwestern Louisiana; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

EQUIPMENT OF PASSENGER AND FREIGHT STEAMERS.

Mr. BLANCHARD also introduced a bill (H. R. 957) to amend section 4480 of the Revised Statutes for the better equipment of steamers carrying passengers and freight; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. LIZZIE D. CLARKE.

Mr. BLANCHARD (by request) also introduced a bill (H. R. 958) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. MORSE.

Mr. BLANCHARD also introduced a bill (H. R. 959) for the relief of George W. Morse; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

J. R. M'GOLDRICK.

Mr. BLANCHARD also introduced a bill (H. R. 960) for the relief of J. R. McGoldrick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FANNIE M. WELLS AND IDA F. WELLS.

Mr. BLANCHARD also introduced a bill (H. R. 961) for the relief of Fannie M. Wells and Ida F. Wells; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY T. HICKMAN AND OTHERS.

Mr. BLANCHARD also introduced a bill (H. R. 962) for the relief of Mary T. Hickman and others; which was read a first and second

time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ERÉZIA GUNNEY.

Mr. BLANCHARD also introduced a bill (H. R. 963) for the relief of Mrs. Erézia Gunney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY J. CLOUD.

Mr. BLANCHARD also introduced a bill (H. R. 964) for the relief of Mary J. Cloud; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LAURA P. MADDOX, DECEASED.

Mr. BLANCHARD also introduced a bill (H. R. 965) for the relief of the heirs of Laura P. Maddox, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS L. TERRY.

Mr. BLANCHARD also introduced a bill (H. R. 966) for the relief of Thomas L. Terry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. ALONZO WALKER AND AUGUSTA C. TODD.

Mr. BLANCHARD also introduced a bill (H. R. 967) referring the claim of T. Alonzo Walker and Augusta C. Todd for proceeds of cotton to the Court of Claims for adjudication; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STATE NATIONAL BANK OF NEW ORLEANS.

Mr. BLANCHARD also introduced a bill (H. R. 968) for the relief of the State National Bank of New Orleans, formerly Louisiana State Bank; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY SHANNON, ADMINISTRATRIX, ETC.

Mr. BLANCHARD (by request) also introduced a bill (H. R. 969) for relief of Mary Shannon, administratrix, &c.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO CONSTITUTION.

Mr. BLANCHARD also introduced a joint resolution (H. Res. 27) proposing an amendment to the Constitution of the United States in relation to reciprocity treaties affecting the revenues; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PREVENTION OF YELLOW FEVER.

Mr. BLANCHARD also introduced a joint resolution (H. Res. 28) providing for the investigation of the discovery claimed to have been made in Brazil and Mexico of a prophylactic against yellow fever by the inoculation of attenuated virus, the methods pursued, and their effectiveness in protecting the unacclimated against yellow fever infection; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RECORDS OF LOUISIANA.

Mr. BLANCHARD also introduced a joint resolution (H. Res. 29) asking for the return by the Federal Government of all papers, books, or records relating to the military history of the State of Louisiana during her existence as a French colony, a Spanish colony, and an American Territory; also all papers and records relating to the war of 1812, the Florida war, the war with Mexico, and the war with the States—all or most of these papers, the property of the State of Louisiana, having been removed to Washington by the Federal authorities when the capitol at Baton Rouge, La., was burned by the Federal forces December 28, 1862; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS OF MYRA CLARK GAINES.

Mr. HAHN introduced a bill (H. R. 970) for the relief of the heirs of Myra Clark Gaines; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SUITS AGAINST THE UNITED STATES.

Mr. HAHN also introduced a bill (H. R. 971) to authorize suits against the United States, to rescind contracts for the sale of land, and to indemnify purchasers when the titles have failed, and to restore certain lands to their original owners; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. MARY SHANNON.

Mr. HAHN also introduced a bill (H. R. 972) for the relief of Mrs. Mary Shannon, widow and administratrix of the estate of Joseph R. Shannon, deceased, and to provide for the payment of the loss of the steamboat A. W. Quarrier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB WAKEMAN.

Mr. HAHN also introduced a bill (H. R. 973) granting a pension to Jacob Wakeman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, MONROE, LA.

Mr. KING introduced a bill (H. R. 974) for a public building at Monroe, La.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MEETING OF ELECTORAL COLLEGE.

Mr. KING also introduced a bill (H. R. 975) to fix the day for the meeting of the electors for President and Vice-President and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon; which was read a first and second time, referred to the Committee on Law Respecting Election of President and Vice-President, and ordered to be printed.

JUDICIAL SYSTEM UNITED STATES.

Mr. KING also introduced a bill (H. R. 976) to increase the judicial force of the United States and to prevent delays in the administration of justice in their courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NAVY-YARD AT ALGIERS.

Mr. KING also introduced a bill (H. R. 977) to establish a navy-yard and depot of supplies on the Mississippi River at Algiers or at some point between Algiers and Port Eads; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MISSISSIPPI RIVER COMMISSION.

Mr. KING also introduced a bill (H. R. 978) to amend an act entitled "An act to provide for the appointment of a Mississippi River Commission for the improvement of said river from the head of the passes near its mouth to its headwaters," approved June 28, 1879; which was read a first and second time, referred to the Committee on the Levees and Improvement of the Mississippi River, and ordered to be printed.

TEMPORARY SUPPORT OF COMMON SCHOOLS.

Mr. KING also introduced a bill (H. R. 979) to aid in the temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ROBERT CARTER.

Mr. KING also introduced a bill (H. R. 980) for the relief of Robert Carter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEWIS D. ALLEN.

Mr. KING (by request) also introduced a bill (H. R. 981) for the relief of Lewis D. Allen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TOBIAS G. RICHARDSON AND OTHERS.

Mr. KING also introduced a bill (H. R. 982) for the relief of Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEVEES OF THE MISSISSIPPI RIVER.

Mr. KING also introduced a joint resolution (H. Res. 30) calling for a report upon the conditions of levees of the Mississippi River, and for other purposes; which was read a first and second time, referred to the Committee on Levees and Improvement of the Mississippi River, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CURTIN. Mr. Speaker, it is very evident that we can not conclude the call of States to-night. A recess might accommodate many members, but it is not likely that a recess could be arranged now. I desire, therefore, to suggest that by unanimous consent it shall be understood when we again meet on the 5th of January we will commence the call of States where we leave off to-night. It would take ten hours to get through now.

Mr. TUCKER. If it is agreed by unanimous consent that we shall continue the call of States where it is left off here, there can be no difficulty in the world in the way. But if we adjourn now, under the resolution which has been adopted by both Houses, the day when the House will again assemble is not that fixed by the rules for the call of States, and precedence is accordingly given to those bills which have been already introduced.

Mr. CURTIN. By unanimous consent it can be done in the way I suggest; that is to say, when the House assembles after the recess on Tuesday, January 5, the call of States shall be continued from this point.

Mr. SPRINGER. And continue from day to day until all of the States are called.

Mr. GIBSON, of West Virginia. We have been already five hours in the call of States, and have not gotten one-third of the way through the list.

Mr. CURTIN. It cannot be completed to-night.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BOUTELLE and others objected.

Mr. WILSON, of West Virginia. I move that the House take a recess until 8 o'clock. We have occupied already five hours in the call of States and Territories, and I believe it will be impossible in less than ten hours more to get through the call.

The question being taken on the motion for a recess, it was not agreed to.

ENDOWMENT OF LOUISIANA STATE UNIVERSITY, ETC.

Mr. IRION also introduced a bill (H. R. 983) to increase the endowment of the Louisiana State University and Agricultural College; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

PUBLIC BUILDING AT OPELOUSAS, LA.

Mr. IRION also introduced a bill (H. R. 984) to provide for the construction of a public building at Opelousas, State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOUISIANA STATE UNIVERSITY.

Mr. IRION also introduced a bill (H. R. 985) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FOG-SIGNALS AT MOUTH OF MISSISSIPPI.

Mr. GAY introduced a bill (H. R. 986) providing for the establishment of fog-signal light-ship and lights off the mouth of the Mississippi River, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD G. W. BUTLER.

Mr. GAY also introduced a bill (H. R. 987) for the relief of Edward G. W. Butler from political disabilities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

Mr. GIBSON, of West Virginia. I make the point of order that business can not proceed, a quorum not being present.

The SPEAKER. The Chair has no knowledge of the absence of a quorum. No vote has been taken to develop such a fact.

LEHMAN, HAYEM & TAYLOR.

Mr. GAY (by request) also introduced a bill (H. R. 988) for the relief of Lehman, Hayem & Taylor; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. CURTIN. I think the proposition which I made a short time ago will now be acceded to. If we adjourn now and resume the work of introducing bills on the 5th of January we can then finish it in order and gentlemen who have bills to introduce and whose States have not yet been called will have the same opportunity of introducing their bills as they have now. It is evident there is not a quorum present. I again submit my proposition and will restate it. It is that when we adjourn to-night it shall be understood, by unanimous consent, that when this House meets again on the 5th of January the call of States for bills shall commence where it closes at the close of this sitting.

The SPEAKER. The Chair understood the gentleman from Pennsylvania to include also in his request the proposition that the call of States, when resumed on the 5th of January, shall continue from day to day until completed.

Mr. CURTIN. Yes, sir; that is part of my proposition.

The SPEAKER. The gentleman from Pennsylvania renews his request for unanimous consent that when the House reassembles on the 5th of January next the call of States and Territories shall be resumed where it is left off to-day, and that it be continued from day to day until completed. Is there objection? The Chair hears none, and it is so ordered.

Mr. GIBSON, of West Virginia. I move that the House do now adjourn.

The SPEAKER. Pending the motion to adjourn, the Chair desires to lay before the House certain messages from the President of the United States.

There was no objection.

CHICAGO, MILWAUKEE AND SAINT PAUL RAILROAD.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, when appointed, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with the accompanying papers, a draught of a bill to accept and ratify an agreement made by the Sisseton and Wahpeton Indians, and to grant a right of way for the Chicago, Milwaukee and Saint Paul Railway through the Lake Traverse reservation, in Dakota.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

NEW ORLEANS EXPOSITION.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was laid on the table, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report, together with accompanying documents, made to me by the board of management of the World's Industrial and Cotton Centennial Exposition, held at New Orleans from December 16, 1884, to May 31, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, December 21, 1885.

AGREEMENT WITH PAH-UTE INDIANS, ETC.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

JAMESTOWN AND NORTHERN RAILROAD.

The SPEAKER also laid before the House the following message; which, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill granting the right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

UTAH AND NORTHERN RAILROAD COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 17th instant from the Secretary of the Interior, submitting, with accompanying papers, a report of the Commissioner of Indian Affairs concerning the failure of the Utah and Northern Railroad Company to compensate the Indians upon the Fort Hall reservation, in Idaho, for lands taken and used in the construction of their line of road crossing the reservation from north to south.

The subject is recommended to the early attention and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

TRESPASSES UPON INDIAN LANDS.

The SPEAKER also laid before the House the following message from the President of the United States; which, with the accompanying documents, was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill to amend section 2148 of the Revised Statutes of the United States, relating to trespasses upon Indian lands.

The subject is one of great importance, and is commended to the early and favorable action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

ADJUSTMENT OF FISHERY QUESTION.

Mr. REED, of Maine, by unanimous consent, presented the following memorial; which was referred to the Committee on Foreign Affairs, and ordered to be printed in the RECORD:

Resolutions of the Portland Fishing Exchange on the appointment of commissioners to adjust differences in regard to the fisheries with Great Britain.

To the Senate and House of Representatives in Congress assembled:

Whereas we who are interested in the fishing industry of the United States look with alarm upon the opening of the fishery question with the Government of Great Britain with regard to the admission of fish caught by British subjects free from duties into the United States, and being satisfied to have the present situation of the fishing interest remain where it is; and

Whereas we believe that the appointment of any commissioners or any legislation to adjust differences would be disastrous to our fishing interest, as Great Britain has no privileges she can grant as an offset to the great advantages which would be derived through the free access to our markets with the productions of their fisheries; and

Whereas we are willing to forego any advantages which Great Britain may offer us as an offset for our free market for her fish: Therefore,

Resolved, That we respectfully request our Representatives to Congress from the State of Maine to do all in their power to prevent the appointment of commissioners to treat with Great Britain in the matter of fisheries, and we hereby appeal to the Congress of the United States to protect our fishing interest and place us upon the same footing as other industries of the country.

O. B. WHITTEN,
Secretary Portland Fishing Exchange.

COMMITTEE ON PRINTING.

The SPEAKER announced the appointment of the following members of the Joint Committee on Printing upon the part of the House:

Mr. BARKSDALE of Mississippi, Mr. REID of North Carolina, and Mr. FARQUHAR of New York.

WITHDRAWAL OF PAPERS.

Mr. LEHLBACH, by unanimous consent, obtained leave to withdraw from the files of the House the petition for increasing duties on pearl buttons, presented January 12, 1885, by Mr. Fiedler, of New Jersey, and referred to the Committee on Ways and Means.

CLAIMS.

Mr. MCMILLIN. With the consent of the gentleman from West Virginia who has made the motion to adjourn, I desire to introduce a bill which relates to claims already passed upon at the Treasury Department and should receive early consideration.

There being no objection,

Mr. MCMILLIN introduced a bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

The motion of Mr. GIBSON, of West Virginia, that the House adjourn, was then agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House, in pursuance of concurrent resolution, adjourned until Tuesday, January 5, 1886.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Henry McWilliams, praying the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

Also, papers in the claim of Peter Veitz—to the same committee.

By Mr. BEACH: Memorial of Alexander Finlay, surviving partner of Shaw & Finlay, for the payment of $11,156.98, with interest from December 26, 1862, from the moneys of the Geneva award—to the Committee on Claims.

By Mr. BLANCHARD: Memorial of Louisiana Educational Society, asking for the passage of what is known as the Blair educational bill—to the Committee on Education.

By Mr. BOUTELLE: Petition of Bertha M. Timoney, for a pension—to the Committee on Invalid Pensions.

By Mr. C. R. BRECKINRIDGE: Papers in the claims of Rachel Hudgens, widow of Basil B. Hudgens; of Thomas Watkins; of William McCrosby; of Sarah Case, administratrix of George Case; of John A. Wallis—to the Committee on War Claims.

By Mr. BURROWS: Petition of David Shoemaker, of the District of Columbia, for 20 acres of timber taken for army use, stated at $2,240—to the same committee.

By Mr. BYNUM: Petition of J. W. Conner and others, for relief—to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill for continuing the improvement of Cumberland River, in Tennessee and Kentucky—to the Committee on Rivers and Harbors.

Also, papers in the claim of Frederick Smith—to the Committee on Claims.

Also, petition of heirs of James W. Eastwood, asking to be reimbursed for money taken from him by United States forces—to the Committee on War Claims.

Also, petitions of Martha A. Stevens; of B. B. Taylor; of Samuel Ceas; of Thomas Chadwell, administrator of E. H. Childress; of Cummings, Doyle & Co. and Doyle & Co., and of George W. Twidwell, for relief—to the same committee.

By Mr. CLEMENTS: Petitions of Hester A. Weitinger, widow of John Weitinger; of John A. Mosteller and Elizabeth A. Mosely, administrators of Andrew Mosteller, deceased; of David Murdoch; of Floyd S. Hudgins, asking compensation for property taken and used by United States Army during the war—to the same committee.

Also, a bill making an appropriation for continuing improvement of the Coosa River, in Georgia and Alabama—to the Committee on Rivers and Harbors.

By Mr. COMPTON: Petition of the citizens of the District of Columbia, asking that the price of gas be 50 cents per 1,000 feet to consumers, and that former petitions to Congress be transferred from files of former committees of the House to the present Congress—to the Committee on the District of Columbia.

Also, memorial of Mrs. Mary Mortimer Semmes, widow of Commodore Alexander Semmes, for a pension—to the Committee on Pensions.

By Mr. COMSTOCK: Petition of C. R. Robinson and 61 others, for silver coinage and other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. CURTIN: Petition of citizens of Allegheny County, Pennsylvania, for relief—to the Committee on War Claims.

By Mr. ERMENTROUT: Petition of Augustus Bowman and others, for reduction of cigar manufacturers' bonds—to the Committee on Ways and Means.

Also, petition of cigar-makers of eighth Congressional district, Berks County, Pennsylvania, for abolition of internal-revenue and reduction of manufacturers' bonds—to the same committee.

Also, petition of Henry Blitler and others, citizens of Berks County, Pennsylvania, asking for modification of internal-revenue laws—to the same committee.

Also, petition of R. Anthony and 500 others, soldiers of the late war, asking for the passage of an act granting each honorably discharged soldier, sailor, and marine 160 acres of land—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of Louisiana Educational Society, praying for national aid to education—to the Committee on Education.

By Mr. FINDLAY: Memorial of sugar-dealers and others, of Baltimore, Md.—to the Committee on Ways and Means.

By Mr. FREDERICK: Petition in behalf of Andrew J. Elliott, a soldier of the Mexican war of 1847 and 1848—to the Committee on Pensions.

By Mr. C. H. GIBSON: Petition of Cornelia Jones, of Montgomery County, Maryland, for 800 bushels of wheat and straw of same, taken for army use, and stated at $2,000—to the Committee on War Claims.

Also, petition of First Reformed church of Sharpsburg, Washington County, Maryland, for rent of church for hospital during the war of 1861, and for other property taken, stated at $806.22—to the same committee.

By Mr. EUSTACE GIBSON: Petition of Samuel K. McClurg, administrator of Samuel McClurg, late of Greenbrier, W. Va., for payment for stores and supplies taken for army use, and stated at $7,700—to the same committee.

By Mr. HALSELL: Papers accompanying bill for benefit of W. H. Wheeler—to the Committee on War Claims.

Also, papers relating to claim of D. E. Downing, of Monroe County, Kentucky—to the same committee.

By Mr. HAMMOND: Petition of the Chamber of Commerce of Atlanta, Ga., for opening the Tennessee River from the Ohio to Chattanooga, Tenn.—to the Committee on Rivers and Harbors.

By Mr. HATCH: Joint and concurrent resolution of the Thirty-third General Assembly of the State of Missouri, memorializing Congress for an appropriation for the protection of the bottom lands in the southeastern part of the State of Missouri from annual inundations from the Mississippi River and other sources—to the Committee on the Levees and Improvement of the Mississippi River.

Also, joint and concurrent resolution of the Thirty-third General Assembly of Missouri, memorializing Congress for an appropriation for the building of a levee on the west side of the Mississippi River from the city of Clarksville, Mo., to the mouth of the Missouri River—to the same committee.

Also, joint and concurrent resolution of the Thirty-third General Assembly of Missouri, instructing the Senators and requesting the Representatives in Congress from said State to procure legislation authorizing receivers of railroad companies appointed by Federal courts to be sued in local State courts and preserve the right of trial by jury in such suits—to the Committee on the Judiciary.

Also, joint and concurrent resolution of the Thirty-third General Assembly of Missouri, asking Congress to provide for the auditing and adjusting the war debt of Missouri—to the Committee on War Claims.

Also, joint and concurrent resolution instructing the Senators and requesting the Representatives of said State to favor the passage of an act giving pensions to the surviving soldiers of the Mexican war—to the Committee on Pensions.

Also, joint and concurrent resolution of the Thirty-third General Assembly of Missouri, instructing the Senators and requesting the Representatives in Congress from said State to vote against and use all honorable means to defeat the passage of the Buckner bill to suspend the further coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. T. J. HENDERSON: Petition of George Sneider, for a pension—to the Committee on Invalid Pensions.

Also, petition of Emma Sanger and others, citizens of Amboy, Ill., praying that a pension be granted to Louis H. Sanger—to the same committee.

By Mr. HEARD: Petition of citizens of Arrow Rock, Mo., relating to the improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. MILLER: Petition of Ebenezer L. Lee, son and heir of Thomas H. Lee, praying the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. HOUK: Petition of the Tennessee State Teachers' Association, asking national aid to education—to the Committee on Education.

By Mr. KING: Bill to appropriate $25,000 to examine into the methods proposed for the prevention and cure of yellow fever—to the Select Committee on the Public Health.

Also, bill appropriating $4,000,000 for the improvement of the Mississippi River—to the Committee on Rivers and Harbors.

Also, bill appropriating $150,000 for the improvement of the Ouachita River, Louisiana—to the same committee.

Also, bill appropriating $25,000 for the improvement of the Bayou d'Arbonne, Louisiana—to the same committee.

Also, bill appropriating $30,000 for the improvement of Bayou Bartholomew, Louisiana—to the same committee.

Also, bill appropriating $30,000 for the improvement of the Tensas and Macon Rivers, Louisiana—to the same committee.

Also, bill appropriating $25,000 for improvement of Bœuff River, Louisiana—to the same committee.

By Mr. KLEINER: Papers relating to the bill for the relief of Ergenmon & Budenkopf—to the Committee on Ways and Means.

Also, papers relating to the claim of Charles Spencer—to the same committee.

By Mr. LANHAM: Petition of citizens of Coalville, Tex., in regard to silver coinage, the issuance of coin certificates, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. LYMAN: Bill authorizing the construction of a bridge across the Missouri River at or near Council Bluffs, Iowa, and to make the same a post-route—to the Committee on the Post-Office and Post-Roads.

Also, bill authorizing the construction of a bridge across the Mississippi River at or near Kiethsburg, Ill., and to establish the same as a post-route—to the same committee.

Also, bill to authorize the construction of bridges across the Illinois River in the State of Illinois, and the Des Moines River in the State of Iowa, and to establish the same as post-routes—to the same committee.

By Mr. McCOMAS: Petitions of George Thomas of Hy; of Ezra M. Thomas; of George E. Stonebraker; of George E. Stonebraker, administrator of Christian Stonebraker, praying that their claims be sent to the Court of Claims—to the Committee on War Claims.

By Mr. McCREARY: Petition of Eugenia D. Potts, for pay for cotton sold and destroyed—to the same committee.

By Mr. McMILLIN: Bill appropriating $400,000 to continue the improvement of the Cumberland River by locks and dams—to the Committee on Rivers and Harbors.

By Mr. McRAE: Memorial of Alexander Davis, of Arkansas, for relief—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of Abner M. Ward, guardian of Willie F. Ward, for a pension—to the Committe on Invalid Pensions.

Also, petition of Josiah B. Snell, for pension—to the same committee.

Also, petition of Josiah Wardwell, for the removal of mark of desertion against Hiram F. Wardwell from United States steamship Shenandoah—to the Committee on Naval Affairs.

By Mr. MORGAN: Petition of M. A. Whitaker, widow of Eli Whitaker, deceased, and of Wily E. Blount, praying the reference of her claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. MORGAN: Papers in claim of M. W. Young—to the same committee.

By Mr. MORROW: Resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the California and Oregon Railroad—to the Committee on the Public Lands.

Also, resolutions of the Sacramento (Cal.) Board of Trade for the same purpose—to the same committee.

Also, resolution of the Board of Trade of San Francisco, Cal., asking attention to the restoring navigability to the Sacramento and San Joaquin Rivers and their tributaries—to the Committee on Rivers and Harbors.

Also, petition of A. J. Barnes, formerly Indian agent in the State of Nevada, for relief—to the Committee on Claims.

Also, petition for Congress to grant to the city and county of San Francisco certain land adjoining the Pueblo land of said city—to the Committee on the Public Lands.

By Mr. NEAL: Memorial of Robert B. Crowder, late assistant surgeon Third Tennessee Mounted Infantry, for relief—to the Committee on Military Affairs.

Also, memorial of John B. McGhee, administrator of Ann E. McGhee, for relief—to the Committee on War Claims.

Also, petition of James W. Roulston, praying the reference of his claim to the Court of Claims—to the same committee.

Also, memorial of Hartford Motherly, for a pension—to the Committee on Invalid Pensions.

Also, papers in the claim of William Clift—to the Committee on War Claims.

Also, petition of Elizabeth M. Johnston, for payment for supplies furnished United States Army—to the same committee.

By Mr. NEECE: Petitions of Thomas Marsh and others; of O. E. Wold and others, and of J. B. Danforth and others, citizens of Illinois, relating to coinage of silver, &c.—to the Committee on Coinage, Weights, and Measures.

By Mr. O'HARA: Petition of Edward H. Barnum and Mary A. Russell, heirs of Charles H. Barnum, for reference of their claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, asking for the settlement and payment of claims on account of the soldiers of 1812—to the Committee on Claims.

By Mr. PEEL: Petition of 200 citizens of Benton and Washington Counties, Arkansas, for right of way through the Indian Territory to the Kansas City, Arkansas and Fort Smith Railway Company—to the Committee on Indian Affairs.

By Mr. RANDALL: Memorial of Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, praying for a pension—to the Committee on Invalid Pensions.

By Mr. REAGAN: Petition of E. K. Bearden and 20 others, citizens of Texas, for the continued coinage of silver, and other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. T. B. REED: Petition of Mrs. Hannah B. Hutchins, for a pension—to the Committee on Invalid Pensions.

Also, five petitions of citizens and business men of Maine, namely: C. W. Belknap & Son and 25 others, of James B. Jones and 35 others, of Hanson B. Joyce and 53 others, of Sidney Watson and 24 others, of Charles A. Dyer and 57 others, against the admission by treaty or legislation of Canadian fish free of duty—to the Committee on Ways and Means.

By Mr. RIGGS: Petition of the Louisiana Educational Society, for Federal aid to common schools—to the Committee on Education.

By Mr. ROGERS: Petition of the heirs of Mrs. Maria A. Reinhardt, for compensation for property taken and used by United States Army during the war—to the Committee on War Claims.

Also, papers relating to the claim of Peter Nolan—to the same committee.

By Mr. SKINNER: Petition of W. E. Alexander, guardian of John A. Shaw, minor heir of Joseph B. Shaw, deceased, praying the reference of his claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. SPOONER: Petition of Jeremiah McCarty, for arrears of pension—to the Committee on Pensions.

By Mr. STAHLNECKER: Petition for relief of George C. Ellison, asking for reimbursement of costs and expenses in certain judicial proceedings—to the Committee on Claims.

By Mr. STEELE: Petition of John Wolf and 100 others, of Gra County, Indiana, asking an amendment to the general pension laws to the Committee on Invalid Pensions.

By Mr. SYMES: Concurrent resolution of the Legislature of Colorado, asking that Congress pass a bill creating a public park at Pagosa Springs—to the Committee on the Public Lands.

By Mr. TAULBEE: Petition of James C. Rudd, for rent of building in Owensburg, Ky., for post-office in that place, stated at $3,500—to the Committee on Claims.

By Mr. J. M. TAYLOR: Papers in the claim of Robert Brown—to the Committee on War Claims.

Also, memorial of the Tennessee State Teachers' Association, asking national aid to education—to the Committee on Education.

By Mr. THOMPSON: Petitions of William Rogers, of John Q. Belville, and of Lusetta Spicer, for special-act pensions—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Petition of Daniel Singleton, asking compensation for property taken and used by the United States Army during the war—to the Committee on War Claims.

Also, papers in the claim of A. H. Gardner—to the same committee.

By Mr. VOORHEES: Petition of Clallam County, Washington Territory, for an appropriation of $75,000 for constructing a military road from Dungenness to Neah Bay—to the Committee on Military Affairs.

Also, petition of Henry R. Crosbie, asking for reimbursement of his expenditures in the matter of the disputed claim between Great Britain and the United States with regard to the island of San Juan—to the Committee on Claims.

Also, petition of 211 citizens of Washington Territory, for an appropriation for Gray's Harbor, in said Territory—to the Committee on Rivers and Harbors.

By Mr. WAIT: Petition of Alexander Mack, late captain of maintop, United States Navy, for restoration of pension—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of George C. Arrington, for pay for cotton seized by United States Government—to the Committee on War Claims.

Also, petition of Mrs. C. L. Robinson, for relief—to same committee.

By Mr. WISE: Letter of Appomattox Assembly of Knights of Labor, Virginia, asking that some steps be taken to mitigate the evils and unnecessary hardships in the present method of conducting cotton-mills—to the Committee on Labor.

SENATE.

TUESDAY, *January* 5, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Monday, December 21, 1885, was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 1136 of the Revised Statutes, plans and estimates for the erection of a building at Willets Point, New York, for the use of the engineer battalion; which, with the accompanying papers, was referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of December 21, 1885, certain information regarding an inventory of stores at the navy-yards; which, with the accompanying papers, was, on motion of Mr. HALE, referred to the Committee on Naval Affairs, and ordered to be printed.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of John W. Daniel, chosen by the Legislature of Virginia a Senator from that State for the term beginning March 4, 1887; which were read and ordered to be filed.

DEATH OF GENERAL M'CLELLAN.

The PRESIDENT *pro tempore*. The Chair presents a communication from W. B. Franklin, president of the National Home for Disabled Volunteer Soldiers, Hartford, Conn., notifying the Senate of the death of General George B. McClellan, which event caused a vacancy in the board of managers of that institution.

Mr. EDMUNDS. I move that the communication be referred to the Committee on Military Affairs.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Robert Noble, late of Company A, Nineteenth Regiment of Maine Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Joel M. Sugg, of Hobart, Logan County, Arkansas, praying for a modification of the laws relating to military bounties; which was referred to the Committee on Military Affairs.

He also presented a petition of the Mahoning Valley (Ohio) Wool-Growers' Association, praying for an increase of duty on wool; which was referred to the Committee on Finance.

He also presented the petition of Sarah A. Kelley, of Honesdale, Wayne County, Pennsylvania, widow of Horace Jackson Kelley, late of Company E, One hundred and seventy-seventh Pennsylvania Regiment, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. CALL presented a petition of merchants of New York city, and a petition of cigar manufacturers of Tampa, Fla., praying that the town of Tampa may be made a port of entry; which was referred to the Committee on Commerce.

Mr. MCPHERSON. I present a resolution adopted by the Burlington County Board of Agriculture, of New Jersey, calling attention to the message of the President wherein he refers to the restrictions upon the importation of our pork into France and other countries, and favoring legislation by Congress in order to have such restrictions removed. I move that the resolution be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. MCPHERSON presented a resolution adopted by the Burlington County Board of Agriculture, of New Jersey, favoring such legislation as will elevate the office of Commissioner of Agriculture to the dignity of a Cabinet position; which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the Burlington County Board of Agriculture, of New Jersey, favoring the enactment of such laws as will prevent the transmission of such contagious diseases as pleuro-pneumonia among cattle, &c.; which was referred to the Committee on Epidemic Diseases.

Mr. INGALLS. I present a petition numerously signed by citizens of the city of Washington, praying for the passage of a bill extending the route of the Capitol, North O Street and South Washington Railway Company. The petition is accompanied with certain papers, and I move that they, together with the petition, be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. HALE presented the memorial of N. H. Powers, Ambrose White, and others, citizens of Maine, remonstrating against any legislation providing for the free admission of the products of British or Dominion fisheries; which was referred to the Committee on Finance.

Mr. VEST presented the petition of L. L. McCormick and other citizens of Jasper County, Missouri, praying for such legislation as will place the coinage of silver on an equality with the coinage of gold; which was referred to the Committee on Finance.

Mr. DOLPH presented a memorial of the Legislative Assembly of Oregon, praying that an appropriation be made for agricultural experiments in connection with agricultural colleges; which was referred to the Committee on Agriculture and Forestry.

Mr. MILLER, of New York, presented a petition of Olcott Post, No. 522, Grand Army of the Republic, Milford, N. Y., praying for the repeal of certain pension laws; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the petition of J. H. Peterson and 127 other citizens of Iowa; the petition of John Watts and 141 other citizens of Iowa; and the petition of J. A. Smith and 171 other citizens of Iowa, praying for the passage of an act of absolute forfeiture of the unearned lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company; which were referred to the Committee on Public Lands.

Mr. LOGAN presented a petition of ex-Union soldiers of Lanoke, Ark., praying for the enactment of a law granting the amount of bounties to commissioned officers which was refunded on account of receiving such commission; which was referred to the Committee on Military Affairs.

He also presented a petition of ex-Union soldiers, praying for the repeal of the limitation act regarding pensions; which was referred to the Committee on Pensions.

He also presented the petition of citizens of Plattsburg, N. Y., praying that a pension be granted Patrick A. Callanan, late a private in the First Regiment Massachusetts Heavy Artillery; which was referred to the Committee on Pensions.

He also presented the petition of William B. Cloney, late gunner's mate in the United States Navy, praying to be allowed an increase of pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Clark County, Illinois, praying for the passage of a bill to pension all surviving prisoners of war of the late rebellion; which was referred to the Committee on Pensions.

Mr. COCKRELL. I present a brief prepared by an attorney in support of the bill (S. 292) for the relief of the heirs of colored soldiers who served in the war of the rebellion. I move that the brief be referred to the Committee on Military Affairs for consideration in connection with the bill.

The motion was agreed to.

Mr. HOAR presented additional papers to accompany the petition of Elizabeth O'Callaghan, of Boston, Mass., praying legislation in relation to certain books lost by her in the mails; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Henry Mealsman, late private in Company I, Tenth Regiment United States Infantry, praying that his pension be rated at $24 per month from November, 1880, to August 7, 1884; which was referred to the Committee on Pensions.

WYOMING TERRITORIAL LEGISLATIVE ASSEMBLY.

Mr. HARRISON. I am directed by the Committee on Territories, to whom was referred the bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming, to report it favorably, without amendment; and I ask for the present consideration of the bill, if the Senate will indulge me for a moment.

The PRESIDENT *pro tempore*. The Senator from Indiana asks the unanimous consent of the Senate to proceed with the consideration of the bill at this time. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. I reserve the right to object if the bill takes much time, because I wish to get up the Utah bill. I have no objection to this being considered if it takes no time.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider it.

Mr. HARRISON. I do not desire to detain the Senate. I shall briefly state the history of this matter.

In 1880 Congress passed an act providing for an apportionment for legislative purposes in Montana, Idaho, and Wyoming, the apportionment to be made by the governor and some other of the Territorial officers designated. That apportionment was made in Wyoming, and the Seventh Legislative Assembly met under that apportionment and passed an apportionment bill, which was limited in its effects to the Eighth Legislative Assembly, which succeeded. Now, the Ninth Legislative Assembly has been elected upon that apportionment without any contest or objection in the Territory and is about to assemble. The question has been raised before the Auditor of the Treasury whether, in the absence of an apportionment act by the Legislative Assembly, he can recognize and pay the expenses of the Legislative Assembly which convenes in a few days—I think on the 9th of this month.

Under these circumstances there is nothing to do but to appeal to

Congress to legalize the apportionment. I understand there is no objection to the measure in any way. It is necessary in order that the Legislature may assemble under the forms of law and that the moneys appropriated may be expended to defray their expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PLUMB (by request) introduced a bill (S. 800) to authorize Dr. C. E. Price, assistant surgeon United States Army, to receive pay for discharging the duties of physician to the Hoopa Valley Indian reservation, such services having been performed at the request of the proper officers of the Interior Department; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 801) to pay the Delaware Indians the amount ascertained to be due them for the value of their lands taken for the right of way over their allotted lands by the Leavenworth, Pawnee and Western Railroad Company, or their successors, in the State of Kansas, under the provisions of the treaty of May 30, 1860; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 802) to pay the Delaware Indians the amounts ascertained to be due them for stock under the provisions of the fourteenth article of the treaty of July 4, 1866; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also (by request) introduced a bill (S. 803) granting increase of pension to James D. Verney, late of the Eleventh Regiment Illinois Volunteer Infantry; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 804) to grant to the Kansas City, Fort Scott and Gulf Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SEWELL introduced a bill (S. 805) for the relief of the International Navigation Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 806) granting a pension to Mary B. Holmes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORRILL (by request) introduced a bill (S. 807) for the relief of Frank A. Page; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLAIR introduced a bill (S. 808) granting a pension to Joseph McGuckian; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 809) granting a pension to Richard Riggles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 810) granting a pension to Charles J. Esty; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 811) granting a pension to Mrs. Susan Gilman, widow of Pliny R. Gilman; which was read twice by its title, and, with accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 812) granting a pension to Mrs. E. A. Benham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 813) granting a pension to Miss Rebecca Miller, daughter of General James Miller, of the war of 1812; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 814) granting a pension to Mrs. Adaline M. Putnam; which was read twice by its title, and, with, the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 815) regulating the appointment of assistant naval constructors; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 816) to give the right of trial by jury to claimants of pensions under the laws of the United States whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 817) to provide for the erection of a monument to the memory of Abraham Lincoln; which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 818) to provide for the erection of a monument to the memory of Ulysses S. Grant; which was read twice by its title, and referred to the Committee on the Library.

Mr. PIKE introduced a bill (S. 819) for the relief of Rachael J. Floyd; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 820) for the relief of the legal representatives of Chauncey M. Lockwood; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT (by request) introduced a bill (S. 821) for the relief of James M. Willbur; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 822) authorizing the Secretary of the Interior to pay the pension allowed to Nancy Titus, deceased, mother of Josiah C. Titus, late first lieutenant of Company D, Sixty-second Regiment Illinois Volunteers, to George Titus, the dependent father of said soldier; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 823) granting a pension to Capt. Elihu Jones; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 824) granting a pension to Mrs. Ida Davenport; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 825) granting an increase of pension to Mohammed Kahn, otherwise John Ammahoe; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 826) granting a pension to Charles W. Beeman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 827) granting a pension to George Clark; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 828) for the relief of A. P. Cunningham; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 829) to facilitate promotions throughout the Army by retiring from active service upon their own application officers of the Army who served in the war of the rebellion; which was read twice by its title.

Mr. CULLOM. I may be allowed to state that I am inclined to think a bill similar to this has been introduced in the Senate before; but as it is accompanied by the petition of a large number of officers of the Army praying for its passage, I introduce the bill and move that it be referred, with the accompanying petition, to the Committee on Military Affairs.

The motion was agreed to.

Mr. HALE introduced a bill (S. 830) for the retirement of certain officers of the Navy of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. COKE introduced a bill (S. 831) for the relief of George S. Storrs, of Texas; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

Mr. JACKSON introduced a bill (S. 832) to define and regulate the jurisdiction of the courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MILLER, of New York, introduced a bill (S. 833) to increase the pension for loss of both arms, or both legs, or the sight of both eyes, or other injuries resulting in total helplessness; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 834) for the relief of William Henry Brown; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 835) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 836) for the relief of William M. Shimmins and George H. McPherson; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMDEN introduced a bill (S. 837) for the relief of Catharine E. Lurty; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 838) granting an increase of pension to General B. F. Kelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VANCE. I introduce a bill, which I ask to have committed to the tender mercies of the Committee on Civil Service and Retrenchment.

The bill (S. 839) to repeal chapter 27 of acts of 1883 relating to civil service, was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. MAXEY introduced a bill (S. 840) for the relief of H. J. T. Moss; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. LOGAN introduced a bill (S. 841) conferring military rank on telegraph operators in the military service; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 842) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Education and Labor.

He also introduced a bill (S. 843) granting a pension to Elise Burki; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 844) creating a commission whose duty it shall be to inquire into and report upon the material, industrial, and intellectual progress made by the colored people of this country since 1865, and making appropriations for the same; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 845) for the relief of telegraph operators during the war; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 846) to establish a national university; which was read the first time by its title.

Mr. INGALLS. I ask that the bill may lie on the table and be printed. I shall take occasion, subsequently, to submit some observations on the bill, and shall then ask its reference to the Committee on Education and Labor.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

Mr. INGALLS introduced a bill (S. 847) to divide the State of Kansas into two judicial districts, fixing terms of court, and for the appointment of judges and other officers therein; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 848) to amend the law in the District of Columbia in respect of the devise of real estate; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 849) to authorize the Rio Grande, Mexico and Pacific Railroad Company to purchase ten acres of land on the Fort Cummings military reservation in New Mexico; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 850) for the relief of Thomas M. Hachett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 851) to amend the charter of the Metropolitan Railroad Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 852) to provide for eight magistrates for the District of Columbia, who shall have civil and criminal jurisdiction as herein provided; to define the jurisdiction, powers, and functions of said magistrates; and to abolish the police court and office of justice of the peace in and for said District; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 853) granting a pension to Reuben Crowday; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 854) granting a pension to Frederick Bottjer; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 855) for the relief of David Armstrong; which was read twice by its title, and referred to the Committee on Claims.

Mr. PAYNE introduced a bill (S. 856) to provide for the erection of a public building in the city of Dayton, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HARRISON introduced a bill (S. 857) granting a pension to Dudley B. Branch; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 858) granting a pension to Sampson S. Skirvin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 859) granting a pension to Charlotte O'Neal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 860) granting an increase of pension to John N. Runyan; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 861) granting a pension to John B. Skaggs; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 862) granting a pension to Matilda Ann Wiley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 863) to set apart a certain tract of land lying on the Colorado River of the West, in the Territory of Arizona, as a public park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DOLPH introduced a bill (S. 864) to grant a pension to Mrs. Martha F. Woodrum; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 865) for the relief of Mrs. Sarah E. Willard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 866) to pay the citizens of Oregon for supplies audited by Philo Callender; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 867) to amend section 714 of the Revised Statues; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONES, of Arkansas (by request), introduced a bill (S. 868) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 869) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases; which was read twice by its title.

Mr. JONES, of Arkansas. The bill relates to a matter in which the Committee on Claims is peculiarly interested, and I should be glad to have that committee pass on the bill first, and then, if it is deemed proper to have it considered by the Committee on the Judiciary, a reference to that committee may be made.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims, if there be no objection.

Mr. CALL introduced a bill (S. 870) to provide that where any railroad property is taken into the possession of any United States court, and the said railroad shall not have been completed, the net earnings of said railroad shall be applied to the completion of the same; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 871) for the forfeiture of the land granted to the State of Florida for the construction of certain lines of railroad in that State; which was read twice by its, title and referred to the Committee on Public Lands.

He also introduced a bill (S. 872) authorizing the Secretary of War to purchase a lot in the city of Jacksonville, Fla., for military purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 873) for the retirement of judges of the district or circuit courts of the United States on account of disability; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 874) for the establishment of a seacoast telegraph line to Jupiter Inlet, Florida, and a signal station; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 875) for the relief of the heirs of John S. Sammis, of Florida; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 876) to require the claims of the subjects of Spain and the citizens of the United States arising under the treaty of 1819 to be submitted to some foreign government, and that the President of the United States be authorized, with the consent of the King of Spain, to select such umpire; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. BROWN introduced a bill (S. 877) for the relief of Robert H. Anderson, of the State of Georgia; which was read twice by its title.

Mr. BROWN. The bill is intended to remove the political disabilities of General Anderson. I have here his petition, which I desire to present also, and move that it be referred, with the bill, to the Committee on the Judiciary.

The motion was agreed to.

Mr. MANDERSON introduced a bill (S. 878) to amend the act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 879) for the relief of A. G. Shaw; which was read twice by its title, and referred to the Committee on Claims.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 880) granting the right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 881) for the relief of Abram G. Hoyt; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 882) to equalize the pay of graduates of the Naval Academy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. TELLER introduced a bill (S. 883) to provide for the compulsory education of Indian children; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 884) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 885) to relieve the State of Colorado from charges on account of ordnance stores furnished the State and Territory; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MORGAN introduced a bill (S. 886) to substitute silver dollars, in part, in the place of gold coin and currency, in several reserved funds held in the Treasury; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 887) for the relief of William H. Whiteside & Co., of Camden, Ark., or their assignees; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 888) for the relief of Martin E. Smith; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEORGE introduced a bill (S. 889) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 890) to enlarge the powers and duties of the Department of Agriculture; which was read twice by its title, and referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL introduced a bill (S. 891) granting a pension to Geriah Collins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 892) granting a pension to David McKinney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 893) granting a pension to John T. Pennington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 894) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrence, Snowden & Mason, and the executors of Donald McKay, the Atlantic Works, Jeremiah Simeson, Curtis & Tilden; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 895) granting a pension to Rachel Fleming Cellar; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 896) granting a pension to Joseph A. Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 897) for the relief of John Kouns; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 898) granting a pension to William A. Penfield; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 899) granting a pension to Thomas G. Newman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 900) granting a pension to William R. Blevins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 901) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 902) confirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, for manufacturing purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VANCE introduced a joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced a joint resolution (S. R. 20) authorizing the preparation of a compilation of the reports of committees of the Senate and House of Representatives; which was read twice by its title, and referred to the Committee on Printing.

Mr. HOAR (by request) introduced a joint resolution (S. R. 21) defining the status of medical officers in the Army of volunteer service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CALL introduced a joint resolution (S. R. 22) authorizing the Postmaster-General to pay increase in salaries of postal clerks of railway mail service, classes 4 and 5; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PRINTING OF BANKRUPTCY BILL AND INDEX.

Mr. HOAR. On the last day before the holiday vacation I reported by direction of the Judiciary Committee a bill (S. 714) to establish a uniform system of bankruptcy throughout the United States. An index to that bill has been prepared by the clerk of the Committee on Privileges and Elections, which it will be very convenient for Senators to have. I lay before the Senate a copy of the bill with the index, and move that the bill be reprinted, with the index, for the use of the Senate.

The PRESIDENT *pro tempore*. That request will be considered as agreed to if there be no objection. The Chair hears none.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PLATT, it was

Ordered, That the papers in the case of James M. Willbur be withdrawn from the files of the Senate and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. MORRILL, it was

Ordered, That the papers in the case of Frank A. Page be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. GEORGE, it was

Ordered, That the papers pertaining to the claim of the Protestant Orphan Asylum of Natchez, Miss., be taken from the files and referred to the Committee on Claims, there having been no adverse report thereupon.

On motion of Mr. PIKE, it was

Ordered, That the papers now on file in the claim of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon be taken therefrom and referred to the Committee on Claims, there being no adverse report.

SPANISH CLAIMS UNDER FLORIDA TREATY.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate, That the President of the United States be, and is hereby, requested to submit the demands of the Spanish Government for carrying into effect the treaty of 1819 for the cession of Florida and the payment of claims arising under said treaty to the arbitration of some foreign government, to be selected by him, as umpire between Spain and the United States; and that the payment of said claims be referred to the decision of said umpire, who shall be chosen with the consent of the Government of Spain.

THE COLUMBIA RIVER.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the Columbia River is, with the exception of obstructions at the Cascades, distant from its mouth 160 miles, for a distance of about 5 miles, and further obstructions at The Dalles, distant from its mouth 220 miles, for a still greater distance, navigable for large-draft steamers from the sea to a point inland distant 1,032 miles, with tributaries aggregating over 300 additional miles of navigable waters; and

Whereas a canal and locks are now under process of construction by the United States Government around such obstructions at the Cascades; and

Whereas said Columbia River and its navigable tributaries drain an extent of country unsurpassed in agricultural, grazing, and mineral productiveness, capable of producing from sixty to eighty millions of bushels of wheat annually, an area of country in geographical extent equal to one-twentieth of the entire area of the United States, as large as Germany or France, and over one-fourth of the area of South America; and

Whereas the commerce of that vast and fertile region is increasing with marvelous rapidity, the custom-house statistics showing that in the year 1881 403 vessels passed out of the mouth of the Columbia River for foreign and domestic ports with cargoes valued at $15,600,000, as against 63 vessels in the year 1880 with cargoes valued at $4,181,352, while the tonnage over the bar at the mouth of the Columbia for the year ending September 30, 1885, was 869,943 tons; and

And whereas it is alleged that freight charges on wheat from The Dalles to Portland, Oreg., a distance of 88 miles, are now 12 cents per bushel of 60 pounds, and from Wallula, Wash., to Portland, Oreg., a distance of 214 miles, 18 cents per bushel, and all other freight charges, it is alleged, are in equal enormous proportions;

And whereas it is alleged such freight charges are exorbitant and ruinous to the producer, and as it is further alleged that the real remedy for this evil is in freeing the Columbia River and its navigable tributaries from obstructions to navigation, and that this work is essentially national in its character: Therefore,

Be it resolved, That the Committee on Transportation Routes to the Seaboard be, and it is hereby, instructed to inquire into these alleged grievances both as to their existence and the proper measures of relief, and also as to the importance of the speedy completion of the canal and locks at the Cascades of the Columbia and the means proper to be adopted to overcome the obstructions to navigation at the Dalles of the Columbia, and to report by bill or otherwise at the earliest practicable period.

FISHING RIGHTS UNDER TREATY OF WASHINGTON.

Mr. FRYE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be, and he hereby is, requested, if not incompatible with the public interest, to transmit to the Senate any and all correspondence and information in the custody of the State Department relative to the extension of certain fishing rights and privileges under the treaty of Washington from July 1, 1885, to January, 1886.

EXTENSION OF EXTRADITION TREATIES.

Mr. HOAR. I ask for the adoption of the following resolution:

Resolved, That the President be requested to take measures for revising and extending the extradition treaties now existing between the United States and foreign countries, so as to secure the return to the United States of persons guilty of embezzlement and other breaches of trust.

Mr. President, I suppose the Senate will be unanimous in its desire that some proper treaty provisions should be made to secure the return to the United States of persons who have been guilty of what by the law of nearly all our States is larceny, or tantamount to larceny, the embezzlement by cashiers of banks and other persons to whom funds are committed in trust, or who have access to them, who find an asylum in foreign countries, especially in Canada. But as it may be desired possibly on reflection to couple some other matters with the resolution before it is adopted, I shall for the present move its reference to the Committee on Foreign Relations.

The motion was agreed to.

WASHINGTON STREET-CAR LABOR, ETC.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Education and Labor be directed to inquire how many hours are exacted per day from men and boys in the employ of the street car or other corporations in the District of Columbia; whether, in the judgment of the committee, the labor so demanded is unreasonable and inconsistent with former acts of Congress; and, if so, to report by bill or otherwise what remedy is necessary.

DELAWARE INDIAN CLAIMS.

Mr. PLUMB submitted the following order; which was agreed to:

Ordered, That the Secretary of the Senate request the Chief Clerk of the House of Representatives to send to the Senate the papers in the matter of the claims of the Delaware Indians for the value of their lands taken for the right of way over their allotted lands by the Leavenworth, Pawnee and Western Railroad Company, and for the amounts ascertained to be due them for stock under the provisions of the fourteenth article of the treaty of July 4, 1866.

STATUE OF JAMES A. GARFIELD.

Mr. SHERMAN (Mr. HALE in the chair). I desire, before submitting a resolution, to have read a communication from the governor of the State of Ohio.

The PRESIDING OFFICER (Mr. HALE in the chair). The communication will be read.

The Chief Clerk read as follows:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF GOVERNOR,
Columbus, December 10, 1885.

SIR: I have the honor to inform you that, in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the State of Ohio, in pursuance of an act of its General Assembly, has caused to be made by the sculptor Carl H. Niehaus, and placed in the old Hall of the House of Representatives, in the Capitol of the United States, in the custody of the Architect of the Capitol, a marble statue of that illustrious and lamented citizen of Ohio James A. Garfield, late President of the United States.

This work is now presented to the Congress of the United States as one of the statues contributed by the State of Ohio in pursuance of this invitation. It is hoped that it may be found worthy of acceptance and approval as a fit contribution from this State to the United States, in whose service President Garfield passed so much of his life and whose chief executive officer he was at the time of his death.

Very respectfully,

GEO. HOADLY,
Governor of Ohio.

Hon. JOHN SHERMAN,
President of the Senate of the United States,
Washington, D. C.

Mr. SHERMAN. In connection with that communication I submit concurrent resolutions.

The concurrent resolutions were read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor, and through him to the people, of Ohio for the statue of James A. Garfield, whose name is so honorably identified with the history of that State and of the United States.

Resolved, That this work of art is accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives, already set aside by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Ohio.

The Senate, by unanimous consent, proceeded to consider the resolutions.

Mr. SHERMAN. Mr. President, in selecting from among the illustrious dead of the State of Ohio the two most worthy to be represented by marble statues in the old hall of the House of Representatives, it seemed to the General Assembly of that State appropriate, first of all, to choose the statesman, soldier, and President whose brilliant life and tragic death have made his name "familiar as a household word," not only in every part of our country, but throughout the civilized world. His recent presence among us, his conspicuous services in the House of Representatives, the impressive ceremonies in this Capitol which within five brief years attended his inauguration as President of the United States, his long and patient suffering under a mortal wound by an assassin, the eloquent words of his nearest friend, uttered in the presence of nearly every member of this body and within the Hall where both had gained their highest fame, make the duty assigned me seem superfluous. Still it may not be amiss to accompany the acceptance of the statue of James A. Garfield with a brief statement of the grounds for the affection and respect with which his memory is held by the people of Ohio.

He was, in every sense, a self-made man, blest, it is true, in springing from a line of hardy and industrious farmers of Puritan stock, who depended only upon themselves and their God. Yet the early life of young Garfield was a constant struggle with poverty. By the death of his father when an infant he, the youngest of four children, was left under the care of his mother in possession of a farm of thirty acres, mostly covered by primeval forest, in a then new and sparse settlement of Northern Ohio. He had to suffer the discipline of hard daily labor and enforced economy. In this respect he was not different from the great majority of his neighbors, who, like himself, found the healthy and vigorous training by labor in early life the best preparation for the mental as well as the physical tasks of later life. Even as a lad he never forgot that it was his duty to learn as well as to labor. There was in those days no easy road to learning, but, availing himself of the intelligent tuition of his mother and occasional schools in his neighborhood, and always imbued with the love of study, he made rapid progress, and early in life became a teacher as well as a student. He was not satisfied with this, but, saving his scanty pay for labor in the harvest-field and in many varied manual employments, he attended the seminary at Chester and the college at Hiram, and finally at Williams, Mass., where, in a broader field and greater competition, he gained the honors of his class. His education did not end here, for he returned to the Hiram Institute as professor of languages and soon became its president. The result was that before he entered upon his public life he was a thoroughly educated man, not merely in the lessons of the school and the college, not merely in literature and science, but also, by extensive reading and study, in all the historical and political questions of the day, in the development of which he was to take so active a part. All this varied learning was ground into him and fitted for use by his experience as a laborer, a teacher, a preacher, a professor, and president of a college.

When he entered public life in 1859, at the age of twenty-eight, as a member of the senate of Ohio, he was well equipped for all the great duties that were to fall upon him; but, not content with this, while serving as Senator he studied law and was admitted to the bar.

At this period of his life came the great tragedy of the civil war. His heart and soul and every fiber of his body was enlisted in the Union cause. His speeches at that time were models of the persuasive eloquence that distinguished him in his later years. He was chiefly instrumental in raising and preparing for service a regiment of Ohio infantry, of which he became colonel.

In the two years he remained in the military service he distinguished himself and was promoted for gallant services in battle to the rank of brigadier and then major-general. I do not regard his service in the Army as anything more than an honorable episode of his active life, for others gained greater distinction and rendered more important services, but he did demonstrate his ability to lead and command men, to inspire the confidence of his superior officers, and to show on several important battle-fields his personal courage.

His military services were chiefly important in giving him information as to the wants and organization of the Army that became useful to him and to the Union cause when applied in Congress in framing laws for the increase and government of the Army.

His enduring fame will chiefly rest upon what he did during the period of eighteen years as a member of the House of Representatives. While he was in the field, and without an effort or wish on his part, he was elected as a Representative in Congress from a district in Northeastern Ohio which had been represented for nearly half a century by Elisha Whittlesey and Joshua Giddings. It was as their successor that, during nine consecutive Congresses, from 1863 to 1881, he made that record which is the great glory of his life.

What an infinite variety of subjects, what magnitude of detail and results, what immense sums and difficult problems were acted upon by him, no one can tell who has not examined his share of the record of the proceedings of Congress. These events are too fresh in the minds of those who hear me, many of whom have also been active in these busy scenes, to make it necessary for me to measure and gauge the value of his services, compared to that of any one of his colleagues; but I do not now recall any from among his distinguished compeers who will not frankly say that in variety of duty, in labor and care and earnest effort in his speeches and in action, no one of all can be said to have been his superior.

Many of his speeches may be regarded as models of effective eloquence. They presented frankly the arguments on the topic under debate, but always were enriched by apt metaphor, by illustrations drawn from other topics, by poetical or classical quotations. Even his impromptu speeches display the rich storehouse of learning from which he drew his inspiration. Courteous in manner, and rarely, if ever, trenching on the rules of order, he often expressed in a single sharp sentence or phrase the whole argument that silenced his opponent. He was always a ready speaker; ready promptly to reply to an argument of an adversary without waiting to cull his phrases or arrange his order of battle; ready, whatever was the subject-matter of debate, whether finance, war, reconstruction, or a graceful tribute to a friend; ready, even at the spur of the moment, to resist and check the hasty judgment of his friends or his constituents, or all combined.

In principle he was in every sense a patriot. No narrow limit confined his allegiance, but the whole country was the object of his love. He did not favor any section, but freely extended the bounties of Government to every part. He was a lover of liberty, of freedom in its broadest sense, not only of the person, but of thought and of speech. Though a member of the Disciple Church, he was catholic in his charity for all Christian denominations. He was a strict guardian of the public faith, pledged either to a citizen, a soldier, or a creditor. When that faith seemed to be impaired by the long suspension of specie payments, he was as earnest as any in demanding the fulfillment of a national duty, and rejoiced as much as any in resumption. A striking example himself of the benefits of education, he favored every measure to extend and enlarge the scope of both State and national aid to education. He was a Republican, not in the narrow sense of personal advantage, but because he believed that party could best advance the honor and prosperity of our whole country, and of every part of it.

During his last term in Congress he was elected by the General Assembly of Ohio as a member of this body. No one can doubt that had he entered upon this service he would have greatly added to his reputation as an orator and a statesman, already established by eighteen years' experience in the House. This was his cherished hope and ambition, frankly expressed to his personal friends, justified by his physical and mental condition and training, in the prime of manhood, his early and later struggles behind him as obstacles safely overcome, with

hope and health and strength all pointing in the future to a long life of honor and usefulness.

Within a few months after the election of General Garfield as Senator, and before the commencement of his term, the Republican national convention of 1880 met to select a candidate for President of the United States. Divided and distracted in its choice, it turned to him as its standard-bearer, and he was elected President by the unquestioned majority of the electoral college and of the people. He entered upon the discharge of the great duties of this office. He met and overcame the first waves of contention and disappointment which are inevitable at the beginning of any administration, and hopeful and confident, at the moment when his life was most full of promise, when he was starting to visit his *alma mater* and to encourage by his example and great success the youth of that college, he was mortally wounded. He ended his hopes and his life, for, though he lingered months and days, it was with torture infinite.

The people of Ohio, among whom he was born and bred, placed his image in enduring marble in the silent senate of the dead, among the worthies of every period of American history, not claiming for him to have been the greatest of all, but only as one of their fellow-citizens, whom, when living, they greatly loved and trusted, whose life was spent in the service of his whole country at the period of its greatest peril, and who, in the highest places of trust and power, did his full duty as a soldier, a patriot, and a statesman.

I move the adoption of the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolutions submitted by the Senator from Ohio.

The resolutions were agreed to *nem. con.*

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on the 26th day of December, 1885, approved and signed the following bills and joint resolution:

An act (S. 118) for the relief of Alexander R. Lawton, of the State of Georgia;

An act (S. 580) granting a pension to Julia D. Grant; and

Joint resolution (S. R. 1) filling existing vacancies in the Board of Regents of the Smithsonian Institution.

COIN DUTIES ON IMPORTED GOODS.

Mr. EDMUNDS and Mr. GRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. EDMUNDS. I presume my friend from Delaware has a resolution to offer. I rose to move the consideration of a bill. I give way to the Senator from Delaware.

Mr. GRAY. Mr. President, if it is the pleasure of the Senate I shall move to-morrow or some other early day—to-morrow if it is agreeable to the Senate—to take up the resolution offered by the Senator from Kentucky [Mr. BECK] on the 18th of December, pending the consideration of which the Senate adjourned for the holidays. I now give notice to that effect. My purpose is to submit some remarks on that resolution.

Mr. BECK. As the Senator from Delaware proposes to call up the resolution I offered, I should be glad to know what is the status of it. I think it is still before the Senate. The Senator from Vermont [Mr. MORRILL] made a motion that I did not hear at the time, and I did not quite understand its effect when I saw it in the RECORD—a motion of reference.

The PRESIDENT *pro tempore.* The resolution of the Senator from Kentucky is upon the table and a motion is pending to refer it to the Committee on Finance. That motion has not been acted on.

Mr. BECK. That leaves it in a proper shape to be called up. I was not sure about that, and hence my inquiry. May I be allowed to call the attention of the Senator from Vermont to a remark he made? I ask if after looking over what I said the other day he does not now feel that it was a somewhat harsh remark which he made in regard to what I said?

Mr. MORRILL. I take pleasure in saying that I did misunderstand the Senator in his reference to the President of the United States and the Secretary of the Treasury where he used the words:

> The present crusade against silver is only another evidence of the audacity of the organizations of wealth; they have always secured all they demanded, however unjust their demands; they have succeeded in alarming the President and the Secretary of the Treasury.

I understood the Senator to use a much rougher word than "alarming," and I take pleasure in saying now that I did an injustice to the Senator so far as that was concerned.

In relation to another part of the reference that I made I stated this:

> I regret that the Senator from Kentucky should represent the Secretary of the Treasury as being little better than a common thief.

The precise language used by the Senator from Kentucky was this:

> The thief who steals and squanders an unneeded surplus locked up in the Treasury vaults would inflict less injury on the country and its business if the money he stole was put in circulation than a Secretary who holds and hides in vaults currency which the people want and refuses to use it to pay the debts, especially interest-bearing debts, which the men who own this money owe.

It seems that the Senator from Kentucky did not refer to the Secretary of the Treasury personally as a thief, but merely represented that in his policy he was inflicting greater injury than the thief who should steal money and put it into circulation.

Mr. BECK. I knew the Senator from Vermont would do me justice when his attention was called to the matter. I did not hear his remarks the other day. I heard him move to go into executive session. I knew he desired to take up the question of Mr. Bigelow's confirmation, which was thought to be of importance at the time; but he spoke in a low tone, and I did not know what he said about me until I saw it in the RECORD after we adjourned. I only desire to say now that I made no personal attack on the President or the Secretary of the Treasury or anybody else; but I intended to say that the effect of looking up the surplus money in the Treasury would be quite as well illustrated, or perhaps more forcibly, if, instead of supposing a thief had stolen it, I had said a cyclone or a tornado had come and blown away all the vaults of the Treasury and scattered the money to the winds and the people should have gathered it up and put it in circulation, it would have been better than to keep it locked up. That was all I intended to say. I believed it then, and I do not know but that I believe it now, though it is a rather strong form of expression. I only desired to make the record correct.

ALLOWANCE OF PENSION CLAIMS.

Mr. EDMUNDS. I move to proceed to the consideration of Senate bill No. 10.

The PRESIDENT *pro tempore.* Before the Senator submits that motion it is the duty of the Chair to lay before the Senate the unfinished business, pending which the Senator from Vermont——

Mr. EDMUNDS. The unfinished business does not come up until 2 o'clock.

The PRESIDENT *pro tempore.* There is a resolution lying over that comes up under the rules at the close of the call for resolutions.

Mr. EDMUNDS. I thought as it was after 1 o'clock I was entitled to make my motion; but I will not insist on it.

The PRESIDENT *pro tempore.* The resolution will be read, after which the Chair will entertain the motion.

The Chief Clerk read the resolution submitted by Mr. HARRISON December 21, 1885, as follows:

> Whereas it is stated in substance in the last annual report of the Commissioner of Pensions that under the administration of his predecessors, or some of them, in that office, other tests than those of the law were applied to applications for pension, and that applicants were required to show, in addition to service in the field, submission to and support of a party before pensions were granted: Therefore,
>
> *Resolved*, That the Committee on Expenditures of Public Money is hereby directed to inquire into said statements and to report the facts to the Senate. Said committee is authorized to send for persons and papers and to employ a stenographer.

Mr. HARRIS. I ask the Senator from Indiana to allow that resolution to go over this morning because of the absence of his colleague, who, I chance to know, desires to submit an amendment to the resolution.

Mr. HARRISON. I make no objection under the circumstances.

The PRESIDENT *pro tempore.* The resolution will lie over if there be no objection. The Senator from Vermont [Mr. EDMUNDS] moves that the Senate proceed to the consideration of Senate bill No. 10.

The motion was agreed to.

POLYGAMY AND AFFAIRS IN UTAH.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Mr. EDMUNDS. There is a misprint in line 5 of section 8. It reads "votes." It should read "voters." I ask to have that corrected.

The PRESIDING OFFICER (Mr. HALE in the chair). The correction will be made if there be no objection.

Mr. EDMUNDS. There is another misprint in line 3 of section 18. The word "offices" should be "officers."

The PRESIDING OFFICER. The correction will be made if there be no objection.

Mr. EDMUNDS. In section 16, line 4, I wish to move a mere amendment of phrase to make the meaning a little clearer. I move to insert after the word "corporation" the words "mentioned in the preceding section," so as to read:

> That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation mentioned in the preceding section and pay the debts and to dispose of the property and assets thereof according to law, &c.

The amendment was agreed to.

Mr. EDMUNDS. In section 20 there is either a misprint or a clerical error at the end of line 1. The word "commits" should read "commit," to make it grammatical.

The PRESIDING OFFICER. That correction will be made if there be no objection.

Mr. HOAR. I move to amend the bill by striking out the seventh section.

The PRESIDING OFFICER. The Senator from Massachusetts moves to amend the bill by striking out section 7, which will be read.

The Secretary read as follows:

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

Mr. HOAR. I approve the purpose of this bill, and I approve the method by which the bill seeks to effect its purpose, with the exception of the seventh section. It seems to me that that is a violation of sound legislative principle. It is an undertaking to put into the statutes of the United States a deprivation of a certain class of persons, described by a class, of a right of suffrage which they now enjoy, because of the assumption or presumption that persons belonging to that class will entertain and act upon certain opinions.

If Congress propose to say that no Mormon, no person who is a Mormon in religious belief or who entertains the opinion in regard to the lawfulness of plural marriages which the Mormons entertain, should be permitted to vote, that is one thing; but that is a thing which this bill does not undertake to do. We deal with certain conduct and punish it, but nowhere in our legislation so far as I am aware will be found any attempt to say that a man of any mere opinion except as it finds effect in act shall be punished either as a criminal or by the deprivation of political privileges. We do not, therefore, undertake to say to the male Mormon, to the man, you shall be deprived of political privileges, either of holding office or of voting, because of your opinion in regard to this pestilent heresy, as we deem it, which is so opposed to the purity of the marriage relation on which all our institutions depend; but the bill does undertake to say that to women.

Now, if Congress in passing this bill into legislation chooses to say that woman suffrage shall not exist in any Territory of the United States, that also, whether it is to be approved or disapproved, is intelligible, and it rests upon an opinion which those who do not share it can at least understand. But it does not do that. On the contrary, woman suffrage exists in the Territory of Wyoming and the Territory of Washington, and the testimony of the most thoughtful and careful observers is that it is a great success. The remarkable testimony of Governor Warren, late governor of the Territory of Wyoming, and of Chief-Justice Green, one of the ablest, most conscientious, and most highly respected jurists of the country, a man who would be an ornament to any bench, whether the Supreme Court of the United States or any other, is in favor of the success of the experiment in the Territory of Washington, in its effect upon legislation, upon politics, and upon the administration of justice.

Now if we do not think so, and if we choose to say that in no Territory of the United States shall suffrage by women be permitted, let us say so fairly and frankly and honestly; but, refusing to occupy that ground, saying that whatever may be the opinion of the individual members of Congress as to the wisdom of woman suffrage as a policy it is a thing to be left to the people of the Territories and the people of the States as a matter which comes within the domain of local self-government, even in the Territories over which we exercise a certain supreme legislative control—saying that as a general rule, it seems to me that we ought not to undertake to violate that principle in dealing with the Mormons in Utah.

This bill and the act to which it is an amendment go far enough in a good many directions to suggest a pretty anxious inquiry whether it does not step over the line which fairly should bound the exercise of legislative authority over the Territories. I do not think that it crosses that line. I think that the author of this bill has judged with great sagacity, is right in the belief that so far as the powers lodged in Congress can be exercised without passing that line, their exercise is imperatively required and demanded at our hands in reference to this great menace to the purity of republican institutions and the purity of the marriage tie itself; and I have no criticism to make, but the criticism will be made elsewhere that we have gone up to the limit and if the limit were more remote we would go up to that limit. But I can not see and I have not heard any logical statement which would justify the introduction of this section into the bill. You are saying that a woman, if she be anti-Mormon if she agree in opinion with the author of this bill in every particular or with every Senator who shall vote for it, she being now clothed by a lawful exercise of the authority of the people of that Territory with the right of suffrage, shall be deprived of it, merely because it is expected or anticipated that some other woman, if she have the right of suffrage, will exercise it in a manner detrimental to the public interest and contrary to the opinion of the persons who exercise the law-making powers here. It seems to me that is a violation of the sound and fundamental principles of legislation.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. The hour of 2 o'clock has arrived and it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

Mr. EDMUNDS. I move to proceed with the consideration of this bill, No. 10. We can finish it in a little while.

Mr. HOAR. I should prefer, and I have no doubt it will be quite as agreeable to the Senator from Vermont, that this matter should proceed by unanimous consent so that the other bill may hold its place.

Mr. EDMUNDS. I have no objection to that.

Mr. HOAR. I hope the other bill will not be prejudiced in the Senate by supposing it will take a long while. It really has not occupied the attention of the Senate any great while, and can soon be disposed of.

Mr. VEST. If it is agreeable to the Senator from Vermont I wish this Utah bill to go over until to-morrow. I had no idea that it would come up to-day. I do not know whether I shall debate it at all, but as a member of the Judiciary Committee I can not give my consent to all its provisions. As a matter of course if the Senator deems it proper to press the bill now, a majority vote can do it.

Mr. EDMUNDS. If I can have an understanding that we can get it up to-morrow immediately after we are through with the morning business, and get on with it and stick to it, I certainly should not object; but I should like the unanimous consent of the Senate to occupy four or five minutes in reply to my friend from Massachusetts before the bill goes over.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the unanimous consent of the Senate to lay aside informally the pending business with a view to proceed with the consideration of the bill taken up on his motion. Is there objection? The Chair hears none.

Mr. EDMUNDS. After I have said the little I have to say, I shall not object to my friend from Missouri having the bill go over until to-morrow, with the understanding and expectation that we shall get on with it then.

I wish to say in reply to the Senator from Massachusetts that section 7 of this bill is proposed without regard to what his opinions or mine may be on the propriety of extending the suffrage to women, and, so far as I am concerned, whenever the women of the United States or of any one of the States, a majority of them, desire to have the suffrage, they will get my vote to have it, either in the State of Vermont or wherever else I may be located. I think it depends, as it ought to depend, upon the general sense that our wives and sisters and sweethearts have of what their political duty is and how they can best fill up their duty toward society; and when they come to the opinion that society will get on better and that they will get on better by entering into the political field, instead of confining themselves to the field in which they are now employed, they will have my aid in obtaining that result.

Now, I do not think this provision violates any principle such as the Senator from Massachusetts seems to suppose. The women of Utah have not now the lawful right of suffrage in the sense of a final and complete law, for the suffrage law of Utah, like every other law of Utah, by the very organic act that creates it only continues to exist until Congress choose to say no. The Territorial laws of Utah are passed subject to the disapproval of Congress. This is one of those laws. Therefore we are not invading any vested right, if you can call a political right a vested one, in resorting to this legislation. Of course that is quite a different question from the intrinsic propriety; but as it regards the violation of any principle in respect to taking away an existing right, we do not violate that principle at all, because we could take away the whole government of the Territory, and as to every Territorial law it is expressly provided in the organic act that it shall hold until disapproved by Congress. Now it is proposed that Congress shall disapprove of this Territorial law. The ground upon which it goes as a matter of propriety, aside from the principle I have stated, is simply this: It is set forth in very few words, but I believe very truly, in the memorial which was presented to Congress in 1883 on the subject of Mormonism, as it is called, in Utah, the union of church and state, the absolute autocratic hierarchy that controls the whole affairs of that Territory as distinguished entirely from anybody's religious belief. In the course of this memorial, which was sent up to us by the Territorial central committee of the liberal party of Utah, representing all the opponents of this system that exists there—I am not now speaking about religious beliefs but the practical system—on this topic they say this, speaking of this hierarchy:

It confers on women the suffrage, and then forces her to use it under the lash of its priesthood to perpetuate their power and her own degradation.

It is to relieve the Mormon women of Utah from the slavehood of being obliged to exercise a political function which is to keep her in a state of degradation, it is to diminish the voting power of this hierarchy; and so far as I know and have heard—and I may say with modesty that I know a good deal and have heard a great deal more concerning the state of things in Utah—there has been no instance in which any anti-polygamy woman in Utah has raised her voice against this provision, which has now been proposed for nearly two years. I believe it safe to say, therefore, that what are called the Gentile women in Utah and that part of the Mormon women who do not believe in polygamy and do not practice it are willing and desirous that Congress should assist in reducing the voting power of this hierarchy by depriving all the women in that Territory of the right to vote for the time being, until we can get society restored to its proper and normal condition; and then, if the people of Utah desire to have women vote, certainly they will not receive any opposition from me.

Mr. HOAR. Mr. President, it seems to me that the Senator from Vermont takes a rather remarkable fashion, looking at it as a matter of

legislative principle, to accomplish his result. He says now that the women there are likely to vote a certain way under the influence of the priesthood, and therefore he leaves the right of suffrage in the priesthood and takes it away from the women! I can not now any better, after having listened to the ingenious explanation of the Senator from Vermont, understand upon what principle of legislative action he justifies the saying that every Mormon man in the Territory shall have the right of suffrage, but a certain class of voters whose suffrages he would not undertake to interfere with by Congressional legislation, whether he approves it or not, shall have a privilege with which they are now vested by law taken from them, because he thinks they will be led to vote the wrong way by the influence of others, the class to whom he leaves it.

Why, Mr. President, just apply this to any other class of the community. The feeling in this country fifteen or twenty years ago in many quarters of it would have found expression quite as strong and decided as that of this memorial, that the voters belonging to the Catholic Church exercised their right of suffrage under the influence of their religious leaders, a charge which you will find running through all the debates of the English Parliament for the last fifty years that the Irish movements there, political and otherwise, were due to the control of the priesthood; but I never yet heard that there, still less on this continent, did anybody propose to take away the vested right of suffrage from a class otherwise entitled to it because he attributed a certain political ascendency or a certain political influence to another class in whom he left the right. Why does not the honorable Senator from Vermont come out and say frankly that no Mormon, no man who believes in plural marriages, no Mormon elder, no teacher in that church shall be clothed with the suffrage? But leaving it to them he undertakes, as I said before, to deprive persons, without regard to their belief in Mormonism, without regard to their marriage relations, Gentiles and Mormons alike, of this right.

The Senator from Vermont says also that it is not correct to speak of it as a right of suffrage, that it is a privilege enjoyed under a law over which Congress has the veto power. It seems to me, with due deference to the Senator from Vermont, that where the existing law has created a certain privilege which has a legal right to be enforced in the way that species of legal right is enforced elsewhere by law, and it exists to-day, it is none the less a legal right because there is some superior paramount authority that has power to interfere and repeal the law or disapprove it. It is the law until Congress acts, and it is just as much a vested right to-day in everybody who exercises it as any right of property acquired under legislation over which the veto power of Congress hangs. It is just as much a right of suffrage as the right of suffrage of any American citizen whatever in any State or Territory, male or female, that may be abridged or abrogated by constitutional changes—constitutional changes in the State subject to the limitations expressed in the United States Constitution, and constitutional changes in the United States Constitution without limit. I suppose that if it were undertaken to attach a property qualification of a thousand or ten thousand dollars for the right of suffrage by a constitutional amendment, it would be an argument we should hear, in addition to the argument on the policy of the change on its merits, that it was a deprivation of American citizens of an existing right. It seems to me this is subject to the same criticism.

Mr. EDMUNDS. Mr. President, my friend from Massachusetts inquires why I do not come out frankly and say that I want to deprive a Mormon of the right of voting because he believes in certain things that I believe to be criminal. I do come out frankly and say that I am not in favor of anything of the kind. This bill and the bill that preceded it and other bills that very likely will follow this until the practice of polygamy is extirpated and it is admitted to be a dead and gone thing, are not based upon the idea of in any manner interfering with the opinions or beliefs of anybody. This bill deals with conduct and states of fact, not opinions, faiths, or beliefs; and as to woman suffrage, it deals not with opinions of priests or people in the sense in which that term is usually understood.

The situation there is unique. These plural wives and the persons under the control of that hierarchy are under an entirely different influence and control from that which affects the females or the males in the Roman Catholic Church, or in the Episcopal Church, or in the Methodist Church, or in any other church. It comes nearer to a state of serfdom, as these gentlemen, from every one of the counties in Utah composing this central committee of the whole body of the people there opposed to polygamy, including Mormons among those who are opposed to it, state; and, therefore, because the case is unique, we deal with the fact, and we will try to get the political power into the hands of those who are opposed to the practice of polygamy by diminishing the voting powers of that hierarchy. That is all there is to it, and it is entirely different from the nature of a vested right of property. My friend says that under the laws of Utah a property right acquired under a statute of that Territory which had not been approved by Congress would be just as much the subject of being destroyed by an annulment by Congress of that Territorial act. I quite disagree with my learned friend. A property right acquired under a statute has then gone beyond the reach of that statute and has separated itself from it. A political right or a civil right which depends upon conventional arrangements is a continuing one. We do not propose to annul the voting that the women of Utah have done hitherto. We only propose to say that for the time being they shall not vote any more. It does not disturb any vested right, unless it is a vested right in a Territory to vote according to the Territorial law when Congress has not yet approved that law, but now proposes to disapprove it.

Mr. HOAR. Mr. President, the Senator from Vermont now avows, it seems to me, very clearly the precise purpose which appeared to me so opposed to sound principle. He has said, if I understood him correctly—and if I misquote him I shall be glad to be corrected—that he proposes to get the political action of that Territory into the hands of persons who are opposed to the practice of Mormonism by the destruction by national legislation of a certain political influence. Well, now, I say that, whether the crime aimed at is murder or treason or larceny or any other of the grossest or most destructive or odious of crimes known to the experience of mankind, no legislative body in a free constitutional country ever before avowed such a purpose, and no legislation can ever stand as a general principle upon such a purpose. I can not put into words a proposition which seems to me, with the very great and profound respect I have for its author, more repugnant to constitutional principles, more repugnant to American principles, more repugnant to the principles of free and civilized self-government, than to say that a legislative body is entitled to undertake to get the political influence of a certain State or body politic subject to its control against something which it dislikes or considers wrong or repugnant by aiming its legislation, not at crime, not at act, but at the exercise of political influence or the exercise of political suffrage.

Mr. BLAIR. Mr. President, in common with many, perhaps, who believe as I do upon the question of woman suffrage, I have from the initiation of this anti-Mormon legislation felt averse to saying anything about that subject in connection with polygamy; and so it has gone on under the supposed necessity that in this legislation the right of women to vote as recognized in that Territory should be struck down, and we have kept silent. The original bill, which I think was introduced and passed in the Forty-seventh Congress, contained this same provision or substantially this provision. It was objected to; I objected to it myself; but the Senate overruled the objection made by myself and others, and the bill passed, including this provision, it being asserted then, as in the last Congress, that unless this provision was contained in the bill the whole legislation would be nugatory. In other words, it was claimed that the right to vote as exercised by Mormon women was the real citadel of the Mormon power. And so, in order that the law itself might not be inefficient, and it being the universal desire of the Senate that the evil should be struck down, silence was in a certain sense imposed on those who opposed this provision.

But now the success of the law seems to be assured; the extirpation of the evil under the legislation which has been enacted appears to be rapidly taking place. It is a question whether any further exercise of legislative power on the part of Congress is called for, whether it be judicious, whether the power of the National Government as against the rights of individuals, the alienable rights of man, has not been asserted and exercised so far as it may safely be with reference to the preservation of the rights of mankind under our Government in the future. Notwithstanding this provision that women shall not vote in the Territory of Utah, it is a fact that every legislator or nearly every legislator in the Legislature of that Territory is a Mormon to-day. The striking down of the right of women to vote has not affected the result of elections in the Territory, and you have a Mormon Legislature there to-day. Whatever has been accomplished by the courts in the extirpation of the evil has been done notwithstanding you have there in the Territory precisely the same obstacles to meet and to contend with as in former times before this legislation existed at all. That is a demonstration that this clause striking at woman suffrage is not necessary, and therefore its original insertion in the bill was not really justified by the exigency of the case.

Now comes this bill asking for further and still severer legislation, if possible, than any which has hitherto taken place. If I am not mistaken as to the historical facts I have stated here, it is wholly unnecessary. It is the assertion of a principle offensive to many Senators and a very large number of the people of the United States of both sexes, without any necessity whatever; and I ask you, Mr. President, and the Senate and the honorable Senator who has charge of this bill why he needs to insist upon this offensive provision. It does him no good. The evil is passing away as rapidly as he can ask it to or as he can expect it to, and this section might as well be dropped.

Now, sir, with reference to the suggestion of the honorable Senator from Vermont that he is in favor of the exercise of the right of suffrage by women when all the women want it, is that any sound principle upon which he can base the assertion and existence of a right? Were men to wait until the sex was unanimous in conferring the right of suffrage before an individual of the sex had a right to claim it? Is it a principle of republicanism that a majority of the men in this country are to say whether or not I shall exercise the right to vote? If there is one woman in this land who wants to have and who already possesses the right to vote, how is it within our power or within the scope of justice that we assert that she shall do so no longer? So the principle upon which the Senator bases his action in reference to the conferring of the right of

suffrage is altogether too narrow; it is unrepublican; it is simply a despotism in form and in principle.

Mr. President, if the reason given for this section is a good one at all, there is no possible reply, and none has been made—and if it were possible to make one the honorable Senator from Vermont could do it—to the position of the Senator from Massachusetts that men who believe and vote the same way should be deprived of the same right. If it is a good cause to deprive a woman who has now the right of voting that she votes to uphold polygamy, it is equally a good cause to deprive the men in that Territory of the same right; and the necessity is the same because it is demonstrated by the previous operation of the law that there are men enough there without the women to choose a Legislature favorable to polygamy and adverse to an execution of this law. The Senator does not seem to have any ground either of principle or necessity, as it appears to me, for insisting on this clause which is so offensive certainly to myself and to a great many others.

While I am on my feet there is one other suggestion which I should like to make in reference to this bill. It is not a matter of such importance as would lead me to oppose its final passage perhaps, but at the same time I am unable to compel the assent of my judgment to the provision in the eighth and ninth lines of the first section of the bill which confers the power of compelling the husband or wife of a person accused "to testify in such proceeding, examination, or prosecution, without the consent of the husband or wife, as the case may be." It seems to me that there is no occasion for invading all the fundamental common law rights that we have supposed to be important and which have built up and strengthened the institutions of society for a thousand years. There is great danger, it seems to me, that in dealing with this evil, which is now passing away, we may assert doctrines that will trouble us in the future.

Mr. WILSON, of Iowa. Mr. President, I believe it is understood that this measure is to go over by common consent until to-morrow. I therefore, in accordance with notice heretofore given, desire to ask the Senate to take up by unanimous consent a resolution introduced by me on the 9th day of December, in order that I may in pursuance of such notice submit some remarks to the Senate on that subject at this time.

Mr. EDMUNDS. Will the Senator from Iowa suspend that for a moment? I wish to say a word in reply to my friend from New Hampshire and then I shall let the bill go over.

Mr. WILSON of Iowa. Certainly.

Mr. EDMUNDS. I have nothing to add at this time in regard to the voting question, but I wish to say to my friend from New Hampshire that I think on reflection he will be satisfied with the provision in the first section of this bill regarding the husband or wife testifying in a case of bigamy, &c., against the other. The committee thought—I believe all of us thought—that it was perfectly analogous to the universal rule that has existed for a greaf many years in all courts of justice, authorizing the husband or wife to testify in a criminal prosecution against the other where the offense was an offense against the person or intrinsic rights of the party concerned, and that being so I think my friend from New Hampshire will see that it falls fairly into that class of cases, and that the wife who is most grossly and wickedly wronged in a case of bigamy should not have her mouth sealed when in a case of simple whipping she would be authorized to come into court and send her husband to jail.

I now consent that the bill may go over until to-morrow.

The PRESIDENT *pro tempore*. The bill goes over under the rules.

UNION PACIFIC RAILROAD COMPANY.

Mr. WILSON, of Iowa. I now ask that the resolution referred to be taken up in order that I may submit some remarks to the Senate in pursuance of the notice already given.

The PRESIDENT *pro tempore*. Pending the bill in relation to the count of the Presidential vote, the Senator from Iowa moves the adoption of a resolution which will be read.

The Chief Clerk read the resolution submitted by Mr. WILSON, of Iowa, December 9, 1885, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company, from date of first appointment of such directors to the present time.

Mr. WILSON, of Iowa. Mr. President, the purpose of this resolution is to put the Senate in possession of each and all of the reports that have been made by the Government directors of the Union Pacific Railroad Company, in order that they may be printed in convenient form for use when we come to the consideration of measures touching the relations existing between that company and others embraced in the Pacific system and the United States. That these relations have reached a stage when some legislative action concerning them must be taken is clearly evidenced by facts which transpired in this body during the Forty-eighth Congress. The bills which were introduced by the then Senator from Arkansas [Mr. Garland] (now Attorney-General of the United States), by the Senator from Vermont [Mr. EDMUNDS], by the Senator from Massachusetts [Mr. HOAR], the Senator from Nebraska [Mr. VAN WYCK], and perhaps others, clearly indicated the gravity of the juncture that had then been reached in the relations indicated. Some of those bills were referred to the Committee on the Judiciary of this body, and it very carefully considered the subjects of which they treated, and made report recommending definite action thereon. Some of those bills have been reintroduced during the present session of Congress; and, doubtless, others relating to the same subject will be presented for the consideration of the appropriate committees and for the action of the Senate. I do not doubt that the reports to which this resolution refers will be of value to us when we come to consider the general subject of the relations existing between the Government and the group of railroad companies composing the Pacific system. This is my reason for presenting the resolution now before the Senate. But before asking a vote on it, I desire to submit to the Senate some observations pertinent to the reports to which it refers, and also relative to the general subject to which they and the bills I have mentioned refer.

Mr. President, at the first session of the Forty-eight Congress the House of Representatives passed a bill "to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of the first-mentioned act." When this House bill was communicated to the Senate it was referred to the Committee on the Judiciary. After due consideration the committee reported it back to the Senate with an amendment in the nature of a substitute, accompanying it with an elaborate report in writing, concluding with a recommendation that the amendment be adopted and the bill passed. On the 30th day of January, 1885, the Senate, on the motion of the Senator from Massachusetts [Mr. HOAR], proceeded to consider the bill, and the Senator submitted some observations explanatory of the bill and amendment. In the introductory part of his remarks he said:

I suppose every Senator has a general knowledge of the history of the Union Pacific Railroad, so called, the line connecting the Eastern States at a point which was then the western extremity of compact settlement, in 1862, with the Pacific Ocean. Congress intended, for reasons which are very familiar and which are stated in the report, to make a great railroad line from east to west, which should be situated among the railroads of the country, having a relation to the transportation of traffic, freight and passengers, east and west, something like that which the Mississippi and Missouri Rivers had north and south, and which they are to have in the future when all the land on their banks is filled with cities, farms, and compact settlements. That was intended to be a great, well-endowed, solvent, independent line, which would be beyond the reach of stock-jobbers or persons who were ambitious to use it for speculative ends, and which would bear to the commerce of the country a relation like that of the Mississippi River or of New York Harbor.

This is a correct statement of the purpose of Congress, and which the act of July 1, 1862, was designed to effect, and possibly no single fact in the legislative history of this country more sharply defines our wondrous progress than does the enactment of that law. Only thirteen years had elapsed since a committee of the House of Representatives of the Congress of the United States had made a report to that body on the proposition of Asa Whitney to construct a railroad from Lake Michigan to the Pacific Ocean, in consideration of certain aid to be granted to him by the Government of the United States. The report was presented to the House on February 20, 1849. It was wholly adverse to the scheme. It treated it as one entirely unworthy of serious consideration. To read that report now one is led to wonder how the public men who joined in it came to have so little knowledge of, and faith in, our country as they evinced. They seem to have had none of that intuition which induced the pioneers to make their ventures in the West; and the report which they made can now be exhibited as one of the curious creations of American statesmanship.

But its assumed demonstration of the utter impracticability of the scheme was accepted as complete by the House; the measure was defeated, and the statesmen of that day congratulated themselves that they had served their country well and put an end to a folly stupendous. And why should they not have been happy and content? For when we turn to the report we find most weighty reasons given in support of its conclusions. An exhaustive examination of the subject had brought the committee to the judgment that such a railroad was wholly impracticable; that a considerable part of the line was too high above the level of the sea; that the snowfall over great districts, which it would have to traverse, could but prevent its operation; that such a road would need a large supply of fuel and there was none to be had on the line; that a large proportion of the country through which it was proposed to build it was a "perfect waste;" that it could have of local traffic but little, and of through business practically none; that it was preposterous to expect to secure for such a road either passengers or freight passing between China, Japan, India, Europe, and this country or other portions of the world; that the annual expense of operating such a road would exceed all of its earnings—in short, that in each and every feature, from beginning to end, inside and out, the whole thing was the dream of an impracticable man; and Congress would have none of it and put upon it the seal of its disapprobation and was contentedly satisfied with its work.

Thirteen years passed by, and in their movements evolved conditions which so perfectly refuted all of the statements, speculations, and ridiculous conclusions of that report that Congress placed on the statute-book of the country the act of July 1, 1862, for the purpose of effecting the object so well stated by the Senator from Massachusetts in the words I have quoted from his speech in explanation of the bill we were

then considering; and thus we come to see how important it is to consider the possibilities of a given case as well as to study its present and apparent facts. But in this regard we must not give too much credit to the Thirty-seventh Congress over the Thirtieth, for the former came near making a mistake which in point of the public interest might have been as serious as the years passed on as was the misconception of the latter of the facts and possibilities of the case with which it dealt ridiculous.

When the bill which became the act of July 1, 1862, was reported from the committee which formulated it to the House of Representatives, it provided for a charter of incorporation in perpetuity, and without reservation of power in Congress to change it. Being then a member of the House of Representatives, it did not seem to me that so great power should be given without limitation; and so, when the bill came up for consideration, I said:

If this bill shall pass there will be conferred upon this corporation an immense power, and it will be not only a commercial power but also a political power in this Government. The amount in lands and bonds that we propose to donate to this corporation—for it really amounts to that—for the purpose of enabling it to build this road will give it immense importance and power. And for the purpose of holding a more decided check upon the organization, I would amend the last section of the bill so as to retain in Congress the reserved rights to repeal this act and take away from the company all the right, privileges, and franchises hereby conferred. I think that is a check which should be retained by the Government upon a corporation of this magnitude. It is our duty to guard the people against any such concentration of power as a corporation of this magnitude would possess uncontrolled by any check of the law-making power upon them.—*Congressional Globe*, second session Thirty-seventh Congress, page 1705.

The result was a modification of the bill reserving the power to "add to, alter, amend, or repeal" the act. But for this reservation of power the act of May 7, 1878, commonly known as the "Thurman act," could not have been enacted and enforced. That act expressly provides in the last section thereof:

That each and every of the provisions in this act contained shall severally and respectively be deemed taken and held as in alteration and amendment of said act of 1862 and of said act of 1864, respectively, and of both of said acts.

And the Supreme Court of the United States in the sinking-fund cases, in which it held the Thurman act constitutional, said:

Congress not only retains, but has given special notice of its intention to retain full and complete power to make such alterations and amendments as come within the just scope of legislative power.

And but for this reservation of power we would now be powerless to enact and have enforced any such legislation as was attempted during the Forty-eighth Congress. For it matters not what opinions we may hold relative to the power of Congress to amend, alter, or repeal special charters, we know what the Supreme Court has decided in that regard, and that to the courts we must look for the enforcement of the laws that Congress may enact.

The Thurman act was well intentioned and has done some good in respect of protecting the public interests. But I think a mistake was made in the theory of that act. I think that the sinking fund should have been established for the benefit of the Government. The subject had been considered and reported on by the Government directors of the Union Pacific Railroad Company before Judge Thurman moved in the matter. From 1869 to 1878 I was a member of the Government branch of the directors of the company, and it so pleased my colleagues to impose on me the duty of preparing the reports which we annually made to the Secretary of the Interior. We gave definite study to the subject of a sinking fund, and presented a scheme for one in our report for 1876, and again treated of it more elaborately in the one for 1877, from which I quote as follows, namely:

The plan suggested by the Government directors in their report for the year 1876 is believed to be a practicable one, which, if adopted, insures absolutely a full return to the Government of every dollar of its investment in the road. That plan differs from all others that have been proposed by the company in two important respects: It proposes to retain the one-half transportation and 5 per cent. modes of payment now provided for, and a termination of the sinking fund at the maturity of the bonds, and security for the remainder due and unpaid at that time, the same to be discharged at the rate of not less than one-tenth per annum. A further consideration of the subject has led the Government directors to the conclusion that the said plan can be modified to some extent without being unduly burdensome to the company in the conduct of its affairs, and shorten the time for the full reimbursement of the Government.

The amount of bonds issued to the company by the United States is		$27,236,512 00
Interest on the same at 6 per cent. for thirty years		49,026,000 00
Total at maturity of bonds		76,262,512 00
Presuming that the United States will receive a judgment on the basis of its claim in the pending 5 per cent. suit, and estimating upon like basis 5 per cent. of net earnings from commencement of suit to June 30, 1877, the Government will receive from that source to said date about	$2,250,000 00	
And will have paid to said date by one-half transportation about	4,273,705 30	
Or a total of		6,523,705 30
Leaving a total remainder of		69,738,806 70
Estimating the annual average arising from half transportation and 5 per cent., on the basis claimed by the Government in the pending suit for the remainder of the term at $1,000,000, we have a total from these sources of		20,000,000 00
Leaving a balance due the Government at the maturity of the bonds of		49,738,806 70

How can the payment of this large amount be provided for? It will not be due, under the law as construed by the Supreme Court, until the maturity of the bonds, when there will also be due the first-mortgage bonds, amounting to $27,232,000, or a total of $77,070,806.70.

This is a sum beyond possibility of payment in money without refunding at date of maturity. And the additional practical fact exists that the the first-mortgage bonds have precedence of the Government lien. The holders of the first-mortgage bonds are amply secured. The Government alone is in danger of loss. Can this danger be avoided? The Government directors think it can be. The establishment of a sinking fund is a practicables cheme, and opens a way out of this difficulty.

A sinking fund, established on the basis of semi-annual payments of $500,000 each, commencing on the 1st of January, 1878, compounded at the rate of 6 per cent. per annum for the term of twenty years, or until the maturity of the bonds, would give a total result to be applied to the payment of the Government claim of $40,418,256.86 and leave still due the Government $9,320,549.84. This balance could be discharged either by the plan suggested in the report of last year, or by the simple operation of the half transportation and 5 per cent. of net earnings, as now provided by law. The adoption of such a plan of adjustment as is here outlined by the Government and the company, with the approval of Congress, would render the payment of the principal and interest of the bonds advanced by the Government absolutely certain. It would be useless to exact more than the company can perform; and it is not unjust to require so much as it can comply with without embarrassing its affairs and depriving the owners of the property of a fair return in form of dividends on the capital invested. It is believed that the company can accept and perform the plan here presented.

The net earnings for the year ending June 30, 1877, were		$8,317,091 58
Annual interest, first-mortgage bonds, is	$1,633,920	
Annual interest, sinking-fund bonds, is	1,146,080	
Annual interest, land-grant bonds, is	586,180	
Annual interest, bridge bonds is	182,320	
Six per cent. dividend on capital stock, $36,762,300, is	2,205,738	
Estimated average amount to Government from half transportation and 5 per cent. of net earnings	1,000,000	
		6,754,238 00
Leaving a balance over for contingencies, extraordinary betterments, &c., of		1,562,853 58

The company's statement of earnings on account of Government earnings for the year ending June 30, 1877, is as follows, namely:

For troops	$218,272 67
For mail	709,955 00
For freight	402,756 42
Total	1,330,984 09
Of this amount the Government is entitled to retain one-half for its reimbursement, under existing law	665,492 04
Amount of 5 per cent. of net earnings for the year, as hereinbefore estimated	329,240 91
	994,732 95

This is within a fraction of the foregoing estimate of the yearly average for the next twenty years. But the account, as charged up for the transportation of the mail, rests upon a basis not agreed to by the Government, and the accounting officers of the Treasury will doubtless reduce the amount charged to an allowance considerably below the claim of the company. A full statement of the controversy between the Government and the company is given in the report of the Government directors for the year 1876. If, from any cause, the estimated average aforesaid should be exceeded, the result will be advantageous to the Government, as it will more speedily receive its reimbursement. The increase in the business, both for the Government and the general public, which will as certainly come in the future as it has in the past, will surely maintain the average stated.

This scheme, had it been adopted, would have extinguished the Government lien at maturity of the longest term bonds issued to the company. But some objected that Congress had no right to appropriate the revenues of the company in this way, and insisted that the first mortgage bondholders would object and restrain such an application of the funds which should go to them. They had no ground for such objection, and could not have interfered with the sinking fund. The property subject to the lien of the first mortgage was ample to secure the bonds, the interest on them was regularly paid, and the holders could have no ground of complaint while such conditions should continue to apply. A fund thus created for the benefit of the Government would have made it the interest of the managers of the company to provide for the payment of interest on the first mortgage bonds; for a default in that respect would have endangered their own personal and private interests in the company and its affairs. It would have caused them to be more circumspect in applying the funds of the company to other enterprises, and might have enforced a reform in the management of its affairs, which was frequently urged by the Government directors.

As early as 1872 the Government directors called the attention of the Secretary of the Interior to the diversion of the funds of the Union Pacific Company to other enterprises, and in their report for 1877 remarked upon the subject as follows, namely:

Upon the subject of the aid extended by the Union Pacific Company to other companies, the Government directors, in their report for 1873, remarked:

"With regard to the advances which the Union Pacific Company has made in aid of the roads mentioned, we can but repeat what we said in our report of 1872: 'We do not question the wisdom of a policy which tends to secure to the trunk line the business which the said several roads may command. It could not well afford to have said business diverted from it. The policy, however, should be so ordered as not to interfere with whatever present or future claim the Government may have for reimbursement.' The ability of the company to make the advances referred to shows that it could have returned more to the Government than it has, and raises the question of the power of the company to divert its means into channels not authorized by the law."

The total advances made, and the companies aided, appear in the following table and those in last year's report:

Investment in Summit County Railroad Company: $134,500 bonds; 622 shares full-paid stock; 2,759 shares assessable stock, and valuable coal-lands. Estimated value and cost, $60,000.

Colorado Central Railroad has been aided to the extent of		$1,610,497 86
Credits secured by Union Pacific Railroad Company		767,156 20
Balance, without interest		843,341 66

The investments in the Utah Central, Utah Southern, and Utah Northern Companies have not been increased during the past year, and remain as stated in the report of the Government directors for the year ending June 30, 1876.

The statement of investments in the Republican Valley Railroad has not yet been received, and will not be in time to be embraced in this report. The Union Pacific Company's investment in this road is regarded as a safe and remunerative one, as very considerable aid has been secured from the counties into which it has been constructed, and the country will supply it with a large local business.

The Utah Central, Utah Southern, and the Colorado Central are the most important of the roads aided. These, and the Utah Northern, are reported quite fully in the reports of the Government directors for the years 1872, 1873, and 1876. The Republican Valley road in Nebraska and the Summit County road in Utah involve investments of more recent date.

Aid to other roads is in contemplation by the company; one to the Black Hills region, and one to secure the business of Montana. The Government directors believe that this policy of the company should at all times be held subordinate to its obligations to the United States.

If the Government had given due attention to the information thus furnished by its directors, and Congress had availed itself of the reserved power to alter, amend, or repeal the charter of the company by the enactment of provisions of law regulating such uses of the means of the corporation, and requiring the delivery to it of the securities representing the diverted funds, the peril of public loss on account of the bonds issued in aid of the construction of the main line of road would not now be near so great as it is. But nothing was done by Congress, and the company went on with its own policy until, as shown by the report of the Government directors for 1884, it has invested its money in and extended its credit to twenty branch lines, aggregating some 2,825 miles, and holds bonds of the several companies amounting to a total of $22,299,000, and of their stock $33,020,700, against an aggregate of bonds issued by the several corporations of $41,399,000, and of stock $41,465,100; and concerning these securities the said report remarks as follows, namely:

All the stocks and bonds reported as the property of the Union Pacific are stated to be held absolutely and not pledged or hypothecated by the company except in three or four practically unimportant instances.

Is not this a most significant and pregnant fact? And does it not suggest that a corporation which can hold as its own property, unpledged and unhypothecated, $55,319,700 of the securities of other companies could have done more than it has toward meeting its pecuniary obligations to the Government, and that it might very well have met promptly the requirements of the sinking fund act of May 7, 1878, and that, too, without obstructing its administration by the interposition of every technicality the ingenuity of its counsel have been able to invent? And does it not further suggest that a present exercise of the reserved power of Congress to amend, alter, or repeal the charter of the company might well be had for the better security of the Government in a manner very different from that proposed by the bill reported during the last Congress, and that, too, without placing at any enlarged hazard the interests of innocent holders of the proper securities of the Union Pacific Company?

Another subject vitally connected with the best interests of the company and, consequently, closely allied with the Government's pecuniary risk in connection therewith, attracted the attention of the Government directors early in the series of years of my service in that capacity. This was the localization of the executive management of the company and its road. We gave close study to the subject, and in our report for 1872 embodied the following observations, namely:

The heads of several departments, such as general superintendent, general freight agent, &c., do not seem to possess the full powers legitimately belonging to them, and if they did each would have quite enough to do in his respective department without looking after duties that pertain to the executive powers of the company. The executive power is held in New York and Boston. Those clothed with it seldom visit the line of the road. While this remains the case there will continue to be that lack of information relative to, and grasp of the facts and data concerning, the real sources of business from which the greater proportionate increase of earnings should be derived, which now forms a just ground of complaint. It is one thing to manage the through business of this line, to care for the general financial interests of the company, and handle and care for its securities on the market; but it is quite a different thing to grasp the sources of its local traffic, and to develop them into ever-increasing streams of revenue. The former can be done in New York and Boston. The latter can only be accomplished on the line by officers clothed with official executive power. We are not disposed to be captious. We have no desire to tread upon even debatable grounds. We have no suggestions to make tending to deprive the stockholders of the railroad company of their just and proper powers; but it seems to us a duty, in view of the great pecuniary interest the Government has in the road, and the benefit which may accrue to it and all concerned to suggest that some reasonable and prudent steps be taken, either by the voluntary action of the company, or, that failing, by prudent legislation, which shall carry the practical executive management of the Union Pacific Railroad to the field of its local operation.

In the report of 1873 we again urged attention to this subject in language which I here quote, namely:

The safety of the Government's investment depends on the future of the road; and we can not urge too strongly that some means be devised for a localization of the executive power of the company. Once this is effected, a multitude of obstacles which now retard and obstruct the development of business throughout all of the vast region of country would disappear, for it needs but an acquaintance with them by persons charged with the responsible executive power of the company for them to be removed out of the way.

Again, in our report for the year 1874, we gave further expression to our views as follows, namely:

We do not hesitate to reaffirm the opinion expressed in former reports of the Government directors, that the Union Pacific Railroad, with a localized business management, with proper and sufficient power, can be made to meet all of the liabilities which rest upon it, including every dollar which the Government has invested in it. Our study of the road, of its ability to develop business in the country through which it passes and in regions tributary to the line, and of the possible large increase in volume of through traffic, both domestic and foreign, only confirm us in the belief that the road can be made to pay in the fullest sense that its obligations may require.

And in concluding that report we said:

As a national investment, we believe that the Union Pacific Railroad, with our suggestion effected, will pay.

We leave the results with those who, under the existing laws of Congress and such amendments as may be enacted, have the power to direct us in our duties.

Still nothing was done in the matter of remedying this great defect in the company's affairs, either by the action of the corporation itself or by means of additional legislation by Congress, and the Government directors, in their report for 1884, refer to this subject, and after quoting from the report of 1872, as already read by me, proceed to comment as follows, namely:

Strange as it may appear in the light of subsequent events, these suggestions were in no wise acted upon until in 1884, when the very results predicted were discovered to have occurred in the extremely unsatisfactory condition of the company's affairs. Policies had been inaugurated, acts directed, and purposes accomplished which had not had the sanction of the local management, while the element of intelligent "local executive power and authority reposed on the line of the road" was wanting. So largely, if not entirely, because of the absence of that mutual familiarity with the actual concerns and requirements of the road, which it was the duty of the executive as well as local management to have had, practices had been permitted to grow up which a conscientious, efficient, and well-informed directory should have prevented—practices of incalculable detriment eventually to the road.

I do not doubt, and no one who from personal contact with the conditions and careful study of the facts involved has come to an understanding of the case can doubt, that an enforcement of the policy outlined in said reports, but which we, as Government directors, had no power to effect, would have placed before us results very different from those which we are now considering. Every man of practical business experience, especially in the line to which this case belongs, will at once admit this proposition, and concede the correctness of the observations which I have quoted from the report of 1872; and when Senators come to consider the foregoing relation of facts, they will not wonder that the Government directors came to believe that they might with propriety remark concerning the inattention accorded to their suggestions. This they did in the report for the year 1877, and which closed the series prepared during my several terms of service as a Government director. In that report we made the following observations touching this matter, namely:

All or part of the Government directors have made at least annual visitations of the entire line of the road. They have made annual reports to the Secretary of the Interior, in which they have endeavored to give full expositions of the road, its condition, of improvements needed and of improvements made, of the things possible to be realized from it, of the policies of the company, of controverted questions both as to accounts and management of the property of the company, of disagreements as to the construction of the laws governing the relations and determining the rights of the Government and the company.

Indeed, it may safely be stated that not a question of controversy between the Government and company has escaped mention in one or more of the reports. The reports from 1871 down to and including the one for 1876, and excluding the present one, reduced to print in the ordinary executive-document form, would cover nearly or quite one hundred and fifty pages. They are filled with information in general and in detail, derived, in great part, from personal contact with the subjects treated of, and made with a purpose to have them as exact as such documents can be made. The filing of these reports has been, practically, their end. In many instances important recommendations have been made, with a view to the better management of the property, its business and affairs. They have rested with the reports.

I regret that these reports in some convenient form are not now in the possession of Senators; for if they were each of you would find that the characterization given to them in the quotation I have just read is fully sustained by their contents. And this constitutes one of the reasons why I desire the adoption of the resolution now before the Senate. Those reports are necessary to a full comprehension of the case on which we may be called to legislate. They will cast no little light on the various questions and movements which have evolved present complications.

Mr. President, it may be said that this is all of the past. This is most true; but I want the Senate and the country to see how many warnings there are in that past concerning the possible happenings of the very facts involved in the case which we are soon to consider. I agree that we must now take it as we find it, and that no demonstration of the mistakes or neglects of the past can change the case as we now have it. I agree that we have a hard case to handle, and yet it does not discourage me. The Thirtieth Congress, as I have shown, misunderstood the case it had in hand. The Thirty-seventh Congress came near launching a perpetual charter without any reservation of power to alter, amend, or repeal the same. The first case we laugh at as one of the curious misconceptions of public men of the possibilities of the country whose fortunes were committed to their care. The second, happily, was avoided, and we hold the power in our hands which was the instrument of that avoidance. Let us be sure that we understand our case. Is it a hopeless one except through the operation of some such instrumentality as some of the bills in the Forty-eighth Congress provided? Suppose we take first the worst possible phase of the case and look at it. This would come from default of the companies on their first-mortgage bonds, a foreclosure and sale without action by the Government to redeem therefrom. What would be left to the Government in that event? Nothing as a direct method for a return of its

investment except the reservation contained in the tenth section of the act of July 2, 1864, which is in these words, namely:

And the lien of the United States bonds shall be subordinate to that of the bonds of any or either of said companies hereby authorized to be issued on their respective roads, property, and equipments, except as to the provisions of the sixth section of the act to which this act is an amendment, relating to the transmission of dispatches and the transportation of mails, troops, munitions of war, supplies, and public stores for the Government of the United States.

This exception was put in the bill on my motion in the House of Representatives on June 22, 1864, and the section to which it relates is the sixth of the act of July 1, 1862, which reads as follows, namely:

That the grants aforesaid are made upon the condition that said company shall pay said bonds at maturity, and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said line, and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid (at fair and reasonable rates of compensation, not to exceed the amounts paid by private parties for the same kind of service); and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid.

This is limited to one-half of the compensation for services rendered to the Government by section 5 of the said act of June 2, 1864, and constitutes the only direct result to the Government in return for its grant of aid in the event of a foreclosure such as I have indicated. Beyond this the return to the Government would come from those incidental sources having relation to the transportation of the mails, troops, supplies, &c., which undoubtedly would be very considerable. As an illustration of this I may cite a statement contained in a letter of the Quartermaster-General of the Army, communicated to the House of Representatives on January 31, 1873, by the Secretary of War. In this letter there was given a calculation of the saving to the Government by reason of the construction of the Union Pacific Railroad for a period commencing July, 1866, and ending in January, 1873. The statement is as follows, namely:

At this average rate, the estimated cost of transportation of the freight moved by the Union Pacific Railroad, including express charges as shown above, during the time commencing July, 1866, and ending January 28, 1873, would be as follows:

Rate per 100 pounds per 100 miles, railroad rates		$0 40½
Rate per 100 pounds per 100 miles, wagon rates		1 46
Actual cost of freight at railroad rates	1,896,589 57	
Estimate of cost at wagon rates	6,837,088 32	
Showing a total estimated cost for moving the troops and supplies by stage and wagon of	9,850,134 67	
Total actual cost by railroad	3,342,851 82	
Estimated difference	6,507,282 85	

equivalent to about 66 per cent.

The Postmaster-General also sent a communication to the House of Representatives, in which he stated that for the years 1867 to 1872, inclusive, the Government had paid to the railroad company for the transportation of the mails $1,156,138.73, and that had the road not been constructed it would have paid, for the same service over the routes merged into this one, for the same time, $1,799,718.28. This is a saving at the rate of $107,263.25 per annum if calculated on the basis of pounds transported by stage, and he continues his comparison as follows, namely:

It should be borne in mind that the mail service by the railroad route between the Missouri River and the Pacific coast is incomparably superior to the previous service. Under the contracts which expired in 1868 the schedule time for a trip from Atchison, Kans., to San Francisco, Cal., was sixteen days for eight months, from April to November inclusive, and twenty-four and a half days the residue of the year. By the railroad route the time the year round is less than four and a half days. The average amount of matter conveyed in the mails overland before the completion of the railroads was less than a thousand pounds per day, the paper mails being mainly forwarded via Panama in consequence of the exaction of prepaid letter-postage rates on such matter conveyed between the western boundary of Kansas and the eastern boundary of California, under the fourth section of the act of March 25, 1861; now, that section having been repealed from September 30, 1868, by the act of June 25, 1868, the whole letter and paper mails are carried overland, averaging, in March, 1870, on the Union Pacific Railroad, 6,376 pounds per day, and on the Central Pacific 5,308 pounds per day.

Extending these calculations for the period of thirty years, the term for which the subsidy bonds issued by the Government run, the incidental gain would just about equal the bond account. And so it appears that in the worst state of the case that can happen the appropriations for the Government service will be much less per annum in the respect indicated, even though no direct return comes to the Treasury after the date of the supposed foreclosure, and this shows that the worst position in which the Government can be placed will not be wholly void of compensation; and, doubtless, while this comparative statement is confined to the Union Pacific Company, it may be taken as substantially representing the results which would come from an application of the rule to the other subsidized companies in the Pacific system. But this is no extenuation for it or them in any case or time in which by fair, just, and proper action in the management of the business involved the contract with the Government could have been performed.

Mr. President, there is one way by which this worst case can be avoided. The principal of the United States bonds issued to the several companies included in the Pacific system to aid in the construction of their respective roads is $64,613,000. A like amount of first-mortgage bonds, having precedence of the Government's lien, was issued by the companies. Default on the latter would cause a foreclosure of the first mortgage. There is now no provision of law whereby the Government may protect itself if such a juncture should transpire. Such provision should be made. This may be done by the enactment of such a law as was proposed in the bill reported from the Committee on the Judiciary of this body during the Forty-eighth Congress. Such a law would enable the Government to meet the exigency of a foreclosure of said first-mortgage bonds by paying off the senior lien, and taking such other steps as might be necessary to protect itself.

Under such a law there would exist the possibility of a Government ownership of the entire Pacific system of railroads. This, in my judgment, would assure the reimbursement of the Government; for, with such a contingency confronting them, not only the companies included in the Pacific system would set themselves about devising means to avoid the impending possession of their roads by the Government, but every other railroad company in the United States would take a lively interest in preventing the realization of such a result. They would all understand that with this system of roads in Government ownership the problem of the regulation of interstate commercial transportation would be solved more speedily and perfectly than it can be done in any other way. Such a system of railroads, so managed as to be independent of the combinations, pools, and discriminating manipulations which vex the business of the country, would enforce reforms in our transportation methods most difficult to reach by our ordinary legislative and judicial modes of action. The men who manage the railroads of the United States understand this thing perfectly. An independent line in private or corporate control is not allowed to remain in that condition for any considerable length of time. It must combine to succeed, or fight and be wrecked. As an independent line it is a competitor, and is not a recognized factor in our system of railway management. This works harm to the general business interests of the country in two ways. It prevents legitimate competition and induces the construction of unnecessary roads for mere purposes of speculation. The so-called "Nickel Plate" road was built for sale rather than for legitimate operation. Its promoters knew that the existing lines would not allow it to enter and remain in the field of competition with them, and so it was built for sale. It was not needed for the purposes of legitimate business, and so it was used to force a sale of itself that money might go into the purses of those who projected it; and the burden to our inland commerce was unnecessarily increased to the extent of the capital put into its construction.

Numerous instances of this kind have occurred, and will be repeated until some masterful factor shall enter the field with power to command a stop to such practices. Such a factor may appear in the provisions of a law for the regulation of interstate commerce; but it may, and doubtless will, require time, experience, and amendment to enable it to overcome the obstacles which will be placed in its way. The railway managers know how to manipulate such a case with some assurance of success; but they will all admit that such a system of roads as the Pacific group embraces, in the absolute independence of government ownership and control, would at once unhorse them and force its own terms. Hence, if Congress can be brought to the resolution to provide for the contingency which I have suggested, and enact a law for the redemption of said roads from the lien which stands paramount to the one which the Government holds, the reimbursement of the amount due and to become due to it will thereby be assured. No other result will ever be permitted to transpire by those who own and control the railroads of the United States. In my opinion, we have this case in our own hands; but we will not resolve it by the passage of any bill which does not embrace the features of possible redemption and Government ownership.

Mr. President, suppose my judgment in the respect stated should prove to be at fault, and that my prediction should not be verified, what would result? An ownership of the roads by the Government. What would come of this? A certain, conservative, and permanent adjustment of the transportation question. This would be worth its cost. I would not stay our efforts in the mean time to effect results such as are contemplated by the bills relative to the regulation of interstate commerce which may be brought to the consideration of this body. Let those efforts go on and accomplish all they may; for at best much time must pass and years be counted before this crowning act of all, should it at last be needed, can be reached. I can but hope that it may never be needed, for I do not take kindly to measures looking to Government assumption of business which may well be done by private individuals or by corporations under authority of and in obedience to law. But it seems to me that among the supreme questions demanding resolution by the law-making power of this nation there stands in the very front rank the one which embraces the transportation interests of the country.

It may be that the complications which attend the relations of the Government with the railroad companies included in the Pacific system will point the way to our ultimate deliverance, and this seems so probable to me that I shall be inclined to oppose any legislation changing those relations as they exist under the present laws unless the modifications proposed include the elements of redemption from present paramount liens and possible ownership by the Government of the Pa-

cific system of roads. I am not at all inclined to be unnecessarily harsh with these companies, nor to needlessly harm innocent holders of such of their securities as are junior to the lien of the Government on the properties. But these corporations have the means within their command to place themselves in better relations with the Government. Especially can the Union Pacific and Central Pacific do this. Assets created by a diversion of their means and credit beyond their legitimate powers are in their possession, and these they can use to better assure the claims of the Government without in the slightest degree bringing harm to themselves or endangering the interests of innocent holders of their securities, and until they manifest a better spirit and a more conservative purpose in the matter of their obligations to the Government, I prefer to hold possession of such power as we now have over them, and reserve the possibilities which I believe the case involves for such action as the exigencies of the future may demand.

Now, Mr. President, if there be no Senator who desires to speak to the resolution, I should like to have it passed, in order that the reports which it calls for may be communicated to the Senate at the earliest practicable day.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. HOAR. Let the resolution be reported again.

The PRESIDENT *pro tempore*. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate a copy of each report made by the Government directors of the Union Pacific Railroad Company from date of first appointment of such directors to the present time.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

ROUND VALLEY RESERVATION IN CALIFORNIA.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore* Before that question is put the Chair will lay before the Senate a message from the President of the United States.

The message was read, and referred to the Committee on Indian Affairs, and ordered to be printed, as follows:

To the Senate and House of Representatives:

I transmit herewith a communication of the 19th ultimo from the Secretary of the Interior, submitting, with accompanying papers in relation thereto, a draught of a bill "to provide for allotments of lands in severalty to the Indians residing upon the Round Valley reservation, in the State of California, and granting patents therefor, and for other purposes."

The matter is presented for the early consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January 5*, 1886.

JUDICIAL SALARIES.

Mr. HOAR. I desire to inquire of the Chair whether the judges salary bill stands as the unfinished business.

The PRESIDENT *pro tempore*. The unfinished business is the bill fixing the salaries of the several judges of the United States district courts. The Chair will lay it before the Senate as the unfinished business. The bill will be read by its title.

The CHIEF CLERK. A bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

EXECUTIVE SESSION.

Mr. HALE. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received this 5th day of January, 1886.

ASSOCIATE JUSTICE.

Orlando W. Powers, of Michigan, to be associate justice of the supreme court of the Territory of Utah, *vice* Philip H. Emerson, resigned.

SUPERVISING INSPECTOR OF STEAM-VESSELS.

James Curran, of Maryland, to be supervising inspector of steam-vessels for the third district, in place of John Meushaw, suspended.

SURVEYOR OF CUSTOMS.

Wiley J. Tinnin, of California, to be surveyor of customs for the port of San Francisco, in the State of California, in place of John M. Morton, suspended.

COLLECTOR OF CUSTOMS.

John J. Higgins, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi, in place of Joseph B. O'Brien, designated in place of Anselum Neuberger, suspended, during the recess of the Senate, and who himself has since resigned.

CONSULS.

H. M. Jewett, of Malden, Mass., to be consul of the United States at Sivas.

Willis Y. Patch, of Bangor, Me., to be consul of the United States at St. Stephen, New Brunswick, to fill a vacancy.

William H. McArdle, of Mississippi, to be consul of the United States at San Juan del Norte, *vice* William A. Brown, suspended.

POSTMASTERS.

Andrew J. Hill, to be postmaster at Hot Springs, in the county of Garland and State of Arkansas, in the place of Isaac W. Carhart, whose commission expired December 20, 1885.

Susman Mitchell, to be postmaster at Visalia, in the county of Tulare and State of California, in the place of Lloyd V. Nanscawen, whose commission expired December 20, 1885.

R. E. Goodell, to be postmaster at Leadville, in the county of Lake and State of Colorado, in place of Carlyle C. Davis, whose removal, for cause, is hereby proposed.

Marie Hollingsworth, to be postmaster at Silverton, in the county of San Juan and State of Colorado, in the place of Thomas Chestnut, resigned.

G. G. Shaver, to be postmaster at Cañon City, in the county of Fremont and State of Colorado, in the place of James W. Bolby, whose commission expired December 20, 1885.

Edward C. Brownell, to be postmaster at Moodus, in the county of Middlesex and State of Connecticut, in the place of L. D. F. Gates, the appointment of a postmaster for the office having, by law, become vested in the President from and after July 1, 1885.

D. W. Northrup, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut, in the place of Bartlett Bent, whose commission expired December 20, 1885.

Joseph Dunham, to be postmaster at Geneseo, in the county of Henry and State of Illinois, in the place of Solon Kendall, whose commission expired December 15, 1885.

Miles J. Finlen, to be postmaster at Streator, in the county of La Salle and State of Illinois, in place of Francis M. Ryon, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John C. George, to be postmaster at Dwight, in the county of Livingston and State of Illinois, in the place of Homer A. Kenyon, whose commission expired December 20, 1885.

Daniel W. Gould, to be postmaster at Moline, in the county of Rock Island and State of Illinois, in the place of L. E. Hemenway, whose commission expired December 15, 1885.

James Haines, to be postmaster at Pekin, in the county of Tazewell and State of Illinois, in the place of Richard D. Smith, whose commission expired December 20, 1885.

Thomas Hennebry, to be postmaster at Braidwood, in the county of Will and State of Illinois, in the place of Robert Huston, resigned.

Robert McNeil, to be postmaster at Rock Falls, in the county of Whitesides and State of Illinois, in the place of James Pettigrew, whose commission expired December 20, 1885.

John Westermeier, to be postmaster at Carlinville, in the county of Macoupin and State of Illinois, in the place of Cyrus T. Prouty, whose commission expired December 20, 1885.

William H. Bennett, to be postmaster at Bluffton, in the county of Wells and State of Indiana, in the place of Samuel J. Keller, resigned.

Denis Eagan, to be postmaster at Liberty, in the county of Union and State of Indiana, in the place of Charles W. Stivers, resigned.

James F. Elder, to be postmaster at Richmond, in the county of Wayne and State of Indiana, in the place of James Elder, deceased, who was appointed November 9, 1885, in the place of Edwin D. Palmer, suspended under the provisions of section 1768 of the Revised Statutes of the United States.

John R. Smith, to be postmaster at Kendallville, in the county of Noble and State of Indiana, in the place of James Nellis, whose commission expired December 20, 1885.

H. P. Albert, to be postmaster at Stuart, in the county of Guthrie and State of Iowa, in the place of W. P. Moulton, whose commission expired December 16, 1885.

A. P. Cramer, to be postmaster at Avoca, in the county of Pottawattamie and State of Iowa, in the place of Jonas B. Blake, resigned.

Thomas H. Lantry, to be postmaster at Algona, in the county of Kossuth and State of Iowa, in the place of Robert H. Spencer, resigned.

Albert E. Nau, to be postmaster at Pittsburg, in the county of Crawford and State of Kansas, in the place of Augustus J. Georgia, resigned.

Camille Mollère, to be postmaster at Donaldsonville, in the county of Ascension and State of Louisiana, in the place of Louis Leforte, whose commission expired December 20, 1885.

Ai J. Rowe, to be postmaster at Norway, in the county of Oxford and State of Maine, in the place of Alonzo J. Nevers, whose commission expired December 30, 1885.

Philip E. Brady, to be postmaster at Attleborough, in the county of Bristol and State of Massachusetts, in the place of Abijah T. Wales, whose commission expired October 14, 1885.

Isaac Collins, to be postmaster at Adams, in the county of Berkshire

and State of Massachusetts, in the place of John E. Mole, whose commission expired December 20, 1885.

Charles C. Cressy, to be postmaster at Gloucester, in the county of Essex and State of Massachusetts, in the place of David W. Low, whose commission expired December 20, 1885.

John H. Hamlin, to be postmaster at Eaton Rapids, in the county of Eaton and State of Michigan, in the place of H. M. Hamilton, whose commission expired December 20, 1885.

Joseph L. Richards, to be postmaster at Buchanan, in the county of Berrien and State of Michigan, in the place of L. P. Alexander, whose commission expired December 20, 1885.

Francis Baasen, to be postmaster at New Ulm, in the county of Brown and State of Minnesota, in the place of Joseph Bobleter, whose commission expired December 15, 1885.

George L. Phillips, to be postmaster at Bethany, in the county of Harrison and State of Missouri, in the place of James M. Simms, resigned.

William A. Wight, to be postmaster at Moberly, in the county of Randolph and State of Missouri, in the place of William Firth, resigned.

W. T. McGinnis, to be postmaster at Minden, in the county of Kearney and State of Nebraska, in the place of John W. Gordyn, resigned.

John F. Walsh, to be postmaster at Humboldt, in the county of Richardson and State of Nebraska, in the place of Edgar S. Norton, resigned.

Arthur W. Bronson, to be postmaster at Clinton, in the county of Oneida and State of New York, in the place of Benjamin F. Libbey, whose commission expired December 20, 1885.

Millen T. Hill, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York, in the place of B. G. Hill, resigned.

Calvin S. Stowell, to be postmaster at Olean, in the county of Cattaraugus and State of New York, in the place of Wilson R. Page, whose commission expired December 20, 1885.

Julius Wasserman, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of William J. Kline, whose commission expired December 20, 1885.

D. C. Hill, to be postmaster at Painesville, in the county of Lake and State of Ohio, in the place of Jonathan F. Scofield, resigned.

T. W. Long, to be postmaster at Cardington, in the county of Morrow and State of Ohio, in the place of George W. Bell, resigned.

William R. Dawson, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania, in the place of James C. Long, whose commission expired December 20, 1885.

A. J. Greenfield, to be postmaster at Oil City, in the county of Venango and State of Pennsylvania, in the place of Fid Bishop, whose commission expired December 20, 1885.

Julian Field, to be postmaster at Fort Worth, in the county of Tarrant and State of Texas, in the place of Belle M. Burchill, whose commission expired October 19, 1885.

R. L. Jemmings, to be postmaster at Marshall, in the county of Harrison and State of Texas, in the place of William C. Pierce, whose commission expired October 24, 1885.

Mrs. L. S. McPherson, to be postmaster at Sherman, in the county of Grayson and State of Texas, in the place of John Donaldson, whose commission expired December 20, 1885.

James E. Shepard, to be postmaster at Brenham, in the county of Washington and State of Texas, in the place of John W. Hacksworth, whose commission expired December 20, 1885.

William C. Browe, to be postmaster at Salt Lake City, in the county of Salt Lake and Territory of Utah, in the place of John T. Lynch, whose commission expired December 20, 1885.

Frederick W. Childs, to be postmaster at Brattleborough, in the county of Windham and State of Vermont, in the place of Charles H. Mansur, whose commission expired December 20, 1885.

Harvey M. Brown, to be postmaster at Columbus, in the county of Columbia and State of Wisconsin, in place of John Swarthout, whose commission expired December 16, 1885.

Joseph Osthelder, to be postmaster at Sheboygan Falls, in the county of Sheboygan and State of Wisconsin, in the place of Charles A. Spencer, resigned.

A. W. Weisbrod, to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin, in the place of Henry B. Harshaw, whose commission expired December 15, 1885.

NOMINATION WITHDRAWN.

John G. Lee, to be secretary of the legation of the United States at Constantinople.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 5, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of Monday, December 21, 1885.

Mr. LORE. Mr. Speaker, I ask unanimous consent to dispense with the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions.

There was no objection, and it was so ordered.

The Clerk then resumed and concluded the reading of the remainder of the Journal, which was approved.

Mr. NICHOLAS MULLER, a Representative-elect from the State of New York, appeared, qualified, and took his seat.

JOSEPH RAWICZ.

The SPEAKER laid before the House a letter from the Secretary of State, transmitting letters of Joseph Rawicz, United States consul at Warsaw, Poland, and recommending the passage of a bill granting him permission to accept certain decorations conferred by the Russian Government; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

ADDITIONAL MAIL-ROUTES, ETC.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting reports of mails established, of additional allowances made to contractors, of curtailments in the service, of pay of contractors, and of all contracts for mail equipments for the fiscal year ending June 30, 1885; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER also, in accordance with the rules, laid before the House bills of the Senate of the following titles for reference, namely:

A bill (S. 126) to change the name of the National Bank of Winona; which was referred to the Committee on Banking and Currency;

A bill (S. 471) to provide for the performance of the duties of the office of the President, in case of the removal, death, resignation, or inability of both the President and Vice-President; which was referred to the Select Committee on the Election of President and Vice-President;

A bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, in the District of Columbia; which was referred to the Committee on the District of Columbia; and

A bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, Ark.; which was referred to the Committee on Banking and Currency.

JOINT RULES.

The SPEAKER also laid before the House Senate resolution adopting joint rules of the two Houses; which was referred to the Committee on Rules, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. KING for six days and to Mr. OATES for four days, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. WHITE, of Pennsylvania, by unanimous consent, leave was granted to withdraw from the files of the House the petition and all papers of Mrs. James H. Reynolds, widow of James H. Reynolds, a sutler in the Seventy-eighth Regiment Pennsylvania Volunteers, no adverse report having been made thereon; and also to withdraw from the files of the House the petition and all papers in the claim of Dr. W. S. Hancock, late of the Seventy-eighth Regiment Pennsylvania Volunteers, there being no adverse report.

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House, made by unanimous consent, the Chair will now proceed to call the States and Territories for the introduction and reference of bills and resolutions.

LUCIEN GOYAUX.

Mr. GAY (by request) introduced a bill (H. R. 990) for the relief of the estate of Lucien Goyaux; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ABOLITION OF CERTAIN SHIPPING FEES, ETC.

Mr. DINGLEY (by Mr. REED, of Maine) introduced a bill (H. R. 991) to abolish certain fees for official services to American vessels and to amend the laws relating to shipping commissioners, seamen, and owners of vessels; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

AMOS L. ALLEN.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 992) for the relief of Amos L. Allen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEAD SETTLEMENTS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 993) to reserve the public lands of the United States for *bona fide* settlers under the homestead laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DRAWBACKS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H.

R. 994) to allow drawbacks on articles manufactured wholly or partly of materials imported equal in amount to the duties paid on such materials when such articles are exported; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PRIVATE LIGHTS AND BUOYS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 995) prohibiting the establishment of private lights and private buoys, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 996) providing for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY BENTON.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 997) granting a pension to Mrs. Mary Benton, widow of a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EBENEEZER HAGGETT.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 998) for the relief of Ebeneezer Haggett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PILOTAGE.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 999) relating to pilotage; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 1000) providing for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

FREDERICK W. RUGGLES.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 1001) for the relief of Frederick W. Ruggles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL D. BAILEY AND OTHERS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 1002) for the relief of Samuel D. Bailey and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALE OF IMPORTED LIQUORS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 1003) granting the consent of Congress that State laws may apply to the sale of imported distilled and fermented liquors in the same manner as to liquors of domestic manufacture; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONVICT LABOR.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a bill (H. R. 1004) to prohibit the letting of Government work to contractors employing convict labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

UNITED STATES NOTES OF SMALL DENOMINATIONS.

Mr. DINGLEY (by Mr. REED, of Maine) also introduced a joint resolution (H. Res. 31) requiring the printing, preparing, and issuing of United States notes in small denominations in sufficient amounts to supply the public demand; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GEORGE S. HUNT & CO.

Mr. REED, of Maine, introduced a bill (H. R. 1005) for the relief of George S. Hunt & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PHINNEY & JACKSON.

Mr. REED, of Maine, also introduced a bill (H. R. 1006) for the relief of Phinney & Jackson; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUDLEY HALL & CO.

Mr. REED, of Maine, also introduced a bill (H. R. 1007) for the relief of Dudley Hall & Co.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

VICTOR BEAUBOUCHER.

Mr. REED, of Maine, also introduced a bill (H. R. 1008) for the relief of Victor Beaubouchér; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

JOHN A. DARLING.

Mr. REED, of Maine, also introduced a bill (H. R. 1009) for the relief of John A. Darling; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAPANESE INDEMNITY FUND.

Mr. REED, of Maine, also introduced a bill (H. R. 1010) to amend an act entitled "An act in relation to the Japanese indemnity fund," approved February 22, 1883; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GRAND TRUNK RAILWAY COMPANY, CANADA.

Mr. REED, of Maine, also introduced a bill (H. R. 1011) for the relief of the Grand Trunk Railway Company of Canada; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPORT OF POLAR EXPEDITION TO LADY FRANKLIN BAY.

Mr. REED, of Maine, also introduced a resolution for printing 4,000 copies, with the necessary illustrations, of the report of the international polar expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PENSIONS.

Mr. BOUTELLE introduced a bill (H. R. 1012) relating to pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HOULTON, ME.

Mr. BOUTELLE also introduced a bill (H. R. 1013) to provide for the erection of a public building at the town of Houlton, Me.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FORT SULLIVAN MILITARY RESERVATION, EASTPORT, ME.

Mr. BOUTELLE also introduced a bill (H. R. 1014) granting the Fort Sullivan military reservation to the town of Eastport, Me., for a public park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIG OLIVE FRANCES.

Mr. BOUTELLE also introduced a bill (H. R. 1015) for the relief of the owners and officers of the brig Olive Frances, and others on board said brig; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGES ACROSS THE ST. JOHN AND ST. FRANCIS RIVERS.

Mr. BOUTELLE also introduced a bill (H. R. 1016) for the construction of bridges across the St. John and St. Francis Rivers; which was read a first and second time, referred to the Committee on Foreign Relations, and ordered to be printed.

RELIEF OF MEN OF THE NAVY, ETC., CHARGED WITH DESERTION.

Mr. BOUTELLE also introduced a bill (H. R. 1017) to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LIGHTS ON ISLANDS IN MOOSEHEAD LAKE.

Mr. BOUTELLE also introduced a bill (H. R. 1018) for the erection of beacon lights on the islands in Moosehead Lake; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPT. RODNEY C. BARKER.

Mr. BOUTELLE also introduced a bill (H. R. 1019) for the relief of Capt. Rodney C. Barker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WAR CLAIMS.

Mr. BOUTELLE also introduced a bill (H. R. 1020) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. I. SMALLS.

Mr. BOUTELLE also introduced a bill (H. R. 1021) granting a pension to E. I. Smalls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. BAKER.

Mr. BOUTELLE also introduced a bill (H. R. 1022) granting a pension to Mary E. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. KNOWLES.

Mr. BOUTELLE also introduced a bill (H. R. 1023) granting a pension to Thomas J. Knowles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AURELIA F. ROBBINS.

Mr. BOUTELLE also introduced a bill (H. R. 1024) granting a pension to Aurelia F. Robbins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STEVENS.

Mr. BOUTELLE also introduced a bill (H. R. 1025) granting arrears of pension to George W. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PORT OF ENTRY AT MOUNT DESERT FERRY, ME.

Mr. MILLIKEN introduced a bill (H. R. 1026) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, State of Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EXTENSION AND REPAIR OF PUBLIC BUILDING, BELFAST, ME.

Mr. MILLIKEN also introduced a bill (H. R. 1027) for the extension and repair of the public building at Belfast, Me.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EMERY S. WARDWELL.

Mr. MILLIKEN also introduced a bill (H. R. 1028) for the relief of Emery S. Wardwell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JEFFERSON SAVAGE.

Mr. MILLIKEN also introduced a bill (H. R. 1029) for the relief of Jefferson Savage; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM COLLINS.

Mr. MILLIKEN also introduced a bill (H. R. 1030) for the relief of William Collins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIE F. WARD.

Mr. MILLIKEN also introduced a bill (H. R. 1031) granting a pension to Willie F. Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH B. SNELL.

Mr. MILLIKEN also introduced a bill (H. R. 1032) granting a pension to Josiah B. Snell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF WILLIAM PITCHER AND OTHERS.

Mr. MILLIKEN also introduced a bill (H. R. 1033) for the relief of the heirs of William Pitcher, Axel Hayford, Samuel Otis, and George B. Fergusson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANGS, BROWNELL & CO.

Mr. MILLIKEN also introduced a bill (H. R. 1034) for the relief of Bangs, Brownell & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONDEMNED CAST-IRON CANNON.

Mr. MILLIKEN also introduced a bill (H. R. 1035) to donate condemned cast-iron cannon to the citizens of Waterville, Me.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STURGIS, LOMBARD & CO.

Mr. MILLIKEN also introduced a bill (H. R. 1036) for the relief of Sturgis, Lombard & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. KANE.

Mr. MILLIKEN also introduced a bill (H. R. 1037) for the relief of John W. Kane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PETER M'CABE.

Mr. MILLIKEN also introduced a bill (H. R. 1038) for the relief of Peter McCabe; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. MILLIKEN also introduced a bill (H. R. 1039) to donate condemned cast-iron cannon to Thomas H. Marshall Post, No. 41, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS S. HOPKINS.

Mr. MILLIKEN also introduced a bill (H. R. 1040) for the relief of Thomas S. Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARBITRATION AND PEACE.

Mr. MILLIKEN also presented resolutions of the Legislature of the State of Maine in favor of arbitration and peace; which were referred to the Committee on Foreign Affairs.

INDIANS.

Mr. MILLIKEN also presented resolutions of the Legislature of the State of Maine relating to United States appropriations for Indians; which were referred to the Committee on Indian Affairs.

MARYLAND AND VIRGINIA FREE SHIP-CANAL.

Mr. FINDLAY introduced a bill (H. R. 1041) to provide for the construction of the Maryland and Virginia Free Ship-canal as a means of military and naval defense and for commercial purposes; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

STEAMSHIP CAROLINE MILLER.

Mr. FINDLAY also introduced a bill (H. R. 1042) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md.; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

ISAIAH DOWLING.

Mr. FINDLAY also introduced a bill (H. R. 1043) for the relief of Isaiah Dowling, retired assistant surgeon, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN M. M'CLINTOCK.

Mr. FINDLAY also introduced a bill (H. R. 1044) for the relief of John M. McClintock; which was read a first and second time.

The SPEAKER. The indorsement on this bill indicates a reference to the Committee on Ways and Means; but under the new rule it must go to the Committee on Claims. For the guidance of members in indicating the reference of their bills the Chair will cause the Clerk to read clause 7 of Rule XXI.

The Clerk read as follows:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

The bill was referred to the Committee on Claims, and ordered to be printed.

EDMUND WOLF.

Mr. FINDLAY also introduced a bill (H. R. 1045) for the relief of Edmund Wolf; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAJOR MICHAEL P. SMALL.

Mr. FINDLAY also introduced a bill (H. R. 1046) for the relief of Maj. Michael P. Small, commissary of subsistence, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY MORTIMER SEMMES.

Mr. FINDLAY also introduced a bill (H. R. 1047) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI HERTZOG.

Mr. FINDLAY also introduced a bill (H. R. 1048) for the relief of Levi Hertzog; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DECLINE OF AMERICAN COOPERAGE INTERESTS.

Mr. FINDLAY also submitted the following resolution; which was referred to the Committee on Ways and Means, and ordered to be printed:

Resolved, That the Committee on Ways and Means be, and it is hereby, instructed and directed to inquire into the causes of the decline of American cooperage interests, and of our timber and shipping interests connected therewith, as heretofore developed in the trade with the Island of Cuba, and to report by bill or otherwise.

FORECLOSURE IN THE DISTRICT.

Mr. McCOMAS introduced a bill (H. R. 1049) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN JOSEPH BRADSHAW.

Mr. McCOMAS also introduced a bill (H. R. 1050) for the relief of John Joseph Bradshaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CRIMINAL CODE FOR DISTRICT OF COLUMBIA.

Mr. McCOMAS also introduced a bill (H. R. 1051) to provide a criminal code for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

INSURANCE IN THE DISTRICT.

Mr. McCOMAS also introduced a bill (H. R. 1052) to provide for regulating the business of insurance in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WAR CLAIMS.

Mr. McCOMAS also introduced a bill (H. R. 1053) to afford further relief to loyal citizens of States not in rebellion for property taken by the Army of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADULTERATION.

Mr. McCOMAS also introduced a bill (H. R. 1054) to prevent the adulteration of food and drugs; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POST-OFFICE SAVINGS-BANK.

Mr. McCOMAS also introduced a bill (H. R. 1055) to establish a post-office savings-bank as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. McCOMAS also introduced a bill (H. R. 1056) to establish a postal telegraphic system in the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDEMPTION OF TRADE-DOLLARS.

Mr. McCOMAS also introduced a bill (H. R. 1057) to authorize the redemption of trade-dollars of United States coinage; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

NOXIOUS AND DANGEROUS MEDICINES.

Mr. McCOMAS also introduced a bill (H. R. 1058) to prevent the use of United States mails to advertise noxious and dangerous medicines; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH ROMISER.

Mr. McCOMAS also introduced a bill (H. R. 1059) to grant a pension to Joseph Romiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. WALSH.

Mr. McCOMAS also introduced a bill (H. R. 1060) granting a pension to John T. Walsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH M. SHEARER.

Mr. McCOMAS also introduced a bill (H. R. 1061) for the relief of Sarah M. Shearer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST H. WARDWELL.

Mr. McCOMAS also introduced a bill (H. R. 1062) for the relief of Ernest H. Wardwell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCES M. LAMBERT.

Mr. McCOMAS also introduced a bill (H. R. 1063) for the relief of Frances M. Lambert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. KRANTZ.

Mr. McCOMAS also introduced a bill (H. R. 1064) granting a pension to William H. Krantz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF CONSTITUTION.

Mr. McCOMAS also introduced a joint resolution (H. Res. 33) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONUMENT TO FRANCIS SCOTT KEY.

Mr. McCOMAS also introduced a joint resolution (H. Res. 34) providing for the erection of a monument at Frederick, Md., over the grave of Francis Scott Key, the author of the Star-Spangled Banner; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

WAR CLAIMS OF MARYLAND AND VIRGINIA.

Mr. COMPTON introduced a bill (H. R. 1065) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POTOMAC AND CHESAPEAKE FREE SHIP-CANAL.

Mr. COMPTON also introduced a bill (H. R. 1066) to provide for the preliminary surveys and location of the Potomac and Chesapeake Free Ship-canal; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

LABORERS AT NAVAL ACADEMY.

Mr. COMPTON also introduced a bill (H. R. 1067) for the relief of certain laborers, workmen, and mechanics heretofore and at present employed at the United States Naval Academy at Annapolis, Md.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARY MORTIMER SEMMES.

Mr. COMPTON also introduced a bill (H. R. 1068) granting a pension to Mrs. Mary Mortimer Semmes, widow of the late Commodore Alexander A. Semmes, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF HENRY LEEF, DECEASED.

Mr. SHAW introduced a bill (H. R. 1069) for the relief of the heirs of Henry Leef, deceased, owner of the bark Maria Theresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOPHIA CHAMBERS.

Mr. COLE introduced a bill (H. R. 1070) granting a pension to Sophia Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. MUSE.

Mr. COLE also introduced a bill (H. R. 1071) for the relief of the heirs of William B. Muse; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WEDDINGFIELD.

Mr. COLE also introduced a bill (H. R. 1072) to amend the act approved February 26, 1885, granting a pension to William Weddingfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY J. FARDY.

Mr. COLE also introduced a bill (H. R. 1073) for the relief of Emily J. Fardy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MERCHANTS AND MINERS' TRANSPORTATION COMPANY.

Mr. COLE also introduced a bill (H. R. 1074) for the relief of the Merchants and Miners' Transportation Company of Baltimore, Md.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEWIS D. BROOKS.

Mr. COLE also introduced a bill (H. R. 1075) for the relief of Lewis D. Brooks; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. LONG introduced a bill (H. R. 1076) establishing additional life-saving stations on the sea and lake coasts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REPLACING UNSERVICEABLE ORDNANCE.

Mr. LONG also introduced a bill (H. R. 1077) for replacing unserviceable ordnance issued for the militia of the States and Territories; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TENURE-OF-OFFICE ACT.

Mr. LONG also introduced a bill (H. R. 1078) to repeal the tenure-of-office act; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

ANN J. EATON, ADMINISTRATRIX.

Mr. LONG also introduced a bill (H. R. 1079) for the relief of Ann J. Eaton, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL MONUMENT, PLYMOUTH, MASS.

Mr. LONG also introduced a bill (H. R. 1080) in aid of the national monument at Plymouth, Mass.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ADMISSION TO FLOOR—HEADS OF EXECUTIVE DEPARTMENTS.

Mr. LONG also introduced a bill (H R. 1081) to provide that the principal officer of each Department may occupy a seat on the floor of the House of Representatives; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

MARY A. BICKERDYKE.

Mr. LONG also introduced a bill (H. R. 1082) granting a pension to Mary A. Bickerdyke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS H. KIRMAYER.

Mr. LONG also introduced a bill (H. R. 1083) granting a pension to Francis H. Kirmayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALICE S. HOLBROOK.

Mr. LONG also introduced a bill (H. R. 1084) granting a pension to Alice S. Holbrook; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBION S. KEITH.

Mr. LONG also introduced a bill (H. R. 1085) for the relief of Albion S. Keith, late a naval cadet in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN DOLAN.

Mr. LONG (by request) also introduced a bill (H. R. 1086) for the relief of John Dolan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGNES W. AND SARAH J. HILLS.

Mr. LONG (by request) also introduced a bill (H. R. 1087) for the relief of Agnes W. and Sarah J. Hills; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANGELIA M. MANNING.

Mr. LONG (by request) also introduced a bill (H. R. 1088) granting a pension to Angelia M. Manning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABBY L. BURBANK.

Mr. LONG (by request) also introduced a bill (H. R. 1089) granting a pension to Abby L. Burbank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. R. SYKES AND JOHN CURREY.

Mr. LONG (by request) also introduced a bill (H. R. 1090) to confirm the title to certain lands in the Territory of Arizona to Charles P. Sykes and John Currey; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

LAURA A. TURNER.

Mr. LONG (by request) also introduced a bill (H. R. 1091) for the relief of Laura A. Turner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT WORCESTER, MASS.

Mr. RICE introduced a bill (H. R. 1092) for the erection of a public building at Worcester, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BRITISH BARK CHANCE.

Mr. RICE (by request) also introduced a bill (H. R. 1093) for the relief of owners, officers, and crew of the British bark Chance; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELLA E. GIBSON.

Mr. RICE also introduced a bill (H. R. 1094) granting a pension to Ella E. Gibson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONGRESSIONAL LIBRARY.

Mr. RICE also introduced a bill (H. R. 1095) authorizing the construction of a building for the accommodation of the Congressional Library; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PENSIONS.

Mr. LOVERING introduced a bill (H. R. 1096) granting pensions for services in the Army and Navy of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. LOVERING also introduced a bill (H. R. 1097) for the adjustment of accounts of laborers, workmen, and mechanics arising under the eight-hour law; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

POST-OFFICE BUILDING AT LYNN, MASS.

Mr. LOVERING also introduced a bill (H. R. 1098) for the erection of a post-office building at Lynn, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAL HOSPITAL AT CHELSEA, MASS.

Mr. LOVERING also introduced a bill (H. R. 1099) providing for sale of the naval hospital at Chelsea, Mass.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JANE N. DEVEREUX.

Mr. LOVERING also introduced a bill (H. R. 1100) granting a pension to Jane N. Devereux; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HORACE TRASK.

Mr. LOVERING also introduced a bill (H. R. 1101) restoring the name of Horace Trask to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELBRIDGE SMITH.

Mr. LOVERING also introduced a bill (H. R. 1102) granting a pension to Elbridge Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MABELLE R. BULKLEY.

Mr. LOVERING also introduced a bill (H. R. 1103) granting a pension to Mabelle R. Bulkley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH SULLIVAN.

Mr. LOVERING also introduced a bill (H. R. 1104) granting a pension to Elizabeth Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA CASSIDY.

Mr. LOVERING also introduced a bill (H. R. 1105) granting a pension to Julia Cassidy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY B. CARLL.

Mr. LOVERING also introduced a bill (H. R. 1106) for the relief of Mary B. Carll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTA M. RICHARDS.

Mr. LOVERING also introduced a bill (H. R. 1107) granting a pension to Augusta M. Richards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET COFFEE.

Mr. LOVERING also introduced a bill (H. R. 1108) granting a pension to Margaret Coffee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. BARRY.

Mr. LOVERING also introduced a bill (H. R. 1109) granting a pension to John H. Barry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN FLYNN.

Mr. LOVERING also introduced a bill (H. R. 1110) granting a pension to Stephen Flynn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DOUGLAS.

Mr. LOVERING also introduced a bill (H. R. 1111) granting a pension to Charles Douglas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN PIERCE.

Mr. LOVERING also introduced a bill (H. R. 1112) granting a pension to John Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER S. HAYNES.

Mr. LOVERING also introduced a bill (H. R. 1113) granting a pension to Walter S. Haynes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL B. JENNESS.

Mr. LOVERING also introduced a bill (H. R. 1114) granting a pension to Daniel B. Jenness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSY M. MURRAY.

Mr. LOVERING also introduced a bill (H. R. 1115) granting a pension to Betsy M. Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORPHAN CHILDREN OF DENNIS OWENS.

Mr. LOVERING also introduced a bill (H. R. 1116) granting a pension to the orphan children of Dennis Owens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN OWENS.

Mr. LOVERING also introduced a bill (H. R. 1117) granting a pen-

sion to John Owens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAR SERVICES OF SOLDIERS NOW IN THE ARMY.

Mr. LOVERING (by request) also introduced a bill (H. R. 1118) to recognize the war services of Union soldiers now serving in the regular Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

A UNIFORM SYSTEM OF BANKRUPTCY.

Mr. COLLINS introduced a bill (H. R. 1119) to establish a uniform system of bankruptcy throughout the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BURDENS ON AMERICAN MERCHANT MARINE.

Mr. COLLINS also introduced a bill (H. R. 1120) to amend the tenth section of the act to remove certain burdens on the American merchant marine; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SECTION 3013 REVISED STATUTES.

Mr. COLLINS also introduced a bill (H. R. 1121) to amend section 3013 of the Revised Statutes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMISSIONERS OF ALABAMA CLAIMS.

Mr. COLLINS also introduced a bill (H. R. 1122) relating to the Court of Commissioners of Alabama Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EVIDENCE TO QUIET TITLES.

Mr. COLLINS also introduced a bill (H. R. 1123) in relation to evidence to quiet titles; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POSTAGE ON SECOND-CLASS MAIL MATTER.

Mr. COLLINS also introduced a bill (H. R. 1124) regulating the rates of postage on second-class mail matter at letter-carrier offices; which was read a first and second time, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

RELIEF OF THE FIRST NATIONAL BANK OF NEWTON, MASS.

Mr. COLLINS also introduced a bill (H. R. 1125) for the relief of the First National Bank of Newton, Mass.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JEANETTE GUINEY.

Mr. COLLINS also introduced a bill (H. R. 1126) granting an increase of pension to Jeanette Guiney; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN R. FARREL.

Mr. COLLINS also introduced a bill (H. R. 1127) for the relief of John R. Farrel; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. W. MERRILL.

Mr. COLLINS also introduced a bill (H. R. 1128) for the relief of C. W. Merrill; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DANIEL J. BYRNES.

Mr. COLLINS also introduced a bill (H. R. 1129) to increase the pension of Daniel J. Byrnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATUS OF CERTAIN MEDICAL OFFICERS, UNITED STATES ARMY.

Mr. COLLINS also introduced a joint resolution (H. Res. 34) defining the status of certain medical officers in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF THE CONSTITUTION.

Mr. COLLINS also introduced a joint resolution (H. Res. 35) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CASTLE ISLAND, BOSTON HARBOR.

Mr. COLLINS also introduced a joint resolution (H. Res. 36) authorizing the President of the United States to permit the occupancy of Castle Island, in Boston Harbor, by the municipal authorities of Boston; which was read a first and second time, referred to the Committee on Public Buildings and Gounds, and ordered to be printed.

ELIZABETH CALLAGHAN.

Mr. COLLINS (by request) also introduced a bill (H. R. 1130) for the relief of Elizabeth Callaghan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM R. BOAG.

Mr. RANNEY introduced a bill (H. R. 1131) for the relief of William R. Boag; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARINE SIGNAL BOARD.

Mr. RANNEY also introduced a bill (H. R. 1132) to establish a board by the name of "the Marine Signal Board of the United States," with a view of having adopted a code and system of marine light and fog signals and regulating the same; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SARAH J. HILLS.

Mr. RANNEY also introduced a bill (H. R. 1133) for the relief of Sarah J. Hills; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT AND FOG SIGNAL AT CASTLE HILL, R. I.

Mr. DAVIS introduced a bill (H. R. 1134) to establish a light and fog signal at Castle Hill, R. I.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT NEW BEDFORD, MASS.

Mr. DAVIS also introduced a bill (H. R. 1135) providing for the erection of a public building at New Bedford, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CHARLES E. BOLLES.

Mr. DAVIS also introduced a bill (H. R. 1136) granting a pension to Charles E. Bolles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BILLS OF LADING

Mr. DAVIS also introduced a bill (H. R. 1137) to make bills of lading conclusive evidence in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. DAVIS also introduced a joint resolution (H. Res. 37) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY E. FILLEBROWN.

Mr. ELY introduced a bill (H. R. 1138) to increase the pension of Mary E. Fillebrown; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

M. H. COLLINS.

Mr. ELY also introduced a bill (H. R. 1139) for the relief of M. H. Collins; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WILLIAM FIELD.

Mr. ELY also introduced a bill (H. R. 1140) granting a pension to William Field; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIVIL SERVICE.

Mr. ELY also introduced a bill (H. R. 1141) to regulate and improve the civil service of the United States; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

LYDIA HADLOCK.

Mr. HAYDEN introduced a bill (H. R. 1142) granting a pension to Lydia Hadlock; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DONATION OF CONDEMNED GUN-CARRIAGES.

Mr. HAYDEN also introduced a bill (H. R. 1143) authorizing the Secretary of War to deliver to Somerville Post, Grand Army of the Republic, of Somerville, Mass., four condemned gun-carriages, to be used for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LIGHTS.

Mr. STONE introduced a bill (H. R. 1144) prohibiting the establishment of private lights, &c.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS.

Mr. STONE also introduced a bill (H. R. 1145) to authorize the accounting officers of the Treasury to pass upon certain claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARIA N. PARKER.

Mr. STONE also introduced a bill (H. R. 1146) granting a pension to Maria N. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL BROOKINGS.

Mr. STONE also introduced a bill (H. R. 1147) granting a pension to Samuel Brookings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA E. A. B. NOWELL.

Mr. STONE also introduced a bill (H. R. 1148) granting a pension to Maria E. A. B. Nowell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDRE THISSELL.

Mr. STONE also introduced a bill (H. R. 1149) granting a pension to Andre Thissell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE E. COFFIN.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 1150) granting a pension to Catharine E. Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIEUT. WILLIAM P. RANDALL, UNITED STATES NAVY.

Mr. ALLEN introduced a bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MRS. ELLEN S. TOLMAN.

Mr. ALLEN also introduced a bill (H. R. 1152) for the relief of Mrs. Ellen S. Tolman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SPRINGFIELD PORT OF DELIVERY.

Mr. ROCKWELL introduced a bill (H. R. 1153) to establish a port of delivery at Springfield, in the State of Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, SPRINGFIELD, MASS.

Mr. ROCKWELL also introduced a bill (H. R. 1154) providing for the erection of a public building at Springfield, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LUMBER ON THE FREE-LIST.

Mr. ELDREDGE introduced a bill (H. R. 1155) to put all kinds of lumber on the free-list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ALVIRA A. RIGGS.

Mr. ELDREDGE also introduced a bill (H. R. 1156) granting back pay to Alvira A. Riggs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. L. DIVINE.

Mr. ELDREDGE (by request) also introduced a bill (H. R. 1157) granting a pension to J. L. Divine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOCAL INSPECTORS, MICHIGAN DISTRICT.

Mr. CUTCHEON introduced a bill (H. R. 1158) to amend section 4414 of the Revised Statutes of the United States, fixing the compensation of local inspectors of hulls and boilers in the Michigan district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL LIGHT-HOUSE DISTRICT.

Mr. CUTCHEON also introduced a bill (H. R. 1159) to authorize the creation of an additional light-house district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EMERGENCY FUND, INDIAN TRIBES.

Mr. CUTCHEON also introduced a bill (H. R. 1160) to create an emergency fund for the benefit of Indian tribes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INCREASE OF PENSION.

Mr. CUTCHEON also introduced a bill (H. R. 1161) to increase the pensions of widows and orphans of soldiers and sailors, and for other purposes; which read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CIVIL SERVICE.

Mr. CUTCHEON also introduced a bill (H. R. 1162) to reform the civil service and to preserve the constitutional distinction between legislative and executive duties by the organization of a bureau of civil appointments; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

GRANT OF PENSIONS.

Mr. CUTCHEON also introduced a bill (H. R. 1163) granting pensions to certain soldiers and sailors of the United States in the late war who have attained the age of sixty-two years and who are disabled from gaining a livelihood or who are dependent; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RECORD OF ORLANDO B. WILCOX.

Mr. CUTCHEON also introduced a bill (H. R. 1164) to complete the military record of Orlando B. Wilcox, late colonel of the First Michigan Volunteer Infantry and brigadier-general of volunteers, and to give him pay in accordance with his completed record; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INCREASE OF PENSION.

Mr. CUTCHEON also introduced a bill (H. R. 1165) to increase the pensions of soldiers and sailors who have suffered amputation of an arm or a leg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLINTON SPENCER.

Mr. CUTCHEON also introduced a bill (H. R. 1166) to increase the pension of Clinton Spencer, late captain First Michigan Infantry Volunteers, for loss of right leg and injury to left arm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. BATES.

Mr. CUTCHEON also introduced a bill (H. R. 1167) for the relief of James A. Bates, captain and brevet lieutenant-colonel, United States Army, retired; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. ROWE.

Mr. CUTCHEON also introduced a bill (H. R. 1168) for the relief of William B. Rowe, late a surgeon of Company A, Ninth Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORNELIUS M. HADLEY.

Mr. CUTCHEON also introduced a bill (H. R. 1169) for the relief of Cornelius M. Hadley, late a surgeon of Company F, Ninth Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF BOUNTY.

Mr. CUTCHEON also introduced a bill (H. R. 1170) to provide for the payment of a bounty of $100 to soldiers and enlisted men in the military service of the United States under the act of July 22, 1861, and who were discharged by reason of surgeon's certificate of disability or for promotion before the expiration of two years, and who have not received $100 bounty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MUSTER AND PAY OF CERTAIN OFFICERS, ETC.

Mr. CUTCHEON also introduced a bill (H. R. 1171) to amend an act entitled "An act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANKLIN THOMPSON.

Mr. CUTCHEON also introduced a bill (H. R. 1172) to remove the charge of desertion from the record of Franklin Thompson, alias S. E. E. Seelye; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. EDMUND G. FECHÉT.

Mr. CUTCHEON also introduced a bill (H. R. 1173) to correct the record of Capt. Edmund G. Fechét; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELVIRA BLISS SHELDON.

Mr. CUTCHEON also introduced a bill (H. R. 1174) granting a pension to Elvira Bliss Sheldon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HARRIET CLIFFORD.

Mr. CUTCHEON also introduced a bill (H. R. 1175) to increase the pension of Mrs. Harriet Clifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN H. FRENCH.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1176) granting a pension to Calvin H. French; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. BARKER.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1177) granting a pension to William J. Barker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. RODECKER.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1178) for the relief of Charles W. Rodecker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF CHARLES B. SMITH.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1179) for the relief of the heirs of Charles B. Smith, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB STEED.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1180) granting a pension to Jacob Steed, late a private in Company A, Third Regiment of Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW LAFFERTY.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1181) for the relief of Andrew Lafferty, of Muskegon County, State of Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MORGAN THOMPSON.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1182) granting a pension to Morgan Thompson, late of Company H, Nineteenth Wisconsin Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALANSON WOODWORTH.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 1183) granting a pension to Alanson Woodworth, late of Company G, Second Michigan Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN GARDNER.

Mr. CARLETON introduced a bill (H. R. 1184) granting a pension to Stephen Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA H. FISH.

Mr. CARLETON also introduced a bill (H. R. 1185) for the relief of Emma H. Fish; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, SAINT CLAIR, MICH.

Mr. CARLETON also introduced a bill (H. R. 1186) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Saint Clair, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, ROMEO, MICH.

Mr. CARLETON also introduced a bill (H. R. 1187) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Romeo, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, MARINE CITY, MICH.

Mr. CARLETON also introduced a bill (H. R. 1188) to provide for the erection of a public building for the use of the post-office and other Government offices at Marine City, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, LAPEER, MICH.

Mr. CARLETON also introduced a bill (H. R. 1189) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Lapeer, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SECTION 4492 REVISED STATUTES.

Mr. CARLETON also introduced a bill (H. R. 1190) to amend section 4492, title 52, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING AT MOUNT CLEMENS, MICH.

Mr. CARLETON also introduced a bill (H. R. 1191) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Mount Clemens, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL W. HAMILTON.

Mr. MAYBURY (by Mr. CARLETON) introduced a bill (H. R. 1192) for the relief of Samuel W. Hamilton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. EUNICE TRIPLER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1193) for the relief of Mrs. Eunice Tripler, widow of Charles S. Tripler, surgeon United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS AGAINST GOVERNMENT.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1194) for the judicial finding of law and facts in cases of claims against the Government, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARGARET KILROY.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1195) granting a pension to Margaret Kilroy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREE LUMBER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1196) to admit lumber of all descriptions into the Territories of the United States free of customs duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FREE SALT, LUMBER, ETC.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1197) to provide for the entry of ores of iron, lead, copper, and zinc, also of bituminous coal, salt, and lumber at all ports of the United States free of customs duties; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LEWIS ABEAR.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1198) granting a pension to Louis Abear, late a private in Company H, Fifth Michigan Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET M'CRICKETT.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1199) granting a pension to Margaret McCrickett, widow of Michael J. McCrickett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMPLOYMENT OF ALIENS AS ENGINEERS, ETC.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1200) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY HOWARD FARQUHAR.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1201) for the relief of Mary Howard Farquhar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF W. A. BURT.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1202) for the relief of the heirs of the late William A. Burt, inventor of the solar compass adopted and used by the United States Government in making the original survey of the public domain; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD HAWLEY & SONS.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1203) for the relief of Richard Hawley & Sons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OVERFLOWED LANDS IN MICHIGAN.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1204) setting apart the marsh and overflowed or shallow-water lands in and bordering upon Saint Clair, in the State of Michigan, for a national shooting and fishing resort or reservation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE ACROSS DETROIT RIVER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1205) for the construction of a bridge across the west channel of the Detroit River, to connect Bell Isle Park with the mainland; which was

read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LICENSE FEES.

Mr. MAYBURY (by Mr. CARLETON) also introduced a joint resolution (H. Res. 38) requesting the Attorney-General of the United States to examine and report to Congress the license fees collected in the several States and Territories and discriminating against non-residents; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMERCIAL RELATIONS WITH CANADA.

Mr. MAYBURY (by Mr. CARLETON) also introduced a joint resolution (H. Res. 39) requesting the Secretary of State to report to Congress the action of the Government under the provisions of the act approved June 19, 1878, relative to commercial relations with the Dominion of Canada; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. MAYBURY (by Mr. CARLETON) also introduced a joint resolution (H. Res. 40) for renewal of commercial relations with the British possessions in North America; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

EDWARD W. M'GINNIS.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1206) for the relief of Edward W. McGinnis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD BYRNE.

Mr. MAYBURY (by Mr. CARLETON) introduced a bill (H. R. 1207) for the relief of Edward Byrne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRIVATE LAND CLAIM, NEW MEXICO.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1208) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MAJ. WILLIAM M. MAYNADIER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1209) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. CROOK.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1210) for the relief of William H. Crook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BASIL MORELAND.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1211) for the relief of Basil Moreland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EGBERT THOMPSON.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1212) for the relief of the legal representatives of Egbert Thompson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE A. IAEGER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1213) for the relief of George A. Iaeger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCES DENMEAD.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. H. 1214) for the relief of Frances Denmead; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARCUS A. RENO.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1215) for the relief of Marcus A. Reno; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY M'INTOSH.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1216) granting an increase of pension to Mrs. Mary McIntosh, widow of Lieutenant McIntosh, Seventh Cavalry, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MILLINGER.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1217) for the relief of James Millinger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA V. BROWN.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1218) for the relief of Maria V. Brown, assignee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ELIZA E. HEBERT.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1219) for the relief of Mrs. Eliza E. Hebert, widow of Jules J. Hebert, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. MAYBURY (by Mr. CARLETON) also introduced a bill (H. R. 1220) to authorize the construction of a bridge across Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COURTS AT SAGINAW, MICH.

Mr. TARSNEY (by Mr. CARLETON) introduced a bill (H. R. 1221) to provide for holding the terms of the circuit and district courts of the United States for the eastern district of Michigan at East Saginaw, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPEAL OF SECTION 4458 REVISED STATUTES.

Mr. TARSNEY (by Mr. CARLETON) also introduced a bill (H. R. 1222) to repeal section 4458 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF CAPTAINS, PILOTS, AND MATES ON STEAM-VESSELS.

Mr. TARSNEY (by Mr. CARLETON) also introduced a bill (H. R. 1223) for the relief of captains, pilots, and mates on steam-vessels; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, EAST SAGINAW, MICH.

Mr. TARSNEY (by Mr. CARLETON) also introduced a bill (H. R. 1224) for the erection of a public building at East Saginaw, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

EVIDENCE IN PENSION CASES.

Mr. TARSNEY (by Mr. CARLETON) also introduced a bill (H. R. 1225) to regulate evidence in certain cases in the Pension Office of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CULTIVATION OF SUGAR.

Mr. O'DONNELL introduced a bill (H. R. 1226) to repeal the duty on sugar and provide for the payment of a bounty for the cultivation of sugar in the United States of America; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, JACKSON, MICH.

Mr. O'DONNELL also introduced a bill (H. R. 1227) to provide for the construction of a public building at Jackson, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HARRY B. AND GRACE A. HARRINGTON.

Mr. O'DONNELL also introduced a bill (H. R. 1228) granting a pension to Harry B. Harrington and Grace A. Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREEMAN W. HOWE.

Mr. O'DONNELL also introduced a bill (H. R. 1229) granting a pension to Freeman W. Howe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA CAMPBELL.

Mr. O'DONNELL also introduced a bill (H. R. 1230) granting a pension to Eliza Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH BOTTOMLEY.

Mr. O'DONNELL also introduced a bill (H. R. 1231) granting a pension to Elijah Bottomley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BOWKER.

Mr. O'DONNELL also introduced a bill (H. R. 1232) granting a pension to George W. Bowker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT MARQUETTE, MICH.

Mr. MOFFATT introduced a bill (H. R. 1233) to increase the appropriation for the erection of a public building at Marquette, Mich.;

which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DELBERT DORMAN.

Mr. COMSTOCK introduced a bill (H. R. 1234) for the relief of Delbert Dorman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES KENNEY.

Mr. COMSTOCK also introduced a bill (H. R. 1235) for the relief of James Kenney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FELIX M'KITTRICK.

Mr. COMSTOCK also introduced a bill (H. R. 1236) providing for the payment of the claim of Felix McKittrick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS AT GRAND HAVEN, MICH.

Mr. COMSTOCK also introduced a bill (H. R. 1237) to provide for the erection of public buildings at Grand Haven, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TIMBER-CULTURE.

Mr. STRAIT introduced a bill (H. R. 1238) to amend an act entitled "An act to encourage the growth of timber on the Western prairies," approved June 14, 1878; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON RAILROAD LANDS.

Mr. STRAIT also introduced a bill (H. R. 1239) for the relief of settlers on railroad lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC LANDS.

Mr. STRAIT also introduced a bill (H. R. 1240) to reduce the price of public lands within railroad limits; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. STRAIT also introduced a bill (H. R. 1241) relating to the public lands and to provide for the classification and disposition of the pine-timber lands belonging to the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SWAMP LANDS IN MINNESOTA.

Mr. STRAIT also introduced a bill (H. R. 1242) for the relief of certain settlers on swamp lands in Minnesota; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MILITIA.

Mr. STRAIT also introduced a bill (H. R. 1243) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms for the militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

GEORGE STORRS.

Mr. STRAIT also introduced a bill (H. R. 1244) for the relief of George Storrs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIRST NATIONAL BANK OF SHAKOPEE, MINN.

Mr. STRAIT also introduced a bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

SIOUX WAR, MINNESOTA.

Mr. STRAIT also introduced a bill (H. R. 1246) for the relief of citizens who were engaged in the suppression of the Sioux Indian war in Minnesota in 1862; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISABELLA H. SILVEY.

Mr. STRAIT also introduced a bill (H. R. 1247) granting an increase of pension to Isabella H. Silvey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY M. TAYLOR.

Mr. STRAIT also introduced a bill (H. R. 1248) for the relief of Mary M. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET T. RYAN.

Mr. STRAIT also introduced a bill (H. R. 1249) for the relief of Margaret T. Ryan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES R. BLAIR.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 1250) for the relief of Charles R. Blair; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD PENDERGAST.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1251) granting an increase of pension to Edward Pendergast; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EUGENIA A. SMALLEY.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1252) granting a pension to Eugenia A. Smalley and her children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANK OF WINONA.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1253) to change the name of the National Bank of Winona; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARY HOFF.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1254) granting a pension to Mary Hoff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC MOORE.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1255) granting a pension to Isaac Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES HEALY.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1256) for the relief of James Healy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ASLANG O. STUGO.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1257) granting an increase of pension to Mrs. Aslang O. Stugo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. K. BELDING.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1258) for the relief of H. K. Belding; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABIGAIL WEYMOUTH.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 1259) granting a pension to Abigail Weymouth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIRST NATIONAL BANK, MINNEAPOLIS, MINN.

Mr. GILFILLAN introduced a bill (H. R. 1260) to authorize the increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HENRY A. PAUS.

Mr. GILFILLAN also introduced a bill (H. R. 1261) for the relief of Henry A. Paus; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN COOK.

Mr. GILFILLAN also introduced a bill (H. R. 1262) for the relief of the estate of John Cook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JARED D. WHEELOCK.

Mr. GILFILLAN (by request) also introduced a bill (H. R. 1263) granting a pension to Jared D. Wheelock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. ROBERTS.

Mr. GILFILLAN also introduced a bill (H. R. 1264) for the relief of George F. Roberts, administrator of the estate of William B. Thayer, deceased, surviving partner of Thayer Brothers, and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES D. WOOD.

Mr. GILFILLAN also introduced a bill (H. R. 1265) for the relief of James D. Wood; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President, by Mr. PRUDEN, one of his secretaries, announcing that the President had approved and signed, December 21, 1885, joint resolution (H. Res. 2) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1885, on the 21st day of said month,

and that he had approved and signed, December 26, 1885, joint resolution (H. Res. 1) authorizing the Secretary of the Interior to use a portion of the Interior fund to fit up rooms for the Commissioner of Patents.

EXTENSION OF FREE LIST.

Mr. NELSON introduced a bill (H. R. 1266) to place hemp, manila, sisal grass, and all thread, twine, rope, and cordage from the same on the free list; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LIGHT-HOUSE, TWO HARBORS, MINN.

Mr. NELSON also introduced a bill (H. R. 1267) relating to the construction of a light-house at Two Harbors, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, DULUTH, MINN.

Mr. NELSON also introduced a bill (H. R. 1268) to provide for the construction of a public building in the city of Duluth, Minn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RED LAKE INDIAN RESERVATION.

Mr. NELSON also introduced a bill (H. R. 1269) in relation to the Red Lake Indian reservation, Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

DAM ACROSS THE MISSISSIPPI.

Mr. NELSON also introduced a bill (H. R. 1270) to authorize the Mississippi Water Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT, MINNESOTA.

Mr. NELSON also introduced a bill (H. R. 1271) to establish the northern judicial district of Minnesota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BASIL H. BEAULEIU.

Mr. NELSON also introduced a bill (H. R. 1272) to refer the claim of Basil H. Beauleiu and others to the Court of Claims for adjustment; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL J. BROWN.

Mr. NELSON also introduced a bill (H. R. 1273) for the relief of Samuel J. Brown; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES L. KASSON.

Mr. NELSON also introduced a bill (H. R. 1274) granting a pension to James L. Kasson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TURVILLE.

Mr. NELSON also introduced a bill (H. R. 1275) granting a pension to William Turville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WADDAMS.

Mr. WAKEFIELD introduced a bill (H. R. 1276) for the relief of John Waddams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA RABERLE.

Mr. WAKEFIELD also introduced a bill (H. R. 1277) for the relief of Johanna Raberle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN BIRD.

Mr. WAKEFIELD also introduced a bill (H. R. 1278) granting a pension to Ann Bird for services as nurse during the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DARIUS M. SEAMAN.

Mr. WAKEFIELD also introduced a bill (H. R. 1279) granting a pension to Darius M. Seaman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERRY ACROSS THE MISSOURI RIVER.

Mr. WAKEFIELD also introduced a bill (H. R. 1280) to authorize Frank W. Hunt to erect and maintain a ferry across the Missouri River at the military reservation of Fort Buford, Dak.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHANNA PAUL AND ANNA KABERLA.

Mr. WAKEFIELD also introduced a bill (H. R. 1281) granting a pension to Johanna Paul and Anna Kaberla; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. SLOAN.

Mr. WAKEFIELD also introduced a bill (H. R. 1282) granting a pension to William L. Sloan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES D. HATCH.

Mr. WAKEFIELD also introduced a bill (H. R. 1283) granting a pension to Charles D. Hatch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS' ACCOUNTS.

Mr. WAKEFIELD also introduced a bill (H. R. 1284) to continue the act to authorize the settlement of the accounts of officers of the Army and Navy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELI WEBB.

Mr. WAKEFIELD also introduced a bill (H. R. 1285) for the relief of Eli Webb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANGELINE BROMAGHIN.

Mr. WAKEFIELD also introduced a bill (H. R. 1286) granting a pension to Angeline Bromaghin, of Janesville, Minn.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GULF AND SHIP ISLAND RAILROAD.

Mr. BARKSDALE introduced a bill (H. R. 1287) to extend the time for building the Gulf and Ship Island Railroad in the State of Mississippi, and continuing the land grant for the same; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COINAGE OF STANDARD SILVER DOLLARS.

Mr. BARKSDALE also introduced a bill (H. R. 1288) to remove the restrictions on the coinage of the standard silver dollar imposed by the act of February 28, 1878, and to coin the same on the same conditions prescribed for gold; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

UNPAID WAR TAXES.

Mr. BARKSDALE also introduced a bill (H. R. 1289) to prevent the unpaid war taxes under the act of August 5, 1861, and acts amendatory thereof from being held as set-offs against the States having claims against the General Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. BARKSDALE also introduced a bill (H. R. 1290) granting pensions to the soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. BARKSDALE also introduced a bill (H. R. 1291) to repeal section 4 of an act approved March 3, 1883, providing for and limiting the investigation of claims against the United States by the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. KATE MILLER.

Mr. BARKSDALE also introduced a bill (H. R. 1292) granting a pension to Mrs. Kate Miller, widow of Joseph H. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CLEARY.

Mr. BARKSDALE also introduced a bill (H. R. 1293) for the relief of John Cleary; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. JONES.

Mr. BARKSDALE also introduced a bill (H. R. 1294) for the relief of Benjamin F. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM EVANS.

Mr. BARKSDALE also introduced a bill (H. R. 1295) for the relief of William Evans; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN L. LAKE, JR.

Mr. BARKSDALE also introduced a bill (H. R. 1296) for the relief of John L. Lake, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CORRESPONDENCE OF W. VAN MURRAY.

Mr. BARKSDALE also submitted a resolution to inquire into the

expediency of purchasing the diplomatic correspondence of William Van Murray for the use of the Congressional Library; which was referred to the Committee on the Library.

CONGRESSIONAL LIBRARY.

Mr. SINGLETON introduced a bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

Mr. SINGLETON. I want unanimous consent that the diagram accompanying the bill and showing the proposed location be printed with it.

There was no objection, and it was so ordered.

EXPENSE OF PUBLIC PRINTING, ETC.

Mr. SINGLETON also introduced a bill (H. R. 1298) to reduce the expense of the public binding and printing, and for other purposes; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

L. B. F. CHAMPION.

Mr. SINGLETON also introduced a bill (H. R. 1299) for the relief of L. B. F. Champion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PASCHAL D. HAMMACK.

Mr. SINGLETON also introduced a bill (H. R. 1300) for the relief of Paschal D. Hammack; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HELEN LOGGINS.

Mr. SINGLETON also introduced a bill (H. R. 1301) for the relief of Helen Loggins, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILEY A. PULLIN.

Mr. SINGLETON also introduced a bill (H. R. 1302) for the relief of Wiley A. Pullin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL HERD.

Mr. SINGLETON also introduced a bill (H. R. 1303) for the relief of Samuel Herd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES G. GILMER.

Mr. SINGLETON also introduced a bill (H. R. 1304) for the relief of Charles G. Gilmer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM F. HARALSON.

Mr. SINGLETON also introduced a bill (H. R. 1305) for the relief of William F. Haralson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET CHAMPION.

Mr. SINGLETON also introduced a bill (H. R. 1306) for the relief of Margaret Champion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIA A. THOMAS, ADMINISTRATRIX.

Mr. SINGLETON also introduced a bill (H. R. 1307) for the relief of Julia A. Thomas, administratrix of Josh G. Greer, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TURNER BABBITT.

Mr. SINGLETON also introduced a bill (H. R. 1308) for the relief of Turner Babbitt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES H. JOHNSON.

Mr. SINGLETON also introduced a bill (H. R. 1309) for the relief of Charles H. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. J. DENSON, ADMINISTRATOR.

Mr. SINGLETON also introduced a bill (H. R. 1310) for the relief of T. J. Denson, administrator of the estate of George W. McCabe; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC HARALSON.

Mr. SINGLETON also introduced a bill (H. R. 1311) for the relief of Isaac Haralson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCES E. GIBSON.

Mr. SINGLETON also introduced a bill (H. R. 1312) for the relief of the legal representatives of Frances E. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. B. F. CHAMPION.

Mr. SINGLETON also introduced a bill (H. R. 1313) for the relief of L. B. F. Champion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. H. WALLACE, ADMINISTRATOR.

Mr. SINGLETON also introduced a bill (H. R. 1314) for the relief of W. H. Wallace, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANKLIN SESSIONS.

Mr. SINGLETON also introduced a bill (H. R. 1315) for the relief of Franklin Sessions; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUTH SUMMERS, ADMINISTRATRIX.

Mr. SINGLETON also introduced a bill (H. R. 1316) for the relief of Ruth Summers, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE C. HARPER.

Mr. SINGLETON also introduced a bill (H. R. 1317) for the relief of George C. Harper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER P. STEWART.

Mr. MORGAN introduced a bill (H. R. 1318) for the relief of Alexander P. Stewart from disabilities imposed by the fourteenth amendment to the Constitution; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT D. FORT.

Mr. MORGAN also introduced a bill (H. R. 1319) to increase the pension of Robert D. Fort; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SARAH D. HERROD.

Mr. MORGAN (by request) also introduced a bill (H. R. 1320) for the relief of Sarah D. Herrod; which was read a first and second time, referred to the Committee on War Claims, and orderedto be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. ALLEN (by Mr. MORGAN) introduced a bill (H. R. 1321) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of the act approved July 2, 1882, and of acts supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

FRANCIS KILLEEN.

Mr. MORGAN (by request) introduced a bill (H. R. 1322) to place the name of Francis Killeen on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM KILLEEN.

Mr. MORGAN (by request) also introduced a bill (H. R. 1323) to place the name of William Killeen on the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ESTATE OF JOHN C. THOMPSON, DECEASED.

Mr. MORGAN (by request) also introduced a bill (H. R. 1324) for the relief of the estate of John C. Thompson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS D. FRENCH.

Mr. CATCHINGS introduced a bill (H. R. 1325) for the relief of Thomas D. French, of Vicksburg, Miss.; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. ROWENA CLARKE.

Mr. CATCHINGS also introduced a bill (H. R. 1326) for the relief of Mrs. Rowena Clarke, of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUISA O. LOVELL AND OTHERS.

Mr. CATCHINGS also introduced a bill (H. R. 1327) for the relief of Louisa O. Lovell and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT VICKSBURG, MISS.

Mr. CATCHINGS also introduced a bill (H. R. 1328) to provide a building for the use of the United States courts, post-office, customs offices, and internal-revenue office at Vicksburg, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HEIRS OF HARPER P. HUNT, DECEASED.

Mr. CATCHINGS also introduced a bill (H. R. 1329) for the relief of the heirs of Harper P. Hunt, deceased; which was read a first and sec-

ond time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN TAYLOR.

Mr. CATCHINGS also introduced a bill (H. R. 1330) granting a pension to Martin Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MADELEINE VINTON DAHLGREN.

Mr. VAN EATON introduced a bill (H. R. 1331) for the relief of Madeleine Vinton Dahlgren, widow of the late Rear-Admiral John A. Dahlgren, United States Navy, and administratrix of his estate; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JULIA A. NUTT.

Mr. VAN EATON also introduced a bill (H. R. 1332) for the relief of Julia A. Nutt, widow and executrix of Haller Nutt, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY M. ST. JOHN.

Mr. VAN EATON also introduced a bill (H. R. 1333) for the relief of Mary M. St. John; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE JONES.

Mr. VAN EATON also introduced a bill (H. R. 1334) for the relief of Jane Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB MASSIER.

Mr. VAN EATON also introduced a bill (H. R. 1335) for the relief of Jacob Massier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE OVER BAYOU BARNARD, MISS.

Mr. VAN EATON also introduced a bill (H. R. 1336) to authorize the construction of a bridge over Bayou Barnard, in the State of Mississippi; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISS.

Mr. VAN EATON also introduced a bill (H. R. 1337) for the relief of the Protestant Orphan Asylum of Natchez, in the State of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILTON S. SHIRK.

Mr. VAN EATON also introduced a bill (H. R. 1338) for the relief of Milton S. Shirk; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CASIMER SUFFEZYNSKI.

Mr. VAN EATON also introduced a bill (H. R. 1339) for the relief of Casimer Suffezynski; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. J. POITEVENT.

Mr. VAN EATON also introduced a bill (H. R. 1340) for the relief of W. J. Poitevent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NATIONAL CEMETERY, NATCHEZ, MISS.

Mr. VAN EATON also introduced a bill (H. R. 1341) to construct a road to the national cemetery at Natchez, Miss.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. POITEVENT.

Mr. VAN EATON also introduced a bill (H. R. 1342) for the relief of William J. Poitevent; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREE LUMBER.

Mr. DOCKERY introduced a bill (H. R. 1343) to exempt from customs duties all timber and lumber used in the construction of houses, fences, ships, steam-vessels, barges, and other boats; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. H. GILLESPIE.

Mr. DOCKERY also introduced a bill (H. R. 1344) granting a pension to William H. H. Gillespie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL H. BLAKELY.

Mr. DOCKERY also introduced a bill (H. R. 1345) granting a pension to Nathaniel H. Blakely; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT A. HEWITT.

Mr. DOCKERY also introduced a bill (H. R. 1346) restoring to the pension-roll the name of Robert A. Hewitt; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ALEXANDER EVANS.

Mr. DOCKERY also introduced a bill (H. R. 1347) granting a pension to Alexander Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERNETTA HENDLEY.

Mr. DOCKERY also introduced a bill (H. R. 1348) for the relief of Pernetta Hendley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM R. PRICE.

Mr. DOCKERY also introduced a bill (H. R. 1349) for the relief of William R. Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF J. J. GALTNEY, DECEASED.

Mr. DOCKERY also introduced a bill (H. R. 1350) for the relief of the heirs of J. J. Galtney, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. FULLER.

Mr. DOCKERY also introduced a bill (H. R. 1351) to restore to the pension-roll the name of Andrew J. Fuller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC CHENOWETH.

Mr. DOCKERY also introduced a bill (H. R. 1352) granting a pension to Isaac Chenoweth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMMITTEE CLERKS.

Mr. DOCKERY also submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Committee on Accounts be, and it is hereby, authorized and directed to designate the committees which, in the judgment of the said committee, should be allowed clerks for the present Congress under the legislative, judicial, and executive appropriation bill for the year ending June 30, 1886, and report to the House without delay for its action thereon.

JOHN HOW, INDIAN AGENT.

Mr. DOCKERY also introduced a bill (H. R. 1353) for the relief of the estate of John How, Indian agent, and his sureties; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLERK POST-OFFICE COMMITTEE.

Mr. DOCKERY also submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the clerkship of the Committee on the Post-Office and Post-Roads be, and the same is hereby, declared an annual clerkship, with compensation of $2,000 per annum, and that the Clerk of the House is hereby authorized to pay the clerk of said committee out of the contingent fund for the present session compensation at the above rate.

BUCKNER BILL.

Mr. DOCKERY also presented a concurrent resolution of the Legislature of Missouri, relating to legislation to defeat the Buckner bill to suspend the further coinage of silver; which was referred to the Committee on Coinage, Weights, and Measures.

FEDERAL RECEIVERS.

Mr. DOCKERY also presented a concurrent resolution of the Legislature of Missouri, relating to legislation authorizing receivers of railroad companies appointed by Federal courts to be sued in local State courts and preserve the right of trial by jury in such suits; which was referred to the Committee on the Judiciary.

PENSIONS TO SOLDIERS OF MEXICAN WAR.

Mr. DOCKERY also presented a concurrent resolution of the Legislature of Missouri, favoring the passage of the bill giving pensions to the surviving soldiers of the Mexican war; which was referred to the Committee on Pensions.

MISSOURI WAR DEBT

Mr. DOCKERY also presented a concurrent resolution of the Legislature of Missouri, requesting legislation for the auditing and adjusting the war debt of Missouri and providing for the appointment of a commissioner for determining the same; which was referred to the Committee on War Claims.

RODNEY D. WELLS.

Mr. GLOVER (by Mr. DOCKERY) introduced a bill (H. R. 1354) for the relief of Rodney D. Wells; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PETER KUMPF.

Mr. GLOVER (by Mr. DOCKERY) also introduced a bill (H. R. 1355) for the relief of Peter Kumpf; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES CUSTOM-HOUSE AT KANSAS CITY, MO.

Mr. WARNER, of Missouri, introduced a bill (H. R. 1356) making

an appropriation for the extension and enlargement of the United States custom-house at Kansas City, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COURT OF CLAIMS.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1357) authorizing the Court of Claims to hear and determine certain claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSIGNMENT OF RETIRED OFFICERS, UNITED STATES ARMY.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1358) authorizing the assignment of retired officers, United States Army, to certain duties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMES FOR INDIANS, ETC.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1359) to provide homes for Indians and for the distribution of certain surplus lands; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1360) to authorize the construction of a bridge across the Missouri River at some accessible point within ten miles below and five miles above the city of Kansas City, Mo.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

NIVA D. GWYNNE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1361) granting a pension to Niva D. Gwynne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. B. MOSELY.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1362) for the relief of M. B. Mosely; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. ROBESON.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1363) for the relief of the legal representatives of John M. Robeson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS TO TELEGRAPH OPERATORS.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1364) for the relief of telegraph operators during the war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BRICE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1365) for the relief of James Brice; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BOGGS & ALLEN.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1366) for the relief of Boggs & Allen; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS G. NEWMAN.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1367) to place the name of Thomas G. Newman upon the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET BLAKE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1368) for the relief of Margaret Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. PERKINS.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1369) granting a pension to George H. Perkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA A. MAGILL.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1370) for the relief of Lydia A. Magill, administratrix of the estate of John C. Magill, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN A. S. TUTT.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 1371) for the relief of the heirs of John A. S. Tutt, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. HEARD introduced a bill (H. R. 1372) to extend the provisions of an act approved March 2, 1855, entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTEREST ON WAR LOANS.

Mr. HEARD also introduced a bill (H. R. 1373) to reimburse the several States for interest paid on war loans, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MISSOURI HOME GUARD.

Mr. HEARD also introduced a bill (H. R. 1374) to authorize the Secretary of War to furnish certificates of the discharge of certain members of the Missouri Home Guard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. HEARD also introduced a bill (H. R. 1375) to establish agricultural experiment stations in connection with the colleges established in the several States and Territories under the provisions of an act approved July 2, 1862, and an act supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

PUBLIC BUILDING, SEDALIA, MO.

Mr. HEARD also introduced a bill (H. R. 1376) to provide for the erection of a public building in the city of Sedalia, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MISSOURI WAR CLAIMS.

Mr. HEARD also introduced a bill (H. R. 1377) to authorize the Secretary of the Treasury to cause to be examined certain vouchers filed or to be filed by the State of Missouri, or her agent or agents, for sums claimed to be due from the Government of the United States on account of payments made by said State since April 22, 1882, to the officers and enlisted men of her militia forces for military services rendered to the United States in the suppression of the rebellion, as evidenced by the proper payrolls heretofore filed with, examined and accepted by, the Government of the United States, and to report to Congress; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED HEAD.

Mr. HEARD also introduced a bill (H. R. 1378) for the relief of Alfred Head; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EUGENE WELLS.

Mr. HEARD also introduced a bill (H. R. 1379) for the relief Eugene Wells; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. G. WEAR.

Mr. HEARD also introduced a bill (H. R. 1380) for the relief of W. G. Wear; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH M. PILKINGTON.

Mr. HEARD also introduced a bill (H. R. 1381) for the relief of Joseph M. Pilkington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARIA E. WARFIELD.

Mr. HEARD also introduced a bill (H. R. 1382) for the relief of Maria E. Warfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MISSOURI JUDICIAL DISTRICTS.

Mr. STONE, of Missouri, introduced a bill (H. R. 1383) to amend an act entitled "An act to divide the western district of Missouri into two divisions, and to prescribe the times and places of holding courts therein, and for other purposes," approved January 21, 1879, so as to divide the western district of Missouri into three divisions, and to prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUITS AGAINST RECEIVERS, ETC.

Mr. STONE, of Missouri, also introduced a bill (H. R. 1384) to authorize certain suits in the courts of a State against receivers or other trustees appointed by the circuit courts of the United States in certain cases, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES CIRCUIT COURTS.

Mr. STONE, of Missouri, also introduced a bill (H. R. 1385) to determine the jurisdiction of the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS N. LOYD.

Mr. STONE, of Missouri (by request), also introduced a bill (H. R. 1386) granting a pension to Thomas N. Loyd; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAMUEL CONES.

Mr. STONE, of Missouri, also introduced a bill (H. R. 1387) for the relief of Samuel Cones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARMON CONLEY.

Mr. STONE, of Missouri, also introduced a bill (H. R. 1388) for the relief of Harmon Conley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ACCOUNTS OF ARMY OFFICERS.

Mr. WADE introduced a bill (H. R. 1389) to provide for the settlement of the accounts of officers of the Army who served during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. J. GIDEON.

Mr. WADE also introduced a bill (H. R. 1390) for the relief of J. J. Gideon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT SPRINGFIELD, MO.

Mr. WADE also introduced a bill (H. R. 1391) to provide for the erection of a public building in Springfield, Mo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

S. S. ROBINSON.

Mr. WADE also introduced a bill (H. R. 1392) to restore the name of S. S. Robinson, late of the Sixteenth United States Infantry, to the Army, and place him on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEVI KOONTZ.

Mr. WADE also introduced a bill (H. R. 1393) for the relief of Levi Koontz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. B. ADCOCK.

Mr. WADE also introduced a bill (H. R. 1394) for the relief of W. B. Adcock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

V. L. WIGGINS.

Mr. WADE also introduced a bill (H. R. 1395) to pension V. L. Wiggins, late private of Company F, Fourth Illinois Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN KIRK.

Mr. WADE also introduced a bill (H. R. 1396) for the relief of Martin Kirk, late private in Company E, Eighth Regiment Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENNETT D. BAILEY.

Mr. WADE also introduced a bill (H. R. 1397) for the relief of Bennett D. Bailey, First Arkansas Cavalry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILAS S. WHITE.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 1398) to grant a pension to Silas S. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHEBE MARTIN.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1399) granting a pension to Phebe Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT COTTON.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1400) to relieve Albert Cotton from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT BEATRICE, NEBR.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1401) for the erection of a public building at the city of Beatrice, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES COURTS AT NEBRASKA CITY.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1402) to provide for the holding of the terms of the district and circuit courts of the United States at Nebraska City, Nebr.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS IN NEBRASKA.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1403) to divide the State of Nebraska into two judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FILING OF TRANSCRIPTS OF JUDGMENTS IN UNITED STATES COURTS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1404) requiring transcripts of judgments obtained in the United States courts to be filed with county officers having charge of judgment records in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW M. JORDON.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1405) granting a pension to Andrew M. Jordon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMMONS W. HARDEN.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1406) granting a pension to Simmons W. Harden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF PROVISIONS OF ACT OF JUNE 10, 1880.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1407) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, State of Nebraska; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WALTER NELSON.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1408) for the relief of Walter Nelson; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JEREMIAH BUFFINGTON.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1409) granting a pension to Jeremiah Buffington; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PACIFIC RAILROAD.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1410) declaring the time the costs of surveying, selecting, and conveying should have been paid by the railroad company under the Pacific railroad acts, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI NEAR NEBRASKA CITY.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1411) to amend an act authorizing the construction of a bridge across the Missouri River opposite to or within the corporate limits of Nebraska City, Nebraska, approved June 4, 1872; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

INSTRUCTIONS TO JURIES IN UNITED STATES COURTS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 1412) to provide that judges of the United States circuit and district courts shall reduce their instructions to juries to writing in all States wherein by the laws thereof State judges are required so to do; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RELIEF OF SETTLERS ON THE PUBLIC DOMAIN, NEBRASKA.

Mr. LAIRD introduced a bill (H. R. 1413) for the relief of settlers and purchasers of lands on the public domain in the States of Nebraska and Kansas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FORFEITURE OF LANDS FOR RAILOAD AND TELEGRAPH LINES.

Mr. LAIRD also introduced a bill (H. R. 1414) forfeiting to the United States all lands heretofore granted by Congress in aid of the construction of railroad or telegraph lines upon which the cost of surveying, selecting, and conveying have not been paid, as required by law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ACQUISITION OF PROPERTY BY ALIENS.

Mr. LAIRD introduced a bill (H. R. 1415) to prevent the acquisition of property by aliens, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE S. COMSTOCK.

Mr. LAIRD also introduced a bill (H. R. 1416) for the relief of George

S. Comstock; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES BAINTER.

Mr. LAIRD also introduced a bill (H. R. 1417) for the relief of James Bainter; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY MARTIN.

Mr. LAIRD also introduced a bill (H. R. 1418) for the relief of Henry Martin; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MOSES FULLINGTON.

Mr. LAIRD also introduced a bill (H. R. 1419) granting a pension to Moses Fullington; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WESLEY MONTGOMERY.

Mr. LAIRD also introduced a bill (H. R. 1420) for the relief of Wesley Montgomery; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

STEPHEN C. MONROE.

Mr. LAIRD also introduced a bill (H. R. 1421) to rerate the pension of Stephen C. Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDGMENTS IN UNITED STATES COURTS.

Mr. LAIRD also introduced a bill (H. R. 1422) requiring transcripts of judgments obtained in United States courts to be filed with county officers having charge of judgment records in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PROOF IN PENSION CASES.

Mr. LAIRD also introduced a bill (H. R. 1423) regulating the proof required in certain pension cases, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. WHITAKER.

Mr. LAIRD also introduced a bill (H. R. 1424) for the relief of John H. Whitaker, guardian; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELIA G. WEBBER.

Mr. LAIRD also introduced a bill (H. R. 1425) granting a pension to Delia G. Webber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATSEY JACKSON.

Mr. LAIRD also introduced a bill (H. R. 1426) granting a pension to Patsey Jackson, widow of the late James S. Jackson, brigadier-general, United States Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS OF VOLUNTEER ARMY.

Mr. LAIRD also introduced a bill (H. R. 1427) for the relief of certain officers of the volunteer army, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. POPE.

Mr. LAIRD also introduced a bill (H. R. 1428) to confirm the title of Benjamin F. Pope to his office of assistant surgeon in the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES COURTS IN NEBRASKA.

Mr. LAIRD also introduced a bill (H. R. 1429) to provide for the holding of a term of the district and circuit courts of the United States at Hastings, Nebr.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DAVID STONECYPHER.

Mr. LAIRD also introduced a bill (H. R. 1430) for the relief of David Stonecypher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF HOSPITAL STEWARDS.

Mr. LAIRD also introduced a bill (H. R. 1431) to equalize the pay of hospital stewards of the Army with that of other officers of like rank; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. TIBBITS.

Mr. LAIRD also introduced a bill (H. R. 1432) for the relief of W. H. Tibbits; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

CHARLES H. HOLT.

Mr. LAIRD also introduced a bill (H. R. 1433) for the relief of Charles H. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT HASTINGS, NEBR.

Mr. LAIRD also introduced a bill (H. R. 1434) for the erection of a public building at Hastings, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

GEORGE S. FISHER.

Mr. LAIRD also introduced a bill (H. R. 1435) to reimburse George S. Fisher for losses sustained by fire in Japan, November 26, 1866; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INFANTRY BRANCH OF THE ARMY.

Mr. LAIRD also introduced a bill (H. R. 1436) to increase the efficiency of the infantry branch of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRANCH SOLDIERS' HOME.

Mr. LAIRD aiso introduced a bill (H. R. 1437) to authorize the location of a branch home for volunteer disabled soldiers in either of the States of Iowa, Minnesota, Nebraska, Colorado or Dakota Territory, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIMITATION OF ARREARS OF PENSIONS.

Mr. LAIRD also introduced a bill (H. R. 1438) to remove the limitation in the payment of arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'ALPIN.

Mr. LAIRD also introduced a bill (H. R. 1439) for the relief of Daniel McAlpin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN BENSON.

Mr. LAIRD also introduced a bill (H. R. 1440) granting a pension to John Benson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HILL.

Mr. LAIRD also introduced a bill (H. R. 1441) granting increase of pension to Edward Hill, late of the Sixteenth Michigan Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TWO NEW CAVALRY REGIMENTS.

Mr. LAIRD also introduced a joint resolution (H. Res. 41) authorizing the President of the United States to raise two regiments of volunteer cavalry in the Territories of New Mexico and Arizona to suppress Indian hostilities therein; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AGRICULTURAL LANDS.

Mr. LAIRD also introduced a joint resolution (H. Res. 42) requesting the Commissioner of the General Land Office to furnish certain information to Congress concerning the suspension of the issuance of patents to lands taken by settlers thereon pursuant to law, and requiring that officer to pass to patent all agricultural lands taken pursuant to law against which no contest is pending or against which no specific charge is proved or pending; which was referred to the Committee on the Public Lands.

LAND-GRANT RAILROADS.

Mr. LAIRD also introduced a joint resolution (H. Res. 43) directing the Secretary of the Interior to require all land-grant railroads to file a release of lands covered by the terms of their grants before taking other lands in lieu thereof, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EDWARD W. M'GINNIS.

Mr. LAIRD (by request) also introduced a bill (H. R. 1442) for the relief of Edward W. McGinnis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE A. IAEGER.

Mr. LAIRD also introduced a bill (H. R. 1443) for the relief of George A. Iaeger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD BYRNE.

Mr. LAIRD also introduced a bill (H. R. 1444) for the relief of Edward Byrne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY M'INTOSH.

Mr. LAIRD also introduced a bill (H. R. 1445) granting an increase of pension to Mrs. Mary McIntosh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS DENMEAD.

Mr. LAIRD also introduced a bill (H. R. 1446) for the relief of Francis Denmead; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MARCUS A. RENO.

Mr. LAIRD also introduced a bill (H. R. 1447) for the relief of Marcus A. Reno; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL LAND OFFICES.

Mr. DORSEY introduced a bill (H. R. 1448) to establish two additional land offices in the State of Nebraska; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HENRY B. JAY.

Mr. DORSEY also introduced a bill (H. R. 1449) to remove the charge of desertion from military record of Henry B. Jay; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES B. SIGNOR.

Mr. DORSEY also introduced a bill (H. R. 1450) for the relief of Charles B. Signor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

OTTO SCHITTLER.

Mr. DORSEY also introduced a bill (H. R. 1451) granting a pension to Otto Schittler, late assistant surgeon One hundred and twenty-ninth Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. O. ADKINSON.

Mr. WOODBURN introduced a bill (H. R. 1452) for the relief of D. O. Adkinson, postmaster of Virginia City, Nev.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. KINKEAD AND OTHERS.

Mr. WOODBURN also introduced a bill (H. R. 1453) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELECTION OF SENATORS.

Mr. GALLINGER (by Mr. HAYNES) introduced a bill (H. R. 1454) to amend section 14 of the Revised Statutes of the United States concerning the election of Senators; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LYSANDER H. CARROLL.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1455) for the relief of Lysander H. Carroll; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LYDIA A. NELSON.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1456) granting a pension to Lydia A. Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD B. HOLT.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1457) granting an increase of pension to Edward B. Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL W. DAVIS.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1458) granting a pension to Nathaniel W. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. LOUISE BUTLER.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1459) granting an increase of pension to M. Louise Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. ORDWAY.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1460) granting an increase of pension to Charles H. Ordway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LISETTA W. SPAULDING.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1461) granting a pension to Lisetta W. Spaulding; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDIE L. MACOMBER.

Mr. GALLINGER (by Mr. HAYNES) also introduced a bill (H. R. 1462) granting a pension to Addie L. Macomber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL MARCY.

Mr. HAYNES introduced a bill (H. R. 1463) directing the Secretary of the Treasury to refund money wrongfully paid for duties on imports by Daniel Marcy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DAVID WEBSTER.

Mr. HAYNES also introduced a bill (H. R. 1464) for the relief of David Webster; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TELEGRAPH OPERATORS DURING THE WAR.

Mr. HAYNES also introduced a bill (H. R. 1465) for the relief of telegraph operators during the war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD WOOD.

Mr. HAYNES also introduced a bill (H. R. 1466) regulating the retired pay and allowances to Richard Wood, United States Marine Corps; which was read a first and second time, referred to the Committtee on War Claims, and ordered to be printed.

PUBLIC BUILDING, DOVER, N. H.

Mr. HAYNES also introduced a bill (H. R. 1467) to provide for the erection of a public building in the city of Dover, in the State of New Hampshire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN P. DAVIS.

Mr. HAYNES also introduced a bill (H. R. 1468) increasing the pension of John P. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOIS HOLT.

Mr. HAYNES also introduced a bill (H. R. 1469) granting a pension to Lois Holt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. LITTLE.

Mr. HAYNES also introduced a bill (H. R. 1470) granting a pension to John E. Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. HILL.

Mr. HAYNES also introduced a bill (H. R. 1471) increasing the pension of Andrew J. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MURPHY.

Mr. HAYNES also introduced a bill (H. R. 1472) granting a pension to Mary Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CARR.

Mr. HAYNES also introduced a bill (H. R. 1473) granting a pension to Mary Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. COLBY

Mr. HAYNES also introduced a bill (H. R. 1474) granting a pension to Mary G. Colby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET FLAHERTY.

Mr. HAYNES also introduced a bill (H. R. 1475) granting a pension to Margaret Flaherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH H. ADAMS.

Mr. HAYNES also introduced a bill (H. R. 1476) granting a pension to Joseph H. Adams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRAUDULENT ENTRIES ON PUBLIC DOMAIN.

Mr. MCADOO introduced a bill (H. R. 1477) to prevent fraudulent entries on the public domain and to preserve the same for actual settlers in good faith; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

VOTERS AND OFFICERS IN TERRITORIES.

Mr. MCADOO also introduced a bill (H. R. 1478) to prevent certain persons from voting at elections or holding office in the Territories of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ALIENS ON PUBLIC LANDS.

Mr. MCADOO also introduced a bill (H. R. 1479) to prevent aliens other than *bona fide* settlers from owning or leasing or using for graz-

ing purposes lands in the Territories of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH E. MOORE.

Mr. MCADOO also introduced a bill (H. R. 1480) for the relief of Joseph E. Moore; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN LOCKWOOD.

Mr. MCADOO also introduced a bill (H. R. 1481) for the relief of Ann Lockwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURVIVORS OF THE CUMBERLAND.

Mr. MCADOO also introduced a bill (H. R. 1482) to provide suitable medals for the survivors of the officers and crew of the United States sloop-of-war Cumberland; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. MCADOO also introduced a joint resolution (H. Res. 44) proposing an amendment to the Constitution of the United States for uniformity as to the day for choosing Presidential electors, and forbidding the voting for any other officers save Representatives in Congress at said election of President and Vice-President; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

PUBLIC BUILDING AT PATERSON, N. J.

Mr. PHELPS introduced a bill (H. R. 1483) for the erection of a public building in Paterson, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HANNAH STEVENTON.

Mr. PHELPS also introduced a bill (H. R. 1484) to place on the pension-roll the name of Hannah Steventon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. A. B. ALEXANDER.

Mr. PHELPS also introduced a bill (H. R. 1485) for the relief of Mrs. A. B. Alexander; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BATTLEFIELDS OF THE REVOLUTION.

Mr. PHELPS also introduced a bill (H. R. 1486) to encourage societies of the vicinage to erect monuments on the few important battlefields of the Revolution yet unmarked; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

WASHINGTON'S HEADQUARTERS AT MORRISTOWN, N. J.

Mr. PHELPS also introduced a joint resolution (H. Res. 45) to enlarge and improve Washington's headquarters, at Morristown, N. J.; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

PROTECTION OF FISHERIES.

Mr. HIRES introduced a bill (H. R. 1487) for the protection of fisheries on the Atlantic coast; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PUBLIC BUILDING, CAMDEN, N. J.

Mr. HIRES also introduced a bill (H. R. 1488) for the erection of a public building at Camden, N. J.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY R. PIERSON.

Mr. HIRES also introduced a bill (H. R. 1489) granting a pension to Henry R. Pierson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY STANTON.

Mr. HIRES also introduced a bill (H. R. 1490) for the relief of Amy Stanton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH CURRIDEN.

Mr. HIRES also introduced a bill (H. R. 1491) for the relief of Joseph Curriden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES BUTLER.

Mr. HIRES also introduced a bill (H. R. 1492) granting a pension to James Butler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE TAXES ON TOBACCO.

Mr. BUCHANAN introduced a bill (H. R. 1493) repealing the internal-revenue taxes upon tobacco and the various manufactures thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARGES AGAINST PERSONS IN THE CIVIL SERVICE.

Mr. BUCHANAN also introduced a bill (H. R. 1494) to afford persons in the civil service of the United States an opportunity to inspect charges which may be filed against them and to reply thereto, and for other purposes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. BUCHANAN also introduced a bill (H. R. 1495) creating a Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. BUCHANAN also introduced a bill (H. R. 1496) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

RETIREMENT AND RECOINAGE OF THE TRADE-DOLLAR.

Mr. BUCHANAN also introduced a bill (H. R. 1497) for the retirement and recoinage of the trade-dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

RELIEF OF NAVAL RECRUITS FROM THE CHARGE OF DESERTION.

Mr. BUCHANAN also introduced a bill (H. R. 1498) extending the provisions and benefits of the act approved August 7, 1882, entitled "An act to relieve certain soldiers of the late war from desertion," to certain naval recruits serving in the said war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMENDMENT OF SECTION 4718 REVISED STATUTES.

Mr. BUCHANAN also introduced a bill (H. R. 1499) to amend section 4718 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHANGING NAME OF THE PORT OF LAMBERTON.

Mr. BUCHANAN also introduced a bill (H. R. 1500) changing the name of the port of Lamberton, in the district of Burlington, N. J., to the port of Trenton, in said district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM DALTON.

Mr. BUCHANAN also introduced a bill (H. R. 1501) referring the claim of William Dalton to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILBUR F. COGSWELL.

Mr. BUCHANAN also introduced a bill (H. R. 1502) for the relief of Wilbur F. Cogswell, late assistant engineer, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE T. DUDLEY.

Mr. BUCHANAN also introduced a bill (H. R. 1503) for the relief of George T. Dudley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN W. ROSE.

Mr. BUCHANAN also introduced a bill (H. R. 1504) granting a pension to John W. Rose; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM DERMODY.

Mr. BUCHANAN also introduced a bill (H. R. 1505) granting a pension to William Dermody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'ANNY.

Mr. BUCHANAN also introduced a bill (H. R. 1506) granting a pension to James McAnny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADJUDICATION OF PENSION CLAIMS.

Mr. BUCHANAN also submitted the following resolution; which was referred to the Committee on Invalid Pensions:

Resolved, That the Committee on Invalid Pensions be, and they are hereby, instructed to inquire into the causes of the great delay in the adjudication of claims for invalid pensions; that they have power to send for persons and papers, and to report by bill or otherwise.

DRAWBACKS ON SUGAR.

Mr. BUCHANAN also submitted the following resolution; which was referred to the Committee on Ways and Means:

Be it resolved, That the Secretary of the Treasury be, and is hereby, directed to

forward to this House a statement of the amount of raw sugars imported since July 1, 1883, the total amount and average rate of duty paid thereon, and a statement of the total amount of drawbacks refunded upon refined sugars exported since said date and the average rate per pound of such drawbacks, and a statement of the regulations adopted for determining the rate per pound of such drawbacks, and also a statement showing the average rate of such drawbacks refunded prior to the date when the tariff revision act of 1883 went into effect, together with copies of all communications on file in his Department in relation to drawbacks on sugar and filed since July 1, 1883.

OLIVER VAN BILLIARD.

Mr. PIDCOCK introduced a bill (H. R. 1507) for the relief of Oliver Van Billiard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARCUS A HAMILTON.

Mr. PIDCOCK also introduced a bill (H. R. 1508) for the relief of Marcus A. Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. VAN GORDEN.

Mr. PIDCOCK also introduced a bill (H. R. 1509) for the relief of William P. Van Gorden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PEARL BUTTONS.

Mr. LEHLBACH introduced a bill (H. R. 1510) to amend the customs-revenue laws relative to pearl buttons; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SIDNEY R. SMITH.

Mr. LEHLBACH also introduced a bill (H. R. 1511) for the relief of Sidney R. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUSAN C. MANDEVILLE.

Mr. LEHLBACH also introduced a bill (H. R. 1512) granting arrears of pension and pension to Susan C. Mandeville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONVENTION BETWEEN UNITED STATES AND MEXICO.

Mr. HEWITT introduced a bill (H. R. 1513) to carry into effect a convention between the United States of America and Mexico signed on the 20th day of January, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

UNIFORM STANDARD OF VALUE.

Mr. HEWITT also introduced a bill (H. R. 1514) to secure a uniform standard of value; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PURCHASE OF FOREIGN-BUILT SHIPS.

Mr. HEWITT also introduced a bill (H. R. 1515) amendatory of title 48 of the Revised Statutes of the United States, so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign-carrying trade; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WIDOW OF COMMANDER T. A. M. CRAVEN.

Mr. HEWITT also introduced a bill (H. R. 1516) to increase the pension of the widow of the late Commander T. A. M. Craven; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GIFTS TO THE FRENCH BENEVOLENT SOCIETY.

Mr. HEWITT also introduced a bill (H. R. 1517) to admit free of duty gifts to the French Benevolent Society of New York; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

A. A. LOW & BROTHERS.

Mr. HEWITT also introduced a bill (H. R. 1518) for the relief of A. A. Low & Brothers; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. SPRINGER). This bill will be referred to the Committee on Claims, not to the Committee on Ways and Means as indicated by the indorsement.

Mr. HEWITT. It is a bill relating to the national debt. It provides for the payment of a missing bond; and under the practice of the House and the well settled rule (I do not think the new rule applies to the case) all questions relating to the national debt should go the Committee on Ways and Means. The bill has been twice favorably reported to the House from that committee.

The SPEAKER *pro tempore*. The Chair is of opinion that it must go to the Committee on Claims, unless it be otherwise referred by unanimous consent.

The bill was referred to the Committee on Claims, and ordered to be printed.

BOUNDARY BETWEEN NEW YORK AND NEW JERSEY.

Mr. HEWITT also introduced a bill (H. R. 1519) to approve and confirm the agreement entered into by the States of New York and New Jersey concerning the boundary line between said States extending from the Hudson River to the Delaware River; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF NEW YORK POST-OFFICE SITE.

Mr. HEWITT also introduced a joint resolution (H. Res. 46) conferring jurisdiction on the Court of Claims to consider and determine the equitable interest of the Chamber of Commerce of the State of New York in the money realized by the sale of the post-office site in the city of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY F. BLAKE.

Mr. HEWITT also introduced a bill (H. R. 1520) granting an increase of pension to Mary F. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PURCHASE OF PROPERTY FOR ARMY PURPOSES.

Mr. HEWITT also introduced a bill (H. R. 1521) making an appropriation for the purchase of the old Produce Exchange building, and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RICHARD OULAHAN.

Mr. HEWITT also introduced a bill (H. R. 1522) for the relief of Richard Oulahan, late first lieutenant of the One hundred and sixty-fourth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OVERVALUATION OF AUSTRIAN FLORIN.

Mr. HEWITT also introduced a bill (H. R. 1523) to refund excessive duties caused by extraordinary overvaluation of the Austrian florin in the year 1878; which was read a first and second time.

The SPEAKER *pro tempore*. This bill under the new rules will go to the Committee on Claims.

Mr. HEWITT. The Chair is of course well informed, but at the same time this matter was submitted to the House by the State Department, and originally went to the Committee on Foreign Affairs, and was then transferred to the Committee on Ways and Means on the ground that it affected the valuation of the Austrian florin, which was a matter in which the Committee on Ways and Means was concerned and not the Committee on Foreign Affairs. It will sound in the repayment of an amount of money if it is allowed.

The SPEAKER *pro tempore*. The Clerk will read the new rule under which the bill goes to the Committee on Claims.

The Clerk read as follows:

7. No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on Private Land Claims, and to the Committee on Accounts.

Mr. HEWITT. This is a bill to refund some $40,000——

The SPEAKER *pro tempore*. Under the terms of the new rule it must go to the Committee on Claims.

Mr. HEWITT. I think it should be a case of unanimous consent.

The SPEAKER *pro tempore*. Is there objection to the reference of the bill to the Committee on Foreign Affairs?

There was no objection, and the bill was referred to the Committee on Foreign Affairs, and ordered to be printed.

PORT CHARGES.

Mr. HEWITT also introduced a bill (H. R. 1524) making appropriations for the purchase of the work entitled "Port charges and requirements on vessels in the various ports of the world, with tables of moneys, weights, and measures of all nations, and a telegraphic code for masters, owners, and ship-brokers, by Theodore Hunter and Jarvis Patten," for the use of United States consuls that are stationed at seaports, and, through said consuls, for consultation of American ship-masters visiting those ports; which was read a first and second time.

The SPEAKER *pro tempore*. That bill seems to appropriate money.

Mr. HEWITT. It should go to the Committee on Commerce or the Committee on Appropriations.

The SPEAKER *pro tempore*. The Chair is of the opinion that it should go to the Committee on Appropriations.

Mr. HEWITT. That is my own view.

The bill was referred to the Committee on Appropriations, and ordered to be printed.

NEW YORK, LAKE ERIE AND WESTERN RAILROAD COMPANY.

Mr. HEWITT also introduced a bill (H. R. 1525) for the relief of the New York, Lake Erie and Western Railroad Company; which was read a first and second time.

Mr. HEWITT. It arises out of post-office questions, but will involve the payment of money, and I suppose will have to go to the Committee on Claims under the new rules.

The SPEAKER *pro tempore*. Yes; and not to the Committee on the Post-Office and Post-Roads.

The bill was referred to the Committee on Claims, and ordered to be printed.

THOMAS THACHER.

Mr. HEWITT also introduced a bill (H. R. 1526) for the relief of Thomas Thacher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RETAIL DEALERS IN FERMENTED LIQUORS.

Mr. HEWITT also introduced a bill (H. R. 1527) to amend paragraph 5 of section 3244 of the Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WITHDRAWAL OF MERCHANDISE.

Mr. HEWITT also introduced a bill (H. R. 1528) to amend certain sections of the Revised Statutes relating to the assessment of duties on withdrawals of merchandise from warehouse; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, HUDSON, N. Y.

Mr. KETCHAM introduced a bill (H. R. 1529) for the erection of a public building at Hudson, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MERCHANTS' NATIONAL BANK, POUGHKEEPSIE, N. Y.

Mr. KETCHAM also introduced a bill (H. R. 1530) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.

The SPEAKER *pro tempore*. The Chair is of opinion that the proper reference of this bill is to the Committee on Claims.

Mr. WILKINS. This bill has been before the Committee on Banking and Currency heretofore, and that would seem to be the proper reference now.

The SPEAKER *pro tempore*. It appears to be a claim, and under the new rule must go to the Committee on Claims.

Mr. WILKINS. It is not a claim of such a nature as would require its reference to that committee. I do not understand that the rule is changed in this particular. It is not a claim against the Government.

The SPEAKER *pro tempore*. The Chair understands this, however, to be the issue of a claim.

Mr. WILKINS. But it is not such a claim as the rule contemplates.

The bill was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

W. H. GIFFORD.

Mr. KETCHAM also introduced a bill (H. R. 1531) granting a pension to W. H. Gifford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON A. CALKINS.

Mr. KETCHAM also introduced a bill (H. R. 1532) granting an increase of pension to Newton A. Calkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REOPENING DECISION COURT OF CLAIMS.

Mr. KETCHAM also introduced a bill (H. R. 1533) to open and set aside an order of the Court of Claims canceling a portion of a judgment against the United States remitted through mistake as to the facts in regard to the same by claimant to the United States, and to refer the matter to the Court of Claims for such further action as said court shall find to be just and equitable; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM REYNOLDS.

Mr. KETCHAM also introduced a bill (H. R. 1534) for the relief of the heirs of William Reynolds; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLUMBIA RAILWAY COMPANY, DISTRICT OF COLUMBIA.

Mr. KETCHAM also introduced a bill (H. R. 1535) amendatory of an act to incorporate the Columbia Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANDREW BRIDGEMAN.

Mr. KETCHAM also introduced a bill (H. R. 1536) for the relief of Andrew Bridgeman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WASHINGTON CENTRAL RAILROAD COMPANY.

Mr. KETCHAM (by request) also introduced a bill (H. R. 1537) to incorporate the Washington Central Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

IMPROVEMENT MISSISSIPPI RIVER.

Mr. KETCHAM (by request) also introduced a bill (H. R. 1538) to make the Lake Borgne outlet, to improve the low-water navigation of the Mississippi River from New Orleans, La., to Cairo, Ill., and incidentally to reclaim and protect the valley lands of the Mississippi River and tributaries from overflow without levees; which was read a first and second time, referred to the Committee on the Levees and Improvement of the Mississippi River, and ordered to be printed.

SALE OF UNITED STATES LANDS, WALLABOUT BAY.

Mr. BLISS introduced a bill (H. R. 1539) providing for the sale of the navy-yard and United States naval hospital land on and near Wallabout Bay, in the city of Brooklyn, N. Y.; also providing for the sale of a portion of said land to the city of Brooklyn for market purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

APPOINTMENTS AND PROMOTIONS, MARINE CORPS.

Mr. BLISS also introduced a bill (H. R. 1540) to regulate appointments and promotions in the staff of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DAVID L. BRAINARD AND OTHERS.

Mr. BLISS also introduced a bill (H. R. 1541) for the relief of David L. Brainard and others, non-commissioned officers and privates of the Greely Arctic expedition; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REFUND OF CERTAIN CLAIMS OF PORT WARDENS.

Mr. BLISS also introduced a bill (H. R. 1542) in relation to refunding certain sums claimed by port wardens; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET KEARNS.

Mr. BLISS also introduced a bill (H. R. 1543) granting a pension to Margaret Kearns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF LETTERS PATENT.

Mr. BLISS also introduced a bill (H. R. 1544) authorizing William Lewis and William H. Lewis to make application to the Commissioner of Patents for the extension of their patent for new and useful photographic plate-holders; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

EDWARD HART.

Mr. BLISS also introduced a bill (H. R. 1545) to increase the pension of the widow of the late Naval Constructor Edward Hart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS H. ELLISON.

Mr. BLISS also introduced a bill (H. R. 1546) for the relief of Francis H. Ellison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD B. LANSING.

Mr. BLISS also introduced a bill (H. R. 1547) for the relief of Edward B. Lansing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN CRYMBLE.

Mr. BLISS also introduced a bill (H. R. 1548) for the relief of Ellen Crymble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CLABAUGH.

Mr. BLISS (by request) also introduced a bill (H. R. 1549) to provide for the issue to William Clabaugh of bonds of the District of Columbia on account of the M street bridge across Rock Creek, in the city of Washington; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

GEORGE K. OTIS.

Mr. BLISS (by request) also introduced a bill (H. R. 1550) for the relief of George K. Otis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. BLISS (by request) also introduced a bill (H. R. 1551) for the relief of George K. Otis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES CALER.

Mr. BLISS also introduced a bill (H. R. 1552) for the relief of James Caler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SARAH CARTER.

Mr. JOHNSON, of New York, introduced a bill (H. R. 1553) for the relief of Sarah Carter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN N. TROOK.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 1554) for the relief of John N. Trook, administrator of William Hughes, de-

ceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HARRIET P. BLAKE.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 1555) for the relief of Harriet P. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB MAYER.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 1556) granting a pension to Jacob Mayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID W. JONES.

Mr. BURLEIGH (by Mr. JOHNSON, of New York) introduced a bill (H. R. 1557) for the relief of David W. Jones; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS DANIELS.

Mr. BURLEIGH (by Mr. JOHNSON, of New York) also introduced a bill (H. R. 1558) for the relief of Francis Daniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORDYCE FOSTER.

Mr. BURLEIGH (by Mr. JOHNSON, of New York) introduced a bill (H. R. 1559) for the relief of Fordyce Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVALINE A. WHITE.

Mr. BURLEIGH (by Mr. JOHNSON, of New York) introduced a bill (H. R. 1560) for the relief of Evaline A. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REFUND OF DUTIES.

Mr. BEACH introduced a bill (H. R. 1561) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect; which was read a first and second time.

Mr. BEACH. I ask that this bill be referred to the Committee on Ways and Means.

The SPEAKER *pro tempore*. The Chair thinks it should go to the Committee on Claims.

Mr. BEACH. A similar bill went to the Committee on Ways and Means in the last Congress.

The SPEAKER *pro tempore*. The rule has been changed since then, and the Chair, having examined this bill, finds that clearly it should go to the Committee on Claims. It is a bill for the payment of money—for the refunding of taxes alleged to have been illegally paid.

Mr. BEACH, If that is the proper reference I have no objection.

The bill was referred to the Committee on Claims, and ordered to be printed.

PREFERENCE FOR SOLDIERS AND SAILORS.

Mr. BEACH also introduced a bill (H. R. 1562) to amend section 1754 of the Revised Statutes so as to give honorably discharged soldiers and sailors a preference in public appointments; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

NATIONAL BANKS.

Mr. BEACH also introduced a bill (H. R. 1563) authorizing the Comptroller of the Currency to change the names or locations of national banks and to increase the capital stock thereof; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PHEBE SAUNDERS.

Mr. BEACH also introduced a bill (H. R. 1564) granting a pension to Phebe Saunders; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WALLER.

Mr. BEACH also introduced a bill (H. R. 1565) to reimburse John Waller, late postmaster at Monticello, N. Y., for moneys expended in carrying the mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDGAR BRODHEAD.

Mr. BEACH also introduced a bill (H. R. 1566) for the relief of Edgar Brodhead; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PHILIP JACOBS.

Mr. BEACH also introduced a bill (H. R. 1567) granting a pension to Philip Jacobs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL TAYLOR.

Mr. BEACH also introduced a bill (H. R. 1568) granting a pension to Nathaniel Taylor; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, NEWBURG, N. Y.

Mr. BEACH also introduced a bill (H. R. 1569) for the erection of a public building at Newburg, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SPECIAL LEGISLATION AND LEGISLATION ON APPROPRIATION BILLS.

Mr. BEACH also introduced a joint resolution (H. Res. 47) proposing an amendment to the Constitution of the United States so as to prevent special legislation and prohibit legislation on appropriation bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONSTITUTIONAL LIMITATION ON CLAIMS AGAINST THE UNITED STATES.

Mr. BEACH also introduced a joint resolution (H. Res. 48) proposing an amendment to the Constitution of the United States so as to raise a statute of limitation upon claims against the Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

A VETO ON SEPARATE ITEMS IN APPROPRIATION BILLS.

Mr. BEACH also introduced a joint resolution (H. Res. 49) proposing an amendment to the Constitution of the United States so as to give the President power to veto one or more items in appropriation bills; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNIFORM MARRIAGE AND DIVORCE LAWS.

Mr. BEACH also introduced a joint resolution (H. Res. 50) proposing an amendment to the Constitution of the United States so as to establish uniform laws on the subject of marriage and divorce; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AGAINST LOANING THE PUBLIC CREDIT.

Mr. BEACH also introduced a joint resolution (H. Res. 51) proposing an amendment to the Constitution of the United States so as to prevent the giving or loaning of the public property or credit in aid of private or corporate enterprise; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, ROCHESTER, N. Y.

Mr. BAKER introduced a bill (H. R. 1570) to increase the appropriation for the erection of a public building at Rochester, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TITLE TO CERTAIN LANDS ON SAGINAW BAY, MICH.

Mr. BAKER also introduced a bill (H. R. 1571) to quiet and confirm the title to certain lands on Saginaw Bay, in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

INTERSTATE-COMMERCE COMMISSION.

Mr. BAKER also introduced a bill (H. R. 1572) to create an interstate-commerce commission and to regulate its powers and duties; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BUREAU OF PUBLIC DOCUMENTS.

Mr. BAKER also introduced a bill (H. R. 1573) providing for the establishment of a bureau of public documents; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

SARAH L. BRAGG.

Mr. BAKER also introduced a bill (H. R. 1574) granting a pension to Sarah L. Bragg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH KAHLER.

Mr. BAKER also introduced a bill (H. R. 1575) granting a pension to Elizabeth Kahler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS ALLCOCK.

Mr. BAKER also introduced a bill (H. R. 1576) granting an increase of pension to Thomas Allcock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERIE AND OSWEGO CANALS.

Mr. WEBER (by Mr. BAKER) introduced a bill (H. R. 1577) for the permanent improvement of the Erie and Oswego Canals and to secure the freedom of the same to the commerce of the United States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

PENSIONS TO DEPENDENT PARENTS.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1578) relating to claims for pensions by dependent parents; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMY A. LEWIS.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1579) for the relief of Amy A. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY B. BAKER.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1580) for the relief of Emily B. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE PENLEY.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1581) for the relief of Jane Penley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELEANOR C. BANGHAM.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1582) for the relief of Eleanor C. Bangham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS J. CAMPBELL.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1583) for the relief of Nicholas J. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. AURELIA C. RICHARDSON.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1584) for the relief of Mrs. Aurelia C. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET COLBATH.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1585) for the relief of Mrs. Margaret Colbath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM KINNEY.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1586) for the relief of William Kinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CHARLOTTE A. STEWART.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1587) for the relief of Mrs. Charlotte A. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. BUSH.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1588) for the relief of William W. Bush; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON O. BAKER.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1589) for the relief of Newton O. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY PAIGE.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1590) for the relief of Timothy Paige; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MURRAY.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1591) for the relief of James Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH A. VAUGHN.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1592) for the relief of Sarah A. Vaughn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MANZ.

Mr. WEBER (by Mr. BAKER) also introduced a bill (H. R. 1593) for the relief of Sarah Manz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAYMENT OF DUTIES ON IMPORTS.

Mr. ADAMS, of New York, introduced a bill (H. R. 1594) to allow all duties on imports to be paid by certified check on any national bank duly organized under the laws of the United States; which was read a first and second time.

Mr. ADAMS, of New York. I am in some doubt whether this bill should go to the Committee on Ways and Means or to the Committee on the Judiciary.

The SPEAKER *pro tempore*. It does not relate to the amount of duty to be paid, but only to the manner of payment—the currency in which payment shall be paid. The Chair thinks it should go to the Committee on Banking and Currency.

Mr. ADAMS, of New York. I think it should properly go to the Judiciary Committee.

The SPEAKER *pro tempore*. The jurisdiction of the Judiciary Committee is general, while that of the Committee on Banking and Currency is special.

The bill was referred to the Committee on Banking and Currency, and ordered to be printed.

REGISTRATION OF STEAMSHIPS.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1595) to authorize the registration of certain steamships as vessels of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIABILITY OF VESSEL-OWNERS.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1596) to amend section 4289 of the Revised Statutes of the United States relative to the limitation of the liability of the owners of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADMINISTRATION OF OATHS BY NOTARIES PUBLIC.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1597) to amend section 2805 of the Revised Statutes of the United States, so as to allow oaths to be administered by notaries public; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DANIEL W. LEE & CO.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1598) for the relief of Daniel W. Lee & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BANKRUPTCY.

Mr. ADAMS, of New York, also introduced a bill (H. R. 1599) to establish a uniform system of bankruptcy throughout the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONUMENT TO GENERAL GRANT.

Mr. DOWDNEY introduced a bill (H. R. 1600) for the erection and completion of a monument to the memory of the late General Ulysses S. Grant in the city of New York; which was read a first and second time.

The SPEAKER *pro tempore*. This bill will be referred to the Committee on the Library.

Mr. DOWDNEY. I prefer that it go to the Committee on Military Affairs. I ask unanimous consent for that reference.

There being no objection, the bill was referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS STATEN ISLAND SOUND.

Mr. BELMONT introduced a bill (H. R. 1601) to authorize the construction of a bridge across the Staten Island Sound, known as Arthur Kill, and to establish the same as a post-road; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

YACHTS.

Mr. BELMONT also introduced a bill (H. R. 1602) amending the Revised Statutes relating to yachts; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

DUTY ON WORKS OF ART.

Mr. BELMONT also introduced a bill (H. R. 1603) to abolish the discriminating duty on works of art the production of American and of foreign artists; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. L. M. PHELPS.

Mr. BELMONT also introduced a bill (H. R. 1604) for the relief of Mrs. L. M. Phelps, widow of Hon. S. L. Phelps, late United States minister to Peru; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE BRANDRETH.

Mr. STAHLNECKER (by request) introduced a bill (H. R. 1605) for the relief of George Brandreth, special administrator; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT YONKERS, N. Y.

Mr. STAHLNECKER also introduced a bill (H. R. 1606) for the erection of a public building at Yonkers, N. Y.; which was read a first

and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. FELIX CAMPBELL introduced a bill (H. R. 1607) for the relief of Elizabeth Fleming, Frances E. Robinson, and Margaret Johnston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT BROOKLYN, N. Y.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1608) to amend an act entitled "An act for the erection of a public building at Brooklyn, N. Y.," approved June 12, 1882; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS SHANNON.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1690) granting a pension to Thomas Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS L. DALLON.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1610) for the relief of Francis L. Dallon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REVENUE TAXATION.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1611) to amend section 4 of the act entitled "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HEIRS OF AUGUSTINE DE YTURBIDE.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1612) to authorize the United States district court for the northern district of California to proceed in the case of the executors and heirs of Augustine de Yturbide, deceased, appellants, against the United States, appellees, and hear and determine the same on its merits; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEAM-BOILER INSPECTOR FOR THE DISTRICT OF COLUMBIA.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1613) to amend an act creating the office of steam-boiler inspector for the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

BANKRUPT LAW.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1614) to repeal chapter 160 of the laws of 1878, entitled "An act to repeal the bankrupt law," approved June 7, 1878; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMERCIAL TRAVELERS IN THE DISTRICT OF COLUMBIA.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1615) to relieve commercial travelers from license tax in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JAMES A. WHALEN.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1616) for the relief of James A. Whalen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. LAURENCE.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 1617) for the relief of George H. Laurence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARINE HOSPITAL AT THE PORT OF NEW YORK.

Mr. JAMES introduced a bill (H. R. 1618) to establish a marine hospital at the port of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

BILLS OF LADING.

Mr. JAMES also introduced a bill (H. R. 1619) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JEANNETTE EXPLORING EXPEDITION.

Mr. JAMES also introduced a bill (H. R. 1620) to fix and determine the date of the decease of those who perished in the retreat from the wreck of the exploring steamer Jeannette, in the Arctic seas; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

REGULATION OF COMMERCIAL SALES BETWEEN THE STATES.

Mr. JAMES also introduced a bill (H. R. 1621) to regulate commercial sales of goods and merchandise by samples, catalogue, card, price-list, description, or other representation between residents of the several States and Territories; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRISON LABOR.

Mr. JAMES also introduced a bill (H. R. 1622) to prohibit any officer, agent, or servant of the Government of the United States of America from hiring or contracting out the labor of prisoners incarcerated for violating the laws of the Government of the United States of America; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

JESSE H. STRICKLAND.

Mr. JAMES also introduced a bill (H. R. 1623) to muster Jesse H. Strickland as colonel of cavalry into the service of the United States, and to pay him for his services from January 30, 1863, to March 31, 1864, inclusive; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHARINE BAUR.

Mr. JAMES also introduced a bill (H. R. 1624) for the extension of letters patent to Catharine Baur, widow of Julius Baur; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

FRANCIS M'NEIL POTTER.

Mr. JAMES also introduced a bill (H. R. 1625) for the relief of Francis McNeil Potter; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLOMON SPITZER.

Mr. JAMES also introduced a bill (H. R. 1626) for the relief of the heirs of the late Solomon Spitzer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNIE BAGLEY.

Mr. JAMES also introduced a bill (H. R. 1627) granting a pension to Annie Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed a bill of the following title, in which concurrence of the House of Representatives was requested, namely:

A bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

Also, that the Senate had passed a concurrent resolution tendering the thanks of Congress to the governor and the people of the State of Ohio for the statue of James A. Garfield and accepting the same; in which the concurrence of the House of Representatives was requested.

CONTINENTAL FIRE INSURANCE AND OTHER COMPANIES.

Mr. JAMES also introduced a bill (H. R. 1628) for the relief of the Continental Fire Insurance Company, the Eagle Fire Insurance Company, the City Fire Insurance Company, and the Commercial Mutual Fire Insurance Company, all of New York city; the Western National Bank, the Merchants' National Bank, and the Maryland Fire Insurance Company, of Baltimore, Md.; which was read a first and second time.

Mr. JAMES. This bill has for its object authority and directing the Commissioner of Internal Revenue to open up some refunding accounts where double taxes have been paid by these parties, and should go to the Committee on Ways and Means.

The SPEAKER *pro tempore*. But under the new rule all such subjects must be referred to the Committee on Claims.

Mr. JAMES. It seems to me that as it directs the Internal Revenue Commissioner to open up these claims it should go to the Committee on Ways and Means.

The SPEAKER *pro tempore*. It provides for the payment of a sum of money; it is a claim upon the Government, and under the new rules it must go to the Committee on Claims.

The bill was so referred, and ordered to be printed.

JAMES CAIN.

Mr. MAHONEY introduced a bill (H. R. 1629) for the relief of James Cain, late a captain in One hundred and fifty-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CAPT. DOMINICK LYNCH.

Mr. MAHONEY also introduced a bill (H. R. 1630) to increase the pension of the widow of the late Capt. Dominick Lynch, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JULIA S. FINNEY.

Mr. MAHONEY also introduced a bill (H. R. 1631) to increase the pension of Mrs. Julia S. Finney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. WILLBUR.

Mr. MAHONEY also introduced a bill (H. R. 1632) for the relief of James M. Willbur; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS H. LAWRENCE.

Mr. MAHONEY also introduced a bill (H. R. 1633) for the relief of Thomas H. Lawrence; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARGARET A. CASWELL.

Mr. SWINBURNE introduced a bill (H. R. 1634) for the relief of Margaret A. Caswell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH B. JACKSON.

Mr. SWINBURNE also introduced a bill (H. R. 1635) for the relief of Sarah B. Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS C. ELLISON.

Mr. SWINBURNE also introduced a bill (H. R. 1636) for the relief of Thomas C. Ellison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEXICAN PENSIONS.

Mr. VIELE introduced a bill (H. R. 1637) granting pensions to the soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. JULIA DENT GRANT.

Mr. VIELE also introduced a bill (H. R. 1638) granting the franking privilege to Mrs. Julia Dent Grant; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

WILLIAM RUTHERFORD.

Mr. VIELE also introduced a bill (H. R. 1639) for the relief of William Rutherford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. GETTY.

Mr. VIELE also introduced a bill (H. R. 1640) to place Col. George W. Getty, retired, on the retired-list of the Army with the rank and pay of a brigadier-general; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. W. A. NICHOLSON.

Mr. VIELE also introduced a joint resolution (H. Res. 52) to authorize J. W. A. Nicholson, a rear-admiral in the United States Navy, to accept certain decorations and presents from foreign governments; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

AUGUSTUS BARNES.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 1641) for the relief of Augustus Barnes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALLOTMENT OF INDIAN LANDS, NEW YORK.

Mr. SESSIONS introduced a bill (H. R. 1642) to allot the lands of the Seneca Nation of Indians in New York; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INCREASE OF PAY FOR CERTAIN DISABILITIES.

Mr. SESSIONS also introduced a bill (H. R. 1643) to allow certain soldiers and sailors in the United States service increased pay where they have lost both eyes, both arms, both legs, or who are totally disabled; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. BROOKS FLETCHER.

Mr. SESSIONS also introduced a bill (H. R. 1644) to pay A. Brooks Fletcher for letter-boxes furnished the post-office at Jamestown, N. Y.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALARIES OF UNITED STATES DISTRICT JUDGES.

Mr. SPRIGGS introduced a bill (H. R. 1645) to make the salaries of the several judges of the district courts of the United States $5,000 per annum; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

CHARLES W. LAMBERT.

Mr. SPRIGGS also introduced a bill (H. R. 1646) to amend the military record of Charles W. Lambert; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JULIA STOKES.

Mr. SPRIGGS also introduced a bill (H. R. 1647) granting a pension to Julia Stokes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH AURAND.

Mr. SPRIGGS also introduced a bill (H. R. 1648) for the relief of Elizabeth Aurand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHŒBE H. MEECH.

Mr. FARQUHAR introduced a bill (H. R. 1649) granting a pension to Phœbe H. Meech; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SARAH MANZ.

Mr. FARQUHAR also introduced a bill (H. R. 1650) for the relief of Sarah Manz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROSINA HEINEMAN.

Mr. FARQUHAR also introduced a bill (H. R. 1651) for the relief of Rosina Heineman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES HASENZAHL.

Mr. FARQUHAR also introduced a bill (H. R. 1652) for the relief of Frances Hasenzahl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF POSTMASTERS.

Mr. PINDAR introduced a bill (H. R. 1653) for the payment of claims of postmasters and late postmasters, adjusted under the act approved March 3, 1883; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK G. MIX.

Mr. PINDAR also introduced a bill (H. R. 1654) for the relief of Frank G. Mix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM W. WEBB.

Mr. PINDAR also introduced a bill (H. R. 1655) for the relief of William W. Webb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. ELLSWORTH.

Mr. LINDSLEY introduced a bill (H. R. 1656) for the relief of John C. Ellsworth; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK S. DOIG.

Mr. LINDSLEY also introduced a bill (H. R. 1657) for the relief of Patrick S. Doig; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DANIEL E. M'LEAN.

Mr. LINDSLEY also introduced a bill (H. R. 1658) for the relief of Daniel E. McLean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXPLORING STEAMER JEANNETTE.

Mr. LINDSLEY also introduced a bill (H. R. 1659) for the relief of the survivors of the exploring steamer Jeannette, and the wives and children of those who perished in the retreat from the wreck of that vessel in the Arctic seas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. HOFFMAN AND M. A. PARLIMAN.

Mr. LINDSLEY also introduced a bill (H. R. 1660) granting pensions to Elizabeth Hoffman and Mary Ann Parliman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. JOHNSTON.

Mr. LINDSLEY also introduced a bill (H. R. 1661) granting a pension to Margaret A. Johnston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE SCHOONMAKER.

Mr. LINDSLEY also introduced a bill (H. R. 1662) granting a pension to Catharine Schoonmaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY L. MYERS.

Mr. LINDSLEY also introduced a bill (H. R. 1663) granting a pension to Mary L. Myers; which was read a first and second time, referrred to the Committee on Invalid Pensions, and ordered to be printed.

P., J., AND K. BLACKWELL.

Mr. LINDSLEY also introduced a bill (H. R. 1664) granting a pension to Peter Blackwell, John Blackwell, and Kate Blackwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLIVER P. CARPENTER.

Mr. LINDSLEY introduced a bill (H. R. 1665) granting a pension to Oliver P. Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE BARLOW.

Mr. LINDSLEY also introduced a bill (H. R. 1666) for the relief of George Barlow; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BONDS OF CIGAR MANUFACTURERS.

Mr. MERRIMAN introduced a bill (H. R. 1667) to amend section 3387 of the Revised Statutes of the United States, relating to bonds of cigar manufacturers; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TRIAL OF CUSTOMS-REVENUE CASES.

Mr. MERRIMAN also introduced a bill (H. R. 1668) to provide a better system for the trial of customs-revenue cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BUREAU OF TRANSPORTATION.

Mr. MERRIMAN also introduced a bill (H. R. 1669) to establish a bureau of transportation in the Department of the Interior; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OBSTRUCTIONS IN NEW YORK HARBOR.

Mr. MERRIMAN also introduced a bill (H. R. 1670) to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York and to punish and prevent such offenses, and other provisions in connection therewith; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC P. TICE.

Mr. MERRIMAN also introduced a bill (H. R. 1671) for the relief of the administrators of Isaac P. Tice, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ERIE CANAL.

Mr. MERRIMAN also introduced a bill (H. R. 1672) to provide for the permanent improvement of the Erie Canal and for maintaining the same free to the commerce of the United States; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

WILLIAM M. SHIMMINS AND G. H. M'PHERSON.

Mr. MERRIMAN also introduced a bill (H. R. 1673) for the relief of William M. Shimmins and George H. McPherson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM WOLFF.

Mr. MERRIMAN also introduced a bill (H. R. 1674) for the relief of William Wolff; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON OLEOMARGARINE.

Mr. PARKER introduced a bill (H. R. 1675) to tax the manufacture and sale of oleomargarine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXPORTATION OF IMITATED BUTTER AND CHEESE.

Mr. PARKER also introduced a bill (H. R. 1676) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

COUNTING THE VOTE FOR PRESIDENT AND VICE-PRESIDENT.

Mr. PARKER also introduced a bill (H. R. 1677) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

HENRY N. HUGGINS.

Mr. PARKER also introduced a bill (H. R. 1678) for the relief of Henry N. Huggins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM JACKSON.

Mr. PARKER also introduced a bill (H. R. 1679) for the relief of William Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT NELSON.

Mr. PARKER also introduced a bill (H. R. 1680) for the relief of Robert Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HICKS.

Mr. PARKER also introduced a bill (H. R. 1681) for the relief of William Hicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HAMMOND. Mr. Speaker, I move that the House do now adjourn.

Several MEMBERS. No! no!

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted Mr. WHEELER on account of sickness.

By unanimous consent, Mr. MORROW obtained leave to withdraw from the files of the House papers relating to the claim of E. L. Brown, presented May 3, 1884, by Mr. Rosecrans, of California, and referred to the Committee on Claims.

COMMUNICATION FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER *pro tempore* (Mr. SPRINGER) laid before the House the following executive communication; which was referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 14th ultimo from the Secretary of the Interior, submitting, with accompanying papers in relation thereto, a draught of a bill to provide for allotments of lands in severalty to Indians residing upon the Round Valley reservation, in the State of California, the granting patents therefor, and for other purposes. The matter is presented for the early consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 5, 1886.

INTERNATIONAL FISHERIES COMMISSION.

Mr. DAVIS. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the remonstrance of Nathaniel Atwood and 654 others, citizens of Provincetown, Mass., against the appointment of an international fisheries commission.

Several members objected.

Mr. DAVIS. Then I will have it referred in the usual manner—through the box.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

The motion was not agreed to, there being—ayes 35, noes 120.

PUBLIC BUILDING AT CHARLOTTE, N. C.

Mr. BENNETT introduced a bill (H. R. 1682) to make an appropriation for the erection of a United States court-house and post-office in the city of Charlotte, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INTERMARRIAGE OF WHITE AND NEGRO RACES.

Mr. BENNETT also introduced a bill (H. R. 1683) to prevent the intermarriage of the white and negro races in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

UNITED STATES COURTS IN NORTH CAROLINA.

Mr. BENNETT also introduced a bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT WILMINGTON, N. C.

Mr. BENNETT also introduced a bill (H. R. 1685) to provide for the erection of a building for the accommodation of the post-office, custom-house, court-rooms, and other Government offices in the city of Wilmington, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PURCHASE OF ARMS FOR STATES.

Mr. BENNETT also introduced a bill (H. R. 1686) to repeal certain provisions of the act approved March 3, 1875, relating to the purchase of arms for the use of the States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT NEW BERNE, N. C.

Mr. O'HARA introduced a bill (H. R. 1687) to provide for the erection of a public building in the city of New Berne, in the State of North Carolina; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COMMON SCHOOLS.

Mr. O'HARA also introduced a bill (H. R. 1688) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

DEPOSITORS IN FREEDMAN'S BANK.

Mr. O'HARA also introduced a bill (H. R. 1689) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred

by the failure of said company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RESTAURANTS, ETC., IN THE DISTRICT OF COLUMBIA.

Mr. O'HARA also introduced a bill (H. R. 1690) regulating restaurants and other public places in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EDWARD H. BARNUM AND MARY A. RUSSELL

Mr. O'HARA also introduced a bill (H. R. 1691) for the relief of Edward H. Barnum and Mary A. Russell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FURNIFOLD MERCER.

Mr. O'HARA also introduced a bill (H. R. 1692) for the relief of Furnifold Mercer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM L. PALMER.

Mr. O'HARA also introduced a bill (H. R. 1693) for the relief of William L. Palmer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN D. THORNE.

Mr. O'HARA also introduced a bill (H. R. 1694) for the relief of John D. Thorne; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GARRETT C. MOYE.

Mr. O'HARA also introduced a bill (H. R. 1695) granting a pension to Garrett C. Moye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REAPPRAISEMENT OF TRANSPORT BOAT PLANTER.

Mr. O'HARA also introduced a bill (H. R. 1696) authorizing a reappraisement of the steam transport boat Planter, captured by Robert Smalls, and for a distribution of proceeds thereof; which was read a first and second time.

The SPEAKER *pro tempore*. The reference indicated on the back of this bill is the Committee on Naval Affairs, and under the rules of the last House this bill was so referred. But by the new rules the bill properly goes to the Committee on War Claims, as it provides for a reappraisement with the view to the payment of a large amount claimed by the party.

Mr. O'HARA. I ask unanimous consent that the bill go to the Committee on Naval Affairs.

There being no objection the bill was so referred, and was ordered to be printed.

PUBLIC BUILDING AT ASHEVILLE, N. C.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 1697) to provide for the erection of a public building at Asheville, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1698) granting pensions to soldiers of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SALT FREE OF DUTY.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1699) to admit salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE ACTS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1700) to repeal the internal-revenue act and acts amendatory thereof; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ANSON B. SAMS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1701) granting a pension to Anson B. Sams, of Madison County, North Carolina, and to place his name on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL LUCAS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1702) granting arrears of pension and increase to Daniel Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WILLIAMS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1703) granting a pension to Joseph Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON RICE.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1704) for the relief of Wilson Rice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. P. PAYNE.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1705) for the relief of W. P. Payne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY TOWNSEND.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1706) to grant arrears of pension to Mary Townsend; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH P. HENSLEY.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1707) granting a pension to Elijah P. Hensley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MINGUS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1708) for the relief of John Mingus; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. HETTY MARTIN.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1709) for the relief of Mrs. Hetty Martin, and to adjust the account of the late J. G. Martin, assistant quartermaster, United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. J. PAYNE.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1710) for the relief of T. J. Payne; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE C. HAYNIE.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 1711) for the relief of George C. Haynie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF FEES, ETC.

Mr. COWLES introduced a bill (H. R. 1712) to abolish fees and perquisites of United States district attorneys, marshals, clerks, commissioners, and deputy marshals, and provide salaries for the same; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

BRANDY FROM FRUIT.

Mr. COWLES also introduced a bill (H. R. 1713) to allow the free distillation of brandy from fruit; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF INTERNAL-REVENUE SYSTEM.

Mr. COWLES also introduced a bill (H. R. 1714) to abolish the internal-revenue system and repeal the tax on distilled spirits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ABOLITION OF INTERNAL-REVENUE FEES, ETC.

Mr. COWLES also introduced a bill (H. R. 1715) to provide salaries for collectors of internal revenue and repeal the laws allowing fees, commissions, and allowances to the same; which was read a first and second time, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

JOSEPH C. HOGAN.

Mr. COX introduced a bill (H. R. 1716) for the relief of Joseph C. Hogan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MILITIA.

Mr. COX also introduced a bill (H. R. 1717) for the special and uniform instruction of State militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

COMPENSATION OF MARSHALS AND DISTRICT ATTORNEYS.

Mr. COX also introduced a bill (H. R. 1718) fixing the compensation of United States marshals and district attorneys; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

INTERNAL-REVENUE TAX ON SPIRITS.

Mr. COX also introduced a bill (H. R. 1719) to change the methods of collecting the internal-revenue tax on spirits; which was read a first

and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. REID, of North Carolina, introduced a bill (H. R. 1720) to repeal the laws known as the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX UPON TOBACCO, ETC.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1721) to repeal the law imposing an internal-revenue tax upon tobacco and upon spirits distilled from fruits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON FRUIT SPIRITS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1722) to abolish the internal-revenue tax upon spirits distilled from apples, peaches, or other fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DESTRUCTION OF ILLICIT STILLS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1723) to abolish the statute allowing seizing officers to destroy forfeited-stills and distilling apparatus, and requiring such officers to remove the forfeited property to a place of safe storage; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DISTILLERIES OF TEN GALLONS OR LESS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1724) to allow whisky distilleries of ten gallons or less production per day to be operated as now provided by law for the operation of brandy distilleries; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, WINSTON-SALEM, N. C.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1725) for the erection of a public building at Winston-Salem, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

AID TO COMMON SCHOOLS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1726) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

J. J. PETREE AND OTHERS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1727) for the relief of J. J. Petree and others from payment of special tax; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

KERNERSVILLE MANUFACTURING COMPANY.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1728) for the relief of the Kernersville Manufacturing Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1729) granting pensions to soldiers engaged in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANDREW M. HOLDERBY.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1730) granting a pension to Andrew M. Holderby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. D. HAY.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1731) for the relief of the heirs of R. D. Hay; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEUT. JOHN F. STEWART.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1732) for the relief of the heirs of Lieut. John F. Stewart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES L. CARDWELL.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1733) for the relief of James L. Cardwell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DUTY ON SUGAR AND MOLASSES.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1734) to repeal the duty on sugar and molasses; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON SALT.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1735) to admit the importation of salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTY ON STEEL RAILS.

Mr. REID, of North Carolina, also introduced a bill (H. R. 1736) to reduce the import duty on steel rails; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ORDER OF BUSINESS.

Mr. DUNHAM. Mr. Speaker, I desire to inquire whether it was not understood that the introduction of bills should go on to-day and from day to day hereafter until all the States and Territories shall have been called?

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The Chair is informed that such was the order. If there is doubt the Chair will cause the order to be read again.

Mr. DUNHAM. There being no doubt that under the order this business can go on to-morrow, and the clerks having now as much as they can possibly do to get up the record to-night, I move that the House adjourn.

The SPEAKER *pro tempore*. The Chair is informed that the order is a continuing one, and that the call of States will be proceeded with after adjournment to-day when the House again meets.

Mr. ANDERSON, of Kansas. I wish to make an inquiry of the Chair as to whether the order will be continued so as to allow gentlemen who were unavoidably absent when their States were called to introduce bills for reference after the call of States shall have been concluded?

The SPEAKER *pro tempore*. The Chair can only state that such has been the custom. After the call of States is concluded it has always been the custom heretofore to permit gentlemen, who were absent when their States were called to introduce bills for reference.

Mr. ANDERSON, of Kansas. I ask unanimous consent that that be made a part of the order.

The SPEAKER *pro tempore*. The gentleman from Kansas asks unanimous consent that at the conclusion of the call of States and Territories for the introduction of bills gentlemen who were absent when their States were called may then be permitted to introduce their bills. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The question is on the motion of the gentleman from Illinois [Mr. DUNHAM] that the House do now adjourn.

The motion was agreed to.

And accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Asbury Parkes, for the reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Joseph C. Anthony, for reference of his claim to the Court of Claims—to the same committee.

Also, papers in the claim of Asbury Parks and of Thomas S. Fogg—to the same committee.

By Mr. BARBOUR: Petition of James E. Holmes, for the reference of his claim to the Court of Claims—to the same committee.

Also, petition of J. E. Brissey, asking compensation for loss of his wife by reason of failure of United States Government to repair a bridge in the District of Columbia—to the Committee on the District of Columbia.

Also, papers in the claim of John Q. Larmon, Joseph L. Harley, and Thomas P. Sparks, and in claim of Rose A. Cameron, administratrix—to the Committee on Claims.

Also, papers relating to the claims of May A. Conard, widow of John W. Conard; of Absalom Kiley; of George Cooper; of George H. Wenner; of Oliver G. Butts; of E. J. Conard; of Samuel W. George, jr., and of Francis M. Brabham—to the Committee on War Claims.

By Mr. BARKSDALE: Petition of Mrs. Kate Miller, widow of Joseph Miller, for a pension—to the Committee on Invalid Pensions.

Also, petition of Thomas B. Magruder, of Claiborne County, Mississippi, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, paper relating to claim of Mrs. Nancy Mitchell, for property taken—to the same committee.

Also, paper relating to claim of Susan Flowers, widow of J. G. Flowers, asking reference of claim to Court of Claims—to the same committee.

Also, papers relating to claim of Reuben Collins—to the same committee.

By Mr. BAYNE: Paper relating to the claim of Capt. W. J. Kountz for relief—to the Committee on Claims.

Also, paper relating to claim of the sufferers by the explosion at

United States arsenal at Pittsburgh, Pa., September 17, 1862, for relief—to the same committee.

By Mr. BINGHAM: Resolution of the select and common councils of Philadelphia, Pa., relative to the establishment of a nautical school at the port of Philadelphia—to the Committee on Naval Affairs.

Also, resolutions of the Grocers and Importers' Exchange of Philadelphia, Pa., asking an extension of the United States Signal Service in the interests of commerce and agriculture—to the Committee on Agriculture.

By Mr. BLANCHARD: Memorial of the American Public Health Association and of the Board of Health of the United States for the appointment of a commission to investigate the declared discovery of inoculation of yellow fever and the protection afforded against that disease—to the Committee on Commerce.

By Mr. BOUND: Petition of William H. Weaver, of Harrisburg, Pa., late postmaster at Marysville, Pa., for the passage of a law granting him redress for the illegal sale of his property by officers of the United States—to the Committee on Claims.

Also, petition of citizens of Lebanon, Pa., praying that a pension be granted to Elizabeth Light, widow of Elias R. Light, captain of Company B, One hundred and seventy-third Regiment Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: Papers relating to the claim of Ella J. Small, for a pension—to the same committee.

By Mr. BRADY: Copies of Senate and House reports of the Forty-fourth, Forty-fifth, and Forty-seventh Congresses in favor of L. Madison Day—to the Committee on Claims.

By Mr. W. C. P. BRECKINRIDGE: Petition of H. O. Maraman, for payment of stores and supplies furnished United States troops—to the Committee on War Claims.

By Mr. W. W. BROWN: Memorial of the Grocers and Importers' Exchange, of Philadelphia, praying for the extension of the United States Signal Service—to the Committee on Military Affairs.

By Mr. CALDWELL: Papers relating to the claims of Joseph Rymarkiewisez; of John Bradley; of Sallie Burch, administratrix of Anderson Burch, deceased; of D. W. and Mina H. Glassie and Joseph C. Nash; of A. H. Buchanan; and of John L. McMillan, executor of Dr. B. N. Carter, deceased—severally to the Committee on War Claims.

Also, papers relating to the claims of J. H. Adams and of W. A. and Adelicia Cheatham—severally to the Committee on Claims.

By Mr. CATCHINGS: Papers relating to the claim of Celia A. Grove, for supplies—to the Committee on War Claims.

Also, papers relating to claim of Hester F. Neeley—to the same committee.

Also, papers relating to claim of Ann Worthington—to the same committee.

Also, a bill to improve and preserve the harbor of Greenville, Miss.—to the Committee on Rivers and Harbors.

Also, petitions of William D. Wilson, of Vicksburg; of Thomas S. Redd, of Washington County, and of A. Underwood, of Bolivar County, Mississippi—to the Committee on War Claims.

Also, petition of R. S. and G. W. Woodbury, of Issaquena County, Mississippi, for reference of their claim to the Court of Claims—to the same committee.

By Mr. COLLINS: Petition of the Metropolitan Steamship Company and 27 other steamship lines and marine insurance companies, for an appropriation for the removal of the "Upper Middle Shoal," in Boston (Mass.) Harbor—to the Committee on Rivers and Harbors.

Also, petition of John Storer Cobb and 165 others, citizens of Massachusetts, for the repeal of the act of July 12, 1876, commonly known as the "Comstock act"—to the Committee on the Judiciary.

Also, petition of Jacob Weber and 185 others, seamen, sailing from ports in the United States, for the repeal of section 10 of the act approved June 26, 1884, known as the "Dingley shipping act"—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. CURTIN: Petition of James Millinger, for relief—to the Committee on War Claims.

Also, petition of Hiram J. Steinbarger, late private Company K, One hundred and thirty-first Pennsylvania Volunteers, that charge of desertion against him be removed—to the Committee on Military Affairs.

By Mr. DAVIS: Remonstrances of fishermen, owners of fishing vessels, and others interested in the fishing business, of Chatham, of Orleans, of Wellfleet, of Truro, of Sandwich, and of Provincetown, Mass., against the appointment of an international fisheries commission—to the Committee on Foreign Affairs.

Also, petition of Charles G. Rodman, in favor of an amendment to the act granting arrears of pension—to the Committee on Invalid Pensions.

Also, petition of citizens of Dukes County, Massachusetts, for the improvement of the harbor at Mennamsha—to the Committee on Rivers and Harbors.

By Mr. DIBBLE: Memorial of the Chamber of Commerce of the city of Charleston, S. C., asking the building of a new revenue cutter, to be stationed at Charleston, S. C., for South Atlantic service, in place of United States revenue cutter McCollough, now unseaworthy, and in favor of Signal Service—to the Committee on Ways and Means.

Also, a bill making an appropriation for continuing work on the jetties in Charleston Harbor, South Carolina, to be immediately available—to the Committee on Rivers and Harbors.

Also, a bill making an appropriation for the preservation and continuation of certain public works on rivers and harbors, and for other purposes—to the same committee.

Also, petition of banks, bankers, merchants, and business men of Charleston, S. C., praying the immediate repeal of the law requiring the coinage of not less than two millions of silver per month—to the Committee on Coinage, Weights, and Measures.

Also, concurrent resolution of the Legislature of South Carolina, favoring repeal of 10 per cent. tax on circulation of banks chartered under State laws—to the Committee on Ways and Means.

Also, petition of William R. Herron, of Charleston, S. C., for payment of services as superintendent of custom-house property in that city—to the Committee on Claims.

By Mr. DUNN: Papers in the claims for the relief of Mary E. Whitehead, Nannie C. Metzger, and Henry C. and Minnie E. Clements, heirs of Alexander G. Clements, deceased; of Thomas A. Moore, of Osceola; of Robert E. Hale, of Lee County; of Elis Diamond, of Phillips County; of Benjamin F. Wallace, of Poplar Grove; and of Elizabeth B. Higgins, Joel Higgins, and Brand Higgins, of Phillips County; of James M. Barker, of Arkansas County, Arkansas—to the Committee on War Claims.

By Mr. ELDREDGE: Application of Mrs. Aloisa A. Riggs for back pay on account of death of her son, William D. Riggs, of second company of Twenty-seventh Michigan Volunteers—to the Committee on Invalid Pensions.

By Mr. ELY: Petition of John L. Brown and others, for the relief of Chaplain Charles M. Blake—to the Committee on Military Affairs.

By Mr. ERMENTROUT: Petition of Henry R. Anthony and 500 others, soldiers of the late war, asking relief—to the Committee on Public Lands.

Also, petition of citizens of Berks County, Pennsylvania, praying that a pension be granted to Mahlon Weston and Mary Ann Weston—to the Committee on Invalid Pensions.

By Mr. EVANS: Petition of Mrs. Mary Kerr, for a pension—to the same committee.

By Mr. EVERHART: Petition of Joseph G. Cummins, late postmaster at Media, Pa., for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. FINDLAY: Petition of Frederick C. Miller, owner of steamship Caroline Miller, for the passage of a law giving the said vessel an American register—to the Committee on Commerce.

Also, petition of veterans of the late war, for the relief of the widow of Wesley Hartlove—to the Committee on War Claims.

Also, memorial of Isaac Dewling, retired, assistant surgeon of the United States Navy, for relief—to the Committee on Naval Affairs.

Also, resolutions of the Tobacco Board of Trade of Baltimore, concerning an increase of the duty on leaf-tobacco—to the Committee on Ways and Means.

By Mr. FORNEY: Papers relating to claim of Napoleon B. Leeth, of Broomtown, Ala.—to the Committee on War Claims.

Also, papers relating to claim of George Wester, of Cherokee County, Alabama—to the same committee.

Also, papers relating to claim of Clara, widow of James Pinkston, of Cherokee County, Alabama—to the same committee.

Also, papers relating to claim of Francis A. Harwell, of Cherokee County, Alabama—to the same committee.

Also, papers relating to claim of Robert A. Clark, of Alabama—to the same committee.

Also, papers relating to claim of John Rolater, of Alabama—to the same committee.

Also, papers relating to claim of Rhoda Ewing, of Alabama—to the same committee.

Also, papers relating to claim of John Edwards, of Alabama—to the same committee.

Also, petition of Susan E. Scroggins, of Cherokee County, Alabama, for reference of the claim of Leacy Kirk, of Alabama, to the Court of Claims—to the same committee.

Also, petition of William Drew, of Cherokee County, Alabama, for reference of his claim to the Court of Claims—to the same committee.

Also, petition of Malinda Angle, of Cherokee County, Alabama, for reference of her claim to the Court of Claims—to the same committee.

Also, papers relating to claim of John Helms, of Alabama—to the same committee.

By Mr. GIFFORD: Petition of A. H. Noyes, for an additional justice of the supreme court of Dakota, to be assigned to North Dakota—to the Committee on the Judiciary.

Also, petition of the settlers on the Fort Randall military reservation, for relief—to the Committee on Military Affairs.

By Mr. GILFILLAN: Petition and papers relating to the claim of George F. Roberts, for relief—to the Committee on Ways and Means.

By Mr. GLASS: A protest of citizens of Gates, Tenn., against further appropriations for the improvement of the South Fork of the Forked Deer River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition from citizens of Dubuque, Iowa, for the restoration of Janet E. B. Smith to the pension-roll—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition of F. A. P. Barnard and others, in favor of changing the name of the United States Naval Observatory—to the Committee on Naval Affairs.

By Mr. HERMAN: Petition of Louis Belfils, for relief on account of property destroyed on the Isthmus of Panama—to the Committee on Foreign Affairs.

Also, petition of Christine Edson, widow and personal representative of John Geisel, deceased—to the Committee on Indian Affairs.

Also, petitions of John A. Dean and 130 others, of Coquille city, and of George Bennett and 26 others, of Coos County, Oregon, for additional appropriations to continue jetty now in course of construction at mouth of Coquille River, Oregon—to the Committee on Rivers and Harbors.

Also, petition of Board of Trade of Portland city, Oreg., for appropriation to continue works of improvement now in progress on Columbia River—to same committee.

Also, petition from settlers on Sluslaw River, Oregon, in mass meeting assembled, for aid in improving Sluslaw Bay—to same committee.

By Mr. HITT: Petition of 80 citizens, tobacco-growers of Jo. Daviess County, Illinois, for legislation protecting tobacco-growers—to the Committee on Ways and Means.

By Mr. HOLMAN: Papers in claim of Emanuel Mason—to the Committee on Claims.

By Mr. IRION: Papers relating to the claim of Alfred Duplantier—to the Committee on War Claims.

By Mr. JAMES: Memorial of Garrett Erkson, for the improvement of navigation on the Mississippi River—to the Committee on Rivers and Harbors.

By Mr. LANHAM: Papers relating to claim of Daniel Murphy—to the Committee on Claims.

Also, papers relating to claim of V. F. Gorvissen—to the same committee.

By Mr. LEHLBACH: Petition of the pearl-button manufacturers of the United States, for an increase of duties on pearl buttons—to the Committee on Ways and Means.

By Mr. LIBBEY: Papers in claim of William H. Crook, for relief—to the Committee on Claims.

By Mr. ST. MARTIN: Papers relating to the claim of G. Alexander Ramsay—to the same committee.

By Mr. MAYBURY: Petition of Sarah D. Tomlinson, for a pension—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Petition and resolutions of Tobacco Board of Trade of Baltimore—to the Committee on Ways and Means.

By Mr. McKENNA: Resolution of Board of Trade of Sacramento, California, to extend to January 1, 1888, the time when shall lapse to the Government the unconfirmed portion of the land grant to the California and Oregon Railroad Company—to the Committee on the Public Lands.

By Mr. McRAE: Petition of John B. Watson and 21 others, citizens of Bradley County, Arkansas, urging national aid to public schools—to the Committee on Education.

By Mr. MERRIMAN: Petition of cigar manufacturers of New York city, for the amendment of section 3387 of the United States Revised Statutes relating to cigar manufacturers' bonds—to the Committee on Ways and Means.

By Mr. MILLER: Petition of E. L. Lee, son and heir of Thomas H. Lee, asking reference of claim to Court of Claims—to Committee on War Claims.

By Mr. MILLS: Paper relating to the claim of H. F. Durham—to the Committee on Claims.

By Mr. MITCHELL: Petition of Charles Waterhouse, for relief—to the Committee on War Claims.

Also, papers in claim of Thomas Butler—to the Committee on Invalid Pensions.

By Mr. MOFFATT: A bill to provide for the construction of a new lock in Saint Mary's Falls Canal and the continuance of work in the Hay Lake Channel of Saint Mary's River—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of H. L. Hawkins, for bounty—to the Committee on War Claims.

Also, papers relating to claim of Allen E. Anderson, of Claiborne County, Mississippi—to the same committee.

Also, papers relating to claim of Henry J. Byers, of Panola County, Mississippi—to the same committee.

Also, papers relating to claim of J. W. Cansey, of Alcorn County, Mississippi—to the same committee.

Also, petition of Mrs. R. C. A. Falconer, of Clark County, Mississippi, for compensation for cotton—to the same committee.

Also, papers relating to claim of John A. Gwin, of Marshall County, Mississippi—to the same committee.

Also, petition of William P. Ivie, of Benton County, Mississippi, for compensation for stores taken—to the same committee.

Also, papers relating to the claim of James H. Knox, of Marshall County, Mississippi—to the same committee.

Also, papers relating to claim of George W. Miffleton, of Monroe County, Mississippi—to the same committee.

Also, petition of Edmond Morrow, of Benton County, Mississippi, for compensation for property taken—to the same committee.

Also, petition of Jeremiah H. Morgan, of Benton County, Mississippi, for compensation for stores taken—to the same committee.

Also, petition of Emmet Y. Parham, of Benton County, Mississippi, for compensation for stores taken—to the same committee.

Also, papers relating to claim of Willis J. Moran, of Benton County, Mississippi—to the same committee.

Also, papers relating to claim of Joseph N. Moran, of Benton County, Mississippi—to the same committee.

Also, papers relating to claim of Daniel T. Saunders, of Benton County, Mississippi—to the same committee.

Also, papers relating to claim of C. O. Spencer, of Benton County, Mississippi—to the same committee.

Also, papers relating to claim of Francis Wave—to the same committee.

Also, petition of E. Partee and others, of Tate County, Mississippi, for national aid to education—to the Committee on Education.

By Mr. NELSON, a bill providing for an examination and survey of the Red River of the North, from Moorhead to Fergus Falls—to the Committee on Rivers and Harbors.

Also, a bill for the examination and survey of the Red Lake River, Minnesota, from Grand Forks to Red Lake Falls—to the same committee.

Also, petition of Farmers' Alliance, of Grant County, Minnesota, asking that manila and sisal grass be placed on the free-list—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Memorial of John A. Wagner, asking for relief—to the Committee on Military Affairs.

Also, petition of Elizabeth J. Clampitt, for a pension—to the Committee on Invalid Pensions.

Also, petition of Mrs. Rebecca Marchant, for a pension—to the same committee.

By Mr. PEEL: Petition of William Bryant, of Huntsville, Ark., to have his claim for property taken by the United States Army referred to the Court of Claims—to the Committee on War Claims.

By Mr. PHELPS: Joint resolution of the State of New Jersey, relative to penal colonization in Alaska—to the Committee on the Territories.

By Mr. PETERS: Resolution of association of ex-soldiers who have lost a leg or an arm, asking for increase of pension to soldiers so disabled—to the Committee on Invalid Pensions.

Also, affidavit of D. McArthur in support of claim—to the Committee on War Claims.

Also, papers referring to claim of David McKinney—to the Committee on Pensions.

Also, affidavit of August Weide, in support of his claim for arrears of pension—to the Committee on Invalid Pensions.

Also, resolutions of Prairie Grove Post, No. 124, G. A. R., Kansas Center, Kansas, in regard to pensions—to the same committee.

Also, affidavit in support of increase of pension for Thomas G. Barton—to the same committee.

Also, affidavit in the claim of John Banks—to the Committee on War Claims.

Also, petition of Hon. G. D. Thomas and 600 others, citizens of Southern Kansas, for a military post at Kiowa, Kans.—to the Committee on Military Affairs.

Also, letter of Hon. J. C. Black, Commissioner of Pensions, stating that a pension was granted to Rebecca Burch—to the Committee on Pensions.

Also, papers relating to the claim of Henry Higmer—to the Committee on Claims.

Also, petitions of Governor John A. Martin and other State officials of Kansas and of citizens of Comanche County, Kansas, for military post on Kansas border near New Kiowa—to the Committee on Military Affairs.

By Mr. PETTIBONE: Petitions of Furney Jones; of Sallie A. Trugrate; of A. M. Cloud, administrator of Benjamin F. Cloud, and G. W. Margraves, administrator of Absalom Robinson, of Claiborne County, Tennessee, that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of the trustees of the town of Bloomfield, and the trustees of the Bloomfield Lodge No. 57, A. Y. M., for relief—to the same committee.

By Mr. ROGERS: Papers relating to public building at Fort Smith, Ark.—to the Committee on Public Buildings and Grounds.

Also, papers relating to claim of Lucy A. Lee—to the Committee on War Claims.

Also, papers relating to claim of W. N. Burns—to same committee.

Also, papers relating to the claims of James H. Hamilton and of Pryor N. Lea—to the same committee.

Also, papers relating to the claims of Zeb Ward, of F. E. Folsom, and of James Clifford—to the Committee on Claims.

Also, memorial of the merchants of Little Rock, Ark., touching the

fisheries along the Canadian border—to the Committee on Ways and Means.

Also, petition of John P. Holloway and others, praying that certain license fees paid by them to the United States Government be refunded to them—to the same committee.

Also, papers in the claim of Bishop E. Fitzgerald, of Little Rock, Ark.—to the Committee on War Claims.

By Mr. SPRINGER: Paper relating to claim of Jacob Lucas—to the Committee on Claims.

Also, papers relating to claim of Frederick Klor—to the Committee on War Claims.

By Mr. E. F. STONE: Petition of citizens of Gloucester, Mass., for a survey of their harbor—to the Committee on Rivers and Harbors.

By Mr. W. J. STONE, of Missouri: Resolutions of O. P. Morton Post, No. 14, Department of Missouri, G. A. R., of Joplin, Mo., for the passage of the amended Mexican pension bill which was pending in the Forty-eighth Congress—to the Committee on Pensions.

Also, petition of Harmon Conley, of Joplin, Mo., for relief—to the Committee on War Claims.

By Mr. STORM: Memorial of the Grocers and Importers' Exchange, of Philadelphia, Pa., for the extension of the Signal Service—to the Committee on Military Affairs.

By Mr. SWINBURNE: Petition of Mrs. Margaret Kempf, for increase of pension—to the Committee on Invalid Pensions.

By Mr. J. M. TAYLOR: Papers relating to the claims of E. A. French; of A. Thompson, administrator of John N. Barnett; of John A. Barnes; of E. A. Collins, administrator of W. P. Collins; of John Deaton; of Alfred Gardner; of J. G. McFarlane; of Louisa Meriweather; of John B. Inman; of John Willett; of Jerre R. Wright, administrator of Nancy Wright; of Isaiah Sweat; of Archibald Thomas, and of William R. Collier—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petition of business men of Memphis, Tenn., praying for the suspension of coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of merchants of Memphis, Tenn., for the abolition of duties on fish—to the Committee on Ways and Means.

By Mr. THROCKMORTON: Petition of citizens of Bowie, Tex., asking national aid for education—to the Committee on Education.

By Mr. TOWNSHEND: Petition of G. I. George and 62 others, ex-soldiers, of Illinois, for the passage of a law allowing persons entitled to pensions to draw arrears of pensions from date of discharge—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Mrs. Marion Twiggs Meyers and coheirs of D. E. Twiggs, for relief—to the Committee on War Claims.

By Mr. VAN EATON: Petition of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, for relief—to the same committee.

Also, petition of M. V. Dahlgren, widow of the late Rear-Admiral Dahlgren—to Committee on Claims.

By Mr. T. B. WARD: Two petitions of citizens of Tipton and Hamilton Counties, Indiana, praying that a pension of $8 a month be granted to all soldiers and sailors who served a period of sixty days in the Army or Navy of the United States in the late war—to the Committee on Invalid Pensions.

Also, petition of Morton Post, No. 1, G. A. R., for the enactment of a law granting pensions to soldiers and sailors for service in the late war—to the same committee.

By Mr. WILLIAM WARNER: A bill making an appropriation to continue the improvement of the Missouri River—to the Committee on Rivers and Harbors.

Also, petition of Lydia A. McGill, administratrix of John C. McGill, deceased, for balance due on contract with Commissary Department for beef furnished the Army in 1862—to the Committee on War Claims.

By Mr. A. J. WEAVER: Petition of Phebe Martin, for a pension—to the Committee on Invalid Pensions.

Also, petition for the relief of Albert Cotton from the charge of desertion—to the Committee on Military Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures.

By Mr. BRUMM: Of citizens of Georgia.

By Mr. COMSTOCK: Of citizens of Ionia County, Michigan.

By Mr. CONGER: Of citizens of Woodward, Iowa.

By Mr. DOCKERY: Of citizens of Harrison County, Missouri.

By Mr. ELDREDGE: Of citizens of Litchfield, Hillsdale County, Michigan.

By Mr. J. T. JOHNSON: Of citizens of Fountain County and of Montgomery County, Indiana.

By Mr. O'DONNELL: Of citizens of Quincy, Branch County, and of citizens of Battle Creek, Michigan.

By Mr. PERKINS: Of citizens of Elk and Chautauqua Counties, of citizens of Labette County, and of Crawford County, Kansas.

By Mr. PETERS: Of citizens of Galva and of citizens of Harper County, Kansas.

By Mr. LANHAM: Of citizens of Texas.

By Mr. RYAN: Of citizens of Kansas.

By Mr. J. B. WEAVER: Of citizens of Washington Territory; of citizens of Pennsylvania; of Calhoun County, Texas; of citizens of Illinois; of citizens of Kansas; of citizens of Ohio; of citizens of Iowa; of citizens of Wisconsin; of citizens of Missouri; of citizens of Oregon; of citizens of Massachusetts; of citizens of West Virginia; of citizens of New Jersey; of citizens of New York; of citizens of Michigan.

By Mr. WILSON: Of citizens of Marion County, West Virginia.

SENATE.

WEDNESDAY, *January* 6, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 3663 of the Revised Statutes, plans and estimates for the construction of a permanent wharf at Fort Monroe, Va.

The PRESIDENT *pro tempore*. The communication, with the accompanying papers, except the maps, will be printed. The question of the printing of maps has usually been referred to the Committee on Printing. That course will be taken if there be no objection.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 3663 of the Revised Statutes, plans and estimates for the construction of a school building and barracks at Fort Leavenworth, Kans.

The PRESIDENT *pro tempore*. The Chair calls the attention of the Senate to the fact that this communication is accompanied by a number of maps, the printing of which probably would delay the printing of the communication a long time. Therefore the question of printing the maps will be referred to the Committee on Printing if there be no objection, and the communication will be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, recommending provision for comfortable quarters for the keeper of the Yorktown Monument; which was referred to the Committee on Appropriations, and ordered to be printed.

S. S. BROWN.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Postmaster-General in reply to a resolution of December 8, 1885, in regard to S. S. Brown, of Maine, procuring the removal and appointment of postmasters in that State. What disposition shall be made of the communication? It will be read if it is desired.

Mr. HALE. I should like to have the communication of the Postmaster-General read. The list that accompanies it need not be read. Then I wish to call the attention of the Senate for a few moments to the subject.

The PRESIDENT *pro tempore*. The communication will be read.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
December 28, 1885.

To the Senate of the United States:

I have the honor to acknowledge the receipt, on the 11th day of December instant, of an attested copy of the following resolution of the Senate, namely:

"IN THE SENATE OF THE UNITED STATES,
"*December* 9, 1885.

"Whereas it is alleged that S. S. Brown, a citizen of the State of Maine, has been largely instrumental in procuring the removal of certain postmasters in said State and the appointment of other persons to serve in their stead; and

"Whereas it is further alleged that said Brown has written to parties whose appointment he has procured as aforesaid letters in form and substance like the following, to wit:

"'WASHINGTON, D. C., ——, 1885.

"'DEAR SIR: I have secured your appointment as postmaster at your place. Your papers will be sent in a day or two. If you feel like sending a small sum to help defray the expense of attending to our Maine matters you may do so.

"'My mail comes to the above address.

"'Respectfully, yours,

"'S. S. BROWN.'

"Therefore,

"*Resolved*, That the Postmaster-General be, and is hereby, directed to furnish to the Senate a list of the post-offices in Maine and the names of the persons removed and of those appointed postmasters of the same where the said S. S. Brown has favorably recommended the same or indorsed the applications therefor.

"Attest:

"ANSON G. MCCOOK,
"*Secretary.*"

And in response thereto to state that the said Brown indorsed the several petitions of numerous citizens for the removal of the postmasters at East Vassalborough and North Vienna, in Kennebec County; at Naples, in Cumberland County, and at North Shapleigh, in York County, in the State of Maine, and in no other case discoverable after careful examination or known to any officer of the Department; but that all removals in that State during my incumbency of this office were based upon special representations by citizens of the respective localities, including the four above named; and also that, in point of fact, af-

firmed on my knowledge, so far as my personal attention has been given to the action taken, and on the knowledge of the First Assistant Postmaster-General for the residue of the statement, the appointments of all persons to be postmasters in the State of Maine, during the period mentioned, have been made upon petitions and communications from citizens within the respective deliveries of the several offices concerned, and in no case because of the recommendation of said Brown.

That, however, many such petitions for appointment have been presented through the mediation of, and sometimes indorsed and sometimes favorably recommended by, S. S. Brown, as chairman of the Democratic State central committee of Maine; and herewith accompanying I transmit a list of all post-offices in that State from which the postmasters have been removed during the period aforesaid, with the names of the removed and of the newly appointed postmasters, where any indorsement or recommendation by said Brown has been made or appears on any petition or communication presented in favor of such appointed postmaster.

WM. F. VILAS,
Postmaster-General.

Mr. HALE. Mr. President, before this communication shall be sent to a proper committee I desire to call the attention of the Senate to the important subjects-matter contained in it.

Everybody realizes that within the last half-dozen years there has been in the country a growing sentiment with reference to the conduct and management of the civil service of the Government. Ideas upon this subject have taken root with the people, and have found form and expression through the press, through the platforms of the great political parties, and indeed in the every-day utterances of men. It has become more and more the belief of the American people that the civil service of the Government should be for the good of all. It is a civil service paid for by all, and therefore should benefit all. The growth of the belief that appointments to office should not be merely a reward of party service or personal service has undoubtedly been marked; and, above all, men have become convinced and the country has desired that the civil service should be a pure service. Now, in order that there shall be a pure civil service in the United States, it must inevitably have a pure foundation. There must be no taint of bargain and sale about the distribution of patronage, because if that taint be found then it will infect the whole service.

All parties have recognized this. It has found expression in their platforms, both Republican and Democratic.

There has been in the State of Maine, which I have the honor in part to represent here, a remarkable condition of affairs within the last six months. That is a State where there are no great centers of patronage. There is but one considerable custom-house in the State, and that not of the largest grade or rank. There are in the whole State but few great offices of emolument and trust to invite able men as candidates for filling them. There is none of the paraphernalia of the great business of the Land Office, its registration and all of the force necessary to carry on that department of the Government. The great Bureau of Internal Revenue has little, almost no representation in the State, there being a single district with a collector, with no great pay and a very small clerical force, for but little is collected. There are but thirty-seven Presidential appointments to post-offices in the State; but scattered over its entire territory, ramifying everywhere, are the fourth-class post-offices, numbering several hundreds. Out of about nine hundred of these post-offices perhaps a hundred outside of the larger towns and the few cities range in value to the incumbent from $200 to just within $1,000 per year, and the rest are far below this and insignificant in point of compensation.

But, Mr. President, there is no Department of the Government that comes so near to the people of the State of Maine as does the Post-Office Department through its representatives in the fourth-class postmasters. They do the business of the public; they are intrusted with its mails and to a great degree with the people's secrets, and nowhere is found so much interest in having a good and pure service as in this Department of the Government.

When the administration of President Cleveland came into power it found this situation in the State of Maine: The incumbents of these small post-offices were attending to their duties and no complaint was made. They were generally Republicans undoubtedly. A long course of power in the Republican party had resulted not universally, not entirely, but in a large majority being Republicans.

I wish to say here now that I make no appeal for these men who have been removed. The letters that I have received calling attention to the scandals that have brought disrepute on this branch of the service in the State of Maine do not come from Republicans; they do not come from men who have been removed from office. I want to say here that the Republicans who have been holding office heretofore have expected to go out but in a "decent and orderly" fashion. Their belief in the wants and necessities and clamor of Democratic partisans has been so great that they never expected to be kept long in office, I speak not for them, but in the interest of political morality.

The Administration proceeded cautiously with reference to the large post-offices and but few changes have been made in the State. The President maintained a conservative attitude, and while he was beset by constant delegations from the State of Maine to make a clean and general sweep of the Presidential post-offices he declined, and but few removals were made.

But, as my colleague knows and as I know, the situation in the State outside of the great offices was soon found to be this: A village upon the coast with a good postmaster performing his duty, with Democratic aspirants for the office, as they had a right to aspire, who had secured the favor of their fellow-citizens by petitions for a removal and appointment, would wake up on some bright morning in the summer and find that a new man had been appointed whom nobody wanted, whom neither Democrat nor Republican desired to fill the place, who was objectionable to the patrons of the office. At once the question arose, how had this been done, and the further question arose whether this was civil-service reform and a purification of the service.

Somewhere in the interior, a little town with a post-office paying $200 or $300 a year would join unitedly, Democratic and Republican, for the appointment of a Democrat of character and standing, and the papers would be presented or sent to Washington, and the morning mail would bring the announcement that another man for whom nobody was supposed to have signed had been appointed postmaster. And so it went on from week to week, the ax constantly falling, but the source of the decree by which the ax fell being a mystery to the people in the several post-office districts where the change had been made.

Soon inquiry was directed as to how this had been. Deputations visited the Democratic candidates for Congress in the districts, who told them they knew nothing. They visited the Democratic candidate for governor, who is a citizen of my town, who told them that he knew nothing. Attention was then called to the fact that the chairman of the Democratic State committee, Mr. S. S. Brown, who is mentioned in the resolution, had left his home in Waterville and his practice of law there, had shut up his office, and had come to Washington to attend to the distribution of patronage under the civil-service-reform administration of the Government.

That called further attention to the fact that when the Democratic party in Maine found itself face to face with the distribution of patronage, it discovered that the old and conservative forces of that party were not equal to the occasion; and when the Democratic State committee met, in view of the distribution of patronage in the State, the old chairman was left out, and this new man, Mr. S. S. Brown, substituted in his place. As I shall show presently, he discloses the purposes and the doings of the meeting where he was directed to take charge of certain Maine patronage.

When it was found that this one-man power was working in this manner, in many cases without regard to the representation of the several communities affected, when it was discovered that here was the source of removals, a great indignation arose throughout the State. I began to get letters, as I said, not from Republicans, but from Democrats. A prominent Democrat, not in my own State but who visits it in summer and has become interested in a locality where a postmaster has lately been removed, says in a letter to me:

The removal of the postmaster (who had indorsements sufficiently strong, as was said to me in the Postmaster-General's office, to secure the appointment of a Cabinet officer), under the circumstances, was simply disgraceful, and ought to be exposed and the blame put where it belongs.

Another letter says of a candidate who was not appointed: "His location was in the right place, and he had the indorsement of the Democratic member of the county of the Democratic State committee, and is a reliable man, but he was set aside by Brown, and a candidate who went to Washington with money in pocket was appointed. Another says:

She sent a petition—

Referring to the candidate who was put in—

She sent a petition signed by three patrons of this office. The remainder of her petitioners, or nearly all, live miles away. We—

The people—

We sent a remonstrance signed by eighty-four, all patrons of this office, and yet she has had an appointment sent her contrary to the wishes of all parties. We feel outraged and will not patronize the office.

I could go on reading these complaints for an hour, and I know that my colleague, and perhaps every member in the other House from the State, has just such complaints as these, which were made until it became a universal scandal and aroused the indignation not only of Republicans but of good conservative Democrats. Under these circumstances, when I came here at the beginning of the session, one of this man's letters, which he had written to one of the parties for whom he had secured an appointment, was handed to me, and I deemed the subject of sufficient importance for Congress and the American people to call for information. This was the letter on which my resolution was based:

WASHINGTON, D. C., ——, 1885.

DEAR SIR: I have secured your appointment as postmaster at your place. Your papers will be sent in a day or two. If you feel like sending a small sum to help defray the expenses of attending to our Maine matters you may do so.

My mail comes to the above address.

Respectfully, yours,

S. S. BROWN.

I made that the basis of a resolution calling for information from the Department. What I sought to obtain was entire and exhaustive information as to Brown's connection with these appointments, as to his solicitations for the same, and of appointments made where he had recommended them; and the Department's answer has just been read, signed and sent here by the Postmaster-General. Accompanying it is

the following list of four Presidential post-offices where Brown recommended the change, and eighty-seven fourth-class offices:

List of post-offices in Maine, called for by the resolution of the Senate of December 9, 1885, with the names of the postmasters removed and of the persons appointed instead.

PRESIDENTIAL.

Post-office.	Postmaster.	Person appointed.
Biddeford	Esseff H. Banks	Timothy Shaw, jr.
Saccarappa	James M. Webb	N. A. Sweet.
Waterville	Willard M. Dunn	Frank L. Thayer.

FOURTH CLASS.

Lisbon	Hannah W. Garrish	J. M. Corbett.
Livermore Falls	Alvin Record	Winfield S. Trest.
Lisbon Falls	John Plummer	John H. Coombs.
Turner	William L. Bonny	Walter B. Irish.
Ashland	Ansel T. Mowers	W. P. Brigham.
Caribou	Joseph Garey	Orlando N. Smith.
Fort Fairfield	Agnes L. Paul	Miles F. Doney.
Frenchville	Alexander S. Eaton	Elai R. Marchand.
Presque Isle	George M. Lane	Mrs. T. A. Parker.
Van Buren	W. C. Hammond, jr.	J. B. A. Farrell.
Gorham	Henry R. Millett	Theo. B. Edwards.
Naples	David H. Cole	Samuel Leavitt.
Woodford's	Charles M. Legrow	A. R. Huston.
Kingfield	Charles W. Clark	Alonzo Knapp.
New Sharon	Jabez S. Moores	T. Arthur Paul.
North Jay	Warren Leland	W. Woodman.
Strong	Eben J. Gilkey	A. J. Norton.
Blue Hill	Eugene A. Stevens	T. N. B. Holt.
Brooklin	Richard A. Herrick	T. R. Alden.
Mount Desert	Jonathan Hamor	A. C. Fernald.
Orland	George H. Condon	R. P. Harriman.
South Deer Isle	Benjamin F. Warren	Benjamin F. Small.
Fremont	Eben D. Clark	Ella M. Benson.
China	F. O. Brainard	Theron E. Doe.
East Vassalborough	J. S. Butterfield	Charles W. Mower.
Kent's Hill	Noah Jewett	S. McNear.
Monmouth	F. H. Beale	M. O. Edwards.
North Vienna	J. S. Graves	H. Whittier.
Readfield	J. P. Johnson	Annie M. Craig.
Readfield Depot	Nelson Poole	S. H. Morrill.
Vassalborough	Edward W. Bush	Mary A. Hanson.
Wayne	J. S. Berry	J. C. Stubblefield.[1]
West Gardiner	William P. Haskell	A. W. De Fratus.
Windsor	H. A. N. Dutton	I. C. Bachelder.
Vinal Haven	Austin B. Binal	D. H. Glidden.
Union	R. W. Bartlett	John A. Gleason.
Round Pond	James E. Nicholls	Wiliam M. Fassett.
Dixfield Centre	D. F. Newton	Mrs. A. A. Holman.
East Dixfield	William H. Winslow	Charles H. Fuller.
West Paris	Francis A. Young	B. B. Dennen.
Charleston	Thomas J. Peaks	H. C. Holden.
Corinna	E. P. Burrill	M. P. Hamilton.
Etna	J. E. Friend	H. C. Friend.
Hampden Corner	Benjamin F. Smith	F. G. Rogen.
Kenduskeag	F. A. H. Stackpole	T. B. Bachelder.
Lincoln	Harrison Piper	M. B. Pinkham.
Medway	James T. Kimball	Freeman Dickey.
Newport	S. P. Judkins	Edgar R. Dow.
Patten	Calvin Bradford	C. W. Stevens.
Springfield	M. M. Lewis	F. L. Hanscom.
Winn	Thaddeus R. Joy	J. E. Estes.
Abbott Village	Jesse Barber	G. A. Bradman.
Greenville	John H. Eveleth	D. T. Sanders.
Guilford	George W. Pratt,	James Hudson.
Milo	Clara M. Owen	George B. Crane.
Monson	Edwin R. Hayner	Charles M. Coombes.
Bowdoin Centre	James L. Rogers	Mary A. Coombes.
Bowdoinham	A. S. Purinton	Franklin K. Jack.
Parker's Head	George Duley	William H. Small.
Brighton	L. D. Libby	Peter Walker.
Cambridge	S. E. Bailey	George Mitchell.
East Madison	Charles F. Tuffts	Mrs. H. C. Moore.
Pittsfield	F. M. Ireland	Henry F. Libby.
Brooks	James S. Huxford	F. W. Brown, jr.
Frankfort	Hiram Treat	Upton Treat.
Lincolnville	R. B. Sherman	Robert W. Perry.
Northport	O. H. Cummings	E. B. Elwell.
North Islesborough	William P. Sprague	M. P. Pendleton.
Prospect	Benjamin Colson	James F. Libby.
Sandy Point	Alexander Black	O. C. Wardwell.
Unity	H. B. Rice	James R. Tabor.
Winterport	I. H. Dunham	Jennison Grant.
Danforth	B. F. Runnels	James Robbins.[1]
Lubec	Micah M. Foster	James H. Gray.
Bar Mills	H. W. Palmer	James W. Meserve.
Berwick	William H. Rich	H. B. Tibbetts.
Cornish	William H. Nevers	I. N. Brackett.
North Shapleigh	James E. Coffin	Esther S. Thing.
West Newfield	Josiah Durgin	Albert H. Davis.
York Corner	C. H. Jenkins	George F. Plaisted.

[1] Commission held.

As I said in the beginning, of the large number of fourth-class post-offices in the State, numbering in all several hundred, perhaps one hundred of them are important enough to make it an object to hold the place, the pay ranging from $200 up to nearly $1,000. Of this class of about one hundred—I only speak approximately, not exactly—over eighty are found in that list. It is a large part of the patronage of the Post-Office Department in the State of Maine; and undoubtedly, as is suggested, if the letters sent out and the statements of citizens of Maine can be depended upon, there are hundreds of others where the appointment was procured at little places where nothing appears upon the record, for there has been almost a general sweep in this branch of the Post-Office Department in Maine, aside from the Presidential appointments, which fall under the scrutinizing eye of the President and the Postmaster-General. The Republicans have gone out and the Democrats have come in.

As to the answer to the resolution of inquiry which the Senate passed, I have no complaint to make against it. It has followed the terms of the resolution and has technically answered it; and the Postmaster-General also states that all these appointments where Brown had recommended them were made not because he recommended them, but because they were backed up by petitions. I acquit the Postmaster-General of any knowledge of this man's performances. He comes to that official armed with the indorsements of the Democratic party of the State of Maine. He was its committee's chairman, and the committee had sent him to Washington to manage this business, and it was not strange that the Postmaster-General turned this subject-matter over, as he did largely, to the First Assistant, and that that assistant depended largely upon the representations of Mr. Brown. They were ignorant, we will presume, of his ways and of his methods, but the party at home knew it, and the citizens in Maine knew it, and the whole State was scandalized by it.

We do not learn from this reply in how many cases there were different petitions, like some that have been alluded to in the letters which I have read, where a small number asked for the appointment of a certain Democrat, and he was indorsed by Brown and the appointment made, when ten times or twenty times as many asked for the appointment of another Democrat. Of that we have no knowledge. The Postmaster-General has sent us no information upon the crucial question whether or not the wishes of the people who patronized these offices were considered. We have no account of the visitations and solicitations of this man at the Post-Office Department, or how he held aloft there the authority given by his party and the committee of his party, upon which he based this infamous system of brokerage in public offices. That is not disclosed by the answer of the Postmaster-General.

But Mr. Brown himself avows this control. Driven at last to bay, with the newspapers commenting upon it, with a resolution of the Senate hanging over his head, with an indignant people aroused against him, from the retiracy and seclusion of a sick-bed, on the 10th day ot December last he sends to the public probably the most remarkable exculpatory letter that the annals of modern political literature have disclosed. I shall put the whole letter, giving him the benefit of it, into the RECORD, to accompany my remarks, so that nobody shall say that I have in any way misrepresented this man. He begins:

To the Editor of the Argus—

A Democratic paper at Portland, Me.—

DEAR SIR: For more than two weeks I have been confined to my bed with an attack of pneumonia. To-day is the first time I have been able to sit up long enough to write to you. Some three or four days ago I first became aware of what was being telegraphed from Washington about me, under the inspiration of J. P. Bass.

So that this communication, this emanation is not a hurried one, but is the result of careful reflection and thought.

The story comes I am "blacklisted" there because of the fact that certain gentlemen have seen fit to pay me for expenses incurred in securing the fourth-class post-offices: So far as the blacklisting business is concerned I care but little about that, but be it true or false, time brings all things to light, and I am content to wait, but I don't want to stand in a false light among my own acquaintances and friends, and hence I write this letter to you and ask you to publish it in the Argus, the only Democratic daily in our State.

Let me read some of the statements of the manner in which patronage is disposed of under the ruling powers in the State of Maine. He says:

Sometime in the early part of last summer our Democratic State committee determined that it was important as a political influence to have our fourth-class post-offices filled with Democrats as soon as we could have them.

I have found nothing in the civil service resolution of any party's platform that reads precisely like that.

We then agreed—

It was a harmonious compact—

We then agreed among ourselves by vote that so far as this class of officers was concerned each member of the committee in his own county should examine into cases in his own county, find out what was the wish of the local Democracy as to persons to be appointed, and recommend the person for postmaster whom the Democrats receiving mail at the various offices wanted.

The Republican patrons of the office were excluded. I am not much surprised at that.

And each member of our committee was to respect that recommendation, and I was requested, as chairman of the committee, to indorse the papers of such persons, and use my efforts to secure their appointment. I have been trying for the last six months to discharge that duty. I visited Washington three times in the discharge of this duty prior to July. On these several trips I had paid out over $300, but had accomplished but little, because the Administration was not willing to do anything for us. But in July I secured quite a large number of appointments.

The Postmaster-General does not say that Mr. Brown secured any.

Mr. Brown says that he did; and from that day the gateway was open and the appointments were made to the extent that the list indicates.

The subject of expense necessarily incurred in this work was discussed by our committee at the time and several times since, and it was the unanimous opinion that the persons who received the appointments—

Let Senators listen to this. This is giving the deliberation of the State committee of the Democratic party of the State of Maine—

should be called upon to contribute each his part of the expense. When I secured the appointments in July I notified by letters a few persons of the fact of their appointment by my efforts, and suggested if they felt disposed to contribute a small sum toward the expense it would be accepted. Some responded and some did not. On reflection it seemed to me a little undignified to call in this manner for these expenses, and since then I have asked no one to contribute toward this expense.

It seems that Mr. Bass has picked up some of these letters and now has them on exhibition in Washington. If he thinks this a dignified proceeding and one that will redound to his lasting benefit he is welcome to all he can make out of it.

I have done the best I could to put Democrats into office. I have had no clients. I have done nothing that I am aware of that in any degree partakes of office brokerage, but have received the papers of such candidates as have been sent to me and such as I have found on file in Washington properly indorsed by the members of my committee and other leading Democrats in their several counties and tried to secure their appointment. The amount of actual work performed by me in answering letters, explaining about charges, and giving all sorts of information can not be well appreciated. I have abandoned my law business for six months and paid out at least $200 more than I have received. If some one else will now take hold and do the balance of this work—for I believe fully in giving the Democrats all the post-offices—I will be content.

Respectfully, yours,

S. S. BROWN,

Chairman of the Democratic State Committee of Maine.

Mr. President, this is "reform" with a vengeance; this is "purifying the public service;" this is "cleansing the Augean stables;" this is "turning the rascals out;" this is "securing a non-partisan service!" Let Senators reflect for a moment upon the proposition that men who are appointed to office shall be assessed for the expenses attendant upon that appointment. Does any Senator know where the line would be drawn? The whole brokerage business is not even thinly disguised. Let any party proceed upon that presumption that men appointed to office shall be assessed for obtaining the office, then you have got every source of patronage polluted and the service is debauched and destroyed. And this man was empowered, as he says, by his party to do this.

It is due to fairness to say that several old Democratic members of the State committee deny their knowledge that Brown was given such powers; but that he acted by the general direction of the committee there is no reason to doubt.

Why, Mr. President, Senators will remember three years ago when the Senator from Kentucky [Mr. BECK] and I and others vexed this body for days with our contention over a resolution which he submitted calling for an investigation where voluntary contributions had been requested from men *in* office, a committee of the Republican party did what had been done by both parties for years: it sent out circulars asking men in office if they were willing to contribute something to the legitimate expenses of the campaign; and the Senator from Kentucky introduced a resolution demanding an investigation and denouncing the act in the severest terms; and the chairman of the Republican committee, who had sent out these circulars, doing no more than others had done, doing no more than I had done when chairman of that committee in previous years, found the whole newspaper press of the country upon his back, and his name was coined into a new word expressing improper levies upon men in office in the way of assessments.

Mr. President, that was a thing of the slightest importance compared with this of assessing men, who are appointed, to pay the expenses of that appointment. That, it may be, muddies the water; this poisons the fountain. This selling and marketing of public office has been the sign and accompaniment of corruption and corrupt parties for all the ages. Shakespeare puts the reproach of "an itching palm" into the mouth of the incorruptible Brutus where he denounces the venal Cassius—

He sold his offices to undeservers.

Mr. President, there is one thing more with this that will make entire havoc of political morality. When you add to the bargaining and selling of public places one other thing, the perversion, the thwarting, the denial, the debauching of the suffrage, then political honesty may cry aloud in the streets. When that condition of affairs has set in with the American people then you have an evil so colossal that civil-service boards and examinations for promotion and appointment are "mere leather and prunella;" they do not begin to touch the evil; and here we are confronted, in my own State at any rate, by this condition of things. It is the first time in the history of that State that anything of this kind has appeared.

The Republican party has not been by any means a perfect party; it has not always succeeded in getting the best men to hold its offices, but in twenty-four years of the administration of that party of the General Government with the patronage of the State of Maine in its hands, with a Senate to confirm always with the exception of two brief years, I have never heard the charge made that a public office had been sold and marketed for money, whether under the guise of paying for expenses or paying for maintaining a brokerage in public office; and no man in the State of Maine, or out, I venture to say, has heard of it. I do not know whether this infamous system has extended to other States. I do not know what the process has been there. I do not know whether State committees have taken charge in other States of patronage, and have beat at the doors of the President and the doors of the Departments, demanding that their fiat shall be carried out as to appointments. I do not know how it has been done in other States. I asked the other day an old employé of the House of Representatives, whom I had known in former years of my service there, if a good many members had been here during the summer. "Yes, sir," he said, "never so many; mostly Democrats." He said: "I do not think that the Indiana Democrats have left here at all. It appeared as though each was afraid somebody else would get ahead of him, and they have been here."

Mr. VOORHEES. Allow me to say to the Senator from Maine——

The PRESIDENT *pro tempore*. Does the Senator from Maine yield?

Mr. HALE. Certainly.

Mr. VOORHEES. Allow me to say to the Senator that he was keeping company at that time with a man who did not tell the truth. Whether that has been his misfortune in regard to other branches or this discussion or not I do not know; but I happen to know that the statement which he has just entertained the Senate with is absolutely untrue.

Mr. HALE. I am only giving the statement made to me by an employé of the other House; and I was going to say that if the Indiana delegation did—and I do not care whether they did or did not remain here on the ground to control patronage—it was an infinitely better way than it was to select a man, as the Democratic State committee of Maine did, and send him on with concentrated power to distribute the patronage of the Government among the people of the State of Maine; and if the Senator from Indiana, putting aside his characteristic modesty in such matters, consented at the solicitation of his people to remain here in Washington and to help advise the President and the heads of Departments, a better result would have come out of it, I am sure, than resulted in the State of Maine.

Now, the question is, What shall be done in this case? I am not particular. The papers should go to a proper committee, perhaps that upon civil service, as the case touches the great question which is committed to that committee, and a further investigation, if need be, made; but I care not whether it is done or not. That letter by the chairman of the Democratic State committee of the State of Maine, citing his authority, giving the discussion upon which it was confided to him, and what he did and his intending to exact assessments from men for whom he had secured appointments to cover expenses, tells the whole story. No investigation can go beyond that. The man seems to be color-blind as to what is or is not political morality. He would not be of that importance that he is excepting as the representative of the organization that sent him here.

Mr. President, I have not called up this matter because I care about one of these offices. As I have said, the Republicans of Maine are not dependent upon them. They made gallant fights years ago when they had no patronage, and expect to do it again and to continue to battle for the cause and for the principles of the Republican party; and I trust it will not be seen that their numbers have been lessened by the loss of patronage. They expect under these clamorous demands of the Democratic party to go out of office, but they expect to do it decently and orderly, and it is a shame to my State that the system of brokerage in public office should have been—I will not say inaugurated there, for I do not know whether it was inaugurated there or not, but that it should have been set up and carried out in this fashion. And when I ask for the exposure of this, I do it not in the interest of any man who has lost his place; no man upon whose neck the ax has fallen has solicited my intervention; but the facts furnish such an example of the insincerity of the cry of civil-service reform, of regarding the wishes of the people, and of getting pure men from pure sources and upon examinations into the public service in proper ways, that I deemed it fitting to bring it before the Senate. I have asked the exposure in the interest of the people of Maine, including the Republican party and the honest conservative Democracy of Maine, and they are numbered by thousands, who to-day are shocked and indignant at what has been done by the leaders of their party.

I do not know what will become of this man. I have little or no acquaintance with him; I know but little about him or his antecedents before this, except in one marked case of our State history, and that is not to his credit; but there he stands, sir, to-day with the indorsement of the Democratic party for the State of Maine. He is still chairman of its committee that manages its campaigns and represents the party before the people. I have heard of no attempt at deposing him, but, whether deposed or not, the people of the State of Maine will remember him and will girdle him as a tree is girdled, so that his power for evil will cease for the future. I am willing to commit him to the mercies of people of the State of Maine.

Mr. VEST. Mr. President, it would be sufficient answer to the Senator from Maine in his extraordinary speech if it were simply announced—and that announcement would meet the assent of every intelligent person here—that in the nature of things it is impossible that the President of the United States or the heads of the Departments in an administration just coming into power, or which has been for a term in power, should know the qualifications and merits or demerits of ap-

plicants for local office in the respective States. If my own personal convenience and comfort were alone concerned, and I will frankly say that if I could have my own way in regard to the distribution of patronage, I would make it a misdemeanor for any Senator or Representative to approach the Departments or the President to solicit office. But it has obtained as a practice in this Government that this thing should be done, and the people who send us here have come to believe that it is the common law of politics that Senators and Representatives should solicit for their friends offices of an administration which they have helped to place in power.

The Postmaster-General has simply availed himself of the only instrumentality which could in the nature of things give him information in regard to offices in the State of Maine. Was that Postmaster-General to go to the two Senators from Maine, his political opponents and decided partisans? Was he to go to the representation of the State in the other House, men who belong to a party antagonistic to his own? He could only go to the instrumentality or agency or representative nearest to him in the party to which he belonged; and with due respect to the Senator from Maine it is cant, miserable political cant, to talk of anything else being done in regard to this patronage under the circumstances which surrounded that State. It has always been done. The Senator seems to have discovered, he thinks, some new and strange abuse which has come into vogue since the present Administration.

Mr. President, let me state on my own personal knowledge—and I am prepared to bring the papers here at any instant to prove from their signers, from irrefragable testimony what I say—the State of Missouri had a solid Democratic delegation in the last Congress and every district in that State was represented by a Republican, the referee of the Administration, who said what persons should obtain office and what should not. I have seen, and they are now on file in the Post-Office Department, applications for office from the respective districts in Missouri referred to Mr. So-and-so, the referee in such cases.

Further than that, I assert the fact of my own personal knowledge and my colleague's that men remained in this city from the State of Missouri, Republicans, by the year, month, and day, with no other business here but to distribute the patronage of that State. More than that, sir, I know from my personal knowledge, and can substantiate it from the papers on file, that it was urged as an argument against any man in the Republican party applying for office that he had the friendly feeling of my colleague or myself, and the written indorsement can be found there to-day: "This man is indorsed by VEST and COCKRELL;" therefore he is unfit to hold office under the Government!

The Senator from Maine has just discovered that that is a new abuse. Sir, I congratulate him on his new-born zeal for civil-service reform. In the administration of General Grant $25,000 was appropriated to pay for the services of a civil-service commission, and three gentlemen were appointed. After one year, certainly before the end of two, the appropriation was withdrawn; and although that distinguished President, soldier, and statesman called repeatedly in his messages upon a Republican Congress to appropriate the pittance of $25,000 to preserve the life of civil-service reform, not one cent could be obtained! His successor in office, Mr. Hayes, made the same appeal, and without any result. His successor in office, General Garfield, made the same appeal, and not a dollar was appropriated. President Arthur made the same appeal in his inaugural message, and not one cent could be had until after the election of 1882, at which the Democratic party swept the country, when it was all at once discovered that civil-service reform was the great panacea for all the evils that afflicted the body-politic. Not until the people at the polls had spoken did the Republican party come to the relief of the public press; and that too, sir, when the Pendleton bill had been reported from the Committee to Examine the Several Branches of the Civil Service, and for months had remained in this Chamber without notice on the part of the dominant party in the Senate. It remained here without notice, and had no more chance for passage than I have to carry this Capitol away now in the palm of my hand but for the elections of 1882. Then the Republicans picked up the bill and passed it, and said "it is our savior, let us burn incense on its altar."

Mr. HALE. Mr. President, the Senator from Missouri with all his ingenuity shall not twist and distort the main issue here. That the wholesale removal of competent and faithful officials and the substituting in their place of Democratic partisans is a violation of every pledge of civil-service reform is undoubtedly the fact; but that is not the penetrating, corrupting, and destructive practice that I mainly call attention to here. That itself is bad enough as the representation of professions that are made to be broken, of promises that are given never to be kept; but that is little, as I said before, in comparison with this great colossal evil that will destroy the public service by selling and marketing public offices. That the Senator has not touched upon. I have, and I have said that in twenty-four years, with all the mistakes and errors germane to human life which the Republican party may have committed, no charge of this kind has been made in my State.

Mr. VEST. Will the Senator permit me a word?

Mr. HALE. Yes.

Mr. VEST. I inadvertently neglected to state what I do now state, that when my colleague and myself, from the repeated practice which obtained in the State of Missouri under the Republican administration, undertook to find how certain gentlemen could remain in this city to manage the patronage in the State at their own expense, we never were able to find a letter from them, because they were acute and finished politicians, but we did find conclusive proof that in certain localities where certain appointments had been made money had been raised by the parties who were appointed. We could not, in the nature of things, find evidence that this money had been directly paid; but it is safe to assume, and I believe, and I think I could convince the moral judgment of any one acquainted with the facts, that these gentlemen from Missouri did not remain here from day to day and month to month at their own expense from a patriotic desire to properly distribute the public patronage.

Mr. HALE. Well, Mr. President, if the Senator found that condition in his State, or had reason to suspect it, he should have done what I have done. It was in this case no piece of good luck in finding a letter of this man demanding pay for his services in procuring office, but it was impossible to escape these letters; they went broadcast throughout the State, and therefore I have called attention to the subject; and the Senator from Missouri ought to have called attention to anything of that kind, because this is a matter that rises above party.

I assume that no Senator here would wish for a moment that in his own State the public places should be the subject of brokerage. If that contamination has reached the Senate—and I know that it has not—then the disease is too far gone for remedy. I do not believe that it has. I believe in pillorying the men who have set afloat this infamous system. I meant to say, and with the leave of the Senate I will incorporate it in my remarks, that certain members, old Democratic members, of the State committee deny that this man was given this authority by the committee, or that they ever knew that he was authorized to make assessments upon men appointed at his intervention. It is proper that I should say that out of deference to those gentlemen.

Mr. VOORHEES. Mr. President, happening to be out for a moment, perhaps looking after the interest of some honest man who wants a place under the Government and has a right to ask for it, I did not hear the letter of the Postmaster-General when it was read at the desk. Consequently, when I came in and found a Senator on the floor making an hour speech, I sent to the desk for the letter and obtained it and have read it. I wanted to know what this was all about, and I find an issue of the immense proportions disclosed by this communication that three Presidential postmasters in Maine have been changed by this Administration and several more of the fourth-class persuasion. I find also the statement by the Postmaster-General that the name of Mr. S. S. Brown—whoever or whatever he may be is unknown to me—is found upon the recommendations on which four changes were made, including the three Presidential offices. Why, sir, when I heard the Senator from Maine wailing his grievances here, I thought that Maine had been flooded with political blood, that there had been wholesale decapitation, that the guillotine had worked everywhere even up into the little village so poetically described as under the fringe of the dark forest. Instead of that it does not seem to me that there has been enough of change in the State of Maine to answer the demand which the American people made last fall when they decreed that the administration of this Government should be changed and put in other hands. Let us see how the Postmaster-General presents this question. After reciting the resolution heretofore adopted by this body, the Postmaster-General proceeds to say:

That the said Brown indorsed the several petitions of numerous citizens for the removal of the postmasters at East Vassalborough and North Vienna, in Kennebec County—

Two—

at Naples, in Cumberland County—

Three—

and at North Shapleigh, in York County, in the State of Maine—

Four in all—

and in no other case discoverable after careful examination or known to any officer of the Department.

I have heard small questions, which were magnified into important ones, designated as a great cry over a small amount of wool. We have had it here in an eminent degree.

Mr. HALE. Does the Senator mean to let it go that that is the extent of the intervention of this man Brown, as shown by the letter of the Postmaster-General?

Mr. VOORHEES. I mean to let it go that those are the four positions wherein he joined other numerous recommendations for changes, three of which were Presidential and one not.

Mr. HALE. The Senator is mistaken.

Mr. VOORHEES. No. I will correct what you think is my mistake; but it is not my mistake. Of course he took part in changes affecting minor offices. I am glad to analyze the grievances of the Senator from Maine wherein Brown has done so much wrong, first as to three Presidential post-offices and one other that is designated here by the Postmaster-General. Then the Postmaster-General proceeds to say that in other cases he recommended changes. No doubt about that. How many fourth-class postmasters have suffered the tortures of political execution up in Maine I do not know. I sympathize with

them. It has been a long time since any of that political family suffered in that way. On our side of the Chamber we are used to it. We know how to behave under dangers of that kind perhaps better than the other side, but after a little time is past I think they will learn also. [Laughter.] I hope so, at least.

Now, Mr. President, the Senator from Maine makes a grievance as to a person in his State. It may be that all his points are well taken. I am not here to challenge the accuracy of his arraignment of Mr. Brown. I know nothing of Mr. Brown. If he has done what the Senator from Maine charges him with the Senator has done a public duty and a favor to the Democratic party, which he did not intend, by exposing him. I hope that all such people will be promptly brought to condemnation and contempt. Whether these accusations are just or not, I say I remit to that locality up yonder where the Senator says he will be girdled by the people; but I do humbly protest, Mr. President, that it seems to me the Senate of the United States has become a meeting not much larger than often frequents a cross-roads when we have to listen to such grievances in regard to fourth-class post-offices and the like up in the State of Maine. Does the Senator from Maine suppose that he can make an impression upon the country that the Democratic party sympathize with practices like those he charges upon this man Brown?

The Senator, I think a little forgetful, saw fit to base a statement on some informer's false information that the whole delegation from Indiana had pretty much camped here during the summer-time. I think I was away from this capital more than the Senator from Maine. I was in distant courts and at distant places and at my home from the time of the adjournment until a little while before we met again. Some of my colleagues in the other House came here and went away. Some did not come at all. But for all that we have done we will stand responsible before our people and here in the Senate and House.

I do not know that I quite agree with my eloquent and gifted friend from Missouri upon one point. I may be made of more patient clay than he is. I am willing to trust and help those people who have helped me, and I have but little respect for a man—I mean no personal application to anybody—who is not. At any rate I go my rounds; I help the people who put this Administration in power to hold office under it, believing solemnly with all the great exponents of the Democratic party from Jefferson and Jackson down that when the people proclaim their desire for a change in the administration of their Government they expect the head of that administration and those whom he calls around him to administer this Government through friendly hands by friendly hearts and friendly minds. There is not a business man within the hearing of my voice who would employ in any subordinate capacity those who did not wish him to succeed, those who did not wish him business prosperity; and I proclaim but the universal experience of parties and of nations when I say that that principle applies to them as well as to business of a less public nature.

Mr. VEST. I hope my friend from Indiana will permit me to say one word. I understand the Senator; and I think we shall have no misunderstanding when we understand each other. I was unfortunate in my expression if I did not convey the idea that if I consulted my own personal convenience and comfort I would make it a misdemeanor for a Senator or Representative to solicit patronage. I meant to say that.

Mr. VOORHEES. Yes, the Senator did say it.

Mr. VEST. I always work for my people.

Mr. VOORHEES. I know that, and none do more so. These observations that I make are made with my entire friendliness and with perfect respect to the other side of the Chamber. You gentlemen have acted upon the principle I have laid down ever since you have been in power, and you would do it again to-morrow (and you know it) if you had the power. I am willing for civil-service reform to have all the fair chances to which it is entitled. I was not for the present law. I do not think its workings have justified those who were for it or condemned my opposition. I make no opposition now to it. I hope that it will advance the public interest if it is possible for it to do so; but holding these views I, recurring to the Senator from Maine, must protest against being held responsible for what has, perhaps improperly, taken place in his State.

Mr. HALE. Mr. President, I move that the communication and papers be referred to the Committee on Civil Service and Retrenchment.

Mr. LOGAN. Before that is done I desire to say a word. I do not wish to enter into this discussion, for my friend from Maine is perfectly competent to take care of himself and his State; but I desire to call the attention of the Senator from Missouri to one fact which I think he overlooked in his statement in reference to President Grant and President Hayes and President Garfield having called upon Congress to appropriate money that the commission might proceed under the law of civil-service reform, as it is termed. Does he not remember that the Congress of the United States from 1874, I believe up to the present time, has never been really in the hands of the Republican party? Does he not remember that the appropriation bills coming from the House of Representatives to be agreed to by the Senate of the United States were in the hands of the Democratic party, who refused to appropriate money for any such purpose? For one Congress during this whole time the Senate was in the hands of the Democratic party.

I only mention this to call the attention of the Senator to the fact that the country may understand this proposition and not be led to believe that the Republican party had power to continue the commission and appropriate money for it when the refusal was made by those in control of Congress, being the party opposed to the then existing administrations.

Mr. VEST. Mr. President, the Democratic party has never controlled the Senate but once, and that was during two years, in all the time since 1861.

Mr. LOGAN. That is very true, but it has controlled the other House.

Mr. VEST. Exactly.

Mr. LOGAN. I take it that the Congress (which includes both the House and the Senate) has never been entirely in the hands of the Republican party from 1874 or 1875 to the present time. One time when you might say it was in the hands of the Republican party the Senate was really in the power of Mr. Davis, who had the casting vote in the Senate of the United States. If Mr. Davis voted with the Democratic party it had a majority of one. Really never since that time I mentioned, during Grant's administration, Hayes's administration, and the Garfield administration, has the Congress of the United States been in the hands of the Republican party so that they could control legislation.

Mr. VEST. Mr. President, if the Republican party had such an exceeding love for civil-service reform as is now manifested here, if they considered the necessity for civil-service reform so immediate and overreaching, it is very remarkable that the Senator from Illinois and other distinguished Senators on the Republican side who had places here did not attempt to amend the appropriation bills in that regard when they came from the House of Representatives without any such appropriation within their limits. I have never yet heard of this question being mooted here.

Mr. LOGAN. If the Senator will allow me, I will not state it as a fact, because the Senator to whom I alluded is absent now, but I think on an examination of the records it will be found that the Senator from Vermont [Mr. EDMUNDS] did make the proposition in this body. But I did not call the attention of the Senator to this fact for the purpose of discussing whether the Republican party was in favor of the civil-service-reform law or not. I only called his attention to the fact that he might correct, if he chose to do so, the statement which he made that the Republican party never supported the administration when it asked for these things. I called his attention to the fact that they could not do it because they were not in power. That is all. The question who was for the civil-service-reform law as it exists is not a question that I desire to enter into at this time.

Mr. VEST. With a view to historical accuracy in this matter, I ask the Senator from Illinois if it is not the fact that from 1881 to 1883 his party held both branches of Congress?

Mr. VOORHEES. The Forty-seventh Congress.

Mr. LOGAN. Certainly they did.

Mr. VEST. Then there was an era in which the Republican party could have enacted this law if they wished—from 1881 to 1883. But there is another remarkable fact——

Mr. LOGAN. I made an inadvertent admission when the Senator said the Republicans held both branches of Congress from 1881 to 1883. I desire to correct the statement. They did not. The Republicans held the House of Representatives. The Senate was Democratic for one term; afterward it was a tie, with the vote of Senator Davis on the Democratic side, giving them a majority of 1.

Mr. HOAR. The Senator will pardon me. The vote of Senator Davis on the Democratic side made a tie.

Mr. LOGAN. I beg pardon; that is true.

Mr. HOAR. Voting with us, he made our majority two. No legislation could be passed without the assent of Mr. Davis.

Mr. VEST. I will ask the Senator, then, who controlled the committees of this body during that time? They were controlled by the Republican party. But further than that, every one of the committees was in charge of the Republican party during the time I have named. I recollect that I took my seat here in March, 1879. For two years we held the Senate with Mr. Thurman, of Ohio, as President *pro tempore;* and after that the committees, the legislative power of this body, passed into the hands of the Republican party. But in addition——

Mr. HOAR. Will the Senator pardon me on a mere matter of fact?

Mr. VEST. Certainly.

Mr. HOAR. The Senator will remember that in the session of which he speaks the Senator from Delaware, Mr. Bayard, now Secretary of State, was elected by the Democratic party President *pro tempore.* He held the office a single day, I think, but it may have been two days. Then it seemed to Mr. Davis, of Illinois, a most eminent gentleman, that a good arrangement would be to have the Republicans hold the committees and the Democrats hold the offices of the Senate. That was done, and Mr. Davis, who was an Independent, was elected President *pro tempore* by the Republicans, Mr. Davis announcing in his inaugural address that that was a tribute by the Republican party to the independent position which he occupied in the politics of the country. Now, in regard to the matter of the organization of the committees, the Re-

publicans had the Senate by two votes, including Mr. Davis's. In the matter of the offices we could have made no change, because Mr. Davis's vote with the Democrats would have made a tie.

Mr. VEST. I recollect very distinctly the transaction to which the Senator from Massachusetts alludes. I recollect very distinctly that the Senator from Illinois——

Mr. HOAR. The Senator will pardon me one further sentence. As I have made this suggestion about the facts, I do not wish to be understood as claiming for a moment that the Republican party, whether in the majority or minority during those years, was in favor of the appropriation for the Civil Service Commission. Neither party was. The cause was a growth, a reform, and it was intended to reform abuses which, while they had begun under the Democratic party from Jackson and Jefferson down, had been increased under the Republican party, and it was a reform which made its way slowly in the minds of both parties; but it is equally true that both political parties in the country, the Republican party leading the way and the Democratic party following it, have now placed in their platforms and public professions the doctrine of adhesion to the principle of divesting the civil service from politics; and I suppose the Senator from Missouri will not question that. The profession of the letter of acceptance, the inaugural address, and the message of President Cleveland, and the utterances of President Hayes and President Grant are all in favor of it.

Mr. VEST. Mr. President, I repel the assertion of the Senator from Maine taunting the Democratic party with insincerity in its professions of admiration of civil-service reform as compared with its practice, and I have the right to refer that Senator to the record of his own party, showing that in its platform for more than twelve years it professed zeal for civil-service reform, that all its Presidents from General Grant on had specially recommended an appropriation for civil-service reform, and still that they had neglected these appeals; and never until they were defeated in 1882 did they manifest any disposition to take this subject up and deal with it. I assert now that the Democratic party have not since 1861 held the legislative power of this country. We have had the House without the Senate; and we have had the House and Senate without the President; but from 1881 to 1883 the Republican party held both Houses of Congress together with the Presidency.

As I was about to say, ex-Senator Davis was nominated for President *pro tempore* by my distinguished friend from Illinois [Mr. LOGAN]. I recollect it very distinctly, and I take it for granted that so eminent a Republican as my friend would never have put in the chair, in the lineal line of succession to the Presidency, any gentleman who was not perfectly sound on civil-service reform. I take that for granted. It is true that President Cleveland and President Grant made like professions in favor of civil-service reform. It is not for me now to defend the Administration. I express simply my own personal sentiments as a member of the Democratic party.

President Cleveland has undertaken, in my judgment honestly and conscientiously, to carry out every scintilla and iota of the principles announced in his letter of acceptance and, as he understands, in the platform of the Democratic party. Of that I have no question. He has made appointments which were not acceptable to large numbers of Democrats; but if there is one complaint that has come up from the Democratic party more than any other it has been that he has not made enough; and it is astonishing to me to hear intimation from any portion of this Chamber, or at least from the opposite side of the Chamber, that President Cleveland has not conformed to every particle of the pledges which he made to the people of the United States prior to his election.

Mr. HALE. I move that the papers be printed and referred to the Committee on Civil Service and Retrenchment.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the communication be referred to the Committee on Civil Service and Retrenchment, and printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Board of Trade of Portland, Oreg., praying sufficient appropriations for the Signal Service to enable it to continue work and enlarge its sphere of operations; which was referred to the Committee on Commerce.

Mr. VOORHEES presented a petition of 80 soldiers and 102 citizens of Ripley County, Indiana, praying the enactment of a law placing on the pension-rolls the names of all honorably discharged soldiers and the widows of those who are dead; which was referred to the Committee on Pensions.

Mr. MORRILL presented the petition of Professor Joseph Echteler, of Hoboken, N. J., praying the repeal of duties on works of art; which was referred to the Committee on Finance.

Mr. LOGAN presented a petition of John Moore, late private Fifty-eighth Indiana Veteran Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Joseph F. Wilson, of Peoria, Ill., praying indemnity for costs and other expenses in litigating title to certain lands in the State of Indiana; which was referred to the Committee on Claims.

Mr. CALL presented the petition of F. Bauer, J. O'Neal, and other citizens of Warrington, Fla., praying the cession by the Government to the State of Florida of a portion of the naval reserve adjoining the navy-yard at Pensacola, Fla.; which was referred to the Committee on Naval Affairs.

He also presented a petition of clerks in the Railway Mail Service of the United States praying to be placed on an equal footing with other clerks in Government employ as regards compensation and leaves of absence; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WILSON, of Iowa, presented the petition of J. B. Morrison and 10 other members of the Allen W. Miller Post, No. 328, Grand Army of the Republic, and 20 other citizens of Iowa, praying for the passage of an act granting a pension to the heirs of Daniel J. Strunk, late a private in Company G, Second Regiment Iowa Volunteer Infantry; which was referred to the Committee on Pensions.

He also presented the petition of F. W. Myer and 103 other citizens of Iowa, praying that the land laws be so amended that none but citizens of the United States can acquire title to public lands; which was referred to the Committee on Public Lands.

He also presented the petition of W. T. Walker and 111 other citizens of Iowa, praying the passage of an act of absolute forfeiture of the unearned portion of the land grant to the Sioux City and Saint Paul Railroad Company; which was referred to the Committee on Public Lands.

Mr. EVARTS presented a resolution adopted by the Chamber of Commerce of New York favoring legislation recognizing the merit and value of the corrugated-iron life-car and other appliances connected with lifeboats invented by Joseph Francis; which was referred to the Committee on Commerce.

Mr. VAN WYCK. I present a petition of the United Labor League of America, praying for the promotion of Lieut. Gen. Philip A. Sheridan to the position of a full General of the Army. It consists of but three pages, and I ask unanimous consent to have the petition printed in the RECORD and referred to the Committee on Military Affairs.

The petition was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Petition of the United Labor League of America, requesting the promotion of Lieut. Gen. Philip A. Sheridan to the position of full General of the Army.

WASHINGTON, D. C., *January* 5, 1886.

At a meeting of the United Labor League of America, held in Washington, D. C., on the 27th day of December, 1885, it was resolved that—

Whereas Lieut. Gen. Philip A. Sheridan, was mainly instrumental in striking the final blow which crushed the great rebellion, and compelled the surrender of General Robert E. Lee, as the records of the war will show; and

Whereas we consider he is justly entitled to the rank, title, grade, honor, and emolument of General of the Army just as much as the other two great captains, Grant and Sherman, upon whom Congress conferred that distinction for eminent services during the late war, but in our opinion not any more eminent or more useful to the nation, or more practical in their final results, than those rendered by Lieut. Gen. Philip A. Sheridan. His brilliant achievements in the Shenandoah Valley and at Winchester, Va., have deservedly won for him the sobriquet of the "Orlando" of our armies. He was the only general in our late war who repeated history; and who by his own prowess, quickness of perception, military skill, personal magnetism, and power to inspire men with confidence in his superior ability to command them in a terrible emergency, rushed onto the field of battle at Cedar Creek, Va.; halted and wheeled around a fleeing, demoralized, and a defeated army; and he then and there fought the battle over again on that same day, and changed an ignominious defeat into the most glorious victory of the war.

This victory won from General Grant the unmistakable language that it had "stamped Sheridan with what he always thought him to be, one of the ablest of generals."

General Meade, in a dispatch to General Grant, speaks of it thus: "To achieve such results, after having met the reverse he describes, is one of the most brilliant feats of the war."

President Abraham Lincoln says, on September 20, 1864:

"I have just heard of your great victory. God bless you all, officers and men. Strongly inclined to come down and see you."

On October 22, 1864, President Lincoln writes to him as follows:

"With great pleasure I tender to you and your brave army the thanks of the nation and my own personal gratitude for the month's operations in the Shenandoah Valley, and especially for the splendid work of October 19, 1864."

Therefore, in consideration of the above,

Resolved by the United Labor League of America, That for those eminent, meritorious, highly commendable, and almost unexampled military (exploits) services to his country and to the cause of human freedom throughout the whole civilized world we respectfully request, as the sovereign representatives of the workingmen of America, who are the law-making power, that Congress pass a special bill conferring the rank, title, honor, and emolument of General of the Army of the United States upon Lieut. Gen. Philip H. Sheridan, a bill similar to that already passed conferring the same rank, title, honor, and emolument on Generals Grant and Sherman for similar services.

All of which we respectfully submit for your careful consideration and favorable legislative action.

JOHN POPE HODNETT,
President and Founder United Labor League of America.

JOHN C. PURCEL,
Secretary United Labor League of America.

REPORTS OF COMMITTEES.

Mr. BLAIR. I am directed by the Committee on Education and Labor, to whom was referred the bill (S. 194) to aid in the establishment and temporary support of common schools, to report it back, recommending an amendment by striking out the thirteenth section, and as amended recommend its passage. Individual members of the committee reserve the right to be heard in the Senate.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 208) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works, reported it without amendment, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 16) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, reported it with an amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes; and

A bill (S. 7) making appropriation for the relief of the First National Bank of Newton, Mass.

Mr. DOLPH submitted the views of the minority of the Committee on Claims upon the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes; which were ordered to be printed.

Mr. JACKSON, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Post-Offices and Post-Roads; which was agreed to.

A bill (S. 315) for the relief of B. F. Rockefellow; and

A bill (S. 314) for the relief of William M. Keightley.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 22) for the relief of Martin and P. B. Murphy; and

A bill (S. 178) for the relief of Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 767) for the relief of John Leathers, reported it with an amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. GIBSON (by request) introduced a bill (S. 903) for the relief of Peter Kiveney; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 904) to divide the State of Kansas into two judicial districts fixing terms of court, and for the appointment of judges and other officers therein; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR. I introduce a bill which I desire to have read in full by the Secretary.

The PRESIDENT *pro tempore*. The bill will be read.

The bill (S. 905) fixing the time for the meeting of Congress was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., That the meeting of Congress in the year 1886, and in every second year thereafter, shall be on the first Monday in October, and that in the year 1887, and in every second year thereafter, it shall be on the second Monday of November.

Mr. HOAR. I should like at this time, as that is a very important matter, to say that I think it is clear, it must be conceded by all Senators, that the business of the country has grown to such an extent that it is impossible to do justice to the great public interests in our charge, especially at the second session of a Congress, within the time which is now appropriated to the meetings of Congress by our existing law, and we must at least add two months to the second session of each Congress, and that it would be more convenient also to have the long sessions begin earlier in the autumn and leave off earlier in the summer; but it is quite likely that some other arrangement than that proposed in the bill will be found to meet the judgment of Congress. I merely introduce the bill, without committing myself to its details, to bring the subject before the appropriate committee. I move that the bill be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CONGER introduced a bill (S. 906) to regulate the powers and duties of the board of trustees of the Industrial Home School of the District of Columbia in respect to infant wards and scholars, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a bill (S. 907) for the relief of William Gardner; which was read twice by its title, and referred to the Committe on Military Affairs.

Mr. BECK (by request) introduced a bill (S. 908) for the relief of A. H. Herr; which was read twice by its title, and referred to the Committee on Claims.

Mr. MAHONE introduced a bill (S. 909) for the relief of H. H. Sibley; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 910) for the enlargement, improvement, and completion of the public building now being erected at Harrisonburg, Va.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GEORGE introduced a bill (S. 911) to prevent contraction in the currency and to increase the circulation of silver and silver certificates; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL introduced a bill (S. 912) to increase the pension of Ann Leddy; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 913) granting to G. W. Hendry, his heirs or assigns, parts of sections 15 and 22, township 31 south, range 25, in the district of lands of Gainesville, in the State of Florida; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CAMERON introduced a bill (S. 914) granting a pension to William H. Weaver; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PLATT introduced a bill (S. 915) granting a pension to Mary A. Orcutt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 916) to provide for the retirement of Brig. Gen. Rufus Ingalls (retired) as a major-general of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MITCHELL, of Oregon. In that connection I present the record of General Ingalls's service to be referred with the bill to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. HARRIS introduced a bill (S. 917) for the relief of James H. Smith, late postmaster at Memphis, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN introduced a bill (S. 918) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens; which was read twice by its title, and referred to the Committee on Claims.

Mr. HAWLEY introduced a bill (S. 919) to revive and continue in force an act approved June 23, 1870, entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy;" which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON (by request) introduced a bill (S. 920) to confer brevet promotion on officers of the United States Army particularly distinguished by heroic action in Indian warfare, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SHERMAN introduced a bill (S. 921) to provide for the muster into service of Martin V. Miller as second lieutenant Company E, Seventieth New York Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. LOGAN introduced a bill (S. 922) for the relief of Joseph F. Wilson; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 923) authorizing the Secretary of War to remove the charge of desertion from the record of Private Ernest Beechner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 924) granting a pension to Ellen Shea; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 925) to grant Dearborn Park, in the city of Chicago, to said city for the use and benefit of public and benevolent institutions; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL (by request) introduced a bill (S. 926) for the relief of the legal representatives of the late James Monroe, a lieutenant-colonel in Virginia State Line during the war of the Revolution, and President of the United States; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

Mr. COCKRELL. I think I am justified in saying that my vote has always been against the passage of any such bill, and always will be.

Mr. MORRILL. Let me say in relation to that bill that I made a report as a member of the Committe on Revolutionary Claims, by which it was shown that Mr. Monroe never was a colonel in Virginia; that he went home from the army at the direction of General Washington to raise a regiment in Virginia, failed to raise it, and went back to study law with Thomas Jefferson.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 927) to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation, and increasing the rate therefor, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 928) for the relief of Pearson C. Montgomery, of Memphis, Tenn.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GIBSON, it was

Ordered, That the papers relating to claim for the relief of the Citizens' Bank of Louisiana be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the claim of Peter Keverney be taken from the files and referred to the Committee on Claims.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. VOORHEES. I beg the indulgence of the Senate for a moment to give notice that on Wednesday, the 20th of this month, after the morning business has been transacted, I will, with the permission of the Senate, call up the resolutions pending before this body expressive of the sense of the Senate on the death of the late Vice-President, Thomas A. Hendricks, and shall ask for their consideration at that time.

STATUARY IN FRONT OF CAPITOL GROUNDS.

Mr. MORRILL. I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be, and hereby are, instructed to inquire into the expediency of placing statues of Columbus and of La Fayette near the western front of the Capitol Grounds, one upon the circle at the intersection of Pennsylvania avenue, and the other upon the circle at the intersection of Maryland avenue; and also further to inquire as to the propriety of a removal of the Naval Monument to a new site, and report by bill or otherwise.

Let me say, Mr. President, that perhaps the highest naval authority in the country is strongly in favor of a new site for the Naval Monument, which is open to some objections on account of its size and some other objections in relation to it as a proper monument for the place where it now is. It has seemed also to many others that these twin circles at the foot of the Capitol Grounds ought to be occupied by some monument of historic interest, something of a national character. At all events it has seemed to me a matter of sufficient importance to be worthy of consideration and investigation by the appropriate committee.

Mr. VOORHEES. Being in hearty sympathy with the resolution offered by the Senator from Vermont, he will not take it amiss in me to congratulate him upon his somewhat tardy conversion to my views in regard to the removal of that graveyard statuary which has looked us in the face so long, as we come up Pennsylvania avenue; and I am glad also that the high naval authority he has spoken of has concluded to reconsider his position in that regard. I think with the Senator from Vermont that those two approaches to the Capitol should be utilized with statuary indicating great historical events and keeping in remembrance great historical personages. I hope the resolution will pass.

The resolution was considered by unanimous consent, and agreed to.

DISTRICT METROPOLITAN RAILWAY COMPANY.

Mr. VAN WYCK. I ask for the adoption of the following resolution:

Resolved, That the president of the Metropolitan Railway Company, in the District of Columbia, be, and he hereby is, directed to furnish the Senate a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, the amount of their operating expenses, and the amount of dividends paid annually since June 30, 1878; also why said railway company has not made the annual report required by the act of 1864 incorporating said company.

Mr. SAULSBURY. I desire to inquire whether that is not an unusual resolution, proposing to require the president of a private corporation to make a report of the affairs and condition of that company. It is true the company is incorporated by Congress; but is it not unusual to inquire of the president himself? Ought not the information to be obtained in some other mode than by an inquiry of the president of a private corporation?

Mr. VAN WYCK. In answer to the Senator——

Several SENATORS. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read. Unanimous consent is asked for its present consideration.

The Chief Clerk read the resolution.

Mr. VAN WYCK. In answer to the Senator from Delaware I would state that this has been done by the United States Senate. A resolution precisely in this form has been adopted before, so that the most sacred rule of precedent has been followed.

Mr. SAULSBURY. I think it is a bad precedent.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. ALLISON. I ask that it lie over.

Mr. SAULSBURY. I think that it had better go over.

The PRESIDENT *pro tempore*. The resolution lies over under the rule.

Mr. HARRIS. I ask the Senator from Nebraska to allow the resolution to be referred to the Committee on the District of Columbia.

Mr. VAN WYCK. Not just now, thank you.

INDIAN MILITARY EDUCATION.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Committee on Indian Affairs be instructed to inquire and consider whether a wise policy in the civilization of the Indian requires the establishment of a school west of the Mississippi River, based on the principle of the military enlistment, instruction, and discipline of Indian youths and young men, with a view to qualifying them for service in the Army of the United States, and that said committee have leave to report by bill or otherwise.

BILLS OF FORTY-EIGHTH CONGRESS.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Forty-eighth Congress, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes, when bound, to be kept there for reference.

ORDER OF BUSINESS.

Mr. GRAY. Mr. President, if it be in order, I ask that Order of Business No. 13 on the Calendar, the resolution of the Senator from Kentucky [Mr. BECK], introduced on the 18th of December, be taken up for consideration.

The PRESIDENT *pro tempore*. The Senator from Delaware moves to proceed to the consideration of a resolution which will be read.

Mr. HOAR. If the Senator from Delaware proceeds now, when the hour of 2 o'clock arrives it will be necessary to lay the unfinished business, which is the judges' salary bill, before the Senate. I desire to ask unanimous consent that that judges' salary bill may stand as the unfinished business on Monday next as it stands now. That will save any interference with the Senator; and I also have a cold, which would make it rather inconvenient for me to address the Senate on the subject of that bill to-day. I ask unanimous consent——

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Senator from Massachusetts asks consent that the pending bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, be postponed until Monday at 2 o'clock.

Mr. HOAR. That it stand as the unfinished business on Monday next at 2 o'clock as it stands to-day.

The PRESIDENT *pro tempore*. That the bill stand as the unfinished business on Monday next at 2 o'clock. Is there objection? The Chair hears none, and it is so ordered.

Mr. EDMUNDS. If I correctly understand the Senator from Delaware he does not expect action of the Senate further than his making remarks on the subject he asks to have taken up. Then I wish to say that when his matter shall have been concluded, I shall ask the Senate to proceed with the consideration of Senate bill No. 10, the Utah bill, as was understood yesterday.

The PRESIDENT *pro tempore*. It is proper that the Chair should state that other Senators have given notice of a desire to discuss the resolution, but perhaps not to-day.

Mr. EDMUNDS. I shall not object to the Senator from Delaware, who has desired to address the Chair, going on now.

The PRESIDENT *pro tempore*. The Senator from Delaware.

Mr. EDMUNDS. We shall see what happens when he concludes.

Mr. BECK. I have been requested by several gentlemen to ask that no vote be taken on the resolution until they shall have had a chance to be heard. So I hope there will be no vote taken after this speech is made, because other gentlemen desire to be heard.

Mr. MCPHERSON. I understood the Senator from Vermont objected to the debate going on. I desire to follow the Senator from Delaware, and I do not know but that the Senator from Vermont objected to any further discussion.

Mr. EDMUNDS. The fact is that I was objecting because the bill about Utah went over yesterday at the request of the Senator from Missouri [Mr. VEST] with an understanding (which I admit does not bind anybody who was not present) that we should go on with it to-day, and I think it is more important to the public interest than a discussion of the silver question. I yielded to the Senator from Delaware from an universal and good courtesy of this body that a Senator who is, as we say, new in the Senate and desires to address the body, shall be heard at any time unless the Capitol is burning down or something of that kind; and so I hope my friend from New Jersey will not think it unkind in me to ask that we finish up the Utah bill as we probably can in an hour or two.

Mr. MCPHERSON. In my own case I would like to state to the Senator from Vermont that circumstances beyond my control will require that I shall absent myself from the Senate for several days, and if it will not interfere materially with the business of the Senate I should like to say what I have to say (which will be very brief) this afternoon.

Mr. EDMUNDS. Very well, we shall see about it after the Senator from Delaware concludes.

The PRESIDENT *pro tempore*. The Senator from Delaware has the floor on the pending resolution.

Mr. GRAY. I ask that the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be read.

COIN DUTIES ON IMPORTED GOODS.

The Chief Clerk read the resolution submitted by Mr. BECK, December 18, 1885, as follows:

Whereas the laws of the United States require that all duties on imported goods shall be paid in coin; and

Whereas it is provided by section 3694 of the Revised Statutes that "The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment, in coin, of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall, from time to time, direct; third, the residue to be paid into the Treasury:"

Resolved, That the Committee on Finance be instructed to inquire whether the laws above stated now are, or have heretofore been, obeyed; and if they have not, to report by bill, or otherwise, such measures as will secure their enforcement.

Mr. GRAY. Mr. President, I shall vote for this resolution. But as

I shall do so for reasons very different from those avowed by the distinguished Senator who offered it, I feel that I owe it to myself, and also to him (whose right to leadership on this side of the Senate I gladly recognize), to state as briefly as I may the views that I hold on the general question of the continuance of the coinage of the silver dollar. I know that any attempt now to fully discuss the silver question, so called, will be to thrash over again the straw of the exhaustive and able debate that attended the passage of the act of 1878. But there are some salient points of the question that may profitably be reconsidered in the light of the experience gained in the eight years that have come and gone since that law went into effect.

If I correctly understood the drift of opinion in and out of Congress when the remonetization of silver was being discussed, there were two classes of advocates of the proposition. The first were those who clamored loudly for the unlimited coinage of the silver dollar at a ratio to gold of 16 to 1, because at that ratio the silver dollar was worth 8 to 10 per cent. less than the gold dollar, and who boldly avowed their desire for a cheap dollar, and, as they said, the cheaper the better. These were largely stragglers from the routed army of paper inflationists, those who were for fiat money pure and simple, and back of whom was the small but compact, intelligent, and well-organized body who represented that "large pecuniary interest" in the production of silver which Macaulay describes in the passage quoted by the Senator from Kentucky, and who were ready to dispute the law of the attraction of gravitation, or any equally well established economic law, if such interests were concerned in their so doing.

To the dangerous dogmas of this class I know the Senator could not subscribe. The power to create values by legislative fiat would be as resolutely denied by him as other economic heresies which he has so often and so ably combated.

The second class was composed of those who believe that bimetallism was indispensable to a proper settlement of our monetary affairs, and that an equivalency in the values of gold and silver could be established and maintained by law. To the conservative and intelligent advocates of this doctrine in this body we owe the modification of the Bland bill, and the fact that we are not yet compelled to struggle with all the evils of a depreciated monometallic silver currency. By their action "free coinage" of the silver dollar was eliminated from the bill, and the number of dollars coined each month was restricted.

Undoubtedly, if the silver dollar had been admitted to the free coinage provided for in the bill as it came from the House, we should long ago have had the experience that every man who owed a hundred dollars would have bought ninety, eighty, or seventy dollars' worth of silver, and taking it to the Mint, would have received back one hundred silver dollars, wherewith to discharge his debt. And gold would long since have taken its flight to more hospitable lands. We would then have seen Gresham's law in full operation, a depreciated and depreciating silver would have taken the place of the more valuable gold coin, prices of commodities would have risen, while wages lagged in the rear, and all the uncertainties, distress, and disorder which are the results of a depreciated and fluctuating currency, would have come upon us, and come to stay. The only class who would have profited by the situation, if we except those who would have reaped the doubtful advantage of paying off $100 of debt with seventy or seventy-five dollars' worth of silver, would have been the money-changers and gold gamblers of Wall street; whose occupation would have returned again, to help increase the general demoralization.

Now, as far as I can gather from the debate in the Senate in February, 1878, these dangers attendant on a free coinage of a depreciated silver dollar, with unlimited legal-tender power, were appreciated. But the advocates of the bill as amended by the Senate seemed to think that these dangers would be avoided by the restriction of the coinage, and by giving the profits or seigniorage to the Government instead of to the holder of the bullion, and by the provision for obtaining an international consensus to a bimetallic standard. The object aimed at by most of the leading advocates of the bill was the concurrent circulation of the two metals, gold and silver—a bimetallic currency.

The Senator from Kentucky said (I quote from the RECORD of February 15, 1878):

> I believe in obtaining the largest amount of gold and silver coin, and paper based on such gold and silver coin, and I believe that the moment you make the silver coin of the same standard that it was when it was demonetized, and put it in the same position where it was then, it will bear the same relation to gold coin that it did then.

Well, Mr. President, the relation it bore then was about 1 per cent. above gold. But the purpose of the Senator, whether mistaken or not in his notions as to the possibility of accomplishing it by the bill under discussion, was the laudable one of producing an equivalency between gold and silver, and restoring to silver the value which he and others believed had been lost by its demonetization.

The Senator from Iowa [Mr. ALLISON], who had charge of the bill as it came from the Finance Committee, in the very able and instructive speech with which he closed the debate said:

> Now, if we plant ourselves firmly in favor of the policy of the utilization of silver, we take measurably the place of Germany in this regard, because by our own legislation from 1834 to the time of absolute demonetization we banished silver, and if we restore it we shall require very nearly as much silver in circulation as Germany has lost by demonetization. And the equilibrium in the value of silver as compared with gold will be rapidly restored.

Then he goes on to say:

> But this bill proposes not only that we shall do this, but that we shall invite the other nations who favor the use of silver to join us in fixing a uniform ratio between the two metals; and if that is done, as I believe it can be very soon, if a concurrence of those nations shall take place, then it will be but a brief period until the restoration of silver will be complete and absolute.

And again:

> This amendment contemplates that a sufficient number of nations will join to create such a demand for silver as will keep the commercial and mint value of the two metals at par with each other at the ratio fixed.

In the same debate the Senator from Nevada [Mr. JONES] said:

> My own opinion is that at the relation of 16 to 1 eighteen months will not have elapsed before silver will be back at its old place where it stood before demonetization took place, at 2 or 3 per cent. above gold, and that it will be the metal that will be excluded from the country.—*Record*, volume 7, Part II, Forty-fifth Cong., page 1081.

The Senator from Texas [Mr. COKE] said:

> The theory on which I shall vote for the dollar of 412½ grains is, that it will be worth 100 cents in gold, and if that dollar is worth 100 cents in gold, the bullion, with free coinage, will spring up to par with the coined dollars.—*Record*, page 1066.

I think his reasoning was fallacious, but I have read enough to support the assertion that the avowed and laudable purpose with which the bill was, for the most part, advocated in the Senate, was to produce concurrent circulation of gold and silver, and the reasons given by the distinguished Senators whom I have cited are all based on an expectation entertained and expressed that the remonetization of silver, as provided for in the amended bill, would restore silver to an equivalency with gold at the old ratio of 16 to 1.

So, then, the measure for the remonetization of the 412½-grain silver dollar, while it was at a discoont of about 8 per cent. as compared with gold, was, so far at least as the action of the Senate was concerned, *tentative*. It was not intended to drive out gold by a cheaper metal, but to restore and maintain an equivalency of value of 16:1. It could not have been otherwise than *tentative*. It was a most important step in the monetary history of the country, and it had to be taken in the dark. The region before us was pathless and untrodden, and illumined by no lamp of experience. No precedent for the action proposed could be adduced, for it was absolutely the first time that any government of modern times had undertaken to issue *de novo* a coin at less than its supposed bullion value. I do not, of course, regard as a precedent the attempt made in England in times hardly modern to raise a public revenue by debasing the coin, although it is uncomfortably near to being a prototype of the bill of 1878.

As I have said, the hope was freely indulged and the confident prediction made on all hands that the remonetization of silver would restore it to par with gold within a short time after the passage of the act—eighteen months, said the Senator from Nevada; and it was this hope and this expectation, based by some on the mere effect that the greater demand for silver would produce, by others on that combined with what they thought would be the probable success of the international scheme provided for in the bill, that were held up all through the debate by the leading advocates of the bill to allay the fears of those who did not believe it was possible by Congressional enactment or otherwise to establish a code of economic laws that were to be operative in America alone.

And now that these hopes have been disappointed, these expectations unrealized, was it not eminently a wise and patriotic thing for the President to do, nay, was it not his highest duty, to call the attention of Congress to the facts and express to them the apprehensions which he shared with many thoughtful and disinterested men that a continued coinage of the silver dollar of 412½ grains, without any co-operation from the other civilized countries of the world, would in the near future bring us to a coin circulation of silver alone, take from the pockets of the people the more valuable gold, and replace it with the cheaper silver, raise the price of commodities, and permanently defeat the avowed object of the bill of 1878—the establishment of a bimetallic currency of silver and gold?

Silver, which was to have been brought back to its old relation to gold, has steadily fallen in value until the dollar worth 92 cents in 1878, is worth less than 80 to-day. And there is apparently no hope of present relief by France and the Latin Union, England, or Germany consenting to bear a portion of our burden. Were ever the honest predictions and arguments by which men were persuaded to any course of action so utterly falsified? All the reasons which seem to have been potential in passing this bill have failed; and yet now we are asked by some to reverse the maxim and maintain the law though the reason for it has ceased. Passionate invective against bondholders can not raise the price of silver a farthing in the bullion markets of the world. Payment of the public debt in silver (which must soon come if this law is to continue) will not better the situation a particle. It can only hasten the catastrophe, which we should seek to avoid, of placing us on a monometallic basis.

The burden of the argument of the Senator from Kentucky the other day was that the bondholder was demanding a different dollar from that which rewarded the toil of the laborer, and that the action of the Treasury was a discrimination in his favor. I fail to see it in that light. The

bond requires payment in coin, and gold coin is as legal for payment as silver. But I understand that the action of the Secretary is intended to avoid a hastening of the time when silver shall replace gold until Congress shall have an opportunity to decide whether it is wise to take the risk of relegating our currency to the standard of an eighty-cent dollar. His action, in my opinion, is calculated to promote, and not defeat, the avowed object of the act of 1878.

If the gold dollar and silver dollar are at present, owing to the legal-tender quality of the latter and its limited coinage, equivalent, who has a right to complain? The silver dollar paid to and used by the masses of the people is now precisely the equivalent in value of the gold dollar paid the bondholder. And because the effort is made to maintain a little longer that equivalency, the Senator from Kentucky has drawn away our attention from the real question which confronts us, namely, how to maintain the concurrent circulation of both silver and gold, to the alleged rapacity of the bondholders as a class.

Now, I am not here to defend them. All economic laws are founded on the oneness of human nature, and the desires and appetites of men will lead to the same results when the conditions are the same. Men will seek their own advantages and their own interests, whether they be owners of bonds, or of gold mines, or of silver mines. I want no privilege for any class. I am neither a bondholder or the son of a bondholder; but I do not want to see the money in the hands of the people cheapened for the sake of paying the bondholder in such cheapened money, and I repeat the question, if up to the present time a silver dollar and a gold dollar are exactly equal, who has the right to complain if the public creditor is paid in either, so long as he is not paid more dollars than his bond calls for?

This question of the currency and of the standard of values is not a question between the bondholder and the people of the United States. If we are to have a silver standard, then I want to see the public creditor paid in the same coin that I am compelled to receive; but as long as I and all others can obtain a silver or gold dollar indifferently in exchange for our labor or our property, I am not disturbed that the bondholder can do the same thing. I shall hope to see in the response to this resolution from the Finance Committee a better defense of the course pursued by the Secretary of the Treasury than I can make. Now I wish to be done with the bondholder; his relations to the question of the expediency of continuing the coinage of 80 cents' worth of silver into a legal dollar are irrelevant, and are only brought to the front with the effect, if not the purpose, of obscuring the true issue, which is, can or can not the present situation of silver and gold equivalency be maintained with the continuing uninterrupted flow of overvalued legal-tender silver dollars from the mints.

Let us see. It is certain that the predictions and hopes of the advocates of the bill of 1878 as to the rise in the value of silver to follow its remonetization have not been fulfilled, nor has that other more reasonable hope as to co-operation of European governments been realized. Upon what other grounds were the high hopes of those who expected to achieve bimetalism based? It will not do, as the Senator from Kentucky has sought to have us, to reassure ourselves because the silver dollar is to-day exchangeable for the gold dollar. It proves nothing to say, as the Senator has said over and over again in his speech, that the silver dollar will purchase as much to-day as the gold dollar, and 30 per cent. more of many commodities than it would in 1870. That is solely because it has not yet parted company with gold.

The rising tide of silver has not yet risen quite high enough to overflow the barriers that were enacted against it by the Senate amendment to the bill of 1878, providing a limited though compulsory coinage, and giving to the Government the difference between the bullion value and the mint value of the dollar. But I do not see what comfort can be given to those who, living near by, fear the overflow of a reservoir into which a steady and constant stream is flowing by telling them that their dwellings are still dry, unless some precaution is at the same time taken to have the water turned off when the reservoir is full. Yet this is exactly what the Senator from Kentucky has been doing, in laboriously arguing that because the reservoir is not yet quite full it never can be full, because the silver dollar has not yet overwhelmed the country to the point of driving out gold, it never will. He points triumphantly to the purchasing power of the silver dollar as compared with gold, yet denounces the efforts of those who are trying to keep it what it is.

When the atmosphere has absorbed moisture to the point of saturation the rain must fall, and when the capacity to absorb the light-weight silver dollar in the various uses and demands of business and trade is exhausted the storm must come. The fact is that, owing to its restricted coinage and the seigniorage therefor going to the Government, the silver dollar has performed the office largely of a subsidiary coinage. For that purpose I want to keep it, because only so can we have under present conditions a bimetallic currency. Gold remains, and will continue to remain, the most desired and desirable standard the world over. No civilized country that I know of has or desires a silver standard or single silver currency. The most that is claimed by the advocates of silver is the desirability of a double standard of silver and gold, so that gold for the larger transactions and silver for the smaller may make a wider basis for a metallic currency.

We can always have a gold and a subsidiary silver coinage. The reverse of this is, of course, impossible. If gold is supplanted by silver, we have silver alone. From 1850 to 1862 we were on a gold basis. At the ratio of 16 to 1 gold was overvalued and as the cheaper of the two metals became the sole standard, but we still had a subsidiary silver coinage, and I have never seen recorded or heard uttered any dissatisfaction with that state of things. In fact, everybody was satisfied. The gold standard kept us in easy relation with the whole commercial world. We were not under the necessity of paying the cost of production of the commodities we exported at an enhanced price in one metal to sell at a lower price in another. And as a recent writer on this period says:

> So well did the situation satisfy all demands that the question of gold and silver dropped out of the public mind.

The act of 1853 regulated the subsidiary silver coinage so that it should not be undervalued with respect to gold, but took no notice of the silver dollar which had ceased to circulate, and advisedly acquiesced in and accepted the single gold standard which then obtained. Then it was, as pointed out by the writer to whom I have referred, that by this act of 1853 the double standard was abandoned in the United States and the silver dollar practically demonetized. And now when that most distinguished bimetalist and eminent Frenchman, Mr. Henry Cernuschi, has given his opinion to the people of the United States that bimetalism can not be achieved by any one country alone, when every country in Europe has ceased the coinage of silver, except to supply the demand for subsidiary coinage, why should we be driven into difficulties that all other countries are seeking to avoid?

France would gladly get rid of the "hump" of her silver legal tender, and has long ago stopped its coinage.

Do the business interests of the country need expansion of the currency? The locked-up millions in Treasury vaults and banks tell a different story; and if they do, shall we increase the money of the country available for enterprise and the employment of labor by driving out of it nearly six hundred millions of gold coin?

I fear, Mr. President, that some of the advocates of the act of 1878 have shifted their ground; that they now view with complacency the prospect of our being placed on a single silver standard; that that large pecuniary interest which this so-called debtor class, or some of them, have in scaling their debts, that larger and more direct pecuniary interest which the owners of silver mines have in maintaining a market for their silver in the public Treasury, have separately or together produced through its press the effect which Macaulay describes and to which I have before alluded.

Although I did not intend to again refer to the payment of the public debt, it occurs to me in this connection to say that when under the present condition of coinage the Government pays a debt in silver dollars, it then has scaled that debt by the amount of the difference between the price paid for the bullion it has bought and the mint value of the dollars it has paid. In other words, it is in a position less creditable than a private debtor would have been if there had been free coinage of the silver dollor—it has bought its own overdue paper at a discount. Private morality will not sanction that, and I doubt whether public morality can stand unshaken by it. It is not the high standard of individual conduct held up by Divine wisdom for our imitation when the man "who sweareth to his own hurt and changeth not" is declared especially blessed. I know the Senator from Kentucky would govern himself by that standard of morality and would not knowingly contribute to making a lower public standard.

There is another view of this question which should certainly command attention, and that is, that the act of 1878 having failed to raise the price of silver, if a continued coinage of silver dollars at the present ratio to gold, is persisted in, till their accumulation causes gold to disappear, and with it gold prices; we will then have had forced upon the country a practical silver monometallism by an act that was passed with the avowed object of establishing a bimetallic currency. Now, does not good faith to the country require that we should call a halt and suspend the coinage of silver dollars until the people have had an opportunity to exercise an option as to whether there shall be a gold or silver standard of values in this country? Let the question be fairly presented to Congress, and discussed there and in the press, and let it be deliberately determined whether we will settle down on a gold basis, such as we have now, with gold prices, or give up all the advantages of the present situation and take the risk at this time of reviving business and renewed commercial activity, of descending to the basis of an 80-cent dollar, thereby scaling all debts, public and private, 20 per cent. and enhancing all prices at that rate. I, for one, protest against this denial to the people of the right and opportunity to decide for themselves this question so vital to their prosperity and well-being.

But as it is said by many of the advocates of the cheap dollar that the interests of a large class, to wit, a so-called debtor class, demands the lowering of the standard of values, it may be well to inquire who compose this debtor class that is represented as appealing to Congress for a depreciated coin in which it may pay its debts, and whose menacing cohorts are sometimes invoked to drive from their convictions those who believe that economic laws no more than natural laws can be violated with impunity; that the philosopher's stone has not yet been discovered by whose touch 80 cents in silver can be transmuted into 100 cents in

gold. This class is not composed of the toiling millions of our country whose week's or month's wages are the reward of honest labor of hand or brain. These, as has been often shown, are the great creditor class of the country, if we are to have classes at all in this matter.

No men are so interested in preserving the purchasing power of the dollar which is to reward their industry as they. Each day, each week, each month they are the creditors of the capital that employs their labor. If I could reconcile myself to the idea of speaking for a class at all in a matter which concerns the welfare and prosperity of the whole country, I would appeal to Senators that the dollar of the laborer, which to him is not a thing for gambling or speculation, but is the measure of the amount and quality of the food, the clothing, and the shelter that he can provide for his family, the basis of his home and his happiness, should be the best possible dollar; the dollar which, when translated, means the largest amount of those comforts which money can buy. I want his dollar to be as good in every respect, and mean as much of the good things of this life, as the dollar of the bondholder.

But, Mr. President, the laboring men of this country, the tens of millions dependent on agriculture, and the other millions whose wealth is their daily toil, are not the debtor class whose interests are so loudly championed.

They are largely those who have embarked in speculative enterprises, those who have bought land for which they could not pay, and who, properly enough—I do not mean to cast reproach upon them—have looked to the future for a profit which would largely exceed the savings that could be made from the fruits of years of industry. It is the speculative hopeful class, many of whom are "making haste to be rich," and are impatient of any delay in their race for fortune.

Now that these men, or some of them, should see a present advantage in scaling the debts they have incurred, and repaying only 80 per cent. of the borrowed capital with which they have sought to become capitalists themselves, I can readily imagine—but they do not appeal very strongly to my respect or my sympathy when they seek to accomplish this object by legislation which in my opinion is to affect disastrously the prosperity of 60,000,000 of people. If a lowering of the standard of values brings a temporary benefit to some, it must also bring a corresponding injury to others, so that there is no resultant advantage in that view alone. But that is not the whole story; the manifold evils that arise from the uncertainty and confusion of values; the want of confidence, and demoralization in all business operations that are sure to follow in the wake of a disturbed standard of future payments—the impairment of credit, public and private, will be a heavy price to pay for "compliance with the demands" of this importunate class.

Credit is the great instrument of modern civilization, and it will not do to trifle with it. Its purchasing power every day transcends that of all the gold and all the silver and all the paper that ever is at one time in circulation. It is that which builds our railroads and opens our mines and fans into a flame the fires of a thousand industries. It walks hand in hand with sound finance, stable values, and an unfluctuating currency. Its conditions are peace, good government, and public faith; that *uberrima fides* which is the soul of commercial prosperity. The want of confidence in the future, which is sure to be bred of unstable values and a fluctuating currency, destroys it.

I do not believe that the class I have described, as a whole, desire this. There may be some, but surely not all, whose notions of public and private obligation are so obscured by the sophistries that have been woven around this question that the simple truths and axioms of monetary economics no longer have a meaning for them. But God forbid that this class, be it great or small, should ever so influence public opinion that as a people we shall be willing to abandon the path of honor and of safety.

And now, Mr. President, in view of the present monetary situation, in view of the fact conceded on all hands, that the value of silver has steadily fallen since the act of 1878, that that act has disappointed the hopes of its friends, and has not enhanced the price of silver, as they said it would, and has, instead of advancing us on the road to bimetallism, made possible in the near future a monometallism of silver, that no progress has been made in persuading foreign nations to agree with us in the establishment of a common ratio between the two metals, I say in view of all this should we not heed the caution given us by the President and stop for a time the coinage of the overvalued silver dollar in order that we may at least have a breathing spell to see whither we are drifting? There is no demand for these dollars in trade or business. Our present currency is abundant for the wants of both. Their continued coinage threatens us with a change from the gold standard of values, and there is no evidence of a desire on the part of the people for this. The dangers honestly apprehended from a continuance of this silver stream may be real. I believe that they are. The suspension can hurt no legitimate interest, except silver mining, and I doubt if it will hurt that. I desire to see silver kept in circulation with gold, and shall do all that I can to accomplish that end. I believe that our best hope for a consensus with the countries of Europe as to an international equivalency between silver and gold, that will establish free coinage of both, lies in our suspension now of the coinage under the act of 1878.

At all events let us try to reconcile our honest differences of opinion in the common interest of all. We are all embarked on the same voyage, on the same wide ocean, debtor and creditor, bondholder and honest toiler for a day's wages; and whether we encounter shipwreck and storm, or are borne by prospering gales over summer seas to a peaceful haven, one fate awaits us all. I sincerely trust that no pride of opinion on either side of this question will prevent that calm and dispassionate action that becomes the representatives of a great, an intelligent, and honest people.

Believing that the report of the Finance Committee will vindicate the wisdom and legality of the course pursued by the Secretary of the Treasury, I shall vote for this resolution.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Senate bill No. 10. [A pause.] I yield to the Senator from New Jersey [Mr. MCPHERSON].

Mr. PUGH. I desire to address the Senate on the resolution of the Senator from Kentucky [Mr. BECK], but it is a matter of no materiality with me on what day I do so. I am ready to proceed now, but the Senator from New Jersey [Mr. MCPHERSON] has informed the Senate of his desire to leave the city this evening, and I give way to him to ask that the consideration of the resolution be continued, and give notice to the Senate that after the disposition of the Utah bill, reported from the Judiciary Committee, of which I am a member, and which I favor, and agree with the chairman of the committee as to its importance, I shall call up the resolution of the Senator from Kentucky with the view I have indicated.

Mr. MCPHERSON. Mr. President, I may not be able to add much to the value of this debate, and as the issue is confined to a single question, I need not add much to its length.

In approaching this discussion I shall assail no man's motives, nor waste the time of the Senate in vindicating my own. I have no mines of gold or silver, neither bank stock, nor Government bonds, nor any interest which takes issue with my duty.

On the 4th of March last was terminated, for four years at least, the reign of a political party which had held uninterrupted control in this Government for a quarter of a century. It points us with pride to two great events in its history: With having successfully terminated the greatest civil war of which history makes any mention; with having paid in gold fully one-half the war debt, reducing in a like amount the annual burden of what remained, and so continuing to pay the obligations of the Government to the very end.

The administration of the Government to-day is in other hands. A rival political organization which for the same quarter of a century had struggled in vain for the mastery has at last its chosen Executive at the head of the Government. The President at the very moment when a crisis in our monetary affairs was imminent, in the performance of his constitutional duty, sent his first message to Congress—a paper commended greatly for the wisdom of its recommendations. Finding the gold reserve in the Treasury, hitherto employed to pay the principal and interest of the Government obligations, gradually and steadily diminishing, and the silver dollars, which are receivable for customs just to the extent to which they are used by importers instead of gold, returning to the Treasury, it became only a question of time when the reserve would be changed from gold to silver and of necessity payments thereafter be made in silver. Prompted alike by considerations of honesty and good policy, he sent his message to Congress recommending the suspension of the silver coinage.

The Treasury Secretary, in the honesty and simplicity of his nature, believing that more misery was often caused by bad dollars than by bad government, sought to adhere, and did adhere, to the plan of gold payments, or deferred payments, until Congress could again meet and opportunity be given to save the country from a single silver standard, has been held up to the country as violating the law, and made the subject of investigation by a committee of this Senate.

I am now fully convinced that whatever has been said, and so well said, by the honorable Secretary of the Treasury, that not another syllable need be uttered, or may hereafter be said by the President, Cabinet Minister, Senator, or private citizen touching the suspension for all time, or for any given period of time, of the act authorizing forty-eight millions and decreeing twenty-four millions' worth of silver dollars annually from the mint, that the operation of the act in question will not be crippled by this Congress.

It seems inevitable that the representatives of the sovereign people are determined to see their present system of finance die a natural death before they will have recourse to another.

Whatever may happen to the standards, we should deal frankly with each other and with the people. That the operations of the Treasury before and since the change in administration had been and are now directed solely to the maintenance and continance of the gold standard of payment will not *by me* be denied. The illegal issue of silver certificates by the Treasury upon the deposits of gold coin, which certificates were redeemable in silver coin then in the Treasury, is to be taken as a note of alarm, if not a flag of distress. Moreover, as this gold was mainly supplied by the merchants and bankers of New York giving gold to strengthen the Treasury reserve in exchange for silver certificates intended for circulation, whatever the law may say of it, it will scarcely do to say that the circulation of the silver certificate was not increased by it.

Again, the exchange recently made in one block of several millions—

giving fractional silver coin (not needed by the banks) to the banks for gold (needed by the Treasury) to the Treasury to continue the gold standard of payments pending anticipated action by Congress—tends to show that even now the Treasury can not carry this burden alone, and further shows who its supporters have been. Whether or not further aid will be needed, and, if needed, may with safety be given, it is for Congress to answer.

Complaint is made of the slowness of the machinery which shoots the silver dollars from the mint into the pockets of the people without even waiting to consider how few the pockets open to receive them.

The United States Treasury has become a vast and complicated machine. What with seven distinct kinds of circulation of varied power, to wit: gold and silver coins with full power, and then the fractional coin, gold and silver certificates with limited power, Treasury notes and national-bank notes, differing with each other and every other named in power, and therefore limited in quantity to the uses they can be put as circulation, forbids any attempt to regulate the circulation by statute law, and that no disturbance in the affairs of trade may result the exercise of a wide discretion must be given the Secretary of the Treasury. So well has this discretion been used by the present Secretary that, notwithstanding the retiring Secretary of the Treasury predicted "*we would be forced to silver payments in sixty days*," the gold reserve has increased from sixteen millions to forty-eight millions, and there are more silver dollars in circulation than ever before.

The present Secretary of the Treasury needs about as much and the same character of defense for what he has done, and is doing, as did Secretary Windom in 1881—in the one case saving the honor as in the other case the money of the country—when, without shadow of law or other direction by Congress, he proceeded to change the interest burden of the bond, thus saving many millions to the Government. A certain Senator considered such action unwarranted and an insult to Congress. He had prepared a great speech on the subject, and informed a brother Senator he was awaiting opportunity to deliver it. "Then, sir," was the good-natured reply, "you are only waiting a chance to make an ass of yourself." It is needless to say the speech was not delivered, and the Senator afterward became convinced the action of the Secretary was wise.

If coinage be now suspended the silver dollar may be kept on a par with the gold dollar, both acting as a measure rather than as a medium of exchange. The vast machinery of the clearing-house in New York, which exchanges a thousand millions of property each week, requiring in the operation less than 3 per cent. of cash, shows how little of cash is needed in modern barter, the measure of exchange being uniform and stable. Nothing can be more abhorrent to the interest and ideas of society than widely differing standards, whether of value, extension, or quantity. The moment they cease to be uniform and stable all the operations of barter are greatly confused or brought to a stand. To illustrate: A standard measure for milk in Philadelphia contains 43 quarts. A standard measure for milk in New York contains 40 quarts. With the measures of value as varying as the measures of quantity, it would require a rare facility for translation to determine relatively at a given time the market price of milk in the two places, less than 90 miles apart. In the opinion of the best financial minds in this and other countries we have now reached a point in silver coinage beyond which, owing to monetary changes and conditions elsewhere, it is unsafe for us to go. I quote Cernuschi, the distinguished scientist and bimetallist. In 1876-'77 he visited this country in the interest of silver remonetization, which was effected in 1878:

In October, 1885, Mr. Cernuschi says:

> So long as the bimetallic treaty proposed in 1881 by the United States and France is not accepted either by England or by Germany not one silver five-franc piece should be coined by France, not one silver dollar should be coined by the United States. In no form, under no pretext, should silver currency be increased either in France or in the United States.

"There is here no chance for refining upon the meaning of words; no opposing of records to reason; no appealing from the wisdom of the present to that of the past. The wisdom of to-day is often the ignorance of to-morrow, and Cernuschi frankly admits its truth."

Twenty-four million dollars worth the amount for a year now yields thirty million dollars in coin; and if silver should fall until the metal in a dollar is worth but 70 cents, and the Mint be directed to coin the maximum amount (both of which events, except we stop now, are likely to happen—the latter inevitable), to wit, forty-eight million dollars' worth, it would add about seventy millions annually to our stock of silver dollars. Why inevitable? It being only a question of time when the specie reserve shall be changed from gold to silver, and payments made for principal and interest of the Government bonds by the Treasury in silver, the silver will begin to drive out the gold from circulation. Prices will then be changed to suit the silver standard, and the maximum quantity will be issued to the public. The needs for any particular kind of currency can not be a need created by law, but one regulated by the demands of trade and commerce; and the increasing quantity of the silver dollars then, too great for the needs created by law, will cause them to accumulate in the banks and in the hands of merchants who can dispose of them only at their intrinsic bullion value. When the Treasury can no longer retain a gold basis, then the public must take care of themselves. It is asked why the two hundred millions now coined have not produced the result just described. "In the first place, they are limited in quantity, compared with the use to which they can be put." "They can not enter into circulation only as they are sent forth from the Treasury in payment of dues."

"The Government has not forcibly paid out silver, but has left its acceptance to the option of the Government creditor"—and not one-fifth of the dollars coined have at any one time been in actual circulation. Both the silver dollar and its representative, the certificate, by the act of 1878 were made receivable at the custom-house. The certificates or silver dollars to-day paid out of the Treasury are sent back to the Treasury to-morrow through the custom-house, and this operates as a daily redemption of the silver dollar. Under such conditions the silver dollar has remained at par with gold, and will remain at par with gold until more is forced upon the circulation than is necessary for such uses. The standard silver dollar bears the same relations to good money as does the fractional currency, and both will depreciate if issued in unnecessary quantities. In the language of Professor Laughlin, whom I freely quote, "no legal power conferred upon them by law can save them from this fate."

By continuing to coin the minimum or twenty-four millions you are forced to the maximum or forty-eight millions per annum. Whenever the financial community is convinced that the law is not to be suspended or repealed, that we are to be forced to silver payments, that the interest and principal of the public debt are to be paid in silver, gold will retire from circulation in accordance with the law of Gresham, the truth of which has been proven by the experience of three centuries, which is "that bad money drives out good money; but that good money can not drive out bad money." In other words, the relatively cheaper medium of exchange will be retained in circulation, and the relatively dearer one will disappear.

The universal hungry demand of nearly all our great commercial rivals for gold with which to reform their currency will draw our gold to them, and the silver displaced by our gold will gravitate to our Treasury, the only visible market. They will have no use for silver; we will have no use for gold. Whenever the outflow of gold exceeds the silver decreed to take its place, contraction with all its dire calamities is sure to follow. The outflow of gold might at first be slow; or on the other hand it might be very rapid. It is not so much the lesser evil we now suffer, but the greater evil we must ultimately expect to suffer, that guides capital with as much certainty as the laws of gravitation. Capital, always timid from past reverses, like time and tide, waits for no man. The national banks, which now furnish a large proportion of our circulating medium, would in self-preservation assist greatly in the inevitable contraction—in short, anticipate it. They would surrender circulation, redeem and take in gold the premium upon the bonds pledged to make good their notes, and bank, if at all, upon the issues of the Treasury or the Mint. From these two causes alone, to say nothing of the hoarding of gold by private citizens, the effect upon our industries would be frightful.

To fill the void thus created we could only look to the Mint; silver dollars from the Mint, or possibly paper promises redeemable in silver, if at all, from the Treasury. Not alone the forty-eight million dollars' worth as the law now limits, but enough dollars to save the debtor class from impending bankruptcy, must be supplied. This for a time would create an abnormal demand for silver and thus relieve other nations now seeking relief from the load they carry, and which our necessities would make us only too glad to accept. This accomplished, we have reached a point from which we can not recede. Instead of two-metallism, which we now have, and with prudence to a certain degree may be able to maintain, we are launched upon the sea of silver monometallism and in commercial transactions *pay tribute to England as India does now.*

To prevent contracts being made payable in gold (which at this moment is being done extensively), and thus assist the debasement of our own coin, the *gold* unit of value must needs then be disgraced to a *silver* unit of value, and the gold dollar, which now keeps its short-legged, infirm, and limping associate on the track, will cease to run. Again, all history teaches that with a currency of an uncertain and fluctuating value as ours must needs become, it tends to stimulate speculation and consequent expansion until we float on to wealth and happiness without any thought of the future. The floods of speculation continue to gather strength, and the mound is swept away with a sudden fury which shakes the very foundations of society and spreads monetary ruin over a wide field of civilized life.

EXPERIENCE.

If the knowledge which experience gives is any guide in the affairs of men, the continuance of silver coinage in this country at this time will *make silver the only standard of value*, the only coin currency in use.

A former Secretary of the Treasury, in commenting upon the laws of coinage, most appropriately says:

> If the slight error in the ratio of 1792 prevented gold from entering into circulation for forty-five years, and the slight error in 1834 brought gold into circulation and banished silver until 1853, how more certainly will an error now of 5 per cent. cause gold to be exported and silver to become the sole standard of value.

Let it be remembered that from 1492 to 1834 gold was rated *fifteen* times more valuable than silver; from 1834 to 1873 (when the coinage was suspended) gold was rated *sixteen* times more valuable, and at no time between 1792 and 1873 did the variation of real value of the two monetary metals differ greatly from the relative legal value, and yet we were never able to maintain the two metals in continuous, simultaneous, and healthy circulation with each performing its office as money. In those days the power "to coin money" imposed likewise the duty "to regulate its value." Nothing else but equivalence in the two forms of the monetary unit could retain both; this was the object diligently sought, but not secured because the relative ratio here fixed was not the relative ratio fixed by other coinage countries. Since the remonetization of silver in 1878 gold has been *twenty-one* times more valuable than silver, and remains at about that ratio to-day.

In 1878 not a state in Europe dared open its mint to silver; at which very period of time we began to coin and have since steadily continued the coinage of about thirty millions per year, and with but one result—that of debasing the currency of a country without even protecting the silver industry. The mints of Europe closed to silver; silver is there no more than a merchandise without monetary power—and to continue longer its coinage here means that all monetary communication between Europe and the United States is to cease; that we must return to barter although abolished between the nations many thousand years ago; but for us it would be barter without valid ratio or scale of valuation in exchange.

COMMERCE.

We have heard much of our decaying and decayed American commerce. When you descend from a gold to a silver standard you drive the last nail into its coffin, and no more will be seen of it save its sheeted specter. In the commercial world *gold* is king. *Gold* counts the cost, markets the goods, and measures the margin of profit and loss. If we desire commercial prosperity we must obey commercial laws. Our exports being mainly breadstuffs and raw cotton, our commerce must needs be with the nations which consume them. These nations either have the gold standard or are struggling to that end. We have also the gold standard, but are surely drifting to a different end, and unless wise counsels prevail are sure to reach it. If reached, all our exports of silver for payment of debts would of necessity be sent abroad as merchandise and translated into gold before the debt could be paid. It would have no greater stability than cotton or wheat or any other article of merchandise; it would continue to fluctuate, and our own mines would aggravate the fluctuations in the London market so that the merchant could no more know how many dollars of silver (our valuation) would be required in the payment of a debt than he would know how many bales of cotton would accomplish the same purpose before the market price of the cotton was determined. Silver in all foreign markets whose mints are not open to silver coinage will circulate only at its purchasing power as bullion (not in our standard dollars), and no one can be certain that its power will be the same in any two transactions.

All this will be at the cost of the producers, who are not exporters; but the exporter would demand upon every purchase a sufficient discount to cover the possible risk of fluctuation in the value of the money. All the losses which the producers have suffered in this respect from the fluctuating character of the legal-tender notes will be repeated and continued with the silver standard.

LABOR.

I was recently handed a pamphlet by a distinguished silver advocate, an ex-Senator of this body, with a supplement entitled Comments on President's Message, from which I read as follows:

> We call the attention of the President to the fact that in addition to the general depression of business and the great injustice to the people which would be effected by the demonetization of silver, there are three great industrial classes of the United States who would be especially injured thereby, to wit, gold and silver miners, cultivators of wheat, and planters of cotton. The great wheat and cotton producing empire of India, with its 250,000,000 of population, has silver for its circulating medium. All products of India are bought on the silver basis. Wheat and cotton are purchased in India with silver and sold in Europe for gold. The difference between silver and gold in London is about 25 per cent. This difference gives the wheat or cotton merchant of India 25 per cent. advantage in the European markets over the merchants of the United States dealing in those commodities.

The honorable ex-Senator evidently believed a lie—he spoke the truth. All value is the creation of labor. "Labor," says Adam Smith, "measures value with more certainty than gold or silver." The wheat and cotton of India (only another name for Indian labor), our great competitor, meets the wheat and cotton of the United States in the London market, the great and only world's market, for both countries. The value of a given quantity of each product expressed *in gold* is the same. India, with a legal silver standard worth confessedly 25 per cent. less than the true value of the product, measures the cost of her production in silver and compels her laborer to take payment in her silver coin. God forbid that the legislation of this country shall ever drive the American laborer to compete with the labor of India on such terms, and yet with the silver coin like India with which to buy labor, which labor must have or starve, and which the Government has decreed labor must accept, not at its true value, but at its legal value (which is 21 *per cent. less* than the true value), what can the laborer do? The exchanges we are told will settle all this. Yes, with the merchant, but who settles with labor? Any fluctuation in the cost of exchange is always at the cost of labor. And how can labor know it is not cheated in the exchanges? The Government gives the law and the coin—and a dollar is a dollar, whether true, like the gold dollar, or deceitful "and clipped before it is coined," like the silver dollar.

Again, the savings-banks, life-insurance and trust companies are the agents for the safety of deposits far in excess of the Government debt. They are the agents of the poor man who has not sufficient means to start business on his own account. These institutions are the depositories of the laborer for all earnings in excess of that required for food and clothing, and the deposits are loaned by these institutions in aggregated sums to the great enterprises in which labor finds employment. The mite which the laborer loaned, together with his neighbor's mite, has given speed to the wheels of industry, made a greater demand for his labor, and thus enabled his small capital to help the work of his hands. It is estimated that fully 50 per cent. of all the outstanding bonds are held as trust funds by corporations and individuals to secure the safety of deposits and trusts; the property of widows and orphans who sought a perfectly safe rather than a speculative investment. The wild speculation consequent upon the fluctuating character of our currency and securities (other than the bonds of the Government) found culmination in 1873 when the crash came, and people of small means sought safety in the issues of the Government, relying upon its then promise to make them good as gold. The blow, therefore, aimed at the bloated bondholder strikes with tenfold force the head of the poor laborer and people of small means.

I have no sympathy with any ambition which seeks for any object to array labor against capital. As labor was before capital, and created capital, labor should be first considered; not forgetting, however, that capital is the handmaid of labor, and, if wisely employed, its truest and best friend. The legislation, therefore, which serves labor most serves capital best. An inflated or depreciated currency, for one is both, and both one, serves neither labor nor capital, and wherever used it is always at the expense of labor, labor being always the first to suffer.

THE BONDS.

The effect of the law of 1834 was the expulsion of silver from the country—an expulsion so complete that even the small change left us. In 1853 we were obliged to issue a silver fractional currency in a debased condition, *but no attempt was made to restore the standard silver dollar to circulation.* It is, therefore, to be kept distinctly in mind that in 1853 the actual use of silver as an unlimited tender with gold was decisively abandoned. In short, a double standard was publicly admitted in the debates at that time to be hopeless. In 1853 it was decided by Congress to abandon its use, and in 1873, without having a single dollar of silver, we enacted the demonetization of that metal. There was *no silver*, then why demonetize it; except upon the fair assumption that having the power of option under the law to pay either *in silver or gold coin* we elected to pay in *gold coin.* In short, the practice since 1853 was made law in 1873.

"Like the attempted inflation act of 1874, which was vetoed by President Grant, the remonetization of silver in 1878 furnished a new and cheap device for meeting existing debts. If silver had not fallen so low in 1876, perhaps there would have been no silver agitation nor legislation, no cheap unit in which to liquidate indebtedness."

The cheap unit, then, we have. We have also the bondholder, and he stands at the Treasury door, bond in hand. You point him to the contract and tender the silver coin. He asks, Why this invidious distinction? Had my bond matured yesterday, as did my neighbor's bond, I should have received gold, as he did. *This bond to me represents so much honest labor.* Can the obligation be canceled by giving in return less than I gave? *Would this be right?* A sovereign State may do as it pleases; but when that State is both lawgiver and debtor, right is always taken in the sense of legal, in the sense of equitable, in the sense of moral right, and must be construed on the side of honor and good faith; and is it not a base cheat upon a confiding creditor to pay him in a dishonest measure of an inferior metal for credit given upon the faith of the nation? I did not contemplate receiving silver. At the time the bond was issued or refunded you had no silver to pay me with. It had been the long unbroken practice of the Government to pay in gold, and when you demonetized silver in 1873 you absolutely persuaded me that *coin* meant *gold.* By this exercise of your option I was induced to pay a high price for a bond bearing a low burden of interest. But this is not all. By your direction or concurrence the fact was advertised in all the newspapers in the land, to all the people thereof, that the interest on the bonds was payable in *gold* (see copy of advertisement below), and the financial agents of the Government from then until now have so construed it and confirmed it in practice. Now that silver has become permanently infirm, to act otherwise is it not plain, palpable, aggravating repudiation? Judged in the light of business integrity and sound judicious business policy, can the Government afford in this way to play fast and loose with its citizens?

It was the misfortune and not the fault of the Government that the bonds were sold for less than par or were ever issued at all. If the bonds were sold for less than par in gold, it was exactly what the

financial world thought of them. The value they placed upon the bond was the measure of their confidence. They took their chances of defeat. "Gifted not with an insight or foresight which the ancients would have called divination, they could not in the midst of the darkness and obscurity that prevailed discern the logic of events nor forecast the result." You may have a technical right to pay me in silver coin, but would not an enforcement of that right be a violation of the spirit of the contract? Your obligation can not equitably and honorably be discharged except you give me something in return of admitted equal value, not only in *our market* but in *all markets*. The value you stamp upon your silver coin *is a value created by law; your law, the law of the debtor*. It costs you but 79.4 cents in *good* money and will buy but that amount of labor or the products of labor where *good* money is used.

Again, the price of all our surplus products sent abroad is fixed by good money, and as this also fixes the price of all we consume, with like measure must we value the cost of labor and production. Therefore, notwithstanding the law, your silver coin, except for debts now outstanding, will buy only at its *market* value, and not at its *legal* or *stamped* value. Moreover, the act of March 18, 1869, known as the act to strengthen the public credit, provides in like terms for the exemption of the United States notes and the interest-bearing bonds. If payment of the bonds under the terms of the law is to be made in silver, then also are we concluded by the same terms as to the redemption (in silver) of the United States non-interest-bearing notes, although express provision was made by the sale of bonds (for which we are taxed) to pay the notes *in gold*.

I can now take your silver coin in exchange for my bond, *which cost me par in gold*, fully realizing, however, that it cost the Government *twenty-one per cent. less to redeem it than it cost me to get it. The cheap unit has not been cheap to me, but cheap to the Government.*

Senators, this is not a sectional question; it is not Northern or Southern, Eastern or Western, but it is as broad as the Union, and affects all sections alike.

The simple question is this: Shall we pause and take our reckoning anew before forcing our financial bark farther into a sea from which it should be our object to escape? Considering, as we must, the condition of monetary affairs in Europe, and especially the alarm which pervades the states of the Latin Union as judged by its late proceedings, it behooves us, whatever may be our views touching the respective merits of gold and silver as coin, that we now act with great deliberation.

The state of feeling in France (the principal state of the Latin Union) is best expressed by one of its distinguished citizens and bankers in a recent confidential letter to his agent in this country, from which I am permitted to make copy:

Reference to my letters prior to 1870 will prove that all the disasters I predicted for France are either fulfilled or now sure to occur. Had we closed our mints and adopted the gold standard alone, as we were preparing to do when the war with Germany broke out—and which Germany anticipated and prevented by doing the same thing herself—we should to-day hold the strong position your country will have if wise enough to stop the silver coinage at once. France will not consent to see gold disappear from her reserves and from circulation; and now that silver is so cheap, and our bank vaults full of silver coin, we fear the problem is beyond solution, and that we have more silver than we can keep in circulation at the legal rate. It is not surprising, therefore, that our financiers view with amazement the action of your Government in respect to silver.

Again: somewhat of alarm has already begun to show itself in business circles, and capital even now is unwilling to make contracts for the future except upon payments in gold. By the following letter it will appear that this has been the policy for some months with some of the great loaning institutions, and I am further informed this policy has become quite universal:

January 2, 1886.

DEAR MR. ——: I know nothing of what others are doing in the matter of loans. We ourselves, in the uncertainty as to what is to be the character and value of the currency, resolved some months since to make no loans unless subject to repayment, both as regards principal and interest, "in gold coin of the United States of the present standard of weight and fineness." All our loans are made on this condition, and will be made on no other.

Truly yours,

J. G. RULSFONE,
Manager Liverpool, London and Globe Ins. Co.

[Office of Jay Cooke, subscription agent, at Jay Cooke & Co.'s, bankers, 114 South Third street.]

PHILADELPHIA, *Nov.* 1, 1862.

The undersigned, having been appointed *subscription agent* by the Secretary of the Treasury, is now prepared to furnish, at once, the new twenty-year 6 per cent. bonds of the United States, designated as "Five-twenties," redeemable at the pleasure of the Government after five years, and authorized by act of Congress approved February 25, 1862.

The *coupon bonds* are issued in sums of $50, $100, $500, $1,000.

The *registered bonds* in sums of $50, $100, $500, $1,000 and $5,000.

Interest at 6 per cent. per annum will commence from date of purchase, and is *payable in gold*.

JAY COOKE & CO.,
Bankers.

[From Army and Navy Gazette, New York, January, 1863.]

United States five-twenties, or twenty-year 6 per cent. bonds, payable at the option of the Government after five years.

I am instructed by the Secretary of the Treasury to receive subscriptions for the above loan at par. Interest will commence from the date of subscription, and is payable *in gold* at the Mint, or any subtreasury or depository of the United States, on the first days of May and November of each year. At the present premium on gold these bonds yield about 8 per cent. per annum.

A full supply always on hand.

JAY COOKE,
Subscription Agent, 114 *South Third street.*

[Published in American Presbyterian, October 23, 1862.]

United States five-twenties, or twenty-year 6 per cent. bonds, payable at the option of the Government after five years.

I am instructed by the Secretary of the Treasury to receive subscriptions for the above *loan at par*, the interest to commence from *date of deposit*, and is *payable in gold*, at the Mint, or any subtreasury or depository of the United States, on the first days of May and November of each year. At the present *premium on gold*, these bonds yield about 8 per cent. per annum.

A full supply of these bonds always on hand.

JAY COOKE,
Subscription Agent,
No. 114 South Third street, Philadelphia.

[Published in Baltimore American, November 21, 1862.]

United States five-twenties, or twenty-year 6 per cent. bonds, payable at the option of the Government after five years.

I am instructed by the Secretary of the Treasury to receive subscriptions for the above *loan at par*, the interest to commence from *date of deposit*, thus avoiding the difficulty heretofore experienced by requiring payment in gold of the interest from May last.

A full supply of these bonds always on hand.

JAY COOKE,
Subscription Agent, 114 *South Third street.*

Mr. EDMUNDS. I move that the Senate proceed to the consideration of Senate bill No. 10.

Mr. BROWN. Will the Senator from Vermont excuse me a moment until I simply make an announcement? I desire to give notice that at 2 o'clock to-morrow I shall ask leave to call up the pending resolution, as it is my wish then to submit some remarks upon it. I do not wish in any respect to interfere with my friend the Senator from Alabama [Mr. PUGH] who gave notice that he would ask to be heard at the termination of our deliberations on the Mormon bill. I ask for a definite hour at 2 o'clock to-morrow.

Mr. EDMUNDS. I feel bound to say on the part of the Committee on the Judiciary that we must insist now upon proceeding, if it be the pleasure of the Senate, with the Utah bill until it is disposed of, and then the debate upon the silver question, so far as we are concerned for the time being, may be resumed. At any rate, I now move that the Senate proceed to the consideration of Senate bill No. 10.

Mr. HOAR. I desire to make one remark in regard to the notice which has been given and the observation made by the Senator from Vermont. I wish to call the attention of the Senate to the very anomalous condition of its business. Here are three or four important bills, matured, reported from committees, considered by the Senate, and partly debated and ready to be dealt with. There are three such measures certainly—two bills from the Judiciary Committee.

Mr. EDMUNDS. Three.

Mr. HOAR. Yes, the Presidential election bill makes three. It seems to me it is a very singular method of conducting business in a legislative body to lay aside those measures day after day out of courtesy to individual Senators, that they may debate a matter which is not before the Senate at all——

Mr. BROWN. Mr. President——

Mr. HOAR. Allow me to finish my statement. This is not personal to the Senator from Georgia. I should like to finish the sentence and then I will yield. I say in order that they may debate a matter which is still before the appropriate committee of the Senate, and in regard to which the committee has not either matured or reported a pending measure. I recognize the courtesy which the Senate always extends to a Senator who desires to address the body in this way to lay aside the business for that purpose, but it does seem to me that that courtesy ought not to extend to permitting the silver question, which we have got to debate all over again when the committee make a report upon it, to monopolize all the time of the Senate. I do not say this with reference to any particular Senator, because I am as eager to hear the views of the honorable Senator from Georgia, and have been as eager to hear the views of those who have spoken already, as any other Senator.

Mr. BROWN. I simply desire to ask the Senator from Massachusetts if the three bills he mentions are not up now by the courtesy of the Senate.

Mr. HOAR. No, they are on the Calender in regular order.

Mr. BROWN. Are they called in regular order on the Calendar? I think not, with all due respect.

Mr. HOAR. They have all been reached.

Mr. BROWN. I think, just as I gave notice I should wish to be heard to-morrow, that by the consent of the Senate those bills were taken up out of their order. At least they were taken up by consent of the Senate.

Mr. HOAR. The bill in regard to judges' salaries was reported and reached in its order on the Calendar, and it has been postponed three or four times for the purpose of having this debate. I made the suggestion, not with the desire of curtailing anything that has been done or that is proposed to be done, but merely to express the hope that after we had had some reasonable debate on the silver question, which of course will

all be repeated a little later on in the session, business might be resumed.

Mr. BROWN. I will state that what I have to say now will not be repeated again during the debate.

The PRESIDENT *pro tempore*. Does the Senator from Vermont yield to the Senator from Georgia?

Mr. BROWN. I shall ask the Senate to-morrow at 2 o'clock to permit me to be heard. I do not know whether it will extend the courtesy or not.

The PRESIDENT *pro tempore*. If the Senator from Vermont will yield the Chair will recognize the Senator from Georgia and then he can make his question of order.

Mr. BROWN. I have stated all I desire to state.

Mr. EDMUNDS. The Senator from Georgia has only stated that to-morrow at 2 o'clock he wishes to make a speech on the silver question.

The PRESIDENT *pro tempore*. As the Chair understands the case, in order that Senators may know the view taken by the Chair, the resolution in regard to silver is now the unfinished business.

Mr. EDMUNDS. It is now the business before the Senate, but the Senator from Vermont has moved, under the rules, that the Senate proceed to the consideration of Senate bill No. 10, and if the Senate agree to that motion and adjourns pending it—as I hope it will not but will adjourn having it finished, either defeated or passed—if it adjourns with the bill as the unfinished business, then at 2 o'clock to-morrow, or earlier as the case may be, it will come up; and I think it right, out of kindly feeling to the Senator from Georgia, to say to him now, as he is an old Senator and this silver question is not a very new one itself, that I think it of more importance to the public interest that we should go on with the positive business of legislation reported from a committee than spend any more time just now in dissertations upon the silver question, however interesting they may be. My motion is that we proceed to the consideration of Senate bill No. 10.

POLYGAMY AND AFFAIRS IN UTAH.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate proceed to the consideration of Senate bill No. 10.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, the pending question being on the amendment proposed by Mr. HOAR, to strike out section 7 in the following words:

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

Mr. HOAR. I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. BROWN. Mr. President, I am opposed to female suffrage, and in my own State if the question were up I would vote against it; but I believe it is a question of local self-government which ought to be left to the voters of each State or Territory to determine for themselves. The people of Utah having determined this question for themselves and adopted female suffrage, I shall vote for the motion of the Senator from Massachusetts to strike out the seventh section, believing that the people have ordained it there.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Massachusetts [Mr. HOAR] on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from North Carolina [Mr. RANSOM] on political questions. I reserve my vote for the present that I may see whether or not this is a political question.

Mr. JACKSON (when his name was called). I am paired on this bill with the Senator from New York [Mr. MILLER]. I should vote "nay" if he were present and he would vote "yea."

Mr. JONES, of Arkansas (when his name was called). I am paired on all questions with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "nay."

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. I do not see him in his seat, and therefore I shall not vote. I would vote "nay" if at liberty to do so.

Mr. MORGAN (when his name was called). I am paired with the Senator from Indiana [Mr. HARRISON]. If he were present, I should vote "nay."

Mr. PLUMB (when his name was called). I am paired generally with the Senator from Missouri [Mr. VEST]. He does not appear to be in the Chamber, and I therefore withhold my vote.

The roll-call was concluded.

Mr. SEWELL. I am paired with my colleague [Mr. MCPHERSON]. He is not present, and I withhold my vote.

Mr. BLAIR. My colleague [Mr. PIKE] who is absent is paired. I do not know that his pair has been announced.

The result was announced—yeas 11, nays 38; as follows:

YEAS—11.

Aldrich,	Call,	Hoar,	Stanford,
Blair,	Dawes,	Mitchell of Oreg.,	Teller.
Brown,	Dolph,	Palmer,	

NAYS—38.

Allison,	Eustis,	Logan,	Saulsbury,
Beck,	Evarts,	McMillan,	Sawyer,
Berry,	Frye,	Mahone,	Sherman,
Blackburn,	George,	Manderson,	Vance,
Cameron,	Gibson,	Maxey,	Van Wyck,
Cockrell,	Gray,	Mitchell of Pa.,	Voorhees,
Coke,	Hampton,	Morrill,	Walthall,
Colquitt,	Harris,	Payne,	Wilson of Iowa.
Conger,	Hawley,	Platt,	
Edmonds,	Ingalls,	Pugh,	

ABSENT—27.

Bowen,	Hale,	McPherson,	Riddleberger,
Butler,	Harrison,	Miller of Cal.,	Sabin,
Camden,	Jackson,	Miller of N. Y.,	Sewell,
Chace,	Jones of Arkansas,	Morgan,	Spooner,
Cullom,	Jones of Florida,	Pike,	Vest,
Fair,	Jones of Nevada,	Plumb,	Wilson of Md.
Gorman,	Kenna,	Ransom,	

So the amendment was rejected.

Mr. EDMUNDS. I offer an amendment to come in after section 19 as section 20. I do not offer it on behalf of the committe because I have had no opportunity to call them together, although I think when it is read it will meet the approval of all the members of the committee after the explanation I shall make.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

If any person related to another person within the fourth degree of consanguinity, computed according to the rules of the civil law, shall mary, or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and on conviction thereof shall be punished by imprisonment in the penitentiary not less than three years and not more than five years.

Mr. EDMUNDS. Mr. President, in all the study that the Committee on the Judiciary has given to the Territorial enactments of Utah we failed to discover or think of, because it is such an unnatural crime, the fact which now turns out to exist, that the criminal code of Utah makes no provision against that crime; and I have been informed since this bill was reported, by one of the judges of Utah, that he had recently a case of an aggravated character of that kind before and found that there was no Territorial statute to punish it, and the culprit was only punished for a much lesser offense than was connected with that one.

I hope, therefore, that the Senate will agree to insert this section, which is in conformity to the ordinary statutes of all the States.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I think on page 13, section 24, as a matter of precaution (although I believe the clear implication would be that now in respect to the matter of doubt), that after the paragraph *a* of section 24 there should be added, after "marriage," the words:

Unless she shall have lawfully released her right thereto.

That paragraph now reads:

A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage.

That was taken, verbally I believe, from the laws of the State of New York, which are very much like the laws of all the other States; but in view of a phrase that exists later on, which I need not take time to refer to, the implication might arise that even if she had released her dower by joining in a conveyance, still the statute said positively that she should have it nevertheless; and in order to guard against any possible question about it, I move to add the words I have named.

The PRESIDENT *pro tempore*. The amendment will be read at the desk.

The CHIEF CLERK. In section 24, after the word "marriage," at the end of line 3, it is proposed to add

Unless she shall have lawfully released her right thereto.

The amendment was agreed to.

Mr. EDMUNDS. Mr. President——

Mr. HOAR. Before the Senator from Vermont passes from the last amendment——

The PRESIDENT *pro tempore*. The amendment has been agreed to.

Mr. HOAR. I inquired of the Senator privately whether he was quite certain that the words "within the degree" included the degree or did not. It strikes me it would be safer to add to the words "within the degree" the words "and not including," so as to read "within and not including," so that there shall be no doubt on that subject. I suppose the Senator does not wish to punish the marriage of first cousins.

Mr. EDMUNDS. I do not.

Mr. HOAR. Then we had better put in the words "not including."

Mr. EDMUNDS. In the new section I will ask unanimous consent, if there is any doubt about it, after the word "within" to insert the

words "and not including," so as to leave first cousins untouched, as I believe to be the clear meaning now.

Mr. COCKRELL. Let the section as amended be read.

Mr. EDMUNDS. Let the Secretary read it as it would be by putting in the words "and not including."

The Chief Clerk read as follows:

If any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry, &c.

The PRESIDENT *pro tempore*. Is there objection to the modification of the amendment? If there is no objection it will be considered as so modified.

Mr. EDMUNDS. Recurring now, Mr. President, to paragraph *a* of section 24, where the amendment was just agreed to, as it stands in the print, and which was, of course, right as it stood before, there is a period after the word "marriage." That period should be stricken out, so as to leave no interruption in the sentence.

The PRESIDENT *pro tempore*. That change will be made unless there be objection.

Mr. VAN WYCK. I move to strike out all of section 18, on page 10, and to insert in lieu thereof:

The board of five persons created by section 9 of the act of 1882 is hereby abolished, and all the duties to be performed by the said board shall be performed by a board of three officers of the Army of the United States to be detailed for that purpose by the President, a majority of whom shall be a quorum.

Mr. President, the existence of the so-called Utah Commission created by the act of 1882 has already been extended many years beyond the time proposed by the law when they were created. By the act itself they were to discharge the ordinary duties of registration and election officers, and nothing more. Three thousand dollars per annum were appropriated for that service to each commissioner; but President Arthur suggested to Congress that it would be impossible to obtain the grade of intellect that he desired for the place unless the salary should be made $5,000, which Congress proceeded at once to do, supposing that the time would soon arrive when the act itself provided there should be an end of the commission. That act struck down all the election and registration officers in the Territory—abolished them, not the offices but the officers—and declared that when the Legislature had provided for the election of the officers who were abolished by the act of Congress, then the commission should die. That was to be the end of it. Its members were put there to fill up the gap between the abolishment of the officers of registration and the election officers then existing and the vacancy to be filled by the Legislature. It so happened that the Legislature passed an act providing for such officers, which I think the governor vetoed, and therefore the officers were not provided for, and the commission continued another year and still another year. In the Forty-seventh Congress I proposed the same amendment, but it was claimed then that they should be continued still a little longer.

Now, the difficulty right here with section 18 of this bill is that it makes this a perpetual commission; substantially, practically, there is no end to it. Mark:

That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned—

Which is this commission—

shall continue and remain operative until the provision and laws therein referred to to be made and enacted by the Legislative Assembly of said Terrritory of Utah shall have been made and enacted by said assembly and shall have been approved by Congress.

It is nearly four years since we commenced this revolution—no, not revolution, this reform; this seeking to do what the American people desired in Utah. Four years ago this commission was supposed to be necessary, not to exist more than one year, and still it has been running four years. One section in this bill provides that it shall continue till the legislation of the Territory on the subject of registration and election officers shall be approved by Congress; and the bill has many sections declaring past legislation by the Territorial Legislature is not approved by Congress. Now, why provide that this commission shall continue until two irreconcileable forces agree? That is all there is about it. We have been four years acting under this law of 1882, and the Mormon power is untouched practically. You have a Mormon Legislature as much as you had before the law was passed. You have a Mormon Delegate sitting boldly in the other wing of this building. This is the result of four years' experience, and now you put a clause in this bill which provides for the perpetuity of the commission. The Senator from Vermont, long-lived as the people are up in that healthy country, will probably not live long enough to see the end of this commission under this bill. He says:

Shall continue and remain operative until the provision and laws therein referred to be made and enacted by the legislative assembly of the said Territory of Utah, shall have been made and enacted by said assembly, and shall have been approved by Congress.

They have already existed four years. I do not know that the Senator will seriously insist that this expensive commission shall continue, because it is an expensive commission. They have been, as I stated before, only discharging the duties of registration and election officers; that is all they are required to do; that they have done. All they do now is to report from time to time what the other branch of the Government is doing; what the courts and the Territorial officers in that Territory are doing; there is nothing more. The duty which they were first called upon to discharge in Utah did not require even among the Mormons a high grade of intellect, I take it—the duty of registration and election officers.

Now, if it is necessary to continue this duty, provide a board of registration such as Utah has and provide that it shall be created out of the Gentile population. There is nothing further necessary. Or would it not be as well to take a board of Army officers of three men? We have plenty of them on the retired-list, capable, strong, intelligent men, fit to discharge this duty; and why continue this expensive commission and then provide in the bill that it shall never end, but shall be perpetual, because this continues the commission until an exigency which can never happen? I ask the Senator from Vermont if there is any more possibility of that happening than there was four years ago when the commission was created?

He may speak of the effect of the very strange provisions which creep into this bill at this time, legislative provisions and principles that under ordinary circumstances would be looked upon as an outrage in any civilized country. This commission was created for this work at $5,000 per year for each member at the suggestion of the then President of the United States, and Senators will remember that a year ago we had occasion to take exception to the enormous expenses created by this commission, not only the $5,000 per year for each member but a large number of items. When these gentlemen went out there, their hotel and sleeping-car and porter's expenses were paid. When they reached Salt Lake, the field of their duty, their home for the time being, their board bills were charged against the Government, their laundry bills were charged against the Government; and when they visited Washington in the discharge of their duty, as they said, their hotel and sleeping-car bills and porter's tips were charged; and when they came here to the capital, their lunch bills and all others were charged against the Treasury of the United States. It was to be reasonably supposed that to a certain extent at least this part of the thing would have been discontinued, but it seems not. This commission, like all others, proposes to live forever. It is very seldom that they unloose their grasp on the Treasury. When such a system has been inaugurated it continues to fasten itself, as commissions always do, by the aggregation of these extraordinary expenses. I certainly wish to have it stopped; but if it can not be discontinued, at least let it be economically administered.

These gentlemen still go to Utah, and I see in last April they made a trip to Washington. For what? To make a report. We never heard before in the history of Utah that the Territorial registration and election officers visited Washington to make a report; but these gentlemen, who could not be procured to discharge the duties of registration and election officers except on a salary of $5,000 a year, necessarily had to visit Washington every year to make out a report. Then they come and include all expenses by the way; even tips to the porters of sleeping-cars are charged up against the Treasury of the United States. I ask our brethren on the other side, now marching under the banner of reform, to pause awhile and look at these abuses, which I venture to say began under a Republican administration. That is the attitude of this country to-day.

I think we have a right to ask why this commission has charged against the Treasury $45,000 or $50,000 per annum, never to stop according to this section, but to be perpetual, because it is not to stop, this bill tells us, until there is a complete union between the American Congress and the Mormon Legislature of Utah, between church and state, and that kind of a church!

We all desire to attain the same end; we have been wrestling with this problem for many years, and it would seem that the administration, be it Republican or Democratic, and the American Congress ought to be able to solve this question; but it apparently is no nearer solution than it was four years ago—at least not the political part of it; the part that is dangerous. I speak not of party politics, but the great question underlying this matter runs into politics and statesmanship in Utah of course. It is a great question. It is true some men have been incarcerated under your law. Some lawful wives may be incarcerated under the bill which we are to pass to-day; for if the only lawful and first wife of a husband in Utah does not feel it her duty from her standpoint to go into court in obedience to a subpœna and testify against her husband, she may be compelled under the pains and penalties here provided to give testimony against her lord and husband.

You may incarcerate a few lawful wives in Utah, as we have done under this law during the last four years with the males. That will be the only change. Your Mormon power is not broken. It has not been broken by the pains and penalties of the last law and its fierce administration, and you admit it by introducing this bill. That law which, with that expensive commission which we expected to achieve such great results, has accomplished nothing. You say so by this bill substantially. Reinforced it must be by greater power, denying to children who previously you provided should be heirs to property, the right to inherit from their fathers! But the Mormon will circumvent your laws in making his will and disposing of his property as he chooses; and then you will ask to go further than you have gone before and say the lawful wife shall be compelled to be a witness against the husband.

Of course I need not tell my friend from Vermont that the people of this country desire this institution to be blotted out. There is no doubt about that; I merely call his attention to this to show how far you have progressed during four years, and to show that there can be no necessity for continuing this commission, whose duties can be as well and as ably discharged by another body of men and save all this expense to the Government.

Now, still stranger, this commission, which has been in existence nearly four years, during the last two years, according to their last report, employed some six clerks, who were on their pay-roll. That is more than a Senator is allowed.

Mr. COCKRELL. How many?

Mr. VAN WYCK. Some six clerks, I think, are shown in their last report to have been in their employ in June or July.

Mr. COCKRELL. Have you a statement of their force and the expense of it per month, &c.?

Mr. VAN WYCK. I have a portion of it, as much as could be gathered from the general figures given. Some portion of it is here. From June 13——

Mr. COCKRELL. I think it is due to the Senate, if the Senator has that information, that he should communicate it to the Senate and let us all know it.

Mr. VAN WYCK. That is precisely what I was trying to do. I was trying to give it to the Senate. I was stating the expense of this commission, which has evidently outlived its usefulness, and yet in its decrepitude and age the Senator from Vermont insists upon fastening it upon the ground of pension, I presume. I insist that to put it on full pay and then make it what evidently must be a life appointment is certainly asking a good deal at this time. I said to my friend that there are, I think, six clerks in the employ of the commission in Utah.

Mr. COCKRELL. Let us know who they are, and what their salaries are, and all about it.

Mr. VAN WYCK. I can only tell my friend what I think. I do not know that it is important to know who they are; but I take it for granted that they are not Mormons.

Mr. COCKRELL. Let us know them.

Mr. VOORHEES. I challenge the statement, and ask for a verification of it. I deny that such is the case. Now, let us see what the proof is.

Mr. VAN WYCK. In this report, and I think it is the last report, from June 13 to June 30, 1885, I find:

A. G. Paddock, clerk to commission, $100; E. M. Bynon, clerk, $100; C. C. Carlton, clerk, $200.

That makes three. Then comes A. B. Carlton, member; J. R. Pettigrew, member; A. S. Paddock, member.

Mr. VOORHEES. That is three clerks. That makes the statement one-half good.

Mr. VAN WYCK. Then come the expenses on account of the commission: Ramsey, member; Carlton, member; Godfrey, member. Then comes telephone rent, $30.

Mr. VOORHEES. If the Senator will allow me——

Mr. VAN WYCK. One moment. Here is another: Laurence M. Paddock, janitor. That makes four. Henry Page, clerk, makes five. George Thackrah, clerk, makes six. Then Arthur S. Thomas, salary as secretary of the commission, seven. Then Walter F. Davis, as clerk, $600, which makes eight.

Mr. VOORHEES. Although the Senator has counted a janitor two or three times as a clerk——

Mr. VAN WYCK. No; only once.

Mr. VOORHEES. Still allow me to say that there are periods of time, which do not last long, when there is a great deal of clerical work to be done by the commission. When I challenged the statement I knew what would come, and I desired it to come. Those are not clerkships running through the entire time; they are temporary merely. The date the Senator gave, from the 13th of June to the 30th of June, shows that it is a mere temporary appointment when they are making up their register for registration. I do not want to speak in the Senator's time; but I think I know the history of the commission pretty well, and I think I know some reasons why the Senator attacks them.

Mr. VAN WYCK. Probably before the Senator sits down he had better unburden himself at the outset. I certainly do not object to the Senator's speaking in my time. I am very happy to hear him.

Mr. VOORHEES. No; I object to it myself. Go on and make your talk; I will find a time.

Mr. VAN WYCK. The Senator says that this employment is merely exceptional; that when they need six or seven clerks and a janitor it is merely when they are required to do something in regard to registration. Let me call my friend's attention to the fact that in the same year, from January 1 to April 30, four months before the bill from which I read, I find, Paddock, Page, and Bynon, $400 each, as clerk. That is not an exception. Then the next report, as I stated, taking the dates up where they were, the names are given and the amounts paid them are enumerated.

I think I am justified in saying that this is an extravagant commission. I know I ought to make an apology for treading upon this dangerous ground. That has been encountered before in this body, and I am aware of the natural and proper sensitiveness of Senators even toward a member of a commission who has been somewhat extravagant in his transactions with the Government. It is all very well to attack your neighbors and friends; there is no objection to that; but when a friend happens to be upon a commission and a suggestion is made, even in gentle terms, as to his extravagance, then necessarily and naturally it raises a protest, because it happens to be the friend, I suppose, of a Senator who is mentioned.

I did not desire to refer to these names. The Senator's associate on the other side was in earnest and required proof and evidently desired it. Still the fact remains that this extravagant commission, to call it by no harsher name, is to be continued in existence; and we ask properly that the Treasury and the people shall be relieved from this expenditure and insist that the bill should not provide as it does for the continuance of the commission as it seems to me in perpetuity nearly, practically amounting to a life appointment. If there be duties required in regard to registration and election, and if the Territoral officers are not competent to discharge those duties, certainly the President can obtain from the Army men who are competent to perform them.

I only rose to make these suggestions at this time in the interests of economy, not to weaken the force of the act of 1882 or to weaken the administration of the bill of 1886. The sections of the law of 1882 are enforced by the Territorial officers of the Territory. The sections of the bill which were now passing will be enforced by the Territorial officers. There is no new duty created for this board, and yet it is carefully provided that they shall be installed and continued in power until the event happens which is mentioned in the bill.

Mr. President, I trust I have said nothing unkind to anybody or to anybody's friends. I certainly did not intend to do so. I merely stated the fact as I have a right, I think, to do, and I think the people have a right to ask the American Senate when this matter of the Utah difficulties is to continue from year to year that we shall take some advantage from the experience of the past and at least be admonished by it. I will agree to all that the bill undertakes to do if it is possible that these extra, unnecessary expenses to the Treasury of the United States may be relieved.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

Mr. EDMUNDS. I am indebted to my friend from Oregon who sits farthest from me for a suggestion of technical improvement in section 4, line 18, where it now reads that such certificate of marriage shall be *prima facie* evidence, &c. It having been already provided that the marriage shall be recorded the bill omits to provide that the record or a certified copy of the record may also be received in evidence. On his suggestion I gladly propose to amend by inserting in line 18, after the word "certificate," the words "or the record thereof or a duly certified copy of such record," so as to read:

Such certificate, or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MORGAN. I desire to call the attention of the chairman of the Judiciary Committee to section 12 of the bill. I am not sure that I understand it. I will state what my understanding of it is, and I should be glad to be corrected in it if I am wrong.

Section 12 provides for the annulling by this act of certain acts of the Territorial Legislature or of some legislative tribunal of the Territory of Utah "so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided." That is as far as the annulling feature of the section goes, as I understand it. It leaves the act thus amended in full force except as to the part amended.

As I understand it, the act which is thus amended in part and left in operation as to the remainder of it, was an act of the Territorial constitutional convention, as it was called, of the State of Deseret, which organized the Church of Jesus Christ of Latter-Day Saints, and went on to make a very full declaration of the powers that should be exercised by that corporation, reaching into domestic affairs, church relations, and church conduct, and also, as I believe, as I remember at least from a cursory reading of that provision, the conduct of the members of that Church of Jesus Christ of Latter-Day Saints, as it is called. The bill provides that after this amendment and after this virtual re-enactment of all that is contained in that original enactment—

The President of the United States, by and with the advice and consent of the Senate, shall appoint fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation, which trustees so appointed shall hold their respective offices for the term of two years; and the trustees of said corporation shall annually or oftener make a full report to the Secretary of the Interior embracing all the property, business affairs, and operations of the said corporation; and the Legislative Assembly of the Territory of Utah shall not have power to change the laws respecting said corporation without the approval of Congress.

As I understand the bill, we take up that act of incorporation, we amend it by simply substituting new trustees, who are to be appointed by the President by and with the advice and consent of the Senate, who are to be of the number of fourteen and hold their offices for two years, and are to execute the duties imposed by that law upon the board of trustees in whose places they are substituted.

I should like to know of the committee whether it is the purpose of the bill to place the Government of the United States in charge of and put it to running the Church of the Latter-day-Saints. I do not know why this corporation is kept in existence at all. If it is a corporation whose purposes are evil, if it was ordained in the first instance for the purpose of establishing, promulgating, and perpetuating polygamy or any other crime, it can hardly be called a religious establishment within the meaning of the Constitution of the United States, which forbids Congress to make any law touching an establishment of religion. It was a criminal conspiracy and combination to enforce upon a community a great moral offense, an offense that stinks in the nostrils of all Christendom, and which violates the essence and the fundamental organization of those societies which compose Christian and enlightened communities.

But it seems that this act of incorporation, which was intended to give a legal frame to this church, was intended to embody in the law something even more than the mere power of acting as a corporation, which was intended for the perpetuity of polygamy, and which I think in the very measures provided for in the language granting powers to this incorporation, does provide for the perpetuity of polygamy. That we shall take that up and substitute trustees, and that we shall validate the enactment which this act is intended really to put out of force, and to destroy, and that we shall conduct the Church of the Latter Day Saints of Jesus Christ by fourteen commissioners, to be appointed by the President and confirmed by the Senate, is something that I do not wish to do if that is the meaning of this section. What else it may be I do not understand. My idea about it is that in striking at that corporation we ought to cut it up by the roots and appoint receivers for its assets, disband it as a legal institution; and if it is to be allowed to remain there let it rest for its support entirely upon the public or the private sentiment of that community, and not upon any law that Congress either enacts or amends or enforces or executes in any way. As I understand this—perhaps I do not understand it correctly—that is the effect if not the purpose of the twelfth section.

Mr. EDMUNDS. I am glad the Senator from Alabama has called attention to this topic, because I confess that I felt upon the subject exactly as he has now expressed himself, and as I think the other gentlemen of the committee did last year or the year before, when we first took the matter in hand in regard to it. We had a tenderness of feeling and of opinion in regard to undertaking to interfere by legislation with any kind of a church organization, so far as that church organization confined itself to beliefs and opinions and worship; that its members might believe what they liked and worship in their own way so long as it was only worship. We, therefore, were reluctant to abolish this corporation, which, I confess, I felt a strong temptation to ask the committee to do.

But this corporation, when you look at its act of organization, would seem to be a corporation for two purposes. I do not doubt that the second purpose was one intended to promote the political hierarchy that stands at the head of the church organization; but that is promoted by human means and business ends of property and management and so on separate from worship and faith, whatever that faith may be. I repeat that I felt reluctant to abolish so much of this corporation as related purely to the Mormon faith, because however much we may dislike it and believe it to be an utter delusion, and with many a sham and a pretense as a cover for crime, yet it would set a legislative precedent for interfering with opinion and with faith.

We therefore took the narrower ground of attempting to steer clear of that and to get hold of the other part of the corporation which is provided for in the original second section of the act of what they call the State of Deseret when it was first passed, their constitutional convention really, I suppose, and to deal with that part of it which related to property and assets and business and politics, and not with the ordinary church organization.

The first section of that Territorial or quasi-State act, which was afterwards affirmed by the Territorial Legislature of Utah, made the simple provision for the organization of this incorporation, of this church, by the name described, in the ordinary way as a church society. Then the second section provided "that the said church," not the law but the church, that religious society, was authorized at a general or special conference to elect one trustee in trust, who is the head man in the whole of that organization. I am not now speaking of it merely as an organization of religion but as an organization of business affairs and politics and everything that touches every man in that connection, "and not to exceed twelve assistant trustees to receive, hold, buy, sell, manage, use, and control the real and personal property of said church, which said property shall be free from taxation."

Then it provides for their meeting, &c. This trustee part of it, which we deal with, is a purely business, worldly affair, intended, of course, as it would be in an ordinary case, so far as the mere worship of the church went, to keep up the church buildings and so on; but also intended, with universal powers, to operate without limit on all real and personal estate. Then it goes on to provide for their accounting. It does not limit them to anything at all. They are to purchase, own, control, and manage real and personal property, &c.; and then it goes on to provide in the third section in respect of the church establishment again.

The second section disposes of the business part of the affair, the trustee business. Then it goes on to provide for the church control, which comes up again under a similar head, which I need not go through with, when you come to it, and among other things making it valid by law that they were to regulate marriages. If that existed now, of course we could say that no church organization of any faith or kind would have a right to regulate marriages as it respected the laws of society, but in 1863, if I am not mistaken in the year—about that time—when Congress passed the act punishing polygamy, the old original act, that part of this same charter, if it may be called that, authorizing the church to regulate marriages was repealed and abolished, so that that power was gone.

The consequence was that we thought it better at this time, at any rate, instead of abolishing the whole corporation, as we have a clear legal right to do, to take it into the control of the United States so far as these large powers of property and management and control of things as distinguished from their articles of doctrine and worship are concerned, and the point was to endeavor to separate in this way, without abolishing the corporation, the church and the state, and to leave the church with its doctrines and its faiths, whatever they may be, because there is a great division among the Mormons, a growing one, I am happy to say, upon the subject of their faith about polygamy; and all the rest of their faith is not very different from that of all Christian people as it is put forth in their book of doctrine and covenants that I have here, their established book. We thought it best to leave that, however much we might disagree with it, entirely to their own regulation still, but to take the temporal part of it into the supervision and the inspection and examination of the political power of the country, thus endeavoring to separate matters that were purely those of faith and worship of that church from matters that were purely temporal and business management. That was our idea.

Mr. MORGAN. I wish to inquire of the Senator from Vermont whether the ordinance from which he reads contains any provisions confining the duties and powers of the trustees?

Mr. EDMUNDS. The trustees, as I read, are to hold, own, sell, buy, convey, and manage all the real and personal property of the concern.

Mr. INGALLS. Is there any estimate of the amount of real and personal property?

Mr. EDMUNDS. It would be purely guess-work. It is supposed to be enormous. The very same statute of 1863, if I am right in the date, as I may not be, provides that no society of this kind shall hold, own, possess, or acquire any property beyond, I believe, $50,000.

Mr. TELLER. What statute is that?

Mr. EDMUNDS. That is the statute of 1863, the same statute which took it out of the range of politics.

Mr. TELLER. I should like to inquire of the Senator from Vermont whether he has any information to the effect that the Mormon Church has at this time any property save and except its temples and that class of buildings.

Mr. EDMUNDS. My information is that under the cover and control of these trustees, whose books and records nobody can see, they have vastly more; and there is a provision in the bill which provides for cutting up all that which is acquired in violation of law, saving all private rights.

Mr. TELLER. I do not know but that the Senator may be rightly informed; but I have been advised on what I regard as very good authority that this organization controls practically now nothing except some small matters aside from its church property. I should like to inquire also of the Senator from Vermont if he believes that fourteen trustees appointed by the United States to carry on this work will confine themselves to the temporal duties of this organization, if it is not in the nature of things, when you consider how these trustees must be selected, the great excitement that is all the time attendant on this question in that community, that they will go directly into the question of the religious affairs of this institution? And as was suggested by the Senator from Alabama, is it not actually making the United States an active co-operator in this church movement? If not, then they are to at once disestablish it and destroy it.

I may not be correct as to the amount of property they have in hand, but I know something about these Mormons. They are as shrewd and enterprising as any people in this country. They have had ample notice of this proposed legislation. It passed the Senate last winter, if I recollect. It is not very probable to my mind that there is any considerable amount of money or property of any kind to be taken by these trustees, save and except that which every church organization has and has a right to have, and which the Senator says it is not proposed to interfere

with; that is, their church property. They have in the city of Salt Lake a very large building called a temple. I have not been there for some years, but they had when I was there, in addition to that, a very large building called a tabernacle. The temple is a very massive structure. I should say that probably it had cost a million and a half or two million of dollars. It has a block of ground in connection with it of great value. The tabernacle is the most unique structure of the kind in the world. There is nothing like it in the world. It is a remarkable building from an architectural point of view. It has also land surrounding it. The surrounding land may not be absolutely necessary now to these buildings to carry on what we should call the religious workings of the organization. The trustees may seize on that land and say that is not church property proper, even if they attempt to carry out this act in the spirit suggested by the Senator.

My own judgment is that it would be a great deal better to dissolve this corporation, that it would save a great deal of friction and a great deal of trouble in that community to take it out by the roots and say that there should be no such corporation whatever. The property would revert, of course, if we destroy the corporation, by the ordinary laws of corporations to the people who first put it in there. It would go to the people who gave it; the people who took this country when it was a desert and made it blossom like a rose; the people who have built this out of their hard earnings, and who are as much entitled to it in a religious point of view as the people who have built any cathedral or any church on the continent are entitled to it.

I do not believe in polygamy. I voted for the original law; I voted for the law that, in my judgment, is destined ultimately to destroy polygamy in Utah. I will not vote for this bill. I will not vote for this bill, because I think it is a step backward, and it is a step to undo that which we did in 1882 by the law then passed. I have had some knowledge of these people. I have had some knowledge of the persecutions they have endured at the hands of Government officials, and I say here, as I have said again and again, with a full knowledge of how unpopular it might be to say it, that if the Government officials had been sent there, who would have faithfully administered the old law, existing for twenty years, polygamy would now be as dead as any other wicked institution that has departed with the light of civilization. But we sent men there who aggravated and irritated and who abused. I was at Salt Lake in times when there were practically no Gentiles there. I was there when among the whole eighty thousand people of Utah there were not two hundred Gentiles.

Polygamy was rampant; that is to say, there were large numbers of practical polygamists without any interference of the law. There was a sentiment underlying that community that made itself heard in every hamlet and every village as opposed to that system. You could hear it discussed on the street corners, in the hotels, in the restaurants, and in every place. Men who were Mormons and who adhered to the faith of Joseph declared that polygamy was not a part and parcel of the Mormon religion. By our persecution we drove that class of people to silence. We silenced them as you will always silence the voice of a considerable minority when persecution and outrages are resorted to to accomplish even what may be a good end.

Mr. President, I know that no man stands upon this floor and defends that people without being slandered and traduced throughout this land. I know that the bigotry and the hatred that grows out of religious enthusiam and zeal can never see beyond the very question that is presented, that polygamy is a crime. It is a crime against civilization as we view it, and yet more than three-fourths of the world to-day are in favor of and practice this institution of polygamy. Great Britain, with all her civilization, with all her religious fervor and zeal, has never put her hand on her two hundred and fifty millions of Indian subjects as we have put our hands upon these Mormons. I am in favor of putting the strong hand of the law upon them and compelling obedience to the law, but I am for doing it under the color and under the forms of law, and not in such a manner as shall make every honest man in that Territory feel that the Government is going beyond its legitimate powers and its legitimate sphere in persecution.

Mr. President, I am not a churchman myself in the extreme sense of the term. There are other organizations in this land that teach pernicious doctrines and pernicious principles. Shall I say that it is the duty of the General Government to seize them with the strong hand and compel obedience to what we may here think is proper? In so far as they violate the law they come within the province and the power of the General Government; but in so far as they maintain a strict compliance with the law they are entitled to the same protection and the same treatment as any other religious organization in the land, and so far as I am concerned they shall have it always by my vote.

Mr. President, these people are not without virtues. They are an honest, painstaking, hard-working, industrious people. I went to their capital city when there were 15,000 people there and to their credit be it said not a place in it where whisky could be sold, not a grog-shop in the length or breadth of the land, not a house of prostitution, not a gambling place in the whole Territory with 80,000 people. They may not possess all the virtues; but they do have the vice which we are endeavoring to eradicate from their midst. It can not be done by these harsh and strained measures. I believe if the act of 1882 had been carried out in the spirit with which it came from the committee and in the spirit with which I voted for it, polygamy would have been practically dead to-day. We said in it the President may grant amnesty to the men who have heretofore committed the crime of having more than one wife. It has not been done. The men who took wives to their bosoms under what they professed at least to believe to be a legal right and a religious right thirty-five and forty years ago, were required to put them from them.

Take for instance the cases that I could mention of individual men who have raised four or five families, who have educated them in Europe and have given them all the advantages of travel and culture, and you can not expect that those men will bastardize their children without a struggle; you cannot expect that the president of that church who married his wives more than a generation ago will put them from him and declare that they are prostitutes. You ought to have some respect for the prejudices, for the feelings, and for the religious bigotry of these people. They are ready to suffer martyrdom as others have suffered it in the cause of error, in the cause of untruth, and in the cause of crime. If you expect to approach that people and save them, you must do it by the proper and legitimate exercise of authority strong, yet soft. While the heavy band of the law should be put upon them, it should be with a velvety touch. It should be put upon them in kindness, not in anger.

This bill, in my judgment, bristles everywhere with vengeance and blood. I am as anxious to clear the country from the crime at which it professes to aim as anybody, and I shall vote for all proper and respectable and constitutional measures for that purpose. But, Mr. President, in my judgment it is quite as creditable that polygamy should exist untouched within our borders as that we should go beyond the constitutional powers of the Government and establish a precedent here that may come back some time to rebuke us and to cause us immense trouble.

Mr. EDMUNDS. Mr. President, I do not wish to delay the Senate, but I think I ought to spend a minute or two in reply to my friend from Colorado, whose sincerity I have the greatest respect for.

Where is the persecution that the Mormons as I will call them at large, the polygamists, ever suffered in Utah? I say nothing about Nauvoo or any other place because that is too large a subject to go into. I have heard of no anti-Mormon organization in that Territory that has ever committed any offenses against Mormon life or Mormon property. I have heard and I believe there has happened a good many times the persecution by those who control what is called the Mormon church, which is a political hierarchy, going to the extent of taking life against people whose only offense was that they did not believe as the Mormons did, and had the courage to say so. That has been the persecution part of the business, and on account of that persecution the filling up of that Territory with people who believe in the order of society as civilized mankind does has been prevented and kept back and diminished continually.

Where is the persecution in this bill? My friend says that he is in favor of the bill that we passed in 1882 to punish polygamy with more vigorous means and methods than the act of 1862 did. Where is the persecution and the harshness of carrying those measures into effect? Are you going to have an indictment against a Mormon elder who insists on keeping his six wives, which shall say at the beginning and end of it under the authority of the statute that this is not intended to do you harm, it is velvety, to use my friend's expression, and that the thing is to be prosecuted so softly that the jury are to acquit! He does not mean that. There is nothing, therefore, in the penal part of this bill relating to the punishment of the crime of polygamy that does not exist in substance and almost in form, going to the extent of giving evidence by husbands and wives against each other, in every single State in this Union. I have looked at the statutes of Nebraska since my friend from Nebraska alluded to that point, and found that the laws of Nebraska, their standing statutes, are in substance just the same thing.

Mr. TELLER. On what point?

Mr. EDMUNDS. On the point of husband and wife giving evidence against each other in criminal prosecutions that affect either the one or the other. I looked at the statutes of New Hampshire after my friend from New Hampshire alluded to that point yesterday, and I found they had the same.

Mr. BLAIR. If the Senator will excuse me in regard to that, I think he will find a very marked difference between the statute of New Hampshire and the statute of the United States applicable to Utah, as it will be if this bill should become a law. I would say to him further that I have never known a single instance in which by compulsion husband and wife have testified against each other in my State.

Mr. EDMUNDS. I am obliged to the Senator from New Hampshire. He probably understands the statutes of his State a great deal better than I have a right to do, but so far as I am capable of reading the English language the statute of New Hampshire reads in substance exactly what this bill does upon that subject.

Mr. BLAIR. Would the Senator be willing to substitute the statute

of New Hampshire for the language of this bill? If so, I should be very glad to move it and to vote for his bill on the strength of it.

Mr. EDMUNDS. It would be just about as good.

Mr. BLAIR. Then I will, at the proper time, make the motion.

Mr. EDMUNDS. We shall then see about it. I believe that the statutes of almost every State are exactly the same, that in any crime for which a husband or wife is prosecuted wherein and in many cases wherein they are not personally affected, the statutes of almost all the States of modern times provide for their being witnesses, and as I stated to the Senator from New Hampshire yesterday, under the common law in all instances in which the crime of the husband or the wife was a personal one of violence the other party was always allowed to be a witness.

Mr. TELLER. I should like to ask the Senator a question. I should like to ask him if he knows of any State that allows the husband to testify to the criminal misconduct of his wife, or the wife of the husband, in any court?

Mr. EDMUNDS. I do.

Mr. TELLER. I mean one to testify in reference to the other.

Mr. EDMUNDS. The State of Vermont is one.

Mr. TELLER. If he does, I will venture to say here that that is a new statute, passed within a very few years.

Mr. EDMUNDS. And I will venture to say, in addition, that out of the thirty-eight States of this Union there are twenty-five that have in divorce cases admitted the right of the husband and wife to testify, limited just as this bill is limited, to the exclusion of confidential communications and conversations between each other. So I may dismiss that. There is no persecution in that.

Where then is the persecution of this much-abused people? They have not been disturbed; they have been the masters of the situation, and have glorified in it, against the protest of a respectable minority of their own people, for the propagation not merely of polygamy, the ministration to the lust of mankind, but the propagation of a political government of a one-man power and nothing else, because when you take their statutes and codes together and run them through one after another you will find that everything runs up to the first president of the church (and all he has to do with the church is to have that name) with regard to all their temporal affairs, nothing to do with their faith or worship, but it is for the management of the whole affairs of society in the Territory, and as long as they can persuade Congress or tender-hearted members of it, sentimental members, if I may say so, whose sentiments are good stated in the abstract, to touch them with velvet and leave them alone, they will rejoice; but I think that time has come to an end.

Mr. TELLER. Mr. President, this is not the time, nor is it the proper place, to go into any extended history of the persecution of these people. I state it as a fact, and everybody who has been familiar with the condition of affairs in that Territory will admit, that for many years the character of our official acts in the Territory was such as not to compel respect to the law, but, on the contrary, to excite an antagonism to everything connected with national affairs. I have myself left the court-room in that Territory outraged so that I could not stay there for fear, as a member of the court and having a right to be heard at the bar, I should be compelled to rebuke the presiding judge. I have heard from the bench things that could not have been uttered in the State that I represent without taking the judge from the bench. I have heard them on more than one occasion, and they were repeated so as to be an every-day occurrence in that court for years. I say that there is no State in this Union and no Territory in this Union that would have submitted to such things a single month, and those people submitted for four straight years.

The honorable Senator says there is nothing oppressive in this bill. Does he know of any law that compels the wife to testify against the husband? I do not know of any, and I do not want to live in a community that does compel it. It is undermining and breaking down the very essence of the marriage relation to compel a wife to testify against her husband. She may testify; but this says she shall be compelled to testify. Does the honorable Senator know of any State in the Union where the sheriff acts as a committing magistrate on view? If he does, I do not. It is not so at common law, and it is not so in any country where there is due respect for human rights, and yet that is in this bill.

Mr. EDMUNDS. Where is that?

Mr. TELLER. It is in this bill. I do not know where it is exactly. The sheriff may commit on view and take bail. That is the construction I put upon it. I may be incorrect.

Mr. EDMUNDS. I should be awfully glad to see that paragraph. It has escaped the attention of the committee, and my attention, too.

Mr. TELLER. I do not mean the sheriff; I mean the marshal, which is the same thing.

Mr. EDMUNDS. I do not see it here as to the marshal.

Mr. VAN WYCK. The twenty-second section, fifth line, is probably what the Senator from Colorado refers to.

Mr. EDMUNDS. If that is what he means——

Mr. VAN WYCK. Less than a marshal, a commissioner may do it.

Mr. TELLER. There is a provision here somewhere that the marshal may arrest and that he may commit. There is one provision that the supreme court of the Territory may exercise an appointing power. The Senator is not ignorant of the fact that the great mass of people, 90 per cent. of them, at least, are in absolute antagonism with that court. I do not say the court is not right, but I do say that it is unwise to put in the hands of the court that which might be exercised by some other power just as well.

Here is what I alluded to:

SEC. 22. That the marshal of said Territory of Utah, and his deputies, shall possess and may exercise all the powers in executing the laws of the United States possessed and exercised by sheriffs and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace, &c.

I say that there is not another statute in this country of that kind. This is not yet one, but I suppose it will be enacted; I have no doubt about that. As far as the Senate is concerned, it has already passed this bill. The Senator can not be ignorant of the fact that these fourteen trustees will be there as the active agents to destroy this church. He can not be ignorant of the fact that every Mormon will be in direct antagonism with that agency. I repeat again, then, that it would be a great deal better, so far as they are concerned, to have this organization abolished absolutely.

Now, Mr. President, if everything in this bill is in the other, why does the Senator want to pass this bill? It is simply an irritant. It is simply to give the people who are now protesting against the enactment of this law a lever upon and over those men in that community who would obey the law if they dared do so. There is a public sentiment there which keeps hundreds of men from yielding assent to the law, and every movement of this kind makes it easier for the malcontents and the opponents of the law to keep in subjection the great mass of the people of that Territory. It will not accomplish the end. It could not have been better devised, in my judgment, to continue the unhappy condition of affairs in that Territory than it has been by this bill.

Mr. CALL. Mr. President, it is impossible to get through with this bill to-night, and if the Senator from Vermont will not object, I move that the Senate adjourn.

Mr. EDMUNDS. I should hope we might get a vote, if the debate has ended.

Mr. CALL. There are quite a number of amendments to be proposed.

Mr. EDMUNDS. Then I shall not resist a motion to adjourn, but I give notice that I shall ask the Senate to sit it out to-morrow and finish it in some way.

Mr. MORGAN. Before an adjournment takes place I desire to offer an amendment to this bill, so that it may be printed. In section 12 I move to strike out all after the word "annulled," in line 7, and insert after that the following:

And the property of said corporation of every kind shall be disposed of according to the rules and principles of the common law as in case of the dissolution of a corporation.

Then in section 13, after the word "the" in line 3, I move to insert the word "personal;" so as to read "the personal property," and after the word "property" to insert "of the church of Latter-day Saints and;" so that the section will read:

That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the personal property of the Church of Jesus Christ of Latter-day Saints and the corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, &c.

The PRESIDENT *pro tempore*. Will the Senator be kind enough to hand to the Secretary the amendments that he desires printed?

Mr. MORGAN. And after the word "property," in line 12, I propose to insert the words:

Declared by the courts to be.

So as to read:

And all such property so declared by the courts to be forfeited and escheated to the United States.

And after the word "buildings," in line 16, to insert:

Or the grounds appurtenant thereto.

So as to read:

Provided, That no building or the grounds appurtenant thereto shall be forfeited which is held and occupied exclusively for purposes of religious worship, &c.

Then strike out the word "religious" and insert the word "the," and after the word "worship" insert "of God;" so as to read:

Provided, That no building or the grounds appurtenant thereto shall be forfeited which is held and occupied exclusively for purposes of the worship of God.

The PRESIDENT *pro tempore*. Does the Senator desire the amendments printed?

Mr. MORGAN. I think they had better be printed.

The PRESIDENT *pro tempore*. That order will be made.

Mr. CALL. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 6, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. I ask that by unanimous consent the reading of so much of the Journal as relates to the introduction and reference of bills and resolutions be dispensed with.

There was no objection.

The Journal was read, the portions indicated being omitted, and was approved.

ESTATES OF KICKAPOO INDIANS IN KANSAS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill "to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes."

The matter is presented for the favorable consideration of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

MISSION INDIANS IN CALIFORNIA.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers upon the subject, a draught of a bill for the relief of the Mission Indians in California.

The subject is presented for the action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

TIMBER DEPREDATIONS.

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with accompanying papers on the subject, a draught of a bill to amend section 5388 of the Revised Statutes of the United States relating to timber depredations upon lands reserved or purchased for military, Indian, or other purposes, &c.

This is an important subject, and is commended to the early attention of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

The SPEAKER. The message which has been just read relates to timber depredations on the public lands, on lands reserved for military purposes, and also Indian lands. The Chair thinks the proper reference will be to the Committee on the Public Lands.

The message was referred to the Committee on the Public Lands, and ordered to be printed.

YAKAMA INDIAN RESERVATION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 15th instant from the Secretary of the Interior, submitting, with the accompanying papers, a draught of a bill to accept and ratify an agreement with the confederated tribes and bands of Indians occupying the Yakama reservation in Washington Territory for the right of way of the Northern Pacific Railroad across the said reservation, &c.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *December* 21, 1885.

WYOMING LEGISLATURE.

The SPEAKER. The Chair also lays before the House, in accordance with the Rule, the bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

The bill was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

STATUE OF JAMES A. GARFIELD.

The SPEAKER. The Chair also lays before the House a concurrent resolution passed by the Senate, and in connection with it a letter from the governor of the State of Ohio, which will be read by the Clerk.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 5, 1886.

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor, and through him to the people, of Ohio for the statue of James A. Garfield, whose name is so honorably identified with the history of that State and of the United States.

Resolved, That this work of art is accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives, already set aside by act of Congress for statues of eminent citizens; and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Ohio.

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF GOVERNOR,
Columbus, December 10, 1885.

SIR: I have the honor to inform you that, in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the State of Ohio, in pursuance of an act of its General Assembly, has caused to be made by the sculptor Carl H. Nichaus, and placed in the old Hall of the House of Representatives, in the Capitol of the United States, in the custody of the Architect of the Capitol, a marble statue of that illustrious and lamented citizen of Ohio James A. Garfield, late President of the United States.

This work is now presented to the Congress of the United States as one of the statues contributed by the State of Ohio in pursuance of this invitation. It is hoped that it may be found worthy of acceptance and approval as a fit contribution from this State to the United States, in whose service President Garfield passed so much of his life, and whose chief executive officer he was at the time of his death.

Very respectfully,

GEO. HOADLY,
Governor of Ohio.

Hon. JOHN SHERMAN,
President of the Senate of the United States,
Washington, D. C.

Mr. EZRA B. TAYLOR. Mr. Speaker, I ask unanimous consent that this resolution and the letter of the governor of Ohio be ordered printed and laid on the table for the present.

There being no objection, it was so ordered.

FEES FOR RETURNING EVIDENCE, ETC.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a letter from the United States district attorney for the northern district of New York, and recommending legislation providing for the payment of fees for returning to United States district attorneys evidence taken before United States commissioners where parties arrested are held to bail; which was referred to the Committee on Appropriations, and ordered to be printed.

REAPPRAISEMENT OF CERTAIN IMPORTED MERCHANDISE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House adopted December 21, 1885, copies of letters and documents relating to the application of L. Lehman for a reappraisement of certain imported merchandise; which was referred to the Committee on Ways and Means, and ordered to be printed.

PROPOSED BUILDING AT WILLETS POINT, NEW YORK HARBOR.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting plans and estimates of proposed building at Willets Point, New York Harbor, for the use of the engineer battalion; which was referred to the Committee on Appropriations, and ordered to be printed.

PERMANENT WHARF AT FORT MONROE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting plans and estimates for the construction of a permanent wharf at Fort Monroe, Va.; which was referred to the Committee on Military Affairs, and ordered to be printed.

QUARTERS FOR KEEPER OF MONUMENT AT YORKTOWN, VA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports and asking an appropriation to provide quarters for the keeper of the monument at Yorktown, Va.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FUNDS OF MIAMI INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs concerning moneys alleged to have been improperly taken from the funds of the Miami Indians of Indiana and Kansas and paid to other Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

STATISTICAL ABSTRACT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the statistical abstract prepared by the Bureau of Statistics; which was referred to the Committee on Ways and Means, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. CAMPBELL, of Ohio, by unanimous consent, obtained leave of absence for three days, on account of important business.

CALL OF STATES AND TERRITORIES.

The call of States and Territories for the introduction of bills was then resumed, beginning with the State of North Carolina.

T. W. LONG.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 1737) for the relief of T. W. Long; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOICY RICHWINE.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 1738) granting a pension to Joicy Richwine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL-REVENUE TAXES ON DISTILLED FRUIT SPIRITS.

Mr. SKINNER introduced a bill (H. R. 1739) to abolish the internal-revenue taxes on spirits distilled from apples, peaches, and other fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM K. HAMMOND.

Mr. SKINNER also introduced a bill (H. R. 1740) for the relief of William K. Hammond; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM E. BOND.

Mr. SKINNER also introduced a bill (H. R. 1741) for the relief of William E. Bond; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS ASKEW.

Mr. SKINNER also introduced a bill (H. R. 1742) for the relief of Thomas Askew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. W. STYRON.

Mr. SKINNER also introduced a bill (H. R. 1743) for the relief of H. W. Styron; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

O. F. ADAMS.

Mr. SKINNER also introduced a bill (H. R. 1744) for the relief of O. F. Adams; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF ELIZA H. HOWLAND.

Mr. SKINNER also introduced a bill (H. R. 1745) for the relief of the heirs of Eliza H. Howland; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. AUGUSTA ELLISON.

Mr. SKINNER also introduced a bill (H. R. 1746) for the relief of Mrs. Augusta Ellison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CIVIL SERVICE.

Mr. SENEY introduced a bill (H. R. 1747) to repeal an act to regulate and improve the civil service of the United States, approved January 16, 1883; which was read a first and second time, referred to the Committee on Reform of the Civil Service, and ordered to be printed.

AMENDMENT TO SECTION 5151 REVISED STATUTES.

Mr. SENEY also introduced a bill (H. R. 1748) to amend section 5151 of the Revised Statutes of the United States making shareholders in national banks individually liable for the debts of the banks; which was read a first and second time, and referred to the Committee on Banking and Currency, and ordered to be printed.

TRADE-DOLLAR COINAGE.

Mr. SENEY also introduced a bill (H. R. 1749) to retire the trade-dollar coinage; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LETTER-CARRIERS.

Mr. SENEY also introduced a bill (H. R. 1750) to amend section 3865 of the Revised Statutes of the United States respecting letter-carriers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JURISDICTION OF CIRCUIT COURTS, ETC.

Mr. SENEY also introduced a bill (H. R. 1751) to amend sections 2 and 3 of an act entitled "An act to determine the jurisdiction of circuit courts of the United States, and to regulate the removal of causes from the State courts, and for other purposes;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMMEMORATION OF BATTLEFIELDS, ETC.

Mr. SENEY also introduced a bill (H. R. 1752) to aid the Maumee Valley (Ohio) Monumental Association to commemorate forts and battlefields of the war of 1812 in Ohio and Indiana; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

MATHEW H. FULTON.

Mr. SENEY also introduced a bill (H. R. 1753) for the relief of Mathew H. Fulton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OMAR P. NORRIS.

Mr. SENEY also introduced a bill (H. R. 1754) for the relief of Omar P. Norris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN FREUND.

Mr. SENEY also introduced a bill (H. R. 1755) for the relief of John Freund; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COL. WILLIAM MUNGEN.

Mr. SENEY also introduced a bill (H. R. 1756) for the relief of Col. William Mungen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLON DAVIS.

Mr. SENEY also introduced a bill (H. R. 1757) granting a pension to Solon Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY RUTH.

Mr. SENEY also introduced a bill (H. R. 1758) granting a pension to Henry Ruth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA SPANGLER.

Mr. SENEY also introduced a bill (H. R. 1759) granting a pension to Matilda Spangler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZA STARTSMAN.

Mr. SENEY also introduced a bill (H. R. 1760) granting a pension to Eliza Startsman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY KELLER.

Mr. SENEY also introduced a bill (H. R. 1761) granting a pension to Henry Keller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FERGUSON.

Mr. SENEY also introduced a bill (H. R. 1762) granting a pension to William Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON KING.

Mr. SENEY also introduced a bill (H. R. 1763) granting a pension to Wilson King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. NEIBLING.

Mr. SENEY also introduced a bill (H. R. 1764) granting a pension to Elizabeth A. Neibling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES L. BOOTH.

Mr. SENEY also introduced a bill (H. R. 1765) granting a pension to James L. Booth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. SHANNON.

Mr. SENEY also introduced a bill (H. R. 1766) granting a pension to Mary A. Shannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS WENTLING.

Mr. SENEY also introduced a bill (H. R. 1767) granting a pension to Elias Wentling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES WOLFE.

Mr. SENEY also introduced a bill (H. R. 1768) granting a pension to James Wolfe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK SEIBOLD.

Mr. SENEY also introduced a bill (H. R. 1769) granting a pension to Frederick Seibold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HELEN RAYMOND.

Mr. SENEY also introduced a bill (H. R. 1770) granting a pension to Helen Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY C. SNODGRASS.

Mr. SENEY also introduced a bill (H. R. 1771) granting a pension to Mary C. Snodgrass; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM KNIGHT AND WILLIAM H. REDDICK.

Mr. SENEY also introduced a bill (H. R. 1772) granting pensions to William Knight and William H. Reddick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONUMENT AT WYANDOT MISSION, OHIO.

Mr. SENEY also introduced a joint resolution (H. Res. 53) relating to the erection of a monument at the Wyandot Mission, Upper Sandusky, Ohio; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

JAMES J. JOHNSTON.

Mr. THOMAS, of Illinois (by Mr. BUTTERWORTH), introduced a bill

(H. R. 1773) for the relief of James J. Johnston; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

WARREN HALL.

Mr. THOMAS, of Illinois (by Mr. BUTTERWORTH), also introduced a bill (H. R. 1774) for the relief of Warren Hall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSE TENDER LILLY.

Mr. THOMAS, of Illinois (by Mr. BUTTERWORTH), also introduced a bill (H. R. 1775) for the relief of the officers and crew of the light-house tender and the inspector of the fourteenth United States light-house district; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FARAN & M'LEAN.

Mr. BUTTERWORTH introduced a bill (H. R. 1776) for the relief of Faran & McLean of Cincinnati, Ohio; which was read a first and second time.

The SPEAKER. That, being a private claim, under the new rules of the House should go to the Committee on Claims.

Mr. BUTTERWORTH. Such cases heretofore have gone to the Committee on Ways and Means, and I have so marked this bill for that reference.

The SPEAKER. Under the new rules the bill should go to the Committee on Claims, but the Chair understands the gentleman to ask unanimous consent for its reference to the Committee on Ways and Means.

Mr. BUTTERWORTH. No, I am not particular about it.

The bill was referred to the Committee on Claims, and ordered to be printed.

CORRECTION OF SOLDIERS' RECORDS.

Mr. BUTTERWORTH also introduced a bill (H. R. 1777) to authorize the Secretary of War to correct the record of certain meritorious soldiers of the war and secure to them an honorable discharge from the service and to provide for the payment of the salary and bounty withheld from such soldiers by reason of their alleged desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALEXANDER SWIFT & CO., ETC.

Mr. BUTTERWORTH also introduced a bill (H. R. 1778) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELON A. MARSH AND MINARD LAFEVER.

Mr. BUTTERWORTH also introduced a bill (H. R. 1779) for the relief of Elon A. Marsh and Minard Lafever; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARY A. FITZPATRICK.

Mr. BUTTERWORTH also introduced a bill (H. R. 1780) granting a pension to Mary A. Fitzpatrick, widow, and mother of the late Lieut. Patrick Fitzpatrick, United States Army, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL PAXTON.

Mr. BUTTERWORTH also introduced a bill (H. R. 1781) for the relief of Samuel Paxton, of Hamilton County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CORNELIA W. ELLIS.

Mr. BUTTERWORTH also introduced a bill (H. R. 1782) granting a pension to Cornelia W. Ellis, widow of Edmund C. Ellis, late of the United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH JOHNS.

Mr. BUTTERWORTH also introduced a bill (H. R. 1783) granting a pension to Elizabeth Johns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE GREYBING.

Mr. BUTTERWORTH also introduced a bill (H. R. 1784) granting a pension to Catherine Greybing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. G. COLLINS.

Mr. BUTTERWORTH also introduced a bill (H. R. 1785) for the relief of A. G. Collins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT CLARKE & CO.

Mr. BUTTERWORTH also introduced a bill (H. R. 1786) for the relief of Robert Clarke & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH BAUER.

Mr. BUTTERWORTH also introduced a bill (H. R. 1787) granting a pension to Elizabeth Bauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS DUFFY.

Mr. BUTTERWORTH also introduced a bill (H. R. 1788) for the relief of Francis Duffy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEACON LIGHTS, KANAWHA AND OTHER RIVERS.

Mr. BUTTERWORTH also introduced a bill (H. R. 1789) to provide for protecting the navigation of the Big Kanawha, Tennessee, and Cumberland Rivers, extending the system of beacon lights to said rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB S. LOWERY AND GEORGE A. GRAY.

Mr. BUTTERWORTH also introduced a bill (H. R. 1790) for the relief of Jacob S. Lowery and George A. Gray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN REID.

Mr. BUTTERWORTH also introduced a bill (H. R. 1791) for the relief of John Reid; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM BEARD.

Mr. BUTTERWORTH also introduced a bill (H. R. 1792) for the relief of William Beard, of Camp Dennison, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. M. SHIELD.

Mr. BUTTERWORTH also introduced a bill (H. R. 1793) for the relief of Edward M. Shield, of Hamilton County, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAAC R. LANGLY.

Mr. BUTTERWORTH also introduced a bill (H. R. 1794) granting a pension to Isaac R. Langly, late of Company B, Ninety-first Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC GARDENS, WASHINGTON.

Mr. LE FEVRE introduced a bill (H. R. 1795) for the consolidation of the public gardens of Washington; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. LE FEVRE also introduced a bill (H. R. 1796) for the protection of settlers on the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. LE FEVRE also introduced a bill (H. R. 1797) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. LE FEVRE also introduced a bill (H. R. 1798) to provide for the reorganization of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

RANK OF RETIRED OFFICERS.

Mr. LE FEVRE also introduced a bill (H. R. 1799) to fix the rank of officers of the Army hereafter retired by reason of wounds received in action; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DAVID W. STOCKSTILL.

Mr. LE FEVRE also introduced a bill (H. R. 1800) for the relief of David W. Stockstill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH W. BENNETT.

Mr. LE FEVRE also introduced a bill (H. R. 1801) for the relief of Joseph W. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES B. WALKER.

Mr. LE FEVRE also introduced a bill (H. R. 1802) for the relief of Moses B. Walker; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER MAITHRE.

Mr. BROWN, of Ohio, introduced a bill (H. R. 1803) granting a pen-

sion to Peter Maithre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. HALPIN.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 1804) for the relief of William G. Halpin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DONATION OF LAND TO CERTAIN SOLDIERS AND SAILORS.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 1805) granting 160 acres of land to certain soldiers and sailors and marines who served in the late war of the rebellion and to their survivors; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOEL F. KINNEY.

Mr. BROWN, of Ohio (by request), also introduced a bill (H. R. 1806) for the relief of Joel F. Kinney, of Newport, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M'CLARY.

Mr. WILKINS introduced a bill (H. R. 1807) granting a pension to John McClary; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMANTHA WALKER.

Mr. WILKINS also introduced a bill (H. R. 1808) granting a pension to Samantha Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ZANESVILLE, OHIO.

Mr. WILKINS also introduced a bill (H. R. 1809) to provide for the erection of a public building in the city of Zanesville, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CAROLINE MARTIN.

Mr. WILKINS also introduced a bill (H. R. 1810) granting a pension to Caroline Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANKING ASSOCIATION.

Mr. WILKINS also introduced a bill (H. R. 1811) to provide for the issue of circulating notes to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC BUILDING AT HAMILTON, OHIO.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 1812) for the erection of a public building at Hamilton, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PATTISON & CALDWELL.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1813) for the relief of Pattison & Caldwell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. C. MORGAN.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1814) for the relief of A. C. Morgan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELLEN CORCORAN.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1815) granting a pension to Ellen Corcoran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN MILLER.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1816) granting a pension to Mary Ann Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALEB PARIS.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1817) granting a pension to Caleb Paris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. L. KYLER.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1818) granting a pension to H. L. Kyler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB WITTENBACH.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1819) granting a pension to Jacob Wittenbach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED DENNY.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1820) granting a pension to Alfred Denny; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL KAIN.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1821) granting a pension to Daniel Kain; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CALE.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1822) granting a pension to Mary Cale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA NATION.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 1823) granting a pension to Anna Nation; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA NOLAND.

Mr. WARNER, of Ohio, introduced a bill (H. R. 1824) granting a pension to Mrs. Louisa Noland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KALBFLEISH.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1825) granting a pension to John Kalbfleish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONRAD KRIGBAUM.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1826) for the relief of Conrad Krigbaum; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN LAPPERT.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1827) granting a pension to John Lappert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. CAMPBELL.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1828) to amend the war record of Charles L. Campbell, late first lieutenant Company H, Thirty-sixth Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. SINES.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1829) granting a pension to John H. Sines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. REEDER.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1830) granting a pension to Charles L. Reeder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO WIDOWS AND MINOR CHILDREN.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 1831) extending pensions to all widows and minor children of deceased pensioned soldiers; which was read a first and second time, referred to the Commitee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. McKINLEY introduced a bill (H. R. 1832) to repeal the proviso of section 2 of the act of March 3, 1879, making appropriations for the payment of arrears of pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION TO SOLDIERS WHO HAVE LOST AN ARM AND LEG.

Mr. McKINLEY also introduced a bill (H. R. 1833) granting a pension of $72 per month to soldiers who have lost an arm and leg by amputation or paralysis in the line of duty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 4787 OF THE REVISED STATUTES.

Mr. McKINLEY also introduced a bill (H. R. 1834) to amend section 4787 of the Revised Statutes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH R. WHITE.

Mr. McKINLEY also introduced a bill (H. R. 1835) for the relief of Joseph R. White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GILES B. HARBER AND WILLIAM H. SCHEUTZE.

Mr. McKINLEY also introduced a joint resolution (H. Res. 54) to credit Lieut. Giles B. Harber and William H. Scheutze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of

Lieutenant Commander De Long and party; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE SLACK.

Mr. ELLSBERRY introduced a bill (H. R. 1836) granting a pension to George Slack; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM T. AND ANNE SCALES.

Mr. ELLSBERRY also introduced a bill (H. R. 1837) for the payment of William T. and Anne Scales for mill property destroyed by order of General Lewis Wallace during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB H. BROWN.

Mr. ELLSBERRY also introduced a bill (H. R. 1838) granting a pension to Jacob H. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. T. MOORE.

Mr. ELLSBERRY also introduced a bill (H. R. 1839) to remove the charge of desertion against W. T. Moore, and grant to him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL F. GARNETT.

Mr. ELLSBERRY also introduced a bill (H. R. 1840) granting a pension to Samuel F. Garnett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. STOUT.

Mr. ELLSBERRY also introduced a bill (H. R. 1841) granting a pension to George W. Stout; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED URTON.

Mr. ELLSBERRY also introduced a bill (H. R. 1842) granting a pension to Alfred Urton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH N. GREENLEE.

Mr. ELLSBERRY also introduced a bill (H. R. 1843) granting a pension to Joseph N. Greenlee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HADASSAH H. JOHNSON.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 1844) granting a pension to Hadassah H. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON WOOL.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1845) to restore the rates of duty on imported wool; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHARLES H. LIGHT.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1846) granting a pension to Charles H. Light; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. BURNS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1847) for the relief of William W. Burns; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE L. RIKER.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1848) granting a pension to George L. Riker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALMON C. BROCKWAY.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1849) for the relief of Almon C. Brockway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COLLINS MORSE AND HENRY C. GRAY.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1850) for the relief of Collins Morse and Henry C. Gray; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. M. Z. GILMAN.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1851) granting a pension to Mrs. M. Z. Gilman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEYMOUR D. BURR.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1852) granting a pension to Seymour D. Burr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN BYRNES.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1853) for the relief of the heirs of John Byrnes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS FOR SOLDIERS, ETC., CONFINED IN CONFEDERATE PRISONS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1854) granting a pension to soldiers and sailors confined in confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORRIS O. KING.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1855) granting a pension to Orris O. King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC WINANS.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1856) granting a pension to Isaac Winans, of the Ohio militia, in the war of 1812; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZEPHANIAH CRUBAUGH.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 1857) for the relief of Zephaniah Crubaugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'MULLIN.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 1858) granting an increase of pension to James McMullin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDOLIN WEINMAN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1859) granting an increase of pension to Fredolin Weinman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK ROBERTSON.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1860) granting a pension to Frederick Robertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK BLAKE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1861) granting a pension to Patrick Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDRICK RONIKE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1862) granting a pension to Fredrick Ronike; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEAKAGE ALLOWANCE ON DISTILLED SPIRITS, ETC.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1863) to amend section 4 of an act authorizing an allowance for leakage or casualty to distilled spirits withdrawn from exportation, &c., approved May 28, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM J. HOPPER.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1864) granting a pension to William J. Hopper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. KONKLE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1865) granting an increase of pension to Andrew J. Konkle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM REED.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1866) granting a pension to William Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL SEX.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1867) granting a pension to Michael Sex; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB ROESCH.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1868) granting a pension to Jacob Roesch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. M'PHERSON.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1869) granting a pension to William J. McPherson; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL F. MULLIN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1870) granting a pension to Michael F. Mullin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. COLVILLE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1871) granting a pension to James W. Colville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER WALSH.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1872) granting a pension to Peter Walsh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GODFREY LODGE.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1873) granting a pension to Godfrey Lodge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, DAYTON, OHIO.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1874) for the erection of a public building in the city of Dayton, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CIVIL SERVICE.

Mr. ANDERSON, of Ohio (by request), also introduced a bill (H. R. 1875) to amend section 7 of an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

PENSIONS.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 1876) to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws relating to pensions enacted since the revision of the statutes, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'NAUGHTON.

Mr. THOMPSON introduced a bill (H. R. 1877) for the relief of John McNaughton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES F. WAIT.

Mr. THOMPSON also introduced a bill (H. R. 1878) for the relief of James F. Wait; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DARLING.

Mr. THOMPSON also introduced a bill (H. R. 1879) granting a pension to John Darling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. S. SAYRE.

Mr. THOMPSON also introduced a bill (H. R. 1880) granting a pension to H. S. Sayre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH FISHER.

Mr. THOMPSON also introduced a bill (H. R. 1881) for the relief of Joseph Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT O. WILSON.

Mr. THOMPSON also introduced a bill (H. R. 1882) granting a pension to Robert O. Wilson, late of Company A, One hundred and second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY KING.

Mr. THOMPSON also introduced a bill (H. R. 1883) to authorize the Secretary of War to remove the charge of desertion against Henry King, late private in Company I, Thirty-second Indiana Volunteer Infantry, and to grant him an honorable discharge; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, PORTSMOUTH, OHIO.

Mr. THOMPSON also introduced a bill (H. R. 1884) providing for the erection of a public building at Portsmouth, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARGARET GREATHONS.

Mr. THOMPSON also introduced a bill (H. R. 1885) granting a pension to Margaret Greathons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS HAMMOND.

Mr. GROSVENOR (by request) introduced a bill (H. R. 1886) for the relief of Francis Hammond; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. E. H. WILDES.

Mr. GROSVENOR also introduced a bill (H. R. 1887) granting a pension to Mrs. E. H. Wildes, widow of Bvt. Brig. Gen. Thomas F. Wildes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD F. VANCE.

Mr. GROSVENOR also introduced a bill (H. R. 1888) granting a pension to Edward F. Vance; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC CARLETON.

Mr. GROSVENOR also introduced a bill (H. R. 1889) granting a pension to Isaac Carleton, late of Company E, Fifteenth Regiment Ohio National Guards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. STILES.

Mr. GROSVENOR also introduced a bill (H. R. 1890) granting a pension to Samuel D. Stiles, late an employé of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. GROSVENOR also introduced a bill (H. R. 1891) to equalize the bounties paid by the United States to the volunteer soldiers and sailors of the late war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. GROSVENOR also introduced a bill (H. R. 1892) to remove the limitations in pension cases, to increase certain pensions, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF PUBLIC LANDS.

Mr. HILL introduced a bill (H. R. 1893) to provide for the sale and disposal of the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

POST-OFFICE BUILDINGS.

Mr. HILL also introduced a bill (H. R. 1894) to provide for the construction of post-offices in the United States and to increase the efficiency of the postal service; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALEXANDER H. BROWN, DECEASED.

Mr. HILL also introduced a bill (H. R. 1895) for the relief of the legal representatives of Alexander H. Brown, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOUSTON L. TAYLOR.

Mr. HILL also introduced a bill (H. R. 1896) for the relief of Houston L. Taylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ABRAM G. HOYT.

Mr. HILL also introduced a bill (H. R. 1897) for the relief of Abram G. Hoyt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTIN WEBB.

Mr. HILL also introduced a bill (H. R. 1898) for the relief of Martin Webb, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS M. OLIVER.

Mr. HILL also introduced a bill (H. R. 1899) granting a pension to Francis M. Oliver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. CHISUM.

Mr. HILL also introduced a bill (H. R. 1900) for the relief of John S. Chisum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT C. MURPHY.

Mr. HILL (by request) also introduced a bill (H. R. 1901) for the relief of Robert C. Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SIMON J. FOUGHT.

Mr. OUTHWAITE introduced a bill (H. R. 1902) granting an increase

of pension to Simon J. Fought; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY CANODE.

Mr. OUTHWAITE also introduced a bill (H. R. 1903) granting a pension to Henry Canode; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. OUTHWAITE also introduced a bill (H. R. 1904) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of an act supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

THEODORE W. TALLMADGE.

Mr. OUTHWAITE also introduced a bill (H. R. 1905) for the relief of Theodore W. Tallmadge; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

THOMAS M'CLANNAHAN.

Mr. OUTHWAITE (by request) also introduced a bill (H. R. 1906) granting a pension to Thomas McClannahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC LAND, CLEVELAND, OHIO.

Mr. FORAN introduced a bill (H. R. 1907) donating to the city of Cleveland, Ohio, a certain tract of land for street and park purposes.

The SPEAKER. The Chair would inquire of the gentleman from Ohio whether it is improved or unimproved property?

Mr. FORAN. It is improved ground.

The bill was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TRIAL BY JURY.

Mr. FORAN also introduced a bill (H. R. 1908) to amend section 566 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM C. JONES.

Mr. FORAN also introduced a bill (H. R. 1909) to remove the charge of desertion from the military record of William C. Jones; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALONZO S. GARDNER.

Mr. FORAN also introduced a bill (H. R. 1910) granting a pension to Alonzo S. Gardner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. HOPKINS.

Mr. FORAN also introduced a bill (H. R. 1911) for the relief of Mary E. Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD HERBERT.

Mr. FORAN also introduced a bill (H. R. 1912) granting a pension to Edward Herbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. K. O'REILLY.

Mr. FORAN also introduced a bill (H. R. 1913) granting a pension to Capt. J. K. O'Reilly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WAGES GOVERNMENT PRINTING OFFICE.

Mr. FORAN also introduced a bill (H. R. 1914) for the restoration of wages in the Government Printing Office; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MICHAEL CLANCY.

Mr. FORAN also introduced a bill (H. R. 1915) to remove the charge of desertion from the military record of Michael Clancy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OWEN M'CAFFREY.

Mr. FORAN also introduced a bill (H. R. 1916) to remove the charge of desertion from the naval record of Owen McCaffrey; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN MURTUCK.

Mr. FORAN also introduced a bill (H. R. 1917) to remove the charge of desertion from the naval record of John Murtuck; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELIAS BROWN.

Mr. FORAN also introduced a bill (H. R. 1918) granting a pension to Elias Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT C. KIRK.

Mr. COOPER introduced a bill (H. R. 1919) for the relief of Robert C. Kirk; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COL. J. FRY.

Mr. COOPER also introduced a bill (H. R. 1920) granting a pension to Col. J. Fry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID H. PERRIN.

Mr. ROMEIS introduced a bill (H. R. 1921) granting a pension to David H. Perrin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. H. EDDY.

Mr. ROMEIS also introduced a bill (H. R. 1922) for the relief of C. H. Eddy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

OHIO JUDICIAL DISTRICTS.

Mr. LITTLE introduced a bill (H. R. 1923) to transfer the county of Logan, Ohio, from the northern to the southern district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADAM L. EPLEY.

Mr. LITTLE also introduced a bill (H. R. 1924) for the relief of Adam L. Epley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. M. E. A. FERGUSON.

Mr. LITTLE also introduced a bill (H. R. 1925) for the relief of Mrs. M. E. A. Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FUNERAL EXPENSES OF LIEUT. J. G. KYLE.

Mr. LITTLE also introduced a bill (H. R. 1926) for the payment of the funeral expenses of Lieut. John G. Kyle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONRAD SCHLEICHER.

Mr. LITTLE also introduced a bill (H. R. 1927) granting a pension to Conrad Schleicher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THORNTON JONES.

Mr. LITTLE (by request) also introduced a bill (H. R. 1928) granting a pension to Thornton Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANKS.

Mr. LITTLE also introduced a bill (H. R. 1929) requiring the national banking associations to keep a certain proportion of their required reserves in coin; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MEDICAL HISTORY OF THE WAR.

Mr. LITTLE also submitted a resolution requiring of the Public Printer certain information relative to the printing of a new edition of the Medical and Surgical History of the war; which was read, and referred to the Committee on Printing.

PENSION-ARREARS ACT.

Mr. GEDDES introduced a bill (H. R. 1930) to repeal a proviso contained in an act entitled "An act making appropriations for the payment of the arrears of pension granted by act of Congress approved January 25, 1879, and for other purposes," approved March 3, 1879, being the limitation clause thereof; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO DEPENDENT RELATIVES.

Mr. GEDDES also introduced a bill (H. R. 1931) to regulate the granting of pensions to dependent relatives; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISPUTED HANDWRITING.

Mr. GEDDES also introduced a bill (H. R. 1932) providing for evidence in cases involving disputed handwriting; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

E. J. PHILLIPS.

Mr. GEDDES also introduced a bill (H. R. 1933) granting relief to E. J. Phillips, postmaster at Oberlin, Ohio; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT MANSFIELD, OHIO.

Mr. GEDDES also introduced a bill (H. R. 1934) for the erection of a public building at Mansfield, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SETH H. KELLOGG.

Mr. GEDDES also introduced a bill (H. R. 1935) for the relief of Seth H. Kellogg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN NELSON.

Mr. GEDDES also introduced a bill (H. R. 1936) granting a pension to John Nelson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. SCHUYLER SUTTON.

Mr. GEDDES also introduced a bill (H. R. 1937) for the increase of pension to A. Schuyler Sutton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN R. PRATT.

Mr. GEDDES also introduced a bill (H. R. 1938) for the increase of pension to Benjamin R. Pratt, late a lieutenant in the Third Ohio Volunteers, Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CORNELIUS ALBERTSON.

Mr. GEDDES also introduced a bill (H. R. 1939) granting a pension to Cornelius Albertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUISA J. M'FARLAND.

Mr. GEDDES also introduced a bill (H. R. 1940) granting a pension to Louisa J. McFarland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. NANCY SMITH.

Mr. GEDDES also introduced a bill (H. R. 1941) granting a pension to Mrs. Nancy Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'FARLAND.

Mr. GEDDES also introduced a bill (H. R. 1942) to relieve John McFarland from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES L. M'CLARRAN.

Mr. GEDDES also introduced a bill (H. R. 1943) granting a pension to James L. McClarran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN FRANSKI.

Mr. GEDDES also introduced a bill (H. R. 1944) rerating the pension of Christian Franski; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH M. FITGER.

Mr. GEDDES also introduced a bill (H. R. 1945) granting a pension to Jeremiah M. Fitger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY F. RUTH.

Mr. GEDDES also introduced a bill (H. R. 1946) granting a pension to Henry F. Ruth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM OSTER.

Mr. GEDDES also introduced a bill (H. R. 1947) granting a pension to Abraham Oster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN DORSEY.

Mr. GEDDES also introduced a bill (H. R. 1948) granting a pension to Jonathan Dorsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF CITIZENS OF OREGON AND IDAHO.

Mr. HERMAN introduced a bill (H. R. 1949) for the relief of citizens of the State of Oregon and of Idaho and Washington Territories who served with the United States troops in the war with the Nez Percé and Bannock Indians, and for the relief of the heirs of such as were killed in such service; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN GEISEL.

Mr. HERMAN also introduced a bill (H. R. 1950) for the relief of the personal representatives of John Geisel, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUIS BELFILS.

Mr. HERMAN also introduced a bill (H. R. 1951) for the relief of Louis Belfils for property destroyed by citizens and natives of New Grenada; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MICHAEL RILEY.

Mr. HERMAN also introduced a bill (H. R. 1952) for the relief of Michael Riley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT ROSEBURG, OREG.

Mr. HERMAN also introduced a bill (H. R. 1953) to provide for the construction of a public building at the city of Roseburg, State of Oregon, for United States land office, post-office, signal service, and United States timber inspector; which was read a first and second time, refefred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT OREGON CITY, OREG.

Mr. HERMAN also introduced a bill (H. R. 1954) to provide for the construction of a public building at Oregon City, Oreg.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN HAGENS.

Mr. HERMAN also introduced a bill (H. R. 1955) for the relief of John Hagens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH BATES.

Mr. HERMAN also introduced a bill (H. R. 1956) for the relief of Elizabeth Bates; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. MILLER.

Mr. HERMAN also introduced a bill (H. R. 1957) for the relief of Thomas J. Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIG. GEN. RUFUS INGALLS.

Mr. HERMAN also introduced a bill (H. R. 1958) to provide for the retirement of Brig. Gen. Rufus Ingalls (retired) as a major-general of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUPPLIES TO OREGON VOLUNTEERS IN 1855–'56.

Mr. HERMAN also introduced a bill (H. R. 1959) to pay the citizens of Oregon for supplies furnished the Oregon volunteers in 1855-'56, ordered by Philo Callender, war commissioner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AVERY D. BABCOCK AND WIFE.

Mr. HERMAN also introduced a bill (H. R. 1960) for the relief of Avery D. Babcock and wife, of Oregon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. SMITH.

Mr. HERMAN also introduced a bill (H. R. 1961) for the relief of J. H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HADLEY HOBSON.

Mr. HERMAN also introduced a bill (H. R. 1962) for the relief of Hadley Hobson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANCIS M. VANDERPOOL.

Mr. HERMAN also introduced a bill (H. R. 1963) for the relief of Francis M. Vanderpool; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE H. WASHINGTON.

Mr. HERMAN also introduced a bill (H. R. 1964) for the relief of George H. Washington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TUNIS SWICK.

Mr. HERMAN also introduced a bill (H. R. 1965) for the relief of Tunis Swick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN ALEXANDER.

Mr. HERMAN also introduced a bill (H. R. 1966) for the relief of John Alexander; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JOHN B. OATMAN.

Mr. HERMAN also introduced a bill (H. R. 1967) for the relief of John B. Oatman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALARIES OF DISTRICT JUDGES.

Mr. HERMAN also introduced a bill (H. R. 1968) fixing the salaries of the several judges of the United States district courts at $5,000 per

annum; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

B. JENNINGS.

Mr. HERMAN also introduced a bill (H. R. 1969) for the relief of B. Jennings; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

P. C. DAVIS.

Mr. HERMAN also introduced a bill (H. R. 1970) for the relief of P. C. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT PORTLAND, OREG.

Mr. HERMAN also introduced a bill (H. R. 1971) to provide for the erection of a public building at Portland, Oreg.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

OREGON DONATION LAW.

Mr. HERMAN also introduced a bill (H. R. 1972) further defining the class of persons included in the provisions of section 5 of the act of July 17, 1854, amendatory of the Oregon donation law of September 27, 1850; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CLAIMS OF STATES AND TERRITORIES.

Mr. HERMAN also introduced a bill (H. R. 1973) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN FITZHUGH.

Mr. HERMAN also introduced a bill (H. R. 1974) for the relief of John Fitzhugh, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

S. B. CRANSTON.

Mr. HERMAN also introduced a bill (H. R. 1975) for the relief of S. B. Cranston, of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS GUINEAN.

Mr. HERMAN also introduced a bill (H. R. 1976) for the relief of Thomas Guinean; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COINAGE OF SILVER DOLLARS.

Mr. KELLEY introduced a bill (H. R. 1977) for the further limitation of the coinage of silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

STAFF OFFICERS OF THE NAVY.

Mr. KELLEY also introduced a bill (H. R. 1978) to equalize the rank and pay of certain staff officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLAIMS OF VESSEL-OWNERS, ETC.

Mr. KELLEY also introduced a bill (H. R. 1979) to permit the owners of certain vessels and the owners or underwriters of cargoes laden thereon to sue the United States; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. SPRINGER). In the opinion of the Chair this bill should go to the Committee on Claims.

Mr. KELLEY. I thought it ought to go to the Committee on the Judiciary, as it involves a modification of the law.

The SPEAKER *pro tempore*. It confers jurisdiction upon the courts of the United States to hear and determine a particular case for the purpose of assessing damages against the United States to be awarded to the owners of vessels.

Mr. KELLEY. I understood it to be a general rather than a particular provision.

The SPEAKER *pro tempore*. If the gentleman so desires the Chair will ask unanimous consent that the bill be referred to the Committee on the Judiciary.

Mr. KELLEY. I am willing the Chair should decide as to the proper reference.

The bill was referred to the Committee on Claims, and ordered to be printed.

RICHARD C. RIDGWAY AND OTHERS.

Mr. KELLEY also introduced a bill (H. R. 1980) for the relief of Richard C. Ridgway and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE W. GILE.

Mr. KELLEY also introduced a bill (H. R. 1981) to correct the record and fix the rank and pay of George W. Gile, a lieutenant-colonel in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN FRASER.

Mr. KELLEY also introduced a bill (H. R. 1982) for the relief of John Fraser; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, READING, PA.

Mr. ERMENTROUT introduced a bill (H. R. 1983) to increase the appropriation for the erection of the public building at Reading, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAFETY OF PASSENGERS.

Mr. ERMENTROUT also introduced a bill (H. R. 1984) to amend article 3 of chapter 354 of the United States Statutes at Large, passed at the second session of the Forty-eighth Congress; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CIGAR MANUFACTURE.

Mr. ERMENTROUT also introduced a bill (H. R. 1985) reducing the penal sum of the bond required to be given by persons engaging in the manufacture of cigars under the provisions of section 3387, chapter 7, title 35, Revised Statutes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN F. DONABOWER.

Mr. ERMENTROUT also introduced a bill (H. R. 1986) granting a pension to John F. Donabower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY LICHTY.

Mr. ERMENTROUT also introduced a bill (H. R. 1987) granting a pension to Henry Lichty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER F. SAEMAN.

Mr. ERMENTROUT also introduced a bill (H. R. 1988) granting a pension to Peter F. Saeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. FREES.

Mr. ERMENTROUT also introduced a bill (H. R. 1989) granting a pension to John C. Frees; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HUNTER.

Mr. ERMENTROUT also introduced a bill (H. R. 1990) granting a pension to John Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY ANN WESNER.

Mr. ERMENTROUT also introduced a bill (H. R. 1991) granting a pension to Mary Ann Wesner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. H. HERR.

Mr. ERMENTROUT (by request) also introduced a bill (H. R. 1992) for the relief of A. H. Herr, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAINT MARK'S PROTESTANT EPISCOPAL CHURCH, D. C.

Mr. ERMENTROUT (by request) also introduced a bill (H. R. 1993) for the relief of Saint Mark's Protestant Episcopal church, in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

INTERNATIONAL NAVIGATION COMPANY.

Mr. SCOTT introduced a bill (H. R. 1994) for the relief of the International Navigation Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STANDARD SILVER DOLLAR.

Mr. SCOTT also introduced a bill (H. R. 1995) to regulate the coinage of the standard silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

RE-ENLISTED SOLDIERS.

Mr. SCOTT also introduced a bill (H. R. 1996) to provide for the payment of bounty to re-enlisted volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY R. BROWN.

Mr. SCOTT also introduced a bill (H. R. 1997) granting a pension to Nancy R. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM MORAN.

Mr. SCOTT also introduced a bill (H. R. 1998) for the relief of William Moran; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RICKARDS.

Mr. SCOTT also introduced a bill (H. R. 1999) for the relief of William Rickards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. GARETTA H. PIERCE.

Mr. SCOTT also introduced a bill (H. R. 2000) granting a pension to Mrs. Garetta H. Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIM OF SCHUYLKILL COUNTY, PENNSYLVANIA.

Mr. BRUMM introduced a bill (H. R. 2001) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting public property," appproved July 22, 1861; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RETIREMENT OF NATIONAL-BANK NOTES.

Mr. BRUMM also introduced a bill (H. R. 2002) to retire national-bank notes and substitute therefor Treasury notes; which was read a a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC DEBT—UNIFORM PAPER CIRCULATION.

Mr. BRUMM also introduced a bill (H. R. 2003) to facilitate the payment of the public debt and to provide a uniform paper circulation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES REILLY.

Mr. BRUMM also introduced a resolution to pay the funeral expenses of James Reilly, late an employé of the House; which was referred to the Committee on Accounts.

ELECTION OF CERTAIN UNITED STATES OFFICERS BY THE PEOPLE.

Mr. BAYNE introduced a joint resolution (H. Res. 55) proposing an amendment to the Constitution providing for the election of certain United States officers by the people; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNAL-REVENUE TAX ON TOBACCO.

Mr. BAYNE also introduced a bill (H. R. 2004) repealing all internal-revenue taxes on domestic tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MONONGAHELA NAVIGATION COMPANY, PENNSYLVANIA.

Mr. BAYNE also introduced a bill (H. R. 2005) to provide for the purchase or condemnation of the works, locks, and dams and appurtenances of the Monongahela Navigation Company of Pennsylvania.

The SPEAKER *pro tempore*. In the opinion of the Chair this bill should be referred to the Committee on Railways and Canals.

Mr. BAYNE. No; to the Committee on Rivers and Harbors. This relates to a navigable river which is already improved by locks and dams, partly by the Government of the United States and partly by this private company. It is not a canal.

The SPEAKER *pro tempore*. If it is for the improvement of a river or harbor, then it would go into the petition-box.

Mr. BAYNE. The Government has been already expending money in improving the navigation of this river above where these locks are, and the River and Harbor Committee has always reported such appropriations.

The SPEAKER *pro tempore*. The jurisdiction of the Committee on Rivers and Harbors relates to the improvement of rivers and harbors. This appears to be a bill providing for the purchase of certain works, locks, and dams on a stream which has been made navigable by a private corporation, and therefore it does not relate to, or is not an appropriation for, the improvement of a river or harbor.

Mr. BAYNE. This is for the improvement of rivers and harbors. The Government has already expended money in the construction of the locks and dams above those belonging to this private corporation; and the object of this bill is to take away from a private corporation the control of a navigable stream of the United States, a stream which has been recognized as such, and place it in the hands of the Government of the United States, just as the Kanawha River improvements were taken possession of by the Government.

The SPEAKER *pro tempore*. If this is in continuance of a work already in progress it might be sent to that committee; otherwise the Chair thinks not.

Mr. BAYNE. Part of this river has been improved by the Government and part of it has not.

The bill was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, ALLEGHENY, PA.

Mr. BAYNE also introduced a bill (H. R. 2006) to provide for the construction of a public building for the accommodation of the post-office and other Government offices in the city of Allegheny, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROTECTION OF PUBLIC WORKS AGAINST TRESPASS.

Mr. BAYNE also introduced a bill (H. R. 2007) to provide for the protection of public works against trespass or injury.

Mr. BAYNE. This, Mr. Speaker, is a long bill, prepared by the Engineer Department of the Government, and has for its object the protection of rivers and harbors upon which the Government has expended money. Its proper reference is, therefore, to the Committee on Rivers and Harbors.

The SPEAKER *pro tempore*. It may properly go to the Committee on Commerce or to the Committee on Rivers and Harbors. If the gentleman desires it to go to the Committee on Rivers and Harbors, the Chair thinks that reference will be proper.

Mr. BAYNE. That is the committee to which I desire to have it referred.

The bill was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PENSIONS FOR INDIGENT SOLDIERS.

Mr. BAYNE also introduced a bill (H. R. 2008) providing pensions for Union soldiers of the war of the rebellion who are or shall become disabled or dependent on their own labor for support, and the dependent widows and minor children and parents of Union soldiers of the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCREASE OF SALARIES OF UNITED STATES JUDGES.

Mr. BAYNE also introduced a bill (H. R. 2009) to increase the salaries of judges of the United States district and circuit courts; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

Mr. BAYNE. That bill, I think, should be referred to the Committee on the Judiciary.

The SPEAKER *pro tempore*. It was decided on the first day of the session that bills fixing the salaries of judicial officers should go to the Committee on Expenditures in the Department of Justice.

Mr. BAYNE. Heretofore these have been referred to the Judiciary Committee, and in the last Congress a bill was reported by that committee on this subject. The Judiciary Committee of the Senate also reported a similar bill.

The SPEAKER *pro tempore*. Bills of a similar character have gone uniformly at this session to the Committee on Expenditures in the Department of Justice.

Mr. BAYNE. This bill changes existing law and regulates the salaries of judges. I can not see how the Committee on Expenditures in the Department has a right to formulate new law.

The SPEAKER *pro tempore*. The new rule makes a part of the jurisdiction of this committee, as the gentleman will find on examination, in the following words:

The reduction or increase of the pay of officers.

That is a subject pertaining to the jurisdiction of this committee under the rule, and the Chair must adhere to the opinion that proper reference has been given to the bill.

MUSTER AND PAY OF CERTAIN OFFICERS.

Mr. BAYNE also introduced a bill (H. R. 2010) to provide for the muster and pay of certain officers and enlisted men; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH CHALFANT.

Mr. BAYNE also introduced a bill (H. R. 2011) granting a pension to Joseph Chalfant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER CASKEY.

Mr. BAYNE also introduced a bill (H. R. 2012) granting a pension to Alexander Caskey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MYRON E. DUNLAP.

Mr. BAYNE also introduced a bill (H. R. 2013) for the relief of Myron E. Dunlap; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALFRED PLEASONTON.

Mr. BAYNE also introduced a bill (H. R. 2014) authorizing the President to appoint and retire Alfred Pleasonton, late a major-general in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES M. PAGE.

Mr. BAYNE (by request) also introduced a bill (H. R. 2015) granting

a pension to James M. Page; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISABELLA M'DOWELL.

Mr. BAYNE also introduced a bill (H. R. 2016) granting a pension to Isabella McDowell, widow of James McDowell, deceased, late a private of Company I, Second Pennsylvania Artillery Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT OF WAY TO SCHUYLKILL RIVER RAILROAD.

Mr. BINGHAM introduced a bill (H. R. 2017) granting a right of way to the Schuylkill River East Side Railroad Company through the arsenal and naval asylum grounds at Philadelphia, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET S. MEADE.

Mr. BINGHAM also introduced a bill (H. R. 2018) granting a pension to Margaret S. Meade, widow of George G. Meade, late a major-general in the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES NAVAL HOMES.

Mr. BINGHAM also introduced a bill (H. R. 2019) for the relief of sailors and marines in the United States naval homes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. F. BAILEY & CO.

Mr. BINGHAM also introduced a bill (H. R. 2020) for the relief of Josiah F. Bailey and Samuel W. Groome, lately trading as J. F. Bailey & Co.; which was read a first and second time.

The SPEAKER *pro tempore*. This bill will be referred to the Committee on Claims.

Mr. BINGHAM. A bill similar in character, to refund what is assumed to have been illegally exacted as customs duty, was introduced yesterday by the gentleman from New York [Mr. HEWITT] and was referred to the Committee on Ways and Means. This covers a question of the same character. I ask that, if not in accordance with the rule, the reference, by unanimous consent, be made to the Committee on Ways and Means.

The SPEAKER *pro tempore*. The Chair is of opinion that the bill referred to as having been introduced by the gentleman from New York was not similar to this.

Mr. BINGHAM. It is similar in character.

The SPEAKER *pro tempore*. This bill by the terms of the rule should go to the Committee on Claims. The gentleman may ask unanimous consent for reference to the Committee on Ways and Means.

Mr. BINGHAM. I ask unanimous consent.

There being no objection, the bill was referred to the Committee on Ways and Means, and ordered to be printed.

MARGARET A. BLAKE.

Mr. BINGHAM also introduced a bill (H. R. 2021) granting a pension to Margaret A. Blake, widow of Col. George A. H. Blake, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN M. MITCHELL.

Mr. BINGHAM also introduced a bill (H. R. 2022) to increase the pension of Ellen M. Mitchell, widow of William G. Mitchell, major and assistant adjutant-general, United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWARD G. PENDLETON.

Mr. BINGHAM also introduced a bill (H. R. 2023) for the relief of Edward G. Pendleton; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COMMODORE LOUIS C. SARTORI.

Mr. BINGHAM also introduced a bill (H. R. 2024) to promote Commodore Louis C. Sartori, now on the retired-list of the Navy, to be a rear-admiral on said list, in accordance with his original position on the Naval Register; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM F. PRATT.

Mr. BINGHAM also introduced a bill (H. R. 2025) authorizing the President of the United States to appoint William F. Pratt, late a second assistant engineer in the United States Navy, upon the retired-list of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JABEZ BURCHARD.

Mr. BINGHAM also introduced a bill (H. R. 2026) for the relief of Jabez Burchard; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSHUA ARMSTRONG.

Mr. BINGHAM also introduced a bill (H. R. 2027) granting a pension to Joshua Armstrong; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY HERMAN.

Mr. BINGHAM also introduced a bill (H. R. 2028) for the relief of Henry Herman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LETTER-CARRIER AND FREE-DELIVERY SERVICE.

Mr. BINGHAM also introduced a bill (H. R. 2029) extending the letter-carrier and free-delivery service to places containing a population of not less than 10,000 within the corporate limits, &c.; which was read a first and second time, referred to the Committe on the Post-Office and Post-Roads, and ordered to be printed.

LOTTERY ADVERTISEMENTS IN MAILS.

Mr. BINGHAM also introduced a bill (H. R. 2030) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for violation of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RATES OF POSTAGE.

Mr. BINGHAM also introduced a bill (H. R. 2031) to regulate rates of postage on second-class and mail matter at letter-carrier offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL TELEGRAPHIC SYSTEM.

Mr. BINGHAM also introduced a bill (H. R. 2032) to provide for the establishment of a postal telegraphic system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FRANKING PRIVILEGE TO JULIA D. GRANT.

Mr. BINGHAM also introduced a bill (H. R. 2033) granting a franking privilege to Julia D. Grant; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

RAILWAY POSTAL CLERKS.

Mr. BINGHAM also introduced a bill (H. R. 2034) for the appointment of railway postal clerks, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HIRAM J. STEINBERGER.

Mr. CURTIN introduced a bill (H. R. 2035) to remove the charge of desertion against Hiram J. Steinberger, late private Company K, One hundred and thirty-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES MILLENGER.

Mr. CURTIN also introduced a bill (H. R. 2036) for the relief of James Millenger, of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. CURTIN also introduced a bill (H. R. 2037) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO UTTERLY HELPLESS SOLDIERS AND SAILORS.

Mr. CURTIN also introduced a bill (H. R. 2038) to equalize the pensions of all "utterly helpless" pensioned soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. CURTIN also introduced a bill (H. R. 2039) to establish agricultural experiment stations in connection with colleges established in the several States under the provisions of an act approved July 2, 1862, and of acts supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

HEIRS OF JOHN S. FILLMORE.

Mr. CURTIN also introduced a bill (H. R. 2040) for the relief of the heirs of John S. Fillmore, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM BRINDLE.

Mr. CURTIN also introduced a bill (H. R. 2041) to empower the circuit courts of the eastern district of Pennsylvania to hear and determine the claims of William Brindle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REFUNDING IMPROPERLY PAID FEES.

Mr. CURTIN also introduced a bill (H. R. 2042) to require certain fees improperly paid into the Treasury of the United States to be refunded, and to pay certain other moneys; which was read a first and

second time, referred to the Committee on Claims, and ordered to be printed.

MARY KASTATHE.

Mr. CURTIN also introduced a bill (H. R. 2043) to place Mary Kastatte, widow of Jacob Kastathe, on the pension-roll as the widow of a soldier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED BRETHREN.

Mr. CURTIN also introduced a bill (H. R. 2044) for the relief of the Society of the United Brethren in Christ, of Tyrone, Pa.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT TO SECTION 1661 REVISED STATUTES.

Mr. CURTIN also introduced a bill (H. R. 2045) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms for the militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

HENRY M. BOSSERT.

Mr. CURTIN also introduced a bill (H. R. 2046) granting a pension to Henry M. Bossert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WIGHTMAN.

Mr. CURTIN also introduced a bill (H. R. 2047) for the relief of John Wightman, a contractor for carrying the mail in Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PENSIONS.

Mr. CURTIN also introduced a bill (H. R. 2048) for the relief of certain pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TARIFF REVISION.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, before introducing a resolution against any revision of the tariff, I ask unanimous consent to be permitted to present some two or three hundred protests of manufacturers all over this country, these manufacturers employing some fifty thousand men. I wish to present these protests as a part of the proceedings of the House, though of course not to be printed.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks unanimous consent to present at this time remonstrances against any change in the tariff laws. If there be no objection they will be received for reference to the Committee on Ways and Means without printing. Is there objection? The Chair hears none, and it is ordered accordingly.

Mr. O'NEILL, of Pennsylvania, also introduced a resolution against the revision of the tariff; which was referred to the Committee on Ways and Means.

SHIP-CANAL BETWEEN DELAWARE RIVER AND ATLANTIC OCEAN.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2049) for the construction of a ship-canal to connect the Delaware River with the Atlantic Ocean; which was read a first and second time.

The SPEAKER *pro tempore*. This bill will be referred to the Committee on Railways and Canals.

Mr. O'NEILL, of Pennsylvania. I think the proper reference is to the Committee on Rivers and Harbors. It has relation to the same class of works as the Hennepin Canal and other works which propose to connect the inland waters of this country. This bill simply proposes that we appropriate money after surveys are made to connect the Delaware River somewhere in the vicinity of Camden with the Atlantic Ocean, at a point probably adjacent to Atlantic City. I call the attention of the Chair to the fact that when a similar bill to connect the waters of the Chesapeake and Delaware Bays was presented it was referred to the Committee on Rivers and Harbors, and that committee recommended an appropriation to commence the work.

The SPEAKER *pro tempore*. This bill provides only for surveys; and the Chair remembers that surveys have generally been included in the river and harbor bill. Therefore, unless objection is made, it will go to the Committee on Rivers and Harbors.

Mr. WILLIS. I object to that reference.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] having objected to the reference proposed, may move whatever reference he prefers. The present question is on referring the bill to the Committee on Rivers and Harbors. What reference does the gentleman from Kentucky move?

Mr. WILLIS. I ask for the reading of the bill.

Mr. O'NEILL, of Pennsylvania. It embraces an appropriation.

The Clerk read as follows:

Be it enacted, &c., That there be made by the Secretary of War an immediate survey for the construction of a ship-canal to connect the Delaware River in the vicinity of the city of Camden with the Atlantic Ocean, so that the line of the said canal shall be as near east and west as possible, and that the estimates of the United States engineers be prepared at an early day, so that the report can be made during the present session of Congress and an appropriation for the commencement of the work be recommended.

Mr. WILLIS. Mr. Speaker, that question has already been presented in the present Congress and passed on by the Speaker in the case of the Michigan canal. The Speaker then examined and decided it. I submit, therefore, it is *res adjudicata* as far as the Chair is concerned.

The SPEAKER *pro tempore*. The present occupant of the Chair stated he was of opinion the bill should go to the Committee on Railways and Canals, but at the request of the gentleman from Pennsylvania [Mr. O'NEILL] the reference to the Committee on Rivers and Harbors was proposed. If objection be made, the question will be submitted to the House.

Mr. O'NEILL, of Pennsylvania. The gentleman from Kentucky [Mr. WILLIS] will remember that we are now acting under the new rules——

Mr. WILLIS. I am perfectly aware of that.

Mr. O'NEILL, of Pennsylvania. And those rules designate the appropriate reference of bills.

I presume, of course, the bill for the construction of the Hennepin Canal would go to the Committee on Rivers and Harbors, just as did the bill proposing to connect the Chesapeake and Delaware Bays. I insist, therefore, that this bill should go to the Committee on Rivers and Harbors.

The SPEAKER *pro tempore*. Debate is not in order at this time.

Mr. O'NEILL, of Pennsylvania. I supposed it was proceeding by unanimous consent.

Mr. WILLIS. I understand it is the decision of the Chair that this bill properly belongs to the Committee on Railways and Canals.

The SPEAKER *pro tempore*. That is the opinion of the Chair.

Mr. O'NEILL, of Pennsylvania. And I propose that it shall be referred to the Committee on Rivers and Harbors.

The SPEAKER *pro tempore*. The Chair was about to refer it without objection to that committee, but objection having been made, the question must be submitted to the House.

Mr. WILLIS. I ask, as a parliamentary question, whether that does not require a two-thirds vote?

The SPEAKER *pro tempore*. The Speaker ordinarily refers the bill under the rule, but the question of reference is one entirely under the jurisdiction of the House and can be controlled by the House by a vote to that effect.

Mr. O'NEILL, of Pennsylvania. I desire it to be known that this bill proposes an appropriation, and comes before the House through the proper channels, just as every other case does which is referred to the Committee on Rivers and Harbors.

Mr. WILLIS. As the gentleman has been heard in behalf of his view of the question, I ask to be heard briefly in reply.

The SPEAKER *pro tempore*. Is there objection?

Mr. WILLIS. At the suggestion of a number of gentlemen, and as the House seems to understand the question, I will not occupy the time of the House.

The SPEAKER *pro tempore*. Objection having been made to the motion of the gentleman from Pennsylvania that the bill be referred to the Committee on Rivers and Harbors, the question will be submitted to the House.

The House refused to refer the bill to the Committee on Rivers and Harbors.

The bill was then referred to the Committee on Railways and Canals, and ordered to be printed.

DRY-DOCK AT THE LEAGUE ISLAND NAVY-YARD.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2050) to authorize the construction of a dry-dock at the League Island navy-yard by contract and appropriating money for the same; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

UNITED STATES STEAMER ASHUELOT.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2051) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRIZE-MONEY TO FARRAGUT'S FLEET.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2052) appropriating prize-money due to the survivors of Farragut's fleet for captures made in the Mississippi River in April, 1862; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RACHAEL J. FLOYD.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2053) for the relief of Rachael J. Floyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REBECCA MARCHANT.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2054) granting a pension to Rebecca Marchant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE ARTZ.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2055) granting a pension to Theodore Artz; which was read a first and second

time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE BERNHART.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 2056) granting a pension to Catharine Bernhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-DOLLARS.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) introduced a bill (H. R. 2057) to authorize the redemption, exchange, and recoinage of trade-dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

STANDARD SILVER DOLLAR.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2058) to suspend the coinage of the standard silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2059) to promote peace among the nations by the establishment of an international tribunal or some fixed principle of arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

MARGARET D. MARCHAND.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2060) granting a pension to Margaret D. Marchand; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIANA B. SCHIVELY.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2061) for the relief of Christiana B. Schively; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGDELINA FONISH.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2062) for the relief of Magdelina Fonish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY KERR.

Mr. EVANS (by Mr. O'NEILL, of Pennsylvania) also introduced a bill (H. R. 2063) granting a pension to Mary Kerr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL BANKING ASSOCIATIONS.

Mr. STORM introduced a bill (H. R. 2064) to provide for the issue of circulation to national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

CADETS AND CADET-ENGINEERS.

Mr. STORM also introduced a bill (H. R. 2065) for the relief of cadets and cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ALFRED M'MURTRIE.

Mr. STORM also introduced a bill (H. R. 2066) for the relief of Alfred McMurtrie; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES WEEKS.

Mr. STORM also introduced a bill (H. R. 2067) for the relief of James Weeks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COMPENDIUM TENTH CENSUS.

Mr. STORM also introduced a bill (H. R. 2068) authorizing the Secretary of the Interior to purchase 100,000 condensed statements of the Compendium of the Tenth Census as prepared by John C. Welsh; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

TRADE-DOLLARS.

Mr. STORM also introduced a bill (H. R. 2069) for the retirement of trade-dollars from circulation.

The SPEAKER *pro tempore*. This bill the Chair is of opinion should be referred to the Committee on Banking and Currency.

Mr. BLAND. I ask to have the bill read. That question came up in the last Congress, and was referred by a direct vote of the House to the Committee on Coinage, Weights, and Measures.

The SPEAKER *pro tempore*. The Clerk will read the bill.

The bill was read at length.

Mr. BLAND. That is purely a matter of coinage, and the last Congress, as I have stated, when the question was raised, took a similar measure from the Committee on Banking and Currency and referred it, by a vote of the House, to the Committee on Coinage, Weights, and Measures. I raise that question now. It properly belongs to coinage.

The SPEAKER *pro tempore*. The Chair is informed that the Speaker sent a similar bill to the Committee on Banking and Currency. The present occupant of the Chair is of opinion, on examination, that this bill, owing to the provision which amends the coinage act, should go to the Committee on Coinage, and it will be so referred.

Mr. BLAND. I was not aware that any bill relating to the trade-dollar had been referred to the Committee on Banking and Currency. Certainly the House took jurisdiction of the subject from that committee during the last Congress.

The bill was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM PAUGH.

Mr. STORM also introduced a bill (H. R. 2070) for the relief of William Paugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES F. EILBER.

Mr. STORM also introduced a bill (H. R. 2071) granting a pension to Charles F. Eilber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL T. ABBOTT.

Mr. STORM also introduced a bill (H. R. 2072) granting a pension to Rachel T. Abbott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIABILITY OF SHIP-OWNERS.

Mr. NEGLEY introduced a bill (H. R. 2073) to amend and re-enact section 4289 of the Revised Statutes relative to the liability of the owners of vessels; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

MEXICAN AND OTHER PENSIONS.

Mr. NEGLEY also introduced a bill (H. R. 2074) granting a pension to soldiers and sailors of the Mexican war and other wars therein named, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

BRANCH HOME FOR DISABLED SOLDIERS.

Mr. NEGLEY also introduced a bill (H. R. 2075) to provide for the location and erection of a branch home for disabled volunteer soldiers west of the Rocky Mountains; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPROVEMENT OF THE MONONGAHELA AND OTHER RIVERS.

Mr. NEGLEY also introduced bills for the permanent improvement of the Upper Ohio River, for the navigation of the Allegheny River near Pittsburgh, and the permanent improvement of the Monongahela River in the States of West Virginia and Pennsylvania.

The SPEAKER *pro tempore*. Under the rule these propositions will be referred through the petition-box to the appropriate committees.

Mr. NEGLEY. A bill providing for the permanent improvement of the Monongahela River is now under the control of Congress. A bill of a similar purport has already been presented to-day by my colleague from Pennsylvania [Mr. BAYNE].

The SPEAKER *pro tempore*. That bill was for the purchase of certain works owned by a corporation on the river.

Mr. NEGLEY. That is contemplated also.

The SPEAKER *pro tempore*. Bills for the improvement of the navigable waters of the United States are, under the rules of the House, to be referred through the petition-box, and the Clerk will read clause 5 of Rule XXI, relating to the subject.

The Clerk read as follows:

All bills for the improvement of rivers and harbors, and for the establishment or change of post-routes, shall be delivered to the Clerk, as in the case of petitions and memorials, for reference to appropriate committees.

The SPEAKER *pro tempore*. The propositions submitted by the gentleman from Pennsylvania will therefore be referred through the petition-box to the Committee on Rivers and Harbors.

UNITED STATES MERCHANT MARINE.

Mr. NEGLEY also introduced a bill (H. R. 2076) for the relief of the merchant marine of the United States engaged in the foreign trade; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

MANUFACTURE OF STEEL FOR HEAVY ORDNANCE, ETC.

Mr. NEGLEY also introduced a bill (H. R. 2077) to authorize the manufacture of steel suitable for heavy ordnance, armor, and other army and naval purposes, with the necessary equipment adapted to the present improvement in modern warfare; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICES OF PRESIDENT AND VICE-PRESIDENT.

Mr. RANDALL introduced a bill (H. R. 2078) in relation to the man-

ner of filling vacancies in the offices of President and Vice-President; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

CLAIMS AGAINST THE UNITED STATES.

Mr. RANDALL also introduced a bill (H. R. 2079) limiting the time within which claims against the United States may be filed and prosecuted; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY MORTIMER SEMMES.

Mr. RANDALL also introduced a bill (H. R. 2080) granting a pension to Mary Mortimer Semmes, widow of Commodore Alexander A. Semmes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPRESENTATIVES OF PETER LYLE.

Mr. RANDALL also introduced a bill (H. R. 2081) for the relief of the legal representatives of Peter Lyle, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRADE-DOLLARS.

Mr. RANDALL also introduced a bill (H. R. 2082) to provide for the exchange of trade-dollars for standard silver dollars and other silver coin of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NATIONAL PHARMACOPŒIA.

Mr. RANDALL also introduced a bill (H. R. 2083) to prepare and publish a national pharmacopœia for the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN W. DAVIDSON.

Mr. RANDALL also introduced a bill (H. R. 2084) granting a pension to John W. Davidson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VETO OF APPROPRIATION ITEMS.

Mr. RANDALL also introduced a joint resolution (H. Res. 56) proposing an amendment to the Constitution of the United States authorizing the President to veto any item or items of an appropriation bill while approving of the other portion of the bill; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADDITION TO REPORT ON WAGES.

Mr. RANDALL also introduced a joint resolution (H. Res. 57) to print an addition to a report on wages ordered printed January 17, 1884; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PRINTING OF NAVAL REPORT.

Mr. RANDALL also introduced a joint resolution (H. Res. 58) authorizing the printing of a naval report; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TESTS OF BUILDING MATERIALS.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 2085) authorizing the President to appoint a commission of experts skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduce useful rules therefrom; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

FRANCIS M. BELL.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2086) for the relief of Francis M. Bell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TERRENCE DELOZIER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2087) for the relief of Terrence Delozier; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW SHOENFELT.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2088) for the relief of Andrew Shoenfelt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN RICHARDS.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2089) for the relief of John Richards; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB D. TETWILER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2090) granting a pension to Jacob D. Tetwiler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM HOWARD.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2091) granting a pension to Abraham Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH W. BUNKER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2092) to increase the pension of Isaiah W. Bunker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM J. GRIER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2093) granting a pension to Adam J. Grier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. WEIMER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2094) granting a pension to William R. Weimer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH EVERHART.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2095) granting an increase of pension to Elizabeth Everhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FLICK.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2096) granting a pension to William Flick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRISON DINGES.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2097) granting a pension to Harrison Dinges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. TUCKER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2098) granting a pension to B. F. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA GUMP.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2099) granting a pension to Sophia Gump; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY M. STIFFLER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2100) granting a pension to Henry M. Stiffler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTENIA SNYDER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2101) for the relief of Christenia Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE KNOPSNYDER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2102) granting a pension to George Knopsnyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ELLENBERGER.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2103) granting a pension to John Ellenberger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT L. BURKET.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 2104) granting a pension to Albert L. Burket; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GEBLER.

Mr. HARMER introduced a bill (H. R. 2105) granting a pension to William Gebler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASSISTANT NAVAL CONSTRUCTORS.

Mr. HARMER also introduced a bill (H. R. 2106) regulating the appointment of assistant naval constructors; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RIGHT OF WAY THROUGH ARSENAL GROUNDS, BRIDESBURG, PA.

Mr. HARMER also introduced a bill (H. R. 2107) granting the right of way for railroad purposes through the United States arsenal grounds at Bridesburg, Pa., to connect the manufacturing establishments of Bridesburg with the Philadelphia and Trenton Railroad; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS M'BRIDE.

Mr. HARMER also introduced a bill (H. R. 2108) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. HARMER also introduced a bill (H. R. 2109) to promote the efficiency of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUFFERERS BY THE WRECK OF THE STEAMER ASHUELOT.

Mr. HARMER also introduced a bill (H. R. 2110) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY C. PARRY.

Mr. HARMER also introduced a bill (H. R. 2111) for the relief of Henry C. Parry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OFFICERS AND CREW OF THE JEANNETTE.

Mr. HARMER also introduced a bill (H. R. 2112) to reimburse the officers and crew of the United States arctic exploring steamer Jeannette for loss of baggage and personal effects; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GRATUITY TO EMPLOYÉS IN POSTAL SERVICE.

Mr. HARMER also introduced a bill (H. R. 2113) granting a gratuity to persons having served faithfully twenty-five continuous years in the postal service of the United States or who after ten years of faithful service shall become physically or mentally disabled; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN DOLAN.

Mr. EVERHART (by request) introduced a bill (H. R. 2141) granting a pension to John Dolan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINOR HEIRS OF ALFRED M. OWEN.

Mr. EVERHART also introduced a bill (H. R. 2115) granting a pension to Alfred M. Owen, Christine Q. Owen, Kathleen D. Owen, and Albert T. Owen, minor children of Alfred M. Owen, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICE OF PRESIDENT AND VICE-PRESIDENT UNITED STATES.

Mr. EVERHART also introduced a bill (H. R. 2116) to provide for a vacancy in the office of both President and Vice-President of the United States; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

ASSIGNEES OF CHARLES W. JONES.

Mr. EVERHART also introduced a bill (H. R. 2117) for the relief of the assignees of Charles W. Jones by the extension of a patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PUBLIC BUILDING, WEST CHESTER, PA.

Mr. EVERHART also introduced a bill (H. R. 2118) to provide for a public building at West Chester, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

METRIC SYSTEM OF WEIGHTS AND MEASURES.

Mr. EVERHART also introduced a bill (H. R. 2119) to establish the metric system of weights and measures in the Departments of the Government; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CATHARINE HALL.

Mr. EVERHART also introduced a bill (H. R. 2120) granting a pension to Catharine Hall; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ELIZA M'CONNELL.

Mr. EVERHART also introduced a bill (H. R. 2121) granting a pension to Eliza McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW AND HEIRS OF LIEUT. COMMANDER HENRY CLAY NIELDS.

Mr. EVERHART also introduced a bill (H. R. 2122) to increase the pension of the widow and heirs of Lieut. Commander Henry Clay Nields; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE WITT CLINTON LEWIS.

Mr. EVERHART also introduced a bill (H. R. 2123) granting a pension to De Witt Clinton Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN PENNSYLVANIA.

Mr. SCRANTON introduced a bill (H. R. 2124) amendatory of and supplementary to "An act to alter the judicial districts of Pennsylvania, and for other purposes," approved May 25, 1824, and providing an additional place for holding the several courts thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FRANCIS J. CONLAN.

Mr. SCRANTON also introduced a bill (H. R. 2125) for the relief of Francis J. Conlan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL E. BRYANT.

Mr. SCRANTON also introduced a bill (H. R. 2126) granting a pension to Samuel E. Bryant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB DUNDORE.

Mr. BOUND introduced a bill (H. R. 2127) for the relief of Jacob Dundore for the loss of a barge in the United States service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN B. REED.

Mr. BOUND also introduced a bill (H. R. 2128) for the relief of John B. Reed, late a lieutenant of the Seventh Cavalry Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ASSISTANT ENGINEER HOWARD D. POTTS.

Mr. BOUND also introduced a bill (H. R. 2129) for the relief of Assistant Engineer Howard D. Potts, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES K. SHAY.

Mr. BOUND also introduced a bill (H. R. 2130) granting a pension to James K. Shay, of Company I, Ninetieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. LONGAN.

Mr. BOUND also introduced a bill (H. R. 2131) for the relief of James D. Longan, of the regimental band of the Fifty-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH LIGHT.

Mr. BOUND also introduced a bill (H. R. 2132) granting a pension to Elizabeth Light, widow of Capt. Elias R. Light, of Lebanon, Pa.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. BOUND also introduced a joint resolution (H. Res. 59) directing the Postmaster-General to pay the salaries of certain postmasters out of the regular appropriation for compensation of postmasters; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

S. DILLINGER & SONS.

Mr. BOYLE introduced a bill (H. R. 2133) for the relief of S. Dillinger & Sons; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL L. WHITESELL.

Mr. SOWDEN introduced a bill (H. R. 2134) to increase the pension of Daniel L. Whitesell, late a sergeant of Battery C, Fifth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT ALLENTOWN, PA.

Mr. SOWDEN also introduced a bill (H. R. 2135) to authorize the purchase of a site and erection of a suitable building for a post-office and other Government offices at the city of Allentown, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT LANCASTER, PA.

Mr. HIESTAND introduced a bill (H. R. 2136) for a public building at Lancaster, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

DUTIES ON LEAF-TOBACCO.

Mr. HIESTAND also introduced a bill (H. R. 2137) regulating the duties on leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REDEMPTION OF THE TRADE-DOLLAR.

Mr. HIESTAND also introduced a bill (H. R. 2138) for the redemption of the trade-dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NATIONAL BANK OF LINCOLN.

Mr. HIESTAND also introduced a bill (H. R. 2139) authorizing the National Bank of Lincoln to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

COLUMBIA BANK, PENNSYLVANIA.

Mr. HIESTAND also introduced a bill (H. R. 2140) for the relief of the Columbia Bank, of Pennsylvania; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MULLEN.

Mr. HIESTAND also introduced a bill (H. R. 2141) for the relief of Henry Mullen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPT. THOMAS H. CARPENTER.

Mr. HIESTAND also introduced a bill (H. R. 2142) authorizing the restoration of the name of Thomas H. Carpenter, late captain Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUT. CHARLES MORROW.

Mr. OSBORNE introduced a bill (H. R. 2143) for the relief of Charles Morrow, late second lieutenant Company I, Fifty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. K. HUGHES.

Mr. OSBORNE also introduced a bill (H. R. 2144) granting a pension to C. K. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA ELDRIDGE.

Mr. OSBORNE also introduced a bill (H. R. 2145) for the relief of Rebecca Eldridge, late of Company G, First Maine Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGNES HARKNESS.

Mr. OSBORNE also introduced a bill (H. R. 2146) granting a pension to Agnes Harkness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, WILKES BARRE.

Mr. OSBORNE also introduced a bill (H. R. 2147) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Wilkes Barre, Pa.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, WILLIAMSPORT, PA.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 2148) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, and other Government offices at Williamsport, Pa., and making an additional appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRIETTA LOEB.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2149) granting a pension to Henrietta Loeb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2150) to amend the pension laws of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. WILLIAM KENDALL, DECEASED.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2151) for the relief of the legal representatives of Maj. William Kendall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL S. GRAVES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2152) granting a pension to Daniel S. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILVER CERTIFICATES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2153) regulating the coinage of silver dollars and the issuing of silver certificates thereon and upon silver bullion; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

WILLIAM D. PORTER.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2154) for the relief of William D. Porter; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BERNHARD STUEBER.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2155) to remove the charge of desertion from the military record of Bernhard Stueber, late sergeant Company F, One hundred and seventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTIN MURPHY.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2156) for the removal of the charge of desertion from the name of Martin Murphy, late a soldier in Company I, Ninety-first Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOEL SECHRIST.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2157) for the removal of the charge of desertion from the name of Joel Sechrist, late a soldier in Company B, Seventh Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER J. HILL.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2158) for the relief of Peter J. Hill; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

D. P. SIMMONS.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2159) for the relief of D. P. Simmons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. S. GRAVES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2160) for the relief of D. S. Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW J. PUTNAM.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2161) granting a pension to Andrew J. Putnam; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. WEBSTER.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2162) granting a pension to William B. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALE OF INTOXICATING LIQUORS IN THE TERRITORIES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2163) to regulate the manufacture and sale of intoxicating liquors in the Territories, with a provision to submit the same to the voters thereof for ratification; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

LINAS TOLES.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2164) for the relief of Linas Toles, a soldier in Companies L and E, Second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHINEAS GOODWIN.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 2165) for the relief of Phineas Goodwin, dependent father; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS F. ELLIS.

Mr. BROWN, of Pennsylvania, also introduced a joint resolution (H. Res. 60) granting a medal to Lieut. Louis F. Ellis for heroic conduct in joining the "forlorn hope storming party" at Port Hudson, June 15, 1863; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HIRAM PEDRICK.

Mr. BUNNELL introduced a bill (H. R. 2166) granting a pension to Hiram Pedrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORTON L. NEWBERRY.

Mr. BUNNELL also introduced a bill (H. R. 2167) for the relief of Norton L. Newberry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS HOLMES.

Mr. BUNNELL also introduced a bill (H. R. 2168) for the relief of Lewis Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LORD.

Mr. BUNNELL also introduced a bill (H. R. 2169) granting a pension to John Lord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEYMOUR F. ARNOLD.

Mr. BUNNELL also introduced a bill (H. R. 2170) to remove the charge of desertion from the record of Seymour F. Arnold; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. MARY A. TEEL.

Mr. BUNNELL also introduced a bill (H. R. 2171) for the relief of Mrs. Mary A. Teel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ESTHER A. REYNOLDS.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 2172) for the relief of Esther A. Reynolds, widow of Thomas H. Reynolds, who was a sutler in the Seventy-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. COUSINS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2173) for the relief of George W. Cousins, late private Company K, One hundred and fourth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. D. GOLDEN.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2174) for the relief of J. D. Golden, late a musician Company B, Ninth Regiment Pennsylvania Volunteers (three months); which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. W. S. HOSACK.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2175) for the relief of Dr. W. S. Hosack; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER GOBLE.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2176) for the relief of Alexander Goble; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL BLACK.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2177) for the relief of Daniel Black; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH HENDERSON.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2178) for the relief of Elizabeth Henderson, mother of James F. Henderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BARR.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2179) granting a pension to Henry Barr, father of Jacob Barr, of Company A, One hundred and third Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LENA KEBLER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2180) granting a pension to Lena Kebler, widow of John Kebler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH RICHARDS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2181) granting a pension to Joseph Richards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN DECKER.

Mr. WHITE of Pennsylvania, also introduced a bill (H. R. 2182) granting a pension to Ellen Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH BARR.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2183) granting a pension to Sarah Barr, widow of Thomas Barr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOLDIERS OF LATE WAR.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2184) for the relief of soldiers of the late war in regard to bounties; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MISSOURI VOLUNTEERS.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2185) for the relief of soldiers of Company E, First Regiment Missouri Light Artillery, late Light Battalion Mississippi Marine Brigade; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOLDIERS OF THE WAR OF 1861.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 2186) for the relief of soldiers of the war of 1861 and their dependent relatives; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL A. SANDERSON.

Mr. ATKINSON introduced a bill (H. R. 2187) for the relief of Samuel A. Sanderson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PREFERENCE FOR SOLDIERS AND SAILORS.

Mr. ATKINSON also introduced a bill (H. R. 2188) to revise section 1754 of the Revised Statutes relative to the employment of persons discharged from the military or naval service; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

JESSE MEADATH.

Mr. ATKINSON also introduced a bill (H. R. 2189) granting a pension to Jesse Meadath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. ATKINSON also introduced a bill (H. R. 2190) granting a pension to the soldiers and sailors of the Mexican war, soldiers and sailors who served in the United States Army and Navy during the war of the rebellion, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE N. ARNOLD.

Mr. ATKINSON also introduced a bill (H. R. 2191) granting a pension to George N. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS WETZLER.

Mr. ATKINSON also introduced a bill (H. R. 2192) granting a pension to Cornelius Wetzler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIA M. GREEN.

Mr. ATKINSON also introduced a bill (H. R. 2193) granting a pension to Amelia M. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

YOUNG MEN'S CHRISTIAN ASSOCIATION, DISTRICT OF COLUMBIA.

Mr. ATKINSON also introduced a bill (H. R. 2194) to exempt the property of the Young Men's Christian Association of Washington, District of Columbia, from taxation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHRISTOPHER SCHAEFNOCKER.

Mr. JACKSON introduced a bill (H. R. 2195) for the relief of Christopher Schaefnocker; which was read a first and second time, referred to the Committe on War Claims, and ordered to be printed.

SARAH A. GETTIS.

Mr. JACKSON also introduced a bill (H. R. 2196) granting a pension to Sarah A. Gettis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FIDELIA A. CHENEY.

Mr. JACKSON also introduced a bill (H. R. 2197) granting a pension to Fidelia A. Cheney; which was read a first and second time, referred to the Committee on Invalid Pensions, an ordered to be printed.

R. AND M. SPENCE.

Mr. JACKSON also introduced a bill (H. R. 2198) for the relief of

Rebecca and Matilda Spence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY THORN.

Mr. JACKSON also introduced a bill (H. R. 2199) granting a pension to Mary Thorn, mother of Surgeon James S. Thorn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GILLMORE.

Mr. JACKSON also introduced a bill (H. R. 2200) granting a pension to William Gillmore, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE H. RIDER.

Mr. JACKSON also introduced a bill (H. R. 2201) granting a pension to George H. Rider; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. STEWART.

Mr. FLEEGER introduced a bill (H. R. 2202) granting arrears of pension to Samuel B. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZACHARIAH H. CONN.

Mr. FLEEGER also introduced a bill (H. R. 2203) granting an increase of pension to Zachariah H. Conn, which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. WICK.

Mr. FLEEGER also introduced a bill (H. R. 2204) granting a pension to John T. Wick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATTERSON T. CAMPBELL.

Mr. FLEEGER also introduced a bill (H. R. 2205) authorizing the payment of bounty to Patterson T. Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF MATTHEW METTLER.

Mr. FLEEGER also introduced a bill (H. R. 2206) for the relief of the heirs of Matthew Mettler, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZA J. RAY.

Mr. FLEEGER also introduced a bill (H. R. 2207) for the relief of Eliza J. Ray; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BOXES DEPOSITED IN TREASURY BY SECRETARY OF WAR.

Mr. DIBBLE introduced a bill (H. R. 2208) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REVENUE CUTTER FOR CHARLESTON, S. C.

Mr. DIBBLE also introduced a bill (H. R. 2209) for the construction of a revenue-cutter to be stationed at Charleston, S. C., and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DIBBLE also introduced a bill (H. R. 2210) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by the failure of said company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAXATION OF NOTES OF STATE BANKS.

Mr. DIBBLE also introduced a bill (H. R. 2211) to repeal all acts and parts of acts discriminating in taxation against the circulating notes of State banks and State banking associations; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

BOARD OF FIELD OFFICERS FOURTH BRIGADE, SOUTH CAROLINA VOLUNTEERS.

Mr. DIBBLE also introduced a bill (H. R. 2212) for the relief of the board of field officers of the Fourth Brigade of South Carolina Volunteer State troops; which was read a first and second time, and referred to the Committee on Military Affairs, and ordered to be printed.

RENT FOR THE CITADEL ACADEMY, SOUTH CAROLINA.

Mr. DIBBLE also introduced a bill (H. R. 2213) providing for the payment to the State of South Carolina of rent for the Citadel Academy, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF THOMAS BLACK.

Mr. DIBBLE also introduced a bill (H. R. 2214) for the relief of the heirs of Thomas Black; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER F. SPARKMAN.

Mr. DIBBLE also introduced a bill (H. R. 2215) granting a pension to Peter F. Sparkman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT ADGER.

Mr. DIBBLE also introduced a bill (H. R. 2216) to empower Robert Adger to bring suit in the Court of Claims for rent alleged to be due him; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MITCHELL KING.

Mr. DIBBLE also introduced a bill (H. R. 2217) to empower Mitchell King, executor, to bring suit in the Court of Claims for rent alleged to be due him; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES MARSH.

Mr. DIBBLE also introduced a bill (H. R. 2218) referring the claim of James Marsh to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM R. HERRON.

Mr. DIBBLE also introduced a bill (H. R. 2219) for the relief of William R. Herron; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. W. CLAUSSEN.

Mr. DIBBLE also introduced a bill (H. R. 2220) authorizing the Court of Claims to grant a rehearing in the case of F. W. Claussen *vs.* The United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE W. WILLIAMS.

Mr. DIBBLE also introduced a bill (H. R. 2221) for the relief of George W. Williams and other persons therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH WATTS.

Mr. DIBBLE also introduced a bill (H. R. 2222) for the relief of Sarah Watts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. LOUISA H. HASELL.

Mr. DIBBLE also introduced a bill (H. R. 2223) for the relief of Mrs. Louisa H. Hasell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTUS FITCH, M. D.

Mr. DIBBLE also introduced a bill (H. R. 2224) for the relief of Augustus Fitch, M. D.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF GEORGE JACOB HUTHMACHER.

Mr. DIBBLE also introduced a bill (H. R. 2225) for the relief of the heirs of George Jacob Huthmacher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY O'CONNOR.

Mr. DIBBLE also introduced a bill (H. R. 2226) for the relief of Mary O'Connor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF BOSTON FOWLER.

Mr. DIBBLE also introduced a bill (H. R. 2227) for the relief of the heirs of Boston Fowler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. READ.

Mr. DIBBLE also introduced a bill (H. R. 2228) for the relief of John R. Read; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RUDOLPH LOBSIGER.

Mr. DIBBLE also introduced a bill (H. R. 2229) for the relief of Rudolph Lobsiger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF ROBERT S. CHISOLM.

Mr. DIBBLE also introduced a bill (H. R. 2230) for the relief of the heirs of Robert S. Chisolm; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN H. BRUNING.

Mr. DIBBLE also introduced a bill (H. R. 2231) for the relief of John H. Bruning; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. DIBBLE also introduced a bill (H. R. 2232) for the relief of John

H. Bruning, assignee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF HAMILTON SLAWSON, JR.

Mr. DIBBLE also introduced a bill (H. R. 2233) for the relief of the heirs of Hamilton Slawson, jr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT D. WHITE.

Mr. DIBBLE also introduced a bill (H. R. 2234) for the relief of Robert D. White; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SILVERWARE IN THE TREASURY.

Mr. DIBBLE also introduced a bill (H. R. 2235) to restore certain articles of silverware in the Treasury to the owners thereof; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONGRESSIONAL CEMETERY.

Mr. DIBBLE (by request) also introduced a bill (H. R. 2236) granting parts of certain streets in Washington city to the vestry of Washington parish for the use of the Congressional Cemetery; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FRANK P. MURPHY.

Mr. DIBBLE (by request) also introduced a bill (H. R. 2237) for the relief of Frank P. Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SECOND VICE-PRESIDENT OF THE UNITED STATES.

Mr. DIBBLE also introduced a joint resolution (H. Res. 61) proposing an amendment to the Constitution of the United States, creating and defining the office of Second Vice-President of the United States; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

WAR CLAIMS, 1812.

Mr. HEMPHILL introduced a bill (H. R. 2238) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RESTORATION OF CERTAIN PROPERTY.

Mr. HEMPHILL also introduced a bill (H. R. 2239) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. A. THOMAS.

Mr. HEMPHILL also introduced a bill (H. R. 2240) restoring to the pension-roll the name of J. A. Thomas, of South Carolina; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ZACHARIAH CANTEY AND S. AMELIA CANTEY, HIS WIFE.

Mr. HEMPHILL also introduced a bill (H. R. 2241) to restore certain articles of silverware to Zachariah Cantey and S. Amelia Cantey, his wife; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

K. G. BILLINGS.

Mr. HEMPHILL also introduced a bill (H. R. 2242) restoring to the pension-roll the name of K. G. Billings, of South Carolina; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING AT GREENVILLE, S. C.

Mr. PERRY introduced a bill (H. R. 2243) for the erection of a public building at Greenville, S. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF RICHARD FITZPATRICK, DECEASED.

Mr. PERRY also introduced a bill (H. R. 2244) for the relief of L. M. English, administrator of the estate of Richard Fitzpatrick, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LACON R. TILLMAN.

Mr. PERRY also introduced a bill (H. R. 2245) for the relief of Lacon R. Tillman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SOUTH CAROLINA JUDICIAL DISTRICTS.

Mr. PERRY also introduced a bill (H. R. 2246) to amend sections 546, 552, 572, 767, and 776 of the Revised Statutes of the United States in so far as said sections relate to the State of South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THEODORE DEHON.

Mr. PERRY also introduced a bill (H. R. 2247) for the relief of Theodore Dehon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAGISTRATES FOR THE DISTRICT OF COLUMBIA.

Mr. TILLMAN introduced a bill (H. R. 2248) to provide for eight magistrates for the District of Columbia, who shall have civil and criminal jurisdiction as herein provided; to define the jurisdiction, powers, and functions of said magistrates, and to abolish the police court and office of justice of the peace in and for said District, &c.; which was read a first and second time, referred to the Committeee on the District of Columbia, and ordered to be printed.

POSTAL SAVINGS DEPOSITORY.

Mr. TILLMAN also introduced a bill (H. R. 2249) to establish a postal savings depository as a branch of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LANDS SOLD FOR DIRECT TAXES.

Mr. TILLMAN also introduced a bill (H. R. 2250) for the relief of sufferers and purchasers of lands sold for direct taxes in insurrectionary States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNLIMITED COINAGE OF SILVER DOLLAR.

Mr. TILLMAN also introduced a bill (H. R. 2251) to provide for the free and unlimited coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

SCHOOL FARM LANDS.

Mr. TILLMAN also introduced a joint resolution (H. Res. 62) to provide for the redemption and sale of school farm lands in South Carolina; which was read a first and second time.

Mr. TILLMAN. Let the bill be referred to the Committee on War Claims.

The SPEAKER. The question is whether it should go to the Committee on Public Lands or the Committee on Education.

Mr. TILLMAN. I have marked it on the back to be referred to the Committee on War Claims. It properly belongs to the Committee on War Claims.

The SPEAKER. It does not seem to involve the adjudication or payment of any claim arising out of the war. It appears to be a bill to permit the redemption of certain school lands in South Carolina.

Mr. TILLMAN. Occurring out of the direct taxes. It originated in that way.

The joint resolution was referred to the Committee on War Claims, and ordered to be printed.

FARM LANDS, BEAUFORT COUNTY, SOUTH CAROLINA.

Mr. SMALLS introduced a bill (H. R. 2252) to provide for the redemption and sale of the school farm lands now held in Beaufort County, South Carolina, by the United States; which was read a first and second time.

Mr. SMALLS. I move the bill be referred to the Committee on Education. This land was set apart for school purposes.

The SPEAKER. The Chair supposes it to be a bill similar in nature to the one just referred by the gentleman's colleague to the Committee on War Claims.

Mr. SMALLS. I do not know how that may be. These lands were set apart expressly for the purpose of education. I ask by unanimous consent it be referred to the Committee on Education.

The SPEAKER. Does it have any connection with the taxes imposed on the States during the war?

Mr. SMALLS. Only in this way: Under the operation of that law these lands were set apart for school purposes, and this bill provides for their disposition. It is strictly a school matter, and everybody is in favor of making this disposition of these lands.

The bill was referred to the Committee on Education, and ordered to be printed.

PUBLIC BUILDING, BEAUFORT, S. C.

Mr. SMALLS also introduced a bill (H. R. 2253) for the erection of a public building at Beaufort, S. C., for the use of a post-office, custom-house, and other Government offices; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JANE M. LANGLEY.

Mr. SMALLS also introduced a bill (H. R. 2254) for the relief of Jane M. Langley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEAUFORT MOUNTED GUARDS.

Mr. SMALLS also introduced a bill (H. R. 2255) for the relief of the Beaufort Mounted Guards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY AND RETIREMENT OF MATES IN THE NAVY.

Mr. BALLENTINE introduced a bill (H. R. 2256) relating to the pay and retirement of mates in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL APPROPRIATIONS, 1883.

Mr. BALLENTINE also introduced a bill (H. R. 2257) limiting a portion of an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1883, and for other purposes;" which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WRECK OF THE TALLAPOOSA.

Mr. BALLENTINE also introduced a bill (H. R. 2258) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY M'GRAW.

Mr. BALLENTINE also introduced a bill (H. R. 2259) for the relief of Mary McGraw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed:

ARREARS OF PENSION.

Mr. BALLENTINE also introduced a bill (H. R. 2260) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-roll and by act of Congress subsequently restored; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID DICKSON AND OTHERS.

Mr. BALLENTINE also introduced a bill (H. R. 2261) for the relief of David Dickson and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EGBERT THOMPSON.

Mr. BALLENTINE also introduced a bill (H. R. 2262) for the relief of the legal representatives of Egbert Thompson, deceased; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BASIL MORELAND.

Mr. BALLENTINE (by request) also introduced a bill (H. R. 2263) for the relief of Basil Moreland; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES MILLINGER.

Mr. BALLENTINE also introduced a bill (H. R. 2264) for the relief of James Millinger; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

WILLIAM M. MAYNADIER.

Mr. BALLENTINE also introduced a bill (H. R. 2265) for the relief of Maj. William M. Maynadier; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ELIZA E. HEBERT.

Mr. BALLENTINE also introduced a bill (H. R. 2266) for the relief of Mrs. Eliza E. Hebert, widow of Jules J. Hebert, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. CROOK.

Mr. BALLENTINE also introduced a bill (H. R. 2267) for the relief of William H. Crook; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. PETTIBONE introduced a bill (H. R. 2268) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and an act supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JURORS UNITED STATES COURTS.

Mr. PETTIBONE also introduced a bill (H. R. 2269) prescribing the method of drawing jurors in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SAMUEL P. EVANS.

Mr. PETTIBONE also introduced a bill (H. R. 2270) for the relief of Samuel P. Evans; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS FANE.

Mr. PETTIBONE also introduced a bill (H. R. 2271) for the relief of Thomas Fane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

M'HENRY BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 2272) for the relief of McHenry Bray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID F. MANLY.

Mr. PETTIBONE also introduced a bill (H. R. 2273) for the relief of David F. Manly; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COL. S. K. N. PATTON.

Mr. PETTIBONE also introduced a bill (H. R. 2274) for the relief of Col. S. K. N. Patton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. H. PAINTER.

Mr. PETTIBONE also introduced a bill (H. R. 2275) for the relief of J. H. Painter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MADISON TRENT.

Mr. PETTIBONE also introduced a bill (H. R. 2276) for the relief of Madison Trent; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES O'BRIEN.

Mr. PETTIBONE also introduced a bill (H. R. 2277) for the relief of James O'Brien; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. HENRY.

Mr. PETTIBONE also introduced a bill (H. R. 2278) for the relief of William M. Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH TIPTON.

Mr. PETTIBONE also introduced a bill (H. R. 2279) granting a pension to Elizabeth Tipton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH B. HALE.

Mr. PETTIBONE also introduced a bill (H. R. 2280) granting a pension to Jeremiah B. Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLEVLIN C. CREECH.

Mr. PETTIBONE also introduced a bill (H. R. 2281) granting a pension to Clevlin C. Creech; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. SHULTZ.

Mr. PETTIBONE also introduced a bill (H. R. 2282) for the relief of John R. Shultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS PEMBERTON.

Mr. PETTIBONE also introduced a bill (H. R. 2283) for the relief of Thomas Pemberton, late of Company D, Fourth Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS F. SELF.

Mr. PETTIBONE also introduced a bill (H. R. 2284) for the relief of Lewis F. Self; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES WHITE AND OTHERS.

Mr. PETTIBONE also introduced a bill (H. R. 2285) for the relief of James White and the legal representatives of William White, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS W. HUMES.

Mr. PETTIBONE also introduced a bill (H. R. 2286) for the relief of Thomas W. Humes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELNATHAN MEADE.

Mr. PETTIBONE also introduced a bill (H. R. 2287) granting a pension to Elnathan Meade; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW BURGESS AND OTHERS.

Mr. PETTIBONE also introduced a bill (H. R. 2288) for the relief of Andrew Burgess, John Hall, and William T. Roundtree, of the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TAX ON TOBACCO.

Mr. GLASS introduced a bill (H. R. 2289) to enable tobacco-planters

to sell tobacco raised by them free from any internal revenue-tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

OFFICIAL RECORDS OF THE WAR.

Mr. GLASS (by request) also introduced a bill (H. R. 2290) to provide for the publication of additional copies of the Official Records of the War of the Rebellion; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

REFUND OF COTTON TAX.

Mr. GLASS also introduced a bill (H. R. 2291) to refund to producers the taxes collected by the United States on raw cotton in the years 1863 to 1868 inclusive, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. HENRY.

Mr. GLASS also introduced a bill (H. R. 2292) for the relief of William M. Henry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROMOTION OF AGRICULTURE.

Mr. GLASS also introduced a bill (H. R. 2293) to promote agriculture, and for other purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

LOTTERY TICKETS IN THE DISTRICT.

Mr. GLASS (by request) also introduced a bill (H. R. 2294) to punish the selling and advertising of lottery tickets in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

REGISTERED LETTERS.

Mr. GLASS (by request) also introduced a bill (H. R. 2295) to amend sections 3929 and 4041 of the Revised Statutes, authorizing the Postmaster-General to prohibit the delivery of registered letters and providing for the return of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LOTTERY ADVERTISEMENTS.

Mr. GLASS (by request) also introduced a bill (H. R. 2296) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

R. H. CRIDER.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 2297) for the relief of R. H. Crider, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. J. BARNES.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2298) to reimburse W. J. Barnes for revenue illegally assessed and collected; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVIVING CHILDREN OF HERBERT H. DODD.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2299) to pay the surviving children of Herbert H. Dodd the amount due their mother, his widow, at the time of her death; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SIMPSON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2300) for the relief of William Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ARNOLD.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2301) for the relief of James Arnold, of Benton County, Tennessee, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

M. V. B. VALENTINE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2302) for the relief of M. V. B. Valentine; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SILAS A. BROOKS.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2303) for the relief of Silas A. Brooks, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID L. LITTLE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2304) for the relief of David L. Little; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. MARTIN AND OTHERS.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2305) for the relief of J. C. Martin, Mary E. Brice, Lelia A. Martin, and Florence A. Martin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM JOHNSON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2306) for the relief of Hiram Johnson and others; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISSUE OF WARRANTS FOR ARREST.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2307) restricting the authority of United States commissioners in issuing warrants for arrests; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JESSE A. BROWN, OR R. P. COLE, ASSIGNEE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2308) for the relief of Jesse A. Brown, or of R. P. Cole, assignee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE TENNESSEE RIVER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2309) to give the assent of Congress to the construction of a bridge by the Nashville, Jackson and Memphis Railroad Company over the Tennessee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAIAH SWEAT.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2310) for the relief of Isaiah Sweat; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. GUTHRIE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2311) for the relief of James B. Guthrie, late postmaster at Paris, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAAC M. JOHNSON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2312) granting a pension to Isaac M. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICAJAH JAYNER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2313) to pay the legal representatives of Micajah Jayner, deceased, a pension; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRANCES M. KIRBY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2314) for the relief of Frances M. Kirby, and to amend military record; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

W. C. DILLAHUNTY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2315) to pay W. C. Dillahunty for cotton seized by the United States authorities in 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. SARAH G. BENNETT.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2316) granting a pension to Mrs. Sarah G. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET A. M'GARY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 2317) for the relief of Margaret A. McGary, former widow of John W. Roach, deceased, late of Company K, Seventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIGNAL SERVICE.

Mr. CALDWELL introduced a bill (H. R. 2318) for the relief of the farmers of the United States, by extending to them the benefits of the Signal Service; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AID TO COMMON SCHOOLS.

Mr. CALDWELL also introduced a bill (H. R. 2319) to appropriate and set apart the proceeds of the sales of the public lands annually to the aid of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

NASHVILLE, TENN.

Mr. CALDWELL also introduced a bill (H. R. 2320) to add Nashville, Tenn., to the list of "reserved cities" mentioned in sections 5191 and

5192 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

UNITED STATES COURT AT CLARKSVILLE, TENN.

Mr. CALDWELL also introduced a bill (H. R. 2321) to establish a district and circuit court at Clarksville, Tenn.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM A. AND ADELICIA CHEATHAM.

Mr. CALDWELL also introduced a bill (H. R. 2322) for the relief of William A. and Adelicia Cheatham, for money illegally assessed and paid the Government under protest; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRUSTEES OF STEWART COLLEGE, TENNESSEE.

Mr. CALDWELL also introduced a bill (H. R. 2323) for the relief of the trustees of Stewart College, Montgomery County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ANN B. ARMSTRONG.

Mr. CALDWELL also introduced a bill (H. R. 2324) for the relief of Mrs. Ann B. Armstrong; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL B. SEAT.

Mr. CALDWELL also introduced a bill (H. R. 2325) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

A. H. BUCHANAN.

Mr. CALDWELL also introduced a bill (H. R. 2326) for the relief of A. H. Buchanan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH RYMARKIEWISCZ.

Mr. CALDWELL also introduced a bill (H. R. 2327) for the relief of Joseph Rymarkiewiscz; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. W. AND MINNA H. GLASSIE AND JOSEPH C. NASH.

Mr. CALDWELL also introduced a bill (H. R. 2328) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUNCAN MARR.

Mr. CALDWELL also introduced a bill (H. R. 2329) for the relief of Duncan Marr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CUMMINGS, DOYLE & CO. AND DOYLE & CO.

Mr. CALDWELL also introduced a bill (H. R. 2330) for the relief of Cummings, Doyle & Co. and Doyle & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA A. STEVENS.

Mr. CALDWELL also introduced a bill (H. R. 2331) for the relief of Martha A. Stevens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. GORDON.

Mr. CALDWELL also introduced a bill (H. R. 2332) for the relief of William H. Gordon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS CHADWELL.

Mr. CALDWELL also introduced a bill (H. R. 2333) for the relief of Thomas Chadwell, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. B. TAYLOR.

Mr. CALDWELL also introduced a bill (H. R. 2334) for the relief of B. B. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK SMITH.

Mr. CALDWELL also introduced a bill (H. R. 2335) for the relief of Frederick Smith, to pay back $390 erroneously collected from him by the Government; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. EASTWOOD'S ESTATE.

Mr. CALDWELL also introduced a bill (H. R. 2336) for the relief of James W. Eastwood's estate, of Warren County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. TWIDWELL.

Mr. CALDWELL also introduced a bill (H. R. 2337) for the relief of George W. Twidwell, of Smith County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. E. G. C. ABBOTT.

Mr. CALDWELL also introduced a bill (H. R. 2338) for the relief of Mrs. E. G. C. Abbott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF H. S. FRENCH.

Mr. CALDWELL (by request) also introduced a bill (H. R. 2339) for the relief of the estate of H. S. French, of Nashville, by authorizing suit in Court of Claims for the recovery of the net proceeds of 230 bales of cotton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M'MINNVILLE AND MANCHESTER RAILROAD COMPANY.

Mr. RICHARDSON introduced a bill (H. R. 2340) directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVIVORS OF THE MEXICAN AND INDIAN WARS.

Mr. RICHARDSON also introduced a bill (H. R. 2341) granting pensions to the survivors of the Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. NANCY J. THOMAS.

Mr. RICHARDSON also introduced a bill (H. R. 2342) granting a pension to Mrs. Nancy J. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND COOPER.

Mr. RICHARDSON also introduced a bill (H. R. 2343) for the relief of Edmund Cooper; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. LEAGUE.

Mr. RICHARDSON also introduced a bill (H. R. 2344) for the relief of William T. League; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. B. TAYLOR.

Mr. RICHARDSON also introduced a bill (H. R. 2345) for the relief of B. B. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STREET ACROSS UNITED STATES GROUNDS AT CHATTANOOGA, TENN.

Mr. NEAL introduced a bill (H. R. 2346) to grant for the use of the public a street across the United States grounds at Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, CHATTANOOGA, TENN.

Mr. NEAL also introduced a bill (H. R. 2347) to amend chapter 147 of the acts of the Forty-eighth Congress, it being an act for the erection of a public building at Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM CLIFT.

Mr. NEAL also introduced a bill (H. R. 2348) for the relief of William Clift; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN PRICE.

Mr. NEAL also introduced a bill (H. R. 2349) to restore John Price to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LUTHER M. BLACKMAN.

Mr. NEAL also introduced a bill (H. R. 2350) for the relief of Luther M. Blackman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. C. TREWHITT.

Mr. NEAL also introduced a bill (H. R. 2351) for the relief of D. C. Trewhitt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILSON PURDOM, DECEASED.

Mr. NEAL also introduced a bill (H. R. 2352) for the relief of the heirs of Wilson Purdom, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. M'GHEE.

Mr. NEAL also introduced a bill (H. R. 2353) for the relief of John B. McGhee, administrator of Ann E. McGhee, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT P. CROWDER.

Mr. NEAL also introduced a bill (H. R. 2354) to place Robert P. Crowder on the muster-roll as assistant surgeon of the Third Tennessee Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHŒBE BAIN.

Mr. NEAL also introduced a bill (H. R. 2355) to pay Phœbe Bain, widow of William Bain, a pensioner, for services in the war of 1812, the pension due him from February 9, 1871, to his death; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HARTFORD MATHERLY.

Mr. NEAL also introduced a bill (H. R. 2356) granting a pension to Hartford Matherly, late a private in Company I, Third Kentucky Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. FAULKNER AND MARY WOODLEE.

Mr. NEAL also introduced a bill (H. R. 2357) for the relief of H. H. Faulkner and Mary Woodlee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY RENFRO.

Mr. NEAL also introduced a bill (H. R. 2358) granting a pension to Mary Renfro; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEXICAN PENSIONS.

Mr. NEAL also introduced a bill (H. R. 2359) to pension soldiers, sailors, and others engaged in the war with Mexico, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. ALLISON.

Mr. NEAL also introduced a bill (H. R. 2360) to restore James M. Allison, a soldier in the war with Mexico, to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSIONS FOR INDIAN WARS.

Mr. NEAL also introduced a bill (H. R. 2361) granting pensions to soldiers engaged in any of the Indian wars prior to 1847; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GREGORY JARRATT.

Mr. ZACH. TAYLOR introduced a bill (H. R. 2362) for the relief of the estate of Gregory Jarratt, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCINDA M'GUIRE.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 2363) for the relief of Lucinda McGuire, of Memphis, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. B. BRYAN & CO.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 2364) for the relief of C. B. Bryan & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CLOCK FOR MEMPHIS CUSTOM-HOUSE.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 2365) to authorize the purchase of a clock for the custom-house at Memphis, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

H. B. WILSON.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 2366) for the relief of H. B. Wilson, administrator of the estate of William Tinder, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF INTERNAL TAXES.

Mr. HOUK introduced a bill (H. R. 2367) to repeal the internal tax laws of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. HOUK also introduced a bill (H. R. 2368) to equalize the bounties of soldiers who served in the late war for the Union; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF CERTAIN NON-COMMISSIONED OFFICERS.

Mr. HOUK also introduced a bill (H. R. 2369) for the relief of certain honorably discharged non-commissioned officers named therein; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELECTIVE FRANCHISE.

Mr. HOUK also introduced a bill (H. R. 2370) to preserve the unity of the elective franchise, and to punish bribery and other offenses against a free ballot; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. HOUK also introduced a bill (H. R. 2371) granting a pension to the soldiers and sailors of the war with Mexico and to the widows of such as are deceased; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. HOUK also introduced a bill (H. R. 2372) to amend the pension laws and to prescribe certain rules of evidence in pension cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF CERTAIN OFFICERS OF THE ARMY.

Mr. HOUK also introduced a bill (H. R. 2373) for the relief of certain officers of the Army for services actually performed during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COLLECTION OF ABANDONED PROPERTY.

Mr. HOUK also introduced a bill (H. R. 2374) to amend the act approved March 12, 1863, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds within insurrectionary districts within the United States and acts amendatory thereof, and to extend the provisions of the act of May 18, 1872;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PAY OF CERTAIN MILITARY ORGANIZATIONS.

Mr. HOUK also introduced a bill (H. R. 2375) to pay members of certain military organizations therein named; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PAYMENT OF LOYAL CLAIMANTS.

Mr. HOUK also introduced a bill (H. R. 2376) to provide for the payment of loyal claimants, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEREMIAH FRITTS.

Mr. HOUK also introduced a bill (H. R. 2377) for the relief of Jeremiah Fritts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE W. GRAHAM.

Mr. HOUK also introduced a bill (H. R. 2378) for the relief of George W. Graham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS J. PROSISE.

Mr. HOUK also introduced a bill (H. R. 2379) for the relief of Thomas J. Prosise; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH FRENCH.

Mr. HOUK also introduced a bill (H. R. 2380) restoring the name of Elizabeth French to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRUSTEES OF MOSSY CREEK COLLEGE.

Mr. HOUK also introduced a bill (H. R. 2381) for the relief of the trustees of Mossy Creek College, located at Mossy Creek, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD STERN.

Mr. HOUK also introduced a bill (H. R. 2382) for the relief of Edward Stern; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ED. WALLACE.

Mr. HOUK also introduced a bill (H. R. 2383) for the relief of Ed. Wallace; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES M'KAMEY.

Mr. HOUK also introduced a bill (H. R. 2384) for the relief of James McKamey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH C. HODGES.

Mr. HOUK also introduced a bill (H. R. 2385) for the relief of Joseph C. Hodges; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WARHAM EASLEY.

Mr. HOUK also introduced a bill (H. R. 2386) for the relief of War-

ham Easley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREEMORTON YOUNG.

Mr. HOUK also introduced a bill (H. R. 2387) granting an increase of pension to Freemorton Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'KAMEY.

Mr. HOUK also introduced a bill (H. R. 2388) for the relief of James McKamey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LITTLETON O. GOOCH.

Mr. HOUK also introduced a bill (H. R. 2389) for the relief of Littleton O. Gooch; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RELIEF OF CERTAIN CLAIMANTS.

Mr. MILLS introduced a bill (H. R. 2390) for the relief of certain persons therein named; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES 3 PER CENT. BONDS.

Mr. MILLS also introduced a bill (H. R. 2391) directing the Secretary of the Treasury to call and pay fifty millions of the 3 per cent. bonds of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM H. WHITESIDE & CO.

Mr. MILLS (by request) also introduced a bill (H. R. 2392) for the relief of William H. Whiteside & Co., of Camden, Ark., or their assignees; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HAWAIIAN TREATY.

Mr. MILLS also introduced a joint resolution (H. Res. 63) as to giving notice to terminate the convention of June 3, 1875, with his Majesty the King of the Hawaiian Islands; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING AT SAN ANTONIO, TEX.

Mr. SAYERS introduced a bill (H. R. 2393) providing for the erection of a public building at San Antonio, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

W. C. PHILLIPS.

Mr. SAYERS also introduced a bill (H. R. 2394) for the relief of William C. Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. G. C. LEE.

Mr. SAYERS also introduced a bill (H. R. 2395) to authorize J. G. C. Lee, major and quartermaster of the United States Army, to issue a duplicate check, and the Assistant Treasurer of the United States at New York to pay the same; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. W. SNYDER.

Mr. SAYERS also introduced a bill (H. R. 2396) for the relief of J. W. Snyder; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS F. PURNELL.

Mr. SAYERS also introduced a bill (H. R. 2397) for the relief of Thomas F. Purnell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SIDNEY P. GAMBIA.

Mr. SAYERS also introduced a bill (H. R. 2398) for the relief of Sidney P. Gambia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF HENRY VOLCKER.

Mr. SAYERS also introduced a bill (H. R. 2399) to confirm the title of the heirs or legal representatives of Henry Volcker, deceased, to a certain tract of land in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE W. LITTLEFIELD.

Mr. SAYERS also introduced a bill (H. R. 2400) for the relief of George W. Littlefield; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ISAAC D. JOHNSON.

Mr. WELLBORN introduced a bill (H. R. 2401) for the relief of Isaac D. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WIDOW AND HEIRS OF JOHN SHIRLEY.

Mr. WELLBORN also introduced a bill (H. R. 2402) for the relief of the widow and children of John Shirley, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. WRIGHT.

Mr. WELLBORN also introduced a bill (H. R. 2403) for the relief of William H. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ULYSSES MERCHANT.

Mr. WELLBORN also introduced a bill (H. R. 2404) for the relief of Ulysses Merchant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. WELLBORN also introduced a bill (H. R. 2405) for the relief of Ulysses Merchant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE R. SMITH.

Mr. WELLBORN also introduced a bill (H. R. 2406) for the relief of George R. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. WELLBORN also introduced a bill (H. R. 2407) to grant to the Fort Worth and Denver City Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH HAMMONS.

Mr. WELLBORN also introduced a bill (H. R. 2408) granting a pension to Joseph Hammons; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

A. B. NORTON.

Mr. WELLBORN also introduced a bill (H. R. 2409) for the relief of A. B. Norton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, DALLAS, TEX.

Mr. WELLBORN also introduced a bill (H. R. 2410) for the addition of a third story to the public building in Dallas, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ALLOTMENT OF LANDS TO INDIANS.

Mr. WELLBORN also introduced a bill (H. R. 2411) to provide for the allotment of lands in severalty to Indians on various reservations, and to extend the protection of the laws of the States and Territories over the Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PRINTING THE DIGEST.

Mr. WELLBORN also offered the following resolution; which was referred to the Committee on Printing:

Resolved, That 200 additional copies of the Digest for the present session be printed and bound for distribution to the committees and officers of the House and heads of Departments and bureaus.

INTERSTATE COMMERCE.

Mr. REAGAN introduced a bill (H. R. 2412) to regulate interstate commerce and to prevent unjust discriminations by common carriers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

REGISTER OF FOREIGN-BUILT SHIPS.

Mr. REAGAN also introduced a bill (H. R. 2413) to amend the Revised Statutes of the United States so as to allow the purchase and register of foreign-built ships by citizens of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ATLANTIC AND PACIFIC SHIP-RAILWAY COMPANY.

Mr. REAGAN also introduced a bill (H. R. 2414) to incorporate the Atlantic and Pacific Ship-railway Company, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COINAGE OF THE SILVER DOLLAR.

Mr. REAGAN also introduced a bill (H. R. 2415) to provide for the free and unlimited coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ISSUE OF SILVER CERTIFICATES.

Mr. REAGAN also introduced a bill (H. R. 2416) to provide for the issue of silver certificates on the deposit of the standard silver dollar; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

JAMES S. CLARK & CO.

Mr. REAGAN (by request) also introduced a bill (H. R. 2417) for the relief of James S. Clark & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CERTAIN SOUTHERN MAIL CONTRACTORS.

Mr. REAGAN also introduced a joint resolution (H. Res. 64) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF CONSTITUTION IN RELATION TO TAXATION.

Mr. REAGAN also introduced a joint resolution (H. Res. 65) proposing amendments to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTRODUCTION OF DISEASED CATTLE INTO NEW MEXICO.

Mr. LANHAM introduced a bill (H. R. 2418) to disapprove chapter 49 of the acts of the Legislative Assembly of the Territory of New Mexico, entitled "An act to prevent the introduction of diseased cattle into the Territory of New Mexico," approved March 19, 1884; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

DEPOSITIONS IN UNITED STATES COURTS.

Mr. LANHAM also introduced a bill (H. R. 2419) to provide for taking the depositions of witnesses in the circuit and district courts of the United States, so as to conform to the practice in the State courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT EL PASO, TEX.

Mr. LANHAM also introduced a bill (H. R. 2420) to provide for the purchase of the necessary land and erection thereon of a custom-house, post-office, and Federal court building in the city of El Paso, in the State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM BEDDO AND OTHERS.

Mr. LANHAM also introduced a bill (H. R. 2421) for the relief of William Beddo and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES MARR.

Mr. LANHAM also introduced a bill (H. R. 2422) for the relief of James Marr; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

C. L. CARTER AND OTHERS.

Mr. LANHAM also introduced a bill (H. R. 2423) for the relief of C. L. Carter, James C. Loving, Spencer Bevers, and D. J. Murphy, citizens of Texas, on account of Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CALVIN T. HAZLEWOOD.

Mr. LANHAM also introduced a bill (H. R. 2424) for the relief of Calvin T. Hazlewood; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MRS. SUSAN M. ROACH.

Mr. LANHAM also introduced a bill (H. R. 2425) for the relief of Mrs. Susan M. Roach; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OSCAR M. BROWN.

Mr. LANHAM also introduced a bill (H. R. 2426) for the relief of Oscar M. Brown; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OVERTON LOVE AND WYATT GILSCHRIST.

Mr. LANHAM (by request) also introduced a bill (H. R. 2427) for the relief of Overton Love and Wyatt Gilschrist; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

V. F. GORRISEN.

Mr. LANHAM also introduced a bill (H. R. 2428) for the relief of V. F. Gorrisen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL MURPHY.

Mr. LANHAM also introduced a bill (H. R. 2429) for the relief of Daniel Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY BURKETT.

Mr. LANHAM also introduced a bill (H. R. 2430) for the relief of Mary Burkett; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LETTING OF MAIL CONTRACTS.

Mr. JONES, of Texas, introduced a bill (H. R. 2431) to regulate the letting of mail contracts; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. JONES, of Texas, also introduced a bill (H. R. 2432) to amend section 914 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HORACE BOUGHTON.

Mr. CULBERSON introduced a bill (H. R. 2433) for the relief of Horace Boughton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PAYMENT OF NATIONAL DEBT.

Mr. CULBERSON also introduced a bill (H. R. 2434) to compel the Secretary of the Treasury to pay out the surplus or unappropriated money in the Treasury upon the matured obligations of the Government; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON also introduced a bill (H. R. 2435) to change the eastern and northern judicial districts of the State of Texas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONTRACTION OF THE CURRENCY.

Mr. CULBERSON also introduced a bill (H. R. 2436) to prevent the contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to to be printed.

NATIONAL BANKS.

Mr. CULBERSON also introduced a bill (H. R. 2437) to repeal the proviso to section 12 of an act entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," approved July 12, 1882; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RESTRICTION ON COINAGE OF SILVER DOLLAR.

Mr. CULBERSON also introduced a bill (H. R. 2438) to repeal the restriction upon the coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LIENS OF JUDGMENTS IN UNITED STATES COURTS.

Mr. CULBERSON also introduced a bill (H. R. 2439) to regulate the liens of judgments in the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REPEAL OF TENURE-OF-OFFICE LAW.

Mr. CULBERSON also introduced a bill (H. R. 2440) to repeal the tenure-of-office act; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

REMOVAL OF CAUSES, ETC.

Mr. CULBERSON also introduced a bill (H. R. 2441) to amend sections 1, 2, 3, and 10 of an act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes, approved March 3, 1875; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, JEFFERSON, TEX.

Mr. CULBERSON also introduced a bill (H. R. 2442) for the erection of a public building at Jefferson, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT TEXARKANA.

Mr. CULBERSON also introduced a bill (H. R. 2443) providing for the erection of a public building at the city of Texarkana, situate on both sides of the boundary line between the States of Arkansas and Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LIABILITIES OF BANKING ASSOCIATIONS.

Mr. MILLER introduced a bill (H. R. 2444) to amend section 5200 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

REDEMPTION OF THE CIRCULATION OF NATIONAL BANKS.

Mr. MILLER also introduced a bill (H. R. 2445) to provide for the redemption of the circulation of national banks in liquidation; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

HEIRS OF ESTHER M'MULLEN AND JAMES M'GLOIN.

Mr. MILLER also introduced a bill (H. R. 2446) for the relief of the heirs of Esther McMullen and James McGloin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD A. WEYMAN.

Mr. MILLER also introduced a bill (H. R. 2447) referring the claim of Edward A. Weyman to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRIET J. CAMPBELL.

Mr. MILLER also introduced a bill (H. R. 2448) granting a pension to Harriet J. Campbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIUS L. DEWEY.

Mr. MILLER also introduced a bill (H. R. 2449) granting a pension to Julius L. Dewey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL LIVE-STOCK HIGHWAY, ETC.

Mr. MILLER also introduced a bill (H. R. 2450) to establish a national live-stock highway and to promote commerce in live-stock between the States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

H. W. BRANCH.

Mr. MILLER also introduced a bill (H. R. 2451) to authorize payment for certain mail service rendered by H. W. Branch; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONVENTION WITH MEXICO.

Mr. STEWART, of Texas, introduced a bill (H. R. 2452) to carry into operation a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NAMING OF POST-OFFICES.

Mr. STEWART, of Texas, also introduced a bill (H. R. 2453) regulating the naming of post-offices in cities, towns, and villages of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

CONVICT LABOR.

Mr. STEWART, of Texas, also introduced a bill (H. R. 2454) to prohibit the use or employment of convict labor by or under the authority of the Government of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

HOUSTON A PORT OF ENTRY.

Mr. STEWART, of Texas, also introduced a bill (H. R. 2455) making the city of Houston, Tex., a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SIGNAL STATION, HOUSTON.

Mr. STEWART, of Texas, also introduced a bill (H. R. 2456) to establish a signal station at Houston, Tex.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, HOUSTON, TEX.

Mr. STEWART, of Texas, also introduced a bill (H. R. 2457) authorizing the construction of a public building for a post-office in the city of Houston, Tex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RETIRED-LIST FOR PRIVATES, ETC.

Mr. STEWART, of Texas (by request), also introduced a bill (H. R. 2458) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MISSOURI PACIFIC RAILROAD.

Mr. THROCKMORTON introduced a bill (H. R. 2459) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

JURISDICTION, COURT OF CLAIMS.

Mr. THROCKMORTON also introduced a bill (H. R. 2460) to extend the jurisdiction of the Court of Claims to all claims growing out of treaties between the United States and Indian tribes and the laws pertaining thereto; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PENSIONS, MEXICAN AND OTHER WARS.

Mr. THROCKMORTON also introduced a bill (H. R. 2461) granting pensions to certain soldiers and sailors of the Mexican, Florida, and the Black Hawk wars, and to certain widows of deceased soldiers and sailors of the same; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JUDICIAL DISTRICT, NORTHERN TEXAS.

Mr. THROCKMORTON also introduced a bill (H. R. 2462) to create the judicial district of Northern Texas and Indian Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

H. J. T. MOSS.

Mr. THROCKMORTON also introduced a bill (H. R. 2463) for the relief of H. J. T. Moss; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. LAURA HENTIG.

Mr. THROCKMORTON also introduced a bill (H. R. 2464) to increase the pension of Mrs. Laura Hentig; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HENRY C. DE AHNA.

Mr. THROCKMORTON (by request) also introduced a bill (H. R. 2465) for the relief of Henry C. De Ahna; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN JACKSON.

Mr. THROCKMORTON also introduced a bill (H. R. 2466) for the relief of John Jackson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Z. W. RAINS.

Mr. THROCKMORTON also introduced a bill (H. R. 2467) for the relief of Z. W. Rains; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

W. A. WESTOVER.

Mr. THROCKMORTON also introduced a bill (H. R. 2468) for the relief of W. A. Westover, which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JEROME M'ALLISTER.

Mr. THROCKMORTON also introduced a bill (H. R. 2469) for the relief of Jerome McAllister; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM MEDKIFF.

Mr. THROCKMORTON also introduced a bill (H. R. 2470) for the relief of William Medkiff; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HENRY A. WHALEY.

Mr. THROCKMORTON also introduced a bill (H. R. 2471) for the relief of Henry A. Whaley, of Clay County, Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

J. M. WAIDE.

Mr. THROCKMORTON also introduced a bill (H. R. 2472) for the relief of J. M. Waide, of Denton County, Texas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

VOLNEY V. MILAR.

Mr. THROCKMORTON also introduced a bill (H. R. 2473) for the relief of the legal representatives of Volney V. Milar; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. THROCKMORTON. Mr. Speaker, several of the bills which have been introduced by me were for the payment of Indian depredations, and should have been referred to the Committee on Indian Affairs instead of the Committee on Claims.

The SPEAKER. The Chair will state that in accordance with his interpretation of the rule those bills which propose to pay the Indian depredations out of the Indian funds have been referred to the Committee on Indian Affairs, whereas those that propose to pay for Indian depredations out of the Treasury of the United States go to the Committee on Claims.

Mr. THROCKMORTON. I understand that; but all of these would seem to go to the Committee on Indian Affairs.

The SPEAKER. They have been referred to the Committee on Indian Affairs where they related to depredations.

APPROPRIATIONS FOR RIVERS AND HARBORS.

Mr. THROCKMORTON also introduced a joint resolution (H. Res. 66) proposing an amendment to the Constitution in relation to appropria-

tions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EXAMINATION OF ARMY OFFICERS.

Mr. CRAIN introduced a bill (H. R. 2474) to provide for examination of officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT GALVESTON, TEX.

Mr. CRAIN also introduced a bill (H. R. 2475) to amend an act approved May 25, 1882, entitled "An act for the construction of a public building at Galveston, Tex.;" which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CRAIN also introduced a bill (H. R. 2476) to amend sections 2, 4, 5, and 9 of an act approved February 24, 1879, entitled "An act to create the northern judicial district of Texas and to change the eastern and western judicial districts of said State, and to fix the times and places for holding courts in said districts," as amended by act approved June 3, 1884, and to provide for holding terms of the court of the western judicial district of Texas at the city of Laredo and for holding terms of the court of the eastern judicial district of Texas at the city of Brownsville, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF G. W. BARNS.

Mr. CRAIN also introduced a bill (H. R. 2477) for the relief of the heirs of G. W. Barns; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN FRIERY.

Mr. CRAIN also introduced a bill (H. R. 2478) for the relief of John Friery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF DAVID G. BURNETT.

Mr. CRAIN also introduced a bill (H. R. 2479) for the relief of the heirs of David G. Burnett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SANTIAGO DE LEON.

Mr. CRAIN also introduced a bill (H. R. 2180) for the relief of Santiago de Leon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT BROWNSVILLE, TEX.

Mr. CRAIN also introduced a bill (H. R. 2481) to provide for the purchase of the necessary land and the erection thereon of a custom-house, post-office, and Federal court building in the city of Brownsville, in the State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REPRESENTATIVES OF CHARLES EICHLITZ.

Mr. CRAIN also introduced a bill (H. R. 2482) for the relief of the legal representatives of Charles Eichlitz, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEAMER DE SOTO.

Mr. CRAIN also introduced a bill (H. R. 2483) granting jurisdiction and authority to the Court of Claims in the case of the steamer De Soto; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. D. MORRISON.

Mr. TUCKER introduced a bill (H. R. 2484) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison; which was read a first and second time.

Mr. TUCKER. This bill has been for several sessions of Congress referred to the Committee on Ways and Means, and has been reported upon by that committee. I ask unanimous consent that it may go to that committee again.

Mr. BRAGG. What is the object of the bill?

The SPEAKER. The Clerk will read the bill.

The bill was read; and there being no objection, it was referred to the Committee on Ways and Means, and ordered to be printed.

HENRY H. SIBLEY.

Mr. TUCKER also introduced a bill (H. R. 2485) for the relief of Henry H. Sibley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

Mr. TUCKER (by request) also introduced a bill (H. R. 2486) for the relief of the Albemarle and Chesapeake Canal Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADMINISTRATION OF JUSTICE.

Mr TUCKER also introduced a bill (H. R. 2487) to increase the number of judges for the courts of the United States and prevent delay in the administration of justice in their courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. TUCKER also introduced a bill (H. R. 2488) to increase the judicial force of the United States and to prevent delays in the administration of justice in their courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COURT OF APPEALS, ETC.

Mr. TUCKER (by request) also introduced a bill (H. R. 2489) to establish a court of appeals, to provide additional circuit judges, and to make certain changes in the jurisdiction of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS, ETC.

Mr. TUCKER (by request) also introduced a bill (H. R. 2490) to amend an act of Congress of March 3, 1875, entitled "An act to determine the jurisdiction of the circuit courts of the United States and to regulate the removal of causes from State courts, and for other purposes," and to repeal sections 639 and 640 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPELLATE POWERS OF SUPREME COURT.

Mr. TUCKER also introduced a bill (H. R. 2491) to extend the appellate powers of the Supreme Court of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REGULATION OF CRIMINAL PROCEDURE.

Mr. TUCKER also introduced a bill (H. R. 2492) to regulate criminal procedure in cases of crimes punishable by loss of life or liberty; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

INTERNATIONAL COPYRIGHT.

Mr. TUCKER (by request) also introduced a bill (H. R. 2493) to establish an international copyright; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BUSINESS IN SUPREME COURT OF THE UNITED STATES.

Mr. TUCKER (by request) also introduced a bill (H. R. 2494) to facilitate the transaction of business in the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF CIRCUIT AND DISTRICT COURTS, UNITED STATES.

Mr. TUCKER also introduced a bill (H. R. 2495) to define the jurisdiction of the circuit and district courts of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LIMITATION OF TIME TO PRESENT CLAIMS AGAINST UNITED STATES.

Mr. TUCKER also introduced a bill (H. R. 2496) limiting the time for the presentation and payment of claims against the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EFFECT OF JUDGMENTS IN UNITED STATES COURTS.

Mr. TUCKER also introduced a bill (H. R. 2497) to regulate the effect of judgments and decrees of courts of the United States in the several States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ACCOUNTS WITH CERTAIN STATES AND BALTIMORE CITY.

Mr. TUCKER also introduced a bill (H. R. 2498) directing the Secretary of the Treasury to examine and settle the accounts of certain States and of the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADVANCES TO UNITED STATES BY MARYLAND AND VIRGINIA.

Mr. TUCKER also introduced a bill (H. R. 2499) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL-REVENUE TAXES ON FRUIT BRANDIES.

Mr. TUCKER also introduced a bill (H. R. 2500) to repeal all laws imposing internal-revenue taxes upon brandy and wine manufactured from fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

INTERNAL-REVENUE TAXES ON TOBACCO.

Mr. TUCKER also introduced a bill (H. R. 2501) to repeal all internal-revenue taxes upon tobacco in all forms and upon the dealers therein; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. TUCKER (by request) also introduced a bill (H. R. 2502) to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas in accordance with certain treaty stipulations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS J. PATRICK.

Mr. CABELL introduced a bill (H. R. 2503) for the relief of Thomas J. Patrick, of Danville, Va., refunding taxes improperly collected from him on manufactured tobacco; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADVANCES TO THE UNITED STATES BY MARYLAND AND VIRGINIA.

Mr. CABELL also introduced a bill (H. R. 2504) to provide for paying certain advances made to the United States by the States of Maryland and Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. CABELL also introduced a bill (H. R. 2505) to repeal the law imposing internal-revenue taxes upon tobacco and liquors distilled from fruits, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SIGNAL SERVICE.

Mr. CABELL also introduced a bill (H. R. 2506) for extending the benefits of the Signal Service to the farmers of the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

JOHN R. PACE & CO.

Mr. CABELL also introduced a bill (H. R. 2507) to refund to John R. Pace & Co., of Danville, Va., the sum of $236.20, improperly collected of them by William L. Fernald, collector of internal revenue for the fourth district of Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT HUFF.

Mr. CABELL also introduced a bill (H. R. 2508) for the relief of Robert Huff; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. CABELL also introduced a bill (H. R. 2509) to repeal the internal-revenue laws of the United States and to abolish all taxes and all offices created by them; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

NATIONAL CEMETERY, DANVILLE, VA.

Mr. CABELL also introduced a bill (H. R. 2510) to provide for grading and paving the approaches to the national cemetery at Danville, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

IMPORTATION OF LICORICE AND LICORICE PASTE.

Mr. CABELL also introduced a bill (H. R. 2511) to permit manufacturers of tobacco to import licorice and licorice paste in bond and to exempt the same from duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GREEN PENN.

Mr. CABELL also introduced a bill (H. R. 2512) for the relief of Green Penn; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMMON SCHOOLS.

Mr. CABELL also introduced a bill (H. R. 2513) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

Mr. WISE also introduced a bill (H. R. 2514) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

OFFICERS, ETC., OF SLOOP-OF-WAR CUMBERLAND.

Mr. WISE (by request) also introduced a bill (H. R. 2515) for the relief of the officers and crew of the United States sloop-of-war Cumberland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUFFERERS BY WRECK OF STEAMER ASHUELOT.

Mr. WISE also introduced a bill (H. R. 2516) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF EDWIN T. PILKENTON.

Mr. WISE also introduced a bill (H. R. 2517) for the relief of the estate of Edwin T. Pilkenton, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. WISE subsequently said: I ask unanimous consent that the reference of the bill for the relief of the estate of Edwin T. Pilkenton, deceased, be changed from the Committee on Claims to the Committee on Ways and Means, to which it was referred in the last Congress.

Mr. MILLS. I must object to the reference of any claim to the Committee on Ways and Means.

NATIONAL CEMETERY NEAR RICHMOND, VA.

Mr. WISE also introduced a bill (H. R. 2518) to construct a road from the city of Richmond to the national cemetery in the county of Henrico, in the State of Virginia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GOVERNMENT CONTRACTS.

Mr. WISE also introduced a bill (H. R. 2519) to amend and re-enact section 3709 of the Revised Statutes and to regulate the making of contracts and purchases of supplies or services for the Government; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

LAND FOR GOSPORT NAVY-YARD.

Mr. WISE also introduced a bill (H. R. 2520) authorizing and directing the Secretary of the Navy to contract for the purchase of a lot of land opposite to the Gosport navy-yard; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TOBACCO FOR THE ARMY.

Mr. WISE also introduced a bill (H. R. 2521) to regulate the method of purchasing tobacco for the use of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXPORTED TOBACCO.

Mr. WISE also introduced a bill (H. R. 2522) to authorize the establishment of export tobacco manufactories and for drawback upon imported articles used in manufacturing exported tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

COMMANDER IN THE NAVY.

Mr. WISE also introduced a bill (H. R. 2523) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DR. W. LEIGH BURTON.

Mr. WISE also introduced a bill (H. R. 2524) authorizing the Commissioner of Patents to grant an extension of letters patent upon the application of Dr. W. Leigh Burton; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HEIRS OF MARK DAVIS.

Mr. WISE (by request) also introduced a bill (H. R. 2525) for the relief of the heirs of Mark Davis, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRIZE-MONEY.

Mr. WISE (by request) also introduced a bill (H. R. 2526) to extend the provisions of section 4631, Title LVI, Prize, of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money to fleet officers; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM B. ISAACS & CO.

Mr. WISE also introduced a joint resolution (H. Res. 67) for the relief of William B. Isaacs & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

APPROPRIATION FOR PUBLIC SCHOOLS.

Mr. WISE also presented a resolution of the Legislature of the State of Virginia, instructing Senators and requesting Representatives to vote for an appropriation for the benefit of the public free-school system; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

A. M. KEILEY.

Mr. WISE also submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the President be requested, if not incompatible with the public interest, to transmit to the House of Representatives the correspondence between the Government of the United States and the Governments of Italy and Austria-Hungary in relation to the appointment by this Government of A. M. Keiley as envoy extraordinary and minister plenipotentiary, first to the Government of Italy and then to that of Austria-Hungary; also any other correspondence or information which may be deemed by the President of importance and pertinent to the subject-matter of this resolution.

COMMON SCHOOLS.

Mr. O'FERRALL introduced a bill (H. R. 2527) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

GRAVE OF GENERAL DANIEL MORGAN.

Mr. O'FERRALL also introduced a bill (H. R. 2528) to preserve the grave of General Daniel Morgan and erect a monument over the same; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

DR. A. SIDNEY TEBBS.

Mr. O'FERRALL also introduced a bill (H. R. 2529) to make Dr. A. Sidney Tebbs surgeon in the United States Marine-Hospital Service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

C. A. WORTHINGTON.

Mr. O'FERRALL also introduced a bill (H. R. 2530) for the relief of C. A. Worthington; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN SOUTHERICK.

Mr. O'FERRALL also introduced a bill (H. R. 2531) for the relief of John Southerick; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. WOODWARD.

Mr. O'FERRALL also introduced a bill (H. R. 2532) for the relief of William H. Woodward for property taken during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ST. CLAIR D. KIRTLEY AND FRANCIS W. KIRTLEY.

Mr. O'FERRALL also introduced a bill (H. R. 2533) for the relief of St. Clair D. Kirtley and Francis W. Kirtley for property taken during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. VAN HORT.

Mr. O'FERRALL also introduced a bill (H. R. 2534) granting a pension to James A. Van Hort; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN W. BRYARLY, ALIAS JOHN OR JOHN B. WILLIAMS.

Mr. O'FERRALL also introduced a bill (H. R. 2535) granting a pension to John W. Bryarly, alias John or John B. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. DAY.

Mr. O'FERRALL also introduced a bill (H. R. 2536) granting increased pension to Charles H. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. LOGAN.

Mr. O'FERRALL also introduced a bill (H. R. 2537) for the relief of William E. Logan, of Virginia, late mail contractor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. KITTY BERRY.

Mr. TRIGG introduced a bill (H. R. 2538) granting a pension to Mrs. Kitty Berry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PUBLIC BUILDING, ABINGDON, VA.

Mr. TRIGG also introduced a bill (H. R. 2539) authorizing the Secretary of the Treasury to exchange property purchased at Abingdon, Va., as site for public building for more suitable property; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY SIMON.

Mr. TRIGG also introduced a bill (H. R. 2540) for the relief of Henry Simon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PHILIP ROHR.

Mr. TRIGG also introduced a bill (H. R. 2541) for the relief of Philip Rohr; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF TAX ON TOBACCO AND FRUIT BRANDY.

Mr. TRIGG also introduced a bill (H. R. 2542) repealing the law imposing taxes upon tobacco and spirits distilled from fruit; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IRON PIER AT FORTRESS MONROE, VA.

Mr. LIBBEY introduced a bill (H. R. 2543) providing for the construction of an iron pier at Fortress Monroe, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PETER GIACCHETI.

Mr. LIBBEY also introduced a bill (H. R. 2544) for the relief of Peter Giaccheti; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL BRADFORD.

Mr. LIBBEY also introduced a bill (H. R. 2545) granting a pension to Samuel Bradford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE AT NEWPORT NEWS POINT, VIRGINIA.

Mr. LIBBEY also introduced a bill (H. R. 2546) to provide for a light-house at Newport News Point, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DAVID BOYD.

Mr. LIBBEY also introduced a bill (H. R. 2547) granting an increase of pension to David Boyd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES ROBINSON.

Mr. LIBBEY also introduced a bill (H. R. 2548) granting a pension to James Robinson; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MILTON R. MUZZY.

Mr. LIBBEY also introduced a bill (H. R. 2549) granting a pension to Milton R. Muzzy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES B. MITCHELL.

Mr. LIBBEY also introduced a bill (H. R. 2550) for the relief of James B. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M. JOHNSON.

Mr. LIBBEY also introduced a bill (H. R. 2551) for the relief of John M. Johnson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN BROWN AND OTHERS

Mr. LIBBEY also introduced a bill (H. R. 2552) for the relief of John Brown, James Payne, and A. G. Lee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANNA M. MIXSON.

Mr. LIBBEY also introduced a bill (H. R. 2553) for the relief of Anna M. Mixson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH P. AND EMILY J. TUTTLE.

Mr. LIBBEY also introduced a bill (H. R. 2554) for the relief of the heirs of the late Joseph P. and Emily J. Tuttle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES WINDSOR HICKMAN.

Mr. LIBBEY also introduced a bill (H. R. 2555) for the relief of Charles Windsor Hickman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUKE F. JOHNSON.

Mr. LIBBEY also introduced a bill (H. R. 2556) for the relief of Luke F. Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THREE MONTHS' PAY TO MEXICAN SOLDIERS.

Mr. LIBBEY also introduced a bill (H. R. 2557) explanatory of an act entitled "An act for the payment to the officers and soldiers of the Mexican war of the three months' extra pay provided by the act of July 19, 1848," and amendments thereto by act approved February 19, 1879, without any limitation or discrimination, to all concerned, officer or man or heirs thereof, which said amendment of February 19, 1879, justifies, and which was the full intention of the act to secure to each and every one thereunto entitled by virtue of said amendment; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY BROWN AND OTHERS.

Mr. LIBBEY also introduced a bill (H. R. 2558) for the relief of Nancy Brown and the heirs of William W. Brown, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SYLVIA ROBINSON.

Mr. LIBBEY also introduced a bill (H. R. 2559) for the relief of Sylvia Robinson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, FORTRESS MONROE.

Mr. LIBBEY also introduced a bill (H. R. 2560) for the erection of a public building at Fortress Monroe; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, NEWPORT NEWS.

Mr. LIBBEY also introduced a bill (H. R. 2561) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Yorktown, Va., and making an appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RECOGNITION OF MEXICAN SOLDIERS.

Mr. LIBBEY also introduced a bill (H. R. 2562) requesting the President to recognize the soldiers of the Mexican war; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

LAUNDRESSES IN THE ARMY.

Mr. LIBBEY also introduced a bill (H. R. 2563) relating to laundresses in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAY OF DISCHARGED ARMY OFFICERS.

Mr. LIBBEY also introduced a bill (H. R. 2564) allowing discharged officers of the Army one year's pay and allowances; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WRECK OF UNITED STATES STEAMER TALLAPOOSA.

Mr. LIBBEY also introduced a bill (H. R. 2565) for the relief of the survivors of the wreck of the United States steamer Tallapoosa; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. H. AND CHARLES H. ROWLAND.

Mr. LIBBEY also introduced a bill (H. R. 2566) for the relief of J. H. and Charles H. Rowland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CITIZENS OF NORTHAMPTON COUNTY, VIRGINIA.

Mr. LIBBEY also introduced a bill (H. R. 2567) for the relief of certain citizens of Northampton County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. JOSEPH AND P. J. JARAMILLO.

Mr. LIBBEY also introduced a bill (H. R. 2568) for the relief of Anthony Joseph and Pedro J. Jaramillo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MECHANICS' LIENS IN THE DISTRICT.

Mr. LIBBEY also introduced a bill (H. R. 2569) to amend the law concerning mechanics' liens in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WAGON-MASTERS.

Mr. LIBBEY also introduced a bill (H. R. 2570) providing for the retirement of wagon-masters; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REMOVAL OF DISABILITIES.

Mr. BRADY introduced a bill (H. R. 2571) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUPPORT OF COMMON SCHOOLS.

Mr. BRADY also introduced a bill (H. R. 2572) to aid in the establishment and temporary support of common schools; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

PUBLIC BUILDING AT PETERSBURG, VA.

Mr. BRADY also introduced a bill (H. R. 2573) for the improvement and enlargement of the public building at Petersburg, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INSPECTORS OF TOBACCO.

Mr. BRADY also introduced a bill (H. R. 2574) to repeal section 3151 of the Revised Statutes of the United States concerning inspectors of tobacco and cigars; which was read a first and second time.

The SPEAKER *pro tempore* (Mr. WELLBORN). The bill will be referred to the Committee on Ways and Means.

Mr. BRADY. It should be referred to the Committee on the Judiciary. The bill does not affect the revenue, but repeals the law as to the appointment of tobacco inspectors who are not paid by the Government. They are paid by fees.

The SPEAKER *pro tempore*. The Chair thinks the provisions of the bill affect the revenues of the Government. The proper reference is to the Committee on Ways and Means.

The bill was referred to the Committee on Ways and Means, and ordered to be printed.

FRUIT BRANDIES AND WINES.

Mr. BRADY also introduced a bill (H. R. 2575) to repeal all laws imposing internal-revenue taxes upon brandy and wine manufactured from fruits; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAX ON TOBACCO.

Mr. BRADY also introduced a bill (H. R. 2576) to repeal all laws imposing internal-revenue taxes upon smoking and manufactured tobacco, snuff, cigars, cheroots, and cigarettes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TAXES ON BREWERS AND DISTILLERS, ETC.

Mr. BRADY also introduced a bill (H. R. 2577) to repeal all internal-revenue laws imposing special taxes upon brewers, dealers in malt liquors, dealers in leaf and manufactured tobacco, manufacturers of tobacco and cigars, rectifiers, liquor dealers, and manufacturers of stills and worms; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

J. R. JONES.

Mr. BRADY (by request) also introduced a bill (H. R. 2578) for the relief of J. R. Jones, late postmaster at Boydton, Va.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS POTOMAC.

Mr. BARBOUR introduced a bill (H. R. 2579) to authorize the construction of a bridge across the Potomac River at the Three Sisters, near Georgetown, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PROTESTANT EPISCOPAL SEMINARY, VIRGINIA.

Mr. BARBOUR also introduced a bill (H. R. 2580) for the relief of the Trustees of the Protestant Episcopal Seminary and High School in Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF R. B. MASON.

Mr. BARBOUR also introduced a bill (H. R. 2581) to provide for payment of the outstanding claims of the heirs of Richard B. Mason, deceased, late of Virginia, against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

E. C. KITTLE AND OTHERS.

Mr. BARBOUR also introduced a bill (H. R. 2582) for the relief of E. C. Kittle and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD L. ROTCHFORD.

Mr. BARBOUR also introduced a bill (H. R. 2583) for the relief of Richard L. Rotchford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENWOOD HUNTER.

Mr. BARBOUR also introduced a bill (H. R. 2584) for the relief of Benwood Hunter; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MALITTY ROSE.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2585) for the relief of the estate of Malitty Rose; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CAPT. HORATIO NELSON.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2586) for compensation, salvage, and medal of honor to Capt. Horatio Nelson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. W. ADAMS.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2587) to refer the claim of Charles W. Adams to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD RIGGLES.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2588) granting a pension to Richard Riggles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL SAFE DEPOSIT COMPANY, WASHINGTON, D. C.

Mr. BARBOUR also introduced a bill (H. R. 2589) to amend an act entitled "An act to incorporate the National Safe Deposit Company of Washington, in the District of Columbia," approved January 22, 1869; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CLAIM AGAINST THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2590) to pay for work done and labor performed and materials furnished to the use of the District of Columbia; which was read a first and second time,

referred to the Committee on the District of Columbia, and ordered to be printed.

NORTH WASHINGTON CABLE RAILWAY COMPANY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2591) to incorporate the North Washington Cable Railway Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM H. DEERY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2592) for the relief of William H. Deery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS N. MALLOY.

Mr. BARBOUR (by request) also introduced a bill (H. R. 2593) for compensation and medal of honor to Thomas N. Malloy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The State of Wisconsin was called.

Mr. MORRISON. Mr. Speaker, it is very evident that we can not complete this order of business to-day, and, therefore, I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the vote on the question of adjournment,

Mr. OUTHWAITE, by unanimous consent, obtained leave of absence for four days, on account of important business.

Mr. CAMPBELL, of Ohio, for a like reason, obtained leave of absence for the remainder of the current week.

The motion of Mr. MORRISON was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition of citizens of Rochester, N. Y., urging the passage of the bill introduced by Mr. BAKER, January 5, 1886, to increase the amount appropriated for a public building at Rochester—to the Committee on Public Buildings and Grounds.

By Mr. BAYNE: Resolution of the councils of the city of Allegheny, Pa., in favor of a national public building in that city—to the same committee.

By Mr. BEAN: Memorial of the Legislature of Arizona, asking for the appointment of a fourth United States judge and an increase of salaries of judges—to the Committee on the Judiciary.

Also, memorial of same, in reference to certain lands in said Territory—to the Committee on the Public Lands.

Also, memorial of the same, asking protection of the border between the Territory and the States of Sonora and Chihuahua, in Mexico—to the Committee on Military Affairs.

Also, petition for an appropriation of $100,000 for improvement of Colorado River of the West—to the Committee on Rivers and Harbors.

By Mr. BELMONT: Petition of Austin Corbin, representing the American Steamship Company, asking the passage of an act authorizing the registering of the vessels of said company, under certain regulations, whether built in the United States or elsewhere—to the Committee on American Ship-building and Ship-owning Interests.

By Mr. W. W. BROWN: Memorial from the convention at Chicago of third-class postmasters, in which relief is urged—to the Committee on the Post-Office and Post-Roads.

Also, memorial from the Civil Service Reform Association of Philadelphia, praying for the passage of a law making it a misdemeanor in office for a member of Congress to solicit the appointment of any one to office—to the Committee on the Judiciary.

By Mr. BUCHANAN: Resolution of Aaron Wilkes Post, Grand Army of the Republic, of New Jersey, asking the erection of a monument at Washington to General U. S. Grant—to the Committee on the Library.

Also, resolutions of the board of agriculture of Burlington County, New Jersey, relating to contagious diseases—to the Committee on Agriculture.

Also, resolutions of the same, asking that the Commissioner of Agriculture be made a Cabinet officer—to the Committee on the Judiciary.

Also, resolutions of the same, asking an investigation into the cause of the low price of pork—to the Committee on Ways and Means.

By Mr. CATCHINGS: A bill to preserve and improve the harbor at Vicksburg, in the State of Mississippi—to the Committee on Rivers and Harbors.

By Mr. CRISP: Petition of Moses Speer, Harrold Johnson & Co., and others, citizens of Americus, Ga., asking the repeal of the act requiring the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. DAVIS: Petition of the citizens of Edgartown, for the establishment of a life-saving station at Cape Page—to the Committee on Commerce.

Also, petition for legislation against the importation of mackerel caught between December and June—to the Committee on Ways and Means.

By Mr. ERMENTROUT: Petition of Thomas Clyde, Henry Windsor, and others, owners and managers of vessels, for legislation to prevent collisions of vessels—to the Committee on Commerce.

By Mr. FORAN: Joint resolution to authorize the application of money appropriated by act of July 5, 1884, for continuing improvement of harbor at Cleveland, Ohio, to construction of an eastern arm to the breakwater—to the Committee on Rivers and Harbors.

By Mr. FORNEY: A bill making an appropriation to continue the work on the Coosa River in the States of Alabama and Georgia—to the same committee.

By Mr. GALLINGER: Petition of Charles M. Smith and 80 others, citizens of Littleton, N. H., for national aid to education—to the Committee on Education.

Also, petition of C. H. Wells, rear-admiral, and other naval officers, asking for increase of pension to Mrs. Butler, widow of Maj. George Butler, late of the United States Marine Corps—to the Committee on Invalid Pensions.

By Mr. EUSTACE GIBSON: Petition for reference of claim of John Waldron to the Court of Claims—to the Committee on War Claims.

Also, petition of citizens of West Virginia, asking for the improvement of Little Kanawha River—to the Committee on Rivers and Harbors.

By Mr. T. J. HENDERSON: Petition of Mrs. Julia A. Robinson, widow of Alfred Robinson, for relief—to the Committee on War Claims.

By Mr. HERMAN: Bills for making appropriations for the continued improvement of the Willamette and Columbia Rivers, in Oregon, below the city of Portland; for the commencement of construction of a harbor of refuge at Port Orford, on the Pacific Ocean, in Oregon; for the continued improvement of the entrance of Yaquina Bay, in the State of Oregon; for continuing the improvement of the Upper Willamette and Yam Hill Rivers, between Portland and Eugene City, in Oregon, and for construction of a snag-boat; for the continued improvement of the mouth of the Columbia River, in the State of Oregon and Territory of Washington; for the continued improvement of the Upper Columbia and Snake Rivers, in Oregon and the Territory of Washington; for continuing the present improvement at the entrance of Coos Bay, in the State of Oregon; for continuing the construction of the canal and locks at the cascades of the Columbia River, in Oregon; and for continuing the present improvement at the mouth of the Coquille River, in Oregon—to the Committee on Rivers and Harbors.

Also, memorials of the Legislature of Oregon, for the improvement of the Umpqua River and of the Columbia River at its mouth, continuing work in process of construction—to the same committee.

Also, memorial of the Oregon Legislature, asking pay for the spoliation of the Indians—to the Committee on Indian Affairs.

By Mr. HITT: Petition of L. R. Hurlbert, late postmaster at Durand, Ill., for joint resolution requiring the Postmaster-General to carry out act of March 3, 1883, adjusting claims—to Committee on the Post-Office and Post-Roads.

By Mr. HOUK: Memorials of Jacob S. Fritts; of Theodore T. Coffin; of Nancy Morris, and of Michael A. Staples, asking reference of their several claims to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. LIBBEY: Petition for the relief of Domingo Lawrence—to the Committee on Claims.

By Mr. McCOMAS: Petition of A. T. Sneuffer, administrator of Richard Thomas, Frederick County, Maryland, asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, paper relating to claim of Henry F. Newkirk, of Washington County, Maryland—to the same committee.

Also, paper relating to claim of Benjamin F. Middlekauff, administrator of Henry G. Lowman, of Washington County, Maryland—to the same committee.

By Mr. MATSON: Petition of A. D. Kelly and 89 others, ex-Union soldiers, for the passage of a bill giving a pension of $8 per month to all honorably discharged Union soldiers—to the Committee on Invalid Pensions.

By Mr. MILLS: Petition of J. W. McKee, for relief—to the Committee on the Post-Office and Post-Roads.

By Mr. NEGLEY: Petition of Matt W. Goff, late a private in Company A, Eighteenth Pennsylvania Cavalry, for a pension—to the Committee on Invalid Pensions.

Also, bills for the improvement of the Alleghany River near Pittsburgh, for the improvement of the Upper Ohio River, and for the improvement of the Monongahela River in the States of West Virginia and Pennsylvania, and maintaining the same free to the commerce of the United States—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolutions of the Grocers and Importers' Exchange of Philadelphia, urging an appropriation to maintain the United States Signal Service and to extend its usefulness—to the Committee on Military Affairs.

By Mr. RANDALL: Petition of Albert Hale, for relief—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petition of Nancy J. Thomas, of Marshall County, Tennessee, for a pension—to the Committee on Invalid Pensions.

Also, petition of Elizabeth A. Ridout, of Tennessee, for a rehearing of her claim—to the Committee on War Claims.

By Mr. ROGERS: Papers relating to the claims of Warren Drake, of Ruth C. Wallace, of William Brents, of John W. Hopkins, and of Phillip R. Jones—to the same committee.

By Mr. SNYDER: Petition of citizens of Greenbrier, Nicholas, and Fayette Counties, West Virginia, asking that an appropriation be made to improve Meadow River, in said State—to the Committee on Rivers and Harbors.

Also, petition of Isaiah Martin, of Upshur County, West Virginia, for allowance of claim—to the Committee on War Claims.

Also, petition of James A. Milan, of Wyoming County, West Virginia, asking that his name be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Memorial of officers of the United States Army, praying the passage of a bill to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the late war—to the Committee on Military Affairs.

By Mr. STEELE: Petition of H. H. Miller, relating to pension claims of William Boone—to the Committee on Invalid Pensions.

Also, petition of William A. Gable and 312 others, of Blackford County, Ind., for the enactment of a law giving a service pension to the soldiers and sailors of the late war—to the same committee.

Also, petition of Price Post, Grand Army of the Republic, of Indiana, praying for the relief of Alexander McCrary—to the Committee on Military Affairs.

By Mr. CHARLES STEWART: Bill appropriating $10,000 for removing obstructions to navigation at the mouth of Cedar Bayou, in Harris County, Texas—to the Committee on Rivers and Harbors.

Also, bill for improving the navigation of Buffalo Bayou, Texas—to the same committee.

Also, bill for harbor improvement at Sabine Pass, Texas—to the same committee.

By Mr. J. M. TAYLOR: Petition of Mary J. Brown, of Tennessee, asking that papers in her application be referred to the Court of Claims—to the Committee on War Claims.

Also, petition of Mary F. Bradford, widow of the late Lieut. Robert Y. Bradford, for relief—to the Committee on Invalid Pensions.

Also, petition of John Spellings, of the Seventh Tennessee Cavalry, for a pension—to the same committee.

By Mr. TRIGG: Bill for the improvement of New River, in the counties of Wythe and Grayson, Virginia, and to improve Louisa Fork of Sandy River, in the States of Virginia and Kentucky—to the Committee on Rivers and Harbors.

By Mr. VAN EATON: Papers relating to the claim of Elijah Patrick, executrix of J. C. Patrick—to the Committee on War Claims.

By Mr. VAN SCHAICK: Petition of wholesale grocers of Milwaukee, favoring appointment of commissioners to settle the "fisheries question"—to the Committee on Foreign Affairs.

By Mr. WADE: Papers relating to the claim of Joseph Diehl, for supplies—to the Committee on War Claims.

Also, papers relating to the claims of Reinhart Breinneirs, John H. Moas, Henry W. Kolkmeyer, Frank Breinneirs, and Louis Tompkins—to the same committee.

By Mr. WADSWORTH: Petition of sundry citizens of Lewis County, Kentucky, in behalf of Milton Wallace Fondray—to the Committee on Invalid Pensions.

By Mr. WILKINS: Petition of John McClary, late private Company C, Ninth Ohio Volunteer Cavalry, asking to be placed on the pension-roll—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible, by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BEAN: Of the Legislature of the Territory of Arizona.

By Mr. COMSTOCK: Of 163 citizens of Tyrone and Casnovia townships, Mich.; of 92 citizens of Ionia County, Michigan.

By Mr. EDEN: Of W. H. Hobson and 103 others, citizens of Montgomery County, Illinois.

By Mr. GIFFORD: Of John Andrews and others, of Grand Forks, Dak.

By Mr. T. J. HENDERSON: Of W. G. Fisher and 86 others, citizens of Henry County, Illinois.

By Mr. KLEINER: Of citizens of Pike County, Indiana.

By Mr. MATSON: Of M. V. Kindle and 109 others, of Johnson County; and of Levi Groseclose and 29 others, citizens of Johnson County, Indiana.

By Mr. NEECE: Of citizens of Illinois.

By Mr. O'FERRALL: Of W. H. Baker, John I. Williams, and others, citizens of Winchester, Va.

By Mr. PERRY: Of citizens of Union, S. C.

By Mr. J. B. WEAVER: Of citizens of all parties of Iowa.

SENATE.

THURSDAY, *January* 7, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORTS ON ALASKA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Chief Signal Officer, transmitting reports of L. M. Turner and E. W. Nelson, entitled "Contributions to the natural history of North America: Results of explorations in Alaska."

The PRESIDENT *pro tempore*. The Chair informs the Senate that this communication is accompanied by a large package of very voluminous documents, the printing of which would be very expensive. Therefore, if there be no objection, the question of printing these documents will be referred to the Committee on Printing. The communication from the Chief Signal Officer will be printed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 16, 1885, certain information respecting the Seventh New York Cavalry, commonly called the "Second Black Horse Cavalry;" which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a communication from the Secretary of War, transmitting a petition of West Point cadets of the class which will be graduated in June, 1886, praying for legislation that will secure them appointments in the Army; which, with the accompanying petition, was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. VANCE presented a petition of citizens of New Berne, N. C., praying for the erection of a public building in that city; which was referred to the Committee on Public Buildings and Grounds.

Mr. SEWELL presented a resolution adopted by Wilkes Post, Grand Army of the Republic, of Trenton, N. J., favoring the erection of a national monument to the memory of General U. S. Grant; which was referred to the Committee on the Library.

Mr. WILSON, of Iowa, presented a petition of James Carroll and 24 other citizens of Iowa, and a petition of Jonas R. Hedine and 21 other citizens of Iowa, praying for the absolute forfeiture of the unearned lands within the grant to the Sioux City and Saint Paul Railroad Company; which was referred to the Committee on Public Lands.

Mr. HARRISON presented a petition of James Shields Post, No. 367, Grand Army of the Republic, Department of Indiana, praying for the passage of a bill granting a service pension to all soldiers and sailors of the late war and for other legislation favorable to ex-Union soldiers; which was referred to the Committee on Pensions.

Mr. SAWYER presented the petition of William C. Shimoneck, late a musician in the Third Regiment United States Infantry, praying that he may be retired from the service on pay; which was referred to the Committee on Military Affairs.

Mr. BLAIR. I present a petition for the establishment of national homes for indigent maimed ex-confederate soldiers, which is sent to me, with the request that I present it, by Union soldiers. I present this petition, and as it is very short and is accompanied by a letter in which the petitioners are quite anxious that their views may be made known to the Senate and the country and say that other petitions of a like character may follow, I will ask that the petition be printed in the RECORD. It is very short.

The petition was ordered to be printed in the RECORD and referred to the Committee on Military Affairs, as follows:

NATIONAL HOMES FOR INDIGENT MAIMED EX-CONFEDERATE SOLDIERS.

To the Senate and House of Representatives of the United States:

The undersigned, ex-Union soldiers, pray the enactment of a law providing for the establishment and maintenance by the United States of homes for indigent maimed soldiers of the late armies of the so-called Confederate States whose wounds were received at the hands of United States troops.

We believe such a measure wise, patriotic, and humane; that its adoption would mark a distinct advance of the line of civilization in the history of the world, promote the welfare of the Union, and strengthen the cause of republican institutions among the nations of the earth, by demonstrating, as an example, that a people may within themselves possess the power of rising superior to passion—the necessary qualification of self-government.

The men for whose relief these homes are intended are growing old. A new generation is around them—a people to them and to the stormy times of the civil conflict strangers, and necessarily unappreciative of their sacrifices and sufferings. With the flight of years their physical disabilities and tortures increase, and with mental agony they perceive the darkening skies of their future. At every step of their weary and dreary lives they are confronted by actual want. Each day removes them further from that popular approval which was the support of the steadfast soldier in his hour of trial. The glory of their achievements is a thing of the past. The shouts of applause for brave deeds performed have died out forever. The inevitable fate of the vanquished is theirs—by the busy world the unsuccessful are forgotten, or are regarded with an indifference yet more painful to the sensitive soul than oblivion.

It might be said a moral obligation rests on the Federal Government to care for these men. It was the unwritten law of the battlefield that the wounded prisoner, until returned to the custody of his military authorities, should receive the attention accorded our injured ones—a law founded in the humane instincts of mankind. The United States Army destroyed the *de facto* government they served, and thus they were left on our hands. Does not the spirit of that law impose on us—even at this late day and in these peaceful times—the duty in-

tuitively recognized during the tumultuous period of the war? And if at that period we felt none of the principles for which the armies of the Union contended were by obedience to this law compromised, can it be said any of these principles would be compromised by obedience at this time?

Such are some of the reasons that impel your memorialists to commend to your consideration the object for which they pray. Let the strong arm of the Republic be stretched out in the hour of their affliction to these its unfortunate—if you will misguided—sons, that they may know that it, like the God of the Israelites in the olden time, remembers and pities and will provide for them.

JOHN N. BOVEE,
Company E, Eighteenth New York Volunteers.
CHARLES KEEGIN,
Battery K, First United States Artillery.
F. B. HEITMAN,
Company B, Third United States Infantry.
ALEX. CUNNINGHAM,
Company A, Second Maryland Volunteers (Infantry).
GRANVILLE HARFORD,
Company E, Light Infantry, District Volunteers.
J. H. COOK,
Captain Company L, First Maryland Cavalry.

Mr. EVARTS. I present the petition of W. W. Story, R. S. Greenough, and other eminent artists, both painters and sculptors, in Rome, I believe comprehending all the American artists who are living there, praying for the repeal of the present duty on the importation of works of art. The petition is accompanied by a very considerate and discreet exposition of the grounds which affect the minds of our American artists abroad, and I venture to ask of the Senate permission that it may be printed either in the RECORD or as a document, as it presents the views of those artists and may very properly affect the judgment of the Senate in their formation of opinion.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Finance. The Senator from New York asks unanimous consent that the petition be printed as a document. Is there objection? The Chair hears none, and that order will be entered.

Mr. DOLPH. I present a memorial adopted by the Columbia water-way convention, held at The Dalles, Oreg., December 2, 1885, favoring appropriations for the improvement of the Columbia River, and the reservation from settlement and sale of lands adjacent to the river necessary for permanent improvement of the river at places where obstructions exist. I ask that the memorial may be printed in the RECORD and referred to the Committee on Commerce.

The memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Extract from the official proceedings of the Columbia water-way convention, held at The Dalles, Oreg., December 2, 1885, and its memorial to Congress.

Pursuant to a call issued by and under the authority of the boards of trade, chambers of commerce, and city councils of the principal cities of the Columbia River Valley, the Columbia water-way convention assembled at The Dalles, Oreg., on Wednesday, December 2, 1885, at 11 o'clock a. m., sixty-five delegates being present, representing ten of the leading cities.

The convention was permanently organized with J. Q. A. Bowlby, of the Astoria Chamber of Commerce, president, and W. Bryon Daniels, of the Vancouver Board of Trade, secretary.

A committee on memorial and resolutions was appointed, as follows: D. P. Thompson, of Portland; Louis Sohns, of Vancouver; John Adair, of Astoria; Robert Mays, of The Dalles; William R. Dunbar, of Goldendale; J. M. Boyd, of Walla Walla; S. Rothchild, of Pendleton; J. S. White, of Weston; William F. Courtney, of Wasco; R. W. Crandall, of Union; Louis Mayer, of Colville and O'Kanogan.

A committee of six, on statistics, was appointed, as follows: T. S. Lang, of The Dalles; J. P. Wager, of Pendleton; James Young, of Portland; J. Hunsaker, of Klibitat; H. D. Chapman, of Walla Walla; William B. Adair, of Astoria.

An executive committee was also appointed, as follows: J. C. Trullinger, of Astoria; D. P. Thompson, of Portland; L. M. Hidden, of Vancouver; Robert Mays, of The Dalles; H. E. Holmes, of Walla Walla.

The committee on memorial and resolutions reported the following memorial, which was unanimously adopted by the convention:

Memorial.

To the honorable the Senate and House of Representatives of the United States:

Your memorialists, the Columbia River water-way convention, composed of delegates from the boards of trade and chambers of commerce of the principal cities of Oregon and Washington Territory along the valley of the Columbia, respectfully represent:

That with the exception of the obstructions hereinafter referred to the Columbia River is navigable for steamboats of heavy tonnage from the sea to a point 1,032 miles inland, with tributaries aggregating not less than 300 additional miles of navigable water, of which distance 752 miles of the Columbia River proper are within the United States, and for almost that entire distance it flows through a country well adapted to agriculture, a country of great productiveness, with a mild and genial climate, and possessing all the qualities requisite to sustain a dense and prosperous farming population, and also along and near its banks there are extensive and valuable mines. This region referred to, east of the Cascade Mountains, lying along the Columbia River and its navigable tributary the Snake River, though but recently settled, already contains a large and rapidly increasing population.

That a very large part of said region is wholly without means of transportation to the seaboard, and in no part thereof are there any facilities, excepting the Columbia and Snake Rivers and a single line of railway, and by reason of natural obstructions to navigation of said rivers competition in transportation is impossible.

That the only places where canals and locks are required to make steamboat navigation practicable are the Cascades, 160 miles, and The Dalles, 220 miles from the mouth of the Columbia, and from the latter point to Kettle Falls, more than 700 miles from the mouth of the river, the only improvements requisite to practical navigation are the removal of rocks, which can be removed at small expense.

That the improvements above referred to would provide facilities for water transportation to an extent of country embracing not less than 25,000 square miles of land susceptible of cultivation, for the productions of which the natural channel and outlet is the Columbia River.

That the Government of the United States has already expended upon the work of constructing a canal and locks at the Cascades $955,000, and it is estimated by the United States engineer in charge that $750,000 more will so far complete that improvement as to make it practicable to pass boats through the canal.

That the obstruction at The Dalles would require for its removal the improvement of the river for a distance of about 7 miles, but the work would be of such a character that the amount of money necessary to its completion would not greatly exceed that required for the improvements now in course of construction at the Cascades.

That the topography of this region of country is such as to preclude the building of railways, except at an enormous expense, and therefore the opening of the Columbia River to the northern boundary of the United States is not only practicable but is absolutely indispensable to the development and prosperity of the vast region through which it flows.

That the tonnage over the bar at the mouth of the Columbia River for the year ending September, 1885, was 869,943 tons, and this amount is but a small fraction of that which is destined to be carried in the near future.

That the work of improving the channel at the entrance of the river, as well as at the Cascades and other points where improvements have been begun, has been heretofore prosecuted under such disadvantages, arising from insufficiency of appropriations, as rendered it impossible to carry it forward rapidly or economically.

That for the past two years the citizens of Portland have been compelled to raise large amounts of money by private subscriptions, which have been expended in temporary improvements of the Columbia River between Portland and the sea, in consequence of the inadequacy of the appropriations made by the General Government for that purpose.

That in a few places, both above and below the Willamette River, notably at Saint Helen and Vancouver, bars have formed in the Columbia River, which can be removed easily and at small expense; the one at Saint Helen having been temporarily removed by private contributions, so as to admit of the passage of deep-draught sea-going ships.

That the immense deposits of mineral that exist along the upper Columbia, near Colville, O'Kanogan, and Osoyoos Lake, and other points near the banks of the Columbia, which would yield millions of dollars in wealth were the river open to transportation, can not now be worked successfully for the want of the means by which to transport the same to the markets of the world.

Your memorialists therefore respectfully but earnestly pray that the appropriations for the improvements already in progress be of such amounts as that the prosecution of said works may be continuous until the same be fully completed, under the direction of the Secretary of War, as to the amount to be expended each year; and that steps be immediately taken to begin improvements of the channel of the Columbia River wherever the same may be necessary for the practical navigation thereof.

And your memorialists further pray that the lands bounded by the Columbia River, at all places where obstructions exist requiring the use of the banks for permanent improvements, be reserved from settlement and sale, to the end that the same may be occupied for such permanent improvements by the Government when needed.

Respectfully submitted.

D. P. THOMPSON, *Chairman.*

Official.

J. Q. G. BOWLBY, *President.*

Attest:

W. BYRON DANIELS, *Secretary.*

BILLS INTRODUCED.

Mr. HAWLEY introduced a bill (S. 929) for the relief of Albert H. Emery; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT (by request) introduced a bill (S. 930) for the relief of Frank P. Murphy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 931) for the relief of William Clift; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 932) to extend the provisions of an act approved March 2, 1885, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands;" which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HAMPTON introduced a bill (S. 933) for the relief of M. C. Mordecai; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. SAWYER introduced a bill (S. 934) making an appropriation to enable the Secretary of the Interior to settle the accounts of Norman Thacher, late a receiver of public moneys at Menasha, Wis.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 935) granting an increase of pension to Elnathan Meade; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 936) for the relief of John M. McClintock; which was read twice by its title, and referred to the Committee on Finance.

Mr. INGALLS introduced a bill (S. 937) to regulate the fees and limit the compensation of the recorder of deeds of the District of Columbia and of the register of wills for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 938) for the relief of Chittenden Brothers; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 939) to increase pensions in certain cases; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN. I am requested by the Senator from California [Mr. MILLER], who is detained out of the Senate by sickness, to introduce a bill and ask its reference to the Committee on Public Lands.

The bill (S. 940) to promote the introduction of fresh water on the Colorado Desert was read twice by its title, and referred to the Committee on Public Lands.

Mr. COCKRELL introduced a bill (S. 941) for the relief of James J. Gideon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MCMILLAN (by request) introduced a bill (S. 942) to amend section 4472 of the Revised Statutes, relating to the transportation of passengers and merchandise; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SEWELL introduced a joint resolution (S. R. 23) for the printing of the report of the international polar expedition to Lady Franklin Bay, Grinnell Land, by First Lieut. A. W. Greely, Fifth Cavalry, United States Army, acting signal officer; which was read twice by its title, and referred to the Committee on Printing.

Mr. COCKRELL introduced a joint resolution (S. R. 24) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea-pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party; which was read twice by its title, and referred to the Committee on Naval Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAWLEY, it was

Ordered, That Samuel B. Horne have leave to withdraw his papers from the files of the Senate.

On motion of Mr. HARRIS, it was

Ordered, That the papers in respect to the claim of William Clift be taken from the files and referred to the Committee on Claims, there having been no adverse report thereon.

On motion of Mr. BLACKBURN, it was

Ordered, That the petition and papers in the case of William H. Gray be taken from the files and referred to the Committee on Claims.

On motion of Mr. JACKSON, it was

Ordered, That the petition and papers in connection therewith of Edmund Mason be taken from the files and referred to the Committee on Claims.

On motion of Mr. COKE, it was

Ordered, That the papers in the claim of William H. Gill be taken from the files and referred to the Committee on Claims.

PUBLIC LAND SURVEYS IN NEBRASKA.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, directed to communicate to the Senate whether any surveys of the public lands have been made within the last two years in the State of Nebraska, whether there are any unsurveyed public lands within said State; also, what recommendations have been made within the last three years by the surveyors-general of said district as to the discontinuance of said office, and whether it is advisable that the office of surveyor-general of said district should cease and be discontinued under the provisions of section 2218 of the Revised Statutes of the United States.

EFFICIENCY OF THE ARMY.

Mr. MANDERSON. I give notice that on Monday next, at such time as I may be able to procure the attention of the Senate, I shall ask to take from the table the bill (S. 137) to increase the efficiency of the infantry branch of the Army, that I may submit some remarks before moving the reference of the bill to the Committee on Military Affairs.

DISTRICT METROPOLITAN RAILWAY COMPANY.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the resolution submitted by the Senator from Nebraska [Mr. VAN WYCK] yesterday, which comes over under the rule, is now pending and will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the president of the Metropolitan Railway Company, in the District of Columbia, be, and he hereby is, directed to furnish the Senate a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, the amount of their operating expenses, and the amount of dividends paid annually since June 30, 1878; also why said railway company has not made the annual report required by the act of 1864 incorporating said company.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I should like to understand the resolution. I do not wish to interfere at all with the purpose of the Senator from Nebraska. I suppose there is some authority by which the Senate is entitled to direct this officer to make a sworn statement—I hope there is—but I should like to know what that authority is. Of course the Senate should not be put in the position of giving orders which it has no lawful right to give. I should like to be instructed on that point.

Mr. VANCE. I understand that in the act of incorporation of this company they are required to make annually the statement which is called for by the resolution, and that such a statement has not been made for six or eight years past. There is, and has been for a considerable time, complaint about the insufficiency of the public accommodation afforded by this railroad company, and bills have been introduced time and again for the purpose of redressing that complaint. The railroad officials have had interviews with me, and I suppose with other members of the Committee on the District of Columbia, and have intimated that the state of their finances and their earnings would not justify them in putting on the additional accommodations that the public demand.

It was for the purpose of ascertaining how that is, and whether we should push this demand upon them or whether it would be unjust to do so, that this information is sought. I think the resolution ought to pass.

Mr. HOAR. The Senator does not answer my question. Perhaps he will do that before he sits down.

Mr. VANCE. What is the question of the Senator?

Mr. HOAR. My question is as to where the authority is for the Senate to give a peremptory order to a citizen to make a sworn statement about something. The fact that the law requires an officer of a corporation created by Congress to make annual reports to somebody else, or to make annual reports anywhere under oath, does not confer that authority upon one branch of Congress. The fact that the corporation neglects its duty and has not made the returns, and that it does not afford sufficient accommodation to the public, does not give the Senate this authority.

With deference to my honorable friend from North Carolina, it seems to me the best way would be to refer the resolution to some committee and give them authority to send for persons and papers. The committee can then direct the president of the road to come into their presence and to make all the disclosures which they require and after hearing one disclosure they can put forth a further demand. My point is not as to the substance of what the Senator wants, but the method of getting at it.

Mr. VANCE. I do not know that I can answer the question of the Senator from Massachusetts as to whether it is exactly lawful to call for this information or not. I am not the author of the resolution. The author of it probably can do that and he may have found a precedent for this case. All I want as a member of the Committee on the District of Columbia is the information so as to know whether we should be justified in pushing the demand upon the railroad company.

Mr. HARRIS. Does the Senator know whether the charter requires the company to make a statement under oath?

Mr. VANCE. I understand that it does. My information is that the charter requires reports to be made annually, and that they have not been made.

Mr. HARRIS. Under oath?

Mr. VANCE. I do not know as to that.

Mr. HOAR. But suppose the charter does require a report to be made annually under oath; as I understand the resolution it is an order by the Senate to this man to make to the Senate a certain report under oath and to explain certain conduct. It is a very serious thing to put the Senate in the position of asserting an authority which it does not possess, and I should like to know where the authority is. I presume there may be some, but I have not heard of it. If there is no authority, then it seems to me that the Senate had better confer on the Senator's committee authority to send for persons and papers, and then they will have the whole matter in their control.

Mr. VAN WYCK. If the Senator from North Carolina will allow me, I will state that in 1878 the Senate of the United States passed a resolution on finding that the Metropolitan Railway had disobeyed the law for fourteen years, because by their act of incorporation they were required to make annual reports. The statute detailed on what different subjects and topics and the manner in which the reports should be made. In 1878 the Senate passed precisely this same resolution, except that they used the words "the proper officers," and the information was demanded from all the street railways in this city. The resolution of 1878 read:

That the proper officers of the several railway companies of the District of Columbia be, and they hereby are, directed to furnish, &c.

The language of this resolution is precisely the same as that of the resolution of 1878, except that the pending resolution calls upon the president of a particular road instead of saying the proper officers of the various street railways. The statute designates who are the proper officers by saying that the president or treasurer or directors of the railway companies are the proper officers to make the annual sworn report required.

Mr. HOAR. Does the statute say that either House of Congress shall have the authority itself to order the company or its officers to make additional reports or to make these reports?

Mr. VAN WYCK. I am not aware that when the Congress of the United States required the Pacific Railroad Company to make annual reports anybody ever rose and asked, Did Congress go so far as to say that if they did not do it then the Senate or either branch would have the right to ask it of them? Would it not be as fair to excuse the Pacific Railway Companies if they neglected to make their reports and the Senate asked them to do it? In that case would it not be as fair for some Senator to rise in his place and say that that power had not been delegated to the Senate or the other branch of Congress?

Mr. HOAR. If the Senator will pardon me, he is asking this man to do it, and it is a pretty undignified thing for the Senate to make such a request, ordering a private citizen.

Mr. VAN WYCK. I suppose my friend will not admit that in the past the Senate has ever been guilty of doing an undignified thing. I think, with all his regard to precedent, the Senator is not willing to assert that this will be an undignified thing.

Mr. HOAR. If the Senator will pardon me——

Mr. VAN WYCK. Certainly.

Mr. HOAR. My proposition is to have the thing done in the right way, not in the wrong way; to do it in the way in which we have a right to do it, and not to do it in a way in which we have no right to do it. No legislative body except as it exercises the authority to send for persons and papers has the right to issue orders to citizens to answer questions; and when I ask the Senator where his authority is I do not think it is quite satisfactory, it certainly does not quite satisfy my mind, to have him make the answer he does, because while he answers a great many other things he does not answer that. Will the Senator be good enough to tell me, do you yourself believe now at this moment that the Senate of the United States has a right to order this citizen or any other to make a sworn statement as to facts?

Mr. VAN WYCK. I have no doubt about that.

Mr. HOAR. You think it has?

Mr. VAN WYCK. No doubt of it.

Mr. HOAR. Where does that authority come from?

Mr. VAN WYCK. I suppose the Senate and the House of Representatives composing the Congress of the United States have like powers. That is the point. They have exercised them. The Senator said that the Senate ought not to do an undignified thing. Certainly not. Then I desired to know if the Senator thought the American Senate had ever done an undignified thing or would ever be guilty of doing an undignified thing. To that he did not answer.

Mr. HOAR. I did not hear the question.

Mr. VAN WYCK. I regret to have to state it over. I hope he will give his attention to that one thing until we get that point out of the way. I understood the Senator to say that this resolution would be a very undignified procedure. Was I correct?

Mr. HOAR. You were not.

Mr. VAN WYCK. The Senator will then please state to what he applied the term "undignified."

Mr. HOAR. The Senator will see that it would be undignified for the Senate to give an order to a citizen that it had no authority to give; and I wanted to know whether that authority existed.

Mr. VAN WYCK. Then the Senator said precisely what I said he did. He said there was no authority to do this thing, and he said it would be a very grave and undignified thing for this body to do something it had no business to do. Then I asked the question, if he believed that to be the case, whether he was willing to reflect on this grave body in the past by saying that it had ever been guilty of doing an undignified thing? To that he gave no response, because here was the fact that this matter which the Senator calls undignified has been done by the Senate of the United States. I presume the Senator will modify or withdraw the charge that there is a want of dignity in this proceeding.

Is it not well known to this body that there is a precedent for this thing? The Senate have called for this information. The statute under which the company was incorporated in 1864 provides that it shall make an annual sworn statement, and it designated the officer who should make the sworn statement. They refuse to do it; they decline to do it. Then what? The Senator says there is no further power given in the act to the Senate; that if these officers refuse to furnish the information we have no authority to call upon the officers of the road, the creatures of Congress, the creatures of law, to furnish the information.

Then I stated to the Senator, which I thought was legitimate, that in the incorporation of the Union Pacific Railway the act required certain reports to be made by the officers of the road, and I asked him if they neglected to do so, and the Senate of the United States called for those reports and asked the reason why, whether it would be an answer for a Senator to rise in his seat and demand the authority to ask whether the law had suggested or imposed that duty upon the Senate.

Here is the law upon the statute-book. It was believed to be important or Congress would not have put it there. Yet it seems for fourteen years this railway company has neglected its duty. In 1878 the Senate asked for the information precisely as we are asking for it to-day, and the president of the road made a report covering fourteen years of the existence of the road from 1864 to 1878. The president of the road had no difficulty in making a report, which fills not one page of printed matter. Here is the report made in 1878. [Exhibiting.] From 1878 until now this corporation has been continually neglecting its duty, refusing to make the reports, and is it not competent for the Senate of the United States to ask that it shall continue that report which it was obliged by the law to make?

With all due deference to the Senator from Massachusetts, there is here no investigation for any committee to make. There is no more necessity to send for persons and papers than if you were asking for the report of the Pacific Railroad Company. The officer of this road can sit down and in a few minutes answer the resolution, answering it probably in another printed page, as it was answered in 1878.

This railroad company have set at defiance the laws of Congress, and done it boldly. They have set at defiance the laws of Congress in the imposition of taxes and boldly refused to pay them. Congress required that the road should be run in its cars and management for the comfort and convenience of the public. In 1864 there was some little respect paid at least to the language of the act as regards the comfort and convenience of the public, but for the last few years that has been ignored by this corporation. They set your laws at defiance by refusing to make a report. They set your laws at defiance by refusing to pay their taxes. They set the laws at defiance by refusing to furnish comfort and convenience to passengers who are required to ride over the road.

They were clamoring years ago that they made no money, that they were running their road at a loss; and yet in their sworn statement for the first fourteen years of their existence, when their business was probably meager, they say that their dividends averaged 4½ per cent. each year. Yet it has been dinned in our ears for years gone by that this railroad was being run at a loss, when it made annually, in its infancy, in its feebleness, 4½ per cent. each year.

From 1878 to now we ask what, and this people ask what? The commissioners appointed to regulate the affairs of the District have appealed to Congress, citizens of this District have appealed to Congress, the Senator from North Carolina at the last Congress presented a bill asking some little observance of the law by compelling the company to study a little the convenience and comfort of the people of this District. In 1884 the commissioners of the District, who have no power over this matter, strange as it may appear, said:

> Everything in these charters looking to the obligations of the companies in these respects to the people is left to the determination of the companies. No authority is clothed with power to say whether the cars are or are not first-class, &c., and none with power to say whether the cars are run as often as public convenience requires. Obviously the interest of the companies regulates the convenience of the public, and although these corporations allege that the public convenience is their greatest interest, yet it is an arbitration between public convenience on one side and the interests of corporations on the other, where the decision lies solely within the power of the interested party.

That is the report made a year ago by the commissioners of the District, and what has Congress done? The people of the District in this as in other matters have been stretching forth their hands for some relief from the exactions of this and other corporations in the District of Columbia, holding up their hands until they are tired in begging supplication to the only power which is supposed to control these corporations and yield a little of time and care for their comfort and convenience.

Now it is asked that the corporation furnish this information, which can easily be done. There is no necessity really that this plain, simple matter should go to a committee. Is it not proper? Suppose the resolution contained only one suggestion, that the Metropolitan Railroad Company should inform the Senate why they have not made their annual report; would that be competent? That is one of the branches of the resolution. Undoubtedly the object beyond it all, when the information is obtained, is to compel the railroad corporation to do what the charter of 1864 demanded of it, to consult the public convenience.

I presume that it is not necessary to state the manner in which the people of this District are treated. It will be suitable to do that probably at another time. If the resolution should go to a committee, and if it should ever come out of it, then would probably be a more proper time; but I think the Senate is fully advised as to the injustice and the wrong that are heaped upon the citizens of this city by the extortions and exactions of this railroad company. It is true that it is not proposed by the resolution to remedy them, but the object is to obtain such facts as will form a foundation hereafter to demand that the corporation shall do what its charter requires shall be done.

Mr. HOAR. I move to amend the resolution by striking out, in the beginning, the words down to and including the word "Senate" and substituting what I have written, and then by adding at the end what I have last written. I wish the Senator from Nebraska would hear the amendment, if he pleases.

Mr. VAN WYCK. I will, sir.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out from the resolution the words "That the president of the Metropolitan Railway Company, in the District of Columbia, be, and he hereby is, directed to furnish the Senate" and to insert "That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Railway," and to add to the resolution the words "and have power to send for persons and papers and administer oaths;" so as to make the resolution read:

> *Resolved*, That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Railway a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, the amount of their operating expenses, and the amount of dividends paid annually since June 30, 1878; also why said railway company has not made the annual report required by the act of 1864 incorporating said company; and have power to send for persons and papers and administer oaths.

Mr. HOAR. That directs the Committee on the District of Columbia to order the proper officers of the road into its presence and to require them under oath to make these statements, and gives it power to send for persons and papers. It has the great advantage over the original resolution of my honorable friend from Nebraska that if the first statement should be vague or unsatisfactory or in any way not come fully up to his requirements, the committee would have authority to direct

a further statement without having to come back to the Senate. I think the Senator will find the form which I suggest more convenient.

Mr. VAN WYCK. Now, I most cheerfully yield to the suggestion of my friend. As this is a direction from the Senate to the committee to make this examination, I take it for granted it will be made.

Mr. INGALLS. Mr. President, the street-car service in this city is exceedingly unsatisfactory. The street-railway companies have received vast and valuable franchises from Congress for which they have given no adequate equivalent. The accommodations that they furnish are insufficient; and as the Senator from Nebraska has said, for some reason or other these corporations have declined hitherto to contribute voluntarily their share of the taxation which is imposed upon the different institutions in this District, and have interposed every conceivable objection to all efforts which have been made to compel them to contribute their share toward bearing the burdens that are imposed on the people here. But these observations do not apply to one corporation alone, and I trust that before this resolution leaves the consideration of the Senate either the Senator from Nebraska or the Senator from Massachusetts will so amend the resolution as to make it apply to all the street-railway corporations in the District of Columbia.

It is of course to me a matter of indifference personally whether the Senate adopt this resolution on sight or whether it is referred to the committee. I can say, however, to those who are interested in action upon this matter, that if the subject is referred to the committee it shall receive very prompt and very careful consideration; but I trust before the resolution passes it will be so amended as to apply to all the street-railway corporations in this district. There is no need of stigmatizing one at the expense of all. They are all equally guilty.

Mr. VAN WYCK. I am very thankful that the chairman of the District Committee has made that statement. It will give great relief to the downtrodden people here, to the overcrowded cars and the overworked horses of whatever railroad it may touch. The citizens of this District and others who sojourn here temporarily should not be required to act as conductors on street cars, particularly when these companies scarcely furnish standing room for the person who wishes to ride to do so and properly discharge his duties as conductor of the car.

The Senator from Kansas made a further suggestion to the Senate very properly, and I desire to have the resolution amended to include all the street railways. The reason I did not include the Washington and Georgetown road was because I discovered that they had been making an apparent obedience to that demand of the statute which required them to make annual reports. That company, it seems, have had respect enough to obey the letter of the law by making reports; whether every year or not I do not know, but they have made reports, and therefore I did not include them, but I most cheerfully do now, and will ask, as the Senator from Kansas has suggested, that the resolution be amended to include all the street-railway companies in the District of Columbia.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts has not yet been disposed of.

Mr. INGALLS. Let it be modified; and let it be read as modified.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to accept the modification proposed.

Mr. HOAR. When this is adopted that amendment would then come in by adding after "the Metropolitan Railway Company" the words "and all other street railways in the District of Columbia."

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be so modified.

Mr. INGALLS. Let it be read as modified, that we may understand it.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Railway Company and all other street railways in the District of Columbia a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, the amount of their operating expenses, and the amount of dividends paid annually since June 13, 1878; also why the said railway companies have not made the annual report required by the act of 1864 incorporating said companies.

Mr. INGALLS. Strike out the year there, because they may not have been all incorporated in that year.

The CHIEF CLERK. As proposed to be modified it would read:

Also why said railway companies have not made their annual reports required by the law incorporating said companies; and have the power to send for persons and papers and administer oaths.

Mr. PLUMB. This is, I have no doubt, a very proper investigation, but my objection is that it does not go far enough. I am not specially caring about the inconvenience to which I in common with other persons are subjected by being obliged to stand up in the street cars, but there are many persons no doubt to whom that is a very serious inconvenience and one which ought to be remedied. But when we go into the question of the organization of these street-railway companies and their relations to the convenience of the public, I should like to have the District Committee consider whether or not we have the power, and whether we ought not to exercise it, to compel them to put down a rail which will leave the streets in a condition to be navigated by the ordinary wagon without danger to life or limb. I am told that there is in use in this country in some places and in all the capitals of Europe, or at any rate in a number of them, a rail, not inordinately expensive, for the use of street-railway cars which leaves the streets as navigable for all kinds of vehicles as if it was not there. The streets of Washington are exceptionally beautiful and splendid and new, with the exception of the places where they are cut up and disfigured and made impassable by means of the totally unnecessary incubus of a cumbersome rail for the use of street-railway cars. I think we might as well go into the whole thing. If there is a disposition to do something for Washington, to help it along, to make it more habitable and more beautiful, I can not conceive of anything which would more conduce to convenience than to require a perfect system of street-railway navigation. I would suggest, therefore, that the resolution lie over until to-morrow, in order that the whole subject may come up and the District Committee be fully instructed in the premises.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to postpone the consideration of the resolution until to-morrow.

Mr. EDMUNDS. Is that a debatable motion?

The PRESIDENT *pro tempore*. The Chair thinks a motion to postpone is debatable.

Mr. PLUMB. I will withdraw the motion if the Senator desires to debate the question.

Mr. EDMUNDS. I do not remember whether under the new rules it is debatable or not.

The PRESIDENT *pro tempore*. The Chair is informed that it is debatable.

Mr. EDMUNDS. I had forgotten how it was.

I merely rose to say that I hope the Committee on the District of Columbia when it is procuring this information will also try to find out why it is that one or more of these great corporations have resisted the payment of their taxes and assessments year after year for a good many years, and why it is that the commissioners of the District and their counsel can not compel these companies to pay their taxes as other people are obliged to do and most people I hope are glad to do.

I have been trying for three or four years in a private way so far as the body of the Senate Chamber is concerned, and as a Senator, to find out how that was and why it was; and at last I understand as to one of the railroad companies a judgment has been obtained for the back assessments and taxes for a very large sum. An appeal of course was taken to the Supreme Court of the United States.

I should be glad to have the committee find out why it is that the Attorney-General or somebody in a public tax case does not, as he may, get that case advanced so as to have it decided, and if decided against the company to have the tax paid. It is a reproach that these great corporations in this District have been able by one scheme and another to avail themselves of the money that the United States furnishes and the tax-payers of the District furnish to keep up the pavements alongside of their tracks, and to do a variety of things that they have refused to pay for, as well as other taxation, without these companies being compelled, in a summary way, as other tax-payers are, to come to time and pay their money, if they think the assessment is illegal to sue and get it back, instead of forcing the District and the United States to wait and wait and wait years of litigation.

Mr. INGALLS. Mr. President, while the Senator from Vermont was absent from his seat I alluded to the fact that the companies had been delinquent in the payment of their taxes. I suppose that they refuse to pay taxes from a natural feeling of reluctance to contribute the quota of their estate for public purposes, which applies not only to corporations but to individuals as well.

Mr. EDMUNDS. They are not delinquent in paying dividends.

Mr. INGALLS. The Senator from Vermont with his usual asperity suggests that they are not delinquent in paying dividends, which of course is an observation that needs no comment at this time; but if the Senator from Vermont will advise me what the Committee on the District of Columbia has to do with the refusal of these corporations to pay their taxes when the whole matter is pending before the courts I shall be very much enlightened. These corporations are creatures of law, like individuals, and when they refuse to pay their taxes the proper authorities proceed against them before the judicial tribunals of the District. These proceedings have been commenced and carried forward to a certain state by which judgment has been rendered for very large amounts. The corporations, as they had a right to do, I suppose, under the law, have taken an appeal for the purpose of having this decision reviewed; and I am unwilling that the Committee on the District of Columbia should be held up as an object either of public indignation or public censure because they have been unable to take the courts of justice by the throat and compel them to advance more rapidly the trial of these causes, and I respectfully submit to the Senator from Vermont that his intimation that in some way or other the Committee on the District of Columbia by their inactivity or by their failure to exert their appropriate functions have in any way whatever contributed to the delay of justice, which we all admit has occurred in these cases, is entirely uncalled for.

I can assure the Senator from Vermont that I am as anxious as any one can be to compel these corporations to contribute their share to the public burdens of the District; and if we can be advised in what way

we as the organ of this body can compel the courts of justice before whom these proceedings are pending to advance these cases and compel the enforcement of these judgments, I shall be very glad to co-operate with him to that end.

Mr. EDMUNDS. Mr. President, I am sure my friend from Kansas misunderstood me if he supposed that I had made any intimation injurious to the Committee on the District of Columbia. I certainly intended no such intimation at all. I was speaking in order to call the attention of that committee, when this resolution goes to them, to the whole subject, to see if they can not devise some way, first, of getting information about all these things, which, certainly, if we give them authority, they will undertake to do and will do gladly; and secondly (which I had not thought of when I was up before, but which the remarks of the Senator from Kansas bring to my mind), to see if they can not report a bill which will put the tax-paying duty of this company on the some footing with that of everybody else, so that if they fail to pay their taxes at the time they are due the proper executive officer of this District shall have a warrant from some other proper officer which will seize their property, their horses and cars and franchises and everything else, and sell them for taxes and deliver them to the purchaser then and there; and then if they think the taxes are illegal, having paid them, they can sue the Government to recover them back, as everybody else does.

Mr. PLUMB. I renew my motion to postpone the consideration of the resolution until to-morrow

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the further consideration of the resolution be postponed until to-morrow.

The motion was agreed to.

Mr. INGALLS. I ask that meanwhile the resolution may be printed as amended.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that an order be made to print the resolution as it stands amended. That order will be made if there be no objection.

PORTLAND, OREG., AND PORT TOWNSEND, WASH.

Mr. DOLPH. By direction of the Committee on Commerce I report the bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, favorably and without amendment; and as it is a mere local matter, to place Portland, Oreg., and Port Townsend, Wash., in the list of ports of entry, through which the immediate transportation of dutiable goods under the act of June 10, 1880, can take place, and as a similar bill passed the Senate without question at the last session of Congress, and the same provision passed the House in connection with another bill for the amendment of the act referred to, which, however, was not reached in the Senate, I ask for the immediate consideration of this bill, supposing that it will pass without question.

The PRESIDENT *pro tempore*. The Senator from Oregon asks unanimous consent of the Senate to consider the bill reported by him at this time. It will be read for information.

The bill was read; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider it.

It provides that the privileges of the first section of the act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," shall be extended to the port of Portland, Oreg.; and that the privileges of the first and seventh sections of that act shall be extended to the port of Port Townsend, in Washington Territory.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT OF OMAHA.

Mr. DOLPH. By direction of the Committee on Commerce I am instructed to report the bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska, favorably, with an amendment.

The history of this bill is the same as the history of the one just passed. It passed the Senate in its present shape, substantially as now reported at least, and passed the House also in connection with the bill referred to by me just now. I am directed to ask the immediate consideration of the bill, the effect of which is to place Omaha in the list of the cities mentioned in the seventh section of the act of June 10, 1880.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to add to the bill:

As provided for as to the ports mentioned in section 7 of said act.

So as to make the bill read:

That the privileges of immediate transportation of dutiable merchandise conferred by the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Omaha, in the State of Nebraska, as provided for as to the ports mentioned in section 7 of said act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALLOWANCE OF PENSION CLAIMS.

Mr. VOORHEES. Before the holidays my colleague [Mr. HARRISON] introduced a resolution asking for an investigation touching some matters set forth in the report of the Commissioner of Pensions. I desire to offer a substitute therefor, which I ask may be read at the desk, ordered to be printed, and go over under the rules.

The PRESIDENT *pro tempore*. The Senator from Indiana offers a substitute to a resolution submitted by his colleague. It will be printed, and go over under the rules. Does the Senator desire it read now?

Mr. VOORHEES. I will not ask for its reading.

Mr. ALLISON. I want to hear it.

Mr. VOORHEES. Let it be read.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

Whereas the Commissioner of Pensions in his annual report dated November 18, 1885, has stated and alleged as follows: "At one time the Pension Bureau was all but avowedly a political machine," intending thereby that the Pension Bureau was methodically employed for partisan purposes; and has, in support of said allegation, stated in said report that the said Bureau was at such time, meaning a period prior to the 4th of March, 1885, "filled from border to border with uncompromising adherents of a single organization," meaning the Republican party, "who had for the claimants other tests than those of the law, and who often required in addition to service in the field" (that is to say, in the military or naval service of the United States), "that applicants for pension should submit to and support said party, as a consideration, in addition to the considerations required by law, before said pensions should issue;" and

Whereas said Commissioner has stated that such tests and requirements were applied surely, if not openly; and

Whereas said Commissioner has further stated in support of said allegation that the medical boards attached to said Pension Bureau, and a part thereof, were composed almost wholly of surgeons of one political faith, that is to say, the Republican; and

Whereas, in further support of said allegation, said Commissioner has stated that all of the eighteen pension agents were Republicans; and

Whereas, in further support of said allegation, said Commissioner has stated that the special examiners attached to and forming part of said bureau were actively engaged in partisan work in behalf of the Republican party; and

Whereas in further support of said allegation said Commissioner has stated that almost the entire force of said Pension Office, from messenger boys to chiefs of divisions, were members of the Republican party; and

Whereas in further support of said allegation said Commissioner of Pensions has stated that discharges from office were made in spite of long service at the demand of partisans of the Republican party outside of said Pension Bureau, and that the places of such employés were filled by partisans of said Republican party; and

Whereas in further support of said allegation said Commissioner has stated that leaves of absence were granted to the employés of said Pension Office to enable them to take active part in elections; and

Whereas in further support of said allegation said Commissioner has stated that large numbers of men and large sums of money were used by the said bureau during the pendency of political struggles preliminary to elections; and

Whereas in further support of said allegation said Commissioner has stated that it was declared and publicly proclaimed (meaning thereby that said declaration and proclamation were made by the employés, or some of them, of said bureau) "that the pension system of the United States depended for its continuance upon the success of the Republican party, and that the same would cease if the Democratic party succeeded to power;" Therefore,

Be it resolved, That the Committee on Expenditures of Public Money is hereby directed to inquire into the truth of said allegations and of each specification thereunder, and to report the facts and testimony presented before them to the Senate.

Said committee is authorized to send for persons and papers, and to employ a stenographer, and is hereby directed to advance the witness fees and the expenses incident upon such investigation from the contingent fund of the Senate.

The PRESIDENT *pro tempore*. The amendment will be printed and lie over under the rules.

Mr. LOGAN. I should like to ask the Senator a question before that is done. As I understand, this resolution is proposed as a substitute for a resolution offered a few days ago. Do I understand it correctly as being the intention to confine the examination to the specific statements in the resolution?

Mr. VOORHEES. It was the intention to very much enlarge the scope of the investigation as it appeared to be contemplated by the resolution of my colleague. It is not intended to so confine the investigation to any alleged point as to exclude anything else on that subject.

Mr. LOGAN. I certainly can have no ill feelings toward the Commissioner of Pensions, for I have a high respect for him; but inasmuch as he complains that Republicans were retained in office, I should like to have the inquiry enlarged a little. Col. Ferdinand D. Stephenson—I will give his name—who was a gallant soldier, shot through the body four times, was at the head of one of the divisions in the Pension Office, with never a charge or an allegation against him. He was there twelve or fourteen years; but he has been removed summarily, without any charges whatever. In order that things of that kind may be examined, as well as others, I propose an additional amendment to the resolution of the Senator from Indiana.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The Chief Clerk read as follows:

Resolved, further, That said committee be also directed to inquire into the manner in which the Pension Office has been conducted and administered by the present Commissioner of Pensions, and to report the facts to the Senate.

Mr. VOORHEES. I have no objection to that, but I will further state that so far as discharging soldiers is concerned we can make a showing that will be satisfactory to any unprejudiced and impartial soldier's mind. I do not mean to say that the Senator himself is prejudiced on the subject, and yet if I did say it I should only attribute to him what is common to human nature. We sometimes, Mr. President, deceive ourselves very much in supposing that we can get into a sentimental mood that relieves us from the failings and infirmities of human nature. We do not. I mean to say, however, that neither General Black nor his friends will shrink from any investigation as to the removal of Mr. Stephenson or anybody else; and if we do not show that he has taken as good care and better of the soldier element, irrespective of party, than his predecessors in office, he will stand condemnation before the public. I think very likely it will be found that General Black has appreciated the fact that there were some soldiers of the Democratic party in the late war and that there are some men now who bear the scars of bullets who vote the Democratic ticket, and that he has thought they had some merits to be recognized in appointments to office.

Mr. LOGAN. Mr. President, the remarks of the Senator will call from me a very short reply. I am as far from making accusations against General Black as the Senator from Indiana; but in reply to what he says about some Democratic soldiers, let me state to the Senator from Indiana that I have never heard of any one claiming that all the soldiers were Republicans. No one claims that. I will say further to the Senator that the distinction has never heretofore been made, so far as I have known, in any of these Departments as to the political complexion of the clerk, whether a Democrat or a Republican; and I will say now to the Senator from Indiana that there are many Democratic soldiers in these Departments to-day who have been there for a number of years, placed there on my recommendation.

I only give the case I have named as one, and I do not wish to go further into it; but when bills are introduced here to make it a penalty for a Senator or Representative in Congress to ask for the appointment of a clerk, bills coming from Democratic authority, why should we not want to know if Senators or Representatives who ask that clerks shall be dismissed should not be subject to some penalty?

I do not accuse General Black of any wrong. Let the committee examine into what has been done. But I understand the fact to be that a certain Representative representing the district in which Colonel Stephenson resided——

Mr. VOORHEES. What district is that?

Mr. LOGAN. A district in Southern Illinois just opposite where the Senator resides. I do not remember the name of this Democratic member. I am sorry I do not, for I ought to know it, because great men's names ought always to be remembered. On the demand of this Representative Colonel Stephenson was removed from the head of a division in the Pension Office. Why was this demand made? Because a soldier, who, perhaps, the Senator knows, was an independent Democratic candidate for Congress, his opponent, whose name I do not now remember, having been of the other stamp, and this man Stephenson concluded that it was his duty to support the soldier and he did so. On that account this man demanded his removal, and he was removed. I understand that these are the facts. I will not state that these are all the facts; but I understand that they are and that that was the cause of the removal.

I remember on reflection that the candidate against Mr. LANDES was James W. McCartney, who was a colonel in the Army, and he is denominated in the statement made by Mr. LANDES, in reference to his own candidacy, in the Congressional Directory as the "Republican, Independent Greenback, and Soldiers' candidate" in that district. I am willing that that should go, inasmuch as Mr. LANDES has himself made that statement in the Directory.

I have given the reason why I introduced this amendment so that such cases as that—I give that as one—may be inquired into, and it may be seen whether or not members of Congress are demanding the removal of wounded soldiers from the Departments, not for the benefit of a soldier, for a soldier was not put in the place in this case.

The PRESIDENT *pro tempore*. The amendment will be printed and lie over.

Mr. HARRISON. I desire to say just a word. In introducing the original resolution, which was directed to a particular matter, I did not intend to express any opinion as to whether there were any other matters of allegation in the report of General Black that might not well be looked into. I selected the important and serious and central allegation of those which he has made against his predecessors in office, namely, the allegation that applicants for pension were required to prove before their pensions were granted that they belonged to a particular party, intending, of course, the Republican party.

I had the impression that that was a very great scandal in office or a very great slander, one or the other, and that it was important that this body and the country should distinctly identify it as one or the other. I felt also that if General Black made good that allegation he had made good almost anything else he could say or had said against the Pension Office; that if he could not make it good and it was shown to be untrue we should from one know all, and that by thus concentrating the inquiry we should be able to get a speedy and effective report that would bring the Commissioner down to the exact case in which this thing was said to have occurred.

But, Mr. President, if there is any other Senator here or any friend of General Black's anywhere who feels that it is appropriate that other allegations in his report should be verified and supported by evidence, I desire to express my entire willingness that he shall make the inquiry as broad as he or any friend of his desires it to be made, and my entire willingness that the amendment of the Senator from Illinois shall be adopted, so that we shall make the circle of this inquiry wider and embrace all these matters that have been said by General Black in his report and the further matter to which the Senator from Illinois has called our attention.

The only point I desire to look into now, I say to my colleague, is, as his resolution is proposed as a substitute for my own, to see whether it embraces the matter contained in mine with sufficient distinctness, and whether the recitals which his contains are correct, as I have no doubt he intended them to be and understands them to be a correct recital of the statements in General Black's report. If that be true I shall at once consent to the adoption of the substitute in the place of my original resolution.

Mr. VOORHEES. Mr. President, I had so understood my colleague when I very frankly showed him the substitute a few days ago, and I have offered it now and asked that it be read and go over under the rule, so that the verification of these quotations can be made with the report; and when the original resolution offered by my colleague and this which I offer as a substitute, as well as the amendment offered by the Senator from Illinois, shall come up, then we can see whether they correspond with the original report.

There is much I might say which I will not now utter on the general theme touched upon by the Senator from Illinois. There may come a time, and doubtless will, when discussion will arise upon it, and then I trust to be able to treat the subject with entire frankness and candor. I think we do not want to cover up anything in the administration of this Government, and especially upon so delicate and sacred a branch of the public service as that to which these proceedings relate.

The PRESIDENT *pro tempore*. The proposed amendment will be printed.

INTERNATIONAL RATIO OF METALLIC COINAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 9th ultimo, a report of the Secretary of State in answer to the request for any documents or information received from our consul-general at Paris or from the special agent sent to the financial centers of Europe in respect to the establishment of an international ratio of gold and silver coinage as would procure the free coinage of both metals at the mints of those countries and our own.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 7, 1886.

J. M. LOBBAN.

The PRESIDENT *pro tempore*. The next business in order is the consideration of the Calendar under the eighth rule. The first bill on the Calendar will now be stated.

The bill (S. 416) for the relief of J. M. Lobban was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to consider it. It proposes to instruct the Secretary of War to direct Maj. G. B. Dandy, quartermaster, United States Army, to issue duplicate check numbered 20, for $4,608.50, dated April 26, 1884, in favor of J. M. Lobban, on the Stock-Growers' National Bank, Cheyenne, Wyo., in place of one lost on or about May 3, 1884, if the Secretary of War be satisfied the same has not been paid. Lobban is to first execute a bond, with sureties to be approved by the Secretary of War, in due form, to save the United States harmless against any loss or injury by reason of such duplicate check or the payment of the original.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

S. B. CRANSTON.

The next bill on the Calendar was the bill (S. 68) for the relief of S. B. Cranston, of Oregon; which was considered as in Committee of the Whole. It provides for the payment to S. B. Cranston, of Oregon, of $40, on account of traveling and contingent expenses by him incurred in taking depositions in Oregon in the land case of William Bauermeister, as instructed by the Commissioner of the General Land Office in 1877.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF STATES.

The next bill on the Calendar was the bill (S. 59) to reimburse the several States for interest paid on war loans, and for other purposes.

Mr. ALLISON. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

COUNTING OF ELECTORAL VOTES.

The next bill on the Calendar was the bill (S. 9) to fix the day for the

meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice President, and the decision of questions arising thereon.

Mr. HALE. Let that go over.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

SYSTEM OF BANKRUPTCY.

The next bill on the Calendar was the bill (S. 714) to establish a uniform system of bankruptcy throughout the United States.

Mr. HARRIS. Let that go over, Mr. President.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

COIN DUTIES ON IMPORTED GOODS.

The next business on the Calendar was the resolution submitted by Mr. BECK December 18, 1885, relative to the payment of customs dues and the disbursements thereof, &c.

Mr. HARRIS. Let that go over.

The PRESIDENT *pro tempore*. The resolution will be passed over under the rule.

ALLOWANCE OF PENSION CLAIMS.

The next business on the Calendar was the resolution submitted by Mr. HARRISON December 21, 1885, relative to certain statements made in the last annual report of the Commissioner of Pensions.

The PRESIDENT *pro tempore*. That has already been postponed under the order of the Senate.

AID OF COMMON SCHOOLS.

The next business on the Calendar was the bill (S. 194) to aid in the establishment and temporary support of common schools.

Mr. BLAIR. That bill should go over; but I wish at this time to give notice that I desire to press it for hearing as soon as gentlemen interested in the debate are ready to go on. I understand several gentlemen desire to speak. I hope that we shall be able to reach the bill and dispose of it in the course of two weeks.

The PRESIDENT *pro tempore*. The bill will go over under the rule.

ALEXANDER SWIFT & CO. AND OTHERS.

The next bill on the Calendar was the bill (S. 208) for the relief of Alexander Swift & Co., partners, and Alexander Swift and Co. and the Niles Works, which was considered as in Committee of the Whole. It authorizes and directs the Court of Claims to grant a rehearing in the cases of Alexander Swift & Co., and Alexander Swift & Co. and the Nile Works, against the United States, with jurisdiction to hear and determine the increased cost of the construction of the steam iron-clad batteries Klamath, Yuma, Catawba, and Oneota, and which increased cost was caused by delays occasioned in such construction by the acts of the Government, its officers or agents, beyond the periods specified in the contracts for the construction and completion of the steam iron-clad batteries named. The court is to give judgment for such increased cost, if any, as shall be established by the evidence. In the trial both parties may give in evidence any pertinent and relevant testimony and documents which have heretofore been taken and filed in the court in actions heretofore prosecuted therein upon these respective claims, and also any other competent and relevant testimony which either party may present to the court. The actions are to be prosecuted in separate suits, one in favor of Alexander Swift & Co., and the other in favor of Alexander Swift & Co. and the Niles Works. The increased cost so found to be equitably due shall be recoverable, any discharge, receipts, or acquittances by either of the parties, or any statutes of limitation, to the contrary notwithstanding. The recovery, if any, is to be limited to the increased cost which shall be shown to have resulted from delays caused by the Government, or its officers and agents, in fulfilling the original contracts for the construction of the batteries.

Mr. HOAR. This bill first passed the Senate once, and is one of three or four similar bills which have been very fully discussed in the Senate once or twice and after discussion passed, I think without any objection. The Senator from Missouri will remember the Chouteau case, which is one of the class of cases. I will make a brief statement of the case, and then if any Senators think the report needs to be read we can have it read, but I think my statement will answer the purpose.

Mr. SAULSBURY. I desire to inquire of the Senator from Massachusetts whether I understood the reading of the bill correctly, that it not only authorizes but directs the Court of Claims to hear the case again?

Mr. HOAR. Yes, sir.

Mr. SAULSBURY. Is it customary after authorizing a hearing for Congress to direct any court to rehear a claim and give it a second consideration?

Mr. HOAR. It is the same thing in result in this case.

Mr. SAULSBURY. I prefer that that word "directed" be stricken out of the bill.

Mr. HOAR. I think the law-making power should direct a rehearing. I think it is a case where under the peculiar circumstances the word "directed" is legitimate.

Mr. SAULSBURY. The court have heard the claim, and are competent to decide, I presume, whether the claim is one which ought to be reargued and reheard by the court. I am perfectly willing to give them the absolute authority to allow a rehearing, but it is as I think without precedent to direct a court to do such a thing.

Mr. HOAR. I think my friend from Delaware hardly understands the way in which this matter stands before the Senate.

The PRESIDENT *pro tempore*. The bill is still open to objection.

Mr. HOAR. The bill has been read, and I said that I would make a brief statement of the case so that the Senate might see what it was, and then the report could be read if any Senator desired to hear it.

Mr. SAULSBURY. I know nothing about the merits of the case, but——

Mr. HOAR. My friend will pardon me. He would hardly think it worth while before that statement was made to interrupt it to make a criticism of the particular remedy which the committee had agreed upon, because it would be putting the criticism before the statement of the case.

Mr. SAULSBURY. I desire to say to the Senator from Massachusetts that I know nothing personally about the merits of this case, and I am not objecting to the bill on the ground of any want of merit. All I object to is that we are giving a mandatory decree to the court that has heard the claim once to reopen the case and permit the parties to go before them; and I notice another provision, that we attempt to fix the evidence or part of the evidence which shall be reviewed in the case. I am perfectly willing to grant the court full authority to open the case and take it up and give it a proper rehearing; but to issue a mandatory order to the court to rehear the case I can not agree to.

Mr. HOAR. Has my friend from Delaware read the report?

Mr. SAULSBURY. I have not.

Mr. HOAR. Has he heard my statement of the case?

Mr. SAULSBURY. I have not heard anything about it, only the bill itself.

Mr. HOAR. Perhaps, after hearing the case stated he will see that there is some propriety in the method which the committee have recommended. I hope so, and I think it will commend itself to his judgment.

The PRESIDENT *pro tempore*. This bill is now before the Senate as in Committee of the Whole and open to amendment. It is being considered under the eighth rule, which limits debate to five minutes by each Senator.

Mr. COCKRELL. Now I should like to hear the explanation of the Senator from Massachusetts. I understand the report has not yet come in from the Public Printer. I have sent for it.

The PRESIDENT *pro tempore*. It is now on the table.

Mr. COCKRELL. The Senator can explain it more briefly than the report does, I have no doubt.

Mr. HOAR. It is precisely like, with one single exception, the case of Chouteau, which the Senator from Missouri was very familiar with when he was upon the Committee on Claims.

Early in the war, I think shortly after the construction of the Monitor, at any rate about that time, the Government of the United States made contracts with four or five different persons to build what they called iron-clad batteries, which were iron-clad vessels, floating batteries, according to a plan and construction indicated in the contracts and specifications and drawings which accompanied them. They stipulated in the contracts that the United States might during the progress of the work make any change they saw fit in the design and plan of construction of these iron-clad vessels, allowing the parties the cost of the extra work, and further that if the parties failed to carry out the contract the United States might take possession of their works, factories, materials, and incomplete vessels, and proceed to finish them itself.

Thereupon the inventions which were made so rapidly during the war in armored vessels and ships of war were going on, and the United States made enormous changes in all these vessels, so that instead of being completed within the space of ten or twelve months—I have forgotten the exact time stipulated, but it was a brief space—it took the contractors two or three years to complete them. It was very much as if a man who should stipulate to build a dwelling-house for a country farm had in his contract a provision that at the election of the other party that might be converted into the Capitol at Washington or into the Fifth Avenue Hotel in New York. That was the nature of the contract, and as I said that was pretty much the nature of its execution.

When the parties came to bring in their bills they brought in their bills for the work which they had done and the extra expense which had been caused by these changes—the additional price of the changes, in other words. The United States paid that; and at the time of the payment a receipt was given by the agent of the contractor—in one case a New York banker who had been designated to receive the payment. The receipt was given so-and-so to the United States for building the vessel and for extras. The contractor in each case, however, claimed that he was entitled to recover for the loss in so much of the contract as related to the original scheme of the vessel, for the reason that by the detention for two or three years the cost of iron and the cost of labor had largely increased, I think in the case of iron it had doubled or trebled. The officer of the United States said, "Why, this receipt does not cut you off from that claim. It is the intention of the Government to pay you hereafter. It is only an acknowledgment of the receipt of the contract price and the price of the extras." Thereupon the money was

paid and the receipt signed, it being a receipt in the usual form prescribed by the Department.

Then the Government appointed a commission, of which Mr. Cragin, late Senator from New Hampshire, was a member, with two or three other persons of high standing, and they reported what was due to these various contractors by reason of the increased price of iron and of labor, and the Secretary of the Navy recommended payment; but there was no authority in the Department to pay it. Thereupon the parties went to the Court of Claims, and the Court of Claims found all the facts just as I have stated them, and in one case I think the matter went to the Supreme Court of the United States, and the Supreme Court of the United States found that these receipts operated as a receipt in full upon the whole claim. They found all the other facts, that the contractor had not been paid, that he ought to be paid, that he was entitled to be paid under the contract, and that both the Government agent and the party's agent understood the receipts as not cutting off this demand. Both the Court of Claims and the Supreme Court of the United States in one of the cases cited in the report expressed very strongly their sense of the justice of the claim, but the latter said that the technical effect of the receipt prevented judgment. Thereupon the parties came to Congress, and two of the claims have been paid, and on the statement made this bill passed the Senate heretofore unanimously, if I am not mistaken in my recollection. Perhaps the Senator from Missouri can correct me.

Mr. COCKRELL. That is so.

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator from Massachusetts that his five minutes have expired.

Mr. HOAR. I ask unanimous consent to be allowed to complete the statement.

The PRESIDENT *pro tempore*. If there be no objection the time will be extended.

Mr. HOAR. Now this bill directs the Court of Claims to rehear that case. Instead of the committee finding the amount due and directing its payment, which would be what we should be asked to do ordinarily, we thought it best to avail ourselves of our right to require by legislation the Court of Claims to hear the case.

I do not think my friend from Delaware will admit that he ought under the circumstances to leave any discretion about it. It is a matter unquestionably due from the Government, as the Government officers agree, as well as the Navy Department and the courts. It might very plausibly be urged that we ought to pass a law to pay this money; but instead of doing that, although we recognize the claim, we say it is better to have the Court of Claims hear the case over again, in order that there may be a careful scrutiny of the amount due on this account that can not be made in the *ex parte* way matters are conducted before a committee.

The bill was reported to the Senate without amendment.

Mr. SAULSBURY. I desire to say that I shall not vote for the bill. It may have all the merit and all the equity that is claimed for it by the Senator from Massachusetts, but I do not believe it is a wise precedent to establish to direct a court to hear a case—after giving them authority to do so to direct them to do so. That is the point on which I shall vote against the bill, because it makes a mandatory order on the court to take up and hear a particular case, which may become a precedent hereafter to compel the court to hear claims that have no special merit in them. For that reason I shall vote against the bill.

Mr. HOAR. If I may be permitted to say one word, that is what we do in every case that is sent to the Court of Claims under the Bowman act. Not only the Senate or the House of Representatives, but any committee of either branch has under the Bowman act now the authority to give a peremptory order to the Court of Claims to hear a case.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE JARRATT.

The next bill on the Calendar was the bill (S. 16) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 7, after the word "of," to strike out "five thousand two hundred and eight" and insert "three thousand four hundred and seventy-eight;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Sallie Jarratt, executrix of Gregory Jarratt, deceased, late of Hardeman County, Tennessee, out of any money in the Treasury not otherwise appropriated, the sum of $3,478, in full compensation for supplies furnished to the Union Army by the said Gregory Jarratt, deceased, in the said county, in 1862 and 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EMERSON ETHERIDGE AND WILLIAM B. STOKES.

The next bill on the Calendar was the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes, which was considered as in Committee of the Whole. It proposes to release Emerson Etheridge and William B. Stokes, sureties upon the official bond of James T. T. Carter, given as security for the faithful performance by Carter of his duties as secretary of the Territory of Arizona, and dated June 13, 1866, from all and every obligation and liability whatsoever on account of the bond or any breach thereof.

Mr. EDMUNDS. I should like to hear the report read in that case.

Mr. MORRILL. I merely desire to know why these persons ought to be released.

The PRESIDENT *pro tempore*. The report is not in possession of the Senate at the present time. It has gone to the printer.

Mr. EDMUNDS. Then let the bill go over.

The PRESIDENT *pro tempore*. The bill will lie over under the rule.

Mr. JACKSON. I ask that it lie over without losing its place on the Calendar.

Mr. DOLPH. I rose to ask that.

The PRESIDENT *pro tempore*. Does the Senator from Vermont object to that?

Mr. EDMUNDS. No; it will be open to objection to-morrow. I make no objection. We ought to have the report before the matter is disposed of.

The PRESIDENT *pro tempore*. The bill will lie over without being displaced.

Mr. HOAR. I suggest that all those cases where the printed reports have not come in be treated as maintaining their place and be passed over without prejudice.

The PRESIDENT *pro tempore*. All the other reports, the Chair is advised, are here.

FIRST NATIONAL BANK OF NEWTON, MASS.

The next bill on the Calendar was the bill (S. 7) making appropriation for the relief of the First National Bank of Newton, Mass.

Mr. EDMUNDS. That will take time.

The PRESIDENT *pro tempore*. The Chair understands that objection is made, and the bill goes over.

MARTIN AND P. B. MURPHY.

The next bill on the Calendar was the bill (S. 22) for the relief of Martin and P. B. Murphy; and the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Secretary of the Treasury to pay to Martin and P. B. Murphy $10,000, in full payment and satisfaction for the site of the light-house on Point Concepcion, on the Pacific coast, conveyed to the United States by Martin and P. B. Murphy by deed dated April 18, 1881, the sum to be paid out of unexpended balances of appropriations made for the support of the Light-House Board and light-houses for the fiscal years ending June 30, 1881 and 1882.

Mr. EDMUNDS. Let the report be read, Mr. President.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report from the Committee on Claims, submitted by Mr. JONES, of Arkansas, January 6, 1886:

This claim was before the Senate during the last Congress, and the Committee on Claims at the first session of said Congress reported upon it favorably, and this committee believe that they can not present the facts involved therein better than by adopting the statement of that committee, as follows:

"The facts involved in the claim are fully stated in the following extracts from a letter addressed by the Light-House Board to the Secretary of the Treasury in response to a letter of inquiry from this committee:

"'On the 18th April, 1881, Martin and P. B. Murphy deeded to the United States, for $10,000, certain lands, with improvements, at Point Concepcion, Santa Barbara County, California, together with the right of way of landing. The deed is recorded in the registry of deeds at Santa Barbara in book W, pages 538 to 541, inclusive.

"'Owing to the frauds committed by John T. Best, clerk to the engineer of the twelfth light-house district, of which the board first learned on January 21, 1881, neither the $10,000 named in the deed nor any other compensation whatever was paid for the site to the Messrs. Murphy or any persons for them.

"'At the time of the commission of the frauds in question the Point Concepcion light-house sight was in the possession of the Government and has so remained ever since.

"'It does not appear that any check or draft or that any money was ever sent by any officer of the Government to the Messrs. Murphy in payment of the land in question. The money was sent to the engineer of the twelfth light-house district and was embezzled by his clerk. For this and other similar frauds he was tried and sentenced to serve a long term in the California penitentiary, and is now there serving out the sentence.'

"Under date of February 21, 1883, the Secretary of the Treasury, in a letter to the Speaker of the House (Ex. Doc. 87, Forty-seventh Congress, second session), submitted a list of claims against the United States arising from the embezzlements of John T. Best, late clerk to the engineer of the twelfth light-house district. The claim of Martin and P. B. Murphy was included in this list, and an appropriation for its payment was recommended.

"As appears from the report of the Light-House Board, the Government has possession of the land owned by the Murphys, while the owners have never received any compensation for it. The owners were not in any way responsible for the loss of the money appropriated for their payment."

The report of that committee was adopted and the bill passed the Senate, but it was not acted on in the House.

Your committee report the bill back and recommend that it pass.

Mr. EDMUNDS. The only criticism I have to make on that report is that it seems to me a case where interest ought to be allowed, and I believe the bill does not provide for it. Although we do not usually pay interest, if we have bought property of a gentleman and agreed to pay for it at a certain time and our clerks embezzle the money and the man does not get his pay, it seems to me it is a case where the only fault about the transaction is clearly that of the United States, and this land owner in justice ought to have interest on his money.

Mr. HARRIS. That is the exact fact. The check was embezzled and the owners of the land have never received a cent. The Secretary of the Treasury some two years ago or more recommended the payment, but it has never been made. The Senate passed the bill at the last Congress.

Mr. EDMUNDS. It is a case evidently where, without any dispute or other question, a citizen of the United States has sold to the Government a piece of land for a certain price to be paid at a certain time. The Treasury sent the money and the officer of the Government embezzled it and the man did not get his pay. It seems to me that that would take the case clearly out of every rule about not paying interest. I do not wish to interfere with the committee, but I should vote cheerfully in such a case to pay interest as well as principal.

Mr. JONES, of Arkansas. Mr. President, I would remark to the Senator from Vermont that as a subcommittee of the Committee on Claims this bill was referred to me, and I reported in favor of the bill, which only asked for $10,000, the original principal, without interest.

Mr. HARRIS. I introduced this bill at the instance of these claimants, and I omitted to ask for interest in deference to that rule which almost always, if not universally, prevails here that the Government does not pay interest upon claims of a private character. There is obvious justice in the interest being allowed, but I doubt very much whether it would be allowed at another place not very remote from this, and I believe I shall not attempt to amend the bill so as to provide for the interest.

Mr. CONGER. I should like to inquire of some member of the committee whether the $10,000 received by the engineer has been accounted for by the engineer.

Mr. JONES, of Arkansas. His clerk, the party to whom the money was sent, embezzled the money, as was afterward ascertained by Government officers. The clerk embezzling the money was prosecuted for his embezzlement, and is now serving a long term in the California penitentiary as the result of it.

Mr. CONGER. I suppose, notwithstanding that, the officer to whom the money was sent would be held responsible in the settlement of his accounts?

Mr. JONES, of Arkansas. It did not occur to me that the investigation of that fact affected the justice or injustice of this bill, and I did not inquire into that.

Mr. CONGER. On a bill for the relief of the officer who would be responsible for the money these facts would be very appropriate. I have no doubt the relief should be given to these parties, but between the Government and the officer who is chargeable with the money, that is a question for Congress hereafter.

Mr. HARRIS. I would say to the Senator from Michigan that an executive document referred to in the report gives the history of the transaction by the Treasury Department. As to whether or not any steps have been taken to make the engineer responsible, or require him to refund the money embezzled by his clerk, I do not know whether that document shows or not; but certainly that question is not pertinent, as it would seem to me, to the one pending here. The Treasury sent to its own agent moneys to be paid to these claimants. The moneys were embezzled by the clerk of the engineer—never reached their destination. The men who deeded their lands to the Government have never received a cent. The failure was on the part of the Government and not on the part of the vendors of this land, these claimants, and I do not think the question whether the engineer is liable or not, or, if liable, whether he has been compelled to refund or not, can have any earthly connection with the question pending in respect to this bill.

Mr. CONGER. It has this connection with it: If the engineer is chargeable with that money he must pay it either to these claimants or back to the Government unless relieved from responsibility by action of law.

Mr. HARRIS. These claimants have nothing to do with the engineer. They look to the Government. The Government promised to pay them.

Mr. JONES, of Arkansas. The Government sent the money to the engineer as the Government agent, and these parties had no connection whatever with the money in the hands of the agent.

Mr. CONGER. No; but if there is money in the hands of the agent to pay this, we are appropriating it again when there is money in the hands of the engineer to pay it, or else he is indebted for that money, and his bondsmen are responsible for it.

Mr. HARRIS. I suggest to the Senator that this bill does not contain an appropriation from the moneys of the Treasury, but it provides for payment from unexpended balances heretofore appropriated to the Light-House Board.

Mr. CONGER. Withdraws that amount of money from the uses in the different places where Congress has authorized appropriations to be used without the direct action of Congress for the small light-houses all over the country. There had better be a direct appropriation.

The PRESIDENT *pro tempore*. Pending the bill it is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived.

Mr. HOAR. I move that the Senate proceed with the consideration of the bill.

Mr. EDMUNDS. I hope that will not be done. I have no objection to laying aside the unfinished business informally for five minutes; but I asked the Senate yesterday, and I ask it again now, to sit till it finished the Utah bill to-day, and we ought not to take up much time with other matters. I do not object to its being laid aside informally.

Mr. HARRIS. I think this bill can be disposed of in two minutes.

Mr. EDMUNDS. Very well.

The PRESIDENT *pro tempore*. If there be no objection the bill under consideration at 2 o'clock will be considered as still before the Senate, as in Committee of the Whole, and still open to amendment.

Mr. HOAR. I suggest a clerical amendment in the fourth line, that "Martin and P. B. Murphy" be amended so as to read "Martin Murphy and P. B. Murphy."

Mr. HARRIS. That amendment will improve the bill, and I hope it will be made.

The amendment was agreed to.

Mr. HOAR. I move also the same amendment in the eighth line.

The amendment was agreed to.

Mr. HOAR. I think I will venture to move, in consideration of the entire acquiescence of the whole Senate in the suggestion of the Senator from Vermont, to add, after the words "ten thousand dollars," in line 5, the words "with interest at the rate of 4 per cent. per annum from the 18th day of April, 1881." I think there will be no objection to that.

Mr. HARRIS. I hope not.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be read.

The CHIEF CLERK. After the word "dollars," in line 5, it is proposed to insert:

With interest at the rate of 4 per cent. per annum from the 18th of April, 1881.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. The title should be amended so as to conform to the body of the bill.

The title was amended so as to read: "A bill for the relief of Martin Murphy and P. B. Murphy."

COIN DUTIES ON IMPORTED GOODS.

The PRESIDENT *pro tempore*. The unfinished business——

Mr. BROWN. Mr. President, I gave notice yesterday that at this hour I would move to take up the resolution introduced by the Senator from Kentucky [Mr. BECK], as I desired to submit some remarks upon the questions embraced in that resolution; but as the Senator from Vermont [Mr. EDMUNDS] desires to proceed at this hour with the Mormon bill and has properly the right of way, I simply desire now to state that I shall not ask to be heard at this hour, but will ask to be heard on the resolution referred to on Tuesday next at 2 o'clock.

REFERENCE OF A BILL.

Mr. TELLER. I ask to have joint resolution (S. R. 2) directing the cancellation of the one and two dollar United States notes, which was laid on the table at my request, referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The motion to refer the joint resolution to the Committee on Finance will be entertained if there be no objection.

The motion was agreed to.

POLYGAMY AND AFFAIRS IN UTAH.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes," approved March 22, 1882, the pending question being on the amendment of Mr. MORGAN to strike out all of section 12 after the word "annulled," in line 7, and insert the following:

And the property of said corporation, of every kind, shall be disposed of according to the rules and principles of the common law as in case of the dissolution of a coporation.

Mr. MORGAN. Mr. President, the several amendments which I have proposed to sections 12 and 13 depend upon each other somewhat; that is, if the first amendment I propose is adopted it makes the others necessary; and perhaps in some cases the subsequent amendments I propose are necessary whether the first one be adopted or not.

I believe, Mr. President, that the Senator from Vermont and myself agree that the effect of section 12, as it appears in this bill, if enacted, would be to put the Government of the United States, through its trustees, in the attitude of operating the Church of Jesus Christ of Latter-day Saints, continuing it in operation and effect as long at least as these trustees hold office, which is for two years. I do not know what may be the purpose of the framer of the bill beyond the two years, whether it is the intention to continue this church in organization and continue it in force under the control of the Government of the United States or

not. I think, sir, that the necessary legal effect of the enactment of the twelfth section, as it appears in this bill, would be also to confirm and ratify those acts of the Territorial Legislature of the Territory of Utah which incorporated this Church of the Latter-day Saints, except so far as the amendment goes. In other words, the only effect of the amendment upon these Territorial laws is to furnish an opportunity to the United States Government to substitute trustees for the purpose of carrying into effect and completely executing all the purposes of those acts of incorporation.

If I have correctly stated the intent and effect of this section 12, I do not hesitate to express my entire opposition to it, although I concur in the purpose which I think is animating the supporters of this bill, to destroy entirely the act of incorporation of this so-called Mormon Church. The act of legal incorporation of this Mormon Church is the one act from which it has derived its power to do mischief in that Territory. The doctrines of the Mormon Church to the extent that they include polygamy, and the doctrines of that church as based upon a supposed revelation to Smith and others, in my judgment would never have found the support even of the most ignorant and superstitious class of the people who have assembled in that Territory but for the assistance which has been given in the nature of legislation in putting many and other very high powers in the control of that institution. I believe that if ten or twenty years ago we had exercised the unquestioned power residing in Congress of repealing that church charter out and out, disbanding its organization, and scattering its property into the hands of whoever it might properly belong to, we should by this time have arrested entirely the evil of polygamy in Utah; for it must be remembered that it is a fact that that evil has the support, even among Mormon communities, only of a small minority of those people at this time.

It has been dying out in the presence of the milliners, the mantuamakers, and the persons who promulgate fashions and those who inculcate luxurious living and decent living, and in the presence of the Protestant churches, all of whom are represented in that community by large congregations and by a very considerable amount of wealth. It has been dying out in public sentiment and public esteem, and would long before this have lost its temporal influence entirely and its spiritual influence, if it ever had any, but for the fact that it has been kept in organization by this act of the Territorial Legislature of Utah.

The church as a legal incorporation, with its board of trustees, and outside of that its president and its twelve apostles and its numerous bishops and its missionaries and its tithing power and its co-operative store and its Emigrant Aid Association (which is also an incorporation under the church), has been enabled to assemble upon the virgin soil of that Territory a large number of indigent people, most of whom are industrious, thrifty, and economical people, who under other auspices and under different circumstances would have made a most excellent community. Indeed, sir, it must be said in their behalf that the evil influences of this polygamous organization have had so little effect upon their industries, upon their social and apparent moral condition, upon their schools, and upon their general public demeanor, that the Gentiles who go there for the purpose of looking into those institutions are almost uniformly astonished that such doctrines and such practices could be associated with that degree of civilization and progress that those people have made. The exertion of the power of that community in honest and legitimate industrial pursuits has been such that they have almost lived down the shame of the polygamous institution which effaces and in the mind of the world condemns almost every phase of their social organization. Their material prosperity is almost a plea in favor of polygamy when we come to witness the effects of their industry in opening up and in beautifying that country and in making it convenient for human habitation and prosperity.

But, sir, this legal organization, this act of incorporation, concentrates the whole power of that church in the hands really of its temporal authorities far more than of its spiritual authorities, for there is not a bishop or a priest or any other person connected with the Mormon religious government in the Territory of Utah who does not look to the legal power that he has got rather than to his spiritual influence in controlling public sentiment in that Territory and in fastening upon those people the hierarchy which exists there, and which is an absolute despotism within the bosom of that church, as it is called. I therefore feel that we ought to strike this corporation out of existence. I believe that that is the one potent influence we are to exert in this tribunal for the purpose of reforming, absolutely, root and branch, the whole of that Mormon community.

There is not a Senator on this floor, it makes no difference how he may regard this polygamous taint in the moral atmosphere of Utah, who desires to inflict any persecution or any wrong upon those people. Even this bill as framed by the honorable chairman of the Judiciary Committee, as he announced yesterday, contains what he supposes to be a merciful measure in reference to the future conduct of this church. In other words, realizing the necessity of striking down the legal corporation, the committee have reported a bill here merely to transfer its powers into the hands of trustees appointed by the Government, rather than to strike the blow at the root of the evil and exterminate it.

Now, sir, I am afraid to do this in the manner in which the committee have advised us to do it. I do not wish to make myself a party to the re-enactment in any form whatever, whether by ratification or otherwise, of that act incorporating the church in Utah. That act was planted in evil and ought never to have been passed, and it should not have been allowed to remain on that statute-book any longer than the Congress of the United States could have gotten hold of it to repeal it.

I do not aspire, Mr. President, to the honor of assisting in conducting the Church of the Latter-day Saints through a commission organized by the appointment of the President of the United States and confirmed by the Senate. What are we to do with that commission after they get into possession? They are our officers and subject to our instruction. Shall we organize the Senate and House into a church board for the purpose of directing the affairs, either spiritual or temporal, of the Church of Jesus Christ of Latter-day Saints; or shall we strike it down, dissipate and destroy it, so that it shall never be resurrected or never again have power in any form whatever? I am in favor of striking it down.

Unless the Senate have taken the pains to look into this subject, I suppose they are not very well informed as to the powers and effect of this act of the Territorial Legislature of Utah upon this church. Now, assuming that section 12 of this bill ratifies all the powers that I shall read to this body, the question arises, is the Senate of the United States willing by its act to give these powers to that corporation and maintain the corporation in the use of them, even though we substitute new trustees to be appointed by the President and confirmed by the Senate? The first section is:

That all that portion of the inhabitants of said State which now are, or hereafter may become, residents therein, and which are known and distinguished as "The Church of Jesus Christ of Latter-day Saints," are hereby incorporated, constituted, made, and declared a body corporate, with perpetual succession, under the original name and style of "The Church of Jesus Christ of Latter-day Saints," as now organized, with power and authority to sue and be sued; defend and be defended in all the courts of law or equity in this State; to establish, order, and regulate worship, and hold and occupy real and personal estate, and have and use a seal, which they may alter at pleasure.

We do not take away, but we confirm by section 12 of this bill the power "to establish, order, and regulate worship." Shall our fourteen trustees be engaged out there for the next two years in regulating the worship of this Mormon Church? That, sir, is a new function for the Congress of the United States to undertake, either directly or through a board of trustees. In my judgment, it is an inadmissible assumption of authority, for in regulating worship we must to some extent touch the question of establishing or disestablishing some religious tenet or sect. There is an encroachment, in my judgment, upon the spirit, if not upon the language, of the Constitution of the United States in respect of this very delicate subject.

Now section 2:

And be it further ordained, That said body or church, as a religious society, may, at a general or special conference, elect one "trustee in trust," and not to exceed twelve assistant trustees—

We do not strike out that portion of it in respect of the action of the trustees as a religious society, but we substitute trustees and confirm the authority given by this act, in which event we should have a religious society of fourteen trustees, who may "at a general or special conference elect," &c. What are their powers?—

to receive, hold, buy, sell, manage, use, and control the real and personal property of said church, which said property shall be free from taxation—

There is another very objectionable feature in this act that the Legislature of Utah, whether as a Territory or as a State, can not have power to tax the great domain that is alleged to belong to this Church of Latter-day Saints.

which trustee and assistant trustees, when elected or appointed, shall give bonds, with approved security, in whatever sum the said conference may deem sufficient, for the faithful performance of their several duties—

That would be a bond, of course, payable to the corporation, and under the act as it stands and is proposed to be amended by section 12 of this bill our trustees would have to give bond to that corporation—

which said bonds, when approved, shall be filed in the general church recorder's office, at the seat of general church business, when said bonds are approved by said conference; and said trustee and assistant trustees shall continue in office during the pleasure of said church—

We continue them in office during two years—

and there shall also be made, by the clerk of the conference of said church, a certificate of such election or appointment of said trustee and assistant trustees, which shall be recorded in the general church recorder's office, at the seat of general church business, and when said bonds are filed, and said certificates recorded, said trustee or assistant trustees may receive property, real or personal, by gift, donation, bequest, or in any manner, not incompatible with the principles of righteousness or the rules of justice—

Here, then, the Congress of the United States is to empower fourteen trustees who, under this act, are to receive "by gift, donation, or bequest, or in any manner not incompatible with the principles of righteousness or the rules of justice." Who ordains "the principles of righteousness?" This Mormon Church. It remains as a corporation with the power of determining whether a bequest shall be made to it according the "the principles of righteousness" as it ordains them—

inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship and instruction, and the well-being of said church.

Then these donations are to be applied by the trustees that we appoint "for the benefit, improvement, erection of houses for public worship and instruction, and the well-being of said church." That is to say, they are to become an association of propagandists of the Mormon Church, to build its houses of worship in different places, and its houses of instruction. That would seem to cover at least as much as any religious denomination could expect to find incorporated among the powers given to it in a legal sense in any act that any legislative tribunal could enact for its benefit.

Now we come to section 3, and the subject grows very rapidly. The power of this church, which is not touched by the bill, as I understand, except in the one particular which I have mentioned, is thus defined in section 3:

That, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience;" to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ, for the security and full enjoyment of all blessings and privileges embodied in the religion of Jesus Christ free to all, it is also declared that said church does, and shall possess and enjoy continually, the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions, for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment or forgiveness of all offenses, relative to fellowship, according to church covenants.

That is conferring by law upon this church some very broad powers, broader than can be found, I suppose, in any act of incorporation in any of the American States or Territories. No church has ever before gone to the sources of legal authority and power for the purpose of getting a delegation of power to control their congregations and their individual membership in the manner and in the matters referred to in this clause that I have just been calling attention to. It is scarcely necessary to enlarge by way of commentary to explain or alter what I have just read, for it shows that the purpose of this original act of incorporation was to lodge in the legal power of the church the right to punish for offenses against the church, the right to extend forgiveness for offenses against the church, the power to control and regulate the ordinances of the church, including marriage; and it is through this very power of the church in Utah, given to it by this act of the Legislature of that Territory, that these men have assumed the right to build a temple there, not for worship, but for the carrying on of the secret ordinances of marriage which they conduct under their institutions, under what they assume and assert they believe is righteousness and purity and morality.

The sealing of second and third and other wives, up to I believe sometimes as high as nineteen, occurs in the temple in secret; and the temple is built not for worship but for that purpose—the tabernacle there in which the people worship and the temple in which they execute the powers conferred by the third section of this act of the Territorial Legislature. There is the power giving legal sanction through the authority delegated to this corporation to these marriages and this sealing process by which a man is permitted to have as many wives as he can get to follow him.

Now I proceed further:

That the pursuit of bliss and the enjoyment of life in every capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned: *Provided, however*, That each and every act, or practice so established, or adopted for law or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances support virtue and increase morality, and are not inconsistent with or repugnant to the Constitution of the United States or of this State, and are founded in the revelations of the Lord.

I do not wish to reaffirm anything of that sort in an act of Congress; but when we amend that act in part and leave the rest to stand I can not understand how it is that we do not reaffirm it. We send forth this budget of trash, this presumptuous intrusion upon the true and beautiful spirit of the Christianity of our Saviour fortified by an act of Congress, and say to these commissioners that this corporation which we preserve had these powers in the original act of incorporation, and we not only have not interfered with them but we have substantially ratified and reaffirmed them, and we command you to carry them into execution. For there is the responsibility of these trustees, and to whom are they responsible? They are responsible to that corporation while it exists and while they are made members of it by an act of Congress for the literal fulfillment of and compliance with all the requirements of the act of the Legislature of the Territory of Utah.

Then they proceed in another section, section 4:

And be it further ordained, That said church shall keep, at every full organized branch or stake, a registry of marriages, births, and deaths, free for the inspection of all members, and for their benefit.

We do not change that here, so far as I know. Perhaps some provision of an existing statute does authorize us through our courts also to call for these marriage registries, which are held in secret, and to have them inspected and made public; but this is the feature of the law which preserves the secrecy of the marriage relation and prevents the Gentile from peering into the sacred secrets of the Mormon hierarchy, for it provides that this registry shall be free for the inspection of all members and for their benefit, but being free for the inspection of all members and for their benefit necessarily excludes the outer world from having any right to inspect it.

Mr. EDMUNDS. The bill provides for that in terms, you know.

Mr. MORGAN. In terms?

Mr. EDMUNDS. They are to be open to inspection.

Mr. MORGAN. I proceed further with the act:

SEC. 5. *And be it further ordained*, That the presidency of said church shall fill all vacancies of the assistant trustee necessary to be filled until superseded by the conference of said church.

That of course is stricken out by the pending bill.

Mr. EDMUNDS. No, not the assistant trustee; those are the Mormons. We do not touch them at all; we only put in a majority of people who are supposed to be for fair play.

Mr. MORGAN. I proceed still further with the act in question.

SEC. 6. *Be it further ordained*, That no assistant trustee or trustees shall transact business in relation to buying, selling, or otherwise disposing of church property without the consent or approval of the trustee in trust of said church.

I have not looked through these laws to see how far this act may have been amended by the Utah Legislature, but I think I have given the true substance and pith of the enactment, and that the Utah Legislature have not repealed any essential provision that I have read.

Mr. EDMUNDS. Not any at all.

Mr. TELLER. I should like to call the attention of the Senator from Alabama to the fact that the clause as to taxation was repealed by the statute of 1878.

Mr. MORGAN. The taxation clause has been repealed?

Mr. TELLER. Yes; the taxation clause has been repealed.

Mr. MORGAN. Will the Senator from Colorado be good enough to read that section?

Mr. TELLER. It is as follows:

SEC. 2. All property, real and personal, situate and being in this Territory, is taxable, except: 1, property owned by the United States; 2, bonds and other obligations of the United States; 3, property owned by this Territory, or by any county, city, and school district; 4, houses and other buildings and land occupied for public worship, owned by any religious denomination, so long as the same is used for public worship and no income is derived therefrom; but this subdivision does not include the residence of the minister, parson, or other person attendant upon such denomination.

Then all acts inconsistent with the act are repealed by this act of 1878.

Mr. EDMUNDS. That only repeals it, if it repeals it at all, so far as mere temporal property, estates that they have which do not belong to the church.

Mr. TELLER. That takes away the power of taxation from the church organization.

Mr. EDMUNDS. No; I submit, with the consent of my friend from Alabama, that the effect of that only is to subject to taxation the property of the church that is or may be properly called temporal, estates not connected with the church establishment as such.

Mr. TELLER. The honorable Senator has not read the act. I am only reading this as a revenue act providing for the collection of revenue, and, as I understand, it takes it out of the hands of the church and puts it in the hands of the civil authorities of the Territory. The Senator may look at the book and see if that is not the case.

Mr. MORGAN. It is not necessary for the purpose of trying to make the Senate comprehend the scope of my amendment that I should enter into that particular discussion now. Another act which I believe was originally an ordinance—at all events it is an act of the Utah Legislature, approved January 12, 1856, incorporates what is called the Perpetual Emigrating Fund Company. That is a company which is under the control of the church. I shall not stop to read the act, but I think there can be no doubt that this Perpetual Emigrating Fund Company is one that is under the control of the church as a legal organization; that is to say, the church incorporation controls this other incorporation, and the accountability of the officers and agents of the emigration society is entirely to the church and not to any civil officer of the government of Utah outside of the church.

It is true that with the assistance of this emigration society or incorporation these people have been brought from all the quarters of the earth. It is one of the doctrines of the Mormon Church that all the saints are to assemble at Salt Lake; they are to be there in person; and a provision will be made from time to time for the congregation of the saints in that vicinity. It is a very wise provision of theirs in order to increase rapidly their communities and to give them strength in every particular. All of the missionary effort which they are making in other parts of the world, which by far exceeds some of the most prominent of the Protestant churches of this country in its scope and in its results, has been intended to gather population around Salt Lake City, in the provinces that surround that religious center, so that the whole body and power of the church, spiritual and temporal, may be concentrated at one point. Hence it was necessary, to carry out their plan of operations, that this emigrant society should be kept strictly within the government and control of the Mormon Church.

Connected with that also is the tithing system. Let any one go to Salt Lake City and look at the tithing houses and see those people come in on tithing days loaded down with one-tenth part of all the productions that they make, whether it is salt that they collect on the margin of Salt Lake; or wheat, or barley, or rye, or oats, or corn that they grow in their fields; poultry or pigs; goats, cows or calves; shoes, hats, clothing, watches, anything and everything that they make and that they earn and that they have, and see them bringing in their contribu-

tions and turning them over to the receivers of taxes; it is a marvel of influence, and it is a wonder in this enlightened age of mankind that any set of people, however stupid, can have these exactions practiced upon them and that they are so entirely faithful in complying with them. It becomes a religious sentiment with them, and they would feel condemned absolutely if they were not to come in with their tithes and pay the tenth part of all that they get into this tithing house for the benefit of the church.

These tithes, as I understand, find their way then to what is called the co-operative store, in which Mormons place capital upon some basis of stock, and they are from there transported, on the railways and otherwise, to markets, if a market is not found at home. In this way many millions of merchandise pass through this store annually, and the products of the Mormons are converted into money, and the proceeds, after paying a certain percentage of profit to the stockholders, are turned into the church treasury, and it is out of this fund that the emigration society receives its largest support.

It is scarcely any wonder, after we look at the careful particularity and the wonderful skill and wisdom with which those men organized this ecclesiastical power, that they should be able to go to the Feejee Islands, to Ireland, to the different states of Europe, to the different States of the American Union, and that they should be continually importing their converts as they are called, their dupes as we know them to be, from foreign countries, and that they bring in such numbers here that the President of the United States in his message has to suggest to Congress that there ought to be some provision of law enacted by which a discrimination shall be made against the immigration into this country of persons belonging to that institution.

When you strike the Mormon Church as a legal organization in this act of incorporation you strike everything that is connected with it, and that is what I propose to do. I propose to amend the bill so as to repeal absolutely out and out these acts of incorporation.

Then the question arises, what are you going to do with the property? I propose to allow that to be disposed of according to the rules and principles of the common law. According to my judgment about it that will be a nearer approximation to justice than anything else we could do.

As I understand the common law of England in regard to the dissolution of a corporation, it is this: Whenever a corporation is dissolved for any cause or by any means, whether under the decree of a court because it has forfeited its charter, or under an act of Parliament because Parliament declares that it is dissolved, or whether from any accident (for corporations are sometimes dissolved, we are told, by accident), the debts which that corporation owes are extinguished, the debts owing to it are extingused, its real estate reverts to the original donor, and whatever of personalty may remain is subject to the disposal of the law, which I propose shall be escheated to the Treasury of the United States.

The ordinary doctrine of escheats at common law does not apply exactly or literally to the dissolution of a corporation. When real estate escheats to the Crown of Great Britain, for instance, on the death of the owner, the heir at law being an alien, the title inures to the Crown of Great Britain, *ipso facto*, but until the Crown has united that title with an actual possession of the property the heir at law holds subject to the will of the Crown only to determine his rights, and no one else can dispute his rights.

So in the case of a devise of property to one who is an alien, the title of the Crown in a case of that kind does not inure to it absolutely but only after office found; that is to say, after a legal adjudication has been made that the party who died left no heir in the realm of Great Britain capable of inheriting, but he left heirs who are aliens, or the devisee in the case of a devise is an alien or even an alien enemy, in which case the court proceeds to declare that the Crown is entitled to be admitted as of its right to the property. Office is thereby found, and the title of the Crown by the act of the court becomes complete and absolute.

It is not so in regard to corporations which are dissolved, for every corporation takes all the property that is granted to it, at least all the real estate, subject to the condition attached to it by law that it will revert to the donor on the death or dissolution of the corporation. That is a tacit condition annexed by law to every donation that is made to a corporation, it makes no difference how broad or how powerful the words of donation may be. The fact is, you can scarcely frame a deed under the principles of the common law by which you could so convey real estate out of you into the hands of a corporation as that it would not revert to you in the case of the dissolution of that corporation, which means its death.

I do not know from what source the Church of Jesus Christ of Latter-day Saints, this legal incorporation under this act of Utah, acquired its title to the real estate that it holds, but I presume that no entries were made directly from the Government of the United States. I presume the land offices would not disclose that any title to land had been taken up in the name of this corporation, either by private entry or otherwise. The land must have been taken up by some Mormon who either sold it or donated it to this church. Some Mormon gave this land to this church or some Mormon sold the land to this church and made a deed of it. So if we dissolve this corporation and apply to it the principles of the common law this property goes back to that donor; the Mormon gets it if the church loses it. I dare say that there are very many debts due to that incorporation, because in the last section of the act to which I have just called attention the Senate will notice the following provision:

All persons receiving assistance from the Perpetual Emigrating Fund Company shall be held responsible therefor until paid.

There are doubtless debts due to the church either through this second corporation or directly due to it. These would be extinguished according to the principles of the common law. It may owe debts. If it does, it owes them to Mormons. It has contracted no debts to Gentiles, to outside people. These are extinguished according to the principles of the common law, which I seek to apply to this measure by the amendment which I offer. They may have personal property which would not, in strictness of law, be the subject of that sort of escheat which affects the distribution of the assets of a corporation which is dissolved under the common law in England. In order to meet that particular case my amendment provides that this property shall be escheated to the Government of the United States. When I say "escheated," I do not mean that the property escheats by this act of Congress simply. I would not do that.

Mr. MAXEY. I should like to know from the Senator whether it was an act of the Territorial Legislature which granted the incorporation.

Mr. MORGAN. It was an act of the Territorial Legislature. It was first an ordinance of the convention called to organize a State called Deseret, and afterward that ordinance was enacted by the Legislature of Utah.

Mr. MAXEY. So it is under the control of Congress.

Mr. MORGAN. It is directly under the control of Congress. I suppose that no Senator doubts our power to repeal or modify that act of the Legislature in any respect that we choose. I have assumed all the time, of course, that we have full power over the whole subject, and I see no reason to doubt the correctness of the conclusion.

As I was observing, I have for the reasons that I have stated incorporated here a provision of escheat. I do not think it is proper under our system of government and particularly under the restrictive clause in our Constitution, which provides that property shall not be taken except by due course of law, that an act of Congress should take from any person claiming property and dispose of it by gift or grant or otherwise to another person. I would always have the intervention of a court to determine whether the conditions existed upon which the escheat was to take place and to determine by judicial sentence what should be done with the proceeds of the escheated estate. My amendment does not cover that proposition very distinctly, but of course if we adopt the amendment I have suggested that can easily be put in. I did not have time last night to prepare the entire scope of the amendment so as to include that feature of it.

But I intended to call the attention of the Senator from Vermont to two propositions. One is that he has not provided, as I understand, any special tribunal for hearing the case that is required to be brought by the Attorney-General in the thirteenth section of the bill. I suppose the Senator found that the jurisdiction of the district court of the United States for Utah was broad enough to cover the subject; but it might be better, I will suggest to him, to say what court shall take jurisdiction for the purpose of escheating this property. But I will insist, so far as I am concerned, that a proceeding for the escheating of the property shall take place after we have declared the escheat, so as to determine what portion of this property would pass under the common law directly back to the original donors and what portion of it would pass under the provision of this act of Congress into the Treasury of the United States in pursuance of the requirement that it shall be escheated, and also to determine whether there may be other claimants to any portion of this personal property. I believe that it is our duty in enforcing laws of forfeiture or escheat of whatever kind or character to bring the subject to the attention of a court, and the subject should not be considered as conclusively determined until a court passes upon it. That is a doctrine to which I adhere very closely.

I have explained the reasons why I have offered this amendment. I do not know that I have anything more to say about it, at least for the present.

Mr. CALL. Mr. President, section 12 of the proposed statute which is now sought to be amended provides that fourteen trustees shall be appointed who shall take possession of the property of this corporation. The Constitution of the United States provides that private property shall not be taken for public use without compensation. Is this private property or not? Is the property of this corporation private or public property? It seems to me there can be no question in regard to that. This property was acquired by this corporation under the protection of the law. It belongs to it and to those who are its *cestuis que trust*. There can be no question about that.

What, then, is the taking prohibited by the Constitution? Does it allow Congress to take possession for either a longer or a shorter time? Does it vest power to dispossess persons of their property and substitute others in the control and management of it? There can be no question that a taking, a dispossession, for a moment is as much as a dispossession for an age or a conversion in perpetuity.

The Constitution is imperative. It says, "nor shall private property be taken for public use without just compensation." This provision

of the proposed statute not only takes it but converts it to public use, to the education of the children of Utah, without reference to the wishes of its owners. To my mind there can be no question whatever that this is clearly within the inhibition of the Constitution.

But in regard to another point, the Constitution says that "Congress shall make no law respecting an establishment of religion." Senators here say that although you may make no law respecting an establishment of religion, you may legislate to destroy the chartered rights of an establishment of religion; that you may impose disabilities upon those who practice it, and you may indirectly deprive them of political rights and privileges and of all rights for the purpose of suppressing and destroying it. That is manifestly the object of this section and of this bill and is avowed in the argument and the discussion of the legislation proposed in the section under consideration.

Whatever may be the evils of this association, whatever may be the calamities that it may or may not produce, the question which we are bound to consider is whether it is or is not an establishment of religion. By all our traditions and by all the history of the English race and by all our legislation previous to the commencement of this crusade upon these people, the Mormon church must be regarded as an establishment of religion. Senators say it is not the true religion. Does the Constitution say you shall not legislate respecting the establishment of the true religion or the false religion? The act of toleration of King William and Queen Mary—which was the outcome of all the persecution which the people of England and this country as well as the people of Europe suffered for many years, the tortures of the Inquisition, the burnings, the hangings which every church and every creed have practiced upon the others—the act of toleration, which is the foundation of our principle of religious freedom, says in express terms what is and what is not an establishment of religion, and leaves no ground of doubt as to the meaning of the terms used in the Constitution. Congress shall make no law respecting an establishment of religion.

Before we embark in this system of religious persecution, before we abandon the principles of our Government, of our civilization, and of the religion of Christ, it is well for us to consider something of the past history of this and other countries. That great society of Christian people the followers of John Wesley, who in every period of the history of this country have been its loyal and faithful citizens, who have sustained the Christian religion in heathen lands and in civilized lands, those apostles of the poor and humble have defined what they consider as religious freedom. Let us see whether it is the right of any Congress or any set of men to say what is religion or what is not. In the days when the English Parliament undertook so to declare, a committee of the followers of John Wesley put forth this declaration:

> That it is the unquestionable right of every man to worship God agreeably to the dictates of his own conscience, and that he has a right to hear and to teach those truths which he conscientiously believes, without any restraint or judicial interference from the civil magistrate, provided he d › not thereby disturb the peace of the community, and that on no account whatever will this committee ever concede this fundamental principle.

The society which proclaims this as the meaning of religious establishments as defined in our civilization and our Constitution constitutes an immense portion of the Protestants of this country. *If a man have the right to worship God according to the dictates of his conscience, if he believes, as many do believe in foreign lands, the benighted doctrine and the unholy practice, as we conceive it, of polygamy, while we have the right to punish the practice and if possible to suppress it, have we the right to establish a system of religious persecution to destroy the religious establishment because it professes and believes a falsehood? Shall we disregard the very proposition upon which our own religious liberty stands? Shall we overthrow free speech and free thought and the Bible and religion of Christ, and substitute for them the secular power, the sword of civil power for the sword of the Spirit? This is but to repeat the history of the Dark Ages; this is to re-enact the Inquisition of Spain with all its horrors; to light anew the fires of religious persecution, and by fire and torture and suffering to force the human mind to accept as true our opinions and our creeds.

This bill and this section of the bill undertakes to do this? It declares that the chartered rights of succession and ownership of property granted to the religious establishment of the Mormon Church shall not only be taken away from them, but that their property shall be confiscated, taken from them, and used according to the will and discretion of Congress; and to what end? To the avowed end declared in the bill, that this form of heretical belief, that this false religious establishment, shall be suppressed and destroyed, to the end that true religion, as we conceive it to be, may be maintained.

Mr. President, this is not the punishment of polygamy; this is not the suppression of the practice of polygamy; it is the destruction of a religious establishment, a false religious establishment; it is the persecution of its votaries to the end that by that means it may be extirpated.

Sir, we can not indirectly legislate for the purpose of destroying any religion, whether false or true. We can not take away its chartered rights which have been given to it by law, selecting it as one out of many to the end that it may be destroyed, without violating not only the principles of the Constitution, but the essential principles of the religion of Christ.

This provision of the bill, as well as the whole bill, is an assault on the Christian religion, which undertakes by persuasion, by conviction, by teaching the doctrines of Christ, to convert and convince men, and not to compel them to believe by the sword. It is a revival of the Dark Ages. When the religious persecutions which consigned so many hundred thousand people to the stake in the mediæval ages commenced they began with comparative mildness, and they proceeded from mild forms of restraint to punishments so horrible that they make the blood run cold. These cruelties were practiced by every sect and every church in turn upon those who dissented from it.

Motley, in the History of the Dutch Republic, says:

> Tyranny, ever young and ever old, constantly reproducing herself with the same strong features, with the same imposing mark which she has worn through all the ages, can never be too minutely examined. * * * The history of Alva's administration in the Netherlands strikes us almost dumb with wonder. * * * Why has the Almighty suffered such crimes in His sacred name?

Mr. President, what can we say of a proposition here in this day of religious liberty, in the face of a provision of the Constitution of the United States that property shall not be taken for public use without compensation, which requires that the property of a corporation, a private corporation, a corporation for purposes either religious or benevolent, so avowed upon its face, so stated in its charter, may be taken by law and appropriated by the Congress of the United States to purposes not contemplated by, and against the will of, its owners, and to the avowed end that certain people who believe, and falsely believe, that the interpretation of the Bible and the religion of Christ justify and require them to establish a marital relation which we forbid and regard with horror, to the end that by religious persecution it may be exterminated and done away with? It is true that this section of the bill describes this confiscation as an escheat to the Government; but the learned men who prepared this bill knew that there could be no such thing as an escheat of the property of a corporation which within the limits of its chartered term of life was performing the acts required by its charter, the life of which was terminated by the arbitrary act of the Government as a measure of public and religious policy.

I can not see what possible ground there is for any opinion that the Congress of the United States has a right, in order to suppress polygamy, to confiscate the property of persons, of corporations, and apply it to any use they see fit. I do not believe that there can be any argument made in support of it. The Senator from Vermont, with very great ability and very great ingenuity, proposed to discriminate between what he called the political or the temporal and the ecclesiastical features of this organization. Suppose we were to attack the great Catholic Church, with its hundreds of millions of property in its corporate institutions, using them as it does for benevolent purposes, and to declare that we saw fit, to the end that the Catholic Church and her form of belief might be extirpated, to withdraw her charters, confiscate her property, and apply it to other uses, who would for a moment entertain the idea? Who would regard it as within the power of this body? Who would dare to propose this of any of the great churches into which Christians are divided. This demonstrates that we have no right and no power to proscribe and punish any form of belief, religious or political—to legislate men into other beliefs and other opinions. It is with practices, with acts alone, that we can deal.

When the time comes I shall move to strike out from the first section of the bill the words "and may be compelled to testify." The bill requires that the wife shall be compelled to testify against her husband—not permitted, but compelled—with the privilege of reserving from such testimony any confidential statement or communication made by either during the existence of the marriage relation. What knowledge is there on the part of husband or wife that is not confidential? How can you compel one to testify against the other without violating the relation? What is the object of that provision? Is it to the end that in criminal cases generally this testimony may be made available? It is to the suppression, as avowed in the bill, of this form of religious belief. It is legislation respecting a false establishment of religion. No one denies that this is false religion; that it is a form of religious belief; that it is an establishment of religion; that the 180,000 people who profess it believe and profess to believe that it is religion, and a true religion. We say it is no religion, and that it is hurtful; but all churches and creeds have said that of those who differ from them, and they have used the power of the state to burn, torture, and kill all who differed from them. This bill proposes to punish and exterminate this false belief by the secular power.

The Senator from Alabama testifies that these people, with a fanaticism and a superstition which he regards as wonderful, bring the tenth part of all their labor, day after day and year after year, as a voluntary contribution. Why do they do it? Because they believe, falsely if you please, that it is a duty to their God to do so. We say that this fanaticism encourages them in the practice of polygamy and is hurtful to the State; and we make laws to prevent them from spreading their belief, from bringing in recruits to their faith, and impose on them some penal laws and processes unknown elsewhere to our laws. I am opposed to Mormonism, and because I am opposed to it I oppose this law and these methods, which can only result in increasing it by dignifying those who are persecuted as martyrs in the eyes of their deluded followers.

But the second section of the bill, in face of the provision of the Constitution that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated," provides that at the hour of midnight, at any hour of the day or night, without previous charge or accusation, without notice, without a subpœna, the officers of the law may drag from their bed any man or woman and hold them in confinement because there is an opinion on the part of some officer that they will not obey a legal process; not that they had done wrong, not that they had refused to obey the law, but because there is an opinion that they will. It is a discretion committed to the marshal or a judge, a commissioner or a grand jury, or a justice of the peace, that attachment for a witness may be issued, without a previous subpœna, compelling the immediate attendance of such witness when it shall appear "that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served." Is that an unreasonable seizure or is it a reasonable one? What is the object of this provision? It is because it is apprehended that, under the influence of this superstition these people will be reluctant to obey the process of the court.

In all ages these things run together. The difference between persecution and the religion of Jesus Christ with its pure method as defined by Wesley and his followers, that religion which goes with the power of conviction and not with the stake and the fagot and the secular arm to enforce it, and that superstition, that religious persecution which seeks to advance the opinions of sectaries by the secular arm of the state, by power, as they did in the days of the Inquisition, finds in its methods always from that time to this precisely the same characteristics. I read from a history of religious persecutions by a distinguished divine of the Protestant Church, which is impartial in its reference to all creeds and all churches and all people, and is designed simply to establish the proposition that heresies in religion, false opinions and false practices proceeding from superstitious beliefs, are not to be eradicated by the secular arm of power, but only by the milder methods of the gospel, by the principles of the Christian religion. In the year 1656 a law was passed in the colony of Massachusetts the methods of which are precisely those adopted in this bill—the law of arbitrary imprisonment, the law of arrest without hearing, without previous charge, without evidence. I will read the law as it was established in one of our then colonies:

That whosoever of the inhabitants should, directly or indirectly, cause any of the Quakers to come into that jurisdiction, he "should forfeit one hundred pounds to the country, and be committed to prison," there to remain till the penalty should be satisfied.

* * * * * * *

Whereas there is a pernicious sect, commonly called Quakers, lately risen, who by word and writing have published and maintained many dangerous and horrid tenets, and do take on them to change and alter the received laudable customs of our nation, in giving civil respect to equals, or reverence to superiors, whose actions tend to undermine the civil government, and also to destroy the order of the churches by denying all established forms of worship, and by withdrawing from orderly church fellowship allowed and approved by all orthodox professors of the truth, whereby divers of our inhabitants have been infected;—for prevention thereof this court doth order and enact, that every person or persons of "the cursed sect" of the "Quakers," who is not an inhabitant of, but is found within this jurisdiction, shall be apprehended without warrant where no magistrate is at hand, by any constable, commissioner, or selectman, who shall commit the said person to close prison, there to remain without bail until the next court of assistance, where they shall have a legal trial, and "being convicted to be of the sect of the Quakers, shall be sentenced to be banished, upon pain of death." And that every inhabitant of this jurisdiction, being convicted to be of the aforesaid sect, either by taking up, publishing, or defending the horrid opinions of the Quakers, or the stirring up mutiny, sedition, and rebellion against the government, or by taking up their absurd and destructive practices, namely, denying civil respect to equals and superiors, and withdrawing from our church assemblies, and instead thereof frequent meetings of their own, in opposition to our church order, or by adhering to, or approving of, any known Quaker, and the tenets and practices of the Quakers, that are opposite to the orthodox received opinions of the godly, and endeavoring to disaffect others to civil government and church orders, or condemning the practice and proceedings of this court against the Quakers, manifesting hereby their complying with those whose design is to overthrow the order established in church and state; every such person, upon conviction before the said court of assistance in manner as aforesaid, "shall be committed to close prison for one month." And then, unless they choose voluntarily to depart this jurisdiction, shall give bond for their good behavior, and appear at the next court; where, continuing obstinate and "refusing to retract or reform the aforesaid opinions," they shall "be sentenced to banishment, upon pain of death."

Here we have the same method of arbitrary arrest, of arbitrary punishment without notice, the same proposition that a particular sect of people with a particular religious belief are unfriendly to the State and to the cause of good order. That is what this bill is. The author of this work, himself a Christian and a representative of the Christian sentiment of New England, proceeding to speak of this law, says:

Here endeth this sanguinary act, being more like to the decree of the Spanish Inquisition than the laws of a reformed Christian magistracy; consisting of such who themselves, to shun persecution (which was but a small fine for not frequenting the public worship), had left Old England.

I say, therefore, that this proposed measure and its whole theory is in violation of the spirit of our institutions and all the provisions of our Constitution; that it is in violation of the whole theory of Christian liberty and Christian civilization; that it ignores and distrusts and disparages the power and influence of the religion of Christ, the divine teacher; that it denies and distrusts the power of free speech and free thought, the great agencies of our civilization.

I am as much in favor of the suppression of the practice of polygamy as any man, but I am not in favor of religious persecution to the end that it may be suppressed. I do not believe that we can violate the laws which secure a fair and impartial trial in the spirit of our Constitution to all men accused of crime. I do not believe that we can violate the laws that give personal security except upon a charge of crime and probable cause. I do not believe that we can lawfully engage in a crusade against the Mormon Church, this false establishment of religion, by the secular arm of the State to suppress polygamy. The Christian sentiment of this country, the criminal laws administered, the temperate laws, not extreme, but punishing this offense as others are punished, are amply sufficient and far more efficient than this iron-clad bill, which in every letter and in every word of it is designed and avows itself to have the purpose of suppressing this form of false religious belief by the power of the State as the means of destroying polygamy. I prefer the influences of the Christian religion, with the criminal laws fairly and impartially enforced. If our institutions are not strong enough and our Christian religion is not strong enough to overcome it, then no secular power can do so.

For these reasons, Mr. President, I am opposed to the bill, and I hope the amendment of the Senator from Alabama, which will improve it in some respects, will be adopted. But I do not believe that we have any right to destroy an establishment of religion, false or true, to the end that we may suppress a crime.

I believe that the provisions of this bill, while they violate the Constitution and are the beginning of religious persecution of other churches and other sects, will have no effect on the Mormons except to increase their numbers and give them dignity and respect in their own eyes. I believe the preaching of the true religion by its faithful ministers, the upholding of the national authority in the Territory by an armed force adequate to give protection to all who may wish to leave the Mormon church, will do what this bill will fail to do.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the first amendment proposed by the Senator from Alabama [Mr. MORGAN]. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed to strike out all of section 12 after the word "annulled," in line 7, and to insert:

And the property of said corporation of every kind shall be disposed of according to the rules and principles of the common law as in case of the dissolution of a corporation.

Mr. EDMUNDS. I think it due to my friend from Alabama [Mr. MORGAN], whose support in favor of the general scheme of the bill I count upon, to say a few words in friendly reply to him.

I do not think that the bill if passed into a law affirms the residue of the corporation act of the Church of the Latter-day Saints. The bill in terms only declares that it annuls so much of that act as prevents the United States from appointing a certain number of trustees to act with the other trustees of the church in regard to its temporal affairs, by which I expect that the Mormons who do not believe in polygamy, and the Gentiles, as they are called, and the rest of decent people in the United States, will be able to know something of the business operations of that concern.

Without touching its doctrines or its faith or anything else, if it could be supposed that such an act would affirm the residue of the charter, as I will call it, as it is, then Congress more than twenty years ago did affirm the whole charter; because Congress then annulled that part of the charter which related to marriages and provided for polygamy, &c., completely and entirely, but took express pains to say in the act, which is here before me, that Congress did not intend to interfere with any of the religious and worshiping parts of it. I do not think that Congress thereby became the affirmative proponent of the residue of the charter. Certainly the language of the Congress of the United States at that time would come much nearer to sustaining my friend's argument than what this proposed act does. I think that is enough for that part of my friend's argument.

My friend suggests that these trustees are really the church. I think he is mistaken about that. The first section provides for a church, and the third section provides for a church and what the church may do. The second section provides simply and purely for trustees to hold, own, regulate, manage, buy, and sell property to be devoted to the uses of the church and for its general utility; a very sweeping and important phrase, as my friend has pointed out. There is the distinction.

So, too, without referring to what the Senator from Florida [Mr. CALL] has so vigorously stated with his usual clearness and perspicuity in regard to religious faiths and beliefs, no matter how wild they may be, it only goes to touching the temporal concerns and temporal operations of a corporation that exists by the sufferance of the United States, so far as those operations may be devoted to promoting the practice of what we all agree in calling a crime.

We do not affirm the third section, which has nothing to do with the second section, but is connected with the first section. We do not say anything about their doctrines, or covenants, or ordinances, &c.; and the punishments, and promotions, and regulations that are there provided for are in substance like those of almost all Christian church organizations in their words. When it speaks of a punishment there it speaks of a church punishment; that is, if a member of the Mormon Church is guilty of something that the Mormon Book of Doctrines and Covenants

(which I have been studying while this debate has been going on and before) forbids, he may be expelled from the church, excommunicated, or whatever you call it, and that is all. It is a spiritual punishment, with which the affirmative laws of a country never undertake to have anything to do, because it is a mere question, like in a club, whether you are willing to have a man in it or to have a man out of it. It is a question of association and nothing else, that the laws of a civilized country do not undertake to deal with at all, because it is pure sentiment; it does not affect the life, the liberty, or the property or the legal obligations of any man. That is what this third section means about imposing punishment and so on.

My friend from Alabama speaks of the Emigrating Fund Company as being a thing that will be repealed if the church corporation is repealed. He is mistaken. If we repeal the church corporation alone and leave the emigrating fund society by name, it will continue to go on; but this bill reported by the committee specifically provides for abolishing that corporation entirely, because it does not pretend to be a religious corporation.

Mr. MORGAN. That is the way I understand it. I did not mean that the repeal of the act of the Utah Legislature incorporating the church would necessarily repeal the other act of incorporation. The bill itself repeals that. So my amendment in connection with what is in the bill would sweep them both out.

Mr. EDMUNDS. Yes; but the bill itself sweeps out the Emigrating Company, because the Emigrating Company in the terms of its charter does not profess to have either faith or worship or discipline. It does not purport to be a religious corporation either by name or by substance. It is a political corporation. I am not speaking of "political" in the sense of party politics or governmental politics, but in the legal sense of the word, a political corporation, one that deals with men and affairs to build up a community in a particular Territory, and that is all.

Now, then, inasmuch as we know from our experience and observation that that corporation is devoted to gathering the most ignorant and degraded of all classes of community in all the States and in all other countries in there for the purpose of imposing upon them the doctrines and the practice of polygamy, and inasmuch as that corporation lives by the sufferance of the United States, we propose to wipe that out; and inasmuch as it is not a stockholding corporation, instead of (on the old common-law doctrine, but not what I think is now the true common-law doctrine that my friend has stated) giving the fund to the ten thousand persons who in the last twenty-five years have by tithings and otherwise contributed to make up the fund of that corporation back to them, as they can never be found, we propose to devote it to the education of the children of that Territory, subject by a judicial investigation to the private claim and the private right of every human being who comes forward to make any demand upon the fund.

Mr. MORGAN. The Senator has not considered the second branch of the amendment. I provide in that for the escheat of the personal property to the Government of the United States. It is the land under the old common law that reverts to the original donor.

Mr. EDMUNDS. But I do not mind about that. I do not care whether it takes the land or the personal property on these distinctions, because the purpose and the scope of the bill as to the emigrating society is to take all of this property, real and personal, whatever it may be, and devote it to the use of common schools, subject to the private right of anybody who can establish, in a court of justice there, his right to any part of it, and if he establishes that right he has it; but what belongs to the public, what under the old law would go to the sovereign or to the lord superior or whatever, goes to the education and enlightenment of the children of these Mormons themselves. That is what we propose to do with it.

Then if this first amendment of my friend, which is the critical and governing one, as he says himself, is adopted, you have struck a blow not only at polygamy, but still more at the faith of those Mormons who do not believe in polygamy; and as my friend has said there are a great many of them, and whose temple and whose tabernacle are as sacred to them as my friend's church is to him and to me, and who are willing and anxious that this bill as the committee has framed it shall pass, who have said in order to accomplish this end you have undertaken to destroy us when it was not necessary, and you have struck at rights that my friend from Florida has so eloquently described as sacred.

The committee therefore has undertaken to leave all that belongs to faith or religion, however erroneous we may think it to be, to continue to live, and as to what is not faith and religion and goes to mere temporal affairs, to investigate it and look into it and to destroy by the means and agencies that we can outside of the question of faith and worship all that belongs to the propagation of and inducements to polygamy.

Mr. TELLER. I should like to ask the Senator from Vermont if he regards the disincorporation of a church association or corporation as an attack upon its religion? I ask him if it is not a fact that that is a sort of gratuity extended to religious organizations and not at all inconsistent to withhold it from the exercise of the fullest freedom of religious thought and opinion?

Mr. EDMUNDS. That might be so in a technical sense, and if the Senator from Colorado and the Senator from Alabama would unite in a bill which should provide that all of these corporations in Utah and every other Territory should be dissolved, then they would be up to the logic of their proposition. I should be opposed to all of them. I agree that whatever the sovereign power gives it may take away; but I do not agree at this present moment that it is wise or prudent for the purposes we have in view of building up, as there must be built up in that Territory at some time, a community of some character by going to war with the people who believe as we do and who wish to accomplish the ends that we have, and by striking them down and leaving them without any title to their churches and establishments of religion alone when we do not strike down any other sect or any other faith.

That is the proposition; and therefore I am opposed to the amendment of the Senator from Alabama. If I were the head president—the first presidency, as it is called—of that concern, and wanted to kill this measure by a course of amendment which should make it so out of unity with all that we do as to other religious corporations that are religious corporations purely and simply, and wanted to break it down by making it so odious that it could not be gotten through both Houses of Congress, I should have tried to persuade somebody to invite some Senator to move exactly that amendment. I know that my friend is not influenced by any such purpose—quite the reverse; but I think his zeal has outrun what, after reflection, would be his sober judgment about it.

Mr. MORGAN. Mr. President, I have not taken much part in the debates upon the bill either now or heretofore. It is an intricate subject, and one that requires very mature reflection in order to do what is just and right and in accordance with the evident sentiment of the American people, to which I avow my assent, and I do it accordingly.

I regret that it did not occur to me to send along with the bill the amendment which I have now presented in order that the Committee on the Judiciary might have had a fairer opportunity for considering its merits. I regret also that we are here before a very thin Senate, where the debate upon the proposition of course can produce almost no effect at all. When the vote is taken upon this proposition it will doubtless be voted on by many Senators without having considered the importance and value of the amendment that I have had the honor to suggest.

I am somewhat chary in endeavoring to array my opinion against the Senator from Vermont, who has studied this question very thoroughly, and I must say that I believe he has studied it in a spirit of justice and fairness, with a disposition to do what the American people require to be done and what should be done to remove this flagrant outrage from the American society, to say nothing of taking it out of the pale of the American Christianity. But I must differ with the Senator from Vermont as to the nature of the remedy that he proposes. For one, I must say I do not consider that the measure which the Senator from Vermont brings forward is as heroic and as radical as it ought to be. He is not given to stopping on his center. When that Senator conceives that something ought to be done for the public welfare, he is usually willing to take up the subject by its rough handle and to carry it through to all of its logical consequences without turning back or looking back; but on this occasion I think the honorable Senator from Vermont has been alarmed by his own regard for what should be the propriety of action on the part of the Congress of the United States in dealing with a subject of natural delicacy, the subject of the establishment of religion. I might say for myself, but I would not say it as a lawyer, that in dealing with this corporation or with its associated ecclesiastical organization I do not feel that I am dealing with a religious establishment. I feel that I am dealing with something that is entirely irreligious, that has no just pretension at all to be called a religion in a Christian country. It would be a very fair religion in China or in any Mohammedan country; it would do very well for the Congo Free State perhaps; but in Christian America this can hardly be rated as an establishment of religion. It is an establishment of vice, which is controlled by an autocracy or a hierarchy which calls itself a church, and professes to be founded upon a relevation made to a human being in these latter days in the United States through books which were transmitted here and translated by himself, a relevation from the Almighty, which in its essence and in its quality and in every particular denies and reprobates and overturns what we understand to be the revelations upon which the Christian system is founded.

If the priests of the Mohammedan religion were here for the purpose of establishing themselves in any Territory of the United States and for the purpose of propagating that well-known system (which includes some very virtuous elements, particularly that of temperance) in one of our Territories, and if they should call upon the Territorial Legislature and through that Legislature in effect upon Congress to grant a legal charter for their church, I do not suppose that in a case of that kind any lawyer in the United States would regard me as at all departing from the traditions of the profession or as violating any known principle of constitutional law if I should object that we had no power to confer a legal charter upon a Mohammedan church in a Territory in order to organize it as a religious establishment. I would deny the power in a case of that kind, because the exercise of that legislative power in the organization of that sect in this Christian country would be in effect to overturn the spirit and substance and foundation of the whole of the Christianity which pervades this country, and which en-

ters into our society and through that into our laws. If I should find an act of a Territorial Legislature giving incorporation to a Mohammedan church, one of whose tenets is that a man shall have a plurality of wives if he chooses, I would not hesitate to repeal that law, because it would violate the whole sentiment of the American people and it would violate the spirit of the Constitution.

Now, when the Legislature of Utah organized this miserable pretension of a church, which was organized for the purpose of covering up and protecting by the sanctity of religion the allowance of low, flagrant crimes in the community to which the whole sentiment of the people of the United States is adverse; when they passed this act of legislation of this so-called church, they violated if not the letter the spirit of the Constitution, for they legislated for the purpose of establishing a religion. They did not legalize action in reference to a religion which existed and was recognized by the American people. They did not legislate as we would legislate in respect of any of the great Catholic or Protestant denominations known to these Christian communities, to give legal power and organization to them in order to hold property merely. That act of the Legislature of Utah was an act for the establishment of a religion which before that time had no foundation in public acceptance and no foundation in law. That act was the building up of the Mormon Church. These men had been scouted from communities to the east of the Mississippi River and driven like public enemies abroad into the wilderness. They were routed from Illinois, Missouri, and other States, as nuisances to the community. Their temples were torn down or burned down about their heads, and their propagators and pretended priests and prophets were imprisoned and punished by the populace. Taking refuge in the wilderness, at that time within the domain of Mexico, coming to us by an annexation of territory, when they got the power of a Territorial Legislature out there, the first thing they did with it was to use that power contrary to the Constitution of the United States to establish a religion. But for the exercise of that power of legislation in the Territory the Morman religion would never have been established in that country. It would have lingered along in a miserable way under the condemnation of public sentiment abroad as well as of public sentiment that was rapidly forming and growing in the midst of those people, and it would have utterly perished and passed out of view, as the Oneida settlement has done in New York.

But the purpose of that act and its whole intention was to establish a religion, and well and wisely did they legislate. They formed their legal organization, but in forming it they enacted into the law some of the precepts of their pretended religion, and they gave to this church as a body corporate the power to do much else than merely to hold property in a legal way for the advantage of the institution. I read to the Senate this morning a long array of the powers that they have.

The corporation is formed under a law, and the uses and trusts and purposes of that corporation are in that law distinctly and clearly defined. What are they? When read even between the lines, when read according to the interpretation of the very men who enacted the laws, they are for the propagation of polygamy; they are for the establishment of a church hierarchy there, having more power than any Legislature in the United States; they are for the taxing of the people to one-tenth of the product of their annual labor; they are for giving power to the ruling authorities in that church, the priests and apostles and bishops and other men in authority, so that they may exercise upon individuals a degree of duress, not merely spiritual duress, but personal and physical duress and control over their property, which shall compel them to bow in submission to any decree that the church may put forward.

Here, then, are the uses and trusts and purposes of the act of incorporation declared in the act itself. When these tithes flow in and are converted into money, when the voluntary contributions which are made to this church go into the treasury, when the money that they receive from their stocks in railroad corporations comes in, who has the power to control it? Says the Senator from Vermont, not the trustees; they have only the power to hold it. That is true; but in the act you have got the trustees and you have got the church, but with all the controlling power physically and morally that that church can exercise, and that church can exercise the control and direction of the fund so as to apply it to the uses specified in the act.

What then are our fourteen trustees to do? They are to go there and receive the property—yes, the tithes received, all contributions, all donations that may be made in pursuance of law. The law that is upon the statute-book of Utah holds them in their treasury accountable to whom for them? This bill does not make them accountable to the United States. The trustees are accountable to the church. Will you substitute trustees in the act and say to those trustees, you shall execute the trusts and uses and purposes for which the act was made? Will the Congress of the United States undertake the task of running the Mormon Church so as to collect its revenues from time to time and apply them to the uses prescribed by law? That is the question as I understand it.

The honorable Senator from Vermont says that these funds, when received by the trustees, are to be put into a common-school fund. The act does not so provide, except as to those corporations which have violated the provisions of the act of 1861, in which case an escheat takes place by a proceeding in some court, and the fund escheated is carried into the common treasury of the school fund—diverted from the church and carried to the school fund. That, sir, is a confiscation. That in another form is an escheat. You take the fund away from the church in that case and you carry it into the common-school fund.

But up to the $50,000 that they have a right to hold, and also in reference to the revenues that they derive from the tithing, I can see nothing in this bill that will prevent these trustees from being compelled to execute the trusts of the original act. Here stands a church, call it a Baptist church, or a Methodist church, or a Presbyterian church, in order to see now exactly what the powers of the trustees are. Here is a Presbyterian church in the Territory into whose government and into whose act of incorporation Congress has injected fourteen trustees to take and hold the property. The act of organization of that Presbyterian church requires that the moneys which shall fall into the treasury of that church, it makes no difference how, shall be applied to certain religious uses, and instead of applying that money to the religious uses of this orthodox denomination of Presbyterians, as is prescribed by the act of the Territory of Utah, you take that money and convey it into the treasury of the common-school system.

Why, sir, the whole United States would revolt at it. Yes, the Christian world would revolt at an act of that kind prepetrated in respect of the Presbyterian denomination.

Now, we will change it, and we will call it the Church of Jesus Christ of Latter-day Saints, and apply the very same provisions to it. Under this bill the money comes in through the act of the Legislature of Utah Territory; it is carried into the treasury of the church, and charged there in the hands of these trustees with certain uses and trusts to which the law has subjected it. That law is not repealed, not modified, not changed in any particular. It stands there in the case of the Church of the Latter-day Saints precisely as it would in the other cases that I have supposed of the Presbyterian Church. Would not the courts be compelled to rule that these trustees should execute the trusts and purposes for which that money was paid into the treasury? You have not altered it in any way; you leave it precisely as the Utah Legislature left it; and having thus left it, the courts would compel your trustees to pay it to the uses and trusts which you have not seen proper to repeal.

Sir, I cannot get my consent to leaving this statute in force to the effect and to the extent of enabling a court of justice to require these trustees to execute the uses and purposes of that original trust. In doing it we uphold the spirit, intent, and purpose with which the original act incorporating this church was enacted. I would, as I said, put the ax to the root of the tree. If you will repeal this establishment of religion there, which establishment, in its spirit, as I have argued, was contrary to the Constitution of the United States when it was established—if you will repeal that, then allow the property of this corporation to go as the common law directs the property of dissolved corporations shall go, you have grasped the whole subject, and the downfall of that pretension of a church comes immediately. That will relieve us hereafter of all the power of these presidents, apostles, and bishops, who are now no more and no less than a mere political organization for the purpose of holding in their control the power to levy one-tenth out of every man's annual income for the support of the agents and the missionaries who surround them. Take that power away from them, and do it by tearing down the corporation. We have the right to do it. The Senator from Vermont does not deny it. We should have the right even if this corporation had been enacted in the first instance in the very best spirit and for the holiest of purposes; but being enacted, as it was, in a bad spirit and to back up a pretension and to violate and overturn the whole public sentiment of Christianity, surely we have the right in morals, under the Constitution and in justice and equity, to take down that corporation and destroy it.

Mr. EDMUNDS. The Senator will pardon me for a suggestion, as I do not want to take time on the subject of tithes. If the Senator really supposes that the use of that word in that old charter implies any legal obligation on the part of a member of the church to pay tithes, or any legal power on the part of the church or any officer in it to exact them, if he will propose an amendment to remove that word I will cheerfully vote for it; but I understand the law to be clear. Perhaps I am mistaken, probably I am if the Senator thinks so; but I understand the law to be that that matter of tithing, which is the exaction of a duty as distinguished from the performance of a marriage under ordinances that may have authorized the performance of marriages that otherwise under the law would not be admitted, is one that relates merely to church government, so that if a man does not pay his tithes they may say "You shall not come to the communion; we will not associate with you any more," just as it might be provided in any Episcopal or other church, where there were pews, that if a man did not pay his pew rent he should not be a member of that spiritual organization any longer, because he did not understand the duty of carrying on the gospel as they did. If my friend thinks there is any legal force of a right to exact or a duty to pay tithes drawn from that phrase I have not the least objection to striking it out.

Mr. MORGAN. I have been very unfortunate in my remarks if I

have conveyed to the Senator from Vermont the idea that this paying of tithes was made compulsory by the act incorporating this church. I had no such idea.

Mr. EDMUNDS. I am glad to understand it.

Mr. MORGAN. Of course it is not so. It is entirely a votive offering, free on the part of the members of the church; nevertheless they exact it of themselves and they pay it into the treasury; but the receiving of these tithes by the organized officers of this church was one of the functions given to them by this law, the right to receive and the duty of accounting for these tithes and voluntary contributions of any kind. Now, sir, there are said to be millions of money paid in by these tithes heretofore which are vested in the co-operative store, in the stock of it and in the goods that are there and held in railroad stock, held indeed in various ways. For what purpose were these tithes paid in? That is the question. They were not paid in for the benefit of common schools in towns; they were paid in for the purposes declared in that charter as "the church purposes," they were paid in as a fund the application of which the church had a right to make to the uses mentioned in the act. That is the situation.

Mr. TELLER. The act does not provide for paying them in.

Mr. MORGAN. No, but I am assuming that the object of this whole transaction is to carry this fund into the common-school system of Utah Territory. I do not think the act does it; but we find a fund paid in by a voluntary tithe contribution amounting to millions of dollars to-day, I am informed and I have no doubt of it, the uses and purposes of which the Church of Jesus Christ of Latter-day Saints, as an incorporation, as a legal body, has a right to prescribe. That is the situation.

Now let us look at that situation. I have not defined it improperly. I think I have defined it accurately. Now let us look at it. We interpose fourteen trustees there; we leave the church standing; we leave its legal organization intact; we leave all the powers that were conferred upon it by this act of incorporation without amendment and without alteration. We have in no way undertaken to break their influence that I can see. If their influence is broken or interfered with in any way by the provisions of this proposed law, it is done in some way that I can not understand. I do not see it. There is the church and there are the millions now in the hands of the trustees of the Mormon Church which we transfer into the hands of our trustees. Do we affect the use in any way by the transfer of the mere legal holdership? By substitution of trustees appointed by the President and confirmed by the Senate do we affect the purpose, the use to which that money must be applied?

Mr. EDMUNDS. It certainly could not be used for the promotion of polygamy, even if the majority of the trustees voted for such use, and the money would not be paid out, inasmuch as polygamy is a crime.

Mr. MORGAN. Mr. President, whenever you promote Mormonism you promote polygamy; whenever you promote the power of that church, you promote polygamy. They are one and inseparable. If polygamy is a mere disease in the Mormon Church of which it can recover, we ought to let it alone and let it have time to recover; but if polygamy is a part of the moral constitution of that church, and if the propagation of that evil is one of the things intended to be accomplished both by the legal organization and by the ecclesiastical organization, then we ought to strike it at the root whenever we have a chance. If you promote the sending of missionaries to foreign countries to hunt among the lower classes of the females there—the poor, impoverished, and ignorant wretches who never dreamed that they would own a handful of the soil in the world—for those who have a disposition to come to this country where they can become the owners of broad acres under the condition that they will subject themselves to the priests, follow their advice, take their spiritual counsel, and also their counsel in temporal affairs—if you do that by the use of this money, you accomplish all the purposes of Mormonism, except something that can be accomplished by concealment. All the public and open purposes of Mormonism are effectuated by such a use of the money as that.

Here are your trustees; here is a declaration of one of the uses for which this money was paid into the Treasury; you leave the law to stand as a guide and direction to the trustees; you leave the law to stand to be enforced by the courts, and when the church decrees that missionaries shall go abroad and shall be paid out of the church fund, your trustees must obey the command of that church, or else they must break the law under which they are appointed. Sir, I conceive that it is absolutely impossible to inject into the Mormon Church, either in its ecclesiastical or in its legal and temporal affairs, a body of fourteen trustees who can possibly execute the purposes and trusts of this original act of incorporation without at the same time maintaining and propagating the polygamous practices of that church throughout all of its dominion.

I believe, Mr. President, that the right way to do is to stop the evil by undoing that act of the Mormon Legislature, and if we had done that twenty years ago, as I remarked when I was on the floor before, I believe that by this time Mormonism would have no more influence upon the politics of the United States or upon public sentiment than that miserable Oneida community, which has dissolved itself and is now escaping from the State of New York.

While we are doing this work let us do it effectually. Let us do it in a way that will leave us no embarrassment, no partnership with the Mormon Church to assist them in conducting it in order to reform it. I do not wish to vote for a bill that puts a body of trustees selected by the President of the United States and confirmed by the Senate into any church upon any pretext. If this is to be regarded as a religion and a church and a religious establishment, if our duty to the Constitution compels us to regard it in that light, why do we invade it with a body of trustees? Why should we not invade the Catholic Church and appoint trustees for the college they are about to build out here, or the Methodist Church and appoint trustees to hold title to their property, or the Methodist General Conference of the United States and appoint trustees to hold their property and to manage it according to the will of those trustees? No, sir; we must either treat this as a religious establishment with which we have no right to interfere, or we must treat it as an establishment that is not entitled to the protection of the Constitution of the United States so far as to claim at the hands of Congress or of a Territorial Legislature the enactment of any law for its maintenance and its propagation. That is the view I take.

If we are prepared to strike at the Mormon Church, let us strike it a bold and a manly lick. Let us not undertake to interpolate our trustees in there for the purpose of disturbing the harmony of their progress and seeing if we can not reveal something about the villainies that they have perpetrated. Let us not undertake to run a tap upon their resources so as to draw them out in a different direction and starve them into subjection to us. Let us meet the question upon the ground that we are entitled to meet it upon, that it is an iniquity upheld in all of its legal relations, in its real power, by an act of the Legislature of a Territory, and that we as the Congress of the United States have the right to repeal that act when we are finding that mischievous consequences are likely to result from it. That is the view in which I wish to treat this question. If the honorable Senator from Vermont aspires to any control in the Mormon Church through a board of trustees or otherwise, let him have the honor. I do not wish to participate in it. I should not enjoy the idea that I was in any sense whatever, now or hereafter, responsible for the conduct of that church. It is something that we all denounce as being heathenish and barbarous, not civilized and not Christianized. It holds its legal status to-day under an act of the Legislature of Utah, for which we are responsible, because we have the right to repeal that law, and I propose now to repeal it.

Mr. CULLOM. Mr. President, I shall take up but very few minutes' time in what I shall say in reference to this bill. I am inclined to believe at present that I shall vote for most of the bill now before the Senate, if not all of it; but I have not believed at any time that the plan proposed was the correct course for the Congress of the United States to pursue in reference to this question. As some of the Senators know, early after I had the honor of taking a seat on this floor I introduced a bill, the purpose of which was to substitute a legislative commission for the Territorial Legislature of the Territory of Utah, and I still believe that we shall come to that sooner or later, whether we do so now or not; but I am not inclined at this stage of the discussion of this bill to offer that measure or any part of it as a substitute for this, for the reason that for a couple of years we have been proceeding upon the line of this bill, and all the progress we have made in punishing offenses in that Territory has been made in the past few years for the first time in the history of the effort on the part of the Government of the United States to suppress polygamy. So it may be that a change of programme in reference to legislation connected with that Territory might serve as an encouragement to those people to believe that we were going to change our policy every year or two, and result in good to them.

But, Mr. President, I am not one of those who entertain the slightest belief that those people have been persecuted by the Government of the United States. It would seem to be inferred from what appears in the RECORD and from what I heard from my distinguished friend the Senator from Colorado [Mr. TELLER], that there had been in the history of Mormonism in this country and of Congressional action a disposition to persecute those people. I have never understood it in that light. I have been foolish enough to suppose that we had done scarcely anything since the passage of the act of 1862 to interfere with their conduct as Mormons or as people engaged in the practice of polygamy.

Mr. TELLER. I should like to interrupt the Senator from Illinois to say that he must have either carelessly read my remarks or I must have carelessly made them. I made no statement whatever that the Government of the United States had oppressed these people or persecuted them. I said the agencies sent there by the Government had been unwisely selected and had been injudiciously administered; and there is where the complaint came, and not from any legislation or from any action of the General Government.

Mr. CULLOM. I am very glad to get any sort of explanation of the remarks the Senator made yesterday.

Mr. TELLER. I did not say so.

Mr. CULLOM. I will see what the Senator did say directly. But whatever the Senator may have said, I undertake to assert that never in the history of this Government, or any other, has such an infamous establishment, in the face and in defiance of law and government, gone

on as has that institution in the Territory of Utah in defiance of law. Why, let us see a little about the history of these people. The word "persecution" is certainly in the remarks of the Senator, and I will read them directly so that he may not be misunderstood.

Mr. TELLER. Certainly I did not say what has been attributed to me. I say they have been persecuted by Government agencies, by the improper conduct and service of the officers sent there to enforce what I admit to be a proper and just law.

Mr. CULLOM. Before we go further let us see just what the Senator said, because I certainly would not misrepresent him on this question or on any other. He said:

I have had some knowledge of the persecutions they have endured at the hands of Government officials, and I say here, as I have said again and again, with a full knowledge of how unpopular it might be to say it, that if the Government officials had been sent there, who would have faithfully administered the old law, existing for twenty years, polygamy would now be as dead as any other wicked institution that has departed with the light of civilization.

Again:

Men who were Mormons and who adhered to the faith of Joseph declared that polygamy was not a part and parcel of the Mormon religion. By our persecution we drove that class of people to silence. We silenced them as you will always silence the voice of a considerable minority when persecution and outrages are resorted to to accomplish even what may be a good end.

And again:

This bill, in my judgment, bristles everywhere with vengeance and blood.

Mr. TELLER. That I do not take back.

Mr. CULLOM. Again the Senator said:

I am as anxious to clear the country from the crime at which it professes to aim as anybody, and I shall vote for all proper and respectable and constitutional measures for that purpose. But, Mr. President, in my judgment it is quite as creditable that polygamy should exist untouched within our borders as that we should go beyond the constitutional powers of the Government and establish a precedent here that may come back some time to rebuke us and to cause us immense trouble.

Where has been the persecution of those people? It may be true that there have been some judges sent out there who were not the best men to have been sent; and I want to say here that I believe the Government of the United States has been less careful in the selection of public officers for the Territories, not only Utah but all the rest, than it has been in almost any other respect; but the simple fact exists that in 1862 Congress passed a law declaring polygamy a crime and providing for its punishment, and from that day until within the last year or two there has been nothing done to enforce the law effectually, and the Mormon people of that Territory have been going forward in open defiance of the law and the Government authorities. Is not that true? Every man knows that that is the history of the Territory, and I say it is an open and burning shame that the Government of the United States, if it believes that to be a crime and presumes to believe it in the light of its institutions and of the law which stands upon the statute-book, should trifle with the question any longer.

As far as I am concerned, I have been in favor of going right to the bottom of the whole question and wiping out the Territorial Legislature which has existed there, and which, as the Senator from Alabama has said, is made up of bishops and priests and officers of the Mormon Church. I undertake to say that while I shall vote for this bill or the most of it as the best thing that we can probably get through Congress to-day, in my judgment we shall fail by passing it of getting rid of that institution. It may help somewhat, but in the end we shall have to come to the proposition of taking out of those people's hands the political power which has existed in them ever since the Territory was established. We can not get rid of the evil as long as the heads of the church are running the political organization of the Territory. I should like to see a bill passed by the Congress of the United States stripping that Territory of all political control and placing it in the hands of a legislative commission composed of nine or thirteen men, including the governor, to be appointed by the President, confirmed by the Senate, and have their laws subject to the approval or disapproval of the Congress of the United States.

Let me say another word about this Mormon population. The truth is, sir, that instead of persecution having been attempted upon those people because of their religion or any other cause, history shows that from their very first organization, beginning at Palmyra, N. Y., from thence to Kirtland, Ohio, in your own State, sir, from thence to Independence, Mo., from thence to Nauvoo, Ill., from thence to Council Bluffs, in Iowa, and from thence to Salt Lake, their track has been one of outrage, one of disregard of law, one of disregard of the public or private rights of the surrounding people, and such course has made it absolutely necessary that they should be driven from the communities or localities in which they had settled. There has been no persecution of them. I would be among the last ever to cast my vote for persecution of any man or the injury of any man or set of men on account of religion; but, as the Senator from Alabama has said, I do not regard their conduct as in any way involving a question of religion. Their conduct is in open defiance of law. I would apply the same rule to members of other religious denominations—Methodists, Presbyterians, Baptists, or what not. If they set themselves up in defiance of the laws of the country, as individuals they should be prosecuted and made to obey the law as other citizens of the Republic; and there is no purpose, I trust, in this bill, so far as the committee reporting it is concerned, to persecute anybody on account of his religion.

But, sir, we must either quit talking about this question, repeal the law of 1862 and say to those people "Go on with your practices as you have done for the last twenty or thirty years," or bring the power of this Government to the proposition that the defiance of law by those people shall be stopped.

That is all I have to say. I shall vote, as I said, for this bill. I would much prefer going to the simple proposition of divesting those people of their political power, placing it in the hands of a commission under the control of the President and Senate, and allowing them to legislate for the Territory until the evil has been gotten rid of. But I suppose it is of no use for me to-day to offer such an amendment to this bill, because, as was said yesterday, it probably would not receive the sanction of the Senate. In other words, this bill is to go through as it is. But I wanted to say this much before we come to a vote on the bill, because I have faith that within four years' time we shall be passing just exactly the bill I have proposed to-day or something like it.

Mr. TELLER. Mr. President, I expressed my idea yesterday of perhaps the folly of a man saying anything against this bill; first, because it comes from a committee of so high authority in this body; secondly, because it touches a question that I do not think the mass of the people are capable of coolly, carefully, dispassionately discussing, and no better illustration can be made of that than when a Senator on this floor who has read my remarks arises and attributes to me what I never said, either in letter or in spirit. On any other subject the honorable Senator from Illinois would not have made that blunder. On this subject he, like the great mass of men, thinks from his prejudices, thinks from his anger at an evil that I am as free to condemn and as anxious to extirpate as he is; but I am anxious to do it under the forms and under the color of law. I have been educated in a school which taught me that whenever a government attempted to repress crime by methods unknown to the law it was a greater crime than that which it attempted to repress, because it is the greatest of all crimes.

Mr. President, polygamy is a crime; but it is not greater than murder, it is not greater than other crimes known in the catalogue of human vice. It is contrary to our ideas of civilization; it is contrary to our judgment of what is to the best interest of a political organization; it is contrary to our religious convictions, and therefore we do not look at it with calm consideration, and we do not consider when we come to attempt to put our hand upon it how we are to best do it. We want, as a Senator said to me to-day, to put the knife in. So say I, but put the knife in under the color of law; put the knife in by a constitutional movement.

I believe the act of 1862 was sufficient to have eradicated this evil if it had been properly administered. I believe it was a proper law. I have never criticised it; I have never criticised the action of the General Government; but I say its agencies sent there from time to time were of a character that was calculated to defeat the laudable purpose of the law. I joined, as a member of the committee and as a member of the Senate, in the passage of the act of 1882. I believe that act is now capable of carrying out and completing the end which we all are so desirous to attain. I did not intend yesterday in my criticisms to criticise the past transactions under this law, but to criticise the actions under the old law. The honorable Senator says we all know that no effort was made to enforce it. That is what I complain of. For fifteen years the Government made practically no effort at all; it sent men out there who professedly for a time attempted to enforce it in the most odious and most objectionable manner possible, and yet did nothing.

Whether these people have been persecuted or not is a matter of judgment. I do not yield to any man on this floor in knowledge on this question. I know these people as well as anybody here does, and I know their history as well; but I am no believer in their religion. I regard their chief prophet as an arrant knave. I do not believe any revelation was ever made to Joe Smith or to Brigham Young or to anybody else. I regard this as an oligarchy or a religious despotism that ought to be wiped out, but it must be done by law. If you can justify the transgression of fundamental principles of constitutional law in this case, you can do it in a hundred others. If the enormity of the crime that is to be stricken down is a justification for the transgression of law, then you may find it everywhere, and no rights are sacred. It becomes a question of prejudice and of passion and of hate.

I did say that this bill bristled with blood and with vengeance, and I repeat it, and I propose to show it. I propose to show here that there never was such a bill introduced in any legislative body in the world, and no such bill was ever enacted into a law, and that too when, by the report of the commission that we sent out there, it is evident that there is no necessity for this extreme and new legislation.

Yesterday it was said that the wife could be compelled anywhere in the States to testify against the husband. I deny it. I do not know but that there may be some State where the expression has been used that the wife may be compelled to testify against the husband. I doubt it, however. She may testify, but she is not compelled to do so. If she does not testify, what is the result? She is committed for contempt, she goes to jail, she remains there till her scruples are overcome or until the judge relents.

Mr. President, however good may be the judges, however good may

be the marshal, however good may be the governor of this Territory—and I have not a word to say against one of them—they are sitting there amidst the greatest possible excitement, with the greatest possible prejudice surrounding them, and that which might be tolerable and might be endured in some communities may be used as a grievously oppressive measure to those people and compel the woman to testify whether she will or no. Why, Mr. President, you would not do so in murder. Is this a greater crime than murder? You would not do it in rape; you would not do it in any of the great crimes known to the statutes. Why should you do it in this?

There are many other things in this bill that I say are inconsistent with good legislation, and it will not be any answer to me if the Senator from Vermont should discover that some State had enacted even a law like unto it. I upon this question must act upon my judgment and not upon the precedent of somebody else. I do not believe he can find such a precedent; but if he can, it would not be sufficient to induce me to vote for that kind of a law.

Now another point. I called attention to it yesterday. Section 2 of this bill provides:

That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness-fees shall be paid to such witness so attached: *Provided*, That no person shall be held in custody under any attachment issued as provided by this section for a longer period than ten days.

That is to say, under this section, if the court should conclude that the witness may not appear, he may be arrested and held for ten days and no longer. This does not interfere with the other question that I presented, that the woman who should decline to answer might be guilty of contempt and might be indefinitely imprisoned. I know there is a similar statute in the States with reference to the holding of witnesses to bail, but I know that it is a dangerous power to put in the hands of anybody at any time, much less in such states of excitement as will and must necessarily exist in the execution of these laws.

Mr. President, I called attention yesterday to the marshalship. I called attention to the fact that the marshal and all his deputies, with unlimited power to make them by the hundred or the thousand, was made the committing magistrate for every offense known to the law. The Senator from Vermont said in reply to the Senator from Alabama that it would be a discrimination if this corporation should be annulled, and yet I find that yesterday, with his sanction and support, the Senate almost unanimously voted that the provision for repealing the act conferring suffrage upon women should be abolished in Utah, while it was left to exist in Washington and Wyoming Territories.

There are many harsh methods employed here. The superintendent of schools, who I find by the report of the commission can be appointed by the governor of the Territory, who is not a Mormon, is to be appointed by whom? By the court. I deny, in the first place, the power of this Congress to constitute a judicial tribunal the appointing power in that Territory; but if they had the power, is it wise and proper to exercise it when it is known by everybody that the great hatred of the whole community is focused upon this court? I do not say rightfully, I do not say the court deserve it, but nevertheless that is a fact which no man will deny. Why select a tribunal that is the most odious of all to these people and say this tribunal may make this appointment? Why not confer it upon the governor? Why not confer it upon the President? I do not say that intentionally, but I do say that, unfortunately, throughout this bill there is a look as if it were as much for vengeance as for anything else.

I said yesterday, with the little poetic license that a man speaking will sometimes use, that the Government should put its strong hand upon these people with a velvety touch. The honorable Senator from Vermont took me up and said in substance that it would not do to have a velvety touch. I meant by that that all punishment should be for reformation; that punishment should not be for vengeance, but for reform. I believe it to be the truest principle ever enunciated that all legislation looking to the punishment of crime should be with reference to the reformation of the criminal and not to punishing him in the strictest sense of the term, not for vengeance but for reform; and so I say that all those people living in that Territory have their prejudices, and we, step by step, are undoing what the commission has been so valiantly and, I believe, so effectively doing. This commission reported that in the year 1884 four hundred and some odd plural marriages were solemnized in the Territory, and that last year practically none were. This commission has undoubtedly done an effective work. They have met with much opposition, with much hostility, not only from Mormons, but, I am sorry to say, from people who differed with them as to the means of executing the law and the ability of this commission under the law to eradicate the evil. We are all seeking the same purpose, and that is ridding this fair Territory of the evil of polygamy. It is not a part of the Mormon religion; it is an excrescence that has been put upon it by its false prophets and leaders.

The honorable Senator from Illinois says these people have never been persecuted. I do not say that there is any legislation on the statute-book now that I would not have voted for had I been a member of this body. I do not say that the Government in its governmental capacity has ever made a movement against these people that was unfair or unjust; but I say just what he said. He said he thought the Government had been careless in the selection of its agents. I say the Government has been unwise in the selection in former times of its agents, and persons have been sent there to hold high official positions who have done nothing toward enforcing your law and, in my judgment, did not want to enforce it, because if they did their stock in trade would be gone.

Mr. CULLOM. What does the Senator think of the present chief-justice of that Territory?

Mr. TELLER. I do not know who the chief-justice is. I have not made an accusation against any judge or any member of that court, and I did not refer to them yesterday at all in any terms but those of approval. I do not now. I think that perhaps they are all right. I do not know anything about it. I have heard no complaint about that court at all.

Mr. CULLOM. Is it not true that the laws have been, to some extent at least, executed there within the last year?

Mr. TELLER. I understand to-day under the law now in existence that by the aid of the court and the commission twenty-three prominent officials of the Mormon Church have been convicted, and I do not know how many subordinates; that to-day the principal leaders of that church are either in the penitentiary or hiding. That is what I approve of, and that is what I say is legislation in the right direction, and that is what will ultimately accomplish the destruction of the objectionable system.

The honorable Senator from Illinois seems to think that I am an especial advocate of the Mormon people, and the honorable Senator from Vermont yesterday referred to me as being tender-hearted. Why, Mr. President, I believe that my ear has always listened to the cry of the oppressed and distressed. I believe that I may have a weakness, when people complain of oppression, no matter from whence it comes, and a desire to look into it. I ought to have. I come of a race that has had it, and I glory in it. It is not that I propose to wink at the infraction of law; it is not that I want these men to go unpunished if they continue to violate the statutes of the United States, but I want it done in such a manner that the enemies, the neighbors of the men in Mormondom who are anxious to submit themselves to the law can not say, "Why, this is not a proper execution of the law; this is oppression, this is persecution, and you must resist it." That is what I meant when I complained yesterday that we were driving this minority, that a few years ago could be heard everywhere denouncing polygamy, into silence and death.

Mr. CULLOM. Will the Senator allow me a word?

Mr. TELLER. Certainly.

Mr. CULLOM. I believe the Senator has announced that he was not in favor of the bill now before the Senate.

Mr. TELLER. I have, most emphatically.

Mr. CULLOM. I will inquire whether he would favor a substitute providing for a legislative commission to take the place of the Territorial Legislature?

Mr. TELLER. When that question comes before the Senate I will examine it. I will state what I favor. I favor taking away from the Mormons the entire legislative authority and vesting it in Congress. That is what I think ought to have been done years ago. I think we ought to take the initiatory, and when any legislation is wanted for that Territory give it to them. That is my judgment about it. It will depend on how the commission is formed whether I will favor a commission. I am in favor, as the Senator is, of taking from these people the right of legislation, because it is an unquestioned right of Congress to legislate for them if it sees fit, and it is no denial of the right of citizenship and freedom to do that in the Territories, as has been repeatedly held both by this body and by the other.

I believe, Mr. President, that I have had some, perhaps a little more, opportunity to know personally some of these people than any other member of this body. I do not believe that all these Mormons are simply knaves. I believe the great mass of the Mormon Church are fanatics, steeped in fanaticism, believing in that religion of theirs as the true religion. I can not account for it; I can not understand it; but yet I know that more than two hundred millions of people are believers in Mohammedanism. I know that an obscure individual put upon the world a religion that has dominated a third of the surface of the earth; and I know that history records the fact that the Mahommedans have gone to the stake, they have gone to battle and died in defense of their religion. They have been aggressive fanatics. Who says they did not believe in it?

The Mormons have been bad men, says the Senator, and they got up strife in Kirtland, they got it up in Nauvoo. Who has written their record? Who makes the statement? Their enemies. False religion ought to and must necessarily beget false conduct in its devotees. It is only pure religion that makes men better. When I have admitted that their religion was false, the premises are established and the con-

clusion must be drawn that they can not be the best of men under it. I do not defend them; but I do say to the Senator that he can go back to the history of Kirtland, or he can take their history in Missouri, or he can take their history in Illinois, and there are many phases of it that neither he nor I ought to read without blushing for our own people. I will not take their testimony; but let some man read from the work before me the testimony of Governor Ford, of Illinois. The Senator knows him, or knows of him at least. He is dead now. The Senator knows that he made probably a truthful statement, surrounded as he was by an excited populace who hated the Mormons and who hunted them to the death; and what does he say? He lays the blame of what occurred at Nauvoo upon his own constituents and not upon the Mormons. Fifteen thousand people, with all the arts and sciences, with commerce and trade, were attacked in open daylight and driven to the death across the river and into a foreign land, taking their household goods and their families and going into the wilderness; and do you tell me that they went that they might practice polygamy? They went for a sentiment, false it may have been. They went, as they supposed, that they might worship God according to the dictates of their own conscience and as they believed they ought to do. They went up to what is now the city of Council Bluffs. There was nobody there except the red man to welcome them. There was no one for them to come in contact with. They sat down there and they waited. They gave to the Government that had failed to protect them in Nauvoo, that had failed to protect them in Missouri, five hundred of their stalwart men to go out and battle for the flag, and then they began their weary march for 1,200 miles across the desert. Do you believe they went there to practice polygamy? They could have practiced it in any of the great cities of this country with as little fear as men now practice another vice, which is the same thing save and except that in the one instance the man gives to the woman the character of wife.

They went out there and they came in July, 1847, into the valley of the Salt Lake. They endured hunger and thirst and were in danger of savage hordes.

No man can read that history without feeling for them some little sympathy, not that he need necessarily approve of their false ideas, but he can at least recognize the fact that they are men, and he can recognize the fact that they possess the noblest of human aspirations, the determination to exercise free and uncontrolled their religious belief. It is a virtue of the Anglo-Saxon race. It is a virtue we ought all to be proud of, though sometimes it may be debased in a wicked cause. They built up that country as I said. I hold in my hand a letter written by Mr. Bowles, whom you all recollect as the able editor of the Springfield Republican, who visited Salt Lake City in 1865. He says: "My visit has increased my admiration for these people, and it has also increased my detestation of the barbarous system of polygamy." My observation there has had the same effect on me. Coming in contact with them you find them possessed of many virtues, not that all their virtues should overcome this one vice, but they have some virtues.

Mr. President, I know it has been said to me here to-day "you ought not to have defended those people; you ought not to put yourself in the position of being an advocate for a people of this character." Why, Mr. President, I will bear testimony to their virtues and I will condemn their vice. I am not to be deterred because somebody says "you must be a Jack Mormon." I will not vote contrary to my conscience and judgment for anything although it may accomplish, even if I believed it would accomplish, the purpose for which it was intended if it was contrary to law. I hold my allegiance to the law, to the fundamental principles that pervade all civilized governments now, that there shall be no interference with men's religious belief. The honorable Senator from Alabama says he does not call it religion. It is immaterial whether it is religion or not; we can reach the evil, the excrescence attached to it, without violating any of the fundamental principles which I have mentioned; we can disestablish this church, we can wipe out this organization. That I am in favor of, whether the Mormons like it or whether they do not. I am in favor of abolishing it, because I find that to do so is consistent with law. I believe myself we have a right to dissolve every corporation within the jurisdiction of the National Government if in our judgment it is not subservient to the good of the people.

I hope nobody will understand me as finding fault either with the act of 1862 or the act of 1882, twenty years later. I hope nobody will misunderstand me and suppose because I have stood here and said these people had some virtues, that I am ignorant of the fact that they have a system which is destructive of the marriage relation, and I believe is the outgrowth of barbarism and not of civilization. I trust that I shall have accorded to me in this body at least the idea that I am honest when I say I do not believe in polygamy. I think that at least I may have the credit of speaking in defense of a people who are without friends, and I think I ought to have at least the credit of being considered sincere when I take up so forlorn a hope as this with the absolute certainty that the great power of the Senator from Vermont with his great committee will put through this bill substantially as it now is before the Senate.

Mr. CULLOM. As the Senator from Colorado has referred to my State and to one of the governors of the State, I should like to read here one paragraph that Governor Ford uttered.

Mr. TELLER. I should be glad if the Senator would then read one or two paragraphs that I shall hand him.

Mr. CULLOM. Governor Ford says in his history:

"Smith had the idea of making himself a temporal prince as well as spiritual leader of his people. He caused himself to be crowned and annointed king and priest far above the rest." He further says that the Mormons openly denounced the Government of the United States as utterly corrupt and about to pass away, to be replaced by the government of God, to be administered by his servant Joseph.

That is the language of Governor Ford of my State.

I will make another remark. The Senator said the Mormons went from Illinois to Council Bluffs, that they settled among the Indians, there being no white people there. The fact is that there were white people in that neighborhood, although the country was sparsely settled, and that the Mormons were driven out of there because they were stealing those people's property and everything they could get their hands upon, just as they did at Kirtland, Ohio, at Independence, Mo., at Nauvoo, Ill., and so on around the whole tramp that they made.

Mr. TELLER. As the honorable Senator has read from the statement made by Governor Ford I think I may at least present him and the Senate the views of Governor Ford upon that subject. They are too lengthy to read at this late hour of the day, but I will state in substance what the governor said, and the Senator may look it over and correct me if I am incorrect.

The governor in his report of the trouble that arose at Nauvoo in 1844 gives a detailed account of the complaints that were made against the Mormons. He then gives an account of the attack made upon the city of Nauvoo and the little town of Lima, where the people came and massacred the Mormons without excuse. We ought not to overlook the fact that this was in an old and settled region of the country, that there was a civilized and established government in Illinois, that it had a governor and all of the paraphernalia of government ready to punish any offense the Mormons might commit. The courts were not in their interest; the courts were not in their sympathy. Unable to convict these people of the crimes that were laid at their door, the people armed themselves for the purpose, as it was said, of a wolf-hunt, and they went out and when they came to the Mormon settlement they destroyed it; when they came to the city of Nauvoo they took possession of it; and the governor details how they turned these people out without even their goods, and turned them across the river, and he details the sufferings and the destitution of these people as they went from that section of the country.

Mr. President, I do not doubt but what when they got to Council Bluffs they stole all the stock they could get. I should not be surprised if they stole some in Illinois. It is a notorious fact which needs only to be mentioned to have everybody admit it that force begets force and wrong begets wrong, and whether the Mormons were the originators or whether the others were is immaterial; but a conflict had arisen in Illinois between the Mormons amounting to many thousands and the people thereabout. They had not yet adopted polygamy, publicly at least; that charge was not then brought against them; all the other charges were, and it is possible that they were guilty. I will leave that question. I do not know but that they were guilty, and I do not know that they were; but I do know that the governor condemns in the strongest possible terms the conduct of the citizens of Illinois as being contrary to justice and right.

Mr. CULLOM. Does the Senator know also that there could not be writs served on persons inside of the city limits of Nauvoo except by consent of Joseph Smith?

Mr. TELLER. No, Mr. President, I do not.

Mr. CULLOM. I do know it.

Mr. TELLER. I know that was charged, but I know that the great State of Illinois, within whose borders I lived some years, has always since 1818 had the power to enforce its precepts. I know that the governor called out the militia and I know that the precepts of the State could be enforced, and I have no doubt they were. The complaint that the governor made was that the people would not wait until he could enforce the law. They took it into their own hands.

Mr. CULLOM. The fact is that civil writs by sheriffs and constables could not be served on the people inside of the city limits of Nauvoo; and that difficulty, in connection with the outrages committed by those people outside of the city limits upon the inhabitants generally, brought on the difficulty, which perhaps was somewhat irregular in its beginning. The Senator seems disposed to take the side of the Mormons all the way through.

Mr. TELLER. Mr. President, I knew that my conduct would be liable to that construction, at least from those who can not see beyond their prejudice and their passion. I knew the risk that I took in defense of what I believe to be a constitutional right that these people have, not the right to practice polygamy, but the right to be treated as we treat every other citizen of this great country until they infringe the law, and then that they may be punished according to the forms and methods known to the law. I do not charge the people of Illinois with anything that would not have occurred in any other section of the country. I do think the people of Illinois are equal to the people of any other section of the country. I have made no charges against them. I simply said that force begat force; and when these people were robbed,

as he must admit they were, of their property and driven from their homes, they would, in the nature of things, retaliate in kind. Every person in the world, especially one moved by a false religion and false ideas, would do that. It is only the people who yield to the precepts of the Saviour, who says that you shall forget and forgive, who would have yielded and gone out and obeyed the laws after that. They said, "We have been plundered and robbed; we will plunder again."

Mr. CULLOM. Does the Senator say, or mean to be understood as saying, that in these different localities the people who were not Mormons were the persons who inaugurated the stealings and plunders?

Mr. TELLER. I said I did not know about that and did not pretend to know.

Mr. CULLOM. The Senator states that it is no wonder the Mormons would steal from those who would steal from them, or substantially that. All the way through his remarks he puts the people who were not Mormons upon the defensive, and advocates the side of these persons who have been so outrageous in their conduct that the people drove them out of the different localities where they settled. The Senator must know that there is something wrong about any population or class of people who can not be allowed to live in the midst of other people, as has been the fact with reference to the Mormons. As I said in the beginning, they were driven out of Palmyra, in New York. Could not they live with the people of New York if they behaved themselves? Are not the people of Kirtland, that these innocent Mormons could not live with, worthy people? So at Independence and Nauvoo and Council Bluffs. The very fact that these people have been driven from place to place is evidence, to my mind conclusive, that they were not law-abiding citizens, and therefore the citizens of the locality had to drive them away.

Mr. TELLER. The honorable Senator seems to think because these people violated law, because they stole horses in Illinois, the people of Illinois were justified in stealing horses from them. That is a logic that I have not been accustomed to hear.

Mr. CULLOM. The Senator from Illinois never made the statement that the people of Illinois ever stole anything from the Mormons.

Mr. TELLER. The governor of the State so declares, and the Senator has read it over and over again, for he can not be ignorant of the history of Illinois. The governor declares that they had destroyed their property and robbed them of it; in so many words appears the proof. If there was time I would read it, and if the Senator insists on it it can be read. I say that wrong begets wrong. Now, allow that the Mormons were the aggressors; allow that they went out and stole the horses and outraged the people of that community, does the Senator say it justified an attack upon the town of Nauvoo and its destruction by a disorderly mob? Does he not know that it was the duty of the authorities of that State to have redressed the wrongs of the people who had been outraged by the Mormons in the rightful and proper manner? They took the law into their own hands, and then, of course, whether they were right in the beginning or whether they were wrong, it came back in just the kind that they meted out to these people.

The honorable Senator alludes again to the fact that I seem to be defending the Mormons. I am not defending the Mormons. I am stating facts of history that the Senator can not, by misinterpretation of what I say, get rid of facts that are recorded by not their friends, but by their enemies; facts recorded by the governor of the State, who had every interest in that great community, excited as they were, to give a coloring in favor of his own constituents and against these people who had already fled from his borders.

Mr. BLAIR. I wish, as it is impossible to conclude the bill to-night, to offer an amendment to be printed.

Mr. EDMUNDS. I intend to have it concluded if it be possible.

Mr. BLAIR. I desire to offer this amendment to be added as another section to the bill:

> In all prosecutions for bigamy, polygamy, or unlawful cohabitation, or conspiracy to commit, or conspiracy to aid or abet the commission, of any one of said crimes, by direction of the Chief-Justice of the United States, the charge may be investigated by a grand jury and indictment found, and trial, conviction, and sentence, and all proceedings had thereon in the proper court of the United States in such State or Territory outside the Territory of Utah as will, in the judgment of the Chief-Justice, best afford the opportunity of impartial proceedings and promote the ends of justice; and either party may apply to the Chief-Justice to fix the place for any of the steps taken in such proceeding.

The PRESIDENT *pro tempore*. The amendment will be received and printed if there be no objection. It is not now in order.

Mr. EDMUNDS. The question is on the amendment of the Senator from Alabama [Mr. MORGAN.] I only wish to take a minute in stating for the committee that we hope this amendment will not be adopted. The policy of this bill has been to preserve the people of that Territory, and not to consolidate the different sects of the Mormon Church as they now exist there. His amendment strikes at the whole church and disestablishes every part of the Mormon Church, whether polygamous or anti-polygamous. The committee do not think that it is the wise way at this time to deal with that Territory. We therefore hope the amendment will not be agreed to.

Mr. VAN WYCK. Mr. President, without desiring to say a word upon the merits of this bill or any of its provisions, I still think it proper to make a correction of a portion of the statement made by the Senator from Vermont yesterday, as I understood it, that the provision of this bill as it affects the power to compel the testimony of husband or wife against each other is substantially the same as the statutes of New Hampshire and Nebraska and twenty-five States of this Union. Did I understand the Senator correctly?

Mr. EDMUNDS. I do not know whether the Senator did or not. I have not looked at my remarks.

Mr. VAN WYCK. Then, to refresh the Senator's recollection, I will read what he said:

> There is nothing, therefore, in the penal part of this bill relating to the punishment of the crime of polygamy that does not exist in substance and almost in form, going to the extent of giving evidence by husbands and wives against each other, in every single State in this Union. I have looked at the statutes of Nebraska since my friend from Nebraska alluded to that point, and found that the laws of Nebraska, their standing statutes, are in substance just the same thing.
>
> Mr. TELLER. On what point?
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> Mr. EDMUNDS. On the point of husband and wife giving evidence against each other in criminal prosecutions that affect either the one or the other. I looked at the statutes of New Hampshire after my friend from New Hampshire alluded to that point yesterday, and I found they had the same.

Is the Senator's recollection refreshed by the reading of his speech?

Mr. EDMUNDS. Not much. [Laughter].

Mr. VAN WYCK. Then I take it for granted that the Senator believes to-day as he stated yesterday.

Mr. EDMUNDS. Yes.

Mr. VAN WYCK. I take that for granted. His memory is not refreshed sufficiently at least to contradict the statement he made yesterday. Now, Mr. President, I fail to see in the statute of Nebraska, as my friend from New Hampshire does in the statute of New Hampshire, that the features are the same as this bill contains. I think the Senator from Vermont will not find in the statutes of any State of this Union provisions such as that which is incorporated in this bill. I do not now say whether this provision is right or wrong, or whether the enormity of the crime to be stricken at in Utah is not so great that that people should be visited by legislation such as is not found in any statute in this Union or probably in any civilized country on the globe.

The statutes of some States provide so carefully that they deal in minute particulars wherein they allow a departure from the great principle of the common law as to the sacred bond that holds the virtuous marriage relation upon the foundation on which it was builded. It has been guarded so tenderly that a statute has never dared to touch it unless it pointed out particularly the respects wherein the testimony should be receivable. That is the legislation of his own State of Vermont. Now let me show this just for a moment, because this is apart from the consideration of polygamy and its crime. It is higher, and above, and beyond that. This bill provides:

> In any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness.

Does it do as the statute of every State says on what points husband or wife may testify? No. "A competent witness" in the case as any other witness, and therefore a witness to prove any transaction or crime or offense which the prosecutor chooses to ask of that witness. This bill makes the husband and wife competent witnesses against each other in the case to prove anything. That is my point. Now, I should like my attention to be called to the statute of any State which justifies or allows or compels a husband or a wife to be a competent witness for anything that may be sought to be proved in the suit pending. This bill says:

> And may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; but——

Mr. EDMUNDS. Yes.

Mr. VAN WYCK. The Senator says "yes;" precisely. It is not so in any other State to which he can call our attention. There is one negative my friend says triumphantly—

> But such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

He or she may testify to everything else, is a competent witness as to everything else, which she or he is not made I think by the statute of any State in this Union, so carefully are their laws guarded. Let me call the attention of the Senator to his own State in her revised statutes. In a case of civil damage, where the sale of intoxicating drinks has produced a cause of action, the Vermont law says:

> No person shall be disqualified as a witness by reason of the marriage relation in a proceding under this section.

Again, by the Vermont statutes, in actions against a savings-bank by a husband to recover for moneys deposited by his wife in her name or as her money, the wife may be a witness as if she were an unmarried woman.

Is there any statute in the State of Vermont which compels a husband or wife to be a witness against the other, even in an immaterial matter, where he or she is indicted for an offense? If so, I have not found it. If that exists, the Senator from Vermont can call our attention to it.

Then look at Massachusetts; and we look upon Massachusetts as the height. In one provision the Massachusetts law is—

Neither husband nor wife—

Part of the provision in this bill is in the law of Massachusetts, but the other part is not—

Neither husband nor wife shall be allowed to testify as to private conversations with each other.

Oh, yes, the Senator from Vermont says that provision of the Massachusetts law is here, but that is all of it there is here. It is only the negative part of this law which is proposed by the Judiciary Committee:

Neither husband nor wife shall be allowed to testify as to private conversations with each other.

There is more in the Massachusetts law, that there may be no doubt about permitting the virtuous marriage relation being disturbed:

Neither husband nor wife shall be compelled to be a witness in any trial upon an indictment, complaint, or other criminal proceedings against the other.

That is the Massachusetts law. She is entitled to all the glory which the world gives her. She preserves good laws in her statute-book yet. No such law as this could the Senator from Massachusetts from the Judiciary Committee inflict upon any other portion of the country.

Now we come to New York, not so virtuous probably as New Hampshire or as Vermont, because the region is not so cold, not so good as Massachusetts, because Massachusetts is nearer to Vermont than New York is, but New York has a very large city and it is probably necessary to go a little further there, but even she guards the marriage relation. New York says:

Nothing herein contained shall render any husband or wife competent or compellable to give evidence for or against the other in any criminal action or proceeding (except to prove the fact of marriage in case of bigamy)—

That is all she can prove. You may put the wife or husband on the stand, but you can prove by him or her only one thing, and must stop there. That is what New York says, nearly as wicked probably as Utah, by comparison. New York says you can only compel the husband or wife to prove the fact of bigamy. Will the Senator from Vermont put that language in this bill to restrict the effect of it as the statute of New York says, providing that in case of bigamy one or the other may be a witness, but only to prove one fact, and there they must stop—prove the fact of marriage, nothing more—

Or in any action or proceeding instituted in consequence of adultery, or in any action or proceeding for divorce on account of adultery (except to prove the fact of marriage), or in any action or proceeding for or on account of criminal conversation.

Where are the twenty-five States that have the provision of this bill? I have gone from Vermont away down to New York, and probably it is not necessary to go either up or down any further. The others probably are the same. In his own State the witness is not allowed, and in the good old State of Massachusetts it expressly says it can not be done, and in New York, where probably there may be greater necessity, it says it can only be done to prove one fact, and that is the fact of marriage. If it be that we are making a great divergence let it be understood, not that this is in conformity with the legislation of the States of this Union, but that it is an innovation, going further beyond the settled law than ever has been gone before. Let it be so understood, and then let the justice, or rather the emergency, of this occasion be the only excuse upon which we seek to make this innovation which never has been proposed by any State statute to which my attention has been called. It may be that the Senator from Vermont with his vast experience and greater knowledge will be able to call our attention to such a statute, but I have not found it.

Mr. VEST. I should like to ask a question of the Senator from Vermont who has charge of this bill. I should like to know how these fourteen commissioners are to be paid for their services and what amount?

Mr. EDMUNDS. The bill does not make any provision.

Mr. VEST. Is it proposed to pass this law and leave that matter in its present condition?

Mr. EDMUNDS. That is my proposition.

Mr. VEST. Then it is to be a matter for subsequent legislation, I suppose.

Mr. EDMUNDS. It is to come into an appropriation bill if this bill passes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN called for the yeas and nays; and they were ordered.

Mr. COCKRELL. Let the amendment be again read.

The PRESIDENT *pro tempore*. It will be again read.

The CHIEF CLERK. It is proposed to strike out all of section 12 after the word "annulled," in line 7, and insert in lieu thereof:

And the property of said corporation, of every kind, shall be disposed of according to the rules and principles of the common law as in case of the dissolution of a corporation.

Mr. MORGAN. I wish to have the amendment read in connection with the section, so that the Senate will catch the whole idea.

Mr. HOAR. I think we all understand it.

Mr. MORGAN. Not on this side of the Chamber.

The PRESIDENT *pro tempore*. The section will be read as proposed to be amended.

The Chief Clerk read as follows:

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called General Assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the property of said corporation of every kind shall be disposed of according to the rules and principles of the common law as in the case of the dissolution of a corporation.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the Senator from New Hampshire [Mr. PIKE]. I do not see him in the Chamber. If he were present, I should vote "yea."

Mr. DAWES (when his name was called). Upon this question I am paired with the Senator from Kansas [Mr. PLUMB]. If he were here, he would vote "yea" and I should vote "nay."

Mr. JACKSON (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. Not knowing how he would vote, I withhold my vote.

Mr. SABIN (when his name was called). On this bill I am paired with the Senator from West Virginia [Mr. KENNA]. If he were here, he would vote "yea" on this amendment and I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 18, nays 32; as follows:

YEAS—18.

Berry,	George,	Morgan,	Vest,
Blackburn,	Gibson,	Payne,	Voorhees,
Call,	Gray,	Saulsbury,	Walthall.
Eustis,	Hampton,	Teller,	
Evarts,	Jones of Arkansas,	Vance,	

NAYS—32.

Allison,	Dolph,	Logan,	Palmer,
Blair,	Edmunds,	McMillan,	Platt,
Cameron,	Frye,	Mahone,	Pugh,
Chace,	Hale,	Manderson,	Sawyer,
Cockrell,	Harrison,	Maxey,	Sherman,
Coke,	Hawley,	Mitchell of Oreg.,	Spooner,
Conger,	Hoar,	Mitchell of Pa.,	Van Wyck,
Cullom,	Ingalls,	Morrill,	Wilson of Iowa.

ABSENT—26.

Aldrich,	Dawes,	Kenna,	Riddleberger,
Beck,	Fair,	McPherson,	Sabin,
Bowen,	Gorman,	Miller of Cal.,	Sewell,
Brown,	Harris,	Miller of N. Y.,	Stanford,
Butler,	Jackson,	Pike,	Wilson of Md.
Camden,	Jones of Florida,	Plumb,	
Colquitt,	Jones of Nevada,	Ransom,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the next amendment of the Senator from Alabama, which will be read.

Mr. EDMUNDS. I presume all these amendments depend on the one just voted on; do they not?

Mr. MORGAN. Not every one.

Mr. EDMUNDS. They all depend on that one, I believe.

Mr. MORGAN. No, sir; I have an amendment to section 13, line 16.

The PRESIDENT *pro tempore*. Does not the Senator wish the question put on the amendments already printed?

Mr. MORGAN. No, sir; except this. They depended upon the one which has been voted down. I propose to insert after the word "building," in line 16 of section 13, the words "or the grounds appurtenant thereto;" so as to read:

Provided, That no building on the grounds appurtenant thereto shall be forfeited, &c.

Mr. EDMUNDS. I agree to that amendment. I think it is right.

Mr. HARRISON. May I suggest to the Senator from Alabama whether the language is not a little broad? It might include a good deal of land.

Mr. EDMUNDS. "Occupied for religious uses." I think that will do.

Mr. HARRISON. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

The amendment was agreed to.

Mr. MORGAN. Then in the same section, line 17, I move to strike out the word "religious" and insert the word "the," and at the end of the same line to insert "of God," so as to make the proviso read:

Provided, That no building, or the grounds appurtenant thereto, shall be forfeited which is held and occupied exclusively for purposes of the worship of God.

Instead of "religious worship." I am afraid some people may take up an idea that the temple and that other building, the tabernacle, are not occupied for purposes of religious worship as understood in the States generally, but some other kind of worship.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Alabama.

Mr. EDMUNDS. The meaning is precisely the same. I do not care which form is adopted.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to. It is agreed to.

Mr. VOORHEES. As a matter of justice to the commission which is now in existence in Utah, I ask that the dispatch just received by me which I send to the desk be read.

The PRESIDENT *pro tempore*. The paper will be read.

The Chief Clerk read as follows:

SALT LAKE, UTAH, *January* 7, 1886.

To Hon. D. W. VOORHEES,
United States Senate, Washington, D. C.:

Van Wyck mistaken about clerks of commission. Average permanent clerks from beginning to date does not exceed three, possibly four, including temporary clerk. Only one clerk now employed.

A. S. PADDOCK.

Mr. VAN WYCK. The permanent clerks average three, did I understand correctly, meaning three clerks all the time, possibly four some one says? Do they not know whether the number is three or four? Do not the members of the commission know? Have they taken the trouble to telegraph from Salt Lake here that it averages three, possibly four? We wish to know. If they employ another clerk they can solve that problem and let us know just what it is exactly—four, possibly five. Discounting the distance and the mistakes of telegraphing it is about as I said, six. [Laughter.]

The PRESIDENT *pro tempore*. The bill is open to amendment.

Mr. VEST. I move to strike out all of section 16 after the word "law," in line 5. This section as it reads now is:

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation and pay the debts and to dispose of the property and assets thereof according to law.

The remainder, which I propose to strike out, is in these words:

Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

I have no disposition to continue the discussion of the bill. It seems to me, as a lawyer, that when the Senate enacts that this property shall be disposed of according to law, that accomplishes all that can be demanded of the most extreme and inveterate enemy of polygamy or of any other institution in this Territory. That leaves the question to the courts, and I can not, as a lawyer, give my assent to this extraordinary legislation which takes the property of any corporation that has a legal existence and disposes of it, and takes the money and puts it into the Treasury of the United States and applies it to any purpose that Congress may designate

If there is any parallel to this legislation on the statute-books of the United States I am utterly ignorant of it, and I should be obliged to any lawyer who would point me to anything like it.

A great deal has been said here about the common law of England. The ancient rule in England was that when a corporation ceased to exist its real estate went back to the donors, and its personel property, after paying off the debts, escheated to the Crown. But that is not the law in the United States, as I understand it. The Senator from Vermont, I take it, will hardly say that that obtains in any of the States of the Union or in any of the Territories of the Union.

If this property is disposed of according to law by the courts, that is sufficient. But you go further than that in this legislation, and after paying the debts of the corporation the balance of the money is arbitrarily seized by Congress and perverted to an object never contemplated by the original purpose of the corporation itself.

One question in the case is, Has this corporation a legal existence? It was incorporated under the laws of the Territory of Utah, there being a provision in the enabling act which said that all legislation of the Territory should remain valid until disapproved by Congress. This act has stood without any disapproval by Congress, and these people have acquired certain rights under it.

Mr. CONGER. Allow me to say that I think in regard to Utah the Senator is mistaken. That provision, that the Territorial laws should not have force in certain Territories until approved by Congress, was in several acts, and within a very short time, a few years, the restriction has been removed from some of the other Territories and left in regard to Utah, the others making it the duty of Congress to disapprove by a positive act and this requiring an approval. If I am not mistaken that is the condition of the law in regard to Utah.

Mr. VEST. Mr. President——

Mr. EDMUNDS. If the Senator will pardon me, I think I can state to the Senator from Michigan what the law about Utah is. According to the organic act, as I read it, the laws of the Territorial Assembly in Utah are valid until disapproved by Congress, and we propose in the fifteenth section to annul and disapprove of the Territorial law creating this emigrating corporation.

Mr. VEST. I believe I stated it correctly. I have the book before me, but I have lost the place.

Mr. EDMUNDS. That is the law.

Mr. VEST. Then this corporation has had a legal existence. The Senator from Vermont states that there are no stockholders. What may be the meaning exactly of a stockholder I do not know, but this corporation was established for the church and the church is the sole stockholder. The language of the act of incorporation shows that. It is exactly on a par with the creation of this sort of commission on the part of the denominations in the United States. The Methodist Episcopal Church meets and creates certain commissions to take charge of certain property which is put into the hands of agents; they manage it, but the real owner is the church. In this act of incorporation to which no assent of Congress was necessary, this Church of Jesus Christ of Latter-day Saints in Utah were recognized, and they appointed certain commissioners to take charge of the property, manage it, pay the taxes, and control it for the benefit of the church.

Until disapproved by Congress that is as valid a corporation as any in the United States. If that is not a vested right, I know not how a vested right can be created. If we provide that whatever remains after paying the debts shall be distributed according to law, we do simple justice. On the other hand, if we adopt the latter part of the section, I undertake to say it is anomalous, without a parallel, in violation of the jurisprudence of this country. How a lawyer can look upon it with anything else than distrust is beyond my comprehension.

Mr. EDMUNDS. If my friend from Missouri were correct in his estimation of the nature of this section I should be inclined to agree with him; but I think he has not studied it with his usual care. First, I may say I think he is mistaken about the act incorporating this emigrant company, as it is called, but the statute-book is gone out and I can not refer to it at this moment, but I am pretty sure in what I say, that the church is not a stockholder, nor is anybody else; it is an entirely independent concern. It is true that the first president of the church, the one-man despot there, controls this corporation.

Now, coming to the precise point of striking out this last clause, if you stop where the Senator wishes to stop, "dispose of the property and assets thereof according to law," then you will have given back, it is true, to the donor the real estate if he turns out to be entitled to it, and to the United States the personal estate if it turns out to be entitled to it after the payment of debts, and there you will have stopped, and whatever there is to which private persons are not entitled or corporations or anybody else are not entitled shall go into the Treasury of the United States, into its general funds. The Committee on the Judiciary did not wish it to go into the United States Treasury. They wished to devote it to the promotion of education in that Territory. So we say that—

Said property and assets—

That is what the Senator wishes to strike out—

in excess of the debts and the amount of any lawful claims established by the court against the same shall escheat to the United States—

And be devoted to the use of schools in that Territory. The last part of the section is essential to dispose of any residue, after all claims of every kind are disposed of, of this property that may be left. Striking this out, it goes into the Treasury. Leaving it in, it goes to the use of common schools in that Territory.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST].

Mr. VEST. I want to settle one question. I have before me the act of incorporation. This is the amendatory act under which it is now operating, in the compiled laws of Utah. This act says:

Be it ordained by the General Assembly of the State of Deseret—

Approved by the Territorial Legislature afterwards—

That a general conference of the Church of Jesus Christ of Latter-day Saints, or a special conference of said church, to be called at such time and place as the first presidency of said church shall appoint, is hereby authorized to elect, by a majority, a company of not less than thirteen men, one of whom shall be designated as their president, and the others as assistants.

SEC. 2. This company is hereby made and constituted a body corporate, under the name and style of "The Perpetual Emigrating Fund Company," and shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure."

Then it goes on with general provisions of a corporation, that they shall defend and be defended, plead and be impleaded, hold property, and so forth. This is as lawful a corporation now as exists on the soil of the United States, and Senators need not disguise from themselves the simple fact that we are asked now to take possession of a corporation which was organized for a legal purpose so far as appears, which the Congress of the United States has permitted to exist, under which rights of property have been acquired; we are asked to take possession of that corporation and administer upon its effects and take what is left out of the possession of these parties, and say that the courts shall have nothing to do with it, but put it into the Treasury of the United States or give it to the common schools or anything else.

Mr. President, as a lawyer I will never agree to any proposition upon this or any other subject which says that the courts of this country shall not determine the rights of corporations or individuals.

Mr. EDMUNDS. That is precisely what this part that the Senator wishes to strike out says, that the court is to establish the rights of the claimants and if there is anything left it is to be devoted to schools.

Mr. VEST. Let me read the first part of the sixteenth section of the bill. It says:

That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation mentioned in the preceding section and pay the debts and to dispose of the property and assets thereof according to law.

There is a proceeding by due process of law in the courts of the country, which is the only mode, in my judgment, known to the Con-

stitution of the United States or to our jurisprudence by which property rights can be settled. But this provision goes further than that. That would seem to be enough for a lawyer, but it goes further and says:

Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States.

There it is taken out of the courts. There Congress steps in arbitrarily and after saying that the court shall determine according to law that matter, says that the surplus after paying the debts shall go into the Treasury.

Mr. HOAR. May I ask the Senator a question? What does he understand would become of it if his proposition prevailed?

Mr. VEST. That is a question which the law will determine. If the Senator wants my opinion as a lawyer I can give it to him. My judgment is that it would not go to the Treasury of the United States.

Mr. HOAR. The question is not where it would not go, but where would it go? The Senator will pardon me; I understand that this section remits to the courts, just as he says it ought to be remitted, the question of every claim whatever against that property, the right of the creditor, the right of the donor, the right of the sovereign; but if the court finds after all claims against it are established that there is property in the corporation which would be left derelict after the disposition of it under the law as provided to anybody who has a legal claim to it, then that is to be put into the Treasury of the United States, and by a sort of rude doctrine of *cy pres* used for common schools and not for the general public purposes of the country.

Mr. VEST. I do not understand how the doctrine of *cy pres* applies to it. I do not understand that any trust has been created here for common schools by anybody. The doctrine of *cy pres* simply steps in and furnishes a trustee where the first objects of the trust have failed. There is no such trust certainly for common schools. It is nothing else but an arbitrary seizure of the property of this corporation, taking it out of the courts and disposing of it as Congress sees proper; and if it can be done in this case it can be done as to any Baptist, Methodist, or Presbyterian church in any of the Territories if a majority of Congress thinks it ought to be done.

Mr. HOAR. The Senator does not answer my question, if he will permit me to interrupt him. I do not want to interrupt him improperly.

Mr. VEST. Certainly; I yield to the Senator.

Mr. HOAR. Suppose it were a Baptist church, or a Methodist, or a Unitarian church, to which last denomination I have the honor to belong, and it were within the jurisdiction of the legislation of Congress relative to the Territories. The corporation is dissolved and its property is taken possession of by the court by a receiver or other judicial officer, by a proper process, and the court having established every possible lawful claim, if there were no other legislation on the subject, if there were anything left, that would have to remain in the treasury of the court forever, and when Congress found it out they would then come in and do something with it.

Here is a fund which belongs to nobody as far as the court knows. We should undoubtedly do something with it, and instead of waiting for that occasion to arise this simply provides for it in advance, and says that when every possible lawful claim against that fund is established by the court and satisfied, if there is anything which otherwise would be left derelict or left in the treasury of the court to abide there forever, we provide now what shall be done with it; that is all.

Mr. VEST. Mr. President, it is remarkable legislation—I confess I know of no parallel to it—where Congress assumes a certain state of facts in advance of the finding of a court. The Senator from Massachusetts says "assuming that nobody owns this property." That is a question of law. That is a question which every American citizen and corporation has a right to have determined by the law of the land.

Mr. HOAR. The bill says the court shall decide, in the first part, according to law.

Mr. VEST. The bill says in the first part according to law, and then goes on and takes the court by the throat and says, "You shall do so and so." In other words, it declares an escheat when an escheat may not exist according to the facts. It says in advance of the facts that it shall escheat. The doctrine of escheats is a well settled one. I understand that the sovereignty of a country is entitled in certain contingencies to take possession of property, and not before; but they must be declared, they must exist, they must be judicially determined; and whenever Congress steps in and declares in advance that property shall escheat, it is not due process of law, it is not the law of the land as I understand it.

Mr. EVARTS. Mr. President, the first clause of this section disposes of all rights of property according to law. If the second clause now presently lays down a new law of escheat or forfeiture that was not the law at the time the disposition by the courts was accorded by the first clause of the section, it seems to me it is contrary to correct principles; and the explanation I understand now to be made, and perhaps properly, is that no property will be taken away from anybody under this second clause that would not be taken away from such owner by the authority of the court under the first clause. Is it understood that the second clause is intended to provide for a disposition of property that according to law belongs to no private persons and declare that it may go into the Treasury of the United States as a part of its general assets, and that the purpose of the second clause is to make a present and special disposition of what otherwise would go into the Treasury of the United States to its general purposes?

If that be so, and that be the proper accord between the two clauses, it might be expressed so as not to carry that in the *præsenti* law of escheat then presently established. I propose that that difficulty might be met, and probably it would meet the views of the Senator from Missouri by making the section read, commencing at the seventh line, "if any lawful claims established by the court against the same, and that by law shall escheat to the United States, shall be taken" possession of. Then the whole disposition, according to law, as expressed in the first clause of the section, will have its free course by law and no new imperative forfeiture inflicted against existing law.

Mr. EDMUNDS. I have no objection to the amendment of the Senator from New York. It is just what the bill is now.

The PRESIDENT *pro tempore*. The Senator from New York proposes to amend the part proposed to be stricken out by inserting the words which will be read.

The SECRETARY. At the end of line 7, after the word "same," it is proposed to add "and that by law;" and in line 8, after the word "States," to strike out the word "and;" so as to read:

Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, and that by law shall escheat to the United States, shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York [Mr. EVARTS].

The amendment was agreed to.

Mr. EVARTS. That, as I understood, might meet the views of the Senator from Missouri if it were not now presently decreeing forfeiture, and if that be so, then there would be no occasion for insisting on the amendment striking out.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. VEST] to strike out the second clause of section 16.

The amendment was rejected.

Mr. MORGAN. I wish to call the attention of the Senator from Vermont to the thirteenth section, which reads:

That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit, &c.

In what court will the bill require those proceedings to be instituted?

Mr. EDMUNDS. The general laws provide for the Territorial courts. It will be, according to their autonomy there, instituted in the first place in the disirict court in that division of the Territory in which the property might be situated, and from that on appeal would go to the supreme court of the Territory, and from that to the Supreme Court of the United States.

Mr. MORGAN. I will state the reason why I made the inquiry. I do not know that any court is empowered by statute in the United States to consider the question of escheats.

Mr. EDMUNDS. The territorial courts are all invested with a general jurisdiction to try every law question that can arise before them on any statute or law that exists and is in force in the Territory. There is no question about that at all.

Mr. BROWN. I wish to call the attention of the chairman of the Judiciary Committee to an amendment which I propose to the nineteenth and twentieth sections of the bill. The nineteenth section prescribes the penalty for adultery and the twentieth section for fornication. There has been a good deal of comment in the newspapers about some of the rulings of the Territorial court in Utah under the Edmunds act of 1882, and it has been claimed by the Mormons that there is one law for them and one for the Gentiles, so far as illegal sexual practices are concerned, and a construction put upon the term "unlawful cohabitation" which they thought, as I understand it, ought to embrace a Gentile who was living in disorder or in the commission of a crime as well as a Mormon. The law as reported by the newspapers has been construed to mean and apply only to the Mormons. As the act was passed for the purpose of suppressing polygamy, I desire to add to section 20:

This and the preceding section shall apply as well to so-called Gentiles as to Mormons in the Territory of Utah.

Thus applying that to the two sections, the nineteenth section and the twentieth section, so that there may be no room for question or construction about it that adultery by Gentiles shall be punished as is adultery by Mormons.

Mr. EDMUNDS. I am surprised that the Senator from Georgia should seriously suggest such an amendment. The laws of the United States know no distinctions and make no distinctions between one race, sect, or class in community, or a religious faith, or anything else, and no court in Utah has ever intimated any such thing. The Senator is being misled by the talk of Mormon newspapers.

Mr. BROWN. No; it was both Democratic and Republican news-

papers, I believe, not published in Mormondom, which gave the version of it I have seen.

Mr. EDMUNDS. They may have been Mormon newspapers notwithstanding.

Mr. BROWN. I will ask the Senator from Vermont whether there was not a ruling there to the effect that the term "unlawful cohabitation" did not apply to a Gentile.

Mr. EDMUNDS. I have not heard of any such ruling and I do not believe any such ruling was ever made, because it would be perfectly preposterous.

Mr. BROWN. I have seen it stated in several newspapers of good standing, and I have a strong reason to believe that such a ruling was made by a court in Utah.

Mr. EDMUNDS. Any judge who made it ought to be impeached.

Mr. BROWN. I want to guard against any possible misconstruction.

Mr. EDMUNDS. Do not put any such thing in a statute of the United States.

Mr. BROWN. I think the amendment ought to be made for the reason that I believe the law has been misconstrued by judges, and I think the language ought to be made very plain.

Mr. EDMUNDS. We will get some better judges there.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Georgia will be read at the desk.

The CHIEF CLERK. At the end of section 20 it is proposed to insert:

This and the preceding section shall apply as well to so-called Gentiles as to Mormons in the Territory of Utah.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. BROWN. I propose an amendment to the first section of the bill. I do not think that the first section of the bill ought to become a law if the rest of the bill should become such. I presume in all or in very nearly all the States to which the Senator from New Hampshire has referred where there are provisions about husband or wife testifying against each other they are not required to do so, but only permitted to do so in certain cases.

In the eighth line of the first section I move to strike out the words "and may be compelled;" in the ninth line to strike out the word "without" and insert "with," and in the tenth line, after the word "be," to insert the words "who is to be examined;" so as to read:

The lawful husband or wife of the person accused shall be a competent witness, and may be called to testify in such proceeding, examination, or prosecution with the consent of the husband or wife, as the case may be, who is to be examined; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

To make the husband or wife a competent witness, but not to make it compulsory for either to testify against the other is the object of the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. EDMUNDS. That means to provide that neither shall testify against the other without the consent of the person accused.

Mr. BROWN. No; without the consent of the person to be examined.

Mr. EDMUNDS. The legal construction would be without the consent of the other party. But I will pass that. That is the way it would be if the amendment were adopted, but I will just say one word on the question of compulsory examination.

At the common law the husband and wife were competent witnesses in cases where violence and wrongs of that nature were inflicted by one upon the other, and perhaps in some others that I need not now go into. In the statutes, as I repeat, of almost all the States, in some form or another, the provision for competency without the consent of the other—although the words "without the consent" were not put in, but the provision for competency, which enables the court to put that witness on the footing of every other witness and compel him to testify, does exist with certain limitations that are very like these we have provided here about confidential communications. The reason upon which it all goes, and upon which it went at common law, was not merely (which for the purposes of this bill would be enough) that it is a wrong upon the wife if it is a case of bigamy, or a wrong upon the husband if it is a case of polyandry—if that is the proper phrase, the Senator will know whether it is or not—but something more; and the reason in general is that society has an interest in the punishment of these crimes, and therefore whether under coercion or duress or favor or a criminal conspiracy the wife or the husband refuses to testify, society has a right to say in respect of this independent matter, you shall testify as in a case of bigamy or adultery, and the testimony of the first wife or the first husband to prove the first marriage is to be compelled, whether the wife or the husband, as the case may be, is willing to say that he or she was married to the other or not, because it is an independent fact in which society is interested as well as the individual.

Mr. BLAIR. Mr. President, there has been somewhat frequent allusion made to the statutes of the States upon this point. I think that the Senator from Vermont almost entirely misconceives the force and effect of those statutes where they exist.

What the Senator says is true, that the common law has been relaxed and modified to some extent by the statutes of the various States, but there are no statutes of any State, so far as I have been enabled to examine them, where the great leading principle which led to the original prohibition of husband and wife being witnesses for or against each other is not carefully preserved. Wherever there is any infringement upon marital confidence, as the legal expression made use of is, wherever there is likely by the testifying of the husband or wife for or against each other to be any infringement upon this great principle founded in justice and essential to the preservation of society, there it is prohibited.

In most of the statutes particular instances are specially mentioned and the prohibition is made specific; and in all of them, so far as I know, where there is any substantial relaxation whatever, the general expression is made use of that in the discretion of the court there shall never be the testimony of the wife allowed as against the husband, nor of the husband as against the wife, if it leads to any infringement upon marital confidence. Now, what is that? It is not that information which may be given to the husband or to the wife in express terms; it is not simply that which may come from conversation; it is not simply that which may be included in the term "communication," which is the one made use of in this proposed statute; but it is such information as comes from one party to the other by reason of the existence of the marriage relation; and wherever the testimony of the party may be a revelation of knowledge which comes by virtue of the fact that the parties are married and are associated together, that information which passes interchangeably from one to the other and which would not be likely to be the case if that were not the relation, the statute expressly prohibits it.

I have not the bill here; but the language made use of by the Senator excepts nothing but confidential communications from one party to the other. The statute of my own State excepts all confidential communications whether from one party to the other or which may have been made from either party to another person in the presence of the other party, and so by general expression restricting anything which can infringe upon marital confidence. It has come to be the settled rule in our State that nearly everything which can be really available in the maintenance of a prosecution against any party by virtue of the testimony of the wife or of the husband is excluded.

Nothing could be much broader than the language made use of in the first section of the bill, which I have now before me, and which reads:

The lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

Any statement that may have been made before is, under this provision, competent testimony; but such a statement is just as likely to interfere with the sacredness of the marriage relation, the marital confidence, as though it were made afterward. What is the specific object of this testimony? It is to afford the foundation of the prosecution, which would not otherwise be maintained.

Now, let us see how this will operate in practice. Here is the lawful wife living in association with it may be one or nineteen or twenty females. She has the rights of the legitimate wife and her children have all the rights of legitimate children. When there is no power by which a prosecution can be initiated and maintained from all these other sources of testimony, she is to be dragged upon the witness-stand against her consent and compelled so to testify as to maintain the prosecution and liberate the man who has committed this wrong upon herself and upon her children from all obligation for her sustenance and place him in the common jail or the penitentiary. Besides the wrong which she has already suffered she is obliged to subject herself to this in addition to all the rest. It seems to me inconceivable that a statute of the United States should be enacted into a law at this stage of the nineteenth century with such a palpable result of injustice and outrage and wrong as this.

Of course it is not necessary to call the wife at all if the prosecution can be maintained otherwise. She is to be put upon the stand simply because by her testimony she is to convict; and thus this woman, having all legal rights, having suffered all these legal outrages for which the husband is to be prosecuted, is to be made the instrument of depriving herself and her children of all sustenance and all support such as she is entitled to receive from the man who has committed the wrongs.

There is no statute of any State in the United States or any Territory of the United States that is capable of inflicting this infamy, and for the Senator from Vermont to claim that the statutes of New Hampshire or the statutes of any State that have been adduced here are capable of any such violation of what is called marital confidence and inflicting an injury of this description upon society, I think it is a very great misapprehension. I do not say that it is a perversion, for in the hurry and rush incident to the management of this bill, so full of new ideas and novelties, he has overlooked perhaps, I know he has overlooked, the real force and effect of the statutes so carefully guarded, which do to some extent relax the common law, but every one of them has been enacted for the purpose of promoting, vindicating, strengthening, and

building up the sanctity of the marriage relation rather than destroying it.

Mr. HARRIS. Will the Senator from New Hampshire yield to me in order that I may move that the Senate adjourn?

Mr. BLAIR. Certainly.

Mr. HARRIS. Then I make that motion.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now adjourn.

The motion was agreed to; and (at 6 o'clock and 17 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 7, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. GIBSON, of West Virginia, the reading of so much of the Journal as recorded the introduction of bills was dispensed with.

The Journal as read was approved.

TREASURER'S REPORT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an account of the expenditures of the United States for the fiscal year ended June 30, 1885; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

SUSPENDED ENTRIES OF PUBLIC LANDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a list of adjudications of suspended entries of public lands for the fiscal year ending June 30, 1885; which was referred to the Committee on the Public Lands, and ordered to be printed.

APPOINTMENTS IN THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting the petition of cadets of the United States Military Academy, praying for legislation that will secure them appointments in the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The SPEAKER also laid before the House a letter from the president of the board of managers of the National Home for Disabled Volunteer Soldiers, transmitting their report for the fiscal year ended June 30, 1885; which was referred to the Committee on Military Affairs, and ordered to be printed.

CONTINGENT EXPENSES, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the president of the board of commissioners of the District of Columbia, transmitting a statement of contingent expenses for the fiscal year ended June 30, 1885; which was referred to the Committee on Appropriations, and ordered to be printed.

MARY A. FITZPATRICK.

The SPEAKER. A bill (H. R. 1780) introduced yesterday by the gentleman from Ohio, Mr. BUTTERWORTH, granting a pension to Mary A. Fitzpatrick, was by inadvertence referred to the Committee on Claims. If there be no objection, the Committee on Claims will be discharged from its further consideration, and the bill will be referred to the Committee on Invalid Pensions.

There was no objection, and the bill was so referred.

The call of States was resumed, beginning with the State of West Virginia.

LEAVE OF ABSENCE FOR EMPLOYÉS GOVERNMENT PRINTING OFFICE.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 2594) granting leaves of absence to employés of the Government Printing Office and pay when actually sick; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

TO MAKE HUNTINGTON, W. VA., A PORT OF ENTRY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2495) making the city of Huntington a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CUSTOM-HOUSE, HUNTINGTON, W. VA.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2496) providing for a custom-house in the city of Huntington, W. Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

G. W. M'CULLOUGH.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2497) for the relief of G. W. McCullough, late second lieutenant of Company C, Eighth Regiment Maryland Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE J. CUNY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2498) for the relief of George J. Cuny, late private of Company L, First Regiment West Virginia Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. S. HALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2599) to increase the pension of J. S. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF DANIEL G. JEWELL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2600) granting a pension to the widow and infant heir of Daniel G. Jewell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. RUNNELS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2601) granting a pension to John D. Runnels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EPHRIAM HESS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2602) for the relief of Ephriam Hess; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. JORDAN.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2603) granting a pension to William H. Jordan, late of Company K, First Regiment Ohio Light Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER THACKER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2604) granting a pension to Alexander Thacker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSIE E. CLARK AND OTHERS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2605) granting a pension to Susie E. Clark, widow, and Frank D. Clark, Harry L. Clark, Eddie R. Clark, Annie B. Clark, and Maud M. Clark, infant heirs of the late Roland Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT G. S. BALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2606) to increase the pension of Albert G. S. Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC FORTNER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2607) granting a pension to Isaac Fortner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH C. SNODGRASS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2608) granting a pension to Elijah C. Snodgrass; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. MORGAREIGE.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2609) to increase the pension of Daniel J. Morgareige; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. P. M'CARDELL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2610) for the relief of J. P. McCardell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY B. MONKS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2611) for the relief of Henry B. Monks; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN WALDRON.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2612) for the relief of John Waldron; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. MORRIS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2613) for the relief of William H. Morris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID HARSHBARGER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2614) for the relief of David Harshbarger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN R. HARSHBARGER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2615) for the relief of John R. Harshbarger; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN FLESHER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2616) for the relief of John Flesher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. ADELAIDE BOWEN.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2617) for the relief of Mrs. Adelaide Bowen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY WHEELER.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2618) for the relief of Mrs. Mary Wheeler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. C. HOPKINS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2619) for the relief of E. C. Hopkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JEPTHA SMITH.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2620) for the relief of Jeptha Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

F. T. HUGHES.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2621) granting a pension to F. T. Hughes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. GRAHAM.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2622) to increase the pension of James H. Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH O. DRUMMOND.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2623) granting a pension to Sarah O. Drummond; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SYNTHA DUGLAS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 2624) granting a pension to Syntha Duglas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD JACKSON.

Mr. WILSON introduced a bill (H. R. 2625) granting a pension to Richard Jackson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS K. HAINES.

Mr. WILSON also introduced a bill (H. R. 2626) granting a pension to Silas K. Haines; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES GUTHRIE.

Mr. WILSON also introduced a bill (H. R. 2627) granting a pension to James Guthrie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELK BRANCH CHURCH, JEFFERSON COUNTY, WEST VIRGINIA.

Mr. WILSON also introduced a bill (H. R. 2628) for the relief of the trustees of the Elk Branch church, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M. MORRISON.

Mr. WILSON also introduced a bill (H. R. 2629) for the relief of William M. Morrison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRIETTA M. WAUGH.

Mr. WILSON also introduced a bill (H. R. 2630) for the relief of Henrietta M. Waugh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. ENGLE.

Mr. WILSON also introduced a bill (H. R. 2631) for the relief of John M. Engle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROMOTION OF ANATOMICAL SCIENCE, ETC.

Mr. WILSON also introduced a bill (H. R. 2632) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EDMUND H. CHAMBERS.

Mr. WILSON also introduced a bill (H. R. 2633) for the relief of Edmund H. Chambers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES ALLENDER.

Mr. WILSON also introduced a bill (H. R. 2634) for the relief of James Allender; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PHILIP PENDLETON.

Mr. WILSON also introduced a bill (H. R. 2635) for the relief of Philip Pendleton, late paymaster United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. SMITH.

Mr. WILSON also introduced a bill (H. R. 2636) for the relief of John F. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH RAMSEY.

Mr. WILSON also introduced a bill (H. R. 2637) granting a pension to Sarah Ramsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN B. DAVIS.

Mr. WILSON also introduced a bill (H. R. 2638) granting a pension to Jonathan B. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH KING.

Mr. WILSON (by request) also introduced a bill (H. R. 2639) for the relief of Sarah King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EAST WASHINGTON COLORED M. E. CHURCH.

Mr. WILSON (by request) also introduced a bill (H. R. 2640) for the relief of the trustees, pastor, and congregation of the East Washington Colored Methodist Episcopal Church of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. M'CHESNEY.

Mr. WILSON (by request) also introduced a bill (H. R. 2641) for the relief of John H. McChesney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT CHARLESTON, W. VA.

Mr. SNYDER introduced a bill (H. R. 2642) appropriating the sum of $52,000 for the enlargement and improvement of the United States Government building at Charleston, W. Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CAPT. WOODSON BLAKE.

Mr. SNYDER also introduced a bill (H. R. 2643) granting a pension to Capt. Woodson Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE PFEIFFER.

Mr. SNYDER also introduced a bill (H. R. 2644) for the relief of George Pfeiffer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES A. MYERS.

Mr. SNYDER also introduced a bill (H. R. 2645) granting a pension to James A. Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OHIO CENTRAL RAILROAD.

Mr. SNYDER also introduced a bill (H. R. 2646) granting to the Ohio Central Railroad Company the right to lay its track through United States lock and dam property in the great Kanawha Valley, State of West Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRESBYTERIAN CHURCH, FRENCH CREEK, W. VA.

Mr. SNYDER also introduced a bill (H. R. 2647) to compensate the trustees of the Presbyterian church at French Creek, W. Va., for the destruction of their church edifice by Union troops during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BAPTIST CHURCH, RALEIGH, W. VA.

Mr. SNYDER also introduced a bill (H. R. 2648) for the relief of the Baptist church at Raleigh Court House, in Raleigh County, West Vir-

ginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

METHODIST CHURCH, RALEIGH, W. VA.

Mr. SNYDER also introduced a bill (H. R. 2649) for the relief of the Methodist church at Raleigh Court House, in Raleigh County, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. H. LEE.

Mr. SNYDER (by request) also introduced a bill (H. R. 2650) for the relief of R. H. Lee, of Saint Albans, W. Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE EDENS.

Mr. SNYDER (by request) also introduded a bill (H. R. 2651) for the relief of Jesse Edens; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW E. HIGGINBOTHAM.

Mr. SYNDER (by request) also introduced a bill (H. R. 2652) for the relief of Andrew E. Higginbotham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WEST VIRGINIA TROOPS IN LATE WAR.

Mr. GOFF introduced a bill (H. R. 2653) for the relief of West Virginia troops acting under authority of the governor of said State during the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. LYNCH.

Mr. GOFF also introduced a bill (H. R. 2654) for the relief of William B. Lynch, of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. KELLY.

Mr. GOFF also introduced a bill (H. R. 2655) granting a pension to Benjamin F. Kelly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. SHUTTLEWORTH & BRO.

Mr. GOFF also introduced a bill (H. R. 2656) for the relief of B. F. Shuttleworth & Bro.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. GOFF also introduced a bill (H. R. 2657) extending the provisions of the act of June 10, 1880, in relation to the transportation of dutiable goods to the port of Wheeling, W. Va.; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WEST VIRGINIA WAR CLAIMS.

Mr. GOFF also introduced a bill (H. R. 2658) to recognize and pay certain claims due by the State of West Virginia to citizens thereof for services to the United States in the late war and which are properly chargeable to the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON TOBACCO.

Mr. GOFF also introduced a bill (H. R. 2659) to repeal all internal-revenue taxes upon domestic tobacco in all forms and upon the dealers therein; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CATHARINE E. LURTY.

Mr. GOFF also introduced a bill (H. R. 2660) for the relief of Catharine E. Lurty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIJAH KING.

Mr. GOFF also introduced a bill (H. R. 2661) for the relief of Elijah King; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN MEANS.

Mr. GOFF also introduced a bill (H. R. 2662) for the relief of Calvin Means; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. A. REEDER.

Mr. GOFF also introduced a bill (H. R. 2663) granting a pension to C. A. Reeder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CROUSE.

Mr. GOFF also introduced a bill (H. R. 2664) for the relief of Elizabeth Crouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. BATTEN.

Mr. GOFF also introduced a bill (H. R. 2665) for the relief of Benjamin F. Batten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES M. COEN.

Mr. GOFF also introduced a bill (H. R. 2666) for the relief of Charles M. Coen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE A. HILL.

Mr. GOFF also introduced a bill (H. R. 2667) for the relief of George A. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAYLOR RICHMOND.

Mr. GOFF also introduced a bill (H. R. 2668) granting a pension to Taylor Richmond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. DOWLER.

Mr. GOFF also introduced a bill (H. R. 2669) granting a pension to John R. Dowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET MEYERS.

Mr. GOFF also introduced a bill (H. R. 2670) granting a pension to Margaret Meyers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HOUCHIN.

Mr. GOFF also introduced a bill (H. R. 2671) granting a pension to John Houchin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. CUNNINGHAM.

Mr. GOFF also introduced a bill (H. R. 2672) for the relief Mary J. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CUNNINGHAM.

Mr. GOFF also introduced a bill (H. R. 2673) for the relief of Mary Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RILEY H. SMITH.

Mr. GOFF also introduced a bill (H. R. 2674) for the relief of Riley H. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. GRIMM.

Mr. GOFF also introduced a bill (H. R. 2675) for the relief of John D. Grimm; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELMER H. FETTY.

Mr. GOFF also introduced a bill (H. R. 2676) for the relief of Elmer H. Fetty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB D. GEHO.

Mr. GOFF also introduced a bill (H. R. 2677) granting a pension to Jacob D. Geho; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. DEMASTUS.

Mr. GOFF also introduced a bill (H. R. 2678) granting a pension to James A. Demastus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK HOLLAND.

Mr. GOFF also introduced a bill (H. R. 2679) granting a pension to Patrick Holland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH JONES.

Mr. GOFF also introduced a bill (H. R. 2680) granting a pension to Elizabeth Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID F. FLETCHER.

Mr. GOFF also introduced a bill (H. R. 2681) granting a pension to David F. Fletcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID K. CRAWFORD.

Mr. GOFF also introduced a bill (H. R. 2682) granting a pension to David K. Crawford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW AND CHILDREN OF PATRICK KEARNEY.

Mr. GOFF also introduced a bill (H. R. 2683) granting a pension to the widow and children of Patrick Kearney, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN NAY.

Mr. GOFF also introduced a bill (H. R. 2684) granting a pension to John Nay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OLEOMARGARINE.

Mr. CASWELL introduced a bill (H. R. 2685) to levy a tax upon oleomargarine and to collect the same through the Bureau of Internal Revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES UPON TOBACCO.

Mr. CASWELL also introduced a bill (H. R. 2686) to amend the second paragraph of Schedule F of chapter 121 of the laws of 1883, relating to the duties upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

ISAIAH H. CROUCH.

Mr. CASWELL also introduced a bill (H. R. 2687) granting a pension to Isaiah H. Crouch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY C. CHASE.

Mr. CASWELL also introduced a bill (H. R. 2688) for the relief of Timothy C. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELILAH KNILL.

Mr. CASWELL also introduced a bill (H. R. 2689) granting a pension to Delilah Knill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYDIA D. HOLTZ.

Mr. CASWELL also introduced a bill (H. R. 2690) granting a pension to Lydia D. Holtz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILLIP FAY.

Mr. CASWELL also introduced a bill (H. R. 2691) granting a pension restoration and an increase of pension to Phillip Fay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GEIBEL.

Mr. CASWELL also introduced a bill (H. R. 2692) granting a pension to John Geibel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY C. CHASE.

Mr. CASWELL also introduced a bill (H. R. 2693) granting a pension to Timothy C. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK CURTIN.

Mr. CASWELL also introduced a bill (H. R. 2694) granting a pension to Patrick Curtin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK FISHER.

Mr. CASWELL also introduced a bill (H. R. 2695) granting an increase of pension to Frank Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MOSHER.

Mr. CASWELL also introduced a bill (H. R. 2696) granting restoration of pension to Thomas Mosher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WILKINSON.

Mr. CASWELL also introduced a bill (H. R. 2697) granting a pension to Charles Wilkinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND GATLIN.

Mr. CASWELL also introduced a bill (H. R. 2698) granting a pension to Edmund Gatlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS WESSELS.

Mr. CASWELL also introduced a bill (H. R. 2699) granting a pension to Cornelius Wessels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS AT LAW OF DABNEY WALKER.

Mr. CASWELL (by request) also introduced a bill (H. R. 2700) for the relief of the widow and children as heirs at law of Dabney Walker, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WALL AND HEIRS.

Mr. CASWELL (by request) also introduced a bill (H. R. 2701) for the relief of William Wall and his heirs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEIRS AT LAW OF JACOB L. W. DOXTATER.

Mr. CASWELL (by request) also introduced a bill (H. R. 2702) for the relief of the widow and children, heirs at law of Jacob L. W. Doxtater, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN BURNS.

Mr. CASWELL (by request) also introduced a bill (H. R. 2703) referring the claim of John Burns against the United States to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES H. FAUST.

Mr. CASWELL (by request) also introduced a bill (H. R. 2704) for the relief of Charles H. Faust; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM SWEENY AND OTHERS.

Mr. CASWELL (by request) also introduced a bill (H. R. 2705) for the relief of William Sweeny and other employés of the Census Office, Department of the Interior; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN ANNIS.

Mr. CASWELL (by request) also introduced a bill (H. R. 2706) for the relief of Ann Annis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MALINDA GRIMES.

Mr. CASWELL (by request) also introduced a bill (H. R. 2707) for the relief of Malinda Grimes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE BRENNAN.

Mr. CASWELL (by request) also introduced a bill (H. R. 2708) for the relief of Catherine Brennan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN WHITTAKER.

Mr. CASWELL (by request) also introduced a bill (H. R. 2709) for the relief of John Whittaker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM T. DUVALL.

Mr. CASWELL (by request) also introduced a bill (H. R. 2710) referring the claim of William T. Duvall against the United States to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. SANGSTON.

Mr. CASWELL (by request) also introduced a bill (H. R. 2711) for the relief of William J. Sangston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HECTOR F. PHELPS.

Mr. CASWELL (by request) also introduced a bill (H. R. 2712) for the relief of Hector F. Phelps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, OSHKOSH, WIS.

Mr. GUENTHER introduced a bill (H. R. 2713) for the erection of a public building at Oshkosh, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

TIMBER ON INDIAN LANDS IN WISCONSIN.

Mr. GUENTHER also introduced a bill (H. R. 2714) to authorize the sale of timber on certain lands reserved for the use of the Menomonee tribe of Indians, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

IMPORTED ARTICLES STAMPED AS AMERICAN.

Mr. GUENTHER also introduced a bill (H. R. 2715) to prohibit the importation of articles of foreign manufacture bearing a stamp, mark, or imprint conveying the impression that such articles are of American manufacture; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

IMPROVEMENT OF FOX AND WISCONSIN RIVERS.

Mr. GUENTHER also introduced a bill (H. R. 2716) to pay the awards for damages for flowage caused by the building of dams by the United States in the improvement of the Fox and Wisconsin Rivers, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. BRISBOIS.

Mr. GUENTHER also introduced a bill (H. R. 2717) for the relief of John W. Brisbois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH BUCK.

Mr. GUENTHER also introduced a bill (H. R. 2618) to grant a pension to Hannah Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CONANT.

Mr. GUENTHER also introduced a bill (H. R. 2719) for the relief of Joseph Conant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES W. FAUST.

Mr. GUENTHER also introduced a bill (H. R. 2720) for the relief of Charles W. Faust; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RICHARD GOYIN.

Mr. GUENTHER also introduced a bill (H. R. 2721) for the relief of Richard Goyin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HOFFMAN.

Mr. GUENTHER also introduced a bill (H. R. 2722) for the relief of Charles Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions and ordered to be printed.

GILBERT W. HUBBELL.

Mr. GUENTHER also introduced a bill (H. R. 2723) for the relief of Gilbert W. Hubbell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID S. HAWLEY.

Mr. GUENTHER also introduced a bill (H. R. 2724) to grant a pension to David S. Hawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PLINY JEWETT.

Mr. GUENTHER also introduced a bill (H. R. 2725) granting a pension to Pliny Jewett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM A. MASON.

Mr. GUENTHER also introduced a bill (H. R. 2726) granting a pension to William A. Mason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER MITCHELL, JR.

Mr. GUENTHER also introduced a bill (H. R. 2727) for the relief of Peter Mitchell, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTOPHER MOEGLING.

Mr. GUENTHER also introduced a bill (H. R. 2728) authorizing Christopher Moegling to make application to the Commissioner of Patents for the extension of his patent for a new and useful ventilator for grain mills; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN MORTER, JR.

Mr. GUENTHER also introduced a bill (H. R. 2729) granting a pension to John Morter, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DE WITT MYERS.

Mr. GUENTHER also introduced a bill (H. R. 2730) for the relief of De Witt Myers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALMEDA PECK.

Mr. GUENTHER also introduced a bill (H. R. 2731) granting a pension to Almeda Peck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIDNEY PALEN.

Mr. GUENTHER also introduced a bill (H. R. 2732) for the relief of Sidney Palen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN F. SHIPLEY.

Mr. GUENTHER also introduced a bill (H. R. 2733) granting a pension to Benjamin F. Shipley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES A. STEVENS.

Mr. GUENTHER also introduced a bill (H. R. 2734) for the relief of Charles A. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. B. STODDARD.

Mr. GUENTHER also introduced a bill (H. R. 2735) granting a pension to S. B. Stoddard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IRA J. J. TURNEY.

Mr. GUENTHER also introduced a bill (H. R. 2736) granting a pension to Ira J. J. Turney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NIELS OLAVUS THORSEN.

Mr. GUENTHER also introduced a bill (H. R. 2737) to pay to Niels Olavus Thorsen the sum of $100 for arrears of bounty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRIEDERIKA WINTER.

Mr. GUENTHER also introduced a bill (H. R. 2738) granting a pension to Friederika Winter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISCILLA WOOD.

Mr. GUENTHER also introduced a bill (H. R. 2739) granting a pension to Priscilla Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NORMAN S. BULL.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 2740) for the relief of Norman S. Bull and to increase his pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT PATTERSON.

Mr. THOMAS, of Wisconsin (by request), also introduced a bill (H. R. 2741) granting a pension to Robert Patterson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. HARRIMAN.

Mr. THOMAS, of Wisconsin (by request), also introduced a bill (H. R. 2742) granting a pension to James W. Harriman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMPSON BEAVER.

Mr. THOMAS, of Wisconsin (by request), also introduced a bill (H. R. 2743) for the relief of Sampson Beaver and to grant him a pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. LA FOLLETTE introduced a bill (H. R. 2744) granting pensions to disabled soldiers and sailors of the national Army in the war for the Union; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES UPON TOBACCO.

Mr. LA FOLLETTE also introduced a bill (H. R. 2745) to amend the second paragraph of schedule F, laws of 1883, relating to the duties upon tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PENSIONS OF WIDOWS, ETC.

Mr. LA FOLLETTE also introduced a bill (H. R. 2746) increasing pensions of all pensioned widows, granting pensions to widows of pensioners, and granting pensions to certain widows of persons who die with applications for pensions pending, upon such widows completing proof in husband's case, without requiring widow to show that husband's death resulted from disability contracted in service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. LA FOLLETTE also introduced a bill (H. R. 2747) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of an act supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AMENDMENTS TO PENSION LAWS.

Mr. LA FOLLETTE also introduced a bill (H. R. 2748) granting pensions to certain per diem and disabled soldiers and sailors of the war for the Union who were confined in so-called confederate prisons, and also granting a certain per diem to the widows of such soldiers and sailors as died in said prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. LA FOLLETTE also introduced a bill (H. R. 2749) to amend chapter 136 of the laws of 1880, relating to certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIREMENT OF LIEUTENANTS OF THE LINE.

Mr. LA FOLLETTE also introduced a bill (H. R. 2750) for the voluntary retirement of lieutenants of the line of the Army after twenty years' service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LUTITIA A. MEREDITH.

Mr. LA FOLLETTE also introduced a bill (H. R. 2751) granting a pension to Lutitia A. Meredith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB B. WOOD.

Mr. LA FOLLETTE also introduced a bill (H. R. 2752) for the relief of Jacob B. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. ROBSON.

Mr. LA FOLLETTE also introduced a bill (H. R. 2753) for the relief of John W. Robson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. MARSDEN.

Mr. LA FOLLETTE also introduced a bill (H. R. 2754) for the relief of Thomas J. Marsden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT MONAHAN.

Mr. LA FOLLETTE also introduced a bill (H. R. 2755) granting a pension to Robert Monahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL DALY.

Mr. LA FOLLETTE also introduced a bill (H. R. 2756) granting a pension to Michael Daly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVERHARD WELTER.

Mr. LA FOLLETTE also introduced a bill (H. R. 2757) granting a pension to Everhard Welter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD NOBLES.

Mr. LA FOLLETTE also introduced a bill (H. R. 2758) to increase the pension of Richard Nobles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS SCOTT.

Mr. LA FOLLETTE also introduced a bill (H. R. 2759) to increase the pension of Francis Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN UPCRAFT.

Mr. VAN SCHAICK introduced a bill (H. R. 2760) for the relief of John Upcraft, late of Company F, Sixty-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM PORMANN.

Mr. VAN SCHAICK also introduced a bill (H. R. 2761) for the relief of William Pormann, late of Company I, Forty-eighth Wisconsin Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WALTER M'CARTY.

Mr. VAN SCHAICK also introduced a bill (H. R. 2762) to increase the pension of Walter McCarty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM HASKELL.

Mr. VAN SCHAICK also introduced a bill (H. R. 2763) for the relief of Hiram Haskell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNARD M'KENNA.

Mr. VAN SCHAICK also introduced a bill (H. R. 2764) for the relief of Bernard McKenna; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, MILWAUKEE, WIS.

Mr. VAN SCHAICK also introduced a bill (H. R. 2765) for the erection of a public building in the city of Milwaukee, Wis.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN CORDOVA.

Mr. VAN SCHAICK also introduced a bill (H. R. 2766) granting a pension to John Cordova; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BARBER.

Mr. VAN SCHAICK also introduced a bill (H. R. 2767) granting a pension to John Barber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID RICHEY.

Mr. VAN SCHAICK also introduced a bill (H. R. 2768) to increase the pension of David Richey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM GANNON.

Mr. VAN SCHAICK also introduced a bill (H. R. 2769) granting a pension to William Gannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW BARTON.

Mr. VAN SCHAICK also introduced a bill (H. R. 2770) for the relief of Andrew Barton; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES SHEAHAN.

Mr. VAN SCHAICK also introduced a bill (H. R. 2771) to increase the pension of James Sheahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE introduced a bill (H. R. 2772) to provide for a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

PENSIONS.

Mr. PRICE also introduced a bill (H. R. 2773) to grant pensions to survivors in the Army, Navy, and Marine Corps of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE also introduced a bill (H. R. 2774) to amend subdivisions 4 and 5 of section 3244 of the Revised Statutes of 1878; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

UNITED STATES COURTS AT EAU CLAIRE, WIS.

Mr. PRICE also introduced a bill (H. R. 2775) to authorize and establish a term of the district and circuit court of the United States at Eau Claire, Wis.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REFUNDING DIRECT TAXES.

Mr. PRICE also introduced a bill (H. R. 2776) to credit and pay the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JURISDICTION OF UNITED STATES DISTRICT COURTS.

Mr. PRICE also introduced a bill (H. R. 2777) to enlarge the jurisdiction of the United States district courts and to open the same to all claimants against the Government; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. PRICE also introduced a bill (H. R. 2778) amending section 2 of an act making appropriations for the payment of arrears of pensions, and for other purposes, approved March 3, 1879; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OVERFLOWS IN CHIPPEWA RIVER, WISCONSIN.

Mr. PRICE also introduced a bill (H. R. 2779) to provide for an inquiry into the causes of the extraordinary overflows of the Chippewa River, in the State of Wisconsin, and to prevent a recurrence of the same; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PENSION LAWS.

Mr. PRICE also introduced a bill (H. R. 2780) to extend the benefits of the pension laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORFEITURE OF LANDS.

Mr. PRICE also introduced a bill (H. R. 2781) to forfeit certain lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DAM ACROSS DEVIL'S CREEK, WISCONSIN.

Mr. PRICE also introduced a bill (H. R. 2782) to authorize Malcom Dobie and Henry E. Ticknor, their associates and assigns, to erect and maintain a dam or dams across and to make other improvements in Devil's Creek, in Lac Court Oreille reservation of the Chippewa Band of Indians, in Sawyer County, Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT SUPERIOR, WIS.

Mr. PRICE also introduced a bill (H. R. 2783) to provide for the erection of a public building at Superior, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING AT EAU CLAIRE, WIS.

Mr. PRICE also introduced a bill (H. R. 2784) to provide for the erection of a public building at the city of Eau Claire, in the State of Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS.

Mr. PRICE also introduced a bill (H. R. 2785) to equalize and increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS CUMMINGS.

Mr. PRICE also introduced a bill (H. R. 2786) to remove the charge of desertion which now stands against the name of Thomas Cummings; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH CLANCEY.

Mr. PRICE also introduced a bill (H. R. 2787) for the relief of Joseph Clancey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK SIGERIST.

Mr. PRICE also introduced a bill (H. R. 2788) for the relief of Frank Sigerist; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY KEIFER.

Mr. PRICE also introduced a bill (H. R. 2789) granting an increase of pension to Mary Keifer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA W. OSBORNE.

Mr. PRICE also introduced a bill (H. R. 2790) for the relief of Anna W. Osborne; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE WELLS.

Mr. PRICE also introduced a bill (H. R. 2791) granting an increase of pension to George Wells; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. HUNTER.

Mr. PRICE also introduced a bill (H. R. 2792) granting a pension to John L. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS JAMES.

Mr. PRICE also introduced a bill (H. R. 2793) granting a pension to Silas James; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. KELLOGG.

Mr. PRICE also introduced a bill (H. R. 2794) for the relief of John F. Kellogg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM WALL.

Mr. PRICE also introduced a bill (H. R. 2795) for the relief of William Wall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM THATCHER.

Mr. PRICE also introduced a bill (H. R. 2796) granting a pension to William Thatcher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. HUNTER.

Mr. PRICE also introduced a bill (H. R. 2697) granting a pension to John L. Hunter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRUNER D. HYATT.

Mr. PRICE also introduced a bill (H. R. 2798) granting a pension to Bruner D. Hyatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL BROTZMAN.

Mr. PRICE also introduced a bill (H. R. 2799) granting a pension to Samuel Brotzman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY MANES.

Mr. PRICE also introduced a bill (H. R. 2800) granting a pension to Mary Manes, mother of William Manes, late of Company D, Fourth Wisconsin Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMSTRONG MOORE.

Mr. PRICE also introduced a bill (H. R. 2801) granting a pension to Armstrong Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARA A. LOVELL.

Mr. PRICE also introduced a bill (H. R. 2802) granting a pension to Sarah A. Lovell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. SNYDER.

Mr. PRICE also introduced a bill (H. R. 2803) granting a pension to John H. Snyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAYTON E. ROGERS.

Mr. PRICE also introduced a bill (H. R. 2804) granting a pension to Clayton E. Rogers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY S. DOUGLAS.

Mr. PRICE also introduced a bill (H. R. 2805) granting a pension to Mary S. Douglas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL BOICE.

Mr. PRICE also introduced a bill (H. R. 2806) granting an increase of pension to Samuel Boice; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORLANDO T. SOWLE.

Mr. PRICE also introduced a bill (H. R. 2807) granting a pension to Orlando T. Sowle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM F. D. BAILEY.

Mr. PRICE also introduced a bill (H. R. 2808) granting an increase of pension to William F. D. Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SACCHARISSA BAKER.

Mr. BEAN introduced a bill (H. R. 2809) granting an increase of pension to Mrs. Saccharissa Baker, widow of Maj. E. D. Baker, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DISPOSITION OF LAND FOR GRAZING PURPOSES.

Mr. BEAN also introduced a bill (H. R. 2810) to dispose of certain lands for grazing purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

DR. WARREN E. DAY.

Mr. BEAN also introduced a bill (H. R. 2811) for the relief of Dr. Warren E. Day, of Arizona; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INSANE ASYLUM.

Mr. BEAN also introduced a bill (H. R. 2812) to approve an act of the Thirteenth Legislative Assembly of Arizona entitled "An act to establish, maintain, and provide for the government of an insane asylum," approved March 9, 1885; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

WILLIAM YORK.

Mr. BEAN also introduced a bill (H. R. 2813) for the relief of William York, of Arizona; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK FREDLEY.

Mr. BEAN also introduced a bill (H. R. 2814) for the relief of Frederick Fredley, of Yuma, Ariz.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM FRANKLIN GROUNDS.

Mr. BEAN also introduced a bill (H. R. 2815) for the relief of William Franklin Grounds; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD BRADEN & CO.

Mr. BEAN also introduced a bill (H. R. 2816) for the relief of Edward Braden & Co., asking appropriation to pay an amount of $2,006.17 awarded by Court of Claims, work done under Government contract; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARIZONA.

Mr. BEAN also submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be requested to transmit to the House of Representatives copies of all official correspondence between the Interior Department and Governor Zulick, of Arizona, in reference to Indian affairs and other matters in that Territory.

EDWAY A. GRANT.

Mr. GIFFORD introduced a bill (H. R. 2817) for the relief of Edway A. Grant; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUPREME COURT JUDGES OF DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2818) for two additional judges for the supreme court of Dakota; which was read a first and

second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF INDIAN APPROPRIATION BILL.

Mr. GIFFORD also introduced a bill (H. R. 2819) to amend section 9 of chapter 341, laws of the second session of the Forty-eighth Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADMISSION OF THE STATE OF DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2820) for the admission of the State of Dakota; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

SUPREME COURT, DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2821) to provide for two additional associate justices of the supreme court of Dakota, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MONUMENT COMMEMORATIVE OF HOMESTEAD LAW.

Mr. GIFFORD also introduced a bill (H. R. 2822) granting money to aid in the erection of a monument commemorative of the homestead law; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ADDITIONAL LAND DISTRICTS, DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2823) to create two additional land districts in Dakota, and to define the boundaries of the Deadwood district; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

GRANT OF PUBLIC LAND TO ABERDEEN, DAK.

Mr. GIFFORD also introduced a bill (H. R. 2824) granting the southeast quarter of section 14, township 103 north, of range 64 west of the fifth principal meridian, in the Territory of Dakota, to the city of Aberdeen; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LANDS FOR REFORM-SCHOOL PURPOSES, DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2825) granting to Dakota Territory section 16, township 103, range 64 west, in the county of Aurora, in said Territory, for the purposes of a reform school, and granting to said Territory one section of land in lieu thereof for school purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SCHOOL OF FORESTRY, DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2826) to grant lands to the Territory of Dakota for the purpose of establishing a school of forestry; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILBUR F. STEEL.

Mr. GIFFORD also introduced a bill (H. R. 2827) for the relief of Wilbur F. Steel; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

NORTH DAKOTA UNIVERSITY.

Mr. GIFFORD also introduced a bill (H. R. 2728) granting lands to North Dakota University; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ABANDONED AND USELESS MILITARY RESERVATIONS.

Mr. GIFFORD also introduced a bill (H. R. 2829) amending section 2 of chapter 214, Laws of the first session of the Forty-eighth Congress, approved July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

STERNE H. FOWLER.

Mr. GIFFORD also introduced a bill (H. R. 2830) granting a pension to Sterne H. Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSURANCE COMPANIES, DAKOTA.

Mr. GIFFORD also introduced a bill (H. R. 2831) to legalize the insurance companies of Dakota Territory, and to authorize the Legislature to pass general incorporation laws in reference thereto; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JACOB MATHIS.

Mr. GIFFORD also introduced a bill (H. R. 2832) for the relief of Jacob Mathis, late bugler Company D, Thirty-ninth New York Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD REDMOND.

Mr. GIFFORD also introduced a bill (H. R. 2833) for the relief of Richard Redmond, late private in Company D, Thirty-first New York Volunteer Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS A. CARPENTER.

Mr. GIFFORD also introduced a bill (H. R. 2834) to authorize the Secretary of War to restore the name of Thomas A. Carpenter, late captain of the Seventeenth United States Infantry, to the roll of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TAFFRE SNOW.

Mr. GIFFORD also introduced a bill (H. R. 2835) granting a pension to Taffre Snow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH B. WALTERS.

Mr. GIFFORD also introduced a bill (H. R. 2836) granting a pension to Joseph B. Walters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'DONALD.

Mr. GIFFORD also introduced a bill (H. R. 2837) granting a pension to John McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS THE MISSOURI RIVER AT PIERRE, DAK.

Mr. GIFFORD also introduced a bill (H. R. 2838) authorizing the construction of a bridge across the Missouri River at Pierre, Dak.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

A. G. SHAW.

Mr. GIFFORD also introduced a bill (H. R. 2839) for the relief of A. G. Shaw; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY YOUNG.

Mr. GIFFORD also introduced a bill (H. R. 2840) for the relief of Henry Young; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IDAHO AND WASHINGTON TERRITORIES.

Mr. HAILEY introduced a bill (H. R. 2841) to annex a portion of Idaho Territory to Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

COURTS IN IDAHO.

Mr. HAILEY also introduced a bill (H. R. 2842) in relation to holding courts in the Territory of Idaho; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADDITIONAL JUDGE IN IDAHO.

Mr. HAILEY also introduced a bill (H. R. 2843) to provide for an additional associate justice of the supreme court of the Territory of Idaho; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMENDMENT OF INDIAN APPROPRIATION ACT.

Mr. HAILEY also introduced a bill (H. R. 2844) supplementary and amendatory of section 9 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations of various Indian tribes for the year ending June 30, 1886," and approved March 3, 1885; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INDIAN WAR CLAIMS.

Mr. HAILEY also introduced a bill (H. R. 2845) to authorize the Secretary of the Interior to adjust and pay to citizens of Idaho and Montana Territories expenses and losses incurred in the suppression of Indian hostilities in the years 1877 and 1878; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JOSEPH K. VINCENT.

Mr. HAILEY also introduced a bill (H. R. 2846) granting a pension to Joseph K. Vincent; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SHOSHONE AND BANNOCK INDIAN LANDS.

Mr. HAILEY also introduced a bill (H. R. 2847) to authorize the Shoshone and Bannock Indians to sell to the Utah and Northern and Oregon Short Line Railway Companies certain lands situated upon the lands of said Indians in Idaho necessary to said companies for railway purposes, and for the relief of said railway companies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

OUTRAGES BY INDIANS.

Mr. JOSEPH introduced a bill (H. R. 2848) to provide for the organization of a regiment of volunteers in New Mexico and Arizona for the purpose of suppressing outrages on settlers committed by hostile Indians; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC PARK IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2849) to set apart a certain tract of land situate upon the headwaters of the Pecos River, in New Mexico, as a public park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL JUDGE, NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2850) providing for one additional associate justice of the supreme court of New Mexico, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. JOSEPH also introduced a bill (H. R. 2851) to provide for ascertaining and settling private land claims in the Territories of New Mexico and Arizona and the State of Colorado; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

COMMON SCHOOLS IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2852) to aid in the support of common schools in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

ARTESIAN WELLS IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2853) to provide for the boring of artesian wells in the Territory of New Mexico; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CHILDREN OF CHRISTOPHER CARSON.

Mr. JOSEPH also introduced a bill (H. R. 2854) for the relief of the children and heirs of the late Christopher Carson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF MIGUEL DESMARAIS AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 2855) for the relief of the heirs of Miguel Desmarais and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING AT SANTA FÉ, N. MEX.

Mr. JOSEPH also introduced a bill (H. R. 2856) for the completion of a public building at Santa Fé, N. Mex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HEIRS OF ANTONIO JOSÉ LUNA.

Mr. JOSEPH also introduced a bill (H. R. 2857) for the relief of the heirs of Antonio José Luna; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GRANT OF LAND IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2858) to confirm a grant of land to the town of Cevilleta, N. Mex.; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM BETTS.

Mr. JOSEPH also introduced a bill (H. R. 2859) for the relief of William Betts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APOLINARIS ALMANZAR.

Mr. JOSEPH also introduced a bill (H. R. 2860) for the relief of Apolinaris Almanzar, of San Miguel County, New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPRESENTATIVES OF JOSÉ LUJAN.

Mr. JOSEPH also introduced a bill (H. R. 2861) for the relief of the legal representatives of José de Jesus Lujan, of Mora County, New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW CAMERON.

Mr. JOSEPH also introduced a bill (H. R. 2862) for the relief of Andrew Cameron; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNPAID UNITED STATES JURORS IN NEW MEXICO.

Mr. JOSEPH also introduced a bill (H. R. 2863) in relation to certain unpaid United States jurors, and others, in New Mexico; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARMY AND NAVY HOSPITAL AT LAS VEGAS HOT SPRINGS, N. MEX.

Mr. JOSEPH also introduced a bill (H. R. 2864) for the construction of an Army and Navy hospital at the Las Vegas Hot Springs, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

FELIX M'KETTERICK.

Mr. JOSEPH also introduced a bill (H. R. 2865) for the relief of Felix McKetterick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. B. HIGBEE.

Mr. JOSEPH also introduced a bill (H. R. 2866) for the relief of R. B. Higbee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ASSAY OFFICE, SOCORRO, N. MEX.

Mr. JOSEPH also introduced a bill (H. R. 2867) to establish an assay office at Socorro, in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PUBLIC BUILDING, ALBUQUERQUE, N. MEX.

Mr. JOSEPH also introduced a bill (H. R. 2868) for the erection of a public building at Albuquerque, N. Mex.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSÉ ALBINA BACA AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 2869) for the relief of José Albina Baca, Romualdo Baca, and the heirs of Simon Baca, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANASTACIO SANDOVAL.

Mr. JOSEPH also introduced a bill (H. R. 2870) for the relief of Anastacio Sandoval; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN WATTS.

Mr. JOSEPH also introduced a bill (H. R. 2371) for the relief of John Watts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF ANTONIO BACA Y BACA AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 2872) for the relief of the heirs of Antonio Baca y Baca and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MANUEL CHAVEZ AND LORENZO LABADIE.

Mr. JOSEPH also introduced a bill (H. R. 2873) for the relief of Manuel Chavez and Lorenzo Labadie; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PASCUAL BACA AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 2874) for the relief of Pascual Baca and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANTONIO Y M. ABEYTA.

Mr. JOSEPH also introduced a bill (H. R. 2875) for the relief of Antonio y M. Abeyta; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. A. LA RUE.

Mr. JOSEPH also introduced a bill (H. R. 2876) for the relief of J. A. La Rue; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCISCO LOPEZ & SON.

Mr. JOSEPH also introduced a bill (H. R. 2877) for the relief of Francisco Lopez & Son; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS COOPER AND OTHERS.

Mr. JOSEPH also introduced a bill (H. R. 2878) for the relief of Thomas Cooper and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAMPAIGN AGAINST CHIRICAHUAN INDIANS.

Mr. JOSEPH also submitted the following resolution for reference:

Whereas the campaign against the Chiricahuan Indians, as conducted by General Crook and General Bradley, failed to suppress Indian hostilities, and from one to five persons are now being killed every day by the Indians and other outrages committed and constant misrepresentations of the situation have been made to headquarters as to the number of Indians off the reservation and the murders and other depredations committed attributed to cattle-men and Mexicans: Therefore,

Resolved, That the Speaker appoint a special committee of three to investigate the conduct of the campaign in New Mexico and Arizona against the Chiricahuan Apaches from May, 1885, to date, as conducted by General Crook; that said committee in its investigation shall seek information from citizens as well as from the military authorities, and that it have full power to send for persons and papers, with authority to conduct its investigation at such points as it may deem necessary.

Mr. STEELE. I think this resolution ought to go to the Committee on Military Affairs, as it pertains entirely to military matters. It proposes to investigate the conduct of a military campaign conducted by Gen-

eral Crook, and is certainly a matter coming properly within the jurisdiction of the Committee on Military Affairs.

The SPEAKER *pro tempore* (Mr. WELLBORN). The Chair thinks it should go to the Committee on Rules.

Mr. STEELE. It proposes to investigate the conduct of General Crook, and is a matter wholly within the jurisdiction of the Committee on Military Affairs.

The SPEAKER *pro tempore*. The resolution proposes a new committee, thereby changing the rules of the House.

Mr. STEELE. That may be; but certainly the Committee on Military Affairs ought to pass on such questions as this resolution presents. It proposes to investigate the conduct of a military officer; and if the Committee on Military Affairs should not have charge of such a question I do not know what would come properly within their province.

The SPEAKER *pro tempore*. The Chair is very clearly of opinion that the resolution should go to the Committee on Rules; but if the gentleman so desires he will submit the question to the House.

Mr. STEELE. No, sir; I do not propose to raise an issue of that kind.

The resolution was referred to the Committee on Rules.

PROCESS OF TERRITORIAL COURTS.

Mr. TOOLE introduced a bill (H. R. 2879) to authorize the service of civil and criminal process issued by Territorial courts within military and Indian reservations and the Yellowstone National Park; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS IN MONTANA.

Mr. TOOLE also introduced a bill (H. R. 2880) relating to the supreme court of Montana Territory and providing for the establishment of judicial districts therein; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. TOOLE also introduced a bill (H. R. 2881) granting the right of way to the Cinnabar and Clark's Fork Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TAXES ON RAILROAD GRANTS.

Mr. TOOLE also introduced a bill (H. R. 2882) to authorize and facilitate the collection of taxes upon certain railroad land grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FEDERAL OFFICIALS IN TERRITORIES.

Mr. TOOLE also introduced a bill (H. R. 2883) concerning the appointment of Federal officers in the Territories; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FORT BENTON LAND DISTRICT.

Mr. TOOLE also introduced a bill (H. R. 2884) to create the Fort Benton land district, in the Territory of Montana; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLIC BUILDING AT HELENA, MONT.

Mr. TOOLE also introduced a bill (H. R. 2885) for the erection of a public building at Helena, Mont.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

INDIAN RESERVATIONS IN MONTANA.

Mr. TOOLE also introduced a bill (H. R. 2886) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

HEIRS OF LEANDER M. BLACK.

Mr. TOOLE also introduced a bill (H. R. 2887) for the relief of the heirs of Leander M. Black; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. BOYCE.

Mr. TOOLE also introduced a bill (H. R. 2888) for the relief of James R. Boyce; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADDITION TO WASHINGTON TERRITORY.

Mr. VOORHEES introduced a bill (H. R. 2889) to annex a portion of the Territory of Idaho to Washington Territory; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ADMISSION OF STATE OF WASHINGTON.

Mr. VOORHEES also introduced a bill (H. R. 2890) to provide for the formation and admission into the Union of the State of Washington, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

NORTHERN PACIFIC RAILROAD.

Mr. VOORHEES also introduced a bill (H. R. 2891) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LANDS RELIEVED FROM RESERVATION.

Mr. VOORHEES also introduced a bill (H. R. 2892) to relieve from reservation certain lands heretofore withdrawn for railroad purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SETTLERS ON LAND GRANTS.

Mr. VOORHEES also introduced a bill (H. R. 2893) for the relief of settlers within the limits of railroad land grants; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

AGRICULTURAL LANDS.

Mr. VOORHEES also introduced a bill (H. R. 2894) for the reduction of all agricultural lands within the limits of the grant of lands to the Northern Pacific Railroad Company, exclusive of lands granted to said company, to the minimum price of $1.25 per acre, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

REGISTERS AND RECEIVERS.

Mr. VOORHEES also introduced a bill (H. R. 2895) authorizing registers and receivers of the United States land offices to enforce the attendance of witnesses in their respective districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SURVIVORS OF WHITMAN MASSACRE.

Mr. VOORHEES also introduced a bill (H. R. 2896) for the relief of the survivors of the massacre of Dr. Marcus Whitman and others, in the Columbia River Valley, and the heirs of those killed in said massacre; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SURVEY OF PUBLIC LANDS.

Mr. VOORHEES also introduced a bill (H. R. 2897) to pay for the survey of certain public lands in Washington Territory; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CIVIL-SERVICE REFORM.

Mr. VOORHEES also introduced a bill (H. R. 2898) to promote the faithful administration of the public trusts, and to secure more efficient civil-service reform, and for other purposes; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

MILITARY MEADOW RESERVE.

Mr. VOORHEES also introduced a bill (H. R. 2899) to restore the abandoned military meadow reserve, in Walla Walla County, Washington Territory, to the public domain, and to dispose of the same to settlers thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OREGON INDIAN WAR.

Mr. VOORHEES also introduced a bill (H. R. 2900) amending section 2427 of the Revised Statutes so as to extend the benefits of the bounty-land law to the volunteers who served in the Oregon and Washington Indian war of 1855 and 1856; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. VOORHEES also introduced a bill (H. R. 2901) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BELLINGHAM BAY RAILROAD.

Mr. VOORHEES also introduced a bill (H. R. 2902) authorizing the Bellingham Bay Railway and Navigation Company to build certain bridges, wharves, and docks in the Territory of Washington; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RATE OF PENSIONS.

Mr. VOORHEES also introduced a bill (H. R. 2903) to fix the rate of pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SNOQUALMIE PASS WAGON-ROAD.

Mr. VOORHEES also introduced a bill (H. R. 2904) to construct a wagon-road across the Snoqualmie Pass of the Cascade Mountains, in

Washington Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NATURALIZATION LAWS.

Mr. VOORHEES also introduced a bill (H. R. 2905) amending section 1874 of the Revised Statutes and confirming the orders and proceedings of certain Territorial courts in cases arising under the naturalization laws of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

GEORGE A. MILLER.

Mr. VOORHEES also introduced a bill (H. R. 2906) for the relief of George A. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM K. GRIFFITH.

Mr. VOORHEES also introduced a bill (H. R. 2907) for the relief of William K. Griffith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BRADLEY.

Mr. VOORHEES also introduced a bill (H. R. 2908) for the relief of John Bradley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS J. MILLER.

Mr. VOORHEES also introduced a bill (H. R. 2909) for the relief of Thomas J. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB KUNTZ.

Mr. VOORHEES also introduced a bill (H. R. 2910) for the relief of Jacob Kuntz, alias John Walters; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN L. BUTLER.

Mr. VOORHEES also introduced a bill (H. R. 2911) for the relief of John L. Butler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS R. LYTLE.

Mr. VOORHEES also introduced a bill (H. R. 2912) granting a pension to Thomas R. Lytle, a soldier of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RUFUS G. NEWLAND.

Mr. VOORHEES also introduced a bill (H. R. 2913) to confirm the title in certain lands to Rufus G. Newland; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

DENIS STORRS AND OTHERS.

Mr. VOORHEES also introduced a bill (H. R. 2914) for the relief of Denis Storrs, Marion Minnick, Fritz Dibberin, Donald McDonald, and Daniel Hines; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE B. HANSELL.

Mr. VOORHEES also introduced a bill (H. R. 2915) for the relief of George B. Hansell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN S. HILL.

Mr. VOORHEES also introduced a bill (H. R. 2916) for the relief of John S. Hill; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN Y. SEWELL.

Mr. VOORHEHS also introduced a bill (H. R. 2917) for the relief of John Y. Sewell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM HUNTINGTON.

Mr. VOORHEES also introduced a bill (H. R. 2918) for the relief of William Huntington; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY R. CROSBIE.

Mr. VOORHEES also introduced a bill (H. R. 2919) for the relief of Henry R. Crosbie; which was read a first and second time, referred to Committee on Claims, and ordered to be printed.

RAILROAD INDEMNITY LANDS.

Mr. VOORHEES also introduced a joint resolution (H. Res. 68) to restore to the public domain certain lands of the United States heretofore withdrawn for railroad indemnity purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WIND RIVER VALLEY, WYOMING.

Mr. CAREY introduced a bill (H. R. 2920) for the relief of certain settlers in the Wind River Valley, Wyoming Territory; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. T. AND C. T. HULETT.

Mr. CAREY also introduced a bill (H. R. 2921) for the relief of J. T. and C. T. Hulett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEGISLATIVE ASSEMBLY, WYOMING.

Mr. CAREY also introduced a bill (H. R. 2922) to legalize the election of the Territorial Legislative Assembly of Wyoming, held November 4, 1884; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

UNITED STATES PENITENTIARY, LARAMIE, WYO.

Mr. CAREY also introduced a bill (H. R. 2923) for the improvement and repair of the United States penitentiary at Laramie City, Wyo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to he printed.

ADDITIONAL LAND DISTRICT, WYOMING.

Mr. CAREY also introduced a bill (H. R. 2924) to establish a new land district in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

J. M. LOBBAN.

Mr. CAREY also introduced a bill (H. R. 2925) for the relief of J. M. Lobban; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, CHEYENNE, WYO.

Mr. CAREY also introduced a bill (H. R. 2926) for the erection of a public building at Cheyenne, Wyo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories is now completed, and the Chair will recognize gentlemen who were not in their seats when their States were called for the introduction and reference of bills.

NEW YORK HARBOR.

Mr. PULITZER introduced a bill (H. R. 2927) providing for the appointment of a board of commissioners for New York Harbor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE OVER MISSISSIPPI RIVER.

Mr. HATCH introduced a bill (H. R. 2928) authorizing the construction of a bridge over the Mississippi River at or near Alton, Ill., and for other purposes; which was read a first and second time, referred to the Commitee on Commerce, and ordered to be printed.

MISSOURI JUDICIAL DISTRICTS.

Mr. HATCH also introduced a bill (H. R. 2929) to amend the act dividing the State of Missouri into two judicial districts, and to divide the eastern and western districts thereof into divisions, establish district and circuit courts of the United States therein, and to provide for the times and places for holding such courts, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

TAX ON TOBACCO.

Mr. HATCH also introduced a bill (H. R. 2930) to repeal so much of the sixth clause of section 3244 of the Revised Statutes of the United States as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than dealers in tobacco without a special tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FREE SALT.

Mr. HATCH also introduced a bill (H. R. 2931) to provide for the importation of salt free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. HATCH also introduced a bill (H. R. 2932) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

AGRICULTURAL EXPERIMENT STATIONS.

Mr. HATCH also introduced a bill (H. R. 2933) to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of acts supplementary thereto; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CATHOLIC CHURCH, MACON CITY, MO.

Mr. HATCH also introduced a bill (H. R. 2934) making an appropri-

ation to reimburse the Catholic church of Macon City, Mo., for the use and occupation of their church building by United States troops during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES PRICE.

Mr. HATCH also introduced a bill (H. R. 2935) for the relief of James Price; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE M. OCHILTREE.

Mr. HATCH also introduced a bill (H. R. 2936) for the relief of George M. Ochiltree; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH SNYDER.

Mr. HATCH also introduced a bill (H. R. 2937) for the relief of Joseph Snyder; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM A. DORNER.

Mr. HATCH also introduced a bill (H. R. 2938) for the relief of William A. Dorner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY H. GREEN.

Mr. HATCH also introduced a bill (H. R. 2939) granting a pension to Henry H. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. PENNINGTON.

Mr. HATCH also introduced a bill (H. R. 2940) granting a pension to John T. Pennington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS MURPHY.

Mr. HATCH also introduced a bill (H. R. 2941) for the relief of Thomas Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES P. POOL.

Mr. HATCH also introduced a bill (H. R. 2942) granting a pension to Charles P. Pool; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RALPH H. TUCKER.

Mr. HATCH also introduced a bill (H. R. 2943) granting a pension to Ralph H. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. LASH.

Mr. HATCH also introduced a bill (H. R. 2944) granting a pension to John H. Lash; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA HOLMES.

Mr. HATCH also introduced a bill (H. R. 2945) granting a pension to Matilda Holmes, widow of William W. Holmes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRESERVATION OF WOODS AND FORESTS.

Mr. HATCH (by request) also introduced a bill (H. R. 2946) for the preservation of the woods and forests of the national domain adjacent to the sources of the navigable rivers and their affluents in the United States; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

J. C. RUDD.

Mr. LAFFOON introduced a bill (H. R. 2947) for the benefit of J. C. Rudd, of Kentucky; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LEAF-TOBACCO.

Mr. LAFFOON also introduced a bill (H. R. 2948) to repeal all special tax on dealers in leaf-tobacco in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIVIL SERVICE.

Mr. LAFFOON also introduced a bill (H. R. 2949) to amend an act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

JAMES ALBERT BONSAC.

Mr. DANIEL introduced a bill (H. R. 2950) for the relief of James Albert Bonsac; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

J. HENRY RIVES.

Mr. DANIEL also introduced a bill (H. R. 2951) for the relief of J. Henry Rives; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BLOOMFIELD LODGE, NO. 57, F. A. M., BLOOMFIELD, KY.

Mr. ROBERTSON introduced a bill (H. R. 2952) for the relief of Bloomfield Lodge, No. 57, F. A. M., in the town of Bloomfield, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN P. BUSH AND MARTIN GRIGSBY.

Mr. ROBERTSON also introduced a bill (H. R. 2953) for the relief of John P. Bush and Martin Grigsby; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NANNIE JOHN GRAVES.

Mr. ROBERTSON also introduced a bill (H. R. 2954) granting a pension to Nannie John Graves; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOT C. READ.

Mr. ROBERTSON also introduced a bill (H. R. 2955) for the benefit of Lot C. Read; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS.

Mr. ROBERTSON also introduced a bill (H. R. 2956) to adjust certain accounts between the United States and the several States and Territories and the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JEREMIAH JEFFRIES.

Mr. ROBERTSON also introduced a bill (H. R. 2957) for the relief of Jeremiah Jeffries; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL B. STORMS.

Mr. ROBERTSON also introduced a bill (H. R. 2958) granting a pension to Daniel B. Storms; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. O. RILEY.

Mr. ROBERTSON also introduced a bill (H. R. 2059) for the relief of D. O. Riley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BENJAMIN A. STITH, ADMINISTRATOR.

Mr. ROBERTSON also introduced a bill (H. R. 2960) for the relief of Benjamin A. Stith, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN P. M'CLURE.

Mr. ROBERTSON also introduced a bill (H. R. 2961) for the relief of John P. McClure; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TICE METERS.

Mr. ROBERTSON also introduced a bill (H. R. 2962) to authorize suits to be brought in the Court of Claims for money paid and expenses incurred on account of Tice meters, and asked unanimous consent to have it referred to the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I ask that the bill be read.

The bill was read, and was then referred to the Committee on Claims.

LOUIS WHORLEY.

Mr. ERMENTROUT introduced a bill (H. R. 2963) granting a pension to Louis Whorley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABEL MICHLER.

Mr. ERMENTROUT also introduced a bill (H. R. 2964) to restore to the pension-list the name of Abel Michler, of Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS IN MICHIGAN.

Mr. FISHER introduced a bill (H. R. 2965) to provide for holding terms of the circuit and district courts of the United States for the eastern district of Michigan at Bay City, in said district; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING AT BAY CITY, MICH.

Mr. FISHER also introduced a bill (H. R. 2966) to provide for the construction of a public building at Bay City, Mich.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM E. CHRISTIAN.

Mr. FISHER also introduced a bill (H. R. 2667) for the relief of William E. Christian; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET PEAK.

Mr. FISHER also introduced a bill (H. R. 2968) granting a pension to Harriet Peak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS T. NICHOLS.

Mr. FISHER also introduced a bill (H. R. 2969) granting a pension to Francis T. Nichols; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL FOREMAN.

Mr. FISHER also introduced a bill (H. R. 2970) granting a pension to Daniel Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS DEMING.

Mr. FISHER also introduced a bill (H. R. 2971) granting a pension to Francis Deming; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOSES FOSTER.

Mr. FISHER also introduced a bill (H. R. 2972) granting a pension to Moses Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN M. ELLIOTT.

Mr. WINANS introduced a bill (H. R. 2973) for the relief of Ann M. Elliott, widow of Robert F. Elliott, late major Sixteenth Regiment Michigan Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK B. CASE.

Mr. WINANS also introduced a bill (H. R. 2974) for the relief of Midshipman Frank B. Case; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELIZA A. WEEKS.

Mr. WINANS also introduced a bill (H. R. 2975) granting a pension to Eliza A. Weeks; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LENFORD ROSE.

Mr. WINANS also introduced a bill (H. R. 2976) granting a pension to Lenford Rose; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. WRIGHT.

Mr. WINANS also introduced a bill (H. R. 2977) for the relief of William H. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK LESTER.

Mr. WINANS also introduced a bill (H. R. 2978) granting a pension to Frank Lester; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS SHAFER.

Mr. WINANS also introduced a bill (H. R. 2979) granting an increase of pension to Elias Shafer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND TITLES IN THE DISTRICT OF COLUMBIA.

Mr. BLANCHARD introduced a bill (H. R. 2980) to amend the laws in relation to land titles in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. BLANCHARD also introduced a bill (H. R. 2981) to abrogate the powers of the executive officers of the United States in allowing indemnity locations on scrip for confirmed unsatisfied private land claims under section 3 of the act of Congress approved June 2, 1858 (United States Statutes at Large, volume 11, pages 294 and 295, chapter 81), and to vest that power in the courts of the United States; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MRS. MARGARET FUHR.

Mr. BLANCHARD (by request) also introduced a bill (H. R. 2982) for the relief of Mrs. Margaret Fuhr, widow and tutrix of the minor heirs of Frederick Fuhr, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FORT WORTH AND DENVER CITY RAILWAY COMPANY.

Mr. BLANCHARD also introduced a bill (H. R. 2983) to grant a right of way to the Fort Worth and Denver City Railway Company through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TREZEVANT CLAIM.

Mr. HAMMOND presented a joint resolution of the Legislature of the State of Georgia, asking the payment of the Trezevant claim; which was referred to the Committee on War Claims, and ordered to be printed.

JUDGMENTS OF COURT OF CLAIMS.

Mr. HEWITT introduced a bill (H. R. 2984) to pay certain judgments of the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINTHORNE TOMPKINS, DECEASED.

Mr. HEWITT also introduced a bill (H. R. 2985) for the relief of Minthorne Tompkins, deceased, and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SEPTIMUS BROWN.

Mr. BARBOUR introduced a bill (H. R. 2986) for the relief of Septimus Brown, of Alexandria County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FREDERICK LOWSTER.

Mr. HOWARD introduced a bill (H. R. 2987) granting a pension to Frederick Lowster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA S. ALLEN.

Mr. HOWARD also introduced a bill (H. R. 2988) for the relief of Rebecca S. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI MILLER.

Mr. HOWARD also introduced a bill (H. R. 2989) for the relief of Eli Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. BEAMAN AND B. F. SCRIBNER.

Mr. HOWARD also introduced a bill (H. R. 2990) for the relief of John W. Beaman and B. F. Scribner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK A. GARLICK.

Mr. HISCOCK introduced a bill (H. R. 2991) granting a pension to Frederick A. Garlick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. WEBB.

Mr. HISCOCK also introduced a bill (H. R. 2992) for the relief of William W. Webb; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHICAGO, FREEPORT AND SAINT PAUL RAILROAD COMPANY.

Mr. HITT introduced a bill (H. R. 2993) to authorize the Chicago, Freeport and Saint Paul Railroad Company to construct a bridge across the Saint Croix River (or Lake) at any accessible point between Prescott, Wis., and Taylor's Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JEARUM ATKINS.

Mr. HITT also introduced a bill (H. R. 2994) for the relief of Jearum Atkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANCIS H. SHAW.

Mr. HITT also introduced a bill (H. R. 2995) for the relief of Francis H. Shaw; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NORTHERN JUDICIAL DISTRICT OF NEW YORK.

Mr. MILLARD introduced a bill (H. R. 2996) to amend the Revised Statutes of the United States establishing the times, places, and provisions for holding terms of the district court in the northern district of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEWIS PIERSON.

Mr. MILLARD also introduced a bill (H. R. 2997) granting a pension to Lewis Pierson, Company B, Eighty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY MERICLE.

Mr. MILLARD also introduced a bill (H. R. 2998) granting a pension to Henry Mericle, Company D, Sixth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. SIVER.

Mr. MILLARD also introduced a bill (H. R. 2999) granting a pension to James H. Siver, Company E, One hundred and thirty-seventh New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET HANDERLINE.

Mr. MILLARD also introduced a bill (H. R. 3000) granting a pension

to Bridget Handerline, widow of Daniel Handerline, Company A, First District of Columbia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL KELLY.

Mr. MILLARD also introduced a bill (H. R. 3001) granting a pension to Michael Kelly, Companies I and E, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTA PIKE.

Mr. MILLARD also introduced a bill (H. R. 3002) granting a pension to Augusta Pike, widow of Horace Pike, Company H, Second New York Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CORNELIUS M. PIERCE.

Mr. MILLARD also introduced a bill (H. R. 3003) granting a pension to Cornelius M. Pierce, Company I, Fiftieth New York Engineer Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADELAIDE H. BRIGHAM.

Mr. MILLARD also introduced a bill (H. R. 3004) granting a pension to Adelaide H. Brigham, widow of Stephen B. Brigham, Company I, Fiftieth New York Engineer Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JERRY ROGERS.

Mr. MILLARD also introduced a bill (H. R. 3005) granting a pension to Jerry Rogers, Company D, One hundred and ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. HALE.

Mr. MILLARD also introduced a bill (H. R. 3006) granting a pension to William S. Hale, Company F, Sixtieth Massachusetts Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES E. CORL.

Mr. MILLARD also introduced a bill (H. R. 3007) granting a pension to James E. Corl, Company A, One hundred and seventy-seventh New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY WILLIS.

Mr. MILLARD also introduced a bill (H. R. 3008) granting a pension to Henry Willis, Company I, Seventy-first New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TENURE OF PRESIDENTIAL OFFICE.

Mr. MILLARD also introduced a joint resolution (H. Res. 69) proposing an amendment to the Constitution of the United States changing the terms of office of President of the United States; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

BRANCH HOME FOR DISABLED VOLUNTEERS.

Mr. SYMES introduced a bill (H. R. 3009) to authorize the location of a branch home for volunteer disabled soldiers and sailors in either of the States of Iowa, Minnesota, Nebraska, Colorado, or Dakota Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, PUEBLO, COLO.

Mr. SYMES also introduced a bill (H. R. 3010) for the erection of a public building at Pueblo, Colo.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

RIGHT OF WAY THROUGH PUBLIC LANDS.

Mr. SYMES also introduced a bill (H. R. 3011) to grant the right of way through the public lands for irrigation purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

UNLIMITED COINAGE OF THE SILVER DOLLAR.

Mr. SYMES also introduced a bill (H. R. 3012) to provide for the free and unlimited coinage of the silver dollar; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

A. G. BOONE.

Mr. SYMES also introduced a bill (H. R. 3013) for the relief of A. G. Boone, of La Veta, Colo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

UNITED STATES COURTS, COLORADO.

Mr. SYMES also introduced a bill (H. R. 3014) to provide for terms of court in Colorado; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SILVER COINAGE.

Mr. SYMES also introduced a concurrent resolution against suspending silver coinage; which was referred to the Committee on Coinage, Weights, and Measures.

HENRY B. SEELY.

Mr. SAWYER introduced a bill (H. R. 3015) for the relief of Henry B. Seely; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN F. CHASE.

Mr. SAWYER also introduced a bill (H. R. 3016) for the relief of John F. Chase, formerly a member of Company B, Eighteenth Regiment New York State Infantry Volunteers, to place his name on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET CONWAY.

Mr. SAWYER also introduced a bill (H. R. 3017) for the relief of Bridget Conway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE THAYER.

Mr. SAWYER also introduced a bill (H. R. 3018) for the relief of George Thayer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABIGAIL SMITH.

Mr. SAWYER also introduced a bill (H. R. 3019) to increase the pension of Abigail Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON, ETC.

Mr. SAWYER also introduced a bill (H. R. 3020) donating condemned cannon and cannon-balls to the village of Albion, Orleans County, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SAWYER also introduced a bill (H. R. 3021) donating condemned cannon and cannon-balls to the village of Nunda, Livingston County, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ILLINOIS AND MICHIGAN CANAL.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 3022) to provide for the acceptance by the United States of the proposed grant of the Illinois and Michigan Canal and all its appurtenances from the State of Illinois and for the construction of the Illinois and Mississippi River Canal; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

SAMUEL BURRELL.

Mr. HENDERSON, of Illinois (by request), also introduced a bill (H. R. 3023) for the relief of Samuel Burrell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES D. RYAN.

Mr. HENDERSON, of Illinois (by request), also submitted a resolution authorizing the Doorkeeper to employ James D. Ryan as an assistant folder in the folding-room; which was referred to the Committee on Accounts.

BATH COUNTY, KENTUCKY.

Mr. WADSWORTH introduced a bill (H. R. 3024) for the relief of Bath County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. W. FOUDRAY.

Mr. WADSWORTH also introduced a bill (H. R. 3025) for the relief of Milton Wallace Foudray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS DAILEY.

Mr. WADSWORTH also introduced a bill (H. R. 3026) to remove the charge of desertion from the military record of Nicholas Dailey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARCHIBALD WHITE.

Mr. WADSWORTH also introduced a bill (H. R. 3027) for the relief of Archibald White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF ENOS RAY.

Mr. WADSWORTH also introduced a bill (H. R. 3028) for the relief of Alfred Ray and John W. Ray, executors of the estate of Enos Ray, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC ULLERY.

Mr. WADSWORTH also introduced a bill (H. R. 3029) for the relief of Isaac Ullery; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NORTH CHICAGO ROLLING-MILL COMPANY.

Mr. DUNHAM introduced a bill (H. R. 3030) for the relief of the North Chicago Rolling-mill Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EXTRA TIME IN CHICAGO CUSTOM-HOUSE.

Mr. DUNHAM also introduced a bill (H. R. 3031) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TENEDORE TEN EYCK.

Mr. DUNHAM also introduced a bill (H. R. 3032) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and place him upon the retired-list of Army officers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TELEGRAPH OPERATORS DURING THE LATE WAR.

Mr. DUNHAM also introduced a bill (H. R. 3033) for the relief of telegraph operators during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXTRA-TIME SERVICE.

Mr. DUNHAM also introduced a bill (H. R. 3034) authorizing the Secretary of the Treasury to pay certain citizens of Chicago, employés of the custom-house, for extra-time service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M. HOFFMAN.

Mr. DUNHAM also introduced a bill (H. R. 3035) granting a pension to John M. Hoffman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPARTMENT OF COMMERCE.

Mr. DUNHAM also introduced a bill (H. R. 3036) to establish a department of commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LICENSING TOWING VESSELS TO CARRY PASSENGERS.

Mr. DUNHAM also introduced a bill (H. R. 3037) relating to the licensing of vessels engaged in towing to carry persons in addition to their crews; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

KING & WOOD.

Mr. DUNHAM also introduced a bill (H. R. 3038) for the relief of King & Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DENTON & SAGE.

Mr. DUNHAM also introduced a bill (H. R. 3039) to refund to Denton & Sage, of Chicago, Ill., the sum of $1,549.67, duties paid on 60 hogsheads of sugar; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TITLE TO REAL ESTATE IN TERRITORIES.

Mr. ROWELL introduced a bill (H. R. 3040) to prohibit corporations engaged in the business of agriculture, grazing, or dealing in real estate from acquiring title to real estate in the Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOHN F. ALSUP.

Mr. ROWELL also introduced a bill (H. R. 3041) for the relief of John F. Alsup, Company B, Thirty-ninth Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY C. HIRST.

Mr. ROWELL also introduced a bill (H. R. 3042) for the relief of Henry C. Hirst, late a private of Company I, Third Regiment of Artillery One hundred and fifty-second Pennsylvania Volunteers, which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUIS W. SCANLAND.

Mr. ROWELL also introduced a bill (H. R. 3043) granting a pension to Louis W. Scanland; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLARKSON TRYON.

Mr. ROWELL also introduced a bill (H. R. 3044) for the relief of Clarkson Tryon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. WEBB.

Mr. ROWELL also introduced a bill (H. R. 3045) granting a pension to William D. Webb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION CLAIMS.

Mr. ROWELL also introduced a bill (H. R. 3046) to change the date of filing certain pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS TEGAN.

Mr. ROWELL also introduced a bill (H. R. 3047) granting a pension to Thomas Tegan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUNCAN FORBES.

Mr. ROWELL also introduced a bill (H. R. 3048) granting an increase of pension to Duncan Forbes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW CURRY.

Mr. ROWELL also introduced a bill (H. R. 3049) for the relief of Andrew Curry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. TODD.

Mr. DUNHAM introduced a bill (H. R. 3050) granting a pension to Mary A. Todd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FACILITATION OF MAIL DELIVERY.

Mr. BUCK introduced a bill (H. R. 3051) to facilitate the delivery of mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MAIL DELIVERY.

Mr. BUCK also introduced a bill (H. R. 3052) relating to the delivery of mail matter at post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post Roads, and ordered to be printed.

JOHN M. HATHAWAY.

Mr. BUCK also introduced a bill (H. R. 3053) granting a pension to John M. Hathaway; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SYLVESTER ROOT.

Mr. BUCK also introduced a bill (H. R. 3054) granting a pension to Sylvester Root; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZATION OF PAY OF OFFICERS OF NAVY AND MARINE CORPS.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 3055) to equalize the pay of commissioned officers of the Navy and Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN PALMER.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 3056) for the relief of John Palmer for Indian depredations; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COMPENSATION FOR MAIL TRANSPORTATION.

Mr. TOWNSHEND introduced a bill (H. R. 3057) to readjust the compensation to be paid for the transportation of the mails over railroad routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PENSIONS.

Mr. TOWNSHEND also introduced a bill (H. R. 3058) granting pensions at the rate of $12 per month to all widows and minor children of soldiers receiving pensions at the time of their death without requiring proof that they died from disability incurred in the military and naval service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF SOLOMON BLUE.

Mr. TOWNSHEND also introduced a bill (H. R. 3059) for the relief of the heirs of Solomon Blue; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M. EDDY AND OTHERS.

Mr. TOWNSHEND also introduced a bill (H. R. 3060) for the relief of John M. Eddy, Elizabeth K. Carroll, Alice B. Eddy, and Frank M. Eddy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL M. NALLEY.

Mr. TOWNSHEND also introduced a bill (H. R. 3061) for the relief of Samuel M. Nalley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES CUNNINGHAM.

Mr. TOWNSHEND also introduced a bill (H. R. 3062) for the relief of James Cunningham, late captain Company H, Eightieth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEMPERANCE J. O'NEAL.

Mr. TOWNSHEND also introduced a bill (H. R. 3063) granting a pension to Temperance J. O'Neal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EBEN MUSE.

Mr. TOWNSHEND also introduced a bill (H. R. 3064) granting a pension to Eben Muse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH C. THOMAS.

Mr. TOWNSHEND also introduced a bill (H. R. 3065) granting a pension to Sarah C. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA A. ROSS.

Mr. TOWNSHEND also introduced a bill (H. R. 3066) granting a pension to Minerva A. Ross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. SANDERS.

Mr. TOWNSHEND also introduced a bill (H. R. 3067) for the relief of George M. Sanders; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN B. TUCKER.

Mr. TOWNSHEND also introduced a bill (H. R. 3068) granting a pension to John B. Tucker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BARRY.

Mr. TOWNSHEND also introduced a bill (H. R. 3069) granting a pension to James Barry, Company E, First United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH ROTRAMEL.

Mr. TOWNSHEND also introduced a bill (H. R. 3070) granting a pension to Elijah Rotramel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT P. CUNNINGHAM.

Mr. CANNON introduced a bill (H. R. 3071) for the relief of Albert P. Cunningham, late of Company G, Seventy-sixth Illinois Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WADE H. NEWMAN.

Mr. CANNON also introduced a bill (H. R. 3072) to remove the charge of desertion from the record of Wade H. Newman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MOORE.

Mr. CANNON also introduced a bill (H. R. 3073) for the relief of John Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 3074) granting pensions to certain Union soldiers and sailors of the late war of the rebellion who were confined in so-called confederate prisons; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3075) to amend section 1 of an act approved March 9, 1878, granting pensions to surviving officers, soldiers, sailors, and their widows, of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

RAILROAD LAND GRANTS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3076) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads within the State of Kansas and for the forfeiture of unearned lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3077) to provide for the payment of the costs of surveying and selecting certain lands granted by Congress to aid in the construction of certain railways and telegraph lines; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

SALE OF PACIFIC RAILROADS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3078) to prevent the sale of certain Pacific railroads before certain United States bonds, with interest, shall have been fully paid; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

DISCRIMINATIONS BY RAILROADS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3079) to prevent unjust discriminations by railroad companies and subjecting them to the control of the United States under certain circumstances; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THURMAN SINKING-FUND ACT.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3080) to amend the Thurman sinking-fund act; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

RAILROAD PASSES TO PUBLIC OFFICERS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3081) prohibiting the use of railroad and other passes and of telegraph franks by members of the Congress and judiciary of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

AGRICULTURAL COMMISSION.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3082) to create an agricultural commission; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

POSTAL TELEGRAPH.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3083) to create the postal telegraph of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDUCTION OF RATE OF POSTAGE.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3084) to reduce the rate of postage on letters commonly known as drop or local letters to 1 cent; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REDUCTION OF LIFE OF PATENTS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3085) to reduce the lifetime of a patent to seven years; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

DEPARTMENT OF AGRICULTURE.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3086) to enlarge the powers and duties of the Department of Agriculture; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3087) for the relief of settlers on the public lands under the pre-emption laws; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HOMESTEADING.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3088) to shorten the period required in homesteading public lands to two years; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY CLARKE.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3089) for the relief of Mary Clarke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

IRA HAWORTH.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3090) to re-examine the homestead claim of Ira Haworth; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

S. D. HOUSTON.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3091) for the relief of S. D. Houston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN B. LUTE.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3092) for the relief of John B. Lute; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. D. HOUSTON.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3093) for the relief of S. D. Houston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES GANNON.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3094) for the relief of James Gannon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF H. H. DALRYMPLE, DECEASED.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3095) for the relief of the estate of H. H. Dalrymple, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSIAH H. PILLSBURY.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3096) for the relief of Josiah H. Pillsbury; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM W. ANDREW.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3097) to increase the pension of William W. Andrew; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH ELKINS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3098) for the relief of Josiah Elkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. WILLIAMS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3099) granting a pension to Henry C. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HANSON.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3100) granting a pension to Samuel Hanson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. HART.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3101) for the relief of John A. Hart; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACOB THEIRER.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3102) for the relief of Jacob Theirer; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM C. H. BOWMAN.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3103) for the relief of William C. H. Bowman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. CARTER.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3104) for the relief of John M. Carter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'DONALD.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3105) for the relief of James McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY CLARKE.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3106) for the relief of Mary Clarke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GRADUATES UNITED STATES MILITARY ACADEMY.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3107) to regulate the promotion of graduates of the United States Military Academy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ISRAEL DODGE.

Mr. ANDERSON, of Kansas (by request), also introduced a bill (H. R. 3108) declaring the intention of Congress in passing the act approved June 15, 1880, entitled "An act for the relief of the heirs and legal representatives of Israel Dodge, deceased;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MANUFACTURE AND SALE OF OLEOMARGARINE.

Mr. GROUT introduced a bill (H. R. 3109) to tax the manufacture and sale of oleomargarine; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

HARRISON DEWEY.

Mr. GROUT also introduced a bill (H. R. 3110) directing the Secretary of War to amend the record of Harrison Dewey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EXTENSION OF PENSION LAWS.

Mr. GROUT also introduced a bill (H. R. 3111) granting a pension to all invalid soldiers of the United States in the late civil war who are dependent upon their daily labor for their support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSION.

Mr. GROUT also introduced a bill (H. R. 3112) to repeal the limitation for the payment of the arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH A. RANDALL.

Mr. GROUT also introduced a bill (H. R. 3113) for the relief of Mrs. Elizabeth A. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. GROUT also introduced a bill (H. R. 3114) providing for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

GEORGE W. SAULPAW.

Mr. GROUT also introduced a bill (H. R. 3115) for the relief of George W. Saulpaw; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LUCINDA GOULD.

Mr. GROUT also introduced a bill (H. R. 3116) granting a pension to Lucinda Gould, dependent mother of L. W. Gould, of the Sixth Regiment Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WALTER A. PHILLIPS.

Mr. GROUT also introduced a bill (H. R. 3117) granting a pension to Walter A. Phillips, first lieutenant Third Battery Light Artillery Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. H. BUCK.

Mr. GROUT also introduced a bill (H. R. 3118) granting an increase of pension to William H. H. Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS GARON.

Mr. GROUT (by request) also introduced a bill (H. R. 3119) for the relief of Louis Garon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

APPOINTMENTS OF POSTMASTERS.

Mr. GROUT also introduced a joint resolution (H. Res. 70) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WINNEBAGO INDIAN RESERVATION.

Mr. DORSEY introduced a bill (H. R. 3120) to provide for the sale of a part of the reservation situated in the State of Nebraska of the Winnebago tribe of Indians, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

JOSEPH M. FEATHER.

Mr. DORSEY also introduced a bill (H. R. 3121) granting a pension to Joseph M. Feather, late private Seventh Regiment West Virginia Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. IRA.

Mr. DORSEY also introduced a bill (H. R. 3122) for the relief of George W. Ira, M. D.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING, FREMONT, NEBR.

Mr. DORSEY also introduced a bill (H. R. 3123) for the erection of a public building at Fremont, Nebr.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CUSTOM-HOUSE, PROVIDENCE, R. I.

Mr. SPOONER introduced a bill (H. R. 3124) to authorize the Secretary of the Treasury to purchase land adjacent to the custom-house in the city of Providence, R. I.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM G. BUDLONG.

Mr. SPOONER also introduced a bill (H. R. 3125) for the relief of William G. Budlong; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

STEPHEN N. SMITH.

Mr. SPOONER also introduced a bill (H. R. 3126) for the relief of Stephen N. Smith; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN J. CARD.

Mr. SPOONER also introduced a bill (H. R. 3127) to remove the charge of desertion and to correct the naval record of John J. Card, erroneously enrolled as John Carder; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JEREMIAH M'CARTY.

Mr. SPOONER also introduced a bill (H. R. 3128) for the relief of Jeremiah McCarty; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRANK J. BURROWS.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 3129) for the relief of Frank J. Burrows; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN BOARD FOR FOREIGN MISSIONS.

Mr. LONG (by request) introduced a bill (H. R. 3130) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey and Esther Smith; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHAUNCEY I. DRURY.

Mr. BURROWS introduced a bill (H. R. 3131) granting a pension to Chauncey I. Drury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN QUAKE.

Mr. BURROWS also introduced a bill (H. R. 3132) granting a pension to John Quake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADA L. HARRISON.

Mr. BURROWS also introduced a bill (H. R. 3133) granting a pension to Ada L. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES S. DONAHUE.

Mr. BURROWS also introduced a bill (H. R. 3134) granting a pension to James S. Donahue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES SEBRING.

Mr. BURROWS also introduced a bill (H. R. 3135) granting a pension to Charles Sebring; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON WOOL.

Mr. BURROWS also introduced a bill (H. R. 3136) to regulate the rates of duty on wool; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EDNA EGELSHAFFER.

Mr. BURROWS also introduced a bill (H. R. 3137) granting a pension to Edna Egelshaffer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILKIN D. BRIGGS.

Mr. BURROWS also introduced a bill (H. R. 3138) granting a pension to Wilkin D. Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POTTAWATOMIE INDIANS.

Mr. BURROWS also introduced a bill (H. R. 3139) to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana under treaty stipulations existing with them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY RAMSEY.

Mr. BURROWS also introduced a bill (H. R. 3140) granting a pension to Mary Ramsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLLY HALL.

Mr. BURROWS also introduced a bill (H. R. 3141) granting a pension to Polly Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT KALAMAZOO, MICH.

Mr. BURROWS also introduced a bill (H. R. 3142) for the erection of a public building at the city of Kalamazoo, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MELVIN HAYSE.

Mr. BURROWS also introduced a bill (H. R. 3143) granting a pension to Melvin Hayse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAIAH MITCHELL.

Mr. BURROWS also introduced a bill (H. R. 3144) granting a pension to Isaiah H. Mitchell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BAYNE. Mr. Speaker, I ask unanimous consent to introduce two bills for reference.

Mr. KELLEY. I object, Mr. Speaker, simply for the purpose of preventing a further flooding of the House with bills at this time. On Monday the gentleman will have an opportunity. I object in this case so as to have a right to object in other cases. I want to save a little pleasant excitement for Monday. [Laughter.]

ADDISON C. FLETCHER.

Mr. DAVENPORT introduced a bill (H. R. 3145) for the relief of the assignees of Addison C. Fletcher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SONE AND FLEMING MANUFACTURING COMPANY, NEW YORK CITY.

Mr. DAVENPORT also introduced a bill (H. R. 3146) for the relief of the Sone and Fleming Manufacturing Company (limited) of the city of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

The SPEAKER. That completes, as the Chair supposes, the execution of the order.

Mr. CAREY. Mr. Speaker, I ask that the Committee on Territories be discharged from the further consideration of Senate bill No. 602, and that that bill be now placed upon its passage, and I ask leave to make a simple statement to the House.

Mr. KELLEY. I object, Mr. Speaker, to entering upon general business until the committees shall have been appointed.

Mr. CAREY. Mr. Speaker, I ask leave to make a brief statement. [Cries of "Regular order!"]

Mr. BURROWS. Mr. Speaker, I am sure that the gentleman from Pennsylvania [Mr. KELLEY] will not object if he will allow the gentleman from Wyoming [Mr. CAREY] to make his statement, which will occupy but a moment.

Mr. KELLEY. I have no objection to hearing the statement.

Several MEMBERS. Regular order!

Mr. NEGLEY. Mr. Speaker, I desire to offer, for reference, a resolution with regard to printing.

The SPEAKER. The regular order is demanded.

Mr. CAREY. I ask the House to hear me for one minute.

The SPEAKER. But gentlemen on both sides of the House have objected.

Mr. CANNON. But, Mr. Speaker, we do not yet know what the bill is. [Renewed calls of "Regular order!"]

The SPEAKER. The regular order is demanded.

Mr. CANNON. Mr. Speaker, I make this point of order, that when a gentleman rises in his place and is recognized by the Chair, and asks unanimous consent that a certain bill be taken up, it is then the right of that gentleman, as it is the right of any member, to state what the bill is, by its title, so that the House may know what it is acting upon.

Several MEMBERS. No! no!

The SPEAKER. As soon as the Chair states that a gentleman has risen and asked unanimous consent to do anything upon the floor of the House other gentlemen know whether what is proposed is the regular order or not, and they have a right to demand the regular order.

Mr. CANNON. I recognize that as a correct ruling, Mr. Speaker, but no gentleman did rise in his place when the gentleman from Wyoming [Mr. CAREY] asked consent, and he having entered upon the presentation of his request, I think he has a right to complete that request, and not to be cut off half-way. In other words, I think that my colleague, having allowed the gentleman from Wyoming to enter upon his statement, waived his right to object at least until the completion of that statement.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is mistaken as to the facts. When the gentleman from Wyoming stated his request the Chair repeated it to the House. Thereupon objection was made. The gentleman from Wyoming then asked that he be allowed to make a brief statement. The gentleman from Pennsylvania [Mr. KELLEY] then rose in his place and stated that he would for the present object until after the announcement of the committees of the House.

Mr. SPRINGER. The gentleman from Wyoming can renew his request after the committees are announced.

STANDING AND SELECT COMMITTEES.

The SPEAKER. The Chair has heretofore, under resolution of the House, announced the Committee on Rules, the Committee on Printing, the Committee on Enrolled Bills, and the Committee on Mileage. He will now announce the remaining standing and select committees.

The Clerk read the list of committees, as follows:

STANDING COMMITTEES.

Committee on Elections—Messrs. Turner, Lowry, Robertson, Boyle, Henderson of North Carolina, Green of New Jersey, Croxton, Martin, Hall, Pettibone, Payne, Hahn, Hopkins, Ely, and Dorsey.

Committee on Ways and Means—Messrs. Morrison, Mills of Texas, Hewitt, McMillin, Harris, Breckinridge of Arkansas, Maybury, Breckinridge of Kentucky, Kelley, Hiscock, Browne of Indiana, Reed of Maine, and McKinley.

Committee on Appropriations—Messrs. Randall, Forney, Holman, Townshend, Burnes, Cabell, Le Fevre, Adams of New York, Wilson, Cannon, Ryan, Butterworth, Long, McComas, and Henderson of Iowa.

Committee on the Judiciary—Messrs. Tucker, Hammond, Culberson, Collins, Seney, Oates, Eden, Rogers, Bennett, Ezra B. Taylor, Parker, Ranney, Hepburn, Stewart of Vermont, and Caswell.

Committee on Banking and Currency—Messrs. Curtin, Miller, Candler, Wilkins, Arnot, Snyder, Howard, Hutton, Dingley, Brumm, Adams of Illinois, Brady, and Woodburn.

Committee on Coinage, Weights, and Measures—Messrs. Bland, Lanham, Seymour, Hemphill, Norwood, Scott, McCreary, Bynum, James, Rockwell, Little, Felton, Fuller, and Toole.

Committee on Commerce—Messrs. Reagan, Clardy, Crisp, Caldwell, O'Ferrall, Tarsney, Pulitzer, Bynum, Irion, O'Neill of Pennsylvania, Davis, Dunham, Weaver of Nebraska, Johnson of New York, and Morrow.

Committee on Rivers and Harbors—Messrs. Willis, Blanchard, Jones of Alabama, Murphy, Gibson of West Virginia, Stewart of Texas, Carleton, Catchings, Glover, Henderson of Illinois, Bayne, Stone of Massachusetts, Burleigh, Grosvenor, and Markham.

Committee on Agriculture—Messrs. Hatch, Aiken, Green of North Carolina, Winans, Frederick, Davidson of Alabama, Stahlnecker, Morgan, Glass, White of Minnesota, Funston, Price, Hires, Pirce, Swinburne, and Gifford.

Committee on Foreign Affairs—Messrs. Belmont, Clements, Cox, Singleton, Worthington, Daniel, McCreary, Crain, Rice, Wait, Ketcham, Pelps, and Hitt.

Committee on Military Affairs—Messrs. Bragg, Wheeler, Wolford, Ermentrout, Dargan, Findlay, Viele, Anderson of Ohio, Steele, Laird, Cutcheon, Houk, Negley, and Carey.

Committee on Naval Affairs—Messrs. Herbert, Hewitt, Wise, Ballentine, McAdoo, Norwood, Lore, Sayers, Harmer, Thomas of Illinois, Goff, Boutelle, and Buck.

Committee on the Post-Office and Post-Roads—Messrs. Blount, Ward, Riggs, John M. Taylor, Jones of Texas, Dockery, Warner of Ohio, Merriman, Barry, Bingham, Wakefield, Burrows, Guenther, Millard, Peters, and Caine.

Committee on the Public Lands—Messrs. Cobb, Henley, Van Eaton, Foran, Laffoon, Stone of Missouri, Landes, McRae, Strait, Anderson of Kansas, Payson, Stephenson, Jackson, and Voorhees.

Committee on Indian Affairs—Messrs. Wellborn, Peel, Skinner, Storm, Felix Campbell, Hale, Allen of Mississippi, Ward of Illinois, Perkins, Nelson, Sessions, Allen of Massachusetts, La Follette, and Hailey.

Committee on the Territories—Messrs. Hill, Springer, Spriggs, Barnes, Boyle, Sadler, Perry, Dawson, Struble, Baker, Cooper, Herman, Symes, and Joseph.

Committee on Railways and Canals—Messrs. Davidson of Florida, Murphy, Irion, Ellsberry, Henderson of North Carolina, Stone of Kentucky, Cole, Pidcock, Atkinson, Plumb, Weber, Van Schaick and Pirce.

Committee on Manufactures—Messrs. Wise, Swope, Le Fevre, Wilson, Catchings, Lawler, Pindar, Campbell of Pennsylvania, West, Van Schaick, and Hires.

Committee on Mines and Mining—Messrs. Clardy, O'Ferrall, Hill, Skinner, Jones of Texas, Neal, Gay, Barry, White of Minnesota, Woodburn, Lindsley, Symes, McKenna, and Bean.

Committee on Public Buildings and Grounds—Messrs. Dibble, Reese, Snyder, Henley, Wilkins, Worthington, Cole, Johnston of North Carolina, Milliken, Brown of Pennsylvania, Rockwell, Wade, and Owen.

Committee on Pacific Railroads—Messrs. Throckmorton, Crisp, Cabell, Dunn, Bliss, Tillman, Outhwaite, Richardson, Hanback, Holmes, Everhart, Hayden, and Weber.

Committee on Levees and Improvement of the Mississippi River—Messrs. King, Rankin, Van Eaton, Kleiner, Dowdney, McRae, Glass, Dawson, Whiting, Morrill, Brown of Ohio, Bunnell, and Grout.

Committee on Education—Messrs. Aiken, Candler, Willis, Curtin, Miller, Maybury, Burnes, Mahoney, Strait, Whiting, Campbell of Pennsylvania, Isaac H. Taylor, and O'Donnell.

Committee on Labor—Messrs. O'Neill of Missouri, Foran, Lovering, Weaver of Iowa, Lawler, Daniel, Tarsney, Crain, Funston, James, Haynes, Bound, and Buchanan.

Committee on the Militia—Messrs. Muller, Forney, McAdoo, Peel, Collins, Ballentine, Breckinridge of Kentucky, Compton, Hopkins, Hayden, Moffatt, Owen, and Wade.

Committee on Patents—Messrs. Mitchell, Halsell, Townshend, Martin, Barnes, Morgan, Fisher, Cowles, Atkinson, West, Lehlbach, Gilfillan, and Plumb.

Committee on Invalid Pensions—Messrs. Matson, Winans, Lovering, Neece, Swope, Taulbee, Pidcock, Ellsberry, Pindar, Morrill, Haynes, O'Hara, Sawyer, Conger, and Loutitt.

Committee on Pensions—Messrs. Eldredge, Wolford, Jones of Alabama, Scott, Cowles, Landes, Mahoney, Hutton, Struble, Zach. Taylor, Brady, White of Pennsylvania, and Thompson.

Committee on Claims—Messrs. Springer, Muller, Lanham, Shaw, Howard, Dougherty, Trigg, Neal, Sowden, Brown of Ohio, McKenna, Warner of Missouri, Fleeger, Buchanan, and Gallinger.

Committee on War Claims—Messrs. Geddes, Kleiner, Stone, Timothy J. Campbell, Richardson, Perry, Comstock, Reid of North Carolina, Libbey, Smalls, Hiestand, Johnston of Indiana, and Lyman.

Committee on Private Land Claims—Messrs. Halsell, Barksdale, St. Martin, Eldredge, Sadler, Croxton, Hall, Green of New Jersey, Osborne, Ely, Thomas of Wisconsin, Dorsey, and Thompson.

Committee on the District of Columbia—Messrs. Barbour, Hemphill, Campbell of Ohio, Dowdney, Compton, Gay, Ford, Heard, Rowell, Wadsworth, Scranton, Davenport, and Grout.

Committee on the Revision of the Laws—Messrs. Oates, Turner, Adams of New York, Outhwaite, Ford, Laffoon, Dougherty, Hale, Payne, Thomas of Illinois, Fuller, Gilfillan, and White of Pennsylvania.

Committee on Expenditures in the State Department—Messrs. Bennett, Tillman, Lore, Arnot, Scranton, Lyman, and Loutitt.

Committee on Expenditures in the Treasury Department—Messrs. Lowry, Bland, Breckinridge of Arkansas, Shaw, Hahn, Bunnell, and Johnston of Indiana.

Committee on Expenditures in the War Department—Messrs. Robertson, Wheeler, Viele, Anderson of Ohio, Johnson of New York, Warner of Missouri, and Fleeger.

Committee on Expenditures in the Navy Department—Messrs. John M. Taylor, Sowden, Davidson of Florida, Timothy J. Campbell, Rowell, Brown of Pennsylvania, and Thomas of Wisconsin.

Committee on Expenditures in the Post-Office Department—Messrs. Reese, Warner of Ohio, Ward of Indiana, Davidson of Alabama, Zach. Taylor, Herman, and Bound.

Committee on Expenditures in the Interior Department—Messrs. Weaver of Iowa, Dargan, Harris, Culberson, Brumm, Libbey, and Davenport.

Committee on Expenditures in the Department of Justice—Messrs. Gibson of West Virginia, Hammond, Seymour, Ward of Illinois, Milliken, Hanback, and Sawyer.

Committee on Expenditures on Public Buildings—Messrs. Beach, O'Neill of Missouri, Seney, Riggs, Pettibone, O'Hara, and Gallinger.

Committee on Accounts—Messrs. Spriggs, Dockery, St. Martin, Gibson of Maryland, Trigg, Adams of Illinois, Spooner, Evans, and Isaac H. Taylor.

JOINT COMMITTEE.

Joint Committee on the Library—Messrs. Singleton, Stahlnecker, and O'Neill of Pennsylvania.

SELECT COMMITTEES.

Select Committee on Reform in the Civil Service—Messrs. Cox, Clements, Storm, Blanchard, Findlay, Mitchell, Stone of Missouri, Pulitzer, Bayne, Spooner, Little, Lehlbach, and Farquhar.

Select Committee on American Ship-building and Ship-owning Interests—Messrs. Dunn, Holman, Mills, King, Bliss, Rankin, McMillan, Comstock, Dingley, Wadsworth, Osborne, Felton, and Romeis.

Select Committee on the Election of President and Vice-President—Messrs. Caldwell, Eden, Ermentrout, Beach, Dibble, Gibson of Maryland, Heard, Johnston of North Carolina, Laird, Baker, Hiestand, Cooper, and Moffatt.

Select Committee on Ventilation and Acoustics—Messrs. Green of North Carolina, Stewart of Texas, Felix Campbell, Allen of Mississippi, Evans, Swinburne, and O'Donnell.

Select Committee on the Alcoholic Liquor Traffic—Messrs. Campbell of Ohio, Carleton, Frederick, Taulbee, Glover, Sayers, Merriman, Price, Everhart, Lindsley, and Romeis.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. MORRISON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed —— thousand copies of the President's last annual message for the use of the House.

ANNUAL REPORT UPON SOLDIERS' HOMES.

Mr. NEGLEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 250 copies of the annual report of the president of the Board of Managers of the National Homes for Disabled Soldiers be printed for the use of the several Homes.

MRS. SUSANNAH P. SWOPE.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 3147) for the relief of Mrs. Susannah P. Swope; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REFERENCE OF A BILL.

Mr. LANHAM. I desire to have corrected the reference of a bill which was introduced by me yesterday—a bill disapproving a certain act of the Territorial Assembly of New Mexico. It was designed to be referred to the Committee on the Judiciary, as indicated by the indorsement. I see it has been referred to the Committee on the Territories.

The SPEAKER. Under the rules of the House all matters relating to the Territories go to the Committee on the Territories.

Mr. LANHAM. This bill, however, proposes to disapprove a law of the Territorial Assembly of New Mexico; and as it is a matter of law I thought it should properly go to the Committee on the Judiciary.

The SPEAKER. It properly belongs to the Committee on the Territories, as it relates to a Territorial matter.

LEGISLATIVE ASSEMBLY OF WYOMING.

The SPEAKER. The gentleman from Wyoming [Mr. CAREY] is now recognized in accordance with what seems to have been an understanding on the floor.

Mr. CAREY. I desire to move that the Committee on the Territories be discharged from the further consideration of Senate bill 602, and that the bill be now put upon its passage; and I ask unanimous consent to occupy five minutes in making a statement.

The SPEAKER. The motion can not be made except by unanimous consent. The gentleman from Wyoming asks unanimous consent that the Committee on the Territories be discharged from the further consideration of the bill which he has indicated in order that the same may now be considered. The Clerk will read the title, and if necessary the entire bill, after which the Chair will ask for objection.

The title of the bill was read, as follows:

A bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

Mr. CAREY. Now I ask permission to make a statement.

The SPEAKER. The bill will first be read.

The Clerk read as follows:

Be it enacted, &c., That the election of the members of the Ninth Legislative Assembly of the Territory of Wyoming at the general election held on the 4th day of November, 1884, subject to the filling of any vacancies that may have arisen or may arise and legal contest, is hereby declared valid; and that the Legislative Assembly so elected is fully authorized to transact such business as belongs to the Legislative Assembly of said Territory; and that all their acts shall be held to be as legal as if the Territory had been regularly apportioned into council and representative districts, and that it shall be the duty of the Legislative Assembly of said Territory to apportion the Territory into council and representative districts.

Mr. HENLEY and Mr. WILKINS objected.

JAMES W. COLVILLE.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. 3148) granting a pension to James W. Colville; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MATES.

Mr. BAYNE, by unanimous consent, also introduced a bill (H. R. 3149) granting a pension to John Mates; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADJOURNMENT TILL MONDAY.

Mr. MORRISON. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

Mr. HAMMOND. Mr. Speaker, I rise to a parliamentary inquiry. If the House should meet to-morrow will not the committees be called in regular order for reports?

The SPEAKER. To-morrow, being Friday, is set apart for the consideration of private business; and the committees would be called for reports of a private nature.

Mr. HAMMOND. They would be called on Saturday, would they not?

The SPEAKER. On Saturday if the House should be in session the committees would be called for reports of bills of every character, public and private.

The question was taken; and upon a division there were—ayes 141, noes 14.

So (no further count being demanded) the motion was agreed to.

JAMES MONROE.

Mr. WISE, by unanimous consent, introduced a bill (H. R. 3150) for the relief of the legal representatives of James Monroe; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS.

Mr. ROGERS, by unanimous consent, introduced a bill (H. R. 3151) to define and regulate the jurisdiction of the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ELIZA A. FISHER.

Mr. LONG (by request), by unanimous consent, introduced a bill (H. R. 3152) granting a pension to Eliza A. Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN STARK.

Mr. LOWRY (by request), by unanimous consent, introduced a bill (H. R. 3153) for the relief of John Stark; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. W. WILKINSON.

Mr. LOWRY, by unanimous consent, also introduced a bill (H. R. 3154) for the relief of W. W. Wilkinson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. D. WILLIAMSON.

Mr. LOWRY, by unanimous consent, also introduced a bill (H. R. 3155) granting a pension to J. D. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERIKA LEISEGANG.

Mr. BAKER, by unanimous consent, introduced a bill (H. R. 3156) granting a pension to Frederika Leisegang; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES M. BLAKE.

Mr. MORROW, by unanimous consent, introduced a bill (H. R. 3157) for the relief of Charles M. Blake, post chaplain of the United States Army, retired; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. L. BROWN.

Mr. MORROW, by unanimous consent, also introduced a bill (H. R. 3158) for the relief of the estate of E. L. Brown; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PLANTS FOR NEW PENSION BUILDING.

Mr. MATSON. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The SPEAKER. The joint resolution will be read.

The joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building was read at length.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. MILLS. Let that go to the Committee on Public Buildings and Grounds.

The joint resolution was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PURCHASE OF FOREIGN-BUILT SHIPS.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. 3159) amendatory of title 48 of the Revised Statutes of the United States so as to authorize the purchase of foreign-built ships by citizens of the United States for use in the foreign carrying trade; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

JUDICIAL DISTRICTS, ARKANSAS.

Mr. DUNN, by unanimous consent, also introduced a bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, MORGAN CITY, LA.

Mr. GAY, by unanimous consent, introduced a bill (H. R. 3161) to provide for the erection of a public building at the city of Morgan City, State of Louisiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SAMUEL S. HALL.

Mr. LORE, by unanimous consent, introduced a bill (H. R. 3162) granting a pension to Samuel S. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAM G. HOYT.

Mr. OSBORNE, by unanimous consent, introduced a bill (H. R. 3163) for the relief of Abram G. Hoyt; which was read a first and second time, referred to the Committe on Claims, and ordered to be printed.

RESTORATION OF CERTAIN PENSIONERS.

Mr. BROWN, of Ohio, by unanimous consent, introduced a bill (H. R. 3164) to restore to the pension-roll widows of soldiers and sailors of the late war who have been dropped from the roll by reason of remarriage in cases where they have again become or may hereafter become widows; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN WAR PENSIONS.

Mr. JOHNSTON, of North Carolina, by unanimous consent, introduced a bill (H. R. 3165) to provide for placing all the surviving soldiers and sailors of the United States who served in the Indian wars, including those who served in removing the Cherokee Indians from North Carolina, Georgia, and Tennessee to the Cherokee Nation, on the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLOMON MESSER.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3166) granting a pension to Solomon Messer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

LIFURS ROBERSON.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3167) to restore the name of Lifurs Roberson to the pension-roll; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. ROANE.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3168) for the relief of James M. Roane; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. F. CISSON.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3169) for the relief of J. F. Cisson and to place his name on muster-roll of Company F, Second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALLEN GUNTER.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3170) for the relief of Allen Gunter and to place his name on muster-roll of Company B, Third North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES MAIL.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3171) to provide for the payment for carrying the United States mails in the States of Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Missouri, Arkansas, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas prior to May 31, 1861; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDSON FEMALE COLLEGE.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3172) to reimburse the trustees of Judson Female College; which was read a first and second time, referred to the ommittee on War Claims, and ordered to be printed.

SAMUEL H. FLEMMING.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3173) for the relief of Samuel H. Flemming; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPTAIN HOGSED'S COMPANY, OF NORTH CAROLINA.

Mr. JOHNSTON, of North Carolina, by unanimous consent, also introduced a bill (H. R. 3174) for the relief of Capt. W. W. Hogsed's Company of North Carolina Home Guards; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BILLS OF EXCHANGE, ETC.

Mr. TUCKER (by request), by unanimous consent, introduced a bill (H. R. 3175) to regulate commerce among the several States and to codify the law relating to bills of exchange and other commercial paper; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Commerce.

Mr. TUCKER. It should go to the Committee on the Judiciary. It is in reference to laws relating to negotiable paper between the States.

The SPEAKER. The title of the bill is "A bill to regulate Commerce."

Mr. TUCKER. But the real object is to codify the laws relating to bills of exchange, &c., between the States and with foreign nations.

The bill was referred to the Committee on the Judiciary, and ordered to be printed.

AMERICAN GROCER ASSOCIATION OF NEW YORK.

Mr. WAIT (by request), by unanimous consent, introduced a bill (H. R. 3176) for the relief of the American Grocer Association of the city of New York; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MRS. ANN J. CONWELL.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3177) to place the name of Mrs. Ann J. Conwell on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUDOLPH KOST.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3178) for the relief of Rudolph Kost; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSION FOR DEAFNESS.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3179) to increase the rate of pension for deafness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSION FOR LOSS OF AN EYE.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3180) to increase the rate of pension for the loss of an eye or the sight thereof; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M'CARTHY.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3181) to restore a pension to Mary McCarthy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELL LAMPHERE.

Mr. WAIT, by unanimous consent, also introduced a bill (H. R. 3182) for the relief of Russell Lamphere; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 50 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Mrs. Jane Dulaney, for allowance of arrears of pension—to the Committee on Pensions.

Also, petition of William H. Deery, for arrears of pension from Mexican war—to the same committee.

By Mr. CLEMENTS: Petition and memorial of Joseph M. Wardlaw, praying reference of claim to Court of Claims—to the Committee on War Claims.

Also, memorial of citizens of Georgia, asking for appointment of commission on fisheries—to the Committee on Foreign Affairs.

By Mr. DAVIS: Petitions from Wellfleet, Mass., for additional life-saving stations—to the Committee on Commerce.

Also, remonstrances of citizens of Brewster, of Barnstable, of Buzzard's Bay, of Eastham, and of Falmouth, Mass., against the appointment of an international fisheries commission—to the Committee on Foreign Affairs.

By Mr. DIBBLE: Petition of M. C. Mordecai, praying for compensation for mail service from Charleston to Havana in 1859 and 1860—to the Committee on the Post-Office and Post-Roads.

By Mr. FINDLAY: Memorial of insurance companies, merchants, lawyers, and others, praying for a milder penalty than death in cases of barratry where life is not threatened or destroyed—to the Committee on the Judiciary.

By Mr. FULLER: Petition asking for amount of bounties refunded by certain officers on account of promotion—to the Committee on War Claims.

By Mr. GALLINGER: Joint resolution of the Legislature of New Hampshire, in relation to our national domain—to the Committee on the Public Lands.

Also, joint resolution of the same, requesting Congress to amend enactment relating to election of United States Senators—to the Committee on the Judiciary.

By Mr. EUSTACE GIBSON: Petition for relief of Syntha Duglas—to the Committee on Invalid Pensions.

By Mr. HAMMOND: Paper relating to claim of J. Frank Redd, of Atlanta, Ga., for relief—to the Committee on Claims.

By Mr. D. B. HENDERSON: Letter and papers from L. J. Sacriste, president National Association of Third and Fourth Class Postmasters, praying for relief as to allowance—to the Committee on the Post-Office and Post-Roads.

By Mr. T. J. HENDERSON: Petition for relief of Joseph Dunn—to the Committee on Military Affairs.

By Mr. HEPBURN: Petition of many citizens of Clarke County, Iowa, asking that a pension be granted to James Morgan—to the Committee on Invalid Pensions.

Also, petition of many citizens of Wayne County, Iowa, asking that a pension be granted to Henry Bollman—to the same committee.

Also, petition of Harvard Post, No. 99, Grand Army of the Republic, asking that a pension be granted to Henry Bollman—to the same committee.

Also, memorial, petition, and affidavits in the case of Samuel D. Harper, late private of Company K, Thirtieth Regiment Ohio Volunteer Infantry—to the Committee on Military Affairs.

By Mr. HISCOCK: Petition of Frederick Garlick, asking for arrears of pension for services in war of 1861—to the Committee on Invalid Pensions.

By Mr. HOUK: Papers relating to the claim of Michael A. Staples and of Theodore T. Coffin—to the Committee on War Claims.

By Mr. J. T. JONES: Memorial of the National Cotton Exchange of America, asking for appropriations for establishment and equipment of meteorological stations in cotton States—to the Committee on Agriculture.

By Mr. LINDSLEY: Petition of steamboat companies and others, asking for survey and improvement of channel of Hudson River, State of New York, between New Baltimore and Coxsackie—to the Committee on Rivers and Harbors.

By Mr. LOVERING: Papers relating to bill H. R. 1118, to recognize the war services of Union soldiers now serving in the regular Army—to the Committee on Military Affairs.

By Mr. McCOMAS: Petition of Hon. Lloyd Lowndes, G. L. Wellington, David Sloan, and 33 others, citizens of Cumberland, Md., asking the repeal of the "Bland silver act"—to the Committee on Coinage, Weights, and Measures.

Also, petition of David R. Miller, of Washington County, Maryland, for reference of quartermaster claim to Court of Claims—to the Committee on War Claims.

Also, petition and papers of Catharine W. Bowie, of Montgomery County, Maryland, for payment of war claim—to the same committee.

Also, petition and papers of Mrs. Mary A. Jones and others, for payment of war claim—to the same committee.

By Mr. MARKHAM: Petition of citizens of San Diego, Cal., asking for an appropriation of $100,000 for the improvement of the harbor at that place—to the Committee on Rivers and Harbors.

By Mr. MORROW: Petition of Charles M. Blake, post chaplain, United States Army, retired—to the Committee on Military Affairs.

By Mr. NELSON: Petition of A. Levorsen, relative to land entries, &c.—to the Committee on the Public Lands.

By Mr. O'HARA: Petition of the citizens of New Berne, Craven County, North Carolina, asking for a public building at New Berne—to the Committee on Public Buildings and Grounds.

By Mr. ROBERTSON: Petition of B. Kupper and others, for refund of money on account of Tice meters, &c.—to the Committee on Claims.

Also, petition of J. W. Poore and others, for refund of money and interest and expenses incurred in the purchase of Tice meters—to the same committee.

By Mr. SENEY: Appeal of the Maumee Valley Monumental Association—to the Committee on the Library.

By Mr. SINGLETON: Petition of J. McGowan, of Marshall County, Mississippi, asking reference of claim to Court of Claims—to the Committee on War Claims.

By Mr. SPRIGGS: Petition to equalize the pay of enlisted men—to the same committee.

By Mr. STRAIT: Petition of P. Cadmere, L. Lowell, and 200 others, citizens of Rice County, Minnesota, praying for the equalization of bounties, and that the limitation of term in which back pension is allowed shall be removed—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Papers in relation to the bill for the relief of Samuel M. Nalley—to the Committee on War Claims.

By Mr. VOORHEES: Memorial of the Columbia water-way convention, praying Congress for sufficient appropriations for the improvement of the Columbia River—to the Committee on Rivers and Harbors.

By Mr. WAIT: Petition of Rudolph Kort, late lieutenant Company H, Sixth Regiment Connecticut Volunteers, for relief—to the Committee on Military Affairs.

By Mr. J. B. WEAVER: Petition of J. H. Crane and 118 others, praying Congress to establish a postal telegraph—to the Committee on the Post-Office and Post-Roads.

By Mr. MILO WHITE: Petition for increase of pension of Mrs. Arlang O. Stugo—to the Committee on Invalid Pensions.

Also, petition for a pension to Mrs. Abigail Weymouth—to the same committee.

Also, petition for increase of pension of Edward Pendergast—to the same committee.

Also, resolutions of the Minneapolis (Minn.) Board of Trade, favoring the improvement of the Mississippi River to the Falls of Saint Anthony—to the Committee on Rivers and Harbors.

By Mr. WILSON: Petition and papers relating to the case of William Lloyd, of Jefferson County, West Virginia—to the Committee on War Claims.

By Mr. WINANS: Petitions of Charles A. Wheeler and 50 others, and of J. J. Robbins and 10 others, asking that a pension be granted Eliza A. Weeks—to the Committee on Pensions.

Also, petition of Elias Shafer, of Lansing, Mich., for increase of pension—to the Committee on Invalid Pensions.

Also, petition of B. T. O. Clark, James M. Logan, and 110 others, citizens of Livingston County, Michigan, praying that Lenford Rose be granted a pension—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible, by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BRAGG: Of A. A. Cole and others, citizens of Wisconsin.

By Mr. CASWELL: Of A. H. Menly and others, of Wisconsin.

By Mr. FISHER: Of J. B. Lucier and 83 others; of J. L. Malmey and 48 others; of John Carter and 84 others; of J. L. Lindsay and 73 others; and of Daniel Mosser and 135 others, citizens of Michigan.

By Mr. FUNSTON: Of citizens of Media, Kans.

By Mr. LOVERING: Of William H. Miller and 45 others, of Reading, Mass.

By Mr. NEECE: Of E. H. Stuart and 110 others, citizens of Hamilton, Hancock County, Illinois.

By Mr. SNYDER: Of citizens of Monroe County, West Virginia.

By Mr. J. B. WEAVER: Of George W. Hill and 18 others, of Pennsylvania.

SENATE.

FRIDAY, *January* 8, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a letter in the nature of a memorial from the New York Produce Exchange, which will be read.

The paper was read, and referred to the Committee on Military Affairs, as follows:

NEW YORK PRODUCE EXCHANGE,
New York, January 7, 1886,

SIR: At a meeting of the board of managers of the New York Produce Exchange, held this day, the following resolution was unanimously adopted:

Resolved, That in view of the increasing interest in the United States Signal Service and the value of an intelligent forecast of the weather to all who watch the growing crops, as well as those who direct the movement of ships, it is most desirable and important that Congress make liberal provision for the maintenance of said service and an enlargement of its facilities for information.

Very respectfully, yours,

RICHARD C. VEIT,
Secretary.

Hon. JOHN SHERMAN,
President United States Senate, Washington, D. C.

Mr. HOAR. I rise to present a document somewhat in the nature of a petition. I have received a copy of a memorial signed by the governor and chief-justice of Washington Territory, the mayor and the prominent citizens of Seattle, in that Territory, representing the undefended condition of that Territory in case of war, especially with Great Britain, and stating how completely they are in the power of any foreign force, and inclosing a copy of a letter written by General Nelson A. Miles to the Adjutant-General of the Army on the same subject. These are accompanied by a letter from the chief-justice of Washington Territory, asking me to bring the matter to the attention of Congress. This is not in the form of a petition, and therefore I ask leave to present these papers and have them printed and referred to the Committee on Naval Affairs.

The PRESIDENT *pro tempore*. The papers will be received, if there be no objection, and printed as a document, and referred to the Committee on Naval Affairs.

Mr. INGALLS. I present the petition of A. H. von Leuttwitz, first lieutenant, United States Army (retired), in support of the bill for his relief which is now pending before the Committee on Military Affairs, to which committee I move that the petition be referred.

The motion was agreed to.

Mr. MANDERSON presented a petition of first lieutenants in the line of the Army, praying for the passage of a law permitting voluntary retirements after twenty years' or longer continuous service as lieutenants; which was referred to the Committee on Military Affairs.

Mr. TELLER. I present the petition of John French, D. J. Ball, Henry Dingon, and a large number of other citizens of Colorado, praying for the free and unlimited coinage of silver. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. MITCHELL, of Oregon, presented a memorial of citizens of Oregon, remonstrating against the suspension of silver coinage; which was referred to the Committee on Finance.

Mr. MAXEY. I present a petition of a meeting of the bar of Wheeler County, Texas, held at Mobeetie, praying for additional Federal court facilities. The facts upon which the relief is asked are set forth very fully in the petition and papers. I will state briefly that there are north of the Red River, in the section known as the Pan-handle, twenty-seven counties, of 900 square miles each, aggregating in round numbers 25,000 square miles, with a population of 4,000 people, rapidly increasing, with immense cattle interests, largely owned by foreign holders. Hence the necessity of a court. The nearest courts are at Fort Graham, Tex., about 300 miles, and Wichita, Kans., about 350 miles. This statement, coupled with the inconvenience necessarily resulting from their situation, without railroads, entitles them, in my judgment, to relief. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. LOGAN presented the petition of Thomas S. Hopkins, of Washington, D. C., praying for certain amendments of the pension law so as to equalize the pensions of soldiers; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Decatur, Ill., praying that a pension be granted to Bridget Hackett, widow of Michael Hackett, who was in the naval service of the United States during the late war; which was referred to the Committee on Pensions.

He also presented a petition of ex-Union soldiers, praying for the enactment of certain pension laws; which was referred to the Committee on Pensions.

He also presented a resolution adopted by George H. Thomas Post, No. 6, Grand Army of the Republic, Louisville, Ky., favoring the purchase by the Government of the picture of General George H. Thomas painted by General T. W. Price; which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 374) relating to police regulations in the District of Columbia, and for other purposes, reported it with an amendment in the nature of a substitute; which was ordered to be printed, and, on his own motion recommitted to the Committee on the District of Columbia.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (S. 377) granting a pension to Matthias Leckner, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 56) granting a pension to Chauncey Read, to ask that the committee be discharged from its further consideration, for the reason that the case is still pending in the Pension Office and has not yet been acted on there.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the bill, and it will be indefinitely postponed, if there be no objection.

Mr. WILSON, of Iowa, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for the violation of the same, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, of Pennsylvania, from the Committee on Pensions, to whom was referred the bill (S. 819) for the relief of Rachael J. Floyd,

asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed to.

CHANGE OF NAME OF UNIONTOWN.

Mr. BLACKBURN. I am instructed by the Committee on the District of Columbia, by its unanimous action, to report without amendment the bill (S. 633) to change the name of Uniontown to Anacostia, and I desire to ask the consent of the Senate that it be acted on now. It is simply a bill to change the name of the town of Uniontown, in the District of Columbia, to that of Anacostia, in accordance with the wishes of the citizens of the place. This report is the unanimous action of the Committee on the District of Columbia, and I ask the consent of the Senate to have the bill acted on now.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORT ON EUROPEAN SEA-COAST DEFENSES.

Mr. DOLPH. From the Committee on Coast Defenses I make a report on the letter of the Secretary of War, transmitting, in response to a Senate resolution, the report of Capt. W. H. Bixby on the sea-coast defenses of Europe. The committee's report is brief, and, as announced when the reference of the report of Captain Bixby on the accompanying papers was made to the Committee on Coast Defenses, the committee recommend, upon submitting this report, that the papers be now committed to the Committee on Printing, and I ask that the report of the Committee on Coast Defenses, which is brief, may be read and appear in the RECORD, and not printed in the usual manner.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the report made by him be now read and printed in the RECORD.

Mr. INGALLS. What is it about?

Mr. DOLPH. It is a report from the Committee on Coast Defenses in regard to the importance of a report of Captain Bixby upon the sea-coast defenses of Europe, transmitted with a letter of the Secretary of War. It is proposed now that Captain Bixby's report and the communication of the Secretary of War go to the Committee on Printing, and I ask that the brief report made by the Committee on Coast Defenses be read for information. I do not ask that the report be printed in the usual manner, desiring it to appear in the RECORD only.

Mr. INGALLS. Why not let it appear without being read?

Mr. DOLPH. I have no objection to that.

The PRESIDENT *pro tempore*. If there be no objection the report will be read.

Mr. PLUMB. I suggest that it be printed without being read. That will answer all the purposes of the Senator who presented it.

Mr. DOLPH. There is no objection to that course. Let it be printed without a reading.

The PRESIDENT *pro tempore*. If there is no objection that order will be made.

Mr. DOLPH. Let the letter of the Secretary of War and the accompanying papers, which are very voluminous and are in the Secretary's office, be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. That order is made.

Mr. ALLISON. Would it not suit the purpose of the Senator from Oregon to have this report printed as a regular document? It will be printed as a separate report anyway.

Mr. DOLPH. I asked that it be not printed as a separate report.

Mr. ALLISON. It will be printed as a separate report unless there is some order that it shall not be so printed.

The PRESIDENT *pro tempore*. The rules of the Senate require all reports to be printed, and unless that rule is suspended or changed in this instance the report will be printed in the ordinary document form.

Mr. ALLISON. So that it will be doubly printed if it goes into the RECORD.

Mr. DOLPH. I ask unanimous consent that the rule be suspended, and that the report be not printed as a document if it appears in the RECORD.

The PRESIDENT *pro tempore*. The Senator from Oregon asks the consent of the Senate to dispense with the printing of the report as a document according to the rule.

Mr. INGALLS. What is the object of that? I wish the Senator would explain why we should depart from the usual custom and suspend the printing of the report and print it in the RECORD to lumber up that already inordinate, bulky, and unwieldy publication. If there is any good reason of course I shall be glad to yield my consent, but until an explanation is made I shall prefer to withhold it.

Mr. DOLPH. I have not been in the habit of lumbering up the RECORD. I think it will be found that the RECORD is lumbered up quite as often by discussion over trivial matters as by reports. This report is very brief. It could have been read long since. It is a mere temporary matter, a recommendation of the Committee on Coast Defenses as to the importance of Captain Bixby's report and about its printing. I did not think it of sufficient importance to require that it should be printed in the ordinary manner. The papers are now to go to the Committee on Printing, and the report of the Committee on Coast Defense is intended for the information of that committee. The report will be of no value after the Committee on Printing have acted upon the subject, and it was thought by the Committee on Coast Defenses that the proper course would be, in order to bring the matter to the immediate attention of the Senate, that the Committee on Printing should have this report (which I say is brief and will not lumber up the RECORD) printed in the RECORD, and I ask that it be not printed in the usual manner.

Mr. INGALLS. If the report is not of importance enough to be printed in the ordinary way, why is it of importance enough to be printed in the RECORD, to give it a permanent place among the final records of the Senate?

Mr. DOLPH. We want the public to read it, we want Senators to read it, and we want it to be printed for the convenience of the Committee on Printing. As soon as the papers are referred to the Committee on Printing and the report of that committee is made this report of the Committee on Coast Defenses will have performed its office, and we hope that the Committee on Printing will have acted before it could be printed in the usual course. I could have read the report or stated the substance of it and it would have appeared in the RECORD and no one would have questioned it. If it had been a lengthy report I would not have asked that such a course be taken: but, as I say, the report is couched in the briefest and tersest possible terms, being a statement of the contents and value of the report of Captain Bixby for the information of the Committee on Printing.

I will state further that the Committee on Coast Defenses are willing to abide by the opinion of the Committee on Printing as to the propriety of printing the report of Captain Bixby and the manner of the work. It was not an unusual request to ask that this brief report be spread upon the RECORD, and that it should not be printed in the usual manner.

The PRESIDENT *pro tempore*. The order to print in the RECORD has already been made by unanimous consent. The question is now whether the Senate will dispense with the printing of the report as an ordinary document.

Mr. INGALLS. I should like to hear the report and see whether it is worth while to print it. Let us hear it read.

The PRESIDENT *pro tempore*. The question is, Shall the report be read?

Mr. DOLPH. I withdraw the request that the report shall not be printed in the usual manner. I have no objection to its being printed. Let it be printed both ways.

The PRESIDENT *pro tempore*. There is no question then before the Senate.

The report is as follows:

[To accompany letter from the Secretary of War transmitting, in response to Senate resolution of December 10, 1885, report of Capt. W. H. Bixby on the sea-coast fortifications in Europe.]

The Committee on Coast Defenses, to which was referred the letter from the Secretary of War of December 14, 1885, transmitting, in response to Senate resolution of December 10, 1885, report of Capt. W. H. Bixby on the seacoast fortifications in Europe, having had the same under consideration, make the following report:

Capt. W. H. Bixby, United States Engineers, was directed by the Secretary of War, by an order dated August 20, 1881, to visit Belgium, Holland, Germany, Italy, and England, or such of these countries as he should find necessary, for the purpose of securing certain information in relation to turrets, armor-plates, and the mounting and maneuvering of guns of large caliber, &c., under special instructions to be given by the Chief of Engineers; and having performed that duty in July, 1884 (see appendix part 3, annual report of the Chief of Engineers for 1885), forwarded to the Engineer Department, United States Army, a full report on seacoast fortifications in Europe, as follows:

No. 1. Turrets: 442 pages and 43 plates.
No. 2. New ordnance material: 83 pages and 23 plates.
No. 3. Armor material: 145 pages and 22 plates.
No. 4. Seacoast fortifications of England, Belgium and Holland: 181 pages and 33 plates.

This report, making in all 851 pages and 121 plates, is a thorough and exhaustive report, especially as regards information not heretofore printed in English, being principally the record of personal examinations and investigations made by the writer during nine months in Europe.

Part I, on turrets, describes the rise and progress of turrets, their test both in actual warfare at sea and under experiments on land, their construction, their armor, and their service, and adds a full bibliography on the subject. General descriptions are given of over 300 turrets in actual existence, either on shipboard or on land, and minutely detailed descriptions are given of more than a dozen of the most important of these. For the reader's benefit, these turrets are further classified according to their inventor, the nation or government to which they belong, the type of turret, their weight, their caliber, the material of their armor, and the method of serving their guns.

Part II describes the most important new features of heavy ordnance, and contains a brief reference to the bibliography of many features really old but supposed to be new.

Part III gives a brief description of the armor material and a detailed description of chilled cast-iron armor and its manufacture, an armor and a manufacture so far almost unknown in the United States, although officially adopted by Germany since 1874.

Part IV describes in full, with details, the defenses of each harbor of England and of Belgium, of the principal harbors of Holland, and includes the iron-armored forts of Germany and Austria. This report describes the rise and progress of coast defenses in England during the last twenty-five years, and compares the estimated cost, armament, and garrison which was desired by the army in 1860 with that actually obtained in 1880. These descriptions have never as yet been made available to the American public.

The report has not been published because of the restrictions contained in the sundry civil bill of July 7, 1884. It is a valuable contribution to the general fund of information upon the subject of coast defenses, and in view of the present investigations of the subject should be published without delay.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 943) to pay the Delaware Indians the value of certain lands in Kansas in compliance with treaty stipulations; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HALE introduced a bill (S. 944) to prohibit the letting of Government work to contractors employing convict labor; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. HOAR introduced a bill (S. 945) granting a pension to Hattie L. Goss; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 946) to establish a postal-telegraph system; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York, introduced a bill (S. 947) for the relief of the American Grocer Association of the city of New York; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL introduced a bill (S. 948) granting a pension to Joseph S. Moody; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 949) for the relief of Joseph W. Carmack; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 950) to authorize suits to be brought in the Court of Claims for money paid and expenses incurred on account of Tice meters; which was read twice by its title, and referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, introduced a bill (S. 951) providing an appropriation for the continuance of improvements at the mouth of the Columbia River; which was read twice by its title.

Mr. MITCHELL, of Oregon. I ask that the bill be referred to the Committee on Transportation Routes to the Seaboard.

Mr. McMILLAN. I think the Senator is mistaken as to the reference, and that the bill should be referred to the Committee on Commerce. That committee has charge of appropriations for river and harbor improvements, not the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the bill be referred to the Committee on Transportation Routes to the Seaboard.

Mr. MITCHELL, of Oregon. If the Senator from Minnesota will allow me, I will state that a resolution was offered and adopted a few days ago directing the Committee on Transportation Routes to the Seaboard to investigate the general subject of transportation on the Columbia River. Of course if this bill should be reported making appropriations for the improvement of the Columbia River, it would properly then go to the Committee on Commerce before final action; but I suggest that as this general subject is under consideration by the Committee on Transportation Routes to the Seaboard this bill should properly go to that committee. I have several other bills relating to river improvements in Oregon that I shall ask to have referred to the Committee on Commerce.

Mr. McMILLAN. The Columbia River is not different in its character from any other river in this country; and all bills proposing appropriations for the improvement of rivers and harbors in the country are referred to the Committee on Commerce and embraced in its general bill for river and harbor improvements. The Columbia River should not be excepted or withdrawn from the jurisdiction of that committee. I can see no reason why, although some memorial may have been referred to the Committee on Transportation Routes to the Seaboard, this bill should be referred to that committee.

Mr. MITCHELL, of Oregon. It was not a memorial, but a Senate resolution adopted unanimously by the Senate instructing that committee to investigate and report. As a matter of course the final reference of all these bills must be to the Committee on Commerce. I suggest a reference to the Committee on Transportation Routes to the Seaboard with that understanding fully. The object is simply to enable the Committee on Transportation Routes to the Seaboard to investigate the general subject of transportation on the Columbia River.

Mr. McMILLAN. I suppose the subject of transportation on the Columbia River would not be at all different from transportation on the other rivers of the country. Perhaps the original resolution should have been referred to the Committee on Commerce. I was not in, I think, when the resolution was offered by the Senator from Oregon, but my impression is that it should have gone to the Committee on Commerce. The Committee on Transportation Routes to the Seaboard having charge of that resolution, if they see proper to take charge of it and not report it back and refer it to the Committee on Commerce, that is within their discretion; but the subject of an appropriation for the improvement of a river or any part of it is clearly, within the rule, referable to the Committee on Commerce.

Mr. MITCHELL, of Oregon. I would state that my only purpose in asking the reference of the bill to the Committee on Transportation Routes to the Seaboard is with a view of having it subsequently referred to the Committee on Commerce. I will inquire of my honorable friend from Minnesota for what purpose the Committee on Transportation Routes to the Seaboard has been created if not for the purpose of considering as great a subject as that of transportation on one of the largest rivers of the country?

Mr. CONGER. Let the title of the bill be again read.

The PRESIDENT *pro tempore*. The title of the bill will be again read. The question is upon referring the bill to the Committee on Transportation Routes to the Seaboard.

The Chief Clerk read the bill by its title.

Mr. MITCHELL, of Oregon. I simply desire to suggest again to the honorable chairman of the Committee on Commerce that the Committee on Transportation Routes to the Seaboard has been instructed by a unanimous vote of the Senate to investigate the general subject of transportation on the Columbia River, and to report their views by bill or otherwise. I will state, however, that my purpose was simply to obtain the views of that committee with a view of a subsequent reference to the Committee on Commerce. I do not, of course, desire to interfere with the business of the Commerce Committee. I concede that appropriations for the purpose must finally be reported from that committee. But this is a subject of no ordinary import, and all I ask is that the Committee on Transportation Routes to the Seaboard may have an opportunity of looking into the subject and making such report as they may think proper in the premises. I hope the honorable chairman of the Committee on Commerce will permit this bill to go there and be subsequently referred to the Committee on Commerce. If my appeal is not listened to I shall give way of course and let it go to the Committee on Commerce. I present the question in the shape of an appeal.

Mr. CONGER. If the precedent is established of referring a question of river appropriations to any other committee than the Committee on Commerce, which under the rules has the entire control of appropriations for rivers and harbors, there will be no end to it.

The resolution which was introduced and passed gives the Committee on Transportation Routes to the Seaboard the entire power to investigate and report their views to the Senate and for the information and guidance of the Committee on Commerce in regard to appropriations without any such bill being referred.

The Committee on Commerce have had charge of the appropriations for the improvements at the mouth of the Columbia. They have devoted a great deal of time to the investigation of that subject; appropriations have been made in the regular river and harbor bill. I suggest to the Senator from Oregon that in my judgment it will not further any desire he may have for the improvement of that important river to have the appropriations for it considered by a separate committee, and I further suggest that it might not be well to antagonize the general course of the legislation for the improvement of rivers and harbors by dividing the jurisdiction.

Mr. MITCHELL, of Oregon. I do not wish to antagonize anything, of course, and I shall give way and move myself now that the bill be referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. It is moved that the bill be referred to the Committee on Commerce. That order will be made if there be no objection.

Mr. MITCHELL, of Oregon. I present a memorial adopted by the Columbia water-way convention recently held at The Dalles, Oreg., praying Congress for appropriations to improve the navigation of the Columbia River. Inasmuch as a similar memorial was referred to the Committee on Commerce yesterday, I ask the chairman of the Committee on Commerce to permit this memorial to go the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. It is moved that the memorial presented by the Senator from Oregon be referred to the Committee on Transportation Routes to the Seaboard. If there be no objection that order will be made.

Mr. BECK introduced a bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank of Louisville, Ky.; which was read twice by its title, and referred to the Committee on Finance.

Mr. CALL (by request) introduced a bill (S. 953) for the relief of Arthur L. Fish; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 954) for the erection of a public building in the city of Pawtucket, R. I.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 955) for the relief of Samuel W. Francis; which was read twice by its title, and, with accompanying paper, referred to the Committee on Patents.

Mr. LOGAN introduced a bill (S. 956) for the relief of Thomas C. Killie; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 957) granting a pension to Mother Bychedyche; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 958) to increase the pension of ex-Union soldiers who have lost the sight of one eye; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 959) for the relief of John Moore, of Edgar County, Illinois, late a private of Company A, Tenth Regiment

Indiana Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 960) to set apart a certain tract of land situate on the headwaters of the Pecos River, in New Mexico, as a public park; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 961) for the relief of Claude H. Mastin, surviving partner of Le Vert & Mastin, of Mobile, Ala.; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN. I will say that another bill in favor of the same party for the same purpose is before the committee, but by mistake I put the sum claimed at a smaller amount. This bill is a substitute for that.

Mr. PIKE (by request) introduced a bill (S. 962) touching the grade of commander in the Navy and to correct an error in relation to an appointment therein; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. LOGAN introduced a bill (S. 963) granting a pension to Harriet M. Rider; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 964) authorizing the Secretary of War to remove the charge of desertion from the record of private Albert Olson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GEORGE introduced a bill (S. 965) for the relief of Washington Ford; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 966) to establish a postal-telegraph system; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the matter of the claims of Joseph C. Irwin & Co. and C. A. Perry & Co. be taken from the files and referred to the Committee on Claims.

On motion of Mr. HOAR, it was

Ordered, That the papers on the Senate files relating to the pension claim of Hattie L. Goss be withdrawn and referred to the Committee on Pensions.

On motion of Mr. HALE, it was

Ordered, That the papers in the case of Frances W. Dyer be taken from the files and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. HARRIS, it was

Ordered, That the papers in respect to the claim of H. B. Wilson, administrator of the estate of William Tinder, deceased, be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the claim of James Badger, &c., be taken from the files and referred to the Committee on Claims.

On motion of Mr. WILSON, of Maryland, it was

Ordered, That the claimants in the case of Senate bill 438, first session of Forty-eighth Congress, being a bill "for the relief of the heirs and legal representatives of Capt. Lambert Wickes," have leave to withdraw all papers connected with said case from the files of the Senate, there having been no adverse report thereon.

PAYMENT OF BONDS IN SILVER.

Mr. EUSTIS. I submit a concurrent resolution, which I ask may be read.

The resolution was read, as follows:

Whereas the act of February 28, 1878, required the coinage of silver dollars which were declared to be a legal tender for all debts and dues, public and private;

Whereas by the act of March 18, 1869, the faith of the United States was solemnly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, &c.;

Whereas by the act of July 14, 1870, to authorize the refunding of the national debt, the principal and interest of United States bonds were made redeemable in the coin of the standard value;

Whereas since the above-mentioned laws were enacted it has been the invariable practice, up to this date, of the Secretary of the Treasury, under existing legislation, to pay in gold coin the bonds redeemed and the interest on outstanding bonds; and

Whereas the Secretary of the Treasury has issued a call for $10,000,000 of bonds payable on the 1st of February, 1886:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress said bonds of $10,000,000, payable on the 1st of February, 1886, should be paid in silver dollars, such payment being in strict compliance with existing law and in aid of the financial policy established by the legislation of Congress.

Mr. EUSTIS. Mr. President, I move that that resolution be referred to the Committee on Finance, and I simply desire to express the hope that that committee will find it convenient to make an early report upon the resolution, in order that it may be determined by a vote whether the practice of paying United States bonds and the interest on those bonds exclusively in gold coin is approved or disapproved by the Congress of the United States. I move the reference of the resolution to the Committee on Finance.

Mr. MORRILL. I would remind the Senator from Louisiana that the Senator from Georgia [Mr. BROWN] gave notice that he would address the Senate on Tuesday next upon the resolution.

The PRESIDENT *pro tempore*. This is a new resolution, submitted this morning.

Mr. MORRILL. Ah!

The PRESIDENT *pro tempore*. Is there objection to the reference?

Mr. MORRILL and others. No objection.

The PRESIDENT *pro tempore*. The Chair hears none. The resolution is referred to the Committee on Finance, and will be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. INGALLS, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

DISTRICT METROPOLITAN RAILWAY COMPANY.

The PRESIDENT *pro tempore*. The first bill on the Calendar is now in order.

Mr. PLUMB. There is upon the Calendar of Resolutions a resolution offered on a previous day. I understood that the resolution under consideration yesterday would come up to-day in its order.

The PRESIDENT *pro tempore*. According to the rule it requires a motion to take up the resolution. The Chair will lay it before the Senate for its action, if desired. The resolution, as modified, will now be read.

The Chief Clerk read the resolution submitted by Mr. VAN WYCK January 6, 1886, as amended yesterday, as follows:

Resolved, That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Railway and all other street railways in the District of Columbia a sworn statement of the amount of their capital stock, the amount of their bonded and floating indebtedness, the amount of their gross and net earnings, the amount of their operating expenses, and the amount of dividends paid annually since June 30, 1878; also, why said railway companies have not made the annual reports required by the laws incorporating said companies; and have power to send for persons and papers and administer oaths.

Mr. PLUMB. I offer the following as a substitute for that resolution:

Resolved, That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Street Railway the information which by section 22 of the charter of said company is required to be annually transmitted to Congress, and similar information from all other street railway companies in the District of Columbia, and also why said railway companies have not made the annual reports required by the laws incorporating said companies. Said committee shall also inquire whether the rails laid and used by said companies are of the most approved pattern, and whether the use of said rails has been duly approved by the Secretary of the Interior, and if said rails are not of the most approved pattern what measure may be necessary to secure their early replacement by those which are of such approved pattern. And said committee shall have power to send for persons and papers and administer oaths.

I desire to say simply that I found in my mail this morning a copy of the charter of the Metropolitan Railway Company, and I find that section 22 of that charter requires them to annually—

Transmit to Congress a full report of the affairs, business, and condition of the said company for the year terminating December 31 preceding such report, and such report shall be signed and sworn to by the president and treasurer of the company, or by a majority of the directors.

The law specifies thirty-one different subjects of which that report shall make specific mention and upon which it shall give specific information to Congress, including the items mentioned in the original resolution, and others that may be just as necessary to the determination of the matters in issue as heretofore specified.

I therefore offer my substitute calling on the committee to ascertain all the facts required by section 22 of the charter to be furnished by the company in addition to that which is specified in the latter part of my resolution about rails. On that subject I find in section 3 of this charter the requirement that the railroad shall be constructed "in the most approved manner adapted for street railways, with rails of the most approved pattern, to be determined by the Secretary of the Interior, laid upon an even surface with the pavement of the streets." I am advised, as I stated to the Senate yesterday, that there is a better pattern of rails than those now in use, and one which could be used in such a way as not to obstruct the streets at all, and that the rails now in use on at least one of these railroads in the District of Columbia were laid down without the approval of the Secretary of the Interior.

I think this is a subject which ought to be gone into by the committee at some length, inasmuch as it has come up, and my resolution will cover the ground more fully than the one which was before the Senate yesterday.

Mr. VAN WYCK. I am in favor of any proposition which will go to the furthest extent in examining the derelictions of these railroads and the wrongs they have done to the people of this District and are are continuing to do, and therefore it is that I very cheerfully accept the substitute.

Mr. VEST. The other day, in conversation with a very eminent citizen of this city on this subject, I obtained some information which was new to me, but I have no doubt of its correctness. This gentleman stated that by application to the different carriage manufactories and repair shops in this city it was ascertained that they had approximated the amount of damage done to vehicles in this city by the rails that are now in use to be in the neighborhood of $100,000. These rails would not be tolerated in any European city. They are a nuisance, and they have absolutely obstructed some of the most important thoroughfares, as every gentleman here knows from experience, in the capital of the nation. The street on which one railway runs from Pennsylvania avenue to New York avenue, Fifteenth street, is a nuisance. The street rail-

railway companies have been permitted to lay their tracks there and put down T rails, so as to be an obstruction to vehicles, and for myself I prefer to drive around that square rather than go up that street at any time.

Any Senator, by calling at the National Metropolitan Bank, as I happened to do the other day, can see the model there of a street rail used now in some of the principal cities in Europe, in Paris I believe and in Belfast as I happen to recollect, and in others, where the rail is perfectly level with the pavement, constituting no obstruction, and where there is no possibility of damage to any vehicle in driving. There is no excuse, no palliation, no apology for the sort of rail that is now in use in this city. Even in the Far West, in the city where I reside, Kansas City, we are getting rid of these things as fast as possible. We have now introduced in that city and have in operation some three and a half miles of cable railway and a charter with the stock subscribed for another cable railway of 5 miles; and it is only a question of a very few years when horse-car railroads will go out of use entirely in that city. I am very glad this resolution has been offered on this occasion.

Mr. INGALLS. Mr. President, I did not listen to the reading of the resolution, or rather was unable to hear it in consequence of the confusion, and am therefore unable to say whether it refers to the subject of motive power as well as to approved rails. If it does not, it should do so, because there is no city in this country, if there is in the world, where the modern methods of car propulsion either by the cable system or by electricity would be more applicable than here. The condition of the streets, the condition of the pavements, the slight grades, all render the application of these modern systems peculiarly appropriate here, and I should be glad to have this resolution of instruction broad enough to cover the question whether it is not time for the abrogation of these antiquated methods of propulsion and the substitution of the cable or electric system. I suggest to my colleague, who offered this resolution, that it be made comprehensive enough to cover the point I have suggested.

Mr. PLUMB. That is entirely satisfactory to me. I think that would be a very proper subject of inquiry. While this question is up, undoubtedly we ought to discuss the relation of the street railways to the convenience of the District as things now are in all its aspects.

The PRESIDENT *pro tempore*. Does the Senator from Kansas propose an amendment?

Mr. PLUMB. I simply suggest that my colleague prepare it. I think he could perhaps prepare in better shape the form of it.

The PRESIDENT *pro tempore*. The Chair is of the opinion that there is no reference in the resolution as it now stands to motive power or electric power. [A pause.] At the suggestion of the Senator from Kansas the Chair will proceed with the business on the Calendar, letting this resolution lie over informally.

ALLOWANCE OF PENSION CLAIMS.

Mr. HARRISON. Before we proceed to the Calendar of Bills I should like to dispose of the resolution with reference to the pension fund.

The PRESIDENT *pro tempore*. Does the Senator move to proceed to its consideration?

Mr. HARRISON. I ask that it be taken up and disposed of. It is important that it should be out of the way.

The PRESIDENT *pro tempore*. Under the rule it requires a motion to that effect.

Mr. HARRISON. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to proceed to the consideration of the resolution named by him.

Mr. INGALLS. As a matter affecting the current business of the Senate, before that motion is put I should like to inquire why these resolutions do not appear on the Calendar and have their regular place in the order of business? I understood when that resolution went over yesterday that it would come up in the order of business to-day when the consideration of resolutions was called for; but I find that in some mysterious way it has disappeared from the consideration of the Senate. If there is no method by which the resolutions of the previous day can appear on the Calendar of daily business and have their place for consideration, I shall ask that the Committee on Rules may have some direction to consider that subject for the purpose of reaching that end.

The PRESIDENT *pro tempore*. The Senator from Kansas is misinformed. The resolution referred to by the Senator from Indiana is on the Calendar and would in due time be reached in its order. It is on the Calendar, Order of Business No. 14. The Senator from Indiana now moves that the Senate proceed to the consideration of the resolution, which is No. 14 in the order of business, which is a resolution submitted by the Senator from Indiana [Mr. HARRISON] December 21, 1885, relative to certain statements made in the last annual report of the Commissioner of Pensions. The Chair hears no objection.

Mr. HARRISON. It is hardly worth while that it be read, and I would say to the Senate and call the attention of my colleague that I have, in order to make this exactly accurate, cut from the report of the Commissioner of Pensions certain paragraphs and have pasted them here as printed in his annual report. The amendment which was proposed by my colleague I do not think is in a form that ought to be adopted, because it imputes certain intentions. For instance, I read the first line:

> At one time the Pension Bureau was all but avowedly a political machine.

This is a quotation. Then it is said:

> Intending thereby that the said Pension Bureau was methodically employed for partisan purposes.

I do not think the Senate can assume to impute an intention of that kind to Commissioner Black. It is enough for us to adopt his own words, taking the statements as he made them, and direct inquiry to be made into them. So I have here extracted all that part, cutting it right out of the body of the report itself, and have instructed the committee to inquire into all these facts. I think that will meet the approbation of my colleague. I send it to the desk.

Mr. VOORHEES. Pass it over to me and let me see what it is.

DISTRICT METROPOLITAN RAILWAY.

The PRESIDENT *pro tempore*. The Secretary will report the modified amendment of the Senator from Kansas [Mr. PLUMB] to the resolution with respect to street railways.

The Chief Clerk read as follows:

Resolved, That the Committee on the District of Columbia be directed to obtain from the proper officers of the Metropolitan Street Railway the information which by section 22 of the charter of said railway is required to be annually transmitted to Congress, and similar information from all other street railways in the District of Columbia; and also why said railway companies have not made the annual reports required by the laws incorporating said companies. Said committee shall also inquire whether the rails laid and used by such companies are of the most approved pattern, and whether the use of said rails has been duly approved by the Secretary of the Interior; and if said rails are not of the most approved pattern, what measures may be necessary to secure their early replacement by those which are of such approved pattern; and also inquire as to the propriety of the substitution of steam or other motive power in the place of horse-power upon said railroads. And said committee shall have power to send for persons and papers and administer oaths.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB].

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the resolution as amended.

The resolution as amended was agreed to.

ALLOWANCE OF PENSION CLAIMS.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. VOORHEES] has the floor.

Mr. VOORHEES. My colleague and I agree that the matter presented by him shall be printed and go over under the rules until Monday, and I have no doubt we shall concur upon the matter then when it comes up. I suppose the paper presented by my colleague might be designated as an amendment to the substitute proposed by me. I am certainly willing that it shall be printed so that we can read it carefully, and I have no doubt on Monday that we can come to an understanding as to the line on which the investigation shall be conducted.

Mr. HARRISON. I will say in that connection, as I do not see the Senator from Illinois [Mr. LOGAN] here, that I incorporated his amendment, modifying it so as instead of extending it into a general inquiry into the administration of the office to confine it to the direction of the matter he suggested, namely, the matter of appointments and removals and not the general question. That is also to be printed as a part of my proposition.

The PRESIDENT *pro tempore*. Does the Senator from Indiana offer the amendment now?

Mr. HARRISON. Yes, sir. I offer it now and ask that it may be printed, and on the request of my colleague I consent that it may go over until Monday.

The PRESIDENT *pro tempore*. Does the Senator desire that it be read now?

Mr. HARRISON. It is not important to read it, I think.

The PRESIDENT *pro tempore*. The amendment, which is in the second degree, will be printed, and the whole matter will lie over until Monday.

The amendment proposed by Mr. HARRISON is to make the resolution read:

> Whereas the Commissioner of Pensions in his annual report dated November 18, 1885, has stated that—
>
> "At one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied; and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party.
>
> Chiefs of divisions, assistants, clerks, messengers, messenger boys, watchmen, and laborers were all-but entirely from the one school. Veteran service could not secure continuance in office, and at the behest and demand of partisans beyond the office old employés were cut adrift and zealous rufflers placed in their stead; leaves of absence were granted that the active men of the party might dominate over the elections. Wholesale discharges were made for partisan ends and a careful study of the tables 21 and 21A of this report will show how

a tide of men and money was poured by this office into the sections where political struggle was progressing: Therefore,

Be it resolved, That the Committee on Expenditures of Public Money is hereby directed to inquire into the truth of said allegation and to report the facts and testimony presented before them to the Senate. Said committee is authorized to send for persons and papers and to employ a stenographer. The expenses incident upon such investigation shall be paid from the contingent fund of the Senate.

Resolved, further, That said committee be also directed to inquire into the manner in which the Pension Office has been conducted and administered by the present Commissioner of Pensions in the matter of appointments to or removals from office, and to report the facts to the Senate.

EMERSON ETHERIDGE AND WILLIAM B. STOKES.

The PRESIDENT *pro tempore*. The first bill on the Calendar will now be stated.

The bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MORRILL. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. JACKSON January 6, 1886:

The Committee on Claims, to whom was referred the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes, having examined the same, respectfully report:

That on the 13th of June, 1866, the said Emerson Etheridge and William B. Stokes became the sureties of James P. T. Carter, on his official bond as secretary of the Territory of Arizona, said bond being in the penal sum of $20,000, and conditioned that if the said Carter should faithfully and diligently perform, execute, and discharge, and should continue faithfully and diligently to perform, execute, and discharge, all and singular the duties of said office according to law, then the obligation to be void and of no effect. It contained a further stipulation for annual settlements by the said Carter while in office as such secretary, which position he held at the pleasure of the President. Carter entered upon his duties, and continued to act as secretary of the Territory till his death, in September, 1869. He submitted, in compliance with the stipulations of his bond, annual settlements of his accounts with the proper officers of the Treasury during his life, and subsequently his wife filed with the Department his vouchers covering his expenditures from the date of his last settlement up to the day of his death. Carter left property of considerable value, which his family appropriated and have since consumed. At the date of his death William B. Stokes, one of the sureties, was possessed of considerable property, but has since become insolvent. The other surety, Etheridge, is now in moderate circumstances, being possessed of real and personal estate to the value of about $10,000, though at the time of Carter's death he was a man of considerable fortune.

In overhauling and restating Carter's accounts shortly after his death the officials of the Treasury Department disallowed several items of expenditure which Carter had made as secretary of the Territory, on the ground that they were not authorized by law; and as a result of this restatement a balance of $9,469.09 was shown against him. This apparent defalcation was known to the Government officials as early as 1871, but was never communicated or brought to the notice or knowledge of Carter's sureties till 1885, when suit was instituted by the Government against them in the United States district court of West Tennessee to recover said balance, with interest. That suit is now pending in said court, and stands for trial at the spring term thereof. The present bill proposes to release and discharge said sureties from all liability on account of said bond and any alleged breach thereof. The bill has been referred to the Treasury Department for any and all such information as its records could furnish as to the facts of the case, and under date of December 23, 1885, the Comptroller of the Treasury reports as follows:

"I find on examination that the balance found against James P. T. Carter, late secretary of Arizona, to wit, $9,469.09, is made up almost entirely of disallowances. He seems to have paid the said amount for printing, clerk-hire, &c., in excess of what it was thought should have been paid and the amount he had been authorized to pay. So far as this office is apprised, all or nearly all the money he received from the Government was expended, but to the extent of the above-stated disallowances in excess of what this office thought proper. These are all the facts. This office has no recommendation to make," &c.

Mr. Carter was a gentleman of the highest character and standing, strictly temperate in his habits, and exceedingly economical in his manner of life. The public moneys with which he was intrusted as secretary of the Territory were all paid out in what he considered legitimate and proper expenditures in and for the public service and interests committed to his official care. It would be unjust to his fair name and high character to treat or consider him in any sense a defaulter. The sureties were allowed to remain in ignorance of any balance found against him by the disallowance of credits for which vouchers were presented until April, 1885, when their own condition and circumstances were materially changed. Etheridge is now the only one from whom this balance can be collected. Its enforcement against him will take his entire estate, and leave him, in his declining years, after an honorable life as a private citizen and public servant, without even the means of support.

Under such circumstances, and after such a lapse of time in making known and enforcing a legal demand of such a technical character, the Government, in the opinion of your committee, should release its claim against the surety. This is in accordance with the spirit of our law in other cases. By section 3838 of the Revised Statutes it is provided that "if, on the settlement of the account of any postmaster, it shall appear that he is indebted to the United States, and suit therefor shall not be instituted *within three years* after the close of such account, the sureties on his bond shall not be liable for such indebtedness." In the present case fifteen years and six months elapsed between the death of Carter and the commencement of suit against the sureties. For fourteen years the Government has been in possession of all the facts. During that period the principal's estate has been consumed by his family, one of the sureties has become insolvent, and the other surety will be ruined in the enforcement of the demand for money which was actually and "*bona fide*" expended for the Government. This would be a great *hardship*, to say the least of it, toward the solvent surety, and a great Government should not inflict it.

At the first session of the Forty-eighth Congress your committee reported favorably a bill for the relief of Eugene B. Rail and other sureties of David L. Gregg, receiver of public moneys at Carson City, Nev. Gregg was appointed in March, 1865, and died in 1868. On the settlement of his account in December, 1868, there appeared a deficiency of $10,141.89. No notice of a defalcation was given to his sureties until suit was commenced against them in 1881, twelve years after the defalcation was known to the Government. At the commencement of the suit all the sureties were dead except two; one of these was bankrupt, and the other, Eugene B. Rail, was solvent. The committee recommended that he should be released. The Senate approved of this recommendation. The present case is a stronger one for relief in all its facts and circumstances, and your committee recommend the passage of the bill by the Senate.

Mr. MORRILL. I should be very glad if I could find any sufficient reason for voting in favor of this bill, for I had a very pleasant acquaintance with Mr. Etheridge in the other House, but I do not see how we can enforce the collection of any bond in any similar case unless this be enforced. There is no reason that would apply unless it be the fact that the Government did not instantly dismiss this officer and commence some legal proceedings for the collection of the bonds given in this case.

It hardly seems to me that this is a case where we can afford to give relief. I think the passage of this bill would set a precedent that would justify us in setting aside the collection of the bond of any collector who may be a defaulter or any collector who may have unsettled accounts in the Treasury Department. I do not see a sufficient reason that would justify us in foregoing our rights in this case.

Mr. DOLPH. I call for the reading of the views of the minority.

The PRESIDENT *pro tempore*. The views of the minority will be read.

The Secretary read the views submitted by Mr. DOLPH, as the views of the minority of the Committee on Claims, as follows:

I am unable to agree with the majority of the committee.

This case is one of undoubted hardship, but there are a great many similar cases, and suits upon official bonds involving equal hardship to sureties are probably pending in the Federal courts in every State of the Union. The delay of the Government in the settlement of the accounts of the late secretary of Arizona Territory, as shown in the majority report, has not been greater than in other cases. If there have been improper disallowances in the settlement of the accounts in this case by the officers of the Treasury Department, the items of account so disallowed will be credited to the sureties on the official bond upon the trial of the cause.

To grant relief by a private act in this case would be to invite other sureties upon official bonds, under similar circumstances, to apply to Congress for relief. If, in the opinion of Congress, a statute of limitations in such cases is desirable, or if more prompt settlement of official accounts by the Treasury Department should be made, these objects should be reached by general laws.

It is impracticable for Congress to legislate for each individual case of supposed hardship in the administration of the vast and complicated machinery of the Government, and by attempting to do so in the crowded condition of the business of Congress at every session would result in securing relief in an occasional case only, while the great number of equally deserving cases would fail to receive consideration. If there is a precedent for granting relief in such cases it is a bad one and should not be followed.

Mr. SAULSBURY. I have no doubt that this is a case of very great hardship on the bondsman. It appears from the report that Mr. Carter died in 1869. His accounts were then in the Treasury Department and all the facts connected with his defalcation, if it may be called a defalcation, were known to the Treasury Department in 1871. They slept upon that knowledge, and Mr. Etheridge, who is represented at that time to have been in fair circumstances and who was associated with other securities who might have paid a part of this money, has been damnified by the laches of the Government itself.

Mr. HOAR. The principal himself was perfectly good and was living when the disallowance was made.

Mr. SAULSBURY. The principal himself at that time, I understand, was perfectly good. It seems to me to be a matter of very great hardship to Mr. Etheridge, the Government sleeping on its knowledge until 1885, that the Government now should exact compliance with the bond.

I think there has been dereliction on the part of the Treasury officials heretofore. As soon as they ascertained the liability of Mr. Carter on his bond to the Government they ought to have put it in process of collection. Then, if the information I have is correct that Mr. Carter himself was responsible and that the other securities on the bond were solvent, it would not have been so great a hardship as it is now. I admit with the Senator from Vermont that it is a precedent to relieve securities from the obligations which they have entered into with the Government. It may become a precedent that will result in loss to the Treasury, but I can not find it in my heart to hold Mr. Etheridge in this case to strict compliance with his obligation when the facts in the case disclose that the Government itself has been guilty of laches in the enforcement of the bond of this principal. I shall therefore vote for this bill, notwithstanding I believe it to be as a general rule a bad precedent to release men from the obligations which they have entered into to the Government.

Mr. DOLPH. In submitting the minority report in this case I hardly expected to be able to defeat the passage of this bill, although there was a bare quorum of the Committee on Claims present when the report was ordered to be made. I make the minority report for two reasons: First, because I can not conscientiously concur in the majority report; and, secondly, because I desire an opportunity of briefly calling the attention of the Senate to the present condition of Congress in regard to bills of relief and the present condition of business in the Committee on Claims. I desire Congress to face the situation squarely and to understand that private bills for relief are increasing from year to year with great regularity, and that the number of meritorious bills which pass Congress is decreasing from year to year with like regularity, because the whole business of Congress is obstructed by the great number of bills for private relief which are introduced. Still we go on from session to session of Congress, opening new doors, inviting new classes of claimants to come and present their claims upon the assurance of precedents which we have established.

In some remarks made by Speaker CARLISLE just before declaring the House of Representatives adjourned *sine die* at the close of the

Forty-eighth Congress he stated that the number of bills and joint resolutions, as shown by the records of the House of Representatives, introduced in the House during the first fifty years after the establishment of the Government was 8,777 and that the number of bills which had been introduced in the House during the Forty-eighth Congress was 8,630, only 147 bills less than were introduced during the first fifty years. During the Forty-seventh Congress the number of bills and joint resolutions introduced in the Senate was 2,652. During the Forty-eighth Congress the number of bills and joint resolutions introduced in the Senate was 2,806, being an increase of 154. During the Forty-sixth Congress the number of bills and petitions referred to the Committee on Claims was 478. During the Forty-seventh Congress the number of bills and petitions referred to that committee was 531, the number of reports made 156, no action on 375 bills. During the Forty-eighth Congress there were referred to the Committee on Claims 640 bills and petitions, upon which written reports were made on 247, no action on 393.

During the present Congress, up to Wednesday last, there have been referred to the Committee on Claims 237 bills and petitions for relief. The reports made by the Committee on Claims during the Forty-eighth Congress are contained in two very respectable volumes. I have been told by a person familiar with the business of Congress during the Thirty-eighth Congress that the number of bills introduced in the Senate during the first session did not exceed 400 and the number introduced during the entire Congress did not exceed 600.

So the Senate will observe that there has been a constant increase of the number of bills introduced into both branches of Congress, a constant increase in the number referred to the Committee on Claims, and a constant increase of reports from the Committee on Claims; but as I assert, without being able to give the figures to show it, the number of bills passed for private relief has not been greatly increased.

Now, what is the result of all this? Business of importance, general legislation demanded by the country, fails to receive consideration, or if considered in one House fails to be taken up for consideration in the other. Even the appropriation bills, which by common consent have precedence, are often not duly considered by the committees to which they are referred and are frequently passed without any considerable consideration by the majority of Senators or Members of the House. The time of a very large number of Senators is occupied with examining and reporting on private claims, and they are unable to give attention to matters of general legislation and perform the duties that are expected of them by the country.

That is not all, sir. This labor is generally fruitless of beneficial result, because while there are a great number of reports, as I said before, but very few bills are passed.

The PRESIDENT *pro tempore*. The Senator's five minutes have expired. Does he desire unanimous consent to proceed?

Mr EDMUNDS. I hope he will be allowed to proceed.

The PRESIDENT *pro tempore*. It is the duty of the Chair to call the Senator's attention to the fact that his time has expired. If there be no objection the Senator from Oregon will proceed.

Mr. DOLPH. I shall be as brief as possible. I think this is a proper time to present this matter, and I shall come to the pending bill directly.

I said a moment ago the proportion of favorable reports from the Committee on Claims that is acted upon is very small, and there are meritorious cases pending now in both branches of Congress, cases in which there is no dispute about the liability of the Government, and which have been presented session after session for the last ten, twenty, thirty, and even forty years. The original claimants have grown sick at heart of the long delay and have died, but the claims live and are presented from session to session by their heirs or representatives.

Whenever we open a door and make a precedent for the payment of any new claim, we simply invite persons having claims of a similar character all over the land to present them. Now what is proposed here? It is proposed to relieve the sureties upon the official bond of the late secretary of the Territory of Arizona. Why? Because the Government has delayed the settlement of the accounts of the principal on the bond and delayed to call upon the sureties to respond for the deficiency in moneys received by him and because in the mean time one of the sureties has become insolvent, the estate of the principal has been settled and used up, and the solvent surety will be called upon to pay the whole amount.

I have had some experience in prosecuting suits of this kind and in defending suits of this kind, and I do not now recollect a single case in which the delay of the Government has not caused similar hardships, not always to the same extent, but the difference is a difference of degree only. I do not now recall having been connected with a single case in which there were several bondsmen on an official bond where some had not become insolvent and where the solvent bondsmen were not called upon to make up the portion of the deficiency which should have been borne by the insolvent sureties.

I do not now remember a case where if there had been a prompt action by the Government the principal himself might not have contributed some portion of the amount due the Government. The difference between this case and a thousand cases now pending in the courts, or now being examined in the Departments and ready to be brought, is one of degree only.

I understand this report to put this case substantially upon the ground that the Government has been tardy in its action, that one of the sureties has become insolvent, that the surety who is solvent is worth but $10,000, and that to ask him to respond to the penalty of this bond will impoverish him. Sir, men are impoverished every day by complying with their contracts and paying surety debts to individuals and to the Government, and if this door is to be opened, if this precedent is to be established and our action in this case advertised to the country, we shall have one hundred bills of this kind before this Congress adjourns and five hundred at the next Congress.

I do not understand the majority of the committee to report in favor of this bill because the money was expended, although without authority, by the secretary for the benefit of the United States, and that is not the report of the Secretary of the Treasury. He reports, it is true, that it was mostly expended for printing and clerk-hire, but it seems to have been improperly expended; it seems to have been illegally expended. I take it for granted, without being entirely familiar with the manner in which these appropriations are made and the manner in which these expenditures are settled, that either Congress in the first place appropriates a certain sum for such purposes and that the expenditure in this case must have been beyond the appropriation, or Congress in making appropriations leaves it with the Secretary of the Treasury or of the Interior, as the case may be, to determine how it shall be expended—and the expenditure in this case was unauthorized—or that Congress gives the secretaries of the Territories power to determine in what manner the expenditure shall be made.

If the secretary of the Territory had power to determine the necessity for and the manner of expending the appropriation in the present case, then the court upon the trial will allow the sureties whatever he had authority to expend, notwithstanding it was disallowed by the Treasury Department. If he violated the orders of his superior, if he made expenditures where there was no appropriation, or used money put in his hands for one purpose for other purposes not authorized by law, he ought to be held liable for such misappropriation and his bondsmen ought to respond for him. Otherwise, instead of Congress being the judge as to what amount of money shall be appropriated for the Territories the secretaries of the Territories will become the judges of the necessity for expenditures, and Congress will be only asked to make appropiations to supply the deficiency.

If the recommendation in this report had been put upon the ground alone that the Government received the benefit of the most of the expenditures which caused this deficiency, I might have been content to allow the bill to pass without objection; but, as I say, that does not appear to be the reason given in the majority report. I hold in my hand a report made by the Senator from South Carolina [Mr. BUTLER] from the Committee on Territories in regard to the claim of Messrs. McElroy and Prosch for the sum of $1,946.64 due for printing for the Legislative Assembly of Washington Territory. These gentlemen were employed in 1871 by the then secretary of Washington Territory to do certain printing. They printed certain official reports at the rates established by Government, but there had been some circulars sent out by the Treasury Department which had never been received by the secretary of the Territory forbidding the printing of such official reports. The amount was disallowed. I introduced a bill for their relief. It went to the Committee on Territories, and that committee reported unanimously against the allowance of the claim.

These men are citizens of Washington Territory, printers, who paid out their money and did work for the Government. The Government had the benefit of it; but it was done contrary to the instructions of the Secretary of the Treasury to the secretary of the Territory, which were never received, and the Committee on Territories unanimously reported against the allowance of the claim. Now, sir, equality is equity; and if we are going to grant relief in one case I want relief granted in another like case. If two committees of this body are to disagree on such propositions, if one may report against a bill of this kind and kill it, and another may report in favor of it and the bill pass and the relief be granted, I shall try to resurrect this claim in some way and endeavor to secure payment of it by referring it, not to the Committee on Territories, but to the Committee on Claims, where, under the precedent now proposed to be established, it must receive favorable consideration.

Mr. HARRIS. Mr. President, this report discloses the fact that some sixteen or more years ago the secretary of the Territory of Arizona applied certain moneys to Territorial purposes which the Treasury Department has decided were not technically legal expenditures, and therefore the secretary of the Territory has been reported as a defaulter to the amount of such payments. It is not pretended that any part of these funds was appropriated to the use of the secretary; upon the contrary, the affirmative fact appears that it was expended for Territorial purposes and no other, and purposes which the secretary believed to be legitimately legal, necessary, and proper. In view of which fact I doubt whether in equity and strict justice the secretary could be called upon to refund to the Treasury the money so expended.

But if it appeared that the money was appropriated by the secretary to his own use, or wasted by his negligence, this report shows a state

of facts upon which I should still vote to relieve the sureties from liability. It appears that in 1871 the Treasury Department ascertained and declared this alleged defalcation, at which time the estate of Carter, the principal in the bond, was solvent and able to refund the amount, thus saving his sureties harmless; but the Government slumbered upon its rights from 1871, when it declared the default, until 1885, leaving these sureties in fancied security all of this time, and within which the principal in the bond died and his estate was distributed and passed beyond the power of the Government to reach it, and one of the sureties unfortunately became insolvent and wholly unable to contribute any part of this liability, thus saddling the whole burden upon the one surviving and solvent surety, when, but for the culpable negligence of the Government for all of these years the sureties would have been relieved from all liability by the full payment by the principal of any liability which did exist, or if the demand had been made promptly after the death and distribution of the estate of the principal, each surety could have contributed his due proportion of the amount, but by the laches and negligence of the Government this entire liability is practically fixed upon the one solvent surety.

This liability having descended to this surety by reason of the wrongful negligence of the Government, it can not in justice demand its payment. I shall therefore take pleasure in voting to release the sureties from all liability in this case, and I will say in answer to the Senator from Vermont [Mr. MORRILL] that so far as I am concerned I shall be very glad to set the precedent of relieving sureties in this case and to follow the precedent in every case where the Government has slumbered upon its rights for long years and it can be clearly shown, as in this case, that the negligence of the Government has operated to the injury of the sureties.

Mr. HOAR. Mr. President, this is not the case of a defaulter in the ordinary sense, which imputes criminality or wrongdoing to the principal in the bond. It is the case of the secretary of a Territory who is authorized and bound to make such expenditures as are reasonable for the public service; it is the case of a mistake of the public officer in the exercise of a discretion which he is bound to exercise under his official duty, but which is subject to revision by the Department at Washington.

Mr. MORRILL. What was the expenditure?

Mr. HOAR. The expenditure was an expenditure for printing and clerk-hire for the use of the Territory.

Mr. DOLPH. Is there anything to show what are the items given in the report?

Mr. HOAR. The items are not given in the report, but the Comptroller of the Treasury says that the balance which is claimed is made up almost entirely of disallowances of such payments as I have mentioned. The whole substance of the matter which we have before the Senate is made up in that way. I do not know exactly what the slight exception may be.

It seems to me that upon the facts reported by the committee, as has been already observed by the honorable Senator from Tennessee, there would be a perfectly equitable defense if this transaction had arisen between private parties. If the creditor had discovered a default on the part of the principal and had slumbered upon that knowledge for fourteen years, failing to avail himself of his known remedy and failing to inform the sureties that they might avail themselves of their remedy, and in the mean time during that period the once solvent principal had become insolvent or had died and his property been destroyed beyond reach of the law, I suppose it is clear that that would be a case of laches which both in equity and at law would discharge the surety.

That being the condition of the case, the question is whether it is fitting that the United States should avail itself of the principle that no laches can be imputed to the Government which it would be inequitable as between private parties to permit to be enforced.

The honorable Senator from Oregon says that if we do that in the present condition of the law the legislative body of the country will be bound to investigate a large number of similar cases and see what exigencies are in them; and that is true. By our own neglect or failure to pass a proper statute of limitation and a law justly and properly defining and arranging the relations between the Government of the United States and the sureties on official bonds we are in that condition, and we ought to and are bound to take upon ourselves the function to which the Senator has alluded until we make a general law which covers the case.

Mr. DOLPH. If the Senator will permit I should like to ask him a question.

Mr. HOAR. Certainly.

Mr. DOLPH. Has it not been the policy of the Government for a hundred years not to allow a surety to escape in such a case because suit was not brought within a definite time?

Mr. HOAR. This is not a mere case of failure to bring suit within six or ten years. It is a case of knowledge of the default and slumbering upon that knowledge, allowing the surety to suppose the Government was satisfied with the accounts of the principal, and in the mean time the condition of the principal had changed from solvency to insolvency. But I do not care what the policy which has come down on this subject from the Dark Ages may be; I say as a matter of sound policy now and of duty and of justice the United States should not enforce a claim of this kind.

Mr. President, we have a case here in regard to this old gentleman, a man who, after having held important positions in public life, is at the age of more than three-score and ten left with a little pittance of $10,000 for his old age, every dollar of which the United States is asked to swoop down upon and take off. There is not a Senator within the sound of my voice who, if he stood in the relation to a private debtor which the United States stands in to this man, would not thrust his right hand into a brazier of burning coal rather than undertake to act as the Senator from Oregon desires that the representatives of the people of the United States should act. I understand that what is base, dishonest, and infamous for an individual becomes no less base, dishonest, and infamous when it is an act of that aggregation of individuals which we call a country.

The PRESIDENT *pro tempore*. It is the duty of the Chair to inform the Senator that his five minutes have expired.

Mr. HOAR. Just a word more. I desire to say——

The PRESIDENT *pro tempore*. If there be no objection the Senator will proceed.

Mr. HOAR. The United States, like every other nation, is a moral being. It is a being with credit, honor, sense of duty, obligation to morality, public faith, and with the right and the duty and the capacity to indulge in the sentiments of mercy and of pity in proper cases. If ever such a case arose, this is the case.

Mr. MANDERSON. Mr. President, I think this report shows not only a case of hardship against the surety on this bond, but, as suggested by the Senator from Massachusetts, a case of great outrage on the part of the Government of the United States. The facts not only appear in the report, but have been very forcibly stated by the Senator from Tennessee, and I will not take the time of the Senate by narrating them.

Unfortunately this case does not stand alone, and, as suggested by the Senator from Oregon, there are many like it. Two have come within my observation in my own State. One, the case of a suit against the sureties upon the bond of an Indian agent fifteen years after the defalcation was discovered by the Government and ten years, or thereabouts, after the death, totally insolvent, of the principal upon the bond. The other was a case of a receiver of public moneys, where, many years after the insolvency but not the death of the principal, suit was instituted and recovery had from the sureties, or those of the sureties who remained solvent after this lapse of many years, who were forced to pay in each case large sums of money. The effort was made in both those cases to absolve the sureties from liability because of the laches of the Government of the United States, but the court in each case held, and I think held rightfully, notwithstanding the suggestion of my distinguished friend the Senator from Massachusetts, that in the absence of a statute of limitation the sureties could not invoke this principle of laches as against the Government of the United States.

But I rose not for the purpose of addressing myself particularly to this case of hardship, but to suggest to the Senate that there has been some negligence not only on the part of the executive officers of the United States but on the part of the Congress of the United States, and I may suggest perhaps a little negligence on the part of the Senate and some of its committees with reference to the remedy for cases of this character. It was in view of the two cases I have narrated that early in the first session of the Forty-eighth Congress I introduced a bill proposing that there should be notice to all sureties upon official bonds of the United States when a defalcation appeared to any of the examining and accounting officers of the United States, and that there should be a statute of limitations to operate for the benefit of sureties on such bonds. That bill early in the first session of the Forty-eighth Congress was referred to the Committee on the Judiciary of this body, and there it slumbered, and there it still sleeps, for notwithstanding the fact that it was introduced so early in the session no report ever came from the Committee on the Judiciary upon it. Early in this session of Congress I introduced the bill again, and it will be found to be Senate bill No. 138. I propose to read its provisions for the reason that having the case at point provided for by this bill and as narrated in this report of the Committee on Claims, and in view of the two cases that I have presented to the attention of the Senate, and others that undoubtedly will be known to other Senators, the Committee on the Judiciary may see that there is a chance for them to present to the Senate the proper remedy provided for by bill No. 138. The first section reads:

> That hereafter whenever any deficiency shall be discovered in the accounts of any official of the United States, or of any officer disbursing or chargeable with public money, it shall be the duty of the auditing officer making such discovery to at once notify the chief of the Department having control over the affairs of said officer of the nature and amount of said shortage, and it shall be the immediate duty of said chief of Department to at once notify all sureties upon the bond or bonds of said official of the nature of said shortage and the amount thereof. Said notification shall be deemed sufficient if mailed at the post-office in the city of Washington, D. C., addressed to said sureties respectively, and directed to the post-office where said sureties may reside, if known; but a failure to give or mail such notice shall not discharge such surety or sureties upon such bond.

The second section provides:

> That if upon the adjustment or settlement of the account of any official of the United States, or of any officer disbursing or chargeable with public money, it

shall appear that he is indebted to the United States, and suit therefor shall not be instituted within five years after such settlement and adjustment of said account, the sureties on his bond shall not be liable for such indebtedness.

This is in accord with that other section of the statutes which provides a three-years' limitation as to the bonds of postmasters, and it seems to me that this bill should speedily become a law, simply that the Government of the United States may not be placed in the position described by the Senator from Massachusetts, where it becomes a party to a dishonest scheme to wrong innocent persons.

Mr. VOORHEES. Mr. President, were it not for a very peculiar feature in this case I would cast a silent vote on the subject, but there is a matter here that ought to arrest the attention of the Senate and Congress and of the Departments of the Government. It is not pretended that this man Carter, whose sureties Stokes and Etheridge were, was a defaulter. It seems that in the transaction of the business of his office in disbursing Government money he made certain payments on accounts that were afterward disallowed. In the answer made by the Department to the committee I find that the Comptroller of the Treasury says:

I find on examination that the balance found against James F. T. Carter, late secretary of Arizona, to wit, $9,469.09, is made up almost entirely of disallowances. He seems to have paid the said amount for printing, clerk-hire, &c., in excess of what it was thought should have been paid and the amount he had been authorized to pay.

There consequently could have been no imputation of a default. All this could be and was known in the Department and could not be known to these sureties. In casting the accounts after he went out of office this circumstance became known upon the books of the Treasury, and there remained known for fifteen years and six months without being communicated to these sureties. I beg Senators to mark this statement. This is a very extraordinary case, and this report discloses a piece of as bad civil service as I ever knew on the part of the Government. Passing on the accounts of this man—a mere matter of account and settlement, with no imputation on his honesty or his honor—the accounting officers disallowed certain of his accounts amounting to over $9,000. The accounting officers in the Department ascertained that alleged deficiency in 1871, and it was not until 1885 that that fact was communicated to these sureties by suit being brought against them. If a grosser, more crying, unpardonable injustice could be done to men than that, I fail to know how.

I know it is very easy to talk about dangerous precedents, and everybody who comes here for relief against the Government is met with that cry. I will respond to that, and say that I want less of this kind of dangerous precedent on the part of the Government itself. When the authorities found that there was this amount disallowed they should in all fairness and common decency have notified these sureties of that fact, so that they could have taken care of the case. In the mean time, while these fifteen years were running—for fifteen years elapsed from the casting of this account and its ascertainment in the Treasury until suit was brought—one of the sureties became insolvent, shifting the entire burden onto one, which would not have been the case if the Government had done its duty; and now the Government seeks to hold the one man for the entire amount, when at most he would have had but half to pay had the Government done its duty. I know of no case in all my experience—and I have had some in regard to applications for relief on bonds since my service in this body—appealing so strongly to the common principles of old-fashioned honesty and fair play as this does.

It will afford me great pleasure to vote for this bill, but, as I say, I would have been content to have done so without saying a word, but I wanted to point out the real evil which has been here committed, and that is on the part of the Government itself.

Mr. DAWES. Before the Senator sits down I wish to be allowed to ask him a question. It may have been stated when I was out, but the Senator is familiar enough with the fact to state to the Senate what was the nature of the original default.

Mr. VOORHEES. I will state it over again to the Senator. I will state the case exactly.

Mr. DAWES. It may have been stated, but I have not heard it.

Mr. VOORHEES. Mr. Carter was secretary of the Territory of Arizona, and gave a bond in the sum of $20,000 with William B. Stokes and Emerson Etheridge of Tennessee, as his sureties. After he went out of office the Department, in casting his accounts, disallowed certain payments of public money which he had made on account of the public service.

Mr. DAWES. Not because he had appropriated them to himself?

Mr. VOORHEES. He had not appropriated a dollar. Not a dollar went into his pocket improperly. There is no pretense of it. The Comptroller so reports. He says:

The public moneys with which he was intrusted as secretary of the Territory were all paid out in what he considered legitimate and proper expenditures in and for the public service and interests committed to his official care.

It is like so many cases we know of where a public officer in the disbursement of money pays out $100 here and $100 there, which is afterward disallowed and he has to make it good. That was the case here. There is no imputation on his honor or honesty. The amount thus found against him by this disallowance was known to the Department in 1871, and yet they slept on that for fifteen years and six months and then brought suit against the only remaining solvent surety, the other surety in the mean time having become insolvent; and yet gentlemen stand here and complain of this bill as setting a bad precedent! The bad precedent is in such civil service as that, and the sooner we stamp out that kind of practice the better it will be for all parties.

Mr. HAWLEY. Mr. President, I am perfectly willing to make a precedent in this case. I am quite willing that it shall not only be a precedent on the records here, but that it shall be put into the form of a statute, if you choose, that if the Government shall neglect for fourteen years, or twelve, or ten, or eight, or six, or three, to notify the sureties, it shall lose all claim in the case. And this gives me another opportunity to enforce what I have tried to enforce many times heretofore. This Government has no right to enforce the letter of the law or boast of its justice so long as it practices the grossest wholesale injustice in neglecting to provide for claimants against the Government any suitable tribunal to settle their claims.

This Government ought to be suable as truly and as easily as a private citizen. I do not care whether the claim is a thousand dollars or five dollars, it ought to be possible for a citizen who has that claim to bring it to some tribunal and have a reasonably speedy and just trial.

Of course, as the Senator from Oregon says, we have thousands and thousands of claims presented here, some of which have been yearly dinned in our ears for ten, twenty, thirty, forty years, and some of these claims are exactly as honestly due as our board bills. We keep these citizens here in this way. It is an eternal mortification to them, and it ought to be to us, because we give them no other place to go to. We are, of course, exercising the functions of a court of equity in such cases, and we must do so, not only of a court but of a sovereign discharging equitable duties. We must do so because we have given no remedy in the law.

The PRESIDING OFFICER (Mr. CALL in the chair). The hour of 2 o'clock has arrived.

Mr. JACKSON. I ask consent of the Senator from Vermont [Mr. EDMUNDS] to lay aside informally the regular order a few moments until we dispose of this bill.

The PRESIDING OFFICER. The regular order is Senate bill No. 10. The Senator from Tennessee asks unanimous consent that this bill be laid aside informally.

Mr. DOLPH. I hope the Senator from Tennessee will let the matter go over until Monday, retaining its place. After the spasm of virtue we have had exhibited here this morning I want to call the attention of the Senate a little more fully to how this power has been exercised in the last hundred years.

Mr. JACKSON. I hope the Senator will withdraw his objection and let us take a vote. The bill is fully understood in all its magnitude. The facts are set out in the report.

Mr. EDMUNDS. I suggest that it go over until Monday, keeping its place, so that it may be still considered, as it would, in fact, under the rules, I believe.

Mr. HARRIS. I beg to suggest to the Senator from Oregon that our experience admonishes us that if this matter goes over until Monday, while every fact pertaining to it now is completely understood—and I apprehend the Senate is ready to vote now—we shall have to go over the whole ground, and will go over the whole ground, on Monday, and consume the same amount of time.

Mr. EDMUNDS. That is very likely, because I am inclined to think I shall be tempted to say something myself; but the Senator from Oregon, who has a sincere opposition to this bill on the ground of its opposition to the former action of the Senate, as he understands it, wishes the bill to go over in order that it may be further considered. I think, as it really involves an important principle as the law now stands, it would be fair to settle it as a precedent, so that all committees can conform to it; and if we spend an hour about it on Monday, I do not think it will be time lost. Therefore I ask, if that is necessary, as I think it is not, that the bill go over until Monday and stand then in its present order, so that it will be the first thing in order on Monday morning.

Mr. HARRIS. That will be the effect under the rule.

Mr. EDMUNDS. I think so myself.

The PRESIDING OFFICER. The bill goes over.

Mr. EDMUNDS. Now I call for the regular order.

POLYGAMY AND AFFAIRS IN UTAH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Georgia [Mr. BROWN]. The Senator from New Hampshire [Mr. BLAIR] is entitled to the floor.

Mr. EDMUNDS. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The proposed amendment is in the eighth line of the first section to strike out the words "and may be compelled;" in the ninth line to strike out the word "without" and insert "with;"

and in the tenth line, after the word "be," to insert the words "who is to be examined;" so as to read:

The lawful husband or wife of the person accused shall be a competent witness, and may be called to testify in such proceeding, examination, or prosecution with the consent of the husband or wife, as the case may be, who is to be examined; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

The PRESIDING OFFICER. The question is on agreeing to this amendment.

Mr. BROWN. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. Now, Mr. President, before the question is put, although there are hardly any of the friends of human liberty in the Senate, I will appeal to the logical-minded and reform men here and call their attention to this thing. As the amendment of the Senator from Georgia now stands, I submit to him and to the Senate that it diminishes the present force of the common law and requires the consent of the accused person, instead of the willingness of the person who is called to testify; but that, of course, is not what my friend from Georgia means and it can be easily corrected if the Senate wishes to change what the committee have reported. Now on that point I wish to state again——

Mr. BROWN. With great respect to the opinion of the Senator from Vermont, I think he is mistaken about the amendment.

Mr. EDMUNDS. It may be.

Mr. BROWN. It is with the consent of the party to be exaimed, not with the consent of the other.

Mr. EDMUNDS. That would raise a very difficult question, as we disagree, for any court that was called upon to decide it. Now I wish to state, in just a minute or two, to the Senate what it seems clear the law now is on the ordinary rules of evidence. According to the ordinary rules of evidence at the common law the wife or husband is a witness against the other in criminal proceedings, to which this bill is of course entirely confined, in all cases of violence or crime committed by one against the other. I think I am safe in saying, although there are some cases to the contrary, as there are on almost every proposition at the common law, that the common law now is that, being competent witnesses one against the other in respect of crimes committed by one against the other, they may be compellable to testify whether they consent or not, because when you come to the prosecution of crimes it is not a question of the redress of personal grievances, but it is a question of the interest of the good order of society in the punishment of crime whether the victim of that crime wishes to have it punished or not. That I think is the present common law.

Now, when we come to what is the practice of the various States, I wish to call attention to the laws of two or three States the Senators from which have spoken. Here is the law of New Hampshire; but my friend from New Hampshire is not in, and I will pass that for a moment. Here is the law of Nebraska on the subject:

The husband can in no case be a witness against the wife, nor the wife against the husband, except in a criminal proceeding for a crime committed by the one against the other, but they may in all criminal prosecutions be witnesses for each other.

Mr. VAN WYCK. Does the Senator find anything in that statute which compels them to be witnesses against each other?

Mr. EDMUNDS. If the Senator could be patient with me who can only say one thing at a time, different from my friend from Nebraska, he would have found out in a minute or two what I think about that. The statute of Nebraska provides that the husband and wife shall not be witnesses against each other except in a criminal proceeding for a crime committed by one against the other. Then the question is whether the offense of bigamy is a crime under the statutes of Nebraska, I will say of one against the other. I do not know whether under the principles of the common law, applied to this statute, the wife or the husband would be a competent witness against the other in a bigamy case; but I repeat what I said yesterday or the day before, that the committee thought on a most careful examination of this subject that this was an offense, that, whether they were technically admissible or not, it was so nearly allied to what the common law considered to be a crime of the one against the other that it would be justifiable to provide that each should be a witness against the other in such a case.

As my friend from Massachusetts [Mr. HOAR] so pertinently suggests, the crime of bigamy is an offense which warrants a dissolution of the marriage tie on the application of the aggrieved party.

The principle and the policy of the Nebraska statute is that in any offense which affects the marital relation, and therefore involves a crime of one against the other, each is a competent witness. My friend from Nebraska asked whether the statute says they are compellable to testify, and that brings us to the key of this whole matter on this point. Wherever, by the Constitution of the United States or of any State a limitation upon the powers of courts of justice to compel testimony exists, it is simply that no person shall be compelled to give evidence in a criminal prosecution against himself, and there it stops. That constitutional provision does not touch the relation of husband and wife at all. That was a matter of policy adopted by the common-law courts so as not to interfere with the sacred and confidential condition of affairs between the husband and wife and their supposed technical unity into one person by the marriage relation. Now comes this statute of Nebraska, which says——

Mr. SAULSBURY. Will the Senator allow me to make a suggestion?

Mr. EDMUNDS. With pleasure.

Mr. SAULSBURY. If I understand him aright, he thinks in the case stated of an offense against the wife, at the common law she might be a competent witness against her husband.

Mr. EDMUNDS. No; I did not say that positively. I said it was clear now by the common law that in all cases such as are stated in the Nebraska statute where a crime was committed by one against the other either might be a witness against the other. Whether bigamy would come within that on the techninal principles of the common law I did not undertake to say.

Mr. SAULSBURY. I had occasion once to appear in defense of a party charged with bigamy in my own State, the offense being alleged on the affidavit of the wife. I defended the accused on the ground that the wife was not a competent witness in a case of that kind to make an affidavit, and the court in my State discharged the prisoner because he had not been properly held.

Mr. EDMUNDS. Exactly. That principle led me to state it as to bigamy as a question which at this day would be open to doubt whether without a statute it would fall within the ordinary class of crimes committed by one against the other; but the committee thought that this was a crime committed by one against the other which would justify the Legislature in relieving the common law of all doubt or difficulty on that point, and providing that either might be a witness to facts that did not relate to the communication of one to the other in their marital relation.

Now we come to the question as to whether they can be compelled to testify, and I will go on with my answer to the Senator from Nebraska. Wherever the law makes a person a competent witness (which is the language of these statutes) he becomes a witness which the public prosecutor has a right to call, and being a competent witness, unless some affirmative constitution or law declares that he shall not be compelled to testify, he must testify like any other witness, because when the law says a witness is competent it puts him on the footing of every other witness, and he is subject to every jurisdiction of the court to compel him to speak to the issues that are presented for trial.

So, then, it seems to me that it is clear enough that wherever the husband and wife, without an express negation in a statute, are made competent witnesses in any matter criminal or civil, it does not depend upon the will of that witness, being competent, whether he will speak or not; and in some of the States, as in Georgia, I believe, as I looked at the statute last year, it is expressly said that they shall not be compelled, but they may testify in certain cases, the Georgia lawyers perfectly understanding the proposition I have just now stated, that wherever the law makes a person a competent witness that person is not the judge of whether he will give the testimony that the law calls upon him to give or not, but is put on the footing of every other witness.

Mr. TELLER. I should like to ask the chairman of the committee if he is not aware that in most of the States now the defendant in all criminal cases is made a competent witness, and if that has not been universally held to be dependent upon his will?

Mr. EDMUNDS. It is almost universally stated, and I rather suspect universally stated in the statutes that make him a competent witness, that he shall not be compelled to testify, and also that his not testifying shall not be alluded to by the counsel or taken any advantage of before the jury to raise the presumption that he did not want to go on the stand.

Mr. TELLER. That is undoubtedly true in some States, but it is not so in all.

Mr. BROWN. If the Senator from Vermont will allow me an interruption for a moment, I do not think he states the statute of Georgia quite fairly. The law there does permit husband or wife in certain cases, and especially the wife, to be called to testify where she has suffered or is liable to great injury, where the husband has inflicted injury on her or threatened injury; so that it is permissive but not compulsory.

Mr. EDMUNDS. Yes; the statute says so in terms that she shall not be compelled to do it.

Mr. BROWN. She is not compelled to testify at all. If she desires to testify she is competent to testify in a limited class of cases only.

Mr. EDMUNDS. Yes, and the statute says in distinct terms, if I remember it correctly—it is a long time since I have seen it—that she shall not be compelled to do it, in order to get her out of the attitude of a merely competent witness, because being merely a competent witness she is like every other witness and subject to the compulsory jurisdiction of the court to testify. That is clearly the law. So I think I am justified in repeating what I said the other day, that the principle involved in this section as the Judiciary Committee studied it and prepared it and reported it is the principle involved in the statutes of these various States. Here is Colorado, for instance, which puts it, I believe, on substantially the same grounds:

A husband shall not be examined for or against his wife without her consent, nor a wife for or against her husband without his consent; nor shall either, dur-

ing the marriage or afterwards, be, without the consent of the other, examined as to any communication made by one to the other during the marriage. But this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

So that it really, on the principle of the thing, brings it down to the question, supposing we were trying to follow the spirit of the statutes of these various States (and I have only just taken a few of them; I could not wait to go through with all that have any statutes on the subject), whether the principle reported by the committee involves the idea that the crime of bigamy by a married man is or is not not only a crime against society of the worst description, but a crime against his first, true, and lawful wife. The committee thought it was, in morals and in justice, and proposed to authorize the courts of justice to make that woman a competent witness and to authorize the courts of justice to examine her as to all facts that did not come into the communications which the marital relation implies.

Mr. TELLER. I should like to ask the Senator if the committee, believing that that was the construction, examined for any precedent. There have been many decisions and rulings upon the question whether the wife was competent to testify against the husband or the husband against the wife in a case of bigamy. I think the committee could find some light on that subject.

Mr. EDMUNDS. Very likely we could find a great deal of light if we continued to examine. We thought we had found light enough to ask the Senate of the United States to make a law which should break up, as far as furnishing testimony would go, polygamous relations existing between certain persons, and that, under whatever influence the first and true wife might be, the hand of society and the hand of justice and the hand of good morals should require her to come forward and testify that she was married lawfully to the person accused. That is all there is of it, and it seems to me that it is a provision which everybody ought to agree is wise and right.

Mr. BROWN. Mr. President, I can not agree with the Senator from Vermont that the rule in reference to the protection of the wife or the husband from giving testimony against the other in a criminal prosecution is a rule founded in public policy for the punishment of crime. It was a rule intended to protect the wife and the husband. It was for the peace and quiet and good order of the family. The rule as laid down by Greenleaf is as follows:

SEC. 334. The rule, by which parties are excluded from being witnesses for themselves, applies to the case of husband and wife, neither of them being admissible as a witness in a cause, civil or criminal, in which the other is a party. This exclusion is founded partly on the identity of their legal rights and interests, and partly on principles of public policy, which lie at the basis of civil society. For it is essential to the happiness of social life that the confidence subsisting between husband and wife should be sacredly protected and cherished in its most unlimited extent; and to break down or impair the great principles which protect the sanctities of that relation would be to destroy the best solace of human existence.

The exceptions to the rule are laid down as follows by the same author:

SEC. 343. To this general rule, excluding the husband and wife as witnesses, there are some exceptions, which are allowed from the necessity of the case, partly for the protection of the wife in her life and liberty, and partly for the sake of public justice. But the necessity which calls for this exception for the wife's security is described to mean not a general necessity, as where no other witness can be had, but a particular necessity, as where, for instance, the wife would otherwise be exposed, without remedy, to personal injury. Thus, a woman is a competent witness against a man indicted for forcible abduction and marriage, if the force were continuing upon her until the marriage, of which fact she is also a competent witness; and this, by the weight of the authorities, notwithstanding her subsequent assent and voluntary cohabitation; for otherwise the offender would take advantage of his wrong. So she is a competent witness against him on an indictment for a rape committed on her own person; or, for an assault and battery upon her; or, for maliciously shooting her. She may also exhibit articles of peace against him; in which case her affidavit shall not be allowed to be controlled and overthrown by his own.

So that the exceptions to the rule really are all for the protection of the wife against personal injuries or personal violence.

Mr. EDMUNDS. And for public justice, as the Senator read.

Mr. BROWN. That is not the rule generally. Public justice is one of the objects, but it is the public justice that applies to her, and it is to protect her where she could not otherwise be protected.

Mr. EDMUNDS. If the Senator will allow me to interrupt him, I wish to ask him the plain and straight question whether he does not think that a man having one lawful wife and going and marrying another commits a personal injury against the lawful wife?

Mr. BROWN. I think he commits a crime against society.

Mr. EDMUNDS. But that is not my question.

Mr. BROWN. It is not simply a personal injury against her.

Mr. EDMUNDS. Not simply, but is it not a personal injury?

Mr. BROWN. It is a wrong, but it is not a wrong that the common law gives her a right to testify about.

Mr. EDMUNDS. Very likely, and that is why we wish to pass this statute. But my question is, is it not a wrong, a moral and religious public crime against her as well as against society?

Mr. BROWN. It is a public crime against the wife, but not one of the character that the great authors of the law, those who gave us the common law, considered a proper one for her to be called as a witness.

Mr. EDMUNDS. But the Senator ought to remember that at the common law there was not any punishment for polygamy or bigamy at all or for adultery, and therefore the common law never had any such cases to deal with.

Mr. BROWN. In most of the States of the Union even up to this day the common law has not been enlarged to the extent that the Senator proposes to extend it. In fact, if such law has passed in any of the States I am not aware of it. In the multiplicity of legislation in the thirty-eight States there may have been some instances, but I am not aware of it and I do not think the Senator has shown it. I think there has been no instance where any one of the thirty-eight States has enacted a law making the wife a competent witness in a case of bigamy or polygamy. We are proposing, therefore, to go beyond what any State or probably any other civilized state in the world has done. I can not speak for all of them, but I am not aware of any instance, and as the Senator's search has been thorough in this matter I presume there is none, because he has produced none.

Again, so far as the execution of the law is concerned, the Senator certainly does not need this additional legislation. As matters now stand in Utah it is only necessary to make a *prima facie* case, and a very light one at that, to convict a Mormon. If you arraign him and put him on trial his conviction follows almost as a certainty. The judge is nominated to the Senate and confirmed and sent there to convict in such cases, and if we notice their rulings it generally results in that way. The district attorney is sent there to take every advantage of every technicality he can for conviction. The juror is put upon the stand and required to swear that he does not believe polygamy is right—not in that language, but that is the substance—before he can serve.

It is said that that is necessary to his impartiality, and yet the effect of it is that he swears he does not believe that it is right, showing that he is partial on the other side. If he were to swear that he did not believe it was right he would be partial on that side. In other words, in either case if he is an honest man he would hear the evidence and decide according to the evidence and the law as given him by the court; but he is bound to take an oath that he does not believe in polygamy before he can sit on the jury. I have been informed by one whom I believe to be a reliable, truthful gentleman, who has heard some of those trials, that the prosecuting attorney goes one step further occasionally and asks, "Are your sympathies with the prosecution?" and if the juror answers in the affirmative there is very little trouble about taking him. In other words, the courts are organized there to convict.

Hence the present legislation which bears the name of the honorable Senator from Vermont is ample on this question to break up polygamy. There is no use for enacting laws which are in violation of the common law, and which are very questionable at least as to their propriety on principle, to suppress polygamy in Utah. The heads of the church, the president of it, and the leading men of it, I am told, are fugitives and can not be found. The penitentiaries and jails are being filled with those convicted of polygamy. It is obliged to be suppressed and especially with the machinery that we have there now appointed for that purpose, and that sole purpose, for they seem to have very little else to do, and they do their work well and thoroughly. Whether it is exactly well in the sense of a just trial I will not say, but they are certainly carrying out the objects of the legislation. If reports be true, they are giving every doubt against the criminal instead of giving the doubt in his favor. They are certainly not giving him a very fair trial according to the mode of trial in most of the States and Territories.

Therefore I do not think, and I trust the Senate will not think, that it is necessary to break down long and well-established rules of law that have been considered by our ancestry as necessary to the preservation of peace and harmony for the purpose of making the laws more stringent in Utah. They are ample on this question; there is no difficulty about that; and by the way as they are now being enforced polygamy will very soon be a thing of the past there. If it is practiced it will have to be practiced in a manner that nobody knows it, and that no officer of the law and no detective and no spy can find it out. So I do not see the necessity of breaking down a sacred rule of so long standing for the purpose of adding to the legislation which we already have on that subject.

Mr. EDMUNDS. The Senator from Georgia has in my humble opinion—and I speak with some information—done a gross injustice to the judicial and executive establishment of the United States in Utah.

Mr. BROWN. I said nothing about the executive, but the court and its machinery, its officers.

Mr. EDMUNDS. I should be glad to know if the district attorney is not a part of the executive establishment in Utah The Senator spoke of the district attorney by that name.

Mr. BROWN. He is rather an officer of the court.

Mr. EDMUNDS. I say he is an executive officer appointed by the President of the United States by and with the advice and consent of the Senate, unless I am greatly mistaken.

Mr. BROWN. The judge is appointed in the same way. Is the judge an executive officer or a judicial officer?

Mr. EDMUNDS. He is a judicial officer, but the district attorney is an executive officer.

Mr. BROWN. The district attorney is his assistant in executing the laws.

Mr. EDMUNDS. I leave my friend from Georgia to have that opinion, if he wishes it, without any further remark of mine; but by whatever name we call it, the Senator from Georgia has done, on the report of a person whom he believes to have been a candid person, a gross injustice. The establishment in Utah has not been sent there for the purpose of persecuting anybody. It has been sent there as every judicial and executive establishment ought to be sent to every State and Territory, so far as the United States is concerned, for the purpose of executing law and administering justice and punishing crime. I hope that is what they are sent to Georgia for, if we can imagine, and I do it with great diffidence, that it is possible any crime could be committed in the State of Georgia.

I have read the *verbatim* reports of a great many of the polygamy trials in Utah occurring within the last year and the challenges and examinations of persons called on the juries, and I have never seen any such question, or anything like it, as that which the Senator from Georgia states in the Senate of the United States some district attorney has asked a juror whether he was in sympathy with the prosecution; and I do not believe, with great respect to his informant, that any such thing ever occurred.

But it may be rightly stated in this connection that when a juror is called and is examined as to his qualifications as a juror, if there is any doubt either in the mind of the challenging or the other party as to how that juror really stands, and they suspect him of equivocating or hanging back, just as in the cross-examination of a witness, a great many questions are asked which go very far from the real point apparently to testify to the two other jurors who may be the triers, or to the court, as I believe it is in these instances, what the real make-up and composition of that juror's mind is about fair play in the cause that he is to hear. However, I should be willing to offer a large reward, payable not out of the Treasury of the United States but out of my own somewhat slender pocket, for any instance in which a district attorney in Utah has asked a juror whether he was in sympathy with the prosecution. I do not believe it.

Mr. BROWN. I do not care to go over the same ground again, but I have no doubt about the correctness of the statement I have made, though I may have been mistaken.

Mr. CULLOM. I only desire to say a word as to one of the judges of the Territory of Utah. It happens to be my privilege to know the chief-justice there, and I desire to say of that gentleman that he was not an applicant for and that no person was asking his appointment to the position of chief-justice of that Territory, but he was simply willing to take a position in one of the Territories. He is an old judge, a gentleman who was on the circuit bench of the State of Illinois for some eleven years prior to his appointment to the office which he holds in Utah now, which was given to him during the last year of the last national administration, and I know that there is no question as to the purity of his character or as to his ability and impartiality in the administration of justice wherever he may be.

Mr. TELLER. Yesterday, when I was on the floor, the Senator from Illinois asked me if I thought the chief-justice of that Territory had been guilty of any improper conduct. It did not occur to me at the time who the chief-justice was. I had made, as I said then, no accusation against the court; but it occurred to me afterward, on reflection, that he was appointed from Illinois. I had some connection with his appointment, not having any power, of course, to appoint him, but I was consulted; and I am satisfied that the statement made by the Senator from Illinois is entirely correct, that Judge Zane is in every way qualified and has gone to Utah with a very proper spirit. I do not believe myself that he would be guilty of any improper conduct in his court. I am sorry I can not say that of judges who have long since left that bench, but I am willing to say that in defense of Judge Zane if anybody thought I intended to reflect upon him. As to the others, I do not now remember who they are. I have never heard any complaint against them. I do not know who the marshal is, neither do I know who is the United States attorney. I have never intended to reflect upon any of the gentlemen who compose the present force of that court.

Mr. CULLOM. I did not understand the Senator from Colorado to intend any reflection upon any of the judges of the Territory who are now in office there, especially upon the judge referred to. I wish to say further that the present chief-justice, Judge Zane, who was appointed from Illinois, has perhaps tried most of the cases that the Senator from Georgia refers to, and I desire to say to him and to the Senate that some of the cases which are on all fours with all the rest which have been tried involving the question of polygamy have gone to the Supreme Court of the United States, and his decisions and rulings have there been sustained by that court.

Mr. VAN WYCK. I ask the Senate to indulge me only a moment in explanation of what certainly seems to be a very remarkable construction placed upon the statute of Nebraska by the Senator from Vermont. I suppose it is not necessary to offer an apology or to ask anybody's pardon for objecting to what seems to be an obnoxious principle inserted in a meritorious bill. I will say to the Senator that I am willing to go as far as and further than himself in uprooting the system of polygamy in Utah. I would very much prefer to vote for such a measure as was suggested by the Senator from Illinois, to take away political power from the Territory entirely and place it in the hands of the commission which we have there with nothing to do, and give them something to do by placing the political power of the Territory in their hands. I would very much prefer to do that, and I apprehend that is going further than the Senator from Vermont would be willing to go in this matter. Then I think we should reach this difficulty. As I said yesterday, we have been doing this for four years practically with no forward movement, and under the act of 1882 and this bill we shall probably progress four years more with no other results than we have to-day.

The lawmakers of Nebraska supposed that the statute read by the Senator from Vermont was plain, and yet my friend seems to give it a forced construction by propounding an inquiry and himself giving the answer. I understand the theory of the deviation from the common law to be that it is in the interest of society—so the Senator from Vermont says—and that in some cases in the interest of society the husband and wife are allowed to testify one against the other. I apprehend the Senator gives the wrong reason for it. It is not in the interest of society specially, because if that were so why stop? Is it not in the interest of society that a person should swear to the commission of murder as much as to the fact of a marriage solemnization? If in the interest of society, is not the testimony in cases of robbery and arson and all other crimes known from that to murder as much to be protected? If in the interest of society the wife can disclose the matter of a grave crime committed by her husband against the public peace and society, why should it stop?

But then I think the Senator confutes his own idea by saying that in Nebraska and other States they are allowed to testify because it is to reach the personal injury, and he propounded the question to the Senator from Georgia, Is not bigamy a personal injury? If the allowance of the testimony of the husband or wife be put upon the ground of the personal injury from the one to the other, then certainly it is not upon the broad ground of public policy or the interest of society. The latter suggestion of the Senator from Vermont is evidently correct, because in no instance probably where it is detailed in any statute is it applied except where the husband and wife can only redress themselves by being allowed to be witnesses in their own behalf, and that is borne out in the statute of Nebraska itself.

So also in the statute of the State of New York, which expressly provides that it can only be in the case of bigamy, and then the Senator asks, Is not bigamy a personal injury to the wife or husband? It may be so in the case of bigamy, but then the statute provides that only one fact can be proven by the testimony of the accused's marriage partner, only the fact of marriage. So in the case of divorce on the ground of adultery the wife may be a witness or the husband may be a witness, but not a general witness. The statute of the State of New York says such witnesses can only testify to the fact of marriage—nothing more—not in the interest of society, as the Senator says, because, if so, why confine it there? The wife may know the fact of the bigamy, but she can only swear to her own marriage. Why stop there? Society is not protected if the husband or wife knows the true fact which would convict the other, and the statute says that only one fact is to be proven.

So, too, in the case of divorce for adultery, the wife may know the fact that would convict the husband of the *gravamen*, of the main charge, but the statute keeps her lips sealed, and says in such a case you can only prove the fact of marriage by her testimony, and then the statute provides no further. Her lips are sealed, and yet the Senator says that the break is made in the interest of society, although the witness is stopped by the Legislature right there.

The other point is right, as my friend suggests. It is, undoubtedly, where the personal injury is to the husband or wife. Now mark:

The husband can in no case—

I am reading now from the Nebraska statute to which the Senator referred—

The husband can in no case be a witness against the wife, nor the wife against the husband, except in a criminal proceeding for a crime committed by the one against the other.

"In a criminal proceeding for a crime committed by the one against the other;" and my friend says that bigamy is a personal injury. But that is not the statute of Nebraska. I asked my friend if the statute said "compel," and then he rebuked me for my impatience by desiring that I should wait until he could give a construction which I think the statute nowhere can bear.

The lips of the wife are sealed. The husband can in no case be a witness against the wife or the wife against the husband except in a criminal proceeding by the one against the other. I submit to the Senator if the language is not plain, that it is permissive and not compellable. If the wife comes into court to arraign her husband for assault and battery upon her and she begins the prosecution, if the proceeding is commenced by her, she may be allowed to follow that by her own testimony. It is perfectly plain. She must be the moving instrument in the prosecution against him, in the criminal proceeding, and in such a case only can she be a witness. If society arraigns her husband, if the public authority arraigns her husband for an assault upon herself, then she can not be a witness even if she desires to be. It is only where she is the author,

the mover of the criminal proceeding against him, that she is allowed to be a witness.

But they may in all criminal prosecutions be witnesses for each other.

Yet the Senator would claim that the novel, the startling doctrine introduced in this bill is sustained by the statute of Nebraska, which provides, as I have stated, distinctly that in all criminal prosecutions husband and wife may be witnesses against each other. Will the Senator put that language in this bill instead of that which the committee has placed there? That will settle this matter. Will he take the language from the statute of New York and put it in his bill instead of what is there? If he does that, I might be willing to vote for his proposition. Put it upon the ground that it is a new departure, and that the departure is justified by the exigencies of the peculiar situation of things in that Territory; but I protest here that the legislation of every State in this Union, the well-known and recognized principles of the law in every civilized nation under the sun, shall not be stigmatized by a proposition coupling it with the doctrine here enunciated upon the ground that this new doctrine is only the reproduction of that which exists in a majority of the States of this Union.

Mr. BLAIR. I quite agree with the Senator from Vermont when he says that if the statute provides simply in express terms that the husband or the wife shall be a competent witness, and there be no restriction upon the expression, the witness may be compelled to testify by the ordinary processes of compulsion known to the courts. I think it is due to the Senator from Vermont as well as to myself, after all that has been said in regard to the statute of New Hampshire, that I place her statute upon this subject on the record, and I may say that so far as I have had any opportunity of examination this is the broadest statute in the way of liberalizing the common law that I have found anywhere. The sections of the statute of New Hampshire which bear upon the subject are as follows:

SEC. 20. A husband and wife are competent witnesses for or against each other, whether joined as parties or not, in all cases both civil and criminal.

SEC. 21. The preceding section shall not be so construed as to render competent the testimony of a husband or wife for or against each other as to any statement, conversation, letter, or other communication made by either of them to the other or to any other person; nor as to other matters when it appears to the court that the examination of either as a witness in relation thereto would lead to a violation of marital confidence.

This statute has been so limited in its practical application by the discretion of the courts that, as stated yesterday, although this statute has been one of the laws of our State since about 1866, I have never known an instance where in any criminal proceeding the wife has been compelled to testify against the husband in any case whatever, and my colleague [Mr. PIKE], not now on the floor of the Senate, certainly a lawyer of as large practice as any one whom I have ever known at the bar in our State, informs me that he has known of no such instance. The statute has never been so construed, in any criminal proceeding at least, as to compel the husband or the wife to testify against his or her will; and, as will be seen from the exceptions mentioned in the statute itself, there would be but very little ground on which testimony from either of those sources, the husband or the wife, could be drawn for use in a prosecution.

The Senator from Vermont cites this statute and says to the Senate that it is substantially a precedent for the language which is employed in the bill. The language of the bill provides that—

The *lawful* husband or wife—

I emphasize the word "lawful," because in the discussion yesterday I found that some Senators supposed that this objection was all against the compulsory testifying of those women who were not the wives, but the illicit associates of the Mormons. Let me remind Senators, if there are any who have not read the bill as yet or who do not comprehend what it is all about, that this is a provision that the lawful wife shall be compelled to testify against her will. That is all that is being objected to here. I was about to read the language itself, so that it may appear in connection with that of the statute of our State:

The lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

How much of an exception is that? How much does this proposed statute lack of being one absolutely repealing the common law upon this subject and making the husband and wife witnesses in precisely the same way that they would be if the marriage relation did not exist between them? Whatever the husband has told the wife of an offense of this kind she can not testify to. How much knowledge is a wife likely to acquire from the voluntary communication of the husband in reference to a crime of this description? That is the only exception. The statement of the communication made directly from one party to the other is the only exception. Everything else may be testified to.

Let us see precisely what is the issue raised by the pending amendment. The language of this section, if the amendment should be adopted, would still give the Government the control of the testimony of the husband or the wife whenever either is willing to testify, and all the facts that may be pertinent in the way of evidence for sustaining the prosecution. It gives everything whenever such persons are willing to testify. We might well suppose that if the wife felt upon the whole that she was outraged and it was for her interest to testify in these prosecutions there would be no occasion for anything more than simply a statute which should permit her to do so. That the amendment of the Senator from Georgia proposes to give, to so far modify the common law as in all cases whatever to allow the parties to testify when they are willing to do so. Then what is it that is desirable here? What is it that the Senator from Vermont desires? Simply to compel the lawful wife to testify when she does not want to do so. There is no controversy about anything else. You have all the rest.

Now let us see in what cases a wife is likely not to desire to testify in such a way as to punish the husband who has committed this great wrong upon her. Can we conceive of any instance except where she knows it to be for her personal interest not to punish the husband? We can readily conceive that in that distant Territory, among that pauper-stricken population, as many of them are—for a Mormon is not ordinarily a wealthy man—the lawful wife is entirely dependent upon the personal exertions of the husband for her maintenance and support and for that of her legitimate offspring. If she is not, if she can maintain herself and feels her outrage, is she not likely, under the measure as we propose to have it, to take the stand voluntarily and testify against her husband? But, as I said before, if she is not willing to testify, can it be for any reason except that she feels that, in addition to the wrong the husband has done to her by this wicked association, she herself is called upon to take the stand and by her testimony to become a principal witness in maintaining the prosecution, for she is not the chief witness. They can maintain the prosecution otherwise without this proposed statute, and she is to be compelled, after the injury the husband has already perpetrated upon her, to give the very testimony which may turn her out of doors to starve.

It is that feature alone which is before the Senate, and it is that point alone in the proposed statute to which I object. I do not feel called upon, as I think other Senators do, apparently, to disclaim that I have any sympathy with the Mormons. It never occurred to me that it was necessary in my State or anywhere else to guard against any supposed sympathy I might have with the Mormon Church or the Mormon principle. I want to see it destroyed; but it does seem to me, when there is nothing at issue so far as this section is concerned between the Senator from Vermont and those who object to the first section except the question whether the wife in suffering a great injury shall be obliged by her own testimony to inflict still more, that he might concede that much to those who would like to arrive at the purposes of this bill and yet not be called upon thus to perpetrate an injury upon those unoffending and already long-suffering wives in the Territory of Utah. That is all there is about it.

I think the Senator ought to be willing to modify his bill so far as that is concerned. It is very palpable to everybody that he is entirely wrong in supposing there is a single legislative precedent on the face of the earth for what he purposes to do here. Not one at least has been adduced here.

Mr. BROWN. Yesterday afternoon I called attention to sections 19 and 20 of the bill, section 19 providing a penalty for adultery and the twentieth section for fornication, and I proposed an amendment in this language:

This and the preceding section shall apply as well to so-called Gentiles as to Mormons in the Territory of Utah.

The Senator from Vermont made very light of the idea when I stated that it had been reported in newspapers that the judges in Utah had ruled that the phrase "unlawful cohabitation" in the Edmunds act was intended not to regulate the conduct of Gentiles or of persons other than those who contracted plural marriages, but for the purpose of breaking up polygamy alone. The Senator said that any judge who had made such a ruling ought to be impeached, and I agree with him; I think it would be a proper ground for impeachment. I only spoke then from newspaper statements that I had seen; I did not know whether they were correct or not.

I now wish to give a little more direct authority on that question, and I will give the name of the gentleman. I had a talk with the representative of Utah in the House of Representatives, Mr. CAINE, and he gave me this statement, with authority to state in the Senate that it is so and that he can establish it. I make the statement not as my own, but because I think those people by their representative have a right to bring any facts they choose before the Senate when we are deliberating upon a question of this character. He states the case of a Gentile whose name I can not now recollect, who was living in the Territory of Utah, having a wife and that wife having a sister living with her, and illicit intercourse sprang up between the husband and the sister of the wife; the sister-in-law became a mother and she complained of the wrong that had been done her by her brother-in-law and of the wrong which he had induced her to commit; she went before a United States commissioner and swore out a warrant against him, and the commissioner bound him over to appear at court or before the grand jury; application was then made to Chief-Justice Zane for a writ of habeas corpus, and the chief-justice granted the writ, and on the hearing discharged him, on the ground that the Edmunds act was not intended to regulate mat-

ters of that character, but applied only to polygamy or polygamous marriages, or plurality of marriages, and so dismissed him on the writ of habeas corpus. I do not make this statement with any personal knowledge, but because I have been authorized by the representative of the Territory of Utah to state that such a case has occurred there.

Mr. EDMUNDS. I do not know anything about the instance, which of course should not affect our regulations of law, because as I say any judge who decides as has been stated ought to be impeached; but knowing something of the character and legal accomplishments of Judge Zane I feel safe in saying, without knowing anything about the case, that when the papers are got and we find what that case was, the Senator from Georgia will see that the statement of Mr. CAINE is entirely inapplicable to the case which was before that judge, and he will not find any such thing as he states.

Mr. BROWN. If I find that to be the case I shall retract the statement with very great pleasure, for I only stated it because the representative of that Territory desired it to be so stated.

Mr. EDMUNDS. The Senator from Georgia knows just as well as I do that where a man is brought up on a habeas corpus the sole question is whether the paper charges against him are those that are warranted by law. If, for instance, the charge against this man before the commissioner was bastardy, of course it would not come within the statute of 1882. If the charge against him was fornication, it would not come within the statute of 1882; and, unhappily, there is no law in Utah which punishes that particular crime—at least there is none so far as I have been able to find—though we have got it into this bill that we propose to pass. Enough for that.

I wish to say a word in reply to my friend from New Hampshire [Mr. BLAIR]. I think that he does not give quite weight enough to a broader consideration about what is meant by the term "lawful husband or lawful wife," as he ought. I will suppose the case of some of those people out there who have ten wives, as they call them, and ten wives as they are commonly called in the sense of a prosecution for bigamy; that is, there have been ten formal and ceremonious marriages of some kind. The ninth or the tenth so-called wife is called on the stand to testify. She says, "I decline to testify to the fact that I have an establishment, and this man is my husband, and that he lives with me in the relation of husband and wife, because I am his wife." That is the end of it; you can not examine her any more; away she goes. Now, then, if you pass this proposed statute in this form, that the lawful wife shall be a competent witness except in relation to marital communications, then you have the whole range of the entire nine or ten, as the case may be, and no one can get off on the ground that she declares she is the wife of that man; so that the proposition is not so narrow a one as the Senator from New Hampshire seemed to suppose.

Mr. BLAIR. Can not the Senator obtain all he wishes to accomplish by saying that the lawful wife may testify as to the fact of marriage?

Mr. EDMUNDS. No; that will not answer.

Mr. BLAIR. Give an illustration.

Mr. EDMUNDS. I will state to the Senator gladly and frankly why it will not answer if we are really in earnest about this thing. I know we are growing more and more liberal about the marital relation. In one State in this Union the husband and wife may have by the law suits and business relations with each other and may be competent witnesses; in every State in the Union I suppose husband and wife may have suits in equity in regard to property and affairs which will produce just as much ill-feeling as if they were or were not witnesses in these cases, and whether they are or not will depend on the statutes of those States.

If you confine it solely to the fact of marriage you have left out one important element in getting at the real truth in polygamy cases, as is known to anybody who is familiar with the state of society in Utah. The presiding elder or whoever he may be has three wives, I will say; I will take a moderate number. One is located in Salt Lake City, another is located in Ogden, and another at some other town, each with her house and children and a farm, and so on. It would be an important fact, which involves no marital confidence that ought to be considered marital confidence, for the lawful wife, who I will say is the first and true one, living at Salt Lake, in the chain of evidence in a prosecution for polygamy on account of the cohabitation of this man with the woman at Ogden, to be called to the witness stand to prove that for two weeks at a certain named time of the year the man was absent from her house and was out of the city of Salt Lake. That would support the testimony of witnesses which went to show that he was at Ogden and was living at that other house. That is one single illustration of many that might be made. I beg the Senator to believe that the Committee on the Judiciary was not sluggish or negligent or careless about the careful phraseology that we have used in order to get forward with the business that most of us wish to accomplish.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Georgia [Mr. BROWN], on which the yeas and nays have been ordered.

Mr. COCKRELL. Let the amendment be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 1, line 8, it is proposed to strike out the words "and may be compelled;" in the ninth line, to strike out the word "without" and insert "with," and in the tenth line, after the word "be," to insert the words "who is to be examined;" so as to read:

The lawful husband or wife of the person accused shall be a competent witness, and may be called to testify in such proceeding, examination, or prosecution with the consent of the husband or wife, as the case may be, who is to be examined; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

The Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). I am paired with the honorable Senator from New Hampshire [Mr. PIKE]. I do not see him in the Chamber, and as I do not know how he would vote I withhold my vote.

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Missouri [Mr. VEST].

Mr. COCKRELL. I call the attention of the Senator from Kansas to the fact that my colleague [Mr. VEST] informed me that he is paired with the Senator from New York [Mr. MILLER].

Mr. PLUMB. My pair with him was a general one. He is paired specially on this question?

Mr. COCKRELL. So he told me a few moments ago, that he was compelled to be absent and was paired with the Senator from New York [Mr. MILLER]. If present, my colleague would vote "yea" on this amendment and the Senator from New York would vote "nay."

Mr. PLUMB. At the request of the senior Senator from Delaware [Mr. SAULSBURY] I announce my pair with the junior Senator from Delaware [Mr. GRAY].

The roll-call having been concluded, the result was announced—yeas 11, nays 42; as follows:

YEAS—11.

Blackburn,	Eustis,	Saulsbury,	Vance,
Blair,	Hampton,	Stanford,	Van Wyck.
Call,	Morgan,	Teller,	

NAYS—42.

Allison,	Dolph,	Ingalls,	Platt,
Beck,	Edmunds,	Jackson,	Pugh,
Berry,	Evarts,	Jones of Arkansas,	Sabin,
Cameron,	Frye,	Logan,	Sawyer,
Chace,	George,	McMillan,	Sherman,
Cockrell,	Gibson,	Manderson,	Spooner,
Coke,	Hale,	Maxey,	Walthall,
Colquitt,	Harris,	Mitchell of Oreg.,	Wilson of Iowa,
Conger,	Harrison,	Mitchell of Pa.,	Wilson of Md.
Cullom,	Hawley,	Morrill,	
Dawes,	Hoar,	Payne,	

ABSENT—23.

Aldrich,	Gorman,	Mahone,	Ransom,
Bowen,	Gray,	Miller of Cal.,	Riddleberger,
Brown,	Jones of Florida,	Miller of N. Y.,	Sewell,
Butler,	Jones of Nevada,	Palmer,	Vest,
Camden,	Kenna,	Pike,	Voorhees.
Fair,	McPherson,	Plumb,	

So the amendment was rejected.

Mr. MORGAN. There is a feature in section 12 of the bill that I should like very much to have a better understanding of than I have now. I do not think I understand exactly what is the legal effect of section 12 if we enact it into a law, what its scope is, or what would result from it. Yesterday I called attention to some of the provisions of the statute of the Territory of Utah that this measure is intended to affect. Read in one way, the twelfth section re-enacts a portion of the statute of Utah; read in another way, however, it may not do so; it may have just the reverse effect. I should like very much indeed to have a better understanding, a more clear understanding, of what we are doing than I am able to gather from my own reading of the twelfth section.

We have in the bill fourteen trustees appointed, with a tenure of office of two years and without salary, for the purpose, as I understand, of executing so much of that Territorial law as remains unrepealed. As to what other duties those trustees may have to perform I am not advised by the bill itself except as follows:

And the trustees of said corporation shall annually or oftener make a full report to the Secretary of the Interior, embracing all the property, business affairs, and operations of the said corporation.

That is a new duty imposed, by which this church government is connected directly with the Government of the United States, and as I suppose and as I insist as the result of the bill the intention must be to make the Government of the United States responsible for the operations of that corporation, the Church of the Latter-day Saints.

Another provision, commencing in line 12 of section 12, speaking of the fourteen trustees of the said corporation, is that they—

Shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation.

That means, I suppose, the laws that are now in force; but when we come to determine what laws of that corporation are now in force, of course we must consult the preceding statutes of the United States. I wish to call the attention of the Senate to the act of 1862, which has not yet been read, and which the Senate may have omitted to notice.

Mr. EDMUNDS. I referred to it yesterday and stated what it was.

Mr. MORGAN. I said it had not been read. I do not suppose the

Senator from Vermont undertook to make a very complete statement of all that that act contained; I am satisfied that he did not; and I want to understand whether we are going to repeal that act or not. I read the second section of the law of July 1, 1862:

That the following ordinance of the provisional government of the State of Deseret, so called, namely: "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints," passed February 8, in the year 1851, and adopted, re-enacted, and made valid by the governor and Legislative Assembly of the Territory of Utah by an act passed January 19, in the year 1855, entitled "An act in relation to the compilation and revision of the laws and resolutions in force in Utah Territory, their publication and distribution," and all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah which establish, support, maintain, shield, or countenance polygamy, be, and the same hereby are, disapproved and annulled.

In that act of Congress two classes of legislative enactment by the Territorial Legislature are distinctly included. The first is *eo nomine* this particular corporation which is by that act annulled. The next class is "all other acts and parts of acts heretofore passed by the said Legislative Assembly of the Territory of Utah which establish, support, maintain, shield, or countenance polygamy." Both of these descriptions of laws are annulled by the act of 1862. One is annulled by name, and the other is annulled by a description of the characteristics of the law.

I maintain that from the time of the enactment of that law down to the present time there has been no corporation under the act of the Utah Legislature as the Church of Jesus Christ of Latter-day Saints. That corporation was abolished by the terms of the act of 1862, and there has been no act to renew it, and there will be no act to renew it until we enact the twelfth section of this bill. The Senate of the United States is to-day engaged in the re-enactment of that law which was repealed in 1862 by an act of Congress.

There is a qualification, a proviso in this act, and let us see whether that proviso restored or re-established anything of the legal organization of the Mormon Church. The proviso reads as follows:

Provided, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right "to worship God according to the dictates of conscience," but only to annul all acts and laws which establish, maintain, protect, or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances.

The reservation in that proviso is simply that this church corporation shall hold its property, that the people there shall still have the unabridged right to worship God according to the dictates of conscience; but it was the express and reavowed purpose of the enactment, as stated in this proviso, "to annul all acts and laws which establish, maintain, protect, or countenance the practice of polygamy, evasively called spiritual marriage, however disguised by legal or ecclesiastical solemnities, sacraments, ceremonies, consecrations, or other contrivances." Here, then, was a law which repealed the charter of that church absolutely and by name. The law then reserved to that church corporation the right to hold whatever legal estate they might have acquired, and the right to their members and followers to worship God according to the dictates of conscience; but that Territorial law and all other laws which in any form or shape or manner gave countenance to or support to or protection to the practice of polygamy were annulled. Now, can it be argued in the face of that statute that it was a part of the intention of Congress in its enactment that the Church of Jesus Christ of Latter-day Saints should be maintained in its legal organization if that church in any respect gave countenance to polygamy by any device or contrivance or evasion, for the statute uses these terms to show the breadth and intensity of its meaning?

Congress had no such intention. Congress struck a blow at that chuch for the purpose of breaking up the legal organization then existing under the laws of Utah, which did protect and did countenance and did maintain polygamy by some evasion, by some pretense, in some form or under some circumstances.

Why are we legislating here to-day against the Mormon Church or the Mormon people? It is because they, under the form of an ecclesiastical organization, are systematically and in an organic manner maintaining polygamy as a social institution among the people of Utah. What other motive have we for the passage of this stringent law than the effort to detect and to break down and punish polygamy among the Mormon people, which they insist is an ordinance of God and can be administered as a sacrament of the church?

Here, then, is this law of Congress that abrogates that act of incorporation. It seems to me that there is not a lawyer in Christendom who can read this act of Congress and after that maintain that the church in Utah has any legal organization of any kind whatsoever. In the very act of 1862, which I have read to the Senate, there was this careful undertaking on the part of the legislators then engaged in making it to protect the conscientious rights of religious worship and to preserve to the corporators such acquisitions of property as they might have already made. That is found pervading this bill, and particularly the twelfth section of it. Let the judges of the United States take the law of 1862 and apply it to this corporation, and let it be established to the satisfaction of a court that this corporation is a mere shield and protection and cover for polygamy, and there can be no doubt that by giving effect to the statute the Mormon Church is gone. It was the purpose and intention of that law to wipe it out, but to leave it not as a legal organization, not sustained by the act of the Territorial Legislature of Utah, but to leave it merely as a social combination or organization of men who might, if they chose, worship God according to the dictates of their conscience, it made no difference how bad their consciences might be.

Who has repealed this act of 1862? Who has amended it? Who has ever made the attempt to restore any part of the Territorial law which it annulled until the twelfth section of this act was brought forward, which reads that those laws—

So far as the same may now have legal force and validity, are hereby disapproved and annulled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided.

It then goes on further to provide for—

Fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation, which trustees so appointed shall hold their respective offices for the term of two years.

Mr. President, if we understand the purport of this bill, if I understand it at least, I can not read it in any other way than that its effect is, no matter what the purpose may be, to reinstate an act of the Territorial Legislature *pro tanto* that was repealed in 1862 in express terms. When we say that the laws "incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided," do we not say those laws, so far as they have any force, shall continue to be the rule for the guidance of the action of the trustees and the rule that shall measure their rights and responsibilities to the church as to the Government; and are we not compelled to take the attitude that these Territorial laws which the act of 1862 completely overturned remain in force to-day for the protection of that Mormon Church in the legal ownership of its property, and not only that, but in the right also which they claimed at that time and under that act of regulating their social affairs by the decrees of the church?

Now we interpose fourteen trustees here. I asked the Senate yesterday to consider, and I have asked the Senator from Vermont, and I repeat to him the question, what are these trustees to do? Are they to be mere dummies to hold the legal title to the land and personal property that is out there? If they are nothing but naked trustees to hold the title, why have fourteen of them? Why could not one man with his successors hold the legal title to ten millions of property as well as fourteen men can do it under the laws of the Territory?

If they are not mere naked trustees, if they have some functions and duties to perform and some powers to execute, let us understand what are those functions and duties and let us understand something about the extent of the powers they are to execute in the name and on behalf of the Government of the United States in the church government. Why was the number fourteen selected? Would there have been any breach of comity, any breach of justice and equity, if we had selected one trustee in place of fourteen, had driven the others out and put all the legal title of this property in his possession? Now, I ask the Senators on this side of the Chamber, my colleague from Alabama, if he will give me his attention for a moment—I am asking the Senators on the Judiciary Committee, my colleague [Mr. PUGH], the Senator from Tennessee [Mr. JACKSON], the Senator from Texas [Mr. COKE], who is not in his place—I desire some of these honorable gentlemen to explain to me why they provide for fourteen trustees in this bill. I want them to inform me what these trustees are going to do after they get into this church government? I want them to inform me what rules and regulations we prescribe in respect of their conduct of the affairs of the Mormon Church? I want to know why it is necessary to have fourteen men in there in place of one or five?

I want to know why this bill is silent as to their salary? I want to know if this committee expect fourteen men to go to Utah, serve two years upon the delicate and disagreeable duty of managing the Mormon Church without any compensation at all? I want to know why this bill does not say that they shall have $3,000 a year or $10,000 a year, or why it does not say that they are entitled to some compensation for this extraordinary service? Sir, if we were appointing a board of trustees to take in charge the affairs of a Baptist general association, or an Episcopal diocese, or a Methodist general conference, I dare say we should commence by prescribing the precise fee they should have for the service that we required of them in the management of one of these great church establishments of the country. In that case we should set out by calling it a church, recognizing it as such, putting our trustees there in the place of the trustees selected by the congregations of the church, and when we did that I suppose we should be able to assign some duties for them. We should know what it was expected they should do after they got there. This bill is as silent, as dumb as an oyster about things of that kind; and the Senate of the United States is to enact this bill upon the trust and confidence that the furore and uproar against Mormonism in the country will justify us in any laxity of proceeding that may be required to get it through.

Sir, I have a right to information on these points. I do not get it from the bill; it is not in the bill; it is not in the law itself; it is only in

the bosom of the Committee on the Judiciary, only one of whom has as yet spoken upon this question. They are able and learned lawyers and understand the purport and effect of this bill as well as any men in the world can understand it. I put my question to them and I demand an answer in the name of the people.

Mr. EDMUNDS. You shall have it.

Mr. MORGAN. I will have it. Now, Mr. President, take the District of Columbia, over which we have as much legislative power, I suppose will be conceded, as we have over Utah, for the Constitution of the United States is no more in force here than it is in the Territory of Utah; it applies just as much in the one as in the other. There have been instances in this town where the public institutions have been used as lecture-halls on the Christian Sabbath evening for the purpose of encouraging and promoting the exposition of doctrines which utterly upturn the whole Christian system and reach back to the denial of the divinity of Christ, the existence even of God, the existence of any state of future rewards and punishments upon which we place all the sanction of the oath we administer in our courts. Able and talented and splendid men have opened these public halls in the city of Washington on Sabbath afternoons and evenings, and they have argued against the whole Christian system as one pernicious and full of deception and evil and injury.

I am not complaining that a public clamor has not been made about this. But suppose we should put a bill before this body to confiscate any building in the city of Washington in which such performances attacking the whole body of Christianity were allowed, to forfeit and escheat the property to the Government because that institution was used for the time being for the purpose of upturning, overturning, and destroying the groundwork and basis of all social organization and all Christian organization in this community. We would there strike at an effort to destroy Christianity aimed at the whole body of the institution. The blow we are striking here is at a system which claims to be Christian and recognizes the divinity of Christ, recognizes the Old and New Testaments as being revelations from on high, recognizes the Ten Commandments as being the fundamental basis of all moral law; it recognizes the prophets of old and claims the fulfillment of the prophecies; but it goes a step beyond, and claims that in the New Testament there is a promise of a new revelation, and that that new revelation was to be made to some person in a certain form, and that that revelation has been made and that it has been translated; that the Book of Mormon is a mere addition of one more book to the Testaments of the Scriptures, the Old and the New Testament and the Book of Mormon comprising, as they insist, the whole body of ecclesiastical law and doctrine.

In the promulgation of that they go back, as they say, to one of the ancient practices which were tolerated in the Old Testament, polygamy; and of course there is not a preacher at the sacred desk in the United States who can deny that polygamy was one of the institutions of the Jewish family during the time of Moses and afterward. Nobody can deny it. These men practice polygamy, and they do it, as they claim, under the sanction of a religious authority or privilege. They practice it. We come to Congress and we legislate against them, having power to legislate in the Territories, because they violate one of the precepts of Christianity, admitting the force and effect of all the rest.

Suppose, I repeat, we should have a bill brought in here for the purpose of confiscating the National Theater in the city of Washington because of a Sunday evening it has been employed in the service of a man, it being hired to him, who did not stop where the Mormons do, but who went to the extent of upturning and decrying and ridiculing and trying to prove to sensible men that there is no foundation in Christianity, that it is a myth and a farce, and that all of our great institutions in these great Christian countries are founded upon fables and, worse, upon lies. Then I suppose the honorable Senator from Vermont would rise in his place and say, "Mr. President, this is a corporation that you are attacking here, and I am afraid we can not quite get purchase enough on it unless we should introduce some trustees into that act." It being an act of Congress, or an act granted by municipal authority under the sanction of Congress in the District of Columbia, we have a perfect right to interpolate trustees, and we put them in there; we put in, as the honorable Senator from Vermont said yesterday, seven or fourteen, in order that we may have a majority in the board. Why do you put them in there? Do you put them in there to carry on the purpose of the corporation, to continue it in the use of a man who gets up and preaches of a Sunday evening atheism, or do you put them in there for the purpose of breaking down such a use as that of it? Do you put them in there for the purpose of continuing to open the doors of the National Theater so that an assault may be made upon Christianity in its stronghold by the strongest men in the world, or do you put them in there for the purpose of repressing any such use as that of it? The honorable Senator from Vermont in a case of that sort would say, I suppose, "We put these trustees in here and give them the majority in order that they may repress it, in order that they may break it down." I say in reply to that, Mr. President, if that is so, if our object is to break down the proper use of the authority or power of an institution or a house in the District of Columbia, why do we not say so? Why do we not legislate it down? We find a ship out at sea approaching our shore looking for a safe harbor. We admit the flag that floats over it. We say that is a vessel of some nationality that we are bound to receive, but we desire that that ship shall never enter our shores at all, and in order to prevent it we will put a crew on board, who, pretending to sail it into port, will sail it on a sand-bar and wreck it.

Is that what the Senator from Vermont is trying to do with the Mormon Church? Is he trying to put fourteen men in there, unsworn and without salary and reward, so that they may operate under the charter of that church, and, having the majority, they may succeed at last in wrecking it, or does he really wish to preserve and perpetuate the Mormon Church as a legal organization in the country, and so appoint fourteen trustees to be put in there to help the president and the apostles and the bishops and the deacons and others of the ecclesiastical order in preserving and promulgating and propagating and continuing this Mormon institution? Let us have the purpose. What is the purpose? Is it to destroy the church, or is it to maintain and regulate it? Sir, if it is to maintain and regulate it, I do not understand how the Congress of the United States has got any more power to intrude these trustees into it to maintain and regulate and conduct it than it would have to put trustees or a receiver over the National Theater to prevent it from being used for the purpose of lecturing against the divinity of God and the Saviour or for any other infidel purpose. Why have we not the right in the one case if we have it in the other? Why is it our duty in the one case if it is not in the other? If a church was established under a charter from Congress in this city to-day for the purpose of propagating the doctrines that have been preached on these Sabbath evenings in the National Theater, that church would be considered the enemy of every Christian church in the world, and that act of incorporation would be considered a blight upon the civilization of this age. There is not a Senator on this floor, and there never has been one, who in the face of the present enlightened Christian civilization would rise and offer a bill for the purpose of establishing a church in the city of Washington based upon the doctrines preached by eminent men on Sunday evenings in this city. But suppose that such a thing existed, would anybody hesitate to repeal that charter, to get rid of that evil? I think no one would.

Suppose there was a church here with a board of trustees to receive and hold property to cover up and carry on and promulgate the doctrines to which I have just adverted, would anybody hesitate to destroy it by repealing the charter rather than to work into it a board of trustees for the purpose of conducting it to carry out its original purposes, whatever they may have been?

The doctrines of the Mormon Church are no worse than those I have been referring to. They may be more mischievous in practice, they may involve the personal immorality of men who are connected with the Mormon Church, about which I have nothing to say; but taking the doctrines themselves as being anti-Christian, taking the doctrines themselves as being in hostility to the great foundation-work of our Christian and social system, the doctrines of the Mormon Church are no worse than those that are preached regularly on Sabbath evenings in the National Theater in Washington city, not a particle—nothing like so dangerous, after all.

We have here a law that repeals this charter, and I maintain that if this bill is to be understood by anybody as being an effort in connection with the Mormon Church, it is to be considered as a bill for the maintenance of that church, for its future further conduct. It is a bill to improve the discipline and the administration, and by these means to improve possibly the doctrine and the practice of the Mormons; and it seems to me it is not entitled to any other designation.

It was said yesterday when a similar question was put to the honorable Senator from Vermont that a bill of appropriation would fix the salary of these men, if any salary was to be fixed. Now, let us suppose what the salary will naturally be. You have commissioners out there who, I believe, get $5,000 a year. They perform legal functions in opposition to the existing government of Utah to a certain extent, and their duties are well defined by statute and are not very dangerous and not very difficult. It is fair to suppose that neither of these new trustees would be content to receive less than $5,000. There are fourteen trustees, then, that we may well assume would claim that they were entitled to $5,000 a year apiece, and yet the bill makes no provision at all for them, makes no hint that they are entitled to anything whatever for their services. I suppose, then, the question about the operative force of this bill and its effect is to take place in a debate on an appropriation bill, and not on the measure itself. We pass this bill and the President signs it, and the question arises immediately, What are you going to give your fourteen trustees? Your bill gives them nothing at all. Then you will appeal to the Committee on Appropriations for an allowance not fixed by law, something entirely new, and I can understand from the generosity of the honorable chairman of that committee and the Senate that he would not think about giving them less than $5,000 a year each. That would be a very expensive process, Mr. President, to pay for the mere holding of the legal title to the property of this church. You would expect these new Mugwamp Mormons—for that is about what they would be—men who are commissioned for the purpose of carrying on Mormonism under the name of Christianity—you would expect these new trustees to take some active part in the management of the business of the corporation, collecting its assets, paying out its money, re-

ceiving its tithes, conferring with the brethren as to the best means of propagating Mormonism in this country and throughout the world.

Imagine yourself in one of these conclaves, thirteen Mormons and fourteen Gentiles, so as to give the Gentiles the majority, and the question comes up, "What shall we do with the Fejee Islands; we have got a mission there; we can certainly improve the condition of those people even by getting them to accept Mormonism? What shall we do with the people of the Free State of the Congo? They are all polygamists, exactly in a line with Mormonism, but they are Mohammedans, not Christians, as far as they have any religion at all; they are either Mohammedans or they are Pagans; what shall we do with them?" Says a Mormon brother, "I propose to send out Brother Johnson or Brother Smith as a missionary to the Congo, and I propose to give him a salary of about $5,000 a year in order that he can maintain himself in respectability." Says one of the trustees appointed by the President and confirmed by the Senate as members of the Mormon Church proper, the legal church, "No, brother, I object; that is too much to pay for the conversion of those negroes; they are half-way converted now; they are all polygamists, and you have got nothing to do now but take them off from Mohammed and turn them over to our Saviour, and they are full Christians. It is too much to pay for that sort of service. You had better give a man $5,000 to go into stubborn old Scotland or into Catholic Ireland or Episcopal England, and there, where he has got to work and suffer, pay the man for his struggles and his efforts in converting those people to Mormonism." Says one of these trustees that we send over there, "But I object to all this; we have no right at all, as I understand it, to appropriate the money of this church to the extension of it." "No right! Ah, well, read the charter, read the act of the Utah Legislature! What was that act intended for except to propagate Mormonism? What are you here for except to assist in its execution? You are associated with these thirteen trustees who were here before; your powers are the same that theirs are. Are you here for the purpose of breaking up and disturbing the church whose trustee you are, made so by law? Is that your purpose here? If so, you are a disgrace to humanity. If so, you ought to be expelled from this board. The Senate of the United States ought never to have confirmed a man under the pretense that he was coming here to execute this law, and the very first thing he does is to refuse to appropriate money that belongs to the church to Christianize Scotland and England and Ireland and bring them into the pale of the Church of Jesus Christ of Latter-day Saints." That is what we are sending these men to do, or else we are putting wolves in sheep's clothing in the midst of the brethren. We are either sending these men there to execute Mormon law and to propagate Mormon institutions or we are sending them there to break down Mormon law and Mormon institutions, one of the two. As I read this bill, it is to propagate, it is to continue.

But, Mr. President, the bill in this respect has its foundation in a sentiment I will admit of generosity or of forbearance, which is not justified by the state of the facts, for I return to the proposition I made yesterday, that under the Constitution of the United States the Territorial law organizing this church in the first instance was a law for the purpose of propagating and covering up and protecting crime under the name of Christian civilization and the Christian church. It is amenable to that criticism; and when some court gets hold of it that has the manhood to struggle with the question as it ought to do, it will be held that the very foundation of that church was inimical to the whole sentiment of Christianity, not in this country alone, but in every other country, and to that sentiment of Christianity which embodies itself in every law that we enact. But, sir, suppose that is not so; we ought at least to leave the question open, and we ought to leave it open so that some court can construe and pronounce upon the effect of the act of 1862, which did repeal *eo nomine* the charter of that church, not to reinstate and restore it, as we are trying to do here to-day, as it seems to me by indirection, not try to hold it up in some shape and form under which we can interpolate or interject men there to destroy that church while we are pretending on the face of our law to put them there for the purpose of preserving in a certain sort the legal rights its leaders claim they are entitled to. I do not believe they are entitled to them; I believe the courts will hold they are not entitled to them, and for that reason I would propose this amendment. In line 13 I would strike out these words:

Provided for in the laws creating, amending, or continuing said corporation.

And insert in place thereof:

To hold and manage and dispose of the property of said corporation according to law.

So that the sentence will read:

The President of the United States, by and with the advice and consent of the Senate, shall appoint fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees to hold and manage and dispose of the property of said corporation according to law.

Then let the courts decide whether the act of 1862 has repealed that charter. If they so decide, these trustees have nothing to do but to hold the title subject to the confiscation provided for in the thirteenth section of this bill. If they decide that that act did not repeal the charter, then the purpose of this bill will be executed by these trustees going on and conducting the Mormon Church in the name and behalf of Congress and the United States for the benefit of the Latter-day Saints.

I am not willing to put these words in this bill that these trustees "shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation;" for that clause re-enacts those laws, at least by recognition. I prefer to say that they shall execute such powers as are vested in them by law, and shall hold and dispose of this property in accordance with the law of the land, and let the court say what the law is.

The PRESIDENT *pro tempore*. Will the Senator from Alabama send to the desk the amendment proposed by him?

Mr. EDMUNDS. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. After the words "assistant trustees," in line 13 of section 12, it is proposed to strike out the words:

Provided for in the laws creating, amending, or continuing the said corporation.

And to insert in lieu:

To hold and manage and dispose of the property of said corporation according to law.

Mr. EDMUNDS. Mr. President, the Senator from Alabama said yesterday that he objected to having this section stand in the bill, and now he objects to certain words in the section. I should expect from what he has said that he would object to having anything stand in the bill at all. But looked at in a practical point of view, the part of this bill that is disliked most by the first president of that political hierarchy, not in regard to doctrine or faith, but in regard to breaking up the political hierarchy and seeing that the moneys and goods contributed by Mormons for the advancement of their religion irrespective of the matter of marriage are administered according to law, and are not devoted to the uses of polygamy and to the bringing in by immigration of immigrants from every country of the world of the most ignorant description to keep up its numbers, is the one to which the Senator objects. No doubt that official regards it as the most dangerous of any section in this bill, and therefore I am not surprised—no, I do not say that, Mr. President, because stating it in that form would imply a reflection on my friend, which I do not mean to make; but I will say that I should have expected that when it came down to the critical point of this political hierarchy undertaking to get out of the bill the thing that was most dangerous to it as such it would have attacked this twelfth section.

My friend says in defense of the faith of these people that it is fortified by a great many precedents; that is, the polygamists' faith. I do that people injustice when I say "the faith of these people." It is not the faith of a quarter of the people who call themselves Mormons who live in Utah now, according to my information, and therefore it would be unjust to say that it is the faith of these people. A large number of that people believe that the polygamous revelation, so called, is utterly spurious and a fraud invented by Brigham Young, together with his associates, to cover up his disposition to imitate the patriarchs and have a very considerable number of wives. I wish to have read on that point, although it is not very germane to this business question, but it is well to go into the RECORD for the information of all the other people in the United States, this new revelation of 1852, or whatever the time, which is in the paper that I send to the Chair, word for word, on the subject of polygamy, and the argument against it, the protest against it of one of the most eminent of the non-polygamists themselves, a clergyman of that church and who is now a clergyman of the Reformed Mormon Church, who believes this polygamous revelation to have been utterly spurious and a fraud. I present it in order that anybody who reads the RECORD, which goes everywhere, may see exactly what this new revelation is.

I do not know perhaps that I ought to ask that the time of the Senate be taken up by having it read. If there be no objection I ask that it be printed in connection with my remarks without reading, although I know that is not a very good practice, because members might wish to comment on it; but if there be unanimous consent to save the time of the Senate I will ask that.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent of the Senate to have printed in the RECORD as part of his remarks a paper that he has sent to the desk. Is there objection? The Chair hears none, and that order will be made.

The document is as follows:

THE POLYGAMIC REVELATION.

Revelation on the Eternity of the Marriage Covenant, including Plurality of Wives; presented by Brigham Young to the Church in Utah, August 29, 1852.

1. Verily, thus saith the Lord unto you, my servant Joseph, that inasmuch as you have inquired of my hand, to know and understand wherein I, the Lord, justified my servants Abraham, Isaac and Jacob; as also Moses, David and Solomon, my servants, as touching the principle and doctrine of their having many wives and concubines:

2. Behold! and lo, I am the Lord, thy God, and will answer thee as touching this matter:

3. Therefore, prepare thy heart to receive and obey the instructions which I am about to give unto you; for all those who have this law revealed unto them must obey the same;

4. For behold! I reveal unto you a new and everlasting covenant; and if ye

abide not that covenant, then are ye damned; for no one can reject this covenant, and be permitted to enter into my glory;

5. For all who will have a blessing at my hands, shall abide the law which was appointed for that blessing, and the conditions thereof, as were instituted from before the foundation of the world:

6. And as pertaining to the new and everlasting covenant, it was instituted for the fullness of my glory; and he that receiveth a fullness thereof, must and shall abide the law, or he shall be damned, saith the Lord God.

7. And verily I say unto you, that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations, that are not made, and entered into, and sealed, by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that too most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power (and I have appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time, on whom this power and the keys of this Priesthood are conferred), are of no efficacy, virtue or force, in and after the resurrection from the dead; for all contracts that are not made unto this end, have an end when men are dead.

8. Behold! mine house is a house of order, saith the Lord God, and not a house of confusion.

9. Will I accept of an offering, saith the Lord, that is not made in my name!

10. Or will I receive at your hands that which I have not appointed!

11. And will I appoint unto you, saith the Lord, except it be by law, even as I and my Father ordained unto you, before the world was!

12. I am the Lord thy God, and I give unto you this commandment, that no man shall come unto the Father but by me, or by my word, which is my law, saith the Lord.

13. And everything that is in the world, whether it be ordained of men, by thrones, or principalities, or powers, or things of name, whatsoever they may be, that are not by me, or by my word, saith the Lord, shall be thrown down, and shall not remain after men are dead, neither in nor after the resurrection, saith the Lord your God;

14. For whatsoever things remain, are by me; and whatsoever things are not by me, shall be shaken and destroyed.

15. Therefore, if a man marry him a wife in the world, and he marry her not by me, nor by my word; and he covenant with her so long as he is in the world, and she with him, their covenant and marriage are not of force when they are dead, and when they are out of the world; therefore, they are not bound by any law when they are out of the world;

16. Therefore, when they are out of the world, they neither marry, nor are given in marriage; but are appointed angels in heaven, which angels are ministering servants, to minister for those who are worthy of a far more, and an exceeding, and an eternal weight of glory;

17. For these angels did not abide my law, therefore they can not be enlarged, but remain separately and singly, without exaltation, in their saved condition, to all eternity, and from henceforth are not Gods, but are angels of God, forever and ever.

18. And again, verily I say unto you, if a man marry a wife, and make a covenant with her for time and for all eternity, if that covenant is not by me, or by my word, which is my law, and is not sealed by the Holy Spirit of promise, through him whom I have annointed and appointed unto this power—then it is not valid, neither of force when they are out of the world, because they are not joined by me, saith the Lord, neither by my word; when they are out of the world, it can not be received there, because the angels and the Gods are appointed there, by whom they can not pass; they can not, therefore, inherit my glory, for my house is a house of order, saith the Lord God.

19. And again, verily I say unto you, if a man marry a wife by my word, which is my law, and by the new and everlasting covenant, and it is sealed unto them by the Holy Spirit of promise, by him who is annointed, unto whom I have appointed this power, and the keys of this Priesthood; and it shall be said unto them, ye shall come forth in the first resurrection; and if it be after the first resurrection, in the next resurrection; and shall inherit thrones, kingdoms, principalities, and powers, dominions, all heights and depths—then shall it be written in the Lamb's Book of Life, that he shall commit no murder whereby to shed innocent blood, and if ye abide in my covenant, and commit no murder whereby to shed innocent blood, it shall be done unto them in all things whatsoever my servant hath put upon them, in time, and through all eternity, and shall be of full force when they are out of the world; and they shall pass by the angels, and the Gods, which are set there, to their exaltation and glory in all things, as hath been sealed upon their heads, which glory shall be a fullness and a continuation of the seeds forever and ever.

20. Then shall they be Gods, because they have no end; therefore shall they be from everlasting to everlasting, because they continue; then shall they be above all, because all things are subject unto them. Then shall they be Gods, because they have all power, and the angels are subject unto them.

21. Verily, verily I say unto you, except ye abide my law, ye can not attain to this glory;

22. For strait is the gate, and narrow the way that leadeth unto the exaltation and continuation of the lives, and few there be that find it, because ye receive me not in the world, neither do ye know me.

23. But if ye receive me in the world, then shall ye know me, and shall receive your exaltation, that where I am, ye shall be also.

24. This is eternal lives, to know the only wise and true God, and Jesus Christ, whom he hath sent. I am he. Receive ye, therefore, my law.

25. Broad is the gate, and wide the way that leadeth to the deaths, and many there are that go in thereat; because they receive me not, neither do they abide in my law.

26. Verily, verily I say unto you, if a man marry a wife according to my word, and they are sealed by the Holy Spirit of promise, according to mine appointment, and he or she shall commit any sin or transgression of the new and everlasting covenant whatever, and all manner of blasphemies, and if they commit no murder, wherein they shed innocent blood—yet they shall come forth in the first resurrection, and enter into their exaltation; but they shall be destroyed in the flesh, and shall be delivered unto the buffetings of Satan unto the day of redemption, saith the Lord God.

27. The blasphemy against the Holy Ghost, which shall not be forgiven in the world, nor out of the world, is in that ye commit murder, wherein ye shed innocent blood, and assent unto my death, after ye have received my new and everlasting covenant, saith the Lord God; and he that abideth not this law, can in no wise enter into my glory, but shall be damned, saith the Lord.

28. I am the Lord thy God, and will give unto thee the law of my Holy Priesthood, as was ordained by me, and my Father before the world was.

29. Abraham received all things, whatsoever he received, by revelation and commandment, by my word, saith the Lord, and hath entered into his exaltation, and sitteth upon his throne.

30. Abraham received promises concerning his seed and of the fruit of his loins—from whose loins ye are namely, my servant Joseph—which were to continue so long as they were in the world; and as touching Abraham and his seed, out of the world they should continue; both in the world and out of the world should they continue as innumerable as the stars; or, if ye were to count the sand upon the seashore, ye could not number them.

31. This promise is yours, also, because ye are of Abraham, and the promise was made unto Abraham; and by this law are the continuation of the works of my Father, wherein he glorifieth himself.

32. Go, ye, therefore, and do the works of Abraham; enter ye into my law, and ye shall be saved.

33. But if ye enter not into my law ye can not receive the promise of my Father, which he made unto Abraham.

34. God commanded Abraham, and Sarah gave Hagar to Abraham to wife. And why did she do it? Because this was the law, and from Hagar sprang many people. This, therefore, was fulfilling, among other things, the promises.

35. Was Abraham, therefore, under condemnation? Verily, I say unto you, *Nay;* for I, the Lord, commanded it.

36. Abraham was commanded to offer his son Isaac; nevertheless, it was written, thou shalt not kill. Abraham, however, did not refuse, and it was accounted unto him for righteousness.

37. Abraham received concubines, and they bare him children, and it was accounted unto him for righteousness, because they were given unto him, and he abode in my law, as Isaac also, and Jacob did none other things than that which they were commanded; and because they did none other things than that which they were commanded, they have entered into their exaltation, according to the promises, and sit upon thrones, and are not angels, but are Gods.

38. David also received many wives and concubines, as also Solomon and Moses my servants; as also many others of my servants, from the beginning of creation until this time; and in nothing did they sin, save in those things which they received not of me.

39. David's wives and concubines were given unto him, of me, by the hand of Nathan, my servant, and others of the Prophets who had the keys of this power; and in none of these things did he sin against me, save in the case of Uriah and his wife; and, therefore he hath fallen from his exaltation, and received his portion; and he shall not inherit them out of the world; for I gave them unto another, saith the Lord.

40. I am the Lord thy God, and I gave unto thee, my servant Joseph, an appointment, and restore all things; ask what ye will, and it shall be given unto you according to my word:

41. And as ye have asked concerning adultery—verily, verily I say unto you, if a man receiveth a wife in the new and everlasting covenant, and if she be with another man, and I have not appointed unto her by the holy anointing, she hath committed adultery, and shall be destroyed.

42. If she be not in the new and everlasting covenant, and she be with another man, she has committed adultery.

43. And if her husband be with another woman, and he was under a vow, he hath broken his vow, and hath committed adultery.

44. And if she has not committed adultery, but is innocent, and hath not broken her vow, and she knoweth it, and I reveal it unto you, my servant Joseph, then shall you have power, by the power of my Holy Priesthood, to take her, and give her unto him that hath not committed adultery, but hath been faithful; for he shall be made ruler over many;

45. For I have conferred upon you the keys and power of the Priesthood, wherein I restore all things, and make known unto you all things in due time.

46. And verily, verily I say unto you, that whatsoever you seal on earth, shall be sealed in heaven; and whatsoever you bind on earth, in my name, and by my word, saith the Lord, it shall be eternally bound in the heavens; and whosesoever sins you remit on earth shall be remitted eternally in the heavens; and whosesoever sins you retain on earth, shall be retained in heaven.

47. And again, verily I say, whomsoever you bless, I will bless, and whomsoever you curse, I will curse, saith the Lord; for I, the Lord, am thy God.

48. And again, verily I say unto you, my servant Joseph, that whatsoever you give on earth, and to whomsoever you give any one on earth, by my word, and according to my law, it shall be visited with blessings, and not cursings, and with my power, saith the Lord, and shall be without condemnation on earth, and in heaven;

49. For I am the Lord thy God, and will be with thee even unto the end of the world, and through all eternity; for verily, I seal upon you your exaltation, and prepare a throne for you in the kingdom of my Father, with Abraham your father.

50. Behold, I have seen your sacrifices, and will forgive all your sins; I have seen your sacrifices, in obedience to that which I have told you; go, therefore, and I make a way for your escape, as I accepted the offering of Abraham, of his son Isaac.

51. Verily, I say unto you, a commandment I give unto mine handmaid Emma Smith, your wife, whom I have given unto you, that she stay herself, and partake not of that which I commanded you to offer unto her; for I did it, saith the Lord, to prove you all, as I did Abraham; and that I might require an offering at your hand, by covenant and sacrifice:

52. And let mine handmaid, Emma Smith, receive all those that have been given unto my servant Joseph, and who are virtuous and pure before me; and those who are not pure, and have said they were pure, shall be destroyed, saith the Lord God:

53. For I am the Lord thy God, and ye shall obey my voice; and I give unto my servant Joseph, that he shall be made ruler over many things, for he hath been faithful over a few things, and from henceforth I will strengthen him.

54. And I command mine handmaid, Emma Smith, to abide and cleave unto my servant Joseph, and to none else. But if she will not abide this commandment, she shall be destroyed, saith the Lord; for I am the Lord thy God, and will destroy her, if she abide not in my law;

55. But if she will not abide this commandment, then shall my servant Joseph do all things for her, even as he hath said; and I will bless him and multiply him, and give unto him an hundred-fold in this world, of fathers and mothers, brothers and sisters, houses and lands, wives and children, and crowns of eternal lives in the eternal worlds.

56. And again, verily I say, let mine handmaid forgive my servant Joseph his trespasses; and then shall she be forgiven her trespasses, wherein she has trespassed against me; and I, the Lord thy God, will bless her, and multiply her, and make her heart to rejoice.

57. And again, I say, let not my servant Joseph put his property out of his hands, lest an enemy come and destroy him; for Satan seeketh to destroy; for I am the Lord thy God, and he is my servant; and behold! and lo, I am with him, as I was with Abraham, thy father, even unto his exaltation and glory.

58. Now, as touching the law of the Priesthood, there are many *things* pertaining thereunto.

59. Verily, if a man be called of my Father, as was Aaron, by mine own voice, and by the voice of him that sent me: and I have endowed him with the keys of the power of this Priesthood, if he do anything in my name, and according to my law, and by my word, he will not commit sin, and I will justify him.

60. Let no one, therefore, set on my servant Joseph; for I will justify him; for he shall do the sacrifice which I require at his hands, for his transgressions, saith the Lord your God.

61. And again, as pertaining to the law of the Priesthood: If any man espouse a virgin, and desire to espouse another, and the first give her consent; and if he espouse the second, and they are virgins, and have vowed to no other man, then is he justified: he can not commit adultery, for they are given unto him; for he can not commit adultery with that that belongeth unto him and to no one else;

62. And if he have ten virgins given unto him by this law, he can not commit adultery, for they belong to him, and they are given unto him, therefore is he justified.

63. But if one or either of the ten virgins, after she is espoused, shall be with another man; she has committed adultery, and shall be destroyed; for they are given unto him to multiply and replenish the earth, according to my command-

ment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

64. And again, verily, verily I say unto you, if any man have a wife who holds the keys of this power, and he teaches unto her the law of my Priesthood, as pertaining to these things, then shall she believe, and administer unto him, or she shall be destroyed, saith the Lord your God, for I will destroy her; for I will magnify my name upon all those who receive and abide in my law.

65. Therefore, it shall be lawful in me, if she receive not this law, for him to receive all things, whatsoever I, the Lord his God, will give unto him, because she did not administer unto him according to my word; and she then becomes the transgressor; and he is exempt from the law of Sarah, who administered unto Abraham according to the law, when I commanded Abraham to take Hagar to wife.

66. And now, as pertaining to this law, verily, verily, I say unto you, I will reveal more unto you, hereafter; therefore, let this suffice for the present. Behold, I am Alpha and Omega. Amen.

The foregoing document needs but to be read to be condemned; but from a true Mormon standpoint it is especially sacrilegious; also false and corrupt, as will appear from the following:

The fourth paragraph totally ignores the gospel, with its faith, repentance, baptism, godly walk and conversation as necessary to salvation by stating:

"I reveal unto you a new and an everlasting covenant; and if ye abide not that covenant, then are ye damned; for *no one* can reject this covenant, and be permitted to enter into my glory; * * it was instituted for the *fullness* of my glory; and he that receiveth a fullness thereof, must and shall abide the law, or he shall be damned, saith the Lord God."

The object of this revealment is clearly stated in the first paragraph, showing how the Lord "*justified*" his "servants David and Solomon," "touching the principle and doctrine of their having many wives and concubines." That is to say: If a man be so liberally constructed that he can satisfy the amorous demand of "many wives (?) and concubines," he is to receive as a reward therefor a glory which passes him "by the angels and the gods," as provided in paragraph 19; while the poor fellow not so "liberally constructed" has no hope of reaching such an exalted position, as he is incompetent to carry out the intent and genius of the scheme, as made and provided in paragraph 62, "ten virgins" proving entirely too much for him.

And now for further contrast. I quote from a revelation in the Book of Doctrine and Covenants, received February 16, 1832:

"And again, we bear record for we saw and heard, and this is the testimony of the gospel of Christ, concerning them who come forth in the resurrection of the just: they are they who received the testimony of Jesus, and believed on his name, and were baptized after the manner of his burial, being buried in the water in his name, and this according to the commandment which he has given, that, by keeping the commandments, they might be washed and cleansed from all their sins, and receive the Holy Spirit by the laying on of the hands of him who is ordained and sealed unto this power; and who overcome by faith, and are sealed by the Holy Spirit of promise, which the Father sheds forth upon all those who are just and true; they are they who are the Church of the First Born; they are they into whose hands the Father has given all things; they are they who are priests and kings, who have received of his fullness and of his glory, and are priests of the Most High after the order of Melchizedek, which was after the order of Enoch, which was after the order of the only begotten Son; wherefore as it is written, they are gods, even the sons of God; wherefore all things are theirs, whether life or death, or things present, or things to come, all are theirs, and they are Christ's, and Christ is God's; and they shall overcome all things; wherefore let no man glory in man, but rather let him glory in God, who shall subdue all enemies under his feet; these shall dwell in the presence of God and his Christ forever and ever; these are they whom he shall bring with him, when he shall come in the clouds of heaven, to reign on the earth over his people; these are they who shall have part in the first resurrection; these are they who shall come forth in the resurrection of the just; these are they who are come unto Mount Zion, and unto the city of the living God, the heavenly place, the holiest of all; these are they who have come to an innumerable company of angels; to the general assembly and the Church of Enoch, and of the First Born; these are they whose names are written in heaven, where God and Christ are the judge of all; these are they who are just men made perfect through Jesus the mediator of the new covenant, who wrought out this perfect atonement through the shedding of his own blood; these are they whose bodies are celestial, whose glory is that of the sun, even the glory of God the highest of all; whose glory the sun of the firmament is written of as being typical."

And again, in a revelation given December 27, 1832, paragraphs 1, 2:

"Wherefore I now send upon you another Comforter, even upon you, my friends, that it may abide in your hearts, even the Holy Spirit of promise. * * * This Comforter is the promise which I give unto you of eternal life, even the glory of the Celestial Kingdom; which glory is that of the Church of the First Born, even of God, the HOLIEST OF ALL, through Jesus Christ, his Son."

Mormons claim to indorse these revelations as of a divine character; therefore comment upon these quotations is unnecessary, as all who read may know that in this case, certainly, it is impossible to serve "two masters." But in order to discriminate beyond the possibility of a doubt between Mormonism proper and this blasphemous sheet called a revelation, I quote from a revelation received in March, 1831, paragraphs 2, 3:

"Wherefore I say unto you, that I have sent unto you mine Everlasting Covenant, even that which was from the beginning, and that which I have promised I have so fulfilled, and the nations of the earth shall bow to it:" to wit, "Believe on the name of the Lord Jesus, who was on the earth and is to come, the beginning and the end; repent and be baptized in the name of Jesus Christ, according to the holy commandment, for the remission of sins, and whoso doeth this, shall receive the gift of the Holy Ghost. And again, I say unto you, that whoso forbiddeth to marry, is not ordained of God, for marriage is ordained of God unto man; wherefore it is lawful that he should have ONE WIFE, and they twain shall be one flesh, and all this that the earth might answer the end of its creation; and that it might be filled with the measure of man, *according to his creation before the world was made.*"

In this we are taught that God had then revealed his "everlasting covenant," which was simply the gospel of Christ; and a part of that covenant was to people the earth through marriage ordained of God, in which man receives one wife, and only one, as that is stated as being in harmony with the law of his creation "before the world was made."

Again, in a revelation given February, 1831, paragraph 7, the church was told:

"Thou shalt love thy wife with all thy heart, and shalt cleave unto her and NONE else, and he that looketh upon a woman (other than his wife) to lust after her, shall deny the faith, and shall not have the spirit; and if he repents not, he shall be cast out."

And in paragraph 5, the church was commanded thus:

"The Elders, Priests, and Teachers, of this Church shall teach the principles of my gospel, which are in the Bible and the Book of Mormon, in which is the fullness of the gospel."

Now it certainly is obvious that whatever contained a *fullness* was *complete*, and to attempt to add to a fullness would be considered supererogant and futile; and as the Book of Mormon is said to contain that "fullness," and the officers by special revelation enjoined to teach it; therefore I quote it as law to the Mormon Church, for it was and is the thesis upon which the whole superstructure rests; and if it be disregarded, or abrogated as *law*, then the church as organized upon it as the new revelation, must necessarily cease to exist. At page 116, European edition, please read:

"For behold, thus saith the Lord, this people begin to wax in iniquity; they understand not the Scriptures; for they seek to excuse themselves in committing whoredoms, because of the things which were written concerning David and Solomon his son. Behold David and Solomon truly had many wives and concubines, which thing was abominable before me, saith the Lord; wherefore, thus saith the Lord, I have led this people forth out of the land of Jerusalem, by the power of mine arm, that I might raise up unto me a righteous branch from the fruit of the loins of Joseph. Wherefore, I, the Lord God, will not suffer that this people shall do like unto them of old. Wherefore, my brethren, hear me, and hearken to the word of the Lord: For there shall not any man among you have save it be ONE WIFE, and concubines he shall have none; for I the Lord God delighteth in the chastity of woman."

This should forever settle the question, and fully satisfy all people that polygamy is no part of Mormonism; and indeed can not be. No more so than it is a part of Methodism, or Presbyterianism, or still more properly speaking, that because forsooth they affirm the Bible as divine, they do not necessarily affirm the history which tells of the practices of David and Solomon as examples for us to imitate.

And further; this pretended revelation claims to have been received July 12, 1843. Now whether it was, or was not, it is not my intention here to discuss; but to silence the tongue of every Mormon who claims for it divinity, and especially those who were living at that date, and thus claim it is only necessary to quote in proof the preamble and marriage contract, used and indorsed by the church as early as 1835, and republished under the régime of Brigham Young, one year after Smith's death at Nauvoo, Ill., in 1845, and sent out as an indemnification and safeguard against the crime of polygamy to all who should unite with the church, and indeed the only marriage covenant used by that faction of the church under Brigham Young *et al.* until the year 1852, which is as follows:

"Inasmuch as this Church of Christ has been reproached with the crimes of fornication and polygamy: we declare that we believe that one man should have one wife, and one woman but one husband, except in case of death, when either is at liberty to marry again."

CONTRACT: "You both MUTUALLY agree to be each other's companion, husband and wife, observing the legal rights belonging to this condition; that is, keeping yourselves wholly for each other, and from all others, during your lives."

And when the parties have assented to this contract, they are pronounced "husband and wife."

I appeal to the world in support and vindication of the claim that polygamy is not and can not be made a part of Mormonism proper; that they are separately and distinctly apart, being directly in opposition to each other. The practice of polygamy in Utah is a blotch upon the escutcheon of human progress; and a crime under the law, both divine and human; the continuation or suppression of that practice, and the responsibility thereof, must rest with the United States Government. Will they allow it to continue? If so, then in the name of justice and humanity I ask that the thousands and thousands of good citizens, loyal to this Government, who are Mormons, but anti-polygamists, be relieved from the odium now cast upon them because of the evil practices of those who adhere to polygamy as a part of their faith and are denominated Mormons.

Having been born and raised in the Mormon Church, and knowing whereof I speak, and being a representative of the Reorganized Church of Christ of Latter-day Saints, who are anti-polygamists, I ask for them that the line of demarcation be fully drawn, and they fully relieved from the curse and stench of polygamy, for the Book of Mormon, from which the word Mormonism is derived, declares it to be an "*abomination.*"

Z. H. GURLEY.

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Mr. EDMUNDS. Now, Mr. President, I wish to speak to the point of this twelfth section. My distinguished friend from Alabama says that it revives and continues a corporation that had been abolished by the act of 1862. Yesterday he spoke of this corporation as being continued and existing by authority of the Legislature of Utah, and he wished to abolish the whole corporation, and moved an amendment which got a much larger support than I should have expected it to get if Senators voting for it understood the situation as well as the members on the Judiciary Committee think they do.

Mr. MORGAN. The Senator will allow me. I did say that on the assumption that the Committee on the Judiciary, in the language of the twelfth section, as I understand it, assumed that the corporation was in existence.

Mr. EDMUNDS. Yes, but the Senator forgot to say that he did it on that assumption.

Mr. MORGAN. It was not necessary to say it then.

Mr. EDMUNDS. The Committee on the Judiciary explored this subject and they saw that some eminent and ingenious man might suggest that the act of 1862 had really got rid of this corporation, notwithstanding the fact that for twenty-four years since that time it has continued to exist and has been recognized, and so they carefully put into this twelfth section the provision:

That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called General Assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided.

Mr. MORGAN. Now, will the honorable Senator object if I ask him to define what is meant by that phrase "so far as the same may now have legal effect?"

Mr. EDMUNDS. I would have stated that if the Senator had waited.

Mr. MORGAN. I beg pardon for interfering, then.

Mr. EDMUNDS. It was for the purpose of obviating any criticism or doubt or difficulty that might exist in the minds of Senators in regard to our putting an affirmative seal upon the present existence of that corporation, growing out of the possibility of an ingenious argument such as my friend has made in support of the suggestion that the cor-

poration had been abolished by the act of 1862. That is to say, Congress, in passing this section, does not admit or affirm or concede that any law now in force recognizes that corporation, but it takes it as it finds it, either a corporation existing by force of law or a concern existing *de facto*, as it has existed for twenty-five years since that time. It deals with the situation as it is, and does not leave it open to the splitting of hairs on the question of whether the act of 1862 repealed it or not.

Mr. MORGAN. Let me interrupt the Senator, as I am asking for information. Is it the opinion of the distinguished chairman of the Committee on the Judiciary and of the committee that that church is a *de jure* legal establishment, or is it a *de facto* institution?

Mr. EDMUNDS. I do not know whether the Committee on the Judiciary has any opinion on that point or not. It took careful pains to provide that whatever we did now should not prejudice that question either way.

Mr. MORGAN. You put in trustees for the execution of the laws creating it.

Mr. EDMUNDS. I beg your pardon. We only put in the trustees to execute such laws as may exist; but we put them into that concern and we give them the majority control of the money and assets and property of that concern, which is totally separate from the church part of it. These trustees have nothing to do with church government or discipline; they have no control over or influence upon any part of the faith or doctrine of the church, and we do that upon the universally recognized principle that we would not undertake to interfere with anybody's faith or doctrine or worship. We take hold of that single section of the act of the State of Deseret, as it called itself, and the Territorial Assembly of Utah, which relates purely to business and temporal affairs. No one of these trustees and assistant trustees now under that law, supposing it to be in force, has the slightest control or influence over any part of the operations of the church as a church as to matters of doctrine and discipline and worship as it is understood among men.

Mr. MORGAN. How about sending money to convert the negroes?

Mr. EDMUNDS. I shall come to that in a minute if you have patience, as I trust you have.

Mr. MORGAN. I beg pardon of the Senator. I thought the Senator had forgotten it.

Mr. EDMUNDS. I have not forgotten a good deal that I have yet to say. I hope not to trespass on the time of the Senate.

Mr. MORGAN. I should be much obliged to the Senator if he would, after all, give the Senate the benefit of his opinion whether that church is a legal organization there now, or is merely a *de facto* organization.

Mr. EDMUNDS. I am perfectly willing to give the Senator the benefit of my opinion, but I am not authorized to give the opinion of the Committee on the Judiciary, because we did not take any formal vote on that question. We thought it quite unnecessary in view of the careful language we inserted, which did not commit us to any conclusion on that proposition, but I am quite willing to give my opinion, and I should be pretty safe in saying that it was the opinion of all the other gentlemen who then composed the committee and now compose the committee, as far as they have examined it, and that is, that it is perfectly plain, with great respect to my friend from Alabama, that this act of 1862, like a great many other acts of Congress, set out with the proposition he set out with yesterday, and that was to abolish the corporation entirely, and to leave the anti-polygamous Mormons destroyed in their church organization and in all their corporate means of carrying on their faith, doctrine, and worship, and taking care of their church, as well as the polygamous Mormons. That was the outset of the proposition, and so it starts off bravely and fairly to do that; but Congress in one House as the other—I have not looked up the history of the legislation, but from our experience we can see how it would have happened naturally—Congress on a little reflection began to see that that was violating a principle which it would not be safe or wise or right to violate, and accordingly in one House or the other there was put in a proviso (which used to be in those days the favorite way of making a bill very much limited from what it was in the beginning) which declared that the only force and effect of this act should be that it should be so limited and "construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned, nor with the right 'to worship God according to the dictates of conscience' "—quoted out of the act of incorporation—"but only"—and here you get all there is in the act in point of law, in my opinion—"but only"—the strongest possible word—"but only to annul all acts and laws which establish, maintain, protect, or countenance the practice of polygamy evasively called spiritual marriage," &c.

Then in order to go further and to stop this political accumulation of property for the purposes of this political hierarchy it adds another section:

> That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the Territorial government of a greater value than $50,000 under the name or pretense of any religious corporation.

And then they added a proviso that it should not interfere with the amount of property then acquired.

So, then, when you take this proviso, which is all that there is in the act, which declares that it shall only be construed as operating upon the subject of marriage, and the succeeding provision that everything above $50,000 shall be forfeited and escheated to the United States, but that it shall not touch property already acquired, but shall touch anything more that they get, it is perfectly plain to my mind that the Congress of the United States did not interfere or intend to interfere with the existence of the Church of Jesus Christ of Latter-day Saints as a religious corporation for purposes of worship and doctrine, and that it intended to strike at what exists in the third section of this charter, which I will not take time to read over again, it has been referred to so often, which did provide among the powers of the church that they should have power to regulate and really to make laws concerning marriage, so that they could provide that a man must have fifty wives or whatever other number they saw fit. That it did abolish, and it did not intend to do anything more, on this second thought, which took this act, intended in its first section to be so very sweeping and exterminating, and brought it down to what it is; that the only thing meant was to get rid of the right to regulate marriages in this church, and to limit the accumulation of its property to $50,000, except what it had already got. That is the way it stands.

But however that may be, the Committee on the Judiciary determined not to leave anybody the right to go into a critical disquisition and discussion over the question of whether this act of 1862 abolished the whole church or not, by providing that we only look at the law as it now stood, that we knew and acted upon nothing and recognized nothing that had not now the force of law.

Now we come to the object of putting these trustees in. I repeat, Mr. President, so that it shall not be misunderstood, that by the second section of the Utah act incorporating this church the trustrees are provided for. They have no powers touching the government, management, or operation of the church at all. They refer only and have relation only to the temporal business of that church and its property. They are given no authority to do anything or to say anything concerning the faith, worship, or doctrine of that church. Therefore when we interfere with that section regarding trustees, we do not interfere with anything that relates to anybody's religious belief of any kind, be it good or bad; but we do interfere so far as to have somebody who shall see that the moneys of that church are devoted to legal and lawful objects and not to illegal and unlawful objects. We do have a majority in that board of trustees, who shall report to the Government of the United States the condition of its business affairs, report to the people of the United States what uses its money is applied to, and to resist and prevent its application to the propagation of polygamy, and see that it is devoted to the application that it may be rightly devoted to, and that is to provide for charity to the poor through the church and for the keeping up of their churches and places of worship, and so on.

Then, besides that, without these trustees to get into and get hold of the condition of this property, of what value would be the provision forfeiting all that they have acquired contrary to law? If you left it to the evidence of the trustees in possession, with no means of getting access to their books or papers or to understand what is going on, how much progress would the United States make in forfeiting what is above the $50,000, or the property they had at the time of the passage of the act of 1862? That, as I said before, is just where the rub comes. It is because this section, keeping entirely clear of interfering with faith or doctrine or the church as a church, takes hold of its temporal affairs, its emigration affairs, its polygamous affairs, and sees to it that the money is not devoted to illegal uses, and sees to it that it is devoted only to those that belong to the proper administration of a religous society, and sees to it that a true report is made to the Government of the United States in regard to its business operations, so that all that it holds in excess of law for these purposes may be devoted to other uses.

Therefore I repeat that the section most obnoxious to that political hierarchy which governs and manages and controls the administration of these enormous assets is this very twelfth section, not because it interferes with faith, for it does not; not because these trustees have the slightest power to influence the action or govern the conduct of the church as a church, but because out of the church and in the world of affairs it opens it to the daylight and keeps it within the law.

Mr. TELLER. I wish to inquire of the Senator from Vermont what he understands the assets or profits of this church organization to be used for? For what purpose do they pay out this money, as he understands?

Mr. EDMUNDS. I understand that they pay out part of it for the ordinary operations of any religious society, that they pay out another and a larger part of it for the encouragement of immigration, for the defense of persons accused of polygamy, and so on.

Mr. TELLER. I should like to ask one question more: If the Senator understands they are paying any money in violation of law, in violation of the provisions of the charter?

Mr. EDMUNDS. Yes; I believe they are.

Mr. TELLER. For what particular purpose?

Mr. EDMUNDS. For the purpose of promoting polygamy and encouraging immigration for the mere object of getting polygamous subjects for the lust of these vagabonds.

Mr. TELLER. I understand, then, that the honorable Senator takes

the position that all the money that they pay out for the emigration fund is illegal, and consequently that it will be the duty of the trustees, no matter what may be the provisions of the charter which specially provides for their business, to violate those provisions.

Mr. EDMUNDS. The charter does not provide for any such thing. It says "welfare of the church."

Mr. TELLER. Under that they have a pretty broad discretion.

Mr. EDMUNDS. "Welfare of the church," as I understand, is to promote virtue and not polygamy.

Mr. MAXEY. Mr. President, I shall vote for the bill under consideration, first, because I believe that it is constitutional in its provisions; second, because I believe it is expedient to pass it. I hold that the Territorial government of Utah was organized under that clause of the Constitution which declares that "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." So believing, the Territorial Legislature of Utah having been created by Congressional act, Congress has the power to repeal the act creating the Territorial Government if it deems it expedient so to do. It has the power to modify any legislation, or repeal, abrogate, and hold for naught any legislation of that Territorial Legislature. In short, the power of Congress over the question of legislation in this District of Columbia and in the Territories under the control of the United States is as broad as the power of a State Legislature in respect to the local and domestic affairs within the territorial jurisdiction of the State. Hence I have no question that if Congress believes that the system of polygamy recognized in Utah is subversive of public morals, is injurious to the well-being of society there; if it is calculated to bring reproach on this Government which has tolerated it; if it is in violation of the universally recognized principles of society as understood by the whole people of the United States, whether Catholic or Protestant or infidel, that the exercise of polygamy is injurious to public health and public morals, Congress has a right to so declare, and enforce that declaration by appropriate legislation.

That polygamy pollutes morals, brings reproach on this Government, shocks the moral sense of the people, and is injurious to the health of those who practice it, and transmits its evil effects to the children of polygamous so-called marriages, is, I think, admitted to be true. Its correction is within the scope of the inherent police powers of this Government coextensive with its jurisdiction over the Territories—precisely as by a like exercise of their police powers every State in the Union makes bigamy a crime within their respective jurisdictions.

Furthermore I would say that Congress, as respects the district of Columbia and the Territories, would have the constitutional power to declare by statute and enforce by appropriate penalties the doctrine universally recognized by every State in the Union that no man should have more than one wife or one woman more than one husband living at one and the same time. On the question of power, therefore, I have no doubt. On the question of expediency there can be, I think, as little doubt.

We brought our family institutions from our mother country, Great Britain, a country which recognized monogamy. As far back as I have looked into the history of Great Britain on this subject, as far back as the days of Julius Cæsar, the doctrine of polygamy has never been recognized, but it has always been held that a man should have but one wife living at one time. We thought so when we came here, and the marital laws of every State in this Union, the doctrine of inheritance and distribution, are all based upon that.

Now, I would ask if it be true that this legislation can be opposed on the theory that it is a violation of the religious faith of these people? In my State, in your own State (Mr. SHERMAN in the chair), where they have laws against polygamy, as all our States have, were a man indicted for bigamy, and were he to go into court and plead in response to that indictment that according to his religious faith he had a right to have two wives, or three, or four, or a dozen, if he wished, would that be any valid defense? How long would it take a court to overrule and set aside that plea? If, then, it is not good in a State, if it is not good as a plea in one place, why should it be in another; and have we not the same legislative control over the question as the States have within their jurisdiction? Should any portion of this country under the immediate control of Congress be allowed to have a system which is not tolerated by any State of the American Union?

And, again, if the Territory of Utah were to apply to be admitted as a State—because she is now in a condition of Territorial pupilage—would anybody say that we should not have a right to refuse to allow her to come in as a State of this Union because she recognized polygamy? And if the just end of Territorial pupilage is, in due time and proper preparation, to bring the inhabitants into this Union under a constitution republican in form, is it not our duty to prepare them properly for this great destiny?

The Constitution declares that "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press." Upon the last two inhibitions—freedom of speech and of the press—we have had adjudication after adjudication by all the courts of the country. No law shall be passed "abridging the freedom of speech," and yet we have slander laws in every State of this Union declared to be valid. Why? Are they passed to *abridge the use* of the freedom of speech? Not at all. They are to strike at the *abuse*, and thereby to preserve the *use*. And so we have libel laws punishing the abuse of the freedom of the press. It is not to prevent the free use of the press, but it is to prevent the licentious misuse of the press. If that be true of the two great rights of freedom of speech and freedom of the press, equally is it true of the clause saying that Congress shall not make any law respecting the establishment of religion or prohibiting the free exercise thereof. It is the use and not the abuse of the right that is secured. We must not forget that every State which helped to make the Constitution of the United States recognized monogamy—one husband and one wife—and, so far as I know, bigamy was a crime everywhere; and the Constitution of the United States was made by those States, and must be construed in the light of the universally recognized marital relation at the time of its adoption existing in all the States.

Why, Mr. President, suppose that you should have here a so-called church which would make it a part of its avowed faith and of its practice that female infants should be mutilated in their feet, as in China, would you not say that we have power to prevent that, not to interfere with religious faith, but because such practice would be injurious to society? It cripples uselessly a portion of the people, and the correction of the practice is within the police powers of the Government. I put my support of the bill upon the ground that polygamy is against public morals. The practice of polygamy is an abuse of religion and not a use of it. It is covering licentious practices under the pretended cloak of a use of religion. The clause that Congress shall not make any law respecting the establishment of religion or prohibiting the free exercise thereof is not in the slightest degree interfered with by this bill. I believe as much as the man did who first promulgated the doctrine of this great clause of our Constitution two hundred and fifty years ago, Roger Williams, that the law has no power whatever to interfere with the conscience of the individual; that that is a matter between him and his God. That idea of his was finally incorporated in this Constitution of ours; but this bill does not interfere with that. It does not interfere with it in any way whatever. It says, "Believe what you please, but do not follow practices inimical to the well-being of society." I will say for the Committee on the Judiciary that they have with remarkable skill, in my judgment, drawn the distinction between religious freedom and the abuse of the universally recognized principles and policy of this country and of morals under the pretense of religion, and have simply in the bill before us asked that the police powers of the Government be called into exercise for a wise purpose.

I have thought proper, as I shall support this bill, to put what I think about it, in the broadest terms, upon the record.

Mr. CALL. Mr. President, it has been asserted very often that there was a difference between this legislation and a law respecting religion, that this bill is not amenable to objection because it legislates upon the *political* relations of Mormonism. Suppose we concede that this is an organization in favor of polygamy for the purpose of teaching it and defending it, how much do we advance the argument? What power is given to Congress over it? The Senator from Texas seems to think that because Utah is a Territory Congress is emancipated from all the limitations of the Constitution.

Mr. MAXEY. I beg the Senator's pardon. I took no such position. I simply spoke of our power over the Territories.

Mr. CALL. What does the Constitution say?

Congress shall make no law * * * abridging the freedom of speech or of the press.

The Senator from Texas cited the law of libel. Is it to be held that Congress may prohibit the promulgation of opinions upon the subject of government or religion, whether they are true or false? Did any one ever hear that thought was to be abridged and the expression of it? Does not that mean free speech? Does it not mean a free press? And if they do teach polygamy have they not their legal warrant for it in the guarantee of freedom of speech, and is it not the principle of our Government that we are sustained by free speech and free thought as the foundation and support of our liberties and all our civil institutions? Are we to be told here to-day that this bill is right because it makes war upon opinion, political opinion, political teaching, the freedom of speech, and the freedom of the press? Why, sir, the argument is not advanced to any just conclusion by this proposition.

The Mormons have a right by the very charter by which we defend the Christian religion which for many centuries was forbidden to be defended except in the orthodox way. It was heresy to differ in opinion from the established creed of the government, and we owe our foundation as a government and as a people to the freedom of speech, the freedom of religious and political opinion, whether it be for monarchy or whether it be to promulgate false philosophies in regard to society. We rely upon the omnipotence of free thought and free speech and a free press for our protection and for the success of correct ideas.

We are departing from that in this bill, and the Senator from Vermont tells us that this is right because we are dealing with a political hierarchy. Let us concede that it is a political hierarchy, that it teaches

false, despotic, and immoral doctrines. They have a right to teach them and we have a right to confute them by free speech and free thought. That is the Constitution and the fundamental principle of our Government. Nobody ever questioned this before; and the idea that because we pass laws of libel therefore we may abridge the freedom of speech, of thought, of expression, and provide that men shall only think and talk in support of our ideas of what we proclaim to be right can not be defended.

Why, sir, it seems to me strange that this bill should be defended upon that ground. This Mormon Church or society have as much right to teach their ideas as the distinguished orator who assails the Christian religion has to teach his; and he has as much legal right to proclaim his ideas and to have an association to support and disseminate them as we have a legal political right to associate for the maintenance of what we believe to be the divine faith of Christ, and that is the lesson of the Gospel and the lesson of the Christian religion. It is by moral power that the religion of Christ has overcome polygamy in other countries and other times, and it will be by its moral power that polygamy in Utah will be overcome. Whether it be a political or a religious hierarchy does not affect the argument. The prohibitions of the Constitution remain the same.

I insist, sir, that this argument to take possession of this Mormon Church, to confiscate its property, to manage its affairs, whether it be a political or religious institution, has no foundation, and that this Congress is expressly forbidden by the provisions of the Constitution, which forbid any law that shall abridge the freedom of speech from interfering with them because of the doctrines which they may teach, whatever they may be. And it can not be denied that this is not a bill to suppress polygamy, but it is a bill to suppress and destroy a sect which teaches polygamy, and the methods by which it proposes to suppress this sect, this teaching of polygamy, is the confiscation of its property, the seizure of the contributions of its followers, and then arbitrary appropriation by Congress to such purposes as it thinks proper, the trial of its followers by partial juries on evidence forced from the lawful wife. However grievous may be the evils of Mormonism these unlawful methods are not the proper means for its overthrow and can never accomplish the purpose.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment proposed by the Senator from Alabama.

The amendment was rejected.

Mr. CALL. I move to amend, in section 13, line 3, by striking out after the word "to" the words "forfeit and escheat to the United States the property of corporations obtained or held" and inserting the words "dissolve the corporation existing;" so as to read:

That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to dissolve the corporation existing in violation of section 3 of the act of Congress approved the 1st day of July, 1862.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Florida.

Mr. CALL. I propose, Mr. President, to follow this motion by a motion to strike out all the words on the eleventh line after the word "States" down to the word "worship" at the end of the seventeenth line and insert the following. I state it in order that it may be seen what it is that I propose to do:

And all property shall be returned by the court, on due proof of ownership, to the person or persons or their heirs and assigns who contributed the same: *Provided*, That all buildings on the grounds appurtenant thereto and occupied exclusively for the purpose of the worship of God shall be conveyed under the order of the court to trustees who shall be selected by the congregation or society who constructed such church building and who use the same for the worship of God according to the dictates of their conscience.

Mr. President, I wish to say a few words in support of the amendment. I said yesterday that it was impossible for any one to give any reason on any ground of law or any plausible ground upon which it could be asserted that the Congress of the United States had the right to confiscate, to forfeit the property of this corporation or any other corporation. This act uses the term "escheat." What is an escheat in the law? It is where there ceases to be any right of ownership, where an inheritable estate falls for want of persons designated and known in the law to receive it, and what becomes of it? It goes back to the parties, under the feudal law, from whom it was originally derived.

According to the English law—

Says the definition—

escheat denotes an obstruction of the course of descent, and a consequent determination of the tenure by some unforeseen contingency; in which case the land naturally results back, by a kind of reversion, to the original grantor, or lord of the fee.

What pretense is there for alleging in this bill that the property shall escheat and be forfeited to the United States? Surely, sir, there is none. No lawyer will undertake to say that this can be a case of escheat, and why? Here is a corporation created by law. The Senator from Alabama says that it was not created by law, that it was not a religious corporation, that they had no right to create such a corporation. Well, sir, suppose it was not a religious corporation, suppose it was a political corporation, why had they not the right to create it? There can be no question that it was created by law, that it is recognized in the act cited by the Senator from Vermont, none that it is performing the duties and the objects for which it was created. Now the United States come in and declare that it shall no longer exist. Concede that they have the right to do so, have they the right to take the property? Can they appropriate it to their own use by calling it an escheat, when under the English laws the property did not go to the Crown? What do the law-books say on that subject?

The English Parliament is omnipotent, but here private property can not be taken for public use except on compensation made. Under the law of escheat the land went back to the party from whom it was derived. The government in case there was no owner might appropriate it by law when there was no one of kin, no one in the order of descent; and so they may here; but can they destroy the person in order to acquire the property? That is what this bill proposes to do, and what the argument of the Senator from Vermont requires.

Does it follow because a corporation is terminated that there is nobody who is a *cestui que trust?* And can the Government destroy the corporation by act of law and then say there is nobody to own it? We have destroyed it, destroyed it in the proper term of its chartered existence, and do you not call that a forfeiture, a confiscation, an appropriation of private property?

Let us see what was the English law. There is neither analogy nor is there any kind of precept or authority for this bill in all the English law with an omnipotent parliament, capable without restraint of passing any law confiscating all property, passing bills of attainder, and making blood uninheritable. Even under that constitution and that state of things there is no analogy to this legislation by which a corporation is destroyed, terminated in the period of its life, and then the property of the corporation appropriated by the government.

Some allusion was made by the learned Senator from Massachusetts to the doctrine of *cy pres* as an analogy to it. The history of legislation on this subject is very plain. It will be borne in mind in this investigation that we start out with a positive prohibition upon Congress from appropriating anybody's private property, from taking it, and that before it can be appropriated by the Government of the United States under any proceeding or idea analogous to escheat it shall be when there shall be no owner of it, no person with a legal or equitable right to it—in other words, when it ceases to be private property.

The legislation for charities in the English Government to which the doctrine of *cy pres* applies finally terminated in the statute (43 Eliz., c. 4, 1601) commonly called the statute of charitable uses. This statute provides, and as it has been extended by judicial decision from time to time defines, the causes for which a charitable corporation may be created. They are not religious; they are such as beneficial associations. They may be religious or they may not be. They are all included within the statute of Elizabeth:

Relief of aged, impotent, and poor people; maintenance of sick and maimed soldiers and mariners; schools of learning, free schools, and scholars in universities; repairs of bridges, ports, havens, causeways, churches, sea-banks, and highways; education and preferment of orphans; relief, stock, or maintenance for houses of correction; marriages of poor maids; supportation, aid, and help of young tradesmen, handicraftsmen, and persons decayed, &c.

The subject has received large consideration in the courts of the United States. Perry on Trusts contains all the decisions on the subject and goes extensively into it. There we find laid down the following:

If gifts were made to establish a Jewish synagogue, to teach Judaism in opposition to Christianity, or to re-establish the supremacy of the Pope, or to educate children in the Catholic faith contrary to the statutes, or *to promote* dissent contrary to the acts of uniformity, or to keep alive superstitious customs and practices, the charities could not, of course, be carried into effect as given, and the King gave effect to them as charities, by his royal prerogative, *cy pres* the original purposes. * * * But whether the prerogatives of the British crown were proper or improper, or whether they were wisely exercised or not in the cases named, is no question here. No such power exists in any American magistrates, judicial or ministerial.

That is the decision of our courts. It does not matter whether it be the promotion of Judaism or Christianity or dissent to the orthodox belief, be the object of the charity what it may, it has been held, by the Supreme Court from 4 Wheaton until to-day by the uniform course of decisions, by the decision of Chief-Justice Gray, of the State of Massachusetts, among other learned men cited in this book, that any benevolent charity to trustees who can receive it for the benefit of an indefinite number of people, no matter what it is in respect to its religious teaching, no matter what it is in respect to its political influences, is a charity, and will be enforced and carried out by the courts.

But here we have this bill, in defiance of the whole course of American decisions and of the very words of the Constitution, in defiance of the whole course of English decisions and of the statute of Elizabeth, undertaking to put forth a proposition which, with great respect to the learned men upon this committee, is utterly indefensible and unreasonable, that under the doctrine of *cy pres* you can divert, you can destroy the corporation, terminate its existence during its chartered life, and appropriate its donations not as the statute of Elizabeth says, according to the will of the donor, but against the will of the donor, deprive it entirely because it teaches some heresy, religious or political.

Why, Mr. President, there surely can be no ground for such a proposition as that. It is a pure case of religious persecution, in express defiance of all the provisions of the Constitution of the United States. The

Senator from Alabama said this is not religion. Suppose it is not, can we say what is religion or what is not? In all the course of time those who maintained the orthodox religions have decided that those who differed with them were not religious, that they were the greatest of criminals, burned them at the stake, tore out their tongues. More than a hundred thousand people were destroyed in one year on the very proposition of the Senator from Alabama that somebody had the right to say "my religion is true and your religion is wrong; you are a political hierarchy or a religious hierarchy, and I am satisfied your doctrine is false."

Mr. President, I shall not detain the Senate any longer. I merely desired to show that this proposition of escheat or forfeiture had no warrant in the jurisprudence of England, that it had no application, that the term did not apply to this case, and that if it had applied under the English statutes the doctrine of *cy pres* it would have been carried out according to the will of the donor and not in the unlicensed discretion of the court. But before I sit down allow me to say one word that I think ought to be said.

We have been dealing with a great public evil, and one which is growing and has grown; and why has it grown? We hear uttered the discontents of labor everywhere in this country. We hear of the hundreds of thousands of starving men, women, and children of the sixty million people of the United States. We see it in the organizations of labor everywhere. There is not such a distribution of production as disseminates comfort and abundance among the people. We see in these days of combination everywhere that the laboring people are moving for the preservation of life, impelled by the pangs of hunger and destitution. We have found here upon our borders, in the midst of a great and flagrant heresy, an industrial success which candid and impartial men have testified to. We have found a community where the social evil is not to be found, and if we are to rely on the reports of honest and candid men who have investigated the subject, the habit of intoxication, the sale of liquor in licensed saloons, is not to be found there. Whatever else may be said, I am told it may be said that destitution and want are not found there. The offspring are taken care of, educated, and established in life; shelter is provided for all; food for all, and clothing for all.

Mr. President, that is the reason why deluded people are dragged from Europe from a life of almost absolute want of comfort; that is the reason why their religion is propagated. It is because of the success of their industrial system in a new country. It is not because the religion of Christ will fail to have its effect in its teaching there. It is because the contrast between the life of these poor people in the countries from which they are dragged, naked almost, doomed to a life in both sexes of the hardest and sternest labor without adequate compensation, because they find in reference to the evils of Europe, in reference to the life of want and degradation there, they find comparative comfort in Utah. Mormonism can not live before the enlightened rays of the Christian religion, but it does not need this bill and it does not need this unlawful and unconstitutional confiscation and forfeiture of property to destroy it.

The PRESIDENT *pro tempore*. The question is on the adoption of the first amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the second amendment of the Senator from Florida, which will be read.

The CHIEF CLERK. In section 13, line 12, it is proposed to strike out all after the word "States" down to and including the word "God," in line 17, as follows:

> And all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building or the grounds appurtenant thereto shall be forfeited which is held and occupied exclusively for purposes of the worship of God.

And to insert in lieu thereof:

> And all property shall be returned by the court on due proof of ownership to the person or persons, or their heirs and assigns, who contributed to the same: *Provided*, That all buildings and the grounds appurtenant thereto, held and occupied exclusively for the purpose of the worship of God, shall be conveyed under the order of the court to trustees who shall be selected by the church or society who constructed such church building, and who use the same for the worship of God according to the dictates of their own consciences."

Mr. CALL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. EDMUNDS. It is simply sufficient to say in answer to that amendment that the thirteenth section provides for the forfeiture of any property that has been acquired in contravention of a positive statute of the United States.

Mr. TELLER. I do not want to prolong this debate, but I do not understand the rule to be that property acquired by a corporation in violation of the provisions of the statute escheats to the Government. I have never known any such rule, all the authorities are different, and we now propose to establish a rule that does not exist. I do not know whether it is possible for Congress to do that thing or not.

Mr. EDMUNDS. That is left to the courts by the section.

Mr. TELLER. If it is to be left to the courts, then there need not be any provision put in about escheating, if that is the law now. I do not understand that to be the law, and I understand the Supreme Court of the United States has held that it is not the law. We may be able to make such a law. The honorable Senator is not willing to leave it to the law as it exists. The British Parliament, is omnipotent but it has been held that it could not legislate money from one man's pocket to another's. In the exercise of the power given over this subject in the Territories it is possible the United States may legislate the money of individuals into its own pocket, but I do not believe it. I neither believe it is possible by law, nor do I believe it is proper and right that it should be done.

Mr. CALL. I would ask the Senator from Vermont if he considers it the law that property acquired by a corporation in violation of the law becomes *ipso facto* forfeited to the Government.

Mr. EDMUNDS. Mr. President, I have said enough, I think, on this question. This language merely repeats and enforces the act of 1862, which left that church concern with all the property that it then had, and said that if it acquired any sum beyond the $50,000 and what it then had, its property should be forfeited and escheated to the United States; and this section merely carries it out.

Mr. CALL. Is that language in the act?

Mr. EDMUNDS. It is in the act.

Mr. TELLER. Then why put it in this?

Mr. EDMUNDS. Because the Attorney-General does not propose to leave the money in court, and Congress proposes to provide what shall be done with it.

Mr. CALL. I understand the Senator from Vermont, then, to say that he thinks it competent for the Congress of the United States to forfeit the property of a corporation which shall be acquired in excess of the amount limited by law.

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). On this question I am paired with the Senator from Pennsylvania [Mr. CAMERON]. Otherwise I should vote "yea."

Mr. BROWN (when his name was called). On this question I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I should vote "yea."

Mr. MITCHELL, of Oregon (when his name was called). On this question I am paired with the Senator from California [Mr. STANFORD].

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST], who is necessarily absent this evening, is paired with the Senator from New York [Mr. MILLER]. If here, my colleague would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 6, nays 39; as follows:

YEAS—6.

Call,	Hampton,	Teller,	Vance.
Eustis,	Morgan,		

NAYS—39.

Allison,	Dolph,	Hoar,	Palmer,
Beck,	Edmunds,	Ingalls,	Payne,
Berry,	Evarts,	Jackson,	Platt,
Chace,	Frye,	Jones of Arkansas,	Pugh,
Cockrell,	George,	Logan,	Sawyer,
Coke,	Gibson,	McMillan,	Sherman,
Colquitt,	Hale,	Manderson,	Spooner,
Conger,	Harris,	Maxey,	Walthall,
Cullom,	Harrison,	Mitchell of Pa.,	Wilson of Iowa.
Dawes,	Hawley,	Morrill,	

ABSENT—31.

Aldrich,	Fair,	Miller of Cal.,	Saulsbury,
Blackburn,	Gorman,	Miller of N. Y.,	Sewell,
Blair,	Gray,	Mitchell of Oreg.,	Stanford,
Bowen,	Jones of Florida,	Pike,	Van Wyck,
Brown,	Jones of Nevada,	Plumb,	Vest,
Butler,	Kenna,	Ransom,	Voorhees,
Camden,	McPherson,	Riddleberger,	Wilson of Md.
Cameron,	Mahone,	Sabin,	

So the amendment was rejected.

Mr. BROWN. I desire to call the attention of the chairman of the committee to the seventh section of the act of 1882 and to one of the sections of the present bill:

> SEC. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the 1st day of January, A. D. 1883, are hereby legitimated.

Giving a little over nine months from the passage of the act so as to embrace those born within the ordinary period of gestation. In the present bill this is the provision:

> SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born previous to the passage of this act.

I propose there to amend, with the consent of the committee, by saying "previous to the passage of this act, or within the ordinary period of gestation after the passage thereof," so as to make the same provision which was made in the act of 1882 for unborn children who are in existence.

Mr. EDMUNDS. The act of 1882 finished up the whole of that subject; and this act so far as it is necessary at all after that act (as I doubt if it is, because we merely annul that Territorial act which I think the legal effect of the act of 1882 accomplished) is merely to put illegitimate children in that Territory on the same footing that illegitimate children are everywhere else, I believe, in every country. I do not think the provision in this act was necessary as affecting the status of any illegitimate child born since 1882, or born after the passage of this act and within nine months, but the point of this provision is to annul and get off the statute-book of that Territory that act which stands in opposition to the law of 1882 that we passed, so that my friend's observation really does not apply.

Mr. BROWN. If it was proper to allow the period of gestation in that statute is it not equally proper in this case?

Mr. EDMUNDS. No, because we wound up that business by an affirmative act then and there, and it is doing no injustice to the illegitimate children in Utah any more than elsewhere, because in 1882 we made an end of the question, and this merely annuls their old act and makes an end of it.

Mr. BROWN. I will not press my amendment, because of course it will share the fate of all the others, but it seems to me there is necessity for it.

The PRESIDENT *pro tempore*. If there be no further amendment——

Mr. BLAIR. I think there is an amendment.

The PRESIDENT *pro tempore*. The Senator from New Hampshire submitted an amendment which he now offers, the Chair understands.

Mr. BLAIR. Mr. President, the Constitution, as the Senate will remember, provides that the trial of all crimes except in cases of impeachment shall be by jury, and such trials shall be held in the State wherein the crime shall have been committed, and when not committed in any State the trial shall be at such place or places as the Congress may by law have directed. I ask the Secretary to read the proposed amendment.

The SECRETARY. It is proposed to add as an additional section the following:

SEC. —. That in all prosecutions of bigamy, polygamy, or unlawful cohabitation, or conspiracy to commit or conspiracy to aid or abet the commission of any one of said crimes, by direction of the Chief-Justice of the United States the charge may be investigated by a grand jury, and indictment found, and trial, judgment, conviction, sentence, and proceedings had thereon, in the proper court of the United States in such State or Territory outside the Territory of Utah as will, in the judgment of the Chief-Justice, best afford the opportunity of impartial proceedings and promote the ends of justice; and either party may apply to the Chief-Justice to fix the place for any of the steps taken in such proceedings.

Mr. BLAIR. Mr. President, as there seems to be so much doubt and difficulty in the application of the provisions of several of the sections of this bill to the existing situation, it seems to me that the power of this Mormon hierarchy, which is concentrated in the hands of a very few individuals, could perhaps be best reached and destroyed without raising any legal uncertainties or controversies, by so contriving this bill that it shall subject them to a criminal prosecution where a grand jury would be secured to investigate with reference to the proper finding of indictments, and a petit jury would be likely to find a verdict according to the evidence submitted to them.

The Constitution provides what I have stated. Under the provisions of my amendment it seems to me that the power of criminal prosecution would be made effective, and at once effective, in destroying this institution by striking down those who are at the head of it. But as I see the majority of the Senate are in favor of this bill as it is and are quite determined upon its passage in its present form, I do not wish to make myself conspicuous by any unseemly obstinacy in the matter, and therefore I withdraw the amendment if I may be permitted to do so.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. MORGAN. Mr. President, the friends of this measure seem determined to pass it in its present shape, yielding nothing to the opinions of others who have not had the opportunity to study it, which of course they have had. I have taken occasion since the bill has been under discussion to ask some questions for information about its meaning, purpose, &c. Some of these questions have been answered by one member of the committee, the others not participating in the debate, but I shall take it for granted that that honorable Senator has had the right to speak the opinions of every member of the committee who has not voted to the contrary on the call of the yeas and nays.

One question I have asked which the Senator from Vermont said he would answer before he took his seat. I addressed that question also to my colleague, and also to the Senator from Texas who is on the Committee on the Judiciary, and that was, what do you expect to pay these trustees? Why do we send this bill out of the Senate for fourteen trustees to perform the novel and important duties that we imposed on this body of men in the management of the Mormon Church, its property, its income, and questions relating to its missions, whether the church shall direct its funds to be applied to missionary operations or not—why do we select fourteen men to exercise these peculiar functions, and in the bill say nothing about paying them, provide no salary?

We put them under bonds. They are required to give bonded security, I suppose payable to the church. It does not say so. They are required to make reports annually or oftener to the Government; they are required to take in trust and in charge all the property, as I understand it, of every kind and character of this corporation. We are informed that that property amounts in personal estate one way and another to perhaps several million dollars and to a large amount in real estate. And yet the Senate of the United States, for some reason which no Senator has deigned even to allude to, has remained entirely silent as to what compensation, if any, these trustees or commissioners are to have.

Now, sir, I do not want to send fourteen men out there to loot the Mormon Church and come back with a hamper full of money that they have taken from it, which they say the Mormon hierarchy are disposed to misappropriate for the encouragement of polygamy, and then ask us to divide it out and give them as much of it as we think they are entitled to for their activity and their zeal and their skill in getting this money into their hands. They have the right to receive money; they are not naked trustees; the money in their possession is charged with certain uses to which they must apply it, unless, in their opinion, they should come to the conclusion that the uses to which they are directed to apply it may be in violation of some statute of the United States or may be possibly an encouragement to and promotion of polygamy. Being thus in possession of this large fund, having to account for it under a bond, the Senate of the United States makes no provision at all, hints at no provision for their compensation, but leaves to them the unfortunate tempation of deriving from this church and this people all the money that they can, in the hope and expectation that when they get back from this raid upon this church Congress will be disposed to compensate them liberally for their services.

Sir, I undertake to affirm that no set of officers have ever been created with such important trusts and duties, no set of bonded officers with a fixed tenure of office have been created by any act of Congress without some provision being made, at least, that they should be compensated. If in any act of Congress the amount of compensation has been left indefinite, there has been still an expression that these officers were to receive compensation for their services.

In what attitude do we place ourselves before the world by sending forth these trustees into the body of a society which they call a church, and in which they propose to direct religious worship, religious sacraments and ceremonies, sending them out there under bond, giving them a two years' tenure of office, and making no mention of the fact that they are to have compensation? The world will say, "You intend to put your agents into that church for the purpose of looting it; you intend to put your agents there without instructions as to their authority or their line of conduct, without definition really of their powers, for the purpose of making schism and mischief in the body of the church, and upon this mischief and schism arising, you, the majority, 14 against 13, can take the money into your own hands and bring it back to Congress, and ask how we shall divide it." I do not want to be put in that condition.

There is no occasion for the Senate of the United States to put itself in that condition. We ought to have said these commissioners, or these trustees, shall have $1,000 a year, or $2,000 a year, or, as in the case of the commissioners in Utah, that they should have $5,000 a year, or we ought to have said in the bill they shall have no compensation.

This is not a fair and legitimate way of legislating with respect to any community whatsoever, and this curious, original, abnormal manner of legislation will bring reproach upon this body by the enactment of the law in that shape. The world will put to us the question: "Why is it that you are afraid to speak your mind in respect to the compensation that these men shall have, or upon the question whether they shall have any compensation at all? Why do you leave it to an Appropriation Committee hereafter to advise in advance of their appointment, or after they have done their work, whether they shall have any compensation, or what their compensation shall be?" Whoever heard of a bill creating officers in this country of great trust and responsibility, bonded officers, in which the Congress was afraid to say whether it would pay them anything or not?

Mr. President, there is a dangerous look in this style of legislation. There is something that brings upon the Congress of the United States unnecessary suspicion in regard to it. Indeed, this committee in submitting this bill to the Senate in this form have attempted to legislate to point no point. They have attempted to legislate to get a result without stating the means by which the result is to be obtained. They have not ventured to express the opinion even whether that act of the Territorial Legislature of Utah is still in existence. They leave their chairman without an expression on this subject to state his own individual opinion that there is a legal organization remaining there, in the face of an act of Congress of 1862 which repeals it. No member of the committee arises for the purpose of taking issue with the honorable chairman; no member arises to indorse his opinion; and we are left here by the leading judicial committee of this body to inference,

to conjecture, to guessing as to what the state of the law is on this question. And when I offer an amendment which shows what the state of the law ought to be, that this corporation no longer exists, I am met by the proposition, "The gentleman opposes the twelfth section of the bill, and the president of the church would do the same thing." That is the answer which is made to me. When I ask the Committee on the Judiciary to state what the law is the reply is, "The Senator from Alabama takes the same ground on this measure that the president of the church would take."

Ah, Mr. President, I am not to be deterred from the expression of my opinion, humble as it may be, by an allusion of that character. Would the president of this church be less alarmed or more alarmed at a measure which would take down that legal structure which upholds all of his authority, than he would at a measure which interjects a governing power along with his power and the power of his trustees and the management of it, upon the hypothesis that the corporation still exists and retains its powers? Which would alarm him the more, to see the house tumbling about his head, absolutely demolished, as it was in 1862 by an act of Congress, or to see it maintained by an act of Congress that we enact to-day, and merely occupied by a board of unpaid trustees in conjunction with his trustees?

Thirteen Mormons compose the Mormon side of that board. Fourteen Gentiles, I suppose, will compose the Gentile side of the board. Our men go there and they sit two years, so far as this bill gives us any information on the subject, without compensation. How easy would it be for them to find perhaps one man unfaithful to the views of the honorable Senator from Vermont, who would accept a few thousand dollars to vote with the minority in that board and conduct that business precisely as the president of that church and that hierarchy might require? You put an unpaid and unsalaried set of trustees on a bond payable to the church and not to us into that organization for the purpose of conducting its temporal affairs, and with millions of money at their control, and without conscience they come and slip some of their loot and their bribe into the pocket of one trustee, which carries the majority on the other side of the question, and the church has its way.

It is merely an opening for the purpose of getting men in there upon the idea that they will produce schisms and dissensions in a legal body of that church, and yet we expose them to the temptation which the Mormons can bring about them, and will bring about them, to divert them so that Mormonism will be encouraged by this act and sanctioned by the act of Congress rather than discouraged and broken down. That is the shape in which this bill is left.

Did it never occur to the honorable Senator from Vermont or any other member of the committee that these fourteen unpaid trustees that they put into this board might possibly accept a stipend from the head of that church to go not in the direction that the honorable Senator from Vermont would have them go, but right to the reverse, and to make the instrumentality of the law which we create here the power by which the church will be sustained and promoted even in its effort to establish and propagate polygamy?

Sir, such unwise legislation as this does not deserve the sanction of a Senator's vote, and I can not give it. I have proven on this floor my determination, as far as my power extends, to strike this church root and branch until afterward there shall be nothing left of it but a name and an unholy memory. I am met by the proposition to keep the thing up, to hold it up and let it work, and put fourteen trustees in there subject to the power of money to assist the Mormons in running it.

Now, which is the better proposition? I dare say the president of the church would select the proposition of the Senator from Vermont a thousand times before he would select mine. He would take his chances with his fourteen trustees, though they might be confirmed by the Senate, much in preference to taking his chances with a court upon the power of Congress to dissolve and annul and dissipate that corporation.

I shall therefore vote against this bill.

Mr. CALL. Mr. President, I do not propose to make a speech. I merely wish to put on record and call the attention of the Senator from Vermont to the proposition that the bill goes only to confiscate property acquired in violation of an act of Congress. I find in the act of 1862, in the proviso referred to by the Senator from Vermont, the following language:

Provided, That this act shall be so limited and construed as not to affect or interfere with the right of property legally acquired under the ordinance heretofore mentioned.

That ordinance I understand to be still in force. The act of 1872, section 1890 of the Revised Statutes, also provides:

That it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the Territorial government of a greater value than $50,000.

That is confined to real estate. This measure provides for the confiscation of all property. The ordinance which is referred to in the previous act is still in force. The act of 1862 is limited to real estate to the amount of $50,000. Therefore it is apparent that this measure is not, in my judgment, as the Senator from Vermont says, limited to the confiscation of property acquired in violation of the law. But suppose it had been so, I wish to make this point before the discussion closes: Suppose a corporation is denied the power to hold real estate or property of any kind, real or personal, the power to hold it is an artificial power given to it by statute. It is not a natural person. What becomes of property given to it when it has no power to receive it in the law? Whose is it when it has no attribute of holding the property? Can you confiscate it because the law has forbidden the corporation to take it? Whose is it if the corporation could not take it, if it is not the person's who tried to give it but could not give it? Are not the gift and the assent to receive it both necessary to constitute the gift? If the law, upon the proposition of the Senator from Vermont, refused to allow the corporation the right to receive it and to hold it, whose is this property when the donation was made to a person not capable of receiving it? Of course it belongs to the persons who gave it.

The PRESIDENT *pro tempore*. The question is upon the passage of the bill.

Mr. VAN WYCK. In order to remove the difficulty stated by the Senator from Alabama, I would suggest to the Senator from Vermont whether it would not meet the purpose of the committee as well to devolve the duty required of the fourteen trustees upon the commission of five persons already there in the employ of the Government. Therefore, I would suggest as an amendment——

The PRESIDENT *pro tempore*. The Chair will advise the Senator from Nebraska that the question is now upon the passage of the bill, and it is not open to amendment. The bill was ordered to be engrossed for a third reading and has been read the third time.

Mr. EDMUNDS. Amendments are not in order.

Mr. VAN WYCK. Then I ask if the Senator from Vermont would object to an amendment of that kind?

Mr. EDMUNDS. He most decidedly would, Mr. President.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. VANCE. I ask for the yeas and nays upon the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when his name was called). On this question I am paired with the Senator from New Hampshire [Mr. PIKE]. If he were present, I understand he would vote "yea" and I should vote "nay."

Mr. HAMPTON (when Mr. BUTLER'S name was called). My colleague [Mr. BUTLER] is paired with the Senator from Pennsylvania [Mr. CAMERON]. The junior Senator from Kentucky [Mr. BLACKBURN] begged me to announce that he is paired with the Senator from Maine [Mr. HALE].

Mr. MITCHELL, of Oregon (when his name was called). On this question I am paired with the Senator from California [Mr. STANFORD]. If he were here, I should vote "yea" and he would vote "nay."

Mr. TELLER (when his name was called). On the passage of the bill I am paired with the Senator from Arkansas [Mr. JONES]. If he were present, he would vote "yea" and I should vote "nay."

The roll-call was concluded.

Mr. COCKRELL. My colleague [Mr. VEST] is paired with the Senator from New York [Mr. MILLER]. If present, my colleague would vote "nay" and the Senator from New York would vote "yea."

The result was announced—yeas 38, nays 7; as follows:

YEAS—38.

Allison,	Dolph,	Jackson,	Pugh,
Beck,	Edmunds,	Logan,	Sawyer,
Berry,	Eustis,	McMillan,	Sherman,
Chace,	Evarts,	Manderson,	Spooner,
Cockrell,	Frye,	Maxey,	Van Wyck,
Coke,	George,	Mitchell of Pa.,	Walthall,
Colquitt,	Harris,	Morrill,	Wilson of Iowa,
Conger,	Harrison,	Palmer,	Wilson of Md.
Cullom,	Hawley,	Payne,	
Dawes,	Ingalls,	Platt,	

NAYS—7.

Blair,	Gibson,	Hoar,	Vance.
Call,	Hampton,	Morgan,	

ABSENT—31.

Aldrich,	Gorman,	Mahone,	Sabin,
Blackburn	Gray,	Miller of Cal.,	Saulsbury,
Bowen,	Hale,	Miller of N. Y.,	Sewell,
Brown,	Jones of Arkansas,	Mitchell of Oreg.,	Stanford,
Butler,	Jones of Florida,	Pike,	Teller,
Camden,	Jones of Nevada,	Plumb,	Vest,
Cameron,	Kenna,	Ransom,	Voorhees.
Fair,	McPherson,	Riddleberger,	

So the bill was passed.

Mr. HOAR. Let the Chair put the question on the title of the bill.

The PRESIDENT *pro tempore*. The question is, Shall the title of the bill stand as reported?

Mr. HOAR. I wish to say upon that question that I voted against the bill solely because of the refusal of the Senate to strike out the seventh section, which I think wrong in principle. If my vote would have affected the passage of the bill, which in all its other features I approve, it would have put a responsibility upon me and a majority of the Senate which I do not now feel rests upon me.

The PRESIDENT *pro tempore*. The title of the bill will stand as reported if there be no objection.

Mr. BLAIR. If there be no objection I should like to have the bill printed in the RECORD as it has passed the Senate.

Mr. EDMUNDS. I have no objection, Mr. President.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to have the bill printed in the RECORD as it passed the Senate. The Chair hears no objection, and it is so ordered.

The bill is as follows:

A bill to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882.

Be it enacted by the Senate and House of Representatives, &c., That in any proceeding and examination before a grand jury, a judge, a justice, or a United States commissioner, or a court, in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called and may be compelled to testify in such proceeding, examination, or prosecution without the consent of the husband or wife, as the case may be; but such witness shall not be permitted to testify as to any confidential statement or communication made by either husband or wife to each other during the existence of the marriage relation.

SEC. 2. That in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpœna, compelling the immediate attendance of such witness, when it shall appear to the commissioner, justice, judge, or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpœna issued and served in the usual course in such cases; and in such case the usual witness-fees shall be paid to such witness so attached: *Provided*, That no person shall be held in custody under any attachment issued as provided by this section for a longer time than ten days; and the person attached may at any time secure his or her discharge from custody by executing a recognizance, with sufficient sureties, conditioned for the appearance of such person at the proper time as a witness in the cause or proceeding wherein the attachment may be issued.

SEC. 3. That any prosecution under any statute of the United States for bigamy, polygamy, or unlawful cohabitation may be commenced at any time within five years next after the commission of the offense; but this provision shall not be construed to apply to any offense already barred by any existing statute of limitation.

SEC. 4. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind, in any of the Territories of the United States, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified in writing by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony, and by every officer, priest, and person taking part in the performace of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded. Such certificate or the record thereof, or a duly certified copy of such record, shall be *prima facie* evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court.

SEC. 5. That every certificate, record, and entry of any kind concerning any ceremony of marriage, or in the nature of a marriage ceremony of any kind, made or kept by any officer, clergyman, priest, or person performing civil or ecclesiastical functions, whether lawful or not, in any Territory of the United States, and any record thereof in any office or place, shall be subject to inspection at all reasonable times by any judge, magistrate, or officer of justice appointed under the authority of the United States, and shall, on request, be produced and shown to such judge, magistrate, or officer by any person in whose possession or control the same may be. Every person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years, or by both said punishments, in the discretion of the court. And it shall be lawful for any United States commissioner, justice, judge, or court before whom any proceeding shall be pending in which such certificate, record, or entry may be material by proper warrant, to cause such certificate, record, or entry, and the book, document, or paper containing the same, to be taken and brought before him or it for the purposes of such proceeding.

SEC. 6. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

SEC. 7. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the governor and Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

SEC. 8. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.

SEC. 9. That the laws enacted by the Legislative Assembly of the Territory of Utah conferring jurisdiction upon probate courts, or the judges thereof, or any of them, in said Territory, other than in respect of the estates of deceased persons and in respect of the guardianship of the persons and property of infants, and in respect of the persons and property of persons not of sound mind, are hereby disapproved and annulled; and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory, respectively.

SEC. 10. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father: *Provided*, That this section shall not apply to any illegitimate child born previous to the passage of this act.

SEC. 11. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecution for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

SEC. 12. That the acts of the Legislative Assembly of Utah incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinance of the so-called General Assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, so far as the same may preclude the appointment by the United States of certain trustees of said corporation as is hereinafter provided. The President of the United States, by and with the advice and consent of the Senate, shall appoint fourteen trustees of the said corporation, who shall have and exercise all the powers and functions of trustees and assistant trustees provided for in the laws creating, amending, or continuing the said corporation, which trustees so appointed shall hold their respective offices for the term of two years; and the trustees of said corporation shall annually or oftener make a full report to the Secretary of the Interior embracing all the property, business affairs, and operations of the said corporation; and the Legislative Assembly of the Territory of Utah shall not have power to change the laws respecting said corporation without the approval of Congress. Said trustees shall each give bond, payable to the United States, with good and sufficient security, for the faithful discharge of the duties incumbent upon him as trustee, in such sum as may be prescribed by the Secretary of the Interior.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building or the grounds appurtenant thereto shall be forfeited which is held and occupied exclusively for purposes of the worship of God.

SEC. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any corporation or association for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to dissolve the said corporation mentioned in the preceding section and pay the debts and to dispose of the property and assets thereof according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, and that by law shall escheat to the United States, shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

SEC. 17. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the United States judges in said Territory forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed), being citizens of the United States, according to numbers, in said Legislative Assembly, and to the number of members of the council and house of representatives, respectively, as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

SEC. 18. That the provisions of section 9 of said act, approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of elections, and the powers and duties of the board therein mentioned, shall continue and remain operative until the provision and laws therein referred to to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said Assembly and shall have been approved by Congress.

SEC. 19. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

SEC. 20. If any person related to another person within and not including the fourth degree of consanguinity, computed according to the rules of the civil law, shall marry, or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and on conviction thereof shall be punished by imprisonment in the penitentary not less than three years nor more than five years.

SEC. 21. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

SEC. 22. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

SEC. 23. That the marshal of said Territory of Utah and his deputies shall possess and may exercise all the powers in executing the laws of the United States possessed and exercised by sheriffs and their deputies as peace officers; and each of them shall cause all offenders against the law, in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots, routs, affrays, and insurrections, and shall apprehend and commit to jail all felons.

SEC. 24. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby delared vacant; and it shall be the duty of the supreme court of said Territory to appoint a Territorial superintendent of district schools, who shall possess and exercise all the powers and duties imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of a sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the district schools in said Territory, showing their progress, the whole number of children of school age, the number who attended school in each year in the respective counties, and average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called Gentiles, the number of children of Mormon parents and the number of children of so-called Gentile parents, and their respective average attendance at school. All of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

SEC. 25. (a) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(b) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(c) If a husband seized of an estate of inheritance in lands exchanged them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.

(d) When a person seized of an estate of inheritance in lands shall have executed a mortgage on such estate before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged as against every person except the mortgagee and those claiming under him.

(e) Where a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase-money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or those claiming under him, although she shall not have united in such mortgage; but she shall be entitled to her dower as against all other persons.

(f) Where in such case the mortgagee, or those claiming under him, shall, after the death of the husband of such widow, cause the land mortgaged to be sold, either under a power of sale contained in the mortgage or by virtue of the decree of a court of equity, and if any surplus shall remain after payment of the moneys due on such mortgage and the costs and charges of the sale, such widow shall nevertheless be entitled to the interest or income of the one-third part of such surplus, for her life, as her dower.

(g) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the married period.

(h) In case of divorce dissolving the marriage contract for the misconduct of he wife, she shall not be endowed.

SALLIE JARRATT.

Mr. HARRIS. Yesterday the Senate passed a bill (S. 16) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased. I desire to enter a motion to reconsider the vote by which the bill was passed and the vote by which the bill was ordered to a third reading, because of the fact, which I learn to-day, that Sallie Jarratt died a short time since, and I want to amend the bill so as to pass it for the relief of the administrator *de bonis non* instead of Sallie Jarratt, who is dead.

The PRESIDENT *pro tempore*. The Senator from Tennessee wishes the motion to reconsider entered?

Mr. HARRIS. I wish to enter both motions, and if the Senate will indulge me, as it will take but a moment to reconsider the vote and amend, I ask that it may be done at this time.

Mr. EDMUNDS. If the Senator will just enter the motion, then it will be a motion that can be taken up Monday morning in the morning hour, and we can look at it.

Mr. HARRIS. Then I wish to enter both motions, the motion to reconsider the vote by which the bill was passed and the motion to reconsider the vote by which the bill was ordered to a third reading.

The PRESIDENT *pro tempore*. The motions will be entered.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned.

SENATE.

MONDAY, *January* 11, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution adopted by the American Metrological Society of New York city, favoring the suspension of the coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. SAWYER presented resolutions adopted by the Chamber of Commerce of Milwaukee, Wis., in favor of the suspension of the compulsory coinage of the standard silver dollar; which were referred to the Committee on Finance.

Mr. MITCHELL, of Oregon, presented the petition of E. H. Brodie, late ordnance sergeant, United States Army, of Astoria, Oreg., praying for the passage of a bill awarding him a certificate of merit for distinguished bravery and good conduct at the battle of Cerro Gordo, Mexico; which was referred to the Committee on Military Affairs.

Mr. HARRISON presented the petition of Veite, Stockwell & Co., and 10 other wholesale grocers at Evansville, Ind., praying for the appointment of commissioners on the part of the United States to confer with those of Canada for the settlement of the fisheries question; which was referred to the Committee on Foreign Relations.

Mr. HALE. I present the petition of J. Eglinton Montgomery, late United States consul at Leipsic, Germany, praying reimbursement of expenses incurred in obedience to orders from the United States. This paper is not in the form of a petition addressed to Congress, but is addressed to the Committee on Claims, though evidently intended for Congress. I therefore ask leave to present it, and that it be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. The petition will be received, if there be no objection, and so referred.

Mr. HALE presented the memorial of R. I. Wooster and others, citizens of Maine; the memorial of Joseph Wood and others, citizens of Maine; the memorial of Charles F. Eaton and others, citizens of Maine; the memorial of G. H. Condon and others, citizens of Maine; and the memorial of F. L. Hodgkins and others, citizens of Maine, remonstrating against any action by the executive department or Congress which will fail to protect the New England fisheries; which were referred to the Committee on Foreign Relations.

Mr. WILSON, of Maryland, presented the petition of William H. Haines and others, citizens of Cecil County, Maryland; the petition of Thomas C. Crouch and others, citizens of Cecil County, Maryland; and the petition of William H. Barton and others, citizens of Dorchester County, Maryland, praying for the suspension of the coinage of the standard silver dollar; which were referred to the Committee on Finance.

Mr. BUTLER presented the petition of E. R. Wallace, president of the Merchants and Planters' National Bank, Union, S. C.; George Munro, cashier; J. D. Arthur, book-keeper; I. D. Jones, J. C. Hunter, A. H. Foster, J. H. Bartles, W. D. Bewley, and 22 others, merchants and business men, citizens of Union, S. C.; and the petition of Charles O. Witte, president of the People's National Bank of Charleston, S. C.; E. H. Sparkman, cashier; Andrew Simonds, president of the First National Bank; Andrew Simonds, vice-president; George W. Williams, president of the Carolina Savings Bank; Bank of Charleston; South Carolina Loan and Trust Company, and 26 other mercantile firms and business men of Charleston, S. C., praying for the repeal of the law requiring the Secretary of the Treasury to coin not less than 2,000,000 of standard silver dollars per month; which were referred to the Committee on Finance.

He also presented resolutions of the Chamber of Commerce of Charleston, S. C., in favor of an appropriation for a new revenue-cutter to be stationed at that port; which were referred to the Committee on Commerce.

He also presented the petition of Edgar O. Murden, a native of South Carolina, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BLACKBURN presented a memorial of citizens of Kentucky, remonstrating against the passage of a bill to establish the eastern judicial district of Kentucky; which was referred to the Committee on the Judiciary.

Mr. BLAIR. I present the petition of Stephen C. Hoops, late of Company C, One hundredth Regiment Ohio Volunteers, and 8 other ex-Union soldiers, representing the volunteer service in Pennsylvania, Ohio, the District of Columbia, Maryland, Massachusetts, one or two other States, and the regular Army, praying for the establishment of national homes for indigent and maimed ex-confederate soldiers. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BLAIR presented the petition of W. S. Wrenn and others, of Savoy, Tex., and the petition of W. S. Cole and others, of Limaburg, Ky., praying for the passage of a bill granting temporary aid to common schools; which were ordered to lie on the table.

Mr. MITCHELL, of Pennsylvania, presented a petition of Hays Post, Grand Army of the Republic, Pittsburgh, Pa., praying for the passage of a bill granting public lands to the soldiers and sailors of the late war; which was referred to the Committee on Public Lands.

Mr. COLQUITT presented a petition of citizens of Georgia, praying for the repeal of the so-called silver coinage law; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 296) for the relief of Alfred G. Hatfield, reported it with an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 85) for the relief of B. Jennings, reported it without amendment, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 218) to confirm the title to certain lands in Platte

County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, reported it with amendments.

Mr. PLUMB. I ask unanimous consent that at some future day I may make a written report to accompany the bill which has just been reported (S. 149); and I give notice to the Senate that at an early day I shall ask the Senate to consider the bill.

ADMISSION OF DAKOTA.

Mr. HARRISON. I am directed by the Committee on Territories, to whom the subject was referred, to submit a report, accompanied by an original bill, relating to the admission of Dakota.

The bill (S. 967) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln, was read twice by its title, and ordered to be placed upon the Calendar.

Mr. HARRISON. I desire also, in order that it may be disposed of, to report adversely and ask the indefinite postponement of Senate bill 578 on the same subject.

The PRESIDENT *pro tempore*. The Senator from Indiana moves the indefinite postponement of the bill (S. 578) providing for the admission of the State of Dakota into the Union and for the organization of the Territory of North Dakota. If there be no objection that motion will be considered as agreed to.

Mr. BUTLER. Mr. President——

Mr. HARRISON. I was going to say that the Senator from South Carolina [Mr. BUTLER] was not present when the bill was acted upon by the committee, and if there is any desire to reserve the right of the minority to present their views I ask that it may be done.

Mr. BUTLER. I simply rose for the purpose of saying that I would ask that privilege. I have had no time to examine the report and know nothing about it. I shall therefore be glad, after examining it, to have the opportunity of submitting a minority report if it be deemed necessary.

Mr. HARRISON. In connection with this matter I desire to ask to have printed an additional number of copies, more than the ordinary number, of the report. The ordinary number, I believe, is 1,900, of which, if I am rightly informed, something less than 300 copies remain in the Senate for distribution. I think there should be an additional number of copies of the report printed, as there will be perhaps a somewhat wide desire to see it.

The PRESIDENT *pro tempore*. What number does the Senator propose?

Mr. HARRISON. I would ask for information whether I am right in supposing that 1,900 is the usual number printed?

The PRESIDENT *pro tempore*. Nineteen hundred is the usual number of a document printed. The Senator from Connecticut [Mr. HAWLEY] can answer.

Mr. HARRISON. I ask the Senator from Connecticut what is the usual number of copies of reports printed?

Mr. HAWLEY. Nineteen hundred; and two or three hundred of that number are at the disposal of the Senate.

Mr. HARRISON. Nineteen hundred, I am advised, is the usual number. I think it would be well that as many as 5,000 copies of this report should be printed.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent of the Senate for an order to print 5,000 extra copies of the report on the bill in respect to the State of Dakota.

Mr. BUTLER. I shall be constrained to object to that for the present until I can have an opportunity of examining the report.

Mr. ALLISON. The motion must go to the Committee on Printing, and let that committee report upon it.

Mr. INGALLS. Let it go to the Committee on Printing under the rules.

The PRESIDENT *pro tempore*. Objection being made to the unanimous consent for printing extra copies, the question will be referred to the Committee on Printing.

Mr. HARRISON. I suppose that the resolution or order will go to the Committee on Printing to report. I shall put it in the form of a resolution, so that it may be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The order to print the usual number is made as a matter of course. The order proposed to print an extra number of copies will go to the Committee on Printing.

Mr. HARRISON. I am also directed by the Committee on Territories to report adversely on two resolutions, one submitted by the Senator from South Carolina [Mr. BUTLER] and one by the Senator from Missouri [Mr. VEST], relating the one to the proceedings taken by the people of Dakota in the formation of a State government, and the other to the communication accompanying the constitution as it was laid before the Senate by the presiding officer. If the Senator from South Carolina desires his resolution to go upon the Calendar, I will ask that that be done, and as the Senator from Missouri is not in his place, perhaps that resolution also had better go upon the Calendar.

Mr. BUTLER. May I inquire what action was taken by the committee upon these resolutions? I did not hear the Senator.

Mr. HARRISON. I was directed to report them adversely. I will say to the Senator from South Carolina that we have not submitted a written report upon these resolutions, for the reason that the report accompanying the bill was thought by the committee to contain all necessary references to the reasons upon which the adverse reports were based in reference to the resolutions.

The PRESIDENT *pro tempore*. The Senator from Indiana, from the Committee on Territories, reports adversely the resolutions which will be stated.

The SECRETARY. A resolution by Mr. BUTLER instructing the Committee on Territories to inquire under what authority a so-called State legislature has been organized in the Territory of Dakota.

A resolution by Mr. VEST relative to the memorial of certain persons calling themselves the State executive committee of the State of Dakota.

The PRESIDENT *pro tempore*. These resolutions, with the adverse reports, will take their place on the Calendar.

Mr. HARRISON subsequently submitted the following resolution; which was referred to the Committee on Printing:

Resolved by the Senate, That there be printed 5,000 extra copies of the report of the Committee on Territories accompanying the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 968) to provide for the erection of a public building in Statesville, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON introduced a bill (S. 969) to authorize the employment of law clerks or stenographers for the justices of the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 970) for the relief of Agnes and Maria De Leon, heirs at law of Rebecca L. De Leon, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He (by request) also introduced a bill (S. 971) relating to the pay and retirement of the mates in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 972) for the relief of Thomas P. Morgan, jr; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. ALLISON introduced a bill (S. 973) granting an increase of pension to Mrs. Sarah P. McKean; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 974) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read twice by its title, and referred to the Committee on Finance.

Mr. MILLER, of New York, introduced a bill (S. 975) for the relief of Mathilda Victor; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 976) for the relief of certain officers of the Signal Service; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 977) granting a pension to Elizabeth Barker; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 978) for the relief of Henry Head, of Quincy, Ill.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 979) granting a pension to Mrs. Mary J. Saunders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 980) granting the right of way to the Cinnabar and Clark's Fork Railroad Company; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Railroads if there be no objection.

Mr. HARRISON. I think the reference should be to the Committee on Territories. It is a question of the granting of a right of way through the Yellowstone Park to a railroad company. That subject has been considered by the Committee on Territories heretofore. Several bills of the same purport as this have been introduced at previous sessions of the Senate and they have always gone to the Committee on Territories, as has all legislation proposed in regard to the Yellowstone National Park; and that is evidently the appropriate reference.

Mr. MCMILLAN. I think the Senator from Indiana is mistaken in the impression he conveys to the Senate that a similar bill has been referred to the Committee on Territories before. Such a bill as this was reported favorably after full consideration, as I understand, by the Committee on Railroads.

Mr. HARRISON. Possibly I may be mistaken as to the reference at the last Congress, and if so, as I understand the Senator from Conecticut [Mr. HAWLEY] also to be of the opinion of the Senator from Minnesota, I shall not interpose any objection to the present reference of this bill to the Committee on Railroads.

The PRESIDENT *pro tempore*. The reference is so made.

Mr. SPOONER introduced a bill (S. 981) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and indemnify certain States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 982) granting the right of way to the Wyoming Central Railway Company across the Fort Fetterman military reservation, in the Territory of Wyoming; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 983) granting a pension to Michael Daly; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 984) to regulate the foreclosure of mortgages and deeds of trust in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 985) to authorize the construction and maintenance of a bridge by the Dakota Central Railway Company across the Missouri River at Pierre, Dak.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 986) authorizing the Quartermaster-General and the proper accounting officers of the Treasury Department to examine and pass upon the claims of Frederick Martin and Mark Newell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. SABIN introduced a bill (S. 987) for the relief of William H. Whiting; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STANFORD introduced a bill (S. 988) for the relief of William R. Wheaton and Charles H. Chamberlain, of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 989) to authorize the adjustment of certain accounts arising in the Indian service; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 990) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 991) for the relief of settlers under the desert-land act; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 992) for the relief of Jerome Madden, of California; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 993) to appropriate the unexpended balance heretofore appropriated by Congress for the suppression of Indian hostilities in the State of California; which was read twice by its title, and referred to the Committee on Appropriations.

He also introduced a bill (S. 994) granting to the State of California 5 per cent. of the net proceeds of the sales of public lands in said State; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 995) to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WILSON, of Iowa, introduced a bill (S. 996) for the relief of Leslie Barrett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. COKE (by request) introduced a bill (S. 997) to create the judicial district of North Texas and Indian Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. GORMAN introduced a bill (S. 998) referring to the Court of Claims the claim of the owner of the bark General Berry, destroyed when in the service of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 999) to provide for the extension of letters patent for an improvement in insulating submarine cables; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

He also introduced a bill (S. 1000) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substituted trustee, for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read twice by its title, and referred to the Committee on Finance.

Mr. MAHONE introduced a bill (S. 1001) for the relief of Arthur Connell; which was read twice by its title, and referred to the Committee on Claims.

Mr. LOGAN (by request) introduced a bill (S. 1002) for the relief of the officers and crew of the light-house tender Lily and the inspector of the fourteenth United States light-house district; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 1003) relating to pilotage; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1004) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SAWYER (by request) introduced a bill (S. 1005) for the relief of the heirs at law of John Graham; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1006) for the relief of James W. Schaumburg; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a bill (S. 1007) to divide the State of Nebraska into two judicial districts; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WILSON, of Maryland, introduced a bill (S. 1008) to empower the Board of Foreign Missions of the Methodist Protestant Church to hold property in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1009) providing an appropriation for the speedy completion of the improvements at the entrance to Yaquima Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1010) providing an appropriation for continuing the improvements at the entrance to Coos Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1011) providing an appropriation for continuing the improvement of the Coquille River, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1012) providing an additional appropriation for the purpose of continuing work on the canal and locks at the Cascades of the Columbia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HALE introduced a bill (S. 1013) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1014) granting a pension to Ella I. Small; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1015) for the relief of the owners and officers of the brig Olive Frances, and others on board said brig; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN introduced a bill (S. 1016) to grant an increase of pension to Abel Comstock; which was read twice by tis title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1017) to increase the pension of John F. Stukey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1018) for the relief of Patrick Cook; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1019) granting a pension to Charlotte McCay; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 fee twide, running east and west, between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 1021) for the relief of Wilbur F. Cogswell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. COCKRELL introduced a bill (S. 1022) granting a pension to Hoy Cooper; which was read twice by its title.

Mr. COCKRELL. I present, to accompany the bill, a petition and sundry affidavits and a letter from the Secretary of War to me in regard to it. I move that the bill, with the accompanying papers, be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MAHONE introduced a joint resolution (S. R. 25) for the relief of William B. Isaacs & Co.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a joint resolution (S. R. 26) relative to a certain accepted draft in the Department of State; which was read twice by its title, and referred to the Committee on Foreign Relations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That the papers in the case of Thomas P. Morgan, jr., be withdrawn

from the files of the Senate, under the rules, and referred to the Committee on Claims.

On motion of Mr. CULLOM, it was

Ordered, That the papers now on the files in the matter of the claim of Henry Head be withdrawn and referred to the Committee on Claims, no report having been made in the case.

On motion of Mr. MAHONE, it was

Ordered, That the petition and papers in support of the claim of Arthur Connell be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in support of the claim of William B. Isaacs & Co. be withdrawn from the files of the Senate and referred to the Committee on the Judiciary.

On motion of Mr. SAWYER, it was

Ordered, That the papers in the case of the heirs at law of John Graham be withdrawn from the files of the Senate and referred to the Committee on Claims.

Ordered, That the papers in the case of James W. Schaumburg be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. PALMER, it was

Ordered, That the papers in the case of John Burt, of Michigan, be withdrawn from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. HARRISON, it was

Ordered, That the papers accompanying the bill for the relief of John A. Runyan be withdrawn from the Committee on Military Affairs and referred to the Committee on Pensions, to accompany the bill (S. 800) granting an increase of pension to John A. Runyan.

On motion of Mr. COCKRELL, it was

Ordered, That the papers relating to the claims of J. A. Ralston, E. E. Rawson, A. Pike, and the trustees of Odd Fellows' Hall, Pulaski, Tenn., be taken from the files and referred to the Committee on Claims.

On motion of Mr. BLAIR, it was

Ordered, That the petition and papers of Cornelius Connell be taken from the files and referred to the Committee on Claims.

CHURCH AND STATE.

Mr. MORGAN submitted the following resolution; which was read:

Whereas the union of church and state in the conduct of a joint administration of the temporal or spiritual affairs of any church or religious sect or society is dangerous to the freedom of religious worship and opinion and violates the principles of the Constitution of the United States:

1. *Resolved*, That in the opinion of the Senate it is not within the power of Congress to appoint officers of the United States, by whatever name they may be called, who shall in the name of, or on behalf of, the United States be required to participate with the officers of any church or religious sect or society, whether or not the same is incorporated, in the joint conduct and administration of the spiritual or temporal affairs of such church, sect, or society.

2. That it is a practical violation of the Constitution for the President of the United States to appoint any such officer under any law which assumes to confer such power on him and that requires such duties to be performed by such appointee as are mentioned in the first resolution, and that fixes upon them a direct accountability or responsibility to the executive or legislative department of the Government of the United States for their conduct in office.

3. That it is not the constitutional function of the executive or legislative department of the Government of the United States to exert control in the direction and administration of the religious or temporal affairs of any church or religious sect or society, but such power, if it may be in any case lawfully exerted by any department of the Government of the United States, can only be exercised by the judicial department.

4. That the power of Congress to grant charters of incorporation to religious societies in localities under its exclusive jurisdiction does not extend to and include the right or authority to participate in the administration of the affairs of such incorporations through the agency of officers of the United States appointed for such purpose and accountable to the Government for their conduct in office.

Mr. MORGAN. I ask that the resolution may be printed and lie over. I desire to submit some remarks upon it before it is referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Alabama asks for an order to print the resolution and that it may lie over. If there be no objection that order will be entered.

COIN DUTIES ON IMPORTED GOODS.

Mr. COKE. Mr. President, I desire to give notice that on Wednesday, the 13th instant, at 2 o'clock, I shall ask the Senate to take up and consider the resolution submitted by the Senator from Kentucky [Mr. BECK] relative to the payment of customs dues and the disbursements thereof, and I shall ask permission to submit some remarks upon it.

MONUMENTS TO LINCOLN AND GRANT.

Mr. BLAIR. Several days since, when I introduced bills relating to the construction of monuments to Lincoln and Grant, I desired to say a few words in explanation of the bills not exceeding three or four minutes, but in the rush of business I thought it best at that time not to ask the courtesy of the Senate for that purpose. If I could have at this time not over five minutes to do so I should be very much obliged.

The PRESIDENT *pro tempore*. The bills referred to are not on the Calendar.

Mr. BLAIR. No, but I ask unanimous consent simply to be allowed to make a statement at this time in regard to them.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks the unanimous consent of the Senate to submit some remarks upon bills which have been referred to one of the standing committees. Is there objection? The Chair hears none.

Mr. BLAIR. I am partly led to do this from the fact that I have received many letters on the subject which would require considerable correspondence, and therefore I take this occasion to reply.

The bill (S. 817) to provide for the erection of a monument to the memory of Abraham Lincoln is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for ten years next after the passage of this act there shall be annually appropriated from the money in the Treasury $100,000, which several sums shall be expended, under the direction of the President, in the erection of a monument to the memory of Abraham Lincoln.

SEC. 2. That said monument shall be located in the center of Lincoln Square, east of the Capitol, in the city of Washington, D. C.

SEC. 3. That the whole cost of said monument shall be $1,000,000; the work thereon shall begin within one year after the passage of this act; and said monument shall be similar in general style to that erected to the memory of George Washington in the city of Washington, and built in accordance with plans and estimates to be approved by the President before the commencement of the work.

SEC. 4. That this monument shall be built under the direction of the President, and without resort to the contract system, so called, any further than shall be unavoidable in obtaining materials and decorations which cannot be constructed by labor and skill at the place of erection; and none but American citizens, native or naturalized, shall be employed in the performance of labor on said monument, and, so far as shall be consistent with the progress and fitness, of the work, a rigid preference shall be given to the employment of soldiers who have been honorably discharged from the military and naval service of the United States.

The bill (S. 818) to provide for the erection of a monument to the memory of Ulysses S. Grant is the same, with the exception of the second section, which is as follows:

That said monument shall be located due north of the Capitol, within the limits of the District of Columbia.

It is conceded that the great names in our history so far are Washington, Lincoln, and Grant. They are a brotherhood, a trinity, conceived of in the popular mind not alone as equals, but as actual associates, consulting still and forever, to preside over the destiny of the nation and the Government which, by their wise and patriotic deeds while living, they preserved.

Washington's monument has been erected—a sublime and unequaled shaft, which more and more impresses one as the most appropriate design that could have been selected. To adopt any other design save in the surroundings and minor things in the way of statues about the base and other mere adornments for his brethren and associates, Lincoln and Grant, would mar the unity of that tribute which the three monuments as a whole would constitute to the patriotic virtues and high deeds to which these men consecrated their lives.

The experience of our people in the effort to erect the monument to Washington (which cost substantially a million) demonstrates that no like and suitable memorial will ever be erected in this city, if indeed in any other, to Lincoln and Grant by private effort alone.

Yes, the nation ought to build them, and the nation will build them, or they will not be built at all. It is already plain that Lincoln, dead now twenty-one years, will receive no adequate tribute from the nation if private effort be relied upon; while the struggle to obtain a few dollars by private subscription shows the hopelessness of the task in the case of Grant even now, when the heart of the people is full of a recent grief. The simple truth is that the numerous calls for less imposing memorials than would be appropriate in the capital of the nation very heavily taxes the utmost capacity of local communities, and it is a shabby thing on the part of the nation to wait for private enterprise to move or to leave these monuments here longer unbuilt.

As to the location, Washington Monument is due west from the center of the Capitol, the center of Lincoln Square is due east from the center of the Capitol about the same distance. Go now to the north front of the Senate wing and look up North Capitol street to the horizon about the same distance. There is apparently the highest point of the hills that environ the city, a city like Zion of old, which by hills surrounded stands beautiful for situation—the joy of the whole earth. Here, then, erect the monument to Grant among the soldiers whom he led and under the North Star.

Conceive, now, these unequaled pillars climbing with equal step nearer to heaven than any others on the face of the earth; conceive of them as *completed*, and you will find it impossible long to believe them to be lifeless rock—but instinct, rather, with the life-blood of the nation and with the personal presence of the heroes and statesmen they commemorate. There they would stand forever, dominating the great cardinal points of our history and destiny. The power of these great monuments as educators over those who behold them or even *think* of them will be very great. But whatever style or location be adopted, let appropriate monuments be erected. The fourth section of the bill is in strict keeping with the sentiments which inspire the main idea. American citizens, native or naturalized (those who have declared their intention to be naturalized are held to be entitled to protection as citizens), should build these monuments. The expenditure should be for the benefit of those who need employment, and more and more the money paid out on public works must be given to those who are unable to command work in any other way, and thus something be done to insure wages and support to our surplus laboring population; while the long-sanctioned principle that preference shall be given to the soldier and sailor who has been honorably discharged from the service is to be rigidly complied with so far as it can be consistently with the progress and fitness of the work. One hundred thousand dollars appropriated annually to each monument for ten years would be but a slight expenditure, while it certainly would insure uniformity in amount of

employment, thoroughness of inspection, and consequent stability and perfection of the work.

SALLIE JARRATT.

Mr. MANDERSON. On Thursday last I gave notice that at this hour I would desire to address the Senate upon the bill (S. 137) to increase the efficiency of the infantry branch of the Army. I ask unanimous consent that that bill be now taken from the table and read.

Mr. HARRIS. Would it inconvenience the Senator from Nebraska to allow me to dispose of a motion to reconsider before he proceeds?

Mr. MANDERSON. Certainly not; I yield for that purpose.

Mr. HARRIS. As the Senator from Nebraska yields for that purpose, I ask the Senate now to consider the motion I entered on the last day's session to reconsider the vote by which the bill (S. 16) for the relief of Sallie Jarratt, executrix of Gregory Jarratt, deceased, was passed.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves to reconsider the vote by which the bill indicated by him was passed.

The motion to reconsider was agreed to.

Mr. HARRIS. I also entered a motion to reconsider the vote by which the bill was ordered to a third reading.

The PRESIDENT *pro tempore*. The Senator from Tennessee also moves that the vote by which the bill was ordered to a third reading be reconsidered.

The motion to reconsider was agreed to.

Mr. HARRIS. Now I wish to strike out the name of Sallie Jarratt and to insert the name which I have sent to the desk as administrator *de bonis non*.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In line 4, after the word "to," strike out the words "Sallie Jarratt, executrix," and insert in lieu thereof the words "J. A. Wilson, administrator *de bonis non* of the estate;" so as to read:

That the Secretary of the Treasury be, and he is hereby, directed to pay to J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased, late of Hardeman County, Tennessee, &c.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased."

EFFICIENCY OF THE INFANTRY.

The PRESIDENT *pro tempore*. The Senator from Nebraska [Mr. MANDERSON] asks the unanimous consent of the Senate to proceed to the consideration of the bill (S. 137) to increase the efficiency of the infantry branch of the Army. If there be no objection that motion will be considered as agreed to, and the bill is before the Senate.

Mr. MANDERSON. I ask that the bill be read at length.

The Chief Clerk read the bill (S. 137) to increase the efficiency of the infantry branch of the Army, as follows:

Whereas experience has shown that the three-battalion organization of the cavalry and artillery branches of the Army is the most useful in time of peace and best adapted to expansion in time of war: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1106 of the Revised Statutes of the United States of America be amended so as to read as follows:

"Each infantry regiment shall consist of twelve companies, one colonel, one lieutenant-colonel, three majors, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants, selected from the first or second lieutenants of the regiment: *Provided*, That all appointments to the original vacancies above the grade of second lieutenant created by this act shall be filled by seniority in the infantry arm of the service."

Mr. MANDERSON. Mr. President, the Constitution of the United States, framed by the people for the purposes expressed in its preamble, among which are to insure domestic tranquillity and provide for the common defense, grants to the Congress the power to raise and support armies, provide and maintain a navy, provide for organizing, arming, and disciplining the militia, and for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasion. These grants were the natural incidents flowing from the great power vested in the Congress, the right that is the highest prerogative of sovereignty, to declare war. The wise men who draughted the sacred instrument, coming to their labor fresh from the scenes of the war of the Revolution, realized the necessity for the maintenance in highest efficiency of a body of men selected from the best citizens of the country, trained and educated to arms, who should form the rallying-point, when danger threatened, for that well-regulated militia declared to be so necessary to the security of a free state that the right of the people to bear arms should not be infringed. Realizing fully the onerous burden to the people of the support of the non-producing, much-consuming soldier, alive to the dangers of a large standing army, they realized just as fully that successful outcome to the governmental experiment just launched, and the maintenance of the new union of weak States as a nation upon the earth meant a condition of preparation for evils likely to threaten and the remaining in position to strike sturdy blows in vigorous attacks upon the traitor within or the foe without.

I submit, in view of these grants of power thus hurriedly sketched, there came to the Congress of the United States not only power but duty, and duty most high and imperative. Unforeseen and unexpected circumstances within our own borders in the intercourse among States, or arising from contact with foreign nations, might render it necessary for the national preservation at any time to declare war. This fact made it the duty of Congress at all times to support an army and maintain a navy, that we might be prepared for either attack or defense—be ready to give or to receive blows. There is not in constitution or statute a higher instance of where the optional *may* means the imperative *shall*.

And not only is it its duty to support and maintain the Army and Navy, but it should see to it that by means of the finest armament, the best equipment, and the highest organization it is sufficient for the purposes for which it is to be used, affording the assurance of security in time of peace, and be the efficient, instructive nucleus to which our volunteer and militia organizations shall adhere in time of war.

The fact that the Army is to be a small one, compared with the arms-bearing population, is greater and more abundant reason for the highest order of organization and the best approved methods. The timid soul, afraid of a standing army, who sees in it a constant menace to the liberties of the people, and who fears the coming of the military dictator, held in usurping place by the bayonets of his hero-worshiping followers, has almost ceased to exist. But from the earliest days of the Republic his dismal forebodings have been heard, and I presume always will be until nations shall war no more. As long ago as when Mr. Calhoun, of South Carolina, was Secretary of War these words were spoken by that far-seeing student of history:

To consider the present Army as dangerous to our liberty partakes, it is conceived, more of timidity than wisdom. Not to insist on the character of the officers, who as a body are high-minded and honorable men, attached to principles of freedom by education and reflection, what well-grounded apprehension can there be from an establishment distributed on so extended a frontier, with many thousand miles intervening between the extreme points occupied? But the danger, it may be said, is not so much from its numbers as a spirit hostile to liberty by which it is supposed all regular armies are actuated. This observation is probably true when applied to standing armies collected into large and powerful masses; but disposed as ours is over so vast a surface the danger, I conceive, is of an opposite character—that both officers and soldiers will lose their military habits and feelings by sliding gradually into those purely civil.

Mr. Calhoun had limited experience bearing upon this subject, however, compared with those here to-day who saw the country pass safely through the dark days of the war of rebellion and witnessed the vast contending hosts disappear so magically. And yet the veterans of both sides, Union and confederate, what thorough soldiers had they become! Many of them so youthful that they knew no other calling but "the pride and pomp and circumstance of glorious war;" the rest with civil pursuits completely abandoned and their places in the busy marts of the world filled by others; all inured to the field, with the habits of the military life fixed upon them; full of love for their old leaders, for they had followed Grant and Sherman, Lee and Johnson—these men disappeared among the ranks of civilians, losing their identity, except as they were known as the most liberty-loving of citizens. A most distinguished soldier, equally prominent as civilian, who passed to his reward but a few months ago and who had exceptional opportunity to know whereof he spake, General George B. McClellan, writes in 1877:

All the incidents of the past prove that the Army will never have the disposition to jeopardize the free institutions of the country. Our nation would be safe indeed for all time did the mass of its citizens place upon its institutions the same intelligent appreciation as that in which they are held by the Army, and were honor, integrity, and respect for the laws as much the rule among the people as they are in the regular Army, which has given too many proofs of heroism, of integrity, of devotion to the country to be regarded as a source of danger. On the contrary, he who understands its history must regard it with pride and satisfaction as one of the chief ornaments of the nation, as a school wherein are taught and practiced the virtues of valor, self-denial, obedience, and patriotism, and as an institution which has never called the blush of shame to the face of an American.

The indorsement of this gallant soldier and pure-minded gentleman is not a whit too strong, and I submit that the objection to a standing army of proper numbers and a high degree of efficiency can be dismissed as one unworthy of serious consideration.

Had the Congress of the United States always performed its duty as enjoined by the Constitution in this behalf, many of the darkest pages of our history would never have been written. When war has come it is always the unexpected that has happened. When it does come, fortunate the nation that finds itself prepared for the dreadful trial and its adversary lacking in knowledge of the wisdom that in peace prepares for war.

To the disgrace of the American Republic it is to be said that no declaration of war with a foreign power and no rebellion to be grappled at home has ever found it prepared for the conflict. The same lamentably defenseless condition that exists to-day has usually existed, and nothing except dread disaster and criminal sacrifice of blood and treasure have ever seemed to arouse us from our lethargy. We have then been saved, not through the wisdom of the law-making power, but because of abundant resources that the early loss, horrible as it was, could only temporarily embarrass, and because of the endurance, skill, and self-sacrificing patriotism of the citizen soldiers of the country. It is also a historic fact that many of the civil leaders of the past have permitted this unfortunate condition of affairs under a pretense of virtue, and have pleaded that their action was a proper and commendable economy. The false economists of this country have been its greatest curse. They have

saved in "filthy dross" at the sacrifice of the best blood of the nation. Mr. Calhoun well expresses it when he says:

Economy is certainly a very high political virtue, intimately connected with the power and public virtue of the community. In military operations, which under the best management are so expensive, it is of the utmost importance; but by no propriety of language can that arrangement be called economical which, in order that our military establishment in peace should be rather less expensive, would, regardless of the purposes for which it ought to be maintained, render it unfit to meet the dangers incident to a state of war.

Bear with me for a few moments, while I recall some of the disgrace and loss resulting from the false economy that did not permit us to keep apace with the times in matters military. In 1812 we suffered insult after insult to the flag, ship after ship was searched upon the high seas, and the declaration of war, that meant the maintenance of our national honor, was so long delayed, because of our being wholly unprepared for war, that the blush of shame mantled the cheek of many a patriot of that day. The war came at last; but how bitter the recollection of Hull's surrender, the capture of the capital by a force of but thirty-five hundred men, and the burning of the public buildings. Disasters continued, save upon the high seas, thanks to our bold privateersmen, and at last a peace was patched up that left the right of search an open question. The only bright spot in the history was the victory at New Orleans, won after the terms of peace had been made. It would have gone hard with us if the great Napoleon had not been giving Mother England so much to do that she did not have the time to look after us very closely. Says a Secretary of War of the United States, commenting some years after the war of 1812:

The disadvantages of inexperience in the officers and men without the means of immediate instruction was the fatal error at the commencement of the late war that cost us so much treasure and blood. The peace establishment which preceded it was very imperfectly organized, and did not admit of the necessary augmentation.

Senators, I suggest to you that our position to-day is the same. And now let General McClellan tell the story of the Mexican war and that of the rebellion. I quote from his article upon the Army of the United States, written in 1877:

When the Mexican war broke out the actual strength of the regular Army was about 5,300. The force with which General Taylor reached the Rio Grande was 3,000, and that with which he fought the battles of Palo Alto and Resaca de la Palma only 2,100. There can be no doubt that if the strength of the Army had sufficed to enable him to move to the Rio Grande with 10,000 men the Mexicans would not have crossed the river and in all human probability the war would have been avoided. The cost of maintaining the 7,000 additional men during the whole period from the close of the war of 1812 to the commencement of the Mexican war would not have amounted to two-thirds of the direct expenses of the latter war, not taking into account the large cost of the Seminole and other Indian wars, or the heavy losses by disease and in battle or the indirect losses inseparable from all wars.

But the most instructive case of all is that of the civil war. We do not doubt that 15,000 regulars on the field of the first Manassas would have insured the complete rout of the raw confederates, and, in all probability, put an end to the war. They would certainly have enabled us to drive the confederate government out of Virginia and have cleared the eastern portion of the State as completely as the work was accomplished a little earlier in West Virginia. The cost of maintaining these 15,000 additional troops from the close of the Mexican war to the commencement of the war of secession would not have amounted to one-fiftieth part of the war debts of the General Government, the States, counties, and municipalities. Should we compare it with the total amount of direct and indirect expenditures by both parties to the war, the losses of the two sections in lives, in property destroyed, business ruined, and capital sunk, we should be at a loss to express the relation, so absurdly small would be the relative cost of those additional troops.

In the face of these lessons of the past shall we continue a false economy so destructive of the best material of the country? Pursuing the same subject to its legitimate conclusion General McClellan says:

If it be true that it is the duty of every government to prepare in time of peace the means adequate to defend its territory and its people, the statesmanlike method of proceeding is clear enough. Weighing the probabilities of the future in the light of the experience of the past, with due regard to the changes produced by them, the proper strength of the Army should be determined; and once fixed it should not be changed without good and sufficient cause. Then it should be so organized, posted, and administered as to insure the greatest possible efficiency in the performance of its duties and in its instruction, while economy is insisted upon to the greatest extent consistent with that efficiency. If an army is necessary at all, it should, like any other necessary thing, be made in every respect efficient; and there is no true economy, but, on the contrary, real extravagance, in the policy of practicing ill-judged parsimony either by reducing the Army below the requisite force or crippling its instruction and usefulness to save a few dollars.

But we are told international disputes are to be settled hereafter not by the arbitrament of arms but by peace congresses. God speed the time when this shall be so, but it will not be in our day or generation. I do not believe, with Hobbes, that war is the natural state of man, or, with Von Moltke, that the world would stagnate without it; but I do believe that while so many domestic ills are breeding discontent with the existing, while American citizens' rights abroad are trampled upon, while our interests political and commercial continue to clash with those of the other nations of the earth that support large armies, grim-visaged war is a necessity that must and will come. To quote from a sagacious observer, whose able article upon the military necessities of the United States is one of the best contributions to our stock of practical knowledge:

The epoch of peace and prosperity with which our land is now blessed can not last forever. Until human nature shall rise above its present weaknesses the selfish aggressions of one people will occasionally clash against the interests of another; the policies of different nations will come into collision and the sword will be used to cut the knot diplomacy can not untie. However peaceable and non-aggressive a nation may be, circumstances may present it with the choice of several evils of which war will be the least.—*Lieut. Arthur L. Wagner, U. S. A., in prize essay of* 1884.

The apathy of Congress upon the grave questions of increasing the efficiency of the Army and Navy and the bettering, or rather the creating, of seacoast defenses, is to me inexplicable. Repeated and oft-repeated recommendations from the Presidents of the United States, from experienced Secretaries of War and Navy, and warning words from the veterans who led our hosts to victory during the late war, all fall unheeded upon ears usually quick to hear that which may prove advantageous to the country we love. The parting words of the last General of the Army before he passed into retirement were:

I can not help pleading to my countrymen at every opportunity to cherish all that is manly and noble in the military profession, because peace is enervating and no man is wise enough to foretell when soldiers may be in demand again.

The signs of the times are that they will very soon be in demand. They are now called for on our southwestern boundary, where the murderous Apache lies in ambush among the rocks or sweeps from his mountain hiding-place to murder the settler. The telegrams from New Mexico speak of the restlessness of many other bands of Indians, notably the Navajos, thousands of whom have grown to manhood since the last outbreak and keenly desire to rival the deeds of bravery recited by the older warriors about the nightly dance-fires. Prosperous Southwestern Kansas lives in hourly dread of an outbreak among the wild tribes just over the border. Upon the northern boundary of the fair State that I have the honor in part to represent upon this floor are nearly 25,000 of the savage Sioux Nation, the stalwart and sinewy braves, armed to a man with the deadly Winchester. Within a short time I visited them at a few places on the 34,000 square miles devoted to their abuse rather than use.

I rejoiced to see some evidences of advancing civilization, and have hope for their future; but as I heard them, in the council-room by day and in the wild dance at night, recounting their deeds of war, boast of the murderous part taken at the Custer and other massacres, saw the envious admiration gleaming from the faces of the listening young bucks, and the evidences of jealousy and desire for leadership on the part of contending chiefs, I feared for the safety of the white men and women who are so rapidly building charming villages and making thrifty farm-homes throughout all that wonderfully beautiful New West. I am not one of those who feel hatred for the Indian. With the vast majority of my fellow-citizens of Nebraska I would accord to him more than his rights; would protect him from all evils, including himself as the greatest of all; would educate, civilize, Christianize him into capable citizenship; but it will take years, if not generations, to change the Indian nature, and while it exists these periodic outbreaks, with their attendant indescribable horrors of homes desolated, children captured or brained, men tortured and killed, and mothers and wives worse than murdered will occur. It is the clear duty of the Government to meet them by reaching the highest point of efficiency for the small Army that must stand between the frontier citizen and the disaster to be feared above all others.

But there be other threatening dangers worthy consideration. Far removed from the thickly-settled East, almost isolated in their fertile mountain valleys, live a wealthy people claiming to owe a higher allegiance than to the Government of the United States—living in open defiance of the laws of the country, hating our institutions, defying the officials appointed by the President and confirmed by the Senate, and visiting vile vengeance upon the heads of those officers who try to obey their oaths and sustain the laws. The attitude of the Mormon Church, with its leaders preaching defiance and its 25,000 of arms-bearing adult males ready to follow where these apostles of crime may lead, is a constant threat and standing menace to the peace of the nation. Nothing but fear on their part of the final outcome prevents the outbreak, and what man can predict the moment when religious fanaticism will cause them to forget the fear. This great nation of Christian people would soon crush the rebellion, but it would save much blood and great treasure if its small Army was made more efficient. There are other elements threatening internal disturbance, but we can only glance at them in passing to the consideration of the bill before us. The riots in New York, Pittsburgh, Cincinnati, and other places within the last few years are the simple mutterings of a discontented condition liable to break out in widespread destruction and anarchy. The socialists and nihilists have planted their seed in what they consider rich soil in this land of free speech. I believe the laborers of the Republic, uniting as they are for the consideration of evils under which they suffer, will not be deceived by these foul conspirators. Ultimately existing wrongs will be righted, and the millions of toilers, who are of the country's best citizenship, industrious, intelligent, the fathers of its families and the owners of its homes, who have the greatest stake in the welfare of the Republic, will see to it that the needed reforms are peaceably wrought out within the law and not in defiance of it. But before the desired end is reached there will be much of conflict with the devils incarnate, whose synonym for reformation is destruction.

Time will not permit me to speak of complications that may arise with foreign nations. Sufficient is it simply to refer to our position with reference to the Isthmian canal; the importance of our maintain-

ing a complete neutrality in interoceanic communication across the narrow neck of land connecting the great American continent; the necessity that Cuba, by passing from the hand of Spain, should not be added to the Bermudas and Jamaica, as another threat at our Atlantic seaboard by the great power that constitutes our chief rival; the investment of fifty millions of money by our citizens in nearly 2,000 miles of railway in the Republic of Mexico, inviting lawless confiscation and interference with our commercial rights by our next neighbor; complications likely to arise from interference by European powers with the rights of our adopted citizens visiting their old homes, and the disputes attendant upon the sharp struggle with all competing nations as we seek markets abroad for the surplus products of our vast territory—these and others that will suggest themselves to you are the fertile causes that may at any time "cry havoc, and let slip the dogs of war."

It was undoubtedly such considerations as these that prompted the Chief Executive in his annual message to Congress and the leaders of both political parties to urge in forcible language the bettering of the Army, the building of seacoast defenses, the securing of the necessary plant to forge and weld the mighty guns needed to pierce the armored sides of the modern steelclads, and the construction of the ships required to protect our seaboard cities, save our commerce, and carry the American flag victoriously over all oceans. Many bills to bring about these desirable results have been introduced into both Houses during this session. I will not take the time to refer to them or to speak of the many meritorious schemes presented to aid in bringing the cavalry and artillery arms of the service to a point approaching that of perfection.

This bill is designed to make more efficient the infantry of the Army of the United States, Mr. President. By the training and experience that come from commanding a regiment of infantry during the last war I feel better qualified to speak of that branch than of the others. The days of my early manhood were given to the study of its tactics, and I hope the day may never come when I shall cease to be interested in and to love it. In numbers, in the varied duties required at its hands, in the important part to be played by it in time of war, the infantry is the main arm of the service. Says Colonel Home, of the British army, in his much-esteemed work on modern tactics:

In armies, infantry undoubtedly takes the lead, and to its action that of the other arms must be subordinated. It is the main-stay and backbone of all, whether it be viewed in the light of numbers or its action upon the field of battle. Its fire is more deadly than that of artillery; its action is sure, while that of cavalry is fitful; upon it the brunt of the battle falls; it suffers more in action and more on the line of march, and on its tactics the whole superstructure of military operations must be built.

The following is an interesting table in this connection, showing the loss in the various arms of the service, during the Franco-Prussian war, of the German army, the percentage given being the loss of the whole force:

	Officers.	Men.	Per cent.
Infantry	4,458	112,029	17.6
Cavalry	279	4,342	6.3
Artillery	422	5,597	6.5

Similar statistics of the armies engaged during our late war would undoubtedly show a much stronger comparative loss in the infantry arm.

And yet while the other arms of the service have been materially aided toward perfection of organization during the last twenty years the infantry branch has been permitted to stand still, and to-day is as far behind in tactical organization as though it was armed with the flint-lock musket, carrying the buck-and-ball cartridge instead of the Springfield breech-loader with its deadly missile. It retains the ten-company single-battalion organization that seems to have been adopted in 1821, and which would bring death, defeat, and disaster to our arms in any field engagement upon which we would enter, meeting, as we would, the changed conditions of tactics and armament of armies framed upon modern and approved methods.

The bill under consideration proposes to change from the single battalion, now composing a regiment, to a regimental line composed of three battalions. Before passing to the tactical effect of this change, the causes that produced it, and the authority for it, let us investigate as to the present make-up of armies proper for us to look upon as models. In the very nature of things, a nation like ours, maintaining a small and comparatively inexpensive army during times of peace, must be an imitator and copy from powers expending largely in costly experiments. It has ever been so. In 1775 Col. Timothy Pickering, of Massachusetts, afterward distinguished in the military and civil history of the United States, compiled a "plan and discipline for the militia," which gave such of the British battalion movements as were adapted to American service.

When Baron Steuben came to this country and began to drill the Continental troops he published, in 1782, his "Rules of Discipline," which were almost literally translated from the drill and discipline which had been introduced by Frederick the Great. In March, 1789, Congress approved and established this system of tactics, which remained in use until the resolution was repealed in 1820. The tactics in use since then, whether of Scott, Hardee, or Upton, have all been adapted from the German and French systems. The existing and convincing fact is that not a single European power retains the single-battalion organization of infantry regiments, all having abandoned it years ago as not adapted to a state of war, and therefore not fit to be maintained in time of peace.

Nearly ten years ago the United States sent efficient officers, representing the three great branches of its army—General Emery Upton, Maj. George A. Forsyth, and Capt. J. P. Sanger—to visit Europe and Asia and report, after full investigation, what changes should be made in our Army to modernize and perfect it. The very valuable report of these gentlemen was made to Congress and published to the world in 1877, and the first and seemingly the most important recommendation made by them was that we should change to the three-battalion organization for infantry as we had already done for the cavalry and artillery. They did this because they found the following to be the condition of the advanced nations abroad, and I quote from the report known as "Upton's Armies of Asia and Europe:"

The infantry of the German Empire consists in time of peace of one hundred and forty-eight regiments of three battalions each. (Page 192.)

The influence of the Franco-Prussian war in producing modification in military organization is nowhere more perceptible than in the French infantry. Four companies were substituted for six in the composition of a battalion, and a regiment was ordered to be made of four battalions. Since that time the three-battalion organization has been adopted by France. (Page 226.)

In Russia the regiments of the three divisions of the guard and the six divisions of the army of the Caucasus have four battalions of four companies each. All other regiments have three battalions of five companies each. (Page 149.)

The Austrian infantry is organized into regiments composed of five field battalions of four companies each and one depot battalion of five companies. In case of war the six battalions are organized into two regiments of three battalions each, the fifth company of the depot battalion remaining as a common depot for both regiments. (Page 162.)

In Italy a battalion consists of four companies and a regiment of three battalions and a depot. The riflemen regiments are composed of four battalions each. (Page 102.)

How completely the army of Japan has been Europeanized may be inferred from the organization of the infantry. A regiment consists of three battalions of four companies each. (Page 9.)

The infantry regiments of England are composed of eight companies, forming two battalions of four companies each. Even this organization, so much better than ours, is severely condemned by her own military critics, notably by the most eminent general, Sir Lumley Graham, who insists that the Prussian three-battalion formation is much better. General Upton condemns it in the following terms:

The adherence of England to a military system inherited from the last century can only be explained by her insular position and the security from invasion afforded by a powerful navy. * * * Should England assail any of her formidable neighbors, we may safely anticipate that the war will be followed either by a speedy reorganization of her army or by the total abandonment of the policy of armed intervention in foreign affairs. (Pages 268, 269.)

I might continue to quote and show conclusively that every warlike power has advanced beyond us and is ready to meet improved arms with improved organization.

But how stands the other side? What nations cling to the dangerous, obsolete, single-battalion formation? When our commission returned from abroad it declared that it knew no worse army than that of Persia; and as to another Eastern nation, it said:

The decline in military organization from India to Persia is scarcely less marked than from Japan to China. * * * The Chinese army is as backward in its tactics as in its armament. * * * Its officers have not the slightest appreciation of the amount of instruction required for troops in modern war, nor do they possess any knowledge of the methods of arranging and conducting troops in battle. * * * The instruction witnessed at Pekin was a mere burlesque of infantry drill. * * * It is the only country where the profession of arms is not honored. For ages a proverb to the effect that "as you would not use good iron to make a nail, so you would not use a good man to make a soldier," has hung like a millstone about the necks of the officers and soldiers of the Chinese army.

The infantry organizations of these two uncivilized pagan nations, whose armies are laughed at by the world, is, that regiments shall be composed of a single battalion of ten companies, with each company of one hundred men commanded by one captain and two subalterns. This is the present formation of the United States infantry, and to the shame of the Congress be it said that because it will not do its duty, as clearly enjoined by the Constitution, this great Republic stands, so far as the formation of its chief military arm is concerned, with the countries I have last described—Persia, China, and the United States. We are in proud company, truly. Senators, it is for us as one branch of Congress to say whether we will remain there.

This bill brings nothing new for your consideration. Its provisions, have been desired by General Grant. Generals Sherman and Sheridan have often urged it. Let me show you how much it has been sought for by the generals of our armies and how often recommended by Secretaries of War. In General Sherman's memoirs, published in 1875, referring to the organization of the Army during the war, he says:

To the new regiments of infantry was given an organization differing from any that had heretofore prevailed in this country—of three battalions of eight companies each; but at no time did more than one of these regiments attain its full standard; nor in the vast army of volunteers that was raised during the war were any of the regiments of infantry formed on the three-battalion system, but these were universally single battalions of ten companies; so that on the reorganization of the regular Army at the close of the war Congress adopted the form of twelve companies for the regiments of cavalry and artillery, and that of ten companies for the infantry, which is the present standard.

Inasmuch as the regular Army will naturally form the standard of organization for any increase or for new regiments of volunteers, it becomes important to study this subject in the light of past experience and to select that form which is best for peace as well as war. A cavalry regiment is now composed of twelve

companies, usually divided into six squadrons of two companies each or, better, subdivided into three battalions of four companies each. This is an excellent form, easily admitting of subdivision as well as union into larger masses.

A single battalion of four companies, with a field officer, will comprise a good body for a garrison, for a separate expedition, or for a detachment; and in war three regiments would compose a good brigade, three brigades a division, and three divisions a strong cavalry corps, such as was formed and fought by Generals Sheridan and Wilson during the war.

In the artillery arm the officers differ widely in their opinion of the true organization. A single company forms a battery, and habitually each battery acts separately, though sometimes several are united or "massed," but these always act in concert with cavalry or infantry. Nevertheless, the regimental organization for artillery has always been maintained in this country for classification and promotion. Twelve companies compose a regiment, and though probably no colonel ever commanded his full regiment in the form of twelve batteries, yet in peace they occupy our heavy seacoast forts or act as infantry; then the regimental organization is both necessary and convenient. But the infantry composes the great mass of all armies, and the true form of the regiment or unit has been the subject of infinite discussion, and, as I have stated, during the civil war the regiment was a single battalion of ten companies. In olden times the regiment was composed of eight-battalion companies and two flank companies. The first and tenth companies were armed with rifles and were styled and used as "skirmishers," but during the war they were never used exclusively for that special purpose, and in fact no distinction existed between them and the other eight companies.

The ten-company organization is awkward in practice, and I am satisfied that the infantry regiment should have the same identical organization as exists for the cavalry and artillery, namely, twelve companies, so as to be susceptible of division into three battalions of four companies each. These companies should habitually be about one hundred men strong, giving twelve hundred to a regiment, which in practice would settle down to about one thousand men. Three such regiments would compose a brigade, three brigades a division, and three divisions a corps. Then by allowing to an infantry corps a brigade of cavalry and six batteries of field artillery, we would have an efficient *corps d'armée* of thirty thousand men, whose organization would be simple and most efficient, and whose strength should never be allowed to fall below twenty-five thousand men.

In 1869, when General Sherman was in command of the Army, he made similar recommendations to the Secretary of War, who approved the same. In 1880 and again in 1882 attention was called to the matter. In 1883 the general says:

On the 8th of February, 1884, I will attain the limit of age fixed by Congress for military service in the Army, and I purposely asked of the President the privilege of anticipating this date to enable my successor to make such recommendations as he may deem necessary; but before leaving I beg to record an expression of opinion that it will be found wise to provide a common organization for all arms of the service, namely:

That each regiment of infantry be composed of twelve companies, the same as now with the artillery and cavalry, making three battalions, each of four companies, in time of peace and of eight in time of war; that each company shall have a hundred men; and that in time of peace two of these battalions (eight companies) shall be maintained on a perfect war footing, while the other battalion (four companies) may be a mere skeleton, with its complement of officers, and used as a nucleus for recruits. In this battalion can be placed the officers and soldiers invalided by hard service or sickness, and such as are not weaned of home influence or family importunity.

Were such an organization (thus briefly sketched, but more elaborately described in former reports) to be sanctioned by Congress, the military peace establishment could, I believe, be maintained on the present estimates, and would possess the inestimable advantage of admitting of an increase without "disorder or confusion" to 6,000 artillery, 12,000 cavalry, and 30,000 infantry by the mere scratch of a pen and the magic wand of money; and afterward, by doubling the enlisted strength of each company, without the further addition of a single officer, we should have the respectable force of 96,000 men, a force large enough for any probable necessity during the remainder of this century.

The militia and volunteers of the States would soon follow suit, and we should have throughout the country these small handy battalions of four companies, instead of the large cumbersome regiments of ten companies—a bad tactical unit, and in practice always scattered."

As to this the Secretary of War, Mr. Lincoln, says:

The report of the General of the Army has a special interest in being the last annual report that General Sherman will make. At his own request he has been relieved from the command of the Army, preparatory to his retirement from active service under the act of 1882. He has, therefore, thought it best to refrain from making any new recommendations in his report, leaving that duty to his successor in the command of the Army, Lieutenant-General Sheridan. He, however, calls attention to and renews a former recommendation that a new organization be adopted for the regiments of infantry, so that each shall be composed of twelve companies, making three battalions of four companies each, each company having one hundred men; and that in time of peace two of these battalions shall be maintained on a perfect war footing, while the other battalion may be a mere skeleton, with its complement of officers, and be used as a nucleus for recruits. The great advantage of this change, as suggested by the general, is the important one of being able to put a large and effective force in the field, on short notice, by merely enlisting a sufficient number of additional private soldiers, the officers and organization being always ready to receive them.

In 1884 General Sheridan, being in command of the Army, says:

Were I called upon to recommend any change whatever, it would be simply to make a uniform organization for the three arms of the service by adding two companies and the corresponding majors to each regiment of infantry.

And in this the Secretary of War again concurs. In his report for 1885 he again says he would "increase the number of men in the companies and add two more companies and two majors to each regiment of infantry;" and Secretary Endicott hopes it may be done and "the three arms of the service be made uniform."

Ignoring, however, these well-considered recommendations, and casting aside "the European intelligence that discards and the Oriental obtuseness that retains" the old-time ten-company battalion, let us examine the case upon its merits. General Graham, than whom there is no better authority, says:

The formation of infantry for battle must be such as to favor to the utmost the effect of its own fire and to minimize the damage done by that of the enemy.

So, first considering the change in arms since the late war, let us then pass to the change in line of battle that must follow to enable the infantry, the bone and sinew of the Army, to be effectively used on the field of battle.

In a quarter of a century we have progressed from the muzzle-loading, smooth-bore musket to the breech-loading rifle. The muzzle-loader meant at most two, and usually one, shot a minute, with uncertainty of aim, execution at not exceeding 400 and no assurance of a death-dealing shot at over 200 yards. The breech-loader means firing six times a minute, with accuracy of aim, carrying the deadly missile 2,000 yards. The increase of effective range is therefore over five times; which means that if it would take an advancing line four minutes to pass over the shorter space of 400 yards it would take it twenty minutes to pass over the greater distance of 2,000 yards. Practically, however, it could not pass over the greater space at so rapid a gait, and it is safe to say that the power of the present arm for inflicting loss of life upon an advancing line is at least 10, and perhaps 20, to 1 in relation to the weapon used during the late war.

In the same tactical formation of infantry probably fifteen men would be killed where one was killed with the former fire-arm. Add to this the powerful machine guns now used, such as the Gatling and Hotchkiss, and the rate of death to the closed files of double rank would be terribly increased. This it is that makes the present single-battalion, double-rank formation a suicidal one and that has caused its abandonment in other civilized nations. For a line to live under these changed conditions means that it shall be a single line, with intervals or spaces between the men who are to receive attack or make assault. The length of line of the present one thousand men of a regiment, in double rank, without intervals, is about 300 yards, and in single rank 600 yards. Every regimental commander of our late war will appreciate the difficulty of commanding even this length of line. In the din of battle neither voice nor bugle-note can easily be heard. The noise of conflict has been greatly intensified by the introduction of the breech-loading repeating fire-arm.

Von Scherff, the great German military writer, referring to the Franco-Prussian war, says:

It was very difficult for officers to keep their men together, because of the noise of a close conflict between breech-loader and breech-loader.

Let the single line be lengthened by intervals between the files, as it must now be, and how powerless would any colonel be to control and command his regiment. He absolutely needs the three-battalion formation with a subordinate commander, a major, for each battalion. He can not even personally command one and supervise the action of the others, for with the battalions properly placed according to modern tactics, each in rear of the other, the first with its skirmishers and supporting lines and columns holding a front of 200 yards and a depth of 400, the second and third battalions in column with spaces of about 250 yards intervening, with a total depth (owing to the far-penetrating power of the modern arm) of about 1,000 yards—being about the depth of a division prepared for battle as it was formed in the three-line brigade organization during our war—the colonel commanding could not only not be heard, but in most cases he could not see his command. The lieutenant-colonel, as the title implies, is needed as the lieutenant or general assistant of the colonel, and the majors commanding battalions become an absolute necessity for successful warfare.

To sum up the tactical matter, the old line-of-battle formation used during our civil war "now belongs to the past as completely as the Macedonian phalanx, and the general who would use it would simply invite the murder of his army and sacrifice the cause of his country on the altar of imbecile conservatism." The present organization is objectionable in that it has no expansive power and must be totally changed in time of war, thus violating a familiar military maxim that "the plan of an army should be the same in time of peace as in time of war." The bill before us proposes a regiment in time of peace of twelve companies of fifty men each, comprising the three battalions so urgently needed. It would have its full complement of officers at the outbreak of war and would simply need the order of the Secretary of War to recruit its ranks to the maximum, and the force of six hundred would become twelve hundred men. A war footing would be reached promptly, without the delay incident to calling new battalions into life, and, as compared with the formation of new regiments, with great economy. This rapid expansion would permit the speedy crushing out of any hostile demonstration.

An important incident flowing from the passage of this bill is promotion to the infantry branch of the service. Fifty captains will be made majors, one hundred first lieutenants will be made captains, one hundred and fifty second lieutenants will be made first lieutenants, and two hundred second lieutenants would be commissioned, provided it is deemed best to fully officer the third battalion of each regiment. Since the reorganization of the Army, immediately after the war, promotion has been at a halt in the infantry branch, to its great injury. In the other arms, except as to lieutenants of artillery, it has been reasonably rapid. In the Staff, Engineer, and Ordnance Corps it has been quite so.

Every second lieutenant of engineers of 1861–'62 reached major's rank over ten years ago, and many graduates since the war in that corps are majors to-day. No fault can be found with this, but by reflection it acts injuriously upon the infantry, the officers of which, as one of them has observed, "have apparently received the tactical command 'Mark time! march!' which, while it simulates marching, admits of no progression." Promotion is needed to keep up a proper *esprit de corps*. It broadens an officer's experience and gives him an

incentive to do good work. No business man would feel that he was doing right in keeping an efficient employé in the same grade for a quarter of a century. Advancing years mean increased family and other cares and greater responsibility. It has been well said by a naval officer, writing upon a subject akin to this:

The enforced continuance in subordinate stations can not fail to tell upon even the best men. The tendency of such a system is to make mere routine men, to substitute apathy and indolence for zeal and energy. * * * Officers who grow old in one grade and without promotion are but little encouraged to exercise their own powers of volition. They come to regard themselves as part of a machine. * * * Self-reliance, resolute action, readiness of resource, and the exercise of individual judgment are all trampled out by this stagnation.

There are lieutenants of infantry to-day who served during the war of rebellion who, under the existing circumstances, will consider themselves fortunate if on reaching the age of sixty-four they will be able to retire as captains. With children grown to manhood these officers, some of them grandfathers, hold a rank always associated with youth and its physical activity. I have one officer in mind, and I mention his case simply because he is a type of many, who served with distinction during all the late war; has been on the frontier ever since faithfully performing his duty; been in the Indian wars, and stands to-day beyond the number 200 on the list of captains. In but little over twenty years he will be retired with the bars and not the leaf or eagle upon his shoulders. This gallant officer is in the Slough of Despond. The passage of this bill will lift him out.

I would not urge this bill simply because of the incident of promotion, but the existing stagnation is so great that many bills are before Congress endeavoring to recognize that necessity alone, whereas this bill in accomplishing the proper construction of the physical machine of the Army pays attention also to that axiom of war that without promotion an army can not be effective.

A few words upon the cost incident to this change and I will leave the subject upon which I have been unnecessarily prolix. The cost of maintaining the Army for the fiscal year ending June 30, 1886, is:

Pay of officers and enlisted men	$12,205,000
Rations of enlisted men	1,800,000
Clothing of enlisted men	1,250,000
	15,255,000

But little additional expenditure will bring about the great good to the country that I have endeavored to set forth to-day. Responding to my request, Lieutenant-General Sheridan has furnished me with a detailed statement of the total cost of adding the full complement of officers and the twenty-five hundred enlisted men needed to bring every company up to the full peace standard on the three-battalion formation. I give it in full:

Analysis and summary of the annual increase in pay of officers and pay, rations, and clothing allowance, of enlisted men under the provisions of the Manderson bill (S. 137).

OFFICERS.

Increase in pay of each officer promoted to higher grade:

Captains of over twenty years' service to majors	$920
First lieutenants of over twenty years' service to captains	420
First lieutenants of between fifteen and twenty years' service to captains	390
First lieutenants of between ten and fifteen years' service to captains	360
Second lieutenants of over twenty years' service to first lieutenants	140
Second lieutenants of between fifteen and twenty years' service to first lieutenants	130
Second lieutenants of between ten and fifteen years' service to first lieutenants	120
Second lieutenants of between five and ten years' service to first lieutenants	110
Second lieutenants of less than five years' service to first lieutenants	100

The annual pay of each of the newly-appointed second lieutenants would be $1,400.

All of the fifty captains who would be promoted to majors have served over twenty years; the total increase in their pay would then be $46,000.

Of the one hundred first lieutenants promoted to be captains seventy-two have over twenty years of service, twenty-three between fifteen and twenty years' service, and five between ten and fifteen years' service; the total increase in their pay would then be $41,010.

Of the one hundred and fifty second lieutenants promoted to be first lieutenants, two have over twenty years of service, eight between fifteen and twenty years, forty-six between ten and fifteen years, eighty-seven between five and ten years, and seven less than five years of service; the total increase in their pay would then be $17,110.

The grand total or increase of pay for the officers promoted would then be $104,120. Two hundred second lieutenants would be added to the Army; their pay would be $280,000. The aggregate of these two last sums, or $384,120, expresses the total annual increase chargeable to officers' pay as affected by the bill.

ENLISTED MEN.

Each company of infantry as constituted by law contains one first sergeant, four sergeants, four corporals, two artificers, two musicians, one wagoner, and thirty-six privates; their pay and allowances are given in the following table:

	Monthly pay.	Clothing.*
First sergeant	$22 00	$39 13
Sergeant	17 00	38 25
Corporal	15 00	37 45
Artificer	15 00	35 70
Musician	13 00	36 65
Wagoner	14 00	35 70
Private	13 00	35 70

*Average annual value of allowance.

NOTE.—Daily value of rations averages 20 cents for each non-commissioned officer and private.

As a matter of fact many infantry companies do not contain more than forty instead of fifty men, as stated in the organization given above; the computation as to the cost of maintenance of a company is therefore, in the following table, given upon the basis of fifty and also of forty enlisted men for one year:

	Pay.	Rations.	Clothing.	Total.
One company, fifty men	$8,256	$3,520	$1,807 53	$13,583.53
Fifty companies, fifty men	412,800	176,000	90,376 50	679,176 50
One company, forty men	6,696	2,816	1,450 53	10,962 53
Fifty companies, forty men	334,800	140,800	72,526 50	548,126 50

The total cost for officers and fifty companies, of fifty men each, would then be $1,063,296.50.

If the companies were of only forty men each it would be $932,246.50.

Thus an expenditure of $1,000,000 would place us where we should be as to the infantry arm of the United States Army. The actual cost of the full complement would be less, in fact. The graduating class at the West Point Academy this year is declared to be the largest in number and the highest in efficiency that that institution has ever graduated. There will be seventy-eight young men, fairly grounded in the science of war, at great expense to the Government, to be placed where they can do their country some service. There will be but thirty-nine vacancies for them to fill, but the other thirty-nine will undoubtedly be added to the Army as additional lieutenants. The pay of these, amounting to nearly $110,000, should be deducted, thus leaving the amount $900,000. Still further reductions might be made in the estimate. If the companies are left at forty men each the cost is $932,000. Suppose it should be deemed advisable to promote but one hundred second lieutenants to be first lieutenants and commission but one hundred second lieutenants, leaving the two additional companies without that subaltern officer, the saving would be about $140,000, thus obtaining a fair measure of improvement at an increase of $800,000 per annum.

We should not confound parsimony with economy. True economy consists not in penurious expenditures, but in exercising care that one gets the full value of money expended. Spending as we do $15,000,000 annually to maintain our Army, we do not get the worth of our money; for the obsolete organization I have described makes it inefficient, a broken staff to lean upon in the hour of danger. Let us spend $1,000,000 more, and we will get the worth of the entire amount expended, and the first war will show the economical wisdom of having thus prepared for it. An army officer has given me a homely but apt illustration that I will present.

Let us suppose that a frontiersman needs a rifle to protect himself from savage foes. We will say that for $15 he can get one of old model, with defective mechanism, which at the critical moment may miss fire. For $16 he can get a rifle of approved pattern, true to its aim and sure to deal death to any assailant. To buy the former would be to save a dollar and risk destruction, but should the frontiersman make such a choice his mistaken economy would be characterized as the grossest stupidity. I need not make the application. Do not let us be so stupid, but pursue the course that has every military authority worthy of consideration to support it and none against it.

Mr. President, I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

PRINTING OF A BILL.

Mr. EDMUNDS. I move that the bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882, as passed by the Senate, be printed as passed. It was printed in the RECORD as passed, but I am applied to, as other gentlemen are, for copies. Therefore, I move that the bill be printed for the use of the Senate as it was passed.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Vermont moves that Senate bill No. 10 be printed for the use of the Senate as it was passed.

The motion was agreed to.

COIN DUTIES ON IMPORTED GOODS.

Mr. PUGH. Mr. President, some days ago I gave notice that when the Utah bill was disposed of I should call up the resolution of the Senator from Kentucky [Mr. BECK] for the purpose of addressing the Senate. It is but a few minutes before 2 o'clock, when the regular order will be taken up, and if it is in order now, I will move that the regular order be temporarily laid aside so as not to lose its place.

Mr. HARRIS. Ask unanimous consent.

Mr. PUGH. Well, I ask unanimous consent that the regular order be laid aside and that the resolution of the Senator from Kentucky be taken up for consideration.

The PRESIDING OFFICER. The Chair would remark that the regular order at this time is the bill which was under consideration in the morning hour on Friday, the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes. Does the motion apply to that?

Mr. PUGH. Yes; I move to lay that aside temporarily.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that Senate bill 506 be laid aside for the purpose of enabling him to submit some remarks on the resolution of the Senator

from Kentucky which he proposes to submit for the consideration of the Senate. Is there objection? The Chair hears none. The same order will be regarded as applying to the unfinished business coming up at 2 o'clock, the judicial salary bill.

The Senate proceeded to consider the following resolution submitted by Mr. BECK December 18, 1885:

Whereas the laws of the United States require that all duties on imported goods shall be paid in coin; and

Whereas it is provided by section 3694 of the Revised Statutes that "the coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment, in coin, of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall, from time to time direct; third, the residue to be paid into the Treasury:"

Resolved, That the Committee on Finance be instructed to inquire whether the laws above stated now are, or have heretofore, been obeyed; and if they have not, to report by bill, or otherwise, such measures as will secure their enforcement.

Mr. PUGH proceeded to address the Senate. Having spoken nearly two hours,

Mr. EDMUNDS. With the consent of the Senator from Alabama, I will move that the Senate proceed to the consideration of executive business.

Mr. PUGH. I give way.

Mr. VANCE. I give notice that at the conclusion of the speech of the Senator from Alabama to-morrow I shall ask for the continuation of the consideration of the pending resolution, in order that I may submit a few remarks on the subject.

JUDICIAL SALARIES.

Mr. EDMUNDS. I first call for the regular order that it may be the unfinished business to-morrow, the judicial salary bill.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

Mr. EDMUNDS. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 11th day of January, 1886.

COLLECTOR OF INTERNAL REVENUE.

James Shields, for the district of Montana, *vice* Thomas P. Fuller, suspended.

REGISTER OF THE LAND OFFICE.

J. Gideon Harris, at Montgomery, Ala., *vice* Thomas J. Scott, resigned.

POSTMASTERS.

Thomas Ryan, at Sault de Ste. Marie, Mich., *vice* Myron W. Scranton, suspended.

Charles Holliday, at Saint Louis, Mich., *vice* John M. Church, suspended.

J. C. Morgan, at Kearney, Nebr., *vice* Ralph M. Grimes, resigned.

John J. Simmler, at San Luis Obispo, Cal., *vice* John J. Simmler, commission expired.

James T. Blam, at Brunswick, Ga., *vice* David T. Dunn, resigned.

T. O. Carlisle, at Missouri Valley, Iowa, *vice* Samuel L. Berkley, resigned.

Henry O. Goodrich, at Jerseyville, Ill., *vice* W. H. Edgar, commission expired.

Charles I. Haskell, at Virginia, Ill., *vice* John N. Wilson, commission expired.

J. S. R. Scoville, at Morris, Ill., *vice* William A. Jordan, deceased.

F. A. Trousdale, at Metropolis City, Ill., *vice* Thomas Moore, resigned.

Charles W. Lebon, at Wamego, Kans., *vice* John L. Browne, resigned.

William B. Mead, at Oberlin, Kans., his office having become Presidential.

John Wright, at Sedgwick, Kans., the office having become Presidential.

Edward L. Garcelon, at Winchester, Mass., *vice* George P. Brown, commission expired.

Martin L. Harlow, at South Abington, Mass., *vice* Albert Davis, resigned.

Samson Levy, at Newburyport, Mass., *vice* Isaac P. Noyes, commission expired.

George C. Lincoln, at North Brookfield, Mass., *vice* Harriet A. Poland, commission expired.

Reuben K. Sawyer, at Wellesley, Mass., *vice* William H. Flagg, commission expired.

John B. Turner, at Newtonville, Mass., *vice* Jeremiah B. Lovett, commission expired.

William J. Wallace, at Norwood, Mass., the office having become Presidential.

Noah Wadsworth, at Northborough, Mass., the office having become Presidential.

Paron C. Young, at Provincetown, Mass., *vice* Paron C. Young, commission expired.

James Rutherford, at Milford, Mich., *vice* John Crawford, deceased.

Addison S. Clark, at Westfield, N. J., *vice* Frederick Decker, commission expired.

Frederick G. Wilse, at Bordentown, N. J., *vice* Henry Netteroth, commission expired.

Samuel B. Whittaker, at Fulton, N. Y., *vice* Newell C. Gilbert, commission expired.

Frank D. Travis, at Holdrege, Nebr., the office having become Presidential.

Homer C. Bair, at Punxsutawney, Pa., the office having become Presidential.

L. L. Maughs, at Denison City, Tex., *vice* Charles T. Daugherty, commission expired.

W. J. F. Ross, at Waxahachie, Tex., *vice* Thomas W. Florence, resigned.

A. A. Lewis, at Gallatin, Tenn., *vice* Thomas H. Prince, commission expired.

James B. Tolliver, at Lebanon, Tenn., *vice* Edgar Waters, resigned.

NOMINATION WITHDRAWN.

William H. McArdle, of Mississippi, to be consul of the United States at San Juan del Norte, he having declined the appointment.

CONFIRMATIONS.

Nominations confirmed January 11, 1886.

CIVIL SERVICE COMMISSIONERS.

Alfred P. Edgerton, of Fort Wayne, Ind., to be Civil Service Commissioner.

William L. Trenholm, of Charleston, South Carolina, to be Civil Service Commissioner.

Dorman B. Eaton, of New York, to be Civil Service Commissioner.

COLLECTOR OF CUSTOMS.

Benjamin F. Jonas, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 11, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of Thursday, January 7.

Mr. PAYSON. Mr. Speaker, I ask unanimous consent that the reading of so much of the Journal as refers to the introduction of bills be dispensed with.

There was no objection, and it was so ordered.

The Clerk then resumed and concluded the reading of the Journal, which was approved.

CHANGE OF REFERENCE.

Mr. HENDERSON, of Iowa. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HENDERSON, of Iowa. House bill 596 was referred to the Committee on Private Land Claims. I move to have it referred to the Committee on Public Lands. It has been considered by that committee in two preceding Congresses and favorably reported.

The SPEAKER. If the reference made be erroneous *the Chair has* the power to correct it and will do so.

Mr. HENLEY. Mr. Speaker, I desire to ask the gentleman from Iowa [Mr. HENDERSON] who introduced that bill?

Mr. HENDERSON, of Iowa. It was introduced by me in this Congress.

CONTESTED ELECTIONS.

The SPEAKER laid before the House the following communication from the Clerk of the House:

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 7, 1885.

SIR: I have the honor to transmit herewith a list of papers on file in the Clerk's office of the House of Representatives in relation to contested-election cases in the House of Representatives of the Forty-ninth Congress, to wit:

F. T. Campbell *vs.* J. B. Weaver, from the State of Iowa.

Frank H. Hurd *vs.* Jacob Romeis, from the State of Ohio.

Merideth H. Kidd *vs.* George W. Steele, from the State of Indiana.
Charles H. Page *vs.* William A. Pierce, from the State of Rhode Island.
Alexander M. McKay *vs.* Barclay Henley, James A. Loutitt, Jos. M. McKenna, Charles N. Felton, W. W. Morrow, and H. H. Markham, from the State of California.
Montague R. Leverson and Archibald McGreer *vs.* Charles N. Felton and H. H. Markham, from the State of California.
George B. Merriam *vs.* Barclay Henley, from the State of California.
James Patterson *vs.* W. W. Morrow, from the State of California.
And a protest of citizens of California against the swearing in of Messrs. Henley, Loutitt, McKenna, Morrow, Felton, and Markham as Representatives in Congress from California.

Very respectfully,

JOHN B. CLARK, JR.,
Clerk of House of Representatives.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

The SPEAKER. If there be no objection the papers referred to in the communication just read will be referred to the Committee on Elections.

There was no objection, and it was so ordered.

REPORT OF VISITORS OF THE UNITED STATES MILITARY ACADEMY.

The SPEAKER also laid before the House the report of the Board of Visitors of the United States Military Academy; which was referred to the Committee on Military Affairs.

LEAVE OF ABSENCE.

Mr. LAIRD, by unanimous consent, obtained indefinite leave of absence, on account of the death of his mother.

CLERK TO COMMITTEE ON THE POST-OFFICE AND POST-ROADS.

Mr. ADAMS, of Illinois. Mr. Speaker, I rise to present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts make the following report:

That your committee, to whom was referred the resolution of Mr. DOCKERY, of January 5, 1886, to wit: "That the clerkship of the Committee on Post-Offices and Post-Roads be, and the same is hereby, declared an annual clerkship, with compensation at $2,000 per annum, and that the Clerk of the House is hereby authorized and directed to pay the clerk of said committee out of the contingent fund for the present session compensation at the above rate," respectfully report that they are of the opinion that said committee should have an annual clerk, but such action can not be had by resolution of the House. We, therefore, recommend a reference of said resolution to the Committee on Appropriations, with instructions to provide for an annual clerk to the Committee on Post-Offices and Post-Roads for the next fiscal year, in the legislative, executive, and judicial appropriation bill, at the rate of $2,000 per annum. We further recommend the adoption of the following resolution as a substitute:

"*Resolved*, That the Committee on Post-Offices and Post-Roads be allowed a clerk, to be paid out of the contingent fund of the House, until June 30, 1886, at the rate of $2,000 per annum."

The SPEAKER. The Chair does not think this is a privileged report. As the Chair understands it, the Committee on Post-Offices and Post-Roads has now, under the law, no annual clerk. This resolution proposes to instruct the Committee on Appropriations to provide for an annual clerk for that committee, and then——

Mr. RANDALL. Mr. Speaker, there is no objection on the part of the Committee on Appropriations to the instruction; but it is proper for me to say that, if my memory serves me, the session clerk to the Committee on Post-Offices and Post-Roads is provided for at $6 per day, which up to the end of this session would be a higher rate of compensation than $2,000 per annum.

Mr. ADAMS, of Illinois. I am aware that if there is any objection to the consideration of the resolution now——

The SPEAKER. The Chair was about to ask whether there is objection. If there be no objection the resolution will be considered.

Mr. CANNON. If the committee represented by my colleague [Mr. ADAMS] sees proper to report a joint resolution giving the Committee on the Post-Office and Post-Roads an annual clerk at $2,000 a year, I am content that the House should consider such a joint resolution and pass it; but under our new rules, it occurs to me, a reference of a resolution of this kind to the Committee on Appropriations is hardly proper.

The SPEAKER. The proposition is not to refer the resolution to the Committee on Appropriations but to pass a resolution instructing that committee.

Mr. RANDALL. That is the better way.

Mr. CANNON. Why not make it a joint resolution and let the House pass it? The Senate will no doubt do the same thing.

Mr. REAGAN. I do not think we ought to instruct that committee absolutely; let them have discretion to consider the question.

Mr. MILLS. Mr. Speaker, the clerkships of all these different committees ought to be annual. As the gentleman from Pennsylvania [Mr. RANDALL] has suggested, these clerks now get very good pay for a long session under the per diem arrangement; but at the short session of only three months it does not pay a clerk to come here and serve at the per diem compensation. There is no good reason which can justify the distinction made between the different officers of this House, such as messengers and committee clerks. They ought all be on the annual roll; and I hope this resolution will be so amended as to instruct the Committee on Appropriations to make all the committee clerkships of this House annual.

Mr. RANDALL. I should object to that.

Mr. DOCKERY. I hope the gentleman from Texas [Mr. REAGAN] will withdraw the objection he has interposed. The course now suggested is that which has been pursued by the House heretofore in creating annual clerkships. Such action is usually in the form of a resolution adopted by the House directing the Committee on Appropriations to provide for an annual clerkship in the legislative, executive, and judicial appropriation bill.

Mr. REAGAN. I do not want the matter referred to the Committee on Appropriations in such a shape that the committee will have no discretion, but must make merely a formal report in accordance with instructions.

Mr. DOCKERY. This has already been considered by a committee.

Mr. REAGAN. I am aware of that; but it is proposed now to send it to the Committee on Appropriations, and I do not propose to withhold from that committee the right to investigate the question.

Mr. DOCKERY. It is proposed to determine the question now by the action of the House.

The SPEAKER. The Chair has frequently decided heretofore that to entitle the report of a committee to be treated as privileged the whole matter of the report must be privileged; otherwise, it would be in the power of any committee having the right to make privileged reports to secure advantage for other matters than those which are privileged under the rules of the House.

The first resolution reported by the Committee on Accounts is a resolution of instruction to the Committee on Appropriations, which the Chair thinks is not a privileged report under any rule of the House. The last resolution, providing for payment out of the contingent fund of the House, might properly be considered a privileged matter.

Mr. DOCKERY. But the gentleman from Illinois asked unanimous consent for the present consideration of the report.

The SPEAKER. The Chair was about to state that request, having first decided the question of order. The gentleman from Illinois asks unanimous consent that both these resolutions be considered by the House at the present time. Is there objection?

Mr. RANDALL. If this matter be brought before the House in that form it will be open to amendment?

The SPEAKER. It will.

Mr. RANDALL. And in view of the suggestion of the gentleman from Texas [Mr. MILLS] that all the committee clerks should be made annual, an amendment of that character might be presented. Now, while I think the Committee on the Post-Office and Post-Roads ought to have an annual clerk, and am perfectly ready to vote for that proposition, yet if we are to open the door to having every committee allowed an annual clerk, I should be inclined to object.

Mr. REAGAN. If this matter is now open for discussion, I desire to say——

The SPEAKER. It is not now open for debate.

Mr. RANDALL. I hope, if consent be given for the consideration of this matter, the gentleman from Illinois will call the previous question.

Mr. REAGAN. If we wish to consult the interests of individuls and pay them for work they do not perform, we can do that by making the appointment of these committee clerks annual. If we wish to consult public economy, we shall pay them only for the time they serve, and not make their salaries annual.

The SPEAKER. Is there objection to the present consideration of this report of the Committee on Accounts? The Chair hears none, and it is before the House.

Mr. ADAMS, of Illinois. The importance of considering this resolusion now arises from the fact that it will facilitate the action of the Committee on Accounts on the general scheme of committee clerkships. I am justified, I think, in demanding the previous question.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolutions embodied in the report, unless a separate vote be called for. The Clerk will report the resolutions again.

The Clerk read as follows:

Resolved, That the Committee on the Post-Office and Post-Roads be allowed a clerk, to be paid out of the contingent fund of the House, until June 30, 1886, at the rate of $2,000 per annum.

Mr. ADAMS, of Illinois. There was no other resolution, Mr. Speaker, only a recommendation of the Committee on Accounts that the report be referred to the Committee on Appropriations with instructions.

The SPEAKER. The question is then on the adoption of the report, which recommends the reference of the resolution to the Committee on Appropriations with the instructions which have already been read.

The question was decided in the affirmative, there being—ayes 111, noes 4.

Mr. ADAMS, of Illinois, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF PRESIDENT'S ANNUAL MESSAGE.

Mr. BARKSDALE, from the Committee on Printing, submitted the following report:

The Committee on Printing, to whom was referred the following resolution: "*Resolved*, That there be printed —— thousand copies of the President's last annual message for the use of the House,"

have recommended that the resolution be amended by filling the blank with "twenty-five," so as to make the number of copies twenty-five thousand. The estimated cost is $612.50.

The amendment proposed by the Committee on Printing was agreed to; and the resolution as amended was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. SCOTT. I move by unanimous consent, Mr. Speaker, that the bill (H. R. 1994) for the relief of the International Navigation Company, which was referred to the Committee on Commerce, be referred to the Select Committee on Ship-building and Ship-owning Interests, where it properly belongs.

The SPEAKER. The Chair hears no objection, and the bill will be so referred.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the Chair will proceed to call the States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials from State and Territorial Legislatures will be in order; also resolutions calling for information from the heads of Departments.

ALIENS PROHIBITED FROM ACQUIRING TITLE TO LANDS.

Mr. OATES introduced a bill (H. R. 3183) to prohibit aliens from acquiring title to or owning lands within the United States of America; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ENTRY OF PUBLIC LANDS.

Mr. OATES also introduced a bill (H. R. 3184) to repeal sections 3480 and 4716 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BREACH OF CONTRACTS.

Mr. OATES also introduced a bill (H. R. 3185) to require the circuit courts and the Supreme Court of the United States to decide all cases predicated upon contracts for the breach thereof coming within their respective jurisdiction according to the law of the State or place where the contract was made or to be performed; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NEW ORLEANS, BATON ROUGE AND VICKSBURG RAILROAD COMPANY.

Mr. OATES also introduced a bill (H. R. 3186) to declare a forfeiture of lands granted to the New Orleans, Baton Rouge and Vicksburg Railroad Company to confirm title to certain lands, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

LIMITATION OF SPEECHES.

Mr. OATES also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That no member shall occupy more than thirty minutes in debate on any question in the House or in committee, except that the member reporting the measure under consideration may have also thirty minutes to close where general debate has been had thereon; and no member shall after the recognition of the Speaker, for the purpose of debate, yield any part of his time to more than one other member.

CALL OF THE HOUSE.

Mr. OATES also submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That section 1 of Rule XV be so amended as to read as follows:

"1. Upon every roll-call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, then the whole name shall be called; and after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting on first call, except such as are paired or absent by leave of the House; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair."

GIRARD AND MOBILE RAILROAD.

Mr. HERBERT introduced a bill (H. R. 3187) to declare forfeited a grant of land in aid of the Girard and Mobile Railroad in Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. SARAH P. WATSON.

Mr. HERBERT also introduced a bill (H. R. 3188) for the relief of Mrs. Sarah P. Watson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BONDS OF EXECUTORS.

Mr. HERBERT also introduced a bill (H. R. 3189) to amend the law relating to the bonds of executors in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

CHARLES A. SIBLEY.

Mr. HERBERT also introduced a bill (H. R. 3190) for the relief of Charles A. Sibley, guardian of Lloyd M. Stevens; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM C. EDMONSTON.

Mr. JONES, of Alabama, introduced a bill (H. R. 3191) to adjust and pay the account of William C. Edmonston; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. JONES, of Alabama, also introduced a joint resolution (H. Res. 72) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company; which was read a first and second time.

Mr. JONES, of Alabama. I should like by unanimous consent to have that joint resolution referred to the Committee on the Judiciary.

Mr. SPRINGER. I must object if it involves money payment from the Treasury.

Mr. JONES, of Alabama. I think the gentleman will withdraw his objection when he is informed that the resolution is merely supplementary to the act passed in 1875 providing for the settlement of these accounts. That act originated with the Judiciary Committee.

Mr. SPRINGER. Does it provide for the settlement of these accounts and allowances merely?

Mr. JONES, of Alabama. It simply authorizes the Secretary of War and Attorney-General to adjust these accounts.

Mr. SPRINGER. I have no objection if it does not involve money payment from the Treasury.

The joint resolution was referred to the Committee on the Judiciary, and ordered to be printed.

ENTRY OF HOMESTEADS BY FEMALES.

Mr. WHEELER introduced a bill (H. R. 3192) to authorize females to enter lands under the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MRS. EDNA ROBERTS.

Mr. WHEELER also introduced a bill (H. R. 3193) granting a pension to Mrs. Edna Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS CARGYLE.

Mr. WHEELER also introduced a bill (H. R. 3194) for the relief of Lewis Cargyle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES CARGYLE.

Mr. WHEELER also introduced a bill (H. R. 3195) for the relief of James Cargyle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. W. CARGYLE.

Mr. WHEELER also introduced a bill (H. R. 3196) for the relief of P. W. Cargyle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSIE CARGYLE.

Mr. WHEELER also introduced a bill (H. R. 3197) for the relief of Jessie Cargyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY HASTINGS.

Mr. WHEELER also introduced a bill (H. R. 3198) granting a pension to Mrs. Mary Hastings; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK M. SANGFORD.

Mr. WHEELER also introduced a bill (H. R. 3199) for the relief of Frank M. Sangford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. JAMES H. BONE.

Mr. WHEELER also introduced a bill (H. R. 3200) for the relief of Capt. James H. Bone; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FLORENCE (ALA.) MASONIC LODGE.

Mr. WHEELER also introduced a bill (H. R. 3201) for the relief of the Florence Masonic Lodge, No. 14, at Florence, Ala.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. MILAM.

Mr. WHEELER also introduced a bill (H. R. 3202) for the relief of the heirs of William A. Milam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDERSON MERCHANT.

Mr. WHEELER also introduced a bill (H. R. 3203) to remove the political disabilities of Anderson Merchant; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN JONES.

Mr. WHEELER also introduced a bill (H. R. 3204) for the relief of John Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. GUYSE.

Mr. WHEELER also introduced a bill (H. R. 3205) granting a pension to George W. Guyse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAHALA H. PORTLOCK.

Mr. WHEELER also introduced a bill (H. R. 3206) for the relief of Mahala H. Portlock; which was read a first and second time, referred to the Commiteee on War Claims, and ordered to be printed.

W. P. SHELTON.

Mr. WHEELER also introduced a bill (H. R. 3207) for the relief of W. P. Shelton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL J. O'BARR.

Mr. FORNEY introduced a bill (H. R. 3208) granting a pension to Michael J. O'Barr, late sergeant of Captain Shelley's company, First Regiment Alabama Volunteers in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

J. G. FELL AND OTHERS.

Mr. FORNEY also introduced a bill (H. R. 3209) for the relief of J. G. Fell, Edward Hoopes, and George Burnham; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

EQUALIZATION OF HOMESTEAD ENTRIES.

Mr. PEEL introduced a bill (H. R. 3210) to equalize and allow additional homestead entries of the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882;

A bill (S. 22) for the relief of Martha Murphy and P. B. Murphy;

A bill (S. 68) for the relief of S. B. Cranston, of Oregon;

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (S. 141) to extend the provisions of the act of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska;

A bill (S. 208) for the relief of Alexander Swift & Co. and the Niles Works;

A bill (S. 416) for the relief of J. W. Lobban; and

A bill (S. 633) to change the name of Uniontown to Anacostia.

JURISDICTION UNITED STATES COURTS.

Mr. ROGERS introduced a bill (H. R. 3211) conferring jurisdiction in certain civil cases arising in the Indian Territory to the United States courts for the western district of Arkansas, northern district of Texas, and the district of Kansas; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GOVERNMENT RESERVATION, HOT SPRINGS.

Mr. ROGERS also introduced a bill (H. R. 3212) for the improvement of the Government reservation at Hot Springs, in Arkansas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ESTATE OF JOSEPH DODSON.

Mr. ROGERS also introduced a bill (H. R. 3213) for the relief of the estate of Joseph Dodson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. WALTERS.

Mr. ROGERS also introduced a bill (H. R. 3214) for the relief of John H. Walters, late of Company A, First Kentucky Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN S. FOX.

Mr. ROGERS also introduced a bill (H. R. 3215) for the relief of Benjamin S. Fox; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TRES ALAMOS LAND GRANT.

Mr. FELTON (by request) introduced a bill (H. R. 3216) to confirm the title to that certain land grant "Tres Alamos," in Arizona Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

THOMAS P. MADDEN.

Mr. HENLEY introduced a bill (H. R. 3217) for the relief of Thomas P. Madden; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS IN INDIAN SERVICE.

Mr. HENLEY also introduced a bill (H. R. 3218) to authorize the adjustment of certain accounts arising in the Indian service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COLORADO DESERT.

Mr. HENLEY (by request) also introduced a bill (H. R. 3219) to promote the introduction of fresh water on the Colorado Desert; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

STATE UNIVERSITY OF CALIFORNIA.

Mr. HENLEY (by request) also introduced a bill (H. R. 3220) for the relief of the State University of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CHARLES MURPHY.

Mr. HENLEY also introduced a bill (H. R. 3221) to pay Charles Murphy $3,000; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. HENLEY also introduced a bill (H. R. 3222) to extend certain provisions of an act approved March 2, 1855, entitled "An act for the relief of purchasers and locators of swamp and overflowed lands;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FIRE AT BENICIA WORKSHOPS.

Mr. HENLEY also introduced a bill (H. R. 3223) to make an appropriation to pay the laborers and mechanics for their tools destroyed by fire in the Government workshops at Benicia, State of California, on the 2d day of November, 1880; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CUTHBERT WHITE.

Mr. HENLEY also introduced a bill (H. R. 3224) for the relief of Cuthbert White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TAX ON GRAPE SPIRITS.

Mr. HENLEY also introduced a bill (H. R. 3225) to relieve pure grape spirits from taxation in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JEROME MADDEN.

Mr. HENLEY also introduced a bill (H. R. 3226) for the relief of Jerome Madden, of California; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

W. R. WHEATON AND C. H. CHAMBERLAIN.

Mr. HENLEY (by request) also introduced a bill (H. R. 3227) for the relief of William R. Wheaton and Charles H. Chamberlain, of California; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE AT SAN LUIS OBISPO.

Mr. MORROW introduced a bill (H. R. 3228) making an appropriation for establishing a light-house and fog-signal at San Luis Obispo, Cal.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT POINT SUR.

Mr. MORROW also introduced a bill (H. R. 3229) making an appropriation for the commencement of a light-house and fog-signal at Point Sur, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FOG-SIGNAL AT ANGEL ISLAND.

Mr. MORROW also introduced a bill (H. R. 3230) making an appropriation for the completion of the fog-signal station at Angel Island, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-STATION ON CALIFORNIA COAST.

Mr. MORROW also introduced a bill (H. R. 3231) for the continuation of the light-station at Northwest Seal Rock, coast of California;

which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPE ORFORD LIGHT STATION.

Mr. MORROW also introduced a bill (H. R. 3232) making an appropriation for the purchase of the right of way to Cape Orford light-station; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE DESTRUCTION ISLAND, WASHINGTON TERRITORY.

Mr. MORROW also introduced a bill (H. R. 3233) making appropriation for the establishment of a light-house at Destruction Island, Washington Territory, which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SAN DIEGO SOCIETY OF NATURAL HISTORY.

Mr. MARKHAM introduced a bill (H. R. 3234) granting lands to the San Diego Society of Natural History for scientific purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRIVATE LAND GRANTS, ARIZONA TERRITORY.

Mr. MARKHAM (by request) also introduced a bill (H. R. 3235) to confirm title to certain private land grants in Arizona Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

MAY HELENA MAHAN.

Mr. HENLEY (by request) introduced a bill (H. R. 3236) granting a pension to May Helena Mahan; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PENSION LAWS.

Mr. LOUTITT introduced a bill (H. R. 3237) extending the provisions of the invalid-pension laws in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 4700 REVISED STATUTES.

Mr. LOUTITT also introduced a bill (H. R. 3238) to amend section 4700 Revised Statutes relating to invalid pensions; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRYAN TYSON.

Mr. LOUTITT (by request) also introduced a bill (H. R. 3239) for the relief of Bryan Tyson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. P. JACKSON.

Mr. McKENNA introduced a bill (H. R. 3240) for the relief of A. P. Jackson; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MATERIAL FOR ORDNANCE, ETC.

Mr. McKENNA also introduced a bill (H. R. 3241) to establish a board to encourage the manufacture of material for modern ordnance, armor, and other Army and Navy purposes, and to provide heavy ordnance adapted to modern warfare; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ARREARAGES OF PENSIONS.

Mr. McKENNA also introduced a bill (H. R. 3242) to provide arrearages of pensions to persons mutilated in the civil war and pensioned for other than highest disability; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTIES ON TOBACCO.

Mr. BUCK introduced a bill (H. R. 3243) relating to duties on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

LETTER-CARRIERS.

Mr. BUCK also introduced a bill (H. R. 3244) for the appointment of letter-carriers; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SAMUEL S. LADD.

Mr. BUCK also introduced a bill (H. R. 3245) granting a pension to Samuel S. Ladd; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. ORCUTT.

Mr. BUCK also introduced a bill (H. R. 3246) granting a pension to Mary A. Orcutt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATERMAN CLIFT AND ROBERT MAY.

Mr. SEYMOUR introduced a bill (H. R. 3247) for the relief of Waterman Clift and Robert May; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRANK P. MURPHY.

Mr. SEYMOUR also introduced a bill (H. R. 3248) for the relief of Frank P. Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

STEAM CRUISING VESSEL BY CHARLES G. LUNDBORG.

Mr. LORE introduced a bill (H. R. 3249) to provide for the construction of a steam cruising vessel of war of 20-knot speed, by Charles G. Lundborg, of New York; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HARRISON T. MARTIN, EXECUTOR.

Mr. HARRIS introduced a bill (H. R. 3250) for the relief of Harrison T. Martin, executor of Robert Martin, Troup County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. HIGHTOWER.

Mr. HARRIS also introduced a bill (H. R. 3251) for the relief of James W. Hightower, of Muscogee County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

C. M. BETHUNE.

Mr. HARRIS also introduced a bill (H. R. 3252) for the relief of C. M. Bethune, former postmaster at Talbotton, Ga; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TO AMEND SECTION 1090 REVISED STATUTES.

Mr. HAMMOND introduced a bill (H. R. 3253) to amend section 1090 of the Revised Statutes relating to interests on judgments rendered by the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

STAFFORD SEYMOUR AND OTHERS.

Mr. HAMMOND also introduced a bill (H. R. 3254) for the relief of Stafford Seymour and sundry other parties therein named for Indian depredations; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

V. RICHARDS & BROTHERS.

Mr. HAMMOND (by request) also introduced a bill (H. R. 3255) for the relief of V. Richards & Brothers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN P. ROGERS.

Mr. HAMMOND (by request) also introduced a bill (H. R. 3256) for the relief of Benjamin P. Rogers, of Douglas County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. E. SCARBOROUGH.

Mr. CRISP introduced a bill (H. R. 3257) for the relief of S. E. Scarborough, of Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSES IN FLORIDA.

Mr. CRISP (by request) also introduced a bill (H. R. 3258) making an appropriation for the completion of the light-house at Mosquito Inlet, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. CRISP (by request) also introduced a bill (H. R. 3259) making an appropriation for the protection of Hunting Island light-house site, South Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. CRISP (by request) also introduced a bill (H. R. 3260) making an appropriation for the establishment of a light-house at Hillsborough Inlet, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. CRISP (by request) also introduced a bill (H. R. 3261) making an appropriation for the establishment of a light-house at Anclote Keys, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS P. MORGAN, JR.

Mr. CLEMENTS (by request) introduced a bill (H. R. 3262) for the relief of Thomas P. Morgan, jr.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. SPRINGER introduced a bill (H. R. 3263) to repeal section 1656 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES W. BEEMAN.

Mr. SPRINGER also introduced a bill (H. R. 3264) granting a pension to Charles W. Beeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRINTING OF COMMITTEE REPORTS.

Mr. SPRINGER also introduced a joint resolution (H. Res. 73) authorizing the printing of committee reports; which was read a first and

second time, referred to the Committee on Printing, and ordered to be printed.

SUITS IN EQUITY.

Mr. SPRINGER also introduced a bill (H. R. 3265) to regulate the trial of suits in equity in the circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RETIREMENT OF ARMY OFFICERS.

Mr. SPRINGER also introduced a bill (H. R. 3266) to retire from active service officers of the Army who served during the war of the rebellion as general officers of volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SWAMP LAND INDEMNITY SCRIP.

Mr. SPRINGER also introduced a bill (H. R. 3267) to authorize the several States in certain cases to locate swamp-land indemnity scrip, and to surrender the swamp-land indemnity scrip which may have been, or may be, issued in pursuance of law, and receive in lieu thereof $1.25 per acre for said scrip so surrendered; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PRIVATE CLAIMS.

Mr. SPRINGER submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of passing general laws for the ascertainment of the facts in all private measures by some judicial tribunal before action by Congress; and also the propriety of prohibiting the adjudication of private claims or relief measures by Congress, with power to report by bill or otherwise.

PROMOTIONS AND RETIREMENTS IN THE NAVY.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 3268) for regulating promotions and retirements in the Navy, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ECLIPSE OF THE SUN.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 3269) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NEW NAVAL OBSERVATORY.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 3270) authorizing the building of a new naval observatory; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PERMANENT AND INDEFINITE APPROPRIATIONS.

Mr. MORRISON introduced a bill (H. R. 3271) to repeal certain laws relating to permanent and indefinite appropriations; which was read a first and second time, referred by unanimous consent to the Committee on Appropriations, and ordered to be printed.

TERMINATION OF TREATY WITH HAWAII.

Mr. MORRISON also introduced a joint resolution (H. Res. 74) to give notice to terminate the treaty of the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHITTENDEN BROTHERS.

Mr. ROWELL (by request) introduced a bill (H. R. 3272) for the relief of Chittenden Brothers; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SILVER CERTIFICATES.

Mr. TOWNSHEND introduced a bill (H. R. 3273) providing for the issue by the United States Treasury of silver certificates in denominations of one, two, and five dollars each; which was read a first and second time.

Mr. TOWNSHEND. I move that the bill be referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Mr. MORRISON. Mr. Speaker, does not that bill properly go to the Committee on Banking and Currency?

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The bill will be read.

The bill was read.

Mr. DINGLEY. Should not that bill be referred to the Committee on Banking and Currency? It does not refer to coinage, but to the issue of currency.

Mr. TOWNSHEND. It is an amendment to the act remonetizing silver, which bill emanated from the Committee on Coinage, Weights, and Measures. It has been the custom of the House heretofore to refer bills relating to silver certificates and to silver to the Committee on Coinage, Weights, and Measures.

Mr. BLAND. That question was raised and decided at the last session of Congress. A bill was referred to the Committee on Banking and Currency for the recoinage of trade-dollars and for the issue of silver certificates, but that bill was taken from the Committee on Banking and Currency and referred to the Committee on Coinage, Weights, and Measures. Another measure was also referred to the Committee on Coinage, Weights, and Measures, providing for the issue of silver certificates—no other matter being in the bill save that—and that measure was placed in the jurisdiction of the Committee on Coinage, Weights, and Measures. It was reported back from that committee and voted on. It has been the practice of that committee to take jurisdiction of questions pertaining to silver and silver certificates and gold and gold certificates. The Committee on Banking and Currency has nothing to do with the matter.

The SPEAKER *pro tempore*. This debate is not in order under the rules, which provide that bills must be referred without debate. The gentleman introducing the bill moved its reference to the Committee on Coinage, Weights, and Measures, and it seemed to the Chair that would be the proper reference. However, a motion will be entertained for reference to any other committee.

Mr. DINGLEY. I am not particular about its reference.

The bill was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PILOTS.

Mr. TOWNSHEND also introduced a bill (H. R. 3274) for the relief of pilots who served in the war of the late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ISAAC WILLIAMS.

Mr. TOWNSHEND also introduced a bill (H. R. 3275) granting a pension to Isaac Williams, Company G, Fifteenth Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NAPOLEON CURTIS.

Mr. TOWNSHEND also introduced a bill (H. R. 3276) granting a pension to Napoleon Curtis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK FLYNN AND JOHN DIENST.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 3277) for the relief of Patraick Flynn and John Dienst; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EFFICIENCY OF THE ARMY.

Mr. HENDERSON, of Illinois, also introduced a bill (H. R. 3278) to promote the efficiency of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RESTORATION OF CERTAIN PUBLIC LANDS.

Mr. PAYSON introduced a bill (H. R. 3279) to restore to the public domain certain lands upon which the cost of survey shall not be paid, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OWNERSHIP OF LANDS IN THE TERRITORIES.

Mr. PAYSON also introduced a bill (H. R. 3280) to restrict the ownership of real estate in the Territories to American citizens, &c.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

S. A. ST. JOHN.

Mr. RIGGS introduced a bill (H. R. 3281) for the relief of S. A. St. John; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMOS W. BAGLEY.

Mr. RIGGS also introduced a bill (H. R. 3282) granting a pension to Amos W. Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

IDA B. LITHICUM.

Mr. RIGGS also introduced a bill (H. R. 3283) granting a pension to Ida B. Lithicum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH LITTLE.

Mr. RIGGS also introduced a bill (H. R. 3284) for the relief of Joseph Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ARTA HEATON.

Mr. CANNON introduced a bill (H. R. 3285) for the relief of Mrs. Arta Heaton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. M'GEE.

Mr. CANNON also introduced a bill (H. R. 3286) for the relief of Charles H. McGee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS CORZATT.

Mr. CANNON also introduced a bill (H. R. 3287) for the relief of Silas Corzatt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER DECKER.

Mr. CANNON also introduced a bill (H. R. 3288) for the relief of Elmer Decker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. DUNHAM introduced a bill (H. R. 3289) to amend section 5 of the act entitled "An act to amend the statutes in relation to the transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PEORIA, ILL., A PORT OF DELIVERY.

Mr. WORTHINGTON introduced a bill (H. R. 3290) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," so as to make the city of Peoria, Ill., a port to which merchandise may be transported in bond; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REBATE OF TAX ON SPIRITS.

Mr. WORTHINGTON also introduced a bill (H. R. 3291) for the rebate of the tax on all spirits used in manufacturing, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WEIGHING AND GAUGING SPIRITS.

Mr. WORTHINGTON also introduced a bill (H. R. 3292) to provide for weighing and gauging all spirits subject to the internal-revenue tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOSEPH F. WILSON.

Mr. WORTHINGTON also introduced a bill (H. R. 3293) for the relief of Joseph F. Wilson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD B. HUGHES.

Mr. WORTHINGTON also introduced a bill (H. R. 3294) to remove the charge of desertion standing against Edward B. Hughes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONDEMNED CANNON, WARREN, ILL.

Mr. HITT introduced a bill (H. R. 3295) to authorize the Secretary of War to transfer a condemed cannon to the Grand Army of the Republic (Warren Post, No. 315), at Warren, Ill., for monumental purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ALBERT WOOD.

Mr. HITT also introduced a bill (H. R. 3296) for the relief of Albert Wood; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRESIDENTIAL SUCCESSION.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 3297) to provide for the case of removal by death, resignation, or inability both of the President and Vice-President; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

MRS. MARY A. MITCHELL.

Mr. LAWLER introduced a bill (H. R. 3298) granting a pension to Mrs. Mary A. Mitchell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN WELLS.

Mr. MATSON introduced a bill (H. R. 3299) for the relief of John Wells; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM MABEE.

Mr. MATSON also introduced a bill (H. R. 3300) for the relief of William Mabee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER STURGEON.

Mr. MATSON also introduced a bill (H. R. 3301) granting a pension to Alexander Sturgeon (war with Mexico); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM E. HARDY.

Mr. MATSON also introduced a bill (H. R. 3302) granting a pension to William E. Hardy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH M'MILLAN.

Mr. MATSON also introduced a bill (H. R. 3303) to restore to the pension-roll the name of Joseph McMillan, late of Company K, Sixty-seventh Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABNER MOREHEAD.

Mr. MATSON also introduced a bill (H. R. 3304) to restore the name of Abner Morehead to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. HAMLET.

Mr. MATSON also introduced a bill (H. R. 3305) granting a pension to William H. Hamlet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW HARRIS.

Mr. MATSON also introduced a bill (H. R. 3306) granting a pension to Andrew Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL LAMBERTSON.

Mr. MATSON also introduced a bill (H. R. 3307) granting a pension to Samuel Lambertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. CRAVENS.

Mr. MATSON also introduced a bill (H. R. 3308) to increase the pension of John R. Cravens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WARD.

Mr. MATSON also introduced a bill (H. R. 3309) to increase the pension of Thomas Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JENNIE M. PARKS.

Mr. FORD (by request) introduced a bill (H. R. 3310) granting a pension to Jennie M. Parks, child of Edward R. Parks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP TRAPP.

Mr. FORD (by request) also introduced a bill (H. R. 3311) granting a pension to Philip Trapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL DAVIS.

Mr. BYNUM introduced a bill (H. R. 3312) for the relief of Samuel Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SISTERS OF PROVIDENCE, VIGO COUNTY, INDIANA.

Mr. BYNUM also introduced a bill (H. R. 3313) for the relief of the Sisters of Providence of St. Mary's of the Woods, Vigo County, Indiana; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JULIUS R. FREDRICK.

Mr. BYNUM also introduced a bill (H. R. 3314) granting a pension to Julius R. Fredrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM SEARS.

Mr. BYNUM also introduced a bill (H. R. 3315) granting a pension to William Sears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS J. TRASPER.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 3316) for the relief of Lewis J. Trasper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY JOHNS.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 3317) granting an increase of pension to Henry Johns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENOLS LOYD.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 3318) for the relief of Enols Loyd; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOMESTEADS TO UNION SOLDIERS AND THEIR WIDOWS.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 3319) granting homesteads to Union soldiers of the late war and to their widows; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PENSIONS.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 3320) granting a pension to all United States soldiers of the war of the rebellion,

and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL C. FISHER.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 3321) for the relief of Samuel C. Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN AFFALTER.

Mr. HOWARD introduced a bill (H. R. 3322) for the relief of John Affalter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANKLIN R. M. GILBERT.

Mr. HOWARD also introduced a bill (H. R. 3323) for the relief of Franklin R. M. Gilbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. M. L. VAN DEVENTER.

Mr. HOWARD also introduced a bill (H. R. 3324) for the relief of Mrs. M. L. Van Deventer; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

GEORGE L. KEY.

Mr. HOWARD also introduced a bill (H. R. 3325) for the relief of George L. Key; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS SIMPSON.

Mr. HOWARD also introduced a bill (H. R. 3326) granting a pension to Thomas Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. HOWARD also introduced a bill (H. R. 3327) granting a pension to Thomas Simpson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATILDA STOCKDALE.

Mr. HOWARD also introduced a bill (H. R. 3328) for the relief of Matilda Stockdale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB GING.

Mr. HOWARD also introduced a bill (H. R. 3329) for the relief of Jacob Ging; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TO REIMBURSE MESSRS. CRUMBO AND MELCHER.

Mr. HOWARD also introduced a bill (H. R. 3330) making an appropriation of $1,958 to reimburse Messrs. Crumbo & Melcher for moneys lost on their contract to construct a roadway from New Albany, Ind., to the national cemetery near that place, caused by change of grade; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN A. DEAN.

Mr. HOWARD also introduced a bill (H. R. 3331) granting a pension to John A. Dean; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

THOMAS CRAWFORD.

Mr. HOWARD also introduced a bill (H. R. 3332) for the relief of Thomas Crawford; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MILTON HAZZARD.

Mr. HOWARD also introduced a bill (H. R. 3333) for the relief of Milton Hazzard; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SOLOMON DAVIS.

Mr. HOWARD also introduced a bill (H. R. 3334) for the relief of Solomon Davis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIXING RATE OF PENSION FOR DISABILITY OF DEAFNESS.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 3335) fixing a pension rate for the disability of deafness incurred in the military service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOTTERIES, LOTTERY ADVERTISEMENTS, ETC.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3336) to prohibit lotteries, lottery advertisements, and the sale of lottery tickets in the District of Columbia and the Territories, and matters connected therewith; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3337) to prohibit the mailing of letters and circulars concerning lotteries, or newspapers or other periodical publications containing lottery advertisements, and prescribing a penalty therefor; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JOHN E. M'GAUGHEY.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3338) granting a pension to John E. McGaughey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. JONES.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3339) granting an increase of pension to Samuel B. Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELI HOUSER.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 3340) for the relief of Eli Houser; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. OWEN (by request) introduced a bill (H. R. 3341) granting pensions for service in the Army and Navy of the United States during the war of the rebellion, 1861 to 1865, and those having a pension rating of $8 per month shall have their rating increased to $12 per month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERRY B. BOWSER.

Mr. OWEN also introduced a bill (H. R. 3342) to pay Perry B. Bowser $500 as back pay for recruiting and for expenses borne in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS OF POSTMASTERS.

Mr. OWEN also introduced a bill (H. R. 3343) directing payment of postmasters' and late postmasters' claims adjusted under act approved March 3, 1883; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY KISER.

Mr. OWEN also introduced a bill (H. R. 3344) to grant a pension to Mary Kiser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM HEILMAN.

Mr. OWEN also introduced a bill (H. R. 3345) to increase the pension of Abraham Heilman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH WOODFILL.

Mr. STEELE introduced a bill (H. R. 3346) for the relief of Elizabeth Woodfill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS LEVI.

Mr. HOLMAN introduced a bill (H. R. 3347) for the relief Thomas Levi; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. HOLMAN also introduced a bill (H. R. 3348) granting condemned cannon and cannon-balls for monumental purposes to John A. Platter Post, No. 82, Grand Army of the Republic, Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM N. SEYMOUR.

Mr. HOLMAN also introduced a bill (H. R. 3349) granting a pension to William N. Seymour; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY.

Mr. CONGER introduced a bill (H. R. 3350) to amend an act entitled "An act for the establishment of a bureau of animal industry, to prevent the exportation of diseased cattle, and to provide means for the suppression and extirpation of pleuro-pneumonia and other contagious diseases among domestic animals, approved May 29, 1884;" which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

MRS. H. B. REHKOPF.

Mr. CONGER also introduced a bill (H. R. 3351) granting a pension to Mrs. H. B. Rehkopf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. CONGER also introduced a bill (H. R. 3352) increasing the pensions of soldiers and sailors who have lost the hearing of both ears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. H. STIBOLT.

Mr. MURPHY introduced a bill (H. R. 3353) for the relief of C. H. Stibolt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WELTY M. JONAS.

Mr. MURPHY also introduced a bill (H. R. 3354) granting a pension to Welty M. Jonas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS FAGAN.

Mr. MURPHY also introduced a bill (H. R. 3355) granting a pension to Thomas Fagan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 3356) to amend the pension laws granting arrears of pension to those pensioned by special acts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BOLCOM.

Mr. HENDERSON, of Iowa, also introduced a bill (H. R. 3357) granting a pension to Mary Bolcom; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM L. WAIT.

Mr. FULLER introduced a bill (H. R. 3358) granting a pension to Hiram L. Wait, Company C, Third Regiment Iowa Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY S. MORGAN.

Mr. FULLER also introduced a bill (H. R. 3359) granting a pension to Henry S. Morgan, Company D, First United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARREARS OF PENSIONS.

Mr. HOLMES introduced a bill (H. R. 3360) repealing the limitation of the arrears of pensions and defining the payment of the same; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABBIE SHARP.

Mr. HOLMES also introduced a bill (H. R. 3361) for the relief of Abbie Sharp, formerly Abbie Gardner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

B. J. EVERETT.

Mr. HOLMES also introduced a bill (H. R. 3362) for the relief of B. J. Everett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JENNETTE DOW.

Mr. HOLMES also introduced a bill (H. R. 3363) granting a pension to Jennette Dow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ASAHEL MIDDLETON.

Mr. HOLMES also introduced a bill (H. R. 3364) granting a pension to Asahel Middleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF SAMUEL H. MOER.

Mr. HEPBURN (by request) introduced a bill (H. R. 3365) for the relief of the heirs or legal representatives of Samuel H. Moer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BOLLMAN.

Mr. HEPBURN also introduced a bill (H. R. 3366) granting a pension to Henry Bollman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY FOSTER.

Mr. HEPBURN also introduced a bill (H. R. 3367) granting a pension to Mary Foster, widow of Grigsby Foster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL D. HARPER.

Mr. HEPBURN also introduced a bill (H. R. 3368) granting relief to Samuel D. Harper; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER, COUNCIL BLUFFS, IOWA.

Mr. LYMAN introduced a bill (H. R. 3369) authorizing the construction of a bridge across the Missouri River at or near the city of Council Bluffs, Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI RIVER, KEITHSBURG, ILL.

Mr. LYMAN also introduced a bill (H. R. 3370) authorizing the construction of a bridge across the Mississippi River at or near Keithsburg, in the State of Illinois, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS ILLINOIS RIVER, ILLINOIS.

Mr. LYMAN also introduced a bill (H. R. 3371) authorizing the construction of bridges across the Illinois River in the State of Illinois, and the Des Moines River in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JACOB BOGERT.

Mr. LYMAN also introduced a bill (H. R. 3372) for the relief of Jacob Bogert, of the city of New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILITARY RECORD OF WILSON B. GEORGE.

Mr. LYMAN also introduced a bill (H. R. 3373) to correct the military record of Wilson B. George, late a private of Company L, Fourth Iowa Volunteer Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSION LAWS.

Mr. LYMAN also introduced a bill (H. R. 3374) to extend the benefits of the pension laws of the United States granting pensions to the soldiers of the late civil war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. CLARK.

Mr. LYMAN (by request) also introduced a bill (H. R. 3375) granting a pension to John D. Clark, late a private of Company D, Twenty-eighth New York Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISSUE OF TREASURY NOTES.

Mr. WEAVER, of Iowa, introduced a bill (H. R. 3376) to retire national-bank notes and to prevent fluctuations of the currency by substituting Treasury notes in lieu of bank notes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ISSUE OF FRACTIONAL PAPER CURRENCY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3377) to provide for the issue of fractional paper currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RELIEF OF SOLDIERS AND SAILORS.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3378) for the relief of the soldiers and sailors who served in the Army and Navy of the United States in the late war for the suppression of the rebellion, and to restore to them equal rights with the holders of Government bonds; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE G. EARLY.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3379) granting a pension to George G. Early, late of Company I, Third Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMPSON SPARKS.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3380) granting a pension to Simpson Sparks, late of Company E, Thirty-seventh Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL HANSON.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3381) granting a pension to Samuel Hanson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. HOGAN.

Mr. WEAVER, of Iowa (by request), also introduced a bill (H. R. 3382) for the relief of James F. Hogan, of the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CAPT. S. C. CRAWFORD.

Mr. WEAVER, of Iowa, also introduced a bill (H. R. 3383) granting a pension to Capt. S. C. Crawford, late of Company I, Indiana Volunteers, in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES M. BACON.

Mr. STRUBLE introduced a bill (H. R. 3384) for the relief of James M. Bacon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH R. BENJAMIN.

Mr. STRUBLE also introduced a bill (H. R. 3385) for the relief of Joseph R. Benjamin; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

W. W. NORRIS.

Mr. STRUBLE also introduced a bill (H. R. 3386) for the relief of W. W. Norris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIDNEY SHERWOOD.

Mr. STRUBLE also introduced a bill (H. R. 3387) granting a pension to Sidney Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HASKELL INSTITUTE, KANSAS.

Mr. FUNSTON introduced a bill (H. R. 3388) making appropriations for the completion of Haskell Institute, an Indian school at Lawrence, Kans.; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JUDICIAL DISTRICTS, KANSAS.

Mr. FUNSTON also introduced a bill (H. R. 3389) to divide the State of Kansas into judicial districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM G. SCHOONOSER.

Mr. FUNSTON also introduced a bill (H. R. 3390) to place the name of William G. Schoonoser on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pension, and ordered to be printed.

A. H. VON LUETTWITZ.

Mr. RYAN introduced a bill (H. R. 3391) for the relief of A. H. von Luettwitz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TITLE TO CERTAIN PUBLIC LANDS, KANSAS.

Mr. RYAN also introduced a bill (H. R. 3392) to confirm the title of *bona fide* purchasers of certain lands heretofore granted to the State of Kansas for certain purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK SCHRUMPP.

Mr. RYAN also introduced a bill (H. R. 3393) granting a pension to Frederick Schrumpp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. CHILDS.

Mr. RYAN also introduced a bill (H. R. 3394) granting a pension to John B. Childs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FREDERICK SCHLOEGEL.

Mr. RYAN also introduced a bill (H. R. 3395) for the relief of William Frederick Schloegel; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

JACOB R. CRITTEN.

Mr. RYAN also introduced a bill (H. R. 3396) granting a pension to Jacob R. Critten; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WATERS.

Mr. RYAN also introduced a bill (H. R. 3397) to grant a pension to John Waters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW HOUSER.

Mr. RYAN also introduced a bill (H. R. 3398) granting a pension to Andrew Houser; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILIP WAGNER.

Mr. RYAN also introduced a bill (H. R. 3399) to grant a pension to Philip Wagner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOTTLERS OF THE DISTRICT OF COLUMBIA.

Mr. RYAN (by request) also introduced a bill (H. R. 3400) to protect the bottlers of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ANNA HOLBORN.

Mr. MORRILL introduced a bill (H. R. 3401) for the relief of Anna Holborn; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

LIZZIE E. COONEY.

Mr. MORRILL also introduced a bill (H. R. 3402) granting a pension to Lizzie E. Cooney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHANNA DORMAN.

Mr. PETERS introduced a bill (H. R. 3403) granting a pension to Johanna Dorman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL SETTLES.

Mr. PETERS also introduced a bill (H. R. 3404) for the relief of Daniel Settles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE MAXWELL.

Mr. PERKINS introduced a bill (H. R. 3405) for the relief of George Maxwell; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JACOB COPES.

Mr. PERKINS also introduced a bill (H. R. 3406) granting a pension to Jacob Copes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ADAM STUBER.

Mr. PERKINS also introduced a bill (H. R. 3407) granting a pension to Adam Stuber; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TOWN SITE OF WALLACE, KANS.

Mr. HANBACK introduced a bill (H. R. 3408) relative to the location of the town site of Wallace, Kans.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REPORT OF DISTRICT HEALTH OFFICER.

Mr. HANBACK also introduced a bill (H. R. 3409) authorizing the printing of 2,500 extra copies of the report of the health officer of the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

S. H. HARRISON.

Mr. HANBACK also introduced a bill (H. R. 3410) for the relief of S. H. Harrison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MUSTER AND PAY OF VOLUNTEERS.

Mr. HANBACK also introduced a bill (H. R. 3411) to provide for the muster and pay of officers and enlisted men of the volunteer forces; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. HANBACK also introduced a bill (H. R. 3412) to increase pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LORENZO D. AUSTIN.

Mr. HANBACK also introduced a bill (H. R. 3413) granting a pension to Lorenzo D. Austin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC F. MOORE.

Mr. McCREARY introduced a bill (H. R. 3414) for the relief of Isaac F. Moore, of Laurel County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

G. W. HERD.

Mr. McCREARY also introduced a bill (H. R. 3415) for the relief of G. W. Herd, of Madison County, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL BAILEY.

Mr. McCREARY also introduced a bill (H. R. 3416) for the benefit of Samuel Bailey, of Owsley County, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT N. DOUGHTY.

Mr. McCREARY also introduced a bill (H. R. 3417) to restore the name of Robert N. Doughty to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADMINISTRATOR OF I. D. M'KENZIE.

Mr. McCREARY also introduced a bill (H. R. 3418) for the relief of the administrator of I. D. McKenzie, of Lincoln County, Ky.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. W. I. PUGH.

Mr. TAULBEE introduced a bill (H. R. 3419) granting a pension to C. W. I. Pugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

G. W. FRALEY.

Mr. TAULBEE also introduced a bill (H. R. 3420) granting a pension to G. W. Fraley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BURNAM.

Mr. HALSELL introduced a bill (H. R. 3421) for the benefit of John

Burnam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWIN T. ROBERTS.

Mr. HALSELL also introduced a bill (H. R. 3422) for the relief of Edwin T. Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID B. ENGLAND.

Mr. HALSELL also introduced a bill (H. R. 3423) granting a pension to David B. England; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. RIDDEL.

Mr. HALSELL also introduced a bill (H. R. 3424) granting a pension to William P. Riddel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTION 3357 REVISED STATUTES.

Mr. WILLIS introduced a bill (H. R. 3425) to amend section 3357 Revised Statutes United States, title "Internal Revenue;" which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMERICAN COLLEGE FOR THE BLIND.

Mr. WILLIS also introduced a bill (H. R. 3426) to incorporate the American College for the Blind; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SOUTHERN EXPOSITION, LOUISVILLE, 1886.

Mr. WILLIS also introduced a bill (H. R. 3427) relative to the Southern Exposition to be held in the city of Louisville, in the State of Kentucky, in the year 1886; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DAVID MERIWETHER.

Mr. WILLIS also introduced a bill (H. R. 3428) for the relief of David Meriwether; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MORRIS.

Mr. WILLIS also introduced a bill (H. R. 3429) granting a pension to Mrs. Morris, widow of James Morris, late private Company G, Third Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA COLEMAN.

Mr. WILLIS also introduced a bill (H. R. 3430) for the relief of Emma Coleman, widow of Milton J. Coleman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES J. LIPSCOMB.

Mr. LAFFOON introduced a bill (H. R. 3431) for the relief of James J. Lipscomb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GANO HENRY, SR.

Mr. LAFFOON also introduced a bill (H. R. 3432) for the relief of Gano Henry, sr.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. B. MATTHEWS.

Mr. LAFFOON also introduced a bill (H. R. 3433) for the relief of H. B. Matthews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GREENBURY LYNCH.

Mr. LAFFOON also introduced a bill (H. R. 3434) granting a pension to Greenbury Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. P. HOWARD, ADMINISTRATOR.

Mr. LAFFOON also introduced a bill (H. R. 3435) for the relief of B. P. Howard, administrator of Finley McGrew; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. A. EASTEN.

Mr. LAFFOON also introduced a bill (H. R. 3436) for the relief of W. A. Easten; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROAD TO NATIONAL CEMETRY AT BATON ROUGE, LA.

Mr. IRION introduced a bill (H. R. 3437) making an appropriation to construct a road and approaches from the Mississippi River through the city of Baton Rouge, La., to the national military cemetery, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TRANSFER OF UNITED STATES BARRACKS.

Mr. IRION also introduced a bill (H. R. 3438) authorizing the Secretary of the Interior to transfer the United States barracks at Baton Rouge, La., to the Louisiana State University and Agricultural and Mechanical College at said place for educational purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

O. L. BLANCHARD.

Mr. ST. MARTIN introduced a bill (H. R. 3439) for the relief of the legal representatives of O. L. Blanchard, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MILITARY CEMETERY, CHALMETTE, LA.

Mr. ST. MARTIN also introduced a bill (H. R. 3440) making an appropriation to construct a macadamized road from the United States barracks in Saint Barnard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

INTERNAL-REVENUE TAXES.

Mr. ST. MARTIN also introduced a bill (H. R. 3441) authorizing all persons, firms, and corporations against whom internal-revenue taxes have been erroneously assessed and collected to file their claims in the United States Court of Claims for investigation and report; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS G. MACKIE.

Mr. HAHN introduced a bill (H. R. 3442) for the relief of Thomas G. Mackie and the heirs at law of William A. Hyde, deceased, late of New Orleans, La.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RANE C. HUTCHISON.

Mr. HAHN also introduced a bill (H. R. 3443) to enable the Secretary of War to pay Rane C. Hutchison for services rendered and expenses incurred in the military service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF MARTIN KENOFSKY.

Mr. HAHN also introduced a bill (H. R. 3444) for the relief of the heirs of Martin Kenofsky; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

COMMANDANT OF NAVY-YARD, NORFOLK, VA.

Mr. BOUTELLE. I present a resolution, which I ask may be reported in full.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to this House such information as he possesses concerning the truth or falsity of certain statements which have appeared in the public prints, as follows:

First. That the commandant at the United States navy-yard at Norfolk, Va., has caused the honorable inscriptions heretofore borne upon the cannon captured by the United States military or naval forces to be obliterated.

Second. That said commandant has caused to be removed from the dry-dock at that navy-yard the tablet placed there at the time of its reconstruction and bearing the inscription:

Destroyed by the rebels in 1862. Rebuilt by the United States Government in 1863.

J. W. LIVINGSTON,
Commandant.
W. H. LYONS,
Superintendent of Machinery.

Third. That because of his protest against the removal of said inscription the superintendent who was in charge of the work of rebuilding said dock, and who had faithfully served the Government for many years, has been removed from his position and a person who engaged in military service against the Government appointed in his place.

Fourth. That in disregard of that "grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country," invoked by sections 1753 and 1754 of the Revised Statutes, a number of such honorably discharged soldiers or sailors of the United States have been dismissed from employment at said navy-yard and their places filled by men who fought against the Government during the late rebellion.

And be it further resolved, That if said foregoing allegations are true, the Secretary of the Navy be, and he is hereby, requested to inform this House by whose order, upon what authority, and in pursuance of what public policy, if any, said honorable inscriptions were obliterated and said persons dismissed from the employment of the United States.

The SPEAKER *pro tempore* (Mr. SPRINGER). This resolution will be referred to the Committee on Naval Affairs.

Mr. BOUTELLE. I ask unanimous consent that the resolution may be immediately put on its passage.

The SPEAKER *pro tempore*. The Chair can not entertain a request of that kind during this call. The resolution can only be presented now for reference to the appropriate committee without debate. If the gentleman desires to submit a request for unanimous consent it should be withheld until after the call of States has concluded. Does the gentleman desire to withdraw the resolution for that purpose?

Mr. BOUTELLE. No, sir.

Mr. RANDALL. Let it take the usual course.

The resolution was referred to the Committee on Naval Affairs.

LIGHT-HOUSES.

Mr. BOUTELLE also introduced a bill (H. R. 3445) making an appropriation for the erection of a light-house at Lubec Narrows, Maine;

which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. BOUTELLE also introduced a bill (H. R. 3446) making an appropriation for the establishment of a light-house on Moose Peak, Mistake Island, west entrance to Bay of Fundy, Maine; which was read a first and second time, referred to the Committee on Commerce and ordered to be printed.

JACKSON WHITEHOUSE.

Mr. DINGLEY introduced a bill (H. R. 3447) for the relief of Jackson Whitehouse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH E. PURINGTON.

Mr. DINGLEY also introduced a bill (H. R. 3448) for the relief of Joseph E. Purington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. FARMER.

Mr. DINGLEY also introduced a bill (H. R. 3449) to remove the charge of desertion against William P. Farmer, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DENNIS B. MUNSEY.

Mr. DINGLEY also introduced a bill (H. R. 3450) to remove the charge of desertion from the record of Dennis B. Munsey, late of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

DENNIS CARTY.

Mr. DINGLEY also introduced a bill (H. R. 3451) granting a pension to Dennis Carty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY E. SAWYER.

Mr. DINGLEY also introduced a bill (H. R. 3452) granting a pension to Mrs. Mary E. Sawyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN SHIP-BUILDING.

Mr. DINGLEY also introduced a bill (H. R. 3453) to encourage American ship-building; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

COMPULSORY PILOTAGE.

Mr. DINGLEY also introduced a bill (H. R. 3454) to abolish compulsory pilotage of sailing vessels in the coastwise trade; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

FISHERIES.

Mr. DINGLEY submitted the following resolution; which was referred to the Select Committee on American Ship-building and Ship-owning Interests:

Resolved, That the Select Committee on Ship-building and Ship-owning Interests be, and hereby, is directed to inquire what, if any, legislation will promote the interests of the American marine engaged in the fisheries, and to report by bill or otherwise.

ESTABLISHMENT OF LIGHT-HOUSE ON GREEN ISLAND, MAINE.

Mr. MILLIKEN introduced a bill (H. R. 3455) making an appropriation for the establishment of a light-house on Green Island, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AND FOG-SIGNAL AT GREAT DUCK, MAINE.

Mr. MILLIKEN also introduced a bill (H. R. 3456) making an appropriation for the establishment of a light-house and fog-signal at Great Duck, Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CONTRACT SURGEONS OF LATE WAR.

Mr. MILLIKEN also introduced a bill (H. R. 3457) for the relief of contract surgeons of the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM K. CHOATE.

Mr. MILLIKEN also introduced a bill (H. R. 3458) granting a pension to Hiram K. Choate; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILSON SCOTT.

Mr. MILLIKEN also introduced a bill (H. R. 3459) for the relief of Wilson Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE STEVENS.

Mr. MILLIKEN also introduced a bill (H. R. 3460) granting a pension to Catherine Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANSEL POTTER.

Mr. MILLIKEN also introduced a bill (H. R. 3461) granting a pension to Ansel Potter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LAURA F. PUSEY.

Mr. MILLIKEN also introduced a bill (H. R. 3462) granting a pension to Mrs. Laura F. Pusey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HANNAH BABB HUTCHINS.

Mr. REED, of Maine, introduced a bill (H. R. 3463) granting a pension to Mrs. Hannah Babb Hutchins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DUTY ON SUGAR.

Mr. REED, of Maine, also introduced a bill (H. R. 3464) relating to duty on sugar; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES HOOPER.

Mr. FINDLAY introduced a bill (H. R. 3465) for the relief of James Hooper; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDIE B. BACON.

Mr. FINDLAY also introduced a bill (H. R. 3466) referring the claim of the owners of the schooner Addie B. Bacon to the Court of Claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DISCHARGED EMPLOYÉS.

Mr. FINDLAY also introduced a joint resolution (H. Res. 75) to allow discharged employés a month's extra pay; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

MARINE CORPS.

Mr. GIBSON, of Maryland, introduced a bill (H. R. 3467) to give the commandant of the Marine Corps of the United States the rank of a brigadier-general of the Army; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RANK OF ENGINEER OFFICERS OF UNITED STATES NAVY.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 3468) to regulate the rank of engineer officers of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ORVILLE HORWITZ.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 3469) for the relief of Orville Horwitz, assignee in trust of C. D. DeFord & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM C. SPENCER.

Mr. GIBSON, of Maryland, also introduced a bill (H. R. 3470) for the relief of William C. Spencer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLES K. REMSBERG.

Mr. McCOMAS (by request) introduced a bill (H. R. 3471) for the relief of Charles K. Remsberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREENBURY POINT SHOAL, MARYLAND.

Mr. McCOMAS also introduced a bill (H. R. 3472) making an appropriation for the establishment of a light on Greenbury Point Shoal, Maryland; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

FRANCIS MARION HALE.

Mr. McCOMAS also introduced a bill (H. R. 3473) for the relief of Francis Marion Hale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAMFORD AND BURKE.

Mr. McCOMAS also introduced a bill (H. R. 3474) for the relief of Bamford and Burke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM TALBERT.

Mr. McCOMAS also introduced a bill (H. R. 3475) for the relief of William Talbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES H. COFFMAN.

Mr. McCOMAS also introduced a bill (H. R. 3476) granting a pension to James H. Coffman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ABRAM T. SHERTZER.

Mr. COLE introduced a bill (H. R. 3477) for the relief of Abram T.

Shertzer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALONZO MAYNARD.

Mr. WHITING introduced a bill (H. R. 3478) granting an increase of pension to Alonzo Maynard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS WARNER.

Mr. WHITING also introduced a bill (H. R. 3479) for the relief of the heirs of Thomas Warner; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DESIRE B. JOHNSON.

Mr. WHITING also introduced a bill (H. R. 3480) for the relief of Desire B. Johnson, sister of Isaac Johnson, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILOMENA E. NOLAN.

Mr. LOVERING introduced a bill (H. R. 3481) granting a pension to Philomena E. Nolan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SETH WILMARTH.

Mr. LOVERING also introduced a resolution providing that the Secretary of the Navy be requested to appoint a commission of naval officers to make inquiry as to the compensation to be made Seth Wilmarth for his invention and extra services in the construction of a certain metal planer; which was referred to the Committee on Naval Affairs.

LIGHT-HOUSE, DEER ISLAND, MASSACHUSETTS.

Mr. COLLINS introduced a bill (H. R. 3482) making an appropriation for the establishment of a light-house and fog-signal at Deer Island Harbor, Boston, Mass.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE SUPPLY STEAMER.

Mr. DAVIS introduced a bill (H. R. 3483) making an appropriation for the construction of a light-house supply steamer for the Atlantic and Gulf coasts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

OIL-HOUSES AT LIGHT STATIONS.

Mr. DAVIS also introduced a bill (H. R. 3484) making appropriations for the erection of oil-houses at certain light-stations; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE TENDER FOURTH LIGHT-HOUSE DISTRICT.

Mr. DAVIS also introduced a bill (H. R. 3485) making an appropriation for the construction of a steam light-house tender for use in the fourth light-house district; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE-LIGHT, NEW BEDFORD AND FAIR HAVEN, MASS.

Mr. DAVIS also introduced a bill (H. R. 3486) making an appropriation for the establishment of a light on the bridge between New Bedford and Fair Haven, Mass.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL LIFE-SAVING STATIONS.

Mr. DAVIS also introduced a bill (H. R. 3487) establishing additional life-saving stations on the seacoast of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN Q. A. TRIPP.

Mr. DAVIS also introduced a bill (H. R. 3488) granting a pension to John Q. A. Tripp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMELIA J. GILL.

Mr. LONG introduced a bill (H. R. 3489) granting a pension to Amelia J. Gill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FORT BRADY, MICHIGAN.

Mr. MOFFATT introduced a bill (H. R. 3490) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the erection of suitable buildings thereon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS CHAMBERS.

Mr. MOFFATT also introduced a bill (H. R. 3491) for the relief of Thomas Chambers; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIGHT-HOUSE AT SEUL CHOIX POINT.

Mr. MOFFATT also introduced a bill (H. R. 3492) making an appropriation for the establishment of a light-house at Seul Choix Point, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. JULIA DE QUINDRE.

Mr. MAYBURY introduced a bill (H. R. 3493) for the relief of Mrs. Julia De Quindre; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DELIA E. GRUMMOND.

Mr. MAYBURY also introduced a bill (H. R. 3494) for the relief of Delia E. Grummond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RHODA M. BUCK.

Mr. ELDREDGE (by request) introduced a bill (H. R. 3495) granting a pension to Rhoda M. Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EFFECT OF INTOXICATING AND NARCOTIC SUBSTANCES.

Mr. CUTCHEON introduced a bill (H. R. 3496) to provide for the study of physiology and hygiene with reference to the effect of the use of intoxicating, narcotic, and poisonous substances upon the life, health, and welfare by the pupils in the public schools in the Territories and in the District of Columbia, and in the Military and Naval Academies, Indian and colored schools supported in whole or in part from the Federal Treasury; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

MAIL CARRIERS.

Mr. CARLETON introduced a bill (H. R. 3497) amending section 3980 of the Revised Statutes relating to route agents, postal clerks, and other carriers of the mail; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LOUIS MERRILL.

Mr. BURROWS introduced a bill (H. R. 3498) for the relief of Louis Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH D. HELLYER.

Mr. BURROWS (by request) also introduced a bill (H. R. 3499) for the relief of Joseph D. Hsllyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN SAVORY.

Mr. BURROWS also introduced a bill (H. R. 3500) granting a pension to Jonathan Savory; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. BINGMAN.

Mr. BURROWS also introduced a bill (H. R. 3501) granting a pension to Daniel J. Bingman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SCHOOL OF AGRICULTURE FOR INDIANS.

Mr. NELSON introduced a bill (H. R. 3502) to establish a model farm and school of agriculture for Indians in Northwestern Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WHITE EARTH INDIAN RESERVATION.

Mr. NELSON also introduced a bill (H. R. 3503) relating to the White Earth reservation, in the State of Minnesota; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

INSPECTION OF HULLS AND BOILERS.

Mr. NELSON also introduced a bill (H. R. 3504) to amend section 4414 of the Revised Statutes relating to the inspection of hulls and boilers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY B. SMITH.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 3505) for the relief of Mary B. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH W. BURCH.

Mr. WHITE, of Minnesota, also introduced a bill (H. R. 3506) for the relief of Joseph W. Burch; which was read a first and second time, and referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. THOMAS B. HUNT.

Mr. STRAIT introduced a bill (H. R. 3507) to correct the volunteer record of Capt. Thomas B. Hunt, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLAIMS.

Mr. STRAIT (by request) also introduced a bill (H. R. 3508) to authorize the Court of Claims to hear and determine the claims of certain persons named therein; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARREARS OF PENSION.

Mr. STRAIT also introduced a bill (H. R. 3509) granting arrears of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AURELIA M'DONALD.

Mr. GILFILLAN introduced a bill (H. R. 3510) granting a pension to Aurelia McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALARIES OF POST-OFFICE CLERKS.

Mr. BARRY introduced a bill (H. R. 3511) for classification of clerks in first-class post-offices and for fixing the salaries of the same; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMPENSATION OF POSTMASTERS.

Mr. BARRY also introduced a bill (H. R. 3512) to authorize the readjustment of the compensation of postmasters at certain fourth-class post-offices; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PAUL LEARY.

Mr. MORGAN (by request) introduced a bill (H. R. 3513) for the relief of Paul Leary, a citizen of the District of Columbia; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. THOMPSON.

Mr. MORGAN (by request) also introduced a bill (H. R. 3514) for additional compensation to the estate of John C. Thompson, deceased, for carrying the mails; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LIEUT. FRANCIS WARE.

Mr. MORGAN (by request) also introduced a bill (H. R. 3515) for the relief of the legal representatives of Lieut. Francis Ware, deceased, of the Revolutionary war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FANNY COLLINS.

Mr. BARKSDALE introduced a bill (H. R. 3516) granting a pension to Fanny Collins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PAY OF COMMITTEE CLERKS, HOUSE OF REPRESENTATIVES.

Mr. DOCKERY introduced a joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of the House of Representatives shall begin; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

COMMITTEE ON PUBLIC HEALTH.

Mr. DOCKERY also offered a resolution providing for the appointment of a committee on public health; which was read a first and second time, referred to the Committee on Rules, and ordered to be printed.

DR. EDWARD DUNSCOMB.

Mr. WARNER introduced a bill (H. R. 3517) for the relief of Dr. Edward Dunscomb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID WALDO.

Mr. WARNER also introduced a bill (H. R. 3518) for the relief of David Waldo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INTERSTATE RAPID TRANSIT RAILWAY COMPANY.

Mr. WARNER also introduced a bill (H. R. 3519) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM H. BLAKE.

Mr. HALE introduced a bill (H. R. 3520) granting a pension to William H. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. W. M'GLURG.

Mr. BLAND introduced a bill (H. R. 3521) for the relief of J. W. McGlurg; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID B. TAYLOR.

Mr. BLAND also introduced a bill (H. R. 3522) for the relief of David B. Taylor; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH STARLING.

Mr. BLAND also introduced a bill (H. R. 3523) for the relief of Sarah Starling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA MIBORD.

Mr. BLAND also introduced a bill (H. R. 3524) granting a pension to Maria Mibord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANN BAILEY.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 3525) granting a pension to Mrs. Ann Bailey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CATHARINE MEHAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3526) for the relief of Catharine Mehan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL S. HUFFMAN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3527) for the relief of Samuel S. Huffman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AUGUSTUS C. PAUL.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3528) for the relief of Augustus C. Paul; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARINE-HOSPITAL SERVICE.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3529) to regulate appointments in the Marine-Hospital Service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ALBERT L. ALLEN.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3530) granting a pension to Albert L. Allen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-HOUSE DISTRICTS.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3531) to enable the Light-House Board to increase the number of the light-house districts on the Western rivers, and making an appropriation therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOUNTIES.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3532) granting bounty to non-commissioned officers, musicians, and privates of the Second Regiment Artillery Missouri Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CREVE CŒUR LAKE, MISSOURI.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 3533) to donate Creve Cœur Lake to the city of Saint Louis and the county of Saint Louis, in the State of Missouri; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

MARY J. TAYLOR.

Mr. O'NEILL, of Missouri (by request), also introduced a bill (H. R. 3534) granting a pension to Mary J. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY M'CORMICK.

Mr. STONE, of Missouri, introduced a bill (H. R. 3535) for the relief of Timothy McCormick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JONATHAN D. YOUNG.

Mr. STONE, of Missouri (by request), also introduced a bill (H. R. 3536) granting a pension to Jonathan D. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. P. MORAN.

Mr. WADE (by request) introduced a bill (H. R. 3537) for the relief of W. P. Moran, late disbursing clerk and superintendent of the Navy Department building; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. AMY A. HUNT.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 3538) granting a pension to Mrs. Amy A. Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HANNAH M. CHAPMAN.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 3539) granting a pension to Mrs. Hannah M. Chapman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY BIEDERBICK.

Mr. WOODBURN introduced a bill (H. R. 3540) to increase the pension of Henry Biederbick, one of the survivors of the late Greely arctic

expedition; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FLORENCE MURRAY.

Mr. HAYNES introduced a bill (H. R. 3541) to increase the pension of Florence Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. MUDGETT.

Mr. HAYNES (by request) also introduced a bill (H. R. 3542) granting a pension to Charles E. Mudgett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAY A. MOULTON.

Mr. GALLINGER introduced a bill (H. R. 3543) granting a pension to May A. Moulton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN B. CLARK AND SAYLES J. BOWEN.

Mr. GALLINGER also introduced a bill (H. R. 3544) for the relief of Reuben B. Clark and Sayles J. Bowen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ROBERT STRACHAN.

Mr. GALLINGER also introduced a bill (H. R. 3545) for the relief of Robert Strachan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMANDA HOUSELL.

Mr. BUCHANAN introduced a bill (H. R. 3546) granting a pension to Amanda Housell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. ROSE.

Mr. LEHLBACH (by request) introduced a bill (H. R. 3547) for the relief of John G. Rose; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RETIRED-LIST FOR PRIVATES, ETC.

Mr. BEACH introduced a bill (H. R. 3548) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THEODORE M'WHARF.

Mr. PAYNE introduced a bill (H. R. 3549) granting a pension to Theodore McWharf; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK GALE.

Mr. PAYNE also introduced a bill (H. R. 3550) granting a pension to Frederick Gale; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. CUTLER.

Mr. PAYNE also introduced a bill (H. R. 3551) granting a pension to George W. Cutler, late a private Company B, Ninth New Hampshire Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. DEVORE.

Mr. PAYNE also introduced a bill (H. R. 3552) to remove charge of desertion from the military record of John M. Devore; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MANNISTER WORTS AND OTHERS.

Mr. PAYNE also introduced a bill (H. R. 3553) for the relief of Mannister Worts and others; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS MATHEWS AND OTHERS.

Mr. PAYNE also introduced a bill (H. R. 3554) for the relief of Thomas Mathews and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF CONSTITUTION.

Mr. PAYNE also introduced a joint resolution (H. Res. 77) proposing an amendment to the Constitution authorizing the President to veto items of bills appropriating money; which was referred to the Committee on the Judiciary, and ordered to be printed.

WIDOW OF WESLEY SCRIPTURE.

Mr. JOHNSON, of New York, introduced a bill (H. R. 3555) for the relief of the widow of Wesley Scripture; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPOT AT ABSECON, N. J.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 3556) making appropriation for the establishment of a buoy depot at Absecon, N. J.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BOAT-HOUSE, CAPE MAY, N. J.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 3557) making an appropriation for the establishment of a boat-house at Cape May, N. J.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HELL GATE CHANNEL ELECTRIC LIGHT.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 3558) making an appropriation for the purchase of the site of the Hell Gate channel electric light, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WATCH POINT, NEW YORK.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 3559) making an appropriation for the re-establishment of the light at Watch Point, Lake Champlain, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT AT WHITEHALL NARROWS, NEW YORK.

Mr. JOHNSON, of New York, also introduced a bill (H. R. 3560) making an appropriation to establish a light at Whitehall Narrows, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IMPROVEMENT OF HARLEM RIVER NAVIGATION.

Mr. JOHNSON, of New York (by request), also introduced a joint resolution (H. Res. 78) authorizing and requiring the Secretary of War to contract for the improvement of Harlem River navigation; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

POSTAL CLERKS.

Mr. MILLARD introduced a bill (H. R. 3561) authorizing the Postmaster-General to pay two years' salary to the widow or guardian of the minor children of any postal clerk killed while on duty by a railroad accident; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PETER TOWER.

Mr. PINDAR introduced a bill (H. R. 3562) for the relief of Peter Tower; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYMAN BRADLEY.

Mr. FARQUHAR introduced a bill (H. R. 3563) for the relief of Lyman Bradley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY C. KERR.

Mr. VIELE introduced a bill (H. R. 3564) for the relief of Henry C. Kerr, late captain Company K, Ninth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RETIREMENT OF OFFICERS.

Mr. KETCHAM introduced a bill (H. R. 3565) regulating the retirement of officers in certain cases; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN T. HALL.

Mr. BAKER introduced a bill (H. R. 3566) for the relief of John T. Hall, second lieutenant Company B, Third Regiment New York Provisional Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HYLAND C. KIRK AND OTHERS.

Mr. DAVENPORT introduced a bill (H. R. 3567) for the relief of Hyland C. Kirk and others, assignees of Addison Fletcher; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY C. DICKSON.

Mr. WEBER introduced a bill (H. R. 3568) for the relief of Henry C. Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN BISHOP.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 3569) granting a pension to Ellen Bishop; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. HARRISON.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 3570) for the relief of John H. Harrison; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPEAL OF SPECIAL TAX ON STILLS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3571) to repeal the special tax on the manufacturers of stills; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SALE OF LEAF-TOBACCO.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3572) to authorize farmers to sell leaf-tobacco of their own raising without paying any taxes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REMOVAL OF SUITS AGAINST REVENUE OFFICERS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3573) to repeal the law authorizing the removal of suits against revenue officers from the State courts to the circuit court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DESTRUCTION OF FORFEITED STILLS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3574) to prevent the destruction and to authorize the sale of forfeited stills; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE LAWS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3575) to repeal the internal-revenue laws; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

EXEMPTION OF BRANDY DISTILLERS.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3576) to exempt distillers of brandy from taxation; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN F. FOARD.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3577) for the relief of John F. Foard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, STATESVILLE, N. C.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 3578) to provide for the erection of a public building at Statesville, N. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROPOSED SELECT COMMITTEE ON INTERNAL REVENUE.

Mr. HENDERSON, of North Carolina, also introduced a resolution to create a select committee for the Forty-ninth Congress to be called the select committee on the internal revenue; which was referred to the Committee on Rules.

LIGHT-HOUSE, HARBOR ISLAND, NORTH CAROLINA.

Mr. SKINNER introduced a bill (H. R. 3579) making an appropriation for the establishment of a light-house at Harbor Island, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT ON PAMLICO POINT, NORTH CAROLINA.

Mr. SKINNER also introduced a bill (H. R. 3580) making an appropriation for a light on Pamlico Point, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, CROATAN, N. C.

Mr. SKINNER also introduced a bill (H. R. 3581) making an appropriation for the establishment of a light-house near Croatan, N. C.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, GREAT SHOAL, NORTH CAROLINA.

Mr. SKINNER also introduced a bill (H. R. 3582) making an appropriation for the erection of a light-house on Great Shoal, at the mouth of the Alligator River, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COURTS, FAYETTEVILLE, N. C.

Mr. GREEN, of North Carolina, introduced a bill (H. R. 3583) to provide for terms of the district and circuit courts of the United States for the eastern district of North Carolina at Fayetteville, in said State; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

AMARILLA CRANE.

Mr. WILKINS introduced a bill (H. R. 3584) granting a pension to Amarilla Crane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH JONES.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 3585) for the relief of Elizabeth Jones, widow of John Jones, deceased, and to place the name of said John Jones on the muster-roll of Company B, Second Regiment North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS S. GOODMAN.

Mr. LE FEVRE introduced a bill (H. R. 3586) granting a pension to Thomas S. Goodman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. DALZELL.

Mr. LE FEVRE also introduced a bill (H. R. 3587) granting an increase of pension to James M. Dalzell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOB S. GOFF.

Mr. LE FEVRE also introduced a bill (H. R. 3588) granting arrears of pension to Job S. Goff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed,

LANSON ZANE.

Mr. LE FEVRE also introduced a bill (H. R. 3589) granting arrears of pension to Lanson Zane; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI GUY.

Mr. LE FEVRE also introduced a bill (H. R. 3590) to relieve Levi Guy from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

S. KRAMER.

Mr. LE FEVRE also introduced a bill (H. R. 3591) granting an increase of pension to S. Kramer, late captain Company B, One hundred and eighteenth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN FOX, JR.

Mr. EZRA B. TAYLOR introduced a bill (H. R 3592) granting a pension to John Fox, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SECTIONS 840 AND 839 REVISED STATUTES.

Mr. EZRA B. TAYLOR also introduced a bill (H. R. 3593) to repeal section 840 and to amend section 839 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADULTERATED FOOD PRODUCTS.

Mr. EZRA B. TAYLOR also submitted a resolution in regard to adulterated food products; which was referred to the Committee on the Judiciary.

CAPT. CHARLES F. KING.

Mr. ELLSBERRY introduced a bill (H. R. 3594) for the relief of Capt. Charles F. King; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EDWARD A. SMITH.

Mr. BUTTERWORTH introduced a bill (H. R. 3595) for the relief of Edward A. Smith; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM D. ROGERS.

Mr. BUTTERWORTH also introduced a bill (H. R. 3596) for the relief of Hiram D. Rogers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM A. PENFIELD.

Mr. ROMEIS introduced a bill (H. R. 3597) granting a pension to William A. Penfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL HYDE.

Mr. COOPER introduced a bill (H. R. 3598) for the removal of the charge of desertion from Michael Hyde, late private Company B, One hundred and twenty-third Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARSHALL N. MURPHY.

Mr. COOPER also introduced a bill (H. R. 3599) for the removal of the charge of desertion from Marshall N. Murphy, late private Company A, Fourth Ohio Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN ROCKWELL.

Mr. COOPER also introduced a bill (H. R. 3600) for the removal of the charge of desertion from the record of John Rockwell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LOUISA WEITZEL.

Mr. BROWN, of Ohio, introduced a bill (H. R. 3601) granting an increase of pension to Louisa Weitzel, widow of Godfrey Weitzel, late major-general United States Volunteers; which was read a first and sec-

ond time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN DUNCAN.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 3602) granting a pension to John Duncan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK ENGELKE.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 3603) granting a pension to Frederick Engelke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH PARRY.

Mr. HILL introduced a bill (H. R. 3604) granting a pension to Jeremiah Parry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY J. DOUGLAS.

Mr. IKE H. TAYLOR introduced a bill (H. R. 3605) granting a pension to Mary J. Douglas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PATTERSON.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 3606) for the relief of James Patterson; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM L. DUNLOP.

Mr. IKE H. TAYLOR (by request) also introduced a joint resolution (H. Res. 79) for the relief of William L. Dunlop, trustee; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION OF JURORS IN UNITED STATES COURTS.

Mr. LITTLE introduced a bill (H. R. 3607) fixing the compensation of jurors in United States courts; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

ALEXANDER R. LORD.

Mr. GEDDES introduced a bill (H. R. 3608) granting a pension to Alexander R. Lord; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH M'KEE.

Mr. GEDDES also introduced a bill (H. R. 3609) granting a pension to Hannah McKee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA A. PROBERT.

Mr. GEDDES also introduced a bill (H. R. 3610) granting a pension to Anna A. Probert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH MEAD.

Mr. GEDDES also introduced a bill (H. R. 3611) granting a pension to Sarah Mead; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEWTON JOHNSON.

Mr. GEDDES also introduced a bill (H. R. 3612) granting a pension to Newton Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. RUSSELL.

Mr. GEDDES also introduced a bill (H. R. 3613) granting a pension to William W. Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLOTTE BUCK.

Mr. GEDDES also introduced a bill (H. R. 3614) granting a pension to Charlotte Buck; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. J. NORTHCUTT & BROS.

Mr. HERMAN introduced a bill (H. R. 3615) for the relief of E. J. Northcutt & Bros., for losses sustained by Indian depredations in Southern Oregon in 1885; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN CAMPBELL.

Mr. HERMAN also introduced a bill (H. R. 3616) for the relief of John Campbell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK BENO.

Mr. HERMAN also introduced a bill (H. R. 3617) for the relief of Frederick Beno and for increase of pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT TRAVILA.

Mr. HERMAN also introduced a bill (H. R. 3618) for the relief of Robert Travila for amount overcharged by loss of carbine; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPRESENTATIVES OF CHAUNCY M. LOCKWOOD.

Mr. HERMAN also introduced a bill (H. R. 3619) for the relief of the legal representatives of Chauncy M. Lockwood for extra mail service; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIRST NATIONAL BANK, PORTLAND, OREG.

Mr. HERMAN also introduced a bill (H. R. 3620) for the relief of the First National Bank of Portland, Oreg., for money advanced the Oregon Iron Works, the contractor for building the United States revenue-cutter Tom Corwin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALARIES OF POSTMASTERS.

Mr. STORM introduced a bill (H. R. 3621) declaring the true intent and meaning of the act of March 3, 1883, relative to the adjustment of salaries of certain postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SECTION 7140 REVISED STATUTES.

Mr. STORM also introduced a bill (H. R. 3622) to amend section 7140 Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM H. NEVIL.

Mr. STORM also introduced a bill (H. R. 3623) granting a pension to William H. Nevil; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRED. J. LEESE.

Mr. ERMENTROUT (by Mr. STORM) introduced a bill (H. R. 3624) granting a pension to Fred. J. Leese; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION TO CERTAIN PRISONERS OF WAR.

Mr. FLEEGER introduced a bill (H. R. 3625) granting additional pay to Union soldiers of the late war who were held as prisoners of war after their terms of service had expired; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVIDENCE IN PENSION CASES.

Mr. FLEEGER introduced a bill (H. R. 3626) relating to evidence in claims for invalid pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH K. GALLAGHER.

Mr. BOYLE introduced a bill (H. R. 3627) granting a pension to Mrs. Elizabeth K. Gallagher, widow of Bvt. Brig. Gen. Thomas F. Gallagher, deceased, late colonel of the Eleventh Regiment Pennsylvania Reserve Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS S. STONEKING.

Mr. BOYLE also introduced a bill (H. R. 3628) granting a pension to Lewis S. Stoneking; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY FREEMAN.

Mr. BOYLE also introduced a bill (H. R. 3629) granting a pension to Mary Freeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC THOMPSON.

Mr. BOYLE also introduced a bill (H. R. 3630) granting a pension to Isaac Thompson, late of Company K, Sixty-second Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY FISHER.

Mr. BOYLE also introduced a bill (H. R. 3631) granting a pension to Henry Fisher, late of Company G, Fourteenth Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ADA O. KREPPS.

Mr. BOYLE also introduced a bill (H. R. 3632) granting a pension to Mrs. Ada O. Krepps, widow of Lieut. John B. Krepps, deceased, late of Company K, Second Regiment Pennsylvania Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. B. SWEENEY.

Mr. BOYLE also introduced a bill (H. R. 3633) granting a pension to E. B. Sweeney, late of the Signal Corps of the United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANNIE EVANS.

Mr. BOYLE also introduced a bill (H. R. 3634) granting a pension to Mrs. Annie Evans, widow of Richard Evans, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MILLIE ARMSTRONG.

Mr. BOYLE also introduced a bill (H. R. 3635) granting a pension to Mrs. Millie Armstrong, widow of John C. Armstrong, deceased, late of Company A, Twenty-fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARION CLARK.

Mr. BOYLE also introduced a bill (H. R. 3636) granting a pension to Marion Clark, late of Company D, Twenty-second Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN VINCENT.

Mr. BOYLE also introduced a bill (H. R. 3637) granting a pension to John Vincent, late of Company B, Forty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH H. INGHRAM.

Mr. BOYLE also introduced a bill (H. R. 3638) granting a pension to Elizabeth H. Inghram, mother of J. Lindsey Inghram, late adjutant of Eighth Regiment Pennsylvania Reserve Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC PRATT.

Mr. BOYLE also introduced a bill (H. R. 3639) granting a pension to Isaac Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES T. IRWIN.

Mr. BOYLE also introduced a bill (H. R. 3640) granting a pension to James T. Irwin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN RUFFNER.

Mr. BOYLE also introduced a bill (H. R. 3641) granting a pension to Ann Ruffner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JACOB CRAMER.

Mr. RANDALL introduced a bill (H. R. 3642) for the relief of the heirs of Jacob Cramer; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

ELIZABETH JOHNSON.

Mr. HARMER introduced a bill (H. R. 3643) granting a pension to Elizabeth Johnson, foster-mother of John Johnson, late of Company H, Seventy-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TESTING OF CHAINS AND ANCHORS.

Mr. HARMER also introduced a bill (H. R. 3644) to require the testing of chains and anchors and for the better securing of life and property on shipboard; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SARAH BROOKS.

Mr. SCRANTON introduced a bill (H. R. 3645) granting a pension to Sarah Brooks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB BAKER.

Mr. BOUND introduced a bill (H. R. 3646) granting a pension to Jacob Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH WALTON & CO.

Mr. BAYNE introduced a bill (H. R. 3647) for the relief of Joseph Walton & Co.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATENTS.

Mr. BAYNE (by request) also introduced a bill (H. R. 3648) relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ALEXANDER MONTGOMERY.

Mr. BAYNE (by request) also introduced a bill (H. R. 3649) for the relief of Alexander Montgomery, late a major and quartermaster in the Army of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MULLEN.

Mr. HIESTAND introduced a bill (H. R. 3650) for the relief of Henry Mullen, postmaster of Columbia, Pa.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADAM B. BAER.

Mr. HIESTAND also introduced a bill (H. 3651) for the relief of Adam B. Baer, of Lancaster County, Pennsylvania; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUSTUS G. HATRY.

Mr. NEGLEY introduced a bill (H. R. 3652) granting a pension to Augustus G. Hatry, rating him as a lieutenant-colonel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OWNERS OF VESSELS.

Mr. NEGLEY also introduced a bill (H. R. 3653) to limit the liability of the owners of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM BROWN.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 3654) granting a pension to William Brown, late of Company A, Fifty-first Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. CARR.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 3655) granting a pension to Mary M. Carr, widow of James Carr, deceased, late a private of Company H, Forty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS.

Mr. ATKINSON introduced a bill (H. R. 3656) to amend section 4887 of the Revised Statutes in relation to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

PARDON WORSLEY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 3657) for the relief of Pardon Worsley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES R. FOX.

Mr. BUNNELL introduced a bill (H. R. 3658) granting a pension to James R. Fox; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DELOS P. KAPP.

Mr. BUNNELL also introduced a bill (H. R. 3659) granting a pension to Delos P. Kapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

O. W. GUNSAULS.

Mr. BUNNELL also introduced a bill (H. R. 3660) granting a pension to O. W. Gunsauls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY D. WHEELER.

Mr. BUNNELL also introduced a bill (H. R. 3661) granting a pension to Henry D. Wheeler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GULL ROCKS, RHODE ISLAND.

Mr. SPOONER introduced a bill (H. R. 3662) making an appropriation for the erection of a light-house and fog-signal on one of the Gull Rocks, Newport Harbor, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

GOULD ISLAND, RHODE ISLAND.

Mr. SPOONER also introduced a bill (H. R. 3663) making an appropriation for the erection of a light-house and fog-signal on Gould Island, Narragansett Bay, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HOG ISLAND SHOAL, RHODE ISLAND.

Mr. SPOONER also introduced a bill (H. R. 3664) to establish a light-ship on Hog Island Shoal, Narragansett Bay, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIFE-SAVING STATION, BLOCK ISLAND, RHODE ISLAND.

Mr. SPOONER also introduced a bill (H. R. 3665) establishing an additional life-saving station on the northwest side of Block Island, Rhode Island; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ADDITIONAL LIFE-SAVING STATION, RHODE ISLAND.

Mr. PIRCE introduced a bill (H. R. 3666) establishing an additional life-saving station on the seacoast between Point Judith and Watch

Hill, R. I.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WALTER D. PLOWDEN.

Mr. SMALLS introduced a bill (H. R. 3667) for the relief of Walter D. Plowden; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. SMALLS also introduced a bill (H. R. 3668) granting a pension to Walter D. Plowden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RAILWAY MAIL SERVICE.

Mr. DIBBLE introduced a bill (H. R. 3669) to amend section 4004 of the Revised Statutes relating to railway mail service; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

M. C. MORDECAI.

Mr. DIBBLE also introduced a bill (H. R. 3670) for the relief of M. C. Mordecai.

Mr. DIBBLE. Mr. Speaker, I ask unanimous consent for the reference of this bill to the Committee on the Post-Office and Post-Roads. It relates to compensation due for mail service.

The SPEAKER. It is a private claim, and goes to the Committee on Claims under the rules; but the Chair will submit the request of the gentleman to the House. Is there objection to the reference of this bill to the Committee on the Post-Office and Post-Roads?

There being no objection, the bill was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

B. S. JAMES.

Mr. PERRY introduced a bill (H. R. 3671) for the relief of B. S. James.

Mr. PERRY. Mr. Speaker, I ask unanimous consent for the reference of this bill to the Committee on the Post-Office and Post-Roads.

The SPEAKER. This appears to be a private claim.

Mr. PERRY. It is a claim for services performed for carrying the mails.

The SPEAKER. All claims originate in some branch of the public service. The Chair will, however, submit the request of the gentleman from South Carolina for unanimous consent.

Mr. SPRINGER. All this class of bills has gone to the Committee on Claims, and this, I think, should take the same course.

Mr. BROWNE, of Indiana. Let it go to the Committee on Claims.

The bill was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE OF TOBACCO WITHOUT LICENSE.

Mr. MCMILLIN introduced a bill (H. R. 3672) to authorize the producer of tobacco to sell to any purchaser without license; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MEXICAN AND OTHER WAR PENSIONS.

Mr. MCMILLIN also introduced a bill (H. R. 3673) granting pensions to the survivors of the Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

A. R. WYNNE.

Mr. MCMILLIN also introduced a bill (H. R. 3674) for the relief of A. R. Wynne; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL PROCEEDINGS, UNITED STATES COURTS.

Mr. MCMILLIN also introduced a bill (H. R. 3675) to cheapen legal proceedings in circuit and districts courts of the United States and to regulate the summoning of witnesses; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES MORELAND.

Mr. MCMILLIN also introduced a bill (H. R. 3676) granting a pension to James Moreland; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIS CORNWALL.

Mr. MCMILLIN also introduced a bill (H. R. 3677) for the relief of Willis Cornwall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON COUNTY, TENNESSEE.

Mr. MCMILLIN also introduced a bill (H. R. 3678) for the relief of Jackson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRESBYTERIAN CHURCH, GRANVILLE, TENN.

Mr. MCMILLIN also introduced a bill (H. R. 3679) for the relief of the Presbyterian church at Granville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MAGGIE A. ELLIOTT.

Mr. MCMILLIN also introduced a bill (H. R. 3680) for the relief of Mrs. Maggie A. Elliott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HOWARD FEMALE COLLEGE.

Mr. MCMILLIN also introduced a bill (H. R. 3681) for the relief of the Howard Female College; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRIETTA HARMAN.

Mr. HOUK introduced a bill (H. R. 3682) for the relief of Henrietta Harman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE H. STRICKLAND.

Mr. HOUK also introduced a bill (H. R. 3683) for the relief of Jesse H. Strickland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. TAYLOR.

Mr. HOUK also introduced a bill (H. R. 3684) granting a pension to James H. Taylor, Company E, Third Tennessee Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY WEAVER.

Mr. HOUK also introduced a bill (H. R. 3685) granting a pension to Henry Weaver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARTHA SMITH.

Mr. PETTIBONE introduced a bill (H. R. 3686) granting a pension to Mrs. Martha Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH D. LONG.

Mr. PETTIBONE also introduced a bill (H. R. 3687) granting a pension to Joseph D. Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JOHN TEMPLETON.

Mr. PETTIBONE also introduced a bill (H. R. 3688) for the relief of Dr. John Templeton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HIRAM CAMPBELL.

Mr. PETTIBONE also introduced a bill (H. R. 3689) for the relief of Hiram Campbell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REAL ESTATE TITLE INSURANCE COMPANY, DISTRICT OF COLUMBIA.

Mr. BALLENTINE (by request) introduced a bill (H. R. 3690) changing the name of the Real Estate Title Insurance Company of the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

SECTION 3255 REVISED STATUTES.

Mr. RICHARDSON introduced a bill (H. R. 3691) to amend section 3255 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WAREHOUSING FRUIT BRANDY.

Mr. RICHARDSON also introduced a bill (H. R. 3692) to provide for warehousing fruit brandy; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MRS. FANNY P. MURFREE.

Mr. RICHARDSON also introduced a bill (H. R. 3693) for the relief of Mrs. Fanny P. Murfree, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRESBYTERIAN CHURCH AT MURFREESBOROUGH.

Mr. RICHARDSON also introduced a bill (H. R. 3694) making an appropriation for the benefit of the Presbyterian church at Murfreesborough; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES W. ROBERTSON.

Mr. RICHARDSON also introduced a bill (H. R. 3695) granting a pension to James W. Robertson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN F. S. HARDAWAY.

Mr. RICHARDSON also introduced a bill (H. R. 3696) to relieve John F. S. Hardaway from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PRESBYTERIAN CHURCH, FAYETTEVILLE, TENN.

Mr. RICHARDSON also introduced a bill (H. R. 3697) for the benefit

of the Cumberland Presbyterian church, Fayetteville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. HARRY ADAMS.

Mr. CALDWELL (by Mr. RICHARDSON) introduced a bill (H. R. 3698) for the relief of J. Harry Adams; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS B. M'ELWEE.

Mr. NEAL introduced a bill (H. R. 3699) for the relief of Thomas B. McElwee, of Athens, Tenn.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WIDOW OF HENRY BROWN.

Mr. NEAL also introduced a bill (H. R. 3700) to pay back pay and bounty to the widow of Henry Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY BROWN.

Mr. NEAL also introduced a bill (H. R. 3701) to correct the military record of Henry Brown; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. E. G. C. ABBOTT.

Mr. ZACH. TAYLOR (by request) introduced a bill (H. R. 3702) granting a pension to Mrs. E. G. C. Abbott; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES H. SMITH.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 3703) for the relief of James H. Smith, late postmaster at Memphis, Tenn.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALARIES OF DISTRICT JUDGES OF THE UNITED STATES.

Mr. JOHN M. TAYLOR (by request) introduced a bill (H. R. 3704) to increase the salaries of the district judges of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF TOBACCO WITHOUT LICENSE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 3705) to authorize the producer of tobacco to sell the same to any purchaser without license and to repeal all taxes on manufactured tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CIVIL SERVICE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 3706) to amend an act to regulate and improve the civil service of the United States, approved January 16, 1883; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

PUBLIC BUILDING, JACKSON, TENN.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 3707) making additional appropriation for the completion of the Federal court-house and post-office at Jackson, Tenn.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PENSIONS TO SOLDIERS IN THE MEXICAN WAR.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 3708) granting pensions to soldiers in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN HAMM.

Mr. LANHAM (by request) introduced a bill (H. R. 3709) granting a pension to John Hamm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

B. F. FOY.

Mr. LANHAM also introduced a bill (H. R. 3710) granting a pension to B. F. Foy; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CLAIMS FOR LAND IN NEW MEXICO.

Mr. REAGAN offered a resolution directing the Committee on Private Land Claims to inquire into and report upon certain claims for land in the Territory of New Mexico; which was referred to the Committee on Private Land Claims, and ordered to be printed.

MONEY DUE THE STATE OF TEXAS.

Mr. MILLER introduced a bill (H. R. 3711) to appropriate the sum of $123,544.51 to pay the State of Texas the amount audited and found to be due her under the sixth section of an act of Congress passed June 21, 1860; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. FRENCH.

Mr. SAYERS introduced a bill (H. R. 3712) for the relief of John C. French; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM ERVIN.

Mr. SAYERS also introduced a bill (H. R. 3713) for the relief of William Ervin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VIDAL HERNANDEZ.

Mr. SAYERS also introduced a bill (H. R. 3714) for the relief of Vidal Hernandez; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AUGUST SAUTLEBEER.

Mr. SAYERS also introduced a bill (H. R. 3715) for the relief of August Sautlebeer; which was read a first and second time, referred to the Committee on Claims, and ordered to printed.

JOHN MILLIFONT AND ELLEN RIORDON.

Mr. SAYERS also introduced a bill (H. R. 3716) for the relief of John Millifont and Ellen Riordon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI B. PARKER.

Mr. STEWART, of Vermont, introduced a bill (H. R. 3717) granting a pension to Eli B. Parker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH M. DUNN.

Mr. STEWART, of Vermont, also introduced a bill (H. R. 3718) to increase the pension of Sarah M. Dunn, widow of Thomas R. Dunn, private Second Vermont Battery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF POSTMASTERS.

Mr. GROUT introduced a bill (H. R. 3719) to enable the people to name their postmasters; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COL. JAMES LINDSAY.

Mr. GROUT also introduced a bill (H. R. 3720) for the relief of Col. James Lindsay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM H. WHITING.

Mr. GROUT also introduced a bill (H. R. 3721) for the relief of William H. Whiting; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. MARY L. MARTIN.

Mr. GROUT also introduced a bill (H. R. 3722) granting arrears of pension to Mrs. Mary L. Martin, dependent mother of Sergt. James L. Martin, late of Company I, Fifth Vermont Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYRIL GREENWOOD.

Mr. GROUT also introduced a bill (H. R. 3723) directing the Secretary of War to amend the record of Cyril Greenwood; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENTENARY REFORMED CHURCH, WINCHESTER, VA.

Mr. O'FERRALL introduced a bill (H. R. 3724) for the relief of the trustees of the Centenary Reformed church, Winchester, Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-SHIP, ETC., WINTER-QUARTER SHOAL, VIRGINIA.

Mr. O'FERRALL also introduced a bill (H. R. 3725) making an appropriation for the construction and establishment of a light-ship and fog-signal at Winter-Quarter Shoal, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, PAGE'S ROCK, VIRGINIA.

Mr. O'FERRALL also introduced a bill (H. R. 3726) making an appropriation for the establishment of a light-house at Page's Rock, York River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DEPARTMENT OF JUSTICE.

Mr. TUCKER introduced a bill (H. R. 3727) making an appropriation of money for the Department of Justice; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

PROSECUTIONS IN UNITED STATES COURTS.

Mr. TUCKER also introduced a bill (H. R. 3728) to regulate the procedure in cases of prosecution of two or more persons jointly charged with offenses against the United States; which was read a first and sec-

ond time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN B. EGE.

Mr. BRADY introduced a bill (H. R. 3729) for the relief of John B. Ege, of Petersburg, Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BUOY DEPOT, CHINCOTEAGUE INLET, VIRGINIA.

Mr. CROXTON introduced a bill (H. R. 3730) making an appropriation to establish a buoy depot at Chincoteague Inlet, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPE CHARLES LIGHT-HOUSE SITE, VIRGINIA.

Mr. CROXTON also introduced a bill (H. R. 3731) making an appropriation for the protection of Cape Charles light-house site, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE, COB POINT BAR, VIRGINIA.

Mr. CROXTON also introduced a bill (H. R. 3732) making an appropriation for the establishment of a light-house at Cob Point Bar, Wicomico River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM TABB.

Mr. CROXTON also introduced a bill (H. R. 3733) for the relief of William Tabb; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF MATTHEW SMITH.

Mr. BARBOUR introduced a bill (H. R. 3734) for the relief of the legal representatives of Matthew Smith; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

PENSIONS.

Mr. CABELL introduced a bill (H. R. 3735) granting pensions to certain soldiers and sailors of the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

TAXES ON TOBACCO.

Mr. CABELL also introduced a bill (H. R. 3736) to repeal the law imposing internal-revenue taxes upon tobacco, and for other purposes; which was read a first and second time, referred to the Committe on Ways and Means, and ordered to be printed.

PATRICK V. DOLAN.

Mr. GIBSON, of West Virginia, presented a resolution granting difference in pay to Patrick V. Dolan; which was referred to the Committee on Accounts.

JOHN H. DOWNING.

Mr. STEPHENSON introduced a bill (H. R. 3737) granting a pension to John H. Downing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. DYER.

Mr. STEPHENSON also introduced a bill (H. R. 3738) granting a pension to John W. Dyer; which was read a first and second time, rererred to the Committee on Invalid Pensions, and ordered to be printed.

J. V. HERRIMAN.

Mr. STEPHENSON also introduced a bill (H. R. 3739) granting a pension to J. V. Herriman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEPOSITORS IN NATIONAL BANKS.

Mr. PRICE introduced a bill (H. R. 3740) to provide for the surety of depositors in national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

EMELINE ROBERTS.

Mr. CASWELL introduced a bill (H. R. 3741) granting a pension to Emeline Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF JOHN GRAHAM.

Mr. CASWELL (by request) also introduced a bill (H. R. 3742) for the relief of the heirs at law of John Graham; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANDREW MARTIN.

Mr. CASWELL (by request) also introduced a bill (H. R. 3743) for the relief of Andrew Martin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CITIZENS' BANK OF LOUISIANA.

Mr. CASWELL (by request) also introduced a bill (H. R. 3744) for the relief of the Citizens' Bank of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES W. SCHAUMBURG.

Mr. CASWELL (by request) also introduced a bill (H. R. 3745) for the relief of James W. Schaumburg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NEW LIGHT-HOUSE AT MILWAUKEE, WIS.

Mr. VAN SCHAICK introduced a bill (H. R. 3746) making an appropriation for the building of a new light-house at Milwaukee, Wis.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

HENRY SMITH.

Mr. VAN SCHAICK also introduced a bill (H. R. 3747) granting an increase of pension to Henry Smith, late seaman on the United States steamer Estrelle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REVENUE-MARINE SERVICE.

Mr. GUENTHER introduced a bill (H. R. 3748) to promote the efficiency of the revenue-marine service; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS, WISCONSIN.

Mr. RANKIN (by Mr. GUENTHER) introduced a bill (H. R. 3749) for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRANCES H. PLUMMER.

Mr. BRAGG (by Mr. GUENTHER) introduced a bill (H. R. 3750) for the relief of Frances H. Plummer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILBUR F. STEELE.

Mr. GIFFORD introduced a bill (H. R. 3751) for the relief of Wilbur F. Steele, and to settle the title to section 16, township 139, range 73 west; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Private Land Claims.

Mr. GIFFORD. A similar bill was referred to the Committee on Public Lands at the last session. That committee is perfectly familiar with the subject. I think it should go to that committee at this session.

The SPEAKER. It seems to relate entirely to private land claims. It confirms title in a private individual.

Mr. GIFFORD. It permits the party named to purchase a school section.

Mr. STRAIT. A similar bill was referred to the Committee on Public Lands at the last session.

The SPEAKER. The Chair sees the sections after the first one make provisions which take it to the Committee on Public Lands. The first section simply confirms a private land claim.

The bill was referred to the Committee on the Public Lands, and ordered to be printed.

SOUTHERN PACIFIC RAILROAD.

Mr. GIFFORD also introduced a bill (H. R. 3752) requiring the payment of the costs, fees, and other charges for surveying the lands of the Southern Pacific land grant, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

JOHN D. JAMES.

Mr. GIFFORD also introduced a bill (H. R. 3753) granting a pension to John D. James; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POWERS OF COMMISSIONER GENERAL LAND OFFICE.

Mr. GIFFORD also introduced a bill (H. R. 3754) defining the powers of the Commissioner of the General Land Office in respect to the canceling of private entries of the public lands and to quiet titles to lands acquired upon the public domain; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

COINAGE OF SILVER.

Mr. HAILEY introduced a bill (H. R. 3755) to authorize a silver-bullion fund for the purchase of silver bullion and to regulate the coinage of silver, and for the issue of silver certificates; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CINNABAR AND CLARK'S FORK RAILROAD.

Mr. TOOLE introduced a bill (H. R. 3756) granting the right of way to the Cinnabar and Clark's Fork Railroad Company; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PAUL M'CORMICK.

Mr. TOOLE also introduced a bill (H. R. 3757) for the relief of Paul

McCormick; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AGNES AND MARIA DE LEON.

Mr. JOSEPH introduced a bill (H. R. 3758) for the relief of Agnes and Maria De Leon, heirs at law of Rebecca L. De Leon, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROPOSED TERRITORY OF LINCOLN.

Mr. JOSEPH also introduced a bill (H. R. 3759) to divide the Territory of Dakota on the Missouri River and to create the Territory of Lincoln; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

JURISDICTION OF PROBATE COURTS, WYOMING TERRITORY.

Mr. CAREY introduced a bill (H. R. 3760) to enlarge the jurisdiction of the probate courts of Wyoming Territory; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the regular call of States and Territories. If there be no objection the Chair will now recognize gentlemen who were not in their seats when their States were called for the introduction of bills.

There was no objection.

LAND TITLES, MISSISSIPPI.

Mr. WELLBORN (by request) introduced a bill (H. R. 3761) to quiet land titles in the State of Mississippi; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

POTTAWATOMIE TREATY.

Mr. WELLBORN (by request) also introduced a bill (H. R. 3762) to enable the Secretary of the Interior to carry out and perform the treaty obligations of the United States with the Pottawatomie tribe of Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY ANN VRING.

Mr. KLEINER introduced a bill (H. R. 3762) for the relief of Mary Ann Vring, mother of the late Andrew Vring, for bounty due under act of July 28, 1866; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FIRST NATIONAL BANK OF BELLAIRE, OHIO.

Mr. WARNER, of Ohio, introduced a bill (H. R. 3764) to increase the capital stock of the First National Bank of Bellaire, Ohio; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PAYMENT OF BOUNTY.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 3765) defining who are entitled to bounty under the act of July 22, 1861; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILVER-BULLION TREASURY CERTIFICATES.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 3766) to provide for the issue of Treasury certificates on deposited silver bullion, and for other purposes.

Mr. WARNER, of Ohio. I think that bill should go, on close examination of its provisions, to the Committee on Coinage, Weights, and Measures, although it may be referred to either that or the Banking and Currency Committee.

Mr. BLAND. I have always insisted during the session that these bills should go to the Committee on Coinage, Weights, and Measures.

The SPEAKER. Of course the Chair can know nothing of the bill except what the title indicates without an examination of its provisions.

Mr. WARNER, of Ohio. This provides for changing the present coinage law. It might go properly to either of the Committees on Coinage or Banking and Currency.

The SPEAKER. It is very difficult often for the Chair to decide upon these questions, but the jurisdiction of the various committees of the House is defined by its rules. Matters relating to banking and currency go under the rules to the Committee on Banking and Currency, whereas matters relating to coinage go to the Committee on Coinage. It frequently happens, as in this case, that a bill relates to both subjects; and the Chair will refer the bill, if there be no motion, to the Committee on Coinage, Weights, and Measures.

The bill was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

PAYMENT OF THE PUBLIC DEBT.

Mr. WARNER, of Ohio, also introduced a joint resolution (H. Res. 80) directing the payment of the surplus in the Treasury in excess of $50,000,000 on the public debt; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JERSEY CITY A PORT OF ENTRY.

Mr. McADOO introduced a bill (H. R. 3767) constituting Jersey City, N. J., a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS THE OHIO.

Mr. STONE, of Kentucky, introduced a bill (H. R. 3768) to authorize the construction of a bridge across the Ohio River at Paducah, Ky.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN W. M'KNIGHT.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3769) for the relief of John W. McKnight; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. GATES LEE.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3770) for the relief of A. Gates Lee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DR. J. MILTON BEST.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3771) for the relief of the estate of Dr. J. Milton Best, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM PRITCHARD.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3772) for the relief of William Pritchard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES LOVE.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3773) for the relief of James Love; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALTER M'DANIEL.

Mr. WADSWORTH introduced a bill (H. R. 3774) for the relief of Walter McDaniel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT FORT WAYNE, IND.

Mr. LOWRY introduced a bill (H. R. 3775) to authorize the Secretary of the Treasury to purchase an additional strip of ground on the east side of the United States court-house and post-office building at Fort Wayne, Ind., to be paid for out of the appropriation already made; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANNA M. THIELE.

Mr. LOWRY also introduced a bill (H. R. 3776) providing for the restoration of Anna M. Thiele, formerly Anna M. Simonson, to the pension-roll, and the payment to her of the same pension to which she was entitled as the widow of David Simonson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS FOR HORSES AND EQUIPMENTS.

Mr. LOWRY also introduced a bill (H. R. 3777) to extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MESSENGER FOR ELECTIONS COMMITTEE.

Mr. TURNER submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Elections be authorized to employ a messenger for the period of three months, to be appointed as the clerk of said committee is appointed, and paid $6 per day out of the contingent fund of the House.

PROMOTIONS IN SIGNAL CORPS.

Mr. DAVIDSON, of Florida (by request), introduced a joint resolution (H. Res. 81) regulating the promotions of officers of the Signal Corps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM PINKNEY AND OTHERS.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 3778) for the relief of William Pinkney, James Curry, and the legal representative of James Filor, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HERMAN RUGE.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 3779) for the relief of Herman Ruge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ARMY RETIRED-LIST.

Mr. DORSEY introduced a bill (H. R. 3780) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty

years or upward;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AMBROSE BURTZ.

Mr. DORSEY also introduced a bill (H. R. 3781) granting a pension to Ambrose Burtz, late private Company I, Tenth Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CINNABAR AND CLARKE'S FORK RAILROAD.

Mr. TOOLE. I had understood that the bill I introduced a short time ago granting the right of way to the Cinnabar and Clarke's Fork Railroad Company was referred to the Committee on Pacific Railroads. It seems it has been referred to the Committee on Public Lands. A bill relating to the same subject-matter was introduced in the Forty-eighth Congress into the Senate and House of Representatives and was referred to the Committees on Pacific Railroads. They reported on the subject. I submit that the proper consideration of the subject will be facilitated by the bill being again referred to the Committee on Pacific Railroads.

The SPEAKER. The Chair will examine the bill. [After a pause.] The Chair does not see anything in the bill relating to Pacific railroads; that is to say, to the roads which have been subsidized by the United States either by grants of land or loans of money or credit. It seems to be simply a bill granting a right of way through the public lands. The proper reference is to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Mr. PETERS. Before the holiday recess I introduced a bill (H. R. 772) to pay dependent relatives of persons killed by accident, engaged in the railway mail service, and to compensate for injuries received. The bill was referred to the Committee on Claims. It ought to have been referred to the Committee on the Post-Office and Post-Roads. I ask that the reference be corrected.

The SPEAKER. The bill should go to the Committee on the Post-Office and Post-Roads.

There being no objection, the Committee on Claims was discharged from the further consideration of the bill, and it was referred to the Committee on the Post-Office and Post-Roads.

Mr. PETERS also introduced a bill (H. R. 3782) to pay dependent relatives of persons killed by accident engaged in the Railway Mail Service to compensate for injuries received; which was read a first and second time, referred to the Committee on the Post-Office and Post Roads, and ordered to be printed.

FOWLE & CO.

Mr. RANNEY introduced a bill (H. R. 3783) to refund the excess of duties paid by Fowle & Co., of Boston, Mass.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIAL SALES.

Mr. COBB introduced a bill (H. R. 3784) to authorize and require United States marshals within their respective districts to make all sales of property which may hereafter be made by virtue of any order, judgment, or decree of any United States court, master in chancery, or commissioner, or by virtue of any execution of any process thereof, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SASSER SULLIVAN.

Mr. COBB also introduced a bill (H. R. 3785) for the relief of Sasser Sullivan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FELIX W. RUSHER.

Mr. COBB also introduced a bill (H. R. 3786) granting a pension to Felix W. Rusher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. PARKER.

Mr. COBB also introduced a bill (H. R. 3787) for the relief of John G. Parker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY T. SKINNER.

Mr. COBB also introduced a bill (H. R. 3788) for the relief of Henry T. Skinner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BASIL CLEMENTS.

Mr. COBB also introduced a bill (H. R. 3789) for the relief of Basil Clements; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. KENNEDY.

Mr. COBB also introduced a bill (H. R. 3790) for the relief of John H. Kennedy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. DAY.

Mr. COBB also introduced a bill (H. R. 3791) granting a pension to William L. Day; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM G. DOUTHETT.

Mr. COBB also introduced a bill (H. R. 3792) for the relief of William G. Douthett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BERNARD MOAN.

Mr. COBB also introduced a bill (H. R. 3793) granting a pension to Bernard Moan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS YAKELY.

Mr. COBB also introduced a bill (H. R. 3794) granting a pension to Mathias Yakely; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HOGUE.

Mr. COBB also introduced a bill (H. R. 3795) granting a pension to William Hogue; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. SCOTT.

Mr. COBB also introduced a bill (H. R. 3796) for the relief of John H. Scott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM COVER.

Mr. COBB also introduced a bill (H. R. 3797) granting a pension to Abraham Cover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM A. BENEFIELD.

Mr. COBB also introduced a bill (H. R. 3798) for the relief of Hiram A. Benefield; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CHARLOTTA A. WELTON.

Mr. COBB also introduced a bill (H. R. 3799) granting a pension to Charlotta A. Welton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES PAGET.

Mr. COBB also introduced a bill (H. R. 3800) for the relief of James Paget; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NICHOLAS M'QUINN.

Mr. COBB also introduced a bill (H. R. 3801) granting a pension to Nicholas McQuinn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THEODORE LEVERON.

Mr. COBB also introduced a bill (H. R. 3802) granting a pension to Theodore Leveron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZIBA WHITLEY.

Mr. COBB also introduced a bill (H. R. 3803) for the relief of Ziba Whitley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CALVIN BLACK.

Mr. COBB also introduced a bill (H. R. 3804) for the relief of Calvin Black; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BLACKWELL BAILEY.

Mr. COBB also introduced a bill (H. R. 3805) for the relief of Blackwell Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONAS SMITH.

Mr. COBB also introduced a bill (H. R. 3806) for the relief of Jonas Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE PARISH.

Mr. COBB also introduced a bill (H. R. 3807) for the relief of Caroline Parish; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH CHAPMAN.

Mr. COBB also introduced a bill (H. R. 3808) granting a pension to Elizabeth Chapman; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AUGUSTA C. LARKIN.

Mr. COBB also introduced a bill (H. R. 3809) for the relief of Augustus C. Larkin; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY ROYAL.

Mr. COBB also introduced a bill (H. R. 3810) for the relief of Mary

Royal; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GABRAEL DOUGHERTY.

Mr. COBB also introduced a bill (H. R. 3811) for the relief of Gabrael Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. FINE.

Mr. COBB also introduced a bill (H. R. 3812) for the relief of William C. Fine; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES B. PEASE.

Mr. COBB also introduced a bill (H. R. 3813) for the relief of Charles B. Pease; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARTHA BASTIN.

Mr. COBB also introduced a bill (H. R. 3814) granting a pension to Martha Bastin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARTHUR W. GRAY.

Mr. COBB also introduced a bill (H. R. 3815) for the relief of the widow and heirs of Arthur W. Gray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTIN GIER.

Mr. COBB also introduced a bill (H. R. 3816) for the relief of Martin Gier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED F. PHILLIPS.

Mr. COBB also introduced a bill (H. R. 3817) for the relief of Alfred F. Phillips; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN F. RICHARDSON.

Mr. COBB also introduced a bill (H. R. 3818) granting a pension to Benjamin F. Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL FOSTER.

Mr. COBB also introduced a bill (H. R. 3819) for the relief of Samuel Foster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS FERGUSON.

Mr. COBB also introduced a bill (H. R. 3820) granting a pension to Thomas Ferguson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE H. O'BANNON.

Mr. COBB also introduced a bill (H. R. 3821) for the relief of George H. O'Bannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THORNTON M'COY.

Mr. COBB also introduced a bill (H. R. 3822) for the relief of Thornton McCoy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. SCHACKLETT.

Mr. COBB also introduced a bill (H. R. 3823) granting a pension to John C. Schacklett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISRAEL STOUGH.

Mr. COBB also introduced a bill (H. R. 3824) granting a pension to Israel Stough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN BURKE.

Mr. COBB also introduced a bill (H. R. 3825) for the relief of John Burke; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN TAYLOR.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 3826) for the relief of John Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The introduction of bills and resolutions being now concluded, the next business in order is the call of committees for reports to be placed upon the appropriate Calendars.

THOMAS L. ROSSER.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 66, a bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF THE REVISED STATUTES.

Mr. HAMMOND, from the Committee on the Judiciary, reported back with amendments the bill (H. R. 2) to amend section 643 of the Revised Statutes of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

UNITED STATES COURTS IN NORTH CAROLINA.

Mr. BENNETT, from the Committee on the Judiciary, reported back favorably the bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern district of North Carolina at the city of Wilmington, in the said district; which was referred to the House Calendar, and the accompanying report ordered to be printed.

The call of the standing and select committees and of the several commissions authorized to report by bill was concluded, no further reports being presented.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 1740), introduced December 14 last, appears to have been improperly referred to the Committee on War Claims instead of to the Committee on Claims. It is a bill directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. The bill seems to be based upon a loan of money to the Government of the United States, and will be referred, if there be no objection, to the Committee on Claims.

There being no objection, it was ordered accordingly.

COMMITTEE CLERKS.

Mr. SPRIGGS. I ask unanimous consent to submit a report from the Committee on Accounts for present consideration.

The report was read, as follows:

The Committee on Accounts, having had under consideration the resolution referred to them by the House, January 5, 1886, authorizing them to designate the committees which, in the judgment of said committee, should be allowed clerks, respectfully report the same back to the House and recommend that the same be adopted.

Mr. CANNON. Let us hear the resolution.

The Clerk read as follows:

Resolved, That the Committee on Accounts be, and it is hereby, authorized and directed to designate the committees which in the judgment of the said committee should be allowed clerks for the present Congress under the legislative, judicial, and executive appropriation bill for the year ending June 30, 1886, and report to the House without delay for its action thereon.

The SPEAKER. This is a resolution which was referred to the Committee on Accounts.

Mr. SPRIGGS. Until this action be taken by the House the Committee on Accounts can not certify any of these accounts.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and adopted.

Mr. SPRIGGS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MORRISON (at 3 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAKER: Petition and papers relating to a bill for the relief of John T. Hall, praying for the passage thereof—to the Committee on Claims.

By Mr. BARBOUR: Petition of certain property-holders and others in favor of a charter to incorporate the North Washington Cable Railway Company—to the Committee on the District of Columbia.

Also, petition of Burr W. Garrett, for reference of his claim to Court of Claims—to the Committee on War Claims.

Also, petition of Ann M. M. Ramey, for reference of claim to the Court of Claims—to the same committee.

Also, petitions of J. L. McIntosh, administrator of Jacob Boger; of Israel Warner; of Mary J. White; of Elise Marsteller; of Elizabeth Iden; of George W. Bowen; of Atwell Butler; of George Cooper of J.; of William D. Cooper; of Joseph Lowe, and of Thomas Sherman, praying that their claims be referred to the Court of Claims—to the same committee.

By Mr. BARKSDALE: Petition and papers of Naomi J. Fowler, of Jefferson County, Mississippi, asking reference of her claim to Court of Claims—to the same committee.

By Mr. BAYNE: Resolutions of Lodge No. 14, Amalgamated Association of Iron and Steel Workers, of Allegheny, Pa., demanding that if the tariff be revised the revision be in the line of protection—to the Committee on Ways and Means.

Also, resolution of Post 88, Grand Army of the Republic, of Allegheny, Pa., requesting Congress to provide for giving to the surviving officers, soldiers, and sailors of the late war a portion of the public domain, and also the difference between paper money paid to them and

gold at the several times of payment—to the Committee on Invalid Pensions.

By Mr. BLOUNT: Petition of various bankers and other persons of Macon, Ga., that the further coinage of silver dollars be discontinued—to the Committee on Coinage, Weights, and Measures.

By Mr. BOUND: Petition of Jacob Baker, for special act pension—to the Committee on Invalid Pensions.

By Mr. BOYLE: Petition of Henry Fisher, of Pennsylvania, to be placed on the pension-list—to the same committee.

Also, petition for pension for John Vincent, late of Company B, Forty-eighth Regiment Pennsylvania Volunteers—to the same committee.

By Mr. THOMAS M. BROWNE: Petition of G. W. Tucker, late postmaster at Columbia, Ind., for the passage of a joint resolution directing the Postmaster-General to readjust his salary—to the Committee on the Post-Office and Post-Roads.

Also, petition of Robert Dorste and 20 others, for an increase of pension for Samuel B. Jones, of Milroy, Ind.—to the Committee on Invalid Pensions.

Also, petition of Dr. John E. McGaughey, for pension—to the same committee.

Also, petition of Eli Houser, for relief from the charge of desertion—to the Committee on Military Affairs.

Also, petition and papers in the case of William P. Richardson, for relief—to the Committee on Invalid Pensions.

Also, petition of John H. Bowman and 105 others, citizens of Wayne County, Indiana, asking a service pension and other relief for the soldiers of the war of 1861—to the same committee.

Also, petition of Capt. Wallace Foster, of Indiana, and 10 others, for an increase of pension-rating for deafness—to the same committee.

By Mr. BUCHANAN: Petition for harbor improvement, Atlantic City, N. J.—to the Committee on Rivers and Harbors.

Also, petition in case of Amanda Howell, widow of John M. Howell, Company K, First Maryland Volunteers—to the Committee on Invalid Pensions.

Also, petition of William B. Grover, of Trenton, N. J., praying that the war claim of Emily J. Grover, of Virginia, be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CANNON: Petition of O. P. Hurt and others, of Illinois, for relief of Arta Heaton—to the Committee on Invalid Pensions.

By Mr. COBB: Petitions of citizens of Dubois and of Orange Counties, Indiana, for the passage of a law granting to each Union soldier and sailor who served in the war of the rebellion not less than sixty days a pension of $8 per month—to the Committee on Invalid Pensions.

By Mr. COLE: Petition of Samuel Thomas for compensation for injuries received while in the service of the Government—to the Committee on Claims.

Also, memorial of Lord & Hight in reference to the reduction of the American cooperage business—to the Committee on Ways and Means.

Also, petition from Tobacco Board of Trade, of Baltimore city, Md., for the increase of duty on all tobacco suitable for cigar-wrappers—to the same committee.

By Mr. CURTIN: Petition for the amendment of the soldiers and sailors homestead act of 1862—to the Committee on the Public Lands.

By Mr. DAVENPORT: Resolution directing the Postmaster-General to pay claims of postmasters under act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. R. H. M. DAVIDSON: Petition of citizens and memorial of the Board of Trade of Tampa, Fla., praying that said city may be made a port of entry—to the Committee on Commerce.

By Mr. DAVIS: Remonstrance of Charles F. Swift and 168 others, citizens of Yarmouth; of Judah Berry and 160 others, of Dennis; and of F. B. Goss and 186 others, of Barnstable, Mass., against the appointment of an international fish commission—to the Committee on Foreign Affairs.

By Mr. DINGLEY: Memorial of A. A. Hall and 50 others, of Damariscotta; of Nelson Thompson and 100 others, of Friendship; and of F. S. Walls and 300 others, of Vinal Haven, Me., protesting against a commission looking to the free admission of Canadan fish—to the same committee.

By Mr. DUNN: A bill for the relief of Charles W. Foulke—to the Committee on Claims.

By Mr. ELDREDGE: Petition of Rhoda M. Buck, for a pension—to the Committee on Pensions.

By Mr. FINDLAY: Petition of John Swearer, for an increase of pension—to the same committee.

Also, petition of James Hooper, of Baltimore, to have claim referred to Court of Claims—to the Committee on the Judiciary.

By Mr. FORNEY: Petitions of Joseph Blackman, one of the heirs of Elizabeth Blackman; of Joseph Blackman; of heirs of James Richard; of James McCullough; of Sarepta C. Little; of J. T. Battles, son of William Battles, deceased; and of Isaac Bowing, all of Cherokee County, Alabama, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. FORD: Three petitions of citizens of Indiana, to pension all Union soldiers of the late war who served sixty days and were honorably discharged—to the Committee on Invalid Pensions.

By Mr. GALLINGER: Evidence in support of H. R. 1461, for increase of pension to Charles H. Ordway—to the same committee.

By Mr. C. H. GIBSON: Petition for the repeal of the compulsory silver-coinage law—to the Committee on Coinage, Weights, and Measures.

By Mr. GIFFORD: Petition of John D. James, for pension—to the Committee on Invalid Pensions.

Also, petition of J. A. Trew and others, that an appropriation of public lands be made for the establishment and support of State normal schools in Dakota—to the Committee on Education.

By Mr. GLASS: Petitions of William Hart; of James H. Hamilton; of Martin McCool, and of Judith M. H. Greave, widow of Howell T. Jordan, deceased, of Tennessee, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. W. J. GREEN: A bill to continue the improvements on the Upper Cape Fear River, North Carolina—to the Committee on Rivers and Harbors.

Also, a bill for the improvement of the navigation of Black River, North Carolina—to the same committee.

Also, a bill to remove artificial obstructions near the mouth of the northeast branch of the Cape Fear River, North Carolina—to the same committee.

Also, a bill for the improvement of New River, in the State of North Carolina—to the same committee.

By Mr. GROUT: Petition of Martin Baily, asking a law to allow postmasters to return stamped envelopes to the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of Stephen Thomas and 26 others, praying for repayment of bounty to soldiers which was deducted by Government at time of promotion—to the Committee on War Claims.

By Mr. HALE: Of citizens of Livingston County, Missouri—to the Committee on Coinage, Weights, and Measures.

By Mr. HALSELL: Petition of Scott Walker, commissioner of Cumberland County court, Kentucky—to the Committee on War Claims.

By Mr. HARRIS: Papers relating to claim of Absalom Turner, of Meriwether County, Georgia—to the same committee.

Also, petition of Absalom Turner, praying the reference of his claim to the Court of Claims—to the same committee.

Also, a bill to continue improvement of Chattahoochee River below Columbus, Ga.—to the Committee on Rivers and Harbors.

By Mr. HATCH: Petition and papers for relief of James Price—to the Committee on War Claims.

By Mr. HAYNES: Petition of Charles E. Mudgett for pension—to Committee on Invalid Pensions.

Also, petition of William Trefether, of New Castle, N. H.—to the Committee on Claims.

By Mr. HENLEY: Petition of citizens of California and Oregon, for the improvement of Smith River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of Mary Balcom, of Waterloo, Iowa, for special-act pension—to the Committee on Invalid Pensions.

Also, paper from R. M. Marvin, Manchester, Iowa, praying for an amendment to section 4700 Revised Statutes of the United States—to the Committee on the Judiciary.

Also, communication from Hon. J. W. Baldwin, Cascade, Iowa, asking for a stamp on imitations of butter and cheese—to the Committee on Manufactures.

By Mr. HERMAN: Memorial of the Columbia River water-way convention, for additional appropriation for continued improvement of the Columbia River—to the same committee.

Also, petition of John H. Roberts, J. Henry Schroeder, and 159 others, of Oregon, for continued improvement of Coquille River at its entrance—to the same committee.

Also, memorial of George S. Washburn, H. R. Kincaid, and J. L. Campbell, committee for mass convention, and petition of settlers on Siuslaw River, Oregon, for survey of the entrance of said river for jetty construction and for locating light-house on the north cape—to the Committee on Commerce.

By Mr. HIESTAND: Petition of H. Mullen, postmaster at Columbia, Pa., for relief—to the Committee on the Post-Office and Post-Roads.

Also, memorial of Adam B. Baer, to have certain taxes refunded—to the Committee on Claims.

Also, petition of Christian Wanzel, for an increase of pension—to the Committee on Invalid Pensions.

Also, petition and statement relative to the burning of the Columbia bridge on the 28th of June, 1863, by order of Maj. C. N. Couch, commanding Department of the Susquehanna—to the Committee on War Claims.

By Mr. HOLMAN: Petitions of John R. Bird and 360 others, soldiers of the Union Army and citizens of Ripley and Jefferson Counties; of Henry Bulthaup and 38 others, citizens and soldiers of Ripley and Dearborn Counties; of J. H. Green and 6 others, soldiers and citizens; of Oliver Forwood and 13 others, citizens; of Henry Tholke and 70 others, soldiers of the Union Army and citizens; and of Fred. Ginter

and 30 others, citizens of Dillsborough, Dearborn County, Indiana, in favor of pensioning all soldiers of the Union Army at the rate of $8 per month—to the Committee on Invalid Pensions.

By Mr. HOUK: Memorial of Lewis Kennedy, praying for relief—to the Committee on Labor.

Also, memorial of Sanders Post, Grand Army of the Republic, Tennessee, praying relief for John Denton—to the Committee on Invalid Pensions.

Also, petition of William Burke, for pension—to the same committee.

Also, petition of John Huckaba, for pension—to the same committee.

Also, affidavit to accompany papers in claim of A. R. Fermalt—to the Committee on War Claims.

Also, memorial of M. F. Milligan, for pension—to the Committee on Invalid Pensions.

Also, petition of Sarah R. Seay, for pension—to the same committee.

By Mr. JAMES: Petition of William B. Browne, late acting ensign, United States Navy, to be restored to the Navy of the United States upon the retired-list—to the Committee on Naval Affairs.

By Mr. F. A. JOHNSON: Memorial of T. C. Potts, president New York, Susquehanna and Western Railroad; M. C. McCrady, president Old Dominion Steamship Company, and other business men of New York, requesting that this Congress authorize the Secretary of War to contract with Charles Haughton and his associates for the entire work of improving the Harlem River for a sum not exceeding $1,295,000, including the right of way free of cost to the United States—to the Committee on Commerce.

By Mr. T. D. JOHNSTON: Memorial of Mrs. Elizabeth Jones, widow of John Jones, Company B, Second Regiment North Carolina Mounted Infantry—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Memorial of General Franz Sigel, C. F. White & Co., and others, citizens of New York, requesting that this Congress authorize the Secretary of War to contract with Charles Houghton and his associates for the entire work of improving the Harlem River, New York, for a sum not exceeding $1,298,000, including the right of way free of cost to the United States—to the Committee on Commerce.

Also, papers relating to application of N. A. Calkins for increase of pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Charles Stoneburg—to the Committee on Claims.

By Mr. LAFFOON: Petition of B. P. Howard, administrator of Finley McGrew, deceased, for relief—to the Committee on War Claims.

Also, petition of Greenberry Lynch, for pension—to the Committee on Invalid Pensions.

Also, petition of Charles Hale, of Hawesville, Ky., praying for relief—to the Committee on War Claims.

By Mr. LA FOLLETTE: Petition of first lieutenants of the line of the Army, for a law permitting them to voluntarily retire on half-pay after twenty years or more continuous service as lieutenants—to the Committee on Military Affairs.

Also, petition of C. W. Mott, Thomas Nelson, and others, that the law relating to the importation of foreign wrapping tobacco be amended so as to give American growers of tobacco relief—to the Committee on Ways and Means.

By Mr. LANHAM: Petition and memorial of the bar at Mobeetie, Tex., asking for the establishment of a Federal court at Mobeetie, Tex.—to the Committee on the Judiciary.

Also (by request), petition of John Harman, for a pension—to the Committee on Invalid Pensions.

By Mr. LE FEVRE: Petition from Dunkirk, Ohio, for the passage of arrearage-of-pension act, &c.—to the same committee.

By Mr. LINDSLEY: Resolution that the Postmaster-General be directed to pay claims of postmasters under act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. LONG: Petition of George W. Wright, jr., and others, for improvement of harbor of Duxbury, Mass.—to the Committee on Rivers and Harbors.

By Mr. LOVERING: Petitions of Charles A. Drew and others, of Northfield, Minn., and of John P. Tillson and 50 others, of Bryantville, Mass., asking for the passage of bill (H. R. 1096) granting pensions for service—to the Committee on Invalid Pensions.

By Mr. McCREARY: Petitions of Isaac Moore, of G. W. Herd, of Samuel Bailey, and of R. N. Dougherty, for relief—to the Committee on War Claims.

By Mr. MARKHAM: Petition asking the donation of certain lands to the San Diego Society of Natural History—to the Committee on the Public Lands.

Also, resolutions passed by the State Association of Congregational Ministers of California, in regard to the Mission Indians—to the Committee on Indian Affairs.

Also, petition of the inhabitants of Santa Ana Valley, California, for an appropriation of $100,000 for the improvement of Newport Harbor—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Petitions of Adelaide H. Brigham, of Lewis Pierson, of James H. Siver, of Michael Kelly, of William S. Hale, of James E. Corl, of Bridget Hamderlin, of Jerre Rogers, of Henry Willis, of Augusta Pike, and of Cornelius M. Pieree, for a pension—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: Petition of Ansyl Potter, for a pension—to the same committee.

B. Mr. MORGAN: Paper to place the name of John White on the pension-roll—to the same committee.

Also, petition and papers for relief of James F. Hogan—to the Committee on Claims.

By Mr. MORROW: Papers relating to the case of E. L. Brown—to the same committee.

Also, papers and petitions relating to the application of Chaplain Charles M. Blake, for relief—to the Committee on Military Affairs.

By Mr. NEAL: Papers relating to the claim of L. M. Blackman, of Loudon County, Tennessee—to the Committee on War Claims.

Also, papers in the case of D. C. Trewhett—to the same committee.

Also, petition of W. E. Clark, for relief—to the same committee.

Also, papers relating to claim of Thomas B. McElwee—to the Committee on Claims.

Also, papers relating to the claim of B. F. Martin—to the same committee.

Also, petitions of A. G. Miliken, of Warren County, and of Thomas O. Henly, of Meigs County, Tennessee, asking reference of their claims to Court of Claims—to the same committee.

By Mr. NEGLEY: Petition of Augustus G. Hatry, for pension—to the Committee on Pensions.

By Mr. NELSON: Petitions of citizens of Grand Forks, of Minto, of Reynolds, and of Park River, Dak., asking for the opening of the Red Lake reservation—to the Committee on Indian Affairs.

By Mr. J. J. O'NEILL: Petition for aid to education—to the Committee on Education.

By Mr. PETERS: Evidence in support of claim of Johanna Dorman, for a pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Willis N. Arnold, of Tennessee—to the Committee on War Claims.

Also, petition of A. Jackson Jones, for relief—to the Committee on Claims.

By Mr. RANNEY: Petition of Pamer Brothers and 50 others, citizens of Maine, for appointment of commissioners on the fishery question—to the Committee on Foreign Affairs.

By Mr. REAGAN: Memorial of the bar of Wheeler County, Texas, asking for the passage of a law to establish a United States court at the town of Mobeetie, Tex.—to the Committee on the Judiciary.

By Mr. RICHARDSON: Petitions of William Gunter and of Harrison H. Hughey, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

Also, petition of James W. Robertson, for special-act pension—to the Committee on Invalid Pensions.

Also, papers relating to the claim of the Presbyterian church at Murfreesborough, Tenn.—to the Committee on War Claims.

By Mr. ROGERS: Petition and exhibits for the relief of heirs of John Rogers, deceased—to the Committee on Private Land Claims.

Also, petition of Winnie Trammel, of Camp Creek, Ind. T., for a pension—to the Committee on Invalid Pensions.

Also, memorial of the bar of Fort Smith, Ark., in relation to the extension of civil jurisdiction over the Indian Territory—to the Committee on the Judiciary.

Also, petition for the relief of Benjamin S. Fox—to the Committee on Claims.

Also, memorial of the people of Hot Springs, Ark., for the construction of sewers in front of the Government property in that city—to the Committee on Public Buildings and Grounds.

By Mr. ST. MARTIN: Memorial of Sarah E. Ramsey, Jesse C. Wagner, and Anna E. Wagner, for relief—to the Committee on Claims.

Also, memorial of citizens of Louisiana, praying for an appropriation to construct a macadamized road from United States barracks, in Saint Bernard Parish, Louisiana, to the national military cemetery at Chalmette, in said parish—to the Committee on Military Affairs.

By Mr. SHAW: Memorials of citizens of Rising Sun, Elkton, and Havre de Grace, Md., for the suspension of the silver coinage-act—to the Committee on Coinage, Weights, and Measures.

By Mr. SINGLETON: Petition of Lizzie Thrasher, administratrix of Charles D. Hamilton, that her claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. SOWDEN: Petition of Solomon Goble and others, of the Allen Infantry, for the passage of an act giving each of the survivors of the five companies of soldiers from Pennsylvania who first reached Washington city April 18, 1861, in answer to the call for troops April 15, 1861, a suitable medal for their promptness—to the Committee on Military Affairs.

By Mr. STEELE: Petition of Isaac Simmons and 300 others, of Jay County, Indiana, for pensions to soldiers who served in the late war—to the Committee on Pensions.

By Mr. CHARLES STEWART: Memorial of members of the bar in Wheeler County, Texas, for the establishment of a new judicial district in Texas—to the Committee on the Judiciary.

By Mr. W. J. STONE, of Kentucky: Petition of B. H. Stovall, of Ballard County, Kentucky, for relief—to the Committee on Claims.

Also, petition of M. H. Carson, of Livingston County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of Andrew Bodkin, of Kentucky, for relief—to the same committee.

Also, petition and memorial of A. Bradshaw, of McCracken County, Kentucky—to the same committee.

Also, papers relating to the claim of Timothy Carny, of Graves County, Kentucky, for relief—to the same committee.

Also, petition of William Futrell, for relief—to the same committee.

Also, petition of James A. Briggs, executor of C. M. Briggs, for payment of cotton claim—to the same committee.

Also, petition and papers for relief of A. Gates Lee—to the same committee.

Also, petition and papers for the relief of John M. Higgins—to the same committee.

By Mr. STORM: Petition of William H. Nevil, for a pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: Resolutions of Saint Paul (Minn.) Chamber of Commerce, urging the extension of the Signal Service and for the relief of exporters of tin cases—to the Committee on Military Affairs.

Also, resolutions of the Minneapolis (Minn.) Board of Trade, urging that silver coinage be suspended—to the Committee on Coinage, Weights, and Measures.

By Mr. SWOPE: Petition of Elias Sheads, of Gettysburg, Pa., asking for a pension—to the Committee on Invalid Pensions.

By Mr. SYMES: Resolutions of the Denver (Colo.) Chamber of Commerce and Board of Trade, protesting against discontinuance of custom-house at Denver—to the Committee on Commerce.

By Mr. J. M. TAYLOR: Petition of M. M. Ashcroft, heir of Mrs. F. E. Purdy; of A. B. Goodwin, of James W. Reid, of John Deaton, and of A. L. Barron, that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition of citizens of Hamilton County, Illinois, praying that a pension be granted Calvin M. McBroom—to the Committee on Invalid Pensions.

By Mr. VAN EATON: Papers relating to the claim of Elijah Patrick, executrix of Dr. J. C. Patrick, of Louisiana—to the Committee on War Claims.

By Mr. VAN SCHAICK: Memorial of Chamber of Commerce of Milwaukee, Wis., for the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

Also, petition of Bernard McKenna, for a pension—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition from the citizens of Big Sandy Valley, for appropriations to continue the work on that river—to the Committee on Rivers and Harbors.

By Mr. WILLIAM WARNER: Papers relating to the claim of Lizzie Hamilton, administratrix of Charles D. Hamilton, of Claiborne County, Mississippi—to the Committee on War Claims.

By Mr. WHEELER: Papers relating to the claim of Robert Phillips, of Lauderdale, Ala.—to the same committee.

By Mr. MILO WHITE: Papers relative to pension of Maj. J. W. Burch—to the Committee on Invalid Pensions.

Also, resolutions of Minneapolis (Minn.) Board of Trade, relative to the improvement of Sault Ste. Marie Canal and Hay Lake Channel—to the Committee on Rivers and Harbors.

By Mr. WILLIS: Petition of Otter & Co. and sundry others, merchants of Louisville, Ky., asking the appointment of commissioners to confer with Canada touching the fishery interest—to the Committee on Foreign Affairs.

Also, petition of Messrs. Weissenger and Bale, of Louisville, Ky., for amendment of section 3357 of the Revised Statutes—to the Committee on Ways and Means.

Also, articles of association of the American College for the Blind—to the Committee on the District of Columbia.

Also, petition of Emma Coleman, widow of Milton J. Coleman, for a pension—to the Committee on Invalid Pensions.

By Mr. WINANS: Petition and papers of Eliza Silsby, for relief—to the Committee on Claims.

By Mr. WOODBURN: Petition of citizens of Nevada, for restoration of the tariff of 1867 on foreign wool—to Committee on Ways and Means.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. DAVENPORT: Of citizens of Dresden, N. Y.

By Mr. FLEEGER: Of citizens of Meadville, Pa.

By Mr. HATCH: Of citizens of Mercyville and of Queen City, Mo.

By Mr. HILL: Of D. H. H. Howard and 25 others; of Sydney Shaffer and 135 others; and of Gilman Chendle and 125 others, of Ohio.

By Mr. MATSON: Of Samuel Wallingford and 57 others, citizens of Monroe County, Indiana.

By Mr. MORRILL: Of D. Percival and 63 others.

By Mr. PETERS: Of citizens of Burton, Kans.

By Mr. PLUMB: Of W. C. Wieth, jr., and 204 others, citizens of Lincoln, Logan County, Illinois, and of L. W. Ritchie and 419 others, citizens of same place.

By Mr. RYAN: Of R. E. Kirkpatrick and others, citizens of Kansas.

SENATE.

TUESDAY, *January* 12, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

NAMING A PRESIDING OFFICER.

The PRESIDENT *pro tempore*. The occupant of the chair desires to be absent from the Senate after to-day during the remainder of this week, and asks the consent of the Senate to substitute in his place the Senator from Connecticut [Mr. HAWLEY]. Is there objection? The Chair hears none, and that substitution will be made.

PETITIONS AND MEMORIALS.

Mr. HARRISON presented the petition of A. B. Hunter and 15 others, citizens of Franklin, Ind., praying for the passage of a law protecting women in all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

He also presented the petition of G. A. Campbell Post, No. 338, Grand Army of the Republic, Department of Indiana, praying for the enactment of a law granting a service pension to all soldiers and sailors of the late war, and for other favorable legislation; which was referred to the Committee on Pensions.

Mr. DAWES presented a petition of the bar of Fort Smith, Ark., praying for the passage of a bill enlarging the jurisdiction of the United States district court at that place; which was referred to the Committee on Indian Affairs.

Mr. WALTHALL. I present a petition of sundry citizens of Mississippi, praying for the repeal of the law providing for the coinage of not less than two millions per month of standard silver dollars. As there is nothing on the face of the petition to show from what quarter it comes, I will state that it is signed by substantial business men of West Point, Miss. In presenting it, however, I desire to state that I do not concur in the views expressed by the petitioners. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. GORMAN presented the petition of A. Vasbury and others, citizens of Maryland, and the petition of D. Annan, Henry Shriver, and others, citizens of Maryland, praying for the passage of an act to suspend the coinage of the standard silver dollar; which were referred to the Committee on Finance.

He also presented the petition of Frederick C. Miller, of Baltimore, Md., praying for the passage of an act to enable him to obtain an American register for his steamship, the Caroline Miller; which was referred to the Committee on Commerce.

Mr. BROWN. I present a memorial of the Legislature of Georgia, in reference to what is known as the Trezevant claim.

The PRESIDENT *pro tempore*. The memorial will be read.

The Chief Clerk read as follows:

A resolution concerning the collection of the Trezevant claim.

Whereas the Congress of the United States did, on the — day of ——, 1883, pass an act appropriating to the State of Georgia the sum of $35,555 in payment of the Trezevant claim; and

Whereas said sum has not been paid to the State, but has been placed to the credit of the State on a demand against the State, which is not recognized by the State of Georgia; Now, therefore,

Be it resolved by the house of representatives of the State of Georgia (the senate concurring), That our Senators and Representatives in the Congress of the United States be, and they are hereby, earnestly urged and requested to use all means in their power to have the appropriation bill referred to so amended, or to have such an act passed, as will insure the payment of said sum to the State of Georgia, justly due to the State, in lawful money, as soon as possible.

2. *Resolved*, That a copy of this resolution, properly certified, be sent from the office of the secretary of state to each Senator and Representative in Congress from this State so soon as the Congress convenes.

WM. A. LITTLE,
Speaker of the House of Representatives.
M. A. HARDIN,
Clerk of the House of Representatives.
H. H. CARLTON,
President of the Senate.
WM. A. HARRIS,
Secretary of the Senate.

Approved October 17, 1885.

HENRY D. MCDANIEL, *Governor.*

STATE OF GEORGIA, OFFICE OF THE SECRETARY OF STATE,
Atlanta, Ga., January 4, 1886.

I hereby certify that the foregoing two pages contain a correct copy of the original resolution on file in this office.

Given under my hand and official seal.

[SEAL.]

N. C. BARNETT,
Secretary of State.

Mr. LOGAN. I see that the Senator from Georgia is very hoarse this morning, but I should like to ask him what the memorial refers to in speaking of a claim that is not recognized by the State of Georgia. As I understand, this amount has been credited to the State of Georgia on a claim that the Government has against the State, and the memorial which has been read states that it is a claim not recognized by the State of Georgia.

Mr. BROWN. I will answer the Senator that it refers to a claim which the Government sets up against the State of Georgia for what is known as the direct tax. The State of Georgia does not recognize the claim. It does not deny the right of the Government of the United States to collect it in the ordinary way from her citizens, but as a State she does not think she is bound, and therefore thinks there ought not to be a set-off.

Mr. LOGAN. To what committee has the memorial been referred?

Mr. BROWN. It has not been referred. It will take the usual course.

The PRESIDENT *pro tempore*. What disposition does the Senator from Georgia desire to have made of the memorial?

Mr. BROWN. I ask that it be referred to the Committee on Appropriations, as it asks for an appropriation.

Mr. LOGAN. I ask whether it would not be more appropriate to refer it to the Committee on the Judiciary. It presupposes an appropriation, but the question which the memorial raises certainly ought to be settled before an appropriation can be asked. If the United States has no right to give a credit on a claim that it has against a State, then as a matter of course the appropriation would be proper.

Mr. BROWN. I will state to the Senator that I have no objection to its going before the Committee on the Judiciary.

Mr. LOGAN. Very well; let it be so referred.

Mr. HOAR. I understand that the bill making the appropriation for the claim of the State of Georgia was referred to the Committee on Claims. The Committee on Claims investigated that claim and put such restriction upon the payment as they thought would secure its application to any claim which should be due the Government from the State of Georgia, if any. That was their purpose. Now the complaint is that the application of their bill has worked injustice to Georgia, as I suppose. It seems to me, therefore, that it would belong to the same committee that investigated the original subject rather than to the Committee on the Judiciary. It is really an attempt to make a change in the bar which they put up or in the arrangement which they made.

Mr. LOGAN. This is a question of law.

Mr. HOAR. But almost every committee has questions of law involved in the subjects committed to it.

Mr. BROWN. I am scarcely able to speak so that I can be heard, but I will state to the Senator from Massachusetts that the Congress of the United States has already passed a law recognizing this claim and directing it to be paid. Therefore I suppose the memorial would not properly go before the Committee on Claims. It is only a question whether there ought to be a set-off or whether the United States Government ought to allow this to be paid in cash. I should think, agreeing with the Senator from Illinois, that it would be more appropriate that the matter should go before the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the memorial be referred to the Committee on the Judiciary.

Mr. BROWN. I have no objection to that course.

The PRESIDENT *pro tempore*. That reference will be made if there is no objection.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Finance, to whom was referred the bill (S. 221) for the relief of Alexander Smiley, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond, reported it without amendment, and submitted a report thereon.

Mr. DAWES. The Committee on Indian Affairs, to which was referred the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, have directed me to report it with amendment. I desire to say in regard to this bill that at a very early day, as soon as the pending business is disposed of, I shall ask the Senate to consider it, as it is very important, if it ever becomes a law, that it should be passed in the very early spring.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 707) donating condemned cannon to Tower Post, No. 17, Grand Army of the Republic, of Pawtucket, Rhode Island, have instructed me to report it back to the Senate adversely and recommend that it be indefinitely postponed. I now desire to announce to the Senate that there are no condemned cast-iron cannon on hand belonging to the Government, and it is a waste of time to introduce bills for that purpose; they will all be reported adversely.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the bill be indefinitely postponed. If there be no objection that motion will be considered as agreed to.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 768) for the relief of George A. Iaeger, have instructed me to report it adversely and to recommend that it be indefinitely postponed. The bill proposes to pay the claimant for property lost in the Army, and there is a general law which authorizes the Secretary of War to adjust such claims. The bill is reported adversely for that reason. I move that it be indefinitely postponed.

The motion was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished said State, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 424) giving a military record to Alexander Francesco, deceased, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the bill (S. 413) giving a military record to Alexander Francesco, deceased, being almost identically similar to the previous bill and relating to the same subject-matter, have instructed me to report it adversely and to recommend that it be indefinitely postponed.

The report was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 193) for the relief of John Hollins McBlair, reported it with amendments and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Finance, to whom was referred the bill (S. 556) for the relief of Betts, Nichols & Co., reported it without amendment.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army and to place him upon the retired-list of Army officers, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 98) for the relief of Major William M. Maynadier, a paymaster in the United States Army;

A bill (S. 389) for the relief of the heirs or legal representative of Robert J. Baugness, deceased;

A bill (S. 87) for the relief of Thomas J. Miller, of Washington Territory; and

A bill (S. 528) for the relief of William H. Morgan.

PEOPLE'S NATIONAL BANK OF LAWRENCEBURG.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind., to report it favorably without amendment.

Mr. HARRISON. I should like to ask the consent of the Senate to have that bill disposed of. It is one that passed both branches in the last Congress, and only failed for the want of the signature of the President. The bank has been kept out of this duplicate certificate of deposit for a great many years, and I should like to have the bill passed now.

Mr. INGALLS. Is there a report accompanying it?

The PRESIDENT *pro tempore*. There is no written report.

Mr. HARRISON. I will state to the Senator from Kansas that there was a report at the last Congress. The bill passed both Houses of Congress on the last day, and only failed because the President did not have time to sign it.

Mr. INGALLS. Let us have some explanation about it.

Mr. HARRISON. The bill explains itself.

Mr. INGALLS. Let it be read.

The PRESIDENT *pro tempore*. The bill will be read for information, subject to objection.

The Chief Clerk read as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue and cause to be issued to the People's National Bank of Lawrenceburg, Ind., a duplicate certificate of deposit numbered E 35988, for the sum of $10,000, issued by the assistant treasurer of the United States at Cincinnati to the People's National Bank of Lawrenceburg, Ind., upon such evidence of loss, and upon execution of such bonds of indemnity to the United States, and under such regulations in regard to issue and payment as he shall prescribe.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMY BUILDING IN NEW YORK.

Mr. LOGAN. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes, to report it with amendments. I ask, if there be no objection, that the bill may be considered now. It is a very important matter, and the question of time is quite pressing, as the Government has up to a certain date to make the purchase, and in order to avoid the rental of property, which amounts to $25,000 a year, by the Government, if the repairs to this building can be completed by the 1st of May, which it is claimed can be done if the bill be passed promptly. Thus it will save to the Government a year's rent, amounting, as I said, to $25,000; and that is the importance of the bill. I should like very much if it could be considered now, and if there is no objection I will state briefly the agreement between the Government and the parties.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. LOGAN. The question was presented to the Secretary of War and a commission was appointed to make an examination of this property, which was done some time since. They reported that the property would cost $250,000, and the estimates show that it will take about $150,000 to change the building and put additional stories to it, so as to make it sufficient for army purposes. It is convenient to the island where the troops are stationed, being close to the shore, much more so than the property now occupied by the Government. For a great many years the property occupied by the quartermaster's, commissary, and medical departments in New York has cost the Government not less than $25,000 annually. In fact, the Government has expended more for rents than the purchase of this property would cost; and on the recommendation of the Quartermaster-General and of the Secretary of War the committee unanimously reported in favor of at once occupying this property if Congress will give permission to the War Department.

That is the whole case. I ask that the bill be put upon its passage.

The bill was reported from the Committee on Military Affairs with amendments in line 7, after the words "for the," to strike out "construction thereon of a properly planned fire-proof" and insert "alteration and remodeling of the;" and in line 8, after the word "building," to insert "so as to make it;" so as to make the bill read:

Be it enacted, &c., That the sum of $450,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the purchase of the old Produce Exchange building and site, bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes, and for the alteration and remodeling of the building, so as to make it suitable in all respects for Government use, said appropriation to be expended under the direction of the Secretary of War: *Provided*, That before the expenditure of any of the appropriation hereby made, good and valid title shall be secured to the United States for the land and the improvements thereon contemplated by this act, and the consent of the Legislature of the State of New York obtained to the purchase thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRENCH SPOLIATION CLAIMS.

Mr. FRYE, from the Committee on Foreign Relations, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to take from the files of the Senate all papers relating to the claims of citizens of the United States on account of spoliations by the French, and to deliver the same to the Secretary of State to be filed in the Department of State.

BILLS INTRODUCED.

Mr. JACKSON introduced a bill (S. 1023) granting a pension to Mrs. Catharine Vaughn, widow of Thomas J. Vaughn, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GEORGE introduced a bill (S. 1024) to enable the Secretary of War to pay Rane C. Hutchison for services rendered and expenses incurred in the military service of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. JONES, of Arkansas, introduced a bill (S. 1025) conferring jurisdiction in certain civil cases arising in the Indian Territory on the United States district and circuit courts for the western district of Arkansas, the northern district of Texas, and the district of Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MAXEY introduced a bill (S. 1026) to change the eastern and northern judicial districts of the State of Texas, and to attach a part of the Indian Territory to said districts, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. GORMAN introduced a bill (S. 1027) granting an increase of pension to Norman Kaufman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1028) for the relief of Charles K. Remsberg; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL introduced a bill (S. 1029) for the relief of William Pinkney, James Curry, and the legal representative of James Filor, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1030) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. VANCE introduced a bill (S. 1031) for the relief of Henry D. Coley; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, introduced a bill (S. 1032) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect; which was read twice by its title, and referred to the Committee on Finance.

Mr. CULLOM introduced a bill (S. 1033) for the relief of Michæl Piggott; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PLATT introduced a bill (S. 1034) to amend the law relating to patents, trade-marks, and copyrights; which was read twice by its title, and referred to the Committee on Patents.

Mr. VOORHEES introduced a bill (S. 1035) for the relief of Paymaster Charles A. McDaniel, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1036) for the relief of Elizabeth D. Stone; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1037) for the relief of Assistant Engineer Jabez Burchard, United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1038) for the relief of Robert Garrick; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. INGALLS introduced a bill (S. 1039) to provide for the sale of certain New York Indian lands in Kansas; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. ALDRICH introduced a bill (S. 1040) for the relief of the heirs of Capt. Asa Waterman, of Rhode Island; which was read twice by its title, and referred to the Committee on Revolutionary Claims.

He also introduced a bill (S. 1041) for the relief of William B. Gropp, of Newport, R. I.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 1042) to pay B. S. James for transporting the United States mails; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1043) to amend sections 1097 and 1098 of the Revised Statutes relating to aids to general officers of the Army; which was read twice by its title, and ordered to lie on the table.

Mr. MORGAN introduced a bill (S. 1044) to increase the school fund in certain townships of the State of Alabama; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WILSON, of Maryland, introduced a bill (S. 1045) to regulate the rank of engineer officers of the United States Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 1046) providing for the establishment of a bureau of public documents; which was read twice by its title, and referred to the Committee on the Library.

Mr. COCKRELL introduced a bill (S. 1047) for the relief of Patrick H. Estes, a veteran invalid soldier of the Mexican war; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 1048) for the relief of Samuel B. Horne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McMILLAN introduced a bill (S. 1049) for the relief of Clement A. Lounsberry; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Post-Offices and Post-Roads.

Mr. CONGER introduced a bill (S. 1050) for the relief of Dallas Garner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Appropriations.

He also introduced a bill (S. 1051) granting a pension to L. A. Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LOGAN introduced a bill (S. 1052) for the relief of C. H. Warrens; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a joint resolution (S. R. 27) providing for the disposition of undistributed copies of the Rebellion Records and other public documents; which was read twice by its title, and referred to the Committee on Printing.

Mr. SEWELL introduced a joint resolution (S. R. 28) authorizing the President of the United States to grant permission to one or more offi-

cers of the Army to accept temporary service under the Government of Corea; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BUTLER, it was

Ordered, That B. S. James have leave to withdraw his papers from the files, subject to the rules, and that they be referred to the Committee on Claims, in connection with the bill for his relief.

On motion of Mr. GRAY, it was

Ordered, That John Hunter, of New York, have leave to withdraw his papers from the files, no adverse report having been made thereon.

On motion of Mr. PAYNE, it was

Ordered, That the papers in the case of Huston & Co. be taken from the files and referred to the Committee on Claims.

On motion of Mr. McMILLAN, it was

Ordered, That the papers relating to the claim of Clement A. Lounsberry be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

Ordered, That the papers relating to the claim of William Pfaender be taken from the files and referred to the Committee on Military Affairs.

PAYMENT OF BONDS IN SILVER.

Mr. BECK. The Committee on Finance this morning had under consideration the resolution sent to it by the Senator from Louisiana [Mr. EUSTIS], but finding it very important, and not having time to consider it fully, the matter was not concluded. It being pending, I wish to offer a substitute for the resolution, for reference to the committee also, so that the two may be considered together.

The PRESIDENT *pro tempore*. It is a substitute for the resolution offered by the Senator from Louisiana, the Chair understands.

Mr. BECK. It is a substitute for that resolution, which is now pending before the Committee on Finance and which was considered in part this morning, but the committee not having time to finish it, I offered the substitute before the committee, and now offer it in the Senate for reference to the committee.

The PRESIDENT *pro tempore*. The proposed substitute will be read.

The Chief Clerk read as follows:

Whereas it is provided by section 3694 of the Revised Statutes that "the coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows: First, to the payment, in coin, of the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest on which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct; third, the residue to be paid into the Treasury: Therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, directed, in all payments hereafter made of interest on the bonds and notes of the United States, and in the purchase or payment of 1 per cent. of the entire debt of the United States for the sinking fund as now required by law, to pay out gold and silver coin as near as possible in the same proportions in which gold coin and certificates and silver coin and certificates were received during the preceding fiscal year for duties on imported goods.

Mr. BECK. I ask that this resolution be printed and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. If there be no objection, the resolution will be printed and referred to the Committee on Finance. The Chair hears none, and it is so ordered.

ARMY AND NAVY REGISTERS.

Mr. MANDERSON submitted the following resolutions; which were referred to the Committee on Printing:

Resolved, That 800 copies of the Army Register for 1886 be printed for the use of the Senate.

Resolved, That 1,000 copies of the Navy Register for 1886 be printed for the use of the Senate.

THE YELLOWSTONE NATIONAL PARK.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Interior be, and he hereby is, directed to furnish, for the information of the Senate, a copy of a report made by W. Hallett Phillips, special agent, on the subject of the Yellowstone National Park, together with the accompanying documents, said report bearing date September 12, 1885.

COIN DUTIES ON IMPORTED GOODS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the Chair lays before the Senate the resolution submitted yesterday by the Senator from Alabama [Mr. MORGAN].

Mr. PUGH. Whenever I can do so with propriety and in order, I wish to call up the resolution of the Senator from Kentucky [Mr. BECK] with a view to finish my remarks.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. PUGH] moves that the Senate proceed to the consideration of the resolution of the Senator from Kentucky [Mr. BECK].

The motion was agreed to; and the Senate resumed the consideration of the resolution submitted by Mr. BECK on the 18th of December, 1885, relative to the payment in coin of customs dues and the disposition of the coin so paid.

Mr. PUGH resumed and concluded the speech begun by him yesterday. [See Appendix.]

Mr. VANCE. Mr. President, the effort which is now making in different parts of the world to demonetize and degrade silver coin is one of the grandest conspiracies against the rights of the people ever inaugurated by human greed. The governments of nations, supported by the brightest genius of their citizens, are engaged in it, but it is nevertheless a crime. It is freely admitted that among those whose motives are the simplest avarice are also many whose motives are good and whose convictions are sincere; nevertheless the result of their policy would be iniquity. Coming as it does in the guise of a great financial question, it escapes the conditions of that vulgar criminality which would subject the conspirators to the penalty of law; all the same, it is a tyrannical and cruel blow directed at the substance of the common people in all lands. In truth, it is an international sequestration of the goods of the poor and the wages of the worker by the combined power of capital; and on its banners as it advances to the attack should be emblazoned the words of holy writ: "For unto every one that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath."

The very earliest records of humanity show that men had even then adopted the precious metals, silver and gold, as a medium of exchange and a standard of value for their crude commodities. The capacity of the earth to yield them fixed at an early day their relative value when compared with each other, and, though these quantities and values have fluctuated now and then by the accidents of production or other causes, the average relative value has been well maintained through the ages, and for hundreds of years truthful nature has justified the decree in which she originally indicated the proportions of these her concealed treasures. Very soon also the aggregate value of all property came to be measured by the aggregate amount of all these precious metals in the possession of the communities where both existed. It is now, more so than at any time in the history of the world, a recognized fact that the prices of property, the wages of labor, and of all things of value are fixed by the ratio which is sustained between a people's property and their precious metals.

There is now no fact of political economy more patent and undisputed than this: that when money is plenty prices are high, and when money is scarce prices are low. It must be remembered, too, that no artificial substitutes for money can vary this proposition, since all promissory or paper contrivances depend at last upon the amount of the precious metals there is on hand to redeem them. It is the first and simplest illustration of the great economic law of supply and demand.

Such being admitted, it follows inevitably that the loss or withdrawal from use, as a medium of exchange, of one of the precious metals must affect the value of the remaining one to the full extent of the proportion which it sustained to the other with reference to the combined value of both. The one left in use being now that much scarcer, would render it that much more in demand. Upon it would be devolved the function of representing alone the aggregate value of all property, which duty had theretofore been performed by both metals combined. It would therefore require more of property and of labor to obtain one of its units of value, and the prices of property and wages of labor would necessarily fall in order to conform to the new measure of value. Of course a depreciation of one of the precious metals relatively to the other—whether that depreciation is caused by one going down or the other going up—is followed by the same results to the extent of the depreciation or the appreciation.

It is estimated that the amount of the precious metals of the world, coin and bullion, available for this purpose is in round numbers about $16,000,000,000, of which 46 per cent. is in gold and 54 per cent. is in silver. That this vast sum is not too large for the healthy uses of trade is proven conclusively by the fact that the leading nations are constantly striving to increase their supply, and that very many of them are using paper substitutes, and are not what is called specie-paying.

In the United States, without reference to the bullion of either metal, the coin in use by the people, as stated by official authority, is about $550,000,000 of gold and about $278,000,000 of silver. Of the latter some $75,000,000 is subsidiary fractional coin. The coins of the world aggregate about $5,500,000,000, of which $3,300,000,000 is gold and the rest silver.

In order that there may be no hindrance to the free transaction of the business of the world in the exchanging of products, it is necessary that there should be a plentiful supply of gold and silver coin or of their representatives. This supply must not only be increased as population increases, but it must keep pace also with the vastly more rapid increase of the world's consumption and the ever-widening reach of commerce as it goes out more and more to supply the world's wants.

The annual increase of population in the United States is over 3 per cent. The value of manufactured products during the last decade increased more than 2½ per cent. per annum. The principal articles of agricultural production, as barley, wheat, Indian corn, cotton, and tobacco, increased during the same period from 5 to 10 per cent., and without tediously citing statistics it is safe to say that the total of agricultural products and all kindred industries show the same results. To meet all this growing wealth with a proper medium of exchange the mining industry is only furnishing to the world an increase of the precious metals to the extent of 1⅓ per cent.

Yet, in the blindness or greed of men, it is solemnly proposed to remedy this short supply by obliterating 54 per cent. of what we have. Should such a scheme be successful all over the world, the consequences could not be contemplated without shuddering.

Already 20 per cent. of our silver has been destroyed by depreciation, and as a consequence thereof we are now in the midst of the most rigorous business depression which we have experienced in twenty years, not excepting the period between 1873 and 1879, when the results of the first blow at the integrity of silver were being felt.

Continue this attack until all the silver coin is demonetized, and a contraction is certain to ensue which will strike down prices and labor to the full extent of the proportion which silver bears to the whole volume of our money. It will prove the greatest financial calamity which has ever befallen the American people. Every species of property would shrink, the wages of the poor most of all. The only exception to this universal shrinkage would be in debts and gold. These would increase to the extent that other property decreased in value.

Suppose, for instance, that a man owed a debt of $100 which at the time the debt was made could have been discharged by 100 days' work or with 100 bushels of wheat or 1,000 pounds of cotton; if the contraction of the currency was so much as 50 per cent., then to pay this debt it would require 150 days' work or 150 bushels of wheat or 1,500 pounds of cotton. On the contrary, if when this destruction of silver money took place a man had on hand $100 in gold it would immediately become worth $150. Literally and truly the rich man would be made richer, while the poor man would be made poorer. For it is in the very nature of this kind of money-making by legislation, as in gambling, that the gains of one man must be the losses of another. It differs in this from all transactions of legitimate trade and finance, in any or all of which both parties have a voice and may be benefited. But this is a case of dead open and shut, where the debtor is bound to lose that which the creditor gains. It differs, too, from vulgar theft in that it is fraudulent in its pretenses, insidious in its methods, and lacks the courage and the candor of old-fashioned larceny.

There is reason, too, to believe that the repudiation of the silver dollar by the United States would be the signal for the degradation of silver throughout Europe. This great and rich country, producing nearly one-half the annual yield of silver in the world, beyond doubt has the fate of this metal in its hands as a standard of value. If it is surrendered here, then the nations of Europe which are struggling to maintain it will doubtless give way and it will disappear from the currency of the Western nations, and the ruin of the many for the enrichment of the few will be complete and universal. It is worth while to inquire what is to take the place of one-half the world's money. Can gold do it? Where is it to come from? Its production is not only declining relatively to the increase of population and the expansion of commerce, but it is decreasing absolutely. It is well known, too, as before intimated, that with our ever-expanding civilization there is an increasing consumption of commodities far in excess of population numbered by the head, which demands an ever-enlarging circulation of money. It has been estimated that Great Britain alone and her dependencies, for which she coins, require an additional supply of gold to the amount of $90,000,000 per annum, which sum is within $20,000,000 of the entire gold production of the past year of the world. This takes no account of the vast amount which is annually used in the arts.

So long ago as 1870 the leading financial papers of Europe estimated that to meet the wants of commerce an annual supply of thirty millions sterling, or $150,000,000 in gold, would be required; this, too, before the extraordinary demand for gold occasioned by the demonetization of silver by Germany and Scandinavia, and before we in the United States had resumed specie payments. With the production of gold gradually declining, should we refuse the assistance of nature, who offers us an increase in silver, there can be no doubt but that our supply of metallic money will speedily prove inadequate and the depression under which we now suffer will be aggravated twofold. What greater madness, then, can men be guilty of than to attempt the sudden obliteration of one-half the fuel which feeds the locomotive of our progress? What greater crime could men commit against the welfare of human society than to destroy one-half of the medium by which its values are exchanged; to inflict upon it a financial *hemiplegia?* What policy could be more obviously ruinous than to force the increasing demand for an essential article in the face of a constantly decreasing supply? How can it result in anything but calamity to the multitude and unrighteous gain to the few, who hold gold and securities which they wish discharged in gold?

Why should all this be done? What reasons are given by those who wish to suspend the coinage of silver and establish a single gold standard of value? Stated shortly, the reasons given are:

First. That silver has become depreciated until it no longer represents a dollar where it purports to be a dollar, and has ceased to be the money of a large part of the business world.

Second. That our public debt should be paid in gold in order to keep our credit up to its present high figure, and that it is not honest to pay our creditors in dollars which are worth only 80 cents.

Third. That the principal foreign countries with whom we trade use only gold, which is an international money, and our adoption of the gold standard is necessary to our dealing with them.

Lastly. That the continued coinage of silver would continue its depreciation indefinitely, until the cheaper metal would drive gold out of the country entirely. Let us examine these allegations by the light of facts.

I maintain that the silver dollar has not gone down with reference to its purchasing power of everything, excepting gold alone; and that with reference to gold silver has not gone down so much as gold has gone up. Measured by the price of commodities the silver dollar is by every cent worth as much as it was when the first effort was made in this country to degrade it, at which time it was worth 103 in gold. It is now accepted everywhere in the purchase of everything on a par with gold. No difference is made in trade whatever. Everybody receives it freely; and even all the public creditors take it gladly, except those who by special contract in writing agreed to do so—the bondholders. Gold is sent from distant parts of the country to be exchanged for certificates redeemable in silver—a pregnant fact, which was most convincingly urged by the Senator from Kentucky in his recent very able speech.

Why then should it not rather be said that gold has gone up than that silver has fallen, since so many more circumstances point to the former conclusion than to the latter? That silver has stood alongside of commodities is evidence that there is not too much of it for the uses of trade and that it has not moved; while the fact that the position of gold has changed is *prima facie* evidence that *it* has moved, and not the things with which it is compared. The same causes which it is alleged have driven silver down have operated still more powerfully to force gold up. The action of England and Germany, aided by all the interested capitalists of Europe; the machinations of the bondholders and national banks here, added to the active hostility of a series of Treasury officials for a dozen years past, have all operated as so many wedges driven in, one upon top of the other, to force gold and silver apart.

When this has been accomplished, they triumphantly exclaim, "See how silver has gone down." What right have they to say that? The force applied could only separate the mass at right angles to the pressure, and it would seem to be in accord with the laws of mechanics that that section which possessed the greater power of resistance would carry with it in the cleavage the larger share of the material separated. If so, then it is undoubtedly gold which has been forced upward; for after many years of pressure they are separated and silver is found in its original position beside the great bulk of commodities, the common measure of both.

That it has ceased to be currency with the greater part of the world is disproven by the fact that there is more of it in use now by 8 per cent. than of gold.

The following quotations, taken from the leading financial journal of Cuba for December last, tells a different story as to the disuse of silver abroad:

THE STANDARD DOLLAR ABROAD.

[From the New Orleans City Item.]

We have before us the Havana Weekly Report of Saturday, 5th December, a very sufficient authority, in which are reported the values of everything usually known to the Havana market, including the rates of exchange and the current quotations of "foreign coins."

The following items are taken from a general list:

		Per cent.
Greenbacks	premium	9 to 10
American gold pieces	do	9 to 10¼
French gold pieces	do	2 to 3
British sovereigns	do	3 to 4
Spanish dubloons	do	3 to 4
American silver dollars	do	4½ to 5½

Thus it appears that the use of the dollar has caused a demand for it in a country with which we deal largely; that makes it worth more than British coins or French coins. The allegation that it is necessary to adopt the gold standard and stop the coinage of silver in order to pay our public debt in gold and keep up our high credit is a specious one, made in the interest of the debt-holders alone, and can make no claim to serving the general welfare. It means either one or the other of two things: "Demonetize silver for my sake to the serious injury of the public, or else pay *me* in gold and everybody else in silver. Give me privileges over all other men." That is the bondholder's position, stripped of all evasion, when they make this extraordinary claim. They go further, and say that it is not honest to pay them with a silver dollar which is worth only 80 cents. The honesty or dishonesty of such a transaction depends much upon its conditions and surroundings.

In the first place, that silver dollar is worth every cent now that it was when the public debt was contracted, measured by any standard except gold. In the next place, it is the very identical dollar which the public creditor agreed to receive in payment when the debt was created. "'Tis so nominated in the bond." The creditor agreed, too, to take this dollar when his debt became due, without any guarantee whatever, expressed or implied, on the part of the Government, that the bullion value of its material relatively to gold or to anything else should never fluctuate, but should remain forever with neither variableness nor shadow of changing. In all my knowledge of human transactions, whether acquired by personal experience or by the reading of history from Moses to Sunset Cox, I have never, I believe, met with a single case where the debtor undertook to insure the stability of the coin in which the creditor was to be paid prior to this modest claim of the holders of United States bonds.

In the course of my career I have heard many bad cases argued with varying degrees of ingenuity; but whether in the school-boys' club, or in the cross-roads' debating society, or in the court of pleas and quarter sessions, or from the tail-end of a gingerbread-cart at a battalion muster, or even in my nine years of listening to the national platitudes which fill the pages of the CONGRESSIONAL RECORD, I have never seen or heard a worse abuse of logic, a feebler attempt to outrage common sense than this charge that the man who offers to pay the precise amount, at the exact time, in the identical money of his promise, was a dishonest man! The stories of the martyrdom of man for opinion's sake, and in the higher matter of faith for conscience' sake, are favorite incidents of historical reading. My boyish blood has been alternately warmed and chilled by the contemplation of the pictures of anguish and suffering presented in the Book of Martyrs and all the popular stories of persecution in the dark and unhappy ages when fanaticism worshiped God, or thought it did, by the infliction of torture; but I have never seen or heard of a case that made so small an appeal to human sympathy, or so large a one to human contempt, as this wail of the United States bondholder because he is not permitted, freely and with applause, to collect five dollars from the Treasury when he had been promised four.

Dishonest, indeed, to pay as we promised! What, then, is honesty? Sir, in my old-fashioned opinion the honest man is he who pays according to the letter and spirit of his promise, and the dishonest man is he who wants something more than that which he agreed to take, and that their aiders and abettors are like unto them. To support this claim of unfair treatment of the bondholders the statement is constantly made that for many years, from 1853 to 1873, we were almost without silver and coined no silver dollars, and that from the foundation of the Government to the latter period we had only coined $8,000,000, while from 1878 to 1886 we had coined $215,000,000. The unfairness of those statements is made manifest when it is known that during that period we coined $176,284,000 in fractional coins and that Mexican dollars were in circulation all the time to the extent of many millions, being worth more than our own dollar and a legal tender. Let it be understood, too, that from 1793 to 1849 not a single gold dollar was coined, and not one double-eagle until 1850, when California gold began to come in.

The Senator from New Jersey [Mr. MCPHERSON] in his recent speech made the extraordinary assertion that in 1873 when silver was demonetized we had no silver dollars, and for that reason the bondholders fully understood they were to be paid in gold. If the Senator had examined the records of the Mint he would not have ventured that assertion, for, in addition to the six millions of our own coinage and the Mexican dollars still in the country, he would have seen that in that very year 1873 we coined $977,150, and in the year preceding $1,112,961—a total of $2,090,111. From 1839 to 1873 he would have seen that silver dollars had been coined every year with the single exception of 1858. However willing people may be to believe that the Senator from New Jersey was ignorant of these facts, it will be exceedingly difficult to persuade them that the guileless babes of Wall street did not know all about it when they agreed to receive the coin of the United States in payment of their bonds. If they were beguiled by the wiles of the immaculate Jay Cooke, and preferred to believe his rose-colored advertisements rather than the plain words written on the face of the bonds themselves, then instead of pitying them as the victims of bad faith I should rather be disposed to admire the wisdom of Providence which, in a spirit of compensatory justice, has provided that dangerous men, like dangerous animals, will devour each other when better prey is not within reach.

Mr. President, the rapacity of avarice is so repugnant to the more generous instincts of men that it always seeks to disguise its ugliness by assuming the garb of some fair virtue. A happy compensation this is, too, for it confesses thereby that there are virtues left upon earth and that men love them. In this case the bondholder and the capitalist cover their insidious approaches to degrade the one-half of our currency and secure the payment of their claims in the remaining half, of greatly enhanced value, not only in the name of honesty, but also in tender consideration of the Lord's poor!

Mr. President, there are some things which on first sight evoke no voice; they simply take away one's breath, as the phrase goes, and the astounded mind, like soldiers under the influence of sudden panic, requires to be rallied and recalled to itself before it can take in the full significance of the proposition. Well do I remember when for the first time my eyes beheld the vast and terrible grandeur of the ocean, and when I first saw and heard the dread majesty of Niagara. Speech then seemed not only impossible, but inappropriate, unfitting, useless, and utterly insufficient. So, too, there are to be seen now and then moral exhibitions of a far surpassing grandeur which strike us equally dumb with admiring wonder, and make us before venturing speech anxiously inquire of ourselves if poor depraved humanity can really thus attain to such fellowship with the gods. We hardly expected such a spectacle to be presented in the discussion of this plain and prosaic question; and yet, Mr. President, such a one confronts us when Wall street, with its congeners, comes forward as the friend and guardian of the poor.

Strange as it may appear Apollo is really stalking among the swineherds of Admetus, and asks to be recognized as the veritable sun-god. Of a truth the chiefs of capitalistic power have put into this discussion the plea that silver must be degraded from its high place for the sake of the poor! Wall street wants this done, not as calumny vainly imagines, for its own profit, but because the tender hearts of its denizens, which beat only for the alleviation of human misery, can not bear to see poor men paid for their labor in silver dollars, which are worth but 80 cents in gold though worth a full 100 in meat and flour. I have often had occasion to note with pride this disinterested devotion of capital to the interests of the workingman. It is a distinguishing feature of our civilization—more particularly when the workingman's vote is essential to financial schemes like this.

If a railroad corporation wants to gobble a few million acres of the public lands it does so in the interest—not of its shareholders—but of the poor settlers. If a manufacturer wants a tax of 75 per cent. levied on his foreign competitor's pig-iron or 150 per cent. on his rival's woolen goods, he procures it to be done, not for his own pocket, Heaven forbid! but for the benefit of his poor operatives, whose interest alone he studies. If a national bank wants the tax on checks or deposits repealed, or wants greenbacks retired out of the way of its own notes, it is done or urged to be done, not for its profit—by no means—but for the sole good of the poor whom we have always with us. In short, there is not a capitalist, or a combination of money scheming to procure an advantage of the people by legislation, who does not approach Congress vowing, under the penalties of the sweet singer of the captivity, that he prefers the American laborer to his chief joy.

But notwithstanding these things have been so long before our eyes that it would seem we ought to have become accustomed to them, we were not prepared without astonishment to see Wall street step at once to the lead of all that is beneficent in our country. Poor men who labor will now be practically without excuse. If they can not do well now, with the railroads, the national banks, the manufacturers, the bondholders, and the combined power of capital generally working and scheming only to keep up their wages and promote their interests, surely they will have only themselves to blame. Under these favoring circumstances, why wages are not already higher is one of the mysteries of political economy.

But an examination of the argument by which it is proposed to benefit labor by the degradation of silver robs the proposition of much of its philanthropy. The Secretary of the Treasury, in his recent very able report, after declaring how the circulation of dollars of a cheaper metal injures the laborer, goes on to say:

> The daily wages of our workingmen and working-women are by far the largest, by far the most important aggregate of wealth to be affected by the degradation of the dollar, or of any legal-tender equivalent of the dollar. All other aggregates of wealth * * * are not to be compared in their sum to this gigantic sum. It is this gigantic sum, the wages of labor, which is assailed by every policy that would make the dollar of the fathers worth less than its worth in gold. The debt of the United States, large as it is, is a wart beside this mountain. (See page 35.)

Prior to that, on page 19, he had said:

> Silver in fractional coins is the most convenient, desirable metal for use in the payment of petty sums. These are the bulk of human transactions where money passes. It has no rival. Who does not deem it indispensable? Silver can not profitably be discarded from large use by any civilized nation in the world, even where, as in Great Britain and the Scandinavian countries, it is used only for fractional coins made legal tender for small sums, and gold alone is cut into coins of unlimited legal tender.

These two extracts contain the gist of the argument of the gold-standard people, and disclose, when analyzed carefully, their plans for the regulation of our currency. Let us look at them closely.

It is admitted that the daily wages of labor and the daily spendings of those wages for subsistence constitute the bulk of human transactions where money passes. It is admitted that these transactions are discharged with silver, at present with fractional coins and the dollar; and it is assumed, justly, that the use of silver in fractional coin will be continued for this purpose even when we shall have ceased coining the dollar and adopted the gold standard. Such is notoriously the practice in Great Britain, Germany, and all gold-standard countries. The present silver dollar contains 412½ grains of standard silver, while two half-dollars, or ten dimes, contain only 385 grains. Now it is proposed to remove the dollar containing 28 grains more of standard metal and pay wages—"the bulk of human transactions where money passes"—with the inferior fractional coin, as is done in Europe! Is there any mental process known to human logic which can extract comfort or benefit to labor from this proposition? Nor will it avail anything to say that it is not meant to destroy the silver dollar by ceasing to coin it. We know too well that to refuse it recognition at the mints in addition to the refusal of public creditors and the national banks to receive it, together with the hostility of our Government officials, would give it a fatal blow, and would reduce still more the value of the fractional coins, in which it seems the workingman must be paid, under either standard. The further scheme of the bondholders appears to be also that in order to pay them in the dearest coin we must banish the next best—the silver dollar—and pay wages in the cheapest and most debased of all! The wart must be paid in pure gold, the mountain in debased silver! And you force the laborer to take this adulterated currency by making it a legal tender for a sum large enough to cover his daily wages; while as to the dollar already coined, if you leave alone its legal-tender quality, it is done with the understanding that it will never be offered to the bondholder—that the law was never in-

tended for the wart, but only to regulate the mountain! Is this a land of law and liberty; of equal rights to all—exclusive privileges to none?

The truth is this war on the dollar is in the interest of those who speculate in money itself, and not of those who labor to earn it to buy bread. Our dollar is not so large as the largest silver coins of the leading gold countries of Europe. The English crown-piece is worth $1.12; the Netherland rix dollar $1.01½. The German 5-mark piece $1.07½. Taking these countries as an example, then, there seems no need for dispensing with the dollar on account of its size, or for disturbing its position as a part of that currency which serves the purposes of every-day business. So far would that course fail to prove beneficial to the laboring man that in my opinion it would positively injure him. He would not only be compelled to receive the inferior coin and lose thereby 28 grains of silver in every dollar, but he would lose the inestimable tears of the bondholders and the banks, who now not only make their own faces "foul with weeping" over his wrongs, but hire great newspapers and orators, like Eastern mourners, to howl over him also. Let their ends be accomplished by the repeal of the Bland act and the degradation of silver, and the sincerity of their consolation could alone be equaled by the hypocrisy of their present grief. Instantly they would exchange "the oil of joy for mourning, and the garment of praise for the spirit of heaviness."

Again, it is said that it is necessary to adopt a gold standard in order to enable us to conduct successfully our commerce with foreign countries. It is admitted that where money passes in foreign trade gold is demanded; but it must be remembered that it is only the balances that remain after the year's dealings between the two countries that require to be paid in specie. For six years past, with the exception of one year, those balances have been in our favor to the extent of $100,000,000 per annum, and the money was due to us. So long as prohibitory tariffs continue to prevent foreign trade these balances will continue in our favor, unless, indeed, retaliatory tariffs should shut us out of a foreign market for our breadstuffs and provisions, which I think quite probable whenever Europe can arrange, as England is now successfully doing, to get its supplies from some other source.

But suppose these balances were against us and had to be paid in gold, what then? Nobody proposes to demonetize gold or discourage its use in any way. On the contrary, by keeping a full supply of silver in circulation more gold could be spared for the use of foreign commerce. Even if the importers had to pay a premium for sterling bills to pay this balance what would be their loss compared to that of the general public, which would follow the striking down of one of the great metals which has sustained all commerce, foreign and domestic, while plunging the country into all the evils of contraction? With exchange against us the import trade would indeed be put to some disadvantage, but with an abundance of silver and certificates representing silver in active circulation business would nevertheless be prosperous and prices well maintained. We could spare the gold necessary to settle our balances. But suppose that we had no money but this $550,000,000 in gold, how much more ruinous it would be to all the interests of our people to send one-fifth of it abroad annually with nothing to take its place.

The total aggregate of our foreign trade is about $1,500,000,000, but who can estimate the value of our domestic trade? Our manufactures and agricultural products combined exceed $8,000,000,000, and how often these vast values change hands who can tell? This should receive our first and most earnest attention; the welfare and convenience of this grand hive of active humanity should first of all be consulted by us in the adjustment of this great question.

But it is said that so much silver will eventually drive gold out of the country; that, according to a well-known law of finance, the cheaper metal will drive out the dearer. This is called Gresham's law. If this be true, and if we are in a position where that law is likely to exert its force, why has there not been already some indication of its effects? It has been more than seven years since we resumed the coinage of the silver dollar and made it a full legal tender. During this period the volume of silver coin has swollen from $106,573,803 to $307,658,827 on the 1st of November, 1885. According to the argument of the gold people, that ought to have displaced and driven out of the country at least an equal amount of gold. Strange to say, the very reverse has taken place. On the 1st of January, 1879, but a few months after the passage of the Bland act, the amount of gold and bullion in the country was $278,310,126; on the 1st day of November, 1885, the amount of gold coin and bullion in the country was $586,727,787. It had more than doubled in six years. During the year just past it was silver that went abroad to the extent of $13,835,220 in excess of imports; and it was gold that came in to the extent of $8,397,887 in excess of exports. Here again "the dog it was that died." (See the Comptroller's report, page 63.)

This remarkable exhibit, so confounding to the prophecies of the gold advocates, shows two things conclusively: first, that the addition of the 215,000,000 of silver dollars to our metallic currency was a welcome and much-needed one, since it not only helped to swell the volume of currency and avert contraction, but it has served to attract additional gold; and second, that Gresham's law, which declares that cheap money will drive out dear money, only operates upon that portion of a currency which is not needed and is in excess of the demand of trade. No kind of money which is current at all will leave a country where there is an active demand for it, unless indeed the demand for it elsewhere is much more active. The contraction of bank-note circulation caused by the gradual paying off of our bonds, coupled with the premium on them, has created and will create in the future a demand for specie so great that gold alone cannot supply it; it will require both silver and gold. When we consider our wondrous increase in wealth and population and the shortening supply of the precious metals, especially of gold, it would seem to be the part of wisdom to encourage the use of both.

There can be no danger of too much. In apology for the amount of silver which is held in the Treasury we are told on all sides that it is impossible to force it into circulation; that when it is paid out it invariably finds its way back to the Treasury; and this is considered conclusive proof that the people do not like the money. This is not a fair statement. In the first place, it is a legal tender in the payment of all public debts, and it is well known that silver is not offered to the bond-holding creditors. It is therefore *not* impossible to force it into circulation. There is certainly a way to pay it out if there was a will to do so. The only way by which silver could find its way back into the Treasury is in the payment of taxes. Now, as the payment of taxes is generally considered to be a compulsory rather than a voluntary operation, it is hardly fair, I submit, to say that a man does not like money because he is compelled to pay it out. But suppose it does come back to the Treasury—what then? My advice is pay it out again, and again, as often as it comes back. That, if I understand anything about it, is the proper use of money.

Mr. President, when we come to reflect upon all that has been done to disparage silver, its defense of itself must be considered the best evidence of its stability that could be offered. It has been assailed in every conceivable direction. It has been stabbed and betrayed in the house of its friends, whose duty it was made by law to protect it. In 1873 it was demonetized because it was worth more than gold and would not circulate; they seek in 1886 to demonetize it because it is worth less than gold and will circulate. The fact that in spite of all these assaults it is only worth 20 per cent. less than gold and that it will still buy as much of the necessaries of life as it ever would, and even as much as gold, is a stronger argument in behalf of its stability and value as a medium of exchange than any I could make. No wonder it is so popular with the people. Perhaps the most unfair treatment which it has received consists in the refusal of the Government to pay it to the public creditors as required by law and contract. The anxiety manifested by our Government to pay these creditors something more than they are entitled to receive has, I will venture to say, never been equaled by that of any other people since nations began to borrow money.

In no other instance in our history, if in this, have our executive officials been vested with the discretion of obeying or disobeying the laws as they may deem proper, and setting at defiance the people's will as expressed through their representatives. I am quite sure that no other country under the sun but ours ever felt itself compelled to borrow money to meet its obligations and complain at the same time that the legal money called for by those obligations was so abundant in its vaults that the care of it was a burden and a nuisance! A slow flash of lightning, or an honest thief, or a truthful liar are all things which may be conceived of—nay, by the aid of a very vivid imagination one may even form an idea of the existence of a sincere believer in civil-service reform; but it is hard, indeed, to imagine a government so rich in coin that it is compelled to borrow money to pay its debts.

Can such things be, and overcome us
Like a summer's cloud?

How long will the American people submit to have their finances controlled by combinations of money? When will they rise and assert their own interests under the beneficent and venerable democratic maxim, "The greatest good to the greatest number?"

The PRESIDING OFFICER (Mr. JONES, of Arkansas, in the chair). Will the Senator from North Carolina suspend to allow the Chair to present the regular order for this hour, being the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes?

Mr. HARRIS. I ask unanimous consent of the Senate that that bill be informally laid aside until the Senator from North Carolina can conclude his remarks on the pending resolution.

The PRESIDING OFFICER. Is there objection to that suggestion? The Chair hears none; and the Senator from North Carolina will proceed.

Mr. VANCE. Mr. President, I have scarcely ever spoken in this Chamber without taking occasion to warn my countrymen against the dangers which were approaching them in the shape of plutocratic rule. The combinations of capital are many, ingenious, and powerful. The aim of all such combinations is the acquisition of wealth. The rights, privileges, and liberties of the people that stand in the way of this object are unhesitatingly sacrificed. Such is the very nature of such a pursuit. The men engaged in them are individually no better and no worse than other men; they only follow their selfish instincts; and they are only more dangerous than other men because they have more power. My opposition arises to them because their interest is opposed to that of the many—the people.

I believe with all my heart in the many ruling the few, and not the few ruling the many. In my opinion one of the very greatest of the many great dangers which threaten the prosperity of our people consists in the very manifest endeavor of the national banks to usurp the entire control of the currency of this country by degrading the money of the people, silver—retiring greenbacks, the money of the Government, and making their own notes the sole circulation of this great Confederation. On this subject I submit the wise and vigorous words of Thomas H. Benton. On the question of private banks of issue he went on to argue the question at length of a bank-paper circulation, and said as follows:

It is too great a power to be trusted to any banking company whatever, or to any authority but the highest and most responsible known to our form of government.

The Government itself ceases to be independent, it ceases to be safe, when the national currency is at the will of a company.

The Government can undertake no great enterprise, neither of war nor peace, without the consent and co-operation of this company; it can not count its revenues for six months ahead without referring to the action of this company—its friendship or its enmity, its convenience or its opposition—to see how far that company will permit money to be scarce or to be plentiful; how far it will let the money system go on regularly or throw it into disorder; how far it will suit the interests or policy of that company to create a tempest or suffer a calm in the moneyed ocean. The people are not safe when such a company has such a power. The temptation is too great, the opportunity too easy to put up and put down prices; to make or break fortunes; to bring the whole community on its knees to the Neptune who presides over the flux and reflux of paper. All property is at their mercy.

The price of real estate, of every growing crop, of every staple article in the market is at their command. Stocks are their playthings, their gambling theater, on which they gamble daily with as little secrecy and as little morality and far more mischief to fortunes than common gamblers carry on their operations.

Mr. President, no reader of history can fail to be impressed with the indispensable necessity of an abundance of the precious metals to the prosperity of our race individually and collectively. Money has in all ages been the chief minister of civilization, the main support of the comfort and happiness of man in the things of time. From the day when Abraham paid for the field of Machpelah with shekels of silver current money with the merchant, and the Prince of Uz spoke of its vein in the rocks; when the Chaldean worshiped the glittering hosts of heaven and the Iranian prophets kindled their sacred fires on the hill-tops of our mother-land to this hour, silver and gold have sustained, fostered, and enriched men and nations, and without them there has been no wealth or art, no power or progress, no might or dominion over either man or nature. Wherever nations had silver and gold, they were superior to those who had them not. Whenever a nation lost its proper supply of them it lost its prosperity and began to decay. The most philosophic of modern historians ascribes the decline and fall of the Roman Empire chiefly to the failure of its supply of gold and silver by the exhaustion of the mines of Greece and Spain, rather than to the commonly accepted causes; and the hard and cruel centuries which followed, called the Dark Ages, owed their hardness and their darkness to the want of the precious metals in quantities sufficient to stimulate the arts and industries of civilization.

In the Augustan Age the amount of gold and silver in use was estimated at $1,800,000,000. By the fifteenth century this had shrunk to $200,000,000. The opening of the New World, with its mines in Mexico and Peru, says the same historian (Allison), changed the face of the world:

The annual supply of the precious metals for the use of the globe was tripled. Before a century had expired the prices of every species of produce had quadrupled. The weight of debt and taxes insensibly wore off under the influence of the prodigious increase; in the renovation of industry the relations of society were changed, the weight of feudalism cast off, the rights of man established.

In England at the close of the Napoleonic wars silver was demonetized by a Parliament elected by the pocket and rotten-borough system, in which the great bulk and heart of the English people were utterly ignored. The ruin, suffering, and despair which ensued for many years are well known to all readers of English history and loudly warn us against a similar crime. In Germany, too, the money-lords took advantage of the receipt of the enormous war indemnity paid by France to secure the demonetization of silver, and from that day to this Germany has been suffering all the horrors of a contracted currency. The loss of the government in the sale of its dishonored silver alone, it is said, has already cost her more than the support of her vast armies, while that is small indeed compared to the losses of her people in the reduction of prices and wages of labor. France, the peculiar country of silver, was not injured half so much by her defeat and grand payment of that indemnity as was Germany by this self-inflicted wound. Even as I speak, the petitions of her peasants and farmers and indebted classes are pouring in upon her Parliament and chancellor to restore silver and save them from ruin. Since that gold policy was adopted we have received at least two millions and a half of her people as emigrants.

So the effect upon the commerce and industry of the world by Californian and Australian gold, within the memory of us all, furnishes another eloquent example of the blessings of abundant money. In the nature of things we can not have too much. There is no time recorded in history when there was more than the energy of man could turn to profit of both metals. The predictions of the money-lords, who have taken the place of the feudal lords in the tyrannical domination of the people, are false and interested. There is not enough of either silver or gold in the world. The decline of silver is the result of their own schemes. If they would work as hard to restore it as they have to degrade it, and if our Government would aid them, it would be worth as much as gold in twelve months, in my opinion. Of one thing, however, you may rest assured, Mr. President: In this country, where the people rule, silver is not going to be destroyed; they see the scheme; they are at last aroused, and those who stand in their way would do well to get out of it. Silver money has stood by them and their fathers, and they and their children will stand by it.

Mr. BROWN. On Thursday last I gave notice that I would ask to be heard on the silver question at 2 o'clock to-day. On account of a severe attack of sore throat and hoarseness I am not able to speak to-day. I shall therefore ask the Senate on Thursday next, at 2 o'clock, to permit me to be heard on that question.

Mr. MAXEY. I give notice that at the conclusion of the speech of the Senator from Georgia [Mr. BROWN] on Thursday next I shall ask the privilege of the Senate to submit some remarks also on the resolution of the Senator from Kentucky.

Mr. INGALLS. I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). Will the Senator from Kansas withdraw his motion in order that the Chair may submit to the Senate certain communications from the President?

Mr. INGALLS. For that purpose.

FISHING RIGHTS UNDER TREATY OF WASHINGTON.

The following message from the President of the United States was read, and, with the accompanying papers, on motion of Mr. DAWES, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 5th instant, a report of the Secretary of State, containing all the correspondence and information in the custody of his Department relative to the extension of certain fishing rights and privileges under the treaty of Washington from July 1, 1885, to January 1, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 12, 1886.

FRENCH SPOLIATION CLAIMS.

The following message from the President of the United States was read, and, with the accompanying papers, on motion of Mr. DAWES, ordered to lie on the table and be printed:

To the Senate of the United States:

I transmit herewith a communication from the Secretary of State, accompanied by a report of Hon. James O. Broadhead and Somerville P. Tuck, appointed to carry out certain of the provisions of section 5 of an act entitled "An act to provide for the ascertainment of claims of American citizens for spoliations committed by the French prior to the 31st day of July, 1801," approved January 20, 1885.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 12, 1886.

TRIAL AND PUNISHMENT OF INDIANS.

The following message from the President of the United States was read, and, with the accompanying papers, on motion of Mr. DAWES, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 2d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to amend section 9 of the act of March 3, 1885, relating to the trial and punishment of Indians committing certain specified crimes.

The subject is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 12, 1886.

TEHUANTEPEC SHIP-RAILWAY.

The following message from the President of the United States was read, and ordered to lie on the table and be printed:

To the Senate:

I transmit herewith a report of the Secretary of State, in response to a resolution of the Senate of the 14th ultimo, requesting a copy of "any report of an actual instrumental survey of a line for a ship-railroad across the Isthmus of Tehuantepec, and any map of the same that has been made to, or placed on file in, any of the Executive Departments, and of any canal or canals designed to connect such ship-railway with the Gulf of Mexico or the Pacific Ocean."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 12, 1886.

CENTRAL AND SOUTH AMERICAN COMMISSION.

The following message from the President of the United States was read:

To the Senate and House of Representatives:

In continuation of the message of my predecessor of the 13th of February last, I now transmit herewith a letter from the Secretary of State, which is accompanied by the final report of the commissioners appointed under the act of July 7, 1884, to visit the States of Central and South America.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 12, 1886.

The PRESIDENT *pro tempore*. The whole matter will be referred to the Committee on Printing, if there be no objection.

Mr. COCKRELL. I was going to suggest a reference to the Committee on Printing, and that the former report and this one ought to be printed together as one document.

The PRESIDENT *pro tempore*. The reference is made.

AMENDMENT TO A BILL.

Mr. DOLPH. The Senator from Kansas yields to me to submit an amendment which I propose to offer to the bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes, which I move be laid on the table and printed.

The motion was agreed to.

LIABILITY OF THE UNITED STATES TO CITIZENS.

Mr. DOLPH submitted the following resolutions; which were considered by unanimous consent, and agreed to:

Resolved, That the Judiciary Committee be, and they are hereby, directed to consider and report whether or not a statute limiting the time within which all actions and suits must be brought by the United States against its citizens is desirable, and, if in the judgment of the committee such a statute should be passed by Congress, to report a bill for that purpose.

Resolved, That said committee be directed to consider and report to the Senate whether the United States ought to hold itself liable to its citizens sustaining injury and loss on account of the negligence or misconduct of its officers or agents, and, if so, in what cases and to what extent; and that if said committee shall report that the United States ought to be held liable in any case to its citizens for such injury and loss, it be directed to report a bill to define the liability of the Government and to authorize suits to be brought against it in such cases, and specifying the courts in which the same may be brought, the time within which they must be brought, and the manner of bringing and prosecuting the same to final judgment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had appointed Mr. OTHO R. SINGLETON of Mississippi, Mr. WILLIAM L. WILSON of West Virginia, and Mr. WILLIAM WALTER PHELPS of New Jersey as Regents of the Smithsonian Institution.

The message also announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

A bill (H. R. 2) to amend section 643 of the Revised Statutes of the United States;

A bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district; and

Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of the House of Representatives shall begin.

EXECUTIVE SESSION.

Mr. INGALLS. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 12th day of January, 1886.

POSTMASTERS.

Russell Chapman, at San Rafael, in the county of Marin and State of California, *vice* Simon F. Barstow, whose commission expires January 17, 1886.

George H. Nichols, at Bath, in the county of Sagadahoc and State of Maine, *vice* William E. Hogan, whose commission expires January 17, 1886.

William F. Logan, at Williamsport, in the county of Lycoming and State of Pennsylvania, *vice* Frank J. Burrows, whose commission expires January 19, 1886.

George B. Gerald, at Waco, in the county of McLannan and State of Texas, *vice* Oscar H. Leland, whose commission expires January 17, 1886.

De Witt C. Jones, at Columbus, in the county of Franklin and State of Ohio, *vice* Lorenzo D. Myers, whose commission expires January 17, 1886.

Edmund Knapp, at Garrettsville, in the county of Portage and State of Ohio, *vice* Solon J. Buttles, whose commission expires January 16, 1886.

William H. Harry, at Watseka, in the county of Iroquois and State of Illinois, *vice* Sylvanus C. Munhall, resigned.

Thomas Richards, at Stanford, in the county of Lincoln and State of Kentucky, *vice* Benjamin G. Alford, whose commission expires January 17, 1886.

Patrick Calligan, at Alpena, in the county of Alpena and State of Michigan, *vice* Charles W. Trask, whose commission expired December 20, 1885.

William H. Elgar, at Platteville, in the county of Grant and State of Wisconsin, *vice* Benjamin F. Wyne, whose commission expired December 16, 1885.

George Crawford, at Mineral Point, in the county of Iowa and State of Wisconsin, *vice* Philip Allen, jr., resigned.

CONFIRMATIONS.

Nominations confirmed January 12, 1886.

TO BE BRIGADIER-GENERAL.

Colonel John Gibbon, of the Seventh Regiment of Infantry, July 10, 1885.

INSPECTOR-GENERAL'S DEPARTMENT.

Colonel Absalom Baird, Inspector-General, to be Inspector-General, with the rank of brigadier-general, September 22, 1885.

SECRETARY OF LEGATION AT ROME.

Charles A. Dougherty, of Pennsylvania, to be secretary of the legation of the United States at Rome.

COLLECTORS OF INTERNAL REVENUE.

George H. Davison, of Kentucky, to be collector of internal revenue for the sixth district of Kentucky.

Hunter Wood, of Kentucky, appointed under a temporary commission during the recess of the Senate, to be collector of internal revenue for the second district of Kentucky.

ASSISTANT SECRETARIES OF THE INTERIOR.

George A. Jenks, of Brookville, Pa., who was commissioned during the recess of the Senate, to be Assistant Secretary of the Interior.

Henry L. Muldrow, of Starkville, Miss., who was commissioned during the recess of the Senate, to be First Assistant Secretary of the Interior, to fill an original vacancy.

DEPUTY COMMISSIONERS OF PENSIONS.

William E. McLean, of Terre Haute, Ind., who was commissioned during the recess of the Senate, to be first deputy commissioner of pensions.

Joseph J. Barlett, of New York city, who was commissioned during the recess of the Senate, to be second deputy commissioner of pensions.

ASSISTANT SECRETARY OF THE TREASURY.

William E. Smith, of New York, appointed under a temporary commission during the recess of the Senate, to be Assistant Secretary of the Treasury.

TREASURER OF THE UNITED STATES.

Conrad N. Jordan, of New Jersey, appointed under a temporary commission during the recess of the Senate, to be Treasurer of the United States.

ASSISTANT TREASURER.

James W. Whelpley, of New York, appointed under a temporary commission during the recess of the Senate, to be Assistant Treasurer of the United States.

ASSISTANT COMMISSIONER OF PATENTS.

Robert B. Vance, of Asheville, N. C., who was commissioned during the recess of the Senate, to be assistant commissioner of patents.

POSTMASTERS.

Eugene L. Brown, to be postmaster at Eufaula, in the county of Barbour and State of Alabama.

Mary M. Force, to be postmaster at Selma, in the county of Dallas and State of Alabama.

James T. Stuart, to be postmaster at Van Buren, in the county of Crawford and State of Arkansas.

John W. Owens, to be postmaster at Jonesborough, in the county of Craighead and State of Arkansas.

David Frakes, to be postmaster at Ouray, in the county of Ouray and State of Colorado.

Benjamin Harrison, to be postmaster at Palatka, in the county of Putnam and State of Florida.

H. H. Whitfield, to be postmaster at Hawkinsville, in the county of Pulaski and State of Georgia.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perces and Territory of Idaho.

Mary Leveque, to be postmaster at Lake Charles, in the county of Calcasieu and State of Louisiana.

J. W. McMaster, to be postmaster at Hazelhurst, in the county of Copiah and State of Mississippi.

T. J. Stokes, to be postmaster at Macon, in the county of Noxubee and State of Mississippi.

G. W. Thomas, to be postmaster at Canton, in the county of Madison and State of Mississippi.

Harriet F. Cadmus, to be postmaster at South Amboy, in the county of Middlesex and State of New Jersey, whose commission expired October 14, 1885.

Samuel A. Ashe, to be postmaster at Raleigh, in the county of Wake and State of North Carolina.

Benjamin F. Huger, to be postmaster at Charleston, in the county of Charleston and State of South Carolina.

Daniel C. Kirkley to be postmaster at Camden, in the county of Kershaw and State of South Carolina.

Mary H. Edwards, to be postmaster at Cleveland, in the county of Bradley and State of Tennessee.

John Slack, to be postmaster at Bristol, in the county of Sullivan and State of Tennessee.

Thomas R. Cocke, to be postmaster at Victoria, in the county of Victoria and State of Texas.

Albert C. Snyder, to be postmaster at Cheyenne City, in the county of Laramie and Territory of Wyoming.

W. C. Clark, to be postmaster at Paducah, in the county of McCracken and State of Kentucky.

George C. Clisby, to be postmaster at Montgomery, in the county of Montgomery and State of Alabama.

J. B. Cooke, to be postmaster at Marion, in the county of Perry and State of Alabama.

Daniel Liddell, to be postmaster at Gadsden, in the county of Etowah and State of Alabama.

John W. McAlester, to be postmaster at Florence, in the county of Lauderdale and State of Alabama.

Reuben A. Mitchell, to be postmaster at Opelika, in the county of Lee and State of Alabama.

William H. Wilds, to be postmaster at Tuscaloosa, in the county of Tuscaloosa and State of Alabama.

A. E. Buddecke, to be postmaster at Montrose, in the county of Montrose and State of Colorado.

Thomas B. Crawford, to be postmaster at Grand Junction, in the county of Mesa and State of Colorado.

Matthew D. Crow, to be postmaster at Pueblo, in the county of Pueblo and State of Colorado.

Charles C. Hathaway, to be postmaster at Del Norte, in the county of Rio Grande and State of Colorado.

Milton H. Huntress, to be postmaster at Breckenridge, in the county of Summit and State of Colorado.

Lyman Thompson, to be postmaster at South Pueblo, in the county of Pueblo and State of Colorado.

C. C. Colclo, to be postmaster at Carroll, in the county of Carroll and State of Iowa.

Thomas Hardeman, to be postmaster at Macon, in the county of Bibb and State of Georgia.

William Milner, to be postmaster at Cartersville, in the county of Bartow and State of Georgia.

Benjamin E. Russell, to be postmaster at Bainbridge, in the county of Decatur and State of Georgia.

Y. G. Rust, to be postmaster at Albany, in the county of Dougherty and State of Georgia.

Charles Doerr, to be postmaster at Fort Madison, in the county of Lee and State of Iowa.

Henry Bews, to be postmaster at Hailey, in the county of Alturas and Territory of Idaho.

Charles A. Foster, to be postmaster at Bellevue, in the county of Alturas and Territory of Idaho.

E. B. Williams, to be postmaster at Ketchum, in the county of Alturas and Territory of Idaho.

A. H. Dudley, to be postmaster at Princeton, in the county of Caldwell and State of Kentucky.

Thomas M. Goodknight, to be postmaster at Franklin, in the county of Simpson and State of Kentucky.

James Kennady, to be postmaster at Owensborough, in the county of Daviess and State of Kentucky.

James R. Marrs, to be postmaster at Danville, in the county of Boyle and State of Kentucky.

Samuel M. Peacock, to be postmaster at Lancaster, in the county of Garrard and State of Kentucky.

E. H. Porter, to be postmaster at Bowling Green, in the county of Warren and State of Kentucky.

Augustine C. Respess, to be postmaster at Maysville, in the county of Mason and State of Kentucky.

William W. Wathen, to be postmaster at Lebanon, in the county of Marion and State of Kentucky.

James D. Watson, to be postmaster at Mayfield, in the county of Graves and State of Kentucky.

Mrs. O. A. Hastings, to be postmaster at Port Gibson, in the county of Claiborne and State of Mississippi.

James C. Reed, to be postmaster at Corinth, in the county of Alcorn and State of Mississippi.

Fred. B. Bardon, to be postmaster at Madison, in the county of Morris and State of New Jersey.

William H. Bennett, to be postmaster at Long Branch, in the county of Monmouth and State of New Jersey.

Thomas G. Bunnell, to be postmaster at Newton, in the county of Sussex and State of New Jersey.

George W. Evans, to be postmaster at Ocean Grove, in the county of Monmouth and State of New Jersey.

John Fothergill, to be postmaster at Perth Amboy, in the county of Middlesex and State of New Jersey.

Augustus W. Irons, to be postmaster at Tom's River, in the county of Ocean and State of New Jersey.

Jacob G. Van Riper, to be postmaster at Rutherford, in the county of Bergen and State of New Jersey.

Charles Rittenhouse, to be postmaster at Hackettstown, in the county of Warren and State of New Jersey.

William K. Vansciver, to be postmaster at Beverly, in the county of Burlington and State of New Jersey.

William G. Lewis, to be postmaster at Statesville, in the county of Iredell and State of North Carolina.

B. F. Cheatham, to be postmaster at Nashville, in the county of Davidson and State of Tennessee.

James M. King, to be postmaster at Knoxville, in the county of Knox and State of Tennessee.

Thomas J. Lane, to be postmaster at Greeneville, in the county of Greene and State of Tennessee.

Henry Clay McLaurine, to be postmaster at Pulaski, in the county of Giles and State of Tennessee.

William L. Norton, to be postmaster at Tullahoma, in the county of Coffee and State of Tennessee.

Samuel W. Shields, to be postmaster at Morristown, in the county of Hamblen and State of Tennessee.

Frank White, to be postmaster at Murfreesborough, in the county of Rutherford and State of Tennessee.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 12, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal of the proceedings of yesterday.

Mr. BLANCHARD. I move that the reading of so much of the Journal as relates to the introduction and reference of bills and resolutions be dispensed with.

There being no objection, it was ordered accordingly.

The Journal as read was approved.

ORDER OF BUSINESS.

The SPEAKER. In accordance with the rule the Chair will lay before the House several executive communications.

COAST AND GEODETIC SURVEY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the expenditures on account of the Coast and Geodetic Survey for the fiscal year ending June 30, 1885; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

RECEIPTS AND EXPENDITURES FISCAL YEAR 1882.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a detailed account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1882; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER also, in accordance with the rule, laid before the House Senate bills of the following titles; which were referred as follows:

A bill (S. 10) to amend an act entitled "An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes," approved March 22, 1882—to the Committee on the Judiciary.

A bill (S. 22) for the relief of Martha Murphy and P. B. Murphy—to the Committee on Appropriations.

A bill (S. 68) for the relief of S. B. Cranston, of Oregon—to the Committee on Claims.

A bill (S. 82) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880—to the Committee on Ways and Means.

A bill (S. 141) to extend the provisions of the act of June 10, 1880, encitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," to the port of Omaha, in the State of Nebraska—to the Committee on Ways and Means.

A bill (S. 208) for the relief of Alexander Swift & Co. and the Niles Works—to the Committee on War Claims.

A bill (S. 416) for the relief of J. W. Lobban—to the Committee on Claims.

A bill (S. 633) to change the name of Uniontown to Anacostia—to the Committee on the District of Columbia.

ACTS OF ARIZONA TERRITORY.

The SPEAKER also, in accordance with the statute, laid before the House a copy of the acts of the Legislature of the Territory of Arizona; which was referred to the Committee on the Territories.

UNINDORSED PETITIONS.

The SPEAKER. The Chair desires to call the attention of members of the House to the fact that quite a number of petitions and memorials have been sent to the petition-box without any indorsement upon

them showing either the name of the member introducing them or the committee to which they should be referred. The clerks of the House are unable to dispose of them in making up the Journal and the Official Reporters can not properly insert them in the RECORD. If gentlemen will examine and see that they are properly indorsed the clerks can dispose of them.

REGENTS SMITHSONIAN INSTITUTION.

The SPEAKER announced the appointment of the following Regents of the Smithsonian Institution for the ensuing year, namely: OTHO R. SINGLETON of Mississippi, WILLIAM L. WILSON of West Virginia, and WILLIAM WALTER PHELPS of New Jersey.

SALARY OF PER DIEM CLERKS.

Mr. DOCKERY. Mr. Speaker, I desire to ask unanimous consent to present a joint resolution from the Committee on Accounts, and ask its present consideration.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections to its consideration.

The Clerk read as follows:

Joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of the House of Representatives shall begin.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the pay of the clerks to committees of the House of Representatives, which have been or may be hereafter authorized by the House, who are paid during the session only, shall begin from the time that such clerks entered upon the discharge of their duties, which shall be ascertained and evidenced by the certificate of the chairmen of the several committees employing clerks for the session only.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DOCKERY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSIGNMENT OF COMMITTEE CLERKS.

Mr. SPRIGGS. Mr. Speaker, I rise to present a privileged report from the Committee on Accounts.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. DOCKERY of January 5, 1886, "that the Committee on Accounts be, and it is hereby, authorized and directed to designate the committees which, in the judgment of the said committee, should be allowed clerks for the present Congress under the legislative, judicial, and executive appropriation bill for the year ending June 30, 1886, and report to the House without delay for its action thereon," respectfully submit the following report, and ask its adoption by the House.

The thirty-one clerks provided for in the bill referred to in the above resolution are distributed according to the appended schedule, to wit:

To the Committee on Elections, a clerk; to the Committee on Banking and Currency, a clerk; to the Committee on Coinage, Weights, and Measures, a clerk; to the Committee on the Territories, a clerk; to the Committee on Railways and Canals, a clerk; to the Committee on Manufactures, a clerk, who shall also act as clerk to the Select Committee on the Alcoholic Liquor Traffic; to the Committee on Mines and Mining, a clerk, who shall also act as clerk to the Committee on the Levees and Improvement of the Mississippi River; to the Committee on Public Buildings and Grounds, a clerk, who shall also act as clerk to the Committee on Expenditures on Public Buildings; to the Committee on Pacific Railroads, a clerk; to the Committee on Education, a clerk; to the Committee on Labor, a clerk; to the Committee on the Militia, a clerk; to the Committee on Patents, a clerk; to the Committee on Invalid Pensions, two assistant clerks; to the Committee on Pensions, a clerk; to the Committee on Private Land Claims, a clerk; to the Committee on the Revision of the Laws, a clerk, who shall also act as clerk to the Committee on Expenditures in the Department of Justice; to the Committee on Expenditures in the State Department, a clerk; to the Committee on Expenditures in the Treasury Department, a clerk; to the Committee on Expenditures in the Navy Department, a clerk; to the Committee on Expenditures in the War Department, a clerk; to the Committee on Expenditures in the Interior Department, a clerk; to the Committee on Expenditures in the Post-Office Department, a clerk; to the Committee on Accounts, a clerk; to the Joint Committee on the Library, a clerk; to the Select Committee on Reform in the Civil Service, a clerk; to the Select Committee on Ship-building and Ship-owning Interests, a clerk; to the Select Committee on the Election of President and Vice-President, a clerk, who shall also act as clerk to the Select Committee on Ventilation and Acoustics; to the Committee on Enrolled Bills, a clerk; to the Committee on Printing, a clerk.

Mr. SPRIGGS. The act allows thirty-one committee clerks, and we had thirty-three committees to which to designate them, besides providing for two assistant clerks to the Committee on Invalid Pensions. In doing this the committee gave the matter full consideration, and we have done what we think best calculated to promote the business of the House, and I trust it will be satisfactory to gentlemen on the floor. I call the previous question on the adoption of the report.

The previous question was ordered; and under the operation thereof the report was adopted.

Mr. SPRIGGS moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. MILLS. I ask that the gentleman from Illinois, Mr. PAYSON, be excused from attendance upon the House to-day, on account of sickness.

There was no objection, and leave was granted.

By unanimous consent, leave of absence was granted to Mr. KING for three days, on account of important business.

SAMUEL E. BRYANT.

Mr. SCRANTON. On the 7th instant I introduced a bill (H. R. 2124) for the relief of Samuel E. Bryant. That bill has been improperly referred to the Committee on Invalid Pensions. I ask that it be withdrawn and referred to the Committee on War Claims. It is for his pay as second lieutenant.

The SPEAKER. The Chair will examine the bill and cause the correction to be made, if it ought to be made.

TIMOTHY M'CORMICK.

Mr. STONE, of Missouri. On yesterday I introduced a bill (H. R. 3535) for the relief of Timothy McCormick. It was referred to the Committee on Claims. It is a bill to compensate for depredations committed by Indians, and in the last Congress a bill identical with this was referred to the Committee on Indian Affairs.

The SPEAKER. The reference of such a bill depends on whether the compensation comes out of the public Treasury or out of the Indian fund.

Mr. STONE, of Missouri. In this case it comes out of the Indian fund.

The SPEAKER. Then the bill should go to the Committee on Indian Affairs. The Chair will cause the correction to be made.

RAILROAD MAIL TRANSPORTATION.

Mr. BURROWS. I rise to make a privileged report. I am instructed by the Committee on the Post-Office and Post-Roads to report back with a favorable recommendation a resolution requesting information of the Postmaster-General as to changes in the law regulating compensation of railway companies for carrying the mails.

The resolution was read, as follows:

Resolved, That the Postmaster-General be, and he is hereby, requested to inform this House, if not incompatible with the public interest, what, if any, changes should be made in the law regulating the compensation to railway companies for carrying the mails, and if any additional authority or facilities are necessary to enable him to make a thorough and satisfactory examination of this subject; and he is also requested to inform this House what means will be required for that purpose.

The resolution was adopted.

Mr. BURROWS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. Under the rule the Chair will now proceed to call the committees for reports.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

Mr. MORRISON. I am directed by the Committee on Ways and Means to report the resolution which I send to the desk for the distribution of the President's message, and I ask that it be referred to the Committee of the Whole House on the state of the Union. Unless there is a demand for it the reading may be dispensed with.

The SPEAKER. If there be no objection the reading of the resolution will be dispensed with.

There was no objection.

The resolution was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The resolution is as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to our foreign affairs, including appropriations therefor, together with the accompanying correspondence and documents; the claims of our citizens against the Colombian Government for losses arising out of the destruction of Aspinwall by the insurrectionary forces; the question of the adverse claims of the Argentine Government for indemnity for the loss of the Falkland Islands; the questions of isthmian transit by canal or railway; the laws regarding Chinese immigration; relating to the independent State of Congo and the Congo Basin; the new treaty power, Corea; the British-American fisheries; the relocation of our boundary lines with Mexico and British Columbia; the reorganization of our consular and diplomatic service, and the question of the acquirement of premises in foreign countries for the housing of our legations be referred to the Committee on Foreign Affairs.

Resolved, That so much of said message and accompanying documents as relates to the public debt and the public revenues, to the national finances, to the revenue provisions of the treaties with Mexico and Turkey and other countries, the commercial relations with foreign countries having connection with revenue questions, to a provision for a revenue by duties on imports or excise, to the present wants and condition of the Treasury be referred to the Committee on Ways and Means.

Resolved, That so much of said message and accompanying documents as relates to the appropriation and expenditure of the public moneys for the support of the Government, *i. e.*, for legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications, for the District of Columbia, for pensions, and for all deficiencies be referred to the Committee on Appropriations.

Resolved, That so much as relates to the judiciary of the United States, to legislation touching citizenship and naturalization, the suppression of polygamy, the enactment of a statute of limitations barring claims against the Government, the question of international copyright, and the reorganization of the Department of Justice be referred to the Committee on the Judiciary.

Resolved, That so much as relates to the currency and to national banking associations be referred to the Committee on Banking and Currency.

Resolved, That so much as relates to the coinage and the mints of the United States be referred to the Committee on Coinage, Weights, and Measures.

Resolved, That so much as relates to the regulation of interstate commerce and the regulation of international commerce be referred to the Committee on Commerce.

Resolved, That so much as relates to the improvement of rivers and harbors, including appropriations therefor, be referred to the Committee on Rivers and Harbors.

Resolved, That so much as relates to agriculture, including appropriations therefor, be referred to the Committee on Agriculture.

Resolved, That so much as relates to the Army of the United States and to the Department of War, including appropriations therefor and to providing an armament for the defense on the seacoast, be referred to the Committee on Military Affairs.

Resolved, That so much as relates to the Navy of the United States and the reconstruction of our naval establishment, including appropriations therefor, be referred to the Committee on Naval Affairs.

Resolved, That so much as relates to postal affairs, including appropriations therefor and to the reduction of rates, be referred to the Committee on Post-Offices and Post-Roads.

Resolved, That so much as relates to the public domain and legislation to prevent frauds and revive the homestead policy in the disposal of our public lands be referred to the Committee on Public Lands.

Resolved, That so much as relates to the care, education, and management of the Indians, including appropriations therefor, be referred to the Committee on Indian Affairs.

Resolved, That so much as relates to the organization and government of the Territories be referred to the Committee on the Territories.

Resolved, That so much as relates to the care and improvement of public buildings and grounds be referred to the Committee on Public Buildings and Grounds.

Resolved, That so much as relates to patents be referred to the Committee on Patents.

PRINTING FOR APPROPRIATIONS COMMITTEE.

Mr. RANDALL. I am instructed by the Committee on Appropriations to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to have printed or bound all documents for the use of the said committee that they may deem necessary in connection with the subject in relation to appropriations being considered or to be considered by the said committee during the present Congress.

The SPEAKER. The resolution will be referred to the Committee of the Whole House on the state of the Union.

Mr. TOWNSHEND. It ought to be adopted at once, ought it not?

The SPEAKER. It can not be adopted under this call.

The resolution was referred to the Committee of the Whole House on the state of the Union.

JUDGMENTS OF COURT OF CLAIMS.

Mr. HAMMOND, from the Committee on the Judiciary, reported back favorably a bill (H. R. 3253) to amend section 1090 of the Revised Statutes relating to interest on judgments rendered by the Court of Claims; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The Committee on Territories was called.

Mr. SPRINGER. I will ask permission for the chairman of the Committee on Territories to make a report at the end of the call. The bill has been temporarily mislaid.

There was no objection.

RHODA DANE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H R. 551) granting a pension to Rhoda Dane; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM B. KEITH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 693) granting a pension to William B. Keith; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. M. A. BICKERDYKE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHILIP D. CAMPBELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 698) granting a pension to Philip D. Campbell; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 680) granting a pension to Rebecca S. Lowery, guardian;
A bill (H. R. 744) granting a pension to Holden Cook;
A bill (H. R. 684) granting a pension to James Dye;
A bill (H. R. 683) for the relief of Robert H. Hughes; and
A bill (H. R. 675) for the relief of Samuel Henry.

JOHN P. DAVIS.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 1468) increasing the pension of John P. Davis; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MARGARET FLAHERTY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1475) granting a pension to Margaret Flaherty; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 203) for the relief of Thomas Butler, and moved that the Committee on Invalid Pensions be discharged from its further consideration, and that the bill be referred to the Committee on Pensions.

There being no objection, it was so ordered.

THOMAS M. COMMUCK.

Mr. CONGER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 646) granting a pension to Thomas M. Commuck; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

DANIEL B. CLARK.

Mr. NEECE, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 414) granting a pension to Daniel B. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ASCERTAINMENT OF FACTS IN PRIVATE CLAIMS.

Mr. SPRINGER, from the Committee on Claims, reported back, with the recommendation that it be adopted, the following resolution; which was read, and referred to the House Calendar:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of passing general laws for the ascertainment of the facts in all private measures by some judicial tribunal before action by Congress; and also the propriety of prohibiting the adjudication of private claims or relief measures by Congress, with power to report by bill or otherwise.

WAR CLAIMS.

Mr. GEDDES, from the Committee on War Claims, reported back, with amendments, the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

C. M. BRIGGS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

FRANCES E. STEWART, ADMINISTRATRIX.

Mr. RICHARDSON, from the Committee on War Claims, reported a bill (H. R. 3829) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

JOSEPH W. PARISH.

Mr. LYMAN, from the Committee on War Claims, reported a bill (H. R. 3830) for the relief of Joseph W. Parish; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

WYOMING TERRITORIAL LEGISLATURE.

Mr. HILL, from the Committee on Territories, reported back favorably a bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

PRESIDENTIAL SUCCESSION.

Mr. CALDWELL, from the Select Committee on the Election of President and Vice-President, reported back without amendment the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. COOPER. Differing from the majority in reference to this report, I desire consent to submit a minority report.

The SPEAKER. The gentleman from Ohio [Mr. COOPER] asks consent to present the views of a minority of the committee, to be printed with those of the majority.

Mr. CALDWELL. There is no objection to that.

Mr. COOPER. I understood there would not be.

The SPEAKER. If there be no objection, leave will be granted.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. REAGAN. Is it now in order to move to go into the Committee

of the Whole on the state of the Union for the consideration of the President's annual message?

The SPEAKER. The Chair inclines to think that under the rules, even as amended, it is in order at the expiration of the first morning hour to move to go into the Committee of the Whole on the state of the Union to consider revenue or general appropriation bills, but that a motion to go into the Committee of the Whole on the state of the Union generally can not be made until after the committees have been called, in the second hour provided for by the new rules, for the consideration of measures previously reported.

Mr. REAGAN. I give notice that I desire to make the motion whenever it may be in order.

The SPEAKER. The Chair, in accordance with the rules, will now call the committees for the consideration of bills, after which the motion indicated by the gentleman from Texas will be in order. The Chair will state that during the hour now about to begin each committee as reached will have the right to call up for consideration any bill reported by it on a previous day. The call begins at seventeen minutes before 1 o'clock.

REMOVAL OF PROSECUTIONS FROM STATE COURTS.

Mr. HAMMOND (the Committee on the Judiciary having been called). Mr. Speaker, as the chairman of our committee [Mr. TUCKER] is not now in his seat I desire to call up from the House Calendar a bill reported yesterday from that committee, the bill (H. R. 2) to amend section 643 of the Revised Statutes of the United States.

The SPEAKER. The bill will be read, after which the question of consideration may be raised if any gentleman so desires.

The bill was read, as follows:

Be it enacted, &c., That section 643 of the Revised Statutes of the United States be amended by inserting therein, after the word "void," in the fourth sentence thereof, the following:

"*Provided, however*, That when any criminal prosecution shall be removed from a State court to a United States court before a presentment by a grand jury or indictment shall have been made and filed against the defendants in the State court, it shall be lawful for the State court to proceed in such case so far as to have such presentment or indictment made and filed in said State court; and after the same is so made and filed the clerk of the United States court shall issue a writ of certiorari to the State court for like purposes and with like effect as if the case had been so removed after such presentment or indictment was made and filed in such State court."

Mr. HAMMOND. Unless some one desires to discuss this bill, which has received the favorable consideration of the Committee on the Judiciary not only in this House but in the last, I will not occupy time upon it, but will simply ask for the reading of the report, which covers only one page, and states the reasons upon which the bill is based.

The report (by Mr. HAMMOND) was read, as follows:

"The Committee on the Judiciary, having had the subject under consideration, submit the following report:

"Section 643 of the Revised Statutes of the United States has for its basis the act of March 2, 1833, 'An act further to provide for the collection of duties on imports' (U. S. Stat., vol. 4, p. 632). It provided for the removal of actions in State courts against revenue officers on petition, &c., of defendent to circuit court. It declared that when the required proceedings had been had by filing affidavit, &c., 'thereupon it shall be the duty of the said State court to stay all further proceedings in such cause and the said suit of prosecution, upon delivery of such process [from the United States court] or leaving the same as aforesaid, shall be deemed and taken to be removed to the said circuit court, and any further proceedings, trial, or judgment therein in the State court shall be wholly null and void.'

"By acts of July 13, 1866 (U. S. Stat., vol. 14, p. 171), February 28, 1871 (U. S. Stat., vol. 16, p. 438), and March 3, 1875 (U. S. Stat., vol. 18, p. 401), the act was so amended that the law now covers 'removal of suits and prosecutions against revenue officers and officers acting under registration laws.'

"The language of the act of 1833 above quoted is still the language of section 643. The bill under consideration proposes after said sentence to add these words:

"'*Provided, however*, That when any criminal prosecution shall be removed from a State court to a United States court before a presentment by a grand jury or indictment shall have been made and filed against the defendants in the State court, it shall be lawful for the State courts to proceed in such case so far as to have such presentment or indictment made and filed in said State; and after the same is so made and filed, the clerk of the United States court shall issue a writ of certiorari to the State court, for like purposes and with like effect as if the case had been so removed after such presentment or indictment was made and filed in such State court.'

"The judges of the United States courts have differed as to the construction of the clause of the act of 1833 and section 643, above quoted. Some have held that no removal could be had under the same until there was a case made by presentment or indictment and its filing in the office of clerk of a court of record, upon whom service could be made, and who could certify and send up such record.

"On the other hand, it has been held that a removal may be had when naught had been done by the State authorities except the issuance of a warrant for arrest by some committing magistrate. In many States these magistrates have no clerk and keep no record.

"If that trouble be out of the way when a removal occurs at that stage of affairs, the State courts are enjoined from further proceedings, and the case is between the two jurisdictions suspended.

"Who shall draw the indictment in the United States court? The United States attorney then is, by the statute, made the defendants' counsel. Can the grand jury of the United States court find a presentment or true bill for a State offense? That would seem to require express grant of authority at least.

"If the United States grand jury can so act it is more expensive to take witnesses to them than to the courts of the State and county in which the crime is alleged to have been committed, and let them determine whether the defendants should be put upon trial. Without deciding which of the two constructions of the act is correct, it seeming sufficient that the offered protection of the United States should attach only after formal and more serious charge of a crime, we recommend the passage of the bill."

The above is a copy of a report made from the Judiciary Committee of the House in the last Congress. (See Report No. —, first session Forty-eighth Congress.)

The committee again recommends the passage of the bill after it shall be amended by adding the words "or information" after the word "indictment," in lines 9 and 12. This amendment is to meet those cases less than felonies in which in some of the States the practice is to prosecute by informations.

Mr. HAMMOND. As I have already remarked, unless some one desires to oppose this bill I do not care to occupy time in discussing it.

Mr. BROWNE, of Indiana. If I understand this measure correctly I do not desire to oppose it; but I would like to ask a question for information. If we have understood the report correctly the bill simply proposes to permit the State court to perfect the prosecution, allowing that tribunal to retain jurisdiction of the cause until the charge is crystallized into either indictment or presentment, and then send the whole case to the United States court.

Mr. HAMMOND. That is all.

Mr. BROWNE, of Indiana. I confess it has always seemed to me an anomaly to allow the grand jury of a United States court to find an indictment for a violation of a State statute. With my understanding of this bill I see no reason why it should not be passed.

Mr. HAMMOND. I suppose no further discussion on this bill need be had, and therefore I call the previous question.

The previous question was ordered.

The first question was upon the amendment recommended by the committee, to insert after the word "indictment," in lines 9 and 12, the words "or information."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF CIRCUIT COURT, WILMINGTON, N. C.

Mr. BENNETT. On behalf of the Committee on the Judiciary I call up for present consideration the bill (H. R. 1684) to authorize terms of the circuit court of the United States for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

The bill was read, as follows:

Be it enacted, &c., That terms of the circuit court of the United States for the eastern judicial district of the State of North Carolina shall be held at the city of Wilmington, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said place.

SEC. 2. That this act shall take effect and be in force from and after its passage.

Mr. BENNETT. I do not desire to discuss this bill. It has been favorably reported by the Committee on the Judiciary, and is one of purely local concern.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BENNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE PRESIDENT'S MESSAGE.

Mr. REAGAN. I move, Mr. Speaker, that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the President's message.

Mr. MORRISON. Only this morning a resolution was reported from the Committee on Ways and Means for the distribution of the President's message to the appropriate committees of the House. It has not been usual, at least not in recent years, to discuss the various recommendations of the President made to us in obedience to his constitutional obligation to recommend for the consideration of Congress "such measures as he shall judge necessary and expedient" until those recommendations were presented for legislative action by bill or otherwise.

Mr. REAGAN. Let me interrupt the gentleman from Illinois by inquiring of the Speaker whether discussion is in order on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair thinks not.

Mr. REAGAN. Then I must object.

Mr. MORRISON. I ask the gentleman from Texas to defer the discussion of the President's message until its recommendations come before the House in some legislative proposition. This is the usual course of proceeding, and I am not aware of any reason for departing from it, nor any justification for such departure.

The SPEAKER. The gentleman from Texas moves that the House now resolve itself into the Committee of the Whole House on the state of the Union generally. That is the only motion which can be made under the rules.

The question was put to the House.

The SPEAKER. The Chair is unable to decide.

Mr. REAGAN. I demand a division.

The House divided; and there were—ayes 90, noes 44.

So the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union generally, and the Chair recognizes the gentleman from Texas [Mr. REAGAN].

Mr. REAGAN. Mr. Chairman, availing myself of the latitude of debate allowed in Committee of the Whole, I propose now to offer some remarks on a question of great interest to our people.

THE ISSUE.

The controversy about silver coinage is a contest between the bondholders, bankers, money-lenders, and those having fixed incomes on the one side, and the laborers, middle classes, and debtors of the world on the other side.

Those who desire the demonetization of silver are fraudulently endeavoring to have this done in violation of existing law and contracts in order to further enrich themselves at the expense of other people, while the working people who have to earn the means to pay all public indebtedness, the middle classes who live upon their current earnings, and the debtor class generally, ask only that they be allowed to pay all debts, public and private, according to the law and the contracts under which they were created. It is, therefore, a contest between dishonesty and honesty, between fraud and fairness, between wrong and right. And the great question involved is, which of these shall be the rule by which the people of this great free Republic are to be governed.

The rich moneyed men first conspired to degrade silver as compared with gold, and having accomplished this part of their wicked scheme for doing away with silver coin and thereby reducing the values of property and labor, doubling the value of all evidences of debt, and doubling the amount of labor of the working men and women of the country which would be required to pay these debts—the same men then turn to the people and tell them they are injured by the use of silver coin, that the value of their labor is reduced by the fact that the standard silver dollar is not the equivalent of 100 cents in gold, and that to restore to them profitable wages and good prices they must join in the crusade against silver and help to strike it out of existence as a part of the world's metal money.

I know of no writer on political economy who does not maintain that a liberal amount of circulating money is essential to the prosperity of a country. I know of none who do not insist that an inadequate amount of circulating money checks enterprise and impoverishes the people. These two propositions may be accepted as axiomatic truths, questioned by no one but the selfish and greedy gold-monometallists and their hired or deluded advocates, who have the unblushing effrontery to tell the people they will be made better off by reducing the present volume of our money, because then the smaller sum of money will be worth more than the larger, and that their smaller wages will buy more in the markets. These men, who by their selfishness and greed deceive themselves, are engaged in the unpatriotic, insincere, and unjust effort to deceive the people into the belief that they will be benefited by a policy which would double the labor they must perform, in order to pay off the many billions of dollars of national, State, municipal, corporate and private indebtedness of the country. It is the old trick of the demagogues—no longer to be successful with the intelligent people of this country—to try to lull them into a sense of security by professing devotion to their interest, in order the more certainly and securely to be enabled to rob and degrade them.

The action of Germany displays the animus, the motive of those who seek to do away with silver money. In 1857, on account of the very large amount of gold which had been taken in the few preceding years from the mines of California and Australia, gold had become more abundant and relatively cheaper than silver, and the bondholders, money-lenders, and bankers of Germany and Austria induced those governments to demonetize gold and to adopt the silver standard, because that was the scarcer and dearer metal. Afterward, when those mines ceased to yield so much gold, and when the mines of the United States began to yield silver in greater abundance than gold, making gold the scarcer and dearer money, Germany then demonetized silver, in 1871, and adopted the gold standard, each time seeking by a reduction of the volume of money to increase the value of their securities and the value of their money as compared with other property.

I speak of the effort to demonetize silver, because that is the real object of this movement. The fear that this can not be accomplished has caused them to declare now for a suspension of silver coinage. And this is no doubt what the President and the Secretary of the Treasury really desire. But the men who are controlling and giving life to this movement mean to do away with silver as money. And either the suspension of the coinage or the increase of the weight of the dollar, though not at once meeting their wishes, would still further degrade silver and give them a better opportunity to secure its complete demonetization hereafter.

We should continue silver coinage and preserve our bimetallic standard, too, as one of the means of increasing our trade and of controlling a larger part of the commerce of the silver countries of Mexico and Central and South America. We should in this respect have an American policy and not be courting the privilege of making this country a mere appendage and help to British and German policy.

ITS MAGNITUDE.

This is more than a national question. It involves the interests of all commercial nations, of all civilized peoples. This is so because gold and silver have through all the ages been recognized as the money of the world, the only international money. Many nations have had bank notes and other kinds of paper money current within the countries which authorized its issue, but not current in other countries, and therefore properly designated as local money, as contradistinguished from the world's money—gold and silver. These are recognized as the world's money not because all commodities are paid for in coin, not because all exchanges of commodities are made by the aid of gold and silver, but because these measure the value of all other money in transactions between different countries and nationalities. The value of all exchange between different countries is determined mainly by the amount of metal money available for commercial use, and the value of all local paper money is largely controlled by the amount of metal money.

We can better understand the magnitude of this question by keeping in view some important facts. The national debts of the world are alleged to amount to over $24,000,000,000, and they are steadily and rapidly increasing. The debts of the railroad companies are estimated to amount to about $6,000,000,000; the debts of states, municipalities, &c., to about $5,000,000,000—aggregating $35,000,000,000. The private indebtedness of the world would probably be the double of this sum. The amount of metal money in the world is estimated to be about $7,000,000,000. The following table, furnished to me by Mr. Burchard, the Director of the Mint, on the 20th of June last, shows the estimated amount of gold and silver coin and bullion in the countries named. I have added the aggregates of these sums:

Countries.	Gold coin and bullion.	Silver coin and bullion.	Total.
United States	$626,422,646	$269,665,758	$896,088,404
Great Britain and Ireland	583,500,000	95,000,000	678,500,000
India		1,037,000,000	1,037,000,000
France	848,000,000	595,000,000	1,443,000,000
Belgium	64,000,000	60,000,000	124,060,000
Switzerland	17,000,000	15,000,000	32,000,000
Italy	140,000,000	72,000,000	212,000,000
Greece	2,700,000	2,700,000	5,400,000
Spain	130,000,000	70,000,000	200,000,000
Portugal	30,000,000	10,000,000	40,000,000
Germany	325,000,000	211,000,000	536,000,000
Austria	45,000,000	75,000,000	120,000,000
Sweden	15,000,000	5,000,000	20,000,000
Denmark	14,000,000	5,000,000	19,000,000
Netherlands	28,000,000	57,000,000	85,000,000
Russia	124,000,000		124,000,000
Turkey	40,000,000	35,000,000	75,000,000
Roumania	163,000	11,000,000	11,163,000
Total	3,032,785,646	2,625,365,758	5,658,151,404

Notwithstanding the existence of these great facts, if we were obliged to belive the statements and arguments of the gold men of this country we should be driven to suppose silver to be an evil thing in our country and throughout the world, and that it is especially discredited in the commercial countries of Europe.

The Director of the Mint, in his annual report now before us, shows on the authority of our foreign ministers that in Great Britain and Ireland, with their $580,500,000 in gold, their $95,000,000 silver, and their $199,160,115 of outstanding bank notes, all are taken in business transactions at par; that in France, with her $848,000,000 of gold, $595,000,000 of silver, and her $574,675,197 of outstanding notes of the Bank of France, the gold and silver and notes of the Bank of France are at par and a legal tender; that in Belgium, with her $64,000,000 of gold, $60,000,000 of silver, and $89,000 in national-bank notes, they are at par with each other; that in Switzerland, with her $17,000,000 of gold, $15,000,000 of silver, and $24,960,304 of bank notes, they are at par with each other; that in Spain, with her $130,000,000 of gold, $70,000,000 of silver, and $4,737,538 in notes of the Bank of Spain, "gold, silver, and the notes of the Bank of Spain are at par;" that in Germany, with her $325,000,000 of gold, $211,000,000 of silver, $33,602,327 in government notes, and $252,655,564 in bank notes, the coin and paper are received indiscriminately at par; that in Austria-Hungary, with her $45,000,000 of gold, $75,000,000 of silver, $139,211,632 in government notes, and $147,659,937 in bank notes, "the notes are received at par with silver. Gold is used for trade purposes, and only on special agreement." In Denmark, with her $14,000,000 of gold, her $5,000,000 of silver, $3,752,000 notes of her silver bank, and $19,564,000 outstanding national-bank notes, "the gold and silver coin, as well as the notes of the national bank, are taken at par." In the Netherlands, with her $28,000,000 of gold, $57,000,000

of silver, $3,885,860 in government notes, and $77,790,254 in bank notes, "coin and paper money have the same value in circulation."

The foregoing table and the facts just presented enable us to understand the injury to mankind which must result from the degradation or abandonment of silver as money.

The Secretary of the Treasury in his recent annual report states that about 54 per cent. of the world's metal money is silver, and that about 46 per cent. is gold. If these estimates are to be relied on (and they are certainly accurate enough for the illustration I have in view), then there is in the world $3,780,000,000 of silver money and $3,220,000,000 of gold money. Now, the values of commodities and of all bonds and other securities are regulated and controlled by the amount of this money of the world. If we subtract the silver from the amount of metal money in the world, we shall therefore have but $3,220,000,000 by which to measure all values and all debts. The result must be that all bonds and securities, national, State, municipal, and corporate, will be about doubled in value as compared with the labor and property out of which they are to be paid, and all labor and property would be reduced about one-half in value. And it should be constantly kept in mind that all these debts are to be paid and can only be paid by labor, by the toil of men and women.

We can not realize what the amount of the world's debts are by looking at the aggregates. The human mind can not embrace their full meaning. We must adopt some mode of looking at the details in order to understand what such figures mean. Take the $35,000,000,000 of indebtedness above mentioned and imagine one man set to count it dollar by dollar and that he could count $60 per minute, $3,600 per hour, $28,800 per day of eight hours, and three hundred and ten working days in the year, it would require three thousand five hundred and twenty-five years and a fraction for him to count that sum.

The creditors of these enormous sums seek to double the value of their investments by the demonetization of silver. It is a quality of greed and avarice to overreach themselves. If they could succeed in doubling the amount of labor and property necessary to pay these debts, they would render their full payment impossible in the present condition of the world.

Great Britain, France, Germany, Holland, Belgium, Denmark, and Sweden are the great creditor nations. The United States, Austria-Hungary, Russia, Italy, Spain, Turkey, India, Egypt, Mexico, Brazil, and the other South American states, and the British colonies are the great debtor nations of the world. Many of these nations, especially those of Europe and Asia, have vast standing armies and great navies, which it taxes all their resources to their utmost to keep up. Indeed, Spain, Italy, Austria-Hungary, Russia, Turkey, and Egypt are only able to keep up their armies and navies by borrowing more money and incurring additional debts. And their people are oppressed and kept in that ignorance which springs from toil and poverty to feed and clothe these armies and in paying the interest on present debts, without the hope of being able to reduce the burden by paying off the principal. If these cormorants were as wise as they are avaricious they would see that the success of their policy in demonetizing silver would defeat the payment of these debts, and would in all human probability produce a degree of oppression and distress in many of these countries which would cause civil commotions likely to shake many thrones and hurl ruling dynasties from power. And if they could succeed in this country, the distress which would necessarily follow would cause an indignant and outraged people to drive the men who brought it about from place and from power. While the people of the monarchies of the Old World may be compelled by vast standing armies to submit to robbery by the capitalists, the gold monometallists of this country would do well to remember that ours are still a free and intelligent people, who will not consent to become the slaves of avaricious, mercenary, and corrupt men.

WHO BENEFITED AND WHO INJURED BY SUCH A POLICY.

The effect of the demonetization of silver would be to benefit a few rich men and to impoverish and degrade the vast mass of the laboring and middle classes of the people—to make a few more millionaires and a vast increase of the army of tramps and paupers. It would especially benefit the rich capitalists of Great Britain, Germany, Norway, Sweden, Denmark, and Portugal, which are creditor nations and gold-standard countries, and still further oppress the laboring poor of those countries. It would greatly injure the interests of the people generally of the United States, Colombia, Venezuela, Chili, Uruguay, Paraguay, Greece, Holland, Belgium, France, Switzerland, Italy, Spain, and Japan, most of them debtor nations and all of them bimetallic gold and silver standard countries, and of Russia, Austria, Egypt, British India, Mexico, Central America, Ecuador, and Peru, most of them debtor nations and all silver-standard countries.

It should be mentioned that the population of the countries which have the gold standard alone amounts to but about 93,000,000. The population of the countries which have the bimetallic gold and silver standard amounts to over 187,000,000, while the population of the countries which have the silver standard alone amounts to about 769,000,000.

The gold monometallists insult decency and defy common sense by insisting that laboring men and women are to be benefited by imposing on them the necessity of doing twice as much work as the law now requires them to do in order to pay off all public, municipal, corporate, and private indebtedness.

FALSE PRETENSES.

The gold men pretend that our silver dollar is not full weight, that it is a cut dollar, that it is a dishonest dollar, and therefore wrongly imposed on the people. One answer to this is, that it has the same amount of fine silver in it that has been in the American silver dollar from 1792 to this time, ninety-three years. Another answer is, that the purchasing power of the silver dollar is now about 25 per cent. greater than it was in 1870, when it was above par with gold, as is shown by the following table, which I copy from the recent speech of Senator BECK, of Kentucky, on the silver question:

Articles.		Year ending June 30—	
		1870.	1885.
Indian corn	per bushel	$0 92.5	£0 54.0
Wheat	do	1 28.9	86.2
Wheat flour	per barrel	6 11.2	4 89.7
Cotton	per pound	23.5	10.6
Leather	do	28.5	19.8
Mineral oils, refined	per gallon	30.5	08.7
Bacon, hams	per pound	15.7	09.7
Lard	do	16.6	07.9
Pork, salted	do	13.2	06.3
Beef, salted	do	07.3	07.5
Butter	do	29.3	16.8
Cheese	do	15.5	09.3
Eggs	per dozen	39.6	21.5
Starch	per pound	08.2	04.0
Sugar, refined	do	12.6	06.4
Tobacco, leaf	do	11.3	09.9

The difference between the price of gold and silver is the result of the conspiracy between bondholders and bankers and the legislative and administrative departments of this and other governments for several years past to increase the value of gold and to degrade silver for selfish and mercenary purposes.

Another false pretense is, that silver can not be put in circulation and has to be hoarded in the national Treasury. It is hoarded there to some extent because the Secretaries of the Treasury from 1878 until now have, in violation of law, refused to treat it as money and to pay it out to the public creditors and in this way put it in circulation. But let us look further at this. We are told by the President and by the Secretary of the Treasury that there has been $215,000,000 of silver coined up to date; that $50,000,000 of this is in circulation in the form of coin; that $93,000,000 is in circulation in the form of silver certificates. This is a convenient form for its circulation, prevents loss from abrasion, and gives the people at large the benefit of all certificates lost or destroyed. That leaves in the vaults of the Treasury and out of circulation $72,000,000.

The Secretary of the Treasury shows in his report, page 13, that there was on the 1st of November, 1885, in gold in the Treasury the sum of $142,338,589.29. Now, we have heard no complaint from the gold men about the hoarding of this large sum of gold in the Treasury. He also shows that the available assets in the Treasury at that time, excluding fractional coin and other unavailable items, is $259,437,431.25. Fifty million dollars, it is believed, would be a sufficient reserve, coupled with the incoming revenue, to meet the current expenses of the Government. That sum taken from the available revenue would leave $166,849,695.74 available for the payment of the public debt. Why should we not extinguish that amount of the public debt and relieve the people of the burden of paying the interest on that sum and at the same time throw that large sum of money into circulation to give increased activity to production and to business, and thus stimulate and give fuller reward to industry and enterprise. I undertake to say we do not do this because it is to the interest of the national banks to prevent the payment of the public debt, and they have so far controlled the policy of the Government in this respect; thus sacrificing the best interests of the country and of the people, whose labor creates its wealth, to furnish bonds as a basis for banking and to gratify the inordinate greed of a rich class of consumers who create nothing.

It may be said as a partial answer to this, that the law of 1875 and of 1882 has set apart $100,000,000 in the Treasury for the redemption of the outstanding legal-tender (greenback) notes. If that law is to continue to encumber our statute-books, we would then, on the basis I have suggested, only have $66,849,695.74 available for the payment of the public debt. The payment of this sum, however, would reduce considerably the public burdens and give greatly increased activity to business and enterprise.

In 1878 Congress deliberately determined to preserve the $346,000,000 of legal-tender notes as a part of the volume of our currency, as a means

of preventing hard times and to revive the business of the country and restore its prosperity. And we all know it had this effect. This was certainly better for all interests than to have reduced the volume of the currency by that sum and to have converted it into an interest-bearing bonded debt, which the stock-gamblers, bankers, and bondholders aimed to do.

The country has not yet forgotten the recklessness with which the national banks at that time contracted the volume of the currency nearly $19,000,000 in a few weeks, in order to try to intimidate Congress and the President and prevent the passage of the act of February 28, 1878, "to authorize the coinage of the standard silver dollar, and to restore its legal-tender character," and to prevent the passage of the act of May 28, 1878, "to forbid the further retirement of United States legal-tender notes." Their unpatriotic and selfish conduct on that occasion ought to have caused the gradual abandonment of the national banking system; and their persistent selfishness and hostility to the public welfare and the fact that they have made themselves a political power dangerous to the public still cry out for their suppression. They would have produced a financial panic at that time if it had not been prevented by the Secretary of the Treasury putting a considerable amount of money in circulation by the purchase of Government bonds in the New York market.

To this, I am aware, it may be objected that the national banks furnish a good currency, current in all parts of the country alike, and that the public interests would not be consulted by the disturbance of business and by the retirement of so much currency from circulation.

These objections may be easily and advantageously met and overcome by providing by law that there shall be no increase of the national-bank circulation; that no others shall be chartered; that as the charters of existing banks expire, and as their currency is called in and retired, Treasury notes of the United States to an equal amount shall take the place of their notes. The change would thus be made without a single jar to business, and the substituted Treasury notes would be of exactly the same nature and quality and would answer exactly the same purposes as the national-bank notes. They would not be a legal tender, and the national-bank notes are not; they would be a first-class commercial paper, and current alike in all parts of the country as the national-bank notes are; they should be made redeemable in coin at the will of the bill-holder as the national-bank notes are.

The national banks showed us by their contraction of the volume of the currency in 1878 their readiness to use the power of contraction for an immoral and dishonest purpose; and we are now fully warned that they may be expected, as long as they have the power to control the volume of the currency, to use that power to control legislation and to raise and lower the prices of staple articles of commerce, such as cotton, wheat, and flour, meats, iron, and steel, cotton and woolen goods, petroleum, &c., or to make corners on them, to enrich themselves and their confederates. By abolishing this system we would be relieved from the danger of a political power which is trying to control in its own interest the currency question; is hostile to the interest of the people; is aiming, in its own interest and against the interests of the country, to perpetuate the public debt and make it an endless burden on the people. These dangers ought to be removed by doing away with the system.

In 1878, when the bill was passed providing for the coinage of silver dollars and making them a legal tender, we were warned in awfully solemn terms by bondholders and bankers, and by newspapers and members of Congress who represented their interests, that the coinage of silver would drive the gold out of the country and produce at an early day most fearful financial distress and disasters. These dismal predictions have from time to time been repeated ever since by the same persons. These direful prophecies have gone on for eight years. I present a table furnished me by the acting director of the Mint showing the amounts of gold coin and bullion and the amounts of silver coin and bullion exported and the amounts imported during the fiscal years 1878 to 1885, inclusive, as furnishing a conclusive answer to this scarecrow declamation.

Imports and exports of coin and bullion into United States.

Fiscal years.	Imports of gold coin and bullion.	Exports of gold coin and bullion.	Imports of silver coin and bullion.	Exports of silver coin and bullion.
1878	$12,976,281	$9,204,455	$16,490,599	$24,535,670
1879	5,624,948	4,587,614	14,671,052	20,409,827
1880	80,758,396	3,639,025	12,275,914	13,503,894
1881	100,031,259	2,565,132	10,544,238	16,841,715
1882	34,377,054	32,587,880	8,095,336	16,829,599
1883	17,734,149	11,600,888	10,692,242	20,219,445
1884	22,831,317	41,081,957	14,594,945	26,051,426
1885	26,691,696	8,477,892	16,550,627	33,753,633
	301,025,100	113,744,843	103,914,953	172,145,209

From this it will be seen that during this period, covering the whole time since the coinage of standard silver dollars was resumed in 1878, we have imported $301,025,100 in gold and exported $113,744,843 in gold, showing that during this period we have imported into the country $187,280,257 in gold more than we have exported from the country. This table also shows that during that period we have exported $103,914,843 in silver, and that during the same time we have imported $172,145,209 in silver, showing that in this time we have exported from the country $31,769,745 in silver more than we have imported into it. This I submit fully explodes this stock argument of the gold monometallists.

Another of the bugaboos which these money-sharks and their representatives have used to frighten us into gold monometallism was that Europe would dump all her depreciated silver into this country and in exchange take our gold out of the country. This table is a full answer of fact to that theoretic scare-crow. During the last fiscal year we imported $26,691,696 in gold and exported $8,477,843 in gold, showing that during the last year $18,213,853 more in gold was brought into the country than was taken out; and that during the same year $16,550,953 in silver was imported and $33,753,633 in silver was exported, thus showing that $17,202,680 more of silver was sent out of the country during that year than was brought into the country.

Now that the theory that silver coinage would drive the gold out of the country has been so conclusively exploded, the representatives of the bondholders and bankers tell us that our Treasury reserve is going to be changed from gold to silver. It will be observed that their fears, the dangers they predict, the evils they say are to befall the country, are always going to happen on account of some undeveloped thing which is to occur hereafter, not because of facts which do actually exist. They argue as if we were obliged to have either a gold standard and a gold Treasury reserve or a silver standard and a silver Treasury reserve. In fact, we ought to have neither, and instead of either we ought to have the double standard of gold and silver, and a Treasury reserve of gold and silver, just as we now have.

How are the gold monometallists going to reconcile these potent official facts with their theory that silver is driving or will drive gold out of the country? So long as the balance of trade is in our favor gold will flow into the country; when the balance of trade shall be against us, both gold and silver will go out of the country.

I submit the following table, furnished me by Mr. Burchard, Director of the Mint, on the 20th June last, to show the annual increase of gold in the United States from the 1st of January, 1878, the year in which we recommenced the coinage of silver dollars, to the 1st of January, 1885. I have not been able to obtain the amount to the 1st of January, 1886. It also shows the relative amount of gold and silver each year, and the amounts in the United States Treasury and in circulation. And in another and conspicuous form it overthrows the theory that silver is driving gold out of the country. I prefer to illustrate my arguments by great, authenticated facts like those shown by these tables rather than by false though ingenious theories, which sometimes amuse and often deceive us.

Statement showing the estimated amount of gold and silver coin and bullion in the United States on the 1st of January each year from 1878 to 1885 inclusive, the amount in the Treasury, and the amount in active circulation.

	1878.	1879.	1880.	1881.	1882.	1883.	1884.	1885.
In the United States:								
Gold coin	$218,000,000	$273,000,000	$327,000,000	$395,000,000	$487,000,000	$524,000,000	$552,000,000	$563,000,000
Gold bullion in mints and New York assay office	10,671,164	5,275,424	61,634,318	95,260,851	87,977,602	51,981,432	66,406,346	63,422,646
Total gold coin and bullion	228,671,164	278,275,424	388,634,318	490,260,851	574,977,602	575,981,432	618,406,346	626,422,646
Silver coin	65,000,000	95,000,000	128,000,000	157,000,000	186,000,000	213,000,000	242,000,000	264,000,000
Silver bullion in mints and New York assay office	3,374,982	11,057,140	4,492,421	6,183,224	3,607,829	4,468,193	5,661,841	5,665,758
Total silver coin and bullion	68,374,982	106,057,140	132,492,421	163,183,224	189,607,829	217,468,193	247,661,841	269,665,758
In the Treasury:								
Gold coin and bullion	116,520,934	135,382,639	157,790,321	156,742,095	172,617,467	171,504,568	219,014,739	234,975,851
Silver coin and bullion	6,853,789	30,557,533	56,542,114	79,142,799	99,161,408	125,006,727	151,207,884	181,362,978
Total	123,374,723	165,940,172	214,332,435	235,884,894	271,778,875	296,511,295	370,222,623	416,338,829
Outside of the Treasury:								
Gold coin and bullion	112,150,230	142,892,785	230,843,997	333,518,756	402,360,135	404,476,864	399,391,607	391,446,795
Silver coin and bullion	61,521,193	75,499,607	75,950,307	84,040,425	90,446,421	92,461,466	96,453,957	88,302,780
Total	173,671,423	218,392,392	306,794,304	417,559,181	492,806,556	496,938,330	495,845,564	479,749,575

THE DANGERS OF BRITISH AND GERMAN EXAMPLES.

We are asked to follow the lead of Great Britain and Germany in the demonetization of silver. The policy of those countries is simply the policy of their rich men, bondholders, bankers, money-lenders, and persons who have fixed incomes. The poorer and middle classes in those countries have little or no voice in such matters. In those governments these classes are useful as soldiers, in killing each other in dynastic wars in which they have no interest, and as laborers, operatives, and taxpayers to support royalty, aristocracy, and other privileged classes. They are not expected or allowed to deal in statecraft and great financial questions, and must be content to bear the burdens put upon them for the benefit of the privileged classes and the rich. Here we have a different theory. And if these imitators of English and German policy can have their way a few years longer, I fear it will be only a theory with us; that our boasted system of free, popular, constitutional self-government will become a matter of history, but will no longer be the existing pride and glory of every true American heart. Their whole political theory and system are different from ours. Theirs are governments of force, whose rulers are sovereigns and whose people are subjects. Ours is a government of consent, whose people are sovereign and whose officers are servants. And we should think well before we follow the examples set by them in political and financial matters.

A government of the people, by the people, and for the people is the last and highest development of political science. It means that it is the government of a people who are all sovereigns and equal before the law. It means that we are to have no royalty, no aristocracy either of rank or wealth, no classes enjoying privileges not common to all. It means a government which protects all its citizens alike and allows exclusive privileges to none. It means a government in which every citizen is guaranteed all the fruits of his labor except what is necessary for the support of government, and in which no man's prosperity can be lawfully taken from him and given to another without his consent. Such a government is only practicable among a free people of a high order of intelligence and virtue, and could not long exist among a people wanting in these qualities. It grieves me to say that while in many of our State constitutions we declare that perpetuities and monopolies are contrary to the genius of a free people, we are to-day the worst monopoly-ridden people, I think, in the civilized world. And if railroad monopolies, bank monopolies, and protective-tariff monopolies continue to rule this country a few years longer, as they have for the last twenty years, and to transfer the property of the country by the hundreds of millions of dollars annually from the oppressed many to the privileged and protected few, I fear that our government, hitherto the asylum of the oppressed of all lands and the home of the free and happy, will become the prey and the spoil of the rich few and of their corrupt and despotic associates. The abolition of one-half of the metal money of this country and the adoption of a policy which will require twice as many days of labor, twice as much of the products of labor, as are now required to pay all debts, public and private, which will greatly increase the wealth of the few and as certainly increase the poverty of the many, will be the longest stride ever taken toward the overthrow of our political system and the establishment in its stead of a government of fraud and force.

DIFFERENT CONDITIONS CALL FOR DIFFERENT POLICIES.

Why should we follow the example of Great Britain and Germany on the silver question? Both of those are great creditor nations; their people are holding large quantities of the interest-bearing securities of other countries—Great Britain to the extent of $3,250,000,000, and Germany to the extent of $2,000,000,000. The United States is a debtor nation to the extent of $1,843,713,715.80, as shown by the public debt statement for December, 1885. The public debt of the States, Territories, counties, townships, towns, cities, boroughs, villages, and school districts of the United States was in 1880 $1,117,585,546, as shown by the United States census. The railroads of the United States in 1880 were indebted to the amount of $5,658,914,158. These three classes of indebtedness amounted in the aggregate, at that time, to $8,620,213,419.80, and the two last items have no doubt been considerably increased since 1880. This does not include the private indebtedness of the country, and I have not the means of stating what that is, but it is probably as great in the aggregate as the public indebtedness. Now, by following the example of Great Britain and Germany on the silver question we should aid them in about doubling the value of the $5,250,000,000 of securities they together hold on foreign countries, as compared with the labor and property out of which these securities are to be paid. And we should about double the amount of labor and property which would be required to pay the $8,620,213,419.80 of our public indebtedness as well as of all private indebtedness. A comparatively few bondholders, bankers, and money-lenders in this country would be benefited by such folly, while the vast mass of the people would be injured and impoverished by it.

We ought not to follow their example, because such a course would injure the world at large while doing a great wrong to our own people. We ought not to follow their example for another important reason: Great Britain is not a silver-producing country, and Germany produces very little. The report of the Director of the Mint, recently laid before us, shows the world's product of silver for 1884 to have been $115,147,878. Of this sum it shows that the United States produced $48,800,000, which is more than 42 per cent. of the world's product for that year. We are asked, therefore, to sacrifice the silver interest of the greatest silver-producing country in the world. Besides this, Mr. Williams, a gentleman connected with the Geological Bureau, who prepared the volume now being published on the mineral resources of the United States for 1883 and 1884, states, that the lowest estimate which can be placed on the capitalized value of our silver mines and works, it would not be below $106,000,000. And he adds that "the census accounts for no less than $27,000,000 invested in the reservoirs, flumes, ditches, &c., of the hydraulic mines alone, and it has been claimed that these figures are far short of the truth."

After reviewing the question and showing the difficulty of obtaining exact information, he says:

> While, therefore, it is impossible to reach even an approximate estimate as to the actual investment in silver mining, we know it to be a large amount, perhaps $300,000,000, perhaps $500,000,000, possibly more, but certainly in excess of $106,000,000.

He also estimates that there may be about 130,000 persons engaged in silver mining in this country, and about 520,000 supported by silver mining. Towns and cities have been built up to meet the necessities of our silver-mining interests, and railroads and wagon-roads constructed for the same purpose. And they are large consumers of clothing, food, iron, steel, quicksilver, and machinery. Silver mining is the principal business in some of our Western States and Territories.

In addition to being asked to double the debt burdens of our people, we are asked to sacrifice all these resources in silver—God's boon and blessing to us and to the world—to sacrifice all the investments in our silver-mining operations; to pauperize more than half a million of people, and bankrupt thousands of our most enterprising citizens, in order to help a few rich men in our own and other countries to perpetrate upon our own people and those of other countries the most stupendous fraud, considered in all its bearings, ever perpetrated on mankind.

While this scheme of demonetizing silver is to double the value of the bonded indebtedness of the world, and to double the purchasing power of the gold of the world, and to require double the amount of labor and property now required to pay the debts of the world, I want to ask the question, for each person to answer to himself on his conscience, is there one man in the world silly enough to believe the bondholders, bankers, and money-lenders would be willing to take one-half the face of their securities in satisfaction of the sums owing to them? If they take away half the means of paying, in good conscience and honor, if they are honest men, they ought to reduce their claims for payment one-half. But they will do no such thing. They expect to be able to use the political power of this and other countries to violate the law and the contracts under which they obtain and own bonds, and to rob the people of what should go to feed, clothe, and educate their children and prepare them to become good, intelligent, and useful citizens. I can not and do not believe that God's justice will permit the consummation of such a crime against right, decency, humanity, and civilization. And is there a sane man in the world, of ordinary intelligence, who believes that the statesmen of either Great Britain or Germany would make such a sacrifice of the material interests of their countries and of the rights of their people as their moneyed men are asking us to make for our country and people? Money-lenders and stock-gamblers modestly ask us to sacrifice this great source of our wealth, which any other nation would give millions to possess. And men are found in the American Congress who advocate a policy which would lead to this result, if successful.

THE REMEDY.

We are responsible to our people for the protection of their rights. We have the power to protect them. It is our duty to protect against this cunning and wicked scheme of robbery. If I am asked how, I am prepared to answer, that—

First. I would provide for the free and unlimited coinage of silver.

Second. I would provide for the issuance of silver certificates of $5 and upward on all deposits in the Treasury or subtreasuries of silver coin or bullion of standard fineness, when $100 or more should be presented.

Third. I would so amend the second section of the act of Congress of January 14, 1875, "to provide for the resumption of specie payments," and the twelfth section of the act of July 12, 1882, "to enable banking associations to extend their corporate existence, and for other purposes," as to repeal the special reservation of $100,000,000 of gold for the redemption of legal-tender notes, and instead of that special reservation would provide for a general reserve of $50,000,000, in addition to the current revenues, to meet all the contingent needs of the Treasury.

Fourth. I would require the Secretary of the Treasury to pay out the silver in the Treasury as he does the gold in satisfaction of all public indebtedness; and to pay out all above the $50,000,000 reserve, and reduce the principal and stop the interest of our public debt to that extent.

Fifth. I would provide that no more national banks should be chartered; that no additional notes for circulation should be furnished to those now in existence; and that, as the charters of those in existence expire, and as their circulation is called in, a like amount of United States Treasury notes should be issued to take their place as currency.

In a former part of my remarks I stated the reasons for this, and need not repeat them.

I profoundly regret that there should be differences between Democrats on this question. The President in his message and the Secretary of the Treasury in his annual report have shown wisdom and true statesmanship in many of their recommendations, and wherever I can it will afford me pleasure to sustain their views. But on this question I must follow the traditions of the Democratic party and its principles, as illustrated in many test-votes in both branches of Congress within the last ten years; and I must sustain the interests of my constituents, those of the people of the whole country and of mankind, as affected by this question.

The Democratic party is now on trial before the country. The Republican party was turned out of power because it abandoned the interests of the people on all the great questions which affected the material interest of the country, such as the regulation of interstate commerce, the tariff, banking and currency, and the coinage of silver, and surrendered the great political powers which it controlled, as the dominant political party of the country, to the service and support of the interests of the corporations and the money-power. The Democratic party resisted and denounced this course as a betrayal of the great political trust confided to the Republican party.

I do not wish to be understood as saying that all Republicans and all Democrats occupied the positions I have assigned to these parties respectively on these questions. There were Republicans, especially in the West, who did not agree with the action of their party on these questions. And there were Democrats, mainly in the East, who did not agree with their party on these questions. But I have stated correctly the positions of the two great political parties.

Now we find leading Democrats asking the Democracy, as a party, to take on these questions the very positions and to advocate the views for which the people drove the Republicans from power. Will we do this? If we do, then we ought all to join the Republican party; for on these questions there would be no difference between these parties. And if we do, then the Democratic party must cease to exist. It has been the party of the people from the foundation of the Government up to this time, resisting all through our history monopolies and class interests and defending and protecting the rights of the people. If it should ever become the defender of monopolies, corporations, and the money-kings as against the rights of the people (which God forbid) it will cease to be the Democratic party, and the people will have to look elsewhere for the guardianship, protection, and defense of their rights.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House by Mr. O. L. PRUDEN, one of his secretaries.

SILVER QUESTION.

The Committee of the Whole resumed its session.

Mr. BLAND. Mr. Chairman, I desire to state that no doubt the Committee on Coinage, Weights, and Measures will report some measure on this subject probably at an early date, and the House will be allowed ample time for its consideration. I therefore move that the committee rise, and that this discussion shall wait some proposition to come before the House on the subject.

Mr. SYMES. I have no objection to the motion; but will the gentleman yield for a question?

Mr. BLAND. Certainly.

Mr. SYMES. Can the chairman of the Committee on Coinage, Weights, and Measures inform the House, with any degree of accuracy, when we may expect a report from the committee upon this subject, whether it will be in one, two, or three days, or a week?

Mr. BLAND. I am unable to give the gentleman the information he desires. Our committee has not yet had a meeting upon the subject, and I do not know what it will report or when it will report; but no doubt some proposition will come up for discussion in regular order presented by that committee, and the House will have ample time for its discussion.

Mr. SYMES. I would like to say, in view of the statement of the chairman of the committee, that I know quite a number of members here are prepared to make silver speeches, and they are beginning to get somewhat cold after the discussion in the Senate which has been going on from day to day. I, therefore, would like to give notice that at as early a date as possible, provided the Committee on Coinage, Weights, and Measures does not report a proper measure for debate, I shall ask the House to go into Committee of the Whole House on the state of the Union in order that those gentlemen may have an opportunity to make their speeches.

Several MEMBERS. Let us have them now.

Mr. BLAND. I insist upon the motion that the committee now rise.

The question was taken; and upon a division there were—ayes 58, noes 62.

Mr. BLAND. I demand tellers.

Tellers were ordered.

Mr. BLAND and Mr. SYMES were appointed tellers.

The committee again divided; and the tellers reported—ayes 79, noes 73.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLOUNT reported that the Committee of the Whole House on the state of the Union, having had under consideration the message of the President of the United States, had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. BLOUNT. I move that the House do now adjourn.

The question was taken; and upon a division there were—ayes 85, noes 27.

Mr. BEACH. I demand the yeas and nays on the motion.

The yeas and nays were not ordered, only 6 members voting in favor thereof.

So the motion was agreed to; and accordingly (at 2 o'clock and 14 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Papers relating to claim of H. W. Vandergrift—to the Committee on the Judiciary.

By Mr. T. M. BROWNE: Papers in the case of Nancy L. Ribble, of Muncie, Ind.—to the Committee on Invalid Pensions.

By Mr. BUTTERWORTH: Papers relating to the claim of Sarah M. Thomas, of Adams County, Mississippi—to the Committee on War Claims.

Also, papers relating to the claims of Alfred Smith, of Sidney Ballard, of Burke Fitzgerald, of Miss Sarah M. Thomas, and of George G. Russell—to the same committee.

By Mr. CONGER: Petition of citizens of Des Moines, Iowa, for increase of pension of Mrs. Elizabeth McLaren—to the Committee on Invalid Pensions.

By Mr. CULBERSON: Petition and papers relating to the establishment of a United States court at Denison, Tex.—to the Committee on the Judiciary.

By Mr. DUNN: Papers relating to the claim of Charles W. Foulke—to the Committee on Claims.

By Mr. FINDLAY: Petition to construct a counterpoise battery for the protection of cannon in coast defense and the field; also on board iron-plated vessels for river and harbor defense—to the Committee on Military Affairs.

By Mr. HAMMOND: Petition of Edward M. Taliaferro, of Fulton County, Georgia, to have his claim for supplies referred to the Court of Claims—to the Committee on War Claims.

Also, paper in the claim of Stafford, Seymour & Co.—to the same committee.

Also, papers relating to the claim of V. Richards & Bro.—to the same committee.

By Mr. HARMER: Papers relating to the case of Julius A. Kaiser—to the Committee on Naval Affairs.

Also, papers relating to the claim of Thomas McBride—to the Committee on War Claims.

By Mr. HAYDEN: Petition of T. J. Jones and others, wholesale fish dealers of Boston, praying for the appointment of commissioners on the part of the United States to confer with those of Great Britain for the settlement of the fisheries question—to the Committee on Foreign Affairs.

By Mr. JOSEPH: Petition to have restored certain plats of public surveys to the local land office, Santa Fé, N. Mex.—to the Committee on Private Land Claims.

By Mr. KING: Papers relating to the claims of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart—to the Committee on War Claims.

By Mr. LA FOLLETTE: Petition of John M. Altizer, for amendment of chapter 236, laws of 1880—to the Committee on the Judiciary.

By Mr. LIBBEY: Papers relating to the claim of Mrs. P. L. Ward—to the Committee on War Claims.

By Mr. McKENNA: Petition requesting reference to the Court of Claims of the claim of Ewing M. Skaggs, deceased, of Louisiana—to the same committee.

By Mr. McRAE: Memorial of Mrs. Helen M. Kyle, of Clark County, Arkansas, for the mileage of her deceased husband, who was elected a Representative from Arkansas in 1865—to the Committee on Claims.

By Mr. MATSON: Petition of Mrs. M. E. Banta and 15 others, citizens of Franklin, Ind., asking that women in the Territories be given the right of suffrage—to the Committee on the Judiciary.

By Mr. MITCHELL: Papers relating to the claim of Lester Noble—to the Committee on War Claims.

By Mr. MURPHY: Petition of Grand Army of the Republic, Post No. 249, West Branch, Iowa—to the Committee on Military Affairs.

By Mr. PAYNE: Petition of Mannister Worts and others—to the same committee.

Also, petition of Frederick Gale, for a pension—to the Committee on Invalid Pensions.

Also, petition of George W. Cutler and others—to the same committee.

Also, claimant's affidavit in original pension claim of Frederick McWhorp—to the same committee.

By Mr. PEEL: Petition of A. H. Alfrey, of Benton County, Arkansas, for relief—to the Committee on War Claims.

Also, petition of William M. Nol, of Marion County, Illinois, for relief—to the same committee.

By Mr. T. B. REED: Ten petitions of citizens of Maine, remonstrating against the landing or importation of mackerel caught between March 15 and June, and requesting the enactment of such laws as will accomplish the purpose aforesaid—to the Committee on Ways and Means.

Also, three petitions of citizens of Maine, protesting against any treaty or legislation which would admit Canadian fish free of duty—to the same committee.

By Mr. RICE (by request): Petition of William Webster for and in furtherance of his claims against Great Britain—to the Committee on Foreign Affairs.

By Mr. RICHARDSON: Petitions of Joseph Adams, of Marshall County; of William J. Thompson, of Lincoln County; and of Jeff. M. Stone, of Lincoln County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. STORM: Papers relating to the claim of James Hall and others—to the Committee on Claims.

By Mr. STRUBLE: Papers relating to the claim of James M. Bacon—to the Committee on War Claims.

By Mr. VIELE: Memorials and petitions of Wilson & Adams and others; of Sereno D. Bonfils and others; of Church E. Gates & Co. and others; of Henry Sheldon and over 200 others; of L. V. Conover and others; of Edward Haight and others; of T. B. Wakeman and others; of George S. Coe and others; of William Dowd and others; of Charles Bathgate and others; of Charles L. Georgi and others; of General Franz Sigel and others; of Edgar Wright and others; of John E. Barston and others; of Hon. William Cauldwell and others; of P. H. & W. Webling and others; of Smith Ely, jr., and others; of George W. Thompson and others; of H. P. De Graaf and others; of General Franz Sigel and others; of Charles Stoughton, and of the Chamber of Commerce of New York, asking for the improvement of the Harlem River, and requesting Congress to authorize the Secretary of War to contract with Charles Stoughton and his associates for the entire work of improving Harlem River, New York, for a sum not exceeding $1,295,000, including the furnishing the right of way free of cost to the United States—to the Committee on Rivers and Harbors.

By Mr. WILSON: Petition of George S. Hill and 41 others, citizens of Berkeley County, West Virginia, in favor of repealing the Bland bill for the coinage of standard silver dollars—to the Committee on Coinage, Weights, and Measures.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. HENLEY: Of citizens of Eureka, Cal.

By Mr. LANHAM: Of citizens of Gordon, Tex.

By Mr. MARKHAM: Of citizens of Riverside, Cal.

By Mr. RIGGS: Of Elihu Parks and 66 others, citizens of Brown County, Illinois.

By Mr. J. B. WEAVER: Of A. T. Estis and 49 others, of Missouri; of John Hall and 103 others, of Nebraska; of Charles Roth and 66 others, of Oregon; of E. Hobbs and 33 others, Minnesota; of Thomas Brown and 23 others, of Indiana; of John Pheyley and 54 others, of Illinois; of C. F. Kiker and 29 others, of Texas; of J. W. Shahan and 152 others, of Iowa; of Edward Simons and 111 others, of Illinois; of Frank Crow and 80 others, of Nebraska; of J. F. Thompson and 81 others, of Nebraska; of T. K. Massie and 20 others, of West Virginia; of William Taylor and 55 others, of Indiana; of C. F. Fenton and 116 others, of Illinois; of L. W. Graham and 116 others, of Iowa; and of A. C. Jackson and 63 others, of Illinois.

SENATE.

WEDNESDAY, *January* 13, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. HAWLEY took the chair as presiding officer under the previous designation of the President *pro tempore*, sanctioned by the Senate.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 2) to amend section 643 of the Revised Statutes of the United States; and

A bill (H. R. 1684) to authorize terms of the circuit court of the United State for the eastern judicial district of North Carolina at the city of Wilmington, in said district.

The joint resolution (H. Res. 76) fixing the time when the pay of certain clerks to committees of the House of Representatives shall begin was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER (Mr. HAWLEY in the chair) laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 17, 1885, a statement in regard to the length of time it will require to furnish the information called for by that resolution as to settlers on lands granted to railroads in the State of Kansas; which was referred to the Committee on the Public Lands, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a petition of the colored North Americans, praying for such legislation as will provide for the education and elevation of the colored people; which was referred to the Committee on Education and Labor.

Mr. FRYE presented the petition of Abby L. Burbank, widow of Charles H. Burbank, late medical inspector United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. HAMPTON presented the petition of Beverley Kennon, of Baltimore, Md., praying the adoption of his plan for the construction of a counterpoise battery for the protection of cannon in coast defense and on board iron-plated vessels for river and harbor defense; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 241) for the relief of Joseph W. Parish; and

A bill (S. 311) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 113) for the relief of Samuel Browning, of Missouri, submitted an adverse report thereon, and moved its indefinite postponement; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 628) authorizing the Secretary of the Treasury to compensate clerks and employés for extra work performed in the exchange of bonds in the Department, asked to be discharged from its further consideration, and that it be referred to the Committee on Appropriations; which was agreed to.

Mr. SEWELL, from the Committee on Military Affairs, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general; and

A bill (S. 498) for the relief of George T. Dudley.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., reported it with amendment, and submitted a report thereon.

Mr. PAYNE, from the Committee on Foreign Relations, to whom was referred the letter of the Secretary of State of December 17, 1885, recommending the passage of an act to permit Joseph Rawicz, United States consul at Warsaw, Russia, to accept decorations from Russia, submitted a report thereon, accompanied by a bill (S. 1053) to permit Joseph Rawicz, United States consul at Warsaw, Russia, to accept certain decorations tendered him by the Russian Government; which was read twice by its title.

Mr. JACKSON, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; and

A bill (S. 289) for the relief of J. A. Henry and others.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington, Idaho, and Nevada when a Territory, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Krupp, deceased, reported it without amendment, and submitted a report thereon.

Mr. GRAY, from the Committee on Claims, to whom was referred the bill (S. 100) for the relief of William H. Crook, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back a letter from the Secretary of War, transmitting estimates for the construction of a wharf at Fort Monroe. These documents were referred to the Committee on Printing to advise the Senate as to whether the accompanying maps should be printed. I am instructed by the committee to report adversely to the printing of such maps. They have been ordered to be printed by the House of Representatives.

The report was agreed to.

BILLS OF FORTY-EIGHTH CONGRESS.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably the following resolution, and I ask for its present consideration by the Senate:

Resolved, That the Public Printer be, and he hereby is, authorized and directed to bind duplicate sets of bills and resolutions of the Forty-eighth Congress, said bills and resolutions to be furnished him from the files of the Senate document-room, and the volumes, when bound, to be kept there for reference.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 1054) for the relief of Maurice Gandy; which was read twice by its title, and referred to the Committee on Patents.

Mr. DAWES introduced a bill (S. 1055) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1056) to accept and ratify an agreement made by the Pah-Ute Indians, and granting a right of way to the Carson and Colorado Railroad Company through the Walker River reservation, in Nevada; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1057) granting a right of way to the Jamestown and Northern Railroad Company through the Devil's Lake Indian reservation, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. SAWYER (by request) introduced a bill (S. 1058) for the relief of Stewart & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1059) granting a pension to Charles F. Hildreth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 1060) for the relief of C. M. Wittig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. INGALLS introduced a bill (S. 1061) for the relief of Augustus Witte; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1062) for the relief of Robert D. Gardner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COLQUITT introduced a bill (S. 1063) making an appropriation to continue the improvement of the navigation of the Chattahoochee River below Columbus, Ga.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1064) for the relief of James G. Walter; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALDRICH introduced a bill (S. 1065) granting a pension to Emeline J. Babson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1066) granting a pension to Mrs. Sarah Adams; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1067) to authorize the appointment of John W. Chickering to the rank of first lieutenant; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 1068) for the relief of Francis M. Leeds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 1069) for the relief of George E. W. Sharretts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 1070) granting the Fort Sullivan military reservation to the town of Eastport, Me., for a public park; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1071) for the relief of Frances W. Dyer; which was read twice by its title, and referred to the Committee on Finance.

Mr. WILSON, of Iowa, introduced a bill (S. 1072) to prevent the publication of lottery advertisements, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOWEN introduced a bill (S. 1073) to establish a public park at Pagosa Springs, in the State of Colorado; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GIBSON introduced a bill (S. 1074) for the relief of Caroline L. Maury; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 1075) to provide for marking with a monument the grave of General Daniel Morgan, in the cemetery at Winchester, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a joint resolution (S. R. 29) for printing the astronomical and meteorological observations of the Naval Observatory; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. SAWYER, it was

Ordered, That all papers in the claims of A. P. C. Stewart and Charles A. Weed and of Stewart & Co. be taken from the files and referred to the Committee on Claims.

On motion of Mr. GIBSON, it was

Ordered, That the petition and papers of Ernestine H. Stevens be taken from the files and referred to the Committee on Claims.

SILVER COINAGE.

Mr. INGALLS submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That, in the opinion of the Senate, the compulsory coinage of silver dollars, directed by the law of February 28, 1878, should not be suspended till the aggregate reaches the sum of $500,000,000.

FAST MAIL SERVICE WEST OF CHICAGO.

Mr. MANDERSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to furnish to the Senate the following information, namely:

First. Over what railroads the so-called "fast mail" from Chicago, destined for points in Colorado, Utah, and Idaho, is transported, and what advantage is gained by the Government in transporting over roads other than the Union Pacific.

Second. The cost of such transportation, and, if the same is being paid for out of the Treasury, what reason exists for paying therefor out of the Treasury to other companies, instead of having the said service performed by the Union Pacific Company and crediting the compensation therefor to the said company on its indebtedness to the Government.

Third. Whether anything is gained or lost, in point of time, by sending over other roads rather than the said Union Pacific road.

Fourth. Copies of all existing contracts in relation to said transportation.

REMOVAL OF INDIANS TO INDIAN TERRITORY.

Mr. BOWEN submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of removing all the Indians in the United States to the Indian Territory west of the State of Arkansas, and to report by bill or otherwise.

COIN DUTIES ON IMPORTED GOODS.

Mr. EUSTIS. I desire to give notice that on Monday next, at 2 o'clock, I shall ask the consent of the Senate to call up the resolution submitted by the Senator from Kentucky [Mr. BECK] on the 18th of December last, in order that I may submit a few remarks upon it.

EULOGIES ON VICE-PRESIDENT HENDRICKS.

Mr. VOORHEES. With the permission of the Senate, before the regular order is taken up, I desire to make a brief statement.

Several days ago, as the Senate is aware, I gave notice that on Wednesday, the 20th instant, a week from to-day, I would call up the resolutions expressive of the sense of the Senate at the loss of the late Vice-President. Owing to engagements on the part of certain Senators who desire to be present and who have kindly consented to participate in the proceedings, and in deference likewise to the wishes of my colleagues in the other House of Congress, I give notice that I shall call up those resolutions on Tuesday, the 26th instant, which is a week from next Tuesday, instead of at the time heretofore indicated.

EMERSON ETHERIDGE AND WILLIAM B. STOKES.

The PRESIDING OFFICER. If there be no further "concurrent or other resolutions" the Senate proceeds to the consideration of the Calendar under Rule VIII. The bill first in order will be stated.

The bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes was announced as first in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDING OFFICER. When the bill was last under consideration the Senator from Oregon [Mr. DOLPH] gave notice of an amendment which he intended to propose. Does the Senator from Oregon desire to have the amendment read now?

Mr. DOLPH. If I am entitled to address the Senate a second time upon the bill before offering the amendment I would prefer to submit my amendment at the close of some remarks; or if the Senate will permit me by general consent to be heard again—and I should like also a little more than the accustomed time, probably not to exceed ten or fifteen minutes—when I have said what I desire on the bill I shall be satisfied to let it take its course.

Mr. HOAR. I ask unanimous consent that the Senator from Oregon shall have leave to address the Senate at such length as he shall find it convenient.

The PRESIDING OFFICER. The Senate has heard the request. Is there objection? The Chair hears none, and leave is granted.

Mr. DOLPH. Mr. President, if it were not that I am fortified in my opinion in regard to the merits of this measure by the judgment of the chairman of the Committee on Finance, whose long experience in such cases renders him a competent judge, I might be shaken in my convictions in regard to it; but as it is, notwithstanding the apparent desire of the Senate to pass the bill, I have not changed my judgment in the least in regard to the wisdom of the measure.

If the only thing involved here was a question as to whether the United States should lose the amount which has been found due upon the statement of the account of this public officer I should not occupy the time of the Senate a moment longer; and as it is, when I have had an opportunity to notice briefly some of the arguments which have been made by the friends of the bill in favor of its passage, I shall be satisfied to let it take its course.

As I have already upon a former occasion said in substance, my opposition to it is mainly for the purpose of calling the attention of the Senate to the necessity of a statute limiting actions and suits by the United States against the principals and sureties upon official bonds, or some other legislation which shall provide for a prompt settlement of public accounts and for the prompt institution of suits against the sureties on official bonds, and the necessity for some general legislation which shall relieve the present pressure upon Congress by bills for private relief. We could pass a bill of ten lines in length which would strike at the wrong which is evident in this case and cut up this evil, root and branch, as easily as we can pass this single bill for the relief of this one claimant. Instead of that we are satisfied to drift along from session to session, lopping off here and there a branch.

What is the inference? It is that in the judgment of Congress there ought to be no statute of limitations as to actions and suits by the Government. I understand it to be tacitly admitted here that there never has been in a hundred years—in fact never since the Government was organized—a statute of limitations as against suits upon official bonds except in the single case of postmasters' bonds.

I am aware that there is a statute limiting suits upon marshals' bonds, but my present recollection is that the statute applies only to suits by individuals for some failure of the marshal to perform his official duty.

I am rather pleased to have stirred up such a storm of indignation against the Government as I did by my remarks on Friday last upon this bill. I suppose that some persons who listened to the discussion on that occasion might have supposed that Senators when speaking of the Government meant some Auditor in the Treasury Department or some overworked official who by the parsimony of Congress is allowed only about half clerks enough to conduct the current business of his bureau; but when we remember that Congress is the law-making power and is responsible for the laws which we have and for the absence of those which we have not but which we ought to have, it would appear that the denunciation ought to have been against Congress as that branch of the Government which is responsible for the evil which exists, if there is any.

I think too that a wrong impression was received as to the character of the balance which has been stated against this public officer. At least one Senator spoke of the matter as if there had been a charge of defalcation against this public officer, something that imputed moral turpitude. I suppose that in ninety-nine cases out of every hundred where there are balances stated against a public officer in the settlement of his accounts it is caused by disallowances of amounts which he has paid out which were unauthorized by law, or amounts which he claims for services which he is entitled to.

Let us examine a little more closely what the balance consists of in this case. We are told by the First Comptroller of the Treasury Department that it is mainly for printing and for clerk-hire. What is the residue for? We are not enlightened. It may be for money that was in the hands of this public officer but never was expended and never accounted for; and then how much of it was for clerk-hire? Did this public officer draw his salary regularly as secretary of the Territory and hire a clerk to perform the duties of his office and afterward charge the amount paid to his clerk to the Government, or did his representatives after his death do this and thus cause this balance?

At all events, we are told that the disallowances were expenditures that were unauthorized. That is to say, there was no act of Congress that authorized them. The proper Department had not authorized them, and I undertake to say that in most cases that is the cause of the balances which are found due against public officers. They make expenditures which are unauthorized by law, the Department disallows the expenditures, and the Government resorts to the courts to collect the amount which has been so improperly expended.

Now let us see what the result would be if in every case we were to take up the accounts of these officers and relieve them of the balances due from them under similar circumstances. We might just as well under such circumstances let every officer who was charged with the expenditure of public money be a law unto himself and have no law regulating the disbursement of public funds, and simply content ourselves with making appropriations to supply deficiencies.

If in any event such balances ought to be remitted there is not a proper showing in this case to justify it. Committees of this body have reported over and over again, and by no Senator oftener than the Senator from Massachusetts who took part in this debate, that the Government would not hold itself liable for the mistakes, the negligence, or the misconduct of its public officers. But in this case it is proposed, because it is claimed an officer of the Government has been negligent, and the Government has been guilty of laches, that the bondsmen shall be exonerated from every obligation to the Government.

It is always held also that laches will not be imputed to the Government. Statutes of limitation are not applied to the Government unless it is provided in the statute that it shall be done. As I have said, we hold that the Government is not responsible for the negligence of its public officers, and more than that, the Government reserves the right to say in what courts and in what manner and for what causes it shall be sued.

Notwithstanding this, the honorable Senator from Massachusetts who took part in this debate on Friday last grew quite eloquent when he came to consider the hardship upon one of the sureties and the wrong which the Government was perpetrating by seeking to enforce the penalty of his bond. I profess to desire quite as high a standard of public morality as any member of this body, and if the Government has been base, if the Government has been dishonest, if the Government has been infamous in this transaction it has been base and dishonest and infamous in nine out of every ten cases of suits which have ever been brought against sureties upon official bonds.

Why, sir, what is this case? Did the officers of the Treasury violate any law when they caused the suit to be instituted? No, sir; they were enforcing the law, and they would have been censurable had they not caused this suit to be instituted. Did the Attorney-General or the district attorney violate any law when they instituted the suit, or was the court violating any law in entertaining jurisdiction of it? No, sir; they could not do otherwise.

What laws, pray, are they executing? The laws of Congress, for which you and I and every member of this body are more or less responsible, and for which the honorable Senator from Massachusetts, I think, is more responsible than myself because he has been longer a member of this body and is a member of the Committee on the Judiciary.

I recollect a case in which I made a minority report from the Committee on Claims, in which, I think, if the Government is base or dishonest or infamous in this transaction there is no language which could describe the conduct of the Government in that. It was a case in which a man by the name of Graham, in 1855, who was the owner of three steamships, had been reduced to poverty by the arbitrary action of the Government. He had contracted to sell his steamships and deliver them at Havana, Cuba. He was engaged in trade between New York and Cuba. He took his ships to New York to fit them up to be turned over to the purchaser. He had fitted up one of them, and the other two were being fitted up. Some parties chartered the steamer ready for service for a voyage to San Juan de Nicaragua.

The charterers were Fletcher Webster, a son of Daniel Webster, a man by the name of Kinney, and a man by the name of Fabens. Fabens and Kinney were indicted for setting on foot an illegal expedition, but were never prosecuted. Webster was not indicted. No suit was brought against Graham or his ships. The proposed expedition for which the one steamship was chartered was supposed to be illegal. Graham, after Kinney and Fabens were indicted, applied to the Secretary of State, Mr. Marcy, to know if there was any objection to the voyage, and, receiving no satisfactory answer, he canceled the charter-party, and offered to do everything that was reasonable which would be demanded by the Government. He proposed to give bonds that the ships would not be engaged in any unlawful enterprise, but the Government detained all his steamships from some time in April until August. They were equipped with crews and supplies ready for service, and the detention occasioned a great loss. The demurrage amounted to a large sum. Graham lost the sale of his steamships, and, although worth several hundred thousand dollars, he was by the acts of the Government reduced to poverty.

I thought that the Government had acted arbitrarily. *It seemed that* the United States had been engaged in diplomatic negotiations with Great Britian and had seized the steamships to please Great Britain, rather than upon sufficient evidence of an intention to violate the law, and that it was a case in which the claimant ought at least to be allowed for demurrage, or have an opportunity to present his claim to the Court of Claims; but the committee said, "Not at all; we must not allow our sympathies to run away with us in such a case," and that "it would violate a general and well-established principle to hold the Government liable in such a case to its citizens." I am willing that that case shall stand side by side with this.

Then, sir, this is not a case of such supposed hardship as has been suggested. Men who sign bonds as sureties are held liable as long as the statutes of limitation have not run against the principal, and there is no obligation on the part of anybody to notify them that there has been a default of the principal. The statute is generally ten years in the case of an instrument under seal. A man who signs a promissory note as maker in form, although he may do it as surety, is held to be

liable as a principal, and the party for whose benefit he signs may extend the life of the note by partial payment and the surety be held liable for an indefinite time. When a man indorses a non-negotiable note or a negotiable note before delivery the same rule applies to him. He is held as a maker.

The parties to this bond who are asking relief here executed it knowing the law. The law entered into and became a part of their contract. It was their duty to see that their principal settled his accounts, because there was no law requiring them to be notified of the default of their principal, or even permitting the officers of the Government to give them notice, and there was no statute of limitations as to the suit on the bond.

Some suggestion has been made as to the necessity of a general law to authorize all parties having claims against the Government to bring suit. A law consisting of a single section authorizing all persons having claims against the United States to bring suit in the Court of Claims would be sufficient, and a law authorizing all persons having claims to sue in the district or circuit courts of the United States in the States or the district courts in the Territories would not be a complicated or difficult matter; but I am not sure that I am in favor of such a law. I doubt the policy of referring to the courts to determine in what cases the Government shall be liable. Are we willing to allow the courts to say that the Government shall be liable in all cases, the same as a private corporation, for the misfeasance or negligence of its agents or for unauthorized contracts? Are we willing to say, for instance, that in the Post-Office Department, which is carried on for the benefit of all the citizens of the United States and all the people residing within our territorial limits, great and small, shall be held liable as a common carrier in all the vast complicated transactions of that Department? Are we willing to have it held by the courts that in our navy-yards and in our armories and in our works for the improvement of rivers and harbors and in all other public works, as the erection of public buildings, &c., the Government shall be liable to employés for the negligence of the superintendents and agents of the Government who are conducting the works? Are we willing to have it held by the courts that in the operations of the Army and the Navy the Government shall be liable for injury to persons and property or to subordinate officers and enlisted men for the negligence or blundering orders of superior officers?

I might continue these suggestions, but it is not necessary to do so for my purpose. I think the first thing to be done is to determine in what cases the Government shall be held liable for the default or negligence of its officers and agents, and then to authorize suit to be brought against the Government in such cases. And, sir, if it is impracticable to define by general law in what cases the Government shall be liable, I am sure it is impracticable to continue the present practice of entertaining every application for relief and undertaking to give it consideration. It results, as I stated in substance last Friday, in relieving one case in a hundred, while ninety-nine as meritorious cases will not be considered at all.

Even if we had such laws as I have suggested defining in what cases the Government should be liable and in what cases it might be sued and authorizing suit to be brought, it would not greatly relieve Congress unless we were satisfied to remit everybody to the general laws for his remedy and refused to entertain and hear and undertake to pass upon every case which was supposed not to fall within the general laws or which had been barred by the statute of limitations. With sixty million inhabitants, with our population constantly increasing, with the vast and complicated machinery of our Government, with a vast army of officeholders, with the new and increasing demands for general legislation, however meritorious it might be, it is utterly impracticable and impossible for Congress to undertake to hear and consider and pass upon petitions for relief from every citizen of the Republic.

I have prepared an amendment which I do not suppose will meet with favor. I offer it for the purpose of calling attention to what we are proposing to do in this case. The amendment, which is proposed to affect all cases, does not go as far as the Senate proposes to go in this case, because it only proposes to release sureties when one of the sureties has become insolvent after a period of five years from the time when the term of office of the public officer or the employment of the agent ceased. After I have offered it and it has been read, inasmuch as I have now said what I intended to say on the subject, let the bill take its course; go on, make the precedent that notwithstanding an expenditure may have been unauthorized, though there may have been no appropriation for it, though it may have been contrary to the express instruction of the head of the Department to which the officer belonged, where an officer supposed it to be for the benefit of the Government he shall receive credit for the amount of the expenditure—lay down the proposition; make the precedent that whenever there has been laches on the part of the Government officers in commencing suit on the bond of a public officer and the principal or any surety on a bond has become insolvent, these facts shall be a sufficient defense, if not in the courts, before Congress. I will pass up the amendment which I have heretofore submitted to be printed and move its adoption.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to the bill:

And whenever hereafter, in any action brought in any court of the United States upon any official bond given by any public officer or agent of the United States, it shall be made to appear to the satisfaction of the judge of such court that any expenditures have been made by such public officer or agent as such, and during the term of his office or employment, for printing or clerk-hire, or as payment for services rendered at the instance of such officer or agent, and in his judgment for the benefit of the United States, or for supplies furnished the United States at the instance of such officer, although there shall have been no appropriation for such purpose, and such expenditures were unauthorized by law and prohibited by general or special instructions of the Department or bureau of the Government to which such officer or agent belonged, and may have been disallowed by the proper accounting officers of the Treasury, it shall be the duty of the court, upon the trial of such action, to cause to be credited to the sureties upon such bond the amount of such expenditures as of the date when the same were made. And when, in any such action which has or shall have been brought after a lapse of five years from the expiration of the official term of such officer or of the employment of such agent, it shall be made to appear to the satisfaction of the court that the principal or any surety upon such bond has become insolvent since the expiration of such period of five years, such fact shall be taken and deemed to be a sufficient defense to such action, and it shall be the duty of the court to render judgment in favor of the sureties who are the defendants in such action and against the United States for the costs of such action.

Mr. ALLISON. Is this bill proceeding under the five-minute rule?

The PRESIDING OFFICER. It is, with an exception by general consent on behalf of the Senator from Oregon.

Mr. ALLISON. Is the amendment to be insisted on?

Mr. DOLPH. I shall take no time about it. It was offered as part of my argument rather than for any other purpose.

The PRESIDING OFFICER. Does the Senator from Oregon desire a vote on the amendment?

Mr. DOLPH. It may be voted on without consuming time.

Mr. JACKSON. Mr. President, as the member of the Committee on Claims making this report I desire to call the attention of the Senate briefly to the facts of the case and the grounds on which the relief is proposed; but before doing so I venture to express the hope that the amendment offered by the Senator from Oregon will not be adopted. It will load down the bill, and is likely to defeat it. It is intended for that purpose, no doubt.

Now, sir, what are the facts in this case? Etheridge and Stokes became sureties in 1866 of Carter as secretary of the Territory of Arizona. The bond required him to submit his accounts annually during his term of office. He complied with the stipulation and submitted his accounts annually to the Government. He died in 1869. His accounts were audited, and there appeared a balance against him of $9,469.09. That balance is made up entirely, as the Comptroller reports to us and as I have examined, of disallowances for printing and for clerk-hire, disallowances for expenses that he was authorized to incur.

Mr. DOLPH. Probably the Senator can tell what law authorized him to incur them.

Mr. JACKSON. I shall come to that in a moment. The law making appropriations for the expenses of the Territory fixed the amount, and also provided a contingent fund for miscellaneous expenses. Within that law, within the amount that is appropriated, funds are sent to the secretary of the Territory, and he makes the expenditures.

Mr. DOLPH. But the proper officer, the Secretary of the Interior or the Secretary of the Treasury—the Secretary of the Interior, I think—divides those funds. He states how they shall be expended and how much for each item.

Mr. JACKSON. He does not designate how much shall be expended for printing, nor how much shall be expended for clerk-hire. He places in the hands of the secretary of the Territory a certain amount to meet these expenses. They are expended by the secretary of the Territory. What occurred in this case? He was supplied with funds, and he expended those funds wholly in the service of the Government and for the use of the Government in meeting these Territorial expenses. When his accounts are audited, the Comptroller says he has spent too much for this item and too much for that item, and they are cut down, not according to the standard of the Territory where the expenses are incurred, but cut down on the judgment of the Auditor or Comptroller here that they are too much measured by the Washington standard. In that way an apparent deficiency is made against the secretary of the Territory, and the disallowances in all during his period of office amount to this $9,469.09. These disallowances were made between 1869 and 1871.

The principal was then good for the balance if it had been enforced against him. He had property amply sufficient to meet the balance; but no attempt at enforcement was made against him; no notice was even given to him and no notice was given to the sureties. The principal's estate was used and consumed by his family; one of the sureties has become insolvent; and fifteen years and six months afterward the Government attempts to enforce that balance against the remaining solvent surety.

The report proceeds upon two grounds: first, that the money was *bona fide* expended in the service of the Government; and, secondly, that the long delay in disclosing this apparent balance now appearing against the principal has worked a hardship on the sureties, inasmuch as the condition of the parties has changed materially during that period, the principal's estate having become exhausted, one surety having become insolvent, and if it is now enforced against the remaining solvent surety it would be a great hardship.

I understand the Senator from Oregon to concede that this ought to be provided for by a general law. Mr. President, we have pending a bill on this subject now; but how can ever a general law reach a past transaction of this character? It can not be made retrospective, and we have

to deal with these cases specially and by special act until such a law is passed. We have a law now relating to the Post-Office Department, section 3838 of the Revised Statutes, which provides as follows:

SEC. 3838. If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness.

I concede that there ought to be a provision of that sort extending to all the Departments of the Government and applying to all sureties on official bonds; let the time be three years, five years, or ten years; but the passage of such a law now would not relieve the hardships of this case, which is conceded by the Senator from Oregon.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. I ask two minutes more.

The PRESIDING OFFICER. If there be no objection the Senator will proceed.

Mr. JACKSON. It is said this is a bad precedent. The Senate without objection at the last session passed a bill for the relief of Eugene B. Rail and other sureties of David L. Gregg, receiver of public moneys at Carson City, Nev. Gregg was appointed in March, 1865, and died in 1868. On the settlement of his account in December, 1868, there appeared a deficiency of $10,141.89. No notice of a defalcation was given to his sureties until suit was commenced against them in 1881, twelve years after the defalcation was known to the Government. At the commencement of the suit all the sureties were dead except two; one of these was bankrupt, and the other, Eugene B. Rail, was solvent. The committee recommended that he should be released. The Senate approved of this recommendation by passing the bill, a case not as meritorious as the present by any means.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon [Mr. DOLPH].

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERNATIONAL COPYRIGHT.

Mr. PLATT. I ask unanimous consent at this time to submit a resolution for adoption.

The Chief Clerk read the resolution, as follows:

Resolved, That the Committee on Patents is hereby authorized to take testimony relating to the subject-matter of Senate bill 191, "to establish an international copyright," and to print 250 copies thereof for the use of the committee and the Senate.

The resolution was considered by unanimous consent, and agreed to.

CORA A. SLOCOMB.

The bill (S. 178) for the relief of Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 6, after the word "to" where it occurs the second time, to strike out "Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of," and insert "Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of;" and in line 9, after the name of "Cora A. Slocomb," to insert "deceased;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to the following-named persons the sums specified, to wit: To Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased, the sum of $12,714.40; to Ida A. Richardson the sum of $20,479; and to Caroline Augusta Urquhart the sum of $5,467.15.

The amendments were agreed to.

Mr. INGALLS. Is there a report in the case?

The PRESIDING OFFICER. There is.

Mr. INGALLS. I should like to hear it read.

The Secretary read the following report, submitted by Mr. JONES, of Arkansas, January 6, 1886:

The Committee on Claims, to whom was referred the bill (S. 178) for the relief of Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of Cora A. Slocomb, Ida A. Richardson, and Caroline A. Urquhart, beg leave to report as follows:

Upon a full investigation this committee find that a favorable report upon this case, made to the Senate during the last Congress by Mr. MANDERSON, very fully and fairly sets out all the material facts therein, and they append said report in full to this.

This committee comes to the same conclusion that has been reached in all the reports in Congress upon this case, and respectfully recommend that the bill pass with the following amendment:

"In lines 6, 7, and 8 of said bill strike out the words 'Tobias G. Richardson and Albert Baldwin, testamentary executors of the succession of,' and insert the words 'Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of;' and that after the word 'Slocomb,' in line 8, the word 'deceased' be inserted."

[Senate Report No. 846, Forty-eighth Congress, first session.]

Mr. MANDERSON, from the Committee on Claims, submitted the following report, to accompany bill S. 630:

The Committee on Claims, to whom was referred the bill (S. 630) for the relief of Cora A. Slocumb, Ida A. Richardson, and Caroline Augusta Urquhart, beg leave to submit the following report:

The Committee on War Claims of the House of Representatives, at the present session of Congress, made favorable report (No. 918) upon this claim. Their report contains copies of similar favorable reports made by the same committee at the Forty-third, Forty-fourth, and Forty-fifth Congresses. While containing much repetition of matter, these reports differ somewhat from each other, and as your committee come to the same conclusion, viz, that the relief prayed for should be granted in part, a copy of the report of the Committee on War Claims of the House of Representatives of the present Congress is hereto attached.

These women claimants were rebel sympathizers, and until the capture of New Orleans by General Butler did everything in their power to advance the cause of the rebellion. Notwithstanding this fact, which was notorious and fully recognized by General Butler, commanding the United States forces, he saw fit, for reasons satisfactory to him, at least, to give them verbal and written assurances that during their absence within the lines of the rebel army their extensive and valuable property in the city of New Orleans "should not be interfered with by any exercise of military right," and should remain safely kept for them under the laws of the United States.

The successor of General Butler, General Banks, disregarded these assurances of safety, and took possession and held during the war all of the property of claimants, it being used in part for army purposes and part of it being held for rent to private parties. A large amount of money was collected as rent of the real estate (about $18,000), and about $15,000 was collected from a local insurance company by reason of the loss of some of the buildings by fire while they were occupied by tenants from whom the United States authorities were collecting rents. About $1,000 was collected from a gas company, being dividends upon the capital stock of the company owned by one of the claimants. All of this money was either paid into the Treasury of the United States or used for the support of its armies.

Under these facts, constituting practically the violation of that which was equivalent to a safeguard, your committee believe that the laws of civilized warfare, as construed by the Supreme Court of the United States, demand that claimants should be paid the money thus realized from their property. They therefore come to the same conclusion that the several committees of the House of Representatives have reached, and recommend the passage of Senate bill 630.

The committee attaches hereto a copy of the report made by the House Committee on War Claims at the present session.

[House Report No. 918, Forty-eighth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4776) for the relief of Cora A. Slocumb, Ida A. Richardson, and Caroline Augusta Urquhart, submit the following report:

This case was favorably reported from the Committee on War Claims in the Forty-third, Forty-fourth, and Forty-fifth Congresses, which reports fully state the facts, and we incorporate them in this report as, together, giving a history of the claim. While your committee do not wish to be considered as agreeing with all of the conclusions stated in the several reports, we do find that the facts are correctly stated, and are as follows:

The letter of General Benjamin F. Butler, upon the assurances of which the parties left New Orleans, is as follows:

HEADQUARTERS DEPARTMENT OF THE GULF,
New Orleans, June 23, 1862.

MESDAMES: I have the pleasure to inform you that my necessities, which caused the request for permission to use your house during your absence this summer, have been relieved. I have taken the house of General Twiggs, late of the United States Army, for quarters. Inclined never on slight causes to use the power intrusted to me to grieve even sentiments only entitled to respect, from the courage and ladylike propriety of manner in which they were avowed, it is gratifying to be enabled to yield to the appeal you made for favor and protection by the United States.

Yours shall be the solitary exception to the general rule adopted that they who ask protection must take upon themselves corresponding obligations, or do an equal favor to the Government. I have an aged mother at home who, like you, might request the inviolability of hearthstone and roof-tree from the presence of a stranger. For her sake you shall have the pass you ask, which is sent herewith.

As I did myself the honor to say personally, you may leave the city with no fear that your house will be interfered with by any exercise of military right, but will be safe under the laws of the United States. Trusting that the inexorable logic of events will convict you of wrong toward your country when all else has failed,

I remain, your obedient servant,

BENJ. F. BUTLER,
Major-General.

Mesdames SLOCUMB and URQUHART.

Upon the promises of this letter, making these parties the "*solitary* exception," made by one who spoke for the nation, we recommend the passage of the bill.

[House Report No. 6, Forty-fifth Congress, second session.]

The Committee on War Claims, to whom the memorials of Mrs. Cora A. Slocumb and her daughters, Miss Ida A. Slocumb (now Mrs. Richardson) and Mrs. Caroline Augusta Urquhart, all of the city of New Orleans, La., were referred having considered the same, submit the following report:

That the evidence shows that in the year 1862 the claimants were the owners of a large amount of real and personal property situated in said city. In the summer of that year they applied to General B. F. Butler, then in command of the military district in which New Orleans was situated, for permission to leave the city and repair to a country-seat owned by them in the mountain region of North Carolina, where they had usually spent their summers. The permission was granted on condition that the parties should in no manner aid or abet the war then being waged against the Government. Fears having been expressed by these ladies that their property might be interfered with by the military authorities during their absence General Butler promised that it should not be disturbed. Relying on this assurance, the parties left the city and went to their country-seat above mentioned.

As long as General Butler remained in command the pledge given by him was strictly fulfilled, but not long afterward he was superseded by General N. P. Banks. Shortly after the latter took command a general order was issued for the seizure of all property belonging to absentees. Under this order all their real estate in the city, together with such personal property as was found therein, was seized by the military authorities. The most of it, including the residence of the parties, was applied to various military uses; the residue that was not so used was turned over to B. F. Flanders, supervising special agent of the Treasury in New Orleans, by whom the rents thereon were collected and paid or accounted for to the Treasury Department. The following personal property was also seized under special orders subsequently issued, to wit: Fifty-two shares of the stock of the New Orleans Gas-light Company, belonging to Mrs. Slocumb, and fifty-six shares of the same stock belonging to Miss Ida Slocumb. At a later date, four stores, also belonging to Miss Ida Slocumb, which had been insured in the Merchants' Insurance Company of New Orleans at $15,000, having been destroyed by fire, the amount payable on the loss, to wit, $14,300, was, in obedience to a military order, paid to Assistant Quartermaster McClure.

At the close of the war all the property of these memorialists which had been seized and appropriated as above stated was, by order of the President, restored

to their possession; but no portion of the moneys which had been collected, as above stated, including also the dividends which had accrued on the gas-light stock above mentioned, was refunded, the same having been paid into the Treasury, and thereby placed beyond the control of the Executive. The parties therefore resorted to Congress for relief. They presented their memorials at the first session of the Forty-third Congress, by which they were referred to the Committee on War Claims.

A favorable report was made thereon by the committee, and a bill introduced providing for the payment to the parties of the amounts respectively claimed by them, but no action was taken on the bill by that Congress. The memorials were again presented at the first session of the Forty-fourth Congress, and referred as before to the Committee on War Claims. A similar report was made and a similar bill introduced by the committee of that Congress. The bill shared the fate of its predecessor, no action having ever been taken on it by the House. Your committee have examined the evidence upon which these reports are based, and find that they are fully sustained by it. They deem it proper, therefore, to append them to this report.

Your committee concur in the opinion expressed by the preceding committees—

First. That the seizures of the property of the petitioners were unauthorized by law. (See the decision of the Supreme Court of the United States in Planters' Bank *vs.* Union Bank, 16 Wallace, page 485.)

Second. They violated two distinct pledges given by General Butler: (1) the promise given to the inhabitants of New Orleans, on or before the surrender of the said city, that their rights of property should be protected, subject only to the laws of the United States; (2) the special promise above mentioned made to these parties.

Your committee therefore entertain no doubt that the sums claimed by the petitioners are justly due to them. The sums are as follows:

To Mrs. Cora Ann Slocumb, for rents collected	$12,246 40	
For dividends on gas stock	468 60	
		$12,715 00
To Miss Ida A. Slocumb, for rents collected	5,675 00	
Amount of insurance collected from Merchants' Insurance Company	14,300 00	
Dividends, gas company stock	504 00	
		20,479 00
To Mrs. Caroline Urquhart, rents collected		5,467 15
Total		38,661 15

The committee report the accompanying bill, and recommend its passage.

The memorials also contain a demand for compensation for the use of of such portions of their real estate as were occupied by the military, and for personal property taken for that purpose, which was either lost or very much damaged, but as this part of the claim must rest upon evidence mainly oral and taken *ex parte*, the committee have not examined it, and agree with the report of the first committee above mentioned that it ought to be referred to the Court of Claims.

[House Report No. 429, Forty-third Congress, first session.]

The Committee on War Claims, to whom the memorials of Mrs. Cora A. Slocumb and her daughters, Mrs. Richardson and Mrs. Urquhart, were referred, respectfully report:

That in July, 1862, Mrs. Slocumb applied to General B. F. Butler, then commanding the military district in which New Orleans was situated, for permission to leave that city with her two daughters, Miss Ida Slocumb (now Mrs. Richardson) and Mrs. Urquhart, and retire to a country-seat in the mountain region of North Carolina, where they were in the habit of spending their summers. The permission was granted, and the general also promised that the property owned by these parties in the city, consisting mostly of valuable real estate, should not be interfered with during their absence. Relying on this promise, and availing themselves of this permission, the parties left the city and took up their residence in their home in the country.

As long as General Butler remained in command the pledge thus given by him was strictly observed, and the property of the above-named parties remained undisturbed. But General Butler was shortly after succeeded by General Banks in the command of the district, and about the 1st of August, 1862, a general order was issued by the latter, under which all the real estate owned by the above parties was (no doubt through ignorance of the pledge given by his predecessor) taken possession of by his quartermaster. A portion thereof was used for various military purposes, and the residue was turned over to B. F. Flanders, the supervising special agent of the Treasury in that city; the rents thereof were collected by him, and were duly accounted for to the Treasury Department.

Some time after, to wit, about the 15th of March, 1864, a number of shares in the New Orleans Gas-light Company, belonging respectively to Mrs. Slocumb and her daughter Ida, were also seized by the quartermaster, who received two dividends thereon, amounting, on the stock of Mrs. Slocumb, to $468, and on that of her daughter, to $504.

On being informed of these facts, Mrs. Slocumb made repeated applications for permission to return thereto; but this permission was refused, and all the parties remained in their country-seat above mentioned until the close of the war, without in any manner participating therein.

At the close of the war, however, their property was restored to them under an order from the President. This restoration took place on or about the 1st of September, 1865.

Finally, on or about the —— day of ——, 1864, the sum of $14,300, which was due to Miss Ida Slocumb (now Mrs. Richardson) by the Merchants' Mutual Insurance Company, for the loss of several buildings insured in that company, was seized under a special order from General Banks, and paid by the company to Captain McClure, acting quartermaster.

Your committee entertain no doubt that the money thus collected should be returned to the petitioners. The procedings by which the money was taken and appropriated were not authorized by any law (see 16th Wal. Rep. 485), but they were a violation of the terms of capitulation, and of a pledge given by the officer in command. The memorialists, therefore, are clearly entitled to relief.

The amount of money collected belonging to Cora A. Slocumb is:

Rents collected (less expenses)	$12,246 40	
Dividends gas-light company collected	468 00	
		12,714 40

The amount of money collected belonging to Ida A. Slocumb (Richardson) is:

Rents collected (less expenses)	$5,675 00	
Amount of insurance collected	14,300 00	
Dividends gas-light company collected	504 00	
		20,479 00

The amount of money collected belonging to Mrs. Caroline Augusta Urquhart is:

Rents collected (less expenses)	$5,467 15

The committee therefore report the accompanying bill providing for the reimbursement of the above parties of the sums belonging to them, respectively, which were collected by agents of the Government, and were paid into, or accounted for to, the Treasury Department, less certain expenses incurred, and recommend its passage.

The memorialists also ask for compensation for the use of such portions of their real estate as were applied to public uses, and for personal property taken also for that purpose, and which was either lost or very much damaged. But as this portion of their claim rests, in a great measure, on oral and *ex parte* testimony, or on documents not sufficiently authenticated, the committee think that if any claim exists in their favor on this part of the petition it should be referred to the Court of Claims for a decision on this portion of their demand.

The PRESIDING OFFICER. There are several reports of other committees appended. Does the Senator desire that those be read?

Mr. INGALLS. No, sir.

Mr. JONES, of Arkansas. I rose to make a statement which the statement of the Chair has obviated the necessity of. Every report made in the case has been favorable.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GIBSON. I suggest to the Senator from Arkansas that the title of the bill should be made to conform to the body.

Mr. JONES, of Arkansas. I move that the title of the bill be conformed to the bill, so as to read: "A bill for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as the heirs at law of Cora A. Slocomb, deceased."

The amendment was agreed to.

JOHN LEATHERS.

The bill (S. 767) for the relief of John Leathers was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, after the words "sum of," to strike out "$500" and insert "$744.90;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to John Leathers the sum of $744.90, out of any money in the Treasury of the United States not otherwise appropriated, on account of said amount having been paid by said John Leathers as a fine for trespassing upon an Indian reservation, for which transgression the President of the United States granted said John Leathers a full and unconditional pardon.

The amendment was agreed to.

Mr. PLATT. I do not want to call for the reading of the report if it is lengthy, but I should like to know on what ground the President pardoned Leathers for this trespass?

Mr. HOAR. I do not see the Senator from Oregon [Mr. DOLPH] who made the report in his seat, but I will state what the report is, and the Senator from Connecticut can have it read then if he wants to.

The monuments which were put up to mark the line of this Indian reservation by the public authority, the Government engineer, and also some of the plans which were made, were erroneous and did not conform with the survey in Washington. This man was outside those monuments, and he had every reason to believe that he was outside of the reservation instead of being inside of it. Therefore he set up his trading establishment, as he had a right to do. When the case came into court the court held that, notwithstanding all the ostensible monuments in the Territory had indicated this wrong line, he was bound by the true lawful line which was of record here, and therefore convicted him; but the court recommended his pardon. The facts being brought to the attention of the President of the United States, the pardon was instantly granted. The man in the mean time had paid his fine, and the committee thought it ought to be remitted.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAILING OF LOTTERY ADVERTISEMENTS.

The bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for the violation of the same, was announced as next in order.

Mr. JACKSON. That bill will involve discussion, and it is impossible to consider it under the five-minute rule. I ask that it go over.

The PRESIDING OFFICER. The Senator from Tennessee asks that this bill may go over.

Mr. WILSON, of Iowa. I suppose an objection will carry it over.

The PRESIDING OFFICER. Except against a motion. A single objection carries the bill over, but the rule provides——

Mr. JACKSON. I have no objection to the bill being considered, but it can hardly be considered under the five-minute rule.

Mr. WILSON, of Iowa. I have no objection to the bill being passed over for to-day, retaining its place on the Calendar.

Mr. JACKSON. Very well.

The PRESIDING OFFICER. Is there objection to that arrangement? The Chair hears none; it is so ordered, and the bill will be passed over informally, retaining its place on the Calendar.

MATTHIAS LECKNER.

The bill (S. 377) granting a pension to Matthias Leckner was con-

sidered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matthias Leckner, late a private in Company B, Thirteenth Regiment Kansas Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION OF DAKOTA.

The bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln was announced as next in order.

Mr. HARRISON. Mr. President, with reference to that bill which is now called and the two resolutions which follow upon the same subject, I ask that they may be passed over. The report is not yet on the tables of Senators, and of course it will be impossible to consider the question under the five-minute rule. I would say, however, that I expect to call the bill up for consideration at an early day, as early next week as I can.

The PRESIDING OFFICER. Does the Senator desire to have the bill retain its place on the Calendar?

Mr. HARRISON. Yes, sir; it may be so ordered. Of course it can not be discussed under Rule VIII. It is not important that it should retain its place under that rule; but that order may be made, and I will call it up hereafter.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the bill be passed over informally, retaining its place on the Calendar. The Chair hears no objection. The next two resolutions on the Calendar relate to the same subject——

Mr. HARRISON. The same course is to be taken in regard to them.

The PRESIDING OFFICER. The Senator made that suggestion, but the Chair neglected to include it in the previous order. The resolutions will be passed over.

LEGAL REPRESENTATIVE OF JOHN HATFIELD.

The bill (S. 296) for the relief of Alfred G. Hatfield was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, after the words "pay to," to strike out "Alfred G. Hatfield;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania Cavalry, the sum of $675, in full for services as veterinary surgeon for said regiment for nine months, at $75 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representative of John Hatfield."

KINSEY B. CECIL.

The bill (S. 218) to confirm the title to certain lands in Platte County, Missouri, and authorize patents to be issued therefor to Kinsey B. Cecil, was considered as in Committee of the Whole.

The preamble recites that George Smith did, on the 9th of April, 1862, make entry at the United States land office at Boonville, Mo., of the northeast fractional quarter and the southeast fractional quarter (west of Bee Creek) section 31, township 53, range 35, containing 19.52 acres, in Platte County, Missouri; that Joseph Meyer did, on the 9th of April, 1862, make entry at the land office at Boonville, Mo., of the northwest fractional quarter of the northeast fractional quarter (west of Bee Creek) section 31, township 53, range 35, containing 1.73 acres, in Platte County, Missouri; that the purchase-money for these fractions of land is still retained by the Government of the United States, and that the lands have long since passed into the hands of innocent purchasers, who have occupied the same, paid taxes, and made valuable improvements thereon, having had no notice that the entries had been canceled until recently.

The bill therefore proposes to confirm these entries, and authorize patents to be issued for the lands to Kinsey B. Cecil, the assignee of George Smith and Joseph Meyer.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The question now is on the adoption of the preamble.

The preamble was agreed to.

FORFEITURE OF IOWA LAND GRANT.

The bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, was announced as next in order.

Mr. McMILLAN. Let that go over. There is a report of the committee to be printed, which has not been laid on the table.

Mr. PLUMB. I do not care to have it go over on that ground. If the Senator desires it to go over let him so state; but as far as the report is concerned I will say on behalf of the committee that there is no necessity to wait for the report if the Senate is ready to take up the bill.

Mr. McMILLAN. I prefer to wait and read the report of the committee.

The PRESIDING OFFICER. A single objection takes the bill over.

B. JENNINGS.

The bill (S. 85) for the relief of B. Jennings was considered as in Committee of the Whole. It proposes to appropriate $3,114.66 to pay B. Jennings, late register of the land office at Oregon City, to reimburse Jennings for money expended by him as register between the 1st of June, 1859, and December 31, 1860, for additional clerical services and extraordinary expenses during that period not heretofore allowed or paid.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETITIONS OF FOREIGN SUBJECTS.

Mr. PLUMB having during the morning hour presented the petition of Maurice Gandy, of Liverpool, England, praying the passage of a law permitting him to renew his application for a patent for his invention of belts of canvas or duck for driving machinery, it was referred to the Committee on Patents.

Mr. PLUMB. I now rise to ask unanimous consent to withdraw a petition which I presented this morning—a petition for the relief of Maurice Gandy. I do so for the reason that on reading the petition it is disclosed that Mr. Gandy is a British subject, and consequently not entitled under the rules of the Senate to present a petition, and I therefore ask leave to withdraw it.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. HOAR. I should like to inquire of my honorable friend from Kansas for information simply, if it is true that the Senate has not recognized the propriety of a petition from a subject of a foreign country.

Mr. PLUMB. That is the fact, as I am told.

Mr. HOAR. I do not in the least wish to interpose any objection to my honorable friend dealing as he sees fit with a petition intrusted to his charge, and I therefore make no objection to his request; but I should hope that if any citizen of a foreign government has any grievance at the hands of this, while he was dwelling here or elsewhere, the Senate would allow him to make a respectful statement of it and receive it without resorting to his minister.

The PRESIDING OFFICER. The Secretary will read the rule covering this point.

The Chief Clerk read from Rule VII, as follows:

But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

ALEXANDER SMILEY.

The bill (S. 221) for the relief of Alexander Smiley was considered as in Committee of the Whole. It is a direction to the Commissioner of Internal Revenue to remit the amount of $660.94 assessed against Alexander Smiley, proprietor of distillery numbered 2, in the county of Mississippi, Missouri, if the Commissioner shall be satisfied that Smiley has fully paid to the Government all taxes due for spirits actually made by his distillery from the 1st of February to the 23d of April, 1875.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF FRANK SOULÉ.

The bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of California, and his sureties on his official bond, was considered as in Committee of the Whole.

The PRESIDING OFFICER. The Secretary calls attention to a verbal error in lines 12 and 13, where the word "and" is repeated.

Mr. MILLER, of New York. Let that be corrected.

The PRESIDING OFFICER. The correction will be made.

Mr. CONGER. Is there a report in this case?

Mr. MILLER, of New York. I will state that there is a written report in that case. It is the same report that I presented to the last Congress. The bill passed the Senate at the last Congress and passed in the Forty-seventh Congress, so that it has twice passed the Senate. The report goes into the whole merits of the case. It can be read if it is deemed necessary.

Mr. CONGER. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary proceeded to read the report submitted by Mr. MILLER, of New York, from the Committee on Finance, January 12, 1886.

Mr. CONGER. What has been read of the report recalls to my mind my own examination of the case, and I am satisfied. I do not ask that it be read further.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

SIOUX RESERVATION IN DAKOTA.

The bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure

the relinquishment of the Indian title to the remainder, was announced as next in order.

Mr. COCKRELL. I do not see the Senator from Massachusetts [Mr. DAWES] here who reported the bill. Let that be passed over informally.

The PRESIDING OFFICER. The bill will be passed over informally, if there be no objection.

OFFICIAL LETTER-BOOKS OF NORTH CAROLINA.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State.

It is a direction to the Secretary of War to cause to be made out duly certified copies of the official letter-books of the executive department of the State of North Carolina now in the War Department, and to be delivered to the governor of North Carolina, retaining the originals in the War Department.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI HOME GUARDS.

The bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guards was considered as in Committee of the Whole.

It proposes to direct the Secretary of War to furnish, upon their several applications therefor, a certificate of discharge to each and every member of the Missouri Home Guards whose claims for pay were adjudicated by the Hawkins-Taylor commission, under the act approved March 25, 1862, and the several acts supplementary thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OSCAR EASTMOND AND JAMES W. ATWILL.

The bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill was considered as in Committee of the Whole. It proposes to direct the Secretary of War to cause to be issued and delivered to Oscar Eastmond a commission as colonel and to James W. Atwill a commission as lieutenant-colonel of the First Regiment North Carolina Volunteers, to date as of June 20, 1865, and to cause them to be duly mustered out as of date June 27, 1865. The commissions and musters-out issued thereunder are not to entitle Eastmond and Atwill, or either of them, or any person claiming by, through, under, or from them, or either of them, to any pay, compensation, or allowance of any kind whatever, and are only to entitle them respectively to the rank of colonel and lieutenant-colonel of the regiment named.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALEXANDER FRANCESCO.

The bill (S. 424) giving a military record to Alexander Francesco, deceased, was considered as in Committee of the Whole. It directs the Secretary of War to enter upon the rolls of Company D, Forty-fifth Regiment of Kentucky Volunteer Infantry, the name of Alexander Francesco, as a private, duly mustered into the service of the United States as of date October 24, 1863, and to complete his military record as follows: "Captured in Magoffin County, Kentucky, December 1, 1863; confined at Richmond, Va., December 8, 1863; admitted to rebel hospital, Richmond, Va., February 15, 1864, where he died, February 25, 1864, of chronic diarrhea."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN HOLLINS M'BLAIR.

The bill (S. 193) for the relief of John Hollins McBlair was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 14, after the word "sixty-four," to add:

With the pay of his grade and rank from April 30, 1884, and with a full discharge from all liability for any sums paid to or received by him previously to said date.

So as to make the bill read:

Be it enacted, &c., That the provisions of law regulating appointments in the Army by promotion in the line are hereby suspended for the purposes of this act only, and only so far as they affect John Hollins McBlair; and the President can, if he so desire, in the exercise of his own discretion and judgment, nominate and, by and with the advice and consent of the Senate, appoint said John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry Regiment, to the same grade and rank of first lieutenant in the Army of the United States in the infantry service, and to place him upon the retired-list of the Army as of the date of April 8, 1864, with the pay of his grade and rank from April 30, 1884, and with a full discharge from all liability for any sums paid to or received by him previously to said date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The committee propose an amendment to the preamble, in line 8, after the word "list," to strike out "and is now so borne" and insert in lieu thereof "up to November 12, 1884;" and in line 10, after the word "officer," to insert "up to April 30, 1884;" so as to read:

Whereas John Hollins McBlair, late a first lieutenant in the Fifteenth United States Infantry, was, by order of the President, dated October 6, 1863, wholly retired from the service, and was afterward, on April 8, 1864, ordered by the President to be retired for disability incident to the service and to be placed upon the retired-list; and has ever since been borne upon such retired-list, up to November 12, 1884, and has been regularly paid as such retired officer up to April 30, 1884, and the Court of Claims has recently decided that the order of the President of April 8, 1864, attempting to revoke the order of October 6, 1863, wholly retiring him, and to restore him to the retired-list, was not operative, &c.

The amendment was agreed to.

The preamble as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the resolution of the Senate for the printing of the reports of tests of iron and steel and other materials for industrial purposes made at the Watertown arsenal.

The message also announced that the House had passed the bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming, with an amendment; in which it requested the concurrence of the Senate.

BETTS, NICHOLS & CO.

The bill (S. 556) for the relief of Betts, Nichols & Co. was considered as in Committee of the Whole. It directs the Treasurer of the United States to pay to the holder thereof draft numbered 5453, on Treasury Interior warrant numbered 4801, dated March 1, 1860, payable to and indorsed by Sampson & Hendricks, of Austin, Tex., on the assistant treasurer of the United States at New Orleans, for $250.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENTS TO INTERNAL-REVENUE COLLECTORS.

Mr. MORRILL. I ask leave out of order to offer the following resolution calling for information, and ask action upon it now:

Resolved, That the Secretary of the Treasury be directed to furnish information to the Senate as to whether or not any collectors of internal revenue not confirmed by the Senate have received any portion of the salary pertaining to the office contrary to the law of March 1, 1879, which provides "that no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in the case of commissions to fill vacancies occurring during the recess of the Senate."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. HARRIS and Mr. BECK. Let that go over.

Mr. MORRILL. Then I ask to have the resolution printed.

The PRESIDING OFFICER. It will lie over and be printed.

FUNERAL OF VICE-PRESIDENT HENDRICKS.

Mr. EDMUNDS submitted the following resolution; which was read:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses of the officers and members of the Senate who attended the funeral of the late Thomas A. Hendricks, Vice-President of the United States, in November last, on voucher or vouchers approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDMUNDS. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. EDMUNDS. I will state that these expenses were incurred, as they always have to be in a vacation, as the result of a meeting of all the Senators in Washington that was called and held, and a committee was designated to attend the funeral. It is to pay the expenses so incurred that the resolution provides for.

The resolution was agreed to.

TENEDORE TEN EYCK.

The bill (S. 519) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, after the word "empowered," to strike out "to restore" and insert "to nominate and, by and with the advice and consent of the Senate, to appoint;" so as to make the bill read:

Be it enacted, &c., That the President be, and he is hereby, authorized and empowered to nominate and, by and with the advice and consent of the Senate, to appoint to his former rank in the Army, and to place upon the retired-list of Army officers, Tenedore Ten Eyck, late a captain in the Eighteenth United States Infantry: *Provided*, That the said Tenedore Ten Eyck shall be entitled to no pay or allowances as an Army officer for the time he may have been out of the military service, but shall, from the date of his restoration, be entitled to the pay and allowances pertaining to an officer of his rank on the retired-list: *And provided further*, That he shall receive no pension from and after the passage of this act.

Mr. PLUMB. I wish to inquire if it is too late to object to the consideration of the bill?

The PRESIDING OFFICER. An objection is in order at any stage of the proceeding.

Mr. PLUMB. I object.

The PRESIDING OFFICER. The Senator from Kansas objects, and under the rule the bill lies over.

ROBERT J. BAUGNESS.

The bill (S. 389) for the relief of the heirs or legal representatives of Robert J. Baugness, deceased, was considered as in Committee of the Whole.

It is a direction to the Secretary of War to correct the record of Robert J. Baugness, late a private in Company I, Thirty-seventh Illinois Volunteers, so as to remove the charge of desertion, and to the proper accounting officers of the Treasury to pay to the heirs or legal representatives of Baugness, deceased, the bounty and allowances that would have been due him had not such charge of desertion appeared against him on the rolls.

Mr. PLATT. Is there a report?

The PRESIDING OFFICER. The Senator from South Carolina [Mr. HAMPTON] reported the bill. There is no written report on file.

Mr. HAMPTON. I will state for the information of the Senate that a report was made last year, and upon that report the bill was passed by the Senate. The facts of the case are that this man was a soldier, and, when not on duty at his regular post, under an assumed name went into a fight in another place and was killed. It is proved beyond all doubt that he was killed; and the bill is simply to enable his heirs to obtain his bounty and allowances.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS J. MILLER.

The bill (S. 87) for the relief of Thomas J. Miller, of Washington Territory, was considered as in Committee of the Whole. It proposes to direct the Secretary of War to examine into and ascertain the loss and damage sustained by Thomas J. Miller, a citizen of Washington Territory, by the seizure and sinking of his ferry-boat on the Columbia River by the armed forces of the United States, for the purpose of preventing its being used by the hostile Indians during the late Bannock war in that Territory about the month of July, 1878; and $500, or as much thereof as may be necessary, is appropriated to enable the Secretary of War to adjust and the accounting officers of the Treasury to pay the amount of the loss and damage as allowed under the authority of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. MORGAN.

The bill (S. 528) for the relief of William H. Morgan was announced as next in order.

Mr. HAMPTON. I move that that bill be recommitted to the Committee on Military Affairs.

The motion was agreed to.

WILLIAM M. MAYNADIER.

The bill (S. 98) for the relief of Maj. William M. Maynadier, a paymaster in the United States Army, was announced as next in order.

Mr. PLUMB. I object to the consideration of the bill.

The PRESIDING OFFICER. The consideration of the bill being objected to, it lies over under the rule.

CHURCH AND STATE.

The next business in order was the resolution submitted by Mr. MORGAN January 11, 1886, in relation to the appointment of officers of the United States to participate with the officers of any church in the joint conduct and administration of the spiritual or temporal affairs of such church, &c.

Mr. BUTLER. The Senator from Alabama [Mr. MORGAN] is not present. I think the best course would be to let the resolution go over.

The PRESIDING OFFICER. It will lie over, retaining its place on the Calendar, if there be no objection. The Senate is at the end of the Calendar, and the hour of 2 o'clock has very nearly arrived.

JUDICIAL SALARIES.

Mr. COKE. I ask that the regular order be laid before the Senate. I have a motion to submit.

The PRESIDING OFFICER. The regular order at 2 o'clock is the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

Mr. COKE. In accordance with notice given by me a few days ago, I now ask unanimous consent of the Senate that the regular order be laid aside in order that I may submit some remarks on the resolution offered by the Senator from Kentucky [Mr. BECK].

The PRESIDING OFFICER. The Senator from Texas asks that the regular order be laid over informally, that he may address the Senate on the resolution of the Senator from Kentucky. No objection is made, and it is so ordered.

WYOMING TERRITORIAL LEGISLATIVE ASSEMBLY.

Mr. HARRISON. Will the Senator from Texas yield to me a moment?

Mr. COKE. Certainly.

Mr. HARRISON. I ask permission to call up a message from the House with reference to Senate bill 602. The House has sent us an amendment. It is in relation to the apportioment of Wyoming Territory, and as that Legislature is in the very act of assembling and can not assemble legally unless we concur with the House, I ask to call it up.

The PRESIDING OFFICER. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

Mr. HARRISON. I ask that the Senate concur in the House amendment.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The House amendment is to strike out all after the word "and," where it occurs the second time in line 10 of the bill, and insert:

The governor, secretary of the Territory, and president of the council shall act as a board of apportionment in said Territory, for apportioning the members of the next Legislative Assembly thereof, and shall meet at the capital of said Territory on the first Monday in September, A. D. 1886, and shall, or a majority of them, reapportion the members of the council and house of representatives thereof upon the basis of the voting population as shown by the number of votes cast for Delegate in Congress in November, 1884, allotting members of each house of the Legislative Assembly to the different sections of the Territory pro rata, as nearly as practicable according to such population, and to that end may apportion when necessary in joint council districts.

That sections 2, 3, and 4 of "An act providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wyoming," approved June 3, 1880, be and the same are hereby continued in force so far as applicable to said Territory, and shall be in force as a part of this act, except as herein modified and provided.

Mr. HARRISON. I only desire to say that the modification which the House has made amounts to this, that instead of laying the duty upon the Legislature now about to assemble, and whose assembling is legalized by the first section, to make an apportionment for the next Legislature, the House has provided that the same officers who were authorized by the act of 1880 to make an apportionment shall make it for the next Legislature. I much prefer the bill as the Senate passed it, but as the Legislature is now in the very act of assembling, indeed has come together and organized, and as I am advised by the Delegate from that Territory that his people desire to acquiesce in this amendment, I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

COIN DUTIES ON IMPORTED GOODS.

The PRESIDING OFFICER. The resolution of the Senator from Kentucky [Mr. BECK] is before the Senate.

Mr. COKE. I ask that the resolution be read.

The Secretary read the resolution submitted by Mr. BECK on the 18th of December, 1885, relative to the payment in coin of customs dues and the disposition of the coin so paid.

Mr. COKE. Mr. President, the suspension of the further coinage of silver so earnestly pressed upon Congress in the message of the President and the report of the Secretary of the Treasury, is a matter of such transcendent importance and fraught with such momentous consequences to the country, that while careful and respectful consideration should be given to the arguments of these high officials in support of the proposition, these should stand alone on their merits, without aid or intendment in their favor, by reason of the exalted source whence they come. The question is too great to be settled on the dictum of any man or men, however high they may be in official position. The representatives of the States and the people in the two Houses of Congress have duties and responsibilities in respect to this great question which they must meet on their own independent judgment in their own way, and without reference to the views of others, except to the extent they are sustained by reason and logic and right. Approving as I do substantially in other regards the principles and policies of the Administration, I regret to differ with the President and Secretary of the Treasury on a vital question like this, but my convictions, after a careful and thorough consideration of all they have said in support of their views, are diametrically opposed to those expressed by them, and I must stand by and maintain them. The policy of precipitating this question upon the country regardless of a public sentiment which has shown in every possible way a fixed determination to adhere to our silver coinage I believe hurtful to the best interests of the country, as tending directly to destroy confidence in its silver currency, but it having been the choice of the President to continue the agitation begun and presistently kept up by his Republican predecessors, however much we may deplore the fact, nothing is left to those who can not concur in his views but to join issue squarely with him.

The proposition of the President and Secretary of the Treasury is to suspend the further coinage of silver; the only contingency upon which, in their judgment, the coinage of silver, if suspended, can ever be safely resumed being an agreement between the United States and leading European powers for concert of action in coining and maintaining in circulation silver money, a contingency which they frankly confess is not likely to occur, and which the numerous fruitless efforts of this Government to bring about shows can not be hoped for. So that the recommendation to suspend the further coinage of silver means, in plain English, to demonetize silver, except that already coined. That is plainly the proposition submitted to Congress and with which we have to deal. If adopted it is an absolute rejection of bimetallism, under which this country has prospered, and the erection of the single gold standard as the basis of our financial system.

The argument upon which this vital and far-reaching policy is recommended is based solely and wholly upon the alleged depreciation of silver as compared with gold. The unsoundness of the basis of the argument is believed to be susceptible of demonstration so conclusive as to leave no doubt or question. It is true that the silver in the coined silver dollar, when exposed in the market for sale as merchandise, is worth only 80 cents in gold, yet it is also true that the general range of prices for all other sorts of merchandise, for all kinds of property, are more depressed than for silver bullion. Gold has appreciated, has risen in value, until 80 cents of that metal will purchase what formerly was one dollar's worth of silver bullion, but it will purchase a still larger proportion of any other character of property or merchandise.

When silver bullion more than holds its own in comparison with other commodities and the 80 cents in gold which it now sells for will buy more of the necessaries and comforts and luxuries of life, more wheat, more pork, more beef, more sugar, coffee, and tea, more dry goods, more in fine of any description of property, real or personal, than it would have bought when the same amount of bullion would have brought 100 cents in gold, then it must be conceded that silver has not depreciated, but that gold has risen in value. There is no other way of determining this question than by comparison in the mode indicated; for the depreciation or appreciation of any character of money, whether gold, silver, or paper, can not be proved except by comparison with the prices of commodities of which it is the measure of value.

I have before me a table, too long to consume time in reading, prepared by the late Director of the Mint, Hon. H. C. Burchard, containing a list of ninety commodities exported from the United States, with their declared values at the time of export, for the years 1870, 1883, and 1884. These commodities comprise agricultural, manufactured, and mining products, and were selected with a view to making a just average of the prices of all sorts of products and merchandise for the years named, and it is shown conclusively by this table that the prices in 1870 were 26 per cent. higher than they were in 1884, or, in other words, that in the general range of prices of all commodities there was an average fall of 26 per cent. between 1870 and 1884. I have before me a similar table indicating general prices of commodities in England, which shows between 1873 and 1885 an average decline of 28 per cent.

I have before me still another table of twelve leading staple commodities, among them flour, cotton, and wool, which show an average decline in England of 36 per cent. between 1873 and 1885. In 1873 the silver bullion in a dollar was worth 103 cents in gold. It is now worth 80 cents in gold; a fall of 23 per cent. It is an abuse of terms to say in the light of these undisputed facts, when silver bullion has been less affected by this general decline than any other known commodity and can be exchanged now for more of anything of value in the world except gold than it could be in 1873, when it outvalued gold, that silver has depreciated. I can take the 80 cents in gold for which the bullion in the silver dollar will sell in the market and buy with it more of anything that any man has for sale than it would have bought in 1873, when it would have sold in the market for 103 cents in gold; and the tables I have referred to prove it incontestably. Every farmer who raises wheat, or cotton, or wool, or beef, or pork knows this to his sorrow, and needs no testimony other than his own experience.

No, Mr. President, silver has not depreciated, but gold has risen in value, and a gold dollar will buy to-day an average of from 25 to 30 per cent. more of the products of the farm—of wheat, of cotton, of wool, of pork, and of beef—than it would in 1873; and, more than that, it will buy that much more of the sweat and toil and life of the wage laborer, because when the product declines in value wages must also come down. Silver has remained with the farmer, the laborer, the miner, with the producer in every branch of industry, and follows and abides in value with the products of labor, falling as they fall and rising as they rise, while gold has left all and mounted to an altitude of its own, depressing all the products of labor in value exactly in proportion to the height of its rise. If silver bullion was alone in its decline this would be depreciation, but when it bears the same relation to all other commodities it has always borne, the margin between it and gold can only be referred to the rise in value of gold.

That gold has risen in value and that all property and products of labor have declined correspondingly, so that gold commands from 25 to 30 per cent. greater purchasing power than it had in 1873, can not be questioned. The causes leading to this condition are not difficult to discover. It is a well-known truth that when supply and demand are in a normal condition, and balance each other, prices of commodities are to a great extent regulated by the volume of money in circulation, an ample volume causing good prices and an inadequate volume lower prices. When money is abundant, property and commodities bring good prices, and when money is scarce, property must be sacrificed in order to get it. The scarcer the money in circulation the more valuable it is and the more property and labor it will buy; that is, the lower the prices of property and the wages of labor. This is within the experience and knowledge of all men. A destruction of one-half of the money of the world will leave to the other half the same purchasing power formerly possessed by the whole.

Of course it can not be stated accurately how much of gold and silver there is in the world, but it is estimated by the most eminent statisticians, who have explored all the avenues of information that there are thirteen thousand million dollars' worth of gold and silver, of which about seven thousand millions are coined and circulated as money, half of it being gold and the other half silver. The Director of the Mint in his annual report gives the production of gold and silver of the last calendar year of the world at $189,500,000, of which he says $99,500,000 is gold and $90,000,000 silver.

All the statistics, both as to the total amount of gold and silver in the world and the annual production of these metals for many years, show the two metals nearly equal in amount. It is safe to say that silver constitutes one-half of the metallic money of the world. England, being a great creditor nation, in 1821 demonetized silver and established the single gold standard. The whole world was and is indebted to England. Five hundred millions of dollars is estimated to be her annual income from her foreign investments and foreign trade. She desired dear money—that is, money with the greatest possible purchasing power—and made gold her only legal tender, so her debtors must pay her in gold. Germany, another great creditor nation, after she had conquered France and exacted the great war indemnity of $1,200,000,000 in gold, in 1871 demonetized silver, impelled by the same reason which had prompted England.

The bankers, capitalists, bondholders, and syndicates of England and Germany and the other European states which have followed their lead in demonetizing silver, and who mainly hold and own or control the enormous indebtedness due by all the world to these great creditor nations, were the movers and prompters and promoters of the policy of degrading and demonetizing silver—of course for the purpose of magnifying and increasing the value and purchasing power of the gold which they exacted from debtors. The passage of the act of February 12, 1873, taking away the right of free coinage of silver, and the adoption of the Revised Statutes in June, 1874, by the Congress of the United States, taking away the legal-tender quality from the silver dollar, completed the demonetization of silver in this country and established the gold standard. No greater outrage was ever perpetrated under the forms of law than these enactments which demonetized silver.

The first, so artfully embodied in a long bill of sixty-seven sections, that General Grant, then President, who approved the bill, did not know of it, as is shown by his well-known letter to Mr. Cowdry, written seven months afterward, which I will not read here because every Senator has seen it, and the last contained in the Revised Statutes, which were enacted in bulk upon the assurance of the revising committee that no new matter had been inserted. The subject had not been discussed before the people or by the press, had not been debated in Congress, had not been considered by the country, and the people as well as the President who approved the bill, were utterly ignorant of what had been done for many months afterward. Had the people been aroused to a knowledge of the fact in time this effort to despoil them would have been overwhelmed with defeat. When England demonetized silver the American silver dollar was worth 103 cents in gold.

When Germany demonetized silver in 1871 the same dollar outvalued gold the same per cent., and when silver was fraudulently and surreptitiously demonetized in the United States in 1873 it outvalued gold to about the same extent. It was not demonetized because it was a cheap dollar or a dishonest dollar, as is alleged against it now, for it was worth more than gold. The great creditor nations, England and Germany, with the lesser European states which joined them in their policy, demonetized silver on a cold calculation that by destroying one half of the world's money the other half would be greatly increased in value, and the creditor section of this Union, where the great national and other banks are, where the Government and other bonds—State, railway, municipal, and corporation, and four-fifths of the gold coin and other active banking capital of this country are found—demonetized silver in the United States in 1873 on exactly the same sort of calculation.

Bankers, bondholders, and capitalists dictated the demonetizing policy in Europe and in the United States alike and for the same reasons. The aim and purpose in Europe was to make profit by oppressing foreign debtors and borrowers, while in the United States it was to profit by the oppression of our own countrymen, to make money scarcer and dearer, and compel the payment of principal and interest in the appreciated and enhanced coin. In the debate on the silver bill in 1878 Mr. Hereford, of West Virginia, in a speech in this body, read an extract from a lecture delivered by Professor Sumner, of Yale College, before the students of that institution a few days before, against remonetizing silver, in which the learned professor said:

> The indebted landholders would be the gainers. It is from the laborers and those receiving fixed incomes that the indebted landholders would derive a part of their advantage. It won't affect city landholders, only cotton and wheat growers would be the gainers. It would be a gain for the West and South at the expense of the East and North, and no gain to the national wealth.

The landholders alluded to by the distinguished professor are the great body of producers in the South and West. The people who raise "cotton and wheat" are the same who raise wool and corn and pork and beef and all the agricultural products which clothe and feed the people of this country, with a surplus to export which constitutes 80 per cent. of our exports and preserves the balance of trade in our favor in

spite of a protective tariff, and brings from abroad the gold coin which swells the reserves in our bank and Treasury vaults.

This utterance of Professor Sumner was not more frank than was the declaration of the Senator from Massachusetts [Mr. DAWES], who, in a speech in the Senate on the 13th of December, 1878, in opposition to the remonetization of silver, used this language:

I speak, sir, in behalf of the bondholders of Massachusetts, and I do not in so speaking speak for a handful of men in State street or a platoon of men in Wall street, but I speak for every one man, woman, and child in three in the whole population of that State, who have $230,000,000 now invested in her savings banks and reinvested by those banks in these securities—

Meaning United States bonds—

to a very large extent.

These representative gentlemen disclose the true reason of the opposition to silver coinage. Gold interest and principal on their bonds, the gold made more valuable by the demonetization of silver and higher premiums accruing on the bonds as a consequence of it, and their vast banking and other cash capital increased from 25 to 40 per cent. in purchasing power, in its command over the products of labor—this is what this crusade against silver means. It matters not that not only the West and South, the people who raise cotton and wheat, but all the people, North, South, East, and West, who are debtors and borrowers, are to be saddled with an enormous addition to their debts; it matters not that the silver dollar has been a legal-tender coin from 1792 up to 1873, when it was secretly demonetized, and is the money of the contract under which the bonds were issued; it matters not that the Constitution expressly recognizes both silver and gold as money and forbids the States to make any other a legal tender, the bonds must be increased in value; the premiums on them must be run up; the vast banking capital must be magnified, enhanced, and increased in value and power; and silver, although it is the money of the great mass of the people, used in their daily transactions not only in the West and South, but in the East and North as well, must go, if it is in the power of organized capital to destroy it.

The people are satisfied with silver. There is no depreciation of the silver dollar; it pays debts as well as gold; it passes as current as gold; it buys property as readily as gold. Silver certificates are as good as any bank notes, and are preferred to gold. The people desire no interference with it; it is a currency they are attached to. They have in every form in which their wishes can be expressed declared their approval of silver. But the war against it goes on with increasing vigor. The fight against silver is a fight against the people. It is a fight of capital against producing labor. It is a contest between bonds and dollars and banks on one side and American citizens on the other; between greed and avarice and cunning for more dollars, and men, women, and children for bread and meat.

Who are the aggressors in this contest? Who demonetized silver in 1873, the dollar which had been the standard of value since 1792? Not the people, for they knew nothing of it. Their President (General Grant), did not hear of it until months after it had been done, although he signed the bill through which it was accomplished. The people rose in their might, and over the veto of the man who was in the Presidential office, by more than a two-thirds majority in both Houses of Congress, remonetized silver in 1878, and declared by the law of that date that the silver dollar should be a legal tender for all debts, public and private. It seems that under our form of government this ought to have settled the question, but it did not. The same people, the same influences, the same banking corporations that compassed the demonetization of silver in 1873, and that by every means known to political warfare opposed the remonetization of silver in 1878, have from that time until this waged a fierce and unceasing war upon silver coinage, have degraded and dishonored the silver dollar in every conceivable way, and have to a great extent nullified the law of 1878.

The national banks, the fiscal agents of the Government, created for the convenience of the Government, holding their charters by the grace of the Government, are the leaders, the chief inciters and promoters of this war. These banks, as shown by the official reports of the Director of the Mint, the Secretary of the Treasury, and the Comptroller of the Currency, have now hoarded in their vaults $250,130,471 in gold, out of a total of gold coin in the United States amounting to $542,174,636, being within a small fraction of one-half of all the gold in the country, while they hold only $11,978,833 of silver out of a total of $278,824,201, full tender and subsidiary together, now coined. They have the gold which is to be raised in value, and the Government and the people have the silver which they have degraded and are seeking to demonetize.

In addition, these banks hold United States bonds amounting to $340,144,650, now payable in coin, silver or gold or both, at the option of the Government, which, if silver is demonetized, must be paid principal and interest in gold. The loans and discounts of these banks which represent the debts due them from the people, now payable in silver as well as gold, but which if silver is demonetized will be payable only in gold, amounted, as reported by the Comptroller of the Currency, on the 1st day of October, 1885, to the enormous sum of $1,301,155,304. The holdings by State and savings and other banks, all of which have generally made common cause with the national banks in the war on silver, of gold and bonds and the indebtedness of the people to them can not be definitely ascertained, but are believed to be greater than those of the national banks.

These facts give some idea of the enormous stake at issue in this contest, and of the reasons for the persistent aggressiveness with which it is waged by the opponents of silver coinage. The banks, being the arbiters and controllers of the currency of the country, commenced the fight on silver in 1873 when the silver dollar was worth 103 cents in gold, and have, with the aid of the executive department of the Government, the whole power of which, with its vast patronage, from the beginning of this agitation has been used earnestly and zealously in co-operation with them, succeeded in discrediting silver through an exaltation of the value of gold. They call this depreciation of silver; I call it a forced rise in the value of gold, created and brought about by the joint action of the banks and the executive officers of the Government in boycotting the silver dollar, in contempt and defiance of the act of 1878 remonetizing silver, and the known and oft-expressed will of the people.

If gold had been denounced from the White House and from the Treasury Department, and the banks had dishonored it and defamed it, had conspired to degrade it, had excluded it from their clearance-houses, as has been done with silver, who doubts that gold would have been the cheaper metal now? The reports of the Secretaries of the Treasury, of the Comptrollers of the Currency, and the Directors of the Mint, as well as the messages of all the Presidents from 1878 to this time, so far as they relate to this subject, have been loaded with invective of the silver dollar, and framed with special reference to discrediting our silver currency.

After their efforts have been crowned with success, and gold has been exalted in value by their abuse of silver, we are called on to abolish the coinage of our silver dollar, because it is a cheap, depreciated, dishonest dollar. It was an honest dollar, and more than an honest dollar, because worth 103 cents in gold when the banks and bondholders brought about its demonetization in 1873. Five years after, in 1878, when we remonetized silver, although Germany had demonetized silver in 1871, and the United States, the leading silver-producing nation in the world, had followed in abandoning silver in 1873, the discount on silver bullion was only 8 cents on the dollar. This was the discount when it seemed that all the great powers of the world were about to abandon silver. When this Government remonetized silver in 1878, had the law been executed, had silver been paid out to the bondholders as the law required it should be paid as well as gold, had the executive officers of our Government honestly and in good faith and with that loyalty to the will of the people as expressed on the statute-book which should characterize their every act sustained our silver coinage, had the national banks—the creatures and agents of the governments—sustained it in good faith, as the banks and bondholders would have been compelled by self-interest to do if our executive officers had discharged their duty in paying out silver to the public creditors, there is not a shadow of doubt but that silver would have been as good as gold.

An Andrew Jackson in the White House at any time since 1878 to enforce the law, and take by the throat the combination formed and inspired for its nullification and defeat, would have settled this question, and the country would not have been vexed nor business depressed by this agitation. Half of the people in this country have been made to believe by official reports emanating from the Treasury Department that all the available space in our mints, our subtreasuries, and in our Treasury building in Washington is filled with useless silver dollars, which can not be gotten into circulation, and that the expenditure of $2,000,000 per month for silver bullion to coin more of them is idle extravagance, and these reports give this as a reason for discontinuing the coinage of silver and relying on gold alone. They fail to state the whole truth, for the officials of that Department know as well as anybody that there are in actual circulation among the people at least ten dollars of silver coin to one dollar of gold coin, and that three-fourths of the silver dollars in the Treasury are represented by silver certificates in active circulation among the people, maintaining the prices of property, the wages of labor, and doing good service as ready instrumentalities in the business and commerce of the country, and that the silver dollars in the Treasury, to the full amount of the silver certificates issued, must be kept there—are required by positive statute to be kept there—for their redemption.

The official report of the Director of the Mint shows on the 1st day of July, 1885, the total coinage of silver dollars to have been $203,884,381, and of this amount that $38,471,269 was in the banks and in general circulation among the people in actual coin, leaving in the Treasury $165,413,112, and against this amount in the Treasury that there were outstanding $140,323,140 of silver certificates. These silver certificates are redeemable in silver dollars on demand, and of course the silver dollars must be kept in the Treasury to redeem them. It is true that on the date named $38,370,700 of these silver certificates were in the Treasury, having been paid there in regular course of business, but were there to be paid out as other moneys are paid. These facts show that of all the silver dollars coined all have gone into circulation, either in the actual coin or in silver certificates, which represent them, except $25,089,972. Why is this amount not in circulation? I answer by reading from the Treasurer's report made at the beginning of this session of Congress. On page 14 he says:

The issue of silver certificates, by Treasury officers in the South and West, for

gold coin deposited with the assistant treasurer at New York, under departmental circular of September 18, 1880, was discontinued in January last (1885). The amount which had been issued in this manner to the date named was $90,730,500.

The gold coin was paid over the subtreasury counter, dollar for dollar, for these silver certificates, which are redeemable only in silver dollars. These cheap, dishonest, discounted silver dollars, not worth so much as gold by 20 per cent., according to the reports of the Treasury Department, which cumber, as they tell us, the Treasury vaults and can not be gotten into circulation, are there to redeem these same silver certificates which the people are glad to get dollar for dollar in exchange for the gold coin. If the practice of allowing the people of the South and West to give gold coin in exchange for silver certificates had not been discontinued on the 1st of January, 1885, now more than one year ago, the ratio at which these exchanges had been made up to that time would have put in circulation among the people silver certificates covering a larger amount of silver dollars than are now in the Treasury unrepresented by outstanding silver certificates.

The message of the President and the reports from the Treasury Department express grave apprehensions that the Treasury will be depleted of its gold, yet here is a mode of replenishing the Treasury with gold and at the same time of putting all the silver in circulation, through representative silver certificates, preferred by the people to gold coin, which has been deliberately abandoned by the Treasury Department. Why was this done? Of course it was done to discredit silver, to prevent as far as possible the circulation of silver certificates. There could have been no other motive for it. I read again from the Treasurer's report. On page 24 he says:

The further issue of silver certificates should be discontinued, as being both expensive and useless.

To the extent that the Treasury Department has the power to do it silver certificates have been suppressed by a refusal to accept gold coin for them, and this recommendation refers to the law under which the holders of silver dollars may exchange them for silver certificates. The national bank circulation, according to the Comptroller's report, has decreased within the last three years $48,000,144, and is still steadily decreasing; but he says on page 18 of his report:

While the bank-note circulation of this country is steadily decreasing, there has been no reduction in the total circulating medium in the United States, the reduction in the national-bank currency outstanding having been more than met by the coinage of the standard silver dollar and the issuance of certificates thereon.

Notwithstanding this admission, that the country has been saved from the ruinous consequences of a heavy contraction of its currency by the national banks solely by our silver coinage and the issuance of silver certificates, the official who makes the admission joins in swelling the chorus of all the officers of the Treasury Department that silver coinage must cease and silver certificates must be suppressed.

Nor do they stop at this, for the Secretary of the Treasury, on page 15 of his report, gravely informs us that our silver remonetizing act of 1878 and the act of May 31, 1878, which prevented the cancellation and destruction of, and preserved as part of our circulating medium, the $346,000,000 of United States legal-tender notes so familiar to us as "greenbacks," are two evils "which are each a separate menace to the public tranquillity and injurious to the public morals and the public faith."

Every form of money known to our people—silver dollars, silver certificates, legal-tender greenbacks or United States notes, except gold coin and national-bank notes, which are elaborately praised and defended—is denounced earnestly, unsparingly, and fiercely in the reports from the Treasury Department. The meaning of this can not be misunderstood—indeed, is openly avowed in these reports. Notes issued by the national banks and withdrawn by them at their will and pleasure, with no responsibility to the public either in issuing or withdrawing them, are to be our sole paper currency, and gold and the comparatively small amounts of silver already coined are to be our metallic currency hereafter, if the views of the executive department of the Government on this subject are to prevail. This is a consummation for which the national banks and the other holders of Government bonds have long struggled. A monopoly of the paper circulation of this country, which can be expanded or contracted at their pleasure, is what they desire, and this means absolute dominion over the people, their property and values. A deposit of Government bonds being the basis of their circulation, every holder of one of these, whether a stockholder in a national bank or not, is interested in extending this use of his securities, because it renders them more valuable and increases the premium on them.

I make no war on holders of bonds, and will defend their right to be paid the uttermost farthing of the principal and interest of their securities according to the terms of the contract—that is, in silver and gold, or either, at the option of the Government—against assault from any quarter. I make no war upon national banks, because while I opposed their being rechartered, because I do not believe that the sovereign power to furnish a paper currency should be delegated to any corporation, but that our paper currency should be issued by the Government, based on and redeemable in coin, yet the law was passed, and their rights under it I would protect as fully as any Senator would who voted to recharter them, but the people who hold the bonds and own the banks are the aggressors in this contest. They are making war, in their own interest and for their own enrichment at the public expense, on the established currency and the established coinage of the people, and those of us who oppose them are simply maintaining as best we may the rights and interests of the people under existing law.

The United States legal-tender notes, and the silver dollars, and their representatives, the silver certificates, which the Secretary of the Treasury denounces as "evils" and each of them "a separate menace to the public tranquillity and injurious to the public morals and the public faith," are the only barriers which stand between the people of the United States and the greed and avarice of the banks, and the end and aim of this agitation is to remove them. As long as we have these forms of money, which are beyond the power of the banks to suppress or withdraw as they can the notes issued by themselves, we have a safeguard against undue contraction of the volume of our circulation, a security against money "corners" and spoliation by Wall street sharpers, and they should never be surrendered.

The people engaged in national banking are neither better nor worse than other people; they are simply a fair average of American citizenship. I will never by my vote intrust them or any other set of living men with the unrestrained power over the prosperity of the country and the property and values and products of labor of the people which they would possess, if permitted to dictate the amount and character of money to be circulated in this country and to contract or expand its volume at pleasure, as they will have if we abolish silver coinage.

The President and Secretary of the Treasury, while urging the demonetization of silver, claim to be in favor of both a gold and silver circulation, but contend that the silver already coined is ample, and that more of it will drive the gold out of the country. This is the old argument most relied on and most vehemently urged in the debate on this question in 1878 by those who opposed silver remonetization. It has been so effectually exploded and refuted by the experience of the country since that time that it is wonderful to see men of intelligence revamping and putting it into service again.

Official reports placed the amount of gold in this country in 1878, when the silver-coinage law was passed, at $244,353,390. The Director of the Mint reports on the 1st day of July, 1885, the amount of gold in the United States to be, bullion and coin, $609,021,731. So instead of silver remonetization driving gold out of the country as predicted, the amount of gold in the country has nearly trebled. This is a fact which no amount of theorizing can answer, and it is a fact which utterly annihilates the old argument against silver coinage. We coin only $24,000,000 of silver per annum, and the Director of the Mint reports the gold product of the mines of the United States at $38,800,000 for the last fiscal year, and it was more the year before; and, besides, we have the imports of gold to add to our stock of that metal.

The fact as shown by the statistics on this subject is that gold has accumulated in this country more rapidly since the remonetization of silver than it ever did before. The silver coined into standard legal-tender dollars amounted on the 1st day of July, 1885, according to official reports, to $203,884,381, and to this has been added $2,000,000 per month since. The balance of our silver coinage, amounting to about $75,000,000, is debased below the standard, and is legal tender only in amounts of $5. Excluding from the calculation the debased coinage, the stock of silver which the President believes sufficient for our purposes now amounts to some $215,000,000 of legal-tender dollars. General Grant in his letter to Mr. Cowdry, to which I have before adverted, expressed the opinion that our people would in time hoard away as much as two or three hundred millions of silver—lay it up in small amounts, not in banks, but at home. There is not even a gold standard country in Europe which has not more silver in proportion to population than the President, though claiming to be a bimetallist, is willing to have coined here, and not one of them that does not, as our official reports show, coin silver every year. Great Britain coined in 1884 nearly one-third as much silver as she did gold, and in 1883 her silver coinage was only $600,000 less than her gold coinage—the two being nearly equal.

If the developed, stationary, fossilized states of Europe are compelled to coin some silver annually, even those of them which have the single gold standard, to meet increased demands there, what must be the necessities of this great country in its grand march of progress and improvement? The United States, if we had enough for to-day, must provide an increased amount for increased population, increased commerce, and increased industrial activities, certain to need it the next year, and so on with each recurring year, as this vast country and its teeming wealth is populated and developed. Our paper currency and our vast system of paper credits and exchanges, through which the great commerce and business of the country are carried on, must rest on a gold and silver basis, and derive its efficacy solely from that support. The paper is worthless except as a representative of these metals, in which all of it is redeemable on demand.

The growth of the country in population, commerce, and wealth demands a constant and automatic expansion of the volume of its paper, and of necessity of its gold and silver basis. If the metallic basis is too narrow, ruinous contraction of the volume of circulation, if it is safe and redeemable, results; prices are thrown down, business paralyzed, and bankruptcy ensues. If the volume of paper is expanded on an in-

sufficient metallic basis, distrust of its redeemability and want of confidence ensues, followed by panics, broken banks, and ruined fortunes. A demonetization of silver, except the legal-tender dollars already coined, will subject the country to a constant menace of these calamities, by narrowing the metallic basis of our circulation. The gold product of the world, it is agreed on all sides, is now and for several years has been declining, while increasing wealth and luxury are carrying a larger proportion of it every year into consumption in the arts.

The product of gold in the United States is by official reports 33⅓ per cent. of the annual product of the world, and this comes chiefly from the Pacific coast. I read from the last report of the Director of the Mint, to show the declining condition of its production there:

The decline in the production of gold on the Pacific coast is shown by the continued falling off in the deposits at the mint at San Francisco. The following table, exhibiting the deposits of gold bullion at that mint for a series of years, together with their yearly dimunition, shows the decrease in production to have been in the last four years $8,072,438.07.

Fiscal years.	Deposits.	Decline yearly.
1881	$28,846,898 04	
1882	27,724,391 09	$1,122,506 95
1883	26,499,222 38	1,225,168 71
1884	23,417,948 16	3,081,274 22
1885	20,774,459 97	2,643,488 19
Total decline		8,072,438 07

The report of the Secretary of the Treasury for 1884 says on this subject:

The production of gold is diminishing, that of silver has practically reached its maximum, and there are strong indications that from this time the yield of both gold and silver mines will speedily decline.

By the reports of 1885 both gold and silver show a decline from last year.

Nobody denies the insufficiency of the world's supply of gold as a basis for the paper circulation necessary to do the business of the world. Is it prudent, is it wise, is it just to labor, to debtors, to producers, in the face of these admitted facts, to discard one-half of our metallic currency and take not the risk but the certainty of producing a contraction of our volume of circulation which will enormously increase the purchasing power of gold, which is in the hands of comparatively a few capitalists, while it will reduce wages, paralyze business, lower the prices of property, and add greatly to the burdens of debtors? The holders of gold and of bonds would reap a golden harvest, but to the great mass of the people who toil and produce and create the wealth of this country it would bring suffering and distress.

The European powers which have demonetized silver are creditor nations; $5,250,000,000 were due England and Germany alone from foreign nations; but the United States is a debtor nation, and, besides, produces 47 per cent. of all the silver annually produced in the world. They made money by demonetizing silver out of the foreign nations indebted to them, but both our Government and people are heavily indebted both at home and abroad.

By following the example of European states we destroy the value of our great silver mines, add vastly to the burden of our debts, public and private, and depreciate silver to such an extent as to compel other nations now using silver also to abandon it and compete with us and other gold-standard nations in a struggle for the gold, which is insufficient now and declining in production. These are some of the consequences of the policy urged upon Congress by the bondholders, bankers, and gold-holders, who would be enriched, while all others would be impoverished by it.

The specter of an exclusively silver circulation so alarming to some has no terrors for me. Germany was a silver-standard country until her conquest of France. Russia and Austria are now silver-standard countries. Silver was our standard of value from 1792 to 1873. Silver measures values to-day on three-fourths of the earth's territory and for nearly five-sixths of the population of the world. If our tariff is ever reduced so that our manufactured goods may find a foreign market, it is to China, Japan, Mexico, South and Central America, all silver-using countries, that they must go.

But we are in no danger of being reduced to a silver basis, though I would welcome it in preference to a despotic domination by national banks under the single gold standard, for the two go inseparably together, as we will see if silver is ever demonetized. If silver goes, the $346,000,000 of legal-tender notes will also go, for the banks are as determined in their hostility to the latter as they are to silver, and if successful in demonetizing silver will be irresistible in their onslaught on the legal-tender notes. France is the thriftiest and most prosperous nation on earth. Her ablest financiers inform us that not less than six hundred, and some place it as high as nine hundred, millions of dollars of silver are in circulation in France, in harmony, and side by side, with her gold currency. Her silver, when reduced to dollars, contains 15½ grains of silver in its relation to gold, while our silver dollar contains 16 grains. Hers is a cheaper dollar, because it contains 3 per cent. less silver, yet her silver money is not at a discount but on a parity with gold, nor does it drive the gold out of circulation, although England on one side and Germany on the other are gold-standard countries.

The Bank of France, according to the report of the Comptroller for 1884, had in its vaults $205,837,867 of silver money, the balance of the silver of that country being in the hands of the people. The amount in the Bank of France is several millions more than had been coined in the United States of legal-tender dollars up to the 1st of July, 1885, and lacks only ten or twelve millions of being as great as all coined up to this hour. If France can absorb and circulate from six hundred to eight hundred millions of silver dollars, cheaper dollars than ours, at par with her gold, and in harmony with it, without driving it out of the country or into hiding-places, ought we to be alarmed about the $215,000,000 of legal-tender dollars of silver we have in circulation? This country can absorb and circulate very much more silver than France, for in resources, population, territory, commerce, and industrial activity it is vastly greater.

The French Government sustains its silver currency, stands by it and holds it up, while the American Government wields its vast power to depreciate and destroy American silver coinage. Give us the executive vigor and good faith in upholding our silver coinage that is exerted in maintaining silver currency in France, and we will circulate greatly more silver than can be circulated in France, and that alongside of a good gold circulation. Our people prefer solvent, safe, redeemable paper to either gold or silver. Both of these metals are too cumbrous for convenience. The Government saves in the casual loss and destruction of paper money, which is clear profit, and in preserving these metals from loss by abrasion, the result of frequent handling, greatly more than the cost of building vaults to store them, and the silver dollars in the Treasury, kept there to redeem the silver certificates in circulation, are as much in circulation as if in the pockets of the people.

The hue and cry raised by our Treasury officials against silver because it will not circulate is a false clamor. The fact that the people, against the best efforts of these officials to suppress silver certificates and their refusal to pay out silver to the public creditors, use them interchangeably with United States notes and national-bank notes, and freely exchanged gold coin for them dollar for dollar as long as the Government would permit it, proves conclusively that silver if represented by notes of convenient size would circulate to an unlimited extent among them. The only mode in which gold is circulated is through bank notes of various and convenient amounts redeemable in coin. Why not circulate silver in the same mode?

Since 1878, now a period of about eight years, we have coined the amount of legal-tender silver dollars I have already stated, and at the same rate of coinage, that is, $2,000,000 per month, it will take fifteen years to raise our coinage to $575,000,000, which is less than the smallest amount claimed by anybody to be the silver circulation of France; and by that time, with our growth and improvement, we will need two or three times as much of that money as France has now. The truth is that the rate at which we are now coining silver does not meet the annual demand for increased circulation, and with each year of increased growth and wealth and industrial extension the present rate of coinage will become more and more inadequate and insufficient. The fears of the President that we will be plagued with too much silver seems to me to be utterly groundless; on the contrary, it is very reasonably to be feared that under existing laws we will not have enough. We can not afford to demonetize silver upon the theories of doctrinaires, however plausible they may be, when experience, that safest of all guides, both in this country and France, so thoroughly refutes them.

Gold and silver are precious metals the world over, and have been so through all ages, and will continue to be, and silver as fully so as gold. These metals have in all ages been yielded by Mother Earth in quantities and proportions adapted to the wants and necessities of mankind. Notwithstanding the estimates of the aggregate of both metals in the world show equal proportions of gold and silver, it is a part of their history that their relation to each other has constantly been changing by reason of the changing proportion of their production. At one time gold has been produced largely in excess and at another silver, but it has been the unvarying history of these metals that an excess of either has always been corrected by a corresponding production of the other in its turn, and that the supply of both has kept pace with the growth of population, business, and commerce of the world.

The flood of gold which was poured between 1851 and 1856 from the mines of California, Australia, and Russia, estimated at $900,000,000, which caused a decline of 5 per cent. in that metal as compared with silver, and caused alarmists to advocate its demonetization as they now do of silver, as we all know has been corrected by the more recent discoveries of silver; and so it has been for all time. A law of nature seems to have joined these metals together, and to have denied perfect efficacy to their functions as money except as co-operative forces. Under the double standard they support each other. If gold is scarce and high, silver becomes more abundant; if silver disappears, gold flows into its place. The people who have both to rely on can depend with absolute certainty on the presence at all times of one of them; a corner on both is impossible.

It is through this co-operative action of the two metals under the double standard that a sufficient circulation is assured for the demands

of trade and commerce, for living wages to labor, for fair valuations in the transfers of property, and a safeguard is furnished as far as human wisdom can devise one against crises and panics and the loss and ruin they entail. Alexander Hamilton, in his report on the Mint in 1792, said:

To annul the use of either of the two metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scant circulation.

I make no apology, in view of the importance of the question, for reading some quotations I find grouped in a very able and comprehensive pamphlet on this subject by Judge Robert W. Hughes, of Virginia. He quotes M. Edward Cazalet, of Milan, a distinguished and very able Italian banker, who says:

It is computed that the total metallic circulation of the world amounts to $7,000,000,000, of which about 3,750,000,000 are gold, and 3,250,000,000 are silver. The whole of this mass of metal is now doing service as currency, and to demonetize or eliminate either metal would involve a reduction of the circulation by about one-half. The half demonetized would be incalculaby depreciated in value; the half which remained to do double service would be appreciated to an equal extent. Since the value of all articles of commerce is represented by the currency, the value of these articles must fall in proportion to the reduction in the volume of the currency, otherwise the moneyed currency could not possibly do the work which the two metals combined had previously performed. Thus, to settle a debt of $100 it would be necessary to sell merchandise which under the double currency had been valued at $200. The creditor would gain at the expense of the debtor. * * * As the currency of a country is the only legal tender which can be offered in payment of a debt, the debtor would have to procure that currency from a circulation which had been suddenly contracted, and in proportion to this contraction the debtor would be a loser and the creditor a gainer. When the enormous amount of international and national as well as personal indebtedness is considered, and when we bear in mind that this indebtedness would be well-nigh doubled by the demonetization of either gold or silver, it becomes clear that such an event would revolutionize the actual conditions of society, and be nothing short of a universal calamity. (See M. Cazalet's pamphlet on bimetallism, pages 14, 15.)

He also quotes from Sir Archibald Alison's History of Europe the extract I now read. He says:

The two greatest events which have occurred in the history of mankind have been directly brought about by a successive contraction or expansion of the circulating medium of society. The fall of the Roman Empire, so long ascribed in ignorance, to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the silver and gold mines of Spain and Greece. * * * And, as if Providence had intended to reveal in the clearest manner the influence of this mighty agent on human affairs the resurrection of mankind from the ruin which those causes had produced was owing to the directly opposite set of agencies being put in operation. Columbus led the way in the career of renovation; when he spread his sails to cross the Atlantic he bore mankind and its fortunes in his bark. * * * The annual supply of the precious metals for the use of the globe was tripled; before a century had expired the prices of every species of produce were quadrupled. The weight of debt and taxes insensibly wore off under the influence of that prodigious increase; in the renovation of industry the relations of society were changed; the weight of feudalism cast off; the rights of man established. Among the many concurring causes which conspired to bring about the mighty consummation, the most important, though hitherto the least observed, was the discovery of the mines of Mexico and Peru.

Speaking of a later period, the historian says:

If this circulating medium of the globe had remained stationary, or declining, as it was from 1815 to 1859, from the effects of South American revolution and English legislation, the necessary result must have been that it would have become altogether inadequate to the wants of man; and not only would industry have been everywhere cramped, but the price of produce would have universally and constantly fallen. Money would every day have become more valuable; all other articles measured in money less so; debt and taxes would have been constantly increasing in burden and oppression; the fate which crushed Rome in ancient, and has all but crushed Great Britain in modern times, would have beset that of the whole family of mankind. All these evils have been entirely obviated, and the opposite blessings introduced, by the opening of the great reserve treasures of nature in California and Australia. * * * Before half a century has elapsed the prices of every article will be tripled, enterprise proportionately encouraged, industry vivified, debts and taxes lessened.

Sir Archibald wrote before 1873, says the author.

Prefacing another quotation, the author proceeds:

Unfortunately, the policy of England and Germany has brought about a condition of things the opposite of that thus described by the historian. By their scheme of demonetizing silver the condition of the world at present is the reverse of that which was presented in the sixteenth century after the opening of the mines of Peru and Mexico, and in our own nineteenth century after the opening of those of California and Australia. M. Emile de Laveleye, in his International Bimetallism, page 41, says of this change: "What happened after the placers of California and Australia sent their millions of gold to Europe? At first gold, accumulating in the banks, produced a severe fall of interest and a slight rise of prices. These two events, equally favorable to commerc and industry, excited all over the world an unexampled activity. Enterprises of every kind everywhere started up. Thence resulted, first, a great demand for produce and a rise of prices; secondly, a great demand for capital and a rise in discounts. After 1873 we witnessed a worse phenomenon; silver is expelled, gold becomes scarce, prices fall; industry, losing money, limits its operation; the spirit of enterprise declines; capital, little demanded, becomes a glut; the rate of interest falls. The connection of cause and effect is as evident here as in the period of expansion."

The author then quotes from a distinguished German writer, M. Herr von Barr, who, after showing the direct loss to Germany from the depreciation of her silver coin, and the product of her silver mines, which he places at an enormous figure, from the demonetization of silver, says:

This direct loss, important as it is, is nothing, however, compared with the indirect loss resulting from the fall of prices.

Himself a large land-owner, he first speaks of agriculture:

It is cruelly suffering from the reduced value of all produce. The farmers are paying their rents irregularly, or not at all; their stock in trade has often to be distrained to recover arrears of rent. The land-owners are overwhelmed by mortgages. When at last, in order to extricate themselves, they try to sell their estates, they find no purchasers, or have to be satisfied with a price one-third below former estimates. The discouragement is universal. No more agricultural improvements are being effected; employment is, consequently, lacking; and there is great indigence. Hence that increasing emigration, for which special trains and steamers have to be arranged. It is a veritable exodus. What remedy for so much suffering? The agriculturists, perceiving at length the real cause of the evil, demand the abandonment of the gold standard. * * * The fact is strange, yet certain, that from this intense crisis has sprung that odious and inexplicable return to the intolerance of the Middle Ages, called the antisemitic movement, the *Judenhetze* (Jew hatred). The Jews, being large holders of the gold, whose power is unduly increased, are regarded by the populace as enriching themselves by the ruin of others. The capitalist, unhurt, even profits by the cheapness of enforced sales.

All that this writer says is verified by information received through various sources from Germany, and is substantially corroborated by reports recently received from Germany through the State Department and submitted to Congress. If we are wise we will profit by the experience of the world in dealing with this great question. Shall we add to the wealth of the already rich, and still further impoverish the poor by investing the dollar which ought to buy one bushel of wheat with power to buy two? Shall we add one-third to the burden of our national debt and to every dollar of our private indebtedness, so that one-third more cotton, wheat, corn, pork, beef, ore of minerals, and manufactured goods, and one-third more of labor will be required to pay them? Shall we drive our people, by annulling silver as money and narrowing the coin basis of our paper circulation, and the consequent contraction of our currency, and the depreciation of the wages of labor and all the products of labor in consequence of the forced appreciation of money, to demand and clamor for an irredeemable paper circulation? Shall we close the English market to Western wheat and the lower grades of Southern cotton by so degrading and cheapening silver that England may get it on her own terms to send to India to buy up India wheat and India cotton, and thereby be enabled to pay the heavier cost of transportation from India, which alone gives us now the English market? Shall we, by demonetizing silver, bend the necks of our people to the yoke of European policies, which enslave all the producing classes to the power of hoarded and organized capital in the hands of an arrogant aristocracy? If we desire to do these things we will demonetize silver; otherwise, we will not.

Mr. President, in 1878 I advocated the free coinage of silver on the floor of the Senate, and am convinced now, as I was then, that in the free coinage of all silver of American production is to be found the ultimate solution of the silver question. The seigniorage to the Government on our silver coinage is reported by the Director of the Mint as being over 18 per cent., and the net profit, after paying all the expenses of the mint for both gold and silver coinage, as we are informed by the report of that officer, since the passage of the act of 1878 is $25,338,389.97, while the coinage of gold is free. This legislative discrimination against silver should not be on our statute-book. It handicaps silver. The two metals should be on the same plane and have the same opportunities, and no burden placed on one not resting equally on the other. Our great aim is to have the two metals circulate at a parity, and to accomplish this one should not be put at a disadvantage in comparison with the other. We have adopted the English plan of minting silver, which is intended there to hold silver down and exalt gold, while we are supposed to be endeavoring to secure equality of value in the two metals.

I ask attention to an extract I will read from Mr. Ernest Seyd on this subject:

The expenditure of the mint falls on the taxation; the expense for coining gold is consequently borne by all classes, although gold is used principally by the smaller number, the wealthier portions of the community. The mere assertion that the coining of gold is intended for the benefit of all classes does not, in face of the patent fact that the poor use it but rarely, meet the justice of the case. In England the extreme injustice of this matter becomes all the more glaring when it is borne in mind that the British silver coinage, that upon which more than three-quarters of the nation are dependent for their intercourse with each other, is charged with a heavy seigniorage of from 8 to 10 per cent., a profit which serves the mint as a set-off against the free coinage of gold. Gold, it may be said, is coined in England gratuitously for the higher classes at the cost of the lower classes, which deal in silver. Moreover, while the coinage of gold is thus of full value, open and free to all, and the supply unrestricted within the natural boundaries of commerce, the silver coinage is debased; the mint refuses to coin it for the public, it has but a strictly limited legal-tender value, and the amount in circulation thus becomes restricted within narrow and unnatural boundaries.

Producing, as we do, within 3 per cent. of one-half of all the silver produced in the world, its admission to free coinage would withdraw from the markets of the world nearly or quite half of the silver bullion sold; and after deducting from our product that portion which goes into the arts, the addition to our stock of silver money would be only some ten or twelve millions per annum over and above our present coinage. This diminution of the stock of bullion on the market, coupled with the determination the adoption of this policy would show in our Government to maintain silver, would raise the value of bullion, would appreciate silver throughout the world, and strengthen the hands of those in Europe who are struggling to throw off the despotism of gold monometallism.

The production of silver has already commenced to decline in the United States according to official reports, but at the present rate of production, with our mints thrown open to the free coinage of all the silver product of American mines, it would be ten years before our silver coinage would equal in amount the silver now in circulation in France at the lowest estimate made of it, and at the end of the decade it would be seen that every dollar of it would be needed.

The only logical way of treating this question is, in my judgment, so far as the law can do it, to place American silver on an exact equality with gold at the mints, in the Treasury, the custom-houses, everywhere and in every way. Whether right or wrong in my judgment as to free coinage, we certainly have a right to demand an enforcement of the law of 1878, and that our executive officers shall no longer make war upon silver currency—that the national banks, which exist by permission and enjoy the franchises of the Government, shall no longer be permitted to discriminate against and boycott silver, and that silver shall be paid out at the Treasury to the public creditors in common with gold. This Government owes no gold obligations except a few certificates for gold deposited. Its bonded debt, every dollar of it, is payable in gold and silver coin, or either, at the option of the Government. These bonds were originally payable in lawful money. Legal-tender notes are such money. Every legal-tender note has stamped upon its back these words:

This note is a legal tender for all debts public and private except duties on imports and interest on the public debt.

The principal of the public debt was payable in these notes most clearly. The holders of the bonds, not satisfied to be paid as all other creditors were paid, besieged Congress until through their importunities the act of March 18, 1869, "to strengthen the public credit," was passed. That act is in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to remove any doubt as to the purpose of the Government to discharge all just obligations to the public creditors, and to settle conflicting questions and interpretations of the laws by virtue of which such obligations have been contracted, it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of said interest-bearing obligations not already due shall be redeemed or paid before maturity unless at such time United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

Gold and silver coin is the currency in which the Government pledges itself to pay its public creditors by this act. The act of July 14, 1870, under which the public debt was refunded, pledges payment in gold and silver coin of "the standard value of the United States" on that date. The silver dollar of 412½ grains of standard silver was the standard value of the United States at that time, and the legal-tender silver dollar of to-day contains 412½ grains of standard silver, and is exactly the dollar described in the act of July 14, 1870. The bonds of the United States, bought originally with paper money worth only 50 cents in the dollar in gold or silver and payable in legal-tender notes through the acts of Congress of 1869 and 1870 above referred to, were made payable in gold and silver coin of a specified standard. Having secured this purpose, the next step was to demonetize silver, take away its legal-tender character, so that only gold coin, and that enhanced in value, would pay the bonds, and this was accomplished in 1873.

In 1878 the people, having become thoroughly aroused, brushed the bondholders and bankers aside and remonetized silver, and made the silver dollar of 412½ grains a full tender for all debts, public and private, as it had been up to 1873, and at the same session of Congress, in order to remove all doubt as to the meaning of the movement then in progress to remonetize silver, both Houses by large majorities adopted the following concurrent resolution, which was introduced in the Senate by Hon. Stanley Matthews, of Ohio, then Senator, and now an associate justice of the Supreme Court of the United States:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin, or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

Notwithstanding this record, and the additional fact that coin—gold and silver—received at the custom-houses has been dedicated by law to the payment of the interest on the public debt and the creation of a sinking fund, and that large amounts of silver dollars and silver certificates are paid in at the custom-houses, the holders of Government bonds declare that honor and good faith require that they be paid in gold, and the President expresses a grave apprehension in his message that if the further coinage of silver is not suspended payments may have to be made on the public debt in silver.

The claim that any obligation of any sort rests on the Government in law or morals, in justice, equity, or reason, to pay these bonds in gold is utterly unfounded, and so proven to be by a simple recital of the law and facts. No more preposterous claim was ever seriously made, much less considered, except one, and that is that silver should be demonetized, and that all the ills and evils attendant upon that act should be borne by the people of the United States, in order to prevent some silver from being paid to the holders of Government bonds. Nobody asks that the bonds be paid exclusively in silver, although the legal and moral right of the Government to do it is perfect. But we do ask that silver be not discriminated against, that the law be not violated as it has been, that silver as well as gold be paid out to public creditors, and that no more reports be made from the Treasury Department that silver can not be gotten into circulation, when in violation of the law the Department refuses to pay it out, and allows bonds which ought to be paid to remain outstanding, and keeps locked up in the Treasury vaults millions upon millions of dollars which ought to be in circulation relieving the distress of the people.

If the laws of the land in relation to silver dollars and to the payment of the public debt were enforced or obeyed there would never be a silver dollar in the Treasury unrepresented by an outstanding silver certificate, and there would be no more agitation in this country over the silver dollar, because the bankers and bondholders, who from motives of self-interest have fomented the disturbance, would be prompted by the same motives to maintain and protect it. This action on the part of the Government would be taken by the world as a declaration of an American policy, to be adhered to and maintained, and could not fail to encourage and strengthen throughout the world all who in behalf of the great mass of laborers and producers are struggling to prevent the destruction of one-half of the money of the world.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

JUDICIAL SALARIES.

Mr. HOAR. I suppose the unfinished business should first be laid before the Senate.

The PRESIDING OFFICER. The Chair will lay before the Senate the regular order.

The SECRETARY. A bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.), the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 13, 1886.

POSTMASTERS.

John Foran, to be postmaster at Lambertville, in the county of Hunterdon and State of New Jersey.

Mary E. Simonson, to be postmaster at East Orange, in the county of Essex and State of New Jersey.

Elijah T. Eads, to be postmaster at Knoxville, in the county of Knox and State of Illinois.

William Steiner, to be postmaster at Oak Park, in the county of Cook and State of Illinois.

William D. Swail, to be postmaster at Belvidere, in the county of Boone and State of Illinois.

David Overman, to be postmaster at Marion, in the county of Grant and State of Indiana.

Benjamin F. Mackall, to be postmaster at Moorhead, in the county of Clay and State of Minnesota.

John L. Street, to be postmaster at Park City, in the county of Summit and State of Utah.

Nelson Bruett, to be postmaster at Jefferson, in the county of Jefferson and State of Wisconsin.

Henry S. Howell, to be postmaster at Watertown, in the county of Jefferson and State of Wisconsin.

Joseph Brelsford, to be postmaster at Onarga, in the county of Iroquois and State of Illinois.

Erastus R. McKinney, to be postmaster at Lacon, in the county of Marshall and State of Illinois.

George E. Blackstone, to be postmaster at Paxton, in the county of Ford and State of Illinois.

J. S. Catherwood, to be postmaster at Hoopeston, in the county of Vermillion and State of Illinois.

Michael W. Corbett, to be postmaster at Aurora, in the county of Kane, and State of Illinois.

Martin V. Daggett, to be postmaster at Tuscola, in the county of Douglas and State of Illinois.

John Hartley, to be postmaster at Henry, in the county of Marshall and State of Illinois.

Joseph F. Henderson, to be postmaster at Aledo, in the county of Mercer and State of Illinois.

William S. Hervey to be postmaster at Carlyle, in the county of Clinton and State of Illinois.

William H. Newcomb, to be postmaster at Pana, in the county of Christian and State of Illinois.

John D. Stevens, to be postmaster at Carthage, in the county of Hancock and State of Illinois.

Henry F. Tallman, to be postmaster at Lanark, in the county of Carroll and State of Illinois.

Joseph Vonnahme, to be postmaster at East Saint Louis, in the county of Saint Clair and State of Illinois.

George K. Yerington, to be postmaster at Girard, in the county of Macoupin and State of Illinois.

E. Volney Bingham, to be postmaster at Mishawaka, in the county of Saint Joseph and State of Indiana.

Thomas J. Semans, to be postmaster at Wabash, in the county of Wabash and State of Indiana.

James E. Pinnell, to be postmaster at Lebanon, in the county of Boone and State of Indiana.

John W. Pence, to be postmaster at Anderson, in the county of Madison and State of Indiana.

John O'Donnell, to be postmaster at Mitchell, in the county of Lawrence and State of Indiana.

Mrs. Julia Loer, to be postmaster at New Castle, in the county of Henry and State of Indiana.

Francis M. Householder, to be postmaster at Noblesville, in the county of Hamilton and State of Indiana.

Morman Fisher, to be postmaster at Huntingburg, in the county of Dubois and State of Indiana.

A. B. Crampton, to be postmaster at Delphi, in the county of Carroll and State of Indiana.

George W. Cooper, to be postmaster at Columbus, in the county of Bartholomew and State of Indiana.

James C. Carlton, to be postmaster at Bedford, in the county of Lawrence and State of Indiana.

Benjamin P. Brown, to be postmaster at Franklin, in the county of Johnson and State of Indiana.

A. D. Tinsley, to be postmaster at Sibley, in the county of Osceola and State of Iowa.

Alexander McKennon, to be postmaster at Crookston, in the county of Polk and State of Minnesota.

John R. Parshall, to be postmaster at Faribault, in the county of Rice and State of Minnesota.

Charles J. Strunk, to be postmaster at Shakopee, in the county of Scott and State of Minnesota.

William Brown, to be postmaster at Lake Geneva, in the county of Walworth and State of Wisconsin.

Horatio N. Cronkrite, to be postmaster at Clinton, in the county of Rock and State of Wisconsin.

D. A. Sullivan, to be postmaster at Spring Valley, in the county of Fillmore and State of Minnesota.

Edward Van De Casteele, to be postmaster at De Pere, in the county of Brown and State of Wisconsin.

R. P. Hitchcock, to be postmaster at Tomah, in the county of Monroe and State of Wisconsin.

Peter McCamley, to be postmaster at Grand Rapids, in the county of Wood and State of Wisconsin.

Adolph Piening, to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin.

Curtis Reed, to be postmaster at Menasha, in the county of Winnebago and State of Wisconsin.

Harvey M. Brown, to be postmaster at Columbus, in the county of Columbia and State of Wisconsin.

Willis S. Grimes, to be postmaster at Batavia, in the county of Kane and State of Illinois.

Charles Kelley, to be postmaster at Effingham, in the county of Effingham and State of Illinois.

William A. Mehan, to be postmaster at Mason City, in the county of Mason and State of Illinois.

Sidney B. Stout, to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

Henry Sharer, to be postmaster at Mount Morris, in the county of Ogle and State of Illinois.

George E. Young, to be postmaster at Amboy, in the county of Lee and State of Illinois.

James V. N. Sonn, to be postmaster at Evansville, in the county of Rock and State of Wisconsin.

Joseph Dunham, to be postmaster at Geneseo, in the county of Henry and State of Illinois.

Daniel W. Gould, to be postmaster at Moline, in the county of Rock Island and State of Illinois.

Denis Eagan, to be postmaster at Liberty, in the county of Union and State of Indiana.

Robert McNeil, to be postmaster at Rock Falls, in the county of Whitesides and State of Illinois.

John R. Smith, to be postmaster at Kendallville, in the county of Noble and State of Indiana.

Francis Baasen, to be postmaster at New Ulm, in the county of Brown and State of Minnesota.

William C. Browe, to be postmaster at Salt Lake City, in the county of Salt Lake and Territory of Utah.

George L. Phillips, to be postmaster at Bethany, in the county of Harrison and State of Missouri.

William A. Wight, to be postmaster at Moberly, in the county of Randolph and State of Missouri.

A. P. Cramer, to be postmaster at Avoca, in the county of Pottawattamie and State of Iowa.

Marie Hollingsworth, to be postmaster at Silverton, in the county of San Juan and State of Colorado.

G. G. Shaver, to be postmaster of Cañon City, in the county of Fremont and State of Colorado.

William R. Crockett, to be postmaster at Nevada, in the county of Vernon and State of Missouri.

N. A. Wade, to be postmaster at Butler, in the county of Bates and State of Missouri.

James S. McGee, to be postmaster at Paris, in the county of Monroe and State of Missouri.

William H. Pipkin, to be postmaster at Springfield, in the county of Greene and State of Missouri.

George M. Houston, to be postmaster at Harrisonville, in the county of Cass and State of Missouri.

Eli Hodge, to be postmaster at Columbia, in the county of Boone and State of Missouri.

Charles W. Huggins, to be postmaster at Lamar, in the county of Barton and State of Missouri.

William H. Miller, to be postmaster at Meriden, in the county of New Haven and State of Connecticut.

James H. Covington, to be postmaster at Easton, in the county of Talbot and State of Maryland.

R. R. Dashiell, to be postmaster at Jackson, in the county of Madison and State of Tennessee.

Henry H. Gilpin, to be postmaster at Elkton, in the county of Cecil and State of Maryland.

Joseph N. Bell, to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky.

I. Parker Veazey, to be postmaster at Baltimore, in the county of Baltimore and State of Maryland.

Alonzo L. Barry, to be postmaster at Port Deposit, in the county of Cecil and State of Maryland.

John C. Evans, to be postmaster at Saint Joseph, in the county of Buchanan and State of Missouri.

Samuel T. Bassett, to be postmaster at Richmond, in the county of Ray and State of Missouri.

C. S. Clark, to be postmaster at Tombstone, in the county of Cochise and Territory of Arizona.

A. W. Weisbrod, to be postmaster at Oshkosh, in the county of Winnebago and State of Wisconsin.

James E. Shepard, to be postmaster at Brenham, in the county of Washington and State of Texas.

Mrs. L. S. McPherson, to be postmaster at Sherman, in the county of Grayson and State of Texas.

Julian Feild, to be postmaster at Fort Worth, in the county of Tarrant and State of Texas.

Joseph Osthelder, to be postmaster at Sheboygan Falls, in the county of Sheboygan and State of Wisconsin.

R. L. Jemmings, to be postmaster at Marshall, in the county of Harrison and State of Texas.

Camille Mollère, to be postmaster at Donaldsonville, in the county of Ascension and State of Louisiana.

Andrew J. Hill, to be postmaster at Hot Springs, in the county of Garland and State of Arkansas.

N. B. Johnson, to be postmaster at Weatherford, in the county of Parker and State of Texas.

Franklin D. Denton, to be postmaster at Batesville, in the county of Independence and State of Arkansas.

Thomas W. Newton, to be postmaster at Little Rock, in the county of Pulaski and State of Arkansas.

Andrew J. Ward, to be postmaster at Beaumont, in the county of Jefferson and State of Texas.

John Snoddy, to be postmaster at Big Spring, in the county of Howard and State of Texas.

John O. Johnson, to be postmaster at Austin, in the county of Travis and State of Texas.

Fidelia Kilgore, to be postmaster at Longview, in the county of Gregg and State of Texas.

E. P. Rutherford, to be postmaster at Clarksville, in the county of Red River and State of Texas.

R. E. Harris, to be postmaster at San Angelo, in the county of Tom Green and State of Texas.

George A. Giddings, to be postmaster at Wichita Falls, in the county of Wichita and State of Texas.

C. A. Gildea, to be postmaster at Brackettsville, in the county of Kinney and State of Texas.

John W. Duncan, to be postmaster at Bonham, in the county of Fannin and State of Texas.

Willis H. Bates, to be postmaster at Denton, in the county of Denton and State of Texas.

Robert Burns, to be postmaster at Houston, in the county of Harris and State of Texas.

Tranquilino Labadie, to be postmaster at Las Vegas, in the county of San Miguel and Territory of New Mexico.

William A. Walker, to be postmaster at Albuquerque, in the county of Bernalillo and Territory of New Mexico.

Carmelite C. Guilfoux, to be postmaster at New Iberia, in the county of Iberia and State of Louisiana.

Isaiah Garrett, to be postmaster at Monroe, in the county of Ouachita and State of Louisiana.

William N. Martin, to be postmaster at Muscogee, in the county of Creek Nation and Indian Territory.

Richard B. Pulliam, to be postmaster at Eureka Springs, in the county of Carroll and State of Arkansas.

Ethan Wait, to be postmaster at Kingman, in the county of Kingman and State of Kansas.

George C. Rembaugh, to be postmaster at Winfield, in the county of Cowley and State of Kansas.

B. J. Sheridan, to be postmaster at Paola, in the county of Miami and State of Kansas.

Cyrus A. Rieder, to be postmaster at Anthony, in the county of Harper and State of Kansas.

Thomas A. McCleary, to be postmaster at Medicine Lodge, in the county of Barber and State of Kansas.

J. A. Mantey, to be postmaster at Mound City, in the county of Linn and State of Kansas.

R. E. Lawrenson, to be postmaster at Junction City, in the county of Davis and State of Kansas.

J. P. De Jarnette, to be postmaster at Chetopa, in the county of Labette and State of Kansas.

Hugh V. Gavigan, to be postmaster at Columbus, in the county of Cherokee and State of Kansas, in the place of Matthew W. Coulter, resigned.

Samuel T. Carrico, to be postmaster at Harper, in the county of Harper and State of Kansas.

Colin Campbell, to be postmaster at Florence, in the county of Marion and State of Kansas.

William C. Butts, to be postmaster at Valley Falls, in the county of Jefferson and State of Kansas.

Hattie P. Bain, to be postmaster at Great Bend, in the county of Barton and State of Kansas.

Max J. Alwens, to be postmaster at Belleville, in the county of Republic and State of Kansas.

John F. Cottrell, to be postmaster at Fort Scott, in the county of Bourbon and State of Kansas.

Benjamin F. Devore, to be postmaster at Independence, in the county of Montgomery and State of Kansas.

Frank W. Frye, to be postmaster at Parsons, in the county of Labette and State of Kansas.

Edward H. Thayer, to be postmaster at Clinton, in the county of Clinton and State of Iowa.

Parley Sheldon, to be postmaster at Ames, in the county of Storey and State of Iowa.

P. D. Minick, to be postmaster at Villisca, in the county of Montgomery and State of Iowa.

Charles E. Bronson, to be postmaster at Manchester, in the county of Delaware and State of Iowa.

J. W. Sherman, to be postmaster at Osceola, in the county of Clarke and State of Iowa.

L. H. Edwards, to be postmaster at Waterloo, in the county of Black Hawk and State of Iowa.

Henry Williams, to be postmaster at Frederick, in the county of Frederick and State of Maryland.

Lewis S. Fowler, to be postmaster at Chestertown, in the county of Kent and State of Maryland.

Daniel C. Hopper, to be postmaster at Centreville, in the county of Queen Anne and State of Maryland.

Samuel D. Garth, to be postmaster at Clinton, in the county of Henry and State of Missouri.

William Groesbeeck, to be postmaster at Independence, in the county of Jackson and State of Missouri.

Horatio S. Herbert, to be postmaster at Rolla, in the county of Phelps and State of Missouri.

Thomas H. Frame, to be postmaster at Liberty, in the county of Clay and State of Missouri.

Chauncey W. Freeman, to be postmaster at Brookfield, in the county of Linn and State of Missouri.

Putnam S. Fulkerson, to be postmaster at Lexington, in the county of La Fayette and State of Missouri.

Sanford L. Sturtevant, to be postmaster at Fullerton, in the county of Nance and State of Nebraska.

George H. Tracy, to be postmaster at Wilbur, in the county of Saline and State of Nebraska.

Simeon Sawyer, to be postmaster at Fairmont, in the county of Fillmore and State of Nebraska.

Alonzo P. Sharp, to be postmaster at McCook, in the county of Red Willow and State of Nebraska.

George J. Spohn, to be postmaster at Superior, in the county of Nuckolls and State of Nebraska.

Alvin S. Marsh, to be postmaster at Red Cloud, in the county of Webster and State of Nebraska.

James Murray, to be postmaster at Fremont, in the county of Dodge and State of Nebraska.

John S. Kittle, to be postmaster at Seward, in the county of Seward and State of Nebraska.

Edward H. Krier, to be postmaster at Plum Creek, in the county of Dawson and State of Nebraska.

Forrest L. Wheedon, to be postmaster at York, in the county of York and State of Nebraska.

F. E. Wilson, to be postmaster at David City, in the county of Butler and State of Nebraska.

S. Corning Judd, to be postmaster at Chicago, in the county of Cook and State of Illinois.

Albert Watkins, to be postmaster at Lincoln, in the county of Lancaster and State of Nebraska.

Edward T. Best, to be postmaster at Neligh, in the county of Antelope and State of Nebraska.

John A. Frawley, to be postmaster at Stormsburg, in the county of Polk and State of Nebraska.

Miss Caradora Clark, to be postmaster at Blair, in the county of Washington and State of Nebraska.

Henry O. Goodrich, to be postmaster at Jerseyville, in the county of Jersey and State of Illinois.

Charles I. Haskell, to be postmaster at Virginia, in the county of Cass and State of Illinois.

DISTRICT COMMISSIONER.

William B. Webb, of Washington, D. C., to be a commissioner of the District of Columbia.

COLLECTORS OF INTERNAL REVENUE.

William A. Beach, of New York, to be collector of internal revenue for the twenty-first district of New York.

Alexander Troup, of Connecticut, to be collector of internal revenue for the district of Connecticut.

FIRST AUDITOR OF THE TREASURY.

James Q. Chenoweth, of Texas, to be First Auditor of the Treasury.

ASSISTANT ATTORNEY-GENERAL.

Robert A. Howard, of Arkansas, to be Assistant Attorney-General.

DEPUTY SECOND COMPTROLLER OF THE TREASURY.

Richard R. McMahon, of West Virginia, to be deputy second comptroller of the Treasury.

DEPUTY THIRD AUDITOR OF THE TREASURY.

William H. Welsh, of Maryland, to be deputy third auditor of the Treasury.

EXAMINER OF CLAIMS.

Francis Wharton, of Pennsylvania, to be examiner of claims for the Department of State.

UNITED STATES ATTORNEY.

William C. Perry, of Kansas, to be attorney of the United States for the district of Kansas.

George N. Baxter, of Minnesota, to be attorney of the United States for the district of Minnesota.

PENSION AGENTS.

Don Carlos Buell, of Kentucky, to be pension agent at Louisville, Ky.

Charles A. Zollinger, of Fort Wayne, Ind., to be pension agent at Indianapolis, Ind.

Franz Sigel, of New York city, to be pension agent at New York city, State of New York.

INDIAN AGENTS.

Jesse Lee Hall, of La Salle County, Texas, to be agent for the Indians of the Kiowa, Comanche, and Wachita agency, in the Indian Territory.

E. L. Carson, of Abilene, Taylor County, Texas, to be agent for the Indians of the Ouray agency, in Utah.

Moses Neal, of Humboldt, Kans., to be agent for the Indians of the Sac and Fox agency, in the Indian Territory.

REGISTERS OF THE LAND OFFICE.

Clate M. Ralstin, of Independence, Kans., to be register of the land office at Independence, Kans.

Nathaniel H. Harris, of Vicksburg, Miss., to be register of the land office at Aberdeen, Dak.

James D. Stewart, of Jackson, Miss., to be register of the land office at Jackson, Miss.

Robert V. Yeakle, of Little Rock, Ark., to be register of the land office at Little Rock, Ark.

James R. De Remer, of Pueblo, Colo., to be register of the land office at Leadville, Colo.

RECEIVERS OF PUBLIC MONEYS.

William C. Jordan, of Midway, Bullock County, Alabama, to be receiver of public moneys at Montgomery, Ala.

Samuel Thanhouser, of Newton, Kans., to be receiver of public moneys at Garden City, Kans.

William R. Edgar, of Ironton, Mo., to be receiver of public moneys at Ironton, Mo.

Hugh C. Wallace, of Salt Lake City, Utah, to be receiver of public moneys at Salt Lake City, Utah.

Henry M. Bickel, of McPherson, Kans., to be receiver of public moneys at Larned, Kans.

Andrew Quindley, of Little Rock, Ark., to be receiver of public moneys at Little Rock, Ark.

Alfred L. King, of Harrison, Ark., to be receiver of public moneys at Harrison, Ark.

Tully Scott, of Beloit, Kans., to be receiver of public moneys at Oberlin, Kans.

Samuel L. Gilbert, of Winfield, Kans., to be receiver of public moneys at Wichita, Kans.

MARSHALS OF THE UNITED STATES.

John W. Nelms, of Georgia, to be marshal of the United States for the northern district of Georgia.

Martin T. McMahon, of New York, to be marshal of the United States for the southern district of New York.

Albert A. Wilson, of the District of Columbia, to be marshal of the United States for the District of Columbia.

CHIEF OF BUREAU OF NAVIGATION.

Capt. John G. Walker, a resident of Iowa, to be chief of the Bureau of Navigation in the Department of the Navy, with the relative rank of commodore.

CHIEF OF ORDNANCE BUREAU.

Capt. Montgomery Sicard, a resident of New York, to be chief of the Bureau of Ordnance in the Department of the Navy, with the relative rank of commodore.

REAR-ADMIRALS IN THE NAVY.

Commodore Stephen B. Luce, a resident of the District of Columbia, to be a rear-admiral in the Navy, from the 5th October, 1885.

Commodore John Lee Davis, a resident of the District of Columbia, to be a rear-admiral in the Navy, from the 30th October, 1885.

COMMODORES.

Capt. George E. Belknap, a resident of New Hampshire, to be a commodore in the Navy, from the 2d June, 1885.

Capt. David B. Harmony, a resident of Pennsylvania, to be a commodore in the Navy, from the 23d September, 1885.

Capt. Andrew E. K. Benham, a resident of New York, to be a commodore in the Navy, from the 30th October, 1885.

NAVAL CAPTAINS.

Commander Albert Kautz, a resident of Ohio, to be a captain in the Navy, from the 2d June, 1885.

Commander Alfred T. Mahan, a resident of New York, to be a captain in the Navy, from the 23d September, 1885.

Commander George C. Remey, a resident of Iowa, to be a captain in the Navy, from the 30th October, 1885.

NAVAL COMMANDERS.

Lieut. Commander Benjamin P. Lamberton, a resident of Pennsylvania, to be a commander in the Navy, from the 2d June, 1885.

Lieut. Commander John Schouler, a resident of Massachusetts, to be a commander in the Navy, from the 8th June, 1885.

Lieut. Commander Francis W. Dickins, a resident of Connecticut, to be a commander in the Navy, from the 23d September, 1885.

Lieut. Commander George F. F. Wilde, a resident of Massachusetts, to be a commander in the Navy, from the 2d October, 1885.

Lieut. Commander Charles H. Davis, a resident of Massachusetts, to be a commander in the Navy, from the 30th October, 1885.

NAVAL LIEUTENANT-COMMANDERS.

Lieut. William W. Reisinger, a resident of the District of Columbia, to be a lieutenant-commander in the Navy, from the 2d of June, 1885.

Lieut. Robert E. Impey, a resident of Ohio, to be a lieutenant-commander in the Navy, from the 1st October, 1882, to fill an existing vacancy in that grade.

Lieut. John C. Rich, a resident of Pennsylvania, to be lieutenant-commander in the Navy, from the 8th June, 1885.

Lieut. William T. Burwell, a resident of New York, to be lieutenant-commander in the Navy, from the 23d September, 1885.

Lieut. John J. Hunker, a resident of Ohio, to be a lieutenant-commander in the Navy, from the 2d October, 1885.

Lieut. Franklin Hanford, a resident of New York, to be a lieutenant-commander in the Navy, from the 30th October, 1885.

NAVAL LIEUTENANTS.

Lieut. Robert H. McLean, junior grade, a resident of New York, to be a lieutenant in the Navy, from the 13th July, 1884.

Lieut. Oren E. Lasher, junior grade, a resident of New York, to be a lieutenant in the Navy, from the 2d March, 1885.

Lieut. Howard S. Waring, junior grade, a resident of Missouri, to be a lieutenant in the Navy, from the 2d June, 1885.

Lieut. Frank E. Sawyer, junior grade, a resident of Massachusetts, to be a lieutenant in the Navy, from the 16th June, 1885.

Lieut. Milton K. Schwenk, junior grade, a resident of Pennsylvania, to be a lieutenant in the Navy, from the 31st July, 1885.

Lieut. William H. Schuetze, junior grade, a resident of Missouri, to be a lieutenant in the Navy, from the 2d October, 1885.

Lieut. Thomas B. Howard, junior grade, a resident of Illinois, to be a lieutenant in the Navy, from the 7th November, 1885.

Ensign Charles C. Rogers, a resident of Tennessee, to be a lieutenant, junior grade, in the Navy, from the 2d June, 1885.

Ensign John T. Newton, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 16th June, 1885.

Ensign Waldemar D. Rose, a resident of California, to be a lieutenant, junior grade, in the Navy, from the 2d August, 1885.

Ensign Charles F. Pond, a resident of Connecticut, to be a lieutenant, junior grade, in the Navy, from the 2d October, 1885.

ENSIGNS.

Naval Cadets S. Dana Greene, a resident of Rhode Island; Samuel W. Armistead, a resident of Virginia; George W. Street, a resident of Wisconsin; Charles P. Eaton, a resident of Wisconsin; John M. Elliott, a resident of Maryland; John B. Jackson, a resident of New Jersey; Charles E. Smeeting, a resident of New York; Benjamin F. Thurston, a resident of Indiana; Harry George, a resident of Michigan; Frederick L. Chapin, a resident of Illinois, and Harry A. Field, a resident of Massachusetts—all graduates of the Naval Academy—to be ensigns in the Navy, from the 1st July, 1885, to fill vacancies.

NAVAL CHIEF ENGINEERS.

Passed Assistant Engineer George W. Hall, a resident of New York, to be a chief engineer in the Navy, from the 15th February, 1885.

Passed Assistant Engineer John A. Scot, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 6th July, 1885.

Passed Assistant Engineer John L. D. Borthwick, a resident of Pennsylvania, to be a chief engineer in the Navy, from the 7th September, 1885.

Passed Assistant Engineer William L. Nicoll, a resident of New York, to be a chief engineer in the Navy, from the 17th October, 1885.

PASSED ASSISTANT ENGINEERS.

Assistant Engineer Frank H. Bailey, a resident of New York, to be a passed assistant engineer in the Navy, from the 7th October, 1884.

Assistant Engineer L. Cathcart, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 24th December, 1884.

Assistant Engineer George S. Willits, a resident of Pennsylvania, to be a passed assistant engineer in the Navy, from the 1st July, 1885.

Assistant Engineer Walter F. Worthington, a resident of Maryland, to be a passed assistant engineer in the Navy, from the 19th July, 1885.

Assistant Engineer William N. Little, a resident of Georgia, to be a passed assistant engineer in the Navy, from the 17th October, 1885.

ASSISTANT ENGINEERS.

Naval Cadets William J. Baxter, a resident of Ohio; Charles W. Dyson, a resident of Pennsylvania; William F. Darrah, a resident of Rhode Island; William C. Herbert, a resident of Pennsylvania, and Alexander S. Halstead, a resident of Pennsylvania—all graduates of the Naval Academy—to be assistant engineers in the Navy from July 1, 1885, to fill vacancies.

NAVAL SURGEON.

Passed Assistant Surgeon John F. Bransford, a resident of Virginia, to be a surgeon in the Navy from the 16th June, 1885.

ASSISTANT SURGEONS.

Ernest William Auzal, a resident of Pennsylvania; Andrew R. Wentworth, a resident of Maine, and Oliver D. Norton, a resident of Ohio, to be assistant surgeons in the Navy from the 22d April, 1885, and Joseph Shafer, a resident of Virginia, to be an assistant surgeon in the Navy from the 12th June, 1885—all to fill vacancies in that grade.

OFFICERS OF MARINE CORPS.

Captain and Assistant Quartermaster Horatio B. Lowry, Marine Corps, a resident of Pennsylvania, to be quartermaster in the Marine Corps, from the 4th May, 1885, with the rank of major.

Capt. Richard S. Collum, Marine Corps, a resident of Indiana, to be captain and assistant quartermaster in the Marine Corps, from the 4th May, 1885.

First Lieut. Francis H. Harrington, Marine Corps, a resident of the District of Columbia, to be a captain in the Marine Corps, from the 4th May, 1885.

Second Lieut. James A. Turner, Marine Corps, a resident of Texas, to be a first lieutenant in that corps, from the 4th May, 1885.

Second Lieut. Littleton W. T. Waller, Marine Corps, a resident of Virginia, to be a first lieutenant in that corps, from the 26th September, 1885.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

George V. N. Lothrop, of Michigan, to be envoy extraordinary and minister plenipotentiary of the United States to Russia.

Jabez L. M. Curry, of Richmond, Va., to be envoy extraordinary and minister plenipotentiary of the United States to Spain.

John B. Stallo, of Ohio, to be envoy extraordinary and minister plenipotentiary of the United States to Italy.

Charles Denby, of Evansville, Ind., to be envoy extraordinary and minister plenipotentiary of the United States to China.

MINISTERS RESIDENT AND CONSULS-GENERAL.

Frederick H. Winston, of Chicago, Ill., to be minister resident and consul-general of the United States to Persia.

Charles L. Scott, of Monroe County, Alabama, to be minister resident and consul-general of the United States to Venezuela.

Moses A. Hopkins, of Franklinton, N. C., to be minister resident and consul-general of the United States to Liberia.

John E. W. Thompson, of New York city, N. Y., to be minister resident and consul-general of the United States to Hayti.

Walker Fearn, of New Orleans, La., to be minister resident and consul-general of the United States to Roumania, Servia, and Greece.

William A. Seay, of Louisiana, to be minister resident and consul-general of the United States to Bolivia.

CHARGÉ D'AFFAIRES.

John E. Bacon, of Columbia, S. C., to be chargé d'affaires of the United States to Paraguay and Uruguay.

SECRETARIES OF LEGATION.

D. Lynch Pringle, of South Carolina, to be secretary of the legation and consul-general of the United States to Gautemala.

Joseph L. Morgan, of South Carolina, to be secretary of the legation of the United States to Mexico.

Agustus Jay, of New York, to be second secretary of the legation of the United States at Paris.

James Fenner Lee, of Maryland, to be secretary of the legation of the United States to Austria-Hungary.

William W. Rockhill, of Baltimore, Md., formerly second secretary of the legation of the United States to China, to be secretary of the legation at Peking.

Charles Denby, jr., of Indiana, to be second secretary of the legation of the United States to China.

CONSULS-GENERAL.

Pierce M. B. Young, of Georgia, to be consul-general of the United States at St. Petersburg.

Michael H. Phelan, of Saint Louis, to be consul-general of the United States at Halifax.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 13, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

PERSONAL PRIVILEGE.

Mr. REAGAN. Mr. Speaker, I desire to call the attention of the House for a moment to the remarks made by the gentleman from Illinois [Mr. MORRISON] on yesterday. It is reported here in the RECORD that the gentleman from Illinois on yesterday, in reference to my motion that the House proceed to the consideration, in Committee of the Whole, of the President's message, said:

I ask the gentleman from Texas to defer the discussion of the President's message until its recommendations come before the House in some legislative proposition. This is the usual course of proceeding, and I am not aware of any reason for departing from it, nor any justification for such departure.

Mr. Speaker, I was acting, and the House was acting, in conformity to the rules of the House, and the gentleman has been long enough here to have known the fact. He knows that the President's message and the report of the Secretary of the Treasury are before the country and are being widely considered and discussed. He knows that the enemies of silver, at least I know it, have organized and adopted a secret plan for the purpose of forming public sentiment against silver throughout the country. I did not think it was an assumption of anything improper, or merited a rebuke from that gentleman that I occupied the place I was permitted to occupy by the rules of the House in defense of the rights of the people; and I think he might have spared me this wrong and this discourtesy.

Mr. MORRISON. I not only had no right to rebuke the gentleman from Texas, but I had no such purpose. I said nothing which was intended for any rebuke or discourtesy, nor, as I believe, which may be so interpreted. I simply asked the gentleman to defer the discussion of the President's message until it was distributed to the appropriate committees, at the same time calling attention to the fact that this was the usual course of procedure.

Mr. REAGAN. The gentleman said: "This is the usual course of proceeding, and I am not aware of any reason for departing from it, nor any justification for such departure."

Mr. MORRISON. The course I indicated was the ordinary one, and I asked the gentleman that that course might be followed. I simply intended to say I knew of no reason why we should depart from the ordinary way." Of course I knew the gentleman from Texas was within the rules.

Mr. REAGAN. I did not wish to seem to acquiesce in any rebuke from the leader on this side of the House.

PERSONAL EXPLANATION.

Mr. CURTIN. It was your pleasure, sir, to do me the honor to place me first on the list of the Committee on Banking and Currency. I did intend to afford to this House my reason for declining that honor, but on the advice of many friends and in view of the sentiment of the public journals of the country, I have concluded to offer no reason of my own.

As to declining the position it was your pleasure to give me I did not need the advice of any man, for my disposition in that respect was made up from the beginning. But for reasons of my own, which seem to be understood by my friends and members on this floor, I do ask the House to excuse me from the important duties of that position.

The SPEAKER. If there be no objection, the gentleman from Pennsylvania will be excused from service as chairman of the Committee on Banking and Currency.

Mr. BLAND. I move that the House do not excuse the gentleman from Pennsylvania.

The SPEAKER. The gentleman from Missouri objects to excusing the gentleman from Pennsylvania from service as chairman of that committee. The question is then, Will the House excuse the gentleman from Pennsylvania?

The motion was agreed to; and Mr. CURTIN was excused from further service as chairman of the Committee on Banking and Currency.

CENTRAL AND SOUTH AMERICA.

The SPEAKER laid before the House the following message; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In continuation of the message of my predecessor of the 13th February last, I now transmit herewith a letter from the Secretary of State, which is accompanied by the final report of the commissioners appointed under the act of July 7, 1884, to visit the states of Central and South America.

PUNISHMENT OF INDIANS.

The SPEAKER also laid before the House the following message; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 2d instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a bill to amend section 9 of the act of March 3, 1885, relating to the trial and punishment of Indians committing certain specified crimes.

The subject is presented for the consideration and action of Congress.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. LANDES, for one week, on account of sickness in his family.

To Mr. COMPTON, indefinitely, on account of sickness.

MESSAGE FROM THE SENATE.

A message was received from the Senate, by Mr. MCCOOK, its Secretary, notifying the House of the passage of the following bills; in which the concurrence of the House is requested:

A bill (S. 16) for the relief of J. A. Wilson, administrator *de bonis non* of the estate of Gregory Jarratt, deceased;

A bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; and

A bill (S. 671) making appropriation for the purchase of the old Produce Exchange building and site, bounded by Whitehall, Pearl, Moore, and Water streets, New York, for Army purposes.

TESTS OF IRON AND STEEL.

Mr. FARQUHAR, from the Joint Committee on Printing, reported back with a favorable recommendation the following concurrent resolution of the Senate; which was read:

Resolved by the Senate (the House of Representatives concurring), That the reports of tests of iron and steel and other materials for industrial purposes, made at the

Watertown arsenal, and transmitted to the Senate by the Secretary of War on the 3d of December, 1884, and the 11th of December, 1885, be printed; and that 3,500 additional copies of each report be printed, of which 1,000 copies of each report shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

Mr. BARKSDALE. I send to the desk a letter from the Chief of Ordnance explanatory of the resolution. I ask that the letter be read.

The Clerk read as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., January 12, 1886.

SIR: I have the honor to invite your attention to a "concurrent resolution to print reports on iron and steel tests," which passed the Senate December 18, 1885, and which I presume has been referred to your committee.

These are reports of valuable tests which are made and reported to Congress annually by authority of law. The Senate concurrent resolution last session to print the report of 1884 was not acted on by the House, but it has been included in the Senate concurrent resolution now before you.

The information given in these reports is of the greatest value to the industrial interests of the whole country, and they should be printed at as early a day as possible, and I respectfully recommend your early and favorable action thereon.

Respectfully, your obedient servant,

S. V. BENÉT,
Brig. Gen., Chief of Ordnance.

Hon. E. BARKSDALE,
Chairman Committee on Printing, House of Representatives,
Washington, D. C.

The Senate resolution was concurred in.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE CLERK.

Mr. GIBSON, of West Virginia, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Expenditures in the Department of Justice be allowed a clerk during the session, and that he be paid $6 a day as compensation for his services.

CHARLES T. REBER.

Mr. ERMENTROUT, by unanimous consent, introduced a bill (H. R. 3831) granting a pension to Charles T. Reber; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. G. HUNTER.

Mr. ERMENTROUT, by unanimous consent, also introduced a bill (H. R. 3832) for the relief of H. G. Hunter; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MAGGIE JOHNSON.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. 3833) granting a pension to Maggie Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. GRAHAM.

Mr. BURROWS, by unanimous consent, also introduced a bill (H. R. 3834) for the relief of James H. Graham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEMUEL C. CANFIELD.

Mr. BURROWS (by request), by unanimous consent, also introduced a bill (H. R. 3835) for the relief of Lemuel C. Canfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES DUNBAR.

Mr. LORE, by unanimous consent, introduced a bill (H. R. 3836) granting a pension to James Dunbar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JABEZ BURCHARD.

Mr. LOWRY, by unanimous consent, introduced a bill (H. R. 3837) for the relief of Jabez Burchard, assistant engineer United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES A. M'DANIEL.

Mr. LOWRY, by unanimous consent, also introduced a bill (H. R. 3838) for the relief of Charles A. McDaniel, paymaster United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ELIZABETH D. STONE.

Mr. LOWRY, by unanimous consent, also introduced a bill (H. R. 3839) for the relief of Elizabeth D. Stone; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. CUTCHEON. Mr. Speaker, I desire to ask a change of reference of House bill 1171, amending the act of June 3, 1884, to provide for the muster and pay of certain officers and enlisted men of the volunteer forces. I think it was inadvertently referred to the Committee on War Claims. It has heretofore been considered by the Committee on Military Affairs, and I think that is the committee to which it should now be referred. It is a general act, amending the present act by a change of only a word or two.

The SPEAKER. The Chair thinks the bill should go to the Committee on Military Affairs, and it will be so referred.

CAROLINE L. MAURY.

Mr. BLANCHARD, by unanimous consent, introduced a bill (H. R. 3840) for the relief of Caroline L. Maury; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES LESTER.

Mr. ST. MARTIN, by unanimous consent, introduced a bill (H. R. 3841) for the relief of Charles Lester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL EMPLOYÉS OF THE HOUSE.

Mr. MAYBURY offered the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the following additional force is hereby authorized to be employed in the service of the House of Representatives during the remainder of the present session of Congress, to be paid from the contingent fund of the House, namely: Under the Doorkeeper, eight pages, including one riding page, at $2.50 each per day; two messengers, at the rate of $800 each per annum.

P. L. WARD, EXECUTRIX.

Mr. LIBBEY, by unanimous consent, introduced a bill (H. R. 3842) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN ELLIS.

Mr. LIBBEY also introduced a bill (H. R. 3843) for the relief of John Ellis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN JACK AND OTHERS.

Mr. LIBBEY also introduced a bill (H. R. 3844) for the relief of John Jack and others, mechanics at the Norfolk navy-yard, who lost tools at the fire at that yard in April, 1885; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY HORN.

Mr. STORM, by unanimous consent, introduced a bill (H. R. 3845) granting a pension to Mary Horn, mother of James Horn, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed, under the rule, to call the committees for reports.

Mr. MORRISON. Mr. Speaker, the Committee on Ways and Means, to which was referred the petition or memorial for the relief of Charles Spencer, has directed me to report it back with the recommendation that it be referred to the Committee on War Claims.

The SPEAKER. The rule provides that when a petition or memorial has been improperly referred to a committee through the petition-box the committee shall return it to the box with an indorsement showing the proper reference. The petition indicated by the gentleman from Illinois [Mr. MORRISON] will be referred to the Committee on War Claims.

The call of the select and standing committees and of the commissions and committees authorized by statute to report to the House was continued and concluded, no further reports being presented.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now call the committees, under clause 5, Rule XXIV, for the consideration of such bills as may be indicated by them. The call will be for one hour, beginning at thirty-three minutes after 12 o'clock p. m.

PRINTING FOR THE COMMITTEE ON APPROPRIATIONS.

Mr. RANDALL. Mr. Speaker, there is a resolution on the Calendar that I desire to call up at this time. It is in relation to printing for the Committee on Appropriations.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] calls up for consideration the resolution indicated by him, and moves that the House do now resolve itself into Committee of the Whole on the state of the Union for its consideration.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HOLMAN in the chair.

Mr. RANDALL. Mr. Chairman, I move the committee proceed to consider the resolution I have indicated, and which is now on the Calendar. I ask to have it read.

The Clerk read as follows:

Resolved, That the Committee on Appropriations be authorized to have printed and bound all documents for the use of the said committee that they may deem

necessary in connection with subjects in relation to appropriations being considered or to be considered by the said committee during the present Congress.

Mr. RANDALL. Mr. Chairman, this is the usual resolution adopted at the beginning of every session of Congress. It calls for a very moderate amount of money, and its adoption will aid greatly the intelligent discharge of the duties of the Committee on Appropriations. I move the resolution be reported to the House with the recommendation that it be adopted.

The motion of Mr. RANDALL was agreed to.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HOLMAN reported that the Committee of the Whole House on the state of the Union, having had under consideration a resolution authorizing the Committee on Appropriations to have certain printing done, had directed him to report the same back with the recommendation that it be agreed to.

The resolution was again read.

Mr. RANDALL. I hope this resolution will be adopted.

The resolution was adopted.

Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TUCKER (when the Committee on the Judiciary was called). On behalf of the Committee on the Judiciary I desire to call up a bill (H. R. 3827) reported from that committee to remove the political disabilities of Thomas L. Rosser.

The SPEAKER. The Chair will cause to be read the fifth clause of Rule XXIV, by which members will see that during this hour private bills can not be called up for consideration—only bills on the House Calendar or on the Calendar of the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

After the morning hour shall have been devoted to reports from committees (or the call completed) the Speaker shall again call the committees in regular order for one hour, upon which call each committee, on being named, shall have the right to call up for consideration any bill reported by it on a previous day on either the House or Union Calendar.

Mr. TUCKER. Does the Chair rule that the bill I have mentioned can not be brought up during this call?

The SPEAKER. It can not be, under the rule. It is a private bill and upon the Private Calendar, which is not one of the Calendars embraced in the terms of the rule.

Mr. TUCKER. Would it be in order for me to ask unanimous consent that the bill be taken up now?

The SPEAKER. Not at this time.

TERRITORIAL LEGISLATURE OF WYOMING.

Mr. HILL (when the Committee on the Territories was called). I call up for present consideration the bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

The Clerk read the bill, as follows:

Be it enacted, &c., That the election of the members of the Ninth Legislative Assembly of the Territory of Wyoming, at the general election held on the 4th day of November, 1884, subject to the filling of any vacancies that may have arisen or may arise and legal contests, is hereby declared valid; and that the Legislative Assembly so elected is fully authorized to transact such business as belongs to the Legislative Assembly of said Territory, and that all their acts shall be held to be as legal as if the Territory had been regularly apportioned into council and representative districts; and that it shall be the duty of the Legislature of said Territory to apportion the Territory into council and representative districts.

Mr. HILL. I ask that the amendments of the committee, embraced in the report which accompanies the bill, be read for adoption.

The Clerk read as follows:

Amend the bill by striking out all after the word "and," in the tenth line, and inserting in lieu thereof the following:

"The governor, secretary of the Territory, and president of the council shall act as a board of apportionment in said Territory for apportioning the members of the next Legislative Assembly thereof, and shall meet at the capital of the said Territory on the first Monday in September, A. D. 1886, and shall, or a majority of them, reapportion the members of the council and house of representatives thereof upon the basis of the voting population as shown by the number of votes cast for Delegate in Congress in November, 1884, allotting members of each house of the Legislative Assembly to the different sections of the Territory pro rata, as nearly as practicable according to such population, and to that end may apportion when necessary in joint council districts.

"That sections 2, 3, and 4 of an act providing for the reapportionment of the members of the Legislatures in the Territories of Montana, Idaho, and Wyoming, approved June 3, 1880, be, and the same are hereby, continued in force so far as applicable to said Territory, and shall be in force as a part of this act, except as herein modified and provided."

Mr. RANDALL. I have no wish to say anything on this subject, except to suggest that the month of October might be more convenient than September for the meeting of the board of apportionment.

Mr. HILL. If the gentleman from Pennsylvania [Mr. RANDALL] desires to offer that amendment I have no objection. So far as I am concerned October would be as acceptable as September.

Mr. STRUBLE. It may not be improper to say it was the judgment of the Delegate from the Territory of Wyoming that the date named in the bill would be satisfactory to the Territory; at least he made no suggestion that a later date would answer better.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESIDENTIAL SUCCESSION.

Mr. CALDWELL (when the Select Committee on the Election of President and Vice-President was called). Mr. Speaker, I call up for present consideration the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

The Clerk was proceeding to read the bill, when,

Mr. ADAMS, of Illinois, said: Mr. Speaker, as a parliamentary inquiry, I ask whether it is in order to raise the question of consideration upon this bill——

The SPEAKER. It is.

Mr. ADAMS, of Illinois. And whether that question should be raised before the bill is read or afterward?

The SPEAKER. After the bill is read any member will have the right to raise the question of consideration, provided it be done before the House actually enters upon the consideration of the bill.

Mr. ADAMS, of Illinois. I desire at the proper time to raise that question, unless some other gentleman should be ready to do so.

The SPEAKER. The right to raise the question is reserved until the reading of the bill is concluded.

The bill was read, as follows:

Be it enacted, &c., That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Postmaster-General, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Interior, shall act as President until the disability of the President or Vice-President is removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

SEC. 2. That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

SEC. 3. That sections 146, 147, 148, 149, and 150 of the Revised Statutes are hereby repealed.

Mr. COOPER. Mr. Speaker, while I have no desire whatever to interpose any delay to the action of the House on this bill, I would be glad if I could have the opportunity to have the minority report printed and laid before the House before any action is taken, and for that purpose I respectfully request the further consideration of the bill be postponed.

Mr. ADAMS, of Illinois. An order was made that the views of the minority should be printed with the majority report, and in view of the fact that that has not been done I wish to make the further parliamentary inquiry whether the consideration of the bill is in order if the point be made against it.

The SPEAKER. The consideration of the bill is in order unless the question is raised and the House declines to consider it, because the views of the minority might never be presented. It is a question for the House to determine whether the House will proceed before the views of the minority have been presented.

Mr. COOPER. As I understand it the gentleman raises the question of consideration.

The SPEAKER. So the Chair understands.

Mr. CALDWELL. The gentleman from Ohio, in charge of the minority views, can have those views read from the Clerk's desk without the delay incident to having them printed. I desire, and it is the desire of the committee, not to cut off the minority from any of its rights; but I do not believe it would be proper to delay the consideration of the bill if the House sees proper to take it up, and to delay it merely for the purpose of printing the minority views, which have no parliamentary status in the House. At the same time I wish to carry out the views of the committee to treat the minority not only with courtesy but with due regard for all its rights, and I think every such end would be attained by having the views of the minority read from the Clerk's desk.

The SPEAKER. The Chair is informed that the views of the minority are at the Government Printing Office, and are not here.

Mr. ADAMS, of Illinois. If it is in order I would like to ask the chairman of the committee whether the views of the majority have been printed and are accessible to members.

Mr. CALDWELL. They have been.

Mr. ADAMS, of Illinois. I have been informed by gentlemen who wish to get copies of the majority report that they found it impossible to secure them.

Mr. CALDWELL. The majority report has been printed, but I understand the number of copies on hand is not sufficient. I do not know but the failure has arisen because of the effort to supply the demand on the floor. I do not know whether there are copies enough to supply the House.

Mr. COOPER. There are not enough copies to supply the demand on the floor of the House. I wished to get a copy myself and was unable to do so.

The SPEAKER. This question is not debatable, but the Chair has allowed it to go on in the hope it might result in some accommodation.

Mr. COOPER. If the consideration be postponed until to-morrow I shall make no further objection.

Mr. CALDWELL. Having been called up——

The SPEAKER. The gentleman can withdraw the call which he has made to take the bill up for consideration.

Mr. CALDWELL. Very well; I will do so. But I do not wish to lose any standing which the bill now has.

The SPEAKER. The gentleman loses no right whatever.

Mr. CALDWELL. That being the case, I will allow it to go over until to-morrow.

The SPEAKER. That is to say, the gentleman will call it up when his committee is called to-morrow or the next day.

Mr. CALDWELL. I will withdraw the bill now and give notice I will call it up to-morrow. I will submit another inquiry to the Chair: If we do not take our right to-day, and call the bill up to-morrow, and then are not able to put it through in the hour allowed under the rules, would it come up the next day?

The SPEAKER. The committee has a right to two hours on two different days for the consideration of the bill.

Mr. CALDWELL. At the request of several gentlemen, and as there does not seem to be copies enough of the bill and report on hand to supply the demand on the floor of the House, I would ask for an order to reprint the bill and report.

The SPEAKER. The Chair hears no objection, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DUNN indefinitely, on account of the recent death of a relative.

Mr. MORRISON. Mr. Speaker, as the committees have all been called, and there seems to be no business prepared, and in order to enable the committees to consider measures before them and make report, so the House may have something to act on, I move the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock p. m.) the House adjourned.

PETITIONS.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Messrs Janney, Selectman Marshal, and others, asking an appropriation for the improvement of the Occoquan River—to the Committee on Rivers and Harbors.

Also, petition of R. D. Beckley and Leon Howard, for difference of pay between laborer and messenger for services rendered by them in the Forty-eighth Congress—to the Committee on Claims.

By Mr. BARRY: Petition from certain citizens of West Point, Miss., recommending the suspension of the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. T. M. BROWNE: Petition of the executive committee on Indian concerns of the Western yearly meeting of Friends of Indiana, and resolutions of the East Cherokee council, asking an appropriation to cover expenses and the sale of certain lands—to the Committee on Indian Affairs.

By Mr. BUTTERWORTH: Petition of Elon A. Marsh and Minard Lafever, asking that certain letters patent granted be made operative—to the Committee on Patents.

By Mr. CASWELL: Petition of E. S. Williams, for increase of pension—to the Committee on Invalid Pensions.

By Mr. COLLINS: Petition of Hugh Watt, of Boston, Mass., for relief—to the Committee on War Claims.

By Mr. COX: Petition of William H. Allen, of Franklin County, North Carolina, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. ELY: Papers relating to the case of W. H. Collins—to the Committee on Patents.

By Mr. FINDLAY: Petitions of John Dickinson, of New York; of G. D. Dunham, of Illinois; of E. Karulson, of New York, and of Philip Sinsz, of Maryland, to have glaziers' diamonds manufactured in foreign countries taken off the free-list and subjected to duty—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Mrs. E. M. Ball, in relation to adjustment of salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. GROUT: Memorial of David Buchanan, asking change in system of post-office box rents, and that fourth-class postmasters may be elected by the people—to the same committee.

By Mr. JACKSON: Petition of cigar-makers, for abolition of tax on tobacco and cigars and for the repeal of law requiring manufacturers to give bond—to the Committee on Ways and Means.

By Mr. JAMES: Petition of Hattie D. McKim, widow of William A. McKim, who died while in the service of the United States on the gunboat Nyack, of disease in the service, March 26, 1865, for back pension—to the Committee on Invalid Pensions.

By Mr. HALSELL: Papers relating to the case of J. W. Ewing, assignee of M. R. Garram, administrator of C. H. Mitchell, deceased—to the Committee on Patents.

By Mr. HEARD: Petition of W. C. Windom, referring to the subject of the adjustment of the salaries of postmasters of certain classes—to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Papers relating to the claim of Andrew Gleason—to the Committee on Claims.

By Mr. JACKSON: Petition of R. M. Clark and of Thomas M. Taylor, praying the passage of a resolution requiring arrears of salary to be paid certain postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. JOSEPH: Petition of Richard Hager and others—to the Committee on Military Affairs.

By Mr. KLEINER: Petition of citizens of Pike County, Indiana, in favor of granting pensions to the soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LAWLER: Petition of Mrs. Mary A. Mitchell, for pension—to the same committee.

By Mr. LIBBEY: Petitions of Samuel Harper, of Chattooga County; of William Falin, of Scott County; of Misheak Seamons; of Harriet Y. Gordon, of Chattooga County; of Ellis H. Dickson, of Chattooga County, Ga., and of Charles M. Carter, of Charles City County, Va., asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

Also, petition of George Minga, of Virginia, praying that his war claim be referred to the Court of Claims—to the same committee.

Also, petition of Minnie L. Tunis, praying that war claim of John E. Tunis, of Virginia, be referred to the Court of Claims—to the same committee.

By Mr. LYMAN: Papers relating to the claim of Jacob Bogert—to the same committee.

Also, petition and papers in case of Maj. G. W. Candee—to the same committee.

Also, petition and papers for relief of William B. George, late private Company L, Fourth Iowa Cavalry—to the Committee on Military Affairs.

By Mr. McCOMAS: Petitions of Terence and Joseph Byrne; of Jacob D. Eavy; of Abram Geim; of Mrs. Catharine Little, of Washington County, and of William W. Wenner, Michael Culler, and Charles W. Hoffman, of Frederick County, Maryland, asking reference of their several claims to the Court of Claims—to the Committee on War Claims.

Also, petitions of Robert W. Smoot; of Michael Brown; of Reuben Rowzee; of Henrietta Talbert and Susan Benson, heirs of estate of Jonathan B. Benson; of Margaret A. Hickman; of James F. Price, and of Mary E. West, administratrix of Richard F. West, asking reference of their several claims to the Court of Claims—to the same committee.

By Mr. MORRISON: Petition of Charles Spencer, of Memphis, Tenn., for relief—to the same committee.

By Mr. CHARLES O'NEILL: Communication of the United American Clay Tobacco-Pipe Manufacturing Association, asking that the duties on imported clay pipes be made 25 cents per gross, or, if not so made, that the ad valorem duty be increased—to the Committee on Ways and Means.

By Mr. ROGERS: Petition of H. H. Haynie, for relief—to the Committee on Claims.

By Mr. E. F. STONE: Petition of George Knight and others, of Marblehead, Mass.; of 360 citizens of Rockport; and of 2,304 citizens of Gloucester, Mass., protesting against a joint commission on the fisheries—to the Committee on Foreign Affairs.

By Mr. W. J. STONE, of Missouri: Petition of Jonathan D. Young for a pension—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition of Mrs. Lurena Wages and others, of Clay County, Kentucky, for a pension—to the same committee.

Also, petition of citizens of Clay County, Kentucky, asking that a pension be granted Felix Hibbard—to the same committee.

By Mr. TOOLE: Resolution of the Board of Trade of Helena, Montana, favoring the continued coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. TUCKER: Petition of citizens of Staunton, Va., for the erection of a public building for post-office and internal-revenue office in the city of Staunton, Va.—to the Committee on Public Buildings and Grounds.

Also, petitions of Jacob Warwick and of Joseph T. Mitchell, of Augusta County, Virginia, praying that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WADSWORTH: Papers relating to the claim of Sarah T. Duke—to the Committee on Invalid Pensions.

By Mr. WILLIAM WARNER: Petitions of A. J. Walker, administrator of estate of Polly Walker; of J. H. Sanders, of Jackson County, Missouri, asking reference of their claims to Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BARRY: Of citizens of Yalobusha County, Mississippi.

By Mr. BLAND: Of citizens of Rolla, Mo., and of Douglas County, Missouri.

By Mr. MILLARD: Of Mortimer Spring and others and of A. S. Hungerford and others, of New York.

SENATE.

THURSDAY, *January* 14, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. HAWLEY resumed the chair as presiding officer.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of Martha J. Coston, a resident of the District of Columbia, praying for the opening of Vermont avenue, in the city of Washington; which was referred to the Committee on the District of Columbia.

Mr. ALLISON. I present the petition of Rudolphus Knorr, of Stapleton, Staten Island, N. Y., in which he states his service in the Navy Department of the United States for thirty-seven years, and prays that he be placed upon the retired-list of the Navy. I move that the petition be referred to the Committee on Naval Affairs.

The motion was agreed to.

Mr. DAWES. I present the memorial of Maj. Edward Ingersoll, and a large number of other officials and employés in the Springfield armory, in behalf of one William Tegethoff, in which they represent that William Tegethoff has spent his life in the armory and has devoted himself with great diligence to the service of the United States there by the making of some quite rare inventions which have saved the United States a very large sum of money; that in his devotion to this work he has lost his eye-sight and become blind and in needy circumstances. Having spent all his life in the service of the United States, all these officers and officials, together with the late Secretary of War, commend his case to the United States for relief.

I desire to have the memorial referred to the Committee on Military Affairs, and ask them to consider it early. The committee will find reference to precedents that will aid in this person's behalf in the memorial itself.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The memorial will be referred to the Committee on Military Affairs.

Mr. PLATT. On the 10th of December I introduced a bill (S. 347) to relieve commercial travelers from license taxes. I desire now to present a petition of the officers of the National Travelers' Protective Association of the United States and also of the presidents of State divisions of that association in support of the bill. I move that it be referred to the Committee on Commerce.

Mr. EDMUNDS. I wish to say in connection with that, for the consideration of the committee, that it is represented to me by the merchants and artisans doing business and labor in this city that the present condition of things as to commercial travelers, as they call themselves, is altogether too favorable to the traveler and altogether too hard against the merchant and the artisan who has to pay his rent and taxes in this town, and who is exposed to any surplus stock from any other city being brought here and sold in a room where only a nominal rent for two or three days is paid, to the great injury of the laboring people who work in the shops, &c., in fabricating articles that are consumed here. I wish to call that view of the subject to the attention of the Committee on Commerce.

Mr. PLATT. I have no doubt the Committee on Commerce will be exceedingly glad to have these gentlemen appear before them. If there is anybody in the District of Columbia or anywhere else who believes that restriction creating inequalities between citizens of States should still be retained in the District of Columbia I think they ought to have a hearing.

Mr. MCMILLAN. As the Committee on Commerce has been referred to, I will only take occasion to say that we are always ready to hear both sides of every question, and we shall be glad to hear any persons interested in this question if they will communicate with the committee. They can send a communication to me or any other member of the committee.

The PRESIDING OFFICER. The petition will be referred to the Committee on Commerce.

Mr. VOORHEES presented a petition of the executive committee on Indian concerns of the Western Yearly Meeting of Friends, held at Plainfield, Hendricks County, Indiana, praying for certain legislation concerning the educational interests of the East Band of Cherokees in North Carolina; which was referred to the Committee on Indian Affairs.

Mr. BECK. I present the petition of Albert W. Bow and other citizens of Cumberland County, Kentucky, praying for the passage of the bill granting national aid to education throughout the United States, commonly known as the Blair bill. As the bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. BECK. I have been requested by the Delegate from Montana, as well as by the Board of Trade of Helena, Montana, to present resolutions adopted by that organization remonstrating against the stoppage of the coinage of the silver dollar, and for other purposes. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. BECK. I also present a memorial, principally signed, I believe, by citizens of Kansas and Illinois, remonstrating against the suspension of the coinage of silver, and for other purposes. I move that the memorial be referred to the Committee on Finance.

The motion was agreed to.

Mr. BECK. I have had a number of petitions sent to me, I hardly know why, from other States, with a request that I present them, praying for the stoppage of the silver coinage. I did not present them, and have returned them respectively to those who sent them, because I am satisfied they were dictated by a letter which I received, I do not know how, marked "confidential circular," and reading thus:

BOARD OF TRADE AND TRANSPORTATION,
New York, December 24, 1885.

[Confidential circular.]

DEAR SIR: Thanking you for your letter of recent date, the committee on silver coinage desire to know if you will co-operate with them in the way of distributing documents, and otherwise, for the purpose of influencing public sentiment in favor of the early suspension of the Bland law?

To that end it is earnestly requested—

First. That you write a personal letter at once to the Hon. JOHN G. CARLISLE, Speaker of the House of Representatives, Washington, D. C., urging him to refrain from placing extreme silver men on the Coinage Committee, and so give "fair field and no favor" to all interests. This is very important, and to be of any value must reach Washington before January 5; if too late for letter to reach, please telegraph.

Second. That you write separate personal letters to your own Representative in Congress and your United States Senators expressing your views to them in the same manner as you did in your letter to this committee; also asking them if they will favor the suspension of the Bland law.

Third. After writing the above letters, please inquire quietly among your friends and neighbors to ascertain their views upon the question, and induce as many as possible to write Mr. CARLISLE and your Member of Congress and Senators in like manner.

Fourth. Please make note of all persons who promise so to write and send list of their names to undersigned, who will from time to time issue confidential information on the situation. The committee asks in return, occasionally, such information or suggestions as you can give.

If you will co-operate in the manner indicated you will assist very materially in a work which promises success. Personal letters are suggested in preference to formal petitions, as experience has shown them to be most effective. Will you favor us with a reply?

Very truly, yours,

THE COMMITTEE ON SILVER COINAGE.
A. B. MILLER, *Chairman.*

Believing that the papers were sent to me in accordance with that secret circular, I have respectively returned them to those sending them.

Mr. HARRIS presented the petition of Thomas M. English, administrator of the estate of Richard Fitzpatrick, deceased, praying for the payment of a judgment of the Court of Claims in favor of that estate; which was referred to the Committee on Claims.

Mr. TELLER presented a concurrent resolution of the Legislature of Colorado, which was read, and referred to the Committee on Finance, as follows:

STATE OF COLORADO, GOVERNOR'S OFFICE,
Denver, Colo., December 28, 1885.

Hon. H. M. TELLER:

In compliance with the request embodied therein, I have the honor to transmit herewith a certified copy of house concurrent resolution No. 6, "expressing the sense of the General Assembly of Colorado in regard to the coinage of silver."

Very respectfully, your obedient servant,

BENJAMIN H. EATON, *Governor.*

Substitute for house concurrent resolution No. 6, expressing the sense of the General Assembly of Colorado in regard to the coinage of silver.

Whereas class legislation, under whatever guise, has always been condemned as being inimical to the best interests and subversive of the rights of the people; and

Whereas the discrimination against silver, which is one of the principal sources of wealth of this country, now being practiced by monometallists is calculated to produce public discord and disaster: Therefore,

Be it resolved by the General Assembly of the State of Colorado, First. That we are in favor of the free and unlimited coinage of silver (of the present standard value of 412½ grains to the dollar) the same as gold, and do earnestly recommend Con-

gress and the incoming Administration to use all legitimate means to secure legislation to this end; and

Resolved, Second. That our governor be requested to forward duly attested copies of these resolutions to the President and Vice-President elect of the United States, the Speaker of the national House of Representatives, and to our Senators and Representatives in Congress, and also to the governors of the different States of the Union, asking their co-operative action upon this all-important question.

Approved March 5, 1885.

STATE OF COLORADO,
Secretary's Office, ss.

I, Melvin Edwards, secretary of state of the State of Colorado, do hereby certify the foregoing to be a correct transcript of "substitute for house concurrent resolution No. 6, expressing the sense of the General Assembly of Colorado in regard to the coinage of silver," approved by the governor March 5, 1885, and filed in my office on the 5th day of March, A. D. 1885.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at Denver, this 28th day of December, A. D. 1885.

[SEAL.] MELVIN EDWARDS,
Secretary of State.

REPORTS OF COMMITTEES.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, reported it with amendments, and submitted a report thereon.

Mr. SEWELL. I am instructed by the Committee on the Library to report to the Senate a communication addressed to that committee by Mr. George Ticknor Curtis on additional accommodations for the Library. It is a valuable contribution to the literature of the country on that subject, as it gives some practical suggestions, and I move that it be printed and referred to the Select Committee on Additional Accommodations for the Library of Congress.

The PRESIDING OFFICER. The communication will be printed and referred to the Select Committee on Additional Accommodations for the Library of Congress.

Mr. SPOONER, from the Committee on Claims, to whom was referred the bill (S. 269) for the relief of W. H. Powell, reported it with amendments, and submitted a report thereon.

Mr. PIKE, from the Committee on Claims, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Post-Offices and Post-Roads; which was agreed to:

A bill (S. 317) for the relief of Horace A. W. Tabor; and

A bill (S. 1042) to pay B. S. James for transporting the United States mails.

Mr. PIKE, from the Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the petition of A. W. Shaffer, asking for relief in the reimbursement claim of Joseph Ivery Baker, late captain Fourth Massachusetts Cavalry, have considered the same, and, in accordance with the resolution of the Senate of February 7, 1884, report as follows:

That they have referred the same to the Court of Claims under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government," approved March 3, 1885.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 1076) providing for the collection of statistics touching marriage and divorce; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 1077) granting a pension to Newcomb Parker; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1078) granting a pension to William C. Wirt; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WILSON, of Iowa, introduced a bill (S. 1079) to regulate the rate of postage on "fourth-class matter;" which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR introduced a bill (S. 1080) for the erection of a statue and monument to James Madison; which was read twice by its title, and referred to the Committee on the Library.

Mr. HARRIS introduced a bill (S. 1081) for the relief of William G. Ford, administrator of John G. Robinson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York, introduced a bill (S. 1082) to amend the military record of Charles W. Lambert; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES. By request of the Sedgwick Post, No. 38, Department of Indiana, Grand Army of the Republic, I introduce a bill.

The bill (S. 1083) to amend certain sections of the Revised Statutes of the United States relating to pensions and certain laws relating to pensions enacted since the revision of the statutes, and for other purposes, was read twice by its title, and referred to the Committee on Pensions.

Mr. JACKSON (by request) introduced a bill (S. 1084) to authorize the purchase of five manuscript volumes (being letter-books) of William Vans Murray, formerly minister at the Hague and at Paris; which was read twice by its title, and referred to the Committee on the Library.

Mr. INGALLS introduced a bill (S. 1085) for the relief of Terrence O'Connor, minor child of Thomas O'Connor, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1086) to accept and ratify an agreement made by the Sisseton and Wahpeton bands of Sioux Indians, and to grant a right of way for the Chicago, Milwaukee and Saint Paul Railway through the Lake Traverse reservation, in Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL. I desire to withdraw Senate bill No. 899, granting a pension to Thomas G. Newman, and introduce a bill granting a pension to Thomas G. Newnam. The gentleman does not want his name to go upon the record incorrectly.

The bill (S. 1087) granting a pension to Thomas G. Newnam was read twice by its title, and referred to the Committee on Pensions.

Mr. CONGER introduced a bill (S. 1088) to amend and re-enact section 4289 of the Revised Statutes, relative to the limitation of the liability of the owners of vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FRYE introduced a bill (S. 1089) for the relief of the merchant marine of the United States engaged in the foreign trade; which was read twice by its title.

Mr. FRYE. This is the bill for the relief of the merchant marine prepared by the joint committee of the Marine Association of New York and the national board of steam navigation. I move that it be referred to the Committee on Commerce.

The motion was agreed to.

Mr. VAN WYCK introduced a bill (S. 1090) granting a pension to G. R. Turner, M. D.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McMILLAN introduced a bill (S. 1091) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; which was read twice by its title, and referred to the Committee on Finance.

CHANGE OF REFERENCE.

Mr. HALE. Yesterday I introduced a bill (S. 1071) for the relief of Frances W. Dyer, and through my mistake it was referred to the Committee on Finance. I ask that that committee be discharged from its further consideration, and that the bill be referred to the Committee on Claims, which considered and reported it in the last Congress.

The PRESIDING OFFICER. There being no objection, the change of reference is made accordingly.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARRIS, it was

Ordered, That the papers in the case of Charles W. Faulcke be taken from the files and referred to the Committee on Claims.

On motion of Mr. PIKE, it was

Ordered, That the papers in the claim of Albert H. Emery be taken from the files and referred to the Committee on Claims, no adverse report having been made.

On motion of Mr. CALL, it was

Ordered, That James J. Johnston have leave to withdraw his petition and papers from the files, there having been no adverse report.

STATISTICAL ABSTRACT FOR 1885.

Mr. MORRILL. I ask for the adoption of the following order:

Ordered, That 1,000 copies of the Statistical Abstract of the United States for the year 1885 be printed for the use of the Senate; 200 of which number shall be for the use of the Committee on Finance.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORRILL. I will state that this document has already been ordered to be printed by the other House, and while the type is standing it was thought advisable that we should have an additional number printed. It is a very valuable document and a great many copies of it are called for, and there are none later than the edition for 1883 now available. As the matter in the abstract mainly refers to topics over which the Committee on Finance have control, we ask for 200 additional copies for service there.

The resolution was agreed to.

PAYMENTS TO INTERNAL-REVENUE COLLECTORS.

Mr. BECK. Under the call for resolutions yesterday, the Senator from Vermont [Mr. MORRILL] offered a resolution, which was objected to by the Senator from Tennessee [Mr. HARRIS] and myself. I desire now, if it is the proper time, to call it up and state the reasons why I objected.

The PRESIDING OFFICER. If the Senator from Kentucky will kindly wait a few moments until the Chair has exhausted the call for "concurrent or other resolutions" the resolution offered yesterday by the Senator from Vermont will be in order.

BERLIN CONFERENCE ON CONGO FREE STATE.

Mr. MORGAN submitted the following resolution; which was read:

Resolved, That the general act of the conference of Berlin, relating to the Free State of the Congo, which was signed and promulgated on 26th February, 1885, a copy of which is now presented, be referred to the Committee on Foreign Relations, and that the same be translated under the direction of said committee and printed. And so much of the President's message as relates to this subject is also referred to said committee.

Mr. MORGAN. I send to the desk a copy of the original general act, as it is termed, of the conference at Berlin, in reference to the Congo country. The President, in his message to Congress, refers to this topic in such a way that I fear some unnecessary animadversion has been made upon that conference, and also upon the minister who participated in it. I am not aware that any authentic English translation of this act has been made, and I desire very much that we may have a translation of it about which there can be no dispute. For this purpose I have offered the resolution providing that the translation shall be made under the direction of the Committee on Foreign Relations. The President has not communicated to the Senate, so far as I have been advised, certainly not with his message, any of the papers that related to the Berlin conference, but a statement is made in the message to the following effect:

A conference of delegates of the principal commercial nations was held at Berlin last winter to discuss methods whereby the Congo Basin might be kept open to the world's trade. Delegates attended on behalf of the United States on the understanding that their part should be merely deliberative, without imparting to the results any binding character, so far as the United States were concerned. This reserve was due to the indisposition of this Government to share in any disposal by an international congress of jurisdictional questions in remote foreign territories. The results of the conference were embodied in a formal act of the nature of an international convention, which laid down certain obligations purporting to be binding on the signatories, subject to ratification within one year.

As I am informed of the substance of that general act, it is misapprehended in the message. Our minister at Berlin, who participated in this European conference, did not undertake to bind, nor did he bind, the Government of the United States in any sense whatsoever to this agreement as a convention between this and any other power. No action had been taken by that officer which made it necessary that the Senate of the United States should pass upon anything that he had done; but the agreement of the conference established through the enlightened judgment of all the great European powers a *status quo* in regard to the law which should obtain in the further conduct of affairs in what I may term the waist of Africa, the belt about the equator, which reaches from ocean to ocean.

The Congo State had its boundaries in effect determined by the agreement of that conference, and it included the watershed of the Congo River, practically placing the great basin of the Congo within this free state, which, however, was enlarged when it came toward the Atlantic Ocean on the west, for the purpose of getting a coast-line from which more immediate or more convenient access might be had to that part of the Congo River called Stanley Pool, above the falls, by railway or by some other means of local access.

The conference went very far beyond that, however, and made certain very valuable and important agreements in reference to a long line of the coast of Africa reaching, I believe, from 5° north of the equator down to the mouth of the Zambezi River. That agreement, as long as it is maintained by the European powers who have adhered to this conference, or by any other powers who may hereafter adhere to it, will be found to be of great advantage to the people of the United States who may have commerce in that country, because it will protect them in the enjoyment of all their rights almost as completely as they would be protected by proper authority within the boundaries of the United States. In other words, a very free and liberal declaration of principles has been established in that country, which the governments who have acceded to the agreement engage that they will put in force and maintain so long as the agreement stands.

But notwithstanding the very great advantages which would inure to the people of any commercial nation who should visit that country for purposes of trade, neither the preceding administration nor the minister of the United States who was at Berlin considered that the Government of the United States had given its consent in any way at all to become a party to the agreement as an engagement. A mere declaration has been submitted to the judgment of the enlightened world by this great conference upon this very important topic and in regard to this very important country, and the question whether we shall accede to that agreement is one that is entirely a matter of option on our part. It is something that need not be transacted even through the diplomatic functions of the Government. An act of Congress originated by any member of this body or of the other House which should declare that the Government of the United States adheres to or accedes to that agreement would make us a party to it precisely as it does to postal conventions and various other conventions of that kind which have been agreed upon by other nations, and to which we have the right to accede if we choose or to withhlod our concession if we please.

I fear that some injustice has been done by a misapprehension or a misinterpretation of this act on the part of the Government of the United States toward our late minister at Berlin, who, I am satisfied, in the most enlightened way and with the greatest care and circumspection, has not exceeded his authority and has not sought in any way to involve us in entangling alliances in respect of any foreign country, but who has submitted, along with the other powers who were concerned in that conference, a great and general act, the benefits of which I have no doubt will be felt by generations of men through long long years to come.

I desire, therefore, that the Committee on Foreign Relations may take the subject up and see whether this act is of the character that it is described to be in the message of the President.

Mr. ALLISON. Mr. President, I hope the resolution of the Senator from Alabama will be adopted; but I do not rise to speak to that resolution, but rather to call the attention of the Senate, and especially of the Committee on Foreign Relations, to the statement made in the document which I have before me, printed some days ago, respecting the appointment of Mr. Keiley as minister to Austria. The Secretary of State has, it appears, in this document, in a communication to the minister to Vienna, stated that Mr. Kasson, who was appointed to Madrid during the term of the present Senator from New York [Mr. EVARTS] as Secretary of State, was objected to by that country and afterward appointed minister to Vienna. That statement appears in this printed document, which is now I believe before the Committee on Foreign Relations. I desire to say, on the very best authority, that that statement is wholly erroneous, that no objection was made by Spain to the appointment of Mr. Kasson; and in saying this I ought to state that I have no doubt the Secretary of State was misled by a subordinate in his office who gathered some information from newspaper comments made about that time and not from any statement made through any of the ministers or authorities of Spain.

I see that the Senator from New York is giving his attention. I remember that at the time he did me the honor to consult with me somewhat respecting the appointment of Mr. Kasson to Austria in lieu of Spain. After Mr. Kasson had been appointed to Madrid there occurred a vacancy in the mission to Austria-Hungary, and the Secretary of State then asked me if I believed Mr. Kasson would prefer the Vienna mission to the Madrid mission, and I stated to him that I would communicate with Mr. Kasson, but I had no doubt he would prefer Vienna. I did communicate with him, and he stated that owing to the situation in the East he would much prefer to go to Vienna, if agreeable to the Government; and before the appointment was actually made, as I remember, to Madrid, but after the tender of that appointment, Mr. Kasson was selected for the Vienna mission, no objection having been made from any official quarter to his appointment to the Spanish mission.

For the purpose of making it clear that I am right in these suggestions I ask the Secretary to read the letter addressed by the then Secretary of State, now a Senator from New York, to Mr. Kasson on this subject, a copy of which I understand has also been presented to the present Secretary of State:

WASHINGTON, D. C., *January* 5, 1886.

DEAR SIR: In answer to your inquiry touching the statement that the Spanish Government made objection to your appointment as minister to that country in 1877 and during my term as Secretary of State, I take pleasure in saying that no such question was ever raised.

The appointment for Madrid, originally proposed by me, was changed, upon your preference, to Vienna, and for reasons having no connection whatever with or knowledge of either government.

I am, yours, very truly,

WM. M. EVARTS.

Hon. JOHN A. KASSON, *Washington.*

Mr. ALLISON. I make this statement for the purpose of placing on record here, where this communication was first made public, the facts in this case, and not with any view, of course, of criticising the State Department, for I have no doubt it acted in perfect good faith but upon imperfect and inaccurate information in respect to the subject. I do it in justice to a constituent of mine who served ably in the other House and for some years as our minister to Vienna and, as was well stated by the Senator from Alabama, at Berlin.

Mr. VEST. Will the Senator, before he takes his seat, state what communication he refers to here?

Mr. ALLISON. I refer to the communication made by the Secretary of State in answer to a resolution of the Senate in which is published a letter addressed by the Secretary of State to Mr. Francis, the American minister then at Vienna—the Keiley correspondence, in which the Secretary of State communicated to Mr. Francis that Mr. Kasson, a citizen of my State, had been appointed as minister to Spain and objected to by that Government and afterward sent to Vienna without objection. I merely wished to place upon record in as public a way as this letter appears the fact that this was a misconception on the part of the Secretary of State of the facts in the case, and that he was led into it, as I have already stated, by a subordinate in the Department of State.

Mr. VEST. I am very glad indeed to hear this statement. As a matter of course it ought to be known. I must say, however, that if it was a misunderstanding or misconception it was pretty general throughout the country at the time. I know I saw it in the papers. I recollect that it was stated recently that Mr. Kasson was not acceptable to the Spanish Government on account of some views expressed in a public address in regard to the annexation of Cuba to the United States. It was so stated at the time. There was nothing reflecting on his personal character in any way, but it was because of some statement that he had made in regard to the Government in Cuba and the propriety of that island being annexed to the United Srates.

Mr. EVARTS. Mr. President, I need to add nothing to what I expressed in the letter which I sent to Mr. Kasson and which has been read at the desk. The Senator from Missouri is quite right in thinking that there was newspaper comment in that direction and with that pur-

port; but the transaction, so far as the Government was concerned, in the arrangement of these two missions, had no connection with that subject whatever, and the interpretation of the press upon that arrangement of the two missions was voluntary on its part and not provoked by nor justified by the administration. Mr. Kasson, well known to all of us at that time as now, had shown a disposition to undertake a foreign service if the administration would place it at his disposal. With that view I was authorized by the President to propose to him the mission to Spain, which he accepted. Another gentleman, who had been offered the Austrian mission but had declined the foreign service because of reasons that he thought might not permit him to undertake it, had shown some disposition to find a motive and an inducement suitable to his literary character and pursuits as well as his public capacities to undertake the Spanish mission, though he had declined the Austrian; and upon that consideration I was able to present to Mr. Kasson the choice of the Austrian mission, higher in grade, in emoluments, and rank, I think as well, and the other gentleman took the Spanish mission, Mr. Lowell, who afterward was transferred to the Court of St. James.

The PRESIDING OFFICER. The Senator from Alabama asks for the immediate consideration of the resolution offered by him. Is there objection?

Mr. EDMUNDS. Let it be read again.

The PRESIDING OFFICER. The resolution will be again read.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to.

REFERENCE OF PRESIDENT'S MESSAGE.

Mr. EDMUNDS. In that connection I move, what ought to have been done before, that all those parts of the message of the President submitted at the commencement of this session relating to foreign affairs be referred to the Committee on Foreign Relations.

The motion was agreed to.

PAYMENTS TO INTERNAL-REVENUE COLLECTORS.

The PRESIDING OFFICER. "Concurrent or other resolutions" are still in order. If none others are to be presented the Chair lays before the Senate the resolution submitted yesterday by the Senator from Vermont [Mr. MORRILL].

Mr. BECK. Let the resolution be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish information to the Senate as to whether or not any collectors of internal-revenue, not confirmed by the Senate, have received any portion of the salary pertaining to the office, contrary to the law of March 1, 1879, which provides that "no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate."

Mr. BECK. Mr. President, when that resolution was offered yesterday, as I observed a few moments ago, the Senator from Tennessee [Mr. HARRIS] and myself objected to its consideration and asked that it lie over. I did so for the reason that all the information that can be given, in my opinion, the Senate has now. Every collector of internal revenue since 1879, who was appointed in the place of an officer suspended, has received his pay regularly, under all administrations, all of them are receiving it now, so that there is no necessity for any official information on the subject.

I went to the Department this morning, saw the First Comptroller and his deputy, in charge of these matters, and I found that the cases are very numerous in which regular payments have for years past been made to internal-revenue officers appointed in cases of suspension of others. It has been done, as they understand and as I understand, not in violation of law but in pursuance of law. We all know that in 1867 the tenure-of-office law was passed to prevent the removal by President Johnson of any class of officers. That law was very sweeping; but after the election of President Grant, in 1869, this provision was made, section 1768 of the Revised Statutes:

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended.

That is all that it is necessary to read. That continued to be the law until March 2, 1875. Observe that in President Johnson's time all removals were substantially prevented. After the Republican party came into absolute power with a President of their own choice, then the law I have just read was passed. In 1875 serious apprehensions were entertained in regard to the election of a Democratic President, and it was not proposed that he should have such far-reaching power over officials as was given in 1869 while General Grant was President, and therefore this law was enacted:

And no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which may have happened by death or resignation during the recess of the Senate.

Mr. INGALLS. What is the date of that?

Mr. BECK. March 2, 1875. After Mr. Hayes obtained possession that provision was found to be very embarrassing, because a number of cases occurred even under a Republican administration where changes had to be made and men suspended for other causes than death or resignation during the recess of the Senate. The Supreme Court of the United States in the mean time had occasion to consider the question in Farden's case (see 99 United States Reports, page 10), in which the question came before the court in a case arising prior to that act of 1875 on the claim of a man who had been deputy collector and had been appointed by the Secretary of the Treasury to fill the place of a suspended officer. He had authority from Mr. Douglass, Commissioner of Internal Revenue, and from the Treasury Department to assume the duties of collector. The question was presented whether a suspension created a vacancy in the office, and the Supreme Court—I will read only a few words of its decision—said:

Whatever the legal relation of the individual may have been, in the strict technical sense it is clear, we think, that for all practical purposes during the continuance of the order of suspension the office was vacant and without any incumbent to discharge the duties which the law requires to be performed by the collector of the internal revenue. Plainly it was not a case of sickness or temporary disability, and consequently the duties were not devolved upon the deputy as in that case made and provided.

They decided that the suspension of the man in that case to all intents and purposes created a vacancy, and they directed the salary to be paid to the man appointed in place of the officer suspended. Judge Clifford closed the opinion thus:

Suffice it to say that the court, in view of the whole case, is of the opinion that the claimant is entitled to receive the salary and commissions allowed by law to the collector of internal revenue during the period that he performed those duties under the direction of the Secretary of the Treasury, as found by the court below, and that the suspension by the supervisor of internal revenue, and the action of the Secretary of the Treasury directing him to continue in the office until a successor to the suspended officer was appointed and qualified, created such a vacancy, within the meaning of the act of Congress, for all practical purposes in the administration of the duties of the office as entitles the claimant to that compensation. Assume that to be so, and it follows that there is no error in the record.

That was decided in October, 1878. In March, 1879, the Democratic party was about to take possession of the Senate of the United States, and it became somewhat important for the Republicans to modify the law that was passed in 1875, in order to allow their officials to be paid. Therefore, on the 1st of March, 1879, three days before the majority in this body became Democratic, this law was passed, repealing the former act of 1875 and providing:

And no collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate.

The Supreme Court had decided that a vacancy was created by the suspension of an officer holding the office in Farden's case, and the law of 1875, which limited the right to pay only successors appointed in cases of death or resignation was so far repealed as it might have become very troublesome again if the Democracy should not confirm the men appointed while they controlled confirmations. Therefore the provision was made broad—broad enough to cover all vacancies. That remains the law to-day. Under that law every Comptroller, Republican and Democrat, has paid the men who have done the work when officials are suspended, under the construction given to the effect of a suspension by the Supreme Court of the United States.

Mr. HARRIS. Before confirmation?

Mr. BECK. Of course before confirmation they are paid regularly every month or every quarter. I have inquired of the Treasury officials, and find that to be so. Therefore it was that I objected to the assumption in the resolution of the Senator from Vermont [Mr. MORRILL] that the law had been violated. The Senator from Vermont may still entertain a different opinion, but I do not think his colleague does. That is all I care to say.

Mr. MORRILL. Mr. President, the Senator from Kentucky has read the different acts of Congress. The first one merely went upon the idea that two officers should not draw salary for the same office, confining it to one. That was under the tenure-of-office act. The second one merely provided for payment to an appointee to succeed in cases of death or resignation. The last act, passed in 1879, it seems to me upon a plain reading of it refers to all collectors who shall not have received the confirmation of the Senate except those appointed to fill vacancies during a recess. That act provides that—

No collector shall be entitled to any portion of the salary pertaining to the office unless such collector shall have been confirmed by the Senate, except in cases of commissions to fill vacancies occurring during the recess of the Senate.

I do not think that the decision of the Supreme Court or the argument of the Senator from Kentucky covers vacancies created by the President himself. I deny that the President of the United States can not only appoint men to office but that he can also take money out of the Treasury to pay them. It seems to me that would be a usurpation of the prerogative of Congress. Here is a law on the statute-book, and I am rather surprised that the Senator from Kentucky is not in favor of having the Secretary of the Treasury obey all laws. That is his usual position in relation to certain statutes, and I am rather surprised that he should be opposed to the enforcement of the execution of the law in this case.

Manifestly this is a resolution that refers to information that it is

proper not only for the Senate to have, but for parties who undertake to assume the duties of an office on suspension, which is not a vacancy and may not become a vacancy. They ought to know whether they are to have pay or not, and know that if they should not be confirmed they would not draw any pay. It strikes me that under this provision of the law, if these parties that have been nominated in the cases of suspension by the President, but not nominated to fill vacancies, have been drawing pay, it is contrary to the provisions of this statute.

Mr. BECK. Mr. President, I did not rise to object to the Senator from Vermont sending such a resolution to the Treasury. I have stated exactly why I objected to it yesterday, believing it to be absolutely useless, believing that the laws are complied with as well as the practice under former Secretaries and the present Secretary, and that the actions they have taken are according to law; but if the Senator desires any further information on the subject and desires a report, for one I have no sort of objection. The practice always has been what it is now—since the passage of the act of 1879.

Mr. COCKRELL. I offer the following amendment to be added to the resolution, which I hope the Senator from Vermont will accept:

And also whether the payments made to such collectors since March 4, 1885, were prior to that date made to such collectors under like conditions.

Mr. MORRILL. No objection.

The PRESIDING OFFICER. The resolution will be so modified.

The resolution as modified was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.

The message also announced that the House had passed a bill (H. R. 3253) to amend section 1090 of the Revised Statutes, relating to interest on judgments rendered by the Court of Claims; in which it requested the concurrence of the Senate.

ADJOURNMENT TO MONDAY.

The PRESIDING OFFICER. If there be no further morning business the Senate will proceed to the consideration of the Calendar under Rule VIII.

Mr. INGALLS. Mr. President, I move that when the Senate adjourn to-day it be to meet on Monday next.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

The motion was agreed to.

SIOUX RESERVATION IN DAKOTA.

The PRESIDING OFFICER. The first bill in order under Rule VIII will be stated.

The CHIEF CLERK. Senate bill No. 260——

Mr. DAWES. Are not bills passed over yesterday without losing their place on the Calendar first to be taken up? There is Senate bill No. 52.

The PRESIDING OFFICER. Where does the Senator find the bill now upon the Calendar?

Mr. DAWES. I have not found the Calendar.

The PRESIDING OFFICER. That bill was passed over without prejudice. The Chair thinks the Senator from Massachusetts was out of the Chamber at the time.

Mr. DAWES. Yes, sir.

Mr. HARRIS. What is the order of business of the bill referred to?

The PRESIDING OFFICER. No. 34. The Chair recollects the bill was passed over without prejudice, retaining its place on the Calendar.

Mr. DAWES. I should like to have it passed now, if it can be done.

Mr. HARRIS. Does the Senator from Massachusetts think it can be considered under the five-minute rule?

Mr. DAWES. I do not apprehend that it will cause any debate. But it is immaterial to me under what rule it is considered. I do not think it will require debate.

The PRESIDING OFFICER. Does the Chair understand the Senator from Massachusetts to ask for the consideration now of the bill mentioned by him?

Mr. DAWES. I should like to have it considered now.

The PRESIDING OFFICER. Is there objection to the request?

Mr. CONGER. What is the bill?

The PRESIDING OFFICER. The Senator from Massachusetts asks that the Senate proceed now to the consideration of Order of Business 34, the title of which will be read.

The SECRETARY. A bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAWES. I should like as the bill is read to ask action of the Senate on the amendments reported by the Committee on Indian Affairs, so that it need not be read over the second time.

The PRESIDING OFFICER. The bill will be read.

The Secretary proceeded to read the bill. The bill was reported from the Committee on Indian Affairs with amendments. The first amendment of the committee was, in section 2, line 5, after the word "namely," to strike out the following words:

Commencing in the middle channel of the Missouri River, opposite the mouth of White River; thence down the middle channel of said Missouri River to the south line of Brulé County; thence west on the south line of Brulé County to the west line of said county, including, however, entirely within said reservations all islands, if any, in said river; thence due south to the forty-third parallel of latitude; thence west along said parallel of latitude to a point due south from the source of the principal branch of Pass Creek; thence due north to the said source of Pass Creek; thence down said creek to the White River; thence down White River to the place of beginning in the Missouri River.

And in lieu thereof to insert:

Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brulé County; thence down said middle of the main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence due south to the forty-third parallel of latitude to a point due south from the source of the principal branch of Pass Creek; thence due north to the said source of the said principal branch of Pass Creek; thence down Pass Creek to White River; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Gregory County to the intersection of the south line of Brulé County extended west; thence due east on said south line of Brulé County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.

Mr. DAWES. There is a mistake in the print of this amendment, and I move to amend the amendment in line 22 by inserting after the word "latitude" the words "thence west along said parallel." Those words seem to have been left out in the print.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 6, line 10, after the word "seventy-two," to insert "and the south half of township 109, range 71;" so as to read:

The whole of township 106, range 70; township 107, range 71; township 108, range 71; township 108, range 72; township 109, range 72, and the south half of township 109, range 71, and township 107, range 70, except sections 1, 2, 3, 4, 9, 10, 11, and 12, and such parts as lie on the east or left bank of the Missouri River, of the following townships, &c.

The amendment was agreed to.

The next amendment was in section 6, line 22, after the word "seventy-four," to insert "south half of;" and in line 23, after the word "seventy-five," to strike out "township 109, range 76;" so as to read:

Township 106, range 71; township 107, range 72; township 108, range 73; township 108, range 74; township 108, range 75; township 108, range 76; township 109, range 73; township 109, range 74; south half of township 109, range 75, and township 107, range 73.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 7.

Mr. DAWES. I offer an amendment after line 21 of section 6 as part of that section:

But the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota Central Railroad Company shall respectively have the right to purchase of the United States at the sum of $2.50 per acre, prior to any white person and to any corporation or association, the fee title to the two separate sections of land embraced in said agreement: *Provided*, The said railway companies shall have made the payment and performed the conditions to be by them under said agreement performed: *And provided further*, That said right of purchase shall be exercised within six months after the passage of this act.

The explanation of that is this: These railroad companies have purchased of the Indians, with the approval of the Interior Department heretofore, this ground in connection with their railroads, and have paid the Indians $5 an acre for it. This bill will open the whole of that territory to public settlement. It is supposed by the railroads that the title they thus acquired is only the Indian title of possession. They are entitled to the fee, and this secures them the fee. They have paid $5 an acre to the Indians for it, and they propose to pay to the Treasury of the United States two and a half dollars an acre for what interest the United States may possibly have in that land.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

The reading of the bill was resumed and continued to section 20. The next amendment of the Committee on Indian Affairs was in section 20, line 2, after the word "Island," to insert "and Farm Island;" so as to read:

SEC. 20. That all the lands acquired by the provisions of this act, except American Island and Farm Island, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead laws of the United States.

The amendment was agreed to.

Mr. DAWES. In section 20, line 21, before the words "American Island," I move to insert:

Or to exclude the said lands or any thereof from the operation of the general laws of the United States now in force granting to railway companies the right of way and depot grounds over and upon the public lands.

Mr. ALLISON. Does the Senator mean to say that after a homestead has been acquired under the provision of section 20 it shall still

be within the power of Congress to take the land for railroad or other purposes?

Mr. DAWES. Under the power of eminent domain.

Mr. ALLISON. Would not that be so without the specific reservation?

Mr. DAWES. I suppose it would; but when this bill passed at the last session the Senator from Alabama [Mr. MORGAN], thinking there might possibly be some doubt, moved this paragraph as an amendment to make it clear; it was not in the original bill.

Mr. ALLISON. I see here the words:

Or to grant to railroad companies the right of way through said lands.

That is in the print of the bill. It does not seem to me to be necessary to say that Congress shall have the right to grant the right of way through lands that can be condemned under the general laws relating to taking private property for public use.

Mr. DAWES. The idea of the amendment is that these lands opened to the public shall come under the general law in reference to public lands which authorizes the construction of a railway through them on payment of a certain sum of money. That was the object of the amendment suggested to me now by the Senator from Wisconsin as making it clear.

Mr. ALLISON. What I fear is that under this provision, after a man shall have required his title and paid his 50 cents an acre, Congress may still under this provision grant the right of way to a railroad over his land. It may be regarded as in the nature of an exception to the first provision.

Mr. DAWES. I suppose that Congress has the right to establish a railroad over a man's private land, but not without paying what the land is worth. That is under the right of eminent domain, taking it for public purposes.

Mr. ALLISON. And that would be so if this entire proviso were not in the bill.

Mr. DAWES. If anything more could be done under the proviso, I would not propose it.

Mr. ALLISON. I do not object to it with that statement.

The amendment was agreed to.

Mr. ALLISON. I ask the Senator from Massachusetts if under the last provision in section 20 it will be possible for a railway desiring to cross the Missouri River to pass upon or over the island there named?

Mr. DAWES. I do not think it would. That very question was considered, and as this island was of more use to the cities named than it could possibly be to the public, they were very anxious to have it appropriated exclusively for a park. To run a railroad across would destroy that use of it. The phraseology was drawn to exclude railroads.

Mr. ALLISON. If it is understood that this section is intended to exclude railways from crossing the Missouri River at this point, and that has been carefully considered by the committee and is deemed wise, I shall interpose no objection.

Mr. PLUMB. Is it in order to move amendments now? I should like to offer some.

The PRESIDING OFFICER. All the amendments proposed by the committee have not yet been considered, and the reading of the bill has not been concluded.

The reading of the bill was resumed at section 21. The next amendment of the Committee on Indian Affairs was, in section 23, after the word "balance," to insert the words "which is hereby reappropriated;" so as to make the section read:

SEC. 23. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, which sum, together with the unexpended balance, which is hereby reappropriated, of $10,000 appropriated in act of March 3, 1883, for procuring the assent of the Sioux Indians to an agreement therein specified, to be expended in defraying the necessary expenses of procuring the assent of the Sioux Indians to this act provided in the preceding section; and the same shall be expended under the direction of the Secretary of the Interior, and be repaid to the Treasury from the proceeds of the sale of the land authorized by this act.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is now open to further amendment.

Mr. PLUMB. I should like to ask the Senator from Massachusetts a question about section 17. I call his attention to the phraseology used in line 9. The requirement there is that the Secretary of the Interior shall purchase from time to time "such and so many first-class American breeding cows." I would suggest that the word "first-class" is liable to require him to buy animals worth a great deal of money, but that would be worth less to Indians than they would be to anybody else. I would strike out the word "first-class" at all events, and leave it discretionary. Under that he could buy animals that might cost $500 or $1,000 a head or $5,000 a head. It might be mandatory on him to buy that very class and not reach those that would do the Indians the most good.

Mr. DAWES. Of course there is no such intention as that, and if the bill is open to such a construction I should be glad to have it amended, but I should like to have some adjective employed. There are two kinds of American cows that would be called good cows of their kind. One is the Southern cow and one is the Northern cow, and I should like to have something indicating what kind of stock the Indians are to have. If the Texas cow were sent up there it would be worse than nothing. It is the Iowa and such cows as that which are the only serviceable cows to these Indians. I do not know but that it would be safe enough to strike out "first-class" and say "of good quality"—"American breeding cows of good quality."

The PRESIDING OFFICER. Does the Senator move that amendment?

Mr. DAWES. If the Senator from Kansas moves that, I shall not object to it.

Mr. PLUMB. I move that amendment. In line 9 of section 17 I move to strike out the word "first-class," and after "cows," in line 10, to insert "of good quality;" so as to read:

Such and so many American breeding cows of good quality, not exceeding 25,000 in number.

The amendment was agreed to.

Mr. PLUMB. I should like to ask the Senator from Massachusetts what the provisions of the seventh article of the treaty of 1868 are.

Mr. DAWES. I only speak from memory; I have not the article here. It is that article of the treaty which requires the United States to furnish teachers and houses for every thirty scholars of school age who are furnished to be educated by the Indian authorities. I am not certain, but I think that is the article of the treaty. There is a provision in that treaty which runs through all of the treaties made about that time by a commission which was sent out, that the United States obligated itself to furnish a teacher and school-house for every thirty scholars that were furnished for the schools. The United States has failed largely to fulfill that obligation, not only toward these Indians but toward others, and excuses itself because it says that the first obligation is upon the Indian himself to furnish his scholars and invite the United States to educate them.

Mr. PLUMB. Section 20 of the bill I suppose is intended to require the settlers to pay to the Government exactly what the Government pays for the land. This section provides that the settlers shall be authorized to take these lands under the provisions of the homestead act, but shall pay the sum of 50 cents per acre for each and every acre embraced in their several homesteads. I suppose that it is intended to require the settlers to pay to the Government exactly what the Government pays to the Indians.

Mr. DAWES. Yes; the Government pays it to the Indian in this way: the fund goes into the Treasury as a fund to be held by the United States for the benefit of the Indians, and in that way the Indians get exactly what the settler pays.

Mr. PLUMB. I would suggest that there is no provision here for the payment of fees, and the section should be amended to require the payment of the fees in addition. One of two things would happen: either the fees themselves would have to be paid out of the Treasury of the United States, or they would not be paid at all, and the land officers would be required to do the work for nothing. I would say that—

In addition to the fees prescribed by law for similar duties.

Mr. DAWES. I supposed that would follow of course.

Mr. PLUMB. I doubt if it would.

Mr. DAWES. If it would not follow, and if the Senator, who is more familiar with the method of taking up homesteads, says it would not follow, I hope he will put in an amendment to cover the point. The matter was discussed in committee, and those members of the committee, perhaps less familiar than the Senator with the methods, were of opinion that the Indian would get 50 cents an acre clear of all expenses; but if the Senator is in doubt about it I will agree to an amendment.

Mr. PLUMB. In line 7 of section 20, after the word "him," I move to insert—

In addition to the fees provided by law.

Mr. DAWES. I hope that will be adopted if the Senator has any doubt about it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. PLUMB. Now I would ask the Senator from Massachusetts why he has fixed the period of four years as the time the settlers are to live on this land before getting title instead of five, which is the provision of the present homestead law?

Mr. DAWES. There are several modifications of the homestead law so far as this land is concerned the Senator will see, and they are of such a stringent nature that it was thought by the committee that four years was long enough. To begin with, the settler can not pay up at the end of six months and then sell his land. That provision is to prevent the fraudulent use of people to go on and take up land under agreements that they will sell to some corporation or some syndicate. They are to live on the land four years before they can get any title and before any agreement made by them in reference to it will have any force in law. They can not make an agreement to sell the land.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, the hour of 2 o'clock having arrived, being the bill (S. 6) fixing the salaries of the several judges of

the United States district courts at $5,000 per annum, and for other purposes.

Mr. DAWES. We are so near——

Mr. BROWN. I gave notice on Tuesday that I should move at this hour to take up the resolution of the Senator from Kentucky [Mr. BECK] on the silver question, as I desire to submit some remarks. I should like if the Senator who has the pending bill in charge would allow it to be passed over informally that I may make that motion.

Mr. DAWES. If the bill considered during the morning hour takes any considerable time I shall let it go over.

Mr. BROWN. If it takes but a few minutes I shall not insist on precedence over it.

Mr. HOAR. I of course do not propose to object to the laying aside of the regular order informally if my colleague can finish in a few minutes the bill in his charge. I feel a little guilty in regard to the judges' salary bill, which is in my charge, that I have let it pass by now for six or eight days for the discussion of matters which will be discussed again hereafter when we have a bill before us.

Mr. DAWES. If this takes any considerable time I will let it go over, but it is so nearly through that I should like to have it disposed of.

Mr. BROWN. If it takes but a few minutes, I have no objection.

The PRESIDING OFFICER. It is understood that the unfinished business shall be laid aside for the purpose of finishing the pending bill, and also the regular order to hear the Senator from Georgia.

Mr. HOAR. I must give notice that on the next legislative day after this I shall feel compelled to insist that the pending bill be finished at the hour when it is rightfully before the Senate, and if there are to be further discussions I think this will not interfere with them, because I think the pending bill can be finished in a very few minutes; but I will not even assume to take these few minutes from the Senator from Georgia. I will let it go over now.

Mr. HARRIS. I think the Senator from Texas [Mr. MAXEY] who is not now in his seat gave notice a day or two since that he would desire to follow the Senator from Georgia upon the silver question.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. EUSTIS], the Chair understands, has likewise given such notice.

Mr. DAWES. The Senator from Kansas and the Senator from Colorado desire to say something about the bill which we have been considering, and I think I shall be obliged to let it go over. It will come up again as unfinished business during the morning hour, if there is any time, will it not?

The PRESIDING OFFICER. It will.

Mr. HOAR. I hope we shall have a session to-morrow.

The PRESIDING OFFICER. The Senate has agreed to adjourn to Monday when it adjourns to-day. The unfinished business is informally laid aside. The Senator from Georgia [Mr. BROWN] has the floor.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming, and the presiding officer announced the signature of the President *pro tempore* thereto.

COIN DUTIES ON IMPORTED GOODS.

Mr. BROWN. I ask unanimous consent to take up the resolution submitted by the Senator from Kentucky [Mr. BECK] on the silver question with a view of submitting some remarks upon it.

The PRESIDING OFFICER. Unanimous consent is granted, the Chair hearing no objection.

The Senate resumed the consideration of the resolution submitted December 18, 1885, by Mr. BECK, relative to the payment of customs dues and the disbursements thereof, &c.

Mr. BROWN. Mr. President, the silver question is in no sense a party question. Many of the leading Democrats both in and out of Congress differ with the President, Secretary of the Treasury, and other Democratic leaders upon this question. Many of the most distinguished and intelligent leaders of the Republican party agree with the President and Secretary of the Treasury. But a large number of Republican leaders equally as distinguished differ with their party friends on this question, and believe that the coinage of silver should be continued, at least to the extent now prescribed by law, while some think the annual coinage should be increased to a higher figure. No Senator or Representative, no matter which side he takes of this important question, can be charged with a want of fealty to his party on account of his position. I have no hesitation in expressing my deliberate and fixed opinion that it would be unwise and unjust to the people of this country to discontinue the coinage of silver at present or to lessen the amount annually coined under the present law.

An intelligent writer has lately made the statement that the national public debts of the civilized world, embracing mainly the public debts of Europe and America, amount in round numbers to $25,000,000,000. Upon this enormous sum the people are paying more than an average of 4 per cent., or $1,000,000,000 per annum of interest. The same writer is of opinion that all the state and county and corporation debts of the world aggregate about $50,000,000,000, making the indebtedness of the world, national, state, and corporate, amount to $75,000,000,000, which at 4 per cent. would be three billions a year of interest, with which the labor of the people is now taxed, an annual interest of twice the amount of the whole public debt of the United States.

The holders of this immense amount of bonds and other obligations form a class, and the laboring people of the world who are wealth-producing and who labor to pay this enormous amount annually form another class. They are very properly designated the creditor class and the debtor class. It is the interest of the creditor class, holding this immense amount of bonds and liens upon the labor of the people, to have both the principal and interest paid in the most valuable currency which it is in their power to receive from the debtor class.

These bonds and other obligations, so far as this country is concerned, were contracted to be paid in a fixed currency, specified and defined in the contract. Most of the debt was contracted during the war, and it was agreed between the debtor and the creditor as to the larger part of it that the debt should be paid in the lawful money of the United States, or greenbacks, which were then the lawful money and currency of the country, and, in fact, almost our only currency; and during a not inconsiderable proportion of the time one dollar in silver was worth two dollars and a half in greenbacks.

A farmer furnishing bacon to the Army worth $100 in silver received $250 in greenbacks, or a bond of the Government for $250. In other words, he received in a bond of the United States two and a half times as much as his bacon would have brought in silver. The same was true of the manufacturer, the merchant, and all other classes who furnished supplies to the Army of the United States. Thus the matter stood at the end of the war. The bondholders during all the period while greenbacks were so heavily depreciated got two or two and a half times as much in bonds for the articles delivered by them to the Government as they would have brought in gold or silver. In that state of the case what peculiar obligation rested upon the Government of the United States to pay these bonds in a better currency than was provided for any other creditor of the United States?

What peculiar claim did the bondholder, who obtained his bonds during this state of inflation and got this large increase upon the gold or silver value of his commodities, have to be paid in better currency than the balance of mankind who might be creditors of the United States? Why should he receive in payment a better currency than the Army or the Navy or the clerks in the Departments or the day laborer who toils upon the public works of the United States? I can see no reason whatever why the discrimination should have been made in his favor. The soldiers who imperiled their lives in the storm of battle received their wages in greenbacks. Their widows and minor children, where the husbands and fathers were slain in battle, received their pensions in greenbacks, and I believe they still do. All the officers and employés of the Government received their compensation in greenbacks, and I believe they still do. The men who toiled upon the new vessels of the Navy, as well as the men who labored during the extremes of heat and cold in the improvement of your rivers and harbors, received their pay in greenbacks, and they still do. What greater equity existed in favor of the bondholder than existed in favor of either of the classes to which I have referred? If there were any I am not aware of it.

But the association of bondholders, on account of the large increase that had been paid them above the gold and silver standard, had an enormous amount of our securities in their hands. The debt amounted to $2,756,000,000 at the end of the war, and while a portion of this debt was owned by every class in the community, the great bulk of it belonged to a comparatively small class of capitalists, who were able, when a United States bond for $250 could be obtained for commodities worth $100 in silver, to advance the amount and take the bond. This creditor class, holding this large amount of bonds of the United States acquired under circumstances most favorable to their own interests, naturally desired to increase the value of the obligations held by them, and they went to work, systematically I have no doubt, and used the columns of influential newspapers and the brains of influential men, and they finally had the pleasure to see the passage of the act of 1869, declaring that the principal of the bonds as well as the interest should be paid in coin. There was an exception in this act, applicable to a certain class of bonds, but the exception was so qualified as to destroy its effect and leave the rule substantially as above stated.

There was no new consideration for this important alteration in the contract so far as the then bondholders were concerned. Many of them got their bonds when the legal money of the United States, greenbacks, was so depreciated that the bonds only cost them about 40 cents in the dollar in gold or silver, and the contract between them and the people was that the bonds might be paid in the same currency they gave for them, to wit, in greenbacks, or in lawful money, as it was called. Instead of carrying out this contract Congress gratified them by the passage of the act above mentioned, by which it declared that they should receive payment in coin; that is, in gold or silver. But they were not content with this, and they soon had the pleasure to see the passage of another act, which is dated 14th of July, 1870, authorizing the refunding of the bonds, and prescribing that the new bonds should be paid in coin of the standard value prescribed by law at the date of the passage of this act.

The gold dollar then consisted of 25.8 grains of standard gold and the silver dollar of 412.5 grains of standard silver.

But let it be borne in mind that while they were procuring this legislation greatly enhancing the value of their securities, they did agree to receive payment in the coin of the United States of the standard of that date. In other words, they agreed to receive payment in silver dollars or gold dollars of the standard weight which the law then authorized and of the standard weight which it now authorizes, as neither the weight of the silver nor the gold dollar has been changed by law since that time.

Now, we would naturally enough conclude that this system of changing the contract from time to time, at each change making it more valuable to the creditor party, had been carried far enough, and that the people would not be asked to do more than pay an original greenback debt worth 40 cents in the dollar in the gold and silver coin of the standard of 1870 or the gold and silver coin of the present date. But not content with the advantages they had obtained over the people, the next step was that of demonetizing silver. What would have been the effect if silver could have been permanently demonetized, and the coinage of the standard silver dollar discontinued, and the guarantee given that nothing but gold should be received in payment of the public debt? This would still further have enhanced the value of their bonds, as it would largely have diminished the quantity of the coin with which, under the contract, they were to be paid by striking down silver coin, which would have greatly increased the value of the gold coin, which would have then been the only coin we could have had to give them in payment. This would have added probably from 25 to 50 per cent. to the value of their bonds, and it would have enhanced the burdens of the people out of whose labor they must be paid a like amount.

But after the act demonetizing silver had gone into effect, the people, who felt that they had already been greatly wronged, determined to take the matter into their own hands, and they sent representatives to Congress to repeal the act demonetizing silver and provide for a reasonable amount of annual coinage, and a very moderate amount under the circumstances. As the people since that period, at each biennial election, have selected members of Congress who could not be charmed by the seductive influence of this great creditor class, it became necessary in their estimation, notwithstanding their frequent failures, for the creditor class to continue their efforts to procure legislation to discontinue the coinage of silver. They have failed to procure legislation to stop the coinage of silver. But notwithstanding this failure, they have still been so fortunate, while others have been compelled to take silver or greenbacks, as to continue to receive gold alone in payment of both the principal and interest which have fallen due, and up to this date, if I am correctly informed, there has not in any instance been a silver dollar paid to a Federal bondholder for years past, if indeed there has been any instance since the passage of the act of 1870. What has been the result?

A 6 per cent. United States bond during the war was worth, say, 40 cents in the dollar in gold or silver. Upon the passage of the act of 1869 they rose nearly to par. Upon the passage of the act of 1870 a 4 per cent. went to a par, and since that, as the interest and principal falling due from year to year have been paid in gold only while all the other creditors of the United States are required to take silver or greenbacks, the bonds have steadily advanced, until they are now worth 120 to 124 in the market, and still the cry is that the patriotic bondholders must be dealt liberally with, and that the taxes of the people must be increased to give them a better currency than other people receive, so as to keep up the credit of the United States.

I think it proper that we keep the credit up to a point that is reasonable. When a 3 per cent. bond is at par, I do not care to tax the people to put the credit any higher. If, with the surplus in the Treasury from year to year, we have to purchase the 4 percents to keep up the sinking fund, I do not desire that the people who sold them for 40 to 50 cents in the dollar pay 120 to 130 for them.

There is neither reason nor justice in the demand that we depreciate part of the currency of the United States, namely, greenbacks and silver, in order to make gold more valuable, and pay the bondholders a more exorbitant price.

I think that every officer of the Treasury who has to pay out money on the public debt or public expenditures of every character should treat all creditors alike, and should pay to the bondholder for his interest or his maturing bond either gold or silver, as the one or the other may be most convenient for the Treasurer at the time; and bear in mind, Mr. President, if you pay out twenty or thirty or forty millions of dollars a year in silver to the public creditors, who are a very influential and powerful class, you make it their interest to aid in keeping up the price of silver, while if you pay them in gold alone, they will be always attempting to depreciate silver to make the gold received by them more valuable as the representative of more property. I say, treat every creditor alike. If you pay the bondholder in gold alone, pay gold to the officer, pay gold to the laborer, and if there is really any difference in the purchasing power of the gold and silver dollar, there is greater reason why the bondholder, in view of the original cost of the bond, should take the silver dollar than there is why the laborer should take it and leave the gold dollar to the bondholder.

There is a great clamor on the part of the bondholders for a suspension of the coinage of silver and much apprehension on account of the large amount of silver dollars lying in the Treasury vaults. Now, I say it is the duty of the Secretary of the Treasury to dispose of those silver dollars by paying them out to the public creditors whenever anything is due, and the bondholder should take his full share of them. If this does not dispose of them, then the Secretary of the Treasury should call in enough bonds upon which the people are now paying interest to absorb the silver dollars that are lying in the Treasury, and thus relieve the people of a large amount of interest which they are paying annually upon the portion of the debt that is subject to call and is not called in, and pay off the debt to all classes of creditors as far as we have silver coin not otherwise appropriated. If it is said this is not honest, as it is not an honest dollar, I reply that it is always honest to pay a debt in the very currency which the creditor by the contract has agreed to take. The contract in this case, as amended at the instance of the creditors, is that every one of these bonds may be paid in silver dollars or gold dollars at the convenience of the Treasury, and no American need blush when the Government carries out in honest, strict, good faith its contract with its creditors, and pays them in the very currency which the creditors have contracted to take.

The money received into the Treasury from customs on imported goods is, under the law, to be collected in coin, and is by act of Congress first specially set apart for the payment of the interest on the public debt. The contract with the bondholders, then, is to take the coin of the United States, either gold or silver. The act of Congress requires the coin that is received for duties on imports to be set apart for the payment of the interest upon the public debt.

A large portion of the customs is paid in silver coin, and yet not a dollar of this coin, which is the currency agreed on by the parties to the contract, and which is specially set apart by act of Congress to that use, is paid to a single bondholder. The silver dollars are reserved for the people, the laborers, the debt-paying class; the gold dollars are reserved for the bondholders, who are the creditor class. And as the gold goes alone to the most powerful creditor class, all the immense power and influence of that class are constantly brought to bear to depreciate the value of silver, in which the people are paid, and enhance the value of gold, in which the bondholders are paid. This is neither fair dealing nor common honesty.

This is a subject upon which the people should be aroused, and they should require their representatives, no matter in what department of the Government, to see to it that this law is executed and the contract of the Government with the bondholders complied with, and that any surplus silver dollars of the standard of 1870 which the Treasury may at any time possess be paid to the bondholders and other creditors, so as to stop interest and to that extent reduce the burdens of the people. The Secretary of the Treasury tells us in his report that the estimated amount of gold and silver coin in the United States on the 30th of June, 1885, was $820,000,000, $542,000,000 of which consisted of gold coin and $278,000,000 of silver coin.

According to this estimate there are nearly twice as many gold dollars as there are silver dollars in the United States, or, in other words there is a little over one-third of the coin in the United States silver, and nearly two-thirds gold. The bondholders then may well struggle to demonetize silver and make gold the only standard, as it would greatly reduce the amount of the circulating medium and greatly enhance the value of their bonds on account of the increased amount of property which would be required to make payment.

But we are told that it is necessary to stop the coinage of silver to prevent the exportation of our gold to foreign countries and the importation of a large amount of silver which would form an inferior currency for this country. This note of warning has constantly been given by bankers and bondholders ever since the passage of the act of 1878 remonetizing silver, which act directs the coinage of not less than two millions per month of legal-tender silver dollars; but the prophecy with which we have been constantly haunted has not in a single instance been fulfilled. Take the whole period of the time since the passage of the act of 1878, and the result has been the very reverse of what was so often predicted by Treasury officials and bondholders.

From year to year, almost without exception, we have imported more gold than we have exported and we have exported more silver than we have imported, and all the reasonable probabilities are that we shall continue to do so. And bear in mind that at the end of seven years we have twice as much gold as silver coin in our country. We have a country of unparalleled capacity, of immense proportions, with more virgin soil and more productive capability than any other country on the face of the globe. We have a population of nearly 60,000,000 of people, with more inventive genius, more energetic industry and enterprise, than the people of any other nation. We produce by our factories a very large proportion of the manufactured articles necessary for our use. These advantages enable us to export more and import less of the necessaries and conveniences of life than any other people.

The result is a constant balance of trade in our favor, with a strong probability, with our increasing capacity for production and our increasing population and our constantly increasing independence of other nations, that this balance of trade in our favor will continue to grow in-

stead of being diminished. Already within the last six or seven years it has amounted to over $500,000,000, which other nations have been obliged to pay to the United States as balance due on settlements; and as gold is the medium of exchange which is adopted in settlements between us and European nations, this pours a steady stream of gold into the United States, and while the production of silver from our mines the last year has been greater than the production of gold, still the quantity of gold coin in the United States almost doubles the quantity of silver coin, according to the extract which I have already read from the report of the Secretary of the Treasury. This shows that our country is being enriched by the importation of gold, and that we do not find it necessary to export gold to settle the balance of trade against us, as it does not exist to any extent with European nations. Why, then, should we fear a drain of gold and an influx of silver? All the probabilities are that there will be an increased influx of gold and export of silver.

In a monetary conference held in Paris in 1881 the distinguished financier Mr. Broach, the delegate from Norway, a country that has adopted gold monometallism, made the following important statement during the discussion:

In short, universal bimetallism is not possible, for, in Asia, India and China are silver monometallic, and in Europe two of the chief powers are resolved on remaining gold monometallic.

Again he says:

The United States might put up with the system, because in the capacity of large exporters of merchandise payable in bills on London, they are sure of always keeping large quantities of gold. They could do so also because they would not be exposed to seeing silver flow to them. They are too great producers of silver for Europe to send to them that metal which they furnish on the contrary to Europe. The time is approaching, moreover, when the United States, *sufficiently provided with coin*, will no longer have to ask Europe for it, and when in payment of their consignments of breadstuffs and raw materials to the old continent they will have to demand an exchange of greater and greater quantity of manufactured articles or of European securities. But on either hypothesis they will be no resource for Europe for the sale of its depreciated silver.

But it is said that we have already more silver dollars coined and laid away in the Treasury than we can get into circulation. As long as the officers of this Government refuse to obey the laws passed by the Congress of the United States and refuse to pay silver coin to the creditors in payment of debts where they have expressly agreed to take silver we may have some surplus silver lying in the Treasury, but let it be paid out in honest satisfaction of our debts where the creditor has agreed to receive it and we will soon be rid of this large surplus. Again, let the law be faithfully carried out, and let silver certificates be issued for the silver lying in the vaults of the Treasury, and let them be put into circulation, and there can be no better currency. The holder of each certificate then has the faith of the Government pledged to him that the silver lies in the vaults of the Treasury to pay the certificate at any moment when it is presented. The business of the country requires more circulation, and every surplus silver dollar and every surplus gold dollar that is lying in the Treasury vaults idle, not part of the necessary reserve, should be put into circulation by a silver or a gold certificate.

We are told that we may carry two hundred and fifteen million of silver dollars, which we have coined and which are now in this country, but that if we continue to coin silver we will soon be overrun by the quantity. The greater danger is, if we encourage the contraction of currency to a point below what is needed by the great business interests we will produce stringency, and even panic, throwing large classes out of employment, and producing general depression and demoralization in the different pursuits of life.

Now, I have no hesitation in saying that if we had $200,000,000 more of silver coin thrown by its representative, the silver certificate, into circulation the business of the country would be immensely improved.

If we stop the coinage of silver we contract the currency at least $28,000,000 per annum. That amount is annually coined into silver dollars and put into circulation. That amount will be withheld from circulation each year while we fail to coin the $28,000,000. In other words, out of the silver of the country $28,000,000 are made each year and thrown into circulation, which would not go into circulation if the coinage were suspended, and to that extent depression of business would follow.

It is said that the national banks are contracting their circulation on account of the redemption of the 3 per cent. bonds upon which they are banking, and that we may look for a contraction of from $20,000,000 to $30,000,000 per annum on that account. If so, and we add to that $28,000,000 annually of silver coin withheld, we shall produce a state of stringency in this country that may be very beneficial to the large creditor class, but very detrimental to the debtor class. But can we manage additional silver dollars in this country as currency with full legal-tender quality without detriment to our business?

We have fifteen to twenty millions more of population than either France or Germany. Our territory is several times as large as the territory of both these governments put together. We outstrip them in enterprise, industry, and production. We need more local circulating medium than both of them together. We are told that both these nations have stopped the coinage of silver, and that is given as a reason why we should do so.

We are told by the Secretary of the Treasury that Germany has four to five hundred millions of silver marks, in thalers, of unlimited legal tender, and that France has six hundred millions of five-franc silver pieces of unlimited legal tender, while we have but two hundred and fifteen millions of legal-tender silver dollars. In other words, France and Germany have three times as much legal-tender silver coin as we have. We certainly have need of as much as they can carry. We hear of no panic in the money market there, no selling of gold at a premium, and no difficulty about legal-tender silver coins answering all the purposes of money. We can then very safely, to meet the demands of our immense business, coin four hundred millions more than we have at present, and we will then have less legal-tender silver coin than they have in France and Germany, and little more than France alone. If they can carry it without difficulty, why may not we do likewise?

The United States is probably the heaviest producer of silver in the world. The United States and Mexico together produce about one-half of all the silver mined in the world. Why, then, should either of these nations array itself on the side of the powers that seek to demonetize silver and destroy its value?

From the earliest ages of civilization silver and gold have been the metals used for the coinage of the money of the world. In all ages they have been mentioned alike as money, and the quantity of each in circulation has been nearly equal. The Secretary of the Treasury informs us in his report that the "statisticians all agree that silver is 54 per cent. of the monetary metals of mankind, while gold is but 46." While we have of gold about 65 per cent. and of silver about 35, then, if we were to strike down silver as money and all other nations were to follow our example, we would destroy more than one-half of all the money in the world, and more than one-third of our own metallic money, and would reduce property to one-half its present nominal value, and it would cost the debtor class twice as much property to pay their debts as it now costs when both the metals are coined and used as money.

Now, while it is admitted that 54 per cent. of the metallic money of the world is silver, it is sought to stop the coinage of that metal because it is said its market value is not at present the equal of our gold unit; in other words, that 412.5 grains of standard silver is not worth in the market a standard gold dollar, which is the unit of the United States. Why is it that silver, which down to the period of the commencement of the war, at 16 for 1, was worth a premium as compared with the gold coin, has since fallen until the metal is not worth more than 80 cents in the dollar? This has resulted not from a superabundance of silver, but from the unfriendly legislation of Great Britain, Germany, and the United States. If the principal commercial nations of the world will discontinue the coinage of gold as money it will decrease in value faster than silver has done, as it is a metal not so well suited for use in the mechanic arts and for various domestic purposes as silver. The superiority in value that it now has over silver is entirely artificial. It is produced by unfriendly legislation against silver and partial legislation in favor of gold. Let the case be reversed, and permit the unlimited coinage of silver and stop the coinage of gold into legal-tender money, as they have done in India, and silver will very soon reassert itself, and 412.5 grains of standard silver will again become worth more money in the market than 25.8 grains of gold.

I have heard it stated that the necessity for suspending the coinage of silver grew out of the fact of the enormous increase of silver from the mines in our own country and Mexico and other parts of the world, making a great disproportion in quantity in favor of silver. In other words, that the metal had become too plentiful to be coined into money without restraint. Now, to show the fallacy of this position, I again refer to the report of the Secretary of the Treasury. He says "gold from the mines of all the world has doubled in quantity within thirty-five years, silver about doubling in the last one hundred years," so that in fact the production of gold at the mines has shown an increase much more rapid than that of silver, and if there were cause for alarm on account of the too great increase in the quantity of one of the metals it existed in the case of gold and not of silver. While gold doubles in thirty-five years, silver doubles in about one hundred years. Gold therefore doubles, if the Secretary of the Treasury be right, in about one-third of the time it takes silver to double. If I were to adopt the line of argument of the other side this would be a strong argument in favor of suspending the unlimited coinage of gold, because that metal is becoming too plentiful to be coined without restraint.

But as I stated on a former occasion, overproduction of neither gold nor silver is the difficulty. The world is making rapid strides in developing new enterprises every year. Commerce has received an impetus from the discoveries made in the arts and sciences, in steam and electricity, within the last half century which has no parallel and no approximation to a parallel in all the history of the past. The different nations of the world are being thrown together as near neighbors, space is being annihilated, and the human race is becoming more intimately associated as one people. There has been a rapid advancement in agriculture, in all the mechanic arts, in railroading, ship-building, in transportation on land and sea, in manufactures and commerce, requiring a greatly increased quantity of money for a circulating medium to do the business, and instead of an overproduction of the precious metals, the

great increase in the demand and the yearly waste or loss from use taken into the account the present production is not adequate to the real wants of mankind. This is further demonstrated by the extensive use of a paper circulation not predicated upon a solid specie basis, which several of the great powers are compelled to adopt for want of sufficient metallic currency.

The truth is the growing manufactures, agriculture, and the mechanic arts, and other great interests of the world are increasing so rapidly that it requires all the gold and silver that is produced by the mines to keep mankind supplied with such quantity of the precious metals coined into money as is really necessary for the regulation of our business exchanges and for the well-being of society.

We are told that Great Britain many years ago demonetized silver and made gold alone the standard of values, and that while Great Britain continues to pursue that policy other commercial nations are obliged to follow. While Great Britain makes gold the standard, she uses in her island home an immense amount of silver, which is received in a large class of the transactions of life as money. But why was Great Britain prompted to this course? The people of that country had accumulated immense wealth, and the Government had reached the position where it was the representative of the greatest creditor nation on earth.

As almost the whole world was indebted to Great Britain, any line of policy which made a dollar in money the representative of a larger amount of property, and which caused it to take more property of the debtor to satisfy the demand of the creditor than it would have taken before, was beneficial to Great Britain.

By striking down one of the metals—and she selected silver for that purpose—and refusing to receive in payment anything but gold, she increased the purchasing value of the pound sterling, and thereby increased the amount of property necessary to pay the debt of the pound sterling due to her; just as the bondholders, if they can strike down silver in this country, increase the value of their bonds by increasing the amount of property necessary to pay the bonds.

But the fact that Great Britain demonetized silver did not make it necessary for even her nearest neighbors to follow her example. Gold is the legal tender that Great Britain now permits to be coined, but France, her neighbor just across the channel, while she is not now coining silver, carries, say, $600,000,000 in silver coin, which is all full legal tender, and she gets along with her exchanges and purchases and sales as well as Great Britain does with hers. If, then, France under the circumstances can carry $600,000,000, why should we not be able to carry $1,000,000,000 of legal-tender silver coin? There is certainly no good reason why we may not carry a much larger sum than France can carry.

But Great Britain is not very consistent in her course in demonetizing silver and making gold the standard. While she adopts that policy in her home government, she adopts exactly the reverse of it in her immense possessions in India. There gold is demonetized and silver is the legal tender. By this policy Great Britain is enabled to draw the gold into the exchanges of the home government and to put off any quantity of surplus silver that she may have on her possessions in India. And having there 200,000,000 of subjects, she has an immense vent for all the silver that she may be able to control. This is a shrewd piece of financiering. At one end of the line gold is the legal money, at the other end silver alone is the legal money. At one end gold is demonetized, at the other end silver is domonetized. While we have not a country with the immense population of India to absorb and use our silver, we have a country of much greater extent and with a population more productive than the whole of India to use the silver which is annually taken from our mines, even if a much larger proportion of it were converted into coin.

As I have already stated, we are in no danger of having our gold drained out of this country and silver imported to take its place as long as the balance of trade remains in our favor as between us and the principal European nations. As two of the chief powers of Europe coin gold as their legal tender, and as commercial settlements are made in gold, we get the benefit of it, and our stock of gold is constantly increased by a drain from those nations into this country to settle balances in our favor.

But there is another view of this subject in favor of silver to which I wish to refer in this connection. It is a well-known fact that silver is the principal money or medium of exchange used in China, British India, Japan, and in fact all the other Eastern nations. More than two-thirds of the people of the globe prefer it to gold and use it chiefly as their money. South America is a large producer of both gold and silver; so is Mexico. But there the silver dollar is still recognized and used as a circulating medium, as legal money, and there is no discrimination against it.

As we are fast becoming a vast manufacturing power, as well as a great agricultural power, with a large surplus of the products of our different manufacturing establishments for exportation, we look chiefly to China and other Eastern nations and to South America as the markets where we can most successfully compete with England and France and other commercial powers, but especially with the former. There is a very large balance of trade against us in Brazil and the West Indies, principally for sugar and coffee. Both these countries use silver as legal money. In paying that large balance of trade in specie why should we send our gold out of the country if we prefer to keep it when they would as readily accept silver? Why not send them silver in payment of these balances?

The same remark applies to the Hawaiian Islands, where our purchases of sugar turn the balance of trade against us. Why not maintain our silver standard and our silver coins and pay these balances in silver or gold, as it suits our convenience, and why not send our silver to China and other Eastern nations to exchange for their commodities, as there, too, the balance of trade is against us? As the nations which owe us large balances must settle with us in gold and the nations to whom we owe balances are willing to take silver, and as that state of things is likely to continue for many years to come, the successive reports of the Treasury Department which come to Congress annually, predicting great financial trouble by the draining of our gold out of the country and the filling its place with silver, no longer produce uneasiness, as they are found to have no practical significance.

In the report of Hon. JOHN SHERMAN, then Secretary of the Treasury, now the able and honored President *pro tempore* of the Senate, dated December 2, 1878, very soon after the act was passed remonetizing silver, we find at the conclusion of an argument on this question the following sentence:

> It would therefore seem to be the best policy, for the present, to limit the aggregate issue of our silver dollars, based on the ratio of 16 to 1, to such amount as can clearly be maintained at par with gold, until the price of silver in the market shall assume definite ratio to gold, when that ratio should be adopted and our coins made to conform to it; and the Secretary respectfully recommends that he be authorized to discontinue the coinage of the silver dollar when the amount outstanding shall exceed $50,000,000.

From this it is very clear that the honorable Secretary did not think we could carry at par more than $50,000,000 in silver, and that we should limit the aggregate issue to such sum as could be clearly maintained at par with gold, and the sum of $50,000,000 was fixed as the amount the Secretary thought we could manage. Instead of fifty millions of legal-tender silver dollars we now have two hundred and fifteen millions, according to the report of the present Secretary of the Treasury, and still the silver dollar is maintained at par with the gold dollar. If the suggestion of the Secretary of the Treasury in 1878 had been adopted, we would have withdrawn, or rather withheld, from circulation the $165,000,000 in silver which we now have either in the Treasury ready to go into circulation or in actual circulation. If that amount were now withdrawn from the currency, it would produce stringency and financial pressure of a fearful character.

In the report of the Secretary of the Treasury in 1881, three years later than the report above referred to and four years ago, we find the following admonition:

> A continous monthly addition to our silver coinage will soon leave us no choice but that of exclusive silver coinage, and tend to reduce us to a place in the commercial world among the minor and less civilized nations. It may be assumed that a people as enterprising and progressive as that of the United States, holding a leading position among the nations, will not consent to a total abandonment of the use of gold as one of the metals to be employed as money, and we can not be placed in the awkward position of paying for all that we buy abroad upon a gold standard and selling all we have to sell upon a silver standard. It is therefore recommended that the provision for the coinage of a fixed amount each month be repealed, and the Secretary be authorized to coin only so much as will be necessary to supply the demand.

Since that recommendation we have coined over one hundred million silver dollars, and we now have twice as many gold as silver dollars. Something similar to the above has appeared, I believe, in every annual report of the Secretary of the Treasury since the remonetization of silver. But these doleful forebodings have proved very harmless, as none of the evils predicted have befallen the country. We are carrying two hundred and fifteen millions of silver dollars, and not fifty millions, at par with gold. We still use gold as a currency and have nearly twice as much of it as we have of silver, and we have not been reduced to a place in the commercial world among the minor and less civilized nations, nor have we been placed in the awkward position of paying for all that we buy upon a gold standard and selling all that we have to sell upon a silver standard.

These annual predictions of imminent danger have ceased to alarm any one who is at all familiar with our commerce, our exchanges, and our currency. Bankers and bondholders who are largely interested in striking down silver and maintaining a gold standard only prognosticate great calamity if the coinage of silver be not suspended. But the people, the laboring class, the wealth-producing class, the debt-paying class, and the commercial class, who are not bondholders or bankers, see no difficulty in continuing the present coinage of silver under the law now of force.

But we are told that the legal-tender silver dollar is not intrinsically worth as much as the legal-tender gold dollar, and that the inferior currency is always put into circulation, and where there are two currencies unequal in value the more valuable is always retired and the less valuable goes into circulation; or, as it has been expressed in more historic language, that "bad money drives out good money, but good money can not drive out bad money." "In other words, the relatively cheaper medium of exchange will be retained in circulation and the relatively dearer one will disappear."

Now, Mr. President, you will please bear in mind the fact that we are constantly reminded that the Treasury Department can not get the legal-tender silver dollars into general circulation, though the Treasury

Department has the power to pay out the legal-tender silver as long as there is a dollar of it. But we are told from year to year that it is impossible to get it into circulation, and still we are told it is inferior to gold. What then becomes of the rule that "bad money drives out good money, but that good money can not drive out bad money." If the silver dollar is the inferior currency which the advocates of a suspension of coinage tell us it is, why does it not drive out gold from circulation and why does it not fill every avenue of business with its presence?

It must be true either that the silver dollar is not the inferior currency which it is represented to be or that the rule above mentioned is not a sound rule, or else we must conclude that the effort at the Treasury heretofore has been to keep it out of circulation rather than to put it in. To the credit of the present Secretary of the Treasury I beg to remark that, as I understand it, he has greatly increased the circulation of silver since he has been in office, and I entertain so much confidence in his ability, his fidelity to principle, and his patriotism that I have no doubt he will soon be able to put all the surplus he has on hand into circulation without driving out gold. Whether it be a less valuable or more valuable currency, the two can circulate together in large quantities without practical embarrassment, as the results have already shown. Intrinsically there is no substantial difference between the value of 25.8 grains of standard gold and 412.5 grains of standard silver. The apparent difference grows out of unfriendly legislation against silver and unjust and partial legislation in favor of gold. Hence the different Secretaries of the Treasury have been unable, as they report, to put the "Gresham law" in force, and have silver, which they say is bad money, go into circulation and drive out gold, which they claim is good money. The failure grows out of the fact that both are good money, and they circulate together, as they always have done, and neither can drive out the other.

It has been said repeatedly by high officials that the coinage of the silver dollar does great injustice to the laboring class of this country; that the silver dollar is not an honest dollar, and that the laboring class should be paid in gold for their labor. Why, then, is it not done? We probably have gold enough in the Treasury to pay all who labor for the United States, and it is a little remarkable that this argument should be advanced by those who have power to pay, and refuse to pay, a dollar in gold to any one laboring for the United States. Those who labor for this Government receive pay in silver or greenbacks. Not one of them can get an honest claim of a hundred dollars for which he has labored paid in gold at the Treasury. The gold is kept for the bankers and the bondholders, and notwithstanding they have agreed as part of their solemn contract to take payment both of principal and interest of their bonds in gold or silver coin of the present standard value, not a dollar of silver is paid to them, but it is kept for the laboring class, and the gold is securely hoarded and sacredly kept until it can be paid out to the bondholders.

But the laboring class are in fact as well paid for their labor as they have been at any previous period in the history of the country, and a legal-tender silver dollar will buy more of the necessaries of life for the laborer than it would have done at almost any other time. The honorable Senator from Kentucky [Mr. BECK], in his very able speech on this subject a few days since, demonstrated that point very clearly. Before the war the laboring man who received a dollar a day for his labor, and a large proportion of them got less, could buy eight yards of calico for a dollar. Now the laborer can take the dollar which he receives for his day's labor and buy twenty yards of calico. Then he could buy bacon at 14 cents a pound. Now he can buy it at 8. And so with almost all the necessaries of life.

There is nothing, therefore, in the position that the laboring class can be damaged by the coinage of the silver dollar. The laborers are generally glad to get silver. It is popular with the laboring class everywhere, and they would be glad to have a great deal more of it in circulation. The people can not be frightened by the statement that the laborers will suffer when they are paid in legal-tender silver dollars.

When you strike down silver you will depreciate property nearly one-half, and the price of labor will go down in the same proportion, and he who now gets a legal-tender silver dollar for his day's labor will then get but fifty cents in gold. How will the laborer be benefited by the change? But while the laborers will be content to receive silver dollars, they will insist that the bondholders who have contracted for silver dollars shall be required to take their proportion in that currency. This is a case where equality is equity, and all that the laborers desire is that bondholders and laborers be placed upon the same equal platform, that the same equity be done to each class. With this the laborers will be content. To this the bondholders should be compelled by law to submit.

If the national banks, by a system of hoarding gold or otherwise, attempt to practically demonetize silver and to force gold to a premium by refusing to take legal-tender silver dollars or silver certificates in settlement of balances or in any settlements, and if the officers who represent the people in the different Departments of Government at Washington will not take the matter in hand and enact and enforce the necessary laws, then the people at the recurring elections should take the matter in their own hands, and fill all the Departments with men who will apply the proper corrective, by a forfeiture of the charters of such banks as are abusing their privileges, or by the enactment and faithful execution of such other constitutional and just laws as the exigencies of the case and the interest of the people may require.

Mr. MAXEY. Mr. President, the discussions in January and February, 1878, of the silver question developed fully and exhaustively the theories of monometallism and bimetallism. The conclusions reached by Congress were unmistakable. A concurrent resolution passed the Senate January 25, 1878, and was returned from the House four days afterward with a message notifying the Senate that the House had agreed to the same. That resolution is as follows:

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued, or authorized to be issued, under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor.

The bonds referred to were fully set out in the preamble. Following this came the act of February 28, 1878, to authorize the coinage of the standard silver dollar and to restore its legal-tender character.

This act became a law notwithstanding the President's veto. Nothing could show more conclusively what was then the policy of the United States as developed through the Senate and House.

By the second section of that act the President was directed to invite the governments of the countries comprising the Latin Union, and of such other European nations as he might deem advisable, to join the United States in a conference to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and of securing fixity of value between these metals. This invitation to a monetary conference came in by way of amendment to the original bill, and against which amendment I voted, and gave my reasons therefor, which appear in the RECORD of February 15, 1878. I believed that the policy of the United States in this regard should be established by Congress; and while the concurrence of other nations in the bimetallic system, as shown by that act to be the policy of the United States, would greatly strengthen that policy, still any attempt to secure that concurrence would prove abortive, and I added that—

Efforts have been made time and again. You might as well talk about having all nations speak the same language, of having every nation use the same pound weight, the same yardstick, as to talk about regulating nations about their coin. Every nation that has any independence of character about it has its own standard of weights and measures, its own standard of coin, and the Constitution of the United States contemplates that we shall coin money and regulate the value thereof.—*Congressional Record*, Forty-fifth Congress, first session, part 2, pages 1089, 1090, 1091.

The result was as I anticipated. The international conference invited in pursuance of this act met in Paris in August, 1878. That adjourned without practical results. Another conference was held at the same place in 1881.

Mr. EVARTS, one of the commissioners on behalf the United States at the conference of 1881, in referring in a speech before the conference to that of 1878, says:

What conclusion, what result flowed from it? Germany was not represented at all. England was present in the body, but absent in the spirit. France and its group of nations occupied only an expectant attitude. The United States found to their appreciations to the arguments by which they supported them, to their warnings, to their fears, to their hopes, no response that, by way of action, or by way of assurance of action, they could carry home as a result.

This was precisely what I anticipated, and, so anticipating, voted against the invitation to a conference.

The conference of 1881 was equally as barren of results as that of 1878. Congress, with these failures in memory, will now and hereafter, I trust, rely exclusively upon itself as the representative of the States and people, and not upon foreign nations, and formulate and stand by a system which in its best judgment will promote the welfare of the States and people whom it represents.

While there was in the sessions of these conferences much academic discussion, and hence divergent theories, dogmatically expressed, of little practical use to plain men, still there was much of an eminently practical character, from practical men, skilled in the great financial operations of governments and great financial establishments, with practical knowledge of the workings of monetary systems, and this will aid in the present discussion.

It was in that conference of 1878 conceded, and not questioned by any one, that governments having due regard to the obligation of contracts not only had the right, but that it was their duty, to look out for themselves.

M. Leon Say, of France, the president of the conference, said:

France, placed in the center of this union, finds that she has collected in her hands a great quantity of silver. There are at present about nine hundred millions (francs) in the vaults of the bank, and about fifteen hundred millions outside of the bank; which gives a sum total of twenty-five hundred millions by means of which the circulation of silver may be effected in this country. It certainly would not serve our purposes to withdraw legal-tender power from such a mass of silver, which circulates in France as current money, and to throw it out upon the metal market as mere merchandise. Such an idea is inadmissible. (Page 55.)

Mr. Goschen (delegate from England) said:

We believe that silver is a monetary metal which ought to serve concurrently

with gold in the general movement of the exchanges; we see even that it is almost the sole instrument of exchanges in half of the globe, and we shall never believe in the suppression of a money with which a commerce such as that of the Indian Empire and all of the farther East regulates itself. (Pages 56, 57.)

General Walker (delegate from United States) said:

The universal gold monometallism of Europe which has been recommended would in most countries amount simply to this: a scanty coinage of gold, held mainly by the banks for the settlement of international obligations, and a vastly preponderating circulation of debased silver. (Page 76.)

And further on he said:

Suffocation, strangulation, are words hardly too strong to express the agony of the industrial body when embraced in the fatal coils of a contracting money-supply.

At a time when the production of the two historical money metals, jointly, is diminishing, this most unfortunate occasion is taken to throw one of them out of use as money of full value; to remit it to the uses of token-money, and to banish what of the accumulated stock of three thousand years' production can not thus be employed, to be hoarded in the East as treasure or devoted to personal ornament. (Page 78.)

Mr. Horton (delegate from the United States) said:

Mr. Feer-Herzog's sketch of the monetary history of the United Kingdom suggested to Mr. Horton another observation. Mr. Feer-Herzog had said that from 1717 gold had become *de facto* the sole standard in England, and that in 1816 the law only, as it were, sanctioned what the natural course of things had established a century before. This was, said Mr. Horton, a version of English history which was generally accepted, but the researches which he himself had had occasion to make into the documents relative to the monetary history of that country had enabled him to ascertain that it was not in 1816, as was generally stated, but in 1798, that for the first time, and at a time when the double standard with the right of unlimited mintage existed in England at the legal ratio of 1 to 15.21, the Parliament prohibited the coinage of silver money—a law at first temporary (38 George III, c. 59) and soon rendered perpetual (39 George III, c. 75). It was not, therefore, in 1816, but in 1798, that the single gold standard was sought to be and was actually *de facto* established in England. And with what success? It was well known that throughout the whole period which followed, from 1798 to 1821, there was a contraction, almost a stoppage, in the metallic circulation, and that the real monetary standard of England was, in fact, the bank note, inconvertible and generally depreciated. Would the notes of the Bank of England have suffered this depreciation if the double standard had been retained? This was the question, and it must be capable of solution in favor of the gold standard if the example of England was to be cited in favor of the demonetization of silver. Now, if it was remembered that silver then everywhere served as money, that all the countries with which England held commercial relations possessed more silver money than gold money, and that gold not only stood higher than the English ratio, but was constantly subject to the peculiar demand created by the state of war on the Continent, there was good ground for believing that the monometallist law of 1798 largely contributed to the monetary confusion from which England suffered at that period. (Pages 86, 87.)

Referring to a remark of Mr. Feer-Herzog, delegate from Switzerland, as to the position of Alexander Hamilton, Mr. Horton said:

He would only, inasmuch as the name of Alexander Hamilton had been mentioned, call the attention of the conference to the doctrines of that financier with reference to the monetary rôle of the two metals. Hamilton deemed it eminently dangerous for the mechanism of circulation that one of the two metals should be reduced to the condition of simple merchandise, and comparing the advantages of an abundant circulation with the evils resulting from an insufficient circulation, he expressly pronounced in favor of the simultaneous employment of the two metals. He regretted that he could not at once place before the conference the very form given by that statesman to his ideas on this subject in his report on the Mint, but he would look for that document and place an extract from it on the table of the conference. (Exhibit E, fourth session.)

At the time Hamilton wrote that report the question of monometallism or bimetallism had not come into being. Nobody had yet expressed the idea of depriving one or the other metal of its character as a means of international payment. The campaign against silver, that campaign which commenced subsequently in 1798 with a first blow struck by England at the bases of obligations, and which was being completed in our time by the German demonetization, had not yet opened. Hamilton, by fixing the relation, a measure which in his eyes had a purely local character, might not have secured his country a metallic currency always composed equally of gold and silver, but his express intention was to preserve for the two metals their rôle of good national and international money; he maintained for both the right of unlimited mintage, and this was in its entirety a work diametrically opposed to the tendencies of the conference of 1867, whose doctrines had been extolled by the delegate from Switzerland. (Page 87.)

Mr. Baralis (delegate from Italy) said:

For a long time the country of Dante and Vico had but a single standard, that of silver, which formerly enjoyed the preference and the suffrages of economists. Only since the beginning of this century had the double standard been introduced, and notwithstanding all the learned works and all the speeches of theorists this system had never ceased to remain in force. (Page 88.)

Mr. Groesbeck (delegate from the United States) said:

I have nothing to say, here and now, about single and double standards of value. If we can keep an equilibrium of value between gold and silver all nations will be substantially upon both metals. Gold will be as valuable as silver everywhere, and silver as valuable as gold. It is idle to theorize that this can not be done. We know it has been done. Throughout the entire past up to 1873 both metals were in equal use as money, and kept together evenly enough. Now and then, at long intervals, the relation between them was slightly changed, but the change was easily made, and without noticeable embarrassment.

The change last made in Europe, fixing the relation at 1 in weight of gold to 15½ in weight of silver, stood the trial of more than three-quarters of a century. In all that time the slight differences in the market value of the metals did not amount to a serious disturbance. At one time one metal may have been at a slight premium; at another time, the other, but their average value was about the same.

It is worthy of notice that throughout the past, and up to the middle of the present century, it was never suggested by any writer or statesman that either of the metals should be generally abandoned because of the difficulty of keeping them sufficiently equalized.

This is the lesson of many centuries, and, theorize as we may, what has been done in the past can be done in the future; and instead of splitting hairs about the single or the double standard let us rather walk in the light of the experience of thousands of years. (Pages 109, 110.)

And on page 112 he said:

When the Latin Union shut the doors of their mints against silver, the situation was about as follows:

I. Nearly every one of the important silver nations had stopped using it, and were upon inconvertible paper money. Let me name some of them: Russia, Austria, Italy, Spain, France, and the United States. It was an extraordinary happening, which, it is to be hoped, may never occur again.

II. Another great nation, the German Empire, was moving from the single standard of silver, of which she had a large stock, to the single standard of gold.

III. The demand of the East for silver, which had always been steady, constant, large, and even insatiable, was suddenly checked. That was another extraordinary happening, which I venture to say had never occurred before and may not occur again for a century.

IV. The increased production of silver and wild stories of its probable future production.

Referring to the movement of Germany, Mr. Groesbeck said:

2. How is it as to Germany? She is still on her journey from silver to gold. She started in 1871, and is not through in 1878. It has been a long, toilsome, and costly journey. She began it under the most favorable circumstances. Her debt was very small, and she had in her hand a large extra fund for experiments. Her preparations were ample. The undertaking seemed easy; it is not yet a success. Instead of being an example to be followed, we should rather regard the case of Germany as a warning and an admonition. (Page 113.)

And I may add that Germany has not yet enacted the single gold standard, to which the people of Germany are hostile. As to the demand for silver in the East Mr. Groesback said:

3. How about the demand of the East for silver? It is about restored. Let me say, if there is any one factor of the problem we are considering which may be relied upon, it is the regular and constant demand of the East for silver. I can imagine a glut of gold, for gold has no insatiable Asia. I can not imagine a permanent glut of silver. As the rivers run into the sea, and yet the sea is not over full, so it will be with the flow of silver to the vast, populous, thrifty, and industrious East for at least another century. This adverse condition is also changed. (Page 113.)

Referring to the influx of gold from California, &c., in 1850, he said (pages 114–15):

You all remember the great outpouring of gold from Russia, Australia, and California. It began about 1850 and came in a great flood. Almost the entire world was then upon silver. England with her colonies of Australia and Canada, and two or three insignificant nations, were the only places upon gold alone. Portugal was yet upon silver. This flood of gold poured upon the world about $900,000,000 in the short space of six years, and the ordinary production of silver went on concurrently, and the nations seemed to be adequately supplied and in no need of this excessive production. Gold had no Asia to take it, and had to find a place in Europe. There was great alarm. A distinguished writer recommended its demonetization. A few nations fled to silver for refuge; others were braver and wiser, and conspicuously France with her bimetallic system. She let her then precious silver flow away to Asia, and filled her reservoirs with gold. The flood subsided and what came as a danger remained as a blessing.

What if the coinage of gold had been limited or suspended at that time? It would have been a great error, resulting in consequences very like to those now upon us. Silver would have been uppermost, and gold, excluded from the mints, would for a time have been only merchandise, for which there would have been but a small demand. Nine hundred millions of gold in six years!—a production that has had no parallel in all the past. It was welcomed, rather than rejected, and we put upon it the stamp of law, and made it money, and so it was saved from depreciation. Seventy-five millions of silver!—can we not welcome this also, and put upon it the stamp of law, and make it money, and so save it and our own silver from the possible danger of further depreciation?

Mr. President and gentlemen, if there are any causes local to yourselves why you can not do this now, I shall be sorry. It is not a very great or a very difficult work to restore silver to its former rank and power, and it seems to me we can not do it too soon for the general good. Accept it as a certainty that the world will not consent to narrow the basis of credit; the tendency is to widen it. How many money schemes are being constantly devised to take the place of gold and silver. They are in part an expression of discontent and unrest, growing out of the present derangement, and they have to me the appearance of a warning against the discontinuance of the use of either metal. Gold and silver, neither alone but both equally, have endured a trial of thousands of years, and through all the past it was never suggested that they were too abundant.

The first suggestion of such a kind occurred quite recently, when it was recommended that gold should be demonetized because of excessive production. Alas! if it had been done. The second is now to demonetize silver. Alas! if it shall be done. It would almost as soon occur to me to strike into barrenness a part of our wheat fields, because now and then their harvests seemed too plentiful, or to desolate some of our mines of coal, iron, and other minerals, because now and then their yield seemed excessive, as to desolate any of the mines of gold and silver because now and then their yield happened to be abundant. The more reasonable apprehension is that they may at some time fail. On the other hand, population, labor, trade, commerce, and the endless activity of life will never fail but ever increase, and their demand for these metals will always utilize their utmost production.

Mr. Feer-Herzog, of Switzerland, was not only a pronounced monometallist, but acknowledged himself a partisan of that theory and was its special champion in the conference.

It is true that Switzerland had the single silver standard till 1860.

Switzerland since the law of 1860, which gave legal-tender to gold and placed it in the first rank in circulation, has never struck gold coins.

And I presume it will make but little difference if she never does. It is said:

Her citizens prefer, in spite of a special law on the coinage of gold coins (December 22, 1870), to make use of the monetary establishments of Paris and Brussels, which are better situated geographically than the mint at Berne. (Page 191.)

It is, however, a matter of but little practical importance what may be the action of Switzerland, since its people control but little money of any kind. The Swiss delegate, while announcing himself a partisan of the single gold standard, clearly and unequivocally enunciated the principle that states in their monetary laws are controlled by their interest.

Referring to the Latin Union and its course, he said:

In such a case every state or group of states had only to consult its own convenience; its interest alone determined its right. (Fifth session, page 116.)

We should be controlled alone by what is the interest of the United States, having due regard always to the obligation of contracts. The expression of General Walker, that "it has been admitted that a doctrinaire legislation, rashly augmenting the demand for gold and diminishing that of silver, has caused and continues to cause a most pernicious perturbation in the metals," is painfully true.

Legislative tinkering with monetary and financial affairs has been the bane of the world during the last quarter of a century. Undoubtedly all business men feel that it is no violation of honor to pay according to contract, although in the case of an option the exercise of the option may greatly favor the debtor.

In the report of the Committee on the Currency, made to the House of Representatives February 2, 1821, I find this:

The Bank of the United States entered into a contract with Messrs. Baring & Co., of London, for the supply of $2,000,000 in specie in equal parts, as near as might be practicable, of gold and silver at the American standard. The amount was accordingly furnished, but not a dollar of it in gold, although gold is a currency of Great Britain and silver is admissible there as a tender in but very small sums.—*International Monetary Report*, 1878, page 536.

The Barings have always stood as fair as any bankers or capitalists, and yet they did not hesitate to avail themselves of the clause "as near as might be practicable," and delivered wholly the cheaper money because it was to their interest; and there is not a banker or capitalist in the United States who would not avail himself of the advantage of an option in a contract; still they denounce those who believe the Government should pursue that course in payment of bonds. And in my judgment, if the Secretary of the Treasury would pay off the bonds as they fall due in coin in proportion to the gold and silver coin in the Treasury, the effect would be to lessen the gap between gold and silver, and the same capitalists who now denounce silver payment would be its strongest advocates, and would denounce any man as an ignoramus who differed with them, precisely as they first declared any man stupid who thought it was possible to place bonds at 3 per cent. interest, and afterward became the strongest advocates of that measure—after it had proven a success in spite of them, and when it was to their interest to have such a measure.

There is no sentimentality about debt. It is a matter of contract, and what we need most now is a strong, unyielding, vigorous enforcement of the contract, complying rigidly with its terms and lightening in the payment as far as the contract justifies the burden of the taxpayer. Every coin bond of the Government is payable by its terms in coin of the present standard, and the Government has the undoubted right to pay either gold or silver coin, or partly in one and partly in the other, just as may be its interest.

States, counties, cities, corporations, individuals are largely indebted. These obligations will be made more onerous by suspension of silver coinage, and this Government should not lend a helping hand to oppression, but rather protect the citizen in his property, as well as in his life and liberty.

Do not by demonetizing silver make the contract by force of law more burdensome than it was when it was entered into. Do not take more of a debtor's property than would have been necessary to pay his debts had the law let money alone as it was when he made his contracts.

The fear that the passage of the bill remonetizing silver, so freely expressed, would impair the credit of the Government has proven an idle fancy. The credit of the Government strengthened upon its passage, and the Government has been able to refund at the lowest rate of interest since its passage, and without difficulty. Indeed, $150,000,000 in bonds were sold by the Government not long after the passage of the silver bill at 4 per cent. per annum in a single day, the lowest rate ever up to that time obtained by our Government, and the largest single transaction in the annals of governments, and this with a full knowledge on the part of capitalists of the resolution of January, 1878, which I have incorporated with these remarks, and with a full knowledge of the act remonetizing silver and it should not be forgotton that since the bond sale referred to, the Government has easily placed its bonds at 3 per cent.

It was claimed during the debate on the silver bill in 1878 that its passage would drive gold out of the country, and that the discarded silver of Europe would replace it. The balance of trade in our favor effectually checked the efflux of gold, and vast amounts of it have been shipped here since the passage of that act, more indeed than ever before.

Facts like these outweigh the theories of doctrinaires, academicians, visionaries, speculators, and stock-gamblers. It is now claimed that those dire results would have happened had not the bill limited the coinage of silver. The argument is entirely short. Foreign nations and all capitalists readily saw that the limit was put on simply because the United States believed it at the time to be her interest, and that the limit would be removed whenever this Government concluded it was to her interest to resume unrestricted coinage.

It was argued during the discussion of the silver bill that as the United States had coined but eight million silver dollars prior to demonetization capitalists had the right to conclude, and did conclude, that because silver dollars of full tender had ceased to be coined debts since contracted were therefore to be paid in gold. This argument is without force. That it was considered by the leading nations of the earth without merit is manifested by the arguments of their delegates in the monetary conference of 1878, heretofore quoted.

In the international monetary conference of 1867 the same argument in substance was advanced by Mr. Samuel B. Ruggles, commissioner on behalf of the United States, and was most effectually exploded.

At the fourth session of that conference, M. Parieu presiding, this occurred:

Mr. RUGGLES. * * * The United States would not consent to accept any fixed relation between gold and silver. The double standard is abolished when the relation no longer exists.

The President (M. Parieu, delegate from France) reminded Mr. Ruggles that the double standard still exists in the United States, and of course the relation between silver and gold, which is 1 to 16.

Mr. Ruggles answered that though the double standard still exists legislatively in the United States, it is virtually abolished in practice, and hence the United States has the gold standard alone.

To which M. Parien replied:

Reasoning in that way, as France coins a less number of 5-franc pieces than America does dollars, we might say, like Mr. Ruggles, that France has the gold standard alone, and that is what nobody would assert.

M. Jacobi, delegate from Russia, remarked that the United States can not be considered as having the single gold standard any more than France, unless a new law is passed to prohibit the coinage of silver dollars.—*Appendix International Monetary Conference*, 1878, page 841.

It is perfectly clear that capitalists knew that the Government had the right to pay in silver. It is the law creating the double standard—not the practice of the Government in respect to coinage—that controls and enters into contracts.

It has been said that investors were assured by high Treasury authority that the bonds would be paid in gold coin. No authority of that Department, high or low, could change the law or contracts under the law, or in law or in equity and good morals bind the Government. Indeed, such assurances, if ever made, which is doubtful, were quite gratuitous, to say the least.

The argument that but eight million silver dollars had been coined at the time the great debt of the United States was contracted, and therefore it could not have been expected that the debt would be paid in silver, is inconsequential.

The total gold coinage of the United States from 1793 to and including the fiscal year ending June 30, 1866, was $845,836,591; the debt of the United States at that time was:

Interest-bearing	$2,332,331,207
Non-interest-bearing	439,969,874
Total indebtedness	2,772,301,081

So that if the United States had owned on that day every dollar in gold it ever coined, it would not have had one-third enough to pay the public debt.

But the weakness of the position may be further shown in another way. The entire coinage of both gold and silver from 1793 to 1877 inclusive in our mints was:

Gold	$1,035,958,675 00
Silver	237,163,116 90
Total	1,273,121,791 90

Less than one-half the public debt, June 30, 1866. But still more. The total coinage, including minor coins, up to and including the year 1877 was $1,286,037,189.45; so that every cent, gold, silver, subsidiary, nickel, and copper, coined by the Government from 1793 to 1877 inclusive was not enough to pay one-half the public debt owing in 1866, and if an argument is to be drawn from lack of silver coinage that the debt was not to be paid in silver, a stronger argument after that style, which is not a good one, could be made that we did not intend to pay the debt at all; for there was not half enough coin in the hands of both Government and people to pay it.

The position is absurd. The only sound position is that the Government has the right to pay according to the contract in the coin, gold or silver, of the standard weight and fineness fixed by law, it sees proper to select.

Has not the Government always pursued this course? Why were gold payments made by this and all other governments after the influx of gold from California and Australia? Simply because gold was the cheaper money and it was less onerous on the tax-payer to pay in gold. Silver was at a premium as to gold. Now that the positions are reversed is it not equally as honorable, equally as just, and equally sound policy to creditor and tax-payer alike to use the option which the Government has in the word "coin," and pay the debt in silver because it is less onerous on the tax-payer?

Much has been said about the honest dollar. There is but one honest dollar, white or yellow; that is the dollar of the contract. A less dollar is dishonest to the creditor, a larger dollar is dishonest to the tax-payer. If the debtor promises to pay a gold or silver dollar, whichever he chooses, he has the moral and legal right to pay either, just as he prefers.

Can the people of the United States absorb in legitimate business, foreign and domestic, the gold and silver which may be coined at our mints? I have no doubt of it. It is idle to compare the United States with European countries in the needs for money. Indeed, our surroundings are essentially different from theirs. Great Britian in 1801 had a population of 16,237,300; in 1871, 31,857,388. The United States in 1800 had a population of 5,308,483—less than one-third that of Great Britian. In 1870 the United States and Territories had 37,558,371;

in 1880, 50,000,000, and now about 65,000,000. In other words, the United States in 1870 had not only caught up with Great Britain, notwithstanding her immense advantages in the start, but passed her in the race, with a majority of 6,700,983—a majority greater than the entire population of the United States in 1800. So of improvements of every kind, character, and description. The countries of the Old World are at a standstill. We are progressive, and need more money than any other people, and will continue to need more until our magnificent country is fully developed.

During the fatal period of forced, unnatural contraction, which paralyzed every industry and every step of whose pathway was marked by blasted hopes and ruined fortunes, the people were well-nigh suffocated for want of money supply. Well might Commissioner Walker, in his address before the conference, say:

Suffocation, strangulation are words hardly too strong to express the agony of the industrial body when embraced in the fatal coils of a contracting money supply.

The indomitable energy of the people, their determination to save more and spend less, blessed with bountiful crops, averted general and widespread disaster. As it was, many were brought to the verge of ruin, and still others were hopelessly wrecked. Factories closed, forges grew cold, and the land was filled with tramps. All this resulted mainly from (1) wild inflation, (2) sudden and too stringent contraction, (3) from a vicious tariff system which extorted by force of law from every buyer of protected articles toll to the protected. At last through tribulation the people reached the bed-rock of sound finance—gold and silver coin and paper convertible into coin on demand. Now the question presents itself, Can the United States use profitably all the money coined under existing laws? Shall the law making the silver dollar a legal tender and requiring it to be coined at a rate not less than $2,000,000 nor more than $4,000,000 per month be suspended? Is it sound policy to suspend that law? Shall we recant the well considered policy?

My own judgment has been deliberately formed after long and patient investigation, and I can not yield it, it matters not who may take the opposite ground. The facts upon which a judgment is to be formed are as open to one man as another, and I prefer my own judgment to that of any man who has not carefully examined the question. Our population is now about 65,000,000, is rapidly increasing, and will so continue for an indefinite period. In its development vast sums are needed, a large part of which goes to daily labor. We need more money than any other country on earth, because we are developing more rapidly.

That very large amounts of silver or certificates representing silver can be used in all the branches of domestic inland trade and commerce, in railroad building, the opening of farms, in farm labor, in running railroads, in building, and the many industries that might be named, every business man knows. No complaint has come from the people that there is too much money in circulation. No complaint against silver comes from them. The production of the precious metals is on the decrease. It does not keep pace with increase of population and wealth, and the constantly increasing comforts which the inventive genius of our people are blessing the people with. Every year more money is needed than the year before. We know that the vast influx of the precious metals which poured into Europe from Mexico and South America about the middle of the sixteenth century was not a curse, but a blessing; that it gave vitality to trade and commerce and trebled the price of products. We know that the $900,000,000 of gold dug from the mines of California and Australia between 1849 and 1858 was a blessing and not a curse, although we know also that alarmists wanted, because of this vast and rapid influx, to demonetize gold. We know that the dissemination of the coined metals among the people is a strong guard against the money-power when the days of contraction come. We know that the great body of the people are not rich, and that silver answers all the purposes of far the greater part of the inland trade and business of this country. We know that a dearth of money enhances the purchasing power of the dollar in the hands of the man fortunate enough to have it, and decreases correspondingly the price of the people's products and labor. All these things we know, and knowing them protest against discarding silver as a money metal.

The weight of silver, which is such a bugbear with some, has no terrors for the great body of the people

In the South we are not grievously weighted with silver or any other sort of money, and if by chance any one there should become overweighted he can easily unburden himself by exchanging his coin for silver certificates.

In my judgment a vast amount of silver may be profitably used in every part of the United States. Certainly in the great agricultural West and South there will be no complaint of redundancy, and I assume that the transactions of the East and North are not all of colossal proportions. I presume that farmers, lawyers, doctors, merchants, mechanics, and laborers of all kinds are limited in resources there as elsewhere, and that their transactions can very easily and conveniently be carried on with silver.

I suppose that a large amount of silver could be absorbed in the North and East as well as in the South and West, and the production of the precious metals does well if it keeps pace with the demand.

The example of Germany in demonetizing silver is not one fit to be followed. There never has been a steady financial system there. There is no sound reason for copying England. The British Government demonetized silver about 1798, by law extended from time to time to 1816 and then permanently, and it was not a success, if the bankruptcy of her people during the process of settling down on the present system is evidence; but, aside from that, England is not a producer of silver but a very large consumer by reason chiefly of transactions with East India, China, and other silver-consuming countries. She has managed to make London the great silver market. Being always a heavy purchaser, her policy is to buy silver as cheaply as she can. On our side the United States are producers more largely than any other country of both the precious metals; they are industries which add to the common wealth like wheat, corn, cotton, &c. Their production gives employment to many laborers and many other industries. The farmer, mechanic, manufacturer, common carrier, all find the mines a profitable customer. So far, therefore, from discouraging the production of gold and silver the true policy of our Government is to give them a helping hand. This raid upon silver is of comparatively recent origin. It is unwise, and if successful in reducing it to a mere article of merchandise would be an evil immeasurable in calamity.

The ratio of 1 to 15.98, or as is commonly and with sufficient accuracy expressed, 1 to 16, should undoubtedly not be changed. There would have been far more reason to give way to the alarmists who wanted gold demonetized because in six years $900,000,000 gold were added to the circulation of the world. The scare that developed itself in the international monetary conference of 1878 about Germany's $75,000,000 was without just foundation. It would not produce a permanent appreciable effect if it were all turned loose. There are private individuals in the United States able to buy every dollar of it, and should a syndicate in New York see a fair chance to make anything by it they would buy every dollar of it in a month. Gold and silver have been the world's money without question as to either down to a recent period, and while some nations have thought it to their interest to have the single gold standard and others the single silver standard, and still others the double standard, all have recognized both as good money until lately, until the craze of reducing silver to token money—pocket change—seized a few dreamers, and they have unfortunately found followers in every country, and especially among the common barrators of business, who are a curse in every land.

Silver is suited to every-day transactions, and the aggregate of these will foot up as heavily as the large transactions of the favored few who want only gold.

I make no war on either gold or silver—want both, and believe the law should place them upon equal footing, and that the Constitution intended that they should be so placed; and nothing in the history of this country, political or financial, intimates or hints at any difference until this new school of political economists sprang up a few years ago.

I regard an irredeemable paper currency as a curse to any people, and a fluctuating currency as utterly inconsistent with healthy trade. With such currency no man can make any reasonable calculations for the future. But a sound, stable currency, based on the precious metals, and convertible into coin on demand, is a blessing. Such currency is demanded by the needs of trade and the convenience of the people, and when the people have full confidence in its convertibility it is preferred as a circulating medium to gold or silver. No currency not convertible can ever command the confidence of the people. Convertible into gold or silver coin on demand, it is impossible to keep a redundancy in circulation, for whenever more of it is in circulation than is needed the excess will be converted into coin. The only true basis for currency is coin, and coin is its only regulator. Any attempt to regulate the issue of currency other than by coin will always prove abortive. It always has so proven and always will.

It is impossible to regulate the amount of currency issued on the will of the Government and not convertible into coin, for the reasons tersely and unanswerably stated by Mr. Clay, namely:

First, that it is impracticable to ascertain, *à priori*, what amount can be issued without depreciation; and second, that there is no adequate security, and in the nature of things none can exist, against excessive issues.

Gold and silver furnish the only adequate security against excessive issues, and both are needed. The supply of precious metals, like wheat or cotton, is obtained by labor. Whenever by reason of oversupply, should such a thing ever occur, their production ceases to be remunerative, then the labor devoted to mining would be diverted to other pursuits until an equilibrium between demand and supply is brought about; so that as these metals can only be produced by labor, their production is in a large degree regulatad by the universal law of trade, demand, and supply. And thus convertible currency rests on a sure foundation. Should it happen that more currency is in circulation than is needed then the excess would be turned in and coin drawn out, and this coin would be sent to those parts of the world having commodities more needed by coin holders than the coin. At last, therefore, gold and silver money, which is the money of the world, as it certainly is of our Constitution, finds its level as surely as water.

Whether that currency should be issued through the instrumentality of banks or by the Government is a question not necessarily involved in this discussion. My own judgment is that the best conceivable cur-

rency is gold and silver coin, and Treasury notes convertible into coin on demand of the holder. Should the Government issue Treasury notes only upon a deposit of a like amount in coin, or in extinguishment of outstanding bonds whose holders desired to convert them into notes, and stop national-bank notes as rapidly as the bank charters expired, we should have a complete and happy solution of the financial problem with which the people would be perfectly content, having a currency possessing every element of an absolutely sound, stable, convertible currency, and the war upon silver, as unreasoning as destructive, would be brought to a close happily both to Government and people.

The people of the West and South are, in my judgment, overwhelmingly in favor of both gold and silver. This has been attributed by some in the gold interest—at money centers—to a fraudulent desire to pay their debts at the rate of 80 cents to the dollar. A fouler libel was never uttered against a brave, honest, and industrious people. They propose to abide by their contracts, and if perturbations have been brought about in the marketable value of silver, until now it is worth in gold but 80 cents on the dollar, they know full well that this fall is the legitimate result of the efforts of combined capital to destroy silver as a money metal, and these gamblers but reap the fruits of their own folly. They know that the suspension of silver coinage means and is intended to mean, disguised as it may be, that silver shall never again be a medium of exchange and measure of values. They know that such legislation would enhance the purchasing power of what money is left—gold and paper convertible into gold—and of necessity that the prices of products would correspondingly fall.

The cotton planter knows that he can get from $90 to $100 for 2 bales of cotton of 500 pounds each, and that if silver is demonetized it will take 3 bales to buy the same $90 or $100 that 2 bales will buy now, and he knows that the money bought with the 2 bales will go just as far in the payment of debts and taxes as the same money bought with 3 bales. Again, a new departure has been taken by the single gold-standard men with a view of capturing the day laborer. They try to teach him that his day's labor is paid at the rate of 80 cents on the dollar. Does the laborer not know that he can buy just as much of the necessaries of life with a silver dollar as with a gold dollar or a greenback dollar? Again, the day laborer knows perfectly well that if the product of his labor is reduced in price, his labor which produces it is necessarily and correspondingly reduced in price.

The wheat planter knows as well as anybody that there has been in the last few years an amazing increase in the production of wheat in the British India possessions. He knows that that vast and populous country of the cheapest labor in the world has been penetrated by means of British capital from the shore to the interior with railways, and as a consequence wheat exportation has run up from a mere trifle to about 40,000,000 bushels per annum, competing in the Liverpool market with our Western wheat, and he knows that the two hundred and fifty million people of India are silver-using people, that silver is their sole standard of value, and that the more silver they can get for their wheat the greater the stimulus to produce wheat.

The same is true of low-grade cotton. Hence it is not strange that England, which controls this great business, should seek to make silver cheap, but it is passing strange that an American should in his blind folly play into the hand of England. It is passing strange that the same men who profess such love for the laborer who manufactures should turn the deaf ear to the laborer who delves in the silver mines and to the farmer who produces the two leading exports of this country, wheat and cotton.

It is well enough to understand that the American people demand both gold and silver, and that the great producing classes—whether agricultural, mining, or manufacturing—are not capitalists, and that it is not to their interest to have their products lessened in price by a contraction of the circulating medium. They have no fear of too much gold or too much silver. There may be an extraordinary production of either for a time, as of gold between 1849 and 1858, when more than $900,000,000 gold was added to the world's volume, giving life and impulse to every enterprise. They fear as little the present production of silver as compared with gold.

Sooner or later they will adjust themselves to about the fixed ratio, as they always have done. They are the world's money, designed and intended by an all-wise Providence for that purpose. They have been a medium of exchange and a measure of values since men began to form society. Leave them alone to perform their just functions. The people will say amen, and the only discontented class will be the money-changers, who seek to prostitute the great powers of Government to an unholy purpose, by laying an unjust burden on an overtaxed people, wresting from them by force of law in the payment of debts more than is required by the contract, and which in justice, equity, and good conscience they ought not to be required to pay.

JUDICIAL SALARIES.

Mr. HOAR. I now call up the unfinished business, and I desire to ask the Senate to spend the ten or fifteen minutes which it may take to deal with that bill in passing it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, the pending question being on the amendment proposed by Mr. MORGAN to add as an additional section the following:

SEC. 3. That the first section of this act shall only apply to judges who are hereafter appointed by and with the advice and consent of the Senate.

Mr. MCMILLAN. Let the first section of the bill be read.

Mr. HOAR. It is not necessary to read it. This is merely an amendment providing that the increase of salary shall not apply to any existing judge, but only to future judges.

Mr. MCMILLAN. Is that it?

Mr. HOAR. That is the proposition of the Senator from Alabama. I do not think the Senator who moved it expects it to be adopted by the Senate.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on agreeing to the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment was rejected.

Mr. EDMUNDS. I move to strike out, in section 2, line 10, all after the word "member" down to the end of the section, and when the Secretary reports it I will state my reasons.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In section 2, after the word "member," in line 10, it is proposed to strike out the words:

And no person heretofore so appointed or employed, being so related to such justice or judge, shall continue in said office or employment after the expiration of six months from the passage of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Vermont [Mr. EDMUNDS].

Mr. EDMUNDS. I am satisfied on reflection, and I believe a majority of the committee are satisfied, though we have had no formal action about it, that this would be doing a great injustice to a large number of gentlemen who without reproach have taken up these positions and held them for a great many years as clerks, &c.—almost entirely clerks; entirely, so far as I know—whom the effect of this bill would be to turn out of office by an edict of Congress, if Congress should be understood to have the power to do that thing; and although it might rectify some occasional case where there has been an abuse which could be rectified in the ordinary course of justice, the balance of unkindness and injustice and unfairness to a large number of worthy persons would be so great, that I think we ought to strike out that clause and make the bill simply, as all bills ordinarily ought to be, prospective in its operation, and not touch any existing clerks of these courts who may happen to be related within the fourth degree to the judge.

Mr. COKE. Mr. President, I hope the amendment of the Senator from Vermont will not prevail. If there are a large number of clerks related to the judges, holding office under them, it renders a provision of that character the more necessary.

I hold that a judge is not an impartial arbiter between his own kinsmen and the suitors in his court in adjusting fees and costs, as they frequently have to do, and that there is no species of nepotism so hurtful to the public interests as that which occurs in the Federal courts.

I offered originally the clause which the amendment proposes to strike out, and I gave some instances of nepotism in Texas. Just as I was leaving home I saw published in a newspaper (and I have no doubt of its truth and correctness) that a Federal judge, and he is a most estimable man and an able and acceptable judge, in whose court a railroad had been in litigation—the road had been in the hands of a receiver—in fixing the fees of attorneys and officers of the court fixed the fee of his son, who was a commissioner or master in chancery, at $10,000. I do not mean to say that the allowance was an improper one or that it had not been earned, but that the relationship existing between the judge and the officer is such as ought to disqualify him for sitting in judgment in such a case. I give that as an illustration of the working of the present system under which Federal courts are filled with the relatives of the judges. When a question comes up between one of these related officials and a suitor in the court I do not believe that the suitor has a fair chance for justice.

I do not believe that an abuse of this sort should be permitted to exist. I believe that above all things the fountains of justice should be held above the suspicion of contamination, and as long as judges can fill the offices of their courts with their own relatives it is calculated to give the general public a poor idea of the purity of judicial administration, especially when they see the favoritism that prevails in the rulings of courts, particularly upon questions of costs where their relatives are concerned.

Now, sir, I will vote for this bill with that clause in it. I will vote for the bill in order to get that clause. Without it I, for one, will oppose the bill. I believe it is much more important to have that clause than it is to pass that portion of the bill raising the salaries of the judges. If I can not get that clause I do not want the bill, and I hope that the Senate will vote down the amendment proposed by the Senator from Vermont.

Mr. EDMUNDS. Mr. President, I am happy, or sorry as the case may be, to say that I have no relative, so far as I know, within any degree of consanguinity or affinity, who is either a judge, or the son of

a judge, or the nephew of a judge, or the cousin of a judge, or in any way related to a judge.

I suppose there have been abuses in the administration of justice in the granting of too large compensation to commissioners who have been sons of judges. I suppose there have been equal abuses in the administration of justice in granting too large compensations to commissioners who have not been the sons of judges or in any otherwise related to judges. It is an evil which will creep into every administration. I believe in keeping the administration of justice above suspicion. I believe in keeping the administration of the executive branches of the Government and the legislative branches of the Government above suspicion; and I believe anybody who will look at the Congressional Directories from the time when they began, fifty years ago down to now, will see that in every department of the Government, the Senate included, the sons of high Government officials, Presidents, Secretaries of State, Secretaries of the Treasury, and so on and so on, and the sons and kinsmen of Senators have been employed by these officials in the service of the Government in some subordinate capacity; and even this reform Administration, a picture of purity and grace and everything that is lovely, has sent to the Senate—I can state it as a public fact—the nomination of a father and son to go to the same place to offices one under the other in one instance that I remember. I think there are one or two others, but I only speak of what I remember; and that was not an appointment to turn out any father and any son who were already in office on account of the fact that they were related and were in positions of subordination and superiority to each other, but for the future prospectively.

Now, this bill, if you agree to my amendment, will forbid anything of that kind in the future in the courts. If you do not agree to it, taking the courts out of all the other category of what is called nepotism, then in order to correct what my friend seems to suppose is an abuse—but that would depend on the case and how much would have been properly allowed to anybody else in awarding a commissioner in Texas, the son or the nephew of the judge, what he suggests may have been too large a fee—you are by an edict of Congress, supposing it to be constitutional, which I will not discuss, to say that persons now holding judicial positions with honor and without reproach, who have devoted their life-work to that special kind of information and knowledge which is valuable as the clerks of courts, are to be dismissed because in some one instance or more that can be named it has been found that the son or the nephew of a judge has been guilty of some impropriety, if he has been. It does not prove that somebody in the same place with such a judge would not have been guilty of the same impropriety if he had not been the son or the nephew of the judge.

So it seems to me to be right and fair, and I repeat that I believe such is the opinion of the committee, to leave this bill prospective and to bear whatever evil there may be, if there be any, in the existing order of things rather than to do a gross injustice to a number of people who without reproach and to the universal acceptation of the bar and the community discharge these functions, though they happen to be within this degree of relationship to the judge.

Mr. COCKRELL. I should like to ask the Senator if the principle of the bill is right why ought it not to apply to existing cases just as well as to the future?

Mr. EDMUNDS. For the same reason that applies to all legislation. We pass acts correcting maladministration of the Treasury Department; we do not pass edicts providing for what has already happened and has been done; we make the bill therefore perfectly prospective, which is the true theory of legislation, of law as distinguished from the mere force of will of a person or a body or a governor that has the power, or at any rate claims to exercise it, of passing an edict declaring that A B, who holds office, shall not hold it any longer.

Mr. COCKRELL. Mr. President, I should like to know from the Senator from Vermont why the Judiciary Committee reported as an amendment to the original bill the proposition to take away this right from the judges unless it was because of the abuse that exists. Is not that the cause of it?

Mr. EDMUNDS. Yes; I think the Committee on the Judiciary were misled by the potent and just force in general of the wishes of the Senator from Texas, who is a member of it. He mentioned this case of abuse, and without taking much time for reflection and consideration as to how it would operate upon innocent men, we agreed to do that thing. Upon reflection we find that it would do great injustice, do more harm than good, and therefore we have thought it better to leave the matter to be entirely prospective.

Mr. COCKRELL. That is a very plausible answer to the query, but unfortunately the printed record does not sustain it. I find that Senator HOAR, of Massachusetts, introduced this bill, and in the original draught the provision exists which is now being criticised.

Mr. HOAR. Will the Senator pardon me? This bill passed the Senate last year, the bill to raise the salaries. In the Senate, and against my resistance, the clause which was attached to the bill as I reported it this year was annexed. I resisted it, not as thinking the clause wrong in principle, but because it related to another subject, and I did not think it belonged properly or fairly upon this bill; but the Senate were of a different opinion. Then in introducing the bill at this session I introduced it in deference to the opinion of a majority of the Senate as it passed last year. Then it was only prospective in its operation. So the judgment of the Senate is in accordance with the present judgment of the honorable Senator from Vermont, as expressed last year.

In the Judiciary Committee, however, this retrospective clause was added for the reason which the honorable Senator from Vermont states. There have come to the knowledge of the committee and of Senators outside of the committee several instances of persons who are not now receiving any emolument the amount of which is measured by the discretion or decree of the judge at all. It depends on a fixed law. One of them, at least, whose case has been brought to my knowledge, which is that of the clerk of the Court of Claims in this city, was appointed by a court of which his brother-in-law was one of the four or five members. I have forgotten the number of members of the court; the Senator will know.

Mr. COCKRELL. Five.

Mr. HOAR. He was appointed absolutely on his merits. I have no doubt he would have been appointed if his brother-in-law had not been there. He is a man who is a very accomplished person and knows more about the history of the claims against the Government and the whole practice of that court probably than anybody else in the country, unless you except one or two of the judges, and he is a man who has a difficulty with his voice and tongue, so that he can not easily devote himself to the ordinary practice of the law.

Now I think my friend from Missouri and my friend from Texas will agree that, while even in the matter of selecting a clerk to do purely clerical duty for a salary and nothing else, never to have any function committed to him which is to be compensated by a scale determined by the court, it is not wise as a future permanent policy to allow the question of selection between him and other competitors or applicants for the office to be determined by a near relative or to be determined by a tribunal of which a near relative is one; yet when that has been done under the permission of the existing law, and the act has taken effect, the man has given his life to a faithful and honest service profitable to the public and the country in an office to which he was so appointed, it is very hard indeed for Congress now to swoop down and by a retroactive act turn that man out of his office.

We had a case in Massachusetts which probably nearly all the New England Senators will recognize. The very model and beau ideal of all clerks of courts was Mr. Clark Wilde, of Suffolk County, in Massachusetts. He was appointed when his father, who was a model and venerable judge on our supreme bench more than thirty years, was a member of the court; but he was appointed as absolutely on his merits as any man was ever appointed to an office in this world. He would have been appointed if his father had not been there, as the fittest man the court could find. Perhaps it would have been better to have had an ordinary general rule which would have prohibited the appointment of even so good a man as Mr. Wilde on that occasion, but it certainly would have been a reproach if after he had been in his seat fifteen or twenty years the Massachusetts Legislature should have turned him out of office because his father happened to be one of the judges of the court that appointed him.

Mr. COCKRELL. How long would he be satisfied to hold one office in Massachusetts?

Mr. HOAR. I think everybody agrees in Massachusetts and everywhere else that where an able lawyer leaves his practice and becomes clerk of a court he should be kept there as long as he performs his duties faithfully.

Mr. COCKRELL. I want to vindicate my good friend from Texas [Mr. COKE] from the charge of overawing and overriding the will of the Committee on the Judiciary, with the distinguished Senator from Vermont [Mr. EDMUNDS] at its head. It seems that this provision has crept into this bill by reason of the exertions of the Senator from Texas, one of the newest members of that committee. I will read for the edification of my good friend from Massachusetts the bill just as he presented it at this session, and I understand that he presented it just as it passed the Senate at the last session:

SEC. 2. That no person related to any justice or judge of any court of the United States by affinity or consanguinity, within the degree of first cousin, shall be appointed to or employed in any office or duty in any court of which such justice or judge may be a member; and no person heretofore so appointed or employed shall continue in said office or employment after the expiration of six months from the passage of this act.

Mr. HOAR. I did not, I think.

Mr. COCKRELL. But the bill shows that exactly, unless the committee has made a false report to the Senate.

Mr. HOAR. Why, Mr. President——

Mr. COCKRELL. The words in Italics are the amendments. I have not read them.

Mr. HOAR. The Senator from Missouri is right, I believe.

Mr. COCKRELL. Certainly I am.

Mr. HOAR. The bill as I originally introduced it went further than my memory supposed, but still the substance of my statement is correct.

Mr. COCKRELL. Then the Senator from Texas did not overawe the committee.

Mr. HOAR. The second section was put in in the Senate last winter against my remonstrance, and the bill was introduced at this session as it passed the Senate last year. That is the fact.

Mr. COCKRELL. I was sure of that, because there could be no mistake about it. It shows on its face.

I hope that the amendment of the Senator from Vermont will not be agreed to. The evil exists. The Senator says that it is necessary to cut down any opportunity for the growth of that evil in the future. Now let us eradicate what exists, and then it will be exactly right.

Mr. JACKSON. Mr. President, I concur heartily in the amendment proposed by the Senator from Vermont, for I doubt the policy of ever legislating any office-holder out of office. I think that when an officer goes in under a law and discharges his duty he should never be legislated out of office. It is true there are some clerks perhaps who are not discharging their duties with exceeding propriety and who are favored by relatives presiding over the courts; but we should not because of a few cases of incompetent officers of that kind legislate good men out of office, for it can not be denied that there are competent clerks faithfully discharging their duties who have been appointed by relatives. Now let us make the law prospective and not retrospective, as it was originally reported. I concur in the amendment, and think it is the wisest policy and the best course to pursue.

Mr. COKE. If there is anything retrospective in this amendment, I can not see it. Has the officer any vested right in his office? He is subject to be removed at any time by the judge; he holds the office at the will and pleasure of the judge. Has he an estate in it which is being divested if the bill as reported be passed? It seems to me that he has not. It is not a proper case for the application of the principle respecting retrospective laws.

Now, sir, if it is proper to adopt an amendment at all upon this subject, it is because of abuses which in the past, in the absence of a law forbidding them, have obtained; it is because the forbidden privilege has been abused by the district judges. If this be true, and if it is proposed to make a prospective law on this subject, why not go further and remove existing abuses?

This bill as reported to the Senate passed the Senate at the last session with this amendment upon it. It was offered by myself in open session of the Senate. It has been approved by the Senate, but since that time personal importunities and personal entreaties and personal influences, creditable to the kindness of heart of the Senators who have been operated upon, but in my judgment not in accord with the public interest, have been brought to bear to raise an opposition to this amendment now that did not exist then. An abuse of any sort can not be attacked without being beset by this same character of influence if they have time enough to rally. Here is an admitted abuse, one that the Senate deems sufficient cause to enact a law against to prevent in the future. The cause of the enactment of that law is the existence of an abuse which the Senate can remedy. I can see no reason for failing to remove the existing cause that would not apply equally well to the prospective law.

Mr. President, I admit that hardships may follow, but personal interests ought to give way to public good. I hope that the amendment of the Senator from Vermont will be voted down.

Mr. EDMUNDS. Mr. President, I agree with the Senator from Texas that whenever a public body undertakes to attack an abuse, if there is time enough allowed, the people who are interested in that abuse will do everything they can to prevent that attack being successful. I also agree to what I presume he would agree to, that whenever the Congress of the United States proposes to do an injustice, and an injury to the public service combined with it, the people who are the victims of that injustice have a right to complain and to be heard. They are the people for whom I am speaking and of whom I am speaking.

I beg to remind my friend from Texas, which I think ought to satisfy the matter he has in view, that if my amendment be agreed to all that will be left of the powers of these people who are left in office, which they have taken under a law that allowed it, will be the powers that the law imputes to them, and that if there be a clerk in a court whose father or uncle is judge, that father or uncle as judge can not designate that clerk either to be a master for any special occasion, or a commissioner for any special occasion, or a receiver or any other thing except what the law imputes to him. The judge can do no new act which confers any new power or authority upon his relative. So it really leaves these innocent people, the most of whom are perfectly innocent and desired by the whole bodies of the bar, to perform simply the functions of their proper office. I remember the Pennsylvania bar sent a representation to me about a gentleman there, and the whole body of the bar on all sides say that it would not only be an injustice to this gentleman, but it would be a great injury to the public service to legislate him out of his office of clerk of that court, and yet that kinsman of his, if the bill passes with my amendment, can not have imputed to him by his uncle any new powers or other powers than those that the law now fixes and regulates. That ought to satisfy my friend from Texas and attain the object that he has in view referring to the case he has stated.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS].

Mr. COKE. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. JONES, of Arkansas (after having voted in the negative). I voted under a misapprehension. I am paired with the Senator from Indiana [Mr. HARRISON]. I do not know how he would vote if he were present. I withdraw my vote.

Mr. BECK. On this question I am paired with the Senator from Maine [Mr. HALE], who is necessarily absent.

Mr. CAMDEN (after having voted in the negative). I voted under a misapprehension. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. I withdraw my vote.

Mr. COCKRELL. My colleague [Mr. VEST] was called away from the Senate Chamber by important business a few minutes ago. He is paired with the Senator from Pennsylvania [Mr. CAMERON]. My colleague would vote "nay" if present.

Mr. MCPHERSON. I am paired with my colleague [Mr. SEWELL], and as I do not know how he would vote on this question, I withhold my vote.

Mr. BUTLER. I am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. Not knowing how he would vote, I decline to vote.

Mr. EDMUNDS. The Senator from South Carolina may vote. We have paired the Senator from Pennsylvania [Mr. CAMERON] with the Senator from Missouri [Mr. VEST].

Mr. GEORGE. I am paired with the Senator from New Hampshire [Mr. PIKE] on party questions. I have not regarded this as a party question; but so many have recognized pairs on it that I suppose it is better for me to withdraw my vote. I want to place it on record, though, that I am against the amendment.

The result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Allison,	Evarts,	Jackson,	Plumb,
Bowen,	Frye,	McMillan,	Sabin,
Chace,	Gibson,	Mahone,	Sawyer,
Conger,	Gray,	Miller of N. Y.	Spooner,
Cullom,	Hampton,	Morrill,	Teller,
Dawes,	Hoar,	Payne,	Wilson of Iowa,
Edmunds,	Ingalls,	Platt,	Wilson of Md.

NAYS—14.

Berry,	Coke,	Mitchell of Oreg.,	Voorhees,
Blackburn,	Colquitt,	Morgan,	Walthall.
Brown,	Harris,	Vance,	
Cockrell,	Maxey,	Van Wyck,	

ABSENT—34.

Aldrich,	Fair,	Kenna,	Ransom,
Beck,	George,	Logan,	Riddleberger,
Blair,	Gorman,	McPherson,	Saulsbury,
Butler,	Hale,	Manderson,	Sewell,
Call,	Harrison,	Miller of Cal.	Sherman,
Camden,	Hawley,	Mitchell of Pa.	Stanford,
Cameron,	Jones of Arkansas,	Palmer,	Vest.
Dolph,	Jones of Florida,	Pike,	
Eustis,	Jones of Nevada,	Pugh,	

So the amendment was agreed to.

Mr. CALL. I move to add to the bill the following additional section:

SEC. —. That the actual traveling and other expenses of judges of the circuit court while holding court or traveling to and from court shall be paid to them. That no judge who has become disabled from performing the duties of the office from the habit of using intoxicating liquors, or from any other cause, shall have a right to the additional pay provided for in this act; and that on reasonable evidence of such fact being furnished the Attorney-General of the United States he shall bring a proceeding by *quo warranto* before some judge of the circuit court to try and decide whether such judge has forfeited his right to such office by failing to perform the conditions-subsequent on which he received the same; and if the said court shall decide on such proceeding that such judge is so disabled, the President shall retire him on the salary now provided by law, unless the said judge shall be removed by impeachment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. MORGAN. In section 1, line 4, I move to strike out "five" and insert "four;" so as to read:

That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $4,000 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. Mr. President, I desire to submit some remarks upon that feature of the bill. I have not heard of any great public clamor or outcry among the people of this country for the increase of the salaries of district judges of the United States. I am sure that in my State such a proposition would meet with public condemnation, and I could not vote what I esteem to be and what I am satisfied is the will of the people of Alabama if I were to vote to give this great increase from $3,500 to $5,000 in the salaries of the district judges who are in Alabama and in that vicinity.

This proposed increase of salary seems to be suggested by the idea that the men who are on the district bench of the United States, being com-

petent lawyers, are entitled to more compensation than they are getting for their services. The proposition to increase the allowance from $3,500 to $5,000 comes only from the bar. I do not remember to have seen any petition, to have heard any suggestion, from the great body of the tax-paying people of this country to the effect that the district judges of the United States are being very badly underpaid, and so I shall treat this question as one that comes from the bar.

It does credit to the bar of the United States that they should desire to see their brethren in the profession amply paid for their services. I believe that I have as much of the *esprit de corps* as perhaps any other lawyer. At the same time I have some regard for the people who have to pay the money for these salaries; and looking back over the history of our country and finding that the salary was very much lower in many instances in the beginning of the Government than it is now, and that it has been increased from time to time until it has got to be generally $3,500, I do not remember a single case—perhaps there are some; it has escaped my attention, however—where a district judge of the United States has resigned his office in consequence of the parsimony of the salary.

Mr. HOAR. If the Senator will pardon me, I will state that the district judge in New York, a model of judicial ability, Judge Choate, a distinguished lawyer of a distinguished race of lawyers, was appointed to the bench three or four years ago to the general satisfaction of all persons, with the understanding that the salary would probably be raised very soon, and for the failure of the bill to raise his salary he resigned. That gentleman was the judge of a court which, if there should be a war between this country and any European power, would represent the jurisprudence of the United States in prize causes, and in the matter of the law of nations would have property to the amount of hundreds of thousands, perhaps millions, of dollars before him for adjudication. He left the bench, because of the inadequacy of the salary, within two years, I think—within three years, at any rate—of his appointment.

Mr. MORGAN. We have had one name suggested. Can any other Senator name another? The argument then on that side stands on the ground that Mr. Choate——

Mr. HOAR. I am not prepared to affirm that Judge Lowell, of the Boston court, one of the most eminent jurists in this country, who resigned his seat three or four years ago, did it for that cause.

Mr. PLATT. He left the circuit court.

Mr. HOAR. Yes; he left the circuit court, not the district court.

Mr. MORGAN. He left a five-thousand-dollar salary.

Mr. HOAR. Yes; he left the circuit court.

Mr. MORGAN. Judge Dillon did that, and went into the railroad business.

Mr. HOAR. Several circuit judges have resigned on account of the inadequacy of the salary.

Mr. MORGAN. Judge Dillon did that.

Mr. TELLER. Judge McCrary did it.

Mr. MORGAN. Judge McCrary first resigned from the War Department to get on the bench, and then he resigned from the bench to get into better employment. It seems that the indorsement which the Senate gives to a lawyer by putting him on the circuit bench of the United States is a great recommendation to his clients, and the judges are not wanting in temptations to leave the bench, I am sorry to say, even leaving a five-thousand-dollar salary, with some other emoluments which are given to them, I believe, in certain cases.

Now, we have one district judge in the United States, who has been named, a gentleman who went upon the bench with the expectation that he would get $5,000 salary, but being disappointed in that he concluded that he would not stay there. Then we have fifty-six judges—I believe that is the number—on the bench in the United States, and we have had a great retinue of them since the Government was ordained, and I repeat the remark, that I have not been informed of any case where a judge has resigned because of the smallness of the salary which has been given to him except the one mentioned by the Senator from Massachusetts.

Mr. PLATT. I think Judge William D. Shipman, of the district of Connecticut, resigned on that account.

Mr. MORGAN. If one resigned in the district of Connecticut, that makes two. Looking at the evil that we are trying to remedy, and adapting our legislation to a supposed evil, we find that there are two judges out of perhaps two hundred and fifty who have held this office and drawn this salary, who have resigned.

Is there a public necessity, I inquire again, for raising the salary from $3,500 to $5,000 in order to keep good talent on the bench or in order to keep men of integrity on the bench? I think I have not known a case where there was less excuse or less reason, so far as the public sentiment and the public service are concerned, for increasing the stipend of officers than this one.

I know that the style of living among men is more extravagant than it was perhaps when the law was first enacted, but at the same time the cost of living is not everywhere more expensive. But I do not understand that it is the business of the Congress of the United States to put this judicial office up as a prize and temptation for easy living and for money making. It is a very high, and distinguished, and dignified office, and there is no judge of a district court in the United States presiding in a circuit court who has not after all frequently very much more important duties to perform than the judge in Massachusetts cited by the Senator from that State, who in case of war would have a large number of prize causes to determine and a vast amount of property to dispose of. Every one of these district judges when sitting in a circuit court at some time or other has to dispose of the question of human life, and a proper decision on a trial for a capital offense in a circuit court of the United States by a competent man is, after all, a very much higher reach of judicial power and a very much more important thing to attend to than the distribution of money in prize causes. So I think the argument on that side is not at all enhanced in value by the fact that in case we should have a war there might be one district in the United States, or several indeed, where the prize causes would bring very important questions and very large amounts of money before the courts for adjudication.

It must be remembered that these officers hold their places for life. It is an important thing, particularly with our laws in regard to the retirement of judges after they become superannuated, that a man should have a stipend secured to him for life, of which there is to be no abatement during his continuance in office, whether upon the bench or after he has been put into retirement. A salary of $3,500 for life is worth far more to a man and his family as a stated income, a secured income, than the salary of $5,000 which is paid to Senators who hold their offices for the term of six years, and it is a very much more important matter than the allowance to the Cabinet officers of the country. It is a very much more secure living than is given to any other class of persons in the United States, unless it may be Army officers.

When we come to consider the distinction between Army officers and judges of the courts, there is a matter of importance to which I desire to call the attention of the Senate which I think should affect our votes upon this question. A judge is placed upon the bench, confirmed by the Senate, and it is found afterward that he is a man in ill-health. He drags along his weary way at the expense of the docket, and of clients, and of justice; and that feature of the fundamental law which says that justice shall be administered without sale, denial, or delay is virtually abrogated by the fact that the judge is himself physically unable to perform the full measure of his duties. Yet you can not get rid of him. He stays there. He is there for life. If you fixed the salary at $3,500 when he went on the bench you can not reduce it; the Constitution prohibits you. If you raise it to $5,000 you can never reduce it; the Constitution prohibits you. When you enact this law to give him $5,000, it remains there beyond the power of Congress to revoke it. Another judge is shown to be incompetent. A fair trial before the bar and before the country proves that the man is not qualified for the place in respect of his legal attainments or perhaps in respect of his moral character. He may commit no crime against the Government, no high misdemeanor in office for which you could impeach him, and the only means ordained in the Constitution of removing that man from office by impeachment virtually falls. Another man comes in and he is corrupt; it is obvious that he is corrupt. He abuses the powers of his office, the high trust in him, and you go to the House of Representatives to get articles of impeachment voted against him. That body of three hundred and twenty-five men have so much to do, so many various cares on their minds, that they will not take up the subject; they will not vote the impeachment. It is the easiest matter in the world to defer and to delay the inauguration of an impeachment in the other House as long as the defendant chooses; and when you get it into the Senate we have scarcely time to sit here and try impeachments. The result is that the responsibility of the judiciary of this country to public sentiment, the responsibility to the law, is a dead letter on the statute-book.

How then is it with the Army officers? If an officer of the Army, who is in for life and who is paid, I will admit, a high salary, commits some breach of military law or is guilty of some outrage against public justice, he is tried by a court-martial of his peers in the Army, and we find frequently that these men are brought to task in those tribunals and they are broken of their offices.

There are two classes of persons in the United States who hold office for life, the Army, which the Constitution and Rules and Articles of War provide shall have a speedy method of getting rid of bad material, and the judiciary, who when they are once fastened upon the country are fastened upon it for good and all.

I think in view of these facts we ought to be chary about increasing the stipend of the judges, and I think particularly when we do come to increase their salaries by as much as $1,500 to each judge per annum we should say to them and to the country, "This act is not to take effect in your favor until you are willing to bring your claim before the Senate of the United States for an investigation into your conduct; and if the President of the United States shall appoint you and the Senate shall confirm you to this office, after a full investigation into your judicial career, then well done, good and faithful servant, we will give you your reward; we will give you the $1,500 a year in addition." As we are moving in a new direction and as we are taking a tremendous step to the front in favor of all the judges in the United States, when we are giving to some judges $1,500 a year additional salary who do

not do throughout the year thirty days' work upon the bench, it is well enough for us to say in behalf of the people of this country that those judges shall receive it who are willing to take it at the expense of the resignation of their commissions, trusting to the reputation which they have earned and the confidence which they have gained while they have been employed in their high offices for an appointment by the President and a confirmation by the Senate.

If I were making this argument for the first time during the Presidency of a Democrat in the White House, perhaps I might be suspected of a desire to draw within the appointing power the judges in the United States; but this same question came up under Mr. Arthur's administration, when I supposed, as the world supposed, that the chances were about even as to whether there would be a Democratic or a Republican administration hereafter, and I wanted to give this power to a Republican President in order that the Senate of the United States might have some chance, when conferring benefits and favors in a large degree upon the judges, to say whether they were worthy of them in the estimation of the country.

Now, when we reflect that after this proposed law goes on the statute-book it is to stay there and that we can not afterward reduce the salary, when it is to be a law that will be irrevocable as long as this country continues, for that will be the effect of it, an irrepealable law, I say that we ought to take advantage of this opportunity to have a re-examination into the character and the conduct of the judges who are on the district bench of the United States, and we should say to them, "You shall not take this increase of pay unless you resign and are reappointed by the President, by and with the advice and consent of the Senate."

I argue the two propositions together, although the one is not presented in the amendment that I am at present offering to the Senate, for the reason that they stand united in principle, and it is not right that we should give this additional salary to the judges without giving to the people some opportunity to have the bench purged of bad and inefficient material. Can every Senator on this floor rise and say in his place that the judge who presides in the district court of his district or of his State is a man who is worthy and well qualified? I could not.

Without the slightest reference to the political phase that has been injected into the district court of the United States and all the other courts by the fact of the long dominance of the Republican party in this country, it has turned out in practice that during the period of agitation after the war as well as during the war some men have found places upon the bench of the United States who are not worthy. They are men who I believe would not be willing to resign their offices for the purpose or with the expectation of being reappointed by the President and reconfirmed by the Senate. If they are men of that kind let them remain under a salary of $3,500. If they are not, if they have earned a larger sum, in the estimation of the Senate of the United States, by a worthy course in office and they resign, whether they are Democrats or whether they are Republicans, they will find every man in the Senate voting for their confirmation and glad to do it.

Mr. President, the people of Alabama have their part of the taxation to pay for the judge in my district. We are not exempt from taxation because we are poor. Under the burden of tariff regulations and laws, being large consumers and manufacturing but little, we pay large amounts of money into the Treasury of the United States out of that three hundred millions of cotton crop that we produce annually besides other things which we produce there. So we are tax-payers and we are very much interested in it. It makes no difference to the Alabama farmer or planter whether he has to pay the money out of his pocket to the tax-gatherer of the State or whether he pays it through a tariff into the Treasury. It is the question of the amount, whether he is able to bear it or not, that affects him. And our people understand perfectly well that they are tax-payers, and that when you raise the salary of the district judge in Alabama from $3,500 to $5,000 a year they have to pay their aliquot part of this taxation.

Now, sir, let me give you a little of the history of that State with a view to justify the vote that I feel compelled to give on this floor upon this bill. After the war and reconstruction had terminated and the people of that State for the first time got their government into their own hands, they adopted a constitution in which they fixed low salaries for all their officers, the judiciary, the executive officers, all the officers. The expenses of the State government of Alabama, exclusive of the school fund to which we appropriate liberally, do not exceed a million and a quarter of dollars a year, and that pays the interest on every dollar of money that we owe. A million and a quarter a year! Yet our people feel in that State that the burden of that taxation is pretty heavy. They would be very glad indeed to see it lightened, in view of the fact that their industries are not all very profitable, not certainly very money-making. They fixed the salary of the chief-justice of the supreme court of the State at $3,500; they fixed the salary of the associate justices at $3,000; they fixed the salary of the circuit judges and of the chancellors at $2,000; and there is not a man on the circuit or chancery bench or supreme court bench of Alabama to-day who is not a superior lawyer to the district judge of the United States in that State, who gets $3,500—not one.

Now is it to be expected of me that I shall vote to tax those people to raise that man's salary from $3,500 a year to $5,000 when my own State in her earnest desire to build up her prosperity—more than that, sir, to write her glory upon the escutcheon which as yet has never had a tarnish—is it expected of me that I shall under these circumstances vote to give to the district judge of the United States $5,000 a year out of the pockets of those people as a salary when her constitution forbids that her governor and her chief-justice of the supreme court shall have more than $3,500 unless it is voted by a two-thirds majority of both branches of the General Assembly?

I am willing to meet the Senators on a fair standard. As there are some cases in the United States where doubtless the salary ought to be increased, I am willing to go $500 on the present salary all around, make it $4,000; and then you have got, as I remember, but two judges in the United States who get any more. A judge in California gets $5,000, and I believe that one of the judges in New York gets $4,500.

Mr. EDMUNDS. One in Louisiana gets $4,500.

Mr. MORGAN. Yes, and one in California gets $5,000; but the highest salary now paid a New York district United States judge is $4,500, and so as to the other judges in the large cities; but an allowance is made by statute for judges who preside in certain cities.

Mr. EDMUNDS. No; who go out of their districts.

Mr. MORGAN. We can very easily provide for those cases. If we can provide for judges who go out of their districts so as to meet the contingencies which were not expected when those gentlemen were placed upon the bench, we can very easily add to their salaries such a daily stipend as we may vote when they are presiding in court in such cities as New York, Philadelphia, Boston, Saint Louis, Chicago, Cincinnati, and so on—expensive places. But is there any reason why we should go among the judges who have very little to do, who have no admiralty jurisdiction, but exercise almost a nominal discharge of duty upon the bench—is there any reason why we should go among them and give them all $5,000 a year? I am willing to equalize them all up to $4,000 a year, and that is as far as I am willing to go, and I should very much prefer that in doing that the Senate would also adopt the proposition, which I expect to offer next, that this shall have a prospective operation.

Sir, we have introduced a prospective feature into this bill, and the Senate came very near voting it into a retrospective feature. If we make the bill prospective as to those officers who may be hereafter appointed by their kinspeople, why not make it prospective also in regard to the judges who shall have the benefit of this law? It is no discredit to a judge to say to him, "You can not get this salary while you hold the office that you took when it was paid only $3,500." It is no discredit to a judge to say to him, "If you want to get the increased compensation you must resign and take the chances of a reappointment and a reconfirmation." It might be unpleasant to him if we should pass a law of this kind and he should refuse to resign, but that would be his own matter.

Mr. President, the Senator from Mississippi who sits on my left [Mr. GEORGE], when a bill just like this, when this bill in fact, was before the Senate in 1884, with his accustomed industry and carefulness, brought up the history of these appropriations, I think from the foundation of the Government, and spread it upon the record of the Senate. I desire to have the Secretary read what the Senator from Mississippi said on that occasion in order that it may go into the RECORD again to refresh the minds of Senators upon this question. I could add nothing to it by comments upon it, and I certainly can not improve it by trying to state any additional facts.

Mr. BUTLER. The Senator from Alabama says that he does not object to a motion to adjourn in order that he may conclude his remarks at the next sitting of the Senate. Therefore, if agreeable, I make the motion that the Senate do now adjourn.

Mr. HOAR. I hope we may finish this bill. I understood the Senator from Alabama that when the extract was read he would have finished his speech.

Mr. MORGAN. Very nearly.

Mr. HOAR. I made the same request of him, intending to make a motion to adjourn if he desired.

Mr. BUTLER. The Senator from Alabama has an amendment to offer, and I confess I should like to see that amendment. I have not as yet seen it.

Mr. HOAR. I am afraid that what the Senator from South Carolina desires to see is not the amendment, but his dinner. [Laughter.] I recognize the force of the suggestion.

Mr. BUTLER. I admit very frankly that I am very anxious to see my dinner, and at the same time very anxious to see the amendment. I do not know which has the preponderance, but it is now after 5 o'clock.

Mr. HOAR. With the leave of the Senator I will consent to an adjournment. Indeed, I make the motion myself.

The PRESIDING OFFICER. The Senator from Massachusetts moves that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 14, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES FOR COLLECTING THE REVENUE, 1887.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimates for collecting the revenue for the year 1887; also a statement of expenses and of collections in the several customs districts for the fiscal year ending June 30, 1885; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REFERENCE OF SENATE BILLS.

The SPEAKER also, under the rule, laid before the House Senate bills; which were severally read twice, and referred as follows, namely:

A bill (S. 671) making an appropriation for the purchase of the late Produce Exchange building and the site, bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes—to the Committee on Military Affairs.

A bill (S. 16) for the relief of J. A. Wilson, administrator of the estate of Gregory Jarrett, deceased—to the Committee on War Claims.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent to take up Senate bill No. 128, to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank, of Lawrenceburg, Ind., and put it upon its passage now, instead of referring it to the Committee on Banking and Currency.

This bill is manifestly a proper one and should be passed promptly. It comes from the Ways and Means Committee and the members of that committee regard it as a proper one to pass. It has been greatly delayed and should be acted upon promptly. At the last session of Congress it passed both Houses, but at a very late hour in the session, and failed to reach the President for his signature.

Mr. BROWNE, of Indiana. This bill was fully considered by the Committee on Ways and Means and was passed by them at the last session. There is no question but that the bill ought to pass without delay.

The SPEAKER. The Chair will submit the request of the gentleman from Indiana for unanimous consent to consider the bill now, instead of referring it to the Committee on Banking and Currency. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The bill was accordingly taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

It is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to issue and cause to be issued to the People's National Bank of Lawrenceburg, Ind., a duplicate certificate of deposit numbered E 35988, for the sum of $10,000, issued by the assistant treasurer of the United States at Cincinnati to the People's National Bank of Lawrenceburg, Ind., upon such evidence of loss, and upon execution of such bonds of indemnity to the United States, and under such regulations in regard to issue and payment as he shall prescribe.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. BOYLE to withdraw from the files of the House the papers in the matter of the claim of S. Dillinger & Son without leaving copies.

THE FISHERIES.

Mr. DINGLEY. Mr. Speaker, I rise to present a privileged report from the Select Committee on Ship-building and Ship-owning Interests. I am directed by the committee to report back the resolution which was lately referred to them and recommend its passage.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Select Committee on Ship-building and Ship-owning Interests be and hereby is directed to inquire what, if any, legislation will promote the interests of the American marine employed in the fisheries, and report by bill or otherwise.

Mr. DINGLEY. The committee recommend the adoption of the resolution.

Mr. REAGAN. While I shall raise no objection at this time, I am unable to understand what connection the Committee on Ship-building and Ship-owning Interests have with the subject of this resolution.

The SPEAKER. This is a resolution which has been already referred to that committee, and is by them reported back to the House.

Mr. REAGAN. The reference was not a proper one in the first instance.

The SPEAKER. The resolution is subject, of course, to amendment, and the House may direct any other committee of the House to consider the subject-matter embodied in it.

Mr. REAGAN. I am not disposed to offer an amendment; but, as I have said, I do not think it was a proper reference in the first instance. I am opposed to this reference of matters to committees not properly having jurisdiction. There are committees of the House which have power to consider such subjects, and to them all such subjects should be referred.

The SPEAKER. The question is on the adoption of the resolution reported by the gentleman from Maine.

The resolution was adopted.

Mr. DINGLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendment of the House of Representatives to the bill of the Senate, No. 602, to legalize the election of the Territorial Legislative Assembly of Wyoming.

It also announced the passage of bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 85) for the relief of B. Jennings;

A bill (S. 87) for the relief of Thomas B. Miller, of Washington Territory;

A bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond;

A bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb as heirs at law of Cora A. Slocomb, deceased, Ida A. Richardson, and Caroline Augusta Urquhart;

A bill (S. 193) for the relief of John Hollins McBlair;

A bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill;

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guard;

A bill (S. 218) to confirm the title to certain lands in Platt County, Missouri, and authorize patents to issue therefor to Kinsey B. Cecil;

A bill (S. 221) for the relief of Alex. Smiley;

A bill (S. 296) for the relief of the legal representative of John Hatfield, deceased;

A bill (S. 377) granting a pension to Mathias Leckner;

A bill (S 389) for the relief of the heirs and legal representative of Robert J. Baugness, deceased;

A bill (S. 424) giving a military record to Alex. Francesco, deceased;

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes;

A bill (S. 556) for the relief of Betts, Nichols & Co.;

A bill (S. 767) for the relief of John Leathers; and

Joint resolution (S. R. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State.

PRINTING OF DOCUMENTS.

Mr. WELLBORN, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That all committees having jurisdiction of general appropriation bills be authorized to have printed and bound for their use such documents as they may deem necessary in connection with subjects referred to them during the present Congress.

LUTHER F. WORDER.

Mr. HOWARD, by unanimous consent, introduced a joint resolution (H. Res. 82) for the relief of Luther F. Worder; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed, under the rule, to call standing and select committees for reports.

ALEXANDER P. STEWART.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 1318 for the relief of Alexander P. Stewart, a bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 1318) was laid upon the table.

VICTOR BEAUBOUCHER.

Mr. PHELPS, from the Committee on Foreign Affairs, reported back with a favorable recommendation the bill (H. R. 1008) for the relief of Victor Beauboucher; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The call of the select and standing committees and of the commis-

sions and committees authorized by statute to report to the House was continued and concluded, no further reports being presented.

The SPEAKER. The Chair will now call the committees, under clause 5, Rule XXIV, for the consideration of such bills as may be indicated by them. The call will be for one hour, beginning at twenty-three minutes after 12 o'clock m.

DISTRIBUTION OF PRESIDENT'S MESSAGE.

The Committee on Ways and Means was called.

Mr. MORRISON. I move that the House resolve itself into Committee of the Whole House on the state of the Union, my object being to reach the resolution for the distribution of the President's annual message.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the resolution distributing the President's annual message. The resolution will be reported.

The resolution was read.

[It has been already printed in the RECORD in the proceedings of the 12th instant.]

Mr. MORRISON. I move that the resolution be reported to the House with the recommendation that it be adopted.

The motion was agreed to.

Mr. MORRISON. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, to which was referred a resolution distributing the President's message to the appropriate committees, had had the same under consideration, and had instructed him to report it back to the House with the recommendation that it be adopted.

Mr. MORRISON. The resolution has just been read in Committee of the Whole. I ask unanimous consent that the reading of it at this time be dispensed with.

There was no objection.

Mr. MORRISON. I move the adoption of the resolution.

The resolution was adopted.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INTEREST ON JUDGMENTS OF COURT OF CLAIMS.

The Committee on the Judiciary was called.

Mr. HAMMOND. I call up from the House Calendar for consideration the bill (H. R. 3253) to amend section 1090 of the Revised Statutes, relating to interest on judgments rendered by the Court of Claims.

The bill was read, as follows:

Be it enacted, &c., That section 1090 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, or the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury as aforesaid."

Mr. HAMMOND. I call for the reading of the report.

The report made by Mr. HAMMOND, from the Committee on the Judiciary, was read as follows:

The Committee on the Judiciary, to whom was referred the bill (H. R. 3253) relating to payment of interest in the Court of Claims, submitted the following report:

The bill under consideration is in the words of a bill unanimously reported for passage by the Judiciary Committee of the House in the Forty-seventh Congress, on the 14th of February, 1882, except that in this bill the rate of interest to be borne by final judgments against the United States was in that bill 6 per cent. and in this it is 3 per cent. That bill passed the House unanimously on the 24th of February, 1883. It was referred to the Committee on the Judiciary in the Senate, but no report was made thereon.

As some objection might now be raised to paying on judgments a higher rate of interest than that paid by the United States, your committee have put the rate at 3 per cent. only to avoid such objections.

The committee adopt the language of the report of Mr. N. J. HAMMOND, of the Committee on the Judiciary, aforementioned, as to necessity for this legislation (see Report 353, first session Forty-seventh Congress, to accompany bill H. R. 701). It is as follows:

"The act of March 3, 1863, ch. 92, sec. 7 (12 U. S. Stat., 776), provided as follows:

"'In all cases of final judgments by said court, or on appeal by the said Supreme Court, where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

"'And in cases where the judgment appealed from is in favor of said claimant, or the same is affirmed by the said Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"Section 1090 of the Revised Statutes of the United States is as follows:

"'In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.'

"The first sentence of the act of 1863, quoted above, provides for payment of judgments against the United States, whenever final, either in the Court of Claims (of which that statute was the basis), or, if appealed from by the United States, made final by affirmance in the Supreme Court of the United States, and makes the mode of payment simple and prompt.

"The second sentence of the act of 1863, above quoted, provided for payment of interest upon and after notice of either of those facts duly served upon the Secretary of the Treasury. In transferring the quoted law into the Revised Statutes of the United States it was made sections 1089 and 1090. But in section 1090 the 'or' after 'claimant' was changed to 'and.' This changed the law, in the letter, so that no interest can be collected on a final judgment against the United States in said court unless, if it be appealed from, it is also affirmed by the Supreme Court. At least this is the construction of the Treasury Department. Under that construction the United States may simply appeal in every case, with or without meritorious ground for appeal, put the claimant to the delay and expense of having the cause docketed and dismissed by the claimant under rule of the Supreme Court, or, worse, wait till the cause is about to be heard and withdraw the appeal, and save interest *ad interim*. For there is no concurrence of final judgment below and affirmance by the Supreme Court, as there is no judgment of the Supreme Court affirming the judgment below. Such a construction manifestly does violence to the intention of the law and to justice between the Government and claimants who obtain judgments against it on its contracts. After any final judgment by its own Court of Claims, and notice thereof served upon the Secretary of the Treasury, it is right for the Government to pay interest, unless it shows that judgment below to be wrong. It may be perfectly right for the disbursing officers to stick thus to the letter, for they should pay out no money without plain statutory authority.

"We suppose that the revisers did not intend to produce such an absurdity, but meant to say, 'In cases where the judgment appealed from is in favor of the claimant, and in cases where the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per cent. shall be allowed,' &c.; that is, on the original judgment.

"And accordingly we report a bill changing section 1090 to read as it did in the act of 1863."

The bill so reported passed the House on the 17th of May, 1884, but we believe was not acted upon in the Senate.

We recommend the passage of this bill.

Mr. HAMMOND. The report explains fully the reason for this bill. Under the law as it was originally passed in 1863 final judgment against the United States bore 5 per cent. interest. It is thought proper, inasmuch as there is but 3 per cent. interest on other matters, to have this bill amended by striking out "5" and inserting "3."

I suppose it is useless to make any remarks in addition to what is contained in the report in favor of the passage of this bill. It was passed unanimously in the Forty-seventh Congress and was passed unanimously in the Forty-eighth Congress upon like reports. It failed to become a law because it was not reached in the Senate. This is simply changing the word "and" back to the word "or," and making the law in the Revised Statutes what it was by the act of 1863. In some way, for some reason, in the codification the word "or" was dropped and the word "and" substituted, and the Departments have held that before any final judgments against the United States on its own contract obtained in its own court can bear interest there must be a union of the two things—a judgment below plus an affirmance above. That certainly was not the intention of the law. Unless some gentlemen are desirous of speaking on the subject pro or con I will consume no further time.

Mr. WARNER, of Ohio. Mr. Speaker, there was a portion of the statement just made by the gentleman from Georgia [Mr. HAMMOND] which I did not distinctly hear, the portion relating to the effect of the substitution of the word "and" for the word "or" in the bill, and I will ask him to repeat it.

Mr. HAMMOND. Mr. Speaker, the effect is this: Under the law of 1863 it is provided that any final judgment, either in the Supreme Court or the Court of Claims, after certified copy thereof delivered to the Secretary of the Treasury, shall bear 5 per cent. interest.

Mr. WARNER, of Ohio. I understand that.

Mr. HAMMOND. But in codifying the law the word "or" was in some way changed to the word "and," so that it now reads: "A judgment final in the court below and affirmed in the court above;" and the Department has held that until the two things concur the creditor can get no interest, which is manifestly unjust.

Mr. Speaker, I now move the amendment reported by the committee, to strike out the word "five" and insert the word "three," so as to make the interest 3 per cent. instead of 5 per cent.; and I call the previous question upon the passage of the bill.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HAMMOND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASCERTAINMENT OF FACTS IN PRIVATE CLAIMS.

Mr. SPRINGER. Mr. Speaker, I am instructed by the Committee on Claims to call up the resolution reported by me from the Committee on Claims, which I ask to have read.

The Clerk read as follows:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of passing general laws for the ascertainment of the facts in all private measures by some judicial tribunal before action by Congress; and also the pro-

priety of prohibiting the adjudication of private claims or relief measures by Congress, with power to report by bill or otherwise.

Mr. SPRINGER. I ask that the report also be read.

The report (by Mr. SPRINGER) was read, as follows:

The Commitee on Claims, to whom was referred the following resolution, namely:

"*Resolved*, That the Committee on Claims be instructed to inquire into the expediency of passing general laws for the ascertainment of the facts in all private measures by some judicial tribunal before action by Congress; and also the propriety of prohibiting the adjudication of private claims or relief measures by Congress, with power to report by bill or otherwise,"

having had the same under consideration, report as follows:

Under the new rules adopted at this session the number of bills referred to the Committee on Claims is much greater than heretofore, and the committee find it utterly impossible, with the limited time at the disposal of the respective members, to properly consider each case referred to them upon its merits, and are also fully aware of the fact that it is equally impossible for the House to dispose of the cases should they be reported for consideration. Therefore the committee have thought it advisable to proceed first to consider some general plan for disposing of a great portion of the business now referred to them and which will, in the course of the session, be referred to them. With this object in view, the committee report the resolution back, with the recommendation that it be adopted.

Mr. TUCKER. Mr. Speaker, I ask that the resolution be read again.

The Clerk again read the resolution.

Mr. TUCKER. Mr. Speaker——

Mr. SPRINGER. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] is entitled to the floor.

Mr. SPRINGER. Mr. Speaker, I do not desire to cut the gentleman off if he wishes to make any remark upon this resolution.

Mr. TUCKER. Mr. Speaker, I desire simply to offer an amendment to the resolution. I move to strike out the word "claims" where the resolution provides that the Committee on Claims shall be instructed to inquire into this matter, and to insert the word "judiciary," so as to provide that the inquiry shall be made by the Committee on the Judiciary. Not only was this question before the Committee on the Judiciary at the last session, but it seems to me that that is the proper committee, under the rules, to consider a measure like this and to devise means by which these private claims shall be adjudicated prior to being passed upon by Congress. That is a matter clearly within the jurisdiction of the Committee on the Judiciary; and, as a number of bills have been referred to that committee having this general object in view, and as the question was before that committee in the last Congress, I hope that the amendment I have proposed will be adopted.

The SPEAKER. The gentleman from Virginia [Mr. TUCKER] moves to amend the resolution by striking out the word "claims" and inserting the word "judiciary," the effect of which will be to direct the Committee on the Judiciary to make the proposed inquiry.

Mr. SPRINGER. Mr. Speaker, I hope that motion will not prevail. I desire simply that this matter should be referred to some committee that will take it up and perfect a measure upon the subject at the earliest time practicable. I know of no committee of the House that is so likely to do that work promptly as the Committee on Claims, upon which, under the rules, now devolves the duty of considering the vast number of private claims already introduced and that will be introduced before this Congress adjourns.

In order to show the magnitude of the business coming before the House, and the necessity for prompt action on this subject, I call attention to the number of bills that have been introduced in the two Houses during the last five Congresses. In the Forty-fourth Congress there were introduced and referred in the Senate and the House together bills and joint resolutions to the number of 6,157; in the Forty-fifth Congress, 8,804; in the Forty-sixth, 10,095; in the Forty-seventh, 10,704; and in the Forty-eighth, 11,443; making in the five Congresses last past a total of 47,205 bills and joint resolutions.

During the last session of Congress there were referred to the Committee on Claims for their consideration more than a thousand bills; and under the new rules, basing our estimate upon the number already referred, there will be perhaps twelve hundred or fifteen hundred referred to that committee during this Congress. It is absolutely impossible for any committee of this House, with so large an amount of business imposed upon it, to do justice to the claimants and to the Government. In view of this the Committee on Claims desired at an early day to perfect and bring to the attention of the House some measures for the purpose of adjudicating private claims in other tribunals than Congress.

The present occupant of the chair, when as Speaker of the last House he made an address upon declaring the House adjourned *sine die*, used the language which I will ask the Clerk to read.

The Clerk read as follows:

Very few, even among those who are best acquainted with our legislative history, have an adequate conception of the increased labors and responsibilities devolved upon Congress by the events of the last quarter of a century; and none, I am sure, who have not had actual experience can fully appreciate the difficulties attending the transaction of business in a body so large as this.

In the First Congress the House of Representatives consisted of only sixty-seven members—less than the present membership of the Senate. Now there are three hundred and twenty-five, besides the Delegates from the Territories. From the organization of the Government to the close of the Twenty-fifth Congress, a period of fifty years, there were introduced into the House, as shown by its records, 8,777 bills and joint resolutions; while during the two sessions of the present Congress 8,630 bills and joint resolutions have been introduced—almost as many as during that half century. At present each one of our principal general appropriation bills embraces as much money as the whole amount of the net ordinary expenditures of the Government during the first nine or ten years of its exisience; and the specific objects to be investigated and provided for in those bills have so increased in number that it has become a very considerable task even to enumerate them.

Although this House has passed a larger number of bills than any of its predecessors, except perhaps one or two which sat for a longer time, it is not at all strange, gentlemen, in view of the facts just mentioned, that it should be compelled to leave unfinished a very large percentage of the measures presented. It is evident that unless some constitutional or legislative provision can be adopted which will relieve Congress from the consideration of all, or at least a large part, of the local and private measures which now occupy the time of the committees and fill the calendars of the two Houses, the percentage of business left undisposed of at each adjournment must continue to increase from year to year. It is not reasonable to suppose that an alteration of the Constitution can be effected, but it is worthy of serious consideration whether a general law might not be enacted which would authorize the several Executive Departments and the courts of justice to hear and determine these matters under such rules and regulations as would amply protect the interests of the Government and at the same time secure to the citizen a more expeditious and appropriate remedy than is now afforded. If this shall be done, time and opportunity will be afforded here for the deliberate consideration of those great public questions which the Constitution has committed to the legislative department, and something might be done to promote the welfare of the whole people without neglecting the special interests of any.

Mr. SPRINGER. Under the rules, the Committee on Claims has now jurisdiction of all proposed legislation relating to private and domestic claims; but under the resolution which is proposed the committee would have the right to report a bill covering war claims as well as other private claims. It was for the purpose of having a uniform system on this subject that our committee desired to have jurisdiction of the whole matter. There is no disposition to take away from the Committee on the Judiciary a subject which they might also consider; and if that committee will go to work and bring in a bill for this purpose I shall be delighted when it comes before the House to assist them in securing its passage. Our purpose is not to interfere in any manner whatever with the jurisdiction of that committee, but only to insure that such a measure as this resolution contemplates shall at an early day come before this House for consideration. If the two committees should simultaneously direct their attention to this subject and the Judiciary Committee should come in first with its bill, I shall take great pleasure, as I have already intimated, in assisting the honorable chairman of that committee [Mr. TUCKER] and other gentlemen in perfecting that legislation.

I hope that instead of spending our time now in contending about questions of jurisdiction we shall go to work and perfect measures which will relieve Congress of this great and unnecessary burden of private legislation. That is my sole object; and the committee, which is threatened with a deluge of bills of this description, and every member of which would have his time consumed in a very unsatisfactory investigation of measures of this class during the whole Congress if we should enter upon such an undertaking, can certainly be relied upon to bring speedily into this House some general measure on this subject. I hope, therefore, the gentleman from Virginia will withdraw his amendment and allow this resolution to pass.

Mr. SOWDEN. Mr. Speaker——

Mr. SPRINGER. I yield five minutes to the gentleman from Pennsylvania [Mr. SOWDEN].

Mr. SOWDEN. Mr. Speaker, I hope the gentleman from Virginia [Mr. TUCKER] will see the propriety of withdrawing his amendment to this resolution reported by the Committee on Claims. The object sought by the resolution is simply the preparation and formulation of legislation looking to the establishment of a judicial tribunal to which all these private claims may be transferred for judicial investigation and determination. If any committee of this House is interested in the draughting and adoption of such legislation it is certainly the Committee on Claims. The only object it has in view, I repeat, is the preparation for presentation to the House of a bill seeking this end, which bill, subsequently to its presentation, might properly be referred to the Committee on the Judiciary. There is no intention on the part of the Committee on Claims to usurp the rights and powers properly lodged with the Judiciary Committee. Our only purpose is to facilitate the adoption of such legislation as will take from Congress the adjudication of private claims and transfer them to some judicial tribunal for settlement.

Mr. SPRINGER. Unless the gentleman from Virginia [Mr. TUCKER] desires to speak I will call the previous question; and if he does wish to submit any remarks, I will ask unanimous consent that this matter go over until to-morrow, in order that a measure of greater importance may come now before the House.

Several MEMBERS. Oh, no!

Mr. REED, of Maine. Let us not "make two bites of a cherry."

The SPEAKER. To-morrow is set apart by the rules for the consideration of private bills.

Mr. SPRINGER. I merely desired that the bill in regard to the Presidential succession might come up at this time; and for that purpose I will now withdraw the report, as I have a right to do, I believe.

Mr. REED, of Maine. I object to that.

The SPEAKER. The resolution is now pending and under consideration before the House.

Mr. TUCKER. The jurisdiction of the Committee on the Judiciary is over all matters relating to judicial procedure; the jurisdiction of the

Committee on Claims, to legislation in reference to private claims. I suppose it never was intended, and no such construction can be given to the rules, to give to the Committee on Claims the regulation of judicial procedure. Now, sir, this matter the gentleman from Illinois says the Committee on Claims are very much interested in. Until some act passes regulating the procedure in reference to these claims the Committee on Claims ought to busy itself with the adjudication of claims that are before it. They have abandoned that duty for the purpose of maturing a bill for a plan of procedure in reference to these claims. The result will be that private claims referred to that committee will be neglected, and they will be maturing a bill which will come in and pass probably at the close of this Congress. In the mean time the private claims before that committee will be entirely neglected.

A MEMBER. As they have been.

Mr. TUCKER. I have no particular desire to claim for my committee any more than the rules require, but I do think it is just to this House it should consider this committee has charge of the judicial procedure in all the courts of the United States. But the proposition of the gentleman from Illinois is that some scheme should be devised by which these private claims should be adjudicated in a judicial procedure before they shall come before Congress at all. Well, if that does not belong to the Judiciary Committee I am at loss to know what does. Therefore I insist on my amendment and hope it will be passed to substitute the word "judiciary" for the word "claims" wherever it occurs in the resolution.

Mr. SPRINGER. I will state to the gentleman from Virginia that the Bowman act in reference to the adjudication of claims was reported from the Committee on Claims in the Forty-eighth Congress when it was passed, and that at the last Congress a similar bill was considered by the Committee on Claims in this House.

Mr. TUCKER. I will say to the gentleman in reference to the Bowman bill that it has been a dead letter ever since and has been of no practical use, because a committee other than the one the House constituted for the purpose of devising judicial procedure, had the consideration of it. I thank the gentleman from Illinois for his suggestion.

Mr. SPRINGER. I will now move the previous question.

Mr. BURROWS. I wish to inquire of the gentleman from Virginia if this matter has not been already referred to the Judiciary Committee.

Mr. TUCKER. I stated in my remarks when first up that a number of bills have been referred to the Committee on the Judiciary on this very subject, and gentlemen around me who were on the committee last year will remember we were maturing a plan at the last session of Congress to submit all these claims to adjudication before they ever came to Congress.

Mr. LANHAM. Was that materialized?

Mr. TUCKER. No, it was not; but the gentleman knows very well that here in Congress—

The best laid schemes o' mice and men
Gang aft a-gley.

Mr. SPRINGER. The same bill was referred to the Committee on Claims at the last session of Congress. It has been referred to the Committee on Claims at this session. The Committee on Claims certainly has jurisdiction over the claims which have been referred to it.

Mr. TUCKER. I think it is very desirable the House should settle this, as there are two committees attending to the same business to which the matter properly belongs. I do not think there is enough time for any one of the committees to attend to more than properly belongs to it. The House, therefore, should determine the matter whether the Committee on the Judiciary or the Committee on Claims should regulate the procedure in reference to these judicial matters.

Mr. SPRINGER. One word in reference to the gentleman's remark. The gentleman's committee has had measures of this kind before it ever since I have been here, and he has been chairman of it for the second time——

Mr. TUCKER. The gentleman anticipates the honor for me, as I have only been chairman of it for one Congress.

Mr. SPRINGER. Then I will say he would have improved the committee if he had been there all the time.

Mr. TUCKER. I am much obliged to the gentleman.

Mr. SPRINGER. My object was to have this matter brought before the House as soon as possible, and when it gets here I will expect the attention and co-operation of the members of the Judiciary Committee as well as of the other members of the House in maturing and passing this most necessary legislation. I now demand the previous question.

Mr. REED, of Maine. I think it is proper and just to say that while the Judiciary Committee may have had the matter before it they never had until this session any real power of action.

Mr. SPRINGER. I demand the previous question.

The previous question was ordered.

The question first recurred on Mr. TUCKER'S amendment.

The House divided; and there were—ayes 100, noes not counted.

Mr. SPRINGER. As it is important to get through with this matter in the hour I will waive any further count.

The resolution as amended was then adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRESIDENTIAL SUCCESSION.

Mr. CALDWELL (when the Select Committee on the Election of President and Vice-President was called). Mr. Speaker, I now call up the bill reported from the Committee on the Election of President and Vice-President, Senate bill 471, to provide for the performance of the duties of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

I desire, if I can, before proceeding with the consideration of this bill, to arrange with gentlemen who may be opposed to its passage in reference to the extent of time that will be required for the discussion. I understand we go on under the rule now for one hour.

The SPEAKER. Not for a full hour, but to complete the hour this morning, a part of which has been already consumed in the call of other committees. If the matter is not disposed of at the end of the hour the committee will be entitled to one hour's further consideration on the next morning when public business is in order.

Mr. CALDWELL. Not to-day?

The SPEAKER. Not to-day.

Mr. CALDWELL. I wanted to say my opinion is that this question has been already discussed, not perhaps on the floor of the House, but it has had exhaustive discussion elsewhere at the hands of the people and throughout the newspapers of the United States. In that view, I am inclined to think a lengthy discussion of it would simply be to thrash over the old straw; and I would indicate now, because I want to be perfectly candid, that I believe it to be my duty under the instructions of the committee at the proper time to call the previous question upon the passage of the bill with a view to limiting debate.

Mr. GIBSON, of West Virginia. Will the gentleman from Tennessee indicate what he regards as a proper time?

Mr. CALDWELL. I am perfectly free to hear suggestions from other gentlemen, and shall endeavor as far as I can to conform my action to their views.

Mr. REED, of Maine. I desire to say to the gentleman from Tennessee that it seems to me he is mistaken in supposing that this bill has been already much discussed. It has been discussed elsewhere, it is true, to some extent, but the bill which received discussion at the hands of the public was a bill differing very essentially from this. There is an important omission that needs to be supplied in this bill before it is enacted into law.

Mr. CALDWELL. Then I will be compelled to take such course as I think proper in reference to the discussion.

Mr. REED, of Maine. Very well.

Mr. CALDWELL. I will ask the gentleman who introduced the minority report if he will be kind enough to indicate what time would satisfy him?

Mr. COOPER. I am satisfied, as far as I am concerned, with the time allowed under the rule; but I am informed by a number of gentlemen around me that they desire to discuss the bill, and I prefer that they shall have an opportunity to do so.

Mr. REED, of Maine. Allow me to say to the gentleman from Tennessee that after the morning hour expires to-day there is no other business properly in order, and there may be, by consent, an arrangement made that this matter can continue during the day beyond the morning hour.

Mr. CALDWELL. If that can be done, and that is what I had in mind, I will interpose no objection, and I think it likely that between now and the hour the House will feel like adjourning ample time will be afforded for the discussion. If that will be satisfactory to gentlemen, I will make that request.

Mr. REED, of Maine. I do not wish to be understood as suggesting that that should be the limit to the discussion. I only suggest to the gentleman that he allow the debate to go on to-day, and probably on Saturday, when the question comes up, we can arrange some limit to the discussion. For myself, I have no desire to indulge in any opposition to the passage of the bill, if the House desires its passage, after a suitable discussion.

Mr. PERKINS. Let me ask, Mr. Speaker, if, after the morning hour is disposed of to-day, it would not be in order to ask unanimous consent to consider this bill?

The SPEAKER. The Chair will state that if the consideration of the bill is not concluded before the expiration of the hour to-day it will go over and be called up in the next morning hour when public business is in order, when it will be in order for consideration for one hour. If not then completed it will become unfinished business, and may be taken up for consideration at any time, if no other business having precedence of it shall be in the way.

Mr. SPRINGER. Would it not be in order now to place it on the Calendar as unfinished business and ask the House to proceed with its consideration?

Mr. CALDWELL. I prefer another course. I desire to say that if the debate shall go on by unanimous consent this evening I will endeavor to act with reasonable fairness and extend the time as far as I

think it is necessary to do so; but I do not wish to be understood as promising not to call the previous question whenever in my judgment it is proper to call it.

A MEMBER. Not to-day?

Mr. CALDWELL. To-day or any other day when I may see proper.

Mr. REED, of Maine. The gentlemen of course has the right to do so, and there can be no objection to his exercising the right.

Mr. EDEN. Mr. Speaker, let me make a parliamentary inquiry. If the course suggested by the gentleman from Tennessee be adopted, and the debate go on this evening by consent, and the bill is not disposed of, would we still have an hour on the next day when this committee is called?

The SPEAKER. The Chair understands the suggestion in regard to unanimous consent is made upon the supposition that this bill will be considered to-day as if it was still in the morning hour; and it would be therefore entitled to this privilege of an hour on the next day when the committee is called for such business. Does the gentleman from Tennessee now ask unanimous consent to proceed in that manner?

Mr. CALDWELL. I do.

The SPEAKER. The gentleman from Tennessee asks that the consideration of the bill shall go on to-day as if it were being considered in the morning hour. Is there objection?

There was no objection.

Mr. CALDWELL. Since the death of the Vice-President many efforts have been notably directed toward the solution of the difficulties presented in the succession to the Presidential office, and to the honor of both parties be it said that the scurvy politician has notably kept aloof from this field. The reason doubtless is that it is above his habitat, and that it is in a rarer and purer air than he can breathe, being above the snow-line, where patriotism, and not partisanism, alone can dwell.

The many measures, joint resolutions, contemplating constitutional amendments referred to the Committee on the Election of President and Vice-President have not been disregarded or disallowed. All are eminently worthy of consideration, and all, I think I may say, have been dictated by an honest and non-partisan desire to solve the problem.

The fathers of the Constitution thought that they had made adequate provision in the Constitution of 1787, as well as in the act following it, in the act of 1792. They may have done so, but whether they have or not is the subject of grave doubts, and a doubt as to the succession to a high office, whether of king, president, or of subordinate, is a serious matter. At one age of the world such a doubt distracted states, divided allegiance, and overthrew the peace of governments. I have an abiding faith in the patriotism and conservatism of the American people, trained as they are by a hundred years of self-government, that they would prove themselves equal to any test that could be imposed. But the province of the lawmaker is to refrain from subjecting any system of government or any grade of intelligence or patriotism to unnecessary tests, and to provide as far as may be for the peaceable and orderly succession in office.

I want to assure all who have given their efforts to the solution of this problem that the committee have not dealt with them or their proposed measures with indifference or disrespect. There may have been measures proposed that will better meet all possible or imaginable exigencies than the one now before the House. But they all, or nearly all, require constitutional amendments before they can possibly become law; and the passing of a constitutional amendment involves delay which ill-accords with the reasonable anxiety that is felt by the great body of the people of both political parties. Their expectation being a reasonable one that we would bridge the present difficulty, it is our duty to satisfy it.

There are many imaginable exigencies that this measure does not remedy, but the present exigency it completely answers. As has been suggested in the views of the minority, there is no provision in this law for a vacancy in the Presidential office after election by the people but before inauguration. It does not fill the gap where a President may be elected and a vacancy occurs before he has taken upon himself the duties and functions of his office. There is no provision for that; but that is not a present case to be provided for.

This bill does not provide for another contingency, which, to my mind, it ought to provide for. It is this, that after the inauguration of the President and Vice-President the bill before us designates the Cabinet officer who shall succeed in the event of failure, and who shall have not only been nominated, but shall have been confirmed by the Senate; and the vacancy may occur before the confirmation of the Cabinet officers whom the bill puts in the line of succession. That is another gap, but it is not now before us.

The case before us is where, the Vice-President having died, the President of the Senate of the United States, under the law as it exists, is in the line of succession. The effect of the passage of this bill will be that in case of the death or removal or resignation or inability of the President now in the White House the office shall devolve on the Secretary of State, and, failing him, on the different Cabinet officers in the order named in the bill, and that that succession shall be for the unexpired residue of his term. There will be no reversal of the popular will recently declared by ballot, no jar to social or political order, and no shock to the business of the country. This is the temporary bridge thrown across a possible chasm to meet the popular demand and to be followed in due time by a substantial and enduring structure over which a long line of Republican and Democratic Presidents may march in unbroken succession. All measures looking toward the solution of every imaginable difficulty will be duly considered, and some law it is confidently hoped may be evolved from the concurrent effort of both parties to put forever at rest all questions vexing the succession.

I will state also that nearly every solitary contingency set forth in the views of the minority not only had consideration in committee, but, if I am warranted in saying what occurred in another body, they had full and due consideration there; and the reason that amendments were not offered was simply because in every solitary instance that my mind has been called to it would have involved the delay incident to passing an amendment to the Constitution of the United States—and how long that might be no man can reasonably calculate—involving the action of the several State Legislatures, the delay consequent upon which is familiar to the gentlemen hearing me and by them as easy calculable.

For instance, I have stated one or two of the contingencies. But this minority report says this bill suggests a constitutional question of importance. Stated broadly it is this: Can Congress pass a constitutional law under any circumstances for the appointment of a President to serve during a full term? If it can not, I would like to ask gentlemen who are in the habit of construing laws what the word "declaring" means as it is used in the section of the Constitution quoted. That section provides that in the case of a failure in both the Presidential and the Vice-Presidential offices Congress shall declare what officer of the Government shall act as President, and so on. I take it that there is found full constitutional warrant for what is proposed by this bill. It is hardly a possible case that an officer so "declared" could ever hold the office for a full term. He might hold for part of a term, or he might hold for almost an entire term, I admit; but that the power is vested in Congress to designate an officer of the Government to act in such a case does seem to me very clear. I think that power is fully given by the use of the word "declare" in the section of the Constitution quoted.

But it is said that it is presumptuous now, after the lapse of ninety-odd years, to challenge the provisions of the act of 1792, which provided for a special election. In my opinion, the reason the act of 1792 has never so far caused trouble is, that there has never been any occasion for its practical application. That any man can look at the Constitution and say that the word "officer," as there used, does not mean an officer of the United States Government, I really can not understand; and that there are grave doubts in some of the best legal minds of both parties in this country as to whether either the President of the Senate or the Speaker of the House is such an officer, in the constitutional meaning of the word, as could succeed to the Presidential or Vice-Presidential office, is a fact that can not be questioned. In the report which the majority of the committee have made there is no dogmatism, no assertion of infallibility with reference to what the law is or is not. We state the fact, though, and I think it is incontrovertible that, however the question may be ultimately determined, there is grave doubt in the minds of the statesmen of both parties in all sections of the country as to the succession provided for in the present law.

Now, that being the case, I submit to the House whether prudence, conservatism, and abundant caution do not dictate that we should pursue the course recommended by the Select Committee on the Election of President and Vice-President?

Mr. PERKINS. Will the gentleman permit a question?

Mr. CALDWELL. Yes, sir.

Mr. PERKINS. I wish to ask the gentleman this question. Under existing conditions, if the President of the United States should die or be removed, who, under this bill, would succeed to the office?

Mr. CALDWELL. Under existing conditions?

Mr. PERKINS. Yes.

Mr. CALDWELL. The Secretary of State.

Mr. PERKINS. Then if in 1888 the result of the election of last year should be reversed and the electoral college should meet and should designate the President and Vice-President elect, as provided for by law, and, before their inauguration, those two officers of the Government should die or should be assassinated, who, under this bill, would be President of the United States for four years thereafter?

Mr. CALDWELL. The present Secretary of State.

Mr. PERKINS. And then if in 1892 the same should occur again, who would be President for the ensuing four years?

Mr. CALDWELL. The gentleman's questions are based on the assumption that in 1888 the gap would not have been filled by other and better legislation.

Mr. PERKINS. One more question, if the gentleman will permit. Do you believe that it is good legislation to give to any officer power to perpetuate himself indefinitely in the Chief Executive office of this Government?

Mr. CALDWELL. I do not, and I do not understand that this bill admits of any such construction; because if you read it you will find that at the time of such contingency arising it is provided that the Con-

gress of the United States shall assemble, and if the Congress of the United States in session has the power to provide for special elections, as was thought in 1792 and is still thought by a great many gentlemen, they can exercise that power then. They are there for the purpose of meeting every possible exigency. You can go on and imagine contingencies until your brain reels, but the point is that this bill does not take you into an unexplored territory. We simply take you by the hand and carry you up to the side of the ditch that is across the field now.

Mr. PERKINS. Will the gentleman yield for another question?

Mr. CALDWELL. I can not yield further.

Mr. PERKINS. If the subject is one of such importance and urgency, why not yield now?

Mr. CALDWELL. I must decline to yield further at present. The gentleman will undoubtedly have an opportunity to be heard hereafter. I simply wish to say that what specially recommends this bill to me now is the fact that it deals with the present emergency. No member of the committee is bound, because we have reported this measure, to say or to believe that it is perfect; but I do say that, so far as meeting the present emergency is concerned, this bill does it fully, and I say further that the only way to meet the objections that can be raised and that have been raised by the gentleman who has just taken his seat [Mr. PERKINS] is to amend the Constitution. In my opinion it can not be done by Congressional legislation. Mr. Chairman, I will reserve the balance of my time, and yield the floor to any gentleman who desires to take it.

Mr. COOPER. Mr. Speaker, wholly inexperienced as I am in this House, it is with the greatest hesitation that I undertake to state very briefly, as a minority of the committee, the reasons why I have been unable to agree with the residue of the committee in recommending the passage of this bill. I am somewhat relieved from embarrassment in submitting these objections by the admission in the very carefully prepared speech of the gentleman who has charge of this bill [Mr. CALDWELL] that the measure is manifestly in very many parts defective; these defects he proposes to cure after a while. In other words, we are now asked to pass a very important measure which, as he has publicly announced, he will commence repairing as soon as the work is over.

Allow me to say in behalf of the existing law that it is almost coeval with the Constitution. The Constitution and this enactment were to a very large extent the work of eminent men who were members both of the constitutional convention and of the Congress immediately succeeding the establishment of our present Government. So that this enactment comes to us along with the Constitution, sanctioned by public acquiescence during almost the entire period of our national existence; and as a further indorsement of the present law I may state that thirty years ago (and we are often reminded that "there were giants in those days") the Committee on the Judiciary in the Senate, in response to a resolution introduced by Senator Crittenden, carefully examined the existing law, and after a thorough investigation made an exhaustive report upon it, the conclusion of which I will read very briefly in their own language:

It is apparent from these suggestions that the committee believes the act of 1792 to be constitutional in all respects.

That committee embraced among its members some of the foremost lawyers of the Republic, including, if I remember correctly, such eminent jurists as Senator Butler, of South Carolina, who made the report; Senator Crittenden of Kentucky, Senator Benjamin of Louisiana, and other men whose names stand and have a right to stand in the highest professional rank.

It has been suggested that there are doubts as to the constitutionality of the existing law. I grant you there was a time when it was questioned whether one of the features of this law was constitutional. The question was raised by Mr. Madison whether the President *pro tempore* of the Senate and the Speaker of the House were "officers" of the Government. But if Mr. Madison had doubts, they were so shadowy that he himself thrust them aside and assented to the law. If I am right in my resollection he was himself a member of the committee of conference upon the differences between the Senate and the House from which committee emanated the present law.

Yet I am not so much attached to the existing law that I would not favor any amendment which would reasonably promise manifest improvement, but I regret to say that I can not find such promise in the pending bill. In the first place, I am opposed to the general idea of this bill. I am opposed to vesting in the person who may occupy the Presidential chair the power to perpetuate in the naming of one of his Secretaries the succession of his party. Such a provision, to my mind, savors somewhat at least of those ancient days when dying kings had the power by their last will and testament to name the man who should rule over the people when the testator should be in his grave; and although there may be some reasons why a Cabinet officer would properly fill this position, there are, on the other hand, grave and potent reasons why he should never be permitted to do so. In support of this view, I call attention to the very high authority to which I have already referred, the report of the Judiciary Committee of the Senate. Speaking upon this subject, the authors of this report, after recognizing some considerations seeming to favor the filling of vacancies by a member of the Cabinet, add this language:

There are other circumstances, however, which would make the Cabinet officers unfit to occupy the place of President. In case of his impeachment for high political offenses the Cabinet might be implicated as *participes criminis*, and ought not to be in position of allies. To allow any of the Cabinet to become President, therefore, might be to arm them with powers of great mischief.

I call attention to a further suggestion which this eminent committee make through their eminent chairman:

Another question also might arise—whether they could be regarded as officers after the official functions of their principal had terminated or were suspended. It might become the duty of the substitute of the President to have new advisers by removing obnoxious ones from their offending position.

In other words, we who are now asked to destroy the existing law because there are doubts as to its constitutionality, are invited to do so by supplying its place with an enactment the constitutionality of which has been already questioned thirty years ago by this very high authority. But I might and could forego my objection to the appointment of a Cabinet officer to fill this position if this were to be that which our fathers beyond all question contemplated it should be, a mere temporary arrangement. But if this be the object, there are in this bill defects which I think should be corrected. As has been admitted here, this committee is doubtful whether the provisions of the bill apply to a possible vacancy occurring by the death or disability of the President and Vice-President elect before inauguration. I know it has been claimed—I believe our fathers so understood, and perhaps the weight of authority is in that direction—that the words "President and Vice-President" apply as well to the President and Vice-President elect as after they have been inaugurated into these offices. But there is at least high authority for doubting this. It was held by the supreme court of one of the States that a man, though elected to an office, is not an officer until he has been installed; that he can not before entering upon his duties resign the office (although he has been elected) because he is not yet an officer. And Judge Story, in his work on the Constitution, expresses grave doubt as to whether the old law, which originally stood in the same phrase as the pending bill, would apply to a President and Vice-President elect. And Mr. Curtis, in his History of the Constitution, has given it as his unqualified opinion that the words apply to the President and Vice-President in office and do not apply to the President and Vice-President elect.

These doubts may not be well grounded; but I submit whether it is wise for us to pass an enactment which shall be clouded with doubt. All the great commentators upon our system agree that the weak spot in our frame of government, that from which is to be anticipated the great peril of the Republic, is in our Presidential succession, which we, who are now repairing or bolstering the law on the subject, propose to strengthen by an enactment which is clouded with doubt as to its constitutional character. Is this wise?

But if there be no reasonable doubt that the provisions of this bill would apply as well to a President and Vice-President elect as to a President and Vice-President who have been inaugurated, then I suggest most serious objections which have occurred to me. First, I am profoundly doubtful of the constitutionality of a provision which would vest, as this bill, in one contingency, would vest, the Presidency for a full term of four years in an officer appointed by an outgoing administration. Sir, I believe this to be in violation not only of the letter and spirit of the Constitution, but of the spirit out of which the Constitution arose. The letter of the Constitution is that the President shall be "elected;" not that a man who may hold office under the President shall act as President, but that the President shall be elected; and it goes on to provide how he shall be elected.

It was wise in the fathers to provide that the incumbent of this high office for any length of time should ever know and ever be reminded that he owed his position to the people; that he was under obligation to the people for it, and responsible to the people for the proper discharge of his duties; and any legislation which tends to widen the space between the President and the people is, I submit, unwise legislation. And this bill, which provides for the holding of the office of President for a full Presidential term by a man who had not been elected and may only be a member of an administration which may have been defeated, repudiated, and dead, is in express violation of the Constitution, and this was the opinion of the Senate Judiciary Committee of 1856.

Mr. Speaker, under the provisions of this bill it is conceded, should President-elect Cleveland and Vice-President-elect Hendricks have become, by death or otherwise, disabled for the discharge of the duties of their offices, the Secretary of the outgoing Republican administration would have been President for four years following March 3, 1885.

Mr. GOFF. Let me ask the gentleman from Ohio a question, whether under the provisions of this bill, if they had been inaugurated and had died previous to the appointment of the Cabinet—would not under those circumstances the old Secretary of State be President to-day?

Mr. COOPER. I so understand it, although I confess in this respect and in many others this bill is to me blind and doubtful. Therefore it should be corrected in many particulars which I will suggest; for instance, in the contingency suggested by the gentleman from West Virginia, and in the contingency suggested and admitted by the distinguished gentleman having charge of this bill, that in case of the demise of the outgoing President before the inauguration of the President and Vice-President elect, even if they should be ready to qualify at the time, still in case of the death of the then incumbent the then Secretary of

State would by this bill become President of this Republic for four years to come—not, as is alleged in favor of this bill, to perpetuate the party and policy indorsed by the people, but perhaps probably in direct antagonism to the party and the policy which the people have indorsed.

I submit there might be cases in which the continuance of a policy which had been by the people rebuked would be so intolerable, so odious as to be provocative of revolution itself. I inquire if it is wise for us under these circumstances now to pass an enactment which may test to the utmost our system in its weakest spot?

The remedy for this is the remedy provided by the fathers in such cases, to remit to the people the right and power to select the person to fill the vacancy created by the death or disability of those whom they have already selected. The people, so far as I have heard, have never complained of being permitted to select their own rulers. On the contrary, we have been in the habit everywhere of hearing and understanding that that privilege is one of the dearest guaranteed to us by our system, and one of the most precious jewels of our Constitution.

But it is alleged there is doubt as to the constitutional power of Congress to provide for an intervening election. Allow me to say, Mr. Speaker, that doubt is a new discovery. There was no such doubt in the minds of the fathers. It is worthy of note that during the exhaustive and somewhat acrimonious debate leading to the passage of the law of 1792 there is no record that any one suggested or even intimated there was any doubt as to the constitutionality of this feature of the existing law.

Allow me to call the attention of the House to a significant circumstance, which it seems to me ought to settle the question as to the constitutional power of Congress to provide for an intervening election. It is a fact, as appears in Elliott's Debates and as appears in the Madison Papers, that the clause of the Constitution which provides for the filling of vacancies in the offices of President and Vice-President was reported by Governor Randolph, and when reported it was in the following language:

> And said officers shall act accordingly until the time of electing a President shall arrive.

What followed? No other than James Madison himself rose in his place and moved an amendment as follows: to erase the words "until the time of electing a President shall arrive" and substitute therefor the words "until said disability be removed or a President shall be elected." That there might be no doubt as to what the purpose of this substitution was, Mr. Madison, at the time he made this motion, remarked in the convention that the phraseology of Governor Randolph would prevent a supply of the vacancy by an immediate election, and he moved the amendment for the purpose of vesting in Congress the power to provide for an intermediate election.

That motion was seconded by Gouverneur Morris, of New Jersey, and was adopted by that convention. And yet we must believe, under the doctrine proclaimed here, that these eminent statesmen and jurists who undertook the express work of investing Congress with the power of providing for just such an emergency as this bill contemplates did not know what they were doing, and that after the work was done they did not understand its effect, although they did what they undertook to do. It seems to me, Mr. Speaker, that all doubts as to the power of Congress to provide for an intermediate election to fill such a vacancy are too shadowy to have any weight with this House.

Mr. DIBBLE. Will the gentleman from Ohio permit a question?

Mr. COOPER. Yes, sir.

Mr. DIBBLE. Under Article II, section 1, of the Constitution it is provided, as the gentleman knows, that the President shall hold his office during a term of four years. The gentleman from Ohio doubtless will recollect that in his own State, in the celebrated case of the State of Ohio against Salmon P. Chase, the governor (that eminent lawyer and jurist who was afterward Chief-Justice of the United States), it was determined in the case of such a constitutional provision fixing the term of office of a public officer that when he was elected by the usual mode, although in case of a vacancy, he would hold for the full term. Does the gentleman mean to say that when a President of the United States is elected by a special election to fill a vacancy that he will hold for the full term of four years in obedience to this mandate of the Constitution? This is the doctrine expounded in the State of Ohio against Chase, which has been followed in other leading cases in this country, and as far as I am aware there is no decision to the contrary elsewhere.

Mr. COOPER. I so understand it. I understand that in every case of an election of President he will hold for the full term.

Mr. DIBBLE. Whether he be elected at a special election or not?

Mr. COOPER. No matter how he is elected. There is no provision for a less term than four years in the Constitution.

But, Mr. Speaker, if there is any doubt as to the power of Congress to provide for an intermediate election, it seems to me that is removed by the broad, sweeping provision of paragraph 18 of section 8 of Article I of the Constitution, which I will not stop here to read.

But, sir, there are other objections to the bill. It fails to point out or make provision whether the Secretary of State, who is the acting President, shall be President or Secretary of State, or what shall be his title or rank, or what his compensation. Shall he perform the duties of both offices? Shall he be known as the President of the United States or the Secretary of State?

Shall he receive as his compensation the $50,000 salary of the President, or shall he receive the compensation fixed by law to the Secretary of State? Shall he have the right, or shall the people have the right, to say that he is to have the benefit of the advice or counsel of another Secretary of State, or is he to fill that position himself to the exclusion of others, occupying at the same time the position of President?

If he has the right to a new Secretary of State, will not the new Secretary of State be able to cloud the title of the acting President by saying, "Sir, you are not President; you were only acting as President because you were Secretary of State. You are no longer the Secretary of State; I am the Secretary of State; therefore you step down and out, as I propose to act as President." All of this, I say, sir, tends to cloud the title of the incumbent under this law; and while we are here for the purpose of removing doubts and removing clouds and straightening, so far as we can, this weak spot in our system, is it wise to pass an enactment like this in its present defective shape?

Mr. HENDERSON, of Iowa. Will the gentleman permit me to ask him a question?

Mr. COOPER. Yes, sir.

Mr. HENDERSON, of Iowa. Is it not true that under the present system an election is to be held to fill such a vacancy?

Mr. COOPER. Yes, sir.

Mr. HENDERSON, of Iowa. Then the objection you make applies as well to the present law as to the proposed bill?

Mr. COOPER. No, sir; not to the present law. It applies to the proposed bill. I will show the gentleman the difference in a moment.

Mr. HENDERSON, of Iowa. I understood the gentleman to say, in response to the question of a gentleman upon the other side, that there could not be an election for a less period than four years?

Mr. COOPER. Well.

Mr. HENDERSON, of Iowa. Under the present law when a vacancy occurs must we not have a special election?

Mr. COOPER. Certainly.

Mr. HENDERSON, of Iowa. Then the objection you make to the pending bill would apply to the present law.

Mr. COOPER. Not at all. That provides for an intermediate election. But I suggest an amendment to the pending bill for restoring the provision of the pending law to meet the defect.

Mr. HENDERSON, of Iowa. But I understood the gentleman to admit the point that under the present system the Presidential office is elective for a period of four years, whether it be a special or a general election. Now, why do you antagonize this present bill when the same objection applies to the law under which we are operating?

Mr. COOPER. I do not understand the present law is in accordance with what I understand to be the position of the gentleman from Iowa. I understand that under the present law, an election being held, the President elected would hold the office for the whole term.

Mr. HENDERSON, of Iowa. Will the gentleman permit another question?

Mr. COOPER. Yes, sir.

Mr. HENDERSON, of Iowa. I understand the gentleman to raise the question in respect to this bill as to whether the Secretary of State, if discharging the duties of President, would be both President and Secretary of State. Does the gentleman see any similar difficulty under the present law in a case where the President *pro tempore* of the Senate or the Speaker of the House of Representatives shall be called on to discharge the duties of President? Is there not the same ground of objection and will not the same difficulties arise under the present system? Are there no difficulties under the present system?

Mr. COOPER. It is sufficient response to that to say if there be defects in the present law correct them; but do not correct them by an enactment which is more odious in those particulars than the present law.

Mr. PERKINS. And only temporary in character under the existing law.

Mr. COOPER. Yes; and only temporary in their character. I for one am willing to support any change in the present law which shall benefit and improve the existing state of affairs.

Mr. ADAMS, of New York. Will the gentleman from Ohio permit me a question?

Mr. COOPER. Yes, sir.

Mr. ADAMS, of New York. Suppose the Secretary of the Treasury should succeed to the office of President and then appoint a Secretary of State, assuming that a vacancy existed, who would be President under this bill? Would the Secretary of State, appointed by the Secretary of the Treasury, acting as President, after confirmation by the Senate, become President, or would the Secretary of the Treasury, acting as President, hold the office for the unexpired term and after the Secretary of State qualified?

Mr. COOPER. That is a conundrum which I give up. [Laughter.]

Mr. BAKER. If the gentleman from Ohio will allow me, I will say to the gentleman from New York that he will find a sufficient answer to that question by reading the second section of the bill.

Mr. COOPER. I do not desire to weary the House longer with my views on the pending bill. That it is defective is, it seems to me, manifest; nay, indeed it is conceded. And I suggest that if the present law is defective and requires amendment for its improvement, let us make

those amendments and let us take time to do so. That which it is worth while for the American Congress to do is worth doing well. There is no exigency I know of now existing which requires this red-hot haste in passing this enactment.

The statement that there is but one life between the Presidency and the vacancy to be filled under the present law is only the statement that we are now in the same condition of affairs that we have been in six times before in the history of our country—precisely the same condition as to this particular that the country was in under the administration of President Jackson after the resignation of Vice-President Calhoun; precisely in the same condition as the country was in for nearly four years under the administration of President Tyler; as it was for years under the administration of President Pierce after the death of Vice-President King; as it was during the years of the administration of Johnson; as it was during the administration of President Grant after the death of Vice-President Wilson, and as it was during the years of the administration which terminated last year.

There is no special exigency now existing. I believe, and I thank God I have reason to believe, there are before President Cleveland many long years of life, and I pray they may be happy ones. I do not think the passage of this bill will improve his chances of life. We are now all of us uniting in prayer for his long life. I would be glad to believe if this bill becomes a law there would be no diminution, no discontinuance of that prayer on the part of any one.

Before I resume my seat I desire to explain the amendments which I propose to offer.

I propose, after line 4 of section 1, to insert the words "or whenever the offices of President and Vice-President of the United States become vacant." Those who have the bill before them will see the amendment provides for the contingency I have named of a vacancy occurring by the death or disability of the President and the Vice-President elect. In other words, it provides for a vacancy occurring in any manner. This provision is copied from the existing law, and I think that amendment should prevail.

I shall also move to strike out from section 3 the enumeration of sections of the Revised Statutes following section 146, so as to permit section 146 to be repealed, but not to repeal the sections enumerated in the residue of the section. In other words, I would still permit to remain that portion of the present law which provides for immediate election. Then I shall desire to correct it so as to provide that in case of the death of both the President-elect and the Vice President-elect, or in case of their death after inauguration and before the appointment of Cabinet officers, the statute providing for election shall be fully operative, but otherwise it shall be of no force or effect.

These amendments I shall offer at the proper time. I am not so familiar with the rules of the House as to know precisely when it is the proper time to move them.

The SPEAKER *pro tempore* (Mr. HAMMOND). The gentleman can offer his amendments now.

Mr. COOPER. Then I move to amend the bill in the particulars I have named. I will put the amendments in form and send them to the desk hereafter.

I reserve for the present the balance of the time I am entitled to.

Mr. EDEN. The gentleman who has taken his seat [Mr. COOPER], in presenting the views of the minority of the committee, has made a point which it would probably be very difficult to meet by an act of Congress. The gentleman referred to the difficulty which would occur in the succession to the Presidency in case the President and Vice-President elect should both die before being inducted into office. This bill leaves that question where the Constitution leaves it, and where, according to the opinion of Judge Story, from whom the gentleman quoted, the present statute leaves it. I think, however, that the twelfth amendment to the Constitution obviates the objection made, that the Vice-President would not succeed to the Presidency in case of the death of the President-elect before his inauguration.

Mr. Speaker, the duty of Congress is imperative to provide by law a remedy for the defects in existing laws relating to the performance of the duties of the office of President in case of the removal, death, resignation, or inability of both the President and Vice-President. The Senate bill now under consideration by this House is intended to remedy those defects. It is admitted on all hands that the present laws upon that subject do not furnish a full and complete remedy in every case where those duties may necessarily devolve upon some person other than the President or Vice-President.

Upon the adjournment of Congress on the 4th of March every second year a period of nine months intervenes when there can be no Speaker of the House unless there should be a called session of Congress. At the same time there may be a vacancy in the office of the President of the Senate. In case the Vice-President should fail to vacate the chair it has been held that the Senate can not elect a President *pro tempore*. Upon two occasions in the recent history of the country the contingency has occurred of an interval from the 4th of March until the first Monday of the next December when the Senate had no President and the House had no Speaker.

Upon one of these occasions, when we had neither President of the Senate nor Speaker of the House, the President was assassinated. Upon the other of these occasions the Vice-President died. Upon the death of President Garfield, had the Vice-President upon whom the office of President devolved died before the meeting of Congress the law did not designate any other officer to act as President. Upon the death of Vice-President Hendricks the country was in a similar situation until the meeting of the present Congress, there being no officer designated by law to act in case of the death of the President.

If upon either of the occasions referred to both the President and Vice-President had died, there was no constitutional mode by which the powers and duties of President could have been performed prior to the meeting of Congress.

Congress has no power in the premises except to provide by law for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall *then act as* President, and such officer shall act accordingly until the disability be removed or a President shall be elected. The President is a necessary part of the legislative power under the Constitution. Without a President to co-operate with Congress in the making of laws the legislative as well as the executive authority of the Government would become paralyzed. Hence, if we should unfortunately lose, by death or otherwise, both the President and Vice-President when the Senate is without a President and this House without a Speaker, the whole machinery of Government would stand still until a President or some officer authorized to discharge the powers and duties of said office could be selected under the Constitution and laws, unless the power should be applied by an unauthorized hand.

We are apt to console ourselves with the cheerful assurance that our people are sufficiently intelligent and patriotic to meet and overcome a difficulty even so grave as the one I have supposed. In such an emergency, from necessity some irregular mode would probably be adopted, under which the Government would go on until the executive power could be lodged in lawful hands; but it is the part of wisdom to provide by law against any probable contingency involving so much danger.

There are other objections, having great weight, to the present law devolving the powers and duties of the office of President upon the President of the Senate or the Speaker of the House in case of the death both of the President and Vice-President. A question has been raised as to whether either the President of the Senate or the Speaker of the House is an officer of the United States. It seems that Mr. Madison and others who took a prominent part in the formation of the Federal Constitution were of the opinion that the President of the Senate and Speaker of the House were not officers of the United States, and upon that and other grounds they opposed their selection to the Presidential succession when the bill which passed and became a law in 1792 was being discussed in the House of Representatives. I do not propose to discuss that question.

If it be doubtful whether the President of the Senate and the Speaker of the House are officers who may be lawfully designated to fill a possible vacancy in the Presidency, we ought to confer the power upon others whose qualifications are unquestioned. The law should leave no room for controversy as to the constitutional qualifications of the officer selected by law upon whom the powers and duties of the office of President shall devolve in case of a vacancy to be filled in that way.

The bill under consideration provides that the members of the Cabinet, beginning with the Secretary of State, and in case of vacancy or disability, going through the entire list, shall, in the order named, succeed to the powers and duties of the office of President, in case of removal, death, resignation, or inability of both the President and Vice-President of the United States. This line of succession secures, beyond all question, officers within the meaning of the Constitution upon whom, when the contingency arises, the duties of the office of President may lawfully devolve. No dispute or question can possibly arise as to the right of one of the Cabinet officers, under the circumstances named, to act as President.

The public mind, now disturbed on account of recent events, under the apprehension that the question of the Presidential succession will remain in doubt and uncertainty until the country may be overtaken by a still greater calamity, will be composed and set at rest by the passage of this bill. Every reasonable precaution has been taken to provide by this bill for a lawful execution of the powers and duties of the office of President under all emergencies likely to arise.

I know an objection has been made that too much power is to be given to the President—that he can, in a certain contingency, name his successor. This objection is subject to the qualification that the person named by the President, who may become his successor, must be confirmed by the Senate. The members of this House may make the further objection that this bill leaves the President, by and with the advice and consent of the Senate, to select the person who may become President. The answer to this is that this fault, if it be one, is the fault of the Constitution.

In making a law providing for the Presidential succession we can only select an officer. I presume it will be conceded that the officer to be selected must be an officer of the United States. I suppose we can not find an officer of the proper standing and qualifications to discharge the duties of the Presidency who does not owe his official posi-

tion to the appointment of the President by and with the advice and consent of the Senate. It was the manifest purpose of the framers of the Constitution that the officer to be designated by law to fill a possible vacancy in the Presidency should owe his appointment to the President. The same Constitution that provides for the selection of an officer to fill a possible vacancy in the Presidency authorizes the President, by and with the advice and consent of the Senate, to appoint all officers of a grade from which Congress would be likely to make the selection.

But let us inquire further and see what force there is in this objection. There is a contingency in case no person voted for as President receives a majority of all the votes cast where the House alone, without the concurrence of the Senate, voting by States, elects a President from the three candidates receiving the highest number of votes. In the same contingency, in case the House fails to elect a President by the 4th of March, and no person received a majority of all the votes cast for Vice-President, the Senate from the two highest on the list chooses a Vice-President and he becomes President. So it will be seen that under the Constitution, in one state of case, the House elects a President without the concurrence of the Senate, and in another state of case the Senate elects a Vice-President without the concurrence of the House who becomes President; and in both cases the choice may be made without reference to the vote of the people.

But the present law relative to the Presidential succession is even more objectionable upon the point under consideration than the bill before us. The Senate elects the President *pro tempore* without any agency whatever on the part of the President or the House, and he is first in the succession. Under the bill before us all the persons in the succession have the indorsement of both the President and the Senate. If the vacancy provided for in the present law relative to the succession occurs when there is no President of the Senate, the Speaker of the House, who was elected by the House without the agency of the Senate or the President, becomes the acting President. So that the objection to the mode of the selection of the officers upon whom the succession to the Presidency is devolved under this bill applies with equal or greater force to the mode of selection under existing law.

That part of the bill most distasteful to me and liable to receive the severest criticism remains to be considered. I refer to the repeal of those sections of the Revised Statutes which provide for the election of a President and Vice-President in case of vacancy in the office of both. I believe the people ought to be consulted whenever practicable on a matter so important as the selection of President and Vice-President. The people are the safe depositaries of power in a republic. I have already referred to several instances when under the provisions of the Constitution the people have no voice in the election of the two highest offices in the Government.

When the President is elected by the House, or upon the failure of the House to elect under given circumstances the Senate elects a Vice-President, who succeeds to the office of President. The President so chosen holds the office the full term of four years. In case of the succession of a Cabinet officer to the Presidency under the provisions of this bill he holds the office for the residue of the term, be the time long or short. There is no greater departure from the principles of republican government in the one case than the other. In 1792, when the Constitution was being put in force by appropriate legislation, the laws were passed providing for a special election of President and Vice-President, which this bill proposes to repeal. It may be asked why repeal these laws now after they have been in force nearly one hundred years and no injury has resulted from their operation. The answer is that no occasion has arisen to put these laws in force, and their value and efficiency have not been tested by actual experience.

It seems to be conceded that if a President and Vice-President were elected at a special election they would hold, not for the unexpired term, but for a full term of four years. This would be a source of great inconvenience and confusion, by causing the Presidential term to commence at a time different from the one now fixed, to which the terms of members of Congress and other public officers have been adjusted. The circumstances attending the removal of the President and Vice-President from office, or the causes inducing or producing the death or resignation of one or both, might be such as to make it desirable that the public mind should have a season of repose before being aroused to action by the exciting incidents of a Presidential election.

Recent discussion has made manifest a wide difference of opinion among statesmen whose views upon the question are entitled to consideration as to whether Congress has the power to provide by law for an election for President and Vice-President at a time prior to the expiration of the term of four years for which these officers were elected. The strongest argument in favor of the power is the fact that directly after the adoption of the Constitution an attempt was made, participated in by a number of the men who assisted in making the Constitution, to execute the power, by the passage of the sections of the Revised Statutes proposed to be repealed by the Senate bill. The contention in Congress pending the passage of the law of 1792 was over the selection of the officer to exercise the powers and duties of the office of President in the given case, and the then bitter political controversy between the friends of Mr. Jefferson and the friends of Mr. Hamilton prevented harmonious action upon the subject. Conflicting views had to be compromised before any law could be passed, and the result was the adoption of the present law, making the President *pro tempore* of the Senate and the Speaker of the House, in the order named, successors to the Presidency in case of the disability both of the President and the Vice-President. There does not appear to have been any serious controversy about other provisions of the bill.

Referring to the text of the Constitution, and looking to that alone, it would be difficult to find a grant of power to Congress to provide for the election of President and Vice-President in any case. The Constitution declares the mode of election of President and Vice-President. "Each State shall appoint, in such manner as the Legislature may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress." No power whatever is here given to Congress. It all devolves on the States. Next, provision is made that "Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States." This grant of power is specific, and so limited as to be incapable of enlargement by construction. A preceding clause of the Constitution provides that the President "shall hold his office for four years," &c. The twelfth amendment to the Constitution prescribes the powers and duties of the electors in voting for President and Vice-President, and the mode of electing the President and Vice-President in case no one receives a majority of all the votes cast. No legislative power is granted to Congress by that amendment to the Constitution.

A President and Vice-President, under the provisions of the Constitution, are elected without the intervention of Congress, except to fix the time of choosing the electors and the day on which they shall give their votes. The term for which they hold their offices are prescribed by the Constitution, and Congress is powerless to change the same. Under these circumstances it became necessary to provide for filling vacancies that may occur at any time. As long as there is a living Vice-President he is heir apparent to the Presidency, and in case of a vacancy will be inducted into office without the aid of Congress. No provision is made when the office devolves on the Vice-President for a special election to fill the unexpired term. The Vice-President fills out the term without question, though the Constitution is silent upon the subject of his term of service.

At this point the Constitution grants power to Congress upon the question of the Presidential succession. "And Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President." How may Congress provide for the case of removals, &c.? By calling a special election to supply the unexpired term? No; but by "declaring what officer shall then act as President." Can you construe this clause of the Constitution to mean more than it says? Is it necessary that anything shall be implied to enable Congress to execute the plain and unambiguous power of designating what officer shall then act as President? It is true "Congress may by law provide for the case of removal," &c., but we are plainly told just how far we can go, and we must stop there. We may designate what officer shall act as President, and there the power is exhausted.

The question then arises, How long shall this officer act as President? He shall act until "the disability be removed or a President shall be elected." When is a President to be elected and how is that election to be provided for? This clause gives Congress no power to provide for an election. The Constitution provides for an election once in four years. Say one year of that time has expired when the Presidency is devolved on an officer designated by law to act as President, when a vacancy occurs by removal, &c. At the end of three years the period will have passed when under the Constitution another election is to be held, and when a President is again elected under the provisions of the Constitution the functions of the acting President will cease. The difficulty of calling a special election for President, &c., upon his being removed from office lies in the fact that the Constitution makes no provision for such election and does not expressly confer any power upon Congress to order an election; and a sure and certain mode is provided by the Constitution to fill such vacancy without any election.

But suppose this is merely a doubtful question. Is it safe to resort to the expedient of an election and risk a controversy between the acting President and the President-elect when there is no question but without an election the acting President could lawfully fill out the unexpired term?

I do not claim that this bill is perfect. But I do claim that it provides a safe and sure remedy for the glaring defects of the present law relative to the Presidential succession, and that its passage will meet the approval of the people irrespective of party, and relieve the public mind of a great anxiety on account of the danger of anarchy in case of a misfortune that we all hope may not occur, but against which it would be prudent to provide.

Mr. MCKINLEY. I rise at this moment, Mr. Speaker, not to debate the bill under consideration but to advise the House of a substitute which I shall offer at the proper time. My substitute preserves the law of 1792 with a single addition to section 146, which I ask to have read from the Clerk's desk, and I ask that the entire substitute be printed in the RECORD.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected. And for the purpose of having a Speaker of the House of Representatives in office continuously, the Congress shall convene at 12 o'clock m. on the 4th day of March next succeeding the election of Representatives in Congress; and whenever a vacancy exists either in the office of the President *pro tempore* of the Senate or Speaker of the House, the President shall convene the House in which the vacancy exists for the purpose of electing a presiding officer.

SEC. 2. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

SEC. 3. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the 3d day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the 3d day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

SEC. 4. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

SEC. 5. The provisions of this title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

SEC. 6. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resign, as the case may be, and delivered into the office of the Secretary of State.

Mr. MCKINLEY. I shall further move to strike out all of the bill after the enacting clause and substitute what has just been read.

Mr. PETERS. Mr. Speaker——

Mr. EDEN. Mr. Speaker, I ask the gentleman from Kansas [Mr. PETERS] to yield to me for a moment.

Mr. PETERS. I yield to the gentleman.

Mr. EDEN. I desire, Mr. Speaker, to reserve the balance of my hour.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late, another speech having intervened.

Mr. PETERS. Mr. Speaker, the bill under consideration is unconstitutional, inexpedient, and impolitic. But for the want of these requisites it might be a very good bill. [Laughter.] It assumes that Congress has the power to declare what officer shall act as President duringthe remainder of a Presidential term in case of the removal, death, resignation, or inability of both President and Vice-President. To use the language of James Madison, "It prevents the supply of a vacancy by an intermediate election of the President." It does this by repealing the section of the law of 1792 providing for a special election. In its letter the bill complies with the Constitution. It designates certain officers, and declares, almost in the very language of the Constitution, that they under certain circumstances "shall act as President until the disability of the President or Vice-President is removed or a President elected."

This would all be very well if the bill ended with this section, but it repeals the law providing for a special election by the people, and in this respect at least it is unconstitutional. The law of 1792 was based on clause 5 of article 2 of the Constitution. It does not appear to be a difficult task to arrive at the meaning of the framers of the Constitution from the words used.

The declaratory part of the clause only delegates power to Congress to declare what officer shall *act* as President. It does not confer power to elect a President. It further limits the power by declaring that "such officer shall act accordingly until the disability be removed or a President shall be elected." There is an entire absence of power to declare that an officer shall act as President during the remainder of the term. The obvious intent was to provide for a temporary vacancy, an unfortunate contingency that might occur, so that the machinery of the Government might be kept in motion until the people, the source of power, the masters of Congress, the masters of the President and Vice-President, the masters of us all, could elect a successor.

In addition to the language used we are not without very positive proof as to the intention upon this subject of the framers of the Constitution.

The meager minutes of the proceedings of the convention and the Madison Papers show that this very subject of providing for a succession during the remainder of the term was fully and fairly presented and as fully negatived. Mr. Randolph proposed to do just what is proposed by this bill under consideration. He moved in the convention to amend the report of the committee on detail by inserting—now mark the language—

The Legislature may declare by law what officer of the United States shall act as President, in case of the death, resignation, or disability of the President and Vice-President, and such officer shall act accordingly until the time for electing a President shall arrive.

This was the plain proposition to delegate power to Congress to fill the office during the remainder of the term. Mr. Madison objected, basing his objection upon the ground that the language used by Mr. Randolph in his proposed amendment "would prevent a supply of the vacancy by an intermediate election of the President." Can there be any doubt as to his meaning? Mr. Madison then moved as a substitute the closing words, as we find them in the fifth clause of article 2, to wit:

Until the disability be removed or a President shall be elected.

Now notice carefully the difference between the proposition of Mr. Randolph and that of Mr. Madison. The proposition of Mr. Randolph provided for permanently filling the office during the remainder of the term. If a disability of the President and Vice-President took place, his proposition was to fill the place, not until the disability was removed, but for the remainder of the Presidential term, "until the time for the election of a President shall arrive." The disability might be only temporary; but even in such a case Congress should have power to declare what officer should act as President for the remainder of the term, and should the disability afterward be removed, the once-disabled President, even though relieved from the disability, could not resume the duties of his office.

Let me quote again the proposition of Mr. Randolph:

The Legislature may declare by law what officer of the United States shall act as President, and such officer shall act accordingly until the time of electing a President shall arrive.

The power to be granted was not to fill the office temporarily but permanently during the remainder of the time. The substitute of Mr. Madison introduced the idea of filling the office temporarily "until the disability be removed," providing in plain terms that if the disability of the President or Vice-President be removed he could resume the office, and in case the disability should not be removed, then until "a President shall be elected," and not until the time for the election of President shall arrive. It was, in its substance, distinctly antagonistic to the proposition of Mr. Randolph; and hence Mr. Madison offered it, not as an amendment, but as a substitute for that proposition. This substitute was adopted, and became a part of the Constitution submitted to the States; submitted in the light given by the motion of Randolph and the objection and substitute of Madison. The people, therefore, when they delegated power to Congress to make a certain declaration, did so with the fact plainly presented by the record and proceedings of the convention that this declaration was to be only temporary in its effect and force. They did not delegate the power to Congress to declare that a certain officer should act until the time for the election of a President shall arrive. This power was understandingly withheld, and is vested in the people to-day, not in Congress.

Additional evidence of the intent of the framers of the Constitution can be found not only in the proceedings connected with the passage of the act of 1792, but also in the fact that in that law, passed in the Second Congress, was placed a provision for a special election. Why provide for a special election if the power to declare what officer should fill out the remainder of the term had been delegated to Congress?

Five persons, at least, were members of the House in the Second Congress who had been members of the constitutional convention. These were Messrs. Dayton, Fitzsimmons, Baldwin, Gilman, and Madison. While these men were divided in their votes as to what officers should be declared to be in the line of succession, they were united in supporting that provision of the bill which provided for a special election. They were comparatively fresh from the convention hall. The intention of the framers was known to them. Mr. Madison had tested the intention of the convention by the substitute proposed by him for the amendment of Mr. Randolph.

Who was it that signed and approved this bill? Who was it that gave it a final examination? It was George Washington, the first President of the United States and the presiding officer of the constitutional convention. He knew the intent of the framers of our Constitution with as much or more certainty than any other man. If the act of 1792 had ignored the plain intent of the framers of the Constitution his veto would have killed the bill. He gave it the stamp of his approval. He signed it, and it became a law. Ninety-four years of service have aged its provisions; the parchment evidence may be faded or destroyed, but the intent of the fathers clings to it still. [Applause.]

I assert, then, that Congress has no power to enact a law violative of the intent of the constitutional provision under consideration. It has no power to enact a valid law, which in effect declares that a certain appointive officer, an officer in the appointment of whom the people have had no voice, shall act as President "until the time for the election of a President shall arrive."

Pass this bill, and it will be a flagrant usurpation of the power vested in and retained by the people. I turn to the ninth article of the amendments to the Constitution, and I read:

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Statesmen, with some ghostly apparition of impending danger, have become panicky, and in their haste virtually declare that because the people delegated power to Congress to confer Presidential robes upon a certain person until disability disappears or a President be elected, there-

fore Congress can fill out the entire term. They construe the grant of power in the Constitution so that it denies the right reserved to the people to "supply a vacancy by an intermediate election of a President."

I turn to the tenth article of the amendments to the Constitution, and I read:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The power to provide for a succession for the remainder of the term, or for a definite period, was not delegated to Congress or to the United States. If the power was not delegated, the tenth article of the amendments says it is reserved to the people, and there it remains to-day.

The present bill is inexpedient. What is the purpose, the object of this bill? It is to make certain, as is claimed, that which is alleged to be uncertain. It is to provide for a line of succession concerning which there can be no uncertainty. Does the bill accomplish this object? If not, it is inexpedient. The line of succession, as established by this bill is, first, the Secretary of State; then the Secretary of the Treasury; then the Secretary of War; then the Attorney-General; then the Postmaster-General; then the Secretary of the Navy; and lastly, the Secretary of the Interior. Suppose the Secretary of State is declared to be the officer to act as President, does he continue to be Secretary of State? Does his first assistant act as Secretary of State, or can the acting President appoint a new Secretary of State? Suppose he can appoint a new Secretary of State, and that appointment is confirmed by the Senate, is this new appointee then in the line of succession? If so, then the acting President, under this law, has the absolute and kingly power to name his successor. "Shades of our fathers!" the republican government you so wisely framed has been, by a species of legislative legerdemain, transformed into a limited monarchy!

But suppose the Assistant Secretary becomes the acting Secretary, and the acting President has no power to appoint a Secretary? Then, in case of the death of the acting President, the Secretary of the Treasury becomes acting President, and his assistant becomes acting Secretary of the Treasury. Suppose then the acting President should die, the Secretary of War then becomes acting President. In that event who becomes acting Secretary of War? The Secretary of War has no assistant, and, as I understand the law to be, can only designate a person to perform the duties of that office for a period not to exceed ten days.

Suppose the Secretary of the Interior should finally be reached in the line of succession and should become acting President, what officers would compose his Cabinet?

The War and Navy Departments, neither of which have assistants, would be unrepresented in the Cabinet, and the rest of the Departments would be represented by assistants. I might multiply these questions almost indefinitely, and each query would present a case within the realm of possible realization. I want no such confusion; I want no such uncertainty. Rather bear the "ills we have, than fly to others that we know not of."

The bill is impolitic. It is unwise. It would be injurious to the interests of this republican government. The omnipresent idea in the very warp and woof of our governmental structure is that the people shall have a voice in the selection of their rulers. Whatever tends to silence this voice weakens the structure our fathers have builded. Innovations upon the prerogatives of the people increase in the human mind the thirst for power. The safety of the Republic is in the individual instinct of self-preservation of person and property. The weapon with which this is guarded is the ballot. Disarmed of this weapon resort is had to force, and this means revolution. The ballot has no potency in the selection of Cabinet officers. The advisers of the President are not responsible to the people. The people have no power to appoint or remove them. They hold their positions subject to the will of but one mind.

When the people, through their State Legislatures, elect a United States Senator, they do so with the full knowledge that he may be elected President *pro tempore*, and upon the happening of certain events may become acting President of the United States. They know that every six years he must come back to them and answer to them for his actions. When the people by their votes elect a member of the House of Representatives, they do so with the full knowledge that he may be elected Speaker, and on the happening of certain events may become acting President of the United States. They know also that every two years he must come back to them and answer for his actions. The Cabinet minister answers to no one but his chief. He goes from among the people without their bidding, and is in no sense their representative or agent. To make it possible for such a person to become the acting President is to place over the people a ruler who has become such without their assent, either express or implied.

The position of President of the United States is the most honorable position in the world. The people of the United States have made it so. The humblest native-born citizen has the right to aspire to it. It is impolitic and unwise to relegate this proud position to the domain of chance and exclude the people from having part or lot in it. In the absence of any law or the power to make a better, resort might be had to this one as a last expedient. I have heard that the proposed law is better than none. I very much question the correctness of the proposition. I think the Constitution itself, without any law declaring a further succession, better than a law that is unconstitutional and mischievous.

But we have a law. The law of 1792, crowned with years, needs but slight additions by the legislative and executive pen to make it complete and forceful under all reasonable circumstances.

The legality of this law is questioned because the President *pro tempore* of the Senate and the Speaker of the House are not officers of the United States, and hence can not be declared to be in the line of succession. I have noticed acres of assumption, but not a pin's point of argument in favor of this proposition. [Laughter.]

It has been gravely asserted that in the Blount impeachment the question has been decided. Articles of impeachment were presented in the Senate of the United States in 1798 against William Blount, a Senator from the State of Tennessee. That dignitary presented the point by demurrer that a Senator of the United States was not an officer within the meaning of section 4 of Article II of the Constitution.

That section reads as follows:

The President and Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

The Senate sustained his demurrer, and so virtually decided that a Senator was not an officer of the United States.

I do not have the most exalted reverence for a judicial decision by any legislative body, even though it may be sitting as a high court of impeachment. When a legislative body puts on the judicial gown the garment seldom fits well. While it may hide political vices and prejudice, or cover up friendships and legislative sympathy, it does not silence or destroy their influence. Legislative experience is not conducive to growth in the knowledge of the law. A man may be a great statesman but a very poor lawyer. He may have a correct knowledge of legislative necessities but a very infirm knowledge of legal principles. I am therefore skeptical as to the infallibility of the decision in the Blount case. It may be good law, but I should wish to have it affirmed by some other judicial tribunal before I should vote to repeal a statute that had done good service for ninety-four years.

In this connection, all those who are curious to see a very plain decision on this question I refer to the case *ex parte* Yarborough (110 U. S. Reports), where it seems to me the Supreme Court, through Justice Miller, emphatically declares, that these men are not officers of States. I submit, however, that the decision in the Blount case is not in point. A Senator or a Representative may not be an officer of the United States, but a President *pro tempore* of the Senate is something more than a Senator of the United States. A Speaker of the House of Representatives is something more than a member of the House. These positions are created by the Constitution.

The Senate of the United States is a constitutional body, and it is this constitutional body that elects a President *pro tempore*.

The House of Representatives is a constitutional body, and this constitutional body elects a Speaker of the House of Representatives. The Constitution says: "The House of Representatives shall choose their Speaker and other officers." It does not declare that the Representatives (the members of the House) shall elect a Speaker of the House.

The Constitution does not declare that the members of the Senate of the United States shall elect a President *pro tempore;* but the Constitution of the United States does declare that the House of Representatives, a constitutional body, shall elect its Speaker, and that the Senate of the United States, a constitutional body, shall elect a President *pro tempore*.

What is required to constitute an officer of the United States?

First. The office itself must be created by the Constitution, or by some United States statute in harmony with the Constitution.

Second. The person to fill the office must be elected or appointed by some body or person deriving the power of selection from the Constitution.

Third. The person selected for the office must be eligible.

These are requisites that are necessary to constitute an officer of the United States. If all of these requisites converge in a person, he is an officer of the United States.

Test the Speaker of the House of Representatives by these requirements and requisites.

First. The office of Speaker is provided for by the Constitution.

Second. He is chosen by the House of Representatives under and by authority of the Constitution: "The House of Representatives shall choose their Speaker."

Third. The person selected is eligible.

Is anything more required in the case of the President and Vice-President of the United States?

It has been urged that Senators and Members of the House of Representatives are officers of the States from which they come.

Admit it for the present argument; but is the Speaker of this House the Speaker of the State of Kentucky? Is the present President *pro tempore* of the Senate the President *pro tempore* of the State of Ohio?

Nowhere in the laws or constitution of any State are these offices provided for.

The people of the State of Ohio through its Legislature elected Mr.

SHERMAN a United States Senator, and, by that election and his act in taking the oath of office, as such he was rendered eligible to the position of President *pro tempore* of the United States Senate. Neither the people of the State of Ohio nor its Legislature had the power to elect him to his present position. That power alone exists in the Senate of the United States.

The voters of the sixth Congressional district of Kentucky elected Mr. CARLISLE as a membor of the House of Representatives for the Forty-ninth Congress, and thereby rendered him eligible to the office of Speaker. He took the oath as a member of the Forty-ninth Congress and rendered his eligibility complete; but it was the House of Representatives that elected him Speaker of the Forty-ninth Congress and not the State of Kentucky. He, as Speaker, has charge of the Hall of the House and control of unappropriated rooms in this wing of the Capitol. He has a large number of duties by law and by rule which he is required to discharge. He shall sign all acts, bills, joint resolutions, &c., as prescribed by the law, and must perform a number of specified duties, not for the State of Kentucky, not for the sixth Congressional district of Kentucky, but he shall do these acts for the House of Representatives of the United States of America. He is the presiding officer of a national legislative body—a body created by the Constitution, a part of the law-making power of the nation, entirely exempt from State control. It is the exclusive judge of the election and qualification of its own members. The State law can not control it in any particular. The State has no power over it. Can it be said, then, that the presiding officer of such a body is not an officer of the United States?

It is urged further that under this law the succession might bring about a change of politics during the lifetime of one administration.

This objection is seriously urged by believers in the Democratic faith. The belief in this objection has become very much stronger on the Democratic side of this House since the 4th of March last. [Laughter on the Republican side.] There was a very perceptible lack of enthusiasm in this measure on the Democratic side during the last Congress. The bill as then framed permitted the law providing for a special election to remain in force, and was in consequence less objectionable than it is now.

When I exercised the one-man power in this House before the holiday recess and prevented the consideration of this bill, a look of holy horror seemed to steal over the faces of my Democratic friends. Now you ought to thank me for my action. Your party is in power here with 41 majority, and I was simply a temporary and self-appointed guardian to prevent you from enacting hasty and unwise legislation. Your party has one less sin to answer for, and I take credit to myself for having prevented the increase of its ponderous load. [Laughter.]

Mr. EDEN. Will the gentleman yield for a question?

Mr. PETERS. As soon as I have finished this subject on which I have entered.

Mr. EDEN. My question relates to this very subject.

Mr. PETERS. All right.

Mr. EDEN. My question is this: Had the Senate when it sent the bill over to the House a political object to accomplish?

Mr. PETERS. As soon as the Senate pass a bill, regardless of what its subject or substance may be, they immediately transmit it to the House.

But, seriously, the Democratic party has been in power in this House since 1875, with the exception of two years. You had a Democratic Speaker of this House during all that time, who was in the line of succession. My party was in power at the other end of the Avenue, and bore up under the Democratic load at this end very well. [Laughter.]

Now your party is in power at the other end of the Avenue. My party took chances on a change of administration during two Presidential terms. Can not your party stand it until 1888? We will relieve you then by placing a Republican in the White House.

The distinguished gentleman from Pennsylvania [Mr. RANDALL] is coming to your relief with a measure to continue the office of elector during the Presidential term. The distinguished gentleman from South Carolina [Mr. DIBBLE] is coming to your relief by a measure providing for a second Vice-President. Either of these remedies is better than the present bill, but better than all would be the re-enactment of the law of 1867, providing for the meeting of Congress each alternate year on the 4th of March. The line of succession would then always be well provided for, and the organization of the House would then be perfected and ready for work when it would return to begin the long session in December. With this additional safeguard the law of 1792 should stand. It has done good service for nearly a century. Our Government has passed the experimental period and is firmly established.

The crucial test of internecine war has been made, and while some of the dross yet remains, the pure gold has been separated from it, and the virtue, patriotism, and intelligence of our people will burnish it until the halo of its influence encircles the earth.

This law of 1792 is one of our landmarks, honored and useful; as potent to-day as it was when adopted. Let us not cast it aside for an untried, inexpedient, and impolitic substitution.

I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman has sixteen minutes of his time remaining.

Mr. SENEY. Mr. Speaker, the existing law, declaring who shall perform the duties of President of the United States in case the offices of President and Vice-President become vacant, is nearly as old as the Government. It was made in 1792, and in no particular has it ever been changed. It provides that in case of removal, death, resignation, or inability of both the President and Vice-President, the President of the Senate, or, if there be none, then the Speaker of the House of Representatives, shall act as President until the disability is removed or a President elected. In the same law provision is made for the election of a President and Vice-President when both these offices are vacant. In enacting this law it was intended, no doubt, to give effect to that part of the Constitution of the United States which provides that in case of the removal, death, resignation, or inability both of the President and Vice-President, the Congress shall declare what officer shall then act as President until the disability be removed or a President elected.

Fortunately there has been no occasion to use this law. It is, and has been since its enactment, a sleeping statute. Of course this is no reason why it should be altered or repealed. If the law gave proper effect to the constitutional provision upon which it rests it ought not to be disturbed. It does not, and for this reason it ought to give place to a wiser and better enactment. The subject is one which deeply concerns the country. Legislation upon it ought not to be delayed a single day.

Four times since the organization of the Government has the office of President of the United States been vacant. During the same period the office of Vice-President has been vacant six times. Both of these offices have never been vacant at one and the same time. Such an event it is to be hoped will never occur. But it may. Should it occur while the existing law is in force there is a possibility that for a time the Government may be without an authorized ruler. Such an event ought not to be possible. It can be made impossible by enacting a law different from the one we now have.

The Presidential succession under existing law is at best doubtful and uncertain. First in the line of succession stands the President *pro tempore* of the Senate. He is chosen from the Senate, and by the Senate, to preside for the time being over its deliberations, and holds his place during the pleasure of that body. If he is an officer within the meaning of that clause of the Constitution which fixes the power of Congress to fill a vacancy in the office of President, then in this respect he is legally qualified for that position. This clause, it will be remembered, is that Congress may declare what officer shall act as President when the offices of President and Vice-President become vacant. The words "what officer" in this clause deserve particular notice. Whether the officer meant is one having authority under the laws of a State or of the United States is by no means certain. We are to presume that the officer intended is one exercising authority under the laws enacted by the Congress of the United States. In this construction it is believed acquiescence is general.

But is the President of the Senate an officer of the United States? Upon this question there is a wide difference of opinion. Men profoundly learned in our laws say that he is not, and therefore can not act as President. Others, standing equally as high in the legal profession, claim that the President of the Senate is an officer of the United States, and may act as President if Congress so declares.

This question, it is said, was authoritatively settled as early as 1798. It was, if the judgment of the Senate in what is known as Senator Blount's case is to be considered final and binding. In that case the Senate refused to impeach Mr. Blount, against whom articles of impeachment had been preferred by the House. Senator Blount, it must be borne in mind, was not the President of the Senate. He was a Senator from the State of Tennessee. The Senate determined that a Senator in Congress was not liable to impeachment because he was not a civil officer of the United States.

Upon this point the case is an authority; upon the point before us it is not. That the office of Senator in Congress is not a civil office within the meaning of the impeachment clause of the Constitution may be true.

Another clause in the Constitution, it will be remembered, declares that no person holding any office under the United States shall be a member of either the House or the Senate during his continuance in office. When a Senator presides temporarily over the Senate he may be, while so acting, an officer of the Senate only, and in no sense an officer of the United States. Or it may be that he can not constitutionally act as President and as a Senator at the same time.

It is not my purpose to discuss these questions upon precedent or principle. Until they are settled by binding authority there is room for contention and, possibly, for bitter partisan strife. To change either or both of these clauses in our organic law would be difficult, if not impossible. The two questions to which they give rise can not, in the absence of a case presenting them, be authoritatively determined.

The only way out of the apparent difficulty is to conform to the Constitution and enact a law placing an officer of the United States, instead of a temporary officer of the Senate or House, in the line of the Presidential succession.

But there are other difficulties in the way of making an acting Pres-

ident out of the Senate's temporary presiding officer. Let it be supposed that the President of the Senate was born in any country other than our own, would he in such case be legally qualified to act as President of the United States? The Constitution declares that no person except a natural-born citizen of the United States, or a citizen of the United States at the time of the adoption of the Constitution, shall be eligible to the office of President.

Again, suppose the President of the Senate to be above the minimum age prescribed for a Senator, twenty-five years, and below the age prescribed for the President, thirty-five years, could he become an acting President of the United States? The Constitution declares all persons ineligible to the office of President of the United States who shall not have attained to the age of thirty-five years.

Suppose again that the Senate's President has been a resident of the United States less than fourteen years. Would he, in such case, have the legal qualifications for an acting President? The Constitution declares that no person shall be eligible to the office of President who has not been a resident within the United States for fourteen years.

If in the cases mentioned constitutional difficulties are in the way of the President of the Senate becoming the acting President, upon whom would the succession fall? Certainly not upon the Speaker of the House, for he can not fill the place unless there is no President of the Senate. The President of the Senate may have every legal qualification required to fill that position in the Senate, and yet be disqualified by the Constitution from filling the office of President of the United States. In either of these cases it is plain that the Government would be without a legal head.

If the President of the Senate was to assume the duties of President and subsequently be impeached, if liable as an acting President to impeachment, who then would be entitled to the succession? The impeachment of an acting President, if he be also a Senator and President of the Senate, it is believed, would not in any wise affect his right to hold his seat in the Senate or his place as its presiding officer. The judgment of impeachment, probably, could have no other effect than to remove the impeached President from office and disqualify him to hold any office under the United States in the future. Still he would be a Senator, and as long as he continued to be President of the Senate the Speaker of the House could not take the Presidential office, and in the case supposed there would be no one legally authorized to administer the Government.

Suppose that the President of the Senate while acting as President of the United States should die, what officer of the Government, under existing law, is appointed to execute the office of President? The Speaker of the House? But there may be no Speaker when the death occurs. The President of the Senate, while acting as President, may resign his seat in the Senate, or his term as Senator may expire. Who, in either case, would become the acting President? Such a case might produce serious trouble. For cause, and for no cause, the Senate can remove its presiding officer, and this removal might operate to again vacate the Presidential office, and possibly give rise to a serious contention as to who should succeed to the vacated place. More critical, if possible, might the situation become if the political complexion of the Senate was to change.

The matter before us suggests that another difficulty might arise in case the President of the Senate should take upon himself the duties of an acting President. The clause of the Constitution, stated in another connection, declares that no person holding any office under the United States shall be a member of the Senate or House during his continuance in office. To give to this clause its full meaning and effect it is not without pretense to say that no Senator shall hold any office under the United States. If this is the correct interpretation of this clause the question might arise whether or not a Senator could act as President. Or the clause might suggest the question as to its effect on the right of the President of the Senate to retain his seat as a Senator, or his place as the Senate's presiding officer.

In the face of these difficulties, real or apparent, and of others of more or less moment, the question may well be asked, Why continue the President of the Senate in the line of succession to the Presidential office?

But this part of the argument need not be further pursued. Enough has been said to show that a proper regard for the people, and for the Government under which they live, requires that in one respect, at least, the Presidential succession be changed.

Second and last in the line of succession is the Speaker of the House of Representatives. He is to take the Presidency when it and the Vice-Presidency are vacant, and there be no President of the Senate. Considering this subject in the light of to-day it is to be wondered why this law was ever put upon the statute-book, or why it has been allowed to remain undisturbed for nearly a century. Those who made this law, or some of them, assisted in framing the Constitution of the United States. Some of them took an active and leading part in organizing the Government, and subsequently, for years, in directing its affairs. Why these wise and great men thought it best to fix the succession to the office of President in the legislative department of the Government it is difficult to understand. There seems to be no sufficient or controlling reason for taking the acting President from the Senate or from the House. He must, as we have seen, be an officer of the United States. But if the place is to be filled by an officer of the Senate or an officer of the House, there is an obvious propriety in the selection of the President of the Senate and the Speaker of the House.

Putting the Speaker of the House in the line of succession adds to the uncertainties and doubts of the situation. Congress is not in session when the President and Vice-President elect are inaugurated. It does not convene until nine months thereafter. During this long period the office of Speaker of the House is vacant. Should vacancies occur in the offices of President and Vice-President within these nine months the office of President could not be filled by the Speaker of the House; and if the Senate had no President *pro tempore* the office of President of the United States would be vacant, it may be, for months.

Again, in the middle of the Presidential term, and for nine months thereafter, the House has no Speaker. If within this period these vacancies should occur, unless the Senate has a President *pro tempore*, there is no one legally authorized to perform the duties of President of the United States. The fact that in the term for which a President and Vice-President are elected the office of Speaker of the House is vacant for eighteen months, or more than one-third of the entire term, is strongly suggestive that the existing law fixing the Presidential succession ought to be changed.

Is it said that the House may always have a Speaker? Not under existing laws. To change them at this time is impossible; and if changed it is questionable whether or not the public good in other respects would be substantially subserved.

But these are not the only reasons why the Speaker of the House ought not to be in the line of the Presidential succession. Unless the Speaker of the House is such an officer as the Constitution prescribes he would be legally disqualified to fill a vacancy in the Presidential office. The fact that he is a member of the House might be in the way of his holding the office of President. In case the Speaker was not a native-born citizen of the United States, or had not resided in the United States for fourteen years, or was not thirty-five years of age, his legal right to act as President might be disputed. Should he, while acting as President of the United States, be removed from the Speakership and the House elect another of its members to preside in his stead, or should he die, or resign his seat in the House, or his term as Representative expire, or the political complexion of the House change—either of these events might make a situation abounding in difficulties and doubts.

Under the law as it now stands controversies respecting the succession might arise between the Senate and House; and contention between the President *pro tempore* of the Senate and the Speaker of the House might possibly occur.

What sufficient reason can be assigned for allowing the Senate, without the concurrence of the House, to designate who of its members shall fill the vacancy, should one occur, in the office of President of the United States?

Upon what ground can it be claimed that the House, without the concurrence of the Senate, should make it possible for one of its members to become President of the United States?

Both the Senate and the House united in enacting the law to fix the succession. Under it the Senate stands first in the line and the House second. If the virtue and purity of those who made this law were not beyond question there would be room to suspect that the enactment is the result of a compromise between selfish, jealous, and conflicting opinions.

If the succession must be in the Senate and House, and can be kept there with safety, under the Constitution, its order ought to be changed. The Speaker of the House ought to stand first instead of second, and the President of the Senate second instead of first.

If the vacancy in the Presidential office could be filled at an election to be held by the people, instead of by the previous and fixed appointment of the law, this method would unquestionably be best. If the vacancy could be filled by the election of electors chosen by the people, this plan, no doubt, would be acceptable. Probably neither of these ways are at all practicable or expedient.

The Speaker of the House, as a member of that body, is a representative of the people, directly accountable to them, and for this reason their interests are, or at least are supposed to be, safer in his hands than in the hands of one whose relations to the people are too remote to feel proper responsibility.

The President of the Senate, as a Senator, is the representative of a State, and is not accountable, in theory at least, except to his State, for the manner in which his official duties are performed.

If the succession is not to be changed there is need for legislation that will secure perpetuity, if it is possible, in one if not both of the offices of President of the Senate and Speaker of the House.

To have the President *pro tempore* of the Senate or the Speaker of the House act for a time, long or short, as the President of the United States would not secure that care and attention to the duties of that high executive office which the place demands, and which the people have the right to expect.

The duties, cares, and responsibilities of the President of the Senate

and the Speaker of the House are great—enough, as we all know, to tax the strength, mental and physical, of the strongest and ablest. In addition to the duties of presiding officer, the one is the representative of a State and all of its interests; the other, of a district and all that concerns it in Congress. It is simply impossible for one man to discharge the duties of a Senator, of President *pro tempore* of the Senate, and of President of the United States.

There is no one who will say that the duties of President of the United States and those of Speaker of the House of Representatives can be performed by one and the same person. To make it possible for the President of the United States to be a member of the Senate or House, or the presiding officer of either body, is wrong.

Every good interest suggests the wisdom of keeping the executive and legislative departments of the Government widely apart. The President of the United States, if only for a time, sitting in the presiding officer's place in the Senate, or in the chair of the Speaker of the House, is a scene which it is to be hoped no eye will ever witness. The law as it now is makes such a scene a possible event.

We must not be deceived. Should the President of the Senate ever become acting President of the United States he will then hold three offices: Acting President of the United States, President of the Senate, and Senator in Congress. The duties of each of these places must be performed by the same person.

And the Speaker of the House, should he become acting President, will hold three offices: Acting President, Speaker, and Representative. The duties of each the same person must perform.

In the minds of those who made the law of 1792 we feel sure there was no thought that their work would open a way for the occupant of the Presidential office to preside in the Senate or the House, or take a part in the discussions or deliberations of either body.

Those pure and good men had no idea that in making it possible for the Speaker of the House to be President, temporarily, the time would come when the duties of the two places would be so great, varied, and arduous that no one person could perform them both.

When this law was enacted the Union contained seventeen States and no organized Territories. Our population was then less than 4,000,000—only a few more than the present population of Ohio, and considerably less than the present population of Pennsylvania or New York. Now we have thirty-eight States and eight organized Territories, with 56,000,000 of population.

In my judgment it would be sadly out of place for the President to be in the Senate when that body is in executive session. Offensive to all sense of propriety would it be to have the President in the Senate with the right to debate and to vote upon his own nominations to office, upon his own vetoes, upon treaties he negotiates, upon measures he recommends or opposes, upon each and every of his official acts.

More offensive to propriety would it be, if possible, for the acting President to preside over the deliberations of the House and take a part in the contentions in that body. Without a change in the existing law there is a possibility far from remote that what we would prevent may occur.

The office of President of the Senate or Speaker of the House may be vacant at a critical time. Both may be vacant at the same time. Both were vacant from the 4th of March last until December 7 following. Vacancies in the office of President and Vice-President during this period would have left the Government without a constitutional ruler. Perhaps we were nearer such a condition of affairs recently than ever before in our history.

On the 25th of November last the death of the lamented Hendricks made vacant the office of Vice-President of the United States. At that time, and for twelve days thereafter, the Senate had no President *pro tempore*, nor had the House a Speaker. Had the office of President become vacant during those twelve days the Government would have been without legal rule. Happily the situation was relieved by the Senate and the House electing their presiding officers on the first day Congress convened.

The Senate, it will be remembered, was in session for several weeks in March and April last, and adjourned without electing a President *pro tempore*.

It is within the recollection of us all that in the Thirty-fourth Congress, in 1855, the House was not able to elect a Speaker until the thirtieth day of its session. In the Congress of 1859 a Speaker of the House was not elected until the twenty-sixth day of the session.

In the Senate it is believed that there is no fixed time for the election of a President *pro tempore*. It may be done when the Vice-President is out of the Senate, if that body so wills, or it may not be done at all, as was the case at the session in March last.

There may have been times in the Senate when that body was unable to elect a presiding officer until after many days spent in the effort. The situation in the Senate and the House may be such as to prevent the election of a President *pro tempore* for the former or a Speaker for the latter for months, it may be, after Congress has convened.

At times party feeling runs high in Congress. Equally high, if not higher, does it reach among the people. Bitter and angry at times are party struggles upon this floor and in the Senate Chamber. Among the people few political compaigns open and close without making bitter disappointments and lasting hates. In the contests for party supremacy waged here and elsewhere our Government has had its severest trials.

Will any of us soon forget the great contest for the Presidency in 1876? Memorable was the strife of the people. Memorable were the contentions in this Capitol—memorable for what was done and equally memorable for what was not done. In every part of the Republic the strain from this eventful struggle was felt.

We all remember the long, dreary, and anxious days of November, 1884. Upon the electoral vote of a single State depended the result of the Presidential election of that year. The popular vote in that State was 1,125,159, and so evenly was it divided between the two great political parties of the country that the one had but 1,149 more than the other. Out of this condition of affairs contentions arose which for a time threatened the peace of the entire country.

The existing law as to the Presidential succession shows a weakness in our political system. The time may come, soon or late, when for the want of proper legislation upon this subject the Government may be without one authorized to administer its laws.

The President of the United States can not be removed from his office except on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors. The acting President, if he be the President of the Senate, may be removed at the mere will of the Senate; or if he be the Speaker of the House, at the mere will of the House.

If my memory is not greatly at fault the records of Congress show that Senators have been expelled from the Senate, and Representatives have been expelled from the House. Senators and Representatives have been unseated for party reasons and for party purposes. Offenses short of a high crime or misdemeanor will not remove a President chosen by the electoral college; but a President from the Senate or House may be ousted from his executive seat for the same causes which expel or unseat a Senator or a Representative.

If we would give peace to the country and stability to the Government, the tenure of the Presidential office, permanently or temporarily, ought to rest upon something else than the mere will of either or both of the legislative bodies of the Government.

We have two great political parties. One now controls the executive department of the Government and the other is in control of the Senate. A vacancy exists in the office of Vice-President and one may occur in the office of President. Should it occur, the party which the people voted into power so recently, and for four years, would surely and quickly have to give way to the opposite party, and its leader chosen by less than forty of its members.

A government thus constituted is weak where it ought to be strong. More lives than one should stand between the party in and the party out of power. Let us meet the responsibilities imposed at this time and in this place, and make stronger and more enduring, in one respect at least, the Government which cost so much blood and treasure to establish and so much blood and treasure to maintain.

The pending bill is a move in the right direction. Its purpose is to change the law fixing the Presidential succession. The bill proposes to take the succession out of the legislative department of the Government and place it in the executive department. It has passed the Senate, and ought, in my judgment, to pass the House.

The executive department of the Government ought to be administered always by the officers of that department and never by the officers of the legislative or judicial departments. The office of President of the United States is an executive office, and when from any cause its duties can not be performed by the President or by his constitutional successor, the Vice-President, another executive officer ought to fill, temporarily, the place. Experience in that department, and familiarity with its varied duties, ought to influence in some degree the question as to who shall succeed the executive head in case his place and the place of the Vice-President is vacant.

The principle urged is the same adopted and followed with eminent success in each of the several branches of the executive department. The Department of State, of the Treasury, of War, of Justice, the Post-Office, of the Navy, and of the Interior each has a head, and also assistants who are by law authorized to perform the duties of such head in case of his death, resignation, absence, or sickness until a successor is appointed, or such absence or sickness shall cease. In addition to this the President may authorize and direct the head of any other Department, or any officer in either Department, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

This system, as organized and conducted, is believed to be entirely satisfactory and entirely free from objection. There are many reasons why the same principle should be controlling in declaring who shall be at the head of the executive department when the President and Vice-President, from any cause, are unable to perform its duties.

The pending bill puts the succession where, in my judgment, it rightfully belongs. It provides that in case of removal, death, resignation, or inability of both the President and Vice-President the duties of the President for the time being shall be performed,

First, by the Secretary of State;

Second, by the Secretary of the Treasury;

Third, by the Secretary of War;

Fourth, by the Attorney-General;
Fifth, by the Postmaster-General;
Sixth, by the Secretary of the Navy;
Seventh, by the Secretary of the Interior.

The bill further provides that in case either of these officers are ineligible to the office of President under the Constitution, or are under impeachment by the House at the time the duties of the Presidential office devolve upon them respectively, then the officer next in the order of succession, if eligible and not under impeachment, shall act as President. If there be no such officer, or in case of his removal, death, resignation, or inability, the same order as to the succession is fixed by the bill.

From any point of view this bill is a model. It has the merit of brevity, precision, and purpose. Make it a law, and the difficulties, dangers, doubts, and disputes which may come if the existing law stands will be removed.

Under this bill, if it becomes a law, it can not be otherwise than that the office of President will be always acceptably filled. It is very doubtful whether a Cabinet ever had a member not fitted to perform the duties of President. Seats in the Cabinet have been ably and patriotically filled by hundreds of our countrymen. Satesmen of world-wide renown have occupied seats in the Cabinets of our Presidents. The list of Secretaries of State does not exceed thirty. Upon it are names which brighten many a page in our history. Men whose labors in the higher places of trust impressed deeply and indelibly every department of the Government with their learning, ability, and love of country have presided over the Department of State. Six of them afterward became Presidents. With a few exceptions all who have held the place in the last sixty years have been more or less prominent in their parties as candidates for the Presidency.

Little if any less distinguished are those who have filled the office of Secretary of the Treasury. There is no name upon this list unworthy of a place upon the President's roll.

The other Executive Departments, without an exception, have been filled by men of marked ability and of eminent fitness for executive duty.

There is no room for a doubt that should the time ever come when the offices both of President and Vice-President are vacant that the Cabinet can be relied upon to furnish an acting President in whose integrity, ability, and patriotism the country will be entirely content. Such a disposition of the Presidential succession would, in my opinion, be in accord with the sentiments and convictions of our people, and would have their hearty approval.

In practice, if not in theory, the offices of President and Vice-President are not far from being elective. More than ten millions of our people participate in choosing electors, and these electors choose the President and Vice-President. Each political party puts in nomination candidates for these two offices. They nominate also candidates for electors. The electors chosen in each State, by the people of the State, vote for the candidates of their party. The electoral votes of the States may be in favor of one party and the popular vote may favor largely the opposite party. Both the electoral vote and the popular vote represent the political opinions of the people, and are cast not so much for the party candidates as for the measures and policy which the party advocates.

The will of the people as to the administrative policy of the Government thus ascertained, in the election of a President and Vice-President, the Constitution intends shall be operative and effective for the full period of four years. This will the Constitution respects and enforces by the provision that in case of the death, removal, resignation, or inability of the President that the duties of his office shall be performed by the Vice-President for the remainder of the four-year term. The better to secure the will of the people from defeat within the four years the Constitution declares that Congress shall provide by law what officer shall perform the duties of President in case of the death, resignation, removal, or inability of the Vice-President, and this officer is, by the Constitution, to act as President until the disability be removed or a President elected.

Under the present law as to the succession should the President of the Senate succeed to the Presidential office he may belong to the party holding political opinions directly the opposite of those held by the party voted into power only a short time before. Should this officer, while acting as President, resign, or die, or be removed, the Speaker of the House, who would succeed him, may belong to the party voted into power by the people.

This is the situation to-day. A vacancy in the office of President now would put the party defeated by the people in the contest for that office one year ago in control of the executive branch of the Government. Before the close of this year the office may be vacant again. Should this occur the party now in control would, after a few months of rule by the opposite party, again assume control.

During the Presidential term which expired in March last the situation was in many respects the same. The special session of the Senate, which was held in March, 1881, adjourned without electing a President *pro tempore*. Until Congress convened in December following, a period of nine months, the House had no Speaker; and from March until soon after the death of President Garfield, which occurred late in September, a period of more than eight months, the Senate was without a President *pro tempore*. The Senate met in special session in October, and elected a Senator (Mr. Davis), who was not identified with either of the two great political parties of the country, the President *pro tempore* of that body. Shortly after Congress convened, and a Republican (Mr. Keifer) was elected Speaker of the House. Occurrences like these, if there be nothing else, ought to admonish us of the insufficiency of the present law fixing the Presidential succession.

The people, regardless of party, are opposed to sudden or too frequent changes in the administration of the Government. It is better, far better for all, that the party voted into power retain it, free from all interruption, for the full period of four years.

The party successful at the polls represents, under our system, the will of the people, and this will ought to be secured beyond the possibility of defeat for the full period of four years. Under existing law this can not be done.

The pending bill accomplishes this purpose. If the temporary President be taken from the Cabinet, appointed by the President to assist him in administering the Government, there is positive certainty that the same party policy will be faithfully pursued until the end of the Presidential term. The Cabinet is composed of representative men of the same party to which the President belongs, and in this is a guaranty that for the Presidential term yet to expire the measures and policy of that party will be enforced.

In placing the succession in the Cabinet an officer experienced in executive duties will be at the head of the Government in case of a vacancy in the office of President. This is a consideration of the first importance, and ought to weigh heavily in fixing the line of descent. An election within the four years to fill an unexpired term, or for a full term, opens the way for inexperience to reach the head of the executive department.

The Cabinet officer succeeding to the Presidential office would still retain his place at the head of his Department. If the Secretary of State, he would continue to be the head of the State Department, the duties of which he would perform, and at the same time perform the duties of President. Possibly while actually engaged in doing the duties of President the First Assistant Secretary of State would, under another existing statute, be authorized to act as Secretary of State. If so, the Secretary of State would be relieved, in a large measure, from duty in the State Department, and thus be enabled to give his time and attention to the more important duties of the President.

Twice since the beginning of the Government has the office of President been vacated by the hand of an assassin. The circumstances under which both of these foul crimes were committed have induced the belief in the public mind that Booth and Guiteau had no other motive for taking the lives of Presidents Lincoln and Garfield than to bring about a change in the administrative policy of the Government. With the succession in the Cabinet, as proposed by the pending bill, it is believed that the life of the President will be secured against the attacks of desperadoes actuated by such a motive. The members of the Cabinet are the President's advisers, and are in sympathy with him in all that he does. There is nothing to be gained by putting him out of the way, for his successors in office are his personal friends and chosen advisers, and are committed to the same line of political action.

It is said the bill ought to be amended so as to provide for an election for President and Vice-President immediately after the vacancies in both offices occur. This election ought to be held, it is said by some, to fill the vacancies for the unexpired term, and by others for a new term of four years. In another connection both of these points have been noticed. These suggested amendments are, to my mind, objectionable for several reasons.

Perhaps there is no public event in which the people take a deeper interest than in a Presidential election. Every four years this election is held. The campaign, as it is called, opens months before. In it are employed all the agencies which human genius can devise to influence votes. Nothing that can be done is left undone by either of the political parties to win in the contest. As the campaign progresses the interest, anxiety, and excitement increase. There is scarcely a voter in the land who does not take a part, more or less active, in the struggle, and feel the deepest concern as to the result. And there is no department of labor, trade, or business which does not feel a depressing influence in a Presidential year. It is a year full of doubts and misgivings as to the immediate future. Elections are frequent. They come every year. They come in the spring and they come in the fall.

A Presidential election once in four years is all that the country can well stand. Two Presidential elections in a term of four years ought not, in justice to the people and their interests, be made a possible event.

Another consideration not to be overlooked is the cost to the people of holding a Presidential election. The cost is estimated at $2,000,000. To this sum may be added many millions for what is spent by the political parties to achieve party success.

Another objection to filling a Presidential vacancy by an election, to be held within the four years, is the changes that would surely follow in the subordinate places in the executive departme nt. The few, comparatively, who hold their places for a fixed term probably would not

be disturbed. There are thousands, however, who hold their places by a different tenure, and all, without exception, would hold them at the pleasure of the incoming Executive.

The opponents of this bill say that the members of the Cabinet are not elected by the people, and therefore they ought not to be in the line of the succession. The existing law is open to the same objection. Neither the President *pro tempore* of the Senate nor the Speaker of the House is elected by the people.

There are no officers of the United States elected by the people. None can be so elected without changing our organic law. The President and Vice-President are not elected by the people, but by electors chosen by the people.

We must not forget that the Constitution requires the successor of the President to be an officer of the United States. Subject to this limitation Congress may declare who shall be the successor until the disability is removed, or a President is elected. The successor for the time being, and until a President is elected, whoever he may be, must be appointed. He can not be elected. From the very necessities of the case the appointment must come from Congress. The people may elect, but until they do the place must be filled in some other way; so that, after all, it is a question as to how long the appointment shall continue, or how early or late an election shall be held. If the country must be content with an appointed President for sixty or ninety days, it certainly ought not to be dissatisfied with such a President for a longer period of time.

Another objection made to the bill is that it gives to the President the power to designate his successor in office. The Constitution, we have seen, provides that his successor shall be an officer of the United States. We have argued that the President of the Senate or the Speaker of the House can not be his constitutional successor. Who, then, shall be the successor? Congress certainly would not put the line of succession in the judicial department. It must, therefore, go into the executive Department. If there, it must of necessity be in the Cabinet. Shall the seven Cabinet officers be ignored, and the acting President be taken from their subordinates in authority?

The Presidential vacancy must be filled until the people can elect. As they can not elect for a time the place must be temporarily filled by appointment. An appointment by the President in advance of a vacancy is as near an appointment by the people as one can be made. An appointment by Congress declaring what officer shall temporarily fill the place is no more an act of the people than is the act of the President in naming his successor.

The President, as the elect of all the people, is supposed to be the representative of their will. The people, through their electors, intrust him with the power to appoint, by and with the advice and consent of the Senate, all embassadors, ministers, and consuls, all judges of the Federal courts, and all other officers of the Government, except the Vice-President, and, except, also, such inferior officers the appointment of which is vested by law in the President alone, in courts of law, or in the heads of Departments. It will be seen, therefore, that the appointing power vested in the President extends to almost every office, civil and military, in the Government.

To say that the Secretary of State, or either of the other heads of the executive department, ought not to fill, temporarily, the office of President, if vacant, because they have been appointed to their places by the President, is an objection which, upon more mature reflection, will not be seriously urged.

If this objection is tenable, then there is no officer in either the executive or legislative departments of the government who can succeed to the Presidential office, for all officers in both departments are filled by appointment of the President. This, then, would leave no resting place for the succession, except where it now is, in the Senate and House.

But read the bill, and it will be seen that unless the Cabinet officer has been confirmed by the Senate he can not act as President. So that if the bill is construed as giving power to the President to appoint his successor this is not objectionable, because the Senate has the power to reject or confirm the appointment.

Who shall succeed to the office of President when it and the Vice-Presidential offices are vacant? The existing law says the President of the Senate, or, if there be none, the Speaker of the House of Representatives. Shall this law stand, or shall it give way to a more satisfactory enactment? Shall the President *pro tempore* of the Senate and the Speaker of the House continue first and second in the line of succession, or shall the line be changed and established for the future in the executive department of the Government? Where else can it go? If the opponents of this bill favor a change, and all save a few say that they do, tell me, gentlemen, where, if not in the Cabinet, ought the succession to be cast? I pause for an answer.

In my opinion our Government will be stronger and better when the existing law is repealed and a law, such as this bill proposes, takes its place in the statute-book of our country.

Pass this bill, and for the present and for all coming time, it is to be hoped, the question of the Presidential succession, now so disturbing, will be at rest.

Mr. WARNER, of Ohio. Before the gentleman from Ohio [Mr. SENEY] takes his seat I should like to address to him an inquiry.

The SPEAKER. The time of the gentleman from Ohio [Mr. SENEY] has expired.

Mr. ADAMS, of Illinois. I rise to oppose the bill, but as I do not expect to occupy my full time, I have agreed to yield now five minutes to the gentleman from North Carolina [Mr. COWLES].

Mr. COWLES. Mr. Speaker, I have listened with a great deal of interest to the discussion of this question in this House, and without these walls the whole country is awaiting our action with suspense, if not anxiety. This measure, sir, was conceived in a political crisis caused by the death of President Garfield. It should be borne in mind that it is a proposition of the Republican majority of the Senate. It failed to pass this House at the last session for want of time. Since that time another political crisis is upon the country, caused by the death of Vice-President Hendricks, and such being the case, the Republican majority of the Senate could scarcely fail to bring their own proposition before that body again. They have shown their consistency by doing so now, and have passed it. Now, sir, it is not for me to say that this plan of succession is the best that can be provided, but it is sufficient for the evil we have to-day, and let this Democratic House refuse to pass this act, and that too without amendment, let them send it back to the Senate with amendments, and in my opinion we will not have another opportunity to agree with so good a proposition as this coming from the Senate. We will be unable to obtain their agreement to any proposition or amendment we may send them, and I, for one, am unwilling for this House to risk declining this proposition. The country, sir, is now in a state of uncertainty, depending upon the probability of a change of administration being precipitated by the death of one man, and the people, sir, demand, and properly demand, that the succession shall be fixed in that party which they have chosen to administer it for the next four years.

After it is passed and has become the law it can afterward be perfected by amendment or supplemental legislation; but, sir, it will remain the law until it is amended or repealed, both Houses concurring, imperfect as it may be, and it will give that peace to the country upon this question in all its bearings that the country so much needs. This is surely a question of the most vital interest—the peace of the country and the restoration of confidence in the stability of our institutions; and I for one am in favor of passing this bill at the very earliest opportunity.

Mr. ADAMS, of Illinois. Mr. Speaker, there are two objections to the pending bill.

First. The provision for the case of inability or disability in an acting President is a bad one.

Second. There is no provision for a speedy election to fill the vacancy in the office of President and Vice-President through the electoral college.

First as to inability. We do not know just what it is. There is no legal mode of ascertaining whether it exists or not in a particular case at a particular time. One thing we do know about it. It may be temporary. The Constitution provides that a person who acts as President in a case of disability acts as such only until the disability is removed.

As this is the meaning of the word in the Constitution, it is the meaning of the word in this bill. Disability in a President or in a Vice-President must be presumed to mean the same thing as disability in a Cabinet officer authorized to act as President by statute. If it is the same thing, it should be followed by the same legal consequences as nearly as may be.

As the President or Vice-President, being *under disability, is obliged* to surrender the exercise of the powers and duties of the office during such disability, but when the disability is removed he resumes the exercise of these powers and duties, so the acting President temporarily under disability should upon recovery resume the powers and duties of acting President. Such is not the provision of this bill. If the Secretary of State, being acting President, falls under disability for a single week, the authority to act as President passes from him not to return. And if the Secretary of the Treasury, having thus become acting President, should in his turn fall under disability for a single week, he too ceases to be authorized to act as President and does not regain his authority to act as such upon his recovery. And so the vast powers and responsibilities of the executive office pass from man to man always in one direction. As it has been graphically expressed by the distinguished author of the bill, the powers of the Presidential office go down step by step along the Cabinet ladder. They never go up, even by a single round.

This arrangement is objectionable for three reasons:

First. We reach the bottom of the ladder sooner than necessary. The purpose of a bill like this is to provide against all contingencies that can be foreseen. It is not enough in legislation of this kind to meet contingencies that are strongly probable. We must, if we can, meet contingencies which are only remotely to be apprehended, because the consequences are so serious if they do happen to occur. If we provide a series of offices along which the powers of the Presidential office can gradually pass, as on the rounds of a ladder, before they land at the bottom on what excitable persons call chaos, we ought to see to it that the ladder is as long as conveniently may be, and that the acting Pres-

idency shall stay near the top as long as possible, in order to diminish the chances of arriving at the bottom.

The second reason is that the top rounds of the ladder are better than the bottom rounds. That is, *ceteris paribus*, a Secretary of State is rather better fitted to act as President than a Secretary of the Treasury; a Secretary of the Treasury is rather better fitted than a Secretary of War, and a Secretary of War than a Secretary of the Navy.

If this is not so, then the arrangement of the bill is all wrong and the order should be changed. The Cabinet officers best fitted for the place should stand first; that is, in the position upon which the powers and duties of the Presidential office are most likely to fall.

I will not discuss the relative importance of the Executive Departments of the Government. It is enough to say of that which stands first in the order fixed by this bill that by ancient custom, if not by the nature of its duties, its head is the head of the Cabinet, the nearest and most trusted adviser of the President. If the Secretary of State first and other Cabinet officers afterward are authorized by law to act as President in turn, the law should leave the execution of the duties of the Presidential office in the hands of the Secretary of State until some substantial reason appears for transferring these duties and powers to another officer.

Besides, let us remember that if this bill or a similar bill becomes law, Cabinet officers hereafter appointed will, partly at least, be chosen with reference to this law.

If in a Cabinet hereafter constructed it is known beforehand that the Secretary of State first, and the Secretary of the Treasury second, and the Secretary of War third, will be authorized to act as President in case of a vacancy in the office of President and Vice-President, persons will be chosen to fill these respective offices, not merely with reference to their relative fitness to perform the ordinary duties of their respective offices, but partly also with reference to their relative fitness to perform the vast powers and duties of the Presidential office under the trying circumstances of removal, death, resignation, or inability of those who were elected to the office by the people.

It is wise, therefore, to provide that he who is best fitted shall not only take the duty first, but shall continue to discharge it till strong clear reasons arise for transferring it to another.

This reason for objecting to the provision in the bill for the case of disability in an acting President seems to me a strong one. It is not nearly so strong, however, as the one which I will now try to state.

The powers of the Presidency are so vast, the splendor of the office is so captivating to the minds even of the wisest of American statesmen, that the transfer even of the acting Presidency from one man to another ought not to be permitted to depend on a state of fact so hard to define and so hard to ascertain as disability.

Remember that under this bill the term of a Secretary of State and *ex officio* acting President may last for four years. Consider what state of things might arise out of the ambition and jealousy of members of the Cabinet and their respective political adherents.

Suppose Thomas Jefferson were Secretary of State, as he once was, Suppose that in the same Cabinet Alexander Hamilton were Secretary of the Treasury, as he once was. Suppose Mr. Jefferson comes to act as President by virtue of this law, and has a serious illness which well-nigh prostrates him. What effect would be produced on Mr. Hamilton's performance of his duties and on Mr. Jefferson's performance of his duties and on the relations between them. Mr. Jefferson, however far he might be from ability to perform his Presidential duties, could not call on Mr. Hamilton for assistance, because by so doing he gives away the acting Presidency. Mr. Hamilton has no right to sign his name as Secretary of the Treasury and *ex officio* acting President merely because Mr. Jefferson wishes him to do so as a temporary accommodation to Mr. Jefferson.

Mr. Hamilton has no right to sign as acting President until the law gives him that right. The law does not give him that right unless Mr. Jefferson be under disability. And if by reason of Mr. Jefferson's disability Mr. Hamilton has the right to sign once as acting President, he has an equal right to act as President for the remainder of the term. Mr. Jefferson is not likely to call for help on the Secretary of the Treasury to any considerable extent. Rather will he allow the duties of his office to go half done or not done at all than to admit his inability to his successor. And this he might do without any conscious lack of disinterestedness or public spirit. For he might persuade himself, as Thomas Jefferson surely would have persuaded himself, that all the inconvenience that the people of this country might suffer from his temporary prostration would be as nothing compared with the public calamity involved in the transfer of the powers and duties of the Presidential office to Alexander Hamilton.

And how would the matter be regarded from Mr. Hamilton's point of view? Mr. Hamilton's point of view might be that of his political adherents. Might not Mr. Hamilton and his political adherents consider Mr. Jefferson's symptoms as truly alarming? Might they not say that the question of Mr. Jefferson's disability must be determined, not by Mr. Jefferson's resolution nor by Mr. Hamilton's delicacy, but by the fact? Might they not say that they had undoubted testimony that Mr. Jefferson was in fact under disability? That Mr. Hamilton was therefore in fact the acting President, and that it was his duty to assume the duties attached to the position? This, too, might be said and thought by Mr. Hamilton himself without any conscious lack of disinterestedness or public spirit, for he might persuade himself that as the law, enacted under the Constitution, had made him acting President without his act and independent of his volition, as Mr. Jefferson was therefore incapable under the law of performing any valid act thereafter as acting President, it was in the interest of the people that the powers and duties of the Presidential office should be immediately assumed by the only man who under the law was capable of performing any valid act as acting President, namely, himself, and that no false delicacy of his own ought to stand in the way.

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. ADAMS, of Illinois. Yes, sir.

Mr. DIBBLE. I desire to ask the gentleman whether the very difficulty suggested by him would not exist or does not exist under the law as it stands and applies to the present instance to even a greater extent then it would exist under the proposed law?

Mr. ADAMS, of Illinois. I need not admit nor deny that, Mr. Speaker, because my intention is when I have got a little further on in my speech to suggest an amendment to this bill by which that difficulty will be, I think, overcome.

Can it be said, Mr. Speaker, that this condition of things could not arise? Can it be said that intelligent men could not take sides on the question whether a public man is or is not under disability?

Have we not now living among us an American statesman who has recently given evidence of a high degree of mental vigor in a letter to yourself on the subject of coast defenses as to whom half of the newspaper men in the country claim that he has been under total disability for several years, while the other half unite in declaring that his mental condition is considerably above the normal level of the average American statesman?

Suppose another thing. Suppose Mr. Hamilton, during Mr. Jefferson's assumed disability, actually begins to act as President and continues so to act to the end of the term. Mr. Jefferson protests, but his protests are disregarded. It would make no difference perhaps whether he protested or not. He might even assent and it would make no difference, for the law does not give Mr. Jefferson the right to make Mr. Hamilton an acting President by acquiescence. The question after all is a question of fact. It is the question whether Mr. Jefferson was in fact under disability. If he was, then all Mr. Hamilton's acts thereafter are valid. If he was not, then all Mr. Hamilton's acts thereafter are invalid. And the validity or invalidity of all the official acts of the Executive of the United States for a term of years would turn perhaps on the degree of severity with which Mr. Jefferson during three weeks suffered from a lung fever.

Whatever evils there are inseparable from the uncertainty attending the question of disability in an acting President they should be reduced to a minimum. They can be reduced to a minimum by giving precisely the same legal effect to disability in an acting President which the Constitution gives to disability in a President or Vice-President. The powers and duties surrendered because of disability should be resumed when the disability is removed.

This is the first objection to the pending bill. The remedy which I propose is as follows: Strike out of the first section the word "inability" wherever it occurs in connection with a Cabinet officer and insert the following as section 2 of the bill: "In case of inability to perform the powers and duties of the office of President existing in any of the persons named herein during any part of the time during which he would be authorized, save for such inability, to act as President, the person who in case of his removal, death, or resignation would be authorized to act as President shall act as President until the disability named in this section shall cease."

I wish now to state the second objection to the bill and the remedy which I would propose.

There is no provision for a speedy election by the people through the electors to fill a vacancy in the offices of President and Vice-President. The provisions of existing law on the subject, which have stood for about ninety-four years, are repealed by the pending bill. Two reasons have been given for this radical departure from the ancient settled policy of the Republic.

First, it is said that there is no warrant in the Constitution for an election of President and Vice-President before the lapse of four years from the last election.

Of this theory of the Constitution it may at least be said that it is a novel one. It has not been seriously proposed or even deliberately stated until after the present Congress had been some time in session. Even the Senate bill as originally introduced did not contain it.

Mr. CALDWELL. If the gentleman will permit me, I will state that the original bill as introduced into the Senate repealed section 146 of the Revised Statutes, and that it did not repeal sections 147, 148, 149, and 150.

Mr. ADAMS, of Illinois. That is what I say—it only repealed section 146. But I am talking about the existing law for a speedy election. That is contained in sections 147, 148, and 149, and no one thought of repealing them till after the bill had been introduced in the Senate at the present session.

I do not wish here to repeat at length what has been said elsewhere

on the subject. I wish, however, to call the attention of the House to one point of the history of the convention which adopted the Constitution which has not been adequately discussed. I refer to the change made in giving its final shape to that clause of the Constitution involved in this discussion. When Mr. Randolph brought in his proposition to provide for the case of a vacancy in the offices of President and Vice-President it was in the following form: "The Legislature may declare by law what officer of the United States shall act as President in case of the death, resignation, or disability of the President and Vice-President, and such officer shall act accordingly until the time of electing a President shall arrive."

Now, I wish the House to consider that those who maintain the theory that a speedy election of President and Vice-President can not be by law provided for the case of a vacancy ought to give some reason why the Federal convention found it necessary to make any change whatever in Mr. Randolph's proposition. Their theory is that the sole power that Congress has in this matter is to declare what officer shall act in the interim. If that was indeed the purpose of the convention why was not Mr. Randolph's proposition adopted without the change of a single word? It expresses the idea as well as it could be expressed in words. It is clear, full, and precise. Its meaning can not be mistaken. It is beyond the reach of ingenious misinterpretation. Yet the convention amended it on the motion of Mr. Madison. Mr. Madison declared that if the foregoing propositions of Mr. Randolph were adopted it would prevent an intermediate election of President. That is to say, Mr. Madison objected to Mr. Randolph's proposition for the reason that if adopted it would make the Constitution mean what it is now for the first time contended the Constitution does mean, namely, that no intermediate election of President can be had.

Mr. Madison did not wish the Constitution to convey that idea. Therefore he proposed that it be changed, and it was changed by the convention and evidently for the purpose stated. How can it be contended now that the Constitution expresses a certain idea when the convention amended the draught for the express purpose of not conveying that idea?

The words "until the time for electing a President shall arrive" were stricken out, and the words "until a President shall be elected" were inserted.

But this was not the only change. If this had been all the proposition would have read thus: "The Legislature may by law declare what officer of the United States shall act as President" (in the case provided for) "until a President shall be elected."

This was not enough. It did preclude the theory that the *ad interim* administration must necessarily last until the end of the term, but it did not clearly confer upon Congress the power to provide for an intermediate election of President and Vice-President. Accordingly, the other amendment was made which brought the Constitution in this regard to the form in which it stands to-day. These words were inserted:

The Congress may by law provide for the case of the removal, death, resignation, or disability of the President and Vice-President.

This covered the whole ground. Congress may by law provide for a case which may be a case of vacancy in the Presidential office. How can such a case be provided for? Two steps are necessary. First, provide a mode of filling the vacancy; secondly, provide a mode of administering the office in the interval which must elapse before the vacancy can be filled. Nothing short of this is "provision for the case;" nothing short of this was intended by the Federal convention.

It may be said that the substance of Mr. Randolph's proposition was retained as a part of the Constitution. True; it was necessary as a limitation upon the power of Congress. Without it Congress might by law provide for an intermediate election, and might in the interim intrust the administration of the office to any one in its discretion, even to the governor of a State, as some members of the convention wished, or to some person not holding any office at all. With it the power of Congress to provide for an intermediate election was not in the least affected, but the power of Congress to declare who should administer the office in the interim was confined to officers, and, as it is usually construed, officers of the United States.

This construction gives a meaning to each part of the clause of the Constitution now in question. The opposite theory implies that the Federal convention marred the clear concise elegance of Mr. Randolph's proposition merely to lengthen out the sound. Those who like myself regard the Constitution of the United States as a model of pure and undefiled English will not readily subscribe to this theory.

I have examined all the volumes of Elliott's Debates to ascertain whether this part of the Constitution was discussed in any of the State conventions. The only reference to it that fell under my eye was in a colloquy between Mr. George Mason and Mr. Madison in the Virginia convention. Mr. Mason, who was one of the ablest men of the time, as he was one of the ablest opponents of the new Constitution, expressed a cautious doubt whether an intermediate election could be had, and he stated it as an objection to the Constitution. Mr. Madison immediately rose and declared positively that Mr. Mason was mistaken, and that in case of a vacancy in the office of President and Vice-President a new President would immediately be elected. Mr. Mason, though he strenuously resisted every other position that Mr. Madison took, made no answer to this.

I wish to refer to one circumstance connected with the statute of 1792 which is still on the statute-book, and which provides for an intermediate election in case of a vacancy. It is said that the frame of this statute was somewhat affected by jealousy of Mr. Jefferson which then prevailed in the Senate and House. This is true. It is probable that but for this jealousy the Secretary of State would have been the *ad interim* acting President instead of the President of the Senate or the Speaker of the House. But this does not affect the weight of the authority of this statute in favor of the power of Congress to provide for an intermediate election. On the contrary, if there had been any doubt of the power and duty of Congress to provide such an intermediate election, jealousy of Mr. Jefferson would have kept such a provision out of the bill.

An intermediate election was, as things then stood, directly in the line of Mr. Jefferson's political ambition. Washington and Adams were President and Vice-President, and were reasonably certain of being re-elected for another four years. The case contemplated by the statute was the removal, death, or resignation of Washington and Adams. If Washington and Adams were out of the way Mr. Jefferson was reasonably certain to be chosen President at the next ensuing election. A provision for a speedy election was in his interest. His enemies in Congress, had there been any decent show of opinion against the right and duty of Congress to provide for a speedy election, would have kept this provision out of the statute and thereby delayed the gratification of his ambition.

Mr. DIBBLE. Will the gentleman yield for a question?

Mr. ADAMS, of Illinois. Certainly.

Mr. DIBBLE. I desire to ask the gentleman, as he has obviously studied this question very carefully, if he finds that the statute as it stands in the statute-book provides for an election in case of inability or disability?

Mr. ADAMS, of Illinois. The contingency which calls into exercise the powers of Congress consists of four branches: death, removal, resignation, or disability. Three of those go in one category, because either of them creates a vacancy. The other goes into another category, because it does not create a vacancy. Congress was authorized to provide for the case. It could not provide for a case in which there was no vacancy by proposing a mode of filling a vacancy which did not exist. Therefore that provision of the Constitution authorizes Congress to proceed by all appropriate means to fill the vacancy if a vacancy there should be, and in that case and also in the fourth case—disability without vacancy—to provide simply for an *ad interim* administration, since that was the only thing necessary to be done.

Mr. DIBBLE. Then I understand the gentleman from Illinois to say that in case of disability or inability there is no provision in the present law for a special election.

Mr. ADAMS, of Illinois. I intended to express no opinion upon that subject. I never studied it, never had occasion to do so. But it is said that while an intermediate election may not be unconstitutional, it is at least inexpedient; that it disturbs the periodicity of the frame of our Government; that it interrupts the synchronism of the Presidential terms with the terms of Congress. I do not care to argue this, because it has been much discussed. I wish simply to show to what extent this would be the effect of the existing law and to propose a remedy. Under the existing law a Presidential election to fill a vacancy might occur in any year. It might occur in an odd-numbered year. If it did occur in such a year, it would in fact to some extent disturb the periodicity of our frame of government and the synchronism of the Presidential and the Congressional terms. In each four years there would be three national elections, one Presidential and two Congressional, but if the intermediate election happened to fall in an even-numbered year, then the number of national elections in each four years would not be increased, the periodicity of our frame of government would not be disturbed, and the synchronism of the Presidential and Congressional term would not be destroyed, and the remedy I would propose is to provide that an intermediate election of President and Vice-President shall always fall on an even-numbered year.

The amendment which I would propose, and it would be also a change of an existing section of the Revised Statutes, is as follows:

Amend section 148 of the Revised Statutes so that it would read as follows:

"SEC. 148. The notification shall specify that electors of a President and Vice President of the United States shall be appointed or chosen in the several States as follows:

"First. If there shall be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, and if the term for which the President and Vice-President last chosen were elected will not expire on the 3d day of March next ensuing said next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, such notification shall specify that the electors shall be appointed or chosen on said next ensuing day established by law for a general election of Representatives and Delegates to Congress.

"Second. If there shall not be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, or if the term for which the President and Vice-President last chosen were elected will expire either on the 3d day of March next ensuing the date of such notification or on the 3d of March next ensuing said next ensuing day established by

law as the day for a general election of Representatives and Delegates to Congress, the notification shall not specify that electors are to be appointed or chosen."

The effect of this amendment would be that if the vacancy occurred early in the Presidential term it would be filled at the next ensuing Congressional election. If it occurred late in the Presidential term, it would not be filled until the next regular Presidential election. The new administration would always begin with the expiration of a Congressional term, as it does now. The new system of Presidential elections would adjust itself as accurately to the existing framework of State elections as the present system does; and all the objections which have been made to a speedy election on the ground of inconvenience and confusion would vanish utterly.

Mr. Speaker, two amendments which I have prepared I will not read, but will send to the desk, that they may be published in the CONGRESSIONAL RECORD. I will ask, Mr. Speaker, whether it is in order to have these two amendments now considered as pending?

The SPEAKER. The present occupant of the Chair (having been out of the chair for some time during the day) is advised that a substitute and also an amendment to the original text are pending. An amendment to the substitute would be in order, and also an amendment to the amendment.

Mr. ADAMS, of Illinois. Well, I will only ask that these amendments be printed in the RECORD, so that members may read them. It may be that I shall get an opportunity to offer them.

The SPEAKER. They will be printed in the RECORD if there be no objection.

There was no objection, and it was ordered accordingly.

The amendments of Mr. ADAMS, of Illinois, are as follows:

Strike out section 1 of the bill and insert the following as sections 1 and 2:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That in case of removal, death, resignation, or inability both of the President and Vice-President of the United States, the Secretary of State; or if there be none, or in case of his removal, death, or resignation, then the Secretary of the Treasury; or if there be none, or in case of his removal, death, or resignation, then the Secretary of War; or if there be none, or in case of his removal, death, or resignation, then the Attorney-General; or if there be none, or in case of his removal, death, or resignation, then the Postmaster-General; or if there be none, or in case of his removal, death, or resignation, then the Secretary of the Navy; or if there be none, or in case of his removal, death, or resignation, then the Secretary of the Interior shall act as President until the disability of the President or Vice-President be removed or a President shall be elected: *Provided*, That whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.

"SEC. 2. That in case of inability to discharge the powers and duties of the office of President of the United States existing in any of the persons named herein during any part of the time during which he would, save for such inability, be authorized to act as President, the person who, in case of his removal, death, or resignation, would be authorized to act as President, shall act as President until the inability named in this section shall cease."

Strike out from section 3 the words "one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine."

Add the following as an additional section:

"SEC. 5. That section 148 of the Revised Statutes is hereby amended so as to read as follows:

"'SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States as follows:

"'First. If there shall be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, and if the term for which the President and Vice-President last chosen were elected will not expire on the 3d day of March next ensuing said next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, such notification shall specify that the electors shall be appointed or chosen on said next ensuing day established by law for a general election of Representatives and Delegates to Congress.

"'Second. If there shall not be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, or if the term for which the President and Vice-President last chosen were elected will expire either on the 3d day of March next ensuing the date of such notification or on the 3d day of March next ensuing said next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, the notification shall not specify that electors are to be appointed or chosen.'"

Mr. ADAMS, of Illinois. Mr. Speaker, how much time have I left?

The SPEAKER. Fifteen minutes.

Mr. ADAMS, of Illinois. I yield the residue of my time to my colleague [Mr. ROWELL].

Mr. ROWELL. Mr. Speaker, I would be glad to believe that no partisan consideration will influence any vote in this House upon the pending proposition. But I am persuaded that if the condition of affairs existing to-day were different, if the presiding officer of the Senate of the United States were of the same party as the Executive of the United States, there would not now be this hot haste to amend a law that has been in force for ninety-four years. Indeed, Mr. Speaker, the only real reason offered upon the floor of this House for the passage of the pending bill is the assumption that the party in power in the executive branch of the Government has the constitutional right to continue in control of that department for the term of four years in any event. All the arguments in favor of the passage of this bill hinge about the single proposition that the people, having declared a certain party shall hold the executive office, have a right to have that office continued in one particular party for four years, and therefore we must change the law of succession, and provide that in case of a vacancy officers appointed by the President and confirmed by the Senate shall one after another during that time fill the executive office.

The argument in favor of having no intermediate election is based upon the same proposition. An intermediate election might change the political complexion of the Government, and therefore an intermediate election provided for in the Constitution is to be legislated away. All the arguments urged at this late day to the effect that the present statute is in violation of the Constitution are mustered up to justify a violation of the Constitution, a change of custom, so as to project an administration in every event across the period of four years.

Ninety-four years ago a Congress fresh from the discussion of a new Constitution passed the law which has stood unchallenged and unquestioned through all the intervening period; and there does not exist to-day as demanding a change any different condition from that which has existed during all these years. Remembering who enacted this statute, the fact that it has remained upon the statute-books is persuasive proof that it is in accordance with the Constitution; and while, as we grow older as a nation, and wiser, I trust, we have a right to reform and ought to reform any law that may call for amendment, we ought not to pass hastily, in order to meet a political exigency, a statute so crude, so objectionable, as this one appears to be and so uncertain in its interpretation.

It is said that the old law, because it provides that the President *pro tempore* of the Senate and the Speaker of the House of Representatives shall be in the line of succession, is unconstitutional, upon the ground that these officers are not officers of the United States.

Gentlemen forget that the original proposition in the constitutional convention contained the words "officers of the United States," and after the suggestion of a member of the convention that Congress ought not to be limited to that class of officers, the words "of the United States" were omitted by the committee of revision. So that judging, as all courts must judge, from the discussion which then took place, it was not the intention of the Constitution to limit Congress to officers of the United States.

But if such was the intention, the President *pro tempore* of the Senate and the Speaker of the House are officers provided for in the Constitution itself. They exercise no other than Federal functions. The members of the Senate and of the House of Representatives are such by virtue of the Constitution of the United States. They assemble to make laws for the United States, not for the separate States. They constitute the legislative branch of the General Government, and if the President *pro tempore* of the Senate and the Speaker of the House, as well as Senators and Representatives themselves, are not Federal officers, there is no legislative branch of the National Government. Yet, because of a political decision once rendered to the contrary effect in the Senate of the United States, we are to disregard the contemporaneous construction of the Constitution by a Congress assembled so early after its adoption; we are to disregard a law coming down to us unchallenged and unquestioned through ninety-four years; we are to disregard the judgment of the best lawyers that ever sat in the Senate of the United States; and we are to disregard the construction given by courts in collateral proceedings.

The power of the United States stands around the polls whenever a member of Congress is elected. The power of the United States reaches out and punishes the violator of the law when a Congressman is elected. A Senator or Representative has no State functions. He is recognized by no State constitution or statute; his official existence is only and solely by virtue of the Constitution of the United States. The startling admission made by the gentleman from Tennessee [Mr. CALDWELL] who opened this discussion that under the bill proposed it is possible in the United States for one administration to be projected over four years after its term has expired ought to cause every gentleman here to hesitate before voting for this proposition. In case, admits the gentleman, the President and Vice-President elect shall die between the declaration of their election and the 4th day of March following, then the Secretary of State of the administration going out of power becomes President under this law for another four years. Where, now, is the reason for this bill to secure to one political party four years of life and in the same bill to secure to the same party four years more of life, in opposition, it may be, to the voice of the people; in opposition to the theory of the Government established by our fathers; in opposition to the peace and good order of the people? Never before in the history of legislation was presented to the American people such temptation to crime, such temptation to bring on anarchy, such temptation to revolution, as is presented in the bill as admitted by the gentleman who opened this discussion.

Mr. HENDERSON, of Iowa. Let me inquire whether the gentleman agrees with the gentleman from Tennessee in his construction of the provisions of this bill?

Mr. ROWELL. I exactly agree with the gentleman from Tennessee that such will be the construction if this bill shall ever become a law. The term of the President terminates on the 4th of March, but his Cabinet ministers continue in office until such time as they may be removed or shall resign. After the Presidential office has terminated,

therefore, there are a Secretary of State and other Cabinet ministers still holding place and capable of taking the succession. The Secretary of State will immediately enter upon his duties as President and will continue in office for four long years. Now, something ought to be done to correct this bill before we vote on it finally in order to prevent any such danger; and I do not believe there is any man on the floor of the House on either side who desires to perpetrate so great a crime.

There are other matters connected with this bill which ought to be noticed. In case the Secretary of State becomes President, does each one of the Cabinet ministers acting at the time he assumes office retain the succession, or is it in the power of the Secretary of State, who has become President, to turn each and every one of them out and set up a new Cabinet, with a new line of succession of his own choice? If he may not turn them out, then he may not select the officers who shall constitute his political family. If he may turn them out, then it is in his power to select the man who may succeed him in office!

We have an absolute provision for the succession now. It can never fail unless the Senate fails to do its duty. We have a second succession which can never fail except once in two years, and that from the 4th of March until the meeting of Congress. We have also a provision which will allow no failure of succession, because there will always be a President of the Senate and always a Speaker of the House of Representatives after it assembles. There is no danger because of a failure to have an officer and to continue to have an officer to fill the office in case of vacancy.

There is no exigency, Mr. Speaker, pressing upon this House to pass such a law; crude, undigested; so full of uncertainties; so suggestive of objection and so provocative of revolution. I would, therefore, like to see some amendment made to perfect it. I have no objection to having an election to fill a vacancy postponed. I believe it is within the constitutional power of Congress to set the day of election further off than twenty or thirty days, possibly down to the next election

[Here the hammer fell.]

Mr. DIBBLE obtained the floor.

Mr. BLAND. If the gentleman will yield to me I will move the House do now adjourn.

Mr. DIBBLE. I am willing to yield for that purpose provided it does not take me off the floor.

The SPEAKER. The gentleman has been recognized and will have the floor the next time the consideration of this question is resumed.

Mr. CALDWELL. I wish to state for the information of the House that it is probable the Committee on Claims will want to-morrow, as there is little private business yet prepared for consideration. The intention is to resume the consideration of this bill, and I give notice to gentlemen who wish to address the House on the subject that it is my intention to call the previous question and have the matter disposed of before the adjournment.

Mr. BLAND. I insist on the motion that the House adjourn.

Mr. TUCKER. Permit me first to say to my friend from Tennessee that, as to the Private Calendar to-morrow, there are two bills upon it, possibly three, which will not probably take more than two or three minutes each to dispose of, as they are bills simply for the removal of political disabilities.

ENROLLED BILLS SIGNED.

Pending the motion to adjourn,

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled Senate bills of the following titles; when the Speaker signed the same:

A bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; and

A bill (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

WITHDRAWAL OF PAPERS.

On motion of Mr. O'NEILL, of Pennsylvania, by unanimous consent, leave was granted to withdraw from the files of the House papers presented in the Forty-eighth Congress in the claim of Mathilda Victor, there being no adverse report.

ORDER OF BUSINESS.

Mr. CALDWELL. Mr. Speaker, it is suggested to me that we had better obtain unanimous consent now to go on with the debate to-morrow on the Presidential succession bill after the private business is disposed of.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee.

There was no objection, and it was ordered accordingly.

EVENING SESSION FOR PENSION AND OTHER BILLS.

Mr. MATSON. Mr. Speaker, I ask the attention of the House and the gentleman from Tennessee for a moment while I make a brief statement preparatory to presenting a resolution and asking its adoption. I have examined the Private Calendar, and discover that nearly all the bills on that Calendar have been reported from the Committee on Invalid Pensions; all, in fact, with the exception of three or four. That committee desires an order such as has been customary heretofore for Friday evening sessions. Pending the motion to adjourn, therefore, I ask unanimous consent to offer this resolution, which is the usual order, adding, however, bills from the Committee on the Judiciary for the removal of political disabilities.

The SPEAKER. The resolution will be read, after which the Chair will ask for objection to its present consideration.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions, and bills reported from the Judiciary Committee to remove political disabilities only shall be considered.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. MATSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL EMPLOYÉS IN DOCUMENT-ROOM.

Mr. GIBSON, of Maryland, by unanimous consent, introduced a resolution providing for additional employés in the House document-room; which was referred to the Committee on Accounts.

ORDER OF BUSINESS.

Mr. EDEN. Has the consent been given that was asked for by the gentleman from Tennessee to continue the discussion of this Presidential bill to-morrow after the private business is disposed of?

The SPEAKER. It has been given.

The motion of Mr. BLAND was then agreed to; and accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Mrs. Ellen S. Tollman, an army nurse—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Petition of citizens of Washington city, asking for the extension of the Capital, North O Street and South Washington Railway—to the Committee on the District of Columbia.

Also, petition of James E. Rose, administrator Malitty Rose, deceased, to recover certain arrears of pension—to the Committee on Pensions.

Also, petition and papers relating thereto of Folkes & Winston and others, of Lynchburg, Va., for relief—to the Committee on War Claims.

By Mr. BARNES: Memorial of the heirs of Col. James Mayson, praying compensation for the services of said Mayson during the Revolutionary war—to the same committee.

By Mr. BLANCHARD: Resolutions adopted by a convention of citizens of North Louisiana, memorializing Congress to remove the raft in Bayou Pierre, Louisiana—to the Committee on Rivers and Harbors.

By Mr. BLAND: Papers to accompany bill for relief of J. W. McClurg—to the Committee on War Claims.

By Mr. CABELL: Petition of citizens of Carroll and Grayson Counties, Virginia, for the improvement of New River between lead mines, in Wythe County, and the mouth of Wilson, in Grayson County, Virginia—to the Committee on Rivers and Harbors.

Also, petition of citizens of Carroll and Grayson Counties, Virginia, praying the improvement of New River between the lead mines, in Wythe County, and the mouth of Wilson, in Grayson County, Virginia—to the same committee.

By Mr. DOCKERY: Petition asking that the pension of John P. Brinegar be increased—to the Committee on Invalid Pensions.

By Mr. GROUT: Petition of George R. Harlow, for rating by Pension Office of disability in addition to that for loss of leg or arm—to the same committee.

By Mr. D. B. HENDERSON: Memorial from soldiers of the late war now residing in Iowa, praying for the allowance of 160 acres of land as a homestead to soldiers and sailors of the late war—to the Committee on the Public Lands.

By Mr. LORE: Petition of John J. Coughlin, for services rendered under the Architect of the Capitol—to the Committee on Claims.

By Mr. NELSON: Petition of D. H. Robbins, relative to the Mille Lac reservation—to the Committee on Indian Affairs.

Also, petition of Gustave H. Beaulieu, an Indian—to the Committee on Claims.

Also, petition of C. H. Beaulieu, relative to the license of traders of mixed blood among the Indians, &c.—to the same committee.

Also, petition of Charles E. Molen—to the Committee on Military Affairs.

By Mr. O'FERRALL: Petition of William S. Downs; of John Jett; of George Chrisman, executor; of Henry W. Dean, and of Jonathan Headley, asking the reference of their several claims to the Court of Claims—to the Committee on War Claims.

By Mr. RANNEY: Petition of Isaiah Rich & Co. and others, pro-

testing against the creation of a joint fish commission with Canada—to the Committee on Foreign Affairs.

By Mr. T. B. REED: Petition of John M. Beal, for a pension—to the Committee on Invalid Pensions.

By Mr. J. W. REID: Papers relating to the claim of G. W. Norwood—to the Committee on Claims.

Also, papers relating to the claim of Leander Nelson, of Stokes County, North Carolina—to the Committee on War Claims.

By Mr. ROBERTSON: Petitions of James J. O'Marra, of Jane P. Messingale, and of the Nazareth Female Academy, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. ROMEIS: Petition of William Watson, late a private in Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry—to the Committee on Invalid Pensions.

By Mr. SEYMOUR: A bill to repair the channel and sea-wall at Westport, Conn., and to promote the commerce of said town—to the Committee on Coinage, Weights, and Measures.

By Mr. SMALLS: Petition and papers in the case of J. W. Collins and others—to the Committee on War Claims.

By Mr. STEELE: Petition of G. W. Hayworth, praying for a joint resolution directing the Postmaster-General to comply with the act of March 3, 1883, relating to salaries of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. ZACH. TAYLOR: Petition of Jennie R. Hassler; of George and R. B. Bradford, administrators of William B. Bradford; of A. M. Applewhite, administrator of Andrew J. Newsom; of John T. and S. M. McCallum, heirs of Malcolm McCallum; of T. S. Galloway, administrator of J. H. Mebane; of A. M. Lambeth; of Joseph T. Knight, administrator of Susan H. Knight; of Joseph T. Knight; of Daniel Earnhart; of R. A. Cleaver; of G. B. Barkerville, executor of John T. Barkerville; of Green L. Bennett, and of Thomas B. Allen *et al.*, heirs of Darling Allen, asking that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. J. R. THOMAS: Petitions of 63 citizens of Union County, of 58 citizens of Jackson County, of 63 citizens of Williams County, and of 80 citizens of Jackson County, Illinois, praying for the passage of the Mexican pension bill with amendments—to the Committee on Pensions.

By Mr. WAKEFIELD: Resolution of Board of Trade of Manka, Minn., favoring the repeal of the present coinage act—to the Committee on Coinage, Weights, and Measures.

By Mr. WARD: Petition of citizens of Tipton County, Indiana, to grant pensions to soldiers and sailors of the United States Army and Navy in the war for the Union—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of James A Patterson, of Alabama, praying the reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MILO WHITE: Petition of Grand Army of the Republic post at Alden, Minn., in favor of the re-enactment of arrears of pensions—to the Committee on Invalid Pensions.

By Mr. WILKINS: Resolution of Union Grange, No. 789, remonstrating against the demonetization of silver—to the Committee on Coinage, Weights, and Measures.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. FULLER: Of Adam Martin and others, of Floyd, Iowa.

By Mr. O'DONNELL: Of 64 citizens of Branch County, Michigan.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 15, 1886.

The House met at 12 o'clock m. Prayer by the Rev. S. K. Cox, of Washington, D. C.

The Journal of yesterday's proceedings was read and approved.

REFERENCE OF SENATE BILLS.

The SPEAKER, under the rule, laid before the House Senate bills of the following titles; which were severally read twice and referred as follows, namely:

A bill (S. 85) for the relief of B. Jennings—to the Committee on Claims.

A bill (S. 87) for the relief of Thomas B. Miller, of Washington Territory—to the Committee on War Claims.

A bill (S. 163) releasing the estate of the late Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond—to the Committee on Claims.

A bill (S. 178) for the relief of Ida A. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as heirs at law of Cora A. Slocomb, deceased, Ida A Richardson, and Caroline Augusta Urquhart—to the Committee on War Claims.

A bill (S. 193) for the relief of John Hollins McBlair—to the Committee on Military Affairs.

A bill (S. 214) for the relief of Oscar Eastmond and James W. Atwill—to the Committee on Military Affairs.

A bill (S. 216) to authorize the Secretary of War to furnish certificates of discharge to certain members of the Missouri Home Guard—to the Committee on Military Affairs.

A bill (S. 218) to confirm the title to certain lands in Platt County, Missouri, and authorize patents to issue thereof to Kinsey B. Cecil—to the Committee on Private Land Claims.

A bill (S. 221) for the relief of Alex. Smiley—to the Committee on Claims.

A bill (S. 296) for the relief of the legal representative of John Hatfield, deceased—to the Committee on War Claims.

A bill (S. 377) granting a pension to Matthias Leckner—to the Committee on Invalid Pensions.

A bill (S. 389) for the relief of the heirs and legal representative of Robert J. Baugness, deceased—to the Committee on Military Affairs.

A bill (S. 424) giving a military record to Alex. Francesco, deceased—to the Committee on Military Affairs.

A bill (S. 506) for the relief of Emerson Etheridge and William B. Stokes—to the Committee on Claims.

A bill (S. 556) for the relief of Betts, Nichols & Co—to the Committee on Claims.

A bill (S. 767) for the relief of John Leathers—to the Committee on Claims.

Joint resolution (S. 19) directing copies of the official letter-books of the executive department of the State of North Carolina to be furnished to said State—to the Committee of Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. CUTCHEON, by unanimous consent leave was given to withdraw from the files of the House the papers filed in the case of Andrew Lafferty, no report having been made thereon.

SUBSIDIARY COIN.

Mr. BLAND, by unanimous consent, introduced a bill (H. R. 3847) to repeal so much of the act of June 9, 1879, as provides for the exchange and redemption of subsidiary coin; which was read a first and second time.

The SPEAKER. The gentleman from Missouri has marked on the back of the bill a reference to the Committee on Coinage, Weights, and Measures. The Chair is inclined to think under the rules of the House it would go to the Committee on Banking and Currency.

Mr. BLAND. Similar measures have been considered heretofore by the Committee on Coinage, Weights, and Measures. I ask unanimous consent that this bill be referred to that committee.

There being no objection, the bill was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

H. P. M'FARLIN.

Mr. BURROWS, by unanimous consent, introduced a bill (H. R. 3848) for the relief of H. P. McFarlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTRA PAY FOR DISCHARGED EMPLOYÉS.

Mr. DOCKERY. I ask unanimous consent to report from the Committee on Accounts a joint resolution to allow discharged employés a month's extra pay.

The SPEAKER. The Clerk will read the report, after which the Chair will ask for objections, unless it be a privileged report.

Mr. DOCKERY. It is not a privileged report.

The Clerk read the report, as follows:

Your committee, to whom was referred the following joint resolution:

"*Resolved*, &c., That all officers and employés of the House who were employed on the 7th day of December, 1885, and who have ceased, or shall prior to the 1st day of February, 1886, cease, to be so employed, shall be paid a sum equal to one month's pay at the same rate they were severally receiving on the 7th day of December, 1885; and an amount sufficient for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be immediately available"—

respectfully report the following substitute, and ask its adoption:

"*Resolved*, &c., That all officers and employés of the House, including E. C. Fields, clerk to the Committee on Accounts of the Forty-eighth Congress, who were employed on the 7th day of December, 1885, and who have ceased, or shall before the 1st day of February, 1886, cease, to be so employed, shall be paid a sum equal to one month's pay at the rate they were severally receiving on the 7th day of December, 1885; and an amount sufficient for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be immediately available."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The joint resolution (H. Res. 75) reported as a substitute was read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question being taken, there were—ayes 51, noes 15.

Mr. BROWNE, of Indiana. A quorum has not voted. Gentlemen seem to be diffident on this question for some reason. We might as well have the yeas and nays.

The question being taken on ordering the yeas and nays, there were—ayes 32, noes 87; the affirmative being more than one-fifth of the whole vote.

Mr. DOCKERY. I call for tellers on the yeas and nays.

Tellers were not ordered.

So the yeas and nays were ordered.

Mr. DOCKERY. I ask unanimous consent to make a statement with reference to the resolution.

Mr. MILLS. I ask that the resolution be again reported.

The joint resolution was again read.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent to make a brief statement. Is there objection?

Mr. REAGAN. If permission be granted to reply I will not object.

The SPEAKER. The gentleman from Texas asks like consent for a brief reply. Is there objection? The Chair hears none.

Mr. WISE. I desire to make an inquiry. Is it in order to move an amendment?

The SPEAKER. The resolution has passed the stage of amendment, having been engrossed and read a third time.

Mr. DOCKERY. This is the usual resolution adopted at the beginning of each session, as I understand it. As an original proposition, I am frank to say I would not favor any such resolution. I believe the salaries of the employés of this House ought to be fixed. I think the employés accept the position with the understanding they are to have certain fixed salaries, and I think they ought to be content with those salaries. But this is a custom which has grown up with years and has almost become an unwritten law. Perhaps it might be better honored in the breach than in the observance. But it is the custom that has prevailed in former Congresses, it is a custom of which the discharged employés desire to avail themselves, and, in obedience to what we regard as the unwritten law of the House, the Committee on Accounts has considered this proposition and reported it back with a favorable recommendation.

Mr. BROWNE, of Indiana. Will the gentleman permit a question?

Mr. DOCKERY. Yes, sir.

Mr. BROWNE, of Indiana. How many employés does this resolution cover?

Mr. DOCKERY. I can not say, because the resolution, to a certain extent, is indefinite. It is the usual resolution. It provides that all employés discharged prior to the 1st of February next shall receive an extra month's pay.

Mr. BROWNE, of Indiana. Can the gentleman tell the House about how much it will cost?

Mr. DOCKERY. I can not, because I do not know how many employés will be discharged prior to the date mentioned in the resolution. I only know that it is the customary resolution, and that if it were presented as an original proposition I would be against it; but, as it is the customary resolution, I shall support it, as directed by the Committee on Accounts.

Mr. HEPBURN. Mr. Speaker, I desire to ask the gentleman from Missouri a question, if he will permit.

Mr. DOCKERY. Certainly.

Mr. HEPBURN. Were not these employés who are provided for in this resolution included in a resolution which was passed at the end of the last session of Congress giving an extra month's pay.

Mr. DOCKERY. No, sir.

Mr. HEPBURN. Are you sure of that?

Mr. DOCKERY. I think I am correct in that.

Mr. HEPBURN. We did pass such a resolution, did we not, at the end of the Forty-eighth Congress, giving the employés of the House a month's extra pay?

Mr. DOCKERY. Yes; those who were then on the roll.

Mr. HEPBURN. Now are not some of these gentlemen who are included in this resolution employés who were on the roll at that time, and were they not beneficiaries of the resolution passed at the end of the last Congress?

Mr. DOCKERY. I suppose so.

Mr. HEPBURN. Then this resolution would give them another month's pay, making two months' extra pay within the year.

Mr. DOCKERY. The resolution to which the gentleman refers, as I understood it, gave the extra month's pay to all the employés of the House, both annual and session. This resolution applies only to the annual employés who are discharged before the 1st of February.

Mr. HEPBURN. But it gives all of those employés two month's extra pay in the year, does it not?

Mr. DOCKERY. I suppose that would be the effect of it. It is a thing that has always been done on such occasions.

Mr. REAGAN. Mr. Speaker, I have on former occasions objected to the passage of resolutions like this. I know it is regarded as an ungracious thing in any member to refuse to vote money to anybody who wants it from the Government. I know, too, from experience and observation here, that we are exceedingly liberal when we are voting away other people's money. If we were dealing with our own employés and taking the money out of our own pockets we would not think of giving it away in this manner, nor would it be asked for or expected. But as it is the Government, as there is no one to take care of the Government because everybody is taking care of the private applicants for money, of course we give it. We forget that the Government is not a reservoir of money. We forget that this money which we vote away is drawn from the people by taxation, and comes from the hard earnings of laboring men at home, and women, too, who do not get half as much pay as the officers of this House receive. We seem to forget that we have a contract with these employés by law, by which we undertake to pay them more than men of like capacity can get in private employments. We have given these men already, or a portion of them, one month's extra pay, and now it is proposed to give them a second month's extra pay, and in addition to that, the men appointed at the beginning of this Congress who have been discharged or may be discharged, for inefficiency or any other cause, before the day named, are to have a month's extra pay.

This, Mr. Speaker, is all wrong. Will the time never come when the representatives of the American people can look to questions of economy and to the preservation of the public funds from waste and squandering in this way? It seems that we can never reach the time or the occasion when we are prepared to take care of the people and protect them from the load of taxation which is put upon them for every imaginable subject. I make these remarks with no hope of success in resisting the passage of this resolution, but in the discharge of a duty which I feel I owe to my constituents and the country.

The SPEAKER. The Clerk will now proceed to call the roll.

Mr. PETTIBONE. I ask unanimous consent to say a few words.

Mr. DOCKERY. I hope there will be no objection.

There was no objection.

Mr. PETTIBONE. Mr. Speaker, in the Forty-seventh Congress it was stated to the House that it had been the custom to vote our employés one month's extra pay. The Republicans here, recollecting that the office-holders in the Forty-sixth Congress were Democrats, gracefully yielded to the demand then made, though not without many a protest. When the Forty-seventh Congress had ended and the Forty-eighth came in, it was claimed on the part of the Republicans that a like provision should in fairness be made, and I recollect that the gentleman from Ohio [Mr. GEDDES], speaking in opposition to voices raised on the Democratic side, remarked then that it would be violative of propriety and good faith for the Democrats to resist the proposition then made, but that the occasion was a proper one for giving notice that in the next Congress the whole matter should be cut off.

It turns out that we have now another Democratic House. The great mass of the employés in this House were employés in the last Congress, and as such received their one month's extra pay. So that if we now pass this resolution we shall give to many of these men two months' extra pay. Both sides being now equal, and if there is any such thing as courtesy in this matter—courtesy having been shown on both sides of the House—the present is a proper time to inaugurate a new and correct order of things. Let us pay men for the time they have actually been employed and stop this abuse.

Mr. GIBSON, of West Virginia. I would ask the gentleman whether the object of this resolution is not simply to enable these men who have come here in the performance of public duty and been discharged without any fault of theirs to have means enough to get home?

Mr. PETTIBONE. Well, Mr. Speaker, I suppose these gentlemen are no worse off than other laboring men in this country. They knew when they came here that they were liable to be discharged.

Mr. GIBSON, of West Virginia. Let me ask the gentleman another question. Would he bring men miles away from their homes to enter his employ under the impression that they were to be employed for a length of time and then discharge them after one month, leaving them no money to get home?

Mr. PETTIBONE. If I had made a contract to employ a person for a certain length of time, I answer no; but if I had made a contract with him that he was liable to be discharged at any time, then I say yes.

Gentlemen say that the voting of this extra pay has grown into an almost immemorial usage. I have read about some goose-grease in Russia which ran a hundred years at an annual charge because a certain doctor on one occasion ordered an ounce for a patient. I think that the practice which has grown up is all wrong, and now is the time to end this miserable business.

Mr. BLAND. Before the gentleman takes his seat I would like to ask him whether it is not true that the Forty-third Congress made this provision for a month's extra pay——

Mr. PETTIBONE. I was not here in the Forty-third Congress.

Mr. BLOUNT. And whether that example was not followed by the Republicans in the Forty-seventh Congress?

Mr. PETTIBONE. My answer to the gentleman is that I do not care how that matter may be. I put it now to the common sense of this House whether this is not a proper time to end the abuse?

Mr. BLOUNT. I do not desire to go into the merits of the question; but as the gentleman is claiming some little credit for his party, I thought he had better look at the record.

The SPEAKER. The Clerk will proceed to call the roll.

Mr. DOCKERY. I ask unanimous consent at this time that this resolution be recommitted to the Committee on Accounts.

Several members objected.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Is not a motion to recommit now in order?

The SPEAKER. It is if the order for the yeas and nays shall be reconsidered by the House and the demand withdrawn or refused.

Mr. DOCKERY. Then I move to recommit the joint resolution to the Committee on Accounts.

The SPEAKER. The yeas and nays have been ordered.

Mr. BLAND. I move to reconsider the vote by which the yeas and nays were ordered.

The SPEAKER. That motion is in order.

The motion to reconsider was agreed to.

Mr. DOCKERY. I now move to recommit.

The SPEAKER. The demand for the yeas and nays is still pending. The motion to reconsider having been agreed to, the question recurs on ordering the yeas and nays.

Mr. DOCKERY. Can I not move now to recommit?

The SPEAKER. The demand for the yeas and nays has not been withdrawn. The question recurs on ordering the yeas and nays.

The question being taken, there were—ayes 51.

The SPEAKER. The vote in favor of ordering the yeas and nays is more than one-fifth of any vote taken during to-day. Unless a count of the other side be insisted upon, the yeas and nays will be considered as ordered.

The question was taken; and it was decided in the negative—yeas 70, nays 191, not voting 63; as follows:

YEAS—70.

Adams, J. J.	Curtin,	Johnson, F. A.	Scott,
Anderson, J. A.	Cutcheon,	King,	Shaw,
Arnot,	Dibble,	Libbey,	Smalls,
Baker,	Dockery,	Lore,	Stahlnecker,
Barbour,	Dowdney,	Lovering,	St. Martin,
Bliss,	Dunn,	Mahoney,	Strait,
Blount,	Ellsberry,	Maybury,	Swinburne,
Breckinridge, C. R.	Findlay,	Milliken,	Taylor, I. H.
Breckinridge, WCP.	Foran,	Mitchell,	Tucker,
Caldwell,	Funston,	Morrill,	Viele,
Campbell, Felix	Gibson, C. H.	Morrison,	Wade,
Campbell, J. E.	Gibson, Eustace	O'Neill, Charles	Wakefield,
Campbell, T. J.	Guenther,	O'Neill, J. J.	White, A. C.
Candler,	Hanback,	Perkins,	White, Milo
Carleton,	Haynes,	Phelps,	Wilkins,
Cole, of Md.	Henderson, J. S.	Pindar,	Wise.
Cooper,	Hewitt,	Rockwell,	
Croxton,	Howard,	Romeis,	

NAYS—191.

Adams, G. E.	Farquhar,	Lindsley,	Sadler,
Allen, C. H.	Felton,	Little,	Sawyer,
Anderson, C. M.	Fisher,	Long,	Sayers,
Atkinson,	Fleeger,	Lowry,	Scranton,
Ballentine,	Ford,	Lyman,	Sessions,
Barksdale,	Forney,	Markham,	Seymour,
Barnes,	Frederick,	Martin,	Snyder,
Barry,	Fuller,	Matson,	Sowden,
Beach,	Gallinger,	McCreary,	Springer,
Bennett,	Geddes,	McKenna,	Steele,
Blanchard,	Glass,	McKinley,	Stephenson,
Bland,	Glover,	McRae,	Stewart, Charles
Bound,	Goff,	Millard,	Stone, E. F.
Boyle,	Green, R. S.	Miller,	Stone, W. J., of Ky.
Brady,	Green, W. J.	Mills,	Stone, W. J., of Mo.
Bragg,	Grosvenor,	Moffatt,	Struble,
Browne, T. M.	Grout,	Morgan,	Swope,
Brown, C. E.	Hahn,	Morrow,	Symes,
Brown, W. W.	Hale,	Murphy,	Tarsney,
Buchanan,	Hall,	Neal,	Taulbee,
Buck,	Halsell,	Neece,	Taylor, E. B.
Bunnell,	Hammond,	Negley,	Taylor, J. M.
Burrows,	Harris,	Nelson,	Taylor, Zach
Bynum,	Hatch,	Oates,	Thomas, J. R.
Cabell,	Hayden,	O'Donnell,	Thomas, O. B.
Campbell, J. M.	Heard,	O'Ferrall,	Thompson,
Cannon,	Hemphill,	Osborne,	Throckmorton,
Caswell,	Henderson, T. J.	Outhwaite,	Tillman,
Catchings,	Hepburn,	Owen,	Trigg,
Clements,	Herbert,	Payne,	Turner,
Cobb,	Herman,	Peel,	Van Eaton,
Comstock,	Hiestand,	Perry,	Wadsworth,
Conger,	Hires,	Pettibone,	Wait,
Cowles, of N. C.	Hiscock,	Pidcock,	Ward, J. H.
Cox,	Hitt,	Plumb,	Ward, T. B.
Crisp,	Holman,	Price,	Warner, A. J.
Daniel,	Holmes,	Ranney,	Warner, William
Davidson, A. C.	Hopkins,	Reagan,	Weaver, A. J.
Davidson, R. H. M.	Irion,	Reed, T. B.	Weaver, J. B.
Dawson,	Jackson,	Reid, J. W.	Weber,
Dingley,	Johnston, J. T.	Reese,	Wellborn,
Dorsey,	Johnston, T. D.	Rice,	Wheeler,
Dougherty,	Jones, J. H.	Richardson,	Willis,
Eden,	Jones, J. T.	Riggs,	Wilson,
Eldredge,	Kleiner,	Robertson,	Winans,
Ely,	La Follette	Rogers,	Wolford,
Ermentrout,	Lanham,	Rowell,	Worthington.
Everhart,	Lehlbach,	Ryan,	

NOT VOTING—63.

Aiken,	Davenport,	Laird,	Pulitzer,
Allen, J. M.	Davis,	Landes,	Randall,
Bayne,	Dunham,	Lawler,	Rankin,
Belmont,	Evans,	Le Fevre,	Seney,
Bingham,	Gay,	Loutitt,	Singleton,
Boutelle,	Gilfillan,	McAdoo,	Skinner,
Brumm,	Harmer,	McComas,	Spooner,
Burleigh,	Henderson, D. B.	McMillin,	Spriggs,
Burnes,	Henley,	Merriman,	Stewart, J. W.
Butterworth,	Hill,	Muller,	Storm,
Clardy,	Houk,	Norwood,	Townshend,
Collins,	Hutton,	O'Hara,	Van Schaick,
Compton,	James,	Parker,	West,
Crain,	Kelley,	Payson,	Whiting,
Culberson,	Ketcham,	Peters,	Woodburn.
Dargan,	Laffoon,	Pirce,	

So the resolution was rejected.

During the roll-call,

Mr. DIBBLE said: My colleague Mr. DARGAN is absent on account of sickness.

The SPEAKER. The Chair thinks he has leave of absence.

Mr. BRAGG. My colleague Mr. RANKIN is confined to his room by reason of sickness.

On motion of Mr. DOCKERY, by unanimous consent the reading of the roll-call was dispensed with.

Mr. LAWLER. I ask to have my vote recorded.

The SPEAKER. Was the gentleman present when his name was called.

Mr. LAWLER. No; I was absent when my name was called.

The SPEAKER. There is a rule of the House which expressly forbids the Chair entertaining any request for unanimous consent if the member was not present when his name was called. But the custom has been when a gentleman rose and said he was in his seat, but failed to hear his name called, to allow him to record his vote.

Mr. LAWLER. I was in the Chamber at the time the vote was being called.

The SPEAKER. The Chair can not entertain the request of the gentleman, but he can state how he would have voted and that will be entered in the RECORD.

Mr. LAWLER. I ask the unanimous consent of the House to be permitted to record my vote.

The SPEAKER. But the rule prohibits the Chair from entertaining a request for unanimous consent for that purpose.

Mr. LAWLER. Then I will state, Mr. Speaker, that I would have voted "ay" on this question.

The pairs were then announced as follows from the Clerk's desk:

Mr. HENLEY with Mr. PAYSON, for this day.

Mr. HARRIS with Mr. CULBERSON, on this vote.

Mr. TOWNSHEND with Mr. KETCHAM, for to-day.

Mr. MULLER with Mr. LAIRD, for this day.

The vote was then announced as above recorded.

MESSENGER FOR RIVERS AND HARBORS COMMITTEE.

Mr. WILLIS, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper be, and he is hereby, requested to employ a messenger for the Committee on Rivers and Harbors at a salary of $——, to be paid out of the contingent fund of the House.

PAYMENT OF INTEREST-BEARING DEBT.

Mr. TARSNEY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to inform the House at the earliest practical moment of the amount of moneys in the Treasury that can be legally applied to the payment of bonds, or any other interest-bearing debt of the United States, and if there be any such moneys in the Treasury legally applicable to the payment of the obligations aforesaid, why the same has not been so applied.

Several members asked consent to introduce bills for reference.

ORDER OF BUSINESS.

The SPEAKER. The Chair will state to gentlemen on the floor that on next Monday all the States and Territories will be called for the introduction and reference of bills and resolutions.

Mr. BEACH. I object to the introduction of any more bills or resolutions at this time.

The SPEAKER. There is objection to the request of gentlemen.

Mr. MATSON. Mr. Speaker, I move to dispense with the morning hour for the call of committees for reports.

The SPEAKER. That requires a two-thirds vote.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. SPRINGER. Does this motion dispense also with the second morning hour?

The SPEAKER. It does not.

Mr. SPRINGER. I move to dispense with that hour.

The SPEAKER. There is no provision in the new rule for dispensing with the second morning hour, and the Chair thinks it can only be done by unanimous consent.

Mr. SPRINGER. I ask unanimous consent to dispense with it.

The SPEAKER. By clause 5 of Rule XXIV it is provided that this morning hour shall be for the consideration, on the call of committees,

of bills reported on a previous day and placed on either the House or the Union Calendar, no provision being made for the consideration of private bills on that call. But under another rule of the House this day is devoted to the consideration exclusively of private business, unless dispensed with.

Mr. SPRINGER. I desired to ask a ruling of the Chair on this point. Friday being devoted to the consideration of private bills, and as under the present rule we have a morning hour, under which second morning hour it is provided that only matters can be called up from the Union or House Calendar, my object is to get a ruling from the Chair as to whether that rule applies to-day.

The SPEAKER. The Chair simply informed the gentleman that the morning hour for the call of committees for the consideration of bills could not be dispensed with by a simple vote of the House. But the Chair thinks that under the amended rules of the House on Fridays that morning hour can not be had at all, because during that hour bills upon the Union and House Calendars only can be considered; that is to say, bills of a public character; whereas under another rule Friday is specially set apart for the consideration of private business only. If private business for to-day, therefore, be not dispensed with, the Chair thinks the time which on other days is devoted to that morning hour will be devoted to the consideration of private business in the usual way under other rules of the House.

Mr. SPRINGER. I fully agree with the Chair, and move to dispense with the private business to-day.

The SPEAKER. That can be done by a majority vote under the amended rule.

Mr. SPRINGER. That motion does not include the evening session?

The SPEAKER. It does not; there will be an evening session under a previous order of the House for the consideration of pension bills.

The question was taken on the motion of Mr. SPRINGER; and on a division there were—ayes 63, noes 41.

So the motion to dispense with private business was agreed to.

PRESIDENTIAL SUCCESSION.

The SPEAKER. The morning hour for the call of committees having been dispensed with and private business having been dispensed with for to-day, the business now in order is the matter under consideration yesterday, the bill reported from the Select Committee on the Election of President and Vice-President, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 471) to provide for the performance of the duties of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

Mr. DIBBLE. Mr. Speaker, I am one of those who consider that to make a proper provision for every contingency of vacancy in the Presidential office a constitutional amendment alone would be satisfactory, but I propose to discuss the proposition this morning that the bill now under consideration is a far better statutory provision than the existing law. Under the present law the President *pro tempore* of the Senate, and if there be none the Speaker of the House of Representatives, shall act as President until the disability is removed or until a President shall be elected; and the present law further provides (not in the case of disabilities, but in the case of vacancy) that there shall be a special election to fill the offices of President and Vice-President. Under the pending bill the officers of the Cabinet, in a certain fixed order, are to act as President; and the pending bill also provides that so much of the statute as relates to a special election be repealed.

The first objection that is apparent to the statute is that it does not comply with the provision of the Constitution requiring the Congress to declare what officer shall act as President, the President *pro tempore* of the Senate not being an officer of the United States. What is the President *pro tempore* of the Senate? He is the Senator from his particular State, presiding over the Senate. It has been decided in the Blount case that a Senator is not an officer of the United States. The President *pro tempore* of the Senate holds the chair by virtue of being a Senator. He takes the oath of office as a Senator. He does not take a special oath as President of the Senate; and the same applies also to the Speaker of this House. When the Nestor of the House administers the oath of office to the Speaker he administers to him an oath as a representative from his particular State. That is his qualification, and then he enters upon the duties of the position.

But, sir, there is a second objection. A member of either House of Congress is incompetent to hold office under the United States during his membership; and if the President *pro tempore* of the Senate (as has been advocated in this debate) were an officer of the United States in the sense of the Constitution, then a member of the Senate could not hold the office; that is, under Article I, section 6, of the Constitution, which says:

No person holding any office under the United States, shall be a member of either House during his continuance in office.

Therefore, if the President *pro tempore* of the Senate be an officer under the United States, the Senator holding that office under that provision of the Constitution would, by going into it, vacate his seat in the Senate, and no longer represent his State on the floor.

The distinction, Mr. Speaker, is again recognized in the Constitution and recognized in a recent amendment. The fourteenth amendment of the Constitution makes the same distinction:

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress or as an officer of the United States, &c.

That is to be found in the third section of the fourteenth amendment, and it recognizes the existence of a distinction between a member of Congress and an officer of the United States.

There is the further objection, Mr. Speaker, that the President *pro tempore* of the Senate is not a position always filled. And the Constitution, when it says that Congress may declare what officer shall act in the case of disability or vacancy, must recognize the possibility, yea, even probability, of disability or vacancy during a recess of the Senate, and at a time when there may be no such officer as President of the Senate *pro tempore* in existence. The Congress of the United States in the exercise of that duty of declaration must select an officer who would be in existence whenever the contingency might arise. He must be a continuing officer, and the President *pro tempore* of the Senate is not such an officer.

But, Mr. Speaker, suppose the contingency should arise, and that there should be in existence at the time a President *pro tempore* of the Senate, and that, a vacancy occurring in the Presidential office, he should assume its functions and enter upon the discharge of its duties as acting President, what is his position then concerning the Senate? Suppose it is a case of disability; suppose it is a case of disability lasting only three months, for instance, does the President of the Senate vacate his place as Senator and vacate his place as President of the Senate in order to act as President of the United States for the three months and then be turned adrift as soon as the disability is removed?

The President *pro tempore* of the Senate is merely acting as President *ex officio;* he is a *locum tenens;* and the only consistent theory is, that he would be the member of the Senate from a State, the President *pro tempore* of the Senate, and the acting President of the United States. What arises from such a state of affairs? Why, we have the acting President of the United States sending in appointments to the Senate, and we have him presiding in executive session upon the discussion of those appointments. We have him voting as a Senator in confirmation of his appointments—I will not say in rejection, because that would be stultifying his action. If he does not so vote, then his State, for the time being, is deprived of its equal suffrage in the Senate.

Take another case, already illustrated in our history, as a reason why the President *pro tempore* of the Senate should not be the succeeding officer. Take the case of impeachment, the impeachment of a President of the United States, with no Vice-President, and with the President *pro tempore* of the Senate under the act coming next in the succession. He either must violate the principle that no one should be a judge in his own behalf, or he must violate the mandate of the Constitution, equally peremptory, that no State shall be deprived of equal suffrage in the Senate, and that, too, in the gravest of cases—the case of the trial of the President of the United States by impeachment.

But, Mr. Speaker, further, it is in violation of the spirit of the Constitution; it is in violation of the spirit of all of our constitutions. It is true there is not found in the Constitution of the United States express separation of the three departments by a clause providing that the executive, legislative, and judicial functions shall be maintained distinct from each other. We find that clause in the State constitutions. But we find practically and in spirit the same idea in the Constitution of the United States, because in Article I it is stated that all legislative powers shall be vested in one way; in Article II, that the executive power shall be vested in another way; in Article III, that the judicial power shall be vested in another way, recognizing the separation of the three departments of the Government. But that principle is violated whenever the President *pro tempore* of the Senate or the Speaker of the House of Representatives acts as the President of the United States.

Another objection. The Senate have decided that the President *pro tempore* of that body is removable at their pleasure; that they can make one President *pro tempore* to-day, and they can remove him and appoint another to-morrow. Now, it is not for us to discuss in this House of Congress whether that decision of the other House be right or wrong. They are the ultimate tribunal to decide whether it is right or wrong. They choose their own officers, they make their own rules. We have that as a fact.

There is then a vacancy in the office of President. The President *pro tempore* of the Senate acts as President under the law as it now stands and under the Constitution. There comes a change in the political complexion of the Senate, or for some other reason the Senate, in its pleasure, determines arbitrarily to remove its presiding officer and selects another. Then the President *pro tempore* of the Senate, acting as President of the United States, on being removed from his office loses the foundation for his executive functions, and the new appointee of the Senate takes the Presidential chair. I will say that to my mind there is no condition of things under any law that has ever been proposed that is as abhorrent to all our views of constitutional government as that the country should be put in a condition of being governed

by an oligarchy composed of a majority of one branch of the National Legislature, bringing us exactly into the position of the Republic of Venice under its Doge and its Council of Ten.

Now, Mr. Speaker, as to the matter of special election. The Constitution as a whole does not seem to provide for any special election as it stands to-day.

Take the history of its adoption. When the convention which framed the Constitution of the United States was within a few days of its final adjournment it passed a resolution that the Congress of the Confederation should be notified, and that they should fix the time for the election or the appointment of electors and the time when those electors should cast their votes for President, and also the time when the new Constitution should go into operation. Under that action of the constitutional convention the Congress of 1788 fixed the first Wednesday in March, 1789, as the time when the operation of the new Constitution should begin, which in that year happened to be the 4th of March. The President holding for a term of four years, that circumstance gave the Presidential office its period of termination on the 4th of March in every fourth year; the Senators holding for six years, and being divided into the three classes whose terms of office expired respectively in the second, the fourth, and the sixth year, and the members of the House the second year. Now, while it is true that in the Constitution as originally passed there is no mention of the 4th of March, yet that period has been recognized in the twelfth amendment to the Constitution, in its provision in relation to the failure of the electors to choose a President, devolving the choice of President upon the House of Representatives. The language of that amendment is:

> And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the 4th of March next following, then the Vice-President shall act as President.

And so on.

There, Mr. Speaker, is the recognition of that period in the Constitution; there is the recognition of the quadrennial election of the President; and there, in the only provision which is of force to-day in relation to the choice of a President by electors, is recognized the termination of the right of the House of Representatives to make a choice of President on the 4th of March next following the commencement of their exercise of the right.

Mr. Speaker, it occurs to my mind that there are two reasons for that provision. One is that, under the system of the Constitution, that House of Representatives expires on the 4th of March, and this provision is tantamount to saying that if the House fail to make a choice during their official life, then the Vice-President shall act as President. The other reason is, that the Presidential office expires on the same day, and the Vice-President comes in to prevent an interregnum or a hiatus.

Such is the only provision for the election of a President. Gentlemen say that in the discussion of the Constitution in the convention, when Mr. Randolph moved for this power in Congress to declare what officer should act, and to provide that he should act "until the disability be removed or until the time for electing a President shall arrive," that then the language was modified into the expression "until a President be elected;" and they cite the colloquy which took place as evidence of the intent of the convention.

What was the colloquy, Mr. Speaker? Simply this: Here are the fathers of the Constitution meeting in council; they are making the Constitution; it is not yet built up; they are working on one of its parts. An expression is put in that clause which in very terms would exclude the idea of an intermediate or special election. The only change made, according to the colloquy, was to prevent such exclusion, that being the only idea that could be embraced under the expression. It was not a change of the expression "until the period for electing a President shall arrive" into "until a special election," but to make the expression broad enough to cover any case which, in the electoral provisions of the Constitution, might be made by them when they were building it up as a whole. It was designed to leave them liberty of action in the Constitution to put in any provision for a general election or a special election, either or both, as they might deem fit. It did not commit them to a special election by its terms, nor does the colloquy embrace that idea. The point, Mr. Speaker, that I submit is this: that, so far as that clause of the Constitution is concerned, its terms are broad enough to embrace any kind of election. But we must read each part of the Constitution with its context; and if in the Constitution elsewhere we find provision only for a general election—an election for the full term of four years—an election that is to be declared by the House of Representatives in one contingency before the 4th day of March following—and if we do not find in the Constitution any provision for a special election, or for terminating the power of choice of the House on a day other than the 4th of March, then I submit that the expression "until a President shall be elected," which is broad enough to cover either a special or a general election, is confined by the context of the Constitution to such an election as the Constitution in its context provides for.

Now let us take the statute in relation to special elections, by which Congress has assumed to provide for them. Upon that, Mr. Speaker, my first observation is this: Without going into the details of the statute, it provides that in some cases of vacancy an election can take place in an off year; the electors meet on the first Wednesday in December in an off year, when there is neither a Congressional nor a Presidential election, and cast their votes, and the President thus elected and the Vice-President, too—because they can not elect one without electing the other—will be declared elected on the second Wednesday in February following that off year, in the middle of a Congress; giving us, in a certain contingency, this situation: that the President of the United States will come into office in the middle of one Congress, and will be President through the whole of the next Congress and for half of the succeeding Congress; because I do not think any gentleman on this floor will gravely dispute this proposition, that when a President is chosen by electors he is elected for the full term of four years. That is the position into which the Presidential election will be thrown in the off years—either the first off year or the third off year of the Presidential term.

That is one difficulty; but there is still further lack of symmetry in this statute as it stands on the books. In case of the regular election of a President, the term of office of his predecessor terminates on the 4th of March. Although the newly elected President is declared elected on the second Wednesday in February, he takes his office on the 4th of March next succeeding, because until that time his predecessor has not filled out his term. But suppose there comes a special election. On the second Wednesday of February the two Houses meet, the votes are counted, and it is declared that such a one has been elected President and such a one Vice-President of the United States. There is a vacancy; and here is a man who has the full power conferred by the electors of the country, and there is no term to expire that he must wait for. Hence on the second Wednesday in February he comes into the Presidential office, and under the Constitution he holds it for four years. Now, let us follow this matter out to its legitimate conclusion. The term of this officer expires on the second Wednesday of February four years afterward or on the day of the month corresponding with that on which his term began. On that day the Senate and House of Representatives again meet to count the votes of the electors; and it so happens that the electors have failed to confer a majority of the votes on any of the candidates, and the election of the President is thrown into the House and the election of Vice-President into the Senate. On that day the term of the incumbent under the special election expires.

Suppose, Mr. Speaker, the House does not fill the place on that day (and under the Constitution it has until the 4th of March to fill it) who takes the Presidential chair? Suppose on that day the Senate elects a Vice-President. Is there an interregnum? Is there a hiatus? The Vice-President elected on that day goes into office on that day in February. There is no President elected. The Presidential term has expired. There is a Vice-President, and under the Constitution he takes the Presidential chair. But prior to the 4th of March, the time limited in the Constitution, the House under its constitutional authority elects a President of the United States. Does that Vice-President retire and this President elected after him take his seat? These are the questions, Mr. Speaker, which are bound to arise; and there are two chances out of four that they will arise; yea, three chances out of four that they will arise if the statute of 1792 is ever put into practical operation. So that this statute destroys all the symmetry of our electoral system by reason of the possibility in the first place of the Presidential term beginning at the middle of the respective Congress, and again by reason of the certainty of a Presidential term under a special election running from the second Wednesday of February instead of from the 4th of March.

But it has been stated that to abandon this system is unconstitutional. Why, Mr. Speaker, even if there were a provision for a special election, if Congress can say that in a certain contingency the election of electors shall take place within thirty-four days of a given time and in another contingency shall be postponed from one December to another—twelve months; and if Congress may say that if the vacancy should occur in the third year within two months of the first Monday of December, there shall be no election at all, can not Congress say that the election shall be at the time of the next regular election? If they can postpone the election twelve months, can they not postpone it two or three times twelve months? If they can say that when the interval is about five months there shall not be any election, can they not so say in case the interval is twenty-five, or thirty, or forty months?

If Congress, under the Constitution, has the discretion to determine the time of choosing the electors and fixing the same uniform day for them to cast their votes throughout the United States, as is expressly provided in the Constitution, can they not, when they have put upon the books a statute like this, take it off? It is no more unconstitutional to do so than to change the time for the special election provided in the statute as it stands.

It is said that this power to provide for a succession for the remainder of the term, or for a definite period, was not delegated to Congress or to the United States, and that this bill is a usurpation of power retained by the people under the ninth and tenth amendments of the Constitution. Now, Mr. Speaker, let me read those amendments:

ARTICLE IX.

> The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Now, I contend that all executive Federal power is delegated by Arti-

cle II, and all legislative Federal power is delegated by Article I. Rights and powers refer to the scope of the executive, legislative, and judicial rights and powers, and not to the officers administering these branches. The right to elect a President is not a reserved right, for it is delegated to electors to be appointed by the States. The power to elect, whether by general election or special election, is delegated to electors; and being a delegated power, it is not reserved. The whole executive power is vested in a President, Vice-President, &c.; therefore the power of the office is not reserved. So these are clearly Federal rights and powers, and the ninth and tenth amendments can have no application.

Besides, Mr. Speaker, the people do not elect the President or Vice-President of the United States. There is no such provision in our Constitution. They are to be elected by electors; and those electors are appointed—by whom? Not by the people.

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors.

So that there is no popular right affected, no popular power infringed. We have seen the operation of that rule of the Constitution in the election of 1876, when Samuel J. Tilden received by nearly a quarter of a million the majority of the people's votes, but the electoral vote by States gave 1 majority to Rutherford B. Hayes over Samuel J. Tilden. Under the Constitution the electors of the several States elected the President by that majority of 1, when the people had given a majority of a quarter of a million of votes in favor of the other candidate. There is no such thing, under our form of government, as the direct election of President by the people.

There are some objections which have been proposed to this bill. There have been suggestions made that possibly a party might be continued in power for an additional four years under certain contingencies against a vote of the people if the candidates chosen by the electors should die before assuming the functions of their offices. Be that as it may, is there anything better in the statute? Suppose that one political party should be in power. Suppose that at the regular Presidential election the other political party should elect a President and Vice-President to go into office on the ensuing 4th of March. Suppose the President and Vice-President elect should both die before the 4th of March. What is the consequence under the present law? Why, if the political complexion of the Senate should be different from that of the persons selected by virtue of the electoral vote the Senate would put in a President *pro tempore* of the other political party, whichever party it might be.

But there is another contingency. If the President and Vice-President elect should die before the 4th of March there is no provision of law by which either House of Congress shall meet on the 4th of March. They meet in December, and, unless the outgoing President should call a session of the Senate or a session of Congress, there would be a period of nine months absolutely without any provision whatsoever under the present law. Is there anything worse than that? Suppose the outgoing President should convene Congress by proclamation to meet in extra session on the 4th of March, and that there has then arisen by death or disability the contingency of no President or Vice-President elect to take the oath of office. Suppose that one House of Congress was of one political complexion as to its majority, and the other House of Congress was of the other, why, Mr. Speaker, there would be an unseemly scramble on the one hand to get possession of the Presidential chair, and a disposition to filibuster on the other hand to prevent it, both Houses of Congress running a race for the Presidency through the President *pro tempore* and the Speaker of the House.

Therefore, Mr. Speaker, for these reasons there is at least necessity for a change; and while I do not subscribe to the proposition that the measure which is submitted before the House now as it has come over to us from the other House is perfect, or that it supplies every possible contingency, I do consider it is infinitely better than the present law, not looking simply at the present, but looking to any time and any contingency which may arise; and I do so irrespective of party considerations, because they should not enter upon this field. I do submit that the provision that an officer of the executive department should be the *locum tenens*, should be the acting President, gives certainty to there being an officer to fill the office if it shall become vacant—gives consistency, and will answer about as well as any statute law would answer, until some provision can be made by which the Constitution can be amended.

I am myself in favor of a constitutional amendment in this matter; but I say now, although I had the honor to submit one of the propositions for such amendment, I am wedded to no scheme or system in that regard, so long as the language of the Constitution can be so amended as to be certain, and meet not only the contingencies for which the foresight of our ancestors have provided, but the contingencies which the experience of one hundred years have shown to us, and which were not anticipated by the founders of the Constitution. Our life and our history as a nation have lessons of instruction, and the founders of the Constitution themselves did not once assume that they were completing a perfect work, for they provided for amendments to meet emergencies such as were not fully provided for in their system. Whether the amendment be to elect additional officers, as is proposed in one resolution, whether it be that electors should hold office for four years to fill vacancies in the Presidential or Vice-Presidential office, as the case may be, or any other plan which will give certainty to this matter by an amendment to the Constitution, some measure ought to meet the full support of every one who feels that it is not right, it is not prudent, that the vast interests of this country, which has grown to be a mighty empire, should at any time be imperiled and our Constitution be in danger of overthrow by a scramble for the splendid position of head of these United States.

For these reasons, Mr. Speaker, I am in favor of accepting this proposition which has come from the other House, taking it as it is, and then going on and, with the united wisdom of the country behind us, providing for such fundamental remedy as will supply the desideratum which now exists in the Constitution of the country.

Mr. Speaker, how much time have I left?

The SPEAKER. Nine minutes.

Mr. DIBBLE. I will yield five minutes to the gentleman from Pennsylvania.

Mr. ERMENTROUT. I will reserve my time until after the other side has been heard.

Mr. DIBBLE. Very well; then I will reserve the whole time remaining to me for the present.

Mr. BAKER. Mr. Speaker, inasmuch as I have the honor to be a member of the select committee from which this bill was reported, it is my purpose to submit briefly the considerations which led me to favor the report in its present form. But I do not propose to occupy the whole of the time which belongs to me, and have agreed to allot fifteen minutes to the gentleman from Pennsylvania [Mr. OSBORNE], who desires to oppose the bill.

Mr. OSBORNE. Mr. Speaker, I fully appreciate the importance of the subject under consideration and exceedingly regret that the bill now pending before the House can not receive my sanction. I have listened attentively and with great interest to the able and learned arguments made by the friends of the bill in this House, and have carefully read all that was said by the Senator who advocated its passage in the Senate, but I am unable to find in this mass of learning and ability sufficient legal reason to answer the constitutional objection I find to it.

The only authority Congress has to assume jurisdiction over any measure or thing is delegated to it and exists in the Constitution. All power and authority not granted in the Constitution of the United States remains with the States or in the people.

The Constitution itself declares:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

With these propositions of law settled by the Constitution and by judicial authority, the gravity of legal objection to this bill is presented with great force and clearness when we contrast what is sought to be done through its provisions and what Congress is allowed to do in the premises by the Constitution.

Article II, section 1, of the Constitution provides:

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected, as follows.

We have in this clause three important elements:

First. The office: President of the United States of America.

Second. The term: four years.

Third. How chosen: elected.

I venture to say that no man can be found who would contend for a moment that the executive power could be anywhere except as vested by the Constitution. Nor do I think anybody entertains the opinion that Congress has the power to shorten or extend the term fixed by the Constitution.

Such legislation would be usurpation, and the men who would attempt it would receive, as they deserve, the just condemnation of all citizens who love the Republic. Can we say less of an act passed by Congress that would establish a mode for choosing the Executive other than that prescribed by the Constitution?

This bill is aristocratic in its tendencies, does not conform to the spirit of our institutions, and if passed will be a usurpation by Congress of powers still vested in the States or in the people. Hence it is unconstitutional, and should not receive the sanction of this House.

In the language of Alexander Hamilton, I would say: "The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."

Mr. BAKER. Mr. Speaker, I have agreed to allot a portion of the time remaining at my disposal to the gentleman from Massachusetts [Mr. ROCKWELL], to whom I now yield five minutes.

Mr. ROCKWELL. Mr. Speaker, this bill leaves about fifteen days from the time the vote of the electoral college is ascertained till the new Cabinet officers are announced, when, if both the President and Vice-President elect, or but just inaugurated, should die, resign, or be unable to perform the duties of their positions, the Secretary of State under an outgoing administration would become President for four years.

As the law of Presidential succession now stands, it is feared in case

of vacancy in both Presidential and Vice-Presidential positions the provisions for the succession of the President *pro tempore* of the Senate or of the Speaker of the House of Representatives might give rise to grave complications because of the unconstitutionality of the law relating to their succession. The question at issue is which plan carries the least risk.

The gentleman from Ohio [Mr. SENEY] yesterday set forth in a judicial argument—where not a word was wasted—the risk under the present law. I know of no amendment which will fill the gap in the bill now proposed. With this admitted defect, with which political parties equally take their chances, the bill yet makes it clear who in certain contingencies shall be President. Under the present law it is uncertain. The question when it arises may be referred to the Supreme Court, and if the law is then declared unconstitutional there may be an interregnum.

It is urged against this bill that in case the Secretary of State of an outgoing administration should succeed within the fifteen days stated and so become President for four years, he might not be in harmony with the policy of the party that won at the previous election, and thus the registered will of the people be thwarted. Yet under the present law it is possible that the President *pro tempore* of the Senate or the Speaker of the House, whoever may succeed, may not be in accord with the winning party. In this respect there is a risk under either system.

Preferring then, sir, that the question of the Presidential succession shall be determined and certainly fixed, I shall support this bill with its admitted defects.

Mr. BAKER. Mr. Speaker, inasmuch as I have the honor to be a member of the select committee from which this bill was reported, and since as a member of that committee and of the subcommittee I concurred in the majority report accompanying the bill and so ably sustained by the chairman in his argument, it is my purpose somewhat briefly to state the considerations which lead me to favor the bill now under consideration in its present form.

In the outset permit me to observe that I do not consider this bill entirely free from defects; indeed, many of the criticisms made and questions suggested in the able arguments of the gentlemen on this floor in opposition to the bill have occurred to me and were considered by the committee; but in view of the fact that a very general public demand has been urged for several years for legislation upon this important subject, and in view of the almost certain failure of all legislation upon the subject if this bill be not passed in just the form in which it came from the Senate, I conceived it to be my duty to waive the several objections suggested, based as they are upon contingencies which are unlikely to occur within many years, if ever, and favor a proposition which clearly and fairly meets the present emergency. I conceive it to be our duty to consider this question in its highest, broadest, and most patriotic sense; to set aside all partisan considerations, and face the subject as one people aiming for the tranquillity and prosperity of one great Union under the Constitution handed down by our fathers, the preservation whereof has cost so much in blood and treasure.

The pending bill proposes in its first section "that in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Treasury; or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of War," and in the same manner naming, respectively, the Attorney-General, the Postmaster-General, the Secretary of the Navy, and the Secretary of the Interior in the order stated, "shall act as President until the disability of the President or Vice-President is removed or a President shall be elected," and further provides, "that whenever the powers and duties of the office of President of the United States shall devolve upon any of the persons herein named, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of the person upon whom said powers and duties shall devolve to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting."

By the second section it is provided:

That the preceding section shall only be held to describe and apply to such officers as shall have been appointed by the advice and consent of the Senate to the offices therein named, and such as are eligible to the office of President under the Constitution, and not under impeachment by the House of Representatives of the United States at the time the powers and duties of the office shall devolve upon them respectively.

At the present time the only existing law of Congress providing for the Presidential succession in case of a vacancy of both Presidential and Vice-Presidential positions is the act of 1792.

An examination of the history of this section shows that in the proceedings of the Federal convention—

Mr. Gouverneur Morris objected to the President of the Senate being provisional successor to the President, and suggested a designation of the Chief-Justice.

Mr. Madison adds, as a ground of objection, that the Senate might retard the appointment of President, in order to carry points whilst the revisionary power was in the President of their own body, but suggested that the executive powers, during a vacancy, be administered by the persons composing the council of the President.—*Madison Papers*, volume 3, page 1434.)

All questions as to what course the succession should take were finally resolved by the adoption of the section 1 in Article II of the Constitution, which provides:

"In case of the removal of the President from office, or his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed or a President shall be elected."

From 1787 till 1792 Congress made no provision for the succession in case of vacancy in the offices of President and Vice-President, when it provided that the President *pro tempore* of the Senate, or, if there were none, the Speaker of the House of Representatives, should succeed. It was at the time questioned by Mr. Madison, in a letter to Edmund Pendleton, as follows:

"The bill concerning the election of a President and Vice-President, and the eventual successor to both, which has long been depending, has finally got through the two Houses. * * * On another point the bill certainly errs. It provides that in case of a double vacancy the executive powers shall devolve on the President *pro tempore* of the Senate, and he failing, on the Speaker of the House of Representatives. The objections to this arrangement are various.

"1. It may be questioned whether these are officers in the constitutional sense.

"2. If officers, whether both could be introduced.

"3. As they are created by the Constitution, they would probably have been there designated if contemplated for such a service instead of being left to the legislative selection.

"4. Either they will retain their legislative stations and their incompatible functions will be blended, or the incompatibility will supersede those stations, and then, those being the substratum of the adventitious functions, these must fail also. The Constitution says, Congress must declare *what officers*, &c., which seems to make it not an appointment or a translation, but an annexation of one office or trust to another office. The House of Representatives proposed to substitute the Secretary of State, but the Senate disagreed, and there being much delicacy in the matter, it was not pressed by the former."—*Madison's Papers*, volume 1, pages 548, 549.

It is thus shown that the propriety of this measure of succession was challenged by the father of the Constitution, not only in the Federal convention, but in Congress. This certainly renders less presumpuous present criticism of an act apparently rendered sacred by the ninety years it has remained undisturbed on the statute-book. It is true no trouble has arisen under it; but it is also true that there has fortunately been no occasion to apply it to the settlement of the Presidental succession. And it is perhaps warrantable to say that, if occasion had arisen for its use, trouble would have probably ensued as to its practical application and enforcement.

It is first to be observed that, waiving all constitutional questions, long periods have occured, and may occur again, during which there is neither President *pro tempore* of the Senate nor Speaker of the House of Representatives, and hence no one who could succeed to the Presidential office in case of the failure of both President and Vice-President. This possibility is certainly of great weight against this plan of succession.

If we were confronted with the proposition as to whether now and here we should pass that act of 1792 (section 146), I submit it would not have the serious consideration of Congress for a moment. Such being the fact, it occurs to me we are called to act as if that law had never been passed, starting with the manifest proposition that it was wrong in principle and clearly of very doubtful constitutionality.

But there are still graver objections to the present system. The separation of the departments of the Government, and the division of their powers and functions into executive, legislative, and judicial, forbid that they should under any circumstances be united. We say in our report further upon this subject:

Here we would have the executive department merged into the legislative, and the powers and duties of the chief executive office of the nation "annexed," to the position of President *pro tempore* of the Senate or Speaker of the House, as the case might be. He would preside, as President of the Senate, over proceedings involving the confirmation of appointments to office that he has made as President of the United States; nay, as Senator he could vote upon them. As Speaker of the House, he could vote to sustain his veto upon legislation made as President of the United States.

He could, as President of the United States, bring all the power and patronage of the great office of the Chief Magistrate of the nation to improperly influence legislation. Even, then, granting for the sake of argument that these are such officers as are meant by the Constitution, they are the last that a wise Congressional discretion should select for succession to the office, because the duties of the executive and legislative stations are utterly "incompatible" and should not be "blended."

But either House of Congress may expel one of its members. Hence, for proper cause, the acting President of the United States might be expelled, and thus deprived of his office of Senator or Representative, as the case might be. The Presidential annex then, lacking its "substratum," would fall, and the Government would be deprived of a President. How? By impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors? No; on account of the vote of expulsion of either House of one of its members for improper conduct. Hence, section 4 of Article II of the Constitution, which provides for the President's removal from office by impeachment for or conviction of high crimes and misdemeanors, as the only method, will be rendered nugatory and of no effect.

But the Constitution itself in express terms forbids the blending of legislative and executive functions. Section 6 of Article I provides, among other things, that—

"No person holding any office under the United States shall be a member of either House during his continuance in office."

It can not be denied that the Presidency is "an office under the United States," and to hold such an office is forbidden to any member of either House during his continuance in office. But he can not, under the law, act as President except by virtue of being a member of Congress. His Congressional position is the "substratum of the adventitious functions." Yet as soon as he takes the office under the United States he is forbidden longer to be a member of either House. Such attempted succession would be anomalous and productive alone of confusion.

The question as to whether a member of the Senate or House is an officer of the United States is not an open one. Articles of impeachment against William Blount were exhibited by the House of Representatives in 1798, and upon the question arising on demurrer or plea to the jurisdiction as to whether a Senator was a civil officer of the United States, it was held in the negative, and that he was not liable to impeachment. This has been and is considered as settling that question—that a Senator was not a civil officer, and hence not impeachable. The same conclusion will necessarily follow as to a Representative.

If, then, they are not such officers as can be impeached, how can they be considered such officers as can succeed to the Presidency? Manifestly they are not, unless their election to the offices, respectively, of President *pro tempore*

and Speaker makes them such. But they can only hold such positions by virtue of their commissions from their States and their qualifying as members of their respective bodies. They are still Senators and Representatives; they are not commissioned by the United States; they are amenable to their own Houses; they are subject to expulsion; they may be removed by election by their Houses. At any rate this is manifestly so of the President *pro tempore*, who, by resolution of January, 1876, was declared "to hold at the pleasure of the Senate."

This would make the tenure of the Presidential office subject to the pleasure of the Senate. Hence they are in no sense officers of the United States upon whom the succession could devolve. It is presumed to be useless to waste time in demonstrating that it is an impossibility that any man at one and the same time could perform the duties of President of the United States and preside in either House of Congress. The duties of either office during the sessions of Congress are enough to employ all the time, industry, and capacity of any man.

Hence it seems to me you will all agree that the passage of the existing law as an original proposition at this time would not for a moment merit or receive the serious consideration of Congress. What, then, is our duty? Clearly to make immediately some suitable provision to meet the existing contingency.

Will the pending bill do this in such a way that if the hand of the Almighty should remove the present Chief Executive, and the Secretary of State should be called to perform the duties of that great office the vast business interests of our country would be less disturbed than if the succession should occur under the existing law?

There can be no doubt as to your answer. The millions of people now looking to Congress for relief from the anxieties incident to this question answer affirmatively. Hence I am led to favor the pending bill, subject though it may be and is to many criticisms. We can not afford to disregard public sentiment and anxieties upon this subject.

My conclusions are particularly strengthened in view of the fact that upon the happening of such event the Secretary of State acting as President would be required immediately to issue his proclamation convening Congress in extraordinary session—an act, a provision, that would further tend to preserve and promote the tranquillity of the nation.

This is a non-partisan measure. It has twice passed a Republican Senate. It has met the approval of public sentiment as reflected through the press quite generally. The third section of the bill repeals the act of 1792 (sections 146 to 150, inclusive, United States Revised Statutes), and so does away with the provisions of law providing for a special election. In my opinion it would be a calamity to subject the country to the strain of an extraordinary or special Presidential election, succeeding, it might be, within a very short period a regular quadrennial election as now provided by the Constitution and the laws. The passage of the pending bill will largely, if not entirely, set at rest the public mind upon this as on all the exciting matters incident to this subject.

I should regret to see this measure, important as it is, involving to a greater or less degree as it does the peace, prosperity, and welfare of our country, considered or discussed from any mere partisan standpoint. I appeal to my colleagues on this floor to heed seriously the manifest desire of the people, from whom we have come freshly charged with these responsible trusts, and to discharge this duty conscientiously, having regard only for the best interests of the whole people.

The pending bill has been carefully considered here and by the Senate. The objections to it do not weigh, are not contended to be, against it so far as it would meet an immediate contingency. Hence, I am pleased to waive any personal objections, as I did in our committee, and favor the bill in its entirety as the only measure possible to pass at this Congress and fairly responsive to public demands.

The amendments proposed only relate to remote contingencies. Any amendment means defeat of any legislation by this Congress, and I am unwilling to be a party to any proposition that would prevent prompt and proper action.

Mr. RYAN. I have not formulated any remarks upon this subject; but some thoughts have impressed themselves upon my mind which, in a disconnected way perhaps, I desire to offer to the House. There are two things of the highest importance in formulating a provision against the apprehended dangers: First, certainty of succession; secondly, purity of title. Any provision that falls short of this is wholly inadequate and irresponsive to the public demand.

I have given some little thought to the various suggestions and propositions which have been offered, and in the few observations I shall make I shall take a shot at the flock. I do not think that any of them affords both of the essentials I have suggested. I do not think that any of them affords both certainty of succession and purity of title. The pending bill is in some respects in my judgment far superior to the existing law. In other respects it is so defective that I do not feel at liberty to vote for it. No matter how odious an administration may become in the public judgment, no matter how much it has provoked the indignation of the American people by outrages and wrongs, no matter though every State in the Federal Union has cast its electoral vote against it, no matter though there has been entire unanimity among the American people in that respect, if the President-elect and the Vice-President-elect shall die between the time of the certification of the vote and the time for their inauguration into office then that odious administration is by the pending bill continued in power against the will of the people for four years more. That is a contingency that ought not to be permitted to be possible in any legislation which we are attempting now to formulate against apprehended dangers.

There are many other defects in the pending bill, though in my judgment quite inferior to this. What, Mr. Speaker, is the power that Congress possesses under the Constitution in formulating a scheme of succession? The Constitution declares that—

The Congress may by law provide for the case of removal, death, resignation, or inability both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

It would seem quite clear under this provision that the officer upon whom we devolve the succession by any law that we may enact that shall be in harmony with this provision of the Constitution must act as President *ex officio*—that is, he acts as President in virtue of the office he holds. In other words and to illustrate, the present law devolves the succession in a contingency upon the President *pro tempore* of the Senate. Now the President *pro tempore* of the Senate, under this provision of the Constitution, can only act as President while he holds the office of President *pro tempore* of the Senate. It is in virtue of that office, in right of that position that the Constitution permits Congress to confer upon him the right and power to act as President of the United States.

My object in the few remarks I have to make will be to show that all propositions pending, including the present law, are so defective that it would seem that the only adequate remedy that can be provided must be by an amendment to the Constitution of the United States. Take, if you please, the existing law, with which I am not so much enamored as some of those who have preceded me in the discussion. It does not come to me sanctified by use. It is matter of history that that law is the offspring of the rivalry existing at the time between Mr. Hamilton, who was then Secretary of the Treasury, and Mr. Jefferson, who was then Secretary of State; that it is the product of the personal and political animosities of that hour, rather than of the deliberate judgment of the Congress that passed it. In the Life and Times of Madison, page 223, it is stated:

That this decision proceeded mainly if not exclusively from feelings of personal and political enmity to the gentleman who then filled the office of Secretary of State, and the jealousy entertained of him by the friends and partisans of the Secretary of the Treasury is rendered apparent by the surviving memorials of the time. Colonel Hamilton himself in a letter to a friend of his, of nearly contemporaneous date with the transaction, acknowledged that he used his influence from motives of personal and political opposition to Mr. Jefferson to defeat the amendment of the House.

That amendment of the House was that the office should devolve on the Secretary of State. Mr. Hamilton himself at that time wrote a letter to a friend, in which he said:

You know how much it was a point to establish the Secretary of State as the officer who was to administer the Government in defect of the President and Vice-President. Here I acknowledge, though I took far less part than was supposed, I ran counter to Mr. Jefferson's wishes; but if I had had no other reason for it, I had already experienced opposition from him which rendered it a measure of self-defense.

Mr. Madison was then leader of the House and had been among the ablest of the men who framed the Constitution; but he antagonized the bill at every step as it finally passed, and that he regarded it as unconstitutional is evident from the letter written by him to Mr. Pendleton, of Virginia, immediately after it had passed both Houses. In that letter he says:

The bill concerning the election of a President and Vice-President, and the eventual successor to both, which has long been depending, has finally got through the two Houses. It was made a question whether the number of electors ought to correspond with the new apportionment or the existing House of Representatives. The text of the Constitution was not decisive, and the Northern interest was strongly in favor of the latter interpretation. The intrinsic rectitude, however, of the former turned the decision in both Houses in favor of the Southern. On another point the bill certainly errs. It provides that in case of a double vacancy the executive powers shall devolve on the President *pro tempore* of the Senate, and he failing, on the Speaker of the House of Representatives. The objections to this arrangement are various:

1. It may be questioned whether these are officers in the constitutional sense.
2. If officers, whether both could be introduced.
3. As they are created by the Constitution, they would probably have been there designated if contemplated for such a service, instead of being left to the legislative selection.
4. Either they will retain their *legislative* stations, and then incompatible functions will be blended, or the incompatibility will supersede those stations, and then those being the substratum of the adventitious functions, these must fail also. The Constitution says Congress must declare *what officers*, &c., which seems to make it not an appointment or a translation, but an annexation of one office or trust to another office. The House of Representatives proposed to substitute the Secretary of State, but the Senate disagreed, and there being much delicacy in the matter, it was not pressed by the former.

So, Mr. Speaker, contemporaneous history stamps the scheme which was then formulated as the issue of personal and political strife and as of questionable validity. It has been said that this law is sanctified by nearly ninety years of use. It never, thank God, has been in use a moment. It has slumbered upon the statute-book without ever having been called into action at all.

Now, sir, what is the plan of our Constitution and the scheme of our Government with reference to this question? It is that the Government shall be made up of co-ordinate branches, each branch independent within its own sphere, yet sustaining such relations to the others that each shall be a check and a balance upon the rest. Running all along through the lines of the Constitution is this idea of keeping each department separate and independent of the others, so that each shall be a restraint and check upon any abuses that may occur in any other department. The Constitution is careful not to confer any legislative

power upon the Executive. The only legislative function with which it clothes the Executive is the right to approve or disapprove bills which have passed both Houses of Congress; and when the Constitution prescribes what powers the Executive shall have in that respect, it denies to him all other powers of legislation. Will it be contended for a single moment that the man who acts as President of the United States shall carry any greater constitutional or other power than the man who was duly elected President of the United States by the people? Certainly not. But the President *pro tempore* of the Senate is still a Senator after you have devolved upon him the duties of the Executive office; he still performs all the functions of a legislator; he still has the right to speak in the Senate for or against every measure of legislation, and introduce legislation there and formulate it as freely after he is clothed with executive powers as before. He has a right to vote for or against every proposition that may come before that body. His relations to the Senate as a Senator are not changed in any respect. Such a case, in my judgment, was never contemplated by the framers of the supreme law. Such a power as that was never intended by them to be blended with the powers and duties of Chief Magistrate.

But, Mr. Speaker, it may be fairly questioned whether the President *pro tempore* of the Senate is not made in positive terms ineligible by the Constitution of the United States. The Constitution declares that no person holding any office under the United States shall be a member of either House during his continuance in office. But here is a law which declares that a man shall be President of the United States while he is at the same time a Senator of the United States; whereas the Constitution says that while he holds the office of President, or any other United States office, civil or military, he can not be a member of either House of Congress. The impeachment provisions of the Constitution are the great safeguards placed in the hands of the representatives of the people as a protection against an unscrupulous and profligate Executive. Yet for ninety years the law has obtained that a Senator of the United States is not subject to impeachment. If, then, you devolve the office of President of the United States upon the President *pro tempore* of the Senate, will he be subject in any respect to the impeachment provision of the Constitution? Certainly not as President *pro tempore* of the Senate. Can you apply it, then, to him as acting President of the United States? If you do that, he is still, by virtue of the Constitution, a member of the high court of impeachment before which he is himself to be tried for treason, bribery, or other high crimes and misdemeanors. Here is an incongruity that I apprehend was never contemplated by the framers of the Constitution.

Again, the Executive appoints embassadors, consuls, ministers, and other officers of the United States, "by and with the advice and consent of the Senate." Will this acting President preside in the Senate to act upon his own nominations, and, perhaps by his own vote, give the "advice and consent of the Senate" to the appointments which as Executive he is authorized under the Constitution to make? He is charged by the Constitution with the power to veto all legislation that he disapproves. Is he to sit in the Senate, introduce legislation of his own, formulate it, discuss it, vote upon it, and then as Executive exercise the veto power with reference to it? If he shall disapprove by his voice and vote in the Senate Chamber, will he disapprove as President of the United States? In other words, is the Executive to be so participating in legislation as all the time to flaunt the veto power in the face of Congress?

But, sir, it is admitted that the President *pro tempore* of the Senate may be changed at the will of that body. When you devolve upon him the office of Chief Magistrate of the country, there is placed with the Senate of the United States the power to change the President at its own pleasure—to make and unmake a President of the United States with a frequency limited only by its own sweet will.

All this is offensive to the Constitution and wholly inharmonious with our magnificent scheme of government.

The Constitution creates the office of Speaker of the House; it creates the office of President *pro tempore* of the Senate. These offices had been created before the framers of the Constitution reached the provision in relation to the Presidential succession. They provided a Vice-President to succeed the President of the United States in certain contingencies, and then relegated to Congress the power to provide a further succession to the Presidential office. But if they had deemed the President *pro tempore* of the Senate and the Speaker of the House proper officers to succeed to the Presidental office and perform its functions, it would have been an easy matter, as Mr. Madison said, for them to have done so. The fact that the offices were incongruous, that to devolve the duties of President upon these officers would merge legislative and executive duties in one person in contravention of the whole scheme of the Constitution, were perhaps sufficient reasons why they did not.

One word in regard to the power to provide by law for a special election. The Constitution provides:

> And such officers shall act accordingly, until the disability be removed or a President shall be elected.

How elected? It would seem to have been an easy matter for the fathers to have provided in express terms for an election to fill the vacancy if they had so desired. But they had already framed a provision in the Constitution for the election of a President. They had not only provided when and how he should be elected, but for all the details of his election, creating the office of electors and prescribing their duties in all respects; so that it is contended by some of the ablest constitutional lawyers in the country that the phrase "or a President shall be elected" relates to the quadrennial election, the election provided for by the Constitution itself. I desire to quote upon this question the judgment of a distinguished constitutional lawyer whose eminence as such commands the respect of the people of the United States. I refer to Mr. Evarts:

> Now the Constitution resumes its authority: "And such officer shall act accordingly"—that is, discharge the duties of President—"until the disability be removed;" which is one of the occasions for the action of Congress, and the other occasion, the alternative occasion, when the office is vacant, "or" in that case "a President shall be elected." And when the Constitution stops there, and does not provide for Congress the right to determine whether there shall be an election or when there shall be an election, and the power of the Constitution asserts itself as disposing of the whole question, when Congress has made its declaration of the officer and the Constitution has prescribed what shall ensue, it is then fastened upon the power of the officer; that is, if he takes the place to perform the duties by reason of disability, the Constitution says he shall hold it for the disability. Does any one pretend that Congress could order an election during a temporary disability, during a constitutional disability, whatever that may be? By no means. Here then is an exhausted power. It comes then to the alternative, the vacancy, however it may have occurred. There it provides that the duties of the Presidency shall be executed until the election of a President; and what does that mean? It means an election that the Constitution provides for; it means what the framers of the Constitution knew and recognized as a condition that was to follow. That is the whole frame of the periodicity of the Constitution, and that frame which protects the office against innovation from Congress is maintained in all respects and always. And you will find that all the mischiefs which have threatened and all the difficulties which have given rise to debate among eminent statesmen and eminent lawyers as to there being any doubt and therefore difficulty, come from not reading the Constitution as meaning what the framers meant—meant by them intelligently—and what they were undertaking to provide for, what at least they meant to maintain, that whatever in the unforeseen vicissitudes that should attend the life of a great nation might occur, they meant this principle at least should last, that Congress should not say whether or not there should be an election or when there should be one, but should do what? Exactly what the framers of the Constitution did not undertake to do and did not feel themselves competent to do.

One of the most eminent constitutional lawyers of this country, Mr. Justice Story, in his great work on the Constitution of the United States, says in reference to this question of the constitutional power to provide law for a special election to fill the vacancy:

> Congress, however, have undertaken to provide for every case of a vacancy both of the offices of President and Vice-President, and have declared that in such an event there shall immediately be a new election made in the manner prescribed by the act (the existing law). How far such an exercise of power is constitutional has never yet been solemnly presented for decision. The point was hinted at in some of the debates when the Constitution was adopted; and it was then thought to be susceptible of some doubt. Every sincere friend of the Constitution will naturally feel desirous of upholding the power as far as he constitutionally may; but it would be more satisfactory to provide for the case by some suitable amendment which should clear away every doubt, and thus prevent a crisis dangerous to our future peace, if not to the existence of the Government.

Now, Mr. Speaker, we have this condition of things: The right to devolve this great office by an act of Congress upon the President *pro tempore* of the Senate or the Speaker of the House is questioned by some of the ablest constitutional lawyers in the land; and further, the right of Congress to provide for a special election to fill the vacancy is equally uncertain and equally doubtful and disputed by high authority.

Now, let us consider for a moment the plan suggested by my distinguished friend from Illinois [Mr. ADAMS]. He proposes to devolve, as unquestionably may be constitutionally done, the duties of President upon the Secretary of State temporarily. Then he undertakes to provide for a special election to fill the vacancy. For the purpose of illustration, suppose the present Executive should unfortunately die before the expiration of his term and this proposition should be in force as the law. Then this law would devolve the duties of the Executive upon the Secretary of State temporarily; then a special election is called, and the opposition to the administration prevails in the election. Suppose the Secretary of State, backed by his entire party, should assume the position which has already been assumed by the most distinguished lawyers and statesmen of the country in every division of public sentiment, that that election was unauthorized by the Constitution and all the proceedings under it void. Here arises one of the most difficult and dangerous conflicts that we can possibly contemplate. The prevailing party in the election can not surrender. Their chosen officers take upon themselves the oath of office, provide a cabinet, and assume to perform all the functions of government.

"Oh, well," you say, "let the Supreme Court decide the controversy." But you must remember that when there is such a condition of things the passions of the people are at white heat; and we would have very little reason to expect from the Supreme Court anything that we would not find in mortal man generally. It is not at all likely we would have a decision embodying any other views than those which their partisan bias would reflect; and such a decision would be as unsatisfactory to the American people as anything possibly could be—an entirely partisan opinion. In the mean time dangers are multiplying and all business is paralyzed.

I say it is the duty of the Congress of the United States to avoid even

the possibility of such a danger. Do you tell me it is remote, it is not probable? Why, sir, it is against improbabilities that we are making provision. We have lived under the present law nearly one hundred years, and the contingency against which we are now trying to make provision has never yet happened; and the contingency I have mapped out is perhaps quite as possible as any other apprehended.

Now, let us take the plan proposed by my distinguished friend from Pennsylvania [Mr. RANDALL]. He proposes to devolve temporarily the office upon the Secretary of State. Then he provides the electors shall hold a four years' term of office and that they may be called, upon certain notice which he provides for, to elect a President and Vice-President of the United States to fill the vacancy. Here we shall run against another constitutional difficulty. The electors and their duties are prescribed by the Constitution of the United States, and when they have performed the last duty prescribed by that instrument they become *functus officio*. They no longer exist as officers; and it may be fairly questioned whether Congress has the right, the Constitution having prescribed the duties of an officer, to impose additional duties upon him, or, having imposed a limit to his term of office, whether they can enlarge it at all. If that be the condition, then we would have the same difficulty I have described in reference to the scheme of my friend from Illinois [Mr. ADAMS].

So, if a President should be chosen by the electors under such doubtful constitutional warrant the same difficulties might arise. The party in power holding by constitutional right and the other party elected by a doubtful and disputed authority, the same perils and the same controversies are possible. Now, Mr. Speaker, all I have sought to do is to show that none of the propositions which have been formulated are free from uncertainties, are free from doubt. None of them are likely to give us, if the contingency should ever arise—which God forbid—an Executive with absolutely unquestioned and unquestionable title.

My own judgment is that Congress never ought to adjourn until they make ample and adequate provision for the succession. It can be done easily by a constitutional amendment. If it is desired to provide a special election, lift it from the domain of doubt by making it a provision of the Constitution. If it is not desirable to do that, some other method can be easily formulated. One that suggests itself to my mind as the best is an amendment to the Constitution that would provide two additional Vice-Presidents. In that case there would be no difficulty, there would be no uncertainty, about the succession; there would be no question about the title. Whenever the vacancy did occur there would be an official upon whom under the Constitution the office might fall without his right to exercise its functions or its powers being called in question by anybody on earth.

Mr. ERMENTROUT rose.

Mr. CALDWELL. I rise to give notice, Mr. Speaker, that I will call the previous question at 4 o'clock.

Several MEMBERS. Call it now.

Mr. ERMENTROUT. If the House is ready to vote I will cheerfully yield the floor for that purpose. Does the gentleman from Tennessee purpose to call the previous question now? [Cries of "Vote!"]

Mr. GIBSON, of West Virginia, rose.

The SPEAKER. The gentleman from Pennsylvania has the floor.

Mr. GIBSON, of West Virginia. I wish to suggest to the gentleman from Tennessee, Mr. Speaker, that it is hardly fair to prohibit men on his own side of the House who object to this bill from expressing their views on it, when opportunity so far has only been given to those who oppose it on the other side. There is plenty of time for discussion, and there is no other question before the House demanding attention. In my judgment there does not seem to be any good reason why a question so great and important as this is should be pushed through this House in this way without allowing members an opportunity to express themselves on it. I am hostile to this bill and desire to state the reasons why I can not vote for it.

Mr. CALDWELL. I had no intention, Mr. Speaker, unnecessarily to push the bill to a vote, but of course I must follow the wishes of the House.

Mr. ERMENTROUT. As it does not appear to be the intention of the House to take a vote on the bill at this time, I shall proceed, Mr. Speaker, to submit what I have to say on the general subject. I do not indulge in this debate with the hope of adding anything new to what has been already said, but simply to bear, if I may use the term in this connection, cumulative testimony in favor of this bill, and as briefly as possible to give my reasons for coming to that conclusion. My colleagues on the committee [Messrs. CALDWELL and EDEN] who have addressed you, and the gentleman from Ohio [Mr. SENEY], in their able arguments yesterday, have exhausted the subject. They have shown conclusively, in my judgment, the great impropriety of the succession as fixed by the present law; for their arguments not only demonstrate that under the act of 1792 doubt as to constitutionality and uncertainty as to person attach to the first appointment of a successor to the Presidency in the contingency sought to be provided for, but also that after the first appointment this infirmity is aggravated by instability of tenure in the appointee by reason of the different constitutional qualifications required in a President, a Senator, and a Speaker of the House, by the appointment of President of the Senate and Speaker *pro tempore* during the absence or disability of either of these officers, and by the expiration of the term of a Senator or Speaker upon whom the succession has fallen before the expiration of the Presidential term.

When my duty as a member of the committee that reported this bill to the House brought me to a deliberate consideration of its provisions, I confess to a stubborn predetermination not to support that section which repeals the special-election clauses of the act of 1792. I am not betraying confidence when I declare that these were also the views of my patriotic and venerable colleague [Mr. EDEN] from Illinois. I can therefore sympathize with the views of the gentleman from Kansas and others who have scrupled to repeal these provisions.

I did not doubt and do not doubt now that, in case the contingency had arisen, notwithstanding the doubts that have been cast upon the constitutionality of the act of 1792, that act would have been enforced; not, however, because it is a good law, but because that act, but five years younger than the Constitution, had almost acquired in the minds of the people the sanctity of a constitutional provision, and because it was the only protection the country would have had against confusion. The good sense of the American people, as on other occasions, would have controlled the matter to a peaceful settlement. But when the death of two Presidents and one Vice-President within the memory of every man on this floor aroused the public mind, scrutiny was made of a law that had slept on the statute-book without a single awakening from the time of its enactment and its history was considered. It was then found to lack the great essentials of so important a measure, namely, certainty and stability. From 1795 down to the present time this infirmity has characterized it, if Madison and a long line of statesmen are to be considered authority. The vehement contentions in the Senate and House at various times established this. The contention of to-day establishes it, and the passage of this very bill by a co-ordinate branch of the National Legislature by so decided a vote should be most persuasive evidence to the ordinary mind. These all prove the contention to be over existing law. There should be none. To abide within the limits of the Constitution, to divest the succession of all doubt and controversy as to the person and as to the tenure of office, to go as far as that instrument would allow to meet the emergency immediately before us and no further and thus quiet the country—these were the considerations that constrained me to yield up my conclusions on this bill. Without question it answers every present purpose.

It is not pretended that this bill supplies everything we ought to have. It is, however, as perfect as human wit, trammeled by constitutional requirements, can go. We must look to the wisdom of this House to provide proper amendments to the Constitution to supply what is necessary. Some gentlemen on this floor have sought to cloud the judgment of the House by injecting a little more than a suspicion of politics into the debate. Much might be said on both sides. I hope no one advocating the bill will by words spoken afford any excuse for anything of the kind.

Whatever the errors or mistakes of either political party may have been in the past, let us patriotically seek to shun them in the future. It would be a sorry spectacle indeed to the people of this country, anxious and in suspense after the repeated admonitions given by Providence on this subject, by crimination and recrimination to delay this important legislation.

This bill provides for a successor to the present Executive in the event of his death certain as to person, certain and stable as to tenure of office, until the next quadrennial election, of the same political faith, which is in accord with that of the people as expressed at the last quadrennial election, and all clearly within the lines of the Constitution. Therefore I yield it my hearty support.

I now yield a moment to the gentleman from Illinois [Mr. ADAMS].

Mr. ADAMS, of Illinois. Mr. Speaker, I sent to the Clerk's desk on yesterday a proposed amendment to the third section of this bill. I understand that a pending amendment to that section was offered, or was proposed to be offered, by the gentleman from Ohio [Mr. COOPER]. If there is no pending amendment to section 3, then I desire now to offer my amendment to this section and have it considered as a pending amendment; and if the amendment of the gentleman from Ohio is pending, then I desire to offer mine as a substitute for his, and I have consulted with him, and there is no discourtesy intended in the motion.

Mr. ERMENTROUT. I reserve the remainder of my time.

The SPEAKER *pro tempore* (Mr. WILKINS in the chair). The gentleman has forty-five minutes of his time remaining.

Mr. CALDWELL. Mr. Speaker, I now feel it to be my duty to call the previous question upon the passage of this bill.

Mr. MCKINLEY. Pending that I have a substitute to offer to the bill, which I send to the desk.

Mr. CALDWELL. It has been suggested to me that the debate has been ample upon the bill, and in order to succeed in getting it through the House before the recess to-day it is proper to call the previous question now.

Mr. WARNER, of Ohio. Let me offer an amendment, to be pending only.

Mr. CALDWELL. I must insist upon the demand for the previous question upon the bill and all amendments pending.

The SPEAKER *pro tempore*. The gentleman from Tennessee de-

mands the previous question upon the bill and the pending amendments.

Mr. WARNER, of Ohio. And I ask him to allow me to offer an amendment to be considered as pending.

Mr. CALDWELL. I have no objection to the gentleman from Ohio presenting an amendment to be considered as pending.

The SPEAKER. It will depend altogether upon the character of the amendments already offered whether another amendment would be now in order.

Mr. CALDWELL. Of course consent is given subject to all points of order upon the amendment.

The SPEAKER. There is a substitute presented by the gentleman from Ohio [Mr. MCKINLEY] for the bill pending; also an amendment offered by the gentleman from Ohio [Mr. COOPER] on the part of the minority of the committee.

Mr. ADAMS, of Illinois. And an amendment to that amendment which I have just offered.

The SPEAKER. And that is as far as an amendment can go under the rule, except there be an amendment to the substitute of the gentleman from Ohio.

Mr. WARNER, of Ohio. I offer it as an amendment to the substitute.

Mr. CALDWELL. Mr. Speaker, I must withdraw the consent I have given if it is to lead to any confusion. I want to get action upon the bill promptly. I am convinced that I am justified in demanding the previous question and allow it to have its full scope. I do not want, either by consent or otherwise, to embarrass the passage of the bill.

Mr. HOUK. Do I understand that my colleague demands the previous question now?

Mr. CALDWELL. Yes, sir, you do understand that.

Mr. HOUK. But the gentleman gave notice a few moments ago that he would demand the previous question at 4 o'clock, and I am not aware of anything which has transpired since that time which would cause the House to go into this process of hasty legislation before the hour fixed.

Mr. CALDWELL. I will say to the gentleman this has transpired, that I have changed my mind upon the question, and propose to exercise the right and privilege now that I thought I would exercise at 4 o'clock.

Mr. HOUK. I submit to my colleague further that it is proper, I suppose, and he has the right to change his mind as often as he pleases, but the gentleman has no right to change his mind so as to mislead others.

Mr. CALDWELL. I have no desire to mislead others, and do not think the gentleman has any right to make such a suggestion.

Mr. BURROWS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURROWS. I desire to know if the previous question shall be now ordered whether it will cut off all amendments to the bill.

The SPEAKER. It will, except those now pending.

Mr. BURROWS. Except those pending. I have an amendment I would like to offer.

The SPEAKER. The Chair understands the gentleman from Tennessee does not admit the amendment offered by the gentleman from Ohio [Mr. WARNER].

Mr. WARNER, of Ohio. The amendment was offered while I had the floor and after the gentleman from Tennessee had yielded.

The SPEAKER. But the gentleman from Ohio had the floor by permission of the gentleman from Tennessee, and not exactly in his own right.

Mr. WARNER, of Ohio. The gentleman having given permission and the amendment having been offered, I think it is too late to object now.

The SPEAKER. The Chair is inclined to think not. The amendment was offered during the pendency of the demand for the previous question, and could only, therefore, be offered with the consent of the gentleman who asked the previous question. If the House votes down the demand for the previous question, the amendment will then be in order.

Mr. BURROWS. I desire also to inquire if ordering the previous question cuts off debate on amendments.

The SPEAKER. The previous question, if ordered by the House, cuts off all amendments and all debate unless the gentleman having the measure in charge shall have the right to an hour to close debate—a point which the Chair has not decided since the adoption of the present rule.

Mr. BURROWS. I wish to inquire of the gentleman from Tennessee whether by unanimous consent this bill could not be considered by sections as in Committee of the Whole after the previous question is ordered.

Mr. EDEN. I shall object to that.

Many members called for the regular order.

Mr. PERKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PERKINS. If the previous question is ordered would a motion after the pending amendments are voted on be in order to recommit the bill?

The SPEAKER. A motion to recommit will be in order after the previous question has been ordered and will be in order when the question is on the passage of the bill.

The question being taken on ordering the previous question, there were—ayes 89, noes 94.

Mr. HOLMAN and others called for tellers.

Tellers were ordered; and Mr. CALDWELL and Mr. BURROWS were appointed.

The House again divided; and the tellers reported—ayes 132, noes 113.

So the previous question was ordered.

Mr. BURROWS. I demand the yeas and nays on ordering the previous question.

The yeas and nays were ordered, 73 members voting in the affirmative.

The question was taken; and there were—yeas 146, nays 119, not voting, 59; as follows:

YEAS—146.

Anderson, C. M.	Davidson, R. H. M.	King,	Sayers,
Arnot,	Dawson,	Kleiner,	Scott,
Baker,	Dibble,	Lanham,	Seney,
Barbour,	Dockery,	Le Fevre,	Seymour,
Barksdale,	Dougherty,	Lore,	Shaw,
Barnes,	Dowdney,	Lovering,	Singleton,
Barry,	Eden,	Lowry,	Sowden,
Beach,	Eldredge,	Mahoney,	Spriggs,
Blanchard,	Ermentrout,	Martin,	Springer,
Bland,	Fisher,	Matson,	Stahlnecker,
Bliss,	Foran,	McAdoo,	Stewart, Charles
Blount,	Ford,	McCreary,	St. Martin,
Boyle,	Forney,	McMillin,	Stone, W. J., of Ky.
Bragg,	Frederick,	McRae,	Stone, W. J., of Mo.
Breckinridge, C. R.	Gay,	Merriman,	Swope,
Breckinridge, WCP.	Geddes,	Miller,	Taulbee,
Bynum,	Gibson, C. H.	Mills,	Taylor, J. M.
Cabell,	Glass,	Mitchell,	Tillman,
Caldwell,	Green, W. J.	Morgan,	Townshend,
Campbell, J. E.	Hale,	Morrison,	Trigg,
Campbell, T. J.	Hall,	Neal,	Tucker,
Candler,	Halsell,	Neece,	Turner,
Catchings,	Hammond,	Norwood,	Van Eaton,
Clardy,	Harris,	Oates,	Viele,
Clements,	Hatch,	O'Ferrall,	Ward, J. H.
Cobb,	Heard,	Outhwaite,	Warner, A. J.
Cole,	Hemphill,	Peel,	Weaver, J. B.
Collins,	Henderson, J. S.	Perry,	Wheeler,
Comstock,	Herbert,	Pidcock,	Wilkins,
Cowles,	Hewitt,	Pindar,	Willis,
Cox,	Hill,	Reagan,	Wilson,
Crisp,	Holman,	Reid, J. W.	Winans,
Croxton,	Hutton,	Reese,	Wise,
Culberson,	Irion,	Richardson,	Wolford,
Curtin,	Johnston, T. D.	Robertson,	Worthington.
Daniel,	Jones, J. H.	Rogers,	
Davidson, A. C.	Jones, J. T.	Sadler,	

NAYS—119.

Adams, G. E.	Fuller,	Loutitt,	Rowell,
Allen, C. H.	Funston,	Lyman,	Ryan,
Anderson, J. A.	Gallinger,	Markham,	Sawyer,
Atkinson,	Gibson, Eustace	McComas,	Scranton,
Bayne,	Green, R. S.	McKenna,	Smalls,
Bennett,	Grosvenor,	McKinley,	Spooner,
Bound,	Grout,	Millard,	Steele,
Boutelle,	Guenther,	Milliken,	Stephenson,
Brady,	Hahn,	Moffatt,	Stewart, J. W.
Browne, T. M.	Hayden,	Morrill,	Stone, E. F.
Brown, C. E.	Haynes,	Morrow,	Strait,
Brown, W. W.	Henderson, T. J.	Negley,	Struble,
Buchanan,	Hepburn,	Nelson,	Swinburne,
Buck,	Herman,	O'Donnell,	Symes,
Bunnell,	Hiestand,	O'Neill, Charles	Taylor, E. B.
Butterworth,	Hiscock,	Osborne,	Taylor, I. H.
Campbell, J. M.	Hitt,	Owen,	Taylor, Zach.
Cannon,	Holmes,	Parker,	Thomas, J. R.
Caswell,	Hopkins,	Payne,	Thomas, O. B.
Conger,	Houk,	Perkins,	Thompson,
Cooper,	Jackson,	Peters,	Van Shaick,
Cutcheon,	James,	Pettibone,	Wade,
Davis,	Johnson, F. A.	Pirce,	Wadsworth,
Dingley,	Johnston, J. T.	Plumb,	Wakefield,
Dorsey,	Ketcham,	Price,	Warner, William
Ely,	La Follette,	Ranney,	Weaver, A. J.
Everhart,	Lehlbach,	Reed, T. B.	Weber,
Farquhar,	Libbey,	Rice,	White, A. C.
Felton,	Little,	Rockwell,	White, M.
Fleeger,	Long,	Romeis,	

NOT VOTING—59.

Adams, J. J.	Davenport,	Kelley,	Rankin,
Aiken,	Dunham,	Laffoon,	Riggs,
Allen, J. M.	Dunn,	Laird,	Sessions,
Ballentine,	Ellsberry,	Landes,	Skinner,
Belmont,	Evans,	Lawler,	Snyder,
Bingham,	Findlay,	Lindsley,	Storm,
Brumm,	Gilfillan,	Maybury,	Tarsney,
Burleigh,	Glover,	Muller,	Throckmorton,
Burnes,	Goff,	Murphy,	Wait,
Burrows,	Hanback,	O'Hara,	Ward, T. B.
Campbell, Felix	Harmer,	O'Neill, J. J,	Wellborn,
Carleton,	Henderson, D. B.	Payson,	West.
Compton,	Henley,	Phelps,	Whiting,
Crain,	Hires,	Pulitzer,	Woodburn.
Dargan,	Howard,	Randall,	

So the previous question was ordered.

Mr. BEACH. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. ANDERSON, of Kansas. I object.

Mr. STONE, of Kentucky. I desire to state that my colleague Mr. LAFFOON is sick in his room. If present, he would vote "ay."

The following additional pairs were announced:

Mr. PAYSON with Mr. DARGAN, on all questions, for to-day.

Mr. THROCKMORTON with Mr. HARMER, for this day.

Mr. CAMPBELL, of New York, with Mr. DUNHAM, until Monday next.

Mr. BALLENTINE with Mr. GOFF, for this day.

Mr. SNYDER with Mr. HANBACK, on this vote.

Mr. ADAMS, of New York, with Mr. O'NEILL, of Missouri. They are paired on the Presidential succession bill and all amendments thereto. If present, Mr. O'NEILL would vote for the bill and Mr. ADAMS against it.

Mr. STORM with Mr. WHITING, on this bill.

Mr. BURROWS. I am paired on this vote with the gentleman from Illinois, Mr. RIGGS. Having voted inadvertently, I withdraw my vote.

Mr. EDEN. I desire to announce that my colleague Mr. LANDES is detained from the House by sickness in his family.

The SPEAKER. The Chair thinks that Mr. LANDES has leave of absence.

The result of the vote was then announced as above stated.

The SPEAKER. The question is first upon the amendment proposed by the gentleman from Ohio [Mr. COOPER] on behalf of the minority of the committee. The Clerk will read.

The Clerk read as follows:

After line 4, section 1, insert the words "or whenever the offices of President and Vice-President of the United States become vacant"——

Mr. CALDWELL. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The Clerk is now reporting the amendment. The Chair will hear the gentleman's inquiry after the amendment is read.

The Clerk continued the reading:

Making the paragraph read:
"That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, or whenever the offices of President and Vice-President become vacant, the Secretary of State," &c.

The SPEAKER. The Chair will now hear the parliamentary inquiry of the gentleman from Tennessee [Mr. CALDWELL].

Mr. CALDWELL. Mr. Speaker, I am not now prepared to make any inquiry.

Mr. HISCOCK. Mr. Speaker, I rise to ask the Chair to state to the House the order in which the amendments are to be voted upon.

The SPEAKER. The House will first vote upon the amendments to the original bill, so as to perfect the text of the proposition before it; after which the vote will be taken upon the substitute offered by the gentlemen from Ohio [Mr. MCKINLEY], and the amendments to the text will be voted upon in the order in which they have been presented.

Mr. ADAMS, of Illinois. Mr. Speaker, I should like to know when the vote will come upon my amendment?

The SPEAKER. That depends upon what portion of the bill it proposes to amend. The Chair thinks it is the next amendment.

Mr. ADAMS, of Illinois. I do not care. I simply wish to know the order in which it comes.

The SPEAKER. The amendment proposed by the gentleman from Illinois [Mr. ADAMS] is a substitute for sections 1 and 2 of the bill as reported, and, under the universal practice, the vote will be first taken upon the amendments to those sections so as to perfect them as far as the House sees proper to do so, and then the vote will be upon the gentleman's amendment.

Mr. ADAMS, of Illinois. Mr. Speaker, I am bound in honor to say that that is not the amendment which I succeeded in getting in before the previous question was ordered. The amendment which I succeeded in getting in is the second amendment offered by me, which was an amendment to section 3.

The SPEAKER. We have not yet reached that. Votes will be taken upon the amendments in their order, and when section 3 is reached the gentleman's amendment will be considered.

Mr. GIBSON, of West Virginia. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GIBSON, of West Virginia. I desire to ask whether, after the previous question has been ordered, there is not still an hour left for debate?

The SPEAKER. The Chair will decide that question when it arises. It is a question which the Chair thinks has not been decided since the change of the rules in the Forty-sixth Congress. The gentleman who reports a measure, and no one else, has, under the rules of the House, an hour to conclude the debate; but whether he shall conclude the debate before the previous question is ordered or after it has been ordered is a question which the Chair thinks has never been decided since the change of the rule.

Mr. GIBSON, of West Virginia. I made the inquiry, Mr. Speaker, because it was understood by those who opposed this bill and the gentleman who has the bill in charge that there would be an hour for debate and that there would be a division of that time, and that understanding has been announced and generally accepted.

The SPEAKER. That is not a question which arises at this stage of proceeding.

A MEMBER. Regular order!

The SPEAKER. The regular order is demanded. The question is on agreeing to the amendment proposed by the minority of the committee, which has just been read.

The question was taken; and the amendment was disagreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Strike out all of section 3 and insert: "In the event of the death or constitutional inability of the President-elect, or failure to assume his office, the Vice-President shall act as President the same as if such death or inability had occurred after his inauguration."

The SPEAKER. Will the gentleman from Illinois [Mr. ADAMS] state what part of the amendment as printed in the RECORD he finally offered?

Mr. ADAMS, of Illinois. My amendment is published on page 679 of the RECORD, and is an amendment to section 3.

The SPEAKER. But the amendment as printed in the RECORD is quite long, and the gentleman stated he did not offer it all, that he did not succeed in getting it all before the House. If he will indicate what part was offered the Chair will have the question taken upon it.

Mr. ADAMS, of Illinois. My amendments as printed begin—

Strike out section 1 of the bill and insert the following as sections 1 and 2.

But several paragraphs further down the Speaker will find a separate proposition, beginning—

Strike out from section 3 the words "one-hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine."
Add the following as an additional section.

My two separate amendments are printed so closely together in the RECORD that perhaps the Speaker has regarded them as one. But the amendment beginning very near the bottom of the first column on page 679 is the amendment to section 3 which I succeeded in getting in.

The SPEAKER. The Clerk will report it, because that must be voted on before the one which has just been read. The one just read being a substitue for section 3, the text must be perfected before that substitute is voted upon.

The Clerk read as follows:

Strike out from section 3 the words "one hundred and forty-seven, one hundred and forty-eight, and one hundred and forty-nine."
Add the following as an additional section:
Section 5——

The SPEAKER. What the Clerk has last read is not a part of the amendment to section 3. It proposes to add a new section as section 5. The vote will be first taken on the amendment to section 3. The Clerk will read the section as it will stand if this amendment be adopted.

The Clerk read as follows:

SEC. 3. That sections 146 and 150 of the Revised Statutes are hereby repealed.

The question being taken on agreeing to the amendment, there were—ayes 92, noes 111.

Mr. ADAMS, of Illinois. I ask for the yeas and nays.

The yeas and nays were ordered, 62 voting in favor thereof.

The question was taken; and there were—yeas 113, nays 153, not voting 58; as follows:

YEAS—113.

Adams, G. E.	Funston,	Long,	Sawyer,
Allen, C. H.	Gallinger,	Loutitt,	Scranton,
Anderson, J. A.	Gibson, Eustace	Lyman,	Smalls,
Atkinson,	Gilfillan,	Markham,	Spooner,
Bayne,	Grosvenor,	McComas,	Steele,
Bound,	Grout,	McKenna,	Stephenson,
Boutelle,	Guenther,	McKinley,	Stewart, J. W.
Brady,	Hahn,	Millard,	Stone, E. F.
Brown, C. E.	Hayden,	Milliken,	Strait,
Brown, W. W.	Haynes,	Morrill,	Swinburne,
Buchanan,	Hepburn,	Morrow,	Symes,
Bunnell,	Herman,	Negley,	Taylor, E. B.
Burrows,	Hiestand,	Nelson,	Taylor, I. H.
Butterworth,	Hires,	O'Donnell,	Taylor, Zach.
Campbell, J. M.	Hiscock,	O'Neill, Charles	Thomas, J. R.
Cannon,	Hitt,	Owen,	Thomas, O. B.
Caswell,	Holmes,	Parker,	Thompson,
Conger,	Hopkins,	Payne,	Van Schaick,
Cooper,	Houk,	Perkins,	Wade,
Crain,	Jackson,	Peters,	Wadsworth,
Cutcheon,	James,	Pettibone,	Wakefield,
Davis,	Johnson, F. A.	Phelps,	Warner, William
Dingley,	Johnston, J. T.	Pirce,	Weaver, A. J.
Dorsey,	Ketcham,	Plumb,	Weber,
Everhart,	La Follette,	Price,	White, A. C.
Farquhar,	Lehlbach,	Ranney,	White, Milo
Felton,	Libbey,	Rice.	
Fleeger,	Lindsley,	Rockwell,	
Fuller,	Little,	Rowell,	

NAYS—153.

Anderson, C. M.	Blount,	Campbell, T. J.	Crisp,
Arnot,	Boyle,	Candler,	Croxton,
Baker,	Bragg,	Catchings,	Culberson,
Barbour,	Breckinridge, C. R.	Clardy,	Curtin,
Barksdale,	Breckinridge, WCP	Clements,	Daniel,
Barnes,	Browne, T. M.	Cobb,	Davidson, R. H. M.
Barry,	Buck,	Cole,	Dawson,
Beach,	Bynum,	Collins,	Dibble,
Blanchard,	Cabell,	Comstock,	Dockery,
Bland,	Caldwell,	Cowles,	Dougherty,
Bliss,	Campbell, J. E.	Cox,	Dowdney,

Dunn,	Holman,	Norwood,	Stone, W. J., of Ky.
Eden,	Hutton,	Oates,	Stone, W. J., of Mo.
Eldredge,	Irion,	O'Ferrall,	Struble,
Ellsberry,	Johnston, T. D.	Osborne,	Swope,
Ely,	Jones, J. H.	Peel,	Taulbee,
Ermentrout,	Jones, J. T.	Perry,	Taylor, J. M.
Fisher,	King,	Pidcock,	Tillman,
Foran,	Kleiner,	Pindar,	Townshend,
Ford,	Lanham,	Reagan,	Trigg,
Forney,	Le Fevre,	Reid, J. W.	Tucker,
Frederick,	Lowry,	Reese,	Turner,
Gay,	Mahoney,	Richardson,	Van Eaton,
Geddes,	Martin,	Riggs,	Viele,
Gibson, C. H.	Matson,	Robertson,	Ward, J. H.
Glass,	McAdoo,	Rogers,	Ward, T. B.
Green, R. S.	McCreary,	Sadler,	Warner, A. J.
Green, W. J.	McMillan,	Sayers,	Weaver, J. B.
Hale,	McRae,	Scott,	Wheeler,
Hall,	Merriman,	Seney,	Wilkins,
Halsell,	Miller,	Seymour,	Willis,
Hammond,	Mills,	Shaw,	Wilson,
Harris,	Mitchell,	Singleton,	Winans,
Hatch,	Moffatt,	Sowden,	Wise,
Heard,	Morgan,	Spriggs,	Wolford,
Hemphill,	Morrison,	Springer,	Worthington.
Henderson, J. S.	Murphy,	Stahlnecker,	
Herbert,	Neal,	Stewart, Charles	
Hill,	Neece,	St. Martin,	

NOT VOTING—58.

Adams, J. J.	Davidson, A. C.	Laird,	Romeis,
Aiken,	Dunham,	Landes,	Ryan,
Allen, J. M.	Evans,	Lawler,	Sessions,
Ballentine,	Findlay,	Lore,	Skinner,
Belmont,	Glover,	Lovering,	Snyder,
Bennett,	Goff,	Maybury,	Storm,
Bingham,	Hanback,	Muller,	Tarsney,
Brumm,	Harmer,	O'Hara,	Throckmorton,
Burleigh,	Henderson, D. B.	O'Neill, J. J.	Wait,
Burnes,	Henderson, T. J.	Outhwaite,	Wellborn,
Campbell, Felix	Henley,	Payson,	West,
Carleton,	Hewitt,	Pulitzer,	Whiting,
Compton,	Howard,	Randall,	Woodburn.
Dargan,	Kelley,	Rankin,	
Davenport,	Laffoon,	Reed, T. B.	

So the amendment of Mr. ADAMS, of Illinois, was not agreed to.

The following pairs were announced:

Mr. CRAIN with Mr. BINGHAM, on this bill.

Mr. SNYDER with Mr. HANBACK, for the balance of the day.

Mr. HENDERSON, of Illinois, with Mr. DAVIDSON, of Alabama, on the Presidential succession bill. Mr. DAVIDSON would vote "ay," Mr. HENDERSON, "no."

Mr. HEWITT with Mr. REED, of Maine, on the Presidential succession bill. Mr. HEWITT, if present, would vote for the bill and Mr. REED against it.

The result of the vote was announced as above stated.

EVENING SESSION DISPENSED WITH.

Mr. MATSON. I ask unanimous consent that the standing order of the House for Friday evening sessions be set aside so far as this evening is concerned. There is not enough business upon the Calendar to justify a meeting of the House this evening.

The SPEAKER. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the order of the House providing for a recess at 5 o'clock on Fridays and an evening session for the consideration of pension bills, &c., be vacated for this evening only. Is there objection? The Chair hears none, and it is ordered accordingly.

PRESIDENTIAL SUCCESSION.

The House resumed the consideration of the bill (S. 471) to provide for the performance of the duties of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

The question next recurred on Mr. COOPER'S amendment, as follows:

Strike out all of section 3 and insert: "In the event of the death or constitutional inability of the President-elect, or failure to assume his office, the Vice-President shall act as President the same as if such death or inability had occurred after his inauguration."

The amendment was rejected.

The question next recurred on the following amendment, moved by Mr. COOPER, as follows:

Add section 4, as follows:
"Section 146 of the Revised Statutes is hereby repealed."

The amendment was disagreed to.

The question next recurred on the amendment of Mr. ADAMS, of Illinois, as follows:

Add the following as an additional section:
"SEC. 5. That section 148 of the Revised Statutes is hereby amended so as to read as follows:
"'SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States as follows:
"'First. If there shall be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, and if the term for which the President and Vice-President last chosen were elected will not expire on the 3d day of March next ensuing said next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, such notification shall specify that the electors shall be appointed or chosen on said next ensuing day established by law for a general election of Representatives and Delegates to Congress.
"'Second. If there shall not be the space of thirty days yet to ensue between the date of such notification and the next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, or if the term for which the President and Vice-President last chosen were elected will expire either on the 3d day of March next ensuing the date of such notification or on the 3d day of March next ensuing said next ensuing day established by law as the day for a general election of Representatives and Delegates to Congress, the notification shall not specify that electors are to be appointed or chosen.'"

Mr. ADAMS, of Illinois. Mr. Speaker, the result of the vote on the first part of my amendment would render this of no value, and therefore I do not insist upon it being voted on.

The SPEAKER. The gentleman withdraws his amendment if there be no objection, and the Chair hears none. The question next recurs on the substitute for the bill proposed by the gentleman from Ohio [Mr. MCKINLEY].

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected. And for the purpose of having a Speaker of the House of Representatives in office continuously, the Congress shall convene at 12 o'clock m. on the 4th day of March next succeeding the election of Representatives in Congress; and whenever a vacancy exists either in the office of the President *pro tempore* of the Senate or Speaker of the House, the President shall convene the House in which the vacancy exists for the purpose of electing a presiding officer.

SEC. 2. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

SEC. 3. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the 3d day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the 3d day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

SEC. 4. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

SEC. 5. The provisions of this title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

SEC. 6. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resign, as the case may be, and delivered into the office of the Secretary of State.

Mr. MCKINLEY. Mr. Speaker, I ask unanimous consent for a single minute to state the purport of my amendment, which is in the nature of a substitute to the committee's bill and which has just been read.

Mr. EDEN. I object.

Mr. MCKINLEY. I ask for not more than two minutes.

The SPEAKER. Does the gentleman insist on his objection?

Mr. EDEN. I withdraw it.

Mr. MCKINLEY. Mr. Speaker, my substitute preserves existing law as it was made in 1792, and leaves the Presidential succession where we find it in that law; and the only new provision I propose is that we shall never be without a President *pro tempore* of the Senate and never be without a Speaker of the House of Representatives. And to this end my substitute provides that the Congress shall assemble at midday on the 4th day of March succeeding the election of Representatives in Congress for the purpose of electing a Speaker. And it further provides that in the event of the Speakership or the Presidency *pro tempore* of the Senate becoming vacant during the recess, the President of the United States shall forthwith assemble the House in which such vacancy exists for the purpose of electing a presiding officer.

It preserves intact the law as our fathers made it, and executes with certainty their purpose and that of the law itself. It avoids the dangerous step taken by the present bill, which takes away from the people of the country, in whom all power resides, the right to fill a vacancy in the Presidency in a certain contingency, that contingency being the death or removal of both President and Vice-President of the United States. I would leave that power with the people, where it properly belongs. I am opposed to any step in the opposite direction. My substitute follows the pathway of the founders of the Government, which, in my judgment, is the path of safety.

Mr. HAMMOND. Will the gentleman permit me to ask him a question?

Mr. MCKINLEY. Certainly.

Mr. HAMMOND. What assurance have we, if we adopt any amendment to this bill, the Senate will concur, or that we will get any law that will meet the present distress?

Mr. MCKINLEY. In answer to the question of the gentleman from Georgia, I have no doubt if we send to the Senate well considered amendments they will receive the attentive consideration of that body. At

all events, no matter what the Senate has done and no matter what the Senate may do, it is our business to perfect this bill as best we can. That burden rests upon us. And further, in answer to the gentleman, I would say there is no such emergency as he describes. There is no such lapse. There are two lives next to the President of the United States—the President *pro tempore* of the Senate and the Speaker of the House of Representatives.

Mr. CALDWELL. I call for the regular order of business.

The SPEAKER. This is the regular order of business.

Mr. CALDWELL. The gentleman from Ohio only asked for two minutes.

The SPEAKER. But no limitation was put upon the time.

The question recurs on the substitute of the gentleman from Ohio [Mr. MCKINLEY].

Mr. MCKINLEY and Mr. ZACH. TAYLOR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 108, nays 159, not voting 57; as follows:

YEAS—108.

Adams, G. E.	Felton,	Little,	Romeis,
Allen, C. H.	Fleeger,	Long,	Rowell,
Anderson, J. A.	Fuller,	Loutitt,	Ryan,
Atkinson,	Funston,	Lyman,	Sawyer,
Bayne,	Gallinger,	Markham,	Scranton,
Bennett,	Gilfillan,	McComas,	Smalls,
Bound,	Grosvenor,	McKenna,	Spooner,
Boutelle,	Grout,	McKinley,	Steele,
Brady,	Guenther,	Millard,	Stephenson,
Browne, T. M.	Hayden,	Milliken,	Stewart, J. W.
Brown, C. E.	Haynes,	Morrill,	Stone, E. F.
Brown, W. W.	Hiestand,	Morrow,	Strait,
Buchanan,	Hepburn,	Negley,	Swinburne,
Bunnell,	Herman,	Nelson,	Symes,
Burrows,	Hires,	O'Donnell,	Taylor, E. B.
Butterworth,	Hitt,	O'Neill, Charles	Taylor, I. H.
Campbell, J. M.	Holmes,	Osborne,	Taylor, Zach.
Cannon,	Hopkins,	Owen,	Thomas, J. R.
Caswell,	Houk,	Parker,	Thomas, O. B.
Conger,	Jackson,	Perkins,	Thompson,
Cooper,	Johnson, F. A.	Peters,	Van Schaick,
Cutcheon,	Johnston, J. T.	Pettibone,	Wade,
Davis,	Ketcham,	Plumb,	Wakefield,
Dingley,	La Follette,	Price,	Weaver, A. J.
Dorsey,	Lehlbach,	Ranney,	Weber,
Everhart,	Libbey,	Rice,	White, A. C.
Farquhar,	Lindsley,	Rockwell,	White, Milo.

NAYS—159.

Anderson, C. M.	Dougherty,	King,	Sayers,
Arnot,	Dowdney,	Kleiner,	Scott,
Baker,	Dunn,	Lanham,	Seney,
Barbour,	Eden,	Le Fevre,	Seymour,
Barksdale,	Eldredge,	Lovering,	Shaw,
Barnes,	Ellsberry,	Lowry,	Singleton,
Barry,	Ely,	Mahoney,	Sowden,
Beach,	Ermentrout,	Martin,	Spriggs,
Blanchard,	Fisher,	Matson,	Springer,
Bland,	Foran,	McAdoo,	Stahlnecker,
Bliss,	Ford,	McCreary,	Stewart, Charles
Blount,	Forney,	McMillin,	St. Martin,
Boyle,	Frederick,	McRae,	Stone, W. J., of Ky.
Breckinridge, C. R.	Gay,	Merriman,	Stone, W. J., of Mo.
Breckinridge, W C P.	Geddes,	Miller,	Struble,
Buck,	Gibson, C. H.	Mills,	Swope,
Bynum,	Glass,	Mitchell,	Taulbee,
Cabell,	Green, R. S.	Moffatt,	Taylor, J. M.
Caldwell,	Green, W. J.	Morgan,	Tillman,
Campbell, J. E.	Hahn,	Morrison,	Townshend,
Campbell, T. J.	Hale,	Murphy,	Trigg,
Candler,	Hall,	Neal,	Tucker,
Catchings,	Halsell,	Neece,	Turner,
Clardy,	Hammond,	Norwood,	Van Eaton,
Clements,	Harris,	Oates,	Viele,
Cobb,	Hatch,	O'Ferrall,	Wadsworth,
Cole,	Heard,	Outhwaite,	Ward, J. H.
Collins,	Hemphill,	Payne,	Ward, T. B.
Comstock.	Henderson, J. S.	Peel,	Warner, A. J.
Cowles,	Herbert,	Perry,	Warner, William
Cox,	Hill,	Pidcock,	Weaver, J. B.
Crisp,	Hiscock,	Pindar,	Wheeler,
Croxton,	Holman,	Reagan,	Wilkins,
Culberson,	Howard,	Reid, J. W.	Willis,
Curtin,	Hutton,	Reese,	Wilson,
Daniel,	Irion,	Richardson,	Winans,
Davidson, R. H. M.	James,	Riggs,	Wise,
Dawson,	Johnston, T. D.	Robertson,	Wolford,
Dibble,	Jones, J. H.	Rogers,	Worthington.
Dockery,	Jones, J. T.	Sadler,	

NOT VOTING—57.

Adams, J. J.	Davenport,	Laffoon,	Reed, T. B.
Aiken,	Davidson, A. C.	Laird,	Sessions,
Allen, J. M.	Dunham,	Landes,	Skinner,
Ballentine,	Evans,	Lawler,	Snyder,
Belmont,	Findlay,	Lore,	Storm,
Bingham,	Gibson, Eustace.	Maybury,	Tarsney,
Bragg,	Glover,	Muller,	Throckmorton,
Brumm,	Goff,	O'Hara,	Waite,
Burleigh,	Hanback,	O'Neill, J. J.	Wellborn,
Burnes,	Harmer,	Payson,	West,
Campbell, Felix	Henderson, D. B.	Phelps,	Whiting,
Carleton,	Henderson, T. J.	Pirce,	Woodburn.
Compton,	Henley,	Pulitzer,	
Crain,	Hewitt,	Randall,	
Dargan,	Kelley,	Rankin,	

So the substitute was rejected.

On motion of Mr. BROWNE, of Indiana, by unanimous consent the reading of the names was dispensed with.

The result of the vote was then announced as above recorded.

Mr. PERKINS. Mr. Speaker, I desire at this time to move that this bill be recommitted to the select committee.

The SPEAKER. The previous question is now operating. After the bill has been ordered to a third reading, then, under the rules of the House, it will be in order to move to commit with or without instructions, even though the previous question be then ordered or a demand for it pending.

The question now is on ordering the bill to a third reading.

The bill was ordered to a third reading, and was read the third time.

Mr. CALDWELL. I demand the previous question on the passage of the bill.

Mr. PERKINS. Mr. Speaker, I desire to move to recommit this bill, but first make this parliamentary inquiry: If a motion to recommit without instruction is voted down will it be in order to move to recommit with instructions?

The SPEAKER. The Chair thinks not. Under the rule but one motion to recommit is in order, whether with or without instructions. The Chair, however, has ruled heretofore that a motion to recommit without instruction is subject to an amendment, so as to instruct the committee.

Mr. PERKINS. I will make a motion to recommit this bill to the select committee from which it came, hoping that it may report a bill that will be satisfactory to the House.

Mr. RYAN addressed the Chair.

The SPEAKER. The Chair understood the gentleman from Kansas [Mr. RYAN], some time during the course of the debate, to say that it was his intention to make a motion to recommit.

Mr. RYAN. I desire to submit that motion now.

Mr. PERKINS. I give way to my colleague to make the motion.

Mr. RYAN. I move to recommit this bill to the committee with the following instructions.

The Clerk read as follows:

Recommit the bill with instructions to report as a substitute a resolution submitting an amendment to the Constitution providing one or more additional Vice-Presidents, upon whom, in their order, the office of President shall devolve in case of the removal, death, resignation, or inability both of President and Vice-President.

Mr. EDEN. That would not be in order upon this bill.

Mr. COBB. I move to lay the motion on the table.

The SPEAKER. That motion is not in order.

Mr. SOWDEN. I make the point of order that it is not in order to submit that motion at this time, the previous question having been ordered.

The SPEAKER. The rules of the House provide that this motion shall be in order at a certain stage of the bill even after the previous question has been demanded or ordered.

Mr. MILLS. But the measure proposed by the motion to recommit is not germane to the subject-matter of the bill; one is to report a constitutional amendment, another is the passage of a bill for a specific purpose. The motion to recommit is not germane.

The SPEAKER. The Chair will examine the proposition of the gentleman from Kansas and see whether it is germane or not. The Chair thinks on examination that the matter of the resolution which it is proposed to instruct the committee to report is germane to the subject-matter of this bill. It is upon the succession to the Presidential office; and though it may come back to the House in the form of a joint resolution instead of a bill, technically speaking, yet it requires the same proceeding in the House, and is a similar legislative proposition.

Mr. HATCH. I demand the regular order.

Mr. EVERHART. Is it in order to move to amend the instructions?

The SPEAKER. The Chair thinks it is; but debate is not in order.

Mr. EVERHART. I submit as a substitute for the instructions proposed by the gentleman from Kansas what I send to the desk.

The Clerk proceeded to read as follows:

That in the case of the removal, death, resignation, or inability——

The SPEAKER (interrupting the reading). That seems to be an amendment to the bill. The pending proposition is to recommit to the committee with instructions.

Mr. EVERHART. This is an amendment to the instructions.

The SPEAKER. The Chair, then, does not understand that the gentleman proposed this as a substitute for the whole of the resolution offered by the gentleman from Kansas, but to recommit with the instructions embodied in what the Clerk is now reading.

Mr. EVERHART. That is the motion that I desire to make.

Mr. SPRINGER. I make the point of order that it is not in order, on the ground that the motion to recommit is not amendable. But one motion is in order under the rules, to commit with or without instructions; and if it be held that that motion is amendable it is manifest that we could never come to a conclusion on a bill as long as amendments might be offered by its opponents.

The SPEAKER. That point was made during the Forty-eighth Congress, and the Chair then decided that under the rule of the House one motion to recommit, with or without instruction, and one motion only,

was in order, but that from the very nature of the case members upon the floor ought to have the right to offer an amendment to the motion, and for the very obvious reason that an advocate of the pending measure, and therefore an opponent of recommitment, might offer a motion to recommit with such instructions as it was evident the House would not agree to, thereby preventing anybody who desired in good faith to recommit the measure from submitting such a motion. The Chair thought it was a matter of simple justice to those on the floor who desired to recommit with substantial instructions that they should have an opportunity to propose amendments. The motion to recommit is an independent proposition, upon which the previous question may be ordered, and until such order is made by the House the Chair thinks amendments may be proposed as in other cases. The Clerk will read from the Digest the decision made on this point during the last Congress.

The Clerk read as follows:

A motion to commit under clause 1 of Rule XVI, with or without instructions, is subject to amendment under Rule XIX, unless precluded by ordering the previous question on the motion to commit.—*Journal*, first session Forty-eighth Congress.

The SPEAKER. The Clerk will read the proposed substitute.

The Clerk read as follows:

That in case of the removal, death, resignation, or inability of both the President and Vice-President of the United States, the following persons, if eligible to the office of President, and not under impeachment or indictment at the time being, shall, respectively, in the order and on the contingences hereinafter named, act as President of United States until the disability of the President and Vice-President be removed or a President shall be elected: First, the Speaker of the House of Representatives; or if there be no Speaker, or if there be and he decline, or, as President, die, resign, be removed, or be unable to act as such, then, second, the President *pro tempore* of the Senate; or if there be no President *pro tempore* of the Senate, or if there be and he decline, or, as President, die, resign, be removed, or be unable to act as such, then, third, the Secretary of State, having been legally confirmed; or if there be no Secretary of State, or if there be and he decline, or, as President, die, resign, be removed, or be unable to act as such, then, fourth, the Chief-Justice of the Supreme Court of the United States, having been legally confirmed; or if there be no Chief-Justice, or if there be and he decline, or, as President, die, resign, be removed, or be unable to act as such, then, fifth, the Secretary of the Treasury of the United States, having been legally confirmed; or if there be no Secretary of the Treasury, or if there be and he decline, or, as President, die, resign, be removed, or be unable to act as such, then, sixth, the Attorney-General of the United States, having been legally confirmed: *Provided*, That when any of the persons above named shall, as aforesaid, become President, he shall not exercise the functions of any other public office of trust or profit while President, and shall, within thirty days thereafter, issue a proclamation to the people of the United States, and direct notice to be given that, in accordance with the provisions of the act of March 1, 1792, electors of President and Vice-President of the United States shall be elected or appointed in the several States.

SEC. 2. That all laws inconsistent herewith are hereby repealed.

The SPEAKER. The question is upon the amendment proposed by the gentleman from Pennsylvania [Mr. EVERHART] to the resolution offered by the gentleman from Kansas [Mr. RYAN].

The amendment was not agreed to.

Mr. BURROWS. I offer what I send to the desk as an amendment to the resolution of the gentleman from Kansas.

Mr. CALDWELL. I call the previous question.

The SPEAKER. The gentleman from Michigan has been recognized and has sent up his amendment. The gentleman from Tennessee now demands the previous question upon the motion to recommit and the amendment thereto. The Clerk will read the proposed amendment.

The Clerk read as follows:

Recommit the bill to the Committee on Election of President and Vice-President with instructions to report the same back to the House with the following amendment:

"Strike out the first section and insert in lieu thereof the following:

"'That in case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the Secretary of State shall act as President until the disability of the President or Vice-President is removed or a President shall be elected: *Provided*, That where the powers and duties of the office of President of the United States shall devolve upon the person named herein, if Congress be not then in session, or if it would not meet in accordance with law within twenty days thereafter, it shall be the duty of such person to issue a proclamation convening Congress in extraordinary session, giving twenty days' notice of the time of meeting.'"

The SPEAKER. The gentleman from Tennessee now demands the previous question on the resolution of the gentleman from Kansas and the amendment thereto.

The previous question was ordered.

The SPEAKER. The question now is upon the amendment proposed by the gentleman from Michigan [Mr. BURROWS] to the resolution offered by the gentleman from Kansas.

The amendment was not agreed to.

The SPEAKER. The question is now on the proposition of the gentleman from Kansas to recommit the bill with instructions as read.

The question being taken, there were—ayes 81, noes 115.

Mr. RYAN. I think we ought to have the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 17—not one-fifth of the last vote.

So the yeas and nays were not ordered, and the resolution to recommit with instructions was not agreed to.

The SPEAKER. The question is now on ordering the previous question on the passage of the bill.

Mr. CALDWELL. Upon that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 186, nays 76, not voting 62; as follows:

YEAS—186.

Allen, C. H.	Dunn,	Le Fevre	Sayers,
Anderson, C. M.	Eden,	Long,	Scott,
Arnot,	Eldredge,	Lovering,	Scranton,
Atkinson,	Ellsberry,	Lowry,	Seney,
Baker,	Ely,	Mahoney,	Seymour,
Barbour,	Ermentrout,	Markham,	Shaw,
Barksdale,	Fisher,	Martin,	Singleton,
Barnes,	Foran,	Matson,	Sowden,
Barry,	Ford,	McAdoo,	Spriggs,
Beach,	Forney,	McComas,	Springer,
Blanchard,	Frederick,	McCreary,	Stahlnecker,
Bland,	Gallinger,	McMillin,	Steele,
Bliss,	Gay,	McRae,	Stewart, Charles
Blount,	Geddes,	Merriman,	St. Martin,
Boyle,	Gibson, C. H.	Millard,	Stone, W. J., of Ky.
Bragg,	Glass,	Miller,	Stone, W. J., of Mo.
Breckinridge, C. R.	Green, W. J.	Mills,	Strait,
Breckinridge, WCP	Hale,	Mitchell,	Struble,
Browne, T. M.	Hall,	Moffatt,	Swinburne,
Buck,	Halsell,	Morgan,	Swope,
Butterworth,	Hammond,	Morrison,	Symes,
Bynum,	Harris,	Murphy,	Taulbee,
Cabell,	Hatch,	Neal,	Taylor, J. M.
Caldwell,	Hayden,	Neece,	Tillman,
Campbell, J. E.	Heard,	Negley,	Townshend,
Campbell, T. J.	Hemphill,	Norwood,	Trigg,
Candler,	Henderson, J. S.	Oates,	Tucker,
Catching,	Herbert,	O'Ferrall,	Turner,
Clardy,	Herman,	Outhwaite,	Van Eaton,
Clements,	Hiestand,	Payne,	Viele,
Cobb,	Hill,	Peel,	Wade,
Cole,	Hires,	Perry,	Wakefield,
Collins,	Hiscock,	Pettibone,	Ward, J. H.
Comstock,	Hitt,	Pidcock,	Ward, T. B.
Cowles,	Holman,	Pindar,	Warner, A. J.
Cox,	Hutton,	Price,	Warner, William
Crisp,	Irion,	Reagan,	Weaver, A. J.
Croxton,	James,	Reid, J. W.	Weaver, J. B.
Culberson,	Johnson, F. A.	Reese,	Wheeler,
Cutcheon,	Johnston, T. D.	Richardson,	Wilkins,
Daniel,	Jones, J. H.	Riggs,	Willis,
Davidson, R. H. M.	Jones, J. T.	Robertson,	Wilson,
Dawson,	Ketcham,	Rockwell,	Winans,
Dibble,	King,	Rogers,	Wise,
Dockery,	Kleiner,	Romeis,	Wolford,
Dougherty,	La Follette	Sadler,	Worthington.
Dowdney,	Lanham,		

NAYS—76.

Adams, G. E.	Dorsey,	Lehlbach,	Ranney,
Anderson, J. A.	Everhart,	Libbey,	Rowell,
Bayne,	Farquhar,	Little,	Ryan,
Bennett,	Felton,	Loutitt,	Smalls,
Bound,	Fleeger,	Lyman,	Spooner,
Boutelle,	Fuller,	McKenna,	Stephenson,
Brady,	Funston,	McKinley,	Stewart, J. W.
Brown, C. E.	Gilfillan,	Milliken,	Stone, E. F.
Brown, W. W.	Green, R. S.	Morrill,	Taylor, E. B.
Buchanan,	Grosvenor,	Morrow,	Taylor, I. H.
Bunnell,	Grout,	Nelson,	Taylor, Zach.
Burrows,	Guenther,	O'Donnell,	Thomas, J. R.
Campbell, J. M.	Hahn,	O'Neill, Charles	Thomas, O. B.
Cannon,	Haynes,	Osborne,	Thompson,
Caswell,	Hepburn,	Parker,	Van Schaick,
Conger,	Hopkins,	Perkins,	Wadsworth,
Cooper,	Houk,	Peters,	Weber,
Davis,	Jackson,	Pirce,	White, A. C.
Dingley,	Johnston, J. T.	Plumb,	White, Milo.

NOT VOTING—62.

Adams, J. J.	Davidson, A. C.	Laffoon,	Rankin,
Aiken,	Dunham,	Laird,	Reed, T. B.
Allen, J. M.	Evans,	Landes,	Rice,
Ballentine,	Findlay,	Lawler,	Sawyer,
Belmont,	Gibson, Eustace	Lindsley,	Sessions,
Bingham,	Glover,	Lore,	Skinner,
Brumm,	Goff,	Maybury,	Snyder,
Burleigh,	Hanback,	Muller,	Storm,
Burnes,	Harmer,	O'Hara,	Tarsney,
Campbell, Felix	Henderson, D. B.	O'Neill, J. J.	Throckmorton,
Carleton,	Henderson, T. J.	Owen,	Wait,
Compton,	Henley,	Payson,	Wellborn,
Crain,	Hewitt,	Phelps,	West,
Curtin,	Holmes,	Pulitzer,	Whiting,
Dargan,	Howard,	Randall,	Woodburn.
Davenport,	Kelley,		

So the bill was passed.

Mr. KING. I move to dispense with the reading of the names.

There was no objection.

The following additional pair was announced:

Mr. HENDERSON, of Iowa, with Mr. HOLMES, on the Presidential succession bill. Mr. HENDERSON, if present, would vote "ay" and Mr. HOLMES "no."

The result of the vote was then announced as above stated.

Mr. CALDWELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. BROWNE, of Indiana. I move that when the House adjourns to-day it be to meet on Monday next.

The motion was agreed to.

COMMITTEE CLERK.

Mr. KING, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Levees and Improvement of the Mississippi River be allowed a clerk, and that he be paid the usual compensation for his service.

SUITS AGAINST THE GOVERNMENT.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 3849) to provide for the bringing of suits by citizens of the United States against the Government thereof in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. BEACH to have printed in the RECORD some remarks on Senate bill 471; and also to Mr. BAKER to extend his remarks in the RECORD on the same bill.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. RANKIN, on account of sickness.

PRINTING FOR COMMITTEE ON LABOR.

Mr. O'NEILL, of Missouri. I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Labor are hereby authorized to have printed such letters or circulars as they may deem necessary for the obtaining of information for the use of the committee.

Mr. MORRISON. Let that go to the Committee on Printing.

Mr. O'NEILL, of Missouri. Very well.

The resolution was referred to the Committee on Printing.

Mr. COBB. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Memorial of W. U. Richardson, parish superintendent of education, and others, citizens of Louisiana, asking national aid to the States in the cause of education—to the Committee on Education.

Also, memorial of the Louisiana Educational Society, asking an appropriation to aid the cause of education in the States—to the same committee.

Also, memorial of citizens of Caddo and Bossier Parishes, Louisiana, asking that Sale and Murphy Canal, an outlet of Red River, be closed—to the Committee on Rivers and Harbors.

Also, papers to accompany H. R. 964 for relief of Mary J. Cloud, assignee of John W. Smith—to the Committee on Claims.

By Mr. BLAND: Petition of James Bainster, of Missouri, for relief—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Petition of citizens of Beebe, White County, Arkansas, praying for temporary national aid to education—to the Committee on Education.

Also, papers to accompany bill for the relief of the estate of William Wright, deceased—to the Committee on Claims.

By Mr. W. C. P. BRECKINRIDGE: Petition of Thomas B. Ford and other citizens of Frankfort, protesting against the division of Kentucky into two judicial districts—to the Committee on the Judiciary.

Also, papers relating to claim of D. W. Price—to the Committee on Claims.

By Mr. BUCHANAN: Papers relating to claim of William Dalton—to the same committee.

Also, papers relating to claim of James McAnny—to the Committee on Invalid Pensions.

Also, papers relating to claim of James F. Smith—to the Committee on Claims.

By Mr. COLLINS: Petitions of Jesse Perry and 18 other citizens, of William Clark and 11 other citizens, of C. F. Williams and 30 other citizens, of Nathaniel P. Doane and 11 other citizens, of Thomas J. Wreiser and 10 other citizens, of Thomas Leavitt and 21 others, citizens of Boston; of John Smith and 43 others, citizens of Provincetown; and of George Steele and 15 others, citizens of Gloucester, Mass., for the erection of a light-house at Deer Island Point and the State Ledge, Boston Harbor, Massachusetts—to the Committee on Commerce.

By Mr. DINGLEY: Petition of citizens of Warren, Me., for improvement of Saint George's River, between Warren and Thomaston—to the Committee on Rivers and Harbors.

Also, petition of Sumner A. Gowin, of Edgecomb, Me., for pension on account of war of 1812—to the Committee on Pensions.

By Mr. DOUGHERTY: Petition of Holmes Erwin, of Palatka, Fla., asking reference of claim to Court of Claims—to the Committee on War Claims.

Also, petition of R. von Balson, of Saint John's County, Florida; and of W. H. Holden, of Orange County, Florida, praying that their claims be referred to the Court of Claims—to the same committee.

By Mr. FARQUHAR: Papers relating to claim of James Gilbert—to the Committee on Claims.

By Mr. FULLER: Petition of J. M. Demary, W. H. H. Gable, and 152 others, asking that proper measures be taken to protect the growers of tobacco—to the Committee on Ways and Means.

By Mr. FUNSTON: Of citizens of Ottawa, and of citizens of Douglas County, Kansas—to the Committee on Coinage, Weights, and Measures.

By Mr. GAY: Papers relating to claim of Alexander Judice, of Louisiana—to the Committee on Private Land Claims.

By Mr. GOFF: Petition of J. R. McMillen and 610 others, praying that all soldiers of all wars by which the United States has been benefited shall be pensioned—to the Committee on Invalid Pensions.

By Mr. HERMAN: Petition of Elizabeth Bates, of Evansville, Ind., for relief—to the Committee on War Claims.

By Mr. IRION: Petitions of Ursule Lamorandier and of heirs of Ducondray Lamorandier, for reference of their claims to the Court of Claims—to the same committee.

By Mr. J. H. JONES: Petition of Caroline A. Cain, of Smith County, Texas, praying reference of her claim to the Court of Claims—to the same committee.

By Mr. LA FOLLETTE: Papers relating to claim of Daniel K. Fenney, of Chicago, Ill.—to the same committee.

By Mr. LANHAM: Petition of citizens of El Paso, Tex., showing grievances under the operation of the Free Zone—to the Committee on Ways and Means.

By Mr. LIBBEY: Petition of Soldiers and Citizens' National League, of Elizabeth City County, Virginia, praying for the pensioning of all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of citizens of New York, asking that all honorably discharged soldiers should be placed on the pension-rolls and that pensions of soldiers' widows be increased—to the same committee.

By Mr. LOVERING: Papers relating to bill H. R. 1107, granting a pension to Augusta M. Richards—to the same committee.

Also, papers relating to the resolution in favor of Seth Wilmarth, of Malden, Mass.—to the Committee on Naval Affairs.

By Mr. McCOMAS: Papers relating to the claim of Joseph H. J. Rutter, of Baltimore, Md.—to the Committee on War Claims.

By Mr. NEAL: Petition of O. M. Thurman, for relief—to the same committee.

By Mr. PARKER: Petition of Ida A. Taylor, for relief—to the Committtee on Invalid Pensions.

By Mr. T. B. REED: Petition of 40 citizens of Bucksport and Camden, Me.; of 49 citizens of Bath, of 46 citizens of Rockland, of citizens of Stone, of Portland, of Wintersport and Bucksport, and of Eastport, for the erection of a light-house at Deer Island Point and the State Ledge, Boston Harbor, Massachusetts—to the Committee on Commerce.

By Mr. SADLER: A bill making an appropriation to continue the work on the Tallapoosa River, Alabama—to the Committee on Rivers and Harbors.

By Mr. SENEY: Petition of J. M. Brown and 46 others, citizens of Wood County, Ohio, to provide for the expenses of third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SEYMOUR: A bill to improve the harbor of Stamford, State of Connecticut—to the Committee on Rivers and Harbors.

By Mr. E. B. TAYLOR: Petition of 149 legal voters of Trumbull County, Ohio, praying for free silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. TUCKER: Petition of Judson S. Post, for relief—to the Committee on Naval Affairs.

By Mr. WILLIAM WARNER: Petition of J. H. Daniel, of Jackson County, Missouri, to refer claim of John Daniel, deceased, to the Court of Claims—to the Committee on War Claims.

By Mr. WEBER: Papers in case of Timothy Paige—to the Committee on Invalid Pensions.

By Mr. WHEELER: Petition of Leonard Green, praying the reference of his claim to the Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committtee on Coinage, Weights, and Measures:

By Mr. BARRY: Of certain citizens of Calhoun County, Mississippi.

By Mr. ELY: Of George W. Kimball and 190 others.

SENATE.

MONDAY, *January* 18, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

DISTRICT METROPOLITAN RAILROAD COMPANY.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the president of the Metropolitan Railroad Company; which was read, and, with the accompanying papers, referred to the Committee on the District of Columbia, and ordered to be printed:

OFFICE OF THE METROPOLITAN RAILROAD COMPANY,
NEAR P STREET BRIDGE AND ROCK CREEK,
Washington, D. C., January 15, 1886.

SENATORS: In compliance with the twenty-second section of the act of July 1, 1864, incorporating this company, I have the honor to transmit herewith the return for the fiscal year 1885, and returns for the preceding years of 1879 to 1884 inclusive.

It will be observed that the returns prior to 1885 are not sworn to, as the affairs of the company were during those years under different management and the present officers have not the knowledge that would enable them to make oath to those returns.

It is respectfully suggested for the consideration of the Senate that the present officers of this company are not responsible for the omissions occurring prior to their accession to its control.

Very respectfully,

GEO. W. PEARSON,
President Metropolitan Railroad Company.

Hon. JOHN SHERMAN,
President pro tempore U. S. Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Board of Public Works of Cincinnati, Ohio, praying for the location of a national foundry for the construction of ordnance for the Army and Navy at that place; which was referred to the Select Committee to Inquire as to the Capacity of Steel-producing Works in the United States.

Mr. HARRISON. I present the petition of Wallace Foster and 308 other pensioners, who are suffering from deafness, praying the passage of a law increasing the pension for that disability. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PLUMB. I present the petition of certain citizens of Iowa, praying for the forfeiture of what is known as "the unearned Sioux City and Saint Paul Railroad land grant." The bill providing for this forfeiture having been reported from the Committee on Public Lands, I move that the petition lie on the table.

The motion was agreed to.

Mr. MAHONE presented resolutions adopted by the Commercial Exchange of Alexandria, Va., favoring liberal appropriations for the United States Signal Service; which were referred to the Committee on Military Affairs.

Mr. COKE. I present the petition of a large number of merchants of El Paso, Tex., praying for the intervention of the Government of the United States in behalf of the Rio Grande border, to which they say a large number of the lawless men in the Republic of Mexico are being attracted by the facilities offered by the Mexican tariff laws and the creation of the Free Zone, the Zona Libre, as it is called, for smuggling. They represent that it is impossible for Americans on the American side of the Rio Grande to do a legitimate business when foreigners can transport their goods and land them on the other side of the Rio Grande free of duty and await opportunities for successful smuggling, a great deal of which, it is said in this petition, is being carried on, greatly to the detriment of the revenues of this Government, as well as that of American traders on this side of the river.

The petitioners claim the establishment of the Zona Libre to be an unfriendly act on the part of the Mexican Government, and ask some relief from this Government, and if it can not be done in any other way, they pray that negotiations be opened with the authorities of the Republic of Mexico looking to some change in the Mexican law which creates a depot on the bank of the Rio Grande, from its mouth to its source, from which smugglers can introduce their goods free of duty into the United States.

I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. WILSON, of Iowa. I present the petition of L. J. Bales and 78 other citizens of Iowa, praying that the charge of desertion be removed from the record of Daniel Lasure, late a private in Company G, Fifth Regiment West Virginia Volunteers. This petition is addressed to me personally, but it is evidently intended for the consideration of the Senate. I therefore present it, and ask that it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The petition will be received, if there be no objection, and so referred.

Mr. VANCE presented the petition of Hardy Summerline, of New Hanover County, North Carolina, praying that his claim for supplies furnished the United States during the late war be referred to the Court of Claims under the provisions of the Bowman act; which was referred to the Committee on Claims.

Mr. FRYE presented the memorial of Alvah Dolliver and 74 other fishermen of Southwest Harbor, Me., remonstrating against the appointment of a commission to negotiate a renewal of the fishery provisions of the treaty of Washington; which was referred to the Committee on Foreign Relations.

Mr. CALL. I present a petition signed by several hundred merchants and ship-owners of New York city, praying for the establishment of a telegraphic line and a signal station at Point Jupiter, Florida. The petition states that—

All vessels from the Gulf of Mexico to ports on the east coast of North America or Europe, and nearly all steamers from those ports to the Gulf of Mexico, pass within signaling distance of that point.

The successful work already accomplished in warning masters of vessels of the approach of severe storms at other points, resulting in the safety and protection of life and property exposed to the dangers of the sea, strongly influences us in making this request.

I move that the petition be referred to the Committee on Commerce, to be considered in connection with the bill introduced by me for this purpose.

The motion was agreed to.

Mr. CALL presented a petition of the Board of Underwriters of New York city; a petition of the Maritime Association of the Port of New York, and a petition of the merchants and ship-owners of the city of New York, praying for the passages of the bill providing that a telegraph line be constructed, operated, and maintained in connectien with a signal station at Point Jupiter, Florida; which were referred to the Committee on Commerce.

Mr. DOLPH presented a petition of the Legislative Assembly of the State of Oregon, praying that an appropriation be made for the erection of a fish hatchery on the Clackamas River, in the State of Oregon; which was referred to the Committee on Fisheries.

He also presented a petition of the Legislative Assembly of the State of Oregon, praying for the enactment of a law setting apart from the public domain as a public park or pleasure ground for the benefit of the people of the United States, and reserving from public sale, settlement, or occupancy townships 27, 28, 29, 30, and the north half of township 31, in ranges 5 and 6, east of the Willamette meridian, State of Oregon; which was referred to the Committee on Public Lands.

He also presented a petition of the Legislative Assembly of Oregon, praying for a survey of the rapids of Link River, and an estimate of the cost of constructing locks and dams and removing obstructions from that river, so as to make the same navigable between the Upper and Lower Klamath Lakes, in Klamath County, Oregon; which was referred to the Committee on Commerce.

He also presented a petition of the Legislative Assembly of the State of Oregon, praying that sufficient appropriations be made for the speedy completion of the work being constructed for the improvement of the bar at the mouth of the Columbia River, in Oregon, and Washington Territory; which was referred to the Committee on Commerce.

He also presented a petition of the Leglslative Assembly of the State of Oregon, praying that an appropriation of $200,000 be made for a survey of the Siuslaw Bay and the bar, for the construction of jetties at the mouth thereof, and the erection of a light-house near the mouth of that river; which was referred to the Committee on Commerce.

He also presented a petition of the Legislative Assembly of the State of Oregon, praying that the use of certain lands appropriated by the United States for the purpose of constructing a canal and locks at the Cascades of the Columbia River, in the State of Oregon, be granted by the Government to the public for the transportation of freight and passengers around the portage by a temporary railway or other suitable means, under such restrictions and regulations as may be deemed necessary to prevent injury to said canal or the obstruction of the progress of the work thereon; which was referred to the Committee on Commerce.

He also presented a petition of the officers and citizens of Clatsop County, Oregon, praying for the passage of a bill authorizing Clatsop County to construct a bridge across Young's Bay and Skipanon Creek, in that county; which was referred to the Committee on Commerce.

Mr. MITCHELL, of Oregon. I present the petition of the Legislative Assembly of Oregon, praying that the grants of land to aid in the construction of military wagon-roads from Eugene City, Oreg., to the eastern boundary of the State, and from Dalles City, by way of Camp Watson, Canyon City, and Mormon or Humboldt Basin, to a point on Snake River opposite Fort Boisé, so far as the same has not been patented or listed, may be abolished, vacated, annulled, and declared lapsed; and in case patents have already been issued for all or any part of the lands to any corporation, that suits be authorized in the United States courts to vacate the lists and patents except where lands have been acquired in good faith. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. MITCHELL, of Oregon. I present a petition of the Legislative Assembly of the State of Oregon, praying that the United States reserve from public sale, settlement, or occupancy townships 27, 28, 29, 30, and 31 south, in ranges 5 and 6 east, of the Willamette meridian, State of Oregon, and that the same be set apart exclusively as a public park for the people of the nation. The petition recites that within said limits

is Crater Lake, which may very properly be ranked among the wonders of the world, its surface being 6,300 feet above the sea level, and 8 miles long and 6 miles wide, having within it a circular island 600 feet high, containing an extinct crater which is 90 feet deep and 475 feet in diameter, and in another portion a conical-shaped rock perpendicular, and rising 2,200 feet above the water surface. I will state that this is a different petition from the one on the same subject presented by my colleague [Mr. DOLPH], being in addition to it. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. MITCHELL, of Oregon, presented a petition of the Legislative Assembly of Oregon, praying that a portion of the Siletz Indian reservation, in the State of Oregon, be thrown open to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Legislative Assembly of the State of Oregon, praying that an appropriation be made for the purpose of opening a channel sufficient for navigation up the Umpqua River to a point at or near the town of Elkton, in Douglas County, Oregon; which was referred to the Committee on Commerce.

He also presented a petition of the Legislative Assembly of the State of Oregon, praying for the passage of the bill known as the "Cullen" House bill No. 7498, Forty-eighth Congress, for appropriating sums of $15,000 for agricultural experiments at the various State agricultural colleges; which was referred to the Committee on Agriculture and Forestry.

Mr. GEORGE presented the petition of E. P. Ward, of Benton County, Mississippi, and the petition of Mrs. Angeline Floyd, of Benton County, Mississippi, praying for relief under the provisions of the so-called Bowman act; which was referred to the Committee on Claims.

Mr. MAXEY presented the petition of Theodore J. Eckerson, major, United States Army (retired), praying an amendment of the law in reference to grades in the military service; which was referred to the Committee on Military Affairs.

Mr. MORRILL presented a petition of the National Association for the Relief of Destitute Colored Women and Children of the District of Columbia, praying an appropriation to assist them in their work; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. PIKE, from the Committee on the District of Columbia, to whom was referred the bill (S. 574) for the relief of Robert Strachan, reported it with amendments, and submitted a report thereon.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 699) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 764) to authorize the Secretary of the Interior to issue to George K. Otis duplicates of certain land-warrants lost while in the possession of the officers of the Government, reported adversely thereon; and the bill was postponed indefinitely.

Mr. PLUMB. I am also instructed by the Committee on Public Lands, to whom was referred the bill (S. 624) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and for other purposes, to report it with amendments. I ask the privilege at some subsequent day to present a written report to accompany the bill.

The PRESIDENT *pro tempore*. The Senator will have that privilege. The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 391) for the relief of A. A. Thomas, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 150) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 518) for the relief of John Alexander, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. PLUMB. I present a written report to accompany the bill (S. 149) forfeiting a part of certain lands granted to the State of Iowa to aid in the construction of railroads in that State, and for other purposes, which bill was reported from the Committee on Public Lands a few days since.

The PRESIDENT *pro tempore*. The report will be received and printed.

Mr. TELLER from the Committee on Public Lands, to whom was referred the bill (S. 620) to grant the right of way through the public lands for irrigation purposes, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 1092) to grant the right of way through the public lands for irrigation purposes; which was read twice by its title.

NAVY REGISTER.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably, without amendment, the resolution for printing the Navy Register, and I ask for its immediate consideration.

By unanimous consent the Senate proceeded to consider the following resolution:

Resolved, That 1,000 copies of the Navy Register for 1886 be printed for the use of the Senate.

Mr. COCKRELL. I should like to ask the Senator from Nebraska if that is the usual number and the same number that is printed of the Army Register.

Mr. MANDERSON. I have here the resolution with regard to the Army Register, which I shall report when this is disposed of. I will state for the information of the Senator that there is no law or rule which provides for the printing of either the Army or the Navy Register for the use of either House of Congress, and we are compelled either to pass a special resolution in this form or to obtain the volumes from the Secretary of War or the Secretary of the Navy.

Mr. COCKRELL. I am aware of that fact, but I was inquiring about the number. I know we have to order them printed every year, but I should like to have some uniformity and regularity in the number that is ordered printed.

Mr. MANDERSON. I understand from the clerk of the committee that a thousand copies is the usual number. The matter is all in type, and the cost will be about $150 for printing that number.

The resolution was agreed to.

ARMY REGISTER.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report, with an amendment, the following resolution:

Resolved, That 800 copies of the Army Register for 1886 be printed for the use of the Senate.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. COCKRELL. I move to amend the resolution by striking out "800" and inserting "1,000."

Mr. MANDERSON. That is the recommendation of the committee.

The PRESIDENT *pro tempore*. The amendment reported by the committee will be read.

The CHIEF CLERK. In line 1, before the word "copies," it is proposed to strike out "800" and insert "1,000;" so as to make the resolution read:

Resolved, That 1,000 copies of the Army Register for 1886 be printed for the use of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

INTERSTATE COMMERCE.

Mr. CULLOM. From the select committee appointed to investigate and report on the subject of regulating the transportation of freights and passengers between the several States by railroads and water routes I submit a report, and with it I offer a resolution to be referred to the Committee on Printing. I desire also to report a bill upon the same subject.

The PRESIDENT *pro tempore*. The resolution reported from the select committee will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of the report of the Senate Select Committee on Interstate Commerce be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The resolution, under the rule, will be referred to the Committee on Printing.

Mr. ALLISON. Does that include the testimony?

Mr. CULLOM. The purpose is to include the testimony.

Mr. ALLISON. I ask that the resolution be read again.

The resolution was again read.

Mr. CULLOM. I find that the words "and testimony" are not included in the resolution. I should like to have those words inserted, so as to include the testimony.

Mr. ALLISON. Let it read "the report, including the testimony."

Mr. CULLOM. Very well.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be made. The Chair hears none. The resolution as amended will be referred to the Committee on Printing.

Mr. CULLOM. I also report a bill on the same subject from the select committee.

The bill (S. 1093) to regulate commerce was read twice by its title.

Mr. CULLOM. I ask that the bill be recommitted, and that the committee be continued until the subject is disposed of.

The PRESIDENT *pro tempore*. The Senator from Illinois moves to recommit the bill to the committee reporting it, being the Select Committee on Transportation by Railroad between the several States.

Mr. WILSON, of Iowa. I desire to ask the Senator from Illinois whether the bill is reported from the select committee or whether it is a bill introduced by the Senator?

Mr. CULLOM. It is a report of the committee.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the bill be recommitted.

Mr. HARRIS. Before the motion is put, I desire to say that the re-

port of the committee accompanying the bill is somewhat voluminous, and I have not had an opportunity, as a member of the committee, to examine it with the care that I should like to do. While so far as I have examined it I see nothing in it that does not meet my approval, I am not quite prepared to say that I do approve everything which may be found in it, because I have not had an opportunity to examine it all.

In the main I concur in the provisions of the bill reported, but the committee deemed it best to scrutinize the bill a little more carefully before being finally reported to the Senate for its action.

The PRESIDENT *pro tempore*. If there be no objection the bill will be recommitted.

Mr. CULLOM. I desire to include in the motion to recommit that the committee be continued until the subject is disposed of.

The PRESIDENT *pro tempore*. That was included in the motion made by the Senator from Illinois.

Mr. EDMUNDS. The recommittal of the bill would continue the committee in and of itself, although it is a special committee.

The PRESIDENT *pro tempore*. That was included in the order made.

BILLS INTRODUCED.

Mr. COLQUITT (by request) introduced a bill (S. 1094) for the relief of Thomas A. McLaughlin; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1095) for the relief of Joel A. Billups; which was read twice by its title, and referred to the Committee on Claims.

Mr. EVARTS introduced a bill (S. 1096) defining the rights of purchasers at judicial sales under mortgages or deeds of trust of the road and property of railroad corporations organized under the laws of the United States and creating such purchasers a new corporation vested with all the franchises and privileges of the old corporation; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WILSON, of Iowa, introduced a bill (S. 1097) to promote the efficiency of the artillery of the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1098) granting a pension to H. R. Duke; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SABIN introduced a bill (S. 1099) to authorize the Mississippi Water Power and Boom Company, of Brainerd, Minnesota, to construct a dam across the Mississippi river; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 1100) to amend the ninth section of an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1886, and for other purposes," approved March 3, 1885; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1101) to provide for allotments of lands in severalty to the Indians residing upon the Round Valley reservation, in the State of California, and granting patents therefor, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRISON introduced a bill (S. 1102) granting an increase of pension to Dr. A. Lanning; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1103) granting a pension to Caroline E. French; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON. I introduce a bill to carry out the purpose of the petition which I presented this morning, proposing to increase the pension of soldiers who are suffering from deafness.

The bill (S. 1104) giving to honorably discharged soldiers and sailors of the war of the rebellion increased pensions for loss of hearing was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Pennsylvania, introduced a bill (S. 1105) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PIKE introduced a bill (S. 1106) in regard to the conveyance and devise of real estate in the District of Columbia and keeping a record and index of attachments of real estate; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. STANFORD introduced a bill (S. 1107) for the relief of J. G. Fell, Edward Hoopes, and George Burnham on account of Indian depredations; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1108) to confirm title to certain private land grants in Arizona Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1109) to confirm the title to that certain private land grant "Tres Alamos," in Arizona Territory; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1110) to relinquish the interest of the United States in certain lands to the city and county of San Francisco and their grantees; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. DOLPH introduced a bill (S. 1111) to set apart from the public domain in the State of Oregon as a public park for the benefit of the people of the United States townships 27, 28, 29, 30, and 31, in ranges 5 and 6, east of the Willamette meridian, in the State of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MILLER, of New York, introduced a bill (S. 1112) granting a pension to Phœbe H. Meech; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1113) granting a pension to Lawrence A. Hudson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN. I am requested by some gentlemen from Dakota to introduce a bill and have it referred to the Committee on the Judiciary.

The bill (S. 1114) defining the powers of the Commissioner of the General Land Office in respect to canceling private entries of the public domain and to quiet title to land in the Northwest, was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB subsequently said: I desire to call the attention of the Senate to the reference which was made of the bill introduced by the Senator from Alabama [Mr. MORGAN] a few moments ago. The title of it plainly indicates that it is a bill referring solely to the public lands of the United States; yet it was, on the suggestion of that Senator, referred to the Committee on the Judiciary. I am not tenacious specially of the jurisdiction of the Committee on Public Lands, but inasmuch as that committee now has before it and is carefully considering all the phases of the public land questions which have been brought to its attention with a view to the formulation of a general bill which shall meet the situation according to the conception of that committee, I think that everything of that character ought to go to the Committee on Public Lands and not to other committees of this body not interested specially in such matters.

Mr. MORGAN. I had the same view of the subject, and only asked the reference of the bill to the Committee on the Judiciary because the gentlemen who requested me to introduce the bill said they had taken some opinion of Senators about it, and the Committee on the Judiciary was supposed to be the proper committee. It is a subject that relates to the administration of the public land laws of the United States and might very appropriately go to the Committee on Public Lands. That would be my private judgment about it. I only yielded to the suggestion of those gentlemen.

Mr. PLUMB. I move that the reference be changed.

The PRESIDENT *pro tempore*. The bill has been referred to the Committee on the Judiciary, and the Senator from Kansas moves to reconsider that vote.

Mr. EDMUNDS. I was spoken to on the subject that the bill refers to in view of the relief that the people interested wish to obtain, and I told them plainly that I thought the bill ought to be referred to the Committee on Public Lands. I hope that the Senate will agree to the motion of the Senator from Kansas.

The PRESIDENT *pro tempore*. The Senator from Kansas moves to reconsider the vote by which the bill was referred to the Committee on the Judiciary.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. If there be no objection the bill will be referred to the Committee on Public Lands.

Mr. PAYNE introduced a bill (S. 1115) to increase the pension of Mrs. Isabella H. Silvey, of Richmond, Va.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BOWEN introduced a bill (S. 1116) for the erection of a public building at Pueblo, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. JACKSON (by request) introduced a bill (S. 1117) for the relief of Emanuel Mason; which was read twice by its title, and referred to the Committee on Claims.

Mr. BUTLER introduced a bill (S. 1118) authorizing the Secretary of the Treasury to deliver to the rightful owners the contents of certain boxes deposited in the Treasury Department by the Secretary of War; which was read twice by its title, and referred to the Committee on Finance.

Mr. MANDERSON introduced a bill (S. 1119) to provide for the appointment of hospital stewards, United States Army, and to fix their pay and allowances; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1120) to authorize the Omaha National Bank, of Omaha, Nebr., to increase its capital stock; which was read twice by its title, and referred to the Committee on Finance.

He also (by request) introduced a bill (S. 1121) extending patent of Frederick S. Jennings, of Danbury, Conn.; which was read twice by its title, and referred to the Committee on Patents.

Mr. TELLER (by request) introduced a bill (S. 1122) for the relief of the heirs of Rudolph Leschot, deceased; which was read twice by its title, and referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 1123) to authorize the Chicago,

Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a pile ponton railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1124) granting a pension to William Bethuren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1125) granting a pension to Noah Nelson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1126) granting a pension to William H. Moore; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1127) to amend and correct the act approved March 3, 1885, granting a pension to Sarah Hague; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1128) to remove the charge of desertion against Daniel Van Wicklin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 1129) to exempt from taxation all property held by the trustees of the Louise Home, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1130) to exempt from taxation all property held by the trustees of the Corcoran Gallery of Art, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PALMER introduced a bill (S. 1131) to amend an act entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," approved March 2, 1885; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1132) for the relief of Green Arnold, of the State of Oregon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1133) granting an increase of pension to Margaret Hunter Hardie; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 1134) for the creation of a commission to distribute the balance of the fund derived from the Geneva award, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also (by request) introduced a bill (S. 1135) to reorganize the steamboat-inspection service and to consolidate the office of Supervising Inspector-General of Steamboats with the Bureau of Navigation, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL. I present, to accompany the bill, a brief statement and explanation of it and its effects. I move that it be printed for the use of the Committee on Commerce and referred to that committee.

The motion was agreed to.

Mr. VAN WYCK introduced a bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864; which was read twice by its title, and referred to the Committee on Finance.

Mr. HAMPTON introduced a bill (S. 1137) directing the Secretary of the Treasury to examine and settle the accounts of certain States and the city of Baltimore growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812; which was read twice by its title, and referred to the Committee on Claims.

Mr. VOORHEES. Pursuant to the act of their Legislature, the people of the Territory of Montana in 1884 held a constitutional convention, adopted a constitution, submitted it to the vote of their people, and it was ratified. They also agreed upon a memorial to be presented to the Congress of the United States praying for admission as a State, and designated a committee of ten persons, eminent citizens of the Territory, to see that it was presented.

I have the honor to present that memorial, and as it is brief I will venture to ask that it be printed in the RECORD. I also present the constitution, which is properly certified by the secretary of state as correct, and ask that it be printed for the use of the Senate, and having done that, I present a bill for the admission of the State of Montana into the Union.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the constitution of the Territory of Montana presented by him be printed as a document. That order will be made if there be no objection.

The bill (S. 1138) for the admission of the State of Montana into the Union was read twice by its title, and referred to the Committee on Territories.

The PRESIDENT *pro tempore*. The Senator from Indiana asks that the paper referred to by him be printed in the RECORD. Is there objection? The Chair hears none, and that order is made.

The memorial is as follows:

To the honorable the Senate and House of Representatives of the United States:

Pursuant to an ordinance adopted by the constitutional convention of the Territory of Montana, begun and held at Helena, Mont., on January 14, A. D. 1884, and concluded February 9, 1884, the undersigned committee have the honor to submit herewith the following memorial adopted by said convention:

"*To the honorable the President of the United States and the Speaker of the House of Representatives:*

"Your memorialists, the people of Montana Territory, through their representative in Congress assembled, respectfully represent:

"That since the organization of the Territory of Montana we have cheerfully yielded obedience to the laws of the United States and recognized the right of Congress to make all needful rules and regulations respecting the Territories:

"That we now disclaim any purpose of disloyal action, but renewing our fealty to the Constitution of the United States, and recalling to mind the right of the people to peacefully assemble and by petition represent their grievances to Congress, do further represent:

"That the policy which has so long prevailed of sending strangers to rule over us and fill our offices has become distasteful to us, and is wholly unsuited to our present condition and the growing importance of the diversified interests of our country.

"That within the past few years our population and resources have been largely augmented, whereby the proper administration of our laws demands a more perfect and comprehensive system of government than can ever be attained under our Territorial organization.

"That in order to enlarge our liberties, secure a closer connection with the American Union, and for the establishment and maintenance of a better government, your memorialists, with the consent of the Legislative Assembly, have met in convention, and framed a constitution, republican in form, for the State of Montana, and herewith present a certified copy thereof for your approval; and if, upon consideration of the same, you find it unobjectionable in substance and form, your memorialists pray that the Territory of Montana be speedily admitted into the Union of the United States thereunder; and your memorialists will ever pray."

JOS. K. TOOLE,
Delegate in Congress.
W. A. CLARK,
President of Constitutional Convention.
SAMUEL T. HAUSER,
Governor.
WM. H. HUNT,
E. W. TOOLE,
JAMES H. MILLS,
RICHD. O. HICKMAN,
JOSEPH A. BROWNE,
W. J. McCORMICK,
WALTER COOPER,
Committee.

Mr. CONGER introduced a bill (S. 1139) to increase the pension of Peter Lennon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1140) granting arrears of pension to Alexander St. Bernard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BROWN introduced a bill (S. 1141) for the relief of the heirs of W. D. Ellis, deceased, late of Atlanta, Ga.; which was read twice by its title, and referred to the Committee on Claims.

Mr. VEST introduced a bill (S. 1142) to authorize the Secretary of War to sell certain land of the United States in the city of Saint Louis, Mo.; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VOORHEES introduced a bill (S. 1143) to direct the Secretary of the Navy to purchase for the United States the right to make and use a certain "improvement in machines for bending metal links," and to provide for the payment thereof; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. CAMERON introduced a joint resolution (S. R. 30) authorizing the printing of a naval report; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MANDERSON, it was

Ordered, That the papers relating to the bill (S. 879) for the relief of A. G. Shaw be taken from the files and referred to the Committee on Claims.

On motion of Mr. MAXEY, it was

Ordered, That the papers in the case of Maj. Theodore J. Eckerson, United States Army, retired, be withdrawn from the files and referred to the Committee on Military Affairs.

On motion of Mr. PLUMB, it was

Ordered, That the papers relating to certain lands in Saginaw Bay, in the State of Michigan, be withdrawn from the files of the Senate and referred to the Committee on Public Lands.

On motion of Mr. PIKE, it was

Ordered, That the papers in the claim of Laban Heath & Co. be withdrawn from the files and referred to the Committee on Claims, there being no adverse report.

Ordered, That that the papers in the case of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith be withdrawn from the files of the Senate and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. HARRISON, it was

Ordered, That the papers in the case of Caroline E. French be withdrawn from the files and referred to the Committee on Pensions, there having been no adverse report thereon.

On motion of Mr. MILLER, of New York, it was

Ordered, That the papers on file in the Senate in the case of Phœbe H. Meech be taken from the files and referred to the Committee on Pensions.

Ordered, That the papers in the case of Mathilda Victor on file in the Senate be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. CONGER, it was

Ordered, That the papers in the pension claim of Peter Lennon be withdrawn from the files and referred to the Committee on Pensions.

COMPILATION OF INTERNAL-REVENUE LAWS.

Mr. VANCE. I offer the following concurrent resolution for reference to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed at the Government Printing Office 1,000 copies of the compilation of the internal-revenue laws of the United States, with a history of the legislation in regard thereto from the organization of the Government to the present time, by D. R. Goodloe; of which 200 copies shall be for the use of the Senate, 700 copies for the use of the House, and 100 copies for the use of the Treasury Department.

The PRESIDENT *pro tempore*. Under the rule the resolution will be referred to the Committee on Printing.

Mr. BECK. I think a compilation of that sort, if it is from a private person, ought first to pass under the review of the Committee on Finance, to see whether it is such a matter as the Finance Committee would care to recommend, because we have had several compilations, and unless it is perfectly accurate (and I suppose the Committee on Printing would not have the same opportunity of testing that as the committee in charge of those matters) we should not care to have it. I should like to have the resolution go to the Committee on Finance and let them report back whether this is such a compilation as they would recommend the printing of.

Mr. VANCE. I have no objection to that reference.

Mr. BECK. The Senator from North Carolina is himself a member of the Finance Committee, and I think the resolution had better go there first.

The PRESIDENT *pro tempore*. If there be no objection the reference of the resolution will be made to the Committee on Finance instead of the Committee on Printing.

PURIFICATION OF POTOMAC WATER.

Mr. BUTLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the commissioners of the District of Columbia be, and they are hereby, instructed to ascertain the practicability of providing the water-works of the District with filterers or other appliances for clearing and purifying the water, and shall report the result of their inquiries, together with estimates of the cost and application of the same.

CALLED BONDS HELD BY NATIONAL BANKS.

Mr. INGALLS. I ask for the adoption of the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what proportion of the $10,000,000 United States bonds called for payment February 1, 1886, are held by national banks as a basis for circulation; and if any are so held, by what banks and the amount held by each.

Mr. EDMUNDS. I should like to ask the Senator from Kansas whether he thinks the Senate has any right to ask the Secretary of the Treasury for any information concerning matters that are in his Department. I have heard it doubted in the newspapers and so on.

Mr. INGALLS. I presume that the Senator from Vermont is hardly serious.

Mr. EDMUNDS. Perfectly so.

Mr. INGALLS. I presume that he is hardly serious in the question that he asks as applied to this resolution.

Mr. EDMUNDS. Or any other.

Mr. INGALLS. I have understood from credible sources that a very large proportion of the $10,000,000 of bonds which have been called for payment on the 1st day of February next is held by national banks as a basis for circulation, and that therefore instead of a payment of $10,000,000 from the surplus funds now held in the Treasury to extinguish the interest-bearing debt of the United States there is to be merely a process of book-keeping by which certain bonds, amounting, I am advised, to nearly $8,000,000 out of the $10,000,000, are to be called from national banks, by means of which a large amount of circulation will be retired and the circulating medium of this country to that extent contracted.

I think it concerns the country materially to know whether there is to be a payment of $10,000,000 out of the Treasury on the 1st day of February or whether by a process of book-keeping we are to have a reduction of the circulating medium of this country to one-half or two-thirds of that amount.

As the Senator from Vermont suggests, I do not know that we have any right constitutionally to call upon the Secretary of the Treasury for information on any point confided to him for execution, but at least we can have the opportunity of ascertaining whether the Secretary of the Treasury thinks that he is authorized to communicate that fact to the Senate and after that to take such action as we may think advisable.

Mr. COCKRELL. Will the Senator from Kansas advise me whether the law does not require the Secretary of the Treasury to call in for redemption and payment the outstanding bonds in a certain order, and whether the Secretary can consider or even make any regulation in regard to bonds that are held by the national banks different from bonds held by individuals?

Mr. INGALLS. My resolution makes no implication upon the Secretary; it inquires merely about a matter of fact, whether or not any portion of these bonds, which are called in accordance with law I assume, is held by national banks as a basis of their circulation.

Mr. COCKRELL. I understand that, but I simply asked the Senator a question. He being on the Judiciary Committee is presumed to know all things, and I asked him if the law did not require the Secretary of the Treasury to call bonds in a certain order.

Mr. INGALLS. Certainly there is no controversy upon that point. My resolution is directed merely to an inquiry of fact, and intends no imputation whatever upon the exercise of the duty or the discretion of the Secretary.

Mr. COCKRELL. I understand that the Secretary of the Treasury in calling for bonds makes a call for certain designated bonds without regard to whether they are held by national banks or by others.

Mr. INGALLS. I understand so; but I desire that the Senate shall know what proportion of these bonds is at this time held by national banks as a basis for circulation, to the end that we may understand what proportion of the money now held in the Treasury is to be used for the purpose of extinguishing the interest-bearing debt of the United States.

Mr. EDMUNDS. I think the resolution is a very proper one, whether the Secretary of the Treasury has any discretionary power as to what kind of bonds he will call or not.

The point to which I (with a slight attempt at humor, I will say to be careful about it) called attention was to have the Senate vividly sensible of the fact that the public press of the country has latterly given out in pretty large doses apparently the idea that neither House of Congress had a right to know anything regarding what existed in the various Departments; and so, as I wished to vote for this resolution understandingly and with my eyes open, I thought I would open the eyes of others.

Mr. MORRILL. I think the resolution is of sufficient importance to be printed and go over until to-morrow.

The PRESIDENT *pro tempore*. Objection being made, the resolution will lie over under the rules and be printed.

ADMISSION TO THE FLOOR.

Mr. HARRISON. I offer the following resolution and ask for its immediate consideration:

Resolved, That Hon. G. C. Moody, of Dakota, be admitted to the floor of the Senate during the present session.

Mr. COCKRELL. Let that be printed and lie over. Does it come from a committee?

Mr. HARRISON. No, sir.

Mr. EDMUNDS. Let me appeal to the Senator from Missouri not to make an objection. The Senator may have forgotten that this is one of the gentlemen who have been elected by the people there who are trying to form a State as Senators, and I remember that in all the former instances for twenty years when a Territory applied irregularly, as we determined in the case of Colorado when it first came up without authority and the Senate rejected their proposition, the person claiming to be elected Senator was permitted as a matter of courtesy to come on the floor just as our friends do. I am sure that it does not recognize any right in those people to form a State to allow this gentleman to be treated as all his predecessors in like circumstances have been.

Mr. COCKRELL. Mr. President——

Mr. HARRISON. The Senator from Missouri will allow a word before he responds. The Senator will notice that the resolution is carefully framed. It does not involve any concession to the movement that has been inaugurated in Dakota; does not describe the gentleman named as a Senator or give him any official appellation at all. I have omitted from the resolution the name of his associate, Hon. A. J. Edgerton, for the reason that, having been a Senator in this body, he is already entitled to the privileges of the floor.

I could call the Senator's attention to a number of precedents upon this subject. In the case of Michigan Mr. Benton, of Missouri, made a little speech upon the subject; and if the Senate will bear with me a moment I should like to read what he said on this subject. It is a brief extract.

In the proceedings of the Senate on December 10, 1835, the following appears:

Mr. Benton presented the credentials of Hon. Lucius Lyon and Hon. John Norvell, elected by the Legislature of Michigan Senators from that State; which were read.

This was before the admission of the State, while the matter was still pending.

Mr. Benton then moved that seats be assigned to Mr. Lyon and Mr. Norvell on the floor of the Senate until the decision of the question of their admission as Senators. This [Mr. B. said] had been done by courtesy in similar cases.

A few days afterward, speaking to this question, he said of his own case—and I call the attention of the Senator from Missouri to the courtesy which was extended to the first Senator from Missouri before that State was admitted into the Union:

When a gentleman brought a letter to him from a respectable source he at least asked him to take a seat until he read it; and here (said he) these gentlemen have brought a letter from a State, *de facto*, signed by a high official functionary, and we are to hesitate before we extend to them an act of common courtesy! * * * But it had been said that the adoption of the resolution

would prejudge the case of the admission of Michigan into the Union; that the mere courtesy of asking the gentlemen to sit down was to commit the Senate as to their admission as Senators. Are we of such treacherous memories as not to recollect what took place with regard to the admission of Missouri into the Union? Were the Senators from Missouri not sent back after having had seats assigned them? Was there one single Senator influenced in the vote he gave on that occasion by the fact that seats had been assigned to the Missouri Senators pending the question of their admission? He [Mr. B.] was here as one of those Senators—

Again I ask the attention of the Senator from Missouri to the courtesy extended to the first Senator from Missouri—

and was told by that accomplished gentleman and amiable man who then filled the chair [Mr. Gaillard] to take his seat; and he [Mr. B.] had all the incidental privileges of a Senator extended to him. He had the right to frank documents to wherever he pleased, and he had the privilege of using the stationery of the Senate, notwithstanding the question of right was decided against him and he was sent home. As to the question of the admission of Michigan he, for one, remained not only uncommitted but undecided as to the course he should take.

The Senate adopted the resolution a few days afterward extending to the gentlemen from Michigan the privileges of the floor. I have only read so much. I could call up other precedents. It has been regarded as a matter of courtesy in a case like this. Still, if the Senator from Missouri insists on his objection, the resolution must go over for further debate.

Mr. COCKRELL. It is a very unfair statement of the distinguished Senator from Indiana that I was objecting to this or asking it to lie over because I was opposed to it. I am not opposed to it, but there is no necessity for any such hurry and speed about this matter now.

The Senator has had a month in which to present this, and now, because in the absence of my colleague I asked that it lie over, we have got to have a harangue here in regard to what has been heretofore done in these cases and what courtesies have been extended to the Senators from Missouri and other Senators. This distinguished gentleman will not suffer by being kept out of the Senate Chamber until to-morrow. I do not propose to offer any objection to it, but in deference to the wishes of my colleague I asked that it lie over.

Mr. HARRISON. The Senator's manner I can overlook, for I know that it does not represent that which is in his heart; otherwise I should somewhat resent the terms which he has used in criticising the remarks I made.

I made no objection to the resolution going over, though the Senator did not disclose his purpose, because I recognize the right of any Senator to ask that any resolution may lie over. I should have said nothing whatever on the subject now except for the fact that the Senator from Vermont had made an appeal to the Senator from Missouri for the present consideration of the resolution. That having been done, I felt called upon to make the brief statement I did make in reference to the precedents. I am glad to hear the Senator from Missouri say that he does not intend when the resolution comes up in an orderly way to offer any objection to it.

The PRESIDENT *pro tempore*. The resolution lies over, under the rules, until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; and it was thereupon signed by the President *pro tempore*.

THE LATE ISRAEL KIMBALL, JR.

Mr. BLAIR. Mr. President, it is a painful duty which I now rise to discharge of announcing to the Senate the death of Mr. Israel Kimball, jr., lately clerk of the Committee on Education and Labor. Last Tuesday morning he was in full health and strength, engaged in the discharge of the ordinary duties of his position, and on Friday morning, after being stricken with illness the day before, he died.

Mr. Kimball was a young man of fine natural abilities, which had been improved by cultivation, and among all his numerous friends he was known as a genial and true-hearted gentleman. He was a man of most endearing personal qualities. He had served this committte and the Senate for several years with conspicuous ability and fidelity. By his sudden death his widow and his little child are left entirely dependent, and the circumstances are such as, if they were fully given to the Senate, would excite the strongest sympathy. They are also such as to call for immediate action on the part of the Senate on this resolution which I now present, following the usual resolution in such cases.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Lotta Lapham Kimball, widow of Israel Kimball, jr., deceased, late clerk to the Committee on Education and Labor, the sum of $2,190, being an amount equal to one year's salary at the rate per diem allowed by law to the clerk aforesaid, said sum to be considered as including funeral expenses and all other allowances.

Mr. BLAIR. I understand that it is usual in all cases of the death of our employés to pay six month's salary. In this particular case the widow and child are left entirely dependent, and there is this reason for making the amount equal to what is called for by the resolution. It is the usual allowance, except that I have asked the generosity of the Senate to pay one year's salary, and it seems to me that if Senators knew as I know the circumstances there would not be the slightest hesitation in according this.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent for the present consideration of this resolution.

Mr. PLUMB. I shall have to object; though I would be willing to consent to its going to the proper committee. I do not know myself what the precedents are, but I should like to have the matter considered by a committee.

Mr. EDMUNDS. The rules require that it be referred.

Mr. HARRIS. I move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. EDMUNDS. The rules require that it shall be so referred.

Mr. HARRIS. So I remember.

The PRESIDENT *pro tempore*. Under the rules, without a motion, the reference would have been made, but that the Senator from New Hampshire asked unanimous consent to waive that rule.

Mr. BLAIR. I do not ask it if there is objection.

The PRESIDENT *pro tempore*. The resolution is referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

THE NORTHEASTERN FISHERIES.

Mr. FRYE submitted the following resolution; which was read:

Whereas the President in his late message recommends "that the Congress provide for the appointment of a commission, in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two Governments and their respective citizens on the coast of the United States and British North America;" and

Whereas "the fishing rights" were settled for ten years by a commission appointed under the treaty of Washington at a cost of $5,500,000 paid in money and a remission of duties amounting in the ten years to about $6,000,000 more; and

Whereas the effect of the terms agreed upon by the said commission was further an increase in the Canadian fishing fleet of five hundred vessels and of ten thousand seamen, with a corresponding decrease in our own fleet and sailors, without any appreciable benefits to the people of the United States: Therefore,

Be it resolved by the Senate of the United States, That in the opinion of the Senate the appointment of a commission clothed with such powers ought not to be provided for by Congress.

Mr. FRYE. I move the reference of the resolution to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That reference will be made unless there be objection.

Mr. EDMUNDS. I wish to be heard on the subject of this resolution. I have no objection to the reference, and I am glad it has been introduced; but perhaps it ought not to pass without a word in regard to the action that has been taken by the President of the United States in the agreement about the fisheries, as shown by the papers we now have before us, entered into with Her Majesty's Government after the time had expired when, according to the provisions of the law, the whole fishery matter and the customs matter connected with it were absolutely terminated.

I see by the report lately received, which I was just at this moment reading, that it appears to be stated—I speak of it under reserve, because I have only just seen it—that the President of the United States, without any advice or consent of the Senate, has entered into an arrangement with Her Majesty's Government by which citizens of the United States are accorded certain rights in fishing in British waters which by existing treaties and the laws of nations they would not otherwise have, and that British subjects are accorded certain rights in respect of fishing in American waters which under the laws of nations and existing treaties they would not otherwise have.

If that be the correct meaning of this report that is made to us it certainly presents a very grave question of the exertion of executive power in regard to entering into arrangements with other powers affecting the security of property and rights of citizens mutually, in the face of a Constitution which only gives the President power to make treaties by and with the advice and consent of the Senate. It may be said that this is not a treaty; but in respect of the objects it covers and the ends to be obtained it is precisely what a treaty would do and what it has never been supposed, I believe, could be done without a treaty.

But I do not intend to go into this now, because it may be (and I hope it will so turn out) that the nature of this arrangement is of so trivial and slight a character that it would not involve an assumption by the President of a power that the Constitution has not given to him; but I thought it right to call attention to the importance of the subject in that light.

Mr. MORGAN. I desire to ask the Senator from Vermont what right exists under the agreement entered into with the British Government that would not exist independently of that agreement. As I have understood the agreement between our Government and the British Government, there were no rights under it conceded to British fishermen which they would not otherwise have had.

Mr. EDMUNDS. Let me read from the report before us:

This agreement proceeds from the mutual good-will of the two Governments, and has been reached solely to avoid all misunderstanding and difficulties which might otherwise arise from the abrupt termination of the fishing of 1885 in the midst of the season. The immunity which is accorded by this agreement to the vessels belonging to citizens of the United States engaged in fishing in the British American waters will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

Now if it be true—which I do not affirm or deny at this moment because I wish to proceed with the greatest consideration toward the Chief Magistrate, whose good intentions I have not the least doubt of—if it be true that the vessels of the United States would have had no authority to fish in British waters without the consent of Her Majesty's Government, which she under her system is competent to give, it is equally true under the treaty of peace of 1783 and the treaty of peace of 1815 that British subjects are under like circumstances not authorized by the laws of the United States to fish in American waters, because the rights are reciprocal, I believe; but I only speak of it now offhand. If that be so, then the President of the United States would have accorded to subjects of Her Majesty by negotiation between him and Her Majesty's Government the exertion of rights which the laws of the United States did not allow them to exert and which they could only exert, as I understand the Constitution, by a treaty or a convention made by the President in the constitutional way. It may be that it will turn out that this is otherwise. I only call attention to the subject now in the best possible spirit that it is important to see that the line be not overlooked.

Mr. MORGAN. It sometimes turns out that even the Senate and Congress of the United States take unfortunate action in regard to public affairs, and in the resolution which we passed here instructing the President to terminate the fishing treaty we happened so to fix the time of its termination as that it should arrive in the middle of the fishing season after the people of the Northeast had equipped large fleets for the purpose of fishing on the mackerel and other fishing coasts of Labrador and other parts of the British possessions. It would have been a very serious inconvenience and injury to those fishing fleets to have been stopped in their operations in the midst of their cruises; and it may be that the President of the United States, in conference with the British authorities, has strained a point in order to accommodate the interest and provide for the welfare of this large class of people who have a large amount of money invested in the fisheries.

That may be; and I shall be prepared on my part at any time to assert the privileges of the Senate of the United States under the Constitution against an agreement of that kind and to bring censure where censure should properly belong. But, sir, in timing our resolution for the termination of this treaty the Senate and the House did not take into consideration the fact that we were requiring it to be terminated in the midst of the fishing season, and there may have been evil inflicted on the people of the United States which the President sought in the best way he could to avoid, which evil lies at the door of Congress and not of the President.

Mr. FRYE. I desire to call the attention of the Senate to this matter for a moment——

Mr. HOAR. Before the Senator from Maine proceeds will he allow me to state one fact—I do not wish to make a speech—in regard to what has been said by the Senator from Alabama?

I suppose I represent with my colleague very far the largest majority of these fishing interests, and so far as I know or am informed no fisherman agrees with the statement which has been made by the Senator from Alabama that any inconvenience was caused to them by the termination of the treaty and no fishermen of ours desired to have it extended.

Mr. DAWES. Will the Senator from Maine allow me to say to the Senator from Alabama that there was a year's notice to everybody who went into these waters that all these privileges were to be terminated at a given time, so that there was no occasion to make this agreement on the ground that it came suddenly upon fishermen embarked in the enterprise. A year's notice was given, so that they were perfectly aware of it, and I agree with my colleague that they have not discovered that it was done in their interest at all.

Mr. FRYE. I desire to say a few words touching this, Mr. President. I call the attention of the Senator from Alabama to this very singular fact, that while it is claimed in these papers that this recommendation was for the protection of American fishermen and American interests, no American citizen, no American fisherman, ever called the attention of the Secretary of State or of the President of the United States to the danger. It was left to Mr. West, the minister from Great Britain, who on the 12th day of March, 1885, when the Senate was in session, wrote to Mr. Bayard as follows:

If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, on pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners.

I regard that as remarkable. No owner, no sailor, no citizen of the United States, although the two years' notice had been given, ever saw anything of his interest in jeopardy sufficient to lead him to call the attention of the President of the United States or of the Secretary of State to it; but Mr. West, the British minister, was the gentleman who was protecting the rights of the United States and of her fishermen! Why, Mr. President, Great Britain has been doing this ever since 1783, protecting, forsooth, the rights of American fishermen! And I truly admit that the United States has failed utterly and entirely in this regard during the whole one hundred years of our national life.

I call the attention of the Senator from Vermont to one other, as it seems to me, very remarkable part of this agreement entered into at the request of the British minister, and that is that the President of the United States should ask Congress to provide for another commission, which should not only consider but settle all these fishing rights. So we have this very singular combination of affairs, that our Secretary of State, at the request of the British minister and without any expressed wish from any American citizen, makes practically a new treaty or extends the provisions of an old one, and further binds the President of the United States to present a recommendation to this Congress that another commission be appointed not only to consider but to settle, as the President says, these questions. To me this is a most amazing performance, and I fail to see how it can be justified.

The people of New England at any rate do not want anything to do with commissions to settle fishery questions. We had one under the Washington treaty, and I say that the United States paid $15,000,000 without ever receiving one single cent in return. Fifteen millions, I say. I remember the amount which was paid as a matter of course, five and a half millions, but we have remitted six millions of duties in the same length of time and we have opened up our markets to free fish, amounting last year to $3,500,000 worth, while Canada has a duty of 1 cent a pound against our fish. Why, sir, by that settlement Canada has gained immensely; gained in her fleet five hundred vessels; gained in her sailors nearly ten thousand men; Canada has gained an open market for fresh fish to the amount of three and a half millions of dollars annually—more even than she gained by the admission of cured fish to our markets free; and we of the United States have gained literally not one single cent. On the contrary, we have lost five hundred vessels in our fleet, over eleven thousand men, by reason of permitting the Canadians to have our market for their fish. During the whole twelve years of the treaty we did not take in Canadian waters more than seven hundred thousand dollars' worth of mackerel, and they actually cost us nearly a million of dollars.

The Senator from Alabama says that our fishermen would be there in the Gulf of St. Lawrence within the three-mile shore-line of Canada fishing in July and would need this protection. In 1881 there was 1 fisherman there; in 1882 there were 2 there in the month of July; last year and the year before there were not over 20 fishermen in all the British waters conceded to us under the Washington treaty.

I remember that in the treaty of 1783 Great Britain conceded to us the right to fish on the Grand Banks and the Banks of Newfoundland. Wonderful magnanimity on the part of Great Britain! Not one of these banks was within 25 miles of the British possessions, and running from that to 150 miles away; and in a solemn treaty she conceded to the fishermen of the United States the right to fish there. Why did she not concede to us the right to breathe the air of heaven? She had as much right to that as she had to those banks when she made that concession. And in our last treaty she conceded to us the right to fish within the shore-line, and when we went there to fish we found no fish. We have not taken in ten years enough fish within the shore-line and within the bays of Canada to pay two-thirds of the cost of the outfit and of the fishermen's wages. We took some five years ago $56,000 worth of mackerel in the British waters, and it cost $122,000 to take them. There is not a fisherman on the American side who asks any privilege in those waters.

Now, Mr. President, Mr. West can not possibly have wanted to protect our fishermen against Canada, but he did wish an agreement entered into under which a commission should be appointed to make us pay $5,500,000 more. In this same correspondence Mr. West says, and I wish to call the attention of the Senate to the significance of it:

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the colonial governments in the course of the negotiation for a more permanent settlement.

Looking for one more chance to get five and a half millions of dollars out of us literally for nothing, and I do not blame the British minister for expecting success, for he got it before when the evidence all showed that we received nothing for the five millions and a half, and as a matter of fact it was simply taken out of what they regarded as an abundant fund given to the United States for their unjust and unrighteous interference with piratical vessels on our commerce in the late war.

Mr. President, the United States ask nothing, the people of the United States ask nothing, of Great Britain in these premises. We desire to send no boat into their waters. They allow us to take fish for bait under the treaty of Washington and say that is valuable to us. Why, Mr. President, it was not worth a cent to us, for when we went in there to take bait we interfered with the natural rights of those people, and they are the most dangerous rights on earth to interfere with, and we found it out in the Fortune Bay case, so familiar to the distinguished

Senator from New York. Those people living in these little hamlets on the coast do not have a dollar year in and year out except what they get from our fishermen, paid to them for bait gathered in their harbors; and when one of our vessels undertakes to go there under that treaty and throw out a great seine, gather in all the bait within their little harbor, load it on board, who blames those fishermen for cutting the cables, even in a storm, and letting them go riotously out to sea? It is all they have to live on, and our fishermen gave that up the third or fourth year of the treaty, absolutely gave it up, and never have taken one pound of bait from that day to this, but have bought it of them and paid them nearly $150,000 a year for it—more money than they ever had in any one hundred years before that treaty. Besides, they accord us the privilege of shelter, buying wood, and nothing else. Amazing privileges!

I wished simply to refer this resolution, and did not propose to discuss this question at all this morning, but it is hard to refrain from saying that this agreement or treaty is a most marvelous piece of Britainism on the part of diplomacy that I have ever seen, and there have been a great many marvels in the history of diplomacy in our career. Our fishermen do not ask the British minister to interfere to save them. Our fishermen ask that the United States of America shall be self-asserting, and that is all they ask. Our fishermen ask that this great Republic of 56,000,000 people shall protect her fishermen in their rights, and secure them in seeking particular harbors and ports in Canada as Canada is permitted to seek harbors and ports in the United States of America. Our fishermen demand that, instead of yielding as we have every time to Great Britain, we shall stand for our rights. They know as well as I know that Great Britain dares not to undertake to uphold Canada in any repetition of the history from 1818 to 1826 and from 1866, after the repeal of the reciprocity treaty, to 1871. England dares not uphold Canada in sending out her cutters to seize again, as she has in the past, United States vessels, try them in colonial courts, by colonial judges, and condemn them on evidence of colonial witnesses who stood on the shore, looked out on the sea, and guessed that they were within the three-mile limit.

Why, sir, let this Republic be true to herself, and not tremble at the ghosts of dead treaties, like, for instance, that of the Clayton-Bulwer treaty.

England has regarded it dead for a quarter of a century, and yet to-day our great Republic, through its distinguished Executive and Secretary of State, is trembling at its ghost and sacrificing our interests. Let us assert ourselves and our power, and there will be no war, but our people here at home and on the Canada coasts will have their rights. That is all that they ask of the American Government—no war. There never was a country in the history of the wide world so under a mortgage to keep the peace with us as Great Britain is to-day. Neither they nor we seek any war.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Foreign Relations.

Mr. MORGAN. Before that reference is made I wish to say a word. I confess that I am a good deal astonished at the vigor and zeal with which this question is being argued here and at the principles which seem to underlie the debate. First of all the action of the Government has not been laid before the Senate except in an informal way, has not been brought into this debate at all so that the Senate can now pass any just criticism upon the diplomacy of the State Department or of the President. We have certain assertions made here by Senators which I am not prepared to admit. They may turn out to be true, but they are startling in their nature, and I must ask further time to consider before I will agree to those statements.

It has been stated here that no American citizen and no American fisherman suggested at all that there was any necessity for the informal extension of the treaty agreement, in some of its parts at least, after it had been terminated in the midst of the fishing season by the requirements of an act of Congress. I do not know where Senators get their information from—I am not informed to that extent—that no American citizen and no American fisherman had presented any request to the Government of the United States to consider this subject, and that the request and suggestion came alone from Minister West, who is residing at Washington. I must be informed by the State Department before I can understand or believe that our Government has been actuated only by requests made by the British Government in a matter so important, as was supposed by all the world, to our fishermen along the northeastern shore.

I am equally surprised by the statements the Senators from Massachusetts make that their fishermen really had no beneficial interest in this subject, and they had no desire to have the privileges extended that were guaranteed under the fisheries treaty until the close of the fishing season. It was supposed by the rest of the United States that this agreement was being made entirely for the protection and benefit of our fishermen until they could close out the season upon which they had entered with a large expenditure of capital and the employment of a large number of men, and I confess that I am entirely surprised now to find that that was an intrusive interpellation or injection of authority and power by the Government of the United States when the fishermen on the northeastern shore made no such request, had no such desire, and would not be in any way in the world benefited by it. I do not know whether they thought they could prowl their way along the British coast and take out their mackerel, cod, and other fish, or not.

Mr. MORRILL. Will the Senator from Alabama allow me to say a word?

Mr. MORGAN. Certainly.

Mr. MORRILL. I beg to inform the Senator that the fish have entirely changed their ground. There is no longer such good fishing on the Canadian shores as there is upon the shores of New England, and the fish caught on the Canadian shores are merely such as are attracted by the bait thrown out by the fishing vessels. It is no longer any object for our vessels to go there.

Mr. MORGAN. That curious habit of the fish of changing their feeding grounds, grounds to which they sometimes migrate in very large schools, seems then to account for the whole of the zeal of the Senator from Maine in regard to this matter. It turns out that the Senators from Massachusetts and Maine have found out that the fishery shores of New England are richer in mackerel and other fishes this season than they were last season.

Mr. HOAR. The fish come from the British to the American side, but the action of the Government seems to go from the American to the British side.

Mr. MORGAN. That is a very fishy way of stating the proposition, to say the least, and one that the Senator from Massachusetts will perhaps find himself embarrassed with hereafter. That evidently is a fish story.

Mr. DAWES. The Senator is desirous of information, and he seems to be in a position of acquiring it for the first time. He intimates that this is a sudden change. This has been known to everybody who was negotiating these treaties for five and a half million dollars for years. There has not existed for ten or twenty years any home or fishing ground of the fish in the British waters at all, and the Senate put an end to the treaty because of that state of facts in 1883. It is no new position at all. It is known to every American who attempts to get fish in the northern waters that there are no fish there except the bait, and our people do not suppose that the British Government desires to exclude them from purchasing bait.

Mr. MORGAN. I had supposed that the Senator from Vermont [Mr. MORRILL] knew something about the interest of the fisheries along the New England coast, and he has just stated that within the last two years mackerel have changed their run so that they now go down to the neighborhood of Boston, I suppose in search of a higher civilization, instead of running up on the coast of Labrador or the coast at the mouth of the St. Lawrence. Now the Senator from Massachusetts says that this thing has existed for several years, that the mackerel changed their habits several years ago, and after all that was our reason for terminating the fisheries treaty.

Mr. President, I think it beggars the Senate to assign any reason of that kind for its action in the termination of a great international convention between ourselves and Great Britain. We have found out, according to the statement of the Senator from Massachusetts, that the fish themselves by some new instinct had commenced floating to our Massachusetts shores, and therefore we found that it was convenient for us and proper for us to change the fundamental law between the United States and Great Britain on the subject of the fisheries. If that is not bringing the Government of the United States down upon its knees in an attitude of humiliation before the other nations of the world I do not understand the subject. I had supposed, when the Senators from the northeastern coast of the United States were here berating this fisheries treaty and complaining of its inequality and of the five millions we had to expend, as they said unjustly, in settling balances in consequence of that treaty, that there was some permanent defect in the law, that there was some wrong about it in essence. Now it turns out that the whole trouble is that the mackerel have changed the course of their run, and that we are now making a bad bargain out of what was formerly a good bargain.

I confess that I am a little surprised that mere private greed and the desire for gain has found its way into the Senate and into the diplomatic action of the Government of the United States to such an extent as that we set aside solemn treaties with foreign powers intended to promote peace between the countries because the advantage in setting them aside, even for a moment, happens to turn on our side, and that too on a question of this character of bait and these fishing arrangements throughout.

The honorable Senator from Maine complains about the results of a commission, and he says that we want no more commissions. Mr. President, it does not follow, because a commission appointed under a preceding administration, who made a bad arrangement, a bad negotiation, and involved us in trouble with preceding administrations, and settled at our expense, unjustly as it is said, to the amount of $5,000,000, that a new commission will repeat their errors or follow in an improper course of diplomatic arrangement with the Government of Great Britain. That does not follow. Upon other topics I have understood that these gentlemen who are now opposing the suggestion of the President of the United States in regard to a commission have been very actively asserting that it was the duty of the Congress of the United States to create

commissions. I have understood that we could not have any tariff legislation in this country of any just or sensible character at all unless we first organized a commission to conduct it. But now, because the President of the United States suggests or responds to a suggestion of Mr. West, that a commission between the two governments would be an appropriate way to settle the law for all future time on this important question, the Senator from Maine, forgetting all the precedents under which he has been legislating himself, and which he has advocated heretofore, flares up in a tremendous opposition to intrusting anything at all to a commission.

Now, who are the commissioners to be if they are to be appointed? Citizens of the United States and citizens of Great Britain, who meet in convention and who will consider these questions and refer their conclusions to the respective authorities of their Governments for ratification or for rejection. It may be that it is an unwise thing to recommend a commission; that we had better treat through the diplomatic powers that exist rather than create any new ones on questions of that kind, but that relates merely to the form of procedure or to the agents that we shall employ in the procedure. There is nothing in the fact that a commission may be created that can work prejudice to the people of the United States, for we can deal with this subject just as well through a commission as we can through our foreign ministers or through our Secretaries of State.

I think, Mr. President, this debate having anticipated the whole question, at least having it made to go to the bottom of the whole subject so far as the action of our Government is concerned, it is but proper that I should spread upon the record and ask to have read the letters which passed between our Secretary of State and Mr. West, the minister of Great Britain, upon this question, so that the country may see whether or not the Administration has been thoughtless in regard to the interests of the public, or whether the Administration has preferred for a time to present some arrangement which might keep down strife rather than to venture upon that other arrangement which the Senator from Maine so vividly presents. Whenever you want to speak to Great Britain about any of the rights of American citizens, you must man your ship and load your gun, you must go prepared with your matchlock to set off your artillery before the argument opens, otherwise you will not get your rights. No, Mr. President, there is a good deal in war that is not to be approved, even where justice requires that war should take place. It is an affliction and a trouble to the world, and its evils and its oppressions and its disasters sink into the hearts of men who are not at all responsible for it, and they last for generation after generation, as this country in its recent and present experience is capable of testifying.

I, sir, am for negotiation; I am for agreement; I am for the sway of reason; I am for the influence of justice and truth in preference to war or to anything that looks like war; and proper self-respect on the part of this great Government does not require it to buckle on its armor every time it enters into an argument with Great Britain or any other power. It can go out armed with the power of truth, it can meet its antagonist or its corresponding negotiating power upon an open field under any and all circumstances, without the slightest apprehension that our rights, or the rights of our people, or the cause of truth will suffer any defeat at the hands of other people. There is no occasion for us to commence to bluster the moment we think we have got a right which we can assert in some form through diplomacy. Let us conduct this Government in proper style; and, sir, I do heartily applaud the spirit of the President in the manner in which he has dealt with this question, and I am sure that the people of the United States applaud it also, for if the Senator from Maine could have had his way and if he could have been the conductor of the negotiations between the United States and Great Britain in regard to this subject, which has now had proper repose, he would have commenced with some belligerent demand and have backed it up by this little sham of a Navy that we have got here.

I think, Mr. President, after all, it will be found that when we work out the proposition to its bottom the Senator from Maine will require the rest of us in this country to pay a subsidy to his fishermen, that he will require us to consent that the fishermen shall have a bigger price for their fish than they are getting now, and that he will try to work it out through the instrumentality of a tariff. It is very well to commence quarreling with the Administration because it is an anti-tariff Administration to some extent, and to open this question in this direction. The Senator is entitled to credit for great sagacity in making the assault where he begins it; but when the thing comes to work out and wind up it will be found that this is the *avant-courier* for a mere proposition on the part of the Senator from Maine, I think, to increase the tariff on fish.

Mr. FRYE. Mr. President, one word in reply to the Senator from Alabama. He seems to have misunderstood my statement that in my judgment the United States had nothing to leave to a commission. The United States is asking nothing of Great Britain. The United States does not desire to fish in Canadian waters. The United States has not asked anything of Great Britain; and why in the name of common sense should we have a commission when it is only one side that is asking? Canada is the party seeking. Take the Canadian papers and the discussions in the Canadian Parliament and you will find who is seeking for a commission and who is asking for favors. It is the party that has been built up under the last treaty made in 1871 that is seeking its renewal now and not we who suffered from it. I simply put it on the ground that we desire nothing and therefore we must inevitably be the loser by a commission.

Mr. MORGAN. Will the Senator oblige me with a copy of the correspondence? I did not happen to have one on my table, not expecting any debate to arise.

Mr. FRYE. I drew the resolution calling for this correspondence so that it should cover everything; and the Senator will see by reference to it that it requires all correspondence and all information whatsoever touching this extension of the rights and privileges under the Washington treaty, and this is the Secretary of State's reply to that request, and undoubtedly it contains every single thing there is in the case. It does not show anybody on the part of the United States asking for protection or privilege or fishing rights.

Mr. MORGAN. The Senator will indulge me a moment. I ask the unanimous consent of the Senate to incorporate this correspondence in my remarks, so that the country may see what the correspondence is.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent to incorporate in his remarks printed in the RECORD the papers he refers to. Is there objection? The Chair hears none, and that order will be entered.

The correspondence is as follows:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 5th instant, a report of the Secretary of State, containing all the correspondence and information in the custody of his Department relative to the extension of certain fishing rights and privileges under the treaty of Washington from July 1, 1885, to January 1, 1886.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 12, 1886.

To the President:

In compliance with the resolution of the Senate of January 5, 1886, I herewith transmit a copy of all the correspondence between this Department and the representative of the Government of Great Britain in relation to the extension of certain fishing rights and privileges under the treaty of Washington from July 1, 1885, to January 1, 1886.

As part of this transaction the following paragraph of your late message to Congress seems appropriate for consideration in connection with the correspondence:

"The termination of the fishing clauses of the treaty of Washington, in pursuance of the joint resolution of March 3, 1883, must have resulted in the abrupt cessation on the 1st of July of this year, in the midst of their ventures, of the operations of citizens of the United States engaged in fishing in British American waters, but for a diplomatic understanding reached with Her Majesty's Government in June last, whereby assurance was obtained that no interruption of those operations should take place during the current fishing season.

"In the interest of good neighborhood and of the commercial intercourse of adjacent communities, the question of North American fisheries is one of much importance. Following out the intimation given by me when the extensory arrangement above described was negotiated, I recommend that the Congress provide for the appointment of a commission, in which the Governments of the United States and Great Britain shall be respectively represented, charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America. The fishing interests being intimately related to other general questions dependent upon contiguity and intercourse, consideration thereof, in all their equities, might also properly come within the purview of such a commission, and the fullest latitude of expression on both sides should be permitted."

Respectfully submitted.

T. F. BAYARD.

DEPARTMENT OF STATE, *January* 12, 1886.

AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN RESPECTING THE FISHERIES, CONCLUDED JUNE 22, 1885.

Notice.

By direction of the President, the undersigned, Secretary of State, hereby makes known to all whom it may concern that a temporary diplomatic agreement has been entered into between the Government of the United States and the Government of Her Britannic Majesty in relation to the fishing privileges which were granted by the fishery clauses of the treaty between the United States and Great Britain of May 8, 1871, whereby the privilege of fishing, which would otherwise have terminated with the treaty clauses on the 1st of July, proximo, may continue to be enjoyed by the citizens and subjects of the two countries engaged in fishing operations throughout the season of 1885.

This agreement proceeds from the mutual good-will of the two governments, and has been reached solely to avoid all misunderstanding and difficulties which might otherwise arise from the abrupt termination of the fishing of 1885 in the midst of the season. The immunity which is accorded by this agreement to the vessels belonging to citizens of the United States engaged in fishing in the British American waters will likewise be extended to British vessels and subjects engaged in fishing in the waters of the United States.

The joint resolution of Congress of March 3, 1883, providing for the termination of the fishing articles of the treaty of May 8, 1871, having repealed in terms the act of March 1, 1873, for the execution of the fishing articles, and that repeal being express and absolute from the date of the termination of the said fishing articles, under due notification given and proclaimed by the President of the United States, to wit, July 1, 1885, the present temporary agreement in no way affects the question of statutory enactment or exemption from customs duties, as to which the abrogation of the fishing articles remains complete.

As part of this agreement, the President will bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a joint commission by the Governments of the United States and Great Britain to consider the matter in the interest of maintaining good neighborhood and friendly intercourse between the two countries, thus affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

Copies of the memoranda and exchanged notes on which this temporary agreement rests are appended.

Reference is also made to the President's proclamation of January 31, 1885, terminating the fishing articles of the treaty of Washington.

By direction of the President:

T. F. BAYARD, *Secretary of State.*

Appendices.

1. Mr. West's memorandum of March 12, 1885.
2. Mr. Bayard to Mr. West, memorandum of April 22, 1885.
3. Mr. West's memoranda of June 13, 1885.
4. Mr. Bayard to Mr. West, June 19, 1885.
5. Mr. West to Mr. Bayard, June 20, 1885.
6. Mr. Bayard to Mr. West, June 20, 1885.
7. Mr. Bayard to Mr. West, June 22, 1885.
8. Mr. West to Mr. Bayard, June 22, 1885.

President's proclamation, January 31, 1885.

1.—*Mr. West's memorandum of March* 12, 1885.

[Memorandum.—Confidential.]

The fishery clauses of the treaty of Washington of 1871 will expire on the 1st of July next. It has been represented by the Canadian Government that much inconvenience is likely to arise in consequence, unless some agreement can be made for an extension of the period.

When the time comes (1st of July next) American ships will be actually engaged in fishing within the territorial waters of the Dominion. These vessels will have been fitted out for the season's fishing and have made all their usual arrangements for following it up until its termination in the autumn. If, under these circumstances, the provincial or municipal authorities in Canada were to insist upon their strict rights, and to compel such vessels, on pain of seizure, to desist from fishing, considerable hardship would be occasioned to the owners, and a feeling of bitterness engendered on both sides which it is clearly the interest of both governments to avert.

It seems therefore desirable, in order to avoid such possible complications, that both governments should come to an agreement under which the clauses might be in effect extended until the 1st of January, 1886.

If this were done the existing state of things would come to an end at a date between the fishery season of 1885 and that of 1886, and an abrupt transition at a moment when fishery operations were being carried on would thus be avoided.

WASHINGTON, *March* 12, 1885.

2.—*Mr. Bayard to Mr. West, April* 22, 1885.

[Memorandum of April 22, 1885.—Personal.]

DEPARTMENT OF STATE, *Washington, April* 22, 1885.

DEAR MR. WEST: I have on several occasions lately, in conversation, acquainted you with my interest in the fisheries memorandum which accompanied your personal letter of March 12.

Several informal talks I have had with Sir Ambrose Shea have enabled me to formulate the views of this Government upon the proposition made in behalf of the Dominion and the Province of Newfoundland, and I take pleasure in handing you herewith a memorandum embodying the results. If this suits, I shall be happy to confirm the arrangement by an exchange of notes at your early convenience.

I am, my dear Mr. West, very sincerely, yours,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

MEMORANDUM.

The legislation passed by the Congress of the United States, act of March 1, 1873, for the execution of the fishery articles of the treaty of Washington, has been repealed by the joint resolution of March 3, 1883, the repeal to take effect July 1, 1885. From that date the effects of the fisheries articles of the treaty of Washington absolutely determine, so far as their execution within the jurisdiction of the United States is concerned, and without new legislation by Congress modifying or postponing that repeal the Executive is not constitutionally competent to extend the reciprocal fisheries provisions of the treaty beyond the 1st of July next, the date fixed by the action of Congress.

Mr. West's memorandum of March 12, 1885, suggests the mutual practical convenience that would accrue from allowing the fishing ventures commenced prior to July 1, 1885, to continue until the end of the season for fishing of that year, thus preventing their abrupt termination in the midst of fishing operations on the 1st of July.

It has been, moreover, suggested on the part of the Province of Newfoundland and of the Dominion of Canada that, in view of the mutual benefit and convenience of the present local traffic, consisting of the purchase of ice, bait, wood, and general ship supplies by the citizens of the United States engaged in fishing from the inhabitants of the British American fishing coast, the usual operations of the fishing season of 1885 should be continued by the fishing vessels belonging to citizens of the United States until the end of the season of that year, and that the local authorities of Newfoundland and of the Dominion of Canada, in a spirit of amity and good neighborhood, should abstain from molesting such fishermen or impeding their progress or their local traffic with the inhabitants incidental to fishing during the remainder of the season of 1885, and all this with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America.

The President of the United States would be prepared to recommend the adoption of such action by Congress with the understanding that in view and in consideration of such promised recommendation there would be no enforcement of restrictive and penal laws and regulations by the authorities of the Dominion of Canada or of the Province of Newfoundland against the fishermen of the United States resorting to British American waters between the 1st of July next and the close of the present year's fishing season; the mutual object and intent being to avoid any annoyance to the individuals engaged in this business and traffic and the irritation or ill-feeling that might be engendered by a harsh or vexatious enforcement of stringent local regulations on the fishing coast pending an effort to have a just and amicable arrangement of an important and somewhat delicate question between the two nations.

Public knowledge of this understanding and arrangement can be given by an exchange of notes between Mr. West and myself, which can be given to the press.

3.—*Mr. West's memoranda of June* 13, 1885.

[Memoranda.]

It is proposed to state in notes according temporary arrangements respecting fisheries that an agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America.

The Government of Newfoundland do not make refunding of duties a condition of their acceptance of the proposed agreement, but they rely on it having due consideration before the international commission which may be appointed.

4.—*Mr. Bayard to Mr. West, June* 19, 1885.

[Confidential.]

DEPARTMENT OF STATE, *Washington, June* 19, 1885.

MY DEAR MR. WEST: I assume that the two confidential memoranda you handed to me on the 13th instant embrace the acceptance by the Dominion and the British American coast provinces of the general features of my memorandum of April 21, concerning a temporary arrangement respecting the fisheries, with the understanding expressed on their side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America."

To such a contingent understanding I can have *no objection*. Indeed, I regard it as covered by the statement in my memorandum of May 21, that the arrangement therein contemplated would be reached "with the understanding that the President of the United States would bring the whole question of the fisheries before Congress at its next session in December, and recommend the appointment of a commission in which the Governments of the United States and of Great Britain should be respectively represented, which commission should be charged with the consideration and settlement, upon a just, equitable, and honorable basis, of the entire question of the fishing rights of the two governments and their respective citizens on the coasts of the United States and British North America."

The equities of the question being before such a mixed commission would doubtless have the fullest latitude of expression and treatment on both sides; and the purpose in view being the maintenance of good neighborhood and intercourse between the two countries, the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to receive attentive consideration.

I am not, therefore, prepared to state limits to the proposals to be brought forward in the suggested commission on behalf of either party.

I believe this statement will be satisfactory to you, and I should be pleased to be informed at the earliest day practicable of your acceptance of the understanding on behalf of British North America; and by this simple exchange of notes and memoranda the agreement will be completed in season to enable the President to make the result publicly known to the citizens engaged in the fishing on the British American Atlantic coast.

I have the honor to be, with the highest respect, sir, your obedient servant,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST.

5.—*Mr. West to Mr. Bayard, June* 20, 1885.

[Confidential.]

BRITISH LEGATION, *Washington, June* 20, 1885.

MY DEAR MR. BAYARD: I beg to acknowledge the receipt of your confidential note of yesterday's date concerning the proposed temporary arrangement respecting the fisheries, which I am authorized by Her Majesty's Government to negotiate with you on behalf of the Government of the Dominion of Canada and the Government of Newfoundland, to be effected by an exchange of notes founded on your memorandum of the 21st of April last.

The two confidential memoranda which I handed to you on the 13th instant contain, as you assume, the acceptance by the Dominion and the British American coast provinces of the general features of your above-mentioned memorandum, with the understanding expressed on their side that the agreement has been arrived at under circumstances affording prospects of negotiation for the development and extension of trade between the United States and British North America, a contingent understanding to which, as you state, you can have no objection, as you regard it as covered by the terms of your memorandum of April 21.

In authorizing me to negotiate this agreement, Earl Granville states, as I have already had occasion to intimate to you, that it is on the distinct understanding that it is a temporary one, and that its conclusion must not be held to prejudice any claim which may be advanced to more satisfactory equivalents by the colonial governments in the course of the negotiation for a more permanent settlement. Earl Granville further wishes me to tell you that Her Majesty's Government and the colonial governments have consented to the arrangement solely as a mark of good-will to the Government and people of the United States, and to avoid difficulties which might be raised by the termination of the fishery articles in the midst of a fishing season; and also the acceptance of such a *modus vivendi* does not, by any implication, affect the value of the inshore fisheries by the Governments of Canada and Newfoundland. I had occasion to remark to you that while the colonial governments are asked to guarantee immunity from interference to American vessels resorting to Canadian waters, no such immunity is offered in your memorandum to Canadian vessels resorting to American waters, but that the Dominion Government presumed that the agreement in this respect would be mutual. As you accepted this view, it would, I think, be as well that mention should be made to this effect in the notes.

Under the reservations as above indicated, in which I believe you acquiesce, I am prepared to accept the understanding on behalf of British North America, and to exchange notes in the above sense.

I have the honor to be, with the highest respect, sir, your obediant servant,

L. S. SACKVILLE WEST.

Hon. T. F. BAYARD, &c.

6.—*Mr. Bayard to Mr. West, June* 20, 1885.

DEPARTMENT OF STATE, *Washington, June* 20, 1885.

SIR: I have just received your note of to-day's date in regard to the proposed temporary arrangement touching the fisheries.

Undoubtedly it is our clear and mutual understanding that the arrangement now made is only temporary, and that it proceeds from the mutual good-will of our respective governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season.

I understand also that the same immunity which is accorded by this agreement to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States. Perceiving, therefore, no substantial difference between our respective propositions and these statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our memoranda and the correspondence between us and as thus concluded; and public notification to that effect will be given in a few days by the President.

I have the honor to be, with the highest consideration, sir, your obedient servant,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

7.—*Mr. Bayard to Mr. West, June 22, 1885.*

DEPARTMENT OF STATE, *Washington, June 22, 1885.*

SIR: In compliance with your verbal request of this morning that I should restate part of my note to you of the 19th, I repeat that the arrangement whereby a *modus vivendi* on the fishing question has been reached rests on the memoranda and correspondence exchanged; that your memorandum of the 13th instant expressed the understanding on your side that the "agreement has been arrived at under circumstances affording prospect of negotiation for development and extension of trade between the United States and British North America;" that I not only had no objection to such an understanding, but in fact regarded it as amply embraced in our proposal to recommend a commission to deal with the whole subject in the interest of good neighborhood and intercourse, and that the recommendation of any measures which the commission might deem necessary to attain those ends would seem to fall within its province, and such recommendations could not fail to have attentive consideration.

Having thus not only admitted the proviso of your memorandum in your own language, but gone still further and pointed out that no limits would be set, so far as I was concerned, to the proposals to be brought forward in the suggested commission on behalf of either party, I do not see how it is possible for me to give any stronger assurance that the understanding has "been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British America."

I have the honor to be, with the highest consideration, sir,

T. F. BAYARD.

The Hon. L. S. SACKVILLE WEST, &c.

8.—*Mr. West to Mr. Bayard, June 22, 1885.*

WASHINGTON, *June 22, 1885.*

SIR: I have the honor to acknowledge the receipt of your notes of the 20th and 22d instant in regard to the proposed temporary arrangement touching the fisheries, in which you state that it is our clear and mutual understanding that such arrangement is only temporary, and that it proceeds from the mutual goodwill of our respective governments, and solely to avoid all difficulties which might otherwise arise from the termination of the fishing of 1885 in the midst of the season. Also that the same immunity which is accorded by this Government to the vessels belonging to the citizens of the United States engaged in fishing in the British American waters will be extended to British vessels and subjects engaged in fishing in the waters of the United States, and that the agreement has been reached under circumstances affording a prospect of negotiation for the development and extension of trade between the United States and British North America.

As therefore there exists no substantial difference between our respective propositions and the statements as contained in our correspondence on the subject, I shall consider the agreement as embodied in our memoranda and the correspondence between us as thus concluded, and shall inform Her Majesty's Government and the governments of the Dominion of Canada and Newfoundland accordingly.

I have the honor to be, with the highest consideration, sir, your obedient servant,

L. S. SACKVILLE WEST.

Hon. T. F. BAYARD, *&c.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas the treaty concluded between the United States of America and Her Majesty the Queen of Great Britain and Ireland, concluded at Washington on the 8th day of May, 1871, contains among other articles the following, namely:

"ARTICLE XVIII.

"It is agreed by the high contracting parties that, in addition to the liberty secured to the United States fishermen by the convention between the United States and Great Britain, signed at London on the 20th day of October, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have in common with the subjects of Her Britannic Majesty the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the seacoasts and shores, and in the bays, harbors, and creeks, of the Provinces of Quebec, Nova Scotia, and New Brunswick, and the colony of Prince Edward's Islands, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the said coasts and shores and islands, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that in so doing they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that the salmon and shad fisheries, and all other fisheries in rivers and the mouths of rivers, are hereby reserved exclusively for British fishermen.

"ARTICLE XIX.

"It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty, for the term of years mentioned in Article XXXIII of this treaty, to take fish of every kind, except shell-fish, on the eastern seacoasts and shores of the United States north of the thirty-ninth parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said seacoasts and shores of the United States, and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States in the peaceable use of any part of the said coasts in their occupancy for the same purpose.

"It is understood that the above-mentioned liberty applies solely to the sea fishery, and that salmon and shad fisheries, and all other fisheries in rivers and mouths of rivers, are hereby reserved exclusively for fishermen of the United States.

"ARTICLE XX.

"It is agreed that the places designated by the commissioners appointed under the first article of the treaty between the United States and Great Britain, concluded at Washington on the 5th of June, 1854, upon the coasts of Her Britannic Majesty's dominions and the United States, as places reserved from the common right of fishing under that treaty, shall be regarded as in like manner reserved from the common right of fishing under the preceding articles. In case any question should arise between the Governments of the United States and of Her Britannic Majesty as to the common right of fishing in places not thus designated as reserved, it is agreed that a commission shall be appointed to designate such places, and shall be constituted in the same manner, and have the same powers, duties, and authority as the commission appointed under said first article of the treaty of the 5th of June, 1854.

"ARTICLE XXI.

"It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil), being the produce of the fisheries of the United States, or of the Dominion of Canada, or of Prince Edward's Island, shall be admitted into each country, respectively, free of duty.

"ARTICLE XXII.

"Inasmuch as it is asserted by the Government of Her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII of this treaty are of greater value than those accorded by Articles XIX and XXI of this treaty to the subjects of Her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of Her Britannic Majesty, as stated in Articles XIX and XXI of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of Her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII of this treaty; and that any sum of money which the said commissioners may so award shall be paid by the United States Government in a gross sum within twelve months after such award shall have been given.

"ARTICLE XXIII.

"The commissioners referred to in the preceding article shall be appointed in the following manner, that is to say: One commissioner shall be named by the President of the United States, one by Her Britannic Majesty, and a third by the President of the United States and her Britannic Majesty conjointly; and in case the third commissioner shall not have been so named within a period of three months from the date when this article shall take effect, then the third commissioner shall be named by the representative at London of His Majesty the Emperor of Austria and King of Hungary. In case of the death, absence, or incapacity of any commissioner, or in the event of any commissioner omitting or ceasing to act, the vacancy shall be filled in the manner hereinbefore provided for making the original appointment, the period of three months in case of such substitution being calculated from the date of the happening of the vacancy.

"The commissioners so named shall meet in the city of Halifax, in the province of Nova Scotia, at the earliest convenient period after they have been respectively named, and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide the matters referred to them to the best of their judgment, and according to justice and equity; and such declaration shall be entered on the record of their proceedings.

"Each of the high contracting parties shall also name one person to attend the commission as its agent, to represent it generally in all matters connected with the commission.

"ARTICLE XXIV.

"The proceedings shall be conducted in such order as the commissioners appointed under Articles XXII and XXIII of this treaty shall determine. They shall be bound to receive such oral or written testimony as either government may present. If either party shall offer oral testimony, the other party shall have the right of cross-examination, under such rules as the commissioners shall prescribe.

"If in the case submitted to the commissioners either party shall have specified or alluded to any report or document in its own exclusive possession, without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof; and either party may call upon the other, through the commissioners, to produce the originals or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the commissioners may require.

"The case on either side shall be closed within a period of six months from the date of the organization of the commission, and the commissioners shall be requested to give their award as soon as possible thereafter. The aforesaid period of six months may be extended for three months in case of a vacancy occurring among the commissioners under the circumstances contemplated in Article XXIII of this treaty.

"ARTICLE XXV.

"The commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof, and may appoint and employ a secretary and any other necessary officer or officers to assist them in the transaction of the business which may come before them.

"Each of the high contracting parties shall pay its own commissioner and agent or counsel; all other expenses shall be defrayed by the two governments in equal moieties.

"ARTICLE XXX.

"It is agreed that, for the term of years mentioned in Article XXXIII of this treaty, subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States upon the St. Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *Provided*, That a portion of such transportation is made through the Dominion of Canada by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of Her Britannic Majesty and the Government of the United States.

"Citizens of the United States may for the like period carry in United States vessels, without payment of duty, goods, wares, or merchandise from one port or place within the possessions of Her Britannic Majesty in North America to another port or place within the said possessions: *Provided*, That a portion of such transportation is made through the territory of the United States by land carriage and in bond, under such rules and regulations as may be agreed upon between the Government of the United States and the Government of her Britannic Majesty.

"The Government of the United States further engages not to impose any export duties on goods, wares, or merchandise carried under this article through the territory of the United States; and Her Majesty's Government engages to urge the Parliament of the Dominion of Canada and the Legislatures of the other colonies not to impose any export duties on goods, wares, or merchandise carried under this article; and the Government of the United States may, in case such export duties are imposed by the Dominion of Canada, suspend, during the period that such duties are imposed, the right of carrying granted under this article in favor of the subjects of Her Britannic Majesty.

"The Government of the United States may suspend the right of carrying granted in favor of the subjects of Her Britannic Majesty under this article, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in Article XXVII."

"ARTICLE XXXII.

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this treaty, inclusive, shall extend to the colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make pro-

vision by law to give it effect by either of the legislative bodies aforesaid shall not in any way impair any other articles of this treaty."

And whereas, pursuant to the provisions of Article XXXIII of said treaty, due notice has been given to the Government of Her Britannic Majesty of the intention of the Government of the United States of America to terminate the above-recited articles of the treaty in question on the 1st day of July, 1885;

And whereas, pursuant to the terms of said treaty and of the notice given thereunder by the Government of the United States of America to that of Her Britannic Majesty, the above-recited articles of the treaty of Washington, concluded May 8, 1871, will expire and terminate on the 1st day of July, 1885:

Now, therefore, I, Chester A. Arthur, President of the United States of America, do hereby give public notice that Articles XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXX, and XXXII, of the treaty of Washington, concluded May 8, 1871, will expire and terminate of the 1st day of July, 1885, and all citizens of the United States are hereby warned that none of the privileges secured by the above-recited articles of the treaty in question will exist after the 1st day of July next; all American fishermen should govern themselves accordingly.

Done at the city of Washington, this 31st day of January, in the year of Our Lord one thousand eight hundred and eighty-five, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] CHESTER A. ARTHUR.

By the President:

FREDK. T. FRELINGHUYSEN,
Secretary of State.

Mr. FRYE. Now I desire to answer in a word or two the facetious remarks of the distinguished Senator as to the Senators from Massachusetts and Maine and the habits of the mackerel. I think he is entirely mistaken in his statement of the case. The truth is, the methods of taking mackerel have changed entirely and not the mackerel. They are the same they were in 1860 and 1818, but the method of taking them has changed entirely.

We used to go into the Gulf of St. Lawrence, for instance, in Canadian waters, with six hundred fishing vessels, each one of them with from thirty to fifty barrels of bait, throw that bait on each side of those vessels all around through the waters of the bay, attract all the mackerel there or anywhere around, and that bait scattered in that way from those six hundred vessels would keep the mackerel together there for months, and it was a profitable place to fish in for mackerel undoubtedly. Then the privilege was worth something. That was true twenty to thirty years ago, but about twenty years ago we adopted seine fishing for mackerel, and to-day we commence fishing off Hatteras and we follow the fish up the Gulf Stream on the inside coast of the Gulf Stream. We follow the mackerel up with it may be five hundred fishing vessels from the time they leave Hatteras until they get away up to Cape Cod, and instead of scattering bait, we take those great seines and throw them around a whole school and scoop the school in. A man is kept at the masthead night and day on all these vessels. He sees a school of mackerel a mile or two off. The boats immediately go out with this great net, row it around the school, tie it at the bottom as you tie a silk purse at the top, bring them to the side of the ship, and take them aboard, or rather the vessel goes to them.

The result is that by the time the mackerel have got up in the neighborhood of Cape Cod you have frightened them so they do not go into the shore as formerly, and for the last ten years the fish we have taken on the Canada shores are not worth anything. So that fishery is entirely given up, and I say to the Senator it is absolutely true that we have not a single thing to ask to-day of Great Britain in this matter of fisheries.

As to the increase of tariff, the Canadian tariff against us is twice our tariff against the Canadian fish. Theirs is on fresh fish and salt. There is no tariff here on fresh fish to-day, and under the recent decision of the Secretary of the Treasury you can bring in $600,000,000 worth of frozen fish in refrigerators and keep them in New York and Boston in refrigerators for six months' time and put them on the market at your pleasure. Two-thirds of all the business in fish to-day is fresh fish. We have only a duty of half as much against Canadian-cured fish as they have against ours. We do not ask any increase of duty. We simply ask, as I have heard other people ask before now, let us, for Heaven's sake, alone; keep your hands, and keep Great Britain's hands off, and we will take care of ourselves.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. It is the duty of the Chair, 2 o'clock having arrived——

Mr. CONGER. I desire to have possession of the floor when the subject comes up to-morrow.

The PRESIDENT *pro tempore*. The Senator from Michigan will be recognized then. Now it is the duty of the Chair to announce the unfinished business, being the bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. 3253) to amend section 1090 of the Revised Statutes relating to interest on judgments rendered by the Court of Claims, was read twice by its title, and referred to the Committee on the Judiciary.

COIN DUTIES ON IMPORTED GOODS.

Mr. EUSTIS. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection, the unfinished business will be informally laid aside to proceed to the consideration of the resolution of the Senator from Kentucky on the silver question, upon which the Senator from Louisiana [Mr. EUSTIS] has the floor.

The Senate resumed the consideration of the resolution submitted December 18, 1885, by Mr. BECK, relative to the payment of customs dues and the disbursements thereof, &c.

Mr. TELLER. I give notice that at the close of the morning hour to-morrow I shall submit some remarks on the question of silver coinage, if the business of the Senate shall not be disturbed by my doing so.

Mr. EUSTIS. Mr. President, in discussing the silver question I experience one serious difficulty, which is that, although I have carefully considered and weighed the arguments presented against the continued coinage of the silver dollar, I am not able to understand the exact position which the opponents of silver coinage occupy to-day. In 1878 their position was clearly defined. Speaking generally, they were gold monometallists. They then advised us that we were taking a leap in the dark; that gold ought to be the exclusive standard of values; that we could not become a bimetallic nation without an agreement with other nations establishing the ratio of silver to gold; that the effect of our then proposed legislation would be to cause our securities held abroad to flood this country; that silver and gold would part company; that gold would be exported from this country; that the inferior silver money would supersede the superior gold money; that our securities would depreciate; and, indulging in every possible prophecy of impending woe, they confidently predicted that universal distress and serious financial disturbance would inevitably result from the legislation which we then proposed to enact.

What was at that time an untried experiment, which invited these gloomy forebodings for those who chose to indulge them, has become an established financial scheme, it is true, only partially developed, yet sufficiently matured to make actual results and actual experience displace mere conjecture, speculation, and prophecy; and we have now to deal with the problem which is presented to us in its most practical form, the law of 1878 having been in active operation for about eight years. We are to-day, in fact and in law, a bimetallic nation. We are coining both gold and silver, and both of these metals so coined are full legal-tender for all private and public debts; and the issue presented for our consideration really is not whether we shall continue or cease to be a bimetallic nation, for, as I understand it, no one has yet advanced that proposition, but to what extent shall we continue to develop and sustain that bimetallic policy already established and acquiesced in both by those who advocate and those who oppose the coinage of the silver dollar.

This acquiescence by the advocates of suspension of the coinage of silver dollars under our present established bimetallic policy is clearly indicated by the fact that neither the President nor the Secretary of the Treasury has recommended that any change should be made in the existing silver dollar, now amounting to 215,000,000; that either its value should be enhanced by recoinage or that it should be withdrawn, or that it should be disposed of in any way. And if it is the dishonest and depreciated dollar which it is represented to be, then it must necessarily be the basis of an unsound, unwise, and disreputable policy, and it is almost incredible that those who seem to be so watchful of the public honor, so solicitous about private credit, and who exhibit such a high moral tone upon this financial question should be willing to occupy the position of sustaining and acquiescing in this dishonest, depreciated, deprecated, and denounced silver dollar.

It certainly can not be possible that the executive department desires any one to believe or to suspect that it is in favor of a bimetallic currency, such as it is, as regards the people; but are in favor of a monometallic currency of gold as regards the Treasury in its dealings with its creditors, for that would be declaring it to be an honest dollar for some and a dishonest dollar for other purposes. Such a policy would be so unpatriotic, unjust, and oppressive in its effects that its adoption and practice can be attributed only to errors of judgment rather than to the dictates of enlightened deliberation.

The Secretary of the Treasury informs us "that ceasing to coin more, our 215,000,000 silver dollars will remain," "and because it is not to be expected that Congress will redeem and melt them and sell the metal," which is not recommended by him, "we can not but be a bimetallic nation."

Although of the 215,000,000 coined there are in circulation, including silver certificates and silver dollars, about 140,000,000, speaking of this amount of coin the President informs us "there is certainly not enough silver now in circulation to cause uneasiness, and the whole amount coined and now on hand might, after a time, be absorbed by the people without apprehension; but it is the ceaseless stream that threatens to overflow the land which causes fear and uncertainty."

Are we to understand that it is right and just and unobjectionable

that these two hundred and fifteen millions of dishonest dollars shall be absorbed by the people? Are we to understand that this depreciated silver dollar is an honest dollar when absorbed by the people, but a dishonest dollar when absorbed by the bondholders in their dealings with the Treasury; that it is right and just to maintain among the people the circulation of this dishonest dollar, and that as regards them among themselves it is good enough to circulate as money to liquidate their own indebtedness, to perform all the functions and to fulfill all the requirements of good money; and that the bondholder, after the repeated legislative adjudications upon this question, has a right to tell the executive officers who are charged with the faithful execution of the laws that that same money which the executive department of the Government says is good money for the people is dishonest money for him, and that they accede to this statement? Are we to have a double standard of financial morality, one for the people and the other for the bondholder? And will any department of the Government arrogate to itself the arbitrary authority of establishing such an unjust discrimination against the people, and such an indefensible favoritism to the bondholder?

If the executive department of the Government does occupy this position, does indulge in this practice, it might be properly asked under what theory of fair dealing and equal justice the people will be willing to accept that department as the guardian and protector of their interests.

If we accept as true—and I believe it to be true—the statement of the Secretary of the Treasury, that these two hundred and fifteen millions of existing silver dollars are to remain with us unchanged; if we accept as true—which I believe to be true—the statement of the President, that these $215,000,000 might after a time be absorbed by the people, I would ask, what calamity, catastrophe, or cataclysm which have been predicted has really happened up to this date under our present financial system? We have not been informed that by reason of the law of 1878 there has been any unusual exportation of gold from the country, because such is not the fact.

We have not been informed that gold and silver have parted company, but on the contrary we have been informed by the Senator from Delaware, in his speech in favor of suspension of silver coinage, that they have not parted company, and we all know that statement to be true. We likewise know that the prediction as to the depreciation of bonds is falsified, for they are to-day worth more than they were at the time of the passage of that law (1878). We likewise know that we are a bimetallic nation, notwithstanding the statement made that we could not become so without an agreement with other nations; and that silver money has not superseded gold money, as there has been coined since 1878 in gold $381,960,690, and in silver since that date about $215,000,000. So that if it be true, as would seem to be conclusively established, that we have not yet been visited by any of those evils which were predicted would impair our ability to maintain this present bimetallic system, and that no such alarming confusion or apprehended perturbation in our monetary affairs confronts us; but, on the contrary, that neither by reason of any alleged redundancy of our metallic currency nor of any inequality in the market value of the two metals of gold and silver we have any cause for any uneasiness or dissatisfaction with the present condition, then we are certainly entitled to be furnished with definite, positive, and reliable data and information instead of reiterated prophecies which have not been fulfilled, to enable us to appreciate the probable consequences of merely continuing a system already established and acquiesced in by the executive department of the Government.

This demand for serious argument instead of unfounded speculation is not unreasonable when we consider that we are asked to discontinue or reverse an established financial policy. We are not prepared to make to the country the stultifying confession that our legislation has so far been unwise or dishonest, or to accept the gratuitous imputation that we have not the intelligence or the good faith to deal with this question of financial economy and morality; and it is to be hoped that we have the courage and the determination to maintain our convictions, which we propose to surrender only to the force of argument and the empire of reason. It would be an appalling admission to make to the country and destructive of the stability of all interests, if every few years we are to create and destroy a financial policy merely for the reason that others, however high in authority, have chosen to differ from the views which we entertain, and which have found such emphatic expression in the declarations of our legislative will.

Allusion has been made in very disparaging terms to the fact that the Government is coining a silver dollar whose ratio to the gold dollar is not what it is declared by law to be, the ratio under the law being 16 to 1, whereas the market value of the bullion is, say 20 to 1, and that the Government is profiting to the extent of the difference between the market value of silver bullion and the coin value. The market ratio becomes inoperative under limited compulsory coinage, for whatever may be the market value of the bullion the legal ratio determines the value of the coins, whereas under free coinage the market ratio will generally supplant the intended effect of the legal ratio, unless some mutual agreement between nations is sufficiently comprehensive to equalize the market and legal value of the two coins, the desirability of which I do not propose now to discuss. It is this difference existing between a limited compulsory coinage and a free coinage that relieves us entirely from all those complications so difficult of adjustment, which have heretofore vexed the financial statesmen of this country.

This difference between the two systems explains the reason why under previous systems in the history of this country one coin has displaced the other, and why under the present system these two coins have not parted company, as is admitted and asserted even by the opponents of silver coinage. At the time that the coinage of metal money was first proposed in this country, in 1792, establishing the ratio between gold and silver, such eminent statesmen as Mr. Hamilton, Mr. Jefferson, and others, after a careful search to catch the ratio between gold and silver so that the mint ratio would correspond to the market ratio, caught the wrong ratio, and consequently we find that by reason of the free-coinage system which existed in this country from 1792 to 1873 the impossibility of establishing this exact correspondence of ratio between the two metals produced what are known as the silver and gold periods in the history of our financial systems.

From 1792 to 1834 we had a silver period; from 1834 to 1853 and from 1853 to 1873 we had a gold period, and it was for this reason that in 1834 the fineness of the gold dollar was changed, and in 1853 the fineness of the subsidiary coin was changed so that its debasement amounted to nearly 6 per cent. Inasmuch as under our present system this displacement or irrepressible conflict between these two concurrent coins has not occurred, but that they are keeping and not parting company, that they are equally the basis of financial transactions, we can not resist the conclusion that this system, which has avoided all the inconveniences and evils of previous systems, and which has established a perfect interchangeable accord between the gold and silver coin, is entitled to our unlimited confidence and most earnest support.

That the Government should make a profit by buying silver bullion cheaper to-day than it could some time ago it will certainly not be pretended inflicts any injury upon any one, for the moment that the silver dollar leaves the mint whoever gets it receives a dollar which has the same purchasing power and the same debt-paying power as a gold dollar, and those are the only two functions that any man who has any use for money can expect, desire, or require that that money should possess.

We have never proposed, because we know that it is not in our power, to control the market value of silver bullion in London. Its price there is determined by causes outside of our legislation. Nor was it intended or desired that our coin legal-tender money should be subject to or controlled by the varying fluctuation of the price of silver bullion in other countries. It is sufficient for us to say that the present silver dollar contains the same number of grains of silver that it has always contained from 1792 to the present time. Its metallic value may enhance or depreciate, but its legal-tender-power value will not be affected or disturbed by any extraneous causes. To us it is money, coin money, legal-tender money, equivalent to gold money, and money wanted by the people, used by the people, and satisfactory to the people, and nothing more can be or need be said in its favor.

It seems to me, and I say it with due deference to those who differ from me, that every argument that has been presented by the opponents of silver coinage can be refuted by considering the present and past financial condition and system existing in France. Amid the changes of government which have occurred in that country, revolutionary or otherwise, there are two institutions for which the people of France and her public men have always seemed to have had a profound respect, and whose stability they have successfully maintained. One is her financial system and the other is her judiciary. Although burdened with an enormous public debt, she promptly paid a war indemnity of an amount so stupendous that it was believed that under this additional burden she would be crushed and would not be able to recover from this overwhelming financial strain. It was because of the soundness of her financial condition, which we are in this country to-day gradually approaching, that she was able to recover so rapidly from this extraordinary draught upon her resources. It was because of the patriotic response of her people who had silver coin to loan to the Government, as well as those who had gold coin, that she was able in so short a time to free her territory from military occupation by discharging the war indemnity exacted by Germany.

The Secretary of the Treasury informs us that France has to-day six hundred millions of 5-franc pieces, equivalent, say, to $600,000,000. Mr. McLane, our minister to France, makes the same statement officially, and says: "A legal-tender silver coinage of about $600,000,000 in value was maintained in France in September last;" and explains this by the fact that France and other countries suspended the coinage of silver. In addition he informs us that there is in circulation in France of Belgium silver 465,000,000 of francs, and of Italian silver 425,000,000 of francs. Adding these two amounts they represent $180,000,000, which added to the six hundred million of 5-franc pieces makes a total amount of silver coin in France of $780,000,000, which does not even include her subsidiary coinage. So that whatever may be the reason the fact is indisputable that this enormous amount of silver coin equivalent to $780,000,000, is absorbed by the French people and the French Government.

It is incumbent on the opponents of silver dollars, if the absorption of this enormous amount of silver can take place without any uneasiness or disturbance in France, the market value of silver bullion being comparatively the same there and in this country and the metallic value of the American silver dollar being equivalent to the French 5-franc piece, to explain why this same process of absorption could not occur in this country and produce the same results that are exhibited by the financial policy of France, which Mr. McLane tells us, to quote his language:

It is the present purpose of her government and people to maintain, if possible, the two metals in their ratio of 15½ to 1 in domestic circulation and international exchange.

If the people and Government of France, leaving out the question of any embarrassment that might be causad by the circulation of foreign coin, desire to maintain their present policy it is because they are satisfied with it after over eighty years of its experience. Gold and silver have not parted company in France, nor have they in this country. Neither coin has displaced the other there, nor has it here.

France has a large amount of gold, amounting to nearly $600,000,000, although in paying a war indemnity she paid out $55,000,000 of French gold coin. Mr. McLane informs us her 5-franc piece is worth only 4 francs, as we are told our silver dollar is worth only 80 cents in the market; yet he also informs us "that no consideration of future consequences could induce France to adopt a different ratio of gold to silver from that she has"—which we know was established by her monetary law of 1803—"and still less would she adopt any higher ratio to assimilate the present commercial or market value of silver with the value of gold." So that from the highest authority, from our minister to France, who has sought authentic information upon the subject under instructions from his Government, we positively learn that it is neither the desire nor the intention of the French Government or her people to make a single change in the existing financial system of France.

Mr. Cernuschi, a favorite authority with those who oppose further coinage, informs us in his latest work why gold and silver have not parted company in France. He says:

Happily France still possesses more gold francs than silver ones. But for this the gold francs would long have been at a premium.

And if this reason be true, and I assume that it is, what ground is there for apprehending that gold and silver will part company in this country so long as we have more gold than silver? At the present rate of coinage it would take us fifteen years to make our silver coinage equal in volume to our gold coinage, as any one can ascertain by calculation; or, in other words, it would take us fifteen years at the present rate of silver coinage in this country to reach the existing volume of silver 5-franc pieces circulating and in France to-day. This exhibit of the soundness of the present financial system of France when applied to our country derives still greater force from the fact that our population is much larger than that of France, that the commercial activity of our country is much greater, and that we possess larger resources for the absorption and uses of money than exist to-day in France.

It would seem that upon this question of silver coinage, if the arguments and facts I have presented are worthy of attention, we can approximate the condition of France with perfect safety, with unabated confidence, and with full guarantee of future security. It will be only when we reject the wise teachings of her experience and her financial statesmanship that we need fear to encounter those disturbances and conflicts which I will assume we are all equally anxious to avoid and to prevent. There is though one striking point of contrast between the operation of our financial system and that of France, and this may partially account for the smoothness and perfect adaptability of the one and the irregular and unsatisfactory development of the other.

In France all the departments of the Government are in hearty sympathy with the financial policy of the country and actively co-operate with the people to sustain it, because in France "public office is a public trust," while it would seem that in this country that patriotic maxim prevails only to a limited extent when financial questions are involved, if we are to believe the following explicit language used by the Senator from Kentucky in his speech the other day. He said:

I venture to assert that no man will contend that the laws recited in the preamble to the foregoing resolution either are now or have for many years past been obeyed. All sorts of excuses may be and have been offered for their violation; still the fact remains that the laws of the land have been disregarded by our executive officers, and the legislative power has been subordinated to the will of men whose duty it is to submit to them and to execute them as they exist.

In this country the executive department by its practice manifests an unfriendliness to the policy of the legislative department, and consequently we have the results of a policy which has never been fully tested according to its true intent and spirit, but which has been rather retarded by partiality and discrimination, which were not contemplated or intended should be exercised. The executive department would have been in a much stronger position to attack the legislative policy of the Government upon this question if it had been able to show that it had aided and had promoted the full development and unimpeded operation of the financial policy established by Congress, and that under such circumstances it believes such a policy to be a failure.

An effort by the executive department to create the impression upon the people that the legislative department is wrong, and that the executive department is right, might have been entitled to more success and would have commanded more serious attention if the executive department had not discriminated in favor of the bondholders as against the people in executing the financial policy intended and declared by Congress; and it will only be when the executive department can show that without favor, and without favoritism, it has held with a steady and impartial hand the scales of public justice, that it will be in a position to ask us even to consider the question whether or not we should abandon and surrender a financial policy which we claim has never been tested, executed, or enforced according to the true dictates of our legislative intention. I say it will only be when the discrimination in favor of the bondholders, by paying them in gold, shall cease that the executive department or we can be in a position to understand and appreciate the full effects, beneficial or otherwise, of our present financial policy.

But if this disloyal practice of incivism by the executive department, in declaring war against silver coin, which is the coin of the Government, in belittling its usefulness, in deprecating its existence, and in inviting others to believe that it is the deformed offspring of legislative imbecility, is to continue, and the capitalists and bankers of the country are to be encouraged in the belief that the financial views of the executive under this system of agitation and denunciation will ultimately prevail so that the purchasing power of gold will enhance proportionately to proposed limitations and restrictions upon silver currency, then some of those evils which have been depicted may occur. But if they do, their appearance will be attributable not to any vice in our financial system, but to the practices and assertions of the executive department, by which they have sought to disassociate the silver dollar from the gold dollar as unworthy, and thus dishonoring and discrediting the coin which it is their duty to sustain with all the influence and power of their official authority.

As we are informed by the President and Secretary of the Treasury that this two hundred and fifteen million coin silver dollars are to remain with us and might after a time be absorbed by the people, this whole controversy would seem to resolve itself into the simple question whether the American people have the capacity to absorb more than two hundred and fifteen millions of silver dollars. Who are the best judges of that question of their capacity of absorption? I would say the people themselves. And I understand that through their Representatives they have explicitly and emphatically passed judgment upon that question.

Last February by a decisive majority the proposition to suspend silver coinage was defeated in the House of Representatives under very extraordinary circumstances. I am not aware that there exist any data by which it can be ascertained or established that the people desire to reverse that judgment which they rendered through their Representatives in Congress at that time. I am not aware that anything has occurred since that vote except the increased coinage to the amount of a few millions of dollars, which the people knew would occur as a consequence of that vote. Their Representatives did not think proper *then* to yield to the influence that was exerted or to heed the arguments which were then presented. But by that vote they reasserted their unshaken confidence in our present financial system, established by themselves through their Representatives, and resisted the effort then made to arrest the full development of that policy which they insisted should be maintained.

The prediction that one of the probable results of our policy will be to cause the outflow of gold from the Treasury and an inflow of silver I must confess does not excite my alarm to the extent *manifested* by those who anticipate such a result. To the people of the United States, so long as there is not an excessive amount of gold exported from this country, and that has not happened, and that can not be truly predicted will happen, I can not see what difference it makes whether there is an outflow or an inflow of any one of these two coins from or into the Treasury, so long as the special redemption gold fund remains intact. And we here again see a distinction made between the people and the Treasury; the people are not interested in having gold coin in the Treasury. They are only interested in having it in the country, and if we honestly believe, as we assert, a silver dollar has an equivalent value to a gold dollar, what possible concern can the people have in the ostentatious parade of accumulation of gold coin in the Treasury.

If silver coinage is not to be suspended, and I earnestly hope and confidently believe that it will not be, and this predicted outflow of gold and inflow of silver from and into the Treasury does occur, and we shall reach that period when bonds and the interest on those bonds can only be paid in silver, it seems to me that it is a much wiser and more prudent course to anticipate that event, said to be inevitable, and to begin to pay our bonds and the interest on those bonds in silver coin as well as gold coin, indiscriminately, while we have gold in the Treasury, thus making such payments voluntarily in compliance with law and in deference to our established policy, and not await the time when we will be compelled to do it under the stress of necessity.

I do not understand that a single payment in silver coin would be a discrimination against gold coin, considering the enormous amount which has been paid exclusively in gold, and it is, for that reason that I advocate the immediate abandonment of that practice which is disapproved by the resolution I had the honor to introduce, in order to have

speedily determined by a practical test whether the mere enforcement of a policy which is on our statute-book, and which was adopted after a most exhaustive and diligent investigation of the whole subject, could by any possibility produce the commotion or distrust which interested parties assert will ensue. So far as I am concerned I utterly disbelieve in that threatened disturbance in our monetary affairs.

In conclusion, Mr. President, I would say that in this country, where the people enjoy all the benefits and advantages of education and have the right to dictate their wishes to those who represent them, and where knowledge is so generally disseminated by the press, even upon questions which the people in other countries do not study, we can safely follow the guidance of their judgment. In this country, unlike what occurs in other countries, public opinion is formed neither by intellectual leaders nor by the accident of temporary authority, but has its source in the conservative intelligence of the people, who can easily detect, if any there be, the fallacy of arguments that are presented.

Although this is neither a political nor a sectional question, yet we can not overlook the fact that the vast preponderance of opinion in favor of silver money is expressed in those sections of our country where the larger number of debtors and producers reside. For product and labor the people demand, and they have a right to demand, a just compensation, which they would not receive under a gold monometallic system, or under a bimetallic system which is one-sided, as it is proposed to make ours by the suspension of further coinage of silver. This and cognate questions affect the well-being of the poorest and most humble citizen in our land. To him it means either increased prosperity or increased poverty. Government and society can deal with the problem of dissatisfied heads; but whenever the problem of unemployed or uncompensated labor is presented, then we have to deal with a much more serious question.

If classes are arrayed against classes, and if there exists a serious conflict between certain social forces, it is only because perfection in human government and equality in social conditions are unknown and unattainable. But it is not the less our duty to endeavor to equitably adjust conflicting interests and to retard the threatened approach of those evils which are so dangerously manifested by the condition of widespread distress and deep-seated dissatisfaction. It would be extremely unfortunate if the suspicion should ever find lodgment in the public mind that classes already rich and powerful are desiring or seeking by unjust or insidious legislation to increase their wealth at the expense of the people. And if it be true, as many believe, that there exists an organized conspiracy of capital to render money dearer at the expense of the labor and products of the people, I would prefer to recommend some other form of spoliation, one less calculated to breed discontent and to arouse popular indignation.

JUDICIAL SALARIES.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senate resumes the consideration of its unfinished business. The bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes, is before the Senate as in Committee of the Whole, the pending question being on the amendment proposed by the Senator from Alabama [Mr. MORGAN], upon which the Senator from Alabama is entitled to the floor.

The amendment proposed by Mr. MORGAN was, in section 1, line 4, to strike out "5" and insert "4;" so as to read:

That the salaries of the several judges of the district courts of the United States shall hereafter be at the rate of $4,000 per annum.

Mr. MORGAN. Mr. President, when the Senate adjourned on Thursday in the discussion of this bill I was about to present some remarks made by the Senator from Mississippi on my left [Mr. GEORGE] on the 21st of March, 1884, upon a bill of precisely the same character, in the debate that occurred on that day. The Senator from Mississippi went through the subject with such care, and presented the statistics that bear on this question with so much force and accuracy, that I prefer to have his remarks read rather than to undertake to debate the subject by a mere reference to them.

The PRESIDING OFFICER. If there be no objection the Secretary will read the quotation from the RECORD presented by the Senator from Alabama.

The Chief Clerk read as follows:

Public officers, on the theory of our Government, are public servants. This position should never be forgotten and should be kept steadily in view. To be a servant of the public includes the idea to some extent of personal sacrifice. It means serving a master, and not serving one's self. It excludes the idea of such advantages derived from the position as place the incumbent exceptionally in a better condition than those whom he serves. Taxation is restricted to the legitimate wants and needs of the Government; it can not be justly used to enrich officials of any class, or unnecessarily to grant liberal largesses to any class of men.

Our fathers in the beginning of this Government acted on this rule. They did not give these large and enormous salaries. They calculated largely upon the patriotism and public spirit of officials in order to have offices well and properly filled. I have during the last night looked over the legislation of Congress upon the subject of official salaries from the beginning down to the present, and I desire to bring the facts before the Senate.

In 1789, in the very first bill that ever was passed on this subject, a bill approved by Washington, the salary of the supreme judges of the United States was fixed at $3,500; in 1819 the salary was made $4,500; in 1855 the salary was fixed at $6,000. I am speaking now of the salaries not of the inferior judges, but of the supreme judges. At that figure it remained as long as the Democratic party was in power in this country. In 1871 the salaries of the supreme judges were fixed at $8,000, and in 1871 at $10,000, the present amount.

The district judges by the act of 1789 had salaries as follows; The district judge of Maine had $1,000; of New Hampshire, $1,000; of Massachusetts, $1,200 (in 1819 it was raised in Massachusetts to $1,600); in Connecticut it was $1,000, and so far as my researches go the salary of the district judge of Connecticut, fixed by the act of 1789 at the sum of $1,000, was not changed until 1836. In New York the salary, under the act of 1789, was $1,500; in 1819 it was raised $100, to $1,600. In New Jersey the salary was put at $1,000; in Pennsylvania it was $1,600, and when the western district of that State was formed, in 1818, the judge of that district had $1,600. In Delaware the salary was put at $800. Two hundred dollars was added to that in 1795, and in 1819 it was raised to $1,600, and in a subsequent statute the unprecedented thing was done in the history of official salaries that it was reduced $100, so as to put it at $1,500. In Maryland the salary was $1,500; in Virginia, $1,800, and in 1818 a western district was formed for Virginia, and the salary of that district judge was fixed at $1,600. In Kentucky it was fixed at $1,000, and in 1802 raised to $1,500. In South Carolina the salary was fixed at $1,800; in Georgia, $1,500.

These were the salaries under the act of 1789.

North Carolina was not a member of the Union at that time. The salary fixed for the district judge in that State by the act of 1790 was $1,500. Rhode Island, at the same time, came into the Union and had a district judge, and his salary was fixed at $800. Vermont in the same year having become a member of the Union, a district court was established there with a salary of $800 for the judge, $200 being added to it in 1795. In Tennessee, in 1796, the salary of the district judge was fixed at $800, raised in 1802 to $1,500. In Ohio, on her admission into the Union, the salary of the district judge was fixed at $1,000. In Louisiana, in 1803, the salary of the district judge was $3,000, larger than any salary up to that time that had been given to any district judge in the Union. In Indiana, admitted in 1817, the salary was fixed at $1,000, and in Mississippi at $2,000.

And in that very singular piece of judicial legislation performed in the closing hours of John Adams's administration, when a bill was passed, avowedly almost, for the purpose of giving patronage to the Federal party, then in its last hours of life, when I believe sixteen circuit judges were created, the salaries of those officers were fixed at $2,000, except in the sixth circuit, and in that circuit the salary was $1,500.

In 1819 Illinois was admitted into the Union and the salary of the district judge was fixed at $1,000; in 1820 Alabama was admitted with a district judge's salary of $1,500; in 1822 Missouri came in with a salary for the district judge of $1,200.

In 1830 there seems to have been a general revision of the salaries of the district judges by Congress, and in that revision I find that the district judges in the States of Massachusetts, South Carolina, Georgia, Alabama, and the eastern district of Pennsylvania were fixed at $2,500; in North Carolina at $2,000; in Maine at $1,800; in Rhode Island at $1,500; in Delaware at $1,500, being, as I before remarked, a reduction of $100 from the salary of the judge of that district; in Maryland $2,000; in New Jersey $2,500; in Vermont $1,200; in the western district of Pennsylvania $1,800.

In 1836 Arkansas was admitted into the Union and the district judge of that State had his salary fixed at $2,000. In the same year Michigan was admitted and the salary of the judge there was put at $1,500. Texas was admitted in 1845 and the salary there was $2,000, and Wisconsin in 1846 and the salary was $1,500.

Again, in 1855 there seems to have been a kind of general revision of the subject of the salaries of the district judges with this result: In Maine, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, New Jersey, Iowa, and Wisconsin, the salary was fixed at $2,000 each; in the northern district of Florida it was fixed at $2,250; in the western district of Virginia, in North Carolina, in the eastern and western districts of Tennessee, in the northern and southern districts of Mississippi, in the western district of Pennsylvania, in the western district of Louisiana, in Texas, in Kentucky, in Ohio, in Indiana, in Missouri, in the eastern and western districts of Arkansas, in Illinois, and in Michigan the salary was put at $2,500 each. In Georgia by this same act of 1855, in South Carolina, in the eastern district of Virginia, in the northern district of New York, and the northern and southern districts of Alabama, the salaries were put at $2,750; in Maryland, Massachusetts, the eastern district of Pennsylvania, the southern district of Florida, and the southern district of California at $3,000; the eastern district of Louisiana at $3,500; the southern district of New York at $3,750; and the northern district of California at $5,000.

In 1857 the salary of the district judge of the northern district of Illinois was made $3,500; in the district of Wisconsin it was made $2,500, and in Michigan $3,000. In 1864 the salary of the district judge of the northern district of New York was made $3,500. In 1865 the salary of the district judge of Nevada was fixed at $3,500. In 1867 the salary of the California judge was fixed again at $5,000, the eastern district of Louisiana at $4,500; Massachusetts, the northern and southern and eastern districts of New York, and the eastern and western districts of Pennsylvania, Maryland, the northern district of Illinois, the southern district of Ohio, and New Jersey, at $4,000; and all the other districts at $3,500.

The present salaries of these judges is fixed by section 554 of the Revised Statutes:

"SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California, $5,000; the judge of the district of Louisiana, $4,500; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, $4,000. The judges of all other districts, $3,500. No other allowance or payment shall be made to them for travel, expenses, or otherwise."

It will be observed on looking at these salaries that Congress in each one of the acts which have heretofore been passed has discriminated in the salaries of the several district judges. This is the first bill that was ever introduced which ignored the difference between the several districts and undertook to have a uniform salary throughout the United States. The former acts to which I have called attention, especially the earlier ones, seem to have been framed upon a careful consideration of all the elements which ought to be taken into consideration in fixing the salaries of judges.

And here let me remark, Mr. President, that it is not the sole or even the most important element in fixing the salary of a judge to determine as to what may be the abstract value of his service. Uniformly up to now the salaries have been regulated with reference to professional gains in the State in which the appointments were made, with reference to the cost of living in the several States in which the judges resided, and by taking into consideration all these things and another one, to which I will allude presently, the Congress has up to now fixed a satisfactory adjustment of these salaries.

The other consideration to which I allude is this: that up to now Congress in fixing the salaries of the district judges has had some reference to the salaries paid by the States in which the judges discharge their duties to their own judicial officers. It has not, up to this time, been the policy of Congress to give to its judicial officers performing local duties inside of the States an invidious advantage over the judicial officers of the States in whose jurisdiction they perform their duties.

I have a list of the salaries paid by the several States of this Union, not to their inferior judges—I could not get that—but to their highest judicial officers, and by a comparison of that list, which I shall read to the Senate directly, it will be seen that to these inferior—because that is the term by which they are desig-

nated in the Constitution—judicial officers of the Government of the United States, this bill proposes to give a salary larger than is given in a large majority of the States of this Union to their highest judicial officers. I have made no comparison between similar officers in the States to these—the circuit and district judges who perform nisi prius duties. I have had no means of ascertaining what is the salary paid to those officers in the States, but I have taken the highest judicial officers of the States, the supreme judges, and I find that in only six States is the salary paid to the highest judicial officer higher than is proposed by this bill to be paid to inferior Federal officers. In New York the salary is $7,000, with $2,000 for expenses; in Pennsylvania it is $8,000; in New Jersey it is $7,000; in Nevada it is $6,000; in California it is $6,000; in Massachusetts it is $6,000. These six States are the only States which pay their highest judges a salary greater than is allowed by this bill.

Mr. CAMERON, of Wisconsin. Allow me to say that the judges of the supreme court in the State of Wisconsin receive a salary, the chief-justice and the associate justices of $5,000 a year. The act increasing their salary was only passed a few years ago, so that the Senator may have overlooked that fact.

Mr. GEORGE. So far as the State judges are concerned I have obtained my figures from the American Almanac, prepared by Mr. Spofford, the Librarian. I am willing to be corrected in reference to Wisconsin; but there are yet only six States which pay their highest judges a larger salary than is proposed to be paid by this bill to the inferior judges of the United States.

I find that there are only six of the States which pay their supreme judges a salary equal to the salary proposed by this bill. They are Colorado, Illinois, Kentucky, Louisiana, Wisconsin, and Ohio; and Ohio's law does not go into operation as to the present incumbents, only as to the future incumbents, an idea which sustains the proposition contained in the amendment offered by the Senator from Alabama [Mr. MORGAN]. There is also support for that amendment in the effort made by Mr. Madison in the convention which framed the Constitution to have inserted in that clause which prohibits the diminution of the salaries of the judges during their continuance in office the further provision that they should not be increased.

I go on. In Missouri the salary of the supreme judge is $4,500.

Mr. FARLEY. Allow me a moment.

Mr. GEORGE. Certainly.

Mr. FARLEY. In the State of California the judges of the courts of the State, their salaries being fixed when they enter on the duties of the office, can not be increased or diminished during their term.

Mr. GEORGE. That is in accordance with Mr. Madison's idea. That seems to be the idea embraced in the amendment offered by the Senator from Alabama.

Now, Mr. President, I go on further because I want all these statistics to be laid before the Senate and before the country, however dreary they may be. In Missouri the salary of the supreme judges is $4,500; in Connecticut, Rhode Island, Michigan, Minnesota, Indiana, and Iowa the salary is $4,000, less than the amount proposed to be paid by this bill to the judges of the inferior courts of the United States sitting in the same State and administering a part of the same jurisdiction as the State supreme judges do. Maryland, Mississippi, South Carolina, and Texas pay their supreme judges $3,500—$1,500 less than is proposed by this bill to be paid to the inferior judge of the United States district court who holds his court within the limits of the State. In Alabama, Arkansas, Florida, Maine, Virginia, and Kansas the salary of the supreme judges is $3,000; in New Hampshire it is $2,700; in Georgia, Nebraska, Vermont, and North Carolina it is $2,500; in West Virginia, $2,250; in Oregon, $2,000; and in Delaware, $2,000.

A recapitulation of this will show that there are three States that pay a salary of over $5,000, four which pay a salary of $6,000, seven which pay a salary of $5,000, one of $4,500, seven of $4,000, four of $3,500, six of $3,000, one of $2,700, four of $2,500—just one-half of the amount to be paid under this bill to this inferior judge of the United States—one of $2,250, and two of $2,000.

But, Mr. President, that is not all the difference; it lacks a great deal of being all the difference in favor of the Federal judge against the State judge. The difference of tenure is great. I find in looking over the tenure of the judges of the supreme courts of the various States that they range about six and twelve years. One State has twenty-one, Pennsylvania; in New York it is fourteen years, and in New Jersey seven, but all of them have limited terms, very few going over nine years, some of them going as low as two years as in Vermont, and one, a very remarkable tenure in Rhode Island where they hold their office until a joint resolution shall pass both houses of the Legislature removing them from office or asking them to resign.

These Federal officers have the advantage in tenure, and it is a very great advantage that they have security in their position. They are appointed during good behavior, which is tantamount to an appointment for life. That seems to be the practice of the Government, though from the little reflection I have given to that subject I am satisfied that there is a mode, if adopted, by which they can be got rid of without impeachment when they become inefficient. That is not all, Mr. President; when one of these inferior judges has served ten years and arrived at the age of seventy he can resign his place and draw his salary for the rest of his life. That is the law; but in practice, owing to the difficulty of getting them out of their places, if one of them becomes inefficient before he reaches the age of seventy years and before he has served ten years he will be invited or authorized to resign his place by an act of Congress giving him his salary to the end of his term, as was done in the case of Judge Hunt. I believe that is the only case, but it is the precedent set, and it will be followed whenever and wherever one of these judges, before the expiration of his tenure of service and before his arrival at the age of seventy, shall become disqualified in any way to discharge the duties of his office. There is no reason why it should not be done in a case of that sort the same as it was done in the case of Judge Hunt; and so, sir, I may say that it is the accepted doctrine that a Federal judge may resign his place under the authority of a special act of Congress at any time that his health will not permit him to discharge the duties of his office and draw the salary to the end of his life. No such privilege is allowed to any State judge.

Mr. MORGAN. Mr. President, I have laid these extensive extracts from the speech of the Senator from Mississippi before the Senate because I could not have more clearly stated the statistics that he has furnished us with after his valuable labors, and I consider that they are very important in their bearing upon this question.

We see from the array of facts presented by the Senator from Mississippi how gradually we have proceeded in increasing the salaries of the different judges of the United States. Congress has evidently attempted to accommodate the salaries to the ability of the country to pay taxes and also to the requirements made upon these judges for their time and for their talents in the discharge of their public duties.

From 1873, the time of the adoption of the Revised Statutes, to 1886, thirteen years, we propose to raise these salaries $1,500 each throughout the United States, giving to fifty-six judges an increase of $1,500 a year salary. It seems to me that that is progressing entirely too fast. When we come to consider the fact that after we put this statute on the book it is irrepealable, that the Constitution holds it there beyond the power of Congress to modify it, I think we are going entirely too fast in the increase of these salaries.

Now, take the sum of money which would be necessary to produce $5,000 at 5 per cent. interest per annum. It is $100,000. Under this bill we set apart $100,000, secured in the Treasury of the United States, upon which interest at 5 per cent. is to be payable annually to the judge during his natural life. No matter how old the man may be, nor how disabled he may be, he and his family can rely upon that annuity without any sort of apprehension that it will ever fail them. That sum of money ($100,000) put in a bond of the United States bearing 5 per cent. interest would be worth to-day about 20 or 25 per cent. premium, taking the average life of a judge of the district court of the United States as the time the bond was to run.

So we are making a provision in the nature of a certain support for the judges by setting apart out of the Treasury of the United States or out of the credit of the people a sum of money which I think is entirely excessive. There is no reason when we take a lawyer from his practice and put him on the district bench of the United States why we should call upon the people of the United States to set apart for that man $100,000 in perpetuity, at least during his life, the interest of which at 5 per cent. per annum is to be paid to him.

There is a great deal of strain upon public sentiment, at all events, in allowing the judges of the United States district and circuit courts to hold their offices during good behavior. It seems to be the opinion of many excellent lawyers that the term "good behavior" is one that can not be controlled otherwise than by a regular impeachment brought by the House and tried by the Senate; that we have no power to pass a statute defining what is good behavior; and that we have no power to retire a judge from his office because he may be inefficient, or because his health may fail, or from any other cause except some high crime or misdemeanor in office or some act which would render him obviously unfit to preside in a court of the United States. If that is the true construction, and really I do not know how to combat it, we are in a condition that when a man is put upon the bench he is put there practically for life; it makes but little difference what his course of conduct may be, it is almost impossible ever to rid the country of him.

Looking over the bench of the United States as it exists to-day, is there any occasion for rewarding the judges who are upon that bench by setting apart practically an annuity for life to them which will yield $5,000 per annum, which, as I have said, at 5 per cent. would be $100,000? I do not recognize the justice of it. It is too great a sum.

More than that, it puts the officers of the United States Federal courts in an attitude of social supremacy over the officers of the State courts. We find that the judges of the supreme courts of the different States by no means receive anything like so large salaries as are provided under this bill; and we find that the terms of their offices are brief, ranging from two years to I believe fifteen or sixteen years. In my own State the judges of the supreme court are elected for six years; and it is considered a great honor for a man to get upon that bench and receive as chief-justice of the State $3,500 a year. Yet the judges of that State, I can say without any improper boastfulness, are the equals at least of the district judges of the United States. I can say without venturing very much that they are the equals of the judges of the Supreme Bench of the United States in their learning and in their abilities. They are not dissatisfied with their offices, and yet they hold them for but six years, at a salary of $3,500 for the chief-justice, and $3,000 for the associate justices. I grant you that that is hardly a *sufficient salary*, and if the State of Alabama felt able to pay larger salaries than that in her present condition, I have no doubt the Legislature by a vote of two-thirds, as it may, would increase their salaries perhaps to $4,000 each, which I believe is the limit that we have ever gone in the State of Alabama.

Here is that State government and here are other State governments that stand next to the people, that administer the laws in which the people are most interested, that try men for their lives, that have jurisdiction of questions involving character and property and liberty, and those judges under the State governments having shorter terms are content with their offices; they are not breaking away from their offices in order to go back to the bar all over the country; and I can see no reason why we should aggrandize out of the national Treasury the judges of the United States district courts in comparison with the judges of the various State courts.

What is this country after all but a community of people organized under State governments, and when they give expression to their opinions, as we see they have done in the laws which have been quoted in the extract read from the speech of the Senator from Mississippi, showing the rate of salaries which the highest judicial officers who deal with these delicate questions in the States receive, where is the occasion for Congress to overstep these boundaries by $1,500 at a single step and to raise these salaries, which are to be perpetual, from $3,500 to $5,000 a year? Not because I believe it is just, not because I believe it is demanded by public sentiment, but because there seems to be an impression among the lawyers of this body that there ought to be some general increase in the salaries, I am willing to vote a salary of $4,000 a year, but I can not consent to go beyond that sum.

I have not opposed this feature of the bill because I desire to cast any

reflection upon the bench or upon the legal profession, but I have done it because I believe it is an unjust thing to give every judge of the United States the sum of $5,000. If some of them work sufficiently to earn that amount of money we know that others perhaps do not work twenty or thirty days in the year.

In this bill we depart from a principle which we have observed from the foundation of the Government, which is that we will discriminate in the salaries of the judges according to the requirements of the service, the amount of service that they perform, and in accordance also with the ability of the respective communities where they are located to pay money. It is true this comes out of a common treasury, but when you measure in Congress the salary that a district judge of the United States ought to receive in the State of Alabama you lay down a very high precedent, to say the least of it, in respect of your own opinions as to what the people of Alabama should do with their own judges. Our people have frequently had this subject under consideration, and it would be, I think, impossible to get a majority even of the Legislature of Alabama to raise the salaries of the supreme court judges of that State from the present amount to $5,000.

Mr. HOAR. Will my honorable friend allow me to ask him whether he thinks that the same reasoning would not cover the case of Senators and Representatives, that Congress should pay the Senators or Representatives from a commercial State more than those are paid from Alabama, or that they should be paid in accordance with the amount of work they have to do by reason of the size of their State?

Mr. MORGAN. Congress does pay Senators and Representatives who come from distant States more than it pays those who come from Maryland in their mileage accounts. Congress undertakes to compensate every Senator on this floor and every member of the House, not for his actual expenditures, but for supposed expenditures, in his mileage accounts.

Mr. HOAR. I am not speaking of mileage, which is intended as compensation for traveling; I am speaking of the doctrine which the Senator advances, that the official who represents a community which is not commercial and not wealthy should be paid less in the United States Government than the official who represents a wealthy and commercial community. I do not see why the doctrine would not lead to a conclusion which I suppose none of us would accept.

Mr. MORGAN. The judge of the district court of the United States who presides in Nevada never tries an admiralty cause. He has very little work to perform of any kind. I expect it would task the district judge of Nevada to find twenty days of honest work in a year in his office, whereas the judge of the district court who presides in Boston has continued employment; he presides in a wealthy seaboard State and one that has a large admiralty practice; he is more employed, he renders more service to the Government, and the discrimination is made on that account. I do not pretend that the salaries fixed by the States ought to be a rule for the United States in fixing the salaries of the district judges; but I say it ought to have some influence upon the vote of a Senator here. The State of Massachusetts is perhaps not one-third as large as the State of Alabama. However, the honorable Senator from Massachusetts, representing a rich community, is not expected to do three times as much work as I do in this body, and I dare say he does not do it. If the judges who are in Nevada and in other States that I could mention could have the duties imposed upon them, and could perform the services to the country that are rendered by the judges in Philadelphia, in New York, and in Boston, then we might have some excuse for making their salaries equal. But there ought to be some correspondence between the amount of service rendered by every man, or the amount of duty devolved upon every man, and the compensation which he receives. We have statutes here also which are not enforced, providing that where a Senator is absent from his place in the Senate it is the duty of the Secretary of this body to dock his pay every day that he is absent. Why do we enact a law of that kind as against Senators? It is to compel them to the performance of public duty. It is to compel them to exercise the opportunities furnished to them by law and the Constitution for serving the whole Government here.

We have a system now that discriminates between judges. We have a system to pay a judge an extra allowance when he is called from one district to preside in another. I maintain that the bill as now offered, which equalizes the salaries of the judges throughout the country, is a total departure from the present state of legislation and from that state of legislation which has existed since the foundation of the Government.

Now, I have said about this all that I choose to say, all that I think is necessary, perhaps a great deal more. I regret that I am put in an attitude where I have to controvert the Committee on the Judiciary about their recommendation, but I do not believe that this bill will recommend itself to the judgment of the American people; I am sure that it would not recommend itself to the judgment of the people of Alabama; and so I have antagonized it thus far by the amendments which I have had the honor to offer.

I should like very much, indeed, that the Senate would stop and consider again a proposition which I have advanced several times in debate here, which is that these increased rewards ought not to be given to the men who are on the bench now. They ought to be given to men who will come out and risk their offices if they choose to ask for the higher salary, because this is an opportunity which, when it escapes us, will never recur. When we have placed the salary at $5,000 and then find inefficient judges, judges against whom the Committee on the Judiciary have discriminated here because of the fact of their impropriety of conduct, which is denounced in this very bill—when we find them fastened upon us with salaries of $5,000 a year, we shall never get rid of them. I appeal to the good sense and sound judgment of this body that now is the right time to interpose some difficulties and obstructions to men getting higher salaries under this proposed law. If they feel that they have honestly and faithfully and with ability discharged their duty as judges, let them rely upon the good will and the good sense of the American people for a renewal of their term of office. Let them come here and say, "I am willing to resign my office and a pay of $3,500 in order to get the $5,000 pay that you offer me under this new bill, and I am willing to have my conduct investigated by the Senate of the United States and by the President of the United States, so that it may be determined whether I am a good and faithful officer." No man ought to object to that. No man who is upon the bench of the United States to-day ought to be willing to receive this salary without submitting his claim to the executive department of this Government and to the Senate in respect of his ability and his fidelity in the discharge of these public duties. I have dwelt upon this because I feel that an opportunity is passing us now that we ought to seize upon. When this bill becomes a law it is gone, and gone forever.

Mr. DOLPH. Mr. President, inasmuch as a bill substantially like the one under consideration passed the Senate during the last Congress by a large majority, I was in hopes that this bill would be permitted to pass without an extended discussion, and, although greatly interested in it myself, I had not intended to take part in the debate; but inasmuch as the opponents of the bill seem disposed to discuss it, I ask the indulgence of the Senate for a few moments.

I believe this measure to be a wise one, and I hope the bill will pass without further amendment. It seems to me that an increase in the salaries of the district judges, as proposed by the bill, is demanded upon the principle of equality. So far as my observation extends I think the district judges perform quite as much labor and are quite as able and experienced as the circuit judges, who receive $6,000 per annum, and when the salaries of the district judges are increased to $5,000, as proposed by the bill, they will only be placed on an equality as to salary with members of Congress, although the judges as a rule are employed the year round, while, as we know, Congress is in session less than half the time. If we compare the salaries of the district judges with the salaries of the officers, civil and military, in the Executive Departments of the Government, it will be found, I think, that after the salaries of all the district judges shall be increased to $5,000 per annum they will be still less liberally compensated than the officers of relative importance in the Executive Departments. Equality is equity, and inasmuch as Congress has the fixing of the salaries not only of its own members but of the officers of the judicial and executive departments it ought to be careful to do exact justice. I think it has been the aim of Congress to do this whenever judicial salaries have been the subject of legislation heretofore, but since the salaries of district judges were fixed as they now are the business in most if not all the judicial districts has greatly increased.

Section 554 of the Revised Statutes now regulates the salaries of the district judges, but as a matter of fact they were fixed long prior to that time. Even since the revision of the statutes the growth in population and business of the older States has been rapid and continuous and in some of the Western States it has been phenomenal. I think the salaries of the district judges should now be fixed with reference to the increased business in the several districts.

When the bill which passed the Senate at the first session of the Forty-eighth Congress to increase the salaries of the district judges was under discussion the senior Senator from Mississippi [Mr. GEORGE] presented some statistics, which have been read at the desk to-day, to show how the salaries of the Federal judges had been increased since 1797, when the first act upon the subject was passed, and which fixed the salaries of the Supreme Court judges at $3,500 and the salaries of the district judges at from $1,000 to $1,600, to the present time when the salaries of the Supreme Court are fixed at $10,000 per annum, the salaries of the judges of the circuit courts at $6,000 per annum, the salary of the district judge of Louisiana at $4,500 per annum, the salaries of the district judges of Massachusetts, of the three districts of New York, of the two districts of Pennsylvania, of the districts of Maryland and New Jersey, of the southern district of Ohio, and the northern district of Illinois at $4,000 per annum, and the salaries of the other district judges at $3,500 per annum. But it will be observed that this increase was not all made at one time. It seems to have kept pace with the growth of the country, with the increase of business in the several districts and the increased cost of living. In my judgment, so far from those statistics showing that the district judges are now amply rewarded for their services they afford a sufficient reason why the salaries of the district judges should be increased as now proposed.

It appears to have been the policy of Congress under all administrations to take notice of the growth of the country and the increase of business in the several districts, and to regulate the salaries of the judges of the several courts accordingly.

Besides (and I make the statement without a recent examination),

I think the salaries of district judges have remained unchanged for a longer period than at any other time since the courts were organized. One case I have in my mind, with which I am entirely familiar, and that is the case of the district judge of Oregon, who came upon the bench when Oregon was admitted into the Union in the spring of 1859 at a salary of $3,500, which has remained unchanged for a quarter of a century, although the business of his district has more than doubled every ten years. The rapid growth of this country in wealth and population, the rapid settlement of our public lands under new and varied laws, the great increase of our commerce, domestic and foreign, the increase of the number of questions of jurisdiction between the States and the Federal Government to be decided by the Federal courts, the multiplication of transportation lines and of corporations, State and Federal, under special charters and general laws, with the numerous questions which are constantly arising between corporations and their stockholders, their creditors and the public—in a word, the vast increase in the number of cases to be heard and considered and determined by the Federal courts and the great and constantly increasing number of decisions of State and Federal courts to be examined whenever a new question arises for consideration in my judgment have more than doubled the labor of the judges of all the Federal courts within the last twenty years.

The Federal courts are also intrusted with the decision of great and delicate questions. They hold the scale of justice between the General Government and the States, to restrain each within their constitutional limits, between the legislative department and the people to enforce the restrictions contained in the Federal Constitution which have been provided for the protection of the people's rights, between the executive department and the people to restrain and redress illegal and arbitrary acts and to enforce the laws; and in the first instance, as our judicial system is now constituted, these questions are largely heard and passed upon by the district judges. Intrusted with power over these great, important, and vital questions regulating the vast machinery of the Federal Government, I think that the judicial department is second in importance to no other department of the Government.

Besides, a judge's salary ought not to be determined alone by the amount of labor he performs nor by the responsibility that devolves upon him. The law is a jealous mistress, and he who attains to eminence in the profession must have devoted long years of patient and unremitting study to it, and the preparation and experience necessary to fit a man for a district judge represents an amount of time, labor, and capital which would have enabled him to have achieved success in any calling. The method for the selection of Federal judges prescribed by the Constitution are admirably adapted to secure the best men. I for one should like to see the salaries of all the Federal judges fixed at such an amount as would induce the best lawyers in the country to seek the positions.

There is another matter to which I allude with some hesitation. I do so not so much because I think any utterances in the debate on this measure call for criticism, as because what I have in my mind to say can be better said at this time than at some time when the occasion for it is more marked. In fact, if I thought any utterances during this debate in regard to the judiciary deserved criticism I should not be the one, with the profound respect I entertain for the opponents of this bill, to undertake to answer them. I think that our Federal judges as a rule are men of integrity, ability, and of painstaking industry, and worthy of commendation; and I am sorry that it should have ever been thought necessary by any member of this body on this floor to make any suggestion to the contrary. I regret to say that I have heard, on a few occasions since I have been a member of the Senate, criticisms of the judicial department of the Government, of the executive department, and even of this body, which I believe unjust and uncalled for. There may be no rule of this body and no law that prevents the severest criticism of a co-ordinate branch of the Government at all times, without any information before the Senate to warrant it, but I think there is a law of the fitness of things which prevents it, a law not found in the statutes, a law not to be found in judicial precedents, but a law which we all of us ought to be none the less willing to obey.

The case would be different if the heads of the Departments and the judges of the courts could appear on this floor in their own vindication; but situated as we are here, relieved from liability for our utterances, without fear of denial or contradiction, it appears to me whenever we undertake to criticise the co-ordinate departments of the Government it ought to be done with moderation and justice. Besides, sir, I believe that any general adverse criticism of the judicial department of the Government is undeserved. You may search history and examine the judicial systems of all civilized countries from the time when Moses undertook to devolve upon his associates some share of the responsibility and labor of governing the children of Israel to the present time, and there is not and there never has been, in my judgment, in any country a purer or abler judiciary than we have in this country to-day, Federal and State. It is true that there have been men upon the bench in the State and Federal courts who have been unworthy of their positions, who have prostituted their high offices for unworthy ends, but the examples of incompetency and corruption upon the bench in other countries have been quite as numerous and conspicuous as in our own. I will go further: in my opinion the men who to-day occupy the position of judges of the Federal courts, Supreme, circuit, and district, for integrity, ability, learning, and industry will compare favorably with the great lawyers who have filled similar positions since the courts were organized, many of whose names we to-day venerate.

There is another suggestion which I desire to make in this connection. Every adverse criticism of the judiciary is calculated to weaken the respect of the people for our laws and for the administration of justice. This is an age of unrest. The times are out of joint. As we were told the other day by the Senator from Nebraska [Mr. MANDERSON], there is a spirit of dissatisfaction and insubordination abroad, not only in Europe but in the United States. It manifests itself in denunciation of the laws that are necessary for the protection of life, liberty, and property; in unjust and ignorant criticisms of officials in every department of the Government; in distrust of the lawmakers, both Federal and State; in criticisms of our courts of justice and the manner of conducting the judicial business; in flagrant violations of the laws by mobs under the pretense of administering justice. What is more to be deprecated is that such unlawful acts are frequently approved by considerable portions of the communities in which they take place and are often commended by portions of the public press as being either necessary or more fitting means for redress of supposed public wrongs than the lawful methods provided by the people themselves.

Such a sentimant imperils the existence of the Government. Government is organized society. It is intended for the protection of life, liberty, and property. It is intended to secure the power of the whole community for the protection of each individual. It is apparent to me that whenever we weaken the security designed to be afforded by civil government and remit individuals to their own unaided efforts to protect their rights, we are retrograding in the scale of civilization. Every adverse criticism, every unjust criticism of a department of the Government, every charge or insinuation of wrongdoing against an officer of this Government made upon this floor is caught up and heralded upon the wings of lightning to the four quarters of the globe, and has a tendency to weaken the respect of the people for the laws which they have made, for the officers they themselves have chosen, for the institutions they have established, and for republican government.

The PRESIDENT *pro tempore*. The question is upon agreeing to the amendment offered by the Senator from Alabama [Mr. MORGAN].

Mr. MORGAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Mr. President, I know how useless it is to attempt to oppose any measure in this body which proposes to increase salaries. I have been here too long not to have learned—I should have been a very dull scholar if I had not learned—that there is great liberality on the part of members of the Senate as well as the other House, and that almost every proposition to increase salaries prevails. Nevertheless I have had to meet this very question of the increase of the salaries of judges on several occasions, and invariably I have voted against the increase, as I shall do now, not because I do not suppose there are some of the district judges who earn by the services performed not only $3,500, but $5,000; but the proposition is to raise the salaries of over forty judges, some of whom do not earn by any service rendered to the Government anything more than they are getting to-day. If we could have an adjusted scale and pay gentlemen according to the services they render, I should be perfectly willing to pay some of the district judges even the sum of $5,000 a year. But when you make a proposition to pay on a straight line every district judge of the United States the sum of $5,000, I can not vote for it, because I believe the services they render the Government do not entitle them to it. The sum of $4,000, as proposed by the Senator from Alabama, is a very liberal compensation when you take into consideration that that is a salary for life, not only while they are performing duty on the bench, but as long as they draw the vital breath they are to receive that sum. I think it is a liberal compensation in many of the districts for the services the judges render. I shall, therefore, vote for the amendment. If that amendment does not prevail I shall not be able to vote for the bill as it is reported, because I believe the compensation provided for in the bill is more than ought to be given indiscriminately to all the Federal district judges.

Mr. President, I have voted against the proposition before and I shall vote against it again, not because, as I say, I am opposed to paying men the full value for the services rendered, but from a conviction that the bill proposes to pay certain district judges more compensation than they earn by their services to the Government, and I am not for making any of the Federal judges or any other Federal officers mere gratuities.

Mr. FRYE. I desire to ask the distinguished Senator who has this bill in charge, the chairman of the Judiciary Committee, or the Senator from Massachusetts, equally distinguished, whether or not the committee considered the question of an adjustment of these salaries?

Mr. HOAR. I stated that some days ago, but I will restate in answer to the Senator from Maine. The committee tried to find some principle by which they could make such a scale. They sent to every district judge in the country and obtained answers as to the extent of the business in each district. The committee got statistics from either

the judges or the clerks as to the number of cases in the various courts. They became satisfied it was entirely impracticable. They became satisfied also that the opinion of a large majority of the Senate was against that view, the most experienced lawyers of the Senate. One ground is this: The judge of the United States district court who does the least work may have a most important cause in his district at any time, a cause involving the holding of some great railroad, a giant corporation, in the grasp of the law, and requiring not merely the quality of integrity and ability, but requiring the profoundest public confidence in the integrity and ability of the judge who presides in the court in order to have the public feel that the law is administered without respect of persons.

The judge who spends but fifty or one hundred days in the year in court must hold his whole year at the command of his office. He is not permitted to practice law, is not expected to engage in any other business. It would be regarded as indecent for a judge to be engaged in speculation or in any general business, the interests of which might be affected by judicial decision, as it would be for a Secretary of the Treasury, who is prohibited from doing it by law. Therefore it seemed that this salary, a high one it is true in some few portions of the country, but generally a moderate income of an average respectable and able lawyer, was not too high.

I quite agree that the judge is not to be compensated in proportion to the vast earnings which good lawyers make in great commercial cities or the great railroad lawyers of the country. There are certain vocations in life, the vocation of a clergyman, the vocation of the college professor or president, the vocation of the legislator, and the vocation of the judge, where unquestionably the dignity, the public respect, the permanence of tenure go very far to eke out a moderate salary; but I do not think that in fixing this sum of $5,000, the same sum which we fix for own salaries—a sum less by a thousand dollars than that fixed for the salary of the judges of the circuit court—we are transgressing that principle.

Mr. VOORHEES. Mr. President, I have listened with a good deal of interest to the observations of the Senator from Alabama on this subject. I can fully sympathize with him from his standpoint in the views he entertains. There have been members of the Federal judiciary, and especially in that portion of the country, who are not only not worth what they are getting now, but not worth anything at all. They have been obstacles to the administration of justice rather than ministers of justice. But while sympathizing to this extent with the Senator from Alabama, I turn to look at the condition of the State I in part represent on this floor, and I feel impelled by every sense of fair dealing and public interest to support the bill as it has been reported by the Judiciary Committee.

The State of Indiana has over two millions of people in it. There are over 6,000 miles of railroad in the State, embracing every county but two within its borders. The Federal litigation is necessarily large; I might say enormous. There are four courts held by the district judge for the district of Indiana—one at Indianapolis, one at Fort Wayne, one at New Albany, and one at Evansville. He pays his own expenses of travel and of hotels. The only criticism I have upon this bill is that for such a man as occupies that bench at this time, performing such services as he does, it is really not enough. I should be glad if there could be some method, and yet I do not see that there can be, by which discriminations can be made as to labor or merit on the bench in the salaries which we shall pay judges.

Mr. MORGAN. I would like to call the attention of the Senator to the fact that the present system is a discriminating system. Ten judges get $4,000, one judge gets $4,500, one judge gets $5,000, and forty other judges get $3,500. That is a discriminating system.

Mr. VOORHEES. There is no measure presented, I believe, of that kind here.

Mr. MORGAN. I have not thought it worth while to present anything of that kind now.

Mr. VOORHEES. When a measure of that kind is introduced and comes up for consideration, I will give it a careful examination; but as the measure stands now, I feel impelled by the considerations which I have stated to support the bill. I am not alarmed about the cry of large salaries when the men who get them earn them by faithful service and by conspicuous ability.

Mr. MORGAN. I wish it to be observed that I am grateful to the Senator from Indiana for the sympathy he has expressed for the people of my State. That is due to them also. But if the district judgeship in Indiana were to become vacant, I expect I should have a chance to reciprocate the sympathies of the Senator from Indiana, for I suppose there would not be less than one hundred very admirable Indiana lawyers who would be applying for it at $3,500 a year.

The PRESIDENT *pro tempore*. The yeas and nays have been ordered on the amendment of the Senator from Alabama [Mr. MORGAN].

The question being taken by yeas and nays, resulted—yeas 14, nays 43; as follows:

YEAS—14.

Berry,	Colquitt,	Morgan,	Van Wyck,
Call,	George,	Ransom,	Walthall.
Cockrell,	Harris,	Saulsbury,	
Coke,	Maxey,	Vance,	

NAYS—43.

Allison,	Edmunds,	Kenna,	Plumb,
Blair,	Evarts,	Logan,	Sabin,
Bowen,	Frye,	McMillan,	Sawyer,
Brown,	Hale,	Mahone,	Sewell,
Butler,	Hampton,	Manderson,	Sherman,
Cameron,	Harrison,	Miller of N. Y.,	Spooner,
Chace,	Hawley,	Mitchell of Oreg.,	Stanford,
Conger,	Hoar,	Mitchell of Pa.,	Teller,
Cullom,	Ingalls,	Morrill,	Voorhees,
Dawes,	Jackson,	Palmer,	Wilson of Iowa.
Dolph,	Jones of Arkansas,	Platt,	

ABSENT—19.

Aldrich,	Fair,	Jones of Nevada	Pugh,
Beck,	Gibson,	McPherson,	Riddleberger,
Blackburn,	Gorman,	Miller of Cal.,	Vest,
Camden,	Gray,	Payne,	Wilson of Md.
Eustis,	Jones of Florida,	Pike,	

So the amendment was rejected.

Mr. CALL. I offer an amendment to come in as an additional section.

The amendment was read, as follows:

That any judge of the United States district or circuit court who shall from any cause be disabled permanently from the performance of the duties of his office may be retired on his own application, and his salary of $3,000 a year shall be paid him unless he shall afterward be removed by impeachment; that when an application shall be made by any judge for retirement under this act the Attorney-General shall file an information before some judge of the circuit court of the United States, setting forth the application of such judge for retirement under this act on account of disability to perform the duties of his office, and it shall be the duty of such circuit judge to cause witnesses to be examined as to the condition of such judge and the disability alleged, and to certify the evidence, with his decision thereon, to the President of the United States, who is hereby authorized to retire such judge under this act if he approves the decision of the judge of the circuit court, and to nominate another person to be judge of said district or circuit court in place of the judge retired under the provisions of this act.

Mr. CALL. I suppose, sir, there can be no controversy or question that a judge who is disabled from performing the duties of his office ought to be retired. That is a proposition too manifest to admit of any kind of question, and it is a great evil in the judicial system of this country that men who render themselves incapable of performing their judicial duties by habits of intoxication, by notorious drunkenness, or who are disabled from any cause, whether innocent or vicious, should remain upon the bench for a lifetime, an obstruction to the administration of justice, an evil example to the community, and in every respect failing to perform the duties for which they were appointed. I introduced an amendment to this bill, in which I proposed a proceeding by *quo warranto* to determine whether or not the condition on which a judge received his appointment had been performed, and the condition of a proper use of his office and the discharge of his functions should be judicially ascertained, and if decided adversely to him, that he should be retired on a salary. It met with no sympathy from the Committee on the Judiciary nor from the majority of the Senate and no support, and yet unless there be some such proceeding as that there is no remedy for the case. It is laid down in Blackstone and in all the law books that it is an implied condition upon which a man receives his appointment that he shall perform the duties of the office. Blackstone lays it down:

Estates upon condition implied in law are where a grant of an estate has a condition annexed to it inseparably from its essence and constitution although no condition be expressed in words. As, if a grant be made to a man of an office, generally without adding other words, the law tacitly annexes hereto a secret condition that the grantee shall duly execute his office, on breach of which condition it is lawful for the grantor or his heirs to oust him and grant it to another person; for an office, either public or private, may be forfeited by misuser or non-user, both of which are breaches of this implied condition: 1. By misuser or abuse; as if a judge takes a bribe, or a park-keeper kills deer without authority. 2. By non-user or neglect; which in public offices that concern the administration of justice, or the commonwealth, is of itself a direct and immediate cause of forfeiture.—*Blackstone's Commentaries*, volume 2, page 152.

The Constitution provides that the civil officers of the United States may be removed on impeachment for high crimes and misdemeanors, but drunkenness, disability produced from bad habits or from overwork in the faithful discharge of his duties, are neither crimes nor misdemeanors, and if that construction be maintained, that there is no other mode of removing a man save by impeachment, his appointment is a sinecure, a permission to him to do anything and everything either of non-user or misuser of his office within the limits of a high crime and misdemeanor, that alone excepted, he may fail to perform every single duty of his office. But there is a difference of opinion, and the judicial tribunals of the country, jealous of their own rights, have looked in the direction in their decisions that the removal by impeachment was the only proceeding to which a judge was amenable, and therefore I have asked this amendment to the bill in which a judge on his voluntary application may be retired, the fact of his disability being ascertained by a judicial proceeding.

I hope that the Senate will adopt the amendment. It will open the way for the retirement of some men who are upon the bench who ought not to be there and who do not perform and can not perform the condition upon which they received their appointments.

The amendment does not impute wrong to any man. He may apply for retirement for disability, and that disability being judicially ascertained he retires on an adequate salary for his life, which is far better for the public interest and for the people over whom he presides than

that he should continue pretending to perform duties which he does not perform and receiving a salary for wrongdoing or for being incapable of performing his duties instead of the administration of his office.

Mr. EDMUNDS. Mr. President, the amendment, although well intended I am sure, ought not to be adopted. The Senate has been, and the other House of Congress as well has been, extremely reluctant in old times to go as far as the law now goes in respect of retiring civil officers on salaries; but after a great deal of discussion and trouble we fixed the law allowing a judge to retire at seventy years of age after ten years of service. This amendment opens it to the will of anybody who may be appointed to-morrow to retire the next day, with the assent of the President, with his salary. Therefore it would appear to me—and I think I am safe in speaking for the committee in that respect—that it would not be wise to adopt this amendment.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

Mr. MORGAN. I offer another amendment. In line 4, after the word "States," I move to strike out the words "shall hereafter" and insert "who shall be appointed hereafter;" so as to read:

That the salaries of the several judges of the district courts of the United States who shall be appointed hereafter shall be at the rate of $5,000 per annum.

Mr. HOAR. We voted on that once.

Mr. CONGER. Would an amendment to that be in order?

The PRESIDENT *pro tempore*. It would be.

Mr. CONGER. I move to insert after the word "appointed" the words "during this administration."

Mr. MORGAN. I am glad the Senator from Michigan is convinced that the only chance to get an honest judge is from a Democratic administration.

The PRESIDENT *pro tempore*. The amendment of the Senator from Michigan will be read.

Mr. CONGER. Let it be read so that I may hear how it sounds.

The CHIEF CLERK. After the word "appointed" in the amendment it is proposed to insert "during this administration;" so as to read:

That the salaries of the several judges of the district courts of the United States who shall be hereafter appointed during this administration shall be at the rate of $5,000 per annum.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Michigan [Mr. CONGER] to the amendment of the Senator from Alabama [Mr. MORGAN].

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment proposed by the Senator from Alabama.

The amendment was rejected.

Mr. CALL. I would ask the members of the Committee on the Judiciary if, when an evil of this kind is presented to them of an incompetent or a disabled judge who does not perform the duties of his office at all, of a judge who has rendered himself or has innocently become incapable of performing them, they do not propose some remedy for it? The Constitution is plain. Drunkenness is not a crime or a misdemeanor, nor is disability or the failure to perform the duties of an office or incapacity, and I ask the Committee on the Judiciary, who seem to control the Senate on this subject, if communities are to be afflicted for the whole life of an incapable judge who refuses to perform his duty openly, wantonly refuses to do it, or who has become disabled by an act of Providence, if there can be no remedy provided for that?

Mr. HOAR. I have, of course, no authority to speak for the Judiciary Committee in regard to the question which has been proposed by the Senator from Florida; but speaking for one, I believe that drunkenness, incapacitating a judge for the performance of the duties of his office, or so habitual and open as to be scandalous, even if it does not give public scandal or offense or shock the sense of the community, is an impeachable misdemeanor, and that the remedy is open by impeachment in the case which the Senator suggest. And it is not a new question. More than once in the history of the United States a judge's impeachment has been proposed in such cases and the judge has resigned to avoid it; and I have no doubt that would operate on any judge if the state of case the Senator from Florida supposes were true.

I will say to that Senator again, having no authority to speak for the committee but only speaking for one, that if he will send to the Judiciary Committee any resolution or bill seeking to protect the public against such a scandal as he suggests, it shall have my own most careful and prompt consideration, and I have no doubt it will have that of the whole committee; but of course I can not make promises for anybody but myself.

Mr. CALL. I am very glad to hear that, because I propose to ask the attention of the Committee on the Judiciary to the existence of this evil in the country. There may be a case of paralysis or incapacity, waiving the question whether or not that is a crime and misdemeanor which is not so declared by law, which I do not think it is. I do not think anything can be a crime or a misdemeanor until the law has so declared it to be, and certainly the law can never declare that to be a crime which is a mere incapacity, such as paralysis, such as physical weakness, mental or physical incapacity, rendering a man incapable of performing the duties of the office.

There is not only one, but there are numbers of cases of this description within the knowledge not only of Senators on this floor but of judges of the Supreme Court of the United States who have been personal witnesses of the fact of men being upon the bench sitting in the trial of causes who are certainly incompetent, disabled both in mind and body from performing the duties of a judge, and who for years have been in this condition, and something ought to be done to avoid not only this wrong to the public but this disgrace to our laws.

Mr. HOAR. Will the Senator pardon me for one moment?

Mr. CALL. Certainly.

Mr. HOAR. I believe that the statement to the House of Representatives on his personal responsibility of such a fact by any respectable citizen of Florida or anywhere else would secure the attention of that House and would result in an examination to see whether the fact alleged was probably true, and if they found the fact sustained, it would result in an impeachment of the officer or in his resignation in consequence of the proceeding.

Mr. CALL. I do not wish to make any charge against any judge or any particular person. I am not here to charge the judge in one district or another with wrongdoing or with incapacity; but I am alluding to the existence of an evil which can be readily ascertained, whether it is in one part of the country or in another. But I do not see how you could convict a man by impeachment for being habitually intoxicated in the performance of the duty of a judge, or how you can convict for being disabled either mentally or physically, because neither is a crime or misdemeanor in the language of the Constitution until it is so declared by the laws. These two words have a technical and legal meaning in the laws of England and those of our country. And by all the principles of our law you can not punish a man for an act before the law has declared the act to be criminal and forbidden by the law. It is said misdemeanor means misdemeanor in office; but you can not give it this meaning, because it is a criminal proceeding in which a man is to be punished for a "high crime or misdemeanor," and by our law he must be advised before committing the act that it is criminal. "High crimes or misdemeanors" mean greater and smaller crimes, and these words can properly have no other meaning.

Mr. President, I only wished to call the attention of the Senate and of the country to the existence of this condition of the law. A man may under this construction of the Constitution never perform a single duty as judge; he may accept the office and draw the salary and never do anything else; and yet there is no mode known to the laws as they now are by which he can be gotten rid of. He can not be impeached; and unless it can be judicially ascertained (which I believe it may be by a proceeding of *quo warranto*) and a forfeiture declared, there is no way that such a judge can be removed or retired. Even if there should be crimes and misdemeanors impeachment is almost impossible and practically useless.

Mr. EDMUNDS. Mr. President, I should be sorry, as late as it is, to have this observation of my friend from Florida go without any reply, because it would be a reproach to the administration of this Government for now a century if it was supposed to be necessary to have a statute law in order to make it a high misdemeanor under the Constitution of the United States for a judge to be intoxicated or affected by the use of intoxicating liquors while sitting on the bench, because it is a public scandal, an obstruction to the administration of justice, a reproach to the whole administration of justice, and therefore I believe it to be just as impeachable as if he had committed murder or as if he had taken bribes—more than as if he had committed murder in fact and as if he had taken bribes.

Mr. BUTLER. There are numbers of instances where judges have been tried on such allegations in the State tribunals.

Mr. EDMUNDS. And I was going to add, as my friend from South Carolina suggests, that there have been instances in the States where judges have been tried and removed from office for that very offense, and, if I do not misrecollect, in the earlier history of this country there was a case, I think from Pennsylvania—certainly from some State—where a district judge was tried and disposed of on that ground. Certainly there can be no doubt in my mind of the fact that intoxication on the bench of a court of justice is a high misdemeanor in the sense of the Constitution.

Mr. DAWES. There was an early case of a district judge of the United States in New Hampshire who was impeached and removed. The articles of impeachment embraced two charges. One was of incapacity and one was of drunkenness. He was convicted without specifying for which, and was removed from office.

Mr. CALL. I do not desire to detain the Senate, but I do not see how you can attach to misdemeanor a criminal meaning unless the law has previously declared that the act shall be a criminal offense and what misdemeanor shall be. The language of the Constitution is used in its legal and technical sense when it speaks of crime. I do not know how you can make a crime except by law.

Mr. HOAR. Does the Senator understand that if a judge should take a bribe, there being no statute law against taking a bribe by a judge, he could not be impeached?

Mr. CALL. I understand this, that you can not make a crime except by the lawmaking power, whether it be the taking of a bribe or what-

ever it may be. There is no power competent to make an act a crime except the law-making power, and a statute must create a crime in our country. When it is so declared in the law it becomes criminal. But what of the incapacity to which my amendment refers, the disability? It may be a perfectly innocent incapacity, a perfectly innocent disability which has overtaken the man. That, so far as the public is concerned, is the essential feature, whether produced by drunkenness and scandalous conduct or by some innocent cause. It is the incapacity to perform the duties of the office; and how are you to get rid of that by impeachment as a high crime and misdemeanor? There is evidently a necessity for some legislation on the subject such as I have proposed.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. ALDRICH. I desire to announce that I am paired generally with the Senator from West Virginia [Mr. CAMDEN], but understanding that he would vote for the bill if he were here, I vote in the affirmative.

The result was announced—yeas 43, nays 13; as follows:

YEAS—43.

Aldrich,	Dolph,	Jones of Arkansas,	Payne,
Allison,	Edmunds,	Kenna,	Platt,
Blair,	Evarts,	Logan,	Sewell,
Bowen,	Frye,	McMillan,	Sherman,
Brown,	Hale,	Mahone,	Spooner,
Butler,	Hampton,	Manderson,	Stanford,
Cameron,	Harrison,	Miller of N. Y.,	Teller,
Chace,	Hawley,	Mitchell of Oreg.,	Vest,
Conger,	Hoar,	Mitchell of Pa.,	Voorhees,
Cullom,	Ingalls,	Morrill,	Wilson of Iowa.
Dawes,	Jackson,	Palmer,	

NAYS—13.

Berry,	George,	Ransom,	Walthall.
Blackburn.	Harris,	Saulsbury,	
Coke,	Maxey,	Vance,	
Colquitt,	Morgan,	Van Wyck,	

ABSENT—20.

Beck,	Fair,	Jones of Nevada,	Pugh,
Call,	Gibson,	McPherson,	Riddleberger,
Camden,	Gorman,	Miller of Cal.,	Sabin,
Cockrell,	Gray,	Pike,	Sawyer,
Eustis,	Jones of Florida,	Plumb,	Wilson of Md.

So the bill was passed.

BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 1144) for the relief of Col. Daniel McClure; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. VOORHEES. I ask leave to present at this time with the bill the memorial of Col. Daniel McClure, assistant paymaster-general United States Army, praying for relief in the settlement of his accounts with the United States. I move that it be printed and referred to the Committee on Military Affairs to accompany the bill just introduced.

The PRESIDENT *pro tempore*. The Chair feels it his duty to call attention to the fact that the memorial is long, and it is rather unusual to print memorials without the special order of the Senate.

Mr. VOORHEES. It is a matter of grave importance, and I think the committee would prefer that it be printed for their use.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the memorial just presented by him be printed.

Mr. HARRIS. I suggest to the Senator from Indiana that he leave that to the committee to which he refers the memorial. It can have it printed if it deems it necessary, and I suggest to him that there is no necessity for an order of the Senate.

Mr. VOORHEES. Very well; for the present let it stand in that way.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Military Affairs.

Mr. CONGER introduced a bill (S. 1145) for the government and control of the Saint Mary's Falls Canal, Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. KENNA (by request) introduced a bill (S. 1146) for the better government of the Light-House Establishment; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAHONE introduced a bill (S. 1147) providing for the retirement of wagon-masters; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1148) providing for the construction of an iron pier at Fortress Monroe, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1149) allowing discharged officers of the Army one year's pay and allowances; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1150) for the relief of P. L. Ward, widow and executrix of William Ward, deceased; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

ADMISSION OF DAKOTA.

Mr. HARRISON. I desire to give notice to the Senate that on Friday next I shall call up for consideration the bill for the admission of Dakota. I name that day because I am advised by the Senator from South Carolina [Mr. BUTLER] that he desires some little time with a view of submitting the views of the minority of the committee. If the business of the Senate will admit, on Friday I shall call up that bill.

LAND-GRANT WAGON-ROADS IN OREGON.

Mr. DOLPH. I offer the following resolution, which I ask to have referred to the Committee on Public Lands:

Resolved, That the Secretary of the Interior be, and is hereby, directed to furnish to the Senate copies of all maps, papers, and documents on file in the Interior Department showing the location of wagon-roads in the State of Oregon under the provisions of grants made to said State to aid in the construction of military wagon-roads, and the time when such locations were made; of all papers and documents filed as evidence of the completion of said roads and compliance with the conditions upon which said grants were made by private corporations to whom said grants were transferred by said State; and a statement of the number of acres of land to which said companies became, or would have become, entitled to upon compliance with the conditions of such grants, the number of acres within the limits of each of said grants surveyed to this date, the number of acres selected and listed by each of said companies, and the number of acres heretofore patented to each of said companies, together with copies of all papers showing or tending to show a failure on the part of said State or said private corporations to comply with the conditions upon which such grants were made.

The resolution was referred to the Committee on Public Lands.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I move that the Senate proceed to the consideration of Order of Business No. 10, being Senate bill No. 9.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Senate proceed to the consideration of Order of Business No. 10, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. CAMERON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 18, 1886.

The House was called to order at 12 m. by the Clerk, Hon. JOHN B. CLARK, Jr., who directed the reading of the following communication:

WASHINGTON, D. C., *January* 18, 1886.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives:

I hereby designate Hon. WILLIAM M. SPRINGER to act as Speaker *pro tempore* during my absence this day.

JOHN G. CARLISLE.

Mr. SPRINGER accordingly assumed the chair as Speaker *pro tempore*.

Prayer by Rev. S. K. COX, of Washington, D. C.

The Journal of the proceedings of Friday last was read and approved.

LEAVE TO PRINT.

Mr. BURROWS. Mr. Speaker, my colleague, Mr. MOFFATT, a member of the committee having in charge the Presidential succession bill, was debarred from expressing his views on that bill by the ordering of the previous question, and I now ask unanimous consent that he be permitted to print those views in the RECORD.

There was no objection, and it was so ordered.

PRINTING FOR COMMITTEE ON ELECTIONS.

Mr. TURNER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Committee on Elections have leave to print the testimony and all other papers relating to the several contested-election cases referred to said committee, and that said committee also be authorized to have printed for the use of said committee such documents and papers as it may deem necessary in connection with subjects considered by said committee.

Resolved, further, That said committee have leave to sit during the sessions of the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this resolution?

Mr. BARKSDALE. Mr. Speaker, is that resolution presented for immediate action?

The SPEAKER *pro tempore*. It is. The resolution simply provides for printing the record in contested-election cases. It is the usual resolution upon that subject.

Mr. TURNER. Mr. Speaker, I wish to state for the information of the chairman of the Committee on Printing that this is the usual and necessary order which has always been made, and always made by unanimous consent.

Mr. BARKSDALE. I ask that the resolution be again read.

The Clerk again read the resolution.

Mr. BARKSDALE. Mr. Speaker, I will not raise the point of order upon the resolution in view of the statement which has been made by the gentleman from Georgia [Mr. TURNER].

The resolution was agreed to.

LEAVE TO PRINT.

By unanimous consent, Mr. BENNETT and Mr. GREEN, of New Jersey, were granted leave to print in the RECORD remarks on Senate bill 471, the Presidential succession bill.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. This being Monday, the Chair will proceed to call the States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call joint resolutions and memorials from State and Territorial Legislatures will be in order; also resolutions calling for information from the heads of Departments.

GUSTAV SCHUFFERT.

Mr. MARTIN introduced a bill (H. R. 3850) granting a pension to Gustav Schuffert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. SHELTON.

Mr. WHEELER introduced a bill (H. R. 3851) granting a pension to William P. Shelton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. KENNARD.

Mr. WHEELER also introduced a bill (H. R. 3852) for the relief of George W. Kennard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BRIDGE ACROSS THE COOSA RIVER.

Mr. FORNEY introduced a bill (H. R. 3853) to authorize the Talladega and Coosa Valley Railroad Company of Alabama to erect a bridge across the Coosa River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SCHOOL FUNDS IN ALABAMA.

Mr. FORNEY also introduced a bill (H. R. 3854) to increase the school fund in certain townships of the State of Alabama; which was read a first and second time, referred to the Committee on Education, and ordered to be printed.

THE BRITISH BARK VISCOUNT CANNING.

Mr. JONES, of Alabama, introduced a bill (H. R. 3855) to remit the forfeiture of the British bark Viscount Canning, and to refund the proceeds of the sale thereof to her owners, Edward D. Morris and C. R. Morris; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES A. TORBERT.

Mr. JONES, of Alabama, also introduced a bill (H. R. 3856) for the relief of the legal representatives of James A. Torbert, deceased; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

HEIRS AT LAW OF FRANCES HOLMAN.

Mr. PEEL introduced a bill (H. R. 3857) for the relief of the heirs at law of Frances Holman for property taken by the Army of the United States in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LARCENY.

Mr. ROGERS introduced a bill (H. R. 3858) prescribing the punishment for the crime of larceny; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH STANLEY.

Mr. ROGERS also introduced a bill (H. R. 3859) for the relief of Joseph Stanley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN H. WALTERS.

Mr. ROGERS also introduced a bill (H. R. 3860) granting a pension to John H. Walters, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN S. LUFF.

Mr. McKENNA introduced a bill (H. R. 3861) for the relief of John S. Luff; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BEET-SUGAR MACHINERY.

Mr. McKENNA also introduced a bill (H. R. 3862) to exempt the importation of beet-sugar machinery from duty for a limited time; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GOTTLOB GROEZINGER.

Mr. MORROW (by request) introduced a bill (H. R. 3863) for the relief of Gottlob Groezinger; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAIAH W. LEES AND OTHERS.

Mr. MORROW (by request) also introduced a bill (H. R. 3864) to compensate Isaiah W. Lees and H. H. Ellis, of San Francisco, for services rendered the Government; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM D. HALEY.

Mr. FELTON (by request) introduced a bill (H. R. 3865) for the relief of William D. Haley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. LOUTITT introduced a bill (H. R. 3866) to extend the provisions of the pension law in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS F. RILEY.

Mr. HENLEY introduced a bill (H. R. 3867) for the relief of Thomas F. Riley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. W. VARNUM.

Mr. MARKHAM introduced a bill (H. R. 3868) for the relief of G. W. Varnum; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SOUTHERN UTE INDIANS.

Mr. SYMES introduced a bill (H. R. 3869) to remove Southern Ute Indians from Colorado; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALEXANDER SHAW.

Mr. SYMES also introduced a bill (H. R. 3870) granting an increase of pension to Alexander Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VINTON G. HOLLIDAY.

Mr. SYMES also introduced a bill (H. R. 3871) for the relief of Vinton G. Holliday; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TRAVERS SWAN.

Mr. SEYMOUR introduced a bill (H. R. 3872) for the relief of Travers Swan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK S. JENNINGS.

Mr. SEYMOUR also introduced a bill (H. R. 3873) extending patent to Frederick S. Jennings, of Danbury, Conn.; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. LORE introduced a bill (H. R. 3874) to amend chapter 182, volume 20, United States Statutes at Large; which was read a first and second time, referred to the Committee on Revision of the Laws, and ordered to be printed.

ALEXANDER MOSELEY.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 3875) for the relief of Alexander Moseley, executor of William D. Moseley, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

"MALLORY LOT," KEY WEST.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 3876) for the purchase of the "Mallory lot" at Key West, Fla., for naval purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLAIM OF THE STATE OF FLORIDA.

Mr. DOUGHERTY introduced a bill (H. R. 3877) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities, and for other purposes; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL A. DONALD.

Mr. DOUGHERTY also introduced a bill (H. R. 3878) for the relief of Samuel A. Donald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, BRUNSWICK, GA.

Mr. NORWOOD introduced a bill (H. R. 3879) for the erection of a

custom-house and post-office building at Brunswick, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PUBLIC BUILDING, SAVANNAH, GA.

Mr. NORWOOD also introduced a bill (H. R. 3880) for the erection of a court-house and post-office building at Savannah, Ga.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS A. M'LAUGHLIN.

Mr. NORWOOD also introduced a bill (H. R. 3881) for the relief of Thomas A. McLaughlin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUNISHMENT FOR PERJURY.

Mr. HAMMOND introduced a bill (H. R. 3882) to amend the law as to perjury; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CRIMINAL PROCEEDINGS, UNITED STATES COURTS.

Mr. HAMMOND also introduced a bill (H. R. 3883) to simplify the pleadings and procedure in criminal cases in the United States courts and of the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOSEPH B. REYNOLDS.

Mr. BARNES introduced a bill (H. R. 3884) for the relief of Joseph B. Reynolds, of Augusta, Ga.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIRST GEORGIA STATE TROOPS.

Mr. CANDLER (by request) introduced a bill (H. R. 3885) for the relief of the First Georgia State Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CUSTOMS AND INTERNAL-REVENUE LAWS.

Mr. CANDLER also introduced a bill (H. R. 3886) to repeal sections 3412 and 3413 of the Revised Statutes, and part of sections 19 and 20 of an act amending customs and internal-revenue laws, approved February 8, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PRINTING FOR COMMITTEE ON WAYS AND MEANS.

Mr. MORRISON submitted a resolution to authorize the Committee on Ways and Means to have certain documents printed and bound for use of said committee; which was referred to the Joint Committee on Printing.

EMANUEL KLAUSER.

Mr. EDEN introduced a bill (H. R. 3887) for the relief of Emanuel Klauser; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

R. B. PHELPS.

Mr. EDEN also introduced a bill (H. R. 3888) to place the name of R. B. Phelps on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SEARS.

Mr. EDEN also introduced a bill (H. R. 3889) for the relief of the legal representatives of John Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DENNIS PRIDE.

Mr. HENDERSON, of Illinois (by request), introduced a bill (H. R, 3890) for the relief of Dennis Pride, late first lieutenant Company K. Twenty-eighth Illinois Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MICHAEL PIGGOTT.

Mr. RIGGS introduced a bill (H. R. 3891) for the relief of Michael Piggott; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISE K. ROSE.

Mr. ROWELL introduced a bill (H. R. 3892) to increase the pension of Louise K. Rose, widow of the late Capt. Thomas Rose, Company D, One hundred and seventh regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CAUSES FROM STATE COURTS.

Mr. TOWNSHEND introduced a bill (H. R. 3893) to repeal certain sections of the Revised Statutes and of the Statutes at Large, relating to the removal of causes from State courts and to suits concerning corporations and to writs of error to review judgments of State courts relating only to the revenue laws of the State where the judgment is rendered; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ALASKAN REPORTS.

Mr. TOWNSHEND also submitted a concurrent resolution providing for the printing of the Alaskan reports of L. M. Turner and E. W. Nelson; which was referred to the Committee on Printing.

A. M. M'CONNELL.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 3894) for the relief of A. M. McConnell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGAL HEIRS OF HUGH WORTHINGTON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 3895) for the relief of the legal heirs of Hugh Worthington; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN P. GREGSON AND FRANCIS H. ELLISON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 3896) for the relief of John P. Gregson and Francis H. Ellison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROCEDURE IN PENSION CASES.

Mr. CANNON introduced a bill (H. R. 3897) to simplify procedure in pension claims and to extend the benefits of the pension laws to worthy claimants for invalid pensions, and widows, minor children, and dependent relatives of soldiers and sailors of the late war who are unable by existing law to furnish the necessary evidence required to connect the disability with such service, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. DEWALD.

Mr. CANNON also introduced a bill (H. R. 3898) granting a pension to George W. Dewald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INSPECTION OF LIVE-STOCK.

Mr. DURHAM introduced a bill (H. R. 3899) to provide for the inspection of live-stock hog products and dressed meats, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MRS. LINA ALFORD.

Mr. WARD, of Indiana, introduced a bill (H. R. 3900) granting a pension to Mrs. Lina Alford; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EFFICIENCY OF ARTILLERY, UNITED STATES ARMY.

Mr. MATSON introduced a bill (H. R. 3901) to promote the efficiency of the artillery of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSANNAH CARMICHAEL.

Mr. MATSON also introduced a bill (H. R. 3902) for the relief of Susannah Carmichael; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAYLOR VOSS.

Mr. MATSON also introduced a bill (H. R. 3903) granting a pension to Taylor Voss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILEY SPURGEON.

Mr. MATSON also introduced a bill (H. R. 3904) granting a pension to Wiley Spurgeon (war with Mexico); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JAMES F. M'MICHAEL.

Mr. FORD (by request) introduced a bill (H. R. 3905) granting a pension to James F. McMichael; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHARINE JOHNSON.

Mr. KLEINER introduced a bill (H. R. 3906) for the relief of Catharine Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. TRICKETT.

Mr. KLEINER also introduced a bill (H. R. 3907) for the relief of M. Trickett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN ELLIS.

Mr. HOLMAN introduced a bill (H. R. 3908) for the relief of John Ellis; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

HARRY FISK.

Mr. HOLMAN also introduced a bill (H. R. 3909) for the relief of Harry Fisk, postmaster at the city of Aurora, Ind.; which was read a

first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH WARD.

Mr. HOWARD introduced a bill (H. R. 3910) for the relief of Elizabeth Ward; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN A. DEAN.

Mr. HOWARD also introduced a bill (H. R. 3911) granting a pension to John A. Dean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. HATHORN.

Mr. T. D. JOHNSTON introduced a bill (H. R. 3912) to relieve John H. Hathorn from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REMOVAL OF CHARGE OF DESERTION.

Mr. BYNUM introduced a bill (H. R. 3913) to remove the charge of desertion against Frank Wempe, late private Company A, Thirty-second Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BYNUM also introduced a bill (H. R. 3914) to remove the charge of desertion against James Kiley, late of the Fifty-first Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MAHOLM.

Mr. BYNUM also introduced a bill (H. R. 3915) granting a pension to John Maholm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. O. HARDING.

Mr. BYNUM also introduced a bill (H. R. 3916) for the relief of J. O. Harding, late of Company C, Seventy-ninth Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

INDIAN TRAINING SCHOOL, NORTH CAROLINA.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 3917) to appropriate $127.50 to reimburse the Indian committee of Western Yearly Meeting of Friends in Indiana for money expended by them in the purchase of Government lands in North Carolina for an Indian training school; which was read a first and second time.

Mr. BROWNE, of Indiana. It is probable that under the rule that bill should be referred to the Committee on Claims; but if there be any doubt about it I ask unanimous consent that it shall go to the Committee on Indian Affairs.

The SPEAKER *pro tempore*. Is this money to be paid out of funds belonging to the Indians?

Mr. BROWNE, of Indiana. No, sir. I believe it is money to be paid out of the Treasury.

The SPEAKER *pro tempore*. The bill will be referred to the Committee on Indian Affairs if there be no objection.

There being no objection, the bill was referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM M'GARRAHAN.

Mr. MURPHY introduced a bill (H. R. 3918) for the relief of William McGarrahan, and for the adjustment of his rights in the New Idria quicksilver mines of California; which was read a first and second time.

Mr. MURPHY. I ask that this bill be referred to the Committee on Mines and Mining.

The SPEAKER *pro tempore*. The proper reference seems to be to the Committee on Private Land Claims.

Mr. MURPHY. This bill has been before the Committee on Private Land Claims, and also before the Committee on Public Lands; but the parties interested think it more properly belongs to the Committee on Mines and Mining. It pertains exclusively to the matters over which that committee has jurisdiction, and they would be pleased therefore to have it so referred. I have no interest in the matter myself, and simply introduce the bill by request. It occurs to me that would be the proper committee to which it should be referred.

The SPEAKER *pro tempore*. The bill does not propose to dispose of any portion of the public domain.

Mr. MURPHY. No, sir; it is a question that pertains to mining rather than to anything else, as I understand it.

The SPEAKER *pro tempore*. The Chair is of the opinion that the bill, under the rule, should go to the Committee on Private Land Claims. But the gentleman may ask unanimous consent for a different reference.

Mr. MURPHY. I ask unanimous consent that the bill be referred to the Committee on Mines and Mining.

There being no objection, the bill was referred to the Committee on Mines and Mining, and ordered to be printed.

BRIDGET O'BRIEN.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 3919) granting a pension to Bridget O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SINKING FUND.

Mr. WEAVER, of Iowa, submitted the following resolution; which was read, and referred to the Committee on Ways and Means:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the House the total amount applied to the sinking fund between June 30, 1884, and June 30, 1885, and under what dates and in what amounts the same was applied.

Mr. STRUBLE (by request) introduced a bill (H. R. 3920) to provide for a uniform ballot-box to be used in Federal elections, and appropriating money for the same; which was read a first and second time, referred to the Committee on Elections, and ordered to be printed.

RICHARD GEAR.

Mr. CONGER introduced a bill (H. R. 3921) granting an increase of pension to Richard Gear; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

S. T. MARSHALL.

Mr. HALL introduced a bill (H. R. 3922) for the relief of S. T. Marshall and payment to him of $6,598.49 for beef cattle furnished General Estill for commission sent to California in 1850 to treat with the Indians; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DECREES OF UNITED STATES COURTS.

Mr. HALL also introduced a bill (H. R. 3923) for the enforcement of judgments and decrees of United States courts in the United States courts in other States than where rendered; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENTS.

Mr. HALL also introduced a bill (H. R. 3924) to provide for the termination and extinguishment of patents issued under the United States patent laws; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ORSON YOUNG.

Mr. HALL also introduced a bill (H. R. 3925) granting a pension to Orson Young, of Burlington, Iowa; which was read a first and second time, referred to the Committee on Invalid Pension, and ordered to be printed.

HEZEKIAH HARNEY.

Mr. HALL (by request) also introduced a bill (H. R. 3926) granting a pension to Hezekiah Harney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROWLAND NOBLE.

Mr. HALL also introduced a bill (H. R. 3927) granting a pension to Rowland Noble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET BALL.

Mr. HEPBURN introduced a bill (H. R. 3928) granting a pension to Margaret Ball; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. HEPBURN also introduced a bill (H. R. 3929) to establish a board of commissioners of interstate commerce, and to regulate such commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WELLS C. M'COOL.

Mr. LYMAN introduced a bill (H. R. 3930) for the relief of Wells C. McCool, late first lieutenant Company I, Twenty-ninth Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NANCY GUNSALES.

Mr. RYAN introduced a bill (H. R. 3931) granting a pension to Nancy Gunsalez, widow of Samuel Gunsales, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN N. PENNELL.

Mr. RYAN also introduced a bill (H. R. 3932) to grant a pension to John N. Pennell, late of Company K, Forty-seventh Iowa Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. WILLIAMS.

Mr. RYAN also introduced a bill (H. R. 3933) to grant a pension to John W. Williams, late of Company H, Fourth Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCINDA BURKE.

Mr. RYAN also introduced a bill (H. R. 3934) to grant a pension to Lucinda Burke, mother of Shaler A. Burke, late of Company C, One hundred and twenty-eighth Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN J. MILLER.

Mr. RYAN also introduced a bill (H. R. 3935) for the relief of John J. Miller, late of the One hundred and twenty-first Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. J. G. SMITH.

Mr. RYAN also introduced a bill (H. R. 3936) to grant a pension to Mrs. J. G. Smith, widow and guardian of the children of Jesse G. Smith, late of Company D, Sixty-second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. M. BROWN AND LEE M. OWENS.

Mr. RYAN also introduced a bill (H. R. 3937) for the relief of M. M. Brown and Lee M. Owens; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES COUGHLIN.

Mr. RYAN also introduced a bill (H. R. 3938) for the relief of James Coughlin, late of Company M, Ninth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL T. EVEY.

Mr. RYAN also introduced a bill (H. R. 3939) for the relief of Samuel T. Evey, late of the One hundred and twenty-eighth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOB WELTON.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 3940) for the relief of Job Welton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY M. GALLEYAN.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3941) granting a pension to Mary M. Galleyan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADAM ZARN.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3942) granting a pension to Adam Zarn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS A. LIEBSCHEETS.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 3943) to readjudicate the pension claim of Francis Liebscheets; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY RESERVATION OF FORT WALLACE.

Mr. HANBACK introduced a bill (H. R. 3944) abolishing the military reservation of Fort Wallace, in the State of Kansas, and authorizing the Secretary of the Interior to have the lands embraced therein surveyed and made subject to homestead entry the same as other public lands; which was read a first and second time, referred to the Committeen on Military Affairs, and ordered to be printed.

MRS. B. ALFERS.

Mr. MORRILL introduced a bill (H. R. 3945) for the relief of Mrs. B. Alfers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER FORSYTH.

Mr. MORRILL also introduced a bill (H. R. 3946) to increase the pension of Alexander Forsyth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST SCHINDLER.

Mr. FUNSTON introduced a bill (H. R. 3947) granting a pension to August Schindler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. SALYERS.

Mr. ROBERTSON introduced a bill (H. R. 3948) granting a pension to James F. Salyers; which was read a first and second time, referred to to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM B. WHITE.

Mr. ROBERTSON also introduced a bill (H. R. 3949) for the relief of William B. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC R. H. CALDWELL.

Mr. ROBERTSON also introduced a bill (H. R. 3950) granting a pension to Isaac R. H. Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. BARRETT.

Mr. ROBERTSON also introduced a bill (H. R. 3951) for the relief of John P. Barrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KNOCKELMANN.

Mr. ROBERTSON also introduced a bill (H. R. 3952) to remove the charge of desertion from the record of John Knockelmann; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM H. BROWN.

Mr. ROBERTSON also introduced a bill (H. R. 3953) for the relief of William H. Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRIETTA FISHER.

Mr. ROBERTSON also introduced a bill (H. R. 3954) granting a pension to Henrietta Fisher; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PIUS A. COOMES.

Mr. ROBERTSON also introduced a bill (H. R. 3955) granting a pension to Pius A. Coomes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM R. GIBSON.

Mr. ROBERTSON also introduced a bill (H. R. 3956) for the relief of William R. Gibson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES HONE.

Mr. ROBERTSON also introduced a bill (H. R. 3957) granting a pension to James Hone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILES H. WATKINS.

Mr. ROBERTSON also introduced a bill (H. R. 3958) granting a pension to Miles H. Watkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN LUCAS.

Mr. ROBERTSON also introduced a bill (H. R. 3959) granting a pension to Benjamin Lucas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. ROBERTSON also introduced a bill (H. R. 3960) for the relief of Benjamin Lucas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JACOB JOHNSON.

Mr. ROBERTSON also introduced a bill (H. R. 3961) for the relief of Jacob Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HENTZ.

Mr. ROBERTSON also introduced a bill (H. R. 3962) for the relief of Charles Hentz; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY P. REED.

Mr. ROBERTSON also introduced a bill (H. R. 3963) granting a pension to Henry P. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. C. P. SHOEMAKER.

Mr. ROBERTSON also introduced a bill (H. R. 3964) for the relief of A. C. P. Shoemaker; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS BOWLES.

Mr. ROBERTSON also introduced a bill (H. R. 3965) removing the charge of desertion from the military record of Thomas Bowles; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARGARET LYNCH.

Mr. ROBERTSON also introduced a bill (H. R. 3966) restoring to the pension-roll the name of Margaret Lynch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL O. HANCOCK.

Mr. ROBERTSON also introduced a bill (H. R. 3967) granting a pension to Samuel O. Hancock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELLEN RAY.

Mr. STONE, of Kentucky, introduced a bill (H. R. 3968) for the bene-

fit of Ellen Ray; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

COMMANDER HENRY GLASS.

Mr. STONE, of Kentucky, also introduced a bill (H. R. 3969) to carry into effect the recommendation of the board of admirals convened under the joint resolution approved February 5, 1879, in the case of Commander Henry Glass, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ATTACHÉS TO FOREIGN LEGATIONS.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 3970) to assign officers of the Army as attachés to foreign legations; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

WEISSINGER & BATE AND OTHERS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3971) for the relief of Weissinger & Bate, Edward Holbrook, and others; which was read a first and second time, referred by unanimous consent to the Committee on Ways and Means, and ordered to be printed.

SANFORD C. WILLHOITE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3972) granting a pension to Sanford C. Willhoite; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VINEGAR MADE FROM GRAIN.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3973) to regulate the manufacture of vinegar made from grain; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH A. HICKS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3974) granting a pension to Sarah A. Hicks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSIAH SHINKLE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3975) for the relief of Josiah Shinkle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN RAIPE.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3976) for the relief of John Raipe, of Newport, Ky.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY F. SCHRADER.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 3977) for the relief of Henry F. Schrader; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF PEARCE NOLAND.

Mr. McCREARY introduced a bill (H. R. 3978) for the relief of the estate of Pearce Noland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. M'GAUGHEY.

Mr. McCREARY also introduced a bill (H. R. 3979) for the relief of John H. McGaughey, of Shelby County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SALLIE A. HIGGINS.

Mr. McCREARY also introduced a bill (H. R. 3980) for the relief of Sallie A. Higgins, of Lincoln County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. K. DENNY.

Mr. McCREARY also introduced a bill (H. R. 3981) for the relief of W. K. Denny, of Madison County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN PENNINGTON.

Mr. McCREARY also introduced a bill (H. R. 3982) granting a pension to John Pennington, of Jackson County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HOWARD.

Mr. McCREARY also introduced a bill (H. R. 3983) granting a pension to William Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. B. RAY.

Mr. HALSELL introduced a bill (H. R. 3984) for the benefit of A. B. Ray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN H. MILLER.

Mr. HALSELL also introduced a bill (H. R. 3985) for the benefit of John H. Miller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALONZO A. CHADDOCK.

Mr. HALSELL also introduced a bill (H. R. 3986) granting a pension to Alonzo A. Chaddock; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. FOSTER.

Mr. HALSELL also introduced a bill (H. R. 3987) for the benefit of James W. Foster; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEPTIMIA RANDOLPH MEIKLEHAM.

Mr. WOLFORD introduced a bill (H. R. 3988) for the relief of Septimia Randolph Meikleham, sole surviving grandchild of Thomas Jefferson, author of the Declaration of Independence; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOSEPH RUSSELL.

Mr. WOLFORD also introduced a bill (H. R. 3989) to restore to the pension-roll the name of Joseph Russell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH J. PRATER.

Mr. TAULBEE introduced a bill (H. R. 3990) to restore to the pension-roll the name of Sarah J. Prater; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

C. W. I. PUGH.

Mr. TAULBEE also introduced a bill (H. R. 3991) for the relief of C. W. I. Pugh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN P. VAUGHAN.

Mr. TAULBEE also introduced a bill (H. R. 3992) granting a pension to John P. Vaughan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN POWERS, SR.

Mr. TAULBEE also introduced a bill (H. R. 3993) for the relief of John Powers, sr., of Magoffin County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PATIENCE BEATTY.

Mr. TAULBEE also introduced a bill (H. R. 3994) for the benefit of Patience Beatty; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JACKSON COOMER.

Mr. TAULBEE also introduced a bill (H. R. 3995) for the relief of Jackson Coomer; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. J. BOWMAN.

Mr. TAULBEE also introduced a bill (H. R. 3996) for the relief of A. J. Bowman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. R. NAPIER.

Mr. TAULBEE also introduced a bill (H. R. 3997) for the relief of P. R. Napier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUSAN A. WAMACK.

Mr. TAULBEE also introduced a bill (H. R. 3998) for the relief of Susan A. Wamack, administratrix of the estate of Stephen M. Farish, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEXICAN AND INDIAN WAR PENSIONS.

Mr. WILLIS introduced a bill (H. R. 3999) granting pensions to the survivors of Mexican and Indian wars; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOSEPH HAXTHAUSEN.

Mr. WILLIS also introduced a bill (H. R. 4000) for the relief of Joseph Haxthausen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHAMBERS & BROWN.

Mr. WILLIS also introduced a bill (H. R. 4001) for the relief of Chambers & Brown; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CARTER W. TILLER.

Mr. WILLIS also introduced a bill (H. R. 4002) granting a pension to Carter W. Tiller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

KUNIGUNDA A. MILLER.

Mr. WILLIS also introduced a bill (H. R. 4003) granting relief to the heirs of Kunigunda A. Miller, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HOWARD.

Mr. WILLIS also introduced a bill (H. R. 4004) granting a pension to Mary Howard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALITY OF GOLD AND SILVER DOLLARS.

Mr. WADSWORTH submitted the following resolution:

Whereas by the fourteenth section of the act of Congress of February 12, 1873, now section 3511 of the Revised Statutes, the gold dollar of the United States of 25.8 grains standard fineness is made the unit of value; and

Whereas the President, on his accession to office, found each and all of the full legal-tender gold and silver and paper dollars of the United States equal in value to 25.8 grains of standard gold in all transactions within the United States: Therefore,

Be it resolved by the House of Representatives, That it became the duty of the President to use all lawful means in his power to maintain this equality in value of such dollars, and that in the opinion of this House he has hitherto faithfully and properly endeavored to discharge that duty.

The SPEAKER *pro tempore*. The Chair is of opinion that this resolution should be referred to the Committee on Coinage, Weights, and Measures.

Mr. BLAND. I ask that the resolution be referred to the Committee on Coinage.

The SPEAKER *pro tempore*. It will be so referred unless the gentleman from Kentucky desires to submit a motion for a different reference.

Mr. WADSWORTH. I was under the impression, as it involves simply a question as to whether the President had or had not violated the laws, that therefore it should be referred to the Committee on the Judiciary, and I ask that reference.

Mr. DINGLEY. The bill does not refer at all to coinage.

Mr. WADSWORTH. Not at all to coinage. It simply declares the opinion of this House that the President of the United States has faithfully and properly hitherto discharged his duty in endeavoring to maintain the equality in the value of our legal-tender money.

Mr. WEAVER, of Iowa. Can the resolution be again reported?

The resolution was again read.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that this resolution be referred to the Committee on the Judiciary.

Mr. BLAND. I think it had better be referred to the Committee on Civil Service Reform, as that seems to be in the line of the recommendations it embodies; and I think it belongs properly to the duties of that committee. [Laughter.]

Mr. COX. The Committee on Civil Service Reform will take care of such subjects as properly come within its jurisdiction. I am satisfied this properly belongs to the Committee on Coinage.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves to refer this to the Committee on the Judiciary.

Mr. WEAVER, of Iowa. Would a motion be in order in the shape of an amendment?

The SPEAKER *pro tempore*. The Chair thinks not, except to refer to another committee.

Mr. WADSWORTH. This is simply a declaration on the part of the House as to its belief that the President has executed the law. It is a judicial question, and not one of coinage.

Mr. WEAVER, of Iowa. I desire, if it be in order, to move its reference to the Committee on Coinage, Weights, and Measures.

The SPEAKER *pro tempore*. The Chair thinks that motion is in order; and the question will be first taken on the motion of the gentleman from Iowa.

The question was taken; and on a division there were—ayes 90, noes 54.

Mr. DUNHAM. No quorum has voted.

Mr. BLAND. This resolution refers exclusively to coinage, and it ought to go to that committee.

The SPEAKER *pro tempore*. It is not debatable.

The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WEAVER, of Iowa, and Mr. WADSWORTH were appointed tellers.

The House again divided; and the tellers reported—ayes 120, noes 59.

So the amendment was agreed to.

The motion as amended was agreed to; and the resolution was referred to the Committee on Coinage, Weights, and Measures.

DUTY ON MACHINERY.

Mr. BLANCHARD introduced a bill (H. R. 4005) authorizing the Secretary of the Treasury to admit certain machinery free of duty; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JOHN SPICER VS. UNITED STATES.

Mr. BLANCHARD (by request) also introduced a bill (H. R. 4006) to authorize the Supreme Court to reopen and rehear the case of John Spicer against the United States; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADMISSION OF ALTARS FREE.

Mr. GAY introduced a bill (H. R. 4007) to admit free of duty a certain set of altars for the Catholic church of St. John the Evangelist, in the parish of La Fayette, Louisiana; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

A. LA FOREST.

Mr. GAY also introduced a bill (H. R. 4008) for the relief of A. La Forest; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANN B. HUBBARD.

Mr. DINGLEY introduced a bill (H. R. 4009) for the relief of Ann B. Hubbard, administratrix; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN I. SAWYER.

Mr. DINGLEY also introduced a bill (H. R. 4010) granting a pension to John I. Sawyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE FISHERIES.

Mr. DINGLEY also introduced a bill (H. R. 4011) to encourage the American marine employed in the fisheries; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

ABRAHAM BRAFMAN.

Mr. FINDLAY introduced a bill (H. R. 4012) to relieve Abraham Brafman from a forfeiture under the internal-revenue law; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. FINDLAY also introduced a bill (H. R. 4013) granting a pension to Mrs. Sarah R. Darley; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM TALBERT.

Mr. COLE introduced a bill (H. R. 4014) for the relief of William Talbert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THE EIGHT-HOUR LAW.

Mr. COLE also introduced a bill (H. R. 4015) constituting eight hours a day's work for all laborers, workmen, and mechanics employed by and in behalf of the Government of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

PUBLIC BUILDING AT ANNAPOLIS, MD.

Mr. COLE also introduced a bill (H. R. 4016) to provide for the erection of a public building in the city of Annapolis, Md.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CONVICT LABOR.

Mr. COLE also introduced a bill (H. R. 4017) forbidding employment of convict labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

NORTH GERMAN LLOYD STEAMSHIP COMPANY.

Mr. COLE also introduced a bill (H. R. 4018) for the relief of the North German Lloyd Steamship Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BETSEY WEISENFELD.

Mr. COLE also introduced a bill (H. R. 4019) for the relief of Betsey Weisenfeld; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MONUMENT TO F. SCOTT KEY.

Mr. COLE also introduced a joint resolution (H. Res. 83) providing for the erection of a monument in Patterson Park, Baltimore, Md., to the memory of Francis Scott Key, author of the Star Spangled Banner; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

JAMES COVER.

Mr. SHAW introduced a bill (H. R. 4020) to reimburse James Cover for property and supplies taken and destroyed by United States soldiers during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMANUEL MACKLEY.

Mr. SHAW also introduced a bill (H. R. 4021) to reimburse Emanuel Mackley, of Carroll County, Maryland, for property taken from him

by soldiers of the United States Army during the war of the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH STOCKSDALE.

Mr. SHAW also introduced a bill (H. R. 4022) granting a pension to Elizabeth Stocksdale, widow of Aaron Stocksdale, deceased, a soldier during the war of 1812–'14; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CAROLINE STURTZ.

Mr. SHAW also introduced a bill (H. R. 4023) granting a pension to Caroline Sturtz, widow of Jacob Sturtz, deceased, late of Company G, Twentieth Maryland Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS B. PRICE.

Mr. McCOMAS introduced a bill (H. R. 4024) for the relief of Thomas B. Price; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

DANIEL S. LOY.

Mr. McCOMAS also introduced a bill (H. R. 4025) for the relief of Daniel S. Loy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALGERNON S. FLAGG.

Mr. RICE introduced a bill (H. R. 4026) granting a pension to Algernon S. Flagg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOPHIA F. BIXBY.

Mr. RICE also introduced a bill (H. R. 4027) granting a pension to Sophia F. Bixby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL SAWYER.

Mr. RICE also introduced a bill (H. R. 4028) granting a pension to Samuel Sawyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALVINE S. GRATON.

Mr. RICE also introduced a bill (H. R. 4029) granting a pension to Alvine S. Graton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE A. WARREN.

Mr. RICE also introduced a bill (H. R. 4030) granting a pension to George A. Warren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RACHEL W. HEARD.

Mr. RICE also introduced a bill (H. R. 4031) granting a pension to Rachel W. Heard; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN M'GOWAN.

Mr. RICE also introduced a bill (H. R. 4032) granting a pension to John McGowan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD A. NEUERT.

Mr. LOVERING introduced a bill (H. R. 4033) for the relief of Richard A. Neuert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONVICT LABOR WITHIN TERRITORIES.

Mr. LOVERING also introduced a joint resolution (H. Res. 84) proposing an amendment to the Constitution of the United States prohibiting the contracting of convict labor within the territorial limits thereof; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

LETTERS PATENT.

Mr. COLLINS (by request) introduced a bill (H. R. 4034) authorizing the extension of letters patent to inventors and patentees, or their lawful representatives, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

COURT OF ALABAMA CLAIMS.

Mr. COLLINS introduced a bill (H. R. 4035) to provide for closing up the business and paying the necessary expenses of the Court of Commissioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY A. MYKINS.

Mr. COLLINS also introduced a bill (H. R. 4036) granting a pension to Mary A. Mykins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMMA L. CLAPP.

Mr. ELY introduced a bill (H. R. 4037) granting a pension to Emma L. Clapp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JUDITH PLUMMER.

Mr. ALLEN introduced a bill (H. R. 4038) for the relief of Judith Plummer, an army nurse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTION OF LIEUT. A. W. GREELY.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 4039) conferring the rank of colonel on Lieut. A. W. Greely; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING AT HAVERHILL, MASS.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 4040) for the erection of a public building at Haverhill, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LOSSES OF POSTAL FUNDS.

Mr. STONE, of Massachusetts, also offered a resolution relating to claims of postmasters for losses of postal funds; which was referred to the Committee on Claims, and ordered to be printed.

COMMISSION OF ALABAMA CLAIMS.

Mr. MAYBURY (by request) introduced a bill (H. R. 4041) to establish a commission of Alabama claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES COONEY.

Mr. MAYBURY also introduced a bill (H. R. 4042) to amend the records of the War Department in the case of James Cooney; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAINT MARY'S SHIP CANAL, MICHIGAN.

Mr. MAYBURY also introduced a bill (H. R. 4043) for the control and government of the Saint Mary's Ship Canal, Michigan; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

HIRAM R. ELLIS.

Mr. COMSTOCK introduced a bill (H. R. 4044) for the relief of Hiram R. Ellis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK LOWNDES.

Mr. COMSTOCK also introduced a bill (H. R. 4045) granting an increase of pension to Frederick Lowndes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered te be printed.

JOHN FULLER.

Mr. WINANS (by request) introduced a bill (H. R. 4046) for the relief of John Fuller, late second lieutenant of Company F, Fourth Michigan Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

E. R. SWAIN.

Mr. WINANS (by request) also introduced a bill (H. R. 4047) for the relief of E. R. Swain, late second lieutenant of Company B, Third Michigan Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PENSIONS.

Mr. MOFFATT introduced a bill (H. R. 4048) to define the time at which payments of pensions under special act of Congress shall commence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS DUE MICHIGAN.

Mr. MOFFATT also introduced a bill (H. R. 4049) to authorize the State of Michigan to select, in the smallest legal subdivisions, the remainder of lands due said State under existing laws for internal improvements; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

"PORTERFIELD WARRANTS."

Mr. MOFFATT also introduced a bill (H. R. 4050) to prohibit the location of "Porterfield warrants" on occupied or improved lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FRANCIS M. POTTER.

Mr. O'DONNELL introduced a bill (H. R. 4051) for the relief of Francis M. Potter, late First Lieutenant One hundred and twenty-second New York Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY W. SMALLEY.

Mr. O'DONNELL also introduced a bill (H. R. 4052) granting a pension to Mary W. Smalley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE CARPENTER.

Mr. O'DONNELL also introduced a bill (H. R. 4053) granting a pension to Catherine Carpenter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ZENAS HAMILTON.

Mr. O'DONNELL also introduced a bill (H. R. 4054) granting a pension to Zenas Hamilton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE OTIS.

Mr. BURROWS introduced a bill (H. R. 4055) for the relief of George Otis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM CASE.

Mr. BURROWS also introduced a bill (H. R. 4056) for the relief of Hiram Case; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. RUSSEY.

Mr. BURROWS also introduced a bill (H. R. 4057) for the relief of John M. Russey; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOEL D. MONROE.

Mr. BURROWS also introduced a bill (H. R. 4058) for the relief of Joel D. Monroe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUST WAGNER.

Mr. BURROWS also introduced a bill (H. R. 4059) for the relief of August Wagner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM E. KANE.

Mr. BURROWS also introduced a bill (H. R. 4060) for the relief of William E. Kane; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BETSEY H. WHITESIDE.

Mr. FISHER introduced a bill (H. R. 4061) for the relief of Betsey H. Whiteside; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELSIE OSBORN.

Mr. FISHER also introduced a bill (H. R. 4062) granting a pension to Mrs. Elsie Osborn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATER-POWER, LITTLE FALLS, MINN.

Mr. H. NELSON introduced a bill (H. R. 4063) to authorize the improvement of the water-power in the Missisippi River at Little Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONS.

Mr. NELSON also introduced a bill (H. R. 4064) granting pensions to certain soldiers under Major-General Twiggs's command in the Department of Texas at the outbreak of the rebellion in 1861; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES E. MOLEN.

Mr. NELSON also introduced a bill (H. R. 4065) for the relief of Charles E. Molen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY M. TAYLOR.

Mr. STRAIT introduced a bill (H. R. 4066) granting a pension to Mary M. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. BACON.

Mr. STRAIT also introduced a bill (H. R. 4067) for the relief of James H. Bacon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. JOHN BOHL.

Mr. STRAIT also introduced a bill (H. R. 4068) for the relief of Mrs. John Bohl; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M'CALL.

Mr. STRAIT also introduced a bill (H. R. 4069) for the relief of John McCall; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. BRIDGET SMITH.

Mr. STRAIT also introduced a bill (H. R. 4070) for the relief of Mrs. Bridget Smith, mother of Patrick Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. P. FLUKE.

Mr. STRAIT also introduced a bill (H. R. 4071) for the relief of L. P. Fluke; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANSON NORTHUP.

Mr. STRAIT also introduced a bill (H. R. 4072) for the relief of Anson Northup; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MEDEWAKANTON BAND OF SIOUX INDIANS.

Mr. STRAIT also introduced a bill (H. R. 4073) for the relief of the Medewakanton Band of Sioux Indians in Minnesota, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FREDERICK KRAUSE.

Mr. WAKEFIELD introduced a bill (H. R. 4074) for the relief of Frederick Krause; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KAULA.

Mr. WAKEFIELD also introduced a bill (H. R. 4075) for the relief of John Kaula; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE A. ROBERTS.

Mr. WAKEFIELD also introduced a bill (H. R. 4076) for the relief of George A. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK KORTH.

Mr. WAKEFIFLD also introduced a bill (H. R. 4077) granting a pension to Frederick Korth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT WINONA, MINN.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 4078) to appropriate money to complete the public building at Winona, Minn.; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

ASTRONOMICAL OBSERVATIONS.

Mr. BARKSDALE introduced a joint resolution (H. Res. 85) for printing the astronomical and meteorological observations of the Naval Observatory; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ESTATE OF JOHN C. THOMPSON, DECEASED.

Mr. MORGAN (by request) introduced a bill (H. R. 4079) for the relief of the estate of John C. Thompson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HENRY L. HAWKINS.

Mr. MORGAN (by request) also introduced a bill (H. R. 4080) for the relief of Henry L. Hawkins, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. S. STANLEY.

Mr. ALLEN, of Mississippi, introduced a bill (H. R. 4081) for the relief of R. S. Stanley, postmaster at Booneville, Miss.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THADDEUS BOERNE.

Mr. VAN EATON introduced a bill (H. R. 4082) granting a pension to Thaddeus Boerne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRANSFER OF APPROPRIATIONS.

Mr. HATCH introduced a bill (H. R. 4083) to empower the Commissioner of Agriculture to transfer certain appropriations; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

FRANK BACKOF.

Mr. O'NEILL, of Missouri, introduced a bill (H. R. 4084) for the relief of Frank Backof; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

Mr. O'NEILL also introduced a bill (H. R. 4085) for the relief of the trustees of the Christian Brothers' College of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN C. ADKINS.

Mr. WARNER, of Missouri, introduced a bill (H. R. 4086) for the relief of the legal representatives of John C. Adkins, late of Kansas City, Mo.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION COURT OF CLAIMS.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 4087) authorizing the Court of Claims to hear and determine certain claims; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RELIEF OF CERTAIN VOLUNTEER OFFICERS.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 4088) for the relief of certain volunteer officers.

Mr. WARNER, of Missouri. That bill refers to bounties to men who were honorably discharged, or who were promoted, and I am in some doubt as to whether it should go to the Committee on Military Affairs or War Claims. It is a matter, however, which the Committee on Invalid Pensions should have jurisdiction of, and I ask its reference to that committee.

The SPEAKER *pro tempore*. If there be no objection, the bill will be referred to the Committee on Invalid Pensions.

There being no objection, the bill was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. WARNER, of Missouri. There is also an accompanying petition, signed by some three thousand soldiers, which I ask to be referred with the bill.

The SPEAKER *pro tempore*. That will be referred through the petition-box.

JURISDICTION OF TERRITORIAL COURTS.

Mr. GLOVER introduced a bill (H. R. 4089) to authorize the service of criminal process issued by Territorial courts within military and Indian reservations and the National Yellowstone Park; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IMPROVEMENTS OF RIVERS AND HARBORS.

Mr. GLOVER also introduced a bill (H. R. 4090) to provide for carrying on the improvements and repairs of rivers and harbors by contract; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

SKRAINKA & VIETHS.

Mr. GLOVER also introduced a bill (H. R. 4091) for the relief of Skrainka & Vieths; which was read a first and second time, referred to the Committae on Claims, and ordered to be printed.

W. R. ALLEN.

Mr. GLOVER also introduced a bill (H. R. 4092) for the relief of W. R. Allen; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAINT LOUIS, MO.

Mr. GLOVER also introduced a bill (H. R. 4093) for the relief of the city of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JACOB V. L. DAVIS.

Mr. HEARD introduced a bill (H. R. 4094) for the relief of Jacob V. L. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLOTTE D. DAVIS.

Mr. HEARD also introduced a bill (H. R. 4995) for the relief of Charlotte D. Davis; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

M. S. ELKINS.

Mr. HALE introduced a bill (H. R. 4096) for the relief of M. S. Elkins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM J. OWINGS.

Mr. HALE also introduced a bill (H. R. 4097) for the relief of William J. Owings; which was read a first and second time, referrred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM. C. WOOD.

Mr. HALE also introduced a bill (H. R. 4098) granting a pension to William C. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID C. PUGH.

Mr. HALE also introduced a bill (H. R. 4099) granting a pension to David C. Pugh, of Trenton, Mo.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M'BRIDE.

Mr. HALE also introduced a bill (H. R. 4100) for the relief of Daniel McBride, of Linn County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTHA A. SILKEY.

Mr. HALE also introduced a bill (H. R. 4101) granting a pension to Martha A. Silkey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOUIS LOE.

Mr. HALE also introduced a bill (H. R. 4102) to rerate the pension of Louis Loe, Company C, Fifth Kansas Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

M. S. CLAY.

Mr. STONE, of Missouri, introduced a bill (H. R. 4103) granting a pension to M. S. Clay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER SMILEY.

Mr. DAWSON introduced a bill (H. R. 4104) for the relief of Alexander Smiley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES V. BODINE.

Mr. DAWSON also introduced a bill (H. R. 4105) granting a pension to James V. Bodine; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN M. M'ALISTER.

Mr. DAWSON also introduced a bill (H. R. 4106) granting a pension to Stephen M. McAlister; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSOURI JUDICIAL DISTRICTS.

Mr. DAWSON also introduced a bill (H. R. 4107) to amend the act dividing the State of Missouri into two judicial districts and to divide the eastern and western districts thereof into divisions and to prescribe the times and places for holding courts therein, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OFFICERS OF STEAM-VESSELS.

Mr. CLARDY introduced a bill (H. R. 4108) for the relief of captains, pilots, engineers, and mates of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LAND FOR STREETS IN SAINT LOUIS, MO.

Mr. CLARDY also introduced a bill (H. R. 4109) donating to the city of Saint Louis, Mo., a certain strip of land for street purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN L. CUNNINGHAM.

Mr. CLARDY also introduced a bill (H. R. 4110) for the relief of John L. Cunningham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA T. THOMPSON.

Mr. CLARDY also introduced a bill (H. R. 4111) granting a pension to Minerva T. Thompson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIZZIE KENAMORE.

Mr. BLAND introduced a bill (H. R. 4112) granting a pension to Lizzie Kenamore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDERSON COLLETT.

Mr. BLAND also introduced a bill (H. R. 4113) granting a pension to Anderson Collett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTHONY HARSEL.

Mr. DOCKERY also introduced a bill (H. R. 4114) granting a pension to Anthony Harsel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN TAGGART.

Mr. DOCKERY also introduced a bill (H. R. 4115) for the relief of John Taggart; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN P. BRINEGAR.

Mr. DOCKERY also introduced a bill (H. R. 4116) to increase the pension of John P. Brinegar; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS W. AYERS.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 4117) granting a pension to Lewis W. Ayers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK LIGHTNER.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 4118) granting a pension to Frank Lightner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTMASTERS' SALARIES.

Mr. WEAVER, of Nebraska, also introduced a joint resolution (H. Res. 86) declaring the meaning of an act approved March 3, 1883, entitled "An act authorizing and directing the Postmaster-General to readjust the salaries of certain postmasters in accordance with the provisions of section 8 of the act of June 12, 1866;" which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HENRY VAN BLARICOM.

Mr. DORSEY introduced a bill (H. R. 4119) for the relief of Henry Van Blaricom, formerly a member of Company E, First Regiment United States Mounted Riflemen; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ROBERT MORAN.

Mr. DORSEY also introduced a bill (H. R. 4120) for the relief of Robert Moran, late lieutenant-colonel Second West Virginia Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INDIAN SCHOOL-HOUSE AT CARSON.

Mr. WOODBURN introduced a bill (H. R. 4121) for the erection of a public building at Carson, Nev., to be used as a school-house for the education of children of the Indians in that State; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SCHOOL BUILDING FOR INDIANS IN NEVADA.

Mr. WOODBURN also presented a memorial of the Legislature of Nevada, praying for an appropriation to erect a school building in that State for the education of the children of Indians living therein; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

MARY E. SNOW.

Mr. HAYNES introduced a bill (H. R. 4122) granting a pension to Mary E. Snow; which was read a first and second time, referred to the Committee on Invaid Pensions, and ordered to be printed.

CHARLES J. ESTY.

Mr. HAYNES also introduced a bill (H. R. 4123) granting a pension to Charles J. Esty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES F. HILDRETH.

Mr. HAYNES also introduced a bill (H. R. 4124) granting a pension to Charles F. Hildreth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M. MILTON.

Mr. HAYNES also introduced a bill (H. R. 4125) granting a pension to John M. Milton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TRIAL BY JURY OF REJECTED PENSION CLAIMS.

Mr. HAYNES also introduced a bill (H. R. 4126) to give the right of trial by jury to claimants of pensions under the laws of the United States whose applications have been rejected by the Secretary of the Interior on appeal from the decision of the Commissioner of Pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELECTION OF SENATORS.

Mr. GALLINGER (by request) introduced a bill (H. R. 4127) to amend section 14 of the Revised Statutes of the United States concerning the election of Senators; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REDUCTIONS AND CONTINGENT EXEMPTIONS OF TONNAGE DUES.

Mr. PHELPS, of New Jersey, offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be, and is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives copies of all correspondence between his office and the representatives of the Governments of Belgium, Denmark, Germany, Portugal, Sweden, and Norway relating to the claims of said governments to be accorded the reductions and contingent exemptions of tonnage dues accorded to vessels entering ports of the United States from certain ports named in section 14 of the shipping act, approved June 26, 1884, together with copies of any correspondence with the Attorney-General of the United States and with the Secretary of the Treasury relating thereto.

SURVIVORS OF THE JEANNETTE.

Mr. McADOO introduced a bill (H. R. 4128) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTIN M'NAMARA.

Mr. McADOO also introduced a bill (H. R. 4129) for the relief of Martin McNamara, alias Martin Mack; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST & M'CORD.

Mr. McADOO also introduced a bill (H. R. 4130) for the relief of Post & McCord; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMUEL C. PECK, JR.

Mr. GREEN, of New Jersey, introduced a bill (H. R. 4131) for the relief of Samuel C. Peck, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. JOHNSON.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 4132) for the relief of Mary E. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY H. DE HART.

Mr. GREEN, of New Jersey, also introduced a bill (H. R. 4133) granting a pension to Mary H. De Hart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET CALLANAN.

Mr. LEHLBACH introduced a bill (H. R. 4134) for the relief of Margaret Callanan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA A. GOLSTON.

Mr. BUCHANAN introduced a bill (H. R. 4135) for the relief of Julia A. Golston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA M. THOMAS.

Mr. BUCHANAN also introduced a bill (H. R. 4136) granting a pension to Anna M. Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRINTING OF MONETARY CONFERENCE DOCUMENTS.

Mr. JAMES introduced a joint resolution (H. Res. 87) providing for the printing and distribution of documents of the monetary conferences of 1878 and 1881; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

GEORGE W. REVERE.

Mr. JAMES also introduced a bill (H. R. 4137) for the relief of George W. Revere; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BUTLER & PITKIN.

Mr. JAMES also introduced a joint resolution (H. Res. 88) for the relief of the late firm of Butler & Pitkin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEES AND TAXES ON INVOICES.

Mr. BELMONT introduced a bill (H. R. 4138) to limit the exaction of fees or the levy of taxes for the consular verification and anthentication of invocies; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

THOMAS SAMPSON.

Mr. BELMONT also introduced a bill (H. R. 4139) for the relief of Thomas Sampson; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CAPT. ANDREW W. JOHNSON.

Mr. BELMONT also introduced a bill (H. R. 4140) for the relief of Capt. Andrew W. Johnson; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

GEORGE CONWAY.

Mr. BELMONT also introduced a bill (H. R. 4141) for the relief of George Conway; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL W. FRANCIS.

Mr. BELMONT also introduced a bill (H. R. 4142) for the relief of Samuel W. Francis; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARGARET MADDEN.

Mr. BELMONT also introduced a bill (H. R. 4143) for the relief of Margaret Madden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CURRENCY.

Mr. BEACH introduced a bill (H. R. 4144) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

MARIA KILE.

Mr. BEACH also introduced a bill (H. R. 4145) granting a pension to Maria Kile; which was read a first and second time; referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. BEACH also introduced a bill (H. R. 4146) to amend section 1556 of the Revised Statutes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

ANGELINE M. POWERS.

Mr. MILLARD introduced a bill (H. R. 4147) for the relief of Angeline M. Powers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMOS C. HUNT.

Mr. MILLARD also introduced a bill (H. R. 4148) for the relief of Amos C. Hunt; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MINERVA ANDREWS.

Mr. MILLARD also introduced a bill (H. R. 4149) granting a pension to Minerva Andrews; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. SWINBURNE introduced a bill (H. R. 4150) for the relief of soldiers and sailors who have become blind since discharge from the service; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE L. SNOW.

Mr. SWINBURNE also introduced a bill (H. R. 4151) for the relief of Catherine L. Snow, widow of Capt. Henry E. Snow, and to increase her pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REIMBURSEMENT TO PRISONERS OF WAR.

Mr. SWINBURNE also introduced a bill (H. R. 4152) to reimburse certain prisoners of war captured during the rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM STANTON AND JOHN B. DOYLE.

Mr. SWINBURNE also introduced a bill (H. R. 4153) to reimburse William Stanton and John B. Doyle for money expended in removing sand, earth, and reefs in the Hudson River, New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDINGS IN THE DISTRICT OF COLUMBIA, ETC.

Mr. SWINBURNE also submitted the following resolution; which was referred to the Committee on Ventilation and Acoustics:

Resolved, That the Committee on Ventilation and Acoustics be, and hereby is, authorized to extend its investigations to all public buildings owned or occupied by the Government in the District of Columbia, and to report, by bill or otherwise, at any time, such alterations to buildings now in use or in course of construction, or for the erection of such new buildings, as, in its judgment, the health and comfort of those employed by the Government or those dependent upon its protection require. Also, what additional powers and authority, if any, should be conferred on the present medical officers of the Government to prevent the introduction or spread of contagious diseases among the people or among animals imported from abroad or produced in this country for human food.

UNITED STATES PRISON.

Mr. SWINBURNE also introduced a bill (H. R. 4154) for the erection of a United States prison and for the imprisonment of United States prisoners, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATHANIEL M'KAY AND OTHERS.

Mr. TIMOTHY J. CAMPBELL introduced a bill (H. R. 4155) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrence, Snowden & Mason, and the executors of Donald McKay, the Atlantic Works, Jeremiah Simeson, and Curtis & Tilden; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF TOBACCO TAXES.

Mr. HISCOCK introduced a bill (H. R. 4156) repealing all internal-revenue taxes on domestic tobacco and relating to the duties on leaf-tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

JAMES A. WILCOX.

Mr. HISCOCK also introduced a bill (H. R. 4157) to relieve James A. Wilcox, a private in the Fifteenth Regiment New York Volunteer Cavalry, from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PROHIBITION OF POOL SELLING, ETC., IN THE DISTRICT.

Mr. SESSIONS introduced a bill (H. R. 4158) to prohibit pool selling and gaming in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. FARQUHAR introduced a joint resolution (H. Res. 89) providing for the distribution of the Official Register of the United States; which was read a first and second time, referred to the Joint Committee on Printing, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (S. 471) to provide for the performance of the duties of President in case of the removal, death, resignation, or inability both of the President and Vice-President; when the Speaker signed the same.

DEFECTS OF JUDICIAL SYSTEM.

Mr. DOWDNEY (by request) introduced a bill (H. R. 4159) to provide for the appointment of three commissioners to take into consideration the defects in the present judicial system of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

IDA A. TAYLOR.

Mr. PARKER introduced a bill (H. R. 4160) for the relief of Ida A. Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN RICHARDSON.

Mr. PARKER also introduced a bill (H. R. 4161) for the relief of John Richardson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CONVEYANCE OF ALLEY.

Mr. SPRIGGS introduced a bill (H. R. 4162) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west between lots 6 and 7 in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

DR. WILLIAM H. SHEFFIELD.

Mr. DAVENPORT introduced a bill (H. R. 4163) granting a pension to Dr. William H. Sheffield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. H. HUSON.

Mr. DAVENPORT also introduced a bill (H. R. 4164) for the relief of W. H. Huson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MALINDA STEDWELL.

Mr. DAVENPORT also introduced a bill (H. R. 4165) granting a pension to Malinda Stedwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE S. TODD.

Mr. VIELE introduced a bill (H. R. 4166) to increase the pension of Catherine S. Todd; which was read a first second and time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY G. WALKER.

Mr. PINDAR introduced a bill (H. R. 4167) granting a pension to Mary G. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. LEE.

Mr. KETCHAM introduced a bill (H. R. 4168) amending an act (H. R. 1073, Forty-eighth Congress, first session) to rate the pension of William J. Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERM OF OFFICE.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 4169) to prescribe a term of office for persons employed in the civil service; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

APPORTIONMENT OF CIVIL OFFICES.

Mr. HENDERSON, of North Carolina, also introduced a bill (H. R. 4170) to provide for the apportionment of appointments to the public service among the several Congressional districts upon the basis of population; which was read a first and second time, referred to the Select Committee on Reform in the Civil Service, and ordered to be printed.

ADULTERATION.

Mr. GREEN, of North Carolina, introduced a bill (H. R. 4171) to check frauds in the make-up of articles of diet, drink, and medicine; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SALE OF COUNTERFEIT BUTTER.

Mr. GREEN, of North Carolina, also introduced a bill (H. R. 4172)

to prevent a counterfeit or imitation article being sold as genuine butter; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

COMPENSATION AND MILEAGE IN CONTESTED-ELECTION CASES.

Mr. GREEN, of North Carolina, also introduced a bill (H. R. 4173) to regulate compensation and mileage in contested-election cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLERK TO COMMITTEE ON VENTILATION.

Mr. GREEN, of North Carolina, also submitted a resolution authorizing the Select Committee on Ventilation and Acoustics to employ a clerk; which was referred to the Committee on Accounts.

RETIREMENT OF CERTAIN ARMY OFFICERS.

Mr. COX introduced a bill (H. R. 4174) for the retirement of Army officers in certain cases; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ADDITIONAL LIFE-SAVING STATION, NORTH CAROLINA.

Mr. SKINNER introduced a bill (H. R. 4175) for establishing an additional life-saving station on the coast of North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ABEL COMSTOCK.

Mr. SENEY introduced a bill (H. R. 4176) to grant an increase of pension to Abel Comstock, late a private in Company C, Twenty-first Regiment Ohio Veteran Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DOMESTIC MONEY-ORDERS.

Mr. WARNER, of Ohio, introduced a bill (H. R. 4177) to reduce the fee on domestic money-orders on sums not exceeding $5; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

PRESIDENTIAL ELECTION TO FILL VACANCY.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 4178) to provide for the election of a President in certain contingencies; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

AMENDMENT TO PENSION LAWS.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 4179) to regulate the granting of pensions in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. WARNER, of Ohio, also submitted a resolution providing for the appointment of a special committee to examine and report upon the jetties at the mouth of the Mississippi and the various works of the Mississippi River Commission; which was referred to the Committee on Rules.

JOHN M. HIGGINS.

Mr. THOMPSON introduced a bill (H. R. 4180) for the relief of John M. Higgins; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, IRONTON, OHIO.

Mr. THOMPSON also introduced a bill (H. R. 4181) providing for the erection of a public building at Ironton, Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MARTIN BARRINGER.

Mr. LE FEVRE introduced a bill (H. R. 4182) to amend the military record of Martin Barringer, late of Companies I and K, Fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANK GRAY.

Mr. BUTTERWORTH introduced a bill (H. R. 4183) granting a pension to Frank Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. G. HUSTON & CO.

Mr. BUTTERWORTH also introduced a bill (H. R. 4184) for the relief of R. G. Huston & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM ELDER.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 4185) for the relief of William Elder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH COLES.

Mr. WILKINS introduced a bill (H. R. 4186) granting a pension to Sarah Coles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, WASHINGTON, D. C.

Mr. WILKINS (by request) also introduced a bill (H. R. 4187) to purchase a site and erect thereon a public building in the city of Washington for a city post-office, and for other purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANNA DE LONG.

Mr. WILKINS also introduced a bill (H. R. 4188) granting a pension to Anna De Long; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BOYLE & ROACH.

Mr. BROWN, of Ohio, introduced a bill (H. R. 4189) for the relief of Messrs. Boyle & Roach, contractors for work on the Saint Mary's Falls Canal, in Michigan; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MINNIE HARMON.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4190) granting a pension to Minnie Harmon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANNA M. WEHE.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4191) granting a pension to Anna M. Wehe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH R. HULL.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4192) granting a pension to Elizabeth R. Hull; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BAUER.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4193) granting a pension to Elizabeth Bauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARGARET WADSWORTH.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4194) granting a pension to Margaret Wadsworth, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MINERVA E. SWEENEY.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4195) granting a pension to Minerva E. Sweeney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HIRAM D. ROGERS.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4196) for the relief of Hiram D. Rogers, of Cincinnati, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENOCH JACOBS.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4197) to compensate Enoch Jacobs for services rendered to the Department of State; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

Mr. BROWN, of Ohio, also introduced a bill (H. R. 4198) for the relief of Enoch Jacobs, United States consul at Montevideo; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM B. JACOBS.

Mr. ELLSBERRY introduced a bill (H. R. 4199) granting a pension to William B. Jacobs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMER A. JOHNSON.

Mr. ELLSBERRY also introduced a bill (H. R. 4200) granting a pension to Elmer A. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER CALDWELL.

Mr. ELLSBERRY also introduced a bill (H. R. 4201) granting a pension to Peter Caldwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M'CLANNAHAN.

Mr. ELLSBERRY also introduced a bill (H. R. 4202) granting a pension to Thomas McClannahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES WHITE.

Mr. IKE H. TAYLOR introduced a bill (H. R. 4203) granting a pension to Charles White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATRICK O'BRIEN.

Mr. ANDERSON, of Ohio, introduced a bill (H. R. 4204) granting a

pension to Patrick O'Brien; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY MADDEN.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 4205) granting a pension to Henry Madden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN M'GRAW.

Mr. ANDERSON, of Ohio, also introduced a bill (H. R. 4206) granting a pension to John McGraw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NOAH REID.

Mr. HILL introduced a bill (H. R. 4207) granting a pension to Noah Reid, late Company I, Forty-ninth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA HARPER.

Mr. HILL also introduced a bill (H. R. 4208) granting a pension to Joshua Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER M'CONKEY.

Mr. HILL also introduced a bill (H. R. 4209) to restore Alexander McConkey to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. GRANT.

Mr. HILL (by request) also introduced a bill (H. R. 4210) for the relief of William S. Grant; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. DELILAH COPELAND.

Mr. GROSVENOR (by request) introduced a bill (H. R. 4211) for the relief of Mrs. Delilah Copeland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS H. BARRETT.

Mr. FORAN introduced a bill (H. R. 4212) granting a pension to Thomas H. Barrett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH CRAIG.

Mr. McKINLEY (by Mr. LITTLE) introduced a bill (H. R. 4213) for the relief of Joseph Craig; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED C. PONTIUS.

Mr. McKINLEY (by Mr. LITTLE) also introduced a bill (H. R. 4214) for the relief of Alfred C. Pontius; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIAS HAINE.

Mr. McKINLEY (by Mr. LITTLE) also introduced a bill (H. R. 4215) for the relief of Elias Haine; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN H. JONES AND THOMAS D. HARRIS.

Mr. McKINLEY (by Mr. LITTLE) also introduced a bill (H. R. 4216) for the relief of John H. Jones and Thomas D. Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH S. FOGLE.

Mr. McKINLEY also introduced a bill (H. R. 4217) granting a pension to Sarah S. Fogle, widow of Evans D. Fogle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INABILITY OF THE PRESIDENT.

Mr. LITTLE introduced a bill (H. R. 4218) supplementary to the act entitled "An act to provide for the performance of the duties of President in case of the removal, death, resignation, or inability of both the President and Vice-President," and to provide a mode of ascertaining when an "inability" of the President to discharge the powers and duties of his office exists; which was read a first and second time, referred to the Committee on the Election of President and Vice-President, and ordered to be printed.

CLERK TO COMMITTEE ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. CAMPBELL, of Ohio, offered a resolution granting a clerk to the Select Committee on Alcoholic Liquor Traffic; which was referred to the Committee on Accounts.

DANIEL JACKS.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 4219) granting a pension to Daniel Jacks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH ENDERS.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 4220) for the relief of Elizabeth Enders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AGRICULTURAL SCHOOLS.

Mr. HERMAN presented a memorial of the Legislature of Oregon, for the passage of the Cullom bill in view of its great advantage to agricultural schools in America, especially the Agricultural College of Oregon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JASPER W. JOHNSON.

Mr. HERMAN also introduced a bill (H. R. 4221) for the relief of Jasper W. Johnson for services rendered and to pay him therefor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. BRAMLETT.

Mr. HERMAN also introduced a bill (H. R. 4222) granting an increase of pension to William H. Bramlett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS OF LAND GRANTS FOR MILITARY WAGON-ROADS, OREGON.

Mr. HERMAN also offered the following resolution; which was referred to the Committee on Military Affairs:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House, if not incompatible with the public interests, how much of those certain grants of lands to the State of Oregon to aid in the construction of the military wagon-roads has been patented to the assignees of said State, and how much, if any, remains unpatented, with the reasons for not patenting the same, together with the names of the said respective assignees of said lands; and, further, whether any investigation has ever been made by the Department of the Interior as to the compliance or non-compliance by said assignees with the conditions of those certain grants to said State by act of Congress approved July 2, 1864, to aid in the construction of a military wagon-road from Eugene City, in said State, to the eastern boundary thereof, and by act of Congress approved July 5, 1866, to aid in the construction of a military wagon-road from Dallas city, in Oregon, by the way of Camp Watson, Canyon City, and Mormon or Humboldt Basin, to a point on Snake River opposite Fort Boisé, in Idaho Territory, and the facts obtained by said investigation, if any; and also whether the further approval of selections and assurances of patents has been and is now suspended by the said Department of the Interior, and what action, if any, has been adopted by said Department as to how much of said grants patented and in which there has been a non-compliance with the conditions thereof.

LAND GRANT TO NORTHERN PACIFIC RAILROAD.

Mr. HERMAN also introduced a bill (H. R. 4223) restoring to the United States certain of the lands granted to the Northern Pacific Railroad Company to aid in the construction of a railroad from Lake Superior to Puget Sound, and to restore the same to settlement, from Wallula to Portland, and to protect rights of settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

RIGHT OF WAY ON EMBANKMENT, COLUMBIA RIVER, OREGON.

Mr. HERMAN also presented a memorial of the Legislature of Oregon, for right of way on embankment of Columbia River, in Oregon, along the side of cascades, locks, and canals, for passage of people and goods, between the upper and lower navigable waters in said Columbia River; which was referred to the Committee on Rivers and Harbors.

INTERNAL IMPROVEMENTS IN OREGON.

Mr. HERMAN also presented a memorial of the Oregon Legislature, asking for appropriations to continue work now in progress at the mouth of Columbia River, in Oregon and Washington Territory; which was referred to the Committee on Rivers and Harbors.

Mr. HERMAN also presented a memorial of the Oregon Legislature, for improvement of Umpqua River to Elkton, in Oregon, and for surveys of the same; which was referred to the Committee on Rivers and Harbors.

Mr. HERMAN also presented a memorial of the Oregon Legislature, for survey of Siuslaw Bay and bar and construction of jetty and lighthouse; which was referred to the Committee on Rivers and Harbors.

Mr. HERMAN also presented a memorial of the Oregon Legislature, asking for examination and survey of Wood and Link Rivers at Klamath Lake, in Oregon, with a view to construction of locks and dams in said Link River to connect Upper and Lower Klamath Lakes for navigation from Fort Klamath into California; which was referred to the Committee on Rivers and Harbors.

SILETZ INDIAN RESERVATION.

Mr. HERMAN also presented a memorial of the Oregon Legislature, asking that the northern portion of the Siletz Indian reservation be set apart for settlement; which was referred to the Committee on Indian Affairs.

MILITARY WAGON-ROAD GRANTS.

Mr. HERMAN also presented a memorial of the Oregon Legislature, asking for legislation to investigate alleged fraudulent selection, location, and patenting of those military wagon-road grants from Eugene City to eastern boundary of Oregon; and also that one from Dallas city, in Oregon, by way of Camp Watson, Canyon City, and Morrison Basin,

to Snake River, opposite Fort Boise, in Idaho Territory; which was referred to the Committee on Military Affairs.

FISH HATCHERY IN OREGON.

Mr. HERMAN also presented a memorial of the Oregon Legislature for the establishment of a fish-hatchery on Clackamas River in Oregon; which was referred to the Committee on Commerce.

AMANDA RODGERS.

Mr. SWOPE introduced a bill (H. R. 4224) for the relief of Amanda Rodgers, widow of Matthew B. Rodgers, Company C, First Regiment United States Dragoons, Seminole war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SYDNEY KEMPTON.

Mr. SWOPE also introduced a bill (H. R. 4225) granting an increase of pension to Sydney Kempton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL KITZMILLER.

Mr. SWOPE also introduced a bill (H. R. 4226) for the relief of Samuel Kitzmiller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ANNA HOUGHTELIN.

Mr. SWOPE also introduced a bill (H. R. 4227) for the relief of Mrs. Anna Houghtelin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB JOHNSON.

Mr. SWOPE also introduced a bill (H. R. 4228) for the relief of Jacob Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLOTTE ALGIER.

Mr. SWOPE also introduced a bill (H. R. 4229) granting a pension to Charlotte Algier, widow of Samuel Algier; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REIMBURSEMENT OF CITIZENS OF ALLEGHENY, PA.

Mr. NEGLEY introduced a bill (H. R. 4230) to reimburse certain citizens of Allegheny County, Pennsylvania, for money advanced to prevent a permanent obstruction to the navigation of the Ohio River; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

TEN-HOUR LAW.

Mr. NEGLEY also introduced a bill (H. R. 4231) constituting ten hours a day's work for all conductors and drivers employed on the street railways in operation within the District of Columbia; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. NEGLEY also introduced a bill (H. R. 4232) to reimburse the National Home for Disabled Volunteer Soldiers for losses incurred through the failure of the Exchange National Bank of Norfolk, Va., and for other purposes; which was read a first and second time.

Mr. NEGLEY. I move that bill be referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. Under the new rules it should go to the Committee on Claims.

Mr. NEGLEY. I think it would be more appropriately referred to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The rules provide all claims against the United States should go to the Committee on Claims.

Mr. NEGLEY. This contemplates further legislation; and I ask by unanimous consent it be referred to the Committee on Military Affairs.

There was no objection, and the bill was referred to the Committee on Military Affairs, and ordered to be printed.

EXPENSES OF ELECTION OF MEMBERS OF CONGRESS.

Mr. OSBORNE introduced a bill (H. R. 4233) to define the necessary and proper expenses incident to the nomination and election or appointment of Senators and Representatives in the Congress of the United States and to authorize the payment thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWARD W. HORN.

Mr. SOWDEN introduced a bill (H. R. 4234) granting an increase of pension to Edward W. Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MEDALS OF HONOR TO PENNSYLVANIA VOLUNTEER SOLDIERS.

Mr. SOWDEN also introduced a bill (H. R. 4235) directing the Secretary of the Treasury to prepare medals of honor to be bestowed upon certain Pennsylvania volunteer soldiers of the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ROBERT HEDIAN.

Mr. STORM introduced a bill (H. R. 4236) for the relief of Robert Hedian; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

AUGUST W. BALLARD.

Mr. STORM also introduced a bill (H. R. 4237) for the relief of August W. Ballard; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN MANNING.

Mr. BUNNELL introduced a bill (H. R. 4238) granting a pension to John Manning, Company C, Two hundred and third Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF CHARGE OF DESERTION.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 4239) to remove the charge of desertion from the military record of Joseph P. Swope, late a member of Company A, Eleventh Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

BENJAMIN F. JAMISON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4240) for the relief of Benjamin F. Jamison; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT SCRANTON, PA.

Mr. SCRANTON introduced a bill (H. R. 4241) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," approved July 27, 1882; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JUDICIAL PROCEEDINGS.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 4242) to provide for the adjustment of matters connected with certain judicial proceedings in Pennsylvania in which the United States was a party; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KENSINGTON AND TACONY RAILROAD COMPANY.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 4243) granting the right of way to the Kensington and Tacony Railroad Company through the arsenal grounds at Bridesburg, Philadelphia, Pa.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LIEUTENANTS MARINE CORPS.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 4244) giving to lieutenants of the United States Marine Corps, who have served as such for a period of fifteen years or more, the rank, pay, and emoluments of captains; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES L. SELFRIDGE.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 4245) for the relief of James L. Selfridge; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

FRANK HEINLEIN.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 4246) for the relief of Frank Heinlein, of Washington, D. C.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ENLARGEMENT OF THE PHILADELPHIA MINT.

Mr. O'NEILL, of Pennsylvania, also submitted the following resolution; which was referred to the Committee on Public Buildings and Grounds:

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives in what manner the United States Mint at Philadelphia could be enlarged by building upon the unoccupied ground appertaining to the site of the present building, and to furnish information of the cost thereof and of the cost of the purchase of sufficient ground adjoining the said building on the west, if it be necessary to purchase more ground for the purpose of said enlargement, so that the accommodations for carrying on the business in the said mint may be so improved as to afford greater facilities than now exist therein.

ESTHER A. REYNOLDS.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 4247) granting a pension to Esther A. Reynolds, widow of Thomas H. Reynolds, sutler Seventy-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. ORR.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4248) to place the name of John G. Orr on the rolls of company A, Seventy-

eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. STEWART.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4249) to increase the pension of John A. Stewart, late private Company A, Sixty-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALLISON LOUDERBACH.

Mr. BAYNE (by request) introduced a bill (H. R. 4250) granting a pension to Allison Louderbach; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. JACOBS.

Mr. HIESTAND introduced a bill (H. R. 4251) granting a pension to John L. Jacobs, second lieutenant One hundred and eighty-fourth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL W. BALMER.

Mr. HIESTAND also introduced a bill (H. R. 4252) to grant an additional pension to Daniel W. Balmer, of Company I, Eleventh Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXTENSION OF PHILADELPHIA MINT.

Mr. BLAND. Mr. Speaker, I rise to make a parliamentary inquiry. I understand the gentleman from Pennsylvania [Mr. O'NEILL] has introduced a bill to enlarge the Mint in Philadelphia, which was referred to the Committee on Public Buildings and Grounds. I wish to state, if this information is correct, that heretofore these bills have been referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania did not introduce a bill, but a resolution of inquiry, addressed to the Secretary of the Treasury; and he asked from his place on the floor, as he had a right to do, that the resolution of inquiry should be referred to the Committee on Public Buildings and Grounds, which was done without objection. It was merely a resolution of inquiry.

Mr. BLAND. I have no objection to that.

Mr. O'NEILL, of Pennsylvania. And let me state to the gentleman that when the answer comes back from the Treasury Department I shall have no objection to letting that information go to the Committee on Coinage, Weights, and Measures.

JOHN HENRY TILLEY.

Mr. SPOONER introduced a bill (H. R. 4253) for the relief of John H. Tilley; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

COTTON CLAIMS.

Mr. DARGAN introduced a bill (H. R. 4254) enabling owners of cotton seized during the late war between the States, or the legal representatives of such owners, to apply to the Court of Claims for relief; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PEACE ARBITRATION.

Mr. PETTIBONE introduced a bill (H. R. 4255) to promote peace among the nations by the establishment of an international tribunal or some fixed principle of arbitration; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. PETTIBONE. I desire to say, Mr. Speaker, that I introduce that by request of the American Arbitration League, and also with my own hearty concurrence.

AMENDMENT OF PENSION LAWS.

Mr. PETTIBONE also introduced a bill (H. R. 4256) to amend section 4695 of the Revised Statutes relating to invalid pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM D. O'BRIEN.

Mr. PETTIBONE also introduced a bill (H. R. 4257) for the relief of William D. O'Brien; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL BIRD.

Mr. PETTIBONE also introduced a bill (H. R. 4258) for the relief of Samuel Bird; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

Z. L. CHANDLER.

Mr. PETTIBONE also introduced a bill (H. R. 4259) granting a pension to Z. L. Chandler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY LINEBAUGH.

Mr. PETTIBONE also introduced a bill (H. R. 4260) for the relief of Henry Linebaugh, late of Company A, Third Tennessee Mounted Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JORIAL ONKST.

Mr. PETTIBONE also introduced a bill (H. R. 4261) granting a pension to Jorial Onkst; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WINIFRED SAMS.

Mr. PETTIBONE also introduced a bill (H. R. 4262) granting a pension to Winifred Sams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NELSON M'LAUGHLIN.

Mr. PETTIBONE also introduced a bill (H. R. 4263) for the relief of Nelson McLaughlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT BURCHFIELD.

Mr. PETTIBONE also introduced a bill (H. R. 4264) for the relief of Robert Burchfield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSIAH MAHONEY.

Mr. PETTIBONE also introduced a bill (H. R. 4265) granting a pension to Josiah Mahoney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DR. JOHN W. HARTMAN.

Mr. PETTIBONE also introduced a bill (H. R. 4266) for the relief of Dr. John W. Hartman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES WHITE.

Mr. PETTIBONE also introduced a bill (H. R. 4267) for the relief of James White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOHN D. RILEY.

Mr. PETTIBONE also introduced a bill (H. R. 4268) for the relief of the estate of John D. Riley, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAPHINA DUKES.

Mr. PETTIBONE also introduced a bill (H. R. 4269) for the relief of Saraphina Dukes, widow of Alexander Dukes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBIRA TRENT.

Mr. PETTIBONE also introduced a bill (H. R. 4270) granting a pension to Albira Trent and minor children; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS PEMBERTON.

Mr. PETTIBONE also introduced a bill (H. R. 4271) for the relief of Thomas Pemberton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 4272) for the relief of Elizabeth Bray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH BRAY.

Mr. PETTIBONE also introduced a bill (H. R. 4273) for the relief of Elizabeth Bray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE P. HARTMAN.

Mr. PETTIBONE also introduced a bill (H. R. 4274) for the relief of Jesse P. Hartman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM J. SMITH.

Mr. ZACH. TAYLOR (by Mr. PETTIBONE) introduced a bill (H. R. 4275) for the relief of William J. Smith, late collector of customs for the port of Memphis, State of Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN C. BUCKNER.

Mr. HOUK (by Mr. PETTIBONE) introduced a bill (H. R. 4276) for the relief of John C. Buckner, of Union County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M'CULLOUGH.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4277) for the relief of John McCullough, of Maryville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES C. KEITH.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4278) granting a pension to James C. Keith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY THOMPSON.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4279) granting a pension to Henry Thompson, of Clinton, Tenn.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN HUTCHESON.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4280) granting a pension to John Hutcheson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES HALE.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4281) granting relief to James Hale, of Maryville, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH HARTMAN.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4282) granting a pension to Joseph Hartman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS SNODERLY.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4283) granting a pension to Lewis Snoderly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN R. DUNSMORE.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4284) granting a pension to Franklin R. Dunsmore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERILL HAMBLIN.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4285) granting a pension to Terill Hamblin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. C. NELSON.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4286) granting a pension to John W. C. Nelson, Company G, Tenth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY J. FREELS.

Mr. HOUK (by Mr. PETTIBONE) also introduced a bill (H. R. 4287) to grant a pension to Nancy J. Freels, widow of Pleasant M. Freels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN SCOTT.

Mr. MCMILLIN (by request) introduced a bill (H. R. 4288) for the relief of John Scott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ATHA L. ISENBERY.

Mr. MCMILLIN also introduced a bill (H. R. 4289) for the relief of Atha L. Isenbery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT STANTON.

Mr. MCMILLIN also introduced a bill (H. R. 4290) for the relief of Albert Stanton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER J. DRUMRIGHT.

Mr. RICHARDSON introduced a bill (H. R. 4291) for the relief of Alexander J. Drumright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA L. RUSSELL AND OTHERS.

Mr. RICHARDSON also introduced a bill (H. R. 4292) for the relief of Martha L. Russell, Mary A. Howse, and Lulu H. Howse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLAIMS FOR ARMY SUPPLIES.

Mr. RICHARDSON also introduced a bill (H. R. 4293) in relation to the examination of claims for army supplies; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVES OF MRS. L. BIVENS, DECEASED.

Mr. RICHARDSON also introduced a bill (H. R. 4294) for the relief of the legal representatives of Mrs. L. Bivens, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

D. J. FRANKLIN.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 4295) for the relief of D. J. Franklin, of McNairy County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEBRON SMOTHERS.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4296) for the relief of Sebron Smothers, Company E, Seventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF EATON BOND.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4297) for the relief of the heirs at law of Eaton Bond, deceased, of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. A. DIETRICH.

Mr. LANHAM (by request) introduced a bill (H. R. 4298) granting a pension to C. A. Dietrich; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN KOUNS.

Mr. LANHAM (by request) also introduced a bill (H. R. 4299) for the relief of John Kouns; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CYRENUS BEERS AND VAIL & ROBINSON.

Mr. WELLBORN introduced a bill (H. R. 4300) for the relief of Cyrenus Beers, or his personal representatives, and also the personal representatives of Vail & Robinson; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

FRED. PHILLIPS.

Mr. WELLBORN also introduced a bill (H. R. 4301) for the relief of Fred. Phillips; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FIRST, SECOND, AND THIRD VICE-PRESIDENTS.

Mr. CRAIN (by Mr. MILLER) introduced a joint resolution (H. Res. 90) proposing amendments to the Constitution of the United States creating the offices of first Vice-President, second Vice-President, and third Vice-President, defining their respective powers and duties, and providing for the election of a President and of three Vice-Presidents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

THOMAS LITTLE.

Mr. SAYERS introduced a bill (H. R. 4302) to authorize the restoration of Thomas Little to the rank of captain; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS GILBEAU.

Mr. SAYERS also introduced a bill (H. R. 4303) for the relief of the legal representatives of Francis Gilbeau; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMENDMENT OF LAW IN RELATION TO TAKING DEPOSITIONS.

Mr. CULBERSON introduced a bill (H. R. 4304) to amend section 863 of the Revised Statutes relating to the mode of taking depositions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RIGHT OF ACTION IN CERTAIN CASES IN COURT OF CLAIMS.

Mr. CULBERSON also introduced a bill (H. R. 4305) to revive and extend the right of action in the Court of Claims in certain cases; which was read a first and second time, referred to the Committee on the Judiciary and ordered to be printed.

REVISED STATUTES.

Mr. TUCKER submitted the following resolution; which was referred to the Committee on the Judiciary:

Resolved, That the Secretary of State be requested, if convenient, to transmit to the House, to be placed in its library, 100 copies of the second edition of the Revised Statutes of the United States, with supplement thereto.

PAY DIRECTOR, UNITED STATES NAVY.

Mr. O'FERRALL introduced a bill (H. R. 4306) to authorize the President of the United States to nominate and, with the advice and consent of the Senate, to appoint one pay inspector, now on the retired-list of the Navy, a pay director on the retired-list of the Navy without increase of pay; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PAY INSPECTOR JAMES W. CARPENTER, UNITED STATES NAVY.

Mr. O'FERRALL also introduced a bill (H. R. 4307) for the relief

of Pay Inspector James W. Carpenter, of the United States Navy, retired; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

STEAM-ENGINEERING.

Mr. WISE introduced a bill (H. R. 4308) to regulate steam-engineering in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

HEIRS AT LAW OF JAMES W. SEARS.

Mr. WISE (by request) also introduced a bill (H. R. 4309) for the relief of the heirs at law of James W. Sears, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS AT LAW OF REBECCA SEARS.

Mr. WISE (by request) also introduced a bill (H. R. 4310) for the relief of the heirs at law of Rebecca Sears; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE W. JAMISON.

Mr. WISE (by request) also introduced a bill (H. R. 4311) for the relief of George W. Jamison; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

REPEAL OF INTERNAL-REVENUE TAXES.

Mr. WISE also presented a memorial of the General Assembly of the State of Virginia, instructing Senators and requesting Representatives from that State to vote for repeal of all laws imposing internal-revenue taxes; which was referred to the Committee on Ways and Means.

SEWELL B. CORBETT.

Mr. BARBOUR introduced a bill (H. R. 4312) for the relief of Sewell B. Corbett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET POLAND.

Mr. BARBOUR also introduced a bill (H. R. 4313) for the relief of Margaret Poland, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT L. BROCKETT.

Mr. BARBOUR also introduced a bill (H. R. 4314) for the relief of Robert L. Brockett, executor of Robert Brockett; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF WILLIAM FALLS.

Mr. BARBOUR also introduced a bill (H. R. 4315) for the relief of the heirs of William Falls; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN HENRY HARROVER.

Mr. BARBOUR also introduced a bill (H. R. 4316) for the relief of John Henry Harrover; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4317) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

METROPOLITAN RAILROAD COMPANY, DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) also introduced a bill (H. R. 4318) to amend the charter of the Metropolitan Railroad Company; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JACOB HARMON.

Mr. WILSON introduced a bill (H. R. 4319) granting a pension to Jacob Harmon, late a member of the West Virginia State Scouts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEGAL REPRESENTATIVES OF WILLIAM ELLIOTT.

Mr. WILSON also introduced a bill (H. R. 4320) for the relief of the legal representatives of William Elliott, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THEOPHILUS MOORE.

Mr. WILSON also introduced a bill (H. R. 4321) granting a pension to Theophilus Moore, late of Company C, Seventh West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. MARY A. INSKEEP.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 4322) granting a pension to Mrs. Mary A. Inskeep; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

H. H. SMITH.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4323) restoring to the pension-rolls and granting back pay to H. H. Smith, a captain in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM H. CYRUS.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4324) granting a pension to William H. Cyrus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SIMON STUMP.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4325) for the relief of Simon Stump; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. WESTFALL.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4326) for the relief of A. Westfall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM DANIEL.

Mr. SNYDER (by Mr. WILSON) introduced a bill (H. R. 4327) granting a pension to William Daniel; which was read a first and second time, referred to the Commitee on Invalid Pensions, and ordered to be printed.

JOHN BENNETT.

Mr. SNYDER (by Mr. WILSON) also introduced a bill (H. R. 4328) granting a pension to John Bennett; which was read a first and second time; referred to the Committee on Invalid Pensions, and ordered to be printed.

ELMORE HYRE.

Mr. SNYDER (by Mr. WILSON) also introduced a bill (H. R. 4329) granting a pension to Elmore Hyre; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL K. LEMASTERS.

Mr. GOFF introduced a bill (H. R. 4330) granting a pension to Samuel K. Lemasters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN MARTIN.

Mr. GOFF also introduced a bill (H. R. 4331) granting a pension to Reuben Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIAS THOMAS.

Mr. GOFF also introduced a bill (H. R. 4332) granting a pension to Elias Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES J. FERRELL.

Mr. GOFF also introduced a bill (H. R. 4333) granting a pension to James J. Ferrell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. W. PHILLIPS AND OTHERS.

Mr. GOFF also introduced a bill (H. R. 4334) for the relief of H. W. Phillips, Clark Hanes, and John Beam; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING, CLARKSBURG, W. VA.

Mr. GOFF also introduced a bill (H. R. 4335) making an appropriation to continue the construction of the public building at Clarksburg, W. Va., and changing the limit of cost thereof; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM H. KIRBY.

Mr. GOFF also introduced a bill (H. R. 4336) granting a pension to William H. Kirby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. MORRIS.

Mr. GOFF also introduced a bill (H. R. 4337) granting a pension to James C. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ENDSLEY H. KERANS.

Mr. GOFF also introduced a bill (H. R. 4338) to increase the pension of Endsley H. Kerans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC BLOSS.

Mr. GOFF also introduced a bill (H. R. 4339) for the relief of Isaac Bloss; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL M. FETTY.

Mr. GOFF also introduced a bill (H. R. 4340) granting a pension to Samuel M. Fetty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANDREW T. SHELINE.

Mr. GOFF also introduced a bill (H. R. 4341) granting a pension to Andrew T. Sheline; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NIMROD M'KEE.

Mr. GOFF (by request) also introduced a bill (H. R. 4342) for the relief of Nimrod McKee, failing contractor on mail-route from Spencer, in Roane County, to Arnoldsburg, in Calhoun County, West Virginia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATHANIEL P. LEE.

Mr. GOFF (by request) also introduced a bill (H. R. 4343) granting a pension to Nathaniel Lee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDSON S. WILLIAMS.

Mr. CASWELL introduced a bill (H. R. 4344) to increase the pension of Edson S. Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN CALLIHAN.

Mr. PRICE introduced a bill (H. R. 4345) granting a pension to John Callihan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH W. PUTNEY.

Mr. PRICE also introduced a bill (H. R. 4346) granting a pension to Elijah W. Putney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID S. CLARK.

Mr. PRICE also introduced a bill (H. R. 4347) to increase the pension of David S. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PURCHASE OF CERTAIN WATER COMMUNICATION, MICHIGAN.

Mr. VAN SCHAICK introduced a bill (H. R. 4348) to purchase the land and private water communication of T. and A. Heiss, being the north eight acres of lot 1, section 33, township 23 north, of range 16 west, in the State of Michigan; which was read a first and second time, referred to the Committee on Rivers and Harbors, and ordered to be printed.

PROTECTION OF DEPOSITORS IN NATIONAL BANKS.

Mr. LA FOLLETTE introduced a bill (H. R. 4349) to protect depositors in national banks and to punish any officer of such banks who receives a deposit when said bank is insolvent; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

GEORGE B. CARTER.

Mr. LA FOLLETTE also introduced a bill (H. R. 4350) granting a pension to George B. Carter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY MILL.

Mr. LA FOLLETTE also introduced a bill (H. R. 4351) granting a pension to Henry Mill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY DÄNER.

Mr. LA FOLLETTE (by request) also introduced a bill (H. R. 4352) granting a pension to Henry Däner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM FRANKLIN GROUNDS.

Mr. BEAN introduced a bill (H. R. 4353) for the relief of William Franklin Grounds; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

P. C. DAVIS.

Mr. BEAN also introduced a bill (H. R. 4354) for the relief of P. C. Davis; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FREDERICK HOLBUNG.

Mr. BEAN also introduced a bill (H. R. 4355) for the relief of Frederick Holbung, of Pima County, Arizona, for property taken by the extension of the Pima reservation; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JUDICIAL OFFICERS, ARIZONA.

Mr. BEAN also introduced a bill (H. R. 4356) to increase the number of judges in Arizona and to increase their compensation; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ROBERT CARRICK.

Mr. BEAN also introduced a bill (H. R. 4357) for the relief of Robert Carrick, late first lieutenant Eighth Cavalry, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN E. CLARK.

Mr. BEAN also introduced a bill (H. R. 4358) for the relief of John E. Clark; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTABLISHMENT OF POST-OFFICE, ETC.

Mr. HAILEY introduced a bill (H. R. 4359) to regulate the establishing of the post-offices and mail service in the States and Territories of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

H. B. STONE AND D. E. ROUSE.

Mr. TOOLE introduced a bill (H. R. 4360) for the relief of H. B. Stone and D. E. Rouse; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALFRED WOLVERTON.

Mr. TOOLE also introduced a bill (H. R. 4361) for the relief of Alfred Wolverton; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

F. A. THOMPSON.

Mr. TOOLE also introduced a bill (H. R. 4362) for the relief of F. A. Thompson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ADMISSION OF MONTANA.

Mr. TOOLE also introduced a bill (H. R. 4363) for the admission of the State of Montana into the Union; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

CANCELMENT OF PRIVATE ENTRIES.

Mr. JOSEPH introduced a bill (H. R. 4364) defining the powers of the Commissioner of the General Land Office in respect to canceling private entries of the public domain and acquired titles to lands in the Western States and Territories; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WYOMING PROBATE COURTS.

Mr. CAREY (by request) introduced a bill (H. R. 4365) to confer upon the probate courts of Wyoming Territory additional jurisdiction; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

FORT BRIDGER MILITARY RESERVATION.

Mr. CAREY also introduced a bill (H. R. 4366) for the relief of certain settlers upon the military reservation of Fort Bridger, Wyo.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT D. A. RUSSELL.

Mr. CAREY also introduced a bill (H. R. 4367) providing for the completion of Fort D. A. Russell, Wyoming Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WYOMING SUPREME COURT.

Mr. CAREY also introduced a bill (H. R. 4368) providing for an additional associate justice of the supreme court of Wyoming Territory, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. If there be no objection the Chair will now recognize gentlemen who were absent from their seats when their States were called and who may desire to introduce bills and resolutions.

There was no objection.

WILLIAM WALTERS.

Mr. LAWLER introduced a bill (H. R. 4369) granting a pension to William Walters; which was read a first and second time, referred to the Committee on Invalid Psnsions, and ordered to be printed.

M. S. TOWNE.

Mr. HATCH introduced a bill (H. R. 4370) granting a pension to M. S. Towne; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH A. NEWLAND.

Mr. COBB introduced a bill (H. R. 4371) granting a pension to Mrs. Elizabeth A. Newland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD A. WOOD.

Mr. COBB also introduced a bill (H. R. 4372) granting a pension to Richard A. Wood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SWIFT MERCHANT STEAMSHIP.

Mr. KING (by request) introduced a bill (H. R. 4373) to provide for the construction of a merchant steamship of not less than 20 knots speed, upon new designs; which was read a first and second time, referred to the Select Committee on Ship-building and Ship-owning Interests, and ordered to be printed.

SAMUEL FROST.

Mr. NEECE introduced a bill (H. R. 4374) granting a pension to Samuel Frost; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET M. RIDER.

Mr. NEECE also introduced a bill (H. R. 4375) granting a pension to Harriet M. Rider, widow, and the minor children of Van Renselaer Rider; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF RULES.

Mr. OATES submitted the following resolution; which was read, and referred to the Committee on Rules:

Resolved, That subdivision 33 of Rule XI be amended so as to read as follows: "To the revision and codification of the statutes of the United States and the amendment of statutes other than those relating to judicial proceedings and not expressly within the jurisdiction of some other committee of the House: to the Committee on Revision of the Laws."

MINT AT SAINT LOUIS, MO.

Mr. BLAND introduced a bill (H. R. 4376) to establish a mint of the United States at Saint Louis; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

NATIONAL BANKS.

Mr. BLAND also introduced a bill (H. R. 4377) to amend section 3144 of the Revised Statutes in relation to the election of directors of national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

TEXAS JUDICIAL DISTRICTS.

Mr. LANHAM introduced a bill (H. R. 4378) to detach Hood County, Texas, from the Waco branch of northern judicial district of Texas and attach the same to the Graham branch of said district, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DANIEL JACOBS.

Mr. PETERS introduced a bill (H. R. 4379) for the relief of Daniel Jacobs; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SWAMP AND OVERFLOWED LANDS.

Mr. HITT (by request) introduced a bill (H. R. 4380) to extend the provisions of an act entitled "An act for the relief of purchasers and locators of swamp and overflowed lands, and for other purposes;" which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CONTRACT SURGEONS.

Mr. MILLIKEN introduced a bill (H. R. 4381) for the relief of contract surgeons; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN F. CHASE.

Mr. MILLIKEN also introduced a bill (H. R. 4382) to increase the pension of John F. Chase; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MURRY.

Mr. MILLIKEN also introduced a bill (H. R. 4383) granting veteran bounty to James Murry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOHN M'GARIGLE.

Mr. MILLIKEN also introduced a bill (H. R. 4384) for the relief of John McGarigle; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. M. DENNIS.

Mr. MILLIKEN also introduced a bill (H. R. 4485) granting a pension to J. M. Dennis; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM F. CLARK.

Mr. BUCK (by request) introduced a bill (H. R. 4386) granting an increase of pension to William F. Clark; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. JOSEPHINE D. HELLYER.

Mr. BROWNE, of Indiana (by request), introduced a bill (H. R. 4387) for the relief of Mrs. Josephine D. Hellyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID WARD.

Mr. GROUT introduced a bill (H. R. 4388) for the relief of David Ward; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM BRIDGES, JR.

Mr. GROUT also introduced a bill (H. R. 4389) granting a pension to William Bridges, jr.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVELYN M. LOVEJOY.

Mr. GROUT also introduced a bill (H. R. 4390) to pay Evelyn M. Lovejoy, widow of Daniel W. Lovejoy, late of Company C., Ninth Vermont Volunteers, the sum therein mentioned; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVALINA HOWLAND.

Mr. GROUT (by request) also introduced a bill (H. R. 4391) granting a pension to Evalina Howland; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD DODGE.

Mr. GROUT (by request) also introduced a bill (H. R. 4392) to restore Richard Dodge to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA N. STEVENS.

Mr. GROUT (by request) also introduced a bill (H. R. 4393) granting a pension to Joshua N. Stevens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADELINE MARSTON.

Mr. GROUT (by request) also introduced a bill (H. R. 4394) to restore Adeline Marston to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSEY MARTIN.

Mr. GROUT (by request) also introduced a bill (H. R. 4395) granting a pension to Betsey Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET E. HARRINGTON.

Mr. GROUT (by request) also introduced a bill (H. R. 4396) to pension Harriet E. Harrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JULIA SPENARD.

Mr. GROUT (by request) also introduced a bill (H. R. 4397) to pension Julia Spenard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLEN M. CHANDLER.

Mr. GROUT (by request) also introduced a bill (H. R. 4398) rerating the pension of Mrs. Ellen M. Chandler, widow of Capt. R. B. Chandler, of Company E, First Regiment Vermont Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. C. NICHOLS.

Mr. GROUT also introduced a bill (H. R. 4399) granting a pension to Capt. H. C. Nichols, First Regiment Louisiana Colored Troops; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POLLY BELDEN.

Mr. GROUT also introduced a bill (H. R. 4400) granting a pension to Polly Belden, dependent mother of Hemom Belden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GRAFTON MUNROE.

Mr. COMPTON introduced a bill (H. R. 4401) for the relief of Grafton Munroe, late postmaster at Annapolis, Md.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INSULATING SUBMARINE CABLES.

Mr. COMPTON also introduced a bill (H. R. 4402) to provide for the extension of letters patent for an improvement in insulating submarine cables; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THOMAS P. GRAY.

Mr. COMPTON also introduced a bill (H. R. 4403) for the relief of Thomas P. Gray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALBERT V. CONWAY.

Mr. COMPTON also introduced a bill (H. R. 4404) authorizing the Secretary of the Treasury to issue bonds to Albert V. Conway, substi-

tuted trustee for certain registered United States bonds redeemed or assigned by the Government upon forged assignments; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

WILLIAM F. MILLER.

Mr. PERKINS, by unanimous consent, introduced a bill (H. R. 4405) for the relief of William F. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK FORD.

Mr. GROSVENOR, by unanimous consent, introduced a bill (H. R. 4406) for the relief of Frederick Ford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHRISTOPHER C. WHITE.

Mr. McMILLIN, by unanimous consent, introduced a bill (H. R. 4407) granting a pension to Christopher C. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPT. WILLIAM H. REXFORD.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. 4408) for the relief of Capt. William H. Rexford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. BARKSDALE. The Committee on Printing, to whom was referred a resolution authorizing the printing of 25,000 extra copies of the President's message for the use of the House, have had the same under consideration, and have instructed me to recommend its passage. The estimated cost of printing the message, as recommended, is $612.

The resolution was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House.

The resolution was considered and adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DOCUMENTS FOR APPROPRIATION COMMITTEES.

Mr. BARKSDALE. I desire to make another privileged report from the Committee on Printing. That committee, to whom was referred a resolution with regard to the printing of documents for the several appropriation committees, have instructed me to report the same back with a recommendation that it be adopted.

The resolution was read, as follows:

Resolved, That all committees having jurisdiction of general appropriation bills be authorized to have printed and bound for their use such documents as they may deem necessary in connection with subjects referred to them during the present Congress.

The resolution was considered and adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEATH OF HON. REUBEN ELLWOOD.

Mr. HOPKINS. I ask unanimous consent that the hour of 1 o'clock on the 28th day of the present month be fixed as the time for considering the resolutions heretofore offered respecting the death of my esteemed predecessor in this House, Hon. REUBEN ELLWOOD.

The SPEAKER *pro tempore*. If there be no objection that order will be made.

There was no objection, and it was ordered accordingly.

MESSENGER FOR COMMITTEE ON RIVERS AND HARBORS.

Mr. DOCKERY. I desire to submit a privileged report from the Committee on Accounts.

The report was read, as follows:

The Committee on Accounts, to whom was referred the following resolution of Mr. WILLIS—

Resolved, That the Doorkeeper be, and he is hereby, requested to employ a messenger for the Committee on Rivers and Harbors at a salary of $——, to be paid out of the contingent fund of the House—

have considered the same, and offer the following as a substitute, and ask its adoption:

"*Resolved*, That the Doorkeeper of the House be, and he is hereby, authorized and directed to employ a messenger for the Committee on Rivers and Harbors until the end of the present fiscal year, with compensation at the rate of $1,000 per annum, to be paid out of the contingent fund of the House."

The question being taken on the adoption of the resolution reported by the Committee on Accounts as a substitute, there were—ayes 92, noes 29.

So the resolution was adopted.

Mr. DOCKERY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House adjourn.

CHANGES OF REFERENCE.

The SPEAKER. Pending the motion to adjourn the Chair desires to correct some erroneous references.

The bill (H. R. 2179) proposing to grant a pension to Lena Kebler for military services of her husband prior to the late war should have been referred to the Committee on Pensions instead of the Committee on Invalid Pensions.

The bill (H. R. 2763) for the relief of Hiram Haskell was referred to the Committee on Invalid Pensions when it should properly have gone to the Committee on Accounts.

The bill (H. R. 3647) for the relief of Joseph Walton & Co., was improperly referred to the Committee on War Claims instead of the Committee on Claims.

If there be no objection the references in these cases will be changed and the bills properly referred, as just indicated by the Chair.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Several members addressed the Chair.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] has moved to adjourn, and, as the Chair understands, does not withdraw the motion.

Mr. BROWNE, of Indiana. I wish to make a parliamentary inquiry. If the motion to adjourn should not prevail what would be the next business in order?

The SPEAKER. The call of committees for motions to suspend the rules, this being the third Monday of the month.

Mr. NELSON. I ask unanimous consent——

The SPEAKER. Does the gentleman from Illinois withdraw the motion to adjourn?

Mr. MORRISON. What does the gentleman from Minnesota [Mr. NELSON] propose?

Mr. NELSON. I desire to report from the Committee on Indian Affairs a joint resolution for the relief of some starving Indians in Montana.

Mr. MORRISON. I yield for that purpose.

RELIEF OF NORTHERN CHEYENNES IN MONTANA.

Mr. NELSON, by unanimous consent, reported from the Committee on Indian Affairs a joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes, in Montana; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MORRISON (at 3 o'clock and 50 minutes p. m.). I now renew the motion that the House adjourn.

The question was taken; and on a division there were—ayes 86, noes 75.

Mr. BROWNE, of Indiana. I ask for the yeas and nays on the motion.

The question was taken; when 34 members voted in favor thereof and 134 in opposition, the affirmative vote being more than one-fifth of the total number.

Mr. HAMMOND. I demand tellers on the yeas and nays.

Tellers were ordered.

Mr. MORRISON and Mr. BROWNE, of Indiana, were appointed tellers.

Mr. BROWNE, of Indiana. Mr. Speaker, I have no desire to fritter away the time of the House, and as there is an evident disposition on the part of a considerable majority to adjourn, I will therefore withdraw the motion.

The SPEAKER. The demand for the yeas and nays is withdrawn.

Mr. BROWNE, of Indiana. I sympathize with gentlemen who are afraid to go on record anyway.

Mr. MORRISON. We have a record already that is satisfactory.

So, no further count being demanded, the motion of Mr. MORRISON was agreed to; and accordingly (at 3 o'clock and 58 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of Mary A. Ripley, asking for a pension—to the Committee on Invalid Pensions.

Also, resolutions of the Commercial Exchange of the City of Alexandria, Va., asking an increase of the appropriation to the Signal Service Corps to enlarge its usefulness—to the Committee on Military Affairs.

By Mr. BAYNE: Resolution of Encampment No. 1, of Union Veteran Legion of Pittsburgh, Pa., and resolutions of Grand Army of the Republic, Post 157, of Pittsburgh, Pa., in favor of giving title to a portion of the public domain to the surviving officers, soldiers, sailors, and marines of the late war for the Union, or to their widows and children,

and to pay the difference between the value of paper money and gold at the several times of payment—to the same committee.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., asking for the purchase of the Monongahela Navigation Company's works, to secure free navigation—to the Committee on Rivers and Harbors.

By Mr. BELMONT: Petition of Margaret Madden, widow of Christopher Madden, for a pension—to the Committee on Invalid Pensions.

Also, petition of Ernest Rudolphus Knorr—to the Committee on Claims.

Also, petition of Samuel W. Francis—to the Committee on Patents.

By Mr. BLANCHARD: Papers relating to the claim of Caroline L. Maury—to the Committee on War Claims.

By Mr. BLISS: Petition of William Blanchfield, asking that his military record be corrected—to the Committee on Military Affairs.

By Mr. BOUND: Petition of R. W. Hardin, for bounty—to the Committee on War Claims.

By Mr. BUCHANAN: Petition of William F. Coggswell—to the Committee on Naval Affairs.

Also, petition of Julia A. Golston, for a pension—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of Richard Atkinson, for relief—to the Committee on War Claims.

By Mr. COBB: Petition of citizens of Kentucky, protesting against the division of that State into two judicial districts—to the Committee on the Judiciary.

By Mr. COMSTOCK: Joint resolution directing a survey of the Grand River, with reference to the improvement of the same—to the Committee on Rivers and Harbors.

By Mr. COMPTON: Memorial of Thomas P. Gray, asking relief—to the Committee on War Claims.

Also, resolutions of tobacco board of trade, asking for increase of duty on imported tobacco for cigar-wrappers—to the Committee on Ways and Means.

Also, memorial of Baker A. Jamison and Tallmadge A. Lambert, administrators of George B. Simpson, asking extension of letters patent—to the Committee on Patents.

By Mr. CRISP: Papers relating to the claim of John A. Morris—to the Committee on Claims.

By Mr. CULBERSON: Petition of Thomas M. Carroll and others, of Kansas; of W. R. Manning and others, of Iowa; and of Hon. W. P. McLean and others, asking for the passage of an act for the relief of Mrs. M. A. Ault—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: Papers relating to bill granting pension to Dr. William H. Sheffield, assistant surgeon One hundred and seventh New York Volunteers—to the same committee.

By Mr. DAWSON: A bill appropriating $30,000 for the improvement of Current River, Missouri—to the Committee on Rivers and Harbors.

Also, a bill appropriating $40,000 for the improvement of Little River from Wernersville, Mo., to the junction with the Saint Francis River, Arkansas—to the same committee.

By Mr. DINGLEY: Memorial of N. A. Farwell and 276 citizens of Rockland, Me., protesting against any commission looking to the free admission of Canadian fish—to the Committee on Foreign Affairs.

By Mr. ELDREDGE: Memorial of Nannie N. Cushman, asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. FLEEGER: Petition of P. F. Campbell, for veteran bounty—to the Committee on War Claims.

By Mr. FULLER: Petition of A. J. Anders, John Irvine, G. W. Jamison, and 230 citizens of Iowa, asking Congress to protect settlers on the land known as the unearned Sioux City and Saint Paul Railroad land grant by an "act of absolute forfeiture"—to the Committee on the Public Lands.

By Mr. FUNSTON: Petition of T. L. Newcombe and others, and of T. C. Hughes and others, for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. GEDDES: Petition of M. D. Harter and 54 others, citizens of Mansfield, Ohio, for the appointment of commissioners on the part of the United States to confer with those of Canada in regard to the duties on fish—to the Committee on Foreign Affairs.

By Mr. GOFF: Petition of James B. Smith and 59 others, asking a pension for James J. Ferrell; of David Hickman and 24 others, asking special provision in behalf of Francis M. Weakly, a pensioner—to the Committee on Invalid Pensions.

Also, petition of Endsley H. Kearns, for increase of pension—to the same committee.

Also, petition of Andrew J. Sheline and others, for a pension for said Sheline—to the same committee.

Also, petition of O. W. A. Hardman and others, asking a pension for Reuben Martin—to the same committee.

Also, petition of T. W. Dawson and 41 others, asking the passage of a general pension law—to the same committee.

Also, petition of Nathaniel P. Lee, for a pension—to the Committee on Invalid Pensions.

Also, petition of Nimrod McKee, for relief—to the Committee on Claims.

By Mr. W. J. GREEN: Memorial and papers of Mrs. W. H. Polk, for compensation for damages done to certain real estate in Columbia, Tenn., by United States troops—to the Committee on War Claims.

By Mr. GROUT: Petition of George W. Hunt, for repeal of limitation of arrears of pensions—to the Committee on Invalid Pensions.

Also, petition of Maynor D. Brock, for pension of $10 per month for loss of both legs or both arms or equivalent disability—to the same committee.

By Mr. HALL: Bill appropriating $10,000 in addition to former appropriation for construction of pier at outer wall of the Des Moines Rapids Canal—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Papers relating to H. R. 1470, granting a pension to John E. Little, and to H. R. 1472, granting a pension to Mary Murphy—to the Committee on Invalid Pensions.

By Mr. HEARD: Papers relating to the claim of George Jackson—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Paper from Rev. B. C. Hammond, urging that Congress increase the allowances to chaplains in the Army of the United States—to the Committee on Military Affairs.

Also, petition from members of Kenyon Post, Grand Army of the Republic, Sanborn, Iowa, for repeal of limitation on arrears of pensions—to the Committee on Invalid Pensions.

Also, petition from E. A. Dawson and 120 others, citizens of Waverly, Iowa, asking that a pension be granted by Congress to Bridget O'Brien, widow of James O'Brien, Company I, Fourteenth Illinois Cavalry—to the same committee.

By Mr. HENLEY: Paper to accompany H. R. 151, first session Forty-ninth Congress—to the Committee on Claims.

By Mr. HERMAN: Bill making an appropriation for a thorough survey of the harbor and bar of Siuslaw River, in Oregon, with a view to permanent improvement by jetty or otherwise—to the Committee on Rivers and Harbors.

Also, petition of Judge J. E. Murphy, J. W. Wimer, and 1,000 others, citizens of North California and South Oregon, for improvement of Smith River, in California—to the same committee.

Also, petition from S. M. Yoran, F. B. Dunn, and 125 others, citizens of Oregon, for improvement of Siuslaw River, Oregon, and for light-house construction—to the same committee.

Also, petition of Hon. A. G. Hovey, J. F. Robinson, and 100 others, citizens of Oregon, asking for the improvement of Siuslaw River, Oregon, and for light-house construction on Worth Cape—to the same committee.

Also, petition of Louis Belfils, of Roseburg, Oreg., for payment of property destroyed in Panama in 1856—to the Committee on Claims.

By Mr. HIESTAND: Petition of Daniel W. Balmer, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HOUK: Memorial of Jesse Y. R. Harrison, of Morristown, Pa., for relief—to the Committee on Invalid Pensions.

Also, petition of W. H. Jenkins and others, for a bill for education—to the Committee on Education.

Also, petition of Jane M. Massingill, for relief—to the Committee on War Claims.

By Mr. HOWARD: Petition from citizens of Jackson County, Indiana, praying for certain legislation in favor of officers, soldiers, and sailors who served in the Army, Navy, or Marine Corps during the late war for a period not less than sixty days—to the Committee on Invalid Pensions.

By Mr. J. H. JONES: Petition relating to claim of *D. E. Barrett*—to the Committee on War Claims.

By Mr. JOSEPH: Petitions from Lake Valley and Hillsborough, Sierra County, and from Silver City, Grand County, New Mexico, asking an appropriation for volunteers—to the Committee on Military Affairs.

By Mr. LA FOLLETTE: Petition of Henry Mills, praying for pension of Mexican soldiers—to the Committee on Pensions.

By Mr. LANHAM: Petition of John K. Owens, for relief—to the Committee on War Claims.

By Mr. LEHLBACH: Petition of Margaret Callanan, widow of Eugene Callanan, praying for a pension—to the Committee on Invalid Pensions.

By Mr. LITTLE: Petition of Hon. W. H. West and others, for the transfer of Logan County, Ohio, from the northern to the southern district of said State—to the Committee on the Judiciary.

By Mr. LORE: Petition of Joel Thompson and 47 others, of New Castle County, Delaware, asking for the repeal of the law authorizing the coinage of standard silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. LOVERING: Petition of the officers and members of the Nineteenth Massachusetts Volunteers, in favor of Mrs. Ann E. Plympton—to the Committee on Invalid Pensions.

By Mr. LYMAN: Papers in support of claim of T. W. Holdeman—to the Committee on War Claims.

Also, petition of Wells C. McCool, for relief—to the same committee.

By Mr. McKENNA: Resolution authorizing a resurvey of San Francisco Bay and other waters in California—to the Committee on Rivers and Harbors.

By Mr. McKINLEY: Petition of Hon. Louis Schaefer, a citizen of

Canton, Ohio, for a pension or donation to Septima Randolph Meikleham, the only living grandchild of Thomas Jefferson—to the Committee on Pensions.

Also, petitions of 132 citizens and soldiers of Stark County, of 72 soldiers and citizens of Columbiana County, and of 16 citizens and soldiers of Summit County, Ohio, asking that a pension be granted every honorably discharged soldier or sailor of the late war—to the Committee on Invalid Pensions.

Also, petition for special pension to Caroline F. Spiegel—to the same committee.

By Mr. McMILLIN: Petition of Robert Herrin, for a pension—to the same committee.

By Mr. MAYBURY: A joint resolution ordering the survey and estimates of cost of removing middle ground in Saint Clair River, Michigan—to the Committee on Rivers and Harbors.

By Mr. MILLIKEN: Petition of Robert B. Gray and others, for improvement of Bagaduce River, Me.—to the same committee.

By Mr. MITCHELL: Papers relating to the pension of Thomas Butler—to the Committee on Pensions.

By Mr. NEECE: Memorial of Bryson & Son, asking for relief—to the Committee on Claims.

By Mr. NEGLEY: Petition of Post 157, Grand Army of the Republic, requesting a land grant for loss in receiving paper money in lieu of coin—to the Committee on War Claims.

By Mr. NORWOOD: Resolution asking for survey of Savannah River, Georgia, from Savannah to the sea—to the Committee on Rivers and Harbors.

By Mr. O'DONNELL: Petition of Mary W. Smalley, for a pension—to the Committee on Invalid Pensions.

By Mr. PEEL: Papers relating to the claims of E. B. Moore, of Charles Crowell, of George W. Phillips, and of Marion D. Steele—to the Committee on War Claims.

By Mr. PERRY: Papers relating to the claim of T. M. English, administrator of Richard Fitzpatrick—to the same committee.

By Mr. PETTIBONE: Petition for relief of William A. Price, of Greene County, Tennessee—to the same committee.

By Mr. PLUMB: Petition of certain citizens of Kendall and La Salle, Ill., praying for the election of United States Senators by the people—to the Committee on the Judiciary.

By Mr. PRICE: Memorial of the supervisors of Saint Croix County, Wisconsin, favoring a return to the tariff of 1846 and protesting against any reduction of the tax on whisky—to the Committee on Ways and Means.

Also, memorial of the city of Eau Claire, Wis., for a public building at said city—to the Committee on Public Buildings and Grounds.

By Mr. RANDALL: Appeal of the Woman's Christian Association of the District of Columbia—to the Committee on Appropriations.

Also, appeal of the National Association for the Relief of Destitute Colored Women and Children of the District of Columbia—to the same committee.

By Mr. RICE: Petition of A. E. Day, of Webster, Mass., for a joint resolution compelling the Postmaster-General to obey the act of March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. RIGGS: Petition of Warfield, Grover & Co. and others, citizens of Quincy, Ill., relative to the fisheries question and the duties on fish—to the Committee on Foreign Affairs.

By Mr. ROCKWELL: Petitions and papers relating to a proposed public building for a post-office, court-room, &c., at Springfield, Mass.—to the Committee on Public Buildings and Grounds.

By Mr. ROWELL: Papers relating to the claim of James S. Clark & Co—to the Committee on War Claims.

By Mr. SAYERS: Papers relating to the claim of John Mellifent and Ellen Riordan—to the same committee.

By Mr. SHAW: Petition of citizens of Port Deposit, Cecil County, Maryland, for repeal of the law authorizing the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. SKINNER: Petition of Wilson Walker, for reference of claim to Court of Claims—to the Committee on War Claims.

Also, papers relative to the establishment of a life-saving station between Cape Lookout and entrance of Beaufort Harbor, North Carolina—to the Committee on Commerce.

Also, petition of John M. Mann and 68 others, for an appropriation to improve the harbor of Englehard, on Pamlico Sound, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of N. Beckwith and others, citizens of Hyde County, North Carolina, for an appropriation to dredge out Yesocking Bay, Pamlico Sound, North Carolina—to the same committee.

By Mr. SOWDEN: Petition of Edward W. Horn, for increase of pension—to the Committee on Invalid Pensions.

By Mr. SPOONER: Petition of John Henry Tilley, of Newport, R. I., for payment of services rendered as clerk in the custom-house at Newport, R. I.—to the Committee on Claims.

By Mr. SPRINGER: Petition of Isaac R. Hitt, agent for Christian County, Illinois, praying for relief—to the Committee on the Public Lands.

By Mr. SYMES: Concurrent resolution of the Legislature of Colorado, in favor of the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STEELE: Petition of Benjamin S. Coppock, for increase of pay for caring for Indian children—to the Committee on Indian Affairs.

By Mr. SWOPE: Petition of Amanda Rodgers, asking to be placed on the pension-rolls—to the Committee on Pensions.

By Mr. TAULBEE: Petition for the removal of charges of desertion of Harrison Barrett, of Kentucky—to the Committee on Military Affairs.

Also, petition of Peter Clay and 46 others, citizens of the Sandy River Valley, in Kentucky, asking for the completion of improvements of Sandy River—to the Committee on Rivers and Harbors.

By Mr. J. M. TAYLOR: Petition of A. A. Brooks, to be placed on the pension-roll and for the correction of his military record—to the Committee on Invalid Pensions.

Also, petition of R. S. Owens, of Henderson County, Tennessee, to be placed on the pension-roll—to the same committee.

By Mr. TOOLE: Petition of citizens of Montana, asking the passage of Senate bill cutting down Indian reservations in Montana—to the Committee on Indian Affairs.

Also, resolutions of the Board of Trade of Helena, Mont., asking an appropriation to continue the United States Signal Service—to the Committee on Military Affairs.

Also, memorial of the constitutional convention of Montana, asking admission for the State of Montana into the Union—to the Committee on the Judiciary.

By Mr. VAN SCHAICK: Papers relating to the petition of T. and A. Heiss, for the purchase by the Government of their harbor in the State of Michigan—to the Committee on Rivers and Harbors.

By Mr. VOORHEES: Petition of 29 citizens of Klikitat County, Washington Territory, praying for the forfeiture of the land grant to the Northern Pacific Railroad—to the Committee on the Public Lands.

By Mr. WILLIAM WARNER: Petition of Capt. F. C. Jones and 3,668 others, officers and soldiers of the war from the States of Missouri, Illinois, Pennsylvania, New York, Nebraska, Iowa, Delaware, Connecticut, Michigan, Kansas, Vermont, New Hampshire, Ohio, Massachusetts, Indiana, West Virginia, New Jersey, Wisconsin, Maryland, and the Territories of Dakota and Washington, asking relief of certain volunteer officers who enlisted early in the war and were promoted—to the Committee on Invalid Pensions.

By Mr. J. B. WEAVER: Petition of W. A. Martin and 91 others, citizens of Iowa, praying for a law to authorize the Post-Office Department to pay for the rental of third and fourth class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Marian Stewart, of Pennsylvania, and about 60 others, praying for a law to prevent non-resident aliens from acquiring title to real estate—to the Committee on the Judiciary.

Also, petition of J. J. Werline and about 95 others, of Pennsylvania, praying for the passage of a law for a duty of $400 per capita upon imported laborers—to the Committee on Labor.

By Mr. WELLBORN: Petition of John T. Moore, praying reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WHEELER: Petition of James McPeters, administrator of John W. Briggs, praying the reference of his claim to the Court of Claims—to the same committee.

Also, petition of Thomas N. Allison, administrator of James L. Allison, praying reference of his claim to the Court of Claims—to the same committee.

By Mr. WILSON: Petition of Theophilus Moore, for a special act for pension—to the Committee on Invalid Pensions.

Also, papers relating to the claims of Henrietta M. Waugh, and of the trustees of the Elk Branch church, of Jefferson County, W. Va.—to the Committee on War Claims.

Also, papers relating to the claim of William M. Morrison—to the Committee on Indian Affairs.

Also, petitions of Robert Lawson; of Edward Tearney, administrator of Samuel Ridenour; of George H. Beckwith; of Mrs. E. C. La Rue; of George H. Small; of Thomas H. Hysarg; of William B. Daniels; of Isaac W. Hutton; of William Lloyd; of S. W. Wysarg, executor; of J. J. H. Straith; of John Burns, and of Thomas B. Moore, administrator of Lydia Miller, praying that their several claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WISE: Petition of Robert F. Williams, for refund of taxes—to the Committee on Claims.

By Mr. WOODBURN: Memorial of the Legislature of the State of Nevada, praying for an appropriation to erect a school building in that State for the education of Indian children living therein—to the Committee on Indian Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now

in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. T. M. BROWNE: Of Jacob Fender and 38 others, of Wayne County, Indiana.

By Mr. BURNES: Of 128 citizens of Ebony, Mo.

By Mr. LYMAN: Of citizens of Mills County, Iowa, and of C. E. Dinwiddie and others, of same county and State.

By Mr. NEECE: Of Richard J. Cabene and 46 others, of Alexis, Ill.

By Mr. O'DONNELL: Of 44 citizens of Calhoun County, Michigan.

By Mr. RYAN: Of S. H. Rhodes and others, of Pomona County, Kansas, and of William J. McMillan and others, of Osage County, Kansas.

By Mr. SPRINGER: Of 90 citizens of Palmer, Ill., and of citizens of Sangamon County, Illinois.

By Mr. W. J. STONE, of Missouri: Of J. E. Hard and 223 others, citizens of Barton County, Missouri.

By Mr. TOOLE: Of the Board of Trade of Helena, Mont.

By Mr. J. B. WEAVER: Of J. G. Ellis and 100 others, citizens of Kansas; of S. A. Holcomb and 100 others, of Oregon; of J. J. Wesline and 60 others, of Pennsylvania, and of W. S. Pelham and about 100 others, of Iowa.

SENATE.

TUESDAY, *January* 19, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CAMERON presented the petition of Francis R. Crone and other citizens of York County, Pennsylvania, praying for an amendment of the tariff act of 1883 relative to the importation of tobacco; which was referred to the Committee on Finance.

Mr. BECK presented the petition of Samuel Ceas, of the District of Columbia, praying that his claim for supplies furnished the Army of the United States be referred to the Court of Claims; which was referred to the Committee on the District of Columbia.

He also presented a memorial of citizens of Franklin County, Kentucky, remonstrating against the division of the State into two judicial districts; which was referred to the Committee on the Judiciary.

He also presented the memorial of C. R. Cowley, O. H. Keith, Charles Collins, and other citizens of Wyoming, Genesee County, New York, remonstrating against the suspension of silver coinage and favoring the unlimited and indefinite coinage of that metal; which was referred to the Committee on Finance.

Mr. SPOONER presented the petition of T. J. Spear and other residents of Vernon County, Wisconsin, praying for the passage of a law forfeiting absolutely the Sioux City and Saint Paul Railroad land grant in Iowa; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of Eau Claire, Wis., praying that an appropriation be made for the erection of a public building at Eau Claire; which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the board of supervisors of Saint Croix County, Wisconsin, favoring a return to the tariff of 1846, and remonstrating against any reduction or repeal of the tax on whisky; which was referred to the Committee on Finance.

Mr. MILLER, of New York, presented the petition of Mrs. N. C. Cushman, widow of the late Commander Charles H. Cushman, United States Navy, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. MANDERSON presented a petition of citizens of Armada, Nebr., praying national aid to education; which was ordered to lie on the table.

He also presented a petition of hospital stewards in the United States Army, praying for an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. HARRIS presented a resolution of the Memphis (Tenn.) Cotton Exchange, asking increased appropriations for the support of the Signal Service in the cotton States; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. GORMAN, from the Committee on Commerce, to whom was referred the bill (S. 491) to provide for an American register for the steamship Caroline Miller, of Baltimore, Md., reported it with an amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 390) for the relief of H. A. Myers, reported it with an amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 94) for the relief Mrs. Sarah Elizabeth Holroyd, widow and administratrix of the estate of John Holroyd, deceased, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 223) to regulate the promotion of graduates of the United States Military Academy, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 806) granting a pension to Mary B. Holmes, reported it without amendment, and submitted a report thereon.

SENATE SEAL.

Mr. INGALLS. The Committee on Rules, by a resolution of the Senate adopted on the 31st of March last, were directed to procure a seal for the use of the Senate. They have discharged that duty, and I now place the seal in the custody of the Senate with a written report, and a resolution for adoption which I ask may be reported at the desk.

The PRESIDENT *pro tempore*. The Committee on Rules report a resolution, which will be read.

The Chief Clerk read as follows:

Ordered, That the Secretary shall have the custody of the Great Seal, and shall use the same for the authentication of process, transcripts, copies, and certificates whenever directed by the Senate.

Mr. INGALLS. I will ask that the resolution may lie upon the table and, with the report, be printed. The committee were not clear that it was desirable, and they are very sure it is not necessary, that the seal should be used for the authentication of all the process and proceedings of the Senate. There is no existing authority whatever for the use of a seal under any circumstances, and how far authority should be given for the use of the seal hereafter is a matter for somewhat serious deliberation.

The resolution that I have offered is in accordance with the views of the committee, but inasmuch as it may require further consideration I will ask that it may lie over and I shall call it up at a subsequent day.

The PRESIDENT *pro tempore*. The resolution and report will lie upon the table and be printed if there be no objection.

MANAGER OF NATIONAL SOLDIERS' HOME.

Mr. HAWLEY, from the Committee on Military Affairs, reported a joint resolution (S. R. 31) appointing John F. Hartranft a manager of the National Home for Disabled Volunteer Soldiers; which was read the first time by its title.

Mr. HAWLEY. I ask for the immediate consideration of the joint resolution if there be no objection.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The joint resolution was read the second time at length, as follows:

Resolved, That General John F. Hartranft, of Philadelphia, in the State of Pennsylvania, be, and he is hereby, appointed a manager of the National Home for Disabled Volunteer Soldiers to fill the vacancy in the Board of Managers of said Home caused by the death of the late General George B. McClellan.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. HALE. Does that come from a committee?

Mr. HAWLEY. It comes from the Military Committee, to which was referred a formal notification of the death of General McClellan.

Mr. HALE. It is then upon the report of a committee?

Mr. HAWLEY. Yes.

Mr. HALE. That I did not understand.

Mr. HAWLEY. A communication was addressed by the chairman of that board to the presiding officer of the Senate notifying the Senate of the vacancy and referred to the Committee on Military Affairs, by which I was directed to report this joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMPILATION OF SENATE ELECTION CASES.

Mr. HOAR. The Committee on Privileges and Elections were directed at the spring session of the Senate to cause to be compiled the Senate election cases from the beginning of the Government and to report the compilation to the present session. I now lay before the Senate that compilation in print. It has been made by the clerk of the Committee on Privileges and Elections, George S. Taft, who has devoted almost entirely the whole summer with great labor and fidelity to the work, and I think I am warranted in saying that it is a most admirable compilation and will be of very great convenience to the Senate. I offer the following resolution, which I ask may be considered at the present time.

Resolved, That there be printed for the Senate 500 extra copies of the compilation of Senate Election Cases; 250 of the same to be bound in cloth and 250 to be bound in "half Turkey morocco."

We have an estimate from the Government Printer. The number mentioned in the resolution can be printed within the limitation of the statute.

The PRESIDENT *pro tempore*. The question is upon the adoption of the resolution.

Mr. COCKRELL. I should like to ask the Senator from Massachusetts if that is not a document of sufficient value to justify the publication of a greater number of copies.

Mr. HOAR. The resolution provides for 500 copies, of which 250 are to be bound with brown leather backs and the others in cloth. I

propose hereafter to introduce a joint resolution or bill to go to the Committee on Printing for a larger number.

Mr. COCKRELL. All right.

The resolution was agreed to.

CUSTOMS FRAUDS AT NEW YORK.

Mr. MORRILL, from the Committee on Finance, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance are hereby authorized to employ a stenographer and such clerical assistance as may be necessary to comply with the resolution of the Senate of December 21, 1885, directing said committee to make an investigation of the frauds and abuses alleged to exist in the collection of the customs revenue of the Government at the port of New York; and they are hereby authorized to make further investigation on the same subject at any other collection port in the United States. The expenses incurred in complying with the provisions of this resolution shall be paid out of the contingent fund of the Senate upon the approval of the committee or of the subcommittee.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 1151) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte in said State, and the county of Wyandotte in the State of Kansas, and to make the same a post-route; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PLATT introduced a bill (S. 1152) granting a pension to Sarah E. Bassett; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 1153) to prevent frauds upon the customs revenue; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1154) to authorize the city of Newport, R. I., to use the site of Fort Greene as a public park; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1155) for the relief of Samuel B. Flowers and A. T. Fitzhugh, of Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. BLAIR introduced a bill (S. 1156) granting an increase of pension to Ann Atkinson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 1157) for the relief of the legal representatives of James A. Torbert, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER (by request) introduced a bill (S. 1158) relating to contracts of common carriers and to certain obligations, duties, and rights in connection with the carriage of property; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. MAHONE (by request) introduced a bill (S. 1159) for the relief of William Rutherford; which was read twice by its title, and referred to the Committee on Claims.

Mr. PIKE introduced a bill (S. 1160) authorizing the retirement of Lieut. Adolphus W. Greely with the rank and pay of colonel; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MANDERSON introduced a joint resolution (S. R. 32) providing for the indexing and sale of public documents; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BLAIR, it was

Ordered, That the petition and papers in the case of Ann Atkinson be withdrawn from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. HALE, it was

Ordered, That the papers now on the files of the Senate relative to the restoration of cadets to the naval service be taken therefrom and referred to the Committee on Naval Affairs.

On motion of Mr. VANCE, it was

Ordered, That the papers relating to the claim of J. S. Clark & Co. be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. WALTHALL, it was

Ordered, That all papers now on file with the Secretary of the Senate pertaining to the bill (S. 419) authorizing the Secretary of War to transfer the United States barracks at Baton Rouge, La., to Louisiana State University and Agricultural College at said place be taken from the files and referred to the Committee on Public Lands.

On motion of Mr. HAWLEY, it was

Ordered, That the papers relating to the claim of Capt. Samuel B. Horne be taken from the files of the Senate and referred to the Committee on Military Affairs, no adverse report having been made thereon.

RIVER IMPROVEMENTS IN OREGON, ETC.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a full and complete copy of the annual report of Maj. W. A. Jones, Corps of Engineers, United States Army, on river improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885, in form as originally submitted by him to the Chief of Engineers, under date of July 27, 1885, together with full copies of all statistics originally included in or attached to such report.

LAND GRANTS IN OREGON.

Mr. MITCHELL, of Oregon. I offer the following resolution, and ask for its present consideration:

Whereas it is alleged by the Legislative Assembly of the State of Oregon in Senate joint memorial No. 6, recently adopted by that body and now before the Senate, that the companies succeeding to the land grants made by act of Congress approved July 2, 1864, to aid in the construction of a military wagon-road from Eugene City, in the State of Oregon, to the eastern boundary of the State, and by an act of Congress approved July 5, 1866, granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dalles city, Oreg., by way of Camp Watson, Canyon City, and Mormon or Humboldt Basin, to a point on Snake River opposite Fort Boisé, have in no manner complied with the conditions of said grants, but, on the contrary, have failed, neglected, and refused to build or repair any roads along the routes over which they should have constructed them in accordance with the intent and meaning of the acts of Congress aforesaid and of the acts of the Legislative Assembly of the State of Oregon in reference thereto; and

Whereas it is further alleged in such legislative memorial now presented to Congress that by means of false and fraudulent representation and evidence of such compliance said corporations have already obtained and are obtaining patents and lists for large portions of said land, and by means of similar false and fraudulent evidence are about to obtain patents and lists for other large amounts of said lands, and under a claim of privilege and right of selection of lieu lands within six miles limit on either side of the routes of said pretended roads are withholding other large amounts of land in fraud of the Government and to the great detriment and injury of the State of Oregon and its inhabitants: Therefore,

Be it resolved, That the Committee on Public Lands be, and it is hereby, instructed to inquire into the truth of each and all of said allegations, and if found to be true, to report to the Senate, by bill or otherwise, what, if any, action can or should rightfully or properly be taken by Congress in the premises.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I think it had better be printed, it is so long, and go over.

The PRESIDENT *pro tempore*. Objection being made, the order to print will be entered, and the resolution will lie over under the rule.

SILETZ INDIAN RESERVATION.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas the Legislative Assembly of the State of Oregon, at its late session, by joint memorial to Congress, respectfully represented that the northern portion of the Siletz Indian reservation, in the State of Oregon, from a line commencing at the point on the coast of the Pacific Ocean where the northern extremity of the Siletz Bay enters said ocean, and running eastward to the eastern boundary of said reservation, embraces an area of country equal to four or five townships; that said northern portion of the said reservation is separated from the remaining portion of the reservation by natural barriers, which render intercourse therewith very difficult; and further, that the said four or five townships are permanently occupied by only fourteen Indians, old and young; that their improvements are very meager, and a small sum would fully compensate them for such improvements; that there are abundant lands on the remaining portion of said reservation for the occupancy of all the Indians thereon; and that if the lands north of such line were thrown open for settlement many white settlers could be accommodated with homes and grazing lands, and no injustice done the Indians, and memorialized Congress to take such action as will effectually accomplish such purpose: Therefore,

Resolved, That the Committee on Indian Affairs be, and it is hereby, instructed to inquire into the propriety of such legislation, and to report at an early day by bill or otherwise.

ADMISSION TO THE FLOOR.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Chair will submit the resolutions which came over under objection from yesterday. The first resolution will be read.

The resolution submitted yesterday by Mr. HARRISON was read, as follows:

Resolved, That Hon. G. C. Moody, of Dakota, be admitted to the floor of the Senate during the present session.

The PRESIDENT *pro tempore*. The question is upon the adoption of the resolution.

Mr. VEST. Mr. President, I was unavoidably absent from the Senate yesterday morning when this resolution was called up. I am fully aware of the fact that it will be adopted. It is a part of the programme agreed upon by the majority of the Committee on Territories, and it will be ratified by the Senate.

A great deal has been said in regard to the courtesy involved in this proposition. I concede to no man living for myself any greater personal courtesy to a political or personal opponent than I am willing to grant upon all proper occasions; but there ought to be a reciprocity of courtesy in all cases. The gentleman whose name is mentioned in the resolution and his colleague and the people whom they propose to represent have not exhibited that courtesy to the Senate of the United States or the Congress of the United States which entitles them to any such action as is now proposed. I say this deliberately. The records of the Senate show that during the last Congress a bill was reported from the Committee on Territories, by its chairman, the Senator from Indiana [Mr. HARRISON], which enabled the people of Southern Dakota to form a constitution for the purpose of being admitted into the Union. That was the deliberate expression on the part of the Senate of the proper course to be pursued in regard to this matter. The bill was passed, sent to the House of Representatives, and not acted upon by that body. Proper respect for the Senate of the United States ought to have convinced these gentlemen in Dakota that they should at least show deference to this public expression of opinion, coming as it did from their own friends upon this floor, conspicuously from the Senator from Indiana.

But they were not willing to await any action on the part of Congress; they trampled under their feet this expression of opinion on our part, and they said to the world and to the Senate, "We propose to act in this matter against your deliberate parliamentary action and take this matter into our own hands and judge of it for ourselves." They proceeded then, in what I have declared and what I now believe to be anillegal and revolutionary manner, to divide this Territory of Dakota, to form a State constitution, to elect officers; and they send two gentlemen here now purporting to be Senators from a State *de facto* and *de jure*. I deny that this is proper courtesy upon the part of any portion of the people of the United States to this Senate or to the Congress.

Further than that, sir, I deny absolutely, and I wish now to hear some Senator upon either side of this Chamber state that he believes, that this so-called State of Dakota is a State either *de jure* or *de facto*. I pause for a reply to that proposition. I do not think that any Senator can be found who will state that any portion of the people of the United States have the right to establish a State without the consent of Congress, or that they can exist as a State without the action of Congress. I know it is said that they come here and offer to us a constitution, and that this is simply a proposition for their admission into the Union. Mr. President, we have the right to judge of this matter, as of all other matters, by contemporaneous facts and evidence. I can produce here the discussions of that convention, in which a very prominent member—a gentleman already alluded to in a former debate, Judge Campbell—declared that these people had the right to make a State without consulting Congress; that they were, so far as the constitution of the State was concerned, above and beyond the jurisdiction of Congress; and after a debate between that gentleman and Judge Edgerton, a former colleague of ours, and now one of the so-called Senators from Dakota, who assumed the other side of that proposition, Judge Edgerton was voted down by an overwhelming majority. In that debate it was asserted over and over again by members of the convention that that body was equal to Congress and had a right to form a constitution without our consent and without any consultation with us. That proposition can meet with no assent, I take it, from any Senator on this floor; and I understood from the debate yesterday, as I saw it in the RECORD, that the Senator from Indiana [Mr. HARRISON] and the Senator from Vermont [Mr. EDMUNDS] both denied that proposition, or at least failed to assert it or give it any sort of countenance here.

Mr. President, the Senator from Indiana saw proper yesterday to allude to what Mr. Benton, my distinguished predecessor in this Chamber, said in regard to the admission of Michigan, and he indirectly, if not directly, sought to establish a sort of analogy between the admission of Missouri into the Union and this proposed admission of Dakota. In 1818 Missouri applied for admission into the Federal Union. In 1819 the Congress of the United States passed an enabling act. That act was passed as the result of what is known as the first Missouri compromise, which prohibited the existence of slavery north of the degree of 36° 30′. This enabling act, giving to the people of Missouri the right to form a State constitution, was acted upon by that people. They formed a constitution by a convention, of which David Barton, the first Senator from Missouri, was chairman. That constitution was brought to Congress, presented to the Senate and to the House of Representatives, and in it was found a provision that no free negro should be permitted to come into the State, and calling upon the Legislature to pass laws for the purpose of enforcing that enactment.

Upon that single provision sprang up the celebrated debate, the debate on what is known as the second Missouri compromise, which finally resulted in the resolution of Mr. Clay, forming a committee of thirty, upon whose report it was resolved that Missouri should be admitted into the Union under this constitution, provided the clause to which I have alluded should be stricken out. A popular and erroneous impression has existed that Mr. Clay was the author of the line of 36° 30′ north latitude. The author of that proposition was a member of the House of Representatives from the State of New York, and Mr. Clay was simply the author of the second Missouri compromise, under which the State was finally admitted into the Union.

The position of Missouri from the time that the enabling act was passed and the State constitution adopted by the will and through the authority of Congress was an anomalous one. It was a State by the consent of the highest legislative authority; it sent here David Barton as its first Senator. He was invited to a seat upon the floor which he did not take, for he refused, as did Mr. Benton, who was elected a year afterward. Both declined to take seats upon the ground that they were regularly elected Senators from that State. It is true Missouri, while she was in this anomalous position, a State under the enabling act and yet not a State admitted into the Union, undertook to cast her electoral vote in the Presidential election which immediately ensued, but that vote was not counted except upon the condition that it did not affect the result of the Presidential contest.

Is there any analogy between a case of that sort where a constitution was formed under an enabling act of Congress and the case now before the Senate in which the Senate deliberately declared that these people of Dakota should be enabled to enact a State constitution and where they disregarded the action of the Senate and undertook of their own will to fix the boundaries of the State, adopt a constitution, and send Senators here for admission?

Mr. President, I know that this resolution will be adopted. I desire to state that I do not propose to be guilty of any personal discourtesy to the gentleman who is named in it; but for historical accuracy I have made the statement which I have submitted here. The Senator from Indiana quoted yesterday some expressions of Mr. Benton. Mr. Benton discharged his duty, and it was a very distinguished one as Senator from the State of Missouri, but his declarations upon this floor and his official action are not binding upon me or upon my judgment. Illustrious as was his career, I did not agree with him always when he was alive, and I do not agree with him now. I had great admiration for many of his characteristics. The State of Missouri takes great pride in his illustrious public service. But I do not hold myself committed to declarations which he made at a time of great party excitement and when he had committed to him, as the Senator from Indiana has now committed to him, a party measure, the admission of Michigan to the Union, which came in as a Democratic State, Mr. Buchanan having committed to him by the Democratic party at that time charge of the bill for the admission of Arkansas.

But Mr. Benton even made declarations in regard to this matter which I commend to the people of Dakota at this time. What said Mr. Benton—I quote from the Congressional Globe of December 22, 1835—when the identical question which is now pending before the Senate was pending in regard to giving seats upon the floor to two gentlemen claiming to be Senators from the State of Michigan, and when, as in this case, one of them had been a member of the House and was thus entitled to the privileges of the floor, and the resolution therefore applied to only one of these gentlemen as does the resolution now pending? What said Mr. Benton?

He left it to gentlemen whether it would not be better, under all circumstances, to follow up the old precedent set in the case of the Tennessee Senators, and allow these gentlemen to come into the Senate Chamber, and listen to the debates interesting to the diagram of country (he would not speak of Michigan as a State), the diagram of country they came to represent. It was a matter of substance to them to have this privilege; they might hear something in debate interesting to the country they came from, that they would be able to answer, and they might thus be enabled to furnish some Senator with the answer to make for them. He thought it would be better to furnish the gentlemen with chairs, as was done in the case of the Senators from Tennessee.

In reply to this, said Mr. Hendricks of Indiana:

The Senator from Missouri had spoken of precedents, and had instanced those of Tennessee and Missouri. But the Tennessee case conferred no greater privilege than that already enjoyed by Hon. Lucius Lyon, one of the gentlemen in question, in virtue of his having been a Delegate in the House of Representatives, and no greater privilege than that proposed by his amendment to be conferred on the other, Hon. Mr. Norvell. The precedent of Missouri! And is there any similarity between the case of Missouri and that of Michigan?

The Senator from Indiana has quoted my distinguished predecessor; now I quote his:

Surely none. Missouri was a State known as such to our laws. She had formed her constitution in pursuance of a law of Congress. She was a State *de jure*, as well as in form and in fact. She presented a constitution unexceptionable. There was no question of boundary—no question about her right of admission as a State. The only question was one involving the power of Congress to attach a condition after her right to admission had become perfect. Here, in the case of Michigan—

And here in the case of Dakota—

the question of State or no State has yet to be settled, as well as the question of boundary, involving as it does the integrity of one or more of the States. In relation to other States, where there were no difficult preliminary questions to settle, he believed that no special comity had been shown to the Senators who presented themselves. He referred to the admission of Ohio, Louisiana, Indiana, and other new States, where the Journals showed no resolutions of courtesy to the Senators in attendance before they were sworn as members of the body. He well recollected that the Senators from Indiana did not obtain seats until the joint resolution of admittance had passed both Houses and obtained the appropriate signatures. The precedents which the practice of the Senate in these cases afforded were against the application in the present case.

I read this to show that there is not the line of uninterrupted and unbroken precedent which was spoken of yesterday. I grant that in the case of Colorado a different practice obtained. I understand now that there is no claim that this action of the Senate admits for a single instant that these are Senators from a State either *de facto* or *de jure*, and I have said what I have to supplement and add to that expression my unfaltering and unhesitating adherence to the doctrine that no portion of the people of the United States without the action of Congress can segregate a part of the public domain and assume to represent the sovereignty of a State. Suppose this doctrine should not obtain, and gentlemen from Utah should apply here for seats on this floor as a matter of courtesy to a State constitution republican in form! If that should occur, it would be a little interesting to see the application of this principle, and I should be very much astonished if precedents did not give way to opinion in regard to the institutions of that State known to exist; and I should be utterly astounded if any such persons were permitted to remain in this Chamber by consent of the Senate, even with the poor privilege of sitting in the galleries.

Mr. HARRISON. I ask that the resolution now under consideration be read at the desk.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That Hon. G. C. Moody, of Dakota, be admitted to the floor of the Senate during the present session.

Mr. HARRISON. Mr. President, the Senator from Missouri [Mr. VEST] seems to find it difficult to discuss any proposition that relates, even by indirection, to Dakota or her people without indulging in references that are, in my judgment, unjustifiable. What right had the Senator from Missouri to say that the introduction of this resolution was part of a programme determined upon in committee? The resolution was offered by me upon my own responsibility, without any consultation in committee or anywhere else with the members of the committee.

The other day when this matter was under discussion in a preliminary way the Senator from Missouri took occasion to refer contemptuously and to use opprobrious references toward two gentlemen who have been connected with this movement for Statehood in Dakota, one of them the distinguished gentleman whose name is mentioned in the resolution now before the Senate. The Senator is not only unfortunate in dragging in these personal allusions, but unfortunate in his facts.

He alluded to Mr. Moody as one who had, upon the bench, made a decision against the validity of the Yankton County bonds. It is not true. The Senator was misinformed. Judge Moody, though upon the bench in Dakota, never, at any time, passed upon the question of those bonds. He was not upon the bench at the time that question was tried; he was a practicing attorney and represented the county of Yankton in the litigation as an attorney; and yet, Mr. President, the Senator was willing to put into the RECORD, upon insufficient information, this unjust reference to a gentleman who I undertake to say is, in all respects, the peer of any one who sits on this floor for character and integrity. He was a distinguished soldier from my own State, serving in the Seventh Indiana Regiment, and for more than a year upon the staff of that captain who won so largely the affections of the American people, General George H. Thomas.

The Senator indulged in references to another gentleman whose name was only before us as a signer to the communication transmitting these documents, Hon. Hugh J. Campbell, of Dakota, and spoke of him as having some unsavory relations to the electoral-count business in Louisiana. Mr. President, I do not need to speak for Judge Campbell. He has spoken to a wider audience than this for himself.

Now the Senator says there is something discourteous in the method by which these men as the representatives of Dakota and by which the people of Dakota themselves have come before the Senate. I deny it. I do not desire here, upon this resolution, to open for discussion the line of precedents upon this subject, but I do now say that time and again, in the cases of States of this Union where enabling acts have been proposed and have passed one House of Congress and have not passed the other, the people themselves have initiated just such a movement as the people of Dakota have here, and these proceedings have been overwhelmingly ratified by the votes of both branches of Congress. When such movements for Statehood paused when the organization was complete, and by a constitutional provision staid all exercise of governmental functions by the State government until Congress admitted the State, it was never before said that such an attitude was disrespectful to the Congress of the United States.

Mr. President, these people of Dakota come here as the people of nearly one-half of the States admitted since the original Union was formed have come. Having initiated a movement for a State government, formed a constitution, they quietly stay their hands while they ask of Congress admission as a State.

The Senator from Missouri says that Missouri was a *de facto* State when Mr. Benton was admitted, as he has told us, to a seat in this Chamber, and not only to a seat, but to the exercise of the franking privilege as a Senator, and to the privilege of a Senator in the use of the public stationery of the Senate. Do I understand the Senator from Missouri to claim that at that period of time the State of Missouri was a State in the Union? Congress had passed an enabling act, and under it the people had formed a constitution; but that constitution was yet to be submitted to Congress for its judgment whether it met the requirements of the enabling act, whether it contained the compact which was required in the law; and until Congress had passed the act accepting that constitution Missouri was no more a State of the Union than Dakota is to-day, neither one of them having received the sanction of Congress. Congress had in the case of Missouri authorized these initial proceedings. Missouri had sent her constitution here, objection was made to it, and Congress had refused to accept it. Does the Senator from Missouri claim that Missouri was then either *de facto* or *de jure* a State in the Union? If he should make such a claim he would abandon that proposition which has been the foundation of all his discussion of this question. But, sir, the Senator does not feel bound by this precedent in the case of his own State. He admires Mr. Benton; but yet, admiring, differs with him, differed with him in life, and now that he has gone to his rest and his fame only survives, still ventures to differ with him. Mr. Benton declared that he, as a Senator from Missouri, had been allowed in the Senate these privileges as a Senator, and I affirm that his State was then no more a State than Dakota. It was waiting the passage of a law by Congress to recognize the constitution which it had formed.

Mr. President, this is not the only precedent. In the case of Michigan, as the Senator from Missouri knows, Mr. Benton actually laid before the Senate the credentials of the gentlemen from Michigan nominated in those credentials to be "Senators from the State of Michigan," and those credentials were respectfully received by the Senate and appropriately referred. Pending his motion that those gentlemen be admitted he made the remarks to which I referred yesterday, stating in the strongest terms that it had nothing to do with the question of the final admission of the State of Michigan, any more than it had in the case of Missouri; that it was a simple act of courtesy extended to gentlemen who came here with what purported to be a high official communication from the people of a part of this country. The resolution I have proposed simply admits to the floor of the Senate a gentleman who has been chosen by the proposed State of Dakota to represent Dakota upon this floor when Congress shall have ratified her constitution and given her a place among the States.

Mr. President, the 263,000 American citizens who have united in this movement in Dakota are entitled to the respect of the Senators here who represent the States. There is nothing in their institutions, there is nothing in their history, that should justify any Senator in coupling Dakota with Utah. There is not an institution that has life in Dakota, there is no practice among her people, that is not consonant with the best impulses and the best civilization.

I do not care to follow the Senator from Missouri through these cases. I have with some care discussed them in the report which I have submitted in connection with the bill for the admission of the State. I am willing to leave the case to the unbiased and non-partisan judgment of Senators when that bill is up for discussion, and if I am not then able to convince any one who has not shut his ears to argument that the proceedings taken by Dakota are conformable to precedent and have had the sanction of the ablest men of both parties in this country and the sanction of Congress by overwhelming majorities, then I shall surrender this debate.

Why, Mr. President, it is not new that the people of part of a Territory should organize by a popular movement for admission into the Union as a State. In the case of California there never was even a Territorial government. California was a part of the great domain we had acquired from Mexico. Congress had never marked out its bounds as a Territory even; it had never given it any sort of a civil government; it was governed by a military governor. Congress had been appealed to to give it a Territorial government and failed. Congress had been asked to admit it as a State and failed. The movement for the formation of a constitution in California began by a proclamation from the military governor, General Riley, which was attested by the late General Halleck, then a captain in the Army, as secretary of state. The whole movement was popular, and in the face of the fact that Congress had refused even a Territorial organization. The constitution was brought here by the Senators-elect and submitted to Congress, and the State was admitted. Congress had given no intimation as to what were appropriate boundaries for California.

Iowa initiated proceedings for admission as a State and formed her constitution without any enabling act. She proposed certain boundaries, and in her original constitution the northern boundary of Iowa went up to a point near Saint Paul and followed the Mississippi River down to its present southern boundary. Congress declined to accept that constitution and proposed to the people of Iowa another boundary. That was submitted to vote, and the people rejected it, and then again by a popular movement, initiated by an act of the Territorial Legislature of Iowa, a new constitution prescribing new bounds to themselves was prepared and submitted to Congress and accepted.

I undertake to say that so far from lacking precedent, so far from involving any taint of rebellion or disrespect to Congress, the precedents in our legislation go entirely beyond the necessities of Dakota. The precedents in the case of Michigan, in the case of Tennessee, in the case of California, all go entirely beyond the necessities of Dakota.

In the case of Tennessee President Washington, in transmitting that constitution, makes an argument to show that Tennessee had a right to organize a constitution and State government without any enabling act on the part of Congress, and he puts it upon the ground that the ordinance of 1787 expressly stipulated that when there were 60,000 free inhabitants they should be entitled to form a State government. The ordinance of 1787 had by statute been extended to the Southwestern Territory, called Tennessee. As I show in my report, this ordinance has also been extended to Dakota; but the committee did not deem it necessary to rest its argument there and was entirely willing that the other rule should be applied to Dakota, namely, that she should be shown to have a population equal to the unit of representation in the House of Representatives, which I undertake to say is the highest limit of population that has ever been demanded even in those times of hot party strife growing out of slavery over the admission of States; that is the highest number of people that has ever been insisted upon in debate in either branch of Congress as essential to the admission of a State.

But, Mr. President, I did not intend to allow this debate to be precipitated upon us at this time. The resolution which I propose does not mention Dakota, except as it is alluded to as the place of residence of the gentleman to whom we propose to extend the courtesies of this floor. Of course it is not concealed that the reason this is done is because a matter is to be debated here in which that gentleman has a personal interest, the question of his admission to this floor with the full rights of a Sen-

ator, and because there is to be debated here a question in which his people are interested, and, as Mr. Benton says in the remarks which the Senator from Missouri read, it seems to be but common and scant courtesy to allow one thus interested to be upon the floor of the forum in which the debate is to be conducted, even though his mouth is closed so that he can not participate in it. I hope that on Friday of this week this whole subject will be before the Senate for consideration.

Mr. President, I call upon Senators on the other side to bear witness that I have avoided from the beginning, ever since this matter has been in my charge, anything that would be calculated to array parties upon the question. The Senator from Missouri has said he excuses the remarks of his distinguished predecessor in the Senate, to which I called attention yesterday, on the ground that Mr. Benton was in charge of the pending bill and it was a party question. Mr. Benton was anxious to get in a Democratic State, I suppose the argument is, and therefore was willing to extend to the representatives of a Democratic State the courtesy which he might not have been willing to extend if the politics of the State had been different.

Mr. President, I hope not. I believe in the case of Mr. Benton and I believe in the case of my associates here on the other side of this Chamber that we can look upon this question, as he did, entirely disconnected from the question of the admission of Dakota. We can admit this gentleman to come upon the floor of the Senate and listen to our debates for and against this measure without in any way committing any of us in our votes upon the proposition when it shall finally be voted upon, and in this way, instead of treating with contempt these people lately citizens of our States, lately in their own States in the full exercise of all the rights of American citizenship, we can through their representative extend to them our courtesy and give them this evidence that we propose to discuss their claim for admission and the steps they have taken toward that end in a calm, dispassionate, and fair manner, and settle the grave questions which are involved upon principles other than those of mere party advantage.

Mr. SAULSBURY. I desire before there is any further discussion to offer the following amendment to be added to the resolution of the Senator from Indiana:

But the courtesy hereby extended shall not be construed as indicating a recognition of any right of Dakota to admission as a State into the Union.

Mr. VEST. Mr. President, it was not my purpose to precipitate a debate—certainly not my purpose to get into any personal controversy. I never alluded to any citizen of Dakota whose name was not brought in here on his own motion. Mr. Campbell came up as the regularly constituted chairman of a committee appointed by the constitutional convention. I had a right to criticise the communication which he made to the Senate. I had a right to allude to his public career, as he has a right to allude to mine. I have never alluded to Judge Moody except in a respectful way, and in regard to his connection with public transactions in the Territory of Dakota. I thought that he had been the judge who delivered that opinion, and that is my impression yet. I recollect distinctly when the question was before the Senate some three years ago, and when the Senator from Maine [Mr. HALE] stopped the bill for the admission of Dakota on the ground that they had denied their honest indebtedness, so adjudged by the Supreme Court of the United States, I was under the impression then, and it still remains, that Judge Moody gave the decision in the Territorial court. Whether he did or not is an immaterial question.

If I chose to put a personal aspect upon this case, I could show columns of vituperation, blackguardism, and abuse of myself from almost every one of the petty papers in Dakota that would shame a fish-woman in Billingsgate, but they amount to nothing. Let them go. This is a public question, and should be determined without any sort of insincerity upon the grounds that should influence the Congress of the United States in regard to the admission of new States.

I deliberately assert that there is no such case on record in the United States as the people of Dakota have made for themselves. California never in the face of the action of the Senate of the United States undertook to divide up a Territory, hold an election in one-half of it, and then come here in the face of the deliberate action of Congress and claim admission as a State. It is true that California organized under a military governor and offered herself as a State to the Union, but never after the Senate had pointed out the way in which she should come to these halls asking for the sovereignty of a State. Tennessee did not do it. Michigan even did not do it, because Michigan organized as a Territory. It was first a Territory, and then, under the leadership of the Territorial governor, Mr. Mason, organized itself as a State and claimed to exist without the consent of Congress; but not one of the illustrious statesmen who then discussed that question admitted for a single instant that it had any claim as a matter of right to exist as a State. I never claimed that Missouri was a State before she was admitted into the Union. I spoke of the anomalous condition of the people of Missouri. They had organized under an enabling act of Congress. Whether it was an inchoate and imperfect State or in a Territorial condition seems never to have been determined. It was called the State of Missouri; her Senators came here as from the State of Missouri, and for two years and a half they waited admission on account of the interminable and exciting debate upon the subject of slavery.

I know, Mr. President, this resolution will be adopted. I have not the slightest objection to the Senate filling up these halls with gentlemen as spectators from any of the Territories if the majority of the Senate think it proper. I simply wished to give my opinion of the historical precedents and my opinion of the propriety of such a measure.

Mr. DOLPH. Mr. President, when the resolution of inquiry in regard to the proceedings of the convention which framed the constitution for Southern Dakota was before the Senate, I desired to briefly submit as a matter of historical interest what had been done by the Territory of Oregon under similar circumstances. But at the suggestion of the chairman that the resolution should go to the committee, I deferred what I had to say to a more appropriate time. I crave the indulgence of the Senate for a few minutes simply to give the facts in regard to the admission of Oregon.

The constitution of Oregon was framed by a convention of sixty delegates chosen on the first Monday of June, 1857, by virtue of an act of the Territorial Assembly of December 12, 1856. The constitution was adopted by the convention September 18, 1857, and ratified by a vote of the people of the Territory November 9, 1857. Section 6 of article 18 of the schedule provided: "If the constitution is ratified an election shall be held on the first Monday in June, 1858, for the election of members of the Legislative Assembly, Representative in Congress, and State and county officers," and that the Legislature should convene at the capital on the first Monday of July, 1858, "and proceed to elect two Senators in Congress, and to make such further provision as may be necessary to the complete organization of a State government."

The Legislature was elected, and met on the 5th of July, 1858. On the 7th of July, 1858, Joseph Lane and Delazon Smith were elected United States Senators. On July 8, 1858, the votes for governor were canvassed, and John Whiteaker was declared duly elected governor. Whiteaker took the oath of office and delivered an inaugural address. State officers were elected in June, 1858, as follows: John Whiteaker, governor; Lucian Heath, secretary of state; John D. Boon, State treasurer; La Fayette Grover, member of Congress, whose term expired March 4, 1859. The State was admitted into the Union February 14, 1859. Messrs. Smith and Lane were present with their credentials, and one on the motion of Mr. Pugh, of Ohio, and the other on the motion of Senator Gwin, of California, were admitted to their seats and sworn in the same day that the act was approved admitting Oregon into the Union.

As a matter of historical interest I will ask the Secretary to read a brief quotation from the speech of Mr. Clark, of Missouri, which fully states the grounds upon which Oregon claimed admission into the Union and justified the course which was taken in regard to the organization of the State government.

The Secretary read as follows:

Mr. CLARK, of Missouri, * * * No gentleman should attempt to interpose obstacles to the admission of a State which has a population sufficient in numbers, and which, having been clothed with authority, has formed a republican constitution, and established its institutions in its own way. In my judgment such opposition is a high breach of power, unauthorized by the Constitution of our common country.

I now approach the objections urged against the admission of Oregon. One of the objections made in debate here, and which we had to meet in committee, is, that Oregon has not sufficient population. I take the ground that Oregon is entitled to admission into the Union with her present population, if it be sufficient, in the opinion of the House, to enable her to organize a practical community for State purposes.

I claim that Oregon has a right to come in under the ordinance of 1787, and that it is the duty of Congress to admit her on the same principle and according to the same rule established in that ordinance for the Northwest Territory. Sir, if gentlemen will read the organic act of Oregon they will find that it is provided in that act that she shall be entitled to all the privileges and subject to all the limitations contained in the ordinance of 1787. That ordinance provided that when there should be 60,000 inhabitants in those Territories, they should have a right to be admitted as States. If, then, you take the ordinance of 1787, and the organic act of Oregon, you can not escape the conclusion that you must admit Oregon when she has a population of 60,000. That portion of the ordnance of 1787 to which I refer, providing for the admission of these States, is as follows:

"ART. 5. There shall be formed in the said Territory not less than three, nor more than five, States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State in the said Territory shall be bounded by the Mississippi, the Ohio, and Wabash Rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the Territorial line between the United States and Canada; and by the said Territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great *Miami to the said* Territorial line and by the said Territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said Territorial line: *Provided, however*, And it is further understood and declared that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said Territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than 60,000."

Mr. HOWARD. I would ask the gentleman if he considers Oregon a part of the old Northwest Territory?

Mr. CLARK, of Missouri. No, sir; but by the organic act of Oregon the provisions of the ordinance of 1787 were extended to that Territory. Now that

ordinance provided that the Territories within the original Northwestern Territory should be admitted as States when they had 60,000 inhabitants, and the organic art of Oregon having extended to her all the privileges and limitations of that ordinance gives her the right of admission according to the terms of that ordinance, which will appear by the following portion of said act:

"*And be it further enacted*, That the inhabitants of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advantages granted and secured to the people of the Territory of the United States northwest of the river Ohio by the articles of compact contained in the ordinance for the government of said Territory on the 13th day of July, 1787; and shall be subject to all the conditions and restrictions and prohibitions in said articles of compact imposed upon the people of said Territory."—*Congressional Globe*, part 1, second session Thirty-fifth Congress, 1858-'59, page 968.

Mr. DOLPH. Inasmuch as there has been some criticism on the address adopted by the constitutional convention of Dakota, I ask the Secretary to read an extract which I have marked from the inaugural address of Governor Whiteaker, which, it will be remembered, was delivered on the 8th day of July, 1858, and Oregon was not admitted into the Union until February 14, 1859. Mr. Whiteaker will be remembered as the gentleman who was elected to the Forty-sixth Congress and made the then quickest trip on record across the continent to be here at the organization of the House of Representatives.

The PRESIDENT *pro tempore*. If there be no objection the paper referred to will be read.

The Secretary read as follows:

You are assembled here to-day under the provisions of the fundamental law of the State. The people by their own act called a convention; that convention framed a constitution, the people ratified it, and to-day we put on the habiliments of the full-grown man and emerge from Territorial vassalage into State sovereignty. It is worthy of note that while the people of Oregon were preparing for a State organization the Government of the United States was menaced and greatly imperiled by the acts of a sister Territory while framing for itself a constitution preparatory to entering the Union. It is a matter of gratification that no such lawless conduct and violation of rights characterized the people of our young and fair State while preparing to become one of the members of this great confederacy, and it is attributable to the fact that Oregon was peopled by a high order of citizens—a people possessing a due sense of their moral and political duties to themselves, and a spirit of forbearance one toward another.

The transition from a Territorial existence to that of State sovereignty is always attended with more or less disorder and delay; but when we consider the changes that Oregon has passed through, the people, when but a handful, organized and successfully maintained a provisional government, which government was superseded by an organic act, and General Lane sent here as our first governor, the people readily accommodated themselves to the government and to his authority; and now they declare that they are ready for another change, and assume State sovereignty.

Oregon goes into the Union under the most favorable auspices—a Democratic administration at Washington standing by the Constitution of the Union, a full and hearty indorsement of that administration by the government and people of this State, a Representative-elect in Congress fully committed to the policy of that administration, and Senators known to be ardent in their support of the same. We feel warranted in saying that the interests of our State will be ably and successfully represented in the Congress of the United States.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Delaware [Mr. SAULSBURY].

Mr. BUTLER. I am not going to detain the Senate with any remarks. I simply desire to say that regarding this resolution simply as a matter of courtesy to a distinguished gentleman from the Territory of Dakota, I shall vote for it. I hope the Senator from Indiana will accept the amendment moved by the Senator from Delaware.

Mr. HARRISON. I do not feel like assenting to the amendment. There is no reference in the resolution, as the Senator from South Carolina will notice, as I offered it, to any connection of this gentleman with Dakota or a State movement in Dakota. He is simply mentioned by name.

Mr. BUTLER. That may all be perfectly true, and yet——

Mr. HARRISON. I think it is entirely a work of supererogation to declare that, when we do not allude to Dakota as a State in the resolution or to the movement, we should declare that we do not mean something that the resolution can not by any possibility mean.

Mr. BUTLER. If the resolution does not mean that, it does not mean anything. While it does not refer in terms to the State movement there, it is thoroughly well understood that this gentleman is here claiming to represent Dakota—I will not call it State or Territory—on the floor of the Senate. I understand it to be simply a matter of courtesy to him, which I am quite willing to extend. I have no doubt he is a thoroughly worthy gentleman, of talent and position in Dakota. On that account I am quite willing that he should come upon the floor of the Senate. I do not mean thereby to commit myself in the slightest degree to the bill which the Senator from Indiana has in charge, which I shall discuss at the proper time, and I think I shall be able to show that some of the positions taken by the Senator are untenable.

Mr. HARRISON. In bringing in this resolution I thought I had abated something of that which these gentlemen had a right to insist upon. When I drew the resolution I did not follow the precedents. I did not, as Mr. Benton did in the case of Missouri, describe these gentlemen as Senators-elect from the State of Dakota. I did not present any credentials that would in any event involve a recognition of their right to be Senators at all. I purposely avoided all that, and I have framed this resolution just as I might in behalf of any other distinguished gentlemen who made no such claim at all as Dakota is claiming here, or not connected with any such movement, to whom we would extend the courtesies of this floor.

I am sure if the Senator from South Carolina will reflect a moment he will see that my resolution has been carefully worded so that by no possible implication could any one say that we had committed ourselves at all even though they were given seats on the floor by name. I have avoided all that, simply mentioning one name, and I trust the Senator, whose kindly remarks I appreciate, will let it go as it is.

Mr. BUTLER. I have not the slightest objection to the resolution as it is; but I thought out of caution it might be very well to guard it by the amendment which the Senator from Delaware offered. I have not the slightest objection to the resolution as it stands. We have a right to invite whom we please on the floor of the Senate, and therefore I have no objection to this courtesy being extended to this gentleman. It was only out of caution, so that there might be no misunderstanding in the future about it, that the amendment of the Senator from Delaware met the approbation of my judgment.

Mr. SAULSBURY. There is no question that the extension of the courtesy proposed by the Senator from Indiana to Mr. Moody from Dakota is proposed because of the fact that he comes here claiming to represent that people. Whatever may be intended by the Senator from Indiana by his resolution, the construction put upon the resolution by the people of Dakota and the people of the country would be that there was an impression in the Senate that that Territory was entitled to admission as a State. My amendment was simply to exclude such an idea, that we might deal with that question unprejudiced by any impression which might be made from the fact that we had extended the courtesy of a seat in this Chamber to a gentleman coming here who claims to be Senator from Dakota. It certainly can do no harm to exclude such an idea that might attach to the resolution on the part of the people of Dakota. I am perfectly willing that this gentleman shall come into the Senate Chamber and have a seat on this floor; but in awarding him that seat, I do not want the impression to go out that we have prejudged the question that is hereafter to be discussed, or that we have expressed indirectly any opinion upon it. That was the reason I offered the amendment.

Mr. TELLER. The State of Colorado had an enabling act in 1864, but the people by a very decided majority voted not to come into the Union then. In 1865 the people of that State by a popular movement, without the authority of Congress or without the authority of the Territorial government, organized a State constitution, elected a governor and all the State officials. Their Legislature convened and elected two gentlemen and sent them here to represent the State in the United States Senate. On the 8th of February, 1866, the Senate appears, without objection, without comment, to have adopted a resolution as follows:

Ordered, That the Senators-elect from the State of Colorado be admitted to the privileges of the floor.

Thereupon the Senators-elect had the privilege of the floor for about two years. The State was not admitted under that constitution; it was admitted under another constitution adopted in accordance with the provisions of an enabling act passed some four years later.

The PRESIDENT *pro tempore*. The question is on the adoption of the amendment of the Senator from Delaware [Mr. SAULSBURY].

Mr. VEST. I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. EDMUNDS. I am paired with the Senator from Tennessee [Mr. JACKSON], who is necessarily absent to-day. I do not know which way he would vote on this particular question, and I withhold my vote.

Mr. PALMER. I am paired with the Senator from North Carolina [Mr. VANCE] on this question. If he were here, I should vote "nay."

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Rhode Island [Mr. ALDRICH] on this question.

Mr. INGALLS. I am paired with the junior Senator from Delaware [Mr. GRAY] on this question. If he were here, I should vote "nay" on the amendment.

Mr. HAWLEY (after having voted in the negative). I recall the fact that I am paired to-day with the Senator from North Carolina [Mr. RANSOM]. I withdraw my vote.

The result was announced—yeas 22, nays 29; as follows:

YEAS—22.

Beck,	Cockrell,	Kenna,	Saulsbury,
Berry,	Coke,	McPherson,	Vest,
Blackburn,	Eustis,	Maxey,	Voorhees,
Brown,	George,	Morgan,	Walthall.
Butler,	Harris,	Payne,	
Call,	Jones of Arkansas,	Pugh,	

NAYS—29.

Allison,	Frye,	Mitchell of Pa.,	Sherman,
Bowen,	Harrison,	Pike,	Spooner,
Cameron,	Hoar,	Platt,	Stanford,
Conger,	Logan,	Plumb,	Teller,
Cullom,	McMillan,	Riddleberger,	Wilson of Iowa.
Dawes,	Mahone,	Sabin,	
Dolph,	Manderson,	Sawyer,	
Evarts,	Miller of N. Y.,	Sewell,	

ABSENT—25.

Aldrich,	Gibson,	Jackson,	Ransom,
Blair,	Gorman,	Jones of Florida,	Vance.
Camden,	Gray,	Jones of Nevada,	Van Wyck.
Chace,	Hale,	Miller of Cal.,	Wilson of Md.
Colquitt,	Hampton,	Mitchell of Oregon,	
Edmunds,	Hawley,	Morrill,	
Fair,	Ingalls,	Palmer,	

So the amendment was rejected.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

CALLED BONDS HELD BY NATIONAL BANKS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution submitted yesterday by the Senator from Kansas [Mr. INGALLS].

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what proportion of the $10,000,000 United States bonds called for payment February 1, 1886, are held by national banks as a basis for circulation; and if any are so held, by what banks, and the amount held by each.

Mr. INGALLS. I wish to amend and modify the resolution by omitting the last clause, after the semicolon, in the words "and if any are so held, by what banks, and the amount held by each?" I do this at the suggestion of some gentlemen who have advised me this morning that, being interested in national banks, the bonds held by their institutions as a basis for circulation have been called for payment on the 1st day of February, and the publication of that fact might interfere with them in some way or perhaps impair their credit. I therefore ask, as I believe I have a right, the yeas and nays not having been ordered, to amend by omitting the last clause of the resolution, and as amended I ask its adoption.

The PRESIDENT *pro tempore*. The Senator has a right to modify the resolution. The resolution as amended will now be read.

The CHIEF CLERK. In line 4, after the word "circulation," strike out the words:

And if any are so held, by what banks, and the amount held by each.

So as to read:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what proportion of the $10,000,000 United States bonds called for payment February 1, 1886, are held by national banks as a basis for circulation.

The PRESIDENT *pro tempore*. The question is upon the adoption of the resolution as modified.

The resolution as modified was agreed to.

THE NORTHEASTERN FISHERIES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the next resolution in order.

The CHIEF CLERK. A resolution of Mr. FRYE in relation to the appointment of a commission charged with the settlement of the fishing rights of the United States and Great Britain.

The PRESIDENT *pro tempore*. The question is upon the reference of the pending resolution to the Committee on Foreign Relations. The Chair hears no objection, and it is so referred.

Mr. CONGER subsequently said: I stated yesterday that on the fisheries resolution which would come up in the morning hour to-day I should desire to submit some remarks to the Senate. I supposed that the resolution would come up in the morning hour.

The PRESIDENT *pro tempore*. Although the Senator from Michigan was not present, it was the duty of the Chair to lay the resolution before the Senate, and it was referred to the Committee on Foreign Relations. Does the Senator from Michigan desire to move to reconsider the reference.

Mr. CONGER. I requested the gentleman who offered the resolution to hold it a day or two until I had an opportunity to make some remarks, but if it is deemed improper that I should do so at this time I can wait until some other time.

Mr. FRYE. If the Senator will hear me before he strikes, the Senator from Maine was not present when the reference was made. If he had been, he would have informed the presiding officer that the Senator from Michigan proposed to make some remarks upon it.

Mr. CONGER. It might not have done any good, for the Senator from Michigan had himself personally stated yesterday that he desired to make some remarks upon that subject, that it was then too late to enter upon them, but he would do it at some future time. I suppose the Chair had forgotten that, or else it was not of importance enough.

The PRESIDENT *pro tempore*. The Chair remembered it distinctly, but he remembered also that it was his duty at the moment to lay the resolution before the Senate, and if the Senator was absent the Chair could not himself, according to the customs of the Senate, make a motion to postpone its consideration.

Mr. CONGER. Is it proper to move to recall the resolution?

The PRESIDENT *pro tempore*. It will be proper to move to reconsider the action of the Senate.

Mr. CONGER. I move to reconsider the vote by which the resolution was referred to the Committee on Foreign Relations.

The motion to reconsider was agreed to.

Mr. CONGER. Then I shall hope on some occasion, when there is a little more time than there will be this morning in the morning hour, to have an opportunity of presenting some remarks on the subject.

The PRESIDENT *pro tempore*. The resolution will go over under the rule.

Mr. CONGER. The Senator from Maine, who offered the fisheries resolution, which I asked to have reconsidered and brought back to the Senate, has informed me that he desires to have it go before the committee so that some gentlemen who are in waiting here may be heard before the committee, and that when the resolution is reported from the committee there will be an opportunity for remarks from Senators, of which I was not aware. With that view I ask unanimous consent that the motion to reconsider be set aside and that the resolution be sent back to the committee as it was ordered.

The PRESIDENT *pro tempore*. The Senator from Michigan asks the unanimous consent of the Senate for leave to withdraw the motion to reconsider. Is there objection? The Chair hears none, and the resolution stands referred to the Committee on Foreign Relations.

CHANGE OF REFERENCE.

Mr. PLUMB. Some days since I introduced a bill (S. 800) to authorize Dr. C. E. Price, assistant surgeon United States Army, to receive pay for discharging the duties of physician to the Hoopa Valley Indian reservation, such services having been performed at the request of the proper officers of the Interior Department, and had it referred to the Committee on Military Affairs. I have been requested by the gentleman who prepared the bill and at whose request I introduced it to ask to have the reference changed to the Committee on Claims. I presume that either committee will be entirely proper, but if there be no objection I will ask that the reference be changed to the Committee on Claims.

The PRESIDENT *pro tempore*. Does the Senator from Kansas report the bill from the Committee on Military Affairs?

Mr. PLUMB. I do not report it back. I ask consent that the reference be changed.

The PRESIDENT *pro tempore*. The Committee on Military Affairs will be discharged from the further consideration of the bill, and it will be referred to the Committee on Claims if there be no objection. The Chair hears none, and it is so ordered.

PURCHASE OF SILVER BULLION.

Mr. INGALLS. I ask leave, out of order, to offer a resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of silver bullion has been purchased for coinage in each month since July 1, 1885, in what market the same has been purchased in each case, and from whom, and the price paid; also whether in any instance all bids have been rejected, and, if so, for what reason; and in what money or currency the payments for such silver bullion have been made.

The PRESIDENT *pro tempore*. Does the Senator from Kansas ask for the immediate consideration of the resolution?

Mr. INGALLS. Yes, sir.

The resolution was considered by unanimous consent, and agreed to.

MAILING OF LOTTERY ADVERTISEMENTS.

The PRESIDENT *pro tempore*. The Calendar is now in order under the eighth rule. The Secretary will call the first case on the Calendar.

The CHIEF CLERK. A bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for the violation of the same.

Mr. WILSON, of Iowa. The Senator from Tennessee [Mr. JACKSON] is detained from the Senate to-day, and sent me a request to have the pending number on the Calendar passed over until to-morrow. I therefore make that request, at the same time suggesting that the bill retain its place on the Calendar and be passed over informally.

The PRESIDENT *pro tempore*. If there be no objection that order will be made. The bill will retain its place on the Calendar and go over under the rule. The next case on the Calendar will be called.

ORDER OF BUSINESS.

Mr. DAWES. The unfinished business before the resolution came up yesterday was the bill for opening a part of the Sioux reservation. Where has that gone?

The PRESIDENT *pro tempore*. There is no unfinished business of the morning hour. The cases will have to be taken up in their order. The Senate will no doubt reach the bill indicated in a short time.

Mr. DAWES. Just what is the parliamentary situation of that bill which was commenced and partly finished?

The PRESIDENT *pro tempore*. It is No. 34 in the Order of Business, two or three numbers ahead. It is on the Calendar.

Mr. DAWES. Is it necessary to make a motion in regard to it?

The PRESIDENT *pro tempore*. It is not necessary for the Senator to call it up. It will be reached in order shortly.

Mr. DAWES. I do not desire to call it up to-day, because there is but little time before 2 o'clock, but I should like to inquire what is necessary to bring it up to-morrow.

The PRESIDENT *pro tempore*. It will be reached in its order in a few minutes, if the Senator will wait.

ADMISSION OF DAKOTA.

The bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln was announced as next in order on the Calendar.

Mr. HARRISON. I ask that the bill be passed over, as I have given notice that I shall call it up on Friday next.

The PRESIDENT *pro tempore*. That course will be taken. The two

next cases on the Calendar have been reported adversely, and will be passed over under the rule without being called.

SIOUX RESERVATION IN DAKOTA.

The bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. This is the bill to which the Senator from Massachusetts [Mr. DAWES] referred.

Mr. DAWES. The Senator from Colorado [Mr. TELLER] gave notice yesterday that he would desire to address the Senate at 2 o'clock today, and I ask that this bill may be the unfinished business for tomorrow morning.

The PRESIDENT *pro tempore*. The bill will go over under the rule without displacement in its order.

Mr. DAWES. I desire that it may go over and stand precisely as it does now.

The PRESIDENT *pro tempore*. That is the order made in regard to it. The next business on the Calendar will be stated.

CHURCH AND STATE.

The CHIEF CLERK. "A resolution, by Mr. MORGAN, in relation to the appointment of officers of the United States to participate with the officers of any church in the joint conduct and administration of the spiritual or temporal affairs of such church," &c.

Mr. MORGAN. That may go over.

The PRESIDENT *pro tempore*. The resolution will go over under the rule.

Mr. FRYE. When the presiding officer says "it goes over under the rule," is it intended that it shall go over and maintain its position on this Calendar or go on the General Calendar?

The PRESIDENT *pro tempore*. That it shall go on the General Calendar under Rule IX.

Mr. FRYE. That is what I supposed.

The PRESIDENT *pro tempore*. Unless the Senator from Alabama asks unanimous consent to have it go over without prejudice.

Mr. MORGAN. I was not aware that that would be the result of sending the resolution over, inasmuch as it has never been before a committee or reported upon. Then I prefer to have action taken upon it.

The PRESIDENT *pro tempore*. Does the Senator from Alabama desire to have the resolution go over without prejudice?

Mr. MORGAN. Without prejudice was my request.

The PRESIDENT *pro tempore*. That order will be adopted if there be no objection.

Mr. HARRIS. Does the Senator from Alabama think the resolution can be disposed of under the five-minute rule?

Mr. MORGAN. Yes; I suppose so.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Alabama as desiring to have the resolution go over under the rule, which would carry it over under Rule IX.

Mr. MORGAN. No, sir; that was not my purpose.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution for the printing and binding of 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House; in which the concurrence of the Senate was requested.

JOSEPH W. PARISH.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be announced.

The bill (S. 241) for the relief of Joseph W. Parish was announced as next in order on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be considered as before the Senate as in Committee of the Whole, and will be read.

The bill was read.

Mr. SAULSBURY. Is there a report in that case?

The PRESIDENT *pro tempore*. There is a report. It will be read.

Mr. HOAR. The report consists of a good deal in the way of statistics, figures, and other matters that the Senate could not very well follow in the reading. I think the Senate would prefer to have me make a brief statement of the case, and then determine whether they desire to have the report read or not. But as that statement would be interrupted in about sixty seconds, I ask unanimous consent that it be considered 2 o'clock now for purposes of business, so that the pending bill may go over.

The PRESIDENT *pro tempore*. If there be no objection the Chair will announce the unfinished business of yesterday. The Chair hears no objection.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. TELLER. I ask that the bill may be laid aside informally in order that I may address the Senate.

The PRESIDENT *pro tempore*. The Senator from Colorado asks the unanimous consent of the Senate to lay aside the pending order informally, with a view to taking up the resolution offered by the Senator from Kentucky [Mr. BECK]. That order will be made unless there is objection.

COIN DUTIES ON IMPORTED GOODS.

The Senate resumed the consideration of the resolution submitted December 18, 1885, by Mr. BECK, relative to the payment of customs dues and the disbursements thereof, &c.

Mr. TELLER. Mr. Presldent, the importance of the questions which have been under discussion, somewhat irregularly perhaps, is I think a sufficient excuse for my obtruding myself upon the Senate at this time. I shall not attempt to address myself as particularly and specifically to the pending resolution as to the general questions which have been discussed in its consideration.

A free commercial interchange between the different nations of the earth can only be had with the use of one or both of the money metals, and gold or silver is as indispensable for commercial transactions among the people at home as between the nations of the earth. Without a sufficient amount of money with which to do business, the energies of the people are depressed and in time destroyed. A scarcity of money means a lack of production, dull times, stagnation in business, low wages, or none at all, poverty, want, and general distress. The people who live on fixed incomes suffer the least, and the laborer the most.

With a sufficiency of money with which to do business, commerce will flourish, manufactures will be stimulated, and productions of all kinds increased. The laborer will be worthy of his hire, and, what is of equal importance to him, will receive it. Capital will stimulate the energies of the people to produce; production is wealth. Individual and national prosperity will follow. We all know the difference between periods of business activity and financial depression, and no one will deny that the people are happier when business is good than when bad. It is the money-loaner, the bill-discounter, and pawnbroker that flourish in the hour of financial distress. So the question comes home not only to the statesmen and capitalists, but to the poorest laborer in the land, what shall we gain by the destruction of the money faculty of silver? Can the business of the commercial world be transacted with gold and paper money based on gold?

If the last question is answered in the affirmative, then we may well consider the advantages and disadvantages of the use of gold alone, but if we answer it in the negative, we may cut short our inquiries and cease our investigations. To determine whether we can dispense with one of the money metals and do the business of the world with the other necessitates the inquiry as to the amount of the metal to be discarded as well as the amount to be retained. The amount of gold and silver in circulation as money or in existence in such a state as to be converted into money, if the interests of trade require, has been variously estimated. At the best, all estimates must be largely a matter of speculation. Statisticians, writers on political economy and finance, have, in order to ascertain the amount in circulation, attempted to determine the amount of the world's production, and especially the production since the discovery of America. But when we realize that the most enlightened nations of the earth kept little or no account of the production of their mines, their mintage, imports, and exports until within the last century, it will be apparent how difficult the task.

Soetbeer estimates the world's production since the discovery of America up to 1875 in round millions as follows: Gold, $4,643,000,000; silver, $6,159,000,000. If we now add the production since 1875, estimated as gold $1,000,000,000 and of silver about the same, $1,000,000,000, we have a total of $12,802,000,000; or gold $5,643,000,000, and silver $7,159,000,000. This estimate is one-fourth too large according to some and one-fourth too small according to others. It doubtless presents very nearly, if not quite, the relative amounts of gold and silver produced in the world since the discovery of America.

When we consider the character of the two metals, taking into consideration the large amount of gold used in the manufacture of personal ornaments, its loss by use, &c., in comparison with the loss of silver in the same way, it is quite apparent that if the original production of gold and silver was equal the silver must now be largely in excess of the gold. What has been the world's production of gold—and silver is of no importance, except that it may enable us to determine the amount still in existence—available for circulation? This at first sight might not appear to be a difficult matter, but when we commence our investigations in that direction we shall find the same difficulty, although in a lesser degree, that we found in determining the world's production.

Mr. Burchard, late Director of our Mint, in his report for 1884, page 486, gives a table of the amount of coin and bullion in the principal countries of the world in round millions as follows:

Gold	$3,293,000,000
Silver	2,754,000,000

This estimate includes silver of full and limited legal tender.

Mr. Burchard has given his authority for most if not all of his estimates, so we may form our own conclusions as to the correctness of his figures.

In this table he estimates the amount of silver in India at $1,037,000,000. Mr. Chapman, before mentioned, estimates the silver circulation in 1881 at $1,250,000,000.

The amount given by the Director of the Mint for India is but a little more than the net imports into that country within the last twenty-seven years, and no account is made of the silver that has been pouring into the country for the last two hundred years.

No estimate is made of the silver in China, Java, Persia, Siam, and other Asiatic countries, and as these countries must contain a large amount of silver in circulation as money, it is evident that the estimate of $2,754,000,000 is too small. I submit a table of estimates from the recent work of Soetbeer, showing the amount of gold and silver in the principal countries in the world at the end of the year 1884. This table was kindly furnished me by the Director of the Mint.

Countries.	Gold.	Silver.	Gold and silver.
Great Britain	$575,246,000	$92,820,000	$668,066,000
British colonies, without India	95,200,000	14,280,000	109,480,000
The Netherlands	14,042,000	64,022,000	78,064,000
France, Italy, Belgium, and Switzerland	1,065,050,000	833,000,000	1,898,050,000
Austria-Hungary	47,600,000	71,400,000	119,000,000
Germany	374,136,000	212,296,000	586,432,000
Scandinavian countries	27,370,000	10,234,000	37,604,000
Russia	136,850,000	57,120,000	193,970,000
United States	585,480,000	276,080,000	861,560,000
Other countries in Europe and America	194,684,000	451,486,000	646,170,000
Total	3,115,658,000	2,082,738,000	5,198,396,000

It will be observed that Soetbeer has omitted India, which he estimated in 1881 as having over $1,000,000,000 of silver. If this is added to his total of silver in other countries his estimate will be in the neighborhood of three hundred million more than the estimate of Director Burchard for 1884.

In 1876 Mr. Seyd estimated the gold of the world at $3,750,000,000. Mr. Chapman, of India, in a letter addressed to the late monetary conference, estimated the gold at very nearly twice that amount, estimating the gold and silver of the world at £2,800,000,000 or $14,000,000,000. About one-half of this amount is supposed to be gold; that is, $7,000,000,000.

Our minister to France (Mr. McLane) estimates the total silver coin in France at about $980,000,000, which includes foreign coins as well as French coins, but all circulating as the equal of gold.

I have another table (kindly furnished me by the Director of the Mint) of the world's stock of gold and silver. It will be observed that in this table the stock of gold in the United States is put at $609,000,000, instead of $610,500,000, as estimated by Director Burchard.

It will also be observed that the estimate of Soetbeer of the gold in the United States is about $25,000,000 less than Burchard's; but whether we take Burchard's or Kimball's estimate of 1884, we must add the imports of gold since the close of the fiscal year 1884 over the exports to the present time. The excess of imports of gold over the exports of that metal from July 1, 1884, to July 1, 1885, was $18,213,804, and the excess of imports over exports to the 1st of October, 1885, was two and a half millions, making the total of $20,500,000 in round numbers; this, without allowance for our production, would give us $631,000,000 according to Burchard, and a million and a half less according to Kimball. With our own production, it is safe to say we have a stock of gold of at least $650,000,000. Kimball gives our silver stock at $283,000,000, which of course comprises our legal-tender silver as well as subsidiary coin and bullion.

Stock of gold and silver coin and bullion in the principal countries of the world.

Countries.	Population.	Gold.	Silver.	Total.	Per capita.		
					Gold.	Silver.	Total.
United States	*58,000,000	$609,000,000	$283,000,000	$892,000,000	$10 50	$4 88	$15 38
Great Britain and Ireland	35,246,562	583,500,000	95,000,000	678,500,000	16 56	2 69	19 25
Dominion of Canada, including Manitoba and Newfoundland	4,506,563	9,326,000	4,500,000	13,826,000	2 07	1 00	3 07
British India	252,541,210	.....	1,037,000,000	1,037,000,000	.....	4 10	4 10
Ceylon	2,758,166	.....	772,000	772,000	.....	28	28
Australia, Tasmania, and New Zealand	2,798,898	65,000,000	5,000,000	70,000,000	23 22	1 79	25 01
Cape of Good Hope	780,757	30,000,000	2,441,000	32,441,000	38 42	3 12	41 54
France	37,672,048	848,000,000	594,900,000	1,442,900,000	22 51	15 79	38 30
Algiers	2,867,626	9,300,000	5,915,000	15,215,000	3 24	2 06	5 30
Guadeloupe	185,460	381,000	281,000	662,000	2 06	1 52	3 58
Belgium	5,585,846	64,000,000	59,500,000	123,500,000	11 46	10 66	22 12
Switzerland	2,846,102	17,000,000	14,700,000	31,700,000	5 97	5 16	11 13
Italy	28,452,639	†140,000,000	†72,000,000	†212,000,000	4 92	2 53	7 45
Greece	1,979,423	2,702,000	2,702,000	5,404,000	1 36	1 36	2 72
Spain	16,625,860	130,000,000	70,000,000	200,000,000	7 82	4 21	12 03
Cuba	1,394,516	28,181,000	.....	28,181,000	20 20	.....	20 20
Luzon	4,450,191	762,000	2,236,000	2,998,000	17	50	67
Portugal, including Azores and Madeira	4,550,669	30,000,000	10,000,000	40,000,000	6 59	2 20	8 79
Germany	45,235,061	334,420,000	211,480,000	545,900,000	7 39	4 67	12 06
Austria-Hungary	35,839,428	45,000,000	75,000,000	120,000,000	1 26	2 09	3 35
Sweden and Norway	6,479,168	14,296,783	5,138,368	19,435,151	2 21	79	3 00
Danish Kingdom	2,096,400	13,936,000	4,958,000	18,894,000	6 64	2 36	9 00
Netherlands	4,172,921	28,000,000	57,000,000	85,000,000	6 71	13 66	20 37
Russia	98,323,000	‡124,008,153	.....	124,008,153	1 26	.....	1 26
Turkey	24,987,000	39,600,000	35,200,000	74,800,000	1 59	1 41	3 00
Roumania	5,376,000	163,000	11,387,000	11,550,000	03	2 12	2 15
Mexico	9,787,629	‡10,000,000	40,000,000	50,000,000	1 02	4 09	5 11
Central America	2,891,600	2,318,000	374,000	2,692,000	80	13	93
Argentine Republic	2,540,000	10,000,000	10,720,000	20,720,000	3 93	4 22	8 15
Colombia	3,000,000	.....	4,000,000	4,000,000	.....	33	33
Peru	3,050,000	62,000	1,820,000	1,882,000	02	60	62
Venezuela	2,075,245	2,000,000	123,000	2,123,000	96	06	1 02
Chili	2,420,500	.....	6,000,000	6,000,000	.....	2 47	2 47
Bolivia	2,325,000	.....	5,400,000	5,400,000	.....	2 32	2 32
Uruguay	438,245	4,601,000	1,000,000	5,601,000	10 49	2 28	12 77
Hayti	572,000	4,000,000	780,000	4,780,000	7 00	1 36	8 36
Japan	36,700,100	92,000,000	44,333,712	136,333,712	2 50	1 21	3 71
Hawaiian Islands	66,895	549,900	950,000	1,499,900	8 20	14 21	22 41
Total	.....	3,292,106,836	2,775,611,080	6,067,717,916			

*Estimated by the Director of the Mint. †Wahrung's Politik, 1884. ‡Bank reserves only.

The $594,900,000 doubtless represents French coins only, and does not include the foreign coins in circulation in that country.

Whatever may be the amount of gold and silver in circulation, it is evident that hitherto the two metals have not sufficed as a circulating medium to meet the demands of the business of the world, and all civilized nations have been compelled to resort to paper to make up for the lack of gold and silver. This paper money must, by the laws of trade, bear a certain proportion to the amount of gold and silver held as the basis of its issue.

We can not have forgotten in this country the large issue of the national notes during the war, without any considerable amount of gold and silver in reserve, either in the hands of the people or in the vaults of the Government. Its rapid depreciation was not from a want of faith in the Government ultimately paying these notes, but because it was apparent that the Government could not then pay in coin. In the nature of things, a paper currency not based on gold or silver will not circulate beyond the territorial limits of the nation issuing the same; but make it exchangeable on demand for coin, and its value will be substantially the same throughout the commercial world, the difference being only the cost of the exchange.

The experience of all nations that have resorted to the use of paper money, when destitute of gold and silver, has been the same as our own, and we may regard it as a fixed rule in finance that such issue must always have reference to the gold and silver available for the redemption of such paper. The paper currency then issued is but the representative of money, a promise that the paper dollar shall be exchanged for the real dollar. Such exchange must be on demand without trouble or expense to the holder, or else the note depreciates. With

both gold and silver in circulation as money, the principal nations of the earth have issued more paper money than either the silver or gold in circulation, or about $3,943,000,000.

The business of the world can not be transacted as it was fifty or one hundred years ago. The activity in all kinds of business largely brought about by the discovery of gold in California and Australia demands much more money for daily use than was required previous to 1848. We need all our money metal and all the paper issued on it for the convenience of trade. If we destroy one-half of the money metal we must curtail the paper issue in the same proportion.

If, then, it has been found impossible to do the business of the world with the gold and silver in circulation, what reason have we to suppose the gold alone will suffice? Is business to be less active, the wants of the people less than heretofore? With the increasing population and extension of settlement, the opening of new regions of country for the use of civilized men, the demand for money must increase. Fifty million people need more than five million, and one hundred million more than fifty million.

The increased demand for money will not be met by the production of gold alone. The annual production of gold has decreased from $192,000,000 to $100,000,000, with every prospect of its falling very much below that amount. The amount consumed in arts and manufactures will in a short time equal the annual production. When we consider the amount that will be required in the arts and manufactures it is quite apparent that we can not hope to increase the world's stock of gold for use as money. But if it is still said we may dispense with silver and use gold only and not disturb the commerce of the world, what advantage shall we gain by so doing? Why shall we deny to silver the money function which the whole world has until recently conceded to it?

That it is a money metal by the almost universal consent of mankind will not be denied, and it is no answer to the demand for its continued use to say that it is not the best money in the world. Silver has been money since the dawn of civilization. It is money to-day in the hands of 90 per cent. of the human family, and by three-fourths of them, either by law or by preference, it is placed above gold. It is the money metal of commerce, and it is better adapted to trade than gold at a majority of the ports of the world. It will be received where gold will, either as a legal-tender metal or as a valuable commodity that can be converted into money to be used elsewhere, and in many countries it is preferred to gold at a ratio less than that existing in this country. England, Germany, and a few other countries will not take it at its mint value, yet will take it by weight as a money metal.

If silver is adapted by nature to supply the wants of the human race as money, why is it that such an effort is being made to destroy its monetary value? It is to destroy one-half of the money of the world to enhance the value of the other half. The advocates of the single standard declare that gold is immovable in its price; that the destruction of silver as a money metal can not increase the price of gold. John Locke declared "that if you increase or lessen the quantity of money current in traffic the alteration in values is in the money," a proposition that only need be stated to compel a recognition of its truth. When you have destroyed the money faculty of silver and left the business of the world to be carried on with gold alone you have increased the purchasing power of gold, and it is immaterial whether you say the thing purchased has fallen or gold has risen. Property values become less, and those who have money on deposit, the holders of bonds and mortgages and Government securities, are directly benefited, for the principal and interest of such and all other debts remain to be paid with but one-half of the money that was in existence at the time such debts were contracted.

One reason given by the friends of the single standard in the monetary conference of 1881 against the remonetization of silver by the entire commercial world was that it would enhance the price of all commodities. If its complete remonetization will raise prices, is it not certain that the demonetization will lower the prices?

But it is said that silver is not a stable metal like gold, and therefore it disturbs prices and values when received as money; and to make good this charge, the price of silver is gauged by the price of gold. In other words, when in London 15½ ounces of silver will buy 1 ounce of gold, we say silver is at par with gold.

But if the demand is so great for gold, and the supply so small that the holders declare that they want 18 ounces of silver for 1 of gold, we say that silver has fallen, when it is notorious that 15½ ounces of silver will buy as much of everything else in the world except gold as when 15½ ounces of silver bought 1 ounce of gold. Is it not then apparent that it is gold that has risen? If we measure silver by the standard value of all other things silver has stood still and gold has gone up, and its purchasing power, not only of silver but all other things, has increased. It was declared at the monetary conference of 1881 that in India silver would buy more of all things except gold than when it was worth 59 pence per ounce. Still an ounce would not buy over 52 pence in gold. Suppose we gauge gold by silver, and we find that silver stands still and gold moves—to-day it is worth fifteen and a half silver dollars per ounce, to-morrow eighteen, and the next day sixteen. What is that but a fluctuation in the price of gold? If you measure the price of gold by all other values, you will see it has risen in price or its purchasing power has increased in a greater degree than silver.

But if we submit to gauge silver by gold alone as its standard, and admit that it has fallen and gold stood still, can we find the cause of such fall outside of and not inherent in silver? Silver was worth 61⅞ pence per ounce in London in December, 1865, at the time of the organization of the Latin Union. This was a premium on silver or a disdiscount on gold. No one then talked about the fluctuation of silver. It was the stable metal; gold was the unstable metal; silver was the valuable metal. A silver dollar of 412½ grains was worth 105 cents. A gold dollar of 25.8 grains was worth only 95 cents in silver.

In 1873 the average value of silver was 59½ pence, and the silver dollar was then worth more than a gold dollar, and had been for forty years; that is, from 1833 to 1873. Thus, during the forty years preceding 1873 the gold dollar had been at a discount, the silver dollar at a premium. The gold dollar had been worth nearly all that time from 3 to 6 per cent. less than the silver dollar. But in 1867 an effort was made by several of the leading nations of the world to adopt a gold standard, not because silver was the cheap metal, for it was not.

The monetary conference of Paris, held in June, 1867, reported in favor of the gold standard. Using this report as the basis of action, the Finance Committee of the United States Senate in June, 1868, reported a bill making silver a legal tender for $10 only, thus proposing the demonetization of silver. It was urged that as the United States was a great gold-producing country, it ought therefore to adopt the gold standard. As we now produce more silver than gold, what will the former advocates of the gold standard say to that argument now? The effort culminated in the legislation of 1873 demonetizing silver.

In 1871 Germany demonetized silver when the market price was about 60 pence and the American silver dollar was worth about 103 cents. The commercial ratio between silver and gold was very nearly 15.50, the legal ratio; or, to be exact, 15.58. The demonetization of silver by Germany was not on account of the low price of silver, and not because of any objection to the ratio of 15.50 to 1, because that ratio had been too high for the market from 1853 to 1861, when the market and legal ratio were exactly together, the ratio again dropping below fifteen and a half until 1867, when it went to 15.57.

The demonetization of silver in Germany by law in 1871, and in fact in 1873, did not materially lessen the price of silver, and the silver market was not seriously disturbed until 1874, when silver was quoted at $58\frac{5}{16}$ pence per ounce, and the American dollar of 412½ grains, if in existence, would have been worth a little less than 99 cents, measured by a gold dollar. The Latin Union, alarmed at the warfare made on silver by Germany and other countries, also took steps to degrade silver from its money function by refusing it free mintage at the mints of the Union, and providing for only a limited amount of coinage. Just how it was supposed this denial of the money function of silver would sustain it in the market must ever remain a mystery to thinking men.

Germany was offering to the world from $350,000,000 to $400,000,000 of silver no longer desired for home use as money. Every nation that used silver saw herself the depository of Germany's silver, and feared that their gold would flow to Germany in exchange for such silver; and, strange as it may seem, the wise financiers at the head of our Government, notwithstanding we had neither gold nor silver in any considerable quantities, feared the loss of what little gold we had and that we should be overwhelmed with German silver, and the Government hastened to declare that silver was not money in the United States except in small sums. Thus Germany, the United States, the Scandinavian countries, and the Netherlands were engaged in destroying the money function of silver and endeavoring to make it a mere commodity. With the loss of the money faculty of silver its real value was gone, and had all the nations of the earth followed the example of the nations before named silver would have been about as valuable as copper, for, shorn of its money faculty, it is of less value to mankind than either copper or brass.

The commercial ratio of silver to gold had been quoted steadily at from 15½ to 1 for many years, but now silver was degraded and denied its proper function and gold was increasing in demand, for with the loss of silver came a demand for gold to perform the money functions heretofore performed by silver and gold, and thereafter to be performed by gold alone. Thus the price of gold went up as the demand for it increased.

In addition to the assault that had been made on silver the demand for silver for India fell off, not because India intended to discontinue the use of silver, but for other causes. For fifteen years previous to 1870 India had taken net imports on an average each year of almost $50,000,000, and this demand fell off, so that from 1870 to 1877, a period of six years, the net import was only about $12,000,000 each year. Is it strange, with the hostile legislation against silver by the great commercial nations of the world, and the threat of others to do the same, that silver depreciated or gold appreciated?

It was pretended that the world's production would largely increase, and to such an extent that the traffic of the world could not make use of the amount produced as a money metal. The world had passed through a period of business activity, large credits had been given, until the bankers, brokers, and money-loaners held mortgages on all the great

public works, whether contracted by corporations or municipalities. States, counties, cities, and towns had loaned their credit to corporations, or had been the borrowers of money on their own account. Houses and lands had been mortgaged at large rates of interest, and it is no fiction when it is said that the debtor class were fast becoming the slaves of the creditor class.

The creditor class, always powerful in affairs of state, controlled the legislation as well as the financial affairs of the world. The destruction of one-half of the money of the world would enhance the value of all of these securities. Is it very strange that the common people of all nations, deeply absorbed in their efforts to pay their interest and escape from their debts, did not interfere in the attempt to lessen all values except that of gold? Thus the demonetization in Germany did not call from that class a protest any more than the act of 1873 did from the people of the United States, who were busy in trying to save something from the wreck produced by overspeculation and overcredits, and were suffering from stagnation in business produced by a want of real money to carry on the legitimate business of the country, and did not discover that silver was demonetized until months after it was done.

But it is said that it is not just and honest that the silver dollar of 412½ grains shall be received as of the same value as a gold dollar of $25\frac{8}{10}$ grains when silver bullion of the weight of the silver dollar will not buy gold bullion of the weight of the gold dollar, and the silver dollar of 412½ grains is called a clipped dollar, dishonest dollar, and a cheat. If gold was denied access to the principal mints of the world and threatened with destruction as a money metal $25\frac{8}{10}$ grains would not buy 412½ of silver, and for forty years a gold dollar would not buy a silver dollar, and that, too, immediately preceding the demonetizing of silver in the United States.

We are told that we can not circulate both the gold and silver dollar unless we make them of equal value, treating them as so much bullion. The ratio between gold and silver has ever been a varying one. This ratio is determined by human consent based on the cost of production and the demand for its use. In France, in 1785, the market ratio, or the ratio established by the consent of the merchants, was $15\frac{22}{100}$ to 1. By the action of the French Government the ratio was made $15\frac{50}{100}$ to 1, and the mercantile consent was given to it, and thus all the gold in France appreciated the difference between the mercantile ratio and the government ratio; but the mercantile ratio disappeared, and the government ratio took its place and held it one hundred years without any material variation. Had the French Government declared the ratio 15 to 1, the mercantile assent would have been given, and all the silver would have been appreciated. In this country it takes 16 ounces of coined silver to pay the debt that can be paid with 1 ounce of coined gold. In France and many other countries 15½ ounces of coined silver will pay a debt that can be paid with 1 ounce of gold.

Does any one doubt that if the monetary conference of 1881 had secured the assent of all the nations represented at that conference to declare the ratio 15½ to 1 that there would have been anything more said about the dishonest dollar or the low price of silver? Thus the ratio between gold and silver is dependent on human consent, either in shape of legislative declaration or by the universal consent of mankind or some considerable portion of it. The stability of such ratio must depend on the universality of such consent. If the entire world consents that it be 15½ to 1 it will be fixed at that ratio, and so remain, until at least some portion withdraw that consent. To attempt to put in the silver dollar an amount of silver that treated as bullion will buy a gold dollar and thus keep the gold and silver dollar of equal market value, is to ignore the fact that silver is a money metal as well as gold, and deny it the value conferred on money metal by its mintage. Both metals possessing money functions, they must be treated according to their respective value, measured by the cost of their production and their adaptability as a circulating medium.

A dollar, whether 412½ grains of silver or $25\frac{8}{10}$ grains of gold, represents a certain amount of human labor. When it takes fifteen and a half times as much labor to secure 1 ounce of gold as it does an ounce of silver, the consent of mankind can be readily obtained that the rate be 15½ to 1, but if the time shall come when 20 ounces of silver can be secured with the same labor that it requires to secure 1 ounce of gold, human consent will soon fix its ratio as 20 to 1. In the nature of things the ratio can never be fixed according to the exact proportion of labor required to secure the metal. Gold and silver may be mined in some places and at some times much more cheaply than at others, and some nations may prefer one metal and other nations the other; so the human consent is after all the recognition of the difference in the cost of production, considered in connection with its fitness for use as money and the demand therefor.

Notwithstanding that I have declared that the ratio between gold and silver is one of human consent based on the cost of production, demand for its use, and its fitness for use as money, I will not overlook the fact that the ratio may be impaired by a greater demand for one metal than for the other or by the denial of its money function. Thus, when large shipments are to be made of silver to India, when gold is not desired, 1 ounce of gold may not buy 15½ ounces of silver. From 1833 to 1873 the demand for silver was so great that the ratio fixed by law was impaired, and silver was at a premium, or gold at a discount, when measured by the ratio of 15½ to 1. Owing to the assaults made on silver since 1871, and the demand made for gold, the ratio has been somewhat impaired, but it is evident such impairment is not the result of an overproduction of silver, or because silver has been produced with less labor than was formerly required to secure it, nor on account of its unfitness for use as money.

It has been discredited as a money metal, denied access to the mints, and in a variety of ways its enemies have made repeated assaults on it, and its friends, overwhelmed by the clamor against it, have made but a feeble defense. Its enemies, under the guise of friendly aid, urge the partial demonetization, restrict its coinage, falsify its history, prophesy an overproduction, and contend for an increased ratio. Put the ratio, say they, at 18 to 1 or 20 to 1, and we then are in favor of the double standard. The hundred years of its history with a ratio of 15½ to 1 proves that it is a stable money metal, and in addition thereto proves that the ratio is as high as it ought to be. With the ratio at 16 to 1 for forty years, we failed to keep an American dollar in circulation. Suppose the commercial and financial world had assaulted gold as silver has been assaulted when gold was from 3 to 6 per cent. below silver, does any one suppose gold would not have fallen still lower?

The gold production sprung within a few years from about $15,000,000 a year to nearly $200,000,000. That might have looked like an overproduction. Silver from $50,000,000 to $100,000,000 is not alarming. For a hundred years the average annual production of silver has been about $50,000,000. When we consider the production of gold for a few years after the discovery of gold in California and Australia, and that it has now fallen to half the annual production of some years, is it to be supposed that a business world that could absorb that amount without a material disturbance in its financial condition will be disturbed by an increase of silver from $50,000,000 to $100,000,000 a year? The demand for gold and silver both as money and in arts and manufactures will increase with the increase of population and civilization.

In 1878, when the proposition was before Congress to remonetize silver, all the evils that could befall a nation were predicted if the dollar of 412½ grains was made a legal tender. We were told that we should become the depositary of all the silver in the world, and that we should lose all our gold and be reduced to a silver standard; we were threatened with a loss of national credit, with an inability to sell our bonds. Shame and disgrace were to be our portion if we dared pay individual and national debts with the silver dollar. It was declared to be robbery to pay our bonds in the coin in which we had stipulated we might pay when the bonds were issued. Not only did this Chamber echo with the denunciations of those who believed the silver dollar was a legal tender for such bonds, but the pulpits thundered forth their denunciation of the friends of the double standard, who were declared to be as destitute of integrity as they were ignorant of finance. If the just vengeance of the gods was not invoked, it was threatened. What was our condition then as compared with our condition now? During the year 1877 the national notes were worth 94 cents on a dollar.

The total amount of gold and silver in the land could not have exceeded $200,000,000. Government bonds bore 4, 5, and 6 per cent. interest; business of all kinds at a standstill, or nearly so; the laborer in all parts of the land crying for an opportunity to earn his bread; the store-houses full of goods, but no purchaser, because the great mass of people were without means with which to buy. We were told that we had produced too much, and that we were suffering from overproduction. It was said that the halcyon days of the American laborer had passed, and that with the increasing population we must expect lower wages and less luxurious living for the poor than they had been accustomed to have. With an abundant harvest and surplus for exports, the people complained of want and distress. Distrust and uncertainty in business was the rule, confidence the exception.

It was declared in a public speech by a former member of President Lincoln's Cabinet that there were 1,200,000 laborers seeking employment and unable to find it. The country was full of tramps.

The total imports of gold and silver for the fiscal year 1877 was $43,732,595, and the total exports $56,054,737. That is, the total exports of gold and silver exceeded the imports by $12,332,142. The total imports of gold and silver from the 30th of June, 1877, to the 1st of March, 1878, were $17,625,556, and the total exports during the same time $30,587,874. That is, the exports of gold and silver exceeded the imports $12,962,318.

In July, 1877, silver was worth only 46¾ pence per ounce, and the bullion in the silver dollar was worth only 80 cents when measured by a gold dollar. We were without metallic money. The gold in the country was held either by the Government or the banks. It was not handled by the people. For sixteen years gold had not been money in the popular sense. The people were strangers to it. During the preceding seven years we had produced about three hundred millions of gold and nearly as much silver, yet thousands of men actively engaged in business had never handled a dollar of either silver or gold unless it was subsidiary silver coin.

With the remonetization of silver came prosperity. Confidence was restored, business revived, the laborer no longer vainly sought for the opportunity to earn his bread. The Government credit was not impaired, but advanced, and no one pointed the finger of shame at us as

a nation proposing to escape the payment of its just obligations according to the letter and the spirit. The bondholder was satisfied with his interest and the laborer with his wages. Yet the enemies of silver have not ceased to prophesy as to the evil results of the use of silver as money.

Since February, 1878, the imports of gold in excess of exports have been very large, and silver imports less than exports. Still we are told that it is not safe to continue to coin silver dollars nor to treat silver as a money metal; that the people will not receive it as money when we have more than $140,000,000 of it in circulation, either in "hard dollars" or in silver certificates, when we can not ignore the fact that the people have exchanged gold for silver that they might secure the silver certificates. Eighty million dollars gold was exchanged for the despised silver certificates, as shown by the Government reports. The silver certificate circulates as freely as the national note or the bank note. Should we coin the entire production of the silver mines of the United States for ten years we would have less than France has had in circulation without detriment to her financial condition. If we coin our silver and put it in the vaults of the Government and issue certificates therefor we shall have a safe currency.

We need not be afraid to inflate with silver, whether it circulates as a dollar or whether it goes into Government vaults and is represented by the silver certificates. Nor need we be alarmed at the cry of a short dollar, a clipped dollar, or dishonest dollar. Of the $2,754,000,000 silver now in circulation in the various countries of the world, $2,500,000,000 of it circulates at the ratio of 15½ to 1. Our dollar is worth at least 3 per cent. more than any silver coined at the ratio of 15½ to 1.

If the commercial world ever consents to the fixing of a ratio between gold and silver that shall be general in its character, it must be on the basis of 15½ to 1. To put the ratio higher is to depreciate silver and appreciate gold.

Shall the United States, producing one-half of the silver produced in the world, take any step which looks to its depreciation? To increase the ratio between gold and silver is to depreciate silver to the extent of the increase of the ratio. To this the countries owning large amounts of silver will never consent. For one hundred and thirty years the ratio of 15½ to 1 was too high, as may be seen by the following table.

I submit herewith a table of the price of silver in Hamburg from 1744 to 1844, one hundred years:

Periods.	Average price of silver.	Standard dollar.
	Pence.	*Cents.*
1744–1750	63½	106.95
1751–1760	64½	109.75
1761–1770	63 1/16	107.95
1771–1780	64⅛	109.10
1781–1790	63 7/16	108.25
1791–1800	61½	103.60
1801–1810	60 7/16	102.40
1811–1820	60 15/16	103.15
1821–1831	59 11/16	101.15
1831–1840	60¼	101.85
1841–1843	59⅜	100.90

Also a table of prices in London during that time:

Periods.	Average price of silver.	Standard dollar.
	Pence.	*Cents.*
1744–1750	63¼	106.80
1751–1760	64½	107.75
1761–1770	66 7/16	112.40
1771–1780	65 1/16	110.50
1781–1790	64⅝	109.55
1791–1800	63⅜	107.80
1801–1810	67½	113.90
1811–1820	73⅜	124.40
1821–1830	59⅜	100.60
1831–1840	59⅜	100.75
1841–1843	59½	100.90
1844–1854	60 1/16	103.+
1854–1863	61 1/16	103.+
1864–1873	61 1/16	103.+

India with its $1,000,000,000, France with her nearly $1,000,000,000, will hardly consent to the destruction of that amount of metallic money nor to its debasement 15 or 20 per cent. by increasing its ratio. If the nearly $3,000,000,000 of silver now doing duty as a money metal is deprived of its money function what are we to have in the place of it to use as money? After the destruction of its money value or its depreciation by adverse legislation what are the holders thereof to receive to make them whole? It is said that silver is the money of poor nations as it is of poor people. Granting that for the sake of the argument, is that any reason why it should be destroyed, and nations like some of the South American republics, Chili, Bolivia, Peru, having but little or no gold, should be deprived of silver money and compelled to use paper money alone? If it is the money of poor people we ought to restore it, for even in our own proud country the poor outnumber the rich many times.

From 1873 to 1878 inclusive, a period of six years, the exports of gold exceeded the imports by $123,754,210, or an average of $20,625,000 a year. Since the passage of the much despised and abused silver bill of 1878, partially restoring to silver in this country its money function, the imports of gold have exceeded the exports by $200,856,031.

In 1877 we had in the United States about $193,000,000 of gold. For six years previous we had been accumulating gold at the rate of $22,500,000 each year. We have now not less than $650,000,000 of gold. Thus we have added to our stock of gold since the passage of the silver bill at the rate of about $60,000,000 each year, and yet we are told that the coining of silver will drive gold out of the country, and is in fact doing so now. If it does not drive it out of the country, we are told by high authority that it will be hoarded, and in fact it is being hoarded now, to come out some day and buy up the unfortunate silver dollar. Well, when it is used for that purpose it will go into the channels of trade and commerce, and I can not see any cause for alarm from that source.

What evidence is there that gold is being hoarded? Not a particle. It is the pretense of the enemies of silver to frighten the people into submitting to their demands to suspend the coinage of the silver dollar. What evidence is there that the coinage of silver has exerted an evil influence on the finances of the country? None whatever; nor is there reason to suppose that its continued coinage will. Compare the condition of the national banks in 1877 with 1885, and we find no indications in that direction of financial disaster in the near future.

	October 30, 1877.	October 30, 1885.
Undivided profits and surplus funds	167,300,000	206,500,000
Capital stock$	$479,500,000	$527,500,000
Specie	22,700,000	174,900,000
Deposits	630,400,000	1,120,100,000

Deposits in national banks have increased during the last year $127,000,000, and they have also added to their stock of specie $46,000,000 during the last year.

The deposits in savings-banks were $200,000,000 greater in 1885 than in 1881. No accurate data can be given of the amounts of deposits in savings-banks in 1877 or 1878. I therefore compare the deposits of 1885 with those of 1881 as given by the Comptroller of the Currency:

The New York city national banks had, December 28, 1877, gold	$21,074,826 20
They had in October, 1885, gold	91,454,167 74
Other national banks had, December 28, 1877, gold	1,625,974 00
And in October, 1885	83,418,409 00
The United States Treasury had, September 30, 1877, gold	107,039,529 00
On September 30, 1878, gold	136,036,302 00
September 30, 1877, silver	7,425,454 00
September 30, 1878, silver	27,933,142 00
December 31, 1885, the Treasury had, gold	253,351,409 00
And of silver, exclusive of fractional coin	76,179,465 00

Since July 1, 1878, we have paid of our bonded debt about $600,000,000. The opponents of silver coinage in the country have been ably supported by monometallists of Europe, and especially in Great Britain. Nearly, if not quite, all financial authorities in that country have prophesied our financial ruin unless we follow the example of England and adopt the gold standard.

Let us, then, compare British finances with ours. The exports of specie and bullion from Great Britain since 1878 have exceeded their imports by something over $9,000,000.

Under date of April 1, 1885, Minister Lowell transmitted to the Treasury Department a statement from the mint of Great Britain, showing that during the last year the exports of gold exceeded the imports by $4,160,857, and the exports of silver exceeded the imports by $900,000. So it appears that the total loss for the year was over $5,000,000 of metallic money.

From the 24th of June to the 30th of December, 1885, the Bank of England lost, of coin and bullion, $37,976,675, and its deposits had decreased in that time nearly $48,000,000. During that time the bank lost one-third of its reserve, or over $33,000,000. Within three months prior to December 1, 1885, there was sent to Germany from England, gold, $10,780,000.

I clip the following from the Economist of January 2, 1886, concerning the present condition of the Bank of England:

> The bank is evidently not in a position to reduce its rate at present. Nor will it be warranted in making a reduction until it has not only checked the foreign demand for gold, but has also succeeded in attracting gold hither to replenish its depleted reserve. As yet there is nothing to indicate that it will soon succeed in accomplishing this.

I have shown that our national banks have increased their stock of

gold since 1877 from $22,700,000 to $174,900,000, or nearly eight times the amount they held.

The Bank of England had, in 1877, gold, $126,850,000, and December 16, 1885, $98,041,975, a decrease of $28,808,025. The bank rates of discount were 2 per cent. in June and 4 per cent. in December.

The Bank of England holds less coin and bullion than at any other time within the last fifteen years—that is, at the close of the year.

The Bank of France had, December 31, 1877, gold	$235,400,000
October 16, 1885, gold	211,005,000
A decrease of	24,385,000
The Bank of France had, December 31, 1877, silver	173,080,000
December 31, 1885, silver	211,500,000
An increase of silver of	38,420,000

France adopted the policy now contended for by those who favor suspension of silver coinage, and yet the Bank of France has not accumulated gold, but on the contrary has lost gold, and that loss has been supplied by silver. It is not at all probable that the stock of gold in France has increased while the bank has been losing that metal.

The Imperial Bank of Germany had, December, 1877, gold	$130,776,000
December 30, 1884, gold	124,457,000
A decrease of	6,319,000
October 25, 1877, the Irish banks had, gold	17,837,355
July 25, 1885, these banks had, gold	12,692,750
A decrease of	5,144,605
In 1877, the banks of Scotland had, gold	24,431,030
In 1885, these banks had	19,520,920
A decrease of	4,910,110

It is not only the great banks that I have mentioned that have lost gold, but it is a fact that nearly all the great banks of the world have lost gold as compared with the stock of 1877. Such is notably the case with Australian banks. Is it not strange that, if our policy concerning silver is so unwise, we have been able to accumulate such a stock of gold, while England, Ireland, Scotland, and Germany, where the gold is the only legal tender, save for small amounts, the stock of gold appears to have decreased?

Not a single disaster predicted at the time of the passage of the silver bill has happened. Gold has not been driven out of the country, but on the contrary has accumulated at a rate never before accumulated by any other country. Bankruptcy and national dishonor have not been the result of that legislation. The credit of the Government has not been impaired, and the rate of interest on Government securities has gone from 5 and 6 per cent. interest to 3 per cent., and those at 3 per cent. are at a premium.

Such is the credit of the Government that a New York syndicate within the last two years desired to take $50,000,000 of Government bonds at 2 per cent. interest, and they did not stipulate that either interest or principal should be paid in gold.

The Comptroller of the Currency puts our stock of gold October 1, 1885, at	$622,829,106
Silver	292,769,417
Total metallic money	915,598,523

To this we must add excess of gold imports over exports during the months of October, November, and December, about $10,000,000.

It is true that about one-third of this amount is silver, but I suppose no one will deny that the accumulation of silver in this country adds to its wealth. We coined during the last year more gold than any other nation.

Only one nation has more gold than the United States. France has $848,000,000 gold, England has $583,000,000 gold.

No one can deny that prosperity has followed the passage of the silver bill. No one can deny the statement we are still increasing our supply both of silver and gold, and our gold twice as fast as our silver. That more gold has been imported than exported, and more silver exported than imported. What, then, is the evil to be avoided by the demonetization of silver? The advocates of demonetization declare that the danger is ahead, that it is imminent, and that gold will leave the country if we continue to coin silver. So they said in 1878; so they have said every month since. From this Chamber, from the other, from the Executive Mansion and the Treasury Department we have heard the same cry for the last seven years. An ounce of fact is said to be worth more than a pound of theory. We have the facts and they the theory.

The financial condition of the country is a flat denial of the theory of the monometallists and opponents of silver coinage. Does any one believe we would have accumulated more gold in the last seven years if the silver bill had not passed? No other nation in the world, in the course of legitimate business, has ever for a period of seven years accumulated as much gold as we have accumulated during the last seven years.

Mr. President, what will be the result of the repeal of the silver bill, or, what is the same thing, the suspension of coinage under it for an indefinite period of years, or at all? It will be to discourage the friends of the double standard all over the world. It will be to put on the market two millions more of silver, with the declaration that the great silver-producing country has denied to it its money function. It will depreciate silver, and that is what the advocates of suspension declare they want to do. Its immediate effect on the price of silver may be seen from the following, clipped from the London Economist of January 2, 1881:

> In referring to the introduction of a bill by Senator MCPHERSON for the suspension of the coinage of the standard silver dollar, in a strict line with the recommendation contained in the President's message, Bradstreet's says: "The presentation of this act, following closely upon the recommendations of the President's message, has undoubtedly had great effect upon the London silver market. The view taken there is that Congressional action will be arrived at on the question much more rapidly than is actually likely to be the case, and the price of silver bars fell from 47⅛*d.* to 47*d.* quickly upon the receipt of this intelligence, the price making a further fall on Wednesday to 46⅞*d.* at which figure the value of the standard dollar is 79.47 cents." It only remains to be added that it is very unlikely that the action contemplated in Senator MCPHERSON's bill can be passed in both Houses of Congress at this session. The so-called silver men are accounted too strong to permit the unconditional suspension of silver coinage. It is not, of course, improbable that some compromise measure may succeed in becoming law.

It will increase the value of gold, Government bonds, and mortgages, and all securities of that class; and will decrease the value of all other things, whether they be lands and houses, the product of labor in its thousand forms, or labor itself. It will destroy commerce and trade, and stupefy and destroy the energies of the people, curtailing their productive capacity. It will practically add to the national debt from $300,000,000 to $400,000,000, and from 20 to 30 per cent. to every dollar of indebtedness in the land, which is too great for computation.

The suspension of coinage and the repeal of the silver bill is in the interest only of the creditor class, a class insignificant in numbers as compared with the debtor class.

It is that class that demands the suspension of silver coinage and the degradation of silver. It is that they may add to the already great burden of the debtor class and enhance the value of their own holdings, whether that is represented by cash in their coffers or bonds and other securities held by them. They will abate nothing of the principal or interest, but with the destruction of one of the money metals they will still demand the payment of their obligations in the other metal, enhanced in value by the destruction of the other. It will not do to declare the real purpose and object of the proposed legislation nor the effect thereof, for the debtor class is much more numerous than the creditor class; for the men living on accumulated labor bear a small proportion to the men who labor day by day for their living.

And so we find to-day the men who as a class have ever been oblivious of the interests of the laboring man, those who have got as they could and held as they might of "this world's goods" without much regard for right, justice, or law, have all at once become deeply interested in the welfare of the laboring man, and declare with great emotion he is in great danger; that his wages will be paid in a depreciated dollar. This pretense of interest in the wages of the laboring man is not only weak, deceiving no one, but it is false. When did the banker, the note-shaver, the bill-discounter, or money-loaner ever before exhibit such zeal for the laborer? When has that class of moneyed men ever before exhibited any great interest in securing to the laborer steady employment or remunerative wages? How is it that even a convention of national bankers forget for the time their usual and annual raid on the Government for the reduction of taxes, or no taxes at all, in their anxiety to serve the laboring man by recommending the suspension of silver coinage? What interest have they heretofore exhibited? What methods have they devised to benefit the men who day by day consume their earnings?

No, Mr. President, the banker, the money-loaner, and bondholder, as a class, have not been noted for their zeal in the interests of the poor and oppressed, save as through them they may increase their holdings and the more rapidly fill their coffers. If they have taken deep interest in the welfare of the laboring class, the fame of their doings has not yet reached the supposed object of their beneficence. These men have no right to speak for the poor, for the farmer, mechanic, or artisan, nor to use their names to cover up their nefarious purposes, by which they hope to enrich themselves at the expense of the very class they profess to serve.

The honorable Secretary of the Treasury tells us that it is the laboring man who will first suffer if silver coinage is continued. Let the honorable Secretary speak for the great moneyed corporations, the bondholders, and the capitalists, but not for the laboring men, be they either those who live day by day by their labor, or the well-to-do mechanic, artisan, and farmer, for these men are not deceived by expressions of good-will, of anxiety for their welfare in a state paper. They know too well, and it has long been too apparent, that this great Department of the Government has passed into the control of the banks, bankers, and moneyed powers. They know that statutes made to curtail the

powers of such moneyed corporations and capitalists, and to protect in some measure the interests of the great masses of the people who are not capitalists save in a small way, are violated every day in that Department. Not in the interest of the many, but in the interest of the few.

The intelligent laborers of the country are not to be deceived by such specious pretenses. They know that the destruction of one-half of the money of the world will make it more difficult for them to pay their debts and provide for their every-day necessities. They know that it will decrease their wages, if they are laborers who sell their wages day by day. They know, if mechanics or artisans engaged in manufacturing, or farmers in tilling the soil, that it will reduce the value of their products. They may be ignorant of finance, unlearned in the lore of political economy, but they do know that bankers and money-loaners will increase their rates of interest with the scarcity of money; that it will require more days' labor, more manufactured goods, more farm produce to pay a given number of dollars if the volume of the world's money is reduced one-half.

The great mass of the people are honest, and any attempt to scale the national debt, or in any way to repudiate the obligations of the Government concerning the same, will meet with determined opposition from the people. They are proud of our national credit. To the bondholder and all other creditors of the Government they will give the uttermost farthing due. If their sense of justice and right rebels at the idea of scaling the public debt, the same sentiment restrains them from assenting to any proposition that will in effect increase not only the public debt but all other debts from 20 to 30 per cent. If to scale the public or private debts of the country without the consent of the creditor is an injustice, they believe it is an equal injustice to compel the debtor to pay more than he contracted or in a coin different from that in which he contracted to pay.

We are told that we do not need as much metallic money as heretofore; that bank notes, greenbacks, checks, and drafts will take the place of coin. A good bank note or greenback is but the representative of coin and a promise on the part of the maker to pay the holder coin. And what is a check or draft but an order by one man to another to deliver actual money to a third? The money may not be actually delivered, but it must exist, or the check or draft is of no value whatever. Greenbacks and bank notes will soon be at a discount if it is once understood that they do not represent actual existing coin either in the vaults of the banks or that of the national Treasury. All the wealth of the Government was back of the greenback, and no one doubted the ability of the Government to ultimately pay; but lacking the present ability so to pay, the greenback depreciated to 40 cents on the dollar.

For convenience we may use checks, drafts, bills, notes, and certificates of deposit, but the full measure of money called for in these instruments must be in existence, pledged to the payment of such paper instruments. If less than the full measure of it is forthcoming the paper is at a discount, and if wholly wanting the paper is worthless. The creditor class demand—

First. The suspension of silver coinage.

Secondly. That the greenback or national notes, amounting to $346,600,000, be paid in gold and withdrawn from circulation. The suspension of silver coinage will be to all practical purposes the destruction of the silver dollar, for the next move that the creditor class will make will be to destroy its legal-tender qualities, as was done with the trade-dollar. Thus, with the suspension of the silver coinage and the discrediting of the dollar coined and the greenbacks retired, there will be a reduction of circulation of about $561,600,000, which is over one-third of the circulation in the United States, including gold, silver, and paper; yet we are gravely told that this proposed currency reform is in the interest of the laboring men and producers. If the laborer and producer have found difficulty in finding labor and markets for products with the past circulation, what will be their condition with two-thirds of the present amount?

With $400,000,000 of the balance locked up in the Treasury, as it now is, the business of the country will be left to be done with about one-third of our present stock of money. December 31 there was in the Treasury $511,277,120. The outstanding certificates of gold and silver amounted to about two hundred millions—that is, there was that amount not held by the Treasury. But how valuable a portion of these certificates are as a circulating medium can be seen by an extract from the speech of the senior Senator from Kentucky [Mr. BECK], made in this Chamber a few days since. He says:

> The Treasurer's report, (page 23,) shows that on the 30th of June, 1885, the outstanding gold certificates amounted to $137,760,860, of which all but $33,360,000 were in denominations of $500 and upward, more than $55,000,000 of them being for $10,000 each. It is obvious that the people get no benefit in the form of currency when bills or certificates exceed $100.

Mr. President, we complain of stagnation in business. The holder of money is anxious to lend but not to buy. Why is this? Millions of money can be had on Government loans at 2 and 3 per cent. when legitimate business enterprises, promising much larger returns, as dividends, cannot find takers. It is because the holders of money believe that the legislation of the country, proposed by the Treasury Department and the national banks, will appreciate money and depreciate property. No one having money desires to exchange it for property with an almost certainty that the property will depreciate and the money appreciate. When we inquire of the bankers why, with an abundance of money in the country, business is not better, he tells us it is a lack of confidence among the people. A lack of confidence in whom? And why should there be a lack of confidence? What evil is threatened save that of the destruction of the silver money of the world? It can not be that it is the continued coinage of silver or the prospect that it will be continued, for I have shown that gold has accumulated and bank deposits have increased, and it is a fact I need only to mention to have admitted that the business of the country is better to-day than it was twelve months ago; was better then than it was twelve months before that, and during all that time we have been coining silver dollars at the rate of two millions per month.

With business improving in all departments of trade and commerce, better with two hundred millions of silver dollars than it was with one, it will not do to say that the business is suffering because of the coinage of silver. Neither will it do to say that the people fear continued coinage of silver, and that silver money will become cheap, for cheap money is always exchanged for property. Banks and moneyed men do not hold dollars that are depreciating in value, but hasten to exchange them for property. Other reasons may be found for the depression in business than the coinage of silver dollars.

The Secretary of the Treasury, in his annual report for 1885, on page 13, gives the net balance of cash in the Treasury as $8,764,590; this, with the $100,000,000 reserve charged to liabilities, makes net cash at that date of $108,764,590. Again on page 14 he gives the net balance on the 1st day of November, 1885, as $66,818,292. Add to this the $100,000,000 reserve, and we have net cash, November 1, $166,818,292. The Secretary says:

> The balance in the Treasury has therefore been increased within the above period (from March 4 to November 1, 1885) by the sum of $58,053,702.

I notice that in the last statement made by the Treasurer of the United States, dated December 31, 1885, the net balance is put at $99,342,147. Add this to the $100,000,000 reserve, and we have net cash in the Treasury, $199,342,147—a vast sum to withdraw from its proper use and lock up in Government vaults. Even after the $10,000,000 is paid out on the recent call for bonds there will remain at the disposal of the Government $80,578,576 more than was reported in the Treasury March 4, 1885.

The same report shows that since the 1st of November last the Government has increased its stock of available gold $5,632,219, and has now $147,991,808 of gold not represented by the gold certificates. While the Government has been accumulating money in the Treasury, the national banks have been reducing their circulation. The reduction in national-bank circulation during the year was $17,712,645. The decrease of national-bank circulation, the accumulation of vast sums in the national Treasury, together with the threat to practically destroy $215,000,000 of silver and retire $346,000,000 greenbacks, justifies the money-holder in the belief that his money is to be appreciated in value by the reduction of the volume of money heretofore in use; and while so believing he will not invest his money, believing he will make a greater profit by its appreciation or rise than by investment. If he loans it, it will come back to him with increased purchasing power. If he invests it by an exchange for property, the property will depreciate by the appreciation of money.

We need have no difficulty in determining why the money-holder will loan, but not invest, and we need not resort to the hackneyed phrase "a want of confidence" to explain why, with an abundance of money, the industrial and commercial interests of the country lack proper financial support. When the people have demonstrated that they are stronger than Treasury officials, bankers, bank conventions, and clearing-houses, then will the money of the country return to its natural channels and be applied to its normal use, as the servant of commerce and trade. Commonly we speak of the divergence between gold and silver as a fall in the price of silver; when it is notorious that when we compare silver with other things except gold, silver has not fallen, and will buy more of all the necessaries and luxuries of life than it would in 1870, when sixteen ounces of silver would buy more than one ounce of gold.

The depreciation of silver has materially affected our exports of wheat and cotton, as it will all other exports of a character that must compete with exports from India and other countries using silver alone. The importation of wheat into Great Britain has been stimulated by the low price of silver, which is bought up at its bullion value, coined into rupees, and paid out at their full nominal value, received and accepted by the India wheat-raiser as full legal-tender money for the same quantity of wheat that he would have given when silver was worth 60 pence per ounce.

A few years since the imports of wheat into Great Britain from India was so small that it did not in any wise interfere with our exports of wheat to that country, yet within the last year such imports have amounted to nearly 40,000,000 bushels, and on account of such imports the American wheat-grower has lost a market for that amount. I clip the following from the Economist of September 12, 1885.

> It is consequently too early yet to assume that if the supplies of silver which

the Treasury of the United States has been buying are diverted here the price of the metal must fall. Supposing, however, that a fall does take place, it is obvious that it will at once bring counteracting influences into play. On the one hand, it will tend to check the production of the metal, and on the other it will stimulate the export trade of India and other silver-using countries, and so increase their power to take silver. Every one who has given the subject the least attention knows how greatly the recent development of the Indian wheat trade has been due to the fall in silver, which has acted as a bounty upon exports, and to this and other industries a further depreciation of the metal would give a great stimulus.

Not only have the wheat-growers lost a market for their wheat, but the cotton market has also been affected in the same way, for the same reason given in the Economist for the increased export of wheat from India may be given for the marked increase of the imports of cotton and cotton yarn into Great Britain from that country. So long as English merchants and traders can buy silver at 47*d.* and pay it out at 59*d.* we may expect to see the imports into Great Britain from India increase and come into direct competition with our exports to that country. The loss of a market for 40,000,000 bushels of wheat has depreciated the price of all the wheat raised in this country. The same is true of the cotton crop.

If we include India and China in the list of silver-standard countries, fully one-half of the people of the world, in their commercial affairs, recognize silver as the valuable and stable money metal, and all payments must be made in it. Nearly 200,000,000 people besides use gold and silver interchangeably, both being legal-tender money metals. Less than one-half that number use gold exclusively as a legal-tender money. If we trade with China, Russia, Austria, British India, Egypt, Central America, Mexico, Ecuador, Peru, we must trade on a silver basis. On the double standard we may trade with all other nations save and except Great Britain, Canada, Cape of Good Hope, the Australian countries, the Netherlands, Germany, and the Scandinavian countries, and perhaps a few others, insignificant in a commercial sense.

The opponents of the unlimited coinage of silver declare that if adopted in the United States all the silver of the world will find its way to our mints to be coined into dollars; that these dollars will drive out all the gold; that we will be left with silver only. If the foreign holder of silver brings it to our mints and coins it into dollars the dollars so coined will be his property and not that of the United States or the people thereof. How can it be valuable to him over and above its bullion value except by its use here as money? If he wants to buy gold with it he must offer the American holder of gold so much silver that the holder of gold will consider the exchange a profitable transaction. Such exchange is wholly dependent on the consent of the holder of gold. His consent can not be obtained unless he sees it is to his interest to do so, and if it is to his interest, it can hardly be to the detriment of the rest of the people.

If the holder of the silver dollar can not buy gold on profitable terms he will not buy. Gold ought to be as valuable to the American holder as to the holder of silver coin, whether he be an American holder or a foreign holder. Why should the foreign holder of silver be willing to pay more for gold than our own people? The foreign holder of silver after having it coined at our mints must make use of it either by taking it out of the country, by hoarding it, or by its use here as money. If he takes it out of the country, no harm is done; if he hoards it, no one is injured here; if he uses it as money, he must either buy gold, American products, or invest it permanently in the country. In either case we shall get the full equivalent for his silver or he will decline to take it.

The only compulsory use that can be made of money is to pay debts, and if the holder of foreign silver is indebted here he may with his silver coin pay his debt, but he can not make us take it in exchange for gold or property unless he makes it to our interest to do so.

It is said that the debtor class will with our gold buy silver in the cheap silver markets, coin it into dollars, and pay their debt therewith.

Mr. President, more than 99 per cent. of all the debts contracted in the United States (not especially contracted to be paid in gold) were contracted with a provision that the debtor might use a silver dollar of 412½ grains to liquidate such debt; not a provision in the contract, but a provision of law, and still more binding than if inserted in the contract; so if the debtor class shall buy silver and pay their debts therewith, there can be no just cause of complaint. Since these debts were contracted the great fall in prices renders it exceedingly difficult for many debtors to pay, yet the creditor abates nothing of principal or interest; and why should he complain if the debtor, in strict compliance with the terms of his contract, pays the debt in silver? Such payment is not only honest and just in a commercial sense, but is consistent with the highest moral law. The senior Senator from Texas said a few days since "the honest dollar is the dollar of the contract, any other dollar is a dishonest dollar—if lighter, dishonest to the creditor; if heavier, dishonest to the debtor."

Is the creditor class the only class whose interests we are to consider in this legislation? Let us legislate also for the debtor, for the man without capital or with but little, and the man with capital who uses it in producing, who manufactures, who employs labor, and who enriches the country by the variety of his productions. The few debts contracted between 1873 and 1878 were not contracted to be paid in silver, but the legislation of 1878 provided that the last-mentioned debts might be paid in silver. I suppose no one will deny the right of the Government to so provide; for the opponents of legislation have been eversince demanding that the Government should declare all debts payable in gold alone, and if the authority exists to make gold the sole legal tender it will hardly be denied that the Government may make both gold and silver legal tender, for they are both money metals under the Constitution, and in that instrument gold is not placed above silver.

What will be the result of the passage of an act providing for the free and unlimited coinage of silver? It will encourage all the nations now using silver in a restricted way to give it its full money function by opening their mints to it as fully as they do to gold. It will provide for the consumption in a natural and legitimate way of all the silver produced in the United States and will bring silver back to its price before it was discredited and degraded as a money metal. It will stimulate commerce, trade, and industries of all kinds; it will open the closed manufactories and give employment to millions in shops, fields, and mines at remunerative wages, enabling them to buy the products of manufactories and farms. Good wages, steady employment, will follow for all classes who have labor to sell, and that class may be able to hoard silver and gold for time of need, instead of leaving all the hoarding to be done by bankers and moneyed kings.

There ought to be, and with prosperity there will be, millions of dollars, both gold and silver, hoarded by the laboring people of this country. Such hoarding is not to be feared; it ought to be encouraged. There ought to be at least three hundred millions hoarded in cellar and garret, in homes and shops, of the laboring men, who in times of business activity are neither rich nor poor.

When France was called on by Germany to pay the war indemnity, it was the laboring people, the small shop-owners, the men who cultivate a few acres of land, who came to the relief of the government. It was because France was rich in hoarded treasures held by her peasantry and laborers that she was able to meet so promptly the demand on her for more than $1,000,000,000. France, humiliated by her defeat, had the proud satisfaction of promptly paying that regal sum from the savings of her own people.

It is said silver will not circulate, therefore we must stop coinage. The $31,000,000 of silver certificates now in the Treasury are there because the Treasury Department does not intend to circulate silver either in fact or by the aid of certificates. Why not put out the certificates in payment of the daily expenses of the Government? Why not pay with silver certificates the many thousand employés of the Government here and elsewhere? Not one would object to a silver certificate. If they are not good enough for the bondholder, the laborer does not despise them. The mail contractor, the army contractor, the soldier, and Government employés at the various offices in the country will gladly take a silver certificate. It will buy for them as much of the necessaries and luxuries of life as a gold dollar.

Discredited as the silver dollar is by the Government and the national banks, it is in high favor with the great mass of the people. The farmer, the trader, the merchant, manufacturer, and laborer all take it and find it capable of discharging the full function of a dollar.

It is said if we can further debase and degrade silver as a money metal England, in the interests of her India possessions, will come to our relief and join us in fixing a ratio for it, and thus in the end help silver countries.

It is useless for the advocates of the suspension of coinage to tell us that such suspension will in the end compel all nations now using a gold standard, or a restricted silver standard, to adopt an unlimited silver standard, making silver interchangeable for gold. If this is their object, and this will be accomplished by the suspension of the coinage, why do all the monometallists in this country and England cry out for the suspension of the coinage? Do they hope and expect that the suspension of silver coinage will compel all nations ultimately to come to the double standard?

No, Mr. President; it is because they believe that suspension will degrade silver to such an extent that it will cease to be a money metal.

The present disturbed and excited state of the public mind at home and abroad concerning the continued use of silver as money in this country may be traced directly to the attacks made on the coinage act by Government officials. Every device and scheme that could disgrace and destroy silver, impair the confidence of the people in its continued use as a money metal, has had the sanction of the Treasury Department, if such devices and schemes did not originate with the Treasury officials themselves. From that Department has come the cry that silver and gold could not be made to circulate together, that the people would not take silver or silver certificates, when the records of that Department were full of proof of the willingness, nay, more, the desire of the people to use silver and silver certificates, and that they preferred it to gold.

If silver has shown a disposition to advance in price, the Treasury Department has refrained from buying until it began to recede and until its lowest price was reached. The savings by this course, amounting in fact to but a few thousand dollars, has been paraded before the country as one of the great achievements of the Administration. The people will hardly believe that aiding to depreciate silver and increase the

divergence between it and gold is a virtue to boast of, even if the sum so saved did amount to the magnificent sum, as is alleged, of $7,000.

In July last the people of the United States were surprised, if not alarmed, at a statement made from the Treasury Department that the stock of gold in that Department was practically exhausted, and that unless such stock could be speedily replenished the Government would be compelled to pay interest on its bonded debt in silver dollars, and that by such a course the credit of the Government would be destroyed. The remedy for this anticipated evil was at hand and the danger could be averted—the honor of the Government saved by the suspension of the coinage of the silver dollar, and by that alone. It was at first thought in such an extreme case the Department would be justified in declaring that the appropriation to purchase silver in 1878 was not a continuing one, and that the Department might, for want of funds to buy bullion, discontinue the further coinage of the silver dollar. The public pulse was felt of on that point. Delicate and carefully phrased notices appeared in the public press suggesting that in the great emergency it might do to hold the appropriation was not a continuing one, and coinage might be suspended for want of funds.

But it was quite too apparent that the people would not submit to that, and so that scheme was abandoned. As the Treasury Department did not possess legislative powers, nothing could be done toward discontinuing the coinage of silver until Congress authorized it. But would Congress authorize such discontinuance? That was the question that disturbed the Treasury Department and the bankers. It was doubtful. It had been demonstrated that the House of Representatives was not so inclined even under executive pressure. If public sentiment could be created against a further coinage, Congress, recognizing the voice of the people as "the voice of God," might yield to the demand of constituents that denied to executive influence.

On the 13th day of July last there assembled in New York city the representatives of fifty-four national banks to consult and devise some scheme by which the Government could increase its stock of gold and avert the threatened disgrace of paying its debt in the coin it had stipulated to pay. The Treasurer of the United States was there as the representative of the Government. The fact of this assemblage, his presence there, and the purpose and objects of the meeting were telegraphed to all corners of the earth. All the nations of the world were informed of our dire distress and of the steps taken for our relief. The result of that conference is well known. The banks consented to deliver to the Government from ten to twenty million dollars in gold for like amount in subsidiary silver, and about six millions were so exchanged, for which ultimately, I believe, the banks received legal-tender notes and not subsidiary silver. It was declared that this was but a temporary expedient to save Government credit and honor until the coinage of silver could be discontinued by law.

What was the danger to be averted? Simply that the Government might not be compelled to pay in the very money it had stipulated to pay and the bondholder had agreed to receive. What was the effect of this unauthorized and unjustifiable procedure? It did not destroy our credit either at home or abroad; but it did weaken it and create distrust in the minds of the uninformed people, and doubtless did impair the confidence of the people in silver as a useful money metal. It was, in my judgment, a scheme concocted to frighten the people into the belief that the further coinage of silver was dangerous to the financial interests of the country. It has been the stock in trade of the opponents of the silver dollar ever since that if the banks had not advanced the gold the Government credit would have suffered, and that such threatened loss of credit was the result of the coinage of silver.

I consider it the most indefensible attack that has been made on Government credit since the war; and what makes it the more aggravating is that it came from Government officials and Government agencies. There was at no time necessity for such exchange. There was at the time of such exchange in the Treasury subject to the use of the Government to pay interest on the public debt or the debt itself $118,400,000 in gold; legal-tender notes, $14,800,000; national bank notes that could be readily turned into greenbacks and into gold, $2,500,000. Besides this there was $68,200,000 silver, or a total of $203,900,000. Or if we discard the silver as not to be paid out on interest on bonds, $135,700,000. I know it will be said that the $100,000,000, usually called the reserve to redeem greenbacks, could not be used except to redeem greenbacks. There is no law that requires the Treasury to hold $100,000,000 for that purpose. If it was thought necessary in 1879 and 1880 to do so, experience has demonstrated it is not now required.

The total redemption of greenbacks since January 1, 1879, has been only $15,676,286, of which amount more than $12,000,000 was redeemed within the first two years; for since December, 1881, the total amount of greenbacks redeemed has been only $3,608,000. Why keep on hand $100,000,000 when it is morally certain it will not be used to redeem greenbacks? No one now wants gold, and if the call should be made and the Treasury not prepared to pay, the authority exists to sell bonds for gold for the purpose of redeeming greenbacks. But if the holder of greenbacks calls on the Treasury to redeem the greenback, pay him in silver coin, in which the paper dollar is payable by law.

Mr. President, I am not ignorant of the fact that in the new system adopted by the Treasury Department in keeping its accounts the $100,000,000 of which I have spoken is put as a liability and not as one of the assets of the Government. It is said that we owe the greenbacks and that this is to pay them; therefore it is a liability, and according to that system of book-keeping the greater the amount of money the Government has on hand to redeem its paper money or pay its debts the greater its liability. If it had $346,000,000 in the Treasury with which to pay off the greenbacks the account would stand on the books a liability of $346,000,000. This kind of book-keeping is evidently the result of long experience in Wall street. This change in methods in keeping the books was for the purpose of deceiving the people as to the amount of available funds in the Treasury, as it will always show $100,000,000 less than is actually there. This desire to deceive the people as to the amount of money in the Treasury arises first out of a desire to accommodate the holders of the $194,000,000 of bonds now due and largely held by the banks, by not calling bonds for payment; and the other reason is that the people may be made to believe that there is danger in the continued coinage of silver.

I do not doubt but the Treasury officials believe that the continued accumulation and retention of vast sums in the Treasury is beneficial to the Government, and I doubt not they also believe that it is to the interest of the Government to discontinue the coinage of silver; but the error of these officials arises from the fact that they consult the national bankers and money-loaners and not the real business men of the country. They do not go beyond Wall street and other money-centers.

It has not occurred to them that the manufacturers, the farmers, men engaged in trade and commerce, might be as competent to instruct in matters of finance as the bankers or brokers.

Had the Government officials, with the coinage of the first dollar under the act of 1878, determined to make gold and silver interchangeable here, as it has been in France, we should have heard nothing about the danger of silver coinage, and the European countries would not be anticipating the suspension of coinage and the yearly addition of $25,000,000 of silver to the stock now being received. The dollars would have found their way into the hands of the people; would have gone into bank vaults, to be held for the time of need.

But we can not expect that the shoemaker, baker, and small shop-owner will accumulate or hoard a coin that not only the bankers but the Government officials declare is not honest money and must soon cease to possess the purchasing power of a dollar. Willing as they may be to handle it in daily use, they are not confident of its stability as money, and do not care to hoard it.

Mr. President, I do not demand a forced circulation for silver. I know it can not be forced against the wishes of commerce and trade. I recognize it as but the handmaid and servant of commerce, and that commerce will select its own agents wherewith to transact its business. What I do demand is that it shall have an equal chance with gold as a money metal. When this is given I shall abide by the decision of the commercial world. If silver is not capable of discharging the functions of a money metal to the satisfaction of the commercial world its friends must cease to defend it as a money metal. But we cry out against the outrage of closing the mints against its coinage, and the denial to it of the function of money, and then because it falls behind gold in popular estimate declare it is not fit for money. Let the advocates of gold give it a fair trial; coin it without limit on the same terms that gold is coined; give it the rights of money in all commercial transactions the same as is given to gold, and let the judgment of mankind be taken on its value as a money metal and not that of the few who are interested in its destruction or those who from prejudice may cry out against it.

Do not allow Government officials to discredit it. Do not allow Government agents, the national banks, to refuse to receive it on deposit. Let the debtor class understand that payment in it is a just and fair transaction within the letter and spirit of the law. Convince the people that its enemies are not strong enough to strike it down as a money metal; that it will continue, as it has done heretofore, to be used by seven-eighths of the race as a legal-tender money metal, and by all as valuable for either large or small transactions. When that is done it will resume its old place as the favorite money metal of commerce, and will be as eagerly sought for, cherished, and hoarded by the rich as by the poor.

Mr. President, it will be said that I am not an unprejudiced advocate of silver, that the interests of the State I in part represent have warped my judgment or aroused my cupidity in her behalf. It is true that Colorado produces about one-fourth of the world's production of silver, but the question whether silver shall be used or not used as money is of but little more importance to Colorado than other States. It is not a question as to how much the silver producer shall receive per ounce for his silver, but a question of how much or how little money the business of the country and the whole world must be transacted with. Shall it be with both money metals or shall it be with one? Shall it be with all the money of the world or only with one-half? It comprehends more than the interests of the silver miners of Colorado or all the silver miners of the world. It is a question that comes home to nine-tenths of the human race and affects their daily existence. It is a bigger question than that of party or administration, and

in the presence of its overwhelming importance party pride, prejudice, passion, and hate ought to disappear. It goes beyond territorial boundaries; it takes in the whole world and all peoples.

I do not, therefore, speak in the interest of any special class of laborers or producers, but in the interest of all who toil, labor, and produce; who create by their labor all the wealth of the world; the people who do not stand in high places, whose voices may not be heard in bankers' conventions, but who are factors in all the great commercial and industrial pursuits of the world; who, with fertile brains, skillful hands, and cunning fingers, fashion the many articles of necessity and luxury in daily use; who rend from the reluctant earth the hidden treasures thereof and compel the unwilling fields to yield a bounteous harvest, or toil amid the clanging of machinery in mill and shop, and with patience, frugality, and courage combat and overcome adverse circumstances and fortunes; and while not possessing all the culture of the age, exemplify the many sterling virtues of the race and do much toward keeping alive sentiments of honesty, justice, and truth—as mighty in numbers as modest in aspirations; not ignorant of their strength; conservative in their methods; loyal to order and good government; forbearing and enduring, yet when aroused in defense of their rights of justice and truth, know how to compel respect for and obedience to their will.

Mr. EDMUNDS and Mr. MORRILL addressed the Chair.

Mr. EDMUNDS. Understanding that our friends on the other side desire to adjourn at this time, I was about to move an adjournment, but I yield to my colleague, who wishes to give a notice.

Mr. MORRILL. I merely desire to take the floor to say that rather reluctantly I shall feel it my duty to ask the attention of the Senate to-morrow for an hour on this subject, which seems to attract such an enthusiastic crowd of Senators here—I mean the resolution of the Senator from Kentucky.

Mr. EDMUNDS. I renew my motion that the Senate do now adjourn.

The PRESIDING OFFICER (Mr. CULLOM in the chair). Pending the motion the Chair will lay before the Senate the unfinished business.

The SECRETARY. A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDING OFFICER. The Senator from Vermont moves that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 36 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 19, 1886.

The House met at 12 o'clock m. Prayer by Rev. S. K. COX, of Washington, D. C.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. Mr. Speaker, I ask by unanimous consent that the reading of so much of the Journal as relates to the introduction and reference of bills and joint resolutions be dispensed with.

There was no objection, and it was ordered accordingly.

The Clerk then resumed and concluded the reading of the remainder of the Journal, which was approved.

ORDER OF BUSINESS.

Mr. HIESTAND. Mr. Speaker, I ask by unanimous consent at this time to have the reference of a bill changed.

The SPEAKER. Under the rule the Chair must first lay before the House executive communications upon the Speaker's table for reference.

LIST OF CLAIMS ALLOWED SINCE JANUARY 1, 1885.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims, with the papers in each allowance, since January 1, 1885, arising under the act of July 4, 1865; which was referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES POST-OFFICE, POUGHKEEPSIE, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation of $10,000 for approaches to the United States post-office at Poughkeepsie, N. Y.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WATER SUPPLY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers asking an appropriation for the work of increasing the water supply in Washington, D. C.; which was referred to the Committee on the District of Columbia, and ordered to be printed.

IMPROVEMENT OF SACO RIVER, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the acting Chief of Engineers of a survey of Saco River, Maine; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LIGHT-HOUSE DEPOT, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a report from the Light-House Board asking an appropriation of $5,000 for a depot for the fourteenth light-house district, and an appropriation for the light-house tender Lilie; which was referred to the Committee on Commerce, and ordered to be printed.

MISSOURI RIVER COMMISSION.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the acting Chief of Engineers, with a report of the Missouri River Commission, recommending an immediate appropriation; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

UNSETTLED ACCOUNTS.

The SPEAKER also laid before the House a letter from the First Comptroller of the Treasury, transmitting a list of officers who have failed to make settlement of their accounts for the last fiscal year; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

SURVEYS OF MISSISSIPPI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the acting Chief of Engineers and a supplementary report from the Mississippi River Commission recommending an immediate appropriation of $50,000 for the general work of surveys; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

REFERENCE OF EXECUTIVE COMMUNICATIONS.

The SPEAKER. There are on the table a number of executive communications, which were presented to the House before the committees were appointed or authorized to be appointed, and if there be no objection the Chair will at this time cause them to be properly referred.

There was no objection, and it was ordered accordingly.

The communications were severally referred as follows:

A communication from the clerk of the Court of Claims, transmitting statement of the judgments rendered during the year ended November 30, 1885—to the Committee on Appropriations.

A letter from the Secretary of War, transmitting a report of the damage by storm to Governor's Island, New York Harbor, and asking an appropriation for continuing sea-wall around the island—to the Committee on Appropriations.

A letter from the chairman of the Joint Commission for the Completion of the Washington Monument, transmitting his annual report—to the Committee on Appropriations.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relating to the trial and punishment of Indians committing certain specified crimes—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a report of the board of managers of the World's Industrial and Cotton Centennial Exposition held at New Orleans from December 16, 1884, to May 31, 1885—to the Committee on Commerce.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior upon the subject of a draught of a bill to amend section 5388 of the Revised Statutes relating to timber depredations upon lands reserved or purchased for Indian, military, or other purposes—to the Committee on Public Lands.

A letter from the Secretary of War, transmitting a statement of expenditures at the Springfield armory for the fiscal year ended June 30, 1885, and of arms manufactured and repaired during that fiscal year—to the Committee on Appropriations.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior in relation to the draught of a bill for the relief of the Mission Indians in California—to the Committee on Indian Affairs.

A letter from the Secretary of War, transmitting detailed estimates of the cost of protecting roads and public buildings at Fort Canby, Washington Territory, against the waters of Baker's Bay—to the Committee on Military Affairs.

A letter from the Secretary of War, transmitting reports of inspection of money accounts of disbursing officers for the year ended June 30, 1885—to the Committee on Expenditures in the War Department.

A letter from the Secretary of State, transmitting letters of Joseph Rawicz, United States consul at Warsaw, and recommending the passage of a bill granting him permission to accept certain decorations conferred by the Russian Government—to the Committee on Foreign Affairs.

A letter from the Secretary of War, transmitting petition of cadets of the United States Military Academy, praying for legislation that will secure them appointments in the Army—to the Committee on Military Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior in relation to the draught of a bill to provide for the settlement of estates of deceased Kickapoos in Kansas, and for other purposes—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relating to Indians on the Yakima reservation, in Washington Territory—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to the right of way for the Chicago, Milwaukee and Saint Paul Railway through the Lake Traverse reservation, in Dakota—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to the failure of the Utah and Northern Railroad Company to compensate the Indians on the Fort Hall reservation for lands taken—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to a right of way to the Jamestown and Northern Railway Company through the Devil's Lake Indian reservation, in Dakota—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to a right of way to the Canyon and Colorado Railroad Company through the Walker River reservation, in Nevada—to the Committee on Indian Affairs.

A message from the President of the United States, transmitting a communication from the Secretary of the Interior relating to trespasses on Indian lands—to the Committee on Indian Affairs.

A letter from the Secretary of War, transmitting a memorial from Col. T. G. Baylor, of the Ordnance Department, and recommending he be relieved of the item of $431.69 charged against him on the books of the Treasury—to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On the motion of Mr. DOWDNEY, by unanimous consent leave was granted to withdraw from the files of the House papers in the case of George H. Mitchell, M. D., without leaving copies on file.

On the motion of Mr. MAYBURY, by unanimous consent leave was given to withdraw from the file-room papers therein in the matter of the claim of the heirs of William Burt, inventor of the solar compass.

On motion of Mr. BROWN, of Pennsylvania, by unanimous consent leave was given to withdraw from the files of the House the papers in the Thirty-sixth Congress in the case of John Tubbs without leaving copies on file.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DIBBLE for five days.

CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 1576) granting an increase of pension to Thomas Allcock, introduced on the 5th instant, was improperly referred to the Committee on Invalid Pensions. If there be no objection the reference will be made to the Committee on Pensions.

There was no objection.

CHANGES OF REFERENCE.

Mr. BUCHANAN. On the 5th instant I introduced a bill (H. R. 1498) extending the provisions and benefits of the act approved August 7, 1882, entitled "An act to relieve certain soldiers of the late war from the charge of desertion" to certain named recruits serving in the said war. The bill was referred to the Committee on Military Affairs. The proper reference is to the Committee on Naval Affairs. I ask that the Committee on Military Affairs be discharged from the further consideration of the bill, and that it be referred to the Committee on Naval Affairs.

There was no objection, and it was so ordered.

Mr. HIESTAND. On the 6th instant the bill (H. R. 1980) for the relief of Richard C. Ridgway and others was introduced by my colleague, Mr. KELLEY, and was referred to the Committee on Claims. I ask that the Committee on Claims be discharged from further consideration of the bill, and that it be referred to the Committee on Ways and Means, which is the proper committee under the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. COX. I object, Mr. Speaker, unless some sufficient reason can be given for the proposed change of reference.

The SPEAKER. The gentleman from North Carolina [Mr. COX] objects, unless reason can be given. The gentleman who desires the change of reference can make a brief statement, if he desires.

Mr. HIESTAND. The reason is, Mr. Speaker, that in former Congresses this matter has been considered by the Committee on Ways and Means, and that committee thoroughly understands it; whereas if it be now referred to the Committee on Claims they will have to go over the whole subject again. I wish the bill referred to the Committee on Ways and Means, because that committee has already examined it and because the documents relating to the subject are also in possession of that committee.

The SPEAKER. The Chair will state that under the amended rules, adopted at the present session, bills of this character must go to the Committee on Claims, unless by unanimous consent of the House, which was not the rule of the House when the bill was heretofore referred to the Committee on Ways and Means.

Mr. HIESTAND. Well, Mr. Speaker, I now ask unanimous consent that the bill be referred to the Committee on Ways and Means.

Mr. COX. I object.

ORDER OF BUSINESS.

Mr. ADAMS, of New York. Mr. Speaker, I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I object, Mr. Speaker; and I desire to give notice now that I shall object to the introduction of all bills and resolutions except on the day set apart for that order of business.

CORRECTION.

Mr. CALDWELL. Mr. Speaker, I desire to have the RECORD corrected. On page 692 it is stated that the minority report, or the amendment suggested by the minority report to the Presidential succession bill, was agreed to. It was not agreed to. It was voted down.

The SPEAKER. The correction will be made.

Mr. TOWNSHEND. Mr. Speaker, as a parliamentary inquiry, I desire to ask whether these corrections of the RECORD can not be made without a motion in open House. In other words, where there is a variance between the Journal and the RECORD can not the correction be made without occupying the time of the House?

The SPEAKER. The Chair thinks it is the custom of the Official Reporters of the debates to keep at their desk a copy of the RECORD of the preceding day and to make such corrections as members may desire upon that.

Mr. TOWNSHEND. Then it is unnecessary to make a motion or to ask permission of the House to correct the RECORD if it can be done by calling upon the Reporters.

The SPEAKER. Where the Reporter is satisfied that a mistake has been made the Chair thinks he has the right to correct it; but if there should be a difference of opinion about it, the Chair supposes that then the House would have to order the correction.

CLERK COMMITTEE ON EXPENDITURES IN DEPARTMENT OF JUSTICE.

Mr. SPRIGGS. Mr. Speaker, I desire to submit a privileged report from the Committee on Accounts, which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution of Mr. EUSTACE GIBSON:

"*Resolved*, That the Committee on Expenditures in the Department of Justice be allowed a clerk during the session, and that he be paid $6 a day as compensation for his services,"

have considered the same, and respectfully report adversely to the same.

Mr. SPRIGGS. Mr. Speaker, after due consideration of the subject, the Committee on Accounts assigned clerks to the several committees of the House wherever they believed them to be necessary. In that action the committee did what they supposed would best subserve the business of the House, and they can not now change their conclusion by granting a clerk to this committee. They have therefore instructed me to report the resolution adversely for such action as the House may think proper.

Mr. GIBSON, of West Virginia. Mr. Speaker, I will offer as a substitute for the report of the committee the original resolution, namely: "*Resolved*, That the Committee on Expenditures in the Department of Justice be allowed a clerk during the session, and that he be paid $6 a day as compensation for his services." On that resolution I ask the forbearance of the House for a few minutes while I explain the situation of this committee.

The Committee on Expenditures in the Department of Justice is composed of members every one of whom has been assigned to other important duties, so that there is not a single member on that committee who, without neglecting other duties imposed upon him by the House, can give the time and attention required to make the investigation of the records of the Department that are necessary to be made in order to give the House such information as it desires. In addition to that, this committee is charged under the rules of the House with the examination of the accounts and expenditures of the several Departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payments of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of pay of officers. The rule provides that these shall all be subjects within the jurisdiction of the eight standing committees on the public expenditures in the several Departments.

One of those eight is the Committee on Expenditures in the Department of State; to that committee a clerk has been allowed by the Committee on Accounts. Another is the Committee on Expenditures in the

Treasury Department; to that committee a clerk has been allowed by the Committee on Accounts. Another is the Committee on Expenditures in the War Department; to that committee a clerk has been allowed by the Committee on Accounts. Another is the Committee on Expenditures in the Navy Department; to that committee a clerk has been allowed by the Committee on Accounts. Another is the Committee on Expenditures in the Post-Office Department; that committee also has been allowed a clerk. Another is the Committee on Expenditures in the Interior Department; to that committee also a clerk has been allowed. The Committee on Expenditures in the Department of Justice is the only one of these eight standing committees, all of equal dignity, to which a clerk is refused, although the services of a clerk are absolutely necessary for the proper performance of the duties of the committee.

Now I desire to say to the House that I have already some little insight into the examination of these records and some idea of the labor it involves. At the last session of this House, for my own information, I undertook to examine the workings of the department of justice of my own State, and I know that it required nearly the whole of the session for me to trace the operations of that department in that one State. Such an inquiry as this committee is required to make involves an investigation of the expenditures of every circuit and district court in the United States; it involves an examination of expenditures by subordinate officers as well as by the Department in Washington, and to get at this information it is necessary to examine and collate the reports of the Commissioner of Internal Revenue as well as the reports of the Department of Justice itself upon the suits instituted under the internal-revenue laws. So that it is utterly impossible that there can be any intelligent investigation or any trustworthy information given to this House upon the subjects under the jurisdiction of this committee without the services not only of a clerk, but of a very intelligent, competent, and experienced clerk. Many difficult questions come up in such an investigation, questions as to what suits should be brought, as to what sort of suits should be brought, as to the fees of officers, and so on, and I want to say to this House that if they expect this committee to be able to make any intelligent investigation or report they must give us a clerk who shall be under the control of the committee and competent to aid it in the discharge of its duties.

I make no reflection upon other committees, nor do I undertake to raise the dignity of the committee of which I am a member above any other; but I appeal to every member's sense of duty to the country and his sense of justice to this committee to give it a clerk.

Mr. SPRIGGS. Mr. Speaker, the whole matter referred to by the gentleman from West Virginia [Mr. GIBSON] has been under consideration by our committee, and I can only say that we did what in our judgment seemed best in regard to assigning clerks to these committees.

If any other gentleman desires to speak I will yield the floor; otherwise, I move the previous question.

Mr. REED, of Maine. The Committee on Expenditures in the Department of Justice having been worked so hard in the last Congress, it was determined, as I understand, to let it lie fallow in this. [Laughter.]

Mr. GIBSON, of West Virginia. The same rule might apply to every other committee that had a clerk in the last Congress; and therefore we should have no clerks to any of these committees, but simply take the reports of the last Congress for our action.

Mr. REED, of Maine. I should think that might probably be so.

Mr. HERBERT. I would like to say a word on this question.

Mr. SPRIGGS. I yield to the gentleman.

Mr. HERBERT. Mr. Speaker, it is a fact that some of the most important legislation proposed in this Congress has been referred to the Committee on Expenditures in the Department of Justice—legislation relating to marshals and commissioners, to district attorneys and their fees; and for my part I can not see why a distinction has been made between the Committee on Expenditures in the Department of Justice and the committees on expenditures in other Departments. I hope this House will grant this committee a clerk just as it has granted a clerk to all similar committees, unless some good reason should be shown why a clerk should not be allowed in this particular case. I do not belong to this committee, but I am very much interested, and I think the whole country is interested, in some of the legislation that it has before it.

Mr. SPRIGGS. I now call the previous question.

The previous question was ordered; the first question being upon the amendment proposed by Mr. GIBSON, of West Virginia, as a substitute.

The question being taken, there were—ayes 106, noes 51.

Mr. SPRIGGS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 128, nays 119, not voting 77; as follows:

YEAS—128.

Adams, J. J.	Blanchard,	Bunnell,	Candler,
Anderson, J. A.	Bland,	Bynum,	Carleton,
Baker,	Bliss,	Caldwell,	Comstock,
Barbour,	Brady,	Campbell, Felix	Croxton,
Barnes,	Breckinridge, C. R.	Campbell, J. M.	Culberson,
Barry,	Breckinridge, WCP.	Campbell, J. E.	Dargan,
Belmont,	Brumm,	Campbell, T. J.	Davenport,
Davidson, R. H. M.	Hayden,	Morgan,	Springer,
Dawson,	Haynes,	Morrill,	Stephenson,
Dorsey,	Heard,	Muller,	Stewart, Charles
Dougherty,	Henderson, J. S.	Negley,	Stone, E. F.
Dowdney,	Henderson, T. J.	Oates,	Strait,
Dunn,	Herbert,	O'Ferrall,	Struble,
Eldredge,	Hiestand,	O'Hara,	Swinburne,
Ellsberry,	Holmes,	O'Neill, Charles	Tarsney,
Farquhar,	Howard,	O'Neill, J. J.	Taulbee,
Findlay,	Irion,	Osborne,	Taylor, J. M.
Forney,	Jones, J. H.	Outhwaite,	Thompson,
Gallinger,	Jones, J. T.	Perkins,	Tillman,
Gay,	King,	Perry,	Turner,
Geddes,	Kleiner,	Peters,	Van Schaick,
Gibson, Eustace	Little,	Pidcock,	Wadsworth,
Glass,	Lore,	Reese,	Wakefield,
Glover,	Loutitt,	Robertson,	Weaver, J. B.
Green, W. J.	Lovering,	Rogers,	Wellborn,
Grosvenor,	Lowry,	Romeis,	Wheeler,
Grout,	Markham,	Sadler,	White, A. C.
Guenther,	Matson,	Sawyer,	Wilkins,
Hale,	Maybury,	Sayers,	Willis,
Harmer,	McKenna,	Seymour,	Wilson,
Harris,	Merriman,	Skinner,	Wolford,
Hatch,	Mills,	Snyder,	Woodburn.

NAYS—119.

Adams, G. E.	Eden,	Libbey,	Riggs,
Atkinson,	Ely,	Lyman,	Rowell,
Bayne,	Ermentrout,	Martin,	Scott,
Beach,	Everhart,	McAdoo,	Scranton,
Bennett,	Fleeger,	McComas,	Sessions,
Blount,	Foran,	McCreary,	Shaw,
Boutelle,	Ford,	McKinley,	Smalls,
Boyle,	Fuller,	McMillin,	Sowden,
Bragg,	Green, R. S.	McRae,	Spooner,
Browne, T. M.	Hahn,	Millard,	Spriggs,
Brown, C. E.	Hall,	Miller,	Steele,
Brown, W. W.	Halsell,	Mitchell,	Stewart, J. W.
Buchanan,	Hemphill,	Moffatt,	Stone, W. J., of Ky.
Buck,	Henderson, D. B.	Morrison,	Storm,
Burrows,	Hepburn,	Morrow,	Swope,
Cannon,	Hewitt,	Neal,	Taylor, E. B.
Caswell,	Hiscock,	O'Donnell,	Thomas, J. R.
Clements,	Hitt,	Parker,	Thomas, O. B.
Cobb,	Holman,	Payne,	Throckmorton,
Cole,	Hopkins,	Payson,	Townshend,
Conger,	Hutton,	Peel,	Trigg,
Cooper,	James,	Phelps,	Van Eaton,
Cowles,	Johnston, J. T.	Pulitzer,	Wade,
Cox,	Johnston, T. D.	Randall,	Wait,
Crisp,	Ketcham,	Ranney,	Warner, A. J.
Cutcheon,	Laffoon,	Reagan,	Warner, William
Davis,	La Follette,	Reed, T. B.	Weaver, A. J.
Dingley,	Lanham,	Reid, J. W.	Winans,
Dockery,	Le Fevre,	Rice,	Worthington.
Dunham,	Lehlbach,	Richardson,	

NOT VOTING—77.

Aiken,	Davidson, A. C.	Laird,	Seney,
Allen, C. H.	Dibble,	Landes,	Singleton,
Allen, J. M.	Evans,	Lawler,	Stahlnecker,
Anderson, C. M.	Felton,	Lindsley,	St. Martin,
Arnot,	Fisher,	Long,	Stone, W. J., of Mo.
Ballentine,	Frederick,	Mahoney,	Symes,
Barksdale,	Funston,	Milliken,	Taylor, I. H.
Bingham,	Gibson, C. H.	Murphy,	Taylor, Zach
Bound,	Gilfillan,	Neece,	Tucker,
Burleigh,	Goff,	Nelson,	Viele,
Burnes,	Hammond,	Norwood,	Ward, J. H.
Butterworth,	Hanback,	Owen,	Ward, T. B.
Cabell,	Henley,	Pettibone,	Weber,
Catchings,	Herman,	Pindar,	West,
Clardy,	Hill,	Pirce,	White, Milo
Collins,	Hires,	Plumb,	Whiting,
Compton,	Houk,	Price,	Wise.
Crain,	Jackson,	Rankin,	
Curtin,	Johnson, F. A.	Rockwell,	
Daniel,	Kelley,	Ryan,	

So the amendment of Mr. GIBSON, of West Virginia, was agreed to.

The following pairs were announced:

Mr. DIBBLE with Mr. WEST, until further notice.

Mr. HILL with Mr. LAIRD.

Mr. AIKEN with Mr. KELLEY, until further notice.

Mr. SENEY with Mr. WARD, of Indiana, on this vote.

Mr. BALLENTINE with Mr. GOFF, for to-day.

The result of the vote was announced as above stated.

The question being taken on agreeing to the report of the committee as amended, it was agreed to.

CLERK TO COMMITTEE ON LEVEES AND IMPROVEMENT OF MISSISSIPPI.

Mr. SPRIGGS. I have another privileged report, which I ask the Clerk to read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the resolution of Mr. KING, as follows—

"*Resolved*, That the Committee on Levees and Improvement of the Mississippi River be allowed a clerk, and that he be paid the usual compensation for his services"—

have considered the same, and respectfully report adversely to the same.

Mr. KING. I offer the following as a substitute for the resolution reported by the committee.

The Clerk read as follows:

Resolved, That the Committee on Levees and Improvement of the Mississippi River be allowed a clerk, and that he be paid the usual compensation for his services.

Mr. KING. Mr. Speaker, I do not hesitate to state to the House that the usual apprehension indulged by members that clerks for com-

mittees are used for personal purposes need not lodge in this case. I make no reflections, but I wish to say that it has never been my practice when chairman of a committee of this body to use a committee clerk in any way in my personal service. Now I am convinced this committee was created by this House for a purpose, and that purpose can only be served by having the services of a competent clerk. To call the committee together alone requires the writing of twelve letters or notices. That committee has been intrusted with a part of the work—the levees—which is considered by the engineers indispensable to improve the navigation of the Mississippi, the greatest river on the continent.

Mr. BROWNE, of Indiana. Do I understand the gentleman from Louisiana to say his committee needed a clerk to call it together?

Mr. KING. I did so state, and I thought the gentleman from Indiana would so understand. I said that to call the committee together alone necessitates the writing of twelve letters or notices. To impose this upon the chairman of the committee and the other work that devolves upon a clerk is more than is just, and I do not believe this House intends it.

Mr. BROWNE, of Indiana. The inquiry I desired to make, Mr. Speaker, was whether it would not be the principal duty of the clerk of the committee to call the committee together?

Mr. KING. If the gentleman was ignorant of the duties of that committee, I would say no. I will invite him, however, to attend a meeting of the committee, that he may be enlightened as to its duties and labors. He is a resident of a Western State, deeply concerned in the improvement of the navigation of the Mississippi. To carry out the work of the committee, it is proposed that a series of investigations shall be conducted and measures introduced which will require daily meetings and an amount of clerical work which no chairman can be expected to perform.

The committee was created for a purpose—a great purpose—the purpose of helping in the improvement of the Mississippi River. I hope the House will aid the committee in the performance of that duty by granting it a clerk who can at all times be at the command of the committee.

Mr. SPRIGGS. In reference to this clerk, Mr. Speaker, I can only repeat what was said before, that the Committee on Accounts did not deem it essential this committee should have a separate clerk. We gave the Committee on Mines and Mining a clerk and directed that the clerk should also act as clerk for this Committee on Levees and Improvement of the Mississippi River when required. This committee, I understand, has not been called together yet, and they have no reason to suppose the clerk we gave them will not act and do what is required. Still, we did the same thing for the other committee, and it is now a question for the House. The committee could not take the responsibility of giving to each one of these committees a clerk, which we did not think had anything particular to do to require a clerk. As I said, however, it is now a question for the House to settle.

The question recurred on Mr. KING'S substitute; and on a division there were—ayes 44, noes 62.

Mr. KING demanded tellers.

The SPEAKER. Nineteen have voted in the affirmative—not a sufficient number.

So the substitute was rejected.

The report of the committee was then adopted.

Mr. SPRIGGS moved to reconsider the vote by which the resolution of the committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CALL OF COMMITTEES FOR REPORTS.

The SPEAKER next, under the rule, proceeded to call standing and select committees for reports.

GEORGE S. HUNT & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, reported back favorably a bill (H. R. 1005) for the relief of George S. Hunt & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PHINNEY & JACKSON.

Mr. REED, of Maine, from the Committee on Ways and Means, also reported back favorably a bill (H. R. 1006) for the relief of Phinney & Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and the bill and report ordered to be printed (Mr. REED, of Maine, being granted, by unanimous consent, leave to file the report hereafter).

DUDLEY HALL & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, also reported back favorably a bill (H. R. 1007) for the relief of Dudley Hall & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EDWARD G. W. BUTLER.

Mr. TUCKER, from the Committee on the Judiciary, reported, as a substitute for H. R. 987, a bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. House bill 987, for which the bill just reported is a substitute, will be laid upon the table, if there be no objection.

There was no objection, and it was ordered accordingly.

ADDITIONAL COPIES REVISED STATUTES FOR LIBRARY.

Mr. TUCKER, from the Committee on the Judiciary, also reported back with favorable recommendation a resolution requesting the Secretary of State to transmit to the House 100 copies of the second edition of the Revised Statutes and Supplement thereto, to be placed in the Library; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CLAIMS FOR WAR TAXES.

Mr. HAMMOND, from the Committee on the Judiciary, reported back the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States as set-off against States having claims against the General Government; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HEPBURN. I desire at some later date to present the views of the minority of the committee on this bill.

Mr. HAMMOND. I would ask the gentleman how long this will delay the consideration of the bill? I shall object to "some future" time, but if some reasonable time is suggested I shall not object.

Mr. HEPBURN. In a reasonable time.

Mr. HAMMOND. Well, how much?

Mr. HEPBURN. Probably during the next week.

Mr. HAMMOND. Very well; I have no objection to that.

The SPEAKER. If there be no objection, leave will be granted to the minority to file its views, to be printed with the report of the committee.

There was no objection, and it was ordered accordingly.

NATIONAL BANK, WINONA, MINN.

Mr. WILKINS, from the Committee on Banking and Currency, reported back with favorable recommendation the bill (S. 126) to change the name of the National Bank of Winona; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. WILKINS. I am also directed by the committee to report back House bill 1253, to change the name of the National Bank of Winona, Minn., with the recommendation that it lie on the table.

The SPEAKER. That order will be made.

MERCHANTS' NATIONAL BANK, LITTLE ROCK, ARK.

Mr. DINGLEY, from the Committee on Banking and Currency, reported back favorably, with an amendment, the bill (S. 382) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FIRST NATIONAL BANK OF MINNEAPOLIS, MINN.

Mr. SNYDER, from the Committee on Banking and Currency, reported back with an amendment the bill (H. R. 1260) to authorize an increase of the capital stock of the First National Bank of Minneapolis, Minn., not to exceed $2,000,000; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATIONAL BANK OF LINCOLN, PA.

Mr. BRADY, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 2139) authorizing the National Bank of Lincoln, Pa., to change its location and name; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. HIESTAND. Mr. Speaker, I move that that bill be referred back to the Committee on Banking and Currency, as I filed this morning a petition against the removal, signed by a majority of the company.

The SPEAKER. It is not in order during this call to move to recommit a bill. When it comes before the House, a motion will then be in order for its recommitment with or without instructions. The committee can withdraw the bill if it is desired.

Mr. BRADY. I desire to state in behalf of the committee that the matter suggested by the gentleman from Pennsylvania has been attended to in one of the amendments the committee recommend to this bill.

PURCHASE OF OLD PRODUCE EXCHANGE BUILDING, NEW YORK.

Mr. BRAGG, from the Committee on Military Affairs, reported back with amendments the bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

FITZ-JOHN PORTER.

Mr. BRAGG, from the Committee on Military Affairs, also reported

back with favorable recommendation the bill (H. R. 67) for the relief of Fitz-John Porter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. BRAGG. I ask consent on behalf of the minority to present its views and file them in connection with the report of the committee.

There was no objection, and it was so ordered.

JOHN HOLLINS M'BLAIR.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back with favorable recommendation the bill (S. 193) for the relief of John Hollins McBlair; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM P. CHAMBLISS.

Mr. WOLFORD, from the Committee on Military Affairs, reported back with favorable recommendation the bill (H. R. 68) for the relief of William P. Chambliss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORFEITURE OF LAND GRANTS.

Mr. COBB, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PLANTS AND SHRUBS FOR NEW PENSION BUILDING.

Mr. REESE, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the joint resolution (H. Res. 71), authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

NANCY L. RIBBLE.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with favorable recommendation the bill (H. R. 16) granting a pension to Nancy L. Ribble; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 545) to increase the pension of widows and dependent relatives of deceased soldiers and sailors; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ALEXANDER HARPER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 758) granting a pension to Alexander Harper; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AUGUST SCHINDLER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 802) granting a pension to August Schindler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN C. CLARK.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported, as a substitute for H. R. 780, a bill (H. R. 4410) for the relief of John C. Clark; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DR. J. F. BRUNER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 702) granting a pension to Dr. J. F. Bruner; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 726) to place the name of George Barrett on the pension-roll;
A bill (H. R. 793) granting a pension to Albert E. Magoffin;
A bill (H. R. 687) to rerate the pension of Philip Hofeld;
A bill (H. R. 806) to provide for the payment of arrears of pension to August Weide;
A bill (H. R. 781) granting a pension to B. J. Dreesen;
A bill (H. R. 782) to increase the pension of Robert M. Forsyth;
A bill (H. R. 735) for the relief of Nicholas W. Barnett;
A bill (H. R. 669) granting a pension to Bernard Carlin;
A bill (H. R. 688) for the relief of Jacob Snovely;
A bill (H. R. 716) granting a pension to Isaac Welch;
A bill (H. R. 784) granting a pension to Henry D. Grewell;
A bill (H. R. 685) to grant a pension to Eli W. Campbell; and
A bill (H. R. 674) granting a pension to Mrs. P. E. Broaddus.

ANNA D. W. EICHMAN.

Mr. CONGER, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN DEFENBAUGH.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 634) granting a pension to John Defenbaugh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLOTTE D. CROCKER.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE COLLINS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 613) for the relief of Catharine Collins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELEANOR C. BANGHAM.

Mr. SAWYER, from the Committee on Invaild Pensions, reported back with a favorable recommendation the bill (H. R. 1582) for the relief of Eleanor C. Bangham; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

AMY A. LEWIS.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1579) for the relief of Amy A. Lewis; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LOUTITT, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (H. R. 196) granting a pension to Henry H. Stutsman; which was laid on the table, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back the bill (H. R. 1730) granting a pension to Andrew M. Holderby, and moved that the Committee on Invalid Pensions be discharged from the further consideration of the bill, and that it be referred to the Committee on Pensions.

The motion was agreed to.

RACHEL NICKELL.

Mr. TAULBEE, from the Committee on Invalid Pensions, reported back with a favorable recommendation a bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. MANNIX.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 934) granting a pension to Charles W. Mannix; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. W. FRALEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 929) granting a pension to G. W. Fraley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LEWIS A. THORNBURY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back favorably a bill (H. R. 928) granting a pension to Lewis A. Thornbury; which was referred to the Committee of the Whole House

on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES T. CASKEY.

Mr. TAULBEE, from the Committee on Invalid Pensions, also reported back with a favorable recommendation a bill (H. R. 936) granting a pension to James T. Caskey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE SLACK.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back with an amendment a bill (H. R. 1836) granting a pension to George Slack; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NATHANIEL TAYLOR.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back with a favorable recommendation a bill (H. R. 1568) granting a pension to Nathaniel Taylor; which was referred to the Committee of the Whole House on the Private Calander, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. SWOPE, from the Committee on Invalid Pensions, reported back with an adverse recommendation a bill (H. R. 242) for the relief of Charles V. Wise; which was laid on the table, and the accompanying report ordered to be printed.

V. F. GORRISSEN.

Mr. LANHAM, from the Committee on Claims, reported back with a favorable recommendation a bill (H. R. 2428) for the relief of V. F. Gorrissen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. S. ENSEL.

Mr. SPRINGER, from the Committee on Claims, reported back with a favorable recommendation a bill (H. R. 290) for the relief of L. S. Ensel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM H. WHEELER.

Mr. CAMPBELL, of New York, from the Committee on War Claims, reported back with a favorable recommendation a bill (H. R. 822) for the relief of William H. Wheeler; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REPRESENTATIVES OF JOHN HATFIELD.

Mr. GEDDES, from the Committee on War Claims, reported back with an amendment a bill (H. R. 212) for the relief of the legal representatives of John Hatfield, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

A. S. BLOOM.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with amendment the bill (H. R. 899) for the relief of A. S. Bloom; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

A. GATES LEE.

Mr. STONE, of Kentucky, from the Committee on War Claims, also reported a bill (H. R. 4411) for the relief of A. Gates Lee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HEIRS AT LAW OF ANDREW F. M'MILLIN.

Mr. STONE, of Kentucky, from the Committee on War Claims, also reported back with amendment the bill (H. R. 897) for the relief of the heirs at law of Andrew F. McMillin, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN A. COAN.

Mr. KLEINER, from the Committee on War Claims, reported a bill (H. R. 4412) for the relief of John A. Coan; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

D. E. DOWNING.

Mr. PERRY, from the Committee on War Claims, reported back favorably the bill (H. R. 832) for the relief of D. E. Downing; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES MILLINGER.

Mr. PERRY, from the Committee on War Claims, also reported back favorably the bill (H. R. 1217) for the relief of James Millinger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M'NAUGHTON.

Mr. HIESTAND, from the Committee on War Claims, reported back favorably the bill (H. R. 1877) for the relief of John McNaughton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM CLIFT.

Mr. HIESTAND, from the Committee on War Claims, also reported a bill (H. R. 4413) for the relief of William Clift; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRYOR N. LEA.

Mr. JOHNSTON, of North Carolina, from the Committee on War Claims, reported back favorably the bill (H. R. 79) for the relief of Pryor N. Lea; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUTS. GILES B. HARBER AND WILLIAM H. SCHUETZE.

On motion of Mr. HERBERT, by unanimous consent, the Committee on Naval Affairs was discharged from the further consideration of a joint resolution of the following title; and the same was referred to the Committee on Expenditures in the Navy Department:

Joint resolution (H. Res. 54) to credit Lieuts. Giles B. Harber and William H. Schuetze with sea-duty and sea pay while engaged in the search for Lieutenant Chipp and party, and also for the time employed in bringing home the remains of Lieutenant-Commander De Long and party.

WRECK OF EXPLORING STEAMER JEANNETTE.

On motion of Mr. HERBERT, by unanimous consent, the Committee on Naval Affairs was discharged from the further consideration of a bill of the following title; and the same was referred to the Committee on Claims:

A bill (H. R. 1620) to fix and determine the date of the decease of those who perished in the retreat from the wreck of the exploring steamer Jeannette in the arctic seas.

The call of standing and select committees and of the commissions and committee authorized by the statute to report to the House was continued and concluded, no further reports being presented.

ORDER OF BUSINESS.

The SPEAKER. In accordance with the rule, the Chair will now call the committees for the consideration of bills or resolutions heretofore reported. The hour begins at seven minutes before 2 o'clock.

Mr. WILKINS (when the Committee on Banking and Currency was called). Mr. Speaker, I desire to call up Senate bill No. 126, reported this morning from the Committee on Banking and Currency.

The SPEAKER. That is not in order, as the bill was only reported to-day. Under the rule a committee during this hour has the right to call up any bill reported by it on a previous day.

RELIEF OF CHEYENNES IN MONTANA.

Mr. NELSON (when the Committee on Indian Affairs was called). I call up for present consideration the joint resolution reported yesterday by the Committee on Indian Affairs—joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

The SPEAKER. This resolution is in the Committee of the Whole House on the state of the Union.

Mr. NELSON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the resolution.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. EDEN in the chair), and proceeded to the consideration of the joint resolution.

The Clerk read as follows:

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized to use out of the unexpended balance of the $50,000 appropriated in the act making appropriations for the Indian service for the fiscal year 1886, approved March 3, 1885, to supply food and other necessities of life in cases of distress among Indians not having treaty funds, the sum of $12,000; and so much thereof as may be necessary to relieve the distress now existing among the Northern Cheyennes, on the Rosebud and Tongue Rivers, in Montana, and to furnish them with such food and other necessary articles as may be required. And in expending such amount he is authorized, if necessary, to purchase supplies in open market to an extent not exceeding $5,000.

Mr. NELSON. I desire, Mr. Chairman, to make a brief explanation of the matter involved, or of this joint resolution. On the 14th of December the President of the United States sent a special message, in writing, to Congress, calling attention to the fact that there were great suffering and distress among the Cheyenne Indians in the Territory of Montana, on the Rosebud and Tongue Rivers. There are about seven hundred of these Indians, and they are in distress and in a destitute condition, with the annuities granted to them last year entirely exhausted.

The last Indian appropriation bill contained a general contingency appropriation in this language:

To supply food and other necessaries of life in cases of distress among the Indians not having treaty funds, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the President, $50,000; and a

report of the expenditures under this provision shall be made to Congress at its next session thereafter.

This is a sort of contingent appropriation of $50,000, but it is not available for this particular case of distress of the seven hundred Indians, for the reason they are annuity Indians. They have annuities, but these annuities are entirely exhausted, and the object of the joint resolution is to authorize $12,000 of this $50,000 to be used for their relief. It involves no new appropriation, but simply gives the right to use a portion of this contingent $50,000 appropriation for this case of emergency and distress.

That it is a case of great emergency appears further from the fact that on the 9th of the present month the Secretary of the Interior again called the attention of the Committee on Indian Affairs to this subject. And this resolution has been prepared under the direction of the Commissioner of Indian Affairs.

If no one objects to the passage of the joint resolution, or wishes to make remarks on the subject, I will move the committee rise and report it back to the House with the recommendation that it do pass.

Mr. WEAVER, of Iowa. Mr. Chairman, I shall not offer any objection to the joint resolution, but I wish to remark that I hope the time is not far distant when the Government will adopt a sensible policy toward these Indians and all other Indians under our jurisdiction. The uncivilized Indians are not self-supporting, nor will they ever be. They are chiefly found lying around agencies, dependent on the Government for their support. They are allowed to occupy 134,000,000 acres of land, very little of which they cultivate, and there are but 260,000 Indians, all told, under the jurisdiction of the United States.

I do hope the present policy may speedily be abandoned, and that some sensible policy may be adopted by the Government in treating with these wards of the nation. Gratuity appropriations can only be justified on the ground that the Indians are wards of the Government. Let a policy be adopted that will make them citizens under such safeguards as will insure their proper protection and bring them in proper relations to the Government and their white neighbors.

I will vote for the joint resolution, but I do hope for the inauguration of a wiser policy.

Mr. WELLBORN. The clear statement made of the necessities of this case by the gentleman from Minnesota [Mr. NELSON] was not heard by some gentlemen on this side of the House, and they have requested me simply to state the exigencies which require the passage of this resolution. As stated by the gentleman from Minnesota, the President of the United States on the 16th of last month sent in a special message to Congress urging immediate action in this matter. On the 7th of the present month, the day the committees in this House were announced, the Secretary of the Interior addressed to the chairman of the Indian Committee an urgent communication setting forth the necessity for immediate action.

Now the facts are just these: In the last Indian appropriation bill $50,000 were set apart as a fund to be used in the discretion of the Secretary of the Interior to relieve the distress of those Indians to whom no annuities were due from the Government. A portion of that $50,000 is yet unexpended. These Montana Indians, numbering about seven hundred, have small annuities, but they are totally exhausted, and they are now in a distressed, perilous, and probably starving condition; so that the Indians in question, while they come within the spirit of the appropriation of last year, are excluded from any participation in its benefits by a strict construction of the terms in which the appropriation was couched. All that this resolution does is to authorize the Secretary of the Interior to use the sum of $12,000 of that money for the immediate relief of the distress now prevailing among the Indians. It is eminently a proper resolution, and humanity demands its immediate passage.

Mr. NELSON. Mr. Chairman, I now renew my motion that the committee rise and report the joint resolution favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. EDEN reported that the Committee of the Whole House on the state of the Union, having had under consideration the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the North Cheyennes in Montana had directed him to report the same to the House with the recommendation that it do pass.

The SPEAKER. The question is on ordering the joint resolution to be engrossed and read a third time.

The joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

Mr. NELSON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; and

Joint resolution (S. 31) appointing John F. Hartranft manager of the National Home for Disabled Volunteer Soldiers.

FOURTH OF JULY CLAIMS.

The Committee on War Claims was called.

Mr. GEDDES. Mr. Speaker, on behalf of the Committee on War Claims, I desire to call up for immediate action the bill containing the claims reported by the accounting officers of the Treasury, known as the 4th of July claims.

The SPEAKER. That bill is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. GEDDES. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

The SPEAKER. The Chair is advised that this bill has not yet reached the House from the Government Printing Office.

Mr. GEDDES. That will of course postpone the consideration of the bill until to-morrow. I therefore withdraw it for the present.

Mr. MCMILLIN. I wish to make a parliamentary inquiry. Will that bill come up hereafter as unfinished business?

The SPEAKER. It will not. The gentleman simply withdraws the proposition to take it up for consideration to-day. It can be called up again as soon as the committee is reached in the call of committees.

ORDER OF BUSINESS.

The call of committees was resumed and concluded.

MEMORIAL STATUE OF JAMES A. GARFIELD.

Mr. EZRA B. TAYLOR. Mr. Speaker, I ask unanimous consent to call up the Senate concurrent resolutions relating to the statue of the late President James A. Garfield for immediate consideration.

The SPEAKER. The resolutions referred to by the gentleman from Ohio were laid before the House on the 6th of the present month by the Chair, and by unanimous consent were laid on the table for the present, with the understanding that they would be called up at a future day for consideration. If there be no objection they will be now taken up.

There was no objection.

Mr. EZRA B. TAYLOR. Mr. Speaker, I ask that the resolutions be read, as also the letter from the governor of the State of Ohio.

The SPEAKER. The resolutions will be read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
January 5, 1886.

Resolved by the Senate (the House of Representatives concurring), That the thanks of Congress be presented to the governor, and through him to the people, of Ohio for the statue of James A. Garfield whose name is so honorably identified with the history of that State and of the United States.

Resolved, That this work of art is accepted in the name of the nation, and assigned a place in the old Hall of the House of Representatives, already set aside by act of Congress for statues of eminent citizens, and that a copy of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be transmitted to the governor of the State of Ohio.

Mr. EZRA B. TAYLOR. I ask that the letter of the governor be also read.

The Clerk read as follows:

STATE OF OHIO, EXECUTIVE DEPARTMENT,
OFFICE OF GOVERNOR,
Columbus, December 10, 1885.

SIR: I have the honor to inform you that, in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the State of Ohio, in pursuance of an act of its General Assembly, has caused to be made by the sculptor, Carl H. Nichaus, and placed in the old Hall of the House of Representatives, in the Capitol of the United States, in the custody of the Architect of the Capitol, a marble statue of that illustrious and lamented citizen of Ohio James A. Garfield, late President of the United States.

This work is now presented to the Congress of the United States as one of the statues contributed by the State of Ohio in pursuance of this invitation. It is hoped that it may be found worthy of acceptance and approval as a fit contribution from this State to the United States, in whose service President Garfield passed so much of his life, and whose chief executive officer he was at the time of his death.

Very respectfully,

GEO. HOADLY, *Governor of Ohio.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

Mr. EZRA B. TAYLOR. Mr. Speaker, as others will speak upon this resolution my words will be few.

James A. Garfield was born of a sturdy, self-reliant parentage. With "a sound mind in a sound body," he commenced life under favorable auspices; so poor as to be mainly self-dependent, but untouched by distressing poverty—a condition favorable to development and success under the influence of free institutions; one not waited upon by indolence or pleasure, but where hope abides. From the time he first attracted attention Garfield's course was onward and upward, his motto and his life "Excelsior." Labor and genius placed him in and fitted him for every position he ever occupied. Indeed, work was his ladder, and by it he reached the highest eminence. As student, soldier, statesman, it was the sign by which he conquered, and by it he achieved all his successes, various and great as they were. He was never a laggard, but ever striving to learn, he was always learning. His eyes were always open, and he saw the wayside flower as well as the distant mountain.

In his public life he was devoted to principle, resolute in the dis-

charge of duty, diligent, informed, able, and eloquent to the point where he had few equals. Conciliating to opponents, refined in speech, courteous in manner, with a bounteous fund of loving kindness, he had the respect of friend and foe.

He loved his State as a son his mother, and the country with undying devotion.

This occasion does not permit me to dwell upon the purity or greatness of his character, or to speak in detail of his services, known of all men; but those who knew him well, and their name is legion (for none was so easily known, few so difficult to forget), turn to his private life with joy and pride. There he was seen at his best. The domestic side of that life I do not here touch. It was simply so perfect that concerning it language fails to convey ideas.

That life is the enduring pride of his people; in it he raised up such friends as few can boast; they came in troops and battalions, and never in his life or since have they broken their allegiance. Even now they mourn him with a grief that finds no comfort.

The people of Ohio appreciated him from the first, and they stood about him like a wall of defense; and now, prompted by gratitude, admiration, and love, they have, through their Legislature and authorities, caused to be made a marble statue, representing as well as marble may the well-loved son of that State, the citizen, soldier, statesman, president, Garfield; have placed it in the Hall of the old House of Representatives, and ask Congress in behalf of the American people to accept it as theirs, and to allow it to remain till it also turns to dust.

The statue now stands so near the way through which Mr. Garfield, as member of this House for almost eighteen years, daily passed to reach this Hall that one standing there may almost touch it with his hand as it seems to gaze toward the Senate, which he had a commission to enter, but did not, because the nation said to him, "Go up higher."

He stands among the fathers of the Republic, by the side of their great successors, and in the presence of some of his contemporary patriots. The martyr President is not far away.

In this exalted company President Garfield is not out of place. He came last into it, but he there greets only his peers. His compatriots who are "standing in that silent senate of the dead," if in life, would recognize the fitness of the association—none more readily than his old friend the matchless orator of Gettysburg, the liberator President, the immortal Lincoln.

Accept, then, Ohio's gift, "the image in enduring marble" of one she loved so well, tendered as it is with her patriotic aspirations for the prosperity, the happiness, and the continuance of the great American Union, "one and inseparable, now and forever."

I now yield so much time as he may desire to my colleague, Mr. McKINLEY.

Mr. McKINLEY, Mr. Speaker, complying with an act of Congress passed July, 1864, inviting each of the States of the Union to present to National Statuary Hall the statues of two of its deceased citizens "illustrious for their heroic renown, or distinguished by civic or military services" worthy of national commemoration, Ohio brings her first contribution in the marble statue of James Abram Garfield. There were other citizens of Ohio earlier associated with the history and progress of the State and illustrious in the nation's annals who might have been fitly chosen for this exalted honor. Governors, United States Senators, members of the supreme judiciary of the nation, closely identified with the growth and greatness of the State, who fill a large space in their country's history; soldiers of high achievement in the earlier and later wars of the Republic; cabinet ministers, trusted associates of the martyred Lincoln, who had developed matchless qualities and accomplished masterly results in the nation's supreme crisis; but from the roll of illustrious names the unanimous voice of Ohio called the youngest and latest of her historic dead, the scholar, the soldier, the national Representative, the United States Senator-elect, the President of the people, the upright citizen, and the designation is everywhere received with approval and acclaim.

By the action of the authorities of the State he loved so well and served so long, and now by the action of the National Congress in which he was so long a conspicuous figure, he keeps company to-day with "the immortal circle" in the old Hall of Representatives, which he was wont to call the "Third House," where his strong features and majestic form, represented in marble, will attract the homage of the present and succeeding generations, as in life his great character and commanding qualities earned the admiration of the citizens of his own State and the nation at large, while the lessons of his life and the teachings of his broad mind will be cherished and remembered when marble and statues have crumbled to decay.

General Garfield was born on the 19th day of November, 1831, in the village of Orange, in Northern Ohio, and died at Elberon, in the State of New Jersey, on the 19th day of September, 1881. His boyhood and youth differed little from others of his own time. His parents were not opulent. He worked from an early age, like most Western boys of that period. He was neither ashamed nor afraid of manual labor, and engaged in it resolutely for the means to maintain and educate himself. He entered Williams College, in the State of Massachusetts, in 1854, and graduated with honor two years later, when he assumed charge of Hiram College, in his own State.

In 1859 he was elected to the senate of Ohio, being its youngest member. Strong men were his associates in that body, and have since held high stations in the public service. Some of them were his colleagues here. In this, his first political office, he displayed a high order of ability, and developed some of the great qualities which afterward distinguished his illustrious career.

In August, 1861, he entered the Union Army, and in September following was commissioned colonel of the Forty-second Ohio Infantry Volunteers. He was promoted successively brigadier and major general of the United States Volunteers, and while yet in the Army was elected to Congress, remaining in the field more than a year after his election, and resigning only in time to take his seat in the House December 7, 1863. His military service secured him his first national prominence. He showed himself competent to command in the field, although without previous training. He could plan battles and fight them successfully. As an officer he was exceptionally popular, beloved by his men, many of whom were his former students, respected and honored by his superiors in rank, and his martial qualities and gallant behavior were more than once commended in general orders and rewarded by the Government with well-merited promotion.

He was brave and sagacious. He filled every post with intelligence and fidelity, and directed the movement of troops with judgment and skill. Distinguished as was his military career, which in itself would have given him a proud place in history, his most enduring fame, his highest renown was earned in this House as a representative of the people. Here his marvelous qualities were brought into full activity, here he grew with gradual but ever-increasing strength, here he won his richest laurels, here was the scene and center of his greatest glory. Here he was leader and master, not by combination or scheming, not by chicane or caucus, but by the force of his cultivated mind, his keen and far-seeing judgment, his unanswerable logic, his strength and power of speech, his thorough comprehension of the subjects of legislation. Always strong, he was strongest on his feet, addressing the House, or from the rostrum, the assembled people. Who of us having heard him here or elsewhere, speaking upon a question of great national concern, can forget the might and majesty, the force and directness, the grace and beauty of his utterances. He was always just to his adversary, an open and manly opponent, and free from invective. He convinced the judgment with his searching logic, while he swayed his listeners with brilliant periods and glowing eloquence. He was always an educator of the people. His thoughts were fresh, vigorous, and instructive.

In running over his public service here, covering a period of nearly eighteen years, crowding page after page of the CONGRESSIONAL RECORD, I have sought to settle in my own mind the question or questions in which he was greatest, and with which his name will be best remembered. I confess it is no easy task. He was not a specialist in statesmanship. The subjects which he debated covered all the leading issues of the parties and the political policies of his time. He limited himself to no one topic and was confined to no single range of national legislation. His thoroughness upon every question he touched was marked and habitual. The Congressional debates show him prominent in discussion of the military affairs of the Government in time of war, when mighty armies were to be mustered and the means provided for their maintenance; the emancipation of the slave, and the problem of his future; reconstruction of the seceding States; the amendments to the Constitution giving suffrage to the newly enfranchised race; the tariff; refunding of the national debt; general education; the resumption of specie payment; silver coinage; the civil service; the independence of the several branches of the Federal Government.

He brought to this wide range of subjects vast learning and comprehensive judgment. He enlightened and strengthened every cause he advocated. Great in dealing with them all, dull and common-place in none, but to me he was the strongest, broadest, and bravest when he spoke for honest money, the fulfillment of the nation's promises, the resumption of specie payments, and the maintenance of the public faith. He contributed his share, in full measure, to secure national honesty and preserve inviolate our national honor. None did more, few, if any, so much to bring the Government back to a sound, stable, and constitutional money. He was a very giant in those memorable struggles, and it required upon his part the exercise of the highest courage. A considerable element of his party was against him, notably in his own State and some parts of his Congressional district. The mad passion of inflation and irredeemable currency was sweeping through the West, with the greatest fury in his own State. He was assailed for his convictions, and was threatened with defeat. He was the special target for the hate and prejudice of those who stood against the honest fulfillment of national obligations. In a letter to a friend on New Year's eve, 1867–'68, he wrote:

I have just returned from a tedious trip to Ashtabula, where I made a two-hour speech upon finance, and when I came home, came through a storm of paper-money denunciation in Cleveland, only to find on my arrival here a sixteen-page letter, full of alarm and prophecy of my political ruin for my opinions on the currency.

To the same friend he wrote in 1878:

On the whole it is probable I will stand again for the House. I am not sure, however, but the nineteenth district will go back upon me upon the silver question. If they do, I shall count it an honorable discharge.

These and more of the same tenor, which I might produce from his cor-

respondence, show the extreme peril attending his position upon the currency and silver questions, but he never flinched, he never wavered; he faced all the dangers, assumed all the risks, voting and speaking for what he believed would secure the highest good. He stood at the forefront, with the waves of an adverse popular sentiment beating against him, threatening his political ruin, fearlessly contending for sound principles of finance against public clamor and a time-serving policy. To me his greatest effort was made on this floor in the Forty-fifth Congress, from his old seat yonder near the center aisle. He was at his best. He rose to the highest requirements of the subject and the occasion. His mind and soul were absorbed with his topic. He felt the full responsibility of his position and the necessity of averting a policy (the abandonment of specie resumption) which he believed would be disastrous to the highest interests of the country. Unfriendly criticism seemed only to give him breadth of contemplation and boldness and force of utterance.

Those of us who were so fortunate as to hear him can not efface the recollection of his matchless effort. Both sides of this Chamber were eager listeners, and crowded galleries bent to catch every word, and all were sensibly moved by his forceful logic and impassioned eloquence. He at once stepped to the front without rival or contestant, secure in the place he had fairly earned. The press and the people received the address with warm approval, and his rank before the country was fixed as a strong, faithful, and fearless leader. No one thing he had ever done contributed so much to his subsequent elevation; no act of his life required higher courage; none displayed greater power; none realized to him larger honors; none brought him higher praise.

Something of his real character and high aims as a legislator and public servant is disclosed in his private correspondence, from which I quote a single sentence:

> You know that I have always said that my whole public life was an experiment to determine whether an intelligent people would sustain a man in acting sensibly on each proposition that arose, and in doing nothing for mere show or demigogical effect. I do not now remember that I ever cast a vote of that latter sort.

His experiment, although a perilous one and fraught with extreme danger, was yet successful, and is a high tribute not to him alone but to the justice and intelligence of the old Western Reserve district and the whole American people. He was sustained, triumphantly sustained, over and over again by his immediate constituency. His State sustained him and at last a nation of fifty millions of people rewarded his courage and consistency with the highest honors it could bestow.

Although elected, General Garfield never took his seat in the Senate of the United States. His legislative career ended here, where it had practically begun eighteen years before. His nomination for the Presidency occurred soon after the Legislature of Ohio had chosen him Senator, and came to him as did all of his honors, because deserved. Although unsought, no mere chance brought him this rare distinction. His solid reputation rendered it not improbable at any time. He had the qualities which attached his great party to him and the equipment which filled the highest measure of public and party requirement. From the stirring scenes at Chicago to the succeeding election he bore himself like a statesman and patriot fit for the highest trust. He advanced in public confidence and whenever he met with or addressed the people he enlarged the circle of his admiring followers and friends. His brief term in the Presidency so tragically ended gave promise of large usefulness to the country in the realization of the true American policy at home and abroad. His death filled the nation with profound and universal sorrow, and all lands and all peoples sympathized in our overshadowing bereavement.

In General Garfield, as in Lincoln and Grant, we find the best representation of the possibilities of American life. Boy and man, he typifies American youth and manhood, and illustrates the beneficence and glory of our free institutions. His early struggles for an education, his self-support, his "lack of means," his youthful yearnings, find a prototype in every village, city, and hamlet of the land. They did not retard his progress, but spurred him on to higher and nobler endeavor. His push and perseverence, his direct and undeviating life purpose, his sturdy integrity, his Christian character were rewarded with large results and exceptional honors; honors not attainable anywhere else, and only to be acquired under the generous and helpful influences of a free government.

He was twenty-three years of age when he confronted the more practical duties and the wider problems of life. All before had been training and preparation, the best of both, and his marvelous career ended before he was fifty. Few have crowded such great results and acquired such lasting fame in so short a life. Few have done so much for the country and for civilization as he whom we honor to-day, stricken down as he was when scarce at the meridian of his powers. He did not flash forth as a meteor; he rose with measured and stately step over rough paths and through years of rugged work. He earned his passage to every preferment. He was tried and tested at every step in his pathway of progress. He produced his passport at every gateway to opportunity and glory.

His broad and benevolent nature made him the friend of all mankind. He loved the young men of the country and drew them to him by the thoughtful concern with which he regarded them. He was generous in his helpfulness to all, and to his encouragement and words of cheer many are indebted for much of their success in life. In personal character he was clean and without reproach. As a citizen, he loved his country and her institutions and was proud of her progress and prosperity. As a scholar and a man of letters, he took high rank. As an orator, he was exceptionally strong and gifted. As a soldier, he stood abreast with the bravest and best of the citizen soldiery of the Republic. As a legislator, his most enduring testimonial will be found in the records of Congress and the statutes of his country. As President, he displayed moderation and wisdom, with executive ability, which gave the highest assurances of a most honored and successful administration.

On the 19th day of December, 1876, the State of Massachusetts presented the statues of John Winthrop and Samuel Adams, as her offerings to Memorial Hall. On that interesting occasion General Garfield said:

> As from time to time our venerable and beautiful hall has been peopled with the statues of the elect of the States, it has seemed to me that a third House was being organized within the walls of the Capitol, a House whose members have received their high credentials at the hands of history and whose term of office will outlast the ages. Year by year we see the elect of their country in eloquent silence taking their places in the American Pantheon, bringing within its sacred circle the wealth of those immortal memories which made their lives illustrious. And year by year that august assembly is teaching a deeper and grander lesson to all who serve their brief hour in these more ephemeral Houses of Congress. And now two places of great honor have just been most nobly filled.

Mr. Speaker, another place of great honor we fill to-day. Nobly and worthily is it filled. Garfield, whose eloquent words I have just pronounced, has joined Winthrop and Adams and the other illustrious ones, as one of "the elect of the States," peopling yonder venerable and beautiful hall. He receives his high credentials from the hands of the State which has withheld from him none of her honors, and history will ratify the choice. We add another to the immortal membership. Another enters "the sacred circle." In silent eloquence from the "American Pantheon" another speaks, whose life-work, with its treasures of wisdom, its wealth of achievement, its great work wrought, and its priceless memories will remain to us and our descendants a legacy, forever and forever.

Mr. EZRA B. TAYLOR. I now yield to my colleague, Judge GEDDES.

Mr. GEDDES. Mr. Speaker, it was in 1864 that Congress invited each State of the Union to erect statues in the Old Hall of the House of Representatives of two of its most eminent citizens. In pursuance of this, many of the States have accepted the privilege, and now, by the action of the General Assembly of Ohio, a marble statue of James A. Garfield has been presented to Congress as the first contribution by that State. This selection will, I am certain, meet with universal, heartfelt approval.

In the few moments allowed me in accepting this token of the sentiment of my State it is not my purpose to give a biographical sketch or even to outline the life-work of him whose memory so richly deserves this recognition.

As a work of art I find it highly commended, and most forcibly by that close observer and well-known writer, "Gath," as follows:

> I had not seen the new statue of Garfield, sent by the State of Ohio to the Hall of Representatives, until to-day. I thought it was one of the best statues that has been presented to the Capitol. I could realize the man with whom I have often walked and talked to the life, or as well as white marble can embody man. There are no accessories of this statue which take the eye away from the head and face and expression. He has at his left hand a little bracket, on which is the paper of his notes or manuscript, and, holding this, he speaks, and all who want to see him as he lived in life, hearty and high and broad, can look at him there as he was until the assassin, with *the spitefulness of a backbiter*, fired into the citadel of his life.

Although we often met, my political views contributed in part to deprive me of the privilege and honor of a more intimate personal acquaintance with him, but could not and did not prevent an appreciation of his virtues, and admiration of his typical American character.

My first substantial knowledge of him was when he was engaged in raising volunteers for the regiment which he subsequently commanded as colonel. Many of the men were raised from the families and firesides of those with whom I was well acquainted.

On an occasion of a reunion of that regiment held at Ashland, Ohio, in 1880, we met. He was before the people at that time as the Republican candidate for the Presidency, and I was invited to speak from the same stand, although I was then the Democratic candidate for Congress. The occasion was intended to be non-partisan. An incident occurred at that time that might lead a superstitious person to regard as a premonition of the sad and tragic death he subsequently suffered. During the time he was speaking, the platform on which he stood fell several feet to the ground, but unmoved by the accident he continued his address to the multitude assembled to hear him.

I now distinctly recall the heartfelt earnestness with which I congratulated the people on the honor conferred upon us all by the presence of our illustrious citizen who had addressed them, and then congratulated him on the honor paid him by the presence of so many thousands of our people.

Early in my Congressional experience I was deeply impressed with the wonderful intellectual storehouse he had at his command for every emergency. Let me give you an illustration:

On the 13th of January, 1815, Congress bought 6,700 volumes of Thomas Jefferson's library, a well preserved collection of books, consti-

tuting the basis of the present Government Library, and will be found to be among the richest intellectual treasures of the world. This collection of books, so indispensable to every American statesman, I found was familiar to him.

I had the honor to present to this House from the Library Committee a proposition in the interest of our national Library, which I urged in a few words in my humble way, and, meeting with opposition that alarmed me, our lamented late President unexpectedly came to my rescue in words so pertinent, as matter of argument and so precious as his personal sentiments, that I now quote them from the CONGRESSIONAL RECORD of May 9, 1879. He said:

We are here under circumstances where, without the slighest regard for party, we ought all to vie with each other in being proud of that great Library and doing anything in the world that is reasonable to maintain it and render it more effective.

Let us remember that the foundation of that Library was laid in the small library of Thomas Jefferson, and the spirit of scholarship and thoroughness that he showed in the care of his own books, which are still preserved in the Library as a monument of his learning and wisdom, seems to have been secured in the management of the Congressional Library itself. Perhaps gentlemen may not know that every one of the large body of books obtained from Thomas Jefferson, to form the foundation of this Library, has his own mark at some distinct page away over in the book indicating his ownership.

I recollect to have seen a little thing which is worthy of mention here. In one of these books, when it came here, there happened to be left a little piece of paper not more than five inches square, in Mr. Jefferson's handwriting. He had kept during the eight years of his Presidency this curious memorandum. He had drawn it off in the form of a table, with the year at the head, a column for each year, and the date of appearance of vegetables in the Washington market—in 1801, on such a date, asparagus, and so on through, showing that in the midst of great affairs, when President of the United States, he took care of little things. These little observations marked him as a philosopher.

Mr. Speaker, this gift from the State of Ohio is to be deposited in the old Chamber occupied by the members of the lower House of Congress prior to the 16th of December, 1857, but now dedicated as a depository of the statues of American citizens most distinguished in civil or military life.

How appropriate the place. As the citizens from all portions of our beloved country enter this Capitol building they find it in keeping with the genius and spirit of our form of government. They find its chief beauty and most imposing qualities consisting in its exhibition of strength, plainness, and durability. It at once demands and receives the closest attention and earnest admiration of every lover of our Republican simplicity.

As you pass from either branch of Congress to the other this room is on the line, and in passing through it you never fail to observe the large number of visitors charmed by the scene. Not only the statues that attract, charm, and force the admiration of all who pause and think, but the memories that cluster around every object and bring fresh to mind the memorable scenes in the history of that hall all unite to constrain you to feel that you are in the presence of objects rendered sacred by their history. These objects—statues of our great and good men from the colonial period down to the present—will, I trust, unite to prove that—

No sound is breathed so potent to coerce
And to conciliate as their names who dare
For that sweet mother-land which gave them birth
Nobly to do, nobly to die. Their names,
Graven on memorial columns, are a song
Heard in the future; few, but more than wall
And rampart, their examples reach a hand
Far thro' all years, and everywhere they meet
And kindle generous purpose, and the strength
To mold it into action pure as theirs.

But these statues are not to all the most impressive and inspiriting associations to be found in this old hall. The heart and mind are soon filled with thoughts of the glowing, thrilling eloquence, undying patriotism, and stern, immovable integrity that characterized the lives of many connected with that old hall whose statues are not there. They too have enduring monuments. Their life-work forms the grandest, most magnificent, and enduring of all monuments. Such lives speak in trumpet tones to all nations, for all nations, and for all time to come. "Though dead they yet speak."

And is he dead whose glorious mind
Lifts thine on high?
To live in hearts we leave behind
Is not to die.

Although the gift and reception of this statue of our noble dead, the lamented late President, is the performance of a holy work of love, a patriotic and sacred duty, yet we should be led to look beyond the work of art and take fresh inspiration from the heroic deeds performed in civil or military life.

The highest, noblest, and best quality in a nation is gratitude, without which it would soon fall an easy prey to either violence or corruption. Our nation has always manifested in the most conspicuous ways its unstinted gratitude to the men who founded the Government, who conceived and formulated the great principles upon which our institutions rest, or who have done most in civil or military life to maintain and preserve them.

No nation can forget or neglect its benefactors and illustrious public servants and be itself worthy of admiration. It must itself liberally shower just rewards on all who serve with fidelity its truest and highest interests in war or peace.

In accepting and enjoying the priceless and glorious results which the distinguished dead of our country achieved on land and sea, we must accord to their memories the most hearty and generous recognition.

One favorite form of expression of the patriotic gratitude of this generation is to erect monuments. Constitutional liberty, vindicated by the pen or sword on the judicial bench or battlefield, or in the halls of legislation, we find honored in monuments and statuary in all parts of the nation's capital.

These exhibitions of our appreciation of the heroic virtues, glorious deeds, incorruptible purity, exalted patriotism, and self-sacrificing devotion to duty will secure to the present and coming generations the same qualities to guide, mold, and govern the destiny of this mighty Republic.

Herein lies our greatest security against every form of danger. The ancient Roman gloried in the security afforded him by the declaration: "I am a Roman citizen." It secured him personal safety throughout the known world. But it was an insecure privilege. Fear of physical power—mere brutal force—was his only guarantee of safety.

Not so with an American. To be able to say "I am an American citizen" commands the respect and love of all classes throughout the civilized world. It is therefore a great privilege to belong to a country that can present to the world so many striking and illustrious examples of the ennobling and elevating power of free institutions.

Mr. EZRA B. TAYLOR. I now yield to my colleague, Mr. BUTTERWORTH.

Mr. BUTTERWORTH. Ohio has placed in this Capitol a statue of James A. Garfield. It is a gift by the people of that State to the nation. A resolution accepting the gift has passed the Senate and now waits the action of this House. Before the final vote is taken I desire to speak for a few moments of the dead after whose living likeness the marble statue is fashioned.

It seems but yesterday that Garfield stood in our midst, a leader of his party and a teacher of the people. He was a leader on this floor—not by virtue of those qualities that made Clay and Stevens great and successful parliamentary leaders. They sought the right as Garfield did, but their imperious wills brooked no opposition and tolerated no hesitation in the ranks of the column at the head of which they marched. They led, if might be, and forced, if necessary, the column forward as the exigency of the hour demanded or seemed to them to demand.

In this Garfield differed from those two great leaders. In forensic eloquence he was the equal of Clay and superior to Stevens. He was more than the peer of either in ripe scholarship, was a more profound thinker, and had a wider range of experience in the midst of those great events which test the metal of statesmen and soldiers and try the strength of governmental institutions and shape the course and fix the destiny of nations.

Few men were better equipped in matter of mental furnishings for parliamentary debate and party leadership. He always led the column, he never forced it forward. No one questioned the accuracy of his learning or doubted the integrity of his purpose.

His strength as a leader was due to his unswerving love of right, and his unmatched ability in satisfying candid minds that he sought with singleness of purpose ways which wisdom commended and truth and justice approved. In the great conflict of principles mere expedients to dodge or delay an issue found no favor with him.

Truth is eternal, and her time is now. He recognized that in all life's labors duty is ours, results are God's. He despised demagogy, and had little patience with those who seek exaltation by that ladder of corrupt ambition. He loved his fellow-men. He never learned to hate even the meanest of mankind.

The one weakness in his leadership was that howsoever he condemned the act, his great unguarded kindness, unasked, forgave the actor. His head won vantage ground, his heart not unfrequently surrendered.

In his judgments of men mercy so tempered justice as often to destroy that needful quality. This controlling love of his fellow-men would tend to make him better fit in times of public peril to write the law than to be the agent of its execution. He would have hailed with delight a dispensation that would from punishment have divorced all pain and left to just judgment no quality but mercy. Of the great attributes of his kindly heart, nothing manifested itself more grandly than the tender and constant love he bore his mother.

I heard and saw him first, more than twenty years ago. In the speech he made all hearts were moved by the splendid tribute that he paid to her.

When unsought the people of his State chose him for United States Senator, his friends in this city were pleased to tender him a serenade. On that occasion one of the speakers pronounced some words of well-deserved praise of Garfield's mother. A moment afterward Garfield approached the speaker and, unobserved of others, placed his arm about his neck, and with voice choked by emotion, and eyes wet with tears, he said: "God bless you for the good things you said about my mother."

On his inauguration, when the oath that made him Chief Magistrate of this great nation had been taken, he turned amidst that vast waiting multitude and bending down to her he kissed his aged mother. Malicious envy called this acting. How little such "critics" knew the heart of that great man.

By that act of reverent filial piety he touched the hearts of this nation. They knew what great emotions wrought him in that hour and in that presence to bear witness to what a mother's love and care had done, could do, for a home and for a people.

He was credulous and confiding as a child, and gave his confidence almost without reserve, and seemed to deem a betrayal of that confidence impossible.

Lincoln and Garfield were essentially of the people, in the widest and best sense of that term. Both were born in low estate. Both were freedom's apostles and humanity's friends.

Inscrutible Providence that so ordained that these two, of all men most near the people, most actively in sympathy with them, at once their friend and champion, should in all the line of rulers have been singled out by the assassins as victims of their bloody work, and be by these ministers of crime cut down in the very flower of their usefulness!

While the life and character of Garfield may challenge closest scrutiny, it is not urged that he was free from human faults and frailties. He stood conspicuously prominent among his fellow-men, while his adversaries were hidden by their own obscurity.

> The moon being clouded presently is missed,
> But little stars can hide them when they list;
> Gnats are not noted wheresoe'er they fly,
> But eagles gazed upon by every eye.

So his whole course of life was noted.

To find a fault in him was justly to accuse the party led by him. To baffle him was to halt the column at the head of which he marched. To hide his prominence was impossible. To curb or destroy his influence was the aim of those who felt and feared his power. His countrymen had learned to love his precepts and to walk in the light of his example.

The record of his life was to his fellow-countrymen at once a benediction and an inspiration. While they loved and honored him, they were in the last degree exacting. With unwonted eagerness they searched his life to find, if such there was, a single stain or touch of taint, and were the while indifferent to gross lapses on the part of those who had attained to eminence, good or bad, by means that would have hurled Garfield from the pedestal of popular favor into well-deserved contempt.

But it is always so.

> The greatest scandal waits on greatest State.
> The crow may bathe her coal-black wing in mire,
> And unperceived fly with the filth away;
> But should the like the snow-white swan desire,
> The stain upon his silver down would stay.

Garfield could not be pushed into nor find obscurity, nor his life-service in the interest of his countrymen be forgotten.

His nomination for the Presidency was not the accident of the distempered time nor the result of mere manipulation of rival factions. There is abundant witness, that in the wildest tumult of that stormy contest the master's voice was heard, and, yielding to its stern command, the convention confirmed the people's choice. His defeat was impossible in the absence of some means to take away the support of a people's confidence and love, yielded to uphold him, and which the struggling millions of our land gave willingly, and which made him strong for his labors.

> Unworthy as was the end, the means were worse—
> Forgery, the fruit and coinage of one base mind.

The destruction of a hecatomb of men the nation might and would survive, and possibly forgive, but willfully to misdirect and trample down the people's will and by chicane defeat them in their choice has no fellow in the annals of dangerous example, and can only well up from a depravity that is indifferent alike to every sense of patriotic duty.

Against the assault that comes in open day and seeks by means heroic, however wicked, prudent foresight may provide. But what human agency can protect this nation against the all-destroying poison injected into the healthful current of public thought and private judgment by some living, breathing source of foul contagion which infects the very life-blood of our governmental system.

The desperate purpose of a desperate man was too soon conceived, and, though well planned, miscarred in its execution. And though to the humble homes throughout the land, on wings of lightning that corrupting agent flew, yet, thank Heaven, in that wild race of right with wrong God's truth o'ertook the speeding falsehood and bore it to the earth, and at once restored to Garfield's fame the shield and armor of his spotless life.

The offerings from the people of well-earned confidence were but for a moment interrupted. The heart that beat for all his race had not been false to the burden-bearers from whose ranks he came. The arm that had struck and only struck for their disenthrallment had not been raised against them. The voice that had spoken, the pen that had written for their ennobling had not been suborned to base betrayal of a single trust.

Loved by his countrymen as only Lincoln was; trusted by his countrymen as only Lincoln was, by means only less infamous and by a man only less depraved than he who struck down Lincoln, Garfield fell; but he is not lost to this people.

Garfield is in his shroud and tomb, but in this nation he is mighty yet. His utterances and his example will outlast the earthly monuments fashioned to make his name immortal. His grave will be the patriot's shrine; his life and character be an inspiration to the lovers of freedom throughout the world. The fathers of this land will seek his footsteps and our children learn of him. He has taught our youth to rise to exalted station by wise and virtuous action. He has taught them that the highway to eminence and worthy renown leads not alone from palaces, nor yet along the paths of luxury, but that it finds its way alike from the abode of poverty and the home of wealth.

It will go ill with this Republic when such lives are forgotten and the influence of such examples is unheeded. [Applause.]

Mr. EZRA B. TAYLOR. I now move that the House concur in the Senate resolutions.

Mr. SYMES. Before the question is put I ask unanimous consent of the House that the gentleman from Tennessee [Mr. PETTIBONE] be allowed to address it on these resolutions. To my knowledge Mr. PETTIBONE was a pupil of the distinguished statesman whose memory we are now honoring when he taught school in the State of Ohio and has always been one of his great admirers. I know the House will be glad to listen to his remarks.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the gentleman from Tennessee be allowed to address the House on the pending resolutions.

There was no objection.

Mr. PETTIBONE. In addition to what has been said by the eloquent sons of Ohio in admiration and commendation of the character of our late President, whose marble image is to-day received by the House of Representatives, I shall have but little to add. And, Mr. Speaker, I only desire to say that it is because it so happens that one of the earliest teachers with whom I had the privilege of studying the classics and preparing for college was the late President Garfield. I knew in early life his complete and utter devotion as a teacher. He taught not merely at Hiram, but he taught always in the whole course of his life; not only in Ohio, but in this forum; and all who heard him knew that he was a model teacher.

He loved to teach. His wide-minded character and his yearning for his fellow-men expanded itself in every variety of way.

If, Mr. Speaker, there was any one trait in the character of General Garfield more predominant than another it was his great kindliness, his universal charity, his love for humanity. I recollect receiving long ago, some twenty-six years ago, a letter from him in which he used this expression: Being invited to come and partake on one occasion the hospitalities of a literary society, he said: "I know the portals of your heart will fly open at a friend's approach like the gates of Peter's prison at the angel's touch."

This sentiment in Garfield's heart touched all his students at Hiram, and among the hundreds who have gone out from that institution not one will forget it; and by the hundreds of splendid women, then young maidens and then in the first blush of glorious womanhood, who received his instructions and who are to-day wearing the golden crown of maternity—by them will be handed down to their children, and by them to generations yet unborn, reminiscences of the kindliness, the greatness, and the magnanimity of this man who was so great among the children of Ohio thirty years ago!

Never will we who used to hear him forget that element in his character that so closely akinned him with the spiritual and led him to admire the brilliant and beautiful touches in "In Memoriam" when he used to quote the lines so often heard and so frequently repeated by him.

> When Lazarus left his charnel cave
> And home to Mary's house return'd,
> Was this demanded—if he yearn'd
> To hear her weeping by his grave?
>
> "Where wert thou, brother, those four days?"
> There lives no record of reply,
> Which telling what it is to die
> Had surely added praise to praise.
>
> From every house the neighbors met,
> The streets were filled with joyful sound;
> A solemn gladness even crown'd
> The purple brows of Olivet.
>
> Behold! a man raised up by Christ!
> The rest remaineth unreveal'd;
> He told it not; or something seal'd
> The lips of that Evangelist.

But, Mr. Speaker, the hour draws on. This statue of purest Parian marble will crumble into dust, but the memory of the marytr President will live; and I could not repeat if I desired a more fitting eulogium than he used to quote with admiration from Tacitus, a classic which once it was his fortune to teach to us at Hiram, and, Mr. Speaker, a more fitting and better and more characteristic statement than that which was made by Tacitus, speaking of the merit of Agricola, a passage I know President Garfield used to admire, does not exist. Said Tacitus in the old language of Rome:

Quidquid ex eo amavimus, quidqu id mirati sumus, manet, mansurumque est in eternitate temporum, fama rerum.

Whatsoever of him we have loved, whatsoever of him we have admired, remains, and will remain in the eternity of time and in the fame of great events. [Applause.]

Mr. EZRA B. TAYLOR. I now repeat my motion that the House concur in the Senate resolutions.

The resolutions were concurred in.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the resolutions were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. EZRA B. TAYLOR. I move that the House do now adjourn.

FITZ-JOHN PORTER.

Mr. BRAGG. Before the question is taken on the motion to adjourn I ask unanimous consent to submit for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That House bill No. 7, reported for the relief of Fitz-John Porter, be, and is hereby, made the special order for Saturday, the 23d, immediately after the reading of the Journal; and if the debate be not concluded on that day, that there be a night session on Monday, the 25th, at 7.30 p. m., when the debate shall be concluded and the previous question ordered.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent, as the Chair understands under the instructions of the Committee on Military Affairs, for the present consideration of the resolution which has been read.

Several members objected.

Mr. BRAGG. I will say to the gentlemen on the other side of the House that this was the arrangement made between the majority and the minority of the committee this morning.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the question is on the motion to adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Papers in the case of Judith Plummer—to the Committee on Invalid Pensions.

By Mr. BARNES: Petition of Joseph B. Reynolds, of Georgia, for relief—to the Committee on Claims.

By Mr. BLAND: Petition for relief of Terby Rusick—to the Committee on War Claims.

By Mr. W. W. BROWN: Papers relating to the claim of William Kendall—to the same committee.

By Mr. CALDWELL: Petition of J. R. E. Darden and others, citizens of Tennessee, for national aid to education—to the Committee on Education.

By Mr. CLEMENTS: Memorial of Robert Batey, W. D. Bard, and the heirs at law of John Hill—to the Committee on War Claims.

By Mr. COLLINS: Petition of S. A. Pleffer & Co. and 44 other business men and firms of Boston, for the appointment of a commission on the fisheries question to confer with the Canadian authorities—to the Committee on Foreign Affairs.

By Mr. COMSTOCK: Petition of Dwight Cutter and others, citizens of Grand Haven, Mich., for the payment of arrearages of salaries to captains of Life-Saving Service on Lake Michigan—to the Committee on Commerce.

By Mr. DARGAN: Petition for an appropriation for digging a canal to connect Winyah Bay, in South Carolina, with Mosquito Creek, an affluent of Santee River—to the Committee on Rivers and Harbors.

By Mr. DIBBLE: Petition of M. C. Mordecai, praying for compensation for mail service from Charleston to Havana in 1859 and 1860—to the Committee on Claims.

By Mr. DUNN: Bill for the relief of Ray Phillips—to the Committee on Invalid Pensions.

By Mr. FARQUHAR: Memorial of the York Division Travelers' Protective Association of 1,700 members, praying for the passage of bills forbidding taxes by States and municipalities upon commercial travelers—to the Committee on Commerce.

By Mr. FELTON: Papers relating to the "Tres Alamos" land grant, Arizona—to the Committee on Private Land Claims.

By Mr. FORAN: Petition and memorial of 500 ex-U. S. soldiers and sailors of Cleveland, Ohio, praying that lands be set apart for soldiers and sailors of the late war and that aid be furnished them to locate upon and occupy said lands—to the Committee on the Public Lands.

By Mr. FULLER: Memorial of soldiers of the late war, residing in Iowa, praying for the allowance of 160 acres of land as a homestead to soldiers and sailors of the late war—to the same committee.

By Mr. GALLINGER: Papers relating to bill H. R. 1462, granting a pension to Addie L. Macomber—to the Committee on Invalid Pensions.

By Mr. EUSTACE GIBSON: Petition of Guy R. Hanshaw, for a pension—to the same committee.

By Mr. HARMER: Petition of Jeddiah Rumble, for increase of pension—to the Committee on Pensions.

By Mr. HEARD: Petition of the citizens of Arrow Rock, Saline County, Missouri, for an appropriation for the protection of their harbor or landing—to the Committee on Rivers and Harbors.

By Mr. HEWITT: Resolutions of the Maritime Association of New York, in favor of an appropriation for the improvement of Buttermilk Channel—to the same committee.

By Mr. HIESTAND: Remonstrance of 33 stockholders of the Lincoln Bank of Lancaster County, Pennsylvania, representing three hundred and sixty-three shares of stock, against the removal to Ephratah, Lancaster County, Pennsylvania—to the Committee on Banking and Currency.

By Mr. LITTLE: Petition and papers for the payment of funeral expenses of Lieut. John G. Kyle—to the Committee on War Claims.

By Mr. LOVERING: Papers relating to bill H. R. 4032, for the relief of Richard Neuert—to the Committee on Claims.

By Mr. McCOMAS: Petitions of James Resley, of John Ash, of Christian Smith, and of James Hoffmaster, Washington County, Maryland, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. McCREARY: Petition and papers of James Clark Smith, relative to his claim—to the Committee on Claims.

Also, petitions of R. N. Doughty, and of Samuel Baily, for relief—to the Committee on Invalid Pensions.

By Mr. McRAE: Petition of Mrs. Sallie J. Nunn, widow of Admiral N. Nunn, deceased—to the Committee on War Claims.

By Mr. MARKHAM: Papers relating to the land grants of San Juan de las Boquillas y Nogales; of San Rafael del Valle; of San José de Sonoita; and of Los Nogales de Elias, Arizona Territory—to the Committee on Private Land Claims.

By Mr. MATSON: Petition of William M. Tate, ex-postmaster of Bloomington, Ind., asking the passage of a joint resolution requiring the Postmaster-General to execute the law of March 3, 1883, relating to readjustment of salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of James M. Snikes, second lieutenant Company K, Seventy-first Regiment Indiana Volunteers, asking for honorable discharge—to the Committee on Military Affairs.

By Mr. MILLARD: Memorial of Mrs. Angeline M. Powers, widow of John Powers, Company G, Fiftieth Pennsylvania Volunteers—to the Committee on Invalid Pensions.

By Mr. MORGAN: Petition of A. M. Lyles, and others, for relief of the heirs of Samuel A. Bell—to the Committee on Pensions.

By Mr. MORROW: Petition for the relief of Gottlob Groezinger—to the Committee on Claims.

Also, concurrent resolution of the Legislature of California, relative to adulterations of food—to the Committee on Ways and Means.

By Mr. J. J. O'NEILL: Petition of Woman's National League, by Charlotte Smith, president, for the establishment of a bureau of labor for women—to the Committee on Labor.

By Mr. PERKINS: Resolutions of the Chamber of Commerce of Lawrence, Kans., asking for an appropriation for the completion of Haskill Institute—to the Committee on Indian Affairs.

By Mr. RICHARDSON: Report of the Adjutant-General, relative to the McMinnville and Manchester Railroad—to the Committee on War Claims.

Also, petition of Laodica Bivens, for relief—to the same committee.

By Mr. RIGGS: Resolutions of Chicago Union Veteran Club, relative to equalization of pensions—to the Committee on Invalid Pensions.

By Mr. STEELE: Petition for relief of Lieut. Fred. S. Calhoun, Fourteenth Infantry—to the Committee on Military Affairs.

By Mr. E. F. STONE: Petition of postmaster J. Frank Dalton, for correction of error in his accounts—to the Committee on Claims.

By Mr. TUCKER: Papers relating to the claim of the legal representatives of John Henry, deceased, with request for reference to Court of Claims—to the Committee on the Judiciary.

By Mr. WHEELER: Petition of 121 citizens, to have Big Bear Creek opened from the mouth of Blare Creek to the Tennessee River—to the Committee on Rivers and Harbors.

By Mr. A. C. WHITE: Petition and affidavit of Mrs. Esther Ann Reynolds, widow of Thomas H. Reynolds, for relief—to the Committee on War Claims.

Also, petition and papers of Dr. W. S. Hiscock, for relief—to the Committee on War Claims.

By Mr. WORTHINGTON: Petition of Edward B. Hughes, for removal of the charge of desertion—to the Committee on Military Affairs.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. COMSTOCK: Of E. Paneborn and 62 others, of Sand Lake, Mich.

By Mr. SESSIONS: Of citizens of Chautauqua County, New York.

SENATE.

WEDNESDAY, *January* 20, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

JOHN P. JONES, a Senator from the State of Nevada, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the requirements of the act of January 26, 1885, a report of the Quartermaster-General upon the claim of Elizabeth Carson; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

PRESIDENT'S MESSAGE.

The following concurrent resolution, received yesterday from the House of Representatives, was read, and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House.

PETITIONS AND MEMORIALS.

Mr. HALE presented the petition of Admiral Porter and other officers of the United States Navy, praying for legislation in favor of the mates in the naval service; which was referred to the Committee on Naval Affairs.

Mr. DAWES. I present the petition of John D. Driscoll, colonel of the Ninth Massachusetts Regiment of Volunteers, and 234 other officers of the various volunteer regiments in Massachusetts, praying for the passage of a bill for the relief of General Fitz-John Porter. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. INGALLS. I present the petition of Mrs. Mary Anna Egan, who asks for a remission of the accumulated interest upon taxes for special improvements on certain property in the city of Washington. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. LOGAN presented the petition of Sarah Jones, of Hood's Run, Ky., widow of Franklin Jones, late a private in Company E, Twenty-second Kentucky Volunteer Infantry, praying that the charge of desertion be removed from the record of her late husband; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Breeding's, Ky., praying for the repeal of the limitation in the arrears-of-pension act; which was referred to the Committee on Pensions.

Mr. EDMUNDS presented the petition of Esther A. Keyser, of the District of Columbia, praying the passage of an act refunding to her certain sums paid by her for taxes on property in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. BUTLER presented the petition of a committee representing the convention which met at Savannah, Ga., in November, 1885, praying for the passage of a bill for the speedy prosecution of the works commenced in the harbors on the South Atlantic coast; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 570) for the relief of Jabez Burchard, reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Naval Affairs, to whom was referred the bill (S. 367) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy, reported it without amendment, and submitted a report thereon.

Mr. JONES, of Arkansas, from the Committee on Claims, to whom was referred the bill (S. 738) for the relief of James Clifford, reported it without amendment, and submitted a report thereon.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. 1052) for the relief of Capt. C. H. Warren, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 510) for the relief of Sophia B. Moore, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 605) for the relief of the estate of J. J. Pulliam, deceased; and

A bill (S. 601) for the relief of the Sone and Fleming Manufacturing Company (limited), of the city of New York.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 177) for the relief of the heirs of Maurice Grivot, reported it without amendment, and submitted a report thereon.

BILLS INTRODUCED.

Mr. HARRISON introduced a bill (S. 1161) to remove the charge of desertion from the record of Jacob A. Hale; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 1162) for the erection of a post-office building at Lynn, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 1163) for a public building at Lancaster, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HAWLEY introduced a bill (S. 1164) for the relief of Charles M. Blake, post chaplain of the United States Army, retired; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 1165) in relation to the Supreme and circuit courts of the United States; which was read twice by its title.

Mr. WILSON, of Iowa. I introduce the bill by request. I have not had an opportunity to examine the details of the bill, and therefore am not committed to its provisions. I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WILSON, of Iowa. I also introduce another bill, concerning which I make the same statement.

The bill (S. 1166) in relation to the Court of Claims was read twice by its title, and referred to the Committee on the Judiciary.

Mr. RIDDLEBERGER introduced a bill (S. 1167) for the relief of Thomas J. Patrick, of Danville, Va., refunding taxes improperly collected from him on manufactured tobacco; which was read twice by its title, and referred to the Committee on Finance.

Mr. LOGAN. I introduce a bill by request. I have not examined it, and therefore can say nothing as to its merits.

The bill (S. 1168) to extend the provisions of "An act for the relief of purchasers and locators of swamp and overflowed lands" was read twice by its title, and referred to the Committee on Public Lands.

Mr. LOGAN introduced a bill (S. 1169) granting a pension to John S. Bridges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 1170) granting a pension to Nancy C. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1171) for the relief of the heirs of John Byrns; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 1172) to declare forfeited certain lands granted to aid in the construction of the Northern Pacific Railroad, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CULLOM introduced a bill (S. 1173) granting a pension to David E. Ford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 1174) to provide for the coinage of half-dollars, quarter-dollars, and dimes; which was read twice by its title, and referred to the Committee on Finance.

Mr. EVARTS introduced a bill (S. 1175) to facilitate the giving of bonds required by law; which was read twice by its title, and referred to the Committee on the Judiciary.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, it was

Ordered, That the petition and papers in the case of Edward H. Leib be taken from the files and referred to the Committee on Military Affairs.

PEORIA POST-OFFICE BUILDING.

Mr. HALE. I offer a resolution for immediate action.

The PRESIDENT *pro tempore*. The Senator from Maine offers a resolution, which will be read for information.

The Chief Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to forward to the Senate all papers in relation to the contracts let to Brainard & Co., or to other parties, for the work, or any part of the same, of putting an additional story on the Peoria, Ill., post-office in 1885; also, all protests filed by labor leagues in relation thereto; also, a copy of the protest filed by Messrs. Straub & Co., of Buffalo, N. Y., giving information that the work on said contract would be performed by convict labor, and consequently contractors who employed free labor could not afford to bid for the work.

The PRESIDENT *pro tempore*. The Senator from Maine asks the unanimous consent of the Senate to consider the resolution at this time. Is there objection? The Chair hears none, and the question is on the adoption of the resolution.

Mr. HALE. I am not prepared to believe without further information that the Secretary of the Treasury has let any contract for performing work upon public buildings that would be performed by convict labor, but I have had information placed in my possession containing statements so clear and direct that such is the fact that I have felt it important enough to ask for information from the Secretary of the Treasury upon this matter. I have drawn the resolution in such a way that all

the information which can be obtained upon this subject-matter may be sent to the Senate, so that if there is nothing in the statements which have been made to me the Secretary may be completely exonerated. I do not believe that any Government contract for work to be done for it should be let to be performed by convict labor when there is no lack of ordinary labor in this country to perform anything and everything that can be done, and that labor should not be put in competition with the labor furnished by the penal institutions of the country.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

SIOUX RESERVATION, IN DAKOTA.

Mr. HARRISON. I desire to propose an amendment in the form of two additional sections to the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder. The amendments relate to the case of the settlers who under the executive proclamation of the 27th of February last went upon the Crow Creek and Winnebago reservations on the east side of the Missouri River and made claims, either homestead, pre-emption, or town site or other claims, under the laws of the United States, and who were subsequently removed from the reservations by an executive order dated, I think, the 17th of April following.

The bill deals with the subject of opening those reservations. If its provisions are accepted by the Indians, a portion of the lands in the Winnebago and Crow Creek reservations will be thrown open to settlement. I think it fair that those persons who under the invitation of the President's proclamation went upon those lands and were afterward required to vacate their claims should have a first claim to take them up again in case they are opened to settlement under the bill; and as to those to whom this privilege can not be extended by reason of the fact that the lands are still retained within the reservations, I think it clear that they ought to be compensated for the losses they have suffered, for they went upon the lands under the invitation of an executive order. In order that this matter may be before the Senate, as I suppose the bill will hardly be up for consideration to-day, I offer the amendments and move that they be printed.

The motion was agreed to.

CHINESE IMMIGRATION.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was read, and referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and he is hereby, directed to transmit to the Senate copies of all correspondence between the United States Government and the Chinese minister and our legation at Peking since the promulgation of our treaty with China governing the emigration of Chinese to the United States having reference to the enforcement of the treaty provisions by the Chinese.

LAND GRANTS IN OREGON.

The PRESIDENT *pro tempore*. If there are no further "concurrent or other resolutions" the Chair lays before the Senate, under the rule, a resolution coming over from yesterday. It will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. MITCHELL, of Oregon, as follows:

Whereas it is alleged by the Legislative Assembly of the State of Oregon in senate joint memorial No. 6, recently adopted by that body and now before the Senate, that the companies succeeding to the land grants made by act of Congress approved July 2, 1864, to aid in the construction of a military wagon-road from Eugene City, in the State of Oregon, to the eastern boundary of the State, and by act of Congress approved July 5, 1866, granting lands to the State of Oregon to aid in the construction of a military wagon-road from Dallas city, Oreg., by way of Camp Watson, Canyon City, and Mormon or Humboldt Basin, to a point on Snake River opposite Fort Boisé, have in no manner complied with the conditions of said grants, but, on the contrary, have failed, neglected, and refused to build or repair any roads along the routes over which they should have constructed them in accordance with the intent and meaning of the acts of Congress aforesaid and of the acts of the Legislative Assembly of the State of Oregon in reference thereto; and

Whereas it is further alleged in such legislative memorial now presented to Congress that by means of false and fraudulent representation and evidence of such compliance said corporations have already obtained and are obtaining patents and lists for large portions of said land, and by means of similar false and fraudulent evidence are about to obtain patents and lists for other large amounts of said lands, and under a claim of privilege and right of selection of lieu lands within 6 miles' limit on either side of the routes of said pretended roads are withholding other large amounts of land in fraud of the Government and to the great detriment and injury of the State of Oregon and its inhabitants: Therefore,

Be it resolved, That the Committee on Public Lands be, and it is hereby, instructed to inquire into the truth of each and all of said allegations, and if found to be true, to report to the Senate, by bill or otherwise, what, if any, action can or should rightfully or properly be taken by Congress in the premises.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. MITCHELL, of Oregon. I desire to offer an amendment to the resolution. By inadvertence one clause was left out.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. After the words "to the eastern boundary of the State," in the sixth line of the first paragraph of the preamble, insert:

And by an act of Congress approved July 5, 1866, in aid of the construction of a military wagon-road from Albany, Oreg., by the way of Canyon City, to the eastern boundary of the State, and by subsequent legislation changed to go by way of Camp Handly instead of Canyon City.

The PRESIDENT *pro tempore*. The Senator has a right to modify his resolution. That modification will be made.

Mr. MITCHELL, of Oregon. Also, in line 7 of the first paragraph of the preamble, I move to strike out the word and figures "July 5, 1866," and to insert in lieu thereof the word and figures "February 27, 1867."

The PRESIDENT *pro tempore*. That amendment will also be made. The Senator has a right to modify the resolution.

Mr. PLUMB. Has the resolution been introduced this morning?

The PRESIDENT *pro tempore*. The resolution was introduced yesterday and laid over and printed. The question is on the adoption of the resolution.

Mr. PLUMB. I do not see it in print. It is not on my desk, certainly.

Mr. ALLISON. Let the resolution be read as amended.

The PRESIDENT *pro tempore*. The resolution without the preamble will be read for the information of the Senate. The preamble is lengthy.

Mr. ALLISON. Let the resolution be read as modified.

The PRESIDENT *pro tempore*. The modifications occur in the preamble and relate only to dates and forms. The resolution as it now stands will be read.

The Chief Clerk read as follows:

Be it resolved, That the Committee on Public Lands be, and it is hereby, instructed to inquire into the truth of each and all of said allegations, and, if found to be true, to report to the Senate, by bill or otherwise, what, if any, action can or should rightfully or properly be taken by Congress in the premises.

Mr. PLUMB. I suggest that the resolution lie over until it has been printed. It has not been printed yet.

The PRESIDENT *pro tempore*. It has been printed.

Mr. PLUMB. It has not been laid on the desks of Senators. At all events I can not find one.

The PRESIDENT *pro tempore*. Does the Senator move to postpone the resolution until to-morrow?

Mr. PLUMB. I will move to postpone it until to-morrow.

Mr. MITCHELL, of Oregon. I desire to state to the chairman of the Committee on Public Lands that the resolution was printed as offered yesterday. I find it on my desk. I will send the Senator a copy of it.

Mr. PLUMB. I suggest, as it will not make any delay in regard to the investigation which is proposed, that it is proper to let the resolution lie over until we can see exactly the terms of it.

Mr. MITCHELL, of Oregon. I consent that the resolution shall go over until to-morrow.

The PRESIDENT *pro tempore*. By consent the resolution will go over until to-morrow and be placed on the Calendar.

Mr. PLUMB. I move that the resolution be printed as amended by the Senator from Oregon.

The PRESIDENT *pro tempore*. That will be done as a matter of course under the rule.

SENATE SEAL.

Mr. INGALLS. I offered a resolution yesterday from the Committee on Rules.

The PRESIDENT *pro tempore*. That was ordered to lie on the table.

Mr. INGALLS. I ask that it may be now considered.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that the Senate proceed to the consideration of the resolution indicated by him.

The Chief Clerk read the resolution reported yesterday by Mr. INGALLS from the Committee on Rules, as follows:

Resolved, That the Secretary shall have the custody of the Great Seal, and shall use the same for the authentication of process, transcripts, copies, and certificates whenever directed by the Senate.

Mr. INGALLS. I move in the first line to strike out the word "Great" before "Seal," so as to read:

That the Secretary shall have the custody of the seal.

The PRESIDENT *pro tempore*. That amendment will be considered as agreed to.

Mr. INGALLS. Now I move to add to the resolution the following words:

And may use the same to authenticate copies of such papers and documents in his office as he may lawfully give copies of.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be considered as agreed to. The question is upon the adoption of the resolution as amended.

The resolution as amended was agreed to.

ALICE C. UNDERWOOD.

The PRESIDENT *pro tempore*. The Calendar now comes up under Rule VIII. The first case on the Calendar will be stated. The Chair calls the attention of the Senate to the fact that the first resolution now upon the Calendar comes over from the special session of March last. It will be read.

Mr. INGALLS. How does it come over from the special session?

The PRESIDENT *pro tempore*. It was omitted from being entered upon the Calendar, as it should have been, under the rule, in the session of March last. It will be read and the Senate can then dispose of it

as it sees proper. The clerks state that it occurred in that way, and under the rule they hold that it takes its place first on the Calendar. The resolution will be read.

The Chief Clerk read the resolution submitted March 10, 1885, by Mr. HOAR, and reported March, 19, 1885, from the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That there be allowed and paid out of the contingent fund of the Senate to Alice C. Underwood, executrix of the last will and testament of Maria G. Underwood, administratrix of John C. Underwood, deceased, the sum of $5,000, in full compensation for the time and expenses of the said John C. Underwood in prosecuting his claim to a seat in the Senate as a Senator from the State of Virginia.

Mr. ALLISON. Will one objection carry the resolution over now?

The PRESIDENT *pro tempore*. It will. It is subject to objection.

Mr. ALLISON. I object.

The PRESIDENT *pro tempore*. Being objected to, the resolution goes over under the rules.

Mr. HOAR. Before the resolution goes over I should like to say that the matter has been before the Senate at several sessions; it has been debated two or three times; it never has been voted upon, and it seems to me that not only justice to the persons interested but a due regard for our comfort requires that the Senate should take it up, consider it, understand it, and decide it one way or the other. The debates which have taken place heretofore have shown on the part of very careful and conscientious Senators who have opposed it——

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator from Massachusetts that any debate upon the resolution is out of order.

Mr. HOAR. Yes; I ask unanimous consent simply to make a statement.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator will proceed.

Mr. HOAR. I think that when they come to understand the facts thoroughly most of the Senators who originally had that feeling will find that the objection is not as strong as they supposed. I wish to give notice, therefore, that I shall ask at a very early day to take the resolution up and have it disposed of.

Mr. COCKRELL. One moment to correct a misstatement of the Senator from Massachusetts. The Senate did once take action upon the resolution, and indefinitely postponed it.

Mr. HOAR. I am not aware of that. I believe not.

Mr. COCKRELL. I know of what I am speaking. The record shows that to be the fact.

The PRESIDENT *pro tempore*. This debate is out of order.

Mr. COCKRELL. The resolution was indefinitely postponed on the motion of the Senator from Kansas [Mr. INGALLS].

Mr. HOAR. I think the Senator is mistaken.

The PRESIDENT *pro tempore*. The next case on the Calendar will be reported by title.

MAILING OF LOTTERY ADVERTISEMENTS.

The bill (S. 260) to prohibit the mailing of newspapers and other publications containing lottery advertisements, and prescribing a penalty for the violation of the same, was announced as next in order on the Calendar.

Mr. HARRIS. I am satisfied that a bill of that importance can not be considered in a satisfactory manner under the five-minute rule, and I shall therefore object to its consideration at this time.

The PRESIDENT *pro tempore*. Objection being made, the bill goes over under the rule.

Mr. WILSON, of Iowa. I ask the Senator from Tennessee to withdraw the objection until I can have one or two amendments to the bill disposed of.

Mr. HARRIS. Certainly, for that purpose I will, most cheerfully.

Mr. WILSON, of Iowa. There is an amendment to it from the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The objection being withdrawn, the bill will be read.

The Chief Clerk read the bill.

The amendment of the Committee on Post-Offices and Post-Roads was, in section 2, line 2, after the word "shall," to insert "knowingly;" so as to read:

SEC. 2. That all other persons not embraced in the foregoing section who shall knowingly violate the provisions of this act, with intent to give circulation to any advertisement or notice of a lottery, or any agency thereof, or any notice, report, or statement of any drawing of a lottery, shall be subject to the penalty prescribed in the first section of this act.

Mr. HARRIS. I understood the Senator from Iowa to ask that the objection be withdrawn in order that he might offer some amendments.

Mr. WILSON, of Iowa. I desired that amendment acted on, and one other that I intend to propose. That amendment is a limitation of the force of the section, and I thought no Senator would object to its going into the bill.

Mr. HOAR. I rise to a parliamentary inquiry. How does this matter come before the Senate at this time?

The PRESIDENT *pro tempore*. Under Rule VIII it is at the head of the Calendar.

Mr. HOAR. I desire to remind the Chair that in dealing with the Calendar under Rule VIII yesterday Order of Business No. 47 was reached. The bill was read, and I had the floor and had begun a statement, when it was suggested that, as it wanted one minute of 2 o'clock, it should be unanimously agreed that the hour of 2 o'clock had arrived. I do not suppose that you can go back to a prior order under these circumstances, but I wish to waive any claim I have to have that matter go, as the Senate has begun this bill. I do not wish to interfere with the Senator from Iowa, but I claim the right to proceed with that bill when this is over.

Mr. WILSON, of Iowa. Unanimous consent was given that this should be passed, retaining its place on the Calendar.

Mr. HOAR. I know, but that has not given it precedence over a matter actually under consideration.

Mr. WILSON, of Iowa. Then it would not retain its place on the Calendar.

The PRESIDENT *pro tempore*. It is important that the Senate should decide this matter now, because the contest may occur every morning. The Chair and the officers at the desk take the view that when the consideration of a bill is waived when reached, without prejudice to its place it is to be called in its order the next morning, without respect to a bill that may have been pending at the moment of the arrival of 2 o'clock. That has been the uniform custom and that is the course now being pursued.

Mr. HOAR. I do not understand that that applies. Such bills retain their place as against all other matters which are not half through and actually under consideration. I do not understand that they are displaced. Suppose, instead of its coming up to-day, that matter had been passed over temporarily to take up another case until some Senator came in. When he arrived, that would not take a Senator off the floor who had the floor on another bill. However, I do not desire to insist on precedence, but when the question arises properly I shall.

Mr. HARRIS. The rule, as announced by the Chair, has been the invariable practice in the Senate since I have observed it, that where a bill has been informally passed over and another bill taken up, even though you were half through its consideration, the Calendar is taken up in regular order next morning.

The PRESIDENT *pro tempore*. That has been the rule which has been acted on.

Mr. WILSON, of Iowa. As I think there will be no objection to the amendment reported from the committee and to the one I shall propose to section 1, I desire to have them acted on now, in order that we may take up the bill as amended under Rule IX, as the Senator from Tennessee proposed.

Mr. HARRIS. I have no objection to the Senator offering any amendment that he would like to have offered and printed; but I prefer not to act on amendments or the bill at this time.

Mr. WILSON, of Iowa. Very well. Of course if the Senator interposes an objection the bill will lie over.

Mr. HARRIS. I hope the Senator will offer any amendment he desires.

Mr. WILSON, of Iowa. The amendment I desire to offer to section 1 is, after the words "one hundred," in line 18, to insert "nor more than one thousand;" so as to read:

Any person engaged in publishing a newspaper, as owner or part owner, proprietor, general manager, or superintending agent, president, or other officer connected therewith, and any person engaged in conducting a lottery, as owner or part owner, and any person connected therewith as superintendent, manager, agent, or in any other capacity, violating the provisions of this act, upon conviction thereof, shall be liable to a fine for each offense of not less than two hundred nor more than one thousand dollars, with costs of prosecution, or imprisonment for not less than thirty days nor more than one year, or both, at the discretion of the court.

The PRESIDENT *pro tempore*. Pending that amendment, the Senator from Tennessee objects to the further consideration of the bill, and it goes over under the rule. The next bill will be stated.

ADMISSION OF DAKOTA.

Mr. HARRISON. The next three orders on the Calendar have been passed over before and may be again. I have given notice that I will call up the Dakota bill on Friday.

The PRESIDENT *pro tempore*. The next three orders on the Calendar will be regarded as objected to. Is it the desire of the Senator that they should retain their place on this Calendar or go to the regular Calendar?

Mr. HARRISON. It is not important that they should remain on this Calendar.

The PRESIDENT *pro tempore*. They will be considered as objected to, and go over to the Calendar under Rule IX.

AID TO COMMON SCHOOLS.

Mr. BLAIR. I wish at this time, in connection with the Dakota bill which has been called to the attention of the Senate, to make an announcement. The Senator from Indiana has given notice that he will call up that bill for action next Friday. I wish to give notice to the Senate that immediately upon the disposition of the Dakota bill I propose to call up Order of Business 15, being the bill (S. 194) to aid in the establishment and temporary support of common schools. I shall ask the Senate to consider that bill immediately on the disposition of the Dakota bill.

The PRESIDENT *pro tempore*. The next bill on the Calendar will be reported.

SIOUX RESERVATION IN DAKOTA.

The bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was announced as next in order.

Mr. DAWES. The Senator from Indiana [Mr. HARRISON] has this morning presented and asked to have printed two important amendments to this bill. If the Senator desires to have the bill go over until to-morrow on that account I shall not object.

Mr. HARRISON. I think it would be well that those amendments should be in print before the Senate. Indeed, I desire to look over them myself.

Mr. DAWES. I ask, then, that the bill remain in its place, to be called to-morrow.

The PRESIDENT *pro tempore*. The bill will go over until to-morrow without prejudice, retaining its place on the Calendar.

CHURCH AND STATE.

The resolution submitted on the 11th instant by Mr. MORGAN in relation to the appointment of officers of the United States to participate with the officers of any church in the joint conduct and administration of the spiritual or temporal affairs of such church, &c., was announced as next in order.

The PRESIDENT *pro tempore*. The Senator offering this resolution not being present, it will by common consent go over.

JOSEPH W. PARISH.

The bill (S. 241) for the relief of Joseph W. Parish was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration. It provides for the payment to Joseph W. Parish, late of Peoria, Ill., of $58,341.85, being the balance of money laid out and expended by him in the purchase of 17,232 tons of ice for the use and at the request of the Government of the United States, which were not afterward called for or taken by the Government, but were wholly lost to Parish.

Mr. HOAR. I think I can make a brief statement which will be understood by the Senate, and then if any Senator desires the reading of the report it can be read.

Joseph W. Parish made a contract with the United States to deliver at four principal cities in the theater of war an amount of ice which should be required to furnish the hospitals and supply other army uses in those cities. He was ordered by the assistant surgeon-general to deliver a certain named quantity (the quantity and the place being left at the discretion of the Government in the contract) at each of the four cities, Cairo, Nashville, Memphis, and Saint Louis; and he purchased the ice and had it on its way. Then he was informed by the Surgeon-General that the action of the assistant surgeon-general was disavowed and that the ice would not be needed. Thereupon all the money which he had spent and all the ice which he had procured was wasted.

He brought his suit in the Court of Claims for the amount which he had spent to prepare himself to comply with the contract, and the Court of Claims held that the act of the assistant surgeon-general was invalid and illegal, on the ground that he had no authority to exercise this power, which belonged to the Surgeon-General alone. Thereupon he went to the Supreme Court, and the Supreme Court held that the act of the subordinate was lawful, and that it was impossible to carry on the Government without holding that the powers of these heads of bureaus (if that term may be applied to this office in the War Department) could be exercised by the assistant, and accordingly that the petitioner was entitled to recover. He went back to the Court of Claims, and the Court of Claims held that although he was entitled to recover, yet that his case had been made out as a claim for damages technically and not a claim as having set forth the contract and alleging that he had fulfilled it, and that the evidence which he had put in was not sufficient to sustain the claim. Thereupon, instead of going a second time to the Supreme Court and getting an order on the Court of Claims to open the case and admit further evidence, he came to Congress.

The Surgeon-General of the Army recommends the payment of the claim; and the amount which the committee award him is the amount estimated by the War Department and communicated to us in great detail by the Surgeon-General, whose letter is found in the report.

The only objection to the claimant's case is that instead of coming to Congress for his relief, his equitable claim against the Government having been absolutely established, he did not go a second time to the Supreme Court. Well, the result of that technical error on his part has been solely an advantage to the Government, because it has saved the Government interest on this sum of money for all these years, and the committee were of opinion that, the case being a clearly just one, the whole justice of it being established by the Supreme Court and being also conceded by the War Department and the Surgeon General's Office to be just both in its foundation and in its amount, the claimant ought to have the relief which he prays for.

Mr. LOGAN. How much is the claim?

Mr. HOAR. Fifty-eight thousand dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES TRABUE AND OTHERS.

The bill (S. 311) for the relief of James Trabue, Thornton Thatcher, Michael Callahan, and the widow of John Waters, was considered as in Committee of the Whole. It provides for the payment, in full settlement of the claims of the parties named for use and occupation of property by the United States, to James Trabue, $600; to Thornton Thatcher, $93.33; to Michael Callahan, $113.66; and to the widow of John Waters, $1,825.

Mr. HOAR. These are four little claims embraced in one bill, which have been separately reported from the committee before, for rent. It has been the uniform policy of Congress to pay rent to persons whose property was taken during the rebellion, whose loyalty was established, under circumstances indicating that it was the purpose of the military authorities not to seize the property as enemy's property and occupy it, but to take it and use it on condition of payment. In all these cases there were vouchers given by the quartermasters. They are little sums varying from $90 in one case and $113 in another up to $600 and $1,800; and in all such cases the policy of Congress has been to grant relief.

Mr. INGALLS. If regular vouchers were given, why were the claims not paid by the quartermaster? If the property had been contraband of war, or the parties had been disloyal, vouchers would not have been given in due form.

Mr. HOAR. Vouchers were given in due form in all these cases, as will be seen by the report; but the act of Congress of February 21, 1867, prohibited the officers of the Treasury Department settling and paying such claims where they originated in States lately in rebellion.

Mr. INGALLS. But these claims originated in 1865; why were they not paid before 1867?

Mr. HOAR. I do not know why they were not paid before 1867. Perhaps they were delayed by the ordinary delay; there were a great many such claims. The Senator knows very well in regard to matters of property taken and consumed by the Army they are paid under a general bill which we pass every year; but claims for rent have come to Congress always by special bill and have been allowed. I suppose the Army officials returned with their reports the claims to the Government at Washington in due time and they were settled, but the claimants did not get pay; and during the war in many cases there were great delays attending the operations of the Government.

Mr. INGALLS. Here is a statement in one of these claims; let me call the Senator's attention to it—the claim of Mr. Callahan. The report says:

These claims were reported by the depot-quartermaster at Huntsville, Ala., as being due, and were so borne upon their accounts—

That was in 1865—

They were referred by the Third Auditor of the Treasury to the Quartermaster-General, by whom they were examined and found to be correct. In certifying the claims back to the accounting officers of the Treasury the Quartermaster-General says: "Payment is not conditional on proof of loyalty. The services have been reported to this office as required by the regulations."

In this case the loyalty of the claimant is vouched for on the face of each certificate given him during the period of hostilities, and it is not to be presumed that the officers of the Army would improperly or heedlessly give such a certificate to a disloyal person.

I assume, of course, that a Senator as careful as the Senator from Massachusetts has given due attention to this matter, but here was a claim for rent incurred in 1865 in a disloyal State, and that was certified by all the officers of the Government as not coming within the provisions of law that forbade payment. Now the Senator in 1885, twenty years after the war has closed, reports to us that they were barred from payment by the act of 1867, when they might have been paid two years before. I confess that while I do not propose to resist the passage of the bill, because the amount is not worth the time it would take, it appears to me that this is one of that class of claims, which have been too frequent in late years, of claims arising from disloyal States during the war that are being paid by act of Congress in violation of what seems to me at least true principle in the matter.

Mr. HOAR. The principle, whether it be the true principle or not, is I suppose as well settled as anything in the Congressional legislative policies of this country; and that is, that when the Army took possession in its march by conquest or occupied for military purposes any portion of the territory of the rebel States, it was within the laws and customs of war, if the military authorities saw fit, to take possession by capture of real or personal estate and to appropriate it for the purposes of the United States as booty in the case of personal estate, or for the occupation of the Army in the case of real estate, without any compensation whatever; but if on the other hand the Government did not choose to avail itself of that extreme and harsh rule of war, but chose to hold out by general representation by the commanding officer, by the proclamation of the President of the United States, or by the action of the particular officer in command in any locality as a condition of returning loyalty and good behavior or as a matter of sound policy that that customary right should not be exercised, that parties whose property was taken for the use of the Government should be paid for it, the Government would respect that obligation; and that has been the uniform policy of Congress. When it is shown by the quartermaster's

voucher that at the time real estate was taken in territory which, though rebel, had submitted, it was understood that it should be paid for, there the Government will make the payment of a reasonable and proper rental. In those cases the officers had no authority to pay themselves, and during the war they returned to the War Department and from thence to the Treasury their reports of the particular transactions; and as in all cases, especially during the war, those things did not get reached and acted upon very soon, as they were settled they were examined by officers who had a thousand other things to do; few of them were paid, and many of them did not get paid; and then came the act of 1867 peremptorily forbidding any such payment by the authority of a Department, and since 1867 all these cases have come to Congress. We have them by the thousands. In regard to taking personal property for quartermaster's supplies, we have an omnibus bill every session; they are nearly all disposed of; but we have still a few payments to make for rent. While I have been on the Committee on Claims, now for eight years, there has not been an instance of the refusal to pay such a bill by Congress; there has not been an instance, so far as I now remember, of a question being made about it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE W. GETTY.

The bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general, was announced as next in order.

Mr. COCKRELL. Let that be passed over.

The PRESIDENT *pro tempore*. The Senator from Missouri objects, and the bill will be passed over under the rule.

Mr. SEWELL. Did I understand there was objection to the present consideration of the Getty bill?

The PRESIDENT *pro tempore*. The Senator from Missouri [Mr. COCKRELL] objected.

Mr. COCKRELL. We can hardly discuss it in the morning hour.

Mr. SEWELL. If the Senator would allow it to go over informally, I should not object; but I object to its going to the other Calendar.

Mr. COCKRELL. Let it go over without prejudice.

The PRESIDENT *pro tempore*. The bill will be informally passed over without prejudice.

GEORGE T. DUDLEY.

The bill (S. 498) for the relief of George T. Dudley was considered as in Committee of the Whole.

The preamble recites that on or about the 18th of May, 1865, George T. Dudley, first lieutenant of Company M, Fiftieth Regiment New York Volunteer Engineers, for visiting the city of Richmond, Va., on the occasion of its evacuation by the confederate army, on the 3d of April, 1865, was dismissed from the United States service by sentence of court-martial, with loss of pay and allowances, having been absent from his command without permission for twenty-four hours; that the facts in the case being put before him, the honorable Secretary of War did order "that the sentence of said court-martial be revoked," intending to restore to the officer his pay and allowances, as well as his rank and commission; and that the order issued by the War Department did not carry out the wishes of the honorable Secretary, but merely restored to the officer his rank and commission, without giving him his pay and allowances, which can only be restored to him by an act of Congress.

Therefore, the bill provides that George T. Dudley shall be entitled to and receive the pay and allowances of his rank which was due him at the date of his dismissal from the service.

Mr. SEWELL. The report in this case will take a little time to read, and I can probably explain the case briefly so as not to take up the time of the Senate.

Lieutenant Dudley was near Richmond at the time of the evacuation and went into the city with the provost-marshal and not with his command, being directed to retire immediately, but was kept on duty there with the provost-marshal and detained until after the evacuation. He was tried and dismissed, however, for absence without leave at a critical period. The Secretary of War, on investigating the matter, restored him to duty and allowed him permission to get a new certificate from the governor of New York, which he did and joined his command; but the restoration to duty did not carry with it, as the Treasury Department decided, the pay then due him. This bill simply allows him the pay that had accrued to him up to the time that he was dismissed, amounting to a couple of months—two or three hundred dollars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore*. The question now is on the adoption of the preamble.

The preamble was agreed to.

REPRESENTATIVES OF JOHN M. ROBESON, DECEASED.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased. It provides for the payment of $1,000 in full satisfaction of all claims of John M. Robeson's estate against the United States.

Mr. PLUMB. Is there a report in that case?

The PRESIDENT *pro tempore*. There is.

Mr. PLUMB. Let the report be read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read the following report, submitted by Mr. PIKE January 13, 1886:

The Committee on Claims, to whom was referred the bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased, having considered the same, present herewith the following report:

This case has been before Congress several years, and has been considered and favorably reported upon by the Senate Committee on Claims.

This committee adopts the report made at the Forty-eighth Congress, prepared by Mr. PIKE, on this case, which is as follows:

[Senate Report No. 121, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the petition of Frances A. Robeson, administratrix of John M. Robeson, late of Independence, State of Missouri, deceased, together with Senate bill No. 372, having had the same under consideration, ask to submit the following report:

The petitioner avers in her petition that she is the widow and administratrix of John M. Robeson, deceased; that, for some time previous to the war of the rebellion, and at the commencement thereof, said John M. Robeson resided in the city of Independence, in the State of Missouri; that he was the owner of a foundry situated in that city; that said foundry was at the beginning of the late war completely furnished with all the machinery, fixtures, and appurtenances necessary for its operation, and was operated by said Robeson until he was compelled to close it or cast cannon-shot for the rebels; that he refused to submit to this latter alternative, and, being loyal to the Government of the United States, he closed his foundry and became a soldier in the Fifth Regiment of Missouri State Militia, commanded by Col. William R. Pennick, which regiment was mustered into the service of the United States; that while he was serving as a soldier in this regiment said Col. William R. Pennick took possession of his said foundry, and used it as a cavalry-yard for the horses of his regiment, and used the tools and iron for shoeing the said horses; that all the machinery, fixtures, patterns, &c., in said foundry were removed or destroyed by the soldiers under command of said officer, and were wholly lost to their owner; that he, John M. Robeson, used every possible effort to prevent this destruction of his property, but without avail; and that the property thus destroyed or carried away was worth from $17,000 to $20,000.

These are substantially the statements contained in the petition. Numerous affidavits are on file. It appears from them that the said John M. Robeson was the owner of a foundry located in Independence, in the State of Missouri; that he was operating the same at the commencement of the war; that he and his widow, the petitioner and his administratrix, were loyal to the Government of the United States; that he refused when requested to aid the rebellion, became a soldier, enlisted in the Fifth Regiment of the Missouri State Militia, commanded by Col. William R. Pennick; that the said Colonel Pennick, as commander of said regiment, and serving under the United States Government, late in the fall of 1862, or the first of the winter of 1862–'63, took possession of said foundry, and used it as a cavalry-yard for the horses of his regiment from that time until 1863; that the blacksmith tools found therein and some wrought iron, belonging to the said Robeson, were used for shoeing the horses of said command; and that a lot of seasoned lumber in said foundry, the property of the said Robeson, was also used by the said regiment in making bunks for the soldiers and in repairing wagons for the command.

It appears from several affidavits in the case that there were in the building at the time it was seized by Colonel Pennick the following items of personal property, with the following estimates of value of each article:

1 engine and boiler	$2,500
1 large iron lathe	1,200
1 medium iron lathe	920
2 small iron lathes, $500 and $350	850
1 iron planer	700
1 screw-cutter	150
1 power-drill	175
1 full set machinists' tools	350
1 full set foundry patterns	4,250
1 lot foundry flasks	950
3 new engines	3,050
5 tons wrought iron, new	500
1 lot machinery belts	350
Machinery for wood shop	750
Lot of unfinished work	650
Lot of seasoned lumber	450
3 full sets smiths' tools	425
Making a total of	18,220

Of the articles enumerated in the above list, alleged to have been used or destroyed by Colonel Pennick's military command, there are but a few which could have been legitimately and properly used for the benefit of the soldiers or to supply the necessary wants of the regiment. The five tons of wrought iron were used in shoeing the horses of the command. The item "sets of smiths' tools" were used for the same purpose. The lot of seasoned lumber was used for making bunks for the soldiers and in repairing the wagons of the regiment. The other articles mentioned in the above bill were not in any sense necessary to nor could they have been used by the regiment, and, if destroyed by the troops, the destruction must have been wanton; and it is well settled by numerous precedents that the Government is not liable to pay for property wantonly destroyed.

Except as to the wrought iron, the proof is indefinite and unsatisfactory. The testimony is silent as to the quantity, kind, or quality of the "lot of seasoned lumber."

The committee recommend the allowance of the following sums:

For 5 tons of wrought iron	$500 00
For lot seasoned lumber	200 00
For three sets smiths' tools	300 00
Making	1,000 00

By the law of the United States, and the construction put upon it by the court, the committee understand that they can not allow anything for the rent of real estate in the absence of a contract therefor; there was no contract in this case. (Act of July 4, 1864, 13 Stats. at Large, 581; Filor *v.* United States, 9 Wallace, 45.)

The committee recommend that the bill be amended so as to provide for the payment of $1,000 in full satisfaction of all claims, and when so amended that it pass.

No evidence has been furnished the committee that the claimant is administratrix, and the payment of the claim should be made to the legal representatives of the said John M. Robeson, as provided by amendment.

Your committee recommend the passage of the accompanying bill.

The bill was reported to the Senate without amendment.

Mr. ALLISON. The committee recommend amendments, as I understood the reading.

Mr. PIKE. There was an amendment reported at the last Congress, which is incorporated in the bill.

The PRESIDENT *pro tempore*. The bill was reported at this session without amendment.

Mr. PIKE. That is right.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate presenting the thanks of Congress to the governor, and through him to the people, of Ohio for the statue of James A. Garfield.

The message also announced that the House had passed a joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana; in which it requested the concurrence of the Senate.

REPORTS ON ALASKA.

Mr. MANDERSON submitted the following resolutions; which were referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska by L. M. Turner be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

Resolved by the Senate of the United States (the House of Representatives concurring), That the report on Alaska by E. W. Nelson be printed, with the necessary illustrations, and that 4,000 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,000 copies for distribution under the direction of the Chief Signal Officer of the United States Army.

COIN DUTIES ON IMPORTED GOODS.

Mr. MORRILL. Pursuant to the notice I gave yesterday, I should like to have the floor on the subject of the resolution of the Senator from Kentucky [Mr. BECK].

The PRESIDENT *pro tempore*. The Senator from Vermont asks consent of the Senate to proceed now to the consideration of the resolution submitted by the Senator from Kentucky relating to the silver question. Is there objection? The Chair hears none.

The Senate resumed the consideration of the resolution submitted December 18, 1885, by Mr. BECK, relative to the payment of custom dues and the disbursement thereof, &c.

Mr. MORRILL. Mr. President, on the day of our adjournment for the holiday recess my friend the distinguished Senator from Kentucky, with all of his usual ability and industry, made an elaborate speech of a character that seemed to me then, as it does now, to throw the burden of rejoinder upon the friends of the present Administration. I do not mean to encroach upon the privileges, which so many Democratic Senators appear eager to enjoy, of coming to the rescue of the President and the Secretary of the Treasury against the rather cruel attack made upon a cardinal measure of the Administration, as I know the fate of those who venture to interfere with family quarrels; but this measure, by which silver might be maintained on a par with gold, so worthy of all acceptation, I fear will not have, after the hot demonstration of the recognized leader of his party in the Senate against it, that unanimous support to which it may be fairly entitled. I shall hope, therefore, to be pardoned for briefly attempting to relieve the party from some part of its difficulties by showing that the distinguished Senator in his vigorous leadership has not escaped some new errors, while he may presumptively be assumed to have adhered to all of his old ones. The new and smaller field will be quite as much as I propose at the present time to explore, and, along with that, to offer occasional suggestions which may seem pertinent from my own point of view.

In the first place, let me say that there are no parties, so far as I know, in the Senate or out of it, that propose or that have any wish to demonetize silver. To charge otherwise is a baseless assumption and unworthy of the arena of fair debate. Everybody is willing, nay anxious, to keep as much of silver in circulation as can be done, and keep it at the same time at par with our gold coinage. The only hostility to silver arises from what seems to be a fixed and passionate purpose on the part of some of its advocates to promote such an excess of silver coinage as will drive gold coinage out of the country and leave our vast trade and commerce based upon silver only. In reaching this position of silver monometallism it is impossible to be blind to the disastrous contraction of the circulating medium of the country that would at once occur, for when the moment arrives that gold commands a premium it will all be held as a commodity for sale, not for circulation, a small or a 5 per cent. premium being as productive of universal hoarding as 25 per cent.; and no possible advantage to our people could be expected from following the lame and feeble example of India or Mexico in utilizing a silver currency only, but they would be sure to be visited by all the evils arising from the abandonment of that currency with which at least 90 per cent. of all our commercial business with foreign nations has been and must be conducted, by all the evils ever predicated upon the use of a comparatively inferior or depreciated coinage everywhere known to be, as a sole reliance, clumsy and inconvenient in the great bulk of financial transactions, domestic as well as foreign, and a coinage now less than ever promising to be stable and fixed as a standard of value.

No, Mr. President, there is no war upon silver, which, if made, would be equally regretable, only that we have but half as much of it; but, instead, we have in substance and effect, I fear, if not in words, a declaration of war upon gold, in the most insidious and destructive form, by the leader of the Democratic party in the Senate, who proposes to supersede it in the use and place of honor it has hitherto maintained.

As the conclusions of all the Treasury officials we have ever had, after years of special study, are adverse to those of the Senator from Kentucky, and as I am not disposed to believe that their financial reputations have been suddenly overthrown by a "cyclone," nor that their utterances are only to be taken in a technical and "Pickwickian sense" which they are swiftly to abandon, I do not, therefore, feel it to be necessary for me to weary the Senate with all of the statistical lore of their long array of facts, which, though often avoided, few have attempted to refute.

It will not be necessary for me, in consequence of the line of my argument, as it seems to have been for the Senator from Kentucky, to give any assurances that I am not and never was the owner of any stock in silver mines, although I sincerely rejoice in all their legitimate prosperity, however great that may be, and while I am entirely ready largely to protect their silver, it seems imprudent to me to buy and hold it all.

The speech of the Senator from Kentucky opened with such an impressive eulogium upon the glories promised in the message of the President and the report of the Secretary of the Treasury, that I could not but apprehend it might be true that these officials were doomed to suffer, as the country had for some time been warned before the distinguished Democratic leader got to the end of his speech. In this respect the speech reminded me of a sermon I heard in my boyhood from an excellent Baptist minister, when, after dwelling in detail upon the great promises of the gospel, he said:

I now come to the threatenings of the gospel, and it gives me great pleasure to dwell upon them.

It did seem to me that the Senator delivered his antagonisms to the policy of the President and the Secretary of the Treasury with more pleasure and with greater emphasis than any other part of his speech; and my excuse for the Senator—and he well knows he can hardly do anything I am not ready to excuse—was this, that the Democratic leader was under the delusion for the moment that he was, as has long been his chronic habit, belaboring with left-handed compliments some Republican President and Republican Secretary of the Treasury. As for myself, I looked on with composure, confident, however the contest might terminate, in the "survival of the fittest."

My convictions that the continuance of the coinage of large amounts of silver will have the effect of driving gold out of the country and of leaving all of our business snowed in or floundering in the silver-standard blizzard now raging, are largely based upon the past experience of all civilized people, that the inferior money never fails to expel the superior, and upon the facts that our own silver mines annually furnish one-half or more of the entire annual product of the world, being in 1884 the sum of $48,800,000, which, with our imports, mainly from Mexico, amounting in 1885 to $16,550,627, makes our total annual supply over $65,000,000. This appears far more than we can practically absorb, and all that portion not used for coinage and the arts must here find a market for exportation. The large and frequent sale of this surplus establishes its commercial value, and is the tell-tale barometer which daily exhibits the wide disparity between the nominal value and the intrinsic value of our silver coinage. No large excess of the nominal value of coinage can long withstand the effect of such public disclosures. With this disparity always visible it will prove to be a strain even upon our all-abounding silver-tongued orators to overcome the reluctance of the common people to aid by "faith and works" the circulation of silver dollars.

The exodus of gold, however, is not likely to appear with much force until its shipment becomes frequent, or until it commands a premium; but a large return of American securities from abroad, affecting foreign exchange adversely, or any great commercial disaster, from which the world is never exempt, may suddenly produce this result, and then, like swallows at the first approach of autumnal frosts, gold would take wings and depart, no one knowing whither.

It is true that many gentlemen of great respectability do not think there is any peril in the largest as well as perpetual outpouring of silver from the Mint. They see the Secretary of the Treasury, like some strong swimmer in the rapids of Niagara, pulling with all his might against the current, but they see no signs of any disaster, and seem to believe that no harm need be apprehended even if the fatal plunge should be made. They rely upon the marvels of our history, and hold it incredible that the progress of the nation can ever be arrested, for "have we not been victorious," they ask, "in big wars; why then should we be alarmed about any defeat in a little war with gold-bugs?"

The questions relating to our currency are of great moment and above mere partisan questions, that may be here to-day and gone to-morrow.

In the discussion of these grave questions it is always well to adhere with some precision to facts. The preamble to the resolution of the Senator from Kentucky begins as follows:

Whereas the laws of the United States require that all duties on imported goods shall be paid in coin.

This unfortunately does not happen to be altogether true. All duties may be paid in coin, in silver or gold certificates, or to a limited extent in United States notes payable on demand, which were authorized to be issued prior to the 25th day of February, 1862; and it is well also to remember that the resumption of specie payments occasioned some changes in the practical administration of the law, by which the custom-house collectors received United States notes, knowing they might call at once upon subtreasurers for their redemption instead of always imposing that messenger duty upon importers. The Government was neither richer nor poorer whether the gold, all the time in its custody, was in one or the other place.

The Senator sets forth the provisions of the Revised Statutes that "the coin paid for duties on imported goods shall be set apart as a special fund," and shall be applied, "First, to the interest on the bonds and notes of the United States; second, to the purchase or payment of 1 per cent. of the entire debt of the United States to be made within each fiscal year, which is to be set apart as a sinking fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt as the Secretary of the Treasury shall from time to time direct; third, the residue to be paid into the Treasury."

These provisions of law, the Senator asserts, no man will contend are now or that they have for many years past been obeyed, and yet we have only to read the annual report of the Secretary of the Treasury to learn that the receipts of the fiscal year 1885 from customs, and apart from all other receipts, are $181,471,939.34. This would seem to show so far strict obedience to the first requirement of the law, and, when we reach the second, we find by the same report that "United States bonds and fractional currency to the amount of $45,604,035.43 were applied to that fund during the past fiscal year." Is not all this well and properly done? If the remainder of the money from customs is and has been in the Treasury, a fact not disputed, it is a mistake for anybody to assert that the third and last requirement of the law quoted has not been fully obeyed. There is no provision of any law which designates silver instead of gold for any payments whatsoever, and there has been enough money received from customs thus far equivalent to gold to cover all the purposes specified. It will not be contended by any man, unless it be by the Senator from Kentucky, that each piece of money as it comes into the custom-house should have been branded or ear-marked and then set apart in some far-off private compartment, not to be covered into the Treasury until the end of the year, or until the interest on the public debt and the sinking fund had been fully paid in the branded money; and, therefore, all of the provisions of the law would appear to have been honestly and fairly obeyed. Most certainly there is no need of any change in the system of book-keeping at the Treasury Department.

The Senator must permit me to say—no matter what may be his avowed subject of discussion—that he rarely fails to give vent to some vituperative explosions intended to do grievous harm to the tariff; and whether these explosions jar the tariff or not, what I most regret is that they always jar him. So, in his latest effort, he rather recklessly, as it appears to me, ventures to assert that the great American agricultural industries "receive no real consideration here, and are not even ranked among the industries of the country over which Congress is asked or expected to throw its protecting arm." The record will show, I think, that this statement has been made without being based upon even a fraction of evidence in its support. The farmers of the Canadian Dominion, as are all other foreigners, are subjected to regular duties upon cattle, sheep, wool, hay, barley, pease, potatoes, starch, &c., when brought into our markets. There is no article of "domestic products" of any prominence requiring protection which has not been considered and which has not been actually covered by our tariff. Tobacco in the leaf is subjected to a high duty; and corn, wheat, pork, bacon, lard, beef, cheese, butter, sugar, leather, oils of all kinds, hemp, flax, and even peanuts are not omitted. If there is a single agricultural product that has been neglected let it be named, and I shall have great pleasure in following the lead of the Senator from Kentucky in giving it a "protecting arm." Upon one question, at least, we will go arm in arm. Surely the Senator forgot, when he made his statement, where he was, and supposed he was on the stump in the blue-grass region instead of the United States Senate. Certainly agricultural products have not been neglected.

It is true, our New World is so vast in extent, with its free homesteads and free trespassing upon Government lands, that food products have become so abundant and cheap that we are now able to furnish to foreign markets a surplus for which we do not find consumers at home, however reduced the price; and prices here for agricultural product will be still more reduced whenever protection is withdrawn from manufactures—curtailing consumers and increasing producers—which the Senator constantly and loudly proposes. We have interfered in Great Britain enormously with the profits of their farmers and with rentals by our cheaper exports of wheat, beef, and pork; and lately they have much sore competition from our exports of even dairy products. The farmers of England have "no protecting arm," and are full of lamentation, except when they read one of the Senator's free-trade speeches.

That extreme depression in the prices of all products prevails throughout the world no one disputes; but unquestionably there is less suffering here than elsewhere. Modern improvements in machinery and the universal application of steam-power appear to have produced a surplus of manufactures among all the leading nations, and all are more anxious to sell than to buy. The reduced cost of transportation brings the harvests of the remotest lands into all ports and all markets. India, Africa, Australia, and New Zealand are neighbors to all mankind, and their products must now be counted. The great powers of Europe, hungry for the ungathered scraps of trade to be found lurking among the rudest tribes of men, are making war for colonial empire, for the islands of the sea, or for petty provinces, and spending millions upon millions abroad as the price of protection to manufactures at home, which some of them there ostentatiously pretend to refuse. Our policy, on the contrary, is altogether peaceful, and it does not, with hostile armies, invade peaceful communities; but we prize the home market, with its fifty millions of prosperous people, so highly as to be unwilling to surrender it to any kind of foreign invasions, civil or military.

The Senator makes the lugubrious declaration that "Our carrying trade is gone and is in the hands of our foreign competitors." This is partly true, but is only true because our own people and capital can be more profitably employed. American sailors will not accept the scale of wages paid on foreign ships, nor will they consent to live on their limited fare. Very few of the foreign lines in the carrying trade are now making sufficient money for their owners to pay for the ordinary wear and tear, and nearly all would be glad to find purchasers for their ships. At the present time, though very much of our carrying trade is "in the hands of (low-paid) foreigners," it is no serious loss to us and very little advantage to them. But whenever the business shall promise better returns—better than silver-mining or better than building and running railroads—our people will show their former aptitude by reclaiming the business. That the germinal idea is not dead and gone may be seen from the official report on commerce and navigation, which shows that during the four years ending with 1884 there were constructed in this country 4,937 vessels, with a tonnage of 1,053,672 tons. If there were ever made a greater amount of tonnage in any four years when we were near the basis of free trade, as from 1857 to 1861, I have been unable to discover it. But the Senator appears unconscious that he is doing all he can to place our manufacturing trade alongside of our carrying trade "in the hands of foreign competitors."

That trades-people as well as the farmers of Great Britian are suffering more than in the United States may be seen by the speeches of Lord Salisbury, as reported in his late political campaign; it is also piteously proclaimed by the many thousands now crying for bread in Glasgow, the ship-building center of Great Britain, and it sufficiently appears in a late letter of the London correspondent of the New York Times, a free-trade paper, from which I will take an extract:

Any day during the past fortnight one could see thousands of faint and ragged wretches prowling outside the wharves, each ready to fight the other in order to be one of a score who were admitted to a day's work for 40 cents if a ship happened to come in. Everywhere business is reported to be worse than a year ago. When it was stated a year ago that the British ship-building industries were off half a million tons, it seemed that the worst showing had passed; but the report now is likely to show another diminution, and one nearly as great. This is a sample of all industries, while the farmer's prices have reached a starvation point.

This is the condition of affairs in the land of free-trade, and I do not think our own people will be anxious to exchange conditions notwithstanding the pity manifested by the Senator from Kentucky for those who will never know, unless they read the Senator's speech, how badly off they really are.

By the report of the United States Treasurer it appears that there is somewhere in the Treasury $165,535,000 of standard silver dollars, which we are struggling to find how and where to safely store until by some miracle they can find more favor in a wicked world. The percentage of these dollars in actual circulation, outside of the Treasury, it also appears, has been constantly growing less since 1881, being then 30.8 per cent. and now only 18.8 per cent. We have coined over two hundred and fifteen million of silver dollars, and have only been able at any time, through much cost and tribulation, to get not quite fifty million into spasmodic circulation, or a circulation which has no confiding repose, but seems to be disgorged from all pockets with a now-or-never promptitude, much to the dismay of the recipients. People do not like to be compelled by law to carry it. We do not receive it here ourselves with any praiseworthy cordiality. Our condition is somewhat like that of one of our distinguished humorists, who in our late war would not enlist himself, but was very willing that all his wife's relations should. All are willing that everybody else may enjoy the single silver banquet, but as for ourselves individually it has no temptation.

It is true that it is often smartly claimed that over ninety million of the one hundred and sixty-five million now in the Treasury of these standard silver dollars is represented by an issue of that amount of silver certificates, meaning to convey the inference that these certificates

will ultimately all be met and paid with silver; but this is practically a circumlocutory fraud, cheating nobody, however, but ourselves, so long as the holders of the certificates have the option of taking the turkey instead of the buzzard, or so long as the holders have the option of tendering them at the custom-house as an equivalent of gold. None ever have been redeemed with silver and none ever will be. When gold has been exchanged for silver certificates, the owners made their "calling and election sure" through the custom-house.

For the month of December, in 1884, 44 per cent. of the receipts at the custom-house in New York were in silver certificates and 41 per cent. in April, 1885.

The Secretary of the Treasury has already found it necessary to resort to unusual resources to avoid the shock to all business interests of a sudden drop from using both gold and silver, hitherto ever maintained by our country, to a single silver standard. Whenever the Government from inability or from indisposition shall fail to maintain the silver dollar on a par with gold, all of the silver certificates as well as all other paper currency, together with the silver dollar itself, will fall to the exact commercial value of the bullion contained in the standard silver dollar. All of our legal tender must then stand on that basis. There is no financial or legislative witchcraft that offers any other fate.

But we have on hand seventy-five million of unused and unusable silver, unrepresented even by the conceit of silver certificates, and, beyond this, more than twenty-five million of unavailable fractional silver. For every dollar of this large amount our people are subjected to an equal amount of taxation, and every year of the present continued coinage of the idle silver dollar this taxation must be perpetuated and also augmented in order to provide for the monthly purchase of silver bullion. With or without the probable deficit in the Treasury next year of $24,000,000, as estimated by the Secretary of the Treasury, ought we to continue the expenditure of twenty-four million for bullion to annually add twenty-eight millions to our present unwieldy pile of silver dollars and to increase our peril of utter divorce from gold?

The Senator from Kentucky asserts that there has been no depreciation in silver, except when tested by the price of bullion in London, because the prices of many products are lower in 1885 than they were in 1870; and he gives us a table of average export prices for beef, wheat, corn, eggs, sugar, &c., as proof of his assertion. No one contends that legal-tender silver has yet become, as legal tender, depreciated; but the contention is that, as silver bullion has depreciated here and everywhere else, the depreciation of silver as legal tender, unsupported by gold, will be sure to follow its enthronement as our sole standard dollar, and that that enthronement is impending, and threatens us upon every monthly additional purchase of siver by the Government. Its approaching dominance is so apparent, that the President felt it his duty to inform us in his message that gold was beginning to be hoarded. It is assumed, however, that the President need not be heeded, because he has been "alarmed." The newspapers say that the "Sage of Geystone," Governor Tilden, has bought large amounts of foreign exchange. Alas! has he, too, been alarmed?

To show, however, the lack of infallibility of the Senator's table purporting to give "the annual average export price in currency" of several articles of domestic product, it may be only necessary to refer to the single article of "eggs," which, it is claimed, were exported at the price of 39.6 cents per dozen in 1870 and at 21.5 cents in 1885. Surely foreign hens in 1870 must have been on a strike; but will anybody believe that eggs, to the extent of dozens were actually exported and found a market abroad in 1870 at the price of over 39 cents per dozen, or that any of the other articles named found a ready sale abroad at the figures set forth?

I do not think for a moment the Senator himself intended any deception by his table, but I fear he has been humbugged by some careless official or greenhorn tabulator. The table gives the prices of 1870 and 1885 in "currency;" but in 1870 our currency was wholly of depreciated paper, and gold bore a high premium. In 1885, however, our currency, I am happy to say, was at par with gold. It appears to me not too much to have expected, from the usual acuteness and fairness of the Senator from Kentucky, that he should not only have discovered this fact, but should not have left it buried out of sight.

Selected statistics can be made to prove almost anything. For example, the table already mentioned gives the prices of some products in the year 1860, an era somewhat approaching to Democratic free trade; but the Senator from Kentucky took good care to avoid exhibiting these prices when cotton and wheat brought very low prices, and when beef, pork, bacon, and butter sold for a good deal less than they do now. There was no such general depression of prices or trade in 1860 throughout the world as exceptionally prevails now, while in 1870 everything was inflated.

The fall in the value of silver in the United States has been denounced by some of our advanced silver financiers as though it was a trick of the Wall-street bondholders, and not like the recent fall in the value of copper, owing entirely to a largely increased supply and a diminished demand. The banks are also denounced as conspirators engaged in this unholy depreciation of one of the precious metals, because their customers, whom they serve, have not found a use for it; but the imputation is hardly less preposterous than it would be to charge the banks with the depreciation in the value of copper, because they do not buy and hoard uncalled-for millions of bronze or copper cents. Democratic Treasury officials are held to be no more honest than their predecessors, and it is not for me to claim that they are, but all have been at work from the early morn until the evening twilight in pushing silver at every cross-roads of the country, although they are esteemed in some quarters as nothing less than traitors because they have not had greater success, as accredited missionaries, in persuading mankind that the silver dollar was worthy of a more obedient faith and greater adoration among the unconverted.

It would be well to remember that no country in all the world has been exempt from the depreciation of silver. Mexico cannot obtain any higher price for her silver bullion than can our miners in the State of Nevada or Colorado. The silver rupee of India, with a nominal value of two shillings, will not buy more of British merchandise than about what one shilling and sixpence would be an equivalent for in the money standard of Great Britain. The indictment for a conspiracy will have to cover the whole world. It is difficult to see how parties in America could conspire to cheapen the price of silver in the markets of Europe or of India, and silver in bars or bricks may be expected everywhere to obey the law of supply and demand with as much regularity as the same bars and bricks obey the law of gravitation, regardless of petulant epithets distributed upon bankers and bondholders.

The Senator is so much of a devotee of the silver dollar, intrinsically worth less than 80 cents, that he proposed at once to commence the payment of the public debt with that coin and no other, although later he seemed to have consented to a mixture. Of course he expects to carry the Empire State in 1888 on his platform. Not himself eligible as a candidate for the Presidency, the distinguished Senator waves his banner reckless of the clouds, without any "silver lining," which there betoken the fate of any Democratic son of New York who may seek to conquer under that sign. What does the original or the revised programme portend? Of course the inevitable result of using silver in the payment of the public debt would be to banish gold, or two-thirds of all our present metallic circulation, and leave us with nothing but silver coinage. Our five or six hundred millions of gold would soon command a premium, increasing day by day. Go where it might, it would have more appreciation, and its departure could not fail to produce a serious monetary crisis, a contraction which Congress would be promptly asked to cure by an indefinite issue of a new edition of legal-tender greenbacks or by a revival of the "wild-cat banks" to supply the place of the departed gold. This, or anything, the Supreme Court has already announced Congress may do at its pleasure. Such a step once taken, however, the experience of the world shows can not be easily retraced. It might possibly cure some financial vagaries of those who think everybody crazy but themselves, and who now have no ears to hear except when addressed by those with whose sentiments they are in accord, but the cure would come too late.

The distinguished Senator made his irrefutable sneer at "bankers and bondholders and their able and well-paid press" as though they were conspirators wickedly trying to keep up the premium on our bonds, but he unquestionably knows that it will make no scrap of difference to bankers and bondholders now whether our bonds bear a premium or not. All they expect to realize or can realize from their bonds is the fixed rate of interest and their par value when due, and it makes not a farthing's difference to the Government whether bonds bear a premium or not, unless the Government proposes to use its funds for speculative purposes and make purchases of them in advance of their maturity. If there are any parties who desire to organize new banks, they might be interested in depressing the cost of bonds in order to obtain all that were required for that purpose without a premium. Surely, it ought not to be a reproach that any parties, directly or indirectly, are striving to uphold the credit of the Government.

When the United States were striving to obtain in 1863 a loan of one thousand million dollars by the issue of its bonds, subscribers to the loan were assured, by its only authorized agent, that the bonds were payable in gold. The letter of Jay Cooke, as agent of the Secretary of the Treasury, dated March 13, 1863, and everywhere published and distributed, contained the following statement:

> First, these bonds are called five-twenties, because, while they are twenty-year bonds, they may be redeemed by the Government in *gold* at any time after five years.
>
> The duties on imports of all articles from abroad must be paid in gold, and this is the way Secretary Chase gets his gold.

This statement by the agent of the Secretary of the Treasury, with his knowledge and approval, was never questioned nor controverted, in Congress or out, for years afterward. All branches of the Government then so understood the contract, and knew the creditors so understood it. Silver dollars had never had any prominence as money of the United States. We had circulated little of it and made less, or from 1805 to 1839 only $1,000,000 were coined, and up to 1869 only $4,709,490 of silver dollars were coined. Such were the circumstances of the past and the only basis upon which our people could judge of the future.

The letter of the law unquestionably made United States bonds payable in either gold or silver coin, but this was done when no silver dollar was in circulation, then worth more also than a gold dollar, and

when the policy of the Government had been for generations to coin little more of silver than what was required for ordinary use as change. This policy had prevailed up to the act of 1878, which then started on a new theory, and provided for extraordinary and successive issues of silver dollars monthly, or seemingly determined by the revolutions of the moon, intrinsically then worth about ten per cent. less than par; but this legislation it was never proposed by its leading advocates should be adhered to, unless we found ourselves able to make some agreement with other bimetallic nations by which silver could be maintained in universal circulation at par with gold. This expected agreement appears to have been impossible, and certainly appears impossible at present. Our own legislation is hastening a disastrous revolution, as the President and Secretary of the Treasury believe, in all the conditions surrounding the silver dollar, now in danger of further depreciation, and the question arises, can we with proper decency take advantage of our own act to pay off the bonds of the United States at a cost of only 79 cents or less on the dollar?

For many years we have paid both interest and principal of these bonds in gold, and this inflexible rule has given the pledge of public faith that they would forever continue to be so paid until their final extinguishment. It was this trusting faith of our own people which enabled the Government to refund its bonds at the low rate of 3 per cent. interest, and these are the bonds which the Senator from Kentucky so sternly advises the Secretary of the Treasury should be paid at once, and paid in silver. Woe be to the Secretary if he dares to disregard this blast of the silver buglemen!

Saying nothing about what would or would not be conducive to the public honor, it may be truthfully asserted that it concerns the highest interest of our future career in the world's history to preserve the public credit above all criticism and above all suspicion of the smallest financial crookedness.

Whatever loss might be suffered by those who are now our public creditors by a sudden change to payment in silver instead of gold, it would be the merest bagatelle, unworthy of consideration, comparatively, with the loss which would be suffered by the wage-earning portion of the people. Creeping upon them imperceptibly, they would find their means of subsistence, month by month, growing less and less, and not until every one else had looked out for himself would these sons of toil, at all times our largest creditor class, if ever, find any redress.

These sufferers would also find little consolation in the fiat of the Government, by which, without any legislation upon the tariff, a horizontal reduction had been accomplished of 21 per cent. or any other amount, simply by forcing silver to be received at the custom-house, and thereby making a wide opening for foreign workingmen to be employed instead of our own. Possibly it may be the last resort of revenue reformers to effect the changes they seek by changes of the monetary standard. At present the Mexican silver dollar, containing more silver than our standard dollar, is rated by the Treasury Department at eighty-one cents and six mills, but when we drop to the silver standard, the Mexican dollar would be rated two cents and four mills above par.

The Senator also solemnly said this:

I desire to say with great distinctness that I am not making war on bondholders or national banks or bankers.

And yet, like Shylock, he is constantly whetting his knife to take the pound of flesh nearest their hearts. Our bonds are largely held by national banks and by savings-banks. The stock of national banks (holding $308,000,000 of bonds, largely 3 percents) is owned by a very large proportion of small shareholders, as was shown years ago by the Comptroller of the Currency. The number of depositors in the savings-banks of the Middle States was 1,473,319, averaging for each $356.94; the number of depositors in New England was 1,460,185, averaging for each $337.20; and there is hardly a township in all the North where small bonds will not be found distributed. They are often held for the heirs of deceased persons, and, with rare exceptions, they are seldom held by millionaires, for the reason that such persons are able to find more profitable investments. This is the true character of those who now hold our bonds, and yet they are covered with defamatory epithets as though they were culprits worthy of sentence to a dungeon or to a chain-gang.

During the long ascendency of the statesmen of the Democratic party, when the Government was controlled by their most eminent leaders, one of the most notable characteristics of the party was its inflexible hostility to paper money and its rapturous devotion to gold, "glittering through the interstices of every man's silken purse." That was the Bentonian slogan leading to victory during the era of Jacksonian Democracy, and the reason for the law of 1834, approved by Jackson, by which gold was brought into the country and silver almost wholly expelled; and it was also the pith and force of the Van Buren subtreasury act, which aimed to wholly divorce the Treasury from all paper money. In those days it was the pre-eminent policy of the party in relation to making gold coins circulate at home in the hands of the people which apparently gave to its supporters their highest political prestige. Why is it that these fundamental principles of Jefferson, these favorite doctrines of Jackson, should now be esteemed as heterodox and be dismissed with elaborate denunciations by those who claim to be the legitimate political heirs to all of the renown of these great historic names? It can not be that any section of any party is covertly seeking a cheaper dollar, to-day barely worth 79 cents and 2 mills, with which to pay off the wages of laboringmen; and I trust there is neither new-born nor old-lingering reluctance in any quarter as to paying the annual pensions of Union soldiers in dollars worth at all times and everywhere 100 cents. The Senate of the United States, it is to be presumed, would not be the forum where any measure designedly favoring a 79-cent dollar with which to pay State debts would find favor. And may I not also hope that the full cost of a restored Union will not be esteemed so great as to justify the risk of even its possible diminution by indirection, or to tempt the payment of what remains unpaid, in money that may not be current in any other part of the civilized world.

The Senator from Kentucky reminded us of the passage of an act of Congress in 1869 declaring that the bonds of the United States should be paid in coin, "against the vote and protest [as he is happy to say] of every Democrat in both Houses." In all our previous history no public debt, at home or abroad, was ever contracted by the United States with any other expectation than that it would be paid in coin, and the coin only of the country. No civilized nation has ever contracted a public debt on any other basis, or on the idea of reserving the right to pay it in its own depreciated paper, and any nation proposing such a payment would be forever branded with degradation in the estimation of the civilized world. Those who invested their means in our bonds assumed the risk of the war and trusted to the good faith of the people. We were as much morally bound to pay our bonds in coin before as after the passage of the act of 1869, which was the first act approved in the administration of General Grant. But the Senator then was here in opposition, as I understand it, to the Union party, and that opposition was very damaging to the public credit. Up to the time of this act, by which the public credit was strengthened and established, we had been paying 6 per cent. interest or more on all of our public debts; but ever since we have been able to do much better in refunding bonds at much lower rates, saving millions upon millions thereby; and, but for the protracted opposition brought against fixing a time for the resumption of specie payments on United States notes, we might have had still lower rates of interest at an earlier period, in refunding a much larger part of the public debt. And yet the Senator is "happy" to say that the act of 1869 "was passed by Congress against the vote and protest of every Democrat in both Houses." Has not the Senator inadvertently disclosed the index-finger with which, as the recognized leader of his party, he is pointing out the way to eventually pay off the public debt with a cheaper coin? He obviously still thinks that it would have been square and right to have paid the bonds in legal-tenders when they were worth, as he declares, only 60 or 70 cents on the dollar. He does not say when he would have paid the legal-tenders, nor with what. But, all the same, public creditors would have been forced, if "every Democrat in both Houses" could have had his way, to surrender bonds bearing interest for paper promises bearing no interest and depreciated, as the Senator has said, to the extent of 30 to 40 per cent. The Senator is no longer in the opposition, but, it must be admitted, he preserves his consistency.

The Senator referred to France and other members of the Latin Union for an example that we should follow, but forgot to mention that they have all, or nearly all, some years since—France in 1879—ceased to coin silver, and have limited even minor silver coinage. They stopped about the time we began, willingly surrendering the whole business and the whole responsibility. By that means they have been able to maintain their present stock of silver on a par with gold, and that is now the most important part of their example which we might safely follow, but from which the Senator blinds his eyes and turns and runs. By their latest monetary convention, signed on the 12th of December last, these powers appear to have agreed ultimately to call home their silver coin for redemption, Belgium engaging not to make any change in its monetary system that might prevent the silver from returning, or, if she does, then to take back all her silver at once. And further, if the surplus after exchange exceed two hundred million of francs, then to reimburse so much that the sum not reimbursable shall not exceed one hundred millions. Similar provisions have been made by other parties to the treaty.

Like Belgium, we have been making large nominal profits on the coinage of silver, but the day may come, unless we can reach some international arrangement with the bimetallic nations, when the voice of our own people will demand its redemption in coin equal to its full nominal value. Government wealth, fictitiously accumulated by the issue of coins above their intrinsic value, never has been and is not likely now to be a permanent inheritance. It would be better for the present not to have too much of it outstanding for any possible or final day of settlement.

To continue the coinage of the present standard silver dollar of 412½ grains when much more than 480 grains of silver can be purchased for a dollar is exposing the country to very grave risks, not of counterfeits, but of dollars made in exact similitude of our own and containing an equal amount of silver. Twenty-five per cent. of clear profit is a great temptation. There is no kind of manufactures known anywhere promising equal or safer profits to bold and unscrupulous enterprise. What is to prevent the establishment of competing mints in Mexico, in Canada,

or anywhere else, from injecting into the country a multitude of alien but undistinguishable dollars, in every way just like our own, and, by all the known tests of experts, just as good as our own? In the hands of innocent holders, how can they be arrested, or who can be punished? The danger signals may not now be heeded, but time may disclose the fact that they should have been heeded.

Some references were also made to the large amount of coin held by France, as though we were deficient or had not reached the proper and supremely advantageous maximum required for national prosperity. The conditions, however, are widely different in France, where there is only one bank, with branches in a few of their most prominent cities, and therefore almost every man there most hold some amount of ready money constantly on hand for daily use. He can not deposit his funds in a bank to obtain interest thereon until he may need to pay it out and then draw his check upon a neighboring bank, as nearly all of our people are in the daily habit of doing. This accounts for the unusual amount of coin required for circulation in France. With our numerous banking institutions our people do not bury their talents and, therefore, get along with a far less amount.

But our gold and silver coin, together with all the authorized paper circulating as money, has had a prodigious expansion within a half dozen years, and may now be said to be overabundant, or far more than is really required. It amounted January 1, 1879 to $1,055,356,619, and on November 1, 1885, the amount was $1,556,914,798, having been increased by over $500,000,000. There is no deficiency in the supply of money, of which an unexampled surplus may be found almost everywhere awaiting some demand for remunerative employment. Capitalists and banks all have money to lend; and large idle deposits in banks, as well as the low current rates of interest, testify to the universal plethora of the money markets; but the real trouble is a lack of general confidence as to the present standard of money. Investments and contracts are no longer made with abiding trust in the future. Silvery, if not slippery, propositions are too frequently made in Congress, and received with a too conspicuous appreciation, for the healthy stability of business.

The large nominal profits in the coinage of silver dollars are subject to very heavy drawbacks. The cost of coining is 1½ cent for each dollar, amounting since 1878 to over $3,000,000, or to about $42,000 for each and every month. The inconvenience and expense for additional vaults has been large, and even the expense attending telegraphic correspondence is not small, amounting at the New Orleans mint sometimes to $200 in a single quarter of the year. But the expense of transportation incurred by the Treasury Department in its industrious efforts to popularize silver in all markets and way places is enough at least to dissipate any surprise that no private enterprise has attempted the task. The express charges from 1878 to 1885 on the shipment of $55,000,000 from Philadelphia were $217,389.83, or $3.94 per thousand, and for $25,000,000 more shipped to subtreasurers the charges were $28,151.29. The charges on shipments from the San Francisco mint of $13,541,500 were $125,033.25, or $9.23 per $1,000—almost 1 per cent. The express charges at New Orleans for the shipment of $25,546,998 have been over $56,000.

Shipments from the mint at Carson, Nev., have been peculiarly expensive. For example, $150,000 were sent to New Orleans at a cost of $2,625; on $450,000 shipped to Saint Louis the charges were $5,625. From $22 to $30 per $1,000 were charged on shipments to places in Montana. On shipments to Leadville, Colo., the express charges were at the rate of $20.60 per $1,000, and to Trinidad and other places in Colorado $11 per $1,000. Shipments have been made to places where a silver famine seemed to exist with only 33 inhabitants, according to the latest census. The shipments have varied in amount from $500 to $6,000,000. Silver thus has been shipped at much cost, wherever an opening has been found, and yet Treasury officials are berated as insincere and destitute of honesty because they have not bewitched the world with more love for silver dollars, although they appear to have kept the axles of the express cars hot in their transportation to every nook and corner of the continent. The expenses attending any of the contingencies of coinage and distribution of the silver dollar, however large they may be, are perhaps insignificant compared with the loss to be borne by the Government from having paid a much higher price for the bullion already coined than it would now fetch in any market.

The suspension of the coinage of the silver dollar will not depreciate its value, nor increase the value of the gold dollar. They will then both pass from hand to hand equally current in all of our business transactions, Confidence and stability will be restored to our commerce, to investments, to contracts. The laboring man will not be in dread of a pinched and depreciated dollar. The farmer will know that he is to receive for his grain and cattle money not a whit inferior to the money paid to farmers in any other country. The miseries of a fluctuating premium on exchange will not rise to vex the foreground of all business affairs. The retention of all of our five or six hundred millions of gold coin will be assured with the promise of more annual additions. And then we need not humbly seek foreign aid to float the world's product of silver, but wait until our aid has been sought, as sought it surely would be, to establish a potential bimetallic arrangement with the leading nations of Europe, by which any surplus of silver would have some chance of being utilized. The owners of the great silver bonanzas would not then have to rely for support upon the United States alone, but would have the major part of the commercial world promoting their permanent prosperity. It has been sufficiently demonstrated that the service of the whole Government for seven years in the coinage of our 24,000,000 of silver dollars annually has failed to increase the value of silver, but it is worth far less to-day than in 1878, when the experiment began. It must be equally obvious that it has also been a failure as a fertilizer to business—helping neither the farmer nor manufacturer to greater products nor to greater prices.

It is a pity that arguments on the silver question, upon either side, are so seldom listened to, except by those who may be in accord with the argument for the time presented, but are regarded as inapplicable and as foreign to the real merits of the subject as would be some algebraic problem or statistics on color-blindness. The fact that nearly all the merchants and trained business men of the country, whose daily life has afforded broad information upon the history and practical knowledge of the subject, are arranged upon the side favoring, at the very least, either an increase in the weight of the silver dollar, a limit to or a temporary suspension of its coinage, does not appear to have the slightest weight, but is contemptuously disregarded by those who theoretically and sentimentally cling first and last to the dollar of 412½ grains of silver. The fact that the President and the Secretary of the Treasury, the Treasurer, the Director of the Mint, and the Comptroller of the Currency, the experienced Treasury officials, no less under the present Administration than under the preceding, are all agreed in urging Congress to cease the present coinage of the silver dollar, goes for nothing with the Senator from Kentucky and his obedient followers. Even the authority of Cernuschi, the foremost and most learned advocate of bimetallism in France, also goes for nothing when cited to show that the continued coinage of silver in the United States is calculated to defeat its maintenance at par with gold, and to defeat any concurrent agreement of nations by which a greater amount in the aggregate of silver might at once be brought into permanent circulation and universal acceptance. The facts obtained from our foreign ministers by the present Administration, all pointing to the absolute necessity of a suspension of the coinage of the silver dollar, are regarded with distrust, if not with pity, for those who attribute any importance to the wisdom or virtue of these functionaries. Such authorities as these, and the highest practically available, would have, when brought to bear upon any other subject, somewhat of a controlling influence; but on silver we are yet to see whether or not such authorities, all and the best our country affords, are to stand at zero in the United States Senate.

Is it possible that Americans will ever be contented with a monetary system which will subject us in all our foreign traffic to payments in gold for all we buy and to receive for all we sell nothing but silver? I do not know how it may be with others, but I confess that, should we ever sink to the level of those nations of the second, third, and fourth rank, whose wealth and enterprise is too inconsiderable to require all and the best monetary instrumentalities, including both gold and silver, in the conduct of trade and commerce, I should feel it to be a sad degradation, a complete surrender, of the proud position we now hold as the foremost power among great and enlightened nations.

[During the delivery of Mr. MORRILL'S remarks the hour of 2 o'clock arrived, when, by unanimous consent, the regular order was postponed and Mr. MORRILL allowed to conclude his speech.]

Mr. BECK. I ask the Senate to give me only ten minutes.

Mr. MORRILL. I hope that will be granted.

Mr. BECK. I believe there is no objection.

Mr. SHERMAN. I have no objection at all, but I desire to state that after the Senate gets through I wish to take up another bill, the Presidential count bill, and unless some other Senators desire to speak this afternoon I wish to submit an amendment and some remarks upon it.

Mr. BECK. I shall only occupy a few minutes; certainly not over fifteen.

The PRESIDING OFFICER (Mr. BLACKBURN in the chair). The Chair hears no objection to the request of the Senator from Kentucky. The resolution submitted by him will be regarded as before the Senate.

Mr. BECK. The Senator from Vermont [Mr. MORRILL] on yesterday, at the close of a very able and elaborate speech made by the Senator from Colorado [Mr. TELLER], said:

> I merely desire to take the floor to say that rather reluctantly I shall feel it my duty to ask the attention of the Senate to-morrow for an hour on this subject, which seems to attract such an enthusiastic crowd of Senators here—I mean the resolution of the Senator from Kentucky.

I have listened to that speech, which he has so carefully prepared. I suppose it has required a month of elaborate study, and I agree that he ought to have been a little reluctant to present it. I think he will himself think so when he comes to examine it, and I think the country will understand, when they read it and consider it as the official reply to the arguments made on the other side, as the best the chairman of the Committee on Finance can do, and the best the Treasury officials can aid him in doing, that the monometallic position of the present and past administrations will not be very much advanced.

Why, sir, for the Senator from Vermont to tell the Senate, as he does, that the best way to increase the value of silver is to stop the coinage

of it seems to me too absurd for serious consideration. Stop the coinage of it and thereby increase the value of it! Stop grinding wheat into flour to increase the value of wheat; stop allowing broadcloth to be used for clothes to increase the value of the material, would be quite as good an argument as the argument he now presents. I hardly know how to answer such suggestions. It is on a par with the arguments he has heretofore made on this floor, when he told the people of this country that they must stop the production of grain, that they were raising too much, that they were wearing out their lands, that the smaller quantity would bring them as much or more than the larger by making it scarcer and dearer.

Does not the Senator from Vermont know, does not every man know, that the moment we stop the coinage of silver we depreciate it that much more, because we deprive it of the use it now has at least to the extent of twenty-four million or twenty-eight million dollars a year in this country, and that we will by this process enable foreign nations to buy it as bullion that much cheaper? Does he not know that the power which stops the coinage now will ever afterward prevent its restoration to our coinage? That is the real object of the crusade which is now being made upon it.

When the Senator from Vermont says that he desires a bimetallic currency and desires to keep silver in circulation he hardly disguises the fact that he wants it for all but the bondholder and the national banker, he confesses that the so-called degraded coin he determines to keep in circulation is good enough for the laborer, good enough for the pensioner, good enough for everybody except the men who hold our bonds and who alone agreed to take it and covenanted that it should be paid to them at its present standard value. No other man ever made or required that agreement but the holders of our bonds, and they alone seek to repudiate their obligations, and have always been and are now sustained in doing so by our Treasury officials.

The Senator speaks of the present silver coinage as compulsory. True, it is compulsory coinage in one sense, and only in one sense; it is in fact a limited coinage, in derogation of a former right. This coin has been in the hands of its enemies for many years. From the day that the Congress of the United States, in 1878, declared that it should be a legal tender for all debts, public and private, every Secretary of the Treasury, every official, Republican and Democratic, that we have placed in power has been denouncing it and trying to put it down. We know that if Congress had not compelled them to coin at least $2,000,000 a month they never would have coined a dollar. To prevent that, Congress said that they should coin at least $2,000,000 a month; that they *should* buy that much silver, and now I and those who agree with me insist upon saying to them, knowing that they never would have bought a dollar's worth or coined a dollar, that they shall pay it out to all men who are compelled to receive it, bondholders included, as the law and the contracts require them to do.

That is all that we ask. We say that the bondholder and the national banker is no better and no more meritorious creditor of the Government than any other man, that he holds no higher obligations, and that our agents shall not assume that he does. The only struggle we are now making is to require our officials who have treated our silver coin as a step-child from the beginning until now to pay it out to the men who bargained for it, and who can pay it out to those who deal with them and who will pay it out when it is paid to them. We insist that it shall be paid to the men who agreed to take it and whose obligations on their very face required them to take it. That is all we are asking. No man can decently assert that there is anything wrong, unjust, unfair, or dishonest in that proposition. We know they are refusing in New York and elsewhere to receive it on deposit, and we propose to require them, as its owners, to seek to utilize it, instead of seeking to degrade it as they do now, when everybody takes it but themselves.

Yet we are told that we are trying to foist upon ignorant, unsuspecting people depreciated dollars; and Jay Cooke is paraded here as authority to show that what I said in regard to greenbacks and the original 5-20 bonds was untrue. Jay Cooke, it is true, was the agent of the Government, striving like all other agents to make a fortune out of his commissions; he was seeking to press sales by advertisements in every form. He, I repeat, is paraded here by the Senator from New Jersey [Mr. MCPHERSON] and the Senator from Vermont [Mr. MORRILL] as being absolute authority in the face of the law and to the subversion of the law, which they admit to be as I state it. We are told that I and other men like myself——

Mr. MCPHERSON. Will the Senator yield to me for one moment?

Mr. BECK. Yes, sir; to anybody.

Mr. MCPHERSON. If the Government of the United States made Jay Cooke the subscription agent of the Government, as the evidence is abundant that they did, and also the fiscal agent of the Government, and permitted Jay Cooke to spread broadcast over this land, in every newspaper in the land, the advertisement stating that the interest of the bonds was payable in gold, I claim, and justly claim, that the Government itself is a party to the terms of that contract, and of necessity a party to the fraud, if fraud there was.

Mr. BECK. Mr. Jay Cooke was bound by the law. This Government acts only through written laws. His advertisements could only be properly issued in accordance with the acts of Congress.

Mr. MCPHERSON rose.

Mr. BECK. Wait a moment. The present Secretary of the Treasury and all former Secretaries of the Treasury are bound by the law; yet, as if to show their contempt for it, they have never paid out a dollar of silver coin to any bondholder, although it was made a special fund for the payment of these very debts when received at the custom-houses; and now we are told by the Senator from New Jersey and the Senator from Vermont that because Jay Cooke once misquoted and Secretaries of the Treasury have for years defied the law and Congress did not and does not stop them, therefore the law is of no effect, and the obligations become what our agents have asserted that they are or should be by their violations of the solemn acts of Congress. That is the whole argument; there is nothing more in it.

Mr. MCPHERSON. I wish to say one word more, if the Senator from Kentucky will pardon me.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Jersey?

Mr. BECK. Yes, sir.

Mr. MCPHERSON. In the opinion of the Senator from Kentucky how many people investing in the bonds of the Government of the United States knew anything at all about the conditions of the law?

Mr. BECK. In answer to that, while I heard from the Senator from New Jersey the other day how helpless, how ignorant, how innocent, how little the people who invested in bonds knew about what they were doing, yet the fact remains that every greenback has written on the back of it, to be seen by every man who can read, that it is payable for all debts, public and private, at its face value except interest and customs dues. I presume every one of these poor bondholders could read, and in the face of the very bond they now hold is written that every one of them shall be and are lawfully and honestly payable in coin, gold and silver coin, of the standard value of July 14, 1870; and I assert, notwithstanding the pleas of ignorance and innocence, that any man who refuses to take it and any official who refuses to pay it is willfully violating the law, and is an untrustworthy agent to act for the people he represents. Do you tell me, or tell Congress and the country, when the greenback has written on its back that it will be receivable for the principal of the public debt, and when the bond of 1870 substituted for the 5.20 has written on its face that it can be honestly paid in coin, of gold or silver at the option of the United States, of the standard value of July 14, 1870, that the poor, innocent bondholder and banker did not know that to be the fact, and that our officials do not know that it is the fact? It is too bald and naked an absurdity to require a serious answer.

I do not desire to give silver any preference over gold; I desire to keep them together; but I insist that when the Treasury officials, who are the trustees of this people, and not the trustees of the bondholders, have a right to pay in gold or silver coin at their option, that the right to so pay makes it their duty to pay in the metal that is most beneficial to the tax-paying people they represent. If a trustee had the right to pay a debt for his *cestui que trust* in rye or wheat, and rye was worth 75 cents a bushel and wheat was worth a dollar a bushel, and the trustee should refuse to pay in rye and pay in wheat, he would be false to the man who trusted him as an agent to pay his debts, and any court would remove him for a violation of his known duty. It is our interest to make our coins of equal value and credit and to make them stay together; and when national banks will not receive silver dollars on deposit—when they will not receive silver certificates at the clearing-houses, although the law requires that they should—while as I said before I am not making war on them as men, I would forfeit every charter that was granted to them rather than to allow them to violate the law or avoid it by indirection, which is meaner and worse than a direct violation of it.

No man denies that silver stands on an equality with gold before the law, and no man denies that it has been treated as a step-child by every Treasury official at the dictation of the bondholders and bankers of the country. When Jay Cooke is brought before the Senate as evidence and authority I turn to the records of the country. I turn to the great speech made by the Senator from Ohio [Mr. SHERMAN], the present presiding officer of this body, in this Chamber, on the 27th day of February, 1868, when a set of men were clamoring over Jay Cooke's certificates. Senators will find that he denounces all the people who made such demands as extortioners for daring to demand more than they agreed to receive at the time their contract was made. He as the leader of the Republican party then denounced them in this Hall. I read his letter when I spoke before. The Senator from Vermont carefully and studiously avoids any allusion to it, but refers to me as not being loyal to the Union party in 1870. The war ended two years before I came to Congress. I have endeavored to do my duty with the best lights before me, looking to the good of this whole country as earnestly as the Senator has. That is all I care to say as to that, but I will read again what the distinguished President of this body said months after he made that great speech in 1868 in a letter to a friend:

I think the bondholder violates his promise when he refuses to take the same kind of money he paid for the bonds. If the case is to be tested by law, I am right; if it is to be tested by Jay Cooke's advertisements—

As the two disagree, and the two distinguished Senators are driven to admit that Jay Cooke is the only authority they have to stand upon, I hope they will listen—

I am wrong. I hate repudiation, or anything like it, but we ought not to be deterred from doing what is right by fear of undeserved epithets.

If, under the law as it stands, the holders of the five-twenties can only be paid in gold, then we are repudiators if we propose to pay otherwise. If the bondholder can legally demand only the kind of money he paid, then he is a repudiator and extortioner to demand money more valuable than he gave.

JOHN SHERMAN.

Mr. McPHERSON. Will the Senator yield for one question now?

Mr. BECK. Certainly.

Mr. McPHERSON. Will he point me to some declaration made by the honorable gentleman whose letter he has just read, or any other Secretary of the Treasury from the time the bonds were first issued and given to the public, in which they disavowed in any way, shape, or form the advertisement of Mr. Jay Cooke? Was there ever a declaration made by any officer of this Government at any time or anywhere in which he said that the advertisement of Jay Cooke promising and pledging this Government to the payment of the interest of the bonds in gold was false?

Mr. BECK. That whole question is mere clap-trap. Mr. Jay Cooke was agent in 1865 and 1866. Here is the letter of Mr. SHERMAN in 1868. There was the great debate in Congress in 1868, when it was denied, and denied emphatically on this floor, that Mr. Jay Cooke had any right to make any such advertisement.

Mr. McPHERSON. The bonds had been originally issued on the advertisement. What has taken place since has simply been a renewal of the same bonds.

Mr. BECK. Is there anybody who denies now that the bondholders are obliged to take silver coin at the standard value of July 14, 1870?

Mr. McPHERSON. I do not deny it; I believe that technically the bondholder is required to take his payment in silver coin, if you exact it.

Mr. BECK. Then, since we are questioning each other, is it not the duty of the Secretary when he has that silver coin in the Treasury and complains that he can not get it out, and it is made a special fund to pay that interest and bonds, so to pay it?

Mr. McPHERSON. No, sir; the practice of this Government from the time the bonds were issued up to the present hour has been to pay the obligations of the Government in gold. In 1853 you practically abandoned the coinage of silver. You had no silver then to pay with.

Mr. BECK. We had but a small amount of either silver or gold then. We had almost as much silver in one form or other as we had gold, and we had coined over $2,000,000 into standard dollars in the thirteen months before the act of 1873 was passed; the history of that fraud I do not care to go into. We had more silver than we had coined gold in this country up to 1849. We purchased Louisiana, we fought the war of 1812, we fought the Mexican war, and gained all the great countries from whence the gold came on substantially a silver basis. Because we discovered gold in California and it was discovered in Australia, more gold was produced for a time than silver; but is that an argument to lay before the Congress of the United States and either seek to annul the law or prevent a demand for the honest execution of a law in the interest of a few men who are no better than the humblest citizen in the land? I repeat that the moneyed corporations created by us and maintained by us have determined to defy us and control our action; that is the whole of it; and their aiders and abettors here and in the Executive Departments are doing the same thing. They are seeking, in order to enrich the bondholders at the expense of the country, to strike down half the coinage of the world. They propose to unite with England and Germany, two of the great creditor nations, while we ourselves are largely in debt on account of our rapid development, to strike down one-half the circulating and regulating medium of exchange in order to make the other half purchase twice as much property as it will now, and that too in the name of the Lord and in the interest of the poor! It is the baldest hypocrisy.

I have no patience with such pretenses when I hear Senators talk about the interest of the poor and the laborer, in view of the fact that the silver dollar to-day in Havana and everywhere is standing as high as the gold dollar, and when it is agreed that we have less than one-third of the silver coin that France has and maintains in spite of the efforts of those two great dominant nations. It is, I repeat, absurd to ask us to stop silver coinage now in order to double the purchasing power of gold, or, what is the same thing, to reduce all the value of all the property in this country one-half below what it is now in order to enrich a set of bankers and bondholders in Wall street, who are not producing anything, but gambling in the misfortunes of the laborers and producers of this country. If there is any set of men less indebted to the respect of Congress and the country than any other, it is the Wall street gambler, who corners bread, meat, anything, no matter who suffers so he thrives.

I can not properly take the time to answer the argument of the Senator from Vermont when he was telling about the present troubles of England and Germany, which he called free-trade countries. I could not but think that he might have said they are gold countries as well. They have stricken down the silver coinage as far as they dared, and the people of England went through from 1819 to 1840 such a condition as I hope this country will never see or feel after striking down her silver coin. Germany struck it down, when she thought she could humiliate France, after receiving a thousand millions of gold from her; she has been depleted year by year of her working people. On the average, 250,000 of her citizens have come to our shores to seek refuge from the grinding tyranny of the money policy of the German Empire.

Recollect when silver was stricken down in England the Parliament, as was said the other day, was owned by twenty or thirty men. The Duke of Newcastle sent five or six members, the Marquis of Westminster five or six more. The body was controlled by a few men; the German Empire is even now governed by a few men. This is a government of the people, and for the people, and by the people in theory, and I hope we shall maintain it in practice, and that it shall not become a government of bondholders, for bondholders, and by bondholders, in violation of the spirit of our Constitution.

But, Mr. President, I said I would not take more than five or ten minutes of the time of the Senate. I will close with the promise that I will answer the speech of the Senator from Vermont, even to his satisfaction, some of these days.

Mr. MORRILL. Mr. President, I suppose the Senator from Kentucky has not really heard an able speech since he addressed the Senate on this question before, and I fear he never will again. The Senator from Kentucky, when he speaks, always speaks in capitals, but I think when we come to read his speech to-morrow in print it will be in the ordinary type, and it will not read any louder and more argumentative than other speeches.

It is rather singular that the Senator from Kentucky should have so misunderstood the propositions advanced by me. I never advanced the idea that by stopping the coinage of silver only we were to advance the price of it. It was only the argument that by ceasing to coin it for a space of time we might obtain the co-operation of other governments in using a larger amount.

But, Mr. President, I am not disposed to take up more time after having occupied so much as I have to-day. I will say that the Senator to-day, while he appears loud, yet, so far as his logic is concerned in reply to what I have said, has excited some of my sympathy in the same way as the child for its mother when he had just received a flogging from the mother and shed tears for the first time. He was inquired of what was the matter. "Why," said he, "I perceive, mother, you are growing weaker and weaker every time you flog me!" [Laughter.] That is my case with the Senator from Kentucky. [Laughter.]

Mr. SHERMAN. Mr. President——

Mr. TELLER. A few words.

Mr. SHERMAN. I have no objection to yielding for a while. I do not desire to talk on this question, but this debate goes on by unanimous consent.

The PRESIDING OFFICER. The Chair understands that the debate is proceeding by unanimous consent of the Senate.

Mr. TELLER. I only wish to say a few words. I want to call the attention of the Senate to the very remarkable statement made by the chairman of the Committee on Finance. It is in keeping with every statement that has been made from the Treasury Department since 1878. I do not say of the speech made by the Senator from Vermont to-day that it is made for the purpose of deception, but I have said that as to every utterance of like character that came from the Treasury Department. The Senator makes the statement here, in the face of the record, that $165,000,000 of the $215,000,000 silver coined under the act of 1878 does not circulate and can not be circulated. The Senator is not ignorant of the fact that that is not technically correct. The President of the United States made the same statement in his message. Former Secretaries of the Treasury have made the same statement in their reports to the public. I say again it is not made by accident; it is not made by inattention. It is made for the express purpose, so far at least as Treasury officials are concerned, to mislead the public; and it has misled the public.

I have seen intelligent men in this country who were astonished when told that there were $140,000,000 of this silver in circulation. The honorable Senator did say in a few paragraphs below that there were $75,000,000 actually in the Treasury. He was compelled to make that statement in justice to himself. The first statement that he made will be paraded all over the country in every paper devoted to attacks upon silver coinage. The President's message was published everywhere with that part of it, and with the subsequent and later sentence eliminated. One hundred and sixty-five million dollars, we are told, are in the Treasury that can not be circulated. Does not the honorable Senator know that upon the same logic and upon the same method of reasoning there are $253,000,000 of gold that will not circulate and can not be put out. Is it fair for me to say that the $253,000,000 of gold will not circulate? Why, Mr. President, there are $93,000,000 of certificates in the hands of the people, and there are $31,000,000 there now in violation of law and contrary to the good faith and equity upon which the bill that they are now seeking to attack was passed in 1878.

There is not a man on this floor now who was on this floor in 1878 who does not know that it was the distinct understanding of this body that the whole sum we had named in that bill, $4,000,000 a month, was to be the silver coinage of this land. It was understood here that

it would take up the entire production of this country. From the very hour that the bill became a law the hostility of the Treasury Department cut it down to $2,000,000 a month, and has kept it there from that time to this, with the exception of now and then a little more or a little less. The average coinage has only been about $24,000,000 a year, and we have been fed year after year with the statement that the silver would not circulate, and the Senator spent some time to show the great expense and outlay that the Government has been to in storing the silver and sending it out.

Why, Mr. President, the Government has made from 13 to 20 per cent. out of the people of the United States, I say in violation of fundamental law, in violation of good faith. The Government has no right to coin the people's money and make a profit thereon; and yet it has done so to the extent of more than $25,000,000; and the Senator tells us, as the bankers have told us recently from New York, that the Government is losing on the coinage of silver owing to the great expense it has been at to send it all over the country—the veriest bosh, the veriest nonsense, unfit for the Senate and unfit for any place where intelligence pervades and is the rule of conduct. The Government is ahead to-day more than $20,000,000 on the coinage of silver, with all its outlay for distributing it and for vaults that it has built in which to put it.

Mr. MORRILL. I do not wish to interrupt, but I do not know that I quite understand the Senator from Colorado. Who ought to have the twenty-five millions the Government has made—the owners of the mines?

Mr. TELLER. Who ought to have it? The people who owned the silver ought to have had it, as the people who own the gold have had it; and had we in 1878 passed a bill for the free and unlimited coinage of silver, as we ought to have done, in my judgment the people would have had it, and there would have been no contest before this body to-day as to the coinage of silver.

More than that, if the Treasury officials, when the act of 1878 passed, had attempted in good faith and with earnest endeavor to enforce the law and make gold equivalent to silver, as the French Government and French officials had done, there would to-day be no question. France can circulate, with eight hundred millions of gold, nine hundred millions of silver, and keep it at all times at par, when its silver coinage is worth 3 cents less on the dollar than ours. I say that it is unfair to come here with arguments of this kind, that tell the truth, but not the whole truth. We are entitled to have it go to the public that there are $140,000,000 of this money and not $65,000,000 in circulation, as the speech of the Senator would lead us to suppose.

Mr. McPHERSON. Will the Senator yield to me for a question?

Mr. TELLER. Certainly.

Mr. McPHERSON. I think I heard him make use of a remark in which he said that the Government had made something over $20,000,000 out of this coinage. He spoke of it as though it were a virtue. If the Government has made over $20,000,000 out of it somebody must ultimately sustain a loss. Possibly it will be the citizens to whom the Government paid this money. Now, I wish to know if that is either honorable or honest.

Mr. TELLER. The honorable Senator could not have listened carefully to what I said. I did not say it was a virtue. I said it was in violation of fundamental principles that the Government should take my coin and coin it, pay me 80 cents on the dollar for it, and then send itout to the people at a hundred. Now I will answer the other branch of the honorable Senator's question: No man has lost a dollar who has taken a silver dollar. It has performed all the functions of a gold dollar everywhere and at all times. It will buy as much in any market in the world as the gold dollar will, and everywhere it is recognized to be the equal of the gold dollar, save and except when you come to touch the sacred character of the bondholder. When you touch him, then Senators say, "Oh, Jay Cooke stood up and published an advertisement, and because we did not understand the law we are not to be held to the strict letter of the law and we are to have gold."

Mr. McPHERSON. Will the Senator yield to me one moment more?

Mr. TELLER. Of course.

Mr. McPHERSON. I am quite sure I understood the Senator aright when he made use of the expression that the silver dollar would buy in all the markets of the world as much as the gold dollar. Suppose he wanted to buy a thousand or ten thousand dollars' worth of goods in England to-day, from whom we are receiving a large amount of manufactured goods and against whose trade we find it necessary to close our ports by high tariffs. In the payment of those goods he offers the silver dollar, it to-day being issued at the rate of two millions a month from the Mint, and at what rate will the English merchant receive our silver dollars? Would they be taken at their bullion price or would they be taken upon the stamped value given them by the United States Mint? They would be taken only at the bullion value in the London market.

Mr. TELLER. Is the Senator through?

Mr. McPHERSON. I am through that much.

Mr. TELLER. Then I will go on. He will take it just according to the terms of the contract. If the American who wants to buy goods proposes to pay gold he can pay gold; if he agrees to pay silver he can pay silver; and if he does not agree to pay any specific thing he can pay silver under the law. If he goes to Great Britain with the silver, then I admit there is a difference between our silver dollar here and in Great Britain.

Mr. McPHERSON. One question more. The honorable Senator will certainly admit that in a European country whose mints are not open to the coinage of silver silver itself is simply merchandise. He must therefore necessarily admit that if we undertake to pay in silver, which is only merchandise in the countries from whom we make the purchase, then it would have exactly such a purchasing power as wheat, or cotton, or beef, or pork, or any other article of merchandise that we send to that market. A man who contracts to pay his debt in silver could no more know in advance how many silver dollars it would take to pay the debt than he would know how much cotton or wheat it would take to pay the same debt before the market price of the wheat or cotton was determined.

Mr. TELLER. I submit that is not a question. The honorable Senator may take the floor when I get through. In the first place, no matter how much silver you put in the dollar, when it goes abroad it goes as bullion. No matter how much gold you put in your gold dollar, it goes abroad as bullion. You do not circulate a gold dollar abroad any more than you do a silver dollar. I said that in this country no man had been cheated by the coinage of silver dollars, because that was the answer to the question. If the question is, whether it is honest to pay to the citizen a dollar of less than 100 cents, I reply now that no man in this country has been cheated, because he can exchange the silver dollar everywhere, if the law is properly enforced, for its equal, the gold dollar.

Mr. McPHERSON. The Senator has been very indulgent; and right in this connection I should like to make one further remark. The Senator will be so kind as to yield to me?

Mr. TELLER. Certainly.

Mr. McPHERSON. The Senator from Kentucky, I believe, in the short speech he made to the Senate to-day, took the ground that I at least was opposed to any coinage of silver because I was opposed to the further coinage of silver at this time. That was the deduction I drew from his remarks. Now, sir, I do not hold to that doctrine at all. I am in favor of just as much silver coin as can be kept on a legal par with gold.

The Senator from Colorado now says that the silver dollar will pay just as much of debt as the gold dollar. Very true; and why? Because there are not too many silver dollars in circulation to-day to enable them to be kept at a legal par with gold; but the Senator wishes to have the silver coinage increased to such an extent that it will be impossible to maintain a parity with gold. When the time arrives and we get to a silver basis, which the Senator by his hypothesis is really trying to drive this country to, then we shall have to measure all our transactions by silver, and not by silver upon its legal or stamped value, a value given to it by your law, but a value governed by the bullion market of the world.

Mr. TELLER. When we arrive at that stage it will be time enough for us to act. I recollect very distinctly sitting here day after day in 1878 and hearing the prophesies then made, coming, too, from the very Senator who has just dropped into his seat, that the very declaration that we proposed to coin the silver dollar would destroy the credit of the Government of the United States!

Mr. BECK. Will the Senator from Colorado allow me to make a suggestion to him? In the year 1881, if I recollect aright, the Senator from New Jersey, because of his great apprehension that the day of judgment or of repudiation was to come, introduced a bill to stop the coinage of silver; and that very year the men of the West shipped to New York sixty-six millions in gold dollars and took silver certificates sustained by silver alone, and the Treasury stopped them from going further because it had no more silver dollars to give out.

Mr. McPHERSON. Do I understand the Senator from Kentucky to say that the people of the West sent in gold dollars for silver in that way?

Mr. BECK. I do.

Mr. McPHERSON. I do not understand, from any facts I can get, that the people of the West ever sent any gold dollars here for silver certificates.

Mr. BECK. If the Senator will yield, I will read exactly what the official report shows.

Mr. McPHERSON. *I shall be glad to hear it.*

Mr. BECK. I thought there was room for a good deal of information in regard to that.

Mr. TELLER. I yield to the Senator from Kentucky.

Mr. BECK. The Treasurer in his last report said that $80,000,000 of gold coin had been exchanged for silver certificates.

Mr. McPHERSON. Very true.

Mr. BECK. On the 18th day of September, 1880, Mr. SHERMAN, then Secretary of the Treasury, issued a circular allowing the people of the United States to send gold to the subtreasury at New York and to receive silver certificates in lieu of it. In two months afterward, on the 1st day of November, 1880, the Treasurer of the United States said this:

The demand for silver certificates under the circular of the Department dated September 18, 1880, authorizing their exchange for gold coin and bullion, has

been quite extensive at New Orleans, Saint Louis, Chicago, and Cincinnati, and there were paid out at these points during the month of October $3,485,000 in silver certificates for an equal amount of gold coin deposited in the subtreasury in New York.

And still further, in December, 1881, after fourteen months had elapsed, the Secretary of the Treasury, in his report, said:

The Department has issued silver certificates at the several subtreasury offices, upon a deposit of gold coin in like amount with the assistant treasurer at New York, and through this means certificates have been issued for nearly all the silver held by the Treasury. These certificates amount to about $66,000,000 and are now outstanding.

And in a few days afterward the Secretary of the Treasury issued this order:

Until further notice the exchange of silver certificates for gold coin deposited at the office of the United States assistant treasurer at New York will be suspended and Department circular No. 75, of September 18, 1880, is hereby modified accordingly.

The men of the West had taken every dollar that could be covered by silver certificates, had sent at their own expense gold to New York to cover it until the Treasury stopped them from doing it, and at the same time that the Senator from New Jersey was introducing a bill to stop the coinage of silver because of the ruin that was going to come some time before the millennium!

Mr. MCPHERSON. Why did the people who deposited gold coin prefer silver certificates to gold certificates?

Mr. BECK. Because one was as good as the other, and there was no gold lying in the Treasury to cover it, and they regarded silver as good as gold, and there were sixty-odd millions of silver in the Treasury, and that was there for that purpose, and they took the silver certificates and were glad to have that security.

Mr. MCPHERSON. Mr. President——

Mr. TELLER. I will conclude my remarks and the Senator can make his afterward.

Mr. MCPHERSON. Only one word.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. I will for a moment, but not for an extended speech, because I agreed not to detain the Senate.

Mr. MCPHERSON. I promise not to interrupt the Senator again; but what the Senator from Kentucky has said requires an answer right in this connection. Does the Senator from Kentucky say that the vast amount of gold, of which he speaks, was sent from the West to the subtreasury in New York and deposited there for the purpose of getting silver certificates?

Mr. BECK. I do.

Mr. MCPHERSON. Let me tell the Senator exactly what was done. The Senator knows very well that for a long time past there has been a large increase of the gold reserve in the banks of New York. They have been apprehending exactly such trouble as is now being forced on the country by the continuance of silver coinage. What do they do? They have deposited their gold in the subtreasury of New York; the original certificate has been sent to the Treasury at Washington, and a silver certificate has been issued upon that and charged against the silver in the Treasury. Now, then, what becomes of the certificate? At a certain time when a vast amount of currency is needed at different places in the West to move the crops, as the Treasury itself agrees and takes upon itself the responsibility and cost of transporting these certificates to the West without cost to the bankers, the bankers then trade silver certificates for exchange. Why? Because they needed exchange. All the West and South needed currency. The bankers bring the exchange to New York and recoup themselves out of the exchange there. In other words, the banker makes a handsome financial transaction by depositing his gold, which he did not wish to use, for the purpose of getting certificates and making a profit between exchange and certificates.

Mr. TELLER. I will not yield any longer.

The PRESIDING OFFICER. The Senator from Colorado declines to yield.

Mr. BECK. One word and I am done. The Secretary shows that in the first month after the order of September, 1880, from New Orleans, Saint Louis, Chicago, and Cincinnati, $3,485,000 were sent to New York in gold and silver certificates taken, and the next year $66,000,000 received in all, when they stopped the allowance of it, and the Senator from New Jersey was then predicting what would happen some time between now and the final dissolution of things.

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] is in possession of the floor.

Mr. TELLER. I did not intend to detain the Senate to any great length. I am not responsible for colloquy that has passed on the other side of the Chamber.

I was proceeding to say, when interrupted, that I had heard the identical argument in 1878 which is now being presented, that there is great danger ahead. It was declared that the danger would be just as great the moment we authorized the issue of silver dollars as it would be at any other time. It was asserted here by all the enemies of the silver dollar that the very fact that we passed such a bill would ruin the credit of the Government. And now the Senator from New Jersey says that the bankers have been hoarding their gold anticipating just such trouble as now exists in the financial world. I challenge the Senator, with all his great financial learning, to show me that there has ever been a time in the history of this country from the very moment that we began to administer public affairs to this hour when there has been so satisfactory a financial condition as there is to-day. There is more gold in the country among the people, there is more in the banks, there is more of everything that goes to make a country rich and prosperous than there ever was at any other time; and there is no pretense, outside of banks and bankers and brokers and the Treasury Department, that there is a financial panic ahead.

Mr. MAXEY rose.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. For a moment.

Mr. MAXEY. It was predicted that the opening of the discussion on silver in December last would have the effect of depreciating the credit of the Government, lower the price of bonds, and cause the export of gold. What is the fact? The credit of the Government never was better, bonds never higher, and the little "ring" fixed up to export gold last December in order to produce an effect was a dead failure.

Mr. TELLER. On an average, every month since the bill of 1878 was passed there has come to this country $5,000,000 more of gold than has gone out, besides what we have coined; and yet Senators, whose great financial knowledge, I suppose, comes from the fact that they are members of the Committee on Finance—for they show it in no other way, I am certain—stand up here and talk about the danger that is threatened and that the bankers have been getting themselves ready for this financial disaster! The bankers have put in their vaults since 1878 from $22,000,000 to $175,000,000 of gold, not because they needed it, not because they anticipated trouble, but because they believed it would appreciate whenever they could break down silver coinage; and the honorable Senator from New Jersey has been the champion of those people on this floor. It was he who introduced the bill for the repeal of silver coinage. It was that side of the question, that class of persons who introduced this discussion here, and not the silver men of the West or the South.

Now, Mr. President, I am not going into any extensive discussion. I did not mean to speak three minutes when I got up. The honorable Senator from Vermont alluded, I think in a very unkind way, to the men who advocate silver as if they were repudiationists, and as if they had some latent, hidden design to destroy the credit of the Government. Why, Mr. President, that is an unfair argument on this floor. Each Senator here is presumed by law, and he ought to be presumed otherwise, to be equally patriotic with any other; and I, for the people whom I represent, repudiate any idea that we want to scale public or private debts. We are as loyal to the Government, to its honor, to its integrity, as any people in the world. We gave to the Government, to save it in its hour of distress, more men in proportion to our population than any State in the Union. We are just as loyal as the people of Vermont; we have the same interest in the stability and integrity of the United States that they have; but we have been educated in a school which teaches us that there are other men who have rights besides the men who hold the credits. I do not care whether it be said that the laborer is the creditor or who it may be, the man who has contracted to pay has contracted an obligation that he is bound to fulfill to the letter, and the man who has contracted to receive it is under the same obligation to receive it to the letter. When we said the bonds were payable in coin and the present holders took them, they took them to be paid in silver, if we did not have gold, or if the Government preferred. It is neither dishonest nor impolitic, and I am, with the Senator from Kentucky, in favor of keeping the good faith of the Government and paying the bonds according to the spirit of the law.

HOUSE BILL REFERRED.

The joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana was read twice by its title, and referred to the Committee on Appropriations.

COUNTING OF ELECTORAL VOTES.

Mr. EDMUNDS. I call for the regular order.

The PRESIDING OFFICER. The Senator from Vermont calls for the regular order, which will be stated by the Secretary.

The CHIEF CLERK. "A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon."

Mr. EDMUNDS. Now I yield to the Senator from South Carolina.

Mr. SHERMAN. I desire to take the floor on the electoral-count bill.

Mr. EDMUNDS. Pending which I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and ten minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received the 20th day of January, 1886.

ASSISTANT TREASURER.

Charles J. Canda, of New York, to be assistant treasurer of the United States at New York city, State of New York, *vice* John Bigelow, who has declined the appointment.

INDIAN AGENT.

Peter Gallagher, of Wytheville, Va., to be agent for the Indians of the Fort Hall agency in Idaho, in place of Abial L. Cook, whose term of office expired January 17, 1886.

NAVAL LIEUTENANTS.

Lieut. Walter C. Cowles, junior grade, a resident of Connecticut, to be a lieutenant in the Navy, from the 1st December, 1885, *vice* Lieut. R. E. Impey, promoted.

Lieut. Austin M. Knight, junior grade, a resident of Florida, to be a lieutenant in the Navy, from the 19th December, 1885, *vice* Lieut. C. H. Judd, retired.

Lieut. Clinton H. Lyeth, junior grade, a resident of West Virginia, to be a lieutenant in the Navy, from the 1st January, 1886, *vice* Lieut. E. W. Remey, dropped from the rolls.

Lieut. Charles J. Badger, junior grade, a resident of the District of Columbia, to be a lieutenant in the Navy, from the 5th January, 1886, *vice* Lieut. H. T. Stockton, retired.

Ensign Walter McLean, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 1st December, 1885, *vice* Lieut. T. B. Howard and W. C. Cowles, promoted.

Ensign Washington I. Chambers, a resident of New York, to be a lieutenant, junior grade, in the Navy, from the 1st January, 1886, *vice* Lieuts. A. M. Knight and C. H. Lyeth, promoted.

[All of the foregoing have been examined for promotion, according to law, and have been found qualified, with the exception of Lieut. C. H. Lyeth, who is now absent abroad on duty. He will be required to pass his examination before receiving his commission.]

MARINE CORPS.

First Lieut. D. Pratt Mannix, of the Marine Corps, a resident of Ohio, to be a captain in said corps, from the 19th of December, 1885, *vice* Capt. F. C. Corrie, retired.

Second Lieut. Howard K. Gilman, of the Marine Corps, a resident of Maine, to be a first lieutenant in said corps, from the 19th of December, 1885, *vice* First Lieut. D. P. Mannix, promoted.

SECRETARY OF LEGATION AND CONSUL-GENERAL.

D. Lynch Pringle, of South Carolina, to be secretary of legation in Central American States and consul-general at Guatemala, *vice* H. Remsen Whitehouse, resigned.

NOMINATION WITHDRAWN.

The nomination of D. Lynch Pringle, to be secretary of legation, &c., which was delivered to the Senate December 10, 1885.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 20, 1866.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

Capt. Henry J. Farnsworth, of the Eighth Regiment of Cavalry, to be inspector-general, with the rank of major, September 22, 1885.

Lieut. Col. Joseph C. Breckinridge, inspector-general, to be inspector-general, with the rank of colonel, September 22, 1885.

Maj. Edward M. Heyl, inspector-general, to be inspector-general, with the rank of lieutenant-colonel, September 22, 1885.

QUARTERMASTER'S DEPARTMENT.

First Lieut. Francis B. Jones, regimental quartermaster Third Infantry, to be assistant quartermaster, with the rank of captain, April 16, 1885.

Maj. Charles A. Reynolds, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel, April 9, 1885.

Capt. Gilbert C. Smith, assistant quartermaster, to be quartermaster, with the rank of major, April 9, 1885.

ORDNANCE DEPARTMENT.

Capt. James W. Reilly, to be major, May 9, 1885.

First Lieut. Marcus W. Lyon, to be captain May 9, 1885.

First Lieut. Charles W. Whipple to be captain, May 9, 1885, having served fourteen years continuously as lieutenant (section 1207, Revised Statutes).

First Lieut. Andrew H. Russell, to be captain, June 12, 1885, having served fourteen years continuously as lieutenant (section 1207, Revised Statutes).

Second Lieut. Sidney E. Stuart, of the First Regiment of Artillery, to be first lieutenant in the Ordnance Department, August 6, 1885.

FIRST REGIMENT OF CAVALRY.

Lieut. Col. Nathan A. M. Dudley, of the Ninth Cavalry, to be colonel, June 6, 1885.

Capt. Henry Carroll, of the Ninth Cavalry, to be major, July 3, 1885.

SECOND REGIMENT OF CAVALRY.

Maj. John Green, of the First Cavalry, to be lieutenant-colonel, July 3, 1885.

Capt. Frank T. Bennett, of the Ninth Cavalry, to be major, June 6, 1885.

FIFTH REGIMENT OF CAVALRY.

First Lieut. Earl D. Thomas, to be captain, April 1, 1885, *vice* Volkmar, who resigns his line commission only.

Second Lieut. Fred. W. Foster, to be first lieutenant, April 1, 1885.

SEVENTH REGIMENT OF CAVALRY.

First Lieut. George D. Wallace, to be captain, September 23, 1885, *vice* Nave, retired from active service.

Second Lieut. Edwin P. Brewer, to be first lieutenant, September 23, 1885.

EIGHTH REGIMENT OF CAVALRY.

First Lieut. Harrison S. Weeks, to be captain, April 4, 1885.

First Lieut. Henry W. Sprole, to be captain, July 23, 1885.

Second Lieut. Henry F. Kendall, to be first lieutenant, April 4, 1885.

Second Lieut. William A. Shunk, to be first lieutenant, July 23, 1885.

NINTH REGIMENT OF CAVALRY.

Maj. James S. Brisbin, of the Second Cavalry, to be lieutenant-colonel, June 6, 1885.

First Lieut. Martin B. Hughes, to be captain, June 6, 1885.

First Lieut. Clarence A. Stedman, to be captain, July 3, 1885.

Second Lieut. George R. Burnett, to be first lieutenant, June 6, 1885.

Second Lieut. Alton H. Budlong, to be first lieutenant, July 3, 1885.

TENTH REGIMENT OF CAVALRY.

Second Lieut. Millard F. Eggleston, to be first lieutenant, April 30, 1885.

FIRST REGIMENT OF ARTILLERY.

Second Lieut. David Price, to be first lieutenant, July 1, 1885.

SECOND REGIMENT OF ARTILLERY.

Capt. William Sinclair, of the Third Artillery, to be major, April 6, 1885.

Second Lieut. Hamilton Rowan, to be first lieutenant, March 28, 1885.

THIRD REGIMENT OF ARTILLERY.

First Lieut. William A. Kobbé, to be captain, April 6, 1885.

Second Lieut. George P. Scriven, to be first lieutenant, April 6, 1885.

FOURTH REGIMENT OF ARTILLERY.

Second Lieut. John T. French, jr., to be first lieutenant, September 23, 1885.

FIFTH REGIMENT OF ARTILLERY.

Second Lieut. William W. Galbraith, to be first lieutenant, September 23, 1885.

Second Lieut. Solon F. Massey, to be first lieutenant, October 31, 1885.

FIRST REGIMENT OF INFANTRY.

First Lieut. Matthew Markland, to be captain, September 23, 1885.

Second Lieut. Lewis H. Strother, to be first lieutenant, September 23, 1885.

SECOND REGIMENT OF INFANTRY.

Maj. Joshua S. Fletcher, jr., of the Twenty-third Infantry, to be lieutenant-colonel, July 10, 1885.

Capt. Edmund Butler, of the Fifth Infantry, to be major, October 8, 1885.

THIRD REGIMENT OF INFANTRY.

First Lieut. William Krause, to be captain, July 1, 1885.

First Lieut. William C. Bartlett, to be captain, September 12, 1885.

Second Lieut. Arthur Williams, to be first lieutenant, March 26, 1885.

Second Lieut. William C. Buttler, to be first lieutenant, April 16, 1885.

Second Lieut. Frank P. Avery, to be first lieutenant, July 1, 1885.

Second Lieut. William E. P. French, to be first lieutenant, September 12, 1885.

FOURTH REGIMENT OF INFANTRY.

Capt. Jacob F. Kent, of the Third Infantry, to be major, July 1, 1885.

FIFTH REGIMENT OF INFANTRY.

First Lieut. Henry Romeyn, to be captain, July 10, 1885.

First Lieut. Theodore F. Forbes, regimental quartermaster, to be captain, October 8, 1885.

Second Lieut. Joseph M. T. Partello, to be first lieutenant, July 10, 1885.

Second Lieut. Thomas M. Defrees, to be first lieutenant, October 14, 1885.

SEVENTH REGIMENT OF INFANTRY.

Lieut. Col. Henry C. Merriam, of the Second Infantry, to be colonel, July 10, 1885.

First Lieut. Allan H. Jackson, to be captain, November 14, 1885.

Second Lieut. Daniel A. Frederick, to be first lieutenant, November 14, 1885.

EIGHTH REGIMENT OF INFANTRY.

Second Lieut. John J. Haden, to be first lieutenant, April 8, 1885.

TENTH REGIMENT OF INFANTRY.

Lieut. Col. Henry Douglass, of the Fourteenth Infantry, to be colonel, July 1, 1885.

ELEVENTH REGIMENT OF INFANTRY.

Capt. John H. Page, of the Third Infantry, to be major, September 12, 1885.

First Lieut. John Whitney, to be captain, October 9, 1885.

Second Lieut. William H. Wheeler, to be first lieutenant, October 9, 1885.

THIRTEENTH REGIMENT OF INFANTRY.

Capt. Duncan M. Vance, of the Sixteenth Infantry, to be major, June 28, 1885.

FOURTEENTH REGIMENT OF INFANTRY.

Maj. Isaac D. DeRussy, of the Fourth Infantry, to be lieutenant-colonel, July 1, 1885.

FIFTEENTH REGIMENT OF INFANTRY.

First Lieut. Cyrus M. DeLong, to be captain, September 23, 1885.

Second Lieut. James A. Maney, to be first lieutenant, September 23, 1885.

SIXTEENTH REGIMENT OF INFANTRY.

First Lieut. William V. Richards, regimental quartermaster, to be captain, June 28, 1885.

Second Lieut. Samuel W. Dunning, to be first lieutenant, July 1, 1885.

TWENTIETH REGIMENT OF INFANTRY.

Maj. Leslie Smith, of the Second Infantry, to be lieutenant-colonel, October 8, 1885.

TWENTY-FIRST REGIMENT OF INFANTRY.

First Lieut. Frederick H. E. Ebstein, to be captain, April 1, 1885.

Second Lieut. Solomon E. Sparrow, to be first lieutenant, April 1, 1885.

TWENTY-THIRD REGIMENT OF INFANTRY.

Capt. Samuel Ovenshine, of the Fifth Infantry, to be major, July 10, 1885.

Second Lieut. S. Allen Dyer, to be first lieutenant, April 10, 1885.

TWENTY-FIFTH REGIMENT OF INFANTRY.

Maj. James J. Van Horn, of the Thirteenth Infantry, to be lieutenant-colonel, June 28, 1885.

TO BE SECOND LIEUTENANTS.

Signal Corps.

Sergt. James Mitchell, of the Signal Service, August 15, 1885, to fill an original vacancy.

Sergt. Frank W. Ellis, of the Signal Service, August 15, 1885, to fill an original vacancy.

Eighth Regiment of Cavalry.

First Sergt. Charles W. Farber, Troop H, Eighth Cavalry, August 15, 1885.

Tenth Regiment of Infantry.

Sergt. Evan M. Johnson, jr. (who served under the name of James Scarlet), Company F, Tenth Infantry, August 25, 1885.

SEVENTH REGIMENT OF CAVALRY.

Class rank.

12. Cadet Lorenzo P. Davison.

CORPS OF ENGINEERS.

1. Cadet Joseph E. Kuhn.
2. Cadet William E. Craighill.

FIRST REGIMENT OF CAVALRY.

17. Cadet Willard A. Holbrook.
32. George L. Byram.

SECOND REGIMENT OF CAVALRY.

26. Cadet Robert E. L. Michie.

FOURTH REGIMENT OF CAVALRY.

11. Cadet Robert A. Brown.
21. Cadet Frank A. Cook.

FIFTH REGIMENT OF CAVALRY.

14. Cadet John M. Carson, jr.

SIXTH REGIMENT OF CAVALRY.

24. Cadet Lewis M. Koehler

NINTH REGIMENT OF CAVALRY.

31. Cadet Philip A. Bettens, jr.
36. Cadet James W. Benton.

TENTH REGIMENT OF CAVALRY.

38. Cadet Herbert S. Whipple.

FIRST REGIMENT OF ARTILLERY.

13. Cadet Elmer W. Hubbard.

SECOND REGIMENT OF ARTILLERY.

4. Cadet Cornélis De W. Willcox.
6. Cadet Arthur F. Curtis.
10. Cadet Charles F. Parker.

THIRD REGIMENT OF ARTILLERY.

9. Cadet John D. Barrette.
19. Cadet John K. Cree.

FOURTH REGIMENT OF ARTILLERY.

7. Cadet John C. W. Brooks.

SECOND REGIMENT OF INFANTRY.

35. Cadet Charles D. Towsley.

THIRD REGIMENT OF INFANTRY.

5. Cadet Haydn S. Cole.
20. Cadet Henry P. McCain.

FOURTH REGIMENT OF INFANTRY.

15. Cadet Austin H. Brown.

FIFTH REGIMENT OF INFANTRY.

34. Cadet Edward R. Gilman.

EIGHTH REGIMENT OF INFANTRY.

28. Cadet Samuel E. Smiley.

NINTH REGIMENT OF INFANTRY.

18. Cadet Frank De W. Ramsey.

TENTH REGIMENT OF INFANTRY.

27. Cadet Robert L. Bullard.

THIRTEENTH REGIMENT OF INFANTRY.

3. Cadet Michael J. O'Brien.
22. Cadet William S. Biddle, jr.
39. Cadet Edward P. Lawton.

SIXTEENTH REGIMENT OF INFANTRY.

30. Cadet Beaumont B. Buck.
33. Cadet George I. Putnam.

SEVENTEENTH REGIMENT OF INFANTRY.

8. Cadet Charles H. Muir.

TWENTY-FIRST REGIMENT OF INFANTRY.

16. Cadet Almon L. Parmenter.

TWENTY-THIRD REGIMENT OF INFANTRY.

29. Cadet Daniel B. Devore.

TWENTY-FOURTH REGIMENT OF INFANTRY.

23. Cadet John Little.
25. Cadet George S. Cartwright.

TWENTY-FIFTH REGIMENT OF INFANTRY.

37. Cadet William F. Martin.

FIRST ASSISTANT POSTMASTER-GENERAL.

Adlai E. Stevenson, of Illinois, to be First Assistant Postmaster-General.

SECOND AUDITOR OF THE TREASURY.

William A. Day, of Illinois, to be Second Auditor of the Treasury.

THIRD AUDITOR OF THE TREASURY.

John S. Williams, of Indiana, to be Third Auditor of the Treasury.

FIFTH AUDITOR OF THE TREASURY.

Anthony Eickhoff, of New York, to be Fifth Auditor of the Treasury.

DEPUTY FIRST COMPTROLLER.

John R. Garrison, of Virginia, to be deputy first comptroller of the Treasury.

SECOND COMPTROLLER.

Isaac H. Maynard, of New York, to be Second Comptroller of the Treasury.

SUPERINTENDENT OF THE PHILADELPHIA MINT.

Daniel M. Fox, of Pennsylvania, to be superintendent of the mint of the United States at Philadelphia, in the State of Pennsylvania.

CHIEF-JUSTICE OF DAKOTA.

Bartlett Tripp, of Dakota, to be chief-justice of the supreme court of the Territory of Dakota.

ASSOCIATE JUSTICE OF DAKOTA.

William B. McConnell, of Dakota, to be associate justice of the supreme court of the Territory of Dakota.

ATTORNEYS OF THE UNITED STATES.

James H. Hawley, of Idaho, to be attorney of the United States for the Territory of Idaho.

John C. Wickliff, of Kentucky, to be attorney of the United States for the district of Kentucky.

SURVEYOR-GENERAL OF COLORADO.

James A. Dawson, of Denver, Colo., to be surveyor-general of Colorado.

APPRAISERS OF MERCHANDISE.

Edward R. Pierce, of Maine, to be appraiser of merchandise in the district of Portland and Falmouth, in the State of Maine.

Albert B. Stearns, of Massachusetts, to be appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

Cornelius S. Schenck, of Oregon, to be appraiser of merchandise in the district of Willamette, in the State of Oregon.

CONSULS-GENERAL OF THE UNITED STATES.

John Cardwell, of Austin, Tex., to be agent and consul-general of the United States at Cairo.

James W. Porch, of Saint Joseph, Mo., to be consul-general of the United States at the city of Mexico.

Benjamin F. Bonham, of Salem, Oreg., to be consul-general of the United States at Calcutta.

CONSULS.

George B. Goodwin, of Boston, Mass., to be consul of the United States at Annaberg.

J. C. Monoghan, of Providence, R. I., to be consul of the United States at Mannheim.

Frank W. Roberts, of Biddeford, Me., to be consul of the United States at Coaticook.

Willis Y. Patch, of Bangor, Me., to be consul of the United States at St. Stephen, N. B.

Thomas E. Heenan, of Morris, Minn., to be consul of the United States at Odessa.

Preston L. Bridgers, of North Carolina, to be consul of the United States at Montevideo.

William D. Wamer, of Charleston, S. C., formerly consul at Dusseldorf, to be consul of the United States at Cologne.

Madison Allen Lybrook, of Indiana, to be consul of the United States at Algiers.

William A. Garesché, of Saint Louis, Mo., to be consul of the United States at Martinique.

COLLECTORS OF CUSTOMS.

Willis G. Clark, of Alabama, to be collector of customs for the district of Mobile, in the State of Alabama.

John C. Byxbee, of Connecticut, to be collector of customs for the district of New Haven, in the State of Connecticut.

Benjamin R. Tate, of Connecticut, to be collector of customs for the district of New London, in the State of Connecticut.

Walter Goddard, of Connecticut, to be collector of customs for the district of Fairfield, in the State of Connecticut.

Alpheus A. Hanscom, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire.

Richard T. Rundlett, of Maine, to be collector of customs for the district of Wiscasset, in the State of Maine.

Jacob E. Dart, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia.

John Flanagan, of Oregon, to be collector of customs for the southern district of Oregon, in the State of Oregon.

John Hobson, of Oregon, to be collector of customs for the district of Oregon, in the State of Oregon.

RECEIVERS OF PUBLIC MONEYS.

Ariel C. Jones, of Roseburg, Oreg., to be receiver of public moneys at Roseburg, Oreg.

William M. Townsend, of La Fayette, Oreg., to be receiver of public moneys at Lakeview, Oreg.

POSTMASTERS.

Burritt B. Breed, to be postmaster at Lisbon, in the county of Ransom and Territory of Dakota.

Cornelius Carr, to be postmaster at Woonsocket, in the county of Sanborn and Territory of Dakota.

Ransom Nutting, to be postmaster at Decatur, in the county of Van Buren and the State of Michigan.

George W. Statler, to be postmaster at Mansfield, in the county of Richland and State of Ohio.

R. J. Piatt, to be postmaster at West Liberty, in the county of Logan and State of Ohio.

Frank A. Mitchell, to be postmaster at Menominee, in the county of Menominee and State of Michigan.

Willard P. Carr, to be postmaster at Sioux Falls, in the county of Minnehaha and Territory of Dakota.

Charles Jenney, to be postmaster at Camden, in the county of Camden and State of New Jersey.

Russell Chapman, to be postmaster at San Rafael, Marion County, California.

John T. Wrinkle, to be postmaster at Plattsburgh, in the county of Clinton and State of Missouri.

Charles J. Walden, to be postmaster at Fayette, in the county of Howard and State of Missouri.

William H. Tatum, to be postmaster at Glasgow, in the county of Howard and State of Missouri.

Benjamin B. Smith, to be postmaster at Chilicothe, in the county of Livingston and State of Missouri.

George M. Shelley, to be postmaster at Kansas City, in the county of Jackson and State of Missouri.

Thomas M. Shelton, to be postmaster at Windsor, in the county of Henry and State of Missouri.

Henry P. Renick, to be postmaster at Holden, in the county of Johnson and State of Missouri.

Newton J. Price to be postmaster at Neosho, in the county of Newton and State of Missouri.

Edward D. Porter, to be postmaster at Joplin, in the county of Jasper and State of Missouri.

Enoch A. McLeod, to be postmaster at Palmyra, in the county of Marion and State of Missouri.

Norman E. Ives, to be postmaster at Marion, in the county of Linn and State of Iowa.

Paul Dowlin, to be postmaster at Greenfield, in the county of Adair and State of Iowa.

Samuel M. Childs, to be postmaster at Atlantic, in the county of Cass and State of Iowa.

T. S. Brokaw, to be postmaster at Mount Vernon, in the county of Linn and State of Iowa.

Annie Brennock, to be postmaster at Dunlap, in the county of Harrison and State of Iowa.

Jacob L. Bake, to be postmaster at Red Oak, in the county of Montgomery and State of Iowa.

L. L. Manghs, to be postmaster at Denison, Grayson County, Texas.

George B. Gerald, to be postmaster at Waco, McLennan County, Texas.

W. J. F. Ross, to be postmaster at Waxahachie, Ellis County, Texas.

William H. Harry, to be postmaster at Watseka, Iroquois County, Illinois.

J. S. R. Scoville, to be postmaster at Morris, Grundy County, Illinois.

William Osman, to be postmaster at Ottawa, in the county of La Salle and State of Illinois.

Edwin S. Hawley, to be postmaster at Hyde Park, in the county of Cook and State of Illinois.

Bazel D. Meek, to be postmaster at Eureka, in the county of Woodford and State of Illinois.

Frank W. Havill, to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois.

John H. Golden, to be postmaster at Minonk, in the county of Woodford and State of Illinois.

Andrew Borders, to be postmaster at Sparta, in the county of Randolph and State of Illinois.

A. J. Greenfield, to be postmaster at Oil City, in the county of Venango and State of Pennsylvania.

William R. Dawson, to be postmaster at Tidioute, in the county of Warren and State of Pennsylvania.

Samuel H. Smith, to be postmaster at Oxford, in the county of Chester and State of Pennsylvania.

George Schall, to be postmaster at Norristown, in the county of Montgomery and State of Pennsylvania.

John G. Randall, to be postmaster at Doylestown, in the county of Bucks and State of Pennsylvania.

M. S. Longaker, to be postmaster at Pottstown, in the county of Montgomery and State of Pennsylvania.

John Haviland, to be postmaster at Phœnixville, in the county of Chester and State of Pennsylvania.

Mrs. Mary H. S. Long, to be postmaster at Charlottesville, in the county of Albemarle and State of Virginia.

Peter A. Reed, to be postmaster at Tyrone, in the county of Blair and State of Pennsylvania.

John B. Larkin, to be postmaster at Pittsburgh, in the county of Allegheny and State of Pennsylvania.

George T. Gross, to be postmaster at Allentown, in the county of Lehigh and State of Pennsylvania.

Daniel W. Connolly, to be postmaster at Scranton, in the county of Lackawanna and State of Pennsylvania.

Ezra Evans, to be postmaster at West Chester, in the county of Chester and State of Pennsylvania.

J. K. Coffroth, to be postmaster at Somerset, in the county of Somerset and State of Pennsylvania.

John J. Simmler, to be postmaster at San Louis Obispo, San Louis Obispo County, California.

Alfred R. Story, to be postmaster at Dixon, in the county of Solano, in the State of California.

W. J. Thomasson, to be postmaster at Gilroy, in the county of Santa Clara and State of California.

Susman Mitchell, to be postmaster at Visalia, in the county of Tulare and State of California.

Robert J. Chilton, to be postmaster at Santa Ana, in the county of Los Angeles and State of California.

Jacob Van de Grift, to be postmaster at Riverside, in the county of San Bernardino and State of California.

G. W. Jorres, to be postmaster at San Diego, in the county of San Diego and State of California.

Edward A. Pueschel, to be postmaster at Bakersfield, in the county of Kern and State of California.

Benjamin R. English, to be postmaster at New Haven, in the county of New Haven and State of Connecticut.

William B. Hall, to be postmaster at Wallingford, in the county of New Haven and State of Connecticut.

John L. Lindley, to be postmaster at Ansonia, in the county of New Haven and State of Connecticut.

Albert B. Page, to be postmaster at Houlton, in the county of Aroostook and State of Maine.

Delance Young, to be postmaster at Auburn, in the county of Androscoggin and State of Maine.

John L. Rice, to be postmaster at Springfield, in the county of Hampden and State of Massachusetts.

Frank H. Daniells, to be postmaster at Franklin Falls, in the county of Merrimac and State of New Hampshire.

Richard H. Piatt, to be postmaster at Napa City, in the county of Napa and State of California.

Charles R. Vance, to be postmaster at Saint Helena, in the county of Napa and State of California.

George Beck, to be postmaster at Livermore, in the county of Alameda and State of California.

Albert O. Bristol, to be postmaster at Pasadena, in the county of Los Angeles and State of California.

Bartholomew Tristram, to be postmaster at Marion, in the county of Marion and State of Ohio.

Jacob J. Zeller, to be postmaster at Ottawa, in the county of Putnam and State of Ohio.

S. N. McCloud, to be postmaster at Marysville, in the county of Union and State of Ohio.

J. T. Burns, to be postmaster at Dayton, in the county of Columbia and Territory of Washington.

Daniel Stewart, to be postmaster at Walla Walla, in the county of Walla Walla and Territory of Washington.

Isaac W. Bush, to be postmaster at Howell, in the county of Livingston and State of Michigan.

William J. Edwards, to be postmaster at Niles, in the county of Berrien and State of Michigan.

Fred A. Stebbins, to be postmaster at Mount Pleasant, in the county of Isabella and State of Michigan.

George Haumesser, to be postmaster at Wauseon, in the county of Fulton and State of Ohio.

A. A. Lewis, to be postmaster at Gallatin, Sumner County, Tennessee.

James B. Tolliver, to be postmaster at Lebanon, Wilson County, Tennessee.

J. B. Cook, to be postmaster at Kenton, in the county of Hardin and State of Ohio.

Charles W. Roby, to be postmaster at Portland, in the county of Multnomah and State of Oregon.

John C. Bell, to be postmaster at Astoria, in the county of Clatsop and State of Oregon.

Hermon A. Pettingill, to be postmaster at Peterborough, in the county of Hillsborough and State of New Hampshire.

John Ryan, to be postmaster at Anaconda, in the county of Deer Lodge and Territory of Montana.

John F. Wedow, to be postmaster at Marine City, in the county of Saint Clair and State of Michigan.

Edwin S. Smith, to be postmaster at South Haven, in the county of Van Buren and State of Michigan.

C. E. Resseguie, to be postmaster at Ludington, in the county of Mason and State of Michigan.

Marshall P. Maxon, to be postmaster at Union City, in the county of Branch and State of Michigan.

William A. Lewis, to be postmaster at Evart, in the county of Osceola and State of Michigan.

Byron Bradley, to be postmaster at Reed City, in the county of Osceola and State of Michigan.

Charles A. Bowles, to be postmaster at Otsego, in the county of Allegan and State of Michigan.

Charles H. Adams, to be postmaster at Allegan, in the county of Allegan and State of Michigan.

Lucius M. Thomas, to be postmaster at Watertown, in the county of Codington and Territory of Dakota.

Michael P. Slattery, to be postmaster at Bismarck, in the county of Burleigh and Territory of Dakota.

John D. Pratt, to be postmaster at Ipswich, in the county of Edmunds and Territory of Dakota.

George T. Lashell, to be postmaster at Larimore, in the county of Grand Forks and Territory of Dakota.

Francis G. Horton, to be postmaster at Ellendale, in the county of Dickey and Territory of Dakota.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 20, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D D.

The Journal of the proceedings of yesterday were read and approved.

CLAIM OF ELIZABETH CARSON.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Quartermaster-General upon the claim of Elizabeth Carson and recommending its payment; which was referred to the Committee on War Claims, and ordered to be printed.

REPORT OF WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the president of the Washington and Georgetown Railroad Company, transmitting the annual report of receipts and disbursements for the fiscal year ended June 30, 1885; which was referred to the Committee on the District of Columbia, and ordered to be printed.

RED CLOUD AND RED LEAF INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation to pay the Red Cloud and Red Leaf bands of Sioux Indians in Dakota for ponies taken by the military in 1876; which was referred to the Committee on Indian Affairs, and ordered to be printed.

SALARIES OF UNITED STATES DISTRICT JUDGES.

The SPEAKER also laid before the House a bill (S. 6) fixing the salaries of the several judges of the United States district courts at $5,000 per annum, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MANAGER NATIONAL HOME FOR DISABLED VOLUNTEERS.

The SPEAKER also laid before the House a joint resolution (S. R. 31) appointing John F. Hartranft a manager of the National Home for Disabled Volunteer Soldiers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WITHDRAWAL OF A BILL.

Mr. LONG, by unanimous consent, obtained leave to withdraw a bill (H. R. 1086) for the relief of John Dolan, a similar bill having been already introduced.

LEAVE OF ABSENCE.

Mr. SCRANTON, by unanimous consent, was granted leave of absence for the remainder of this week, on account of important business.

PRINTING FOR COMMITTEE ON WAYS AND MEANS.

Mr. BARKSDALE. Mr. Speaker, I am directed by the Committee on Printing to submit a privileged report, which I send to the Clerk's desk to be read.

The Clerk read as follows:

The Committee on Printing, to whom was referred the following resolution, have considered the same, and have instructed me to make a favorable report thereon and to recommend its passage:

Resolved, That the Committee on Ways and Means be authorized to have printed and bound such papers and documents for the use of said committee as it may deem necessary in connection with subjects considered by the committee during the present Congress.

Mr. BARKSDALE. I move the adoption of the resolution.

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING FOR THE COMMITTEE ON LABOR.

Mr. BARKSDALE, from the Committee on Printing, also submitted the following privileged report:

The Committee on Printing, to whom was referred the accompanying resolution, have had the same under consideration, and have instructed me to report it favorably and to recommend its passage:

Resolved, That the Committee on Labor are hereby authorized to have printed such letters or circulars as they may deem necessary for the obtaining of information for the use of the committee.

Mr. BARKSDALE. I move the adoption of the resolution.

The resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ASSISTANT FOLDER IN SEAL-ROOM.

Mr. SPOONER. Mr. Speaker, I am instructed by the Committee on Accounts to submit a privileged report and ask its immediate consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Accounts, to whom was referred the following resolution of Mr. HENDERSON, of Illinois—

"*Resolved*, That the Doorkeeper be authorized to employ James D. Ryan as assistant folder in the seal-room, and pay him at the rate of $2.50 per day out of the contingent fund of the House until further ordered"—

have considered the same, and respectfully report the following substitute and recommend its adoption:

"*Resolved*, That the Doorkeeper be authorized to employ James D. Ryan as assistant folder in the seal-room of the House at the rate of $2.50 per day during the present session, to be paid out of the contingent fund of the House."

Mr. SPOONER. Mr. Speaker, I would state, for the information of the House, that the seal-room is the room in the rear of the House, where documents are folded for immediate use and dispatch. This resolution proposes to employ the same young man as assistant folder who was employed in that capacity in the last Congress. The Committee on Accounts think the employment of this additional folder is a necessary provision for the convenience of members of the House. I move the adoption of the resolution.

Mr. REAGAN. Mr. Speaker, I wish to make a suggestion. I submit that the Doorkeeper is the proper person to appoint these folders. It seems to me the House of Representatives is falling below its proper function when it undertakes to do a matter of this kind. I object to this House undertaking to supersede the proper authority of the officers of the House and appoint their subordinates. These principal officers whom we select are responsible for their subordinates; we hold them accountable for their conduct. I move, therefore, to amend this resolution by striking out so much as names the person to be appointed, and by inserting a provision that the Doorkeeper appoint an additional folder if necessary.

Mr. SPOONER. In reply to the suggestion of the gentleman from Texas [Mr. REAGAN], I will say that formerly there were two men employed in the performance of this duty in the seal-room. During the Forty-eighth Congress it was found that the employment of this young man at a less salary than had been paid would secure the efficient performance of the service in that room. Hence the employment of this young man was in the line of economy. He has given perfect satisfaction, I doubt not, to the Doorkeeper as well as to all having business in that room.

Mr. REAGAN. I wish to add a word to what I have already stated. Whenever we undertake to appoint by a vote of the House subordinate officers the object, I take it for granted, is to confer a personal favor on some particular individual. We ought to act with reference to the good of the public service, and not undertake to pension our friends upon the House. If we permit the Doorkeeper to judge when he needs help and allow him to select the men for whose conduct he is to be responsible, we are likely to have efficient service; but when we undertake to appoint these subordinate officers, whether they are needed or not, we may accommodate friends, but we may not be serving the public. I trust we shall amend the resolution as I have proposed.

Mr. SPOONER. I assure the gentleman from Texas that there is no design on the part of the committee to favor any particular person by this appointment, but merely to secure the selection of a young man who has shown himself to be abundantly able to perform the duties required, and who discharges them at less salary than has been paid for the same service.

Mr. REAGAN. If he has performed his duty, the Doorkeeper knows it better than does this House or that committee.

Mr. DOCKERY. Mr. Speaker, I trust the gentleman from Rhode Island [Mr. SPOONER], who has this resolution in charge, will accept the amendment of the gentleman from Texas. I fully sympathize with the declaration made by the gentleman from Rhode Island in behalf of the committee that the committee had no desire to display any favoritism. The gentleman who originally introduced the resolution named this young man, I suppose, for the reason stated by the gentleman from Rhode Island, that he had displayed conspicuous ability in this service in the last Congress. But it seems to me the objection made by the gentleman from Texas is well taken. This House ought not to undertake to designate any particular person as a subordinate in any branch of our service. I think that the amendment proposed by the gentleman from Texas will be acceptable to the House, and that the Doorkeeper, recognizing the conspicuous ability of the young man in question, will reappoint him. I hope the gentleman from Rhode Island will accept the amendment, and then I think there will be no objection on this side of the House.

Mr. SPOONER. At the suggestion of the gentleman from Missouri [Mr. DOCKERY], a member of our committee, I will, unless some other member of the committee objects, assent to the amendment.

The SPEAKER. The House must vote on the amendment, because it is proposed as an amendment to the report of the committee.

The question being taken on the amendment of Mr. REAGAN, it was agreed to.

The question then recurred on agreeing to the substitute reported by the committee as amended.

A MEMBER. Let the substitute be read as amended.

The Clerk read as follows:

Resolved, That the Doorkeeper be authorized to employ an assistant folder in the seal-room of the House at the rate of $2.50 per day during the present session, to be paid out of the contingent fund of the House.

The substitute as amended was agreed to; and the report of the committee as amended was adopted.

Mr. SPOONER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WAIT. I ask unanimous consent to offer a resolution.

Mr. BEACH. I shall object.

Mr. WAIT. I think the gentleman from New York [Mr. BEACH] when he hears the resolution will not object.

Mr. BEACH. Mr. Speaker, there is a day set apart for the introduction of bills and resolutions. The gentleman from Connecticut has only to wait three days in order to introduce his resolution. I maintain my objection.

The SPEAKER. Objection is made, and the matter is not before the House.

Mr. MILLARD. I ask unanimous consent to introduce a bill——

Mr. BEACH. I shall object.

The SPEAKER. The gentleman from New York [Mr. BEACH] objects, and has given notice that he will object to all requests for unanimous consent for the introduction of measures for which a day is assigned under the rules of the House.

Mr. MILLARD. I hope the gentleman will not object to this. It is a bill in the interest of the laboring men of his own State.

The SPEAKER. The Chair will proceed to call the committees for reports to be placed upon the appropriate Calendars.

FIRST NATIONAL BANK OF SHAKOPEE, MINN.

Mr. MILLER, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 1245) to authorize the increase of the capital stock of the First National Bank of Shakopee, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LIEUT. WILLIAM P. RANDALL.

Mr. THOMAS, of Illinois, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 1151) authorizing the President of the United States to appoint Lieut. William P. Randall a lieutenant-commander on the retired-list of the Navy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

Mr. BALLENTINE, from the Committee on Naval Affairs, reported back favorably the bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous services in battle or who have served thirty years in the Navy; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PACIFIC RAILROAD.

Mr. THROCKMORTON. I ask, by unanimous consent, Mr. Speaker, that the report made by the Committee on Pacific Railroads at the last session of Congress, numbered 1431, together with the minority report, be printed in the RECORD, the copies on file being exhausted.

The SPEAKER. That is not a report which can come in under this call. The gentleman will retain it for the present and he can submit his request hereafter.

BENJAMIN M. SIMPSON.

Mr. GREEN, of New Jersey, from the Committee on Private Land Claims, reported back a bill (H. R. 61) for the relief of Benjamin M. Simpson, with an amendment; which was referred to the Committee of the Whole House on the Private Calendar, and the bill and amendment, together with the accompanying report, ordered to be printed.

CALL OF COMMITTEES FOR ACTION ON BILLS.

The SPEAKER. This completes the call of standing and select committees for reports, and the Chair will now proceed with the call of committees for the consideration of bills for one hour. The hour begins at twenty-two minutes to 1 o'clock.

INCREASE OF PENSIONS OF WIDOWS AND DEPENDENT RELATIVES.

Mr. MATSON. I am directed by the Committee on Invalid Pensions to call up for consideration the bill (H. R. 545) to increase the

pensions of widows and dependent relatives of deceased soldiers and sailors.

The SPEAKER. The bill is in the Committee of the Whole on the state of the Union.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill the title of which has been read.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 2. That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Mr. MATSON. Mr. Chairman, the bill which has been read has been very thoroughly considered by the Committee on Invalid Pensions in this Congress and reported unanimously by that committee. The same committee in the Forty-eighth Congress considered the same proposition and reported it unanimously. The provisions of the bill are very simple. It provides that widows of soldiers—not of officers, but of soldiers—who are receiving a less rate of pension than $12 per month shall be increased to $12 per month. The increase in nearly all cases is from $8 to $12 per month. There are a very few cases, perhaps less than twenty in number, upon the pension-roll, in cases of the widows of warrant officers of the Navy, where $10 per month is given, but the substantial provision of this bill is an increase of pensions of widows of soldiers from $8 a month to $12 a month.

The provisions of the bill also apply to dependent fathers and mothers who are drawing pensions on account of the death of their sons.

Mr. Chairman, I apprehend the proposition in reference to which this House wishes to be informed is as to what this is going to cost the people and the Government. A very careful estimate was made less than two years since based upon the number of this class of pensioners upon the roll, an estimate based, too, upon the number of applications then pending of that kind, and the total cost was estimated by a gentleman who was thoroughly familiar with the Pension Office, having served there for twenty years and having been chief of the miscellaneous division, whose duty it was to make such estimate for the benefit of the Commissioner of Pensions and the Secretary of the Interior, and he fixed the cost at something over $5,000,000—less than $6,000,000.

Mr. BROWNE, of Indiana. Does my colleague mean to say that will be the total cost at the end of the term or that will be the annual cost?

Mr. MATSON. It will be that much added to the annual cost of the pension-roll.

Mr. BROWNE, of Indiana. That the annual cost will be that sum?

Mr. MATSON. That the annual cost will be that much. The question then is as to whether the representatives of the people here are prepared to say the Government can pay that sum of money to that worthy class of people. The Committee on Invalid Pensions have answered it in the affirmative, and I think I may say the Committee on Invalid Pensions is not in favor of every wild proposition of pension legislation which may be suggested to them. I think they have shown a degree of moderation in recommendations to this House, and I feel perfectly sure as to this proposition there can be but little division on either side of this House.

Here is a proposition to add $4 a month to the pension of widows and of old men and old women of this country—to those who have lost their husbands and to those who have lost their sons upon whom they expected to lean in their old age. This is a very moderate proposition.

I wish to say further in relation to this matter that this rate of $8 was passed in 1816, just after the war of 1812, and at that time it was the full pay of the soldier. This Government thought then when the soldier was killed in battle or gave his life to the country in any way his widow should be entitled to receive the pay her husband was receiving when he was in the Government service. Since that time the pay of a private soldier has been increased and has varied from eleven to thirteen and up to sixteen dollars a month. The proposition has been urged upon Congress to follow out the original principle and to give to these widows and dependent parents the same pay that the soldier was receiving at the time he lost his life; but the committee thought it fit and wise to compromise by adopting a sum which bore a relation between the two extremes which had been paid, and therefore we have fixed upon a sum that is between the highest and the lowest rates paid for the service of the soldier, $8 being the lowest and $16 the highest.

There is another thing, Mr. Chairman, to which I desire to call the attention of the committee, and that is that this bill applies to all widows of the soldiers of the wars in which this country has been engaged who are now on the rolls, and there is not a community throughout all the length and breadth of this land in which there is not some humble home in which light and joy will be shed by the action of this Congress in passing this bill. Eight dollars a month at this time, when it costs more to live than it did when the rate was fixed by law, is not enough to support these old people. These widows and dependent relatives are growing old. I have received, I may safely say, since this proposition has been pending in Congress, thousands of letters from all parts of the country from these old women addressed to me, some of the writers stating that they were then over ninety years of age, all of them begging and asking this additional $4 a month in order to enable them to live comfortably or with a little more comfort during the few remaining years of their lives. Now I have said this much in explanation of this bill and I apprehend that there will be no very serious opposition to its passage.

Mr. GIBSON, of West Virginia. Do I understand the gentleman from Indiana to say that this embraces the widows of the war of 1812 and of the Mexican war?

Mr. MATSON. The bill is drawn to include all the widows who are now upon the pension-roll at the rate specified.

Mr. JOHNSTON, of Indiana. May I ask the gentleman a question?

Mr. MATSON. Certainly.

Mr. JOHNSTON, of Indiana. I would ask if this bill as drawn applies to the widows of soldiers whether they lost their lives in the line of duty or from disease contracted in the service?

Mr. MATSON. It does not change the pension law as far as the right to receive a pension is concerned at all. It only changes the rate of pension to those who receive the sum indicated.

Mr. BROWN, of Pennsylvania. But it enlarges the number of those who will be entitled to pension.

Mr. MATSON. No, it does not.

Mr. REAGAN. Permit me to ask the gentleman if there is any estimate as to the increased expenditures which this bill will involve?

Mr. MATSON. I have already stated to the committee, but I presume the gentleman from Texas was not in his seat at the time, that it is estimated, and a very careful estimate has been made, that it will increase the expenditures for pensions between five and six millions of dollars annually.

Mr. HOLMES. May I ask the gentleman a question? Does this increase apply to those receiving pension under special acts of Congress?

Mr. MATSON. It applies to all persons who are on the pension-roll who come within its provisions as to rating, or those who may hereafter be placed upon the roll at the rate specified.

Mr. HOLMES. Under the term used in granting a special pension, "according to the provisions and limitations of the pension laws," they will get $12 a month?

Mr. MATSON. Of course that will be the effect.

Mr. HENDERSON, of Iowa. I would like to ask the gentleman from Indiana a question. The rate of compensation to private soldiers during a portion of the war was as much as $16 a month, I believe.

Mr. MATSON. I think so; in fact, I know it was.

Mr. HENDERSON, of Iowa. Now I am warmly for the $12 a month as provided by this bill; but let me ask if it would not be wise for the Committee on Invalid Pensions to go a step further, and give the rate of pension to these widows and old parents that was paid to the soldier at least during a part of the time he was in the service, $16 per month?

Mr. MATSON. I have already stated that that was urged upon the committee, but the committee thought it the right thing to compromise the matter and fix the rate of pension between the highest sum paid and the lowest.

The husbands of some of these widows never received $16 per month while in the service; many of them received but $13, and we fixed on $12 as a compromise. That seems to be a fair increase, which we hope will obtain.

Mr. BROWNE, of Indiana. Will the gentleman permit amendments?

Mr. MATSON. I have no power to prevent amendments. I hope, however, the gentleman will allow me to say I hope that this bill will not be amended except in so far as it relates to the subject-matter with which it deals. If the gentleman from Indiana is in favor of this bill, I hope he will allow it to stand as it is—at least allow it to relate to one subject-matter. The proposition to combine different subjects in relation to pensions will combine all opposition to the bill. This is a measure nearly all of the House concurs in; but if you fasten upon it some other proposition irrelevant to it you will bring against it opposition that would not otherwise exist. Therefore I beg my friend not to offer an amendment not relating to the subject-matter of the pensions of widows and dependent parents.

Mr. BROWNE, of Indiana. Mr. Chairman, I am very distinctly favorable to the bill reported by the Committee on Invalid Pensions and now before us. In a very humble way I labored a good long Sabbath day, just at the close of the last session, to get certain gentlemen to consent that the House might take a vote on the proposition.

It came here from the other end of the Capitol. We could not secure a vote for it then, and I am glad we are able to secure one upon it now.

I should regret exceedingly to offer any proposition that would endanger a bill the provisions of which I consider so just as those of the one under consideration.

Mr. MATSON. Will the gentleman yield to me for a question?

Mr. BROWNE, of Indiana. Not at this moment. I wish to say I have a proposition connected directly with the question of pensions that is eminently just. We have been telling the soldiers of this country, I think all of us at least in the northern section, that at the earliest opportunity we would put it through the Congress of the United States; and that is the repeal of an unwarrantable discrimination against a portion of the soldiers of the Republic.

A few years ago we passed a law reported by a Democratic committee to this House, supported by the Democratic party here and put into the platforms of the Democratic party in their political campaign, and that is, that pensions should date back to the time of the incurrence of the disability or the discharge from the service of the United States because of it. We paid one hundred and fifty or two hundred million dollars under this just and beneficent Democratic measure; but by the act of Congress the provisions of the bill so far as they related to arrearages stopped on the 1st of July, 1880. Soldiers who have presented their claims since then, and even those who had claims pending at that time but who have been compelled since then to amend them so as to correctly describe their disability, have been prohibited from receiving pensions from the Treasury except from the time when the application was made.

I submit, Mr. Chairman, to the gentleman from Indiana and to the House whether there ought to be any discrimination made against these men simply because they were willing to delay the presentation of their just claims against the Government, hoping that their condition in life might be such that they could live without appealing either to the justice or the charity of the nation. I know men who came from the battlefields of the Republic halting upon their canes or walking upon their crutches who said they would never ask a pension from the Government, and they have not done so until their necessities, the wants of their families, their wives, their children, have compelled them to ask this at the hands of the nation they served.

I want to know now if the gentlemen on the other side are willing to repeal the proviso to the second section of the act making appropriations for the payment of arrears of pensions adopted in the year 1879. I have prepared an amendment, which I will send to the desk.

Mr. MATSON. Will the gentleman from Indiana permit me to ask him a question?

The CHAIRMAN. The Chair will state to the gentleman from Indiana [Mr. BROWNE] that the offering of amendments will not be in order till general debate has closed.

Mr. BROWNE, of Indiana. The amendment then may be read at this time from the desk as a part of my remarks.

The CHAIRMAN. As soon as general debate is closed it will then be in order for the gentleman to offer his amendment.

Mr. BROWNE, of Indiana. I will offer it at the proper time if I get recognition.

The Clerk read the proposed amendment, as follows:

Add:

"SEC. 3. That the proviso to the second section of the act entitled 'An act making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879,' approved March 3, 1879, be, and the same is hereby, repealed."

Mr. GROSVENOR. I feel as much interest in the proposition offered by the gentleman from Indiana [Mr. BROWNE], which involves the repeal of the proviso to the arrears act, as it is possible for me or for any other member on this floor to feel. For years, as a member of the pension committee of the Grand Army of the Republic, I have been laboring to bring about this legislation.

But I want to say simply this at this time. The bill under consideration is a bill about which there seems to me to be no controversy whatever. It has been embodied substantially in every proposition bringing about the needed reform of the defective and blundering legislation of the country that has been submitted to Congress for the past ten years. It stands alone. It is no part of a system necessarily. Everybody is in favor of its passage who is in favor of affording some remedy and some relief to this class of pensioners of the country. There are a great many other propositions, Mr. Chairman, that have already been submitted to this House, and there are many more to be submitted, and the whole of them, or a large majority of them at least, will ultimately become a sort of code involving, if intelligent legislation is to prevail, a change of the whole system upon which pensions hitherto have been granted. Among these are the equalization of bounties and the repeal of the proviso to the arrears act, but they stand in such a position, the one to the other, that it is necessary and proper that ultimately the Committee on Invalid Pensions shall evolve out of the mass of legislation some systematic scheme or proposition. I know not what their purpose is, but it is enough for me to know that here is a single proposition everybody is in favor of, which comes in such a form that it can be adopted now; which comes in such a form that, if passed in the House, it will speedily be passed in the Senate and become a law of the country.

The future legislation which I shall advocate, and which others will advocate, will in no wise collide or be inconsistent with this. Therefore, Mr. Chairman, I am not willing to impede the possibility or probability of the passage of this bill by at this time considering any amendment to it that is not to perfect the bill itself. In other words, I stand in that sort of position where I feel that I have no hesitation about voting against this amendment, notwithstanding that the amendment itself is one that lies nearer to my heart than perhaps any other one that can be offered in this House. But I want to wait until the proper time comes and take these measures as they come from the committee and pass them as rapidly as we can.

Mr. BRAGG. Mr. Chairman, I think the amendment proposed by the gentleman from Indiana [Mr. BROWNE] ought not to pass, and I regret very much that for reasons which seem to me proper I shall be placed in the same attitude to the bill itself that has been reported from the committee. My reasons for opposing the proposition coming from the gentleman from Indiana [Mr. BROWNE] may be briefly stated thus: No soldier who suffered a disability sufficient to entitle him to a pension at the hands of the Government failed to know it for twenty years after the war, or waited until he had to be spurred up by some claim agent in the city of Washington who reminded him that he had been disabled for twenty years and ought to draw a pension for that time. That is my objection to the gentleman's proposition. I object to the bill, not because I do not recognize the fact that there is a class of widows who should be entitled to greater pensions than they now draw, but I object to it for two reasons. First, I hold that the whole system of pensions should be reorganized. A bill should be introduced and should become a law which would make the system harmonious. The Pensions Committee of this House ought, in my judgment, to perfect and present such a bill; but the special acts which are being passed from time to time, piecemeal by piecemeal, instead of harmonizing our pension laws, make them, from session to session, more unequal and incongruous.

For instance, Mr. Speaker, "total disability" of a soldier—and what can be greater than that—is pensioned at $8 a month, while we have classifications of pensions for private soldiers that run up as high as $70 a month. Many of those who are drawing such pensions, although disabled by the loss of a leg or an arm, are still able to earn a livelihood, and many of them do earn a livelihood. But the poor soldier who was shot through the body and totally disabled, rendered unable to do a day's work, what does he get? Eight dollars a month. "Total disability" stands graded at the highest notch and draws the lowest pension! How comes this? It grows out of the fact that legislation precisely like this which is now proposed has been enacted from time to time for the benefit of special classes. Some one hundred persons apply for a special rate for a particular kind of wound, and state that there are no more than one hundred such cases, and they ask a pension of $16 or $20 a month. Another class apply, and there are only perhaps two hundred of them, and they want $24 a month. Nobody wants to vote against the soldier, and the claimants go on the roll at that rate.

Another class have applied, and they are allowed $36 a month; another class have applied, and they get $50 a month; another class have applied, and they get $70 a month; while the poor broken-down veteran, who did not happen to be injured in the exact place and manner that these special acts describe, gets only $8 a month. Sir, it is a shame and disgrace to this people that such inequalities of pension exist. It would be better for us to pass a general bill repealing all existing laws upon the subject and then to pass an act that would grade these pensions and make them as they ought to be, in accordance with the disability that the soldier has received. Another objection I have to this bill is that it provides for all widows now on the pension-roll or who may hereafter go upon the pension-roll. I am opposed to that. We are still paying pensions to the widows of the soldiers of 1812, and after a time we shall reach a like point in regard to the widows of the soldiers of the last war. For example, you find a widow of a soldier of the war of 1812 on the pension-roll, and when you look into the facts you find that some old man, seventy or seventy-five years of age, married a young girl who took care of him during the last two or three weeks of his life, and then got herself placed on the pension-roll as the widow of a soldier. Now this bill should provide only for the widows of soldiers who were killed in action, or, if it should be further extended, it should be only to those cases where the woman was married to the man before he was on the verge of the grave.

Mr. STEELE. Will the gentleman from Wisconsin yield for a question?

Mr. BRAGG. Certainly, sir.

Mr. STEELE. I desire to ask the gentleman whether he has any objection to old veterans marrying young girls? [Laughter.]

Mr. BRAGG. No, sir; no, sir. It shows a quality that every good soldier was remarkable for, love of the sex. But, sir, I have objections to these young misses becoming soldiers' widows to such an extent as to fasten themselves as pensioners upon the Treasury of the United States. A young girl may marry an old man, and I think very much of her when she marries him for love; but when she marries him for ducats, then all my respect for her is gone. [Laughter and applause.]

Mr. MILLS. Mr. Chairman, yesterday the House was very much concerned on the score of economy about the appointment of a clerk to one of our committees, involving a possible expenditure of perhaps $700 or

$800 a year. Now, there is pending here to-day a proposition which, it is admitted, will cost annually some five or six million dollars—which possibly may involve four or five times that amount; and it seems it is to go through the House almost unchallenged.

Mr. Chairman, I am not opposed to paying pensions to soldiers or to the widows of soldiers, but I do believe that our taxation ought to be so arranged that the wealth of this country will contribute something to sustain those whom the fortunes or misfortunes of war have made dependent upon the aid of the Government. The wealthy people escaped all the privations and sufferings of that great struggle. They staid at home and husbanded their resources, or they shipped their wealth out of the country. As soon as the war was over they came, by their representatives, into this House and had all the taxation they were bearing taken off their shoulders. Sir, since the war closed Congress has repealed $300,000,000 of taxation; yet it persistently refuses to take into consideration the needs of the poor people of this country and reduce the burden of taxation resting upon them. The first tax that passed away, one which was characterized as the "most obnoxious," the "most odious," the "most oppressive to a free people," was the tax on incomes. The tax upon those great fortunes that had grown up in this country, showing $800,000,000 or $900,000,000 accumulated in one year in the hands of four or five hundred thousand people, was swept away in this House almost without discussion. Yet the tax on the garments the poor people wear in the coldest weather of winter is clung to in this House with dogged pertinacity. One after another the taxes paid by the wealthy classes have been cut down until, in the Forty-seventh Congress, this House with heroic fortitude came forward and relieved the sufferings of the manufacturers of playing cards! The duty was so onerous, and upon a subject of such vital concern to all the people of the country, that the internal-revenue tax on playing cards was in the interest of public morality swept away! But at the same time the tax of 100 per cent. on imported playing-cards was continued in order to give some one a monopoly of the trade. All the revenues of this Government derived from wealth have one after another been swept away, until substantially the whole burden of taxation rests upon the implements of labor, upon cotton and woolen goods, and such things as the necessities of the people demand day by day.

We are called upon to maintain a vast pension establishment. I am not opposed, I repeat it, to the payment of pensions to soldiers and their widows. It is a debt of gratitude that every country owes to its gallant defenders and those who are dependent upon them. But our own intelligence, our duty to our constituents, and our duty to our country require that we should reimpose the taxation on the wealth of the country and compel it to bear at least some part of the burden necessary to sustain the pension establishment of this country.

Mr. HENDERSON, of Iowa. Mr. Chairman, the political party that shall from any motive defeat the passage of this bill assumes a responsibility in which I shall not share. I am not going to answer any gentleman who takes this occasion to discuss the tariff; neither will I be drawn into a discussion of the amendment which my friend from Indiana [Mr. BROWNE] has incorporated in his remarks.

I am in favor of that amendment, but not to the pending bill, which it may defeat. Earnestly do I concur in the remarks of the gentleman from Ohio [Mr. GROSVENOR]. I have given evidence of it by introducing a bill to repeal the limitation in regard to the payment of arrearages. My State is in favor of it. The political party of which I am a member declared in its last convention in our State in favor of the repeal of that limitation. But, as has been so ably stated by the gentleman from Ohio, there are many measures which appeal to the patriotic heart and the just mind in favor of the soldier, but which can not be incorporated in the present bill. Let them in their order be taken up and fairly met.

I see an opportunity for political advantage perhaps by forcing this amendment upon the House; but I do not ask that advantage. I want no better advantage for my political party than that it give its earnest support, without hesitation, without let or hinderance, to this proposition in favor of the women of this country whom the war has deprived of their natural and legal support in their hard struggle for existence. It at best can go but a short distance toward their support, and can never compensate for the great losses that they have sustained.

I am glad that the rules of the House give us this opportunity to meet this question, and I appeal to all gentlemen here to look this question fairly in the face. Here are a number of people to be benefited who are without votes, without political influence, and who appeal to us simply as those crushed and deserving beings who need the aid of generous and just legislation.

I do not sympathize with that class of men that seek on every occasion to hurl a hobby into the debates here. I think we can commend ourselves to the Republic as legislators if we will meet propositions with an eye single to the interests that are involved.

God knows that I believe every soldier should be pensioned from the hour he was injured. God knows that I can with a clear conscience vote to give to the widows, fathers, and mothers provided for in this bill $16 a month; and that amendment I would offer to this bill but for the fact that I would not lay a single straw in the way of the speedy adoption of this proposed legislation. My hope now is that the gentleman in charge of this bill will take such action as will enable the intelligence to be sent over the wires to-night that the House of Representatives has passed this just legislation.

Under the present rules we can meet the other propositions in due time and in proper form. If we now put in one amendment the temptation is presented to offer another and another. I can think of several that I could urge with all earnestness and energy upon this House. But I appeal to every gentleman here to allow this bill, untrammeled and unweighted with any other proposition, to be passed, and passed now. This done, we can address ourselves to other considerations.

The gentleman from Wisconsin [Mr. BRAGG] raises objections which I will not stop to discuss. The pertinent question of my friend from Indiana [Mr. STEELE] suggests enough to meet the judgment of every one here. If the gentleman will allow me I will say that it is beneath his own broad mind to raise such an objection to the proposed legislation, to wit: that the motive is to be analyzed that enters into the mind of a woman who links her destiny with a crushed or crippled soldier of the Republic.

I appeal to the members of this House to lay aside all such suggestions, and to consider those only which are pertinent to the issue. Let us promptly pass this bill. I assure each and all that in these remarks I do not mean to make any imputation against the motives of any gentleman on either side of this House. I appeal for a class who have written letters to me by the hundred asking for this increase of pension. And with these remarks, Mr. Chairman, I submit the time now is to act. Let us act promptly, patriotically, and now especially when the question is legitimately before us. [Applause.]

Mr. WOLFORD was recognized.

Mr. CANNON. I ask the gentleman from Iowa to yield to me for five minutes.

Mr. HENDERSON, of Iowa. I will do so with pleasure.

The CHAIRMAN. But the gentleman from Iowa had surrendered the floor, and the Chair had recognized the gentleman from Kentucky [Mr. WOLFORD] to address the committee.

Mr. CANNON. I was trying to propound a parliamentary inquiry to the gentleman from Iowa. I rose in my place to ask the gentleman to yield to me five minutes of his time. [Cries of "Regular order!"] I did not get the recognition from the Chair I believe to be proper. It seems to me I was in time.

Mr. HENDERSON, of Iowa. I hope there will be no objection to my yielding five minutes to the gentleman from Illinois.

The CHAIRMAN. The gentleman had yielded the floor and the Chair had recognized the gentleman from Kentucky. [Cries of "Regular order!"]

Mr. WOLFORD. Mr. Chairman, I rise for the purpose of opposing the amendment proposed by the gentleman from Indiana [Mr. BROWNE] and for the purpose of advocating the bill presented for our consideration by the Committee on Invalid Pensions of this House. It is well known no doubt to the members of the last Congress who are also members of this that I am in favor of granting pensions to our soldiers and sailors at higher rates than are now allowed by the law. It is equally well known, I presume, that I am also in favor of granting arrearages of pension. I believe in the right and justice of giving to the men who fought the battles of this country and who endured hardships and suffered wounds in our defense, and to the widows and dependent mothers and fathers of those who died in battle, a rate of pension higher than that now allowed, and one more commensurate with the heroic services of those gallant men.

I intend, Mr. Chairman, when I have time, to present my views fully as to the propriety of the amendment of the gentleman from Indiana [Mr. BROWNE], and also in reference to other changes of the pension laws in the interest of doing justice to those to whom the country is so deeply indebted. I hold to the belief that the widows of those gallant men who have fought the battles of their country in any war, at any time, under any circumstances, are entitled to at least $15 per month.

In response to the argument made by my distinguished friend from Texas [Mr. MILLS] I have only to say that because the tariff ought to be reduced and goods of all sorts made cheaper to the people and because that legislation is delayed is no good reason why the widows of our soldiers and sailors who died in the service should not only be compelled to pay the higher price for their goods, but denied that increased rate of pension to which they are so justly entitled. Yet that is the gist of the argument made here to-day by the gentleman from Texas. The conclusion to be derived from his remarks was that because the tariff was not reduced therefore the widow of the soldier must starve.

Mr. MILLS. Oh, no! I made no such statement. My argument was that the rich as well as the poor should pay their share of the money necessary for governmental expenses.

Mr. WOLFORD. What I have stated is I think the legitimate conclusion from the argument made by the gentleman from Texas. Why is it, Mr. Chairman, this tariff argument is introduced here in opposition to the interests of our soldiers and sailors? Who is it this bill provides for? Who does it recognize? It recognizes the widows of our gallant soldiers and sailors who died in the service. It also recognizes the dependent mothers, nearer and dearer than widows. The sweetest word in the English language is that of mother; and this bill is to in-

crease the pension of the mothers of the soldiers whose death in the service deprived them of the support upon which they depended—the mothers of those soldiers who died in battle that you and I, Mr. Chairman, might live as freemen—who died that we all here might enjoy the blessings of civil and religious liberty in all its fullness, in all its grandeur, in all its greatness! [Applause.] Now, then, shall these dependent mothers, because there is a tariff, which, as the gentleman says, makes goods higher, fail to receive enough from this Government to properly support them?

It has been argued that this will entail an expenditure of $5,000,000 a year. What is $5,000,000 to the blessings which have been showered upon sixty millions of freemen in this country? What is $5,000,000 to the gratitude which this country feels for those who in the hour of peril bore the brunt of the conflict of battle, to those who carried our flag triumphantly in a great war, to those to whom we owe our present incalculable advantages?

The reason I oppose any amendment to the pending bill is because I want it to go through just as it is, clear and clean, as it came from the Committee on Invalid Pensions. There are many amendments I desire to see made to the pension laws, but we can not expect to have them all at once.

The chairman of the Committee on Invalid Pensions stated one obvious fact, and that is that the Committee on Invalid Pensions has been economical. I admit it. Many times in the last Congress, when that same distinguished gentleman was chairman of the Committee on Invalid Pensions, I felt it to be my duty to oppose his measures because in my judgment they did not give enough to the soldier or to his widow, and I spoke and voted to that end.

They have been more economical, I confess, than I would have been; but they have placed upon the Calendar of the House for our consideration a reasonable and modest demand, which none can object to—one that will fill with light and peace and joy and gladness the hearts of many poor, struggling widows, and many old, poverty-stricken mothers throughout the land, who are now toiling and striving to get enough for their children to wear and to eat, or to give them a little education.

It is hard work, sir. Will any gentleman in this House say that he or any other member here could live on $12 a month? "Oh, well," they will say, "the soldier's widow must be more economical than we. They are able to stand hardship and want while the country doles out to them little by little the pitiful allowance of $8 a month."

Mr. Chairman, when this country was poor, when we were struggling with its enemies, and had but little to pay with, this pension was fixed at $8 a month. It was then the measure of the wages paid to the soldier. But, thank God, through the blessings of Heaven and the knowledge of the people in digging mines and cultivating the fields, in bringing forth the treasures from under the earth and on the earth and utilizing them, we have grown rich and mighty.

Now, there are men of large capital—and I agree with gentlemen that there ought to be a way to make men of large incomes pay a part, and I did introduce a bill to that effect, but I will not undertake to discuss it here—I say there are men of large capital and there are wealthy and prosperous enterprises throughout the land. Now we are able to pay and pay liberally. This little pittance to the soldier's widow will not be felt. I take this bill just as I find it. I am for it most heartily. It creates in the hearts of the widows of our brave soldiers a grateful spirit. They will say, "I gave to my country all that I had; I would have given more if it was necessary, but they now remember me in my old age and give me enough to eat and care for me, as a recompense for the service of my husband or the service of my son who lost his life in battle."

Mr. Chairman, I want the hearts of these pure, faithful women to be raised up in thankfulness. I want them to feel that they are not neglected in their time of want and necessity. I want them to feel grateful to their country. And what will be the effect? Why, they teach lessons of patriotism and pure love of country to their children. When her little ones gather around her, even though dressed in humble clothes, she will find it in her heart to thank God that although her husband died for the Government, that Government has not forgotten his widow and children. It will make these children feel that they have a country to live for or to die for if necessary. But if they go hungry, and I ask pardon of the committee for speaking in humble language, if they go hungry and become ragged, it follows as a necessary consequence that they will not love their country so well when they know that their country neglects them.

They will say, "It fails to give that which it has promised; it has failed to care for the aged mother or the helpless father; it does not feed and clothe me; it does not help to keep me from going ragged and hungry." I put it to the patriotism of every member of this House if we would teach our children to love their country, then we should pass this bill or some such measure. But if you would teach the children of this country to want respect and confidence in their Government, then put the pensions as low as you can. I know, sir, that there is a sort of influence, an imaginary feeling in the minds of some men that large pensions will break up the country. I deny it. I am not in favor of extravagant pensions, but the Lord alone knows, when a man has given his life for his country, what is an extravagant pension. I repeat that I *am* not for extravagant pensions either for the soldier or for his widow; but I am for such a pension as will make them feel that under the blessings of God their country remembers them.

And then, Mr. Chairman, when again the panoply of gory war shall be seen in the land—it has passed away now, and I hope in God forever—when danger comes, if ever, and the flag of this country is threatened and you appeal to our young men to rally to the defense of the country, whether on land or sea, the strongest appeal you can make to them will be, "This country remembered your father's services; it took care of your mother in her helplessness and poverty, and it will remember you if you die or become disabled."

[Here the hammer fell.]

The CHAIRMAN. The hour for the consideration of bills on this call having expired the committee will now rise. The gentleman from Kentucky [Mr. WOLFORD] will be entitled to the floor when next this business is in order.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors, had come to no resolution thereon.

FITZ-JOHN PORTER.

Mr. CUTCHEON. On behalf of the minority of the Committee on Military Affairs I am instructed to submit their views on the bill (H. R. 67) for the relief of Fitz-John Porter.

The SPEAKER. The gentleman from Michigan, in accordance with permission given by the House, now presents the views of the minority on the bill he has indicated. They will be printed with the report of the majority.

ORDER OF BUSINESS.

Mr. MORRISON. I move that the House do now adjourn.

Mr. CUTCHEON. I would suggest that by unanimous consent we might go on with the discussion of the bill which has been pending during the morning hour, as there seems to be nothing else pending.

Several members called for the regular order.

The SPEAKER. The question is on the motion to adjourn.

The motion was not agreed to.

Mr. MATSON. Now I ask unanimous consent that we may proceed with the consideration of the bill which has been pending in Committee of the Whole during the morning hour. I think it is a bill which is entitled to the fair consideration of the House. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of resuming the consideration of that bill.

Objection was made.

The SPEAKER. The Chair will state to the gentleman from Indiana [Mr. MATSON] that it is not in order at this time to move to go into Committee of the Whole House on the state of the Union to consider any particular bill unless it be a revenue bill or an appropriation bill or a bill relating to public lands. But it is in order to move generally to go into Committee of the Whole House on the state of the Union, and then bills will be taken up in their regular order. The Chair will also state that the bill which has been under consideration this morning has not become unfinished business after the expiration of the morning hour. But it would be unfinished business and take its place in that class if still pending at the expiration of the morning hour the next time it is reached.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union, and business on the Private Calendar will be taken up in its regular order. The Clerk will report the first business in order.

Mr. DINGLEY. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGLEY. I desire to inquire if the President's message would not be the first subject for consideration, and whether a general discussion upon any subject relating to the state of the Union would not now be in order?

The CHAIRMAN. The President's message has already been distributed. The Clerk will report the title of the first bill on the Calendar.

PURCHASE IN NEW YORK FOR ARMY PURPOSES.

The Clerk read as follows:

A bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes.

The bill was reported by the Committee on Military Affairs with amendments.

Mr. SYMES. That is the bill I desire to speak upon. [Laughter.]

The CHAIRMAN. The gentleman from Colorado will proceed.

SILVER COINAGE.

Mr. SYMES. I ask the Clerk to read as a part of my remarks the resolution I send to the desk.

The Clerk read as follows:

Whereas great uncertainty and apprehension are felt throughout the country regarding the question of suspending the coinage of silver; and

Whereas such apprehension and uncertainty are very detrimental to the business and industrial interests of the country: Therefore

Be it resolved by the House of Representatives of the United States (the Senate concurring herein), That the suspension of the coinage of silver dollars would be unwise, inexpedient, and prejudicial to the material, industrial, and commercial prosperity of this country.

Mr. SYMES. I introduced that resolution into this House on the 7th day of January, and I propose to submit some remarks upon the silver question in support of it. During the time I shall occupy the floor of the House I shall attempt to answer some of the reasons which have been advanced by monometallists in favor of the suspension of silver coinage.

SILVER WILL CIRCULATE.

It is said that silver will not circulate—that the people do not want it; and numerous schemes have been proposed to partially suspend the coinage and leave it in the discretion of the Secretary of the Treasury to coin "so much as there should be a demand for." The Presidents, Secretaries of the Treasury, and several of the bureau officers have been reporting this to the country almost continually since the passage of the Bland bill. It has been repeated and reiterated by all the leading gold organs. It has been proclaimed by the special advocates of the monometallists in speeches, addresses, and interviews upon every opportune occasion.

Mr. Chairman, how can silver dollars be put into circulation except by the Treasury Department paying them out for the expenses of the Government? How can any so-called demand of the people govern the Treasury officers regarding the kind of currency or coin they pay out each day and month to the creditors of the United States? The people can regulate this only by the statute laws passed by their Representatives in Congress. A careful examination of these statutes shows they have been continually and willfully violated by the executive officers of the Government whose duty it is to enforce them.

As an eloquent orator expressed it, "This Government is a pauper. It possesses and can obtain nothing except what it levies from the people by way of taxation." The last report of the Secretary of the Treasury shows that the ordinary revenues of the Government for the fiscal year 1885 were $323,690,706.38, and the ordinary expenditures for the same period were $305,830,970.54, leaving a surplus of $17,859,735.84, which shows that almost $1,000,000 per day was and is being collected from the people and paid out to the creditors of the United States.

The principal portion of this great revenue comes from custom duties and internal taxes. The receipts from customs or duties on imports during the last fiscal year were $181,471,939.34, and from internal-revenue taxes $112,498,725.54. By the act of Congress passed February 25, 1862, section 5, and Revised Statutes United States, section 3473, all duties are required to be paid in gold or silver coin or certificates. All other taxes and debts due the United States may be paid in gold or silver coin or certificates, Treasury or national-bank notes. All debts due or owing by the United States to any person or persons, except interest and principal on the public debt, may be paid, at the option of the Government, in gold or silver coin or certificates or Treasury or national-bank notes.

By the provisions of the Bland silver bill the Government purchases silver bullion, coins the silver dollars, and stores them in the Treasury vaults. No person can take silver to the Treasury and obtain silver coin for it. No person can obtain silver dollars from the Government in any way whatever except in payment of a debt due him from the United States. Then how could this so-called demand of the people for silver arise or exist at the Treasury. If any individual has a gold bar he can go to the United States mints and obtain gold coin for it; but if he has a silver bar there is no way to obtain coin for it. If the United States buys his silver bar and coins it the silver dollars are stored up in the vaults.

As above stated, the Government collects from the people and pays out to its creditors approximately $1,000,000 every day, or about $25,000,000 each month. Estimating from the Treasurer's report for the four months ending October 31, 1885, in the statement giving the monthly receipts of the custom-house at New York, we find that about 53½ per cent. of this is received in gold coin and certificates; about 14.8 per cent. in silver coin and silver certificates, 14.2 per cent. of which is in silver certificates, and the United States purchases and coins $2,000,000 a month of silver. The remaining 31.9 per cent. is received in United States notes, as will be seen from the following table, taken from page 69 of the Treasurer's report:

Month.	Total receipts.	Gold coin.	Silver coin.	Gold certificates.	Silver certificates.	United States notes.
1885.		*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
July	$11,821,000	0.7	0.2	28.8	23.6	46.6
August	12,700,500	0.6	0.3	47.4	13.5	38.2
September	12,167,000	0.7	0.3	63.4	9.8	25.8
October	10,771,000	0.8	0.2	79.8	11.3	16.8

This latter 31.9 per cent. received in United States notes for duties on imports is in direct violation of the statute (Revised Statutes, section 3473).

Mr. Chairman, suppose we admit, for the purpose of argument only, that the supersensitive ideas of the Secretary of the Treasury regarding the maintenance of the public credit and the interests of the bondholders justified him in paying all the interest on the bonds in gold. After that, what excuse is there for his not paying out the legal-tender silver dollars, which he complains are accumulating in the Treasury so fast, for a portion of the ordinary expenses of the Government? The interest on the public debt is approximately $4,000,000 a month, leaving over $20,000,000 each month to be paid out for other expenses of the Government. The largest items are civil expenses, approximately $2,000,000; pensions, $5,000,000; Army and Navy, $5,000,000; sinking fund, $4,000,000; miscellaneous expenditures, including public buildings, light-houses, collecting revenues, Indians, and other items, $4,000,000. The disbursing officers can pay out this $20,000,000 in either gold or silver coin or certificates or United States or national-bank notes, at their option, except the sinking fund, which has to be paid in coin.

The Secretary of the Treasury has said, and proclaimed in different ways, that he has been making every effort to put the silver dollars in circulation. The President has announced in the Secretary's behalf that he was so doing. Then why are not such amounts of these silver dollars paid out each month as will reduce the accumulation in the vaults? Do the poor pensioners object to receiving their $4,000,000 a month in silver dollars or certificates? Do the soldiers and sailors object to receiving their pay in silver dollars or certificates? Do the clerks in the Departments, the laborers on public buildings, or any of those classes, object? Not at all.

It is a false pretense, Mr. Chairman, for the Secretary to say he was and is making an unsuccessful attempt to put silver in circulation, when if one-fourth of the ordinary expenses of the Government had been paid in silver dollars each month there would have been no surplus of silver dollars in the Treasury. These are the facts, admitting the Secretary is justified in using only gold to pay the interest on the bonds, to pay the sinking fund, and in keeping $100,000,000 all in gold as the so-called "legal-tender reserve fund." But this cannot be justified. It is a direct violation of the statutes I have referred to, not to collect all the duties on imports in gold and silver coin or certificates, and not to apply such gold and silver alike to the payment of the interest on bonds, the sinking fund, and the redemption of the public debt.

Then for what reason is this false outcry made, that the people do not want and will not accept the silver dollars in the Treasury and that the Secretary can not put them out or keep them in circulation?

The President states in his message that "every month two millions of gold in the public Treasury are paid out for two millions or more of silver dollars, to be added to the idle mass already accumulated." The President probably has information from the Treasury officials that his Secretary has been and is continuing to pay out $2,000,000 of gold per month for silver bullion, coining the bullion into silver dollars, and piling them up and keeping them idle in the Treasury. We must presume that such is the fact; although it is a plain violation of the statutes of the United States regarding the purchase and coinage of silver bullion and the disbursing of public moneys for the ordinary expenditures of the Government. What excuse has the Secretary for not paying for this silver bullion in silver dollars? Do the silver miners who produce this bullion object to taking silver coin or certificates in payment for it? Certainly the Secretary has no excuse in this case for saying that the credit of the Government will be affected by paying for this bullion in silver. The bondholders may object to taking silver; but the silver producers do not. If the Secretary should advertise for bids for silver bullion to be paid for in silver dollars or certificates, a large number of the great silver producers of the country would sell the bullion as cheaply as if it were advertised to be paid for in gold.

These misrepresentations are made for the purpose of deceiving the people. They are made in pursuance of a great conspiracy formed by the bondholders, capitalists, and monometallists of the money centers to demonetize one-half of the metal money of the world, thereby to greatly appreciate the value of all fixed incomes and credits and depreciate all productive property and labor. It is a matter of most serious public concern that the highest executive officers of the Government are aiding this conspiracy by violating the plain letter and spirit of the statute law of the country.

Last August the Secretary of the Treasury and his assistants, the monometallists, made a great effort to get up a panic against silver by proclaiming that the gold reserve in the Treasury was fast falling below the legal limit. What the legal limit is they have never yet explained to us. The Eastern papers informed us that a great financial disaster was about to come upon the country because the silver dollars were driving all the gold out of the Treasury; that Secretary Manning had a consultation with the New York bankers and explained the impending calamity; that those bankers, in their zeal for the public good and the public credit, agreed to exchange a certain amount of gold for fractional silver coin in the Treasury to enable the Secretary to meet the immediate "so-called" gold obligations. In this way they said the financial honor of the Government and the people was preserved. These gold-bug papers all gravely suggested that the Secretary, on account of

this assistance, could probably meet all his "gold obligations" until Congress should convene, and then silver coinage would be suspended.

The following statement, taken from the Treasurer's report, page 71, shows the amount of gold coin and bullion in the Treasury and of gold certificates outstanding at the end of each month from January to October, inclusive, 1885:

1885.	Total gold in Treasury, coin and bullion.	Gold certificates in Treasury, cash.	Gold certificates in circulation.	Net gold in Treasury, coin and bullion.
January 31	$237,167,975 84	$22,299,150 00	$111,980,380 00	$125,187,595 84
February 28	240,029,843 24	40,426,930 00	112,683,290 00	127,346,553 24
March 31	241,440,796 37	37,689,990 00	115,967,540 00	125,473,256 37
April 30	243,162,194 81	28,625,290 00	125,234,800 00	117,927,394 81
May 29	244,363,543 59	14,371,350 00	128,553,010 00	115,810,533 59
June 30	247,028,625 25	13,593,410 00	126,729,730 00	120,298,895 25
July 31	249,387,595 20	17,332,320 00	123,289,000 00	126,078,595 20
August 31	250,257,417 89	16,606,230 00	123,885,490 00	126,371,927 89
September 30	251,251,114 54	22,249,240 00	118,137,790 00	133,113,324 54
October 31	251,359,349 29	31,115,850 00	109,020,760 00	142,338,589 29

This report of the Treasurer shows that on the 31st of July last there was in the Treasury $126,078,595.20 in gold coin and $17,322,320 in gold certificates, being a total of net gold in the Treasury of $143,400,915.20. On the 31st of August there was net gold coin and certificates in the Treasury $143,978,157.89; on September 30 there was $155,352,564.29; on October 31 there was $173,454,439.29. The gold certificates held in the Treasury as cash are a legal tender for all so-called gold obligations the same as gold coin.

Mr. Chairman, I always deprecate the use of harsh or flippant terms in the discussion of grave and important subjects. But am I not justified in saying that all this attempt to create alarm on account of the so-called reserve in the Treasury falling below the legal wants or needs of the Government was a farce and not founded on facts? Could this attempt have had any other object than to mislead the people of this country regarding the condition of the Treasury?

At this time when this pretended effort of the Secretary and the New York bankers was being made to pile up a little more gold in the Treasury vaults, and hearalded all over the country, $50,000,0000 of gold could have been used in the redemption of bonds under the act of Congress of March 3, 1881, which provides that "the Secretary * * * may at any time apply the surplus in the Treasury to the purchase or redemption of United States bonds * * *;" and then the balance would have been entirely sufficient to meet all the so-called "gold obligations of the Government."

I use the terms "gold obligations of the Government" in deference to the monometallists and their allies, the Treasury officials, and the President of the United States. No such "gold obligations" exist against the Government. There is not a section of a statute that authorizes—there is not a bond or a contract, except the gold certificates given for gold deposited in the Treasury, that binds the Government, or by which the Government has agreed, to pay any sum in gold. They are all coin obligations; and silver as well as gold is a legal tender for all of them. Still we are continually hearing and reading of these "gold obligations of the Government," made by the President, the Treasury officials, and the monometallists, I again say for the purpose of misleading the people.

The President in his quasi-silver message to Hon. A. J. WARNER, and other members of Congress, on the 24th of February, 1885, said: "Silver and silver certificates have displaced and are now displacing gold, and the sum of gold in the Federal Treasury now available for the payment of the gold obligations of the United States and for the redemption of the United States notes called 'greenbacks' if not already encroached upon is perilously near such encroachment. These are facts which, as they do not admit of difference of opinion, call for no argument." They have been forewarned to us in the official reports of every Secretary of the Treasury from 1878 until now.

Mr. Chairman, these statements of the President regarding the so-called "gold obligations of the Government" are not so surprising to me as to many gentlemen whom I have heard criticise them. The President refers to the former reports of Secretaries of the Treasury to confirm his statement. This shows that he has been in the habit of reading and examining upon this subject only the reports of the Treasury officials and the statements of newspapers and journals in the East, all acting in concert with the gold-bugs. From these continued misstatements any intelligent gentleman, who had not made a special examination of the subject and read the statutes of the United States, would be liable to make just such erroneous declarations. If so intelligent a gentleman as the President of the United States has been misled by the continued misrepresentations which I have been referring to, published in most of the leading newspapers, read throughout the country, and proclaimed in the addresses and speeches of monometallists of high reputation as economists, what effect must such misrepresentations have upon the people.

I venture to state, from considerable investigation of this subject during the past year in the South, in the West, and in the East, that many people have announced themselves to be in favor of suspending silver coinage solely for the reason they have been entirely misled in this way; and who, if they had been familiar with the history, the legislation, and the actual facts upon the subject, would unequivocally be opposed to the suspension.

It seems to me, sir, the time has arrived when the people of this country should know whether the statutes, and the contracts made in pursuance of them, create any "gold obligations." It is time they should know whether the statutes of the United States, passed by their representatives in Congress, are to be enforced if they suit the ideas and financial views of the officials who temporarily occupy positions in the Treasury Department, or ignored and violated if they do not. It is time for the Congress of the United States to know whether the laws they pass over the veto of the President by more than two-thirds majority are to be treated as a dead letter if they come in conflict with the supposed interests of the bondholders, the monometallists, and the capitalists of the money centers.

It seems that the doctrine of nullification has been revived again. It has assumed a different form and has been practically carried out for a different purpose, but it is nevertheless as much nullification as the doctrine advocated by Calhoun and Hayne and refuted by Webster in the United States Senate in the years 1831 to 1833. That was a nullification of the laws for the collection of the revenue in the form of duties upon imports. The refutation of that nullification doctrine by Webster in the Senate and by Jackson as President has made them immortal as defenders of the Constitution and enforcers of the law. The violation of these statutes brought forth Jackson's celebrated proclamation against nullifying the statutes.

We now have to confront the nullification of the coinage and legal-tender statutes. It does not come from the South this time, but from the gold-bugs, the bondholders and the money-kings of the Eastern cities, assisted, as I have stated, by the highest executive officers of the Government. The United States, through its Treasury officials, has become a member of a clearing-house association which "boycotts" silver and refuses to receive it in settlement of balances. This is done mostly by the national banks, which receive all their franchises, privileges, and powers from the United States Government.

Daniel Webster, in his great speech on the legal currency in the House of Representatives in 1816 in support of a resolution directing the Treasury officials to collect the money due the United States in accordance with the statutes, said:

> I have had, it is true, some objections against proceeding by way of bill, because the case is not one in which the law is deficient, but one in which the execution of the law is deficient.

In the same speech he said that he wished inquiry had been made by Congress into the conduct of the Treasury officials. He said:

> I wish such inquiry had been instituted. It ought to have been; it is of dangerous consequence to permit plain omissions in executing the law to pass off, under any circumstances, without inquiry.

Again, in December, 1836, in his celebrated speech in support of the resolutions introduced for the purpose of rescinding the so-called specie circular issued by the Secretary of the Treasury, providing that certain kinds of money should be received in payment for public lands different from what the statutes had prescribed, he said:

> The statutes have declared what should be received from debtors and from purchasers, and have left no ground whatever for the interference of executive discretion or executive control. * * * From that time to this the medium for the payment of public debts and dues had been a matter of fixed legal right, and not at all a matter of executive discretion. The Secretary of the Treasury has had no more power over those laws than over other laws. He can no more change the legal mode of paying the debts than he can change the amount of the debt to be paid. He can no more alter the legal means of paying for lands than he can alter the prices of the lands themselves. It would be strange indeed if this was not so. It would be ridiculous to say that we live under a Government of laws if an executive officer may say in what currency or medium a man shall pay his taxes or debts to the Government, and he may make one rule for one man and another rule for another. We might as well admit that the Secretary had authority to remit or give in the debt to one, while he enforced payment from the other.

This language of the great defender of the Constitution and the laws is specially applicable to the Treasury officials of the executive department at this time. They have expressly violated the statutes referred to by receiving Treasury notes instead of gold and silver in payment of the duties on imports. They have expressly violated the provisions of the legal-tender laws in buying silver bullion, coining it, and piling it up in the Treasury, when the very object of the law was to have it put in circulation. They have expressly violated the sinking-fund law, and they have continually misrepresented to the public generally the letter and spirit of the law and the condition of the assets and liabilities of the public Treasury in its relation to those laws.

It seems almost unaccountable why the Congress of the United States have submitted, without inquiry or investigation, to such continued violation of the statutes. These statutes ought to be repealed or they ought to be enforced. If the financial policy of the people and of this Government is to be controlled by the Secretary of the Treasury and not by the acts of Congress it should be so understood, and the mode of selecting that official should be changed.

I desire to say as a matter of justice to the present Administration that the criticisms I make with regard to the violation of these statutes

apply with about the same force to past Republican administrations. As a Republican, in justice I must say that about the same course was pursued by the Treasury officials under the late Republican administrations in the interest of monometallism, the bondholders, and the combination formed to demonetize silver as has been pursued under the present Administration. This is not a partisan question, and party lines are not drawn upon it.

It is a question between the labor interests, the great material and productive property interests, and the debtor classes on one side, and the bondholders, the capitalists, and the creditor classes on the other side.

SILVER CERTIFICATES.

Mr. Chairman, the Treasury officials and the gold monometallists, in their zeal, are not content with making war upon the silver dollars—calling them cart-wheel dollars and dishonest dollars and insisting they will not circulate—but they attack the silver certificates, which are as convenient and acceptable a currency to the people as ever existed in the country. On page 24 of the Treasurer's report he says:

The further issue of silver certificates should be discontinued as both useless and expensive. Issued to aid in the circulation of the standard silver dollar, these certificates have actually proved to be a hinderance to the carrying out of this purpose; and the circulation of this coin can not be increased to any greater extent than at present without the suppression of the issue of the certificates.

One would suppose from this strain of invective against silver certificates by this subordinate officer of the Treasury Department that it was the object of those who passed the Bland bill to keep as many silver dollars as possible in circulation in coin and as few silver certificates in circulation as possible, and that it was their intention not to encourage the issue of silver certificates. The Treasurer certainly knows this was not the intention of the authors of the Bland bill. He knows it was expected that the coined silver dollars would circulate mostly in the certificate form. He knows that very little gold circulates except in the certificate form. The statement of the percentage of the different kinds of money received for customs at New York, page 69 of his report, shows that only seven-tenths of 1 per cent. was received in gold coin for duties on imports at New York from July to October, 1885, and that 52.6 per cent. of all the gold received was in gold certificates. This shows that practically all the gold circulates in certificate form. During the same time one-fourth of 1 per cent. was received in silver coin and 14.55 per cent. in silver certificates. So most of the silver circulates in certificate form, as it was intended by the authors of the Bland bill.

The following table from the Treasurer's report, page 73, shows the amount of silver dollars coined to October 31, 1885, the amount in the Treasury, the amount of certificates held as cash, the amount of certificates in circulation, the net silver dollars in the Treasury, and the amount in circulation in coin:

1885.	Standard silver dollars coined.	Standard silver dollars in the Treasury.	Silver certificates in the Treasury, cash.	Silver certificates in circulation.	Net standard silver dollars in Treasury.*	Standard silver dollars in circulation.
January 31	191,947,194	150,632,154	27,337,890	113,858,811	36,773,343	41,315,040
February 28	194,247,194	153,561,007	29,951,880	111,467,951	42,093,056	40,686,187
March 31	196,697,394	156,698,482	30,861,615	112,820,226	43,878,256	39,998,912
April 30	199,107,394	159,441,034	32,141,140	109,443,946	49,997,088	39,666,360
May 29	201,509,231	162,244,855	35,575,590	105,085,186	57,159,669	39,264,376
June 30	203,884,381	165,413,112	38,370,700	101,530,946	63,882,166	38,471,269
July 31	205,784,381	166,499,948	40,340,980	98,872,106	67,627,842	39,284,433
August 31	208,259,381	166,854,215	42,712,890	96,079,296	70,774,919	41,405,166
September 30	210,759,431	165,483,721	31,722,990	93,656,716	71,827,005	45,275,710
October 31	213,259,431	163,817,342	31,906,514	93,146,772	70,670,570	49,442,089

*After deducting silver certificates in circulation.

This table shows that on the 31st day of October, 1885, there was in actual circulation 93,146,772 silver dollars in certificate form, $31,906,514 in silver certificates held as cash in the Treasury and $49,442,089 in circulation in coin. There was at this time in circulation, approximately, $50,000,000 in fractional silver coin, so there were about one hundred and ninety-three millions of silver in circulation in coin and certificate form, about one hundred millions of which circulate in coin. There is no such amount of gold coin in circulation among the people of this country. This one hundred millions of silver coin is in active circulation among the people. It is peculiarly the money of the people, and the silver certificates would be in more active circulation if they were not of such large denominations. They circulate upon a par with gold certificates and answer the same purpose in every way.

In the Treasurer's report, page 24, he gives a table, in which he pretends to show the actual circulation of silver dollars, and the percentage of distribution to the annual coinage and percentage of the outstanding silver dollars to the coinage, during the fiscal years from 1878 to 1885, as follows:

Year.	Annual coinage.	Total coinage.	On hand at close of year.	Net distribution during year.	Outstanding at close of year.	Distribution.	Outstanding.
						Pr. ct.	Pr. ct
1878...	$8,573,500	$8,573,500	$7,718,357	$855,143	$855,143	9.9	9.9
1879...	27,227,500	35,801,000	28,358,589	6,587,268	7,442,411	24.2	20.8
1880...	27,933,750	63,734,750	45,108,296	11,184,043	18,626,454	40.0	29.2
1881...	27,637,955	91,372,705	63,249,300	9,496,951	28,123,405	35.8	30.8
1882...	27,772,075	119,144,780	87,524,182	3,497,193	31,620,598	12.6	26.5
1883...	28,111,119	147,255,899	112,362,510	3,272,791	34,893,389	11.6	23.7
1884...	28,099,930	175,355,829	135,810,368	4,652,072	39,545,461	16.5	22.6
1885...	28,528,552	203,884,381	165,535,854	1,196,934	38,348,527	.....	18.8

This table states, and attempts to convey the idea, that only 18 per cent. of the coined silver in this country is in circulation or can be kept in circulation. It says nothing about the ninety-three millions of silver dollars which are in circulation in certificate form; but still it pretends to show to the people the amount of silver dollars actually in circulation. The Treasurer says:

It will be observed that during the past year more of these coins were returned to the Treasury than were issued; the issues amounted to $16,627,691 and the amount returned to $17,824,625.

We have shown that the amount of silver dollars or silver certificates held in the Treasury depends upon the pleasure of the Secretary of the Treasury. From the reports $31,906,015 of silver certificates and $49,442,089 of standard silver dollars were held as cash in the Treasury on the 31st of October last. We have shown that the Secretary of the Treasury could have paid out at pleasure these certificates and these coined dollars for a small portion of the ordinary expenses of the Government.

This table states that 165,535,854 silver dollars were in the Treasury at the end of the fiscal year. More than ninety-three millions of these silver dollars belong in the Treasury vaults and can not be paid out any more than can the one hundred and five millions in gold held in the Treasury for that amount of gold certificates actually outstanding. The last statement of the assets and liabilities of the Treasury on December 31, 1885, shows two hundred and fifty-three millions of gold coin and bullion in the Treasury, and $147,000,000 net gold in the Treasury over and above the one hundred and five millions of gold certificates outstanding. It also shows one hundred and sixty-nine millions of silver in the Treasury, being seventy-six millions over and above the ninety-three millions of outstanding silver certificates. There is stored in the Treasury only about one-half as much net silver as there is net gold.

The Secretary of the Treasury claims to have been making an extra effort to circulate silver dollars by calling in some of the one and two dollar United States Treasury notes and trying to replace this circulation with silver dollars. The Secretary knows there is a prejudice among some people against carrying from one to five dollars in silver as change. He knows much of the prejudice against silver comes from a certain class who make this objection, and ask for one and two dollar bills. It is not the object of the bimetallists or the silver men to urge or compel people to carry silver dollars if they prefer one and two dollar bills. It is their intention to give the people their choice. One and two dollar certificates should be issued and circulated with the one and two dollar United States national-bank notes. But the Secretary knew this would aid in prejudicing a certain class of people against the circulation of the silver dollars, and hence the pretended effort was made.

The day has passed in the commercial world when silver and gold coin form the circulating medium among the people, strictly speaking. Silver and gold now form the standard and legal measure of value and circulate in the form of paper money which represents them. It is a misrepresentation of the intention of the bimetallists, and those who favor silver coinage, to say they desire to force the people to carry around silver dollars in any quantity whatever. It is their desire to retain silver as one of the money metals; but they desire that it shall be used as a standard of value with gold, and circulate mostly in the certificate form, the same as gold.

I desire to correct another misrepresentation of the position of those who are opposed to the suspension of silver coinage. The Eastern papers and the gold bugs have been representing that those who favor silver coinage are in favor of silver monometallism. I claim to know the opinions of the advocates of silver coinage throughout the Southern,

Western, and Rocky Mountain country. I know they are unequivocally opposed to a single silver standard and to any financial policy that would lead to it.

SILVER COINAGE WILL NOT DRIVE GOLD OUT.

We have been told again and again, it has been repeated by all the single gold standard advocates and by all the monometallist journals throughout the country ever since the passage of the Bland bill, that the coinage of silver dollars and the issuing of silver certificates would drive all the gold out of the country. They are continuing to repeat and to proclaim this to the people of the country to-day. They have succeeded in frightening many into the position of favoring a temporary suspension of silver coinage by the continued reiteration of this. But the best estimates show that there has been a net gain of gold coin in this country of about three hundred and fifty millions since silver coinage began under the provisions of the Bland bill in 1878.

The history of gold leaving the country from about 1856 to 1876, compared with the history of the imports and exports during that period and since, is sufficient to show that it is the relative amount of imports and exports, called the balance of trade, that in a great measure keeps gold in the country or causes it to be exported. During the twenty years from 1856 to 1876 the annual production of gold in this country ranged from fifty-five to forty million dollars per annum. But, notwithstanding this immense production of gold as compared to the population, wealth, and business of the country during that period, most of the gold left us. In 1876, as shown by the report of the Director of the Mint, it was estimated that there was only $153,493,378 in gold coin in the United States. This caused many to oppose resumption because not enough gold to resume. It can not be said that the coinage of silver during these twenty years drove gold out of the country, for during this period very little silver was coined, not enough to have any appreciable effect upon the movement of gold. And although we produced in this country during these twenty years $912,650,000 in gold, yet at the end of that time the best estimates place the total amount of gold coin in the country at $153,493,378.

It will not be contended that the coining of the silver dollars and piling them up in the Treasury vaults during these twenty years drove about nine hundred millions of gold out of the country. It seems strange in the face of these facts and figures that it should have been contended, both before and since the passage of the Bland bill, that the coinage of twenty-five millions of silver dollars a year would drive, and was driving, all gold out of the country. Such experience is a superior guide to the theoretical prophecies, the fallacious reasonings, and the false assumptions of the gold-standard men, and the so-called political economists.

In the report of the Director of the Mint for the fiscal year ending June 30, 1885, pages 4 and 5, it is stated that the import of gold coin and bullion during the year was $29,064,305.45, and the export of gold coin and bullion was $8,082,142, showing an excess of imports over the exports of gold coin and bullion of $20,586,413.45.

It is a significant fact that from 1873, when silver was demonetized, to 1878, when the Bland bill passed, there was a continued excess of exports over the imports of gold coin and bullion which amounted during these five years to $127,526,036, and from the year 1878, after the passage of the Bland bill, to end of fiscal year 1885 there has been a continued increase of the imports over the exports which in the aggregate, during these seven years, amounts to about two hundred millions.

Mr. Chairman, in the face of this the different Secretaries of the Treasury in their annual reports since 1878 have given it as their opinion that if the coinage of silver at the present rate was persisted in it would soon drive gold out of the country. Secretary Sherman in 1878 recommended that he be authorized to discontinue silver coinage when the amount of silver dollars should exceed fifty millions, and that, in his opinion, this was all the silver that could be maintained in circulation on a parity with gold. In 1879 the Secretary again recommended the suspension of silver coinage, or, as he said, the inevitable result would be to exclude gold coin from circulation. In 1880 the same Secretary repeated in substance the same recommendations and statements; and every Secretary of the Treasury up to the present time has continued them and predicted the same evil results if their recommendations were not carried out. But Congress has refused to suspend silver coinage or to carry out the recommendations of these different Secretaries.

The representatives of the people have watched with unabated interest the result of the progress of silver coinage, and many of them with fear and trembling have waited to see when the gold would pass from circulation, and when it should commence to leave the country, as we have shown it continued to do up to 1878, when the Bland bill was passed. But they have seen that gold continues in circulation in certificate form; that over 50 per cent. of the receipts at the New York custom-house is in gold certificates; and a much larger percentage of gold would be received were it not for the violation of the law by the Secretary of the Treasury in receiving over 25 per cent. in United States notes in payment of customs. They have seen about fifty millions of silver dollars in active circulation among the people of the country; they have seen nearly one hundred millions of silver certificates, and more than fifty millions of fractional silver coin, making approximately two hundred millions of silver, in active circulation among the people of this country; and still the amount of gold in the country is fast increasing and the circulation of it in certificate form is fast increasing. If the Secretary of the Treasury had obeyed the spirit and letter of the statutes thirty millions of silver certificates now lying idle in the Treasury and more than fifty millions of silver dollars piled up in the vaults of the Treasury, not represented by certificates, would have been paid out for a part of the ordinary expenditures of the Government, and activity added thereby to industry, trade, and commerce.

[Here the hammer fell.]

On motion of Mr. PETTIBONE the time was extended for Mr. SYMES to conclude his remarks.

Nevertheless, at the opening of the present session of Congress the Treasury officials, the President, the leading newspapers East, the bondholders, and the monometallists, with a zeal and a perseverance worthy of a better cause, make the same recommendations and statements, proclaim the same prophecies, and urge Congress to suspend the silver coinage.

It is a somewhat doubtful problem to determine how much gold and silver can circulate on an equality of value in this country. There is much room for honest difference of opinion on this subject. But aside from theory we have some practical illustrations of the subject.

France with a population not two-thirds as large as that of the United States, and with an area and material resources insignificant when compared with those of our country, has, from the last estimates made in December, 1885, in reserves in the Bank of France $233,475,000 in gold and $217,945,000 in silver. Outside of the bank, circulating among the people in business and industry, there are six hundred and twenty millions in gold and $320,000,000 of silver, making a total of $853,475,000 in gold and $541,945,000 in silver in the country, and being a grand total coin circulation of $1,395,420,000. There is a paper-money circulation of $556,000,000, making a grand total of paper and metallic money of about $1,950,000,000. Estimating the population of France at 38,000,000, we find there is in that country a per capita circulation of $22.45 of gold, $14.26 of silver, and $14.63 of paper money—a total circulation per head of $51.34. In the United States there is a per capita circulation of about $9 of gold, $4 of silver, and a smaller circulation of paper money.

France has gained in her amount of gold over England during the past few years. England, Germany, and the Scandinavian gold-standard countries surround France, as it were, and have endeavored to force a single standard upon her.

Mr. Chairman, why does not the five hundred and forty-one millions of silver in France drive out the eight hundred and fifty-three millions of gold, according to the notorious Gresham law so much harped upon by the monometallists? Why has the industrial and commercial prosperity of France during the past ten years exceeded that of any other country? It is because she has a larger bimetallic money circulation than any other country. The large amount of silver in circulation among her people stimulates and increases her industries and commercial prosperity so much that she is enabled to increase her stores of gold from the surrounding single-standard countries.

The United States will have to continue the coinage of $25,000,000 of silver per year for about twelve years before it will have in circulation as much silver as France. Estimating our population at fifty-five millions, we would have to continue our present rate of silver coinage for more than twenty years before we would have a per capita circulation in silver as large as that of France, even if our population did not increase in the mean time. The twenty-five millions of silver coined in this country is only about 1.7 per cent. of our present circulating medium—fifteen hundred million. Our population is increasing at the rate of about 3 per cent. per annum, and the increase of our trade and commerce exceeds this.

In the face of such facts and figures, drawn from the practical monetary experience of silver and gold coinage and circulation in France and in this country, how can it be contended that the coinage of twenty-five million silver dollars per annum can cause an excess of circulation or drive gold out of the country?

France has actually gained in gold by excess of imports over exports during the last ten years $276,000,000. During the same period France has increased her silver circulation over $155,000,000. Holland has a silver circulation of $12.66 per head and a gold circulation of $10 per head. Belgium has a silver circulation of $9.22 and a gold circulation of $11.13 per head. Holland and Belgium have accumulated a much greater amount of gold and silver per head during the last ten years than any of the other nations of Europe, with the exception of France, and they are double-standard countries.

It has been well said by an able writer on this subject that—

If ever there was an opportunity for the Gresham law to show its truth or falsity it has been in France and Holland and Belgium and the other bimetallic countries during the past ten years.

They have continually increased the amount of gold and silver coin in these countries since silver was so much depreciated by being demonetized in Germany and the United States in 1873. According to this so-called Gresham law, so much cited and so flippantly referred to by every gold bug of the money centers, cheap silver should have taken the place of gold in France, Holland, Belgium, and the other states of the Latin Union, and a large portion of their gold should have passed out of these countries into the gold-standard countries of Germany and

England. Instead of this France has gained not less than two hundred and seventy-five millions in gold by importations from other countries, and at the same time she has largely increased her circulation of silver coin, and the other bimetallic countries have not fallen much behind. During this same period England has gained only a little over $13,000,000 of gold by her excess of imports over exports; and the Bank of England has increased its rate of discount during the past few months to stop the flow of gold to France, and Germany has done the same.

According to the report made in December last, the Imperial Bank of Germany held only 40,125,000 in gold reserves, and at the same time it held 120,300,000 in silver; and this is the single-standard country that has made the greatest sacrifice that any country ever made, or attempted to make, in pursuance of the behests of her capitalists and her creditor and bondholding classes to demonetize silver. Germany attempted this because France was compelled to pay her about one thousand millions of gold as a war indemnity. The result is that the bimetallic circulation of France, which has quickened all her energies and advanced her industrial and commercial prosperity, has enabled her to gradually draw this gold back from Germany, while Germany is making every sacrifice she can to maintain a single gold standard; still the coin reserves of the Imperial Bank to-day consist of three times as much silver as gold.

I might illustrate further from the history of the commercial world during the past decade, and show that this Gresham law, which to a certain extent is true, has been imperfectly understood and greatly misrepresented. When it is considered in connection with the material prosperity and the balance of trade as applied to nations, it contains one element of truth, and that is, that when the balance of trade is against a country that balance has to be paid in the dearer money. Consequently, when the balance of trade is in favor of a country on account of her industrial, commercial, and material prosperity, she will receive from other countries the accumulation of the dearer money. When a nation is internationally rich, has become a creditor nation, and has great industrial and material prosperity, she will receive an accumulation of the dearer money from the other countries less rich and less prosperous.

We have not space to illustrate at this time the rules of financial and political economy which make a country so rich and prosperous that she will receive from the other nations an accumulation of the dearer money. But one unvarying principle will not be denied, as shown by the prosperity of the countries above referred to, and that is, that the greater the amount of coin per head in circulation in a country the greater will be the material prosperity of that country. It vitalizes and quickens the industries. It increases the diversified resources. It employs, keeps at work, and pays all the laborers. It causes the manufacture of the raw material into useful commodities, and carries a country along the road from a debtor to a creditor nation.

Mr. Disraeli, prime minister of England in 1873, in commenting upon the results of the demonetization of silver in Germany, said:

> But it is the greatest delusion in the world to attribute the commercial preponderance and prosperity of England to her having a gold standard. Our gold standard is not the *cause* of our commercial prosperity but the *consequence* of our commercial prosperity.

England has been enabled to maintain a gold standard because she is pre-eminently the richest nation in the world, commercially, internationally, and industrially, and because she is the greatest creditor nation.

If the United States had two-thirds the coin circulation per head that France has to-day, with the addition of a paper circulation based upon that coin, a tide of material and industrial prosperity would extend all over this country, and would soon make us one of the greatest creditor nations in the world. Our undeveloped material resources are so boundless, and the wages we expect our laboring people to receive are so much larger than those of other countries, that we need a greater circulation per head than any other people. How can we increase this circulation except by the coinage of silver when we produce only thirty millions of gold per annum, about ten millions of which is consumed in the arts and manufactures?

While attempting to show that the increase in the coin circulation, or in paper currency based on coin, will greatly stimulate our industries and material prosperity, I am no advocate of a fiat money, or of a large paper circulation insufficiently secured and not convertible into coin on demand. I advocated the return to specie payment from 1875 to 1879, and at the same time I urged the remonetization of silver to aid in that resumption. The return to specie payment and the partial remonetization of silver in 1878 did bring about an era of great material prosperity. A large insufficiently secured or a fiat paper currency may apparently give temporary prosperity, but it is of a deceitful character, because the people, under such circumstances, generally think that they are getting rich, when in fact they are getting in debt.

I would say to those who fear fiat money, or a large insufficiently secured paper circulation in this country, that they are hurrying the day when such a thing is probable, by their attempted demonetization of silver. The contraction, depression, and stagnation which the demonetization of silver would bring about will create a fiat paper money party in this country in comparison with which the Greenback party from the close of the war to 1879 was small and insignificant.

GOLD MEN ARE TO BLAME FOR DEPRECIATION OF SILVER.

The special argument made by the monometallists in favor of suspending silver coinage is the depreciation in the price of silver bullion. We all regret this depreciation. The bimetallists regret it much more than the monometallists. The advocates of silver coinage regret it much more than the bondholders. But who is to blame for it? Was it not the demonetization of silver in 1878 by the monometallists that caused the great depreciation in the price of silver? Before that time the silver dollar had a greater bullion value than the gold dollar. The foundation of value of all articles is use; and when silver suddenly ceased to be used for the purposes of coinage by two of the greatest nations in the world and was boycotted by the gold-bugs and by the monometallists in the money centers, it depreciated.

In 1852 Mr. Corwin, then Secretary of the Treasury, recommended reducing the quantity of metal in the silver dollar to 384 grains, because its bullion value was greater than that of the gold dollar. An act was passed reducing the weight of metal in all coins of less denomination than one dollar. At that time the metal in the silver dollar was worth 4.26 per cent. more than the metal in the gold dollar. The price of silver at that time had risen in consequence of the scarcity for export and use in the arts, as some said; but more correctly, as others stated, the value of the gold dollar had fallen as a result of the immense production in the newly discovered gold fields of California and Australia. From 1834 to 1873 the premium on the silver dollar ranged from .34 to 5.22 per cent. over the gold dollar. It was at 2.67 per cent. premium in 1873 when silver was demonetized.

The arguments in favor of demonetization from 1870 to 1873 were mostly based upon the fact that silver dollars were intrinsically worth so much more than gold dollars they were bought up, exported, or used in the arts, and practically kept out of circulation. This was the reason given by Mr. Knox, then Comptroller of the Currency, in his report which contained a copy of the bill for demonetizing the silver dollar drawn by Mr. Boutwell, then Secretary of the Treasury, and sent to Mr. SHERMAN, chairman of the Committee on Finance in the Senate in 1870. Dr. Linderman, Director of the Mint at that time, gave the same reason in support of demonetization. Mr. Hooper, a member of the Coinage Committee in the House, offered an amendment to the bill which had passed the Senate to demonetize silver, providing that the silver dollar should be retained as a subsidiary coin and its metal reduced to 384 grains. He supported his amendment by the same argument, that the bullion value of the silver dollar of 412½ grains was so much greater than its nominal value it was melted by the manufacturers of silver or exported.

Mr. Chairman, from this it seems the monometallists demonetized the silver dollar in 1873 for the reason that its bullion value was so much greater than the gold dollar that it could not be kept in circulation. After the demonetization, by reason of which silver depreciated in value, these same supporters of the single gold standard opposed remonetization for the reason that the bullion value of the silver dollar had become so much less than the gold dollar that it would not circulate or be received by the people. When they urge suspension of coinage, for this reason they seek to take advantage of their own wrong.

Many who pretend at this time to be bimetallists and who are favoring what they call temporary suspension of silver coinage are acting as inconsistently with their professed motives as those who demonetized the silver dollars because their bullion value was too great, and shortly afterward opposed their remonetization because their bullion value was too small. Gentlemen of high reputation as economists and professed advocates of bimetallism are publishing articles and addresses advocating that the sure way to permanent bimetallism is to temporarily suspend silver coinage until an international monetary conference can fix the ratio of coinage between gold and silver throughout the commercial world. They claim that the temporary suspension of silver coinage in the United States would bring about this result.

Mr. Chairman, I do not wish to question the motives of any gentleman. But after our experience with the international monetary conferences of 1867, 1878, and 1881, I can not understand how gentlemen can have any confidence that the great states of Europe, whose policies and interests are so opposed to those of the United States, can be expected voluntarily to remonetize silver after it has been demonetized in this country. We might as well expect an international conference on the tariff to regulate the tariff system of the commercial world in accordance with the "American system" of Henry Clay.

We are the greatest silver-producing nation. We are a great debtor nation. All our great industrial and material interests demand bimetallism for our prosperity. The nations having a single gold standard are creditor nations. Their great material interests are already developed. They are seeking an outlet for their accumulated capital. They seek to control the nations of the commercial world with this accumulated capital. They seek to invest large quantities of money in the United States and to derive large fixed incomes and revenues therefrom, which come from our labor and productive property. The interests of the moneyed classes in these countries demand that one-half the metal money of the world should be demonetized, so as greatly to appreciate the value of the other half and depreciate the value of all productive property and labor, and add to the burdens of the debtor.

Any able and ingenious politician or economist, acting in the interests

of the capitalists of these nations, may certainly urge the demonetization of silver; and if the same person was acting in the interest of the great majority of the people of our country he would advocate a bimetallic currency and a full remonetization of silver. The London bankers buy $20,000,000 of our cheap silver every year and coin it into roubles and make a larger profit on it, and we make it cheap for them.

Why, then, do these advocates of the so-called temporary suspension of the coinage suppose that the politicians and statesmen of those countries will act in opposition to the interest of their own moneyed classes and in favor of the interests of this country? I give it as my opinion, and caution this House and the people, that if Congress should suspend silver coinage temporarily these same gentlemen would immediately proceed to show that it was impracticable to resume the coinage. The people have more to fear from such pretended advocates of bimetallism than from those who openly advocate monometallism.

It is such dissimulation and unfair conduct of the monometallists and their allies that have misled many well-meaning people into the belief that silver coinage ought to be temporarily suspended.

Mr. Chairman, we have been and are practically doing business upon the single gold standard basis in this country, notwithstanding the statutes create a double standard. Of my own knowledge I can state that large amounts of money are being loaned throughout the country to-day where a special contract is required that it shall be repaid in gold. The debtor gives his bond and mortgage and receives silver certificates or other paper currency; but he is compelled to enter into a special contract to repay the same at some future day in gold coin. In this way the large, increasing creditor classes are becoming more and more interested in the demonetization of silver, which would result in the further appreciation of gold. This is another reason why silver has depreciated; and this is another reason why this Congress should notify the country that silver coinage will not be suspended.

Suppose, sir, all the power of the capitalists, the creditors holding the immense bonded debt, State and national, municipal and corporation, and the leading bankers and brokers who control the money centers of this country and of Europe, aided by the officers of the Treasury Department who control the receipts and disbursements of the fiscal affairs of this Government, had combined against gold as they had against silver. They could have depreciated it as much as silver has been depreciated by the same combination and money forces. The most powerful bankers' association on the continent, the New York Clearing-House, has refused to accept silver in payment of balances, and the United States subtreasury is a member of this association. The large money-loaners tell every person who asks for a loan they can only make it on a contract to repay in gold—that silver must necessarily soon be demonetized and pass out of circulation. Most of the leading journals throughout the country continue to say silver must and will be demonetized, and gold will become the only standard and measure of value in the commercial world. If the same combined money forces had been arrayed in favor of silver the bullion value of it would equal if not exceed gold to-day, as it did before demonetization in 1873.

Mr. Chairman, the legislation of this country for the past twenty years has been so formed and shaped as to make it to the interest of those controlling these money and fiscal forces to raise the price of bonds and gold and to depreciate all other commodities. The legislation ought now to be shaped so as to make it to the interest of these same forces to raise the price of silver. A fair portion of the debts and expenditures of the Government ought, by express law, to be paid in silver dollars and certificates. The national banks ought to be compelled to keep a fair proportion of their reserves in silver and silver certificates.

Time does not permit us to give a detailed outline of this proposed legislation, the most necessary and immediate of which is to notify the people of all classes and interests that Congress will not suspend the coinage of silver.

I have, sir, little but praise for the national-bank system and banks. They form the best banking system and the best banks of issue we have ever had in this country. Compared with the old insufficiently secured stump-tailed, red dog State bank currency of ante-bellum days they are as superior as silver dollars to an irredeemable paper currency. But they were created by the Government and given valuable franchises and privileges to aid in carrying out its financial policy, and when, instead of assisting to do so, they combine to defeat the will of the people and the financial policy of the Government as expressed by the acts of Congress, they should be taught their proper place, and that their relation to the Government is one of assistance and not of dictation. It can not be expected that such a great curse to a government as a national debt shall be continued for the sole and single purpose of enabling national banks to keep up their circulation secured by the national bonds.

National-bank circulation must soon be retired because the bonds that secure it must be paid off. Why should not silver coin or bullion or certificates take the place of these gold bonds to secure the national-bank circulation? The United States bonds arose from the necessities of the war and must pass away with the debt created by that war. Silver is as stable as the mountains from whence it is mined, and it has, by the common consent of mankind, been considered as convenient as gold for use as money since the days of Genesis; and the majority of the people of the commercial world to-day prefer it to gold for coinage. It has an absolute intrinsic value, because the experience of all silver mining shows that it takes over 95 cents' worth of interest on capital invested and of animated bone and muscle to produce a dollar's worth. No people on earth know this fact so well as the prospectors and miners of the Rocky Mountains.

Let not the largest silver-producing country in the world pursue the suicidal policy of depreciating her own money and one of her greatest productions.

NOT A DISHONEST DOLLAR.

They say the silver dollar is a dishonest dollar, and that the 412½ grains of standard silver in it is worth 15 or 18 cents less than the gold dollar in the London market. One hundred silver dollars will pay just as much indebtedness as one hundred gold dollars. But aside from this it is not a dishonest or depreciated dollar when tested by the correct rule. This must be determined by comparing its value with the gold dollar when the great bulk of the indebtedness, in payment of which it is a legal tender, was contracted, and by comparing it with the value of the gold dollar with reference to the average price of the ordinary commodities which man requires to live comfortably and respectably. The fact is, the gold dollar has risen in value over 25 per cent. since 1873, and the silver dollar has not depreciated in value.

The proofs of the rise in gold are many and conclusive. One evidence of the rise in the value of gold is derived from statistics, which we have dwelt upon, showing the great decrease in the production of the mines and the great increase in the demand for current use in the arts and manufactures and for coinage. If it be true that the mines have produced much less gold, and the consumption of gold has increased, then gold must have advanced in value. The unerring law of supply and demand proves this. Another evidence of the rise in gold is derived from the testimony of the leading experts and economists of the commercial world. Economists of world-wide reputation have been pointing out the rise in gold for many years. They have also shown how the demonetization of silver must inevitably greatly advance the value of gold.

The most conclusive proof, which intelligent people can understand, is the falling off in the average price of commodities in gold or legal tender during the past ten or fifteen years. There is a paramount standard by which the relative value of every commodity can be tested, and that is by comparing the price or value of one commodity with the average price of all other commodities for a series of years. To do this thoroughly requires more space than we have at command. In the report of the Director of the Mint for the calendar year 1884, from pages 497 to 502, are tables showing the value of the principal domestic commodities exported from the United States, and the values at the time of export. They show also the prices of the principal commodities in the New York market for the calendar years 1883 and 1884, compared with the prices of the preceding year and compared with the average prices of such commodities for fifty-six years preceding 1881. They show the percentage of the average value of these commodities for the years 1883 and 1884 and their average prices for the preceding period.

These tables show that the average price or value of these commodities in 1884 was 73 per cent. of their average value in 1870. These tables are too voluminous for insertion here. They can be referred to by those interested in investigating the question. Hon. Robert J. Hughes, in his work on the American dollar, exhibits carefully compiled tables showing the fall in the price of commodities and the consequent rise in the price or value of gold for a long series of years. He has selected these tables from the ablest authors upon the subject.

The following table taken from Mr. Giffen's article in the Contemporary Review gives the actual price, according to American quotations, of about twenty leading articles and showing the price of these articles in in the London market, quoted in gold, in the years 1873, 1879, and 1885:

	1873.	1879.	1885.
	£ s. d.	£ s. d.	£ s. d.
Scotch pig-iron.....per ton....	6 7 00	2 3 00	2 1 9
Coals.....per ton....	1 10 00	19 00	18 00
Copper.....per ton....	91 00 00	57 00 00	48 10 00
Tin.....per ton....	142 00 00	61 00 00	77 10 00
Wheat, average.....per quarter....	2 15 11	1 19 7	1 14 11
Flour.....per sack....	2 7 6	1 17 00	1 12 00
Beef.....per 8 pounds....	3 10	2 10	4 00
Cotton, middling upland.....per pound....	10	5⅜	6
Wool.....per sack....	23 00 00	13 00 00	11 00 00
Sugar, Manila.....per cwt....	4 00 00	3 5 00	3 11 00
Pepper, black Malabar.....per pound....	7	4½	8
Saltpeter, foreign.....per cwt....	1 9 00	19 00	15 3

The London Economist confirms this showing of Mr. Giffen by investigations of its own. It exhibits a table which shows the falling off of prices in London during the last ten years. The deductions drawn from these and other sources conclusively show that there has been a falling off in the general average value and price of commodities since 1870 of from 20 to 25 per cent. This shows that silver bullion and general average prices have remained very near on the same level. The prices of silver bullion have advanced slightly in comparison with the general average prices of other commodities; but the gold dollar has actually risen in value from 20 to 25 per cent.

As Judge Hughes has said:

It is not property that has fallen, but gold that has increased in value. * * * The small class who hold the thirty-five thousand millions of bonds, a portion of the indebtedness of the commercial world, have had their property augmented to the aggregate of about $7,000,000,000 at the expense of the tax-paying and debt-owing populations of the world.

In this view of the situation of things, are the masses of the people to quarrel with the silver dollar that has remained on a par with property, or with the gold eagle that has taken a flight into the empyrean?

In 1855 and 1856 Michel Chevalier wrote a series of articles on the fall in the price or value of gold on account of the great productions of the mines of California and Australia. He wrote in behalf of the creditors, the bondholders, and those having fixed incomes. He pointed out the very great injustice that would be brought about if gold coin in Europe remained a legal tender in the same ratio with silver that it had before. He drew distressing pictures of the injustice that would be visited upon those having fixed incomes of from £100 to £1,000 in England and other money centers, if they were compelled to accept the interest and principal of these credits in gold in the same fixed ratio that had before existed. He pointed out the means by which the governments of Europe should increase the amount of gold in the coins where they were a legal tender with silver. At the time he wrote, on account of the visionary expectations regarding the continued gold output, he had some foundation for his predictions and claims. But the increase of the metallic-money circulating medium brought about such an increase in industry, manufacturing, and commercial activity throughout the world that it was soon discovered that the increase of business and population kept pace with the increase of the precious metals, and prices settled back in a few years to about their old status.

But the gold monometallists have not the foundation of Michel Chevalier. We have conclusively shown that silver has not fallen in relation to the average price of other commodities. A person holding bonds, and having a fixed income therefrom to-day, can take the bullion value of the silver dollar and purchase as many of the ordinary necessaries of life as he could with the nominal value of the gold or silver dollar before 1873, even if the silver dollars were not a legal tender and were not as valuable as gold dollars in any ordinary business transactions.

NO INCREASE OF PRODUCTION OVER CONSUMPTION.

Mr. Chairman, the monometallists urge the objection that the production of silver has become so great and the cost of production so little since 1873, and the supply so greatly in excess of the demand, that it is no longer practicable to maintain its money or legal-tender character. If founded on fact, this would be legitimate argument; but like most of their arguments, it is not founded on fact. The discovery and rapid development of the large bodies of silver ore in the so-called Bonanza mines of the Comstock lode in the years 1874, 1875, and 1876 were used with great effect in this country and Europe against remonetization. As stated in the report of the monetary commission, March 2, 1877—

Similar bodies of nearly equal extent had previously been discovered and exhausted in the Spanish-American silver lodes and in the Comstock lode without attracting universal attention or arousing universal fear that the commerce of the world was about to be deluged with a flood of silver; but in the present instance, through persistent and infectious exaggerations in respect to the extent and richness of the new ore bodies, the most visionary expectations and unwarranted fears became universally epidemic.

We all remember how the hired experts of the Bonanza kings made examinations of the Comstock ore bodies and published reports, which were spread broadcast, estimating that there were from three hundred millions to one thousand millions of dollars' worth of silver in these mines. The newspapers and the monometallists gave these imaginary facts as the cause of the depreciation of silver and a great reason why it should be demonetized. The newspapers and gold-standard men in this and other countries pursued the same course of misrepresentation, and those opposing the remonetization of silver in this country, who ought to have known better, acted in concert with the monometallists of foreign countries in their exaggerations and misrepresentations regarding the production of the Comstock and other silver mines.

These misrepresentations were not confined to the kind of metal in the Comstock mine, but it was universally stated to be all silver, and the people generally supposed from these reports that the output from these mines was all or very nearly all silver metal. The fact is that 47½ per cent. of the metal product of the Comstock mines was gold. The most correct reports show the product of all the Bonanzas during the four years they had been worked, prior to 1877, did not exceed $52,500,000 worth of metal, of which over 45 per cent. was gold, leaving the product of silver from these most wonderful bonanzas in the world about $7,000,000 per annum. The estimates of the probable future production of these mines, made and reiterated by those who were at this time strenuously opposing remonetization, will rank among the brilliant works of fiction of the nineteenth century. Hundreds and even thousands of millions were talked about in these estimates with apparently the same degree of certainty that the Statistician of the Agricultural Bureau estimates the number of bushels of wheat or corn the next crop will produce.

But the most inexplicable conclusion drawn from the product of the bonanza mines by the gold-bugs at that time was that these mines which produced approximately the same amount of gold and silver were going to disarrange the relative value of the two metals throughout the commercial world. The silver product of the State of Nevada and of the United States was also greatly exaggerated. It has been shown that the average general product of Nevada during the six years immediately preceding December, 1876, amounted to $19,000,000 per annum.

The whole silver product of the United States from 1870, when demonetization was first recommended, to 1876, was from sixteen to thirty-eight million dollars per annum. During the same period the gold product of the United States was from fifty to thirty-three million dollars per annum. The following portion of a table taken from page 483 of the Director of the Mint for the calendar year 1884 shows the production of gold and silver in the United States from 1878, the year the Bland bill passed, to the year 1884:

Year.	Gold.	Silver.	Total.
1878	$51,200,000	$45,200,000	$96,400,000
1879	38,900,000	40,800,000	79,700,000
1880	36,000,000	39,200,000	75,200,000
1881	34,700,000	43,000,000	77,700,000
1882	32,500,000	46,800,000	79,300,000
1883	30,000,000	46,200,000	76,200,000
1884	30,800,000	48,800,000	79,600,000

The increase in the production of silver in this country has not supplied the decrease in the production of gold. From this table it will be seen that the total product of gold and silver in the United States fell from $96,400,000 in 1878 to $79,600,000 in 1884—a decrease of $16,800,000. The silver product of the United States increased during this period from 1878 to 1884 only $3,600,000, and during the same time the gold product fell off $20,400,000.

Still those who urge the suspension of silver coinage continually represent that the increase in the production of silver in this country is so great that it has been the cause of the depreciation in the value of silver, and for that reason silver should be demonetized. They do not deny the falling off in the production of gold; they do not deny the great increase in the use of gold in the arts. But they do not inform us what is to supply the place of silver as money. But with that blind zeal and prejudice which is characteristic of the money-loaners, the bondholders, and the creditor classes in all ages, they seek to demonetize one-half of the money metal of the world, with the object in view of appreciating the value of the other half. The production of silver outside of the United States has been falling off for the past twenty years. The production outside of North and South America is unimportant. The best estimates place the annual production of the world outside of America at $10,000,000.

The production of Mexico and the countries in South America have been growing less. These countries from 1852 to 1868 produced about $30,000,000 per annum. From 1868 to 1875 the production was about $25,000,000 per annum, falling off of about $5,000,000 per annum, and it has been decreasing since 1875 with no probability of an increase. In 1877 and 1878 the yield of the Comstock mines decreased rapidly, and has been decreasing ever since, until it is now inconsiderable. The celebrated carbonate deposits of Leadville have partially taken the place of the Comstock lode, and, fortunately, have kept up the silver product of our country. The great exaggeration regarding the actual and probable output of the silver mines had a great effect in depreciating the price of silver; and they were all made in aid of the same combination and conspiracy to demonetize silver.

Mr. Mulhall, in his Dictionary of Statistics, gives estimates of the production and consumption of silver in the world for fifty years, from 1830 to 1880, giving the respective amounts used for coinage, manufacturing, and for exportation to the East. These estimates show that during this period the mines of the world produced 57,270 tons of silver, valued at $2,475,000,000. There was consumed 62,500 tons, valued at $2,725,000,000, or a consumption of $250,000,000 more than the production. The same authority estimates that 5,230 tons of old silver candlesticks, &c., in the temples of Europe and the East, were melted down by the world to supply the deficiency between the production of the mines and the demand for current uses.

The amount of silver in the world, coined and uncoined, is estimated to be about $6,000,000,000. There is supposed to be about the same amount of gold. The gross annual product of all the mines in the world is about $100,000,000. This amounts to an annual increase of about 1.4 per cent. to the accumulated stock on hand. There is no correct data for determining the annual loss by abrasion, fire, shipwreck, and other accidents, but it is considerable in the aggregate.

The increase in the accumulation and value of property has been, and is, immense; and the continued increase in population and in the volume of exchange, trade, and commerce is almost beyond computation. During the twenty years from 1860 to 1880 the value of property in the United States increased 214 per cent., at the rate of 10.7 per cent. per annum. The foreign commerce of this country from 1860 to 1880 amounted to 40 per cent. more than all the commerce of the United States from the Revolution to 1860. The internal commerce of this country has passed all precedent, and almost conjecture. It is estimated to be twenty times greater in amount than our foreign commerce. When we contemplate that this commerce is aided by the op-

eration of over 100,000 miles of railroad, more than exist in all other parts of the world, and nearly all constructed during the last forty years; that it is aided by internal navigation upon thousands of miles of the greatest lakes and rivers in the world; that it is enlarged by the production of the greatest crops of cereals in the Western and Southern States the world ever saw, to be exchanged for the immense quantities of manufactured articles produced in the Middle and Eastern States, figures and statistics are set at naught and the mind staggered in its efforts to comprehend its immensity.

To carry on this great commerce and trade we imperatively need, as one of the mediums of exchange and measures of valve, the coinage of all the silver dollars our mines can produce. The amount of silver coined into money from 1875 to 1883 ranged from one hundred to one hundred and sixty-one millions per annum. This coinage among the larger States was as follows: The United States, twenty-seven millions; Mexico, twenty-five millions; India, twenty-nine millions; Spain ten millions, and the balance among other countries. The best estimates show that during the past ten years a great deal more silver has been coined in the world than all the mines have produced.

The Director of the Mint made an investigation in the United States and foreign countries for three years to form a correct estimate of the amount of silver consumed in the world for other uses than coinage. He estimated that not less than thirty-five millions per annum is used in the arts and manufactures and for chemical and medicinal preparations. Dr. Soetbeer, of Germany, made a detailed estimate, and concluded that over twenty millions per annum was used in this way.

The principal supply of silver in the future for the East including India and China, and for Russia, Austria, Egypt, and the other countries where they have the single standard of silver, and produce none; and for the double standard countries of Holland, France, Italy, and others where they also produce no silver, must come from the mines of America.

The report of the Director of the Mint shows over twenty-nine millions of silver coined, nineteen millions exported and over five millions used in the arts and manufactures in the United States in the year 1884, making a total of $53,000,000. The production of all the mines in the country amounted to forty-eight millions, showing a consumption and exportation of $5,000,000 more silver than the mines produced. Then where is this great and dangerous accumulation of silver that we hear so much about?

Dr. Soetbeer and the Director of the Mint have made careful estimates of the amount of gold used in ornamentation and in the arts and manufactures. The estimates show that over $10,000,000 worth of gold per annum is used in the United States in the arts and manufactures. The same authority states that the large addition to the metallic circulation witnessed in the last thirty years appears to have been required by the increased wealth and the greater commercial enterprise and industry, and seems to have been absorbed without materially affecting general prices. These statements were made in 1879 or 1880. That prices have fallen very much since that time is conceded. It has been estimated that there has been about as much gold used during the past few years for ornamentation and in the arts and manufactures as all the mines in the world produce. Those who advocate the suspension of silver coinage do not attempt to deny these facts, nor do they attempt to point out what is to take the place of silver as a circulating medium when it is demonetized.

Mr. Chairman, the monometallists do not attempt to answer the objections made by the silver men to a single gold standard or to a suspension of silver coinage. They do not attempt to show that gold has not risen in value in comparison with all other commodities or that silver has not fallen. Few of them admit that they are monometallists. Most of them say that they are bimetallists; but still they contend that gold and silver can not circulate together, and that silver coinage should be suspended. They do not deny that the demonetization of silver has greatly appreciated the price and value of gold and depreciated the price of silver compared with gold alone and the price of all other commodities. They do not deny that the production of gold is falling off very rapidly and that the demand for current uses has increased and is increasing both for coinage and for use in the arts and manufactures; they do not attempt to point out what is to take the place of silver if it is demonetized or the coinage suspended.

They do not propose any legislation or any remedies for the stagnation of industry and the falling off in the prices of all productive property and labor that will result from suspending silver coinage, and still they advocate suspension. They are continually finding fault with and delivering philippics against compulsory coinage of the silver dollar; but they refuse to grant the people free coinage and to put silver, where it ought to be, on an equality with gold. They do not attempt to argue or show that a double, or even an alternative, standard is not more stable and better for the country, in every way, than a single gold standard; but still they resort to every means in their power, even to the violation of the plainest laws on the statute-books, to depreciate and boycott silver and, in effect, bring about a single gold standard. [Applause.]

PURCHASE IN NEW YORK FOR ARMY PURPOSES.

Mr. BRAGG. Mr. Chairman, I desire to explain the object and purport of Senate bill 671 which has passed the Senate and comes to this House upon the report of the House Committee on Military Affairs. The object of that bill is to buy a block in the city of New York for the use of all the Army officers and offices in the city of New York. The Government has been renting a building there and paying a very large rent since the year 1868. That building is known as "The Army Building," and for its use the Government has already paid some $373,000, when the original purchase-price at which it was offered to the Government was $375,000, as appears by the papers in the case. The lease will expire on the 1st day of May next. We are paying $25,000 per annum for the use of that building. Upon the recommendation of the Secretary of War a proposition from the Produce Exchange was accepted to purchase their building for $250,000.

From the report of the architect, which accompanies the papers on file, it appears that it will require an additional expenditure of $200,000 to make the building just what the Army needs for its purposes in New York. The location is more favorable for Army purposes than that of the present building, being more convenient to the ferry, and its purchase is recommended by all the officers who are connected with the Quartermaster's Department and by the Secretary of War. The Committee on Military Affairs have reported back the bill of the Senate with two amendments. The Senate bill provides that $450,000 shall be appropriated for the purchase of the building and for making the necessary improvements. The Committee on Millitary Affairs have proposed an amendment which will make the bill specify the amount to be paid as purchase-money and the amount which is to be expended for repairs. The amendments will make the bill appropriate $200,000 for the purchase of the building, and $200,000, or so much thereof as may be necessary, for the alterations to be made therein.

Mr. REAGAN. Mr. Chairman, I desire to ask the gentleman from Wisconsin what steps have been taken to ascertain the value of this property?

Mr. BRAGG. The officers of the Quartermaster's Department in New York were directed to take steps to ascertain the value of the property, and I can assure the gentleman [Mr. REAGAN] that this property is offered at a very low figure, much lower than persons who are familiar with its value supposed it could be bought for. When the building is purchased and completed fit for Army use, the interest on the money invested, at 5 per cent., will be less than the amount that we are now paying as rent of a building which is much less convenient, much less conveniently located, and which involves a much greater expense for transportation, because the building it is proposed to purchase is near the ferry which connects the city with Governor's Island, the Army headquarters there.

Mr. REAGAN. Then I will ask the gentleman upon what predicate it is assumed it will take $200,000 to repair this building?

Mr. BRAGG. It appears from the papers in the case that, under the direction of the Secretary of War, the officers of the Quartermaster's Department took steps to ascertain what repairs would be required and what they would cost. To that end an architect was employed, and he has furnished a plan of the proposed repairs, with an estimate of the cost.

Mr. TOWNSHEND. Mr. Chairman, I will ask that the Clerk shall report the bill before I enter upon the few remarks that I desire to make.

The CHAIRMAN. Has the gentleman from Wisconsin [Mr. BRAGG] finished?

Mr. BRAGG. I have done.

The Clerk read the bill and the proposed amendments, as follows:

Be it enacted, &c. That the sum of $450,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the purchase of the old Produce Exchange building and site, bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes, and for the alteration and remodeling of the building so as to make it suitable in all respects for Government use, said appropriation to be expended under the direction of the Secretary of War: *Provided*, That before the expenditure of any of the appropriation hereby made, good and valid title shall be secured to the United States for the land and the improvements thereon contemplated by this act, and the consent of the Legislature of the State of New York obtained to the purchase thereof.

(1) Strike out the word "four," in the first line, and insert "two."

(2) Insert in the fourth line, after the words "Army purposes, and," the words "two hundred and fifty thousand dollars, or so much thereof as may be necessary."

Mr. TOWNSHEND. Mr. Chairman, this bill having come from the Senate after apparently careful consideration, and having been also considered by the Committee on Military Affairs of the House, it is probable that I ought not to antagonize its passage; but I rise for the purpose of calling attention to the fact that when the Government has property to sell it can get but the lowest price, in fact oftentimes only a portion of its real value; but when it becomes necessary for the Government to buy property it is generally necessary for the Government to pay the very highest price for it. Now we are in danger of establishing a precedent here for boards of trade in the different cities to unload upon the Government old buildings for which they have no further use. I think we should carefully consider this bill before we establish such a precedent.

When I first came to Congress, some eight years ago, there was pending here a bill for the sale of the old post-office site at the corner of Liberty and Nassau streets, in New York city. The minimum price then fixed for that building was $250,000. The bill was antagonized

by myself and other members and was defeated. In the next Congress the bill came back with some increase in the minimum price for which the property was to be sold. We antagonized the bill in that Congress for the reason that the property was in a location where real estate was constantly and rapidly increasing in value, and that this property was worth a million or a million and a half of dollars. I was supported in that assertion by Mr. Cox, of New York, and by other members from that city. The bill was defeated in that Congress. It continued to reappear until in the Congress before the last those in New York who were anxious to purchase that property, as well as others who desired the Government to dispose of it, succeeded, by fixing the minimum value upon the property at $650,000, in inducing a majority to pass the bill in both Houses. I was told one day in New York by an ex-Secretary of the Treasury whose office is within half a block of the property that it was worth $1,000,000 or $1,500,000.

That property was finally sold under the bill passed by Congress; and it brought, just as I expected it would, the minimum price fixed by Congress, $650,000. I venture the assertion now that if that property were to-day vacant, without any building whatever upon it, it could be sold for one million and a half of dollars.

That was property offered by the Government for sale; and it seemed to be the general desire of many parties in New York that the Government should part with its title for the very least possible sum. In the particular case now under consideration I will not venture to say that the sum recommended by the committee is not a fair and just price for the property offered the Government; but it strikes me that if the matter has not already been carefully inquired into we should ascertain the real value of the property before final action. I well know the location of this old building. It is in a locality where property is not growing in value. On the contrary, it is my impression that property in that vicinity is growing less valuable every year because the better class of business is going away from there.

When the bill for the sale of the old post-office site in New York city was under consideration I called attention to the fact that we were paying rent on buildings in that city for the use, I believe, of the Quartermaster's Department and for other Army and governmental purposes, and I desired to save this property at the corner of Liberty and Nassau streets for the construction of buildings upon it and the use of the Government—probably for the very purpose contemplated in the present bill. If the Government had retained the post-office property, which was every year increasing in value, it might have been used for these purposes; and when we might desire to dispose of it we could gain the increase in value which will inevitably follow.

I merely desired to call attention to these facts. I have not risen for the purpose of opposing this bill, because I know nothing about the real value of this particular property or the necessity that the Government may have for it. But I wish to emphasize the fact that when the Government desires to sell property it is forced to take a price which is generally less than its actual value; and yet when the Government seeks to purchase it seems that property-holders are anxious to unload their real estate upon the Government at far more than its just value.

Mr. HEWITT. Mr. Chairman, I do not know what the object of my friend from Illinois [Mr. TOWNSHEND] has been in referring, in connection with this bill, to the sale of the old post-office site in the city of New York; but he has made some statements which I can not allow to pass without positive and absolute contradiction.

The old post-office site, situated on Nassau street, was abandoned by the Government at the time the new post-office building in the City Hall Park was occupied. That old post-office property was free from taxation. The Government was holding in the city of New York a property upon which it was collecting rents, but upon which the city of New York levied no taxes. That was an intolerable state of affairs. The property was not wanted for any purpose that the Government had then or has now in view. But it was a very valuable piece of property. It was proposed to sell it. It was sold at public auction, after full and complete advertisement for more than sixty days, and the sale was made subject to confirmation by the Secretary of the Treasury, who confirmed it after having made the most careful examination of the value of the property and having procured the estimates of competent and reputable experts.

I myself procured estimates from leading real-estate brokers in the city of New York, among whom I may name Mr. Ludlow, now dead, than whom no man ever stood higher in his line of business in that city, and Mr. A. H. Muller, now living. Neither of these gentlemen valued that property at over $600,000. I proposed to make that the limit in the bill. Not $650,000, but $600,000 was the minimum limit imposed. The sale was made; the property brought $650,000, not the minimum amount named in the bill, but $50,000 more; and all the leading owners of real estate in New York, including Mr. Astor and men as familiar with property as he is, were present, as I was, at the sale, ready to buy at a fair price. The sale was made in open market with the fullest competition, and a building has been erected on the property at a cost of more than $1,000,000; so that the taxable property of the city has been to this extent increased.

The gentleman from Illinois, when that bill was under consideration, said: "Let us remove the army headquarters down to this building." I replied that the premises occupied for the army headquarters were hired for $17,000 a year, and that the interest on $600,000 at 3 per cent. would more than pay the rent of the army headquarters; that the site and building of the old post-office was altogether unsuitable for the army headquarters; that the Government, having originally bought the property for $200,000, could sell it at a profit of over $400,000, out of which it would be able to buy a more desirable site, one better adapted to use for army headquarters. What I then told the House has been verified; $450,000 of profit from that sale is in the Treasury, of which the sum of $250,000 is now asked to purchase a larger property, better situated for the army headquarters than the other would have been; and from the profit which the Government has realized there will still be a surplus sufficient to put the building in perfect order and make it ample for the purposes of the Government for years to come.

The present rent is $17,000 a year; and when we have expended $450,000, taking interest at 3 per cent., the current rate of interest on Government obligations, the rent will amount to $13,500, a saving of $3,500 a year. That is the result of this operation; and the result of the other operation was the United States sold a piece of real estate it did not want and made a profit on it of $450,000, which, if to-day put up for sale, would bring no more than the price at which it was sold, which was $650,000. And that the gentleman from Illinois may understand what I mean by it, as I am familiar with this kind of property and understand its value, I stake whatever reputation I have for judgment, I state explicitly, that property was sold for the largest procurable sum, and could not be resold if the building was off for what it was sold at the time.

Mr. TOWNSHEND. Mr. Chairman, I do not desire to dispute any of the statements made by the gentleman from New York. The question as to the value of real estate is always a question of mere opinion. I know this, that a former colleague of the gentleman from New York stood on this floor for two terms antagonizing the selling of that property at the price then fixed in the bill, because, as he insisted, the property was worth fully a million of dollars. I allude to the present minister to Turkey, Mr. Samuel S. Cox.

Mr. HEWITT. He was in an Oriental frame of mind at the time. [Laughter.]

Mr. TOWNSHEND. I do not wish to take issue with the gentleman as to the most suitable location for this property, as he is more familiar with the localities in New York than I am; but it is strange to me, Mr. Chairman, in the large city of New York, when the buildings are only about three blocks apart, one should be so suitable for army headquarters and the other should not. The old post-office site is, as I understand it, only three—at any rate not exceeding four—blocks from the old Produce Exchange building. Am I correct in that?

Mr. HEWITT. You are not; and in the most of the statements you are now making you are not correct.

Mr. TOWNSHEND. I leave that to be settled by the gentleman from New York with those who live in New York and who I know entertain the same opinion as I do, and who if here would make precisely the same statements I do. The gentleman says the property was sold at the highest procurable price, but I have the opinion of men, good judges of real estate in New York, who have told me that the property was sacrificed at least for one-half of its value. I will put this statement as well as other statements against that of the gentleman from New York.

Mr. HEWITT. Name your man.

Mr. TOWNSHEND. I name as one the ex-Secretary of the Treasury, General Benjamin H. Bristoe. I could name other gentlemen, whose names perhaps I ought not to bring into this debate.

But I have not risen, as I have said, for the purpose of antagonizing this bill. As a representative, however, of constituents who are interested as much in the money which comes into and goes out of the Treasury as those represented by the gentleman from New York, I enter my protest against any sacrifice of the property of the Government for a less sum than its fair value or the purchase of property on unfair terms.

Now, another fact in regard to this matter. I believe if the old post-office site were put up for sale in New York and no effort made by speculators to keep bidders away from the place of sale, it would bring the price put upon it by the gentlemen I have mentioned and others I could mention in New York. I simply call attention to this fact because I believe the opposition made in this House against the passage of that bill when it was first brought in fixing the price at $250,000 saved the difference between $250,000 and $650,000 it realized.

Mr. HEWITT. Six hundred and thirty thousand dollars when the accrued taxes were deducted.

Mr. TOWNSHEND. I thought it was $650,000.

Mr. HEWITT. Six hundred and thirty thousand dollars was the amount. I know the exact facts.

Mr. TOWNSHEND. My recollection was that it was $650,000. That is all I wish to say about the matter.

I do not complain of the gentleman, and perhaps others in New York who were anxious the Government of the United States should dispose of its property in that city in order that it should pass under the operation of the laws of the State of New York. They were anxious, no doubt, to realize a large sum in annual taxes from it to go toward de-

fraying the expenses of the city and State. Perhaps if the building were located in my district I might have had some such motive actuating me. The gentleman himself has stated now, as he stated once before, that one reason why he desired the property to be sold was because the Government was paying no tax upon it, while the city and State of New York to-day are realizing, no doubt, quite a revenue from it.

But I did not rise to make any factious opposition to the bill. I only want to get at the facts. The representations which have been made to me are sufficient to satisfy my mind that the position I take is a correct one, notwithstanding the contradiction of the gentleman from New York.

Mr. BRAGG. Mr. Chairman, as this is not a bill to sell the old post-office in New York, and as there has been no amendment offered to set aside the sale of the old post-office, I ask the committee to recur to the bill which is now pending to act upon the amendments of the committee, and if these amendments shall meet their judgment and the Committee of the Whole shall agree with the Committee on Military Affairs, to report the bill back as amended with a favorable recommendation to the House.

Mr. ADAMS, of Illinois. Mr. Chairman, I desire to ask either the gentleman from Wisconsin or the chairman of the Committee of the Whole whether there is a report on this bill from the Committee on Military Affairs; and, if so, whether it has been read?

Mr. BRAGG. There is a report.

Mr. ADAMS, of Illinois. There being such a report, showing the importance of having this building for the use of the Government, then I would be glad to have it read.

The CHAIRMAN. The report will be read.

The Clerk read as follows:

Mr. BRAGG, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred the Senate bill No. 671, "making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York, for Army purposes," have had the same under consideration and find that the interests of the Government require for its use such a building in New York city; that the Government has already paid for rental since 1868 $373,000 for the use of a building for the purposes to which this proposed purchase is to be put; that the annual rental now paid is $25,000; that the building desired to be purchased is much more favorably located for use than the one now occupied upon rental. The measure meets the approbation of the War Department, and the committee believe the purchase to be a measure of convenience and economy; and they recommend that the bill be passed with amendments as follows:

Strike out the word "four," where it occurs in the first line of the bill, and insert the word "two."

Insert in the fourth line, after the words "Army purposes, and," the words "two hundred thousand dollars, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendments proposed by the committee.

The first amendment was agreed to.

The CHAIRMAN. The Clerk will read the second amendment.

The Clerk read as follows:

Insert in the fourth line, after the words "Army purposes and," the words two hundred thousand dollars, or so much thereof as may be necessary."

Mr. HEWITT. I would like to ask a question before the vote is taken on that amendment. Is the amount reduced for the purchase of the site from $250,000 to $200,000?

Mr. BRAGG. No, $450,000 in all is appropriated by the bill, $250,000 for the purchase and $200,000 for repairs.

Mr. HEWITT. That is right.

The second amendment recommended by the committee was agreed to.

Mr. BRAGG. I move that the committee now rise and report the bill to the House with the recommendation that it do pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration Senate bill No. 671, had directed him to report the same to the House with sundry amendments and recommend its passage as amended.

The SPEAKER. The first question is on agreeing to the amendments reported by the Committee of the Whole.

Mr. BRAGG. I ask the previous question on the bill and amendments.

Mr. REED, of Maine. Let the bill be reported as it will read if amended.

The bill was read at length as amended.

The SPEAKER. Does the gentleman from Wisconsin demand the previous question upon the bill or the pending amendments?

Mr. BRAGG. Upon the bill and the pending amendments.

Mr. ADAMS, of New York. Mr. Speaker, is in order, I move that the bill be recommitted——

The SPEAKER. That motion is not in order now. The gentleman from Wisconsin demands the previous question upon the bill and amendments.

The previous question was ordered.

Mr. ADAMS, of New York, rose.

The SPEAKER. The Chair will state to the gentleman from New York [Mr. ADAMS] that the previous question has been ordered on the amendments and on ordering the bill to be read a third time, and during the operation of the previous question at that stage it is not in order to move to recommit the bill. But after the bill has been ordered to be read a third time and the question recurs on its passage it will be in order to move to recommit with or without instructions, although the previous question should be then demanded or ordered. The question is on agreeing to the first amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the second amendment.

The Clerk read as follows.

Insert in the fourth line, after the words "Army purposes," the words "two hundred thousand, or so much thereof as may be necessary."

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time.

Mr. BRAGG. I move the previous question on the passage of the bill.

Mr. ADAMS, of New York. I move that the bill be recommitted with instructions to ascertain and report the value of the property in question. I may say that a large number of the New York delegation are unable to come to any determination in regard to this. They know nothing about it.

Mr. BRAGG. Can I be heard for a moment on this motion?

The SPEAKER. It is not debatable.

Mr. BRAGG. I would like to say to the gentleman from New York [Mr. ADAMS] that the only method we have of ascertaining the value of the property is through the Quartermaster's Department, which is charged by the Secretary of War with making an investigation and a report to him. We have no other mode of ascertaining the value of the property than the report, which is lengthy and goes very fully into all details.

The SPEAKER. The motion is not debatable. The question is on the motion of the gentleman from New York [Mr. ADAMS] to recommit the bill with instructions.

The question being taken, there were—ayes 98, noes 54.

Mr. BRAGG. I call for the yeas and nays. I would like to say——

Mr. TOWNSHEND. I object to debate.

Mr. BRAGG. I would like to say that we are liable to pay $25,000 a year for the rent of a building if you defeat the passage of this bill.

The yeas and nays were ordered, 34 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 112, nays 131, not voting 81; as follows:

YEAS—112.

Adams, G. E.	Dingley,	Lanham,	Price,
Adams, J. J.	Dunham,	Le Fevre,	Ranney,
Allen, C. H.	Ely,	Lehlbach,	Reagan,
Allen, J. M.	Evans,	Lindsley,	Romeis,
Anderson, J. A.	Everhart,	Little,	Rowell,
Atkinson,	Felton,	Long,	Sayers,
Bayne,	Fleeger,	Loutitt,	Scranton,
Blanchard,	Fuller,	Lyman,	Sessions,
Bland,	Funston,	Markham,	Sowden,
Bound,	Gallinger,	Martin,	Spriggs,
Browne, T. M.	Glass,	McComas,	Stephenson,
Brown, C. E.	Guenther,	McCreary,	Stone, E. F.
Brown, W. W.	Hale,	McKenna,	Stone, W. J., of Mo.
Bunnell,	Hanback,	Millard,	Storm,
Caldwell,	Harmer,	Milliken,	Strait,
Campbell, Felix	Hepburn,	Moffat,	Struble,
Campbell, J. M.	Herman,	Morrill,	Tarsney,
Campbell, T. J.	Hitt,	Neal,	Taulbee,
Cannon,	Holman,	O'Donnell,	Thomas, J. R.
Catchings,	Holmes,	O'Hara,	Thomas, O. B.
Clements,	Hopkins,	Owen,	Thompson,
Cobb,	Howard,	Payson,	Townshend,
Collins,	Hutton,	Peel,	Wade,
Cooper,	Irion,	Perkins,	Wadsworth,
Cowles,	Johnston, J. T.	Peters,	Wakefield,
Crisp,	Johnston, T. D.	Pettibone,	Warner, William
Davidson, R. H. M.	La Follette,	Pidcock,	Weber,
Dawson,	Landes,	Pindar,	White, A. C.

NAYS—131.

Anderson, C. M.	Croxton,	Hemphill,	Muller,
Baker,	Culberson,	Henderson, D. B.	Negley,
Barbour,	Cutcheon,	Henderson, J. S.	Nelson,
Barnes,	Daniel,	Henderson, T. J.	Norwood,
Barry,	Dargan,	Herbert,	Oates,
Beach,	Davenport,	Hewitt,	O'Ferrall,
Belmont,	Davidson, A. C.	Hiestand,	O'Neill, Charles
Bennett,	Dorsey,	Hires,	O'Neill, J. J.
Bliss,	Dowdney,	Hiscock,	Osborne,
Boyle,	Dunn,	James,	Outhwaite,
Brady,	Eden,	Johnson, F. A.	Payne,
Bragg,	Eldredge,	Jones, J. T.	Perry,
Breckinridge, C. R.	Ellsberry,	Ketcham,	Pulitzer,
Breckinridge, WCP	Findlay,	King,	Reed, T. B.
Brumm,	Fisher,	Kleiner,	Richardson,
Buck,	Ford,	Laffoon,	Rockwell,
Burrows,	Forney,	Libbey,	Rogers,
Bynum,	Gay,	Lore,	Sawyer,
Cabell,	Geddes,	Matson,	Seney,
Campbell, J. E.	Gibson, C. H.	Maybury,	Seymour,
Candler,	Green, R. S.	McKinley,	Shaw,
Carleton,	Grosvenor,	McMillin,	Skinner,
Clardy,	Grout,	McRae,	Snyder,
Cole,	Hall,	Miller,	Spooner,
Comstock,	Hammond,	Mills,	Springer,
Conger,	Harris,	Mitchell,	Stahlnecker,
Cox,	Hayden,	Morrison,	Steele,

Stewart, Charles	Trigg,	Wait,	Willis,
Stewart, J. W.	Tucker,	Weaver, J. B.	Wilson,
Stone, W. J., of Ky.	Turn,	Wellborn,	Winans,
Taylor, I. H.	Van Eaton,	Wheeler,	Wise,
Throckmorton,	Van Schaick,	White, Milo	Wolford.
Tillman,	Viele,	Wilkins,	

NOT VOTING—81.

Aiken,	Foran,	Lowry,	Scott,
Arnot,	Frederick,	Mahoney,	Singleton,
Ballentine,	Gibson, Eustis	McAdoo,	Smalls,
Barksdale,	Gilfillan,	Merriman,	St. Martin,
Bingham,	Glover,	Morgan,	Swinburne,
Blount,	Goff,	Morrow,	Swope,
Boutelle,	Green, W. J.	Murphy,	Symes,
Buchanan,	Hahn,	Neece,	Taylor, E. B.
Burleigh,	Halsell,	Parker,	Taylor, J. M.
Burnes,	Hatch,	Phelps,	Taylor, Zach
Butterworth,	Haynes,	Pirce,	Ward, J. H.
Caswell,	Heard,	Plumb,	Ward, T. B.
Compton,	Henley,	Randall,	Warner, A. J.
Crain,	Hill,	Rankin,	Weaver, A. J.
Curtin,	Houk,	Reid, J. W.	West,
Davis,	Jackson,	Reese,	Whiting,
Dibble,	Jones, J. H.	Rice,	Woodburn,
Dockery,	Kelley,	Riggs,	Worthington,
Dougherty,	Laird,	Robertson,	
Ermentrout,	Lawler,	Ryan,	
Farquhar,	Lovering,	Sadler,	

So the motion to recommit was not agreed to.

Mr. LORE. I ask unanimous consent to dispense with the reading of the names of members voting.

Mr. JAMES. I object.

The following-named members were announced as paired on all political questions until further notice:

Mr. DIBBLE with Mr. WEST.

Mr. HILL with Mr. LAIRD.

Mr. AIKEN with Mr. KELLEY.

Mr. BALLENTINE with Mr. GOFF.

The following-named members were announced as paired for this day:

Mr. SADLER with Mr. HALSELL.

Mr. WARD, of Indiana, with Mr. WHITING.

Mr. JONES, of Texas, with Mr. JACKSON.

Mr. J. M. TAYLOR with Mr. BINGHAM.

Mr. RIGGS with Mr. SCRANTON.

Mr. BLOUNT with Mr. HOUK.

Mr. COX. I desire to state that my colleague from North Carolina, Mr. GREEN, is absent on account of sickness.

Mr. MORGAN. I desire the privilege of voting.

The SPEAKER. Was the gentleman in his seat when his name was called?

Mr. MORGAN. I was not.

The SPEAKER. The Chair can not entertain a request for unanimous consent unless the gentleman was in his seat and failed to hear his name called.

The result of the vote was then announced as above stated.

The SPEAKER. The question is on ordering the previous question on the passage of the bill.

The previous question was ordered; and the question being taken on the passage of the bill, there were—ayes 125, noes 34.

Mr. DUNHAM. Mr. Speaker, there is no quorum voting.

Tellers were ordered; and Mr. DUNHAM and Mr. BRAGG were appointed.

Mr. TOWNSHEND. Mr. Speaker, let me suggest to my colleague [Mr. DUNHAM] that we have the yeas and nays on the passage of this bill.

A MEMBER. Regular order.

Mr. SOWDEN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused, a sufficient number not having voted in favor thereof.

The House again divided; and the tellers reported—ayes 143, noes 25.

So the bill as amended was passed.

Mr. BRAGG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased;

A bill (S. 241) for the relief of Joseph W. Parish;

A bill (S. 311) for the relief of James Trabue, Thomas Thatcher, Michael Callahan, and the widow of John Waters; and

A bill (S. 498) for the relief of George T. Dudley.

Mr. HAMMOND. Mr. Speaker, I move that the House do now adjourn.

Pending the motion to adjourn—

Mr. THROCKMORTON. I am directed by the Committee on Pacific Railroads to ask that the report 1431, Forty-eighth Congress, first session, together with the views of the minority, be printed in the RECORD, as the copies on file have become exhausted.

There was no objection, and it was so ordered.

The reports are as follows:

Mr. THOMPSON, from the Committee on Pacific Railroads, submitted the following report, to accompany bill H. R. 6771:

The Committee on Pacific Railroads, to whom were referred so much of the annual message of the President of the United States as relates to the Pacific railroads, and House bills Nos. 35, 516, and 3801, have had the same under consideration, and beg leave to submit the following report:

On the 1st day of July, 1862, Congress passed "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," by which lands and bonds were granted to certain railroads therein mentioned to aid in their construction. By section 6 of said act it was provided "that the grants aforesaid are made upon condition that said company shall pay said bonds at maturity, &c., and all compensation for services rendered for the Government shall be applied to the payment of said bonds and interest until the whole amount is fully paid. Said company may also pay the United States, wholly or in part, in the same or other bonds, Treasury notes, or other evidences of debt against the United States, to be allowed at par; and after said road is completed, until said bonds and interest are paid, at least 5 per cent. of the net earnings of said road shall also annually be applied to the payment thereof."

The grant in lands and bonds was doubled by the act of July 2, 1864, and many other powers given the companies, among which was to place a first mortgage upon their railroads equal in amount to the subsidy in bonds given by the Government, and prior in lien to the lien heretofore held by the Government. (See section 10, act of 1864.)

They were also granted powers of consolidation, and were compelled by the twelfth section to operate all the roads and branches, as far as transportation was concerned, as a continuous route.

It is evident that when the bonds were given to aid the roads the intention was for them to provide out of their assets for the payment of the interest as it fell due, and also to provide a 5 per cent. sinking fund which would retire the principal at the end of twenty years from the completion of the roads. It was stated upon the floor of Congress, and generally believed, that the compensation then being paid out for transportation of mails and Government supplies, all of which would be carried by the roads, along the routes aided, was nearly double the interest on the subsidy bonds, and that to retain one-half of said compensation would be sufficient in the hands of the Government to meet the interest payments, leaving the 5 per cent. of net earnings to liquidate the principal and any interest left unsettled. So by the fifth section of the act of 1864 it was provided "that only one-half of the compensation for services rendered for the Government by said companies shall be required to be applied to the payment of the bonds issued by the Government in aid of the construction of said roads."

The words in the act of 1862 to which all compensation was to be applied were "bonds and interest;" the term here used is simply "bonds," nothing being said about interest; from which we might reasonably conclude that there was a fixed determination to have the interest paid from time to time, if it took all the compensation to do it, but a willingness to remit one-half, so far as the bonds themselves were concerned, leaving the 5 per cent. to take care of them.

Under these acts the Union Pacific, the Central Pacific, the Kansas Pacific (now consolidated with the Union Pacific), the Sioux City and Pacific, and the Central Branch of the Union Pacific have received bonds upon which the Government has paid interest from time to time, some of which has been repaid, but a large portion of which has not. The following table will exhibit the status of each June 30, 1883, which is sufficiently near to show the necessity of some action being taken by Congress to secure repayment to the Government of the large and increasing debts from these roads, if repayment is desired or expected:

Table showing status of each company June 30, 1883.

Name of railway.	Principal outstanding.	Interest accrued and not yet paid by the United States.	Interest paid by the United States.	Interest repaid by transportation to credit of bond and interest account.		Balance of interest paid by the United States.
				By transportation services.	By cash payment, 5 per cent. of net earnings.	
Central Pacific	$25,885,120 00	$776,553 60	$23,452,555 27	$4,592,158 25	$648,271 96	$18,212,125 06
Western Pacific	1,970,560 00	59,116 80	1,668,248 94	9,367 10	.....	1,658,881 94
Union Pacific	27,236,512 00	817,095 36	24,957,850 41	8,933,292 87	.....	16,024,557 54
Kansas Pacific	6,303,000 00	189,090 00	6,129,333 09	2,969,049 59	.....	3,160,283 50
Central Branch Union Pacific	1,600,000 00	48,000 00	1,549,808 26	152,157 10	6,926 91	1,390,724 25
Sioux City and Pacific	1,628,320 00	48,849 60	1,464,297 49	121,355 39	.....	1,342,942 10
Total	64,623,512 00	1,938,705 36	59,222,093 46	16,777,380 20	655,198 87	41,789,514 39

This table is from the public debt statement and report of the Commissioner of Railroads, 1883, page 7.

After the bonds were received by the roads, and transportation commenced, the officers of the Treasury gave such a construction to the act of 1864 that they only retained one-half the compensation for any purpose, and the 5 per cent. of net earnings. It was found that this sum was wholly inadequate to repay the interest which the Government had to pay out semi-annually for the roads, and by an act of March 3, 1873, afterward carried into section 5260 of the Revised Statutes, Congress again directed that the Secretary of the Treasury withhold "all payments to any railroad company, and its assigns, on account of freights or transportation over their respective roads, of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been reimbursed, together with the 5 per cent. of net earnings due and unapplied as provided by law," and then provided for suit to be brought by any company for such transportation, which is practically a declaration by Congress that the whole should be retained and applied, if it can legally be done, *to the payment* of interest. After the passage of this act the officers of the Treasury withheld *all* payments from the roads on the accounts mentioned, and applied them to the payment of interest until May 7, 1878, when Congress passed what is known as the "Thurman sinking-fund act," to which act this bill is an amendment.

THURMAN ACT.

We regret to say this act has not fully met the expectations of its authors. From some cause three of the railroads which received aid in bonds from the Government were omitted. We see no reason why they should not be embraced by the law requiring a sinking fund. It but extends over them and compels them to follow that wise and conservative policy which would provide the means to meet large debts which must some day be paid. Instead of dividing all their earnings among the stockholders of the present day they should lay by something for the bondholders of the future. No harm can follow from placing them under the law, and if they grow richer the Government debt may some day be made good.

KANSAS PACIFIC.

The Kansas Pacific, according to the last published report of the Commissioner of Railroads, upon the bond-subsidized portion of the road, had a net earning of $1,217,684.92 (see pages 29 and 30, report of 1883); deducting therefrom $378,180 interest on first-morigage bonds leaves $839,504.92 to which the per cent. due the sinking fund and interest requirements apply; or, in other words, the Government will pay out for the Kansas and Pacific Railroad $378,180 annually as interest, and hold back $293,826.72, on the basis of that year's earnings. We believe, however, the future of this road will soon make it able, at the rate per cent. fixed, to meet the entire interest charge.

CENTRAL BRANCH UNION PACIFIC.

The Central Branch of the Union Pacific is operated by the Missouri Pacific system, and is about 100 miles long, running from Atchison to Waterville, Kans. A statement of its condition will be found on pages 62 to 66 inclusive, of the report of the Commissioner of Railroads for 1883. The last statement of its net earnings shows $236,193.77, from which deducting $96,000, interest on the first-mortgage bonds, leaves $140,193.77 as a surplus fund. We think 35 per cent. of this can be applied safely to the Government requirements.

SIOUX CITY AND PACIFIC.

This road has been aided with bonds to the extent of 101.77 miles. A statement of its accounts will be found on page 75 of said report, which shows an increase in net earnings last year of over 200 per cent, The net earnings on the subsidized portion of the road was $108,895.94, and as the interest on the first-mortgage bonds must be provided for before any requirement for sinking-fund purposes is taken, there will be no increase in the amount realized at present under this act. However, no reason exists why it should not apply, and as soon as the earnings reach a point where something can be realized a reduction of its liability will begin.

ENLARGEMENT OF THE POWERS OF INVESTMENT.

The low rates of interest realized on the sinking-fund investments have deterred some of the companies, in a measure, from a prompt payment of dues and compliance with the terms of the law. We refer to a statement in the report of the Commissioner, on pages 249 and 250, for the year 1883, also page 12, for a full showing of the condition of the sinking fund.

While the object in establishing the sinking fund was not to make money for these corporations, but to compel them to put aside a fund to meet debts which they were not providing for, and which could not be met if all the earnings of the roads were divided among the stockholders, yet it is to the interest of all that these funds should be made as reasonably productive as possible. The Secretary of the Treasury should not be sent into the market to deal in securities, selling and investing as opportunity for speculation and change in commercial values render such action favorable, but there should and can be a reasonable enlargement of his discretion, which may render the fund more profitable. We have made such a provision, and further provided that the companies may pay the interest itself as a sinking-fund investment if they choose, with a right to have it refunded at any time that the rights of prior creditors seem to require it.

UNPAID INTEREST ACCOUNTS.

The act of May 7, 1878, was expected to keep down the indebtedness of the roads, but it has failed to do so. The unpaid interest accounts have continued to increase from year to year, and unless the amount now required of the companies is largely increased will so continue until in 1898, when the subsidy bonds, on an average, mature. It amounts now to $102,376,312.94. This is an enormous debt, increasing at the rate of $1,000,000 a year, maturing in about fourteen years, for the payment of which no provision is being made by the companies voluntarily. They only do what the statute compels them, and this slowly and with bad grace. There seems to be a fear, possibly with some foundation, that the companies are discriminating in through freights against the subsidized roads. The receipts upon this portion of the large roads upon which the lien exists are declining, the through freights being diverted over parallel lines owned by the corporations, thus giving them the advantage over the subsidized portion in the division of profits, and enhancing their value at the expense of that portion on which the Government lien exists, which is correspondingly depreciated.

How far it may be to the interest of the owners and controllers of the Union and Central Pacific to build parallel roads, surround and cut off the trade legitimately belonging to the subsidized roads, as population increases in the West and States grow up, and thereby render these lines useful only to their systems and profitable only to them, can only be determined by their present conduct. If they are strangling them now, it is not without a purpose, and we may expect a continuation of this policy. The tendency of this is to endanger the final payment of the debt which will soon be due the Government. The policy of the Government should be to compel such substantial reductions of the debt, or of those prior in lien, as will leave the remainder in 1898 so small in comparison with the value of the franchises that self-interest will compel the corporations to adjust it in order to retain control of the road.

We therefore recommend that the 25 per cent. fixed in the fourth section of the Thurman act be increased to 35 per cent. The affairs of this portion of the Union Pacific are about as follows:

Bond-subsidized road, miles	1,038 $\frac{455}{1000}$
Bonds given	$27,236,512
Stock issued	36,762,300

On which stock dividends have been declared and paid at the rate of 7 per cent. per annum, as well as upon other stocks issued to the stockholders thereof. We append a table furnished in the Commissioner's report, page 26:

Statement of dividends paid on its capital stock by the Union Pacific Railway Company.

	Capital stock outstanding.	Annual rate of dividend.	Amount paid.
		Per cent.	
Year ending December 31, 1877			$2,939,600 00
Year ending December 31, 1878			1,837,250 00
One-half year ending June 30, 1879	$36,762,300 00	6	1,102,350 00
One-half year ending December 31, 1879	36,762,300 00	6	1,102,350 00
One-half year ending June 30, 1880	50,762,300 00	6	1,386,784 50
One-half year ending December 31, 1880	50,762,300 00	6	1,658,953 50
One-half year ending June 30, 1881	60,673,745 00	6	1,948,494 62
One-half year ending December 31, 1881	60,868,500 00	7	2,127,639 50
One-half year ending June 30, 1882	60,868,500 00	7	2,130,387 00
One-half year ending December 31, 1882	60,868,500 00	7	2,130,401 00
One-half year ending June 30, 1883	60,868,500 00	7	2,130,394 00
Total			20,494,604 12

It must not be forgotten that the stock issued to the original owners, many of whom and some of the largest of whom, like Dillon and the Ameses, still hold it, was issued, contrary to the requirements of the act of 1862, as dividends upon the worse than doubtful operations of the Credit Mobilier, and not paid for in cash; that upon the consolidation of the Kansas and Pacific, in 1880, Mr. Gould owned about 80 per cent. of its stock, which had been selling as low as 1¾ per cent. shortly before the consolidation, and the Denver Pacific was in about the same condition, for which stocks, almost worthless, the stock of the Union Pacific Railway was given at par, which increased the stock of the new company to fifty millions, in round numbers, which was increased to its present figure of $60,868,500 by a new issue, for some purpose not disclosed in the report of the Commissioner of Railroads. In addition to these large dividends the company has from its earnings a large surplus of over a million and a half dollars per annum.

The 1,038 miles of bond-subsidized road is the principal contributor to those profitable results. The net earnings on this portion of the road in 1883 was (see Commissioner's report, page 28), after deducting all expenses and interests to prior bondholders, $8,129,246.19; after deducting the sinking-fund and interest requirements of $2,032,311.55, would leave over $6,000,000. In this large showing of the earnings of this road (see pages 26, 27, and 28, Commissioner's report, 1883), we have taken no account of the lands. We are told by the commissioner (see report of Auditor of Railroads, 1880, page 25) that at the consolidation there had been sold about 3,300,000 acres out of 19,000,000 granted, which had realized $13,000,000. There were 16,000,000 left, which, if sold at the same rate, would nearly pay the bonded debt twice over.

The cost of the Union Pacific for building and equipping was $51,000,000 in cash. Estimating on a basis of the Oakes Ames, Davis, and Hoxie contracts (Crédit Mobilier), it was $118,682,223.96. In 1879 the Auditor of Railroad Accounts in his report says: "The cost of building and equipping a railroad like the Union Pacific main line from Council Bluffs to Ogden, with similar grades and on same route, the whole of it laid with steel rails, may be stated approximately at $32,000,000." (See report of Secretary of Interior, 1881, page 577.) It could be built for much less now; steel rails and other expenses are 50 per cent. less.

The first-mortgage bonds were over $27,000,000, the Government subsidy over $27,000,000. These funds more than built the road. The parties then issued $10,000,000 of land-grant bonds and $10,000,000 of income bonds (since replaced by the sinking-fund bonds), which they divided in addition to the $36,000,000 of stock. With this record it behooves the Government to take care of itself. The 35 per cent. will take about $2,844,237.10 from the Union Pacific per annum. The Government now pays out about $1,634,190.72.

But the company is behind in back interest not repaid $16,024,557.54; the additional requirement will about provide a fund to pay this at the time the bonds mature in 1898. The Commissioner in his late computations (Miscellaneous Document No. 44, House of Representatives) says the amount due from the Union Pacific Railway under the law as it now stands will be $57,544,181.68; this includes the Kansas Pacific. Under this act, if complied with, the debt will not exceed $33,000,000, the principal of the bonds, and we may reasonably hope for its payment at the date of maturity.

CENTRAL PACIFIC.

The bond-subsidized portion of the Central Pacific is 860.66 miles, upon which bonds have been given amounting to $27,855,680, and interest paid and not yet repaid to the amount of $19,871,007. We are glad to say this road has complied with the United States requirements, and, in addition thereto, puts aside about $1,000,000 per annum to pay its bonded debts, having a sinking fund of its own amounting to over $6,000,000.

The earnings of the subsidized portion of the road will be found on page 43 of the Commissioner's report for 1883, in which it appears that, after deducting all expenses and costs and the interest on the bonds prior in lien to the Government bonds, there was a net earning of $3,171,680.95. Thirty-five per cent. of this sum will not meet the interest yearly paid out by the Government for this road, namely, $1,671,340.80, but the large sum laid by in its own sinking-fund voluntarily, and its compliance with the requirements of the acts heretofore passed, taking into consideration the value of its land grant, amounting to over $26,000,000, lead us to believe that the debt due the Government will be adjusted at maturity. It pays its stockholders a large dividend, and has continued to do so for some years. We exhibit a table from the Commissioner's report:

Date.	Capital stock outstanding.	Annual rate of dividend.	Amount paid.
		Per cent.	
One-half year ending December 31, 1877	$54,275,500	6	$2,171,020
February 1, 1880	59,275,500	6	1,628,265
August 1, 1880	59,275,500	6	1,778,265
February 1, 1881	59,275,500	6	1,778,265
August 1, 1881	59,275,500	6	1,778,265
February 1, 1882	59,275,500	6	1,778,265
August 1, 1882	50,275,500	6	1,778,265
February 1, 1883	59,275,500	6	1,778,265
Total			14,468,875

The amount of increased requirement under this act is insignificant compared with the dividends and resources of the company.

CLAIMS OF ROADS.

The accounts between the Government and the railroads are in a very unsatisfactory and uncertain condition. The complications arise principally out of the act of March 3, 1873, which has since been carried into the Revised Statutes as section 5260. The companies claim that this act was an attempted modification, without their consent, of what they claim was a charter-contract made in the act of 1864; that by said act Congress retained only the right to withhold and apply one-half the compensation earned upon the bond-subsidized portion of the roads by services to the Government; therefore they say, the officers having retained all not only on the bond-aided portion but also on the non-bond-aided road owned by them (and upon roads not embraced by the Thurman act since it took effect), they have a right to recover the same back with interest.

These claims, as stated, are about as follows:

1. One-half compensation earned on bond-subsidized roads from January 1, 1873, to June 30, 1878	$1,753,554 79
2. Total compensation earned on non-bond-subsidized roads owned, leased, or operated by subsidized companies from January 1, 1873, to June 30, 1882	1,418,110 84
3. One-half compensation earned from July 1, 1878, to June 30, 1883, on bond-subsidized roads not covered by the act of May 7, 1878, or Thurman sinking-fund act	221,572 01
Total	3,393,207 64

This is for mail transportation alone, and the data furnished does not run down to date, nor has it been practicable to obtain sufficient information to give even an approximate estimate as to the amount of compensation earned by the bond-subsidized roads for services other than mail transportation of the three several classes above set forth and for the separate periods mentioned. It is thought it will equal, if it does not exceed, the amount above allowed for mail transportation.

These claims, if allowed with interest, will be over $10,000,000, and require large deficiency appropriations to pay the same. Shall they be paid, or in some way covered into the sinking fund?

It has been held by the Court of Claims that the Government could not retain, for the purpose of paying interest, any portion of the compensation due on the non-subsidized portion of said roads, or on roads controlled, leased, or operated by the subsidized companies; further, that it could only retain one-half the compensation for that purpose on the subsidized portions of said roads. This practically declares the act of March 3, 1873, inoperative, and leaves the Government to pay the claims above set forth, unless they can be covered into a sinking fund. (16 Court of Claims, 360.) It must be noted, however, that the sinking-fund act was not under consideration in the decision referred to above.

We will not argue the right of the Government at this late day to establish a sinking fund for these corporations. This right and the constitutionality of the act of May 7, 1878, have received the sanction of every branch of the Government. Passed by the Senate, agreed to by the House, signed by the President, and declared by the Supreme Court, we can safely proceed on the road marked out. If the sinking fund can be established, the amount to be paid into it, the time when it must be paid, out of what funds belonging to the corporation not devoted to prior claims it is to be paid, the manner of its payment, are all fit subjects upon which Congress can exercise, untrammeled, its legislative discretion.

The amount now due on these claims from the Government, and which they claim has been unlawfully detained and applied to the payment of interest or sinking fund, is, if their claim be true, but part of their funds, not devoted in any way to claims having priority over those debts provided for in the sinking fund.

Congress has clearly as much power to direct that $13,000,000 be paid by these companies immediately over to the sinking fund as to direct the amount fixed by the fourth section of the act of 1878. Having directed it be paid, it has a right to retain and apply any funds due the corporations in the hands of the Government upon this payment so ordered. The dispute between the Government and the roads over these claims has stood a long time, and should be settled. In so far as they have been credited upon the interest account, there can be no better way than to transfer them to the sinking fund, where Congress had power to have passed them before, and in doing so, in order that full justice may be done, allow them interest at 3 per cent. on all sums so withheld and applied, and upon the residue the interest realized upon investments made at the respective dates each sum was collected and paid into the sinking fund. In other words, put the companies as near *in statu quo* as we can. Of course, claims against the Government bear no interest, and the rule is not to pay it, but these claims can and should be made an exception to that rule.

This action will necessitate a restatement of the accounts between the Government and the railroads on the subject of interest; will increase largely the unpaid interest balance, and in proportion enlarge the sinking fund.

The companies will gain the interest, the fund being made productive, which applied to the unpaid interest account only reduced the amount of a non-interest-bearing debt.

In addition to these claims the Central and Union Pacific each have claims now pending for settlement for transportation of mails, excess of charges made by them over what has been allowed by the Postmaster-General, amounting to about $4,000,000 each.

They claim the original contract in the act of 1862 gave them the right "to reasonable compensation for like service rendered for private parties," and say transportation of mails is like express matter, and claim express rates. The Government proposed, until recently, to pay them the same rate as is paid to other railroads. They have refused to accept it, and claim on this account, for past services, about $8,000,000. We cannot deal with this claim, because it is repudiated by the Government. If they succeed, however, in establishing it before the courts, it can be covered into the sinking fund by some further action of Congress.

The same reasoning which brought us to the conclusion that the thirteen millions can be covered into the sinking fund authorizes us to provide that everything due the bond-subsidized roads, either earned themselves or earned by others for them, if due from the Government, can be retained to meet the demands upon the company and secure a compliance with the sinking fund, and we have therefore so provided.

We reserve and hold nothing from other companies except what belongs to those for whom the sinking fund is made. It is merely in the nature of a garnishee process, or right of equitable set-off, which any court of equity would sustain.

Your committee therefore report the accompanying bill, and recommend its passage.

Mr. Post, from the Committee on Pacific Railroads, submitted the followiug as the views of the minority, to accompany bill H. R. 6771:

"The undersigned members of the Committee on Pacific Railroads, while being equally desirous with the majority of the committee of enacting such legislation as shall best conserve the interests of the Government in providing for the ultimate payment of the indebtedness of the railroads to which the subsidy bonds of the United States have been advanced in aid of the construction thereof, are yet compelled to disagree with the conclusions of the majority, and believe that the provisions of the bill reported (H. R. 6771), while aiming to reduce the indebtedness and secure to the Government the payment of an increased percentage of the net earnings of the roads, beyond that required by the act of May 7, 1878, does not, in fact, materially better the existing status of affairs, as it is at best but a temporary makeshift, and is but postponing the period when some definite action must be taken looking toward an adjustment of the debt, which must of necessity be based upon an extension of time wherein the debt may be paid.

We believe it to be of the highest importance to devise some method whereby the Government shall be secured the certain payment of the money it has advanced to the Pacific railroads, but we think that in so doing a just regard should be had for the interests of the railroad companies together with those of the Government and the people who are so largely interested in the proper maintenance of these great commercial highways. We believe that it is opportune at this time to recall a portion of the opinion of Judge Davis in delivering the judgment of the Supreme Court in United States *vs.* Union Pacific Railroad (91 United States Reports, S. C. 79), in which the history of the inception of the Pacific railroads is related, and from which can be deduced the necessities which brought about the inauguration of the enterprise.

He says:

"Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed. The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safety of our Pacific possessions.

"The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.

"It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.

"The scheme for building a railroad two thousand miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.

"The project for building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

"The primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes."

We have given careful consideration to the best methods of securing to the Government the enormous debt of the Central and Union Pacific Railroad Companies, which, by general average, will mature in 1898, at which time it is estimated by the Commissioner of Railroads (Report for 1883, p. 13) there will remain due and unpaid from the Central Pacific $45,995,904, and from the Union Pacific $25,262,253.60, after crediting the company with all payments to that period.

It is manifest that the sinking fund created under the act of May 7, 1878, commonly known as the "Thurman act," has failed to effect the purposes intended, by reason of conditions which were not, and at the time of its passage could not be, anticipated. It was not then foreseen that the 6, 5, and 4 per cent. Government bonds might be called in and extended at a lower rate of interest.

The report of the Commissioner shows that on June 30, 1883, there remained in the United States Treasury, uninvested, to the credit of the Central Pacific, $844,652.13, and to that of the Union Pacific, $858,532.16, being a total of $1,703,184.29.

It also appears that there was invested in the sinking fund for the Central Pacific $1,559,363.70, and for the Union Pacific $774,165.43, being a total of $2,333,529.13, at an average premium of 20 per cent. The fund has not thus far earned an interest equal to the premiums which were paid for the investment.

The original act of 1862 and the act supplemental thereto of 1864 evidently contemplated that the transportation services for the Government would pay the current interest upon the subsidy bonds, and that 5 per cent. of the net earnings per annum, which would pay the debt in twenty years, would render its repayment abundantly secure by extending the time to thirty years, being a margin of ten years over.

At that time the expenditure by the Government for military and other transportation greatly exceeded the interest which would accrue upon the whole subsidy, but the construction of the road so changed the condition of affairs in the region traversed thereby, and so diminished the necessities of transportation, that it fell far short of the current interest, resulting in a gradually accumulating debt, which it soon became apparent could not be paid under the provisions of the original law.

The "Thurman act" was an effort to secure the payment by an increase of the percentage of net earnings which the companies respectively should pay. This act has proven to be a source of litigation between the companies and the Government and of difficult enforcement.

When these roads were first constructed they had a monopoly of all transportation by land from the Pacific coast across the mountains to meet the system of railways in the East. Since then competing roads have been constructed, which so divide the trade that notwithstanding the natural increase of business and population the net earnings of the roads have been seriously diminished, and future earnings are dependent upon conditions which can not be anticipated, and which may possibly cause net earnings to disappear. The Northern Pacific has withdrawn from these lines a large proportion of the trade of Oregon, Washington, and Montana. The Atlantic and Pacific as a central line competes directly for the trade of San Francisco, Central California, and the intervening territory.

The Southern Pacific competes directly for the trade of Southern California, and thus is withdrawn to sustain these three great competing lines a large proportion of the traffic upon which the earnings of the Central and Union Pacific Companies depend. Apart from all questions of traffic purposely diverted from the subsidized and non-subsidized roads, the necessary and natural competition between these same roads seriously impairs the earnings of both and renders the payment of this enormous debt at least doubtful under any system which depends upon the levying of a percentage of net earnings.

It is also manifest that under this effective and persistent competition an increase of the percentage, as proposed by the bill reported by the majority, would compel these roads to increase the rates upon the subsidized portions of the roads, and as a consequence reduce the traffic on through freights, as it would seek other and cheaper routes so quick to take advantage of every embarrassment which the rival companies would thus encounter, and thereby seriously impair the ability of the roads to comply with the requirements of the law.

It is equally apparent that if a compliance is had with the terms and provisions of the law whereby the amount required is paid into the sinking fund by the roads, such a result can only be obtained by an increase upon local freight and passenger rates.

In our opinion such a possibility can not be viewed without deep concern, for it would impose additional burdens upon the people of Kansas, Nebraska, Nevada, Colorado, and California, as well as upon those residing in the Territories through which the lines of road affected by the law are operated.

The policy of the reduction of rates now being pursued by some of the Pacific roads, and the evident tendency on the part of Congress to compel a reduction of rates on all of the roads, would inevitably have to be abandoned, to the serious injury of the local patrons. In view of this, it is submitted to the candid reason of the House that no scheme should be adopted the effect of which would surely be to enforce the payment of the debt at the expense of the people residing along these great thoroughfares.

Furthermore, experience has demonstrated that any scheme based upon a percentage of the net earnings must necessarily place the Government at a disadvantage, and lead to endless complication and litigation, for the very good and sufficient reason that the railroad companies are directly interested in reducing these earnings to a minimum in their settlements with the Government.

The Court of Claims and the Secretary of the Treasury, adopting the opinion of the First Comptroller (see Report Railroad Commissioner, 1883, p. 244), who held that the Government can not lawfully claim any portion of the net earnings earned upon part of the road not subsidized, put the Government at great disadvantage in dealing with the active competition which the existing roads necessarily produce.

The Union Pacific system embraces a total of 4,303.5 miles, of which only 1,436 miles are subsidized. The Central Pacific system embraces a total of 3,041.71 miles, of which only 863.98 miles are subsidized.

It thus appears that the Union Pacific leases and operates 2,867.5 miles, and the Central Pacific 2,177.73 miles, upon which the Government can not appropriate any portion of their net earnings.

The Union Pacific main line from Omaha to Ogden, 1,024 miles, is all subsidized. But of the 629 miles of the Kansas Pacific from Kansas City to Denver, 394 miles only are subsidized. The whole line, 106 miles, from Denver to Cheyenne is not subsidized. Neither is the Utah Northern, from Ogden, Utah, to Garrison, Mont., 452.54 miles, nor the Oregon Short Line, from Granger, Wyo., to Weiser, Idaho, 575.96 miles. The Union Pacific main line is paralleled its entire distance from Ogden eastward by the Denver and Rio Grande, and the Burlington and Missouri River Railroad, operated by the Chicago, Burlington and Quincy Railroad Company. The former makes a direct connection at Ogden, and competes for all the through business of that line.

Under these circumstances it is believed that no amount can be levied by coercive legislation upon the subsidized portions of these roads which will be at all adequate to the payment of the debt.

Especially is this true when we take into consideration the facility with which pooling arrangements may be made with competing lines, whereby freights can be diverted from the subsidized roads, and thus, by diminishing the volume of business of these roads, lessen the amount of net earnings from which alone the Government is to realize its payments.

We have taken into careful consideration the recommendation of the Commissioner of Railroads (report, 1883, p. 16) that "Congress consider the practicability of commuting the present book account indebtedness for securities having the same lien and of fixed amount and payable at fixed periods."

A bill to effect this purpose, the provisions of which are believed to be the most practical solution of this question, is herewith reported as a substitute for the bill presented by the majority of the committee (H. R. 6771).

The scope of the bill, briefly stated, is to fix a day on which the indebtedness of the companies respectively to the Government shall be ascertained upon the same principle as if the whole debt and interest were to be paid on said day, with a proper rebate of interest at the rate of 3 per cent. per annum, and deducting from such amount all payments made by the companies in money or transportation or otherwise, and extending the time at an interest of 3 per cent. The period of extension for payment of the last installment of the indebtedness is forty-six years beyond the date of maturity of the subsidy bonds, or an average extension of the whole debt of twenty-three years.

In consideration of the extension of time thus granted the companies are required to deposit with the Secretary of the Treasury bonds of redemption for the amount of the debt as ascertained, in specific sums, one bond to mature every six months, and all the earnings of the road by Government transportation upon any roads owned, leased, or operated by the company shall be applied to the payment of the current maturing bonds of redemption, and no money shall be paid by the Government for transportation or service of any kind over the aided or non-aided roads until the bond next maturing shall be fully paid.

It extends the statutory lien and security now subsisting over all roads owned or operated, or hereafter acquired, no matter where situated, by the companies, including telegraph lines, franchises, rolling-stock, and property of every kind and description, to remain as security for the bonds of redemption until all are paid, embracing over 5,000 miles of road not now held as security by the Government.

It also requires that the company accepting the provisions of this bill shall also accept the provisions of the Thurman act, voluntarily yielding all questions of the constitutionality of said act.

The plan further provides that either of said companies may prepay and discharge the debt in full at any time, and as an inducement for such prepayment an abatement of 3 per cent. per annum in interest is allowed, and the companies are authorized to mortgage their franchises and property for the purpose of raising funds to redeem these bonds of redemption, if they are able and see fit to do so. The sinking fund heretofore established in the Treasury is continued, and all money paid in liquidation of the bonds of redemption by the companies will be turned into said sinking fund, and the Secretary of the Treasury is authorized and directed to invest such sums in interest-bearing bonds or securities so that the Government shall derive the benefit of the accruing interest to aid in the payment of the subsidy bonds at maturity.

The railroads and telegraph lines are required at all times to be at the service of the Government at rates as low as the lowest accorded to any individual for like service. A failure for six months to pay any of the redemption bonds at maturity, under the provisions of this bill, renders all of said bonds due and payable.

In order that the companies shall partake of the benefits of the proposed plan, they must accept the same under their corporate seals on or before October 1, 1884.

The purpose of the extension proposed is to bring the semi-annual payments sufficiently within the ability of the companies to render such payments entirely certain, and it can not, in our opinion, be of any vital consequence to the Government whether the debt be paid in fifty or sixty years, so long as its ultimate payment can be certainly secured.

The necessity of this extension further appears from the fact that the first-mortgage bonds of equal amount with the subsidy bonds mature at the same time, and these bonds having under the act of 1864 priority of lien over the Government, which stands in the relation of only a second-lien creditor, must be paid before the Government can obtain anything, and such payment would so strain the resources of the companies that if no extension be given the probabilities are that the foreclosure of the first-mortgage bonds would extinguish the debt of the Government, unless it is prepared to pay for the Union Pacific, including the Kansas Pacific, $33,532,000, and for the Central Pacific $27,741,000, to cover the debt with interest of the mortgage which has priority over the Government.

In the event of the companies failing to accept the provisions of the plan of extension, the Thurman sinking-fund act remains in full force and effect as to all of the aided roads, including the three lines not hitherto embraced thereunder, with the percentage increased from 25 to 35 per cent. If the Thurman sinking-fund act remains in force by the neglect of the companies to accept the plan heretofore described, then the Secretary of the Treasury is given enlarged power in the investment of the fund.

The Attorney-General is required to look to a strict enforcement of this act.

Believing the plan of adjustment provided for in the bill herewith presented to be preferable to that presented by the majority, we offer the accompanying bill, and recommend its adoption as a substitute for the bill H. R. 6771.

GEO. A. POST.
GEO. W. CASSIDY.
LEWIS HANBACK.
ISAAC M. JORDAN.

A bill to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of said railroads, and to secure to the United States all indebtedness of the companies therein mentioned.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the present worth, as of the 1st day of October, 1884, of the indebtedness to the United States of the Central Pacific Railroad Company, the Western Pacific Railroad Company, the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company, to which subsidy bonds of the United States were advanced in aid of their construction, by adding to the principal of said bonds advanced to each company or to the companies of which such company is the successor, all sums which have been paid, or which are to be paid, by the United States, as interest thereon, from which sum, so ascertained, shall be deducted the true discount, computing the same on a basis of 3 per cent. per annum; and he shall deduct from said total so ascertained the amount of money then already in the sinking fund or reimbursed to the United States by services or otherwise by either of said companies up to and including the 30th day of September, 1884.

SEC. 2. That the several companies mentioned in the preceding section be, and they are hereby, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, their 120 several bonds of redemption, each bearing date the 1st day of October, A. D. 1884, to an aggregate amount equal to the balance of said indebtedness so computed and ascertained as in section 1 of this act is provided; and each of said bonds shall provide for and bear interest at the rate of 3 per cent. per annum for the time each bond has to run; and each of said bonds shall be for the equal one hundred and twentieth part of the balance of such debt and interest so ascertained. Each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States, the first thereof on the 1st day of April, 1885, the second on the 1st day of October, 1885, and so on on the 1st days of April and October in each year thereafter until all said bonds shall have been fully paid and discharged; and each of said bonds, respectively, when paid, shall be thereupon canceled and surrendered to said companies. Said bonds of redemption shall be received by and on behalf of the United States in provisional payment of the bonds so issued by the United States to said companies mentioned in section 1 of this act: *Provided, however*, That no money shall be paid to the said companies, or either of them, from the United States Treasury, for or on account of services rendered to the United States, or any Department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroad or telegraph line owned, leased, or operated by said companies, until the bond next maturing shall be fully paid as herein provided; but the obligation to pay said bonds so to be executed to the United States by said companies, and the obligation of the United States to pay for services, shall be deemed otherwise independent.

SEC. 3. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the payment of said subsidy bonds, and the interest thereon, including and together with the whole line of the said companies, and also any railroads owned by them, wherever the same may be situated, and all their telegraph lines, rolling stock, fixtures, and property of every kind and description forming a part of the operating property of said companies, as well as that which said companies, their successors or assigns, may hereafter acquire, shall be and remain as security for the payment of the bonds of redemption herein authorized until the same are fully paid: *Provided, however*, That either of said companies, or their successors as aforesaid, shall be entitled at any time to prepay or anticipate the payment and discharge of said bonds of redemption so held in the United States Treasury; and to that end it shall be lawful for either of said companies, its successors or assigns, to make, issue, and dispose of, subject to said lien and security of the United States, until the same shall be extinguished, its bonds to an aggregate of the amount of said bonds of redemption which may remain then outstanding and unpaid, together with the amount of the first-mortgage bonds of said companies outstanding, to bear such rate of interest and to run for such term as may be deemed most expedient, and to secure the same by mortgages, upon their railroads, telegraph, equipment, franchises, and property; and upon such payment of all said bonds to the United States the said statutory lien and security in favor of the United States shall thereupon cease and be of no effect; but the duty of said companies to obey and perform all the requirements of law in all other respects shall continue to exist; and upon any anticipated payment of said bonds of redemption the Secretary of the Treasury is hereby authorized and *directed to* abate from said bonds interest on the amount thereof, from and after the date of such payment to the maturity thereof, at the rate of 3 per cent. per annum.

SEC. 4. That all sums now in the sinking fund established in the Treasury of the United States by the provisions of section 3 of the act of May 7, 1878 (including all sums heretofore reimbursed to the United States by services or otherwise by said several railroad companies, and to the credit of said companies in the United States Treasury, uninvested), shall remain in said sinking fund, and all sums derived from time to time from the payment of the bonds of redemption, either in cash or by services rendered by the said several railroad companies, shall be turned into the said sinking fund, and the Secretary of the Treasury is hereby authorized to invest the said sinking fund in the first-mortgage bonds of said companies, prior in lien to the Government, or bonds or securities of the United States, in his discretion, and said sinking fund shall be held and applied as in sections 7 and 8 of said act of May 7, 1878, provided.

SEC. 5. That so long as said companies respectively shall keep the said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph lines, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Government, or any Department thereof, whenever required to do so (at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service), and shall give the Government preference in the

use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and shall make punctual payment of the said bonds of redemption, no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in either of said acts shall be incurred by or enforced upon such said companies while such punctual payments shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due, or payable, owing, or incurred, until default of some of the provisions hereof shall be made, and shall have continued for a period of three months, in which case they shall, at the option of the United States, stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

SEC. 6. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act.

SEC. 7. That a failure for six months to pay any of said redemption bonds shall be deemed, taken, and held to make all the said bonds due and payable, and all the rights and securities of the United States may be thereupon enforced.

SEC. 8. That this act shall take effect, as to each of said companies or the successors thereof, upon its acceptance by its board of directors, and under its corporate seal, signed by its president and countersigned by its secretary, being filed or deposited with the Secretary of the Treasury on or before the 1st day of October, A. D. 1884; but if such acceptance be not so filed on or before that day, said company shall take no benefit therefrom.

SEC. 9. That in the event that any of said companies shall fail to accept the foregoing provisions of this act, there shall be charged and collected from such company or companies so failing, from and after the 1st day of October, 1884, 35 per cent. of their annual net earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act, and to that end said act of May 7, 1878, commonly called the "Thurman sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 10. That in the event of the non-acceptance of the provisions of this act by said companies it is further provided that section 3 of said act of May 7, 1878, is so amended as to allow the Secretary of the Treasury to invest the sinking funds of said companies in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 11. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall report to the President each year or oftener thereon.

SEC. 12. That this act shall be deemed and taken to be a public act to all intents and purposes.

LEAVE OF ABSENCE.

Mr. DIBBLE, by unanimous consent, obtained leave of absence for ten days, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. FREDERICK, by unanimous consent, obtained leave to withdraw from the files of the House the naturalization papers of citizens which were filed as evidence in the contested-election case of Frederick vs. Wilson in the Forty-eighth Congress without leaving copies.

The motion to adjourn was then agreed to; and accordingly (at 4 o'clock and 27 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Petition for land grants and equalization of bounties to veterans of the regular Army and Navy of the United States—to the Committee on War Claims.

By Mr. C. H. ALLEN: Papers in the case of Mrs. Ellen S. Tolman—to the Committee on Invalid Pensions.

By Mr. BARBOUR: Petition of Mrs. Martha J. Coston, for the extension of Vermont avenue from its present northern terminus to the Seventh-street road—to the Committee on the District of Columbia.

Also, petition of John A. Faifax, for relief—to the Committee on War Claims.

By Mr. BELMONT: Papers to accompany claim of George Conway—to the same committee.

By Mr. BENNETT: Papers relating to the claims of Armand D. Young, of Wilmington, N. C.—to the same committee.

By Mr. BRADY: Petition of Alfred Anderson, of Amelia County, Virginia, praying for reference of his claim to the Court of Claims—to the same committee.

By Mr. W. W. BROWN: Memorial from the state board of health of the Commonwealth of Pennsylvania—to the Committee on the Judiciary.

By Mr. BUTTERWORTH: Petition and papers of A. W. Hicks, praying payment of amount due him, and unpaid, for services—to the Committee on Claims.

By Mr. CLEMENTS: Papers relating to the claim of John Hill, William D. Bard, and Robert Batey—to the Committee on War Claims.

By Mr. COLLINS: Petition of all the fish merchants of Boston and Gloucester, Mass., for recognition of the heroic services of the officers and crews of the British steamer Lord Gough and the German steamer Gillert in rescuing the crews of the American fishing-vessels Ivanhoe and Cleopatra—to the Committee on Foreign Affairs.

By Mr. CROXTON: Petition of John N. Gatewood, of Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. CUTCHEON: Memorial of Hiram S. Barton, in regard to the readjustment of postmasters' salaries—to the Committee on the Post-Office and Post-Roads.

By Mr. FORNEY: Papers relating to the case of J. B. Hardman—to the Committee on War Claims.

By Mr. FULLER: Petition of officers of Woman's Association of Missouri, protesting against action of Senate in sustaining that clause of the Edmunds polygamy bill disfranchising the women of Utah—to the Committee on the Judiciary.

By Mr. HERMAN: Petition and papers of P. C. Davis, for H. R. 1968—to the Committee on Indian Affairs.

By Mr. HOLMAN: Petition of the citizens of Madison, Ind., for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. LYMAN: Petition of Francis W. Haldeman, to accompany his claim—to the Committee on War Claims.

By Mr. McCOMAS: Papers relating to the claim of William Dadds—to the same committee.

Also, petitions for the relief of estate of Jacob Grim; of Jacob D. Eavey; of Charles W. Hoffman, executor of W. C. Hoffman; and of Eli A. Jarboe—to the same committee.

Also, petition of Hamilton Downs; of Mrs. Sallie Carroll; of Owen Bissett; and of Herman L. Roulgaten, administrator, asking reference to the Court of Claims—to the same committee.

By Mr. MORROW: Petition of Hannah S. Crane and others, praying that the Secretary of the Treasury be authorized to purchase of the petitioners the undivided one-sixth part of the ground and premises situated on Commercial street, in San Francisco, Cal., now occupied by the United States as a subtreasury—to the Committee on Claims.

By Mr. MULLER: Petition and papers of Ferdinand Fritey, Company K, Sixty-eighth Regiment New York Volunteers, for a pension—to the Committee on Invalid Pensions.

By Mr. NEAL: Papers relating to the claim of the First Baptist church in Chattanooga, Tenn.—to the Committee on War Claims.

By Mr. NORWOOD: Memorial of the committee appointed by the harbor improvement convention held at Savannah, Ga.—to the Committee on Rivers and Harbors.

By Mr. O'HARA: Resolution of sundry citizens of Edgecombe County, North Carolina, asking the passage of an educational bill—to the Committee on Education.

By Mr. PETERS: Affidavit of D. A. Gilbert, in support of H. R. 794 for the relief of D. McArthur—to the Committee on War Claims.

By Mr. PETTIBONE: Petition for the relief of Lewis F. Selz, late postmaster at Greeneville, Tenn.—to the Committee on the Post-Office and Post-Roads.

By Mr. T. B. REED: Petition of A. M. Smith and others, citizens of Maine, for the suspension of the importation of mackerel during certain periods—to the Committee on Ways and Means.

By Mr. RIGGS: Papers relating to H. R. 3891, for the relief of Michael Piggott—to the Committee on Claims.

Also, letters in support of bill No. 3283, for the relief of Ida B. Lithicum—to the Committee on Invalid Pensions.

By Mr. TOWNSHEND: Petition of Eliza W. Riley, widow of Larkin M. Riley, late first lieutenant Company G, Third Regiment Illinois Volunteers—to the same committee.

By Mr. WADSWORTH: Papers relating to the claim of Bath County, Kentucky—to the Committee on War Claims.

By Mr. WAIT: Memorial of W. G. Rathburn and 81 others, citizens of Connecticut, earnestly protesting against any legislation looking to the creation of a joint commission for negotiating a new treaty with Canada on the subject of fisheries—to the Committee on Foreign Affairs.

Also, papers relating to the claim of Francis A. Robeson—to the Committee on Claims.

By Mr. MILO WHITE: Resolutions of the Chamber of Commerce of Saint Paul, Minn., in favor of Captain Eads's Tehuantepec ship-railroad—to the Committee on Commerce.

By Mr. WILLIS: Petition of certain drafted men of Pendleton County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of certain citizens of Jefferson County, Kentucky, for relief—to the same committee.

Also, petition of Isaac L. Hyatt, for relief—to the same committee.

SENATE.

THURSDAY, *January* 21, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 248 of the Revised Statutes, reports from customs and law

officers concerning an amendment of the laws regulating protests, appeals, and suits against the exaction of money as duties by collectors of customs; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of members of the Savannah (Georgia) Cotton Exchange, praying for the repeal of the present laws relating to silver coinage; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented the petition of the American Peace Society, praying for the passage of a bill to promote peace among nations and for the establishment of a tribunal for international arbitration; which was referred to the Committee on Foreign Relations.

Mr. BLAIR presented a petition of 32 officers and soldiers of the Union Army, representing the regular service and the volunteer service in thirteen States, praying for the establishment of national homes for indigent maimed ex-confederate soldiers; which was referred to the Committee on Military Affairs.

Mr. VEST presented the petition of J. H. Miller and several hundred other citizens of Missouri, praying for the free coinage of silver; which was referred to the Committee on Finance.

Mr. COCKRELL presented the petition of Thomas Button, of Missouri, in behalf of the ex-Union soldiers of that State, praying for certain legislation in their interest; which was referred to the Committee on Pensions.

Mr. FRYE presented the petition of Benjamin F. Virgin, late a private in Company B, Ninth Maine Volunteers, praying that the charge of desertion be removed from his military record; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred the bill (S. 702) for the relief of the sufferers by the wreck of the United States steamer Tallapoosa, reported it without amendment, and submitted a report thereon.

Mr. HOAR, from the Committee on the Library, to whom was referred the bill (S. 261) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories, reported a bill (S. 1176) to provide for the distribution of public documents among the depositaries of public documents; which was read twice by its title.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 1055) to amend section 2148 of the Revised Statutes of the United States in relation to trespassers on Indian lands, reported it with amendments.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the joint resolution (S. R. 10) to amend the statute in relation to the immediate transportation of dutiable goods, and for other purposes, approved June 10, 1880, so that the provisions of the same shall be extended to the port of Key West, Fla., and the provisions of the seventh section of the statute be extended to the port of Tampa, Fla., reported it without amendment.

REPORT ON INTERSTATE COMMERCE.

Mr. MANDERSON. There was referred to the Committee on Printing a resolution introduced by the Senator from Illinois [Mr. CULLOM] providing that there be printed 5,000 additional copies of the report of the Senate Select Committee on Interstate Commerce. The 5,000 copies proposed to be printed are in addition to the 1,900 copies, the usual number, heretofore ordered by the Senate. This report will make two volumes. I have here the printed matter. It is a very proper supplement to the exceedingly valuable report of Senator Windom at a former Congress. The Committee on Printing have thought it advisable to report in favor of the printing of this work, and to amend the resolution so as to provide that 15,000 copies shall be printed; 5,000 for the use of the Senate and 10,000 for the use of the House of Representatives. We have made an investigation as to the cost of printing the work, and find that it will cost $992.65 a thousand, the cost of printing the 15,000 copies, two volumes each, being $14,889. We report back the resolution and favor its adoption.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska ask for the immediate consideration of the resolution?

Mr. MANDERSON. I ask for its immediate consideration.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Printing will be stated.

The CHIEF CLERK. In the second line, strike out "five" and insert "fifteen;" in the last line, insert "5,000" and add "and 10,000 for the use of the House of Representatives;" so as to read:

Resolved by the Senate (the House of Representatives concurring), That 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, together with the testimony, be printed; 5,000 for the use of the Senate and 10,000 for the use of the House of Representatives.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. CHACE introduced a bill (S. 1177) for the relief of James Calpin; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1178) to amend title 60, chapter 3, of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Patents.

Mr. SAWYER introduced a bill (S. 1179) for the relief of Benjamin B. Landis; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 1180) for the relief of Alexander Moseley, executor of William D. Moseley; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1181) granting an increase of pension to Margaret E. Pierce; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 1182) making an appropriation for the erection of a light-house on Castle Hill, Newport, R. I.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1183) making an appropriation for the erection of a light-house on Gull Rocks, Newport Harbor, R. I.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1184) granting a pension to Jane D. Mumford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1185) to regulate the pay of clerks to commandants of navy-yards; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1186) making an appropriation for a light-house on Gould Island, Narragansett Bay, Rhode Island; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS. I introduce a bill which I ask may be twice read and referred to the Committee on the District of Columbia. I introduce the bill by request, not having examined it and knowing nothing about its provisions.

The bill (S. 1187) to amend an act incorporating the proprietors of Prospect Hill Cemetery, approved June 13, 1860, was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VANCE introduced a bill (S. 1188) to exempt the property of the Young Men's Christian Association of Washington, D. C., from taxation; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. SHERMAN introduced a bill (S. 1189) for the relief of Bessie S. Gilmore; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

He also introduced a bill (S. 1190) granting increase of pension to Benjamin Fisher; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1191) granting a pension to Theresa Schleyer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1192) granting a pension to Alfred Denny; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VAN WYCK introduced a bill (S. 1193) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads and to enforce the same by judicial proceedings; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1194) to prevent demonetizing American coin by certain persons in the United States; which was read twice by its title.

Mr. VAN WYCK. The Senator from Vermont [Mr. MORRILL] in his speech yesterday said that no parties in the Senate or outside were seeking to demonetize silver. Even now and for some time there has been a determination or conspiracy on the part of capital to demonetize silver and violate the laws and Constitution.

Some years ago national banks in New York made an attempt to demonetize by ostracising silver, but as they were the immediate creatures of the law they shrewdly calculated the hazard of that venture. Now the wedge is to be entered in a different shape. Capital is arraying itself against the laws, the almost universal sentiment and prosperity of the people—a bold, deliberate strike done with malice aforethought against the interest of the masses, the interest of labor.

Severe penalties are denounced against those who debase our coin. Why should not adequate punishment be provided for those who are seeking not only its debasement but its complete overthrow?

Capital, by its extravagant and illegal demands, is arousing the storm it professes to dread, and when it succeeds, as surely it will, in forcing a stern and active protest, it will then appeal for protection to the Government whose laws it has set at defiance.

I desired to say so much in advance in order to call the attention of the Finance Committee to the matter. I ask that the bill lie on the table so that I may call it up in a few days and make some suggestions in regard to it.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. HARRIS (by request) introduced a bill (S. 1195) to provide for the final settlement of the accounts of the United States with the Mississippi and Tennessee Railroad Company; which was read twice by its title.

Mr. HARRIS. I presume the bill, from the nature of its provisions, should be referred to the Committee on Claims.

Mr. LOGAN. I ask the Senator from Tennessee if the bill refers to the military operation of the railroad?

Mr. HARRIS. It does.

Mr. LOGAN. I think then it ought to go to the Committee on Military Affairs. I will say to the Senator that such bills heretofore as the one in reference to the Georgia Railroad have been referred to the Military Committee. I presume this bill is of the same character, though I do not know.

Mr. HARRIS. Yes; the matter to be investigated is the sale of rolling-stock to the railroad company, relating to the military operations to which the Senator refers. If the Committee on Military Affairs has taken jurisdiction of that subject heretofore, I suppose that would be the proper reference of this bill.

Mr. HOAR. I should like to inquire if that is the bill which has been before the Committee on Claims once and reported upon by that committee?

Mr. HARRIS. I think the particular bill I have introduced in respect to the adjustment of the accounts of this railroad company has never been before any committee. The same general subject has been before the Committee on Claims.

Mr. HOAR. If the Senator will pardon me, there is one railroad—I do not now remember which it was, but the Senator's colleague will know, I am quite sure—where some point of this kind came up——

Mr. JACKSON. I will state to the Senator from Massachusetts that it was the Mobile and Ohio Railroad.

Mr. HOAR. We were asked to make an allowance to a particular railroad, and we were satisfied that if we made the allowance prayed for it would go not to the old stockholders who had really sustained the loss at the time, it being in the nature of a bounty from the Government, but to the present stockholders, who had bought the stock without expecting any such grant from the Government, and that the persons who had suffered the loss would not be the persons who would receive the indemnity. I do not know whether this is that road or not.

Mr. HARRIS. No; this is a different road.

Mr. HOAR. Then I have nothing further to say.

Mr. HARRIS. I will state the precise question involved in the bill. This railroad company in purchasing the rolling-stock at the time it did gave personal security, and the sureties compelled the railroad company to pay the contract price. In respect to quite a large number of similar corporations, making exactly the same character of purchase and at the same valuation, from time to time Congress has given relief, has abated a proportion, a percentage of the contract price of the rolling-stock, it being admitted on all hands that it was exorbitant. This bill proposes to investigate the settlement made with this railroad company. I am indifferent as to whether the bill goes to the Committee on Military Affairs or the Committee on Claims.

Mr. LOGAN. The only reason why I made the suggestion was because the claims of the Georgia Railroad and other railroads (I do not know whether they were precisely the same as this or not, but certainly they came under the same rule) have been referred to the Committee on Military Affairs and reported therefrom, and I took it for granted that it was proper this bill should go there unless there was some reason why it should go to some other committee.

Mr. HARRIS. I know of no reason, except as a matter of memory. I distinctly remembered that the Committee on Claims, while I was a member of it, had had at least one such bill before it; but if the general rule has been to send such bills to the Committee on Military Affairs, let that reference be made.

Mr. LOGAN. I have no desire about it, except that bills of like character have been before the Military Committee and reported upon prior to this time. The settlement with the Georgia Railroad I remember very well was before the Military Committee for some time, and was finally reported upon.

Mr. HARRIS. I yield to the suggestion of the Senator from Illinois, and will ask the reference of the bill to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. That reference will be made if there be no objection.

Mr. SEWELL. I suggest to the Senator from Illinois and also to the Senator from Tennessee that this question has been before the Railroad Committee for the past two Congresses. It has been thoroughly investigated there; they are quite familiar with the subject, and I think a reference to that committee would be much better than a reference to the Military Committee, where it would be a new subject.

Mr. LOGAN. I beg the Senator's pardon as to its being a new subject, because the subject has been considered by the Committee on Military Affairs.

Mr. SEWELL. I mean as to bringing it up now for the first time in the last two years. Certainly it has not been there for four years.

Mr. LOGAN. All the settlements made with railroads operated under the military branch of the Government have been referred to the Committee on Military Affairs heretofore, and with the Georgia Railroad and others very important settlements were made through that committee. There may be some reason why this bill should be referred to some other committee; but, as I understand, the Committee on Railroads is a committee for a different purpose from an examination into the military operations of railroads as to what should be paid to them or whether anything should be paid. It seems to me that the Committee on Military Affairs is the proper committee, though I am not tenacious about it.

Mr. SEWELL. It is quite immaterial to me. I made the suggestion because I was somewhat familiar with the subject.

Mr. LOGAN. I know nothing except that where matters of this kind have been referred to a committee, unless the committee has shown an incapacity to examine them, it has been the rule that they should go to the same committee, unless there was some reason to the contrary. It looks after a committee has examined a question when it is proposed that a bill of a similar kind shall be referred to another committee that there should be some reason for it. Now if there is no reason, as the Senator says there is not, it seems to me it ought to go to the Military Committee.

Mr. SEWELL. I do not wish to raise the question of the capacity of different committees to deal with subjects of this kind. I merely made the statement that this subject-matter had been investigated by the Committee on Railroads for the past two Congresses. There is certainly no objection to the bill going to the Military Committee if, as the Senator from Illinois says, that committee settled these questions originally after the war. So I withdraw the suggestion I made.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs.

Mr. COCKRELL. Before the reference is made I desire to state what I think is about the exact history of this transaction. In the Forty-third Congress a bill was passed, and I think it was reported from the Committee on Military Affairs, making an allowance to one railroad. Then in the Forty-fourth Congress a bill was introduced and referred to the Committee on Military Affairs, and for some time, during one or two Congresses at least, all such bills were referred to the Committee on Military Affairs. Then in a subsequent Congress they were referred to the Committee on Claims, the very same kind of bills, and recently the Georgia Railroad bill and some others have been taken to the Committee on Railroads. That is the exact status of this class of claims, for I have been watching them very closely. I suppose any one of the three committees would have jurisdiction so far as that is concerned, as they have all three exercised that jurisdiction. I never could see how such bills could very well go to the Committee on Railroads, but either of the other two committees would be proper.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Military Affairs if there be no objection. There being none, that reference will be made.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1196) to amend section 3019 of the Revised Statutes relating to drawback on duties on imported material when manufactured and exported; which was read twice by its title, and referred to the Committee on Finance.

Mr. MILLER, of New York (by request), introduced a bill (S. 1197) for the relief of William H. Young; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE introduced a bill (S. 1198) to disapprove chapter 49 of the acts of the Legislative Assembly of the Territory of New Mexico, entitled "An act to prevent the introduction of diseased cattle into the Territory of New Mexico," approved March 19, 1884; which was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Territories if there be no objection.

Mr. COKE. I suggest that it go to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. That reference will be made.

Mr. HARRISON subsequently said: I rise to call attention to the reference that was made a moment ago of the bill, as I understood the title to prohibit the spread of contagious diseases among cattle in the Territory of New Mexico. I think the reference was made to the Committee on Territories.

The PRESIDENT *pro tempore*. That reference was first made, but at the request of the Senator who introduced the bill it was referred to the Judiciary Committee.

Mr. HARRISON. I think the reference would be more appropriately made to the committee which has charge of the general legislation on the subject of the introduction and spread of contagious diseases.

The PRESIDENT *pro tempore*. At the request of the Senator from Texas the bill was referred to the Committee on the Judiciary.

Mr. JONES, of Arkansas, introduced a bill (S. 1199) for the relief of Silas F. Feild, one of the sureties on the bond of John G. Halliburton, deceased, late marshal of the United States in and for the eastern district of Arkansas; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORRILL introduced a joint resolution (S. R. 33) to provide for printing the annual reports of the Smithsonian Institution and of the

National Museum; which was read the first time by its title and the second time at length, and referred to the Committee on Printing, as follows:

Resolved by the Senate, &c., That hereafter there be printed of the annual reports of the Smithsonian Institution and of the National Museum, in two octavo volumes, annually, 16,000 extra copies; of which 3,000 copies shall be for the use of the Senate, 6,000 for the use of the House of Representatives, and 7,000 for the use of the Smithsonian Institution.

ADMISSION OF DAKOTA.

Mr. BUTLER. I offer an amendment to the bill (S. 967) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln. I intended to prepare a minority report dissenting from the report of the majority of the Committee on Territories; but instead of that I offer this amendment as a substitute for the bill now pending from the Committee on Territories.

The PRESIDENT *pro tempore*. Does the Senator wish to offer it as a substitute or as a new bill?

Mr. BUTLER. I will offer it as a substitute, and will state that it is substantially the bill that was passed by the Senate at the last Congress. In all essential particulars it is the same bill, applying to the whole Territory instead of to a part of it, with some minor changes.

Mr. HARRISON. I understand the amendment the Senator proposes constitutes an enabling act for the whole Territory.

Mr. BUTLER. Yes, sir.

Mr. HARRISON. Then it is very unlike the bill reported at the last Congress.

Mr. BUTLER. I say, with that exception it is the same bill. I stated, when I presented it, that with that exception it was the bill which passed the Senate at the last Congress. Let the amendment lie on the table.

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from South Carolina will lie on the table and be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MCPHERSON, it was

Ordered, That the papers on the files relative to the case of Capt. Andrew W. Johnson, United States Navy, be taken therefrom and referred to the Committee on Naval Affairs.

On motion of Mr. DOLPH, it was

Ordered, That the papers in the case of Thomas Guineau (Senate bill 814, first session Forty-eighth Congress) be withdrawn from the files and referred to the Committee on Public Lands.

On motion of Mr. COCKRELL, it was

Ordered, That the papers in the case of Eugene Wells be taken from the files and referred to the Committee on Military Affairs.

VENEZUELAN AWARDS.

Mr. SEWELL. I offer a resolution and move its reference to the Committee on Foreign Relations. I am not sufficiently conversant with the subject to ask for its present consideration.

The resolution was read, as follows:

Resolved, That the President of the United States be requested to furnish the Senate, if not incompatible with the public service, with copies of correspondence between the Secretary of State and holders of Venezuelan certificates of award, or their attorneys, since March 4, 1885, in respect to the awards of the Caracas commission, or to the distribution of the amount now standing to their credit in the Department of State, or to alleged proposals of the Venezuelan minister in Washington, or other representatives of the Venezuelan Government, to buy up the said certificates pending negotiations for a review of the said awards, or any of them, under a new convention between the United States and Venezuela.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Foreign Relations.

ARKANSAS HOT SPRINGS.

Mr. BERRY submitted the following concurrent resolution; which was read:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law;

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior until proper legislation is had with reference thereto.

Mr. BERRY. I ask that the resolution lie on the table, and be printed.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed if there be no objection.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

Mr. HOAR. I offer the following resolution and ask for its present adoption:

Resolved, That the Secretary of the Treasury be requested to furnish the Senate with a statement showing the character and amount of each of the claims paid under the treaties with France of April 30, 1803, and of July 4, 1831, and under the treaty with Spain of February 22, 1819, together with the names of the claimants.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SAULSBURY. I wish to inquire of the Senator if that will not entail a very large amount of labor upon the Secretary of the Treasury?

Mr. HOAR. I do not understand that it will involve a very large amount of labor. It merely covers claims under the treaties named. They were all collected and a report made on each of them at one time. I understand it will not require very considerable labor.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. HOAR. If I may be permitted to state one fact further, I will say that this will save an immense labor to the Treasury Department and to citizens in regard to the matter of French spoliation claims. A great many persons who have had an idea that their ancestors lost money in those claims will find that the loss was under these special causes, which were paid for under the treaties enumerated. I have no doubt it will save a great deal of labor in dealing with individual inquiries.

The resolution was agreed to.

COMPILATION OF SENATE ELECTION CASES.

Mr. HOAR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound for the use of the two Houses 2,500 additional copies of the Compilation of Senate Election Cases, 1789–1885.

ARMY BUILDING IN NEW YORK.

A message from the House, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes, with amendments; in which it requested the concurrence of the Senate.

Mr. LOGAN. I ask that the amendments made by the House of Representatives to the bill just received be read, if there is no objection. I think the Senate will concur immediately in the amendments without a reference to a committee.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the amendments of the House of Representatives to the bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building, and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes.

Mr. HARRIS. Let the amendments be read for information.

The PRESIDENT *pro tempore*. The amendments of the House of Representatives will be read.

The CHIEF CLERK. In line 1, strike out the word "four" before "hundred" and insert the word "two;" and in line 5, after the word "and," where it first occurs, insert the words "two hundred thousand dollars, or so much thereof as may be necessary;" so as to read:

That the sum of $250,000, or so much thereof as may be necessary, be, and hereby is, appropriated for the purchase of the old Produce Exchange building and site, bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes, and $200,000, or so much thereof as may be necessary, for the alteration and remodeling of the building, so as to make it suitable in all respects for Government use, said appropriation to be expended under the direction of the Secretary of War.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. The question is on concurring in the amendments made by the House of Representatives.

The amendments were concurred in.

ALLOWANCE OF PENSION CLAIMS.

Mr. HARRISON. Before the Calendar is taken up I desire to ask unanimous consent that we may take up and dispose of Order of Business No. 14 on the Calendar, being the resolution relative to certain statements made in the last annual report of the Commissioner of Pensions. I proposed a substitute, which I presume is agreeable to those who offered amendments to the original resolution, and it will not occupy any time.

Mr. VOORHEES. I do not hear the Senator.

Mr. HARRISON. I will say to my colleague that I desire to call up the resolution in reference to certain statements in the report of the Commissioner of Pensions and have it acted upon at this time if there be no objection.

Mr. VOORHEES. Would the Senator care if it went over until Monday?

Mr. HARRISON. No, I would not. I have been intending several times to call it up, but I have waited until there was a convenient time in the order of business and until I found my colleague present at such time. If he requests it the resolution may go over until Monday.

Mr. VOORHEES. Yes, I will be obliged to my colleague.

SIOUX RESERVATION IN DAKOTA.

The PRESIDENT *pro tempore*. The next business in order is the Calendar under Rule VIII. The first case on the Calendar will be announced.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The PRESIDENT *pro tempore*. The Senator from Indiana [Mr. HARRISON] has proposed amendments which will be read.

Mr. HARRISON. Before those amendments are presented there are one or two other verbal amendments which I desire to propose. In section 12, line 24, the additional proviso reads:

Provided further, That the law of descent and partition in force in the Territory of Dakota or in the State of Nebraska, as the lands may be situated, shall apply thereto after patents therefor have been executed and delivered.

I move to amend by inserting after the word "the," in line 24, the words "State or," and after the word "Territory" to strike out the words "of Dakota or in the State of Nebraska, as," and to insert the word "where;" so as to read—

That the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered.

The amendment was agreed to.

Mr. HARRISON. In the next section ——

Mr. DAWES. Will the Senator allow me to modify an amendment which has been already adopted? When the bill was before the Senate the last time an amendment was adopted to section 16, at the close of the section. It is the amendment in reference to certain railroads. It is not printed in the present bill. The amendment which was adopted reads as follows:

But the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota Central Railroad Company shall respectively have the right to purchase of the United States at the sum of $2.50 per acre, prior to any white person and to any corporation or association, the fee title to the two separate sections of land embraced in said agreement: *Provided*, The said railway companies shall have made the payment and performed the conditions to be by them under said agreement performed: *And provided further*, That said right of purchase shall be exercised within six months after the passage of this act.

It turns out, on examining that agreement, that there was a small tract of land purchased by each of these railway companies under the agreement, with the approval of the Secretary of the Interior, on the other side of the river. Therefore I propose to modify that amendment, with the consent of the Senate, by inserting after the word "agreement," and before the word "provided," what I send to the Chair. That carries out the sale in reference to these small tracts on the other side of the river.

The PRESIDENT *pro tempore*. The proposed modification will be reported.

The CHIEF CLERK. In the eleventh line of the amendment, after the word "agreement"——

Mr. HARRISON. Will the Secretary please advise us what section and what page?

Mr. DAWES. It is not in the print of the bill. It was an amendment offered and adopted when the bill was before the Senate on a former occasion. That amendment was defective in not reaching these two small tracts of land, and the amendment which I propose is to apply it, just as it was adopted, to these two tracts of land. One is 75 acres and the other is 188 acres, and it applies precisely the same provision, that the railway companies may have the fee-simple after they have paid the United States $2.50 an acre in addition to what they paid the Indians under the arrangement made with the Secretary of the Interior.

Mr. HARRISON. After the amendment is reported I desire to say a word about it simply.

The PRESIDENT *pro tempore*. The modification of the amendment will be read.

The CHIEF CLERK. After the word "agreement," in the eleventh line of the amendment, it is proposed to insert:

And also the former company to the 188 acres and the latter company to the 75 acres on the east side of the Missouri River likewise embraced in said agreement.

So as to read:

But the Chicago, Milwaukee and Saint Paul Railway Company and the Dakota Central Railroad Company shall respectively have the right to purchase of the United States at the sum of $2.50 per acre, prior to any white person and to any corporation or association, the fee title to the two separate sections of land embraced in said agreement; and also the former company to the 188 acres and the latter company to the 75 acres on the east side of the Missouri River likewise embraced in said agreement.

Mr. HARRISON. Mr. President, it seems to me that this provision should only grant to these railroad companies so much as is necessary or convenient for railroad uses. The grounds here were procured from the Indians at a time when this territory was a reservation, and of course it was then necessary, as there were to be shops, that ground should be taken out of the reservation for the residences of those who might live there. It was appropriate then that the company should secure these two grants. Now that the whole territory is thrown open to public settlement, I suggest to the chairman whether in his opinion this extended provision is necessary. If so, I will not make any objection.

Mr. DAWES. The two tracts of land covered by this modification of the amendment are in the case of one railroad 75 acres on the other side of the river, and in the case of the other over 100 acres. These were purchased of the Indians under an agreement entered into under the direction and with the approval of the Secretary of the Interior. They agreed to pay the Indians $5 an acre for this land and have paid it to the Interior Department, and it has been distributed among the Indians. They have an idea, whether sound or not, that when this bill passes they will not have the fee to the land, that they will only have the title which the Indians had, which they claim was only a possessory title. Now they are willing to pay in addition to what they have paid the Indians two and a half dollars an acre for whatever interest the United States may have in that land when this bill passes. It seems to me to be very fair, and the Indian does not suffer, because the Indian will not have an opportunity to settle on this land, and he ought not to have the general 50 cents an acre, which is provided as to the other lands, because he has already received $5 an acre for it. So I think the Indian is well taken care of, and if the title of the railroad companies is in any possible way short of a fee they are entitled to the fee, especially when they are willing to pay the additional price.

The PRESIDENT *pro tempore*. The question is on the modification proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. MANDERSON. I have an amendment to present to section 1. I move at the end of that section to add:

Provided, That the said tract of land in the State of Nebraska shall be reserved by executive order only so long as it may be needed for the use and protection of the Indians receiving rations and annuities at the Pine Ridge agency.

I will explain in a very few words what the object of the amendment is. This large body of land known as the Sioux reservation, consisting of about 35,000 square miles of territory in Dakota, adjoins Nebraska on its northern boundary. Some years ago, by executive order, with a view of benefiting the condition perhaps of the Sioux Nation by preventing the establishment of liquor saloons upon this land, there was a strip of land 5 miles in width and 10 miles long taken from the State of Nebraska and added to this Sioux reservation. This bill proposes that the President of the United States shall execute to these Indians a tribal patent for all the lands described in the bill. I do not understand that it is the intention of the Committee on Indian Affairs that this tribal patent shall apply to this 10-mile strip of land in the State of Nebraska. We do not object, of course, to its being retained for the purposes for which it was originally established by executive order, although the conditions have very greatly changed by reason of the stringent liquor legislation in the State of Nebraska. It is almost impossible that there should be any liquor saloons established in this territory; but I ask that this amendment may be adopted, so that it may not be included in the tribal patent to the Sioux Nation. I understand the chairman of the Committee on Indian Affairs not to object to this amendment, but really to desire it.

Mr. DAWES. The amendment ought to be adopted, for this strip 10 miles long and 5 miles wide taken out of Nebraska is no part of the Sioux reservation. It is only a temporary arrangement for the protection of the Pine Ridge agency, and therefore should not be included in this operation.

The amendment was agreed to.

Mr. MANDERSON. I also propose an amendment which meets the approval of the Committee on Indian Affairs, and is simply to carry out the provisions of the treaty with the Santee Sioux Indians. In section 7, line 9, after the word "thereto," I move to insert:

In accordance with the provisions of article 6 of the treaty concluded April 29, 1868, and the agreement with said Santee Sioux approved February 28, 1877.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment to section 13, commencing at line 9. After the word "provided," in that line, I move to insert:

But if any such Indian shall fail to reside upon and improve such allotment for the space of one year from the ratification of this act, the land so allotted to him shall revert to the United States, and shall be subject to entry in all respects in conformity with the provisions of this act.

The Senator from Iowa [Mr. ALLISON] suggests the advisability of making "one year" "two years." I will so change the amendment, and make the time two years instead of one year.

The PRESIDENT *pro tempore*. The amendment will be so modified.

Mr. MANDERSON. It seems to me this is an important amendment to this section. It is true that, following the language where I propose to insert it, section 13 provides:

Any Indian declining, within six months after this act shall take effect, this allotment, shall be entitled to such compensation for any improvements by him made upon said land as shall seem to the Secretary of the Interior just and fair.

But it seems to me there should be a limit of time within which the Indians may avail themselves of the provisions of section 13. This is the provision:

That any Indian receiving and entitled to rations and annuities at either of the agencies mentioned in this act at the time the same shall take effect, but residing upon any portion of said great reservation not included in either of the separate reservations herein established, may, at his option, have the allotment to which he would be otherwise entitled on one of said separate reservations upon the land where such Indian may then reside, such allotment in all other respects to conform to the allotments hereinbefore provided.

It certainly seems to me there should be a reasonable limit to the time within which the Indian may select that land, and if he does not do so within——

Mr. DAWES. What is the effect of the next line?

Mr. MANDERSON. I think that simply entitles him, if he does not see fit to select an allotment, to claim compensation within six months;

but I do not see that there is any limit of time within which he is bound to make his allotment.

Mr. ALLISON. This provision applies where the Indians now have allotments on the lands that will be open to settlement, and the object of the Senator from Nebraska is to require that these Indians shall improve that allotment within two years or else take their allotments elsewhere.

Mr. MANDERSON. Yes, sir; and then it will be open as other land.

Mr. ALLISON. It would then come under the general provisions of this bill?

Mr. MANDERSON. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment.

Mr. DAWES. I suggest, instead of that, after the words "may at his option," in line 5, to say that within a certain time after the passage of this act the party shall have the allotment on the other land. Then he will be obliged to do just what he would on the lands of the reservation. Will that meet the view of the Senator from Nebraska?

Mr. MANDERSON. I do not know but that it will; and I do not know that I grasp just the idea, or where he intends to insert the language proposed.

Mr. DAWES. The idea of the bill is to separate these Indians as far as possible in their allotments from each other all over this territory. It is provided in the bill and it is provided in the treaty that they may take up their allotments on separate reservations, but if an Indian desires, instead of going upon these reservations, to go upon any of the lands that are opened by this act, the bill provides that he may have that option. I think it is right that he should make that election within a reasonable time, and I do not see that that is in the bill. Therefore the Senator's idea, if I understand what he is at, is just what ought to be in the bill. I suggest that the Indian may have this option for six months or a year after the bill shall take effect as a law. He may at his option have the allotment to which he would be otherwise entitled on one of the separate reservations, or have that allotment upon the land where the Indian may then reside. That is, if he is resident upon the lands which fall within the part opened to the public he may have for a given time, say six months—I think that is enough—after this act takes effect, his option to remain there or to take his allotment upon the reservation.

Mr. MANDERSON. Will the Senator from Massachusetts state where he proposes to introduce the words of limitation that he suggests? I think we are both aiming to reach the same result.

Mr. DAWES. In the fifth line of section 13, on page 13, I will move, if the Senator will allow me, an amendment, so as to read:

May at his option within one year from the time this act shall take effect——

Mr. MANDERSON. "Have the allotment," and so on.

Mr. DAWES. Yes, sir.

Mr. MANDERSON. I withdraw my amendment. I think that reaches the matter.

Mr. ALLISON. Do I understand the effect of the amendment now proposed to be that any Indian may within one year, or within the time fixed, take an allotment of land upon that portion of the reservation which is now to be surrendered to the Government?

Mr. DAWES. Any Indian residing on it, any Indian who is already living there.

Mr. ALLISON. That, it seems to me, ought to be done, and I think that the provision of the Senator from Nebraska should also be inserted. Suppose an Indian now residing upon the part of the reservation to be surrendered shall choose to continue to reside there for the time being, but does not make any improvements?

Mr. DAWES. The further provision of the bill is that he may decline, within six months after the act takes effect, this allotment. Perhaps the two ought to coincide. If one is a year the other should be a year, or if one is six months the other should be six months.

Mr. ALLISON. Very well.

Mr. DAWES. That is the purpose of it. I think the two should be the same. Therefore, if this amendment is adopted, I will not interfere with the Senator from Nebraska.

Mr. MANDERSON. Then you will make "six months," in line 10, "one year?"

Mr. DAWES. Yes, sir. Therefore, after the word "option," in line 5 of section 13, with the consent of the Senator from Nebraska, I offer the following amendment:

Within one year from the time this act shall take effect.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts [Mr. DAWES].

The amendment was agreed to.

Mr. PLUMB. Does that accomplish the object of the Senator from Nebraska?

Mr. MANDERSON. Only in part. My own idea is that there not only should be selection or allotment, but that the Indian should go upon the land as a settler for the purpose of improving it, and if he does not do something in the direction of improvement——

Mr. DAWES. If he is residing there alone he is just like any white man residing alone on land.

Mr. MANDERSON. If I understand the object of this legislation, it is to teach him habits of industry as an agriculturist.

Mr. DAWES. In line 10 of section 13 I move to strike out "six months" and insert "one year," to correspond with the previous amendment.

The PRESIDENT *pro tempore*. That amendment will be considered as agreed to if there be no objection. The question is still on the amendment of the Senator from Nebraska [Mr. MANDERSON].

Mr. HARRISON. In this immediate connection I desire to call attention to what seems to me to be a defect in the bill. In line 9 of section 13 and following are these words:

Any Indian declining, within six months—

Or, as it has now been amended, "one year"—

after this act shall take effect, this allotment, shall be entitled to such compensation for any improvements by him made upon said land as shall seem to the Secretary of the Interior just and fair.

I call the attention of the chairman of the Committee on Indian Affairs to the fact that there is no provision in the bill as to who shall pay that compensation. An Indian has made some improvements upon lands not included in any of the reservations established by this bill, and he declines to take his allotment there and goes upon the reservations under the bill; the bill declares that he shall be compensated for his improvements, but it does not say who shall pay him that compensation. The Secretary of the Interior is to determine what is just and fair, but it would evidently be improper for the Government to pay it, for it will get no benefit from the improvements. It ought to be paid by the settler who under the provisions of this bill shall take up the allotment which the Indian has abandoned. As it is now he is simply left in the air without any person to look to for compensation for his improvements. I call the attention of the Senator from Massachusetts to this.

Mr. DAWES. The Senator is correct that the bill makes no provision for paying that expense unless it be in the twenty-first section, and I hardly think the twenty-first section is broad enough for that purpose. Therefore it would be a fair subject for the Committee on Appropriations whenever there should be any such claim made, unless the Senate thinks it would be wise to insert it here.

Mr. HARRISON. I suggest to the Senator that this is not a matter of public appropriation at all. Suppose an Indian has a house on his land; he abandons his allotment and a homesteader comes in and takes it under the provisions of this bill; he gets the land for 50 cents an acre without any regard to the improvements upon it; and why should the Government pay the Indian for his improvements which the settler has the benefit of? If they are paid for, it ought to be by the person who gets the benefit of them, in addition to the 50 cents an acre.

Mr. DAWES. If anybody except the United States should pay for it, the improvements, it should be the settler who takes the lot. If the Senator's experience in those matters will lead him to suggest an amendment that will cover that case I should be very glad to have it.

Mr. HARRISON. I have hastily written one. After the word "fair," in line 13, I propose to insert:

To be paid by the person who shall afterward take up such land under the provisions of this act.

Mr. ALLISON. Looking at this provision I am doubtful of its propriety either with or without the amendment suggested by the Senator from Indiana. I do not know what progress these Sioux people have made within the last few years in building houses and opening up farms on the Sioux reservation; but I should think a very small sum at this time would pay all the damages that would result to any Indian because of his refusal to accept the provisions of this particular clause. But I think we open here a way by which some ten or fifteen years from now there will be found a good many of these people who have maintained large improvements there. It seems to me that if an Indian under the treaty of 1868 has segregated himself from his tribe and wishes to open up a farm and build a house and have the accompaniments of civilization, he ought to be permitted, if he so desires, to reside upon the particular tract that he has taken; and if he does not choose to so reside he should share the fate of the provisions of law now in existence. I do not think we ought in advance to make provision suggesting that there shall be compensation made for improvements. So I would prefer, without knowing much about it, that this whole provision should be struck out.

Mr. DAWES. I think there is a good deal in what the Senator from Iowa says about this. It must, in the nature of the case, be a very little amount that an Indian can have done in the way of improvement up to this time, but he has his choice under the bill to take the land with the improvements or to leave the land and locate himself without the improvements. Unless the other members of the committee disagree with me, I shall move to strike out the provision.

Mr. MANDERSON. If the Senator will yield to me a moment I desire to suggest to him a further consideration. There are perhaps on the land occupied by the Pine Ridge agency about nine hundred houses built by the Indians, and some eight hundred and fifty I understand at the Rosebud agency. These houses, as a rule, are built of logs, are rough in character, but the material is all furnished by the Government of the United States free of cost to the Indian. He is not only allowed to cut

timber, but the team with which he hauls it and the tools with which he shall dress it into shape are all furnished by the Government. When he comes to build his house he is furnished with doors, windows, sash, hardware, and everything that goes into the construction of the house, so that really his improvements have cost him nothing. So far as other improvements are concerned, in a visit that I made during the last summer to the Pine Ridge and Rosebud agencies, while I found that the Indians had constructed these houses, as a rule they were living in their tepees outside of them, and apparently the construction of the house was ratherfor the purpose of obtaining the chattel material that was donated with it than for the purpose of living in it; and although they were furnished by a liberal government through the agent with the material for farming, the yoke of oxen, the pair of horses, the plow, the hay-rake, and so forth, all free of cost, yet I do not think I saw on any one farm more than 15 acres under cultivation for any purpose. I do not think they are a success as farmers or that their improvements will ever be of any great value.

Mr. DAWES. I will not enter into a discussion with the Senator from Nebraska upon the actual condition of these Indians. The Senator will find great gratification, I think, as well as all of us, in comparing their actual condition, whatever it may be, with their condition ten years ago; but I think that the Senator——

Mr. TELLER rose.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. I will first make this motion. I think the suggestion of the Senator from Iowa is a wise one, and therefore I move to strike out the clause commencing with the word "any," on the ninth line, and ending with the word "fair," on the thirteenth line of section 13.

The PRESIDENT *pro tempore*. The amendment of the Senator from Massachusetts will be reported.

The SECRETARY. After the word "provided," in line 9 of section 13, it is proposed to strike out down to and including the word "fair," in line 13, as follows:

Any Indian declining within one year after this act shall take effect this allotment shall be entitled to such compensation for any improvements by him made upon said land as shall seem to the Secretary of the Interior just and fair.

Mr. TELLER. Mr. President, if I understood the Senator from Nebraska correctly he stated that these Sioux buildings had been substantially built by the Government, because the Government had furnished all the materials. That may be true as to some, but I find in the report of 1883 of the Secretary of the Interior—and I do not think there is a mistake in it—that there were 2,519 houses built on the Sioux reservation by the Sioux Indians, who substantially furnished all the materials, unless it may have been the windows and the doors.

Mr. MANDERSON. If the Senator from Colorado will pardon an interruption, my statement was that about nine hundred houses had been built upon the land occupied by the Pine Ridge agency, and about eight hundred and fifty upon the land occupied by the Rosebud agency. There may be outside of that in this vast extent of land known as the Sioux reservation many hundred other houses. The statement with reference to the manner in which these houses are built the Senator and myself will substantially agree about. The Indian does the work of building the house, I admit, but the material that goes into its construction, the team with which he hauls the lumber from the cañon to the place where he is to build his house, are furnished to him by the Goverment and are paid for by the Government.

Mr. TELLER. I think very likely that the statement made is correct in the main, but in 1883 it became necessary to determine what was due from the Government of the United States to the confederated Sioux.

As I was about to say, we located these Sioux on this great reservation in 1868. The Sioux Nation formerly occupied pretty nearly all the northwest country, including Colorado, Nebraska, Dakota, Wyoming, and Montana to some extent. We located them on an area about as large as the State of Indiana. We entered into a contract with these Indians that if they did certain things the Government would do certain other things. We first made an agreement with them; we then ratified that agreement by statute; and one of the things that we agreed to do was that whenever an Indian should go out and locate upon a piece of land the Government would build him a house. That is in the contract. We agreed further, that whenever he did that the Government would furnish him a good American cow and a good yoke of oxen. Two thousand five hundred and nineteen of these Indians complied on their part with that statute. They built their houses. Whether they built them with the aid of the Government or whether they built them alone the houses were built. The Government avoided expense except in a very small sum, and the estimate made by the Interior Department was that the Government owed to each of these Indian families not less than $500 to pay them for building the house as they were required by the treaty. Not a single cow has ever been furnished these Sioux, not a single yoke of oxen, in accordance with that treaty, that I am aware of.

A Senator near me asks why not? That is a question very much easier asked than answered. Every Secretary of the Interior and every Commissioner of Indian Affairs since that bill passed has besought this body and the other for the appropriation of sufficient money to carry out in good faith the treaty of 1868.

I have no doubt it is exactly true, as the Senator from Nebraska says, that they have not more than 15 acres as the largest farm that they have cultivated. I only wonder myself that they have any. I wonder that these Indians in that country have even an acre, when the Government has so studiously and continuously declined to fulfill its part of the contract.

We are about to make another contract with them. We are about to buy the rest of their land, amounting, as I understand, to some ten or eleven million acres, for which we are to pay them 50 cents an acre. Mr. President, it is not at all necessary to the welfare of these Indians that we should pay them a dollar. If the Government will carry out the contract that it has made with them in good faith these Indians will be the richest community in this country. They will have cattle and they will have farms and they will have houses, and they will have their support for a good many years yet. Under the treaty we agreed, among other things, that for every thirty school children we would establish a school—an exceedingly foolish contract, I will admit. We have not furnished one school for thirty children.

The PRESIDENT *pro tempore*. It is the duty of the Chair to advise the Senator that the Senate is operating under the five-minute rule. The Senator has already exceeded that time.

Mr. MANDERSON. I ask unanimous consent that the Senator be allowed to proceed.

Mr. TELLER. I have no disposition to infringe the rule.

The PRESIDENT *pro tempore*. If there is no objection the rule will be waived. It is the duty of the Chair to remind Senators of the expiration of their time.

Mr. TELLER. I was not aware we were considering anything under the five-minute rule. I have no desire to detain the Senate beyond a few moments on this question.

We made a contract with these Indians, as I was saying, to establish a school for every thirty children, a thing utterly impracticable and useless; and yet the contract was solemnly made, and the Government according to all rules ought at least, if they do not carry out the contract in its letter, carry it out in its spirit. Making a fair estimate, in 1884 we owed the confederated bands of Sioux a million and a half of money that we had failed to appropriate as we ought to have appropriated under that provision of the treaty of 1868. I do not remember how much more we owe them by the other provisions, but it is a very large amount. I can turn to it in a moment. The estimate made in 1883 of what was due these Indians by a failure on the part of the Government to keep the contract, after deducting all appropriations that had been made for schools and all purposes that were included in the contract, is something over $2,229,000. Add to that the million and a half, and there is something over three and a half million dollars due these Indians under the treaty of 1868, if we attempt to enforce the contract as we made it.

Mr. MANDERSON. Will the Senator from Colorado allow me to ask a question?

Mr. TELLER. Certainly.

Mr. MANDERSON. There are perhaps twenty thousand of these Sioux. Does the Senator from Colorado think it would be advisable in the interest of the advancement of the Indians that the Government should pay to this nation of Indians the three or four million dollars that he says we owe them by reason of failure to fulfill the contract, and continue indefinitely to support them in the idleness in which they now live?

Mr. TELLER. I do not think it would be wise for the Government to pay all this money under the terms and according to the provisions of the treaty; but what I was coming at was that the Government should enforce all the provisions of this agreement and keep them honestly, or the Government should have the courage to say "we will deal with these Indians as we deal with our own people, legislate for them and not treat with them."

The last section but one of this bill provides that when this bill shall have passed both Houses of Congress and have received the sanction of the Executive, then it shall, before taking effect, have the sanction also of the Sioux Nation. If we were keeping implicitly and in good faith our contracts, there would be some propriety in keeping that provision in the bill, because it is provided in the treaty of 1868 that no further treaties or arrangements or agreements, or whatever you choose to call them, should be made with this tribe, except upon the sanction of three-fourths of the adult males of the tribe.

Now, why single out that particular portion of the contract and insist that these Indians shall have the veto power on the legislative body of the United States, when we are so palpably acting in violation of the more advantageous provisions to them, as they think, of the treaty of 1868? I would not carry out the contract by establishing a school for every thirty children, but I would carry out so much of the contract as requires us to furnish to each Indian family that had gone out on a farm a cow and a yoke of oxen, for that is to their advantage and tends to their civilization; and I would take the money that they are entitled to under the school clause and put sufficient educational facilities in their hands and within their right.

I have no objection to this bill except the one that I have mentioned. I think it violates the principle of proper legislation. In 1870 it was declared by a provision now in the Revised Statutes that no further treaties should be made with Indians, that they should no longer be recognized as a treaty-making power. It was evidently the purpose of the Legislature at that time to deal with them directly, as I say now they ought to be dealt with. I do not pretend to say that we ought not to give them 50 cents an acre, but I do say that it is no very great kindness to pile up money in the Treasury of the United States to be paid out to these Indians year after year to keep them paupers. The legislation of this country with reference to the Indian should be with a view to making him self-supporting, and not for the purpose of providing for the generation to come in idleness, and in consequence thereof in vice.

It is absolutely impossible to elevate the Indian race or any other race till in the sweat of their brow they are taught to earn their bread. No nation in the history of the world ever came up from savagery to civilization except it was by manual labor, and no nation ever will. You may give them $10 an acre if you choose for their lands, and pay them the interest annually, and the more you pay them the worse they are off, if you pay them in the way payments are now being made. One million seven hundred thousand dollars was spent last year for the support of the Sioux in the way of food and clothing alone! It is not in the interest of Indian civilization that this thing should be continued.

I have only called attention to this that I might enter my protest, as I did years ago in this body when formerly a member of it, against the attempt to treat these people as independent powers. The sooner you bring them within the provisions of American law and compel them to obey the law and give them the protection of the law and legislate here for them as you legislate for the rest of the people of the United States, the sooner you will put the Indian on the high road to civilization, and you never will do it with appropriations and gifts and schools and everything else until you do recognize his right to legislation as we legislate for all others.

The Indians are our wards. Who ever heard of a guardian or a trustee consulting his ward? Suppose when a guardian goes into court and presents his account it should appear that he had made an improper use of the money, and the court should call him to account, would he say, "My ward wanted me to expend it thus and thus?" He would be turned out of court. These people occupy the relation of wards to the nation, and it is our duty to legislate for them; and if we think they are wise we may consult them; if we think they are unwise, it is our duty to legislate against their will, for the Indian must be, if he is to be preserved, compelled to enter civilization whether he will or whether he wills it not.

Mr. DAWES. Mr. President, much that the Senator from Colorado has said I commend, and much that he has done heretofore in the administration of the Indian Department has my commendation. So far as I am concerned, I desire to give him full credit for much that has been done in the past for the advancement of the Indian. I desire now simply to say a few words in reference to his criticisms of this bill.

The Senator says that he does not see why we are required in this bill to conform to our treaty obligations with these Indians when we have confessedly failed to fulfill many other requirements in this treaty just as solemn. We have bound ourselves to furnish these Indians with oxen, with schools, and with school-houses, but we have never done it. He says, as an inference from that and as a justification, "why shall we conform to other stipulations in this agreement?" We bound ourselves when we bought certain lands of these Indians and told them that if they would surrender their titles to these lands we would give them this land. In consideration of that release on their part of their title to the lands we bound ourselves in these words:

> No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same.

They parted with their own title to other lands, and took these lands under this stipulation in the title-deed. Their deed is the treaty. The Senator says he does not see why we should keep this obligation when we have not kept other obligations. He says that the Indians are our wards, and why should we ask the consent or opinion of our wards when we are disposing of their estate. Did he ever hear of a trustee coming into court and undertaking to defend himself for a violation of the law which governed his trust by setting up that in very many other things he had violated that law? I never did; the Senator may have; and I never heard of a court that would tolerate such a plea as that.

It is quite true that in very many other things, as the Senator says, in our dealings with these very wards since 1868 our delinquincies, if measured by dollars and cents, would amount to between three and four million dollars. Now, when we would make a feeble attempt here to conform to the treaty, when we propose to take from these Indians and open up to the public for settlement 11,000,000 acres of as fine land as there is in the great West, which if they were individually authorized to sell for themselves they could sell all the way from $3 to $10 an acre, when we propose to take that, we simply say to these Indians we will not take this land away from you for the public good except in conformity with the title-deed by which you hold it.

The Senator says we ought to rise above all our obligations, our contract, our treaty, and assert our legislative power above and beyond them all and dispose of this property just as if it was our own. Sir, that may be wise; it may be just; but it can not be based upon the fact that we have been doing that all along, that we have succeeded with impunity for many years in violating the obligations of our treaty to these individuals. It must be found somewhere else, and it must be founded upon some other notion of right and wrong than that which the Senator suggested. And therefore the Senator says that in 1870 we declared we would not make any more treaties with them, and the Senator has sought to draw the inference that because we passed the law that we would make no more treaties with them in 1870 therefore we were not bound by the treaties we had made. But the very statute which we passed saying we would make no more treaties with them contained a clause which I commend to all those who have an idea that because we are to make no more treaties with them therefore we are not bound by the treaties we have made, for while the statute says:

> No Indian nation or tribe within the Territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty—

It adds—

> but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

That was an honest declaration that we would keep all the contracts and obligations we had made up to that time, but instead of making contracts with them in the form of a treaty hereafter we would make a contract with them which should for its validity require the action of both Houses of Congress, and that is this. This is an agreement which is to be ratified by both Houses of Congress, but when we ask these Indians to part with these 10,00,000 acres of land in conformity with the treaty we say that this act shall not take effect until the Indians have signified their acceptance of it in conformity with the provisions of their treaty. That is the last section of the bill. That is keeping faith with them according to their treaty. It is providing what in the judgment of both Houses of Congress is for their best interest. It is making a proposition in advance to them, and it is asking them to accept it in accordance with the provisions of their treaty. As is suggested by the Senator from Alabama [Mr. MORGAN], it is the ordinary method of two parties having made a contract, getting together and modifying that contract according to existing circumstances and exigencies.

I know that the Senator from Colorado in his argument emphasized the delinquency of this Government in its failure heretofore to fulfill the stipulations of this treaty, which no one would think it would be wise to make now, but they are stipulations of a treaty, and are as binding upon the United States as any contract the United States is capable of making.

Mr. TELLER. Mr. President, what I meant to say and what I wanted to emphasize was that we should have a policy either to maintain inflexibly our treaty obligations or to abandon them. In my judgment, we made so many treaties impossible of execution, impossible of being carried out without detriment both to the Government and to the Indian, that the wise policy is the one I have suggested. The Revised Statutes provide—I think the section the Senator alluded to is not the one in force—"No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made," &c., shall be repudiated by the act. That was passed in 1871, and it was then intended to be a departure from the old system and the adoption of a new one and the one that I have suggested.

I say that we ought to do one thing or the other; we either ought to maintain the treaty obligations or we ought manfully to say that it is not well to maintain them, and we will legislate; and when we do legislate and when we are responsible and when the Indian has not been consulted, we shall legislate with a great deal more care and with a great deal more safety to the Indian than we have legislated for the last fifty years.

In 1880 I had the honor of protesting on this floor against the passage of a bill that received the almost unanimous support of this body. I protested against it as being inimical and injurious to the supposed beneficiaries of the bill, and to-day there is under that bill a tribe of Indians in Southern Colorado with a reservation 15 miles long and 110 miles wide. It would not be possible for an Indian to pass over from one end of the reservation to the other in a straight line; I presume it would take him three weeks, and at most seasons of the year it would be absolutely impossible for Indians or white men to pass over it at all. And yet the Indians were put there because the Indians wanted to go there, because they were incompetent to determine for themselves where they ought to go. I said then that the Government of the United States should put them where they ought to go, and not where the Indians thought they ought to go. There has been trouble ever since down there. Within the last few months several Indians have been killed in Colorado because of the conflict that arises on account of a reservation so narrow as that. The Indians' stock can not be kept on it, and

the white men's stock can not be kept off, and it is a continual source of friction. I have a letter, received this morning, stating that there was danger that these Indians would be massacred whenever they got off the reservation. They have gone off and killed cattle, and they have irritated and aggravated settlers on both sides of the line, both in New Mexico and in Colorado, and their safety will demand that the United States Government remove them from that place whether they will go willingly or not. These same Indians were sent, contrary to their will, onto the reservation, and then when they concluded it was a good enough place as long as the Government paid them their annuities, they thought they would stay, and then we said because they wanted to stay, "We will not take them off."

I do not advocate the violation of any treaty as long as we profess to abide by the treaties; but what I have contended for ever since I have been a member of this body is that it is the duty of the Government not to treat these people as powers, not to treat them as sovereignties, but to treat them, if not as citizens, at least as entitled to the protection of the General Government; and I say now, after an experience of twenty-five years on the frontier, with an experience with the Indians that I do not think is second to that of anybody, with a knowledge of the Indians from coming in contact with them, that the legislation for twenty-five years, if devised by their enemies, could not have accomplished their ruin much more certainly than it has in all parts of the country with which I have been familiar; and if the legislation was brought home to us, and we and we alone were responsible, you could not pass through this body bills to put the Indians on arid land where they would starve to death, and where a white man would starve to death, simply because the Indian said he was willing to go or he wanted to go.

The PRESIDING OFFICER (Mr. MITCHELL, of Oregon, in the chair). The question is on the amendment of the Senator from Massachusetts [Mr. DAWES].

Mr. HARRISON. Mr. President, I do not concur in the amendment proposed by the Senator from Massachusetts. It will be noticed that he reserves to the Indian, the bill after the amendment will still reserve to the Indian, who is himself a settler and having an improved farm, some improved lands and possibly a house upon that part of the reservation which is thrown open to settlement, the option to leave that and go upon the reservation constituted by this bill. If he has the option to do that, if we offer him another allotment on the reservation, then we ought to make some provision by which if he elect to take that allotment he can have compensation for that which he leaves. It will be a matter of negotiation. He can get it now. It leaves him at the mercy of the person who may want a homesteader's claim. He may go to him and say by way of stimulating his choice, "If you will give up this place that you now live upon and go onto the reservation I will give you a pony for what you have got here." So it leaves the Indian open to this sort of inducements from the settlers to make this option which we reserve to him in the bill. That being the case, it seems to me that the matter of the compensation which he is to have ought to be under some supervision, because, even after the Senator has stricken out the words to which his amendment refers, there is still the opportunity that the white man may buy him out of his claim without any supervision as to the negotiations.

I think, therefore, it would be better to let the words stand and to incorporate the amendment I proposed, so that the homesteader who takes his land, if there are valuable improvements upon it, should be under the supervision of the Interior Department as to what those are worth when he takes them if the Indian decides to go.

I think further that there should be an amendment just above, in section 7, providing that the election of the Indian should be in some way recorded, so that if an Indian happens to-day to be gone from his settlement some settler may not assume that he has elected to leave it and move in upon it. I would, therefore, propose, in line 5, after the word "option," to insert:

By recording his election with the proper agent at the agency to which he belongs.

I hope the amendment of the Senator from Massachusetts will not be adopted.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts.

Mr. PLUMB. Is that the amendment to strike out?

The PRESIDING OFFICER. It is.

A division being called for, the ayes were 3.

Mr. DAWES. I withdraw the amendment.

The PRESIDING OFFICER. By unanimous consent the amendment may be withdrawn.

Mr. EDMUNDS. The Senator has a right to withdraw it, as it has not been amended.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HARRISON. I believe an amendment of mine is pending; I think it is at the desk. It is to insert after the word "fair" the words:

To be paid by the person who shall afterwards take up such lands under the provisions of this act.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Mr. HARRISON].

Mr. PLUMB. That is just as indefinite, I think, as the provision is now. By what tribunal is it to be settled? What tribunal is to settle the time and manner of payment? For instance, suppose the Indian does not take the allotment to which he is entitled, and some one goes on then and settles upon the land, remains there four or five years according to this bill, pays the money to the Government, and then demands, as he has a right to do under the law, his patent? Is the Secretary of the Interior to say to this man, "You shall not have your patent until you have paid this money?" And to whom shall he pay it? It seems to me that the original proposition of the Senator from Massachusetts ought to have been adopted. We ought to strike out that entire provision unless we are prepared to go into a very elaborate system of execution. I know that in the case of the Kaw Indians in Kansas that provision was attempted to be made for their benefit, and the appraisal which was made of improvements cost more than the value of the improvements. In all these cases my judgment is that it will cost the Government as much to make the appraisement and see that the money gets into proper hands as it will be worth after it gets there.

In addition to that, as a general thing, as has been said here very well, the improvements are usually of the most trifling character. It will be very hard, except in the case of some person who is very kindly inclined to the Indians, to fix any value on them at all. They may be made, therefore, the subject of a very trifling valuation or of a very exaggerated valuation, and it seems to me that it is a subject which we ought not to enter upon at all. I believe I will renew the motion the Senator from Massachusetts made, if that is in order, to strike out.

Mr. HARRISON. It can hardly be in order now.

The PRESIDING OFFICER. An amendment is now pending, the amendment of the Senator from Indiana. The question is on that amendment.

The amendment was rejected.

Mr. PLUMB. I move an amendment to come in after the word "fair"——

Mr. HARRISON. If the Senator from Kansas will allow me, this seems to be seesawing back and forth. It is very clear that if my amendment is not adopted this whole thing ought to be stricken out.

Mr. PLUMB. I will move to strike out the provision.

Mr. HARRISON. I will withdraw any point of order if the Senator from Kansas moves to strike out.

Mr. PLUMB. I think it is very clear that ought to be done. We shall simply get into a maze of detail of administration, which will not only be expensive, but without practical result to anybody.

The PRESIDING OFFICER. The amendment of the Senator from Kansas will be read.

The CHIEF CLERK. In section 13, line 13, after the word "fair," it is proposed to insert:

Whenever it shall come to the knowledge of the President that any land allotted under the provisions of this act shall have been abandoned for more than two years, he may, in his discretion, by proclamation declare said land so abandoned open to homestead settlement under the provisions of this act.

Mr. PLUMB. I shall move, first, to strike out, and then I move to insert what has been read. I move to strike out all between the word "any" and the word "fair."

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section 13, after the word "provided," in line 9, it is proposed to strike out down to and including the word "fair," in line 13, as follows:

Any Indian declining, within one year after this act shall take effect, this allotment, shall be entitled to such compensation for any improvements by him made upon said land as shall seem to the Secretary of the Interior just and fair.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate its unfinished business, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. DAWES. I ask that the regular order may be laid aside informally.

The PRESIDING OFFICER. The Senator from Ohio [Mr. SHERMAN] is entitled to the floor on the regular order.

Mr. DAWES. I rose simply to state that after I had moved to strike out this clause the suggestions of the Senator from Indiana [Mr. HARRISON] were of such a character as led me to doubt the propriety of it. Still it is so small a matter that it is easier for the bill to get through by striking it out. I am satisfied that the provision shall be stricken out and the hardship of it I think will be very small, and therefore, on the whole, I shall adhere to the amendment now moved by the Senator from Kansas to strike it out.

Mr. SHERMAN. I am advised by several Senators around me that this bill will take an hour, or two or three hours more. If so, I think we had better go on with the regular order; but if the Senator from Massachusetts can get through with this bill in half an hour I have no objection to its being concluded.

Mr. DAWES. I had the expectation that it would be disposed of in half an hour.

Mr. SHERMAN. The Senator on my right [Mr. HARRISON] tells me he has some amendments to offer.

Mr. HARRISON. They may not take time.

Mr. MANDERSON. Let me suggest this course: There are two or three amendments here that are entirely local in their character and we can get those out of the road in a few minutes. I think the debate will be caused by the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. SHERMAN. Very well.

Mr. HARRISON. Is there a pending amendment?

The PRESIDING OFFICER. The Senator from Kansas [Mr. PLUMB] has submitted an amendment.

Mr. HARRISON. I ask that it be stated again.

The PRESIDING OFFICER. By unanimous consent the regular order will be laid aside for the purpose of proceeding with the bill under consideration at 2 o'clock. The amendment of the Senator from Kansas is to strike out in section 13, line 9, beginning with the word "any," all down to and including the word "fair," in line 13.

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the next amendment, proposed by the Senator from Kansas, which will be read.

The CHIEF CLERK. After the word "provided," in line 9 of section 13, it is proposed to insert:

Whenever it shall come to the knowledge of the President that any land allotted under the provisions of this act shall have been abandoned for more than two years, he may, in his discretion, by proclamation declare said land so abandoned open to homestead settlement under the provisions of this act.

Mr. HARRISON. Do I understand the Senator from Kansas to mean that that shall apply to lands allotted within these reservations?

Mr. PLUMB. Undoubtedly.

Mr. HARRISON. I think that would be a surprise to the Senator from Massachusetts. These lands are set apart in a reservation.

Mr. PLUMB. Oh, no; not on the allotments within the limits of the reservations that are to be patented all together.

Mr. HARRISON. But the language used by the Senator is broad enough, because it refers to all the lands alloted under the provisions of this act, which also includes allotments on the reservations that are provided for by this act.

Mr. MANDERSON. I do not think that follows, because the provision is this:

That any Indian * * * residing upon any portion of said great reservation not included in either of the separate reservations herein established may, at his option, have the allotment to which he would be otherwise entitled, &c.

Mr. HARRISON. That is true; but that limitation is not extended to the amendment of the Senator from Kansas.

Mr. PLUMB. Perhaps that should be limited to the allotment provided for in this section.

Mr. HARRISON. That would do.

Mr. PLUMB. I was not observing the fact that there was provision for allotments on the reservations. I will modify the amendment.

Mr. MANDERSON. Pending the modification of the amendment I wish to ask the action of the Senate upon another amendment that is agreed to by the chairman of the Committee on Indian Affairs. There are two islands in front of the towns of Chamberlin and Pierre, in Dakota, that by this bill are donated to the two towns respectively for park purposes. In the Niobrara River there is a small island known as the Niobrara Island, in immediate front of the town of Niobrara. Niobrara is a thriving town, the equal of either Chamberlin or Pierre, not only in its present municipal importance, but in its expectations for the future; and I ask that these amendments be introduced in section 20 and be acted upon pending the change of the amendment of the Senator from Kansas——

Mr. PLUMB. I have already changed my amendment.

Mr. MANDERSON. All right.

The PRESIDING OFFICER. The amendment of the Senator from Kansas has been modified. It will be read as modified.

The CHIEF CLERK. After the word "provided," in line 9 of section 13, it is proposed to insert:

Whenever it shall come to the knowledge of the President that any land allotted under the provisions of this section shall have been abandoned for more than two years, he may in his discretion by proclamation declare said lands so abandoned open to homestead settlement under the provisions of this act.

The amendment was agreed to.

Mr. MANDERSON. I now offer an amendment for the purpose of reaching the case of Niobrara Island that I have described. There are two amendments reaching the same subject-matter. On page 18, section 20, line 2, after the words "Farm Island," I move to insert "and Niobrara Island."

The amendment was agreed to.

Mr. MANDERSON. I now move to strike out the word "and" before "Farm Island," so as to make the phrase grammatical.

The PRESIDING OFFICER. That change will be made by unanimous consent.

Mr. MANDERSON. The next amendment I have to offer reaching the same idea is, at the end of section 20, to insert:

Niobrara Island, an island in the Niobrara River, near Niobrara, and now a part of the Sioux reservation, is hereby donated to the said city of Niobrara: *Provided, further*, That the said city of Niobrara shall formally accept the same within one year from the passage of this act, upon the express condition that the same shall be preserved and used for all time entirely as a public park, and for no other purpose, to which all persons shall have free access; and said city shall have authority to adopt all proper rules and regulations for the improvement and care of said park, subject to modification by the President of the United States; and upon the failure of any of said conditions the said island shall revert to the United States.

The amendment was agreed to.

Mr. HARRISON. I want to recall the attention of the Senate to section 13. I call the attention of the Senator from Massachusetts to the amendment I suggested a few moments ago. This section provides for an option to be exercised by the Indian, by which he abandons his reservation in that part thrown open to settlement and takes an allotment upon the reservation established by the bill. There ought to be some way of recording it.

Mr. DAWES. I will agree to the amendment.

Mr. HARRISON. Then I propose, after the word "option," in line 5 of section 13, if no other amendment comes in there, the insertion of these words:

By recording his election with the proper agent at the agency to which he belongs.

Mr. PLUMB. I suggest that that ought to be amended somewhat. The location ought to be platted as well as recorded, and a copy of that should be sent to the office of the Interior Department. It is to be a muniment of title practically, and that ought to be deposited first or last in the Department from which all title is derived. I move to amend the amendment by inserting the word "platted," so as to read:

Platted and recorded, and a copy of which shall also be filed in the Interior Department.

Mr. HARRISON. The trouble is that the Senator imposes upon the Indian the duty of platting his land.

Mr. PLUMB. No; the Secretary of the Interior will make some arrangement about that, I suppose. The Indian can plat it just as well as he can record it. I think, on the whole, he can do that a great deal better.

Mr. HARRISON. The recording is simply signing a proper paper in the office of the agent. The platting certainly involves some survey.

Mr. PLUMB. It is all surveyed. The section and quarter-section on which he is situated would have to be noted.

Mr. HARRISON. Would it not be better to add at the end:

And a plat of such abandoned location shall be made and forwarded to the Secretary of the Interior?

Mr. PLUMB. This is not in regard to the abandoned allotments, as I understand it, but in regard to those that are to be occupied. It is for the purpose of giving definiteness and certainty, as I suppose, to the metes and bounds of the occupation.

Mr. HARRISON. The Senator from Kansas I think is mistaken as to the effect of this. This is the case of Indians who have present allotments on the lands thrown open to settlement. This bill gives them the election to abandon those allotments and go on the reservation. My object was to have some record of the fact of the abandonment of the allotment on the public lands so that it might be definitely settled in case of dispute whether he had or had not abandoned it.

Mr. PLUMB. I withdraw the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana [Hr. HARRISON].

Mr. CHACE. Let that be read again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 5 of section 13, after the word "option," it is proposed to insert:

By recording his election with the proper agent at the agency to which he belongs.

The amendment was agreed to.

Mr. HARRISON. I now offer amendments in the form of two additional sections, to come in at the end of the bill. I ask that the reporting of the amendments at this time be omitted, as it is not intended to proceed further with the consideration of the bill, but to take up the regular order.

Mr. DAWES. As those amendments may possibly cause some debate, I feel that I can hardly ask the Senate to continue over into the regular business the consideration of this bill; but I should like to have it go over so as not to lose its place on the Calendar.

The PRESIDING OFFICER. The bill will be passed over informally, the Senate proceeding to the consideration of the regular order.

Mr. DAWES. I move that the bill be printed, with the amendments.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. HARRIS. The Senator from Indiana [Mr. HARRISON] gave notice some days ago that he would to-morrow ask the Senate to consider the Dakota bill. If it is not disagreeable to the Senator from Indiana, I desire to move that when the Senate adjourn to-day it be to meet on Monday next, if the Senator from Indiana will allow his notice to go over until Monday.

Mr. HARRISON. I will not make objection to that. I shall be ready myself to proceed with the consideration of that matter to-morrow; but if it is the desire of the Senate to adjourn until Monday I shall not interpose that business in the way, with the understanding

that my notice stands for Monday, and that at 2 o'clock on that day, if I can not reach it earlier, I can have consent to take up that bill.

Mr. HARRIS. I make the motion, then, Mr. President.

The PRESIDING OFFICER. The Senator from Tennessee moves that when the Senate adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. SHERMAN. Mr. President, I have no purpose to inflict a long speech upon the Senate on the electoral bill. I think, however, that this important question ought to be considered at a time when we are as free as we ever can be from political bias. I believe that this bill affects a question that is more dangerous to the future of this country than probably any other. For twenty years it has been debated in this Senate Chamber whether we could not devise some mode better than the present one to count the electoral vote. Various expedients have been proposed by able Senators, and they have always been approached with an acknowledgment of the difficulties in the way, and yet with an earnest desire by every one of both parties to reach a satisfactory conclusion.

For a long time, I think for fifteen or twenty years, we had a joint rule to regulate the mode of counting the vote. That proved to be unsatisfactory, and when a critical time arose, it being within the power of either House, the joint rule was withdrawn, and the result was that this most important duty of counting the electoral vote, this most important act of the people of the United States, is now without law or rule to govern the mode and manner of its procedure.

The Committee on Privileges and Elections for a number of years has given to it its careful consideration, and I think two or three times has reported without a division, certainly with no division on party lines, a proposition, but with the distinct understanding and feeling among them all that it was not entirely satisfactory, and that all that could be hoped for would be to bring about a conference with the other House, and in that way come to some satisfactory solution of this most difficult problem.

Mr. President, the bill that has twice passed the Senate and been sent to the House, rather with a view to gain a conference than otherwise, is now before us again. A conference was defeated by the unwillingness of either House to abate its ideas on this question, and it now comes before us again at the beginning of an administration, when no party advantage can be derived from our decision, when the Senate is clearly on one side in party politics and the House clearly is on the other; and now, if ever, this matter ought to be settled upon some basis of principle.

The bill before the Senate in its general provisions, those which are merely legislative or regulating the mode and manner of proceeding, is not objected to by any one. The critical points involved are two, and they are both presented by the fourth section. This bill provides that in case of but one return from a State, when the two Houses shall meet according to the provisions of the Constitution the votes shall be opened by the presiding officer of the Senate, in whose custody they have been, and that they shall then be counted. That mandatory provision is the only mandatory provision in the Constitution on this subject, that the votes of the electors "shall then be counted."

There is no mode pointed out in the Constitution by which they must be counted. No provision is made in the Constitution for a dispute as to the legality of the votes of the electors, whether the electors have conformed to the Constitution, whether one set of electors or another set of electors have been elected; no provision whatever pointing out either any authority or any person or any body to decide which of two sets of electors shall be counted, or whether the votes of some of the electors on account of their being ineligible shall be rejected or whether the State was in a condition to have its vote counted, or whether an act of Providence, such as a snow-storm that occurred in the case of Wisconsin or some other accident, prevented the electors from voting at the time fixed by the Constitution—in none of these cases is there a mode provided by law by which these questions are to be determined. It all rests in the single provision contained in a single paragraph of the twelfth amendment to the Constitution. Upon its construction all these matters, of which I intend to speak very briefly, depend. There is no declaration that the President of the Senate, who opens the electoral vote, shall count them, or that the House or the Senate either shall pass upon the question of counting. This is the clause:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

It is to be presumed that the framers of the Constitution did not foresee and could not foresee the difficulties that have arisen since upon this matter. The constitutional provision as to the election of President was unsatisfactory to the framers of the Constitution, and it was changed after the celebrated difficulty when it was a long time in doubt whether Aaron Burr or Thomas Jefferson should be President of the United States. This demonstrated that the original provision of the Constitution was faulty, and our predecessors of that day undertook to correct it and adopted a new provision, but that new provision presents many of the same difficulties that occurred under the old, and to this day Congress has never been able to solve any of them.

Since that time there have been eleven cases of disputes as to electoral votes, and twenty-one objections have been made to the electoral votes of different States, presenting a great variety of questions. For instance, in the Missouri case the question came up whether the vote of Missouri, which before being admitted as a State undertook to vote for President and Vice-President of the United States, should be counted. That created a difficulty which was finally solved by the men of those days by simply resolving that whether it was counted or not it would make no difference in the result, and they therefore passed it by.

Again, when the electors of Wisconsin had been prevented by a great snow-storm in the Northwest, just in the midst of winter, from meeting at the place appointed by the Constitution at the time designated by law, they were unable to convene and could not vote according to the Constitution, but met the next day and voted and sent their votes here to be counted. I remember as well as I remember the countenances that are now before me the scene of riot and tumult, of disorder and confusion, that arose when the question about Wisconsin came up in 1857, when Mr. Buchanan was elected President of the United States. I never saw the House in a condition of tumult and disorder more violent than occurred then. The President of the Senate, Mr. Mason, undertook to give a construction to this clause of the Constitution, which was at once met by violent outcry not only from members of the House but from members of the Senate, and it led to the separation of the two Houses in confusion and the return of the Senate to this Chamber, and the only way by which the difficulty could be solved at that time was by passing a resolution that whether Wisconsin was counted or not the result was the same, that James Buchanan was elected President of the United States.

And so, sir, in the many cases that have occurred since that time where the votes of several States were in dispute, especially after the reconstruction period, the same difficulties arose and were solved in the way I have mentioned, by saying that whatever way the disputed vote was counted the people have elected by their electors a President of the United States. And, sir, in my judgment, if in 1869 the election of President Grant had depended upon the vote of the State of New York, after it had been made public and was generally known all over the country that the election in the city of New York had been carried by overwhelming fraud, I do not believe the people of the United States would have been satisfied with any result that depended upon the vote of the State of New York. But there again, fortunately for the country, we were able to avoid the difficulty by the fact that, however New York might be counted, it would not change the result. No question was made about the vote of the State of New York at that time, because it was known that however it was counted—and it was counted upon the face of the papers for Mr. Seymour—it would be acquiesced in, because it made no change in the result.

Several times that condition of affairs existed, until finally, in 1877, we came to a point that did really threaten our national existence; when civil war might have occurred under certain circumstances; where the disputed votes did change the result; where a change even to the extent of one vote might have altered the result. That was happily avoided by a contrivance—for I can not call it much more, and I suppose Senators did not think it much more; I did not support it at the time, but it was a wise measure—by which a solution was brought about of this difficulty without producing actual contention and strife.

I feel, therefore, that this is a vital question that we ought to decide. We ought to approach it without regard to party division, and try to resolve, if we can, this most difficult question of American politics.

The objection I have to this bill is that it does not solve the most dangerous of these contentions. It does not settle a single one of those that have arisen in the past or that are likely to arise in the future. This bill makes a distinction between the votes of electors from States where there is but one return and votes from States where there are two or more returns or papers purporting to be returns. This is a distinction without a difference, because in any case of a dispute that may arise the manufacturing or creating of double returns is the easiest possible process to present the question involved. If there is but one return, then this bill provides that the return shall not be excluded except by the concurrent votes of the two Houses.

If the two Houses disagree as to the validity of the return, then the vote is counted. But suppose on that return or from evidence on file it appears that some of the electors claimed to be elected from the disputed State were ineligible, were members of Congress or judges of the courts or officers of the United States, and therefore ineligible to be electors, how would that question be determined where the matter in dispute did not go to the whole electoral vote, but only to a part of it?

I suppose that under a strict construction of this section, in that case the votes would have to be counted, and therefore votes that are declared by the Constitution itself to be illegal would have to be recorded in making up the result.

There are many supposable cases. Suppose that one House in the future should determine that in a case like that of Wisconsin the vote ought to be counted and the other House should determine that it ought not to be counted, how would this rule determine it? I presume that on the strict language of the bill the vote of Wisconsin would be counted because the two Houses disagreed, and in that particular case where the informality grew out of an act of Providence that would be right; but I could name many cases where it would be wrong, where a difference between the two Houses would compel the counting of an electoral vote when it ought not to be counted.

Even in such a case how shall it be counted, by whom shall it be counted, and who shall declare the result? But I could overcome these doubts; I would not stand in opposition to this bill because it does not solve all possible disputes. I can see that there ought to be some mode of determining questions arising at the count, and if the two Houses, who are made by the Constitution the witnesses of this act, agree upon the counting of a certain vote, I would regard that as the best solution. Where the two Houses agree, the vote ought to be counted; the two Houses may properly be regarded as the judges of whether the vote ought to be counted; but if they disagree, why should you give to the opinion of one House more weight than to the opinion of the other? Why should we say that in case of disagreement the vote shall be counted? Who will count the vote? The tellers? That leaves it still in confusion.

Mr. HOAR. If the honorable Senator will pardon me, I think in this particular it is proper to interrupt him for a moment.

Mr. SHERMAN. I am perfectly willing.

Mr. HOAR. As I understand, the bill provides for the process of counting. I do not rise now to answer the Senator's argument, but to point out an insufficient comprehension of the bill itself. The bill provides a certain process to be gone through with, and it then declares:

> And the votes having been ascertained and counted in the manner and according to the rules in this act provided, the result of the same shall be delivered to the President of the Senate.

The bill provides for tellers, members of the two Houses and their representatives, who are to receive a certain statement purporting to be the certificate of a State of its action in a matter which the Constitution most carefully commits to State action. The theory of this bill is that when a State presents itself and by but one utterance declares, "This has been my action," it shall be counted as the constitutional action of the State, unless both Houses of Congress agree to reject it. When there are two voices, each purporting to be—of course not each actually, but each purporting to be—the declaration of the State what its action has been, then it requires the concurrence of the two Houses to accept one and reject the other. Of course in each case it is a rejection of something.

And now, without going at this time into the argument in favor of the wisdom, as far as it goes, of this provision in comparison with the existing law, that is the proposition of the bill.

Mr. SHERMAN. Mr. President, the Senator does not yet meet the difficulty. Suppose the question is not merely upon the admission or the legality of the vote at the time, a question that affects the whole vote of a State, but suppose that some of the electors are ineligible?

Mr. HOAR. My friend will pardon me; I did not rise to meet the difficulty; I did not undertake to address myself to that; I rose simply to answer the question put by the Senator from Ohio, who was to count under the bill?

Mr. SHERMAN. I do not think the Senator answers that question. Here is the language of the bill. Where there is but one return the bill provides as it now stands:

> And no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative votes of both Houses.

This permits both Houses acting in concord at the time to reject the vote of a State, for it provides that in case there is a division of the two Houses a vote shall be counted. What vote? The whole vote or part of the vote in dispute?

Mr. EDMUNDS. Does my friend from Ohio wish for an explanation now?

Mr. SHERMAN. No; I think it would interrupt me.

Mr. EDMUNDS. That might be so, but I think there is a perfect answer to what my friend has said. I will reserve it.

Mr. SHERMAN. I could overcome in my own mind—and the subject has often been a matter of conversation as well as debate in the Committee on Privileges and Elections—the difficulty in this matter, because I can see that this provision might be sustained, that if both Houses agreed to accept a vote that probably was as good evidence as we could have; but suppose they agree to reject the vote of a State? That is a dangerous power. That allows the two Houses of Congress, which are not armed with any constitutional power whatever over the electoral system, to reject the vote of every elector from every State, with or without cause, provided they are in harmony in that matter.

It was one chief object of the framers of the Constitution to separate as wide as the poles the election of electors from the power of the legislative branch. That is plainly shown by the debates. It was at one time proposed, as has been adopted in France, to allow the Congress to elect the President, but this was rejected as being dangerous to our system of government, and therefore the framers of our Government selected an entirely distinct body of men, of the same number it is true, but chosen in a different way by the States, to perform the high duty of selecting a President of the United States, and the Constitution gives to Congress no power whatever over that great act except the power to be present at the count of the votes and to see the result declared. All the rest of the power drawn from that clause of the Constitution which I have read is inferential.

Now, sir, even this proposition—to which I might agree from the difficulty of pointing out a better way to pass upon the count—does violate the idea of the framers of the Constitution that the election of a President should be by electors separate from the legislative or law-making power of the country. The President speaks the voice of the States and of the people. He is chosen by electors elected in the several States according to the laws of each State; and yet this bill confers power upon Congress, the two Houses being in harmony with each other, to exclude the vote of any State.

But that is not my chief difficulty. The difficulty with me grows out of another clause of the bill. I ought to say the second section of the bill provides a mode by which the legality of the appointment of electors may be decided according to the laws of each State by judicial interpretation. I see some objection to that, but at the same time I do not make any point against it. Then the fourth section provides:

> And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State.

This gives to either House of Congress in the case of a double return the power to exclude the vote of New York or of any other State in the Union, not by the will of the two Houses, but by the veto of either House. We know the frailties of human nature well enough to know that the Senate of the United States and the House of Representatives, though great political bodies, as deserving of respect as probably any that have ever been elected under a republican system of government or any other, yet after all we are human, and are governed by passions and by prejudices and by party bias and by party feeling—I ask you whether it is safe to confer upon either House the power by its simple vote to reject the electoral vote of any State because there are two returns from it. If this was a case that could only arise in rare events it would be different, but the cases of double returns can be provided for in every election in any State at each Presidential election. Suppose a dispute arises, suppose the question shall arise whether a Republican body of electors or a Democratic body of electors have been elected in any particular State, and there is an honest difference of opinion as to which was elected. We recently had an important instance where in the State of New York the whole matter turned upon a thousand votes. Suppose there had been a question between the Republicans and Democrats as to the legality of that count and the regularity of those proceedings, and there had been a meeting of two bodies of electors, the Republican electors and the Democratic electors in New York, and double returns from those two opposing bodies had come here to be counted, representing two political parties; suppose the Senate of the United States should be Republican as now and the House Democratic as now, and that question arose between the two parties in a great State which would affect and control the results of the election, and that question was to be decided by the majority votes in these several Houses.

Here is a case where the vote of either House might under this bill defeat an election. If the Senate should reject the vote of a State, and thus secure a party advantage, the House could reject the vote of another State to obtain a like advantage, and a contention would spring up which would prevent the election of a President of the United States. Here is the difficulty with this bill, and I wish I could overcome it. I do not think we have the power under the Constitution to give to either House the right to exclude the vote of a State. The Constitution says that in the presence of the two Houses the votes shall be counted. That is all there is mandatory in the Constitution as to the election. Congress has no right to go behind those votes. The votes must be counted one way or the other, for or against, and we can not by a bill of our framing here enable either House upon *this case of double returns to* exclude a State from the count. It not only goes to the extent of double returns, but it goes further——

Mr. HOAR. Will the Senator allow me to make an explanation?

Mr. SHERMAN. Yes.

Mr. HOAR. I wish to inquire of the Senator, as part of this very interesting statement, what in his judgment is the existing law on that subject; that is, who is to count the vote now?

Mr. SHERMAN. I will come to that in a moment. I will answer that. I am perfectly willing to come to that, and propose to do so in a moment.

This not only provides for the case of double returns, but it provides for the case of more than one return, or "paper purporting to be a return," from a State; and in some of the cases I have seen of the counting of the electoral votes for President I have heard papers read purporting to be returns which were ridiculous, frivolous, foolish; still they were properly read, because the presiding officer can do nothing

but to lay before the two Houses all the papers. So it provides not only for two formal returns by contesting electors but any paper purporting to be a return.

Now, not only is the question sometimes involved which of two sets of electors are the legal electors, but the question often arises as to whether the electors themselves were competent to be electors, whether a particular elector received the requisite number of votes, or whether some of both tickets may not have been elected, as occurred in some of the earlier cases in the history of the Government.

Mr. EDMUNDS. It occurred in California within a short time.

Mr. SHERMAN. Yes; a case may frequently occur where the question does not extend to the whole electoral vote of the State, but only to a part of it, or to an individual member.

Mr. President, it seems to me that this is not a constitutional measure; that it does not provide what the Constitution provides for, the counting of the vote, but it provides for the exclusion of the vote upon the mandate of either House. I have no doubt whatever of the power of Congress to do all that is necessary to regulate the mode and manner of counting the vote. I think that power is as plainly given by the Constitution as any power expressed or implied, because in the absence of any provision in the Constitution itself to carry it into execution the Constitution confers upon Congress full power to regulate the mode and manner of carrying into effect all the granted powers, and therefore of counting the vote, but with this one limitation upon the power of Congress, which stands like a rock in the Constitution, that "the vote shall then be counted." Nothing can be done under color of law by the action of the two Houses to prevent the count of the vote, because "the votes must then be counted."

I now come to a question of greater difficulty. How are you to deal with this? The Senator from Massacbusetts asked me what I proposed to do.

Mr. HOAR. Under the existing law what is to be done?

Mr. SHERMAN. There is now no law or rule except the Constitution.

Mr. HOAR. My learned friend did not understand my question. My question was not by what other methods he proposed dealing with it, but where the existing authority is now, as he understands, to determine all these questions. I am not speaking of the distinction between an act of Congress and the Constitution, but I suppose if two returns come from a State or one return about which questions of law are raised somebody must determine it. He says Congress must not. Where has the authority from the beginning of the Government to this day been lodged to do this thing that somebody must do?

Mr. SHERMAN. I think I have answered that already.

Mr. HOAR. I did not hear the answer.

Mr. SHERMAN. Congress has undoubted power under the residuary clause in the Constitution giving powers to Congress to pass all laws suitable and necessary to carry into execution the express grants of power. Here is a provision in the Constitution for the election of electors, and therefore the mode and manner by which the votes of electors may be counted may be pointed out, but Congress shall not provide that the votes shall *not* be counted, because the Constitution says that the votes shall be counted then and there.

Mr. HOAR. I must have shown a great want of clearness in putting my question. The question which I ask the honorable Senator from Ohio was not whether Congress had the power to make a law for the future; not, if it had, what law he would make; but to make his statement complete, that I might understand his constitutional theory, I wanted him to state where the power had been, not to provide for a method but to do this thing for the twenty-four Presidential elections we have had. Who had the right to count the vote in John Adams's day, or Thomas Jefferson's, or Mr. Grant's, or Mr. Hayes's, or Mr. Garfield's? Was it the Vice-President, or was it nobody, or was it the two Houses of Congress?

Mr. SHERMAN. I said before that I had no doubt about the power of Congress to pass a law prescribing the ordinary proceeding, the mode and manner of counting the vote, how the list should be prepared, how the returns should be made, what should be done with them, and all the necessary steps that lead to the counting of the vote; but when that vote is to be counted in the presence of the two Houses, Congress has no right to interfere at the critical moment and say that the two Houses while engaged in this business shall separate, and that either House may in case of a double return declare that the vote shall not be counted. That is the point. There is a limit to the power of Congress in this respect. Its power to pass laws to carry into execution provisions of the Constitution does not give Congress power to override the plain mandate of the Constitution. That is the only answer I can make to the Senator.

Mr. HOAR. Then, if the Senator will pardon me, I understand as the basis of his constitutional argument that he avows that for the last ninety-six years, I think——

Mr. SHERMAN. Do not impute to me language that I did not utter.

Mr. HOAR. There has been no lawful authority to count the votes in the Presidential election in existence under our Constitution.

Mr. SHERMAN. I never said such a thing in the world.

Mr. HOAR. That is the substance of what the Senator said.

Mr. SHERMAN. I say there is lawful authority to count the vote, it must be counted, but you can not allow one House to prevent the vote from being counted. You can not make a law that would deprive the people of the United States of the power to elect electors whose vote shall be counted. You may prescribe the mode and manner and form, the clerical work, and all that sort of thing, but when it comes to counting the vote you can not interpose a law and say that no vote shall be counted unless the Senate agrees to it or unless the House agrees to it. The vote shall be counted.

All the proceedings had heretofore have been recorded and are set out in this book and in the books that I hold in my hand. They show every case where these difficulties have arisen and were put aside as not changing the result of the election at the time to be dealt with. Therefore it is that now, when we have no Presidential election in view, when the two Houses are of opposing parties, I desire, if possible, to find some way that will enable us to count the vote according to the Constitution.

The Senator will no doubt remember the position I took when this question was before us in 1876. Then there was no law on the subject. The joint rules had been abandoned. The two Houses could not agree upon the mode of counting the vote. We discussed it day after day. Then it was that the plan of an electoral commission was gotten up. I did not believe in the constitutionality of that plan. It was a wise solution of a great difficulty; it operated well; but I should like to have the provision pointed out to me which authorized Congress to make such a tribunal for such a purpose. I could not think so then; but I was glad, and will be glad to see agreed upon now any mode of solution that will secure a settlement of the question.

I have never claimed that the Constitution conferred upon the President of the Senate the absolute power to count the vote. All that I have said, and the substance of what I said, was based upon the remark made by Chancellor Kent in his Commentaries, in which he says:

> The Constitution does not expressly declare by whom the votes are to be counted. In the case of questionable votes, and a closely contested election, this power may be all-important; and, I presume, in the absence of all legislative provision on the subject, that the President of the Senate counts the votes and determines the result; and that the House are present only as spectators to witness the fairness and accuracy of the transaction, and to act only if no choice be made by the electors. (Kent's Commentaries, volume 1, page 277.)

What I have contended is that the power of the presiding officer of the Senate to count the vote in the absence of all other legislation, resting alone upon the provisions of the Constitution, naked and unchanged, might be fairly inferred from the Constitution. This officer opens the returns, hands them to the tellers, performs the ordinary duty of a presiding officer, and declares the result. What may be the legal effect of that declaration I never have pretended to say. It is not final and conclusive upon the people of the United States. On the contrary, my opinion has always been that if the declaration made there in the presence of the two Houses is not satisfactory or is contested, the House of Representatives may then meet and upon their authority to do a certain act in a certain event may decide that the time had arrived for them to perform their duty and proceed to elect a President of the United States, and that the Senate, under like circumstances, on the failure of the electoral college to produce a result, might also proceed to elect a Vice-President of the United States. This would at once present a contest for the courts to decide.

I do not give these opinions with any desire to excite controversy, but only with a desire to produce a solution of this question. I am satisfied that the bill as it stands is not a proper solution, nor would I vote now to confer such a power upon a presiding officer or upon any man. I think Congress ought to do its duty in this behalf and make other provision, and not leave to any human being alone to exercise so great and important a power.

There are three ways which have been proposed at different times to solve the questions that may arise in the presence of the two Houses upon the vote of any State as to its legality in whole or in part. As to the form and time and manner in which these questions should be decided, there ought to be ample provisions by law—some tribunal provided to whom all questions should be referred. It has been suggested that the President of the Senate should be clothed with that power. I do not believe it, except in the absence of all legislation, when I think it is a part of his duty as a presiding officer to announce the result, leaving to others to determine the legal effect of that announcement. But I do not believe in that mode. It would be totally unsatisfactory, and I would vote for no bill which would confer such a power.

Another plan which has been proposed in the debates at different times, and I think also in the constitutional convention, was to allow questions of this kind to be certified at once to the Supreme Court for its decisions in case of a division between the two Houses. If the House should be one way and the Senate the other, then it was proposed to let the case be referred directly to the prompt and summary decision of the Supreme Court. But there is a feeling in this country that we ought not to mingle our great judicial tribunal with political questions, and therefore this proposition has not met with much favor. It

would be a very grave fault indeed and a very serious objection to refer a political question in which the people of the country were aroused, about which their feelings were excited, to this great tribunal, which after all has to sit upon the life and property of all the people of the United States. It would tend to bring that court into public odium of one or the other of the two great parties. Therefore that plan may probably be rejected as an unwise provision. I believe, however, it is the provision made in other countries.

I think it is so in Mexico; and my impression is that it is so in France, but I have not recently read their constitution. In France the election is made by their legislative bodies. Therefore I regard it as being on the whole not a wise provision to refer the question to the Supreme Court.

What other remedy is open? After all the forms provided by the law shall have been gone through with, and after a marked and decided vote between the two Houses shows that one is on the one side and one on the other, I know no better way than to bring the two Houses into joint convention, and there polling each House separately to decide the result by a vote of a majority of the representatives of the people and the representatives of the States combined.

I know that in the Senate this usually has not been considered with much favor. In the first blush I did not myself like it. The Senate of the United States being a smaller body than the House of Representatives naturally does not wish to see its power blended in and formed as a part of the whole of which it is but a comparatively small part. In ordinary matters I would reject this as being a departure from the separate and independent action of our two legislative bodies, one the representatives of the States, the other the representatives of the people. But when you have examined all other remedies proposed this seems to me the wisest solution of this question.

This very proposition was adopted with great wisdom by the Senate of the United States by the act of 1866 prescribing the mode of electing members of this body. Our Constitution declares that the electors shall be chosen according to the laws of the States. Our Constitution also declares that the members of this body shall be chosen by the Legislatures of the States. In every State of our Union two bodies compose the Legislature. In 1866 Congress declared that if the two Houses should disagree upon the election of a Senator they should meet together in joint convention and decide that matter by a majority vote of the members voting.

The same repugnance existed in that case as in this. It was the Legislature that was to act, and yet our people stood for seventy years the inconvenience of the old system before they proposed this radical remedy. For a time Ohio was not represented in the Senate, because the senate of the State was one way and the house was the other, and they would not agree to go into joint convention. Nearly every State in the Union had been from time to time partly unrepresented by the contests that grew out of the election of United States Senators.

At one time before the passage of that law there were several vacant seats in this body, made vacant by the want of unanimity in the two legislative bodies of a State. Before that time the case often occurred when a pending controversy over a United States Senator hung the Legislature in doubt for one or two and sometimes three years, divided it politically, and entered into all business of the Assembly, and was made the basis of corrupt propositions, until the election of Senator in the old-fashioned way became—I can scarcely use any word strong enough—it became the mere plunder of political contention and barter. That was the old way.

Finally the two Houses were brought to a concurrence by corrupt arrangements that had been made beforehand. So it was alleged at the time that the law was passed. In the case in New Jersey, which I believe was the immediate cause of the passage of that law, the case of Stockton, the matter was hung here in the Senate and we debated over it for days and days, and we all could see that in the speedy future, unless that controversy about Senators was settled, we would have grave difficulties from time to time in our own body, and that the time of the Senate would be constantly employed in dealing with these disputed cases.

The case of Stockton took many weeks of debate. Then it was that Congress, the Senate waiving its objection to mingle the two houses of the State Legislature into a joint convention, doubting the power to do it, because it was then contended that the Legislature meant a vote of the two houses separately, still overruling that construction of the constitution of all the States of the Union, did pass the law of 1866, which provided that in case the two houses disagreed as to their choice they should, not as houses but as members of the two houses, meet in joint convention on the next day, and then by the vote of the majority a Senator should be promptly elected. From that time to this we have had no trouble in having these seats filled by all the States entitled to representation.

Now, why is not that a good example for the counting of the electoral vote? We meet not with full powers to count the electoral votes, not with the same power that the State assemblies have to elect a Senator, but only with the power conferred upon us to witness the counting of the vote. Therefore, if there must be some tribunal to decide disputes which may arise from time to time on the question of counting the electoral vote, why not, after we have tried by discussion and debate in the separate Houses to agree, meet together and vote there, representatives of States and representatives of the people on the same footing, vote for vote, and abide the result? That at least does furnish a decision. That provides a mode by which a controversy may be ended, because if you take a body of four hundred men it can scarcely be possible in the course of human events that these two bodies should be divided equally if merged together; while, if you require a separate vote in either House, more than half the time in all your political history the two Houses have differed in opinion, and therefore you would have an equal chance every four years either of the rejection of the votes of States by want of agreement or the admission of the votes of States by want of agreement. This plan does at least furnish a solution.

When this bill was sent to the House of Representatives last year they sent us a proposition called Mr. Eaton's bill. He had his views upon it very decidedly. It was a plan not like this, because there the two Houses were at once merged, and the votes of Senators and Members, I believe, were to be counted in alphabetical order upon every question without a division. That did not seem to be satisfactory; the Senate would not agree to it. I remember the committee of conference would not agree to that proposition. But it does seem to me that we would not lower our standard, that we would not lower our position as Senators, that we would not lower our position as representatives of States by going into a joint convention and there taking the vote by separate Houses, but let the result be determined by a majority of the aggregate assemblage then gathered together.

This might not create a different result. Suppose, however, that by a narrow vote of one in the House of Representatives they should declare that the vote of a certain State was not legal and should not be counted, and we here by a united vote, governed as we thought by the interests of the people of the United States, should declare that the vote ought to be counted; in that case, the very case provided for by the bill, a majority of the two Houses taken together would be in favor of counting the vote and carrying out the will of the people. While if the majority of one House, actuated by political motives, perhaps by the passions and contentions of the hour, should say no, the great State of New York or Pennsylvania or Ohio or even the smaller States in the Union would be excluded from this great college of electors by the arbitrary will of a majority of one House.

After a full study of all this question I am perfectly willing to adopt the principle of the act of 1866, to surrender my superiority as a Senator in legislation and go in with the Members of the House. After we have tried to agree in separate Houses and failed, I am willing to go with them and settle the question in dispute, whatever it may be. In this case we would at least secure a mode of decision that would probably be effective, and that in all time would not result in an even division of opinion. Then, according to the mandate of the Constitution, which is put in there without any *ifs* or *ands*, without any qualification, the vote shall then be counted. It would be done even if it was not satisfactory to us in the Senate.

Mr. President, these are my views, and with these opinions I intend to submit some amendments which in my judgment will carry them out, but if they are defective in detail I should be very glad indeed to have them referred to the Committee on Privileges and Elections, or to my friend from Massachusetts who has charge of the bill, for any revision or criticism that he may make upon them. It is my idea that after all these proceedings in this bill have been gone through with the clause allowing either House to exclude a vote should be stricken out of the bill, and that there should be inserted in it a provision that when an agreement has failed between the two Houses they should then meet in joint convention, have the votes of each House counted, add the aggregate together, and let the majority decide.

Mr. EDMUNDS. Mr. President, the proposition of the Senator from Ohio, which has not been read at the desk but has been clearly stated, is——

Mr. SHERMAN. Will the Senator allow me to have the amendments sent up and read?

Mr. EDMUNDS. Never mind; we may treat them as sent up, and they can be printed.

Mr. SHERMAN. Very well; I will send them to the desk.

Mr. EDMUNDS. The Senator from Ohio has stated with clearness his proposition. After the votes, as they are called, are opened and a disagreement arises between the two Houses in regard to what shall be done in identifying a vote (for that is all there is to it, because everybody agrees that whatever is the vote of a State must be counted, so that the action of both Houses, or either House, or any other tribunal, is to ascertain whether the paper presented is the vote of the State), that dispute existing, the proposition of the Senator from Ohio is that in case the Senate and the House of Representatives disagree in their constitutional and automatic capacity as the Government of the United States, there shall be a consolidated count of heads of the seventy-six Senators and the three hundred and twenty-five Representatives, as the numbers are now, and that the majority of all, per capita, shall determine the result. The Senator appears to have laid some stress upon the fact that that is only a last resort; that where after discussion and consideration in either House they have failed to come to an agreement,

then in order to get some solution this is the best thing to do. If I were a mouse and had got to be eaten up by the cat at last, I should just as soon be swallowed to-day as to be undergoing a discussion in her claws for three or four days before I was swallowed. That is exactly this case. The Senate of the United States might just as well propose to the House of Representatives a bill which declares that in case of a disagreement between the two Houses in respect of the identification of a vote, then and there the judgment of the House of Representatives shall prevail and be done with it. That is all there is to it.

Mr. SHERMAN. That is what the bill says now.

Mr. EDMUNDS. I beg the Senator's pardon; that is not what the bill says now. The bill says now that in case either of these equals, one representing the sovereignty and purity and independence of the States, and the other representing the mass of the people of all the States without regard to State lines, disagree, in a certain event, nothing shall be done in respect of the particular point of disagreement. That is all it says.

My honorable friend has stated that the thing which has seduced him (if I may use such a phrase) into this remarkable proposition has been the analogy which he sees, the parallelism, between the act of Congress of 1866 providing for the election of Senators by the Legislatures of States and his proposition. With the greatest possible respect to my distinguished friend from Ohio I must disagree with him in that respect. There is in my judgment neither constitutional, nor political, nor moral parallelism in any respect between the act of Congress of 1866 and what is here proposed; and why? The government of a State is a unit; it is not complex. The division of its own powers within itself is only a partition of limitations and securities of private rights against hasty legislation. The composition of the Congress of the United States and the Government of the United States is not a unit. It is complex. It recognizes in large and important respects the importance of preserving the independent sovereignty and powers of each one of the States; and every letter and every line in the Constitution of the United States that refers to this complex autonomy separates it from being a unit into three several parts, neither of which can act without the consent of the two others except in the case of overriding the Presidential veto by two-thirds of all the States and two-thirds of all the people represented in the other House. There is the distinction.

There is, therefore, I repeat, with great respect, no possible analogy between the provision of the act of Congress that the Legislature of a State, its senate and its house of representatives, shall vote as a solid body in a certain event for a Senator of the United States, and the case of providing that it shall be determined who shall be the President of the United States under our Constitution by the consolidated vote of the members of the Senate and the members of the House of Representatives of the United States.

Do you not remember, Mr. President, does not every Senator remember, how carefully and how explicitly in the Constitution of our fathers, as it now stands, still undisturbed by amendment, unassailed by public opinion, are preserved the rights of States in every act that leads to and is consummated in the election of a President of the United States? First, the Constitution declares that the several States shall appoint their own electors of President, and nothing is left in all the other provisions of the Constitution in regard to that great act except the mere method of ascertaining what is the will of each State as a State in regard to who its choice shall be for the Chief Magistrate of this nation. Then when the occasion should happen, as our fathers saw it might, that there was a failure of any one candidate to receive a majority of all the electors of all the States put together, which was required to make a valid election, they provided that the House of Representatives, not voting *in solido*, not voting per capita, not voting with the members of the Senate, not voting concurrently with the Senate as a body, but voting by States, each delegation for its own State casting one vote and one only, should select the person who should discharge the executive functions for the next four years.

Yet in the face of all that, my honorable friend asks the Senate of the United States to provide that in case the question of the identification of an electoral vote is so doubtful and so difficult that the two Houses acting in their independent and constitutional character (named in the Constitution as the two Houses and not the members of the two Houses who are to participate in this great act of summing up the result) disagree, the representatives of the States shall be lost and dissolved in the representatives of the people, and that a per capita voice shall determine the result. I can not see that there is safety in that; I can not see that there is constitutional right in that; for whether the State be great or small, whether it be Ohio or Delaware, the necessity to the people of either and each and both of those States is just as great that their Statehood, their independence, in this act, as in every other under the Constitution, must be preserved intact and exclusive for itself, whether it be a great State or a small State.

But I did not expect this afternoon to go into a general discussion of this subject, and therefore I will leave the matter with what I have now said for the time being.

Mr. SHERMAN. Mr. President, I have but a very few words to say in reply to the Senator from Vermont, for whose opinion I have great respect. The first point and the only point that he makes in this case is that the Senate surrenders something of power. I deny it. The bill as it stands now gives to a majority of the House of Representatives the right to exclude the vote of any State where two returns have been made or even formulated on a paper purporting to be a return. The bill as it now stands gives the House of Representatives absolute power, per capita, without the vote of the Senate at all, overriding the vote of the Senate, to exclude the vote of any State where there are two returns.

If, therefore, there is any surrender of the power of the States it is in the bill as it stands, because it is not any answer to say that we have the same power to defeat the will of the people. We assume that the Senate of the United States would never do that, and it does not give us any advantage to say that we can do as much mischief as the House can do. If the House is bent on evil, to follow partisan designs and party ends, it has it now under the bill. Whatever may be our opinion in the case I put, where by a majority vote of one in the House of Representatives a State may be excluded and our united vote could not overtop that single vote of a single member, the House has the power to exclude the vote in any case.

The only other objection which occurs to me is that the Senator says this is an abandonment of State rights. Not at all. The States are equal, New York and Delaware, Pennsylvania and Florida, and that we all stand by as the basis of the organization of the Senate.

But does my proposition make any inequality of the States? Does not Florida have as many votes in that joint assembly as the State of New York? Does not Delaware vote equally with Pennsylvania? Where is the inequality of the States? It may be that the presence of the Senate disagreeing with the House, with its vote representing the States, might change the result which otherwise would be within the power of the House by party majority, by party votes, to overturn and override the will of the people and exclude States from their votes. They represent people; we represent States.

Therefore the proposition made by me gives the advantage to the smaller State, if there is any advantage, because when we go there in joint assembly the small States may have 3 votes for a population of 200,000, while the great States would have only 1 vote for 160,000, or whatever it may be. So the advantage is always with the smaller States, and my proposition does not disturb that advantage but gives them the benefit of it.

Nor do I see anything in the point made by the Senator that our Government is a complex government. So it is; but one of the essential properties of this Government has been to separate the powers of the great divisions of the Government—executive, legislative, and judicial. It was the intention of the framers of this Government to make the election of a President far removed from the Congress of the United States, and the only part Congress plays in it on the face of the Constitution is that the votes must be counted in the presence of the two Houses. The bill as it stands now not only gives Congress power by the two Houses to override the will of the people expressed through their electors, but it gives to either House upon a prepared case that can be made in any State the power to defeat the will of the people.

Now, sir, I do not want to see that power rest anywhere, and if it must rest somewhere I want it to rest with the largest body of representative men—who represent the honor, the property, the States, and the people of this great country. I should rather take the decision of a majority of four hundred men than the separate decisions of two bodies, one composed of seventy-five and the other of three hundred and twenty-five. In the one case there is a certainty of a decision, and that is more than anything else, because even a bad decision is better than no decision. No decision in the case of the election of a President may involve us in a civil war, which God forbid—we have had enough civil war for our generation or for all generations—while if there is a settlement of this question by the vote of a majority we know how cordially the people acquiesce in whatever is done according to law.

Senators, I have given to this subject my earnest consideration, certainly with no desire of a party advantage, and I have come to the conclusion that the safety of our country within a brief period of time may turn upon the mode in which we decide this question. I am willing to leave the decision of the controverted questions which come up in those stormy scenes, seven of which I have witnessed to the final resort, to be settled by the majority of the votes of the representatives of the people and the representatives of the States united in one general assembly.

Mr. EDMUNDS. The difficulty that the Senator from Ohio suggests, of not deciding in one case and deciding in the other, is an imaginary one. Under the bill as it now stands, or any other possible bill that regulates by law this process, the result is a decision conformable to the form of the law. It does not leave anything undecided. It only provides by law that whatever the two judges can not agree upon shall be followed by a result, that that paper shall not be treated as the authentic act of the State. Now, suppose you put it the other way, that would decide it equally well, that wherever they could not agree the paper should be treated as the authentic act of the State; and having reached that, as I said before, we have got to the end of the question, for the authentic act of the State having been ascertained, then the Constitution, superior to everybody and everything, declares what shall be the consequences of it, and that the man who gets the majority of all the votes of the electors of the States shall be the President. It does

not leave anybody to decide anything, and that is just where the case stands. Therefore, when the Senator proposes that in the case of a disagreement between the two Houses of a complex government respecting distinct and separate rights and liberties, that shall be followed by leaving it to one of those two Houses (for that is what it is) to decide what shall become of the rights and liberties and securities in elections of the people, you have given away your case.

The Senator says: Why the House of Representatives may be influenced by a political bias and by 1 majority may declare that a vote shall not be counted or shall, because they may decide either way. Where is the Senate? May not the Senate be influenced by a similar bias and in a similar way? We are all alike. So we do not gain anything in the illumination of this result by saying that one body or the other body may be influenced by a bias, or by corruption, or by whatever.

Power must be reposed in every government somewhere. The fathers who built this Government reposed it, as it regards this matter and all others affecting the whole people of the United States, in three separate bodies, four in fact, the legislative in its two branches each acting independently of the other, the executive, and the judiciary. That was the system, and I repeat a thing to which my friend did not refer at all, that every step in this constitutional process of the election of a President is a step of States and nothing else. So when you declare that the States shall disappear in case of disagreement between their representatives and the representatives of the whole body of the people, and that seventy-six Senators shall be consolidated with three hundred and twenty-five Representatives, you might just as well in a case of party bias leave the Senate out altogether. Take it as it is now, 6 or 8 Republican majority, whatever it is—not being much of a politician I have not counted it up, but somewhere there—and the House of Representatives, as I believe, 40 or 50 Democratic majority. Now, suppose the case of this bias which is to operate at the other end of the Capitol in one way on a disputed vote and to operate at this end of the Capitol the other way. We are then consolidated. The voice of the Senate is lost except as to the 6 votes, or the 8 votes, or whatever it is. Suppose fifteen years ago, when the House of Representatives had a large Republican majority and there was the same party bias, then the result would be exactly reversed if bias is to have its influence. That is the case which my friend presents, and nothing else, that we are to get rid of the difficulties of either House acting by itself under a bias, and to accomplish that result, to obviate that bias, by putting the two biases together and letting the biggest bias manage the performance. That is the way it is.

We can not legislate in that way, sir. We must legislate upon the theory that in these two great departments of the legislative power of the Government, and of all its power so far as regards carrying on a government, year in and year out and in the long time to come the States and the people will have such representation as on the whole will be a representation of justice and of the truth; and when you undertake to legislate in view of the idea that one party or the other is to be carried away by a bias you are legislating for a contingency of affairs that no human contrivance can provide for. You have only put together the opposing influences of bias or of corruption, or whatever it may be, and say that the largest amount of corrupt influence, if it were that, that can be got together in one solid body shall have its victory.

That, Mr. President, is not the theory of this Government. The theory of this Government, as the Constitution declares in this respect, is that the States shall choose their electors, that the votes of those States, as certified by the governors, as it respects the character and office of the persons who cast them, shall be counted, and that they shall be counted not in the presence of the members of the two Houses, not to be acted upon by the members of the two Houses, as such, as one body, but in the presence of the Senate of the United States and in the presence of the House of Representatives of the United States; and when there is a failure of the character described in the Constitution, then the members of the House of Representatives, each State acting through its own delegation as one single unit of power, shall choose the President. Now, into the face of that is thrown the proposition that the States and the representatives of the people shall be poured into one mass and melted together, and that every disagreement—and there would always be one in such a case where there was a possibility of raising it—shall be left to that solid body to decide. I can not see either the constitutional propriety or the wisdom of such a proposition.

Mr. EVARTS. Mr. President, if we are to test the question now in debate by its influence in the determination of the election of a President, and if that determination is to be decided by one or two of the Houses of Congress, or by the two Houses of Congress together, it is worth while for us to see in what possible predicament this issue may be placed under the Constitution. If it be true that the only debate raised in behalf of the power of the Senate is against its being swallowed up in the numerical count of the two Houses—in other words, that its preference and its duty may be sacrificed by this numerical count—let us see how the disposition of the case is to present itself, and what the consequence is to be to the Senate's power, if there is a difference between the two Houses.

It is not worth our while to debate what may be the juncture when the rejection or the acceptance of the vote of any State will not affect the election. It is only in the critical condition when the rejection of the vote of a State or its acceptance will vary the result; and how can that arise? It never can arise from suppressing the vote of a State except in its depriving a candidate of a majority of the electors; otherwise it is ineffectual. You therefore must deduct from the triumphant candidate, if the State's vote is counted, enough to deprive him of the right of election, but you can not confer upon the competing candidate the superiority of votes to elect him. A candidate, to succeed, must have a majority of the electoral college. You can not increase the vote of the candidate who is to profit to a certain extent apparently by depriving his competitor of votes.

What, then, happens if you adopt the system that difference between the two Houses by negation of opinion shall suppress the vote of a State? Simply that that candidate whose vote is suppressed has not a majority; his competitor has no majority, and the Senate in numerical count is absolutely swallowed up by the House whenever it chooses to make a difference of opinion, for then by the House making a difference of opinion it prevents there being a majority for any candidate, and then the House is in possession of the election. There the method proposed by the Senator from Ohio at least gives an opportunity to have the Senate in its count with the House carry the day in a nice contest, when absolutely the Senate is suppressed entirely by the mere assertion of difference of opinion by the House. Thus by the difference raised as to the suppression of a vote, when the suppression of the vote takes the election away from a candidate who would have with it a majority, the House is at once the master of the election, and what can happen when the two Houses meet together and try conclusions in a numerical count except that the House carries it? That is, to reject the vote, and then be in possession of the election, which it was in possession of before there was any comparison.

I will agree that when the election of President would not depend upon whether a State's vote was to be rejected or accepted, it is a matter of interest and of importance that no such injustice or no such rashness of judgment should suppress a vote; but I submit that the only debate here, and that is the way it has only been urged, is that the vote of the Senate and its protective power in the election is lost by the count in the general ballot of the two Houses connected. I can not but perceive that the methods proposed by the Senator from Ohio give one opportunity to the Senate to overcome the majority in the House by the count of the united votes of the two bodies.

Mr. SHERMAN. I ask that the amendments which I sent to the desk may be printed in the RECORD. It is hardly worth while to read them.

The PRESIDING OFFICER. The order to print will be made if there is no objection.

The amendments intended to be proposed by Mr. SHERMAN are as follows:

In section 4, lines 37 to 39, strike out the words:

And no electoral vote or votes from any State from which but one return has been received shall be rejected except by the affirmative votes of both Houses.

In same section, lines 51 and 52, strike out the words "acting separately" and the word "concurrently" and insert "as hereinbefore provided" before the word "shall."

In same section, lines 57 to 60, strike out the words:

Then those votes, and those only, shall be counted which the two Houses, acting separately, shall concurrently decide to be the lawful votes of the legally appointed electors of such State.

And insert the following in lieu thereof:

Then upon the reading of such returns or papers purporting to be a return from such State, the same proceedings shall be had as are prescribed in the preceding section.

In same section, line 62, after the words "decision of the," insert "two Houses on the."

In lieu of section 5 insert:

SEC. 5. If it shall appear from the action of the two Houses that they disagree upon any question submitted to them under the provisions of the preceding section, then the members of the two Houses, in joint convention, shall immediately, without debate, upon the roll-call of the respective Houses, vote upon the question or questions upon which there has been such a disagreement, and the decision of the majority of the members of the joint convention present shall be deemed final and conclusive, and the vote shall be counted accordingly and be announced by the President of the Senate.

That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw, or upon questions upon which the two Houses have disagreed as aforesaid.

Mr. MORGAN obtained the floor.

Mr. EDMUNDS. With the consent of my friend from Alabama——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Vermont?

Mr. MORGAN. I yield to the Senator from Massachusetts [Mr. HOAR], who desires to explain a point in the bill.

Mr. EDMUNDS. I beg pardon.

Mr. HOAR. I do not desire to enter into the debate at this time, for I am not sure that the condition of my voice will allow me to be heard, but it seems to me that the remarks of the Senator from New York [Mr. EVARTS] are based, I will not say upon a misapprehension in regard to so eminent a constitutional authority as he, but upon a

difference of opinion with the committee as to the effect of the bill. I understand his proposition is that if the vote of a State be rejected by the operation of the mechanism provided in the bill it will result as a subtraction of so many votes from the otherwise triumphant candidate in the case where it makes a difference in the election, but it will not result in an addition of those votes to the other candidate or in a diminution of the number of votes necessary for a choice, which must be a majority of the whole number of electors. As the committee understood that proposition, so far as I know, and I think I have a right to speak for them in that particular, they supposed that when there are two returns from a State and under the operation of the bill no return from a State is counted, that is not merely a subtraction of the votes from one side or the other of the two candidates, but it is a diminution of the whole number of electors found by that legal and constitutional process to be appointed. For instance, if three electors are certified to have been appointed from the State of Rhode Island by one return, and three different electors are certified to have been appointed by the State of Rhode Island by another return, if the two Houses differ and, thereupon, Rhode Island is not counted, it is no more counted in making up the number of electors appointed than it is counted for one or the other of the particular candidates. So, then, the proposition, as I understand it, of the Senator from New York proceeds from a difference of opinion on his part with the committee as to the effect of its bill.

Then he says that in that case, if it resulted in no choice after the count had been made in this way, the House would get possession of the question equally under the bill reported by the committee and under the method proposed by the honorable Senator from Ohio, and would proceed to elect; but the House as an electing body is quite a different thing from the House acting per capita under the proposition of the Senator from Ohio, because in one case it is to be an election by the House by States. For instance, there are to be but 38 votes cast for the Presidency in the existing condition of the Union, and under the process of the Senator from Ohio it is a body of four hundred persons and over, who are practically and in effect, though not in form, to elect the President of the United States.

Indeed, Mr. President, though I do not wish to discuss this question now, with all due respect to the honorable Senator from Ohio who has just addressed the Senate, it seems to me that his proposition to solve this grave constitutional difficulty is precisely Mr. Pickwick's advice to his followers how to behave when they came into a town where there was a mob. "Always shout with the mob," said Mr. Pickwick. "But," said Mr. Tupman, "Suppose there are two mobs?" "Then shout with the largest." [Laughter.]

Mr. EDMUNDS. Now, Mr. President, with the consent of my friend from Alabama who wishes to address the Senate——

The PRESIDENT *pro tempore*. The Senator from Alabama has the floor.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1886.

POSTMASTERS.

Norval Blackburn, to be postmaster at Decatur, in the county of Adams and State of Indiana.

W. H. Norton, to be postmaster at Elkhart, in the county of Elkhart and State of Indiana.

William P. Baird, to be postmaster at Mount Carroll, in the county of Carroll and State of Illinois.

William H. Bennett, to be postmaster at Bluffton, in the county of Wells and State of Indiana.

William H. Elgar, to be postmaster at Plattersville, in the county of Grant and State of Wisconsin.

Thomas H. Bayless, to be postmaster at Hope, in the county of Hempstead and State of Arkansas.

Thomas Richards, to be postmaster at Stanford, in the county of Lincoln and State of Kentucky.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Charles D. Jacob, of Louisville, Ky., to be envoy extraordinary and minister plenipotentiary of the United States to the United States of Colombia.

MINISTER RESIDENT.

Lambert Tree, of Illinois, to be minister resident of the United States to Belgium.

MINISTER RESIDENT AND CONSUL-GENERAL.

Boyd Winchester, of Kentucky, to be minister resident and consul-general of the United States to Switzerland.

SECRETARY OF LEGATION.

Edward H. Strobel, of New York, to be secretary of the legation of the United States at Madrid.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 21, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CLAIM OF S. F. RICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with accompanying papers, a letter from the Attorney-General relating to the claim of S. F. Rice for services in prosecuting certain deputy marshals; which was referred to the Committee on Claims.

PACIFIC RAILROAD SINKING FUND.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, submitting an account of the investments of the sinking fund for the Union Pacific and Central Pacific Railroad Companies, and recommending a modification of the provisions of the act of March 7, 1878, indicating the securities in which the fund shall be invested; which was referred to the Committee on Pacific Railroads, and ordered to be printed.

BUILDING NO. 17, NORFOLK NAVY-YARD.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation for altering and refitting building No. 17 at the Norfolk navy-yard; which was referred to the Committee on Naval Affairs.

DRAWBACK ON EXPORTED STILLS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing letters from the First Comptroller and the Commissioner of Internal Revenue asking that section 10 of the act of March 1, 1879, be amended so as to provide for the payment of drawback of internal-revenue tax on exported stills as such claims accrue; which was referred to the Committee on Ways and Means, and ordered to be printed.

CHANNELS LEADING TO PENSACOLA, FLA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board asking an appropriation of $17,250 for aids to navigation in the channels leading to Pensacola, Fla.; which was referred to the Committee on Commerce, and ordered to be printed.

PROTESTS AND SUITS AGAINST CUSTOMS EXACTIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting communications from customs and law officers recommending a revision of the laws regulating protests, appeals, and suits by importers against the exactions of money as duties by collectors of customs; which was referred to the Committee on Ways and Means, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were twice read and referred as indicated:

A bill (S. 209) for the relief of the legal representatives of John M. Robeson, deceased—to the Committee on Claims.

A bill (S. 241) for the relief of Joseph W. Parish—to the Committee on War Claims.

A bill (S. 311) for the relief of James Trabue, Thomas Thatcher, Michael Callahan, and the widow of John Waters—to the Committee on Claims.

A bill (S. 498) for the relief of George T. Dudley—to the Committee on Military Affairs.

ORDER OF BUSINESS.

The Speaker proceeded to call the committees for reports to be placed upon the appropriate Calendars.

J. W. EWING.

Mr. MORGAN, from the Committee on Patents, reported back adversely the bill (H. R. 830) to provide for extension of letters patent for improved medical compound to J. W. Ewing, assignee of M. R. Garsam, administrator of the estate of C. H. Mitchell, deceased; which was laid on the table, and the accompanying report ordered to be printed.

REPORT OF THE PUBLIC LAND COMMISSION.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably the joint resolution (H. Res. 18) for the further distribution of the report of the Public Land Commission; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

The call of standing and select committees and of the commissions and committees authorized by statute to report to the House was continued and concluded, no further reports being presented.

INCREASE OF PENSIONS OF WIDOWS AND DEPENDENT RELATIVES.

The SPEAKER. The morning hour for the call of committees for the consideration of measures already reported now begins at 12 o'clock

and 21 minutes p. m. The call rests with the Committee on Invalid Pensions.

Mr. MATSON. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

The motion was agreed to.

The SPEAKER. The gentleman from Texas [Mr. WELLBORN] not being here, the gentleman from Georgia [Mr. HAMMOND] will take the chair temporarily.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair) and resumed the consideration of the bill (H. R. 545) to increase the pensions of the widows and dependent relatives of deceased soldiers and sailors.

The CHAIRMAN. The gentleman from Kentucky [Mr. WOLFORD] has forty-three minutes of his hour remaining.

Mr. WOLFORD. Mr. Chairman, I have decided not to occupy more than a few minutes upon this proposition, and then, at the earnest request of the chairman of the Committee on Invalid Pensions, I will yield my time to him, as he desires to close this debate. During the few minutes I shall occupy I propose to speak generally on the question of pensioning soldiers and soldiers' widows. The question, who should receive pensions is one upon which there is perhaps more diversity of opinion than on any other question that has ever been before the Congress of the United States. For my own part I am in favor of giving the largest pensions that we are able to give. I do not belong to that party who would bankrupt the Government by pensions, however meritorious; but I am in favor of giving the highest pensions that we are able to give to those who have suffered in the service of their country, who have been permanently disabled for labor, many of them ruined physically. Persons of this class, and many such are not now drawing pensions, deserve pensions. To this deserving class I am in favor of giving the highest pensions that can be granted having due regard to the interests of the tax-payer. I am also in favor of giving to the widows and orphans of those who have lost their lives in the service of their country such pensions as will preserve them from a condition of dependence. I would vote for such pensions as these even at the risk of oppressing the tax-payer a little.

There is, as I have already said, great diversity of opinion on this subject. Some men have said that to pension the soldiers of our armies as they ought to be pensioned would bankrupt the Government; and I was glad of the suggestion made by the distinguished gentleman from Texas [Mr. MILLS], that the Committee on Ways and Means might have to revise our present system of raising revenue.

Should we adopt the amendment proposed by my distinguished friend from Indiana [Mr. BROWNE] and give pensions to our soldiers from the date of their disability, without regard to when they may have made application, the amount paid for pensions will be greatly increased. But, sir, in my heart and soul I am favor of that view. While it may not be expedient—and the Committee on Invalid Pensions earnestly desire that there shall be no amendment on this subject to this bill—yet these pensions ought to be granted.

Mr. BROWNE, of Indiana. Will the gentleman from Kentucky [Mr. WOLFORD] indulge me in a question?

Mr. WOLFORD. Yes, sir.

Mr. BROWNE, of Indiana. I understand the gentleman to say that he is in favor of the amendment I have suggested.

Mr. WOLFORD. Yes, sir.

Mr. BROWNE, of Indiana. Will you vote for it?

Mr. WOLFORD. I will tell you all about that before I am done.

Mr. BROWNE, of Indiana. I would like a categorical answer.

Mr. WOLFORD. Well, I decline to give a "categorical answer," reserving to myself the right to answer in the way I please. [Laughter.]

Mr. BROWNE, of Indiana. Then allow me a further question. It has been said here that to tack this amendment on this bill puts the bill in peril. Now if there are enough men here like the gentleman from Kentucky and myself, who favor the amendment, to vote it up, is there not sufficient strength in the House to pass the bill as amended; or if the amendment be voted down, will not the bill be left to be voted on by the House untrammeled by the amendment? Why is it that the gentleman from Kentucky and those like him who agree with me as to the justice of this amendment are so suddenly seized with a panic? I will tell the gentleman frankly—I want to whisper just a word in his ear——

Mr. WOLFORD. You may speak it out. I want everybody to hear it. [Laughter.]

Mr. BROWNE, of Indiana. It was said to me during the last campaign in my State that the reason the bill in reference to the limitation to the payment of arrearages was not passed was because it was voted down by a Republican Senate. Now, I am going to give a Democratic House the opportunity of voting it up. Does the gentleman understand?

Mr. WOLFORD. Yes.

Mr. MATSON. I wish to ask my colleague a question if he will allow me.

The CHAIRMAN. Does the gentleman yield?

Mr. BROWNE, of Indiana. Yes.

The CHAIRMAN. Your colleague cannot yield, as he has not the floor. Does the gentleman from Kentucky yield?

Mr. WOLFORD. I shall not be able to deliver the floor to my friend from Indiana as suggested unless I am permitted to proceed now. And I will answer—not categorically, but I will answer everything my distinguished friend from Indiana [Mr. BROWNE] has put—but in my own way, Mr. Chairman, for I always reserve to myself that right. [Laughter.] I said I was in favor of giving to every soldier arrears from the date of his disability. In the last Congress I universally advocated that proposition and always voted for it. My recollection is that my distinguished friend who now questions me did not. [Laughter.]

Mr. BROWNE, of Indiana, rose.

Mr. WOLFORD. I know what I am talking about. My recollection is that my distinguished friend did not. Time and again when some of the most important bills—they were, to be sure, private bills—when some of the most important bills to pension the meritorious widows of dead officers and dead soldiers were before this House I saw you then urging we should confine ourselves to a rule which the gentleman tried to make that arrears should not be given upon a particular bill. Then the gentleman said to me, "I will not vote for the bill, I will cut out these meritorious cases, I will cut out the widow of that distinguished soldier or of that distinguished officer because you have not made a general bill."

Mr. BROWNE, of Indiana. Ah!

Mr. WOLFORD. I thought then it was captious, and, if the gentleman from Indiana will pardon me, I think so now.

Mr. BROWNE, of Indiana. Will the gentleman yield to me?

Mr. WOLFORD. I will answer your questions, not categorically, but I will answer them fully, and I hope to the satisfaction of this House as well as to yourself.

Mr. BROWNE, of Indiana, rose.

The CHAIRMAN. The gentleman from Kentucky does not yield to the gentleman from Indiana.

Mr. BROWNE, of Indiana. The gentleman from Kentucky does not intend to misrepresent me.

The CHAIRMAN. But the gentleman declines to yield.

Mr. BROWNE, of Indiana. No, he does not.

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Indiana?

Mr. WOLFORD. I intend to talk in my own time, and to make my own speech without having your speeches put into it. [Laughter.] I prefer my own speech on this occasion. [Laughter.]

Mr. BROWNE, of Indiana, rose.

The CHAIRMAN. The gentleman from Kentucky declines to yield.

Mr. BROWNE, of Indiana. I decline also to assist him in making his speech on this occasion.

Mr. WOLFORD. I decline the assistance. [Laughter.] I propose to make my own speech in my own way.

I said, sir, that I was for pensions going back to the time of disability. I am for that in every case. I am for it in every individual case, and the gentleman from Indiana who puts his categorical questions to me can not say that and tell the truth. [Laughter.]

Mr. BROWNE, of Indiana. I do say it. The gentleman said I could not say it. I do say it.

Mr. WOLFORD. In every individual case?

Mr. BROWNE, of Indiana. Yes.

Mr. WOLFORD. You astonish me. [Laughter.]

Mr. BROWNE, of Indiana. I will say, with the gentleman's permission, I had during the last Congress and have now a bill pending before the Pensions Committee proposing to give the benefit of the arrearages act in every individual case.

Mr. WOLFORD. In every individual case?

Mr. BROWNE, of Indiana. Yes.

Mr. WOLFORD. Why you, to my certain knowledge, voted against it. [Laughter.] I have the question fairly before this House and I insist he is not the man to put categorical questions to me on such a question as this. And now, sir, I want to talk a little about that proposition which the gentleman from Indiana put to me. I admire him for his eloquence, and I admire him because he loves the soldier, but it does seem to me he never talks but he shows he loves his party better than he loves the soldier. [Laughter.]

Now, the gentleman from Indiana says it has been thrown up to him that but for a Republican Senate the bill would have gone through. Be that as it may, Mr. Chairman, I am one of those who entertained the hope that politics would not have come into a question of this character. It has no place here. On yesterday, in his speech, the gentleman from Indiana said that we had put into the Democratic platform a provision that that party was in favor of arrears of pension. Does the gentleman mean to say that he is going to stand with us upon these great principles of the Democratic party, the principles of equal rights to all and exclusive privileges to none? I sincerely hope so; let him come, we will welcome him. If you desire we will open wide the door for you on that platform. That is the platform of Democracy, and we ask you to accept it.

I stood on that at the canvass preceding the election, and I stand on that platform now; but, Mr. Chairman, I stand to-day upon a higher one

even than that. I stand to-day upon the platform of the very best interests of my country, for the welfare of the soldier and for his widow. But I will receive with open hands the gentleman from Indiana whenever he sees proper to come into the Democratic fold upon our platform. That is Democratic doctrine, and I believe that in every part of the country the Democratic party and the Democratic majority on this floor will vote for arrears of pension when the question is properly presented. It is nothing but right that we should vote for it. Why is it, I would like to ask, that a soldier who did not rush up to ask for a pension immediately at the close of the war should be entirely cut off from all rights by the passage of such a limitation act?

My distinguished friend from Wisconsin, General BRAGG, in his criticisms on this bill yesterday, stated as one reason why he opposed it that the soldier had to be "reminded by a claim agent." Sir, I take issue with the distinguished gentleman there. It was not that the soldier had to be reminded; but, coming from the war as he did, finding a country covered with debt, poor and impoverished (although, thank God, the great development has since more than covered the effects of the war and has brought prosperity and plenty to our land)—but at the end of the war, I say, coming back as the soldier did, finding the country poor, with many debts and with many doubts in the minds of the best men of the country as to whether we should ever be able to meet the indebtedness—and there were many who believed that we could not—this same gallant soldier, who had in a thousand instances risked his life in the defense of his country, said to himself, "I will not in this depressed condition of affairs ask for a pension." But, Mr. Chairman, time goes on and the country has developed in prosperity and plenty under the blessings of Almighty God; and now, when the country is able to pay, these poor, broken-down old men, or the dependent families of those who have since died, come and ask this Government, rich and mighty as it is, to give this little pitiful pension. Now the soldier says, "I am ready and willing to receive the generosity of the country; I am ready to take that which the Government can so well afford to give me, and I have no hesitancy in asking for it when the country is able to pay."

I submit, therefore, whether the distinguished gentleman had the right to say that the soldier has to be reminded by a pension agent. In his heart all the time thousands of them in all parts of the country desired to be recognized by the Government. But they would not make their appeals when the country was poor, and I admire them, Mr. Chairman, for not having made the claim sooner. Instead of cutting them out altogether under a limitation act, I say they deserve credit for having withheld their claims so long.

But I want to talk a while more upon the views of my distinguished friend from Indiana.

Mr. BROWNE, of Indiana. But I understand you to indorse them.

Mr. WOLFORD. I indorse them, but I do not indorse the manner in which they come. I do not indorse the way you present them here. I am in favor of the proposition; but the distinguished chairman of the Committee on Invalid Pensions tells me that they will in time have a bill to deal with that very question—perhaps your own bill. I have no objection to that bill, and if it comes up I will stand by you and vote for it, whether it comes from Democratic or Republican quarters. I will not ask what party is to be benefited by our indorsement of the soldier, but I will ask all men to unite in doing justice to these brave men. That is all upon that proposition. It would be no objection to this bill to have it incorporated upon it, but I would prefer not to hamper this bill and encumber it or endanger its passage. Let it stand upon its own merits, and let us pass another bill for the other purpose.

I remember, sir, in the last Congress that we agreed to what was in my judgment a most just and righteous bill, a bill to pension the Mexican veterans, and it passed the House by an overwhelming majority. But I remember that when that bill was amended, as it was amended by the Senate—and I did not object to the amendments myself, for every man in that Congress will bear me witness that I was willing to take the Senate amendments and all and voted for the bill and spoke for it as I did—but we all remember that a large majority here was in favor of it, and yet we never could get the necessary two-thirds to pass the bill, and the poor old veterans have not yet got their rights. Therefore I am willing to take a lesson from that experience, and pass this bill without any amendments which will endanger its passage. Let this bill stand alone. When the other comes up we can take action upon it, and I hope speedily. I am willing to join the chairman of the Committee on Invalid Pensions in support of that bill when it shall come up again.

Mr. MILLIKEN. May I ask the gentleman a question?

Mr. WOLFORD. Yes, sir.

Mr. MILLIKEN. Is it not true that the same party in this House which voted for the Mexican pension bill when it was passed here voted it down when it came back from the Senate, amended as it was with its six amendments in favor of these old veterans?

Mr. WOLFORD. If that is true I do not know it. But I remember, sir, and I have a good memory upon that subject—I remember that some few Democrats voted against it—many of them for it. I remember that the man who brought it up, the gentleman from Illinois [Mr. TOWNSHEND], was a Democrat and stood by it; and I remember your humble servant—and I claim to be a Democrat—stood by it with all his might. And I remember a large number of Democrats voted for it. And I remember a few sore-footed Republicans that slipped in the contest. [Laughter.] But, sir, it was no party issue as to which party was to have the honor of the bill. It was a question, shall the veteran have the pension? And for that reason I say I am willing to take the advice of the chairman of the Committee on Invalid Pensions and let this bill go alone.

Many of the criticisms of my friend from Wisconsin [Mr. BRAGG] in relation to pensions and the pension law were eminently just, and I hope they will all be adopted one by one; for if there is anything I do desire more than anything else on the pension question it is the carrying out of the old Democratic doctrine of equal rights, so that every one of these soldiers shall be placed on an equal footing, that a a man who is totally disabled shall receive the same compensation whether his disability was received in one way or in another, provided it was received in his country's cause. And I go further, and say that I admire that old Democratic doctrine that, looking over all our wars, said, "We shall not inquire in what war a man was engaged, provided he served his country." Can the gentlemen on the other side say that—that we will not inquire whether it was in the war of 1812 or in the war with Mexico or in the war of the States; but did he serve his country; did he do his duty?

That is the Democratic view as to pensions. We want to put them all on an equality. But it is said all these cases are not reported in this bill. I know that. Yes, sir, I know—I have had sore experience on that subject—that the report of a committee has many followers in the House, and the House will vote to sustain the committee. My friend from Indiana [Mr. BROWNE] in his zeal might endanger the bill, and any of you might in your zeal endanger the bill by putting on an amendment that would be an advantage in itself.

But all these propositions will come up, and in the very nature of the case must come up. The mind of the American people is intent on the question, What shall we do for our soldiers that defended us on the battlefield? Those propositions will come up and justice will be done. It may be delayed for a while, but I hope it will not be longer delayed than this Congress until every one of these cases will be settled.

I agree with my distinguished friend from Wisconsin that many amendments are necessary to the pension law; but I do not agree with him that because a young and fair and handsome lady, with patriotic feeling burning in her heart, admired the old soldier of 1812 who had marched to Canada or went from Boston to Lake Champlain, who followed his flag wherever it went and fought the battles of his country—I do not agree with the gentleman in attributing unworthy motives to the young lady who married such a veteran. Though he was wounded, she loved him. She loved him because of his patriotism. She had in her heart and her soul a great admiration for the American cause and for the American flag and for the American name and glory, and that gave her a foundation to begin with, to induce her to love the old man who had fought for his country. She did love him and married him and nursed him. And when he died will you tell her, "You can not have a pension, because you, a young and beautiful girl, might possibly have married the old man in order just to get a pension when he died." Do you believe it? That is not reasonable. She had higher motives. But even if it were so—if she did marry him to get a pension, and took care of him and soothed the last days of the old soldier so that he was allowed to go down to the grave in peace under the kind and tender hands and attentions of a lady such as no man can use—if she did all that, I say she deserves her pension anyhow, and I would feel all the stronger inducement to vote for it.

But I pass over this. I think I have answered categorically all the suggestions of my friend from Indiana [Mr. BROWNE], and I now want to pledge him on this floor. When these bills do come separate and alone will I find you, sir, standing for equal pensions? Will I find you standing for the pensions of every man and every lady that had a husband or a son who died for his country's cause? Will I find you standing for equal rights and equal privileges for all? I hope I will; and I hope I will no more hear gentlemen saying, "Oh, we want a general law."

Mr. BROWNE, of Indiana. Does the gentleman from Kentucky pause for a reply?

Mr. WOLFORD. The gentleman may reply if he desires to do so.

Mr. BROWNE, of Indiana. I desire to say to the gentleman from Kentucky now, quietly and kindly, that as there are some two thousand persons who have pensions by special acts of Congress, if the two thousand and first comes in and asks Congress that under a special act arrearages shall go to him in advance of an act of Congress that shall put all who stand in his position upon terms of equality with him, I will vote against it.

Mr. PETTIBONE. So will I.

Mr. WOLFORD. Then, sir, I have the answer at last, and I have it as I expected to get it. You are not for the measure. In your heart and in your soul you do not want it. [Laughter.] That is one broad plank in the platform of the Democratic party that you do not indorse, although you talk about it. [Renewed laughter.] I see Republicans all around me who are for it, who will vote for it and will do all they can for it.

Mr. CUTCHEON. Will the gentleman yield for a question?

Mr. WOLFORD. Yes, sir.

Mr. CUTCHEON. I desire to ask the gentleman whether it is not a matter of fact that the Committee on Invalid Pensions have always uniformly opposed the granting of arrearages in special pension bills? Is not that their rule?

Mr. WOLFORD. I believe it is, sir, and I am sorry for it, just as sorry as I was to see the distinguished gentleman from Indiana [Mr. BROWNE] oppose it. You, sir [Mr. CUTCHEON], did not oppose it, and I give you credit for it. You took the view, which I believe to be the right one, that every bill should stand upon its own merits, and that Congress, this great body which is chosen to speak the sovereign will of this nation, is not bound by laws or rules, but has a sovereign right to do what it thinks just in every case that comes before it. That is the view that I took, and that is the view that the gentleman from Michigan [Mr. CUTCHEON] took. [Laughter.] I will say, too, that I believe the Committee on Invalid Pensions went wrong upon this proposition; but they are right now. They have introduced here a bill that ought to pass.

But, Mr. Chairman, I am taking up too much of my time. I should not have done it but for the interruptions that have been made upon other questions; and I want to talk now upon the question of pensions generally.

I do not agree with the doctrine of some gentlemen upon that subject. I am not in favor of putting the widow of the gallant officer or private who served his country for long years, fought many battles, won many glorious victories, made for himself a name and a record, honorable and glorious in the history of his country—I am not in favor of putting the widow of that man upon an equality with the widow of one who did nothing remarkable, but was merely a soldier. That is contrary to the nature of things. The very order of Heaven is that he that doth much good shall receive much, and the very law of righteousness is that the reward shall be proportioned not to good intentions, but to righteous acts. For that reason, sir, we love General Washington preeminently among all the great men of our country, because he did more for his country than any other man. That is why his country revere him above all others. Upon that principle I am for making a distinction; and when you have put the general pension, as I believe in my heart you will, at $12 a month for all, that means the lower grade; and then, when a case of extraordinary service to the country comes up for consideration, I will vote to raise by special enactment the pension of that widow or that soldier.

I believe, sir, not only in the doctrine of invalid pensions, but I believe in the doctrine of service pensions. I believe the very highest point the pension question can rise to is that of a service pension. I remember from reading the history of my country that very soon after the Revolutionary war the question of pensions came up. There were no invalid pensions then; they were not talked of at that time; but there were service pensions voted for every man that had an honorable discharge, provided he could swear that he was not worth $100. But the people rose and frightened the men that had passed that law, and Congress very soon repealed it, and said that all should have pensions. The pension was very small, to be sure, because the country then was poor; but it was a pension which the soldier valued. "This," said he, "is an acknowledgment to me that I served my country in the hour of her danger and her trial. I love it, Oh, I love it better than if it came to me in any other shape!"

Again, after the war of 1812 the gallant soldiers who had done such service for their country were disbanded; the Congress of the United States came up and gave them a service pension. I think that was right. It made the soldier love his country more. Oh, how grand the soldier feels! Can you imagine an old soldier who has gone through troubles and trials and has met the enemy in many a bloody conflict undaunted—can you imagine how proud that man feels when his services are recognized by his country, when that country says to him in substantial shape, "We honor you; we give you this pension for merit, for your patriotic services!" Now, sir, I am in favor of that very thing. I hope no gentleman will be alarmed, but I am in favor of a service pension. I am in favor of pensioning every soldier of the Mexican war. Give him what you gave the Revolutionary soldier; give him what you give the soldier of the war of 1812; give him that, and he will be satisfied. Give him that acknowledgment that he followed his country's flag into a foreign country, that he went into the sickly climate of Mexico and fought and struggled through a series of unbroken successes unparalleled in the history of the world. Give him that, and he will bow his head in gratitude and say, "I love my country more than ever, because my country loves me and has recognized my services."

But what about the soldier of the late war—the soldier in "the war of the States?" What do I propose to do with him? Do not be alarmed, gentlemen; I am for giving him a service pension. Starting from the Revolution, and coming down through the war of 1812 and the Mexican war to the war of 1861, I am for giving in due time a pension to all who deserve it.

But you say; "We may bankrupt the Government." I am not alarmed about bankrupting the Government. The suggestion of my distinguished friend from Texas [Mr. MILLS] that the Committee on Ways and Means might report a measure declaring that men of overgrown fortunes should by an income-tax provide for taking care of the soldier—that is a suggestion which I rely upon. I believe that committee, when the emergency comes, will do its duty, and that such a bill will be reported. I favor such a bill. I have no war to make against the bondholders as such. I thank God that there are men able and willing to hold bonds. I have no war to make against the rich in favor of the poor. I thank God when any man gets rich by proper means. But I do not thank God when he uses his riches to oppress his fellows. In my heart and soul I revolt against such use of wealth.

The great problem now to be solved by the American people is, can your soldiers be properly pensioned, and can the poor be maintained against the oppressions of the rich? Is there any disposition by oppression or fraud to grind the faces of the poor? Do men undertake to cast out the poor widow of the soldier of any war? Yes; right here in Washington the poor old mothers or the needy widows of men who died for their country are turned out of places where they might earn a living in order that these places may be given to those whose relatives never saw any service for the country; and this, too, in spite of a resolution of Congress that such places should be given to wounded soldiers and to those having claims upon the Government by reason of the sacrifices and sufferings of their relatives.

I am in favor of making, step by step, all these proper provisions in the way of pensions. I hope to live to see the day—I may not see it, for I am old and infirm, and perhaps will never be in the Congress of the United States again—but I hope to see the day, or if not, I hope my children will see the day, when every soldier that has honored his country's flag at home or abroad, on foreign or on native soil, on land or on sea, will be recognized by his Government and receive a pension.

Can we do all this? Can the poor be defended against the rich? Is it in the wisdom of Congress to deal with this question as it ought to be dealt with? I invite thinking men and statesmen to the front. Will you say that this great Republic, this union of republics, has not power to make proper provision for its soldiers, has not power to preserve the poor against every oppressive influence that may be brought to bear upon them? England to-day is solving the question, Shall Ireland be a nation; shall that downtrodden and oppressed people be liberated and exalted? And that question will be solved. An anxious world is looking on and with beating heart awaiting the result. But in this country our statesmen must solve the problem, What shall we do with our soldiers? How shall we provide for them in such a way as they deserve?

We are all familiar with that sound principle, "In time of peace prepare for war." Let your soldiers learn that whatever may happen they and those dependent upon them will be provided for. Let our policy on this subject of pensions become a permanent principle. Let the laws recognize it; let all the people recognize it. Let it be understood that our soldiers will be honored in this way, as they deserve. Such a policy is wise with reference to the possibility of future wars. If this country should be engaged in another war—which God forbid—then you will find coming from the South and from the North, from the East and from the West, a great host of soldiers rallying round the cause of their country because they love it. They will not falter in their step. As the armies tread the land, as the navies ride the sea, no soldier or sailor will falter, for every such defender of the country will feel that the banner of his country is over him and that country loves him. But if you do not put upon a permanent foundation this policy of pensions, I submit to you would not the soldier tremble as he marched? He might well say, "I love my country; I am ready to undergo every hardship and to die for it; but, merciful God! should I die, what is to become of my wife and my children?" Who could put away such a thought?

Let it never be said of the American Congress that they have left a doubt in the heart of the soldier as he follows the flag whether he and his family will be cared for by the country. Sir, victories have been gained on the battlefield; but this moral victory, this great statesmanlike victory, which would place your soldiers above the fear of want in the hour of danger, would be worth more than all the victories of war. It would be a civil triumph, a victory of statesmanship. I invite statesmen here to achieve that victory.

O, that I had the voice and the eloquence to reach the minds and the hearts of the American Congress; but I tell you, whether your hearts and minds are convinced or not, the people are convinced. The people are in advance of Congress. They feel in their heart of hearts——

[Here the hammer fell.]

Mr. REAGAN. Mr. Chairman, the policy of pensioning soldiers who have been disabled in the military service of the country and thereby rendered unable to earn a livlihood and support their families, the policy of pensioning the widows of such soldiers who have lost their lives in the service—I mean those who were their widows at that time—is a just and beneficent policy. No one would more cheerfully than myself vote pensions for such soldiers and such widows. We have pension laws providing, it would seem, for all the conditions that appeal to public justice. And yet, notwithstanding these laws, notwithstanding the Pension Office is open to all entitled to pensions under the laws, we have a deluge of private bills for pensioning the soldiers of the war, or those who profess to be soldiers of the war, each session of Congress. And instead of the number diminishing it is constantly increasing.

And in acting on these cases in many instances we give extraordinary pensions, and sometimes under extraordinary circumstances. I remember either in the Forty-fourth or Forth-fifth Congress we passed a bill through this House to pension a soldier for patriotic services in the war. President Grant returned that bill to the House with his objection to its approval. He informed us—and I understood afterward it was known here, too—that this man had twice deserted the confederate army and come to the Federal Army, and twice deserted the Federal Army and gone to the confederate army. [Laughter.] He said, sir, such a law would be a premium to treachery.

Now, that is one case where we take up a man and give him a pension which no just man on earth would conceive he was entitled to. I do not propose to enumerate them all, but I do wish the American people could see the manner in which these private pension bills are passed here—a dozen or half-dozen of members meeting at night, cross-lifting for each other, and passing them by the dozen without regard to their merits.

But that is not particularly what I propose to speak on here briefly at this time. It seems here, Mr. Chairman, judging from the debates, judging from other occurrences, that it is not so much a contest for securing pensions to deserving persons as it is a contest for political supremacy; a bid for the votes of the American people; an appeal to see who will give the most money out of the Treasury for the soldier vote and its influence. I witnessed a scene on this floor——

Mr. FUNSTON. Will the gentleman allow me to ask him this question: What right have you to impugn the motives of members on this floor in that manner?

Mr. REAGAN. I hope the gentleman will take care of himself.

I was saying, Mr. Chairman, that I witnessed a scene on this floor in passing a bill giving arrearages of pension, I believe it was, when Democrats were urged to vote for it by Democrats because it would give them the soldier vote, as the Senate would defeat it anyhow; and Republicans were urged by Republicans to vote for it as it would get ahead of the Democrats for the soldier vote, and because the Senate would defeat it anyhow. It went through this House as any bill will go through this House that proposes a pension, and when it got to the Senate it went through that body with as great unanimity as it did through this.

Now, Mr. Chairman, I had a friend in Congress a few years ago from the State of Kentucky who had in mind a proposition which he thought would settle all this trouble, satisfy all parties, adjust the political trouble. It proposed to pension everybody in the United States and give life-pay to retiring members of Congress. This, it seems to me, was a good bid. It seems when we are struggling for political power if I should make this bid I would go as far as anybody could go to benefit my party by pensioning everybody and giving life-pay to retiring members of Congress. [Laughter.]

But what is this to come to? No one can doubt, no one will doubt, that I am correct in saying instead of the supreme and sole motive being to secure justice to those who deserve a pension, a motive as strong as that, I would say stronger, is to bid for the soldiers' votes, and to pay the money of the tax-payers of this country as the price of political supremacy. We proceed here as if there were no tax-payers in this country. We proceed here as if there were a great fund of money collected together and we were engaged in its distribution. But, Mr. Chairman, there are millions of toilers in this land, poor, afflicted, with families to support, earning their bread from day to day by their sweat, who have to pay taxes for every appropriation which we make. And I assume to warn members that we may reach the point at which the public judgment will revolt against this outrage of giving the public money for political supremacy, of taxing the people's sweat and toil and giving away their money in this manner.

Who that listened to my friend from Iowa [Mr. HENDERSON] yesterday, who that listened to my friend from Kentucky [Mr. WOLFORD] this morning, who that listened to the gentleman from Indiana [Mr. BROWNE], would not judge a struggle was going on here as to which party shall make the highest bid in the way of pensions to secure the soldiers' votes?

Who has ever known one of these bills come up for consideration who has not seen this same thing enacted and re-enacted here? I will repeat, sir, what I said before, that the soldiers who are disabled in war ought to be pensioned, and I will vote as cheerfully as any man for every reasonable and proper pension for them, and also that those who are the widows of such soldiers and were their wives when they were soldiers, or where the soldier lost his life in the public service, should be pensioned. No man will vote more cheerfully or readily than I a proper pension for such service; but I would drive the thousands who come here to these halls into the Pension Office to make there the proof required by law to enable them to secure their pensions. I would not allow them to come here upon *ex parte* statements to play upon political feelings and obtain pensions in the name or on account of those who have really rendered service to the country. There is not a man here who does not know, I presume, that there are numbers of men receiving pensions to-day, I think I may safely say thousands, who are not more entitled to it than I am.

Mr. FUNSTON. Who are they? Just give us the names.

Mr. REAGAN. The gentleman can make his speech when his time comes. I beg he will not interrupt me any more. Mr. Chairman, I come here as the representative of a portion of the American people. I come here to represent them, and I do not propose that members on this floor or elsewhere shall challenge my right to express my own convictions on great public questions. [Applause.]

I have said, I believe, all I desire to say to the House in reference to this bill. I do not expect to defeat the passage of it. I do not expect to defeat the passage of any bill, however great an outrage it may be upon common sense or upon common right or however great a wrong upon the real soldiers or the soldiers' widows. I say I do not expect to defeat it; but I do in the name of my constituents, in the name of the tax-payers of this country, protest against the universal and indiscriminate giving of pensions to all men and women who come and ask for them.

Mr. MATSON was recognized.

Mr. BRUMM. May I ask the gentleman a question?

Mr. REAGAN. I desire to yield to the gentleman from Arkansas.

Mr. BRUMM. I wish to ask a courteous question; will the gentleman yield for it?

Mr. REAGAN. Yes, sir.

Mr. BRUMM. Does the gentleman from Texas think that under any general law that has been passed granting pensions too much money has already been paid to the soldiers?

Mr. REAGAN. I have no doubt, as I have already said, that there are thousands of fraudulent pensions being paid to-day.

Mr. BRUMM. I am not speaking of individual cases, but I have reference now to general laws. Does the gentleman think that too much is being paid under the general laws?

Mr. REAGAN. I am not objecting to the general law. I have said, and I repeat it, that those who are entitled to pensions should have them.

Mr. BRUMM. I am speaking now of the aggregate amount of pensions granted by law, not of individual cases; but whether the gentleman thinks there is too much paid out for pensions under general laws?

Mr. REAGAN. Yes; I think there are some $50 a month pensions that are too high.

Mr. BRUMM. The gentleman does not understand my question.

Mr. CUTCHEON. I would like to ask the gentleman from Texas if he will favor this increase of pensions to widows.

Mr. MATSON. Mr. Chairman, I believe I have the floor.

Mr. REAGAN. I intend to yield to my friend from Arkansas, and if permitted to do so I would like to yield to him.

Mr. MATSON. I understood that I had been recognized by the Chair.

The CHAIRMAN. The Chair recognized the gentleman from Indiana under the impression that the gentleman from Texas had yielded the floor.

Mr. REAGAN. I desired to yield to my friend from Arkansas.

Mr. DUNN. I will yield to the gentleman from Indiana, reserving, if I am permitted to do so, the time yielded to me.

Mr. MATSON. My object was to move that the committee rise, and I make this statement as I do not want to take any advantage of the time which may have been yielded to gentlemen for the purpose of moving to close debate.

Mr. DUNN. What time is left now of the hour?

The CHAIRMAN. Only one or two minutes remain.

Mr. DUNN. I wish to make a parliamentary inquiry. Can I yield to my friend to move that the committee rise, and reserve the time yielded to me?

The CHAIRMAN. The Chair thinks the gentleman can yield for a special purpose; but if general debate shall be closed, then the gentleman would be cut off.

Mr. DUNN. I yield to the chairman of the committee.

Mr. MATSON. Mr. Chairman, it must be apparent to this House that this bill in its provisions has been sufficiently discussed; and therefore, as the whole subject-matter of pensions has been suggested by the discussion, and if that is to be considered by the House in this general debate there would be no end to the discussion, as all these various propositions may by amendment be discussed under the five-minute rule, I move that the committee now rise, the object being to limit the general debate on this bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration House bill 545, had come to no resolution thereon.

Mr. MATSON. I move that the House——

The SPEAKER. The Chair will state to the gentleman that the time set apart under the rule for the consideration of bills under this call has expired. The gentleman from Indiana can make his motion, however, at any time when the House is about to go into Committee of the Whole.

Mr. MATSON. I move that the House resolve itself into Committee of the Whole on the state of the Union, and pending that, that all general debate upon the pending bill, which as I understand is first on the Calendar, be limited to fifteen minutes.

Mr. CANNON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. I wish to inquire if the motion made by the gentleman from Indiana be in order until the bill has been considered in Committee of the Whole. It has heretofore been considered in the morning hour.

The SPEAKER. But the bill has been in Committee of the Whole on the state of the Union all the time; and the House in order to reach it has always been compelled to resolve itself into Committee of the Whole.

Mr. CANNON. That is true; but as I understand it is not on the Calendar of the Committee of the Whole.

The SPEAKER. It has been on the Calendar of the Committee of the Whole on the state of the Union, subject, like all other bills on the Calendar, to be called up during the morning hour by the committee reporting it. The gentleman from Indiana [Mr. MATSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that he moves that general debate upon the unfinished business in the Committee of the Whole House on the State of the Union be limited to fifteen minutes.

Mr. BROWNE, of Indiana. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. After the general debate is concluded I suppose, as in other cases, we will be permitted to indulge in the five-minute debate?

The SPEAKER. Certainly. This bill in Committee of the Whole occupies no different position from any other bill of like character. The first question is on the motion to limit general debate.

The motion was agreed to.

The SPEAKER. The question now is on the motion that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The Clerk will report the title of the bill which forms the unfinished business on the Calendar of the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

A bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors.

The CHAIRMAN. General debate on this bill by order of the House has been limited to fifteen minutes. The gentleman from Arkansas [Mr. DUNN] is entitled to the floor.

Mr. DUNN. I had no thought of participating in this debate. I had supposed, when the bill was brought in by the chairman of the Committee on Invalid Pensions in the simple form in which it was presented, that it would be acted upon by the House without delay. And least of all did I imagine that it would be made a vehicle for carrying all other meritorious and worthy pension measures which might be in the minds of patriotic soldier-loving members of this House. I had no thought of offering an amendment to the bill, nor did I imagine any other member had. But seeing that it is to be made a species of omnibus, a sort of Santa Claus Christmas wagon, to be loaded up with a large mass of gifts for the soldiers and "their sisters, and their cousins, and their aunts," I naturally remembered that long-neglected and seemingly forgotten, but deserving class of soldiers who did more to earn pensions at the hands of this Government, gave more of a *quid pro quo* for pensions that were never given to them than any other soldiers ever have done in this country. I speak of the men who added to the public domain that vast reach of country from the Louisiana purchase to the Pacific Ocean—the men who rolled out the map of our country across the rock-ribbed mountains of the West and down to the far-distant shores of California, glittering with its gold and sparkling with its diamonds—the men who bore the flag of our country victoriously across the arid plains and under the burning suns of Mexico, and planted it upon the walls of the great city of the Montezumas.

I thought of these men, to whom justice has been so long denied, who seem to have been forgotten, and I now speak for them, and I send to the Clerk's desk a New Year's gift to put into Santa Claus's pension-wagon for the soldiers of the war with Mexico, the war of 1812, the second war of American emancipation from British domination, and for the soldiers who met in deadly struggle the savage red man in the deep haunts of his forest home, gave peace and security to the homes of the frontiersman. I ask the Clerk to read that amendment, which I intend to offer when amendments are in order, and I challenge the vote of this House in behalf of these worthy and most deserving old veterans, whose scars of battles are now forty years old.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of the surviving officers and enlisted men, including militia and volunteers, of the military and naval services of the United States who served sixty days in the war of 1846 and 1847 with Mexico, who served thirty days in the Creek war or disturbances of 1835 and 1836, or in the Florida war with the Seminoles from 1835 to 1842, or the Black Hawk war of 1832, and were honorably discharged, and to such other officers and soldiers and sailors as may have been personally named in any resolution of Congress for any specific service in said wars, although their term of service may have been less than sixty days, and the surviving widows of such officers and enlisted men as were married to such officers or soldiers or sailors prior to the discharge of such officers and enlisted men: *Provided*, That such widows have not remarried.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of $8 or more per month, nor to any person receiving a pension for less than $8 per month, except for the difference between the pension now received and $8 per month. Pensions under this act shall be at the rate of $8 per month, except as herein provided as to persons now receiving a pension for less than $8 per month. All pensions under this act shall be paid from and after the passage of this act for and during the natural lives of the persons entitled thereto.

SEC. 3. That before the name of any person shall be placed on the pension-roll under this act proof shall be made, under such rules and regulations as the Secretary of the Interior may prescribe, of the right of the applicant to a pension; and any person who shall falsely and corruptly take any oath required under this act shall be deemed guilty of perjury; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it shall be made to appear by proof satisfactory to him that such name was put upon such roll through false and fradulent representations, and that such person is not entitled to a pension under this act. The loss of the certificate of discharge shall not deprive any person of the benefits of this act, but other evidence of service performed and of an honorable discharge may be deemed sufficient.

SEC. 4. That the provisions of sections 4745, 4746, 4747, 4748, 4766, 4785, and 4786 of the Revised Statutes of the United States are hereby made a part of this act so far as the same are applicable; and no law or laws now in force which in any way conflict with the provisions of this act shall be applicable to the survivors of the wars above mentioned, or be so construed as to deprive them of the benefits of this act.

SEC. 5. That section 4716 of the Revised Statutes is hereby repealed.

SEC. 6. That the provisions of this act shall not apply to any person while under the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. DUNN. What time remains for general debate?

The CHAIRMAN. Five minutes.

Mr. DUNN. I yield to the chairman of Invalid Pensions.

Mr. HEPBURN. I wish to ask the gentleman from Arkansas is not this amendment which is offered now pending as a substantive bill?

Mr. DUNN. It is not, so far as I am aware. I do not know whether it is or not.

Mr. HEPBURN. I think that it is.

Mr. DUNN. My amendment is a copy of a bill which was offered in the Forty-eighth Congress.

Mr. HEPBURN. I make the point of order.

Mr. DUNN. The gentleman from Iowa is out of order. The amendment is not offered now as an amendment. I merely give notice that I will offer it at the proper time.

Mr. MATSON. The bill under the consideration of the House stands alone. No amendment has been offered as yet, and yet the discussion that has been had has pertained to almost everything else but the bill itself. There have been but two or three objections urged to this bill in the course of the general debate; two of them by the gentleman from Wisconsin [Mr. BRAGG], my distinguished friend who so gallantly and successfully and gloriously commanded the Iron Brigade of the Union Army during the last war. He says he is opposed to giving the widows of soldiers $12 instead of $8, because the soldier who is totally disabled gets only $8 a month.

I am sure that the gentleman misapprehends the provisions of the pension laws. There are three grades. There are three "total disabilities" provided for. The first is a total disability for the performance of hard manual labor, and for that the rate is $8 a month. The next is a total disability for the performance of any manual labor, and for that the rate is $24 a month. The highest grade is that condition of total helplessness which requires the aid and attendance of another person, and for that the pension is $50 a month. Then there are other grades for specific disabilities even higher than that; so that when the gentleman comes to compare the pensions paid to the soldiers with the pensions paid to the widows of private soldiers, he makes an unfortunate comparison and one that does not obtain against the widows, but, on the contrary, makes greatly in favor of an increase of their pension. The widow is left by the death of her husband without any support whatever. There is no longer any capacity left there for the performance of any manual labor. For a like degree of disability the private soldier receives $24 a month, and all we propose in this bill is to give the widow whose support is entirely gone just half that sum. Then the gentleman says that he is opposed to the bill because some young women marry old men—because there are counterfeit war-widows. He had as well say, in relation to a bill to provide for coining money, that he is opposed to it because somebody will counterfeit the money after it is coined. It is a very narrow view, Mr. Chairman, to take of the question of providing for those who are entitled to be provided for by the Government of the United States to pick out certain exceptional cases and oppose the law because in such cases the law is abused. There never was a law enacted, of general application relating to any subject whatever which was not more or less abused. It is no objection, therefore, to say that this law may be abused by individuals in isolated cases.

Then my friend from Texas [Mr. REAGAN] says that he is opposed to this bill because there are some widows upon the rolls who ought not to be there. The same answer that I have attempted to make to the gentleman from Wisconsin [Mr. BRAGG] applies to him. He raises his hands in horror and says: "Where will this thing end? What are we coming to?" Mr. Chairman, in all kindness to that gentleman, I want to say that he ought to have thought about that long ago. [Applause

on the Republican side.] The widows of this country whose husbands lost their lives in defense of the flag are entitled to be provided for in a way that is commensurate with the dignity and ability of the Government of the United States [applause], and it does not lie in the mouth of any one, no matter where he has been or what he has been, to carp at small matters, and say that because of this little thing or that little thing this bill should be rejected. The great controlling question is, Is the bill right? That is the question. Do you favor it because it is right? When we come to talk about amendments I shall have something to say in relation to that subject. I apprehend, Mr. Chairman, that the very life of this bill, and the very life of any measure that is proposed in the way of pension legislation in this Congress, depends upon the proposition that the measure shall stand or fall upon its own merits, and I know there is no class of soldiers in this country—quarreling among themselves as they are, as we all know—there is no class of them that want to be pulled through Congress under the petticoats of these old women. They want the pensions of the women first increased, and the pension committee of the Grand Army of the Republic, among its very first propositions, recommends the increase of the widows' pension from $8 to $12 per month.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. MATSON] has expired. General debate upon this bill is now closed by order of the House. The Chair recognizes the gentleman from Tennessee [Mr. PETTIBONE].

Mr. PETTIBONE. Mr. Chairman, I move to strike out the last word. Sir, I favor this bill because it is right, and I am glad that now, after the very eloquent and effusive and diffusive speech of my friend from Kentucky [Mr. WOLFORD], the House has come back to the cool consideration of what is really here and now before us. Here is a bill reported from the Committee on Invalid Pensions which proposes to increase the pensions of soldiers' widows from $8 to $12 per month, and I opine, Mr. Chairman, that the sole question now before the House is simply this: Is this proposition right in itself? Believing every word of it to be right and just, I shall vote for the bill as it stands. But I go further, sir. I say that not only is this bill manifestly just, but the proposed amendment of my friend from Indiana [Mr. BROWNE] to strike out or remove the bar contained in the act which took effect on the 1st of July, 1880, by which arrearages are prevented from going back of that date or back of the date of the filing of the application, is also just and ought to be adopted. That law as it stands is all wrong; and in addition to this bill I favor the proposition to extend the benefits of the pension law to all the old soldiers who were really disabled in the service during the war of the rebellion. Those men should not be deprived of their accrued pensions, whether they met their disabilities in camp, in bivouac, or on the battlefield.

Why, Mr. Chairman, I know cases among my neighbors—and I have in my mind the case of a soldier whose good right hand was partially demolished by a musket-shot while he was poising his revolver in battle. That man to-day can not get his pension. I have asked him, "Why did you not make your application years ago?" And his answer was the answer that thousands of men would make to-day, "Because when the war closed I had a competence; because when the war closed I did not need $8 a month from the Government; but now my property has been swept away and I ask this pittance; there is my right hand to show what I have done for the country."

Now, I say it is absurd at this late day to cling to the idea which was embodied in the act which took effect in 1880. If the money is due to the soldier, give it to him. I am in favor of this proposed amendment. And, Mr. Chairman, I believe the right way to do a thing is to do it when you can. We can pass this bill with this righteous amendment this morning, if gentlemen will not abandon their honest sentiments on this floor.

Mr. Chairman, I was pained this morning to hear the reflection thrown upon my honorable friend from Indiana [Mr. BROWNE], who was the chairman of the Committee on Invalid Pensions in the Forty-seventh Congress. He had the courage to say that he was opposed to special pension legislation—opposed to voting special pensions; and he gave a reason for his position—because time so taken up might be better occupied in passing a general act which would do universal justice. I never yet learned that it was wise every time a person wants a pin to go to town and get a pin; it is wisest to buy a whole paper or a whole package at once. I do not believe it wise for us to entertain these private bills; for while we are occupying time in this way we are denying to hundreds the justice that is due them.

Mr. Chairman, it does seem to me that the gentleman from Wisconsin——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. PETTIBONE. I withdraw the amendment.

Mr. SOWDEN. I offer the amendment which I send to the desk, to be inserted after the word "thereunder," at the end of section 2.

The Clerk read as follows:

That if any person shall receive any money, either directly or indirectly, for services actually rendered or alleged to have been rendered in the prosecution of any claim under this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine not exceeding $500, or undergo an imprisonment of not less than six months, or both, or either, at the discretion of the court.

Mr. CANNON. I rise to a point of order. I desire to call the attention of the Chair to the fact——

Mr. REAGAN. I have risen to a question of order.

Mr. CANNON. But I rose before the gentleman.

The CHAIRMAN (Mr. WELLBORN). The Chair will first hear the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. In stating my point of order I desire to call the attention of the Chair in the first place to the fact that this bill has not yet been read by sections for amendment; and secondly, when it is so read, I desire to offer an amendment to section 1, while the amendment of the gentlemen from Pennsylvania [Mr. SOWDEN] is to section 2.

The CHAIRMAN. The gentleman from Illinois is correct.

Mr. REAGAN. That is the point of order I was about to make.

The CHAIRMAN. The Chair supposed that the bill was being read for amendment, and that amendments were being offered to the appropriate sections as read. The Clerk will now report the bill by sections for amendment.

The Clerk read the first section, as follows:

Be it enacted, &c. That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. CANNON. I move to amend by inserting after the word "years," at the end of line 9 of section 1, the proviso which I send to the desk.

The Clerk read as follows:

Provided, That in considering the claims of dependent parents, the fact and cause of death, and the fact that the soldier left no widow or minor children having been shown, as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of support than his or her own manual labor or the contribution of others not legally bound for his or her support.

Mr. MATSON. I wish to make a point of order on that amendment.

The CHAIRMAN. The gentleman will state it.

Mr. MATSON. My point is that there are other bills pending in the House which involve that proposition.

Mr. CANNON. If so, I am not aware of them.

Mr. MATSON. I am aware of them; and I think I can show the gentleman I am correct. I ask him whether this is not one of the propositions incorporated in a bill introduced by him recently?

Mr. CANNON. O, no, sir; not at all.

Mr. MATSON. I thought there was some proposition of that kind,

Mr. CANNON. On this point of order, if the Chair will allow me. I wish to say, first, that I do not think the amendment is subject to the point of order. It is designed, as the gentleman from Indiana [Mr. MATSON] will observe, to perfect the bill, providing for that class of people, in substance, for whom he seeks to provide—dependent parents. Hence the proposition is not liable to the objection which has been made to other amendments. It is offered in good faith; it tends to perfect the bill; it is apt and germane and humane as well.

Mr. MATSON. I know the provision offered by the gentleman from Illinois as an amendment is the substance of a proposition of more than one bill or clause of a bill now pending in the House. Perhaps it would take some time to discover that fact, but I am quite sure of it. There are gentlemen within the sound of my voice who could say whether or not they have offered such bills. The gentleman from Pennsylvania [Mr. CURTIN] says he has a bill pending involving that proposition substantially.

Now, as to the gentleman directing me not to insist upon my point of order, I desire to make a few remarks generally on the matter and amendment.

Mr. BROWNE, of Indiana. I wish the gentleman would refer to the rule he avails himself of in making his point of order.

Mr. MATSON. I can not just now.

Mr. ROGERS. It is to be found on page 261, section 4 of Rule XXI.

Mr. MATSON. In relation to all these points of order I will say that I do not intend to make them myself, although they may be made by others. I am satisfied, as I have stated in the general debate on this bill, it is not possible to pass any pension bill of any kind if it is loaded down with amendments. That has been tried before. The right thing to do is to let each proposition stand on its own merits. We come here with a single proposition and ask the House to adopt it. We oppose amendments to it. I will promise the gentleman from Illinois the amendment he offers will be reported by the Committee on Invalid Pensions at an early day, so the House will have an opportunity to vote on that as well as upon other propositions of a similar character. I insist on the point of order.

Mr. CANNON. Does the gentleman propose to put through this single proposition?

Mr. MATSON. That is the way we propose to put it through.

Mr. CANNON. Is it the intention of the committee also to put through as a single proposition the amendment I have offered?

Mr. MATSON. It is.

Mr. CANNON. Does the gentleman insist on his point of order?

Mr. MATSON. I do.

The CHAIRMAN. The Chair holds the point of order is well taken, and sustains it.

Mr. WARNER, of Ohio. I offer an amendment to come in at the end of the first section.

The Clerk read as follows:

At the end of section 1 add the following:
"*Provided*, This act shall apply only to widows who were married prior to its passage."

Mr. WARNER, of Ohio. I wish to remark, Mr. Chairman, only this: This is an amendment which certainly is legitimate. I think it is right in itself and ought to be adopted to perfect the bill. There is certainly a difference between the rights of a widow who gave her husband to the service and who was killed in battle or contracted disability from which he afterward died and the rights of a widow who shall marry hereafter. There is a broad difference between the two cases, and one which I think will be recognized by every one upon the floor. It is because of that broad difference between the two cases I have offered the amendment.

Mr. BAYNE. I desire to reply. Now, Mr. Chairman, the Committee on Invalid Pensions offers to the House a bill which can be passed. It has offered one which will meet a grave exigency in this Government so far as the treatment of soldiers' widows and minor children of deceased soldiers are concerned. It is within our power now to pass this bill. It will go beyond our power to do any good whatever if we propose amendment after amendment to the bill and ask this House to consider and pass them. We will get a bill which will embrace all classes of soldiers, which will reach out in the domain of gratuity and generosity which this bill does not embrace. I hope the real friends of the widows of the soldiers of this country and their minor children, to whom we propose to do this service will stand up here as a solid phalanx and vote down every proposition offered as an amendment to this bill.

The amendment proposed by the able gentleman from Indiana [Mr. BROWNE] is right, and I am in favor of it. The amendment submitted by the gentleman from Illinois [Mr. CANNON] is right and proper, and I am in favor of it. Many other amendments may be offered here which will receive the concurrence and approbation of the House and the approval of the people of the country, but we would imperil this one proposition which should pass here by these various amendments. The true test in my opinion of an earnest and sincere desire to do a service at this time will be to stand by the report of the Committee on Invalid Pensions and oppose every amendment which may be submitted to it. I hope therefore the pending amendment will be rejected.

Mr. REAGAN. I had intended, Mr. Chairman, to offer the amendment made by the gentleman from Ohio.

The CHAIRMAN. The Chair will state debate on this amendment is exhausted.

Mr. REAGAN. I move, then, to strike out the last word.

The CHAIRMAN. The gentleman is entitled to the floor for five minutes.

Mr. REAGAN. Perhaps I had better ask the gentleman from Indiana [Mr. MATSON], the chairman of the committee which reported this bill, whether or not I have the privilege of addressing the House on this bill in the discharge of my duties as a Representative of the people without being considered as guilty of personal offense.

The Constitution and the laws of the country and the partiality of my fellow-citizens sent me here, and I did not come to inquire of the gentleman from Indiana or any other gentlemen whether I had the privilege of debating public qustions upon the floor of this House.

Mr. MATSON. Do you desire an answer?

Mr. REAGAN. I think the gentleman had better not have said so much as he did at first.

Mr. MATSON. Do you wish an answer?

Mr. REAGAN. Not in my time.

Mr. Chairman, under this bill as it stands in ten years from now, or twenty years from now, a soldier may marry, if he lives that long. When he dies his widow then goes on the pension-roll. Thirty years after the war is over, forty years, if he lives that long, he may marry, and the widow is entitled to a pension for fifteen or twenty years longer. If she lives to eighty years of age, all the years of her life this pension goes to her because she married a man twenty, thirty, or forty years after he performed the service which rendered him entitled to a pension. Is that right?

Mr. WARNER, of Ohio. Let me suggest to the gentleman from Texas in this connection that there are now on the pension-roll something like eighteen thousand names of widows of the soldiers of the war of 1812, while there are only some three to five hundred soldiers of that war on the roll. Fifty years from now, under the provisions of this bill, how many thousands of pensioners will be on the pension-roll is a calculation that human foresight can not undertake to make.

Mr. REAGAN. I only desired to emphasize the point which has been made so well by the gentleman from Ohio and to support the amendment.

Mr. MORRILL. Mr. Chairman, I move to strike out, in the fourth line, the words "minor children."

I had hoped that this bill, so fair and just in its provisions, demanded as it is by an enlightened public sentiment and receiving the hearty approval of every true soldier in the country, would pass this House without opposition. The present law was enacted more than half a century ago, when the country was poor; when they were able to do but scanty justice to its brave defenders; when the cost of living was much less and the purchasing power of money much greater than it now is and when the prices paid for labor were far less. The widow's pension was fixed at its present rate because that was the compensation the soldier received while in the military service, and it was considered but just and right that when he had given his life to his country his family should still receive his monthly wages. Amid all the changes that have been made in our pension laws, increasing the rates for given disabilities from time to time, with the increased cost of living and the rapid advance in the price of labor, with the diminishing power of money to supply the necessaries of life, this rate has remained unchanged.

The time has now come when simple justice to a large class which suffered more from the effects of the late war than any other demands that this increase should be made. I can conceive of no greater sacrifice that a woman can make for her country than to give him whom she has chosen to be her life companion, him who is the father of her children, her pride and her support; and for this sacrifice she has received the pitiful sum of $8 per month. The soldier who was slightly injured received an equal sum, and the one who returned from the war with the loss of an arm received three times as much. As an illustration of this unjust discrimination let us suppose that from some Northern village two men, neighbors, left their homes at their country's call to maintain the integrity of the Government and to preserve it from the threatening danger of dissolution. Their circumstances were the same; each had a humble home, a loving wife, and two or three young children. The one returned to that home maimed and crippled by the loss of a limb but still strong and vigorous, with the prospect of a long life before him, spared to return to his family to protect them and to aid them in the battle of life—spared to cheer and comfort that wife and to watch over those children and direct and assist in their education. The Government allows him $24 per month to aid him in supporting his family and educating his children. The other never returns; that young wife never again looks upon the face of her husband. He falls upon the battlefield; and she is a widow, and those children are fatherless. He is hurriedly buried in some unknown field, and she has not the poor consolation of watering with her tears the flowers that grow upon his grave. Single-handed she must fight the battle of life; alone and unaided, except by the scanty pittance that the Government pays her, she must feed, clothe, and educate that little family. Is this just? Is a limb more valuable than a life? I envy neither the head nor the heart of any man who would deny to this suffering class this small increase so justly due them and for which they have so long waited.

I agree most heartily with the gentleman from Wisconsin that our pension laws are imperfect and full of unjust discriminations, and I concur with him in his statement that there should be a revision of these laws; that they should be made to harmonize, so that all justly entitled to their benefits should share alike in proportion to their disabilities; and I have great confidence that the Committee on Invalid Pensions, under the direction of its able and efficient chairman, could prepare a revision which would remove the many objectionable and inconsistent features of the present laws and which would embrace the more reasonable additions demanded by the soldiers of the country; but I have no faith that this Congress would adopt such a revision, nor do I believe it wise to refuse to grant the aid so justly provided by this bill because we can not get all that we would like to have. Half a loaf is much better than no bread at all; and if we can not build a new house such as we would like, it is far better to put needed additions to the old one.

Mr. Chairman, I regret that the gentleman from Indiana offered the amendment that he did, not that I object to its provisions. I am heartily and earnestly in favor of the repeal of the limitation in the arrears of pensions act. I did all in my power to secure its passage during the last session. I believe the limitation was an unjust and unwarranted discrimination. I believe that those who marched side by side through the swamps and over the dusty roads of the South, those who fought side by side in the same battles, who received the same wounds, endured the same sufferings, and who languished together in the same Andersonville hells, should be placed side by side on the same pension-roll; but a bill for that purpose is now under consideration in the committee, and I doubt not will be speedily reported and can be considered upon its own merits. Our experience in the past has taught us that no general bill embracing a large number of amendments to the present laws is likely to pass. Each proposition should be considered by itself.

There are now pending before the committee a large number of bills for the benefit of particular classes of cases. If this amendment is to be considered in connection with this bill, the friends of the bill proposing to increase the pension for the loss of an eye or for total deafness, or those who think telegraph operators of the late war should have a military standing and pension, or those who believe that all disabled soldiers should be pensioned, or those who demand that all prisoners of war should be included, may with equal propriety urge their amendments. The effect of this amendment or any of the others I have named will be to jeopardize the bill. This bill passed the Senate

at its last session and a large majority of the last House desired its passage, but under the rules it could not be reached. I appeal to the members of this side of the House to stand by the bill as it is and secure its early passage. There is not a village in the North but what has some poor widow whose husband gave his life to his country who is toiling and struggling to keep the wolf from the door. On the distant prairies of the grand young Commonwealth that I in part represent hundreds of soldiers' widows are living in poor sod houses or rude dug-outs, scantily protected from the terrible storms that sweep over those vast plains, struggling to maintain themselves while they take advantage of the generous provisions of that law which gives them a homestead if they will live upon it. To all of these the passage of this bill will come as a benediction.

[During the delivery of the foregoing remarks the hammer fell.

Mr. PERKINS took the floor and yielded his time to Mr. MORRILL, who then resumed and concluded his remarks as above.]

Mr. MCMILLIN. Mr. Chairman, I rise for the purpose of supporting the amendment of the gentleman from Ohio, which seems to me to be most eminently proper as a provision to be added to this bill if the bill is itself to become a law.

I have listened with a great deal of interest to the discussion of the question now under consideration, and I heard on yesterday the gentleman from Wisconsin, General BRAGG, present with his usual clearness and terseness some very strong objections to its provisions. The gentleman from Ohio [Mr. WARNER] tells us that of the pensioners of the war of 1812, while there are about eighteen thousand widows upon the roll, there are less than five hundred names of persons who participated in that war. Will some man who advocates this bill, will some gentleman posted in pension matters that are affected by it, do the House the justice to state some principle upon which you can give the man who does the suffering only $8 a month for his service and give those who come after him $12 a month? I can not see the propriety of it. I have listened in vain for some utterances that would justify the discrimination. Now, if the bill becomes a law, what a spectacle is presented here! The three hundred old veterans who suffered in the war of 1812, who did the marching and the fighting, who spilt their blood and endured fatigue, endured all the trials and troubles incident to that warfare, will go on during the rest of their lives drawing $8 a month pension, while the widow that was married to his deceased comrade forty years ago, and who possibly lived with him but a very short time, gets $12 a month. This is an injustice against which the amendment of the gentleman from Ohio provides. It is an injustice that cries aloud for a remedy. We will do ourselves and our constituencies injustice if we fail to remedy it. The woman has made some sacrifice who encouraged her husband to go to the war and was thereby deprived of the comfort of his society and the help of his hand in the struggle of life. But what commensurate sacrifice has she made who did not marry the soldier till years after the war closed? And let me repeat the question, what sacrifice has she made that has placed her on a higher plane of merit than the soldier himself stands on?

Mr. Chairman, I have but little hope that my views, or any other man's upon this floor, can materially affect the passage of any pension bill. We saw the arrearages bill come forward here with a carefully prepared statement that it would drain the Treasury to the extent of about $20,000,000. It has come nearer, or will come nearer before we are done with it, to twenty times $20,000,000. It has seemed to me that if you bring into the House of Representatives any pension bill it will pass. I have as much respect for the members as any man can have; I have respect for their integrity, for their ability, for their disinterestedness of purpose in the main, but I have never yet seen the House brought to a vote on any question of pensions, on a yea-and-nay vote, when the bill failed to pass. If this bill carried instead of a hundred thousand pensioners a million of pensioners, when it comes to the record the result will be the same.

But I wish to enter my protest against the injustice against which the amendment of the gentleman from Ohio [Mr. WARNER] provides, and to give thus briefly my reasons for it. And I would be glad to hear some gentleman state a reason why the man who is now suffering from his disability should get less pension than the widow who married a soldier forty years after the campaign ended. I believe in granting pensions to those who lose life or health in their country's military service, but I would not go about it by methods so flagrantly unjust to him who did the fighting and now survives as I conceive this bill to be.

Mr. JOHNSTON, of Indiana. While I shall vote for this bill in its present condition if I can not do any better, I am not in favor of it as it now stands. I very much regret that any man who pretends to be a friend of the soldier upon this floor should say he is opposed to any amendment to the bill, because if we can pass an amendment we are certainly able to pass the bill. I do not believe it is right or proper to distinguish between the widow of the man who fell upon the battlefield and the widow of the man who got the seeds of disease while serving his country and died from the effects of the disease so contracted simply because the widow is unable to prove that he died from disease contracted in the Army. I do not believe that distinction is right. And I do not believe the principle is right, which the gentleman from Ohio [Mr. WARNER] seeks to ingraft in the bill, that it shall apply only to those who are married now; that if a man who is entitled to a pension marries after this bill passes his widow should not be entitled to draw a pension under this bill.

One word more. We hear gentlemen upon this floor counting what this is to cost. It is right in a matter of this kind that we should look to but one thing and ask what is right and count the cost afterward. It would have been well in 1861, when gentlemen fired upon the flag of their country, to have stopped then and counted what it would cost to pension the maimed men of this country, instead of stopping to count the cost now when it comes to doing justice to the men who saved the life of the nation.

Mr. MILLIKEN. I move to strike out the last word.

The CHAIRMAN. Two amendments are now pending which must first be disposed of. The question is on the amendment of the gentleman from Ohio, which the Clerk will again read.

The Clerk read as follows:

After the word "years," in line 9, insert:

"*Provided*, That this act shall apply only to widows who were married prior to its passage."

Mr. MATSON. I ask that the section be read as it will be if thus amended.

The Clerk read as follows:

That from and after the passage of this act the rate of pension for widows, minor children, and dependent relatives now on the pension-roll, or hereafter to be placed on the pension-roll, and entitled to receive a less rate than hereinafter provided, shall be $12 per month; and nothing herein shall be construed to affect the existing allowance of $2 per month for each child under the age of sixteen years: *Provided*, That this act shall apply only to widows who were married prior to its passage. And all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. TOWNSHEND. I desire to know if a substitute for the amendment is in order?

The CHAIRMAN. It is.

Mr. TOWNSHEND. I desire to offer what I send to the desk as a substitute for the amendment of the gentleman from Ohio.

The Clerk read as follows:

And that if any invalid pensioner, pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died, or shall hereafter die, leaving a widow, or minor children under sixteen years of age, or both, at the date of the death of such pensioner, such widow or minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing law, without being required to prove that the death of such pensioner was due to his military or naval service of the United States.

Mr. MATSON. I make the point of order that there is a bill pending providing substantially the same thing as is provided in that substitute; I know not but it may be in precisely the same language.

Mr. TOWNSHEND. I desire to be heard on the point of order, but I will yield first to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. This question may be as well settled now, as it will probably occur frequently before we conclude the consideration of this bill. Clause 4 of Rule XXI, on page 251 of the Digest, reads as follows:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Now, I believe it is insisted by the chairman of the Committee on Invalid Pensions that if the amendment offered is a provision incorporated in some other bill in connection with other provisions it is obnoxious to the rule. For instance, there is a bill pending before the House containing ten sections, one of these being identical with the propositions of the gentleman from Illinois [Mr. TOWNSHEND]. I say he may offer it as an amendment to another bill. It is not the substance of any other bill pending before the House, but it is an isolated provision taken out of or among others in a bill and is certainly not obnoxious to the rule.

I make this statement because I will offer an amendment, perhaps, that is part of a long bill of many sections. I insist that an amendment to be obnoxious to the rule must be the substance of a bill taking the bill in its entirety.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had concurred in the amendments of the House to the bill (S. 671) making appropriations for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes.

The message further announced that the Senate had passed a resolution, in which the concurrence of the House was requested, for printing 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, together with the testimony; 5,000 for the use of the Senate and 10,000 for the use of the House of Representatives.

PENSIONS OF WIDOWS AND DEPENDENT RELATIVES.

The Committee of the Whole resumed its session.

Mr. TOWNSHEND. The gentleman from Indiana on my left [Mr. MATSON] anticipated one of the questions I intended to discuss in as-

serting that this amendment is obnoxious to a point of order. In the first place, the amendment I have offered is not the substance of a bill or resolution pending. As was stated by the gentleman from Indiana on my right [Mr. BROWNE] there is a bill pending containing some ten provisions; and this amendment may be in substance identical with one of the provisions in that bill. I am willing to confess, and frankly do so, that this amendment is identical with one of the provisions in a bill which I have introduced myself and which is now pending before the Committee on Invalid Pensions, but it does not embrace or include the substance of that bill; it includes only one provision of the bill—a part of the substance of the bill; and it can not be contended or maintained here that in the language of the rule it contains "the substance" of the bill.

Mr. BAYNE. Will the gentleman yield for a question?

Mr. TOWNSHEND. Certainly.

Mr. BAYNE. If the gentleman's argument be correct, can you not add one provision after another by way of amendment and thus get your whole bill in by indirection when you could not get it in directly?

Mr. TOWNSHEND. That is a question that I am not called upon to answer now. It may arise as a proper question when the whole substance of a pending bill has been injected, or is sought to be injected, into another bill. What I hold now, sir, is that under the language of the rule this amendment does not fall within the operation of the point of order unless it contains the substance of a pending bill. What does that mean? It means, of course, if it means anything, the whole substance of a pending bill, not merely a part of the substance of a pending bill, which I frankly confess this amendment is. I insist, therefore, that the amendment does not fall within the fourth clause of Rule XXI, and is not obnoxious to the point of order.

Mr. ROGERS. Just one word, Mr. Chairman. There is a rule of law that you can not do that indirectly which the law prohibits you from doing directly, and if you apply that principle to the question now at bar, it cuts off this amendment clearly and unequivocally. At the last session, if my memory serves me, this question was raised and decided either by the Speaker or the presiding chairman at that time in accordance with the principle I have just announced; for, as the gentleman from Pennsylvania [Mr. BAYNE] has well said, if you could by this method introduce one section of a bill as an amendment, upon the theory that it did not embrace the substance of the whole bill, then you might take up section after section, and thus indirectly incorporate the whole bill as a series of amendments.

Mr. TOWNSHEND. Will my friend from Arkansas [Mr. ROGERS] be kind enough to cite the decisions to which he refers?

Mr. ROGERS. Mr. Chairman, I have just at this moment turned to the new Digest, with which I am not at all familiar, and have not been able to find the rulings; under the circumstances I could scarcely be expected to cite from memory the particulars of any ruling without some reflection.

Mr. TOWNSHEND. What I desire is that the gentleman will cite any decision where the chairman of the Committee of the Whole or the Speaker of the House has ever held that you can not embrace in an amendment the substance of a part of another bill. I wish to be referred to the name of a gentleman who made the ruling and the circumstances under which it was made; for certainly such a ruling ought to have made an impression upon the gentleman's mind.

Mr. ROGERS. Mr. Chairman, I am reminded by a gentleman on my right that Mr. WELLBORN so held this morning. I was not aware of that, however, and I now repeat that I am not familiar with the new Digest, only in print a few days, and that the gentleman from Illinois [Mr. TOWNSHEND] should not expect me to state from memory every transaction that took place in the Forty-eighth Congress.

Mr. TOWNSHEND. I supposed, Mr. Chairman, that so remarkable a ruling would have made such an impression on the gentleman's mind as to have enabled him to refer to it without the aid of the Digest.

Mr. ROGERS. Mr. Chairman, the remarkableness of a ruling depends very much upon the person who is considering it. Many things may appear very remarkable to one who never heard of them that are perfectly familiar to others. It would appear from the gentleman's position here that he forgets the rule of law which I have just stated, that you are not allowed to do indirectly that which the law prohibits you from doing directly; yet that is a rule with which everybody is familiar.

Mr. BROWNE, of Indiana. Does the gentleman undertake to apply that rule of law to this case?

Mr. ROGERS. It is a very sound rule, Mr. Chairman, and I should answer the gentleman's question in the affirmative and as a matter of general parliamentary law. Perhaps it is inapplicable to the case now made.

Mr. DINGLEY. Will the gentleman from Arkansas permit me to direct his attention to a ruling which bears upon the question he is discussing?

Mr. ROGERS. Certainly.

Mr. DINGLEY. On page 271 of the new Digest he will find that Mr. Speaker CARLISLE ruled four times in the last Congress that "where an amendment proposed is one of the subjects or provisions of a pending bill it is not therefore obnoxious to clause 4 of Rule XXI."

Mr. BURROWS. Mr. Chairman, it seems to me this point of order is not well taken. The argument that in this way we might accomplish by indirection what can not be done by direct means does not apply unless you assume that some one will offer every section of the bill referred to. Now, as suggested by the gentleman from Maine [Mr. DINGLEY], this point has been ruled upon at least four times in the last Congress. I hold in my hand the volume containing those rulings. One was made by Mr. Cox, who then presided over the Committee of the Whole, and another by the Speaker. I ask the Clerk to read the ruling of the Speaker in a case where this same point was made.

The Clerk read as follows:

Mr. McCoid moved the previous question on the said amendment;
Pending which,
Mr. Alexander made the point of order that the said amendment was not in order, for the reason that it was a section of the bill (H. R. 4814) submitted by Mr. McCoid as an amendment in the nature of a substitute, and ruled out on a point of order under clause 4 of Rule XXI.
After debate on the point of order,
The Speaker overruled the same on the ground, first, that the Chair could not possibly know in advance that Mr. McCoid intended to follow the proposed amendment by offering as substitutes for the various sections of the pending bill the several sections of the bill referred to by Mr. Alexander and ruled out on a point of order; and secondly, on the ground that it had not been shown to the Chair that the proposed amendment was the substance of the said bill (H. R. 4814).

The CHAIRMAN (Mr. EDEN). Upon the authority which has just been read the Chair overrules the point of order, this amendment being merely a part of a pending bill and not being the substance of that bill.

Mr. TOWNSHEND. Mr. Chairman, I have offered this amendment because I esteem it meritorious and justifiable from every point of view. When a soldier has unfortunately incurred a disability which entitles him to a pension, it does seem to me nothing more than humane and just on the part of the Government that his widow and minor children should be provided with means sufficient to keep them from the poor-house.

I have heard a great deal of denunciation of the present liberal policy of pensioning soldiers. Some gentlemen in voting upon appropriations will "strain at a gnat and swallow a camel." I have known gentlemen who would stand on this floor and insist upon an appropriation of nearly half a million dollars to buy an old building in New York, and yet refuse to grant a pension of $12 a month to the widow of some soldier who gave his health, yea, his life, to preserve the Government.

I am not afraid to announce now and here that I am one of those who believe in liberal appropriations for the soldier—not only the soldier of the late war, but the soldier of every war where citizens of the Republic have sustained the flag of our country. I believe in the policy of pensioning every soldier of every war that this country has ever been engaged in when the soldier has suffered disability by reason of his service for the Government; and when such a soldier has become old and unable to maintain himself, whether he incurred the disability in war or not, I feel it to be a duty resting upon us that we should at least keep him from the poor-house in his old age.

It was for this reason that I introduced into this House at the last session a bill pensioning all the surviving soldiers of the Mexican war, because I believed that the time had come when we should follow the precedents which had been established in reference to the soldiers of the Revolutionary war and the war of 1812. And, sir, when I believe that sufficient time has elapsed since the late war I shall be ready to put upon the pension-roll every man who defended the flag of his country in that war.

Mr. PETTIBONE. So will I.

Mr. TOWNSHEND. In my judgment, no better use can be made of the surplus money in the Treasury than to distribute it among the people through the hands of our Army and Navy pensioners. The money you put into the pocket of the pensioner is not hoarded. It goes into circulation in every neighborhood and helps to increase the internal prosperity of the country.

Mr. HENDERSON, of Iowa. Why is it not as proper now to pension the soldiers of the late war as it will be hereafter?

Mr. TOWNSHEND. Perhaps it might be. That question is not now before me. I will go as far as any man here to pension the soldiers and do full justice to them. If the time has now arrived for putting upon the pension-list all who in the late war fought in behalf of the flag I am ready to do it. I would pension the veterans of the Black Hawk war—the war in which Lincoln was at first enlistment a private, and afterward, when his term expired, re-enlisted and became a captain. I would pension the soldiers of the Creek and Florida Indian wars, and I would pension now, as I have stated, every one of the soldiers that fought for the flag in the Mexican war, their widows and their minor children.

As I have stated, the money paid out of the Treasury to the pensioners does the country more good than any other money that goes out of the Treasury. It goes into circulation. Much of the large sums that you put into the pockets of contractors are hoarded up and to a considerable extent taken out of circulation; but as soon as the poor fellow who has borne his musket in the wars of the Republic receives a pittance of pension-money necessity drives him into the nearest store to pay his bill for the necessaries of life.

[Here the hammer fell.]

Mr. CUTCHEON. Mr. Chairman, I am glad to have the opportunity

to vote for this bill. I shall be glad to have the opportunity to vote for nearly every amendment that has been offered to the bill; and if there is any amendment which more than another it will do my heart good to vote for it is the amendment of my friend from Indiana [Mr. BROWNE]. The amendment offered by the gentleman from Illinois [Mr. TOWNSHEND] extending pensions to the widows of deceased pensioners, without the necessity of proving that the pensioner died from the identical disability for which he was pensioned, meets also my hearty approval.

But, Mr. Chairman, we want first and foremost to secure this meritorious legislation in behalf of the widows of soldiers—to increase their pensions. It is a single issue, and it ought to be an untrammeled issue.

I do not envy the men who can stand up here and oppose increasing the pensions of widows from $8 to $12 a month. I do not know what estimate gentlemen can place upon the value of life, or what estimate such gentlemen can place on the value of the life of the husband to his wife, who will measure it at $96 a year and are opposed to increasing it to the pittance of $144 a year.

But, Mr. Chairman, in the very few moments of time I have I desire to refer to the language of the distinguished gentleman from Texas [Mr. REAGAN], and I am sorry I do not see him in his seat, because what I have to say will refer to him. Yes, I see he is here now. That gentleman in his language has seen fit to impugn the motives, to impugn the integrity, of every gentleman on this floor, on the one side or the other of this House, who votes to increase the pensions for the soldiers of the late war or for their widows or orphans. For one, I do not acknowledge the right and I never will concede the propriety of the gentleman from Texas or any other gentleman on this floor impugning my motives when I vote pensions for the widows of the men who fell in the crash and carnage of battle or for the orphan children they left behind them. The gentleman can look at the subject perhaps more impartially than we can; we never had an opportunity of looking at it from the outside as he has. [Laughter and applause.]

I do not come here, Mr. Chairman, to represent the ninth Congressional district of the State of Michigan to be lectured by the gentleman from Texas on that subject or on any other. So far as I have the privilege of a seat on this floor, in my integrity as a representative of the people of Michigan, I propose to vote for pensions whenever my conscience or my judgment deems it proper to vote for them without asking his permission or the permission of any other gentleman of this House. [Applause.]

The CHAIRMAN. The gentleman's time has expired.

Mr. REAGAN. I hope now the gentleman feels better. [Laughter.]

The CHAIRMAN. In order to avoid confusion, the Chair will first take the vote on the amendment of the gentleman from Kansas [Mr. MORRILL], which was to strike out the words "minor children."

Mr. MATSON. I wish to explain the provisions of the bill so far as that is concerned.

The CHAIRMAN. Debate is exhausted.

Mr. MATSON. I ask unanimous consent for that purpose.

The CHAIRMAN. The Chair hears no objection, and the gentleman will proceed.

Mr. MATSON. The words "minor children" apply only in case of the widow's death. When the widow dies, she at that time drawing a pension and leaving minor children under sixteen years of age, the pension is distributed among them, and that is the reason why the words "minor children" were inserted in the bill. It is expressly provided in another portion of the section that "nothing herein shall be construed to affect the existing laws of $2 per month for each child under the age of sixteen years."

Mr. MORRILL'S amendment was rejected.

The question recurred on Mr. TOWNSHEND'S amendment to the amendment, as follows:

And that if any invalid pensioner, pensioned for a disability contracted in the military or naval service of the United States, and in the line of duty, has died, or shall hereafter die, leaving a widow, or minor child under sixteen years of age, or both, at the date of the death of such pensioner, such widow and minor children shall be entitled, in the order of succession named, to an original pension in their own right, under existing laws, without being required to prove that the death of such pensioner was due to his military or naval service of the United States.

Mr. MATSON. I rise to a parliamentary inquiry. I wish to know where that comes in.

Mr. TOWNSHEND. It is offered as a substitute for the amendment of the gentleman from Ohio [Mr. WARNER].

The committee divided; and there were—ayes 75, noes 95.

Mr. TOWNSHEND demanded tellers.

Tellers were ordered; and Mr. MATSON and Mr. TOWNSHEND were appointed.

The committee again divided; and the tellers reported—ayes 108, noes 115.

So the amendment was rejected.

The question next recurred on the amendment of Mr. WARNER, of Ohio, as follows:

Provided, That this act shall apply only to widows who were married prior to its passage.

The committee divided; and there were—ayes 81, noes 116.

Mr. WARNER, of Ohio, demanded tellers.

Tellers were ordered; and Mr. WARNER, of Ohio, and Mr. STEELE were appointed.

The committee again divided; and the tellers reported—ayes 105, noes 126.

So the amendment was rejected.

Mr. MILLIKEN. I desire to say, Mr. Chairman, a few words on the amendment proposed by the gentleman from Indiana [Mr. BROWNE] to repeal the limit-of-arrears bill.

The CHAIRMAN. The Chair would state that that is not now pending. Does the gentleman move a *pro forma* amendment?

Mr. MILLIKEN. Yes; I move to strike out the last word. If gentlemen of the House feel as I do they will see that that amendment is eminently just.

Mr. SOWDEN. I rise to a point of order, and it is this: That amendment of the gentleman from Indiana is not pending before the House.

The CHAIRMAN. So the Chair announced; but the gentleman submitted an amendment of his own, to strike out the last word, which is in order. The gentleman from Maine will proceed.

Mr. MILLIKEN. I do not understand, Mr. Chairman, if that amendment is a just one, as seems to have been generally conceded during the course of this discussion, why this is not the very best time in the world to pass it. The action of gentlemen in this respect seems to be a good deal like that of old Judge Stebbins, of Maine, at one time, who stated that he was thoroughly in favor of the prohibitory law, but that he was absolutely opposed to enforcing it. Gentlemen seem to be universally in favor of this proposition, but they seem to be opposed to passing it through this House.

There are, sir, three classes of men who are especially interested in this amendment. There is a class of men who did not, when the war closed, apply for pensions, because they were too proud to do so. The same spirit that sustained them in fighting upon the perilous edge of battle, that carried them to the front to defend their country's life, also inspired them when the war was over not to ask a pension at their country's hands. But many of these men have grown old; they have grown poor and helpless, and they find themselves absolutely in need of a pension to enable them to live. There is another class of men who were not in need of a pension or governmental aid at the time the war closed. They had what seemed to be a competence and made no application for a pension.

The same patriotism that inspired them to take up arms in support of their country also inspired them not to ask for a pension until the hour came when poverty and old age forced it upon them. There is another class yet who came out of the war when it was over with wounds and injuries which at the time did not entirely disable them. But time has developed the extent of the injury; old age has grown upon them, and they have become disqualified from earning a livelihood by manual labor. For these men I appeal to the House, and in their behalf ask you not to say that they shall not have their arrears of pensions because they were too modest or too proud or too patriotic to be among the first to rush to the Pension Office and apply for a pension when the war was over. I repeat, sir, I believe this amendment to be an eminently just one; and I do not know why this House, if it so believes, as indicated by this discussion, should not pass it now as well as at any other time. [Applause].

I withdraw the *pro forma* amendment.

Mr. HOLMES. I move to strike out the last word.

Mr. Chairman, I have been somewhat surprised at the opposition that has appeared to this bill, as well as the reasons that have been given as the basis of such opposition. I do not understand that it is urged before this House that the bill is wrong in itself or unjust in any material respect. I do not understand it to be claimed that it is exceeding justice to the people who are to be the beneficiaries under it.

Objection is made largely on questions of expediency, and because it is to take money out of the Treasury of the United States it us urged that we should pause before passing such an act.

Mr. Chairman, when the soldiers of this country, whom these widows and dependent relatives represent, were called on to stand by the flag of the country, they did not stop to discuss questions of expediency; they did not stop to count the cost in money and blood. In my own opinion the only question presented in this bill is just this: Is this a just and proper measure? No matter what the cost may be. This country has not had occasion to go into bankruptcy or to appoint a receiver in order to compromise its indebtedness. It is not a question of cost on the part of the Government. It has granted munificent bequests over all this broad land for the improvement of our water ways, for the construction of railroad lines, and to carry out every substantial matter of internal improvement; and yet it should be remembered that it was only by the aid of these very men and their services in support of the flag of the country that we to-day stand under the Dome of this Capitol a united people.

I can not agree with my distinguished colleague from my own State who spoke so eloquently yesterday upon the amendment proposed by the gentleman from Indiana [Mr. BROWNE]. I believe it is never the wrong time to do the right thing. We know how difficult it is to get pension bills before this House. We know how difficult it is to draw out from the Committee on Invalid Pensions, or rather a majority of

that committee, a bill in aid of the soldiers of this country. I have been on that committee, and know how difficult it is. There are, I dare say, more bills introduced and referred to that committee that affect the pensions of the soldiers of the country than are referred to any other committee upon any other particular legislation; and yet what did we report to this House during the last term of Congress affecting this question? True, gentlemen say this subject is being used as capital to catch votes. Is it not true that the country itself then demands this measure? Is it not true that gentlemen are trying to stay behind and the sentiment of the country is advancing them forward? I am not prepared, sir, to sit here quietly and listen to the denunciations of gentlemen upon this floor of measures of this character; denunciations which they should not indulge in by reason of their antecedents or otherwise. I am not prepared to sit here quietly and hear my motives and the motives of other gentlemen denounced by gentlemen on the other side of the House and criticised as political trickery or demagogy when we ask the support of this House in behalf of our soldiers. While I differ with my distinguished colleague, I believe I am supported by the gentlemen of my delegation on this side of the House in the position I take, that this is the right thing to do and that this is the right time to give the soldiers who deserve well of their country this recognition, not only by their dependent relatives but the soldiers themselves, in the arrears provided for by this amendment.

Is it wrong? No. But, say gentlemen, it will take something out of the Treasury of the country. I am in favor of taking enough out of the Treasury to pay all our debts, this as well as others.

The widows and dependent relatives for whom provision is made in this bill are usually far advanced in years and unable by manual labor to support themselves or the families depending upon them, even to the extent the disabled soldier himself might have done were he living.

Besides, most of the avenues of life open to the male sex are debarred to women, and but a small proportion of the persons who would be beneficiaries under the provisions of this bill have resources for maintaining themselves except by their daily labor.

I know that there are thousands of these sitting by their scanty fires on the bleak prairies of the West who, deprived of their natural protectors by the call of their country, will bless this Congress if it shall perform this act of merited justice.

[Here the hammer fell.]

Mr. HANBACK. Upon yesterday the gentleman from Wisconsin [Mr. BRAGG] used this language:

> My reasons for opposing the proposition coming from the gentleman from Indiana [Mr. BROWNE] may be briefly stated thus: No soldier who suffered a disability sufficient to entitle him to a pension at the hands of the Government failed to know it for twenty years after the war, or waited until he had to be spurred up by some claim agent in the city of Washington, who reminded him that he had been disabled for twenty years and ought to draw a pension for that time.

If the remarks made by the honorable gentleman from Wisconsin were hastily made I simply regret them, but if made with full knowledge of the power of the language he used I repudiate them in the name and behalf of the loyal soldiers of this country.

I live in a State where there are over one hundred thousand soldiers, white and black, from every State in this Union. I know men, hundreds and thousands of them, who were too proud in the earlier days to ask for a pension. I know men who never knew of the arrears-of-pensions act or of the limitation. They lived out upon the far prairies, bravely trying to fight out the great battle of life as they had bravely fought to a glorious conclusion under the flag of their country the battle for the preservation of that country's life. They had no means of knowing these things, and they rested upon what they supposed was their right at any time in the future.

In the name of those men out there and everywhere I denounce the statement which I have read. They were not required by a claim agent to let it be known they were disabled. They bore in themselves continually the shadow of the presence of death. Constantly they were reminded of a disability always existent and still existing. Because they did not know of the limitation, because they were too proud to ask for arrears, it comes with ill-grace now for any man whose name is upon the record of honorable service to his country to charge that these men who to-day are without pensions and who come under the provisions of this limitation have been prompted by the claim agents in Washington.

I am in favor of the bill as proposed by the committee; I am also in favor of the amendment of the gentleman from Indiana [Mr. BROWNE]. One reason why I am in favor of it is because the party I belong to said what I am about to read. This is what the Republican party said at its last national convention. I want to know whether the delegates there meant it or not, and I want to know whether that sentiment is to be voiced here by the representatives of that party to-day or not:

> The grateful thanks of the American people are due to the Union soldiers and sailors of the late war, and the Republican party stands pledged to suitable pensions for all who were disabled and for the widows and orphans of those who died in the war. The Republican party also pledges itself to the repeal of the limitation contained in the arrears act of 1879, so that all invalid soldiers shall share alike and their pensions begin with the date of disability and not with the date of application.

In the name and in behalf of the soldiers of this country who did their duty when their country was not worth a continental if they had not done so, I ask the House to do this act of justice to them and theirs. [Applause.]

Mr. MATSON. I move that the committee do now rise, my purpose being to limit debate on the pending section.

Mr. BROWNE, of Indiana. I wish to make a suggestion to the gentleman from Indiana. As I understand there is no amendment at all now pending to this section. After the next section is read amendments will be offered, and it is probable I will offer one which will open a field for debate on this subject. I suggest that there is no necessity for rising in order to limit debate on the first section.

Mr. MATSON. If no other gentleman desires to speak on the first section I will withdraw the motion.

Mr. EVERHART. I desire to offer an amendment to the first section.

The CHAIRMAN. Does the gentleman from Indiana [Mr. MATSON] withdraw his motion?

Mr. MATSON. I do not.

The question being taken on Mr. MATSON's motion, there were—ayes 102, noes 59.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors, had come to no resolution thereon.

Mr. MATSON. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the unfinished business, being House bill No. 545; and I also move that all debate on the pending section and amendments thereto be limited to five minutes.

The SPEAKER *pro tempore*. The question is first on the motion to limit debate.

The motion was agreed to.

The motion that the House resolve itself into Committee of the Whole House on the state of the Union was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. WELLBORN in the chair.

The CHAIRMAN. The House in Committee of the Whole on the state of the Union resumes consideration of House bill No. 545. The debate on the pending section has been limited by order of the House to five minutes.

Mr. EVERHART. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

> In line 8, section 1, strike out all between the word "and," in line 7, and the word "the," in line 8, and after the word "years," in line 9, add the words "shall be increased to $4 per month;" so that it will read: "And the existing allowanee of $2 per month for each child under the age of sixteen years shall be increased to $4 per month."

The amendment was rejected.

The Clerk read the second section of the bill, as follows:

> SEC. 2. That no claim agent or attorney shall be recognized in the adjudication of claims under this act, nor shall any such person be entitled to receive any compensation whatever for services or pretended services in making applications thereunder.

Mr. SOWDEN. Mr. Chairman, I now offer the amendment which is already at the Clerk's desk as an addition to the second section of the bill.

The Clerk read the amendment, as follows:

> And that if any person shall receive any money, either directly or indirectly, for services actually rendered or alleged to have been rendered in the prosecution of any claims under this act, he or she shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine not exceeding $500, or undergo an imprisonment of not less than six months, or both, or either, at the discretion of the court.

Mr. SOWDEN. Mr. Chairman, the purpose of this amendment is simply to make more effective the provisions of the second section of the bill presented by the Committee on Invalid Pensions. Its object is to prevent the receipt of any money by any one either for services actually redered or for pretended services in securing a settlement or adjustment of any claim under this act. As the bill now stands, with this section unamended, what is there to prevent any attorney or claim agent from making a demand or receiving money from any claimants under this act for either services rendered or for services pretended to have been rendered the claimant in effecting the settlement of his, her, or their claim? The agent or attorney may appear before the Department without coming to the surface by actually appearing of record. There is nothing that can prevent an agent from appearing under cover. He may prepare the application for the allowance of a claim in the name of the applicant, and in this way avoid his appearance of record either as attorney for the claimant or as a pension agent; and what is there to prevent the party preparing the papers in the case in the manner suggested from receiving compensation after the claim has been allowed? Nothing, unless we cure the defect by imposing the penalty proposed by my amendment upon the party who either directly or indirectly receives money from claimants for services rendered or claimed to have been rendered in securing or aiding to secure the settlement of any of their claims.

Now, Mr. Chairman, I hope that this amendment will be adopted. It is offered for the purpose of perfecting the bill. It is not offered with any view of encumbering its provisions, but rather to make them more effective in protecting these beneficiaries, who are worthy of the Government's gratitude, from any imposition at the hands of claim agents of the country. There are amendments now pending, or we have heard speeches upon amendments that are to follow, the merits of which we recognize and most heartily approve. I refer especially to the one offered by the gentleman from Indiana [Mr. BROWNE] and which will soon be reached in its turn. By it he seeks to secure the repeal of the limitation in the arrearages act, which now completely bars these pensioners from receiving the benefits of that legislation because perchance the application was not made in time or the filing of the claim was delayed by circumstances which could not be foreseen. I hope that amendment, however, will not be incorporated in this bill prepared by the Committee on Invalid Pensions and now under discussion.

I desire to see it passed as it came from the committee, with only the addition of the amendment I have offered, and which tends to make it more perfect. If a bill should hereafter be presented to this House embodying the provisions of the amendment proposed by the gentleman from Indiana [Mr. BROWNE] it would receive my cordial support.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SOWDEN] has expired.

Mr. MATSON. Mr. Chairman, the amendment offered by the gentleman from Pennsylvania [Mr. SOWDEN], as I understand it, simply prescribes a penalty against those who take any fee or compensation for procuring these additional pensions?

Mr. SOWDEN. Yes, sir.

Mr. MATSON. The general law now provides a penalty to be imposed upon those who take from an applicant for pension any fee not authorized by law. But I have no objection to this amendment. I would rather have it adopted than occupy time in discussing it.

The question being taken on the amendment of Mr. SOWDEN, it was agreed to.

Mr. BROWNE, of Indiana. I now ask that the amendment suggested by myself at an early stage in the discussion of this bill be read.

The CHAIRMAN. The Clerk will report the amendment now offered by the gentleman from Indiana [Mr. BROWNE].

The Clerk read as follows:

That the proviso to the second section of an act entitled "An act making appropriations for the payment of arrears of pensions granted by act of Congress, approved January 25, 1879," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. ROGERS. I rise to a point of order.

Mr. BROWNE, of Indiana. Will the gentleman from Arkansas [Mr. ROGERS] allow me to appeal to him to permit me to speak five minutes on this question before he presents his point of order?

Mr. ROGERS. If I can reserve my point of order, I will of course extend to the gentleman the courtesy he asks.

Mr. BROWNE, of Indiana. The point of order will, I think, be reserved by unanimous consent.

The CHAIRMAN. It can be done by unanimous consent.

Mr. ROGERS. The chairman of the Committee on Invalid Pensions [Mr. MATSON], who has this bill in charge, does not desire the debate to go on unless it can proceed upon both sides. Therefore I insist on the point of order.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. ROGERS. I submit that the amendment is obnoxious to clause 4 of Rule XXI; and I make the additional point, though with some doubt as to its correctness, that the amendment is not germane to the subject-matter. I should like to be indulged in a few remarks on this point of order.

The CHAIRMAN. The Chair desires to hear the gentleman.

Mr. ROGERS. In the discussion of a similar question a few moments ago I said that, if my memory served me rightly, the Speaker or a chairman of the Committee of the Whole, I was not sure which, had held in the last Congress that where an amendment was offered which was a section or the substance of a section of another bill then pending in the House it was obnoxious to the clause of the rule I have cited. I desire now to correct that statement, because I find that my memory did not serve me correctly. I am informed such had been the ruling prior to that time, and I suppose I got the impression stated from the discussion at that time.

But the amendment now offered by the gentleman from Indiana [Mr. BROWNE] is, I think, clearly obnoxious to clause 4, Rule XXI. I hold in my hand two bills, one of which (H. R. 540), introduced by the gentleman from Indiana [Mr. MATSON], seeks to accomplish precisely the same object that the amendment of the gentleman from Indiana [Mr. BROWNE] endeavors to accomplish. I will send the bill to the Chair. From information in my possession I think, though I have not here the bills themselves, that there are perhaps half a dozen bills looking to this same object. I have here one, introduced by the gentleman from Ohio [Mr. GROSVENOR], the first section of which embodies if I am not mistaken, the same idea as the amendment now proposed.

Mr. Chairman, the RECORD shows also that the gentleman from Nebraska [Mr. LAIRD] introduced a similar bill—a bill proposing to accomplish the very same purposes sought by the amendment of the gentleman from Indiana.

The provision of the statute which the gentleman from Indiana seeks to repeal is found in the twentieth volume of the Statutes at Large, page 470. He proposes to repeal the proviso of section 2 of the act of March 3, 1879, that proviso being in these words:

Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of filing the application; but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years of age.

That is one of the provisos of the sections proposed to be repealed. The other is found on page 265 of the same volume, and is the proviso to the second section of the act of March 3, 1873.

Now I think, by a comparison of these provisions of the statutes (which I will send to the desk) with the bill of the gentleman from Indiana [Mr. MATSON], the Chair will find that the object sought to be accomplished by the amendment of the gentleman from Indiana on the other side [Mr. BROWNE] is covered in substance by the bill of his colleague on this side [Mr. MATSON].

Mr. BROWNE, of Indiana. Mr. Chairman, I can not discuss this question unless I have an opportunity to see the bills referred to.

The CHAIRMAN. The Chair will give the gentleman that opportunity.

Mr. ROGERS. I send to the desk another bill for the information of the Chair.

Mr. BROWNE, of Indiana. Mr. Chairman, the act of January 25, 1879, provides for the payment of arrearages of pensions, that act being usually denominated "the arrearage-of-pensions act." The act of March 3, 1879, simply makes appropriations to execute the provisions of the arrearage act, adding, however, a section which defines the manner in which the arrearages shall be computed; and there is also a general proviso that no claim shall be paid under the operations of the law unless presented on or before the 1st of July, 1880.

Now, my proposition is simply to repeal the proviso. It does not add a word to any statute. It does not pretend to prescribe the condition on which any payment may be made, but simply takes away the proviso by which all that remains of both these two statutes is left operative.

In order to determine whether or not either of the two bills is substantially my proposition I will be compelled to read the bills and also the first section of the arrearages act. That first section I will let the Clerk read, and he may as well read the third section, too.

The Clerk read as follows:

SEC. 1. That all pensions which have been granted under the general laws regulating pensions, or may hereafter be granted, in consequence of death from a cause which originated in the United States service during the continuance of the late war of the rebellion, or in consequence of wounds, injuries, or disease received or contracted in said service during said war of the rebellion, shall commence from the date of the death or discharge from said service of the person on whose account the claim has been or shall hereafter be granted, or from the termination of the right of the party having prior title to such pension: *Provided*, The rate of pension for the intervening time for which arrears of pension are hereby granted shall be the same per month for which the pension was originally granted.

SEC. 3. That section 4717 of the Revised Statutes of the United States, which provides that—

"No claim for pension not prosecuted to a successful issue within five years from the date of filing the same shall be admitted without record evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension Office, to the Adjutant-General of the Army or the Surgeon-General of the Navy evidence that the disease or injury, which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed"—

be, and the same is hereby, repealed.

Mr. ROGERS. In order to elucidate the act will the gentleman from Indiana let his amendment be read right now?

Mr. BROWNE, of Indiana. Certainly.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Indiana.

The Clerk read as follows:

That the proviso to the second section of the act entitled "An act making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879, approved March 3, 1879," be, and the same is hereby, repealed.

Mr. BROWNE, of Indiana. Now, if the Chair has that appropriation act, I would be glad if the Clerk would read the proviso which the bill proposes to repeal.

Mr. ROGERS. Let me suggest to the gentleman from Indiana there is no proviso in the act of January 25, 1879.

Mr. BROWNE, of Indiana. I am aware of that; it is the act of March 3, 1879.

Mr. ROGERS. Does not your amendment designate it improperly?

Mr. BROWNE, of Indiana. I think not.

Mr. ROGERS. I think so, if you will listen to it.

Mr. BROWNE, of Indiana. It provides that the second section of the act of March 3, 1879, which limits the operation of the act of January 25, 1879, shall be repealed.

The CHAIRMAN. The Clerk will report the proviso which the gentleman proposes to repeal by the amendment which he has offered.

Mr. BROWNE, of Indiana. I am sure my amendment is drawn correctly. It may have been printed incorrectly.

Mr. ROGERS. I think the Clerk has read it incorrectly. It does not prescribe——

The CHAIRMAN. The Chair will have the amendment reported by the Clerk.

Mr. ROGERS. Let me say there is no proviso to the second section.

Mr. BROWNE, of Indiana. Of March 3, 1879?

Mr. ROGERS. But he says January 25, 1879.

Mr. BROWNE, of Indiana. If the gentleman will only pay attention he will see it is all right.

The amendment was again read.

The CHAIRMAN. The Clerk will finish the reading of the proviso.

The Clerk read as follows:

Provided, That the application for such pension has been or is hereafter filed with the Commissioner of Pensions prior to the 1st day of July, 1880, otherwise the pension shall commence from the date of the filing of the application, but the limitation herein prescribed shall not apply to claims by or in behalf of insane persons or children under sixteen years of age.

Mr. BROWNE, of Indiana. I would like now to see the two bills to which the gentleman from Arkansas has referred.

The CHAIRMAN. The Chair will send them to the gentleman from Indiana.

Mr. BROWNE, of Indiana. Now, Mr. Chairman, if the committee will get back to the proposition I will repeat it. A general law was passed granting arrearages of pensions to certain persons who are prescribed in its first section. That law was passed on the 25th of January, 1879. On the 3d of March, 1879, the House appropriated the money for the payment of those arrearages, and the second section of that act of the 3d of March, 1879, contains a proviso substantially saying that unless the claim is presented on or before the 1st of July, 1880, the claimant shall not receive his pay.

My proposition is to repeal that proviso. Its effect is to leave all of the other legislation of Congress, and especially the act of the 25th of January, 1879, and the residue of the act of March 3, 1879, operative and in full force. As I stated before, the adoption of this amendment does not add a word to any statute of the United States on the subject of pensions. Or, in other words, having taken from the second section the proviso, it leaves all the balance of the legislation of Congress operative and in full force.

Now, it is said that there are bills pending which, under the fourth clause of the twenty-first rule, render the proposition I have submitted out of order as an amendment to this bill. I believe it is not insisted by the gentleman from Arkansas now that, if a similar proposition is inserted in some other bill but associated with other measures, for that reason it ought to be rejected under the point of order. But two bills, plain and simple, containing but single propositions, have been referred to as being substantially what is, or what will result from the adoption of, my amendment, and hence render the amendment subject to the point of order. The first is:

That all acts and parts of acts by which the time is limited for filing meritorious applications for pensions, and having them duly considered and allowed when supported by satisfactory proofs, are hereby repealed.

This is House bill No. 482, introduced by my colleague [Mr. LOWRY]. Now I confess that I cannot find, within the short time that I have had to examine the statutes, to what subjects this may be applied. What construction may be placed on it by the Pension Bureau in the event it is passed by the Congress of the United States I do not know. It says, and I will repeat it:

That all acts and parts of acts by which the time is limited for filing meritorious applications for pensions, and having them duly considered and allowed when supported by satisfactory proofs, are hereby repealed.

I do not believe that any lawyer will construe this into making a claim relate back to the time when the injury was incurred, or when the claimant was discharged from the military service in consequence of it. But it does provide that there shall be no limitation as to the time for filing meritorious applications for pensions. That is all.

Why, Mr. Chairman, I do not know of any law now that limits the time within which meritorious applications for pensions may be filed. They are being filed under the law every day. The proposition that this comes within the purview of my amendment, so as to render the amendment subject to the point of order, I think need not be discussed for a single moment.

Let me emphasize it, however, as I feel very much interested in this measure:

All acts and parts of acts by which the time is limited for filing meritorious applications for pensions.

Why, this arrearage act nowhere contains a limitation on the time within which meritorious applications for pensions shall be filed. The arrearage act simply refers to the time to which the allowance of pension shall relate. That is all. If the application be filed now it relates to the date of application; if it had been filed before the operation of the arrearage act it would go back to the antecedent time; and the limitation in the act of the 3d of March, 1879, is a limitation upon so much of the bill as makes the pension retroactive. It does not pretend to limit the time within which the claim shall be filed; and if this amounts to anything, it is at most but to repeal some general statute of limitation by which at some time a pension claim would be barred.

The next bill introduced by my friend the chairman of the Committee on Invalid Pensions provides:

That from and after the passage of this act all pensions now in force, or in all pensions hereafter granted, the same shall begin with the date of the discharge of the claimant, or in case of claims of widows and dependent relatives, with the date of the death of the soldier on whose account said pension is granted.

SEC. 2. That all laws and parts of laws in conflict with the foregoing provision are hereby repealed.

And my friend who sits near me here [Mr. CASWELL] suggests to me a conclusive answer to the point made as to this bill. If the Chair will examine he will find that the act of the 3d of March, 1879, provides a method in which the antecedent pension, the arrearages, shall be computed. That is to say, if a pension is for total disability, and when the claim was originally allowed the rate was $34 a month, which was subsequently, a year after we will say, increased to $50, and after another year it went to $72 a month, this act of the 3d of March, 1879, provides that the Secretary of the Interior in making the rating shall compute the time under which the pension was operative under each of the several ratings. Now, under the original act, and I desire the Chair to pay attention to it—under the original act which was sought to be amended by the act of the 3d of March, 1879, there was a general provision almost in the language of the bill of my friend the chairman of the Committee on Invalid Pensions. It was a general provision that all pensions should relate back to the date of the discharge; but it did not provide any method for the computation of the pension—I mean the pension that would accrue under the act antecedent to the time that the pension was granted under the certificate of the Pension Office.

Now let me say that if this bill is to pass—and I desire to impress it upon the Chair and the gentleman from Arkansas—I ask him as a lawyer if this bill is to pass in what way will you compute these arrears of pensions? I wish the gentleman would answer the question, and I give him the question now that he may have the opportunity of making the answer. This bill expressly provides—

That from and after the passage of this act all pensions now in force, or in all pensions hereafter granted, the same shall begin with the date of the discharge of the claimant.

I need not read any further.

The same shall begin from the date of the discharge of the claimant.

Now let me ask my friend this question: Suppose when the disability was incurred the claimant would have been entitled to $2 month, and suppose afterward it increased so the rating would have been $4 per month, and when it had further increased to $6 the pension was granted at that rate; then suppose there was another increase of disability and the evidence showed that for a certain period he was entitled to $8 a month and he was pensioned at that rate; and suppose after the pension was granted it was increased by act of Congress from time to time; let me ask you how, under the provisions of this bill, this pension would be rated? It could not be rated at all. It provides no method for computation. It is not rated at all by any law of Congress. Suppose you find this rating in the act of 3d of March, 1879—and so far as that provision in that act is concerned this bill by operation of law repeals it—it sends the pension back to the date of its allowance at the rate that the pensioner is receiving at the time the application for the retroactive pension is made. That is what it does.

Mr. Chairman, there is another thing that is equally conclusive, if not more so. This arrearage act did not create an original pension. It simply granted arrearages of pay in certain cases. It referred to cases that were pending, to be sure, and those that would be filed afterward. Now, suppose that under this bill application is filed for a pension, and suppose an application is made by one who has already been pensioned and has received or has not received the benefits of the arrearage act, what kind of construction will the Commissioner of Pensions put upon the act, and will it be construed to apply at all to any act that is barred by the statute of limitations?

Mr. ROGERS. Will the gentleman from Indiana permit me to send up a bill of Mr. HENDERSON'S on the same subject? I will follow that up by the bill of Mr. LAIRD.

Mr. BROWNE, of Indiana. I do not care to discuss these bills further.

Mr. CASWELL. I desire to make a further suggestion in aid of the point made by the gentleman from Indiana. This bill if enacted would not extend to the class of cases that were filed prior to July 1, 1880, and already entitled to pension certificates. This only applies to pensions hereafter granted. The object is to extend the operation of the pensions back to the time of discharge. It would not reach that class of cases where the claim was filed since the arrears act took effect if they were granted before the passage of this act. That would be a large class it would not extend to.

Mr. BROWNE, of Indiana. The gentleman from Arkansas will allow me to say the bill he last sent up, that of Mr. HENDERSON, is obnox-

ious to the same objection I made to another, that it provides no method of computing arrears of pensions, but leaves it as it would have been under the original act of January 25, 1879.

Mr. ROGERS rose.

Mr. MATSON. The gentleman from Arkansas [Mr. ROGERS] I understand desires further to examine this question. I move that the committee now rise. It is a very important matter, and we desire it to be thoroughly discussed and thoroughly investigated on both sides.

The motion of Mr. MATSON was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker *pro tempore*, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors, had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for Army purposes.

CHANGE OF REFERENCE.

The SPEAKER *pro tempore*. The Clerk will read the title of a bill which has been improperly referred.

The Clerk read as follows:

A bill (H. R. 1561) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect.

The SPEAKER *pro tempore*. This bill was improperly referred to the Committee on Claims. It should be referred to the Committe on Ways and Means.

Mr. MORRISON. I object.

The SPEAKER *pro tempore*. It is not a private bill, but a bill relating to duties upon goods on shipboard when the tariff act went into effect. It properly goes to the Ways and Means Committee.

The objection being withdrawn, the Committee on Claims was discharged from the further consideration of the bill, and it was referred to the Committee on Ways and Means.

FREE MAIL DELIVERY SYSTEM.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. 4414) to extend the free-delivery system of the Post-Office Department, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ALLOWANCES FOR CLERK-HIRE TO POSTMASTERS.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4415) to make the allowances for clerk-hire to postmasters of first and second class post-offices cover the cost of clerical labor in the money-order business, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FUND FOR RAILWAY POSTAL CLERKS.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4416) to provide a fund for railway postal clerks and for the care and distribution thereof; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

DELIVERY OF LETTERS IN CARE OF HOTELS AND CLUBS.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4417) to facilitate the transmission and delivery of letters addressed in care of hotels and clubs; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

READJUSTMENT OF POSTMASTERS' SALARIES.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4418) to limit the time in which the applications of certain postmasters for readjustment of salaries may be made; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ADDITIONAL ASSISTANT POSTMASTER-GENERAL.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4419) to authorize the appointment of an additional assistant postmaster-general, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

POSTAL LAWS AND REGULATIONS.

Mr. BLOUNT, by unanimous consent, also introduced a bill (H. R. 4420) to authorize the publication of a new edition of the Postal Laws and Regulations; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. HAMMOND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 14 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEAN: Preamble and resolutions of citizens of Tombstone to the governor of Arizona to convene the Legislature to provide ways and means to render life and property safe from hostile Indians in Arizona—to the Committee on the Territories.

Also, petition of citizens of Graham County, Arizona, for removal of the Indians from San Carlos reservation—to the same committee.

By Mr. BENNETT: Petition of Hardy Summerline, of Brunswick County, North Carolina, for the reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of George Seamone, for a pension—to the Committee on Pensions.

By Mr. T. M BROWNE: Petitions of Capt. H. H. Darter and 120 others, ex-soldiers and citizens, Delaware County; and of Alexander C. Walker and 85 others, ex-soldiers and citizens, of Wayne County, Indiana, for a service pension for all soldiers and sailors of the late war, and for other purposes—to the Committee on Invalid Pensions.

By Mr. CLEMENTS: Memorial of John F. Paxon, for adjustment of certain postmasters' salaries—to the Committee on Claims.

By Mr. CURTIN: Petition of cigar-makers and tobacco-growers of Clinton County, Pennsylvania, asking an increase of tariff on Sumatra wrappers and binders to $1 per pound—to the Committee on Ways and Means.

By Mr. CUTCHEON: Memorial of Alonzo Smith, Post 356, Department of New York, Grand Army of the Republic, with reference to military record of Charles W. Lambert, late Company F, One hundred and fifty-second New York Volunteers—to the Committee on Military Affairs.

By Mr. GALLINGER: Affidavit in support of bill (H. R. 3543) granting a pension to Mary A. Moulton—to the Committee on Invalid Pensions.

By Mr. GLASS: A bill to improve the navigation of the Forked Deer River, in West Tennessee, and appropriating $10,000 therefor—to the Committee on Rivers and Harbors.

By Mr. R. S. GREEN: Memorial against bills Nos. 1220 and 1601—to the Committee on Commerce.

By Mr. HAYDEN: Petition of A. A. Sherman and others, of Lexington, Mass., in aid of Fitz-John Porter—to the Committee on Military Affairs.

By Mr. HERMAN: Petition of John Campbell, of Oregon, for relief—to the Committee on War Claims.

By Mr. HEWITT: Petition of the Mutual Life Insurance Company of New York, for an appropriation to discharge liens and expenses upon the old post-office site purchased by them in the city of New York—to the Committee on Claims.

By Mr. KLEINER: Petition of citizens of Lynnville, Warrick County, Indiana, asking a pension of $8 per month to the honorably discharged soldiers of the Union Army—to the Committee on Invalid Pensions.

By Mr. LOVERING: Papers relating to the resolution in favor of Seth Wilmarth, of Malden, Mass.—to the Committee on Claims.

By Mr. McKINLEY: Resolution of the district convention of the Knights of Labor held at Canton, Ohio, protesting against the demonetization of silver, and urging the passage of the Bland silver bill—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLARD: Petition of S. N. Hess and others, asking a pension for all honorably discharged soldiers suffering under disability—to the Committee on Invalid Pensions.

Also, petition of George Kent & Co. and others, of Binghamton, N. Y., opposing any increase of tariff on Sumatra tobacco—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of R. C. Barless and others, in favor of bill (H. R. 3549) granting a pension to Theodore McWharf—to the Committee on Invalid Pensions.

Also, affidavit of Mrs. L. S. Parker, for payment of readjusted salary of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. SENEY: Petition of F. E. Willard and 6 others, to so amend the Constitution as to confer suffrage on females—to the Committee on the Judiciary.

By Mr. SWOPE: Petition of 400 tobacco-growers and others, of York County, Pennsylvania, asking that section 2 of Schedule F, tariff act of 1883, relative to the importation of tobacco, be amended—to the Committee on Ways and Means.

By Mr. WILLIAM WARNER: A petition of Capt. F. C. Jones and 3,668 others, officers and soldiers of the late war from the States of Missouri, Illinois, Pennsylvania, New York, Nebraska, Iowa, Delaware, Connecticut, Michigan, Kansas, Vermont, New Hampshire, Ohio, Massachusetts, Indiana, West Virginia, New Jersey, Wisconsin, Maryland, and the Territories of Dakota and Washington, asking relief of certain volunteer officers who enlisted early in the war and were promoted—to the Committee on Military Affairs.

By Mr. WELLBORN: Papers relating to the claim of John C. Jones—to the Committee on Claims.

By Mr. WHEELER: Memorial of Catherine Herston, widow of Wm. C. Herston, praying the reference of her claim to the Court of Claims—to the Committee on War Claims.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. GILFILLAN: Of citizens of Hennepin County, Minnesota.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 22, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CONTINGENT FUND, NAVY DEPARTMENT.

The SPEAKER laid before the House a letter from the acting Secretary of the Navy, transmitting a statement of expenditures of the contingent fund of the Navy Department for the fiscal year ended June 30, 1885; which was referred to the Committee on Expenditures in the Navy Department.

PRINTING OF REPORT ON INTERSTATE COMMERCE.

The SPEAKER. In accordance with the statute, the Chair also lays before the House, for reference to the Committee on Printing, the following Senate concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That 15,000 additional copies of the report of the Senate Select Committee on Interstate Commerce, together with the testimony, be printed; 5,000 for the use of the Senate and 10,000 for the use of the House of Representatives.

The resolution was referred to the Committee on Printing.

WITHDRAWAL OF PAPERS.

Mr. WHITE, of Pennsylvania, by unanimous consent, obtained leave to withdraw the application, affidavits, and all the papers in the claim of Alexander Goble, late corporal Company F, Sixty-third Regiment, and Company H, One hundred and fifth Regiment, Pennsylvania Volunteers, from the files of the House without leaving copies, no adverse report having been made thereon.

REPORT ON WAGES.

Mr. FARQUHAR. Mr. Speaker, I am instructed by the Committee on Printing to make a privileged report, and to ask for its present consideration.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on Printing, to whom was referred the joint resolution (H. Res. 57), to print an addition to a report on wages ordered printed January 17, 1884, report the same back to the House, and recommend its passage.

The joint resolution as reported is as follows:

Resolved, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to print, as an addition to the report on the statistics of wages in manufacturing industries, prepared by Mr. Joseph D. Weeks, and ordered printed by the House of Representatives January 17, 1884, a report on the relative wages in the United States and Great Britain, compiled by Mr. Weeks.

SEC. 2. That a sum not to exceed $500 be, and hereby is, appropriated to prepare said report for publication.

The SPEAKER. The committee do not seem to have submitted any estimate of the cost of the proposed printing.

Mr. FARQUHAR. The estimate is that the cost will not exceed $400; $350 is the amount proposed.

The SPEAKER. For the printing?

Mr. FARQUHAR. For the printing of this addition to the report on wages.

The SPEAKER. The rules of the House require the committee to present in each case an estimate of the cost of the printing proposed, but that point seems not to be made in this case. The question is on the adoption of the resolution.

The resolution was concurred in.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HENDERSON, of North Carolina, indefinitely, on account of sickness in his family.

To Mr. GIBSON, of Maryland, for two days.

ORDER OF BUSINESS.

The SPEAKER. This being Friday, the Chair will proceed to call the committees for reports of bills of a private nature.

ERASURE OF INSCRIPTIONS, NORFOLK NAVY-YARD.

Mr. HERBERT. Mr. Speaker, I rise for the purpose of presenting a privileged report from the Committee on Naval Affairs. The committee instruct me to report back a resolution, which was referred to them, with certain amendments; and I ask that the report be read, after which I shall demand the previous question upon the report and amendments.

The Clerk read as follows:

The Committee on Naval Affairs has had under consideration the resolution referred to it by the House of Representatives, making inquiries of the honorable Secretary of the Navy relating to the alleged erasure of certain inscriptions at the Norfolk navy-yard and other matters, and beg leave to report back the said resolution and recommend its passage with the following amendments thereto:

Amend by inserting the word "and" between the words "ordered" and "upon," in the resolution, and by striking out after the words "what authority," in the resolution, and inserting in lieu of the words stricken out the following:

"Honorable inscriptions have been obliterated and honorably discharged soldiers and sailors of the United States have at any time been dismissed from the Norfolk navy-yard, and to transmit to this House copies of all correspondence in relation to dismissals or details made by order of the Secretary of the Navy, or his immediate predecessor, at the Norfolk navy-yard or in the light-house."

The resolution as amended will read, as follows:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to this House such information as he possesses concerning the truth or falsity of certain statements which have appeared in the public prints, as follows:

"First. That the commandant at the United States navy-yard at Norfolk, Va., has caused the honorable inscriptions heretofore borne upon the cannon captured by the United States military or naval forces to be obliterated.

"Second. That said commandant has caused to be removed from the dry-dock at that navy-yard the tablet placed there at the time of its reconstruction, and bearing the inscription:

"'Destroyed by the rebels in 1862. Rebuilt by the United States Government in 1863.

"'J. W. LIVINGSTON,
"'*Commandant.*
"'W. H. LYONS,
"'*Superintendent of Machinery.*'

"Third. That because of his protest against the removal of said inscription the superintendent who was in charge of the work of rebuilding said dock, and who had faithfully served the Government for many years, has been removed from his position and a person who engaged in military service against the Government appointed in his place.

"Fourth. That in disregard of that 'grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country,' invoked by sections 1753 and 1754 of the Revised Statutes, a number of such honorably discharged soldiers or sailors of the United States has been dismissed from employment at said navy-yard and their places filled by men who fought against the Government during the late rebellion.'"

And be it further resolved, That if said foregoing allegations are true, the Secretary of the Navy be, and he is hereby, requested to inform this House upon whose order and upon what authority honorable inscriptions have been obliterated, and honorably discharged soldiers and sailors of the United States have at any time been dismissed from the Norfolk navy-yard; and to transmit to this House copies of all correspondence in relation to dismissals or details made by order of the Secretary of the Navy, or his immediate predecessor, at the Norfolk navy-yard, or in the light-house district in which said navy-yard is situated.

Mr. HERBERT. I demand the previous question on the report and amendments.

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The gentleman from Alabama demands the previous question on the adoption of the report and amendments.

Mr. BOUTELLE. I desire to inquire, Mr. Speaker, whether the previous question, if ordered, will cut off an opportunity for amendment in the House.

The SPEAKER. It will; but there will be debate allowed under the rule for thirty minutes.

Mr. BOUTELLE. I would like to ask my friend the chairman of the Committee on Naval Affairs if his object in demanding the previous question is to prevent a statement of the facts upon which this resolution was based.

Mr. HERBERT. The gentleman will have fifteen minutes within which to make his statement of facts. The resolution as amended calls for substantially all of the facts demanded by the resolution he submitted. It is in substance the same as the resolution originally introduced by the gentleman himself, except that it is broader; and he will have, I repeat, fifteen minutes within which to make his statement of facts.

Mr. BOUTELLE. Then I understand the object is to cut off amendment and to limit the statement to fifteen minutes.

Several members demanded the regular order.

The SPEAKER. The question is on ordering the previous question.

The House divided; and there were—ayes 87, noes 84.

Mr. REED, of Maine, demanded tellers.

Tellers were ordered.

Mr. HERBERT and Mr. BOUTELLE were appointed tellers.

The House again divided; and the tellers reported—ayes 111, noes 7.

Mr. PERKINS. No quorum.

Mr. HERBERT. It is very evident that gentlemen do not want their own interrogatories answered; I therefore withdraw the report. [Applause on the Democratic side.]

Mr. BOUTELLE. Mr. Speaker, I object to the withdrawal of the report, if it is within my parliamentary privilege to do so.

The SPEAKER. The report has not yet been acted upon by the House——

Mr. REED, of Maine. But, Mr. Speaker, it is being acted upon by the House. It is now in the possession of the House, and must be disposed of by the House.

The SPEAKER. The gentleman from Alabama made the report from the committee, and thereupon demanded the previous question upon the adoption of the amendment and the report. The Chair will examine the rule.

Mr. HERBERT. I retain the floor while this point is pending.

Mr. SPRINGER. Clause 2 of Rule XVI applies to this. It will be found on page 248 of the Digest.

Mr. HERBERT. I believe I have the right to withdraw the report before it is acted upon.

The SPEAKER. The Chair will cause the rule to be read.

The Clerk read as follows:

Clause 2, Rule XVI. When a motion has been made, the Speaker shall state it, or (if it be in writing) cause it to be read aloud by the Clerk before being debated, and it shall then be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

Mr. REED, of Maine. But this is a report of a committee, not a motion of an individual member.

The SPEAKER. The Chair thinks a proper construction of this rule is that it applies only to those motions made by members personally, on the floor, over which the member himself ought, as a matter of justice, to have control until a decision has been reached upon them by the House. Such a motion may be modified by the member introducing it at any time before final action is taken, and its character may be changed. But this is a report of a committee of the House, made to the House by the authority of the committee, and the Chair thinks that the gentleman himself can not withdraw it without the leave of the House. [Applause on the Republican side.]

Mr. REED, of Maine. I suggest to the gentleman from Alabama that he allow amendments to be offered by his colleague on the committee.

Mr. HERBERT. I have no instructions to allow any amendments. This matter was considered in the committee, and I make the report in obedience to the action of the committee.

Mr. REED, of Maine. But the chairman of the committee can allow an amendment to be offered.

Mr. HERBERT. I decline to allow it.

Mr. REED, of Maine. There is a sufficient majority on the other side of the House to keep down any really obnoxious amendments.

Mr. HERBERT. The resolution embodies substantially all the inquiries contained in the original resolution. I move that there be a call of the House.

Mr. BOUTELLE. I would like to ask the chairman of the committee——

Many MEMBERS on the Democratic side. Regular order!

The SPEAKER. The regular order is demanded.

Mr. BOUTELLE. I am addressing myself to the chairman of the committee. [Renewed cries of "Regular order!"] Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. If I am not to be allowed to address the chairman of the Committee I will address the Speaker.

Mr. HERBERT. I have stated that I would answer the gentleman's question.

Mr. HAMMOND. I call for the regular order.

The SPEAKER. The gentleman from Maine will state his inquiry.

Mr. BOUTELLE. I ask whether the chairman of the committee has stated to the House that the Committee on Naval Affairs instructed him to call the previous question upon this report.

The SPEAKER. The Chair did not observe the statement the gentleman made.

Mr. HERBERT. I made no such statement.

Mr. MCMILLIN. I suggest that the matter is immaterial. The gentleman from Alabama [Mr. HERBERT] has the right to call the previous question without instructions from his committee.

Mr. BOUTELLE. He was not so instructed.

Mr. RANDALL. Gentlemen have no right to make inquiries or statements as to what occurred in the committee.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] moves a call of the House.

The question being taken on ordering a call of the House, there were—ayes 94, noes 86.

Mr. BOUTELLE. I call for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 155, nays 123, not voting 46; as follows:

YEAS—155.

Adams, J. J.	Bynum,	Curtin,	Geddes,
Allen, J. M.	Cabell,	Dargan,	Gibson, Eustace
Anderson, C. M.	Caldwell,	Davidson, A. C.	Glass,
Ballentine,	Campbell, Felix	Davidson, R. H. M.	Green, R. S.
Barbour,	Campbell, T. J.	Dawson,	Hale,
Barksdale,	Candler,	Dibble,	Hall,
Barnes,	Catchings,	Dockery,	Halsell,
Barry,	Clardy,	Dougherty,	Hammond,
Beach,	Clements,	Dowdney,	Harris,
Belmont,	Cobb,	Dunn,	Hatch,
Bennett,	Cole,	Eden,	Heard,
Blanchard,	Collins,	Eldredge,	Hemphill,
Bland,	Compton,	Ellsberry,	Herbert,
Bliss,	Comstock,	Fisher,	Hewitt,
Blount,	Cowles,	Foran,	Holman,
Boyle,	Cox,	Ford,	Howard,
Bragg,	Crisp,	Forney,	Hutton,
Breckinridge, C. R.	Croxton,	Frederick,	Irion,
Breckinridge, WCP.	Culberson,	Gay,	Johnston, T. D.
Jones, J. H.	Mills,	Richardson,	Throckmorton,
Jones, J. T.	Mitchell,	Robertson,	Tillman,
Kleiner,	Morgan,	Rogers,	Townshend,
Laffoon,	Morrison,	Sadler,	Trigg,
Landes,	Muller,	Sayers,	Tucker,
Lanham,	Murphy,	Seney,	Turner,
Le Fevre,	Neal,	Seymour,	Van Eaton,
Lore,	Neece,	Singleton,	Viele,
Lovering,	Norwood,	Skinner,	Ward, J. H.
Lowry,	Oates,	Snyder,	Ward, T. B.
Mahoney,	O'Ferrall,	Spriggs,	Warner, A. J.
Martin,	Outhwaite,	Springer,	Weaver, J. B.
Matson,	Peel,	St. Martin,	Wellborn,
Maybury,	Perry,	Stone, W. J., of Ky.	Wheeler,
McAdoo,	Pidcock,	Stone, W. J., of Mo.	Wilkins,
McCreary,	Pindar,	Storm,	Wilson,
McMillin,	Randall,	Swope,	Wise,
McRae,	Reagan,	Tarsney,	Wolford,
Merriman,	Reid, J. W.	Taulbee,	Worthington.
Miller,	Reese,	Taylor, J. M.	

NAYS—123.

Adams, G. E.	Fleeger,	Lyman,	Rowell,
Allen, C. H.	Fuller,	McComas,	Ryan,
Anderson, J. A.	Gallinger,	McKenna,	Sawyer,
Atkinson,	Gilfillan,	McKinley,	Sessions,
Baker,	Grosvenor,	Millard,	Smalls,
Bayne,	Guenther,	Milliken,	Spooner,
Bound,	Hahn,	Moffatt,	Stephenson,
Boutelle,	Hanback,	Morrill,	Stewart, J. W.
Brady,	Hayden,	Morrow,	Strait,
Browne, T. M.	Haynes,	Negley,	Struble.
Brown, C. E.	Henderson, D. B.	Nelson,	Swinburne,
Brown, W. W.	Hepburn,	O'Donnell,	Symes,
Brumm,	Herman,	O'Hara,	Taylor, E. B.
Buchanan,	Hiestand,	O'Neill, Charles	Taylor, I. H.
Buck,	Hires,	Osborne,	Thomas, J. R.
Bunnell,	Hiscock,	Owen,	Thomas, O. B.
Burrows,	Hitt,	Parker,	Thompson,
Campbell, J. M.	Holmes,	Payne,	Van Schaick,
Cannon,	Hopkins,	Payson,	Wade,
Caswell,	Houk,	Perkins,	Wadsworth,
Conger,	James,	Peters,	Wait,
Cooper,	Johnson, F. A.	Pettibone,	Wakefield,
Davenport,	Johnston, J. T.	Phelps,	Warner, William
Davis,	Ketcham,	Pirce,	Weaver, A. J.
Dingley,	La Follette,	Plumb,	Weber,
Dorsey,	Laird,	Price,	West,
Dunham,	Libbey,	Ranney,	White, A. C.
Ely,	Lindsley,	Reed, T. B.	White, Milo
Everhart,	Little,	Rice,	Whiting,
Farquhar,	Long,	Rockwell,	Woodburn.
Felton,	Loutitt,	Romeis,	

NOT VOTING—46.

Aiken,	Evans,	Hill,	Scranton,
Arnot,	Findlay,	Jackson,	Shaw,
Bingham,	Funston,	Kelley,	Sowden,
Burleigh,	Gibson, C. H.	King,	Stahlnecker,
Burnes,	Glover,	Lawler,	Steele,
Butterworth,	Goff,	Lehlbach,	Stewart, Charles
Campbell, J. E.	Green, W. J.	Markham,	Stone, E. F
Carleton,	Grout,	O'Neill, J. J.	Taylor, Zach
Crain,	Harmer,	Pulitzer,	Willis,
Cutcheon,	Henderson, J. S.	Rankin,	Winans.
Daniel,	Henderson, T. J.	Riggs,	
Ermentrout,	Henley,	Scott,	

So a call of the House was ordered.

Before the result of the vote was announced the following proceedings took place:

Mr. JAMES. I ask unanimous consent that the reading of the names be dispensed with.

Mr. BOUTELLE. I object.

The names of members voting having been read,

The following pairs were announced:

Mr. HILL with Mr. LAIRD, until further notice.

Mr. AIKEN with Mr. KELLEY, until further notice.

Mr. DIBBLE with Mr. GOFF, for this day.

Mr. STAHLNECKER with Mr. SCRANTON, for this day.

Mr. TIMOTHY J. CAMPBELL with Mr. THOMAS, of Wisconsin, until Wednesday next.

Mr. GREEN, of North Carolina, with Mr. HENDERSON, of Illinois, on this vote.

Mr. ERMENTROUT with Mr. JACKSON, for this day.

Mr. ARNOT with Mr. ZACH. TAYLOR, for this day.

The result of the vote was announced as above stated.

The SPEAKER. A call of the House having been ordered, the Clerk will now call the roll, and members present will answer to their names as called.

Mr. HISCOCK. Before the roll is called I desire to ask leave of absence.

The SPEAKER. If there be no objection, before the call is commenced the Chair will lay before the House requests for leave of absence.

By unanimous consent, leave of absence was granted as follows:

To Mr. PAYNE, for one week, on account of important business.

To Mr. FELTON, until Monday next.

To Mr. HISCOCK, for one week, on account of important business.

Mr. REID, of North Carolina. I ask unanimous consent that leave of absence be granted to my colleague Mr. GREEN for one week. He is now absent on account of sickness.

There being no objection, leave was granted.

The SPEAKER. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Mr. AIKEN, Mr. ARNOT, Mr. BINGHAM, Mr. BURLEIGH, Mr. FELTON, Mr. FINDLAY, Mr. FREDERICK, Mr. GLOVER, Mr. GOFF, Mr. GREEN of North Carolina, Mr. GIBSON of Maryland, Mr. HENDERSON of North Carolina, Mr. HENLEY, Mr. HILL, Mr. HISCOCK, Mr. JACKSON, Mr. KELLEY, Mr. KING, Mr. PULITZER, Mr. RANKIN, Mr. RIGGS, Mr. SCOTT, Mr. SCRANTON, Mr. SOWDEN, Mr. STAHLNECKER, Mr. STONE of Massachusetts, and Mr. ZACH. TAYLOR.

The SPEAKER. It appears from the call of the roll there are two hundred and ninety-eight members present and twenty-seven absent. The Doorkeeper will now close the doors of the House.

Mr. TIMOTHY J. CAMPBELL. Mr. Speaker, I wish to ask for a leave of absence until Wednesday next.

The SPEAKER. This is not the time for making excuses.

Mr. HERBERT. I offer the following resolution:

The Clerk read as follows:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

Mr. STEELE. I move that that resolution be laid on the table.

Mr. REED, of Maine. Have the list of absentees read.

The SPEAKER. They have been called twice.

Mr. REED, of Maine. But has the list of absentees been read?

The SPEAKER. They have not been read.

Mr. REED, of Maine. I submit that it is in order to have that list read.

The SPEAKER. It is right to have the list of absentees read, as some of them may be absent on leave.

Mr. REED, of Maine. Opportunity should be given to offer excuses for those who are absent without leave before we take such violent means to bring them here.

The SPEAKER. The Clerk will read a list of the absentees, when excuses can be offered.

The Clerk then proceeded to call the list of absentees.

Mr. AIKEN.

The SPEAKER. The gentleman is absent by leave of the House.

Mr. ARNOT.

Mr. FELIX CAMPBELL. Mr. ARNOT is absent from the House on account of illness, and I move he be excused.

The motion was agreed to.

Mr. BINGHAM: No excuse offered.

Mr. BURLEIGH: No excuse offered.

Mr. FELTON: No excuse offered.

Mr. FINDLAY: No excuse offered.

Mr. FREDERICK: No excuse offered.

Mr. GIBSON, of Maryland: No excuse offered.

Mr. GLOVER: No excuse offered.

Mr. GOFF: No excuse offered.

Mr. GREEN, of North Carolina.

Mr. REID, of North Carolina. My colleague Mr. GREEN is absent on account of sickness, and I move he be excused.

The SPEAKER. The gentleman's colleague has already been excused on his previous motion.

Mr. REID, of North Carolina. All right then.

Mr. HENDERSON, of North Carolina.

Mr. REID, of North Carolina. My colleague Mr. HENDERSON has been granted indefinite leave of absence on account of sickness in his family.

The SPEAKER. It is not necessary to offer excuses for any gentleman absent by leave of the House. The Chair will see no order is issued for the arrest of members who are absent on leave.

Mr. HENLEY: No excuse offered.

Mr. HILL: No excuse offered.

Mr. HISCOCK: No excuse offered.

Mr. JACKSON: No excuse offered.

Mr. KELLEY.

Mr. ANDERSON, of Kansas. The gentleman from Pennsylvania, Mr. KELLEY, has been confined to his bed for more than a week, and I ask that he be excused.

Mr. PETTIBONE. Let that be done by general consent.

There was no objection, and it was ordered accordingly.

Mr. KING: No excuse offered.

Mr. PULITZER.

Mr. VIELE. My colleague is absent from the city, and I move that he be excused.

The motion was agreed to.

Mr. RANKIN.

Mr. CASWELL. My colleague is absent on account of sickness, and I move that he be excused.

The motion was agreed to.

Mr. RIGGS: No excuse offered.

Mr. SCOTT: No excuse offered.

Mr. SCRANTON.

Mr. OSBORNE. My colleague is absent on leave.

Mr. SOWDEN: No excuse offered.

Mr. STONE, of Massachusetts.

Mr. DUNHAM. The Committee on Rivers and Harbors is sitting during the session of the House, and no doubt the gentleman from Massachusetts, who is a member of that committee, is attending the sessions of that committee.

The SPEAKER. That will be a good excuse when he comes in.

Mr. DUNHAM. I move that Mr. STONE, of Massachusetts, be excused.

The motion was agreed to.

Mr. STAHLNECKER.

Mr. PAYNE. Mr. STAHLNECKER was summoned to New York last night, and I move that he be excused.

The motion was agreed to.

Mr. ZACH. TAYLOR.

Mr. HOUK. My colleague is at home attending the funeral of his father, and I move that he be excused.

There was no objection, and it was ordered accordingly.

The question recurred on the motion of the gentleman from Indiana [Mr. STEELE] that the order offered for adoption by the gentleman from Alabama [Mr. HERBERT] be laid on the table.

The motion was disagreed to.

The question recurred on the following resolution:

Ordered, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The House divided; and there were—ayes 108, noes 93.

So the motion was agreed to.

Mr. HERBERT. I move to reconsider the resolution just adopted; and also move that the motion to reconsider be laid on the table.

The SPEAKER. The question is on the motion to lay the motion to reconsider on the table.

The question being taken, there were—ayes 109, noes 34.

Mr. STELLE. I demand tellers.

Tellers were ordered, 47 members voting therefor.

The SPEAKER. The Chair appoints as tellers the gentleman from Indiana, Mr. STEELE, and the gentleman from Alabama, Mr. HERBERT.

The House again divided; and the tellers reported—ayes 136, noes 41.

So the motion to reconsider was laid on the table.

Mr. REED, of Maine. I move that we dispense with all further proceedings under the call. It has become apparent there are only twelve absentees to be sent for, and that fact shows the House is unusually full—that there are enough members here for the transaction of the public business.

The sole question which now exists between the two sides of the House is a question of liberty of debate. No unreasonable time is asked for by the minority. They are perfectly ready to be contented with any reasonable time for debate, and we can dispose of the question in the regular way much sooner than we can by this consumption of time. No time is saved by proceedings of this nature. And I do not think as a matter of parliamentary law that the previous question was intended to cut off a reasonable amount of debate on the subject pending. It was not intended as a gag law for the minority, but simply as a means of protecting the majority from too prolonged a debate.

The debate which is asked for on this subject will not comprise more than an hour and a half or two hours on each side; and we shall certainly waste much more time than that without any object by proceedings of this kind. It can not be that the gentlemen on the other side with a majority of 40 are desirous of suppressing debate for fear of any consequences. It seems to me that they ought to be *willing to have* this question fully and fairly discussed.

One of the great objects of a meeting of Congress is to discuss questions of whatever kind they may be that may come before it and which are the subjects of its action, and the right of debate ought to be sacredly guarded by both sides. The means which are put in the hands of the majority for abridging an unreasonable continuance of debate ought not to be used for the purpose of silencing other gentlemen on the floor of the House.

What I have said is just as applicable to one side as to the other. It is reasonable and commends itself to the good sense of all the members of the House. And I submit to gentlemen on the other side that the proper course with regard to this matter and with regard to all other matters of this kind is to make a reasonable adjustment of the time for debate and allow the matter to be discussed.

No harm ever came in a free country by the free discussion of any proposition. This proposition which has been brought up here will have to be discussed in some shape or other, and it may as well be done decently and in order as in any other way. I appeal to the gentleman from Alabama [Mr. HERBERT], who is not constrained by any vote of his committee—for as I understood him to say on the floor of the House his committee gave him no directions with regard to that—I appeal to him to withdraw his motion for a time and have an understanding that it shall be renewed after a reasonable time has been allowed for debate, and then let us proceed with the public business.

Mr. HERBERT. The rules of this House prescribe a reasonable time for debate upon such questions as this—fifteen minutes on each side after the previous question is ordered. This is simply a resolution

of inquiry which originated on the other side of the House. There is nothing to debate until the inquiries shall have been answered. I therefore insist upon my motion.

Mr. REED, of Maine. Will the gentleman permit me a word? He proposes to add to the resolution which was introduced on this side of the House an amendment which discussion will show to be entirely futile. It will be shown not to produce the result the gentleman intends; and it is the object of all discussion to show mistakes which may have been made on the part of the committees.

Mr. HERBERT. We are entirely willing on this side to accept the consequences of any mistake we may have made by adding to the resolution introduced by gentlemen on the other side, and I think fifteen minutes a sufficient time to debate this resolution. If the inquiry we have added is futile the answer of the Secretary of the Navy will show it. The gentleman need not concern himself about that.

Mr. REED, of Maine. But it concerns the House. I am not undertaking to concern myself about this matter at all.

Mr. BLANCHARD. Regular order!

Mr. REED, of Maine. The regular order is the discussion of the motion I have presented, which is that further proceedings under the call be dispensed with. That motion is debatable, and, if the Chair pleases, I believe I have the floor.

The SPEAKER. The Chair does not know of any rule of the House which prohibits debate on the pending motion.

Mr. REED, of Maine. Therefore the presumption is I have the floor.

Mr. HERBERT. I had not yielded the floor.

Mr. REED, of Maine. The gentleman will excuse me. He had yielded it. The gentleman had finished and I had begun.

The SPEAKER. The Chair was not giving particular attention at the moment. The gentleman from Maine first took the floor and put a question to the gentleman from Alabama [Mr. HERBERT], who rose to answer it, the gentleman from Maine still remaining standing; and the Chair did not understand whether he yielded the floor absolutely or simply for the answer of the question of the gentleman from Alabama.

Mr. REED, of Maine. Allow me to explain, Mr. Speaker.

Mr. HERBERT. The gentleman from Maine had completed what he had to say, as I understood it, before I rose.

Mr. REED, of Maine. Mr. Speaker, I not only did not yield the floor, but the gentleman from Alabama [Mr. HERBERT] had finished his remarks and I had begun to address the Chair again and had closed a sentence, when the gentleman from Louisiana [Mr. BLANCHARD] rose and called for the regular order, and I asseverated to the Speaker that the regular order was some remarks from me. [Laughter.]

Mr. HERBERT. The gentleman was not on the floor——

Mr. McMILLIN (in his seat). Let him make his speech.

The SPEAKER. The gentleman from Maine [Mr. REED] will proceed, and after him the Chair will recognize the gentleman from Alabama [Mr. HERBERT].

Mr. REED, of Maine. Now, Mr. Speaker, I will say, in response to my friend from Tennessee [Mr. McMILLIN], that I have no desire whatever to make a speech. I simply desire to call the attention of the House——

Mr. HERBERT. Mr. Speaker, I desire to know whether, under the ruling of the Chair, the resolutions themselves are debatable.

The SPEAKER. They are not. The question, and the only question now before the House, is whether it will dispense with further proceedings under the call.

Mr. HERBERT. I trust that the Chair will confine the gentleman from Maine [Mr. REED] to that question.

Mr. REED, of Maine. I suppose, Mr. Speaker, that in discussing the question of the motion which I have presented to the House I may use such arguments as, in my complimentary fashion, I believe will move the other side of the House. [Laughter.]

I desire to say that I have no disposition whatever to make a speech or to enter upon the discussion of these resolutions. It is no part of my province and no part of my wish. I am not in possession of any information which I can give the House upon this subject, and therefore I am not disposed to discuss it. The proposition that I do wish to discuss is the reasonableness and propriety of debate on the part of the House on this subject. We sit here for no other purpose than to decide questions which legitmately come before us, and to decide them after debate. It is of the very essence of a free government that there shall be full and free debate; nor ought the existence or continuance of that debate to depend upon the opinion of any gentleman, or set of gentlemen, as to whether the matter is a proper subject of discussion or not. Whatever is suitable to come before this House is suitable to be debated by this House, and the normal condition of a preliminary assembly is that of debating questions which are brought before it.

Nevertheless, it was discovered that, in the ordinary course of human affairs, with a large body of men there was great danger that time would be wasted by discussing questions long after they had been decided in the minds of the members of the House; but the presumption is always in favor of debate, and while the House is armed with power to limit debate, it ought to be a reasonable limitation. Gentlemen wish to discuss this question. My colleague [Mr. BOUTELLE] wishes to discuss it, and the gentleman from Virginia [Mr. BRADY] wishes to discuss it, and I submit to the House that upon every principle of reasonable action in a parliamentary body such discussion ought to be permitted.

Mr. HEWITT. Mr. Speaker——

Mr. REED, of Maine (continuing). And fifteen minutes does not seem to any fair-minded man—I will not say anything offensive, but I will say that it does not seem to me that fifteen minutes is a reasonable time for the discussion of a question of this kind.

Mr. HEWITT. Does the gentleman yield the floor?

Mr. REED, of Maine. I yield to the gentleman from New York.

Mr. HEWITT. I beg the gentleman's pardon. Does he yield the floor?

Mr. REED, of Maine. Oh, certainly.

Mr. HEWITT. Mr. Speaker, from what has been said by the gentleman from Maine [Mr. REED] so forcibly and eloquently in regard to the privilege of debate there will be no dissent on this side of the House. On the contrary, we upon this side of the House have for many years had to maintain the right of the representatives of the people to discuss important political questions, and many times since I have been in this House have I seen the other side of it attempt to check and repress debate, and on one memorable occasion, for more than two days, running into the third day, this side of the House was compelled to vindicate the privilege of debate. It does not lie in the mouth of the gentlemen on the other side to taunt this side of the House with any attempt to limit debate.

The House has settled this question by its rules. On resolutions of this sort the House has provided that fifteen minutes of discussion on each side, making thirty minutes in all, shall be allowed; and the decision of the House under the rules is justified in cases of resolutions of inquiry, from the fact that there is no information before this House upon which an intelligent debate can be had. The very object of the resolution is to get the facts upon which the debate may proceed. If gentlemen on the other side wish debate, I think I may pledge this side of the House and the committee of which I am a member to give them the amplest opportunity to discuss the resolution when we have the information before the House. But to undertake to come in here with a partisan statement of facts, about which no one is informed and no one can be informed until the inquiry is answered, and precipitate a debate on this House under these circumstances; is a waste of the public time and, in my judgment, an abuse of the confidence of the House. [Applause on the Democratic side].

The SPEAKER. The question is on the motion of the gentleman from Maine [Mr. REED] that all further proceedings under the call be dispensed with.

The motion was not agreed to; there being—ayes 95, noes 132.

Mr. REED, of Maine (after a pause). Mr. Speaker, I trust that proper measures are being taken to bring in the dozen gentlemen who are stopping the business of the House.

The SPEAKER. The Sergeant-at-Arms is out with his warrant.

The deputy sergeant-at-arms appeared at the bar of the House, having in custody Mr. RIGGS and Mr. SOWDEN.

The SPEAKER. Mr. RIGGS, you are reported as having been absent from the House without its leave. What excuse have you to offer?

Mr. RIGGS. Mr. Speaker, if it were not that I might appear wanting in proper deference for you and the House, I would propound a question for myself. I should like to know by what authority any officer of the House can arrest me when I am in the House.

The SPEAKER. The gentleman, by the record made up after the roll-call had been called twice, appears to have been absent from the House.

Mr. RIGGS. I understand that is the appearance, but——

The SPEAKER. Of course the Sergeant-at-Arms had no discretion when acting under the authority of the House.

Mr. RIGGS. But I was not absent.

Mr. HAMMOND. It is impossible for me to hear the gentleman's excuse, and unless I hear it I shall not know how to vote.

The SPEAKER. The gentleman [Mr. RIGGS] states he was in the House when the officer came to him.

Mr. HAMMOND. The point I desire to make is that gentlemen should take their seats, so that we may understand the business which is proceeding.

The SPEAKER. The point is well taken; gentlemen will resume their seats. The gentleman from Illinois [Mr. RIGGS] was absent from the Hall of the House for a few minutes, as the Chair understands, and came back before the doors were closed, but after his name had been called.

Mr. RIGGS. That is the fact.

The SPEAKER. Shall the gentleman be excused?

Mr. SPRINGER. Under the circumstances I move that my colleague be excused.

The motion was agreed to.

The SPEAKER. Mr. SOWDEN, you are also reported as having been absent from the House without leave. What excuse have you to offer?

Mr. SOWDEN. Mr. Speaker, I was unavoidably detained this morning at the Pension Office on the business of my constituents, but I endeavored to get here as promptly as possible.

Mr. EDEN. I move that the gentleman from Pennsylvania be excused.

The motion was agreed to.

The deputy sergeant-at-arms appeared at the bar of the House, having in custody Mr. BINGHAM.

The SPEAKER. Mr. BINGHAM, you are reported as having been absent from the House without leave. What excuse have you to offer?

Mr. BINGHAM. Mr. Speaker, having attended the session of the Committee on the Post-Office and Post-Roads this morning at half-past 10 o'clock, and having sat through the entire meeting, I obtained a pair at 12 o'clock with the gentleman from California [Mr. HENLEY], in order that I might go to several of the Departments to attend to some business I had there. Believing that the House would go to the Private Calendar to-day, I thought that my return at this hour would be early enough for the general business of the House.

Mr. BEACH. I move that the gentleman be excused.

The motion was agreed to.

Mr. HERBERT. It seems, Mr. Speaker, there is a quorum present of those who will vote on this motion, and we can dispense with the call if all the Democrats now in the House shall remain and vote. I therefore move to dispense with all further proceedings under the call.

Mr. REED, of Maine. How many of the half-dozen does that leave out still absent?

Several MEMBERS. Regular order!

The SPEAKER. The question is on the motion to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The doors of the House will be reopened. The question is on the demand made by the gentleman from Alabama [Mr. HERBERT] for the previous question on the adoption of the report which he has submitted.

Mr. HERBERT. I call for the yeas and nays.

The yeas and nays were ordered; and it was decided in the affirmative—yeas 160, nays 91, not voting 73; as follows:

YEAS—160.

Adams, J. J.	Culberson,	Landes,	Rogers,
Allen, J. M.	Curtin,	Lanham,	Sadler,
Anderson, C. M.	Daniel,	Lawler,	Sayers,
Ballentine,	Dargan,	Le Fevre,	Seney,
Barbour,	Davidson, A. C.	Lore,	Seymour,
Barksdale,	Dawson,	Lovering,	Shaw,
Barnes,	Dockery,	Lowry,	Singleton,
Barry,	Dougherty,	Mahoney,	Skinner,
Beach,	Dowdney,	Martin,	Snyder,
Belmont,	Eden,	Matson,	Sowden,
Bennett,	Eldredge,	Maybury,	Springer,
Bland,	Ellsberry,	McAdoo,	Stewart, Charles
Bliss,	Ermentrout,	McCreary,	St. Martin,
Blount,	Fisher,	McMillin,	Stone, W. J., of Ky.
Boyle,	Foran,	McRae,	Stone, W. J., of Mo.
Bragg,	Ford,	Merriman,	Storm,
Breckinridge, C. B.	Forney,	Miller,	Swope,
Breckinridge, WCP	Frederick,	Mills,	Tarsney,
Burnes,	Gay,	Mitchell,	Taulbee,
Bynum,	Geddes,	Morgan,	Taylor, J. M.
Cabell,	Glass,	Morrison,	Throckmorton,
Caldwell,	Hale,	Muller,	Tillman,
Campbell, Felix	Hall,	Murphy,	Townshend,
Campbell, J. E.	Halsell,	Neal,	Tucker,
Campbell, T. J.	Hammond,	Neece,	Turner,
Candler,	Harris,	Norwood,	Van Eaton,
Carleton,	Hatch,	Oates,	Viele,
Catchings,	Heard,	O'Ferrall,	Ward, J. H.
Clardy,	Hemphill,	O'Neill, J. J.	Ward, T. B.
Clements,	Herbert,	Outhwaite,	Warner, A. J.
Cole,	Hewitt,	Peel,	Weaver, J. B.
Cobb,	Holman,	Perry,	Wellborn,
Collins,	Howard,	Pidcock,	Wheeler,
Compton,	Hutton,	Pindar,	Wilkins,
Comstock,	Irion,	Randall,	Willis,
Cowles,	Johnston, T. D.	Reagan,	Wilson,
Cox,	Jones, J. H.	Reid, J. W.	Winans,
Crain,	Jones, J. T.	Richardson,	Wise,
Crisp,	Kleiner,	Riggs,	Wolford,
Croxton,	Laffoon,	Robertson,	Worthington.

NAYS—91.

Adams, G. E.	Everhart,	Libbey,	Ryan,
Atkinson,	Farquhar,	Long,	Sessions,
Baker,	Fleeger,	Lyman,	Smalls,
Bayne,	Fuller,	Markham,	Spooner,
Bingham,	Funston,	McComas,	Steele,
Bound,	Gallinger,	Millard,	Stewart, J. W.
Brady,	Grosvenor,	Morrow,	Strait,
Browne, T. M.	Guenther,	Negley,	Struble,
Brown, C. E.	Hanback,	O'Donnell,	Swinburne,
Brown, W. W.	Harmer,	O'Hara,	Symes,
Brumm,	Hayden,	O'Neill, Charles	Taylor, I. H.
Buchanan,	Henderson, D. B.	Osborne,	Thomas, J. R.
Buck,	Henderson, T. J.	Owen,	Thompson.
Bunnell,	Herman,	Parker,	Van Schaick,
Burrows,	Hiestand,	Payson,	Wade,
Caswell,	Hires,	Perkins,	Wadsworth,
Conger,	Hitt,	Peters,	Wait,
Cooper,	James,	Pettibone,	Wakefield,
Cutcheon,	Johnson, F. A.	Phelps,	Weaver, A. J.
Davenport,	Johnston, J. T.	Plumb,	West,
Davis,	Ketcham,	Price,	White, Milo
Dorsey,	Laird,	Rice,	Woodburn.
Ely,	Lehlbach,	Romeis,	

NOT VOTING—73.

Aiken,	Gibson, Eustace	King,	Rowell,
Allen, C. H.	Gilfillan,	La Follette,	Sawyer,
Anderson, J. A.	Glover,	Lindsley,	Scott,
Arnot,	Goff,	Little,	Scranton,
Blanchard,	Green, R. S.	Loutitt,	Spriggs,
Boutelle,	Green, W. J.	McKenna,	Stahlnecker,
Burleigh,	Grout,	McKinley,	Stephenson,
Butterworth,	Hahn,	Milliken,	Stone, E. F.
Campbell, J. M.	Haynes,	Moffat,	Taylor, E. B.
Cannon,	Henderson, J. S.	Morrill,	Taylor, Zach
Davidson, R. H. M.	Henley,	Nelson,	Thomas, O. B.
Dibble,	Hepburn,	Payne,	Trigg,
Dingley,	Hill,	Pirce,	Warner, William
Dunham,	Hiscock,	Pulitzer,	Weber,
Dunn,	Holmes,	Rankin,	White, A. C.
Evans,	Hopkins,	Ranney,	Whiting.
Felton,	Houk,	Reed, T. B.	
Findlay,	Jackson,	Reese,	
Gibson, C. H.	Kelley,	Rockwell,	

So the previous question was ordered to be now put.

During the roll-call,

Mr. HERBERT moved to dispense with the reading of the names.

Mr. BOUTELLE objected.

The following additional pairs were announced:

Mr. GREEN, of North Carolina, with Mr. HISCOCK, for one week.

Mr. GIBSON, of Maryland, with Mr. PAYNE, for one week.

Mr. GIBSON, of West Virginia, with Mr. FELTON, until Monday next.

Mr. HENLEY with Mr. BINGHAM, for to-day.

The vote was then announced as above recorded.

The SPEAKER. The previous question having been ordered, under the rules of the House thirty minutes are allowed for debate; fifteen minutes in support of the report and fifteen minutes against it. The Chair will recognize the gentleman from Alabama [Mr. HERBERT] in support of the report and the gentleman from Maine [Mr. BOUTELLE] in opposition.

Mr. HERBERT. I do not desire to debate this question unless something is said on the other side of the House. The committee has reported back the resolutions referred to them and they are simply resolutions of inquiry addressed to the Secretary of the Navy. I will reserve the balance of my time until I hear from the other side of the House—if they desire to discuss the question.

Mr. BOUTELLE. Mr. Speaker, I believe that the first legislative action of this House of Representatives at the present session was the passage of an act by unanimous consent, for which purpose the entire legislative business of the country was suspended, to remove the political disabilities of an ex-confederate who had waited more than twenty years before discovering that he desired to be placed in the line of eligibility to appointment under the executive department of the United States. In contrast with that I have been tauntingly informed here to-day that fifteen minutes of time is an ample allowance to present the case of the outrageous dismissal of the disabled veterans of the Union armies from the employment of the Government, and the defacement, obliteration, and removal of memorials of the success of the Union armies. I trust, Mr. Speaker, that these facts in themselves and in their juxtaposition may prove more impressive to this country than any remarks I might have been able to offer on the subject.

The resolution which I introduced some two weeks ago related the fact that the public journals of this country alleged that an officer of the United States Government, at one of the navy-yards of the Government, had ordered the obliteration or effacement of honorable inscriptions upon cannon captured by the forces of the United States, and had caused to be removed from its place at the dry-dock at the Norfolk navy-yard a memorial tablet setting forth the destruction of that navy-yard by the rebels in 1862 and the reconstruction of the dry-dock by the United States Government in 1863.

I do not understand, Mr. Speaker, that the facts as set forth in that resolution have in any wise been contradicted. On the contrary, I find that in a newspaper entitled the Landmark, published in the city of Norfolk, in an editorial printed two days after the resolutions were introduced in this House, the editor of that paper, himself being closely connected as I understand in intercourse and intimacy with *that officer* of the Norfolk navy-yard, stated as follows:

> Resolutions of inquiry have been introduced in Congress by Mr. BOUTELLE, of Maine, relative to alleged actions of the commandant of this naval station; but we make bold to say that in place of implied censure, Commodore Truxton is entitled to praise. * * *
>
> When he took charge of this navy-yard he found an inscription which was intended to keep alive the bitter memories of our civil strife; and it is understood that with the patriotic remark that "the war had been over twenty years," he had this removed.

That tablet, Mr. Speaker, was placed on that dry-dock after the reconstruction of the works there in 1863 by the United States Government by the order, primarily, as I am informed, of Admiral Joseph Smith, formerly of the State of Maine, at that time Chief of the Bureau of Yards and Docks, and also by the order and authority of the then commandant at the navy-yard, whose name appeared upon it with that of the superintendent of machinery, who had supervised the rebuilding of the dock.

This superintendent, Mr. W. H. Lyons, had found himself at Norfolk at the outbreak of the war, and being enabled to render to the United

States very valuable service, by furnishing drawings of the rebel ironclad Merrimac to the Government at Washington, he was recognized, on our accession to the control of that place, by an appointment authorized by the President, Abraham Lincoln, and made by Hon. Gideon Welles, then Secretary of the Navy, as superintendent of the machinery at that yard. He held that position with ability until the time when he was ordered by this commandant to take down that honorable memorial of the recapture of that navy-yard by the Government, and because of his demurring to the effacement of that honorable record he was summarily dismissed and a man appointed in his place whose title to the position rested solely upon his services in the confederate army.

I deemed that, Mr. Speaker, a sufficient reason for offering the resolution calling the attention of the House of Representatives to this matter. I found, further, that since the 4th day of March, 1885, there has been at that navy-yard a repeated and systematic removal from the positions in which they were placed by the officers of the Government in recognition of their services in behalf of this nation of the wounded and disabled veterans of the Republic to make places for the men who fought to destroy it. I deemed that also a fitting matter to call to the attention of the House of Representatives and of the country.

Now, sir, I can not in the scanty moments allowed me read you this roster of names of Union soldiers and sailors thus removed which I have upon my desk. I have not time to read you the appeal that comes to me from the Richmond Post of the Grand Army of the Republic, that little outpost of patriots located down there in Virginia, against the outrages upon their comrades. I am obliged to hasten forward, and in this general manner simply touch upon what is covered by my resolution. I desire to say, however, that the attempt, wherever made or by whomsoever made, to set up the plea that the tearing down of the loyal memorials of the war is demanded by any broad spirit of patriotism—the plea that the men on the other side are anxious to obliterate the recollections of the war—is based upon absolute sophistry. I say that if the time has come, or if it shall ever come, to obliterate the grand memorials of that contest in which the nation's life was preserved, let us first have the monuments of rebellion itself torn down. Let us not begin by blotting out the inscriptions commemorating the victory over rebellion won by the loyal soldiers and sailors of the Army and Navy of the United States.

I have here on my desk a long list of the great marble memorials that are going up all over the South to perpetuate the memory of treason and rebellion. I have here a description of a monument erected but a few years ago in Georgia bearing inscriptions breathing anything but a spirit of loyalty to this Government, a monument bearing upon its face the evidence of a desire to perpetuate the memory of the attack that was made upon the life of our Government; and while these memorials stand, here in the very capital of the nation, in the great art repository of Washington, the one-armed or one-legged soldier, or the soldier's widow, who comes to the seat of Government, may wander in vain through its galleries looking for the counterfeit presentment of a single one of the glorious heroes who sustained the flag upon the field of battle; they will find that the only military chiefs who have a place in the famous Corcoran Art Gallery at Washington are Robert E. Lee and Stonewall Jackson. And, Mr. Speaker, these portraitures are not simply to keep alive the memory of great men as citizens, but they are the likenesses of soldiers; they are decked in full confederate uniform, and represented as in the field of action directing and guiding the armies marshaled against the life of the nation.

Down in Lexington, Va., we have in a marble sculpture of the soldier-chieftain Lee, in full confederate uniform, a similar exhibition of the determination of people on that side that the memory of the rebellion against the Government shall not be obliterated. Two years ago while this House was considering the appropriation of a million of dollars to the New Orleans Exposition, to encourage fraternal feeling and brotherly regard, the people down there who are so anxious to have Union memorials obliterated were erecting and dedicating a monument thirty feet high to Robert E. Lee, the military head of the great rebellion.

In view of these facts, Mr. Speaker, I say there is no basis for this claim that broad patriotism on our part requires us to begin here at the North or at the South in obliterating the records of the grandest triumph that was ever won for humanity since the morning stars sang together. [Applause.]

I believe that the people of this country should say as that grand old hero General Dix said in regard to the American flag, if any man attempts to pull down a single memorial of the great triumph of the loyal people of this country, shoot him on the spot! [Applause.]

Gentlemen have talked about the desire to bury the memories of the war. A few days ago, after we had had a meeting of the Naval Committee, a report was sent down to a Richmond (Va.) paper in which I was spoken of with that degree of politeness habitual to gentlemen of that locality; and I was informed substantially that I had been macerated and desiccated by the gentleman from Virginia. And I found in the same paper a very pertinent article headed, "The Southern Historical Society Papers," which affords evidence that our Southern friends are not so anxious to forget their part in the war. I find one of the contributions to these papers thus referred to:

The report of the Committee on Naval Affairs of the House of Representatives, written by Mr. BALLENTINE, and presented May 31, 1884, is an able and exhaustive discussion of the fight between the Merrimac and the Monitor, and refutes conclusively the popular delusion at the North that the Monitor whipped the Merrimac.

[Laughter.]

Mr. Speaker, these gentlemen are *not* anxious to have the history of the war wiped out. *They want to write it over. They want to inscribe confederate victory across the face of the records that show the great triumphs of the Union arms.* In my humble way I propose to enter my protest here and always against every such attempt.

Whether I stand here or elsewhere, whether my position be that of a member of Congress on this floor or a citizen in private life, I enter my protest against that morbid sentimentality, against that false idea of magnanimity, which would suggest to us for one moment to tolerate the laying of the hands of desecration upon the memorials of the triumph of the Union armies.

For lack of time I can not go into this matter of the removal of our soldiers from the places where they were earning their bread in the service of the Government. We have on our statute-books two distinct statutes proclaiming that this country, in grateful remembrance of "the services, sacrifices, and sufferings" of our soldiers and sailors, will give them preference over even the loyal civilian in its employment. That has not only been treated with contempt, but in the case of the Norfolk navy-yard and of the Norfolk custom-house they have turned out gallant, efficient, worthy, faithful public servants, comrades of the loyal hosts who followed the flag of their country across a hundred battlefields, turning them out in defiance of that other statute which prohibits political proscription in navy-yards, and for the purpose of filling their places with men who fought to destroy this Government. [Applause.]

[Here the hammer fell.]

Mr. HERBERT. I yield five minutes to the gentleman from Virginia [Mr. WISE.]

Mr. WISE. In the brief time which is allotted to me I have opportunity to make only a statement of facts. I had hoped that the subject of this resolution would not have been discussed in this House until we had been informed by the Secretary of the Navy. The gentleman from Maine [Mr. BOUTELLE] on more occasions than one has sought to revive the passions and the prejudices of the war. Let us see how much of truth there is in the statements of this resolution.

The Secretary of the Navy is called upon to report to this House if any tablet has been destroyed at the Norfolk navy-yard which commemorates or commemorated the fact that the dry-dock at Portsmouth had been destroyed. I am glad of the opportunity to inform the gentleman from Maine that the dry-dock at Portsmouth never was destroyed. [Applause.]

The gentleman asks the Secretary of the Navy if inscriptions have been removed from guns captured from the confederate army. I will inform the gentleman from Maine that no guns with such inscriptions were ever in the Portsmouth navy-yard.

Mr. BOUTELLE rose.

Mr. WISE. The gentleman from Maine wants to know if a Union soldier has been discharged and a confederate put in his place. The man who was discharged was never in the Union army, was never within a thousand miles of a line of battle, never heard the music of a minie bullet.

Mr. BOUTELLE. Did he not render great service to the country?

Mr. WISE. No, sir; no, sir! He, sir, was in receipt of a large salary in a bomb-proof position [laughter on the Democratic side] while brave men fought the battles of their country.

Mr. BRADY. I desire to ask the gentleman a question. Does he yield?

Mr. WISE. No, sir; no, sir!

The SPEAKER. The gentleman declines to yield.

Mr. WISE. No, sir; I do not yield. I will give my attention to you [addressing Mr. BRADY] in a moment. [Laughter.]

Mr. BRADY. The gentleman will not allow me an opportunity to reply. [Cries of "Order!" "Order!"]

Mr. WISE. The confederate, or the man who the gentleman from Maine alleges was appointed on account of services in the confederate army, was selected after a competitive examination, and the man to whom he refers as having been removed was dismissed for beastly intoxication. [Renewed laughter on the Democratic side.]

Mr. BOUTELLE. What man do you refer to?

Mr. WISE. One other fact I commend to the consideration of the gentleman from Maine. During the Arthur administration the postmaster at Portsmouth, who was a Union soldier twice wounded and twice promoted for gallantry, was removed at the dictation of William Mahone. [Renewed laughter.] Ah! Mr. Speaker——

The SPEAKER. The gentleman's five minutes have expired. [Cries of "Go on!" "Go on!" "Let him go on!"]

Mr. WISE (continuing). Ah, Mr. Speaker, it is a good thing to raise a fuss over this matter, is it? Your fellow-citizens in Maine [addressing Mr. BOUTELLE] are anxious to know if a confederate has been appointed in the Norfolk navy-yard by this Administration. Have you forgotten that during the Grant administration, that during the administration of Hayes, and during the Arthur administration you sought out the captain of the confederate guerillas, John S. Mosby, and sent him to represent the Government of the United States in a foreign coun-

try? [Laughter and applause on the Democratic side.] Have you forgotten that Longstreet, a confederate lieutenant-general, was selected by your Republican administrations for the most important office in Georgia? Why is it, I would ask the gentleman from Maine, that we have not heard a howl from that ice-bound region about those appointments? [Renewed applause and laughter on the Democratic side.]

Mr. BOUTELLE. Does the gentleman desire a reply? [Cries of "No!" "No!"]

Mr. WISE. I would say to the gentleman, go read the speech of a Senator of your own party, one of whom I think it is no discourtesy to the gentleman from Maine to say that, in the estimation of the whole country, he was a better man than you are—go read the speech of Charles Sumner, of Massachusetts.

Mr. BOUTELLE. Will the gentleman permit me—— [Cries of "No!" "No!" "Regular order!"]

Mr. WISE. I say to the gentleman, go and read the speech of Charles Sumner, of Massachusetts. If I mistake not he was the first in the country who declared, some fifteen years ago, that the time had come for peace, and that these memorials of the war should be removed.

The resolution of Mr. Sumner was as follows:

Whereas the national unity and good-will among fellow-citizens can be assured only through oblivion of past differences, and it is contrary to the usage of civilized nations to perpetuate the memory of civil war: Therefore,

Be it enacted, &c., That the names of battles with fellow-citizens shall not be continued in the Army Register or placed on the regimental colors of the United States.

Again, mark the contrast between the leader of the Federal Army and the gentleman from Maine. [Renewed applause.] The last words spoken by that great leader on his dying bed at Mount McGregor were that he thanked God that he closed his eyes upon the world believing that peace had returned to a distracted country. [Loud applause.] And yet the halls of legislation are to be annoyed by the sectional tirades of such men as the gentleman from Maine.

I want to say one thing more to the gentleman. We will not permit you to declare it, while we sit here and vote pensions to your officers and your soldiers——

A MEMBER on the Republican side. You do not do it.

Mr. WISE. Go look at the record, and you will find my votes recorded for them. While we vote pensions to your soldiers and the widows of your soldiers——

Mr. BOUTELLE. Our soldiers?

Mr. WISE. Our soldiers.

Mr. BOUTELLE. Ah!

Mr. WISE. Our soldiers! We are in the House of our fathers; and we have come to stay. [Applause.] Mr. Speaker, while we are ready and willing to vote pensions to honorably discharged soldiers, who honorably served their country in time of war, we will never consent that it shall be held or proclaimed that one who happened to be in the confederate army is forever debarred from the service of his country. You have no right to establish such a principle; I shall deny your right ever to do so. But I protest that these honorably discharged soldiers of the Union Army shall never again be subjected to the treatment to which they were subjected under the last administration, when men who had fought bravely for the Union were, under a circular bearing the name of WILLIAM MAHONE as chairman, and JAMES D. BRADY, present member from the fourth district of Virginia, as secretary——

Mr. BRADY. The gentleman can not produce any such circular. I challenge him to do so. [Cries of "Sit down!" on the Democratic side.]

Mr. WISE (continuing). When they were required, under the whip of a master, to give their money for partisan purposes—required like slaves to hold their ballots up, that the boss's minions might see whether they were voting right or not. [Applause on the Democratic side.] Oh, God! What an attitude in which to place an honorably discharged soldier of the Union—under the whip and the lash of a confederate brigadier. [Renewed and long-continued applause on the Democratic side, the Speaker rapping loudly for order.]

The SPEAKER. The time of the gentleman from Virginia [Mr. WISE] has expired.

Mr. WISE. One word more. [Cries of "Order!" and "Vote!" "Vote!"]

Mr. HERBERT. Has the whole time allowed for debate expired?

The SPEAKER. The thirty minutes allowed for debate, fifteen minutes on each side, have expired.

Mr. BRUMM. I ask unanimous consent—— [Cries of "Regular order!"]

The SPEAKER. Objection is made.

Mr. BRUMM. Objection can not be made until my request is heard.

The SPEAKER. The House will be in order; gentlemen will please resume their seats and cease conversation. The gentleman from Pennsylvania [Mr. BRUMM] asks unanimous consent that the time of the gentleman from Virginia [Mr. WISE] be extended. [Cries of "No!" "No!"]

The SPEAKER. Objection is made.

Mr. BRUMM. Who objects?

Mr. ROGERS. I object.

The SPEAKER. A great number of gentlemen object. The question is on agreeing to the amendment proposed by the Committee on Naval Affairs, which will be read.

The Clerk read as follows:

Amend by inserting the word "and" between "order" and "upon," and by striking out all of the resolution after the words "what authority" and inserting in lieu of the words stricken out the following: "honorable inscriptions have been obliterated, and honorably discharged soldiers or sailors of the United States have at any time been dismissed from the Norfolk navy-yard; and to transmit to this House copies of all correspondence in relation to dismissals or details made by order of the Secretary of the Navy or his immediate predecessor at the Norfolk navy-yard or in the light-house."

The question being taken upon agreeing to the amendment, it was agreed to; there being—ayes 129, noes 3.

The resolution as amended was then adopted.

Mr. HERBERT moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT TILL MONDAY.

Mr. MORRISON. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

Mr. HAMMOND. I move that the House do now adjourn.

Mr. HEPBURN. I move that the House take a recess till half past 7 o'clock this evening.

The SPEAKER. The motion to adjourn has precedence over the motion for a recess.

Mr. HAMMOND. When I moved to adjourn I did not recollect that this was Friday. I withdraw the motion to adjourn and move that the House now take a recess.

CHANGE OF REFERENCE.

The SPEAKER. Pending the motion for a recess, the Chair desires to correct a reference. A letter from the Secretary of the Treasury, transmitting estimates for collecting the revenue for the fiscal year ending June 30, 1887, with a statement of expenses of collections in the several customs districts, was improperly referred to the Committee on Expenditures in the Treasury Department. If there be no objection, that committee will be discharged from its further consideration, and the communication will be referred to the Committee on Appropriations.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. O'NEILL, of Pennsylvania. I ask unanimous consent to present at this time a petition, in order that the body of it, without the names, may be printed in the RECORD.

Several members objected.

The SPEAKER. The question is on the motion for a recess, the session of this evening to be devoted to the consideration of pension bills under the standing order of the House.

The motion was agreed to, there being—ayes 119, noes 16.

The SPEAKER (at 3 o'clock and 30 minutes p. m.) At the session this evening the gentleman from Tennessee [Mr. MCMILLIN] will preside. The motion of the gentleman from Georgia is agreed to, and the House takes a recess until half past 7 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will report the resolution under which this evening's session is held.

The Clerk read as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions and bills reported from the Judiciary Committee to remove political disabilities only be considered.

Mr. MATSON. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the special order for this evening.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the Private Calendar under the resolution which has already been read.

REMOVAL OF POLITICAL DISABILITIES OF THOMAS L. ROSSER.

The first business on the Calendar was the bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser.

The bill was read, as follows:

Be it enacted, &c., That all disabilities imposed upon and incurred by Thomas L. Rosser, of Virginia, by virtue of the fourteenth amendment of the Constitution, be, and are hereby, removed.

Mr. GIBSON, of West Virginia. I ask for the reading of the report of the committee.

The Clerk read the report, by Mr. TUCKER, from the Committee on the Judiciary, as follows:

That Thomas L. Rosser was an officer in the United States Army and resigned

therefrom, and was a major-general in the army of the Confederate States. He petitions for a removal of his disabilities, and your committee report a substitute for the bill referred, to remove the same, and recommend its passage.

Mr. HENDERSON, of Iowa. I do not rise to make any point in this particular case because of the character of the bill, but I understand our evening sessions were solely for the consideration of pension bills.

Mr. McMILLAN. I wish to call the attention of the gentleman from Iowa to the resolution under which the House assembles this evening. It is there provided that on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions and bills reported from the Judiciary Committee to remove political disabilities only be considered.

Mr. HENDERSON, of Iowa. I had not read the order, but supposed it was the same as that adopted at the last Congress.

The CHAIRMAN. If there be no objection this bill will be reported to the House with the recommendation that it do pass.

Mr. GIBSON, of West Virginia, rose.

The CHAIRMAN. Does the gentleman rise to support or oppose the bill?

Mr. GIBSON, of West Virginia. To oppose it. I can not say, Mr. Chairman, I have any particular reason for my opposition to this bill, but I feel called upon as a member of this Congress passing upon the great question of pensions to express my opinions on some subjects which we have been prevented from discussing in this House. The gentleman from Indiana [Mr. MATSON] who is chairman of the Committee on Invalid Pensions saw fit to-day in his reference to a discussion upon this subject by other members to allude to the fact there were those on this side of the House who had been twenty-odd years ago on a different side of the contest that then raged between the two sections which were at war.

Mr. MATSON. The gentleman from West Virginia will allow me to correct him, I suppose?

Mr. GIBSON, of West Virginia. Certainly.

Mr. MATSON. I wish to say now that I said nothing of that kind either to-day or at any other time. The gentleman is mistaken in the person. I refer him to the RECORD.

Mr. GIBSON, of West Virginia. The gentleman did not call out by names, but he said to the gentleman from Texas [Mr. REAGAN], when he made a question as to the reference of these pensions, that he ought to have thought of these things long ago, and every man in this House knew and knows to what he referred.

Now I want to say to the gentleman from Indiana that we are here as the representatives of the people, claiming equal honesty, equal patriotism with him, and we challenge him by our votes to go before the people to decide the question whether he is more patriotic or honest than we are.

Mr. EDEN. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. EDEN. I wish to inquire whether general debate is in order under the special order of the House for this evening session to consider pension bills on the Private Calendar and bills for the removal of political disabilities. The gentleman from West Virginia is proceeding to indulge in general debate, and if it is not in order I prefer he should allow us to go on this evening with the special business for which we have been called here and to defer his general discussion to some other time.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. EDEN. Yes; I make the point of order that under the resolution adopted by the House for these evening sessions general debate is not in order.

Mr. GIBSON, of West Virginia. In the language of Mr. White, I hope this is not to come out of my time. [Laughter.]

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the gentleman from West Virginia rose and was recognized to speak to the bill under consideration, and that the same general debate is allowed under the rules as upon other bills in the Committee of the Whole.

Mr. GIBSON, of West Virginia. Now, Mr. Chairman, I want to say to the gentleman from Indiana that twenty-odd years ago I became a soldier upon what is recognized as "the other side" in this House. Every day up to this time, hour by hour, day by day, and night by night, I have carried the pains and sufferings incurred in that contest. I know what it is to be a soldier; I know what it is to suffer as a soldier, and I thank my God I have the courage to say here that I can lay aside all prejudices and am prepared to stand by those who were the representative soldiers of the Government that now exists in this country. But while the Southern people, who occupied the same position that I did in that regard, are here to vote for pensions, it is unnecessary and uncalled-for on the part of the chairman of the Pensions Committee to make insulting remarks about our course in the past. When in this House did we ever refuse to vote for pensions to Union soldiers who were deserving? Not one single instance can you point your finger to upon the record of this or preceding Congresses, and it was unnecessary and unmanly in the gentleman on his part to refer to us in that manner.

I want to say, sir, that so far as the confederate soldiers are concerned we are here recognizing the courage, recognizing the devotion, recognizing the hardships of the Federal soldiers. We who went into the war on the other side know what you had to suffer. We tasted of the same bitter cup; and while we have no right to appeal to the Government for you, we know that you have the right and the merit. The merit was upon your side, you have a right to appeal, and we are here to aid you in getting what is your due.

What we object to on this question of Federal pensions is that you will not allow us to vote for reasonable pensions. You will not allow us to vote for a bill to pension Union soldiers. You will not allow us to vote for a bill to pension the widows of Union soldiers; but you declare that me must vote for a bill to pension a widow who may marry a soldier from to-day forward as well as those who were the wives of soldiers who died in the service. If you would allow us that amendment to put the widows of Union soldiers upon their merits, there would not be a man on this side of the House that would not vote for it. I appeal to you, who are the advocates of this measure, to know what question of merit, of equity or justice, there is which demands the granting of pensions to women hereafter because at some future time they may marry and become the widows of soldiers who are now entitled to pensions?

Mr. MORGAN. Mr. Chairman, I rise to a question of order. The gentleman from West Virginia is not speaking to the bill before the committee. That question that he now makes will come up after a while, and can be thoroughly discussed when we reach the bill to which it relates. But there are a number of small bills upon the Calendar that we ought to dispose of. We are consuming time in discussing irrelevant questions, and there will be an opportunity for all of these questions to be discussed hereafter. We should endeavor to pass all of the bills upon this Calendar to-night.

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. GIBSON, of West Virginia. Mr. Chairman, I have but a word in conclusion. I want to say if the gentlemen who desire to put forward this measure for the pensioning of Union soldiers will only put it in such a sensible, fair, and just shape that we on the other side can vote for it in the discharge of our constitutional duty, I will guarantee to them that there is not a confederate soldier who bears the wounds or scars of battle that I do who will vote against pensioning the soldiers—the Union soldiers of this country.

Mr. MATSON. The gentleman from West Virginia misapprehended me, I am sure. I move that this bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

RHODA DANE.

The next business on the Private Calendar was the bill (H. R. 551) granting a pension to Rhoda Dane.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rhoda Dane, mother of George W. Dane, late of Company A, Thirty-third Indiana Volunteers.

The report (by Mr. MATSON) is as follows:

The beneficiary in this bill applies to the Pension Office for a pension on account of the death of her son, George W. Dane, who was a private in Company A, Thirty-third Indiana Volunteers. He was killed by the enemy under the following circumstances: The soldier had a cousin with whom he had associated ever since his infancy, and this cousin was a member of the Seventieth Indiana Volunteers. They had enlisted about the same time, and had not met since their enlistments. George undertook to visit him, and while going from one regiment to the other was captured by guerrillas and shot. Another brother, and son of this claimant, was killed in front of Atlanta, but he left a widow. These were the only two sons of the claimant, and both lost their lives while in the service of their country. The claim on account of George was rejected on the technical ground that he was not in the line of duty at the time of his death.

The mother is very old and poverty-stricken. The comrades of George testify to his qualities as a soldier, and they describe him as a model in that respect, and say that his weaknesses were his generosity and his bravery. The bereavement that this widow underwent soon after the death of her second son affected her mind, and she fell into a mental stupor, from which she has never recovered. She should under these circumstances be allowed for the remainder of her life the small sum of $8 per month, and we therefore report this bill favorably and ask that it be passed.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM B. KEITH.

The next business on the Private Calendar was the bill (H. R. 693) granting a pension to William B. Keith.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of William B. Keith, late second lieutenant of Company E, Tenth Regiment Kansas Volunteers, said pension to commence from the date when his name was dropped from said roll.

The report (by Mr. MORRILL) is as follows:

The claimant enlisted as second lieutenant in Company E, Tenth Kansas Volunteers, August 19, 1861, and was honorably mustered out August 18, 1864. On the 23d of December, 1872, he filed his application for a pension, alleging disability "from bloody piles, the result of diarrhea contracted in camp, in Benton County, Arkansas, October, 1862, after a severe engagement at the battle of Fort Wayne; the diarrhea continuing about two months."

On the 23d of December, 1873, pension was allowed by the Department, but a few months later it was suspended, one Ellis claiming that it was improperly granted, and an investigation by a special examiner was ordered. The evidence

shows clearly that a very bitter feeling existed between claimant and certain parties on account of the active part claimant had taken in political contests.

The special examiner seems to have fallen into the hands of these parties and to have made the mistake of supposing that he was sent for the special purpose of preventing claimant from receiving a pension instead of that of making a full and thorough investigation of the case and of ascertaining the exact truth in the matter. The substance of the evidence adverse to claimant seems to be that certain parties had heard claimant complain of piles before entering the service. Not one of the witnesses claimed to know anything further than that claimant had stated at certain times that he was suffering from the piles. On the other hand, a large number of witnesses who were intimate with claimant testify that he was a strong, hearty man, able to do hard labor, and that they never heard him intimate that he was thus afflicted. Dr. Holaday testifies—

"That he was claimant's family physician for years before he enlisted, and knows of his own personal and professional knowledge that when he enlisted he was a sound, healthy man."

Capt. J. F. Broadhead, commanding Company E, says:

"He knows of his own personal knowledge that claimant while in the line of duty, October, 1862, in Benton County, Arkansas, in consequence of a forty-eight hours' forced march, and an engagement with the enemy at Fort Wayne, was taken with diarrhea, from which he suffered for about two months, and which brought on piles."

P. Gould Parker, regimental surgeon of the Tenth Kansas Volunteers, testifies—

"That he knows of his own personal knowledge that claimant, while in the line of duty, October 22, 1862, in Benton County, Arkansas, had been subjected to a forced march of two days and nights, which was followed by the battle of Fort Wayne, when claimant was taken with diarrhea, which continued upon him for about two months and resulted in piles, for which affiant repeatedly prescribed while he continued in the service."

Dr. M. F. Holaday, who had been claimant's family physician before he entered the service, testified that—

"He saw claimant soon after his discharge, in August, 1864, and he was then afflicted with the piles, for which affiant prescribed for him then and has done so repeatedly since; that he has continued to be afflicted with said disease from his discharge to the present time, December 23, 1872, and that he has not aggravated or prolonged said disease by intemperate or other bad habits."

Some of his comrades testify to the same facts. There is no question but what the attempt to deprive him of his pension grew out of political differences, which finally degenerated into bitter personal feuds. But admitting without question all the evidence tending to show that claimant had been at times afflicted with piles prior to enlistment, we cannot see that it affects this case. The evidence is conclusive that he was sound when he enlisted, that the disease did not exist at that time. That the disease for which he now claims pension did originate in the service, and has since continued, is fully and clearly shown. There is, however, very strong evidence to show that the testimony in relation to prior disability is wholly false and malicious.

Your committee, after a very careful examination of the evidence, which is very voluminous, conclude that claimant was unjustly deprived of his pension, and therefore recommend that the title of the bill be amended to read "A bill to restore to the pension-roll the name of William B. Keith," and that the bill be passed.

The amendment recommended by the committee was agreed to.

Mr. MCMILLIN. I desire to ask the chairman of the committee a question in reference to this bill before a vote is taken.

Mr. MATSON. The gentleman from Kansas [Mr. MORRILL] makes the report in this case.

Mr. MCMILLIN. I believe this bill does not carry the arrearage feature. As I understand it, it is simply to give the benefit for the period during which this party was dropped from the roll.

Mr. MORRILL. That is all. It simply restores the pension.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. M. A. BICKERDYKE.

The next business on the Private Calendar was the bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Mrs. M. A. Bickerdyke, a noted army nurse during the late war of the rebellion, and pay her a pension of $25 per month.

Amend the title so as to read: "A bill granting a pension to Mrs. M. A. Bickerdike."

The report (by Mr. MORRILL) is as follows:

Among the thousands of noble women who left their homes and loved ones during the dark days of the rebellion to minister like angels of mercy to the sick and wounded soldiers of the Union Army, no one was more widely known or more loved and honored than "Mother Bickerdike." To the soldiers who served in Sherman's army she was a mother and a sister. Wherever she could render aid to, or through her indomitable energy and perseverance obtain succor for, the wounded and the sick she was always the same generous, faithful, and untiring nurse and friend.

Dr. A. Goslin, medical director of the Fifteenth Army Corps, speaks of her services as follows:

"Mrs. M. A. Bickerdike came to me to assist in establishing the Fifteenth Army Corps field hospital on the 9th of June, 1864, at Allatoona Mountain, and continued with me until the 28th of July, when I was ordered to move my hospital to Marietta, Ga. She there assisted me in organizing a hospital to take care of eighteen hundred wounded men that we found lying on the ground without cots or shelter. In this great work I was nobly assisted by Mrs. Bickerdike. I gave her charge of the cooking and laundry departments, and gave her a detail of over one hundred men, and she was fully equal to the occasion. Her services were simply indispensable. I could not have conducted this great hospital without her. Some idea of the work done can be estimated when it is known that from June 9 to October 16, 1864, 5,763 sick and wounded passed through the Fifteenth Army Corps hospital. She worked early and late. She was very strong physically, and seemed to never tire. After her day's work was done in the cooking department she would go into the wards and nurse some poor dying soldier and speak words of comfort to him of home, mother, sister. No wonder she was known in the Army and called by the endearing name of "mother." She was truly a mother to hundreds of sick and dying soldiers. Her services were worth more to General Sherman's army during the Atlanta campaign than any brigadier-general in it."

These are strong and eloquent words of praise, and yet they embrace but a small portion of the time she gave to the suffering soldiers. Through her efforts hundreds of lives were saved and untold suffering alleviated. At the third national convention of the Woman's Relief Corps, held at Portland, Me., in June, 1885, the following resolutions were adopted:

"Whereas Mrs. Mary Bickerdike, the noble army nurse, by her tireless and patriotic devotion to the Union soldier in the field and hospital during four years of the war, has earned the love and reverence of every comrade of the Grand Army; and

"Whereas she is now, at the age of seventy-two, incapacitated for further labor and in needy circumstances and without means of support: Therefore,

"*Resolved*, That the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, in national convention assembled, do most earnestly and confidently petition the Congress of the United States of America that they will by special enactment place the name of Mary A. Bickerdike on the pension-roll for the sum of $16 per month for the remainder of her life."

She is now supporting herself by her own labor, doing the laundry work at the United States mint in San Francisco. Notwithstanding her advanced age she still retains her old love for the soldiers who wore the blue, and spends her leisure time in laboring to secure pensions for the poor and needy ones who solicit her assistance. No soldier wounded on the battlefield has a stronger claim on the gratitude of the nation than has this grand old lady. The thousands of brave men who received her kind attention on the battlefields and in the hospitals of the country, and who know of her untiring and effective labors in securing sanitary stores for the sick and wounded, will rejoice to know that her services have been recognized by a liberal pension. The usual pension to army nurses has been $25 per month.

Your committee therefore recommend that the bill be amended by striking out "fifty," in the fourth line of the bill, and inserting "twenty-five," and that as amended it be passed.

Mr. WOLFORD. I rise to spend a minute or two in opposing one of the amendments reported by the committee; that is, the amendment which proposes to strike out $50 and insert $25. I do not know that in all the reports that ever I read I was more astonished at the conclusion come to by the committee from the facts they presented. In glowing and elegant language—language that reaches the heart—they tell of services indispensable to the country, indispensable to the Army, rendered by day and by night. They tell us of services that could not be done without. And yet they come down after saying all this and tell us, "strike out $50 and give $25."

Sir, this is one of the cases that will not break the Treasury. You may pension this old woman, now seventy-three years of age and who can not live long, at $50 a month, and still enough will be left in the Treasury to pay every member of Congress and all the other servants of the Government. There is no danger of emptying the Treasury. Sometimes men get alarmed and say pensions will break up the Government, but this will not break up the Government.

I want for a minute or two to talk about the unreasonableness of what is here proposed. Here is a woman who, according to the report, has done so much for the country. In her old age she is poor and needs support. The report says she spent the best part of her life with the Army, nursing the sick and talking with the dying in the most lovely language about their sisters and their mothers; and a surgeon of eminence and renown says her services were of more importance to the Army than those of any brigadier-general that went on Sherman's campaign. Who that has ever read the history of the country and knows about that splendid campaign where an amount of skill and valor was shown on both sides that has never been surpassed and seldom equaled, where brigadier-generals were promoted by the hundred for their efficient services—who that has read all this is ignorant of the value of those services? And here is a disinterested observer, a man that loved his country and her officers, who says the services of this woman were greater than those of all those brigadier-generals.

Now, who would think of giving a brigadier-general a pension of $25 a month? Who would think of giving a brigadier-general such a pension as that, or who would think of giving the widow of a brigadier-general such a pension as that? He would be hooted from the halls of Congress if he talked of such a thing. But a higher, grander, and nobler person comes before the committee to-night than any brigadier-general, I care not in what army he served, who, disregarding the delicacy of her sex, walks into perils and dangers and follows our Army and follows our flag amid the hail of balls—for they were shooting boys in Sherman's army.

She followed them in peril and danger and through carnage and blood; and she comes now, not as a warrior but as a mother; as one that loved her race, that loved her country; as one that loved the soldier. She comes and takes charge of a hundred men and prepares the delicacies of life for the wounded soldier. Such a record is a volume in itself. She has charge of a hundred men; she works by *day and by night*, and furnishes them with all that can soothe them; for she was physically strong, and mentally strong, and morally strong. She was higher than an ordinary patriot. She was a philanthropist of the highest order; she had a bright intelligence; she was a grand woman. And you tell me that that grand woman that made all these sacrifices, that loved your flag so well, and your country so well, and your soldiers so well; one who, after working all day, would go where a dying soldier lay and speak to him in words of comfort and consolation—I gather from the report that she did this every night—and you tell me you will not give her $50, but only $25! This physician says that she did more work than any brigadier-general of the army did.

There are some questions that have two sides to them. I think there are three sides to this question. I venture to say of this great Government that your constituents would be ashamed of you if you were to talk about $50 as too large a recompense for this lady. I will venture the assertion that you may assemble the men and women of America

and get them in one great crowd and read to them that report to which we have just listened, and when you come to the last clause, "strike out $50 and insert $25," they will cry shame upon you.

But, sir, there is another side to this question. Here is a poor old woman that has served her country as no brigadier-general could have served it, who has served her country in a way that certainly ought to be encouraged. Fifty dollars a month would be a great thing to her in her old age. Ah! how it would console her heart in her old age to learn that the Government she had sacrificed so much for had remembered her and given her this pension. If it had been $100 a month I would not have opposed it. If it had been $500 I would not have opposed it. But, as I have said, there are three sides to this case.

Another side is this. Looking at it from a moral point of view, can our Government afford, taking the patriot's stand and looking at it as a question of patriotism—can our Government afford to give this woman less than $50 a month? [Laughter.] Looking at the question from the standpoint of the philanthropist and the Christian, can our Government afford to make this pension less than $50 a month? Well, sir, I am not going to talk any more about it, for I am ashamed of talking upon a proposition that must commend itself to the mind and to the heart of every gentleman who reads or hears this report. I do hope, sir, that there will be a unanimous vote of this House and of this committee to-night to make this pension $50 a month. [Applause.]

Mr. MATSON. Mr. Chairman, I think I ought to say a word in relation to this matter for the satisfaction of my distinguished friend from Kentucky [Mr. WOLFORD]. I do not believe that he wants this woman to have a larger pension than any other nurse, and the pension reported by the committee is the highest that has ever been given to any person for such services. We have fixed the pension in this case at the highest rate. It is very important, we think, to be fair and just in all these matters.

Mr. WOLFORD. Will the gentleman yield for a question?

Mr. MATSON. Certainly.

Mr. WOLFORD. Did all the others do what this woman did?

Mr. MATSON. I presume that all the nurses did.

Mr. WOLFORD. Then if they all did what this woman did, for God's sake give them all $50 a month. [Laughter.]

Mr. MATSON. Many of them rendered like services.

Mr. EDEN. Mr. Chairman, I call the attention of the committee to the fact that the pensioning of this lady was recommended by the Woman's Relief Corps, and that the pension recommended by them was only $16 a month.

The question was taken on agreeing to the amendment reported by the Committee on Invalid Pensions; and there were—ayes 42, noes 8.

So the amendment was agreed to.

Mr. MORRILL. Mr. Chairman, the amendment in regard to the name ought not to pass. The name should be spelled with a "y" instead of an "i," and I ask unanimous consent that it be so spelled all the way through the bill.

There was no objection, and it was so ordered.

Mr. MORRILL. I move, Mr. Chairman, that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. LONG. Mr. Chairman, before the bill is laid aside I want to say that I did not oppose the amendment reported by the committee because I recognized the propriety of the general rule applying to all nurses, but I do think it ought to be said with reference to Mother Bickerdyke that her case is almost exceptional, that she stands distinguished as the nurse of nurses during the war, a woman who devoted her life and her services without pay, I think from the beginning of the war to its close; a woman in whom the Grand Army of the Republic from one end of the country to the other are interested; a woman who never discriminated in the charities which she bestowed between the boys in blue and the boys in gray; a woman who went with her lantern upon the battlefield in the night-time and searched out the wounded and the suffering; a woman who stands in a peculiar relation, not only to the soldiers, but also to that great body of women who stood back of her, and who will look to this action of Congress with a peculiar and very tender interest.

The motion of Mr. MORRILL was agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

PHILIP D. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 698) for the relief of Philip D. Campbell.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Philip D. Campbell, late of Company D, Twenty-second Regiment Pennsylvania Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 698) granting a pension to Philip D. Campbell, submit the following report:

We find that this soldier enlisted August 23, 1864, in Company D, Twenty-second Regiment of Pennsylvania Volunteers, and was discharged May 24, 1865. Immediately upon his arrival home he complained of an injury to his head, and said that in the battle at Winchester he was knocked from his horse by a blow received from a confederate soldier, and was stepped on by his horse. Soon after reaching home he commenced having epileptic fits, which have continued at short intervals since. Dr. H. S. Chalfant testifies that he was the family physician at the time of enlistment and for years before; that the soldier was a vigorous, robust, hearty young man of twenty years of age, perfectly sound and well, and had never shown any symptoms of epilepsy.

Lieutenant Cross, of same company says "he was a sound, hearty man, always ready for duty." Several witnesses testify that when he came home he complained of his head and acted strangely.

Dr. E. W. Bliss, United States medical examiner, reports in 1881 that he was a confirmed epileptic.

Dr. B. D. Eastman, superintendent of the Kansas State Insane Asylum, testifies "that it appears from the records of that institution that claimant was admitted September 4, 1883; that he had been an epileptic for eighteen years, and that he is evidently a chronic and incurable epileptic, unable to take care of himself."

The man is mentally a complete wreck, is penniless, and has been supported by friends for many years. It is not claimed that he had any fits until after he left the service, and the case was rejected in the Pension Office for that reason. The fact that he entered the service a sound and healthy man and was attacked so soon after leaving the service makes it reasonably certain that the disability was incurred in the service. His condition is a deplorable one. His whole life has been rendered worse than useless by his terrible affliction, and, while the Pension Department can not properly grant him a pension under existing laws, it is a case that appeals strongly to Congress for aid.

Your committee recommend the passage of the bill, with the following amendment: Add, "And that the pension be paid to the legally constituted guardian of said Campbell for his use and benefit."

The amendment reported by the committee was agreed to; and then, on motion of Mr. MORRILL, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN P. DAVIS.

The next business on the Private Calendar was the bill (H. R. 1468) increasing the pension of John P. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of John P. Davis, late a sergeant of Company H, Twelfth Regiment New Hampshire Volunteers, from $12 to $72 per month, from and after the passage of this act.

The amendments reported by the committee were read, as follows:

In line 6, strike out "72" and insert "30;" and at the end of the bill add, "said sum to be in lieu of any pension now paid him."

The report (by Mr. HAYNES) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1468) granting an increase of pension to John P. Davis, submit the following report:

John P. Davis, late sergeant Company H, Twelfth New Hampshire Regiment, was pensioned at the rate of $12 per month (certificate No. 20583) for gun-shot wound of right forearm. He asks for an increase of pension upon the ground that his subsequent loss of both eyes was consequent upon and directly attributable to said wound. In support of his claim he submits his own statement, duly witnessed, and the sworn statements of Charles O. Davis, F. B. Huntress, and D. B. Nelson, M. D., which are attached as a part of this report. From these it appears that Davis was wounded while in the line of duty at the battle of Gettysburg, July 2, 1863. Through fracture and subsequent gangrene a portion of the ulna of right forearm was lost, with muscular tissues and vessels, permanently crippling that member.

After his discharge, on account of disability, he attempted to do light work at his trade as blacksmith. Dr. Nelson applied a splint to enable him to handle a light hammer, but the splint would get loose and allow his hand to turn. When any twist of the wrist was required in his work he would lose control of his arm, and to his inability to control its movement is attributed the loss of his right eye in May, 1866, from a flying splinter of steel. On November 3, 1867, his left eye was similarly destroyed by a nail which he was striking. The presumption is strong that his loss of sight has indirectly resulted from the wound received in the military service of the United States. We think the circumstances justify an increase of his pension, and recommend the passage of the bill with the following amendments:

Strike out the words "seventy-two," in the sixth line, and insert the word "thirty," and after the word "act," in the seventh line, insert "said sum to be in lieu of any pension now paid him."

Statement of John P. Davis, late sergeant Company H, Twelfth New Hampshire Volunteers:

To the Congress of the United States:

I enlisted and was mustered into the service of the United States May 15, 1862; was severely wounded while in the line of duty at the battle of Gettysburg, July 2, 1863.

The wound was in the right arm, by a minie-ball, just below the elbow joint, on the inside, severely fracturing one of the bones. Pieces of bone were continually coming away, and gangrene set in, so that great weakness and debility resulted. I was sent home on furlough, and was under the medical care of Dr. D. B. Nelson, of Laconia, N. H., a physician and surgeon of acknowledged skill, who continued to treat my case till September 16, 1863, when I was discharged the service.

After my discharge my arm continued to trouble me, pieces of bone coming out until nearly the whole of the fractured bone had come away. After the flesh had nearly healed, Dr. Nelson made and adjusted a splint, with straps, so that I could use my arm a little in doing light work, and in May, 1866, I tried to work some at my trade as a blacksmith in the car-shops at this place. In attempting to use the hammer the splint would get loose; and the slightest attempt to strike a lateral blow would completely paralyze the muscles of the arm, so that the tool would fall to the floor; and on one of these occasions, in the spring of 1866, a piece of iron flew into the right eye and completely destroyed the sight. On the 3d of November, 1867, the sight of the remaining (left) eye was destroyed in attempting to drive a nail, and since that time I have been totally blind. I am now receiving a pension of $12 per month "for gunshot wound of right forearm," certificate No. 20583. Being totally helpless, as a result of said gunshot wound, I respectfully petition Congress to increase the pension to such sum as will give me an adequate support.

his
JOHN P. + DAVIS.
mark.

Signed in presence of—
MARTIN HAYNES,
GEORGE S. CHASE.

I, Charles O. Davis, of Newton, in the State of Massachusetts, on oath depose and say that I am a brother of John P. Davis, of Laconia, in the State of New Hampshire, and know that he was wounded in the right arm while in the service. That I am a blacksmith by trade, and the said John P. Davis is also a blacksmith by trade; that from some time in the winter of 1866 and 1867 till the 1st of November, 1867, both he and I worked in the blacksmith shop of the car com-

pany at Laconia aforesaid; that during that period while at work, as aforesaid, he had great trouble with his arm, occasioned by said wound, which was just below the elbow-joint, and it troubled him greatly in his work, particularly in what is called upsetting, or any other work where any twist of the wrist was required. He seemed to lose control of his arm and he would strike at random, and steel and iron would sometimes fly, and I, as well as others, used to remark to him that if he didn't look out he would get his eyes put out, and finally, while he was at work one day in said shop upsetting, his arm gave out and he struck unfair and a shiver or scale of steel flew and struck him in the eye and destroyed the sight. This was the right eye. After the soreness got out of his eye and he became able to work again he came back again into said shop, and we continued to work together until he lost the sight of the other eye, in the first part of November, 1867, by a nail that he was driving flying into it. That I have no pecuniary interest in any claim the said John P. Davis makes for a pension.

CHARLES O. DAVIS.

On this 17th day of November, 1885, personally appeared Charles O. Davis, to me well known, and upon his oath declares that the foregoing statement subscribed by him is true. I further declare that I have no interest in the foregoing claim, and am not concerned in its prosecution.

[SEAL.] ISAAC F. KINGSBURY,
Notary Public, of record at Pension Office.

LACONIA, *November* 19, 1885.

I, Frank Huntress, on oath depose and say that I am well acquainted with John P. Davis. I am a blacksmith by trade, and was in the shop with John P. Davis from April, 1866, to November, 1867. During that he was troubled with his arm, occasioned by the said wound. He complained of a numbness about the hand and wrist, which would cause him to lose control of his hammer, in consequence of which the steel and iron would be thrown toward his face. Many is the time the remark has been made by him, as well as others, that he must look out or he would lose his eyes. I have no interest in the claim John P. Davis makes for a pension whatever.

F. B. HUNTRESS.

STATE OF NEW HAMPSHIRE,
County of Belknap, ss:

Personally appeared this 19th day of November, 1885, Frank B. Huntress, and made oath that the above affidavit by him signed is true. I have no interest, direct or indirect, in the claim of John P. Davis for pension.

[SEAL.] STEPHEN S. JEWETT, *Notary Public.*

I hereby certify that I attended professionally John P. Davis, late sergeant Company H, Twelfth Regiment New Hampshire Volunteers, on the 30th day of July, 1863, and found him suffering from a gunshot wound of right forearm, with gangrene affecting said wound and the entire arm. Fever, restless, pain, and spicula of bone required close attention and nursing for many weeks, recovering very slow, with loss of the middle third of the ulna muscles, tendons, blood vessels, and nerves of outer section of the right forearm, and in July, 1864, I applied a splint to enable him to handle a light hammer at his trade as blacksmith, but which would work loose and allow his hand to turn, and by reason of this disability, in striking an indirect blow, a piece of iron flew into and destroyed the right eye, May, 1866, and on November 3, 1867, in striking a nail it flew into and destroyed the left eye. I attended him in each case with the best of counsel, but the injuries resulted in total blindness.

D. B. NELSON, *M. D.*

LACONIA, N. H., *November* 13, 1885.

STATE OF NEW HAMPSHIRE,
Belknap, ss:

On this 1st day of December, A. D. 1885, personally appeared the above-named D. B. Nelson, to me well known, a respectable witness and a physician in good standing, and subscribed and made oath to the foregoing statement before me.

MARTIN A. HAYNES,
Justice of the Peace.

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

MARGARET FLAHERTY.

The next business on the Private Calendar was the bill (H. R. 1475) granting a pension to Margaret Flaherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private in Company F, Thirty-first Maine Volunteers, said pension to commence March 3, 1885.

The report (by Mr. HAYNES) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 1475, beg leave to submit the following report:

A bill pensioning Margaret Flaherty, the beneficiary in this bill, was passed March 3, 1885, and published with the statutes of the Forty-eighth Congress, second session, page 177, chapter 512. The Interior Department, however, did not feel at liberty to place her name on the pension-roll, on account of a clerical error in the bill, which gave the service of the soldier as in the Third Maine Regiment instead of the Thirty-first. The report, by Mr. Ossian Ray, of the Committee on Invalid Pensions, Forty-eighth Congress, was as follows:

"Bartlett Flaherty enlisted and served as a private in Company F, Third Maine Volunteers, until May 12, 1864, when he was killed, while in the line of duty, at the battle of Spottsylvania Court-House, in Virginia. He was an only son, and contributed between $200 and $300 of his bounty and pay toward the support of his dependent parents, Nicholas and Margaret Flaherty. The soldier's father died several years ago, without obtaining any pension. The mother, Margaret Flaherty, is a widow and very poor, and has applied to the Pension Office for a pension, but her claim was rejected on the ground that she was not the natural mother of the deceased soldier. He was her step-son. She was married to his father when Bartlett Flaherty was an infant, and always acted the part of a true and faithful mother to him."

We recommend the passage of the bill.

Mr. MATSON. This bill is in the nature of an amendment to an act passed March 3, 1885, for the relief of this woman. The soldier having been described in that act as having served in the Third Maine Regiment instead of the Thirty-first, this bill is designed merely to correct that verbal error.

There being no objection, the bill was laid aside to be reported favorably to the House.

THOMAS M. COMMUCK.

The next business on the Private Calendar was the bill (H. R. 646) granting a pension to Thomas M. Commuck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas M. Commuck, late a private in Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry.

The report (by Mr. CONGER) is as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 646, have had the same under consideration, and make the following report thereon:

Thomas M. Commuck enlisted as a private in Company H, Twenty-ninth Wisconsin Volunteer Infantry, and was discharged February 20, 1863, on certificate of disability at the general hospital in Helena, Ark. His declaration for pension was filed February 22, 1869, alleging disability by reason of lung disease, and was rejected by the Pension Office on or about March 7, 1885; his application was rejected on the ground "that the disability claimed existed prior to the soldier's enlistment, as shown by the record, and which the non-professional testimony adduced is not of sufficient weight to controvert."

The evidence of claimant and nine other disinterested witnesses shows that claimant prior to his enlistment was a healthy, strong, and able-bodied man, free from any evidence of lung disease or other disability; nor is there any testimony, save the certificate of one physician and the post surgeon at the time of his discharge, going to show that claimant was afflicted with scrofula or any disease prior to his enlistment. It is stated in the certificate of disability by the post surgeon at the hospital where he was discharged that he had been afflicted with scrofula for years prior to his enlistment. A similar statement is made by one Rawson, whose certificate of examination is on file. It is difficult to understand upon what knowledge the post surgeon could make such statement in view of the fact that the soldier was at the general hospital and that the post surgeon had no knowledge of him prior to claimant's being assigned to the hospital in question.

The certificate of Dr. Rawson, whose acquaintance consisted of the medical examination alone, would seem to be based upon equally poor authority. These statements are so overwhelmingly negatived by the testimony of Drs. Floyd, Foster, and Morton, and some twenty-eight other witnesses, that it seems difficult to entertain a doubt of the justice of claimant's application. The undisputed evidence of his comrades and others shows that while claimant and his command were in camp at a point in Mississippi opposite Helena, Ark., and without tents and other shelter, except overcoats and blankets, claimant contracted, during the wet and disagreeable weather then prevailing, a severe cold, which settled on his lungs, and that he was sent to the hospital and treated for lung fever.

The circumstances of his first illness with the regiment are fully set forth by his comrades. His illness was serious, and continued from the time of first going to the hospital until he was discharged from the general hospital at Helena, Ark. Even after his discharge he was confined to his bed for a long period on his way home, and seems from the evidence never to have recovered his health at any time after his discharge. It appears from the record that the claimant's command removed from the vicinity where they were when he was sent to the hospital immediately after his departure. One C. J. Pease signs claimant's certificate of disability, and has signed a certificate also as a commander of his company, which is evidently a mistake of the surgeon in signing his name upon the wrong place upon the certificate, and thereby perhaps securing weight to his statement, as if made by two different persons. It is natural and possible that this error may have influenced the Pension Office originally in the decision of the claim.

The evidence in this case shows conclusively that claimant has been afflicted with his present ailment ever since he was carried to the hospital from his regimental command.

Dr. H. R. Floyd, who made an examination of claimant recently, says:

"He is continually suffering from pain in the lungs, but more especially in the left lung; has intense acute pain in the region of the heart for the last six weeks, and has a peculiar but sickening pain at this point and in the extremities; has severe spells of coughing, producing extreme exhaustion; at some of these spells will expectorate clots of yellow matter, and at other times a greenish yellow purulent substance; has had several severe hemorrhages from the lungs; the first occurred the 12th of August, 1884; had a very severe one on the 1st of December, when the blood gushed out in great quantities, and did not entirely cease for six days; the last severe one occurred the 26th or 27th of December; he is very weak and confined to the bed nearly all the time; at night feels as though he was burning up, though his skin feels cold; this condition is sometimes reversed."

Dr. Floyd states that the examination shows the following objective facts:

"His left lung is very sore, and I had to percuss very lightly, eliciting a cavernous sound over the whole of the upper lobe near the surface; the right lung is not so sore, but the sounds are much the same, but clearer; the chest walls are very much retracted; auscultation reveals cavernous respiration, accompanied with a gurgling sound in both lungs; expansion 1¼ inches. His condition now is such that he can not live very long, and he is so disabled by disease of the lungs as to require the constant aid of another person. He is, in our opinion, entitled to a first-grade rating for disability caused by disease of lungs."

The record in this case shows by a great preponderance of testimony that the soldier's disability was incurred in line of duty, and that prior to his enlistment he was free from disease. The continuance of his disability is traced clearly down to the present time.

The abundant tributes, by affidavits and otherwise, to the merits of his claim, both from his neighbors and distinguished gentlemen of his State; his evident high character and integrity, as evidenced by the record; his sufferings and probable speedy death by reason of entering the service of his country, combine to demand at the hands of your committee the just recognition which a grateful nation is and should ever be willing to accord to her defenders. Your committee return the bill with a recommendation that it do pass.

There being no objection, the bill was laid aside to be reported favorably to the House.

DANIEL B. CLARK.

The next business on the Private Calendar was the bill (H. R. 414) granting a pension to Daniel B. Clark.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Daniel B. Clark, late of Company A, First Ohio Cavalry, now residing in Fandon, McDonough County, State of Illinois, and pay him a pension at the rate of thirty dollars per month.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "at the rate of thirty dollars per

month" and insert "subject to the provisions and limitations of the pension laws."

The report (by Mr. NEECE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 414, beg leave to submit the following report:

Daniel B. Clark enlisted in Company A, First Regiment of Ohio Cavalry, and was discharged at Nashville, Tenn., for disability, September 17, 1864. He was a prisoner of war from August 29, 1862, to September 13, 1862. A pension is claimed for heart disease and piles contracted while a prisoner of war. The evidence is as follows: Simon Dorran, a private of the same company and regiment, and also a fellow-prisoner, testifies said Clark had diarrhea and piles while he was a prisoner of war. Capt. Noah Jones, who was the captain of Clark's company, also William P. Cleaveland, a member of said company, both testify that Clark, after he returned from prison, was unable to do duty on account of disease or disability, which disease they understood Clark contracted while a prisoner of war. Dr. Milton Dunlap, of Greenfield, Ohio, testified that he treated said Clark in 1862, but he can not now remember for what disease. It also appears that after Clark was a prisoner of war he returned to his home near Greenfield, Ohio, on furlough. John Blain testifies that Clark was a sound man at the time of enlistment; that he was at Clark's home in Ross County, Ohio, in 1862; that Clark was at home sick, and complained of pain in his breast, and that at that time Dr. Dunlap treated him.

Dr. W. H. Wear testifies that he met said Clark in 1865, and had frequent talks with him about his trouble, and that Clark at the time was suffering from heart disease, pleuritis, and piles; and that since 1872 he has been said Clark's family physician, and has treated him for said diseases, and that said diseases still continue, and that said Clark is totally disabled. Dr. McDavit testifies that he treated said Clark in 1880 for heart disease and pleuritis. Dr. Compton says he knows said Clark, and that he treated him since 1872 frequenty for heart disease and piles.

Dr. A. F. Eidson testifies that he treated said Clark from August, 1865, to April, 1871, for heart disease and piles. The board of medical examiners who examined him in 1881 say he is totally disabled from the effects of heart disease and piles. A number of witnesses testify to Clark's soundness at the time of his enlistment, and to his being sick ever since he was a prisoner of war. Evidence introduced before the committee show said Clark to be totally disabled at this time, confined to his bed or invalid-chair, and unable to walk, or to talk so he can be understood without great difficulty.

Your committee recommend that said bill do pass, with the following amendment: Strike out the words "at the rate of thirty dollars per month" and insert "subject to the provisions and limitations of the pension laws."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported favorably to the House.

ALEXANDER P. STEWART.

The next business on the Private Calendar was the bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi.

The bill was read, as follows:

Be it enacted, &c., That all disabilities imposed upon and incurred by Alexander P. Stewart, of La Fayette County, in the State of Mississippi, under the provisions of the fourteenth amendment of the Constitution of the United States, be, and the same are hereby, removed.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom was refered bill H. R. 1318, beg leave to report:

Alexander P. Stewart, in his petition, states the facts on which he asks to have his disabilities removed.

Your committee report a substitute for the bill referred and recommend its passage.

CHANCELLOR'S OFFICE, UNIVERSITY OF MISSISSIPPI,
Oxford, December 19, 1885.

To the Congress of the United States of America:

The petition of Alexander P. Stewart, of the State of Mississippi, respectfully sets forth:

That he graduated from the Military Academy at West Point in 1842; was appointed second lieutenant in the Third Artillery; resigned in 1845, and engaged in private pursuits. In the year 1861 he entered the military service of the Confederate States, in which he served during the war of secession as a brigadier, major, and lieutenant-general in their armies. Soon after the war he was pardoned by the President and took the oath required in such cases.

He asks that the disabilities imposed by the fourteenth amendment to the Constitution of the United States be removed.

Respectfully submitted.

ALEX. P. STEWART.

There being no objection, the bill was laid aside to be reported favorably to the House.

Mr. MORGAN. In reference to this case of General Stewart I desire to state that at the close of the war and before the adoption of the fourteenth amendment he was granted a full pardon, and took what is commonly known as the amnesty oath. He was under the impression that by reason of this fact he did not come within the provisions of the fourteenth amendment. Recently he has learned that gentlemen for whose opinions he has the highest respect think differently. This is the reason why the application in his case has been so long delayed.

Mr. GIBSON, of West Virginia. I will ask the gentleman from Mississippi whether he expects this gentleman will receive a pension?

The CHAIRMAN. The Chair will state that this bill has already been laid aside.

Mr. GIBSON, of West Virginia. But the Chair certainly would not lay aside a bill without an opportunity for inquiry.

The CHAIRMAN. Before the gentleman from Mississippi [Mr. MORGAN] rose the Chair had asked for objections, and there being none, the bill was laid aside to be reported favorably to the House.

Mr. GIBSON, of West Virginia. I do not suppose that the Chair intended to be arbitrary. It would be better for us to inquire into these matters. I desire to ask whether the passage of this bill puts this gentleman on the pension-roll.

Mr. MORGAN. My statement in reference to this case was made for the reason that some gentlemen on the floor drew my attention to the fact that the application in this case had been delayed some twenty years. I therefore thought it proper, in justice to General Stewart, that the reason of this delay should appear.

Mr. GIBSON, of West Virginia. But that does not answer the question.

Mr. MORGAN. I will state to the gentleman——

The CHAIRMAN. The Chair will state to the gentleman from Mississippi [Mr. MORGAN] and the gentleman from West Virginia [Mr. GIBSON] that they are both out of order. The Clerk will report the next bill.

EDWARD G. W. BUTLER.

The next business on the Private Calendar was the bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

The bill was read, as follows:

Be it enacted, &c., That all disabilities imposed upon and incurred by Edward G. W. Butler, of Missouri, by virtue of the fourteenth amendment of the Constitution, be, and are hereby, removed.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom was referred the bill H. R. 987, beg leave to report:

The petition of Edward G. W. Butler sets forth the facts on which he claims a removal of disabilities.

The committee report a substitute for the bill referred, and recommend its passage.

There being no objection, the bill was laid aside to be reported favorably to the House.

NANCY L. RIBBLE.

The next business on the Private Calendar was the bill (H. R. 16) granting a pension to Nancy L. Ribble.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to put the name of Nancy L. Ribble on the pension-roll, and grant her a pension as dependent mother of George W. Ribble, late a private in Company K, Nineteenth Regiment Indiana Volunteers, who died in the service and in line of duty; the said pension to be subject to the provisions and limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 16, having had the same under consideration, beg leave to report as follows:

The beneficiary in this bill had no children of her own. In 1844 her sister died, leaving two infant children, one aged two years, the other six months. She nurtured and educated both of these children, and they lived with her and her husband and assumed the name of Ribble, their real names being Shafer. Both enlisted in Company K, Nineteenth Indiana Volunteers, on the 29th day of July, 1861, George, the older, being then in his nineteenth year, and Andrew, the younger, then in his seventeenth year. George died of small-pox in the District of Columbia on the 12th day of January, 1862, while in the service. Andrew was severely wounded through the lungs in the battle of Antietam and never recovered therefrom, and died shortly after his discharge.

Mrs. Ribble and her husband were at the time they took these children, and have been ever since, poor people; but, as shown by the testimony of respectable witnesses, have at all times maintained good characters for honesty, integrity, and patriotism. Letters from the two soldiers are exhibited, showing that during their service they contributed a portion of their pay to the support of their foster parents. They had expected to lean upon these two men in their old age, whom they had nurtured and educated so that they might expect to be able to do so, and whose affections they commanded, as shown by their letters. They were to all intents and purposes the children of this woman, who is now old, feeble, and helpless. The father of the two soldiers has been dead many years, and was never pensioned on account of the death of either.

Under these circumstances this committee do not hesitate to ask for the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

ALEXANDER HARPER.

The next business on the Private Calendar was the bill (H. R. 758) granting a pension to Alexander Harper.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander Harper, late of Company I, First Regiment West Virginia Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 758) granting a pension to Alexander Harper, submit the following report:

We find that this soldier enlisted in Company I, First Regiment West Virginia Volunteers, May 21, 1861, and was discharged August 27, 1861. On the 3d of July, 1876, he made application for a pension, alleging that about August 1, 1861, "he contracted measles, which has caused weak lungs and breast."

J. L. Harper and Nancy A. Wiley testify that—

"He was a young man, stout and healthy, when he enlisted; when he returned home he was quite sick, and has gradually grown worse. His disease was lung disease, with cough. He was attended by Doctor McBath from the date of his return until he went West. The doctor has since died."

Capt. B. W. Chapman, commanding the company, testifies that:

"Claimant, in July or August, 1861, at Rowlesburg, Va., contracted measles. There was no doctor present and I sent him to the hospital at Grafton. I saw him in said hospital and found that he had not been properly attended to and had contracted camp fever, and at date of his discharge was suffering with measles and camp fever; that up to date of contracting the measles he was free from disease of all kinds."

February 2, 1878, Dr. J. M. Garrett testifies "that he has been claimant's family physician since 1865;" that "at that time (1865), or about that time, he examined the said Alexander Harper, and found him suffering from congestion of the lungs and pain and weakness in the chest, which he learned was the sequel to an attack of measles contracted while in the Army; and he further states that above disability has continued down to the present time, and that the above-named

Alexander Harper has not at any time been an able-bodied man or free from the disability above described during the period above stated."

The postmaster of Troy, Iowa, states that—

"The reputation of Dr. J. M. Garrett in this community for truth is of the highest order; no man stands higher."

Joseph Harper testified that—

"Claimant came back from the three-months' service sick with the measles, and lay sick in Hancock County, West Virginia, for three months before he could be moved."

Dr. William Craig, United States examining surgeon at Keosauqua, Iowa, reports September 16, 1881:

"This applicant is suffering from the effects of measles, resulting in bronchitis. I find him with a hacking cough and irritation of the bronchial tubes extending into the lungs."

The case was rejected in the Pension Office because there was no hospital record, and the claimant was unable to furnish medical evidence of treatment in service or at discharge. The surgeon in charge of the hospital says he has no record and is unable to remember the cases he treated. Dr. McBath, whom it is shown treated him when he came out of the service, is dead, so it is impossible for claimant to comply with the requirements of the Department. It is proven beyond question that he contracted measles in the Army, and from the want of care and proper treatment camp-fever followed; that while sick his term of service expired and he was discharged; that for three months after his discharge he was unable to be moved to his home; that Dr. McBath treated him during this illness; that from 1865 to 1878 he was a constant sufferer from lung disease, and that in 1881 and 1884 the disease still continued. It would be unreasonable to presume that his present condition is not the result of his army service. The case is an unusually strong one.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported favorably to the House.

AUGUST SCHINDLER.

The next business on the Private Calendar was the bill (H. R. 802) granting a pension to August Schindler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of August Schindler, late a private in Company A, One hundred and ninety-eighth Regiment Pennsylvania Volunteers.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 802) granting a pension to August Schindler, submit the following report:

We find that claimant enlisted August 30, 1864, in Company A, One hundred and ninety-eighth Pennsylvania Volunteers, and was mustered out June 4, 1865. March 24, 1880, he made application for a pension, "alleging that in December, 1864, he caught cold, resulting in diabetes." This application was rejected in 1882, on the ground that there was no record of the alleged disability, and the claimant was unable to furnish satisfactory proof of its origin in service. In the first session of the Forty-eighth Congress a bill was referred to this committee, upon which an adverse report was made on account of the lack of evidence to sustain the claim. Additional affidavits have since been filed which very materially strengthen the case. Edwin A. Kratz, of the same company, testifies:

"He and I were tent-mates, and marched together in camp and field, and fought side by side from the middle of August, 1864, till March 29, 1865; that he appeared to be sound and healthy, and I believed him to be so (except being near-sighted, necessitating the wearing of glasses) until early in December, 1864, when, on General Warren's raid down the Weldon Railroad (our regiment being in the Fifth Corps), and after marching through the rain and mud a day or two he commenced complaining of his back giving out, and we two dropped to the rear near the evening of the second or third day, but caught up again the next day. For several days after the raid and at intervals afterward he was troubled with pains in the small of his back. After the Hatcher's Run fight, in February, 1865, the pains were so severe that he was scarcely able to perform camp duty, and I noticed that his urine was of very high color and had to be voided frequently. Rubbing his back seemed to give temporary relief, which I did for him, especially after exposure to wet weather, and after coming off of picket duty during February and March, 1865."

John Sheridan testifies that he was sergeant of Company A, One hundred and ninety-eighth Pennsylvania Volunteers, and was well acquainted with claimant; that claimant, after several days of exposure, complained of pains in his back and limbs, and that he took him to the regimental surgeon, who gave him medicine, saying he was exhausted and ought to have rest; that deponent was absent from the company for about thirty days, and when he returned he found claimant still debilitated and unfit for duty, and he remained so until he was discharged, and that he continued under the treatment of the surgeon. He further says that "claimant was as brave a soldier as I ever met."

Godfried H. Vogt says he knew claimant for years before he enlisted as a hale hearty man, and that upon his arrival home in 1865 he was a wreck of his former self, and complained of rheumatism and kidney disease. Joseph Hacker and Andrus Friedly testify that he was well when he enlisted, and came home sick and continued so for two years and until he moved away. Dr. A. Antony testifies to treating him for diabetes in 1869, and Drs. C. Ruttger and A. N. Breneman from 1874 to 1876. The examining surgeon at Garnett, Kans., reports in 1882 that he is badly affected. He is now unable to do any manual labor, is very poor, with a large family to support.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. CLARK.

The next business on the Private Calendar was the bill (H. R. 4410) for the relief of John C. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to readjudicate the pension claim of John C. Clark, late a private in Company A, Thirtieth Regiment of Illinois Volunteers, as though the application under which said pension was granted had been filed on the 20th of June, 1880.

Mr. MCMILLIN. I ask for the reading of the report.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 780) for the relief of John C. Clark, submit the following report:

This bill asks that John C. Clark be allowed arrears of pension from January 1, 1863, to July 1, 1882, at the rate of $4 per month, that being the rate of pension allowed him by the Pension Department, commencing at the date last named. In support of this he claims that on or about the 20th of June, 1880, he made out an application in proper form, which was duly witnessed and attested, and placed it in the United States mail; that afterward he received the usual circular letter from the Commissioner of Pensions, acknowledging the receipt of the application and giving the number under which it had been entered in the Pension Department, but that he has since lost that letter; that afterward, upon making inquiry, he was informed that no application for pension from him was on file, and he accordingly made a new one. Claimant shows that A. W. Hoyt made application at the same time and received a similar letter, a copy of which is hereto given. Affidavits of A. W. Hoyt, J. W. White, and claimant are as follows, the credibility of the witnesses being strongly vouched for by Hon. S. R. PETERS, a member of this House:

Affidavit of J. C. Clark.

STATE OF KANSAS,
County of Rice, ss:

J. C. Clark, being first duly sworn according to law, says that he is thirty-nine years of age, and resides in Lyons, Kans.; that in the month of June, 1880, he made his application for a pension; that as early as the 20th day of said June, 1880, and possibly several days earlier, J. W. White, the attorney who prepared said application, informed affiant that said application had been duly mailed to the Pension Department at Washington, and affiant further says that some two or three months after making such application, and in about the month of September, 1880, he received a letter from the Hon. J. A. Bentley acknowledging the receipt of said application, said letter being quite similar in form to the one attached by A. W. Hoyt to his affidavit made this day in relation to this matter.

And affiant further says that he remembers clearly of a conversation with the said Hoyt at about the time of receiving said letter, in which affiant remarked and stated to the said Hoyt that said letter was received, and in said conversation it was stated that both of said applications were evidently received in due time, and it was also stated that the Department had been a long while in acknowledging receipt, and which was talked over as probably being on account of the Department being somewhat behind in its work. And affiant further says that said letter so received from the Department has in some manner been lost and can not be found, though diligent search has been made. That at the time of making said application affiant was in business in Lyons, and that in 1881 he moved to Missouri, and went into business there, and afterward returned to Lyons, and that it is his belief that said letter was lost during such moving, or was thrown into the waste basket by some of the clerks or the book-keeper as being of no value.

J. C. CLARK.

Subscribed and sworn to before me this 20th day of May, 1884; and I hereby certify that said Clark is a man of respectability, a man of truth and veracity, and is entitled to full faith and credit in each every statement by him as aforesaid made, and that I have no interest, either direct or indirect, in this claim or application or in its results.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

Affidavit of J. W. White.

STATE OF KANSAS,
County of Rice, ss:

J. W. White, being first duly sworn according to law, says that he resides in Lyons, Kans., and is a lawyer by profession. That he remembers of his own personal knowledge that in the month of June, 1880, as attorney for John C. Clark, who was a private in Company A, Thirtieth Illinois Infantry, that he made out an application for a pension for the said Clark, and prepared other papers by way of affidavits in blank for certain witnesses to fill up and execute; and affiant says that about the same time he was also acting as attorney for one A. W. Hoyt in aiding him in securing a pension, and that he prepared papers at about the same time for the said Hoyt. And affiant further says that not later than the 18th or 20th of June, 1880, and possibly a week earlier, he placed in the post-office at Lyons, Rice County, Kansas, two envelopes duly addressed to the Pension Department, at Washington, D. C., postage prepaid, and that one of said envelopes contained the application of the said A. W. Hoyt, with perhaps some other papers in relation thereto in the way of affidavits and a letter addressed to the Commissioner of Pensions, and that the other envelope contained the application and affidavit of the said J. C. Clark, made out in due form and duly signed by the necessary witnesses and by them duly sworn to the contents thereof, and together with said application of the said Clark was a letter addressed to the Commissioner of Pensions in relation to said application. Both of said letters were so mailed on the same day, and affiant remembers that at the time of the making out of said applications, and on the very day they were so mailed, the question of the law being about to expire at an early day was talked over, and it was then stated that said letters had more than ample time to reach Washington before the 1st of July, 1880; and affiant says that it was at least ten days or two weeks before the expiration of the arrears-of-pension act. Since making affidavit some two months ago concerning this matter, affiant says that he has refreshed his memory by examining papers and letters, and from such can state positively in relation to the time of said mailing of said letters.

Affiant further says that some six weeks or two months after the mailing of said application, as stated, he received a letter from the Commissioner of Pensions acknowledging the receipt of the said Hoyt's application, and in about two weeks after receiving such letter as to the said Hoyt's application being duly received this affiant received a similar letter acknowledging the receipt by the Commissioner of Pensions of the said Clark's application. Said letter was not preserved for the reason that affiant did not consider at the time that it would ever be of any service, supposing said application had been duly received in ample time, and was properly filed and a record made thereof. And affiant further says, that he knows, of his knowledge, that the said Clark also received a similar letter from the Pension Department about the same time that said affiant received the one mentioned, he, the said Clark, having shown such letter to affiant in conversation at about that time. Said pension claim was not prosecuted to a final determination during that year of 1880 or 1881, for the reason that a very important witness could not be found or his address discovered. That in 1882 the said Clark removed to Missouri, and, as affiant is informed, he, the said Clark, through the advice of counsel, made another application, and not until the fall of 1883 was this affiant ever informed that no record could be found in the Pension Department of said original application so made in June, 1880; and this affiant further says, that he has no interest either in the result of this claim or application of the said Clark further than an ordinary attorney in seeing that justice be done an old soldier, and that he has not made any charge for what he has done, and expects no remuneration.

J. W. WHITE.

Subscribed and sworn to before me this 20th day of May, 1884, and I hereby certify that the said J. W. White is a respectable citizen, and is a man of truth and veracity, and is entitled to full faith, confidence, and credit upon each and every allegation contained in the foregoing affidavit.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
August 20, 1880.

SIR: The claim of A. W. Hoyt, of Company M, Eighth New York Heavy Artillery, No. 378,269, for pension, has been received, and will be examined in its order, and the result communicated to you. In any communication you may find it necessary to address to the office relative to this or any other claim, please indorse on each piece of evidence the full name and service of the soldier, and the number and character (whether invalid, increase, &c.) of the claim.

Very respectfully,

JAS. BENTLEY,
Commissioner.

Affidavit of A. W. Hoyt.

STATE OF KANSAS,
County of Rice, ss:

A. W. Hoyt, being first duly sworn according to law, says that he is fifty-two years of age; resides in Lyons, Kans., and has so resided for over six years, and by occupation at present a dealer in agricultural implements. And affiant further says that he is well acquainted with J. C. Clark, and has been so acquainted with him for six years last past; that he knows of his own personal knowledge that the said J. C. Clark, in the month of June, 1880, made his application for pension, this affiant having seen the said Clark's affidavit and application and read the same. And affiant further says that he was sergeant in Company M, Eighth United States Heavy Artillery, and that in said month of June, 1880, this affiant also made application for a pension, and that his said application was prepared by J. W. White, attorney at Lyons, he being the same attorney who prepared the application of the said J. C. Clark; and affiant says that of his own personal knowledge he knows that the said White, on a day not later than the 20th day of June, 1880, and possibly some days earlier, left his office professing to go to the post-office for the purpose of mailing affiant's application, together with that of the said J. C. Clark. And affiant says that he has good reason to believe, and does believe, that both of said applications were on said day duly addressed and placed in the post-office at Lyons by the said White.

Affiant further says that his application, which was and is No. 378269, was duly received by the Pension Department, and that he has received his pension thereon, the certificate being No. 244014. And affiant further says that since making an affidavit some two months ago in relation to this matter, he has examined his letters and papers received from the Pension Department, and refreshed his memory in relation to said date of mailing of said application, and that he is well satisfied that said applications were mailed as early as stated herein, and that he remembers of a conversation had by and between himself and the said Clark and White, in which it was talked over and stated at about the time of mailing said applications that they were mailed in ample time to reach the Department, and several days to allow for any possible delays in the mails, barring uncontrollable casualties and accidents.

And affiant further says that in the month of August, 1880, he received a letter from the Hon. J. A. Bentley, Commissioner, acknowledging receipt of affiant's application, and which letter was the first communication received in relation thereto; that about two weeks after the receipt of said letter, and which is hereto attached and made a part hereof, he, this affiant, had a conversation in the city of Lyons with the said Clark, in which he, Clark, said he had just received a similar letter acknowledging receipt of his application by the said Bentley, and the said Clark then and there held in his hand an envelope showing on its face that it was from the Pension Office, and appeared to contain a letter, but which letter affiant did not read, and it was then and there stated by and between affiant and said Clark that both of their applications had evidently been received in proper time for due consideration by the Department. And affiant further says that he has no interest, either direct or indirect, in the result of the said Clark application.

A. W. HOYT.

Subscribed and sworn to before me this 20th day of May, 1884; and I hereby certify that the said A. W. Hoyt is a man of respectability, and entitled to full credit and belief as to each and every statement contained in the foregoing affidavit, and that I have no interest, either direct or indirect, in the result of said Clark's application or claim.

S. J. SMITH,
Clerk District Court, Rice County, Kansas.

The evidence seems conclusive. Cases have occasionally occurred where applications have been lost or mislaid in the Department, and your committee recommend the passage of the following substitute:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to readjudicate the pension claim of John C. Clark, a private in Company A, Thirteenth Regiment of Illinois Volunteers, as though the application under which said pension was granted had been filed on the 20th of June, 1880.

Mr. PETERS. Mr. Chairman, I am personally cognizant of this case and of the parties who make the affidavits in it. The affidavit of Mr. Clark is supported by J. W. White, now a State senator, and also by A. W. Hoyt. All the witnesses are personally known to me to be reputable men. This bill passed the House at the last session, but too late to pass the Senate. The same evidence has been presented at this session.

Mr. MCMILLIN. The reason why I called for the reading of the report was to see what were the state of facts the committee acted on in making this exception to the rule which has been so long adopted here of allowing no arrears. I see the ground upon which it is based is that the committee were satisfied the application was actually filed.

Mr. PETERS. That is so.

Mr. MCMILLIN. That being so, the claimant should stand on the same ground as if there had been no failure of duty on the part of the officials in the loss of the papers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DR. J. F. BRUNER.

The next business on the Private Calendar was the bill (H. R. 702) granting a pension to Dr. J. F. Bruner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Dr. J. F. Bruner, late assistant surgeon of the Seventh Regiment of Missouri Cavalry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 702) granting a pension to Dr. J. F. Bruner, submitted the following report:

We find that claimant was mustered into service May 11, 1862, as assistant surgeon of Seventh Missouri Cavalry, and resigned on account of ill health February 12, 1863. January 20, 1881, he made an application for a pension, alleging "that he contracted chronic laryingitis and bronchitis by exposure in marching to and at the battle of Prairie Grove, Ark., December 6, 7, and 8, 1862; that he was taken prisoner on the 7th, and suffered great exposure, and his disability assumed a chronic form in consequence of his continued arduous duty in caring for the sick after said battle, and finally rendered him unfit for duty, so that he was compelled to resign."

His application for pension was rejected on account of the statement made in his letter of resignation, giving as a reason for his leaving the service—

"On account of my own health, which has been gradually and certainly failing for the past two months, originating from a return of my former disease, 'chronic bronchitis,' combined with dyspepsia, which, acting on a system constitutionally feeble, has rendered me so diseased and debilitated that I am satisfied I am wholly unfit for future service."

Claimant, in an affidavit filed July 9, 1884, says that when he wrote the letter of resignation the statement that a former disease, "chronic bronchitis," had returned was not intended to convey the idea that he was affected with such disease in any manner or form prior to nor at time of enlistment. That he then was and had been for a number of years a sound, able-bodied man.

Dr. Joseph Malin, an old and well-known physician of Saint Joseph, testifies that he was intimately acquainted with claimant for several years prior to his enlistment, and to the best of his recollection claimant was sound at enlistment; that he had opportunities of knowing it had it been otherwise, as he was intimately acquainted with him and lived in the same town.

Hon. JAMES N. BURNES, a member of this House, testified that he knew claimant from 1850 until several years after the war; was a stout, hearty man, apparently free from any disease; had no trouble of the lungs or throat to deponent's knowledge, and that claimant's moral character was unexceptionable in every respect.

A large amount of evidence from parties in good standing, some of them claimant's comrades and intimate associates, has been filed to show that claimant was in good health when he entered the service.

Dr. W. Bertram testifies that himself and Dr. Jones were on the United States examining board for examining conscripts in 1864, and that claimant was examined by them and given a certificate of disability on account of bronchitis, and was only fit for the invalid corps, and that he consulted with claimant at various times afterward as to his disease, which continued to trouble him. The evidence is conclusive that he has suffered from said disease ever since and is now in a very critical condition.

Rev. D. L. Lander testifies that he was, in August, 1882, in a condition of absolute need.

Three special examiners have carefully investigated the case, and all reported strongly in favor of allowing the claim. The examiner in charge of the case in the Pension Office submitted it to the board of review with the recommendation that it be allowed, in which your committee most heartily concur. Putting the most unfavorable construction possible on the language of the resignation, it would only show that at some prior time the doctor had been afflicted with bronchitis, and that he had a weak constitution. But admitting this, with care and a careful avoidance of unnecessary exposure he might have enjoyed comparatively good health. That he served in the field and hospitals for eight months; that he suffered three days of exposure on the battlefield of Prairie Grove, and that under this severe strain he broke down, is clearly and conclusively established by a large number of trustworthy witnesses. Had he been a stronger man he might have endured more, but all that he had he gave to his country.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ANNA D. W. EICHMAN.

The next business on the Private Calendar was the bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Anna D. W. Eichman, of Dubuque city, Iowa, widow of Nicholas Eichman, late second sergeant of Company G, Sixteenth Regiment of Iowa Infantry.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman, having given the same due consideration, beg leave to report:

Nicholas Eichman, husband of claimant, was mustered into the United States service September 27, 1861, in Company G, Sixteenth Iowa Volunteer Infantry; was wounded at the battle of Shiloh, April 6, 1862, by gunshot wound in left leg and shell wound in right foot, by which he was totally disabled and for which he was honorably discharged August 15, 1862. For this disability he was placed on the pension-roll April 20, 1863, at rate of $8 per month, and was borne on the roll continuously until date of his death, July 18, 1883.

His widow, Anna D. W. Eichman, filed her application for pension December 17, 1883.

Requisite proofs of marriage, number of children, and that neither party was previously married, were duly filed; also following affidavit of Dr. Frederick Netzuhe as to cause of husband's death, dated January 10, 1884:

"That I have been the family physician of Nicholas Eichman for many years, during which time I have frequently attended to him on account of rheumatism, caused by the wounds in his foot, which wound became closed; also attended Mr. Eichman for the same in early part of July, 1883, at which time the rheumatism passed to his lungs and caused his death, the closing of the wound driving the rheumatism to his lungs."

Also March 11, 1884:

"I have been the family physician of the late Nicholas Eichman since the year 1870, and have during that period, during every year, treated him for an open wound in his right foot, received by him at the battle of Pittsburgh Landing, and also for rheumatism, as well as asthmatic difficulties and shortness of breath. In 1874 I found that the deceased, Mr. Eichman, was particularly affected with rheumatism whenever the wound in his foot closed, and was compelled to keep said wound open and promote the serous secretions from the same and avoid the difficulties above named. The cause of his death was undoubtedly the close of the wound in the foot, in addition to which he had contracted a severe cold, all of which caused a serous discharge in the lungs (pneumonia), which caused his death. Have thought for many years that Mr. Eichman's death would be hastened by that wound, and firmly believe that same was the full cause of his death."

Claim was rejected April 24, 1884, because "remote cause of death not medically shown."

Case was resubmitted December 9, 1884, and the following affidavit of Dr. Nitzuhe filed, dated November 21, 1884:

"I, F. Robert Nitzuhe, being duly sworn, upon oath depose and say that I have been a practicing physician and surgeon for over thirty years, that I live in the city of Dubuque, Iowa, and am fifty-five years of age; that since 1870 I have been the family physician of said Nich. Eichman, deceased, and that I have repeatedly (almost every year) treated said Nich. Eichman for an ulceration of the foot, being the result of a gunshot wound received in the service of the United States of America, for rheumatism, and dyspnœa.

"As long ago as 1874 I found that Nicholas Eichman was especially subject to the rheumatic and asthmatic affections above mentioned, when the ulceration of the foot aforesaid (the effect of said gunshot wound) ceased and healed.

This circumstance compelled me on various occasions, for the purpose of removing said affections and relieving the patient, to reopen said wound and thus promote the serous discharge of the diseased extremity, which serous discharge had been retained in the system and become the cause of the affections above named.

A similar state of circumstances, culminating in the death of said Eichman, again occurred shortly prior thereto.

The ulceration of the foot had healed, and this circumstance (possibly aided by a slight cold) caused the serous secretions, which otherwise were discharged from the system through the ulceration, the gunshot wound aforesaid, to accumulate in the lungs, and this laying the foundation for and being the direct cause of a serous pneumonia, from which Nich. Eichman died on the 18th day of July, 1883.

I desire further to say, that being more conversant with and fluent in the German than in the English language, I prepared a statement in German to guide the party preparing the original affidavit, which I subscribed and which is now on file in the Department. That in subscribing to the same I took it for granted that it was a correct translation of my statement. I find upon careful perusal that the statements contained in foregoing affidavit are the statements which it was my intention to incorporate in my first affidavit, and that the same are a true and correct translation of my original statement in German; and I further say that if affidavit on file in the Department differs materially in any regard from the foregoing, the former affidavit is erroneous, and that such mistake occurred through oversight on my part and the innocent error of the translator.

I further say that I was informed by said Nicholas Eichman in his lifetime that the gunshot wound (ulceration) before referred to as the direct cause of the serous pneumonia resulting in his death, was the same disability for which said Eichman was drawing pension from the Government at the time of his death; and, also, that I have no interest, direct or indirect, in the prosecution of the pending claim for widow's pension. I also state, that not being sufficiently conversant with the English language to reduce my statements to writing myself in a proper manner, this has been done by W. G. Joerus, esq., at my request, and I have by a personal examination assured myself that all of the foregoing statements are correct.

F. ROBERT NITZUHE, *M. D.*

Was again rejected January 7, 1885, for same reason as before.

The apparent conflict in the testimony of Dr. Nitzuhe is clearly explained in his last affidavit, and was evidently an error in translation. His testimony as to cause of death is positive; his statement of the case as to condition of wound, &c., is fully corroborated by all the biennial medical examinations since pension was first granted.

The soldier suffered for over twenty years with, and finally died of, wounds received in battle. His wife has faithfully and tenderly nursed him during all these years. She and her children are now in want.

Your committee believe she should be placed on the pension-roll, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN DEFENBAUGH.

The next business on the Private Calendar was the bill (H. R. 634) granting a pension to John Defenbaugh.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of John Defenbaugh, late a private in Company K, Eighty-second Regiment Pennsylvania Volunteer Infantry, now a resident of Creston, Iowa, on the pension-roll, subject to the limitations and requirements of the pension laws.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 631) granting a pension to John Defenbaugh, having given the same due consideration, beg leave to report:

John Defenbaugh, late private of Company K, Eighty-second Pennsylvania Volunteers, applied for pension for alleged wound in right hip by a piece of bursting shell, received in battle of Sailor's Creek, about 3 o'clock p. m. of April 6, 1865.

The only proof of wound in service is claimant's own affidavit; and he further swears that his captain was at that time absent on furlough; that the only lieutenant with the company was killed—shot down by his side in same battle; that his wound at that time seemed so slight that he did not go to hospital, and only showed it to one comrade, who has since died; that he was soon thereafter, with his regiment, mustered out of the service, to wit, July 13, 1865.

For above reasons he is unable to furnish the proof of incurrence in service in line of duty required by the rulings of the Pension Office. His claim was, in consequence, rejected. It is, however, clearly proven by competent lay and medical testimony that he has suffered continuously since his muster-out with said wound, which has grown constantly worse, and that from said wound, on the 20th day of October, 1880, there was taken a fragment of an iron shell, which is now on file in Pension Office with proofs of extraction; that he is by reason of same permanently disabled and utterly helpless.

We are of the opinion that the affidavit of John Defenbaugh, with the abundant corroborating testimony, fully establishes his right to a pension, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE D. CROCKER.

The next business on the Private Calendar was the bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Charlotte D. Crocker, widow of Brig. Gen Marcellus M. Crocker, from $30 to $50 per month, from and after the passage of this act.

The report (by Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 650, having had the same under consideration, beg leave to report:

Mrs. Charlotte D. Crocker is now receiving a pension of $30 per month as the widow of Brig. Gen. Marcellus M. Crocker, deceased, who entered the service at the first call of his country in 1861 as major of the Second Iowa Volunteers; was soon promoted to lieutenant-colonel of that regiment, and on December 30, 1861, to the colonelcy of the Thirteenth Iowa. This regiment was brigaded under the order of General Grant, after the battle of Shiloh, with the Eleventh Iowa, the Fifteenth Iowa, and the Sixteenth Iowa, and this brigade was known as the Iowa Brigade of the Seventeenth Army Corps, commanded by the lamented General McPherson, who was killed at Atlanta.

General Crocker's health was always feeble, but he was known as a most faithful, vigilant, brave, and far-seeing officer. Under his command the Iowa Brigade became famous as an organization of fighting men, which reputation they preserved to the end. He was transferred from this brigade by order of General Grant to a division, and in the various battles fought early in 1863 before the surrender of Vicksburg his management of his division and his great effort in the field, though worn by disease and pain, made him a marked man. He was made brigadier-general on the recommendation of General Grant November 29, 1862, before these battles were fought in 1863, and showed that his promotion was deserved.

He was continually on duty and rendering service in advance of his rank. In the advance on Atlanta in 1864 he was placed in command of the Fourth Division Seventeenth Army Corps and started with his division, after their veteran furlough, for the field, but he was unable to bear the insidious attacks of the disease which his exposure in the field had increased, and he relinquished the command to General Gresham. He was then placed on duty in New Mexico, returned to the East, and died in Washington, away from family, fireside, and friends, on August 26, 1865.

In order that the estimate placed on General Crocker by General Grant, that thorough observer of military men, may be understood, the following extract from a letter addressed by him to General Belknap, the president of the Society of Crocker's Iowa Brigade, is appended:

"I will have to excuse myself to the survivors—veterans—of a brigade so renowned for its marches, battles, losses upon the field, and high soldierly qualities of its first commander. No reflection upon subsequent commanders, but I regarded General Crocker among the ablest of the general officers with whom I was associated in the early years of the rebellion. Dying, as he was, at the beginning of the great struggle, he nevertheless was always ready for any duty, whether of fatigue or danger, or both combined; he succumbed to disease, * * * and in him Iowa lost one of the bravest men and most capable of soldiers."

This letter had reference to a declination by General Grant of an invitation to attend the brigade meeting, as he was engaged elsewhere.

General Crocker was a brave and everlastingly energetic man. Attacked by disease almost at the beginning of his service, he was ill all the time; he braved the danger of field and fight, won high honor, gained the personal approval of General Grant, and died in early life from the effects of peril and exposure.

His widow is very poor, and his two daughters, themselves in feeble health, earn a precarious living, which they share with their mother, by type-writing.

In view of his distinguished services and the destitute condition of his family, the pittance which his widow asks should be added to her pension.

Therefore we recommend the passage of the bill.

Mr. PRICE. Mr. Chairman, any man can defeat this bill to-night by simply raising an objection to it. Any parrot can do the same thing. Therefore I do not rise to raise objection to it. I wish to call the attention of the House to the simple fact that the proper mode to legislate upon these cases is, in my humble judgment, to treat every soldier of the war exactly as though he possessed all the qualities this committee has stated to the country was possessed by General Crocker. He commenced at the commencement of the war; so did they they. He left home; so did thousands of others. He was brave, energetic, and patriotic; so were thousands of others. He died in the field far from home and among strangers; so did thousands of others, and those others or their dependents are as poor as those of General Crocker.

They were just as brave, just as self-sacrificing; they suffered just as much, endured as much, and fought from as lofty motives, and yet there are thousands of them to-day dying in squalid homes and crowded poor-houses, all for the lack of the paltry $8 or $10 a month pension which they do not get, and we stand here and refuse to extend to them that Government help which every business man of common understanding and just principles on this floor would extend to a man who worked for him and who might become disabled by the kick of a mule on his farm.

Sir, I want to raise my voice here now, as I do not want to be continually doing it, not to offer any captious objection, because of the few members present, to the passage of the bill; not to call for a quorum or to kill the bill in the absence of a quorum, but simply to call attention to this system of legislation, for the purpose of saying that in my judgment it is vicious and wrong all the way through. While it is true that General Crocker was in a position requiring more mental ability, a position more difficult to fill than that occupied by those who carried muskets and served in a humble capacity under him, it is also true that his condition and pay were commensurate with his responsibilities; and he had a thousand privileges not shared by the men who served under him in his command and who carried muskets during the war.

We now propose to say by this class system of legislation, "We will feed one of you upon codfish and one upon roast beef." But one was a brilliant officer, high in rank, the other a humble private. I admit that $30 a month is not a very great income for anybody, but it is as good to the widow of a brigadier-general as to the widow of the soldier who served under him; and I raise my voice here to-night not as a special pleader for the poor man, but on the simple principle that all men actuated by the same motives, doing all that they could in any capacity, no matter how humble, have equal claims upon my gratitude, and the justice if not the gratitude of the country. I will have, therefore, to vote against this amendment. Possibly I shall stand alone in that action; but I shall raise my voice against these distinctions that

are made here in these bills; and in the future it is my purpose to vote against every single proposition of this character. Not that I object to the granting of pensions or to large pensions. Not that I object to the right of the House to do this. The House has the right to do, under the Constitution, as it pleases. It can pass the bill in any shape it pleases, but it is my desire to enter my vote and my protest against this feature embodied in bills of this character.

Do not tell me that I am fighting the memory of General Crocker. There is not a soldier who fought under him who does not cherish his memory, who does not honor him and love him; and yet there is not one of them who has a higher respect, regard, or veneration for his character or services than I have. He has a claim on American gratitude which I am the last man to deny and the first to accord.

But the fact remains that every man who trudged in the mud and sand and the rain during the war and who carried a musket for $14 a month is just as much entitled to credit and to gratitude as General Crocker, and deserves as much at the hands of the people and of this Government. Why, look at the subject for a moment. Men may gush upon this question of pensions; they may grow eloquent in support of it, but it does little credit to a man—pardon the expression—to gush and let his feelings get the better of his judgment, and express those lofty sentiments in one case because a man happened to hold high rank, while there are thousands of other soldiers just as meritorious who are receiving nothing from the Government. I say it is not good or fair legislation.

Mr. MORRILL. Will the gentleman permit a question?

Mr. PRICE. Yes, sir.

Mr. MORRILL. Were General Crocker's services as valuable to the country as old Mother Bickerdyke's?

Mr. PRICE. The question has no relevancy whatever to the subject. But I would not give more attention to this woman than to the woman away out in some far-off corner in the northwest region, who chopped her own wood, repaired her own fences, gathered her own grain, harnessed her own horses, and kept her children warmly clad and fed, while her husband was in the front fighting the battles of his country. Each woman did all that she could, and they did their whole duty, and I would treat all alike. This is only justice to them all.

Mr. GIBSON, of West Virginia. Will the gentleman permit me to ask him a question?

Mr. PRICE. Yes, sir.

Mr. GIBSON, of West Virginia. I desire to ask whether the theory of pensions, as adopted by all the governments of the world, has not been rather in the light of a support for the future than as compensation for the past?

Mr. PRICE. There comes in the difficulty again. I have got your question. A lawyer can not do anything unless he has precedent. He can find a precedent for the murder of the purest and divinest character that man has ever known. I do not care for precedent. I am governed by principles of abstract justice. That I would do though the heavens should fall.

We are standing right over a volcano, superinduced by this very system of class legislation, which will wreck our Government, disrupt it into a million of atoms, unless we do away with the causes which engender it. It is a volcano which will explode under our feet unless we adhere to the principle of doing exact and equal justice to all. We can never do too much for the widow of General Crocker or the widow of any other soldier who served his country, but we should do the same for all. To-day, but for their services, that flag would not be floating over the Speaker's chair. We would not be able to sit here to-night under the shadow of it but for the gallant services of the thousands and tens of thousands of men who served the country just as faithfully as General Crocker.

Now, sir, I do not want to say anything but what justice demands. We should take up all of these cases and relieve them so far as an exhaustless Treasury and the boundless gratitude of the nation enable us to do. But for these men, and their toils and sufferings, we should have no Treasury, and nothing to put in it if we had the Treasury. I shall vote against the amendment, and if it is adopted I shall probably vote for the bill; but yet at the same time I seek to remind this House that there is a storm arising all over the country that will compel you ere long to heed it. They say that I am severely criticised for voting alone against pensioning Mrs. Grant; and yet, Mr. Chairman, I have more than a desk full of letters from all your States commending that vote, because it is consistent with the eternal principle of justice.

If there was but one woman in this position I would give it to her. If there were a hundred, I would divide it among them. If there were a thousand, I would divide it among them. But I would not make any distinction based on rank and position.

Mr. HENDERSON, of Iowa. I desire to say, in connection with this bill, that Iowa does not ask anything for the widow of General Crocker that has not been given to the widows of other generals. If it is said that the widows of other generals are not receiving enough I will say amen to the proposition and will help to remedy that as fast as it can be done. But do not let us throw a block in the way of this proposition now before the House. There is precedent after precedent where widows of brigadier-generals have received $50 per month. This is the first case where Iowa has presented a claim of this character; and it is for the widow, and the poor widow, of one of the most distinguished soldiers any State produced during the war.

Mr. GIBSON, of West Virginia. Can the gentleman from Iowa give any reason why the widow of a brigadier-general should receive more than the widow of a private soldier?

Mr. HENDERSON, of Iowa. I should like to give every widow of a private soldier just as much.

Mr. GIBSON, of West Virginia. It should be borne in mind that the fame of these generals would have amounted to nothing if it had not rested on the valor of the private soldiers under their command.

Mr. HENDERSON, of Iowa. If the gentleman from West Virginia will select the widow of some officer equally entitled with the widow of General Crocker to a pension like this, I will vote with him.

Mr. GIBSON, of West Virginia. I will select the widow of some private soldier equally entitled.

Mr. HENDERSON, of Iowa. If you do, I will vote with you every time.

Mr. PRICE. The logic of the argument in favor of this bill is, if all are deserving of this recognition give it to one. But I say the inevitable tendency of passing such bills as this is to defraud or lessen the chances of others equally worthy. You had a meeting of the Grand Army of the Republic in Maine last fall, and that body of men voted, by a small majority, against a general pension law. Why? Because those having political positions, occupying the higher stations in life, where they could command support, are already relieved to a large extent; and as these men of influence have their wants provided for, it must inevitably result in the others being uncared for.

I say every one of these special acts lessens the chances of a broad comprehensive bill founded on the principles of justice. The gentleman from Iowa [Mr. HENDERSON] says they ask this for Iowa, and that this is the first time that they have made such a request. The gentleman can ask nothing for Iowa that I would not give if it was a fair request. But General Crocker did not belong to Iowa. He was ours. He belongs to the people of the United States, and his widow deserves all that we can give her in justice to the widows of other men equally meritorious.

Mr. JOHNSTON, of Indiana. While I am in favor of liberal pensions and in favor of pensioning every soldier that carried the musket and the knapsack for sixty days and has an honorable discharge, and while I am in favor of pensioning every widow of a soldier whether he lost his life in the service or not, believing that the Government owes that to the soldiers and their widows, yet I want to deny right here and now the proposition that the widow of an officer has any right to one cent more pension than the widow of the man who carried the musket and knapsack in the ranks.

Mr. PRICE. Sound!

Mr. JOHNSTON, of Indiana. Such a distinction is not right upon principle. The officer who goes into the field and gets his $150 or $250 a month sleeps in his tent and lives like a prince when he can, while the poor soldier has to suffer innumerable hardships. The widow of the officer suffers no more pangs than the widow of the private soldier. She did not endure half the hardships during the war that the widow of the private soldier endured, because the officer received his larger pay and sent it home and was able to support her like a lady, while the wife of the private soldier was living in her hovel, and was working day in and day out to support her children all the time the wife of the officer was living in comfort provided by the means her husband got from the Government. To make this distinction is not right as a matter of principle. I do not propose to vote against this bill, but I say that this distinction is not just to the widows of the private soldiers of the land.

Mr. PERKINS. May I ask the gentleman from Indiana a question?

Mr. JOHNSTON, of Indiana. Certainly.

Mr. PERKINS. Did not the Government make a distinction in the compensation it gave to these men when they were serving their country?

Mr. JOHNSTON, of Indiana. Yes, sir.

Mr. PERKINS. Is not Congress following the same precedent, and doing what the Government did when compensating these men for their services? Is it not preserving the same distinction, recognizing, perhaps, that their services were more valuable than the services of the private soldier; and that when the wife of one of these officers became a widow in consequence of his death, or being stricken down in battle, she suffered a greater pecuniary loss, because of the value of his services, than did the widow of the private soldier? Is not that the principle and distinction that have been formulated and observed in Congress and observed in legislation?

Mr. JOHNSTON, of Indiana. I understand that is true; that that has been the principle that has been formulated and carried out in legislation here.

Mr. PERKINS. I ask the gentleman, is it a wrong principle?

Mr. JOHNSTON, of Indiana. Yes, sir; it has been formulated here because the brigadier-generals have sat in these seats and the private soldiers have not. If the private soldiers had sat here this distinction would not have been kept up. I was myself in the Army. I carried a

musket and knapsack for eighteen months. It was my fortune to get a commission afterward. After I got that commission and commanded the men of my company I did not undergo half the hardships that I did while I carried a musket and knapsack by the side of my neighbor boy that I went out with, and I do not think that because I was fortunate enough to get that commission I should be entitled to one cent more pension than he, because we started upon an equal footing.

Mr. PERKINS. Will the gentleman permit a question?

Mr. JOHNSTON, of Indiana. Certainly.

Mr. PERKINS. Did you not think at the time that you should receive more compensation than the man who carried the musket and did you not accept it?

Mr. JOHNSTON, of Indiana. No, sir; I did not believe that I was entitled to any more compensation, but the Government offered it to me, and, just like the rest of you, I took it. [Laughter.]

Mr. ROWELL. I would like to ask the gentleman a question.

Mr. JOHNSTON, of Indiana. I will answer it if I can.

Mr. ROWELL. Do you think that in all positions of life and in all kinds of employment the compensation ought to be exactly the same?

Mr. JOHNSTON, of Indiana. No, sir, I do not think that; but I think that where one man took equal risk with another the compensation ought to be the same.

Mr. ROWELL. Do you think the pecuniary loss to a wife whose husband could earn her eight or ten thousand dollars a year is no greater when he dies than the loss in the case of a woman whose husband could earn her only $1,000 a year?

Mr. JOHNSTON, of Indiana. You can not measure it in that way. There were a great many brigadier-generals who never earned their wives one-tenth of $1,000 a year; but this is a thing that you can not measure in that way. If you are going to undertake to regulate the pension by what the husband might have done or might have earned you will have a great deal of difficulty in dealing with the subject of pensions. If we undertake to do that we shall have to organize ourselves into a court to try each case by itself. I am talking now about the plain question of principle, and I say it is not right that a man because he happened to be fortunate enough to get a commission should be preferred in the matter of pension. I have seen men command regiments and command brigades when men who were their superiors were in the ranks carrying muskets and knapsacks. It is not a question of ability; it is a question of fortune; it is a question that circumstances have a great deal to do with. While there are thousands of women who deserve pensions, but who have none, it is not right to increase a pension that is already large enough to support the widow. The present pension will do that respectably, much better than $8 a month will support the widow of a private soldier.

Mr. MATSON. Mr. Chairman, I have said perhaps a scorce of times on the floor of this House what I say now, and I hope that this will be the last time, at least during the present Congress, that I shall be called upon to say it. The principle announced by the gentleman from Wisconsin [Mr. PRICE] is right; it meets my concurrence and it has always done so. I think that the pensions of the widows of general officers ought not to have been increased to $50 a month; but it was begun many years ago. It began by pensioning the widows of general officers who had been killed in battle, and so it went on step by step until the same rate of pension was given to the widows of all general officers.

It is a very difficult thing for a committee now, when such a bill is brought before it, to refuse to allow the pension after such pensions have been allowed so frequently, for they have been allowed in nearly every case—in every case, I think, where they have been asked. In the same way it is difficult for the House to refuse these pensions. It was wrong in the beginning; I admit that. But it has been so established by precedent that it is almost impossible now to refuse in any particular case without saying to the person asking it, impliedly at least, "Your husband's services were not worthy of this mark of recognition. They were not as valuable as the services of other general officers whose widows have had their pensions increased to $50 per month." That is the great difficulty in the way.

Now, as to the other question, if the House will indulge me, I want to say this, for I think it will relieve the minds of gentlemen in relation to the distinction between officers and privates. The law under which the volunteer forces are pensioned was made for the regular Army. There a reason obtained for the different rates of pension because an officer of the regular Army enters into an engagement for his lifetime. He goes into the Army to remain during good behavior, and he and his widow, perhaps, for that reason alone, are entitled to special consideration over the enlisted men of the regular Army who serve only for a definite period of enlistment, three or five years. That was the reason for establishing the distinction with reference to the regular Army; but I have never been able to see any reason why there should be such a distinction between the officers and the enlisted men of the volunteer forces; for the reason that they come out of the same community, out of the same walks of life, and return to the same community and stand there together, citizens alike, having entered the service at the same time and left it at the same time. There seems to be no good reason why there should be any distinction between them.

Mr. GIBSON, of West Virginia. The more reason, then, for removing the distinction.

Mr. MATSON. Yes. There has been some suggestion in the course of the debate here during the last two or three days in regard to a general equalization law. That matter has been pressed upon the attention of our committee. We undertook in the last Congress to devise some scheme in the nature of a commission or something of that kind for the purpose of revising the pension laws and making them more equitable, and I apprehend that the same thing will be undertaken again. We will do the best we can in that direction; but I trust the members of this House will bear in mind that it is a very difficult thing to take away a pension that has once been granted. It is a very difficult thing to do that; and, on the other hand, it is a very difficult thing to raise the pensions of all to the highest limit.

This is a broad question; and I have only thrown out these suggestions for the purpose of relieving the minds of members upon some of these points on which I thought I might be able to give some light.

Mr. GIBSON, of West Virginia. Mr. Chairman, having been a soldier for four years, though on an unfortunate side, I have very little regard for these "tin soldiers." The truth is I have always observed that the reputations of the generals, the colonels, the majors, and the captains were made by the sweat and the sufferings of the private soldier. For this reason I have looked with abhorrence upon a disposition to draw a class distinction, and to give to the officer a pension which after the battle is over would support him in a very different grade of life from the poor fellow who carried the musket and the knapsack and who gained the victory and gave reputation to his officer.

Mr. PRICE. And came between the general and danger.

Mr. GIBSON, of West Virginia. My judgment in this matter has been formed from knowledge acquired on the battlefield—and I have no apologies to make for it; acquired on the battlefield—where I had opportunity to observe the difference between the common soldier and the officer, who in many cases stood hundreds of yards in the rear. Now, why in carrying out a great and beneficent system of pensions in this country should we draw a class distinction, and make an aristocracy of the descendants and the heirs of officers, while we place upon a lower plane the descendants and the heirs of private soldiers, who were alike volunteers in a great war? There is no other country on the face of the globe that has such a pension law as you are undertaking to establish here. England with her aristocracy, Russia with her autocracy, Germany with her emperor, and France—none of these countries have any such pension law as takes the officers and places them over and above the people whose lives have been sacrificed in defense of their country. We have seen here in this House a family with an annual income of over half a million dollars put upon the pension-list of this Government as the mendicants of the Government, to the disgrace of the Congress that passed the measure, rather than of those who received its benefits.

Following that up, I ask you what is the theory of pensions? The theory of pensions is to provide support for those who can not support themselves because of what they have suffered in defense of their country. Why, then, do you want to degrade your soldiers, who deserve all the credit you can give them—the men who without training took your flag, hoisted it above their heads, and nerved by their own patriotism and energy marched to the front of the battle? Why do you want to degrade them as mendicants of the Government, to strike down that patriotism and make these men mere paupers dependent upon your will?

I know that your common soldiers are honorable, courageous men, I know that they are patriots, because I have met them on the battlefield; I am here to stand by them; but I am here to protest *in the name* of the soldier who has suffered, and who suffers to-day on account of his service in behalf of the country, against degrading the patriotism and courage of the American citizen to the level of a mere dependent upon the bounty of the Government.

Mr. WOLFORD. Before the vote is taken I want to say a few words; and I wish the attention of my friend from Wisconsin [Mr. PRICE], as well as everybody else. I propose to address myself to his head, not his heart. I disagree with the doctrine advocated so ably here by distinguished men that rank should make no difference in pensions. Away back in the history of man—God knows when it commenced—when the best men were selected to command, it was thought that the commander deserved more credit than any private. Those old-fashioned people had not learned what my distinguished friend has learned. They thought that he who has control of ten thousand lives, and by his skill, his wisdom, his strategy is able to care for and defend the lives of ten thousand men is entitled to more credit than a mere subordinate. This is the way that our forefathers reasoned—the way that wise men have reasoned all through the annals of history. This is the principle on which God Almighty acted, as declared in Holy Writ.

Now, I will put a case to my distinguished friend here. A man who, like General Grant, commanded a hundred thousand men with consummate skill—what did he have to do? Only to take care of General Grant? It has been said—I hope not invidiously—that the officers stood back and the soldiers went in front. I have seen officers go in front—have seen it often. Gentlemen who have not seen this have not associated in the Army with the kind of officers I have known.

When a military officer is placed in charge of a hundred thousand men, what mind, what genius, what collected courage he must have to lead such a command! What responsibility rests upon him! Why,

sir, in ordinary commercial business, when you make a man responsible for a million dollars you pay him a higher salary than if he were responsible for only five dollars. Will any gentleman say that the man who takes charge of a million dollars and is responsible for that amount should receive no more compensation than the man who takes charge of five dollars?

Mr. PRICE. Will the gentleman allow me a question?

Mr. WOLFORD. Certainly; that is what I desire.

Mr. PRICE. Did we not pay the officers more?

Mr. WOLFORD. We did pay them more. I am undertaking to state the reason why they deserved more pay and why they deserve more pension. Will you tell me, sir, that he who is responsible for a hundred thousand lives should receive no more than a mere private soldier? Look at the question a moment. Sir, it is a great thing to stand upon the battlefield and with your spy-glass in hand, amidst the roar of musketry and artillery, be cool enough to take in the situation and so command as to make most effective the thousands of men who are to be controlled and made available.

Mr. PRICE. Is it more dangerous to stand with a spy-glass in hand than with a musket?

Mr. WOLFORD. I am not talking about danger, but about duty.

Mr. SOWDEN. Will the gentleman permit me to ask him a question?

Mr. WOLFORD. Yes, sir.

Mr. SOWDEN. What is the difference between the wife of a great general who led a hundred thousand troops and the wife of a poor private?

Mr. WOLFORD. Well, sir, I will come to the wives of our soldiers directly. [Laughter.] I put it to the candor of the gentleman from Wisconsin [Mr. PRICE], when he talks as he does, whether the man who saved one hundred thousand lives—and what is higher, what is nobler, what is grander than one hundred thousand lives—who saved the honor of one hundred thousand men, is not entitled to more consideration and greater credit than the man who only saved one life?

Mr. GIBSON, of West Virginia. Let me ask the gentleman a question.

Mr. WOLFORD. Certainly, I will yield for a question, although I wish to get through as quickly as possible. I have a few more things to say, and will say them now while I have the opportunity.

Mr. GIBSON, of West Virginia. As I understand it, the gentleman yields to me, and I wish, as he had experience as a commanding officer in the war, to ask him if he ever knew of a single case of a captain who made his company; whether, on the contrary, it was not always the company that made the captain?

Mr. WOLFORD. It is like King George's apple dumpling, when he could not tell whether the dough was in the apples or the apples were in the dough. [Laughter.] I say they are all the same. I put it to the candor of every man here, if you saved one hundred thousand lives—I put it to you, sir, if you had it in your power to save one hundred thousand lives, or the honor of one hundred thousand people, if you had it in your power to save the best interests of your country by your skill and courage, have you done no more than the man who has merely packed his musket and obeyed your orders? You can not say so, because you would contradict the experience of men. The gentleman from Wisconsin can not say so, because he would contradict and stultify his own great reasoning powers.

I am now trying to address your reason. I am making no appeal to sympathy—I scorn your sympathy in such a case as this. I put it upon the ground of service. He that does much shall receive much. So said God Almighty, and do you wish to reverse that decree?

There is a thing called righteousness; all the world desires to be called righteous whether they are so or not. Now, what is righteousness? It is a great number of righteous acts—doing right things and keeping on doing them—having it in your power to do great good. Well, the wisdom of the world long before I was born, and I can not go back on that, the wisdom of the world, sir, before you were born, said he who has done most for his country shall receive most at his country's hands. So it is now, and so it always has been. It is the unchangeable law.

I ask the gentleman from Wisconsin—you need not accuse me now of trying to appeal to your heart; I am trying to talk to your brain [laughter]—I ask the gentleman from Wisconsin candidly, can he as an honest man answer this argument which I have made? Will he get up here and say that a man who has saved one hundred thousand lives, who has saved all the dearest, the sweetest, the most sacred interests of a hundred thousand people, is entitled to no more credit and no more honor and no more reward than the man who merely saved his own life? No, sir; he can not do it.

A member arose.

Mr. WOLFORD. I am not through yet; I wish to go on and talk a little further on this matter. Why did the whole nation say, Mr. Chairman, that General Grant was the greatest man in this whole nation! Not because he was intrinsically the greatest man in the whole country, not because as an individual he was greater than you or any other man, but because the opportunity was presented to him and he embraced it. It was because he saved the lives of many thousands of men—because he led them in the midst of a great civil war, through strife and carnage, to crowning victory. It is because he won success for his country and made her triumphant in the day of peril. That is the reason why the whole country said he was the greatest man. That is the reason why the world said he was the greatest general of his time. He who was first in war, first in peace, and first in the hearts of his countrymen, the great Washington, he deserved more credit than anybody else in the Revolution, because he had the opportunity and he embraced it. He led our armies to victory. That is the fact in history, and you can not change it, try as you will. It is a stubborn fact and you can not get round it.

We have heard some talk here that the officers made the privates, or the privates made the officers. They both belonged to the country and each was necessary to the other, and the glory which was won belonged equally to both, but those who did the most were entitled to the most.

I have been asked by my distinguished friend as to the wives of our soldiers. They were in partnership, the soldiers and their wives. The soldiers went into the Army and fought the battles of the country while their wives remained at home. I believe their interests were in common, and that they are equally entitled to credit. And they should be treated as entitled to equal consideration. Those who were regarded as worthy to be wives of our gallant soldiers should not be degraded—you, sir, should not go back on these widows, on these wives, for I understand you have taken a wife yourself. [Laughter.] Do them justice; that is all I ask at your hands.

I hope you will not go back on your history. I hope that you will not say that these gallant soldiers' widows shall not receive as much of a pension as the other widows of general officers have been allowed to receive heretofore.

And now, Mr. Chairman, another word upon another subject before I take my seat. I shall not make any appeals to the House, but, sir, I want to say a single word and give the reasons why I discuss it now, as I have a right to do in the Committee of the Whole. I want to say a word in behalf of a lady whose pension claim was considered to-night, who did more for her country than any brigadier-general who has been referred to in this discussion. Her pension was not objected to on the ground that she was not meritorious, but because, as I understand it, men were afraid that they would set an example and a precedent in other cases. But, sir, I hope when the vote is taken in the House, after this committee has risen, that you will consider that this lady has given more to her country than any brigadier-general, more on account of mercy to the suffering soldiers, more to save the lives of our wounded soldiers than any of them, and that you will consider when you come to vote on the question in the House the propriety of increasing her pension to $50 a month instead of that recommended by the committee.

The CHAIRMAN. The question is on laying the bill aside to be reported favorably to the House.

Mr. HOLMES. Mr. Chairman, I desire to say a word before the vote is taken upon the passage of this bill.

The name of General Crocker is one that creates enthusiasm and is venerated on every hearth-stone in Iowa. I had hopes, sir, that this bill would pass without provoking any discussion. I can readily conceive the objection gentlemen urge when they oppose this bill, and the honest convictions which influence them, because they can see no reason why a larger pension should be given to the widow of a brigadier-general than to a private soldier. I think the gentleman from West Virginia [Mr. GIBSON], in the course of his remarks, answered his own objections himself when he stated that it was for support and not service that extra pensions were granted.

In a suit for damages for the death of an individual this widow or family would ask and receive a greater amount in a court of law if his earnings are shown to be large than would be received if his compensation had been small. That would be the measure of damages, and so it is in cases of this character. These matters are considered in all cases, both in law and equity. The compensation the individual receives and the service he rendered must be taken into account, and it is the service of the man—what he did—which is the basis upon which relief is granted to his family after his death. I take it that that is the reason why all pensions have been graded in all nations of the earth that grant pensions. They are based upon the position held by the party entitled to the pension in the service.

I can readily understand the motives which influence my warm-hearted friend from Wisconsin [Mr. PRICE] in opposing this bill. I do not think, sir, that his opposition rests so much upon the fact that this is a pension for $50 a month to the widow of a brigadier-general as because the pension of the private soldier is not $50 a month. I agree with him most heartily. Certainly there is no difference in merit between the applicants; and on this question there is no difference between the gentleman and myself.

I know my friend's warm and hearty feelings for the soldiers. I can recollect of no other gentleman now who in the last session of Congress introduced a bill to pension every worthy soldier in our service, and I may be permitted to say that I know of no one else who made a favorable report other than myself, who made a minority report from the committee upon that bill. I cheerfully yield, therefore, to the honest motives of my friend in opposing this bill. His heart is big enough to

take in every soldier in the country, no matter under what circumstances or what or where or how the services were rendered.

But, Mr. Chairman, the case of General Crocker is an exception; the case of his widow is different from that of many of the distinguished gentlemen who have received pensions from Congress heretofore or who may receive pensions in this Congress. General Crocker was a man who paid attention to the needs and wants of others more than to his own. Indeed, in his care for others he neglected his own affairs and died poor. He carried the flag of the country through the fierce flame of battle and planted it on the uppermost heights, and the grand men who stood by him will rejoice to-night and in future days when this Congress shall do his widow and his family this scanty meed of justice. We can afford to make an exception of General Crocker's case—a man who was distinguished in those days of fire, iron, and blood as among the best and the bravest; and I hope there will be no dissenting voice to the passage of this bill.

Mr. GIBSON, of West Virginia. I would like to ask the gentleman where he would be willing to draw the line?

Mr. HOLMES. With the permission of the Chair I will answer the gentleman from West Virginia by saying that when every soldier, great and small, in this country has received his just deserts, and when their widows and families have been cared for, and none are left destitute, then I will draw the line, and not before.

Mr. GIBSON, of West Virginia. Then you mean to say that you will draw the line when the families of every officer have been favored over and above the families of the common soldiers of the country?

Mr. HOLMES. I think I have made myself clear.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

The question was taken; and on a division there were—ayes 41, noes 3.

Mr. GIBSON, of West Virginia. In deference to the request of the other gentlemen I shall defer calling a quorum on this issue. I do that, I repeat, in deference to other advice, while I feel in my conscience that I am submitting to a wrong upon my constituents and upon the people of this country.

So (no further count being demanded) the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLAN having taken the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar under the special order of the House, had directed him to report sundry bills with various recommendations.

BILLS PASSED.

Bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed, two-thirds voting in favor thereof:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser, of Virginia;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

Bills of the following titles, reported without amendment, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 1475) granting a pension to Margaret Flaherty;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 16) granting a pension to Mrs. Nancy L. Ribble;

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 4410) for the relief of John C. Clark;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 634) granting a pension to John Defenbaugh; and

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker.

Bills of the following titles were reported from the Committee of the Whole House with amendments, the amendments were agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 698) granting a pension to Philip D. Campbell;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 414) granting a pension to Daniel B. Clark; and

A bill (H. R. 693) granting a pension to William B. Keith.

The title was changed so as to read "to restore to the pension-roll the name of William B. Keith."

The bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke was reported from the Committee of the Whole House with an amendment.

The amendment was read, as follows:

Strike out $50 per month and insert $25 per month.

Mr. WOLFORD. I desire to have a vote on that amendment.

Mr. GIBSON, of West Virginia. The report of the committee, I understand, is $25 per month.

The SPEAKER *pro tempore*. The committee recommend an amendment striking out $50 and inserting $25. The question is on the amendment.

The amendment was agreed to—ayes 27, noes 12.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. MATSON. I move to reconsider the several votes by which bills have been passed; and also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MATSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 45 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of Union Lodge, No. 86, of A. O. U. W., of Pennsylvania; of Ottawa Tribe, No. 64, I. O. of R. M., of Pittsburgh, Pa., and of Camp No. 4, Sons of Veterans, of Pittsburgh, Pa., in favor of giving title to a portion of the public domain to the surviving officers, soldiers, sailors, and marines of the late war for the Union, or to their widows and children, and to pay the difference between the value of paper money and gold at the several times of payment—to the Committee on Invalid Pensions.

Also, memorial of Maul & Grote and others, of Pittsburgh, Pa., asking an increase of duty on a certain kind of tobacco leaf, &c.—to the Committee on Ways and Means.

By Mr. BELMONT: Petition of produce merchants of New York, in favor of the appointment of a fishery commission—to the Committee on Foreign Affairs.

By Mr. BINGHAM: Resolutions of the Presbyterian Ministerial Association of Philadelphia, Pa., asking for the passage of bills looking to the prevention of the use of the mails for the distribution of newspapers and other publications containing lottery advertisements—to the Committee on the Post-Office and Post-Roads.

By Mr. C. R. BRECKINRIDGE: Petition of B. C. Cobb, for relief—to the Committee on War Claims.

By Mr. COLE: Memorial of clerks in the Baltimore post-office, relative to the classification of clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. CURTIN: Papers relating to claim of J. H. Merrill—to the Committee on Claims.

By Mr. FLEEGER: Petition of Eliza J. Ray, of Meadville, Pa., for passage of an act granting authority to the Secretary of the Treasury to issue duplicate Spanish indemnity certificate in lieu of one lost—to the Committee on Ways and Means.

By Mr. HARRIS: Papers in the case of James W. Hightower, of Columbus, Ga.—to the Committee on War Claims.

By Mr. HEWITT: Resolutions of the commissioners of pilots of New York, in favor of an appropriation for the improvement of Buttermilk Channel—to the Committee on Rivers and Harbors.

Also, petition of George W. Farnam, of New York, for a pension—to the Committee on Invalid Pensions.

By Mr. HILL: Papers relating to the claim of Abram G. Hoyt—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the claim of James W. Harvey, assignee of Joseph Parkins—to the Committee on Claims.

By Mr. J. T. JONES: Papers relating to the claim of William F. Martin, of Mobile, Ala.—to the same committee.

Also, papers relating to the claim of the Deposits Saving Association of Mobile, Ala.—to the same committee.

By Mr. LAFFOON: Papers relating to the claim of Joseph Adams—to the Committee on War Claims.

By Mr. LYMAN: Paper relating to the claim of F. W. Haldeman, H. R. 658—to the same committee.

By Mr. MAYBURY: Petition of H. P. Baldwin & Co. and many others, for the improvement of the Rouge River near Detroit, Mich.—to the Committee on Rivers and Harbors.

By Mr. MCKENNA: Resolutions of the Board of Trade, Sacramento, Cal., for the improvement of the Sacramento River and tributaries—to the same committee.

By Mr. MOFFATT: Petitions of citizens of Michigan; of Massachusetts and New York; of Calumet, Mich.; of Lake Linden; of Houghton; of Hancock; of Detroit; of Saint Clair; of Marquette; of Ashland, Mich.; of Clayton; of Buffalo; of New York city; and of Alexandria Bay, N. Y.; of merchants and citizens of Cleveland, Ohio; of the Commercial Exchange of Philadelphia, Pa.; and memorials of Board of

Trade of Erie, Pa.; of Commercial Exchange of Philadelphia, Pa.; of the Chamber of Commerce of Milwaukee, Wis.; and resolutions of the Legislatures of Minnesota; of Wisconsin; of Illinois; of Michigan; of the Chamber of Commerce of Minneapolis, Minn.; of the Board of Trade of Chicago; of board of managers of New York Produce Exchange; of Board of Trade of Duluth, Minn.; of citizens of Waterbury, Conn.; of Genesee, N. Y.; of Milwaukee, Wis.; and of Duluth, Minn., asking that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior—to the same committee.

By Mr. MURPHY: Petition of citizens of Iowa, asking that all imitations of butter and cheese be labeled with a United States stamp imposing a tax of five cents per pound—to the Committee on Ways and Means.

By Mr. CHARLES O'NEILL: Memorial of many persons engaged in this country in the manufacture and sale of macaroni, vermicelli, and like products, asking that those articles be taken from the free-list and a duty imposed on the same—to the same committee.

By Mr. T. B. REED: Petition of citizens of Cleveland, Ohio, against the renewal of fishery treaty with Great Britain—to the Committee on Foreign Affairs.

By Mr. SENEY: Memorial of A. E. Dickenson and others, about woman suffrage in Utah—to the Committee on the Judiciary.

By Mr. SYMES: Petition of Assembly of Knights of Labor, for free silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. WAIT: Petition of Charles Young, for relief—to the Committee on Claims.

By Mr. T. B. WARD: Petition of citizens of Hamilton County, Indiana, asking that soldiers and sailors of the United States Army and Navy be pensioned—to the Committee on Invalid Pensions.

By Mr. A. J. WARNER: Petition and papers relating to the claim of Battelle and Evans—to the Committee on War Claims.

Also, papers in the case of Francis Hammond—to the Committee on Claims.

By Mr. WHEELER: Petition of re-enlisted veterans of the Union Army and Mexican war—to the Committee on Pensions.

By Mr. WISE: Resolution of District Assembly No. 84, Knights of Labor, Richmond, Va., in reference to international copyright—to the Committee on Patents.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. BLAND: Of citizens of Utah.

By Mr. TOWNSHEND: Of citizens of Jefferson and Franklin Counties, Illinois.

SENATE.

MONDAY, *January* 25, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Thursday last was read and approved.

SENATOR FROM MISSISSIPPI.

Mr. GEORGE presented the credentials of EDWARD C. WALTHALL, chosen by the Legislature of Mississippi a Senator from that State to fill the vacancy caused by the resignation of Lucius Q. C. Lamar in the term ending March 3, 1889.

The credentials were read.

Mr. GEORGE. I ask that the oath of office be administered to the Senator-elect.

The PRESIDENT *pro tempore*. The Senator-elect from Mississippi will please come forward and take the oath of office.

Mr. WALTHALL advanced to the desk of the President *pro tempore*, escorted by Mr. GEORGE, and, the oath of office having been administered to him, he took his seat in the Senate.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 19th instant, certain information in relation to the amount of United States bonds called for payment February 1, 1886, held by national banks; which, on motion of Mr. INGALLS, was referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with the act of July 5, 1884, a report of the Quartermaster-General as to purchases of supplies made by his department during the fiscal year ending June 30, 1885; which was read.

The PRESIDENT *pro tempore*. The communication is accompanied with a large mass of papers, which are in the Secretary's office. What shall be done with the communication?

Mr. INGALLS. I move the reference of the communication, with the accompanying papers, to the Committee on Military Affairs, that they may decide whether they shall be printed or not.

The PRESIDENT *pro tempore*. If there be no objection that reference will be made.

Mr. COCKRELL. I should like to ask the Senator from Iowa [Mr. ALLISON] if the requirement of the act of July 5, 1884, was not at the instance of the Committee on Appropriations? I was thinking that probably the communication had better go to the Committee on Appropriations, and they can determine whether the accompanying papers ought to be printed or not.

Mr. INGALLS. Either reference will be satisfactory to me, sir.

The PRESIDENT *pro tempore*. Does the Senator from Missouri move that reference?

Mr. COCKRELL. I move that the papers be referred to the Committee on Appropriations.

Mr. ALLISON. I do not think this information was called for by the Committee on Appropriations.

Mr. COCKRELL. It is sent in accordance with a provision in an appropriation act.

The PRESIDENT *pro tempore*. It is an annual report, made in pursuance of law.

Mr. ALLISON. It should go to the Committee on Appropriations, then. I remember the provision was made in the last Congress.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, a statement of the contracts made by the War Department and its bureaus for the fiscal year ending June 30, 1885; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also laid before the Senate a communication from the Secretary of War, transmitting the report of the board on fortifications or other defenses, organized under a provision of the act of March 3, 1885; which was ordered to be printed, and, with the accompanying papers, on motion of Mr. CAMERON, referred to the Committee on Coast Defenses.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 191 of the Revised Statutes, an annual report of clerks employed in the War Department; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also laid before the Senate a communication from the Secretary of the Interior, recommending an increase of the force in the office of the Commissioner of Railroads; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of George Harlan Post, No. 139, Grand Army of the Republic, Department of Ohio, praying the allowance to each soldier of the late war of a portion of the public domain; which was referred to the Committee on Public Lands.

Mr. CAMERON presented a memorial of J. Monroe Kreiter, jr., president, and other officers and members of Typographical Union No. 14, of Harrisburg, Pa., protesting against the passage of the so-called "international copyright bill" on the ground that it will work great injustice to their trade; which was referred to the Committee on Patents.

He also presented the petition of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, late chief of transportation and telegraphing department on the staff of Maj. Gen. D. N. Couch, commanding Department of the Susquehanna, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Col. John B. Clark Post, No. 162, Grand Army of the Republic, of Alleghany City, Pa.; the petition of Maj. A. M. Harper Post, No. 181, Grand Army of the Republic; the petition of Lieut. James M. Lysle Camp, No. 2, Sons of Veterans, West Pennsylvania Division United States Army, of Allegheny City, Pa.; the petition of the Ottawa Tribe, No. 64, Independent Order of Red Men, of Pittsburgh, Pa.; the petition of the Union Lodge, No. 86, Ancient Order of United Workingmen of Pennsylvania, and the petition of Col. Henry B. Hays Camp, No. 4, Sons of Veterans, United States Army, of Pittsburgh, Pa., praying Congress to provide by proper legislation for giving to the surviving officers, soldiers, sailors, and marines of the late war for the Union, or to their widows and children, a title to a portion of the public domain, as was done to the soldiers of other wars, and also to the said officers, soldiers, sailors, and marines the difference of value between the paper money paid them as pay and bounty and gold money at the several times of payment; which were referred to the Committee on Public Lands.

Mr. PLUMB. I present the petition of a large number of citizens of Kansas, setting forth at length the necessity for the opening of the Indian Territory to settlement, the allotment of lands to the Indians in severalty, and the appropriation of the remainder for the uses of actual

settlers. I move that the petition be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PLUMB. I also present the petition of a large number of citizens of Kansas, praying that the coinage of silver be placed on an equality with the coinage of gold, with certain other modifications of the present law in regard to the use of silver certificates. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. PLUMB presented a petition of citizens of Kansas, praying that a pension be granted to William Dobbs, late a private in Company K, One hundred and nineteenth Regiment Indiana Volunteers; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Sedgwick County, Kansas, praying that Oscar Reed, late a private in Company A, Second West Virginia Infantry, be placed on the pension-roll; which was referred to the Committee on Pensions.

Mr. DAWES. I present the petition of the National Association of Wool Manufacturers, praying for the enactment of a bankruptcy law. As a bill in reference to that subject has already been reported from the Committee on the Judiciary, I move that the petition lie on the table.

The motion was agreed to.

Mr. CALL presented the petition of the Philadelphia (Pa.) Maritime Exchange, praying for the passage of the bill introduced by him providing for the construction, operation, and maintenance of a telegraph line in conjunction with a signal station at Point Jupiter, Florida; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Florida, praying that the naval reserve lands in La Fayette County, Florida, be turned over to the Interior Department, in order that they may be subject to homestead entry; which was referred to the Committee on Public Lands.

He also presented a memorial of pilots of Pensacola, Fla., remonstrating against the passage of the bill relating to pilots and pilotage; which was referred to the Committee on Commerce.

Mr. MCMILLAN. I present a memorial of the Chamber of Commerce of the city of Saint Paul, Minn., in reference to the Upper Missouri River, and the Yellowstone River, its principal tributary. I ask that the memorial be read. It is brief, and presents the public interests in that section so clearly that I think it proper to have it read.

The PRESIDENT *pro tempore*. If there be no objection the memorial will be read.

The Chief Clerk read as follows:

To the Congress of the United States:

Your memorialist, the Chamber of Commerce of the city of Saint Paul, Minn., respectfully represents:

That the business men of Saint Paul are very largely interested in the trade of the Upper Missouri River, and anxiously look to the General Government for the speedy improvement of that important water way.

That there exists above the city of Bismarck 1,200 miles of navigable waters on this great stream, besides 400 miles of navigation on the main tributary thereof, the Yellowstone.

That in the valleys drained by these 1,600 miles of river there are no means of communication save by river.

That during the last season of navigation nearly 40,000,000 pounds of freight, and a very large list of passengers, were carried by steamers on these rivers above Bismarck.

That nearly all this freight went from Saint Paul.

That in the allotments of money heretofore made by Congress for the improvement of the Missouri River the bulk of the money has been used on the lower half of the river, where there is a great amount of water and navigation, with little commerce.

That the meager amounts heretofore allowed have made the navigation of the Upper Missouri possible for boats of 1,200 tons burden, and on the Yellowstone for vessels of 200 tons burden.

That the demands of this vast region are such that the improvement of these rivers should now be entered upon on a liberal and comprehensive scale and carried forward to an early completion, that the highest possible results may be accomplished by furnishing cheap transportation to this undeveloped and most interesting country.

That this chamber does most cordially and earnestly indorse the recommendations of the water-ways convention held at Saint Paul September 3 and 4, 1885, and which have recently received the strong approval of the great convention held in Kansas City the latter days of December last, which provide among other things that the Missouri River be divided into five sections, and that the allotments of money to these sections be made equal in amount.

Resolved, That our Senators and Representatives in Congress be, and they are earnestly, requested to give this matter great attention and use every proper effort in aid thereof.

JOHN B. SANBORN, *President*.
Attest: WM. F. PHELPS, *Secretary*.

Mr. MCMILLAN. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. HARRISON presented the petition of William P. Vansant and 81 others, citizens of Morgan County, Indiana, praying Congress to remove the charge of desertion from the record of Arnotes Forrester, late a private in Company C, Twenty-second Regiment Indiana Volunteers; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa. I present resolutions, in the nature of a memorial, adopted by the United Presbyterian Ministerial Association of Philadelphia, Pa., in favor of the passage of the Senate bill to prohibit the mailing of newspapers and other publications containing lottery advertisements, &c. Inasmuch as that subject has been reported upon by the Committee on Post-Offices and Post-Roads I move that the resolutions lie on the table.

The motion was agreed to.

Mr. WILSON, of Maryland, presented a petition of citizens of Maryland, praying for the repeal of the law requiring the Secretary of the Treasury to coin not less than $2,000,000 per month of standard silver dollars; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of hospital stewards in the United States Army, praying for an increase of compensation; which was referred to the Committee on Military Affairs.

Mr. MITCHELL, of Oregon, presented a memorial of citizens of the State of Oregon, remonstrating against the suspension of silver coinage, and favoring legislation placing the coinage of silver on an equality with the coinage of gold; which was referred to the Committee on Finance.

He also presented a petition of citizens of Oregon, praying for the investigation of a land grant in Oregon, known as the Willamette and Cascade Mountain wagon-road grant; which was referred to the Committee on Public Lands.

Mr. VEST presented a petition of the Bar Association of the Territory of Montana, praying for the passage of an act providing for five justices of the supreme court of Montana; which was referred to the Committee on the Judiciary.

Mr. GIBSON. I present a petition of the governor and State officers of the State of Louisiana and of citizens of Baton Rouge, La., in favor of the transfer of the barracks at Baton Rouge to the Louisiana State University and Agricultural and Mechanical College. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands have had under consideration two bills, the bill (S. 1108) to confirm title to certain private land grants in Arizona Territory, and the bill (S. 1109) to confirm the title to that certain private land grant "Tres Alamos," in Arizona Territory, and, conceiving them to belong properly to the jurisdiction of another committee, have instructed me to report them back to the Senate and ask that the Committee on Public Lands be discharged from their further consideration and that they be referred to the Committee on Private Land Claims.

The report was agreed to.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 5) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, to report the same adversely, and also to report on the same subject a new bill.

The PRESIDENT *pro tempore*. If there be no objection the bill reported adversely will be indefinitely postponed.

Mr. PLATT. Ought it not to go upon the Calendar?

Mr. HOAR. The committee report the same bill in substance, only it is a new draught; that is all.

The PRESIDENT *pro tempore*. The bill reported by the committee will be read by its title.

The bill (S. 1200) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. INGALLS. That bill is reported from the Committee on the Judiciary, and I presume that I do not transcend the proprieties in saying that it did not receive the unanimous support of that committee. It was reported by a majority, and I do not concur with their conclusions. While I do not wish to submit any formal report in behalf of the minority, I merely announce that, not concurring with the committee, I shall take occasion when the bill is called up to express my views upon the subject.

Mr. WILSON, of Iowa. I concur in the statement made by the Senator from Kansas relative to the position of the committee in regard to the bill, and, in addition to what he has said, I desire now to propose an amendment to the bill, which I ask may be printed. I will venture the statement that the amendment will doubtless receive the approval of a majority of the committee. I am not prepared to say

at this time that even with the adoption of the amendment I shall be prepared to give my support to the bill, but certainly I shall not be prepared to do so without the adoption of the amendment.

Mr. HOAR. I presume the amendment will receive the support of a majority of the committee. It was put in form by the Senator from Iowa too late to form a part of the report. If it be proper, I should like to have the amendment printed for the information of the Senate and referred to the committee without taking the bill from its place on the Calendar. I suppose that can be done.

The PRESIDENT *pro tempore*. The Senator from Iowa [Mr. WILSON] asks the unanimous consent of the Senate at this stage in the bill to offer an amendment, it being considered as pending for that purpose. If there be no objection, that will be agreed to. The Senator from Massachusetts [Mr. HOAR] asks that the amendment without the bill be referred to the Committee on the Judiciary.

Mr. BLAIR. I should be glad to hear the amendment read.

Mr. HOAR. That is not necessary.

Mr. BLAIR. The amendment is very short, I understand.

Mr. ALLISON. Let it be read.

Mr. HOAR. Very well.

The PRESIDENT *pro tempore*. If there be no objection, the proposed amendment will be reported.

The Chief Clerk read as follows:

SEC. 13. That whenever, in the opinion of the President, it shall be deemed necessary to the protection of the interests and the preservation of the security of the United States in respect of its lien, mortgage, or other interest in any or the property of the several companies named in the first section of this act upon which a lien, mortgage, or other incumbrance, paramount to the right, title, or interest of the United States for the same property may exist, the Secretary of the Treasury shall, under the direction of the President, redeem or otherwise clear off such paramount lien, mortgage, or other incumbrance, by paying the sums lawfully due in respect thereof out of the Treasury; and the United States shall thereupon become and be subrogated to all rights and securities theretofore pertaining to the debt, mortgage, lien, or other incumbrance in respect of which such payment shall have been made. It shall be the duty of the Attorney-General, under the direction of the President, to take all such steps and proceedings in the courts and otherwise as shall be needful to protect and defend the rights and interests of the United States in respect of the matters in this section mentioned.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the amendment be referred to the Committee on the Judiciary. If there be no objection that order will be made.

Mr. PLATT. The Committee on Territories, to whom was referred the bill (S. 67) to provide for the formation and admission into the Union of the State of Washington, and for other purposes, direct me to report it with amendments. I have nearly completed a written report to submit, which, with the consent of the Senate, I shall file with the Secretary during the day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 466) to regulate the subletting of contracts for carrying the United States mails, reported adversely thereon; and the bill was postponed indefinitely.

NORTHERN CHEYENNES IN MONTANA.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana, and there being a pressing exigency which this is designed to meet, I ask unanimous consent that it may be put upon its passage now.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Interior to use, out of the unexpended balance of the $50,000 appropriated in the act making appropriations for the Indian service for the fiscal year 1886, approved March 3, 1885, to supply food and other necessities of life in cases of distress among the Indians not having treaty funds, $12,000, or so much thereof as may be necessary, to relieve the distress now existing among the Northern Cheyennes on the Rosebud and Tounge Rivers, in Montana, and furnish them with such food and other necessary articles as may be required; and in expending this amount he is authorized, if necessary, to purchase supplies in open market to an extent not to exceed $5,000.

The PRESIDENT *pro tempore*. The verbal amendment reported from the committee will be read.

The CHIEF CLERK. In line 12, correct the spelling of the word "Tongue" by changing "Tounge" to "Tongue."

Mr. DAWES. I apprehend it is not necessary for the joint resolution to go back to the House for that. It is a misprint, a misspelling of the word. I presume the engrossed bill is right, if the Secretary has the engrossed bill. I would not want the joint resolution to go back to the House.

The PRESIDENT *pro tempore*. The Chief Clerk calls the attention of the Chair to another misspelling. It may be right in the engrossed bill and wrong in the print. If there be no objection the verbal amendments in the spelling of the words will be made.

Mr. DAWES. Will that involve its going back to the House?

Mr. INGALLS. Then let it not be done by a motion. If the bill is amended by motion in this body there is no way by which it can escape being sent to the other House.

The PRESIDENT *pro tempore*. The Chair has sent for the engrossed bill.

Mr. DAWES. I suggest that the joint resolution be informally laid aside so as to get the engrossed bill. I think there is a misprint, and the trouble is not in the engrossed bill.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I report back from the Committee on the District of Columbia the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C. The bill is reported with one amendment. I understand perfectly well that I have no right to communicate to the Senate what transpires in committee, but the chairman of the committee will himself, I think, certify the fact that this is the bill as it passed before without an objection in the Senate, changing the time from ninety days to six months. I ask to suspend any rule which prohibits the passage of the bill this morning and let it go through by unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Virginia asks the unanimous consent of the Senate to proceed to the consideration of the bill at this time. Is there objection?

Mr. MORGAN. I rise to morning business.

Mr. PLATT. Let the bill be read.

The PRESIDENT *pro tempore*. The Senator from Alabama rises to morning business, which is an objection for the moment.

Mr. MORGAN. I wish to introduce a bill.

Mr. RIDDLEBERGER. Let me understand. Does the Senator from Alabama object?

Mr. MORGAN. No, sir; I merely rise to morning business.

The PRESIDENT *pro tempore*. He objects for the moment.

Mr. MORGAN. I do not care to interrupt the Senator with his effort to get the bill before the Senate.

Mr. RIDDLEBERGER. Of course I shall wait. What time does the morning business hour expire? We have had some doubt as to whether it was 1 or 2 o'clock.

The PRESIDENT *pro tempore*. The morning business will be concluded before 2 o'clock at any rate.

Mr. RIDDLEBERGER. I know the Senator from Alabama will not object after 2 o'clock.

Mr. MORGAN. I wish to introduce a bill.

The PRESIDENT *pro tempore*. The introduction of bills is not yet in order. Reports from standing or select committees are still in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi;

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri;

A bill (H. R. 16) granting a pension to Mrs. Nancy L. Ribble;

A bill (H. R. 414) granting a pension to Daniel B. Clark;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;

A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 698) granting a pension to Philip D. Campbell;

A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 1475) granting a pension to Margaret Flaherty;

A bill (H. R. 4410) for the relief of John C. Clark; and

Joint resolution (H. Res. 57) to print an addition to a report on wages, ordered printed January 17, 1884.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes; and it was thereupon signed by the President *pro tempore*.

DEATH OF REPRESENTATIVE RANKIN.

The message further conveyed to the Senate the intelligence of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

The message also announced that the House had passed a concurrent

resolution for the appointment of a special joint committee of seven members of the House of Representatives and three members of the Senate to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis., and that Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON, of New York had been appointed the committee on the part of the House.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 1201) granting a pension to Louise Ambrecht; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1202) to authorize the appointment of Indians to certain offices; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1203) to amend section 2805 of the Revised Statutes of the United States so as to allow oaths to be administered by notaries public; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 1204) for the relief of the children of the late Surgeon Alfred M. Owen and to increase their pensions; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. COKE introduced a bill (S. 1205) to provide for the issuing and recording of certain commissions in the Department of Justice; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CAMERON introduced a bill (S. 1206) granting a pension to Ellen Bishop; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1207) granting a pension to Caroline Sees; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1208) to authorize the proper accounting officers of the Treasury to audit and pay the claim of the county of Schuylkill, in the State of Pennsylvania, for money advanced by it under allotments made by soldiers from said county during the late rebellion by virtue of section 12 of the act of Congress entitled "An act to authorize the employment of volunteers to aid in enforcing the laws and protecting property," approved July 22, 1861; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT introduced a bill (S. 1209) to amend the law in relation to the registration of trade-marks; which was read twice by its title, and referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 1210) to authorize the Secretary of the Interior to make sale of certain lands of the Umatilla Indian reservation to William S. Byers and others and to issue patent therefor; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. DAWES introduced a bill (S. 1211) to accept and ratify an agreement made with the confederated tribes and bands of Indians occupying the Yakama reservation, in the Territory of Washington, for the extinguishment of their title to so much of said reservation as is required for the use of the Northern Pacific Railroad, and to make the necessary appropriations for carrying out the same; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WILSON, of Maryland, introduced a bill (S. 1212) for the further protection of property from fire and safety of lives in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. INGALLS introduced a bill (S. 1213) to regulate insurance in the District of Columbia; which was read twice by its title.

Mr. INGALLS. The bill I introduce by request, without any knowledge on my part of the provisions which it contains. I move that it be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS also introduced a bill (S. 1214) granting a pension to Seamus G. Morris; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1215) making an appropriation for the purchase of a right of way to Cape Orford light-station, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1216) making an appropriation for the purchase of a site and the construction of a light-house at Cape Meares, Tillamook Bay, Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1217) for the relief of Henry Bellion; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 1218) to regulate the removal of causes by Federal corporations; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. GIBSON introduced a bill (S. 1219) for the relief of the heirs of Martin Kenofsky; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1220) for the relief of Edward G. W. Butler from political disabilities; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. BOWEN introduced a bill (S. 1221) relating to suits by the United States to set aside land patents; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SAWYER introduced a bill (S. 1222) for the relief of soldiers and sailors having lost a leg above the knee or an arm above the elbow-joint; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1223) for the relief of Wilbur F. Steele; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BOWEN introduced a bill (S. 1224) granting a pension to Henry H. Stutsman; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1225) granting a pension to W. Park Alexander; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLAIR introduced a bill (S. 1226) to utilize certain public lands toward securing for the American people "work for workers and wages for work," or fair opportunities and just rewards; which was read twice by its title.

Mr. BLAIR. I introduced this bill also in the last Congress, and then as now at the request of Mr. Charles Fred. Adams, who is the clerk of the Civil Service Commission. The bill relates to the investment of the savings of working people in the public lands. I move that it be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VAN WYCK introduced a bill (S. 1227) granting increase of pension to William P. Squires; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1228) to increase the pensions of widows and dependent relatives, and granting pensions to invalid and dependent soldiers and sailors of the late war, and for other purposes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1229) to adjust the inequalities in the pensions paid certain soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service, and to increase the pensions of such soldiers and sailors as are or may thus become utterly helpless; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 1230) authorizing the Interstate Rapid Transit Railway Company to build a bridge across the Kansas River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BLAIR introduced a bill (S. 1231) for the relief of Frances McNeil Potter; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CHACE introduced a joint resolution (S. R. 34) granting medals to the officers and men of the Thetis, Bear, and Alert, composing the arctic relief squadron sent to the relief of Lieutenant Greely and party in 1884; which was read twice by its title, and referred to the Committee on Military Affairs.

AIDS TO GENERAL OFFICERS.

Mr. BUTLER. On the 12th of this month I introduced a bill (S. 1043) to amend sections 1097 and 1098 of the Revised Statutes relating to aids to general officers of the Army, which was ordered to lie on the table. I move that the bill, with the accompanying papers which I now present, be referred to the Committee on Military Affairs.

The motion was agreed to.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. GIBSON, it was

Ordered, That the papers in the case of Lucien Goyeaux be taken from the files and referred to the Committee on Claims.

Ordered, That the papers in the case of the State National Bank of Louisiana be taken from the files and referred to the Committee on Claims.

On motion of Mr. PIKE, it was

Ordered, That the papers in the claim of the widow and children of John W. Judson be taken from the files and referred to the Committee on Claims, there being no adverse report.

On motion of Mr. STANFORD, it was

Ordered, That Jesse D. Carr have leave to withdraw the papers filed by him and now upon the files of the Senate.

Ordered, That all the papers relating to the cases hereinafter named be withdrawn from the files of the Senate, under the rules, and referred to the committees respectively hereinafter named, to-wit:

1. In the case of William R. Wheaton and Charles H. Chamberlain, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 988, first session Forty-ninth Congress.

2. In the cases of James M. Barney, William B. Hooper & Co., E. N. Fish & Co., Tully, Ochva & Co., William B. Hugas, to the Committee on Indian Affairs, to be by it considered in connection with Senate bill No. 989, first session Forty-ninth Congress.

3. In the case of State of California to take lands in lieu of the sixteenth and thirty-sixth sections containing minerals, to the Committee on Public Lands, to

be by it considered in connection with Senate bill No. 990, first session Forty-ninth Congress.

4. In the case of the relief of Jerome Madden, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 992, first session Forty-ninth Congress.

5. In the case of the unexpended balances heretofore appropriated by Congress for suppression of Indian hostilities in the State of California, to the Committee on Appropriations, to be by it considered in connection with Senate bill No. 993, first session Forty-ninth Congress.

6. In the case of granting the State of California 5 per cent. of the net proceeds of the sales of the public lands in said State, to the Committee on Public Lands, to be by it considered in connection with Senate bill No. 994, first session Forty-ninth Congress.

7. In the case of crediting the several States and Territories moneys collected under the direct tax levied by act of August 5, 1861, to the Committee on the Judiciary, to be by it considered in connection with Senate bill No. 995, first session Forty-ninth Congress.

ORDER DISBANDING CERTAIN REGIMENTS.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the Senate a certified copy of special order No. 89, Headquarters Department of Texas, dated April 28, 1866.

PORT ORFORD BREAKWATER.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to report to the Senate what disposition, if any, has been made of the $150,000 appropriated by Congress for the commencement of the construction of a breakwater at Port Orford, Oreg., by the act approved March 3, 1879.

ADJOURNMENTS OVER.

Mr. HOAR. I offer the following resolution as an amendment to the rules, to be referred to the Committee on Rules:

Resolved, That upon a motion that when the Senate adjourn to a day other than the next legislative day, the question shall always be taken in open session and by yeas and nays.

I move that that be referred to the Committee on Rules, and on the motion I should like to say one word. Both Houses adjourned at the end of the last Congress with a very large number of measures not acted upon, demanded by the country, very important to the public interest, and which were favored I am quite sure by a large majority of both Houses. Those measures were not dealt with simply for want of time. Congress expired leaving the grievances so far unredressed. We have now already reached nearly the close of the second month of this session. One-third of the time usually allotted to the long session of Congress has passed; one-fifth of the life of this entire Congress has passed; and a practice has grown up of moving on Thursday that the Senate adjourn to the following Monday, the motion being made at a time when large numbers of the Senators are not in their seats, interrupting sometimes a speech to make that motion; and those who desire to devote the public time to the public business find to their surprise that the motion has been adopted. It seems to some of us that a loss of two of the six days in the week devoted to legislation by the Senate ought not to be brought about without at least the entire Senate having an opportunity upon a call of yeas and nays to express its opinion. The call of yeas and nays secures the knowledge by the whole body that the question is pending.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Rules if there be no objection.

NORTHERN CHEYENNES IN MONTANA.

Mr. DAWES. Now I ask that we resume action on the joint resolution I reported this morning.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, resumes the consideration of the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

Mr. DAWES. I have examined the engrossed bill and I find that the mistakes to which attention was called in the print exist also in the engrossed bill. I am inclined to think that while the engrossed bill makes it possible to ascertain the meaning of Congress, it would look very bad in print in the printed book of the laws of Congress, and therefore I propose to correct what was evidently the mistake of those who engrossed the bill in the other House. In line 8 I move to strike out the word "live," and to insert the word "life."

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Massachusetts will be considered as agreed to.

Mr. DAWES. I also move to strike out in line 12 the word which has been printed and is the same in the engrossed bill before "rivers" and to insert in place of it the word "Tongue."

The PRESIDENT *pro tempore*. That amendment will be considered as agreed to, there being no objection, it being verbal in its character.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time. The joint resolution was read the third time, and passed.

Mr. INGALLS. I should like to ask the Senator from Massachusetts why this appropriation is made by joint resolution instead of bill?

Mr. DAWES. If I had drawn this measure it would have been a bill rather than a joint resolution. I agree with the Senator that that is the proper mode.

Mr. INGALLS. Then, inasmuch as we have amended this joint resolution and it must go back to the House for concurrence, I move that the title and frame of the joint resolution be so amended as to make it a bill in proper form.

The PRESIDENT *pro tempore*. It is moved by the Senator from Kansas that this be changed in form from a joint resolution to a bill. Is there objection? If not, the amendment will be considered as agreed to.

Mr. DAWES. In the title of the bill I observe that they have failed to write out the name of these Indians in the proper form, and I move that the word "Cheyenns," as it appears in the print, be amended by inserting the letter "e" after the last "n" and before "s;" so as to read: "Northern Cheyennes."

The PRESIDENT *pro tempore*. The Senator from Massachusetts will please call the attention of the Secretary to that.

Mr. INGALLS. This seems to me an appropriate occasion to call attention to the extraordinary condition of the engrossing force which sends the bills to this body for concurrence. I think at the last session of Congress there were at least a dozen or fifteen bills that came here in such shape, it being impossible to consider them word by word, that after they had been enrolled it became necessary to correct them by joint resolution in consequence of the inefficiency of the enrolling force that was employed upon the bills before they were sent to this body. I do not know that there is any method by which this difficulty can be corrected, but it is a crying evil. It is a disgrace that a bill should be sent to this body in the condition of that which we have been considering this morning, the commonest words misspelled, the plain intent and purpose of Congress frustrated by the ignorance or carelessness of those persons who are employed to write out these bills on paper.

If any motion could be made I should be glad to submit it, but I know of nothing except the correcting influence of public opinion on this subject, and I take occasion therefore to call attention to the condition of this bill and of other measures that have been frequently sent here in such a condition that they were unintelligible and insensible. I trust that some measures will be taken to correct an evil that is disgraceful to the Congress of the United States.

The PRESIDENT *pro tempore*. The bill having passed, the title will be changed to conform to the body of the bill.

Mr. SAULSBURY. Am I to understand the Senator from Kansas as referring to the enrolling and engrossing clerks of the Senate?

Mr. INGALLS. Oh, no.

Mr. SAULSBURY. Because I was going to say that having been chairman of the Committee on Engrossed Bills for some years I have never seen a more efficient set of clerks than those on the part of the Senate who engross our bills. I have had occasion to examine a number of bills, and very seldom have I found occasion to change a letter.

Mr. INGALLS. I will say in response to the Senator from Delaware that I did not refer to the enrolling and engrossing force employed by the Senate. I referred distinctly to the force that is employed in writing out the bills and resolutions which are sent to this body, and I called attention to the conspicuous neglect and carelessness that was apparent in the bill we have been considering this morning as an illustration.

POTOMAC RIVER BRIDGE.

Mr. RIDDLEBERGER. I now renew my request for the consideration of the bill reported by me this morning.

The PRESIDENT *pro tempore*. The Senator from Virginia asks that unanimous consent be given for the consideration of the bill reported by him from the Committee on the District of Columbia.

Mr. RIDDLEBERGER. I have understood that two-thirds of this body could at any time suspend a rule. If I have been mistaken in that, I shall be obliged if the Chair will inform me.

The PRESIDENT *pro tempore*. To suspend a rule requires the unanimous consent of the Senate in this particular case.

Mr. HARRIS. Let the title of the bill be stated.

The PRESIDENT *pro tempore*. The bill which the Senator from Virginia has reported from the Committee on the District of Columbia will be reported by its title.

The CHIEF CLERK. A bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

Mr. HARRIS. I suggest to the Senator that he ask the unanimous consent of the Senate.

Mr. RIDDLEBERGER. Well, sir, I am entirely willing to ask unanimous consent; but I am not willing to infract a rule. I claim that two-thirds of this body can change a rule; but I will withdraw that claim for the present and allow my bill to pass the Senate, if the Senate will just consider it.

The PRESIDENT *pro tempore*. The Senator from Virginia asks unanimous consent of the Senate to consider the bill now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.

Mr. RIDDLEBERGER. It will be observed that the committee

has reported one amendment to the bill which passed at the last session of Congress. The committee propose "six months" instead of three months as the time within which the title shall be obtained to the Aqueduct Bridge. I ask that that be adopted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 2, line 3, after the word "within," it is proposed to strike out "ninety days" and insert "six months;" so as to read:

SEC. 2. That if the provisions of the first section of this act authorizing the purchase of the Aqueduct Bridge shall not be fully executed within six months from the passage of this act and the title therefor approved as herein required, then the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed across the Potomac River at the Three Sisters, above Georgetown, in the District of Columbia, a substantial iron and masonry bridge, with approaches; and the sum of $220,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the construction of said bridge and approaches, the same to be maintained as a free bridge for travel.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARKANSAS HOT SPRINGS.

Mr. BERRY. I ask unanimous consent of the Senate at this time to call up the resolution submitted by me on the 21st instant in relation to the Government reservation at Hot Springs, Ark.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent of the Senate to proceed to the consideration of the resolution submitted by him. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law;

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior until proper legislation is had with reference thereto.

The PRESIDENT *pro tempore*. No objection being made, the resolution is before the Senate.

Mr. BERRY. Mr. President, I shall detain the Senate but a few minutes to explain the reasons why I hope the resolution just read will pass the Senate.

By an act of Congress approved in December, 1878, the Secretary of the Interior was authorized to lease to the owners certain bath-houses located upon the permanent reservation at Hot Springs, Ark., and also to lease bath-house sites for a period of five years. The same act authorized the Secretary of the Interior to lease the Arlington Hotel to the proprietors for a period of ten years. The leases made under this act, so far as they relate to the bath-houses, expired in December, 1883. The Secretary of the Interior at that time, the present Senator from Colorado [Mr. TELLER], decided that he had no power to renew those leases. He, however, permitted the parties who held under the former leases to retain possession as tenants at will upon the same terms as those that were provided for in the former leases. In October, 1885, the Attorney-General gave an opinion that the Secretary of the Interior did have the power under the act of 1878 to renew these leases. This opinion, however, did not commit the Attorney-General to the policy of renewal.

About the 1st of last December I called upon the Assistant Secretary of the Interior, who had this matter in charge, and represented to him that I did not think it to the interest of the Government or the people of Hot Springs that these leases should be renewed. I said to him that I hoped for legislation during the present session of Congress which would change that entire system and would forever prevent its renewal. I clearly understood from him at that time that no renewal would be made until it was definitely ascertained that no legislation would be had during the present session. On last Friday I learned that there was a probability of some action being had in reference to this matter, and I called upon the Assistant Secretary again, and he informed me that one, if not two, of these leases had been renewed. I thereupon introduced the present resolution. I did not introduce it for the purpose of criticising or in any way reflecting upon the action of the Interior Department. I presume the Assistant Secretary either forgot or did not deem it any part of his duty to inform me of his change of intention. I introduced the resolution for the purpose, if possible, of preventing any further leases being granted, or in any event that I might put these lessees upon notice, so that they could not come in hereafter, and in order to defeat legislation claim that they had expended money or incurred obligations that it would be inequitable and unjust for Congress to disregard.

I shall not attempt, Mr. President, at this time to state at any length the reasons why I think that the whole system should be changed of controlling the reservation and disposing of the hot water at Hot Springs. I will state, however, that under the present system it would be utterly impossible to ever improve and beautify that reservation in order to make it a desirable resort for the invalids and visitors who may go to that watering-place. I believe that so long as those bath-houses remain upon that reservation and are occupied by those in charge of them with their families it is utterly impossible to keep the place in that sanitary condition necessary for the health and comfort of the people. To-day that reservation is made a general dumping-ground for all those articles which good taste requires should be kept from public view.

Another reason why I am opposed to the renewal of these leases is this: Under the present lease system there a few individuals, the owners of the Arlington Hotel, the owners of those bath-houses, have a complete monopoly over the hot water that is used and flows from the springs. In addition to that, under the present system, more than one-half, some say four-fifths, of that hot water escapes into the channel of the creek and is forever lost. I was going to remark, however, that so complete is this monopoly, that Captain Jacobs, of the United States Army, who had in charge the building of the Army and Navy hospital there, was compelled last summer to buy water for the United States Government for the construction of that building. I say while this hot water is allowed to escape not one of the citizens residing in the southern part of the city of Hot Springs, the most populous part of that city, is enabled to obtain a bath-house or a single gallon of hot water.

In addition to these reasons, Mr. President, the individuals who own these bath-house leases and this Arlington Hotel are not liable to pay any taxes for that property. They are practically the owners. They pay the Government a mere nominal rent. The Arlington Hotel cost perhaps $60,000; the bath-houses cost perhaps $100,000 or more; and the owners of this property are entitled to the benefit of the free schools, and they are entitled to protection from the State and municipal authorities, and yet upon this property they pay not one dollar of tax. So long as this monopoly is continued so long will there be strife and contention at the Hot Springs, and so long as strife and contention continue there so long will visitors and invalids be deterred from seeking that greatest health resort on the American continent.

While, as I have said, I have not fully matured any legislation on this point, while I am not prepared to commit myself fully at this time to any system, yet I believe that every bath-house and every hotel should be swept from that reservation, that no structures should remain thereon save and except the Army and Navy hospital, a building which is now about completed, a magnificent structure, and one that does much honor to the Senator from Illinois [Mr. LOGAN], through whose exertions the bill was passed that secured its erection. I say, that building should remain there, and perhaps a bath-house for the indigent invalids, but all others should be swept away. Further than that, the hot water should be collected in reservoirs, it should be distributed throughout the different parts of the city through pipes connected with the reservoirs, and the Government should pass out of the bath-house business, and simply dispose of this water to the citizens; and the Secretary of the Interior should direct that this water should be distributed through all parts of the city, so far as the supply will extend.

These are my views, and in presenting them I wish to say that I make no war upon the individual owners of these bath-houses or this Arlington Hotel. I know them personally. They are very clever gentlemen, but like most men who have special privileges conferred upon them they are disposed to look more to their own interest than they are to that of the public. I make war on this system or any system that gives a few individuals the monopoly of these privileges and exempts them from taxation.

I may add, however, that for the present and in the adoption of this resolution I do not seek to convert any Senator to my way of thinking in regard to the final disposition of this matter. I speak for the present only to prevent these leases being renewed, to prevent these parties from obtaining additional rights to those which they now have, to prevent these parties from coming in hereafter and claiming that they are entitled to equities. I ask that the matter rest as it is and that these leases be not renewed, or at least that Congress express that opinion which I hope and believe the Secretary of the Interior will regard until such time as a bill can be brought in and this matter can be thoroughly considered by the present Congress.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

Mr. LOGAN. I should like to hear the resolution read. I was not in when it was offered.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Secretary read the resolution.

Mr. LOGAN. Of course the Senator from Arkansas knows much more about this matter than I do; but the language of the resolution would in my judgment do nothing more than suspend this leasing for almost an unlimited time. It took quite a number of years to get Congress to do anything in reference to the Hot Springs in Arkansas. One of the Senators from Arkansas for a number of sessions I think, or for at least two or three, tried to obtain appropriations for that locality for certain purposes and failed, for the reason that it was almost impossible to attract the attention of Congress to that particular thing, as every one knows it is very hard sometimes in reference to many other things unless they are of an overwhelming public character.

I desire, so far as I am concerned, to see the best mode adopted that could be devised for the general benefit of the people who go there. I think if the Senator will reflect a little in reference to the suggestion made in the resolution that he may change it. The idea he suggests to the Senate is that this hot water should be so arranged by the Government that through pipes it would go to the houses of all the citizens of the town, so that they might all receive benefit therefrom. Would not that produce this result, that the citizens of Hot Springs would get this water if it was put in tanks or in a reservoir for their benefit, and would they not sell it for a much larger amount than individuals have to pay for baths now? Human nature is a good deal alike everywhere, and giving a privilege to one individual sometimes works a hardship to others; but if you were to give the privilege to those whom it works hardest against they would do precisely the same thing, and thus produce the hardship that they had objected to.

I was once at the Hot Springs for a short time, and I must say I received great benefit from those waters. While there I came to the conclusion that it would be very difficult to regulate the matter by law; that is, to define it in such a way that everybody would have an equal share in the waters of those springs; and I came to the conclusion that there could be no better way than to leave it in the control of the Secretary of the Interior. If the Secretary of the Interior is a just man, which doubtless he is, a man of good judgment, of discretion, a man who desires to deal fairly and justly with all, he will certainly make such rules and regulations connected with the use of the water—as he has a perfect right, as I understand, to do under the law—as will be equitable and just to all the citizens.

One of the difficulties, at least one that I found, was this: There are a great number of bath-houses at the Hot Springs receiving this water, all leased from the Government. I believe they are not allowed to have in excess of forty tubs to a bath-house. I do not know how many there are there, but I think there are some ten or twelve bath-houses, certainly a number that accommodate many people, and a great many people go there for their health. You may call the matter a monopoly or what you please; but the bathing is good, and the bath-houses are kept in a cleanly condition; there are rubbers and servants there whom you can employ for the purpose of attending to your wants, and so far as I observed in connection with the bath-houses everything was cleanly and in good shape.

Now suppose it is a monopoly; everything for which a person has a privilege you may say is a monopoly; but really it is only a monopoly when you declare that nobody shall have a right except a particular individual. That is not the case there. These persons lease a piece of ground, they build a bath-house at their own expense, and then as the remuneration they are to receive to compensate them for the expense they have been at in building a bath-house they charge so much for each bath, 25 cents or 50 cents or whatever it is—I do not remember now——

Mr. BERRY. Thirty-five cents.

Mr. LOGAN. No matter what the amount is, they charge so much in order to remunerate them for their outlay. Unless some one can devise a plan and bring it to the attention of Congress that is better than the present arrangement, I would rather see the present arrangement continued. I certainly would join with the Senator from Arkansas in any plan or in any system that could be devised by which people would be accommodated in a better manner than they are at the present time.

What I am saying is not with a view of antagonizing anything that would be a benefit to the invalid, for it is to the invalid that I look much more than to the men who lease the bath-houses or citizens who would be benefited thereby. If he would change this resolution so as to suspend the leasing, say for one month or for weeks or two months, to see what Congress will do, and if Congress takes no definite step in that length of time then let the suspension cease, I should see no particular objection to it; but I say to him now and to the Senate that I think when you undertake to bring this to the attention of Congress you will find Congress perhaps will not come up to the work as readily as you suppose.

I know that a Senator representing that part of the country knows much more about this matter than I do. I merely rose to make this suggestion, that the Senator would find more difficulty perhaps in having a plan arranged and devised and passed through Congress than he anticipates now. Hence I think if the resolution is to pass suspending indefinitely the action of the Secretary of the Interior, it would work harm instead of good.

Mr. VOORHEES. Mr. President, I think this resolution ought not to pass, at this time at least. As I understand the situation in the Department, it is this: The Attorney-General of the United States has given it as his opinion that under the existing law the Secretary of the Interior may in his discretion extend these leases or not. The present Attorney-General has given his opinion that the Secretary of the Interior may or may not, as he chooses, extend these leases. I am willing that that discretion should abide there, and I am not willing to take it away, for, after paying the closest possible attention to the remarks of the Senator from Arkansas, it seems to me his resolution embraces the idea of confiscating all the bath-houses on the hot-water reservation. I can conceive of nothing except an act of confiscation that would strike my mind as more unjust. There are bath-houses there with tens upon tens of thousands of dollars in them. I do not know but that some of them have cost their proprietors $100,000. There is one bath-house where each tub has cost the proprietors $150 to put it in its place, made in Scotland and inlaid with porcelain, the finest bath-house to-day perhaps in the world, certainly in the United States. If that man's lease is not to be renewed and his property is to be taken off that reservation, it strikes me as simply a sweeping act of confiscation.

Mr. INGALLS. When do these leases expire?

Mr. VOORHEES. I do not know definitely when any of them expire, but——

Mr. BERRY. Will the Senator allow me to state?

Mr. VOORHEES. They will be expiring soon.

Mr. BERRY. The leases have already expired. The proposition is to prevent their renewal, in order that their holders may not be able to come forward in the view the Senator from Indiana is contending for them and set up their equities to prevent legislation. The leases have expired.

Mr. VOORHEES. The Senator knows that point better than I. Very well, then, I will say that I am perfectly ready and willing to consider carefully any measure of legislation that the Senator from Arkansas or anybody else will bring forward on this subject; but I am not willing to make proclamation in advance as to what we will do. I am not willing to bind myself by a joint resolution to destroy the present investment without any knowledge of what is to take its place. I say, with all respect to the Senator from Arkansas, and with a good deal of knowledge and experience of that locality, that a proposition to take the bath-houses off the ground where they are now, where the hot springs in many instances bubble into them from the ground, and then pipe that water to distant parts of the reservation, is simply to destroy it in my judgment. That is the way it looks to me.

I think the better way would be, if the Senator from Arkansas will allow me to suggest it, that some measure of legislation embodying the ideas we are expected to act upon should be brought forward, rather than this notification of what we are going to do, without any particulars.

So far as my participating in this matter is concerned, I desire to say and call the attention of the Senate to the fact that every Senator is as much interested in behalf of his constituents in this Government reservation as the Senator from Arkansas. It is a Government reservation in Arkansas; but it is Government property; it is public property; it is there for the public welfare, for the general good, and we are all interested in the subject, for I have met as many people from New England as I have from any portion of the United States there having the benefit of these magical hot waters. It is really, Mr. President, the greatest sanitarium on the globe. I have met gentlemen and ladies both who have sought health in all the famous resorts of Europe, who at last have come there and found what they have sought in vain everywhere else; and the utmost care and consideration should be extended to this great interest.

I hope the Senate will not commit itself in any haste upon this subject. For the time being at least it is in safe hands. The Attorney-General having decided that the matter is one of discretion with the Secretary of the Interior, we are in no danger in leaving it there until some measure of legislation shall be perfected.

Mr. BERRY. Mr. President, I distinctly stated that this resolution did not commit any Senator to the plan of removing the bath-houses from the reservation. I stated, furthermore, that my present impression was that that was the best plan, but that I had not fully matured a measure upon the subject.

The Senator from Indiana says we ought not to commit the Senate until it can be seen if legislation will be had. That is precisely what I seek to do by this resolution. It simply asks that the present status remain unchanged until it can be determined whether or not Congress will legislate.

I can see no injury to result to the gentlemen who own these bath-houses, because they are holding the bath-houses to-day on the same terms that would be included in a new lease if it were granted. What injury possibly can result to them? They hold the bath-houses on the identical terms that the new leases would contain. We only ask that these gentlemen be not granted rights and privileges now under which they could set up equities hereafter to defeat legislation. That is the object and purpose, and the sole purpose.

The Senator from Indiana says if these bath-houses were removed from there it would be confiscation. Mr. President, the Attorney-General in that same opinion decides that at the expiration of the leases this property was the property of the Government of the United States. They took their chances when they built those bath-houses. They took them for a period of five years, and until the opinion of Attorney-General Garland was delivered in October no one expected that there was any power within the Secretary of the Interior to renew these leases. All that we ask now is that the Secretary of the Interior shall not renew the leases, that he do not confer any additional right until it can be seen whether or not Congress will legislate on the subject.

Mr. INGALLS. Mr. President, these waters at the Hot Springs are

for the healing of the nation. They were of such recognized sanitary value that the Government of the United States took possession of them, and they now flow upon a public reservation. I understand that the administration under the system which was provided by Congress has up to this time been entirely satisfactory; but I am aware also that there is now, as there always has been, a studied and persistent effort on the part of private speculators to obtain possession of these waters for purposes of private gain. I think myself that the Government having taken possession of these springs, and having thus far administered them for the benefit of the entire people, there being no complaint so far as I know about the price that is charged for the baths or about the accommodations that are furnished for guests, we should not attempt any novel experiments in this business. I am willing that they should remain, where they now remain, in the custody of the Government of the United States under an officer as enlightened, as efficient, and as sincerely devoted to the public welfare as is the Secretary of the Interior. I am not willing that after the great struggle we had here six or eight years ago to obtain possession of these waters they shall be remanded again into the domain of private speculation, and that Congress shall be invited to legislate upon some scheme which may possibly result in the Government finally losing control altogether.

I was not aware that these leases had expired. I find in response to my inquiry that they have expired, and therefore the springs are now practically in the custody of the Government under a proposition, as I suppose, for a renewal. There should not be a renewal under any circumstances that would be onerous to the public. I admit that, and I therefore move that this resolution be referred to the Committee on Public Lands, if that be the appropriate committee, for the purpose of examining into the subject and reporting what legislation, if any, is necessary in the premises.

The PRESIDENT *pro tempore*. It is moved that the resolution be referred to the Committee on Public Lands.

Mr. JONES, of Arkansas. Mr. President, it seems to me that the discussion has drifted away from the sole point in this resolution. The Senator from Kansas expresses a very great desire that the Government shall not lose control of these waters. This resolution is intended to accomplish exactly that purpose. Under the legislation under which this matter has been managed for five years past provision was made for certain individuals having the control of certain lots of land granted to them by the Secretary of the Interior for a term of five years. These leases have expired. The lease-holders certainly had rights during those five years of time. Those rights are now out. The Government has properly the control of all this water; yet these parties remain in control of the bath-houses and are controlling the hot water just as they did while their leases went on; and all this is subject to the will of the Government of the United States. This proposition is to keep it in exactly that condition, to keep these bath-houses and all these rights subject to whatever legislation Congress may see proper to make.

If the Secretary of the Interior is allowed to go on and renew these leases and give these parties the right to hold the property for five years to come, that takes it out of the control of Congress for that length of time, for if they have the right to retain the leases for that time we can not interfere with any vested rights. If there is a reservation in the lease keeping the rights of the Government intact, then there can be no harm done to any of these parties, because they are absolutely lessees at will. They are lessees at will as the matter stands. There can be no question about this. The renewal could have no effect except to raise the question whether they were lessees at will or had vested rights for five years to come.

There is no good sense, it seems to me, in giving away this right of the Government and allowing these people this additional claim to a vested right. It seems to me proper for Congress to say there shall be no change in the present status until there shall be a declaration on the part of the legislative department of the Government of what its will will be in the management of this hot water.

It is entirely unnecessary to discuss now what policy the Government will pursue as to the management of the hot water. That must be matured in legislation yet to come. I have my own convictions as to what is best to be done; other gentlemen have theirs; but our opinions, whatever they may, ought to have no effect upon this matter until Congress acts. The point to be accomplished now is that we, having possession of the reservation and of the hot water, shall retain that possession until we see fit to take some definite and final action. That is the sole purpose of this resolution, and it seems to me the views expressed by the Senator from Illinois and the Senator from Indiana as well as the Senator from Kansas are all met by this resolution, and there can be no reasonable objection to its passage.

Mr. HARRISON. Will the Senator from Arkansas allow me to ask him is it not probable, is it not almost certain, that if some bill regulating this matter were introduced and pending, the Secretary of the Interior without any such resolution as is now before the Senate would allow matters to stand *in statu quo* until he saw whether Congress took any action?

Mr. JONES, of Arkansas. My colleague was under the impression that such would be the case, and for that reason he called on the Assistant Secretary of the Interior having charge of this matter before the session began and requested that no steps should be taken by the Interior Department until it was apparent that this Congress would or would not adopt some sort of legislation; but, to his surprise, on Friday last he found that notwithstanding the agreement, as he understood it to be, between himself and the Assistant Secretary, there had been one or two leases already made. He believed they ought not to be made, and if these parties get in by their leases they certainly will insist that the Government has no power to divest them of whatever rights they have under their leases by any subsequent legislation. It is to prevent this thing going any further that the resolution was introduced by my colleague.

Mr. VOORHEES. What injury to the public interest—and that is the only interest to be considered in connection with these waters—would accrue if these leases were all renewed for five years more, with those splendid bath-houses as they are now accommodating everybody?

Mr. JONES, of Arkansas. In answer to the Senator from Indiana I will say that it gives the half-dozen individuals who control these bath-houses the absolute control of a great national sanitarium that was intended for the benefit of all mankind, that was intended in the eloquent language of the Senator from Kansas for the healing of the nations, and instead of belonging to the Government or to Congress it belongs to a half-dozen individuals, who manage and control it for their own private interest.

Mr. VOORHEES. Pardon me, it does not belong to them; they are limited in their charges by the Government, and whenever that is the case there is no absolute property in them. They are there trustees for that water, and are allowed to charge only so much, and if that is a monopoly I do know what a monopoly is. I do not see how it is possible for the waters to be used except in the hands of somebody. They are placed in the hands of these people who have put their money in them, built these splendid bath-houses, and are limited by the Government to a certain stipend from each bather.

Mr. JONES, of Arkansas. In reply to what the Senator from Indiana has just said, I wish to remark that when the representative of the Government of the United States who has charge of the great hospital there, that was inaugurated, I believe, on the motion of the distinguished Senator from Indiana [Mr. LOGAN], proposed to use some of the hot water that we are told here belongs to the public and is not in any sense a monopoly, he had to pay the individuals who control it. If they do not own it, how does that come about?

Mr. VOORHEES. What affliction is the Government laboring under that it needs this hot water? What does it want the hot water for?

Mr. JONES, of Arkansas. I refer that to the Senator from Illinois, who was the originator of the hospital.

Mr. VOORHEES. I do not understand that the Government wants it.

Mr. JONES, of Arkansas. The waters are needed for the hospital.

Mr. VOORHEES. I know all about that hospital.

Mr. JONES, of Arkansas. Then why ask the question?

Mr. VOORHEES. To see whether you know anything about it. [Laughter.] The Senator from Illinois is justly credited with that great work, for he was on the Appropriations Committee and carried it through, but I might contest priority, I know, on the point of invention, even with him, for the building of that hospital and the covering of that stream which runs through the valley, but in the building of that splendid hospital, which is an honor to the Government and a credit to the humanity and benevolence of the age, I do not know of any use they would have for the hot water unless they had patients there. They will be entitled to the hot water as soon as they have wards and bath-rooms and tubs there; but prior to that, for any building purposes connected with its construction, I can not imagine what hot water was needed for.

Mr. JONES, of Arkansas. I should like to ask the Senator a question if he will yield.

Mr. VOORHEES. Certainly.

Mr. JONES, of Arkansas. If matters should remain *in statu quo* would the Government have to buy the hot water for the hospital?

Mr. VOORHEES. Undoubtedly not.

Mr. JONES, of Arkansas. Then why has it had to buy it?

Mr. VOORHEES. The Government owns the hot water and does not buy it now.

Mr. JONES, of Arkansas. It did so.

Mr. VROOHEES. Then it made a fool's contract.

Mr. JONES, of Arkansas. That may be, and I think this resolution will prevent the Government making another such a foolish contract as that; and that is a reason for passing the resolution.

Mr. LOGAN. I as well as the Senator from Indiana do not understand this statement about the Government having to purchase hot water for the Government hospital. For what purposes did they have to purchase it?

Mr. JONES, of Arkansas. I suppose for the purpose of construction.

Mr. LOGAN. Of erection?

Mr. JONES, of Arkansas. I presume so.

Mr. LOGAN. Then all I have to say is that if any superintendent of the hospital for the purpose of construction purchased that water, it was a fraud on the Government. I will say that, because there are

thousands of barrels of that hot water wasted every day, and below where there are any hospitals at all there are hot springs and hot water and it goes off in immense quantities. If the water was wanted merely for construction and he paid for it, he did that which he had no right to do. It was an imposition on the Government.

Mr. JONES, of Arkansas. My impression on that point is this: These hot springs come out, as the Senator very well knows, at a point higher than the location of the hospital. The water he speaks of that goes to waste runs at the foot of the mountain. It would be perhaps cheaper to buy the privilege from those who claim to own the springs and have the water go directly to the hospital than to have it pumped or drawn by horse-power or other means from the creek below. That might be a mere matter of expediency. The point I make is that the water is certainly not free while the agent of the Government can not control it.

The PRESIDENT *pro tempore*. It is the duty of the Chair to announce that the hour of 2 o'clock having arrived, the unfinished business is now before the Senate, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. BERRY. I ask unanimous consent that the regular order be postponed or informally laid aside, or whatever the proper order is, until the resolution is disposed of.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent of the Senate that the unfinished business be laid aside informally with a view to conclude the consideration of the resolution which has been before the Senate. Is there objection?

Mr. HOAR. I object to that.

The PRESIDENT *pro tempore*. Objection being made, the request can not be entertained.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 19th instant, approved and signed the following acts:

An act (S. 128) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.;

An act (S. 471) to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice-President; and

An act (S. 602) to legalize the election of the Territorial Legislative Assembly of Wyoming.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 3827) to remove the political disabilities of Thomas L. Rosser;

A bill (H. R. 3846) to remove the disabilities of Alexander P. Stewart, of La Fayette County, Mississippi; and

A bill (H. R. 4409) to remove the disabilities of Edward G. W. Butler, of Missouri.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 16) granting a pension to Mrs. Nancy L. Ribble;

A bill (H. R. 414) granting a pension to Daniel B. Clark;

A bill (H. R. 551) granting a pension to Rhoda Dane;

A bill (H. R. 602) granting a pension to Mrs. Anna D. W. Eichman;

A bill (H. R. 634) granting a pension to John Defenbaugh;

A bill (H. R. 646) granting a pension to Thomas M. Commuck;

A bill (H. R. 650) granting an increase of pension to Charlotte D. Crocker;

A bill (H. R. 693) to restore to the pension-roll the name of William B. Keith;

A bill (H. R. 698) granting a pension to Phillip D. Campbell;

A bill (H. R. 700) granting a pension to Mrs. M. A. Bickerdyke;

A bill (H. R. 702) granting a pension to Dr. J. F. Bruner;

A bill (H. R. 758) granting a pension to Alexander Harper;

A bill (H. R. 802) granting a pension to August Schindler;

A bill (H. R. 1468) increasing the pension of John P. Davis;

A bill (H. R. 1475) granting a pension to Margaret Flaherty; and

A bill (H. R. 4410) for the relief of John C. Clark.

The joint resolution (H. Res. 57) to print an addition to a report on wages, ordered printed January 17, 1884, was read twice by its title, and referred to the Committee on Printing.

CHIPPEWA INDIANS IN MINNESOTA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation providing for negotiations with the various tribes and bands of Chippewa Indians in the State of Minnesota, with a view to the improvement of their present condition.

It is requested that the matter may have early attention, consideration, and action by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 25, 1886.

NATIONAL CONFERENCE OF ELECTRICIANS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, and be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by the report of the United States electrical commission of the proceedings of the national conference of electricians held at the city of Philadelphia in the month of September, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 25, 1886.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. MORGAN] is entitled to the floor.

Mr. DAWES. I ask the Senator from Alabama to consent to my getting the bill informally laid aside that we may finish the Sioux bill. I do not think there is going to be very lengthy debate upon the Sioux bill. It has been before the Senate now for a week in the morning hour, and I have not felt like asking the laying aside of the regular order heretofore.

Mr. MORGAN. I have no charge of the bill upon which I am about to submit a few remarks. The charge of the bill, I believe, is in the hands of the Senator from Vermont [Mr. EDMUNDS] and the Senator from Massachusetts [Mr. HOAR], and I do not care to interfere with the progress of the bill one way or the other.

Mr. HOAR. I hope we shall finish the electoral-count bill. It has been before the Senate four or five days, and been very thoroughly debated in former years and passed with great unanimity. It seems to me we ought to dispose of it.

The PRESIDENT *pro tempore*. Objection being made, the Senator from Alabama [Mr. MORGAN] has the floor.

Mr. MORGAN. Mr. President, the question upon which I desire to submit some remarks is fully presented in the amendment of the Senator from Ohio who occupies the chair [Mr. SHERMAN], proposed to become section 5 of the bill; and, as my remarks will bear almost entirely upon that feature, I send it to the desk that the Secretary may read that proposed amendment.

The Secretary read the proposed amendment of Mr. SHERMAN, as follows:

SEC. 5. If it shall appear from the action of the two Houses that they disagree upon any question submitted to them under the provisions of the preceding section, then the members of the two Houses, in joint convention, shall immediately, without debate, upon the roll-call of the respective Houses, vote upon the question or questions upon which there has been such a disagreement, and the decision of the majority of the members of the joint convention present shall be deemed final and conclusive, and the vote shall be counted accordingly and be announced by the President of the Senate.

That while the two Houses shall be in meeting as provided in this act the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw, or upon questions upon which the two Houses have disagreed as aforesaid.

Mr. MORGAN. Mr. President, the bill reported by the committee has been frequently before the Senate, and has been heretofore discussed by many members of this body, and has been three times in substance voted upon by the Senate. In each instance the principles of this bill have been adopted by the Senate, on the last occasion without a division, and on each of the preceding occasions by a very decided majority. The first time the question arose in the Senate since I have been here it came up in the form of a concurrent resolution, which I had the honor to report from a select committee of this body when the Senate was Democratic.

The identical proposition which is antagonized by the Senator from Ohio and the Senator from New York was presented in that concurrent resolution, I think in the very language in which it is presented in this bill. The Democratic Senate, largely aided by Republican votes in this body, passed that resolution, as I remember. It went to a Republican House and they refused to concur in it. Indeed they filibustered in the House to prevent action upon it. Afterward, when the Senate became Republican, the honorable Senator from Vermont [Mr. EDMUNDS] brought forward this same proposition, and the bill was passed. It then went to a Democratic House and failed of consideration. I believe that it never came back from the committee to which it was referred, or, if it did come back, it was not considered by the House.

So in the debate on this question we may all assume that there is no political controversy involved, and that we are trying to find the bound-

ary and measure of our powers under the Constitution of the Constitution in respect to this very important matter.

From the foundation of the Government, or rather from the adoption of the twelfth amendment to the Constitution, this has always been an interesting question, and questions have arisen in the count of electoral votes for President frequently which both Houses have found it necessary to evade a decision upon by passing the resolutions referred to in the remarks of the Senator from Ohio.

I have heard it very frequently stated in debate, and more frequently in private conversation with Senators and others, that the Constitution of the United States needs further amendment upon this subject. I do not concede that there is any occasion for any further amendment of the Constitution. On the contrary, I believe that the highest wisdom has been displayed not merely by the original convention which adopted the Constitution, but also bythe Legislatures of the States and by the Congress which adopted the twelfth amendment to the Constitution. That original article was formed, and the twelfth amendment was adopted as a substitute for it, at a time when men who understood the whole scope and purpose of the Constitution of the United States were present in the respective bodies.

It is scarcely prudent in us to say that we now find at a later day that they have so contrived to confuse this great subject of the election of a President of the United States as to leave difficulties in it which must be removed and can only be removed by a constitutional ordinance or amendment. We are too apt in considering a question arising upon the twelfth amendment of the Constitution to look alone at the particular clause under discussion, and not to take in view the whole purpose of that amendment. We are too apt also to forget the fact that the States of the American Union, and not the people of the States, appoint the electors to choose a President and a Vice-President. We are too apt to forget that the office of elector in its original institution was intended to be a great and an independent office, in which the electors would be called upon and authorized to express their own personal conviction, if they chose to do so, as to the persons who ought to be selected for President and Vice-President of the United States.

The influence of popular opinion in the United States is so potent, so irresistible, and has interwoven itself so thoroughly with this question of the election of electors of President and Vice-President that they have got to be in popular estimation mere dummies, mere agents for the purpose of expressing the will of a partisan majority in this entire country. I do not know that I shall ever make an effort to reverse that tide of public opinion which has entirely subordinated and almost extinguished the high office of elector in the United States; at the same time, when we come to consider the constitutional questions with which we have the liberty of dealing, I must revert to the original character and power and authority and independence of this great office of elector of President and Vice-President of the United States, and still claim for them the full measure of their rights and independence as they are established in the Constitution.

In doing this I hope that in some future day of trouble I will be found to have done my duty to the country.

I find on looking into the meaning of the Constitution, as displayed in the twelfth amendment and in other parts bearing closely upon this subject, that there are three distinct electoral bodies, if not four, mentioned in the Constitution, each one in succession taking its turn in choosing a President and Vice-President according to the circumstances upon which its jurisdiction and authority arise, to act for whom? Not the people of the United States considered as people, but separately for the States of the American Union. The first electoral body is composed of the electors chosen by the States in such manner as the States by their legislatures shall prescribe. They compose the voting duties of the electoral college, as I call it, of the first degree.

Another tribunal, however, was made necessary to ascertain what votes these electors cast, the persons for whom they were cast, and to ascertain the result and perhaps to decide it. The two tribunals, one to vote and the other to count, were necessary from the fact that, in order to secure the absolute independence of the electors in the respective States the Constitution requires that the electoral vote shall be cast in those States. In order that the power of New York, for instance, with its great and dominant supremacy in commerce as well as in other respects, might not overawe the power of a State like Colorado, the requirement of the Constitution is that the electoral votes shall be cast in the respective States. That preserves the independence of the electors and enables the State government and the people of the State to supervise and secure the independence and the integrity of the action of their own chosen electors. That, of course, rendered it necessary that when these voters had voted another tribunal should be established in the Constitution of the United States for the purpose of counting the votes and ascertaining the result, and the two together compose the electoral body of the first degree, as I have said.

All the controversy that arises under this bill and the amendment of the honorable Senator from Ohio relates to the construction of some of the words which give power and jurisdiction to the counting tribunal of this first electoral college; but great light is to be reflected upon the determination of these constitutional questions by reference to the organization of the entire body of electoral colleges which may assemble, one after another, under that system.

The electoral college of the second degree is the House of Representatives which may then be in commission, composed of the members who have been elected and qualified in that House.

The electoral body of the third degree is the Senate of the United States acting separately, but only upon condition that the House has failed to elect a President; the first electoral body having also failed to elect a President; and then the Senate of the United States, acting as a separate electoral body and casting its vote not by States but *per capita*, chooses a Vice-President of the United States; and if on the 4th of March succeeding the general election there is no President of the United States chosen according to the Constitution, that Vice-President becomes President of the United States, as the law is now, for the full term from the 4th of March after his election, for four years. Therefore the Senate of the United States becomes in such an event an electoral body, having conferred upon it by the Constitution the powers of electors, which it exercises by a vote *per capita* in this Chamber.

The fourth electoral body, which perhaps is not less distinctively made such in the Constitution, is the Congress of the United States, which has what I term electoral power, for that is the nature of it as I conceive, to fill up a vacancy when one has occurred both in the office of President and Vice-President. That must be done by a law, and only recently both Houses have passed a law, and the President I understand has signed it, so that it is now the law of the land, by which the succession of the Presidency at the hands of this fourth electoral body has been changed entirely from the officers that were formerly qualified to hold it into the hands of the Cabinet ministers of the United States in a certain succession mentioned therein.

Then we have four distinct electoral bodies. Let me ask the Senate the question, When either of these electoral bodies finds itself possessed of a particular power defined and settled in the Constitution itself, can any other body in the United States interfere with them? Can the judiciary interfere with them? Can Congress by legislation interfere with them? Can anybody in the United States deprive that electoral body of its constitutional rights as defined therein? Why were these four electoral bodies ordained? Obviously because the first might fail and the second might fail, and if the second fails the third might proceed; and the third might fail and the fourth might proceed, and thereby secure not merely the perpetuity of the Government, but the transmission of the executive power from hand to hand without obstruction, without friction, and without danger.

Sir, with this grand scheme standing before us thus ordained and established and nicely adjusted in the Constitution of the United States we should be wary how we interfere so as to give the slightest disturbance to it. I for one confess that I see no occasion for a constitutional amendment, for I see in this wise and conservative action of the founders of our Government and of the Congress and the people who afterward amended the Constitution by the twelfth article perfect security for the transmission of the Presidency from hand to hand through all the coming generations of men that shall ever enjoy the blessings of this great Government.

After this definition of the general subject I propose to address my remarks to the precise question before the Senate, which is embodied in the amendment of the Senator from Ohio, which is that we should usurp into the hands of Congress a power that is not given to us in the Constitution, and a power the exercise of which under the proposed amendment of this bill would tear down and destroy the first of these electoral bodies.

The leading provisions of this act relate to and are intended to execute the single clause in the twelfth amendment of the Constitution in these words, "and the votes shall then be counted."

The duty thus enjoined is mandatory and is also peremptory, and rests with all its grave responsibilities on the oath-bound consciences of all persons concerned in counting the votes. No person who is not a Senator or Representative, except the President of the Senate (who may not be a Senator), can participate in counting the votes.

The Constitution requires that the House of Representatives and the Senate shall be present when the votes of the electors are opened and counted, but is silent as to the number of Senators or Representatives who shall be present. Upon the principle of the inclusion of the one there is necessarily to be implied the exclusion of the other. When we find that the Constitution says that the Senate and the House of Representatives shall be present at the opening and counting of these votes, it means that no other tribunal can be there, to say the least of it, and participate in that count.

The number of individual members of either House required to be present is mentioned in the twelfth amendment, where each House is resolved by the mandate and force of the Constitution into a separate electoral body, so that the Constitution, when it is silent as to the number required to compose a house to be present at the count of the votes under the twelfth amendment must refer for the number required to be present to section 5, Article I, which provides that a majority of each House shall constitute "a quorum to do business." This means in both Houses a majority of all the elected and qualified members. When the Senate and the House of Representatives meet to count the votes, or to hear them counted, they are and must be as complete and separate in their constitutional organization as they are when they are in session in their respective Chambers.

I think I need scarcely remind you that a voluntary assemblage of Senators and Representatives, though met on the day appointed by law or by resolution of the Houses for the counting of the votes, without being organized under the presidency of the President of the Senate or the Speaker of the House, could scarcely be called the House of Representatives and the Senate of the United States. Suppose, sir, that in the absence of the Speaker the members of the House should assemble there, or in the absence of our President the members of the Senate should assemble there, would that be considered a meeting of the House and Senate within the meaning of this requirement of the Constitution of the United States? According to the Constitution, each House when they are so in meeting remains under the presidency of its own officer. We frequently hear it stated that the President of the Senate is the president of the joint meeting. If he is, it is only by reason of some rule or agreement between the two Houses. The Constitution is silent upon that point. The Constitution speaks of no officer who is to preside over the joint meeting.

The Constitution does not any more disqualify the Speaker from presiding over the House when the Houses are met than it authorizes the President of the Senate to preside over the House, and there is no presiding officer named in the Constitution on that occasion for either body. It is a house, and that is enough. To be a house in parliamentary law and in constitutional law it must be organized under the presidency of its rightful officer. The Constitution merely confers on the President of the Senate the special duty of opening all the certificates, which it requires shall be transmitted to him, of the persons voted for for President and Vice-President.

The House is here, we will say, assembled on that side of this Chamber, its Speaker presiding. The Senate is here assembled on this side, its President presiding. That fulfills the Constitution to the letter and in spirit also, and the President of the Senate can not even call the Houses to order except by common consent. His duty as fixed in the Constitution is that in the presence of the two Houses he shall open the certificates, and the votes shall then be counted. This is the whole of it. That act certainly would not disorganize the Senate. That act has no tendency to disorganize the Senate. The President of the Senate may perform this act of opening the certificates, handing them to the tellers, or whoever else is required by law to receive them, without the slightest impression upon the organization of the Senate. On the contrary, the Senate must be present, as such, when this act is performed, in order to make it valid.

The opening of the certificates of election sent to him by the express mandate of the Constitution—for he is named in the Constitution as the person to whom they are to be sent—is a duty outside of his duty as President of the Senate under other circumstances, outside of any legislative or parliamentary control of the body, and it has not, I repeat, the slightest tendency to disorganize the body, nor can any inference be drawn from the duty imposed on him on that occasion that the Senate is not the Senate when met in the presence of the House.

So far there is no hint in the Constitution of the dissolution of either House into its original elements, nor of a common membership in both Houses of the persons who belong to each House. On the contrary, the Houses, as such, must be present when each and every vote is opened and counted, and it must be in session with a quorum to do business. No other business could then be in order when the Houses are in meeting but the opening and counting of the votes for President and Vice-President, because the Constitution requires the Houses to be present on that business. And it nowhere authorizes them to be present with each other on any other business. So that the sole business the Houses have to deal with is the opening and the counting of the votes, and that business must be performed by them as Houses, and not through the individual membership of each House, without organization, or in some blended arrangement.

I am asked by the honorable Senator from Mississippi what function they perform. I did not intend to spread my argument over that view of the case, because it was not necessary to the point that I am debating.

Mr. GEORGE. Then I withdraw the suggestion.

Mr. MORGAN. I have my views about the function they perform, but it is not necessary that I should express them now. I can say, however, that they can not perform any other than constitutional functions.

Now, how this business may be transacted by the two Houses is a matter to be regulated by agreement, or by law, and is what this bill seeks to regulate. But it must be so conducted that a majority of each House shall declare the will of that House on every question that arises upon the business before them. That is a proposition that is considered self-evident. Each House, when in session, must in every case, where it takes any action, declare its will by a majority vote of "a quorum to do business," unless the Constitution otherwise directs. This is constitutional law, and it is also parliamentary law.

No House can through its membership declare its will otherwise than under its organization and pursuant to its constitution; and the will of a majority in each House fixes irrevocably the act of the House, so far as the binding of its membership is concerned, by the authority and influence of that will so expressed. Neither House, when in session, can permit a member of the other House to participate in its actions or deliberations. We can not invite any member of the House of Representatives to take a seat in this body and participate with us in our deliberations either in speaking, in making motions, or in voting. We have no such constitutional power and the House has no such constitutional power. We can take no cognizance of a member of the House of Representatives as being authorized to participate with us as an individual in any of our deliberations or actions. So, on the other hand, can not the House do the same thing.

So that, if the respective members of the Houses may vote together and in common on any question of counting or rejecting an electors' vote, it must be at a time and on an occasion when the Houses are not in session; it must be when the Houses are in recess or are adjourned; and yet we find that a House that is in recess or adjourned is not a House that can participate in the opening or counting of the electoral votes.

Let us see how the opposite idea of the Senator from Ohio would work. Here is the vote, I will say, from the State of Illinois, that determines the result of a Presidential election. It is not counted by the Houses. They have made the effort to count it under the proposed amendment of the honorable Senator from Ohio as well as under this bill, and they have failed, because they have not agreed to count it. Being divided in opinion, they can not count it. Then, in order that it may be opened, if that is the question, or that it may be counted, if that is the question, and in effect the amendment of the Senator from Ohio requires that the Houses must dissolve, or recess, or adjourn, so that the will of the majority in each House, which has been just expressed, shall not bind its membership, and that each member may be permitted to find recruits to support his views, which were lost in the body to which he belongs, among the members of the other body. In this new, heterogeneous, and ungoverned assemblage of the *disjecta membræ* of the two Houses, no longer in session, the question is put, "Shall this package, purporting to be a certificate of votes of electors from Illinois, be opened, one certificate from that State having been already opened, but not counted?" The vote of the meeting is no.

The vote of the electors in that certificate is suppressed, and A is elected President instead of B by an act which is not done in the presence of the Houses, but in presence of a meeting of the members of both Houses. If the question is, "Shall the vote just opened be counted, notwithstanding there are other certified lists of votes of electors from Illinois that have been duly transmitted to the President of the Senate and have not been opened," and the vote of the meeting should be ay, that result would prohibit the opening or the counting of any other vote from Illinois, and would take from the President of the Senate the constitutional right to open the certificates, that came duly to his hands, in the presence of the Senate and House of Representatives, because neither body would be present in a capacity to do business. A general meeting of members of both Houses would in the case I have supposed have overruled the action of one of the Houses and totally set aside its will as declared by its majority vote on precisely the same question.

If this notion of a new constitutional power is not drawn solely from the generous warmth and fertility of the imagination of the Senator from Ohio, he ought in justice to mention the great constitutional authority whose name must have escaped everybody's recollection except that of the honorable Senator, so as to inform the Senate of its authorship. To my apprehension it is entirely new.

The Senator from New York contents himself to support and re-enforce this new discovery of constitutional power to open certificates and count the votes of electors when the Houses are not present, but are adjourned, or in recess, or are dissolved, by the great weight, everywhere admitted, of his opinion, which he gives us in round full orb, without taking the trouble to display the analysis or the synthesis of the subject—of its root, its growth in logical development, or its progress of ripening in the warm sun of the splendid autumn of his wisdom.

The honorable Senator, whose coming here is welcomed by the country as a great power added to the Senate, is filled with a sudden dread that the Senate, when differing with the House of Representatives in counting a vote that would settle an election, might, by so differing, cause the House wickedly to make an opportunity to defeat a choice by the electors appointed by the States and seize the power to elect a President as the electoral body of the second degree provided by the Constitution. If we must grant, for the sake of the argument, that the members of the House could so readily disburden their consciences of the grave obligations of their oaths as to thus capture the position from which the House could dictate the succession in the Presidential office, it may be asked on what rule of probabilities is it ascertained that the danger to the Senate would be less when seventy-six Senators are voting pell-mell with three hundred and twenty-five Representatives than when the one vote of the Senate is equal to the one vote of a House that has set out to capture the Presidency by rejecting the vote of a State like New York, so that no candidate should receive a majority of the votes of all the electors appointed by the States?

The amendment of the Senator from Ohio provides for this mixed vote only in case the Houses have first disagreed in counting the vote of a State.

The Senator admits that it is the right of the two Houses to separate themselves, and as Houses to pass upon the question whether the vote of a State shall be opened or whether it shall be counted; but after they have separated and passed upon it and the Senate has expressed its will, which is binding everywhere upon the members of the Senate, when they meet again, after having disagreed, he proposes that by law the individual members of the Senate and of the House shall become what? The electoral body to choose a President of the United States. For, as was observed by the honorable Senator from New York [Mr. EVARTS] the other day, this question never becomes a significant or material one unless the particular act to be performed is one that would change the result of a Presidential election. Then there being two votes from a State, two sets of certificates, each certificate I will say under the great seal of the State, and both have been opened, the question is submitted to each House separately, Which of these votes will you count, which will you declare to be a vote emanating from the constitutional authority of the particular State? The Houses take the subject, they decide it each for itself, and they disagree and make a record of their disagreement, which record binds every member of each House, there being a majority vote in favor of a given proposition. After this solemn action on the part of both Houses, that question which is to decide the fate of a Presidential election is brought back before the individual membership of the two Houses.

Now let me ask if that question, thus pregnant with importance to the people of this country, which decides the fate of a Presidential election, is submitted to the men who are members of the House and members of the Senate to be voted upon per capita and to be decided according to the voice of the majority of that assemblage, is not that an electoral body? They are not legislatures; they could not consider the question of removing the disabilities from a rebel even though they might wish to do it; they have no function or duty there except in connection with the constitutional mandate that the vote shall be opened and counted in their presence.

But the amendment of the honorable Senator from Ohio, when it brings them together after the two Houses have failed to agree, confers upon them the authority of a new electoral body, and their vote elects the President of the United States. Thus the Constitution having ordained that there shall be four successive electoral bodies, and having given them powers that are intended to cover every emergency that can arise, the Senator from Ohio seeks to create a fifth electoral body, and thus amend the Constitution by an act of Congress.

Can there be a more towering threat or a greater danger to the limitations of constitutional organization and power than that which the honorable Senator from Ohio, sustained by the honorable Senator from New York, bring forward when they declare the right of Congress to create an electoral body, which the people have never chosen, with reference to the election of a President of the United States, and that that electoral body shall decide the question for the States absolutely, and in doing so override and break down the deliberate opinion, as voted and recorded, of one of the co-ordinate branches of the great legislative department of this country. Sir, I can only characterize it as a daring movement against the Constitution. It brings the electoral powers of the States into judgment before a tribunal to which the Constitution has never made them subject.

If it had been proposed that this question should be submitted to a committee of one hundred men to be appointed by the President of the Senate, we would have no more authority to do that than we have to confer upon this pell-mell organization the powers of an electoral body under the Constitution of the United States.

In the case of the wicked scheme suggested by the fears of the Senator from New York, if the House wishes to seize the Presidency it would first vote to exclude from the count the vote of a State which would deprive a candidate of a majority of all the votes of the electors appointed. This could only occur where the majority in the House were all ambitiously wicked or were corrupt. But in almost every such case the corrupt majority in the House (I dislike to indulge in such conjectures) would be strong enough to overbalance the minority with the votes of the virtuous element of the Senate added to it.

It ought to be taken into calculation also that perhaps a Senator is not, in a political sense, always altogether a virtuous man, and that the motives and incentives of a high ambition, or even the stimulating efficacy of party zeal, might cause a Senator, as it has sometimes, we believe, caused Supreme Court judges, to abandon the atmosphere of purity and simple justice and act on other motives in his desire to adhere to the dictates of a party in deciding a question relating to this great subject of a Presidential count. It is not to be calculated that every Senator who went into this political meeting would always vote for the right against his party. We are just as apt to find a corrupt Senate as we are to find a corrupt House, either in the past or in the future.

The Senate as a body, with its traditions now too proud, and its character too well established to admit of a voluntary disgrace, is stronger for the right and is a more powerful enemy to fraud and unholy ambition than its members individually could be when disbanded to take part in the tumult of a meeting, where the vote of two districts would equal the entire vote of the State if cast in the Senate.

If the House should, under this bill, as it is conjectured it might, seize the power to become the electoral body of the second degree, has it not occurred to the Senator from New York that in such a case the 325 votes would shrink to 38, to be distributed by the accident of majorities in the districts of the States respectively?

The doctrine of chances, which alarms the Senator from New York, would dismay a mountebank if he could see no clearer way to fleece his victim in a hundred trials of depraved trickery than the House would have to seize the Presidency through a scheme that has so startled the Senator from New York with its sudden and unexpected materialization, and has caused the Senator from Ohio to warm up with a new fervor of devotion to the rights of the people, whom we all know he loves so tenderly. The Senators can have no real occasion for alarm.

The Senate, in whose body the equal influence of a State can never be disturbed, is a safer guardian of the right which belongs to a State, and only to a State, to appoint electors to choose a President, than any other body, however constituted, in which the two Senators from New York would mingle their votes and dissipate their power among thirty-four Representatives. Both the Senators who have opposed the bill seem to regard with horror the fratricidal blow which destroys the vote of a State that both Houses can not agree to count. I share in their unhappiness, but it is sometimes unavoidable. They seem to forget that this result can only occur when there are two alleged States in the same limits, and that one can not live unless the other dies.

The bill of the honorable Senator from Vermont submits this question to the two Houses separately and their disagreement destroys the vote of the State, as we say, only in case there are two sets of returns regularly on their face under the Constitution, which it appears to be the duty of those who participate in the count to consider, and if the Houses can not agree upon that, of course the vote is lost. They seem to forget that this result can only occur when there are two alleged States in the same limits, and one can not live, as I have remarked, unless the other dies.

It is the painful duty of somebody to declare the survival of the fittest when two sets of electors from the same State send up in due form, according to the Constitution, two sets of lists and votes of electors, each regular on its face. And the real question seems to be whether we will decide the matter by constituted tribunals, according to usage and with the deliberation and composure of judges, or whether we will disband our court, join a mob, and inflict the death-penalty on the one we like the least. But it is asked, Why do you destroy the votes of both sets of electors because the Houses can not agree as to which of them is lawful? I answer, because the fault of the State has made it unavoidable. I answer further, distinctly and without reserve, that I take the ground of rejecting the vote of a State in such a case because that is the true course as indicated in the Constitution, and not because merely it is the best we can do under the circumstances.

There are four distinct electoral bodies under the Constitution, as I have argued.

I will add, for the sake of a clearer definition and to free the discussion from embarrassment, that the people are not, and under our Constitution can not be, electors of our President and Vice-President. Their powers, in every instance, are indirect, and are represented through their States and by the agents of the States, except that the people elect the members of the House of Representatives, who in voting for President represent their States.

A rule of constitutional law which would govern one of the electoral bodies of the first, second, or third degree ought, by analogy, to govern in either of the other two where the circumstances are alike. When the House votes for President, if ten of the Representatives from Illinois vote for A and ten vote for B, the vote of the State is balanced and entirely lost; and that according to the provision of the Constitution. So we find the Constitution, *ex industria*, providing for a case, when the House comes to vote (and they vote by States in the House), where the balance of the vote, the tie between the ten on one side and the ten on the other, annuls the voice of the State in the electoral count.

Shall we say in such case that the vote is lost by a tie in the electoral power in Illinois by the inability of the State to act? That is true if the power of the State expressed according to law is the true electoral power. If we say, however, that the true electoral power is the will of the majority of the people of Illinois as expressed in the ballot-box, the tie vote in the House, which expresses the will of each of the twenty Congressional districts, reverses and destroys the will of the State. Ten of these representatives may represent 100,000 more of the people of Illinois than the other ten. This is the destruction of the electoral power of Illinois, in the case supposed, by the act of her own electors who sit in the House—the electoral body of the second degree. If they can constitutionally destroy it by a tie vote, why may not the Houses destroy it? This is a greater evil and, as our history shows, far more dangerous to the public tranquillity than any that have startled the Senators who oppose this bill, and that seem to have frightened them into the still more dangerous expedient of dismembering the Senate in a case where so ruthless an act might seem to be a necessary sacrifice to save the electoral vote of a State.

But this precise method of destroying the electoral vote of a State by a tie vote of its members in the House is provided for in the Constitu-

tion. This may be styled the death of the electoral vote of a State *per infortunium*. Another method of destroying the electoral vote of a State by the act of the electors in the college of the second degree that the Constitution permits is where a State delegation in the House withdraws or fails to be present, which I suppose might be termed *felo de se*, or death with suicidal intent. A third method of destroying the entire power of the House to elect a President is for thirteen out of the thirty-eight States to be absent from the body, for it requires two-thirds of the States to have a representation on the floor of the House to constitute a quorum to elect a President. It also requires the vote of a majority of all the States, including those not present, at the election to choose a President. Thirteen of the States of the American Union finding that a person is to be elected whose election instead of executing reverses the public will, thirteen States finding that fraud has been perpetrated in one or both of the Houses in counting an electoral vote or in refusing to count it in order that the election may be devolved upon the House of Representatives, can quietly withdraw from that House and break its power.

Are not these ample guarantees to the minority and to the Senate that the mere brute force of three hundred and twenty-five men in the House shall not be successfully used to annul the power of the Senate in counting the votes of the electoral college of the first degree, and that the House can not have its own sweet will in choosing a President.

Another guarantee is that the House can only elect a President from the list of persons, not exceeding three, who have received the highest vote in the college of electors of the first degree.

Then comes the final guarantee to the Senate, which stands by as the electoral body of the third degree to execute the will of the States.

If the House fails to elect a President by the 4th day of March next succeeding the time of choosing electors fixed by law, the President elected by the Senate, voting per capita, shall, on the 4th March next after the general election, become, as the law now is, the acting President of the United States for the next full term.

Now, the whole scope and purpose of this bill is to provide in advance against possible or probable events that may give rise to trouble and friction in transferring the executive power from the hands of one person to those of another. The objections of the Senators from Ohio and New York consist mainly, if not entirely, in this specific difficulty, that the House of Representatives, in order to usurp the electoral power into their own hands, may dishonestly refuse to agree with the Senate in counting the votes of the electors of a State. Without respect to the inherent improbability of such a danger, is it not clear that the House would not once in a hundred or a thousand such events find itself able to exercise the power it had thus seized, as against the power of thirteen out of the thirty-eight States, to destroy the constitutional quorum?

Thirteen States out of thirty-eight can always remand the election of the real President to the Senate. Will it ever be that thirteen States will not be found that will meet a revolutionary and traitorous scheme of the majority to seize the Presidency, against the will of the people, by resorting to the simple, rightful, and constitutional duty of turning their backs upon the fraud, and of refusing to be present so as to aid in its consummation?

I confess that I look over this subject with exceeding gratification, and with increased veneration for the builders of our constitutional system, when I find that the Senate has been made the very keep and citadel of the rights and powers of the States, to preserve for them inviolate, and against all enemies, their great function of electing the President of the United States.

I would not, if I could, either by legislation or by constitutional amendment, lay hands on any part of this great system of successive electoral bodies, with their present wise adjustment; behind two of which the Senate stands as the third in degree, and more conservative than any, with powers adequate to save the country against any evil consequences that may arise from the disagreements of either of the electoral bodies of the first and second degree.

The Senate and the Supreme Court are our only perpetual bodies, and they are or should be far removed from all temptation to seize upon powers that are revolutionary or dangerous, or to surrender any powers that they rightfully have. The States are constantly finding in these bodies their shield of protection against encroachment and abuse. The States would not long survive in the Union the loss of these sheltering tribunals. In this bill there is but one sentiment, and that is to secure to each State its full electoral power, to be expressed and exercised, as far as may be, under the Constitution, through its own laws and through the final and conclusive judgment of its own tribunals. It is a bill worthy of the Senate, and recalls, with force, our attention to and our approval of the fact that this body is the still powerful and still consistent friend of the rights guaranteed to the States.

The States elect the President and Vice-President of the United States, and this bill is well adapted to secure to every State the free and final power to declare its choice through its own methods and authorities. If they are unwilling to take part in any election they can not be forced to do so. If faction dominates the State so that its true voice is difficult to distinguish, its own tribunals can decide and should decide the controversy, and make its decision, whether right or wrong in the light of prevailing opinions elsewhere, still final and conclusive on everybody.

If political revolt within a State has instituted dual governments there, one *de facto* and the other *de jure*, so that two returns are sent to the President of the Senate, somebody must decide which is the true return from the true State.

That tribunal must be the Houses, as only the Senate and House of Representatives can be present with authority at the count of the vote.

This tribunal is essentially appellate in such a juncture, whether the appeal is to be tried on the record, or on the facts that may impeach the record, or on facts that may be added to the record. Both certificates are laid before this high and peculiar council of state, consisting of the two great organized Houses of Congress, and, each having an equal voice, they fail to agree.

Each appellant loses its case, and the voice of the State is silenced. All cases of appeal are lost where the appellate court is equally divided, and men, possibly innocent, have been hanged on the force of that inevitable law.

That the vote of a State should be thus killed would be a misfortune, and its pitying epitaph might be "*inter arma leges silent.*" But in the majority of cases the fault of the State to provide for the preservation of order within its limits would be the real cause of the loss of its electoral power for the time, and it would have no just power to complain of the judges if they could not discern the real lines of justice and right in the tumult of strife between rival parties of factionists or patriots, who may have usurped the powers of the State under the forms of its laws.

Cases of extreme hardship are always arising in all tribunals, but they only serve to modify the rigor of judgment to the degree that is permissible without making shipwreck of principle. Under this bill the cases will be rare in which a State is without fault if it permits two sets of votes of electors to be sent to the President of the Senate in the name of, and under the great seal of, the State. If the States will not dutifully exercise their own powers, so that their rights can not be abridged, they can not justly complain if the two Houses, met to count their votes, are unable to agree as to which of two sets of electors are the rightful representatives of the electoral powers of such States. If the vote is lost in such cases, the fault is wholly with the State.

Twice I have recorded my vote in the Senate in favor of the principles of this measure and once in favor of a concurrent resolution which was based on the same views I have just expressed. On each occasion I have voted with the majority in the Senate, once when the Senate was Democratic and twice when it was Republican, the last time without a division. So this has never been a party question in the Senate since I have been here. I prefer a concurrent resolution, because it is equally as efficacious as a bill, and it is free from the disagreeable fact that the President is to participate in legislation that may directly interfere with a subject of the highest personal interest to him.

No power of legislation can so bind the will or regulate the conduct of "The high council of state and discretion," as my former honored colleague from Alabama (Mr. Pryor) aptly named this electoral body of the first degree, as to make it possible that any other department of the Government can annul or set aside its decree. It may trample under foot every law we enact, and every rule we agree to, and promulgate its decree as the final and conclusive settlement of the question as to who is elected President, and yet its decree will stand. A law will be as a cobweb and a joint rule as a rope of sand as against the power of this tribunal.

No power in this Government can or ever will set aside and annul the declaration of who is elected President of the United States when that declaration is made in the presence of the two Houses of Congress; so that whatever law we may pass, whatever rule we may agree upon, we do no more than to impose upon the consciences of members a sentiment of obedience to law. We can not annex to the law or to the rule any penalty or any sanction by which either can be enforced after the two Houses, met together to count the Presidential vote, have willfully violated and destroyed it and trampled it under foot, and yet have counted the votes and declared the result.

The honorable Senator from Vermont remarked recently in debate that there is a point beyond which you can not bind the human conscience. There is a power in this country existing in most of the tribunals which no one has a right to question or disregard. A decision of the Supreme Court of the United States might be made as a result of bribery, yet there is no power in the country that can set it aside; that is the supreme tribunal. The votes of the Senators in this body might be cast in favor of or against a measure under the direct influence of bribery, but there stands the vote and there is no power that can set it aside because bribery might have influenced Senators in casting it. The vote stands and no power remains to set it aside by searching into the motives of the men who cast it. So this joint tribunal may vote down the voice of the State's electors, or it may sustain one set of certified votes in preference to another, and after the act has been done the power to revoke it, even the power to question it, has passed beyond human control; the only answer is, in such a case, *ita lex scripta est.*

Why then should we call to our aid the mere moral power of a President's approval of a law which nobody can enforce, when, in doing so, we compromise him, in some sort at least, by asking him to pass judgment on a rule which might make or unmake him as the next President?

I prefer to keep free from Presidential interference, whether it is in-

vited or volunteered, in a matter where the Constitution assigns to him no duty and a proper caution warns him not to intrude. It is a matter where, under the Constitution, no duty is assigned to him, and from which he can abstain, as Mr. Lincoln abstained from acting in a case of the kind, without the slightest danger to the liberties of the country. I agree with Mr. Lincoln in his message to Congress, dated February 8, 1865, on the question of his participation with the Houses in the declaration respecting the electoral votes of Tennessee and Louisiana, which I will read.

As I remember the incident, the two Houses passed a joint resolution and sent it to Mr. Lincoln for his signature before his second election was declared. That resolution expressed the will of Congress that the votes of Tennessee and Louisiana were not entitled to be counted in the electoral vote, and while that had no effect upon the election, it had such a connection with it as that it aroused the sensitiveness of Mr. Lincoln's nature. He did not return the resolution to the House in which it originated until after the votes had actually been counted. The House then adopted the twenty-second rule as a substitute really for that resolution because, I suppose, they had been informed of Mr. Lincoln's intention not to participate in any way in that election, and after the election had been declared he returned the resolution to the Senate with the following message:

To the honorable the Senate and House of Representatives:

The joint resolution entitled "Joint resolution declaring certain States not entitled to representation in the electoral college" has been signed by the Executive in deference to the view of Congress implied in its passage and presentation to him. In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, have complete power to exclude from counting all electoral votes deemed by them to be illegal; and it is not competent for the Executive to defeat or obstruct that power by a veto, as would be the case if his action were at all essential in the matter. He disclaims all right of the Executive to interfere in any way in the matter of canvassing or counting electoral votes; and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution.

ABRAHAM LINCOLN.

It is dated February 8, 1865, but it was not sent in until the day after the count took place.

Now that is a worthy example, Mr. President. That message of President Lincoln shows that he was a man who was considerate of his own personal honor and sensitive in respect of any intrusion upon the power and authority of another department of the Government, or any electoral body where the Constitution did not make him expressly a participant in its action.

For that reason, and only for that reason, and because, as I have stated, there can be no sanction given to a rule or to a law which the two Houses cannot trample out at their will and defy, I have always believed that a concurrent resolution between the two Hauses regulating in advance what would be their method of action as questions arose of the kind that are presented in the bill for consideration was the thing that we ought to do. Nevertheless, because others have differed with me in that regard who concur with me in the great point that the two Houses and not the President of the Senate are the bodies who are to regulate and decide questions that arise upon the count of the votes, I yield my opinion upon that matter.

Still, it does seem to me that the President of the United States if he can use the approving power can equally use the veto power, and if we should unfortunately enact a law, for instance the amendment which the honorable Senator from Ohio suggests, and the President should approve it now, and it would turn out that on the last days during the last Congress he has to serve during his incumbency of the office that the different districts in the United States had sent men here who were Democrats in a large majority in the House, say a majority of seventy-five or one hundred, but that when the elections in November came around the people had pronounced against the Democratic party, if you please, by a majority of one hundred in the electoral college, it might be that this very law which the honorable Senator from Ohio wants to put upon the statute-book would enable the House of Representatives with its great majority united with the Senate to defeat the will of the people.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. CHACE in the chair). Does the Senator from Alabama yield to the Senator from Ohio?

Mr. MORGAN. Yes, sir.

Mr. SHERMAN. The Senator from Alabama and myself have only the same object in view in this matter, and I will ask him a question. Take the case he puts, where the majority of the House is largely against the result of the vote of the electoral college as shown upon the face of the papers, does not the bill as it stands enable the House by a bare majority of one or two or three to reject the vote of a sufficient number of States to nullify the electoral college? Is not that the difficulty? While the proposition I make does not entirely cure it, and I admitted that in the argument, it does bring another element into play, and that is the conservative force of the Senate. I ask the Senator whether the real trouble with the bill is not that a bare majority of the House of Representatives, whose conduct itself might have been the cause of the people revolting and voting against the party which was represented by that majority, might set aside the votes of the people in the electoral college?

Mr. MORGAN. Certainly; I do not deny that a corrupt House of Representatives or one strongly under partisan influence, with a large majority, I will say, in favor of the Democrats, could disagree with the Senate upon the question of which of two sets of returns was the proper one from the State of New York. I will put it that way.

Mr. SHERMAN. Would the Senator like to see that power put in the hands of a majority of either party to defeat the will of the people?

Mr. MORGAN. The Senator from Ohio by his amendment puts it there in the event that the majority of Democrats in the House added, we will say, to the minority of Democrats in the Senate, constitute a majority of the two Houses in the meeting, and in that case, although the President elected, a Republican, might have 100 electoral majority, or something like that, the House by disagreeing in cases of the kind that we have supposed might reverse the entire action of the people in choosing their President and relegate the whole question of the decision as to who was to be President of the United States to men who might have been elected on local issues, such as the cleaning out of the Kiskiminetas or the Cahawba River, or some local question of that kind which belonged to the particular district.

Mr. SHERMAN. What I ask is, does not the bill as it now stands reported from the committee enable either House to do that by a party majority by disagreeing on the count of the electoral vote?

Mr. MORGAN. I have admitted it, and those who framed the Constitution foresaw that such a thing as that might take place, and consequently they put into it a second electoral body or a third electoral body. They put it also in the power of thirteen of the thirty-eight States by simply withdrawing to break the quorum and prevent an election. Now that is guarantee enough. When thirteen out of thirty-eight States, desiring to prevent the consummation of a terrible fraud of the character which is supposed by the Senator from Ohio and which I confess might take place, can prevent it by simply turning their backs on the fraud, as I have observed, and going away from it and breaking the quorum, is not that a great power in reserve?

I do not pretend that the bill covers every evil, but I do say that the bill has in it two principles that are undeniable. The first is that the Houses must be present in their organization to witness and control the opening and count of the votes; and the second is that whatever tribunal acts as a tribunal of control, whether we call it an appellate tribunal or what not—when a tribunal acts as a tribunal of control over other tribunals and it consists of two members, it has always been held that where they could not agree the judgment of the inferior court would stand. Where they can not agree, says the bill, there is no electoral vote because they can not agree. Their disagreement as to which of two electoral votes shall be counted necessarily excludes both lists from the count.

Mr. SHERMAN. That is just what I should like to accomplish, but I do not so understand it. The bill provides that where the two Houses disagree the judgment of the electors shall not stand; that the vote shall not be counted either way to change the result. There is the difficulty.

Mr. MORGAN. That is because there is a tie vote. Let me ask the honorable Senator from Ohio if the same thing would not occur in Illinois in case the House was electing a President, and there were ten Democrats there and ten Republicans—twenty Representatives. What would become of the vote of that State?

Mr. SHERMAN. Under the old law, prior to 1866, the result was that the Senate had often many vacant seats, because of disagreement between the two houses of State Legislatures; and therefore by public opinion it was——

Mr. MORGAN. I am speaking of the electoral vote. I am speaking of when the House is electing a President, and the State of Illinois, having one vote out of thirty-eight, is called, and ten members vote for A and ten vote for B in that House. What becomes of the vote of Illinois?

Mr. SHERMAN. If there is a tie vote in the electoral college the House of Representatives immediately proceeds, under the express provisions of the Constitution, to elect a President.

Mr. INGALLS. No, not a tie vote.

Mr. MORGAN. The Senator is quite mistaken, there is no election. If there is a tie in a State that gives a candidate less than a majority of all the votes of the States, there is no election.

Mr. INGALLS. There is no election.

Mr. SHERMAN. There would be no election in the case of a tie vote.

Mr. MORGAN. And if there is a tie vote in Illinois, which has twenty Representatives, the vote is not counted. Because the State can not agree, the vote is lost. So when there is a tie vote between the two Houses here in respect of determining which of two votes shall be counted as the vote of Illinois, it is lost. We can not get rid of that difficulty.

Mr. MCPHERSON. The State consents to lose it.

Mr. MORGAN. The State consents to lose it, says the honorable Senator from New Jersey. So when a State fails to provide for the preservation of order within her borders so that she can certify her official acts up to the Congress of the United States, she ought to be put in the category of consenting to be robbed of her electoral power.

This, let it be remarked, is a matter which belongs to and concerns

the States of this country, for the States appoint the electors, and if the States, through negligence or through the cowardice or the treachery of their own officials, do not see proper to preserve the electoral vote in such form as that honest men here can ascertain what is the true voice of the State, let it go as it goes in the case of a tie, as I have mentioned in respect of the State of Illinois.

Mr. President, I did not suppose when this bill was before the Senate in the last Congress that any of us would ever be called upon to discuss its merits again, but I found here among gentlemen on this side of the Chamber a degree of uncertainty in their views of the matter that led me to feel that it was my duty, having been heretofore connected officially by the votes of this side of the Chamber with this subject, to express my views upon it in the feeble way that I have done. I appeal to Senators that they will not, in order to get rid of a difficulty which does arise sometimes and will naturally arise, tear down the limitations of the Constitution, and convert the members of the two Houses into a new electoral body to choose a President and take from the Senate its rightful prerogative to command and control the minority of the body wherever that minority may be found, acting in their capacity as Senators.

It can never be necessary to destroy the Houses of Congress as organized bodies by merging their membership into a new and unauthorized body in order to save to the States or the people the honest results of a Presidential election.

Mr. HOAR. Mr. President——

Mr. SHERMAN. I wish to move that the Senate proceed to the consideration of executive business.

Mr. MAHONE. With the Senator's permission, I beg to make some reports from a committee.

The PRESIDING OFFICER. Does the Senator from Ohio withhold his motion for that purpose?

Mr. SHERMAN. I give way to the Senator from Virginia for the purpose indicated.

ADDITIONAL REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 230) for the erection of a public building at Worcester, Mass.;

A bill (S. 305) for the erection of a public building at Huntsville, Ala.;

A bill (S. 482) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia;

A bill (S. 453) for the erection of a public building at Jacksonville, Fla.; and

A bill (S. 610) to provide for a building for the use of the Federal courts, post-office, and internal-revenue and other civil offices, and a United States jail in the city of Fort Smith, Ark.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them without amendment:

A bill S. 201) to provide for the erection of a public building in the city of Annapolis, Md.;

A bill (S. 228) for the erection of a public building at Camden, N. J.; and

A bill (S. 481) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (S. 349) for the promotion of anatomical science and to prevent the desecration of graves, reported it with amendments.

REPORT ON COAST DEFENSES.

Mr. DOLPH. I ask leave to make a report at this time.

The PRESIDENT *pro tempore*. The Chair will receive it, if there be no objection.

Mr. DOLPH. The board appointed by the President, under the provisions of the fortification act passed at the last Congress, to report what fortifications and other defenses were most urgently required, &c., filed a report this morning, which was referred to the Committee on Coast Defenses. On behalf of that committee I now report by resolution, and ask that the resolution and the report of the board be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. The resolution reported from the committee will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 7,000 additional copies of the report of the board of fortifications or other coast defenses be printed; 2,000 for the use of the Senate, 4,000 for the use of the House of Representatives, and 500 each for the War and Navy Departments.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing under the rule.

Mr. DOLPH. Together with the report of the board.

The PRESIDENT *pro tempore*. Together with the report of the board.

ADDITIONAL BILLS INTRODUCED.

Mr. CAMDEN introduced a bill (S. 1232) granting increase of pension to John S. Hale; which was read twice by its title, and referred to the Committee on Pensions.

Mr. EVARTS introduced a bill (S. 1233) for the relief of John R. Harrington; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. SHERMAN introduced a bill (S. 1234) to remove the charge of desertion from the military record of George W. Stelts; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 1235) granting increase of pension to Joseph W. Rhinehalt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. HOAR. I call for the regular order.

The PRESIDENT *pro tempore*. The pending bill will be reported by its title.

The CHIEF CLERK. A bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. Pending which the present occupant of the chair while on the floor moved that the Senate proceed to the consideration of executive business. The question is on agreeing to that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE RANKIN.

Mr. SAWYER. I move that the resolutions from the House of Representatives in regard to the death of Mr. RANKIN be taken up.

The PRESIDENT *pro tempore*. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 25, 1886.

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

Resolved by the House of Representatives (the Senate concurring), That a special joint committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis.; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Ordered That Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. STEPHENSON of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON of New York, be the committee on the part of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Mr. SAWYER. Mr. President, I offer the resolutions which I send to the Chair.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin.

Resolved, That the Senate concur in the resolution of the House of Representatives providing for the appointment of a joint committe to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis., and that the members of the committee on the part of the Senate be appointed by the President *pro tempore*.

The resolutions were agreed to.

The PRESIDENT *pro tempore*. In obedience to the resolution the Chair appoints the Senator from Wisconsin, Mr. SAWYER; the Senator from Kentucky, Mr. BLACKBURN: and the Senator from Arkansas, Mr. JONES, as the committee on the part of the Senate.

Mr. SAWYER. As a mark of respect to the memory of the deceased I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Received this 25th day of January, 1886.

MINISTER RESIDENT AND CONSUL-GENERAL TO COREA.

William H. Parker, of the District of Columbia, to be minister resident and consul-general of the United States to Corea, to fill a vacancy.

DISTRICT JUSTICE OF THE PEACE.

Joseph W. Davis, of the District of Columbia, to be a justice of the peace for the District of Columbia, to reside in Georgetown, D. C., *vice* Jenkin Thomas, deceased.

For appointment in the Army of the United States.

MEDICAL DEPARTMENT.

To be assistant surgeons with the rank of first lieutenants:

Henry S. T. Harris, of Virginia, January 5, 1886, *vice* Maddox, killed in affair with Indians.

Leonard Wood, of Massachusetts, January 5, 1886, *vice* Bartholf, promoted.

For appointment by transfer in the Army of the United States.

First Lieut. Joseph Garrard, of the Fourth Artillery, to be first lieutenant Ninth Cavalry, with rank in the cavalry arm from June 28, 1878.

First Lieut. Thomas C. Davenport, of the Ninth Cavalry, to be first lieutenant, Fourth Artillery, with rank in the artillery arm from June 28, 1878.

For promotion in the Army of the United States.

MEDICAL DEPARTMENT.

Capt. John H. Bartholf, assistant surgeon, to be surgeon, with the rank of major, January 4, 1886, *vice* Goddard, deceased.

FOURTH REGIMENT OF ARTILLERY.

Second Lieut. John R. Totten, to be first lieutenant, January 2, 1886, *vice* Jones, deceased.

SEVENTEENH REGIMENT OF INFANTRY.

Second Lieut. Robert W. Dowdy, to be first lieutentant, December 12, 1885, *vice* Chance, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 25, 1886.

POSTMASTERS.

Thomas Hubbard, to be postmaster at Bellefontaine, in the county of Logan and State of Ohio.

Joseph L. Richards, to be postmaster at Buchanan, in the county of Berrien and State of Michigan.

William M. Kimball, to be postmaster at Lebanon, in the county of Grafton and State of New Hampshire.

INDIAN AGENTS.

Elihu C. Osborne, of Gallatin, Tenn., to be agent for the Indians of the Ponca, Pawnee, Otoe, and Oakland agency, in the Indian Territory.

Fletcher J. Cowart, of Troy, Pike County, Alabama, to be agent for the Indians of Mescalero agency, in New Mexico.

COMMISSIONER OF CUSTOMS.

John S. McCalmont, of Pennsylvania, to be Commissioner of Sustoms.

ASSISTANT TREASURER.

Charles J. Canda, of New York, to be assistant treasurer of the United States at New York city, in the State of New York, in place of John Bigelow, who has declined the appointment.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 25, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty and everlasting God, we pray this solemn reminder of our mortality which has come to us in the death of a member of this House may impress every heart and conscience in Thy presence, and move us to give our souls to Him who hath bought us with His own blood, and order our steps in the paths of Thy commandments, that when we pass hence it may be well with us.

We cast upon Thy fatherhood the widow and the orphan children bereaved by this calamity. Cheer them, comfort them, provide for them, O God, and at the end of life's journey bring them to Thy heavenly home with us and with all for whom we should pray. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday last was read and approved.

Mr. BRAGG. Mr. Speaker——

Mr. BLOUNT. Mr. Speaker, if the gentleman from Wisconsin will yield a moment I will ask unanimous consent that a call of the States and Territories for the introduction of bills and resolutions may be had to-morrow, immediately after the reading of the Journal.

There was no objection, and it was so ordered.

DEATH OF MR. RANKIN, OF WISCONSIN.

Mr. BRAGG. Mr. Speaker, the painful duty devolves upon me to announce to this House the death of my friend and colleague JOSEPH RANKIN, a Representative from the State of Wisconsin, who died on yesterday, at his residence, at 2 o'clock p. m. I shall not detain the House at this time with any remarks upon his memory, but at some future time will ask the consideration of the House. At present I submit the following resolutions:

Resolved, That the House has heard with sincere regret the announcement of the death of Hon. JOSEPH RANKIN, late a Representative of the State of Wisconsin.

Resolved by the House of Representatives (the Senate concurring), That a special joint committee of seven members of the House of Representatives and three members of the Senate be appointed to take order for superintending the funeral and to escort the remains of the deceased to Manitowoc, Wis.; and the necessary expenses attending the execution of this order shall be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate the foregoing resolutions to the Senate.

Resolved, That as a mark of respect to the memory of the deceased the House do now adjourn.

The question was taken, and the resolutions were unanimously agreed to.

The SPEAKER. Before declaring the result of the vote the Chair will announce the following as the committee on the part of the House:

Mr. BRAGG of Wisconsin, Mr. VAN SCHAICK of Wisconsin, Mr. STEPHENSON of Wisconsin, Mr. GUENTHER of Wisconsin, Mr. CARLETON of Michigan, Mr. HENDERSON of Illinois, and Mr. JOHNSON of New York.

The result of the vote was announced as above stated; and accordingly (at 12 o'clock and 15 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BELMONT: Five petitions of citizens of New York, asking for the improvement of Peter's Neck Bay, Suffolk County, New York—to the Committee on Rivers and Harbors.

By Mr. BENNETT: Petition of Alexander Oldham, of New Hanover County, North Carolina, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. BLANCHARD: Papers relating to the claim of Victor S. Benoist, administrator—to the same committee.

By Mr. BOUND: Petition and remonstrance of Typographical Union No. 14, Harrisburg, Pa., against the passage of an international copyright law—to the Committee on the Judiciary.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claims of Samuel E. Hammond, of Eleanor D. Branch, of Isabella H. Park, of William Hawkins, and of Bayless E. Cobb—to the Committee on War Claims.

By Mr. W. W. BROWN: Memorial of R. C. Bailey, praying for a joint resolution directing the Postmaster-General to obey the laws of Congress—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTTERWORTH: Petition of Anderson H. Hillman, asking that he be paid bounty due him—to the Committee on Military Affairs.

By Mr. COLE: Petition and papers relating to the claim of J. Vernon Campbell—to the Committee on Claims.

By Mr. COLLINS: Memorial of the National Association of Wool Manufacturers, in favor of the enactment of a uniform bankruptcy law—to the Committee on the Judiciary.

By Mr. CURTIN: Petition of J. Hawk, praying that a pension be granted him—to the Committee on Invalid Pensions.

By Mr. DUNN: Papers relating to the claim of Jeffrey A. Houghton's estate—to the Committee on War Claims.

By Mr. ERMENTROUT: Memorial of William M. Goodman, asking for a pension for Mr. ——— Frees—to the Committee on Invalid Pensions.

By Mr. FORNEY: Papers relating to the claim of John R. Whitlock—to the Committee on War Claims.

By Mr. EUSTACE GIBSON: Petition of E. J. Epling, for pension, to date from the death of her last soldier husband—to the Committee on Invalid Pensions.

Also (by request), petition to pension all soldiers where the United States have been the beneficiary—to the Committee on Pensions.

By Mr. GOFF: Petition of William L. Hays and 129 citizens of Gilmer County, West Virginia, praying for an appropriation for improvement of the Little Kanawa River—to the Committee on Rivers and Harbors.

By Mr. D. B. HENDERSON: Petition of 25 soldiers of the late war who have lost an arm or leg and now living at Milwaukee, Wis., praying for the passage of H. R. 597—to the Committee on Invalid Pensions.

Also, memorial of Mary Wilson and Mary B. Wallis, of Dubuque, Iowa, for an amendment to the act of June 15, 1844—to the Committee on the Public Lands.

By Mr. HEWITT: Petition of residents of New Jersey, in favor of an appropriation of publie lands to aid in the establishment of horticultural schools for girls—to the Committee on *Education*.

Also, resolutions of the Chamber of Commerce of the State of New York, in favor of recognizing the services of Joseph Francis as the inventor of life-saving apparatus—to the Committee on Commerce.

By Mr. HAMMOND: Petitions of James H. Waters and of Joseph Hornsby, of Georgia, asking reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. IRION: Papers relating to the claims of Benjamin Butman, of Cornelius T. Cunningham, of Louis Domminger, of Mrs. Ann Moreau, of William Akers, of Margarette McWaters, of Emma L. Andruss, and of Abram A. Harvey—to the same committee.

By Mr. KETCHAM: Papers relating to the claim of Patrick Carroll—to the Committee on Claims.

Also, papers relating to the case of Frank A. Benter, of Washington, D. C.—to the Committee on Military Affairs.

By Mr. KLEINER: Petition of 200 ex-soldiers and citizens of Perry County, Indiana, praying for a pension to all ex-soldiers of the late war of $5 per month—to the Committee on Invalid Pensions.

By Mr. LYMAN: Paper in the case of F. W. Haldeman, for relief—to the Committee on War Claims.

By Mr. NELSON: Petition of Thomas Nelson and others, relative to the duty on leaf-tobacco—to the Committee on Ways and Means.

Also, petition of J. A. Giltman, relative to disposal of public lands—to the Committee on the Public Lands.

Also, memorial from the Saint Paul Chamber of Commerce, relative to improvement of Missouri River—to the Committee on Rivers and Harbors.

By Mr. O'HARA: Papers relating to the claim of Benjamin F. Parrott—to the Committee on War Claims.

By Mr. J. J. O'NEILL: Memorial of city council of Saint Louis, asking for an appropriation to protect west bank of Mississippi River between Chain of Rocks and Bissell's Point—to the Committee on Rivers and Harbors.

Also, protest of United Labor League of America, John Pope Hodnett president, against the use of prison labor in public improvement of streets in the District of Columbia—to the Committee on Labor.

By Mr. PETTIBONE: Petition of the heirs of Mary Anderson, for relief—to the Committee on War Claims.

By Mr. RANDALL: Petition of Louisa S. Guthrie, widow and executrix of Capt. John J. Guthrie, late superintendent of the sixth district, United States Life-Saving Service—to the Committee on Commerce.

By Mr. RANNEY: Petition of George S. Merrill and others, relating to pensions—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition for Mrs. H. Babb Hutchins—to the same committee.

By Mr. RICHARDSON: Petition of Dr. J. K. Farriss, asking for payment of his claim—to the Committee on War Claims.

Also, petition of Elijah Stephens, late postmaster at Woodbury, Tenn., for payment of his account—to the Committee on the Post-Office and Post-Roads.

By Mr. ROGERS: Petition of several grand jurors from the western district of Arkansas, urging Congress to provide suitable court-house and jail for that district at Fort Smith—to the Committee on Public Buildings and Grounds.

By Mr. ROMEIS: Petition of W. H. Morehouse and 167 others, business men of Toledo, Ohio, against any action involving a renewal or extension of what is known as the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. SINGLETON: Papers relating to the claims of John Brister, of Dr. J. R. Phillips, and of Margaret S. Bennett—to the Committee on War Claims.

By Mr. SPOONER: Petition of the Music Teachers' National Association, for an international copyright law—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Petitions of Houston G. Woods and of Henry Zimerlee, asking to be placed on the pension-rolls—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition of Grandville Philpot, for increase of arrears of pension—to the same committee.

Also, memorial and resolutions by a mass meeting held in the city of Mount Sterling, Ky., on January 19, 1886, relating to the improvement of Licking River—to the Committee on Rivers and Harbors.

By Mr. TILLMAN: Memorial of the Charleston Exchange, praying the passage of an act to make a bill of lading conclusive evidence in the hands of a *bona fide* holder—to the Committee on the Judiciary.

Also, memorial of the National Cotton Exchange, praying a specific appropriation for the Signal Service Bureau to make reliable daily reports of the meteorological conditions in the cotton districts—to the Committee on Military Affairs.

By Mr. WADSWORTH: Petition of J. H. Hazelrigg and others, for the improvement of Licking River above Farmers, in Rowan County, Kentucky—to the Committee on Rivers and Harbors.

Also, petition of citizens of Big Sandy Valley, praying for continuance of the work on that river—to the same committee.

Also, petition for the continuance of the work on Big Sandy River—to the same committee.

By Mr. A. J. WARNER: Petition of Frank Scott and 34 others and of W. D. Corn and 64 others, citizens of Guernsey County, Ohio, asking for payment to soldiers of the difference between gold and greenbacks—to the Committee on Ways and Means.

By Mr. WHEELER: Papers relating to the claim of Mary J. Bohannon, of John G. Beard, and of James Clendennin—to the Committee on War Claims.

Also, petition to increase appropriation to extend Signal Service in Southern States—to the Committee on Military Affairs.

By Mr. WORTHINGTON: Petition of Harriett J. Peabody, for a pension—to the Committee on Invalid Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. DOCKERY: Of citizens of Worth County, Missouri.

By Mr. RYAN: Of H. V. Hickman and others, of Elmdale, Kans.

By Mr. A. J. WARNER: Of John Brown and 85 others, citizens of Ohio.

By Mr. WOODBURN: Of citizens of the State of Nevada.

By Mr. WORTHINGTON: Of citizens of Fulton County, Illinois.

SENATE.

TUESDAY, *January* 26, 1886.

PRAYER.

The Chaplain, Rev. E. D. HUNTLEY, D. D., offered the following prayer:

Let us pray. O Thou whose kingdom is an everlasting kingdom, and whose dominion endureth throughout all generations, we come to do Thee homage, and would be enrolled among Thy servants, gladly awaiting Thy commands. We can not thank Thee enough for the mercies of the past. We can only pray that Thou wilt help us to manifest our gratitude by such a conscientious use of our political endowments as shall continue unto us Thy guardianship, and thus insure to us and our posterity honorable place among the nations of the earth.

We are this day to be again reminded of our mortality. The ordinary legislative business shall be put aside while the career of our recently deceased Vice-President is reviewed and the lessons of his eventful life are read for the instruction of the nation. Help us to profit by these memorial services, and may we so number our days as to apply our hearts unto wisdom.

Already our beloved land is the possessor of opportunities which, under the Divine guidance, have developed characters whose history the people are unwilling to forget. We seek to perpetuate their memory by shaft, or sanitarium, or statue; and while we rejoice that these monumental structures grace our parks and crown our hill-sides, we pray the Lord to help us rear above our worthy dead that most honorable and most enduring of all monuments, a Christian civilization. May it be concreted with that justice which is the habitation of Thy throne, that, being structured on the basis which gives stability to Thy eternal kingdom, the Republic may abide.

Hear Thou our prayer; guide us by unerring wisdom while we live; and save us in Thy kingdom when we die. For the Redeemer's sake. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read and ordered to be printed, and referred to the Committee on Foreign Relations:

TREASURY DEPARTMENT, *January* 25, 1886.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate dated the 21st instant, "That the Secretary of the Treasury be requested to furnish the Senate with a statement showing the character and amount of each of the claims paid under the treaties with France of April 30, 1803, and of July 4, 1831, and under the treaty with Spain of February 22, 1819, together with the names of the claimants," and in reply I have to inform you that the information called for in the resolution was furnished to the honorable Secretary of State on the 20th instant, at great expense to the Government, in compliance with his request of September 10, 1885, and that the Senate may be placed in possession of the desired information with as little delay as possible I would suggest that the resolution be directed to the Department of State.

Respectfully, yours,

DANIEL MANNING, *Secretary.*

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

PAYMENTS TO INTERNAL-REVENUE COLLECTORS.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of the Treasury; which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Finance:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 22, 1886.

To the President of the Senate of the United States:

In obedience to the Senate's resolution of the 14th instant, directing me to furnish certain information respecting the payment of the salaries of "collectors of internal revenue not confirmed by the Senate," I have the honor to reply that since March 1, 1879, payments of salary have been made to ninety-five "collectors of internal revenue not confirmed by the Senate;" and that seventy of the ninety-five to whom such payments were made had, at the time of said payments, been designated to perform the duties of other collectors suspended by the President during a recess of the Senate, under the authority conferred by section 1768 of the Revised Statutes of the United States. Some of the payments made to persons so designated were made prior to March 4, 1885, and some of them were made since that date.

Inclosed I send a report upon this subject this day received from the Commissioner of Internal Revenue, and two tabulated statements which accompanied it.

I have the honor to be, very respectfully, your obedient servant,

DANIEL MANNING,
Secretary of the Treasury.

DEATH OF VICE-PRESIDENT HENDRICKS.

Mr. VOORHEES. Mr. President, pursuant to notice heretofore given, I move that the Senate proceed to the consideration of the resolutions now pending before this body touching the death of the late Vice-President of the United States, and I ask for their reading in that connection.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the resolutions mentioned by him. The resolutions will be read.

The Chief Clerk read the following resolutions, submitted by Mr. VOORHEES on the 7th of December, 1885:

Resolved, That the Senate has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States, and for a number of years a distinguished member of this body.

Resolved, That the business of the Senate be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives.

The PRESIDENT *pro tempore*. The resolutions are now before the Senate.

Mr. VOORHEES. Mr. President, for the eminent citizen of the Republic who lately fell from his high place among living men, and who sleeps now in peace and honor in the bosom of the State he loved and served, we can do no more than has already been done by tongue and pen, and by every method which human affection can inspire. The heavy drapery of woe has darkened alike the public building, the stately mansion, and the doorway of the humble home; the proud colors of the Union have drooped at half-mast throughout the United States and in all civilized lands beneath the sun; eloquence in the forum and at the sacred desk has paid its richest tributes to his exalted abilities and to his stainless character; the tolling bell, the mournful dirge, the booming solemn minute-gun, the mighty multitude of mourners, have all attended the funeral of Thomas A. Hendricks, and borne witness to the deep love and grief with which he was lowered into his last earthly abode. All the honors due to the most illustrious dead have been paid by the Chief Magistrate of the Government, by the authority of States, and by the unrestrained affection of the people.

In the Senate, however, we may not be silent even though the cup of honor to his memory is full and overflowing. In this exalted theater of action, here on this brilliantly lighted stage, he fulfilled his last official engagement and closed his long and commanding public career. When this body adjourned in April last he went out from these walls to return to them no more forever. The chair to which he had been called by the American people was vacant when Senators gathered here again, and now we briefly halt in our weary march to do honor to ourselves, and to benefit the living, by pointing out the attractive virtues of the dead.

Thomas A. Hendricks was a native of the Mississippi Valley, born in Muskingum County, Ohio, on the 7th day of September, 1819. He had the good fortune to be born on a farm, so often the nursery of mental and physical development and power. His earliest associations were with people who earned their bread by the honest labor of their own hands, and the impressions thus made on his mind were with him always. They inspired his sympathies, and to a great extent governed his ideas of public duty at every stage of his long official life.

Early in the spring of 1820, when the late Vice-President was six months old, his father, Maj. John Hendricks, with his young family, moved to the State of Indiana, then indeed an infant State, but three years older than the strong man-child then in his mother's arms, and destined to control the gravest affairs of the Commonwealth and to wear her highest civic laurels. After a brief sojourn at Madison, the well-known historic residence in the interior of the State at Shelbyville, Shelby County, was assumed by Major Hendricks, and maintained with dignity, hospitality, and great practical usefulness until he slept with his fathers.

In the heart of the dense forest, upon the gentle eminence overlooking the beautiful valley, he built the sightly and commodious brick house which yet stands in good preservation in open view of the thriving city and richly cultivated country around. It soon became known as a center of learning and social delight, and was the favorite resort of men of distinction and worth. It was in particular the seat of hospitality to the orthodox ministry, Mr. Hendricks being the principal founder and support of the Presbyterian church in that community. The presiding genius of that home was the gentle wife and mother, who tempered the atmosphere of learning and zeal with the sweet influences of charity and love. Essentially clever and persistent, she was possessed of a rare quality of patience, which stood her in better stead than a more aggressive spirit.

It was at such a home as this, on one of the outer lines of advancing civilization, shedding its rays of beneficent Christian light over the waste places and lighting up the wilderness, that the future lawyer and statesman began his growth in knowledge, grace, and power, and rose to the full stature of his splendid manhood.

What a swift unfolding panoramic view of the march of empire and of human progress was given him to behold in his own lifetime of less than three score years and ten! Indiana was admitted into the Union only sixty-nine years ago with but thirteen organized counties, 12,112 voters, and a total population of 63,897. The first impressions of men and things made on the mind of Governor Hendricks in his childhood outside of his own home were of a sparsely settled country, neighborhoods composed of a few families, making here and there an opening in the wilderness, and separated from each other by long miles of towering unbroken forests. He was made familiar with accounts of pioneer privation, self-sacrifice, and heroism. Indians were still abundant in Indiana, and though not on the warpath, were uncomfortable neighbors, and he sometimes listened to the hunter with buckskin shirt and unerring rifle who had fought the red man at Fort Harrison, Tippecanoe, the River Raisin, and the Thames but a few years before. He knew at one time what it was to go six miles from home for the privileges of a very ordinary and uncertain school. The highway of his early youth was the trail through the woods, from one settlement to another, surveyed and laid out not with rod and chain, but with the ax of the frontierman blazing the trees to give the traveler or the lost wanderer his points of compass and his way onward. His memory dwelt on the mill by the flowing stream, where, with primitive methods, the bread of the pioneer and those beneath his generous roof was provided for.

In after years, when all these things had passed away like a dream, and when he was decorated with almost every official distinction, he would on rare occasions charm his listeners with pleasing pictures which had been indelibly painted on his youthful mind. I vividly recall one such instance only a little more than seven years ago. The Millers' National Association met at Indianapolis in May, 1878, and Governor Hendricks was chosen to welcome them to a public dinner. In the course of his remarks, and after dwelling upon the association before him as one of the most potent factors in the world in providing an increased amount and an improved quality of food, his mind reverted to the scenes of his boyhood, and with the touch of a master and to the delight of his audience of advanced millers, he produced from memory the following gem of portrait painting:

As a boy I was acquainted with the miller, and I thought him a great man. When he raised the gate with such composure and confidence, and the tumbling waters drove the machinery ahead, I admired his power. And then he talked strongly upon all questions. He was very positive upon politics, religion, law, and mechanics. Any one bold enough to dispute a point was very likely to have a personal argument thrown in his face, for he knew all the gossip among his customers. He was cheerful. I thought it was because he was always in the music of the running waters and the whirling wheels. He was kind and clever, indeed so much so that he would promise the grists before they could be ready, and so the boys had to go two or three times. He was a chancellor and prescribed the law, every one in his turn. That miller, standing in the door of his mill, all white with dust, is a picture even upon the memory of this generation. It is the picture of a manly figure. I wonder if you gentlemen, the lords of many runs and bolts, are ashamed to own him as your predecessor. It was a small mill, sometimes upon a willowy brook and sometimes upon a larger stream, but it stood upon the advance line of the settlements. With its one wheel to grind Indian corn, and one for wheat, and in the fall and winter season one day in the week set apart for grinding buckwheat, it did the work for the neighborhood.

Plain and unpretentious as compared with your stately structures, yet I would not say it contributed less toward the development of the country and the permanent establishment of society. So great a favorite was it, and so important to the public welfare, that the authorities in that day invoked in its favor the highest power of the State, that of eminent domain. That mill and miller had to go before you and yours, and I am happy to revive the memory of the miller at the custom mill, who with equal care adjusted the sack upon the horse for the boy to ride on, and his logic in support of his theory in politics or his dogma in religion.

But while Governor Hendricks would thus at times recall the early days of Indiana and her small beginnings, on the other hand his joy and pride, everywhere and under all circumstances, at her unparalleled progress in every channel of thought and action were boundless and unrestrained. His enthusiasm over the development, strength, resources, cultivation, and honor of the State whose infancy he had shared and to whose greatness he had contributed was of a character not to be fully understood nor appreciated except by those to whom the nature and attributes of his mind were revealed by long and intimate association. Indiana was the one theme, whether in public or private speech, on which his voice would fill with emotion and his eyes flash with unwonted fires or grow moist with affection and gratified pride. He saw her meager population swell to over two millions, her primitive highways give place to more than six thousand miles of railroad, her farms teeming with more wheat and corn than any other State of equal size, her coal beds and manufactories filling the world with their productions and their fame; he saw accumulated the largest school fund per capita of any commonwealth on the globe, and he exulted in the free schools, the high schools, the normal schools, the seminaries, the colleges, and the universities which adorn and illuminate the State.

We have heard and read much in our day and generation on the subject of State pride and the duty a citizen owes to his State government. Governor Hendricks loved the American Union, and gave it his warm, unstinted, and unwavering allegiance, and held that no duty to his State could interfere with his duty to the Federal Government. And yet his love for Indiana, and his pride in her position before the world, was never less ardent and sincere than that of the most devoted disciple of that school of State rights which existed before the war, but which exists now no more. The people of Indiana well understood this fact, and repaid his affection with their own faithful attachment.

But Governor Hendricks had another and earlier reason for his devotion to the State besides his own connection with her affairs. It will be seen from the records of the Territory and of the State that no other name has had so long, so permanent, and so conspicuous a place in the history of Indiana as that of his family. When the delegate

convention met at Corydon on the 10th of June, 1816, under the authority of the enabling act of Congress, to frame a constitution for the new State, William Hendricks was the secretary of that small but able and historic body. He was an elder brother of Maj. John Hendricks, and consequently an uncle of the late Vice-President. He was large and commanding in person, with marked intellectual ability. In August, 1816, he was elected a member of Congress under the new constitution, and thus became the first Representative of the State of Indiana at the Federal capital. In this position he won such distinction that in 1822 he was elected governor of the new Commonwealth.

There is nothing more trying to a young man's reputation and to his future success than to be charged with the duties of a frontier State, with all its bitter necessities; its just expectations, so long deferred as to make the heart sick; its oppressive burdens, which might be lightened by promptitude and justice on the part of the Federal Government; its keen and constant struggles for full recognition as a member of the Union with equal rights and dignity in the company of its sister States. This ordeal was passed, however, so successfully, that in 1825 William Hendricks was elected a Senator in Congress from Indiana and re-elected for a second term, giving him twelve years of service in the Senate of the United States at a most important period in the history of the State and nation. A fertile and wealthy county in the central portion of Indiana bears his honored name and stands as an enduring monument to the memory of an able and faithful public servant. In 1837 his public life closed, and it was but eleven years later when another official career began which was destined to be longer and more brilliant and to render the same name still more illustrious. Thomas A. Hendricks came upon the theater of professional and public life better equipped for the duties before him than young men generally were at that early period in the West. While his youth had been surrounded by the privations of the frontier, he experienced but few of them in his own person.

His father was a prosperous man for his day, and, with the commendable family pride of an intelligent, well-read gentleman, he spared no pains or expense in preparing his sons, as far as existing opportunities then permitted, to enter with credit and success upon the duties of manhood. In the village and neighborhood schools, and at South Hanover College, Abram, the eldest son, pursued his studies to become a Presbyterian minister, and his brother, next younger, laid the foundations of his future greatness in the councils of men. Governor Hendricks was a lover of books, and from his youth up his mind was fashioned to industry, study, and research. In making choice of a profession he followed his earliest inclinations and eagerly embraced the law. When a mere boy he loved the court-room, and listened with intense interest and delight to the mental conflicts of strong men. Upon his return from college he entered at once on his legal studies in the office of Judge Major, at Shelbyville. He subsequently went to Chambersburg, Pa., and further pursued his studies under the tuition of his kinsman, Judge Thomson. When he was admitted to the bar on his return home he had a student's well-trained mind, and a knowledge of the great principles of the common law, which increased and expanded with his advancing years, and on which he never relied in vain in the conflicts of after life.

The opening years of his professional career were not marked by sensational success, but rather by a steady growth in the confidence of the courts and of the people as a diligent, capable, and rising man. In the meager practice of the village lawyer great amounts were not at stake, but in the preparation and trial of small cases the principles of the law laid down by Blackstone, Chitty, and other great masters of jurisprudence were often more clearly and ably presented than in controversies in the highest courts involving millions.

To one imbued with zeal and ambition for legal eminence no trial in court is unimportant when it presents an issue of law or of equity. In this spirit and with this conception of his profession Governor Hendricks pursued his labors from the beginning. In 1848 he was elected to the Legislature; and at that point began that long double line of duties, one in the courts and one in the political arena, lasting thirty-seven years, and only closing when his active but weary brain ceased to throb. He became an eminent leader on both lines of action, and so evenly and well-balanced were his powers that it would be difficult to decide on which he was most conspicuous and commanding. To his own mind and heart, as his intimate friends well know, his labors and his triumphs in the courts were the dearest and most satisfactory. The keen, high zest with which he often enjoyed the conflicts of the bar and their results was something, when once witnessed, not readily forgotten. If the law, as the old writers have it, is indeed a jealous mistress, yet she had no cause to complain of his want of love or devotion, or of his absence from her chambers, except when driven to other fields of duty by the highest order that can be issued to a citizen in State or nation. He lived to realize that his fidelity to his profession had met its just reward.

The history of Indiana is luminous with the names of able lawyers and profound jurists from the days of Isaac Blackford down to the present time, and among the brightest and the strongest of that great galaxy the name of Thomas A. Hendricks long since took its permanent place. If to some this may seem merely the voice of personal friendship, perhaps insensible to careful discrimination and close analysis, I would recall to them the imposing meeting of his brothers in the law, held at Indianapolis, and gathered from every part of the State by the dread summons of his death. Into that Federal court-room, where he had won and worn many of his brightest laurels, there came on that sad day the oldest, the ablest, and the most learned of the Indiana bar. Within its hallowed precincts every thought and recollection of political warfare died away, every memory of party strife was hushed, and men of every creed and faith pressed forward to bear testimony in eloquent and burning words to their admiration for the great lawyer, then cold and motionless forever. Judge Gresham, now of the United States circuit court, and so long and honorably connected with the Federal judiciary and recently with the administration of the General Government, on assuming the chair by the call of the meeting said:

We are assembled to pay our tribute of respect to an eminent member of our profession. Although Mr. Hendricks occupied many high stations in the State and nation, finally the second highest in the gift of the people, all of which he filled with distinguished ability, he never lost his fondness for his chosen profession. His triumphs at the bar were, perhaps, fully as satisfactory as his triumphs in the conflicts of politics. * * * In capacity for rapid absorption of a case, arrangement of facts in their proper relation, and in the application of principles to facts, Mr. Hendricks greatly excelled. While he justly stood in the front rank of the profession, perhaps his real sphere was that of the advocate. In this line he had no superiors, perhaps no equals. As a trial lawyer he was self-reliant and courageous, and when a case took a sudden and unexpected turn, and defeat seemed almost inevitable, he exhibited rare skill and great reserve power. It was on such occasions that he appeared to the best advantage.

In the memorial prepared and presented by the bar committee is the following:

Mr. Hendricks was throughout the whole period of his active life a lawyer, even in his last days concerned in the conduct of causes. His entrance upon and employments in public life were episodes, excursions, useful to himself and others, but did not divert him from the beaten path of forensic labor. On the floor of the Senate, in the halls of legislation, he sojourned—at the bar, in the courts, he dwelt. He was engaged in very much of the important litigation at the capital of his State. His practice was by no means local. He attended in the discharge of professional duties nearly every circuit in our own and many of the higher courts of adjoining States and the Supreme Court at Washington.

The chairman of that committee, David Turpie, once a distinguished member of this body, drew the following eloquent analysis of the late Vice-President as a lawyer, all of which might with equal fidelity to truth be said of himself:

His legal abilities were so various and diversified that it is difficult to say in what branch of the profession he most excelled; still harder to determine in what, if any, he was deficient.

As a pleader, that is, in making the statement of a claim or defense upon paper, he was careful, diligent, exact. * * *

He gave great attention to the preparation of litigated causes for trial. * *

Rightly deeming that proof, like glass, should be handled with care, and might be much affected by the manner of its utterance and the time of its introduction, his verb "prepare" had a mood, a tense in it often overlooked by others.

He had the capacity to grasp a case, and, having grasped, to hold it in all its details; before development, from the oath in chief of the jury to their retirement. He seemed, so to speak, to stand seized of it, *per mi et per tout*, in entireties; so that if it failed upon one hypothesis, it should yet survive and succeed upon another.

Called upon to name in briefest phrase the most prominent trait in his mental character, aside from those splendid qualities which attracted public notice, I should say it was his power of discernment.

* * * He saw the relation in which one thing stands to another, their corelative bearings, what these relations would be or might become at any stage, mesne or final, of the proceedings.

And this did not seem to be so much an acquirement or an accomplishment as a faculty, a faculty of introspection, of prevision, a sort of subsidiary sense or sensibility.

In this he was exceptionally great. It was a quiet power—calm, tranquil, noiseless in its operation, but strange as wisdom, certain as inspiration, and in its effects unavoidable as the decree of fate itself.

His powers of analysis were large, yet fully equaled by those of combination and construction. His mind in this respect had a dual capacity seldom found in the same person.

Joseph E. McDonald, so well known and so honored here, held the following language:

The national flag at half-mast, a city draped in mourning, and the many sad faces that throng our streets, all attest the fact that one who had enshrined himself in the hearts of the people of this State and had inscribed his name high up in the roll of the distinguished men of our country had closed his earthly career; and while we, his brothers of the bar, have met to pay to his memory that honor to which it is entitled, on account of the high rank he held in our profession, a nation bows its head in sorrow. Monuments may be erected to perpetuate his name, but none will be more enduring than the memorial you will this day enroll upon the records of the courts. It is the lawyers' monument, and will remain when monuments of brass or stone have crumbled, and fallen, and mingled with the dust. The memorial and resolutions you are about to adopt speak of him, his character and career, and render it unnecessary for me to more than briefly allude to them.

Others in glowing periods and with stately phrase paid tribute to their departed forensic leader, each one contributing to the establishment of "the lawyers' monument" in the judicial records of the country, "which will remain when monuments of brass or stone have crumbled, and fallen, and mingled with the dust."

Turning our attention at this point from his legal to his political line of duties, we find a circumstance at the start which may be taken as the key to his whole career. In 1850 Indiana had outgrown the methods and the apparel of her childhood, and stood in need of certain fundamental changes in her organic law, better adapted to her stalwart and rapidly developing proportions. The Legislature authorized a constitutional convention to be called. To frame the constitution of a State has always been esteemed the proper work of the fathers and the elders, of those ripe in years and full of experience. Here and there exceptions have been wisely made to this general rule, and the people of Shelby County made such an exception in the choice of their dele-

gate. Governor Hendricks had put his foot on the first round in the ladder of his political life when he went to the Legislature in 1848, and now he was called to go higher.

Thus it was at every step of his remarkable history. He inspired such confidence in every position he held that he not only never lost an inch of ground once attained, but the constant and confident demand of those who knew him best throughout his entire career was for his promotion from height to height as long as there was a position of honor and duty above him. He rose with steady, unfaltering steps, and never disappointed the expectations of those who gave him their faith. It mattered not in what situation he was placed, he met its requirements with ability, with dignity, with courage, and with clean-hearted and clean-handed integrity. In this one great fact, shining out like a star over the pathway of his life, his friends and followers had their abundant pride and joy.

In the constitutional convention, though but thirty-one years of age, he so bore himself in company, and sometimes in contact, with the oldest and ablest leaders of both political parties then in the State that in the following year, 1851, he received his indorsement and promotion by being elected to Congress. This was followed by a re-election, and then by defeat at the polls in 1854, that weird, anomalous year in American politics. Within a few months, however, after his return home to his law office he was, without solicitation and very unexpectedly, appointed Commissioner of the General Land Office by President Pierce. His conduct in the House and the discharge of his duties there had marked him as an able, safe, industrious, and honest public official. The General Land Office was then, as it is now, all things considered, the most important bureau in the Government.

The interest of the American people in the public lands reaches all classes, and the cupidity of land speculators and the plundering instincts of timber pirates were tempted thirty years ago in the same way and almost to the same degree as at the present juncture. Governor Hendricks was slow to accept the position, and only did so after careful consultation with friends, and especially with his father, on whose judgment he greatly relied. His administration of the office proved the wisdom of the selection, and he continued to hold it under Mr. Buchanan until 1859, when he resigned, returned to Indiana, and once more resumed his profession at Shelbyville. He had but little respite. In 1860, in the very shadow of the thick-coming events so soon to follow, he obeyed the call of his party in convention, and ran a failing race for governor of the State, weighted down from the start by the ominous collision between Douglas and Breckinridge. A high promotion, however, awaited him soon.

The Legislature of Indiana chosen in 1862 elected him a Senator in Congress, and he took his seat as such on the 4th of March, 1863. Here, in this the most exalted legislative body in the world or in the history of the world, he gave himself up for six years, with absolute devotion, to public duty, and established that strong and enduring national reputation which ever afterwards attended him. For vigilant attention to the business of the Senate, for a knowledge of its principles and its details, and for earnest candid labor in its transaction, both in committee and in discussion on this floor, it is doubtful whether any Senator ever surpassed him. The pages of the Congressional Globe from day to day attest this fact and are rich with treasures of his thought and eloquence. He was the ever-present leader of a small minority in this body, and never relaxed his hold upon the laboring oar.

While the war lasted he favored its earnest prosecution, and voted for all supplies to sustain the Army. When the war closed he held that the States whose people had been in rebellion had never been out of the Union, and were consequently entitled to representation in both branches of Congress and to the control of their respective State governments. He antagonized the doctrine of reconstruction, maintaining that Congress had no power to reconstruct the governments of States which had never ceased to be members of the American Union. I recall his position on this great subject not for the purpose of reviving even a debatable thought in the minds of Senators, but to convey some idea of the character and magnitude of his labors while a member of this body.

In the debates which ensued every principle vital to the structure and existence of the Government of the United States as a Republic was involved and its value tested by argument. Every day, and at times almost every hour, witnessed keen and strong encounters between such leaders as Fessenden, Grimes, Sumner, and Trumbull on the one hand, and Hendricks on the other. He won the respect and esteem of his opponents here as he did elsewhere. He looked back on his service in the Senate with pleasure, but with no desire to again enter this Chamber as a member. He often said he had done a faithful work, which would never be needed again, to restore a helpless and broken people to peace and safety and self-control under the Constitution, and that he was willing the book of his labors in the Senate should be considered finished, and remain as he left it on the 4th of March, 1869.

In the midst of his heavy labors, and the severe mental strain upon him as a Senator, surrounded by such peculiar circumstances, another burden of the first magnitude was imposed upon his shoulders. In 1868 his party demanded him again as a candidate for Governor, and while he yielded with reluctance and with a full appreciation of the odds at that time against him, yet he entered upon the memorable campaign and conducted it to the close with an ability, courteous bearing, and perfect courage never to be forgotten in the history of Indiana. General Grant carried the State by nearly 10,000 majority, while it will never be absolutely certain whether Governor Hendricks or Governor Baker, his competitor, received the most votes. The count at last decided in favor of Baker by about 1,100 majority.

From March, 1869, when his duties terminated in the Senate, until the summer of 1872, Governor Hendricks diligently and with great enjoyment to himself practiced his profession, being the head of the well-known firm of Hendricks, Hord & Hendricks, at Indianapolis. But the tenacious devotion of his party was not willing to leave the close and unsatisfactory result of 1868 without another appeal to the people on the same issue.

His resistance to the appeals of a unanimous convention for him to run again for governor in 1872 was extreme, and for a long time unyielding. When at last borne down by a sense of duty to a great and devoted party he yielded up his own desires and took the race, he wore a look of patient fortitude and heroic self-sacrifice, well remembered by those who saw him on that occasion. In that year of Democratic defeat and disaster, more or less deserved, when Grant beat Greeley in Indiana over 22,000, Hendricks was elected governor by about 1,200 majority, all the remainder of the Democratic State ticket being defeated except the candidate for superintendent of public instruction.

From January, 1873, to January, 1877, a period of four years, he made a record as governor of Indiana full of honor, usefulness to the people, dignity, grace, and refinement. It is without blemish, stain, or fault. There is nothing he could have wished to change, amend, or recall; nothing for his most ardent friends to deplore or to cause them to blush or apologize. The people of Indiana know him but little, if at all, by any other title than that of their governor, for in that capacity he was in their midst, and in personal contact with them more than in any other. They knew him best, and it followed that they loved him most, as Governor Hendricks.

But in what rapid succession public honors sought him at every stage of his life! While yet governor of Indiana, in 1876, he was nominated at Saint Louis for the Vice-Presidency, and I am sure I will not offend the most delicate susceptibility by saying that, as in his contest for governor in 1868 so in that of 1876, it will always be a matter of honest doubt in many minds whether he was defeated by 1 vote or elected by a considerable majority. When in 1884 he was in fact elected Vice-President, but by a very slender majority, it did indeed seem as if the very genius of close contests and narrow margins in the ballot had presided over his political fortunes, but that at last the account was invariably settled in his favor. His victories were the results of hard-fought and doubtful battles, and his defeats the same.

Governor Hendricks has been charged with inordinate ambition. It is true that he was ambitious for an honorable fame, but for place and position he cared far less in his own behalf than his friends did for him. They believed him fit to be President, and they followed his fortunes as his Scotch ancestors followed the Bruce, whatever fate awaited them. That he would have made a wise, prudent, and able administration of the Government as its Chief Magistrate will not be questioned by those most familiar with his public services and private worth.

In the spirit of accusation and reproach it has been charged, and more especially in these later days, that he was a partisan in his political ideas and methods. If by this is meant that he sincerely believed in the principles and purposes of the party to which he belonged, and sought by all honorable methods to promote what he conceived to be the public good by placing its measures and its men in control of the Government, then the accusation is true, and the term intended as a reproach becomes simply a just tribute to an honest man. If, however, it is intended to convey the impression that he was ever during all the years of his political life violent, factious, unreasonable, or proscriptive toward his opponents, whoever or whatever they might be, nothing could possibly be more erroneous.

There were no neutral tints in his own political colors, but his tolerance for opposing opinions was so gentle, his manner of meeting them in discussion so free from bitterness, so sparing of assault, and so full of respect for their candor that prejudice melted away in his presence and left his hearers with unbiased minds to weigh his clear and forcible arguments. It has been the partisan with deep, honest convictions, dealing justly with opposing views, who, in all ages of the world and in every field of human progress, has led the way. Wherever the lists of free controversy have been opened, wherever conflicts of opinion have determined the thought and action of mankind, there the well-equipped partisan, his zeal tempered with respect and magnanimity toward his adversaries, has been a guiding power, and has engraved his name in letters more durable than brass or marble on the tablets of history. To this rank of partisanship may be properly assigned the honored name of him whose death we mourn.

Much has been said and written, and often without wisdom or point, on the subject of leadership among men. No man was ever a leader of his fellow-men in a free country by self-assertion or the spirit of dictation. He who controls the reason, convinces the judgment, enlightens and satisfies the conscience, is a leader of the people mightier far than he who relies on the sword. Strong argument, elaborate research, and

eloquent persuasion have been, and will ever continue to be, more potent factors in the world's long annals than the gleaming bayonet and the shotted cannon. By their peaceful but powerful instrumentalities Governor Hendricks won his way to a high and very commanding political leadership.

In his repeated, long-sustained, and severe contests in Indiana he always led his followers with consummate judgment, perfect courage, and a brilliant display of intellectual force. Sometimes on the eve of a political battle he paused and weighed the issues at stake with such care and prudence, that those who knew but little of the quality of his mind thought he hesitated to go to the front. Nothing could be more incorrect than such a conclusion. While others were at times more aggressive, and more rapid in their decisions at the beginning, yet none led more boldly, nor further in advance, when the conflict became fiercest, and when it closed in victory or in defeat.

Governor Hendricks was never so strong, so magnetic, and so irresistible as when under assault or crowded in discussion by an able antagonist. In joint debate before the people from day to day, and from week to week, he has had no superior, and rarely an equal in the history of the country. His qualities for such an ordeal were of the highest order. A self-possession never for a moment disturbed, a mental concentration no excitement could shake, a memory of facts never losing its grasp, a will which never faltered, and a courage which rose in the presence of danger as certainly as the mercury in the tube under heat, were all his. Added to these gifts and acquirements was a voice, rich, musical, and resonant, pealing forth at his pleasure like a bugle call to action, or modulated into the soft, seductive notes of the flute, wooing the affections. A high-bred, classic face of singular manly beauty, lit up by a winning and genial expression, a large head with the contour and poise of an antique model, completed a picture which was never beheld by an audience without emotions of delight.

Five years ago the unremitting labors and the incessant strain of more than the third of a century caused the powerful and compact physical constitution of Governor Hendricks to put forth its first signals of distress, and to reel for a time like a disabled ship in the breakers. In the autumn of 1880, seeking for rest and surcease of toil, he visited that famous cañon of the Ozark Mountains, in Arkansas, where magical springs pour forth their hot and healing waters. While there in repose, and apparent security, the icy finger of paralysis, sure precursor of skeleton death, touched him with its fatal premonition.

The extent of his danger at that time was never known, except to her whose life was as his own, and to his physicians, who did not conceive it their duty to publish their patient's ailments in the newspapers. He came home, however, to his beloved State, and again took up his public and private duties with serenity and composure, but he knew from that time forward that he walked in the constant shadow of an impending blow. Not a word ever escaped him on the subject outside of his domestic circle. No wail, nor murmur, nor lament ever shook his lofty fortitude or passed his lips. When two years later he was stricken with lameness in his foot, and informed that he could rise no more to take part in the affairs of life, he was the only party to the scene unmoved by the great change then apparently so near. He spoke of his work as finished, and quietly waited for the curtains which divide time from eternity to be drawn aside. But medical opinion had erred, and it was reserved for him to receive one more promotion at the hands of his countrymen, to be crowned with another and higher honor, and to fall at last, when his hour did come, within a single step of the summit of human greatness.

At the Chicago convention in 1884 Governor Hendricks made the only appearance of his life in such a body. The old familiar light was in his face, and his mental vision was as clear and penetrating as ever, but he was physically not strong, and the prompt, alert movement and elastic tread which his friends knew so well were wanting. His presence in that convention was contagious, and the vast multitude shouted themselves hoarse and shook the mighty amphitheater with his name whenever he appeared, but no exultation came for a moment into his look or manner. To those near him he simply appeared to enjoy in a quiet silent way the popular approval of his long and faithful services, under the weight of which he was then wearily walking in the rich and glowing sunset of a great and well-spent life. When he was nominated for Vice-President he was seeking repose and sleep on his bed at the hotel at the close of an exciting day. He did not hear the tender words and strains of Auld Lang Syne break forth from ten thousand voices at the mention of his name, exclaiming:

Should auld acquaintance be forgot,
And never brought to mind?

The effect of the nomination on Governor Hendricks himself was immediate and remarkable. The position of Vice-President was one to which he had never aspired, nor were its duties congenial to his talents or tastes. He knew and accepted the fact that a dread specter was hovering near him and liable to cast its fatal dart at any moment, and more especially in the midst of labor and excitement. He had so often, however, led his party, and had always so fully met the expectations of his devoted friends in Indiana, that his iron will at once determined not to disappoint them on the last field where he was to appear. His resolution seemed to summon up all the vigor of the best years of his manhood.

The energy and activity he displayed were never surpassed in a political contest. He declared himself ready to answer for his State, as he did in 1876, and the response of the people justified his promise and his claim. The brilliant and gifted leader of the Republican party, known in the list of the political tournament as the Plumed Knight, crossed the borders of Indiana, was welcomed with all the pomp and circumstance of a great party long accustomed to national victories, made a tour of the State with his banner full high advanced, inspiring the confidence and kindling into a flame the zeal and devotion of those who believed in his destiny and followed his star. As Mr. Blaine closed his engagements in Indiana and drew off to other fields, it was determined that his dramatic and dazzling expedition into the West should have its bold and effective counterpart.

Governor Hendricks, upon brief announcement, passed rapidly from point to point, and the people rose up to do him honor until the whole State seemed one vast continuous assemblage. It was his farewell engagement on the hustings, and he filled it like a master. Such an ovation was rarely ever given to hero or statesman in ancient or modern times, and the children of this generation will recall its scenes when they are old men and women in the distant future.

But while he moved in the midst of these pageants, honors, and allurements, it was known to a chosen and silent few that his mind and heart dwelt apart from them, and were engaged with matters of higher import than those of earth. During the last two years of his life he selected and prepared the beautiful spot where he now reposes. He gave his close personal attention to the finish and erection of the stately marble shaft which bears his name and marks his final abode. His only child died when but three years old, and for more than thirty years had rested at the old home at Shelbyville.

As he felt the evening shadows coming on, the strong man, the able lawyer, the distinguished Senator, and governor, and Vice-President, wished his long lost little boy to sleep by his side. He tenderly transferred the sacred dust from Shelbyville, and when he himself was by loving hands laid to rest, the grave of a child was observed close by covered with flowers. At times he visited this hallowed spot and lingered there while his own name was ringing with applause or provoking fierce controversy. His thoughts were then far away, and with deep emotion he gathered up the broken links of the past, and by a faith that never faltered nor grew dim, reunited them in that high world beyond the sun and beyond the stars.

Governor Hendricks was a believing and practical Christian all the days of his life. His duties to the church were no more neglected nor evaded than his duties to the state. He held official relations with both, but never mingled them. He bore open and public testimony on all proper occasions to his reliance upon the teachings of Christianity for the advancement of civilization and for the happiness of mankind. In his private life he exemplified the beautiful virtues of his religion. He was much given to charity, not merely in the bestowal of alms to the poor, but in the kindness of his heart and the tolerance of his spirit toward all. He obeyed the apostolic injunction, and lived in peace with all men as far as it lay in his power to do so. He never gave the first blow in a personal controversy, and often forbore to return those he received. He loved his neighbors, and was by them beloved.

Sir, we shall see Thomas A. Hendricks no more with our mortal eyes. He is gone from the high places of earth to the higher realms of immortality. He is lost to the Senate Chamber, to the forum, and to home and friends. We will follow him; he will return no more to us. As long, however, as American history treasures up pure lives and faithful public services; as long as public and private virtue, stainless and without blemish, is revered, so long will his name be cherished by the American people as an example worthy the highest emulation. Monuments of brass and marble will lift their heads toward heaven in honor of his fame, but a monument more precious to his memory and more valuable to the world has already been founded in the hearts of the people whom he served so long, so faithfully, and with such signal ability. In the busy harvest time of death, in the year 1885, there was gathered into eternity no nobler spirit, no higher intelligence, no fairer soul.

Mr. HAMPTON. Mr. President, when death laid his inexorable hand on Thomas A. Hendricks, Vice-President of the United States, we had a striking and painful illustration of the truth that "death loves a shining mark, a signal blow." Eminent alike for his abilities and his virtues; honored wherever known and loved best where best known; crowned with almost every civic honor which a grateful people could bestow; occupying one of the most exalted positions in our country, and blessed by a domestic happiness perfect as it was beautiful, he did indeed offer a shining mark to the insatiate archer.

One of the great Roman satirists tells us that "pale death with impartial footsteps knocks alike at the poor man's hut and the palace of kings," and every page of history teaches the mournful truth that "the paths of glory lead but to the grave." How often in the last few months has this solemn lesson been brought home to our hearts! The last days of summer saw a countless multitude with bowed and uncovered heads line the road over which the soldier President of this great

Republic was borne to his last resting place, and the echoes of the funeral march that sounded his dirge had scarcely died away when the body of that other great soldier, General McClellan, was committed to its mother earth.

Again is the country called on to mourn the death of another illustrious citizen, and the Senate of the United States, of which he had been a distinguished and honored member, over which as his last public duty he presided with dignity and impartiality, pauses amid the routine of its daily duties to pay a tribute to the memory of its late presiding officer, and to give utterance to the sorrow which fills every patriotic heart in our country for the death of our honored Vice-President. It is eminently fit and proper that this should be done, and my only regret in joining in this tribute is that my contribution to it must necessarily be so unworthy of him to whose memory it is offered. It would be difficult for me under the most favorable conditions to say anything worthy of this theme, and the task has been rendered impossible since we have listened to the eloquent words just uttered by the Senator from Indiana. I can not venture even to glean in the field reaped so thoroughly by him, and I must content myself by expressing in a few sincere, heartfelt words the respect, the esteem, and the admiration felt by our people for Mr. Hendricks while living and the profound grief caused by his untimely death. These feelings, I am sure, are not confined to one section or to one party, but are shared by all classes, wherever honor, integrity, virtue, and piety such as marked the character of the illustrious dead are respected and venerated. As a proof of the truth of this, Mr. President, we need no stronger evidence than the scene which now meets our view in this Chamber, when members of both parties vie with each other in heartfelt expressions of esteem for the stainless character, public and private, of Mr. Hendricks. While this testimonial is honorable to those who offer it and deserved by him to whom it is given, it seems to me that we can draw from it a lesson profitable to us all if we heed it. It should teach us to be charitable in our judgment of those who differ with us. Fortunately in this case we need not invoke charity in the judgment pronounced on the character of our dead Vice-President, for we can challenge for it universal respect and admiration; but should we not in all cases deal charitably with the living as well as with the dead? We have been told on Divine authority that faith, hope, and charity are the cardinal virtues, and the greatest of these is charity. Not that charity which merely relieves suffering humanity, but that broader charity which judges leniently the motives and actions of men, which tells us to do unto others as we would have others do unto us—that sublime charity inculcated by our Saviour. In the friction caused by political differences and in the heat of party strife we too often indulge in a bitterness toward our opponents as unjust as it is uncharitable. Motives are impugned, actions misrepresented, facts distorted, and character assailed in this partisan warfare. And yet when one of the great actors in the political arena falls all animosities are buried with him, and in the awful presence of Death friends and foes alike strive to do justice to his merits and to pay homage to his memory. Recognizing this fact, which does honor to human nature, can we not agree to disagree without malice? Can we not believe that men may be honest and conscientious even though they differ with us? In a word, can we not be charitable in our judgment of our fellow-men?

> Human nature is but clay
> Truly blessed by charity.

These reflections have naturally suggested themselves to my mind by the scene presented here to-day and by others of a similar character which have so often of late transpired in this Chamber. Time and again, during my brief service here, have I seen these mournful ceremonies re-enacted, and on each have members of opposing parties, clasping hands over the grave of a colleague, paid willing homage to his virtues, while the mantle of charity was thrown over his faults. These scenes, which prove the brotherhood of mankind, and show that "one touch of nature makes the whole world kin," have left a deep impression on my mind, and that impression was indelibly fixed by the extraordinary spectacle presented at the funeral of General Grant. We all remember the inposing and touching ceremonies of that mournful occasion, and certainly no one who witnessed them can ever forget them. But the feature that struck me as the most significant, the most impressive, was the fact that among those who bore the body of the great captain of the Union Army to the grave were confederate soldiers, who a few brief years ago were his mortal enemies.

Democrats and Republicans, men who wore the blue and those who wore the gray, met at his tomb to pay the last tribute of respect to his memory. Here to-day we, while honoring ourselves by doing honor to the memory of our late Vice-President, see exhibited the same kind and generous feelings which marked the obsequies of the dead ex-President. If then our political and personal animosities cease at the grave, should we not be tolerant, considerate, and charitable in the judgment we pass on our contemporaries, even though they be our political opponents? All of us, sooner or later, must claim from the living that tender recognition which we now bestow on the dead. For our hearts,

> Like muffled drums, are beating
> Funeral marches to the grave;

and to that bourn we are hastening with steady and rapid steps. Fortunate indeed shall we be if when we reach that bourn we may be able to meet the Great Judge with a conscience void of offense toward God and man, as was his whose loss the country deplores.

> He, dying, leaveth as the sum of him
> A life-count closed, whose ills are dead and quit;
> Where good is quick and mighty, far and near,
> So that fruits follow it.
> No need hath such to live, as ye name life;
> That which began in him, when he began,
> Is finished; he has wrought the purpose through
> Of what did make him, man.

He has indeed left a life-count closed, without one blot or stain to mar its fair page, and in every relation of life he proved himself, in the highest and best sense, a man. Firm and sincere in his convictions; true to his friends; liberal toward his opponents; conscientious in the discharge of every duty; a patriot and a Christian, he surely deserved and doubtless has received that highest reward that can be bestowed on mortal or angel, the final decree of the Judge of all living, "Well done, thou good and faithful servant." It is one of the inconsistencies, perhaps rather one of the infirmities, of human nature that in spite of all the blessed assurances of Christianity we grieve when those who are near or dear to us are taken away by death. We know that to those who are prepared to die death is but the gloomy portal through which they pass to the realms of eternal happiness, and this conviction should teach us that all grief for them is selfish; but neither philosophy nor religion can soothe the anguish which wrings our hearts when a dear friend or a beloved relative is borne to the grave.

> The blood will follow where the knife is driven;
> The flesh will quiver where the pincers tear.

Thus, when the good are called home, to enter on the true life beyond the grave, we grieve, not for them, but for ourselves. It is well with them; they have exchanged the sorrows, the sufferings, of this world for the glories of heaven; a daily death for life eternal. There is a beautiful thought expressed by one of our oldest poets which seems to me peculiarly appropriate when a good man, ripe in years and rich in honors, passes away from earth.

Speaking of our misuse of language, he says:

> We call here life * * * *
> Angels who live and know what 't is to be,
> Who all the nonsense of our language see;
> Who speak things, and our words, their ill-drawn pictures scorn,
> When we, by a foolish figure say,
> "Behold an old man dead!" then they
> Speak properly and cry, "Behold a man-child born!"

Mr. SHERMAN. Mr. President, in pausing a while in our public duties to pay our tributes to the memory of a conspicuous actor in the scenes that have transpired in this Chamber during this generation we naturally leave to the Senators from Indiana the more formal statements of the principal events of his life and of the qualities of heart and mind that endeared him to the people of the State in which he lived and secured him the preference and support of a broader constituency for the second executive office of the United States.

All that we who have been co-workers with him in the public service can do is to add our gleanings to their store by a frank but kindly and charitable view of the part he took in our presence in the common duties of public life, and, better still as evidence of character, the part he took in private life as a citizen, an associate, and in all the relations of domestic life.

My first acquaintance with Mr. Hendricks was when he was Commissioner of Public Lands during part of the administrations of Presidents Pierce and Buchanan. In the discharge of the duties of this important office he was brought into contact chiefly with citizens of the Western States, whose titles are derived directly from the United States. His administration of this office is admitted to be without fault, for he was careful, patient, and industrious, and thus laid the foundation of his popularity in vast regions, the fruits of which he was to reap in after years. No one was more familiar than he with the history and laws of the new States and Territories that have been rapidly developed from the vast public domain extending from the Ohio to the Pacific Ocean. He voluntarily retired from this position in 1859 to resume the practice of law, which appears always to have been his favorite occupation. In March, 1863, he took his seat as a member of this body. For six years he was by far the most active and influential Senator of his political party, always taking the lead in directing and expounding the policy of his associates on the innumerable questions that grew out of the conduct of the war or that sprang from the results of the war. No period of American history has presented questions of equal difficulty or importance, for they involved not merely old divisions of domestic policy for which the Constitution furnished a guide, but also very many problems that the framers of the Constitution did not provide for and did not conceive could arise. It was during this period of Mr. Hendricks's life that he established the influence over his party which he never lost. Though rarely agreeing with him, I bear willing testimony to the marked ability with which he maintained his opinions. Always plausible in argument and courteous in debate, ready in resources and never violent in manner or statement, he satisfied his friends and did not irritate his adversaries. His

speeches were evidently carefully prepared, but rarely read when delivered; his argument was clear and his language copious, rarely pausing for a word or phrase, but moving smoothly on like a full river. If his premises were admitted it was difficult to resist his conclusions, and the weak points of his position were carefully guarded by plausible arguments.

The reconstruction of the Southern States was, perhaps, the most frequent subject of his speeches, and upon this he early took the position that as a question of law the events of the war did not and could not disturb the relation of the State to the Federal Union; that its existence as a State, its organization as a State, its constitution continued all the way through the war, "and when peace came it found the State with its constitution and its laws unrepealed and in full force, holding that State to the Federal Union." He, therefore, opposed every bill containing a safeguard deemed by others necessary as a condition precedent to the restoration of the State to the Union, and every amendment to the Constitution of the United States proposed as a condition precedent to the full exercise of the powers of a State. Unlike his distinguished colleague, Governor Morton, who shared with him during a part of his term the honor of representing Indiana in this body, Senator Hendricks adhered to and maintained in many famous debates his opinion as to the right of States lately in rebellion to unconditional restoration when the war was over.

The heat of the contest is now over, and we may calmly look back upon the past contentions as founded upon honest differences of opinion and fairly weigh the merits of the great actors in the battles of war or debate, and especially so when one by one they disappear from the living and join the great army of the dead. Viewed from this standpoint, we must acknowledge that Vice-President Hendricks in his public life was a learned lawyer, studious, diligent, and successful; a trusted and honored governor of his State, always retaining the affection and respect of those who knew him best; a faithful and honest officer in a position of high trust in an executive branch of the National Government; a member of each House of Congress of unquestioned ability and integrity, faithful to his convictions as tested by the principles which he openly avowed and ably defended, and by these tests true to his party and country, and as such was rewarded by the people of the United States with the second office in their gift.

If we turn from his public life and view him as a man, in all the varied relations of life, we can pronounce his eulogy without the qualification of opposing opinions. That he was honorable and just in all business affairs has not been questioned. He was easy of approach, affable and kind, carrying into his private life none of the bitterness of political strife. He was a man of good habits and temperate, plain, of unblemished character, the best type of an American citizen. He was a lover of order, peace, and, if not a member of a religious society, he respected and observed the obligations of religion and morality, and, more important than all else in human society, he was faithful to his duty to his kindred and family, and left us an example of purity and honor in private life. It is these virtues, far more than genius, learning, or intellectual force, that make our late presiding officer worthy of the high praise this day bestowed upon him by his surviving associates in the Senate Chamber.

Mr. SAULSBURY. Mr. President, the announcement of the death of Governor Hendricks was received with sincere expressions of regret throughout the country.

For more than a quarter of a century he had been known as a statesman of enlarged views and commanding influence and was held in high esteem not only by those who knew him personally, but also by a much larger number who knew him only from the reputation earned by a long life of eminent public service.

It is proper that recognition should be made of distinguished worth and merit in the lives of public men and that due honors should be paid to their memories after they have passed away. It is perhaps the universal desire of the living to be remembered by those who survive and succeed them—a desire springing from no inordinate self-esteem, but innately implanted in the human breast as an incentive to honorable and useful lives among men.

It would be impossible to estimate the influence of this laudable ambition upon human action or measure its value upon the happiness and well-being of society, but it may be affirmed that it has inspired the hopes and shaped the lives of many of the most illustrious and distinguished men both of ancient and modern times.

The commemoration of the characters of deceased public men, who by their labors and talents have attained to acknowledged distinction is not only a just tribute to their memories, but an inducement to the living to emulate their virtues and imitate their examples of usefulness and honor. There have been but few public men who commanded more respect or whose memories will be held in higher regard by the people of the country than Governor Hendricks, and it is especially appropriate that the Senate should give expression to the respect entertained for the memory of one who so lately presided over its deliberations. Such expression is due not only on account of the high official station which he held at the time of his death and his consequent connection with this body, but also because of the eminent ability and fidelity displayed in every position, State and Federal, he was called upon to fill.

His private virtues and the record of his public life as governor of Indiana, as Representative in Congress, and as Senator from his State, have been eloquently presented in the addresses to which we have listened. Such a life, so free from reproach, so faithful to every trust, needs no encomium. The simple record of its "living action" is the proper measure of its usefulness and its highest and most appropriate eulogy.

Governor Hendricks was endowed by nature with fine intellectual powers, which were developed and strengthened by a culture and discipline that enabled him to comprehend more readily and accurately the various questions which demanded his attention both in public and private life. His conclusions were not mere impressions derived from intuitive perception, but were the result of careful investigation and reason. Hence he was cautious in the expression of opinions until they had been clearly and definitely formulated in his own mind by deliberate thought and reflection. This fact gave great weight to his opinions upon all questions upon which they were expressed and inspired a reliance upon his judgment on the part of others which was seldom found to have been misplaced.

His studious habits in early life and careful attention to the business intrusted to his care, prompted by a laudable ambition for success in his profession and distinction among men, soon attracted attention and brought him into notice in his own State. He entered public life in the prime of manhood, and retained until the day of his death the unabated confidence of those among whom he lived, and indeed I may say of a very large portion of the people of the whole country.

Governor Hendricks was not unknown when he entered this Chamber as a Senator from Indiana, having served in the other House of Congress and filled an important position in an Executive Department of the Government during the administration of President Pierce. His service in the Senate brought him still more prominently before the country and furnished the opportunity for establishing that national reputation for ability and statesmanship which has since been accorded to him.

He took his seat in this body at a time when free discussion was somewhat restrained by a spirit of intolerance throughout the country and which was at times manifested in this Chamber, usually so indulgent to honest differences of opinion. He entered promptly, however, into the debates of the Senate, and was often compelled to antagonize with earnestness measures which he deemed unwise and pernicious, displaying an ability which gained the admiration of friends and commanded the respect of those whose views and measures he was compelled to oppose.

The services rendered by Governor Hendricks while in official station by no means measure the value of his life either to his State or the country. For many years he had held a place in public estimation that enabled him to impress his views upon the country and to no small extent influence the opinions and actions of others upon important public questions.

It is not necessarily the case that those in official position exert the greatest influence in the determination of public matters or render the most important service to the country. In a republican government like our own a well-defined public opinion upon subjects requiring legislative or administrative action must sooner or later be heeded and obeyed. It may, for a time, be disregarded and even contemned and despised, but it will ultimately assert its power and find the means of compelling obedience to its behests. He, therefore, who enjoys such a measure of public confidence as enables him to direct to any considerable extent public thought and opinion will, although in private life, have no small share in the control of public affairs.

One thing is certain: Governor Hendricks while a private citizen (if at any time for many years he could be regarded as such) suffered no diminution in the esteem of his countrymen or in the weight and influence of his opinion upon their judgment and action. He had for a long time been recognized as one of the ablest and most trusted leaders of the Democratic party of his State and of the country, and to the wisdom of his counsels and his great personal popularity as its candidate for the Vice-Presidency is that party largely indebted for its present control of the executive branch of the Government.

It would not be proper on this occasion to occupy the time requisite to speak of all the elements that entered into and made up the symmetrical character of Governor Hendricks. I may, however, be allowed to refer to the respect he entertained and manifested for the sentiments and wishes of the body of the people. No station, however exalted, could sever the tie of sympathy which united him to them or render him indifferent to their judgment or forgetful of their interests. This was no assumed virtue, but a tribute paid by a heart instinctively in harmony with the popular thought and feeling to the honesty and practical good sense of the masses of mankind. There is reason to believe that too many public men undervalue the average intelligence of those they represent and do not pay that deference to their judgment to which it is entitled. Governor Hendricks was not of the class of men who seek to magnify their own importance by refusing recognition of merit in others, but had learned from personal contact to place a proper

estimate upon the honesty of the people and a proper respect for the deliberate judgments they had formed. His appreciation of his fellow-citizens was reciprocated on their part by the attachment which neither success nor defeat could interrupt or diminish.

For some reason, which it might be difficult to explain, there seems to be less recognition of distinguished service and worth in civil life than is awarded to merit in another sphere. In this and perhaps in every other country the highest value is placed upon the services of successful military men and the highest honors paid to their memories after they are dead. It is meet and proper that full and just acknowledgment of gratitude should be made to those who have risked their lives in defense of their country's rights and honor. Is there any reason why equal recognition should not be made of valuable and distinguished services in civil life, and equal honors perpetuate the memories of statesmen who have served their country with no less fidelity and zeal for its honor and welfare?

Washington and his companions in arms who fought the battles of the Revolution and achieved the independence of the Colonies will be gratefully remembered while patriotism inspires the human heart or history records the great events of time. But who will say that Washington and his army in the field were more patriotic or rendered more valuable service to the American people than Washington, Hamilton, Jefferson, Madison, and their compatriots in council, who formulated and established our republican system of government and secured to our posterity the blessings of civil and religious liberty?

Thiers concludes his History of the Consulate and Empire of Napoleon by a brief review of the career of Alexander, Hannibal, and Cæsar as compared with that of the emperor. With the achievements of these great captains he contrasts the life and labors of Charlemagne, who in the ninth century threw off the barbarism in which he was born and by which he was surrounded and peacefully united the alienated portions of his country, brought order out of confusion, established schools for the instruction of his people, and elevated them from barbarism to a fair degree of enlightenment and civilization.

I shall attempt no comparison between the eminent soldiers and statesmen of our own country. Their fields of labor and usefulness have lain in different directions, and both have done well in the spheres in which they have been called to act. Both have assisted in the maintenance of free institutions in the land and will fill honored pages in their country's history. It may, however, be affirmed, without injustice to any, that constitutional government and individual rights in this as well as every other country will find their surest protection in the wisdom and patriotism of the men who make and execute the laws.

There have not been wanting at any time since the adoption of the Constitution able and fearless statesmen to uphold and defend the full measure of liberty which it was intended to secure to the American people. May we not indulge the hope that the future history of the country shall witness no abatement in the devotion of her public men to the free institutions which are the birthright and should ever be the heritage of her citizens?

The past is safe. Whatever may be the destiny of the Republic, its century of history has been marked by unparalleled advancement in material wealth and prosperity and a greater degree of freedom and happiness to its citizens than was ever before vouchsafed to any portion of the human race.

The perpetuation of constitutional government and the liberty which it secures, by maintaining the checks and balances imposed upon the co-ordinate departments of the Government, and while upholding in full force and vigor the just powers of Federal authority, opposing with manly firmness every attempted encroachment upon the liberties of the people and the reserved rights of the States, is the obligation resting upon American statesmen in every period of the country's history.

In the discharge of that duty Governor Hendricks, in his day and generation, performed well his part, and has left to posterity the results of a useful life, a spotless record, and an honored name.

Mr. EVARTS. When, Mr. President, in the arrangements by which the Senate should so properly offer the tribute of its respect and affection in memory of one whose loss they deplore, it was thought right to include myself among those who should participate in the presentation of the feelings of the Senate, it would seem, perhaps, that no other relations would have suggested the propriety of this selection except as an observer of the distinguished career of a member of an opposite party and a citizen of a distant State.

But it so happens that I had a very considerable acquaintance with Mr. Hendricks, dating to quite an early period in his public career. When in attendance upon the Supreme Court, many years ago, I first formed his personal acquaintance; and then, at an age when probably he was not far advanced beyond that of middle life, as it is construed, he was pointed out to me as a person of interest, and who should engage my attention, as one who, in the career upon which he had entered, and from the progress which he had made in it, was, naturally and probably, a future candidate for, and successful aspirant to, the Presidency of the United States. However strange it seemed to me that so early in a man's career so great prognostics could be safely or wisely made of him, from that time onward there has never been an occasion in which I have been brought into relations with Mr. Hendricks that it did not recall to my mind that sentiment and that expectation respecting him.

About twenty years ago, too, it came in my way, in the practice of my profession, to represent great interests in an important lawsuit in the city of Cincinnati, in which was arrayed against us a numerous body of the important and powerful members of our profession in that great State, so full of excellent lawyers. The aid also of Governor Hendricks, from his neighboring State was called in by our opponents. I had then an opportunity not only of forming myself an opinion of his abilities and his force as a lawyer, but also of perceiving the impression he made upon the public about him, on the profession of the two States, and on their judiciary. From all this a lawyer might fairly form during the period of the trial, which lasted a fortnight, an estimate, and a correct estimate, of the power and value of another. As I recall the matter, Mr. Hendricks was regarded upon the other side as the leader in that array, and upon our side was felt as the most formidable and the most competent contestant.

But on a later scene of much greater import I also had an opportunity to estimate the character, the eloquence, the intelligence, the courage of Mr. Hendricks, and the value of his constitutional opinions. I mean on the great occasion of the impeachment of the President. In this Chamber, as I recall the trial, the division between parties was such that thirty-five represented the full Senate of the Republicans and but twelve Democratic Senators were present to counterbalance in any form or any degree this superiority of numbers. During the three months of that great debate, and in the course of the delivery of opinions, so fully made up by the contributions from the Senators on the Republican side and the few who could participate on the part of the Democratic party, it may be easily understood that Mr. Hendricks (who then, I think, it must be admitted, held the lead of that small band of Democrats who then occupied seats in the Senate) was relied on on that side of the Chamber for his wisdom, for his courage, for his ability as a lawyer, for his learning and experience in constitutional matters of debate.

I think now, as I thought then, that among the eminent men who took part in the preparation and delivery of opinions, and those who took part in the debates, not infrequent, of an interlocutory nature, no man appeared better in his composure of spirit, in his calmness of judgment, in the circumspect and careful deliberation with which, avoiding extreme extravagances, he drew the line which should mark out fidelity to the Constitution, as distinguished from addiction to the supremacy of party interests and party passions.

Of course, during that period the proprieties of my position did not permit personal intercourse with Senators upon either side; but during the many days, the many hours of each day, that this great transaction passed before my eyes, and recalling them now, it seems to me that there was no position, there was no argument, there was no purpose and no plan in the conduct of that debate, as represented by Mr. Hendricks, that was not in accordance with the whole duty of a Senator performing a grave part in one of the greatest political transactions that any free government has had, or shall have, occasion to witness.

Mr. President, it is just twenty-five years ago that, in the last days of this same month of January, a Senator from Mississippi bade, as he expressed it in his own phrase, a final adieu to the Senate, in obedience to his obligations to his State. As we in memory recall the perilous experiments upon the Constitution, upon the Government, upon the power of this nation, that were practiced by and during the civil war, and as we now find that this Chamber is full—every State represented in its full competency under the Constitution, this alley dividing, in scarcely unequal strength, the two parties—as we witness the reciprocal respect and kindness between the members of the two great parties represented on this floor, we can not but feel that not from the foundation of this Government to the present time, nor under the ancient governments who count in their parliamentary duration hundreds of years, will you find a nearer approach in personal kindness and mutual respect between opposite parties than now mark the sentiments and the conduct toward each other of these two political parties. Yet, as I have said, but twenty-five years have elapsed between that opening event that I have adverted to and this present scene of common respect over the bier of the deceased Vice-President.

Sir Robert Peel once said, on a fitting occasion, to Lord Brougham, that "the contact of party produces a warmth of feeling toward those who sit around us; but the eye is a cold and jealous scrutinizer of those who are opposite to us." Whatever distrust should qualify, therefore, on this side of the Senate, our estimate of the leader of an opposing party conducting his career while the country was under the stress of its threatened division and its restoration was attended by the aggravations and solicitudes that marked its progress to our present firm security, I think I may be allowed to say that looking at those who are opposite to us—that looking at the whole matter and running over the principal occurrences and the principal relations of Mr. Hendricks to them, this Republican party would have at all times felt that he was fairly entitled from his own party—in their opinions, in their affections, in their support—to the highest places that their suffrages should be able to offer to him.

Something has been said about his being a partisan. I know by no instruction of my observation, nor by anything that I can draw from history, any other mode of conducting the debates of a great and free people except by means of great and firm parties. I believe, therefore, that steadfast and intrepid adhesion to a party is a merit, and I believe that political contests fail much of their service to the country when steadfast and intrepid adherence to political leaders is neglected on the part of the mass of a party.

Whatever be the debates in human affairs that best illustrate the contests of party under a free government, whether they are best likened to the litigations of the profession before the courts or to battles between combatants upon the scenes and perils of war, I believe that it is equally essential to the service in all these forms that there should be neither betrayal nor desertion on the one side, nor timidity or hesitation on the other part. Undoubtedly, irretrievably for the time, the issues involved may be lost where these disparaging elements of a manly contest shall intervene, but nevertheless such inconclusive and spurious determinations tend to inflame the unassuaged animosities and provoke a renewal of the old hostilities.

I may say then, Mr. President, that my estimate of the late Vice-President is that of an eminent lawyer. Certainly his eloquence was persuasive and effective. Certainly his method of forensic address was quite admirably free of all superfluity. If it be truly said, as I believe it is truly said, that the greatest trait in the greatest of orators, notwithstanding all the splendor of his eloquence, Demosthenes, was that, more than all other orators, he was distinguished by the fact of the absolute directness with which every movement in his conduct of the debate was governed, that no superfluous word was used, none taken for ornament but always for effect, we must, at least in our profession, consider these traits that I have ascribed to the forensic eloquence of Mr. Hendricks worthy of admiration.

As a statesman, if he has been more usually looked at in the aspect to which I have referred, as a great political leader, it will be found, I think, that he was always governed by inborn convictions, and that he was directed, in the particular situations, by inbred opinions. I do not find in his career any of that versatility of opinion for the nonce or of alliance to this or that particular movement that was to affect for the present time only. He was always of that sentiment which he ascribed to the prevailing sentiment of the Democratic party, and if it might be unhappy for him, as it was unhappy for all of us, that there should have been such a severe and peremptory discrimination in the antagonisms between the two parties from the gravity and the stress of the affairs of the nation, nevertheless I take it it must be said that he is entitled to the credit of having been a consistent, an intelligent, a prudent, a patient, and a courageous statesman in the service of the Democratic party, which he had espoused and to which he unflinchingly adhered.

Mr. President, these ceremonies and these eulogies in the presence of the dead are never formal and never commonplace. However frequently brought to the notice of mortals, death is never formal and never commonplace. However men may lead their lives, in the market-place, in the courts, in the Senate, at the head of armies, in the crowds of popular applause, a man must always die alone. Whether death shall approach us in the form of a sudden summons, a tragic fate, or by slow progress, sensibly to ourselves, visibly to those around us, the eye shall grow dim and the natural force abate, death is a fearful visitor. Whether his intrusion overtakes one in the towers of kings or in the cabins of the poor, the supreme event, wherein this mortal puts on immortality, swallows up all incidents and circumstances as trivial and impertinent. From these contemplations, Mr. President, whether in the close chamber of the dying, or on the wide scene of public bereavement and national lamentation, the wisest may learn new wisdom and the boldest feel the mastery of an invincible antagonist.

Mr. RANSOM. Mr. President, it was with no ordinary emotion that I received the request of the distinguished Senator from Indiana to unite in rendering these solemn honors to the late Vice-President. When I thought of the profound sorrow with which North Carolina was stricken at the death of Mr. Hendricks, and the sincere regard which her people in their hearts had for years cherished for his character, I knew that I could not adequately express their deep sympathy in the supreme bereavement of Indiana, nor their grief at the great loss which the whole country had sustained.

It is no common tie that binds together the people of these two States. The sons and daughters of North Carolina were among the earliest settlers of Indiana, and of all the States of the mighty West Indiana still presents the most attractive homes to the emigrants from North Carolina. There is scarcely a fireside in that beautiful State around which, I am told, some hallowed North Carolina association does not linger, and but few family circles in whose veins the blood of North Carolina fathers or mothers does not flow. Nor will North Carolina soon forget that the distinguished subject of these services, recognizing the claims which her Revolutionary patriots had to the gratitude of mankind, left his home across the Ohio and came to Charlotte, in that State, to unite with her people on the 20th of May, 1875, in commemorating the one hundredth anniversary of the immortal day on which the "Men of Mecklenburg" proclaimed the "first declaration of independence" in America.

Mr. President, the duty of rendering appropriate and truthful testimony to the life and services of Indiana's great son has been so well performed by his distinguished friend, the Senator from that State, that nothing can add force or luster to the presentment which he has made. That presentment is now enrolled in the Senate, and I must say here, sir, that it will take its place among the best monuments of either ancient or modern times that friendship and affection, aided by learning and eloquence, have erected to those who deserved them. If, sir, all record of the life and services of the late Vice-President should be obliterated, his name would be preserved for long ages in that precious casket in which the genius and the devotion of his friend has enshrined his memory. The Vice-President was fortunate in his biographer; the generous Senator was fortunate in his subject. I can but repeat the feeblest echoes of that grand tribute from a friend to a friend.

It is almost impossible to estimate the value to mankind of a great and good life. Custom and experience have assigned prices to most of the treasures of the world, but no effort of the mind has been able to measure and determine the worth of a great character. No comprehensible limits can be affixed to the extent, the continuance, the diversity, and the power of its influences for good. Like the sun giving perpetual heat and light to the material universe, a great and good man is a source of intelligence and beneficence to the whole human family through all time. Nor do the trifling spots upon the sun nor the similar imperfections of the man sensibly diminish the splendor or the usefulness of either.

It is in the contemplation of a very distinguished life and character that we are now engaged. We, Mr. President, are too near Mr. Hendricks to write his history. Time is the essential element of just history, and to that tribunal must be referred the final judgment of all the actions of men. The late Vice-President is still almost one of us; his very image is before us as he sat in the chair which you occupy and presided over the Senate. We can almost behold him now—his form, his face, his every action; his very words seem to linger with their soft tones on our ears; his shadow has barely passed the doors of the Senate Chamber. The excitement of one of the greatest political contests in history in which he was a leader has not subsided in our bosoms. We are not his best judges; but this we all do know of him; it is in letters of living light before our eyes: Here was a man who for forty-three years was conspicuously before the public gaze; first as a lawyer in the courts of justice, that surest ordeal to test character; then successively in the Legislature of his State, the convention that framed the State constitution, in the House of Representatives of the United States, in a high position in an Executive Department of the Government, in the Senate of the United States, governor of his State, and Vice-President of the United States. He was twice nominated for Vice-President, and for sixteen years, from 1868 to 1884, was the choice of his State and a large proportion of his party for President.

For two generations of men, two ages, he was in the public service, constantly passing through the fires of adverse criticism, standing in the front battle-lines of party conflict, not only in peace but through war, not only in the councils of his State and the forums of the Union, but in the chief magistracy of his Commonwealth and in the Vice-Presidency of the United States, and there was not one blot or stain or shadow upon his robes. There was not a spot in his armor which had not received and repelled the spear of an adversary. In the high temples of justice and at the more sacred altars of home he was the same unsullied minister.

Search the annals of public men for centuries past and you will find but few parallels to this career. As we contemplate the series of these remarkable facts of his life, this long line of successes, these ever-ascending steps up the temple of fame to its very summit, this circle of unbroken confidence, beginning at his home, embracing a county, extending throughout a district, expanding over a State, widening, enlarging over a country of fifty millions of people, and still deepening at the center where it began, we shall know that all this was not the result of fortune or art or adventitious circumstance, but that the grand superstructure of his life was laid in deep and solid foundations, and reared in harmonious and enduring proportions.

Nothing, sir, but great intellectual ability, high moral excellence, invariable devotion to duty, and unwavering faith in the rectitude of his purposes could have achieved and maintained such results. The law of such a life must have been a constant aspiration for what was higher and better. It is a difficult undertaking to deceive continually one human being; it is simply an impossibility to impose for years on millions of people. From the incredulity, jealousy, suspicion, and scrutiny of such a host of watchers all the artifices of the subtlest political magician could not hide every trace of corruption or infidelity.

It would require, Mr. President, the genius of a Macaulay to analyze and delineate the qualities and traits that constituted the strength and grace of Mr. Hendricks's character. It will be an interesting and instructive study to the young statesmen of our country. They will find in it a model which it will be well to respect and difficult to improve. What was the mystery of his ever-increasing and enduring

strength with the people? Why was there no shipwreck to his sails? Why was there no eclipse of that luminary? What made him the first man in the popular confidence of his State and second to no man in the esteem of the American people? What carried him safely and triumphantly through all the vicissitudes of a long, eventful, and trying public life? It was not military glory, for he was never a soldier. It was not eloquence, for he was not like Webster, an orator in the highest sense of the word. It was not charm of manner, for, though gracious and pleasant, he had not cultivated, like Chesterfield, the arts of grace as the means to an end. He originated no great popular measures, like Chatham and Clay. He never, like Crassus, possessed large wealth with which to win popular favor.

The whole truth is, sir, that he was the earnest, faithful, devoted champion and defender of the people's rights.

The sincerity of his devotion was the charm of his success. He was prudent, sagacious, laborious, wise. He consulted the people's interest just as he would have consulted his own interest. He never undertook to mislead, to deceive, or to inflame them. He never trifled with their liberties, their property, or their honor. He never attempted to dazzle them with false and glittering hopes, or to madden their prejudices and precipitate them into desperate perils. He was a brave, cautious, vigilant pilot, never departing from his chart or neglecting his compass. His positions were thoughtfully taken, securely fortified, and boldly defended. He was never surprised or deluded. He was misled by no false lights. He was so thoroughly prepared and equipped by labor, study, and attainment that he was always ready for and equal to the occasion. He was a sentinel who never left the post of duty.

He was not like noble Hector, towering over all the Trojans, but betrayed by proud hopes into fatal indiscretion.

He was not, like Achilles, superior alike to Greeks and Trojans, but cursed with passions stronger than himself and driven by mad revenge from the field of honor and duty to his sullen tents. But he was like Diomede and Ulysses, those pillars of the cause of Greece, ever sagacious, faithful, and prepared. Like them, he bore reverses with dignity and composure, and was equally modest and reserved in victory. Like them, he was "equal to either fortune." He loved law and order and abhorred chaos. Like Socrates, he obeyed if he did not respect the law, and, like that greatest of Athenian patriots, would with his last breath have sacrificed to the law, as to the majesty of his country, even if it destroyed himself. He was never eccentric or meteoric or convulsive; and though he never shone with the magnitude and intense splendor of Aldebaran, he yet constantly exhibited the virtue and energy of the paler and serener star whose truth never varies. If he was not a Moses leading his people from Egyptian darkness through the wilderness, striking water from the rock, and invoking bread from the skies, he was the ever-faithful Joshua, "strong and very courageous, observing all the law as it was commanded unto him, and turning not from it to the right or to the left, and prospering wheresoever he went."

He did not stand among men like some majestic mountain with its proud head in the clouds wrapt in snow, an object of wonder and astonishment to all who behold it, but his life resembled the beautiful plain beneath studded with cities, villages, and happy homes, refreshed by cooling streams, abounding in fruitful fields, and bearing on its bosom the comforts and the blessings of men. He was always practical, useful, and efficient. He seems to me to have taken color and character from that great line of English statesmen who for eight hundred years have steadily maintained and advanced the growth of liberty and law, and wisely avoided the convulsions and upheavals and collapses of the neighboring nations. His life and character were complete and rounded as a circle, and resemble the writings of Addison, of which it may be truly said that they are so simple, so pure, so strong, so full of grace, and so free from grossness, so clear with light, and so consistent with reason, that nothing can be added to them without marring their beauty and nothing can be detracted from them without impairing their force.

As Mr. Hendricks had been fortunate in life, so was he happy in the time and manner of his death. While yet in the full maturity and undiminished vigor of his faculties, with not one ray of his remarkable intelligence obscured or dimmed, honored among all men, in the declining year, in the beautiful autumn, before hoary winter has laid his icy hand upon the bosom of nature, at that ripe season when the yellow fields are rendering up all their richest harvests, at his own home, in the bosom of those whom he loved and who loved him, he passed without a pang from this world, with hallowed accents on his lips of the reality of that perfect "freedom" which is the aspiration of good men everywhere. How beautiful is the sunset of autumn when twilight gently lingers between day and night and the glory of the sun does not retire until the curtain is softly lifted and the glory of the stars appears. Fitting crown to the life of a Christian statesman in a Government whose vital fire is religious liberty.

And, sir, to me, I must say, speaking from my heart, that the death of Mr. Hendricks and of the other illustrious men of our country which immediately preceded it were fortunate in illustrating the great, supreme, blessed truth that we are again all one people, united together in affection to each other in a common and devoted love to our whole country, its liberties and honor. From all the Southern States come up sincere, deep, overflowing sympathy and sorrow at the bereavement of their Northern sisters. Our tears mingle with yours over the graves of your great dead, your countrymen and our countrymen. Thank Almighty God that the "everlasting covenant" of our Union is established in the hearts of all our people, and that in the clouds of this sorrow we can behold the bow of peace never to be broken.

Mr. SPOONER. Mr. President, I do not affect to believe that I can worthily add to the eloquent and impressive eulogies which have been pronounced in the hearing of the Senate, but I desire nevertheless to speak a word of tribute to the memory of Mr. Hendricks. On the day he became Vice-President I came a stranger into the Senate, and as I stood before him to take from his lips the oath of office he gave to me, as a native of Indiana and the son of one whom in years long gone he had known in professional life, a warm and friendly greeting, and later, during the executive session, he supplemented that greeting by courtesy so considerate and kindly, that I have felt in his death something of the sense of personal loss.

The occasion on which I remember last to have seen him in the discharge of his official duty in this Chamber I shall never forget. Standing in his place there with ill-concealed emotion, and in tones which were low and trembling, he invited our attention to a dispatch just received, and there came to us from the Secretary's desk the words (happily then not quite true), "General Grant is dying," which hushed every sound here, bowed every head, and made the Senate in its sorrow that afternoon a representative body of all the people. How little we thought that before the autumn should have come and gone the familiar face then before us would fade forever from the sight of men.

The appropriate details of Mr. Hendricks's life, public, professional, and private, have been eloquently traced by the Senator from his State, his personal and political friend.

Mr. Hendricks belonged to a school in politics to which the associations and convictions of my life have brought me into bitter hostility, and of course I can not speak in approval of his attitude upon the great questions of the past, upon which the people of the country divided on party and sectional lines. To one or two phases of his career and belief I may, however, properly advert.

He was a man of strong convictions, and he had little respect for those who were otherwise. He was in no sense or way a trimmer in politics, although the contrary has been asserted of him. No public man ever lived to whom the favor and approval of the masses were sweeter than they were to Mr. Hendricks. Few public men ever lived whose course evoked bitterer criticism from his opponents than did his at times. The fact that he preferred to stem the tide of popular sentiment rather than to walk the easy open way to popular favor is at least conclusive of the strength of his convictions.

It had not long before his death become fashionable in some quarters to speak of him as a "spoilsman." If by this was meant that he desired the bestowal of office as a mere reward for party service upon unfit men or in violation of existing law, I believe, from conversation with him upon the subject, that the accusation was utterly groundless.

Mr. Hendricks was heart and soul a Democrat. He thoroughly believed in his party and in its principles. Indeed, I think if he might give direction to our words to-day he would bid us say of him that he was a partisan Democrat. He rightly thought that politics should be a matter of conviction, and that every man of firm political faith owed it to himself and to the country to be a partisan, in this, at least, that he should labor earnestly and in all fit ways best suited to his mental make-up and to his surroundings, to promote the success of the principles in which he believed. To him no political partisanship, honorable in its methods, was offensive. He fully realized the value of organization. He knew that no great charity even could be administered without it, and that the command laid upon the apostles, "Go ye into all the world and preach the gospel to every creature," can not be efficiently obeyed without organized efforts and partisan service. He recognized the plain necessity for party organization, and in the party he saw only the instrumentality through which, and through which alone, might be wrought out the triumph of his principles.

In active, faithful, honorable party service he saw, therefore, devotion to principle, not mere lust for office. He believed that the party clothed by the popular will with the responsibility of administration should everywhere intrust the execution of its policies to those who were in political sympathy with it and who had at heart its continued and completest success. He believed that those of the ruling party who had done the most and sacrificed the most in honorable active party effort should, if fit for public duty, be by that party everywhere first called to public service. Steadfastness in faith he thought reasonably entitled to the honor of such recognition. He saw it thus in law, in medicine, in science, in business, in education, and in every other department of mental and physical effort, and he could not embrace a new philosophy which in politics alone denied it a place.

He had a tender feeling in his heart for the men who for twenty-four years, in sunshine and in storm, had led his party again and again to certain defeat, who had kept alive its organization in every State and county and town, and who had, by unwavering allegiance and effort,

made possible its ultimate success; and he could not brook, with any degree of patience, the suggestion, in the hour of his party's triumph, that such men should be reproachfully termed "politicians" and denied recognition lest some political "æsthete" should say, "it is a reward for party service."

The imputation that he was a "spoilsman" rather angered than it grieved him, for he knew it came from those who had either been of a hostile camp, or, if of his own, had been wont to linger in the shade and slumber while he and the "boys," as he loved sometimes to call the party workers, had borne the heat and dust and burden of the battle.

Spoilsman or not, he went down to his grave loved, trusted, and mourned by his party, and I dare to believe that the element of party fealty which brought to him this reproach will not cause his memory to suffer with the great mass of his opponents.

The private life of Mr. Hendricks was stainless, and the record of his public service is without a venal blot. In the fierce heat of party warfare in which he was a leader, in the bitter condemnation which at times his course invited, no man has ever dared to couple with the name of Hendricks the suspicion of corruption.

As a public officer, he was faithful to every detail of duty. He took great pride in his administration of the General Land Office many years ago, and frequently referred to it. He brought to the discharge of that duty peculiar fitness, and ordained rules and methods of procedure there to the wisdom of which each year since intervening has brought gratifying vindication.

To the ability and industry and attentiveness with which he discharged the Senatorial duty the records of the Senate bear permanent and abundant testimony.

As a lawyer, he won, deserved, and sustained a national reputation for learning and professional skill. His brethren of the bar and the judges before whom he practiced bear concurrent testimony to his singular excellence as an advocate. As alert to discover and attack the weak points in the armor of his adversary as he was to recognize and protect the weak points in his own, he gave hard blows and took them with unruffled temper. When success crowned his efforts as a lawyer he was modest and considerate, and when the standard which he had borne went down in defeat he was patient and serene. Whatever the fortunes of the professional contest, he never grumbled at the court or anathematized the jury.

As an orator, he was persuasive and attractive. There was a quality in his voice and a charm in his manner which gave him command of his audience.

He was a genial, gracious, kindly gentleman, who treated all who came within the circle of his influence, rich or poor, exalted or lowly, with the same rare and exquisite courtesy.

To him life's sun has set. For him life's cares are ended. He is, in the words borne upon his dying breath, "free at last."

There is, Mr. President, a melancholy comfort in the manner of his death. He died as one might wish to die who was as well prepared to die. In his own home, in the midst of the friends and neighbors of many years, at the capital of the State which loved him and which he loved, in the tender care of her who was nearest and dearest, without premonition or pain of parting, "God's finger touched him, and he slept."

Mr. VEST. Mr. President, the best and bravest knight in all the Democratic host has gone down before that relentless foe against whose assault courage and skill are alike unavailing.

To others I shall leave the recital of his public career, illustrated by great and patriotic service, State and national. To me it is a melancholy pleasure to think and speak of his character and attributes as I knew them in the arena where we first met, and where I learned to follow him as a leader and love him as a friend.

Thomas A. Hendricks was the incarnation of the vital principle in our Government, the sovereignty of the people. He knew the people and was nearer their hearts than any living man.

He was the noblest type of American manhood, self-reliant and self-made, incorruptible in public life and pure in private conduct. To the poor and humble he was always accessible, listening patiently and never refusing sympathy and aid. Stern and uncompromising as an adversary, he was just and courteous to the bitterest opponent, and when the conflict ended gentle, kind, and loving as a woman.

He was a partisan in the highest and best meaning of the term, devoted to his party because he believed it necessary to the welfare and glory of his country. So believing, he fought for party as for country, and there was not a rivet in his armor that had not been tried by edge of sword and point of spear. Cool, wary, undaunted, he led every forlorn hope, and around his banner ebbed and flowed the headlong fight.

He was an honest partisan, and had no respect for that political æstheticism which can not distinguish friend from foe. He believed the aims of party should be high, ennobling, patriotic, and that the instrumentalities and agencies to attain these aims must necessarily be friendly, not inimical.

Asking and giving no quarter, he did not sprinkle rosewater over the enemies of his party, or give sweetmeats to the political wolves and tigers ready to spring at its throat.

He died suddenly, as falls a chieftain on some stricken field; and it was well. Better one pang, one throb, than weeks of pain and slow decay. Better to fall like the struck eagle, whose full-stretched wing droops in mid-heaven above the mountain-top, than to writhe through weary days and sleepless nights waiting "the inevitable hour."

Pure in life, prepared for death, his career rounded and complete, our great leader, crowned with the love and respect of his countrymen, and breathing with his latest words the name of one dearer to him than all else, passed into that shadowy realm where his expectant spirit awaits her coming.

Mr. HARRISON. Mr. President, the principal incidents in the public career of Mr. Hendricks have been so fully and eloquently depicted by those who have preceded me as to make it not only unnecessary but even inappropriate that I should attempt anything like a biographical sketch of the distinguished dead. A brief allusion to some of the incidents of our long acquaintance and to some of his personal and professional traits, as I observed them, must constitute my tribute to his memory. His political career was a long and conspicuous one. He had a very strong and endearing hold upon a wide and widening circle of political friends. It can not be safely said that his popularity had culminated at the time of his death, for we can not read the future. But it can safely be said that it had not waned. He seemed never to have been more loved and admired by his political friends than upon that day when death's sudden message separated him from them.

The fact that he maintained so long, as well in reverse as in success, the clear leadership of his party in the State of Indiana—that in its extreme needs it always called for him—is convincing proof that he possessed in a high degree those qualities of mind and disposition that attract the love of men and inspire hope and confidence. He was not aggressive as a leader, but always met an assault with vigor and courage. He was shrewd, prudent, and quiet, rather than rash or boisterous in his methods. He did not make his leadership offensive by a too open assertion or display of it, but molded and guided by suggestion rather than by decree. No leader was ever more accessible to friends of every degree, none ever accepted counsel more kindly, or more wisely and cordially applauded the efforts of the aspiring young men who delighted to follow his political fortunes. His manner as a public speaker was animated and graceful. In style he was clear, often pungent, and always persuasive. Large audiences always assembled to hear him, and if he did not win over his adversaries, he left them kindly disposed, and always strengthened and consolidated his own party. More than once he was called by the unanimous voice of his party to accept a nomination that he did not want. He could not resist the friendly urgency of his party associates, and yielded his preferences to theirs at great personal inconvenience and sacrifice. My first vote was cast against Mr. Hendricks, as the candidate of his party for Congress, in the year 1854. The first joint meeting with a political opponent in which I was ever engaged was with Mr. Hendricks. He was the Democratic candidate for governor in 1860, and I, then a very young man, was the Republican candidate for reporter of the decisions of the supreme court. By chance, during the campaign of that year, we met at Rockville and found that our meetings were announced for the same hour and place. It was arranged that we should hold a joint meeting. Mr. Hendricks spoke first, and I well recall the effect of his persuasive address upon a responsive audience and upon myself as I sat before him, waiting in great trepidation for my time to come. When he concluded, Mr. Hendricks, with great kindness, requested his friends to remain and hear me, and often afterward alluded in very kind terms to my youthful performance. It was an illustration of a prominent trait of his character, a disposition to encourage with kindly praise the efforts of young men. From that time forward in every political campaign we were both upon the stump in Indiana, the earnest advocates of the political principles of our respective parties. He thought the principles I advocated were adverse to the best interests of the country and said so, and with equal plainness and sincerity I criticised his public acts and political views, but I am not aware that either of us ever charged the other with overstepping the fair limits of public discussion.

It was as a practicing lawyer that I knew Mr. Hendricks best. Often associated with him in the trial of causes, I have seen him in the freedom of the office consultation and have listened to his arguments in court from the standpoint of an associate. Often upon adverse sides I have had occasion to feel the force of his simple and effective eloquence upon a jury. He was remarkably urbane and courteous in his manner as well to the members of the bar as to the court. Rarely out of temper, he was yet firm and courageous in the defense of his own rights and those of his client. I saw him once conduct with unflinching courage a civil cause for damages growing out of the trial during the war before a military commission of a citizen accused of disloyal practices. The supreme court had decided the imprisonment of his client to have been illegal, and his technical right to damages was clear. But the defendants were soldiers—some of them wounded soldiers—who had acted under military orders in the trial of his client.

No advocate ever had a stronger adverse current of popular opinion and sympathy to stem than did Mr. Hendricks in this case. A verdict

for more than nominal damages was hopeless, and yet through a long trial Mr. Hendricks never faltered, but with the greatest tact and courage demanded of court and jury full damages for the long imprisonment his client had suffered.

Through his long public career Mr. Hendricks always maintained his connection with the law firm of which he had so long been a member except when holding an office the duties of which were incompatible with any professional employments. The profession was more to him than a means of livelihood. He was a thoughtful student of the philosophy of the law. The springs of human motive and action are uncovered to no one as they are to the lawyer, and to Mr. Hendricks this study did not end with the demands of a cause. He once said:

The law to me has always been a fascinating business. I never go into a court-room to try a case but it seems picturesque ground to me. I like to watch a case begin and expand and see the various kinds of characters that attend it.

Judge James S. Frazier, formerly one of the judges of the supreme court of Indiana, said of Mr. Hendricks at the memorial meeting of the bar of the State:

And yet he could pass from the floor of the Senate into the forum of justice and be a giant there. I witnessed this once with admiring wonder in our own supreme court while a member of it, and heard from him what the judges all regarded as being, in both matter and manner, the most masterly argument made in that court during a term of service of six years. There was no audience to inspire him—not more than half a dozen persons and the four judges. Popular applause was not to be won by the effort. The great lawyer argued like a lawyer should before a court the questions of law in his cause. That was all. But it was much, as attesting the manner of man he was as one of our profession.

In his private life Mr. Hendricks was even more fortunate than in his public life. The circle of his friendship was wider, for it went beyond the lines of a party. Those who sharply criticised his public acts found in his private life nothing to condemn and much to admire. Personal integrity, great kindness of heart, a wide human sympathy, and a pure home life were virtues that all accorded to him. The wife whom he wooed and wed when the first small gains of his profession gave promise of a safe future walked with him in loving affection to the end. The vow, "Till death do us part," had been kept.

In the first year of his term as Vice-President, in the midst of preparations to resume in this body the duties of his office, filled with pleasant anticipations of social intercourse, suddenly, as in the twinkling of an eye, the messenger of death called him. And yet Mr. Hendricks had not been without warning that death might come to him suddenly. A slight stroke of paralysis several years ago excited the solicitude of his friends, and no doubt turned his own thoughts toward the solemn hour. He did not, however, allow this danger to cloud his spirits or to drive him from the activities of life. Indeed, the last year of his life seemed to be unusually full of gladness and labor. It seemed to him better to expend the days that remained in useful labor rather than in vain complainings.

So at the post
Where He hath set me in His providence
I chose for one to meet Him face to face—
No faithless servant frightened from my task,
But ready when the Lord of the Harvest calls.

Mr. President, I move the adoption of the resolutions before the Senate, and that the House of Representatives be advised of the action of the Senate thereon.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

The resolutions were adopted unanimously.

Mr. HARRISON. As a further mark of respect to the memory of Mr. Hendricks I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 26, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPORT OF BOARD OF FORTIFICATIONS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting the report of the board of fortifications, appointed under the act of March 3, 1885; which was referred to the Committee on Appropriations, and ordered to be printed.

SURVEY OF MUSKINGUM RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers of a survey and of a preliminary examination of Muskingum River, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INCREASED FORCE IN OFFICE OF COMMISSIONER OF RAILROADS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, referring to the necessity of an immediate increase of the force employed in the office of the Commissioner of Railroads, and asking an appropriation therefor of from $15,000 to $20,000; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. WAKEFIELD, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Isaac Slocum.

LEAVE OF ABSENCE.

Mr. GLOVER, by unanimous consent, obtained leave of absence, on account of sickness.

Mr. WISE, by unanimous consent, obtained leave of absence for four days, on account of business.

Mr. GOFF, by unanimous consent, obtained leave of absence for five days.

Mr. SPRIGGS, by unanimous consent, obtained leave of absence for one week, on account of important business.

JAMES MADISON CUTTS.

Mr. NEECE requested that the petition and the accompanying papers of James Madison Cutts, praying the passage of a law authorizing the President to place him on the retired-list of the Army, be taken from the files and referred to the Committee on Military Affairs.

The SPEAKER. The request of the gentleman from Illinois [Mr. NEECE] is not necessary to be presented to the House. Any member has a right to withdraw from the file-room petitions and memorials and refer them through the petition-box.

WITHDRAWAL OF BILLS.

Mr. EVERHART, by unanimous consent, obtained leave to withdraw from the files of the House the bill (H. R. 2121) for the relief of Ellen McConnell, referred to the Committee on Invalid Pensions (the pension having been allowed by the Commissioner of Pensions); and also the bill (H. R. 2115) for the relief of Alfred M. Owen and others, referred to the Committee on Invalid Pensions (the bill being incorrect as to names).

ORDER OF BUSINESS.

The SPEAKER. Under the order of the House made yesterday morning, the Chair will now proceed to call the States and Territories for the introduction of bills and resolutions. Under this call resolutions and memorials of State and Territorial Legislatures will be in order, and also resolutions calling for information from the heads of the Executive Departments.

Mr. REID, of North Carolina. I rise to make a privileged report from the Committee on Printing for immediate consideration.

The SPEAKER. The call of States and Territories having been announced, the Chair thinks it is too late now to present the report. The gentleman will be recognized after this call is completed.

BILLS OF LADING.

Mr. JONES, of Alabama, introduced a bill (H. R. 4421) to make bills of lading conclusive evidence in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CLAUDE H. MASTIN AND OTHERS.

Mr. JONES, of Alabama, also introduced a bill (H. R. 4422) for the relief of Claude H. Mastin, surviving partner of the firm of Le Vert & Mastin, of Mobile, Ala., and the children of Octavia Le Vert, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SELMA AND MERIDIAN RAILROAD COMPANY.

Mr. JONES, of Alabama, also introduced a bill (R. R. 4423) for the relief of the Selma and Meridian Railroad Company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUITS FOR COTTON SEIZED.

Mr. JONES, of Alabama, also introduced a bill (H. R. 4424) enabling owners of cotton seized after June 30, 1865, to bring suits for the net proceeds thereof; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRAIRIE COUNTY, ARKANSAS.

Mr. BRECKINRIDGE, of Arkansas, introduced a bill (H. R. 4425) for the relief of Prairie County, Arkansas; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FANNIE E. EVANS.

Mr. LOUTTIT introduced a bill (H. R. 4426) granting a pension to Fannie E. Evans; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. LOUTTIT also introduced a bill (H. R. 4427) extending the provisions of the pension laws in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRIVATE LAND CLAIMS.

Mr. FELTON introduced a bill (H. R. 4428) to provide for ascertaining and settling private land claims in certain States and Territories; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WELLS, FARGO & CO.

Mr. FELTON also introduced a joint resolution (H. Res. 92) for the relief of Wells, Fargo & Co.; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LIFE-SAVING STATIONS, HARBOR OF CALIFORNIA.

Mr. MORROW introduced a bill (H. R. 4429) providing for the establishment of a life-saving station on the northern shore of the entrance to the harbor of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. MORROW also introduced a bill (H. R. 4430) providing for the establishment of a life-saving station on the southern shore of the entrance to the harbor of San Francisco; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RIGHTS OF LAND-HOLDERS IN CALIFORNIA.

Mr. MORROW also introduced a bill (H. R. 4431) relating to the equitable and legal rights of parties in possession of certain lands and improvements thereon in California and to provide jurisdiction to determine their rights; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRUIT BRANDY.

Mr. MORROW also introduced a bill (H. R. 4432) to amend an act entitled "An act relating to the production of fruit brandy, and to punish frauds connected with the same," approved March 3, 1877, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MORROW also introduced a bill (H. R. 4433) to amend section 3244 of the Revised Statutes of the United States, and for other purposes; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

DUTIES ON TOBACCO.

Mr. BUCK introduced a bill (H. R. 4434) relating to duties on tobacco; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH E. BASSETT.

Mr. BUCK also introduced a bill (H. R. 4435) granting a pension to Sarah E. Bassett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUTHENTICATION OF OFFICIAL SEALS.

Mr. MITCHELL introduced a bill (H. R. 4436) authenticating the official seals used by the Government Departments and by the several bureau officers and offices thereof and by the United States courts in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JACOB BEHEL.

Mr. MITCHELL also introduced a bill (H. R. 4437) for the relief of Jacob Behel; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

HEIRS OF CALVIN DURAND, MILFORD, CONN.

Mr. MITCHELL also introduced a bill (H. R. 4438) to refund to the heirs of Calvin Durand, of Milford, State of Connecticut, certain customs duties improperly collected; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EBENEZER BEEBE.

Mr. WAIT introduced a bill (H. R. 4439) for the relief of Ebenezer Beebe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BETSEY A. SMITH.

Mr. WAIT also introduced a bill (H. R. 4440) granting a pension to Betsey A. Smith, widow of Mark W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAMPA A PORT OF ENTRY.

Mr. DAVIDSON, of Florida, introduced a bill (H. R. 4441) to make Tampa, Fla., a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ESTABLISHMENT OF AIDS TO NAVIGATION, PENSACOLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 4442) to provide for the establishment of additional aids to navigation to guide vessels through the channels leading to Pensacola, Fla.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMPLETION OF PUBLIC BUILDING, PENSACOLA.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 4443) making an appropriation to complete the public building and the approaches to the same at Pensacola, Fla.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEGAL REPRESENTATIVES OF JOSEPH SIERRA, DECEASED.

Mr. DAVIDSON, of Florida, also introduced a bill (H. R. 4444) for the relief of the legal representatives of Joseph Sierra, deceased, late of Pensacola, Fla.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FRAUDULENT LAND-WARRANTS.

Mr. DOUGHERTY introduced a bill (H. R. 4445) to investigate the issue of fraudulent land-warrants and to protect soldiers and sailors of the United States from loss therefrom; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

FORT MARION, FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 4446) for the repair of Fort Marion, at Saint Augustine, Fla., and the inclosure of the grounds attached to said fort; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN S. SAMMIS, FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 4447) for the relief of John S. Sammis, of Florida; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DEPOSITORS OF FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGHERTY also introduced a bill (H. R. 4448) to reimburse the depositors of the Freedman's Savings and Trust Company for losses incurred by said company; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. ANN LEDDY.

Mr. DOUGHERTY also introduced a bill (H. R. 4449) for extension of pension to Mrs. Ann Leddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. BLOUNT introduced a bill (H. R. 4450) to repeal section 23 of the act approved June 26, 1884, repealing sections 3976 and 4203 of the Revised Statutes, and to re-enact said sections 3976 and 4203, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

MORGAN RAWLS.

Mr. NORWOOD introduced a bill (H. R. 4451) for the relief of Morgan Rawls; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS AT LAW OF JAMES L. LEWIS, DECEASED.

Mr. CLEMENTS introduced a bill (H. R. 4452) for the relief of the heirs at law of James L. Lewis, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INCREASE OF PENSIONS.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 4453) to amend an act entitled "An act to increase the pensions of certain pensioned soldiers and sailors who are utterly helpless from injuries received or disease contracted while in the United States service;" which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ESPELDING.

Mr. ADAMS, of Illinois, also introduced a bill (H. R. 4454) for the relief of John Espelding; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARION M. KING.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 4455) for the relief of Marion M. King; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH MAY.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 4456) for the relief of Joseph May; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. WILLOUGHBY.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 4457) to pay William H. Willoughby the sum of $337.50; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES COURTS IN PATENT CASES.

Mr. TOWNSHEND introduced a bill (H. R. 4458) to limit the jurisdiction of United States courts in patent cases, and to protect persons who, without notice, are *bona fide* manufacturers, purchasers, venders,

and users of articles, machines, machinery, and other things for the exclusive use, manufacture, or sale of which a patent has been or may hereafter be granted; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

Mr. TOWNSHEND also introduced a joint resolution (H. Res. 93) proposing an amendment to the Constitution of the United States in relation to the election of President and Vice-President, providing for their election by a majority of the votes of the people and the abolition of the electoral college, and regulating the method of counting the votes by the two Houses of Congress; which was read a first and second time, referred to the Select Committee on the Election of President and Vice-President, and ordered to be printed.

SMITH & SAVAGE.

Mr. SPRINGER introduced a bill (H. R. 4459) for the relief of Smith & Savage; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. DELP.

Mr. NEECE introduced a bill (H. R. 4460) to pension John W. Delp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN W. MERRILL.

Mr. NEECE also introduced a bill (H. R. 4461) granting a pension to Stephen W. Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA DOWNS.

Mr. WORTHINGTON introduced a bill (H. R. 4462) granting a pension to Martha Downs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARRIET J. PEABODY.

Mr. WORTHINGTON also introduced a bill (H. R. 4463) granting a pension to Harriet J. Peabody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EVALINE JOHNSON.

Mr. WORTHINGTON also introduced a bill (H. R. 4464) granting a pension to Evaline Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNATIONAL PEACE CONGRESS.

Mr. WORTHINGTON also introduced a joint resolution (H. Res. 94) to authorize the President of the United States to invite the autonomic governments of America to send delegates to an international American congress to arrange for the arbitration of all national differences; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

LEVI HILL.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 4465) for the relief of the heirs of Levi Hill, deceased, late Company A, Fifty-fifth Illinois Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JASON F. COLWELL.

Mr. HENDERSON, of Illinois, also introduced (H. R. 4466) granting a pension to Jason F. Colwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES C. DUANE.

Mr. MATSON introduced a bill (H. R. 4467) for the relief of Col. James C. Duane, Corps of Engineers, brevet brigadier-general United States Army; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

RICHARD HOGAN.

Mr. MATSON also introduced a bill (H. R. 4468) granting a pension to Richard Hogan (war with Mexico); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM H. SHOEMAKER.

Mr. MATSON also introduced a bill (H. R. 4469) granting a pension to William H. Shoemaker (war with Mexico); which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DAVID L. WRIGHT.

Mr. MATSON also introduced a bill (H. R. 4470) for the relief of David L. Wright; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ADDITIONAL PENSIONS IN CERTAIN CASES.

Mr. MATSON also introduced a bill (H. R. 4471) granting additional pensions to a certain class of pensioners; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN BRANSON.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 4472) for the relief of Nathan Branson, first lieutenant and quartermaster of the Eighth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LANDS OF CHEROKEE INDIANS.

Mr. BROWNE, of Indiana, also introduced a bill (H. R. 4473) to provide for the sale of certain lands of the Eastern band of Cherokee Indians, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIE S. HOWARD.

Mr. HOLMAN submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Committee on Accounts be directed to inquire into the propriety of Willie S. Howard being employed as a page or folder under the Doorkeeper during the residue of the present session of Congress, and to report by resolution or otherwise.

MARGARET R. YOUART.

Mr. BYNUM introduced a bill (H. R. 4474) to rerate the pension of Margaret R. Youart, widow of John M. Youart, late surgeon Fifteenth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE E. FRENCH.

Mr. BYNUM (by request) also introduced a bill (H. R. 4475) granting a pension to Caroline E. French; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALEXANDER WORRALL.

Mr. STEELE introduced a bill (H. R. 4476) for the relief of Alexander Worrall; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY AULTUM.

Mr. STEELE also introduced a bill (H. R. 4477) for the relief of Mary Aultum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE M. MILLER.

Mr. FORD introduced a bill (H. R. 4478) to increase the pension of George M. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILO BOWMAN.

Mr. HOWARD introduced a bill (H. R. 4479) authorizing and directing the Secretary of the Interior to place the name of Milo Bowman on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREELAND HASTON.

Mr. HOWARD also introduced a bill (H. R. 4480) authorizing and directing the Secretary of the Interior to place the name of Freeland Haston on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. HONORA V. LYON.

Mr. HOWARD also introduced a bill (H. R. 4481) for the relief of Mrs. Honora V. Lyon; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JEFFERSON DAVIS.

Mr. HOWARD also introduced a bill (H. R. 4482) for the relief of Jefferson Davis, of Clark County, Indiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SALE AND SHIPMENT OF LIQUORS.

Mr. KLEINER introduced a bill (H. R. 4483) to amend section 18 of the act of February 8, 1875, as amended by section 4 of the act of March 1, 1879, relating to the sale and shipment of malt, spirituous, or vinous liquors; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

C. S. FINCH.

Mr. KLEINER also introduced a bill (H. R. 4484) for the relief of C. S. Finch, late captain Twenty-fifth Indiana Volunteers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. DODGE.

Mr. KLEINER also introduced a bill (H. R. 4485) for the relief of William C. Dodge; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

CHARLES DAVIDSON.

Mr. OWEN introduced a bill (H. R. 4486) for the relief of Charles Davidson, late private of Company I, Forty-sixth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FRANCIS W. SMITH.

Mr. OWEN also introduced a bill (H. R. 4487) granting a pension to Francis W. Smith, a soldier of the Union Army in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate, having heard with deep sensibility the announcement of the death of Hon. JOSEPH RANKIN, late a Representative from the State of Wisconsin, had concurred in the resolution of the House providing for the appointment of a joint committee to take order for superintending the funeral, and to escort the remains of the deceased to Manitowoc, Wis.; and that the President *pro tempore* had appointed Mr. SAWYER, Mr. BLACKBURN, and Mr. JONES of Arkansas as the committee on the part of the Senate.

The message further announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

The message also announced that the Senate had passed a bill (S. 200) to authorize the purchase of the Aqueduct Bridge, or the construction of a bridge across the Potomac River at or near Georgetown, D. C.; in which the concurrence of the House was requested.

ABRAHAM P. CARNAHAN.

Mr. OWEN also introduced a bill (H. R. 4488) granting a pension to Abraham P. Carnahan, a soldier of the Union Army in the late war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AGED AND DISABLED POSTAL CLERKS.

Mr. MURPHY introduced a bill (H. R. 4489) for the relief of aged, disabled, diseased, and worn-out postal clerks who have devoted the best years of their lives to the transit mail service, and who have been, or may hereafter be, in the employ of the Post-Office Department in the arduous and extra-hazardous service therein mentioned for a period of not less than twenty years; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

H. W. M'DONALD.

Mr. MURPHY also introduced a bill (H. R. 4490) granting a pension to H. W. McDonald; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WELTY M. JONAS.

Mr. MURPHY also introduced a bill (H. R. 4491) granting a pension to Welty M. Jonas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE L. BENTON.

Mr. MURPHY also introduced a bill (H. R. 4492) for the relief of Catherine L. Benton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF ACT OF JUNE 15, 1884, IN RELATION TO PUBLIC LANDS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 4493) to amend the act of June 15, 1884, and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

NATHANIEL JOHNSON COFFIN.

Mr. STRUBLE (by request) introduced a bill (H. R. 4494) to confer the rank of lieutenant by law on Nathaniel Johnson Coffin; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

THOMAS J. MILLIGAN.

Mr. CONGER introduced a bill (H. R. 4495) for the relief of Thomas J. Milligan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. LYMAN introduced a bill (H. R. 4496) to extend the benefit of the pension laws of the United States, and granting pensions to all honorably discharged soldiers, sailors, and marines of the late civil war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RICHARD MIDDLETON.

Mr. HALL (by request) introduced a bill (H. R. 4497) for the relief of Richard Middleton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

COURT-HOUSE, KEOKUK.

Mr. HALL also introduced a bill (H. R. 4498) authorizing an additional appropriation of $15,000 for the court-house at Keokuk to make the same fire-proof; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MILITARY POSTS, KANSAS.

Mr. PETERS presented a Senate concurrent resolution of the Legislature of the State of Kansas, favoring the establishment of two military posts on the southern border of the State, and asked unanimous consent that it be printed in the RECORD.

There was no objection, and it was so ordered.

The resolution is as follows:

State of Kansas.—Senate concurrent resolution No. 4.

Resolved by the senate (the house of representatives concurring therein), That our Senators and Members of Congress be, and are hereby, requested to use their utmost endeavors to secure the establishment by the United States Government on the southwestern frontier of Kansas of not less than two military posts sufficiently garrisoned with troops to insure protection of the citizens of the south western portion of the State.

Resolved, That a copy of this resolution be furnished to each of our Senators and Members of Congress.

IMPROVEMENT OF FORT RILEY.

Mr. PETERS also presented a concurrent resolution of the Legislature of the State of Kansas, favoring an improvement of Fort Riley; which was referred to the Committee on Military Affairs, and ordered to be printed.

JOHN C. WHITE.

Mr. RYAN introduced a bill (H. R. 4499) granting a pension to John C. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REBECCA PRIOR.

Mr. RYAN (by request) also introduced a bill (H. R. 4500) for the relief of Rebecca Prior; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DANIEL B. RANDALL.

Mr. FUNSTON introduced a bill (H. R. 4501) granting a pension to Daniel B. Randall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROMOTION OF GRADUATES OF UNITED STATES MILITARY ACADEMY.

Mr. BRECKINRIDGE, of Kentucky, introduced a bill (H. R. 4502) to regulate the promotion of graduates of the United States Military Academy; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CARROLLTON AND LOCK NO. 1 TURNPIKE COMPANY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 4503) to authorize the Secretary of War to permit the Carrollton and Lock No. 1 Turnpike Road Company to locate and construct its road on land belonging to the United States at Lock No. 1, on the Kentucky River, in the State of Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SANFORD M. DOUGHERTY.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 4504) granting a pension to Sanford M. Dougherty; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES F. SALYERS.

Mr. BRECKINRIDGE, of Kentucky, also introduced a bill (H. R. 4505) granting a pension to James F. Salyers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN C. ADAMS.

Mr. LAFFOON also introduced a bill (H. R. 4506) for the relief of John C. Adams, administrator of Joseph Adams, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BUILDING AT OWENSBOROUGH, KY.

Mr. LAFFOON also introduced a bill (H. R. 4507) for the purchase of suitable grounds in the city of Owensborough, in the State of Kentucky, and the erection thereon of a public building for post-office, United States collector's office, United States commissioner's office, and for the use of other United States officers in said city, and appropriating money for said purposes; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MAY SMITH.

Mr. HALSELL introduced a bill (H. R. 4508) granting a pension to May Smith, dependent mother of J. G. Smith, late of Company H, Thirtieth Regiment of Kentucky Mounted Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M'GLATHLIN.

Mr. HALSELL also introduced a bill (H. R. 4509) for the benefit of James McGlathlin, assignee of Joseph McGlathlin; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

C. E. BLEWETT.

Mr. HALSELL also introduced a bill (H. R. 4510) for the benefit of C. E. Blewett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN R. WALLER.

Mr. STONE, of Kentucky, introduced a bill (H. R. 4511) for the relief of Benjamin R. Waller; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

B. M. M. PARISH.

Mr. WOLFORD introduced a bill (H. R. 4512) for the relief of B. M. M Parish; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID COLLINSWORTH.

Mr. TAULBEE introduced a bill (H. R. 4513) for the relief of David Collinsworth; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HARRISON SWANGO.

Mr. TAULBEE also introduced a bill (H. R. 4514) for the relief of Harrison Swango; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BILLS OF LADING.

Mr. BLANCHARD introduced a bill (H. R. 4515) to make bills of lading conclusive in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HARRIET M. LARRABEE.

Mr. DINGLEY introduced a bill (H. R. 4516) granting a pension to Harriet M. Larrabee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TIMOTHY DRISCOLL.

Mr. DINGLEY also introduced a bill (H. R. 4517) granting a pension to Timothy Driscoll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DIANA PALMER.

Mr. DINGLEY also introduced a bill (H. R. 4518) granting a pension to Diana Palmer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

GEORGE W. LAWRENCE.

Mr. DINGLEY also introduced a bill (H. R. 4519) for the relief of George W. Lawrence; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PRINTING OF NAVIGATION LAWS, ETC.

Mr. DINGLEY also introduced a concurrent resolution for printing the navigation and customs collection laws relating to vessels; which was referred to the Committee on Printing.

JAMES MURRY.

Mr. MILLIKEN introduced a bill (H. R. 4520) granting veteran bounty to James Murry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH J. GLIDDEN.

Mr. MILLIKEN also introduced a bill (H. R. 4521) granting a pension to Sarah J. Glidden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. CATHERINE HARRIS.

Mr. COLE introduced a bill (H. R. 4522) for the relief of Mrs. Catherine Harris; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEALTH OF ARTISANS, ETC.

Mr. COLE also introduced a bill (H. R. 4523) to protect the health of those employed in factories, manufacturing establishments, and workshops in the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

CHRISTINE BERGNER.

Mr. COLE also introduced a bill (H. R. 4524) granting a pension to Christine Bergner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEMINOLE WAR.

Mr. COLE also introduced a bill (H. R. 4525) granting a pension to soldiers and sailors in the Florida Seminole war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WASHINGTON AND BLADENSBURG STREET RAILROAD.

Mr. COLE also introduced a bill (H. R. 4526) to incorporate the Washington and Bladensburg Street Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

ELIZABETH SLENBAKER.

Mr. SHAW introduced a bill (H. R. 4527) granting a pension to Elizabeth Slenbaker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. COLE.

Mr. McCOMAS introduced a bill (H. R. 4528) for the relief of Charles L. Cole; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JESSE HYDER.

Mr. McCOMAS also introduced a bill (H. R. 4529) granting a pension to Jesse Hyder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

R. STEWART HERBERT.

Mr. McCOMAS also introduced a bill (H. R. 4530) granting a pension to R. Stewart Herbert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCES M. LAMBERT.

Mr. McCOMAS also introduced a bill (H. R. 4531) for the relief of Frances M. Lambert; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GENERAL HORATIO G. WRIGHT.

Mr. McCOMAS also introduced a joint resolution (H. Res. 95) to place the name of General Horatio G. Wright, late Chief of Engineers, on the roll of major-generals on the retired-list, with the emoluments and pay of said grade; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANN LITTLE.

Mr. RANNEY introduced a bill (H. R. 4532) granting a pension to Ann Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to he printed.

COURT OF CLAIMS.

Mr. RANNEY (by request) also introduced a bill (H. R. 4533) to abolish the Court of Claims of the United States of America, and to enlarge the jurisdiction of the circuit court of said United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CIRCUIT COURT OF THE UNITED STATES.

Mr. RANNEY (by request) also introduced a bill (H. R. 4534) extending the jurisdiction of the circuit court of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ADELISA PERRY.

Mr. RICE introduced a bill (H. R. 4535) granting a pension to Adelisa Perry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETITIONERS IN ALABAMA CLAIMS.

Mr. COLLINS introduced a bill (H. R. 4536) authorizing and directing the Secretary of the Treasury to pay to the original petitioners in the Court of Commissioners of Alabama Claims in lieu of their assignees in bankruptcy; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN J. BUTCHER.

Mr. COLLINS also introduced a bill (H. R. 4537) for the relief of John J. Butcher; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY ANN MURPHY.

Mr. COLLINS also introduced a bill (H. R. 4538) granting a pension to Mary Ann Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANN LITTLE.

Mr. COLLINS also introduced a bill (H. R. 4539) granting a pension to Ann Little; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MICHAEL D. CASEY.

Mr. COLLINS also introduced a bill (H. R. 4540) granting a pension to Michael D. Casey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT DETROIT, MICH.

Mr. MAYBURY introduced a bill (H. R. 4541) to amend an act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., approved March 2, 1885; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN WINCHELL.

Mr. MAYBURY also introduced a bill (H. R. 4542) to grant arrears of pension to John Winchell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAVID SARSFIELD.

Mr. CARLETON (by Mr. MAYBURY) introduced a bill (H. R. 4543) granting a pension to David Sarsfield, late private in Company F, Fifth Regiment United States Infantry; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ANN E. COOLEY.

Mr. ELDREDGE introduced a bill (H. R. 4544) granting a pension to Ann E. Cooley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, MUSKEGON, MICH.

Mr. CUTCHEON introduced a bill (H. R. 4545) to provide for the erection of a public building for the use of the post-office and other Government offices at the city of Muskegon, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

STEPHEN D. HOTCHKISS.

Mr. CUTCHEON (by request) also introduced a bill (H. R. 4546) granting a pension to Stephen D. Hotchkiss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING, MANISTEE, MICH.

Mr. CUTCHEON also introduced a bill (H. R. 4547) for the erection of a public building for the use of the post-office, custom-house, and other Government offices at the city of Manistee, in the State of Michigan; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOHN R. BAILEY.

Mr. MOFFATT introduced a bill (H. R. 4548) to authorize the President to commission and retire from active service John R. Bailey, acting assistant surgeon United States Army, in the grade of major and surgeon United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FIDUS LIVERMORE.

Mr. O'DONNELL introduced a bill (H. R. 4549) for the relief of the legal heirs of Fidus Livermore, deceased, for services and expenses of said Livermore while acting as commandant of camp of the Twentieth and Twenty-sixth Regiments of Michigan Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS E. NILES.

Mr. O'DONNELL also introduced a bill (H. R. 4550) granting a pension to Thomas E. Niles; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MYRON M. SHERWOOD.

Mr. BURROWS introduced a bill (H. R. 4551) granting a pension to Myron M. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUSAN SMITH.

Mr. BURROWS also introduced a bill (H. R. 4552) for the relief of Susan Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COMPENSATION RAILWAY POSTAL CLERKS.

Mr. BURROWS also introduced a joint resolution (H. Res. 96) authorizing and directing the Postmaster-General to pay the postal clerks of the Railway Mail Service of classes 4 and 5 the increased salary provided for by the act entitled "An act making appropriations for the service of the Post-Office Department," &c., approved March 3, 1885; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JEAN LOUIS LEGARÉ.

Mr. STRAIT introduced a bill (H. R. 4553) for the relief of Jean Louis Legaré; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PATRICK NASH.

Mr. GILFILLAN introduced a bill (H. R. 4554) for the relief of Patrick Nash; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

LOUISA THOMAS, ADMINISTRATRIX.

Mr. SINGLETON introduced a bill (H. H. 4555) for the relief of Louisa Thomas, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. E. A. ANDERSON, ADMINISTRATRIX.

Mr. SINGLETON also introduced a bill (H. R. 4556) for the relief of Mrs. E. A. Anderson, administratrix; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. L. SUMMERS.

Mr. SINGLETON also introduced a bill (H. R. 4557) for the relief of W. L. Summers, administrator; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES H. OWEN.

Mr. SINGLETON also introduced a bill (H. R. 4558) for the relief of James H. Owen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHATHAM DAVIDSON

Mr. SINGLETON also introduced a bill (H. R. 4559) for the relief of Chatham Davidson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAROLINE DAVIDSON.

Mr. SINGLETON also introduced a bill (H. R. 4560) for the relief of Caroline Davidson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES ROBINSON.

Mr. SINGLETON also introduced a bill (H. R. 4561) for the relief of James Robinson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF DR. J. BURNHAM.

Mr. SINGLETON also introduced a bill (H. R. 4562) for the relief of T. P. Burnham, administrator of the estate of Dr. J. Burnham; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. T. CHEEK.

Mr. SINGLETON also introduced a bill (H. R. 4563) for the relief of R. T. Cheek; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES BUILDING AT JACKSON, MISS.

Mr. BARKSDALE introduced a bill (H. R. 4564) to provide for an addition to the United States building at Jackson, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

IDENTITY OF CLAIMANTS.

Mr. BARKSDALE also introduced a bill (H. R. 4565) for the more certain establishment of the identity of claimants in certain cases; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

COURT ROOMS IN JACKSON, MISS.

Mr. BARKSDALE also introduced a joint resolution (H. Res. 97) authorizing and directing the Department of Justice to transfer certain rooms which have been occupied by the United States courts to the city of Jackson, Miss.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MISSISSIPPI AND TENNESSEE RAILROAD COMPANY.

Mr. MORGAN introduced a bill (H. R. 4566) to provide for the final settlement of the accounts of the United States with the Mississippi and Tennessee Railroad Company; which was read a first and second time.

The SPEAKER. The bill will be referred to the Committee on Claims.

Mr. MORGAN. This bill has heretofore been before the Judiciary Committee.

The SPEAKER. Under the amended rules all bills and memorials for the payment or adjudication of private claims against the Government must go to the Committee on Claims, except by unanimous consent.

Mr. MORGAN. I should like to have this bill referred to the Committee on the Judiciary, as it has been there heretofore. I ask unanimous consent that it be so referred.

There being no objection, the bill was referred to the Committee on the Judiciary, and ordered to be printed.

CORPORATIONS AS SURETIES.

Mr. GLOVER introduced a bill (H. R. 4567) to authorize certain corporations to become surety in cases within the jurisdiction of Federal courts and Departments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MAGDALENA KRUSE.

Mr. GLOVER also introduced a bill (H. R. 4568) granting a pension to Magdalena Kruse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGE ACROSS MISSOURI RIVER.

Mr. WARNER, of Missouri, introduced a bill (H. R. 4569) to authorize the construction of a bridge across the Missouri River at a point to be selected either in the counties of Clay and Jackson, in the State of Missouri, or in the county of Clay or Platte, in said State, and the county of Wyandotte, in the State of Kansas, and to make the same a post-route; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

IRON MOUNTAIN BANK, SAINT LOUIS.

Mr. CLARDY introduced a bill (H. R. 4570) for the relief of the Iron Mountain Bank, of Saint Louis, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ISAAC SMITH.

Mr. CLARDY also introduced a bill (H. R. 4571) granting a pension to Isaac Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE M. SETON AND M. J. SIBBALD.

Mr. CLARDY also introduced a joint resolution (H. Res. 98) for the relief of Caroline M. Seton and Mary Jeannette Sibbald; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIS W. FINK.

Mr. STONE, of Missouri, introduced a bill (H. R. 4572) granting a pension to Willis W. Fink; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

A. L. AND W. G. KEITHLEY.

Mr. WADE introduced a bill (H. R. 4573) for the relief of A. L. and W. G. Keithley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES S. JOHNSON.

Mr. WADE also introduced a bill (H. R. 4574) for the relief of James S. Johnson, late postmaster in Chadwick, Mo.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

L. MASON.

Mr. WADE also introduced a bill (H. R. 4575) for the relief of L. Mason; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY BRADY.

Mr. WADE also introduced a bill (H. R. 4576) for the relief of Mary Brady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEAMBOAT INSPECTION SERVICE.

Mr. O'NEILL, of Missouri (by request), introduced a bill (H. R. 4577) to reorganize the Steamboat-Inspection Service and to consolidate the office of Supervising Inspector-General of Steamboats with the Bureau of Navigation, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CLAIMS FOR BOUNTY.

Mr. O'NEILL, of Missouri, also introduced a bill (H. R. 4578) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS S. OWENS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 4579) granting an increase of pension to Thomas S. Owens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM TAYLOR.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 4580) to grant a pension to William Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. SQUIRES.

Mr. LAIRD introduced a bill (H. R. 4581) granting an increase of pension to William P. Squires, late of Company C, Seventy-fifth Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLOSING OF MINT AT CARSON, NEV.

Mr. WOODBURN offered a resolution directing the Secretary of the Treasury to report to the House his reasons for closing down the mint at Carson, in the State of Nevada; which was read for information, and referred to the Committee on Coinage, Weights, and Measures.

Mr. LANDES asked unanimous consent that the resolution be printed in the RECORD, but objection was made.

ALICE CHAPMAN.

Mr. GALLINGER (by request) introduced a bill (H. R. 4582) for the relief of Alice Chapman, dependent mother of Edward F. Chapman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CLAIMS OF FOREIGN STEAMSHIP COMPANIES.

Mr. MCADOO introduced a bill (H. R. 4583) authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from the illegal exaction of tonnage dues; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EIGHT-HOUR LAW FOR LETTER-CARRIERS IN CITIES.

Mr. MCADOO also offered a resolution asking the Postmaster-General if the eight-hour law applies to the case of letter-carriers in cities and if the same is enforced in their behalf, and, if not, for what reason.

On motion of Mr. WARNER, of Ohio, the resolution was read for information.

Mr. MCADOO. Mr. Speaker, now that the resolution has been read, I ask unanimous consent to have it printed in the RECORD. It is quite short, as members see.

Mr. MORRISON. I object. I have been compelled to object in other like cases, and I can not make this case an exception.

RIGHT OF WAY FOR MORRIS COUNTY RAILROAD COMPANY.

Mr. PHELPS introduced a bill (H. R. 4584) to grant the right of way for railroad purposes through the lands of the United States powder depot, near Dover, N. J., to the Morris County Railroad Company, and moved its reference to the Committee on the Public Lands.

The SPEAKER *pro tempore* (Mr. SPRINGER). It does not appear that the land referred to in this bill is a part of the public domain.

Mr. PHELPS. It belongs to the United States.

The SPEAKER *pro tempore*. The Chair thinks the bill ought to go to the Committee on Railways and Canals.

Mr. PHELPS. The object is to secure the right of way through the public domain. The mere fact that the public domain in this case happens to be in the State of New Jersey would not seem to bring it under any different rule from that which applies to the public domain elsewhere.

The SPEAKER *pro tempore*. If there be no objection, the bill will be referred, as the gentleman introducing it desires, to the Committee on the Public Lands.

There was no objection, and the bill was so referred.

MRS. FANNIE CARMAN.

Mr. BUCHANAN introduced a bill (H. R. 4585) granting a pension to Mrs. Fannie Carman, mother of Daniel Carman, late of Company H, Fifth New Jersey Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHAN HILDEBRANT.

Mr. PIDCOCK introduced a bill (H. R. 4586) for the relief of Nathan Hildebrant; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGULATING IMMIGRATION.

Mr. MULLER introduced a bill (H. R. 4587) to amend an act entitled "An act to regulate immigration;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ARMS FOR MILITIA IN UNITED STATES.

Mr. MULLER also introduced a bill (H. R. 4588) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms for the militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

FREDERICK BAUMAN.

Mr. KETCHAM introduced a bill (H. R. 4589) granting a pension to Frederick Bauman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL MOODY.

Mr. JAMES introduced a bill (H. R. 4590) granting relief to Nathaniel Moody, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

Mr. JAMES also introduced a bill (H. R. 4591) granting a disability pension to Nathaniel Moody, a soldier in the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

AGNES RENZ.

Mr. JAMES also introduced a bill (H. R. 4592) granting a pension to Agnes Renz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHIEF ENGINEER GEORGE W. MELVILLE.

Mr. BLISS introduced a bill (H. R. 4593) for the rewarding of Chief Engineer George W. Melville, United States Navy, for meritorious services, &c.; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN R. HARRINGTON.

Mr. BLISS also introduced a bill (H. R. 4594) for the relief of John R. Harrington; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

ARSENIUS KAMERER.

Mr. BLISS (by request) also introduced a bill (H. R. 4595) for the relief of Arsenius Kamerer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PUBLIC BUILDING AT SARATOGA SPRINGS, N. Y.

Mr. WEST introduced a bill (H. R. 4596) for the erection of a public building at Saratoga Springs, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CATHARINE HILL.

Mr. WEST also introduced a bill (H. R. 4597) granting a pension to Catharine Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM J. RIGGS.

Mr. WEST also introduced a bill (H. R. 4598) for the relief of William J. Riggs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SEVENTH REGIMENT NEW YORK CAVALRY.

Mr. WEST also introduced a bill (H. R. 4599) for the relief of the Seventh Regiment New York Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SILVER DOLLAR.

Mr. SWINBURNE introduced a bill (H. R. 4600) declaring the silver dollar a legal tender, and for other purposes; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

HORACE H. BURBANK.

Mr. SWINRURNE (by request) also introduced a bill (H. R. 4601) for the relief of Horace H Burbank; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. SWINBURNE also introduced a bill (H. R. 4602) to amend an act to relieve certain soldiers from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EIGHT-HOUR LAW.

Mr. MERRIMAN introduced a bill (H. R. 4603) to regulate the hours of labor and to enforce the eight-hour law; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

EXEMPTION OF RAW MATERIALS FROM DUTY.

Mr. MERRIMAN also introduced a bill (H. R. 4604) to exempt certain raw materials from payment of duty when imported; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MEXICAN NATIONAL CONSTRUCTION COMPANY.

Mr. MERRIMAN also introduced a bill (H. R. 4605) for the relief of the Mexican National Construction Company of New York; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HOMESTEADS.

Mr. MILLARD (by request) introduced a bill (H. R. 4606) to secure homesteads to certain persons desiring to become actual and permanent settlers on the public domain; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

CATHERINE GATTIE.

Mr. FARQUHAR introduced a bill (H. R. 4607) granting a pension to Catherine Gattie, widow of Anthony Gattie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MEAL.

Mr. FARQUHAR also introduced a bill (H. R. 4608) for the relief of Charles Meal, Tenth New York Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED BRENER.

Mr. FARQUHAR also introduced a bill (H. R. 4609) for the relief of Alfred Brener, late of the United States Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CHARLES BLANCHARD.

Mr. JOHNSON, of New York (by Mr. BURLEIGH), introduced a bill (H. R. 4610) for the relief of Charles Blanchard; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM C. WAIT.

Mr. JOHNSON, of New York (by Mr. BURLEIGH), also introduced a bill (H. R. 4611) for the relief of William C. Wait; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FRANKLIN LASHWAY.

Mr. JOHNSON, of New York (by Mr. BURLEIGH), also introduced a bill (H. R. 4612) for the relief of Franklin Lashway; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HENRY PARKER.

Mr. JOHNSON, of New York (by Mr. BURLEIGH), also introduced a bill (H. R. 4613) for the relief of George Henry Parker from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWIN J. BOGERT.

Mr. JOHNSON, of New York (by Mr. BURLEIGH), also introduced a bill (H. R. 4614) for the relief of Edwin J. Bogert; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ANN LEDDY.

Mr. ADAMS, of New York, introduced a bill (H. R. 4615) for the relief of Ann Leddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAJ. MICHAEL P. SMALL.

Mr. ADAMS, of New York, also introduced a bill (H. R. 4616) for the relief of Maj. Michael P. Small; which was read a first and second time.

Mr. ADAMS, of New York. That bill went to the Committee on Military Affairs in the Forty-eighth Congress, and I ask by unanimous consent it be referred to the same at this.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). Under the new rules the bill should go to the Committee on Claims.

Mr. MCMILLIN. Let the bill be read.

The bill was read.

Mr. ADAMS, of New York. By unanimous consent I ask that the bill be referred to the Committee on Military Affairs.

The bill was referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZABETH BENNETT.

Mr. COMPTON (by Mr. FELIX CAMPBELL) introduced a bill (H. R. 4617) granting a pension to Mrs. Elizabeth Bennett, widow of John W. Bennett, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF KELITA SUIT.

Mr. COMPTON (by Mr. FELIX CAMPBELL) also introduced a bill (H. R. 4618) to pay to the heirs of Kelita Suit an amount of money due said heirs; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

HEIRS OF GEORGE L. DAVIS, DECEASED.

Mr. MAHONEY (by Mr. FELIX CAMPBELL) introduced a bill (H. R. 4619) for the relief of the heirs of George L. Davis, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

FEDERAL BUILDING, BROOKLYN, N. Y.

Mr. FELIX CAMPBELL introduced a bill (H. R. 4620) for the purchase of land for Federal building in Brooklyn, N. Y.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JANE E. SLAMM.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 4621) granting a pension to Jane E. Slamm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 4622) for the relief of Jane E. Slamm; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JEREMIAH PHELAN.

Mr. FELIX CAMPBELL also introduced a bill (H. R. 4623) to place Hospital Steward Jeremiah Phelan on the retired-list; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CASSIUS H. ROBINSON.

Mr. PARKER introduced a bill (H. R. 4624) for the relief of Cassius H. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES L. HENNIP.

Mr. DAVENPORT introduced a bill (H. R. 4625) for the relief of Charles L. Hennip; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CONSTRUCTION OF MILITARY TELEGRAPH LINE.

Mr. VIELE introduced a bill (H. R. 4626) for the construction of a military telegraph line from Sanford, Fla., to Point Jupiter, Florida, and the establishment of a signal station; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. VIELE also introduced a bill (H. R. 4627) for the relief of Bvt. Maj. Gen. Henry J. Hunt, colonel retired, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM S. RAY.

Mr. JOHNSTON, of North Carolina, introduced a bill (H. R. 4628) granting a pension to William S. Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEVI JONES.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4629) for the relief of Levi Jones; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALEXANDER COOPER AND OTHERS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4630) for the relief of Alexander Cooper, Jesse Williams, and others; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY MERRILL.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4631) granting a pension to Mary Merrill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM L. M'CALL.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4632) granting a pension to William L. McCall, late private Company D, Ninth Tennessee Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WHITFIELD SPARKS.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4633) for the relief of Whitfield Sparks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LEWIS M. SPARKS.

Mr. JOHNSTON, of North Carolina, also introduced a bill H. R. 4634) for the relief of Lewis M. Sparks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. WASHINGTON BRANK.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4635) to place the name of J. Washington Brank on the muster-roll of Company B, Second North Carolina Mounted Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN REED.

Mr. JOHNSTON, of North Carolina, also introduced a bill (H. R. 4636) for the relief of John Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LIGHT-SHIP OFF CAPE HATTERAS.

Mr. SKINNER introduced a bill (H. R. 4637) to establish a light-ship off Cape Hatteras, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM LOGAN.

Mr. O'HARA introduced a bill (H. R. 4638) granting a pension to William Logan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF FEES OF UNITED STATES MARSHALS, ETC.

Mr. COWLES introduced a bill (H. R. 4639) to abolish fees and perquisites of United States district attorneys, marshals, clerks, commissioners, and deputy marshals, and to provide salaries for the same; which was read a first and second time, referred to the Committee on Expenditures in the Department of Justice, and ordered to be printed.

JAMES MAHONEY.

Mr. COWLES also introduced a bill (H. R. 4640) for the relief of James Mahoney; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

THOMAS PRUITT.

Mr. COWLES also introduced a bill (H. R. 4641) granting a pension to Thomas Pruitt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CARROLL.

Mr. COWLES also introduced a bill (H. R. 4642) granting a pension to James Carroll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES HEUSE.

Mr. COWLES also introduced a bill (H. R. 4643) for the relief of Charles Heuse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NOAH B. BROOKSHIRE.

Mr. COWLES also introduced a bill (H. R. 4644) granting a pension to Noah B. Brookshire; which was read a first and second time, referred to the Committee on Invalid pensions, and ordered to be printed.

COMPENSATION UNITED STATES MARSHALS, ETC.

Mr. COWLES, of North Carolina, also submitted a resolution directing the Secretary of the Treasury to furnish a statement showing amount of salary, fees, compensation, mileage, and perquisites paid to or received by United States marshals, district attorneys, clerks, and commissioners for the last fiscal year; which was referred to the Committee on Expenditures in the Department of Justice.

FRANKLIN FOSTER.

Mr. McKINLEY introduced a bill (H. R. 4645) for the relief of Franklin Foster; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN PRESTON.

Mr. WARNER, of Ohio, introduced a bill (H. R. 4646) for the relief of John Preston; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL K. RUGGLES.

Mr. WARNER, of Ohio, also introduced a bill (H. R. 4647) to increase the pension of Samuel K. Ruggles, of Company D, Third Ohio Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ERASMUS B. MANAHAN.

Mr. LE FEVRE introduced a bill (H. R. 4648) granting a pension to Erasmus B. Manahan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. DODGE.

Mr. BUTTERWORTH introduced a bill (H. R. 4649) for the relief of William C. Dodge; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH WALTZ.

Mr. BUTTERWORTH also introduced a bill (H. R. 4650) granting a pension to Elizabeth Waltz, widow of Louis Waltz, late of Company E, Ninety-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE MILLEN.

Mr. BUTTERWORTH (by request) also introduced a bill (H. R. 4651) for the relief of Catherine Millen, widow of James G. Millen, commissary sergeant Fifty-fifth Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

OFFICERS OF VOLUNTEERS.

Mr. CAMPBELL, of Ohio, introduced a bill (H. R. 4652) for the relief of certain officers of the volunteer army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. MOSES KLEIN.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 4653) to restore Capt. Moses Klein to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM PINN.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 4654) to restore William Pinn to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BENJAMIN NEAL.

Mr. CAMPBELL, of Ohio, also introduced a bill (H. R. 4655) for the relief of Benjamin Neal; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD OUSEY.

Mr. COOPER introduced a bill (H. R. 4656) for the relief of Edward Ousey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA MOORE.

Mr. THOMPSON introduced a bill (H. R. 4657) granting a pension to Martha Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SARAH E. BROWN.

Mr. IKE H. TAYLOR introduced a bill (H. R. 4658) granting a pension to Sarah E. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. HUTCHESON.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 4659) for the relief of W. C. Hutcheson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATHEW S. PRICE.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 4660) for the relief of Mathew S. Price; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM WELSH.

Mr. IKE H. TAYLOR also introduced a bill (H. R. 4661) authorizing the President to appoint to the position he held when mustered out and, if he deems it advisable, to place on the retired-list William Welsh, late captain in the Twenty-fifth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HENRY H. KNOPP.

Mr. GROSVENOR introduced a bill (H. R. 4662) granting a pension to Henry H. Knopp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HENRY C. CRIPPEN.

Mr. GROSVENOR also introduced a bill (H. R. 4663) granting a pension to Henry C. Crippen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY M. HALL.

Mr. GROSVENOR (by request) also introduced a bill (H. R. 4664) granting a pension to Mary M. Hall; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GASTON WINTERS.

Mr. GROSVENOR also introduced a bill (H. R. 4665) granting a pension to Gaston Winters; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF CHRISTOPHER COTT.

Mr. GROSVENOR also introduced a bill (H. R. 4666) for the benefit of the heirs of Christopher Cott; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MARY FOUTZ.

Mr. GROSVENOR also introduced a bill (H. R. 4667) for the relief of Mary Foutz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LOSSES BY INDIAN DEPREDATIONS.

Mr. HERMAN introduced a bill (H. R. 4668) to provide and ascertain the losses sustained by the citizens of Oregon, Nevada, California, and Idaho and Washington Territories by reason of Indian depredations in 1853, 1854, 1855, 1856, 1872, and 1879, and for the appointment of three commissioners to take testimony at county seat or near scene of depredation and ascertain the actual value of private loss, carried away or destroyed, at the time and place of spoliation, and to report at once to the Treasury Department for report to Congress for appropriation; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ASTORIA AND WINNEMUCCA RAILROAD.

Mr. HERMAN also introduced a bill (H. R. 4669) to grant the Astoria and Winnemucca Railroad Company the right to construct bridges over navigable water courses; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS YOUNG'S BAY, OREGON.

Mr. HERMAN also introduced a bill (H. R. 4670) granting to the county of Clatsop, in the State of Oregon, the right to construct a bridge across Young's Bay, a navigable stream in said county and State; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN J. NANRY.

Mr. HERMAN also introduced a bill (H. R. 4671) for the relief of John J. Nanry, and to authorize the Secretary of the Interior to muster him into the military service of the United States and to pay him for his services as a private in Company C, Twenty-fifth New York Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MOSES PARROTT.

Mr. HERMAN also introduced a bill (H. R. 4672) granting a pension to Moses Parrott, of Company E, Fourth Regiment Kentucky Volunteers, in the Mexican war; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

C. L. QUACKENBUSH.

Mr. HERMAN also introduced a bill (H. R. 4673) for the relief of C. L. Quackenbush for false imprisonment; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF MICHAEL HOAK.

Mr. ERMENTROUT introduced a bill (H. R. 4674) for the relief of the estate of Michael Hoak, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CAPT. J. H. GILLIS.

Mr. ERMENTROUT also introduced a joint resolution (H. Res. 99) tendering the thanks of Congress to Capt. J. H. Gillis; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JOHN LEIDE.

Mr. BINGHAM introduced a bill (H. R. 4675) granting a pension to John Leide, late of Company H, Twenty-ninth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES LOWTHER.

Mr. BINGHAM also introduced a bill (H. R. 4676) removing a charge of desertion against Charles Lowther, late private of Company G, Sixty-first Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PAYMENT OF POSTAL NOTES.

Mr. BINGHAM also introduced a bill (H. R. 4677) to authorize the payment of postal notes at any money-order office, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JAMES MONOHAN, MINOR CHILD OF RICHARD MONOHAN.

Mr. BINGHAM also introduced a bill (H. R. 4678) restoring to the pension-roll the name of James Monohan, minor child of Richard Monohan, deceased, late a private in Company A, One hundred and eighty-sixth Regiment, Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABRAHAM MILLER.

Mr. BOYLE introduced a bill (H. R. 4679) granting a pension to Abraham Miller, late of Company F, One hundred and eighty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAPITAL STOCK OF NATIONAL BANKING ASSOCIATIONS.

Mr. BRUMM introduced a bill (H. R. 4680) to fix a maximum limit to the capital stock of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ELIZABETH SHULER.

Mr. EVANS introduced a bill (H. R. 4681) granting a pension to Elizabeth Shuler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AUGUSTUS D. SAYLOR.

Mr. EVANS also introduced a bill (H. R. 4682) for the relief of Augustus D. Saylor; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARTIN B. BRILLHART.

Mr. SWOPE introduced a bill (H. R. 4683) to relieve Martin B. Brillhart from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SAMUEL W. DANNER.

Mr. SWOPE also introduced a bill (H. R. 4684) to relieve Samuel W. Danner from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN A. ORENDORFF.

Mr. SWOPE also introduced a bill (H. R. 4685) for the relief of John A. Orendorff; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JONATHAN JONES.

Mr. BUNNELL introduced a bill (H. R. 4686) for the relief of Jonathan Jones, Company B, Fifty-second Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARES L. LOWREY.

Mr. BUNNELL also introduced a bill (H. R. 4687) providing for an increase of pension to Charles L. Lowery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHINE DA COSTA THOMAS.

Mr. BUNNELL also introduced a bill (H. R. 4688) granting a pension to Josephine Da Costa Thomas; which was read a first and second time,

referred to the Committee on Invalid Pensions, and ordered to be printed.

CHILDREN OF ALFRED M. OWEN.

Mr. RANDALL introduced a bill (H. R. 4689) for the relief of the children of the late Surg. Alfred M. Owen, and to increase their pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RIGHT TO FISH IN NAVIGABLE WATERS.

Mr. EVERHART introduced a bill (H. R. 4690) to equalize the right of fishing in the navigable waters of the United States which border on any State or Territory, and asked unanimous consent that it be referred to the Committee on Commerce.

There was no objection, and it was so referred.

PENSIONS FOR DEAFNESS.

Mr. EVERHART also introduced a bill (H. R. 4691) increasing the rate of pension for deafness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES MOLSEED.

Mr. EVERHART also introduced a bill (H. R. 4692) granting a pension to Charles Molseed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MULLIN.

Mr. EVERHART also introduced a bill (H. R. 4693) granting a pension to John Mullin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON TRACTION RAILWAY COMPANY.

Mr. CURTIN introduced a bill (H. R. 4694) to incorporate the Washington Traction Railway Company of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

WILLIAM J. HAWK.

Mr. CURTIN also introduced a bill (H. R. 4695) granting a pension to William J. Hawk; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARMS FOR MILITIA.

Mr. CURTIN also introduced a bill (H. R. 4696) to amend section 1661 of the Revised Statutes making an annual appropriation to provide arms and equipments for the militia; which was read a first and second time, referred to the Committee on the Militia, and ordered to be printed.

PETER SCHADDLE.

Mr. CURTIN also introduced a bill (H. R. 4697) granting a pension to Peter Schaddle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN L. JACOBS.

Mr. HIESTAND introduced a bill (H. R. 4698) granting an increase of pension to John L. Jacobs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN JACOBY.

Mr. HIESTAND also introduced a bill (H. R. 4699) granting a pension to Martin Jacoby, of Lancaster County, Pennsylvania, for the loss of his two sons in the war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN WANTZEL.

Mr. HIESTAND also introduced a bill (H. R. 4700) to pay Christian Wantzel a pension of $12 a month; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PILOTAGE.

Mr. HARMER introduced a bill (H. R. 4701) to create and establish the pilot service of the United States and to regulate the pilotage of vessels in ports and harbors along the seacoast of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PENSIONS.

Mr. HARMER also introduced a bill (H. R. 4702) amending sections 4756 and 4757 of the Revised Statutes relating to pensions to certain disabled persons who have served in the Navy or Marine Corps; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALIENS HONORABLY DISCHARGED FROM THE NAVY.

Mr. HARMER also introduced a bill (H. R. 4703) amending section 2166 of the Revised Statutes relative to aliens honorably discharged from the military service; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

CLOTHING OUTFIT IN THE NAVY.

Mr. HARMER also introduced a bill (H. R. 4704) to authorize the granting of an outfit of clothing to enlisted persons of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

LIBRARIES ON WAR VESSELS.

Mr. HARMER also introduced a bill (H. R. 4705) authorizing the Secretary of the Navy to provide libraries for the use of crews of vessels of war; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

NAVAL RETIRED-LIST.

Mr. HARMER also introduced a bill (H. R. 4706) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward," approved February 14, 1885; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

TEMPORARY NAVAL HOME.

Mr. HARMER also introduced a bill (H. R. 4707) to provide a temporary home for certain persons discharged from the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SAVINGS OF SEAMEN.

Mr. HARMER also introduced a bill (H. R. 4708) to provide for the deposit of the savings of seamen of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

WILLIAM A. WIGHAMAN.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 4709) to remove the charge of desertion from the military record of William A. Wighaman, late a member of Company G, Fifth Pennsylvania Reserve Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GEORGE M. PATTERSON.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4710) for the relief of George M. Patterson; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN W. BLAKE.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4711) granting a pension to John W. Blake; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB S. BIDDLE.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4712) to place the name of Jacob S. Biddle upon the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK KOONTZ.

Mr. CAMPBELL, of Pennsylvania, also introduced a bill (H. R. 4713) granting a pension to Frederick Koontz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HANNAH DIMOND.

Mr. JACKSON introduced a bill (H. R. 4714) granting a pension to Hannah Dimond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. HOOVER.

Mr. BOUND introduced a bill (H. R. 4715) granting a pension to George W. Hoover, Company D, Ninety-third Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAROLINE SEES.

Mr. BOUND also introduced a bill (H. R. 4716) to place the name of Caroline Sees, of Harrisburg, Pa., widow of Maj. Oliver W. Sees, upon the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE I. LANGWORTHY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 4717) to place the name of George I. Langworthy, late a soldier in the Eighty-fifth Regiment New York Volunteers, upon the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. M. M'GILL.

Mr. BROWN, of Pennsylvania, also introduced a bill (H. R. 4718) to place the name of J. M. McGill, late a soldier in the Twelfth Pennsylvania Cavalry, upon the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REAL ESTATE.

Mr. BAYNE introduced a bill (H. R. 4719) relating to proceedings in the United States courts by which real estate would be affected; which

was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARY E. HOKE.

Mr. ATKINSON introduced a bill (H. R. 4720) granting a pension to Mary E. Hoke, widow of Samuel D. Hoke, late of Company D, First Regiment Pennsylvania Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAWRENCE GROSS.

Mr. ATKINSON also introduced a bill (H. R. 4721) granting a pension to Lawrence Gross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH MARCH.

Mr. ATKINSON also introduced a bill (H. R. 4722) granting a pension to Elizabeth March, widow of Jesse March, late of Company E, Twelfth Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH E. VAN HORN.

Mr. STORM introduced a bill (H. R. 4723) granting a pension to Joseph E. Van Horn; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB SMITH.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 4724) to remove the charge of desertion from the military record of Jacob Smith, late of Company M, Second Regiment Pennsylvania Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM MILLER.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4725) to remove the charge of desertion from the military record of William Miller, late of Sixty-seventh Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN F. BAIRD.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4726) to remove the charge of desertion from the military record of John F. Baird, late of Company K, One hundred and forty-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PHILIP TAYLOR.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4727) to remove the charge of desertion from the military record of Philip Taylor, late of Company B, One hundred and fifth Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH SIRWELL.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 4728) granting a pension to Elizabeth Sirwell, widow of Col. William Sirwell, Seventy-eighth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE HILL, JR.

Mr. HEMPHILL (by request) introduced a bill (H. R. 4729) for the relief of George Hill, jr., of Georgetown, D. C.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY MURPHY.

Mr. PERRY introduced a bill (H. R. 4730) for the relief of Mary Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message from the President, in writing, was communicated to the House by Mr. PRUDEN, one of his secretaries.

FOURTH OF JULY CLAIMS.

Mr. RICHARDSON introduced a bill (H. R. 4731) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD F. WASSON.

Mr. RICHARDSON also introduced a bill (H. R. 4732) for the relief of the legal representatives of Richard F. Wasson, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES J. HILL.

Mr. RICHARDSON also introduced a bill (H. R. 4733) for the relief of Charles J. Hill; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. D. P. WOODBURY.

Mr. HOUK introduced a bill (H. R. 4734) to increase the pension of Mrs. D. P. Woodbury; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MELINDA BESHEARS.

Mr. HOUK also introduced a bill (H. R. 4735) granting a pension to Melinda Beshears; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM P. LOWERY.

Mr. HOUK also introduced a bill (H. R. 4736) granting a pension to William P. Lowery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS DUNCAN.

Mr. HOUK also introduced a bill (H. R. 4737) for the relief of Thomas Duncan; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

B. J. HARTLEY.

Mr. HOUK also introduced a bill (H. R. 4738) for the relief of B. J. Hartley, of Snoderly, Knox County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

IMPORTATION OF PAUPER LABOR.

Mr. CALDWELL introduced a bill (H. R. 4739) to prohibit the business of importing paupers, lazaroni, and beggars into the United States and Territories and hiring out the same; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

WILLIAM VANS MURRAY.

Mr. CALDWELL also introduced a bill (H. R. 4740) to authorize the purchase of the manuscripts of William Vans Murray; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

REAR-ADMIRAL CARTER.

Mr. CALDWELL also introduced a bill (H. R. 4741) for the relief of Rear-Admiral Carter; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

HERMAN BADER.

Mr. CALDWELL also introduced a bill (H. R. 4742) granting a pension to Herman Bader; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN D. WARE.

Mr. GLASS introduced a bill (H. R. 4743) for the relief of the legal representatives of John D. Ware, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SECTION 3701 REVISED STATUTES.

Mr. GLASS (by request) also introduced a bill (H. R. 4744) to repeal section 3701 of the Revised Statutes of the United States.

Mr. GLASS. I ask unanimous consent that this bill be referred to the Judiciary Committee. It proposes to repeal this section of the Revised Statutes, and as it would interfere with vested rights and probably involve a constitutional question, I ask this reference.

The bill was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM S. BEWLEY.

Mr. PETTIBONE introduced a bill (H. R. 4745) granting a pension to William S. Bewley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTHA LEWIS.

Mr. PETTIBONE also introduced a bill (H. R. 4746) for the relief of Martha Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

D. W. F. PEOPLES.

Mr. PETTIBONE also introduced a bill (H. R. 4747) for the relief of D. W. F. Peoples; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARGARET J. GRISHAM.

Mr. PETTIBONE also introduced a bill (H. R. 4748) for the relief of Margaret J. Grisham, widow of Capt. George E. Grisham, late of Company I, Eighth Tennessee Cavalry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES BOWMAN.

Mr. PETTIBONE also introduced a bill (H. R. 4749) for the relief of James Bowman, late a private of Company K, Fifth Tennessee Volunteers, in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

FIRST BAPTIST CHURCH OF CHATTANOOGA.

Mr. NEAL introduced a bill (H. R. 4750) for the relief of the First

Baptist church, in Chattanooga, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

O. M. THURMAN.

Mr. NEAL also introduced a bill (H. R. 4751) for the relief of O. M. Thurman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STERLING HUGHES.

Mr. NEAL also introduced a bill (H. R. 4752) granting a pension to Sterling Hughes, late a private in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ASSISTANT COMMITTEE CLERK.

Mr. NEAL also submitted a resolution authorizing the Committee on Claims, during the present session only, to employ an assistant clerk; which was referred to the Committee on Accounts.

R. R. AYCOCK.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 4753) for the relief of R. R. Aycock; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

R. M. HAWLEY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4754) for the relief of R. M. Hawley, of Benton County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BENJAMIN A. HAYES.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4755) for the relief of Benjamin A. Hayes, of Jackson, Tenn.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF J. C. SMITH.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4756) for the relief of the estate of J. C. Smith, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF JOHN A. TYSON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4757) for the relief of the estate of John A. Tyson, late of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

L. T. WILLIAMSON.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 4758) for the relief of L. T. Williamson, of Madison County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGAL REPRESENTATIVE OF DR. JOHN PITTMAN.

Mr. ZACH. TAYLOR introduced a bill (H. R. 4759) for the relief of the legal representative of Dr. John Pittman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

T. H. NORTON AND JAMES M'LEAN.

Mr. SYMES (by Mr. ZACH. TAYLOR) introduced a bill (H. R. 4760) for the relief of T. H. Norton and James McLean; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ACTS OF ARIZONA LEGISLATIVE ASSEMBLY.

Mr. LANHAM introduced a bill (H. R. 4761) to disapprove No. 35 of the acts of the Legislative Assembly of the Territory of Arizona entitled "An act to prevent the introduction of diseased cattle into the Territory of Arizona," approved March 2, 1885; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ALEXANDER N. SHIPLEY.

Mr. SAYERS introduced a bill (H. R. 4762) for the relief of Alexander N. Shipley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DENISON AND WASHITA VALLEY RAILWAY.

Mr. THROCKMORTON introduced a bill (H. R. 4763) to grant to the Denison and Washita Valley Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. THROCKMORTON also introduced a bill (H. R. 4764) to grant to the Denison and Washita Valley Railway Company a right of way through the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

BRIDGE ACROSS RED RIVER, TEXAS.

Mr. THROCKMORTON also introduced a bill (H. R. 4765) to authorize the Red River Bridge Company of Texas to maintain a bridge across the Red River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

EDWARD LEADER AND OTHERS.

Mr. THROCKMORTON (by request) also introduced a bill (H. R. 4766) for the relief of Edward Leader and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CONTRACTS OF SUBSIDIZED RAILROADS.

Mr. THROCKMORTON also submitted a resolution asking the Secretary of the Interior for information in regard to contracts of the subsidized railroads in certain cases; which was referred to the Committee on Pacific Railroads.

HEIRS OF JOHN WOOTEN.

Mr. STEWART, of Texas, introduced a bill (H. R. 4767) for the relief of the heirs of John Wooten, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. H. KEENE.

Mr. WELLBORN introduced a bill (H. R. 4768) for the relief of W. H. Keene; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

H. G. SCALES.

Mr. WELLBORN also introduced a bill (H. R. 4769) for the relief of H. G. Scales; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HEIRS OF JOHN RICE JONES, DECEASED.

Mr. MILLER introduced a bill (H. R. 4770) to indemnify the heirs and legal representatives of John Rice Jones, deceased, for the lands sold and otherwise appropriated by the United States within the limits of certain confirmed private land claims in the State of Illinois and to quiet titles; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM SCHUCHARDT.

Mr. CRAIN introduced a bill (H. R. 4771) for the relief of William Schuchardt; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

REPEAL OF SECTION 4716 REVISED STATUTES.

Mr. CRAIN also introduced a bill (H. R. 4772) to repeal section 4716 of the Revised Statutes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HEIRS OF JOSEPH E. WILSON.

Mr. CRAIN also introduced a bill (H. R. 4773) for the relief of the heirs of Joseph E. Wilson, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

GEORGE S. HAWLEY.

Mr. STEWART, of Vermont, introduced a bill (H. R. 4774) granting an increase of pension to George S. Hawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES MAHONEY.

Mr. CABELL introduced a bill (H. R. 4775) for the relief of James Mahoney, of Grayson County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

RICHARD I. KIMBALL.

Mr. LIBBEY introduced a bill (H. R. 4776) providing for the examination of Richard I. Kimball, corporal of Battery K, Second United States Artillery, for promotion to the rank of second lieutenant; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

TEMPTEY NORFLEET.

Mr. LIBBEY also introduced a bill (H. R. 4777) for the relief of Temptey Norfleet; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

FRANK GALT.

Mr. LIBBEY also introduced a joint resolution (H. Res. 100) for the relief of Frank Galt, a notary public for the District of Columbia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT FREDERICKSBURG, VA.

Mr. CROXTON introduced a bill (H. R. 4778) to provide for the erection of a United States public building in the city of Fredericksburg, Va.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ROAD TO NATIONAL CEMETERY, FREDERICKSBURG, VA.

Mr. CROXTON also introduced a bill (H. R. 4779) to provide for macadamizing the road from the railroad to the national cemetery in

the city of Fredericksburg, Va.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MONUMENT TO THE MOTHER OF WASHINGTON, FREDERICKSBURG, VA.

Mr. CROXTON also introduced a bill (H. R. 4780) for the completion of the monument to Mary, the mother of Washington, at Fredericksburg, Va.; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

GEORGE W. DILLON.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 4781) for the relief of George W. Dillon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ELIZABETH M'KAY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4782) granting a pension to Elizabeth McKay; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. E. J. EPLING.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4783) granting a pension to Mrs. E. J. Epling; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN PULLY.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4784) granting a pension to John Pully, of Company K, First Veteran Regiment, West Virginia Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN THOMPSON.

Mr. GIBSON, of West Virginia, also introduced a bill (H. R. 4785) granting a pension to John Thompson, late a member of Company D, Ninety-first Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EQUALIZING PAY OF FOLDERS.

Mr. GIBSON, of West Virginia (by request), also introduced a bill (H. R. 4786) to equalize the pay of the folders of the folding-room of the House of Representatives; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

DAVID GRAY PURMAN.

Mr. THOMAS, of Wisconsin, introduced a bill (H. R. 4787) granting an increase of pension to David Gray Purman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMILY R. ROBERTS.

Mr. VAN SCHAICK (by Mr. THOMAS, of Wisconsin) introduced a bill (H. R. 4788) granting a pension to Emily R. Roberts, widow of Smith M. Roberts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF PENSION LAWS.

Mr. LA FOLLETTE introduced a bill (H. R. 4789) to amend chapter 352 of the laws of 1885, relating to pensions of soldiers and sailors who lost an arm at the shoulder-joint; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES W. HARVEY.

Mr. PRICE introduced a bill (H. R. 4790) for the relief of James W. Harvey, as assignee of Joseph Perkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SAMANTHA R. LAPHAM.

Mr. PRICE also introduced a bill (H. R. 4791) granting an increase of pension to Samantha R. Lapham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PURCHASERS OF SWAMP LANDS, ETC.

Mr. CASWELL introduced a bill (H. R. 4792) for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and indemnify certain States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

BRIDGE OVER MISSOURI RIVER.

Mr. GIFFORD introduced a bill (H. R. 4793) to authorize the Chicago, Milwaukee and Saint Paul Railway Company to construct, operate, and maintain a pile ponton railway bridge across the Missouri River near or in the vicinity of Chamberlain, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SCHOOL OF FORESTRY.

Mr. GIFFORD also introduced a bill (H. R. 4794) granting lands for a school of forestry to be located at Aberdeen, Dak., and for other purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THEODORE D. KANAUSE.

Mr. GIFFORD also introduced a resolution to admit Theodore D. Kanause to the floor of the House; which was referred to the Committee on Rules.

EDWARD H. BERGMAN.

Mr. JOSEPH introduced a bill (H. R. 4795) for the relief of Edward H. Bergman; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HUGO WEDELES.

Mr. JOSEPH also introduced a bill (H. R. 4796) for the relief of Hugo Wedeles; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ROBERT H. STAPLETON.

Mr. JOSEPH also introduced a bill (H. R. 4797) granting a pension to Robert H. Stapleton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

H. H. KIDDER.

Mr. JOSEPH also introduced a bill (H. R. 4798) for the relief of H. H. Kidder, assignee; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CARATAT C. ROWE.

Mr. CAINE introduced a bill (H. R. 4799) granting a pension to Caratat C. Rowe; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed; but if there be no objection gentlemen who were not in their seats when their States were called will now be recognized for the introduction of bills and resolutions.

There was no objection.

MATILDA CALDWELL.

Mr. LORE introduced a bill (H. R. 4800) for the relief of Matilda Caldwell (late Matilda Sparks); which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. LORE (by request) also introduced a bill (H. R. 4801) relating to section 1594 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

BILLS OF LADING.

Mr. KING introduced a bill (H. R. 4802) to make bills of lading conclusive evidence in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GAS-LIGHTED BEACONS, ETC., ON THE MISSISSIPPI.

Mr. KING also introduced a bill (H. R. 4803) for the establishment and maintenance of gas-lighted beacons and buoys on the Mississippi River; which was read a first and second time.

The SPEAKER. In the opinion of the Chair, this bill should be referred to the Committee on Commerce.

Mr. KING. I ask unanimous consent that it be referred to the Committee on Levees and Improvement of the Mississippi River.

The SPEAKER. Is there objection?

Mr. REAGAN. This subject is before the Committee on Commerce, and I think the bill had better go to that committee.

The SPEAKER. Objection being made, the bill will be referred to the Committee on Commerce, to which, in the opinion of the Chair, it properly belongs under the rules.

The bill was accordingly referred to the Committee on Commerce, and ordered to be printed.

PENSIONS.

Mr. KING also introduced a bill (H. R. 4804) granting pensions to the soldiers and sailors of the Mexican war, and for other purposes; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CONVENTION WITH HAWAIIAN ISLANDS.

Mr. KING also introduced a joint resolution (H. Res. 101) to give notice to terminate the convention of June 3, 1875, with His Majesty the King of the Hawaiian Islands; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

GEORGE E. W. SHARRETTS.

Mr. FINDLAY introduced a bill (H. R. 4805) for the relief of George E. W. Sharretts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE ACROSS EASTERN BRANCH.

Mr. COMPTON introduced a bill (H. R. 4806) to authorize the construction of a bridge across the Eastern Branch of the Potomac River at the foot of Pennsylvania avenue east; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

FRENCH SPOLIATIONS.

Mr. REED, of Maine, submitted the following resolution; which was referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested, if not incompatible with the public service, to furnish to the House a copy of the report of payments under the convention of 1830 with France called French spoliations, which was furnished from the Register's Office of the Treasury Department to the State Department, with letter of December 28, 1885.

SETTLERS ON PUBLIC LANDS.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 4807) for the relief of homestead and pre-emption settlers on the public lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM FIELD.

Mr. ELY introduced a bill (H. R. 4808) granting a pension to William Field; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADULTERATION OF FOOD.

Mr. FREDERICK introduced a bill (H. R. 4809) to prevent the adulteration or imitation of food; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMERY C. PENNELL.

Mr. FREDERICK also introduced a bill (H. R. 4810) for the relief of Emery C. Pennell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SURETIES OF DENNIS MURPHY.

Mr. WILSON introduced a bill (H. R. 4811) for the relief of the sureties of Dennis Murphy, former paymaster and military storekeeper at the national armory at Harper's Ferry, Va.; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MATHIAS WONDRAK.

Mr. PAYSON (by request) introduced a bill (H. R. 4812) granting a pension to Mathias Wondrak; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PERRY JOHNSON.

Mr. HALL introduced a bill (H. R. 4813) granting a pension to Perry Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF FROM CHARGE OF DESERTION.

Mr. BRECKINRIDGE, of Arkansas (by request) introduced a bill (H. R. 4814) to relieve certain soldiers of the late war of the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONVICT LABOR.

Mr. WILLIS introduced a bill (H. R. 4815) directing the Bureau of Labor Statistics to collect statistics relating to criminals and convict labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MRS. LETITIA J. GARRARD.

Mr. WILLIS also introduced a bill (H. R. 4816) granting a pension to Mrs. Letitia J. Garrard; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SILAS M. GRAY.

Mr. WILLIS also introduced a bill (H. R. 4817) granting a pension to Silas M. Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS P. MYRICK.

Mr. WILLIS also introduced a bill (H. R. 4818) granting a pension to Thomas P. Myrick; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE TAIFE.

Mr. WILLIS also introduced a bill (H. R. 4819) granting an increase of pension to George Taife; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELLEN A. VINECOVE.

Mr. WILLIS also introduced a bill (H. R. 4820) granting a pension to Mrs. Ellen A. Vinecove; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT TO CONSTITUTION OF UNITED STATES.

Mr. WILLIS also introduced a joint resolution (H. Res. 102) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

EMPLOYMENT OF CONVICT LABOR.

Mr. WILLIS also introduced a joint resolution (H. Res. 103) providing that in the employment of labor on the public works of the Government preference shall be given to residents and citizens of the United States, and forbidding the employment of convict labor; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MATILDA REINOEHL.

Mr. LANDES introduced a bill (H. R. 4821) granting a pension to Matilda Reinoehl; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES H. HAMMOND.

Mr. LANDES also introduced a bill (H. R. 4822) for the relief of Charles H. Hammond from the charge of desertion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

COLLECTION DISTRICT, DULUTH, MINN.

Mr. NELSON introduced a bill (H. R. 4823) relating to the customs collection district of Duluth, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES MORGAN.

Mr. PERKINS introduced a bill (H. R. 4824) granting an increase of pension to James Morgan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. H. THOMBURG.

Mr. HANBACK introduced a bill (H. R. 4825) for the relief of J. H. Thomburg; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

FORT HAYS MILITARY RESERVATION.

Mr. HANBACK also introduced a bill (H. R. 4826) to provide for the disposition of a portion of the Fort Hays military reservation, in the State of Kansas; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SUSANNAH ARTHINGTON.

Mr. WADSWORTH introduced a bill (H. R. 4827) granting a pension to Susannah Arthington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE F. RIDER.

Mr. BARBOUR (by request) introduced a bill (H. R. 4828) for the relief of George F. Rider; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

On motion of Mr. WELLBORN, by unanimous consent the Committee on Indian Affairs was discharged from the further consideration of bills of the following titles; which were severally referred to the Committee on Claims, namely:

A bill (H. R. 1366) for the relief of Boggs & Allen;

A bill (H. R. 2263) for the relief of Basil Moreland;

A bill (H. R. 2845) to authorize the Secretary of the Interior to adjust and pay to citizens of Idaho and Montana Territories expenses and losses incurred in the suppression of Indian hostilities in the years 1877 and 1878; and

A bill (H. R. 2855) for the relief of the heirs of Miguel Desmarais and others.

On motion of Mr. WELLBORN also, by unanimous consent the Committee on the Judiciary was discharged from the further consideration of the bill (H. R. 3761) to quiet land titles in the State of Mississippi; and the same was referred to the Committee on Claims.

PAY OF HOUSE EMPLOYÉS.

Mr. BROWNE, of Indiana (by request), by unanimous consent, introduced a resolution providing for the payment to House employés of the balance of the month's pay for the month in which they were discharged; which was referred to the Committee on Accounts.

MARTIN KENOFSKY.

Mr. BELMONT. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the bill H. R. 3444, and that the same be referred to the Committee on Claims.

The SPEAKER. The Chair will state that when the committees are called it is always in order to report back bills which have been improperly referred and ask to be discharged from their further consideration. If there be no objection, however, the change of reference will be made now. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3444) for the relief of the heirs of Martin Kenofsky.

There being no objection, the bill was referred to the Committee on Claims.

VINCENT BOWLIN.

Mr. COBB introduced a bill (H. R. 4829) granting a pension to Vincent Bowlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POST-OFFICE BUILDING, POUGHKEEPSIE, N. Y.

The SPEAKER. On the 18th of the present month the Chair laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Supervising Architect of an appropriation of $10,000 for the approaches to the United States post-office building at Poughkeepsie, N. Y. Supposing that this was not a work already provided for by law, the Chair sent the communication to the Committee on Public Buildings and Grounds. Having since learned that the work is already authorized by law, the Chair thinks the reference should be changed to the Committee on Appropriations; and if there be no objection that order will be made.

There was no objection, and the change of reference was ordered accordingly.

CHARLES HALE.

Mr. LAFFOON, by unanimous consent, introduced a bill (H. R. 4830) for the relief of Charles Hale; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ROBERT RAY.

Mr. LAFFOON, by unanimous consent, also introduced a bill (H. R. 4831) granting a pension to Robert Ray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. M'KINNEY.

Mr. LAFFOON, by unanimous consent, also introduced a bill (H. R. 4832) granting a pension to James M. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GREEN AND BARREN RIVER NAVIGATION COMPANY.

Mr. LAFFOON, by unanimous consent, also submitted the following resolution; which was read, and referred to the Committee on Rivers and Harbors:

Resolved, That the Secretary of War be, and he is hereby, directed to ascertain and report at the earliest practicable period upon what terms the franchise and property of the Green and Barren River Navigation Company in Kentucky can be obtained and conveyed to the United States so that said streams may be opened with their large commerce free to the people of the States.

BALANCES DUE TO AND FROM UNITED STATES.

Mr. GIBSON, of West Virginia. I understand the call of States and Territories has now been completed. I desire on behalf of the Committee on Expenditures in the Department of Justice to make the privileged report, which I send to the desk.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of this House a report of all balances due to and from the United States, as shown by the books of the offices of the Register and Sixth Auditor of the Treasury Department, from 1789 to the 30th of June, 1885.

That the Secretary of War and the Postmaster-General be directed to furnish reports of such balances as shown by the books of their respective Departments.

Mr. GIBSON, of West Virginia. I am instructed by the Committee on Expenditures in the Department of Justice to ask for the adoption of the resolution which has just been read.

Mr. REED, of Maine. How does that resolution come before the House?

The SPEAKER. The Chair does not know. He supposes it was referred to the Committee on Expenditures in the Department of Justice.

Mr. REED, of Maine. Has it been referred?

The SPEAKER. The Chair will examine. [After a pause.] It does not appear either from the resolution itself or the report accompanying it that this has been referred to the Committee on Expenditures in the Department of Justice.

Mr. REED, of Maine. Committees have not a general power of reporting what has not been referred to them.

Mr. SPRINGER. I introduced a resolution of that kind and had it referred to that committee, and I presume the committee has reported back the resolution.

Mr. GIBSON, of West Virginia. There was a resolution relating to this matter which was referred to the committee, but the Department communicated with the committee on the subject, and desired the resolution in a different form.

The SPEAKER. The committee should have reported back the original resolution with such amendments as they thought proper.

Mr. GIBSON, of West Virginia. I will ask leave to withdraw the report for the present.

The SPEAKER. The Chair thinks the report is not properly before the House.

Mr. REED, of Maine. Perhaps with the assistance of his new clerk the gentleman can get it into proper form.

REPORT OF NATIONAL SOLDIERS' HOME.

Mr. FARQUHAR. I am instructed by the Committee on Printing to make a privileged report, which I send to the desk.

The Clerk read as follows:

The Committee on Printing, to whom was referred the resolution providing for the printing of 250 copies of the annual report of the president of the Board of Managers of the National Homes for Disabled Volunteer Soldiers (H. R. Mis. Doc. 259), respectfully report the same back to the House and recommend its passage. The estimated cost is $73.65.

The resolution is as follows:

Resolved, That 250 copies of the annual report of the president of the Board of Managers of the National Homes for Disabled Volunteer Soldiers be printed for the use of the said homes.

The resolution was adopted.

Mr. FARQUHAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore* (Mr. WELLBORN). The morning hour for the call of committees for reports begins at three minutes to 3 o'clock.

TAXATION OF DISTILLED SPIRITS.

Mr. MORRISON, from the Committee on Ways and Means, reported a bill (H. R. 4833) relating to the taxation of fractional parts of a gallon of distilled spirits; which was read a first and secend time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SECTION 533 REVISED STATUTES.

Mr. CULBERSON, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 3160) to amend section 533 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

JUDICIAL DISTRICTS IN TEXAS.

Mr. CULBERSON, from the Committee on the Judiciary, also reported back with a favorable recommendation the bill (H. R. 4378) to detach Hood County, Texas, from the Waco branch of the northern judicial district of Texas and attach the same to the Graham branch of said district, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DEPOSITIONS FOR UNITED STATES COURTS.

Mr. CULBERSON, from the Committee on the Judiciary, also reported, as a substitute for H. R. 2419, a bill (H. R. 4834) to provide an additional mode of taking depositions of witnesses in cases pending in the courts of the United States; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 2419 was laid on the table.

NATIONAL BANKS.

Mr. ADAMS, of Illinois, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 327) to enable national banking associations to increase their capital stock and to change their names or locations; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MISSISSIPPI WATER POWER AND BOOM COMPANY.

Mr. DUNHAM, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 1270) to authorize the Mississippi Water Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ALIENS AS ENGINEERS AND PILOTS.

Mr. TARSNEY, from the Committee on Commerce, reported back with amendments the bill (H. R. 1200) to amend an act entitled "An act to authorize the employment of certain aliens as engineers and pilots," approved April 17, 1874; which was referred to the House Calendar, and the accompanying report ordered to be printed.

REMOVAL OF THE RAWLINS STATUE.

Mr. ERMENTROUT, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 606) to authorize the removal of the statue of Maj. Gen. John A. Rawlins from its present location to a site to be selected by the Secretary of War; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ALICE L. HOLBROOK.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 1084) granting a pension to Alice S. Holbrook; which was referred to the Committee of the Whole

House on the Private Calendar, and the accompanying report ordered to be printed.

DANIEL CONNOLLY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 225) granting a pension to Daniel Connolly; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARTHA E. TURNEY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 226) granting a pension to Mrs. Martha E. Turney; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the following; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 213) granting an increase of pension to Joseph Potts; and

Petition of Charles G. Rodman, for arrears of pensions.

JEPHTHA HORNBECK.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 788) granting a pension to Jephtha Hornbeck; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN PREWITT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 721) to place the name of John Prewitt on the pension-roll; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAAC CHENOWETH.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 1352) granting a pension to Isaac Chenoweth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FREDERICK BOTTGER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 77) granting a pension to Frederick Bottger; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. AMY A. HUNT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3538) granting a pension to Mrs. Amy A. Hunt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. BLAKE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3520) granting a pension to William H. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MATTHIAS LECKNER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (S. 377) granting a pension to Matthias Leckner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 727) to place the name of Nancy E. Morris on the pension-roll;
A bill (H. R. 722) granting a pension to Porter B. Hewitt;
A bill (H. R. 3097) to increase the pension of William W. Andrew;
A bill (H. R. 1347) granting a pension to Alexander Evans;
A bill (H. R. 803) granting a pension to James J. Shaner;
A bill (H. R. 797) granting a pension to William H. Nelson; and
A bill (H. R. 3103) for the relief of William C. H. Bowman.

MRS. LOUISA NOLAND.

Mr. ELLSBERRY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1824) granting a pension to Mrs. Louisa Noland; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. CONGER, by unanimous consent the Committee on Invalid Pensions was discharged from the further consideration of bills of the following titles; and they were respectively referred as indicated:

A bill (H. R. 629) for the relief of John Kennedy—to the Committee on Military Affairs.

A bill (H. R. 639) granting a pension to Andrew J. Elliott—to the Committee on Pensions.

ALBERTINE COCKRUM.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 116) for the relief of Albertine Cockrum; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SIDNEY SHERWOOD.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 3387) granting a pension to Sidney Sherwood; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES MORGAN.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 618) granting a pension to James Morgan; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be painted.

ADVERSE REPORTS.

Mr. CONGER, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 638) granting a pension to Robert J. Gillespie;
A bill (H. R. 637) granting a pension to James Lang;
A bill (H. R. 123) for the relief of Jabez Chamberlin;
A bill (H. R. 139) for the relief of Wilson G. Gray;
A bill (H. R. 628) for the relief of Thomas Brockett; and
A bill (H. R. 632) for the relief of Thomas Williams.

ELIZABETH KAHLER.

Mr. SAWYER, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1575) granting a pension to Elizabeth Kahler; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEWTON O. BAKER.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1589) for the relief of Newton O. Baker; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

TIMOTHY PAIGE.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1590) for the relief of Timothy Paige; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SARAH L. BRAGG.

Mr. SAWYER, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1574) granting a pension to Sarah L. Bragg; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ANSON B. SAMS.

Mr. O'HARA, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1701) granting a pension to Anson B. Sams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH WILLIAMS.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1703) granting a pension to Joseph Williams; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISAAC MOORE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1255) granting a pension to Isaac Moore; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE C. HAYNIE.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1711) for the relief of George C. Haynie; which was referred to the Committee of the Whole House on

the Private Calendar, and the accompanying report ordered to be printed.

MRS. MARY RINGGOLD ARCHER.

Mr. O'HARA, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 64) granting arrears of pension to Mrs. Mary Ringgold Archer; which was laid on the table, and the accompanying report ordered to be printed.

PHŒBE SAUNDERS.

Mr. PINDAR, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1564) granting a pension to Phœbe Saunders; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LOIS HOLT.

Mr. HAYNES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 1469) granting a pension to Lois Holt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY MURPHY.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1472) granting a pension to Mary Murphy; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M. MILTON.

Mr. HAYNES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 4125) granting a pension to John M. Milton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

FRANCES M'NEAL POTTER.

Mr. JONES, of Alabama, from the Committee on Pensions, reported back with amendment the bill (H. R. 1625) for the relief of Frances McNeal Potter; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, received by Mr. McCOOK, its Secretary, announced that it had adopted the following resolutions:

IN THE SENATE OF THE UNITED STATES, *January* 26, 1886.

Resolved, That the Senate has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States and for a number of years a distinguished member of this body.

Resolved, That the business of the Senate be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives.

Attest:

ANSON G. McCOOK, *Secretary*.

PENSIONS TO MEXICAN WAR SOLDIERS AND SAILORS.

Mr. ELDREDGE, from the Committee on Pensions, reported back with amendments the bill (H. R. 807) granting pensions to the soldiers and sailors of the Mexican war; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

THOMAS D. FRENCH.

On motion of Mr. THOMPSON, the Committee on Pensions was discharged from the further consideration of the bill (H. R. 1325) for the relief of Thomas D. French, and the same was referred to the Committee on Invalid Pensions.

ROBERT D. FORT.

Mr. WOLFORD, from the Committee on Pensions, reported back with an amendment the bill (H. R. 1319) to increase the pension of Robert D. Fort; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

H. J. T. MOSS.

Mr. LANHAM, from the Committee on Claims, reported back favorably the bill (H. R. 2463) for the relief of H. J. T. Moss; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID WEBSTER.

Mr. GALLINGER, from the Committee on Claims, reported back favorably the bill (H. R. 1464) for the relief of David Webster; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DAVID W. JONES.

Mr. GALLINGER, from the Committee on Claims, also reported back the bill (H. R. 1567) for the relief of David W. Jones; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY WASHBURN AND THOMAS WASHBURN.

Mr. GALLINGER, from the Committee on Claims, also reported back adversely the bill (H. R. 398) for the relief of Henry Washburn and Thomas Washburn.

Mr. EDEN. I move that that report be referred to the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

JOHN A. MORRIS.

Mr. NEAL, from the Committee on Claims, reported back favorably the bill (H. R. 274) for the relief of John A. Morris; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

B. JENNINGS.

Mr. WARNER, of Missouri, from the Committee on Claims, reported back favorably the bill (S. 85) for the relief of B. Jennings; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. HENRY H. HUMPHREY.

On motion of Mr. SPRINGER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 223) for the relief of Capt. Henry H. Humphrey; and the same was referred to the Committee on Military Affairs.

WAR CLAIMS.

On motion of Mr. SPRINGER, the Committee on Claims was also discharged from the further consideration of bills of the following titles; and the same were severally referred to the Committee on War Claims:

A bill (H. R. 93) for the relief of Edward Fitzgerald;

A bill (H. R. 37) for the relief of William Wright; and

A bill (H. R. 697) for the relief of Isaac A. Meyer.

JOHN DANIEL, DECEASED.

Mr. GEDDES, from the Committee on War Claims, reported back favorably the bill (S. 296) for the relief of the legal representatives of John Daniel, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REINHART BREINNEIRS AND OTHERS.

Mr. KLEINER, from the Committee on War Claims, reported back adversely the petition for the relief of Reinhart Breinneirs, John H. Moas, Henry W. Kolkmeyer, Frank Breinneirs, and Louis Tompkins, which was laid on the table, and the accompanying report ordered to be printed.

HEIRS OF THE LATE LIEUT. JOHN F. STEWART.

Mr. REID, of North Carolina, from the Committee on War Claims, reported back favorably the bill (H. R. 1732) for the relief of the heirs of the late Lieut. John F. Stewart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ROBERT H. CLEEVE.

Mr. REID, of North Carolina, from the same committee, also reported back adversely a petition for the relief of Robert H. Cleeve; which was laid on the table, and the accompanying report ordered to be printed.

IDA S. RICHARDSON AND OTHERS.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back with a favorable recommendation the bill (S. 178) for the relief of Ida S. Richardson, Caroline A. Urquhart, and Cora A. Slocomb, as heirs at law of Cora A. Slocomb, deceased; and Ida A. Richardson and Caroline Augusta Urquhart; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. LYMAN, by unanimous consent, submitted the views of the minority on said bill; which were ordered to be printed with the report of the committee.

ALFRED M'MURTRIE.

Mr. HIESTAND, from the Committee on War Claims, reported back with an amendment the bill (H. R. 2066) for the relief of Alfred McMurtrie; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS M'BRIDE.

Mr. HIESTAND, from the Committee on War Claims, also reported a bill (H. R. 4835) for the relief of Thomas McBride; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. COMSTOCK, from the Committee on War Claims, reported back with an adverse recommendation the petition of Col. William Clift; which was ordered to be laid on the table and the accompanying report printed.

JOSEPH W. PARISH.

Mr. LYMAN, from the Committee on War Claims, reported back with favorable recommendation the bill (S. 241) for the relief of Joseph W. Parish; which was referred to the Committee of the Whole House

on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. WHITEHEAD.

Mr. LYMAN, from the Committee on War Claims, also reported a bill (H. R. 4737) for the relief of Mary E. Whitehead, of Phillips County, Arkansas; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMMA H. FISH.

Mr. LYMAN, from the Committee on War Claims, also reported back with amendments a bill (H. R. 1185) for the relief of Emma H. Fish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. LYMAN, from the Committee on War Claims, also reported back with an adverse recommendation the bill (H. R. 2151) for the relief of the legal representatives of Maj. William Kendall; which was ordered to be laid on the table and the accompanying report printed.

UNIONTOWN, DISTRICT OF COLUMBIA.

Mr. BARBOUR, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (S. 633) to change the name of Uniontown to Anacostia; which was read a first and second time, referred to the House Calendar, and, with the accompany report, ordered to be printed.

POTOMAC RIVER FLATS.

Mr. BARBOUR, from the Committee on the District of Columbia, also reported back with amendments the bill (S. 335) to provide for protecting the interests of the United States in the Potomac River Flats, District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CONGRESSIONAL LIBRARY.

Mr. SINGLETON, from the Committee on the Library, reported back the bill (H. R. 1297) authorizing the construction of a building for the accommodation of the Congressional Library; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DISTRIBUTION UNITED STATES STATUTES AND CONGRESSIONAL RECORD.

Mr. BARKSDALE, from the Committee on Printing, reported back the bill (H. R. 598) to provide for the distribution of the Statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ABOLITION OF CERTAIN SHIPPING FEES.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported, as a substitute for H. R. 991, a bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The SPEAKER. If there be no objection the bill for which this is a substitute will be laid upon the table.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER. The call of standing and select committees for reports has been completed. The Chair will now recognize gentlemen who were not in their seats when their committees were called.

RED LAKE INDIAN RESERVATION.

Mr. PEEL, from the Committee on Indian Affairs, reported back with amendments, the bill (H. R. 1269) in relation to the Red Lake Indian reservation, in the State of Minnesota; which, with the amendments and the accompanying report, was referred to the House Calendar, and ordered to be printed.

ALEXANDER K. SHEPARD.

Mr. MCKENNA, from the Committee on Claims, reported back with a favorable recommendation the bill (H. R. 33) for the relief of Alexander K. Shepard; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ESTATE OF FRANK SOULÉ.

Mr. MCKENNA, from the Committee on Claims, also reported back with a favorable recommendation the bill (S. 163) releasing the estate of Frank Soulé, late collector of internal revenue for the first district of the State of California, and his sureties on his official bond; which was referred to the Committee of the Whole House on the Private Calender, and, with the accompanying report, ordered to be printed.

J. M. LOBBAN.

Mr. MCKENNA, from the Committee on Claims, also reported back with amendments the bill (S. 416) for the relief of J. M. Lobban; which, with the amendments and the accompanying report, was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. Under the rule the Chair will now proceed to call committees for one hour for the consideration of bills. The hour begins at twelve minutes before 4 o'clock.

Mr. SMALLS. I ask unanimous consent to introduce some bills for reference.

The SPEAKER. Under the rule of the House the Chair is compelled to proceed immediately with the second call of committees. After that is completed the Chair will recognize the gentleman to ask unanimous consent.

The Committee on War Claims was called.

Mr. GEDDES. I call up House bill No. 899 for present action, and with that view, if necessary, I will move that the House resolve itself into Committee of the Whole for the consideration of that bill.

The SPEAKER. What is the bill?

Mr. GEDDES. It is a bill based on the claims reported by the accounting officers of the Treasury.

The SPEAKER. The bill is on the Private Calendar, and can not be reached under this call.

THE REVISED STATUTES.

The Committee on the Judiciary was called.

Mr. TUCKER. I call up for present consideration the resolution which I reported the other day from the Committee on the Judiciary. It is a request to the Secretary of State to furnish to the House Library a number of copies of the Revised Statutes.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, That the Secretary of State be requested, if convenient, to transmit to the House, to be placed in its Library, 100 copies of the second edition of the Revised Statutes of the United States, with Supplement thereto.

The SPEAKER. The Clerk will read the report.

The report (by Mr. TUCKER) was read, as follows:

The Committee on the Judiciary, to whom was referred House resolution relative to the Revised Statutes, respectfully report back the resolution, with a recommendation that it do pass.

The Secretary of State has a large number of copies of the Revised Statutes and Supplement thereto on hand, and there are not enough in the possession of the House for the use of the members. The purpose is to supply these books for the use of members during the sessions of Congress.

The resolution was adopted.

Mr. TUCKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RETIREMENT OF NAVY OFFICERS.

The Committee on Naval Affairs was called.

Mr. THOMAS, of Illinois. I call up from the House Calendar the bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous services in battle or who have served thirty years in the Navy.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act any officer of the Navy, of the line or staff, or any person holding rank as such by law and borne upon the Navy Register, who has been conspicuous in battle, or who has served the Government faithfully and honorably for thirty years, may be placed on the retired-list of the Navy, with the rank and retired pay of the next higher grade; but no officer shall be retired under this act except on his own application.

SEC. 2. That any officer wishing to be retired under this act shall make a written application to that effect to the Secretary of the Navy, who shall thereupon appoint a board of not less than five officers, superior in rank to the applicant, to determine whether he is entitled to the benefit thereof.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. BALLENTINE) was read, as follows:

The committee to whom was referred the bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have served thirty years in the Navy, or who have rendered conspicuous services in battle, beg leave to state that they have had the matter under consideration, and find that this bill was fully considered by the Committee on Naval Affairs in the Forty-eighth Congress, and favorably reported by them to the House. After a thorough examination of that report we recommend its adoption and the passage of the bill.

[House Report No. 824, Forty-eighth Congress, first session.]

The committee have examined carefully into the matter of this bill, and believe that such a measure of relief for officers of the Navy is just to them and greatly needed.

There are a number of officers in the Navy of the lower grades who receive no advancement for years, and who are not benefited by the retirement law, and are continued in the service after attaining the age of sixty-two years. Many of these officers are volunteers, who were selected to remain in the Navy at the close of the civil war, and who had performed gallant and meritorious service. Some of them have already attained (or nearly so) the age prescribed for retirement, having entered the service late in life, yet they receive no benefit by the present retiring law, which requires forty years' service. The provisions of this act include what are known as forward officers, boatswains, gunners, carpenters, sailmakers, &c., who, under the present law, have no advancement from the time they receive their appointments until death, although it can not be questioned that their services are as hard, dangerous, and gallant, as a rule, as any other class. There is also a class of officers of the line and staff who, under existing laws, receive no benefits of retirement, who have performed as gallant and

meritorious service as any other class who will be benefited by the passage of this bill.

Some of these officers were advanced in 1865 for gallantry by a board of admirals, but who since that time have lost all advantage of such advancement, the act of Congress having been set aside from time to time; and in many cases officers not recommended have superseded them in promotion. The effect of various acts of Congress looking to a reduction of the Navy has been to bar from promotion the next higher grade, except in a few cases, to about seven years. This is not only disheartening to these officers, but manifestly unjust.

The committee think the provisions of the bill do a long-deferred justice to officers of the Navy, which has been extended to the Army, and we recommend the adoption of this report and the passage of the bill as amended.

Mr. THOMAS, of Illinois. The classes of cases covered by this bill are described so carefully and fully by the report made by the honorable gentleman from Tennessee [Mr. BALLENTINE], that it scarcely seems necessary or possible to add further explanation.

The Navy Register has upon it quite a number of officers who under the law can not be promoted; in fact, they cannot be advanced at all. They came into the service during the war of the rebellion and have been continued on the Navy Register from that time until now. Many of them have been in the service for thirty years. Many of them performed conspicuous acts of gallantry during the war; and yet, under the law for the reduction or reorganization of the Navy, these men are allowed no promotion whatever, and have to-day the same rank and the same pay they had many years ago.

This bill will benefit that class of officers and will enable them to retire from a service in which they are no longer needed. By reason of age and hardships undergone in the past they are no longer able to perform the duties which should be performed by officers holding their rank. This bill applies to another class of officers, some of whom occupy high positions in the Navy, officers who have held their positions for a long time, and who by reason of lack of qualifications or some other unhappy circumstance are regarded by the Department as unfit to take command of either ships or squadrons. There are many instances where officers have been kept "on leave" or "waiting orders" for many years because the Department was not willing to trust them with the command of a ship or a squadron. Their conduct is such that charges can not be preferred against them; they can not be tried by court-martial and the service freed from them in that way; and they hang on and on and on, blocking promotion, and yet rendering no service to the country.

It is for the purpose of giving such officers as I have described an opportunity to get out of the way of the competent and progressive men—the bright, intelligent, active element of the service, the useful and effective officers of the Navy—that this bill is presented to the House.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. THOMAS, of Illinois. Yes, sir.

Mr. BROWNE, of Indiana. Do you propose to retire those officers also with the advanced rank—to put worthless men on the retired-list on do-nothing pay?

Mr. THOMAS, of Illinois. Mr. Speaker, we shall find it cheaper to allow these officers two-thirds pay on the retired-list than full pay on the active-list. We want men on the active-list who are able to discharge the duties of their positions, and this bill proposes the only means by which we can get rid of what has been called time and time again the "dead wood" of the service.

Mr. PETERS. Then the gentleman from Illinois [Mr. THOMAS] simply proposes to put a premium on incapacity?

Mr. THOMAS, of Illinois. Mr. Speaker, I can not allow the gentleman to put any such words into my mouth. The committee simply furnish in this bill the only sensible means of putting life into the official *personnel* of the Navy by getting rid of a number of these worn-out officers; for I do not wish to be understood as saying that all of them, or even that any very great number of them, come within the description I have given. Most of them are old men, who have been in the service for more than thirty years, who have shown conspicuous activity and gallantry in the past, but who have now got beyond that time of life where they care to remain longer on the active-list, and who are willing to "step down and out," to go upon the retired-list, and give an opportunity for that healthy promotion which experience has shown to be the best means of promoting the efficiency of all military and naval organizations. This bill has been thoroughly considered by the Committee on Naval Affairs of the present House, as it was also earnestly and carefully considered by the committee of the last House; in each instance it met with the approval of every member of the committee, and in both instances it was unanimously reported. Mr. Speaker, I do not care to add to what has been already said.

The committee have sought diligently and members of the House have sought earnestly to discover the best means of breaking up what is known as the block in promotion among the officers of the Navy, and have agreed to recommend the passage of this bill.

Mr. KING. Will the gentleman permit a question?

Mr. THOMAS, of Illinois. In a moment. The committee, I say, have sought to find some means of getting rid of what has come to be known in the language of the day as the "dead wood" in the *personnel* of the Navy. It was proposed and thought for a while that there might be some bill passed providing for a method of selection, a means by which there might be selected out of the whole body of officers those who should be promoted, but a trial of that plan has shown how utterly impracticable it is; has shown that it raises innumerable jealousies and heart-burnings and trouble of all kinds, and can not be practically carried out. So as we can not select in, the committee think the next best thing is to select out, and this bill furnishes the means of doing that.

Mr. KING. Mr. Speaker, what I desire to ask the gentleman is whether the committee have come to any conclusion as to the number of officers that this bill will apply to.

Mr. THOMAS, of Illinois. I have no certain means of knowing that, Mr. Speaker, but I understand that there are some thirty or forty officers who come within the provisions of the bill and will gladly go upon the retired-list.

Mr. KING. Have not the committee made an investigation on that point?

Mr. THOMAS, of Illinois. I was not a member of the subcommittee that had the matter in charge. I do not remember the exact number, but I have understood that there will probably be thirty or forty officers who will take advantage of such a law, and that would effect a saving of at least one-third of the salaries now paid to those officers on the active-list.

Mr. MCMILLIN. Will the gentleman permit me a question?

Mr. THOMAS, of Illinois. Certainly.

Mr. MCMILLIN. Does the gentleman say this would be a saving of a third of the salaries now paid to these men?

Mr. THOMAS, of Illinois. Yes, sir.

Mr. MCMILLIN. Does not this bill place on the retired-list those who are now in the service; and would not others be put in their places and draw the same salary?

Mr. THOMAS, of Illinois. No, sir. Quite a number would be benefited by this bill where there is no promotion.

Mr. MCMILLIN. No promotion? Then how is it these men get out of anybody's way, as the gentleman said in a previous part of his speech?

Mr. THOMAS, of Illinois. That remark applies to cases where they do get out of somebody's way.

Mr. MCMILLIN. Then where they do get out of somebody's way somebody will take their places; and instead of there being a saving to the Government, there will be an additional expense to that extent, will there not?

Mr. THOMAS, of Illinois. I think not.

Mr. MCMILLIN. I wish the gentleman would explain to the House how that is.

Mr. THOMAS, of Illinois. I shall be very glad to do so. If these objectionable members of the official *personnel* of the Navy, who are supposed to be wholly worthless, step out and give place to men who are able to discharge their duties and earn the money that they receive it will be a real advantage, for we shall get something for something, instead of getting nothing for something.

Mr. WARNER, of Ohio. I would like to ask the gentleman a question. If these officers are really incapacitated for performing duty as such, is there not a way now for retiring them——

Mr. THOMAS, of Illinois. No, sir.

Mr. WARNER, of Ohio. And does not this bill propose to retire those who are not incapacitated to perform the duties pertaining to their offices?

Mr. THOMAS, of Illinois. Mr. Speaker, there are in actual life many men—at least we have some conspicuous examples of that kind—of whom nothing on earth can be said except that they are generally worthless. A man may have no vices that can be assailed; he may not drink or gamble; he may not do anything; in other words, he may simply maintain a useless respectability; and such a man can not be used for the purposes for which the Government pays him. Now, men of that kind can not be put on the retired-list, because they do not come within the provisions of the existing law. A man may be physically strong, may be morally pure; but if he is intellectually weak he does not happen to be covered by the law of retirement.

Mr. WARNER, of Ohio. Does the gentleman mean to say that officers who are mentally weak have gained their way to these high positions?

The SPEAKER. Gentlemen will suspend their remarks until order is restored. Members will resume their seats and stop conversation.

Mr. THOMAS, of Illinois. I shall be very glad to answer any question.

Mr. REAGAN. I desire to ask the gentleman a question.

Mr. THOMAS, of Illinois. I yield for that purpose.

Mr. REAGAN. What change does this bill make in the present law for the retirement of naval officers?

Mr. THOMAS, of Illinois. It authorizes voluntary retirement, whereas under the law as it stands to-day men can not retire voluntarily until they have reached the age of sixty-two years or are physically or mentally incapacitated, as shown by examination when they come up for promotion.

Mr. REAGAN. Does this bill authorize these men, at any period of service, voluntarily to retire?

Mr. THOMAS, of Illinois. No, sir; only after they have served thirty

years or have performed some conspicuous act of gallantry which has been recognized; and the bill provides that there shall be a thorough investigation to determine whether the person proposing to retire comes within the provisions of the bill.

Mr. MCMILLIN. I desire to call the attention of the gentleman from Illinois to the fact that he does not follow exactly the bill in his remarks setting forth its provisions.

Mr. THOMAS, of Illinois. I shall be very glad if the gentleman from Tennessee will show the discrepancy.

Mr. MCMILLIN. The provision of the bill is that a man shall be retired when he has been "conspicuous in battle," not when he has rendered some conspicuously gallant service, as was stated by the gentleman from Illinois a few moments ago. Why, sir, when did a man ever run away on the field of battle without making himself "conspicuous" to those who were around him? [Laughter.]

Mr. THOMAS, of Illinois. I do not care to answer that, inasmuch as this bill does not apply to this class of men.

Mr. MCMILLIN. Does not apply to that class? Why, the language of the bill makes it apply.

Mr. THOMAS, of Illinois. The bill provides, if the gentleman will examine it, that only those who legitimately come within its provisions can be retired.

Mr. BEACH. I would like to inquire of my friend from Illinois [Mr. THOMAS] whether the committee of which he is a member considered the propriety of including within the provisions of this bill the ordinary seamen? Why should it be confined to officers of the Navy? Why should not the ordinary seamen, who have performed thirty years' service in the Navy, be allowed the same privilege of going upon the retired-list as the officers of the Navy?

Mr. THOMAS, of Illinois. Why do you not allow the private soldiers of the Army to go upon the retired-list?

Mr. BEACH. We do. Under the bill which I introduced in the last Congress, and which was passed, an enlisted man in the Army, after thirty years' service, has the right to go upon the retired-list, and I do not see any reason why a sailor should not have the same right in this regard that a soldier has.

Mr. THOMAS, of Illinois. There are some reasons which suggest themselves to my mind at once against the proposition of the gentleman, but I will frankly say to him that the case of the ordinary seaman was not considered by the committee, for the reason, in the first place, that the bill contained no provision applicable to them, nor do the ordinary seamen have command of ships, nor are they charged with responsibility for a million dollars' worth of property or two or three hundred lives, as officers are. Therefore, there is no danger of their getting in the way or failing to discharge their duties properly. There is a pension-list upon which disabled seamen may be put; there are sailors' homes where they can be sent after they have performed certain service and reached a certain age.

But, Mr. Speaker, this bill was introduced for the purpose of relieving the present stagnant condition of the Navy. It was for the purpose of putting into the service or bringing to the front some active intelligent men who have received the advantages of modern education, who are abreast of the times in the matter of ships and guns and other appliances of modern naval warfare. We want just such material there, and in order to get it or to retain it it is necessary we should start the tide of promotion. Then our very best men in the naval service will not become disgusted after having been ensigns for twelve, fourteen, or sixteen years without any hope of promotion and leave and go out into civil life.

Why, sir, we are now losing the very best men in the naval service out of the lieutenants' list of the Navy, men capable of going anywhere and performing any duty, of making any survey, topographical or otherwise, of performing any duty that a naval officer may be called upon to perform. And yet there are men there who have been lieutenants ten and fifteen years without any hope of promotion for years and years to come. The result is, as I have already stated, that the Government is losing its very best men. They are leaving the Navy and going into civil life. They are turning their backs upon the service, which promises no promotion, no reward. It is time, therefore, we should take some action for the purpose of retaining the very best elements of the Navy, and in order to reach that end it is necessary in some way to get rid of the very worst element.

Mr. DUNHAM. Let me ask the gentleman a question.

Mr. THOMAS, of Illinois. Certainly.

Mr. DUNHAM. Why not change the title of the bill so it will read, "A bill to get rid of the drift-wood of the Navy." [Laughter.]

Mr. THOMAS, of Illinois. Because that would not be a proper title for the bill, as it furnishes the opportunity for many gallant men whose services have been honorable and valuable to the Government to retire from active service.

Mr. BEACH. Let me ask the gentleman a question.

Mr. THOMAS, of Illinois. Certainly.

Mr. BEACH. I understand my friend from Illinois to say that he is willing to vote pensions and to give pay, and high pay, to officers, but he is not willing to vote pensions for sailors.

Mr. THOMAS, of Illinois. No, you do not understand me to say anything of that kind, and I do not wish the gentleman to put any such expression into my mouth.

Mr. BEACH. Will you accept an amendment which I will offer to the bill to include sailors?

Mr. THOMAS, of Illinois. It is time to bid the devil good morning when we meet him. [Laughter.] I am ready to answer that question when it comes up and when good and sufficient reasons are offered why this bill, which has only good as its object, shall be trammeled by another which has no special good in it. Now, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has occupied seventeen minutes of his time.

Mr. REAGAN. Mr. Speaker, I have not had time to look up the law which defines the terms upon which naval officers may go upon the retired-list. I trust, however, in a brief debate like this, this House will not take the step sought by the passage of the pending bill.

The establishment of a retired-list is contrary to the whole spirit and genius of our Government. The first step in that direction was a brief law in behalf of the members of the Judiciary, then one in favor of the officers of the Army, and next of one in favor of the officers of the Navy, and then one for officers of the marine service. And in the last Congress there were twelve or fifteen bills before the House for putting on the retired-list other classes of men, of the revenue marine service, of the railway postal service, and, I believe, the employés of the general postal service of the country. Many other classes were to be provided for, so as to create an aristocracy—an American aristocracy—to be fed and clothed and to live on the labor of other men.

The English Government, Mr. Speaker, where the policy is to uphold a privileged class at the expense of the masses of the people, to pay extraordinary high salaries, and to bestow rank, whether service be performed or not, do all these things, because it is a part of their political system. There they build up a privileged class to live on the toil of other people, but in this country, sir——

Mr. STEELE. Will the gentleman yield to me for a moment?

Mr. REAGAN. I will.

Mr. STEELE. Do you think an officer who has given the whole of his life to the service of his country should be deprived of the support of the Government in his old age. Would you call such men aristocrats?

Mr. REAGAN. I have heard that very often, and I will answer the gentleman by saying that there are millions of men in this country who are unable to get these high offices and unable to secure these high salaries——

Several members rose.

Mr. REAGAN. Let me go on in my own way. Men, sir, who have raised respectable families, who are compelled to toil in old age, day and night almost, to support those families, to keep bread in the mouths of their children and clothes on their back—and who helps them? You make no proposition to help them, but you do propose to tax them still more that others more fortunate than they, who have risen to high offices and received bounties from the Government for years, who have had social and political advantages they never have possessed—that these men shall be still billeted upon the masses of the people and erected into a special privileged aristocratic class. I am against it. It is un-American. It is against the whole spirit and genius of our free Government.

Mr. THOMAS, of Illinois, rose.

Mr. REAGAN. Let me go on. I will answer the gentleman fully.

When our Government was organized it was organized upon the idea that its people were sovereign, that its officers were their servants, that their salaries were to be the amounts stipulated, and that their duties were to be the duties prescribed by the Constitution and laws. They were to be paid their salaries for their duties, as we would hire and pay any other man to perform duties for a given time at a given price, and they were to be employed during the time that their services were needed.

That was the theory of our Government in its organization. When they were out of service they were to be treated like all other men of this free Republic of equal rights to all and exclusive privileges to none. They were to depend upon themselves. They were to be permitted to earn their own living by their own labor, and not to be permitted to subsist upon the Treasury as a tax upon the people.

Already the law is that these naval officers may be retired from active service after they have served to an age when it is presumed they have become superannuated, and the Government makes provision to take care of them. But as I understand the gentleman from Illinois [Mr. THOMAS], under the provisions of this bill they need not grow old or become superannuated in the service in order to accomplish the purpose that the bill seems to have in view. They can get out and on the retired-list in an easier way than that. No act of the Government is necessary, if their will is in that direction, as at any time they may be retired on pay for the balance of their natural lives.

Mr. THOMAS, of Illinois. Will the gentleman allow an interruption?

Mr. REAGAN. If I have misstated anything in reference to your position and the effect of the bill, I will yield for an interruption.

Mr. THOMAS, of Illinois. Does not the gentleman from Texas know that it is not possible for a man to become an officer in the Navy until he has reached the age of twenty-one years?

Mr. REAGAN. What has that to do with it?

Mr. THOMAS, of Illinois. Why this: he must have been an officer in the service for more than thirty years, which would make him at least fifty-one years of age to allow him to retire, as the gentleman says, "at any time." He must have given thirty or thirty-five years of his life to the service.

Mr. REAGAN. I may have misunderstood the gentleman in that respect; but suppose he is fifty-one years of age, what of that? Does that disqualify him from service? Why, the gentleman himself is not far from fifty-one——

Mr. THOMAS, of Illinois. Not by a good many years.

Mr. REAGAN. Well, I have been fifty-one for a good many years, and there is a good deal of good service in me yet. [Laughter.]

Mr. McMILLIN. Will the gentleman from Texas permit me to interrupt him to say that the gentleman from Illinois, I repeat, does not state correctly the provisions of this bill? I have examined it carefully, and it does not require that an officer shall have been thirty years in the service of the Government to entitle him to be retired. There is one class that may be retired at any time for any conspicuous act in battle.

Mr. THOMAS, of Illinois. And the gentleman knows that there has not been a battle in this country for twenty-one years in which an officer could have become conspicuous. Therefore before he could be retired under the provisions of this bill he must be at least fifty years old.

Mr. WARNER, of Ohio. But if he has been conspicuous in a single battle any time under the provisions of this bill he can retire?

Mr. THOMAS, of Illinois. But we have not had a battle, I say, for twenty-one years.

Mr. McMILLIN. Do you suppose that this will apply only to the men now in active service? This is a provision of law which will apply to the Navy for all time to come. Does the gentleman assume that this country will always be at peace?

Mr. THOMAS, of Illinois. I hope so.

Mr. McMILLIN. The gentleman seems to anticipate that happy condition of affairs.

Mr. THOMAS, of Illinois. If that happy condition of affairs shall be realized in this country, certainly no one will be more delighted than I.

Mr. REAGAN. Under the existing law a man who has been in service until he is incapacitated from duty can now be retired. This bill is intended to enable him to retire before he is superannuated or unfit for active service. He need not do anything whatever to entitle him to this provision and take his place among the American aristocracy. Not only that, but it provides that when he is retired his rank shall be increased one grade above what his services entitled him to. If he is a captain he goes to the next grade above, drawing pay for that rank—a rank superior to any which he held in the service. I ask, is this just and reasonable? Will you pass such a bill as this?

What I desire to call attention particularly to is this (and I do not know the number of bills before this House, I did know the number before the last Congress in favor of this class that go upon the retired-list), but I want to repeat that these men have simply been officers because they have been more fortunate than the great masses of their fellow-citizens. They have drawn liberal salaries that others could not draw, and they have been permitted to draw them for years. They have had special privileges which others less fortunate have not had. Because the Government, therefore, had given to them positions which others could not reach, because it paid them large salaries, because they have been enabled out of their salaries in many instances to save and become rich, because it gave them social and political position, and because they had special privileges not accorded to others, is that a reason why we shall be called upon to ennoble them, and why this House is willing to make that particular class a specially favored branch of the American aristocracy?

I call attention, Mr. Speaker, to another fact in connection with this that ought to be looked to by the Military and Naval Committees. It is this: That during and after the close of the recent civil war when the money of this country was greatly depreciated, when the country felt proud of its Army and Navy and the services they had rendered and gave them everything they asked, the pay of the officers of the Army and the pay of the officers of the Navy was inordinately increased beyond all proportion to the pay allowed to other officers in other branches of the service of the Government. And there is to be no reduction. We are to retire them upon this exaggerated pay when to-day we know that $100 in money would buy more than $200 or $300 would have bought when these great increases in pay were made. Yet with the increased value of money and the increased rate of pay they are not content, but must have the privilege of retiring before being superannuated and so as to be paid for a rank they never held and a service they never performed.

I regret the bill has been sprung upon the House in this way when there was no time for its fair and judicious consideration. And I hope the House will not pass it until members have time to look into it and investigate it.

We have certainly gone far enough in the dangerous road of establishing an aristocracy in this country. The best service that Congress can render to the American people is to get back to the early-time doctrines and practices of this Government—to get back to where all men are equal before the law, where exclusive privileges are granted to none, and where we not only do not cultivate an aristocracy, but scorn and denounce it.

Mr. THOMAS, of Illinois. Will the gentleman yield to me for a question?

Mr. REAGAN. Yes, sir.

Mr. THOMAS, of Illinois. What would you do with the present retired-list of the Army and Navy? Is it not amenable to the same objection that you have now been stating?

Mr. REAGAN. It certainly is. And if the gentleman desires to know what I would do I will tell him. I would repeal these un-American and aristocratic laws and let these men work for their living as other people do. I would have no aristocracy here, no privileged classes, no men who live upon the labor and toil and sweat of other men in a country claiming to be a free constitutional republic.

Mr. THOMAS, of Illinois. What will you do with the law authorizing the retirement of judges of the Supreme Court.

Mr. REAGAN. I would treat them in the same way.

Mr. THOMAS, of Illinois. I will ask the gentleman another question: Has any such measure as he indicates been proposed by himself or by others on his side holding like views with him?

Mr. REAGAN. If I can only succeed in any measure in arresting this evil by preventing others being added to the list I will congratulate the gentleman and myself that I have done something for my country even if I can not secure the repeal of the laws establishing an American aristocracy.

Mr. STEELE. I am glad we will have one vote at least against the Fitz-John Porter bill. [Laughter.]

Mr. REAGAN. I am of the opinion that Fitz-John Porter ought to be restored to his rank in the Army. While I respect him very much, as I have high respect for many persons now on the retired-list and liable hereafter to be placed upon it, I wish that neither he nor they should draw pay for services not rendered or be supported by the labor of other people.

Mr. McMILLIN. In the Forty-seventh Congress a bill was introduced, put upon its passage, carried through this House and through the Senate, and received the Presidential sanction, for the purpose of increasing the retired-list of the Navy. The excuse given for that legislation was that there were a large number of officers who stood in the way of the promotion of others that it was necessary to get rid of; a class of officers who were not well adapted to the service and the getting rid of whom was essential to the efficiency of the Navy. I believed then that that bill was radically wrong in its provisions; for it provided for the taking of men out of the naval service after the Government had educated them and supported them for years and when they were in the very prime of life, if they had not attained certain grades. Its provisions I will not take the time of the House to recount.

I believe that we went then to the very end of the tether we ought ever to reach on the subject of retirement. But what do we see before us to-day? A provision to extend the retired-list. I concur fully in what the gentleman from Texas [Mr. REAGAN] has said concerning the impolicy in our form of government of extending the retired-list both for military and civil life; and he will prove himself a benefactor who assists in arresting this disposition to increase the retired-list.

Why, sir, what reason is given us by the author of the bill, the gentleman from Illinois [Mr. THOMAS], for its passage? He says it is the only sensible way to rehabilitate the Navy, to reanimate that institution. The only sensible way! And why? He says that these officers ought to be retired because they are "dead wood." This is his patent for getting rid of "dead wood" in the Navy. And how? Not by assembling a court-martial and turning them out for misconduct or inefficiency; not by retiring them with the rank they then held, but by promotion, holding up the tempting bait of retired salary until it reaches that colossal height that what he denominates "dead wood" is willing to accept it and go out of the service voluntarily. He proposes to hire them by a rank never attainable by them by service to step out of the way.

Is this House ready to yield to such an argument? Is this body ready to adopt such a method of getting rid of the inefficient naval officers? I think not.

Mr. LAIRD. Will the gentleman permit me to ask him a question?

Mr. McMILLIN. With pleasure.

Mr. LAIRD. What is the colossal salary of a lieutenant of the Navy on the retired-list?

Mr. McMILLIN. Any salary is "colossal" if he who gets it is a bit of "dead wood." [Laughter.]

Mr. Speaker, the gentleman from Illinois [Mr. THOMAS], says that there are good men in the service who have not been promoted for years by reason of the inefficient men who stand in front of them. Is this the way we should adopt to get rid of those inefficient men? What will be the effect of this bill if it is passed? If such an officer as the gentleman has described is inefficient, if he is "dead wood" in his

present position, he probably can not do as well in private life; and, inasmuch as this is not to be a forced retirement, but a voluntary one, he will not accept it, but remain on his full pay.

No man respects a faithful public servant more than I do; no man will more cheerfully vote him reasonable compensation; no man will give him more readily any measure of justice to which his services entitle him; no man is more ready than I am to apply whatever just method is necessary to restore our Navy; but I insist, sir, that it can never be done by any such method as this. Let it be understood that a man's promotion in the Navy, as in every other department of the public service, is to depend on his efficiency. When you do that you will offer the highest inducement that can be held out for efficiency in the service.

What more, Mr. Speaker, does this bill provide? Not simply that the men who may be retired under it shall have served thirty years. If that were the provision there might be some excuse for it on the ground of longevity service. But the bill provides, sir, that if a man has rendered himself conspicuous in any one battle, no matter if he has only been in the service for ten days, he may go upon the retired-list with a rank he never held, and draw the salary through life. Is the House ready to vote for such a law as that?

Are you ready to say that because a man has acted as a pilot in some naval engagement, or has rendered some special service at some particular time, he shall have a right to retire, under the provisions of this bill, from the service of the Government that has educated him and has had reasonable ground to expect that it would receive all the service he could render? Mind you, the bill does not couple the two provisions as to retirement with the word "and," but with the word "or;" so that if an officer has either been in the service for the length of time named, or has rendered himself "conspicuous" in battle, he may be retired on his own petition.

I insist, Mr. Speaker, that this bill ought not to pass. And, aside from the special considerations which apply to it, I do not believe that it is good public policy to increase the retired-list of the Navy or of any other branch of the public service. I believe that in this free, happy America American manhood will be best sustained and American spirit best fostered by letting it be understood by every one in the public service that there is to be no aristocracy here, and no distinction save that which comes from intelligence, integrity, and faithful performance of duty. When you set up that standard you foster the spirit which is the foundation of all navies, all armies, and all governments, and you take the best means of perpetuating American institutions. Sir, you can never do it by paying salaries never earned or bestowing rank not deserved! No, sir; never!

Mr. MILLS. Mr. Speaker, if the gentleman from Illinois [Mr. THOMAS] desires to reply to what has been said in opposition to the bill I yield the floor to him; but I give notice that after he shall have spoken I shall ask the House to vote upon the bill.

Mr. THOMAS, of Illinois. I desire, if I can resume the floor, to yield twenty minutes to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I am as much opposed to the growing "aristocracy," "anglomania," and "snobocracy," as it is called, in the United States as the gentleman from Texas [Mr. REAGAN] or the gentleman from Tennessee [Mr. MCMILLIN]. If my professions have not been so loudly made as those of some other gentlemen on this floor, it is not because my convictions are not as deep and intense as theirs.

Now, this bill, it seemed to me in the committee, and after all that has been said by the gentleman from Texas and the gentleman from Tennessee it still seems to me, is a bill for reform and retrenchment in the Navy. We are not discussing the question whether we shall abolish the Army or the Navy because they are aristocratic institutions. We are not here, so far as this bill is concerned, to inveigh against the Navy or the regular Army. It has been the policy of this Government from its foundation to maintain a small but efficient regular army. It has likewise been the policy of Congress from the time the Republic was formed to this day to maintain a small but efficient navy. And so long as these are the settled institutions of the country, so long as the Congress of the United States annually appropriates a large sum to maintain them, let us do everything to make them efficient. And this bill is in the interest of an efficient administration of this branch of the public service.

Now, the *personnel* of the Official Register of the Navy may be divided into two classes. There is, first, that list of old and gallant officers who manned our Navy in the civil war and in the war with Mexico; yes, and going back to the war of 1812. They belong to the past. They belong to the old school who walked the quarter-deck at Trafalgar and Lake Erie in cocked hats and waving feathers, flashing their broadswords in the sun as they led their men to repel boarders. They are not up to the times of a modern navy. The modern officer fights behind sixteen inches of compound armor with hundred-ton guns, and does or dies in less than an hour. The young men who are to-day educated and graduated at our school at Annapolis are, in scientific proficiency, in professional skill, and in power to conduct a modern naval battle far in advance of those old veterans. Yet, although in that sense those old men are "dead wood," there is no legal and regular means of taking them off the register. Nothing but death or act of Congress can remove them. What does my distinguished colleague on the Naval Committee, the gentleman from Illinois [Mr. THOMAS], mean when he says that they are "dead wood?" He does not mean that they are drunkards; he does not mean that they are physically incapacitated; he does not mean that their deficiency is of a kind which an official examination would determine. He simply means that they belong to a past period in naval affairs and that their inability is of a subtle kind, undeterminable by official inquisition, and no naval board of examination, taking these men mentally or physically, could find a reason for relegating to obscurity and to the retired-list these old men of the Navy.

Now, we want a law whereby these men, battle-scarred as they are at the hands of the enemies of this Republic, may be honorably retired, so that we may place the new navy, which the people of these United States demand that Congress shall build, in the hands of the young scientifically trained men of the age of iron, not wooden ships, and such as the present age graduates from the school that we maintain at such expense.

Mr. WARNER, of Ohio. Before the gentleman concludes his remarks I would like to ask him, if he will yield——

Mr. MCADOO. I will yield.

Mr. WARNER, of Ohio. How much better he thinks the school at Annapolis is for educating men for the Navy than the school of the Navy itself. He speaks of these men who have been in service for thirty or forty years, who have "walked the quarter-deck," who have been in naval battles, and are "battle-scarred," and he wants to put these men aside for students from the Naval Academy!

Mr. MCADOO. Certainly; that is just the point. I thank my friend for his question.

Mr. WARNER, of Ohio. The gentleman seems to think that men can be better educated for the Navy in an artificial school than in the real school of war.

Mr. MCADOO. Modern naval battles are not fought as we have seen them represented in the pictures in our school histories. That is the trouble. These old men, some of them—and this does not apply to all—could not conduct a modern naval battle according to the science of war as now understood. They are good sailors, but not fighters of iron ships.

Mr. WARNER, of Ohio. Are such battles fought at Annapolis?

Mr. MCADOO. The education given at Annapolis is practical——

[Here the hammer fell.]

The SPEAKER. The hour for the consideration of reports from committees has expired. When the House resumes the consideration of this subject the gentleman from New Jersey [Mr. MCADOO], having occupied five minutes, will be entitled to the floor for fifteen minutes more.

Mr. HAMMOND. I move that the House do now adjourn.

ELECTION CONTEST—CAMPBELL VS. WEAVER.

Pending the motion to adjourn,

The SPEAKER laid before the House a letter from the Clerk of the House of Representatives, transmitting certain papers in the contested-election case of Campbell *vs.* Weaver, from the sixth Congressional district of Iowa; which were referred to the Committee on Elections.

The motion of Mr. HAMMOND was then agreed to; and accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. J. ADAMS: Petition of James A. Lee—to the Committee on Invalid Pensions.

By Mr. BARKSDALE: Papers relating to the claims of William McBride; of Jesse H. Darden; of Celeste S. Dunbar; of Joseph E. Davis, guardian of heirs of J. H. Davis; of Peter M. Ardle; of Nancy Jane Graham; of Charles F. Norris; of Nancy Mitchell, and of Emily A. Platt, all of Mississippi—to the Committee on War Claims.

By Mr. BEACH: Petition of 64 citizens of Highland Falls, N. Y., in favor of a bill to pension all the soldiers of the late war who served sixty days—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of Charles Lowther, late a private in Company G, Sixty-first Regiment Pennsylvania Volunteers, for removal of a charge of desertion and arrears of pay and bounty—to the Committee on Military Affairs.

Also, petition of John Leide, for a pension—to the same committee.

Also, petition of Annie Monahan, asking the restoration of James Monahan, minor child of Richard Monahan, to the pension-roll—to the same committee.

By Mr. BLANCHARD: Memorial of Educational Society of Rapides Parish, La., asking national aid to education in the States—to the Committee on Education.

Also, memorial concerning increased appropriations for Signal Service in the cotton States—to the Committee on Appropriations.

By Mr. BLISS: Petition of John R. Harrington, for extension of patent—to the Committee on Patents.

By Mr. BRADY: Petition of Benjamin Schank, of Dinwiddie County,

Virginia, praying that his war claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. C. R. BRECKINRIDGE: Papers accompanying a bill to relieve S. E. Lamar and others from charge of desertion, erroneously placed on the records of Adjutant-General's Office—to the Committee on Military Affairs.

By Mr. W. C. P. BRECKINRIDGE: Petition of J. H. Hazelrigg and others, praying for the improvement of the Licking River, Kentucky, from Farmers to West Liberty—to the Committee on Rivers and Harbors.

By Mr. BUCHANAN: Petition of Mrs. Fannie Carman, for a special-act pension—to the Committee on Invalid Pensions.

Also, papers in the case of John G. Rose, for relief—to the Committee on Claims.

By Mr. BYNUM: Petition of James L. Capp and others, for the passage of a law granting pensions to all soldiers who served in the late war—to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petition of Herman Baden, for a pension—to the same committee.

Also, petition of William Garrett, of Nashville, Tenn., for relief—to the Committee on War Claims.

By Mr. FELIX CAMPBELL: Petition of citizens of New York, for the improvement of Spring Creek—to the Committee on Rivers and Harbors.

By Mr. CARLETON: Joint resolution for the appointment of a clerk for each member of the House of Representatives at a stated salary, and for abolishing all mileage fees authorized by existing laws to be paid to Senators and Members—to the Committee on Accounts.

Also, a bill for the construction of a lake-coast light-house at Harsen's Island, at the mouth of the Saint Clair River, Michigan—to the Committee on Rivers and Harbors.

By Mr. CLEMENTS: Petition of Curtis Bailey, of Floyd County, and of Levi W. Brooks, of Walker County, Georgia, praying that their war claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. COBB: Petition of citizens and soldiers in the second Congressional district of Indiana, asking the passage of a bill giving a pension to all soldiers and sailors, at the rate of $8 per month, who served in the Union Army—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of Mrs. Elizabeth Bennett, widow of John W. Bennett, a soldier of the war of 1812, for a pension—to the Committee on Pensions.

By Mr. COMSTOCK: Petition of George A. Armstrong, of Dallas, Tex., for relief—to the Committee on War Claims.

By Mr. CONGER. Petition for the opening of Oklahoma by the passage of Mr. WEAVER'S bill—to the Committee on the Territories.

By Mr. CROXTON: A bill making an appropriation to survey Mattox Creek, Westmoreland County, Virginia—to the Committee on Rivers and Harbors.

By Mr. CUTCHEON: Memorial of the board of control of the State of Michigan, in regard to accretions to Maison Island, in the State of Michigan—to the Committee on the Public Lands.

By Mr. DINGLEY: Petition of citizens of Camden, Me., asking for a pension for Diana Palmer, widow of Seneca Palmer, an attendant of General Winfield Scott in the war of 1812—to the Committee on Pensions.

Also, memorial of N. J. Hannah and 50 others, of Bristol, Me., protesting against a commission looking to the free admission of Canadian fish—to the Committee on Foreign Affairs.

By Mr. GAY: Papers relating to the claims of Francoise P. Peret; of Jehu W. Cook; of William H. Cook, sr., and of James Higginbotham—to the Committee on War Claims.

Also, bill for connecting Bayou Teche with Grand Lake at Warrenton, La.—to the Committee on Rivers and Harbors.

By Mr. GEDDES: Papers relating to the claim of legal representatives of Egbert Thompson—to the Committee on Claims.

By Mr. EUSTACE GIBSON: Petition of Elizabeth McKay, for relief—to the Committee on Invalid Pensions.

By Mr. GILFILLAN: Memorial of M. J. Adams, asking an appropriation for completion of test of flume for improvement of rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. GLASS: Memorial of Bland P. Boyd, administrator of John D. Ware, for relief—to the Committee on War Claims.

By Mr. GLOVER: Documents and papers relating to House bills for relief of W. R. Allen, Skrainka & Vieths, Saint Louis, Mo.—to the Committee on the Judiciary.

By Mr. ERMENTROUT: Petition of Hon. Sol. S. Custer and others, for a pension to Rebecca Yocum—to the Committee on Invalid Pensions.

By Mr. EVERHART: Petition of citizens of Pennsylvania, praying for a law allowing all citizens of the United States to fish in the navigable bays and rivers dividing States and Territories—to the Committee on Commerce.

By Mr. T. J. HENDERSON: Petition of Jason F. Colwell, for a pension—to the Committee on Invalid Pensions.

By Mr. HENLEY: Memorial on the cause and prevention of cattle fever in the Western States and Texas fever or cattle plague in the South—to the Committee on Agriculture.

By Mr. HEPBURN: Petition of many citizens of Lucas, Iowa, asking that the name of Mary Ann Foster, widow of Grigsby Foster, be placed on the pension-roll—to the Committee on Invalid Pensions.

By Mr. HERMAN: Petition of Capt. William Tichenor, of Oregon, for additional appropriation for harbor of refuge at Port Orford, Oreg., the same having been selected by the decision of the board of engineers representing the War Department pursuant to act of Congress—to the Committee on Rivers and Harbors.

Also, petition of Dr. A. Veser, J. L. Nay, and 44 others, citizens of Oregon, for passage of a bill to improve Port Orford harbor of refuge, Oregon—to the same committee.

Also, resolutions of Board of Trade, Portland, Oreg., for extension of time to Oregon and California Railroad for completion of its line from Oregon into California, 130 miles, and embracing the most mountainous portion of the whole grant—to the Committee on the Public Lands.

Also, petition from A. C. Barbour, A. R. Buttolph, and 97 others, citizens of Siuslaw Valley, asking for the survey and improvement of the bar and harbor of Siuslaw Bay and River, and for light-house—to the Committee on Rivers and Harbors.

By Mr. HIESTAND: Memorial of Martin Jacoby, of Lancaster County, Pennsylvania, for a pension—to the Committee on Invalid Pensions.

Also, petition for a special act for commutation of travel, presented by Mrs. M. Erhlemann, of Washington, D. C., and due her deceased husband, Abraham Erhlemann—to the Committee on Claims.

By Mr. HOUK: Petition of Melinda Beshears, mother of Alvis Beshears, Company F, Seventh Tennessee Mounted Infantry—to the Committee on Invalid Pensions.

By Mr. T. D. JOHNSTON: Petition of S. B. West, administrator, of Buncombe County, North Carolina, praying that war claim of Thomas Becton be referred to the Court of Claims—to the Committee on War Claims.

Also, petitions of Lewis M. Sparks, of Levi Jones, and of Whitfield Sparks, for pensions—to the Committee on Invalid Pensions.

By Mr. JOSEPH: Petition of Robert H. Stapleton, for a pension—to the same committee.

By Mr. KLEINER: Papers relating to claim of C. S. Finch, late captain Twenty-fifth Indiana Volunteers—to the Committee on War Claims.

By Mr. LAFFOON: A bill authorizing and directing the further improvement of Trade Water River, and appropriating money therefor—to the Committee on Rivers and Harbors.

Also, a bill authorizing and directing the purchase of the lease owned by the Green and Barren River Navigation Company on said rivers and appropriating money for that purpose—to the same committee.

By Mr. LIBBEY: Papers relating to claim of Jane Dyer—to the Committee on War Claims.

By Mr. LITTLE: Petition of Allen G. Mayo and others, for increase of pension—to the Committee on Invalid Pensions.

By Mr. LOVERING: Petition of Thomas Ball, jr., late Company I, Fortieth Massachusetts Volunteers, for arrears of pension—to the same committee.

By Mr. LYMAN: Papers to accompany bill for the relief of Wells C. McCool, late first lieutenant Company I, Twenty-ninth Iowa Infantry—to the Committee on War Claims.

By Mr. McMILLIN: A bill for the improvement of the Caney Fork River—to the Committee on Rivers and Harbors.

Also, petition of Mrs. Florida Kennerly, for relief—to the Committee on War Claims.

By Mr. MILLIKEN: Petition of Edwin A. Crocker and others, for a pension for Sarah J. Glidden—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Papers to accompany bill (H. R. 207) for the relief of Mrs. Emma S. Nichols—to the same committee.

By Mr. MOFFATT: Petition of citizens of Detroit, Mich., for the improvement of the harbor of Grand Marais, Mich.—to the Committee on Rivers and Harbors.

Also, a bill to provide for the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbor of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, Michigan, and to make the same a free passageway and harbor of refuge to commerce and navigation—to the same committee.

By Mr. MURPHY: Petition asking the removal of Galena custom-house—to the Committee on Commerce.

By Mr. NEAL: A bill to appropriate $5,000 to complete projected improvements in Hiwassee River, Tennessee—to the Committee on Rivers and Harbors.

Also, a bill to appropriate $30,000 to continue improvement in Tennessee River above Chattanooga—to the same committee.

Also, a bill to appropriate $10,000 to continue improvements on the Little Tennessee River—to the same committee.

By Mr. NELSON: Petition concerning Red Lake Indian reservation, Minnesota—to the Committee on Indian Affairs.

By Mr. NORWOOD: Petition of citizens of Brunswick, Ga., for the suspension of the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CHARLES O'NEILL: Petition of Thomas Chase, asking for a pension—to the Committee on Invalid Pensions.

Also, petition of James Teak, asking for a pension—to the same committee.

By Mr. J. J. O'NEILL: Petition of J. Hiram Vickers, son and heir, praying that war claim of Thomas G. Vickers, deceased, late of Montgomery County, Alabama, be referred to the Court of Claims—to the Committee on War Claims.

Also, complaints by stonemasons of Washington city against the manner in which work is done on Capitol building—to the Committee on Labor.

By Mr. PETTIBONE: Petition and accompanying papers of William D. O'Brien, of Tennessee, in support of bill heretofore introduced—to the Committee on War Claims.

Also, petition of A. Jackson Jones—to the Committee on Military Affairs.

By Mr. RANDALL: Petition for increase of the pension to the children of the late Surgeon Alfred M. Owen, of the United States Army—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Lucinda Sawyer, for relief—to the same committee.

By Mr. RICHARDSON: Petition of Charles J. Hill, asking for payment of his claim—to the Committee on War Claims.

Also, petition of William B. Doushat, postmaster at Fayetteville, Tenn., for readjustment of salary—to the Committee on the Post-Office and Post-Roads.

By Mr. SCOTT: Petition of citizens of Pennsylvania, in favor of commission to settle the fisheries question—to the Committee on Foreign Affairs.

By Mr. SKINNER: Memorial of Frank C. Taylor and others, for the establishment of a light-house off Hatteras, North Carolina—to the Committee on Commerce.

By Mr. STEELE: Petition of officers of the Fourteenth Infantry and First Artillery stationed at Vancouver barracks, Washington Territory, for a pension to be granted to Mary Ellen Fitzgerald, the crippled daughter of a soldier of the United States that served during the late war—to the Committee on Invalid Pensions.

By Mr. J. W. STEWART: Petition of George S. Hawley, for increase of pension—to the same committee.

By Mr. STONE, of Kentucky: Bill making an appropriation to improve and protect the harbor and wharf at Hickman, Ky.—to the Committee on Rivers and Harbors.

Also, bill making an appropriation to improve and protect the harbor and wharf at Columbus, Ky.—to the same committee.

Also, petition of pilots and engineers, for adjustment of license—to the Committee on Claims.

By Mr. STORM: Petition of Joseph E. Van Horne, Company B, Fourth Pennsylvania Cavalry, for a pension—to the Committee on Invalid Pensions.

By Mr. STRAIT: Resolutions of the Chamber of Commerce of the city of Saint Paul, Minn., calling attention to the great necessity of improving the Missouri River, and to the fact of there being 1,200 miles of navigable water above Bismarck, Dak.—to the Committee on Rivers and Harbors.

By Mr. SWOPE: Petition of Samuel R. Andrews, Company A, Eighty-seventh Regiment Pennsylvania Volunteers, asking that the pension granted him for increased disability be dated from the time when the disability was inflicted—to the Committee on Invalid Pensions.

By Mr. TAULBEE: Petition of 86 citizens of Johnson County, Kentucky, asking a pension for Mrs. Susannah Arthington—to the same committee.

Also, petition of Elisha Young, for increase of pension—to the same committee.

Also, petition asking relief for Tandy Mobley—to the Committee on War Claims.

By Mr. J. M. TAYLOR: Petition of Margaret A. McGary, for a pension—to the Committee on Invalid Pensions.

By Mr. J. R. THOMAS: Petition of citizens of Alexander County, Illinois, asking the passage of a bill for the relief of James H. Noble, of said county—to the same committee.

Also, petition of O. H. Rhodes, of Randolph County, Illinois, asking pay and emoluments of an assistant surgeon United States Army from June 30, 1862, to January 29, 1863—to the Committee on War Claims.

Also, petition and papers in the matter of Spies Lumber Company—to the Committee on Claims.

By Mr. THOMPSON: Petition and memorial of Elephas Henry King, for relief—to the Committee on Military Affairs.

By Mr. THROCKMORTON: Papers relating to the claim of H. J. T. Moss, postmaster at Saint Jo, Tex.—to the Committee on Claims.

By Mr. TUCKER: Petition of citizens of Alleghany County, Virginia, for an appropriation for rent, fuel, &c., for postmasters of the third and fourth classes—to the Committee on the Post-Office and Post-Roads.

By Mr. VAN SCHAICK: Petition of Emily R. Roberts, for a pension—to the Committee on Invalid Pensions.

By Mr. WADE: Petition of J. R. Gammon, of Greene County, Missouri, asking pay for services as officer in charge of military prison at Jefferson City, Mo.—to the Committee on War Claims.

By Mr. WAIT: Resolution of the Norwich Typographical Union, of Norwich, Conn., protesting against the passage of any bill giving foreign books and publications the benefit of our copyright laws unless printed and manufactured in the United States—to the Committee on the Judiciary.

Also, petition of Ebenezer Beebee, dependent father of Gilbert Beebee, for a pension—to the Committee on Invalid Pensions.

By Mr. WAKEFIELD: Memorial of the Chamber of Commerce of the city of Saint Paul, Minn., praying for the improvement of the Upper Missouri River—to the Committee on Rivers and Harbors.

By Mr. A. J. WARNER: Papers relating to the claim of John Preston—to the Committee on War Claims.

By Mr. WEBER: Petition of P. Sampson, of Springville, N. Y., praying for the passage of a joint resolution requiring the Postmaster-General to obey the act of Congress approved March 3, 1883—to the Committee on the Post-Office and Post-Roads.

By Mr. WELLBORN: Papers relating to the claim of John T. Moore, of Claiborne County, Mississippi—to the Committee on War Claims.

By Mr. WHEELER: Memorial of the heir of Robert M. Clark, praying reference of his claim to the Court of Claims—to the same committee.

By Mr. A. C. WHITE: Papers relating to the claim of Alexander Goble—to the same committee.

By Mr. MILO WHITE: Memorial of the Chamber of Commerce of Saint Paul, Minn., for the improvement of the Missouri River—to the Committee on Rivers and Harbors.

By Mr. WISE: Resolution of General Assembly of Virginia, instructing Senators and requesting Representatives to vote for an appropriation for the benefit of the public free-school system—to the Committee on Education.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. CUTCHEON: Of citizens of Ludington, Mich.

By Mr. JACKSON: Of citizens of Beaver County, Pennsylvania.

By Mr. LANDES: Of citizens of Wayne and Jasper counties, Illinois.

By Mr. MATSON: Of Francis Burgeon and 69 others, citizens of Monroe County, Indiana.

By Mr. PERKINS: Of William White and 45 others, of Montgomery County, Kansas.

By Mr. WADE (by request): Of citizens of Pierce City, Missouri.

SENATE.

WEDNESDAY, *January* 27, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS. I present a concurrent resolution of the Legislature of the State of Kansas, relative to the establishment by the United States Government of military posts on the southwestern frontier of Kansas to insure protection against Indian depredations. I move that it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire to have the resolution read?

Mr. INGALLS. It may be printed, as is usual, in the RECORD, without reading.

The PRESIDENT *pro tempore*. That course will be taken if there be no objection.

The resolution was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 4.

Resolved by the senate (the house of representatives concurring therein), That our Senators and Members of Congress be, and are hereby, requested to use their utmost endeavors to secure the establishment by the United States Government, on the southwestern frontier of Kansas, of not less than two military posts, sufficiently garrisoned with troops, to insure protection to the citizens of the southwestern portion of the State.

Resolved, That a copy of these resolutions be furnished to each of our Senators and Members of Congress.

STATE OF KANSAS, *Office of the Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution, now on file in

my office, adopted by the senate on the 21st day of January, A. D. 1886, and concurred in by the house of representatives on January 21, A. D. 1886.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Topeka, this the 22d day of January, A. D. 1886.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. WILSON, of Iowa. I present resolutions in the nature of a petition to Congress praying for the enactment of a law excluding from the mail newspapers and other publications containing lottery advertisements, adopted at a meeting of the preachers of the Methodist Episcopal churches in Philadelphia, Pa., and I present also a similar petition from the Ministerial Association of Pottsville, Pa.

Inasmuch as that subject has been reported upon by the committee, I move that the petitions lie on the table.

The motion was agreed to.

Mr. MILLER, of New York, presented resolutions adopted by the third national cattle convention, held in Chicago, Ill., in November last, favoring additional legislation and appropriations to prevent the introduction and spread of contagious diseases among cattle; which were referred to the Committee on Agriculture and Forestry.

Mr. PLUMB presented a concurrent resolution of the Legislature of Kansas; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 4.

Whereas General Sheridan, commander-in-chief of the Army of the United States, has recommended the enlargement of Fort Riley, with a view of establishing at said post a school for the training of the cavalry and light artillery arms of the service and other improvements for the utilization of the large reservation at said military post; and

Whereas said post and military reservation is well adapted to the uses thus proposed; and

Whereas said improvements will redound to the general good of the people of Kansas: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Representatives in Congress are hereby requested and our Senators instructed to use their best endeavors to secure such an appropriation by Congress as will fully carry out the purpose of the commanding general, making Fort Riley an important military post.

STATE OF KANSAS, *Office of the Secretary of State.*

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Topeka, this the 22d day of January, A. D. 1886.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PLUMB presented a concurrent resolution of the Legislature of Kansas, favoring the establishment of military posts for the protection of the southern frontier of Kansas; which was referred to the Committee on Military Affairs.

Mr. DAWES presented the petition of Henry Faxon and 60 other citizens of Massachusetts, praying for an amendment to the Constitution securing female suffrage; which was referred to the Select Committee on Woman Suffrage.

Mr. MORGAN. I present the petition of W. H. Gardner, of Mobile, Ala., president of the Cotton Exchange; James L. McLean, of New Orleans, La., president of a like body in that city, and William P. Campbell, of New York, respecting the Signal Service. I move its reference to the joint committee to consider the present organization of the Signal Service, Geological Survey, Coast and Geodetic Survey, and the Hydrographic Office of the Navy Department, who are now considering that subject. The chairman of the joint committee is the honorable Senator from Iowa [Mr. ALLISON].

The PRESIDENT *pro tempore.* The petition will be referred accordingly if there be no objection.

Mr. ALDRICH presented resolutions adopted at the ninth annual meeting of the Music Teachers' National Association held in the Academy of Music, New York city, in 1885, favoring the enactment of a national copyright law; which were referred to the Committee on Patents.

Mr. CHACE presented the petition of Charles Lockwood and others, praying for the repeal of the law authorizing the coinage of the silver dollar; which was referred to the Committee on Finance.

Mr. EVARTS presented a petition of 807 merchants and business men of New York, praying for the suspension of silver coinage; which was referred to the Committee on Finance.

Mr. SPOONER presented a petition of the board of supervisors of Saint Croix County, Wisconsin, praying for the enactment of a law providing that railroads shall not charge more for a shorter distance than for a longer distance; which was referred to the Select Committee on Transportation by Railroad between the several States.

Mr. CAMERON presented a memorial of Typographical Union, No. 77, of Erie, Pa., remonstrating against the passage of the bill now pending before the Senate for the establishment of an international copyright; which was referred to the Committee on Patents.

Mr. TELLER presented the petition of J. D. Hooper, H. B. Gillespie, and other citizens of Colorado, praying for the free and unlimited coinage of silver; which was referred to the Committee on Finance.

Mr. MCPHERSON. I present a petition for the increase of the pension now allowed Mrs. Louise Craven, widow of Commander T. A. M. Craven. I call attention to the fact that it is signed by Admiral Porter and all the rear-admirals of the Navy of United States. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1185) to amend that portion of section 1556 of the Revised Statutes regulating the pay of clerks to commandants of navy-yards, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HARRIS, from the Committee on Finance, to whom was referred the bill (S. 353) for the relief of J. D. Morrison, surviving partner of C. M. & J. D. Morrison, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 936) for the relief of John M. McClintock, reported it without amendment, and submitted a report thereon.

Mr. WALTHALL, from the Committee on Military Affairs, to whom was referred the bill (S. 725) for the relief of Maj. G. W. Candee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 829) to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion, reported adversely thereon, and the bill was postponed indefinitely.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (S. 99) to determine the rights of William Wheeler Hubbell and the United States respectively therein stated, asked to be discharged from its further consideration and that it be referred to the Committee on Patents; which was agreed to.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864, reported it with amendments.

Mr. HAWLEY. A memorial of the Chamber of Commerce of the State of New York, asking for the construction of suitable defenses for New York Harbor, was referred to the Committee on Military Affairs. The committee judges that it belongs to the new Committee on Coast Defenses, and therefore asks to be discharged from its further consideration and that it be referred accordingly.

The PRESIDENT *pro tempore.* That change of reference will be made if there be no objection.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 528) for the relief of William H. Morgan, submitted an adverse report thereon, and moved that the bill be postponed indefinitely.

Mr. INGALLS. From what committee was the bill for the relief of William H. Morgan reported just now?

The PRESIDENT *pro tempore.* From the Committee on Military Affairs.

Mr. INGALLS. The name sounds familiar. If I am not mistaken I introduced the bill myself.

The PRESIDENT *pro tempore.* The bill was introduced by the Senator's colleague [Mr. PLUMB].

Mr. PLUMB. I ask that that bill be placed upon the Calendar. If it is the bill I think it is, it has been reported once or twice favorably by the Military Committee and passed at least once by the Senate.

The PRESIDENT *pro tempore.* The bill will be placed on the Calendar with the adverse report of the committee if there be no objection.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (S. 266) for the relief of L. Madison Day, reported it without amendment, and submitted a report thereon.

Mr. BECK, from the Committee on Finance, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 952) to authorize the increase of the capital stock of the Citizens' National Bank of Louisville, Ky.; and

A bill (S. 30) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 53) for the relief of the Mission Indians in the State of California, reported it with amendments.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 753) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon, reported it with amendments, and submitted a report thereon.

DAKOTA TERRITORY.

Mr. MANDERSON. I am instructed by the Committee on Printing, to whom was referred the resolution submitted by the Senator from Indiana [Mr. HARRISON], authorizing the printing of 5,000 copies of the report of the Committee on Territories on the bill providing for the admission of the State of Dakota, to report the same favorably without amendment. I ask for its immediate consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, That there be printed 5,000 extra copies of the report of the Committee on Territories accompanying the Senate bill to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

BILLS INTRODUCED.

Mr. INGALLS (by request) introduced a bill (S. 1236) to incorporate the Washington and Bladensburg Street Railroad Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 1237) defining certain acts of Congress for the relief of owners of real estate in the District of Columbia, and other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 1238) to create a school board for the District of Columbia and to prescribe its powers and duties; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HAMPTON introduced a bill (S. 1239) to make Dr. A. Sidney Tebbs an assistant surgeon in the United States Marine Hospital Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MAXEY introduced a bill (S. 1240) for the relief of Alice E. Culver, administratrix of the estate of F. B. Culver, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GORMAN introduced a bill (S. 1241) referring the claim of Mary Luckett to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1242) granting the right of way to the Annapolis and Baltimore Short Line Railroad Company across the Government farm connected with the Naval Academy at Annapolis, Maryland; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. MILLER, of New York, introduced a bill (S. 1243) for the relief of Frank G. Mix; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1244) to remove the charge of desertion from the record of George Rasbach; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. ALLISON introduced a bill (S. 1245) for the relief of Russell Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1246) for the relief of W. A. Lemaster; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAMERON introduced a bill (S. 1247) for the relief of the survivors of the exploring steamer Jeannette and the widows and children of those who perished in the retreat from the wreck of that vessel in the arctic seas; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HARRISON introduced a bill (S. 1248) granting a pension to John M. Young; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1249) for the relief of the heirs of Michael O'Brien; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1250) authorizing the county of Clatsop, in the State of Oregon, to construct a bridge across Young's Bay and Skipanon Creek, in the State of Oregon; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 1251) for the relief of the legal representatives of John Smith, late United States Indian agent at Warm Springs Indian reservation, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 1252) for the relief of Frances H. Plummer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa, introduced a bill (S. 1253) granting a pension to J. D. Haworth; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLER, of New York, introduced a bill (S. 1254) amending section 4414 of the Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. STANFORD introduced a bill (S. 1255) to authorize the purchase of a site for a building for a post-office, court-house, and other offices in San Francisco, Cal.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. TELLER introduced a bill (S. 1256) for the relief of Thomas H. Norton and James McLean; which was read twice by its title, and referred to the Committee on Claims.

Mr. PLUMB introduced a bill (S. 1257) granting a pension to Henry Shively; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 1258) for the relief of Mary A. Lewis, widow of Joseph N. Lewis; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL introduced a bill (S. 1259) granting a pension to Samuel A. J. Malicoat; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1260) for the relief of Durant H. L. Bell; which was read twice by its title, aud referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 1261) to amend section 533 of the Revised Statutes of the United States; which was read twice by its title and referred to the Committee on the Judiciary.

Mr. VOORHEES introduced a bill (S. 1262) for the relief of Thomas G. Corbin; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1263) for the relief of Richard T. Bryan; which was read twice by its title, and referred to the Committee on Claims.

Mr. CONGER introduced a bill (S. 1264) to provide for the purchase of the two improved water ways known as the Portage Lake and River Improvement Company Canal and the Lake Superior Ship-canal Railway and Iron Company Canal, being the improved harbors of refuge and the water communication across Keweenaw Point, from Keweenaw Bay to Lake Superior, by way of Portage River and Lake, in the State of Michigan, and to make the same a free passage-way and harbors of refuge to commerce and navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS. Some days since I introduced a bill to establish a national university, which was read a first time, and at my request laid upon the table. I ask that the bill be taken from the table, read the second time, and referred to the Committee on Education and Labor.

The bill (S. 846) to establish a national university was read the second time by its title, and referred to the Committee on Education and Labor.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HALE, it was

Ordered, That the papers in the case of the heirs of Michael O'Brien be taken from the files and referred to the Committee on Pensions.

On motion of Mr. MAHONE, it was

Ordered, That the papers touching the claim of Henry H. Sibley be taken from the files and referred to the Committee on Claims in connection with Senate bill 909.

On motion of Mr. MITCHELL, of Oregon, it was

Ordered, That the papers in the case of Hadley Hobson be withdrawn from the files and sent to the House War Claims Committee, there being no adverse report.

On motion of Mr. COCKRELL, it was

Ordered, That the petition and papers of D. H. L. Bell be taken from the files and referred to the Committee on Claims.

On motion of Mr. SEWELL, it was

Ordered, That the papers in the case of George T. Dudley be taken from the files and referred to the Committee on Military Affairs.

On motion of Mr. BECK, it was

Ordered, That the papers in the case of John Fairfax be taken from the files and referred to the proper committee, there being no adverse report.

On motion of Mr. MITCHELL, of Oregon, it was

Ordered, That the papers in the case of Margaret Hunter Hardie be taken from the files and referred to the Committee on Pensions, no adverse action having been had thereupon.

On motion of Mr. DOLPH, it was

Ordered, That the papers in connection with Senate bill 938, Forty-eighth Congress, comfirming to W. S. Byers & Co. the right to take and use water from the Umatilla River, on the Umatilla reservation, in the State of Oregon, be withdrawn from the files and referred to the Committee on Indian Affairs.

On motion of Mr. VEST, it was

Ordered, That Senate bill No. 115, for the relief of Richard F. Barrett, be taken from the files of the Committee on Claims and referred to the Committee on Indian Affairs.

MILITARY BANDS.

Mr. PLUMB submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to communicate to the Senate the number of military bands in the Army, the number of enlisted men and civilians respectively of which composed, the provision of law authorizing the constitution and maintenance of the same, the cost of such maintenance, and the fund or funds from which the same is provided; and if any portion of such maintenance is from the savings from the rations of enlisted men, whether such use of said savings is legal and proper, and, if so, whether such use is the best disposition for the benefit of the enlisted men of the Army which can be made of the savings from their rations.

BUSTS FOR THE SENATE CHAMBER.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be directed to consider the subject of placing busts of the Vice-Presidents and the Presidents *pro tempore* of the Senate in the vacant niches of the Senate Chamber and its corridors, and to report by bill or otherwise.

DUPLICATE MEDALS.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library be instructed to inquire as to the expediency of procuring duplicates of all medals which may have been made

at the Philadelphia Mint, to be placed in the Library of Congress, and report thereon by bill or otherwise.

STREET RAILWAY BUILDINGS.

Mr. VAN WYCK submitted the following resolution; which was read:

Resolved, That the Committee on Public Buildings and Grounds be directed to confer with the Architect of the Capitol, and report whether suitable buildings can be erected at the street railway stations on the public grounds east of the Capitol without detriment to the said grounds, to be used for the employés of said railways. Also to report what legislation is necessary to require the companies owning said railways to construct such buildings pursuant to the plans to be furnished by said architect.

Mr. VAN WYCK. I ask that the resolution may lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over.

DISTRICT BANK TAXES.

Mr. VAN WYCK submitted the following resolution; which was read:

Whereas it is alleged that the national banks in the District of Columbia have at no time since the enactment of the banking law paid local taxes in said District: Therefore,

Resolved, That the Committee on the District of Columbia be directed to investigate as to the above allegation, and report what legislation, if any, is necessary to require the payment of taxes by said corporations.

Mr. VAN WYCK. I ask that the resolution may lie over until to-morrow.

The PRESIDENT *pro tempore*. The resolution goes over until to-morrow.

LAND GRANTS IN OREGON.

Mr. MITCHELL, of Oregon. On the 19th of this month I submitted a resolution relating to an inquiry into certain land grants in the State of Oregon. The resolution was modified, upon my suggestion on the 20th instant, and placed upon the Calendar. I now ask that it be taken from the Calendar for the purpose of reference to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The resolution will be reported by its title.

The CHIEF CLERK. A resolution relating to land grants in aid of military wagon-roads in the State of Oregon.

The PRESIDENT *pro tempore*. The Senator from Oregon moves to proceed to the consideration of this resolution with a view to its reference. If there be no objection, the resolution will be taken up and referred to the Committee on Public Lands. That order is made.

ARKANSAS HOT SPRINGS.

Mr. HARRISON. Several days ago I called up Order of Business No. 14 upon the Calendar, being a resolution in relation to certain statements in the report of the Commissioner of Pensions. At the request of my colleague [Mr. VOORHEES] the resolution was laid over until Monday, but was not reached at that time. I ask that it may now be acted upon. It is not a matter that will take any time.

Mr. BERRY. I ask the consent of the Senator from Indiana to allow me to call up a resolution for reference.

The PRESIDENT *pro tempore*. Does the Senator from Indiana yield?

Mr. HARRISON. The business which I called up will not lead to any debate, but I will yield to the Senator from Arkansas.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks the consent of the Senate to proceed to the consideration of the resolution submitted by him relative to bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark. The Chair hears no objection, and the resolution is before the Senate.

Mr. BERRY. I will state that the Senator from Illinois [Mr. LOGAN] was of the opinion that the wording of the resolution was such that it might indefinitely prevent action, and the Senator from Kansas [Mr. INGALLS] moved the reference of the resolution to the Committee on Public Lands. I consent to that reference, and hope it will be so referred.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Public Lands if there be no objection.

ALLOWANCE OF PENSION CLAIMS.

Mr. HARRISON. It will only be necessary, I think, to call up the resolution in order to dispose of it. The substitute which I offered embraces all that I proposed before, and I simply ask for its adoption.

The PRESIDENT *pro tempore*. The resolution will be read as it now stands. Does the Senator ask for the reading of the last substitute proposed?

Mr. HARRISON. I called my colleague's attention to the substitute. It embraces everything in the very language of the report.

Mr. VOORHEES. Yes; that is what is proposed.

The PRESIDENT *pro tempore*. The substitute submitted by the Senator from Indiana [Mr. HARRISON] will be read.

The Chief Clerk read as follows:

Whereas the Commissioner of Pensions, in his annual report dated November 18, 1885, has stated that—

"At one time the Pension Bureau was all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization, who had for the claimant other tests than those of the law, and who required, in addition to service in the field, submission to and support of a party before pensions were granted. Not always, but often was this true; not openly, but surely were the tests applied; and the vast machinery of a professed governmental office became a party power. The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party.

"Chiefs of divisions, assistants, clerks, messengers, messenger boys, watchmen, and laborers were all-but entirely from the one school. Veteran service could not secure continuance in office, and at the behest and demand of partisans beyond the office old employés were cut adrift and zealous rufflers placed in their stead; leaves of absence were granted that the active men of the party might dominate over the elections. Wholesale discharges were made for partisan ends, and a careful study of the tables 21 and 21A of this report will show how a tide of men and money was poured by this office into the sections where political struggle was progressing:" Therefore,

Be it resolved, That the Committee on Expenditures of Public Money is hereby directed to inquire into the truth of said allegation and to report the facts and testimony presented before them to the Senate. Said committee is authorized to send for persons and papers and to employ a stenographer. The expenses incident upon such investigation shall be paid from the contingent fund of the Senate.

Resolved, further, That said committee be also directed to inquire into the manner in which the Pension Office has been conducted and administered by the present Commissioner of Pensions in the matter of appointments to or removals from office, and to report the facts to the Senate.

Mr. VOORHEES. I understand that simply to be the last paper presented by my colleague. Am I right about that?

Mr. HARRISON. So I understand.

Mr. VOORHEES. Then I have no objection to it.

The PRESIDENT *pro tempore*. The question is on agreeing to the substitute proposed by the Senator from Indiana [Mr. HARRISON].

The substitute was agreed to.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution as thus amended.

The resolution as amended was agreed to.

SIOUX RESERVATION IN DAKOTA.

The PRESIDENT *pro tempore*. The morning business having terminated, the next order of business is the consideration of the Calendar under the eighth rule. The first business on the Calendar will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 52) to divide a portion of the reservation of the Sioux nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Indiana [Mr. HARRISON] is the pending question. The amendment will be read.

Mr. DAWES. Before the amendment of the Senator from Indiana is read I desire to offer another one, which I have submitted to the committee. At the end of the eighteenth section I move to add:

And the Santee normal training school may in like manner purchase for such educational or missionary work on the Santee reservation, in addition to the foregoing, in such location and quantity, not exceeding 320 acres, as shall be approved by the Secretary of the Interior.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is upon the adoption of the amendment proposed by the Senator from Indiana [Mr. HARRISON]. It will be read.

The CHIEF CLERK. It is proposed to add to the bill as additional sections the following:

SEC. —. That all persons who, between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith, entered upon any part of the Great Sioux reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago reservation, which by the President's proclamation of date February 27, 1885, was declared to be open to settlement, and not included in the new reservation established by section 6 of this act, and who located thereon homestead, pre-emption, or town-site claims, shall, for a period of ninety days after the proclamation of the President required to be made by section 22 of this act, have a right to re-enter upon said claims and complete the same as required by law, and their said claims shall for such time have a preference over later entries; and when they shall have in other respects complied with the law regulating such entries, and, as to homestead, with the special provisions of this act, they shall be entitled to have said lands, and patents therefor shall be issued as in like cases. The money paid for pre-emption and town-site entries shall be such as are required by law in other cases, and shall be paid into the general fund provided for by this act.

SEC. —. That the President shall appoint a special agent, who shall, as soon as practicable, under the direction of the Secretary of the Interior, make inquiry and report to the Secretary of the Interior upon the claims for losses of all persons who in good faith, between the 27th day of February, 1885, and the 17th day of April, 1885, settled upon and made claims, under the land laws of the United States, to any of the lands in said Crow Creek and Winnebago reservation, which, by the proclamation of the President of February 27, 1885, were declared to be open for settlement, and which are included in the reservation established by section 6 of this act. Said agent shall have power to cause witnesses to come before him at some point convenient to said reservation, and to administer oaths. He shall report what improvements were made by such persons, the value of the same, the losses sustained by reason of the revocation of the executive order opening said lands to settlement, giving the particulars of any such losses, and all other facts connected therewith. And in case the consent of the Indians is not obtained, as required by section 22 of this act, then the same inquiry and report shall be made as to all persons who made claims as aforesaid upon that part of said reservation which is not included in the new reservation established by section 6 of this act, and which was by said executive order of February 27, 1885, declared to be open to settlement. The Secretary of the Interior shall transmit said report to Congress, with his recommendations thereon.

Mr. DAWES. I should think those sections should come in between section 21 and section 22. They are blank sections.

Mr. HARRISON. I do not think it is material. Perhaps the order

would be better at the place suggested by the Senator from Massachusetts. I accept the suggestion that they come in after section 21 of the bill.

The PRESIDENT *pro tempore*. The amendment will be proposed to be so inserted. The question is on agreeing to the amendment.

Mr. HARRISON. Mr. President, I do not desire to detain the Senate by any discussion of this amendment. I will state briefly the facts out of which the necessity for this legislation grows.

President Arthur, taking the view—which I do not for present purposes care to discuss as to whether it was the right view or the wrong view—that the Crow Creek and Winnebago reservation on the east side of the Missouri River was a reservation that existed by executive order only, and was not embraced within the provisions of the Sioux treaty of 1868, reduced the reservation by an executive order on the 27th of February last year, and threw open to settlement a large body of land. Under the invitation of that proclamation a large number of settlers went upon the lands that were thus declared to be open under the land laws of the United States, and made town-site entries, homestead entries, pre-emption entries, and perhaps timber-culture entries, for aught I know; for there was no limitation upon their right to make any entry that was admissible under any of the land laws of the United States. Subsequently, under the advice of the present Attorney-General, Mr. Cleveland, some time early in April, reversed that order, and declared the lands not to be open to settlement. He recognized the reservation as being part of a treaty reservation, and warned the settlers off the reservation. Most of them, perhaps all of them, at one period or another between that time and this have left the reservation.

By direction of the Senate a subcommittee of the Committee on Indian Affairs visited the reservation last summer and went entirely across it from one end to the other, took testimony at Pierre and at Chamberlain also, and met the settlers, who were very much excited and aggrieved over this disaster which had come to their plans for settlement upon the reservation.

The amendment contains just two propositions. One is that where a settler in good faith under the land laws of the United States, and under the invitation of the President's proclamation of the 27th of February, went upon that land and made a settlement with a view to perfecting a pre-emption entry, or a homestead entry, or a town-site entry, if under the provisions of this bill a certain portion of these lands are ceded by the Sioux he shall be entitled to go again upon the claim which he entered and to complete his entry.

The amendment contains another proposition, which relates to lands that were thrown open by the executive proclamation and are not opened by the bill, but still retained as a part of the reservation. As to those lands it provides for the appointment of a commissioner, who, under the direction of the Secretary of the Interior, shall go there, call witnesses before him, and make an estimate and inquiry into the losses of those who have been put off the reservation and can not be allowed to resume and complete their claims by reason of the fact that this legislation still retains it as an Indian reservation.

This was the best we could suggest. It is not adequate, I agree. I had a letter the other day from a very intelligent man writing from Minneapolis, who tells me his case. Under that proclamation he went upon the land, spent three or four hundred dollars in going there and in making his little improvements and breaking the land. He left the reservation under the order of President Cleveland and returned to Minneapolis. Of course the privilege which we give to him, if his land is embraced in the first section of the amendment, to return and resume his claim is a very inadequate compensation; it does not make him whole for the money he expended in going there the first time. But I have thought that those indirect damages could hardly be compensated, and perhaps after all the most we can do for those people, with whom I sympathize very much, is to provide, as I have done in the amendment, that those who please may go back if the lands are now opened to settlement and resume their claims and have a prior right; and that those who are not allowed to exercise this option by reason of the fact that their lands are retained in the reservation shall be compensated for such losses as were incident to their attempt to make a settlement; and the commissioner is to report all these facts to Congress so that we may legislate upon it and appropriate the necessary money. I have talked with the Senator from Kansas and the Senator from Arkansas who were with me upon that trip, and I believe they concur with me in the amendment.

Mr. INGALLS. Mr. President, this is not probably the appropriate time to discuss the validity of the proclamation of February 27, 1885, or the counter-proclamation of the 17th of April following, but there were some rather peculiar circumstances that attended the original proclamation to which my attention was called when visiting this country as a member of the subcommittee of the Committee on Indian Affairs last summer. It appears that the arrival of the notice of the proclamation of February 27 had been awaited by the inhabitants of the country along the border of this reservation with great impatience. If I recollect aright, the evidence showed that the telegraphic announcement was made after nightfall on the 27th day of February; and in anticipation of that event the citizens of the towns along the border were encamped upon the line with their horses attached to their vehicles that were loaded with lumber and with household implements, and immediately upon the ting of the instrument they set off instantaneously like an army moving upon an intrenched position, and the operations of taking claims and building cabins and making improvements were continued during that winter's night and the following day about noon the entire reservation had been occupied and improved. These villages and houses sprang like an exhalation from the surface of the prairie.

For some reason—whether it was in accordance with law or otherwise I do not, as I said, propose to consider—on the 17th of April this proclamation was countermanded by President Cleveland. These settlers were notified to abandon this reservation, to quit and surrender their occupation of it, upon the ground that the proclamation of the 27th of February was not in accordance with law. The people on the reservation formed what they called protective and defensive associations, and they made up their minds in public meetings and in private and secret gatherings that the proclamation of the 27th of February was the valid proclamation, the one that was binding upon the Government, and that that of April 17 was not in any way whatever obligatory upon their conscience or their conduct.

We had several of the officers of these associations before us at the town of Pierre, and they advised us that in the month of July, at that time two months after the proclamation had been issued, they were upon that reservation, and that they intended to remain there in spite of the proclamation of April 17. I asked the president of one of these associations if they intended to defy that executive order, and they said they did, and that they did not regard it in any way whatever binding upon them, and that they intended to remain there, and, if necessary, to resist the effort to remove them by force.

I am entirely willing that those people who went on there under the invitation of February 27, and who quietly departed under the admonition of April 17, shall have their rights protected in any subsequent arrangement which may be made for the settlement of this reservation; but I am not willing that those people who remained on the reservation in defiance of the order of the President, and who are there to this day in defiance of that order, shall be permitted to avail themselves of their own wrong and secure pre-emption rights as homesteaders upon that reservation whenever it shall be legally opened to settlement. I do not think that is a proper encouragement to hold out to men who openly announced their purpose of defying law and making themselves the judge whether a proclamation is valid and binding or not. I shall not, with my vote, offer any such encouragement to law-breaking, and I therefore propose to amend the amendment of the Senator from Indiana by adding after the word "claims," in line 11, at the bottom of the first page, the following words:

And abandoned the same in compliance with the proclamation of April 17, 1885.

The PRESIDENT *pro tempore*. The amendment to the amendment will be read.

The CHIEF CLERK. It is proposed to amend the amendment of Mr. HARRISON by inserting after the word "claims," in line 11, at the bottom of the first page, the following words:

And abandoned the same in compliance with the proclamation of April 17, 1885.

So as to make the clause read:

And not included in the new reservation established by section 6 of this act, and who located thereon homestead, pre-emption, or town-site claims, and abandoned the same in compliance with the proclamation of April 17, 1885, &c.

Mr. TELLER. Mr. President, I shall not attempt at this time, owing to the limit of debate and for other reasons, as well as the fact that I do not wish unnecessarily to continue the debate on this bill, to discuss the validity of either of the orders which have been named. I should think that I might without going into any discussion call the attention of the Senate briefly to the fact that a very grave question is presented when one executive officer having proceeded according to a discretion left with him to determine what the meaning of a treaty is, and having determined it, and property rights having intervened under that determination, there can be a subsequent adjudication so as to destroy those property rights.

So far as these settlers are concerned, I do not know what they did. I know that for a year the question whether this was or was not an Indian reservation under the treaty of 1868 had been a matter of discussion in the Interior Department. The people living in the village of Chamberlain and the people who desired to become settlers on this land, if it was public land, had sent early—at least a year before this first proclamation—their petitions and their briefs, made out by their attorneys, and later they had sent a distinguished ex-member of the House of Representatives as their lawyer to discuss the question before the Department. It was carefully discussed by their attorneys. They were represented also by the Delegate from that Territory, who also presented his views to the Secretary.

A brief was filed by gentlemen living in Chamberlain who were volunteers, so far as that was concerned, giving their views on the subject. Letters were written and papers were filed, and the whole question was finally resolved into a question of fact and not a question of law.

Thereupon the matter was submitted, first coming directly to the Secretary, to the law division, where it was determined; it was again submitted by the Secretary to the Indian division of the Secretary's office, and each finding being in accordance with the views of the Secretary, on the 27th of February the order was made. At least twenty days be-

fore the order was made it was thoroughly understood in the city of Washington by the Delegate and by the counsel who had appeared and addressed the Secretary in behalf of the settlers, that the determination of the office was to issue the ultimate order that was issued on the 27th of February. At least fifteen days before the order was issued the principal paper in the Northwest, the Pioneer-Press, of Saint Paul, declared, without contradiction, that the Department had determined to open this reservation to settlement.

During all this time the people who were entitled if it was public land to go upon it and make homes were awaiting the action of the Department. For at least two weeks the order lay upon the table of the Secretary of the Interior, read by the Delegate, read by his friends, read by everybody who chose to read it, and to make exception if any could be made to the lines that were to be established. There was no secrecy about it; there was no midnight telegraphing. I understand that the Delegate waited until he knew there had been appended to it the President's signature, and then he telegraphed; but they knew just as well that it would come as they did when it did come, and then these settlers moved upon the land that they supposed and had a right to suppose was a part of the public domain. Whether it was a part of the public domain or whether it was not a part of the public domain I say I will not here to-day discuss, but I will take occasion before this session closes to discuss it in full.

These people went there, right or wrong. Now, admitting that the first order was wrong, that it was without authority of law, these people, men who were seeking homes on the public lands, went there as they supposed on the highest authority that it was possible to get. There are many good lawyers who believe to-day, right or wrong, that it was not a question that could be reviewed by anybody else. They went onto the land. Hundreds of them took every dollar that they had in the world to get there. To leave it was absolute poverty, absolute want to them; and if they staid there and insisted as to this public land, as they thought it was, not needed and not used by the Indians, upon which an Indian had never put his foot except by the way of vagabond travel, that no authority existed to declare it anything else, they were driven to it by their pressing condition; and I do not think any Senator ought to say that their course was contumacious or rebellious or that they ought not to be protected even if it was admitted that there was error in the first act of the President in issuing the order of February 27, 1885. I think these people are entitled to be put *in statu quo* as near as possible and to use as much of the land as is now thrown into the public domain in this bill; they ought to be allowed to go on and make their titles. I say in equity and in justice the Government ought to put them if possible where they would have been but for what, if you take the most unfavorable view of it, was the mistake of the Government of the United States.

I know there is not any obligation. I understand that there is no legal obligation when the Government of the United States invites its citizens to go upon the public land where it ought not to have invited them; but I do think that a great nation like ours can look with a little degree of leniency upon people who have put their whole living in their little cabins and the fields they attempted to cultivate; and if they do not promptly respond to an executive order, if they do question the authority and the right of it, and if they do say they will stay there until there is some method by which they may obtain their titles, I do not think it becomes us to say, "You are entirely in fault, you are in fault and nobody else." If there is a fault at all in the first instance it was the fault of the Government.

I think that these people ought to be allowed a fair compensation, and I think the suggestion made on behalf of the committee by the Senator from Indiana is a wise and proper one. The facts that the committee gathered I am not familiar with. The facts of the case I think I am familiar with. As I said, not wishing to drag into this debate and into this question some extraneous matters, I shall reserve for some future occasion an opportunity to discuss the whole subject from beginning to end.

Mr. DAWES. Mr. President, I hope the Senator from Kansas will not press his amendment to the amendment. The amendment of the Senator from Indiana is the result of an investigation entered into, by order of the Senate, by a subcommittee of the Committee on Indian Affairs. I was not on that subcommittee myself; it was in charge of the Senator from Indiana, and I think his amendment does justice, as nearly as it can be done, to the parties involved in this conflict of orders on the part of President Arthur and President Cleveland. It would be impossible to do exact and full justice in that matter, but this comes as near to it as can be, and I hope it will be adopted.

I do not care any more than the Senator from Colorado to enter into the propriety or the legality of the late President's order of February 27, three days before the close of his administration. But it is due to the order of President Cleveland revoking that order, and to the opinion of the Attorney-General upon which it is based, that some one should call the attention of the Senate to the opinion of the Attorney-General which has been laid upon our tables in Senate Executive Document No. 1 of this session, and which may be found on page 81 of that document. I do not see how any one can read that opinion of the present Attorney-General without coming to the same conclusion he did, that the order of President Arthur was a mistake, and that in point of fact the territory thrown open by that order was held and covered by the treaty of 1868. If I may be allowed five minutes, I think I can state the case; but at the suggestion—and it is a fair suggestion—of the Senator from Colorado that if I undertake to argue the legality of that proclamation he ought to have time to answer, I shall not go into it. I care more for the passage of the bill than I do for any opportunity to argue that matter, and I will omit it.

Mr. TELLER. The Senator will allow me one moment. If the act of the President of February 27 was improper, then there can not be any question that these people ought to be compensated.

Mr. DAWES. I agree with the Senator in that particular, and therefore it is that I go for this amendment as the Senator does; but I thought that as the Senator alluded to the revocation of the order of President Arthur, which I suppose was issued as is suggested, it was proper to state the grounds upon which it was revoked. The Senator has alluded, however, to the circumstances under which it was issued, and he will not object to an allusion by me to those circumstances.

The Territory opened by that order had been treated up to the hour of issuing that proclamation, in all official transactions, as a part of the land covered by the treaty of 1868. The present bill had passed the Senate at the last Congress and was pending in the House of Representatives when the Secretary of the Interior sent to the President and to Congress his report, and in that he commended the bill to the favorable consideration of Congress and expressed the hope that it would pass. The President in his annual message commended the bill by name. It was then pending in the other branch, having passed this body. So far as the committee having it in charge are concerned, they supposed that every official and all parties acquiesced in the bill, which recognized this land as a part of the land covered by the treaty. The Delegate from Dakota was active apparently in pushing the bill which recognized it. The committee having it in charge, and I have been verbally informed the Commissioner of Indian Affairs, supposed that in good faith everybody recognizing it as a part of the treaty, all were trying to put through this bill. Without the slightest intimation from any quarter, on the 27th of February, three days before the expiration of the term of the Senator as Secretary of the Interior, this order was issued throwing open what had always in every official act on record been treated as part of this treaty reservation to settlement. Whether anybody in the Territory had undue or improper knowledge of what was to be done or not, I do not care to say. That men expected—and they may have had a right to form such conclusions as they pleased—that they expected what was to be done at this last moment, the Senator from Indiana has given ample testimony. It was done under these circumstances. The settler who went on there in good faith is not to blame for the condition of things. If there was no blame on anybody—and I am not here to charge any blame on anybody—it is perfectly consistent with good faith on the part of the then administrators of the law to come to the conclusion that their view of the force of the law was one thing and the conclusion of the present law officers is another. That is consistent with good faith in both, and that is all that is necessary for this occasion.

If the Senator shall feel it necessary to undertake to vindicate as a law argument the position that was taken before, then it will be proper to present the reply; but I assume that it was a construction of law that the law officers at that time came as honestly to as the law officers of the present time came to the conclusion to revoke it. But these settlers went on there in good faith, and so far as this amendment is concerned it applies to no others, and they have suffered hardships and have been driven off. I think it is very proper indeed that they have the first benefit under this law; and the purport of the amendment is that they shall before all others step in and take the land under this law that they would have held under the proclamation of President Arthur.

The Senator from Kansas alludes to a condition of things which I have no doubt—I am not so familiar with those matters as the Senator from Kansas must be—is quite usual, or at least not very unusual, round about public land which is expected to be opened for settlers under the pre-emption and homestead acts; but if he will turn to the document to which I have referred he will see that the Department, to some extent, is responsible for the delay and the continuance of these men upon the reservation, though not responsible at all for any association, if any exists, for defying the proclamation.

Mr. INGALLS. Has the Senator the proclamation of April 17 there?

Mr. DAWES. I have that proclamation, and the proclamation itself has all the force that the Senator claims for it, that they must go off immediately.

Mr. INGALLS. Within sixty days.

Mr. DAWES. Within sixty days. If the Senator will turn to the fortieth page of this document he will find a telegram from the Commissioner of Indian Affairs to the agent, in which he says:

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., August 30, 1885.

GASMANN,
Agent, Crow Creek, Dak., via Chamberlain:

Await further instructions from me before proceeding to remove settlers referred to in telegram yesterday, or calling on military for aid.

J. D. C. ATKINS, *Commissioner.*

The telegram of yesterday is this:

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, August 29, 1885.

GASMANN,
Agent, Crow Creek, Dak., via Chamberlain:

Secretary has granted you authority to remove all settlers and unauthorized persons from reservation, and, if necessary, to call on commanding officer nearest military post for force sufficient to effect their removal.

Proceed at once to remove them and their effects. See office letter, 26th. Copy of authority by mail.

J. D. C. ATKINS, *Commissioner.*

That was on the 29th of August. On the 30th he suggested to him to wait for further instructions.

Mr. INGALLS. Before removing them by the military.

Mr. DAWES. No, it does not say so. It says:

Await further instructions from me before proceeding to remove settlers referred to in telegram yesterday, or calling on military for aid.

I will show the Senator what leads me to think that to some extent the Department thought that possibly some arrangement could be made with settlers and let them remain for a further time. I will read the other——

Mr. INGALLS. The Senator will observe that at the date of that telegram the sixty days prescribed in the President's proclamation had elapsed and many had departed, and these telegrams alluded to that recalcitrant band who had obstinately refused to obey the proclamation, and the purpose was to remove them by the assistance of the Army.

Mr. DAWES. Doubtless that is true. Many of them had conformed to the proclamation; some of them still lingered, and some others were recalcitrant; but I infer that there were those who lingered not because they were disposed to defy the law, but lingered there in the hope that some arrangement might be made by which they could be permitted to remain. After this telegram the Commissioner of Indian Affairs telegraphed further to the agent, on the 15th of September:

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., September 15, 1885.

GASMANN,
Agent, Crow Creek, Dak., via Chamberlain:

What progress have you made in removing settlers from the Big Bend? This office is surprised at your silence on this subject.

Charge Indian Office.

J. D. C. ATKINS, *Commissioner.*

Then further:

September 17—

Mr. INGALLS rose.

Mr. DAWES. Allow me to give the reasons why I think to some extent those who remained on the land did not remain in a defiant attitude. September 17 the agent replied:

Notice given to settlers in Big Bend—

That was but a part of the territory opened—

[Telegram.]

CROW CREEK, VIA CHAMBERLAIN, DAK.,
September 17, 1885.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Notice given to settlers in Big Bend to vacate within ten days from 10th instant; shall proceed to Bend Monday next and see if order has been complied with. Am informed that settlers are leaving; intend personally to visit every settler on reservation and serve notice to vacate within twenty days. Think they will leave without interference of military. Will take at least eight days to visit settlers; will report on my return. Am I doing right?

GASMANN, *Agent.*

To this the Commissioner responds:

[Telegram.]

OFFICE OF INDIAN AFFAIRS,
Washington, D. C., September 18, 1885.

GASMANN,
Agent, Crow Creek, Dak., via Chamberlain:

Telegram 17th received. Instructions August 31 direct you to confine operations as to settlers to Big Bend country—

That is but a part of the territory thrown open—

and report results before taking action as to other portions of reservation. Action as to settlers in Big Bend approved.

J. D. C. ATKINS, *Commissioner.*

All I desire to say is that while I agree with the Senator that when a body of men go defiantly and after the proclamation assume themselves to pass judgment upon the legality of the acts of the Administration they are entitled to no equitable consideration, but must stand upon their legal rights, I think so far as the great body of these settlers are concerned that is not true. There may be a few differently disposed, and I observe in this document indications that there were a few, and I am sorry to say that their spokesman bore the title of "Reverend," who seems to me the most ambitious of anybody to have a conflict with the United States authority.

Mr. INGALLS. He belongs to the church militant.

Mr. DAWES. He belongs to the church militant without doubt. But that class is few. By what tribunal and in what manner are you going to make a distinction between them and the great body who went there in good faith and either removed themselves in compliance with the order or remained there under these shifting orders from the Interior Department? The Interior Department evidently gave them, as it gave the agent, to understand that there was something going on in the nature of negotiation here by telling them to confine the order of removal to certain localities. There was an effort to obviate the difficulties and relieve from hardship these men. And therefore while I do not controvert the soundness of the position of the Senator from Kansas, I do oppose the applicatlon of it in this case.

Mr. INGALLS. Will the Senator before he closes allow me, in reply to his observation about the negotiations that were pending in the Interior Department and the impression that was disseminated that there was some desire on the part of the Secretary of the Interior and the Commissioner of Indian Affairs to allow these people to remain, to make a contribution to the history of this transaction by stating that by the order of the Secretary of the Interior the agent, Major Gasmann, was removed because he had been too pitiful to the settlers.

Mr. DAWES. I want to say, in response to that, that I have been struggling for several weeks to find out whether there was any foundation for that suggestion which the Senator has made; and if he has any evidence of it, if he will communicate that to the Senate it will relieve me in another branch of duty.

Mr. INGALLS. The board of commissioners of Indian affairs that have the control of the appointment of Indian agents under the religious or ecclesiastical Indian policy told me that that was the reason alleged by the Department for his removal. That is my authority, and I suppose it is sufficient, because it came from an influential source. When the Senator from Massachusetts endeavors to leave the impression upon the Senate that here was some subtle and kindly negotiation going on by the Department of the Interior and the Commissioner of Indian Affairs to enable those men who had refused to depart in compliance with the proclamation of April 17 to retain their hold upon that reservation under the theory that it was in some way to be finally open to settlement, I state that they proceeded to remove Major Gasmann, who was acting under those telegrams of August and September, because he had been too pitiful.

Mr. DAWES. Mr. President, I do not mean to say that there was any subtle influence or any design on the part of the Interior Department to carry the idea to any man who was not willing to conform to that proclamation that some indulgence would be extended to him. I do not think that is properly laid at the door of the present administration of Indian affairs. I believe that so far as they encountered any such individuals or organizations they were disposed to remove them without consideration of the hardships that it would involve; but that the Interior Department desired in some way to relieve the honest settler who went on there in good faith from hardship either arising from the expenditure of his money or the sudden order of removal of him and his effects is true, I believe; and I believe that the Interior Department, instead of being criticised for such an effort as that, deserves commendation for it. If any honest settler went out under what he had a right to believe to be legal authority to locate under the land laws, and found from any reason whatever, sound or otherwise, that that proclamation was revoked, and if he could in the administration of Indian affairs be relieved in any way from the hardships in which he was involved, it was a duty devolved upon the Interior Department, and so far as it has extended its efforts for that purpose, I think it deserves commendation.

But, sir, that Major Gasmann, the Indian agent there, has been removed or suspended because after these telegrams he had been in the opinion of the Department too indulgent with the settlers, I do not believe to be the fact. I know the evidence upon which the Senator from Kansas makes that statement. I do not believe that Mr. Gasmann has been suspended for any such cause as that; but when the evidence shall come that he has been suspended for that cause, these telegrams I think will be his defense and his justification from any such charge as that. Until I have other evidence than that upon which the Senator founds his statement I shall fail to believe that he has been suspended for any such cause. I think the Department on the whole is prepared to say that Major Gasmann exercised wonderful discretion and managed that difficult case with wonderful forbearance and wisdom, saving a conflict between settlers who went on there under the first proclamation and the Indians who found themselves crowded off from the reservation by men of whose approach they had no notice until they were there in the night-time like an army with banners about to take possession of their homes and their heritage.

Mr. HARRISON. Mr. President, I rise to a parliamentary inquiry. Are we proceeding under what is called the Anthony rule?

The PRESIDING OFFICER (Mr. SEWELL in the chair). The Chair has failed to check Senators who have been indulging in debate beyond the time prescribed by the rule.

Mr. HARRISON. I think we ought to get this bill out of the way. I suggest that for the remainder of the discussion we apply the principle of the Anthony rule.

The PRESIDING OFFICER. The question now is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. TELLER. Mr. President, I supposed we were proceeding under the five-minute rule.

The PRESIDING OFFICER. That is so.

Mr. TELLER. I will try to keep within the five minutes.

Mr. HARRISON. Has not the Senator spoken to this amendment once?

Mr. TELLER. If I have, I will move another so as to be at liberty to speak again.

Mr. INGALLS. There is no use in applying the five-minute rule to this bill after it has been proceeded with as it has been. I move to take up the bill for consideration notwithstanding any objection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kansas.

Mr. HARRISON. I hope the Senator will not press that motion.

Mr. TELLER. I am willing to speak in five minutes.

Mr. HARRISON. I think we can get along.

Mr. TELLER. I think we can.

Mr. HARRISON. I am not disposed to enforce the rule against any one who really wants to speak on the bill. I only made it in the form of a suggestion. I think we can pass the bill in a little while without trouble. I think we had better not take it out of the ordinary category.

The PRESIDING OFFICER. Does the Senator from Kansas withdraw his motion?

Mr. INGALLS. Yes, sir, if the rule is not to be enforced. [Laughter.]

Mr. TELLER. I do not desire to delay the debate. I simply want to reply to what I will say, using as polite an expression as I can, are the mistaken statements of fact made by the Senator from Massachusetts, inadvertently made I have no doubt. He says that nobody had heard of this proposition to open this reservation. The files of the Interior Department are full for a year, as I have before stated, of the efforts made by the people there to open the reservation. The question was submitted to the Attorney-General's Office. The Assistant Attorney-General designated by the Attorney-General to sit in the Interior Department to decide questions of law made a written report to the Secretary of the Interior at least a month before this territory was opened, holding that it was within the power of the President to open this reservation and that it was not included in the treaty of 1868. Not only that, but the committee that came here to urge the bill now pending in the Senate were before the Secretary of the Interior, and as I before stated, the Secretary sat there as a court to hear an argument by their attorneys; and yet the Senator says that nobody had heard of it when it was as public as the doors of the office were, and there were hundreds of men who knew that that was being discussed in the Secretary's office.

The Senator says because it had been recognized in this bill as Indian country therefore the Department was precluded from acting. It is an unheard of thing that because the Senate passes a bill three times or thirty, until it becomes a law the Departments must take the Senate's construction of what is the law. I state again that this is not a question of law at all and never has been a question of law, but a question absolutely of fact and nothing else; and when the fact was settled the law made its own application, and it did not need an Attorney-General or anybody else except that it was proper to submit it to a man who was skilled in determining questions of fact, and that was what was done.

Mr. President, I do not intend to go into any defense of the Interior Department, because I am exceedingly desirous that these men who have suffered, either by the mistake of the last Administration or the mistake of the present, shall be protected. I have letters from these people who felt inasmuch as I had made the order that I ought to take some interest in them, and I said to one and all of them, "Obey the President's order; get off that reservation; appeal to Congress; and there never has been a Congress that will not respond to you when you come there and lay your case before them and state the facts, and they will give you, so far as I am concerned, proper compensation for that which is not your fault and must be the fault of some administration, either this one or the other."

I am prepared when the time comes to discuss this question upon two phases. The first is that the question of fact justified the action taken, and second, that if it was an error, nobody is permitted under the sun to review that error, and therefore it must have stood for all time. What I am interested in now is to see these men made whole as much as possible; therefore I do not want to drag in these other questions, and hence I refrain now from discussing them.

Mr. JONES, of Arkansas. Mr. President, my impression is that the adoption of the amendment suggested by the Senator from Kansas would operate as a very great injustice to a number of deserving men who went on this reservation. I was a member of the subcommittee that visited this reservation and examined into the facts of this case; and while I heard a good deal of loose talk about defiance of the Government, while I heard statements made by presidents of organizations of the settlers that they would go back on the reservation if they were removed by military force, the statement was made in every instance I believe that they were acting under the advice of counsel, that they believed that they had vested legal rights which they derived from the proclamation of the President of the 27th of February, and that their intention was to preserve whatever legal rights they had. Beyond this I do not think there was any evidence of any intention to defy the Government except by a hot-headed man or two. There were instances of that sort, however. I remember one in a private conversation where one of these settlers said to me that he proposed to resist by any means possible, and I jocularly suggested to him that if he proposed to defy and overthrow the United States Government, I thought I could possibly furnish him with some points which would be of value to him, that I had been engaged in an experiment of that sort once myself, and found that it did not pay well, and I believed I could give him some valuable suggestions. That man before we separated said that he intended to abide by whatever was done. I do not think there was any organized intention to resist the Government any further than to retain the legal rights they believed they had acquired under the first proclamation of the President of the United States.

Then there are a number of circumstances that enter into this. There were some of these settlers who after the proclamation of the President ordering them to leave the reservation moved their families off the reservation to adjoining towns or to other places where they had resided before. They would go back once a week to the settlements made simply for the purpose of preserving whatever rights they had, believing that some steps would be taken by the United States Government to give them the benefit of what they had already done. They did not intend to defy the Government, but they did intend as far as they could in compliance with the order of the President to preserve whatever rights they thought they had acquired.

There may be a limited number of men who went upon this reservation who were absolutely defiant of the Government, but I believe if this amendment is adopted there will be nine innocent men harmed to one man who was guilty of this kind of feeling who will suffer any inconvenience from it at all. I believe that we are instructed by high authority that it is better to allow a large number of guilty men to escape than that one innocent man be punished, and I do not think that it would be wise or proper in the Senate of the United States to begin to punish ten innocent men so that they might possibly be able to get at one who was guilty of some sort of insubordination.

When I went to this reservation I went firmly impressed that there had been very great wrongs done by a number of these citizens. I had heard, as every other member of the Senate had heard, that this settlement had been made in defiance of the Government. There were charges made that there was collusion between men high in authority and individuals in that territory for the purpose of opening it to settlement and getting an advantage for certain individuals. I went to make the examination with this impression strongly upon my mind; but the result of the investigation on my part was the conclusion that there was no foundation for such a charge and that this settlement was made in honest good faith by American citizens who desired to avail themselves of homes on the public domain of the Government and intended to do it in compliance with law and not with any intention to defy the Government.

I believe, therefore, that if the Senate adopts the amendment suggested by the Senator from Kansas, it will result in doing great wrong to a number of good men and may possibly reach a few and a very limited number, if any, who are absolutely defiant of the Government.

Mr. MORGAN. Mr. President, the present Administration may have done right, and probably did do right, in reversing the order of the preceding administration in regard to the right of the people to go upon this territory as part of the public domain. It is very likely that the treaty which has been referred to here gave these Indians that reservation; and if that was the fact, of course the President of the United States had no right to set aside that treaty by his proclamation, but that is a debatable question and one which I believe the Senate is not disposed to go into now. But after Mr. Cleveland's proclamation had been issued I ventured to file a modest protest with the Secretary of the Interior against any executive order that should remove these people by force from that domain, taking the ground that it was the duty of the President on such an occasion as this to allow Congress to dispose of the question, or if it might be done to allow the judiciary to dispose of it. Where the executive office finds itself one day of one opinion and proclaims it and the people act upon it, and another day of another opinion and shall entirely reverse the former action, it is always right to pause until some other department can come in and relieve the Executive and the people of the difficulty which has been imposed upon them.

I regard every settler who has gone in good faith to that territory as being not merely authorized but virtually invited to go there by the proclamation of Mr. Arthur, and I do not think that I shall be able to discriminate against such men because some of them got very angry and made some, perhaps, very unfortunate remarks or speeches after they found that they were involved by the executive action in this difficulty and trouble.

I think we had better not adopt the amendment of the Senator from Kansas, but allow Congress to do that which it is now doing, make provision by which justice and equity can be done to those people who under the circumstances went upon that land. It is said that they flooded in. It is very natural that they should flood in upon the land.

It is very natural that our people in the United States who have sons and daughters growing up who want to take an interest in the public domain by homestead settlement should flock about the borders of any unopened territory and be prepared to rush in, and, as was said, to build cities and towns on these prairies that seem to have come up as an exhalation, because the general laws of the United States invite the world to come here and upon a mere declaration of intention of citizenship to take from our children their inheritance. We extend an invitation to all the world to put themselves in competition with our own people, and I can not blame our people for being very active, very enterprising in trying to get from the authorities of this country the heritage which their fathers had bestowed upon them. I shall therefore not vote for the amendment of the Senator from Kansas.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS] to the amendment of the Senator from Indiana [Mr. HARRISON].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the adoption of the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. MORGAN. I suggest to the Senator from Indiana an amendment to come in after the word "persons," in the first line of his amendment, so as to read:

That all persons qualified under the law to make locations and entries of land under the homestead or pre-emption or timber-culture acts.

It may be, and probably is so, that some persons have gone in there and located on this land that are not qualified.

Mr. HARRISON. I accept the suggestion of the Senator from Alabama. I had prepared myself an amendment to come in later on, inserting "not otherwise qualified to make such entry."

Mr. MORGAN. That will do.

Mr. HARRISON. Let the amendment go in as suggested by the Senator from Alabama.

The PRESIDING OFFICER. Does the Senator from Indiana desire the amendment of the Senator from Alabama adopted?

Mr. HARRISON. I consent to it as far as I can.

The PRESIDING OFFICER. The amendment to the amendment will be incorporated in the amendment.

Mr. PLUMB. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In the first line of the first section of the amendment, after the word "persons," it is proposed to insert:

Qualified under the law to make locations and entries of land under the homestead or pre-emption or timber-culture laws—

So as to read:

That all persons, qualified under the law to make locations and entries of land under the homestead or pre-emption or timber-culture laws, who, between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith entered upon any part of the great Sioux reservation, &c.

Mr. PLUMB. There are no timber-culture entries provided for, and it would only confuse matters to insert that phrase. I think it would be better to say:

All persons having the proper qualifications under the general land laws.

Mr. MORGAN. I put in "timber-culture" because the Senator from Indiana said he supposed some persons might have gone in there under the timber-culture laws.

Mr. PLUMB. Timber-culture entries are all provided for in the latter part of the bill.

Mr. MORGAN. I am willing to strike out "timber-culture."

The PRESIDING OFFICER. That modification will be made if there be no objection. The Chair hears none.

Mr. HARRISON. Let it be read again.

The PRESIDING OFFICER. The amendment will be read as modified.

The CHIEF CLERK. After the word "persons," in line 1 of the first section of the amendment, it is proposed to insert:

Qualified under the law to make locations and entries of land under the homestead or pre-emption laws.

Mr. HARRISON. I suggest to the Senator from Alabama that there are town-site entries made here. I have now before me the amendment I intended to suggest in the tenth line.

Mr. PLUMB. There is no personal qualification required for such entries.

Mr. HARRISON. It is not a question of personal qualification so much perhaps as of compliance with law.

Mr. INGALLS. Why is this qualification inserted here?

Mr. MORGAN. Because without it those persons who might have gone on these lands not qualified to take up homesteads would be admitted.

Mr. INGALLS. I should judge not. If the Senator will examine the lines at the head of page 2 I think he will see that no person can complete a claim on this domain except on compliance with law; that is, he "shall, for a period of ninety days after the proclamation of the President required to be made by section 22 of this act, have a right to re-enter upon said claims and complete the same as required by law."

Mr. MORGAN. I suggest to the Senator from Kansas, whether qualified originally to enter or not.

Mr. INGALLS. I think not.

Mr. HARRISON. The Senator from Alabama will allow me to make a suggestion and see whether it does not meet the case. I suggest an amendment in line 10, so as to read:

And not included in the new reservation established by section 6 of this act, and who, being legally entitled to make such entry, located thereon homestead, pre-emption, or town-site claims.

Mr. MORGAN. That will do. That is the same thing.

Mr. HARRISON. I think it perhaps comes in better there.

Mr. MORGAN. I withdraw my amendment then to allow the Senator from Indiana to make that change.

The PRESIDING OFFICER. The amendment of the Senator from Alabama is withdrawn, and the modification suggested by the Senator from Indiana will be made to his amendment.

Mr. INGALLS. Let it be read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 10 of section 1 of the amendment, after the word "who," it is proposed to insert "being legally entitled to make such entry;" so as to read:

And who, being legally entitled to make such entry, located thereon homestead, pre-emption, or town-site claims, &c.

Mr. PLUMB. I desire now to move an amendment to the first section of the amendment of the Senator from Indiana. I move, after the word "thereon," at the end of line 10 of the first section of the amendment, to strike out the words "homestead, pre-emption, or town-site claims" and insert "by actual settlement and improvement on any portion of such lands," so as to limit this to the persons who actually made improvements there and not extend it to the persons who may have simply put their feet there and immediately gone off.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. PLUMB. In other words, I distinguish between pirates and settlers, and having a desire to accomplish the object which is in view by the adoption of this amendment, to wit, to preserve the rights of actual settlers, I propose by this amendment to limit it to those persons and to those only.

Mr. HARRISON. I do not know that I object to the Senator's amendment, but I do not suppose that a pre-emption claim is a matter of filing simply, or that a homestead claim is a matter of filing. It involves going upon the particular tract and making certain classes of improvements, and the filing follows, as I understand, after that is done.

Mr. INGALLS. If my colleague would read the evidence that has been taken in connection with the settlement of this reservation, he would find that the adoption of his amendment introduces a very embarrassing element. If he desires to promote the interests of those who have gone upon this reservation, I think the less said about good faith and improvements the better. Of course Senators are aware of the situation there, and I sympathize fully with my colleague in his desire to protect the public domain from depredations and to restrain the simulated and fabricated claims that are set up under the homestead and pre-emption and timber-culture laws. But really the idea of asserting that in good faith permanent and substantial improvements were made by persons intending to settle on this reservation has a very fragile foundation. I do therefore hope that my colleague will not embarass this situation by attempting to introduce that element.

Mr. PLUMB. If this will embarrass it, it is not because of the amendment but because of the fact which my colleague has referred to, but which I have not been advised about. But whatever the facts may be, there can certainly be no equity of the character which we should be called upon to recognize by legislation in this case unless it be an equity founded upon actual settlement made. If some one has gone upon these lands in the fugitive and uncertain and unsatisfactory way that my colleague intimates, then I think he is not entitled to be the beneficiary of this provision.

Mr. INGALLS. Will the Senator allow me to read a moment from the testimony?

Mr. PLUMB. I will.

Mr. INGALLS. I propose to read from the testimony of a witness whom we examined at Pierre, I think. He was one of these settlers who went down in good faith to make permanent improvement on this reservation! He says he started the same night the telegram was received:

Q. How many of you went together?
A. Three of us went.
Q. You gave up your place in the printing-office, did you?
A. I did not give it up. I told them I was going down there, and they could put a man in my place for the time being.
Q. And they put a man in your place, and you went down in the reservation with two others?
A. Yes, sir.
Q. Who were the two others?
A. One was a traveling man who just happened to be in town. He said if he could get a good claim he would quit traveling.
Q. What was he traveling for?
A. A sirup-house in Dubuque, Iowa.
Q. What was his name?
A. Fred. Gunkel.
Q. Was it the first time you had met him?

A. Yes, sir.
Q. Who was the other man?
A. Mr. Kretschmer.
Q. What position did he hold?
A. Clerk of the court here.
Q. Was he clerk at that time?
A. Yes, sir; and still is.

And so the story runs. I sincerely sympathize with the settlers on this reservation and desire that they shall be entitled to formulate all the rights that they have instituted; but if permanent improvements on the part of these drummers for sirup-houses in Dubuque and elsewhere are to be protected, do not put in good faith; it is too serious.

Mr. PLUMB. I am not responsible for the term "good faith," because that was in the amendment drawn by the Senator from Indiana; but I should like to have some tangible evidence of good faith. Now, residence is a compound of fact and intention. The intention we can only judge of, however, although it may exist, by the fact, and I think myself that any one who was a drummer for a sirup-house in Dubuque ought to be commended for desiring to get out of that business; and, so far as he was concerned, if he manifested his intention to get out of the business and made a home on these lands in the way the law requires, to wit, by not only going upon the land, but by making an improvement there which manifested that intention; and if that intention was continuously manifested until the time the second Presidential proclamation was issued, then I would give to that man the right to reenter upon the land and perfect his entry, and thereby give him the opportunity to carry out the good intention with which he had started.

It seems to me that unless we do something of this kind we are liable to be imposed upon; and when I say "imposed upon" I do not speak of that term as involving the taking of a large sum of money from the Treasury or of treating the public lands in a way that has been wholly unusual, but when we depart from the usual course of legislation to make reservations and exceptions concerning the public lands and the settlement thereon we ought to do it alone for those people who have done all they could do at least under a mistaken idea of the law into which they were led by the proclamation of the President, and not in favor of the people who went there purely for the purpose of speculation, or, at all events, who have left behind them no evidence of their intention *bona fide* to make a home upon the public domain. Therefore I think that this amendment for the purpose of carrying out the intention of the Senator from Indiana, which I entirely agree to, would be imperfect and improper without the amendment which I have proposed.

COUNTING OF ELECTORAL VOTES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the regular order, being the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HOAR. The Senator from Vermont [Mr. EDMUNDS] and one or two other Senators who are especially interested in the discussion of this bill are obliged to be absent from the Chamber to-day; and I therefore ask unanimous consent that the bill may be postponed until Monday morning, retaining its right as the unfinished business at 2 o'clock on that day, as it is now.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none.

ADMISSION OF DAKOTA.

Mr. HARRISON. I move that the Senate proceed now to the consideration of the bill for the admission of Dakota.

Mr. DAWES. I appeal to the Senator who is upon the committee——

Mr. HARRISON. Let me in advance say to the Senator from Massachusetts that it is not possible for me to yield to any appeal.

Mr. DAWES. Perhaps the Senator may tell better after he has heard the appeal.

Mr. HARRISON. I anticipated it, and as I am prepared to go on with the discussion and want to address the Senate on the Dakota bill, I do not want it postponed.

Mr. DAWES. If the Senator does not want to hear the suggestion——

Mr. HARRISON. We can finish the other bill to-morrow in the morning hour. I shall be glad to help the Senator to do it, as I have tried to do this morning.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana that the Senate proceed with the consideration of the Dakota bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

Mr. HARRISON. Mr. President, the bill now before the Senate provides for the admission of that part of the present Territory of Dakota lying south of the forty-sixth parallel of north latitude as a State in the Union. It declares that Congress accepts and ratifies the constitution and State government which the people of that portion of the Territory have formed for themselves. It provides that the State shall be entitled, until the next census, to one Representative in the House of Representatives. I may say in passing that according to the present apportionment the fraction in excess of the ratio of representation in Dakota is large enough to entitle her to two members of the House, and the people of Dakota have chosen two; but the committee decided not to support this apparently just demand, but to ask the people of Dakota to be content for the present with a single Representative in the other House. The other provisions of the bill are quite similar to those which may be found in the enabling acts and in the acts admitting States into the Union. The bill, I think, is rather less liberal in its land grants than has been customary.

I do not need to go further, I think, into the details of the bill. If this bill is to meet opposition, I take it for granted that it will not be upon these details, as to which, if there should be developed any differences of opinion, they could undoubtedly be speedily adjusted. The division will undoubtedly be upon the main proposition of the bill, which is as I have stated, the admission of Dakota under the constitution which her people have formed for themselves.

Mr. President, I agree that the work of constituting an American State, of adding another member to our Union, is legislation of serious import. There are considerations affecting the body of the States which may be fairly taken into account, and on the other hand there are considerations affecting the people who dwell in these Territories that are of the utmost concern and urgency to them. So far as it is in my power in this discussion I shall consider temperately and fairly every objection which has been suggested to the admission of Dakota as affecting the general interests of our whole people, and also those objections which have been made to the methods which the people of Dakota have adopted.

I agree that we may insist, indeed that we must insist, upon the presence of certain conditions as to area, population, productive capacity, wealth, and good disposition on the part of the people toward our institutions when any community of our people residing in any of the Territories asks for admission to the Union of the States. But, Mr. President, if these conditions exist in the case of Dakota, then I insist that the principles of the Constitution, the obligations of treaty and public law, and the highest possible considerations of fairness and justice call upon us to give to these people the full enjoyment of all the rights of American citizenship.

Mr. President, I invoke a candid, impartial, non-partisan consideration of the case of Dakota. I am somewhat encouraged to make this appeal because of some things that were said in debate at the last session of Congress, and of some things that have been said to me in private conversation by my friends on the other side of this Chamber. I am sure that no Senator who hears me would be willing to admit that he could be influenced in his vote upon this bill by any mere consideration of party advantage or detriment. I do not need to lift this discussion above that low plane. Its own merit and importance part it from such low associations. At the last session of Congress, when we were discussing an enabling act for Dakota, the Senator from Alabama [Mr. MORGAN] said:

> If those people decide that they want their Territory divided, and if they bring a constitution here which the Government of the United States is willing to accept as one republican in form, then I shall never vote against the admission of that Territory as a State because it may turn out in the next Presidential election or in any subsequent election to be a Republican State. I do not know how good I can make this pledge by a mere statement of this kind in advance. I can only express the conviction of my own heart upon the matter, and I do it without reserve.

It will be recollected that one of the objections which the Senator then urged to the bill was that it provided that the constitution of the new State should be submitted, not to Congress, but to the President of the United States, and that if found by him to be republican in form he should by proclamation declare the State admitted into the Union. I am able now to meet that objection. The people of Dakota have presented their constitution, and I offer it to the Senator from Alabama and to those who then held that view with him for their consideration and judgment whether it is not republican not only in form but in spirit.

Now, Mr. President, I want to discuss, without any attempt at oratory, in a simple and argumentative way, the features of this case as it is presented to the Senate and to the people of the United States. There are two solemn compacts to which the people of Dakota appeal; one is the treaty of 1803 with France under which we acquired this territory now called Dakota; the other is the ordinance of 1787, the benefits of which by public law have been extended to the people of that Territory.

Let me revive the recollection of Senators as to the provisions of this treaty and of that ordinance. The treaty with France contained this provision:

> ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (8 Stat. L., page 202.)

An appeal has been made and sustained in behalf of other States

based upon this article of the treaty. When the State of Arkansas applied for admission into the Union, the advocates of her admission rested her claims upon this treaty stipulation. But this is not the only guarantee of Dakota. The ordinance of 1787 relating originally to the northwestern territory as ceded to the General Government by Virginia, has by subsequent acts been extended from time to time to other territory not acquired under that cession. The fifth article of that ordinance was as follows:

> And whenever any of the said States shall have 60,000 free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty—

I call the Senate's attention—

> and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be, consistent with the general interests of the confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

Do I need to remind Senators that by these two solemn engagements, one taking the form of a treaty with a foreign power from which we were purchasing territory and stipulating in the interest of the people who did or should dwell within that territory, and the other a compact with one of the States of the Union in connection with the cession of a vast territory to the General Government and defining the uses of the grant, we have come under a high and imperious obligation to admit Dakota as a State? Do I need to appeal to these compacts at all? Is there a Senator here who will dissent from the proposition that the contemplated purpose in the acquisition of all this territory was that it might be filled by intelligent and patriotic citizens, and that so soon as these communities should be sufficiently populous to enable them to bear the burdens of a State government and to exercise its duties, they should be admitted into the Union of the States?

Mr. President, the idea of holding any body of our people permanently in a colonial relation to the General Government has always been distasteful to the statesmen of this country. Mr. Madison, speaking upon this subject, said:

> The inhabitants of that district of country—

He was speaking of the bill for the admission of Tennessee—

> The inhabitants of that district of country were at present in a degraded situation; they were deprived of a right essential to freemen—the right of being represented in Congress. Laws were made without their consent, or by their consent in part only. An exterior power had authority over their laws; an exterior power appointed their executive, which was not analogous to the other parts of the United States, and not justified by anything but an obvious and imperious necessity. He did not mean by this to censure the regulations of this provisional government, but he thought where there was doubt Congress ought to lean toward a decision which should give equal rights to every part of the American people.

Mr. Gallatin, speaking upon the same subject, referred to them as being in a "colonial condition." Mr. President, no one here can believe for a moment that the descendants of the men of 1776 will submit as a permanent condition thus to have their laws made for them and their executives and judges appointed by an exterior power. We must remember who these people are; we must not forget the lessons of our own history; and if we do not, we shall not be impatient with these men who upon our frontier are now urgently demanding to be clothed with the right to select their own governors and judges and to make their own laws.

Is there a Senator here who if his own political rights or those of his people were thus shorn, would not be impatiently demanding that they should be restored to him? These people were lately citizens of my State and of yours, Mr. President, possessed there of a full citizenship, taking part in the choice of the Chief Executive of the nation, represented here in the Senate and on the floor of the other House, full participants in all the affairs of Government. They went upon the kindly invitation of this Government into that new region, and they carried with them there our solemn guarantee that in due time they should be reclothed with those political rights which they had enjoyed in the States. But the people of the Territories suffer not only these political disabilities, but they are deprived of many of the guarantees which a State constitution throws about property and the affairs of human life. I have recently had my attention called to the fact that municipalities in many of our Territories, and even the Territories themselves, have been incurring large and burdensome debts. In nearly all of our States our constitutions impose some limitation upon the power of these bodies to incur debts, and thus throw about property a safeguard which the people of the Territories do not possess.

In the case of Dakota, as in the case of all our Territories, we provided them at first with a legislative council of twelve members and a house of representatives of twenty-four members. We have in the case of Dakota been compelled to double the number in each. We provide the Territories usually with three judges. We have been compelled in the case of Dakota to more than double the judiciary of the Territory, and at this very session the Senator from Arkansas has presented a bill to add two more Federal judges for that Territory. The fact is, the habiliments of the Territorial government have become unsuited. There has been a development in population and wealth which makes this form of government burdensome and insufficient. A Territorial form of government is in its plan and purpose temporary. It is the best we can devise for a weak and scattered community, but to Dakota it has become inappropriate and burdensome.

Mr. President, what are some of the conditions that we may reasonably insist upon when one of these frontier communities asks to pass from a Territorial condition to the condition of a State in the American Union? Of course there must be sufficient area to constitute a State. The original areas of some of the original States were matters of chance. They were either land grants or some other form of colonial organization or attempt. But since we began the business of carving States out of the public domain let us see what has been from time to time the expressed judgment of Congress as to the appropriate size of a State. Look at Ohio, Indiana, Wisconsin, Michigan, Minnesota, Kansas, and Nebraska. We have in these States examples of what in the particular cases was deemed by Congress to be a sufficient area for a State.

Mr. President, does any one object that the area of South Dakota is insufficient to constitute a State? If that objection were held untenable except it came from a Senator who represented a larger State than the proposed State of Dakota, there would be very few to make the objection.

Dakota, divided upon the forty-sixth parallel, will give us south of that line a State having an area of about 77,000 square miles. Its greatest length north and south is about 430 miles, and its greatest width about 370 miles. In this connection the areas of some of the existing States are interesting. Alabama has 52,250 square miles. Will the Senators from that great State insist that Dakota, with 25,000 square miles more, is too small? Arkansas has 53,850 square miles. Will her Senators say that a State 24,000 square miles larger than Arkansas is too small? Florida has 58,680 square miles, about 20,000 square miles less than the proposed State of Dakota. Georgia has an area of 59,475 square miles.

Is a State nearly 20,000 square miles larger than Georgia in the judgment of the distinguished Senators from that State too small a State? Illinois has a territory of 56,650 square miles. Is a State 21,000 square miles larger than the great State of Illinois too small a State? Indiana has a territory of 36,350 square miles. Is a State more than twice as large as Indiana to be objected to on the ground of her small area? Iowa has an area of 56,025 square miles. Kentucky has 40,400 square miles, 37,000 square miles less than the proposed State of Dakota. Maine has an area of only 33,040 square miles, less by nearly 10,000 square miles than one-half the area of the proposed State of Dakota. Mississippi has an area of 46,810 square miles. Do the Senators from Mississippi think that a State having an area 30,000 square miles larger than their own is too small? But I shall not pursue these comparisons further.

Dakota as defined by the bill will be the eighth State in size in the Union. I do not believe that I shall hear from any Senator who may oppose the passage of the bill an objection that the area of the State is not sufficient. Judged by what Congress has done from the time we began carving States out of a limitless territory, Dakota is possessed of a most ample area. Dakota is among the largest of the States thus constituted.

I turn next, Mr. President, to consider the question of population, for I agree that it is not area but people that constitute a State. I find in examining the history of the admission of the States that there have been just two rules suggested in the case of States to which the provisions of the ordinance of 1787 applied. It has been argued by some of our ablest statesmen that we could not insist upon a population greater than 60,000, because that was the limit nominated in the ordinance. The only other limit that has been suggested by anybody in the frequent debates upon the subject is that the State should have at the time of admission a population equal to the ratio or unit of representation in the House of Representatives.

From the report of the Committee on Territories which accompanies the bill I read an extract upon the subject.

> In the case of Kansas, Congress in terms declared, in view of the contingency of the rejection of the Lecompton constitution, that—
>
> "In that event the people of said Territory are hereby authorized and empowered to form for themselves a constitution and State government, by the name of the State of Kansas, according to the Federal Constitution, and may elect delegates for that purpose, whenever, and not before, it is ascertained by a census duly and legally taken that the population of said Territory equals or exceeds the ratio of representation required for a member of the House of Representatives of the Congress of the United States." (11 Stats. L., 270).
>
> The friends of slavery did not venture to demand more, intent as they were upon the exclusion of Kansas as a free State.
>
> In his message to Congress (December 6, 1858), President Buchanan gives his hearty support to this provision of the "English bill," and urges that it be made general. He says:
>
> "This excellent provision which Congress has applied to Kansas ought to be extended and rendered applicable to all Territories which may hereafter seek admission into the Union."
>
> But here Mr. Buchanan was reminded of Oregon, a promising young Territory, a majority of whose people were politically in accord with his administration, and though Oregon had less than half the population required by the rule, he suggests an exception in her case:
>
> "Of course [he says] it would be unjust to give this rule a retrospective application and exclude a State which, acting upon the past practice of the Government, has already formed its constitution, elected its Legislature and other officers, and is now prepared to enter the Union."
>
> The President's view was adopted, and in February following Oregon was admitted with a population of 44,630, while the existing ratio of representation was 93,492.

During the Forty-eighth Congress a bill embodying the requirement, as to all States hereafter admitted, that they should have a population equal to the ratio of representation was favorably reported in the House, but was not acted upon.

In the report made by the Senator from Missouri [Mr. VEST] in the Forty-seventh Congress upon the Dakota bill this was the rule he suggested, and when in debate I endeavored to induce him to suggest what other rule he would apply, I failed to get any response.

I am speaking now solely as to population. I assume that all the other conditions are right. If a sufficient population to entitle the people to one Representative in the lower House is not a sufficient population to entitle a Territory to admission, what is? Some fair and equal rule ought to be applied to all these cases.

Dakota has by census south of the forty-sixth parallel 263,465, and north of that parallel 152,199 people. It had that number on the 1st day of June last by actual count. The returns of this census, taken under the act of Congress, have been certified to the Secretary of the Interior. South Dakota has 110,000 people more than the ratio of representation in the House of Representatives. I ask again, if this is not sufficient population, what is?

But, Mr. President, there is another condition that we may insist upon. I think we may fairly inquire whether these people of Dakota who were counted in the census taken are permanent settlers of the region in which they now dwell; whether they are there engaged in avocations which insure permanency. It has been said that in one case we have admitted a State into the Union whose population did not have this character but whose employments and industries were transient and soon exhausted.

Mr. President, wherever we have an agricultural population we have a permanent population. The people of Dakota are in great part a people settled upon farms, tilling the soil—not digging in mines whose richness may be marvelous to-day and whose treasures may be exhausted to-morrow, but drawing their sustenance out of that exhaustless mine, a rich soil, whose power may be under skillful husbandry recuperated and preserved.

I wish to call the attention of the Senate briefly to some of the statistics of production in the case of Dakota. There has been an impression that the farms of Dakota were held in vast bodies by a few persons. The fact is that there are in south Dakota 50,237 farms, containing 3,754,864 acres of tilled land. The average size of the farms in South Dakota is only 194 acres. There was produced in the year 1885, 7,523,030 bushels of corn. South Dakota lies in considerable part within the corn belt. The same year there was produced nearly 13,000,000 bushels of wheat, over two millions and a quarter bushels of flax, and nearly 12,000,000 bushels of oats. The value of the farms was $87,131,050; the value of the live stock was nearly $26,000,000; the value of the farm products was nearly $18,000,000; and the assessment for taxation from which these figures are taken is exceedingly low.

I do not expect to be met by the suggestion from the opponents of the bill that Dakota has not within herself the ability to give employment and support to its fair proportion of the increasing population of this country. We shall not, I think, hear the suggestion that there is danger that this State will dwindle away by reason of the exhaustion of its industries and sources of wealth. I do not believe any candid man will have any trouble on that score.

What has been the history of our great agricultural States? Take my own State and her sister States that lie on either side; what has been their history? One of continued growth. There has been no check, but a continuous progress in population and in the accumulated wealth which their industries bring. What has been true in the case of these States will be true in the case of Dakota; no reason can be given why it should not be so.

Mr. President, what is lacking? With an area that will place the State the eighth in size in the Union, with a population sufficient to entitle her to two Representatives in the lower House, with a productive capacity that is already demonstrated to be greater than that of many of the older States, what is needed? How shall we justify ourselves in denying to these people a full participation in the affairs of the Government?

I can think of no other condition that we may rightfully insist upon, except it be one already suggested, that her people shall be found to be in sympathy with the civilization of our country; that they shall be a patriotic people; that they shall not and do not cherish among themselves any institution that is out of line with our Christian civilization. Some bitter things have been said about the people of Dakota, but I venture to say that the suggestion will not be heard in this debate that her people in their respect for the institutions of education and religion, in their devotion to good order, in their patriotic love for the Constitution and flag of their country, are at a disadvantage in a comparison with the people of any State.

It is true of Dakota, as it is of all our Northwestern States, largely settled since the war, that the men who came home after bearing the heat of that great conflict, the men who established the union of the States and brought back the banner of their country in triumph, have in large numbers found new homes within her borders. They accepted the kindly invitation of the Government, which ameliorated some of the land laws in their interest. Kansas and Nebraska and Dakota have within their limits a larger per cent. of the men who helped to make the war for the Union successful than many of the older States. This circumstance may to some extent account for the fact that the people of Dakota have been restive and even resentful under what they have thought to be reflections upon them. It is quite natural that those who by their courage rescued the institutions of their country and gave perpetuity to its Constitution and Government, should be restive under the suggestion that they shall now without reason be kept out of a full participation in its benefits.

Mr. President, again I ask, what is lacking in the case of Dakota? I have heard it suggested that its great lack was that there were not enough Democrats in the Territory. I have not heard it here; it has been an outside and doubtless an unauthorized suggestion. It is one that I am sure no Senator will make here, for to coerce the free sentiment of a people, to make the enjoyment of political rights contingent upon a political faith, is something that I am sure every Senator would feel to be discreditable.

I hear the suggestion also, but not here, that we shall mate Dakota with some other Territory where the prevailing political sentiment is supposed to be of an opposite sort. Can we not get rid of this old and disreputable mating business? It grew out of slavery. It grew out of the fact that the men of the South felt that the institution of slavery was in peril, and that they could only preserve it by preserving an equilibrium between the free and the slave States. But slavery has gone. The issues that divide parties now are those of finance and revenue.

Mr. President, for one I declare that without reference to the prevailing political sentiment of any of these Territories whose admission into the Union has been suggested, I am ready to consider and decide the question of their admission to the Union upon the same principles that I apply to-day in the case of Dakota. No Territory applying for admission, while I am a member of this body, no matter how strongly Democratic sentiment may prevail in the Territory, shall have at my hands any other treatment than that fair treatment which I now ask for Dakota.

If the necessary conditions for the safe creation of a State are here, what is the next objection? It is one of methods. It is said Dakota has pursued an unusual and even disorderly course, and that we can not, without establishing a bad precedent, admit her under the constitution she has formed.

I propose to go to the precedents in these cases, and if I do not parallel the case of Dakota in every particular until the opponents of this measure are unable to mention a single circumstance of distinction between the case of Dakota and the case of the admission of other States, then I have failed altogether to read aright the legislative history of the admission of the States.

What has been done by the people of Dakota? An act of the Territorial Legislature was passed last March providing for a constitutional convention and apportioning the members of the convention fairly according to population throughout that part of the Territory south of the forty-sixth parallel. The act was passed unanimously in the council, 20 votes being recorded in the affirmative and none in the negative. The vote in the House was 33 in the affirmative and 7 in the negative. The sentiment in favor of the movement was practically unanimous in a Legislature made up of representatives from all parts of the present Territory.

I do not stop to discuss the legal effect of that law. It is not important that we should waste time over that subject. It is enough to say that in the cases of four, five, or six of the States that course has been taken. It is enough to know that it methodized and formulated the proceedings of the convention, and threw about all its acts if not the sanction at least the forms of law.

The next step was the election of delegates to the convention and the gathering of those delegates in convention. The result of their work was the constitution now laid before the Senate. It was submitted to a popular vote and ratified. The abstract of the vote, which is submitted with the constitution, shows that there were 25,226 votes in favor of the constitution and 6,565 votes against it, making a total vote of 31,791.

I do not think I ought to stop to discuss the provisions of the constitution itself. We are not here to make a constitution for Dakota. We have the right to insist upon certain necessary articles of compact, as has been the custom in the case of all the States; we have a right to impose conditions with reference to the grants of school and other lands which the Government gives to the State; but I take it I shall find no Senator here, and particularly no Senator on the other side of the Chamber, who will insist that it is our duty to go through the provisions of this constitution and to vote for or against the admission of the State as we think the provisions of the constitution are wise or unwise. These people are to live under the constitution, not we. They have framed it; we know that it meets their wishes, and we must believe that it meets their wants.

It will be found that with reference to school lands the constitution contains most conservative and wise provisions. In article 8 it is provided:

SEC. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the State; all such per centum as may be granted by the United States on the sales

of public lands; the proceeds of all property that shall fall to the State by escheat; the proceeds of all gifts or donations to the State for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools in the State. It shall be deemed a trust and held by the State. The principal shall forever remain inviolate, and may be increased, but shall never be diminished, and the State shall make good all losses thereof which may in any manner occur.

With reference to the sale of the school lands it is provided:

SEC. 4. After one year from the assembling of the first Legislature, the lands granted to the State by the United States for the use of public schools may be sold upon the following conditions, and no other: Not more than one-third of all such lands shall be sold within the first five years, and no more than two-thirds within the first fifteen years after the title thereto is vested in the State, and the Legislature shall, subject to the provisions of this article, provide for the sale of the same.

SEC. 5. No lands shall be sold for less than the appraised value and in no case for less than $10 an acre, unless after the year A. D. 1900 two consecutive Legislatures concur in a law otherwise directing. The purchaser shall pay one-fourth of the price in cash and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years, one-fourth in fifteen years, with interest thereon at the rate of not less than 6 per cent. per annum, payable annually in advance; but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of not more than 80 acres, and those so subdivided in the smallest subdivisions. All lands designated for sale not sold within four years after appraisal, shall be reappraised by the board of appraisal as hereinbefore provided before they are sold.

The compact with the United States will be found in article 22, and is as follows:

The following article shall be irrevocable without the consent of the United States and the people of this State: First, that perfect toleration of religious sentiment shall be secured, and no inhabitant of this State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting this State do agree and declare that they forever disclaim all right and title to the unappropriated public lands of the United States lying within the State, and that the same shall be and remain at the sole and entire disposition of the United States and that the lands belonging to citizens of the United States residing without this State shall never be taxed higher than the lands belonging to residents thereof, and that no taxes shall be imposed by the State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

We have in this compact everything that has been contained in the compacts made with the other States.

As to the method pursued, I have already, I think, called attention to the fact that in section 32 of the schedule of the constitution it is expressly provided that all of the steps taken by Dakota in the formation of this constitution and in the election of her State officers shall be dependent upon the action of Congress in admitting the State into the Union; that not one further step is to be taken. In other words, that Dakota has simply made herself ready and stands now at the door of Congress asking that act which shall constitute her a State. Section 32 is as follows:

SEC. 32. Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect United States Senators, to provide and pass means and measures necessary, preliminary, and incident to admission to the Union and to assemble and reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the Judiciary Department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

I do not stop to discuss the proposition whether she is a State. I do not know how any community can become a State of the Union without the consent of Congress. Dakota may well take up the language of the appeal that was made in behalf of California. It was said for the people of that State:

The people request admission to the American Union as a State. They understand and estimate the advantages which will accrue to them from such a connection, while they trust they do not too highly compute those that will be conferred upon their brethren. They do not present themselves as suppliants, nor do they bear themselves with arrogance or presumption; they come as free American citizens by treaty, by adoption, and by birth, and ask that they may be permitted to reap the common benefits, share the common ills, and promote the common welfare as one of the United States of America.

Let us look now at some of the precedents. It has been said that the case of Dakota is the first case where the people of a part of a Territory have undertaken for themselves to carve out a certain portion of an organized territory and to organize it into a State. That is not true, Mr. President. In the case of California, as I had occasion to remark the other day, there never was any act of Congress assigning any limits or boundaries to California. California never had any civil Territorial organization nor any enabling act. The bounds of that State were first defined by its own constitutional convention.

But a still more instructive and interesting case is that of Iowa. Iowa proceeded without any enabling act and proposed to Congress the following boundaries:

Beginning in the middle of the main channel of the Mississippi River, opposite the mouth of the Des Moines River; thence up the said river Des Moines, in the middle of the main channel thereof, to a point where it is intersected by the old Indian boundary line or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "old northwest corner of Missouri;" thence due west to the middle of the main channel of the Missouri River; thence up in the middle of the main channel of the river last mentioned to the mouth of the Sioux or Calumet River; thence in a direct line to the middle of the main channel of the Saint Peter's River where the Watonwan River (according to Nicollet's map) enters the same; thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi River; thence down the middle of the main channel of said river to the place of beginning.

In other words, Iowa proposed to run her lines up to the Saint Peter's River, down that river to Fort Snelling, and down the Mississippi River to its present southern boundary. She presented to Congress a constitution framed by the people of that part of the Territory. At that time the Territory of Iowa embraced a large extent of country to the northwest of the lines proposed, being now parts of Minnesota and the present Territory of Dakota. There is a perfect parallel to what was done in the case of Dakota. When this constitution was presented Congress declined to admit the State of Iowa with those limits, and assigned certain other limits embracing an area smaller than the present State.

Mr. BUTLER. If it does not interfere with the Senator, I should like just there to ask him a question. Do I understand him to state that Iowa had not an enabling act?

Mr. HARRISON. Iowa had no enabling act. Iowa did just what Dakota has done; she proposed to organize a State out of a part of the territory then constituting the Territory of Iowa. That is the point I am making. Congress refused to admit Iowa with these bounds, and suggested certain other bounds. I have had them marked off here upon an old map in order that Senators might see exactly the bounds suggested by Iowa and the bounds proposed by Congress. The original constitution of Iowa proposed the boundaries that I have just read. Congress proposed in return to Iowa that she should accept the boundaries indicated here [indicating], as Senators will see a much smaller area than that at present embraced within the State. The people of Iowa rejected that proposition by a popular vote, and then again, without any enabling act, proposed to Congress the present boundaries of the State, and was admitted with those boundaries.

The Senator from Kansas [Mr. PLUMB] reminds me that while his State had an enabling act, yet that the boundaries suggested by it embraced a much larger area than was finally proposed by the State in the constitution which was accepted and ratified by Congress. It appears, then, that Kansas did not proceed upon the enabling act and organize according to the bounds suggested in it, but prescribed smaller boundaries for herself which were accepted by Congress.

Mr. INGALLS. The original boundaries of Kansas extended from the Missouri River on the north to the summit of the Rocky Mountains, thence running south along the crest of the mountains to its present southern boundary, and thence eastward to the point where the boundary now terminates. I was a member of the convention that framed the constitution at Wyandotte, under which the State was admitted into the Union on the 29th of January, 1861, and that convention amputated more than one-third of the western portion of the then existing Territory of Kansas, and proposed in our ordinance, which was preliminary to the constitution, that we should be admitted with those boundaries, and they were accepted by Congress without question, and now constitute the area of the State.

Mr. HARRISON. I am very much obliged to the Senator from Kansas for this contribution. I was attempting to meet the proposition, which seems to me the last refuge of some of those who are attacking the proceedings of Dakota, that Congress had not suggested any boundaries for the State; that the only suggested boundaries were the present boundaries of the Territory of Dakota, and that the people were guilty of disorderly and unprecedented conduct in proposing to constitute a State out of something less than the present Territory of Dakota. It appears that we have precedents for this course all about us, and why should it not be so? It is a mere proposition from the people to Congress to be admitted with certain bounds. It is competent for Congress to accept or reject, but it is certainly not disrespectful or disorderly in the people of the Territory to propose not only boundaries but a constitution.

We have a case now before us of a Democratic Territory that without an enabling act has adopted and presented to Congress a State constitution. It is presented by a Democratic Senator, my colleague. This constitution of Montana was adopted two years ago and not previously submitted to Congress. The people of the Territory in the exercise of a popular right assembled, framed a constitution, and now present it for our consideration, and I stop to say that it shall have my respectful consideration and just such treatment as I ask in the case of Dakota. The memorial accompanying it comes to us signed by the Democratic governor of the Territory of Montana, recently appointed, and by the Delegate in the lower House of Congress, also a Democrat, and by other distinguished Democrats of that Territory. I have not heard it suggested that there was anything disorderly or unprecedented or that called for preliminary inquiry in the fact that Montana has thus presented her claims for admission.

The Senator from Alabama at the last Congress, in the extract which I read at the beginning of my remarks, expressed his willingness to abide by the opinion of the people of the Territory as to whether there ought to be a division. I wish to call attention now to what has been done expressive of a settled wish of the people that the Territory should be divided upon the line proposed. There has been no popular vote on the subject except the vote on the constitution. If the Senator from

Alabama or any other Senator is sincerely desirous to know what the sentiment of the people of Dakota upon the question of division is, then I call his attention first to the fact that the people of South Dakota, by a majority of 18,661 out of a total vote of 31,791, have declared in favor of division. This leaves no doubt as to what the sentiment of the people of South Dakota is upon the question of division. As to what the sentiment of the people north of the forty-sixth parallel is on this subject I call attention to the fact that from the year 1871 down to the year 1885, I believe, without the omission of a single session, the people of that Territory, through their Legislature, have been memorializing Congress for a division upon the forty-sixth parallel.

Mr. GEORGE. I desire to ask the Senator a question.

Mr. HARRISON. Certainly.

Mr. GEORGE. Has the Senator any data which authorize him to state what proportion of the actual voters residing within South Dakota participated in the election?

Mr. HARRISON. I am not able to answer the question exactly. The total vote of the whole of Dakota at the last election was about 85,000. I suppose there must be in the neighborhood of 50,000 voters in South Dakota, and of that 50,000 nearly 32,000 participated in the vote upon the constitution. I am glad to be inquired of as to any of these matters. I will say to the Senator from Mississippi that I have taken the pains to examine the votes given in some of the other Territories for their State constitutions, and I venture to say that he will not find a larger vote, a larger majority, or a larger per cent. of the total voting population represented in the adoption of any constitution that was ever adopted in any other Territory preliminary to its admission to the Union. I have especially looked into the cases of Iowa and Missouri.

I was about to call attention to what the people of Dakota have said to Congress on the subject of division. The desire for and expectation of division has entered into much of their legislation. You can scarcely pick up a volume of the session laws of the Territory of Dakota from 1871 to this time that does not contain some expression of the opinion not only that division was desirable, but that it would certainly come about. All of the educational institutions of Dakota have been established with a direct reference to division. The bonds issued to build them have been designated by law to be paid by the southern portion of the Territory, or by the northern portion, according to their location, when the Territory should be divided.

As early as January, 1871, a memorial was unanimously adopted by the Territorial Legislature praying Congress to divide Dakota upon the forty-sixth parallel of latitude and to organize two Territorial governments for the people. In December, 1872, another memorial asking a division of the Territory was adopted by the Territorial Legislature, the vote in the council for the memorial being unanimous, and in the house 21 to 4. In December, 1874, the Legislature again adopted a memorial to Congress, praying for the passage of a bill dividing the Territory upon the forty-sixth parallel and organizing the north part thereof into a Territory, to be called Pembina. The vote upon this memorial was unanimous in the house, and in the council 12 to 1. In January, 1877, another memorial asking the same relief was passed without a dissenting vote in either branch of the Legislature.

In 1881 the Legislature adopted a memorial praying Congress to divide Dakota into three Territories. This was adopted in the house by a majority of 1, and in the council by a majority of 6.

In February, 1885, another memorial was adopted by the Legislature praying for the passage of the bill for the division of the Territory upon the forty-sixth parallel and the admission of that portion lying south of that line as a State. This memorial referred to the bill which passed the Senate in the Forty-eighth Congress. The vote in the Territorial Legislature in favor of the adoption of this memorial was unanimous in both branches. I quote one paragraph of this memorial:

And although the people of all Dakota are earnestly in favor of admission of the southern half as a State, still they will hail with joy division only, and if asking for admission of the southern half as a State will in any manner delay division, then we earnestly request division, without the admission prayed for, at the earliest possible time.

If legislative bodies are representative bodies, the opinion of the people can not be in doubt.

I have called the attention of the Senator from Alabama to the expression of the people of the southern portion of the Territory in the vote for the constitution. I call his attention now to this series of memorials, running through fourteen years, from the Legislature of that Territory, asking for division, and I respectfully suggest that such a unanimity of expression from eight or ten Legislatures is conclusive as to popular opinion in the whole Territory.

Mr. CONGER. They were from North Dakota as well.

Mr. HARRISON. Yes; the members of those Legislatures, of course, were from North Dakota as well as South Dakota. I suggested that the laws of the Territory were so full of expressions upon this subject that you could scarcely pick up a copy of the session laws of the Territory without finding it. I have references to some of these laws. In the session of 1885, in an act to establish a school of mines, to be located in South Dakota, it is provided:

In case of a division of the Territory of Dakota, that part of said Territory in which said school of mines is located after such division shall assume and pay all bonds and coupons existing at the time by reason of the erection of the building herein provided for.

I have here a dozen or fifteen such extracts from the session laws of Dakota, running back to 1871. Through each of these laws, providing for the establishment of educational institutions, of penal institutions, of benevolent institutions, runs this uniform provision that when the Territory is divided the debt, if any remains, shall be assumed and paid by South or North Dakota, as the case may be.

I wish to disabuse the minds of Senators of the idea, if any such opinion prevails, that this is a party question in the Territory of Dakota. I have in my hand a memorial to the Legislature of Dakota praying for the passage of the Territorial act which provided for the constitutional convention. It is signed, among others, by Hon. Bartlett Tripp, one of the very foremost lawyers of Dakota and one of the leading and most influential Democrats in that Territory, a gentleman who has been appointed by the present Administration, in recognition of his high standing as a lawyer and as a Democrat, chief-justice of the Territory of Dakota. I have a memorial signed by him, and I read an extract from the opening part of it:

That the interests of the people of Dakota, material, political and moral; their numbers, area, and resources; their rights under the Constitution; their rights under the guarantees of the ordinance of 1787; their rights under the treaty with France, of 1803, by which their Territory was acquired, and the unanimous wishes of all its people, as evinced by the bill passed by the Legislature of 1881, for a constitutional convention; by the votes of the people of South Dakota at the Huron and Sioux Falls conventions of 1883; by the resolutions of the Republican and Democratic conventions of 1884, demand in the strongest terms the division of the Territory and the admission of the southern half as a State of the Union.

There is an expression signed by men whose influence and position, whose opportunities to know public sentiment in the Territory, can not be questioned, declaring that it is practically the unanimous sentiments of both sections of the Territory.

I come now to refer to some of the precedents in connection with the admission of the States. I have tried to establish the proposition that all of the conditions that could be insisted upon by Congress as necessary to the admission of a State, area, population, productive capacity, a good and loyal disposition on the part of its people, exist in the case of Dakota. I have undertaken to show that the overwhelming sentiment of her people as expressed by resolutions, memorials to Congress, by the acts of her Legislature, and by the platforms of the political conventions of both parties in Dakota, is in favor of division. If this be so, has she pursued such a course in framing and submitting her constitution as entitles her to respectful attention at the hands of Congress? I shall not attempt to bring out all the incidents connected with the admission of the States that have formed constitutions for themselves without an enabling act. I call the attention of Senators to the full discussion of this matter in the report submitted by the committee.

Tennessee is the first case in order of time. Tennessee is ably represented here by Senators of her choice. May I not ask those distinguished Senators whether they are prepared to say in the case of Dakota that the method of procedure adopted by their ancestors, by those brave, fearless, and able men who organized a State government for Tennessee under which they came into the Union of the States, is so disorderly, so irregular, so disrespectful to Congress that they will vote for the rejection of Dakota. Tennessee by a popular movement called a constitutional convention formed a constitution and elected State officers. The account of her further proceedings is thus given in Hough's American Constitutions:

Their labors being completed, on the 6th of February an engrossed copy was read and passed; on the 19th an engrossed copy was forwarded to the President, with a notification that on the 28th day of March, at which time the Legislature would meet to act on the constitution, the temporary government established by Congress would cease.

Dakota has sent no such message as that here. On the other hand, Dakota comes and says, "Your Territorial government will continue its authority unimpaired over us without any resistance on our part until Congress has favorably acted upon our application for admission as a State;" Tennessee announced to the General Government that on a given day she would put her State government into operation, and that the power and control of the Territorial government organized by Congress would cease on that day.

General Washington, then President of the United States, having received an engrossed copy of the constitution of Tennessee accompanied by the message to which I have referred, did not get into any state of alarm as to the loyalty of the people of Tennessee; he did not rebuke them; he did not suggest that there was a taint of revolution or a suggestion of secession in the movement, but taking the constitution adopted by the people he transmitted it to Congress accompanied by a message. Let me read that message. It is as follows:

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES: By an act of Congress passed on the 26th of May, 1790, it was declared that the inhabitants of the territory of the United States south of the river Ohio should enjoy all the privileges, benefits, and advantages set forth in the ordinance of Congress for the government of the territory of the United States northwest of the river Ohio; and that the government of said territory south of the Ohio should be similar to that which was then exercised in the territory northwest of the Ohio, except so far as was otherwise provided in the conditions expressed in an act of Congress passed the 2d of April, 1790, entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."

Note now what President Washington said:

Among the privileges, benefits, and advantages thus secured to the inhabitants of the territory south of the river Ohio appear to be the right of forming a permanent constitution and State government, and of admission as a State, by its Delegates, into the Congress of the United States on an equal footing with the original States in all respects whatever when it should have therein 60,000 free inhabitants: *Provided*, The constitution and government so to be formed should be republican, and in conformity to the principles contained in the articles of the said ordinance.

As proofs of the several requisites to entitle the Territory south of the river Ohio to be admitted as a State into the Union, Governor Blount has transmitted a return of the enumeration of its inhabitants, and a printed copy of the constitution and form of government on which they have agreed, which, with his letters accompanying the same, are herewith laid before Congress.

G. WASHINGTON.

UNITED STATES, *April* 8, 1796.

President Washington argues that these people, under the ordinance of 1787, had the absolute right to initiate proceedings and form a State government, and notwithstanding their memorial was accompanied by the peremptory suggestion which I have stated he does not stop to rebuke or criticise that at all, but, so far as he might, promoted the admission of the State.

May I not appeal in behalf of Dakota to those Senators on this floor who represent a State which was thus received into the union of the United States, not to assume an unfriendly attitude toward one that comes without any suggestion of a termination of the control of the Territorial government, but comes submissively, having offended in nothing except that it has organized for itself a constitution and State government? I appeal with confidence to those who represent Tennessee upon this floor not to deny to the people of Dakota that which was cheerfully given to the people of their own State, and not to stigmatize the conduct of those brave men who formed the great State of Tennessee by voting here that the proceedings of Dakota are disrespectful or disorderly. I pause to suggest here that among the defenders of the course of Tennessee, among those who voted for her admission to the Union, was Wade Hampton, of South Carolina, in the House of Representatives, and Senator Butler, of the same State, in the Senate.

Mr. BUTLER. I did not understand the Senator. What was the proposition?

Mr. HARRISON. The proposition was to admit Tennessee under the constitution she had formed for herself, and if I have not misread the records of the vote upon this question Wade Hampton, of South Carolina, in the House, and Senator Butler, of the same State, in the Senate, sustained the course of Tennessee and voted for her admission.

Mr. HAMPTON. May I interrupt the Senator a moment to ask him what date that was?

Mr. HARRISON. I beg to assure the Senator from South Carolina who sits farthest from me that I was not suggesting that he in his own person voted upon the question of the admission of Tennessee. I was referring to a venerated ancestor of his whose example I was commending to him.

A good deal has been said about the revolutionary conduct of the people of Dakota. Let me read what Mr. Gallatin said in the case of Tennessee. He said:

The people of the Southwestern Territory became *ipso facto* a State the moment they amounted to 60,000 free inhabitants, and that it became the duty of Congress, as part of the original compact, to recognize them as such and to admit them into the Union whenever they had satisfactory proof of the fact.

My friend from Missouri, who announced the other day that he differed with Mr. Benton living and differed with him still, will find himself, before we get through, differing with a great many other able statesmen who have discussed this question in Congress. Mr. Gallatin is one. The Senator from Missouri does not need to produce the fugitive utterance of some one in a pamphlet issued in Dakota asserting the doctrine that Dakota is a State. I have read what Mr. Gallatin said in the case of Tennessee, that, under the ordinance of 1787, when 60,000 free inhabitants were found within a Territory it became *ipso facto* a State, and did not need to wait for the recognition of Congress to have a *de facto* existence as a State.

The case of Michigan is full of interest. Michigan practically overturned the Territorial government. Having called her constitutional convention, adopted her constitution, and elected her governor and judges, she put that government in operation and virtually suspended the function of all officers sent there under the Territorial organization. It is worth while to see how they presented themselves to Congress. The communication which these gentlemen from Michigan sent to the President of the United States was as follows:

WASHINGTON, *December* 9, 1835.

SIR: The undersigned, elected Senators and Representatives to Congress from the State of Michigan, have the honor to transmit to you, herewith, an additional authentic copy of the constitution adopted by the convention of Michigan on the 24th day of June, 1835, and ratified by the people of the same on the first Monday and the succeeding day in October, 1835.

We have the honor to be, with the highest respect, your most obedient servants,

JOHN NORVELL.
LUCIUS LYON.
ISAAC E. CRARY.

The PRESIDENT OF THE UNITED STATES.

This communication was addressed to the President of the United States, Andrew Jackson. Instead of taking fright at the fact that these people spoke of the State of Michigan, as seems to be the disposition in some quarters here, Andrew Jackson transmits the certified copy of the constitution submitted to him with this communication to Congress, and in his message makes an argument in favor of the right of the State to organize. Here is his message. I read only part of it:

The territory comprised within these limits being part of the district of country described in the ordinance of the 13th of July, 1787, which provides that whenever any of the States into which the same should be divided should have 60,000 free inhabitants, each State should be admitted by its delegates "into the Congress of the United States on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government, provided the constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles," &c., the inhabitants thereof have, during the present year, in pursuance of the right secured by the ordinance, formed a constitution and State government. That instrument, together with various other documents connected therewith, has been transmitted to me for the purpose of being laid before Congress, to whom the power and duty of admitting new States into the Union exclusively appertains; and the whole are herewith communicated for your early decision.

So it appears that Andrew Jackson presented to the Senate a communication in which certain persons described themselves as "Senators from the State of Michigan," not only without any criticism but accompanied by an argument that the people of Michigan had a right to organize a State government and elect Senators, and that it was the duty of Congress to admit them.

I called attention the other day to the fact that the credentials of these Senators were presented by Mr. Benton to the Senate of the United States, and that the entry made in our Journal was as follows:

Mr. Benton presented the credentials of the Hon. Lucius Lyon and the Hon. John Norvell, elected by the Legislature of Michigan Senators from that State, which were read. Mr. Benton then moved that seats be assigned to Mr. Lyon and Mr. Norvell on the floor of the Senate until the decision of the question of their admission as Senators.

I shall not stop to read what was said by many distinguished Democrats upon the question of the admission of Michigan. Let me quote an extract from Mr. Buchanan:

I think their course is clearly justifiable—

Senators will recollect what the course of Michigan had been, and how it contrasts and how far it goes beyond the necessities of the argument for Dakota—

I think their course is clearly justifiable, but if there is anything wrong or unusual in it it is to be attributed to the neglect of Congress.

For three years they have been rapping at your door, and asking for the consent of Congress to form a constitution, and for admission into the Union; but their petitions have not been heeded, and have been treated with neglect. Not being able to be admitted in the way they have sought, they have been forced to take their own course, and stand upon their rights—rights secured to them by the Constitution and a solemn irrepealable ordinance (of 1787).

They have taken a census of the Territory; they have formed a constitution, elected their officers, and the whole machinery of a State government is ready to be put in operation; they are only awaiting your action. Having assumed this attitude they now demand admission as a matter of right; they demand it as an act of justice at your hands.

Are they now to be repelled, or to be told that they must retrace their steps and come into the Union in the way they first sought to do, but could not obtain the sanction of Congress?

In fear of the consequences of such a decision, I tremble at an act of such injustice.—*Benton's Thirty Years' View*, volume 1, page 629.

Mr. Buchanan's remarks are very pertinent to the case of Dakota. Having refused to give Dakota an enabling act, now that she has formed a constitution and submitted it to us, shall she be repelled and told to take a course which she would have willingly adopted if Congress had allowed her to do it?

Attention was called the other day by the Senator from Missouri [Mr. VEST] to a decision reported in 5 Howard's Reports, the case of Scott *vs.* Jones, and to a dissenting opinion in the case of Mr. Justice McLean. I want to read an extract from Justice McLean's opinion:

Michigan was an organized Territory of the United States. Its governor, judges, and all other Territorial officers were in the discharge of their various functions; the sovereignty of the Union extended to it. Under these circumstances the people of Michigan assembled, by delegates, in convention, and adopted a constitution, and under it elected members of both branches of their Legislature, and governor and judges, and organized the State government. No serious objection need be made, in my judgment, to the assemblage of the people in convention to form a constitution, although it is the more regular and customary mode to proceed under the saction of an act of Congress. But until the State shall be admitted into the Union by act of Congress the Territorial government remains unimpaired.

I do not controvert the conclusion of the distinguished judge. Probably at the time he spoke, if we consider only those Territories that went through a Territorial form of organization, he was right in saying that an enabling act was the more usual form. It would scarcely be true now.

Mr. President, the case of California is an exceedingly instructive one. California had asked for a Territorial government, for some form of civil government, and Congress had denied it, or failed to provide it. California had only a military government. Brigadier-General Riley, then in command of the troops, was acting as governor, and H. W. Halleck, then a captain in the Army of the United States, as secretary of state. Congress having failed to provide a civil government for California, the President of the United States sent a gentleman to California to stimulate the people of that Territory to organize a State government for themselves, to suggest to them that they should do it. In pursuance of that suggestion a convention was called by proclamation of General Riley, attested by Captain Halleck as secretary of state, a convention was held, a constitution formed and submitted to Congress.

The people exercised their sovereign and ultimate right upon the suggestion of the President and formed a constitution not only without an enabling act but without even a preliminary Territorial organization—without any suggestion from Congress as to what should be the limits of the State if a State was to be organized.

William M. Gwin and John C. Frémont, as Senators, presented to Congress, in September, 1850, a memorial for admission into the Union. If it is worth while to discuss mere matters of phraseology, as the resolution of the Senator from Missouri [Mr. VEST] seemed to suggest, I call attention to that memorial, which opens as follows:

The undersigned, Senators and Representatives elect from the State of California, have the honor, in pursuance of the requirement in the constitution recently adopted by her people for her government as a State, to lay before your honorable bodies certified copies of said constitution, together with their credentials, and to request, in the name of the people of California, the admission of the State of California into the American Union.

There did not seem to be as much sensitiveness then as now upon the question of receiving a memorial from the people of a Territory who had initiated proceedings for a State organization. The message of President Taylor, transmitting this constitution to Congress, was very brief. He simply said:

To the Senate of the United States:

I transmit herewith to the Senate, for the information of that body, an authenticated copy of the constitution of the State of California, received by me from Hon. William M. Gwin.

Z. TAYLOR.

WASHINGTON, D. C., *February* 13, 1850.

In this connection there is an interesting bit of history, which was new to me and may be new to other Senators. It seems that the same suggestion that was made to the people of California, that they should organize a government for themselves, was also made by President Taylor to the people of New Mexico. Letters were written to the military governor there suggesting to him that he should support the people there in a movement to organize a civil government in New Mexico. It will be remembered that Texas claimed part of the territory now embraced within the organized Territory of New Mexico.

The governor of Texas sent into that region an agent with a view of organizing counties and establishing the control of the civil authorities of Texas there. When he got there he found that the military officer representing the United States was suggesting and forwarding a movement for a State organization. The result of that was a letter addressed by the governor of Texas to the President of the United States, which was answered by Mr. Webster, then Secretary of State, after the death of President Taylor. I want to read simply an extract or two from what Mr. Webster said in defense of the course that was taken by the President. Senators will understand we had there no Territorial civil organization at all. It was a suggestion that the people, exercising their fundamental right, should organize for themselves without any enabling act of Congress a State government and submit it for the approval of Congress. Mr. Webster said:

In answer, therefore, to your first interrogatory, namely, whether Colonel Monroe, in issuing the proclamation referred to, acted under the orders of this Government, the President directs me to state that Colonel Monroe's proclamation appears to have been issued in pursuance or in consequence of an order or letter of instructions given by the late Secretary of War, under the authority of the late President, to Lieutenant-Colonel McCall. Of this order, which bears date on the 19th of November, 1849, your excellency was undoubtedly informed at the date of your letter. A full and accurate copy, however, is attached to this communication. Colonel McCall is therein instructed that if the people of New Mexico, for whom Congress had provided no government, should manifest a wish to take any steps to establish a government for themselves and apply for admission into the Union, it will be his duty and the duty of others with whom he is associated, not to thwart but to advance their wishes.

I read another extract:

The treaty, in perfect accordance with the proclamation of General Kearney, declared that the Mexicans remaining in this territory should be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to an enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution—

Quoting here, as Senators will see, the provision of the treaty of Guadalupe Hidalgo—

and, in the mean time, should be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

I read now this concluding extract. After saying to the governor of Texas that, of course, the proceedings taken were merely tentative; that no action taken by the people there could curtail the boundaries of Texas; that the question of the true boundary was a question for the courts or a question for settlement between the State of Texas and the Congress of the United States, he says:

Hence, the President regards the formation of this State constitution as a mere nullity. It may be regarded, indeed—

And I ask attention to this expression—

It may be regarded, indeed, as a petition to Congress to be admitted as a State; but until Congress shall grant the prayer of such petition, by legal enactments, it affects the rights of neither party. But as it is the right of all to petition Congress for any law which it may constitutionally pass, this people were in the exercise of a common right when they formed their constitution, with a view of applying to Congress for admission as a State; and as he thinks the act can prejudice no one, he feels bound to approve of the conduct of Colonel Monroe in issuing the proclamation.

The view taken by Mr. Webster was that the act of the people in forming a State constitution was a nullity, a nullity precisely in the sense that a bill passed by the Senate is a nullity until it passes the House and receives the signature of the President, a nullity not in the sense that it is not an efficient or necessary or appropriate act, but in the sense that it does not receive legal validity and force until Congress has ratified the action taken by the people. It is clear.

Mr. Webster says that it involves the right of petition and that it is perfectly competent for the people of any community in one of our organized Territories or in an unorganized Territory to propose to Congress the formation of a State and to submit a constitution under which they are willing to live. It is not disorderly nor disrespectful to ask Congress to ratify that which is in its beginning simply the exercise of the ultimate right of the people to assemble in convention and to ask of Congress the passage of any law affecting their interests.

Now, Mr. President, look at the case of Arkansas. The question of the right of the people of that State to initiate proceedings to form a State constitution and government as they did, without an enabling act, was very much discussed in Congress. Both of the Senators from Missouri voted for the admission of Arkansas, and defended the course taken by her people as a legitimate and proper one.

I do not think I need follow through the cases of the other States. But I will read what is said in the report of the committee as to the cases of Iowa and Florida:

The admission of Iowa and Florida was at first included in a single act of Congress, approved March 3, 1845 (5 Stats. L., 742). The people of these States had repeatedly memorialized Congress for admission to the Union, but no action was taken. The preamble of the act admitting them to the Union is as follows:

"Whereas the people of the Territory of Iowa did, on the 7th day of October, 1844, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and State government; and whereas the people of the Territory of Florida did, in like manner, by their delegates, on the 11th day of January, 1839, form for themselves a constitution and State government, both of which said constitutions are republican; and said conventions having asked the admission of their respective Territories into the Union as States on an equal footing with the original States:

"*Be it enacted*," &c.

It will be noticed that the constitution of Florida was formed in 1839, six years before her admission. This convention assembled under authority of an act of the Territorial Legislature passed February 2, 1838. There was not in the case of either State any authority from Congress for the holding of the constitutional convention that framed the constitution under which it was admitted. The act of Congress changed the boundaries of the State of Iowa, as defined in her constitution, and required the consent of the people to this change. This proposition was defeated at a popular election. A second convention, called by the Territorial Legislature, met and formed a new constitution in May, 1846, which was adopted by the people, and on December 28, 1846, an act of Congress admitting the State was passed.

I do not see how any one can affirm that the case of Dakota is not paralleled, not once but many times in the history of the admission of States. The precedents are stronger than the necessities of the case of Dakota. They do not go far beyond the demands of this bill. That being so, how is it that I still hear the Senator from Missouri say, "I deliberately assert that there is no such case on record in the United States as the people of Dakota have made for themselves?"

Mr. BUTLER. May I ask the Senator just there——

Mr. HARRISON. I am glad to be enlivened by a question.

Mr. BUTLER. Not for the purpose of enlightening the Senator, for he is thoroughly enlightened on this question.

Mr. HARRISON. No; I said "enlivened," not enlightened.

Mr. BUTLER. I should like the Senator to state the precedents on which he relies to name the States which he claims as the precedents on which he relies.

Mr. HARRISON. The Senator has before him the report submitted by the committee in which all the precedents are stated. Now, let me return the question, if the Senator will allow me. Will he be good enough to indicate any particular in which the proceedings of the people of Dakota are without precedent?

Mr. BUTLER. Not now. I think I will do so to-morrow.

Mr. HARRISON. I was in hopes the Senator would favor me by doing so now, as I have answered his question.

Mr. BUTLER. That was the reason why I asked the Senator to point out exactly the States on which he relies.

Mr. HARRISON. The States are all enumerated in the report much more particularly than in my argument.

Mr. BUTLER. I have read the report.

Mr. HARRISON. But I beg the Senator from South Carolina, as I am about to conclude this discussion, to state to me in what particulars the action of the people of Dakota differs from these precedents to which I have referred?

Mr. BUTLER. I will do that at the proper time. I am not prepared to do that now.

Mr. HARRISON. Will not the Senator give me a suggestion of one point or two?

Mr. BUTLER. If the Senator will give me the names of the States on which he relies, I will do so in the course of this debate.

Mr. HARRISON. I have already said to the Senator that the cases upon which I rely are the case of Tennessee, the case of Michigan, the case of California, the cases of Iowa and Florida, the case of Arkansas, and the case of Oregon. Now, will the Senator answer my question?

Mr. BUTLER. No, sir; I can not answer it now, because it would require very much more time than I can take at present.

Mr. HARRISON. I simply wanted a text from the Senator, a suggestion of some particular——

Mr. BUTLER. I shall satisfy the Senator in the course of the debate, I think.

Mr. HARRISON. I do not know whether the Senator will or not.

Mr. BUTLER. Then he can not be satisfied.

Mr. HARRISON. I do not know whether the Senator will or not. I desire now the Senator from South Carolina, or any other Senator, to suggest any particular in which the proceedings of the people of Dakota are without the line of the precedents to which I have referred. I ask it now because I do not desire to discuss this question again, and certainly it would be but common courtesy to make a suggestion of some particular. Ah, Mr. President, I can get none, none from any direction. I then conclude this discussion by again asking the Senators who represent the States of Tennessee, Arkansas, and Florida, States whose proceedings were certainly less orderly in many respects than those taken by the people of Dakota, what reason they can show why we should not give a favorable hearing to this petition of the people of Dakota for admission into the Union of the States? A sufficient area, a population entitling them to two members of Congress, a State already developed in its productions till it has surpassed many of the older States, a people who have shown, not simply in the provisions of their constitution, but in the conduct of their institutions under a Territorial form of government, their earnest attachment to the principles of the Federal Constitution, their devotion to the institutions of education and religion, their capacity to participate in the best work that remains for this American Government to accomplish for itself and for the people of the world—why is it they shall be met here, when in this respectful form they come to ask admission to the States of this Union, with a denial of their just claim?

Mr. President, I undertake to say that in the history of the admission of States it will be quite impossible for any one to produce a case where in all the elements necessary to make a State Dakota has been equaled by any State at the time it was admitted into the Union.

I leave now to the consideration of Senators this imperfect plea in behalf of a people whose just request is that they may be "permitted to reap the common benefits, share the common ills, and promote the common welfare as one of the United States of America."

Mr. BUTLER. Mr. President——

Mr. MORRILL. The Senator from South Carolina yielding, I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. Pending the Dakota bill the Senator from Vermont moves that the Senate proceed to the consideration of executive business.

Mr. BUTLER. Do I understand that I have the floor?

The PRESIDENT *pro tempore*. The Senator from South Carolina has the floor for 2 o'clock to-morrow, when the bill will come up as the unfinished business. The question is on the motion of the Senator from Vermont.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 27, 1886.

SURVEYOR-GENERAL.

William D. Bloxham, of Tallahassee, Fla., to be surveyor-general of Florida.

SUPERVISING INSPECTOR.

Americus Warden, of Ohio, to be supervising inspector of steam-vessels for the seventh district.

COLLECTORS OF CUSTOMS.

Richard H. Arbuckle, of Pennsylvania, to be collector of customs for the district of Erie, in the State of Pennsylvania.

William J. McKinnie, of Ohio, to be collector of customs for the district of Cuyahoga, in the State of Ohio.

ATTORNEYS OF THE UNITED STATES.

Daniel O. Finch, of Iowa, to be attorney of the United States for the southern district of Iowa.

Robert B. Smith, of Montana, to be attorney of the United States for the Territory of Montana.

Cyrenius P. Black, of Michigan, to be attorney of the United States for the eastern district of Michigan.

John S. H. Frink, of New Hampshire, to be attorney of the United States for the district of New Hampshire.

MARSHALS OF THE UNITED STATES.

Edward Campbell, jr., of Iowa, to be marshal of the United States for the southern district of Iowa.

Frederick H. Marsh, of Illinois, to be marshal of the United States for the northern district of Illinois.

Andrew J. Gross, of Kentucky, to be marshal of the United States for the district of Kentucky.

REGISTERS OF THE LAND OFFICE.

Stephen E. Thayer, of Wausau, Wis., to be register of the land office at Wausau, Wis.

Emmett Horan, of Eau Claire, Wis., to be register of the land office at Eau Claire, Wis.

Robert C. McFarland, of Murray, Shoshone County, Idaho, to be register of the land office at Cœur d'Alene, Idaho.

Winfield S. Austin, of Seattle, Wash., to be register of the land office at Vancouver, Wash.

Harlan Pefley, of Boisé City, Idaho, to be register of the land office at Boisé City, Idaho.

David H. Hall, of Eureka, Nev., to be register of the land office at Eureka, Nev.

Thomas J. Butler, of Ringgold, Bienville County, Louisiana, to be register of the land office at New Orleans, La.

J. Gideon Harris, to be register at Montgomery, Ala.

RECEIVERS OF PUBLIC MONEYS.

Charles Spalding, of Topeka, Kans., to be receiver of public moneys at Topeka, Kans.

Martin D. McHenry, of Des Moines, Iowa, to be receiver of public moneys at Des Moines, Iowa.

Ole Christian Hals, of La Crosse, Wis., to be receiver of public moneys at La Crosse, Wis.

Sylvester S. Kepler, of Eau Claire, Wis., to be receiver of public moneys at Eau Claire, Wis.

Michael J. Cady, of Bodie, Cal., to be receiver of public moneys at Bodie, Cal.

John O'Keane, of Vancouver, Wash., to be receiver of public moneys at Vancouver, Wash.

Henry C. Branstetter, of Boisé City, Idaho, to be receiver of public moneys at Boisé City, Idaho.

Tyree H. Bell, of Fresno City, Cal., to be receiver of public moneys at Visalia, Cal.

William O. Mills, of Eureka, Nev., to be receiver of public moneys at Eureka, Nev.

John E. Budd, of Stockton, Cal., to be receiver of public moneys at Stockton, Cal.

POSTMASTERS.

Frederick W. Childs, to be postmaster at Brattleborough, in the county of Windham and State of Vermont.

Marshal P. Ryder, to be postmaster at Plainville, in the county of Hartford and State of Connecticut.

Joseph S. Williams, to be postmaster at Mystic Bridge, in the county of New London and State of Connecticut.

D. W. Northrup, to be postmaster at Middletown, in the county of Middlesex and State of Connecticut.

Charles R. Chapman, to be postmaster at Hartford, in the county of Hartford and State of Connecticut.

Calvin S. Stowell, to be postmaster at Olean, in the county of Cattaraugus and State of Yew York.

Patrick Calligan, to be postmaster at Alpena, Alpena County, Michigan.

Samuel B. Whittaker, to be postmaster at Fulton, Oswego County, New York.

James Rutherford, to be postmaster at Milford, Oakland County, Michigan.

Julius Wasserman, to be postmaster at Amsterdam, in the county of Montgomery and State of New York.

Millen T. Hill, to be postmaster at Gowanda, in the county of Cattaraugus and State of New York.

Arthur W. Bronson, to be postmaster at Clinton, in the county of Oneida and State of New York.

William F. Plaisted, to be postmaster at Sandy Hill, in the county of Washington and State of New York.

W. W. Nichols, to be postmaster at Wellsville, in the county of Allegany and State of New York.

Lemuel B. Treadway, to be postmaster at Port Henry, in the county of Essex and State of New York.

William H. Swan, to be postmaster at Mount Morris, in the county of Livingston and State of New York.

Conrad F. Suderly, to be postmaster at Saugerties, in the county of Ulster and State of New York.

Andrew W. Smith, to be postmaster at Flushing, in the county of Queens and State of New York.

George W. Sembler, to be postmaster at City Island, in the county of Westchester and State of New York.

Benjamin Ryall, jr., to be postmaster at Port Jervis, in the county of Orange and State of New York.

Frank W. Rogers, to be postmaster at Norwich, in the county of Chenango and State of New York.

Mrs. Amanda Quinlan, to be postmaster at Monticello, in the county of Sullivan and State of New York.

John Keyes Paige, to be postmaster at Schenectady, in the county of Schenectady and State of New York.

Jacob Odell, to be postmaster at Tarrytown, in the county of Westchester and State of New York.

James F. Maybury, to be postmaster at Cortland, in the county of Cortland and State of New York.

Abram L. Mace, to be postmaster at Walton, in the county of Delaware and State of New York.

Jerome La Due, to be postmaster at Westfield, in the county of Chautauqua and State of New York.

W. Edgar Lawrence, to be postmaster at Sing Sing, in the county of Westchester and State of New York.

Henry Kingsley, to be postmaster at Schoharie, in the county of Schoharie and State of New York.

Charles H. Kavanaugh, to be postmaster at Waterford, in the county of Saratoga and State of New York.

James R. Howard, to be postmaster at Castile, in the county of Wyoming and State of New York.

Jonah T. Howe, to be postmaster at Trumansburgh, in the county of Tompkins and State of New York.

George Donnalley, to be postmaster at Waterloo, in the county of Seneca and State of New York.

Henry Eldredge, to be postmaster at Union Springs, in the county of Cayuga and State of New York.

Ledett A. Bostwick, to be postmaster at Lowville, in the county of Lewis and State of New York.

Horace S. Crittenden, to be postmaster at Glens Falls, in the county of Warren and State of New York.

George Crawford, to be postmaster at Mineral Point, Iowa County, Wisconsin.

Charles A. Burke, to be postmaster at Malone, in the county of Franklin and State of New York.

Nicholas Best, to be postmaster at Millerton, in the county of Dutchess and State of New York.

Willard H. Tappan, to be postmaster at Baldwinsville, in the county of Onondaga and State of New York.

Thomas H. Beal, to be postmaster at Hamilton, in the county of Madison and State of New York.

D. V. O'Leary, to be postmaster at Albany, in the county of Albany and State of New York.

Delos L. Birge, to be postmaster at Cooperstown, in the county of Otsego and State of New York.

John Pepper, to be postmaster at Boscobel, in the county of Grant and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 27, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Clerk proceeded to read the Journal.

Mr. HATCH. I move by unanimous consent that the mere formal portion of the Journal relating to the introduction of bills and joint resolutions be omitted by the Clerk in his reading.

There was no objection, and it was so ordered.

The remaining portion was then read, and the Journal of yesterday's proceedings was approved.

CHIPPEWA INDIANS.

The SPEAKER, under the rule, laid before the House the following message from the President; which was referred to the Committee on Indian Affairs, and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication of the 16th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of proposed legislation providing for negotiations with the various tribes and bands of Chippewa Indians in the State of Minnesota with a view to the improvement of their present condition.

It is requested that the matter may have early attention, consideration, and action by Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 25, 1886.

ELECTRICAL COMMISSION.

The SPEAKER, under the rule, also laid before the House the following message from the President; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a letter from the Secretary of State, which is accompanied by the report of the United States electrical commission of the proceedings of the national conference of electricians, held at the city of Philadelphia, in the month of September, 1884.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 25, 1886.

AQUEDUCT BRIDGE.

The SPEAKER, under the rule, also laid before the House a bill (S. 200) to authorize the purchase of the Aqueduct Bridge or the construction of a bridge across the Potomac River at or near Georgetown, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

NORTHERN CHEYENNES.

The SPEAKER, under the rule, also laid before the House a joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana, returned from the Senate with amendments; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DEATH OF THOMAS A. HENDRICKS.

The SPEAKER, under the rule, also laid before the House the following concurrent resolution from the Senate:

Resolved, That the Senate has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States and for a number of years a distinguished member of this body.

Resolved, That the business of the Senate be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Secretary of the Senate be directed to communicate these resolutions to the House of Representatives.

Mr. HOLMAN. Mr. Speaker, I ask the concurrent resolution just read for the present lie on the table; and further, that Tuesday next, after the reading of the Journal, shall be set apart for the consideration of resolutions touching the death of the late Vice-President of the United States.

There was no objection, and it was ordered accordingly.

CATTLE CONVENTION.

Mr. HATCH, of Missouri. I ask by unanimous consent that the memorial of the committee of the cattle convention be printed in the RECORD. It is not long.

Mr. MORRISON. I object.

ENLARGEMENT OF PHILADELPHIA MINT.

Mr. COLE, from the Committee on Public Buildings and Grounds, reported back favorably the following resolution:

Resolved, That the Secretary of the Treasury be requested to inform the House of Representatives in what manner the United States Mint at Philadelphia could be enlarged by building upon the unoccupied grounds appertaining to the site of the present building, and to furnish information of the cost thereof and of the cost of the purchase of sufficient ground adjoining said building on the west if it be necessary to purchase more ground for the proposed said enlargement, so that the accommodations for the carrying on the business in the said mint may be so improved as to afford greater facilities than now exist therein.

The resolution was adopted.

Mr. COLE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PRIVILEGE.

Mr. BOUTELLE. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. A few days ago, Mr. Speaker, in the consideration of some resolutions presented by myself, relating, among other things, to the removal of a tablet or inscription from the engine-room of the dry-dock at Norfolk, Va., some discussion was had, in the course of which I find it reported in the RECORD that the gentleman from Virginia [Mr. WISE] made the following statement——

Mr. CABELL. Mr. Speaker, I will interrupt the gentleman by saying that the gentleman from Virginia [Mr. WISE] is not here to-day, and, in any allusion to be made to him, I think it proper the gentleman should wait until his return.

Mr. BOUTELLE. I would say to the gentleman, Mr. Speaker, I am as solicitous as he possibly can be to observe every courtesy involved in such a matter; that I desire to say goes merely to the vindication of myself in a matter with which the presence of the gentleman from Virginia can have no possible connection. I have waited, I will also state, Mr. Speaker, a reasonable time for correction or contradiction of this statement. I desire to continue my statement of personal privilege.

Mr. CABELL. If no reference is to be made to my colleague [Mr. WISE] I have nothing further to say.

Mr. BOUTELLE. The gentleman will see the reference when I have made my statement. I do not intend to attack any gentleman in his absence by any statement I am about to make. The gentleman from Virginia used the following language:

In the brief time which is allotted to me I have opportunity to make only a statement of facts. I had hoped that the subject of this resolution would not have been discussed in this House until we had been informed by the Secretary of the Navy. The gentleman from Maine [Mr. BOUTELLE] on more occasions than one has sought to revive the passions and the prejudices of the war. Let us see how much of truth there is in the statements of this resolution.

The Secretary of the Navy is called upon to report to this House if any tablet has been destroyed at the Norfolk navy-yard which commemorates or commemorated the fact that the dry-dock at Portsmouth had been destroyed. I am glad of the opportunity to inform the gentleman from Maine that the dry-dock at Portsmouth never was destroyed. [Applause.]

Mr. Speaker, that statement, made upon the floor of the House by a gentleman who was put forward as the spokesman of the Committee on Naval Affairs, has been widely copied throughout the country and has——

Mr. HERBERT. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HERBERT. The point of order I make is that the truth or falsity of an allegation of that kind is not a matter involving a question of personal privilege, such as entitles a gentleman to the privileges of the floor. Whether or not the allegation of Mr. WISE, the gentleman from Virginia, or the gentleman from Maine himself was correct in the statement is simply a matter of fact; and I do not understand that if the statement the gentleman has read was made by the gentleman from Virginia there was any intention on the part of that gentleman to reflect upon the personal veracity of the gentleman from Maine. It was a mere statement of fact, and not a reflection upon the gentleman. There is nothing in the way of a charge of any kind in the statement the gentleman from Maine has read; and therefore I submit that his remarks are out of order.

The SPEAKER. The Chair thinks that under the rules of the House——

Mr. BOUTELLE. Mr. Speaker, I would like to ask the Speaker of the House if it is not my privilege to state what I consider to be the question of privilege to which I rise?

The SPEAKER. Certainly.

Mr. BOUTELLE. That I am endeavoring to do, with the strictest and most careful attention to and respect for the rules of the House.

The SPEAKER. The Chair will state to the gentleman from Maine that the point of order made by the gentleman from Alabama is that so far the gentleman in his remarks has not disclosed any matter involving a question which, under the rules of the House, would entitle him to the privileges of the floor as a matter of right. It might or might not present a proper subject for a personal explanation with the consent of the House. The Chair does not understand the gentleman from Alabama to make that point, but that the subject presented is not a matter of privilege.

Mr. HERBERT. My point of order is that the language the gentleman has read does not afford a matter out of which a question of privilege can grow. It must be made upon some point or other affecting the good name or character of a member in order to afford a basis for such a question. There is nothing whatever in the remarks of the gentleman from Virginia on which to base a question of personal privilege. There is nothing affecting the veracity of the gentleman from Maine or his character in any respect.

Mr. CABELL. I submit, Mr. Speaker, in addition to the point of order made by the gentleman from Alabama, that a mere personal explanation the gentleman is endeavoring to make is not a subject which will entitle him to the privileges of the floor, but that it requires the unanimous consent of the House. In the absence of my colleague [Mr. WISE] I deem it my duty to object.

The SPEAKER. The Chair will hear the statement of the gentleman from Maine as to the matter of privilege involved.

Mr. BOUTELLE. I am endeavoring to make that. Am I not in order in stating the views which I entertain as to the propriety of rising to a question of personal privilege?

The SPEAKER. The Chair will hear the gentleman on the point of order. The gentleman has a right to speak to the point of order, and has a right to show that he presents a question of privilege under the rules of the House.

Mr. BOUTELLE. That is just what I was attempting to do when I was interrupted.

The statement which I have read, Mr. Speaker, from the RECORD has been widely telegraphed over the country, and has been made the subject of very severe animad versions upon my intelligence and veracity. I do not exaggerate in saying that quite a number of publications have assumed that the statement which I have read convicted me before the House and before the country of having trifled with the House, or having at least connived at a gross falsification of what ought to be a matter of familiar history. I have risen here to-day as a member of this House, under these circumstances, believing from such examination as I have been able to make of the rules of the House, as well as the usages which govern bodies of this character, and I may say associations of gentlemen everywhere, that I would be entitled, as a matter of personal privilege, to cite here in the House and have placed in the RECORD some brief citations from the public records of the country——

Mr. HERBERT (interrupting). I rise to a question of order.

Mr. BOUTELLE (continuing). Stating the facts——

Mr. HERBERT. I insist upon the point of order.

Mr. BOUTELLE. I decline to yield.

The SPEAKER. The gentleman from Maine is discussing the point of order, and endeavoring, as the Chair understands, to show that a matter of personal privilege is involved.

Mr. BOUTELLE. And I decline to yield.

I desire, Mr. Speaker, to have a ruling of the Chair upon my right as a member of this House, under the circumstances which I have stated, to cite here in vindication of my veracity, in vindication of my good faith as a member of the House, in vindication of the truthfulness of the representations made by me, and to have printed in the RECORD some brief and pertinent citations from the public records of this country setting forth the fact of the destruction of the Norfolk navy-yard by the rebels on the 10th and 11th days of May, 1862——

Mr. HERBERT. I rise to a question of order.

Mr. BOUTELLE. I believe I have the floor under the ruling of the Speaker.

Mr. HERBERT. I insist on the point of order.

Mr. BOUTELLE. I decline to yield.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] rises to make a point of order, as the Chair understands, on what the gentleman from Maine is now saying.

Mr. BOUTELLE. He makes the point of order on what I am now stating?

Mr. HERBERT. Yes; on what the gentleman is now stating.

Mr. BOUTELLE. Is this a new point of order, or a section of the old one?

Mr. HERBERT. It is the same old point.

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. I want to know, under the recognition which the Speaker gave me, and the permission he accorded me to state the question upon which I desire a ruling, whether I have not a right to complete my statement.

The SPEAKER. There is no doubt the gentleman from Maine has a right to discuss the question of order; but the gentleman from Alabama now rises for the purpose, as he states, of making a point of order on what the gentleman from Maine is now stating.

Mr. BOUTELLE. Will that deprive me of the privilege of completing my statement on the former point of order?

The SPEAKER. The gentleman from Maine can discuss the point of order.

Mr. HERBERT. I make the point of order that it is perfectly clear to the Speaker and the House that the purpose of the gentleman from Maine is to introduce some proof or other here as to whether he or the gentleman from Virginia [Mr. WISE] who is now absent was correct in the statement made on a previous occasion.

Mr. BOUTELLE. I rise to a point of order. My point of order is——

Mr. HERBERT. I submit, Mr. Speaker, I have the floor on the point of order.

The SPEAKER. The gentleman from Maine rises to a point of order on what the gentleman from Alabama is stating. The gentleman will state his point of order.

Mr. BOUTELLE. I submit the gentleman from Alabama is simply restating his former point of order and not making any new point. He is discussing a question upon which the Speaker has ruled and on which the Speaker gave me the floor.

Mr. HERBERT. I submit, Mr. Speaker, that in violation of the rules of the House the gentleman from Maine is attempting to discuss before this House a mere question of fact which does not in any manner involve his character and which is not a matter of personal privilege.

The SPEAKER. The Chair has not understood the gentleman from Maine so far to propose to make any statement as to the matter of fact or introduce any official records in discussing the point of order. But the gentleman from Maine is endeavoring to show, as the Chair understands, that he has a right to take the floor as a matter of privilege; and if that claim be sustained, then to introduce certain matters of fact.

Mr. HERBERT. But the gentleman from Maine himself in so many words states that what he proposes to do is to ask the privilege of citing here and having printed in the CONGRESSIONAL RECORD certain public records of the country which will show he is correct in his statements made heretofore.

The SPEAKER. The Chair does not understand that the gentleman from Maine proposes to put those statements of fact in the RECORD unless the Chair shall rule upon the point of order made by the gentleman from Alabama that the gentleman from Maine has the right to make this statement as a matter of privilege. The gentleman from Maine is contending he has the right to address the House as a matter of privilege for the purpose, if he is permitted to do that, of presenting certain facts.

Mr. HERBERT. Can the gentleman from Maine in discussing the point of order introduce what he claims to be a statement of facts?

The SPEAKER. The Chair holds that while the gentleman from Maine is discussing the question of order, that is to say, while he is discussing the question as to whether or not he has the right to occupy the floor as a matter of privilege, he can not introduce these records or state the facts further than is necessary as a part of his argument to show that he has a right to state certain facts hereafter when declared to be entitled to the floor.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Can the gentleman from Maine under the guise of arguing a question of order make the speech for which he has risen and which the House is trying to stop him from making, because contrary to our rules?

The SPEAKER. The Chair thinks not. The Chair thinks all the gentleman from Maine can now do properly is to discuss the question of order and to show that, as a matter of privilege, he has the right to re-

ply to the statement made on the floor by the gentleman from Virginia [Mr. WISE].

Mr. KING. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KING. Will not the speech of the gentleman from Maine appear in the RECORD all the same?

The SPEAKER. That is not a parliamentary inquiry. The Chair has simply ruled that the gentleman from Maine has a right, as he now occupies the floor, to discuss the question of order and nothing else.

Mr. KING. Will not his speech appear just the same?

The SPEAKER. The gentleman from Maine is entitled at this time to discuss only the question of order. He will proceed to discuss that question.

Mr. BOUTELLE. I submit that all I have attempted to do to-day has been to submit, in my imperfect way, my views as to what constitutes my privilege in this matter, in order that the Speaker may inform me whether I entertain the correct view or not. In continuation of the statement which I was attempting to make when I was so persistently interrupted by the gentlemen with their points of order—points of order which were not made so numerously when the statement I am referring to was made on the floor of the House the other day—I desire to say, Mr. Speaker, that it seems to me that it is clearly within my privilege as a member to have printed in the RECORD such brief and pertinent citations from the public records of this country, setting forth the fact of the destruction of the navy-yard at Norfolk by the rebels in 1861 and 1862, as I have upon my desk in excerpts from the official reports of the major-general commanding that department at the time.

Mr. HAMMOND. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. HAMMOND. My point is, Mr. Speaker, that the gentleman from Maine [Mr. BOUTELLE] can not do that indirectly which he can not do directly; that until the Speaker shall hold that his remarks are privileged he has no right to state anything whatever about those records, and that it is a violation of the privilege given him to argue a question of order to proceed in the manner in which he has been proceeding.

The SPEAKER. The Chair may misunderstand the gentleman from Maine [Mr. BOUTELLE], and if so he desires to be corrected; but the Chair understands that gentleman simply to argue that he ought to have a right, and that he has a right under the rules, to present certain historical facts as he claims them to be. The Chair does not understand the gentleman from Maine to offer to present those facts now on the question of the point of order; but the Chair can not see very well how the gentleman could inform the Chair and the House as to what his purpose is without stating what it is that he desires to do. The gentleman does not propose to put these records in now.

Mr. HAMMOND. No, Mr. Speaker, he does not propose to put the records in now; but he states what he says is contained in those records. In other words he says: "I have a fact here, to be proven by a record;" and it is wholly immaterial to him whether that record gets in or only his speech. [Laughter.]

Mr. HERBERT. Mr. Speaker, I rise to a question of order, and I desire simply to say this: The gentleman from Maine [Mr. BOUTELLE] asked the Chair whether he had a right——

Mr. BOUTELLE. Mr. Speaker, I rise to a point of order. [Laughter.]

The SPEAKER. The Chair will hear the statement of the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. The gentleman from Maine [Mr. BOUTELLE] asked the question whether he had a right to introduce and put upon record certain historical facts, and now he proposes to go on and state what those historical facts are.

It seems to me, Mr. Speaker, with all due deference to the Chair, that if there be any point of time at which the presiding officer can determine that this statement should be excluded that point has been reached when the gentleman from Maine says, as he now does, that he desires put into the RECORD certain historical statements. It does not matter what those historical statements are, whether they go to show the one thing or the other; taken in connection with everything that the gentleman from Maine has said, it is very clear that this is not a matter of personal privilege. Whatever those statements may be, whatever they may show, by whomsoever they may be made, they can not be, in connection with what has been said here by the gentleman from Maine, a matter of personal privilege which he would be entitled to state here.

The SPEAKER. That is the question which the Chair has to decide, the point of order made by the gentleman from Alabama [Mr. HERBERT].

Mr. BOUTELLE. Mr. Speaker——

The SPEAKER. The gentleman from Maine [Mr. BOUTELLE] will confine himself to a statement going to show that he has a right to occupy the floor, as a matter of personal privilege, to respond to the statement which he has read as having been made here the other day by the gentleman from Virginia [Mr. WISE], and of course the gentleman will understand that in discussing that question of order he has no right to discuss the question whether or not the statement made by the gentleman from Virginia [Mr. WISE] was correct or incorrect. The gentleman is now simply claiming the right to show hereafter that that statement was incorrect.

Mr. BOUTELLE. I trust it is unnecessary for me to state that my most sincere desire is to keep not only within the letter of the Speaker's rulings, but entirely within the spirit of his administration of the order of this House; and if I shall err in the slightest degree it will be from inadvertence and not from intention. I have not been a member of the House of Representatives of the Forty-eighth Congress without learning to rely implicitly upon the rectitude and integrity of the administration of the order of this House [applause]; and I am not here to-day to ask any exceptional favor or to be given any latitude whatever beyond that which the Speaker of this House shall deem to be my just privilege.

Mr. Speaker, I had no intention of undertaking in any manner of subterfuge, I had no desire to get before this House in any covert manner the official records to which I refer relating to the facts of the destruction of this navy-yard. I have those official reports here, including the report of the major-general of the department, including the report of the flag officer of the United States Navy commanding the squadron, who took possession of the navy-yard.

The SPEAKER. The Chair thinks——

Mr. MCMILLIN. I rise to a point of order.

The SPEAKER. The Chair thinks that upon the question of order the gentleman from Maine has no right to go beyond a mere statement of the grounds on which he claims the privilege of the floor.

Mr. BOUTELLE. I was intending and desiring to say that while I had those official reports on my desk, and desire to read them, I shall not attempt to read them, I shall not attempt to put before the House the details of their subject-matter fortifying the statements which I make, unless the Speaker of this House shall rule, as I sincerely hope he will (although I shall bow with entire submission and grace to whatever decision the Chair may arrive at), that as a matter of justice, as a matter of propriety, as a matter of the very highest personal privilege that can pertain to the performance of a member's duty on this floor, when a statement has appeared in the RECORD and been telegraphed broadcast to the country for four or five days, a member shall be permitted to bring to bear upon that statement in vindication of his own integrity citations from the public records of the officers of the United States.

The SPEAKER. The Chair will cause to be read the rule of the House defining questions of privilege.

The Clerk read as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. It happens almost every day in the discussions on the floor that members differ in their statements respecting facts, especially historical facts such as the one involved in this case, and unless there is some improper motive attributed, some purpose to deceive or impose upon the House, or some reflection upon the representative character of a member, the Chair can not see that any question of privilege is involved. It frequently happens that gentlemen rise for the purpose of making "personal explanations" with the consent of the House, but those are not, technically speaking, under the rules of the House, matters of privilege. The Chair has not been able to see from what has been read by the gentleman from Maine that the gentleman from Virginia in his remarks imputed to him any improper motive or purpose whatever; but the two gentlemen differed simply upon a question of fact. The Chair sustains the point of order made by the gentleman from Alabama.

Mr. HAMMOND. I suggest that the gentleman from Maine [Mr. BOUTELLE] appeal from the decision of the Chair and see how unanimously the House will sustain the Chair.

Mr. BURROWS. In view of the anxiety manifested on the other side of the House to get at the facts, I hope the gentleman from Maine will ask unanimous consent to make a personal explanation.

Mr. MCMILLIN. It will not be granted in the absence of the gentleman from Virginia [Mr. WISE].

Mr. BROWNE, of Indiana. Nor in his presence, either. [Laughter.]

Mr. CABELL. Then we should thank some of you gentlemen who make the opposition.

The SPEAKER. This matter is disposed of. There is no question now before the House.

Mr. CABELL. If the gentleman from Maine seeks a new trial, let him wait till the prosecutor is present.

The SPEAKER. The first business in order is the call of the standing and select committees for reports to go to the appropriate Calendars.

SOUTHERN PACIFIC COMPANY, ETC.

Mr. THROCKMORTON. I rise to make a privileged report from the Committee on Pacific Railroads.

The SPEAKER. That is in order.

The Clerk read the report, as follows:

The Committee on Pacific Railroads have considered the accompanying resolution asking information from the Secretary of the Interior in regard to con-

tracts entered into between the subsidized railroads and the Southern Pacific Railroad Company and any and all contracts entered into by such railroads with the Pacific Steamship Company, and have instructed me to report the same back with the recommendation that the same be adopted.

The resolution accompanying the report was read, as follows:

Resolved, That the Secretary of the Interior be, and is hereby, requested to furnish this House with copies of any and all contracts or leases which are to be found on file in said Department between the Southern Pacific Company and any and every railroad or railroads to which land grants were made or which received any subsidies from the United States; also a copy of the charter of incorporation of the Southern Pacific Company; also, all and every contract or contracts on file between the Pacific Steamship Company and any and every land grant or subsidized railroad company or companies.

The question being taken, the resolution was adopted.

Mr. THROCKMORTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADDITIONAL COPIES OF HOUSE DIGEST.

Mr. BARKSDALE. I am directed by the Committee on Printing to submit a privileged report.

The report was read, as follows:

The Committee on Printing, to whom was referred the resolution submitted on the 6th instant, "that 200 additional copies of the Digest for the present session be printed and bound for distribution to the committees and officers of the House and heads of the Departments and bureaus," have instructed me to return the same and to recommend the passage of the resolution. The cost of the same is reported by the Public Printer to be $153.30.

The resolution accompanying the report was read, as follows:

Resolved, That 200 additional copies of the Digest for the present session be printed and bound for distribution to the committees and officers of the House and heads of Departments and Bureaus.

The question being taken, the resolution was adopted.

Mr. BARKSDALE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNANIMOUS CONSENT.

Mr. GIBSON, of West Virginia. Mr. Speaker, I ask by unanimous consent to introduce a resolution which has for its object no partisan purpose.

Mr. BEACH. I object.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the standing and select committees of the House for reports for reference.

FIRST NATIONAL BANK OF BELLAIRE.

Mr. CANDLER, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 3764) to authorize the increase of the capital stock of the First National Bank of Bellaire; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO THE LATE GENERAL GRANT.

Mr. VIELE, from the Committee on Military Affairs, reported back favorably the bill (H. R. 1600) for the erection and completion of a monument to the memory of the late General Ulysses S. Grant in the city of New York; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SAINT LOUIS AND SAN FRANCISCO RAILROAD COMPANY.

Mr. PEEL, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 105) to amend an act entitled "An act to grant the right of way for a railroad and telegraph line through the lands of the Choctaw and Chickasaw Nations of Indians to the Saint Louis and San Francisco Railway Company, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

E. P. M'NEAL, OF HARDEMAN COUNTY, TENNESSEE.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported a bill (H. R. 4839) for the relief of E. P. McNeal, of Hardeman County, Tennessee; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAN CLEMENTE LAND CLAIM.

Mr. HALSELL, from the Committee on Private Land Claims, reported a bill (H. R. 4840) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THEODORE W. TALLMADGE.

Mr. THOMPSON, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 1905) for the relief of Theodore W. Tallmadge; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

IGNACIO CHAVES AND OTHERS.

Mr. OSBORNE, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 218) to confirm a certain private land claim in the Territory of New Mexico; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TRES ALAMOS.

Mr. GREEN, of New Jersey, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 3216) to confirm the title to that certain land grant "Tres Alamos," in Arizona Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. DOCKERY, the Committee on Accounts was discharged from the further consideration of a resolution of inquiry in reference to delay in adjudication of invalid pensions; and the same were referred to the Committee on Invalid Pensions.

LEAVE OF ABSENCE, GOVERNMENT PRINTING OFFICE.

Mr. BARKSDALE, from the Committee on Printing, reported back favorably the bill (H. R. 544) granting leave of absence to employés of the Government Printing Office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RETIREMENT OF NAVAL OFFICERS.

The SPEAKER. The call of standing and select committees for reports for reference has been completed. The hour for the consideration of bills begins at 1 o'clock and 12 minutes p. m. The pending question is the bill (H. R. 339) authorizing the voluntary retirement of certain officers of the United States Navy who have rendered conspicuous service in battle or who have served thirty years in the Navy, reported from the Committee on Naval Affairs. The gentleman from New Jersey [Mr. MCADOO] has fifteen minutes of his time remaining.

Mr. MCADOO. Mr. Speaker, I desire before going any further to correct a statement made by me yesterday in the heat of debate. I find by the RECORD this morning that I said some of the officers on the Navy Register had been in the war of 1812. Of course that statement is erroneous.

It is evident, sir, to the members of the Naval Committee that the House has been somewhat stampeded with regard to this bill. An erroneous impression prevails, from the speeches of the gentleman from Texas [Mr. REAGAN] and of the gentleman from Tennessee [Mr. MCMILLIN], both of whom inveighed against the aristocratic tendency of the Navy and appealed to the spirit of economy, but certainly with a misunderstanding of the laws which regulate the retired-list. Under these plausible but specious arguments it is no wonder this stampede has occurred. Now, in the first place, Mr. Speaker, I think the members of this House should understand that the retired-list is a matter of law. It is not something which the Navy Department has invented. It is not a custom which has grown up in the service, but it is a matter of statute law.

There is another erroneous impression which I think prevails in the minds of many members of the House; that is, that every officer of the Navy who has served so many years is retired. No officer in the Navy can be retired until he has attained a certain rank and reached a certain age. I saw the drift of this yesterday when the gentleman from Nebraska [Mr. LAIRD] in a spirit of friendship asked the gentleman from Tennessee [Mr. MCMILLIN] what was the total salary of a lieutenant of the Navy on the retired-list. Now, a lieutenant in the Navy can not be put on the retired-list, and this bill, if passed without amendment (and amended, I am justified in saying, it will be), would only apply to a small percentage of the Official Register of the Navy, probably only rear-admirals, some six in number. If this is not so in its present shape we can so amend it. Suppose this House does not pass this bill, will you economize in the public Treasury? Will you render the Navy more efficient? Will you reform by inaction? You simply push aside the whole subject and go on paying the present list. Let us hear what reform the objectors to this propose.

If you do not pass this bill you do not take off a man from the pay-list of the Navy. Fail to pass this bill, and the "dead wood" of the Navy, alluded to by my colleague from Illinois on the committee, remains on the Naval Register without a chip being removed and without the saving of a dollar to the public Treasury. What you do when you have passed this bill is this:

You take the men off the Naval Register whose inability is of a subtle kind, that can not possibly be reached by a board of examiners, reduce their present salaries, and you make an upward move all along the line on the Register for the benefit of the whole service. You lighten the top-heavy Naval Register and send the officers to active duty away from the hotels and reception-rooms of the capital. You enable the people to get real naval service for their hard-earned taxes. You let free the stagnant dam and give life and motion to the waters. You make seamen and naval experts out of ambitious young and middle-aged men who will otherwise become bureau drones or ball-room ornaments.

Now, my distinguished and most excellent friend from Ohio, as I was about retiring from the debate last night, fired a Parthian arrow by asking me the question, Can you educate these men better at Annapolis or in a vessel at sea? My excellent friend from Ohio, I am well aware, is a most gallant and first-class cross-roads sailor [laughter], and he knows enough to know that a man must be a good scientist, as well as a sailor, to navigate one of these powerful monitors or maneuver in a naval combat an enormous ironclad with sixteen inches of compound armor on her sides. Does not the gentleman know, being an experienced nautical man as he is a great financier, that a sailor man is not always sailing? Does not he remember the lines of the comic opera, that the sailors do not so wieldly and zealously love the sea as some people seem to imagine?

To lay aloft in a howling breeze
May tickle a landsman's taste,
But the happiest hours a sailor sees
Is when he's down
At an inland town,
With his Nancy on his knees, yeo-ho!
And his arm around her waist!

Now, seriously speaking, the Naval Committee have given to this bill very careful attention. They have endeavored to examine the case fully from all its standpoints, and I want to state right here that it is impossible to figure up to a dollar what this will cost. You would have to get up a lot of probability tables like those used by the life insurance companies, as to whether if the yellow fever breaks out down South and the cholera up North how much a man's widow is to get under these and certain other conditions and all of that sort of thing. It is impossible to know what cost it will involve beyond approximating it or to know who will be retired; but it is safe to assume that there will be but a very small number of the higher grades of officers who will care to retire. And of those who are unfitted for the service, as I have said before, their inability or unfitness is exceedingly difficult to reach and determine by an examining board. Therefore pass this bill and you will put new vigor into the Navy; you will put youthful blood into the *personnel* of those who are its officers. A new navy must be built. The people of this country are very much interested in the question of the establishment of a new navy as much as in any great question of the day. Let us have useful, energetic, and able men to manage a new navy commensurate with our necessities, our dignity, our trade, and our rights in foreign waters, as well as our defense at home.

As to the question, Can you not get rid of the "dead wood" in some other way, I repeat again that it is a difficult subject to deal with in any other manner than by legislating them off in an honorable way. If there was a civil pension-list, which God forbid, I reverently say, and we attempted to retire some of our excellent statesmen from the public service, what a difficulty we would have to contend with.

It would be difficult to determine exactly where a man's qualifications ended and where his disqualifications began. After you get together a number of the august doctors to look into the question of his physical capacity, and after putting their wise heads together they may report that, though he has run through the dangers of Washington boarding-houses and cold tea for a period of twenty years, his stomach is still all right, and as to mental condition, that if you read one of his speeches you will find that his mental abilities, so far as the use of words is concerned, are fairly preserved. How then are you going to reject him? But a more general and abler expert might find that there was a degree of incapacity in that the subject was such an inveterate hobby-rider, unreasonable theorist, with distorted local vision, or Presidential aspirations, or love of applause, as to be disqualified to deal with practical questions of legislation in a practical and common-sense way.

I yield the remainder of the time to my colleague on the committee.

The SPEAKER. The gentleman has seven minutes of his time remaining.

Mr. THOMAS, of Illinois. I believe there are thirty minutes remaining of the time of the committee. I yield twenty minutes to the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, I regret that the debate on yesterday afternoon upon the pending measure has taken the course which its opponents have given it upon the floor of the House. The committee, nor any member of it, so far as I am informed, did not intend that it should operate as a special pension list in the ordinary and usually understood meaning of the phrase. The great and the only object of the committee in authorizing the report of the bill was to present to the House a most important measure, which they believed to be demanded in the interest of reform and efficiency in the Navy. A reformation and an efficiency to be of any value must apply as well to the character of its *personnel* as to the material of which our vessels are to be built and of which they are to be armored. A vessel, however well built and armored, if commanded by inefficient officers, be they ever so brave and patriotic, would be almost valueless in time of war; and it is equally true with reference to the officers, were they ever so skillful, courageous, and experienced, if the vessels given them to command did not answer to the exigency of the times.

Now, Mr. Speaker, let us examine the bill critically but fairly, and anticipate, if we can, what will be the result should it become a law with the amendments which the committee have agreed to propose to the House. These amendments are, first, to strike out that portion of the bill which authorizes the officer to apply for retirement upon the ground of "conspicuous conduct in battle," and also the addition of a clause which will guard the bill from becoming a means through which injustice may be done the Government. These changes I favor, and when made will render the bill as perfect and as acceptable to the House as can be done. As to the propriety of these amendments there is entire harmony among the members of the committee. To deal wisely with this measure we must first consider the laws now in force and under which naval officers may be dismissed or retired. It is well understood that no naval officer can in time of peace be dismissed from service except upon and in pursuance of the sentence of a court to that effect or in commutation thereof. As to retirements, I find the following statute in force:

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer below the rank of vice-admiral is sixty-two years old he shall, except in the case provided in the next section, be retired from active service.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, lieutenant of the junior grade, ensign, passed assistant surgeon, passed assistant paymaster, passed assistant engineer, assistant surgeon, assistant paymaster, or assistant engineer, and such officers shall not be placed upon the retired-list, except on account of physical or mental disability.

In addition to the foregoing, I find an act of Congress bearing date February 14, 1885, which permits an enlisted man in the Navy who has served as such thirty years in the Marine Corps of the United States to voluntarily retire, receiving 75 per cent. of the pay and allowances of the rank upon which he was retired.

Now, this gross and incomprehensible anomaly is presented: those officers of ranks higher than those mentioned in section 1445 may be retired upon their own application after serving the term specified in section 1443 or reaching the age prescribed in section 1444, and the enlisted men of the Marine Corps may also be voluntarily retired under the act of February 14, 1885; yet these officers who come within the provisions of section 1445, however old they may be or however long the period of their service, can not avoid the active duties of their profession except by resignation or dismission by a court-martial or be placed upon the retired-list, except on account of physical or mental disability.

If there be any other mode, I have not been able, after careful search and diligent inquiry, to ascertain what the mode is. Saying nothing respecting the injustice of these distinctions, which can neither be palliated nor denied, I come to the influence they exercise upon the *personnel* of the Navy. I have been told by high authority that there are many of the officers mentioned in section 1445 who are well-stricken in years, and, though they have rendered honorable and faithful service, yet because of their age and for other reasons that need not be mentioned they are wholly unfit to be placed in command of our best and stanchest cruisers. They have not kept up with the times. Their deportment is in every respect honorable and has been at no time subject to investigation.

I would not disparage these gentlemen, but it is no injustice when I say that many of them have failed to maintain that degree of enterprise, spirit, and activity which is so essentially necessary in naval affairs, when almost every day is fraught with the greatest changes and improvements in the building of vessels, in the manufacture of armaments, and in the invention of those appliances which constitute the make-up of the cruiser and the monitor of the present day. They have, perhaps involuntarily, been left behind, and some of them—I will not say many—are hinderances to the advancement of their juniors in the service but their superiors in genius, activity, and devotion to duty. Such officers are upon the rolls. They do nothing that will subject them to court-martial, nor are they so physically or mentally infirm as will allow their retirement because of such disqualifications. They draw their pay, yet they do not, and they can not, render such service as the Government should have at the hands of all its officers.

As was well said by my colleague on the committee [Mr. THOMAS, of Illinois], such officers constitute "the dead wood" of the Navy. The purpose of the measure upon which we are deliberating is to remove this decaying and decayed timber in an honorable way, and in its stead to substitute material that can successfully meet every emergency that may arise in the annals of human affairs. This, to my mind, appears practical. It is also as economical a method by which to secure a live, an active, an enterprising, and an able *personnel* as can be devised without doing an injustice to brave and honorable gentlemen, none the less so because they can not meet the demands that are upon them.

In a conversation with an officer of high rank, but a few days since he remarked that the present system would not successfully stand the test of a sixty days' war with a first-class naval power; that our system was entirely different from that maintained by England, or France, or Spain, or Germany, or Italy; that here the principle of "selection" did not obtain, and that the great and the only struggle for advancement to the topmost round in the ladder of promotion was the conte-

that existed between the stomach and the mind. In other words, he said that the man who had the best stomach and took the best care of his physique was almost certain to live the longest, and thus secure the highest and most coveted prize in the service.

And in a conversation with a third gentleman of the naval service he said, without specifying individuals, that there were many to be affected by the pending bill who ought not to be intrusted with the command of a first-class merchant vessel. There are, I am informed, eight hundred and fifty-one officers upon the active-list who are included within the limitations of section 1445. Of course I do not characterize all of these officers, or the larger portion of them, as inefficient. I have not been advised as to the inefficiency of any particular officer, but it is "abroad in the land," it is "a matter of common talk," that inefficiency in no small degree does exist.

Mr. REAGAN. Will my colleague permit me to ask a question?

Mr. SAYERS. Yes, sir.

Mr. REAGAN. If not incapacitated, why retire these officers to make room for others?

Mr. SAYERS. Because, though upon examination it might be found that they were neither physically nor mentally incapacitated for service, yet by reason of their age and of infirmaties, not amounting to absolute disqualification, they would not be such material as should constitute a part of the *personnel* of an efficient navy. They would continue in the service only to be a clog upon the advancement of others of ability, energy, and enterprise. I ask my colleague if he would support a bill for the retirement of such officers?

Mr. REAGAN. I would not support a bill to allow any man pay for doing nothing.

Mr. SAYERS. The gentleman does not answer the question.

I very much regret the position assumed on yesterday by my colleague on this floor in reference to the policy of the pending bill. I feel that he has not viewed it in all its features, nor has he thought of some of the consequences to result if this bill becomes a law. I can not believe that if he had been familiar with the laws pertaining to the Navy that he would have adopted the line of argument, or rather of denunciation, which he pursued yesterday in reference to the measure.

Has it ever occurred to him that section 1445 became a law, in part if not altogether, in 1870? Can he recall the political condition of the country at the time and for a few years thereafter? Let him read the three sections I have quoted in the light of the lurid events of the years in which they became laws, and then he will, perhaps, discover that the limitations of section 1445 then had a meaning—that meaning being to carefully guard the avenues of naval promotions so that for many years, at all events, there might be no danger of advancement by a graduate at the Naval Academy from the South to high naval rank.

Does my friend and colleague remember how, at the Democratic State convention in 1872, we gathered around him and bore him upon our shoulders to the president's chair, and what hearty acclamations greeted him from us all as he rose to address the convention? Why was such high honor conferred upon him? Why was he greeted with such warm and heartfelt salutation? The answer is plain. It was because he was a proscribed man, and we were anxious to give him demonstration that our deepest sympathies and strongest friendship were with him. It was a proud day for us to thus honor a man because he was so situated.

But how is it to-day with my friend and colleague? We find him here denouncing a bill which, if it becomes a law, will in its effects destroy the limitations of section 1445 and render easy and practicable the promotion of graduates from the Naval Academy. The young men of the South will then have an opportunity to once again enter the naval service of their country in the full confidence that by industry, by enterprise, and by exemplary deportment they will be able to attain the highest rewards in the gift of the Government.

As long as section 1445 shall continue to be in force so long will the avenues to naval promotion be practically closed to the young men of the South. Already have more than a hundred young men—instructed and supported by the Government—after having completed a full course with honor to themselves and to the entire satisfaction of those in authority, been discharged from the service because there were no vacancies to be supplied. And this will continue to occur each year.

Very many of these graduates are from the South. They are full to overflowing with an honorable and a patriotic ambition to enter the naval service of their country. They have successfully prepared themselves for a brilliant career, which seemed opened to them upon their admission into the Academy. But, to their bitter disappointment, they found that section 1445 of the Revised Statutes, in its practical operation, presented an insurmountable obstacle to their further advancement, and they have been discharged.

I regret that my colleague will not give his strong assistance to secure the passage of a bill that will open up the avenues to naval preferment, so that the young men of the South may have a living chance to enroll their names among the great captains that have conferred honor and renown upon the American name.

I am, Mr. Speaker, for the young men of the country, and for that reason I support this bill. I care nothing about details. Let it be amended to suit the desires of gentlemen. The thing I want worst of all is to improve the *personnel* of the Navy and to admit the young men of every section of our country upon an equal footing to an honorable competition for the highest honors that are to be gained in the naval service.

In some manner, I care not how, do away with the limitations of section 1445 and a great difficulty will be removed. But if these limitations shall continue, then the "dead timber" in the Navy will continue to prevent its reform and efficiency, and there is not a being within this Hall, from the oldest to the youngest, that will live to see a young man graduating from the South at the Naval Academy since the war attain the rank of captain in the American Navy.

But repeal these limitations—through this bill or otherwise, I care not how—and youth, energy, enterprise, patriotism, and ambition will assert their way; and should war unhappily occur and our ships move out to battle, there will be found upon the quarter-deck of every vessel men from the East and from the West, from the North and from the South, with sword in hand and contesting one with another as to who can best serve a common country and beneath a common flag.

Mr. THOMAS, of Illinois. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. THOMAS] has fifteen minutes left.

Mr. THOMAS, of Illinois. Mr. Speaker, in introducing this bill I had no greater interest in it than every other member of Congress upon this floor.

Mr. REAGAN. Mr. Speaker, I desire to inquire of the gentleman from Illinois [Mr. THOMAS] whether he intends to move to close debate?

Mr. THOMAS, of Illinois. I do.

Mr. REAGAN. Then I hope the House will not permit that to be done.

Mr. BRUMM. Mr. Speaker, I think some gentleman should be allowed to speak on the other side.

Mr. WARNER, of Ohio. Mr. Speaker, I desire to reply to some of the points that have been presented here.

Mr. THOMAS, of Illinois. I decline to be interrupted, Mr. Speaker. If the motion that I shall present to the House is voted down, gentlemen who desire to be heard will have an opportunity.

This measure is no more mine than it is the measure of every man in this country who has the good of the naval service at heart. It is not my measure, and gentlemen who support it are conferring no special favor upon me, but are looking alone to the good of our common country. A bill which can not stand discussion and that light of reason which discussion throws upon every measure is not fit to be passed by Congress. A committee may have a bill before them and may investigate it as carefully as they can, giving it their most earnest attention, yet when discussion occurs in the House defects may be disclosed in the measure which were not discovered in committee. In passing upon a measure of such importance as this it is right and proper that every possible defect should be pointed out and, if possible, remedied; for we are seeking no special advantage for any class of men; we are seeking only to do right, to find some method by which we can advance the interests of the naval service.

If the bill had proceeded to a vote this morning, there was an amendment which I intended to offer on my own account; that is, to strike out the provision in the bill which would allow an officer to retire on account of conspicuous gallantry. That provision should be stricken out, for the reason that, upon investigation, it is found that the language is too indefinite, and that it would be impossible in practice to determine the men who would be entitled to its benefit. There are some other objections to which my attention has been called by a member of the House who has not yet spoken, a member who has the good of the naval service at heart, and is not bound up by such prejudices as disclosed themselves here yesterday. For these reasons, sir, before I leave the floor, I shall move to recommit this bill to the Committee on Naval Affairs, in order that it may be perfected and the defects which have been suggested remedied.

I am not moved to this course by the retchings and seasickness displayed here by the illustrious storm-tossed mariner of the mountain district of Tennessee [Mr. MCMILLIN] [laughter]; nor am I moved by the communistic doctrine advocated by the gentleman from Texas [Mr. REAGAN], a doctrine which could only be properly characterized by terms which it would not be parliamentary to use upon this floor. "Aristocracy!" Fear of establishing an aristocracy, because a government provides a respectable means of retirement for men who have given the best years of their lives to its service! Such a provision strikes the gentleman from Texas [Mr. REAGAN] as a step toward aristocracy, and therefore as something which should be frowned upon by every lover of his country. I have no doubt the gentleman reflects with great pleasure upon his own distinguished and illustrious services, not only here but in other places. I have no doubt that, basing a proper aspiration, or a proper desire for advancement, not only upon his ability but upon his own illustrious service to his country, he would like to fill a higher than a Cabinet position. Bids for votes by denouncing the heroes of the country, by denominating them "aristocrats," and talking about "the privileged classes" and the "down-trodden people," the gentle-

man will find are wholly ineffective; for around these heroes for many years has clustered the love of fifty millions of people, and that they shall be properly provided for and supported the people are determined to see.

Mr. REAGAN. Does the gentleman mean to make that sort of a speech, and then close debate and prevent reply to it?

Mr. THOMAS, of Illinois. Mr. Speaker, how much time have I?

The SPEAKER. Nine minutes.

Mr. THOMAS, of Illinois. If it is any satisfaction to the gentleman from Texas [Mr. REAGAN] I will yield him five minutes now.

Mr. WARNER, of Ohio. I would like to have the other four minutes.

Mr. REAGAN. I prefer not to occupy the time of the gentleman. I simply appeal to his sense of honor whether it is honorable or fair to indulge in that sort of argument without allowing a chance of replying to it.

Mr. THOMAS, of Illinois. The gentleman has had an opportunity to make his speech.

Mr. REAGAN. And I neither reflected on any one nor insulted any one.

Mr. THOMAS, of Illinois. I assure the gentleman I had no intention of insulting him.

Mr. REAGAN. Then the gentleman has a queer way of using language.

Mr. THOMAS, of Illinois. I simply meant—and that I have a parliamentary right to do—to denounce the doctrines advocated by the gentleman. I used him and his life and eminent services to illustrate the unsoundness and fallacy of his own doctrines, not with the intention of insulting him or casting any reflection, but by way of illustrating the point, knowing that his own services have been so distinguished that he was a proper mark to set up for illustrating the point.

I think it proper, in order that justice may be done (and under the rules there is no opportunity at present for complete debate of this question), that this bill should be recommitted, to be brought in again in such a shape that every gentleman here will have an opportunity to be heard fully and completely upon it.

Mr. HERBERT. Will the gentleman yield to me two minutes?

Mr. THOMAS, of Illinois. I will.

Mr. HERBERT. Mr. Speaker, I desire to say of the bill now under discussion that it is liable to some of the objections which have been pointed out, and to another objection more serious, perhaps, than any which has yet been adverted to upon the floor. Therefore the committee have decided that it ought to be recommitted; and the gentleman from Illinois [Mr. THOMAS] will make that motion before he takes his seat. I sincerely hope the House will vote to reconsider the bill and to stop this debate, which I fear is becoming personal, and I for one very much regret the turn which it has taken. This is all I desire to say, except that the committee, when it has perfected this bill and brought it back, will not undertake to have it voted upon until there shall have been the fullest and freest discussion upon it.

Mr. WARNER, of Ohio. Will the gentleman from Illinois yield five minutes to me?

Mr. THOMAS, of Illinois. No, sir; I have not time now.

Mr. WARNER, of Ohio. Then, give me three minutes.

Mr. THOMAS, of Illinois. I hope the gentleman will get an hour when the bill comes up again.

Mr. WARNER, of Ohio. The gentleman has some time yet before calling for a vote on this question.

Mr. THOMAS, of Illinois. I will yield the gentleman two minutes; that is all I have time to yield.

Mr. WARNER, of Ohio. That is only time enough to enable me to say that this is as good an opportunity to dispose of this bill as we are likely to have. I am not so well informed on it as some of my friends here. I concede that my excellent friend from New Jersey [Mr. MCADOO] who lives nearer the salt water than I do ought to be better informed on naval matters than I am, on the theory of the tall boy at school who, when asked who made him, said he did not know; and when a smaller boy answered that God made him, and the teacher said to the larger boy that he ought to be ashamed that this little boy knew more than he did, the larger boy replied that it had not been so long since he was made, and therefore he ought to remember it better. So my friend from New Jersey, who lives nearer the salt water than I do, ought to know more about guns and ships and naval affairs.

The question here is, ought we, in order to get rid of a dozen or so of men in the Navy, who are said to encumber the Naval Register, to pass a law which practically carries to the retired-list all those who have reached the age of fifty-one or fifty-two years? This bill ought to be styled, Mr. Speaker, a bill to limit the service of officers and provide places for more officers.

[Here the hammer fell.]

Mr. THOMAS, of Illinois. I now move to recommit this bill.

Mr. REAGAN. I ask the House to grant me ten minutes to reply to the gentleman from Illinois. I think, in justice, I am entitled to this.

Mr. THOMAS, of Illinois. I have no objection, if it will not interfere with my right under the rule to move to recommit.

The SPEAKER. The hour under the control of the gentleman from Illinois [Mr. THOMAS] will expire in three minutes; but the hour for the consideration of this bill will not expire for thirty minutes. If the gentleman from Illinois states that he withholds now his motion to recommit, with the understanding that he may be recognized at the proper time to make the motion, the Chair will so understand.

Mr. THOMAS, of Illinois. I have no objection to that arrangement, and will yield the floor for the purpose of giving the gentleman from Texas the opportunity he desires.

Mr. REAGAN. The gentleman from Illinois [Mr. THOMAS] has seen proper to characterize my remarks on yesterday and those he alluded to on a former day as "communistic." I do not know the dictionary which he has studied, nor the use he proposes to make of words; but I do know that this Government was administered for the whole period from its organization down to twenty years ago with no law on the statute-books for the payment of men for doing nothing.

Were all the Presidents and all the Congresses for the first sixty or eighty years of the existence of the Government of the United States communists? If they were then class me with that kind of communists. I think they were in the sense I am held to be a communist. I think they were men animated by that spirit of patriotism which meant to be just in all things. I think they were men animated with a purpose to extend no privilege to one man they did not extend to all. I think they respected the provisions of the Constitution of the United States and of the constitutions of the various States. They believed there is no power under our system of government to take property from one citizen and give it to another without adequate consideration; that there is no power to take property from the private citizen beyond what is taken in taxation for the support of Government, except for public use, and then only after just compensation therefor. They were a class of men who never dreamt or thought of establishing a government with an official class to be fed and supported off the labor of others who had not been as fortunate as themselves.

The gentleman alluded to what I said about the soldiers. Now, sir, he was sadly mistaken in his reference. I said nothing about the soldiers which was not honorable to them. I said, sir, that I was for pensioning every one who was under the law entitled to a pension, and for pensioning every widow of every soldier who fell in the service of his country, but that I was opposed to that scramble which went on here by political gamblers to make political capital by trading off the money of the Treasury for votes. Perhaps that is communistic. [Laughter.]

Mr. Speaker, I am afraid we have departed so far from the practices and doctrines of a republic, so far from the early precedents of the Government, that it has reached that point a man is almost considered a crank if he refers to the Constitution or practices of our fathers. We have gone into a different political atmosphere. We have gone into officialism in creating a class to be maintained out of the public Treasury.

Why, sir, to-day we have hundreds of supernumerary officers in both the Army and the Navy. Many of them on the retired-list are younger and stouter than I am to-day, living off other people's labors, and many of them worth ten times as much as I am.

Yesterday I alluded to another thing, to which I wish for a moment to revert. The pay of naval officers is: for an Admiral $13,000 a year; Vice-Admiral, $9,000; rear-admiral, $6,000; commodores, $5,000; captains, $4,500; commanders, $3,500; lieutenants, first four years from date of commission, $2,800, and four years from date of commission, $3,000, with a provision for longevity pay at 10 per cent. for each five years of service, not to exceed in all 40 per cent.

Mr. HERBERT. The gentleman from Texas will remember that with the two highest officers of the Navy, the Admiral and Vice-Admiral, that rank expires with the lives of the present incumbents.

Mr. REAGAN. Fortunately for the country.

Now, I would like the chairman of the Committee on Naval Affairs to tell us the number of supernumerary officers in the Navy—those on duty and those on leave—who are now receiving pay? This debate has come up, Mr. Speaker, in a way that we have not been able to do this.

I will proceed with my statement, and I wish here to call attention to the further fact that these men when retired get three-fourths of the pay of an officer of the same rank on duty.

Look at the Army list. The General of the Army gets $13,500 a year; at present there is no General of the Army. The Lieutenant-General gets $11,000, a major-general $7,500 a year, a brigadier-general $5,500, a colonel $3,500, a lieutenant-colonel $3,000, and so on, together with longevity pay of 10 per cent. for each five years of service, not to exceed 40 per cent. This applies to those below brigadier-generals. It is also true they are furnished with rations, and when mounted with forage, so if they wish they can save the greater portion of their pay, except in the case of those who have families which have to be supported out of the pay of the officer.

Mr. SAYERS. Will my colleague yield to me for one question?

Mr. REAGAN. Certainly.

Mr. SAYERS. Will my colleague tell us what we shall do with the graduates at the Naval Academy at Annapolis and what we shall do with the Naval Academy itself?

Mr. REAGAN. I will tell you what I would do if I had the power. I would at once provide by law that only one-half of the present number of cadets in the Naval Academy at Annapolis and one-half of the cadets at West Point should be educated there at the Government's expense. The last time I examined into the subject we had over four hundred supernumerary officers in the Army. Now we have three hundred and twenty-five cadets for appointment in the Naval Academy. Then we had two hundred and ninety-three.

Mr. McADOO. Let me ask the gentleman a question?

Mr. REAGAN. My time is limited, and I fear I shall be cut off before concluding what I wish to say.

Mr. McADOO. No; I do not wish to cut the gentleman off; but I would like to ask him whether he is aware how many graduates at the Naval Academy at Annapolis are appointed into the Navy?

Mr. REAGAN. I am not aware.

Mr. McADOO. Only ten.

Mr. REAGAN. Only ten?

Mr. McADOO. Only ten who go into the Navy. There are quite a number graduated, of course, who do not go into the Navy.

Mr. REAGAN. That may be very true. But, Mr. Speaker, there is a point here, and I am very sorry to have to refer to the remarks made by my colleague from Texas as well as by the gentleman from New Jersey, who speak of the men who served throughout the war, and yet who can not be retired as superannuated, as "dead wood," and who must be displaced to let in these young cadets to come into command. They would retire the brave veteran naval officers for the purpose of putting these cadets in commission and in command of the ships of war. I do not understand the propriety or the justice of such a course. I, of course, sympathize with the cadets and wish them well, but we can not afford to tax the people to place upon the retired-list a large number of able-bodied officers to draw their pay and do nothing in order to furnish these cadets with commissions. The education that is given to these young men is better, as a rule, than our sons at home get. If they can not, therefore, get commissions in the Navy or the Army I do not know any reason why, nor is there any impropriety in, their going home and earning a livelihood in private life with the splendid education which has been afforded to them at the cost of the Government. But no; that will not do. It is necessary to sustain and enlarge the American aristocracy by multiplying officers and giving them pay for doing nothing. I think, sir, from what the gentleman from New Jersey has said, and from what my colleague has said, and from what the gentleman from Illinois has said, that it will be understood we simply propose to retire officers in the full vigor of their manhood, men of approved patriotism and courage in battle, in order that we may get increased rank for an increased number of officers and get commissions for cadets who hope to be officers.

Mr. McADOO. The gentleman from Texas certainly did not understand me as advocating any such policy as that.

Mr. THOMAS. And let me say to the gentleman from Texas that it is a purely voluntary thing as far as this question of retirement is concerned. These officers are not forced to go on the retired-list unless they desire to do so.

Mr. REAGAN. Mr. Speaker, I have always felt more pride in the naval service of this country, in its integrity and the purity of the gentlemen composing it and in the patriotism of its officers, than in any other branch of the public service. I know that there are many gallant naval officers who would indignantly decline to accept this bounty which gentlemen seem anxious to force upon the service, preferring to perform the duties which they are still capable of performing. But there is a large class, those who lead the german in Washington, those who hang around the hotel lobbies, who are anxious for additional rank and pay in any way, who, sir, are willing to accept this pay and retire from the service in order that they may have a little better position and more opportunity to lead the german. [Laughter.]

Mr. McADOO. If the gentleman will consent to the retirement of those officers who are affected by this bill, the effect of that will be to take away from the lobbies of the hotels the very class of persons to which he now alludes. It will take them away and send them to sea or give them a chance to perform duty in some capacity.

Mr. REAGAN. I would take an easier plan than that. I would let them know that they had better go home now and go to work like honest men and not lie around here trying to obtain a living without labor at the expense of the country. [Laughter.]

Mr. McADOO. If you would, then do it by law.

Mr. REAGAN. Those who fill up the ranks of the lobby, those who hang around the doors of Congress, who are continually asking for legislation, who pray Congress for special legislation always in favor of the privileged classes, always discriminating against the laboring people who have to pay the taxes, are the men who should be driven off into service. [Applause.]

But, sir, I only expected to allude to the statement of the gentleman from Illinois as to the assertion that the remarks I have made were communistic in their tendency. I may be permitted to say that I thank Almighty God I have in me something of the spirit of Jefferson and the fathers of this Republic, and that my people have given me permission to stand here upon the floor of this House and plead for purity, integrity, and virtue in the management of our affairs. But the ring of officers around the lobbies, the ring of claim agents, and the thousand and one hangers-on around Congress are still to be heard in the consideration of these measures, while the people at home who earn their living by their own labor, who pay the taxes, but who are never represented here, are to be called upon to put their hands into their pockets still deeper in order to meet the frauds imposed upon them by those who ought to protect them.

Mr. THOMAS, of Illinois. In my remarks to which the gentleman from Texas has taken exception I wish to repeat that I did not mean to assert that he was a communist, but simply to say that the tendency of the doctrine advocated by him was communistic. That was what I meant, and what I said, and nothing more; and, as I said before, I meant no personal reflection whatever upon him.

Mr. REAGAN. Then I wish to say to the gentleman from Illinois that if I am a communist every member of the earlier Congresses was communistic in his sentiments upon this same subject.

Mr. THOMAS, of Illinois. I will leave the country to determine whether the gentleman from Texas is nearer to the Constitution in the doctrines he advocates or the Naval Committee of the House, who are trying to look after the interests of the country in accordance with the requirements of the Constitution.

I now move, for the purpose of having this bill perfected, and to meet some of the objections which have been urged here, that it be recommitted to the Committee on Naval Affairs.

Mr. WARNER, of Ohio. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. Is it in order at this time to move to strike out the enacting clause of the bill?

The SPEAKER. The Chair thinks, under the rules, the motion to refer, or to recommit, which is the same thing, and the motion to amend, which is the motion suggested by the gentleman from Ohio, stand upon an exact footing of equality, and that the one first made must be first put.

Mr. WARNER, of Ohio. But it is in order——

The SPEAKER. It will be in order if the other motion, the motion to recommit, is voted down

Mr. WARNER, of Ohio. Is it in order at this time to move to lay the bill on the table?

The SPEAKER. It is.

Mr. WARNER, of Ohio. Then I make the motion.

Mr. THOMAS, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS, of Illinois. I ask whether the gentleman from Ohio can take me off the floor for the purpose of making a motion to lay the bill on the table.

The SPEAKER. He can not take the gentleman off the floor, but the gentleman from Illinois, having made his motion, is not on the floor. His hour has expired.

Mr. THOMAS, of Illinois. I inquire further whether it is proper under the rules at this time to move to lay the bill on the table, or whether the proper motion is not to lay my motion on the table?

The SPEAKER. The Chair will cause the rule to be read, from which the gentleman will see that the motion to lay the bill on the table has precedence over the motion to refer.

The Clerk read clause 4 of Rule XVI, as follows:

When a question is under debate, no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

The SPEAKER. The gentleman from Illinois will see the motion to lay on the table is the one which has precedence. The question is on the motion of the gentleman from Ohio to lay the pending bill on the table. That motion is not debatable.

The question being taken, there were—ayes 73, noes 91.

Mr. BLOUNT and Mr. STORM called for the yeas and nays.

The yeas and nays were ordered, 49 members voting therefor.

The question was taken; and there were—yeas 105, nays 156, not voting 62; as follows:

YEAS—105.

Allen, J. M.	Crisp,	Halsell,	Maybury,
Anderson, C. M.	Croxton,	Hammond,	McCreary,
Barnes,	Dargan,	Harris,	McMillin,
Barry,	Davidson, A. C.	Hatch,	McRae,
Bennett,	Davidson, R. H. M.	Heard,	Morgan,
Blanchard,	Dawson,	Hemphill,	Neal,
Blount,	Dockery,	Holman,	Oates,
Boyle,	Dunn,	Howard,	O'Ferrall,
Burnes,	Eden,	Hutton,	Peel,
Cabell,	Eldredge,	Irion,	Perry,
Campbell, Felix	Findlay,	Johnston, T. D.	Pidcock,
Campbell, J. M.	Fisher,	Jones, J. H.	Pindar,
Campbell, J. E.	Foran,	Jones, J. T.	Randall,
Candler,	Ford,	Kleiner,	Reagan,
Clements,	Forney,	Laffoon,	Reid, J. W.
Cobb,	Fuller,	La Follette,	Richardson,
Collins,	Geddes,	Landes,	Riggs,
Compton,	Gibson, Eustace	Le Fevre,	Robertson,
Cowles,	Glass,	Lowry,	Rogers,
Cox,	Green, W. J.	Matson,	Sadler,

Sessions,	Taulbee,	Turner,	Wellborn,
Singleton,	Taylor, J. M.	Wade,	Willis,
Skinner,	Taylor, Zach.	Ward, J. H.	Wilson,
Sowden,	Throckmorton,	Ward, T. B.	Winans.
Storm,	Tillman,	Warner, A. J.	
Swope,	Townshend,	Weaver, A. J.	
Tarsney,	Trigg,	Weaver, J. B.	

NAYS—156.

Adams, G. E.	Dowdney,	Little,	Ranney,
Adams, J. J.	Dunham,	Long,	Reed, T. B
Allen, C. H.	Ely,	Lore,	Rice,
Anderson, J. A.	Everhart,	Lovering,	Romeis,
Atkinson,	Farquhar,	Lyman,	Rowell,
Baker,	Felton,	Mahoney,	Ryan,
Ballentine,	Fleeger,	Markham,	Sawyer,
Bayne,	Frederick,	Martin,	Sayers,
Beach,	Gallinger,	McAdoo,	Scott,
Belmont,	Gilfillan,	McComas,	Seymour,
Bingham,	Glover,	McKenna,	Shaw,
Bliss,	Green, R. S.	McKinley,	Smalls,
Bound,	Grosvenor,	Merriman,	Spooner,
Boutelle,	Grout,	Millard,	Stahlnecker,
Brady,	Hahn,	Miller,	Steele,
Breckinridge, C. R.	Hale,	Milliken,	Stewart, Charles
Breckinridge, W. C. P.	Hall,	Mitchell,	St. Martin,
Browne, T. M.	Harmer,	Moffat,	Stone, W. J., of Ky.
Brown, C. E.	Hayden,	Morrow,	Struble,
Brown, W. W.	Haynes,	Muller,	Swinburne,
Brumm,	Hepburn,	Negley,	Symes,
Buchanan,	Herbert,	Nelson,	Taylor, E. B.
Buck,	Herman,	Norwood,	Taylor, I. H.
Bunnell,	Hiestand,	O'Donnell,	Thomas, J. R.
Burrows,	Hill,	O'Hara,	Thomas, O. B.
Butterworth,	Hires,	O'Neill, Charles	Thompson,
Bynum,	Hitt,	O'Neill, J. J.	Van Eaton,
Cannon,	Holmes,	Osborne,	Wadsworth,
Caswell,	Hopkins,	Outhwaite,	Wait,
Catchings,	Houk,	Owen,	Wakefield,
Cole,	Jackson,	Parker,	Warner, William
Conger,	James,	Perkins,	Wheeler,
Cooper,	Johnston, J. T.	Peters,	White, A. C.
Crain,	Ketcham,	Pettibone,	White, Milo
Culberson,	King,	Phelps,	Whiting,
Cutcheon,	Laird,	Pirce,	Wilkins,
Davenport,	Lanham,	Plumb,	Wolford,
Dingley,	Lehlbach,	Price,	Woodburn,
Dorsey,	Lindsley,	Pulitzer,	Worthington.

NOT VOTING—62.

Aiken,	Dougherty,	Johnson, F. A.	Snyder,
Arnot,	Ellsberry,	Kelley,	Spriggs,
Barbour,	Ermentrout,	Lawler,	Springer,
Barksdale,	Evans,	Libbey,	Stephenson,
Bland,	Funston,	Louttit,	Stewart, J. W.
Bragg,	Gay,	Mills,	Stone, E. F.
Burleigh,	Gibson, C. H.	Morrill,	Stone, W. J., of Mo.
Caldwell,	Goff,	Morrison,	Strait,
Campbell, T. J.	Guenther,	Murphy,	Tucker,
Carleton,	Hanback,	Neece,	Van Schaick,
Clardy,	Henderson, D. B.	Payne,	Viele,
Comstock,	Henderson, J. S.	Payson,	Weber,
Curtin,	Henderson, T. J.	Reese,	West,
Daniel,	Henley,	Rockwell,	Wise.
Davis,	Hewitt,	Scranton.	
Dibble,	Hiscock,	Seney,	

So the motion to lay on the table was not agreed to.

Mr. THOMAS, of Illinois. I move to dispense with the reading of the names of members voting.

There was no objection.

The following pairs were announced:

Mr. AIKEN with Mr. KELLEY, until further notice.

Mr. ERMENTROUT with Mr. HISCOCK, until January 29.

Mr. GIBSON, of Maryland, with Mr. PAYNE, until January 29.

Mr. T. J. CAMPBELL with Mr. THOMAS, of Wisconsin, until January 27.

Mr. SENEY with Mr. JOHNSON, of New York, until further notice.

Mr. WISE with Mr. LIBBEY, until further notice.

Mr. BRAGG with Mr. GUENTHER, until January 30.

Mr. CARLETON with Mr. STEPHENSON, until January 30.

Mr. SPRIGGS with Mr. HENDERSON, of Iowa, until February 1.

Mr. DIBBLE with Mr. WEST, for two days.

Mr. BARKSDALE with Mr. GOFF, on this vote.

Mr. BLAND with Mr. ROCKWELL, for this day.

Mr. HENDERSON, of ILLINOIS, with Mr. CLARDY, for this day.

The result of the vote was then announced as above stated.

Mr. THOMAS, of Illinois, rose.

Mr. WARNER, of Ohio. Mr. Speaker, I make the point of order that the hour has expired.

The SPEAKER. The hour expired during the call of the roll.

Mr. THOMAS, of Illinois. Mr. Speaker, I move the previous question on the motion to recommit the bill.

The SPEAKER. The matter is not now before the House. It will go over as unfinished business, with the motion to recommit pending.

Mr. THOMAS, of Illinois. Then I move to reconsider the vote by which the motion to lay the bill on the table was rejected; and also move to lay the motion to reconsider on the table.

Mr. WARNER, of Ohio. I make the point, Mr. Speaker, that the hour has expired.

The SPEAKER. The motion can be entertained, but the vote can not be taken now, the hour having expired. The time expired during the roll-call; but the practice in such cases has been always to complete the call of the roll.

ORDER OF BUSINESS.

Mr. COBB. Mr. Speaker, I desire to ask whether it is in order to move to call up the bill (H. R. 392) on the House Calendar for the forfeiture of railroad land grants.

The SPEAKER. It is in order to move to proceed to the consideration of business on the House Calendar.

Mr. COBB. What I want to ascertain, Mr. Speaker, is whether the Committee on Public Lands has the power at any time to call up bills in connection with railroad land grants.

The SPEAKER. The Chair thinks that, under the rules as amended at the present session, when the Committee on Public Lands makes a report of the character specified in the rule at a time when the House is not actually engaged in the consideration of some other matter, it may proceed at once to the consideration of that report, just as in the case of the Committee on Printing, or the Committee on Accounts, or other privileged committees; but that if the Committee on Public Lands report a bill in the usual way upon the call of committees, and the bill goes upon the Calendar, it then takes its place on the Calendar just like any other bill. That has always been the practice with reference to reports of a like character. The gentleman from Indiana [Mr. COBB] can move that the House proceed to the consideration of business on the House Calendar.

Mr. COBB. I make that motion, Mr. Speaker.

The motion was agreed to.

Mr. COBB. Mr. Speaker, would it now be in order to move to pass over any bills which may precede this upon the Calendar?

The SPEAKER. The Chair thinks that a motion to postpone must be made upon each bill as it is reached, or the gentleman can raise the question of consideration.

The first business upon the House Calendar was a bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government.

Mr. HAMMOND. Mr. Speaker, there will be no occasion to raise any question upon that bill. When the report was made it was agreed that this week should be allowed to the minority to prepare their views to be presented to the House, and therefore I ask that the bill be passed over.

The SPEAKER. That may be done by unanimous consent.

There was no objection, and it was so ordered.

The next business upon the House Calendar was a bill (H. R. 392) declaring forfeited certain grants of lands made to certain States in aid of the construction of railroads.

Mr. COBB. That is the bill which I desire to have considered at this time.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, &c., That so much of the several acts and parts of acts of Congress as are below recited be, and they are hereby, repealed, namely:

Chapter 83, eleventh Statutes at Large, page 30, approved August 11, 1856, entitled "An act granting public lands in alternate sections to the State of Mississippi to aid in the construction of railroads in said State, and for other purposes," except so much of said act as relates to a grant of land in aid of "a railroad from Jackson to the line between the State of Mississippi and the State of Alabama," which road was completed within the time prescribed by said act.

Also, so much of chapter 41, eleventh Statutes at Large, page 17, approved June 3, 1856, entitled "An act granting public lands in alternate sections to the State of Alabama, &c.," as relates to a grant of lands in aid of the construction of railroads from Elyton to the Tennessee River at or near Beard's Bluff, Alabama.

Also, to aid in the construction of the Memphis and Charleston Railroad, in section 6 of said act.

Also, section 7 of the act of March 3, 1857, chapter 99, 11 Statutes at Large, page 197, making a grant to the State of Alabama in aid of the Savannah and Albany Railroad Company, as recited in said section.

Also, so much of chapter 42, 11 Statutes at Large, page 18, entitled "An act making a grant of lands to the State of Louisiana to aid in the construction of railroads in said State," as relates to a railroad from New Orleans to the State line in the direction of Jackson, Miss.

That all rights, titles, and privileges as to any of the public lands granted or conferred by, through, or under the said several provisions of law be, and they are hereby, declared forfeited and determined; that all the lands within the terms and scope of said several provisions of law be, and they are hereby, restored to the public domain, and subject to sale, disposition, and settlement under existing law as though said acts and parts of acts had never been enacted.

Mr. COBB. Mr. Speaker, I presume it will be unnecessary for me to go into any detailed statement of the facts and the law in this case, but I may remind the House that this bill was passed in the last Congress by an almost unanimous vote. Then, however, it contained a provision which was objectionable to several members of the House—the provision for the forfeiture of the grant to the Gulf and Ship Island Railroad. The committee determined that it would be better to strike that provision out of this bill and thereby enable the House to pass it without opposition. The grants embraced in this bill are held by the committee, under the decisions of the Supreme Court of the United States, to be grants *in præsenti;* in other words, it is held that the title to the lands vested in the corporations, the States to which the grants were made, for the benefit of the railroad companies, at the dates of the grants, and therefore it becomes necessary, in order to restore these lands to the public domain, to repeal those laws, or to declare the forfeiture of the

lands to the Government. As a matter of fact, however, I may state that the committee has information which is not disputed that none of the roads mentioned in this bill have undertaken to complete their lines to any extent whatever. The lands remain in the corporations to which they have been granted; they are withheld from settlement, and, as I have stated, will forever be so under the decision of the Supreme Court, unless Congress takes some action to restore them to the public domain.

I have letters from parties living in the neighborhood of some of these grants who say that this is a very great obstruction to the settlement of the lands, and I have no doubt that such is the case. For this reason the committee will insist that these grants ought to be forfeited. There is no reason why they should not be; but, on the contrary, there is every reason in favor of the passage of this bill.

Mr. Speaker, I do not desire to take up the time of the House. If any gentleman desires to ask a question for information I shall be glad to answer it; otherwise I shall not occupy any further time. If there is no desire to discuss the bill, the question will be first upon the amendment proposed by the committee, which is to strike out that portion of the bill which would forfeit the grant made to the Gulf and Ship Island Railroad Company.

Mr. ANDERSON, of Kansas. Mr. Speaker, I desire to say a word on the motion which will first come before the House—that is, the amendment proposed by the committee to strike from the bill so much as relates to the forfeiture of the grant to the Gulf and Ship Island Railroad, of Mississippi. As the bill was introduced in the House and acted upon by the committee, it contemplated the forfeiture of that grant in connection with the other grants. For some reason, I do not know what, the committee recommend an amendment excepting from the operation of this bill the Gulf and Ship Island Railroad grant. In January, 1884, when this same question was before the House, the Gulf and Ship Island matter was very thoroughly discussed, and by a very large majority a bill was passed including the forfeiture of that with all these other grants. Since that action of the last House I have seen nothing to change my opinion as to the propriety and necessity of forfeiting this particular grant. On the other hand, there have occurred since that action some things—which I think were not known to the majority of the gentlemen upon the Public Lands Committee—which impress me with the belief that this amendment should not be adopted, and that the grant to the Gulf and Ship Island road should to-day be forfeited. Let me state the facts which have occurred since the action of the last Congress on this subject.

During the summer of 1884 and subsequent to the action of the House forfeiting that grant, an application was made by the proper officer of the present Gulf and Ship Island Company to the Secretary of the Interior asking him to withdraw from settlement or sale the lands which would be embraced in that grant if the grant were good. In July, 1884, the Secretary of the Interior ordered this withdrawal; and these lands are now not open either to settlement or to sale. That raises the question whether the original grant was of such character as to justify the withdrawal in 1884 of the lands covered by it. It is to this question I wish to address myself for a moment.

If I remember correctly, in 1856 a grant was made to the State of Mississippi of certain lands, embracing with some others a six-mile strip for the benefit of the Gulf and Ship Island road. The condition of that grant, upon its face, was that it should terminate at the end of ten years unless the road should by that time be completed and all the conditions of the grant fulfilled. In 1866 the road had not been completed. There had not been, I think, a shovelful of dirt thrown upon it. There were no ties, no rails—in fact there was nothing except simply a corporation known as the Gulf and Ship Island Company and perhaps some preliminary surveys. But it was not pretended then, nor is it pretended now, that any road was ever built by that company under that grant; and the grant itself expired at the end of ten years—in 1866.

Of course the answer made on this point is that during the war period the State of Mississippi, or rather this company, could not build the road. I admit all that; but I hold that the United States Government was not responsible for this lack of action. I hold that grant to have been made like any other grant, offering to those who might choose to become incorporated as a company the right to take up and fulfill the terms of the grant. It makes no difference to the Government or to Congress what may have been the reason why men have not complied with the conditions; the fact is, they did not comply.

The company which was then incorporated died. In 1882, a very great many years after the original grant by its terms had expired, and after the original company had died, the Legislature of Mississippi incorporated a railroad company known as the Gulf and Ship Island Company to construct a road between the termini provided in the original grant; and this, it is now alleged, is a corporation which has some claims under the original grant. I want to call the attention of the House to the fact that the company incorporated in 1882, although it bears the same name, is not the company incorporated by the State of Mississippi in 1856, or 1855, or 1854; and the best evidence of that fact—at least to my mind—is this: If there were now alive a Gulf and Ship Island Railroad Company incorporated back, say, in 1854, then the Legislature of Mississippi would not in 1882 incorporate another company bearing the same name and confer upon it precisely the same privileges. In other words, I can not see that this was an act of reincorporation. It was an act of new and original incorporation; and the present Gulf and Ship Island Railroad Company is no more the company which might have claimed under that grant before the expiration of the period fixed, 1866, than a certain John Smith born in 1882 is the John Smith born in the same State in 1800. This is a wholly different company. The act of the Legislature is a new act of incorporation—the creation of a new company.

Now, this new company, I suppose, under the doctrine laid down by the Supreme Court in the case of Schulenburg *vs.* Harriman—and incidentally I wish to say that to my mind the decision in that case is one of the most infamous railroad decisions that ever came from any judicial body—this company, incorporated in 1882, under the doctrine of that decision, as I suppose, makes the claim that it has rights under the grant of 1856. For my part, I can not see how it can have any rights in any respect. That grant expired in 1866. The company to which the State of Mississippi gave it died. In 1882 this new company is incorporated and comes up and makes claim to the land which would have been covered by the original grant if that grant were yet alive. The whole thing is absurd on its face.

But it seems to me, Mr. Speaker, that the present Gulf and Ship Island Company must be one having considerable power in the State of Mississippi. I notice that the Legislature in incorporating it, in giving to it whatever privileges it might, provided that its property should be exempted from taxation for twenty years. By another act of the Legislature of Mississippi—passed, I think, in 1882—this same company is given the privilege of purchasing at the rate of 2 cents an acre certain swamp lands—lands, I suppose, which were originally given to that State by the United States.

Mr. VAN EATON. I would like to ask the gentleman to what company he now refers.

Mr. ANDERSON, of Kansas. The Gulf and Ship Island Company.

Mr. VAN EATON. They had the privilege of doing what?

Mr. ANDERSON, of Kansas. Of doing that which I have just stated. I may be incorrect in my statement, for it is some time since I looked at the matter; but I wish a page would go to the Library and bring me the statutes of the State of Mississippi for 1882.

Mr. VAN EATON. I wish a page would do that; for I would like to have the gentleman read the law to which he has referred.

Mr. ANDERSON, of Kansas. I may be mistaken; but my impression is that the facts are as I have stated. I will examine the law. I think that the Legislature granted to this same company—if I am not correct I hope my friend from Mississippi will correct me, because, living in that State, he necessarily knows more about these matters than I can, and what I am stating is simply based on my reading of the acts of that Legislature—I certainly desire to make no incorrect statements; but I think the Legislature constituted this same company the lessees of the penitentiary. Is that correct? I think there is an act of the Legislature of Mississippi in 1882 or 1884 giving to this Gulf and Ship Island Company the right to take the convicts of the penitentiary and use them in building this identical road.

If I am in error I hope to be corrected. I only suggest these things, Mr. Speaker, for the purpose of saying that it seems to me that there is great vitality and power in the present Gulf and Ship Island Railroad Company. In other words, that this exact vitality is in and of itself a sufficient reason why Congress, when that company is making a claim to these lands under a grant of 1856, and when the Secretary of the Interior in 1884 withdrew from market lands attaching to a grant which had been dead nearly twenty years—that these things, taken together, are reasons why this House should forfeit that grant. That is my point.

I hold here a statement from the Commissioner of the General Land Office, which I will ask to have read as a part of my remarks.

Mr. PAYSON. Will the gentleman yield to me for a question?

Mr. ANDERSON, of Kansas. Certainly.

Mr. PAYSON. What is the substance of the paper which the gentleman asks to have read?

Mr. ANDERSON, of Kansas. I would prefer to have it read. I can not see any reason why, when we are passing a bill which will properly forfeit some eight different grants which have expired, we should except from its operation one of the grants, and the only one which is claimed with vigor. Nor to my mind is there any force in the proposition that it will be better to withdraw this particular case from the operation of the general bill lest it might meet opposition in some other body.

Mr. CANNON. Has this road ever been constructed?

Mr. ANDERSON, of Kansas. There never was a shovelfull of dirt thrown upon it; never in the world.

Mr. HEPBURN. What is the reason of the exception in this particular case?

Mr. ANDERSON, of Kansas. I do not know; I was not present during that portion of the session of the committee, being a few minutes late; and I am certain that if the committee had been in possession of the knowledge of the fact that these lands, since the last House forfeited this identical grant, had been withdrawn from settlement, the majority of the committee would have acted otherwise.

Now I would like to have this paper read as a portion of my remarks.

Mr. VAN EATON. I wish to ask the gentleman a question right there. I understand the gentleman to assert that nothing has been done toward the building of the road, that not a shovelfull of dirt has been thrown upon it.

Mr. ANDERSON, of Kansas. Of the old road, not one. If I am in error I will be happy to correct it. There may have been some of the new road worked upon since 1882. My understanding is there never was a shovelful of dirt before 1882. Am I correct?

Mr. VAN EATON. Let me ask how long it has been since the gentleman was down there on that Gulf and Ship Island Railroad?

Mr. ANDERSON, of Kansas. I never have been there, but I can read the acts of your Legislature. I ask for the reading of the paper sent to the Clerk's desk.

Mr. CANNON. The object of my question was for information. Is the road now constructed?

Mr. ANDERSON, of Kansas. My friend from Mississippi can answer that question better than I can.

Mr. CANNON. Will the gentleman from Mississippi say whether the road is constructed or not?

Mr. VAN EATON. It is not.

Mr. CANNON. I mean the road spoken of.

Mr. VAN EATON. Does the gentleman mean whether it is finished, completed.

Mr. CANNON. Or any part of it.

Mr. VAN EATON. It is being worked on.

Mr. CANNON. How much is in operation?

Mr. VAN EATON. None of it that I know of.

Mr. ANDERSON, of Kansas. That is satisfactory. Now read the paper.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 18, 1886.

SIR: In reply to your letter of the 16th instant inquiring as to the status of the grant for the Gulf and Ship Island Railroad Company in the State of Mississippi, and whether a withdrawal of public lands was ever made for the benefit of said grant, and asking for "any information relative to this grant," I have the honor to advise you as follows:

The grant to aid in the construction of a road from Brandon to the Gulf of Mexico was made by act of Congress approved August 11, 1856, to the State of Mississippi (11 Statutes, page 31), and said grant was accepted by act of the State Legislature approved February 2, 1857, and conferred on the company named by act approved December 3, 1858.

On August 9, 1856, after the passage of the bill by Congress, but before the approval of the act, the district land officers were directed by telegraph to withdraw from sale and location the land falling within the probable limits of the grant, and by letter of August 15, 1856, said officers were advised of the object of said withdrawal and instructed to continue the same until further orders.

On November 27, 1860, this office received a map of definite location of the line of said company's road, which had been filed in the local office at Jackson, Miss., and transmitted with register's letter of November 23, 1860. By office letter of December 3, 1860, the president of said company was advised that said map had been accepted as the basis of adjustment, and that the lands inuring for the road would be certified to the State at the earliest practicable moment. All action in the matter was, however, suspended by the breaking out of the late war in the spring of 1861, and no withdrawal ordered on the filing of said map.

After the local offices in Mississippi were reopened, in 1866, the receiver at Jackson, by letter dated February 1, 1867, asked to be advised whether or not the lands along the route of the Gulf and Ship Island Railroad were subject to homestead entry, and he was informed in reply by letter of March 18, 1867, that such lands as had been set apart as embraced in grants for railroad purposes were not subject to such entry. Said letter did not specifically state that lands along the line of the Gulf and Ship Island Railroad were not subject to entry, and no attention appears to have been paid either by the local officers or this office to the withdrawal of 1856 therefor, entries for lands within the limits of the grant being admitted and patented.

By act of July 4, 1876 (19 Stat., 73), lands in Mississippi were directed to be offered at public sale as other public lands, and, under this act, lands in said State, including those within the limits of the grant in question, were offered in 1878 and 1879, and such as were not then disposed of were subsequently held as being subject to homestead, pre-emption, and private entry; and no objection was raised by either the State or company to such entries or sales until July 17, 1882.

On the latter date the then Secretary of the Interior referred to this office a letter without date from Mr. Wirt Adams, president of said company, requesting the withdrawal from sale and entry of the lands in question, and after a report had been made to the Department in the matter (9 Copp, 175), said request was denied by the Secretary, mainly on the ground that the State had not asserted any claim to the lands for twenty years, and because there was nothing on file in the Department to show what disposition, if any, the Legislature of the State had made of the grant.

The present Gulf and Ship Island Railroad Company was organized under an act of the Legislature of Mississippi, approved February 23, 1882, and by act of March 13, 1884, said State conferred on the present company the rights and privileges theretofore granted to the original company, the new company being required, as far as practicable, to construct its road upon the line of the original survey.

By letter dated March 28, 1884, Senators and Representatives in Congress from the State of Mississippi requested the withdrawal from sale of the lands granted to said State to aid in the construction of the railroad named. Said letter was referred to this office by the Department for report, and on May 15, 1884, a report was submitted, setting forth substantially the facts hereinbefore recited, and suggesting, if it should be decided to order a withdrawal, that the company, as grantee of the State, be called upon to file a formal relinquishment in favor of all parties who may have been permitted to make entry up to the date of the communication of such order to the district land officers.

By letter of June 19, 1884, the Secretary of the Interior advised the Senators and Representatives above referred to that the lands would be suspended from sale pending final action by Congress in the matter of the forfeiture of the grant upon the condition suggested in office report of May 15, 1884.

On June 30, 1884, a written relinquishment, executed June 24, 1884, by the Gulf and Ship Island Railroad Company, was filed in the Department, by which said company "waive and release any and all claims on behalf of the State and in its own behalf to all the lands entered, or sold by the United States, make this formal relinquishment in favor of all parties who may have been permitted to enter or pre-empt the same up to the time when the order of withdrawal shall be received at the local office in Jackson, Miss.," reserving the right of indemnity for such land.

The relinquishment was deemed insufficient by the Secretary of the Interior, who, in his letter transmitting the same to this office, June 30, 1884, stated that "the suspension from sale should not be ordered until the company has executed and filed at the local office a supplemental instrument of waiver, relinquishing all lands in favor of actual *bona fide* settlers who made improvements thereon prior to the time when notice of suspension shall be received at the local office."

A supplemental waiver was accordingly called for in accordance with the above requirement, which was executed July 1, 1884, and filed in the Department, and a copy of the same was transmitted to this office by the Secretary with letter of July 5, 1884, which directed the suspension of the lands from further sale and entry to be made, in accordance with which such suspension was ordered by office letter "F," July 8, 1884, which was received at the local office July 11, ensuing.

Said order of suspension directed the local officers, upon its receipt, to "suspend from settlement and entry the vacant lands in the even-numbered sections falling within the fifteen-mile limits" of the grant referred to, and this suspension remains unrevoked.

Very respectfully,

WM. A. J. SPARKS, *Commissioner.*

JOHN A. ANDERSON,
House of Representatives, Washington, D. C.

Mr. ANDERSON. I wish simply to add, Mr. Chairman, to what I have already said, that it was in 1884 instead of 1882 that the Legislature of Mississippi passed the act enabling the Gulf and Ship Island Railroad Company to become lessees of the convict labor of the penitentiary. The act permitting it to buy swamp-lands at 2 cents an acre was approved March 15, 1884. (See Laws of Mississippi, 1884, page 966.)

Mr. PAYSON. Mr. Chairman, there was so much confusion in the Chamber at the time the statement was made by my colleague, the Chairman of the Committee on Public Lands, in reference to this bill that it was but slightly understood on this side of the House. I do not intend to consume any time in connection with an argument on the bill. I assume that when the facts are understood in reference to the bill there will not be a dissenting vote to it.

By the act of Congress of August, 1856, grants of land were made to four different railroads in the States of Louisiana, Mississippi, and Alabama; one of them being the Jackson and State Line Railway, another the Tuscaloosa and Mobile road, another the Mobile and New Orleans road, and another providing for a railway from Brandon to the Gulf of Mexico.

These grants were made, as I have said, in 1856, and contained a provision that the grants of land were made upon the express condition that the roads named should be constructed and completed within ten years from that time. The ten years elapsed, and no steps whatever were ever taken with reference to the construction of any one of them.

As to the road from Brandon to the Gulf of Mexico, a corporation was organized and a map of location was filed in the Interior Department, and then all proceedings terminated as to that road. The same year, on the 3d of June, a similar grant was made by Congress to two other roads, the Elyton and Beard's Bluff Railroad, and the Memphis and Charleston road, and with like conditions. As to these two roads nothing was done in reference to these grants, nothing whatever.

Mr. OATES. Will the gentleman permit me to interrupt him for a moment?

Mr. PAYSON. Certainly.

Mr. OATES. The records of the Land Office do not show that the Memphis and Charleston Railroad Company accepted the grant. They built their road and completed it without any land grant whatever.

Mr. PAYSON. I am coming to that later in the course of my remarks. By the act of March 3, 1859, similar grants of land were made to the Savannah and Albany road and to the New Orleans and State Line Railroad, and upon the same conditions with reference to the completion of the roads.

Perhaps it might be as well to say here, in reply to the suggestion of the gentleman from Alabama, that as to the Memphis and Charleston Railroad there never was an acceptance of that grant by the State of Alabama. All of these grants were made in the first instance to the different States named, to be by them conferred upon the railroads under certain conditions named in the act, the roads receiving them in the second instance.

Now, here are eight lines of railroad in all of which cases land grants were made at this remote period, and nothing whatever was done, nothing whatever, in reference to them until long after the expiration of the time within which the roads named were to have been completed. It was regarded, I ought to say further, by the officers of the Interior Department that after the lapse of all this time the lands reverted by operation of law to the public domain. But the Supreme Court, in the case of Shulenburg *vs.* Harriman, reported in 211 Wallace, decided that these grants, and others of like character, vested a present title in the grantee (in this case in each of the different States named), and that the title remained in abeyance, no matter whether there had been compliance with the conditions of the grant or not, until Congress should affirmatively take some action looking to the revocation of the grant and the restoration of the lands to the public domain. That rendered necessary, Mr. Speaker, some action on the part of Congress, and to that end in the Forty-seventh Congress a bill identical in terms with this

was introduced and favorably reported from the Judiciary Committee of the House. By reason of the press of business on the Calendar no action was taken with reference to that bill. It was also introduced in the last Congress—a similar bill—referred to the Committee on Public Lands, and by that committee was favorably reported to this House, and by an overwhelming vote—I think, if my memory serves me right, the vote against it only aggregated some 8 or 10—it passed this House and went to the other end of the Capitol and there died. In this Congress the same bill has been introduced, couched in similar language, and the report, I think, comes unanimously from the Committee on Public Lands.

Now the reason for omitting the Gulf and Ship Island Railroad from the operation of this bill is this: Since the last Congress the Legislature of Mississippi have assumed the right to confer the grant of land which was made in aid of the road from Brandon to the Gulf of Mexico upon a corporation known as the Gulf and Ship Island Railroad, and it is asserted that that company has not only made its survey of the line, but that the road is in the course of construction. A bill has been introduced and is now pending—introduced by the gentleman from Mississippi [Mr. BARKSDALE]—asking that an extension of time be granted as to this road, within which it may comply with the conditions so as to secure the benefit of this grant. The point was made in the committee that if that road could be excepted from the operation of this bill no possible objection could be urged, nor would there be a vote against the passage of this bill, which, omitting the Gulf and Ship Island grant, would restore to the public domain from five to eight million acres of the public lands; and in order to expedite the passage of the bill forfeiting grants as to which there is no objection to forfeiture we in the committee agreed to except from the operation of this bill the Gulf and Ship Island Railroad.

I may say in passing I am in favor of, and always expect to be in favor of, a forfeiture of that grant; and when the bill shall come up from the Public Lands Committee, whether reported favorably or not, I expect to be heard on that question. But the reason for the exception I have stated, in answer to the suggestions of the gentleman from Kansas [Mr. ANDERSON], so that it may be understood by this side of the Chamber and by the other if my voice is audible across the Hall, is that there may be no delay with reference to the passage of this bill as to the seven railroad grants as to which there is no possible objection to forfeiture.

Mr. PETERS. Will the gentleman yield to me for a question?

Mr. PAYSON. Yes, sir.

Mr. PETERS. I wish to ask the gentleman what, if any, inducement was held out to the Gulf and Ship Island Corporation newly incorporated to begin the construction of this work?

Mr. PAYSON. The Supreme Court having decided the title to the land remains in the State until Congress shall take affirmative action restoring it to the public domain, the delegation of Mississippi believed in the last Congress that if the construction of the road was begun and was being prosecuted in apparently good faith, Congress would not forfeit the grant and the State of Mississippi could bestow it upon the corporation engaged in the work.

Mr. PETERS. Did not, then, the prospect of obtaining the benefit of this grant enter largely into the motives that induced the new corporation to begin the construction of the work?

Mr. PAYSON. It was the sole inducement, as I am led to believe. But all that will come up and be subject to debate when the committee shall report on the Gulf and Ship Island bill now pending before it.

Mr. BUCHANAN. May I ask the gentleman a question?

Mr. PAYSON. Yes, sir.

Mr. BUCHANAN. Do I understand the gentleman from Illinois to state that the bill which is pending of which he speaks is not to forfeit that grant? Am I correct?

Mr. PAYSON. The gentleman is not correct. There is a bill pending before the Public Lands Committee to forfeit the Gulf and Ship Island grant. But in addition to that there is another bill presented by the gentleman from Mississippi [Mr. BARKSDALE] asking the committee to recommend to the House that the time within which the road may be constructed may be extended in the future.

Mr. BUCHANAN. I thank the gentleman for the information. I had not understood him correctly.

Mr. ADAMS, of Illinois. I desire to make an inquiry of my colleague, whether the propriety of extending the time depends upon a question of good faith in regard to the relations heretofore existing between the Government and that road or on a question of public policy, whether it would be in the interest of the public to confirm the grant or extend the time, just as if it was a question as to making the grant *de novo?*

Mr. PAYSON. While the question has not been debated in the committee, I know as a member of the committee, from what gentlemen have said who favor giving the grant, that the claim is based on the assumption that it is an act of public policy to give it precisely the same as if the case were presented *de novo* as to that road. That is, I believe, all I care to say in reference to this bill.

Mr. LAIRD. May I ask the gentleman a question?

Mr. PAYSON. Yes, sir.

Mr. LAIRD. I wish to ask the gentleman whether the rights of any settlers or purchasers attach to any land covered by that grant.

Mr. PAYSON. None whatever, and for the reason that so far as the lands to which the bill relates are concerned there has never been any attempt on the part of anybody to exercise the right of sale to any of these lands, because no corporations have ever claimed them.

Mr. OATES. Is it not a fact that the local land officers, regarding the title of the railroads as having ceased, have permitted nearly all these lands covered by these grants to be taken up for homestead or pre-emption settlement and that the passage of this bill is considered necessary to perfect the title of these settlers?

Mr. PAYSON. Not to the degree indicated by the gentleman from Alabama. In some cases homestead and pre-emption settlements of these lands have been allowed by the Interior Department, the officers of the Department acting on the presumption, as I said a few moments ago, that because the railroads were not constructed within the time specified the land reverted to the public domain and was subject to sale and settlement, but that I believe has not been carried out with reference to any large proportion of these lands.

Mr. OATES. I will state to the gentleman that nearly all of the lands in my own State have been sold and settled.

Mr. PAYSON. What the gentleman may know as a question of fact I do not dispute. But the knowledge we have about it coming in official documents from the Secretary of the Interior to the Committee on Public Lands indicates that but a small portion of the lands has been restored to the public domain.

Mr. OATES. I think the gentleman from Illinois misunderstands me. I did not mean that these lands were sold by the grantees, but that they were sold by the Government.

Mr. PAYSON. I understand that. But on the promulgation of the decision in Shulenburg *vs.* Harriman the land offices at once suspended action as to all these lands.

Mr. VAN EATON. I had no idea, Mr. Speaker, that any discussion would have been had to-day as to the merits of the Gulf and Ship Island Railroad, nor did I intend to speak to-day as to the merits of the grant to that road. I only ask the attention of the House for a few moments while I place before it plainly the attitude of the question that is now up for discussion. There was introduced on the first call of States for the introduction of bills a bill forfeiting some six or eight land grants in the Southern States. That bill included the forfeiture of the land grant spoken of by my colleague on the committee [Mr. PAYSON] to the Gulf and Ship Island Railroad.

Now, I am stating no committee secret when I say that when that bill came up for consideration it was suggested by, I think, the gentleman from Illinois [Mr. PAYSON] in the first instance, that we should drop out the grant to the Gulf and Ship Island road, and recommend the passage of the bill so amended. After some discussion that was unanimously agreed to. The committee unanimously agreed to the report that is now upon the Clerk's desk. They agreed to amend the bill by dropping out the forfeiture of the grant to the Gulf and Ship Island road; and the sole question now before the House is as to adopting the amendment thus unanimously recommended by the Committee on the Public Lands. Afterward the question will be on the passage of the bill so amended.

Mr. ANDERSON, of Kansas. Will the gentleman permit me to make a personal statement?

Mr. VAN EATON. Certainly.

Mr. ANDERSON, of Kansas. I wish simply to repeat what I said before, that when this bill was taken up in the committee I was not present. I was absent from that portion of the session, though I was present at a subsequent period in that session. I have no doubt that the statement of my friend from Mississippi [Mr. VAN EATON] is entirely correct; but I wish to say that if I had been present the vote would not have been unanimous.

Mr. VAN EATON. Mr. Speaker, what the gentleman from Kansas [Mr. ANDERSON] has stated is correct; but it does not detract from what I have said, that the recommendation passed the committee unanimously. I do not know, Mr. Speaker, that it is necessary to have the assent of all the absent members of a committee in order to make a recommendation unanimous. The gentleman certainly was not there. Now, sir, I wish the attention of the House for just a few minutes. I do not intend to address myself now to the merits of the bill. The committee thought in reference to the seven or eight other proposed forfeitures that there was no possible objection to them, and would be none from anybody. The grants were for roads that were dead, that had never been completed or never been begun at all, or like the case mentioned by the gentleman from Alabama [Mr. OATES] where the railroad company refused to accept the grant on the proposed terms and built the road without it. In other words, all the others were forfeitures, about which there was no sort of controversy; but about this particular road in my State there was controversy. The old members of the House will remember that in the Forty-eighth Congress I addressed them briefly on this matter, and I say now, as I said then, that the Legislature of the State have persistently memorialized Congress to revive this grant. Since that time the company has gone to work, re-

surveys and relocations have been made, the work has been commenced, and there is hope that the road will be built.

But this question will come up in due time. There is a bill pending before the committee looking to an extension of the time, or, if you choose, to a revival of this grant. When that bill comes up it is the intention of the committee to present it fairly before the House, and then there will be opportunity for free, full, fair, open discussion of the merits of the bill. The committee thought it better to pursue the course it has pursued here in order that there might be no discussion at this time in the House—it was not supposed there would be any—and in order that there might be no discussion at the other end of the Capitol, as there was on the bill of forfeitures in the Forty-eighth Congress. In other words, we thought in the committee that here were seven or eight millions of acres of the public lands the title to which was tied up, and it was right and proper for Congress to take action, and to take it as speedily as possible, in order that this state of things might be rectified and these lands be restored to the public domain. By pursuing the course which we recommended we felt that that sort of a bill, or this bill amended as we proposed, would pass this House and the other branch of Congress without objection and become a law, and that thus the lands would be restored. Now, Mr. Speaker, that is all. The amendment hath this extent, no more. This is not the time to discuss the merits of the Gulf and Ship Island Railroad grant, but when the proper time comes, I trust we shall have a full, free, fair, calm discussion and consideration of that question.

The idea of the committee, I may be permitted to say, was that it would be best that this proposition be considered alone and solely upon its own merits, and that the bill forfeiting these grants to these other roads, as to which there is no doubt of the propriety of forfeiture, should be now passed through both Houses and become a law.

Mr. Speaker, that is the explanation. I simply ask this House to sustain the recommendation of the committee, which is that in the present bill we drop out, for the time being only, all that relates to the forfeiture of the lands granted to the Gulf and Ship Island Railroad. The committee will ere long report the pending bill on this subject and lay the whole matter fully before the House. But we do ask that this bill may not be trammeled in any way; that the recommendation of the committee may be accepted and the amendment adopted for the reasons I have mentioned. That is all there is about it. Having stated so much, I do not care to weary the attention of the House further.

Mr. ADAMS, of Illinois. Before the gentleman takes his seat I would like to ask him a question. Suppose this amendment be now adopted and thereafter what he calls "the pending bill" comes before the House?

Mr. VAN EATON. The bill pending before the committee.

Mr. ADAMS, of Illinois. Suppose that to be a bill turning upon the question whether the time for the completion of that road shall be extended or not. Now with reference to that bill I desire to ask the gentleman from Mississippi [Mr. VAN EATON] whether it will be claimed that there is any reason for making that extension on account of any equitable or other claim based upon anything that the Government has heretofore done, or whether the claim for such extension will turn solely upon the question of public policy in the same manner as if this were an original question and no such corporation had ever existed. In other words, will the question be whether it is in the interest of the people now to make a new land grant to a new corporation for the purpose of building that particular road?

Mr. COBB. That is the fact about it.

Mr. VAN EATON. There is and will be no complication with any other corporation or road. The case will be placed before this House solely upon its merits—nothing more and nothing less.

Mr. STRUBLE. But will it not be in effect, as the gentleman from Illinois [Mr. ADAMS] suggests, the making of a new grant under the condition of things which I understand to exist, according to the statement of the gentleman now on the floor?

Mr. VAN EATON. In reply to that, I will say I think not. As in the Forty-eighth Congress I endeavored to explain this matter, let me now briefly reply to the gentleman from Iowa. This land grant was originally made in 1856. For reasons for which the State and the people of the State were not to blame the road has not been built, though they were all the time desirous of building it. That grant continues in force by operation of law so far as the title of the company is concerned. Now, the people, believing they are in a condition at last to build the road with the aid of this grant, come and ask Congress to confirm to-day what was done in 1856. I may say further in reply to the gentleman, that if nothing had ever been done or said in connection with this grant—in other words, if it had never been made—the people of Mississippi would not come in now and ask for a new land grant; certainly not.

Mr. PETERS. May I ask the gentleman one question?

Mr. VAN EATON. Yes, sir.

Mr. PETERS. I understand there is now pending before the Committee a bill, known as "the Barksdale bill," to extend the time for the completion of the Gulf and Ship Island road. Now, if that "Barksdale bill" should be defeated, it would then be necessary to have a new bill for the purpose of forfeiting this land grant to the Gulf and Ship Island Company, would it not?

Mr. VAN EATON. That is true; or an amendment will be offered to that bill. There is no doubt the question will come up.

Mr. PETERS. Now the point I want to get at is this: Whatever may be the action of this House to-day in relation to this bill, will it in any way prejudice the action upon that bill to forfeit the land grant to the Gulf and Ship Island road when it does come up?

Mr. VAN EATON. It will not.

Mr. PETERS. Whatever action the House takes to-day can not be cited as a precedent either one way or the other—in favor of legislation or opposed to legislation?

Mr. VAN EATON. That is true; and I thank the gentleman from Kansas for making the suggestion. The action that the House may take to-day on this bill, as he says, will not in any way be a precedent, directly or indirectly, for any future action of this House. It leaves the question just where the Committee on Public Lands intended to leave it—as a matter standing upon its own footing, upon its own merits; nothing more and nothing less.

Mr. BUCHANAN. Will the gentleman restate that proposition, so that it may be understood clearly by gentlemen in this part of the Hall?

Mr. VAN EATON. I take the responsibility of saying, as representing for the time being the Gulf and Ship Island Railroad Company interest, that no action had in this House to-day on the pending amendment will have any influence or be ever used as a precedent in any future debate when this matter comes up on its merits. We only ask a chance to let it come up on its merits; and when it does come up in that way the action of the House will be taken after fair, full, and free debate.

Mr. BAYNE. It strikes me, Mr. Speaker, that the course to be pursued by Congress with reference to this bill and this amendment is perfectly plain. I do not know anything about the merits of this particular proposition, nor do I understand the merits of the amendment which has been offered; but I understand this, that the grants made to these railroads either have been earned or they have not been earned. The grants made to the respective railroad corporations of the country have been earned or they have been unearned. This is self-evident. The statement made by the gentleman from Mississippi [Mr. VAN EATON] is to the effect that this grant has not been earned by this corporation. My position in reference to this grant and in reference to every other railroad grant in this country is that every grant which has not been earned should be forfeited to the Government of the United States. I think the immense domain which has been given to railroad corporations throughout this country, the immense tracts of land now in the hands of those corporations, and the difficulties which they have placed in the way of settlement of and emigration into those unoccupied fields is one of the absorbing and leading subjects for the consideration of this Congress. I think it is the plain and obvious duty of Congress, without speaking in derogation of this particular measure or any other, for I shall by my vote regard all alike—I think, sir, the plain duty of Congress is to work a forfeiture of every one of those land grants which have not been honestly and faithfully earned by the railroad corporation. Nobody need fear injustice to these corporations. The courts will protect every vested right; we can not harm one of them to a hair's breadth. The courts of the United States stand between Congress and these corporations, and will protect every right vested in them by good faith and in compliance with law.

Mr. COBB. Will the gentleman let me ask him a question?

Mr. BAYNE. Certainly.

Mr. COBB. I wish to ask the gentleman one single question, because the opinion of the gentleman is worth something to this House. What does he mean by unearned land grants?

Mr. BAYNE. I mean the grants which have been earned are where the railroads in good faith and according to the conditions of their grant have prosecuted the construction of the line of railroad with a view to getting a title to the land in conformity to the statute.

Mr. COBB. Well, that is just exactly what I wanted to get at. Now suppose a railroad corporation—if the gentleman will pardon me—under its contract with the Government, is required to build its railroad line within a given time and fails to do it, would the gentleman regard that as an unearned land grant?

Mr. BAYNE. If a railroad corporation has had land granted to it by the Government and has prosecuted with reasonable diligence the construction of its line of road, and Congress has seen fit not to interfere with it up to this time, although the time for the completion of that road has expired, I think the grant under those circumstances has been earned, because the Government having the right to declare a forfeiture has failed to do so, but on the contrary has acquiesced in that failure.

Mr. COBB. Suppose you take a grant of this kind, where a grant has been made of 50,000,000 acres to a corporation to construct a road within a given time in order to secure an outlet for emigration to the Territories of the United States, and suppose at the end of the time required by Congress for the completion of the road 1,700 miles were uncompleted, what would you do there?

Mr. BAYNE. There is a case where the equities would come in.

Mr. COBB. Would the lands be earned under the contract?

Mr. BAYNE. I will not undertake to decide that question. There is a case where the interposition of the Congress of the United States might be exercised in equitable form. The lands along that portion of the road which had been completed might be treated as belonging to the railroad corporation, but the portion of the lands along the uncompleted portion of the road I say should be forfeited to the Government of the United States, and the Government of the United States should take possession of them.

Mr. COBB. Then the gentleman would——

Mr. BAYNE. I think in the case which the gentleman puts, that is to say where a part of the road has been constructed and another part has not been constructed, that so far as the portion of the road which has been constructed in good faith the land lying along the portion completed has been earned I would treat it as earned, but the portion of the road not constructed after a long lapse of time should be returned to the Government.

Mr. COBB. You are not controlled, then, by the contract of the law but by the rules of equity outside of the law.

Mr. BAYNE. I do not wish to get into an argument with my friend upon a question of law or upon a question of equity, because the Congress of the United States deals with policies, it deals with equities, it deals with what is right. It is not governed by any arbitrary or technical rule of law in this matter. It is governed by public policy, by the public welfare, by the public interest, by equity, by justice; and it is in that way I propose to treat this case.

Mr. HENLEY. There is one matter in connection with this debate, Mr. Speaker, to which I desire to invite the profound attention of the House, and it is this: In the Forty-eighth Congress a bill was reported to this House by the Committee on Public Lands which forfeited all the land grants embraced in the measure under discussion as well as the land grant included in the amendment of the committee. That bill, after protracted discussion, very earnest, very able, and, I have no doubt, very conscientious in antagonism on the part of the gentleman from Mississippi [Mr. VAN EATON], passed the House and went to the Senate. But it never received consideration in that body and was never brought up for discussion.

Now, here is what I desire that gentlemen of the House of Representatives should understand: That this bill was passed by the last House, and since that time two national conventions have assembled, each of which adopted resolutions in favor of the forfeiture of all forfeitable land grants. I intend to stand on that platform now. All "unearned land grants," some gentleman near me suggests, instead of "forfeitable." Well, I would just as soon accept that as being the proper designation of the term as the other. Now, if in the last Congress the gentleman from Mississippi had made the same kind of a fight that he does in this case he might have prevailed with that committee as he did with this—that is, if he had gone before that committee and had operated upon its fears, as it seems he did in this (according to the statement made by the gentleman from Illinois), and induced that committee to believe that unless they excepted from the operation of the bill his grant of land he would defeat the entire bill; I say if he had gone before the committee and had done that then the matter would have been in the same condition that is presented now and here.

And yet, Mr. Speaker, we find that notwithstanding the gentleman's earnest opposition that bill did pass the House. Now, I remember that in the debate that ensued upon the consideration of the bill the gentleman did urge certain considerations which appealed with great persuasive force to me why his grant might be exempted with some degree of propriety from the operation of the bill. That was because he said, and it was stated with great force, that while the people of the North had opportunities and means for constructing railroads and complying with the terms of the land grants bestowed upon the Northern States or upon corporations for that purpose, the South was a sufferer from the devastation of war which had swept over her bosom as a broom of fire, destroying her resources, and consequently disabling and preventing her from constructing improvements of this character. I felt moved, I confess, to such a degree by his representations that I was almost tempted to palter with the pledge I had made on coming here, and which was embodied in the platform on which I ran, namely, to declare the forfeiture and restore to the public domain of every grant of unearned land.

Mr. COBB. Under the law.

Mr. HENLEY. Why, then, Representatives, should we trifle with this great question? I admonish the gentleman from Mississippi that the law passed by the last Legislature of his own State, much as we respect it, asking an extension of time on this land grant, amounts simply to an invocation addressed to Congress to deviate from the pledges made by these members to the people of this country—something which we can not afford to grant. This question, which was one of great import in the last Congress, has grown and increased in fervor and intensity, until the man who stands up and undertakes to stem it or defy it, the man who attempts to deviate from the obligations incumbent upon him from the platform upon which he ran, will meet with that fate which the faithless public servant ought to meet.

Now, I do not propose to criticise or to arraign or impugn the motives of others in respect to these matters. Each Representative must be the judge of his own action, being responsible to his constituency, and must be guided by his own individual conscientious convictions; but as for myself, whenever an opportunity is presented to abide by these pledges and to uphold and maintain the inviolability of the political platform upon which I was elected I intend to do that thing.

Mr. MORGAN. May I ask the gentleman a question before he takes his seat?

Mr. ADAMS, of Illinois, was recognized.

The SPEAKER *pro tempore*. The gentleman from Illinois is entitled to the floor.

Mr. MORGAN. I merely wish to ask the gentleman from California a question.

Mr. ADAMS, of Illinois. I will yield for that.

Mr. MORGAN. As I understand the gentleman from California, he stands by the platform in favor of the forfeiture of unearned land grants. I ask if he will in any manner depart from his platform, if he will consent to give these parties a hearing?

Mr. HENLEY. No, sir.

Mr. MORGAN. That is all that is asked here. The exception is made only to give an opportunity to be heard in this matter.

Mr. HENLEY. I have no objection to that, but I think there is more in it than that.

Mr. MORGAN. That is all that is contained in the proposition before the House.

Mr. ADAMS, of Illinois. I yield to my colleague for a moment.

Mr. CANNON. Mr. Speaker, I have listened with a great deal of attention to this discussion. I did not have an opportunity of hearing the gentleman from Indiana [Mr. COBB] in his opening remarks, and I did not quite understand the bill. My colleague from Illinois [Mr. PAYSON], in that forcible manner in which he usually makes his arguments, satisfied my mind as to the bill, and, as I believe, satisfied the minds of every member on this floor. It occurs to me then that inasmuch as everybody is satisfied the bill will pass, and I expect it will if the debate ever closes; that is to say, if we have an opportunity of showing how valiant we will be when something else turns up, either in this or some other Congress, to be valiant about.

Mr. ADAMS, of Illinois. This is a bill for the forfeiture of five or six land grants. Now, if there were no possible question in regard to any of these grants except in regard to one particular one as to whether the lands were earned or unearned, I could see good reason why we should except that particular grant as to which debate may arise and pass without debate the others. But in answer to a question which I addressed to my colleague of the committee [Mr. PAYSON], and afterward to the gentleman from Mississippi [Mr. VAN EATON], I was informed, as I understand, that there is no distinction whatever between this grant and the other grants covered by the bill as to the question whether the lands have been in fact earned or unearned.

Mr. VAN EATON. The gentleman misunderstood me then.

Mr. ADAMS, of Illinois. I wish to be corrected if I misunderstood the gentleman.

Mr. VAN EATON. I desired to say as plainly as I could that as regarded all the other roads the grants to which this bill proposes to forfeit the States had never claimed the grants for the roads; no wish was ever expressed to get the benefit of these other grants; while in this particular case the people and the Legislature of the State of Mississippi have been asking and begging for this land ever since the war.

Mr. RYAN. But that does not earn the land.

Mr. VAN EATON. I understood the gentleman from Illinois [Mr. ADAMS] to say there was no difference as regarded the question whether the lands should be forfeited between this and the other grants; that there was no difference as to the equities between them.

Mr. ADAMS, of Illinois. That is substantially my statement. But I did not make the question turn on a legal definition of unearned grants. I meant that the reasons the gentleman would probably give for the passage of the bill when it came before the House would be reasons addressed to the consideration of this House on grounds of public policy, whether the interests of the country required that road to be built to a sufficient degree to justify the House of Representatives giving to that road some of the public lands of the United States.

Mr. VAN EATON. That is exactly the question which I wish to submit to the House when the proper time comes.

Mr. ADAMS, of Illinois. And that is the main question on which the fate of the bill will turn when it comes to the House.

Mr. WEAVER, of Iowa. With the permission of the gentleman from Illinois [Mr. ADAMS] who now holds the floor I wish to ask the gentleman from Mississippi [Mr. VAN EATON] why that matter can not just as well be settled on the pending amendment as on the original bill. I desire also to inquire how many miles of this road have been actually constructed?

Mr. STRUBLE. And when it was commenced?

Mr. WEAVER, of Iowa. Yes; the gentleman can state also when it was commenced.

Mr. ADAMS, of Illinois. I have yielded to the gentleman from Iowa to ask his question, and I yield also to the gentleman from Mississippi [Mr. VAN EATON] to answer if he chooses.

Mr. VAN EATON. Will the gentleman from Iowa restate his question?

Mr. WEAVER, of Iowa. I wish to ask the gentleman why the rights of that company can not be just as well determined by a vote on the amendment now pending as by a vote on the other bill. Secondly, I ask him how much work has been completed on that line of road, when it was commenced, and when did the work cease?

Mr. VAN EATON. I will answer the gentleman's question. The reason the bill can not be considered upon its merits now is that the committee are considering it and have not yet reported upon it. The only report they have made with reference to it is the amendment they recommend to this bill, that this forfeiture be stricken out of this bill. They are now considering the other bill and will report; and the friends of the measure are only discussing the merits of the proposition to drop this road out of the present bill, in order that we may present the matter more fully and more fairly before the House when the report of the committee comes in.

Mr. WEAVER, of Iowa. There is one part of my question which the gentleman has not answered. How many miles have been completed?

Mr. VAN EATON. I am perfectly frank to say—none. I have never contended there were. I did say, however, that work has commenced and that hands are at work on the line of the survey.

Mr. WEAVER, of Iowa. When were they put there?

Mr. VAN EATON. Three or four months ago.

Mr. ADAMS, of Illinois. I think I will now continue my remarks. I am not in the habit of occupying the floor long and I desire to get through.

It still remains clear to my mind that, if not the sole question, still the main question will be, when the bill now pending before the committee comes before the House, whether on grounds of public policy and not on grounds of national faith incurred it is wise to grant these lands to this company for the construction of this road. I declare here that after the long lapse of time since the policy of land grants to railroads has been inaugurated it has become more and more clear to the minds of the American people that that policy, however wise it may have been twenty years ago, should never be entered upon again, and I considered the vote upon the pending bill or upon the amendment now before the House to be an indication as to the intentions of this House in regard to entering once more upon that policy, out of which so much evil and injustice have come. I will say if the question turns on contracts heretofore made between the people and this corporation I, for one, would not confine the company to the strict letter of the law.

I can not say what rule could govern me, except that it would be the rule *æquum et bonum*—the rule of fair and square dealing, which should apply as well between a government and a corporation as between man and man. But I can not see the likelihood that any such question will arise, and I am unwilling by my vote, either upon an amendment like this or upon the bill when it comes before the House, to indicate that I, for one, will ever sanction the reinauguration of the policy of railroad land grants.

Mr. HENDERSON, of Iowa. Will the gentleman yield for a question?

Mr. ADAMS. Yes, sir.

Mr. HENDERSON, of Iowa. Does the gentleman mean to be understood that an affirmative or a negative vote upon the pending amendment will be an adjudication by this House upon a question which the committee intend to bring in here later by another bill?

Mr. ADAMS, of Illinois. I do not mean to say that, Mr. Speaker; but I do mean to say that I have evidence that that will be the question before the House.

Mr. HENDERSON, of Iowa. Is it before the House now in this bill?

Mr. ADAMS, of Illinois. It is, in my mind, when I see that here is a bill covering six land grants and a proposition is made to strike out one of them, and it is not alleged that there is any reason arising out of justice for striking out that particular land grant.

Mr. HENDERSON, of Iowa. I understand that the committee have unanimously voted for the forfeiture of five of the land grants embraced in this bill, and have so reported to this House, and that they themselves bring in a report unanimously excepting from the provisions of the bill this one land grant, upon which they are not yet ready to report.

Mr. VAN EATON. That is true.

Mr. HENDERSON, of Iowa. Then, if I understand the matter correctly, an affirmative vote for this bill in no way commits any member of this House upon the vital questions which are involved in the bill that is to come before the House later. I was absent when the bill was referred, but I want to understand it. Am I correct?

Mr. VAN EATON. Yes, sir.

Mr. ADAMS, of Illinois. I understand that perfectly well, Mr. Speaker, but I understand that if this amendment were defeated and the bill passed in its present shape the gentleman from Mississippi [Mr. VAN EATON] could then introduce a bill proposing a land grant from the people of the United States to build this particular road by this corporation.

Mr. PETERS. Mr. Speaker, nearly everything that I thought of saying has been covered by the questions propounded by the gentleman from Iowa [Mr. HENDERSON]. The only question that we have to consider now is whether it is policy to vote upon the forfeiture of these land grants about which there is no question and leave the one about which there is question for future consideration. We are certainly ready to vote upon the forfeiture of the land grants about which there is no question. There are no equities presented to the House by any one in favor of these grants about which no question is made; but the whole question arises in relation to the one which the committee desire to exempt for the present from the provisions of this bill.

A MEMBER. Why do they want to do that?

Mr. PETERS. As I understand it, in order that they may examine the question further and may report upon it separately. I will say frankly that if I thought for a moment that a vote for this bill would be regarded by the adherents of the Gulf and Ship Island land grant as "first blood" in favor of that grant, I would vote against the whole bill; but I asked the question distinctly of the gentleman from Mississippi [Mr. VAN EATON], and he stated that no action that we could take upon this bill could in any event prejudice action upon the other bill in relation to that grant.

Mr. WEAVER, of Iowa. Will the gentleman yield to me for a moment?

Mr. PETERS. Certainly.

Mr. WEAVER, of Iowa. I wish to suggest to the gentleman that we have all the facts now before the House concerning the land grant referred to by the gentleman from Mississippi [Mr. VAN EATON]. We know all the points that can be made in its favor, and I can see no necessity for deferring action upon it until it comes before us in another bill; while on the other hand a vote in favor of this amendment will be taken as a precedent by the country, if not by the House, and as a vote in favor of continuing that grant.

Mr. PETERS. Now, Mr. Speaker, in answer to that I want to say that the very reason the committee give for excepting this one grant from the bill is that they have not yet fully considered the facts in connection with it. Therefore this House is not yet fully in possession of the facts of the case, and what the committee desire and what the House desire is that further time may be given the committee to complete their investigation and make their report to the House.

Mr. VAN EATON. Now you have hit it. [Cries of "Vote!" Vote!"]

Mr. PETERS. I am not in favor of precipitating action upon that question before the committee have fully made up their minds and reported their conclusions to the House.

Mr. WEAVER, of Iowa. But, Mr. Speaker, we have this prominent fact, that thirty years have elapsed since this land grant was made and not one particle of earth has yet been turned on the line of that road for the purpose of its construction. We have that fact, and that is enough.

Mr. PETERS. That fact is admitted by the gentleman from Mississippi [Mr. VAN EATON], but there are other questions that go especially to the equitable phase of the case, and that have not yet been brought before the committee or the House. [Renewed cries of "Vote!" "Vote!"]

Mr. JOHNSTON, of Indiana. Mr. Speaker, I desire to ask the gentleman from Kansas [Mr. PETERS] what is the necessity of exempting this one case from the operation of this bill. Why not let the land grants all stand together and all be investigated and embraced in one bill?

Mr. PETERS. As to the land grants upon which the committee has reported, there are no equities pending in their favor, while it is claimed that in this case there are equities.

Mr. STRUBLE. Mr. Speaker, I desire to ask the gentleman whether the "equity" in this case is not a mere hope that Congress will in the future confirm this land grant.

Mr. PETERS. I can not say just what the equities are in this case.

The SPEAKER *pro tempore*. Has the gentleman from Kansas [Mr. PETERS] yielded the floor.

Mr. PETERS. I have done.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] has been recognized and will proceed.

Mr. HOLMAN. Mr. Speaker, I offer an amendment to the bill which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out, beginning in line 40, the words "to sale, disposition, and settlement under existing law, as though said acts and parts of acts had never been enacted," and insert the following: "To entry and settlement under provisions of the homestead laws by actual settlers only: *Provided, however*, That if sales of any of said lands have heretofore been made by the United States, such sales are hereby confirmed."

Mr. HOLMAN. Mr. Speaker, I ask the indulgence of the House for a few words. I understand that some of these lands have been sold by the United States. When it was supposed the grant had been forfeited by the failure of the corporations to complete their respective railways the lands were open for a time for sale, and some entries had been made before the decision of the Supreme Court on the subject. As to those lands, of course it is proper that the sales should be confirmed; but as

to the rest of these lands, several million of acres, I submit that they ought to be subject to the provisions of the homestead laws only. It may be said that a general law will be passed upon this subject confining the disposal of all the public lands to the homestead laws. I sincerely trust such a law will be enacted at an early moment; but no such law has yet been passed, and no one can safely predict the course of legislation, and I hope that as far as the lands now in question are concerned and all lands hereafter declared forfeited the House will carefully provide that they shall be disposed of only under the homestead laws, whether they are specially adapted to agriculture or are mainly valuable on account of their timber. I trust that the expression made upon this subject, not only in the last Congress but by the great parties of the country and the whole people, in favor of this mode of disposing of the public lands in securing freeholds to the greatest number, will control our action in the present Congress until that policy is applied to all public lands.

One word more on the main question before the House. The proposed amendment exempting from forfeiture one of the grants in question, the Gulf and Ship Island grant, seems to me to be well and fully understood by the House. Every question connected with it is now, I think, as well understood as it can be from any future discussion. The whole subject is well understood by the House. There is clearly no occasion for omitting a portion of the land on the theory that further information is required.

The House is fully informed as to the facts. The equities are well understood. The grant which was made in 1856 was long since forfeited. The railroad has never been constructed. The lands were never actually withdrawn until a comparatively recent date. The question is whether those lands shall now be subject to disposal for the benefit of the whole people, or whether the provisions of the grant shall be allowed to operate after the lapse of thirty years. I trust that the House, upon the statement made by my friend from Mississippi himself—taking his words just as they have been delivered so frankly to the House—will see that no new fact can be developed; the right of Congress to declare the forfeiture has not been and can not be denied. The question is simply one as to the equities that may arise, and every gentleman understands exactly what those equities which would excuse the great lapse of time are. This exception proposed by the committee if now made will be construed by the country as virtually not merely a postponement but an indication on the part of the House that it will not abide by the principle laid down by the last Congress, that lands subject to be forfeited shall be forfeited and shall be restored to the people of the United States.

These lands are subject to forfeiture. No gentleman questions that. My friend from Mississippi does not question that. Why not, therefore, declare the forfeiture? The passage of this bill in the form proposed by the committee will create an impression that this exception implies a purpose to abandon the principle already laid down by Congress and demanded by the country, that all forfeited land grants shall be declared forfeited and the lands opened up to *bona fide* settlement. I trust my friend from Mississippi will see the fairness of the House determining now and at once whether or not this particular grant shall be exempted from the forfeiture which the last House of Representatives declared with such general unanimity.

Mr. COBB. Mr. Speaker, I desire to discuss for a single moment the policy of this amendment. In my judgment, it ought not to be put on this bill. It tends to encumber the bill. The very reason why the committee omitted the Gulf and Ship Island grant was that we wanted this bill to go through with certainty, not only in this House but in the Senate. In the last Congress we passed a bill of this kind embracing in its terms the Gulf and Ship Island grant. That bill went to the Senate and was defeated, or, at least, Congress closed without its becoming a law.

Now, I insist that a bill forfeiting land grants ought not to be encumbered with this legislation amending the general law. I believe this bill ought to stand upon its merits, and I do not think that there is much merit in the amendment proposed by my colleague—I say this with great respect for him—because the amendment may, and I believe will, encumber the bill. When it goes to the Senate his amendment, if adopted here, will be stricken out; and then when the measure comes back here we shall have to pass it without the amendment or have a controversy with the Senate.

Mr. HOLMAN. Will my friend allow me a single question?

Mr. COBB. Yes, sir.

Mr. HOLMAN. Is not every acre of the lands covered by this bill subject, if restored to the public domain, to entry by any single man who may think proper to enter it at the minimum price fixed by law without regard to settlement?

Mr. COBB. I have said that. The general law gives that right. The gentleman proposes to amend the general law in this bill, and thereby jeopardize the passage of the bill. I am as much in favor of this provision as he is if it were presented as a separate proposition or if accompanied with other propositions connected with the pre-emption, homestead, or timber-culture laws; but when we have a bill involving six or eight million acres of land that the people need and ought to have, I am not in favor of encumbering such a measure with amendments that will not perhaps be satisfactory to many members here and at the other end of the Capitol. I trust, therefore, that the House will not put the gentleman's amendment on the bill.

Mr. HOLMAN. But will my friend answer me a further question? Would it not be better that these eight or nine million acres should remain for the present tied up just as they are now than that they should be subject, as the gentleman understands all those lands are—I do not say all lands—to unlimited entry at the minimum price of public lands?

Mr. COBB. No, sir; I say not, most emphatically. I do not believe that these lands ought to be tied up for a thousand years, as the gentleman insists. I believe they should be forfeited now. And let the general law be amended in the proper way. We have lived under that general law for years; the gentleman has served in Congress for twenty years with the law standing as it does now.

Mr. HOLMAN. I have been trying to amend it for twenty years, and I am trying to amend it now upon this particular bill.

Mr. COBB. I do not like to have the gentleman undertake to amend the general law according to his own judgment upon a bill in which I feel so much interest as I do in this bill. I would rather he should bring in his proposition separately and let it stand on its own merits. Then I will vote with him, but I shall vote against his amendment now.

Mr. WARNER, of Ohio. I would like the gentleman from Indiana [Mr. COBB] to answer one question for the information of the House—whether under the law as it now stands these lands, which it is proposed by this bill to forfeit, might be sold in bulk to one man at $1.25 an acre?

Mr. COBB. Why, that has been the law for years and years.

Mr. HOLMAN. It has been the law as to the lands embraced in the bill since the repeal of the special homestead act of 1866.

Mr. COBB. These lands will have to be reoffered by the Interior Department; there is no question about that. They have been withdrawn from market. They may have been offered heretofore at public sale; but they must be offered again at public sale before they can be bought by private individuals otherwise than at public sale. That is the law.

Mr. WARNER, of Ohio. A different law applies in this case from that which applies to the public domain?

Mr. COBB. No, sir; not at all. These lands will become a part of the public domain; and they will stand just as the original public domain does stand. An offer at public sale will be necessary before the lands can be entered by private purchasers; they can be homesteaded without that.

Mr. EDEN and Mr. CANNON rose.

Mr. COBB. I will first hear my friend from Illinois [Mr. CANNON].

Mr. CANNON. I ask the gentleman from Indiana to allow me to appeal to his colleague [Mr. HOLMAN] not to embarrass the bill by amendments, thereby indirectly benefiting the railroad companies. [Laughter.]

Mr. COBB. I have been appealing to him myself. [Laughter and cries of "Vote!"] I will now hear the question of the gentleman from Illinois [Mr. EDEN].

Mr. EDEN. The inquiry I desire to make is whether in the provisions of this bill there is any limit as to the amount a single purchaser may buy?

Mr. COBB. At public sale? As the gentleman is aware, under the general law the lands must be offered in several parcels of 40-acre tracts. If there are no bidders they go down upon the list to be entered by private purchasers.

Mr. RYAN. Without limitation as to the number of acres?

Mr. COBB. I presume so, after public offering has been had. That has been the rule of law for a quarter of a century, I believe, or longer. [Cries of "Vote!"] I now demand the previous question on the pending amendments.

The SPEAKER. Does the gentleman demand the previous question on the pending amendments or on the engrossment and third reading of the bill?

Mr. COBB. I will demand the previous question on the engrossment of the bill.

The previous question was ordered.

The question first recurred on the amendment of the committee.

Mr. HAMMOND. The amendments have been read but can not be well understood without our seeing them in print, and as this is an important question, if the gentleman will not insist on a vote now I will move the House adjourn. [Cries of "Oh, no!"] I move the House do now adjourn.

The House refused to adjourn.

The question recurred on the following amendment, reported by the Committee on the Public Lands:

In line 14, after the word "act," insert: "Also except so much of said act as relates to grant of lands in aid of a railroad from Brandon to the Gulf of Mexico, commonly known as the Gulf and Ship Island Railroad."

The House divided; and there were—ayes 99, noes 81.

Mr. RANDALL demanded the yeas and nays.

The yeas and nays were ordered.

Mr. HAMMOND. I move the House do now adjourn.

The House refused to adjourn.

The question was taken; and it was decided in the negative—yeas 83, nays 179, not voting 61; as follows:

YEAS—83.

Allen, C. H.	Crain,	Lovering,	Sawyer,
Allen, J. M.	Dargan,	Markham,	Seymour,
Atkinson,	Eldredge,	Martin,	Singleton,
Barksdale,	Farquhar,	McComas,	Spooner,
Barry,	Fisher,	Miller,	Stewart, Charles
Belmont,	Gay,	Moffatt,	St. Martin,
Blanchard,	Geddes,	Morgan,	Strait,
Browne, T. M.	Gilfillan,	Negley,	Symes,
Brown, C. E.	Grosvenor,	Oates,	Thompson,
Buck,	Hale,	Parker,	Throckmorton,
Burrows,	Hanback,	Payson,	Tillman,
Butterworth,	Hayden,	Perkins,	Van Eaton,
Campbell, J. E.	Henderson, D. B.	Perry,	Wadsworth,
Cannon,	Hopkins,	Peters,	Wait,
Caswell,	Houk,	Pettibone,	Wakefield,
Catchings,	Jackson,	Pirce,	White, A. C.
Clardy,	Jones, J. T.	Price,	White, Milo
Collins,	Ketcham,	Reagan,	Whiting,
Comstock,	Lindsley,	Reed, T. B.	Winans,
Conger,	Little,	Rice,	Wolford
Cooper,	Lore,	Romeis,	

NAYS—179.

Adams, G. E.	Dowdney,	Laffoon,	Reid, J. W.
Adams, J. J.	Dunham,	La Follette,	Reese,
Anderson, C. M.	Dunn,	Laird,	Richardson,
Anderson, J. A.	Eden,	Landes,	Riggs,
Arnot,	Ely,	Lanham,	Robertson,
Baker,	Evans,	Lawler,	Rogers,
Ballentine,	Everhart,	Lehlbach,	Rowell,
Bayne,	Felton,	Long,	Ryan,
Beach,	Findlay,	Louttit,	Sadler,
Bennett,	Foran,	Lowry,	Sayers,
Bingham,	Ford,	Lyman,	Scott,
Blount,	Forney,	Mahoney,	Sessions,
Bound,	Frederick,	Matson,	Shaw,
Boutelle,	Fuller,	McAdoo,	Skinner,
Boyle,	Funston,	McCreary,	Snyder,
Brady,	Gallinger,	McKenna,	Sowden,
Breckinridge, C. R.	Gibson, Eustace	McKinley,	Springer,
Breckinridge, WCP	Glass,	McMillin,	Steele,
Brown, W. W.	Glover,	McRae,	Stone, W. J., of Ky.
Brumm,	Green, R. S.	Merriman,	Stone, W. J., of Mo.
Buchanan,	Green, W. J.	Millard,	Storm,
Bunnell,	Hahn,	Milliken,	Struble,
Burleigh,	Halsell,	Mills,	Swinburne,
Bynum,	Hammond,	Mitchell,	Swope,
Cabell,	Harris,	Morrill,	Tarsney,
Campbell, Felix	Hatch,	Morrison,	Taulbee,
Campbell, J. M.	Haynes,	Morrow,	Taylor, I. H.
Candler,	Hemphill,	Muller,	Taylor, J. M.
Clements,	Henley,	Neal,	Taylor, Zach
Cobb,	Hepburn,	Neece,	Thomas, J. R.
Cole,	Herbert,	Norwood,	Thomas, O. B.
Cowles,	Herman,	O'Donnell,	Townshend,
Cox,	Hiestand,	O'Ferrall,	Trigg,
Crisp,	Hill,	O'Hara,	Turner,
Croxton,	Hitt,	O'Neill, Charles	Wade,
Culberson,	Holman,	O'Neill, J. J.	Ward, J. H.
Curtin,	Holmes,	Osborne,	Warner, A. J.
Cutcheon,	Howard,	Outhwaite,	Warner, William
Daniel,	Hutton,	Owen,	Weaver, A. J.
Davidson, A. C.	James,	Peel,	Weaver, J. B.
Davidson, R. H. M.	Johnston, J. T.	Pidcock,	Wellborn,
Dawson,	Johnston, T. D.	Pindar,	Wheeler,
Dingley,	Jones, J. H.	Plumb,	Wilson,
Dockery,	King,	Randall,	Worthington.
Dorsey,	Kleiner,	Ranney,	

NOT VOTING—61.

Aiken,	Ermentrout,	Kelley,	Stewart, J. W.
Barbour,	Fleeger,	Le Fevre,	Stone, E. F.
Barnes,	Gibson, C. H.	Libbey,	Taylor, E. B.
Bland,	Goff,	Maybury,	Tucker,
Bliss,	Grout,	Murphy,	Van Schaick,
Bragg,	Guenther,	Nelson,	Viele,
Burnes,	Hall,	Payne,	Ward, T. B.
Caldwell,	Harmer,	Phelps,	Weber,
Campbell, T. J.	Heard,	Pulitzer,	West,
Carleton,	Henderson, J. S.	Rockwell,	Wilkins,
Compton,	Henderson, T. J.	Scranton,	Willis,
Davenport,	Hewitt,	Seney,	Wise,
Davis,	Hires,	Smalls,	Woodburn.
Dibble,	Hiscock,	Spriggs,	
Dougherty,	Irion,	Stahlnecker,	
Ellsberry,	Johnson, F. A.	Stephenson,	

So the amendment was not agreed to.

Mr. CROXTON. Mr. Speaker, my colleague Mr. BARBOUR is absent from the House on account of serious illness.

On motion of Mr. EDEN, by unanimous consent the reading of the names was dispensed with.

The following additional pairs were announced:

Mr. WARD, of Indiana, with Mr. NELSON.

Mr. WILKINS with Mr. GROUT.

Mr. LE FEVRE with Mr. EZRA B. TAYLOR.

Mr. MAYBURY with Mr. GOFF.

Mr. THOMAS, of Wisconsin. Mr. Speaker, I am paired on political questions, but have voted, not considering this a political question.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

Mr. MORGAN. Would it be in order now to move to recommit this bill to the Committee on Public Lands?

The SPEAKER. It is not in order at this stage of the bill. That motion will be in order when the previous question is demanded or ordered upon the passage of the bill.

The amendment of Mr. HOLMAN was read, as follows:

Strike out in the bill all after the word "subject" and insert "to entry and settlement under the provisions of the homestead laws and by actual settlers only: *Provided, however*, That if sales of any of said lands have heretofore been made by the United States such sales are hereby confirmed."

The question was taken; and on a division there were—ayes 116, noes 27.

So the amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, was accordingly read the third time.

The question recurred upon the passage of the bill.

Mr. MORGAN. I move that this bill be recommitted to the Committee on the Public Lands, in order that they may consider the subject-matter embodied in the amendment. They have reported here that they have not considered that matter.

Mr. COBB. The gentleman is mistaken. The committee reported no such thing.

Mr. MORGAN. It has been so stated upon the floor of the House. [Cries of "Regular order!"]

The motion to recommit was not agreed to.

The bill was passed.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER, of Ohio. I move that the House do now adjourn.

Mr. BRUMM. Pending that I ask unanimous consent——[Cries of "Regular order!"]

The motion of Mr. WARNER, of Ohio, was then agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to the claims of David Pressly and of Rebecca Montgomery—to the Committee on War Claims.

By Mr. BAYNE: Papers relating to the claim of John T. Oates—to the same committee.

By Mr. BINGHAM: Resolutions of the Ministerial Association of Pottsville, Pa., requesting the passage of stringent laws to prevent the use of the United States mails in carrying newspapers and other periodicals containing lottery advertisements or other notice of lotteries—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADY: Papers in the case of Daniel Williamson—to the Committee on Military Affairs.

By Mr. T. M. BROWNE: Petition of Andrew Sebring and 238 others, ex-soldiers and citizens of Delaware County, Indiana, for a service pension for the soldiers and sailors of the war of 1861-'64, and for other purposes—to the Committee on Invalid Pensions.

By Mr. BUCHANAN: Petition of Anna M. Thomas, widow of Edward S. Thomas, late Company F, Fifth New Jersey Volunteers, for a pension—to the same committee.

By Mr. CAINE: Petition of Cavatat C. Rowe, for a pension—to the Committee on Pensions.

By Mr. CATCHINGS: Papers relating to the claims of Rebecca A. Bolling; of John Mack; of Simon Lubrinsky; of Frank Johnston; of Andrew Lafferty; of David Hopper; of Alexander McLeod, administrator; of Martha A. Gibbs; of Preston Chavis, and of Annie E. Fortner—to the Committee on War Claims.

By Mr. DUNN: Petition of J. N. Waddey, formerly postmaster at Sardis, Miss., in relation to postmasters' salaries—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Arkansas County, Arkansas, asking an amendment to the Constitution for the election of United States Senators by a direct vote of the people—to the Committee on the Judiciary.

Also, papers relating to the claim of James M. Humphrey—to the Committee on War Claims.

By Mr. EVERHART: Petition of citizens of Pennsylvania, praying for a law allowing all citizens of the United States to fish in the navigable waters of the United States dividing States and Territories—to the Committee on Commerce.

By Mr. FORAN: Petition of 200 merchants and citizens of Cleveland, Ohio, praying for the improvement of the harbor of Grand Marais, Mich., as a harbor of refuge—to the Committee on Rivers and Harbors.

Also, petition of the Cleveland Barb Fence Company and several other merchants of Cleveland, Ohio, praying for a law to carry into effect the proposed reciprocity treaty with Mexico—to the Committee on Foreign Affairs.

Also, memorial of W. P. Southwork & Co. and W. J. Hayes & Co., of Cleveland, Ohio, protesting against the enactment of a law to carry into effect the proposed Mexican treaty, and praying for the speedy termination of the Hawaiian treaty—to the same committee.

Also, memorial and resolutions of the Board of Trade of Cleveland,

Ohio, praying, in the interests of commerce of the great lakes, that the Portage Lake and Lake Superior Ship-canal be purchased and operated free of tolls by the United States Government—to the Committee on Commerce.

By Mr. FUNSTON: Petition of David B. Randall, for a pension—to the Committee on Invalid Pensions.

By Mr. GILFILLAN: Memorial of the Chamber of Commerce of Saint Paul, Minn., for the improvement of the Upper Missouri River—to the Committee on Rivers and Harbors.

By Mr. GLASS: Papers relating to the claims of John E. Lewis, of Joseph J. Farrow, and of William B. Lanier—to the Committee on War Claims.

By Mr. HARRIS: Papers relating to the claim of S. H. Hill—to the same committee.

By Mr. HATCH: Memorial and resolutions of the third national cattle convention, asking prompt and liberal action in the matter of legislation concerning contagious cattle diseases—to the Committee on Agriculture.

Also, papers relating to the claim of William A. Dorner—to the Committee on Claims.

By Mr. HEARD: Petition of Charlotte D. Davis and Jacob V. L. Davis, asking reference of their claims to the Court of Claims—to the Committee on War Claims.

By Mr. HERBERT: Bill for the relief of the officers and crew of the United States sloop-of-war Cumberland—to the same committee.

Also, bill for the relief of Charles A. McDaniel—to the Committee on Claims.

By Mr. KLEINER: Memorial of citizens of Spencer and Warrick Counties, Indiana, asking for a pension for William Hedgspeth, Company H, Forty-second Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. LANHAM: Papers relating to the claim of R. C. Oglesby—to the Committee on War Claims.

By Mr. LIBBEY: Petition of J. B. Brickhouse, of Norfolk County, Virginia, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. LOVERING: Petition of A. S. Hodges and 115 others, citizens of Massachusetts, asking Congress to submit to the States an amendment to the Constitution which shall secure the ballot to women—to the Committee on the Judiciary.

By Mr. MORGAN: Papers relating to the claims of Allen J. Holliday; of James C. Morrison, and of Thomas B. Smith, administrator—to the Committee on War Claims.

By Mr. OWEN: Petitions of 228 citizens of Goodland; of 120 citizens of Waverly; of 220 citizens of Benton County; of 142 citizens of Galveston; of 109 citizens of Boswell; of 67 citizens of Disko, Ind.; of 87 citizens of Kosciusko County, and of 80 citizens of Indiana, asking the passage of a general pension law giving a pension of $8 per month to all officers, soldiers, sailors, and marines who served sixty days or longer in the late war—to the Committee on Invalid Pensions.

Also, petition of Louis Mecher, to have the War Department correct false statement that his disability existed before enlistment—to the Committee on War Claims.

By Mr. PETTIBONE: Petition of Zachariah Barrett, of Green County, Tennessee, asking a pension—to the Committee on Invalid Pensions.

Also, petition of A. W. Harman, of Green County, Tennessee—to the Committee on War Claims.

By Mr. RANDALL: Petition of Emma Brown, for a pension—to the Committee on Pensions.

By Mr. T. B. REED: Petition of John S. Staples, and others, citizens of Swan's Island, Maine, against the appointment of commission on fisheries—to the Committee on Foreign Affairs.

By Mr. ROCKWELL: Petition from citizens of West Stockbridge, Mass., asking that the pensions of soldiers of the war of 1812 be increased from $8 to $12 per month—to the Committee on Pensions.

By Mr. ROGERS: Papers relating to the claim of W. S. Jennings—to the Committee on War Claims.

By Mr. ROMEIS: Petition of A. J. Stoll and 134 others, citizens of Sandusky, Ohio, against any action involving a renewal or extension of what is known as the treaty of Washington—to the Committee on Foreign Affairs.

Also, petition of Edson & Nichols and 29 others, citizens of Vermillion, Ohio, against any action involving renewal or extension of what is known as the treaty of Washington—to the same committee.

By Mr. SEYMOUR: Memorial of citizens of Stamford, Conn., for an appropriation to improve that harbor—to the Committee on Rivers and Harbors.

By Mr. E. F. STONE: Petition of 98 fishermen, of Swampscot, Mass., against the appointment of a commission to negotiate another treaty on the fishery question with Canada—to the Committee on Foreign Affairs.

Also, petitions of D. S. Parker and others and of Sarah B. Bourker and others, for woman suffrage—to the Committee on the Judiciary.

By Mr. W. J. STONE, of Missonri: Paper relating to the claim of Richard M. Isler—to the Committee on War Claims.

By Mr. TAULBEE: Petition of 72 citizens of Pike County, Kentucky, relating to improvement of Big Sandy River—to the Committee on Rivers and Harbors.

By Mr. J. M. TAYLOR: Papers relating to the claims of Lytle Newton, of Mary L. Fogg, of Mary J. Littlepage, and of James W. Hunter—to the Committee on War Claims.

By Mr. ZACH. TAYLOR: Petitions of Asa Douglas; of John R. Reaves, son and heir of Edmund Reaves, deceased; of W. H. Douglas; of heirs of Spottsville Adams; of W. J. Massey, executor of Henry Massey; of W. H. and G. M. Douglass, administrators of Ida Douglas; of T. J. Firth, executor of Thomas B. Firth; of H. P. Hobren, administrator of W. H. Hobren; of heirs of C. C. Poindexter; of M. W. Prewitt and J. K. Gates, executors of James T. Gates; of Hallie L. Pugh; of John McBrooks, administrator of Elijah McBrooks; of Madison Randolph; of Elizabeth Robinson; of Raleigh Poindexter; of Elizabeth Porter, and of John C. Powers, of Tennessee, asking that their several war claims be referred to the Court of Claims—to the same committee.

Also, papers relating to the claims of W. W. R. Elliott; of Sarah E. Norton; of Adelia C. Pope; of Fannie T. Hunt; of R. H. Wood, executor of J. H. Mills; of Annie E. Connell, executor of Hiram D. Connell; and of Julian Bedford—to the same committee.

By Mr. WHEELER: Petitions of William F. Ricks; of P. J. Cowan, administrator; of Thomas Barksdale; of Charles McCormack; of Peter F. Garrett; of Malinda Rutherford; of Sarah J. Gardner, widow; of Elizabeth M. Smith; of James T. Anderson; of Thomas Stewart; of Catherine Hughes; of F. M. Wedgeworth; of David F. Bates; of Anderson C. Hughes; of Anderson A. Clem; of Warren W. Phillips; of Hamilton F. Arthur; and of James W. Bridgeforth, all of Alabama, asking that their several war claims be referred to the Court of Claims—to the same committee.

Also, petition of the National Cotton Exchange of America regarding interstate bills of lading—to the Committee on Commerce.

Also, memorial requesting an appropriation for Signal Service stations in the cotton States—to the Committee on Military Affairs.

By Mr. MILO WHITE: Resolution of the Saint. Paul Chamber of Commerce, urging the passage of the Lowell bankrupt bill—to the Committee on the Judiciary.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. FORAN: Of citizens of Cuyahoga Falls, Ohio.

By Mr. HEARD: Of citizens of Cross Timbers, Hickory County, Missouri.

By Mr. LANHAM: Of citizens of Cross Plains, Tex.

By Mr. REAGAN: Of A. P. Brandier and 81 others, citizens of Illinois; of B. Hoar and 80 others, citizens of Michigan; and of Henry W. Smith and 81 others, citizens of Washington Territory.

By Mr. THROCKMORTON: Of 158 citizens of Cooke and Montague, Tex.

SENATE.

THURSDAY, *January* 28, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the president of the Capitol, North O Street and South Washington Railway Company, transmiting a statement of the operations of that company for the fiscal years ending April 30, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, and 1885; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of James Ryback, of Baltimore, Md., praying to be allowed his share in the distribution of the Geneva award; which was referred to the Committee on the Judiciary.

He also presented a petition of Jackson Local Assembly, No. 822, Knights of Labor, of Ohio, praying the organization of a Territorial form of government for the Indian Territory and the opening of the lands therein to settlement; which was referred to the Committee on Public Lands.

Mr. HALE presented a petition of B. C. Sargent and other citizens of Maine, praying for legislation prohibiting the landing or importation of certain fish caught between March 1 and June of the same year; which was referred to the Committee on Fish and Fisheries.

Mr. JACKSON presented the petition of Everett Ritter, of Buena Vista, Carroll County, Tennessee, praying that the charge of desertion

against his two sons, John and Henry Ritter, late privates in Company E, Seventh Regiment Tennessee Cavalry Volunteers, may be removed; which was referred to the Committee on Military Affairs.

Mr. WILSON, of Iowa. I present the petition of F. P. Hysham and 19 other citizens of Dakota, praying for the absolute forfeiture of the unearned lands within the limits of the grant to the Sioux City and Saint Paul Railroad Company. Inasmuch as the bill on that subject has been reported from the appropriate committee, I move that the petition lie on the table.

The motion was agreed to.

Mr. WILSON, of Iowa, presented a petition of W. C. Evans and 7 other citizens of Iowa, praying for the passage of a joint resolution submitting to the several States an amendment to the Constitution of the United States for the protection of women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was referred to the Committee on Woman Suffrage.

He also presented a petition of the Local Assembly of the Knights of Labor, of Grinnell, Iowa, praying for the organization of a Territorial form of government over the Indian Territory and the opening of public lands therein to settlement under the homestead laws; which was referred to the Committee on Indian Affairs.

Mr. DAWES. Was the petition just presented by the Senator from Iowa referred to the Committee on Indian Affairs?

The PRESIDENT *pro tempore*. It was so referred.

Mr. WILSON, of Iowa. It has reference to the organization of a Territorial government for the Indian Territory, and I supposed the Committee on Indian Affairs would desire to consider it primarily, whatever may be the ultimate reference.

Mr. DAWES. They have now a bill before them referred to them by order of the Senate.

Mr. INGALLS. There have been petitions presented from certain posts of the Knights of Labor asking that the lands in the Indian Territory may be thrown open to settlement, which were referred to the Committee on Public Lands, whereas they should have gone to the Committee on Indian Affairs.

Mr. WILSON, of Iowa. The petition presented by me embraced both subjects, the organization of a Territorial government and the opening of the public lands to settlement.

Mr. INGALLS. There can be no question that petitions relating to the opening of the Indian Territory to settlement ought to go to the Committee on Indian Affairs as the committee properly having jurisdiction.

The PRESIDENT *pro tempore*. Does the Senator from Kansas make that motion?

Mr. INGALLS. Certainly.

The PRESIDENT *pro tempore*. If there be no objection that reference will be considered as agreed to, and all such petitions heretofore presented will be referred to the Committee on Indian Affairs.

Mr. CAMERON presented the petition of Protective Local Assembly No. 222, Knights of Labor, of Pennsylvania, praying for the opening of unoccupied lands in the Indian Territory to settlement; which was referred to the Committee on Public Lands.

He also presented a resolution adopted by the Iron Manufacturers' Association at a meeting held in Philadelphia, Pa., January 13, 1886, remonstrating against a revision of the tariff; which was referred to the Committee on Finance.

Mr. PALMER presented the memorial of the board of control of State swamp land, of the State of Michigan, remonstrating against the passage of the bill (S. 122) to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan; which was referred to the Committee on Public Lands.

Mr. FRYE. I have a resolution of the Portland (Me.) Typographical Union, addressed to me, but in the nature of a petition. It relates to a copyright bill. I ask that it be received and referred to the Committee on Patents.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and so referred.

Mr. GORMAN presented the petition of Mary Luckett, of Baltimore, Md., praying to be granted compensation for property taken by the United States Government; which was referred to the Committee on Claims.

Mr. McMILLAN presented the petition of P. Cudmore, of Faribault, Rice County, Minnesota, praying the allowance of pensions to ex-Union soldiers and their widows and orphan children from the time of the discharge of such soldiers; which was referred to the Committee on Pensions.

Mr. INGALLS. I present two petitions, very numerously signed by citizens of the city of Washington and the District of Columbia, praying for an extension of the Capitol, North O street and South Washington Railway in accordance with certain bills now pending on that subject. I move that the petitions be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. INGALLS. I also present a petition, signed by Dr. A. T. Augusta, J. H. Rainey, Frederick Douglass, John R. Francis, and other eminent and well-known citizens of this District, complaining of the discriminations that are now practiced in this community against citizens of African descent at theaters and other places of entertainment, and asking that the license laws of the District may be so amended as to prevent such discriminations hereafter. The petition is accompanied by affidavits and letters from gentlemen of the highest respectability, which leave no doubt that these discriminations are practiced, and that to this extent the provisions of the act granting equal rights to all citizens of the United States are nullified here. I move that the petition, with the accompanying papers, be referred to the Committee on the District of Columbia.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report an original bill. It is done in this form to avoid the expense of printing a useless former bill and leaving this as a substitute.

The bill (S. 1265) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office, was read twice by its title.

Mr. INGALLS, from the Committee on Indian Affairs, to whom was referred the bill (S. 632) to provide for the settlement of the estates of deceased Kickapoo Indians in the State of Kansas, and for other purposes, reported it without amendment.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred to bill (S. 54) to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, reported it without amendment.

Mr. MAXEY. I desire to state that the report just made from the Committee on Indian Affairs is not a unanimous report, as objection is made to so much of section 7 of that bill as makes citizens of Indians. I give notice that I do not assent to the report as made.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. MORGAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 526) for the relief of women and children who were wives or minors of Federal officers or soldiers, and who were taken captive by hostile Indians during the late Southern rebellion, commencing A. D. 1861, asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. SHERMAN, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 26) relative to a certain accepted draft in the Department of State, reported it without amendment.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 1116) for the erection of a public building at Pueblo, Colo., reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments:

A bill (S. 86) to provide for the construction of a public building at Portland, Oreg.; and

A bill (S. 479) to provide for the erection of a post-office building at Fortress Monroe, Va.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom were referred the following bills, reported them severally without amendment:

A bill (S. 175) for a public building at Monroe, La.;

A bill (S. 763) for the erection of a public building at Sioux City, Iowa;

A bill (S. 549) for a public building at Greenville, S. C.;

A bill (S. 57) for the erection of a public building at Oshkosh, Wis.; and

A bill (S. 179) to provide a building for the use of the United States courts, post-office, custom-office, and internal-revenue office at Vicksburg, Miss.

STATUES OF COLUMBUS AND LA FAYETTE.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to report a concurrent resolution, which I ask may be read.

The concurrent resolution was read, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the circle at the western entrance to the Capitol grounds from Pennsylvania avenue shall be, and hereby is, forever set apart as a site for a statue of Christopher Columbus, and the circle at the western entrance to the Capitol grounds from Maryland avenue, shall also be, and hereby is, forever set apart as a site for a statue of the Marquis de La Fayette; and the naval monument, now standing upon the circle first herein mentioned, shall be removed and placed upon the triangular reservation bounded by Connecticut avenue, Twentieth street, and Q street.

Mr. MORRILL. I ask to have the concurrent resolution printed and laid upon the table. To-morrow morning I shall seek an opportunity to have it considered.

The PRESIDENT *pro tempore*. The order to print will be made, and the resolution will lie on the table.

BILLS INTRODUCED.

Mr. GORMAN introduced a bill (S. 1266) for the relief of James F.

Hogan; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1267) granting an increase of pension to Mrs. Lou Gobright McFalls; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1268) for the relief of Benjamin F. Spates; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1269) to create a commission for the adjudication and payment of certain unadjudicated claims filed before the late Court of Commissioners of Alabama Claims, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 1270) for the erection of a public building at Lowell, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CAMERON introduced a bill (S. 1271) granting additional pension to a certain class of pensioners; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PALMER (by request) introduced a bill (S. 1272) for the relief of Richard Hawley & Sons; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1273) to allow John Winchell arrears of pension; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 1274) for the relief of Edward L. Keyes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 1275) authorizing and directing the Secretary of the Treasury to pay to the original petitioners in the Court of Commissioners of Alabama Claims in lieu of their assignees in bankruptcy; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SHERMAN introduced a bill (S. 1276) to amend an act entitled "An act to authorize the coinage of the standard silver dollar, and to restore its legal-tender quality," passed February 28, 1878; which was read the first time by its title.

Mr. MORRILL and others. Let the bill be read at length.

The bill was read the second time at length, and referred to the Committee on Finance, as follows:

Be it enacted, &c., That the coinage of the silver dollar provided for by the first section of the act to which this is an amendment be discontinued from and after the passage of this act.

SEC. 2. That the Secretary of the Treasury is authorized and directed to purchase from time to time silver bullion in bars, not less than nine-tenths fine, at the market price thereof, not less than 2,000,000 ounces troy per month nor more than 4,000,000 ounces troy per month, and shall issue in payment therefor coin certificates of the United States in denominations of not less than $10 each, corresponding with the denominations of the United States notes; and the bullion so purchased shall be retained in the Treasury for the security and for the payment of the same; and the amount of such certificates at any time outstanding shall not exceed the cost of the bullion purchased by such certificates; and the certificates thus issued shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and the Secretary of the Treasury shall redeem in coin the said certificates on their presentation for redemption at the office of the assistant treasurer of the United States in the city of New York in sums not less than $50.

SEC. 3. That any holder of standard silver dollars or gold coin of the United States or gold bullion at its mint value may deposit the same with the Treasurer or any assistant treasurer of the United States in sums not less than $10, and receive coin certificates therefor similar in denomination and legal effect to the certificates provided for in the preceding section. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand.

Mr. MILLER, of New York, introduced a bill (S. 1277) to refund duties paid by the State of New York on arms imported in 1863; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 1278) to provide for the adjustment of certain accounts of Edwin A. Merritt, late consul-general at London, for storage and care of the archives at that consulate-general; which was read twice by its title, and referred to the Committee on Finance.

Mr. PLUMB (by request) introduced a bill (S. 1279) to forfeit lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in said State; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1280) to grant the right of way through the Indian Territory to the Kansas City, Fort Scott and Gulf Railroad Company, and for other purposes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. TELLER (by request) introduced a bill (S. 1281) for the relief of Hugo Wedeles; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 1282) to reimburse the officers and crew of the United States arctic exploring steamer Jeannette for loss of baggage and personal effects; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1283) granting a pension to Hugh Jonson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MAXEY. I yesterday introduced a bill (S. 1240) for the relief of Alice E. Culver, administratrix of the estate of F. B. Culver, deceased. I now beg leave to present, to be filed and referred to the Committee on Claims, a letter of appointment by the supreme court of the District of Columbia, certifying that Alice E. Culver was appointed the executrix of Frederick B. Culver, deceased. I ask that it may be considered in connection with the bill, and that the committee amend the bill in accordance with the letter of appointment of the executrix.

The PRESIDENT *pro tempore*. The paper will be referred to the Committee on Claims.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAWES, it was

Ordered, That the papers in the case of Edward L. Keyes (S. 1798, second session Forty-eighth Congress) be taken from the files and referred to the Committee on Military Affairs.

TREASURY CONSCIENCE FUND.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate as to the origin of what is known as the "conscience fund" in the Treasury of the United States, the amount of the same, and what disposition is made thereof.

REMOVAL OF JUDGES.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Committee on the Judiciary be instructed to report a bill for the retirement or removal of judges of the district and circuit courts when, from any cause, they shall become subject to any permanent disability and unable to perform the duties of their office, discriminating between disability because of drunkenness or the excessive use of intoxicating drinks, so that disability of this kind may be punished by impeachment and removal from office.

FORFEITURE OF RAILROAD LAND GRANTS.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That all railroad land grants heretofore made where the land was not earned by the completion of the line of railroad and the performance of the conditions required by the granting act within the time required therein, and where the time has not been extended by an act of Congress, or shall not hereafter be extended, shall be declared forfeited and opened to homestead entry and cash entry in small bodies, securing to actual settlers the preferred right in all cases to make entries of their homes to the extent of 160 acres, and confirming to all purchasers of town-sites, where lots have been sold and improvements made, their title to the same.

And the Committee on Public Lands is hereby instructed to report a bill to this effect to the Senate.

MARTIN KENOFSKY.

Mr. GIBSON. I move that the Committee on Claims be discharged from the further consideration of the bill (1219) for the relief of the heirs of Martin Kenofsky, and that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

DISTRICT BANK TAXES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered yesterday by the Senator from Nebraska [Mr. VAN WYCK], which now comes up in its order. It will be read.

The Chief Clerk read the following resolution submitted yesterday by Mr. VAN WYCK:

Whereas it is alleged that the national banks in the District of Columbia have at no time since the enactment of the banking law paid local taxes in said District: Therefore,

Resolved, That the Committee on the District of Columbia be directed to investigate as to the above allegation, and report what legislation, if any, is necessary to require the payment of taxes by said corporations.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

STREET-RAILWAY BUILDINGS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate another resolution offered yesterday by the Senator from Nebraska [Mr. VAN WYCK]. It will be read.

The Chief Clerk read the following resolution, submitted yesterday by Mr. VAN WYCK:

Resolved, That the Committee on Public Buildings and Grounds be directed to confer with the Architect of the Capitol, and report whether suitable buildings can be erected at the street-railway stations on the public grounds east of the Capitol without detriment to the said grounds, to be used for the employés of said railways. Also to report what legislation is necessary to require the companies owning said railways to construct such buildings pursuant to the plans to be furnished by said Architect.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

PERSONAL EXPLANATION.

Mr. CALL. I ask as a question of personal privilege to make a statement that it may go into the RECORD. I find in the Weekly Louisville Courier-Journal of the 11th of January the following:

Senator CALL, the new Florida representative, submitted a bill in the Senate Tuesday which provides that any circuit or district judge who becomes disabled through drunkenness or any other cause shall be retired on a salary of $2,000. Any young lawyer under this bill of CALL's who can secure an appointment as Federal judge would be enabled to secure a yearly pension of $2,000 by making

himself a sot *pro hac vice*, and when he gets his reward, which would have a capital value of about $35,000, he may sober up and live the remainder of his life as a gentleman at the expense of Uncle Sam. This is only one of the avenues to wealth and ease offered by the bill of the Florida Senator. The enterprising Federal judge may get his $2,000 pension if he can succeed in acquiring a precious disability from any cause. This condition creates an opening for some other accomplishments even more distinguishing than sottishness of habit.

This statement of the Courier-Journal, which is a leading journal, has been copied in a great many papers in different States throughout the Union which have been sent to me.

I wish to state, so that it may go into the RECORD, that no such bill as that described in this article has been presented by me or any one else. No one who has intelligence enough to keep himself outside of a lunatic asylum will so construe the bill which I have presented as to produce by any possibility such results as those stated in this article.

I have introduced a bill providing that the Federal judge who is guilty of drunkenness while in the discharge of his duty, or the judge who is innocently disabled from any cause, shall be retired upon a judicial inquiry and ascertainment of the fact at the instance of the Attorney-General, and approved by the President, until he can be removed by impeachment and permanently relieved from the discharge of his duties by the forfeiture of his office and salary.

I desired this statement to be made in order that the public may be informed that the bill is intended as a punishment for drunkenness, and as a security and protection to the community that may be afflicted with such a judge. Its provisions secure this result by the immediate suspension and retirement of the offending and disabled judge, and, so far as any law can do it, his impeachment and removal.

The statement that a "young man may secure an appointment and become a sot *pro hac vice*, and when he gets his reward, which would have a capital value of $35,000, he may sober up and live the remainder of his life as a gentleman at the expense of Uncle Sam," is not only very absurd, but is made, singularly for a writer of editorials in so able a journal, in ignorance of the fact that by the Constitution impeachment and conviction by the Senate removes a judge from office and from the payment of his salary.

The statement also requires that the "young man shall not only make himself a sot *pro hac vice*," but also that he shall make the Attorney-General, and the judge who tries the cause, and the President who approves the judgment, and the Congress that fail to impeach and convict—all must on this proposition be made "sots" by this enterprising "young man" in search of a fortune at the expense of the Government by this newly discovered method of getting rich.

By the law as it now stands a poor man is liable to be tried in the United States courts, with his life and liberty involved, before a judge suffering under either innocent or culpable disability, and he has no right of appeal from the judgment of such judge; and if the disability be an innocent one such a judge is not subject to any proceeding of any kind for his suspension and removal; and the judge suffering from culpable disability may, under the law as it now stands, draw his full salary for life and improperly perform the duties of his office or refuse to perform them without interference unless he should be impeached, which is almost impossible and certainly very improbable. So much, Mr. President, for this statement which has gone the rounds of the newspapers, which is as entirely without reason as it is harsh and unjust.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads; in which it requested the concurrence of the Senate.

SIOUX RESERVATION IN DAKOTA.

The PRESIDENT *pro tempore*. The Calendar is now in order under the eighth rule, and the first business on the Calendar will be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment proposed by the Senator from Indiana [Mr. HARRISON]. The question is on agreeing to the amendment to the amendment.

Mr. INGALLS. Let it be reported.

The CHIEF CLERK. In line 11 of the first section of the proposed amendment it is moved to strike out the words "homestead, pre-emption, or town-site claims" and insert "by actual settlement and improvement of any portion of such lands;" so as to read:

That all persons who, between the 27th day of February, 1885, and the 17th day of April, 1885, in good faith entered upon any part of the Great Sioux reservation lying east of the Missouri River, and known as the Crow Creek and Winnebago reservation, which by the President's proclamation of date February 27, 1885, was declared to be open to settlement, and not included in the new reservation established by section 6 of this act, and who located thereon by actual settlement and improvement of any portion of such lands, shall, for a period of ninety days after the proclamation of the President required to be made by section 22 of this act, have a right to re-enter upon said claims and complete the same as required by law, &c.

Mr. INGALLS. In what condition will that leave this land? If it is not to be located under the provisions of the homestead, pre-emption, or town-site laws, how is title to be acquired except by actual purchase, for which there seems to be no provision made?

Mr. PLUMB. That would come in subsequently. If this amendment is adopted a subsequent amendment will be perhaps necessary, although it may not be. But at all events, if it shall be found necessary, it can be easily drawn. I have another amendment that I intend to propose.

Mr. INGALLS. I should like to have the subsequent amendment reported so that I may vote intelligently on the entire subject. I myself have always believed that the disposition of these reservations, which have been rendered valuable by adjacent settlement after being long reserved from occupation, under the pre-emption and homestead laws, was a mistaken policy. It is practically impossible to leave lands that are in such a condition fairly open to the operation of the homestead and pre-emption laws. They ought to be appraised and sold, for the reason that they have an enormously enhanced value in consequence of the settlements adjacent to the reservation and the advantages which railroads and other means of communication have given to those who become entitled to locate thereon.

So I should be glad to vote that the provisions of the homestead and pre-emption laws should not apply to those attempting to obtain settlement on this reservation; but if that is to be abolished, before voting upon that proposition I should like to know under what provision of law title is to be acquired.

Mr. PLUMB. The purpose of this amendment is simply to give further specification to the class of persons who are to be entitled to the benefit of this measure. It is not at all necessary, as I think, to consider now in this connection what further rights we will give them. We are only now prescribing the character of persons who are to be entitled to preference in regard to entry by reason of their having heretofore entered upon these lands under a mistake.

When we come to the question of the disposition of the lands I mean to propose an amendment limiting the selection in a manner which will not be agreeable to my colleague, judging by the remarks which he has just uttered. But that is a question, as I said, by itself. Everybody seems to agree that a certain portion at least of those persons who went onto these lands under the belief that the proclamation of the President of February last was legal should have some preference right in regard to the lands which they settled upon, so far at least as they are now opened to settlement by the terms of this bill; and I desire, in order to prevent preference being given to speculators, to limit this preference to the persons who made actual improvement on the land with a view to settlement.

Mr. HARRISON. If the Senator from Kansas will allow me to interrupt him, would not his purpose be accomplished by leaving in the section the words "homestead, pre-emption, or town-site claims" and inserting after them the words he suggests, so as to read:

And who located thereon homestead, pre-emption, or town-site claims by actual settlement and improvement of any portion of such lands?

Mr. PLUMB. I think that town sites ought to go out anyhow. In the next place, I think the pre-emption claims ought to go out also, because I believe the bill ought to have a uniform operation, and if the remainder of these lands are to be opened to homestead settlement alone, these particular lands should be open to similar settlement; and, of course, to that settlement is to be attached the payment of 50 cents an acre. My purpose, however, in making this proposition, was to cut out a class of people, whom my colleague described so felicitously yesterday, who had not made any settlement on these lands. While I am on this subject, I desire to call attention to the fact that in the RECORD of yesterday's proceedings, as found on page 914, the stenographer made me utter these words:

In other words, I distinguish between pirates and settlers.

I used no such term at all. I am not surprised that the stenographer made such an error, because errors of that kind are constantly made and of even a grosser character, but I call attention to it now to simply disown the utterance of any such language. I did not attribute any piratical character to the class of people who went upon these lands and who did not make the actual valid settlement which I was endeavoring to describe. As it was a very harsh term, I have thought it worth while now to depart from my custom and disavow it.

Mr. HARRISON. In framing the amendment which I have proposed I did not intend to express any opinion as to whether it was wise as a matter of general policy to continue the pre-emption law in force. If it is pertinent to express any opinion of my own on that subject, I am willing to say that I believe that law should be repealed, and I would be glad if all the remaining lands of the Government should be subject to disposition only under the homestead law; but the pre-emption law and the town-site law are parts of our present land system, and they were when the proclamation of President Arthur declared these lands to be open to settlement. Therefore it was the right of any settler to go upon these lands and make a pre-emption claim. The proclamation invited him to do it; the law authorized him to do it. Now, if we confine this amendment to homestead entries, we deny to those people a legal right which they exercised last spring in mak-

ing their entries. We can not do that unless we compensate them for the losses they suffered; and if this amendment is so framed as that it will allow homestead entries, then it must be so amended that every man who attempted a pre-emption entry there or a town-site entry shall be paid his losses in not being allowed to consummate the entry.

This is perfectly clear. It is no time now to be talking about whether we like pre-emption claims or town-site claims or not. The law authorizes them to be made, and these people in good faith made them. If they did not make them in good faith they are not within the terms of my amendment. Having made them under the advice of the President, can we send them off that reservation without some just compensation for their losses? I think not, and therefore I framed this amendment so as to give to those settlers the rights which they had under the law then in force, and I do not see how it can be justly framed in any other way.

I am entirely willing that any amendment shall be inserted here which will prevent any false claim of any of these classes being consummated; that whatever the law required in the way of settlement and improvement shall be exacted of these people, and so I understand the amendment as it reads; but we can not turn these people off, who went there in good faith, without compensation. We must either compensate them or allow them to perfect the lawful entries which they made.

Mr. DAWES. I want to co-operate with the Senator in carrying out his view, but I confess a want of sufficient familiarity with the land laws to be able to determine. I should like to inquire of the Senator if there is any practical hardship in requiring a man who has made a pre-emption entry to conform it to a homestead entry afterward?

Mr. HARRISON. There is this trouble: A man can take but a single homestead entry, and the probability is that most of these men who sought to make a pre-emption entry had already exhausted their homestead right somewhere else, and unless we confer on them the right to make a new homestead there we destroy their claim altogether, unless we recognize it for what it was meant to be, namely, a pre-emption claim.

Mr. DAWES. Can a man take a pre-emption entry and a homestead entry at the same time? Does not the law require of him to live on both of them?

Mr. HARRISON. That may be true, and I do not intimate that these were taken at the same time. But suppose the case of a settler who years ago had taken in Iowa his homestead claim and therefore could take no other, and he goes on this reservation and makes a pre-emption claim. He had a right to do it when he went there.

Mr. DAWES. I am not going myself to do anything that will cut him out of any 160 acres that the law permitted him (assuming that proclamation to be legal) to take; but where a man years ago acquired a homestead by honestly and fairly living on land for five years, can he now anew take a pre-emption and live on that land five years? If that be so, such a case as that would not be met.

Mr. HARRISON. Of course he pays for his pre-emption claim, as the Senator knows, a dollar and a quarter an acre.

Mr. DAWES. Another inquiry I should like to make in regard to the town-site matter. I do not understand the law in that respect. Does any individual himself take a town site, and is he entitled to all the profits of cutting it up into town lots and selling it as town lots? If he takes land under an ordinary homestead or pre-emption right and then cuts it up into town lots, there is no necessity for this special provision; but if a man has bought a town site and put a town on that land, is he to have personally all that can be made out of the town lots?

Mr. HARRISON. The Senator in this quest for information, which seems to be a pretty wide one, ought to turn to the Senator from Kansas who sits behind him and who is chairman of the Committee on Public Lands [Mr. PLUMB]. I have not been a very close student of the land laws of the United States; but the fact is this: Just on the north line of the town of Chamberlain American Creek enters the Missouri River. Across that creek the lands were within the Indian reservation. There is a fine plateau there adapted to the extension of the town of Chamberlain or to the location of a new town. I understand that a number of people in the town of Chamberlain getting together laid out a town site and took up perhaps 160 acres there for a town site; and under the law I understand no man takes more than 2 acres—I may be wrong about that. The most substantial improvements that were made upon the Crow Creek reservation were made on that town site, which is connected by a bridge with the town of Chamberlain. Some quite substantial and valuable houses were put up.

Mr. PLUMB. The object which the Senator——

The PRESIDENT *pro tempore*. It is the duty of the Chair to remind the Senator from Kansas that according to the rule under which the Senate is operating he can speak but once on a pending question.

Mr. PLUMB. I think somebody had better move to make this bill a special order for some date, so that it may be considered according to its importance.

Mr. DAWES. A motion to consider the bill will take it out of that order, and I make that motion.

Mr. HARRISON. Let us understand. This bill is limited in its consideration by the hour of 2 o'clock, is it not? Because if it is to be the regular order of business and go beyond that hour, I must object. With that understanding, I assent to the motion.

The PRESIDENT *pro tempore*. The Chair is of the opinion that a motion to take the bill out of the eighth rule would not extend its consideration beyond 2 o'clock.

Mr. HARRISON. Then I make no objection.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that this bill be considered under the ninth rule; that is, be taken out of the operation of Rule VIII.

The motion was agreed to.

Mr. PLUMB. The object which the Senator has in view, as expressed by him in his remarks a moment ago, was cut off by an amendment which he himself accepted yesterday, an amendment proposed by the Senator from Alabama [Mr. MORGAN]. I thought at the time that amendment ought not to go in, because it was not in harmony with the other provisions of the bill. If he would strike out the amendment which was inserted yesterday, to which I have referred, he would not find the difficulty which he is now confronted with in regard to a class of people who went upon these lands who had exhausted their right of homestead and pre-emption entry elsewhere.

Mr. HARRISON. I did not intend to provide for any such people. If they had exhausted both their homestead and their pre-emption right, then they had no business on this land at all, unless it was to take a lot in a town site.

Mr. PLUMB. I think myself that if they went on in good faith they ought to have the right to have the tract of land on which they located; but it is perfectly competent, and not only competent but I think entirely proper, that Congress should prescribe the character of the entry they shall make. It is in accordance with the general judgment, I think, of the country, in accordance with the judgment of both Houses of Congress as expressed at the last session, but in an ineffective way, in the passage of a similar measure through both Houses limiting entries on the public lands to homestead settlers.

Whoever went upon these lands as a pre-emption settler has no vested right whatever in any claim to enter that land by reason of a settlement of six months only, which is all that is required under the pre-emption law, and Congress may, without trespassing upon his rights, say he shall live there five years before he can acquire a title; and it has been a part of my purpose to amend this bill in such a way as to permit those who entered under the pre-emption law to take under the homestead law, subject only to the requirement that they shall live on the land a period of five years, as required by section 20 in regard to those who shall hereafter locate on the portion of the reservation thrown open by this bill to settlement.

Mr. HARRISON. If the bill is so extended that a settler who has already taken a homestead claim and is not entitled to another can take another homestead claim on this land, that having declared it to be a pre-emption claim he may transmute it into a homestead claim, then of course it protects all of these people except that it requires a longer period of residence, and instead of requiring the settler to pay a dollar and a quarter an acre into this fund it requires him to pay only 50 cents. That is the effect.

Mr. PLUMB. That makes the bill harmonious all the way through. Section 20 provides that any person being a citizen of the United States may enter upon the lands which are opened by this bill to settlement, not qualifying or limiting the right to persons who have not heretofore exercised the right of settlement on the public domain, but opening these lands indiscriminately to all the citizens of the United States. I thought it was proper that in view of the adoption of this provision of section 20 a similar provision should obtain in the amendment of the Senator from Indiana, and I believe that that is not only just to all those people, all they could in fairness require, but that it is consonant with high public policy and with the policy which we can not too soon adopt with regard to the disposition of all the public lands.

I believe therefore that the amendment which I have proposed should be adopted, limiting the right to be acquired under this bill to those persons who made actual settlement and improvement on the land, and that whoever goes back upon these lands by reason of this provision should live upon and acquire the land under and by virtue of the homestead law and not by virtue of the pre-emption law.

Now in regard to the town-site matter, that is perhaps not of much consequence, particularly if there was only one town site selected upon the land. My fear was that a number of town sites had been located there and that they would be acquired in such a way as not to answer the general purposes of the bill, and I thought perhaps that had better go out.

Under the town-site law of the United States the title is acquired by the county judge or by the chief municipal officer, the mayor or the chairman of the board of trustees, for the benefit of the occupants, of those persons who are settled upon and occupying the land. This law has been the subject of very extended discussion and of decisions by the courts of the United States and of the various States of the Union; and those decisions are to the effect that no land can be legally acquired under the town-site act by any one not actually an occupier of the land entered for town-site purposes.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Indiana [Mr. HARRISON].

Mr. HARRISON. I ask that it be read again.

The SECRETARY. After the word "thereon," at the end of line 10 of section 1 of the amendment, it is proposed to strike out the words "homestead, pre-emption, or town-site claims" and insert "by actual settlement and improvement of any portion of such lands."

Mr. PLUMB. In order to have these questions taken separately, I will withdraw so much of my amendment as proposes to strike out "homestead, pre-emption, or town-site claims," leaving the proposition now simply to insert the words I have proposed, and then we can take the question afterward on striking out.

Mr. HARRISON. I think it would be well to divide it. Let the section be read as it would stand if these words were in.

The SECRETARY. After the word "claims," in line 11, it is proposed to insert "by actual settlement and improvement of any portion of such lands."

Mr. HARRISON. To that I make no objection.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment as modified.

Mr. TELLER. I would suggest to the Senator from Kansas that his amendment should be further amended so as to protect the pre-emptors who may not have the right of homestead but who are entitled to take pre-emption claims.

Mr. HARRISON. This does not relate to that.

Mr. TELLER. But will not this amendment cut out that class of people? Will it not be confined to people who are entitled to take a homestead?

Mr. HARRISON. It leaves in the words "pre-emption or town-site claims." It simply now requires some improvement.

Mr. TELLER. All right.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The amendment of the Senator from Indiana [Mr. HARRISON] is still open to amendment.

Mr. PLUMB. I move to amend, on page 2, section 1, line 14 of the amendment, by inserting after the word "claim" the words "under the provisions of section 20 of this act." I shall subsequently move to strike out the words "by law," in line 15, and insert the word "therein." That, I think, will then, while leaving in the other words, accomplish all I have in view; that is, to require persons to prove up their claims under section 20, which practically requires a homestead settlement. Although it protects by name all persons who have made pre-emption and homestead and town-site entries, it requires them to prove up under section 20 of the act, which makes no limitation in regard to the class of persons who entered on public lands by reason of not having before settled upon them.

Mr. HARRISON. I think the effect of this amendment would be to prevent any one who has made a pre-emption entry from forfeiting his claim.

Section 20 is:

> That all the lands acquired by the provisions of this act, except American Island, Farm Island, and Niobrara Island, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead laws of the United States.

Now, how can a man who has taken a pre-emption entry prove up under the homestead laws of the United States? Under the homestead laws he is required to prove that he has never before taken a homestead.

Mr. INGALLS. Can a settler lawfully take a pre-emption claim on this reservation?

Mr. HARRISON. After it was opened by President Arthur's proclamation.

Mr. INGALLS. I think not.

Mr. HARRISON. I should like to know why. It was open precisely as any other public land of the United States was open to settlement; and if the amendment of the Senator from Kansas is adopted it simply introduces a confusion here, the result of which in my judgment is to destroy any right of a pre-emptor to perfect his claim. He can not perfect his claim under the homestead law, for a part of his proof there is not only residence for five years, except for the provision in behalf of soldiers, but in addition to that he must make, as I understand, proof that he never before took a homestead at all on the public lands of the United States.

Mr. President, I do not want to consume time, but the trouble is here that these men entered there and made pre-emption claims, as they were lawfully authorized to do. The law requires pre-emptors to do certain things; they began the doing of those things, I assume in good faith, and having a right to do them; now what right have we to transmute their claim into some other kind of claim or to require of them some conditions that were not the conditions of law when they made the settlement, and what right have we as to the Indians for that matter to give these people who have already taken a homestead another 160 acres of land at 50 cents an acre, whereas under the pre-emption law they would be required, as I understand, to pay a dollar and a quarter an acre into this fund?

I appreciate the difficulty. I say to the Senator from Kansas I struggled with him in framing these amendments, but I finally came to the conclusion that, whatever our view might be about pre-emptions, that was the law, and these men entered under it, and we must either protect them so that they may perfect their claims under the law as it stood when they made the claims, or we must compensate them for the damages they have suffered. I do not see any other way of dealing with this question, and I think the Senate should adhere to the amendment proposed. Let these men who were entitled perfect their claims under the law as it stood, and not attempt to make new regulations as to how they shall complete their claims.

Mr. PLUMB. That has frequently been done. Within my recollection the law in regard to pre-emptions has been changed in such a way as to affect, and validly affect, the rights, so called, of persons who had located under the law as it had formerly been. By a construction which followed the law of 1841 down until about 1870 the only length of time the pre-emption settler was required to reside on his land before making final entry was thirty days. About 1870 the law was changed, requiring him to reside upon it six months; and the effect of the provision I propose here is simply to require the pre-emption settlers who have located on this land to live there five years in place of six months.

That is undoubtedly perfectly competent for the legislative authority to do. It is in no wise any violation of the right of the pre-emptor. It is, as I said before, consistent with the highest public policy. I believe we ought to permit no settlement upon any portion of the public domain except under the provisions of the homestead law. Whatever we may say about compensation to be paid, no person should be permitted to acquire title to any portion of the public domain except by a residence upon it for a sufficient length of time to settle beyond all controversy, as far as residence can settle the fact, that that man will make the land his permanent abiding place. That a residence of six months now required by law does not do, as the experience of the General Land Office testifies; and if the Senator from Indiana thinks that in addition we ought also to require them to pay a dollar and a quarter an acre instead of 50 cents an acre, I do not think he will find much objection to inserting an amendment to that effect, though I do not think it should be done. The main question here is, Shall we require all these people to live on the land the time required in order to perfect a homestead entry?

Mr. INGALLS. Mr. President, the difficulty suggested by the Senator from Indiana in connection with the amendment offered by my colleague had occurred to me upon reading the provisions of section 20. As the amendment offered by the Senator from Indiana now stands three classes of locations are recognized upon the reservation, by homestead, by pre-emption, or under the town-site act. If I correctly understood the amendment proposed by my colleague as reported at the desk, he proposes, leaving in the language in line 11, to amend the language of line 14 by inserting words which will make the land disposable under the provisions of section 20, which does unquestionably confine the disposition of the remainder of the Sioux reservation to the rights under existing homestead laws, so that by necessary implication individual pre-emption and town-site entries would inevitably be excluded.

It is apparent, therefore, that the amendment offered by my colleague is incongruous, and that it will be ineffectual in accomplishing the result that I suppose he desires and in which I sympathize with him; and that is that this land shall not be permitted to be acquired under the provisions of the pre-emption law or under the provisions of the town-site act, which enable settlers to segregate from the public domain a tract of land to the extent of 640 acres upon filing an affidavit that it is required for town-site purposes.

Mr. President, the safety of this Government depends upon the multitude of small freeholders, and the attention of the people can not be too strongly directed to the fact that we are very rapidly approaching the limits of our public domain; I mean that portion of the public domain that is available for agricultural purposes. At the rate at which the occupation of our territory is now proceeding I doubt whether at the expiration of twenty years from this time there will remain a single acre of land subject to entry under the public-land laws of the United States which will be adapted to the cultivation of wheat or corn; and, therefore, if we desire to preserve our territory for occupation by actual settlers, we can not too early begin to interpose every obstacle that the law may permit against the acquisition of our territory for speculative purposes or its acquisition by monopolists and corporations in large extent for purposes of speculation or of devotion to other than the use of individual settlers.

I should, therefore, be glad to have this bill so amended as to prevent the possibility of the acquisition of any portion of this reservation except under the homestead laws and for actual settlers thereon. But I regret to say, from the examination that was made last summer as to the occupation of this particular territory, that if this bill confines the acquisition of title upon that domain to those who entered upon it in good faith for the purpose of acquiring homes to be occupied and cultivated by them under the homestead and pre-emption laws of the United States, but a very small per cent. of that area will ever be disposed of under the provisions either of the amendment offered by the Senator from Indiana or the amendment proposed by my colleague.

Mr. HARRISON. I say to the Senator from Kansas that I will gladly agree to any amendment that proposes to guard against any

other than the class he has described getting any of these lands, even if the amount obtained shall be the minimum.

Mr. INGALLS. I was endeavoring to call the attention of the Senate to the condition that exists upon this particular reservation to which our attention is now directed, and I say that if the amendment offered by the Senator from Indiana shall be adopted by the Senate it will not operate to protect to any considerable extent the right or the alleged right of those settlers for whom so much concern was exhibited by those who participated yesterday in this debate.

That tract of land is one of the most attractive and best adapted for agricultural purposes, I believe, that is now unoccupied within the limits of the Territory of Dakota, and should the provisions which are proposed by my colleague be added, and the land be disposed of under section 20 of the original bill, it is still to be disposed of at the extremely inadequate compensation of 50 cents per acre.

I believe in fair treatment of our Indian wards, and I am not willing that in the attempt to accommodate the public domain to the desires of those who wish to acquire portions of it, those who are otherwise dependent upon us and who have now the possessory title to this land should be wholly disregarded, and I have no hesitation in saying that the sum which is fixed in section 20 of this bill as compensation per acre for the land in that reservation and in the Winnebago reservation is ridiculously inadequate. If that land were to be put up at public outcry and sold after public notice being given that there should be opportunity for competition, if we are to judge anything from the value of conterminous and contiguous and adjacent territory—for it should not be forgotten that this entire reservation is surrounded and settled by a population that presents an unbroken front in every direction—there is not an acre of it that would not be worth $10 in the market, and that would not be greedily taken at that price if the opportunity were offered. And yet the proposition is made that the homestead laws shall be amended and the title shall be acquired at the rate of 50 cents per acre, payable in four equal annual installments.

The operations of this amendment are not favorable either to the people who may desire to go onto that reservation or the inhabitants of the Territory of Dakota or to the Indian tribes from whom the land is to be taken.

I hope that before final action is taken upon this bill we shall have an opportunity of ascertaining whether there is not some better method for disposing of this reservation than that which is provided either by the amendment of the Senator from Indiana or the provision proposed to be added thereto of my colleague.

Mr. PLUMB. I ask unanimous consent to modify my amendment so as to make it read:

And procure title thereto under the provisions of section 20 of this act.

I do not think that is necessary, but perhaps it is.

The PRESIDENT *pro tempore*. The Secretary will report the amendment.

The CHIEF CLERK. On page 2, in section 1 of the proposed amendment of Mr. HARRISON, after the word "claims," in line 14, it is proposed to insert:

And procure title thereto under the provisions of section 20 of this act.

Mr. PLUMB. I do not think, with all due respect to my colleague, whose judgment is usually good on a question of this kind, that there will be any incongruity in this section if it be amended as I propose, nor will it in any wise conflict with the preceding sections of the bill except in regard to town-site entries. Yesterday, in a conversation with the Senator from Massachusetts [Mr. DAWES] who has the bill in charge I told him I proposed to amend section 20 by adding the words "and town sites" after the word "homestead," in line 4, and he said that seemed to him desirable, and, as one member of the committee, he would not object. When thus amended the bill will permit all the people who have entered on these lands for the purpose of making homestead, pre-emption, or town-site entries to re-enter on the lands under the provisions of section 20, and by complying with the provisions of that section go on and complete and perfect their entries.

Mr. INGALLS. Will they be entitled to take land as homsteads?

Mr. PLUMB. As homesteads.

Mr. INGALLS. Suppose a man has had one homestead entry already.

Mr. PLUMB. Section 20 does not limit the exercise of the homestead right to those who have not heretofore exercised it.

Mr. INGALLS. Do you permit a duplication of homesteads?

Mr. PLUMB. To that extent. This then makes one simple form of entry of all these lands thus opened to settlement, and that under the homestead law.

Now I want to say something about the price of these lands, as my colleague has dwelt upon it and the policy of the Government with reference to that price. The Government has for the last forty years practically recognized itself as a trustee without pecuniary interest in the public domain. The homestead law was the culmination of that theory. The public lands are, in theory at least, held for the benefit of the class of people who are not able to pay what the lands might commercially be worth, and the policy has been to encourage their sale to this class of people.

What my colleague says about the lands in this reservation as to their value is equally true, and has been for many years, of almost the entire State of Kansas and other of the public land States and Territories. Millions of acres are entered every year under the homestead law that are worth from one to five and ten dollars an acre, and other millions of acres of land are entered under the pre-emption law for which a dollar and a quarter per acre is paid which are worth from two to five times what the settlers pay for them. These lands have most largely gone into the hands of those who but for this policy could not have obtained lands for homes.

I think in this way the highest good has resulted; far greater indeed than would have been the case if the lands had brought all they were worth in money, and by reason of being thus sold had been kept from the possession of those who have been able to obtain them under the beneficent policy of the Government.

I believe this general policy of the Government should be observed as near as may be in opening the Sioux reservation to settlement. As to the compensation provided for in this bill being inadequate and unjust to the Indian, we all know that the courts have recognized the Indian as having only a possessory right. We are not acquiring from the Indian by this bill the fee, for the reason that he has not got it to sell. We are paying him 50 cents per acre simply for his right of possession. If I was to express my own candid opinion on this subject, I would say that the price proposed to be paid is too great, and that we are endowing the Indians with wealth to which they are not entitled and of which they can never make any good use and the possession of which will be a stimulus to cupidity and avarice in all our dealings with them in the future. An Indian tribe with a vast sum of money will inevitably be demoralized and be the subject of rapacity on the part of their neighbors.

If, instead of paying them this 50 cents an acre, we had settled them in the exercise of our undenied power upon such portions of the reservation as they were competent to occupy and to cultivate as they ought, and had made some useful and sensible and comprehensive provision for their maintenance for the time being and for the giving to them of stock and farming implements and instruction in agriculture for a period of years, we should have done much better for them, I think, than will ever be accomplished for them under the provisions of this bill.

The Senator from Colorado [Mr. TELLER], familiar with this subject, calls my attention to the fact that we are reserving for the members of this tribe nearly 4,000 acres for each family of six, an amount which they can never make proper use of, a body of land unnecessarily large and beyond their capacity to use. This bill, instead of leaving them twelve or thirteen million acres, as it does, should have taken away at least 6,000,000 acres more, and I think it would be better if we would take away $10,000,000 more, and leave them a quantity which they might be supposed at least to cultivate as a means to a livelihood.

This bill is liberal to the Indian. It is not only liberal to the Indian, but it is so liberal that it will be a fruitful parent of trouble from the very moment of its enactment on through twenty, thirty, and perhaps fifty years of coming time.

The land which we open to settlement will not be settled upon fairly until we shall be called upon, and justly, too, to subject more of this reservation to settlement. We shall not more than enter on the expenditure of the enormous sum of money we are to derive from the sale of this land until we shall be confronted with all sorts of projects for its extravagant expenditure. We are opening the door to trouble; we are temporizing with this question, as we always have done, doing to-day only the things that we are compelled to do, totally regardless of what to-morrow will bring of its duties and of its obligations.

I shall consent to this bill when properly amended, reluctantly, because I am advised by the authority of the Indian Committee that something of this kind must be done now in order to effectuate even a partial settlement of the difficulties existing in Dakota. It is not what I would have proposed, but there has been adopted the principle, unwisely I think, of appealing to the individual Indian for his consent, and he has been told by the authority of a committee sent out there for that purpose by Congress that a measure substantially of the kind now before us would be adopted by Congress and submitted to him for his approval, and we are told that we must take this now or that all that work must be thrown aside and nothing be done perhaps for many years to come.

I think it was a mistake to say that to the Indian—to make him such a proposition. I think it was a mistake to appeal practically to Indian suffrage on this question. Congress ought to have legislated wisely and justly and thoroughly upon this subject, as it has ample power to do, without going through the form of an appeal to the Indian himself, to whom judgment is a mere whim, and whom to consult in the way proposed is simply to give an inordinate idea of his own importance. But, as I said, I propose to consent to it when it is properly amended, leaving the Indians in possession of this vast estate and imposing on the hardy settlers who shall go upon the lands we open to settlement by this bill the burden of paying to the Indians more than they are entitled to for what they relinquish, because for the time being it is the best that can be done.

Mr. TELLER. Mr. President, the objection urged by the senior Senator from Kansas [Mr. INGALLS] to this bill seems to me to proceed on a misconception of the true condition of the claim of the Indians to this land. As has just been said, these Indians are not the owners of this land. They are but the occupiers, with a possession of a certain character recognized by the United States heretofore in all its dealings with the Indians as of a monetary value, but it has never been the policy of the United States to recognize the Indian as entitled to the full moneyed value of the land held by him in possession.

As I said the other day, when speaking upon this bill, these Indians formerly roamed and controlled practically the territory now covered by Western Kansas, by Colorado, by Western Nebraska, by nearly or all of Dakota, and by a portion of Wyoming. We have already by treaty with these Indians paid them more money than we paid for the Louisiana purchase, and if we continue the policy already inaugurated we shall have paid them, when we conclude, several times the amount of money that we paid for the entire Louisiana purchase; and that, too, without any benefit whatever to the Indians.

When the last treaty was made in 1868 we treated with these Indians with an express reservation on our part of the right to put other Indians upon these lands, to compel them to divide these extensive reservations with other Indians if that should be the judgment of the United States. That can be found in the provisions of the act of 1868.

I mean to vote for this bill and I shall vote for it with its imperfections and with its objections, because, as has just been said by the Senator who preceded me, it is a step forward, and it opens up a portion of this country to the men who are anxious to make homes upon it. While I admit with the Senator from Kansas that it might be put upon the public market and sold for more money than 50 cents an acre, I would not be willing to sell it and put the money into the Treasury if there was $100 an acre offered for it. I would keep every acre of the public land from this time on for the actual settler, and no person should occupy any portion of it, so far at least as I am concerned, unless he made a home upon it.

We reserve for the twenty thousand Indians now in that reservation 13,320,000 acres of land. We reserve 666 acres for every Indian, big and little, small and great. We reserve for a family of six 4,000 acres lacking 4. The right of the General Government to reserve and relegate to savagery—for that is what we are doing—this vast extent of territory may well be controverted and may well be denied; but we get I believe by this bill about 11,000,000 acres, and that is worth something, and the next step may bring us a little nearer to bringing these Indians down to a reasonable amount of land that they ought to occupy. Have Senators thought what a vast extent of country they are locking up by this bill, locking up too for twenty-five years by patents that neither the Indian nor the Government can sell? There could be made of this country eighty-three thousand farms of 160 acres each. That is reserved for these twenty thousand Indians who, if the past is any criterion to judge of what they will do for the next generation, will not cultivate 10 acres per capita.

Mr. President, I propose before we get through to offer some amendments to the bill. I shall vote for the bill even as it is, for I am satisfied, notwithstanding you may put in it a provision that this land shall be kept there for twenty-five years, some method will be devised to unlock and to withdraw from this isolation a portion of this public land.

The other day, when I discussed this question briefly, I could not hear accurately the reply of the Senator from Massachusetts [Mr. DAWES] on account of the noise in the Chamber. When I looked at the RECORD the next day I saw that I had been charged with advising the violation of a treaty. Why, Mr. President, I have never advised the violation of a treaty on this floor. I have advised the abrogation of Indian treaties, and I trust it is not necessary in the Senate of the United States for any man to explain the difference between the violation of a treaty and its abrogation.

What I complain of at all times is that the Government of the United States persistently, uniformly, and continually violates its treaties. Treaties that it can not enforce and can not obey it has not the courage to abrogate—a right that every government retains to itself when it makes a treaty with the smallest nation or the greatest. Whenever in the interest of the public service its abrogation is required the right exists, and I never saw in the course of my reading a charge upon a nation that it was contrary to law, contrary to morals, for a government to abrogate a treaty. But I do say that it is contrary to good morals for a country to live day by day in the violation of its treaties. I say, having made treaties impossible of execution, having made treaties that are contrary to the interest of the Indian and the white man alike, it would be a brave and an honest thing for the Government to take the proper step and abrogate such treaties, and then see that justice and right were done; but they never will be done while these treaties are pending.

As the Senator from Kansas [Mr. PLUMB] has said, we have appealed to the individual Indian, and we have put a provision in this bill that the Indians may veto, if they see fit, national legislation—a power denied to the States, denied to our own citizens, to everybody except the President in a constitutional manner. We say to these Indians ignorant of the character of this treaty, ignorant of what they are doing, "If you decline to assent by three-fourths of your numbers this bill shall go for naught." I know the provision of the twelfth section of the treaty of 1868, never put there by Indians, never put there by a man acquainted with Indian law, never put there at the request of an Indian, big or little, but contrary to Indian policy and contrary to Indian law, submitted to by the Indian becaused he supposed that it was something the Government desired, not because he supposed it was for his benefit or for his interest. No Indian nation has ever acted upon the theory that the masses of the Indians should have a vote in its councils or its proceedings. It acts by its chiefs and headmen and principal men; and to-day you can go there and get three-fourths of these Indians to agree to this or to any other proposition when you have the headmen and the chiefs assenting thereto. It is a useless provision; it is worthless for any practical purpose for protecting an Indian; it is contrary to good law, and it is contrary to Indian law and Indian policy.

I would abrogate every Indian treaty we have ever made. I would commence and legislate with honesty and with intelligence with reference to this great question; and when, as I said the other day, the American Senate and the American House of Representatives are compelled to legislate independently of the wishes or the will of the Indian, there will not be put upon the statute-book such legislation as has gone there year after year. We submit the question to the Indian where he will go; he proposes to locate where it suits his convenience, not with reference to the future, but to the present. We submit the question to him whether he will educate his children, and if he declines to educate them, we admit that this great nation is without the power to compel it, and we can not compel it unless you require him to agree by treaty, or unless you abrogate the treaties already made.

The Government of the United States need not be delicate about the protection of treaties, for there can not be found, I think, upon the statute-book in the entire range of Indian legislation a single act where I can not point out to you an infringement or violation of treaties, violations, too, in all their fundamental and essential particulars, violations in everything that particularly affects the Indians, full of things that are useless to him and valueless to us; and that is the character of the legislation that has prevailed in this country for the last fifty years. As I said the other day, and I said it knowingly, if the enemies of this race had dictated the legislation it could have been but little worse than it has been, could have been but little better calculated to destroy and keep them in their present condition than it has been. What I want to do and what I insist upon is, not to violate the statutes, but to abrogate treaties and then legislate for their good as we legislate for our own citizens. Shall we say that we are incapable? Shall it be said that the American Congress is not big enough to grapple with this question? It has been presented to us in a thousand ways by men devoted and earnest, who have studied it from time to time, and yet we are too ignorant to legislate unless we consult these ignorant poor people who know not what they want, and who are determined not to receive that which we insist is for their benefit and which we know is only for their protection and their salvation.

Mr. President, you may give them land by the league, you may give them food, you may give them clothing, but they will be Indians until you compel them to come under the laws of the land and to obey and respect the laws and give them the protection of the laws. You can not induce many of these tribes to put their children in school who ought to go. You may put their males, but many of them have declined to allow their females to go to school. It is the female Indian who should be put in school whether the Indian wills it or whether he does not. She should be put there and taught to do the work of a housewife, because it is an admitted fact everywhere that the mothers have more influence over the coming generation than the fathers, and we have failed very generally to reach the Indian woman, while we have endeavored to raise the Indian man. You may bring up all the Indian tribes until they get to be Solons, if you please, and if you leave the Indian women in degradation, in ignorance, and in vice you will have the next generation of the character of the mothers.

I have before the Senate a bill for compulsory education. I have not any doubt that it will never receive the assent of this body, because it will be said it is in violation of existing law; it is in violation of treaties made, by which they are to send, if they choose, their children to our schools.

Mr. President, there is but one method out of this difficulty. I have repeated it before, years ago, in the Senate Chamber; I repeated it when it became my duty to study this question with more care than I had before; and I repeat it now after the experience I have had; and that is, to put the Indian children into manual-labor schools and educate them, not simply in books, but educate them to blister their hands in honest toil, and then make them citizens of the United States, giving to them all the protection of the law and demanding from them the respect to the law which we demand from every other portion of our people.

Mr. DAWES. If this bill ever reaches port it will be by a perilous passage between Scylla and Charybdis—those on the one hand who are disposed to deprive the spoiled Indian of his possessions and appropriate them to the use of the white man, and those who are disposed

rigidly to regard his rights under treaty stipulations and to yield nothing in this legislation that would not be a fair and proper compensation to the Indian in treating between man and man. The bill is an attempt to compromise between these two conflicting forces. They have been contending with the Indian for more than fifty years, and in all that contest he has always been the sufferer. No man has described it with more accuracy and truth than a clear-headed Indian himself described it to a committee of this body when he said that there never came a commission or committee to talk with the Indian that the Indian, when he went away, did not miss something.

The Senator from Kansas [Mr. PLUMB] and the Senator from Colorado [Mr. TELLER] do not accurately describe this proceeding when they say that we reserve for the Indian unnecessarily large tracts of land. A more accurate description of it would be to say that we omit to take from him large, and it may be unnecessarily large, tracts of land. Both of these Senators have asserted here that the Indian does not have any title to any land in this country except a possessory title. I do not understand the decisions of the Supreme Court in that way.

Mr. TELLER. I should like to inject into the remarks of the Senator the suggestion that I never made any such statement. I made that remark with reference to this reservation. There are reservations where the title is practically given in fee by the Government without a patent. There are a great many tribes that have patents. I was referring to this particular reservation, where the fee is not recognized at all.

Mr. DAWES. I do not propose to omit to take notice of what the Senator said in reference to this particular reservation, but I desire to say here that I have never seen in the adjudications of the Supreme Court the doctrine laid down that the title of Indians to land was only a possessory title. I understand them to say that the original right of Indians to land in this country was only held as a possessory title. But a treaty title is not governed by any such law as that; it is measured by the language of the treaty itself, and is just as much a title, taken by the words of the treaty, as grants are, to all intents and purposes, a grant of title to those who are the beneficiaries under the treaty, and the treaty is to be construed in reference to title precisely as a patent or a deed is to be construed, and the title is to be measured by the words of the treaty. A treaty title is one thing; the original title of the Indians is another thing.

Now, sir, let us measure this title; let us look at this title. The Senator says we expressly reserved the right, when we gave these people this land under this title, to put other Indians there and to occupy this land with other Indians whether they would or not. I do not so read this treaty. I understand, on the other hand, that it was expressly limited to such Indians as these Indians consented to take and make a part of their body. This is its language:

> And the same is set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employés of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the Territory.

If I understand anything about the law I understand that if a person grants to another and his heirs the exclusive use and occupation of his land forever—this uses the word "forever"—he grants to him the fee, because he grants to him all the use to which that land can be put, and the decisions of the courts and the common law of the world give to such a grantee the fee of the land to him and his heirs forever. This is to these Indians forever. Of course it means for them and their heirs.

Mr. PLUMB. I ask the Senator from Massachusetts whether, if the Indians should abandon this land, he thinks it would still be theirs in fee? Would it be their property as effectually and fully as if it had been conveyed by deed?

Mr. DAWES. I do not understand that the Indians on their part covenanted to make any particular use of this land. I understand that the United States has set it apart and agreed that no white man shall ever cross over it, but that it shall be kept for their use and occupation for all time to come.

Mr. TELLER. I should like to inquire of the Senator if he does not find the provision I suggested in the act of 1868, that the Government might settle other Indians upon this land?

Mr. DAWES. The Senator did not hear me read that clause. It expressly provides that it shall be with the consent of these Indians.

Mr. TELLER. Certainly, with their consent as to the character and class of Indians to be settled, but it shows that the Government did not intend to recognize them——

The PRESIDING OFFICER (Mr. JACKSON in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, being the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

Mr. DAWES. Allow me——

Mr. HARRISON. The Senator's colleague has put me under bonds in reference to the consideration of the other bill. I feel that if I should give way he would have a right to object.

Mr. DAWES. I will settle with my colleague if I am allowed a word further.

The PRESIDING OFFICER. The regular order is before the Senate.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union, and for the organization of the Territory of Lincoln.

Mr. BUTLER. I move now formally the adoption of the amendment I had the honor to offer some days ago and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The Chief Clerk read the proposed amendment, which is: "Strike out all after the enacting clause and insert:"

That the inhabitants of the Territory of Dakota are hereby authorized to form for themselves a State government, with the name of the State of Dakota, which State shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever, as hereinafter provided.

SEC. 2. That the said State of Dakota shall consist of all the territory included within the boundaries of the present Territory of Dakota.

SEC. 3. That all persons residing within the limits of said proposed State, qualified by the laws of said Territory of Dakota to vote for representatives to the Legislative Assembly thereof, are hereby authorized to vote for and choose delegates to form a convention; and the qualifications for delegates to such convention shall be such as by the laws of said Territory persons are required to possess to be eligible to the Legislative Assembly thereof; and the aforesaid delegates to form said convention shall be apportioned among the several counties within the limits of the proposed State, in single districts, in proportion to the population in each of said counties and districts, as near as may be, to be ascertained at the time of making said apportionment, by the persons hereinafter authorized to make the same, from the best information obtainable; that said apportionment shall be made by the governor, the chief-justice, the associate justice for the first judicial district, the associate justice for the third judicial district, and the United States attorney of the Territory of Dakota, or any three of them; and the governor shall, by proclamation, order an election of the delegates aforesaid to be held on the day of the regular annual election in November, 1886, which proclamation shall be issued at least sixty days prior to the time of said election; and such election shall be conducted, the returns made, the result ascertained, and the certificate to persons elected to such convention issued in the same manner as is prescribed by the laws of the said Territory regulating elections therein for Delegate to Congress. The number of delegates to said convention shall be one hundred and seventy-five; and all persons resident in said proposed State who are qualified voters of said Territory, under the laws thereof at such time as the constitution to be framed shall be submitted to the people for ratification or rejection, shall be entitled to vote upon the question of such ratification or rejection, under such rules and regulations as said convention may prescribe.

SEC. 4. That the delegates to the convention thus elected shall meet at the city of Bismarck, the capital, on the second Tuesday of December, 1886, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall be, and is hereby, authorized to form a constitution and State government for said proposed State: *Provided*, That the constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence: *And provided further*, That said convention shall provide, by an ordinance irrevocable without the consent of the United States and the people of said State, first, that perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship; secondly, that the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, until the title thereto shall have been extinguished by the United States, and that the same shall be and remain subject to the disposition of the United States; that the lands belonging to citizens of the United States residing without the said State shall never be taxed at a higher rate than the lands belonging to residents thereof; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use: *Provided, however*, That nothing herein, or in the ordinance herein provided for, shall preclude the said State of Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress containing a provision exempting the lands thus granted from taxation; but said ordinance shall provide that all such lands shall be exempt from taxation by said State so long and to such extent as such act of Congress may prescribe; thirdly, that the bonded debt of said Territory of Dakota, incurred for the erection of the public buildings of the Territory situated in said proposed State, shall be assumed and paid by the said State of Dakota.

SEC. 5. That in case a constitution and State government shall be formed in compliance with the provisions of this act, said convention forming the same shall provide by ordinance for submitting said constitution to the people of said State for their ratification or rejection, at an election to be held at such time and places and under such regulations as may be prescribed by said convention, at which election the qualified voters of said proposed State shall vote directly for or against the proposed constitution. The returns of said election shall be made to the secretary of the Territory, who, with the governor and chief-justice, or any two of them, shall canvass the same; and if a majority of the legal votes cast shall be for said constitution, the governor shall certify the result to the President of the United States, together with a copy of said declaration, constitution, and ordinances; whereupon it shall be the duty of the President of the United States, if said declaration, constitution, and ordinances shall conform to the requirements of this act, to issue his proclamation declaring the State admitted into the Union on an equal footing with the original States, without any further action whatever on the part of Congress.

SEC. 6. That until the next general census, or until otherwise provided by law, said State shall be entitled to two Representatives in the House of Representatives of the United States, which Representatives, together with the governor and other officers provided for in said constitution, shall be elected on a day subsequent to the adoption of the constitution, to be fixed by said constitutional convention; and until said State officers are elected and qualified under the provisions of the constitution the Territorial officers shall continue to discharge the duties of their respective offices over the territory within the said proposed State.

SEC. 7. That sections numbered 16 and 36 in every township, and where such sections or any subdivision thereof have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one quarter-section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools.

SEC. 8. That when the State of Dakota shall be admitted into the Union in accordance with the provisions of this act, fifty entire sections of the unappropriated public lands within said State, to be selected and located by the direction

of the Legislature thereof, and with the approval of the President, on or before the 1st day of January, 1887, shall be, and are hereby, granted, in legal subdivisions of not less than one-quarter section, to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes, in such manner as the Legislature may prescribe.

SEC. 9. That so much of the lands belonging to the United States as has been acquired and set apart for the purpose mentioned in "An act appropriating money for the erection of a penitentiary in the Territory of Dakota," approved March 2, 1881, together with the buildings thereon, be, and the same is hereby, granted, together with any unexpended balances of the moneys appropriated therefor by said act to said State for the purposes therein designated.

SEC. 10. That ninety sections of land, to be selected and located as provided in section 8 of this act, are hereby granted to said State for the use and support of an agricultural college in said State; and none of the lands granted by this act, or the proceeds thereof, shall be used for any other purpose than that for which the grant is specifically made whatever.

SEC. 11. That all salt springs within said State, not exceeding twelve in number, with 6 sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use, the said land to be selected by the governor of said State, within two years after the admission of the State, and when so selected to be used and disposed of on such terms, conditions, and regulation as the Legislature shall direct; and the proceeds thereof shall be devoted exclusively to the support of the common schools of the State: *Provided*, That no salt spring or lands the right whereof is now vested in any individual or individuals, or which hereafter shall be confirmed or adjudged to any individual or individuals, shall by this act be granted to said State.

SEC. 12. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund for the support of the common schools within said State.

SEC. 13. That all lands herein granted for educational purposes shall be disposed of only at public sale, and at a price not less than $10 per acre, the proceeds to constitute a permanent school fund, the interest of which only is to be expended in the support of said schools. But said lands may, under such regulations as the Legislature shall prescribe, be leased, for periods of not more than five years, in quantities not exceeding one section to any one person or company.

SEC. 14. That the lands granted to the Territory of Dakota by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Idaho, and Wyoming for university purposes," so far as the same have been selected and located in that part of said Territory embraced in the proposed State of Dakota, shall, under the provisions and limitations of said act, be vested in said State: *Provided*, That none of said lands shall be sold for less than $10 per acre. And such portions of said lands as have been selected and located within the bounds of the Territory of Dakota, as in this act described, shall be vested in said State of Dakota, subject also to the limitations of said act of February, 18, 1881. And there is hereby granted to said State of Dakota so much of the public lands in said State, selected under said act of February 18, 1881, as will give the full amount of 72 entire sections, all of which shall be held and used in accordance with the provisions of the act aforesaid. Said lands shall be selected by the State as provided in section 8 of this act. The section of land granted by the act of June 16, 1880, to the Territory of Dakota, for an asylum for the insane, shall, upon the admission of said State of Dakota into the Union, become the property of said State.

SEC. 15. That all mineral land shall be exempted from the operation and grants of this act: *Provided*, That if sections 16 and 36, or any subdivision thereof, in any township, shall be found to be mineral lands, or to have been reserved, sold, or otherwise disposed of by the United Satest, the Legislature of said State is hereby authorized and empowered to select, with the approval of the President, any other unappropriated lands in said State of Dakota in lieu thereof, for the use and benefit of the common schools of said State.

SEC. 16. That when the State of Dakota shall be admitted into the Union, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, to be called the district of Dakota; and for said district a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties as provided by law for similar officers in other States, except as herein otherwise provided. Said district of Dakota shall be attached to and constitute a part of the eighth judicial circuit; and a term of the circuit court and district court for said district shall be held at the seat of government in said State on the first Tuesdays of May and October in each year; and one grand jury and one petit jury only shall be summoned and serve in both of said courts.

SEC. 17. That the circuit and district courts for the district of Dakota, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws, rules, and regulations.

SEC. 18. That the district judge appointed for the district of Dakota shall receive as his compensation the sum of $3,500 per annum, payable in four equal installments, on the first days of January, April, July, and October of each year.

SEC. 19. That the marshal, district attorney, and clerk of the circuit and district courts of said district of Dakota, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular officer or district.

SEC. 20. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Dakota, or that hereafter may be lawfully prosecuted from said court, may be heard and determined by the Supreme Court of the United States; and the mandate of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court of the district of Dakota, or to the supreme court of the State of Dakota, as the nature of the case may require; and each of said last-mentioned courts shall, as the case may require, be treated as the successor of the supreme court of the Territory of Dakota as to all such cases, with full power to proceed with the same and to award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory of Dakota, prior to its admission as a State, the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they had by law prior to the admission of said State into the Union.

SEC. 21. That in respect to all cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission of the said State into the Union, whereof the circuit or district court by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and all the files, records, indictments, and proceedings relating thereto shall be transferred to said circuit and districts courts, respectively, and the same shall be proceeded with therein in due course of law: *Provided, however*, That in all civil actions, causes, and proceedings in which the United States is not a party, such transfer shall not be made except upon the written request of one of the parties to such action or proceeding filed in the proper court.

SEC. 22. That the convention herein provided for shall have the power to provide, by ordinance, for the transfer of actions, cases, proceedings, and matters pending in the supreme or district court of the Territory of Dakota at the time of the admission of the said State of Dakota into the Union, arising within said Territory of Dakota, to such courts as shall be established under the constitution to be thus formed; and no indictment, action, or proceeding shall abate by reason of any change in the courts, but shall be proceeded with in the State courts according to the laws thereof.

SEC. 23. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of the said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislature: *Provided*, That any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

Mr. BUTLER. Mr. President, this is a bill which was introduced at the last session of Congress by the Senator from Indiana as the organ of the Committee on Territories, and was passed by this body and failed to be reached in the House of Representatives.

Mr. HARRISON. Will not the Senator in that connection make the correction that this bill is not that bill, but includes the whole Territory.

Mr. BUTLER. I intended to state that later.

Mr. President, I concede the right of the people of a Territory to apply for admission into the Union when they have reached that condition which entitles them to Statehood. The citation of precedents or authorities is not necessary to prove this. It is admitted by all persons who have given the subject consideration, but I do deny that the inhabitants of a Territory have any inherent or original power in and of themselves to organize a State government. They have none of the attributes of sovereignty while in a Territorial condition except of an inchoate character.

Congress created the Territorial government of Dakota, and exercises as absolute dominion over it as the dominion of a State over its counties, and can abolish or modify the government at its will. Congress alone can authorize the transition from the Territory to a State. In Congress the Constitution and laws have lodged this power, and the exercise of it anywhere else is a bald, naked usurpation, which may lead to a serious conflict of authority, to revolution and bloodshed, and ought not to be sanctioned or encouraged by any department of the Government or any law-abiding people. It may be said, and truly said, the people of Dakota by their action have no such purpose or intention, but I am now talking about the tendencies and possible consequences of such action. Excited party feeling, under the lead of ambitious, unwise, indiscreet men, has ingulfed more quiet communities than Dakota, with all her loyalty and composure, in most perilous and dangerous complications.

Mr. President, this matter of making a State is a very serious business. A sovereign, independent commonwealth—sovereign and independent as to the powers reserved to it by the Constitution—into whose charge the life, liberty, property, and happiness of the citizen are to be committed. It is not a game of chance between political parties, a plaything with which demagogues and reckless men may gratify their unsavory ambition or cliques and rings and cabals ply their unworthy avocations. No, sir; the interests at stake are too great and our responsibility too grave to permit us to waive it in favor of anybody. The architects of our system were master-workmen in the science of government. They erected a structure complete within itself and yet susceptible of almost indefinite expansion. Annex after annex has been added, until it has reached a size many times greater than the original. By whom were these additions authorized to be made by the original founders? By the inhabitants of the Territory out of which the addition is to be established of their own motion and volition? Clearly not. That would be carrying the doctrine of "squatter sovereignty" much beyond the point its most extreme advocates ever contemplated.

By whom, then, I repeat, shall the new State be brought into the Union? I answer, Mr. President, in terms never before denied in the history of the country in the territorial expansion going on for a hundred years; I answer, by the people of the States, through their chosen representatives in the Congress of the United States—the sovereign people of the sovereign States, to whom belongs the materials out of which the new fabric of government is to be built—the people of the States, the masters of Congress, the owners of the public domain, and the source of all power. Into these hands, and nowhere else, the Constitution and laws have committed the power.

And how is it to be exercised? The process is very simple, attended by no complications or political legerdemain or mystery. It is by the passage by Congress of an enabling act empowering the people to erect a State within certain prescribed limits of the public domain to be fixed in the act, and conforming to the requirements laid down in the Constitution and laws for new States and submitted for the final approval of Congress, that they shall be republican in form, not repugnant to the Constitution, &c. That is all, sir. It is very simple—very plain, and easily understood. No need to quibble or gainsay it, for it is the law, and the accuracy and correctness of the statement of it can not and will not be denied.

Let us apply this test to the case now before the Senate. Have the

people of Dakota, now demanding admission into the Union, complied with these plain requirements of the law? Has Congress passed an enabling act, and have they, in pursuance of its terms, organized a State government republican in form, and presented it for ratification or approval by Congress? If they have not, then I submit to the candid judgment of every Senator of every and all political parties and opinions whether they ought not to be required to await this indispensable authority before they can become a State? I invite a discussion of the question on a plane higher than that of party politics or party advantage, and plant myself on the invincible stronghold of the law of the case, and if I fail to establish the assertion that the law is as I present it, I give up the contest and support the bill reported by the majority of the Committee on Territories.

And, sir, with a view of making the issue clear and distinct and sharp, I have offered a bill, an enabling act, as a substitute for the bill under consideration. I need not explain its terms in detail further than to say it is substantially the bill passed by the Senate at the last session of Congress, and therefore ought to be familiar to Senators. The main difference consists in this, that my substitute embraces the whole Territory, whereas the bill of last session comtemplated a division on the forty-sixth parallel. I have read with care and interest the very able and plausible report of the majority of the committee presented by the Senator from Indiana [Mr. HARRISON] and the bill which accompanies it, and have failed to discover any preliminary authority whatever from Congress to organize a State government in Dakota.

But, say the advocates of this measure, no enabling act or other authority from Congress is necessary, and certain so-called precedents and compacts and guarantees are relied upon in support of this position. Let us examine these and see what bearing they have on the case made. Before entering upon this inquiry, however, I will say, in passing, that I believe Dakota *has* the essential conditions for Statehood; and further, when she presents herself to Congress in an orderly, constitutional, and legal manner for admission into the Union of States on an equal footing with the other States I will be prepared to aid and welcome her and her enterprising, intelligent population in rising to the dignity of an independent commonwealth. But she must come with a clean record, expressing the free, untrammeled, uncontrolled wishes of a fair majority of her people.

To support the claim of the right of the people of Dakota to set up a State government in the absence of authority from Congress much weight is given to the guarantee of the ordinance organizing the Northwest Territory, which is in the following language:

> And whenever any of the said States shall have 60,000 free inhabitants therein such State shall be admitted, by its Delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: *Provided*, The constitution and government so to be formed shall be republican and in conformity to the principles contained in these articles; and so far as it can be, consistent with the general interests of the Confederacy, such admission shall be allowed at an earlier period and when there may be a less number of free inhabitants in the State than 60,000.

The terms of this ordinance, by act of Congress April 20, 1836, were extended to a part of the present Territory of Dakota, and therefore it is claimed her people need not await an enabling act, but having the qualifications prescribed in the ordinance may set up for themselves. That at least is the argument.

It must not be forgotten, however, the ordinance referred to was passed in 1787, and the Constitution was adopted two years later, in 1789, which provides in section 3 of Article IV that—

> New States may be admitted by Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, &c.

So that if any rights are claimed under the ordinance of 1787 they were divested in the organic law of 1789, and are obsolete, the Constitution taking the place of the ordinance in that regard, and the law of this case is that prescribed in the Constitution, not the ordinance.

The Louisiana treaty, ratified in April, 1803, after the adoption of the Federal Constitution, in its third article, provides as follows:

> ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. (8 Statutes at Large, page 202.)

That part of the Territory of Dakota—much the larger part, by the way—not embraced within the Territory of Wisconsin was acquired from France under this treaty—the Senator from Indiana has kindly informed me that the entire Territory of Dakota was acquired by the treaty from France—and therefore it is urged that the people there have a vested right by virtue of the terms of the treaty which supersedes the necessity of permission from Congress before they can erect a State. The third article, cited above, says they shall be "admitted as soon as possible, according to the principles of the Federal Constitution," &c. The Federal Constitution says:

> New States may be admitted by the Congress into the Union.

And the people have no constitutional or legal right to "erect" a State until "the Congress" confers the power. So much for "guarantees" of the ordinance of '87 and the Louisiana treaty.

And now I invite the attention of the Senate to the precedents relied upon. Precedents, Mr. President, are only available as guides in our official conduct when they are founded in reason and wisdom and illustrate or represent some useful lesson of life or preserve some valuable experience in human affairs. Those now brought forward to justify the action of the people of Dakota, if they bear any analogy to that action, which I deny, would be better "honored in the breach than in the observance." If bad precedents are justified and upheld by repeating them, every usurpation of power, every violation of law, every unsettling of an established order of things, every crime committed would find precedents for their justification and vindication.

I have not the time, nor is it needful, that I should examine in detail the precedents cited in support of this bill—every student of the political history of the country is familiar with them—but shall point out, if I can, some of the points of divergence between them and the case of Dakota. The States of Tennessee, Kentucky, and Maine were carved out of territory belonging to the States of North Carolina, Virginia, and Massachusetts, respectively—three of the original thirteen. They had no enabling acts from Congress, because, by the provisions of the third section of Article IV of the Constitution, the "consent of the Legislatures" of those States was necessary, and, when given, was tantamount to enabling acts, the "consent" of Congress only being necessary to perfect the organization of a State. The case of Dakota is very different.

Now, sir, let us see what was done in the case of Tennessee. I find in a note to the second volume of Poore's Charters and Constitutions this statement, which I take to be true:

> The State of Tennessee is within the limits of the territory granted by Queen Elizabeth to Sir Walter Raleigh, and of the subsequent land grants made by Charles II to the lords proprietors of Carolina. As it became settled, it was recognized as a portion of North Carolina, but the pioneers, as early as 1772, asserted the right of self-government, and the constitution of what was known as the "Watauga" government was the first written compact for civil rule anywhere west of the Alleghany Mountains. A few years afterward, North Carolina succeeded in exercising her rights of sovereignty, and in 1784 she offered to cede her lands west of the mountains to the United States, but the offer was not accepted, and the offer was withdrawn. This led the pioneers to form, for their personal security, a government known as "the State of Frankland." There was an indisposition manifested, however, to rebel against North Carolina, and a "declaration of rights" and "constitution," which were submitted at a convention [see Ramsey's Annals of Tennessee, pages 323–334], were rejected, while the constitution of North Carolina, slightly modified, was adopted. The powers of an independent State government were exercised, however, until North Carolina, by a conciliatory policy, resumed her jurisdiction, and then, February 25, 1790, ceded that portion of her territory west of the mountains to the United States.

What was done in the case of Kentucky, ceded by Virginia——

Mr. HARRISON. The Senator does not understand that that proceeding to which he has just referred in Tennessee for the formation of a State government was the one I was discussing?

Mr. BUTLER. The formation of the State government was in 1796.

Mr. HARRISON. After the cession to the United States, when North Carolina had let go of it.

Mr. BUTLER. Precisely; but what I stated is that the condition of the cession from the State of North Carolina, being one of the original thirteen, was that it should be a State, and that was tantamount to an enabling act. The Senator smiles. I shall convince him now that perhaps he will smile in another direction in a moment.

Mr. HARRISON. It was not a scornful smile.

Mr. BUTLER. Now, about Kentucky:

> Kentucky was originally settled by the whites as a colony of Virginia, but after the Revolutionary war the settlers demanded an independent government, under the following provision in the first constitution of Virginia: "The western and northern extent of Virginia shall, in all other respects, stand as fixed by the charter of King James I, in the year 1609, and by the public treaty of peace between the courts of Great Britain and France, in the year 1763, unless by act of this Legislature one or more governments be established westward of the Alleghany Mountains." It was not, however, until after there had been ten successive conventions elected by the people of the "district," and four successive enabling acts passed by the Legislature of Virginia, that Kentucky was allowed to enter the Federal Union as an independent State on an equality with those which had established themselves as a nation.

And the cases of Tennessee and Maine and Kentucky were on all fours. The condition of the cession from those original States was, as I have said, tantamount to an enabling act.

The Government of the United States was then in its swaddling-clothes. Communication between its capital and frontier, of which these Territories were then a part, was slow and difficult, and the protection it could afford precarious and feeble. It therefore became a matter of the last importance to both the inhabitants of the Territories and the Government itself that States should be formed with larger powers than could be enjoyed under a Territorial organization, so that no support can properly be drawn from these precedents for the proceedings taken in Dakota. The conditions and exigencies are different.

But, notwithstanding these exceptional circumstances surrounding these cases, Tennessee's admission was not effected as a matter of course and of right or without challenge. The debates found in the Annals of Congress of that date disclose very decided and emphatic opposition to the methods adopted in that early day, when the guardians of the Constitution and laws were more jealous of an infringement and scrupulous in careful administration than we appear to be.

The observations of Mr. Dayton, in the debate on the admission of

Tennessee are full of significance, and he expressed the correct principles with force and accuracy when he said:

He could not consent to go further than he had stated, much less admit that by their own single act they had become a separate sovereignty, for, if such a principle was sanctioned, it was impossible to foresee all the consequences and extent of them. If they were, as had been represented, at this moment an independent State, they might offer or refuse at pleasure to become a party to this confederacy, or they might, in offering to enter into the Union, annex to the offer such terms and conditions as should give them advantages over the other States, and they might even treat and ally themselves with any foreign power. Although such a hostile or menacing measure was not to be apprehended on the part of a people so regardful of their true interests as those in question were, yet what security could there be for the prevalence of an equally good disposition through the whole extent of the other territory in which ten new States had been contemplated, and in a part of which resided many whose attachment to another government was well known? The rule they were now about to establish must operate in future as a guide, and it needed no effort to believe that this country would on some future occasion, and that perhaps not distant, lament the adoption of the principles contained in the report.

Where can you find a more emphatic protest against the policy of allowing Territories to set up for themselves? The vote in both Houses was very close and the measure passed only after a conference on the disagreeing votes; showing a wide difference of opinion in regard to its wisdom and propriety. Next comes the case of Michigan. Now, Mr. President, surely this Senate will not look to Michigan as a safe precedent for our guidance in the admission of a new State. Why, sir, the conduct of the people of the Territory of Michigan, under the lead of a very young and ambitious man, Stevens T. Mason, who by accident became Territorial governor, came nearer involving this country in civil war and bloodshed than any event in its history up to that time; in fact nearer than any up to 1861. They undertook to set up a State government, with boundary lines embracing parts of the States of Ohio, Indiana, and Illinois, after these States had been admitted to the Union under enabling acts by Congress fixing their boundaries.

Does not the Senator from Indiana [Mr. HARRISON], who lays great stress on this Michigan precedent, remember—of course he does—that an armed conflict was imminent between the people of his own State and those of the people of the Michigan Territory, and was prevented by the intervention of the United States Government, and that the action of Michigan was denounced at the time in and out of Congress as "revolutionary?" Does he not recall that Congress denied to Michigan the right of petition as a State, and would not permit her petition to be referred, because she petitioned as a State, and until it was amended? Surely he does. If that precedent is to be followed the State of Dakota would not be before this Senate now in that attitude. The Supreme Court of the United States in effect declared in the case of "Scott *vs.* The Detroit Young Men's Society" that the organization of the State by the people of Michigan Territory was "a crime," and of course a nullity in law, and by many of the most conservative, ablest statesmen of that day it was characterized as "revolutionary."

If we had been as vigilant as our fathers, Dakota's petition would have been modified before reference to the committee. Like Michigan, she came here as a State, having usurped power to become a State, presenting the anomaly of two organized governments, State and Territorial, exercising the functions of governing at the same time within the same territory. Where can a warrant for it be found in the Constitution and laws of this country? Let us then discard this precedent as one unfit to be followed.

And so with Arkansas—the circumstances of her admission are too well known to require extended notice. At that time the two political Titans, Slavery and Anti-slavery, were approaching each other on converging lines—Arkansas represented one and Michigan the other—and both were taken into the Union in an irregular and as I insist unconstitutional manner as acts of propitiation, of compromise, to temporize with the impending "irrepressible conflict." These two giants were each struggling for power, and many desperate expedients were resorted to for aggrandizement. It would have been better for the country, better for posterity, if the issue had been joined then and settled than to have postponed it thirty years, when the power and capacity of the sections to destroy each other had so largely increased.

The same observations apply with equal force to Iowa and Florida, but they had enabling acts; and Missouri, Wisconsin, and Nevada, cited in the report, are not correctly cited. They had enabling acts and under them organized their State governments. California and Oregon are also exceptional. The two former were remote, outlying Territories, difficult of access to and from the seat of government at Washington, requiring weeks and months for communication, now accomplished in hours and days. The former, then lately acquired by conquest under the dominion of a military authority, a form of government repugnant to the American system, Congress might have been excused, if not justified, in making an exception in her favor under all the circumstances, and so of Oregon and for many of the same reasons. Oregon was up to 1846 under the joint occupancy of Great Britain and the United States, and, as I have stated, she was a remote, outlying Territory. It therefore became important to the people of that section of country that they should have larger powers than they could have under the protection of a Territorial government, which has its existence only by virtue of the power of Congress over the Territories.

Is there anything in the present condition of our affairs to justify this confessedly extraordinary proceeding on the part of the people of so-called South Dakota to set up for themselves a State government without the consent of Congress, in defiance of the action of Congress on her former application? Slavery is dead, and has ceased to be an irritating factor in our politics. The "irrepressible conflict" is ended, and the sections are becoming more and more homogeneous in thought and purpose. Time is smoothing down the asperities born of civil conflict. We are happily at peace. The Territories are being settled up by an intelligent race of pioneers from all parts of the country, and, in the main, well governed. Why then depart from the time-honored, safe, constitutional rule for their admission into the family of States? I confess, sir, I can not realize the necessity. Of the twenty-five States admitted into the Union but five have come in this irregular manner—one-fifth.

Is there a pressing political exigency lurking behind this movement which impels it forward with almost unseemly haste and zeal? Is there a purpose underlying the pressure for Statehood to forestall the orderly progress of events in Dakota Territory under a new national administration, which might change the political complexion of representatives sent to the National Legislature different from those now seeking admission from this so-called State? I can not divest my mind of such a suspicion, and that a "snap" judgment would be rendered if we ratify this effort to make a State.

Now, sir, assuming for the sake of the argument there is ample authority for the bill of the committee in the practices and precedents of the Government, let us briefly examine the proceedings out of which this so-called State is said to have grown. It appears the Legislature of Dakota, on the 9th of March, 1885, passed "An act providing for a constitutional convention and the formation of a State constitution preparatory to the admission of Dakota into the Union, and for other purposes," and appropriated $20,000 to carry out its provisions. I would like to inquire of some champion of this bill where the Territorial Legislature derived its power to pass such an act. From Congress? I have seen no evidence of it. It was then clearly *ultra vires* and void. Were the delegates and councilmen elected to this Legislature on the question of such legislation? In other words, did the qualified voters of that Territory have that issue presented to them when they cast their votes and have a fair opportunity of expressing their wishes in regard to the matter of Statehood and a division of their Territory? These are pregnant questions, and must be answered before we can pass intelligently on this bill. And it becomes equally important to have explained how it is that in a new country out of a population of 263,000 in South Dakota only 31,791 votes were cast at the election had on the adoption or rejection of the constitution in November, 1885—25,226 for and 6,565 against.

With a ratio of 1 to 5, which I believe is the usual ratio, this vote would represent only about 150,000 inhabitants; but with a ratio of 1 to 4, which is more accurate for a new country where the number of adults and voters exceed those in older settled communities, this vote would represent only about 125,000 of population, leaving 128,000 unrepresented; a majority of the population, and of course of the voters. Were these 128,000 opposed to this so-called constitution? Did they have an opportunity of expressing their opinions? These are equally pregnant questions and ought to be answered, to say nothing of the 150,000 of population north of the forty-sixth parallel, who have not been consulted at all.

I have received intimations of fraud and corrupt bargains and political intrigues affecting the integrity of these proceedings which, if true, and I have no doubt they are true, would vitiate them. And I may say in passing, the great difficulty I have had in considering former memorials of these people for authority to make a State has been the taint of ringism, crimination and recrimination, accusations and counter-accusations, and repudiation that have always accompanied them. It has been unfortunate for the good people of that Territory, and they are still the victims of such misfortunes. Why not, then, pass the bill I have introduced as a substitute for the committee bill, enabling the people of the entire Territory to vote on the question of their admission into the Union and settle the question of division afterward?

The present line on the forty-sixth parallel is not acceptable to many, possibly to a majority. The seventh standard line has been suggested, and the Missouri River as more practicable lines of division. And then a large number of the people are represented to me as being opposed to any division. So, I repeat, why not afford the people a chance in a regular, constitutional, orderly way to pass upon all these questions, as is proposed in the substitute, and when we meet here again at the next session have the material for intelligent action. If the bill requires amendment in any essential particular, let us amend it. If it is acceptable as it is, let us pass it.

I desire to correct an impression, if such exists, which may have been created by some remarks which have fallen from the Senator from Indiana [Mr. HARRISON] that I entertain an unfriendly feeling toward Dakota. If such impression prevails it is a great mistake and does me injustice. There is nothing within the range of my constitutional power and duty that I would not do to promote their welfare and happiness, and I beg to assure them that, with my sense of official duty, if the Territory were as largely Democratic as it appears now to be Republican in politics I should feel constrained to oppose this method of

becoming a State and remand the question to the people, as I am now proposing. The worst enemies the people of that grand domain have ever had are certain self-seeking politicians, who employ vulgar abuse through the columns of disreputable newspapers to traduce all who challenge their methods and decline to become a party to their corrupt practices, and the most fortunate consummation that could befall the country would be their retirement.

It has been my good fortune to serve on this floor with one of the gentlemen [Mr. Edgerton] now applying for a seat in this Chamber as a Senator from the so-called State of Dakota, and it gives me pleasure to bear willing testimony in this public manner to his high character. In his present attitude I regret I can not extend to him the assistance of my vote, as there is no man outside of my party friends I would more cordially welcome into this high forum. The other gentleman I do not know personally, but have been pleased to hear from his friends high encomiums upon his character.

Now, Mr. President, a word of a somewhat personal nature. On the 16th of December last I had the honor to introduce the following resolution:

Resolved, That the Committees on Territories be, and they are hereby, instructed to inquire and report to the Senate under and by what authority a so-called State Legislature has been organized in the Territory of Dakota, if such a body has been organized as alleged, and by what warrant or authority said organization has proceeded to elect Senators to this body. And that said committee inquire further and report whether said organization is not calculated to bring about a conflict of authority prejudicial to the good order of said Territory, and demoralizing to the Territorial government legally organized and administered under the authority of the National Government, and that said committee have leave to report any special matter relating to the affairs of said Territory requiring or demanding the attention of Congress.

And on the 18th the following was introduced by my friend, the honorable senator from Missouri [Mr. VEST]:

Resolved, That the memorial from certain persons calling themselves "the State executive committee of the State of Dakota," and referred to the Committee on Territories, shall be considered in no other light than as a memorial coming from individual citizens of the Territory of Dakota.

In due course they were referred to the Committee on Territories, and the Senate soon after adjourned for the Christmas holidays. At the very first meeting of the committee after the holidays both resolutions were reported adversely.

No proper opportunity was given, certainly to me, to be heard in regard to them—no notice of an intention on the part of the committee to consider them was vouchsafed.

Mr. President, the resolutions are perfectly respectful; they relate to very important questions and inquiries, as it occurred to the movers, and yet they were railroaded through the committee—if I may be allowed to use such an expression—without deliberation. I can not conceive that any personal discourtesy was intended to the movers of the resolutions, and yet it appears to me the haste with which they were acted on was almost unseemly. Why such haste? Was it because it was feared the weakness of the so-called State might have been exposed by satisfactory evidence on a full hearing, or that the motives behind the zeal of the "State executive committee" were controlled by an inordinate anxiety for party aggrandizement or party advantage, and that the blessing asked for Dakota was intended for the "executive committee?" Who before ever heard of a State, or the people of a Territory, asking Congress for Statehood through an "executive committee" of a political party—for that is what this executive committee is? No such organization is known to the law of this land that is capable of any legislative act.

Mr. HARRISON. The Senator does not mean to say that, I am sure.

Mr. BUTLER. I do.

Mr. HARRISON. Then the Senator has not read the constitution. If he had, he would have found just how this committee was constituted and what its duties were. It is not the executive committee of a political party.

Mr. BUTLER. Not so upon the face of it.

Mr. HARRISON. Not so in any sense.

Mr. BUTLER. Not so upon the face of it. It purports to be the executive committee of the convention of the State of Dakota; and in my examination of the precedents for the admission of States into this Union it is the first time I have ever found an executive committee representing the State or the people of a Territory.

When conventions desire to communicate with Congress touching so important a matter as this, it usually has done so through its chosen officers or by duly elected delegates. But it is left to a small band of anxious patriots in Dakota to invent a new order of things and come here through an "executive committee."

If this Senate had been as scrupulous in this regard as it was when the Michigan case was received, the resolution of the Senator from Missouri would have been adopted and these memorialists required to abate somewhat their pretentions before they would have been heard.

I know, Mr. President, it will be contended that what I insist upon is matter of form and not of substance; that the constitution presented voices the wishes of the people of Dakota, is republican in form, not repugnant to the Constitution and laws of the United States, and therefore ought *to be ratified*. But, sir, I take issue with this proposition. If it be true we might as well tear away and disregard all the forms and ceremonies and technicalities prescribed by law and custom and practice for the conduct of human government and human affairs, and go to the essence and merits of all questions confronting us and accept as law whatever is done and acquiesced in—may as well abolish parliamentary rules of procedure in deliberative bodies and pleadings in judicial forums as to say we will accept Dakota as she is here presented, because it is the right thing to do, the people want it, although the method is irregular; it is substantially right, although technically and constitutionally wrong, and the irregularity will be condoned by acquiescence and consent.

This, Mr. President, is a dangerous doctrine for legislative guidance, and I warn the Senate, if adopted, it may lead to complications and troubles in the future that may involve us in serious difficulties. The best way is the straight way, and the straight way is the constitutional way, and the constitutional way is the way I have indicated in the substitute I have offered—a simple enabling act, about which there can be no dispute or cavil.

When the people of Dakota come I want them to be instructed with the correct countersign, and if it should be my fortune then to be on guard, I will, as far as my humble efforts can do so, pass her into the very heart of the citadel of the American Union.

Mr. WILSON, of Iowa. Mr. President, the Constitution of the United States is not meaningless wherein it declares that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

But one limitation is put upon the right of the people to assemble, and to petition the Government for a redress of grievances, and the limitation in no sense interferes with the right, but rather is an aid to its perfect enjoyment. The great right to assemble must be peaceably exercised. Under such form of government as ours the right to assemble can not wisely be exercised except through peaceable lines of action. The people of Dakota have exercised this right, and they have observed the constitutional limitation. They patiently waited for Congress to act and invite them to assemble. This invitation might have been extended by the passage of an enabling act, under and in pursuance of which the people of Dakota could have framed their petition for admission into the Union as a State. The act was not passed. The right of the people to assemble was not thereby avoided; and although the Constitution says that Congress shall make no law abridging this right, the necessities of a frontier people and their movements for relief, heretofore recognized and approved in numerous instances by the Government, affirm that Congress shall not by inaction detract from the right to assemble nor deny the right of petition. The office of the Constitution in this regard was not to create but to preserve and enforce the right involved. The right antedated the Constitution and was and is necessary to the stability of the Government which that instrument ordained and established. The peaceable exercise of this right is not revolutionary. The exercise of the right by the people of Dakota was peaceable. They selected their own mode for its exercise, but kept their every movement within the only limitation imposed by the Constitution. The Constitution does not prescribe any forms or rules for the government of the people when they assemble. Nor does it define a form to be followed in the preparation of the petition which a peaceable assembly of the people may present to the Government for a redress of grievances. The people of a territory might peaceably assemble and agree to petition Congress for the passage of an act enabling them to prepare a form of State government preparatory to admission into the Union; and they might peaceably assemble without an enabling act and prepare a form of State government and petition Congress to accept it by an act of admission into the Union on unequal footing with the other States. This latter method has been adopted by the peopl e of Dakota, and their petition in the form indicated has been received by this Senate and sent to the appropriate committee for consideration and report. Is this revolutionary? If so, then were the movements which organized the States of Michigan, Minnesota, Iowa, California, Oregon, and others, and brought them into the Union, revolutionary. They were not revolutionary, nor is the movement of the people of Dakota.

Mr. President, Senators who insist that every step from Territorial conditions to recognized Statehood must be prescribed by law of Congress have very imperfect knowledge of the processes which have created new States. Some of the most loyal and patriotic States in this Union laid their foundations in violation of Congressional enactments. I do not mean merely the foundations of the technical State, but of the substructures upon which the feet of civilized men were planted in their first efforts to displace savagery with civilization in the regions out of which States long since members of the Union were subsequently carved. The pioneers who pushed our frontiers westward did their work in spite of Congressional enactment. From 1807 to 1841 the law relative to the disposal of the public lands tended to repress the movements of our people toward the West. The act of 1807 denounced every man a trespasser who entered upon the public lands prior to purchase in pursuance of the system of sale then in force, and so continued until 1841, when the pre-emption law was enacted. Every such trespasser was liable to removal, fine, and imprisonment. But in spite of that law our frontier line was carried westward. The pioneer built his cabin, im-

proved the land, created conditions which enforced the organization of Territorial governments and evolved States. The men who did these things were not of revolutionary tendencies. They were not enemies of public order, nor did they array themselves against the general welfare. They made their "claims" on public lands from which the letter of the law excluded them. They entered upon the territory now embraced within the boundaries of the State of Iowa in 1830, and were denounced as lawless men by John C. Calhoun. He made a speech in the Senate on January 27, 1838, in which he said:

If I am correctly informed, the Iowa country has already been seized on by a lawless body of armed men, who have parceled out the whole region and have entered into written stipulations to stand by and protect each other, and who are actually exercising the right of ownership and sovereignty over it, permitting none to settle without their leave, and exacting more for the license to settle than the Government does for the land itself.

Here is evidence of the very imperfect conception of John C. Calhoun of the true character of the brave, hardy, resolute citizens whom he denounced as a "lawless body of armed men." He did not understand their methods nor comprehend their work. He and those of his agreeing associates in Congress, by opposing a liberalization of our land laws, by insisting upon the harsh and repressive statute of 1807, evolved the very conditions which compelled the early settlers of Iowa and other Western Territories to institute those protective regulations and associations by means of which they stood by and protected each other, and which he denounced as lawless. In no right sense were those settlers or their methods lawless. They were conservative in their movements and wise in their selection of means. They were seeking homes, and, in orderly ways, they established them; and every home they established was a stone laid in the foundation of the future State. They had a keener perception of the necessities of the case with which they were definitely dealing than Congress possessed. The so-called lawless methods which excited the opposition and induced the ire of Calhoun took form in the "claims associations," which stood as guardians around and about the homes of the members, and saved them from the greed and rapacity of those who had remained in the older settlements and States until the contact of the pioneers with the wilderness and savagery made the new regions, subdued by them, safe places for the investment of money in lands. These "claim associations" were not instrumentalities of lawlessness. They were as formal and orderly as established government. They embraced the elements of legislative, executive, and judicial power. They were the result of conditions with which the repressive features of the act of 1807 could not be harmonized. Recognizing these facts, Mr. Webster, in a speech delivered in the Senate two days after Mr. Calhoun had made the one from which I have quoted, said:

Now the practical question is, what is to be done with these cases? What are we to do with those settlers, their improvements, and the lands on which they live? Is there any one who would propose or desire that these lands should be put up at public auction, improvements and all, and sold to the highest bidder, without any regard to the interests or protection of the settlers? For my part, I could propose no such thing, nor by any means consent to any such thing.

But, Mr. President, the land laws in force at the time Mr. Webster made this utterance required the doing of the very thing which he said could not receive his consent. The "claims associations" were the informal courts of equity which protected the settlers from the appropriation by others, under the forms of law, of the results of their hardy and patriotic adventures. But neither the settlers nor their methods of protection were in any proper sense lawless, and against the charge that they were Mr. Webster opposed a just and vigorous defense. He said:

Much has been said of the general character of these settlers. I have no extensive information, sir, on that point, and had not intended to say anything upon it. But it has so happened that I have recently been in the Northwest, and I have met, for a short time, with many of these settlers, and, since they have been spoken of here with so much harshness, I feel bound to say that, so far as my knowledge of them goes, they do not deserve it. Undoubtedly, sir, they are trespassers in the contemplation of law. They know that very well. They are on the public lands without title; but then they say that the course of the Government heretofore has been such as to induce and encourage them to go where they are, and that they are ready and willing to do all that the Government has required from others in similar circumstances, that is, to pay for the lands at the common price. They have the general character of frontiersmen; they are hardy, adventurous, and enterprising. They have come from far to establish themselves and families in new abodes in the West. They appeared to me to be industrious and laborious, and I saw nothing in their character or conduct that should justly draw upon them the expressions of contumely and reproach.

The settlers here described were of those who carried civilization from the East to the West, and planted States as mile-stones along its line of progress. Look at the mighty work that they have done. Who can calculate the value of the results which have come to this country from their resolute contests with the wilds of the West and the hardships of pioneer life? In their efforts to secure homes beyond the lines of established and effective government they created conditions which existing law did not compass. Hence the rules they established and the associations they formed, not to the hurt of others, but to the help of all and to the promotion of the general welfare. It took the Government a long time to understand the movements of these men and to realize how sorely they needed an adaptation of the land laws to the circumstances which attended them. But time and continued agitation brought a partial remedy through the enactment of the general pre-emption law. Then, within the limits of the surveyed lands, the settlers could secure their homes without resort to those expedients which the necessities of their case had given the force of definite law to their isolated communities. And nowhere can be found greater respect for personal and property rights than in those regions where the scattered and simple homes of the early settlers foretold the coming State. Consult the history of those movements of population which resulted in the settlement, development, and admission into the Union of that magnificent group of States from and including Ohio and Michigan on the east to California and Oregon on the west, and test my statement by their start and the stages of their progress. You will find it all measured in duration by the terms of life of men yet living. It is a wondrous history, and when you examine the instructive details of its earlier periods, as they apply to each successive State, you find an almost unbroken story of order and respect for personal and property rights. No spirit of revolution attended the orderly march of the people concerning whom that history gives you information save that which subdued barbaric conditions and established in their stead the presence of civilization and the reign of law.

Mr. President, need I remind the members of this Senate how forcefully the settlers of unexplored regions, the administrators of territorial affairs, the creators of States, who laid the lines of that wondrous history, impressed themselves, their characteristics, their necessities, their ideas of government and progress on the laws and institutions of this Republic? Do we not all understand how resolutely they pressed upon Congress their demand for an adjustment of the law relative to the public domain to the conditions which attended their personal and primitive movements? Do we forget how the repressive statute of 1807 gave way, now and then, to temporary expedients, then to the pre-emption law of 1841, and finally the homestead system of 1862, which, if there were nothing else than it in the record of acts done by the Republican party would justify its presence as a political organization and force in the affairs of this country? We do not forget these things, nor can we overlook the fact that the germs from which these successive growths of better laws came were embedded in the "claims associations" of the pioneers who subdued the Western wilds and transformed them into the States which from time to time were admitted to their present positions in the Union.

Mr. President, this brings me to another field of exceptional action by Congress relative to the populations who moved our frontier settlements toward the West, secured governmental recognition, and administered the affairs of organized Territories. The general rule was that they would not be allowed to move in the matter of the organization of a State government except by authority and in pursuance of an enabling act passed by Congress. The people of the Territories observed this general rule when it was put into action by Congress with justice and reasonable dispatch. When Congress failed of its duty in this regard the people of neglected Territories put their own desires into orderly action, framed and adopted constitutions of State government, disturbed the neglectful repose of the legislative power of the nation by knocking at its door and demanding admission into the Union. Do we forget how in those instances Congress bestirred itself, swung open the doors, and invited the importunate Territories to put on the garb of Statehood, and take their places in the Union? If we forget, a turning of the pages of our legislative history will show us that this was often and invariably done. Through these doors Michigan, Minnesota, Iowa, Oregon, and other States entered the Union. No enabling acts of Congress observed by them preceded their organizations of the forms of State government. They came to Congress not asking permission to act in the matter of transforming themselves from Territories to States, but, having acted in that regard, they demanded recognition. It was always given. Congress did not say that these proceedings were revolutionary. The people who had moved in them and organized them were not denounced as lawless and revolutionary; and so oft repeated was the fact of such recognition that it may be said to have become the common law of Congress to so act in according recognition of rights to the people and Statehood to Territories.

In the days when these things were done the Democratic party did not plant itself in opposition thereto. On the contrary, it went right on, not only aiding but leading in the creation of the line of precedents to which I have referred. It was not the custom of that party then to insist that the right of petition of the inhabitants of a Territory could be exercised only in pursuance of the terms of an enabling act passed by Congress. It did not then seem to occur to it that the constitutional right of the people to assemble and consult about their interests and grievances was subject to the limitation that Congress should first enact a law authorizing them so to do. No such idea was entertained; but, on the contrary, many of the most forceful leaders of that party affirmed that whenever the population of a Territory equaled in number the ratio fixed by law as the basis of representation the right at once attached to organize a form of State government; and that upon this being done it became the duty of Congress to admit the new State into the Union on an equal footing with the other States. In support of this doctrine the Democratic party practically was a unit prior to the Kansas-Nebraska contest, in which the slave power sought to arrest the multiplication of free States. State after State was admitted into the Union in pursuance of this doctrine. Nor did any disaster ever result from such admission of States.

What more loyal, patriotic, progressive, and prosperous States can be named than Michigan, Iowa, Minnesota, and Oregon, each of which entered the Union by the door which that doctrine opened? If it was sound doctrine then, why is it not now? If it was good for the Territories of Michigan, Iowa, Minnesota, Oregon, and others, and justified their admission into the Union as States equal with all others, why is it not good for Dakota, whose petition is now before us? Is there any peculiar reason to be found in the political conditions of the period to which the cases mentioned belong why the Democratic party affirmed and enforced the doctrine I have stated? Was the doctrine the result of statesmanship's considerate care for the right of petition, the public good, and the general welfare, or was it a convenient expedient and an insincere resort of a narrow partisanship subordinating a high and definite official duty to the temporary fortunes and necessities of the Democratic party? Did it have no other or higher significance than partisan effort to prolong party power? Was it only because in the times when the precedents named were enacted the people of the Territories allied themselves with the Democratic party and promised additional strength to it in both Houses of Congress, and especially in the Senate? If not, then why shall it not now accomplish for Dakota what it then did for the other cases I have cited?

Does not the Dakota case present all of the proper elements involved in the other cases? In territorial extent surely Dakota is great enough. If 55,000 square miles were sufficient for Iowa, it would seem that 77,000 square miles ought to be regarded as enough for Dakota. In the matter of population Iowa had but little more than the number then fixed by law as the representative ratio. The population of Dakota is equal to twice the present ratio, and would entitle her to two Representatives. The settlements of Iowa were confined to the eastern fourth of her territory. Those of Dakota extend from border to border. Iowa was isolated, and her people sent nothing to the markets which found its way into our foreign commerce to aid in establishing a balance in our favor against the rest of the world. The railroad system has intervened since that time, and Dakota is in close communication with the commerce of the world, and her wheat product alone forms no inconsiderable element thereof. Indeed, in every respect the case which Dakota presents to us is more nearly in harmony with the present wondrous conditions of this country than was that of Iowa with those existing at the date of her admission into the Union. In all of the elements essential to Statehood Dakota presents a case which she may safely challenge all of the precedents of the past to match. And in the preparation of her case she has been orderly and conservative. She assumes no revolutionary attitude. She has set up no authority in hostility to the Government of the United States. She presents her petition and submits her proposed constitution of government for our inspection, and in it she has expressly provided that:

Nothing in this constitution or schedule contained shall be construed to authorize the Legislature to exercise any powers except such as are necessary to its organization, to elect United States Senators, to provide and pass means and measures necessary, preliminary, and incident to admission to the Union, and to assemble and reassemble and adjourn from time to time; neither to authorize any officer of the executive or administrative departments to exercise any powers of his office except such as may be preliminary and incident to admission to the Union; nor to authorize any officer of the judiciary department to exercise any of the duties of his office until the State of Dakota shall have been regularly admitted into the Union, except such as may be authorized by the Congress of the United States.

Is this the language of revolutionists? Does it read like a revolutionary pronunciamento emanating from a turbulent community? Is it not respectful, orderly, conservative, and in every way proper? The people who sent it here had the constitutional right to assemble, consult, and petition. These things they have done, and no more. Why shall they not be met by Congress in the spirit in which they come to it? Why shall they be treated differently from those who have come here before with like cases? Is there anything in recently projected political philosophy which requires Dakota to submit to rules of exclusion which have not been applied to the State movements of other Territories? Is the new system of political ethics labeled "offensive partisanship" to be expanded and applied to great communities as well as to individuals? Is no Territory to be admitted as a State, no matter what the elements of population, development, progress, wealth, and other desirable conditions may be presented in support of its petition, unless it comes with a promise to support the Democratic party and send members of that political organization as Senators and Representatives to Congress? Have we arrived at a juncture in the political history of the country when the Democratic party is engaged in writing commentaries explanatory of its former conduct relative to the admission of new States into the Union? And are we to learn from these commentaries that it admitted them then because they came clothed with the garb of Democracy, and that it will oppose Dakota now for the reason that she is Republican as a Territory and may be such as a State? Is this the statesmanship which the new political philosophy has evolved; the spirit of the new system of political ethics? We hear much of reform. Is this one of its results? If this be so, then will much needed light begin to shine upon and explain many of the curious things around which plays the oft-repeated phrase, "A public office is a public trust." A public office is not a mere place, position, or station. It is organized duty. When the offices and the duties are aggregated they constitute the active life and force of the Government; and the trust involved is for the public good and the general welfare. But the new philosophy denies this, it would seem, and affirms that a public office is a trust for the benefit of the Democratic party, and whosoever or whatsoever denies this is an "offensive partisan," whether an individual or the population of a Territory. And this is reform!

Mr. President, if I am not reading this case aright, wherein am I at fault? I am not mistaken in my statements relative to the action of the Democratic party in the matter of the admission of new States into the Union, nor does it seem to me that any one can fail to detect the hostility of that party to the admission of Dakota. Is there any other reason for the changed attitude of the party than the one which statesmanship rejects and partisanship adopts? Certainly the reason for the change can not be found in the results which have come to the country from the cases which I have mentioned of the admission of new States without resort to a Congressional enabling act. Have not the States which I have named been true to the Union of which they are members? Have they not all grown into forceful Commonwealths? Was it a mistake to admit them as Dakota now asks to be admitted? If so, wherein lies the mistake? Is it because they all became "offensive partisans" by joining the great column of Republican States? Why, even after doing this they, each and every one, have gone right on doing those things which make States great and adding to the strength and magnificence of the Republic. Take the State of Iowa as an example in this regard of the several Western States I have named. Notwithstanding her sterling qualities as a Republican State, she is no discredit to the Democratic Senators and Representatives in Congress whose votes admitted her into the Union in spite of the absence of an enabling act. Recently the Dubuque Herald, a leading Democratic paper of the State, and whose editor is postmaster at Dubuque and a member of the Democratic national committee, said, among other things, of Iowa:

The "war debt" is all paid off, and the State has no other debt. The State treasury has no demands upon it, except for current expenses. The State capitol, which is such a credit to the State, is now completed and paid for. A young State like Iowa is compelled to make provisions for her needs in a slow and experimental way.

This she has done, and done it carefully, safely, and well. Our rate of State taxation, which is less than that of almost any other State in the Union, only 2½ mills for all purposes, has been sufficient to pay off the war debt; to build and pay for a magnificent capitol, on which an average of over $200,000 a year has been expended during the past fifteen years; the Agricultural College has been endowed and put on a safe footing; the various State institutions have been both paid for and liberally maintained; in fact there is nothing now wanting but an endowment by the Legislature for the State University.

This Democratic editor might have said relative to the State University that it is already well endowed and splendidly equipped for the work of one of the foremost educational institutions, which it is; and that the endowment, of which he wrote and favored, is involved in a proposition to add to the existing one a million of dollars by the State. And he might have added relative to the educational efforts of the State that they have resulted in placing her percentage of illiteracy, as shown by the census taken this year, below that of any other member of the Union; and he might have repeated the story of the national census of 1880 concerning her moral conditions, wherein it is shown that her criminals number only 1 to each 2,003 of total inhabitants of the State, and in this respect stands unequaled by any other State. Nor would he then have half told the beautiful and forceful story of the State's progress and true condition. And yet, as I have already stated, this presentation of Iowa is but an illustrative example of the several Western States that have been admitted into the Union under the former practice of the Democratic party and without the aid of an enabling act of Congress. Revolutionary movements and proceedings do not flourish in such States. Their inhabitants know too well the value of order and they enforce it. And here let us keep in mind that the population of Dakota is in large part from these orderly and prosperous States. Iowa and Minnesota have supplied a heavy percentage of the population of Dakota; and what those States are in respect of the elements and conditions which evidence force, progress, prosperity, and power will be repeated in Dakota.

Mr. President, the people who have settled the Territories of the West and developed them into the great States they now are have heretofore been allowed great freedom of action in effecting their wonderful work. That they have best known their own needs, and have had perfect comprehension of their local surroundings, and accurate appreciation of their relations with the general movements which have brought this Republic to the commanding position it now occupies among the nations, is demonstrated by the present magnificent conditions attending them. It may be that the freedom of action accorded them in the earlier stages of their endeavors by the Democratic party was the outgrowth of partisan purpose in the minds of the leaders of that political organization; but the people immediately concerned took little account of this, as is evidenced by the withdrawal of their support of that party in their resolute efforts to care for and develop the best conditions of government in their several communities. They had their faces set toward a brighter and better future for their communities than could come through the manipulations of public affairs for mere partisan gain, and on this line the people of Dakota are now moving. Any political party which opposes their advance because they

may not now be in sympathy with its purposes will have occasion to recognize its own mistake. The practice of wrestling on the "catch-as-catch-can" plan for partisan ends with political problems and popular rights, such as are involved in this Dakota case, will never long promote the purposes of those who engage in it. No careful student of the political history of this country will dispute this statement. The current of our public affairs is never long diverted from its direct course by mere partisan obstructions. In no part of our history is this truth more perfectly demonstrated than in that which relates to the Western Territories and States. Let us not now be unmindful of what that history teaches. Dakota has pages in that history. They disclose that her movements thus far are as constitutional and forceful and orderly in carrying her toward Statehood as any that appear in the history of other Territories. They are as strictly in keeping with the present conditions of our country as were those of other Territories in their times. In every aspect of the case she is entitled to admission into the Union. She rests solidly on the doctrines of the preceding cases. Let no supposed party interest reject her petition. Rather let us rise to that higher plane of public duty where the general welfare is conserved by prompt recognition of the rights of the people concerned, accept the hand of Dakota, and welcome her to the sisterhood of States.

Mr. VEST. Mr. President——

The PRESIDENT *pro tempore*. Will the Senator from Missouri allow the Chair to take this opportunity to lay before the Senate some messages from the President of the United States?

Mr. VEST. Certainly.

GOLD AND SILVER COINAGE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Finance, and ordered to be printed:

To the Senate:

In continuing accord with the Senate resolution of December 9, 1885, I transmit herewith a letter from the Secretary of State, accompanied by information received from the United States minister to Belgium in relation to the action of the Belgian Government in concluding its adhesion to the monetary convention of the states comprising the "Latin Union."

GROVER CLEVELAND.

EXECUTIVE MANSION,
Washington, January 28, 1886.

CROW INDIANS IN MONTANA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 25th instant from the Secretary of the Interior, submitting, with accompanying papers, the draught of a proposed amendment to the first section of the act ratifying an agreement with the Crow Indians in Montana, approved April 11, 1882, requested by said Indians, for the purpose of increasing the amount of the annual payments under said agreement and reducing the number thereof, in order that sufficient means may be provided for establishing them on their individual allotments.

The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 28, 1886.

HOUSE BILL REFERRED.

The bill (H. R. 392) declaring forfeited certain grants of land made to certain States in aid of the construction of railroads, was read twice by its title, and referred to the Committee on Public Lands.

DEATH OF REPRESENTATIVE ELLWOOD.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, transmitted to the Senate the resolutions adopted by the House on the death of Hon. REUBEN ELLWOOD, late a member of that body from the State of Illinois.

Mr. VEST. Mr. President——

Mr. CULLOM. I ask the honorable Senator from Missouri to yield to me that I may call up resolutions which have come from the House of Representatives to-day in relation to the death of one of my colleagues in that body.

The PRESIDENT *pro tempore*. The Senator from Missouri having the floor on the pending bill, the Senator from Illinois asks for the consideration of resolutions from the House of Representatives.

Mr. CULLOM. Let the resolutions be read.

The PRESIDENT *pro tempore*. They will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 28, 1886.

Resolved, That this House has heard with profound sorrow of the death of Hon. REUBEN ELLWOOD, late a member of this House from the State of Illinois.

Resolved, That a copy of these resolutions be transmitted by the Clerk of this House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate.

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. CULLOM. Mr. President, on day before yesterday this honorable Senate put aside its ordinary legislative duties to spend a brief time in paying a just tribute of respect to the memory of Thomas A. Hendricks, late Vice-President of the United States, who but recently presided over the deliberations of this body.

To-day I ask the Senate to pause for a little time while a few weak words may be spoken of the life and character of the late REUBEN ELLWOOD, who at the time of his death was an honored member of the other branch of this Congress. Mr. ELLWOOD was perhaps less known to fame than some others of the dead and living who have served the country, but there have been none more worthy of honor as a citizen and patriot.

REUBEN ELLWOOD died at his house in Sycamore, in Illinois, on the 1st day of July, 1885, surrounded by his loving family and friends. The story of his life and career is not an unusual one in this land of free institutions, where success and honorable position depend upon personal merit rather than upon the adventitious circumstances of birth and fortune, but it is instructive and will bear repetition.

He was born in the State of New York, in Minden, Montgomery County, February 17, 1821, and was in his sixty-fifth year at the time of his death. It was my good fortune, Mr. President, to know Mr. ELLWOOD well for several years before his first election to the House of Representatives of the Forty-eighth Congress in 1882; and, sir, the more I saw and knew of him the stronger became my attachment for him. In many respects he was a remarkable man, full of energy, determined in purpose, unswerving in carrying out his convictions of duty, full of love for his country and its free institutions, fond of business, with a large capacity for commercial affairs, and, with all these qualities, possessing a heart which beat in harmony with the heart of the working people of America, and which made him especially kind to those with whom he labored and upon whom he depended for business success.

He was a man of power in head and heart and hand. Being such, he was the recognized leader in his county in business, in politics, and, whenever occasion demanded, action by the people. From boyhood he was of robust physique, active and vigorous, and inspired with that necessary element of ambition which is requisite to press men to the front in the discharge of important duty.

At the early age of sixteen the young lad determined to carve out his own fortune, and left his home and took up his abode in the county in Illinois in which he resided at the time of his death. He entered 160 acres of land, and for several years hired by the month to farmers in the neighborhood until his health failed him, when he was forced to return to the home of his parents in New York. Becoming satisfied from his brief contact with the outside world that he needed a better educational training than he had received, the young man entered a seminary near his early home, and, as a student, manifested a determination to better qualify himself for the struggle of life. After leaving school he resolved to devote himself to a business career. To get a start he engaged in agricultural pursuits, and followed that occupation for several years until he was able to become also a manufacturer. In 1857 he returned to Illinois and engaged in business pursuits, and in 1870 he began the manufacture of agricultural implements in his own town, an occupation in which he continued until his death. By his energy, enterprise, and capacity for affairs he was enabled to build up a large business. He constructed extensive buildings and gave employment to many men, and his manufacturing works were considered of great value and importance to the public in his section of the State.

Mr. ELLWOOD was a man of positive convictions, and was therefore a strong partisan. He believed with all his soul that the political organization to which he belonged was in the right, and never shrank from defending it and its principles with force and candor and with such enthusiasm as to produce lasting impressions. His interest in public affairs led him into political campaigns, and finally into the General Assembly of the State of New York, even before he left that State as a young man. He was a Republican by nature. He hated oppression and slavery and loved liberty. He was fully identified with the party of free soil, and was a delegate to its national convention which nominated Frémont in 1856. He was intensely interested and anxious for his country in the late great struggle in which the integrity of the Union and the freedom of the slave were involved, and was always active in every movement for the public good, believing in and acting upon the principle that he does best for himself who does best for his fellow-citizens.

In 1868 Mr. ELLWOOD was the unanimous choice of his county for Representative in Congress. In 1882 he was the choice of his district, and was elected by about 8,000 majority over his opponent. In 1884 he was the unanimous choice of his party, being renominated without a dissenting voice in town caucus, in county conventions, or in the Congressional convention, and was re-elected by more than 11,000 majority. He had the entire confidence of the people of his district, and represented them with ability and fidelity. He served on important committees and performed his official work with signal devotion to duty and with an eye single to the best interests of the whole people. Before entering Congress he held various offices of public trust at the hands of his friends at home and from the national administration, and no man could say that he did not discharge his duties honestly and ably in whatever position he held.

In his domestic relations Mr. ELLWOOD'S life was especially worthy of commendation and emulation, and pleasantly illustrates the strength of his character. He was not only all that a husband and father should be, but was also the trusted leader and chosen adviser of his five broth-

ers, all of whom resided near him. By his wise counsel and strong personal influence this large family was always united and was enabled to make its power felt in all business and public affairs. Of these six stalwart men he, the acknowledged head, was the first to pass to his reward.

Such, Mr. President, are some of the prominent facts connected with the career of the late REUBEN ELLWOOD. The last time, sir, that it was my privilege to look him in the face and take him by the hand was when he came into this Chamber one day last spring with a telegram in his hand. With tears coursing down his face and with quivering lips he told me the contents of the telegram—that his grandson was dead and he must go home—and asked me to take care of certain measures in which his constituents were interested. The little boy who had suddenly sickened and died had become as one of his own family, and he had set his heart on educating the lad and giving him every opportunity for an honorable career. Death swept away all his plans and took the boy he loved so well to his long home. Congress soon adjourned and Mr. ELLWOOD did not return. It was not long until he, too, strong and robust as he seemed to be, was stricken down, and soon the news was spread that REUBEN ELLWOOD was dead.

Conscious and brave to the last moment, his last words were uttered in an effort to cheer his weeping family, saying to them, "It is all right," and in a moment closing his eyes in death. His death, Mr. President, was a great loss to the State which he in part represented in the other branch of Congress and to the whole country. It was most keenly felt in his home district, where he was best known. He was a good citizen, an honest man, and a pure patriot. What more need be said of any man? While he was often called to places of honor and trust, yet he was distinctively a man of business. Few public men can combine public service and private business in such a manner as to serve the public faithfully and well and at the same time carry on private business successfully. Yet this Mr. ELLWOOD was able to do. He was a producer, and added to the comfort and wealth of the country. The man who does something that lightens the burdens of the laboring man or woman, who contributes to the comfort of his fellows, and at the same time adds to the wealth of his country, is a benefactor, and is entitled to higher consideration than is the man who lives alone upon the toil and sweat of his fellow-men. With Mr. ELLWOOD labor was a delight and necessary in his opinion to an honorable life. He recognized no rank among men except upon the basis of integrity, intelligence, and industry. In the estimation of Mr. ELLWOOD, the man who toiled for his day's wages, who earned his bread by the sweat of his face, and lived an upright and sober life carried the stamp of manhood upon his brow and was the peer of any other citizen. He believed in work—that every man should have something to do, and do it to the best of his ability. He had no respect for the idler—the man who could but would not work.

But, Mr. President, I will not speak longer. REUBEN ELLWOOD sleeps in the silent tomb, in sight of the home where he left a beloved wife overwhelmed with grief and sons and daughters sorrowing for their departed father. Sad dispensations come almost daily to remind us that our time at most is short and that the grave is the resting-place of all. I know of no better standpoint from which to witness and realize more fully the rapid march of men to the tomb than from a seat in this Senate. But a few hundred men represent the legislative branch of the National Government, and yet no winter passes by in which we are not called upon to pause from our daily work to announce the death of some honorable member of one or the other House. It seems to be almost certain that some one or more of those composing the Congress of the United States must in every year pass away. This fact is an admonition to each one of us to "be ye also ready."

Mr. President, I move the adoption of the following resolutions, which I now offer:

Resolved, That the Senate receives with deep sensibility the announcement of the death of Hon. REUBEN ELLWOOD, late a member of the House of Representatives from the State of Illinois, and tenders to the family and relatives of the deceased the assurance of its sympathy in their bereavement.

Resolved, That the Secretary of the Senate be directed to transmit to the family of Mr. ELLWOOD a copy of the foregoing resolution.

Resolved, That, as a further mark of respect for the memory of the deceased, the Senate do now adjourn.

Mr. LOGAN. Mr. President, it is fitting that I should add a word to what has been so well said by my colleague in reference to our associate in the other House who has passed away, REUBEN ELLWOOD. In a word, sir, I can say that he was a man for the position for which his constituents selected him well qualified and equipped in every respect. He was a man honored among his neighbors and respected wherever he was known. He was recognized as a man of great energy, a man of great strength of intellect, a man of business qualifications, a man who amassed a fortune by his own efforts and his own industry. He was a charitable man withal. All of his neighbors are witnesses to his kindness, his generosity, and his great charity to those who were suffering and in distress.

He left the Congress of the United States at its adjournment last spring in good health. He sickened and died at home. He is mourned by all who know him. In the death of REUBEN ELLWOOD his district and the State of Illinois lost an able and an efficient representative of the interests of that district and State.

Sir, these things, occurring so frequently as they do, as was well said, ought to remind us that in the midst of life we are in death, and that we are all moving to that "undiscovered country from whose bourn no traveler returns;" and the only hope is that in passing from this life we may receive that which is considered a great reward for those who perform their duties toward man and God here on earth.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolutions of the Senator from Illinois [Mr. CULLOM].

The resolutions were unanimously agreed to; and (at 4 o'clock and 14 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 28, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICERS, ETC., IN STATE DEPARTMENT.

The SPEAKER, under the rule, laid before the House a letter from the Secretary of State, transmitting list of officers, clerks, and other employés in that Department, with a statement of the amounts paid each during the year, and reporting that the services of none of them can be dispensed with; which was referred to the Committee on Expenditures in the Department of State, and ordered to be printed.

CATTLE AND DAIRY FARMING.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting to the Speaker of the House of Representatives reports in reply to a Department circular from the consuls of the United States on cattle and dairy farming, and the markets for cattle, beef, and dairy products in the several districts; which was referred to the Committee on Agriculture, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ERMENTROUT, for the remainder of this week, on account of important business.

To Mr. HOWARD, for ten days, on account of important bnsiness.

To Mr. LINDSLEY, for ten days, on account of important business.

To Mr. STEWART, of Vermont, for one week, on account of important business.

To Mr. BLAND, for this day, on account of sickness.

To Mr. SWINBURNE, for from ten to fifteen days, on important business, as a witness in medico-legal matters.

To Mr. SENEY, indefinitely, on account of sickness.

TEXAS JUDICIAL DISTRICTS.

Mr. CULBERSON, by unanimous consent, introduced a bill (H. R. 4841) to change the eastern and northern judicial districts of Texas, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

OKLAHOMA TERRITORY.

Mr. WEAVER, of Iowa, by unanimous consent, introduced a bill (H. R. 4842) to provide for the organization of all that part of the territory of the United States now known as the Indian Territory and the Public Land Strip into a Territory to be known as the Territory of Oklahoma, providing temporary government for the same, for the allotment of homesteads to the Indians in severalty, and to open unoccupied lands to actual settlers; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

EXPENDITURES OF SIGNAL-SERVICE BUREAU.

Mr. ROBERTSON. I ask unanimous consent to introduce for reference the resolution which I send to the desk.

The Clerk read as follows:

Whereas section 3678 of the Revised Statutes of the United States provides that all sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others; and

Whereas it is represented that said section was violated in this, namely, that certain moneys heretofore appropriated by Congress for the carrying on of the Signal Service Bureau have been misapplied: Therefore,

Be it resolved, That the Committee on Expenditures in the War Department be instructed to inquire whether the statute above referred to is now being obeyed, and whether or not it has heretofore been violated; and to report by bill or otherwise such measures as will secure its enforcement.

Mr. RANDALL. Why not pass that resolution now?

Mr. HOLMAN. I think it should be adopted at once.

Mr. ROBERTSON. I request the present consideration of the resolution.

The SPEAKER. The gentleman from Kentucky changes his request, and asks unanimous consent for the present consideration of the resolution which has been read.

Mr. PETERS. I object.

The resolution was referred to the Committee on Expenditures in the War Department.

ORDER OF BUSINESS.

Mr. ST. MARTIN. I ask unanimous consent to introduce a bill for reference.

Mr. HEPBURN. I demand the regular order.

BALANCES DUE BY OR TO UNITED STATES.

Mr. GIBSON, of West Virginia. I rise to present a privileged report, which I send to the desk.

The Clerk read as follows:

The Committee on Expenditures in the Department of Justice, to whom was referred a resolution requesting the Secretary of the Treasury to transmit to the House of Representatives a statement of all balances of indebtedness due by or to the United States as shown by the books of the Treasury on the 30th day of June, 1885, have had the same under consideration, and report it back to the House with a substitute therefor, recommending the adoption of the substitute.

The substitute was read, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of this House a report of all balances due to and from the United States as shown by the books of the offices of the Register and Sixth Auditor of the Treasury Department from 1789 to the 30th day of June, 1885; that the Secretary of War and the Postmaster-General be directed to report all of said balances as shown by the books of their respective Departments.

The SPEAKER. The question is first on agreeing to the substitute proposed by the committee.

The substitute was agreed to.

The resolution as amended was adopted.

Mr. GIBSON, of West Virginia, moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now proceed to call the committees for reports.

RESTORATION OF ARMY OFFICERS.

Mr. WHEELER, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 53) to authorize the President to restore officers to the Army in certain cases; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WHEELER. I ask that the minority of the committee have leave to present their views on this bill hereafter, to be printed with the report of the majority.

There was no objection, and it was so ordered.

Mr. STEELE subsequently submitted the views of the minority.

ORDER OF BUSINESS.

The SPEAKER. This completes the call under the rule. The Chair will now proceed with the call of the committees for one hour for the designation of bills for present consideration. The hour begins at twenty-seven minutes after 12 o'clock p. m.

Mr. REESE. Mr. Speaker, I am instructed by the Committee on Public Buildings and Grounds to call up from the House Calendar for present consideration the joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Superintendent of Public Buildings and Grounds in the District of Columbia be, and he is hereby, authorized and directed to supply and keep supplied, from the public greenhouses and nurseries, the vases around the interior court of the Pension building with plants and shrubs suitable thereto.

Mr. REESE. Mr. Speaker, this joint resolution is rendered necessary by the law which prohibits the Superintendent of Public Buildings and Grounds from supplying plants and shrubs for any grounds except the public reservations. After considerable correspondence between the officials concerned, their construction of the law was that the erection of the Pension building, putting that portion of the reservation upon which it stands under cover, would deprive it of the right to be supplied with plants and shrubs, and this resolution is simply intended to authorize the Superintendent of Public Buildings and Grounds to furnish such shrubs and plants as may be required for the purpose of filling the vases that ornament the interior of the Pension building.

Mr. HOLMAN. Mr. Speaker, if there is a report accompanying that resolution it had better be read.

The report was read, as follows:

The committee having under consideration H. Res. 71, authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building, having considered the same, report it back with the recommendation that it do pass.

The joint resolution was ordered to be engrossed for a third reading; and was accordingly read the third time, and passed.

Mr. REESE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DINGLEY (when the Select Committee on American Ship-building and Ship-owning Interests was called). Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of considering the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels.

Mr. HATCH. Mr. Speaker, pending that motion, I appeal to the gentleman from Maine to yield to me simply to make a report.

The SPEAKER. The Chair thinks that during this hour, which is specially set apart by the rules for the consideration of bills, it is not in order to present reports. The Chair will recognize the gentleman from Missouri [Mr. HATCH] later.

The motion of Mr. DINGLEY was agreed to; and the House accordingly resolved itself in the Committee of the Whole on the state of the Union, Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of consiging the bill which will be reported by the Clerk.

The title of the bill was read.

Mr. DINGLEY. Mr. Chairman, as the bill is printed and is to be read and considered by sections under the five-minute rule, I ask unanimous consent that the reading of it in detail now be dispensed with. There was no objection and it was so ordered.

The CHAIRMAN. Does the Chair understand the gentleman from Maine [Mr. DINGLEY] to ask the consideration of this bill by sections?

Mr. DINGLEY. I ask unanimous consent that general debate upon the bill be dispensed with, as it can be considered best under the five-minute rule. There will be full opportunity for its thorough discussion, as it covers a wide variety of detail.

Mr. REAGAN. What is the bill?

Mr. BENNETT. Mr. Chairman, I will ask the gentleman from Maine to answer a question before unanimous consent is given. Does this bill (which I have not had time to read) affect the fees of pilots?

Mr. DINGLEY. It does not. It does not relate to pilots.

Mr. ROGERS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. I wish to know whether we can not have this bill read before consent is given to dispense with general debate.

The CHAIRMAN. The Chair will inform the gentleman from Arkansas [Mr. ROGERS] that by unanimous consent the reading of the bill has been dispensed with.

Mr. ROGERS. Then I object. If the bill can not be read so that we can know what it is, I shall object to dispensing with general debate.

Mr. DINGLEY. The bill is to be read by sections and considered in detail.

Mr. ROGERS. If the gentleman from Maine will give consent that the bill shall be read I will withdraw my objection; otherwise I must insist upon it.

Mr. REAGAN. Mr. Chairman, the committee which reported this bill may understand it, but members generally do not, and certainly we ought not to be asked to go into the discussion until the bill has been read and the gentleman from Maine [Mr. DINGLEY] has explained it.

The CHAIRMAN. Objection is made to dispensing with general debate.

Mr. DINGLEY. I think that if the gentleman from Arkansas [Mr. ROGERS] will listen to a brief explanation from me he will not insist upon his objection.

Mr. DINGLEY. If I can have the attention of the House for a few moments I will state the effect of the bill.

Mr. ROGERS. I ask the attention of the gentleman from Maine. Can not the vote dispensing with the reading of the bill be reconsidered? Let the bill be read, and then we can dispose of the whole matter intelligently.

Mr. DINGLEY. I will withdraw any objection on my part, and will ask that the vote to dispense with reading the bill in full may be reconsidered.

Mr. REED, of Maine (to Mr. DINGLEY). Let the bill be read in your time.

Mr. DINGLEY. I will ask the Clerk to read the bill in my time.

The CHAIRMAN. The Clerk will read the bill in the time of the gentleman from Maine.

Mr. ROGERS. I have not withdrawn my objection yet. I want to hear the bill read before I withdraw my objection.

The CHAIRMAN. That is understood.

Mr. MILLS. The gentleman from Maine now has the floor for the purpose of general debate, and he proposes to have the bill read in his time.

Mr. DINGLEY. The reading of the bill in full was dispensed with; but as the gentleman from Arkansas desires now that it be read, I ask the Clerk to read it in my time.

Mr. ROGERS. But we may desire to object to its being considered without general debate.

The CHAIRMAN. That question will come up afterward.

Mr. DINGLEY. I am willing that we have general debate.

Mr. CHAIRMAN. The Clerk will proceed to read the bill in the time of the gentleman from Maine.

The bill was read, as follows:

Be it enacted, &c., That on and after July 1, 1886, no fees shall be charged or collected by collectors or other officers of customs, or by inspectors of steam-vessels or shipping commissioners, for the following services to vessels of the United States, to wit: Measurement of tonnage and certifying the same; issuing of license or granting of certificate of registry, record, or enrollment, including all indorsements on the same and bond and oath; indorsement of change of master; certifying and receiving manifest, including master's oath, and granting permits; granting certificate of payment of tonnage dues; recording bill of sale, mortgage, hypothecation, or conveyance, or the discharge of such mortgage or hypothecation; furnishing certificate of title; furnishing the crew-list, including bond; certificate of protection to seamen; bill of health; shipping or discharging of seamen, as provided by title 53 of the Revised Statutes and section 2 of this act; apprenticing boys to the merchant service; inspecting, examining, and licensing steam-vessels, including inspection certificate and copies thereof; and licensing of master, engineer, pilot, or mate of a vessel; and all provisions of laws authorizing or requiring the collection of fees for such services are repealed, such repeal to take effect July 1, 1886. Collectors or other officers of customs, inspectors of steam-vessels, and shipping commissioners who are paid wholly or partly by fees shall make a detailed report of such services, and the fees provided by law, to the Secretary of the Treasury, under such regulations as that officer may prescribe; and the Secretary of the Treasury shall allow said officers such compensation for said services as each would have received prior to the passage of this act: *Provided*, That such services have, in the opinion of the Secretary of the Treasury, been necessarily rendered.

SEC. 2. That shipping commissioners may ship and discharge crews for any vessel engaged in the coastwise trade, or the trade between the United States and the Dominion of Canada, or Newfoundland, or the West Indies, or the Republic of Mexico, at the request of the master or owner of such vessel, the shipping and discharging fees in such cases to be one-half that prescribed by section 4612 of the Revised Statutes, for the purpose of determining the compensation of shipping commissioners.

SEC. 3. That section 10 of the act entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," approved June 26, 1884, be amended by inserting after the word "relative," in line 19, the following: "Or to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement, not exceeding one month's pay for board and one month's pay for clothing." And said section 10 is further amended by striking out all of the last paragraph after the words "vessels of the United States," and inserting in lieu of such words stricken out the following: "And any master, owner, consignee, or agent of any foreign vessel who has violated this section shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation."

SEC. 4. That section 4289 of the Revised Statutes be amended so as to read as follows:

"SEC. 4289. The provisions of the seven preceding sections, and of section 18 of an act entitled 'An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes,' approved June 26, 1884, relating to the limitations of the liability of the owners of vessels, shall apply to all sea-going vessels, and also to all vessels used on lakes or rivers or in inland navigation, but shall not apply to any canal-boat, barge, or lighter."

SEC. 5. That section 4153 of the Revised Statutes be amended by striking out the last sentence of the last paragraph, and inserting instead the following: "In every vessel documented as a vessel of the United States the number denoting her net tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if the number at any time cease to be continued, such vessel shall be subject to a fine of $30 on every arrival in a port of the United States if she have not her tonnage number legally carved or permanently marked."

SEC. 6. That from the close of section 4177 of said statutes the following words shall be stricken out, to wit: "Such vessel shall be no longer recognized as a vessel of the United States;" and in lieu thereof there shall be inserted the words following: "Such vessel shall be liable to a fine of $30 on every arrival in a port of the United States if she have not her proper official number legally carved or permanently marked."

SEC. 7. That section 4371 of said statutes is hereby repealed, and in lieu thereof the following provisions shall be inserted: "Every vessel of 20 tons or upwards, entitled to be documented as a vessel of the United States, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, and every vessel of less than 20 tons and not less than 5 tons burden found trading or carrying on the fishery as aforesaid without a license obtained as provided by this title, shall be liable to a fine of $30 at every port of arrival without such enrollment or license. But if the license shall have expired while the vessel was at sea, and there shall have been no opportunity to renew such license, then said fine of $30 shall not be incurred."

SEC. 8. That foreign vessels found transporting passengers between places or ports in the United States, when such passengers have been taken on board in the United States, shall be liable to a fine of $1 for every passenger landed.

SEC. 9. That the fines imposed by sections 5, 6, 7, and 8 of this act shall be subject to remission or mitigation by the Secretary of the Treasury when the offense was not willfully committed, under such methods of ascertaining the facts as may seem to him advisable.

SEC. 10. That the provision of Schedule N of "An act to reduce internal-revenue taxation, and for other purposes," approved March 3, 1883, allowing a drawback on bituminous coal used for fuel on vessels propelled by steam, shall be construed to apply only to vessels of the United States, and to vessels of foreign countries granting similar privilege to vessels of the United States in their ports.

SEC. 11. That section 14 of "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying-trade, and for other purposes," approved June 26, 1884, be amended so as to read as follows:

"SEC. 14. That in lieu of the tax on tonnage of 30 cents per ton per annum imposed prior to July 1, 1884, a duty of 3 cents per ton, not to exceed in the aggregate 15 cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the Sandwich Islands, or Newfoundland; and a duty of 6 cents per ton, not to exceed 30 cents per ton per annum, is hereby imposed on each entry upon all vessels which shall be entered in the United States from any other foreign ports: *Provided*, That the President of the United States shall suspend the collection of so much of the duty herein imposed on vessels entered from any foreign port as may be in excess of the tonnage and light-house dues, or other equivalent tax or taxes, imposed in said port on American vessels by the government of the foreign country in which such port is situated, and shall, upon the passage of this act, and from time to time thereafter as often as it may become necessary by reason of changes in the laws of the foreign countries above mentioned, indicate by proclamation the ports to which such suspension shall apply, and the rate or rates of tonnage duty, if any, to be collected under such suspension: *And provided further*, That such proclamation shall exclude from the benefits of the suspension herein authorized the vessels of any foreign country in whose ports the fees or dues of any kind or nature imposed on vessels of the United States, or the import or export duties on their cargoes, are in excess of the fees, dues, or duties imposed on the vessels of the country in which such port is situated, or on the cargoes of such vessels; and sections 4223 and 4224, and so much of section 4219 of the Revised Statutes as conflicts with this section, are hereby repealed."

SEC. 12. That the President be, and hereby is, directed to cause the governments of foreign countries which, at any of their ports, impose on American vessels a tonnage-tax or light-house dues, or other equivalent tax or taxes, or any other fees, charges, or dues, to be informed of the provisions of the preceding section, and invited to co-operate with the Government of the United States in abolishing all light-house dues, tonnage-taxes, or other equivalent tax or taxes on, and also all other fees for official services to, the vessels of the respective nations employed in the trade between the ports of such foreign country and the ports of the United States.

Mr. DINGLEY. Mr. Chairman, as the hour of 1 o'clock to-day has been assigned by the House for the delivery of addresses upon the death of Hon. Mr. ELLWOOD, late a Representative in this House from the State of Illinois, I shall have only two or three minutes to-day to begin the explanation of this bill. I hope to occupy altogether not more than ten or fifteen minutes, in which time I desire, if I can have the attention of the House, to present very briefly the salient points in connection with the bill.

This bill has been unanimously reported from the Select Committee on American Ship-building and Ship-owning Interests. It comprises only those provisions for the removal of certain fees, charges, and burdens on American vessels upon which the committee are entirely agreed. The first section of the bill provides that on and after the 1st of July next certain fees imposed by law on vessels of the United States for the services of collectors and other officers of customs, inspectors of steam-vessels, and shipping commissioners shall be abolished. And in order not to disturb the compensation of any one of these officials, it is provided that these services shall be returned in detail to the Secretary of the Treasury, and that he shall allow compensation to each of these officers precisely as though this act had not passed.

The fees to be abolished are those imposed only upon vessels of the United States, and they aggregate about $300,000—$110,000 being, so far as we can estimate, the fees of inspectors of steam-vessels; $150,000 being the fees of collectors and other officers of customs for documenting vessels and certain other services for American vessels; and about $40,000 being for services of shipping commissioners in shipping and discharging seamen of American vessels. So that in removing these fees we do to that extent indirectly aid the vessels of the United States.

Two reasons have operated on the minds of the committee in bringing this first section before the House: First, that the services required in connection with vessels in each of these cases for which fees are charged are services not primarily for the advantage or benefit of the vessel itself, but for the protection of the revenue of the United States and for the protection of the public interests, the committee holding that services thus performed ought not in this case to be a charge upon the vessel; and secondly, that by abolishing these fees we may to that extent afford an indirect aid to the American merchant marine.

Now, if there are any questions that any gentleman desires to put for the further elucidation of this first section I would be glad to make any necessary explanation before proceeding further.

Mr. STORM. I would like to ask a question in regard to the eleventh section.

Mr. DINGLEY. As I shall in my explanation take up the several sections in their order, I hope questions will be confined to each section as I proceed.

Mr. STORM. The gentleman has already stated, I believe, that the amount of revenue to be remitted is about $200,000.

Mr. DINGLEY. About $300,000.

Mr. HEWITT. I would like to ask the gentleman a question.

Mr. DINGLEY. The gentleman will pardon me. I am admonished that the hour fixed for the eulogies upon the late Mr. ELLWOOD has arrived. Therefore, Mr. Chairman, retaining my right to occupy the floor hereafter for the residue of my time, I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 4838) to abolish certain fees for official services to American vessels, and to amend the laws relating to shipping commissioners, seamen, and owners of vessels, and had come to no resolution thereon.

DEATH OF HON. REUBEN ELLWOOD.

Mr. HOPKINS (at 1 o'clock p. m.). Mr. Speaker, this is the hour fixed by the order of the House for considering the resolutions now pending before this body relating to the death of my predecessor, Hon. REUBEN ELLWOOD; and I ask for their reading.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. REUBEN ELLWOOD, late a member of this House from the State of Illinois.

Resolved, That a copy of these resolutions be transmitted by the Clerk of the House to the family of the deceased.

Resolved, That the Clerk be directed to communicate a copy of these proceedings to the Senate; and

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. HOPKINS. Mr. Speaker, since the election of the members of

this House to the Forty-ninth Congress the messenger of death has visited their number and taken one from among them in the person of my lamented predecessor, Hon. REUBEN ELLWOOD.

In the early hours of the morning, on the 1st day of July, 1885, after a long and painful struggle with that grim destroyer, Death, he yielded to his fate, acknowledged his conqueror, and peacefully and quietly as a sleeping babe passed over "the dark waters which roll round all the world." In his death the people of the fifth district of Illinois have lost a firm friend, a wise and conscientious legislator, an upright citizen, and an open-hearted, generous man.

Mr. ELLWOOD was born in Minden, Montgomery County, New York, February 17, 1821. His parents were Abraham and Sarah (De Long) Ellwood. They were poor, and with a large family of children to support, the subject of my remarks was early in life thrown upon his own resources for a livelihood.

In his boyhood the magnificent common-school system, which is the glory of the State he had the honor in part to represent on this floor, and which to-day opens the avenues to educational distinction in his native State to the plowman's son as well as the millionaire's, was unknown. The teacher who could explain the mysteries of multiplication and division, solve a problem in simple fractions, and work to the rule of three, was regarded as eminently well qualified to instruct the youth of that day.

Mr. ELLWOOD easily mastered these rudiments of an education, and, being possessed of a strong, healthy body and vigorous, restless mind, at the early age of fifteen years longingly turned his gaze toward the broad and beautiful prairies of Illinois as opening a better field for his ambition.

In 1837, before he had attained his sixteenth birthday, he made the journey from his home in New York to De Kalb County, Illinois.

In these days of the steam-engine, the telegraph, and palace coaches such a journey seems but a slight undertaking. Not so then, however. The "covered wagon" was the passenger coach of that day, and with such a conveyance he made this journey.

There is an element of heroism in the brave and fearless manner in which at this age he took up the burdens of life, turned his back resolutely upon all the endearing scenes of childhood, and, with the blessings of his father and mother, joined the number who have converted the great prairies of that then far-off Western State into fruitful fields and dotted them all over with beautiful villages and thriving cities. The first twelve months he passed in Illinois were as a farm-hand for one William Miller, of Kingston, De Kalb County. His second year there he was engaged in building a dam across Fox River, at Geneva, in the adjoining county of Kane. We next find him at work in a brick-yard in what is now the city of Rockford. He entered a claim for one hundred and sixty acres of land near Sycamore, in De Kalb County, and continued in various kinds of manual labor for about four years. At the end of this period, in somewhat impaired health, he returned to New York. His experience in the West and among men had taught him the importance of a more thorough education, and shortly after his return home he became a student of Cherry Valley Academy, which at that time was one of the best educational institutions of its kind in that part of the State. He never graduated. After a short time at that Academy he went to Glenville, Schenectady County, and engaged first in the mill and lumber trade; then in the cultivation of broom-corn and the manufacture of brooms. He continued in this business for seven or eight years, and was so successful that at one time he employed as many as one hundred and thirty men.

Mr. ELLWOOD returned to Illinois in 1857, and from that time until his death was closely identified with the material interests of the city and county in which he lived. He engaged for a time in the hardware trade in Sycamore, and in connection with that dealt in farm machinery. His quick and comprehensive mind readily detected incompleteness and imperfection in these machines for the purposes for which they were designed, and being of an ingenious turn of mind he invented, patented, and applied to them various devices and improvements. This naturally led him into the manufacture of machines and different kinds of farm implements. For many years before his death he was interested in the largest manufactories in De Kalb County. As a business man he had few equals and no superiors in the section in which he lived. It would be uninteresting to go into the details of his business career and recite the different enterprises in which he was engaged during the various periods of his life and which affected the material prosperity of the beautiful city of Sycamore, his home for more than a quarter of a century. In his death the people who knew him all these years have met with a great if not irreparable loss.

Mr. ELLWOOD was married in 1849 to Miss Eleanor Vedder, of Schenectady. Six children blessed this union. His married life was a fortunate and happy one. And now the widow and four of these children live to mourn the loss of a kind and faithful husband, a loving and indulgent father.

Though not an educated man in the books, he was a keen and close observer of men, and had what no schools can give—the very genius of common sense. It was this that made him the successful business man that he was, in spite of his indifferent education. The name of Ellwood is as closely interwoven in the history of De Kalb County and its development and prosperity as that of any family that ever lived within the limits of its rich territory. He and his brothers and sisters formed a most remarkable family. There were seven boys and four girls, all, as you saw Mr. ELLWOOD on this floor, large and robust. Five of his brothers settled with him in De Kalb County—all big-framed and big-brained men.

Together they formed a most conspicuous group, and REUBEN ELLWOOD was their recognized and acknowledged leader. But there was a warm and fraternal feeling which always united them, the remembrance of which must now be a source of comfort to the survivors as they think of him whom they delighted to honor sleeping his quiet sleep of death.

Mr. ELLWOOD from his earliest years took a deep interest in politics. His first experience in office was that of representative in the New York Assembly in 1851. His sympathies and every aspiration of his intense nature were in accord with those principles of human liberty which were promulgated to the country in the formation of the Republican party. He was sent as a delegate to the Republican convention at Philadelphia in 1856 which nominated Frémont, and from that day to the close of his busy life was a firm and enthusiastic supporter of that party. He was not an office-seeker, but ever ready and willing to help a friend. Whenever he appeared in political gatherings his born leadership was felt and acknowledged.

I remember attending a State convention held in Springfield, Ill., some years since, in which he was a delegate from De Kalb County. He came to the convention in the interest of a fellow-townsman who wished to be nominated for clerk of the supreme court. A number of candidates were ambitious for the same position, and when the delegates from the different parts of the State were assembled it looked very doubtful as to whether Mr. ELLWOOD'S candidate would receive the nomination. It was at that critical moment in such conventions when natural leadership asserts itself that Mr. ELLWOOD rose to his feet and in a five-minute speech, which I think I have never heard surpassed for force and eloquence, shattered all opposition and triumphantly carried the nomination for his friend.

As advancing years began to remind him of the approach of old age he had an ambition to round out a successfull business career with a few terms in Congress. That ambition was gratified by the votes of the people of his district in 1882. So well had he performed the duties of this new position that in 1884 he was renominated without opposition and was re-elected by largely increased majorities in all the counties of his district. What his services were here and how he was regarded by his associates I leave for those to tell who had the honor to serve with him in the Forty-eighth Congress.

In private life he was just, temperate, and faithful to all his obligations. He was a good neighbor and a kind friend. In his domestic relations he was what makes home a heaven. He had the courage of his convictions, and like all men of that mentality had his opponents and detractors. But the grave buries all differences and seals the lips of defamers. His last sickness and his death fully demonstrated the strong traits of his character. He watched the progress of his disease with a keen and intelligent interest and courageously fought its advancement; but when he became convinced that his end was near, obeying the divine injunction, he put his house in order and awaited his final dissolution with firmness.

Death had no terrors for him. And as his devoted brothers and sisters and weeping wife and children pressed around his bed to catch the last intelligent words of the dying man, with a long and steadfast look into the great future he whispered back the cheering words, "It is all right; it is all right." Mr. Speaker, so lived and died a man whom the people of the fifth district of Illinois will long remember and honor.

Mr. HENDERSON, of Illinois. Mr. Speaker, it was not my good fortune to have known the late REUBEN ELLWOOD, member-elect of this body, personally until after his election as a member of the Forty-eighth Congress. And yet, with his kindly and generous nature, our first meeting seemed to be the meeting of old-time acquaintances and friends, and I very soon learned to respect and love him for his many noble and manly qualities.

But, Mr. Speaker, while I did not know Mr. ELLWOOD personally before we met as Representatives in Congress from our State, he was not unknown to me by reputation; and I feel justified in saying that he was not only a man of high character and standing, but he was one of the foremost citizens of the community in which, for so many years, he resided; and although he is dead, the workmanship of his hands and of his brains remains to remind his neighbors and friends of his active, useful life. Probably no other man had done more to build up and promote the prosperity of the city and county in which he lived and died than REUBEN ELLWOOD, and I am sure the death of no other citizen would have been more deeply deplored than his by the people generally at his own home and where he had expended the best energies of his life.

Mr. ELLWOOD came first to De Kalb County, Illinois, when a poor boy, at but fifteen or sixteen years of age, and settled near the present city of Sycamore, before it had even been laid out as a village. But after a few years, in which he worked as a laborer on a farm and in various other occupations, he returned to New York, his native State.

There he improved his education, engaged in active business, served a term as a member of the State Legislature, and in the year 1857 returned to De Kalb County, Illinois, and located permanently in Sycamore, then but a small village. Being much better equipped than he was before, he entered at once upon a life of great activity and usefulness, and by his integrity, his ability, and untiring industry and energy rose to the high and honorable position which as a private citizen and public servant he occupied at the time of his decease.

Mr. ELLWOOD was eminently a self-made man, and achieved his own success in life by integrity of purpose and fidelity to duty. We can well commend his life and character as a noble example of what, under the beneficence of our free institutions, can be accomplished by pluck and energy.

I have been much interested in hearing from his own lips some account of his earlier struggles. But in the last year of his life he was not free from trials. He suffered from some business adversities which overtook him, and perhaps from the general depression in the manufacturing interests of the country in which he was engaged, employing as he did a large number of men and a large amount of capital. And I remember well how anxious he was to preserve the integrity of his business character, and how he struggled to prevent the accumulations of his active, busy life from being swept away. It kept him away from his public duties here much of the time during the second session of the Forty-eighth Congress, and from his letters to me I know how deeply he regretted his absence, and how anxious he was that the interests of his constituents should not be neglected on account of such absence.

Mr. Speaker, Mr. ELLWOOD was not only an honorable man in his private life and business affairs, but he was a broad-minded, public-spirited, patriotic citizen. He loved his country and the community in which he lived and died with an earnest devotion; was proud of their growth and prosperity, and took a deep interest in all that would in his judgment promote the public welfare. As a Representative in Congress he discharged his duties intelligently and faithfully; and, I think, was especially attentive to the wants and interests of his own immediate constituents. He, being a new member, took no prominent part in the discussions of the House, but kept well posted in its proceedings, and had an intelligent understanding of the questions brought before it for consideration and determination. In his death his constituents and the country lost an able, faithful, and patriotic representative in this body.

Mr. Speaker, when the Forty-eighth Congress closed on the 4th of March last, REUBEN ELLWOOD was apparently in robust health and vigor, and gave promise of as long life as any of us. But he has fulfilled the law of our nature, and has passed away from earth forever. His death was a shock as well as a surprise to me, and I deeply deplored it, for I entertained high respect for him and for his many virtues and his sterling character.

The words we speak here, Mr. Speaker, in memory of our departed colleagues and friends may be but little heeded, but it is well for us to pause for a few moments in our proceedings to pay tribute to a faithful Representative and public servant and to extend our heartfelt sympathy to his widow and fatherless children in their great bereavement.

And while at this hour we honor the memory of my departed friend and colleague, REUBEN ELLWOOD, and remember in sympathy his family, let us not forget the name of JOSEPH RANKIN, another of our number who has been taken from us, and who to-day has been laid away at rest in his Wisconsin home. Peace to his memory also; and I trust all our hearts will go out in tender sympathy for his bereaved widow and his fatherless children left in their desolation. In concluding this brief tribute of respect to the memory of a departed friend and colleague for whom I cherished a very high regard, I will say that these lessons of our mortality have been frequently brought home to us since I have been a member of this body; and while we may not heed the words uttered here on these memorial occasions, it would be well for us to heed the lessons themselves, and let them so affect our minds and hearts as to lead us to nobler purposes in life.

Mr. TILLMAN. Mr. Speaker, I can not permit this melancholy occasion to pass without delivering my humble but sincere tribute to the worth of our late associate, REUBEN ELLWOOD.

I never knew him until we met in this Hall at the first session of the Forty-eighth Congress, but long before that Congress expired I had learned to admire and respect his manly qualities of head and heart.

We served upon the same Committee on Claims in that Congress, and just as it has been aptly said that the army in time of war is the best place in the world to find out a man's real character, so there is no better place in time of peace to discover a Congressman's true capacity and principles than on the Committee of Claims in this body.

In addition to passing upon hundreds of honest demands on the Government, that committee has to investigate thousands of conspiracies against the Treasury, suggested by fraud and supported by perjury. So onerous are the duties of the committee, that its faithful members are kept busy examining facts, or studying law all the while till the last day of the session, or listening to the prayerful importunities of claimants night and day. Then, too, the labors of the committee are like those of Sisyphus, in that a very large majority of the claims have to be gone over anew Congress after Congress, because this House has not the time to adjudicate them.

The man who can faithfully undergo such tread-mill service as this proves what sort of timber he is made of. Yet Mr. ELLWOOD stood the test without shirking any of the thankless petty drudgery. He always cheerfully took charge of his quota of cases for private investigation, and, except when unavoidably absent from sickness or real, not feigned business, he promptly attended every one of the numerous meetings of the committee to discuss and decide upon a report in each case.

It was at these meetings of the whole committee that Mr. ELLWOOD indelibly impressed himself upon his colleagues. His sound judgment, keen intelligence, high sense of justice, scorn of everything mean, as well as his moral courage, stood out in bold relief, proclaiming him every inch a man.

On several of these occasions when there was hot division in the committee on the merits of the pending claim I have heard him deliver as fine bursts of impromptu eloquence and logic as I ever listened to. Although no lawyer, he was well versed in the philosophy of ethics, and he was a profound judge of human nature. "Common sense and justice" were his favorite "legal authorities," as they are with all strong-minded self-taught men, and he often quoted them in the committee-room with telling effect. He likewise always presented his views with exceeding great modesty, which gave them additional weight. Remembering how successfully he generally maintained his positions in the committee, I asked him once why he did not talk to the House in the same way, to which he replied, "The House chills me"—a very unusual admission for a self-made man, because such men have to encounter and overcome so many obstacles in life that as a rule they are both rough and self-asserting in any presence.

Mr. ELLWOOD was a massive and robust man physically, mentally, and morally. There was nothing small about him. He was a very companionable person withal, and we frequently chatted about men and measures. It was in these pleasant conversations that I gathered many facts and incidents of his career that explained the secret of his success. It was poverty, pluck, and principle that developed him into such a splendid specimen of a self-made American sovereign. His parents were poor, and as they had eleven children they could not do much for him, so he had to do for himself, which was rather a blessing than a misfortune, because poverty gives a strong boy his best training by inuring him to hardships and self-denial, as well as by whipping and spurring him to do his best on all occasions, while wealth tempts to indulgence, idleness, and dissipation.

It is for this reason that where one young man of fortune makes his mark in the world a hundred poor ones do it.

Young ELLWOOD, while a mere boy, comprehending that he had to push his own way through the world, struck out from his native State, New York, for the mighty West in search of opportunity, which he found in the grand Commonwealth of Illinois, where he did not wait, as do so many young men of the Micawber stripe, for something to turn up, but he diligently set to work to make it turn up by doing the first honest job he could find. No matter whether it was following the plow, driving an ox-cart, splitting rails, molding brick, or rolling dirt in a wheelbarrow, he was ever ready to make his luck. After having thus toiled five or six years and accumulated the necessary funds, feeling the want of a better education, he returned to the Empire State to seek knowledge as earnestly as he had pursued the means to pay for it.

Upon the completion of his studies he was so well equipped with good habits, good principles, and high intelligence that he could not fail to win in the battle of life, especially as he soon after acquired a strong ally in a noble wife, and as he was also zealous, candid, and public-spirited, as well as of a magnetic temperament, no one ought to be surprised at his splendid success in business as well as in politics, both in his native and adopted State.

In politics he was an uncompromising Republican, but not so much in a factional or partisan sense as in being an unyielding champion of equal rights, privileges, and burdens for the whole human race. I heard him remark more than once that from his very boyhood he had been bitterly opposed to African slavery, for the establishment of which in this country primarily the North was as much to blame as the South; but now that the hated institution had been abolished by war, he was for healing the wounds of civil strife and reuniting the sections in fraternal relations; said that he acted with the Republican party from habit, because he had belonged to it all his life on account of its general principles and policy, but that he did not approve of several of its extreme measures and tenets.

It was these liberal sentiments, together with his sociality, heartiness, and fidelity to his Congressional duties, as well as an unmistakable liking for myself that irresistibly drew me toward him, and caused me to watch with peculiar solicitude the rapid inroads that the fell disease which finally carried him off was perceptibly making upon his powerful constitution. On one occasion, near the close of the last Congress, when he had just arisen from an excruciating attack of his incurable malady, he spoke feelingly, yet calmly, of his approaching end. I tried to encourage hope, for which he thanked me, but, sadly shaking his head,

said it was no use, as his judgment told him he could not last long, although he might recover from two or three more paroxysms. He alluded touchingly to his happy home and other endearments that made him crave to live, but said fate was against him. Still, conscious of the rectitude of his purposes and actions in the past, and believing that if one's life is right his end can not be wrong, his brave, patient resignation seemed to say:

A man can die but once—we owe God a death.

As he has left his children an honored name to preserve, and left them, as well as his countrymen, a model example to imitate, he has not lived in vain.

Let us all strive to do likewise.

Mr. HITT. Last winter I sat through months of labor here near REUBEN ELLWOOD, that broad-shouldered, strong-voiced, marked man who has been taken away. We represented adjoining districts and similar interests, and entertained kindred views on almost every question discussed in this body. We consulted together almost daily about the interests of our constituents and on all the topics that would arise in two years of daily intercourse. Sometimes he talked of his past life, friendships, struggles, and personal history, for he was one of those positive characters whose strong individuality had marked his career all through life with instructive interest; and he was a delightful companion.

I speak of him to-day with the sensibility of a friend, with the sorrow of one who has lost a friend, with that appreciation of his character and life which comes from having seen a part of his life and having talked often with him of his past. His was a nature made for action, trained from the beginning to strong endeavor. He was one of those to whom hearty exertion was healthy, joyous existence—and his life was all continuous, active, well-earned achievement.

He grew up in Montgomery County, New York, where he was born in 1821. He was a robust boy, stout, large, and active, one of a numerous family. There was no luxury in that household. There was not much opportunity for education. Like almost every stout boy, he found it hard to learn when he did go to school, and it made him impatient. He felt his strength, and that if he could not succeed in his classes he could do something else, and do it well. Still he persevered at school, and finally began to pass all the others. With the opening of his mind came restlessness and longing for action, a brave readiness to begin at once the struggle of life, even in the hardest fashion.

He determined to go out to the new world of the prairies. When only sixteen years old this big boy left New York, made his way resolutely to what was then the far West—and remember this was before the time of railroads. It was in 1837 he came to the rich region, then all wild, of Northeastern Illinois, and began a home in the wilderness, taking his 160 acres of Government land in what is now De Kalb County—that De Kalb County to-day so crowded, so prosperous, so highly cultivated and populous, which he represented in this Hall. There he remained, a laborious, faithful, hopeful youth, for four years, working on his own land and for the farmers of the neighborhood; and then he went back to New York. He wanted more thorough education, and he went to Cherry Valley Academy, a school of excellent repute, where he studied with a stubborn diligence that was rewarded. Every step in this late-gained education was appreciated intensely by him and was a conscious joy. It was to this school that he owed much of the facility he always had in clear, forcible expression, for, though Mr. ELLWOOD never belonged to any of the talking professions, he was an able speaker.

But business was from the first most attractive to his energetic, practical character. He has told me, with quaint humor and lively interest, how he went into the lumber trade; how he raised and manufactured broom-corn at Glenville. He was an active citizen of this town of Glenville for, I think, about eight years, taking a lively interest not only in business and neighborhood questions, but in public affairs. Young as he was, he was chosen one of the supervisors of the county. He had strong convictions in politics then, as many of you personally know he had when he stood with us. At that time he was an ardent Whig. His energy of character brought him into public notice, and he was chosen a member of the assembly of New York in 1850.

A few years later, at the organization of the Republican party, he was one of the first to enlist in the new cause; was an earnest, influential advocate of its ideas, and was sent as a delegate to the national Republican convention which met at Philadelphia in 1856 and nominated John C. Frémont.

But his heart all the while longed for the land of the prairies; and the next year, 1857, he returned to Illinois and fixed his home at Sycamore, in that same De Kalb County he had selected twenty years before. He went into the hardware business, operated a good deal in real estate, and was engaged in business of almost every kind, as opportunity offered to his active, sagacious spirit. He was still earnestly interested in politics, and in 1866, in recognition of his prominence as a Republican and his character as a thorough and high-minded business man, he was appointed assessor of internal revenue, which was then an important office. In 1868 the Republicans of De Kalb County selected him as their candidate for the nomination for Congress, and the De Kalb delegation all voted for him.

He had been dealing in hardware, and Mr. ELLWOOD used to tell, in his original and striking manner, how in handling agricultural implements, which he sold in his hardware business, he was led to study their methods of construction, their principles, and the improvements that suggested themselves to his quick, inventive mind. He saw, too, as a business man of comprehensive grasp, what an immense market the farming West offered to agricultural implements, and thus he was led into invention and manufacturing. As early as 1870 he began, and he brought to his new and higher business such judgment, such economy of means to ends, shrewd good sense and pushing energy that he was successful from the first, and his success broadened each year as he went on. In five years more he began the construction of those extensive shops where the Reuben Ellwood Company has since carried on the manufacture of agricultural implements, pouring out a great stream of the varied machines which are now well known to thousands of our farmers. He was just the man to direct such an enterprise; a good judge of men, vigilant in details, an untiring worker himself, with a big brain, strong body, and hopeful spirit—a natural leader.

With all this load of business he never slackened in his interest in public affairs. He worked for the cause he believed in and the principles he loved. He bore his full share of every burden and performed his part in the active support of his party and its cause.

In 1882 the Republicans chose him as their candidate for Congress from the fifth district of Illinois. Of course he was elected, for there is no uncertainty about the voice of De Kalb, Boone, and the neighboring counties. His majority was very handsome—7,800—increased by the high esteem in which he was personally held. It was during that Forty-eighth Congress, beginning in December, 1883, and ending last spring, that so many gentlemen who sit around me saw and knew REUBEN ELLWOOD—for nearly two hundred of you were members of that Congress. I know you will all bear witness to the fidelity, diligence, and intelligence with which he discharged his duties as a representative of the people. He brought here the ways of a business man—prompt, watchful, keenly measuring the practical value and bearing of every measure. He was a good worker in committee, where, as we know, the greater part of the work of Congress is done, never occupying time with needless words, having an opinion of his own, and a sound, sensible reason for it. He was a thorough Republican, of long-tried, well-considered convictions, believing that his party deserved his support, not because of any bigotry or slavishness, but because popular governments are always to be governed by great parties if they are to exist at all, and that it is the duty of the citizen, having chosen what he believes to be the truth in principle and the best in party, to stand firmly by his party and his faith.

He was a regular attendant at the sessions of the House. Even the long night sessions, that always come toward the close of a Congress, did not tire him out, for though he was growing into age, almost sixty-four years old, he was the picture of manly vigor, a solid man, ripened and turning gray, stout but not yet heavy in movement, the light of his eye undiminished. He moved with a strong step, and when he spoke it was briefly, in a quick powerful voice and right to the point, for his ideas were as clear and decided as his tone or his tread.

The routine proceedings of the House, and still more the long debates, wearied him, and close attendance on the House was a harder duty for him than others—more irksome to his nature and activity. He grew tired of talk and delay, discussions on points of order, and the eternally recurring objections that seemed to prevent anything at all from being accomplished. He wanted to act, to dispatch public business as he did his own—examine the matter carefully and thoroughly, and then decide it. He said, time is worth something to somebody else if it is not to those who are taking up so much time. To have to sit and listen to a prolonged debate of many days on an old subject like the tariff, while he thought of all his own important interests requiring his attention a thousand miles away, made him impatient.

He was disgusted and annoyed with post-office strifes and the small-beer statesmanship of getting and settling petty appointments. But he really loved the essential duties of a legislator. He seized the scope of a bill quickly and clearly. If it was a new subject to him he went to work upon it with all his strength, and he was so strong that he soon mastered it. He took delight in the fruitful work of legislation, in any saving of public money, in studying how to cure a burdensome or faulty law, or prevent an injustice, or carry out a great line of public policy. Although he served but one term in Congress, he had already become a practical and efficient legislator, of broad, liberal, progressive views.

In his business he was the same. His mode of adding to his own wealth was beneficent to others. There was nothing ignoble or sordid in it. Each machine for planting or cultivating that he made and sold multiplied the hands and lengthened and strengthened the arms of the farmer who used it. It added to the hours of the day by adding to the work which could be accomplished in it. In wisely combining simple instruments into new machines, in subduing and applying the rude forces of nature, he conferred fresh strength upon all his neighbors to

perform useful labor, created new comfort, and increased the general happiness.

He was without inherited wealth, and fought his way sturdily and steadily to competence, to position, to independence, and in doing this his productive activity shed blessings upon others at every step. His nature was self-reliant and commanding. He was himself a fine piece of human machinery, driven by a brave strong spirit, that ground every obstacle down before its steadfast power. From the beginning, as a boy, to the end of his honorable life he earned and paid his scot.

If he did not inherit wealth, he was heir to marked family qualities. The seven Elwood brothers are a tribe in Israel, a valiant element in De Kalb County, a body of prominent families, workers, and leaders, honorable and honored for worth and for success.

There are many hundreds of people living in the district I represent who knew the face and voice of REUBEN ELLWOOD, and shared the great sorrow that pervaded the more eastern counties, where he was universally known, when the news spread through tbe country that this noble-hearted man was dead. And there are many of the members of this House who felt a pang of grief that one whom we had known and respected and learned to know was worthy of all honor had suddenly been called from the labors and joys and honors of earth to the life beyond the grave, and that we should see him no more in his accustomed seat.

He has left us the valuable lesson of his career—the example of a pure private life, absolute integrity in business, fidelity and efficiency as a Representative, and the devotion to principle in all public affairs which is found in one who loves and serves his country as a true patriot.

Mr. PETERS. In December, 1883, at the first meeting of the Forty-eighth Congress, my acquaintance with Hon. REUBEN ELLWOOD began. After the drawing for seats we became neighbors. Day by day our acquaintance grew until it ripened into friendship. Though many years my senior, his cordial and genial manner attracted me to him, and ere the session aged I enjoyed his confidence.

This was an honor and a compliment which I then cherished and now fondly recall. I esteem it a pleasurable duty to speak for and of him to-day.

Time had wrinkled his face, but not his heart. Filled as this was with human sunshine, his daily greeting had a glow and warmth of well-wishing that was infectious. Sixty-four years of life had not mildewed his disposition. His very presence dispelled gloomy thought and scattered troublous apprehension. His large expressive eyes were the windows through which the soul within shone with such fervor, that the plain face was made to appear handsome.

He was frank and outspoken, sometimes even to abruptness, but so earnest, kind, and sincere that he seldom gave offense. His conscience was his own tribunal, and its decrees the rule and guide to his action.

He was nearly always in his seat during the sessions of the House, giving personal attention as well as consideration to legislative proceedings.

His strong intellect and large practical experience gave a force to his suggestions that impressed instantly. He was not an orator, but rather a strong thinker and a logical reasoner. He did not speak often in the House, but when he did speak he sought to inform and convince his hearers. He spoke to those who were present, and always commanded attention. He was an industrious member, very methodical in his work, and each day's closing brought rich returns to the people of his district, in much of which the general public shared.

His political convictions, like all others entertained by him, were very strong. He believed certain political tenets were right, and, being honest in this belief, was a partisan. He was an honest politician, controlled by conviction and not by policy. The "mugwumpian" land, was to him neutral ground, upon which no honest man could stand and preserve his self-respect. He accorded to every man the right to differ with him, but his opponent, to secure his respect, must differ from principle. With him there was no intermediate play-ground between truth and error. The fawning changeling for place received and merited his supreme contempt.

He was very strong in his affections. One day in the House a telegram was handed him. He opened it somewhat eagerly, because he had many anxieties about business affairs at home. After reading he handed it to me, and as I took it I noticed the large, expressive eyes fill with tears, the lips quiver, and the involuntary sob well up from the anguished heart. The message announced the death of his favorite grandchild. The richest, strongest evidence of sincere affection was the glistening tear in the eye of this great strong man. No greater tribute of love could be given even by the angelic host.

"Few men get their life-labor accomplished without some sore heartaches." This affliction was a severe one, from which he never fully rallied. We parted at close of the session expecting to meet here again. One day in mid-summer, while scanning the dispatches in the daily papers in my far Western home, I read of his serious illness; the next day brought news of his death. The grandfather and grandchild had reunited in a fairer clime, where affection's current is never broken.

Personally, I know nothing about his home or the people he so well represented in the Forty-eighth Congress, but I believe home and people in his death lost an able, fearless, and upright champion.

The frequency of death's visits almost familiarizes us with "the pale horse and rider." Like the broad river sweeping on, unmindful of the drops of water that are separated from it by the sun's heat or the dashing spray, so the current of life's busy stream sweeps on, scarce noticing the drops that are separated from it by the summons of the "Grim Messenger." There are bitter tears, sorrowing hearts, a new-made grave, but the busy hum of the world does not cease for an instant. When some one can step aside from this busy throng and say truthfully of him who has been summoned, "He was a man," it is a eulogy fit for the king of men. From my short but intimate acquaintance with REUBEN ELLWOOD I feel that I can earnestly, fervently, and truthfully say of him, "He was a man." His life was a busy one. He went from New York to Illinois when that prairie State was yet the far West. He—

> Crossed the prairies, as of old
> Our fathers crossed the sea,
> To make the West, as they the East,
> The homestead of the free.

The early history of the West is the prophecy; the later history is the fulfillment. The one is hope, the other is fruition. The inspiration is of the East—Eastern. The accomplishment is of the West—Western.

The school and the home in New York, cleared and planted and tilled the youth and early manhood, but Illinois, with her enlarged possibilities, ripened and garnered the harvest. After "life's fitful fever" his remains rest in the honored soil of his adopted State. Her people will guard his memory, and her sons in this House and elsewhere accord to his character and life merit and praise more appropriate than mine. Be it for me to say that I am the better and stronger for having known him and that the world is better for his having lived in it.

His work is done. He now fully realizes—

> After the shower the tranquil sun;
> After the snow, the emerald leaves;
> Silver stars after the day is done;
> After the harvest, golden sheaves.
>
> After the clouds, the violet sky;
> After the tempest, the hill of waves;
> Quiet woods, when the winds go by;
> After the battle, peaceful graves.
>
> After the burden, the blissful mead;
> After the flight, the downy nest;
> After the furrow, the waking seed;
> After the shadowy river, rest.

Mr. MCMILLIN. Mr. Speaker, it is true that no word we utter here can benefit him whose loss we meet to mourn; but good, and good only, can result from recounting the virtues of those who lose life in their country's service.

It was not my fortune to meet REUBEN ELLWOOD till the early part of the first session of the Forty-eighth Congress. Those who have had experience here I think will agree with me that the House of Representatives does not afford the best opportunities for thorough acquaintance with members in a short time. The duties are so great and so incessant, that in the rush of the session and the hurry of business we have to get acquainted as we can, not as we would.

But my acquaintance with the deceased was very intimate and exceedingly pleasant. It began by both being placed on the same committee. I remember the day it began with great pleasure; the day death ended it with much pain. Our first interview I remember distinctly. He had been detained at home some days after the announcement of committees of the House, so he could not attend the first meeting of the committee. On his return he came to my seat in the House, introduced himself to me, saying he observed I was chairman of his committee, explained the cause of his absence, and avowed his purpose to miss no meetings. How well he kept that resolution the records of the Claims Committee bear most honorable testimony. He had referred to him more than fifty bills, and hence I know whereof I speak when I say he was ever vigilant and efficient.

In the discharge of duty he knew no fagging, no friend, no foe. In its discharge he was not moved by passion nor swayed by prejudice. He had strong political convictions, but never allowed them to control him in the committee-room. Indeed, after two years of intimate association, where we met almost daily, I do not remember a single action in committee by which any opinion could be formed of his political faith. I have said he had strong political convictions. Yes; he believed that no greater calamity could overtake our people than for them to become too ignorant to have opinions concerning their government or too cowardly to avow them. But it is also true that he had a heart big enough to love every lover of his country, and had patriotism enough to condemn every man who was an enemy to his country's institutions.

What an encouragement is his life to the destitute, uneducated youth! Born of poor parents, he was cast upon his own resources at an early age. When, in 1837, he left his New York home, sixteen years old, and took up his line of march for De Kalb County, Illinois, he had nothing but robust health, strong will, untiring industry, and high integrity. But combine these, and the fortunate possessor is sufficiently armed and equipped for the battle of life in our heaven-favored country, and can no more fail under our free institutions than the planet can fail to keep its orbit. From this combination we have derived our Jacksons, our

Clays, and our Websters. So marked has been the progress of men struggling against poverty, that it would seem that man, like the kite, rises against the wind, not with it.

Adversity tries the man as heat tries the metal, and only proves the sternness of the stuff of which he is made. From the beginning of his career he had the intelligence to form opinions for himself and the manliness to express them. But while firm in his own convictions, he was deferential to the opinions of others. He demanded no cringing from others nor yielded it to others. After he had battled against adversity for four years, and about the time he attained his majority, he concluded he must have additional educational attainments. So, returning to New York, he entered Cherry Valley Academy, and began the course of study which was of so much service to him in after years. This step was indicative of the spirit that always characterized him.

It is hard enough for us to confess ignorance at all times; but it requires more moral courage than most men have after four years have been spent in the active pursuits of successful business life to go back to the school-room almost entirely unlettered and take a place at the foot of classes composed of those who are years younger than we. This young ELLWOOD had the courage to do, and it was indicative of that spirit which enabled him to overcome the obstacles of life.

When thirty years old he made his first political venture, and was elected a representative to the New York assembly as a Whig.

I will leave to others who knew him earlier the office of giving step by step the different periods of his life. It is sufficient for me to say that, whether we trace REUBEN ELLWOOD through the trials of youth, the struggles of young manhood, the eminent success of mature age, or the last great triumph of his life, when one hundred and sixty-five thousand people called him to serve them in the Congress of the great Republic, he is the same honorable, high-toned man. In every field of labor, in every walk of life, he inquired only where the path of duty lay, and followed it whether it led to his personal loss or gain. In the home circle he had all the gentleness and tenderness necessary to make those around him happy. At the same time he had all the strength and sternness required to meet and move men in the affairs of life.

After a life full of activity and success the day approached when his struggles were to end and his successes cease. The 1st day of July came and found him surrounded by faithful friends and anxious loved ones, but beyond their power to give him relief. He knew his end was nigh, and faced it, as he had life, with firm resignation. His last words were, "It is all right; it is all right." The "golden bowl" of his terrestrial existence was broken and the "silver cord" that bound REUBEN ELLWOOD to this life was "loosed." His family lost its chief stay, society a most worthy member, and his country a patriot. This consolation is left to all, that he belongs to that class of whom it may be truly said:

> Nor wreck, nor change, nor winter's blight,
> Nor death's remorseless doom,
> Shall dim one ray of holy light
> That gilds their glorious tomb.

Mr. DUNHAM. Mr. Speaker, my acquaintance with REUBEN ELLWOOD commenced a few days before the assembling of the Forty-eighth Congress. Occupying almost adjoining seats, and representing the district nearly bordering upon my own in the State of Illinois, I was often thrown into his company. I would be unwilling to let this occasion pass without offering my tribute to the memory of a man that I learned to like so well. Full of zeal in his work, active in behalf of his constituents, faithful to his duties, he was in my judgment a useful and efficient member of this House. Personally I admired the man. His frequent reference to his family and his home, and his often-expressed wish that the days might rapidly pass so that he could once more join the "loved ones," plainly proved his excellent qualities of head and heart.

Never shall I forget the evidence of great grief displayed when a telegram was handed him, while in the midst of his duties here, announcing the death of his little grandson. While the eyes filled with tears and the great frame shook with emotion, the heart almost broken, and the fact that he was unable to be present at the funeral adding to his sorrow, still, with the resignation of a true Christian, he said to us, "Hard it is; but he is in a happier world than this." The continued and repeated evidences of good-will and affection of the people among whom he lived and whom he represented in the Congress of the United States plainly demonstrated their confidence. We knew him but a few months, yet long enough to heartily indorse all that his home friends and neighbors might say for him.

Greater statesmen may have come upon the stage of life than our friend, men whose names may live longer in history than REUBEN ELLWOOD, yet none have been more faithful in the work given them to do.

The reputation of a man in the immediate locality of his own home is more precious than honors that may be ascribed by the outside world. Our friend in an eminent degree gained and kept the affection of his own fellow-citizens. His work is done; his labors are ended. He lives again. He now enters upon that real life which shall have no end.

Mr. ADAMS, of Illinois. Mr. Speaker, my respect for Mr. ELLWOOD'S character is so profound, my relations with him during the Forty-eighth Congress were so cordial and intimate, that I can not forbear the attempt to add one more tribute to his memory.

His district adjoined mine. We had many interests in common. As the first session of the last Congress went on I came to understand and respect him more and more, not only as I met him here on the floor of the House, but elsewhere. We frequently walked home from the Capitol together at the close of the day's session. On these occasions he would sometimes open his heart to me, and I could see how his simple, strong, home-loving nature was affected by the hurry and excitement of life in Washington. I do not think Mr. ELLWOOD enjoyed Congressional life, save as he enjoyed the consciousness of serving with all his might a constituency for which he entertained a sincere and profound respect.

I remember he told me one afternoon toward the end of the long session that he had no desire to remain in Congress. He felt himself unfitted for the place. As for debate on the floor, he told me that he often had a desire to join it, but had always been held back by a distrust in his ability to hold the attention of the House. As for the routine duties which consume so much of the time and strength and vitality of a member of Congress, his feeble health rendered them peculiarly irksome. Yet he performed them with scrupulous and painstaking regularity to the very utmost of his physical ability. It was his duty, and that was enough.

Notwithstanding his indifference to political distinction, he did earnestly desire to be returned to Congress for a second term. He simply wanted his constituents to say that he had served them well. After that term he would go back to his quiet regular home life, and among the people who had given him repeated testimonials of their confidence and esteem he looked forward to spending in comfort and honor and congenial occupation the declining years of his life.

In supposing that he was unfitted for debate on the floor of the House Mr. ELLWOOD greatly underrated his own powers. My colleague has told us how on one occasion he broke through his habitual reserve, and by a sudden burst of eloquence bore down all opposition and carried a political convention by storm.

We, too, who knew him in the Forty-eighth Congress well remember one occasion, two years ago, when Mr. ELLWOOD, who till then had never addressed the House, felt that the interests of his constituents were at stake and that he must take the floor. He did so, and the House, wearied as it was by a long debate, was at once stilled into respectful silence by his magnificent voice and by the clear, terse English in which his ideas were expressed.

Not the least useful among members surely is he who speaks thoroughly well when he has something definite to say, and is content to be silent on all other occasions.

We have heard from the chairman of his committee how faithful his service was, how decided his convictions, how free his charity for the convictions of others.

There are some men whose toleration of other men's opinions is due to the lack of strong opinions of their own. There are other men whose strong convictions make them purblind even to the honesty of those whose convictions do not accord with their own. In neither class could Mr. ELLWOOD find a place. He was a friend of the people, but he did not claim to be the only friend the people had. Above the reach of suspicion himself, it did not occur to him to suspect the integrity of others merely because they differed with him on some public question. He willingly gave credit even to those whose political theories he condemned for possessing motives as disinterested as his own.

That is the true frame of mind and feeling for an American legislator. We represent a country so vast, so diversified in its material interests, so varied in the habits of life and thought which prevail among its people, that we can not expect to truly express the sentiment of the nation unless we can deliberate together with malice toward none and with charity to all.

Those who can not understand how the policy of a great nation can be wisely and safely guided without the aid of professional statesmen of long experience in public affairs, but solely by the sterling integrity and clear judgment of representative men who express here in the National Legislature the virtue and intelligence and public spirit of their Congressional districts, may learn something from the brief, laborious, conscientious public career of REUBEN ELLWOOD.

The resolutions were adopted; and accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to the claim of William S. Warren, of Corinth, Miss.—to the Committee on War Claims.

By Mr. BALLENTINE: Petition of John Bowden; of Robert R. McGuire; and of Robert R. Phelps, executor of John Phelps, asking reference of their claims to the Court of Claims—to the same committee.

By Mr. BLANCHARD: Papers relating to the claim of J. R. McGoldrick, of Louisiana—to the Committee on Claims.

By Mr. BUCHANAN: Papers relating to the claim of Fred. Phillips—to the same committee.

By Mr. BURROWS: Joint resolution of the Michigan Legislature,

asking for an appropriation in aid of the construction of a soldiers' home in the State of Michigan—to the Committee on Military Affairs.

Also, petition from the Lake Carriers' Association, for the improvement of the Saint Mary's River—to the Committee on Commerce.

By Mr. J. M. CAMPBELL: Numerous petitions, memorials, &c., relating to and asking for the appointment of a commission for the testing of iron, steel, and other structural materials—to the Committee on Manufactures.

Also, papers relating to the claims of Terrence Delozier and of Francis M. Bell—to the Committee on Claims.

By Mr. CURTIN: Papers relating to the claim of Mrs. Susannah P. Swope, assignee—to the Committee on War Claims.

By Mr. DUNN: Petition of Ezekiel Rogers, of William K. Bove, and of E. C. Brown, and heirs of Thomas J. Brown, of Arkansas, asking that their claims be referred to the Court of Claims—to the same committee.

By Mr. EVERHART: Petition of citizens of Pennsylvania, praying for a law allowing all citizens of the United States to fish in the navigable bays and rivers of the United States dividing States and Territorities—to the Committee on Commerce.

By Mr. FINDLAY: Memorial of Mrs. Mary Mortimer Semmes, widow of the late Commodore Alexander Semmes, praying for an increase of pension—to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of Hon. John C. Leaton and 43 others, of Isabella County; of Hon. T. Jerome, P. C. Andre, and 40 others, of Saginaw County; of Hon. E. A. Todd, Hon. Hugh McCurdy, the board of supervisors, and 150 others, of Shiawassee County; of J. W. Cochran and 100 others, of Midland County; of W. H. Lutz and 93 others, of Huron County; of Hon. Carl Heisterman and 104 others, of Huron County; of Bela W. Jenks and 128 others, of Huron County; of Hon. Eugene Smith, Mark Hopkins, and 17 others, of Saint Clair County; of Earnest Schilling and 46 others, of Huron County; of John C. Liken and 102 others, of Huron County; of Hon. R. Windsor and 138 others, of Huron County; of Thomas B. Wordworth and 123 others, of Huron County; of W. C. Williamson and 40 others, of Huron County; of Ward H. Jennings and 64 others, of Lapeer County; of Emil Schureman and 9 others, of Saginaw County; of D. O. Connors, Hon. C. S. Hampton, and 74 others, of Emmet County; of Hon. George L. Maltz and 103 others, of Alpena County; of J. F. Turner and 36 others, of Tuscola County; of Hon. O. E. McCutcheon and 75 others, of Iosco County; of John Mellen and 39 others, of Alcona County; of Hon. B. W. Husten, Hon. Townsend North, and 59 others, of Tuscola County; of Hon. John H. Richardson and 31 others, of Tuscola County; of Charles Montague and 46 others, of Tuscola County; of John Hill and 4 others, of Tuscola County; of Theodore F. Kasemyer and 104 others, of Tuscola County; of D. B. Richardson and 63 others, of Tuscola County; of E. E. Williams and 38 others, of Iosco County; and of Hon. Wat. Humphreys and 91 others, of Cheboygan County, Michigan, asking that the United States court may be established at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. FORNEY: Petition of Cynthia Daniel and of Mary Caroline Bary, widow of Thomas J. Bary, asking reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. GLASS: Petition of Sallie S. Chaney, widow of Fleming W. Chaney, and of Joseph M. Lannon, of Tennessee, for reference of their claims to the Court of Claims—to the same committee.

Also, petition of Mrs. Elizabeth Copeland, for additional bounty—to the same committee.

By Mr. HOUK: Paper by T. W. Tallmadge, relating to a pension claim—to the Committee on Invalid Pensions.

By Mr. JAMES: Petition of A. A. Low and 1,200 others, merchants of New York, asking that Congress give practical effect to the recommendation of President Cleveland, that the compulsory coinage of the standard silver dollar be suspended—to the Committee on Coinage, Weights, and Measures.

By Mr. LIBBEY: Memorial of the National Cotton Exchange, concerning increased appropriations for Signal Service in the cotton States—to the Committee on Military Affairs.

Also, papers relating to the establishment of a light-house at Newport News Point, Virginia—to the Committee on Commerce.

By Mr. LORE: Petition of D. H. Holland & Son and 66 others, citizens of Delaware, for an appropriation for completing the Government pier at Lewes, Del.—to the Committee on Rivers and Harbors.

By Mr. LYMAN: Petition of Knights of Labor, of Atlantic, Iowa, for passage of Oklahoma bill—to the Committee on the Territories.

By Mr. MITCHELL: Petition of merchants, masters, and owners of vessels, for a breakwater at Duck Island Harbor, Connecticut—to the Committee on Rivers and Harbors.

By Mr. MORGAN: Petition of James A. Grier, of Marshall County, Mississippi, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MURPHY: Petition for the reduction of postage on religious monthlies—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Morgan and others, of West Liberty, Iowa, for woman suffrage—to the Committee on the Judiciary.

By Mr. J. J. O'NEILL: Petition of Mrs. Alice Whiting, for a pension—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petitions and papers of James F. McCune and others, asking for a pension for Jacob Copes, a soldier of the Black Hawk war—to the Committee on Pensions.

By Mr. PETTIBONE: Petition of Andrew Burgess, John Hall, and William T. Roundtree, for relief—to the Committee on Claims.

Also, papers relating to claim of James and William White, of Hawkins County, Tennessee—to the Committee on War Claims.

By Mr. PRICE: Memorial of the board of supervisors of Saint Croix County, Wisconsin, asking for a law prohibiting railroads from charging a greater price for a short than a long haul—to the Committee on Railways and Canals.

By Mr. RANDALL: Petition of George A. L. Miller, for a pension—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Samuel L. Paine, for a pension—to the same committee.

By Mr. ROMEIS: Petition of William Kelly and 108 others, citizens of Port Clinton, Ohio, against the renewal or involving any action for extending what is known as the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. SAYERS: Papers in the case of Thomas F. Purnell for relief—to the Committee on Claims.

By Mr. SEYMOUR: A bill for the improvement of the harbor of Five Mile River, Connecticut—to the Committee on Rivers and Harbors.

By Mr. SHAW: Petition of citizens of Tarrytown, Md., for the repeal of the law relating to the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. THROCKMORTON: Papers relating to the claim of Mrs. Laura Hentig—to the Committee on Pensions.

By Mr. VIELE: Memorial of the Maritime Association of New York, asking for the construction of a signal station at Point Jupiter, Florida—to the Committee on Military Affairs.

By Mr. WADE: Petitions of W. G. and A. L. Keithling, and of J. P. Weatherman, administrator of James B. Edwards, for reference of their war claims to the Court of Claims—to the Committee on War Claims.

By Mr. WINANS: Petitions of Hons. George H. Durand, William B. McCreery, Mark W. Stevens, and 50 others, citizens of Genesee County; of Hons. H. R. Lovell, William Hamilton, and 50 others, citizens of Genesee County; and of Thomas H. Powell and 89 others, citizens of Oakland County, Michigan, asking that the United States courts be established at Bay City, Mich.—to the Committee on the Judiciary.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made a legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. EDEN: Of J. C. Roberts and 126 others, citizens of Irving, Ill.

SENATE.

FRIDAY, *January* 29, 1886.

Prayer by Rev. D. W. FAUNCE, D. D., of Washington city.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. WALTHALL presented the credentials of JAMES Z. GEORGE, chosen by the Legislature of Mississippi a Senator from that State for the term beginning March 4, 1887; which were read, and ordered to be placed on file.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of Chapman Local Assembly, No. 164, Knights of Labor, of Ohio, praying for the opening to settlement of lands in the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. CONGER presented resolutions adopted by the Michigan State board of control of swamp lands, remonstrating against the passage of House bill 1571, to quiet and confirm the title to certain lands in Saginaw Bay, in the State of Michigan, being marsh lands adjacent to Maison Island; which was referred to the Committee on Public Lands.

He also presented the petition of William Bradbury and 33 other citizens of Lisbon, Mich., praying for the passage of a resolution submitting to the people the question of woman suffrage; which was referred to the Select Committee on Woman Suffrage.

Mr. WILSON, of Maryland, presented a petition of citizens of Taneytown, Md., praying for the repeal of the silver-coinage act; which was referred to the Committee on Finance.

Mr. WILSON, of Iowa, presented a petition of the local assembly of the Knights of Labor, Albia, Iowa, praying for the organization of a Territorial government over the Indian Territory and the opening of all public and unoccupied lands in that Territory to homestead settlement; which was referred to the Committee on Indian Affairs.

Mr. JACKSON presented the petition of John T. Stansell, of Chester

County, Tennessee, praying for the passage of an act directing the Adjutant-General to place his name on the roll of his former company; which was referred to the Committee on Military Affairs.

Mr. BUTLER presented a petition of the National Cotton Exchange of America, indorsed by the Charleston Exchange, praying the enactment of a law making bills of lading conclusive evidence in certain cases; which was referred to the Committee on the Judiciary.

He also presented a petition of the National Cotton Exchange of America, praying an increased appropriation for the Signal Service in the cotton States, with resolutions of the Charleston (S. C.) Cotton Exchange indorsing the same; which was referred to the Committee on Commerce.

Mr. SAULSBURY presented a petition of citizens of Delaware, praying an appropriation for the completion of the pier in Delaware Bay, near Lewes, in Sussex County, Delaware; which was referred to the Committee on Commerce.

Mr. LOGAN presented a petition of the survivors of the Sultana disaster, which occurred on the Mississippi River during the late rebellion, praying to be placed on the pension-rolls; which was referred to the Committee on Pensions.

He also presented the petition of the Knights of Labor of Clinton, Ill., and also the petition of the Knights of Labor of Tuscola, Ill., praying for the opening of unoccupied lands in the Indian Territory to settlement; which were referred to the Committee on Indian Affairs.

He also presented a resolution of the Chicago Union Veteran Club, in favor of the passage of the bill to equalize pensions introduced by Senator Ingalls; which was referred to the Committee on Pensions.

He also presented a petition of Charles H. Chamberlain and others, citizens of the town of Lake, Ill., in favor of the amendment of the Constitution of the United States protecting women in the enjoyment of the right of suffrage; which was referred to the Select Committee on Woman Suffrage.

REPORTS OF COMMITTEES.

Mr INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. 1020) authorizing the District of Columbia to convey the alley, 15 feet wide, running east and west, between lots 6 and 7, in square 635, comprising an area of 3,480 square feet of land, to the owner of said lots, reported it without amendment.

Mr. EDMUNDS, from the Committee on Foreign Relations, to whom a letter was addressed by the Secretary of State under date of January 8, 1886, transmitting a copy of a letter from the Secretary of War addressed to the Secretary of State under date of December 29, 1885, and a copy of a letter addressed to the Secretary of State by General O. O. Howard, United States Army, under date of 16th November, 1885, requesting the consent of Congress to General Howard receiving from the French Republic a decoration of the Legion of Honor and the brevet appointment and honorary rank of chevalier, submitted a report thereon; which was ordered to be printed.

GEORGE S. STORRS.

Mr. INGALLS. I report from the Committee on the Judiciary favorably, with an amendment, the bill (S. 831) for the relief of George S. Storrs, of Texas.

In accordance with the practice of the Senate, which has grown almost into the force of law, I ask that the bill may be now considered, it being one to remove the political disabilities of the person named in the bill. I will state that he was a midshipman in the United States Navy who resigned in 1860. A petition in due form is presented and is accompanied by a certificate from the proper officers that he was not indebted to the Government of the United States at the time of his resignation. I ask that the bill may be read and passed.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to proceed to the consideration of the bill at this time. Is there objection?

Mr. CONGER. I ask whether the bill is based upon a petition?

Mr. INGALLS. A petition, I stated, was filed, together with a certificate of non-indebtedness on the part of the proper accounting officers of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on the Judiciary was, in line 4, after the word "Texas," to insert "be, and he;" so as to make the bill read:

Be it enacted, &c., That George S. Storrs, of the State of Texas, be, and he is hereby, relieved of all political disabilities imposed upon him by the third section of the fourteenth amendment to the Constitution of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in favor thereof.

BILLS INTRODUCED.

Mr. MAXEY introduced a bill (S. 1284) to enable the Secretary of War to examine the claims of the States of Texas, Colorado, Oregon, California, Nevada, and the Territories of Washington and Idaho, as directed by the act approved June 27, 1882, chapter 241 of the laws of the Forty-seventh Congress, first session; which was read twice by its title.

Mr. MAXEY. Accompanying the bill is a very important letter from the Secretary of War, which should be considered in connection with the bill. I ask that the letter of the Secretary of War accompanying the bill be printed.

The PRESIDENT *pro tempore*. The Senator from Texas asks that the letter accompanying the bill introduced by him be printed as a document. That order will be made if there be no objection.

Mr. MAXEY. I now move that the bill, with the accompanying papers, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HAMPTON introduced a bill (S. 1285) for the relief of Dr. A. Sidney Tebbs; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. INGALLS introduced a bill (S. 1286) to amend section 604 of the Revised Statutes, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PLUMB introduced a bill (S. 1287) granting a pension to William L. Clarke; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1288) granting a pension to Robert Holsey; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1289) granting a pension to Thomas J. Owen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HARRISON introduced a bill (S. 1290) granting a pension to David W. Hamilton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1291) granting increase of pension to Lyman Flowers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 1292) granting a pension to N. Z. Bailey; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 1294) providing for the auditing and payment of claims of soldiers who served in the several Indian wars in Florida; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BUTLER introduced a bill (S. 1295) to regulate appointments and promotions in the staff of the Marine Corps; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CALL. By request of the governor of the State of Florida I introduce a bill.

The bill (S. 1293) to authorize the Secretary of the Treasury to settle and pay the claim of the State of Florida on account of expenditures made in suppressing Indian hostilities and for other purposes, was read twice by its title.

I ask the indulgence of the Senate to say a word in explanation of the bill. This subject, in the shape of a bill, was introduced by my colleague [Mr. JONES] in the Forty-eighth Congress, and after consideration by the Committee on Military Affairs a bill was reported allowing the State of Florida $92,000 in money and canceling the bonds of the State held by the Indian trust fund. While that bill was pending before the Senate, after a favorable report by the Committee on Military Affairs, a letter was received from the then governor of Florida asking my colleague, with whom the entire correspondence by the State authorities had been had, to object to the passage of the bill and ask its recommitment to the Committee on Military Affairs. The letter, which was addressed by the governor of the State, Governor Bloxham, to my colleague, was as follows:

EXECUTIVE OFFICE, *Tallahassee, Fla., April* 11, 1884.

DEAR JONES: Your favor of the 7th has been received and considered. After advising with many members of our State government I sent the telegram about the Indian claim. Now, my dear Senator, I will give you our reasons, according to the settlement proposed in the Hampton report. The State would receive the difference between the $224,000 allowed by the Secretary of War and the $132,000 of our bonds held by the Indian trust fund, or $92,000 in cash and our one hundred and thirty-two bonds.

Governor Drew made a contract with Mr. Wailes to allow him 15 per cent. I supposed, when we assented at last Congress, that it was 15 per cent. upon the money we received. But Mr. Wailes claims the 15 per cent. on the money, and on the $132,000 bonds and on the interest due on those bonds or the coupons representing said interest. When in Jacksonville last February Mr. Wailes and myself called on Governor Drew and he interpreted the contract as Mr. Wailes did. Now, take $132,000 in bonds, interest on same $240,000, and $92,000 in cash, making $464,000, upon which Mr. Wailes would claim 15 per cent. interest, you see at once, after deducting his commission from the cash we receive, there would be but an insignificant sum to turn into the treasury. It would be too small to be satisfactory. I think it had better go over than, practically, for all we receive in cash to go in the shape of commissions.

Believe me, your friend, truly,

W. D. BLOXHAM.

Hon. C. W. JONES,
United States Senate.

In introducing this bill I desire to say that I at previous sessions of Congress had received numerous communications from the people of the State stating that a portion of these claims for services rendered by soldiers in the Indian wars in Florida and for the compensation due

them for equipments lost in the service of the United States had never been paid, and that the surviving widows and children of those soldiers had a right to be paid, and requesting, as their claims had been sent to me, that I would ask the passage of a bill for their payment. To the end therefore that, instead of paying a claim agent about $62,000, nearly the whole of the $92,000 proposed to be paid in money by the General Government for the debt which the State had assumed in defending her soil from the Indians, I propose that a condition should be attached to it that the money should be first applied to the payment of the surviving soldiers who had not been paid and to their widows and children in preference to this payment of 15 per cent. upon an enormous claim to an alleged State agent, who was not known and who had rendered no service, and who could not possibly render any service or contribute in any way to the passage of the bill.

The present governor of the State has informed me in a recent conversation that he would regard such a condition as a reflection on the State. I regard it as a reflection upon the Senate of the United States, upon the Senators and Members of Congress, and a great injury to the State that the large amount of 15 per cent. on $464,000 should be paid for services never rendered, while the soldiers who rendered the services for which the State government is paid remain in part unpaid and their widows and children suffering and unprovided for. Under these circumstances I consider it a public scandal that a vast sum of money should be paid to lawyers or pretended agents for votes to be given in Congress by Senators and Representatives upon subjects clearly ascertained, upon which the history of the legislation of the country has been fixed for years, as it has been on this subject of reimbursing the States for expenses incurred in suppressing Indian hostilities, where there is no possibility to render any service. The idea of $62,000 being paid out of the sum of $92,000 allowed by Congress I think should receive public condemnation, and I desire in my place in the Senate to give expression to this opinion that it may reach the people of the State. I have no doubt as to what the people of the State desire. They desire this money to be paid first to the honest and just claims of soldiers, their widows and children, who have rendered service and have not been paid, and then to be appropriated to the education of the children of the State, and not to the payment of individuals for services not rendered. There are no services that can by any possibility be rendered.

It is a plain question of legislation, upon which the history of the country has committed the Government and upon which there has never been a failure on the part of Congress to pay since the early history of the country. I have been informed that the Legislature of the State has directed that this money when paid shall be first applied to the payment of the soldiers who have not been paid.

There was a question, however, which I hope the committee will consider and act on favorably and without delay. No interest was allowed the State of Florida upon her claim for money expended in suppressing these hostilities. It will make a considerable difference in the amount, and it is in my opinion clear that this interest should be allowed by the committee, and a bill for the payment of the whole amount passed by the Senate. I desire that the subject shall again be investigated by the Committee on Military Affairs, and that the interest may be allowed the State upon this claim; and for this purpose this bill has been introduced.

The present governor informs me, unofficially, that he is not of the opinion, as far as he as an individual is concerned, that this alleged contract with his predecessor, Governor Drew, for the payment of this enormous sum, was a proper contract; but that officially he can express no opinion on the subject. I desire that the matter shall receive investigation by the committee, and that such a direction shall be given, so far as it is proper and consistent with the rights of the State, to this money when it is paid to the State of Florida as will secure its appropriation in conformity with the act of the Legislature of Florida, and will relieve the State officers and the State from all trouble from the alleged contract, and apply it to the payment, first, of those who rendered these services, and then the State will be at liberty to devote the rest of the money to education or to give it away, if she pleases, under the alleged contract, to agents for services never rendered, but claimed to have been rendered, here.

Mr. President, the governor of Florida and the courts of Florida and all her authorities are doubtless entirely faithful and earnest in the performance of their duties to the people and quite as solicitous as I am for everything that concerns the welfare of the State and her people—and the interests of her people can be safely left to them—in respect to this and all other State interests; but I think a duty is presented by this case for the Senate and Congress to vindicate themselves by some public expression in regard to such a transaction. So far as I am concerned I urge upon the committee and the Senate immediate and favorable consideration of this bill and the payment of this claim, both principal and interest, and the release of the money due the State now in the Treasury Department and withheld from her because of the bond debt and other unsettled claims of the United States. The State needs this money for the education of her children and for other necessary public purposes. I shall spare neither time nor effort to accomplish this purpose, and if any considerable part of this money shall fail to be applied to these objects, but shall be donated to individuals under fictitious pretenses, the fault and the responsibility shall not rest on me.

I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I ask unanimous consent to have read at the desk and printed some amendments proposed to the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks consent to present amendments to the bill referred to at this time? Is there objection?

Mr. HOAR. I want them read, so as to go into the RECORD, and be printed.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the proposed amendments will be read and ordered to be printed.

The Chief Clerk read the proposed amendments, as follows:

Section 4, line 57, after "counted," insert "which appear to have been cast by the electors whose names appear on the lists certified by the executive of the State in accordance with the provisions of section 136 of the Revised Statutes as hereby amended, or in case of a vacancy in the board of electors so certified, then by the persons appointed to fill such vacancy in the mode provided by the laws of the State, or, if there be no such list, or if there be more than one such list purporting to be so certified, then those votes and those only shall be counted which."

Add to the bill a new section, as follows:

SEC. —. "Section 136 of the Revised Statutes is amended to read as follows: 'SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified under the great seal of the State, and to be delivered to the electors on or before the day on which they are required by the preceding section to meet.'"

Mr. CALL submitted an amendment intended to be proposed by him to the bill; which was ordered to be printed.

SURVEY OF NICARAGUA CANAL ROUTE.

Mr. EDMUNDS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to transmit to the Senate copies of drawings and report of a recent survey of the Nicaragua canal route made by Chief Engineer Menocal.

CONSIDERATION OF EXECUTIVE NOMINATIONS.

Mr. PLATT. I offer the following resolution:

Resolved, That executive nominations shall hereafter be considered in open session, except when otherwise ordered by vote of the Senate.

Mr. President, I have offered the resolution for reference to the Committee on Rules, and I ask that it may be printed also. I do not desire to speak upon it at the present time, except merely to call the attention of the Committee on Rules to it and to express the hope that it may receive early consideration and an early report. If the report should be favorable, I do not think I shall have anything to say on the resolution, but if otherwise, I shall then desire to submit some remarks on the subject of the resolution.

The PRESIDENT *pro tempore*. If there be no objection the resolution will be referred to the Committee on Rules and be printed.

SILVER DEPOSITS AT NEW ORLEANS.

Mr. EUSTIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and is hereby, directed to communicate to the Senate whether any instructions have been issued to the assistant treasurer at New Orleans to refuse to receive silver dollars on deposit and issue therefor certificates, or whether he has been instructed to receive only a limited amount of said silver dollars, and if such instructions have been issued, to inform the Senate the reasons upon which they are based.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. VAN WYCK, it was

Ordered, That the papers in the claim of John Fraser be taken from the files and referred to the Committee on Claims, there being no adverse report.

CHANGE OF REFERENCE.

Mr. VOORHEES. I move that the Committee on Finance be discharged from the further consideration of the bill (S. 559) for the relief of George F. Roberts and others, and that it be referred to the Committee on Claims.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, announced that the House had passed a joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension building; in which it requested the concurrence of the Senate.

STATUES OF LAFAYETTE AND GARFIELD.

The PRESIDENT *pro tempore* laid before the Senate the following communication from the Secretary of War, which was read:

WAR DEPARTMENT, *Washington City, January 29, 1886.*

Mr. PRESIDENT: I notice in the RECORD that a concurrent resolution will probably be acted on to-day taking the circle at the intersection of Maryland avenue and First street west for the statue of Lafayette. I send you the proceedings of the commission showing the selection of that site, under law, for the statue of President Garfield; also, a contract made with J. Q. A. Ward to erect

a pedestal at that spot. Thinking these facts may have escaped your memory, I have forwarded the above papers, which, being originals, please have them kept in safe custody until returned to this Department.

Very truly, yours,

WM. C. ENDICOTT,
Secretary of War.

Hon. JOHN SHERMAN,
President pro tempore United States Senate.

Mr. VEST. I ask that the communication lie on the table until the Senator from Vermont [Mr. MORRILL] comes in.

The PRESIDENT *pro tempore*. The Chair has consulted with the Senator from Vermont in regard to the communication. It will lie on the table for the present. The order to print will be made, if there be no objection.

Mr. MORRILL subsequently said: I move that the letter from the Secretary of War relative to a site for the statues of Lafayette and Garfield, laid on the table by the President *pro tempore*, be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

SIOUX RESERVATION IN DAKOTA.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions," the consideration of the Calendar is in order. The first case on the Calendar will be reported.

The bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment proposed by the Senator from Indiana [Mr. HARRISON]. The amendment to the amendment will be reported.

The CHIEF CLERK. In section 1 of the proposed amendment, after the word "claims," in line 14, it is proposed to insert:

And procure title thereto under the provisions of section 20 of this act.

And in line 15, after the word "required," to strike out "by law" and insert "therein;" so as to read:

Shall, for a period of ninety days after the proclamation of the President required to be made by section 22 of this act, have a right to re-enter upon said claims and procure title thereto under the provisions of section 20 of this act, and complete the same as required therein.

Mr. HARRISON. I simply wish to repeat what I have once before said, that it seems to me section 20 of the bill, to which the amendment refers distinctly, limits entries to homesteads, and I can not help but think that to make the amendment read that those who located homestead, pre-emption, or town-site claims shall complete those claims under the homestead laws, is, I will not say an absurdity, because the Senator from Kansas would not propose an absurdity, but there is an incongruity and contradiction of terms about it that, it seems to me, will embarrass the Land Department in dealing with this question. I do not know how a pre-emption entry can be settled under the homestead law; and that is what the bill will require if the amendment be adopted.

Mr. PLUMB. The Senator from Indiana is entirely mistaken. We are not dealing with pre-emption entries at all, and no reference is made to them in the bill so far except for the purpose of identifying both the person and the land. Having said that whoever had entered under any of these laws might enter that land under the homestead law we have done all that is needed, so far as making our intent perfectly certain and plain is concerned. There will be no difficulty in applying the rule provided for in my amendment for the person taking the homestead claim if that homestead claim was the same land upon which he had before settled, whether he had settled under the homestead law or under the pre-emption law. In either case he would go on and perfect his title under section 20. Therefore there is not only no trouble about it, but the matter is, as I said, perfectly clear.

Mr. HARRISON. As I said to the Senator from Kansas, if a man has taken one homestead claim he can not take another.

Mr. PLUMB. Yes, but under section 20 he can, if he has taken half a dozen, take another.

Mr. HARRISON. I do not so understand it.

Mr. PLUMB. Section 20 does not limit the right to exercise the privilege allowed in that section to persons who have not heretofore availed themselves of the provisions of the homestead law, but it is applicable to all citizens of the United States who may go upon this land and take it under the provisions of that section.

Mr. HARRISON. There is exactly the point of difference between myself and the Senator from Kansas. I ask the attention of Senators to the first clause of section 20. It reads:

That all the lands acquired by the provisions of this act, except American Island, Farm Island, and Niobrara Island, shall be disposed of by the United States to actual settlers only, under the provisions of the homestead laws of the United States.

I undertake to say that that makes all the provisions of the homestead law applicable to the case of these settlers, and if it does, then it makes applicable that provision of the homestead law which says that no person shall make more than one homestead entry.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas to the amendment of the Senator from Indiana.

The question being put, it was declared that the noes appeared to prevail.

Mr. PLUMB. I ask for a division on that.

Mr. MANDERSON and Mr. HARRIS. Let the amendment be reported.

The PRESIDENT *pro tempore*. It will be again read.

The CHIEF CLERK. In section 1 of the proposed amendment, line 14, after the word "claims," it is proposed to insert the words "and procure title thereto under the provisions of section 20 of this act;" and in line 15 to strike out the words "by law" and insert "therein;" so as to read:

Shall, for a period of ninety days after the proclamation of the President required to be made by section 22 of this act, have a right to re-enter upon said claims and procure title thereto under the provisions of section 20 of this act and complete the same as required therein, and their said claims shall for such time have a preference over later entries.

Mr. DAWES. Allow me to say that if the construction which the Senator from Indiana puts upon this clause is correct, its application here would only be to that few, scarcely appreciable number, who have acquired a homestead elsewhere and who now seek to acquire another homestead. It would not be a very great hardship to such a man if he was excluded from acquiring a second homestead upon this land if he had acquired one elsewhere.

Mr. HARRISON. The Senator from Massachusetts misses the whole point. Under the bill as it stands no man can acquire a second homestead. The question here is whether pre-emptors who were invited by the proclamation of the President to make claims under the land laws of the United States, and who had previously taken a homestead entry in Iowa or Nebraska, or somewhere else than on this reservation, made a pre-emption entry——

Mr. DAWES. That is just what I say. A man who acquired a homestead elsewhere has come here and availed himself of another provision of law to get another homestead by pre-emption. He would be excluded, if the Senator's construction is right, from obtaining a second homestead through the provisions of the homestead law. I do not think it can be possible to find any such man there; but if it is possible, the hardship to him is that he does not have the advantage over all the rest of having obtained under the general laws of the United States two homesteads for nothing. The bounty of the United States to the extent of a single homestead is a wise, generous, and useful one, but he avails himself of this circumlocution to get two. I do not think it is a hardship, that it is worth while for us to destroy the uniformity of this whole settlement to make provision for; and that is why I vote for the amendment of the Senator from Kansas.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the Senator from Indiana [Mr. HARRISON] as amended.

Mr. PLUMB. I call the attention of the Senator from Indiana to the fact that in order to make the amendment harmonious the words "pre-emption and," in line 21 of the first section, should be stricken out. I suggest that we also strike out the word "money," in line 20, and insert the words "price to be;" so as to read:

The price to be paid for town-site entries shall be such as is required by law in other cases.

The price for homestead entries is fixed by section 20. That would leave the price for town-site entries to be one dollar and a quarter an acre.

Mr. HARRISON. I have no objection to that. It conforms.

Mr. PLUMB. I move, in line 20, to strike out the word "money" and insert "price to be," and to strike out the words "pre-emption and," in line 21.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In the first section of the proposed amendment, line 20, it is proposed to strike out the word "money" and insert the words "price to be;" and in line 21 to strike out the words "pre-emption and;" so as to read:

The price to be paid for town-site entries shall be such as are required by law in other cases, and shall be paid into the general fund provided for by this act.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. A verbal amendment is suggested by the Secretary, but it does not change the meaning. The word "are" will be changed to "is" before "required" in line 21. The question is on the amendment of the Senator from Indiana as amended.

The amendment as amended was agreed to.

Mr. HARRISON. In section 13 there was an amendment agreed to, beginning in line 5 and running to line 8. I think the amendment should be transposed, so that the clause shall read:

May, at his option, within one year from the time when this act shall take effect, by recording his election with the proper agent at the agency to which he belongs, &c.

The PRESIDENT *pro tempore*. That amendment, being verbal, will be made if there be no objection.

Mr. HARRISON. I call the attention of the Senator from Massachusetts to section 22 as it is here. The number will be changed to correspond, as the two sections proposed by me come in before it.

The PRESIDENT *pro tempore*. The numbering of the subsequent sections will be arranged by the Secretary without a formal motion.

Mr. HARRISON. But that was only preliminary to what I am about to say.

Section 22 reads:

That this act shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians.

That limitation ought not to apply to the two sections which formed my amendment. The limitation that the act shall take effect only upon the acceptance thereof by the Indians ought not to apply to those two sections, because the assessment of the losses suffered by the people referred to in these two sections ought to go on, whether the Indians agree or not.

Mr. DAWES. I think that is right. The suggestion of the Senator, if he has an amendment to meet that idea, would be just.

The PRESIDENT *pro tempore*. Does the Senator from Indiana propose an amendment to the two sections indicated?

Mr. DAWES. Is the Senator from Indiana certain that his amendment would not fix upon this land that is proposed to be opened these homesteaders without the act taking effect otherwise; so that if this fails to take effect it would be better for us in a separate bill to make such proper indemnity to these men than it would to attempt to make it any part of this bill to take effect without the whole of it.

Mr. HARRISON. It seems to me there can be no objection to excepting from this limitation the second section of the amendment I proposed, which requires the President to appoint a special agent.

Mr. DAWES. I think that might be done, but the first of the two sections it would not be safe to except.

Mr. HARRISON. The second section of the amendment I offered provides for the appointment of an agent who shall inquire into these losses. He is first to make his inquiry as to those who settled upon that part of the reservation which by the bill is still retained and established as an Indian reservation; and then the last clause provides that in case the consent of the Indians is not obtained he shall extend that inquiry to the other land.

Mr. DAWES. That is right.

Mr. HARRISON. So that I think it might be said in the second section of the amendment that "this act, except as to section—what would be the number of it?

Mr. DAWES. It would be section number 23, would it not?

Mr. HARRISON. I do not know how that is.

Mr. DAWES. There are two sections introduced between sections 21 and 22. I suggest that the beginning of what is now section 24 be made to read: "That this act, except section 23, shall take effect," &c.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. In section 22——

Mr. DAWES. Strike out "22" and make it section 24.

The CHIEF CLERK. In section 24 [22] in line 1, after the word "act," it is proposed to insert the words "except as to section 23;" so as to read:

That this act, except as to section 23, shall take effect only upon the acceptance thereof and consent thereto by the different bands of the Sioux Nation of Indians, &c.

Mr. HARRISON. I think that probably makes it right.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be regarded as agreed to.

Mr. PLUMB. I wish to propose another amendment, which is necessary to make the bill consistent. In line 4 of section 20, after the word "homestead," I move to insert the words "and town site."

Mr. DAWES. That is right.

The PRESIDENT *pro tempore*. If there be no objection that amendment will be regarded as agreed to.

Mr. PLUMB. In line 9 of the same section I move to insert, after the word "payments," the words "the last of said payments to be made at the expiration of five years from said entry."

My object is to make this homestead settlement cover a period of five years, in accordance with the provisions of the general homestead law, and to make these four annual payments, if the money is to be paid in that way, come within the last four years. Every one who knows anything about the burdens that fall upon the people who enter upon land on the extreme frontier knows that the trial and tribulation all occur in the first two or three years; that during that period it is almost impossible for a settler to make a living upon his land.

Mr. DAWES. You propose also to strike out "four," in line 10?

Mr. PLUMB. Yes; I propose to follow that up by striking out in line 9 the word "four" and inserting the word "five," so as to entitle the homestead settler to a patent only at the expiration of five years. The Senator from Massachusetts suggests that I read it as it will be, so that there will be no misunderstanding about it:

Provided, That each settler, under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of 50 cents for each and every acre, in four equal annual payments, the last of said payments to be made at the expiration of five years from said entry, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry.

The PRESIDENT *pro tempore*. The Secretary will state the amendment.

The CHIEF CLERK. In section 20, line 8, after the word "payments," it is proposed to insert the words:

The last of said payments to be made at the expiration of five years from said entry.

And in line 9——

Mr. DAWES. The Secretary reads in line 8. It is line 9 of my bill.

Mr. PLUMB. There is a reprint. The Chief Clerk is reading from the old bill.

Mr. DAWES. Very well. If the Secretary is reading from another print I do not interrupt him.

The CHIEF CLERK. In section 20, line 9, after the word "payments," it is also proposed to insert the words "The last of said payments to be made at the expiration of five years from said entry;" and in line 10 to strike out the word "four" and insert "five;" so as to make the proviso read:

Provided, That each settler under and in accordance with the provisions of said homestead acts, shall pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of 50 cents for each and every acre, in four equal annual payments, the last of said payments to be made at the expiration of five years from said entry, and shall be entitled to a patent therefor only at the expiration of five years from the date of entry.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to.

Mr. PLUMB. In section 20, line 16 of the old print, I move to add, after the word "void:"

And provided, That lands entered for town-site purposes shall be paid for at the rate of $1.25 per acre.

That makes the price conform to that now existing in regard to other portions of the public domain.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. On page 19 of the new print, in section 20, line 17, after the word "void," it is proposed to insert:

And provided, That lands entered for town-site purposes shall be paid for at the rate of $1.25 per acre.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be considered as agreed to.

Mr. TELLER. I desire to offer an amendment which I wish to have come in at the end of the tenth section, which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. At the end of section 10 it is moved to add:

The President may, in his discretion, allow homestead settlements to be made on each alternate quarter-section, under such rules and regulations as he may consider proper for the protection of the Indians and the enforcement of the intercourse laws, and the lands so occupied as homesteads shall be paid for as other lands ceded to the Government by the provisions of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Colorado [Mr. TELLER].

Mr. TELLER. I called attention yesterday to the fact that this bill left a large extent of agricultural land in the hands of a very small number of Indians comparatively, and it seems to me that if it is wise and proper to take a portion of it, it must be wise and proper to take more of it; and if the compensation made to the Indians—50 cents an acre—is fair, it would be fair if made as to the rest taken. Provided the sum paid for the present land is sufficient, the sum proposed in the amendment will be sufficient, for it is the same.

The bill provides that as to the residue of this land it shall be patented to the tribes. After it is patented to the tribe it may be patented to individuals, which patents will override *pro tanto* the patent to the tribe. That leaves all the unallotted land, which must be several million acres, in the hands of the tribe as a tribe under a patent. Just how that will ever be delivered from the tribe, if it becomes necessary, is a very intricate and difficult question.

I think it would be perfectly safe to put in a provision here that the President of the United States may, if he sees fit, allow alternate settlement through this tract of country to be taken by settlers on paying 50 cents an acre. If the President should be of the opinion that the Indians needed this land, or if the President should be of the opinion that such settlement might be inimical to the interests of the Indians, then, of course, he would not allow the settlement. I have also put in a provision that he may make all necessary rules and regulations to protect the rights of the Indians and enforce the intercourse laws, which, of course, will only follow as long as the tribal relation is maintained. I called attention yesterday to the fact that this tract of country would make 83,250 farms of 160 acres each, and it does seem to me that it is unwise in the interest of the Indians, that it is unwise in the interest of the white settlers of that section of country, that this great extent of territory should be locked up as it is locked up for twenty-five years by the bill as it stands.

I know that this suggestion is a departure from the long-established rule with reference to dealing with the Indian tribes and with the Indians. Ever since the organization of the Government we have followed a policy of isolation with reference to Indians upon the theory,

I suppose—I do not know what other—that the vices of the whites would ultimately destroy the Indians in their innocence and purity. The result has not been such, I think, as to induce any one to defend it very earnestly and very enthusiastically, but if that has been the correct policy heretofore it is practically impossible to continue it hereafter. We have segregated this section of country and put these Indians upon it by themselves under the bill as it now stands. In my judgment the best thing that we can do for the Indian, after he has had what land he is entitled to allotted to him (which, of course, the President would see that he got), is to give him intelligent, reputable white neighbors and associates. I believe if every alternate section could be occupied by a white settler and if that was the fact there would still be abundance of land and some more left for the allotment as provided under the bill. When that is done, then the Indian comes in daily contact not with the rougher element of society, but with the better class of people who go out to make their permanent homes on these prairie lands. The Indian children would come in contact with the white man's children. If they went to school at all on the reservation, they would go to school with the white children. If they attended church, they would attend church with white people and not solely with Indians. In this intercourse they would be taught, first, the English language necessarily; and, secondly, by example they would be taught all the advantages of civilized life; and at the same time the Indians would be protected in every right that belongs to them.

I know that this is an innovation. I understand that, and yet I believe some of the men who have given the most careful attention to this subject are of the opinion that the time has passed for continuing the old policy of isolation. Because it is proposed to open this section of country to the white settler, it does not follow that the Indian will be despoiled. The bill first provides for his allotment and his patent, and then the residue, according to my amendment, the President in his judgment may, if he sees fit, give to the settler. The land that is left is of vast extent. I think the committee have failed perhaps to recognize the fact that this extent of country is too much for those people, even if they and all their descendants are to be agriculturists. The section reserved is twice as large as the State of Vermont. It is more than half as large as the State of Indiana. It is half as large as Kentucky; it is half as large as Maine; it is half as large as several other flourishing and populous States. I can not speak from actual knowledge of this land, but I am informed that it is capable of sustaining a very large agricultural population; and yet the whole Indian tribe provided for in this bill, I think it is safe to say, does not exceed 20,000 Indians. It is not to be supposed that the increase of these Indians can make a proper appropriation of this land, and some day it is to be cut up and divided, because nobody supposes that the people of the United States, when land becomes scarce, will consent to the appropriation, even though it may be under valid ownership, of a great extent of country upon which there is no cultivation, no occupation, and no civilization. We might just as well meet this question now as postpone it for five or ten years, and put the settler with the Indian side by side under such regulations as the President may make, but see that only a reputable and respectable class of people become the occupants of that portion of the Indian lands.

I do not suppose that there will be very much disposition to adopt this amendment because of its novelty and newness, but at least I wanted to make the suggestion. I wanted to present it so that it might not be said hereafter when this question comes up the Senate acted in ignorance of the vast extent of land it was appropriating and tying up for at least the next twenty-five years.

Mr. DAWES. If this were a new question, and if we were embarking anew upon an effort to make the Indian a self-sustaining citizen of the United States and relieve the country of the burden of the present administration of Indian affairs, and if we had this land at our disposal to do with as we pleased, I would go heartily with the Senator from Colorado in the proposition which he makes, for I believe the theory which the Senator has advanced is the correct one. I think that generally it is coming now to be understood, since we have come to understand that we can not kill off the Indian and relieve ourselves of him in that way, that the best mode of relieving us of him is by absorbing him into the body-politic in the way suggested by the Senator from Colorado, mixing him as fast as possible with the white population of the country, and bringing the influences of contact with civilization to bear upon him on all sides. It is the true theory without doubt.

The Senator says, however, that we may meet this question as well now as by and by. I do not agree with him in that respect. We must go slowly in this work, and I think the Senator himself, in his administration of Indian affairs, has found greater difficulty in dealing with the too zealous people, the people who are too much in a hurry to accomplish this work instanter, than he has with the influences which hold back and desire to keep it as it is. There are good, honest, earnest people in this country who can not await the working out of the forces in their ordinary and legitimate and normal way, and they want by an enactment first to abrogate all the treaties with the Indians and throw them out upon the public without a home in which to dwell while they operate upon them, and then to declare that an Indian, *nolens volens*, shall be taken by force and set upon 160 acres of land in severalty, and then say the work is done. Whatever I have learned in this work, it appears a more difficult and a slower work than I ever supposed it was, and the difficulties increase in every way and in every respect.

Therefore, while I agree in the theory of the Senator, I beg him not to press this amendment at this time for this reason: We have not this land, to begin with, to do with as we please, if we have any regard for our treaty obligations. This bill depends for its ultimate effect upon the consent of three-fourths of the adult Indians who we have covenanted shall stay there forever and not be interfered with by any white man. I hope, I believe, that they will give their consent to this bill for many reasons which can be presented to them. I belive that that vast territory, 33,000 square miles, four times as large as the State which I represent and five or six times as large as three or four put together of the original States of this Union, is not forever to remain in the bosom of this great State of Dakota set apart merely for 28,000 Indians. But I believe the change can best come, will come, and can only come consistently with the faith of the United States by a religious observance on her part of her treaty obligations. So it is that I do not want to see inserted in this bill anything which can be used among those Indians to prevent their accepting the bill.

While many Indians are coming to believe very fast that the best way for them is to push out among the white people and mingle with them, there is a very strong element and a controlling element among those Indians that holds off from all contact with them.

This whole body of 33,000 square miles is held in common by six different tribes of Indians, and we are bound to secure to them their title in common. In order that each one of them might be safe from what could be done with the other tribes, it was provided in the treaty that no foot of the land should be taken from them in common without the written consent of three-fourths of the male adults of all the tribes. Now it is proposed by the bill to obtain their consent to the opening to settlement right through the center of it of 11,000,000 acres, just about half of it, a strip of itself twice as large as my own State and equal to five of the original States of the Union—as fine a country as the sun rises upon in all this nation, enough to make of itself one of the great Western States of this Union, and I hope that nothing will get into the bill that will put off that day. I hope that nothing, although in and of itself it may be good, but which we can see will have a tendency to alienate the Indians from this measure and prevent our obtaining their acceptance of it in confirmation of their treaty, will be done.

Not only do we open that, but we take the remainder and divide it up into six separate reservations, and take the title out from under this deed in common, and give to each tribe a separate title to their reservation.

Hereafter the time will come which is just as certain to come as the growth of this nation is to continue, when more of this land is to be opened to the white man and less of it will be confined to the Indian, and the time is sure to come too when the Indian will see that it is consistent with his best interests to take his abode among the white men and to take white men among them in homes and farms side by side. Yet it has not come to these Sioux. It is but ten years since they were all wild blanket Indians, gathered fifteen years ago there because they were wild, warlike Indians, and set apart there in that great country so far from the white man that we were willing to make these great and generous and expensive and burdensome stipulations in their behalf in order to induce them to give up their title to lands elsewhere.

Now, I say, we propose to cut up the remainder into six separate reservations and take it out from under this common title, so that hereafter we have but to negotiate with each one of these tribes as to their particular reservation. When the time shall come, after the white man has gone in upon this that is opened to-day and settled there among them, and after the benefit of this fund shall be felt among these Indians and the demand for more of their lands shall increase, and the Indian himself shall have been set up in severalty as far as he is fit to be set up in severalty, then negotiation with each one of these tribes will be easy, and the result which the Senator says ought to come will certainly come; but to insist upon it in this bill with the present feeling among these Indians is in my opinion to destroy the bill altogether.

The Senator speaks of the large and unnecessarily large area left to these Indians. He will allow me to allude to the commission which he sent out previous to this bill to open up a part of this territory, and their report included precisely so far as boundaries are concerned this present amount; and the Senator commended that report to the adoption of Congress, not, I have no doubt, because he did not desire to have more opened, but because he thought it wise to begin with this amount; and it is very much with that impression that the committee which followed his commission adopted substantially the same lines which his commission had, and differed with them, not in the necessity and propriety of having it opened, but only in the conditions under which it should be opened.

I urge upon the Senator to withdraw his amendment so that no irritating element shall come into this bill which will render it impossible to obtain the consent of the Indians. As the bill passed the Senate unanimously two years ago, after it had been introduced again into the Senate it was translated into the Sioux language and has been submitted at each one of these agencies in their own language to the Sioux, and there is gratifying evidence coming from all these agencies that they

will, in conformity with the requirements of the treaty, accept it. Therefore while the committee have yielded to every amendment which has been offered that did not strike at the consent of the Indians, and while I know the Senator does not intend this for that purpose, it seems to those who are very familiar with the sentiment of the Indian and with the desire to carry out the beneficent results as well to the white man as to the Indian, which are bound up in this bill, that the Senator's amendment should not be adopted.

Mr. TELLER. I would not willingly and intentionally do anything that would defeat the bill or prevent the Indians who have the veto on it from expressing a favorable opinion upon it. I hardly expect the Senate to adopt this somewhat novel proposition and this departure from the old and established method of dealing with this subject. I introduced it so that I might for a moment express my opinion upon it and perhaps draw out the views of others.

I am very well satisfied with the result so far as I have gone. I have now in accordance and in harmony with myself the chairman of the Committee on Indian Affairs as to the principle I have enunciated. That, I think, is worth something at least. I recognize, as the Senator does who has the bill in charge, that there are many good things in the bill. I think among the very valuable features of the bill is the one he mentions that this tribe, for it is but a tribe, has been practically by this bill divided into six or seven tribes, or other branches of the tribe, and that, I think, is one method toward destroying the influence of the men who are actors in the tribe.

I wish to say, however, as the Senator alluded to land in severalty, that I have not been one of the men who believed that land in severalty was the grand panacea for all the evils that the Indian tribes were suffering. I realize how difficult it is to induce the Indians to accept land in severalty, and I know that under the bill very few of these Indians will accept land in severalty for many years to come. The principle is right when they reach the point; but when an Indian reaches the point of accepting land in severalty, he to a great extent ceases to be an Indian; he has begun at least to adopt the ideas of the white people.

I think a better amendment could be offered to the bill than the one I have offered; I think many amendments could be offered to it that would greatly benefit the bill; but I do not know whether the Indians would accept this amendment or not; I am not certain about that. I realize that there is some force in what the Senator says, when he says the Indians have been consulted and have practically agreed to this measure. As I understood, the commission were not satisfied with this report when they made it three years ago; I am sure the Department was not satisfied with it; but it was said then that it was the best we could get, and as there was a determination not to legislate except by the consent of the Indians, the commission and the Department felt compelled to accept just what they could get. As I have very little idea that the amendment will prevail, and as it may embarrass the bill, I withdraw it.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The bill is still open to amendment.

Mr. PLUMB. I wish to propose an amendment in section 17. Section 17 continues in effect for twenty years the provision of the seventh article of the treaty of 1868, which I will read to the Senate:

ARTICLE VII. In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

The persons who executed that treaty on behalf of the United States were all eminent men in their way. I will read their names to the Senate. The treaty is signed by N. G. Taylor, who I think at that time was Commissioner of Indian Affairs; W. T. Sherman, Lieutenant-General; William S. Harney, brevet major-general; John B. Sanborn, S. F. Tappan; C. C. Augur, brevet major-general, and Alfred H. Terry, brevet major-general United States Army. Four of the seven persons who signed on behalf of the United States, it will be observed, were at that time members of the military establishment of the United States.

Undoubtedly there was in their minds the idea of a school-house on every hill, and the Indians trudging their way thereto every day, carrying their dinners with them according to the mode of white children in the agricultural districts of the United States. But that has not been realized, and it never could have been conceived as practical by any person who had ever addressed himself to the subject seriously. I think it is a very significant illustration of what would probably result if we should turn the Indians over to the Army. Utopia would not be a circumstance.

Not only was this provision then absolutely impracticable, but it has remained so ever since. The nature of the country itself is a conclusive bar to any such thing as a school-house at such frequent intervals as this would imply. The nature of the Indian, as he has impressed it upon our knowledge during all our experience with him, shows conclusively that no such condition of things could ever be brought about. The Army of the United States would not have been sufficient to have compelled the children of the Sioux Indians to have attended these school-houses if they had been erected, as they fortunately were not.

It may be said that if the treaty was not carried into effect and no attempt made to do so, no harm was done; but did anybody ever know of a provision of that kind that did not in some way result in a claim? Even so sensible a person as the Senator from Colorado on my right [Mr. TELLER], recently Secretary of the Interior, allowed his judgment to be controlled in favor of a sentiment that in some way the Indian had been deprived of something that he ought to have by reason of our not carrying out this provision, that he should be compensated for in money, and the actuary (I suppose there is such an officer in that Department; he is necessary, judging by the use to which figures are put) was employed to determine the amount of money we owed the Indians by reason of the fact that we had not built a school-house for every thirty children in the Sioux Nation and employed a teacher for each school-house, and the sum found due figured up into the millions. More than $3,000,000, I think, was stated in the report of that officer as the amount that we owed these Indians because we did not build the school-houses and employ the teachers provided in the seventh article of the treaty which I have read.

It was a provision utterly impracticable, one which the Indians could not comply with on their part—which they did not comply with, and did not want or mean to comply with; and yet, moved by the clamor of people whose avocation consists in denouncing the Government for not doing something which they ought to do themselves, there has been brought up and put into enduring form in the report of the Commissioner of Indian Affairs, and I think of his superior, the Secretary of the Interior, a claim of more than $3,000,000 against the Government because of our failure to carry out the provisions of this seventh article.

Yet while that article was only to continue in force twenty years and some seventeen years of the time has elapsed, for the treaty was made in 1868, this bill proposes to continue that specific provision, a school-house for every thirty children and a teacher for every school house, for twenty years longer.

Mr. DAWES. Not in addition.

Mr. PLUMB. The Senator from Massachusetts says "not in addition." No, Mr. President, it would be hard to add anything to a provision of that kind. The existing provision is sufficiently appalling to prevent anybody from attempting to add anything to it.

Another result which grew out of the adoption of this article was discontent among the Indians. They expected great things, and they have been swift to point out the dereliction of the Government and to excuse themselves for idleness, turbulence, discontent, by pointing to a violated treaty. It is true, as will be seen, that they obligated themselves to compel their children to attend the schools and that they never did so, nor would they have done so if the school-houses had all been there twice over. But the evil of the Government failing to fulfill a promise made was brought about and still exists.

I propose that that provision shall be qualified. In the first place it ought not to be extended beyond the term originally provided. The twenty years provided in the treaty will elapse in seven years or eight years at the furthest. I want the claim, whatever it may be now, to be cut off exactly where it is. It was $3,500,000 at the last account. The account has been running for a year since it was actuaried. I want to have it cut off now so that it will not assume any larger proportions than now exist.

While I am as desirous as any one can be, I think, that all Indian youth shall be properly educated, I should hope we would address ourselves to the subject in a practical way. No one pretends, the Senator from Massachusetts would not himself pretend, that it is effective to carry out such provision as it is proposed by this bill to extend for twenty years longer. He will not pretend that it is a wise provision if it could be carried out. He knows perfectly well that such a thing as Indian children prompted by their parents, prompted by their own instincts to learn, going from their houses to the school-house and going back again at night and repeating that operation day after day during the entire school year is something that is not to be expected and can not in the nature of things possibly be brought about. The parents would not compel their children thus to go to school and the children will not go of their own volition, and even if they would, the plan is not a good one. There are many reasons not necessary to be mentioned, which will occur to any one which show that the whole plan is impracticable and unwise.

It is not of advantage to the Indians themselves, and they know it. The Indian will only send his children to school as he is tempted by the food and clothing which they are to get, and the children will never voluntarily go except upon the same inducement. The benefits of education will not attract either parent or scholar among the Indians. It is the toothsome meal, the highly colored calico, the beads, the trinkets, the frills and furbelows which have marked our efforts at civilization among the Indians which furnish inducement to accept the benefits of education.

I propose, therefore, to submit an amendment to section 17 by inserting after the word "education," in line 5, the words:

Or some provision which may, in the judgment of Congress, be equivalent thereto and bring about the same or a better result.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas will be read.

The CHIEF CLERK. In section 17, line 5, after the word "education," it is proposed to insert:

Or some provision which may, in the judgment of the President or of Congress, be equivalent thereto and bring about the same or a better result.

So as to read:

That in consideration of the releases on the part of the Sioux Nation of Indians in this act contained, it is hereby enacted that the seventh article of the said treaty of April 29, 1868, securing to said Indians the benefits of education, or some provision which may, in the judgment of the President or of Congress, be equivalent thereto and bring about the same or a better result, shall continue in force for twenty years from and after the time this act shall take effect.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. The trouble we have in all our relations with the Indians is because we enact and put into treaty form something which is not practical and which we can not carry out and do not carry out for that reason. We excite the Indian to believe that he is to have something which we know we are not going to give him. No one, with any practical knowledge of the Indian, would suppose for a moment such a provision as was contained in article 7 could be carried out. Yet Congress is denounced everywhere for not keeping its treaties with the Indians, because just such provisions as this are contained in those treaties.

A similar provision is contained in the treaty with the Navajo Indians, made by the same persons, and in other treaties made about that time, showing a vast amount of sentimentality on this question, but with no appreciation of the situation and an utter lack of common sense. I have said these provisions have led to a denunciation of Congress as being false to the honest obligations of the Government toward the Indians. Wherever we have made a proper and practicable agreement with the Indian I am in favor of keeping it; but when we come to make a new agreement I am not in favor of repeating a promise to do what we have found to be unwise and impossible of performance. The Senator from Massachusetts says that nobody has presented a money claim. It has been presented in the report of a Cabinet minister; it has been enlarged upon on the stump; it has been the subject of resolutions innumerable on the part of Indian-rights associations, and it is a pretty vigorous claim to-day.

Mr. DAWES. All that has been said is, that if reduced to a money value, the money that would have been expended in carrying out this treaty and giving these Indians this education would have equaled that sum. Nobody has come here with a claim that there should be paid to these Indians $3,000,000; and if we had expended every dollar of it in that way, counting money as the sole end to be looked after in the administration of Indian affairs to-day, we should have been relieved of this charge that we did not carry out the treaty in the spirit in which it was entered into.

Mr. PLUMB. I am not opposed to the spirit, but it is the letter which it is proposed to be here re-enacted and which is the foundation of this claim which has been set up. While it may have been as modest as the Senator from Massachusetts thinks it is, I have heard it stated a great deal broader, and it will have substance enough some of these days when it gets to be about five or six million dollars to go through Congress on a run. I want to stop that which the Senator from Massachuetts himself will freely admit, I have no doubt, as he has heretofore, is an ineffective provision, is something which we can not carry out, something which would not be good for the Indians even if we could carry it out, something totally different from that which is required by the situation of affairs.

Mr. LOGAN. Mr. President, I do not desire to enter into this discussion, but I should like to make a suggestion to the Senator from Kansas which may change his amendment somewhat. I agree with him that this provision of the treaty can not be carried out in its letter; but in traveling through the Indian country, and I think I visited all the tribes belonging to the Sioux Nation, I found schools in operation there wherever children could be obtained to be taught. It is true that that provision of the treaty is an absurd one applicable to those Indians, and I merely wish to put on record the statement that any claim of that nation of Indians as they are called—I call them a tribe of Indians—because of the fact that the Government has failed to provide schools for them, which they would not have, would be as absurd a claim as that provision of the treaty is absurd. They were not entitled to it.

In connection with the rest of the committee, the Senator in charge of this bill being the chairman, I talked with many of the chiefs, and some of them said that they had a claim against the Government because schools had not been provided, and yet they would not send their children to the schools. Wherever the Indian children would go to school schools were provided for them; and I was led to believe from conversing with these Indians that their claim had been suggested to them from the Indian Department of the Government, that they had been moved to it by what had been said to them by persons who ought not to have held out such inducements. I do not refer to the Interior Department, but persons connected with the Interior Department who put such an idea into their head.

I do not believe that it would be good to make this amendment to the bill at this time so far as having an effect upon the bill is concerned. The Indians have this idea, and if a provision were put in the bill striking it out they would not accept the bill. I think the bill is a good one—not as good perhaps as might be provided, but one much better than the provisions that now exist for the government and control of these Indians. I do not think that the amendment, just as it is presented, would advance the interest of the bill. If the amendment should provide exactly (I do not give the words but the idea) that such schools as are necessary, where children can be obtained to attend the schools, shall be provided by the Government, that would cover the idea that is in their minds and would cut off a great deal of the difficulty we find in the execution of that treaty in connection with the Indians.

I regard a treaty as any other measure enacted by Congress or by the Senate and the President of the United States, as treaties commonly are. I regard the Indian treaties enacted by Congress as receiving construction or at least being subject to construction the same as any law that may be passed by Congress. So I should regard such a construction placed upon this treaty as that the Government of the United States is indebted to the Indians by reason of failure on its part to provide the schools that are mentioned in the treaty, as being the construction under the circumstances that it would not be entitled to receive, for, as is known, all the schools that they themselves would send their children to are provided for them. All the six tribes—they call themselves the "six tribes;" they are all one tribe, but the six tribes of the one nation—have, or had some two or three years ago, all the schools that they themselves would provide children for in which to be educated.

Mr. TELLER. In 1867 there was a general revival in this country of interest in Indian affairs. It culminated a little later in the order of General Grant assigning to the several religious denominations a sort of supervision over the Indian agencies of the various portions of the country. About that time the commission was sent out which was mentioned by the honorable Senator from Kansas, and treaties were made not only with the Sioux but with various other tribes by the same commission, putting always this same provision in them. I have before me ten treaties, made commencing in October, 1867, and ending some time in July, 1868, in which we agreed with every tribe that we would give them a school for every thirty children. In some instances the treaty was for the cession of land; in some instances it was not for a cession of land.

It seems to have been the idea of the parties making these treaties that it would be a good thing to have a school in every neighborhood, as was suggested by the Senator from Kansas. Of course that was found impracticable at once. The Department immediately saw that it could not be done, and when attempting to carry it into execution they were met with obstacles that could not be surmounted, and there was a refusal or a neglect (whatever you may call it) both on the part of Congress to appropriate the money and on the part of the Department to attempt to put the schools all over the reservations, as it was suggested.

The Department then went to work to establish such schools as they could, dependent always, it must be remembered, upon Congress for the appropriation. There is no standing appropriation in these matters, and, of course, at every session of Congress there was an application, and the appropriations were niggardly given.

In 1883 this matter was carefully examined by the Commissioner of Indian Affairs and an estimate was made as to the amount of money that must have necessarily been expended if this treaty provision had been capable of execution. I do not understand, as the Senator from Kansas does, that it has ever been presented as a claim against the Government. It was presented in the report of the Secretary of the Interior to the Senate and the House as an inducement for them to furnish a liberal amount of money for the purpose of Indian education.

I desire to say that the honorable Senator from Illinois [Mr. LOGAN] has not been as thoroughly acquainted with the condition of Indian affairs on that reservation as some others have when he states that all the Indians have been put in school who were willing to go to school, for that is not a correct statement of the condition of that tribe, and, further than that, it has not been the condition of other tribes.

The sum total owing to the Sioux Indians, if regarded as a claim, is not $3,000,000, as suggested by the Senator from Kansas, but, after deducting the money expended for schools, an attempt to furnish a school for every thirty Indians would have left the Government, if it had undertaken it and succeeded, about a million and a half of money to 1883. I do not understand that it is set up as a claim, but it was set up as an argument in favor of a liberal appropriation for the purpose of putting in school not a few of the Indians, but a large percentage of the Indians. The then Secretary of the Interior had an idea that the education of ten or fifteen Indians and sending them out to a tribe was practically useless. His observation and experience, and the records of the Department sustain him in it, was that the money was thrown away, and a long and careful examination of Indian education, beginning with

the very earliest days in this country, has shown that while we have spent a large amount of money for the education of Indians, yet it has been ineffective and inoperative in influencing the main body of the tribes, for the reason that when the Indian boy goes back to his home (until recently we have never attempted to educate the women) he is absorbed by the uneducated and caused to abandon what little civilization he had taken in at school.

It would be interesting, if it was not that the bill is considered in the morning hour, to examine some instances which I might mention.

The honorable Senator from Kansas says that a great many people are making claims who are not willing to do anything themselves. I realize that, and I realize the fact that the Department in dealing with this question is often and frequently embarrassed and hampered and thwarted by the overzealous conduct of the friends of the Indians. I say it with regret, because their interest is from the best of motives; but I have said, and I do not hesitate to say it again, that it is very doubtful whether the friends of the Indian in this country have not succeeded in doing him more harm than his enemies at any time in its history. But that is no reason why justice should not be done to them. I know they have not done as much as they might. They have done something. I remember that the Secretary of the Interior attempted to assist a benevolent lady who thought she could build up a school in the Creek country among the uneducated and practically uncivilized Creek Indians, and there was an effort made to get the Appropriations Committee to give her $20,000. I had the pleasure of seeing this lady the other evening, and she said to me that she had appealed to the good people of this country, and that she had three schools established without Congressional aid in the Creek country. I asked, "How much did your school cost?" She said, "My best one cost $16,000." I asked, "How is it supported?" She replied, "By voluntary contribution, and I am going over to New York now to solicit contributions to maintain my school."

Mr. President, I think it is a burning shame that the public should be called upon to contribute to the education of the Indians when the Government has undertaken to do it itself.

I think a great, strong, rich nation, paying out five millions and a half of money every year, and some years more to sustain the Indians in their savagery and barbarism, ought to be able to put out as much money as that, if it is necessary, to put every Indian boy and Indian girl in a manual-labor school and educate them, so that they will be self-supporting, and that this great tax upon the people may not continue indefinitely and to all time.

We probably have escaped practically the era of war. We have probably got where there will be very little money paid out. It has been repeated on this floor and in the public documents only a few years since that in the period of ten years the Government spent at the rate of $22,000,000 a year in Indian wars, and we have now an Indian war on our hands in Arizona and New Mexico and that region of country that will cost more money before it is concluded than the Government has paid in the last five years for Indian education. The Senate were told again and again by the public authorities charged with this trust that if they would furnish the money to put those children in school it would act as a hostage and there would be no more war. I could have taken the children of fifty Apache Indians and put them in school and saved one hundred and fifty lives in that country and millions of money; but in the absence of power in the executive department to compel children to go to school they could not be put in school, and they have been roaming over the country, and their parents are now on the war-path. I do not know that there will be another war; I did not believe three years ago that there would be another war; and yet there may be a war in the Sioux Nation, there may be a war in other sections; but if you take the children of the leading Indians, and if they are willing put them in schools, and if they are not willing take them and put them in schools, I will guarantee that you will have peace in all the Indian borders.

Mr. HARRISON. I wish to correct two verbal errors in the bill while I think about them. In the first section of the amendment which I proposed, in line 13, the Secretary will notice that the proclamation of the President required to be made in section 22 should be changed to "section 24 of this act," as two sections have been inserted.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The amendment being verbal, the Secretary will make the change.

Mr. HARRISON. Line 22 of the second section of my amendment, now section 22 of the bill, should also be made to read "section 24 of this act."

The PRESIDING OFFICER. That modification will be made.

Mr. LOGAN. I desire to say one word in response to a sentence or two that dropped from the lips of the Senator from Colorado [Mr. TELLER].

I believe that I desire as much to see the Indians taken care of as any Senator, but I dislike very much to hear at every session of Congress an accumulation of accusations against the Government of the United States for the bad manner in which it is acting toward the Indians. Perhaps I am not so apt to be carried off by sentiment as some men, and that is my misfortune, but the Senator said that there would have been no war with the Apache Indians if the Government had provided schools for them. The Senator from Colorado knows it to be a fact that schools are provided, and that in New Mexico, at Albuquerque, there is a large school for the benefit of the Indians where their children may go if they are sent.

Mr. TELLER. I ask the Senator to allow me to interrupt him, because he evidently did not understand what I said. I said the war would have been avoided if the power had been given to the Secretary of the Interior to take their children and put them in schools whether they were willing to send them or not. That was the power I contended was lacking, not that the school was not there, because there has been a school there.

Mr. LOGAN. I was going to make the remark that the school has been provided, and as to the children not being there, it may be on account of the power not having been given to the Secretary of the Interior to enforce the education; but the school has been provided by the Government.

Further than that, for years appropriations have been made at every session of Congress to provide payment for the education of the children if the Indians will only send them to the different schools all over the country. Different churches have taken charge of many of them. We have made appropriations time and again to pay the different persons who have charge of these schools so much for each Indian child who attends the school. I wish to see them educated, but I rose to make another remark.

It is not the fact that their children are not now sent to school that produces Indian wars. If Congress had gone as far as the Senator says years ago in another direction Indian wars would have ceased long ago. Ten years ago I moved an amendment myself in the Senate Chamber to make it a penal offense for any man to sell powder, ball, or gun to the savage Indians, and it was laughed at in the Senate Chamber. There is the trouble. It is because men are permitted to sell to the wild savage Indians all the implements of warfare. Right within 10 miles of where the Apache roams to-day an Indian can go to any store in that Territory and buy a gun, or a pistol, or ammunition where they are kept for sale. There is the trouble, sir, and if you will put in the law of the United States a provision forbidding any one to sell to the wild Indian, to the savage Indian that he knows will go on the war-path, the implements of war, and make it a penal offense, your wars will cease and——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

Mr. LOGAN. I beg pardon of the Chair, sir. I have said all I desired to say.

Mr. TELLER. I only want to say one word.

The PRESIDING OFFICER. The unfinished business will be announced.

The CHIEF CLERK. A bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Linoln.

Mr. TELLER. I ask consent just in this connection to say, so that I may not be misunderstood——

The PRESIDING OFFICER. If there be no objection the Senator from Colorado will proceed.

Mr. TELLER. I did not mean to intimate that the Apache war arose out of any failure on the part of the Government to treat those Indians properly, for I think a more indefensible outbreak has never occurred in the history of Indian outbreaks. I meant simply to say that if the Secretary of the Interior had been armed with the power to seize those children when they came back from Mexico, and had taken them away from their parents and put them in schools where their parents could not get at them, they would have been such complete hostages that there would have been no war. But that power was lacking, although the Department have for years importuned this and the other body for that power.

Mr. DAWES. I ask the Senator from Indiana if he will not allow this bill to be proceeded with?

Mr. HARRISON. I am under limitation in regard to the Dakota bill. There is consent that the other order of business which was laid aside, the electoral-count bill, shall come up at 2 o'clock on Monday. I can not consent to any other business intervening now. *If I did*, I should put myself in such a position with reference to the Dakota bill that it might not be disposed of.

Mr. DAWES. I beg to renew my appeal to the Senator from Indiana.

Mr. HARRISON. I can not consent. This bill that has been pending this morning would occupy the whole afternoon. We see how the debate draws out on it and what broad ground it takes. The Senator can have it passed in the morning hour to-morrow.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln, the pending question being on the amendment offered by Mr. BUTLER as a substitute.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] is entitled to the floor.

Mr. VEST. Mr. President, my physical condition is the best guarantee that I shall not trespass unnecessarily on the patience of the Senate. I should not undertake to speak at all but for the fact that for some years I have taken an active interest on account of my position on the Committee on Territories in the question of the admission of Dakota, and my sole purpose, much against my personal inclination and comfort to-day, in entering this debate is to answer accusations—for I can use no other word in that connection—that partisan feeling and partisan prejudice alone cause opposition upon this side of the Chamber to the admission of Dakota as a State.

Mr. President, permit me to say that in what I shall submit to the Senate to-day I expressly disclaim, whether it meets with credence or not, any personal feeling against the people of Dakota either as a community or against any individual or number of individuals residing within that Territory.

The Senator from Iowa [Mr. WILSON] yesterday paid an eloquent and deserved tribute to that hardy population of frontiersmen, who, with the rifle in one hand and the ax in the other, have fought and blazed the pathway of civilization across this continent. It would be strange, indeed, if I, of all men upon this floor, should not be in accord with these sentiments most heartily and earnestly. My boyhood and manhood have been spent in the far West. I left my native State when a mere lad and became a citizen of the State which has accredited me here to a seat upon this floor before the buffalo and the Indian had left its borders. I have been since that time a Western man in heart and soul and feeling and life, and if there be one feeling that predominates with me now, it is a deep, abiding, and earnest love to the people of the great West and their institutions, even their prejudices.

Much has been said here as to the peculiar claims of this community of Dakota for admission as a State. If I discuss these assertions at all it is with no feeling of hostility personal or political, but because as a legitimate mode of discussion I am authorized to meet those assertions as bearing upon the general subject now pending in the Senate.

Much was said yesterday by the Senator from Iowa upon the peculiarly law-abiding, conservative, and Christian spirit of the people of Dakota, and the Senator in sonorous tones over and over again declaimed to the Senate, "This is not the community which could be revolutionary or in opposition to any law of the land." The connection in which this remark was made, and the manner in which it was made, seemed to indicate that there were communities from which no voice could be consistently heard attacking any other on account of lawlessness or revolution. If I notice this observation it is only because I desire to meet the Senator from Indiana and the Senator from Iowa in their professions of wanting non-partisan discussion and of looking at this question from the high and elevated plane of statesmanship, far removed from the clouds and vapors of partisan prejudice, passion, and interests.

If the Senators upon the opposite side of this Chamber pretend to say that all party feeling in this question is confined to the Democratic portion of the Senate, they enter then the domain simply of assertion susceptible of no argument or proof.

In no acrimonious spirit I retort (and I use the word in its fullest meaning) by saying that the history of the Republican party shows that never for one instant have they hesitated to seize a party advantage when offered them in political warfare. The history of 1876 is too recent, the action of the Democratic party in admitting Colorado, which lost us the Presidency, is too recent, to admit of this assertion passing without contradiction upon this floor.

As I had occasion the other day in discussing this same question to say, I am no æsthetic politician. I am a Democrat. I believe in my party because I believe it is necessary to the welfare and glory and honor of this country, and I fight for my party because I so believe. I stand by my friends because they are the friends of the principles that I believe conduce to the perpetuity of the Constitution as made by the fathers. I would be coward and recreant both if I did not do it with my convictions upon this question.

Why is it necessary, or was it necessary then, that in making this declaration of non-partisan feeling both the Senators from Indiana and Iowa saw proper to drag into the debate the fact that Dakota, being a Republican Territory or State as they claimed it to be, was the only cause in fact why its admission to the Union is now opposed upon this side of the Senate? Why was it that both these Senators saw proper to go further and say that the ex-Union soldiers who had populated Dakota were restive under their exclusion from the Union because they thought they had a right to be admitted into the country whose life they had saved?

I make no namby-pamby appeal to the war sentiment of the country. I make no apology for my past history and no professions for the future. I am here accredited by two and a half million people, as intelligent, law-abiding, conservative as any upon this continent, and their votes are my credentials. I have voted consistently and persistently in this Chamber for the most liberal pensions to the men to whom I was opposed in the late unfortunate struggle, happily closed twenty years ago, and while I avow now all absence of hostility and prejudice, let it be believed or not believed, I distinctly and emphatically oppose the sentiment that any man is entitled to peculiar privileges in this country before the law or before the Constitution because he fought under any flag, because he espoused any cause, because he did his duty to the principles and convictions he held and as he understood them. Justice should be done to all, and the question now before the Senate is one appealing to the unlimited discretion of Congress, and that alone. Why bring in these adventitious circumstances? Why attempt, for it can result in nothing else, to thrust into every question, financial, social, and religious, that is brought before the American people the dead issues of a dead strife, when the country, as we heard the other day, is now for the first time really and honestly being cemented together by the glorious memories of the past and the bright anticipations of the future.

Union soldiers are restive because Dakota is kept out of the Union! Before I conclude this address I shall undertake to show that soldiers as gallant as any who fought under the Union flag and amid "shot and shell and saber-stroke" demonstrated their devotion to the Union are as heartily opposed to the passage of the bill before the Senate as any of those whose patriotic endeavor has been cited as an argument upon this floor. What can be the result or the object of such appeals as these except an indirect statement to the people in Dakota and to the country at large that many of us who were upon the other side in that unfortunate strife are now fighting to exclude Dakota, and that, forsooth, this is the sole reason of our parliamentary action in this body?

Mr. President, this is not the first time I have heard this charge. This is not the first time it has been used to inflame partisan feeling and sectional hate. Whatever may have been the object of the distinguished Senators who use it here to-day, I have seen it before clothed in not such persuasive tones, not such dulcet accents and set phrase, but containing the very same idea, the same sentiment and prejudice which we heard yesterday and the day before from the distinguished Senators.

I happen to have in my hand, from a large literary collection from the plains of Dakota which reaches me every daily mail, a journal published in this young and ambitious Commonwealth, marked all over with red lines until it is lurid and gory with anticipated war. It has even an ensanguined appearance calculated to shake the nerves of a peaceable, quiet, and conservative citizen like myself. I give it as a contribution not only to this debate but to the literature of the country. It is worthy the Addisonian era. Its smoothness of diction and force of expression would do honor to the best days of English classic literature:

> While fair Dakota has no traitors or revolutionists, unless perchance it be a straggler here or there who were in the alleged southern confederacy and are yet unrepented, be it to her credit and glory she has enough one-armed and one-legged battle-scarred veterans who fought nobly for the preservation of the Union to whip a whole brigade of traitorous skunks like VEST and BUTLER, whose arms are against them; and you can bet your boots they can do it any day right here on the open plains and free soil of Dakota, without resorting to bushwhacking or kukluxing either. If they don't believe it, all they have to do to get accommodated and test the loyalty of Dakota is to fire on Sumter.

Now, Mr. President, permit me to put to rest any apprehensions upon the part of this blood-thirsty gentleman in Dakota, so far as the inauguration of another revolution is concerned. Speaking for myself, Fort Sumter shall rest in placid tranquillity for the rest of my natural life at least. The admission of no twenty States would ever induce me to appeal again to the arbitrament of arms which this gentleman seems so anxious now to invoke, if the Senator from South Carolina and myself should pay our own traveling expenses in order to meet him and his comrades upon the plains of Dakota.

Although the distinguished Senators who have spoken disavowed indirectly, if not directly, any advocacy or approval of the extraordinary position assumed by the applicants from Dakota in regard to their right to form a State without the consent of Congress, although, I say, they indirectly, without intending to do them injustice while they perhaps directly disavowed such a disposition—I undertake to say that there are numbers of the prominent and leading men in Dakota, men conducting the press, men who lead the people so far as they can upon the hustings and in the public councils, who not only have avowed the position to which I have alluded but who have not retracted it and do not propose to retract it, and who to-day assert their right to form a State government, and who declare that they have formed a State government now in existence without any consultation with Congress or any deference to its opinion.

The Senator from Indiana in the report which he submitted to this body alluded to this sentiment as expressed in the public press of Dakota on the subject of division as an indication of the opinion of the people in that Territory. Now, to make good what I have stated in regard to the position now occupied by the leading men of Dakota, the position that they are a State already and they do not assume Statehood by virtue of any consent on the part of Congress but *proprio vigore* by the act of the people alone, I read in the first place from a pamphlet called "The State: How it may be formed from the Territory," 5,000 and more copies of which I understand were distributed by the advocates of division and Statehood over Dakota, and which is obviously prepared with great care and indorsed by a long list of prominent men as being the sentiment of that people. On the 17th page of this

pamphlet I find from the Press and Dakotian, the leading newspaper of Southern Dakota, under the heading of "The Right to Statehood," the following:

Under law, precedent, and court decisions, we are possessed of greater rights than was supposed. We have the undoubted authority to meet in convention and adopt a constitution. The same being ratified by the people, we have the right to elect State officers, to provide our own courts, to collect taxes, and to manage our own affairs. Should the provincional organization provided by the General Government refuse to recognize the government provided by the people, such refusal would not in any degree affect the legality of that government. Should Congress decline to admit our representatives, for the time being, that act would not take from us the privilege of governing ourselves here at home. We are possessed of the one requisite—a sufficient number of people to entitle us to admission into the Union—and the General Government has no authority whatever to deny us the right of self-government, which is guaranteed to all, under the Constitution and the laws. We are therefore in favor of immediate State organization, in the absence of any act of the authorization or consent upon the part of the Government at Washington. We are in favor of it because the time has arrived when we should manage our own affairs and not be longer subjected to the governing power of men appointed from the States. We are in favor of it because it is our constitutional right, privilege, and duty. The provisional government would be compelled in time to yield to such an arrangement—

That is the Territorial government—

and if it chose for a period to maintain an unrecognized organization no one would be injured by the harmless diversion. The legal, constitutional government would be the people's government, and before it mere assumption of delegated power could not prevail.

In the conclusion of this pamphlet under the twelfth clause we find as the sum and substance of this whole argument the following:

That the people having been by this action of the governor deprived of the ordinary means of declaring and executing their lawfully ascertained and expressed will, have full and unquestioned right and authority to fall back upon and exercise the reserved rights and extraordinary powers vested in them by the constitution, and have therefore, for that purpose, full power to call and create a constitutional convention, a constitution and a State government by their own spontaneous action, and by such methods and instrumentalities as they may in their primary and sovereign capacity establish and ordain to that end.

If that be not to the full extent and limit of the doctrine that the people of any Territory in this Union have the right by their reserved power, disregarding the will of Congress, disregarding the provisions of the Constitution, to form a State and exercise all the right of Statehood, then the English language has lost its scope and meaning. Will the Secretary be kind enough now to read the editorial which I send to the desk, coming from another newspaper in Dakota?

The Chief Clerk read as follows:

STRAIGHT FROM THE SHOULDER—THE TIME ARRIVED WHEN THE PEOPLE OF DAKOTA SHOULD STAND BY THEIR RIGHTS.

Carthage Prairie Home: Should Congress neglect to admit the State of Dakota during the present session, our duty is plain.

The Legislature should be reconvened and the machinery of the State put in steady motion.

There is no law to forbid the people of a Territory, when their number and area of territory are sufficient, to form a State.

There is no law to forbid the people of a State governing themselves.

On the contrary the highest law of the land, and the action of twelve States of the Union, in each instance accepted by a special act of Congress, affirms both of these propositions.

Shall Dakota then, with her 270,000 people, her 80,000 and more square miles, larger than all six of the New England States, with New Jersey and Delaware combined, consent longer to be a vassal?

No! a thousand times no!

Shall the twenty thousand scarred veterans now residing in Dakota, who marched through the burning sands and miasmatic swamps of the South to put down a wicked rebellion, stand with bared heads and beg longer of their old opponents in arms to be admitted to the Union they helped to save?

We say again, ten thousand times no!

Men of '61-8, stand upon your rights as freemen. Stand by the old flag and bear it aloft. Stand firm without wavering. Stand by your new State, stand by Dakota. You conquered the rebels with guns in their hands; you will again conquer rebs with their Congressional votes, even if Dakota must remain out of the Union until an uprising of the free men of the States drives the old rebel yell from the halls of Congress. Eternal vigilance is the price of liberty. Statehood for Dakota by the people and for the people is liberty for the people.

Mr. VEST. If it be said that this is mere journalistic rhetoric I have only to reply that the newspapers of a Territory as well as a State almost invariably follow public sentiment instead of attempting to create it. They adopt a political maxim which a very distinguished political leader in this country once announced, that the safest and most successful politician was the man who followed the people and never attempted to lead them. It may not be the most high and elevated statesmanship, but it is certainly the most successful both in conducting a newspaper and in securing votes in order to obtain office. I could, if my feeble strength permitted, exhaust myself and the patience of the Senate by reading for hours extracts similar to this coming from all portions of this pretended State.

I have not had this extract read on account of its allusion to the events of the late war or the differences which grew out of that conflict. I recognize the fact that there are some people who can discuss no question without bringing in that war, without making a merit of the fact that they served in the Federal Army, and that this simple fact covers all the remainder of their natural lives no matter how great their blunders or even their crimes. Because of my personal experience I have had some occasion to note the fact, and when the epithet traitor and rebel is hurled in my face, dragged from the remote battlefields of the war to be brought into foreign issues and foreign discussion, I am often reminded of an episode in the impeachment trial of President Johnson. The distinguished Senator from New York [Mr. EVARTS], not now in his seat, told his adversaries that they reminded him of that pious old lady who, when driven to extremities in defending a Calvinistic dogma, declared emphatically that take away her total depravity and you took away her religion. Take away the war issues and you take away the politics of a large number of newspapers and statesmen in this country.

As I said before, I would be glad to hear any one Senator upon either side of this Chamber stand in his place and declare that he believed that any portion of the American people on any portion of the American domain had a right to form a State with the powers and privileges of a State without the consent and validating power of Congress. I should like to hear any Senator make that assertion; yet that is the doctrine being inculcated, and as an American Senator I have a right in legitimate discussion to call attention to what I conceive this heresy, in order that now and here it may receive the answer which I say it shall always receive in every age of this Republic, no matter what loose expressions may be taken from the utterances and expressions of distinguished men who had then in their hands and under their control measures for the admission of States.

The Senator from Indiana says Montana has applied here for admission with a constitution, and yet he hears nothing upon this side of the Chamber in regard to revolution there, because Montana is a Democratic Territory and it is assumed will come in as a Democratic State.

In this connection let me say parenthetically in answer to another assertion of the Senator from Indiana, not to disavow it as truth, but to show that no partisan feeling will make me swerve from what I believe to be the meaning of the Constitution and my constitutional duty as a member of the Senate, when I made a report four years ago from the Committee on Territories as representing the minority that the spirit of the Constitution and legislation of the country demanded that no Territory should be admitted without a population equal at least to the ratio that would entitle it to a member in the lower House of Congress, I meant what I said irrespective of any political success or strife, and if Montana comes here with less than the ratio sufficient to entitle her to a member in the lower House of Congress I here and now pledge myself as a Democrat to vote against her admission, because I believe it would be a violation of the spirit and intendment of the Constitution as made by its framers. Although it would give to the Democratic party three electoral votes in the next canvass, if Montana comes here—and I see a delegation is on its way headed by my warm and special friend, the friend of my boyhood, Governor Hauser—although that delegation is on its way here, as I see by this morning's paper, to urge the immediate admission of Montana with 120,000 or 125,000 population, I state here distinctly that I shall not give my vote for the admission of that or any other Territory although every voter within its limits may be a Democrat as strongly rooted in the opinions of the party as I myself am to-day, without it has the ratio of population necessary to give it a member in the lower House of Congress.

But returning from this little digression to what I was about to say in regard to the parallel instituted or attempted to be instituted by the Senator from Indiana between these two Territories, I deny that Montana comes here like Dakota. I will prove from the record, unless party prejudice and passion blind the observer, that Montana comes in a very different spirit, in a very different mood, with different expression and different intendment when she approaches the representatives of the people in Congress assembled. I will trespass upon the Secretary again, to read, if he pleases, Exhibit B from the report of the Senator from Indiana, to see what is the proposition of Dakota and in what terms it is couched.

The Chief Clerk read as follows:

EXHIBIT B.

OFFICE OF STATE EXECUTIVE COMMITTEE,
Yankton, Dak., December 7, 1885.

SIR: We, the State executive committee of the State of Dakota, on this behalf appointed by a constitutional convention of that part of the Territory of Dakota south of the forty-sixth parallel of latitude, have the honor to herewith transmit to you a certified copy of the constitution of the State of Dakota and of a memorial from the constitutional convention to the President and Congress of the United States.

We have also forwarded through the hands of Hon. BENJAMIN HARRISON, United States Senator, an engrossed and certified copy of the constitution for presentation to the Senate through the President thereof.

I am instructed, on behalf of the constitutional convention of Dakota, to request you to have the said memorial and constitution duly presented to the Senate of the United States for their consideration, and that the same be referred to the proper committee and acted upon as the application of said convention, for and on behalf of the people of said State, for the admission of the State into the Union.

Yours, respectfully,

HUGH J. CAMPBELL,
President State Executive Committee.
JOSEPH R. HANSON,
E. P. BEEBE,
A. J. SIMMONS,
JOHN CAIN,
JAMES A. WARD,
STEPHEN G. UPDYKE,
Committee.

To the honorable PRESIDENT OF THE SENATE
of the Congress of the United States, Washington, D. C.

Mr. VEST. Without attempting to wrest words and phrases from their legitimate and natural meaning, who can read this application without seeing at once in every line and syllable of it the assertion that

this is the State of Dakota without any action on the part of Congress. These gentlemen come here as the executive committee of a convention of people who have formed a constitution and inaugurated Statehood.

It has been said here over and over again that this is simply a proposition. Yes, Mr. President, it is a proposition from a State outside of the Union for admission into the Union, and that alone. It is a State not within the confederacy of the States, and it is this, and nothing more and nothing less.

It is sought to escape this conclusion, which is plain and patent in every line and syllable of this memorial, by stating that one provision of the constitution of this so-called State says that the Legislature shall pass no bills except in regard to the measures necessary to obtain admission, and that this takes away any assumption that it is a State or entitled to the rights of Statehood.

Any one who reads with fairness and impartiality that provision of the so-called constitution of the State of Dakota will see that it is simply a limitation upon the power of the Legislature, and nothing more. The State is established, its officers are elected, its powers are vested, and the sovereign power of the people in convention assembled has simply said to the Legislature, "While you exist, while you are a constitutional body, while you are *de facto* and *de jure* in existence, we limit your power as to legislation in so far that you shall not pass any bills other than those necessary to secure the admission of Dakota into the confederacy or union of States." It is exactly equivalent to that oft-repeated exercise of conventional power which was had in this country so frequently in 1861, in the border States at any rate, when a convention was called to consider the relations between the State and the Federal Union, and when the Legislature which called the convention put in the act which brought the convention into being and *in esse* the limitation that it should not pass any ordinance dissolving the relations of the State to the Federal Union without having submitted the same to a vote of the people. Unquestionably that power existed in the creating body. Unquestionably the convention had the right to put a limitation upon the legislative power of this Legislature; but that proves nothing against the statement which I have made and which I say is incontrovertible upon the record, that these people in Dakota mean now that they have organized a State *proprio vigore*, with the reserved rights and powers of the people, irrespective of any action or consent on the part of Congress.

Let us look for a moment at the language used by Montana, and let any fair and candid Senator place the two side by side and then say that the cases are parallel. I ask the Secretary to read the memorial of the Montana convention, which I send to the desk.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States:

Pursuant to an ordinance adopted by the constitutional convention of the Territory of Montana, begun and held at Helena, Mont., on January 14, A. D. 1884, and concluded February 9, 1884, the undersigned committee have the honor to submit herewith the following memorial, adopted by said convention:

"*To the honorable the President of the United States and the Speaker of the House of Representatives:*

"Your memorialists, the people of Montana Territory, through their representative in Congress assembled, respectfully represent:

"That since the organization of the Territory of Montana we have cheerfully yielded obedience to the laws of the United States and recognized the right of Congress to make all needful rules and regulations respecting the Territories:

"That we now disclaim any purpose of disloyal action, but renewing our fealty to the Constitution of the United States, and recalling to mind the right of the people to peacefully assemble and by petition represent their grievances to Congress, do further represent:

"That the policy which has so long prevailed of sending strangers to rule over us and fill our offices has become distasteful to us, and is wholly unsuited to our present condition and the growing importance of the diversified interests of our country:

"That within the past few years our population and resources have been largely augmented, whereby the proper administration of our laws demands a more perfect and comprehensive system of Government than can ever be attained under our Territorial organization:

"That in order to enlarge our liberties, secure a closer connection with the American Union, and for the establishment and maintenance of a better government, your memorialists, with the consent of the Legislative Assembly, have met in convention and framed a constitution, republican in form, for the State of Montana, and herewith present a certified copy thereof for your approval; and if, upon consideration of the same, you find it unobjectionable in substance and form, your memorialists pray that the Territory of Montana be speedily admitted into the Union of the United States thereunder, and your memorialists will ever pray."

JOS. D. TOOLE,
Delegate in Congress.
W. A. CLARK,
President of Constitutional Convention.
SAMUEL T. HAUSER,
Governor.
WM. H. HUNT,
E. W. TOOLE,
JAMES H. MILLS,
RICHD. O. HICKMAN,
JOSEPH A. BROWNE,
W. J. McCORMICK,
WALTER COOPER,
Committee.

Mr. VEST. It will be observed from the terms of this memorial that there is no claim that Montana is a State either out of the Union or in it. There is not the slightest assumption of Statehood. It is the Territory of Montana. They do not come here as the executive committee of a constitutional convention and say, "We represent a State, and we bring to you our constitution for you to consider it, and we apply for admission into the Union as a sovereign State;" but this application on the part of Montana comes as it should come to the Congress of the United States, clothed by the Constitution with unlimited discretion in regard to the admission of new States, and says, "This Territory submits to you a constitution which we have formed, not of our own right but in order that the Congress may consider it as a proposition for our admission into the Union of States."

It has been said here that Mr. Buchanan and Mr. Gallatin held that the people of a Territory could form themselves into a State by virtue of their own reserved powers. As I have said before, party strife and party feeling have caused expressions to emanate from high authority which are not to be accepted as legitimate argument or precedent. Mr. Buchanan did use some loose expressions when he had charge of the Michigan bill, for the Michigan and Arkansas bills were put under the control of himself and Mr. Benton, and Mr. Benton used some expressions which are susceptible of the interpretation placed upon them by the Senator from Indiana; but I undertake to say, and I will show from the record, that the deliberate convictions of Mr. Buchanan, even assuming that he had any right to interpret this sacred instrument, the Constitution of the United States, for us, that his declarations delivered and formulated with care were very different from any such statement as that which is ascribed to him in this debate. In the Appendix to the Congressional Globe for 1836–'37, after a week had elapsed between the first debate on the admission of Michigan and when Mr. Buchanan took the floor in answer to Mr. Calhoun, he used this language:

Mr. Buchanan here said that, as one of the majority, the position he took and maintained with all the ability in his power was, that under the ordinance of 1787, Congress, having first fixed the boundaries of the State (and even if Michigan contained the population prescribed by the ordinance), she nevertheless had no right to come in under that ordinance.

In other words, that it was a question for Congress; that, as the Constitution itself prescribes, Congress can admit new States, Congress can make all needful rules and regulations in regard to the territory and other property of the United States.

As I said the other day, with no intention to be disrespectful to the people of Dakota, although the excessive sensibility of the Senator from Indiana construed my statement into a reflection upon that people, but simply to illustrate the result of any such doctrine, suppose that Utah should apply here with requisite population, a population of even a million, with requisite area, and should bring a constitution here and elect Senators and claim admission into the Federal Union, what would be the result? Suppose that a dozen ordinances had provided that the territory of which Utah is part should be carved into States, is there any pretense that Congress would be bound to admit her? Is there any pretense that Congress would not under its constitutional power, above and beyond all treaties which Congress can abrogate at pleasure, and all ordinances which Congress can annul at their own will, refuse to admit that Territory as a State?

The Senator from Alabama [Mr. MORGAN] reminds me that Utah did organize a State government and called it the State of Deseret, and a volume of statutes can now be found in the Library embracing the statutes that were made by the Legislature of that so-called State; but Congress never recognized her Statehood, and to-day the application of the State of Utah, with an area twice as great as that of Dakota and a population five times as great, would be treated, as we all know, with contempt and scorn.

Population itself is not sufficient, territory is not sufficient, institutions even are not sufficient; and I put the most extreme position before the Senate. Congress is the trustee for all the people of all the States of the Union, and it is for us to say, in this sovereign power confided to us as the representatives of the people and of the States, whether it is best to increase the number of Senators, whether it is best to make new States, whether our duty to the rest of the people of the Union and the circumstances by which we are surrounded justify us in admitting any State within the brotherhood of the American Union.

Mr. Buchanan, reading further, said, on page 149:

He agreed with the Senator—

Mr. Calhoun—

as to the fact that Michigan was now a State, though not a confederate State; but there had been another proposition advanced by him, to which he never could yield his assent. The Senator had contended that a Territory, after it had adopted a constitution in pursuance of an authority granted by Congress for that purpose, would rise up at once into the rank of a sovereign and independent State, no longer subject to the control of this Government. What, sir! Would the Territory of Wisconsin, for example, if Congress had authorized her to form a constitution, and she had adopted one of a republican character, from that moment become a sovereign and independent State? Could she then refuse to enter the Union? Could she dispose of our public lands within her limits? Could she coin money and perform every other act pertaining to an independent sovereignty? Did gentlemen intend to push their doctrine of State rights to such an extreme, and thus enable every Territory to rise up into a foreign State and put Congress and the Union at defiance? If this doctrine be not revolutionary with a vengeance, he did not know what could be so called. No, sir; our Territories belong to us. They are integral parts of the nation. We authorize their people to erect themselves into States, subject to our approbation; but, until they actually enter the Union, they continue in a subordinate condition and are subject to our control.

If there could be any doubt about a proposition which seems to me

to be too self-evident for argument, Mr. Buchanan disposed of this whole question.

Mr. Calhoun, to whom Mr. Buchanan was replying, is reported as follows:

Mr. Calhoun came now to a point of not much less importance; he meant to the principle broadly laid down, without qualification, that a Territory could not become a State until admitted. He would refer Senators to the third section of the fourth article of the Constitution of the United States, and if they had any doubts on the subject they could easily satisfy them. He contended that nothing but States could be admitted into the Union. This Union was a union of States—not Territories—not of people bound together by a settled compact and lease. How, then, could a Territory give its assent? It had no will of its own. How could a Territory be admitted into the Union? But it was said that if this doctrine be true, a Territory, if even she should become a State, might refuse to come into the Union. Most certainly; no State could be forced into the Union. We all know the history of our Constitution. Every State assented to the Constitution, and came in voluntarily, otherwise this would not have been a Federal Union. Why, it grew out of the noble theory of our Constitution. Had we forgotten, in the course of half a century, the splendid theory of our Government—that all people have a right to govern themselves, and that the will of the people is to govern? Was it not the basis of our revolution, which has done more to spread free principles all over the world, than anything which had occurred since?

But, while Mr. Calhoun held this doctrine, to which I do not assent myself, that this is a State before it is admitted into the Union, he declared emphatically and distinctly that the people did not have the right to assume the legislative powers of Statehood until Congress had given its consent, until Congress had vitalized the action of the people in assuming to form a State government.

But we are told that by virtue of the ordinance of 1787 Dakota is entitled to admission, that having obtained the requisite ratio of 60,000 population this matter is settled, crystallized, *res adjudicata*, by virtue of that celebrated ordinance. If that be true, it is an end of this discussion. If that be true, it is an end of the constitutional discretion of Congress; it is only necessary to take a judgment by default, to read the ordinance of 1787 and pass *pro forma* the act of admission of this Territory into the Federal Union.

I propose now to read from 10 Howard Reports, page 94. The Supreme Court of the United States, I think, has definitely settled this question as to the effect of the ordinance of 1787:

But the whole question upon the ordinance of 1787—

Says the court—

and the acts of Congress extending it to other territory afterwards acquired, was carefully considered in Pollard *vs.* Hagan, 3 How., 212. The subject is fully examined in the opinion pronounced in that case, with which we concur; and it is sufficient now to refer to the reasoning and principles by which that judgment is maintained without entering again upon a full examination of the question.

Indeed, it is impossible to look at the six articles which are supposed in the argument to be still in force without seeing at once that many of the provisions contained in them are inconsistent with the present Constitution. And if they could be regarded as yet in operation in the States formed within the limits of the northwestern territory, it would place them in an inferior condition as compared with the other States, and subject their domestic institutions and municipal regulations to the constant supervision and control of this court.

But husbanding my strength, I come to the conclusion of the argument of the court as delivered by Chief-Justice Taney:

As we have already said, it—

That is, the ordinance of 1787—

ceased to be in force upon the adoption of the Constitution, and can not now be the source of jurisdiction of any description in this court:

This is the case of Strader *et al. vs.* Graham, in 10 Howard. If this opinion does not put an end at once to the assumption that the ordinance of 1787 gives to any portion of this Territory the right to admission by virtue of the terms of the ordinance into the Federal Union, I am unable to read or to deduce the legitimate effect of any decision of the highest tribunal in the country.

The court says emphatically and distinctly that the ordinance of 1787 ceased to exist upon the adoption of the Federal Constitution in 1789, that the Constitution took its place, and that it can not be quoted in the Supreme Court of the United States as a source of jurisdiction for any purpose whatever, either as to the right of a State or a Territory; and that, it seems to me beyond question, without reading the case in 3 Howard quoted here, is an end of this assumption, which if it were true would put an end at once and forever to any discretion upon the part of Congress as to the admission of new States in the Northwest.

So of the treaty by which the Louisiana Territory was acquired from France in the administration of Mr. Jefferson. I take the broad ground here and now, and I say it is incontrovertible, and I take it deliberately, that no ordinance, no treaty, no act of Congress, can take away from this Congress the power to exercise its constitutional discretion in regard to the admission of States into the Union. We can repeal any treaty, we can tear to pieces any precedent act of Congress if we see proper, because if we can not, then one Congress can bind all subsequent Congresses, and this constitutional discretion given to us and us alone as trustees for the general welfare of the people of all the States would be absolutely nullified and destroyed.

We have heard here, and it has been quoted in pamphlets issued by these aspiring statesmen in Dakota as if conclusive on this question, that Chief-Justice Taney in the celebrated case of Dred Scott *vs.* Sandford decided that the Government of the United States could not hold colonies. Who has ever denied it? What man upon either side of the great political issues of this country has ever brought any doubt to bear upon this plain and self-evident proposition? We know that the structure of our Government is such that we can never become under our present Constitution the holder of colonial possessions. We can only hold territory for the purpose of making it at some future time into States. We can not as can Great Britain stretch out Briarean arms to the four quarters of the earth until the drum-beat follows our possessions from the rising to the setting of the sun. The men who made the Constitution, the wisest men who have ever existed upon this continent in the general scope and meaning of their work, although they made lamentable mistakes in regard to details which only God himself could have foreseen—those great men never intended that we should become the holder of colonies as the powers of Europe have been for the last three hundred years.

But did Chief-Justice Taney ever say or mean to say, and where is the expression that ever intimated, that any Territory at the end of any given number of years or indefinite term of years could come and of right demand admission into the Union? Did Chief-Justice Taney ever pretend to intimate that Congress did not have the exclusive right and the sole discretion in regard to the formation and admission of new States?

It is said in Dakota, "why, they may hold us forever in pupilage." Mr. President, that is a question for the representatives of all the people of all the States; not for them to determine but for us to determine. The State of Missouri was held in pupilage and vassalage, as it is termed in these pamphlets, two years and a half upon a party issue, and her Senators, Barton and Benton, wandered through these halls without, politically speaking, a place whereon to lay their heads; and Congress at last admitted Missouri upon a compromise, as Michigan was admitted and Arkansas was admitted, and did it under the broad and wide discretion vested in Congress by the Constitution.

I have dwelt longer upon this branch of the discussion than I purposed. Alluding very briefly to an observation made by the Senator from Iowa and which was also made, though not in the same terms, by the Senator from Indiana, that political motives alone actuate this side of the Chamber, I may be permitted to ask if it would not be an equally good case and equally as logical for me to inquire what party would profit by the admission of Dakota, and whether there is any interest apparent to the Republican party in rushing this State into the Union? It would give to the Republicans 3 electoral votes if not 4. If they have the population they claim in Southern Dakota, it would give to them in the next electoral college 4 votes, and we know what that means in the present condition of parties in this country.

What right have Senators to hurl at this side of the Chamber the charge of partisan feeling and prejudice when upon the very face of this record, so to speak, the fact is transpiring that by the admission of this State, cut in two by this Cæsarian operation of the constitutional convention, originating without the consent of Congress and by the innate and reserved powers of the people, as they express it, the southern half of Dakota coming into the Union would give the political ascendancy perhaps in the whole Union to the Republican party in the next Presidential election.

So much for anything that savors of political feeling or bias in this question. Let us come now, and I propose to meet the Senator from Indiana upon the high plane of argument, non-partisan, patriotic, national, to which he has invited us. If I do not satisfy every Senator present that logic, right, reason, justice, all forbid us to pass this bill, I shall consent to be held convicted under the rather harsh criticism of the Senator from Indiana made the other day, that I could not treat this Dakota question without using unjustifiable terms in regard to the people of that Territory. If the distinguished Senator knew with how much pain I fall beneath his displeasure at any time, I am sure he would suspend his scholastic criticism until the end of this debate.

Mr. President, I meet him now upon the arena to which he has invited us and which he himself so soon abandoned. I propose now to look at the considerations which should govern every proposition for the admission of a new State into this Union. Precedents are the poorest arguments imaginable when this wide and unlimited discretion is given by the Constitution to Congress in each individual case. Each State must be admitted or rejected upon the circumstances which surround that State and the rest of the States of the Union at the time it applies for admission. We are not to go back to party conflicts when slavery and anti-slavery, when the distribution of the proceeds of the sales of public lands or the non-distribution of them tore the country into factions and parties. We are living men, dealing with living issues. There was a time in the history of this country when the only thing that was held by American statesmanship to be necessary for building broad and wide the foundations of the Republic was more people to fill up our vast domain, then stretching from ocean to ocean. All the States were interested then in pushing the frontier away from them, because the frontier meant the scalping-knife and tomahawk of the Indian. Every State could be confidently relied upon to vote for the admission of a frontier State, because that put an Anglo-Saxon population between the inhabitants of the older States and the wild Indians of the plains.

What are the circumstances that surround us now? The question of population beggars the imagination even of the poet. It is not a ques-

tion of how many people we shall have; but how shall we stop or meet the exigencies of the tremendous population pouring upon us from all quarters of the earth? The question is not now to push off our frontier to get rid of the Indian, but, as we heard to-day, how are we to save these poor savages from the annihilation which seems almost inevitable? No longer do the Five Nations, with the genius of Tecumseh and of the Prophet, appal the frontiersman in Ohio and Indiana and Illinois; no longer do those nations meet as nations; but go, as I did some years ago, even last summer, to the plains of Montana and Dakota, and you find the remnants of those splendid nations now huddled around their miserable camp-fires, the beggarly remnants of a fast decaying nationality. The days of war for the Indian are over. From the immense area, 200 miles by 400 miles, of mountains, the refuge of the Apaches, sporadic forages may be made by ten or twenty savages upon unprotected settlements and upon isolated frontiersmen; but even this must necessarily and logically come to an end before the overwhelming power of this nation as represented by its military force.

I repeat that the days of war with the Indian are past and gone. The circumstances that surrounded our fathers when it was only necessary to answer all arguments against the admission of a State by saying, "Push away the frontier; in numbers there is strength"—those days are gone and these arguments have died with them. The question upon us now as practical statesmen with living issues is how large is to be the Senate, how much are we to subdivide these enormous Territories. It is not for Dakota by the action of her own people to cut herself in two and then come here with the eloquent pleading of the Senator from Iowa and the Senator from Indiana and demand that she shall be admitted into the Union or else an outrage is perpetrated upon a portion of the sovereign people of the United States. If that is done, Senators, it will be but a few years until the Senate will swell into the size almost of the House of Representatives, for if you look at the extent, at the area of the Territories you will see that what Dakota can do or attempts to do will be done by the other Territories of the United States. Dakota has 149,100 square miles; Montana has 146,131 square miles; New Mexico has 122,580 square miles; Arizona has 113,020 square miles—three Territories with this enormous area; and if we now say to Dakota, as the Senators from Indiana and Iowa would have us say, "Cut yourself in two, adopt a constitution, elect State officers, elect two Senators, come to Congress and say that you are veteran soldiers and maimed veterans of the war, and you can be admitted into this Union," the precedent of Dakota has settled the question.

Mr. President, it is said that a great outrage is being perpetrated against this people in refusing them Statehood. A glowing picture was drawn of their conservatism, their law-abiding spirit, their respect for religion and law, by the Senator from Iowa and the Senator from Indiana. An outrage is perpetrated for partisan effect by Senators upon this side of the Chamber in voting against the admission of this State. The Senator from Iowa says gross accusations are made against the character of that people. When? Where? How?

For two years Dakota was kept out of this Union by votes upon that side of this Chamber, and the record shows it. In 1882 a bill similar in its provisions to that now before the Senate was brought here, and the Senator from Maine [Mr. HALE] declared that until Dakota purged herself of repudiation he would never consent to her admission into the brotherhood of States, and for two years, as parties then stood in the Senate, the Senator from Maine held this power over Dakota and forced her, I might say at the point of the political bayonet, to pay her honest debts.

Sir, I have the record. Is it necessary for me to remind my distinguished friend from Indiana when he and myself contended over this question for two if not three recurring sessions of Congress? Here is the record. When I inadvertently the other day in speaking of the Dakota bond case mentioned that Judge Moody sat upon the bench when the decision was made in order to acquit myself of any intentional discourtesy for that gentleman, with whom I have not the pleasure of an acquaintance and against whom I have nothing to say, I call the attention of my friend from Indiana to the language of my own report, which I had not seen for four years—not since our last discussion, at any rate—in which I used the following language:

> No taxes have been levied for the purpose of paying interest on these bonds, and no interest has been paid upon them since the year 1876. In that year the Hon. G. C. Moody (one of the parties who lately appeared before our committee to advocate the bill for the admission of the Territory as a State) filed a bill and obtained a decision from the Territorial courts that said bonds were illegal and void. Judge A. H. Barnes (who also lately appeared before our committee to advocate the bills for division and admission) was at that time one of the judges of the supreme court of the Territory.

It was a mere inadvertence when I made this statement. I recollected distinctly that Judge Moody had been prominent in this litigation, but I meant nothing to his discredit. I never intimated that the judges who decided the case in the Territorial court acted corruptly. Two of them were Judge Shannon and Judge Bennett; I have quoted from one already in former discussions, and I propose to quote from the other before this debate is ended. They decided as lawyers and decided as they conceived their judicial duty to dictate. But when we see the picture vividly drawn of the law-abiding conservative character of the population of Dakota, and the expression has been used that this is not the sort of community which would be guilty of any revolutionary methods, these gentlemen must recollect that there are blows to receive as well as blows to give. They must remember that the record can be read by us all, and that the record shows that this is not the first appearance of the Territory of Dakoto in opposition to the constituted authorities of the United States.

After the decision was made against the legality and validity of these bonds by the Territorial courts (and for the benefit of Senators not familiar with the antecedent history of this case I now mention that these were bonds issued for the construction of railroads running from Yankton in the southern portion of Dakota by the county of Yankton and $15,000 of them by an adjacent county, and the Territorial courts decided that these bonds were illegal and void), the case was taken by the bondholders, who were non-residents of the Territory, to the Supreme Court of the United States. In 101 United States Reports the decision will be found, and the Supreme Court decided not only that the bonds were legal but they decided some other things in regard to the power of Congress over the Territories which are pertinent to the discussion now in hand. Said the Supreme Court of the United States in that decision:

> All territory within the jurisdiction of the United States, not included in any State, must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the General Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations.
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> Congress may not only abrogate laws of the Territorial Legislatures, but it may itself legislate, directly, for the local government. It may make a void act of the Territorial Legislature valid, and a valid act void. In other words, it has full and complete legislative authority over the people of the Territories, and all the departments of the Territorial government. It may do for the Territories what the people, under the Constitution of the United States, may do for the States.
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> No complaint is made of any irregularity in the proceedings under the law. The question in the case is one of power only, and we think the vote of the people of the county was validated by Congress, and express authority given to issue the bonds for the purpose originally intended. The only change which Congress saw fit to make was to require the company to give stock in return for the donation voted.
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> The judgment of the supreme court of the Territory will be reversed, and the cause remanded with instructions to reverse the judgment of the district court, and direct a judgment for the plaintiff on the facts found, for such amount as shall appear to be due on the coupons sued for.

That should have been an end of this litigation with a conservative, law-abiding people worthy of the encomiums passed upon them so eloquently yesterday by the Senator from Iowa [Mr. WILSON]. Was it the end? If anathemas and criticisms are to be hurled at this side of the Chamber and by implication against the States which are represented here by Senators the equals under the Constitution and peers of any in this Hall, then the Senators must remember that it is the first duty of a lawyer to stand by the record, and this record shows that instead of bending to the decision of the Supreme Court of the United States the people of Dakota deliberately—I do not say of Yankton County alone, but of the whole Territory—entered into a conspiracy to nullify the decision of the Supreme Court, and passed certain acts of the Territorial Legislature which absolutely made it impossible to collect the judgment the Supreme Court of the United States said should be collected. They passed, in the first place—the people of the entire Territory coming to the assistance of the people of Yankton—an act repealing the law authorizing a levy upon the property of the county for the payment of any judgment obtained against it. (See Session Laws of Dakota for 1881, page 63.) They passed another act enabling the county commissioners to effect an immediate determination of their official powers by filing a resignation with the county clerk. (See Session Laws of Dakota for 1881, page 219.) They passed another act authorizing Yankton County to sell $200,000 of stock which it had received from the railroad company at the time the bonds were issued; and to enable the county to coerce the bondholders into a discount of 50 per cent. on the dollar, the act further provided that the money obtained on such stock should constitute a special fund to be used only in the settlement of the indebtedness of Yankton County at 50 cents on the dollar. (See Session Laws, 1881, page 305.) Sixteen thousand six hundred and sixty-six dollars and sixty-six cents were obtained by Yankton County on the sale of the stock which they had received of this railroad on this subscription, and when the United States authorities, acting through the courts, attempted to secure this money in payment of the judgment rendered by the Supreme Court of the United States, the county officers resigned and then met to transact the county business at midnight, and never was one dollar of this just indebtedness liquidated until the Senator from Maine [Mr. HALE], by refusing his vote to the passage of a bill similar to the one now before us, coerced those people into the payment of this honest debt.

Mr. President, commentary is unnecessary; criticism is useless. Here is the record; here are the facts. If they are brought into this discussion again the people of Dakota may thank their friends upon this floor who have made it necessary in order to meet the extravagant and ill-judged encomiums passed upon their law-abiding and conservative character.

It is said, however, and all the changes have been rung upon it, that the outrage of refusing Statehood to these people is unparalleled, gross, vindictive, and insulting. If we should listen to our distinguished friend from Indiana the children of Southern Dakota are crying for Statehood as they do at night for their mother's milk; the old men are praying for it; the young men are willing to fight for it; everywhere the spontaneous rising of the people and popular sentiment are visibly demanding from the representatives of the people the habiliments of Statehood inside the American Union. I know but one manifestation of this appeal and craving on the part of any community—it is their votes at the ballot-box, the silent and effective voice of freemen, more effective than the bayonets and bullets in deciding the destinies of a free people. Now let us look for an instant at the proof given by the election held in Dakota as to this craving and burning desire for the division of the Territory and the admission of Southern Dakota as a State.

Senators who feel any interest in this question would do well to look at the map of the Territory of Dakota and see the boundaries of this proposed new State, the area of country over which it extends. It is proposed to take all that portion of the Territory south of the forty-sixth parallel of latitude down to the line of Nebraska and constitute it into a State called the State of Dakota. In this proposed new State there are forty-nine organized counties, and on the west side of the Missouri River, in an area of country which embraces about one-half of the proposed new State, there are but five organized counties in all, known as the Black Hills counties, in the mining districts of the Territory.

Senators will observe what I say, because I desire now to put an end at once and forever to the assumption that the people of Dakota south of the forty-sixth parallel have demanded the passage of this bill, that there is an overwhelming public sentiment in its favor. I want to show that no such proposition should ever be successfully entertained before the Congress of the United States, which admits a State with one-half of its territory, I was about to say with no population at all, but absolutely with so sparse a population that I would be almost justified in using the expression I have named.

The Missouri River runs through this Territory from northwest to southeast, leaving about an equal portion of the Territory on either side of the banks of that river. In Southern Dakota, as I have said, out of the 77,000 square miles in the proposed State nearly 40,000 are west of the Missouri River, and in this area west of the Missouri River are five organized counties, with a population of 17,000 inhabitants. They claim that in the whole proposed area there are 263,000 inhabitants. All but 17,000 of the 263,000 are in the eastern half of this proposed State, and the election that was held only south of the forty-sixth parallel disfranchised one hundred and fifty-odd thousand people in North Dakota who were never consulted for a single instant in regard to taking away the name of the State or depriving them of the right of Statehood.

Only those persons were permitted to vote who lived south of the forty-sixth parallel, and in that area, as I have said, there are 263,000 inhabitants; and how many votes were cast? Under the ratio adopted in the census of the States there is held to be 1 voter to each 5 inhabitants; but we know that in the Territories in the far West it is safe to assume that 1 to 3, or, at any rate, 1 to 4 is the fair and legitimate ratio. How many voters were there, then, in this Territory south of the forty-sixth parallel? Divide 4 into 263,000 and there would be sixty-odd thousand voters at the lowest calculation. In a memorial presented by these gentlemen who claim Statehood they say there are 300,000 inhabitants in this area, and if that number were divided by 4 there would be 75,000 voters.

Mr. BUTLER. My friend will permit me to supplement that statement with the fact that the vote for Delegate to Congress in 1884 was 54,475.

Mr. VEST. In November, 1884, an election was held for Delegate in the southern half of Dakota. Mr. Gifford was the Republican candidate and Mr. Wilson the Democratic candidate. The vote cast then—and I have a list of the counties and the vote cast in each county—for both these candidates in this proposed new State was 57,407. That was in November, 1884. In November, 1885, the vote cast in the same counties for and against the constitution was 31,905, and of these 26,000, in round numbers, were cast for the constitution and the balance of the 31,000 were cast against it. From June to November the vote fell off nearly 50 per cent. It was 57,407 in an ordinary political contest between two men running for Delegate with a right to speak but not the right to vote in the House of Representatives. In November following, on the overwhelming issue of Statehood, for which the children were crying and old men praying, the vote fell from 57,000 to 31,900.

Why, Mr. President, if this overwhelming public sentiment exists there, if this is not a movement of politicians but a movement of the people, fire and flood and earthquake and pestilence and famine would never keep these hardy frontiersmen away from the polls. It might have kept the dudes and æsthetes of the cities away, but no man who is used to mountains and horses and riding a hundred miles a day would be prevented from putting in his vote. If this public sentiment existed, as the Senator from Indiana has been led to believe, why the falling off of this vote?

But that is not all. The ingenious and ambitious statesmen who got up this movement for their own political purposes were not satisfied to submit the naked question of Statehood or no Statehood, constitution or no constitution. They determined to put sugar upon the pill; they determined to bait, to use a Western parlance, the voters to bring them to the polls, and therefore they submitted at the same time with the constitution the question of what town in the proposed new State should be the seat of government; and we all know what that means; we all know what sort of vote that brings out in a county or in a State. These towns, as I shall show, sent to all the adjacent counties runners to bring in voters in order to obtain the capital for themselves.

Not only that; not satisfied with putting this question of the location of the capital in conjunction with the question of the constitution, these ingenious gentlemen also put the question of minority representation, in order to bring out the adherents and the non-adherents of that system to the polls.

But not only that; they determined to

> Make assurance double sure,
> And take a bond of fate.

And they put in the question of questions which evokes the enthusiasm not only of the masculine but the feminine sex—enthusiasm which has filled the corridors of this Capitol to-day with a committee of ladies, which brings here each recurring session the question of prohibition, liquor or no liquor, sumptuary laws or no sumptuary laws; and if any question under Heaven would bring the people of the far West to the polls, it would be that identical question. Take away whisky from a Western man on the plains and you take from him not only the staff of life, but all that makes life endurable. [Laughter.]

In a trip to the Yellowstone some two years ago, in the valley of the Teton, at the foot of the grand Teton Mountain, in scenery not approximated by any on this continent, we found three men who had been there two years cut off from civilization, and who had not looked upon the face of a human being during that time. They came to our camp. They had not tasted bread for nearly two years; they had not had salt for more than eighteen months; their ammunition was running low, and the first thing they inquired for was not bread, not salt, but whisky. They were ready to trade anything in order to get whisky. I mention this to show not that these people were dissipated, but because the rigors of the climate, the necessities superinduced by climatic influences are such that alcoholic stimulants become a necessity in that climate.

This question of prohibition was added to the question of minority representation and of capital location, and they, together with Statehood, brought to the polls in November, before the rigors of the winter had fairly set in, of that hardy population 31,000 out of a voting strength of more than 60,000, and which in all probability amounted nearer to 75,000 than to 60,000. It is incredible, Mr. President, it is impossible that this overwhelming desire for division and Statehood should exist.

These facts are sufficient. I am furnished with a statement by gentlemen of veracity and intelligence, which I will read to the Senate in regard to this vote:

Counties south of the forty-sixth parallel.	Vote for Gifford and Wilson, Delegates to Congress.	Total vote on the constitution, for and against.	Counties south of the forty-sixth parallel.	Vote for Gifford and Wilson, Delegates to Congress.	Total vote on the constitution, for and against.
Aurora	1,211	918	Hyde	621	431
Beadle	2,314	2,381	Hand	1,386	807
Brown	2,966	766	Jerauld	822	601
Brookings	1,484	*676	Kingsbury	1,215	758
Brulé	1,707	1,135	Lake	1,216	401
Bon Homme	1,464	715	Lincoln	1,155	767
Buffalo	514	144	Lawrence	4,074	1,470
Butte	565	137	McCook	1,078	526
Campbell	293	225	Marshall	.....	146
Clark	1,014	555	Miner	1,015	610
Charles Mix	634	511	Minnehaha	2,918	1,813
Clay	1,219	527	Moody	1,016	601
Codington	1,364	647	McPherson	266	156
Custer	314	176	Potter	979	317
Davison	1,139	521	Pennington	974	594
Day	1,123	581	Roberts	626	210
Deuel	650	372	Spink	2,981	1,139
Douglas	843	748	Sully	1,079	668
Edmunds	662	298	Sanborn	1,134	512
Faulk	718	764	Turner	1,753	1,497
Fall River	141	14	Union	1,616	897
Grant	1,175	431	Yankton	1,753	708
Hamlin	566	138	Walworth	342	.....
Hanson	761	589			
Hughes	1,255	1,186	Total	57,407	31,905
Hutchinson	1,300	199			

*If these figures are 676 then the total is 31,703.

In the county of Beadle is situated the city of Huron, which was contesting for the location of the capital of the proposed State. The city of Pierre, in Hughes County, was a candidate for the capital. These two cities were the two prominent candidates for capital location, and their runners were sent into all parts

of the southern portion of the Territory, and in the counties immediately adjoining, lying contiguous and between, the canvass was warm, spirited, and close. Notably among these counties should be named Buffalo, Potter, Hyde, Hand, Aurora, Jerauld, Faulk, Spink, and Kingsbury. The city of Sioux Falls, Minnehaha County, was also a candidate.

They sent their agents into nearly all the counties in the Territory embraced in the proposed State, and made an active canvass in the counties of Minnehaha, Moody, McCook, Lincoln, Turner, and Clay. Alexandria, located in Hanson County, was also a candidate for the capital, and their agents canvassed in the contiguous counties of Douglass, Charles Mix, Bon Homme, and Yankton. The fact of the spirited contest which was created by the various cities contesting for the capital location accounts for the vote in these counties named. In addition to the question of temporary location of the capital they enlisted the active support of the prohibition element in the Territory by submitting as a separate proposition the question of constitutional prohibition, and the arguments used were of such a character and made with the view of exciting a contest between the prohibitionists and the anti-prohibitionists, and thus swell the aggregate vote upon the constitution.

At the election held on the 30th of June, 1885, for the election of delegates to attend the constitutional convention, so little interest was taken in the movement that in many of the counties no election was held. Many of the commissioners of the different counties regarded the law of the Legislature calling the convention and making an appropriation therefor as unauthorized by the organic act of the Territory and void, and disregarded its provisions by refusing to put their counties to the expense of an unauthorized election, and in many of the counties where elections had been ordered by the board, at large numbers of the election precincts the polls were not opened. In the city of Milbank the polls were not opened until 4 o'clock in the afternoon of the day of the election, and then only after solicitation by telegrams from parties interested in the scheme. It the city of Redfield, a city of 2,000 inhabitants, but 48 votes were cast for the election of delegates. In the city of Yankton, which contains a voting population of over 1,000, but 143 votes were cast. In the city of Sioux Falls, the home of R. F. Pettigrew, who, with F. M. Washabaugh, the law partner of Judge Moody, one of the claimants of a seat in the United States Senate under this proceeding, engineered through the Legislature of the Territory the bill calling the convention at that city, there were cast less than 300 votes, and it is a city said to contain a population of over 6,000.

Instances and illustrations can be multiplied without number to substantiate the truth of this proposition. The people of Dakota have regarded this particular Statehood movement from its inception in the light of a farce, engineered by scheming politicians, with naught but political objects in view, and they have treated it as a fraud and a farce. It is safe to assert, without the fear of successful contradiction, that nineteen-twentieths of the people of Dakota who are there to build homes, identified with the agricultural and business interests of the Territory, have never encouraged or countenanced the action of the Republican leaders of that Territory in their efforts to seize the organization of the State of Dakota or to divide it for the purpose of multiplying official positions.

Mr. HARRISON. May I ask the Senator from Missouri whether that paper is signed by any one? The Senator has not been speaking of his own knowledge.

Mr. VEST. I have no objection to state the name.

Mr. HARRISON. I should like to know the author of that paper, if it has an authorship.

Mr. VEST. The authors are Messrs. Boynton and Johnson, and another gentleman whose name I do not remember, but they are citizens of Dakota. In order to identify Mr. Boynton——

Mr. HARRISON. The Senator need not do that. I have identified him already. I know him.

Mr. VEST. I should hope the Senator did know him, for I see here among the papers, though the Senator has not read it, a communication from Mr. Boynton to the honorable Senator from Indiana, which I will ask the Secretary to read.

The Chief Clerk read as follows:

NATIONAL HOTEL, *Washington, D. C., January* 2, 1886.

DEAR SIR: From statements recently published as coming from you or your committee, I infer that no papers are before the Territorial committee of the Senate in opposition to or protesting against the action of the last Legislature of Dakota Territory in appropriating the Territorial revenues, assessed upon all the counties in that Territory, for the expenses of a convention composed of delegates from only a portion of the counties, nor against the action of a convention held at Sioux Falls in the southeastern part of the Territory, and the assumption of power of a so-called State Legislature recently convened at Huron.

As an ex-Union soldier and for the past fifteen years a citizen of Southeastern Dakota, also in behalf of, as I believe, a majority of the legal voters south of the forty-sixth parallel in that Territory, I respectfully desire to lay before you and your committee a protest against any recognition by the United States Senate or House of Representatives of any of the acts above referred to or of persons claiming to represent the people of Dakota, or to hold office thereunder.

In support of this protest I inclose a copy of the unanimous protest and address of the regular Democratic Territorial committee, which was promulgated and published throughout the Territory previous to the election at which the so-called officials of the State government in the southern part of the Territory claim to have been elected. I also cite your committee to the fact that notwithstanding the submission of the exciting question of prohibition and the cunningly devised scheme of allowing all of the aspiring towns to compete by vote for the temporary location of the capital for the proposed new State, more than one half of the voters south of the forty-sixth parallel absolutely refused to recognize the so-called State movement by voting upon the questions presented therewith; also that of those who did vote upon these questions, more than six thousand voted against what they regarded as an illegal and revolutionary scheme to set up a State government in a portion of the public domain without the consent of the General Government. I desire to cite the further fact that no convention of delegates has ever been called or convened from all the organized counties in Dakota to determine the questions of division or admission upon which the unauthorized conventions at Sioux Falls or Huron have assumed to act. Nor has there been more than one-fourth of the votes of the whole Territory polled at any election in favor of division or immediate admission.

With these undeniable facts before your committee, I respectfully ask that you will report the inclosed bill, which has already been introduced in the House of Representatives, authorizing the people of Dakota Territory to bring before Congress in a legal and authoritative manner their wishes in regard to admission and Statehood. I also inclose a pamphlet containing exhaustive opinions and references, prepared by ex-Chief-Justice Peter C. Shannon, a Republican, who has filled the highest judicial office in the Territory for nine years, which I trust may assist some of the able lawyers, members of your committee of the same political faith, in dissecting the sophistries put forth by Hugh J. Campbell, the political leader of the Yankton, Sioux Falls, and Huron factions, now seeking to seize the political power incident to Statehood without authority of a majority of the legal voters in that portion of the Territory to be affected by the proposed change.

The attention of the Territorial Committees of Congress is also especially called to the extraordinary provisions in the Sioux Falls constitution, which provides that the judge for the Black Hills or mining district shall always be elected from the citizens residing within the limits of that judicial district, thereby placing it within the power of large mining combinations to vote their employés for judges who will be controlled by soulless foreign corporations.

The so-called State of Dakota is made one judicial district for United States cases, with all the terms of the district court to be held at Yankton, where all the records shall be kept, thus compelling attorneys, litigants, witnesses, and jurors to travel long distances to the extreme southern line of the proposed State, at an enormous expense of time and money, simply to appease the greed of the Yankton combination, which has largely controlled the South Dakota Statehood movement. A glance at the map will demonstrate the great outrage sought to be perpetrated in this cunningly devised plan to placate Yankton for the loss of the capital at a great waste of the public moneys and practically closing the United States courts to litigants of moderate means.

I assert that all the so-called State conventions have been gotten up and engineered by attorneys drawing large fees from powerful mining and railroad corporations, whose purpose is to give these attorneys seats in the United States Senate and House of Representatives, where they can be most useful in protecting these foreign corporations in other parts of the country. That many sincere and patriotic citizens have been swept into the South Dakota Statehood movement with the view of promoting the prohibition cause and other reforms is undoubtedly true.

The recent extraordinary attitude assumed by the so-called Legislature and State officials at Huron seems to have disgusted even the strongest advocates of division and admission, as the following quotation from the Yankton Press and Dakotian clearly demonstrates. It says in a recent issue:

"We have little faith in the efficacy of further efforts in behalf of division and Statehood. The whole effort has gone up in a puff of smoke."

This explicit admission from the oldest Republican newspaper in the Territory and the leading organ of the authorized division and Statehood movement ought to have great weight in favor of the bill which provides for a convention of delegates from all the counties in the Territory and enables the convention, when called, to bring before Congress in a lawful manner the deliberate judgment of the people of Dakota in regard to admission into the Union of States.

Very respectfully,

ABRAHAM BOYNTON,
Lennox, Lincoln County, Dak.

Hon. BENJAMIN HARRISON,
Chairman of Committee on Territories,
United States Senate.

Mr. VEST. Mr. President, I have no acquaintance with the gentleman who wrote that letter other than such as has been formed during the present session of Congress. The letter speaks for itself. It is certainly written with some ability, and if its statements be true, as I believe them to be, they are entitled to great weight, coming from a person who has lived fifteen years in that Territory.

Mr. HARRISON. Is the Senator aware of the fact that that gentleman was himself a member of the constitutional convention of 1883 that organized a State constitution for Dakota, and one of the most zealous promoters of a scheme to go right on with it?

Mr. VEST. That was 1883. I have known greater political changes than that in the same length of time by much more eminent gentlemen. He has given his reasons, and those reasons are before the Senate of the United States; and whatever his opinions were in 1883, if these are facts they should be entitled to some weight coming from a citizen of that Territory; and if he once favored this division and now is satisfied of the present movement that the people do not desire it and the figures show they do not desire it, he is right as an honest man in coming out and opposing it.

But the Senator from Indiana was pleased to observe the other day that the Democratic party even of that Territory were in favor of this movement. I say that the Democratic party as a party did not vote. You can find here and there sporadic cases like Judge Tripp and others who for reasons best known to themselves—I do not impugn their motives—favored this movement; but I say that the authorized exposition of the views of the Democratic party is in my hands and I ask the Secretary to read it, coming from the Territorial committee of the Democratic party of the Territory of Dakota.

The Chief Clerk read as follows:

An address to the Democratic voters and people of Dakota.

At a meeting of the Democratic Territorial committee held this day at Mitchell, to consider the proper course to be taken by the Democratic party in the special election November 3, 1885, upon the question of the adoption or rejection of the constitution framed by the Sioux Falls convention, and for the election of officers for the proposed State of Dakota, it was decided by said committee, after consultation with numerous prominent Democrats from all sections of the Territory, then and there present, that the proper policy of the Democratic party is to take no action whatever, nor recognize at the polls in any manner, any of the propositions or provisions emanating from the said convention.

The committee arrived at this conclusion for the following among other reasons:

First. The entire proceedings from their inception in the Legislature down to the present time are revolutionary and antagonistic to the best interests of the people of Dakota.

Second. We deny the right of one part of the Territory to separate itself from the other without the express consent of the people of the whole.

Third. The attempt to force a recognition of a part of Dakota as a State and appropriating the name of the whole for a part is a proceeding unauthorized by law and a flagrant injustice to those of our citizens who are deprived of the privilege of being heard for or against the measure.

Fourth. The act passed by the last Legislature authorizing the convention at Sioux Falls, and appropriating $20,000 to defray the expenses thereof, was, in our judgment, unauthorized by the organic act of the Territory or any law of Congress, and therefore void.

Fifth. The fact that nine-tenths of the voters of the proposed State declined to join in the election of delegates to said constitutional convention indicates that the people are not in sympathy with the constitutional movement.

Sixth. We believe that the interests of the people of Dakota will be best subserved by awaiting the proper action of Congress in passing an enabling act authorizing the holding of a convention to frame a State constitution embracing such territory as the people—not the politicians—shall determine. We believe this action will be taken by the Congress soon to assemble.

We, therefore, as a committee, decline to call a Democratic convention for the nomination of officers for the proposed State, believing, as we do, that the whole proceeding will prove to be a gigantic farce, and recommend that the Democrats of Dakota and all law-abiding citizens generally decline to take any part whatever in the proceedings.

D. M. INMAN, *Chairman.*
W. H. BECKER, *Secretary.*

MITCHELL, DAK., *October* 15, 1885.

Mr. VEST. If it be said that this develops a partisan movement in opposition to this constitution, Senators on the other side are entitled and are welcome to the full force of the admission. I say that whether it was a partisan movement or not, it shows that the statement made by the Senator from Indiana is incorrect that the Democratic party as a party were in favor of this constitution, and his quotation of the position of Judge Tripp in order to enforce that position before the Senate loses force and consequence before the action of the accredited organ of the party in the Territory.

Mr. HARRISON. I have not undertaken, if the Senator from Missouri will allow the interruption, to say what the present attitude of the Democracy of the Territory of Dakota is upon this question. I did undertake to say, and I quoted the resolution, that before the Democrats elected their President, and when they considered this question from that standpoint, the Administration being in the hands of the Republican party, the Democratic Territorial convention had once, if not more than once, passed in their Territorial convention resolutions declaring in favor of a division upon the forty-sixth parallel.

Mr. VEST. Yes; I will come to conventions and legislatures directly, to the full satisfaction of any impartial auditor of this debate, but not to that of the Senator from Indiana. I will show what weight they are entitled to. I say now that the only accredited and the only authorized exposition of the will of the people is their suffrage at the polls. Every man here who has been in the Territories knows how conventions and legislatures are got up and organized. Any man who has had any observation and experience knows how easy it is by the ordinary trading process, especially in a large area of country where there are ambitious sets of politicians and rival cities and rival schemes for county seats and rival railroads, to bring about these spontaneous and unanimous votes on the part of conventions and of legislatures. Where are the votes of the people when they have the right and opportunity to vote? What becomes of 50 per cent. of the voters in South Dakota who were so anxious for Statehood that they rushed it through without awaiting the orderly conduct of this business on the part of Congress under the Constitution. What has become of those votes? Can the Senator answer?

Mr. HARRISON. Does the Senator say the vote fell off 100 per cent.?

Mr. VEST. I say that out of nearly 60,000 votes there were but 30,000 votes cast.

Mr. HARRISON. Did the Senator mean to say that the vote fell off 100 per cent.?

Mr. VEST. I did not mean to say that. I meant to say it had fallen off one-half—that out of each two voters one refused or declined or failed to go to the polls, and the returns show it. And as an additional inducement, besides prohibition, besides minority representation, besides the location of the capital, greed, avarice, money motives were appealed to. Here is the address issued by the Statehood committee to the people and voters of Dakota in order to bring them to the polls:

UNITED STATES APPROPRIATIONS FOR PUBLIC INSTITUTIONS AND INTERNAL IMPROVEMENTS FOR A NEW STATE.

It has been the custom of Congress to appropriate for a new State upon admission 500,000 acres of the public lands for internal improvements; also 70 sections of land for the maintenance of a State university, 90 sections of land for the endowment and maintenance of an agricultural college, 50 sections of land for the building and maintenance of a penitentiary, and all the salt springs in the State not exceeding 12 sections. In addition to these donations it has been the custom of Congress, as a compensation to the new States for an exemption of the United States lands and property from taxation, to grant each of them 5 per cent. of the gross proceeds of all the sales of public land made within the limit of the State from the time of its organization as a Territory.

This sum for the State of Dakota will amount to, as we are informed by Hon. R. F. Pettigrew, from whom we have gathered these facts above stated, the sum of $1,500,000, being one-twentieth of the $30,000,000, the amount of the said sales up to this time.

If Dakota should be admitted as a whole, all these donations and grants but the last named would only be as much for the whole as for either of the two States separately. Therefore, it is easy to see that by division the people of the new State will gain twice the value in these grants which they would gain if admitted as a whole.

In other words, their avarice is appealed to. They are told, "Here divide the Territory, bring in South Dakota as a new State, and we get $1,500,000, the 5 per cent. fund on all the land sold and all the other vast tracts of land which Congress has been in the habit of donating to newly admitted States."

In regard to the question of area, it is urged that they are too large for a single State. There was a time, as I said a few minutes ago, when the only question in American statesmanship was how to populate and obtain new States for the Union. In numbers there was strength. Push out the frontier. That time no longer is upon us. The question with us is, shall we enter into this question of dividing up the Territory and admitting two States instead of one. There are already in the Union two States of a larger area than than this whole Territory. The whole area of the Territory is 149,100 square miles. Texas has 265,780 square miles, California has 158,360 square miles, Colorado 103,925. There are already then two States in the Union with a larger area than this whole Territory of Dakota if North and South Dakota should be admitted as one State.

I very well remember, and so does my friend from Indiana, for he urged it forcibly on the Senate session after session four years ago when this question was brought before us. The argument then was that there was a large area of uninhabited country between North and South Dakota, no connection by railroad; and therefore it was a positive hardship that both portions of this Territory should be brought in as one State. It was stated then that Middle Dakota had no population, that it was uninhabited, that the inhabitants of North Dakota, the citizens of Fargo in order to reach Yankton in Southern Dakota were compelled to go around 1,000 or 1,200 miles by rail. It was also stated that this was an alkali region that could not be used for agricultural purposes.

Mr. HARRISON. The Senator does not say that I said that?

Mr. VEST. I do not say that the Senator from Indiana did say it, but it was urged in some of the pamphlets, this argument was made then before the Committee on Territories that it would be years before Middle Dakota could ever be settled up, and it was a positive geographical hardship to contemplate the admission of the Territory as a whole. Now, what are the facts? Middle Dakota has become the most flourishing portion of the whole Territory agriculturally. It has been divided into counties. According to the Senator's own showing it has been cut up into farms, it blooms and blossoms to-day like the rose; one railroad running north and south has been completed, another almost completed, and several more in process of construction. It is a mere question of the near future when Northern and Southern Dakota will be bound together by bands of iron and steel, as they are bound together in interest.

As I have stated, the map shows that the Missouri River runs from the northwestern to the southeastern portion of this Territory. Now, Mr. President, the extraordinary fact is developed from the census taken and which is found in the report of the Senator from Indiana from the Committee on Territories that in this Territory east of the Missouri River are found some 388,000 inhabitants, while west of the Missouri River are found only some 25,000. In all this vast country, one-half of 149,000 square miles, west of the Missouri River are found only some 25,000 inhabitants, while the bulk of the inhabitants, out of a total population of 415,000 as shown by the census, 388,000 are found east of the Missouri River.

In the middle of Dakota the interior has been settled up, and counties have been organized in this eastern area. I read from the census itself. In the Territory of Dakota there are 415,664 inhabitants. This is divided as follows: In South Dakota there is a population of 262,515. The Senator in his report has it 263,000, but take it as one or the other, it matters not to the argument; I will take his own figures and say that in South Dakota there are 263,515. In North Dakota, north of the forty-sixth parallel of latitude, there are 153,149 inhabitants, not one of whom was allowed to express his sentiment or opinion in regard to the division of this Territory, and I shall show directly from the proceedings of a convention in North Dakota, if the Senator wants the proceedings of conventions, that it was without their consent, and they protest to-day and now against being robbed of the name of Dakota and against this bill being fastened upon them.

Divided on the Missouri River and the one hundred and first meridian, there are 389,959 inhabitants east of the Missouri River; there are west of the Missouri River 25,705; that is to say, in an area one-half of 149,000 square miles there are west of the Missouri River but 25,705 people, and west of the Missouri River and the one hundred and first meridian in South Dakota, in the proposed new State, 17,196 inhabitants. In the one-half of 77,000 square miles, out of 263,000 people as shown by the census in the whole of South Dakota, there are west of the Missouri River in all its immense area 17,196 inhabitants, and in North Dakota west of the Missouri River there are 8,509 inhabitants. Now in this portion of the Territory west of the Missouri River and south of the forty-sixth parallel are three-fourths of the great Sioux reservation of which Senators have been talking this morning.

The Black Hills are found in this western part of the Territory. I say it is bad policy for the United States to give up the control of these Indians and over that vast area of uninhabited country. If you want a State homogeneous in population and in interest, take that portion of the Territory east of the one hundred and first meridian, or running down to the Missouri River and then following the river a small distance on to the Nebraska line, cutting the Territory in half from north to south and putting the bulk of the population, nearly all of it, in a homogeneous, compact form east of the Missouri River. This would be something like a fair division of the Territory. This would certainly meet the

desire of those people for Statehood and at the same time it would preserve the rights of the Government of the United States and the control of the United States over these Indian tribes and over these public lands. If a bill of that sort be introduced here, it will receive from me honest and fair consideration and approbation. I have no disposition to keep these people out of the Union if they are entitled to Statehood, but I do object to their dividing this Territory to suit a lot of politicians without regard to what I believe to be the honest will of the people, without regard to the area of the Territory, and without regard to the population as found. And I say if this question is divested of partisan considerations and the same argument and consideration applied to it as would be to any ordinary question presented for the consideration of Congress, there would not be a moment's hesitation in favor of the proposition I have made.

Mr. President, I have said before that in these counties in South Dakota west of the Missouri River, five organized counties only, known as the Black Hill counties, there are only 16,395 inhabitants; in the county of Butte, 1,081; in Custer, 1,292; in Fall River, 472; in Lawrence, 10,326; in Pennington, 3,224. In these five counties, the whole of this immense area west of the Missouri River in Southern Dakota, an area equal to all that portion of it east of the Missouri River, there were polled in November for the constitution 2,401 votes, and against it 612. In all this vast area there were polled altogether but 3,013 votes for and against.

I say, Mr. President, unhesitatingly that this vote shows that the people west of the Missouri River either did not vote at that election or that they were opposed to this whole project and scheme on the part of these gentlemen at Yankton. I will ask my friend from South Carolina to read an extract from a paper published at Deadwood, a Republican paper, in regard to that election and in regard to the results of the census.

Mr. BUTLER read as follows:

THE LESSON OF THE CENSUS.

It is not very pleasant to be compelled to admit sometimes that figures do not lie. But when the figures are our own it is even more disagreeable. This is the case with the figures of the last census, taken at our own instance, and mainly to show that Dakota in population was entitled to Statehood—that North and South Dakota each contained more people than the number required for admission. Unfortunately the figures prove too much for us of the Black Hills, for they sustain all that has been said by the advocates of division on the Missouri River and the one hundred and first meridian.

The census shows that Dakota has a population of 413,753, of which 388,094 are east of the Missouri River and but 25,659 are west of it. That tells the tale, and there is no escape from the conclusion. The vast region west of the Missouri, of which the Black Hills is a part, larger than the State of Illinois in area—separated from East Dakota by the longest river in the world—contains but 25,659 people. It has but three counties with a population of 2,000 or over. It has but six counties with a population of 1,000 or over. Seven of its counties included in the census contain less than 100 people each. But one of its counties (Lawrence), and that an unusually large one in area, contains 10,000 people. All the four Black Hills counties contain but 16,319 people. These are facts that the figures tell, and whatever may be said of other figures, we certainly are not in a position to say that our figures lie.

Dakota is too large for one State. All that has been said in favor of division, pure and simple, is true. Eastern Dakota would make a huge State—larger than Illinois. It contains 388,094 people, It has nearly one hundred organized counties, more than thirty of which contain each over five thousand people. It has almost no reservation land. It is settled up from Minnesota to the Missouri River—from the British boundary to the Nebraska line. East Dakota has every requisite, every claim, for immediate admission, and in common justice it should be admitted to the sisterhood of States at once. We wish as much could be said of Western Dakota. It is almost as large. It is in area greater than Kentucky, Indiana, or New Jersey. It is, roughly stated, about 400 miles north and south, by 200 miles east and west, but it contains only 25,659 people. The larger part of these are in the Black Hills counties and nearly 200 miles west of the Missouri River. More than half of its great area is yet Indian land, not owned by the Government and not open to settlement. Who can say when it will be?

To attach Western Dakota to Eastern Dakota merely for the purpose of getting into the Union would be, it must be confessed, wretched policy. Tennessee has tried for many years to get itself divided, but when once in the Union there is no changing the status of any portion of a State. If it gets in as the tail of a new, powerful section, it may wag, but that is all. It can never be much else than a tail, wag however much it may. This is the exact condition of Western New York, of Eastern Tennessee, of Western Pennsylvania, and many other rich and populous sections of great States. They help pay taxes and bear the burdens of Statehood, but are omitted in the distribution of the loaves and fishes. Eastern Dakota has already made such arrangements as to public institutions as would leave Western Dakota unprovided for during the next half century.

There are instances, we know, where the tail wags the dog, but when the dog weighs 388,084 and the tail but 25,659 the prospect is poor. The question arises whether it would not be better for the people who some day will occupy the great, thinly inhabited region between Wyoming and the Missouri River, to wait ten or more years for a State of their own than to creep in at the tail of another section which has twenty years the start.

There is much in the argument in favor of natural boundaries. The Missouri is one of the largest and most wonderful rivers of the world, navigable for all its entire course through Dakota, and having peculiar characteristics. It is as unique as the Danube, the Rhine, or the Nile. Nature seems to have intended it a boundary. There would have been as much reason in combining Kentucky and Indiana as Eastern and Western Dakota. Iowa and Illinois might as properly have been made one State as Eastern and Western Dakota. But all these States have great rivers inferior to the Missouri as their natural and legal boundaries.

Whatever is done about the division of Eastern Dakota into two States it is not apparent that the great region west of the Missouri is yet fit or ready for Statehood. It contains but 25,659 people scattered widely. It has few organized counties and no common interests with Eastern Dakota. Look at the map, recollecting the figures of the late census. Behold a region, more than half of which is yet owned and inhabited by the Indians, whose white population amounts to less than that of the Indians, and say what argument can possibly be adduced for tacking this on to Eastern Dakota.

The following are the figures of the late census in reference to Western Dakota:

Butte County	1,009
Custer County	1,284
Fall River County	472
Lawrence County	10,321
Pennington County	3,225
Morton County	5,873
Dunn County	32
Williams County	36
McKenzie County	24
Mercer County	254
Billings County	737
Stark County	1,507
Burdick County	95
Ewing County	47
Harding County	26
Mandan County	56
Sioux Reservation	653
Total population west of the Missouri River	25,659
Total population east of Missouri	388,094

Mr. VEST. I have had that article read, because it states distinctly, succinctly, and fairly the facts developed by the census. This bare statement shows that to give the control of this vast uninhabited area west of the Missouri River in Southern Dakota to the proposed State would be unwise. We ought to hold that in the Territorial condition. If Statehood is to come to these people, let it come to that portion of the Territory which has the population. The whole of this trouble has come from the fact that Yankton, in Southern Dakota, the political center of that portion of the Territory, and Fargo, in Northern Dakota, the political center of another junta of politicians as aspiring as those of Yankton, have inaugurated this scheme. There were not offices enough to go around, and their idea was to build two separate sets of public buildings without consulting Congress, and inaugurate a State in the south, appropriate the name Dakota, come here, and, with the ability, eloquence, and logic of my friend from Indiana [Mr. HARRISON] and my friend from Iowa [Mr. WILSON], force Congress, under the plea that if denied it was denying to a portion of the people of the United States the ordinary rights of citizens.

It has been said by the Senator from Indiana that Northern Dakota favored this bill. I deny it. It is a most remarkable fact, and I put it to my friend from Indiana to answer why is it that in all this agitation for fifteen years for Statehood the people of this Territory have never been allowed to vote upon the question? Why is it that to-day we are appealed to in the name of the sovereignty and rights of the people, when never once have the people been permitted at the polls, the people of the whole Territory, to say whether they want the Territory divided or not?

I have here, received by yesterday's mail, the proceedings of a convention held in Northern Dakota, with a letter from the secretary, which I ask shall be read. It is sent to me officially with the resolutions of this convention held in Northern Dokota. I do not know any individual engaged in it. I take it from the tone of the letter that this gentleman, the secretary, and it is fair to presume that a large majority of the convention were not allied to me politically, were not Democrats; and it is right that this expression of popular opinion in that portion of the Territory should be placed before Congress, and, therefore, I ask that the letter be read.

The Chief Clerk read as follows:

ELLENDALE, DAK., ——, 188 .

SIR: I inclose herein copy of resolutions adopted by the late North Dakota convention. The resolutions are not intended to indorse the Harrison bill or division of the Territory, but recommend the change in case the Harrison bill is favorably considered by Congress. The majority of the people of Dakota are in favor of admission as a whole, but the politicians of Dakota make too much noise for the people. The voice of the latter is drowned out by those who want two sets of State officers. The Fargo convention was called by politicians with the intent to have that body declare in favor of division, but the people were too well represented, and so the best the politicians could do was to have the committee on admission and division effect a compromise and report to the convention recommending therein that all resolutions presented to the convention be laid on the table, and thus virtually end all discussion of the question. I send you copy of that committee's report, which was adopted. Afterward the inclosed resolution was adopted. A majority of the people or delegates were opposed to division, but the politicians, it must be confessed, outwitted the majority.

I know that there was a majority in that convention opposed to division, for the vote was well canvassed. A very large majority was in favor of division on the Missouri River, in case the Territory should be divided at all. I have taken the trouble to forward the inclosed resolutions to you for your consideration in case there is any likelihood of the Harrison bill becoming a law. The forty-sixth parallel, you are aware, is supposed to be north of the seventh standard. In the act passed by the last Dakota Legislative Assembly providing for a constitutional convention there was no provision for representation in any portion of the Territory north of the seventh standard, and that portion of the Territory between the two lines had no representation, nor did its people have any vote in the adoption of the constitution or in the election of State officers. Then by what right can we be made a part of a State proposed to be made by the Harrison bill. The Dakota politicians at Washington may lead you to infer that a majority of the people of Dakota are in favor of division, but you may depend upon it, in your noble fight on the floor of the Senate Chamber against division and admission of southern half as a State, the great majority of the people are with you. No political convention has said so, because the people were never truly represented.

Hoping that you will be successful in your opposition to the Harrison bill, and hoping also that you will, in case there is a likelihood of that bill becoming a law, remember the request contained in the within resolutions,

I remain, yours, very respectfully,

HENRY DICKIE.

Hon. GEORGE G. VEST, *Washington, D. C.*

NORTH DAKOTA CONVENTION.

ELLENDALE, DAK., *Jan.* 20, 1886.

To HON. GEORGE G. VEST,
Washington, D. C.:

I desire to call your attention to the following resolutions, which were adopted at the late North Dakota convention, convened at Fargo, Dak., January 12, 1886, namely:

"Without hereby deciding upon the merits of the Harrison bill, and without intending hereby to indorse the same,

"*Be it resolved*, That the said bill should not be passed through the present Congress of the United States without first incorporating therein the amendments proposed in the following resolutions, namely:

"*Resolved*, That the Harrison bill should not be passed through the present Congress of the United States without first incorporating therein an amendment changing the dividing line between South and North Dakota from the forty-sixth parallel to the seventh standard parallel east of the Missouri River and prolongation thereof from said river due west to the boundary of Dakota; the reason therefor being that division upon the forty-sixth parallel will divide counties, townships, school districts, and even farms, whereas the seventh standard parallel runs between organized counties only, and is but one to four miles distant from the forty-sixth parallel.

"*Resolved*, That this convention further declares its decided and emphatic opposition to the passage of said bill, or any other for the division of this Territory, that shall deprive this section of the name so dear to them as that of North Dakota."

The above preamble and resolutions were unanimously adopted by the said North Dakota convention at its session of Thursday evening, January 14, 1886.

HENRY DICKIE,
Secretary of said Convention.

McLaren, chairman of the committee on division and admission, then made the following report:

"Your committee beg leave to make the following report:

"*Resolved*, That the citizens of the entire Territory of Dakota have aided in its upbuilding to its present position of prosperity, and to all citizens alike is that name endeared, and it is the sense of this convention that the name of Dakota should be given to no section of the present Territory to the exclusion of any other section.

"*Resolved*, That steps having been taken at the seat of Government at Washington looking to the immediate solving of all questions of the division of Dakota Territory and admission in whole or in part, with a view to avoid any embarrassment of our Delegates in Congress or of members of Congress having those questions under consideration, and to avoid in any way hampering them in their actions:

"*Be it resolved*, That this convention take no action whatever upon the question of admission and division, either or both, and formulate no further resolution thereon, either recommendatory or advisory.

"*Resolved*, That the resolutions heretofore referred to your committee be referred back to the convention with the recommendation that they be laid upon the table."

The report was adopted by a unanimous vote, amid cheers and laughter.

Mr. VEST. Now, Mr. President, I have two letters to present, one of them coming from one of the editors of the Black Hill Times, a Republican paper published at Deadwood in that portion of Southern Dakota which lies west of the Missouri River, and the other of these letters comes from Judge Granville G. Bennett, former Delegate in Congress from the Territory of Dakota, who occupied a seat upon the Territorial bench as one of the judges who sat in the decision of the bond case to which I referred. Both these gentlemen are Republicans, and it is right that this expression of opinion from persons, one of whom I know and the other of whom I am not acquainted with, but both unquestionably, from the tone and matter of their letters, intelligent men, should be presented.

The Chief Clerk read as follows:

* * * * * * *

The people are opposed to them. How shown? By the positive refusal of the divisionists to submit their proposition to a vote of the people of the Territory. True, an "election" was held last November in a certain portion of the Territory upon the question of division, and that "certain portion" was so conducted by the schemers as to draw out the largest possible affirmative vote, while rivalry over capital location and other influences were adroitly manipulated for similar purpose. I have not the exact figures at hand, although I will hunt them up and send them to you; but to be safe, I can say that out of a total population in so-called "South Dakota" of 270,000 there was a total vote polled of 30,000. Of this tremendous (*sic*) vote of 30,000, 5,000 were of a negative character, leaving 25,000 as the entire strength of the division movement, much of which was fictitious, because many a vote was polled through "capital" considerations alone, and by persons at heart opposed to division.

Please do not forget the fact that anti-divisionists did not vote, did not recognize the movement in the least; refused to dignify it by opposing it, or even noticing it other than to laugh at it; while it is just as certain that the entire strength of the divisionists was made to appear, and to this end old returning-board Campbell thoroughly organized his canvassing machinery on the Louisiana plan. While considering this particular election, the fact must not be overlooked that a large portion of Dakota was ostracised. As will be seen by the last report of Governor Pierce to the Secretary of the Interior, "the recent census, taken under the laws of Congress, and with all the safeguards against fraud which any Federal census possesses, shows a population in round numbers of 416,000." No one but a demagogue will pretend to say that each and every citizen in each and every part of the Territory should not enjoy the same rights and privileges that are vouchsafed to you, myself, or any other individual; yet Moody and his merry men would say, and did say, to the 146,000 people of North Dakota: "Stand aloof while we disinherit you, while we rob you of your good name, of your possessions, of your prospects of assuming the honors, dignity, and prerogatives of full-fledged American citizens. We propose to divide this Territory; to secure Statehood for the southern half, and offices for ourselves. We know that the remaining northern portion will not be eligible to Statehood for years, but we care not; it is the will of Moody, Campbell, *et al.*, and that is sufficient." Practically, such was the proceeding; hence the nation beholds the pretense now made that the twenty-odd thousand votes polled or manufactured later on represent the 416,000 people living within the Territory. I say, and I insist, if Congress will give the people an opportunity to declare in this matter, that it will clearly appear that the effort of Moody and clique is nothing less that an attempt at political grand larceny; that it will appear that while twenty-odd thousand people are in favor of division, over 200,000 are opposed to it.

In 1884 Dakota polled a total vote of 86,723 for Delegate to Congress, of which Gifford (Republican) received 71,599 and Wilson (Democrat) 15,124. We know that the latter strength is solidly opposed to division. I know and assure you, and assurance is obtainable from many sources, that a very large majority of Republicans are opposed also. This is no party question here; in fact, it is not discussed or considered from a political (factional) standpoint. I am a life-long Republican, proud of my party and proud of its achievements, and I assure you that my convictions and aspirations are common with the party throughout Dakota. You doubtless remember Judge Granville G. Bennett, formerly Delegate to Congress. He is as emphatically anti-division as myself. Ask for his views? You witnessed the confirmation of William E. Church, associate justice of the supreme court of this territory and presiding judge of this district. He is as pronounced in opposition as myself. These are representative men with whom you are acquainted, by reputation at least, and who stand with the highest in this Territory. Their views mean something. What is it? That the heresy advocated by Moody, Edgerton, and others is exactly what I term it—a heresy preached abroad for damnable purposes; that division is neither desirable nor advisable; that the scheme evolved by Campbell and Moody is advanced for an ulterior and an outrageous purpose.

I could enumerate hundreds of others, prominent in the Territory but unknown abroad, all of the one mind and having the one desire, but such reference is unnecessary. Give us an opportunity to vote, give the people of the Territory (not those of any particular county or counties ambitious for capital honors) a chance to declare their desires, and you, Congress, and the country will understand exactly what we want.

I have written in haste and at undue length, but, my dear sir, I cherish intense feeling in this matter; and so do the people at large. Usurpers are abroad. Animated lies will strut through the halls of Congress and peer over the gallery-rail this week. You will be told that "the people want division, are crying for division, are willing to die for division." At that particular juncture, Senator, look the fellow squarely in the eye (if you can "catch it") and casually ask him to prove it; ask him, further, if he is not falsifying; ask him if he does not know that he lies—that is the kind of good old-fashioned vigorous English we use in this country—and if he does not quail before you like the craven that he is, believe me false and my protestations a pretense and a fraud.

Mr. LOGAN and others. Name. Who signs it?

The PRESIDENT *pro tempore*. There seems to be no name.

Mr. HARRISON. It seems to be of the No-Name Series.

Mr. VEST. The gentleman who writes that authorized me to use his name. Does the Senator from Indiana want it?

Mr. HARRISON. We had better have it.

Mr. VEST. The Senator shall have it. This is the man, L. S. Whitbeck, connected with the Black Hills Times, a Republican paper published at Deadwood, Dak. If any other bill of particulars is needed I will furnish it.

Mr. LOGAN. There is no objection to giving the name.

Mr. VEST. None at all except for the comments on it, as if I wished to retain the name for some ulterior purpose. I had that letter copied by my secretary, and he failed to put the name to it. I present nothing here that I want to suppress. Now I ask that the other letter be read.

The Chief Clerk read as follows:

DEADWOOD, DAK., *January* 4, 1886.

DEAR SIR: Mr. Whitbeck, of this place, has just shown me a letter addressed by him to you on the matter of the division of our Territory and admission of the southern portion as a State under the so-called Sioux Falls constitution, in which I am mentioned as an opponent of the movement. This reference seems to justify on my part a brief statement of my views. It would be strange indeed if a Territory containing the population of Dakota, sufficient to entitle it to three members of the lower House on the present basis of apportionment, should not with great unanimity desire Statehood, with all the advantages it brings.

Our population is not of a floating and unstable character, but permanent, here to stay, and you and others need have no fears of a re-enactment of the Nevada political farce. I think, and you must agree with me, that we are clearly entitled to admission, and that at the earliest day possible, and we hope and trust Congress will initiate the movement without hesitation or delay.

There was a time when division was considered advisable and desirable; when its settlements were confined in its northern portion to the Red River Valley and along the line of the Northern Pacific Railroad and in the Missouri Valley and its tributaries in the south, with a wide stretch of country lying between unsettled and untraversed, with no direct means or channels of intercourse or intercommunication; when to reach one section from the other a long detour had to be made round through Iowa and Minnesota or via Missouri River, the navigation of which has always been slow and uncertain and closed for at least five months in the year.

During the period of this isolation the two sections seemed to have nothing in common; their lines of communication were different, their markets divergent, and but few interests, social, commercial, or political, in common. But within the past few years these conditions have been entirely changed. The phenomenal settlement and development of the Territory, the rapid construction of numerous lines of railroads, the intermingling of the people, and the convergence of interests as a whole have had a cementing and solidifying tendency, so that the people feel to-day that they are the common inheritors of one grand inheritance, bound together in one fortune and one future. Central Dakota has been occupied, covered with farms, villages, cities, railroads, churches, and school-houses, and all the concomitants of wealth and civilization, and there is no longer any "waste places" or unproductive or untrodden solitudes separating our settlements north and south, and a line of division on the forty-sixth degree of north latitude bisecting such a country at this time must be purely arbitrary, without any natural, political, or commercial causes to justify it.

In a very short time, with our rapid progress in the construction of railroads and telegraph lines, every point in our Territory will be easily accessible from every other point, and time and distance will be annihilated so far as business and the convenience of travel are concerned. So that the reasons for division, once weighty, no longer exist. I am quite well aware of the arguments advanced in support of the present State movement, the chief of which is that our Territory is too large to be embraced within the limits of one State. But when we ask why there is no satisfactory answer. We find two States much larger and many much smaller, so there is no geographical limitation fixed either by law or custom. We are assured that the large States would not part with any of their territory, and the smaller are not clamoring to be enlarged.

True, if divided, we would ultimately have four United States Senators in place of two. That perhaps appeals more strongly to the few who have Senatorial aspirations than to the masses on whom fall the burdens of two State governments.

Representation should be apportioned according to population if possible, but under our present system that never can be in the United States Senate. If it could, while Rhode Island and Delaware have each two Senators, how many would the great States of New York and Pennsylvania be entitled to? Dakota has already a larger population than at least any one of eight States which are represented in that body, but if admitted with its present boundaries it could not be expected to overtake at least a dozen States that might be named in the

next half century. It is the people who are represented, not degrees of latitude and longitude.

What effect the admission of Dakota may have on the present dominant political parties in their struggle for power should not be seriously considered. We are laying the foundations of a great Commonwealth which we trust will outlive all present political issues and contests, and certainly the vaulting ambition of a few eager place-hunters. I am satisfied that the great mass of the people do not want, or care very little about, division. Many in the southern portion would favor it if satisfied that it was the shortest and most certain road to Statehood, as I should certainly do; but we feel that its constant agitation has retarded rather than promoted that desired end and object.

The present movement for Statehood had its inception in the last Territorial Legislative Assembly. It was not an issue, was not even referred to during the campaign preceding the election of the members of that body, and called for and incurred the expenditure of a large sum of money which with the subsequent proceedings never had the approval and sanction of the will and wish of the people. Scarcely a year previous the same self-constituted leaders had called a constitutional convention, adopted what they were pleased to term a constitution and submitted to a vote, but that vote was so small, and the whole venture fell so flat that it was thought best to renew the project and surround it with a sort of halo of pretended legal authority. But the effect on the minds of the people was about the same as the first demonstration.

The people of this portion of the Territory I know are opposed to the whole proceeding, but no opposition was organized against it or effort made to defeat it in the Hills counties, except here in Deadwood, the home of one of the newly elected United States Senators, one of the judges of the so-called State supreme court, and their lieutenant-governor, and here it was buried under an adverse majority of over 4 to 1. And such would have been its fate throughout the Black Hills and in many other localities if the same fight had been made; but the whole thing simply went by default.

The masses can see no good reason why the whole Territory can not be as honestly, judiciously, and economically governed under one State organization, with but little more than half the expense, as under two with the expenditures duplicated. Regarding the whole movement for South Dakota as one that would fall still-born, its opponents were satisfied with ridiculing it and staid away from the polls, and refrained from any participation in it. The side issues that were submitted with the so-called constitution to a vote of a fraction swelled that vote to at least double what it would otherwise have been. I refer to the question of the location of the temporary seat of government, for which there were several aspirants, the prohibition clause, the minority representation provision, &c., all adroitly made to figure in swelling the factitious vote.

What the people want is an enabling act for a convention that will frame a Constitution for the entire Territory for a State with our present boundaries, to be submitted to a vote of all the qualified electors. That will present squarely the issue whether division is wanted or not, an issue on which the voice of the people has as yet never been taken, and with a verdict so rendered, Dakota will be satisfied, and I think Congress should be. I do not hesitate to say that the present movement does not represent the people either in its inception or the final scene enacted by a so-called "State Legislature," and, as such, is not entitled to any serious consideration at the hands of Congress. It does not even deserve to be dignified as revolutionary, for it is no movement "from the people, by the people, or for the people," and they should not suffer in their loyal reputation and devotion to our great and grand national sovereignty.

Pardon the length of this letter. I can only plead my interest as a private citizen in justification.

Very respectfully,

GRANVILLE G. BENNETT.

Hon. GEORGE G. VEST,
United States Senate, Washington, D. C.

Mr. VEST. Mr. President, my connection with this debate is almost over. In the report of the chairman of the Committee on Territories there is sought to be instituted a parallel between the vote of Southern Dakota on the adoption of this constitution and the votes upon the constitutions of other States under similar circumstances when they applied for admission into the Union. That argument would be more forcible and more legitimate if the chairman of the Committee on Territories had also given us information of the populations of the States in which the votes were respectively cast. The vote is highly significant and useful as showing the sentiment of the people. That sentiment is not conclusive upon Congress, but as representing the people it has force as a matter of course with those of us, and all of us I presume, who desire to meet the wishes of the people if we believe that those wishes can be carried out without injury to the other States of the Union. When Missouri, Illinois, and other States are cited by the Senator from Indiana in his report why does he not give us the aggregate population to show whether the people came to the polls?

Mr. HARRISON. I did not pretend to give in the report any votes at all on that subject.

Mr. VEST. Then it is in the remarks of the Senator and in the pamphlet which contains the address to the people of the Territory.

Mr. HARRISON. Possibly it is; but nothing of that kind is in the report.

Mr. VEST. Then I withdraw the statement that it was made by the Senator. It is made in this pamphlet, and it has appeared here in the history of this discussion.

Mr. HARRISON. I said in my remarks that I did not believe the Senator could find any case where a State constitution had been submitted in the first instance to the people where a larger vote was cast or a larger percentage of the vote was cast, and I adhere to that statement on the information I have now.

Mr. VEST. That, then, is the point. That is the identical issue. If the Senator would give us the aggregate population of the Territories where those votes were cast, we could then arrive at the justness or ortherwise of the assertion. Here we have the vote of Dakota, we have the population of Dakota, and we see the result at the polls.

Mr. HARRISON. I will give the Senator one now, if he desires to pause, that I have a memorandum of. He will find, if he undertakes to look through the records to get at the vote and population at the time the States were admitted, that he will have very great difficulty. I have Iowa before me, when her people voted for a constitutional convention, in 1844. The vote for the constitution was 7,191; against it 4,310; the total vote 11,501, and a majority of 2,881, and the census submitted in connection with that showed a population of 79,000, not out of proportion, I think, here.

Mr. VEST. That depends upon the ratio establishsd between the voters and the inhabitants.

Mr. HARRISON. I suppose the same ratio would prevail in both cases.

Mr. VEST. Without making any calculation, I do not think it presents a parallel instance of voters to population as in Dakota. There were 79,000 inhabitants, as I understand the Senator. That would make 15,000 voters at the ratio of five inhabitants to each voter.

Mr. HARRISON. The population of South Dakota is more than three times what that of Iowa was then, 79,000. That would only be 237,000. The population of South Dakota is 263,000; and yet the vote cast on the constitution was within a very small fraction of three times as many as the vote cast in the case of Iowa.

Mr. VEST. At any rate, under any sort of computation, whether you establish the ratio at 5 or 4 to 1, one-half the people in Southern Dakota abstained from voting at the polls when there was such an overwhelming sentiment for Statehood as has been alleged here by Senators on the other side of the Chamber.

Now, Mr. President, I come to one significant fact; I have heard no explanation of it, and yet it seems to be a salient point in the discussion of the Senators who advocate the passage of this bill. It was considered so important as to be specifically noted by the Senator from Indiana in his report, and it was urged again in his remarks on the floor of the Senate. He quotes from a memorial adopted in Dakota and sent to the Forty-eighth Congress in which they use the following language:

> And, although the people of all Dakota are earnestly in favor of admission of the southern half as a State, still they will hail with joy division only, and if asking for admission of the southern half as a State will in any manner delay division, then we earnestly request division, without the admission prayed for, at the earliest possible time.

What is the irresistible conclusion from that statement? Does it not show that it is not Statehood which these people really want, that Statehood is an inferior consideration, that instead of panting for Statehood as the hart panteth for the water brook they want division, and they say here emphatically they are willing to remain a Territory if you will only divide them. It is significant as establishing in my mind beyond any question that this whole thing originated with these ambitious politicians north and south. They want to be separated from each other. They do not want to be brought into antagonism with each other in the race for office. "Give us division and keep us out of the Union. We would rather stay out forever than to be brought together." When the population of the eastern half of this Territory to-day is homogeneous, when they are bound together by railroads, when circumstances no longer exist, as they did four years ago when it was urged on us that interior Dakota could not be settled, they still clamor for division.

But the great argument as showing the will of the people is that the Legislatures have been unanimous for division. I have already alluded to the manner in which these Legislatures are generally composed. The last Legislature in Dakota, judging from the Republican press, was itself without a parallel for scheming and jobbing in the legislative history of this country. I have here before me now extracts taken from the papers of the Territory, and embodied in a letter to the Chicago Times in April last, a paper which has never failed to publish every item from Dakota personally and politically abusive of myself and of every Senator who has resisted the passage of this legislation. I do not know the gentleman who wrote this article. He writes from Huron, in Dakota. He wrote it in April last. I ask that it be read as a graphic picture of the Legislature from which emanated this present Southern Dakota movement in order to show what sort of an exponent it is of public sentiment.

The Chief Clerk read as follows:

A BLIZZARD FROM DAKOTA.

HURON, DAK., *April* 5.

To the Editor:

Nobody believed when last winter Senator VEST plainly intimated the possibility that Dakota might before many years be made Democratic that this was anything more than political vaporing. How could such a thing be? The Democratic candidate for Delegate had been defeated by 80,000 but two months before. He received but 1 vote in 7. He did not carry a single county, and in some counties got not a single vote. How could Dakota ever become Democratic? The fact is that if political matters continue to progress as they have for months past Dakota will be decidedly Democratic before the end of Cleveland's term. Senator VEST's wish and boast will be more than realized. All that is necessary for the Democratic party to do to effect this is to let Dakota severely alone. The Republican statesmen that are now making the country resound with their frantic yells for admission are doing the business more effectually than any Democratic management could do it.

The candidacy of the aspiring young man who ran for delegate on the Democratic ticket meant nothing. He represented nobody but himself and excited no interest, had no following, little political experience, and less tact. He simply advertised himself, as many men seek to do when there is little or no competition for the leadership in a hopeless race, and when the notoriety, possible patronage, and glory are deemed ample compensation for a few speeches. The Democratic vote was no index of the Democratic strength in Dakota. An able speaker of reputation might have polled a respectable vote, but even then it would have been no evidence of the real state of parties in Dakota.

The Legislature has just adjourned, and from the Republican press of the Ter-

ritory comes up a universal howl of execration. These are the same papers which not four months ago abused Senator VEST without stint for daring to hint that Dakota might become Democratic by the time she is fit to become a State. One of these says elegantly that the last Legislature "takes the cake" for imbecility and jobbery on local and private matters. Another says "Dakota's greatest misfortune is in her prominent statesmen." It declares that "the action of our Legislature has vindicated those who have opposed our promotion." "Told you so," says VEST. Another declares that "Dakota can feel proud that the

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to do harm has expired." One paper affirms that "the sickest lot of sorehead political tricksters that ever congregated together was in the Dakota Legislature." The Fargo Republican says that the Legislature was "the most dangerous in the history of Dakota," and that "the people feel safe now that it has passed out of existence." A convention of pickpockets, thimble-riggers, and tricksters could not have evoked from the Republican press more violent denunciation than has the Legislature which has just adjourned.

Now these are the facts which the Republican press almost without exception loudly assert. Is it visionary, then, to say that Dakota is on the road to Democracy? There is one huge nausea all over the Territory. From the Bad Lands to Devil's Lake, from the Black Hills to Manitoba, men are holding their noses until the blizzards purify the atmosphere. Now if Dakota was a State, its legislative enactments subject to no restrainst, its governor chosen from these "eminent statesmen," how much of the Territory would be left to administer on in four years?

A greater humbug than this cry by the Territorial politicians of both parties, "Give us our officers from our own people," never was invented. Its dishonesty is transparent. Alaska might as well demand that her officers should be selected from her own people as Dakota, or Idaho, or Arizona. The truth is the material is lacking in all Territories for competent and trustworthy officers. It was in the old days when General Harrison and such men were made governors of Territories, and it is to-day. The last Legislature has shown that it would have been well if its members had been appointed by some outside and impartial agency instead of by banks, railways, rings, and monopolies that already are seeking by all the vile old ways to fasten their talons on the fair land of Dakota.

A corporation with a little money can already buy almost anything it wants in Dakota—legislation, law-makers, and law officers. The established rate of interest is 12 per cent. In a few counties of the Black Hills any rate may be contracted for by special law. Banks get from 2 to 5 per cent. per month, and are as merciless as Shylock in demanding their pound of flesh. They will have their "usance," blood or no blood. God help the poor miner or ranchman who falls into their clutches. The Legislature which has just adjourned had among its members the agents of these money-sharks, and no effort was made to relieve the suffering people.

Senator VEST last winter referred to the numerous local wars over county seats as an evidence that Dakota was not yet fit for Statehood. If he had lived in Dakota a few years he would have had a thousand better arguments. The devil seems to have been let loose in this Territory and is trying his 'prentice hand on Dakota before venturing on that thousand-year raid with which the earth is threatened. You can not find a county, or township, or village, in which there is not a row raging now over county seat, over town sites, over county divisions, over the location of the land offices in districts, then over their location in the towns. Even the building of a skating rink is sufficient to call out the village wranglers. Everybody wants to move everything, and he wants it on his corner lot. They want to move the capital, the capitol building, the courts, land offices, and post-offices. All the wranglers and ringsters in the country seem to have collected in Dakota, and the very genius of discord is let loose. As soon as you arrive in any village you are expected to take sides. If you do not take sides, then all sides take you. Let any one travel throughout Dakota and he will be convinced beyond cavil that it is as yet unfit for Statehood. It has more statesmen to the square mile than the District of Columbia had on inauguration day, though there is not a man in it as yet known in one-third of its counties. It is an immense Territory, as yet sparsely settled, its population and business centers not fixed, nothing homogeneous about it; everything chaotic, or rather embryotic; and yet all over it are little wriggling knots of small politicians, squirming ceaselessly to get into places they would never have dared to aspire to in the States they came from.

The conclusion from all this is that it has been for the people now in the country and those coming—for Dakota and the country—a most fortunate circumstance that these politicians have thus far gone unheeded, and that none of them have been able to disgrace the Territory and country on a larger field than that they now occupy. Until the last Legislature is forgotten let Dakota keep quiet.

Mr. VEST. Now, Mr. President, I have but a few words to say in conclusion. I think one fact is evident. It may be admitted by Republicans and Democrats without any injustice to our party fealty or to our duty as Senators. It is manifest beyond a scintilla of doubt that a vast difference of opinion exists in this Territory in regard to the manner of division and the propriety of division at all. It is shown by themselves that one-half of this immense Territory is virtually without population, that all of that portion of it west of the Missouri River, equal in area to that portion east, has but 25,000 white inhabitants and that the portion of Southern Dakota which is proposed to be incorporated into the State of Dakota has but 17,000 white inhabitants, and that in this vast area west of the Missouri River are contained this large Sioux reservation and other Indian reservations, and an immense extent of public land. Is it not best, is it not safest and wisest, to commit this question to the people themselves and let them vote upon it? Why should we take the indirect testimony of legislatures and conventions in a sparsely settled Territory in the far West as conclusive of this matter, especially in the face of the unanimous testimony almost of the Republican papers from all portions of the Territory that the Legislature originating this present movement disgraced legislation everywhere.

Sir, at the proper time I shall submit, after the vote has been had upon the substitute of the Senator from South Carolina, a proposition to divide this Territory from north to south upon the one hundred and first meridian of longitude. That will give to the State of Dakota, if Congress sees proper so to designate it, east of the Missouri River a population of 400,000 inhabitants, and will leave this vast area of country almost totally unpopulated west of the Missouri River still in its territorial condition subject to the forming and fashioning hand and legislative wisdom of Congress in the future.

Mr. LOGAN obtained the floor.

Mr. DAWES. I move that the Senate adjourn until Monday next.

The PRESIDENT *pro tempore*. The Senator from Illinois being entitled to the floor on the pending bill, the Senator from Massachusetts moves that the Senate do now adjourn until Monday next.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 29, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GROSVENOR, indefinitely, by reason of important private business.

To Mr. TOWNSHEND, for two weeks, on account of important business.

CHANGE OF REFERENCE OF A BILL.

The SPEAKER. On the 6th of the present month House bill No. 2340, a bill directing the Quartermaster-General to settle with the McMinnville and Manchester Railroad Company, and for other purposes, was introduced and referred to the Committee on Claims. It should have been referred to the Committee on War Claims; and if there be no objection the change of reference will be made.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

Mr. THROCKMORTON. I ask unanimous consent to introduce a bill for reference.

Mr. BEACH. I demand the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection. This being Friday, the regular order is the call of committees for reports on bills of a private nature.

CHANGE OF REFERENCE OF BILLS.

Mr. DOCKERY, from the Committee on the Post-Office and Post-Roads, reported back bills of the following titles; which were severally read, and referred to the Committee on Claims, namely:

A bill (H. R. 3670) for the relief of M. C. Mordecai; and

A bill (H. R. 3176) for the relief of the American Grocer Association of the city of New York.

GEORGE W. MORSE.

Mr. MITCHELL, from the Committee on Patents, reported back the bill (H. R. 959) for the relief of George W. Morse; which bill was referred to the Committee on Claims.

JAMES PRICE.

Mr. JOHNSTON, of Indiana, from the Committee on War Claims, reported back the bill (H. R. 2935) for the relief of James Price; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOEL C. FRAZIER.

Mr. STONE, of Kentucky, from the Committee on War Claims, reported back, with amendments, the bill (H. R. 898) for the relief of the estate of Joel C. Frazier, deceased; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHANGE OF REFERENCE OF BILLS.

Mr. GEDDES, from the Committee on War Claims, reported back bills of the following titles; which were severally read, and referred to the Committee on Claims, namely:

A bill (H. R. 2053) for the relief of Rachael J. Floyd; and

A bill (H. R. 633) for the relief of Maj. G. W. Candee.

CONFIRMATION OF LAND TITLES, ARIZONA.

Mr. ELDREDGE, from the Committee on Private Land Claims, reported back the bill (H. R. 3235) to confirm title to certain private land claims in Arizona Territory; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The call of committees was concluded.

Mr. HATCH. Mr. Speaker, I ask unanimous consent of the House to report from the Committee on Agriculture a bill, which is not in order under this call, for reference.

Mr. BEACH. I demand the regular order.

The SPEAKER. There is objection to the request of the gentleman from Missouri. As the rule of the House does not permit committees to call up during the second morning hour any bill of a private nature,

there is of necessity no such morning hour on Friday, this day being dedicated solely to the consideration of private business.

Mr. GEDDES. Mr. Speaker, I have been assuming that the gentleman from Illinois [Mr. SPRINGER] would make a motion that the House should proceed to consider the Private Calendar, but as the gentleman is not present I move that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar.

Mr. TOWNSHEND. I would like to ask if it is not in order to bring up the pension bill, that is pending, on a question of consideration.

The SPEAKER. What bill does the gentleman refer to?

Mr. TOWNSHEND. That reported from the Committee on Invalid Pensions, for the increase of pensions to widows.

The SPEAKER. But that is not a private bill.

Mr. TOWNSHEND. I know; but is it not in order to raise the question of consideration, so as to reach the consideration of that bill to-day?

The SPEAKER. Under the rule of the House, Friday is set apart exclusively for the consideration of private business.

Mr. TOWNSHEND. I am aware of that; but is it not in order to antagonize the motion made by the gentleman from Ohio to go into Committee of the Whole?

The SPEAKER. Certainly; any gentleman can vote against it. That is the only way to antagonize the motion to go into Committee of the Whole.

The motion of Mr. GEDDES was then agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the purpose of considering the Private Calendar. The Clerk will report the title of the first bill.

FOURTH OF JULY CLAIMS.

The Clerk read the title of the first bill on the Private Calendar (reported by Mr. GEDDES from the Committee on War Claims), as follows:

A bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department, with amendments.

Mr. GEDDES. The bill (H. R. 989), the title of which has just been read, embraces claims reported by the accounting officers of the Treasury Department, and which have been reported on by the Committee on War Claims in bulk. They are investigated, reported to the House, and by the committee acted on, under the act of July 4, 1864. To some the law under which these investigations are had may not be familiar, and the practice heretofore adopted by the House may not be well known; and I will make a very brief statement in order that all may understand the matter.

The Committee on War Claims, to which are referred from time to time these cases reported by the accounting officers of the Treasury Department, have not felt any very high degree of responsibility in their investigation. The act alluded to of July 4, 1864, is of the character and in the nature of a provision such as nearly every member of the House has felt not only the importance of but the absolute necessity for in order to a proper investigation of this class of claims. Only a certain class of cases, however, were embraced in that law and were investigated by the Quartermaster-General of the United States and the Commissary-General of Subsistence. By that law an annual report is made to Congress, and by its terms we are supposed to consider those cases. But it may be entirely proper to say that in the committee heretofore it has not been the practice to examine in detail all these claims; and the House will readily appreciate the utter impracticability of it; and that very impracticability led to this law under which those cases are investigated. This bill, coming to us under this law, embraces nine hundred and forty-three claims, aggregating in amount $228,578.36. They are in the interest of eleven States and one Territory. I may say, however, they come mainly from the States of Tennessee, Kentucky, and Missouri. The largest number of them are from those States; fewer come from the other States—West Virginia, Ohio, Indiana, and other States.

The Committee on War Claims of the last Congress felt it their duty to go somewhat into detail in regard to these cases. By former committees bills had been reported to the House based on the utter impracticability of an investigation of the correctness of the findings of the Quartermaster-General. Still we felt that we might classify the claims, that we might select out a few of each class, and that we might take a number of the larger claims from each of the States named and go through them; and if, on an investigation of those cases, we found accuracy and care and ability displayed we might pass judgment upon the balance.

In that manner the Committee on War Claims of the last Congress waded through these cases. I am not able from memory to say how many out of nine hundred were actually opened up and the papers and proofs relating to them investigated; but I am able to say a large number of the cases involving a large amount were thus examined by the committee, and the result of that investigation I am at liberty to state. Of that number seven only were, in the judgment of the committee, to be excluded from the bill, and these were left out of the report made to the last Congress.

As that bill did not pass the House for want of time and was upon the hands of the War Claims Committee of the present Congress, it becomes necessary to consider these cases again; but upon a suggestion made in committee these cases were not reinvestigated by the present committee. Still, the exclusion of the seven cases to which I have referred was acquiesced in by the committee with this understanding, which I ought to state: that in order to secure early action upon this bill, and that it might not be delayed, it was understood that the committee was not concluded by the exclusion of those seven cases from this bill, but that the judgment of the committee might be appealed to on another investigation in the next collection of cases that will be sent to us from the Treasury Department.

The amount allowed by the committee is $221,140.36, excluding claims reported to us to the amount of $7,106. I presume it will not be necessary for me to state the grounds upon which these claims were excluded. They are not reported in this bill. And I presume, further, that it will not be expected that we can go over in detail nine hundred and forty-three cases less seven embraced in this bill without doing injustice to the other business before the committee, in regard to which a different responsibility has been imposed.

By the act of July 4, 1864, under which this investigation is made from time to time by the departments mentioned, it will be borne in mind that they are only given jurisdiction of a certain class of cases—claims of loyal citizens, whose loyalty must be established, and claims originating in States not in rebellion. In all the cases reported to us from time to time strict proof has always been required, so far as I have observed, first of loyalty, then that the property was taken for the benefit of the Army, and actually appropriated and used for the Army in States not in rebellion. Tennessee was originally in rebellion, but it was relieved by an act subsequent to the act to which I have referred; so that the claims of Tennessee can now be considered under that act and amendments thereto subsequently made.

Originally only two counties of West Virginia were embraced by the first amendment made to this law in 1864, but subsequently all West Virginia was allowed to present claims of the class to which I have referred. By that same law a limitation was attached, so that this class of claims can no longer be submitted to the Departments. They were barred on the 1st of January, 1880, and the cases that are now being sent to us are only cases that were filed prior to that date and that are now being investigated from time to time. Cases filed since January 1, 1880, are not taken jurisdiction of by these Departments, or by them considered; so we can all see that at an early day those claims will be exhausted which do not come within the statute of limitation. I need only emphasize one consideration more, I think, to have all understand that the committee do not anticipate any resistance to the claims we have presented here, and that is this:

We have all heard from time to time during the present session that, as a judicial tribunal, this House, even with its committees, is to some extent disqualified, incompetent, not properly organized for the consideration of these cases and questions. The cases that come before our committee outside of this class are based upon *ex parte* affidavits of a most uncertain, unsafe, and unreliable character, whereas these cases are investigated by agents sent by the Quartermaster to the locality where the claims originated. Testimony is there carefully taken and reduced to writing, a report is made by the subagent to the Quartermaster-General, the cases are reinvestigated by him, he reports them to the Third Auditor of the Treasury, and there they are again carefully and judicially reviewed.

Mr. BROWNE, of Indiana. If the gentleman from Ohio [Mr. GEDDES] will permit me to interrupt him, I will ask him to state the aggregate amount of the claims embraced in this bill.

Mr. GEDDES. The aggregate is $228,578.36. As I have stated early in my remarks, the committee have excluded claims to the amount of $7,106, leaving $221,472.36 as the total of the claims on which action is now asked.

Mr. LONG. May I ask the gentleman a question?

Mr. GEDDES. Certainly.

Mr. LONG. Has the committee examined fully any one of these cases?

Mr. GEDDES. The present Committee on Claims?

Mr. LONG. The present committee.

Mr. GEDDES. They have not.

Mr. LONG. Would it not be well for the committee to examine one of these cases in order to make it certain that the investigation has been thorough. It is impossible, I know, for the committee to examine them all, but it might examine one as a test case.

Mr. GEDDES. The present committee has not made such an examination, but a former committee did make the examination and made it very carefully.

Mr. HOUK. If the gentleman will permit, I wish to ask him whether he himself was not the chairman of the identical committee in a former Congress that made the examination of which he speaks?

Mr. GEDDES. I was, Mr. Chairman. I was on the subcommittee that made the examination and on the committee that reported these

cases. I went over them in person, with my colleague, Mr. ROWELL, and I believe Mr. JONES, as a subcommittee, and I was present with the full committee which reported them to the House.

Mr. HOUK. That is the fact that I wanted to bring out.

Mr. GEDDES. And now, Mr. Chairman, I want to say this by way of apology for the committee not undertaking to repeat the work this time. We have had sent to us by the House during the present session about fifteen hundred bills and petitions relating to claims. Many of them are ready for action; many of them are cases which were reported on favorably after careful examination by our committee in the last Congress. They were reported favorably, but were not reached; they fell because we had not time to reach them in the last Congress. In view of this fact, I, as a member of that committee, felt that in justice to that class of claimants they should be preferred, and that we should pass upon their cases now, rather than to waste the early, precious days of our session in going over work that has been gone over very carefully. To what extent the other members of the committee may have relied upon the investigation heretofore made by this committee in the last Congress I am not able to say; I speak only for myself. I do know this, however, and I desire to state it because it is important, if these cases are disposed of now we shall probably be able in this Congress to dispose of a large amount of the other business before the committee, but if we are to undertake a reinvestigation of the claims embraced in this bill we shall certainly fail to reach that other business or even to get rid of these claims.

We expect to go over another collection of this class of cases just reported to us as soon as we can after the burden of business incident to the earlier part of the session is disposed of. This is my apology for not having gone over them heretofore at this Congress.

Mr. LONG. I think the gentleman is quite right. It only occurred to me it might be well to establish a precedent upon an examination of at least one or two claims in this list in order to insure accuracy on the part of the department, and to create a feeling there that it is held to careful scrutiny and examination.

Mr. GEDDES. I think that will be the effect from the fact that we have excluded seven of these cases, which will hereafter be considered.

I now yield to my colleague on the committee, the gentleman from Tennessee [Mr. MCMILLIN].

Mr. ZACH. TAYLOR. Before the gentleman sits down I would like to ask him the reason of the amendment which has been made striking out lines 168 to 172.

Mr. GEDDES. I think the parties concerned would not be interested in having that inquiry pressed now.

Mr. RICHARDSON. I do not wish to add anything to what has been said in reference to the matter by my colleague on the committee [Mr. GEDDES]. I only wish to ask, as I could not distinctly hear his statement, whether he said that it was the understanding of the committee that the seven cases in which claims have been stricken out should be considered with the next cases coming before the committee.

Mr. GEDDES. I did.

Mr. RICHARDSON. That is all I desire to ascertain.

Mr. MCMILLIN. Mr. Chairman——

The CHAIRMAN. How much time does the gentleman from Ohio [Mr. GEDDES] yield to the gentleman from Tennessee [Mr. MCMILLIN]?

Mr. GEDDES. How much time does the gentleman wish?

Mr. MCMILLIN. Five or ten minutes.

Mr. GEDDES. I will yield the gentleman ten minutes if he requires that much time.

Mr. MCMILLIN. Having introduced this bill on an early day of the session, it is not improper I should make a statement concerning the claims which are not embraced in it as reported by the committee. The bill as I introduced it carried claims to the amount of $228,578; the bill as reported by the committee embraces claims to the amount of $221,402 of these. All the claims which were contained in the bill introduced by me had received favorable consideration at the hands of the Quartermaster-General and the Third Auditor of the Treasury in pursuance of the act of July 4, 1864, and had been recommended for payment. They had first been investigated by agents of the Quartermaster's Department sent into the community where the property was taken and used. I think there is no question that every claim embraced in the bill I presented before the holidays was properly included. But the gentleman from Ohio [Mr. GEDDES] prefers to reserve action of the committee upon the claims my bill provided for, amounting to about $6,000; and if upon examination they should be found to be correct, to include them in the next bill, which arrangement virtually leaves them without adjudication by the committee in this bill one way or another. To that I have no objection.

Mr. STEELE. Will the gentleman allow me a question?

Mr. MCMILLIN. With pleasure.

Mr. STEELE. I wish to inquire for what reason those claims have been left out?

Mr. MCMILLIN. The gentleman from Ohio has stated that the committee preferred to look further into them. I know no reason why they may not be paid, and I have no doubt that when the committee shall come to consider them minutely (which, as stated by the gentleman from Ohio, they propose to do), those claims will be recommended and passed.

Mr. STEELE. One other question. As I understand, these claims are first investigated by the agent of the Quartermaster's Department.

Mr. MCMILLIN. They are first investigated by the agents of the Quartermaster's Department in the community where the property was taken.

Mr. STEELE. And then by the Quartermaster-General?

Mr. MCMILLIN. Then by the Quartermaster-General, and by him reported to the Third Auditor.

Mr. STEELE. Then they are examined by the Third Auditor?

Mr. MCMILLIN. And after examination by the Second Comptroller and the Third Auditor they are reported to Congress. In these cases all these different examining officers have recommended the payment of the claims.

Mr. STEELE. But, in point of fact, there is only one real investigation into the claim—the investigation by the agent of the Quartermaster's Department; these other officers only examine what the agent has done.

Mr. MCMILLIN. The claims go from the Quartermaster-General's Department to the Third Auditor on the proof taken by the Quartermaster-General. The difference between the investigation in the Quartermaster-General's Department and that by the Second Comptroller and Third Auditor is, that the claims go to these latter officers upon the proof taken before the Quartermaster-General, and no additional evidence can then be taken, as I understand.

Mr. STEELE. In point of fact, just such papers as are submitted to the very first examining officer are re-examined by these other officers?

Mr. MCMILLIN. Yes, sir.

Mr. STEELE. Then there is, in point of fact, only one examination.

Mr. MCMILLIN. In that my friend from Indiana is in error. There are three examinations. It is analogous to a case in the courts, where there may be two trials, one in the inferior and one in the supreme court, on the same evidence.

In point of fact there is the recommendation of three officers upon the evidence taken by the agents of the Department.

Now, Mr. Chairman, these claims have been pending for more than twenty years, and it ought to be borne in mind that for all this period these claims bear not one cent of interest, and the claimants only get the principal of a debt that has been unpaid for that long period.

Mr. GEDDES. Will my friend from Tennessee permit me a moment? I think the suggestion of the gentleman from Indiana [Mr. STEELE] that there is only one investigation ought not to be allowed to pass uncontroverted.

Mr. MCMILLIN. I have stated to the gentleman from Indiana that there are three investigations before the claims come here; and then there is a fourth investigation by the committee of this House.

Mr. GEDDES. Each passing judgment as to the weight of the evidence, the credibility of the witnesses, and all the facts in the case.

Mr. MCMILLIN. Certainly, and each department having the right to reject the whole claim if it be deemed proper to do so or to scale it.

Mr. GEDDES. And they often do so in fact.

Mr. MCMILLIN. And each department having the right to reject the whole of them if they see proper.

Mr. GEDDES. And often do.

Mr. MCMILLIN. This House reserves to itself the right to reject the recommendations of all.

Mr. STEELE. In point of fact does it not depend upon the whim of the agent in the field, whether he is favorable to the claim or not, whether the evidence will be deemed sufficient to secure a report for its payment?

Mr. MCMILLIN. His whim does not amount to a feather so far as allowing an unjust claim is concerned.

Mr. HOUK. It does not depend upon the whim of anybody.

Mr. MCMILLIN. It depends solely on the evidence which is presented in favor of a claim or against it, and the whim of a quartermaster's agent does not bind the Auditor, the committee, or Congress to the payment of an improper claim.

Mr. STEELE. But it depends upon the whim of the Quartermaster's agent to receive such evidence only as he deems fit and proper.

Mr. GEDDES. He receives the testimony which is brought to him.

Mr. PETTIBONE. Will my colleague permit me to ask him a question?

Mr. MCMILLIN. Certainly, I yield to my colleague.

Mr. PETTIBONE. Is it not true that all the Quartermaster's agent does is simply to collect all the facts in the case without offering any opinion at all? Does he not simply report the facts touching every particular matter to the Quartermaster-General for his action?

Mr. MCMILLIN. Yes, sir; the agent of the Quartermaster-General's Office submits a brief, accompanied by all the evidence, to the officers who have the matter in charge and who may allow it or reject it. As a matter of fact one-tenth of the cases are rejected even where the Quartermaster-General's agents report in favor of their payment. I know of a number of instances where the agent has recommended payment and where the department has rejected the cases. I have examined hundreds of them from first to last, and I do not hesitate to say ninety-nine

cases are wrongfully rejected where one is wrongfully allowed. No doubt many good claims are rejected, but I do not remember a single instance where a questionable claim has been allowed. Indeed, so far as I know, it is the most stringent investigating department of this Government. It seems to start out with the fixed presumption that the claim is wrong, or it seems to act upon such a principle, for if they have a single doubt about the loyalty of a claimant, or in reference to the taking of the property, or its use by the Army, they reject it. No devastation is paid for, nor is payment made for any waste or any destruction. It has held rigidly it will not pay anything of that kind—that it will only pay for property taken from the class of citizens described in what is known as the 4th of July act, and which property was used for the benefit of the Army. It is only for property so taken and actually used by the Army that is proposed to be paid for in this bill.

The gentleman from Indiana [Mr. STEELE] speaks of the whims of the agents of the Quartermaster-General's Department. Now I see here a number of claims from his own State, and it is a whimsical proceeding then that goes all round the circle. There are citizens from half a dozen States embraced in this bill to whom payment is provided under the 4th of July act. The bill as brought here is framed upon the presumption that the Government that has $150,000,000 of surplus laying idly in its Treasury can not afford to refuse to pay to a decrepit and pauper-stricken citizen the sum of $150 which it justly owes him. Let us pass this bill, and pay to the claimants the money out of which they have been too long kept already.

[Here the hammer fell.]

Mr. GEDDES. How much time have I left?

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. GEDDES. Then I will now yield ten minutes to the gentleman from Tennessee [Mr. HOUK].

Mr. HOUK. Mr. Chairman, it is not my purpose to prolong this matter by undue discussion, nor indeed would I say anything were it not that there seems to be some misapprehension as to the object of this bill and as to the justice of the claims reported by it. In the first place the new members of the House may not understand it; the old members, or most of them, will remember this bill was reported by the War Claims Committee at the last Congress, but because of pressure of business and lack of time it was not passed. The investigation which the gentleman from Massachusetts [Mr. LONG] seemed to desire should be made by the committee of this House was in fact made by the old committee of the last House, then presided over by the same chairman, the gentleman from Ohio [Mr. GEDDES], who makes the report at the present session. So it is the same man reporting the bill who tells the House that he did personally investigate it sufficiently to satisfy himself of the justice and equity of these claims. So, then, that objection, it seems to me, is removed.

Now, a word as to the method of investigation. In reply to the remark of the gentleman from Indiana [Mr. STEELE] that the allowance of these claims depends upon the whims of the Quartermaster-General's agents; why, sir, they go into the neighborhood of the claimant, they go upon the premises, examine everthing he has, and, as has been already intimated by my colleague, they go seemingly on the presumption fixed in their minds that every claim is bad until it is proved by adequate evidence certainly to be a good one; and claims that have run the gauntlet of such investigation, required by the law and practice of the department in such cases, is certainly entitled to the most implicit confidence and should be paid. And not only are they investigated in the neighborhood and upon the ground, but every detail of the examination is reported to the Quartermaster-General, who can refuse their payment. They also have to pass the Third Auditor, who can refuse to pay them; and finally they have to pass the Comptroller of the Treasury, who has to approve them before they can be paid. After passing such an ordeal it would neither be right nor just to refuse their payment.

So, Mr. Chairman, this bill ought to have been passed more than twelve months ago. These people have been for years without their money. Twenty years, at least, have elapsed since the property was taken, and they are getting no interest. It is a debt due to a class of men who are not able to lose it. They are in need of the amount due them, and the Government, in justice to its loyal citizens, should pay them promptly.

Mr. CUTCHEON. May I ask the gentleman from Tennessee a question?

Mr. HOUK. With pleasure.

Mr. CUTCHEON. I wish to ask who, in this investigation made by the Quartermaster-General, represents the interest of the Government?

Mr. HOUK. The Quartermaster's agent.

Mr. CUTCHEON. Who decides what testimony shall be taken, and what testimony shall not be taken, in support of the claim?

Mr. HOUK. The agent decides it himself. He has printed instructions from the department, which show him clearly the line of investigation which he must pursue and which direct him what investigation to make in every case. As I know from my own experience, he goes to the utmost limit in the examination of each case. He even goes into the fields where it is alleged the corn was grown and into the cribs from which it was taken.

Mr. CUTCHEON. I desire to ask further this question: After this agent gets through with his investigations is there any testimony thereafter taken by anybody?

Mr. HOUK. I do not know of any such cases unless the case is remanded for a new investigation.

Mr. CUTCHEON. Then, if that Quartermaster's agent should happen to be in collusion with the claimant, there would be no one to represent the interests of the Government?

Mr. HOUK. If there is any doubt involved in the report it is recommitted for re-examination. I have known cases where claims were allowed which were not satisfactory to the Quartermaster's Department, and they were rereferred. As in all cases where the Government makes a special examination through its agents, and is not satisfied with the examination or the report upon any single point, it recommits the claim for a rehearing or re-examination, sometimes to a new man, and goes through another investigation, until the Government is absolutely satisfied. The requirements of the department before a claim of this kind is allowed are technical and hard to comply with. It is like going through the eye of a needle to get a claim through.

[Here the hammer fell.]

Mr. GEDDES. I now yield five minutes to the gentleman from Illinois [Mr. ROWELL].

Mr. ROWELL. Mr. Chairman, I was a member of the subcommittee of the War Claims Committee in the last Congress which examined this 4th of July bill. All the evidence in each one of these claims is sent to the War Claims Committee, and I think I am safe in saying that the subcommittee having this bill in charge in the last Congress made a more extensive examination of the evidence than has been customary in claims of this kind. We examined in each class of claims a number of cases with a view of ascertaining the diligence and the reliability as well as the honesty of such of the agents of the Quartermaster's Department reporting these cases; and because of our desire to discover whether there had been any looseness on the part of the department, or any lack of ability or integrity on the part of the Quartermaster's agents, this bill was delayed until a very late date in the session. We held it up for a long time while making that examination.

We sifted out, after all that investigation, seven of the claims, which we determined not to report, because the committee believed that the agent investigating a certain class of claims had not been quite as diligent as he ought to have been, and that he had leaned in favor of certain claimants in his recommendations in these particular cases, and therefore these seven claims were stricken out, were not recommended for passage, and are not in this bill. Now I do not believe, sir, that any case is tried in the courts of this country, upon depositions taken, where there can be any more reliance placed upon the testimony than there can be upon the testimony taken in support of these 4th of July claims. While it is possible that a dishonest man may be an agent of the Quartermaster's Department, and may dishonestly take testimony, it is equally true that a commissioner appointed to take testimony in any court may be a dishonest man and enter into collusion with dishonest witnesses, and the court would thereby be deceived. But every possible safeguard that can be suggested by law has been thrown around this class of claims. The law presumes that all the citizens down in Tennessee who remained there during the continuance of the war are disloyal; and they go before the Quartermaster's agent with a presumption not only against their claim as a proper claim against the Government because of any property taken, but with the presumption against their right to have any pay even if their property had been taken; and before a quartermaster's agent can pass a favorable judgment upon any of these claims, or before officers of the department when the claims reach Washington can pass favorably upon them there must be affirmatively conclusive proof of two things: First, the taking and conversion to the use of the Government of the property; and, second, that at the time the property was taken the claimant was a loyal citizen of the United States. I think Congress can just as safely pass upon this whole bill as a court of law could pass upon the report of a master in chancery upon facts proved before him; and therefore I hope there will be no opposition to the passage of the bill.

[Here the hammer fell.]

Mr. GEDDES. I yield now to the gentleman from Tennessee five minutes.

Mr. PETTIBONE. Mr. Chairman, this bill is based upon the idea that allegiance and protection go together. I heard a question put here during this debate as to how the United States can guard itself against frauds in such cases, and I propose to answer that question.

Now, the instructions given to a quartermaster's agent are, first go and ascertain if the claimant was loyal to the United States. And I want to say this, and I desire gentlemen from the South to hear me, that you know and I know that if any man who was not loyal to the United States should prefer a claim against the Government and set up a plea of loyalty as a basis for the claim his neighbors would spurn him at once. There is no better test than to go into the neighborhood where everybody knows whether a man was loyal or not and there make open inquiry; and I know cases where the confederates testified that a man was loyal all through the war because it was true and of neighborhood notoriety, that they had personal knowledge of the fact.

Mr. SAYERS. Will the gentleman allow himself to be interrupted for one moment?

Mr. PETTIBONE. Yes, sir.

Mr. SAYERS. I wish to state that the district I have the honor to represent sent to Congress as its Representative for six or ten years a man who was entirely loyal to the Union during the war; I refer to Judge Hancock.

Mr. PETTIBONE. I do not question it. The gentleman from Texas has not understood me. The question is how do we pass on these claims. And I said if one who had been a confederate claimed he was loyal during the war his confederate neighbors would frown him down.

Mr. SAYERS. I understood the gentleman to say that if a man was loyal to the Union he would be spurned by his confederate neighbors.

Mr. PETTIBONE. The gentleman understood me entirely wrong and has been merely taking up my time. What I wanted to say was that if a disloyal man should pretend, in order to get a claim through, that he had been a loyal citizen when he had not been loyal, even his confederate neighbors would spurn him.

That being the fact, the first question is, Was the man loyal? That being settled, the next question is, Did he furnish this property to the United States Army; and, if he did, when did he do it and to whom?

Now, Mr. Chairman, recollect it was generally the custom during the war that receipts were given; and then the question of the receipt comes up. Was it a genuine receipt? Was there a United States force there and did it take the property? All this is not assumed as a matter of notoriety, but the claimant must prove it, and prove it against the presumption that the property was not taken and against the presumption that he was disloyal. I do not know a fine-tooth-comb proof anywhere that could scratch out the real truth from the falsehood more completely than this. Recollect that the claimant comes forward after many, if not all, the witnesses are dead, after the men who knew the facts have passed away; and in such a case the poor claimant can not get a penny unless he affirmatively proves he was loyal to the Government all through the war, that the property was taken and consumed by the Federal Army, and that the Federal Army had to use it and had to have it.

The claimant having proved all this, the testimony is then sent to to the Quartermaster-General's Office, and the Quartermaster-General passes upon it. It then goes to the Third Auditor, and he again reviews it and passes upon it. Then it comes to this House, and a committee of this House examines these facts again and passes upon them. I think we can safely vote for the bill which this committee has reported.

[Here the hammer fell.]

Mr. GEDDES. I yield three minutes to the gentleman from Kentucky [Mr. WOLFORD].

Mr. WOLFORD. I only desire three minutes in the discussion of this question. I am not to discuss this question of loyalty, for I confess I hold the broad doctrine that every man who has furnished to the Army of the United States anything to sustain it, or any property that was taken from any individual, loyal or disloyal, is entitled under the Constitution of our country to be paid for it in the event of proof being clear. I hold that broad doctrine, and I acted on it during the war, when I refused, under the expectation of being arrested, to allow my men or any officer under me in my division to take any property without signing a voucher for it.

I hold it is the constitutional right of every citizen who furnished supplies to the Government that he should be paid for them. Surely no man on either side of the House, whatever his view may be about this question of loyalty, will deny that every citizen is entitled to the full, complete, and ample protection of the law. The Constitution being the highest law in the land, paramount to everything else, gives a constitutional and personal right that the Supreme Court has decided can not be taken from any citizen.

In my State and in your State these claimants have undergone all the tests of loyalty. They furnished supplies freely and willingly in my State; they were willing that the Government should take and use everything they had; and now they say, "We gave to our country ourselves and everything the Government desired; we have done this and the Government has received and used our property." Now, shall we, after a lapse of twenty years and when proof is furnished sufficient to warrant any jury to find a verdict for the plaintiff—shall we say we shall not pay? Shall this proud and glorious Government of ours go back and repudiate an honest debt? for if ever there was an honest debt on the face of the earth every one of those reported here is an honest debt.

[Here the hammer fell.]

Mr. GEDDES. How much time have I remaining?

The CHAIRMAN. The gentleman has twelve minutes of his time remaining.

Mr. GEDDES. I yield five minutes to the gentleman from Indiana [Mr. BROWNE].

Mr. BROWNE, of Indiana. The beneficiaries of this bill are the enforced creditors of the United States. The Government compelled them to become its creditors. In the second place, the bill covers a class of claims recognized by the statutes of the United States to be lawful. These men having become creditors, having been coerced to become creditors, the Government has provided a tribunal in which their cause is to be heard.

They had no remedy, they have no remedy except the remedy provided by law. The Government, being a sovereignty, can not be sued save by its own consent. Not only has the Government provided the tribunal, but it has prescribed the remedy that these creditors are compelled to pursue. The Government has not established a court and said to the claimant, "You may bring your testimony into court and establish your claim;" but the Government, under the authority of its own law, sends out its agents to collect such proofs as the Government requires. I assert that the proofs taken in these cases are such as the Government itself, by its agents, selects. Now let us see how the matter stands. The Government compels these men to become its creditors; the Government furnishes the tribunal in which the claimants are to be heard; the Government prescribes the character of the proof to be taken; the Government sends out its agents to make the investigation, and the proof taken is such as the Government selects. That proof is then submitted to the officers named by the law, who have authority to approve or disallow the claims. Up to this point the creditor has had little to do with the matter except to part with his property. That is about the extent of his connection with the transaction. Now, I assert that, if the statutes mean anything, when these claims, legal under the law, have been allowed by tribunals which the law selects, this Congress has nothing else to do with them but to make an appropriation for their payment.

Mr. PETTIBONE. That is all there is in this bill.

Mr. BROWNE, of Indiana. Very well. That I say is all we ought to have to do about it. The court established by the Government has sat in these cases; they have been tried upon testimony taken and selected by the Government; the Government itself has allowed the claims, and they would have been paid out of the Treasury but for the provision of law that no money can be taken out of the Treasury until it has been appropriated by an act of the Congress of the United States, which appropriates very reluctantly, except when it appropriates to pay itself.

Mr. HAMMOND. Will the gentleman from Indiana [Mr. BROWNE] allow a question?

Mr. BROWNE, of Indiana. Certainly.

Mr. HAMMOND. Have not former Houses of Representatives uniformly passed this bill almost without objection?

Mr. BROWNE, of Indiana. That is my understanding. Such I believe to be the precedents in these cases.

A MEMBER. Let us vote.

Mr. BROWNE, of Indiana. Mr. Chairman, I would not have said this much about this matter, but that ever since I have had the honor to represent a constituency on this floor I have been impressed with the fact that the Government treats its creditors shamefully, especially the poor unfortunate men who have small claims, who live at a great distance from the capital, and who neither have the means of themselves nor a sum involved in the controversy which would justify them in securing the services of some one to log-roll their claims through Congress—and I do not use the word "log-roll" in any offensive sense. This Calendar is encumbered by five, six, eight thousand private claims during every Congressional term. The committees are so overloaded with them that they can not examine all cases, and, in the very nature of things, they take up those claims to which their attention is called. Therefore it is the importunate creditor that secures the consideration of his claim, and not necessarily the one whose claim possesses the most merit. What we ought to do is to pay quickly such claims as are adjudicated, and then, as to those that must be investigated here or elsewhere, we ought to establish a tribunal, allow the Government to be sued, and give the creditor an opportunity to establish his claim by proof and get out of the Treasury the money that is due to him.

Mr. GEDDES. I desire to retain time enough to ask formal action by the Committee of the Whole in this matter. If I have any time to yield I would be glad to yield to one or two other gentlemen who are present.

The CHAIRMAN. The gentleman has seven minutes.

Mr. GEDDES. I yield three minutes to my colleague, the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, thirty-eight of the claims included in this bill are located in the southern part of the State of Ohio; eighteen of them in the Congressional district which I represent. They aggregate $4,377, and embrace claims running from $5 up to a little over $100. The State of Ohio organized by law a board of commissioners, who divided into three classes the vast volume of claims growing out of the invasion of Ohio under what was called "the Morgan raid." The first class embraced what were called "Union claims," being for property bought and receipted for by Government officers. The other two classes of claims it is not important to speak of now. These claims embraced in this bill are for property taken by the quartermasters, the colonels of regiments, and the commanders of troops, for which receipts were given, and the property applied to the uses of the Government.

This property was taken twenty-one years ago. It was estimated at a low valuation. No compensation has ever been made by the Government; the attempts of these people to procure payment have been baf-

fled at every step. The investigation made by the commissioners in Ohio was a thorough investigation, and the evidence was reduced to writing. The claims were thoroughly analyzed and passed upon, and all the testimony was forwarded to the Quartermaster-General of the United States. If there ever were claims that were honest and lawful and ought to be paid, it seems to me these are such claims. There is no question as to the loyalty of these claimants.

[Here the hammer fell.]

Mr. GEDDES. Before asking formal action by the Committee of the Whole on this bill, I wish to correct a verbal error. I have discovered in looking over the Ohio cases a claim of $30 allowed to a party in "Ripley County." We have no such county in Ohio; and I am told by a friend it should be "Brown County." I move, therefore, to amend by striking out "Ripley," in line 1964, and inserting "Brown." This is a mere matter of form.

The amendment was agreed to.

Mr. GEDDES. I now move that the bill as amended be laid aside to be reported favorably to the House.

The motion was agreed to.

Mr. GEDDES. Before this bill is laid aside I ask unanimous consent to make an amendment by inserting in line 1642, at the end of the Kentucky cases, these words: "To Elizabeth Carson, Bourbon County, $2,780.40." This amendment is based upon a report sent to me within a day or two showing that the case was investigated and payment recommended by the Secretary of War as well as the Quartermaster-General.

The CHAIRMAN. The gentleman asks unanimous consent to insert in the bill which has just been laid aside the amendment indicated. Is there any objection? The Chair hears none, and it is ordered accordingly.

ESTATE OF C. M. BRIGGS.

The next business on the Private Calendar was the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased.

The bill was read, as follows:

Be it enacted, &c., That the Court of Claims is hereby given like jurisdiction to hear and determine the claim of the personal representative of C. M. Briggs, deceased, for the proceeds of cotton now in the Treasury of the United States, as is given to said court by the acts of March 12, 1863, and July 2, 1864, upon petition filed in said court at any time within two years from the passage of this act, any statute of limitation to the contrary notwithstanding.

Mr. STONE, of Kentucky. Mr. Chairman, this is a claim which originated with others for property captured by order of the commanding general in the State of Mississippi. The property in question, being cotton belonging to C. M. Briggs, of Louisville, Ky., was captured with the cotton of a number of other citizens. Under an act of Congress, two years were allowed these parties to bring suits in the Court of Claims to establish their title to the property. Mr. Briggs, a loyal man, who resided in Louisville, Ky., failed to bring suit within the specified time, the reason of the failure being, as set forth in the testimony, that he did not know until the two years had elapsed that the right of action had accrued to him.

The Committee on War Claims, having considered carefully this whole question, find that the loyalty of Mr. Briggs is established beyond doubt; that the cotton was taken and sold, and the money covered into the Treasury; that everybody else who had cotton captured at that time, the lot consisting of more than 2,000 bales, took advantage of the right given by act of Congress to sue. All the other parties presented their claims, had them tried, and received payment. This bill recommended by the committee simply proposes that the legal representative of Mr. Briggs be now allowed to go into the Court of Claims and have this claim adjudicated. The money is already in the Treasury; there is simply desired an opportunity to test the rightfulness of the claim, and if the court decide favorably, to have compensation paid for the cotton as was done in other cases.

Mr. SPRINGER. I desire that the report in this case be read.

The report (by Mr. STONE, of Kentucky) was read, as follows:

The Committee on War Claims, to whom was referred the petition of J. A. Briggs, executor of C. M. Briggs, deceased, make the following report:

C. M. Briggs was a man of undoubted loyalty, living in Louisville, Ky., and was the owner of 455 bales of cotton, situated in Washington County, Mississippi, in 1863.

On the 7th day of March, 1863, by orders issued from the headquarters of General Grant, Captain Osband, of the Fourth Illinois, was directed to capture cotton and forage for the use of the Army, and in pursuance of said orders he proceeded to Worthington's Landing, in said county, and seized 2,180 bales of cotton, the property of sundry people, loaded it upon the steamer Empress, and carried it to Memphis, Tenn., where it was, by proper orders and authority, turned over to Capt. G. L. Fort, assistant quartermaster of the United States, and by him sold, and the net proceeds, after paying all expenses of sale, were paid into the public Treasury under the act of March 12, 1863, to be there held in trust for the benefit of the owners by the Government. The aforesaid cotton of Briggs was included in the said seizure and sale, and his money is still, by report of the Treasury officials, on deposit for his benefit. The other owners have all been paid their money who have presented their claims. Mr. Briggs, being a non-resident of Mississippi and a loyal man, on account of the dangerous and unsettled condition of the country was unable to ascertain the facts in regard to his claim until the two years authorized by the act of March 12, 1863, in which to prefer his claim, had expired, and he died shortly afterwards, having prepared before his death a part of the proof to sustain his claim, which has been completed by his executor.

Your committee believe his claim just, and therefore recommend that his executor be allowed to sue in the Court of Claims, as provided in the act of March 12, 1863, and report a bill for his benefit and ask its passage.

Mr. STEELE. I would like to know whether this is the unanimous report of the committee.

Mr. STONE, of Kentucky. Yes, sir; a unanimous report.

Mr. SPRINGER. I would like to know something about this claim before we pass upon it. It involves payment for 455 bales of the cotton stated to have been seized in 1863. At that time cotton was very valuable. There is nothing in this report to show the amount of money involved in this claim. Can the gentleman reporting this measure state how much this claim amounts to?

Mr. STONE, of Kentucky. The claims amount to about $90,000.

Mr. SPRINGER. It seems to me, Mr. Chairman, that a claim amounting to $90,000 was of sufficient importance to induce the claimant to prosecute his suit therefor in the Court of Claims long before this time, and not delay it until now, twenty-two years after the cause of action.

For the first time it has been called to my attention as pending in Congress, and we are asked to give the representative of the owners a status in the Court of Claims whereby he will be able, if he can prove up his title, to obtain a judgment against the United States for the full amount of the claim. As stated by the gentleman from Kentucky [Mr. STONE] who reports this bill, that judgment would amount in the aggregate to $90,000. The Government of the United States, in the very nature of things, must be at great disadvantage after this long lapse of time in defending the Treasury against any such demand. The witnesses have died or gone to parts unknown and can not be secured, so that this party, however the facts may be, may be able to prove he was loyal to the Government of the United States in the first place, and, secondly, that he or those he represents were the owners of this property. What protection in such cases, where claims have been deferred for so long a period, has the Government of the United States against the allowance and payment of claims that may be unjust and would have been rejected if they had been presented at the time the witnesses were living and could have been obtained to give their testimony against them?

Now, sir, it may be that these parties have been diligent in prosecuting their rights. If they have, they certainly should have obtained a hearing before this in some of the Departments of the Government. Twenty-two years is a limitation which bars claims even to real estate, and yet this claim for personal property is now here after this great lapse of time, and this claimant is now here asking that Congress shall grant to him a status in the courts of the country whereby he will be entitled on obtaining a judgment to be paid out of the Treasury of the United States a very large sum of money, amounting, as I have already stated, to $90,000.

I submit the report in this case should have enlightened the House as to these facts to which I have called attention, and chiefly as to the reason for the long delay to seek a hearing of the case. I know claimants before Congress are put to great disadvantage, I know how utterly ineffectual is the remedy offered by Congressional legislation to private claimants, but at the same time I feel it is the duty of the members of Congress as far as possible to protect the interests of the Government in matters of this kind.

I would suggest, therefore, to those having this claim in charge that instead of asking us to authorize the Court of Claims to render judgment against the United States for the amount involved, they should ask us to authorize the Court of Claims to make a special finding and report to Congress for its action all the facts, and especially why the presentation of the claim has been delayed for all these twenty-two years. For myself, I would prefer to send it to the Court of Claims under the provisions of the Bowman act, for the judicial ascertainment of the facts, so that Congress hereafter may determine upon the report submitted to it by the Court of Claims as to whether this claim should be paid or not.

But, Mr. Chairman, this is not the only case which will be paid if this bill should pass, for this will be taken as a precedent for the allowance of a large number of similar cases. I have not the figures before me, but probably my friend from Indiana will enlighten the committee on the subject as to how much money is now in the Treasury. I do not remember myself exactly what it is. The gentleman from Kansas [Mr. RYAN] is a member of the Committee on Appropriations, and he, perhaps, has had his attention called to the matter. I understand, however, there are many millions of dollars in the Treasury as the proceeds of the sale of captured and abandoned property. If, then, we open up the way to this fund gentlemen of the House may be assured that the ingenuity of attorneys and the india-rubber consciences of claimants will be adequate to the case in hand. They will reach it and soon rob the Treasury of whatever it may be.

Mr. GEDDES. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. GEDDES. I was warmly in sympathy with you the other day when you proposed to have some means devised by the ingenuity and skill of man by which this House would be relieved of the burden and responsibility of these investigations. Now, here is a court competent to decide, and when the committee seek to relieve the House from the responsibility of investigating this case by its reference to that court I understand you to resist that proposed action, and ask it should be allowed to remain here and be determined by Congress.

Mr. SPRINGER. I will agree to send the case to the Court of Claims for the judicial ascertainment of all the facts involved in it, but this bill sends it there for the allowance of a judgment against the Government of the United States to the amount of $90,000, which will have to be paid out of the Treasury. If gentlemen desire a judicial ascertainment of the facts, and especially of the reasons why the parties in interest in this case have failed to prosecute before the Departments and courts of the country their rights, then I am willing to afford them that opportunity; but now after twenty-two years have elapsed, after the witnesses on the side of the Government have died or disappeared, after they have moved away and are inaccessible to the process of the courts, it seems to me to be a great hardship the Government should be put to the disadvantage of defending itself against so large a claim.

Mr. BUTTERWORTH. Will the gentleman allow a question?

Mr. SPRINGER. Certainly.

Mr. BUTTERWORTH. Whose fault is it that no tribunal has been established before which claimants against the Government could have their cases adjudicated?

Mr. SPRINGER. I think it is the fault of the several Republican Congresses which have been in session from 1864, or, if you please, from 1861 down until 1875, when the advent of a Democratic Congress occurred—that it is the fault of those Republican Congresses who up to fifteen years after the close of the war failed in both branches of Congress to provide an adequate tribunal before which these claimants could go and assert their rights.

Mr. BUTTERWORTH. Well, now, just one moment. I suppose if I were to suggest a plan of salvation here, by which all men would be saved, the gentleman from Illinois would ask whether it was Democratic or not.

Mr. SPRINGER. Oh, no; not at all. I would know that it was Democratic. [Laughter.]

Mr. BUTTERWORTH. Well, that would depend upon what they are being saved for. [Renewed laughter.]

What I desire to know, however, is simply this: Whether the claimant is to blame in this case for not prosecuting his claim against the Government if there was no tribunal fixed by the Government before which he could prosecute it? I understand the gentleman from Illinois objects to this bill on the ground that the witnesses for the Government may possibly have ceased to live or that they can not be found, and, therefore, that the interests of the Government would be jeopardized. Now I ask this House if that is a fair reason for refusing to grant a citizen of this Republic the right to determine whether or not he shall have a judgment against his Government, if, upon a statement of facts before a competent tribunal, it is shown that he is entitled to it?

Mr. HOLMAN. I will answer the gentleman from Ohio if my friend from Illinois will yield to me for a moment.

Mr. SPRINGER. I will yield to the gentleman from Indiana.

Mr. HOLMAN. The only question which can be raised in reference to such cases as this is as to the statute of limitations itself. There was a tribunal before which such cases could be taken——

Mr. BUTTERWORTH. What was it?

Mr. HOLMAN. These parties were entitled to go into the Court of Claims under the original act, provided only that their claims were presented within two years. Otherwise they were barred by the statute, and the only question that is presented now is whether or not that is or was a reasonable limitation.

It was fixed at two years, and during that period, which expired, if my memory serves me right, in 1865, the court was open to all such claimants; and therefore what should be considered by the Congress of the United States is, and I repeat it is the only question presented, whether or not the facts presented call upon Congress to set aside that statute of limitations and extend it in the particular case under consideration. That is all; and it is the only question raised upon these claims ever since 1865. If the parties had a sufficient time to go into the Court of Claims no extension has ever been granted. The question as to whether two years was a fair period has been considered, and if in any particular case it was not so considered Congress has set aside such limitation and permitted the party to go in and present his claim. This has been done in several instances since 1865. So the statement that no court has been open for the adjudication of these claims is a mistake.

Mr. BUTTERWORTH. The trouble with my friend from Indiana, if the gentleman from Illinois will permit me to proceed a little further, is that it was not upon that hypothesis that the gentleman from Illinois is proceeding. The question he raises is as to whether, considering this bill, it is fair to this claimant to say that inasmuch as the Government of the United States may not now be able to procure its testimony that therefore he should be barred, and should not be allowed to have a hearing before any tribunal to determine his rights.

My friend will remember that the act which afforded relief, to which he refers, was passed, if I am not mistaken, in 1863.

Mr. HOLMAN. That is correct.

Mr. BUTTERWORTH. And the limitation which was fixed within which such claim might be filed expired in 1865.

Mr. HOLMAN. That is right.

Mr. BUTTERWORTH. Therefore during that period of two years testimony in support of the claim must have been presented, if at all. Now, my friend from Illinois wants to know why it is that this testimony was not presented in that period.

Mr. HOLMAN. But if an action was brought for recovery during that period it remained pending, of course, until finally disposed of.

Mr. BUTTERWORTH. I am aware of that; but I want to ascertain the views of the gentleman as to whether upon the facts presented it is just to the several claimants against the Government to refuse them a hearing because they had no tribunal to which they could appeal; and I submit, in support of that position, and in answer to the suggestion of the gentleman from Illinois, that between 1863 and 1865 it was a very difficult matter to procure the testimony required. The country was in a very unsettled condition. And I want to add that our Government, and I think my friend from Indiana will sympathize with me in the statement even if he finds fault with the facts upon which it is based, that this Government is the most exacting government in the world when it comes to proceed against a debtor, and thoroughly unjust and illiberal when it comes to according full justice to a creditor. I understand the committee to be practically unanimous in recommending the passage of this bill, and that they so report, upon the ground that this party has not been permitted to have his day in court. Is that not correct?

Mr. STONE, of Kentucky. Yes, sir. The reason Mr. Briggs never went into court was because he lived in Louisville, Ky., and the witnesses and the testimony and all things necessary to establish his claim in the courts were in Mississippi, in Illinois, and in other parts of the country. The country was in a most unsettled condition. Mr. Briggs testifies himself that he did not know until a few months after the expiration of the limitation act that he was entitled to bring suit in the courts. He has been trying since 1868 to get before Congress. The gentleman from Illinois asks why he comes here twenty-two years after the claim originated. He has been here asking relief since 1868. I will ask the gentleman from Illinois if it had been fifty years, if the Government of the United States can afford to discriminate between two men, and say that here is a man who shall be paid for a certain class of property, and here is another who has the same class of property which was taken at the same time, which was disposed of at the same time, the money paid into the Treasury at the same time, and yet it will not afford him relief?

Mr. BUTTERWORTH. I would like to ask the gentleman another question. I understand the Government is authorized in this matter to make every proper defense.

Mr. STONE, of Kentucky. Yes, sir. All the bill proposes is that the claimant shall go before the court on precisely the same terms as he would have gone if he had gone during the first two years. The Treasurer of the United States says the money is there for him. It belongs to him. It can not be paid without adjudication by a court; and the claimant simply asks the Congress of the United States to authorize him to go there inside the limitations prescribed by the act of 1863 and to get his own money from the Treasury.

Mr. PETTIBONE. Will the gentleman yield to me for a question?

Mr. STONE, of Kentucky. Yes, sir.

Mr. PETTIBONE. I want to know for the information of the whole House whether this is not the state of facts: That the cotton was taken by the Government and sold and the money put in the Treasury. And whether this bill does anything more than say that the Court of Claims shall be opened, and if this man was a loyal man and the property really taken by the Government and the money is in the Treasury he shall have a right to show it, and if he shows it he shall have his own money?

Mr. STONE, of Kentucky. That is what the bill proposes. That the claimant shall be allowed to go into the court and establish the taking of the property and his loyalty and every other requirement; and if it is found the conditions necessary for the money being paid exist he shall be paid; and if not, he shall not be paid.

Mr. SPRINGER. I now resume the floor. I ask the chairman of the Committee on War Claims [Mr. GEDDES] whether there are other bills pending in that committee authorizing suits to be brought in the Court of Claims for payment for cotton captured under like circumstances?

Mr. GEDDES. I am not able to speak of particular claims; but I shall be very much surprised if every possible variety of claim can not be found in our committee. There are fifteen hundred bills, and everything of this kind that can be well conceived of is to be found there. There may be others of this character.

Mr. SPRINGER. The fact that before the Committee on War Claims are fifteen hundred bills of private claims, and I may say before the Committee on Invalid Pensions fifteen hundred other cases, and before the Committee on Claims a thousand cases, all asking relief from Congress for various reasons and on account of various claims, demonstrates conclusively the utter want of relief that is afforded by this system of legislation.

There is one gentleman that perhaps by some special diligence has got his case before the committee. There are some four or five millions of dollars in like condition to the proceeds sought here by this bill. Why not bring in a bill to remove the statute of limitations as to all of them, and to allow all persons alike interested with these claimants to go to the Court of Claims and have an equal footing? This thing of doling out the privilege of a status in the courts to individuals by

piecemeal and enabling the favored few who can come here by themselves or their attorneys to get a hearing and get into the courts and leaving others without any redress, is all wrong.

Mr. ROBERTSON. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Yes, sir.

Mr. ROBERTSON. Have not cases similar to these been passed by Congress by unanimous consent on various occasions? And has not the gentleman from Illinois himself supported them and stood by and defended them?

Mr. SPRINGER. No, sir.

Mr. ROBERTSON. Now is there anything wrong in allowing a man to go into the courts and ask whether or not the Government has money that belongs to him? The officials of the Government say the money is there, that it belongs to somebody, and this bill only asks that this claimant be allowed the right to go into the court and maintain and establish his right to it. Can, then, the Government afford to say they have got somebody's money, and then refuse to allow the claimant to be heard and to show that it belongs to him? In the last Congress I remember my distinguished colleague, now a Senator in the other wing of the Capitol, got unanimous consent to pass a bill just like this, and the gentleman from Illinois was here, and I know he heard it, for he always hears everything that is going on. [Laughter.]

Mr. SPRINGER. I have heard a great deal, but I have not yet heard the question the gentleman from Kentucky has put to me.

Mr. ROBERTSON. It is this: Have you not seen bills of this character passed by this House by unanimous consent?

Mr. SPRINGER. Not to my recollection. If I had been present I should have objected to it.

Mr. RYAN (to Mr. SPRINGER). Have you offered your amendment yet?

Mr. SPRINGER. I desire to move to amend the bill by striking out the last clause naming the acts of March 12, 1863, and July 2, 1874, and inserting the provision which I will read.

The CHAIRMAN. The gentleman will reduce his amendment to writing.

Mr. BUCHANAN. While the gentleman from Illinois is preparing his amendment, I should like to ask the gentleman from Kentucky [Mr. STONE] a question. Do I understand him correctly when I understand him as saying that the money for which this cotton was sold is now in the Treasury?

Mr. STONE, of Kentucky. Yes, sir.

Mr. BUCHANAN. And has been there for what length of time?

Mr. STONE, of Kentucky. Since 1863.

Mr. BUCHANAN. One other question: Did it constitute a portion of that "surplus" of which we have heard so much for the last year or two?

Mr. STONE, of Kentucky. I would not be surprised if it did or did not.

Mr. ROGERS. It does not.

Mr. SPRINGER. Mr. Chairman, I am now prepared to offer my amendment. I move to strike out all after the enacting clause of this bill and insert in lieu thereof the following:

That jurisdiction is hereby conferred upon the Court of Claims of the United States to investigate and determine the facts upon which is based the claim of J. A. Briggs, executor of C. M. Briggs, deceased, against the United States, for and on account of cotton said to have been captured in 1863. And all papers relating thereto in either House shall be transmitted to said court, which is required to consider the case under such rules as it may adopt, and subject to all the provisions of existing law, including those provisions requiring the Attorney-General or his assistants to appear for the defense and protection of the United States, but excepting any statute of limitation which may bar its prosecution. Said court shall report to Congress what amount, if anything, is due to said claimant, and whether such claim is founded upon any act of Congress, or upon any contract, express or implied; and if not founded upon any act of Congress or upon such contract, whether the United States, in the opinion of said court, ought, in justice or in equity, to pay said claim or any part thereof.

SEC. 2. That until said claim is finally considered and disposed of by said Court of Claims as herein provided, neither House of Congress shall consider the same; nor shall any committee of either House take any action in reference thereto; nor shall any officer of the United States pay the same or any part thereof, until Congress, after receiving the report of said court thereon, may order and direct its payment and fix and appropriate the amount to be paid in satisfaction thereof.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, upon that amendment I desire to be heard very briefly. The difference between the amendment and the bill is simply this: Under the provisions of the bill the party is sent to the Court of Claims, which is authorized, under the acts referred to but not set forth, to hear and determine and enter a judgment against the United States, subject, I believe, to appeal on the part of each to the Supreme Court of the United States. This amendment sends the claim to the Court of Claims for judicial ascertainment of the facts, and for the finding of a special verdict as to how much, if any, of the amount claimed is to be paid. It sends it there subject to all the conditions of existing law, except the statute of limitation. The conditions are those enacted subsequent to the war, and more especially the provision in the Bowman act with regard to proof of loyalty on the part of the claimant. The amendment also requires the United States to appear and make such defense as seems to the Attorney-General proper to be made for the protection of the interests of the United States.

Mr. BUTTERWORTH. Will the gentleman yield for a question?

Mr. SPRINGER. In a moment. Now, Mr. Chairman, the reason I prefer the mode of adjudication provided for in the amendment is this: There are many cases of like nature now pending before Congress, and many others will come here if this bill is passed. Every party having an interest in the proceeds of this property which is said to be held in the Treasury has an equal right with this claimant to be heard and to have a status in the Court of Claims. I am willing to treat them all alike. Every case that comes here I am willing to send to the Court of Claims under these conditions, so that that court may ascertain, in a judicial way, the facts upon which the claims are based. Then, after we get all of them here and see how much they aggregate, the Congress of the United States will be able to pass upon them as a whole or in classes, and to determine whether the Government ought to refund the money claimed. By passing this bill you give the opportunity to one man; the others may never get an opportunity. Let us deal justly with all our claimants, if we can. Let us treat them in classes instead of dealing with them as individuals. In that way only can the Government approximate what may be called justice to its citizens. I yield now for the question of the gentleman from Ohio [Mr. BUTTERWORTH].

Mr. BUTTERWORTH. If the honorable gentleman from Illinois [Mr. SPRINGER] has concluded, I want to call attention to one or two features of this bill.

Mr. SPRINGER. I thought the gentleman simply desired to ask a question.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] has two minutes of his time remaining.

Mr. BUTTERWORTH. I will not use up his two minutes.

Mr. SPRINGER. Then I yield to the gentleman from Ohio [Mr. BUTTERWORTH.]

Mr. BUTTERWORTH. Mr. Chairman, it is a strange kind of morality that would determine the obligation to pay a claim by merely asking if it was practicable to pay it. My friend from Illinois [Mr. SPRINGER] suggests that if these claims are large, possibly the Government would not pay them; he makes the ease with which we could pay a claim the measure of the justice of paying it. That certainly is not a very high standard of morality.

Now the ways of this House are inscrutable. We passed to-day, without a dissenting voice, a bill appropriating $222,000 in payment of a class of claims adjudicated by strolling agents who took testimony and referred it to the Quartermaster's Department or the Commissary Department. The department passed upon the claims and expressed an opinion as to whether they ought to be paid or not; and upon this mere suggestion—upon testimony in a large measure *ex parte*—this House appropriated this morning $222,000. Now what is proposed in this case? The gentleman from Illinois [Mr. SPRINGER] asks that this claim, after being referred to the Court of Claims for a judicial ascertainment of the amount due, be brought back to this House. Will the gentleman vote to pay the claim if that judicial tribunal shall determine the amount to be fairly and justly due——

Mr. SPRINGER. That would depend upon the facts.

Mr. BUTTERWORTH. Or would the gentleman wish to review the finding of that judicial tribunal? Why, sir, the gentleman has remained in his place this morning while we appropriated $222,000 to pay claims investigated only by an agent and reviewed by the Quartermaster-General or one of his clerks; and now, when a proposition is submitted to refer the present case to one of the highest tribunals of this country, in order that it may hear all the testimony and determine whether there shall be compensation for property of a citizen taken and appropriated by the Government, the gentleman insists that this House shall act as a court of appeal, and review possibly the judicial finding of that tribunal.

Why, Mr. Chairman, whatever may be the wisdom of referring this claim at all, it seems to me absurd to have it rereferred to the House. Either that judicial tribunal is not competent to pass upon this question, or else its finding ought to be binding upon the Government which it represents. Is it possible that this House with its three hundred and twenty-five members will be better able to determine whether the amount claimed is due to this citizen than that tribunal?

Why, sir, this claim when brought back here is to be referred, I presume, to a committee for an *ex parte* hearing—a committee upon which the peculiar efforts suggested by my friend from Illinois are invariably brought to bear. For my part I would rather submit the case to a determination of that judicial tribunal than to the judgment of this House, because after all the only reliable information we get is through committees; and no committee can determine as well as the Court of Claims can whether a certain amount is due to a citizen or not. I oppose the amendment as being a matter of injustice on the part of the Government toward a citizen. Hence I think it ought to be voted down. Let us either kill the bill or else abide by the judgment of the judicial tribunal to which we propose to refer the matter.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, if the House understood the facts of this case it would be enabled to vote for or against the amendment or the original bill according to its judgment of

the justice of the claim as founded upon those facts. It so happens that while I never knew the claimant or his dead brother, whose heirs are to be the beneficiaries of whatever may be recovered under this bill, I know most of the witnesses whose testimony has been taken in this case; and the case is simply this: The late Governor Charles S. Morehead, of Kentucky, having become a very large cotton planter in Mississippi, sold, in the year 1862 or 1863, to Charles M. Briggs (both of them being citizens of Louisville and within the Federal lines), his cotton crop then baled on his plantation in the South. That sale was by a written contract, properly proven in these papers beyond all doubt, and by that sale Mr. Briggs became the owner of that cotton. In March, 1863, under a general order of General Grant, steamboats were sent to that part of Mississippi with orders to capture such cotton as they could; and the captain in charge of that detail captured 2,180 bales, of which 455 belonged to Mr. Briggs. These bales were put upon the steamer Empress, were carried to the city of Memphis, were subsequently sold, and the money was covered into the Treasury. Of that money, according to the decision of the Supreme Court of the United States in similar cases, the Government became the trustee, holding it in trust for such claimants as under the law might present their claims properly proven, and the Congress of the United States, by proper acts, gave to the claimants the right to go into court, but added, as a jurisdictional fact, that suit should be brought within two years. The Supreme Court decided that this two-year clause was not a law of limitation which must be pleaded by the Government, but was a jurisdictional statute, and that the claimant must show that he came within it.

Now, Mr. Briggs, residing in the city of Louisville, inside the Federal lines, had no means of ascertaining at what time or in what mode or by what person this cotton had been taken. Whether it had been captured by the Federal Government through its troops, or destroyed by raiders, or destroyed in the mutations and fortunes of war, was a matter of which he had no knowledge. He purchased, as these papers show, a half interest in a steamboat, and became a member of a company in which Mr. George D. Prentice and other gentlemen were involved with him, for the purpose of obtaining that cotton and other cotton after the fall of Vicksburg and after the semi-establishment of the Federal authority in that part of Mississippi. He was not granted the permits which under the military orders were then required. He did not ascertain until the year 1868 that his cotton had been captured by the Federal Government and its proceeds covered into the Federal Treasury.

[Here the hammer fell.]

Mr. MILLS obtained the floor, and said: I yield to the gentleman from Kentucky [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. I thank the gentleman from Texas for his courtesy.

Mr. STEELE. I would like to ask the gentleman from Kentucky a question.

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman for that purpose.

Mr. STEELE. I wish to inquire whether the gentleman who sold this cotton to Mr. Briggs was a loyal man.

Mr. BRECKINRIDGE, of Kentucky. I will answer that question as frankly as I am able. I did not see Governor Morehead from the time the war began. I was not a very loyal man myself; and when all these transactions were going on I was engaged in other duties than ascertaining the loyalty of gentlemen on the other side of the lines. But I understand as a matter of political history that Governor Morehead was arrested by the Federal authorities for disloyalty, was immured in one of the forts in the harbor of New York or Boston, was released—always claiming to be a loyal man—went to Europe till the war was over; came back after the close of the war, and always claimed to have been unjustly arrested. But whether loyal or not, he had no interest in this matter. He was inside the Federal lines. It was a commercial transaction in which he sold cotton to which he had title to a man indubitably loyal—a man whose loyalty is established by some of the very best citizens of Kentucky—among others by Mr. James Speed, ex-Attorney-General of the United States, a gentleman who was my preceptor, and who now lives an honored lawyer in the city of Louisville.

Mr. PETERS. I would like to ask the gentleman a question.

Mr. BRECKINRIDGE, of Kentucky. I yield to the gentleman.

Mr. PETERS. Did Mr. Briggs pay Governor Morehead money for his cotton?

Mr. BRECKINRIDGE, of Kentucky. As to that I am not informed, except that the papers show that between Mr. Briggs and Governor Morehead there had been frequent "trades" running back long anterior to the war. They had been partners in the practice of the law and partners in the transaction of business. Mr. Briggs had been largely the security and indorser for Governor Morehead, a man of very high character. Upon a statement of their accounts Governor Morehead was largely indebted to Mr. Briggs actually, and still more largely contingently, upon indorsements which Mr. Briggs had made for him; and to secure Mr. Briggs, not only in respect to the debts which had accrued, but in reference to these contingent liabilities which Mr. Briggs assumed, Governor Morehead transferred to him this cotton. I do not think that so far as the papers go they show any money to have been paid; but this cotton was paid for by the release of indebtedness of Governor Morehead to Mr. Briggs and the assumption of liability by Mr. Briggs to creditors of Governor Morehead, Mr. Briggs being liable as security for Governor Morehead.

Now, to resume the thread of the narrative I was making, Mr. Briggs in 1868 discovered that this cotton had been sold and that the proceeds were in the Treasury. He came to Congress in that year; and from 1868 till the present time he has been here in the sense of having been trying to get his money, except that in the mean while, he having died, his legal representative has come into the case.

So that these twenty-two years of apparent laches are only five years, two of which were during the war, and three of which were during those unhappy years which followed the war when fruitless attempts were made to obtain the right others had had under the limitation of the law to go before the courts—to have his day in court and have his case decided.

Now, Mr. Chairman, these are the facts. I hold the papers in my hand. Here is the report to the Secretary of the proper officer of the Treasury saying 2,180 bales of cotton on those steamers were brought into Memphis.

Mr. SPRINGER. What was the amount that was realized from them?

Mr. BRECKINRIDGE, of Kentucky. Four hundred and twenty-two thousand dollars, of which there has been paid out for 1,164 bales of cotton which aggregated $225,000, leaving in the Treasury $196,000. Mr. Chairman, may I be permitted to submit there is not one dollar of that money which belongs to the Government of the United States?

Mr. PETTIBONE. Not a dollar.

Mr. BRECKINRIDGE, of Kentucky. Not a dollar. There is not a dollar of it which it owns in equity or law. It is purely a trustee—a trustee for a man who is not to blame. And now what pretense can there be that the Government of the United States having been the trustee of this money for a period of twenty-two years shall throw an obstacle in the way of the *cestui que trust* obtaining the money which he has laid out of without interest for a period of twenty-two years? I confess I know of no rule which ought to separate morality and honesty upon the line of sovereignty—that when you draw the line between sovereign government and the private citizen there ought not to be a line which divides it from morality and justice so that the Government shall not pay its honest debts according to what is lawful and proper to a private citizen. I know of no reason except the mere fiction which we have inherited from our ancestors that a sovereignty ought not to be and can not be sued. For one I would like to see the American Government set an example to its citizens of a fair and legal submission of all these claims to an honest tribunal which it creates according to its law.

In addition, sir, I submit if this case goes to a tribunal to be decided and that tribunal decides, first, that this cotton did in good faith belong to that dead man; second, that it was seized by the Federal Government; third, that it was sold; fourth, that the money is in the Treasury; and fifth, that the Treasury holds it as trustee, why then should the American Congress want any other step than that judgment is entered this trust money be paid according to this clear right? And that is all this bill asks. Why should we come back, or anybody be forced to come back to the American Congress to ask an appropriation to pay a judgment which ought to have been paid when the judgment was made, by which the money which the Government has held in the Treasury as trustee for eighteen month or two years or for twenty long years, without interest, shall be paid to the rightful claimant? As I understand it that is the case, and it seems to me it is one of the cases we can afford to let go to an American court of claims to be decided.

Mr. CULBERSON. I send up an amendment which I offer as a substitute for the pending amendment of the gentleman from Illinois [Mr. SPRINGER] and which I ask the Clerk to read.

The Clerk read as follows:

That the right of action under the provisions of the captured and abandoned property act be, and the same is hereby, revived and extended for one year from and after the passage of this act.

SEC. 2. That the benefits of the foregoing section be, and the same are hereby, extended to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty without taking into consideration the fact of the President's proclamation of pardon and amnesty.

Mr. STONE, of Kentucky. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STONE, of Kentucky. I submit that the amendment of the gentleman from Texas is not germane, as it is in the nature of general provisions, while the pending measure is in its nature a private bill.

Mr. CULBERSON. I ask the gentleman to withhold his point of order until I can be heard on my proposition.

The CHAIRMAN. The Chair hears no objection, and the point of order will be reserved for the present.

MESSAGE FROM THE SENATE.

The committee informally rose and, Mr. CRISP having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed a bill (S. 831) for the relief of George A. Storrs, of Texas; in which the concurrence of the House of Representatives was requested.

ESTATE OF C. M. BRIGGS.

The Committee of the Whole resumed its session.

Mr. CULBERSON. Mr. Chairman, there is a very important question involved in the consideration of the bill now before the House. The substitute which I have offered to the amendment proposed by the gentleman from Illinois [Mr. SPRINGER] provides that a right of action in the Court of Claims to recover the proceeds of sale of captured and abandoned property shall be revived and extended for one year from and after the passage of the act.

The second section of the substitute provides that the benefits of the first section shall be extended to all claimants whose suits were adversely determined without giving proper legal effect to the executive proclamations of pardon and amnesty.

The bill under consideration extends the right to C. M. Briggs only to bring a suit in the Court of Claims to establish his right to a portion of the money now in the Treasury and held there as the proceeds of the sales of captured and abandoned property. There are over $10,000,000 in the Treasury belonging to this fund. I submit a statement, which I believe to be correct, taken from a statement found in the case of Hodges vs. United States, 18 Court of Claims, page 700:

Whole amount of abandoned and captured property sales		$31,722,466 20
Cost of collecting, sale, and other expenses	$6,551,000 00	
Transferred to Freedman's Bureau	243,000 00	
Internal-revenue taxes and commercial intercourse fees	1,406,000,00	
Released to claimants by Secretaries Chase, Fessenden, and McCulloch	2,550,675 24	
		10,750,675 24
Balance covered into Treasury under resolution of March 30, 1862		20,971,790 96
Paid on special acts of relief	$290,906 32	
Paid on judgments against Treasury agents	64,557 27	
Paid on judgments under act of March 12, 1863	9,883,423 16	
Paid by Secretary of the Treasury under act of May 18, 1872	195,896 25	
Disbursed for expenses under joint resolution of March 30, 1868	75,000 00	
		10,459,783 00
Balance in Treasury		10,512,007 96

To whom does this large sum of money belong? It found its way into the Treasury under the acts of Congress authorizing the sale of captured and abandoned property. There is no question more fully settled by the decisions of the Supreme Court than that all the money represented by the balance of this fund, which was realized from the proceeds of the sales of property belonging to individuals, is the property of the original owners of the property seized and sold by Treasury agents. The seizure and sale of the property did not divest the title of the original owner to the proceeds of the sale. Upon the contrary, the Government took possession of such property, converted it into money, and placed the money in the Treasury for the purpose of preserving it, subject to the disposition provided for by the act. How was this fund to be disposed of? It was provided by the act of 1863 that any person claiming to be the owner of any of the property seized and sold by the Treasury agents might prefer his claim in the Court of Claims to the proceeds thereof at any time within two years after the suppression of the rebellion, and on proof to the satisfaction of the court of his ownership of said property, of his right to the proceeds thereof, and that he had never given aid or comfort to the rebellion, should be entitled to recover such proceeds.

It is plain, therefore, that so much of this fund as had been realized from the sale of property belonging to loyal claimants belongs to such claimants, and the Government holds it as a trustee subject to the claim, when established, of the rightful owner.

What disposition was to be made of the proceeds of the sale of property which had belonged to persons who had given aid and comfort to the rebellion?

The act of March 1863 also provided that the proceeds of the sale of property belonging to disloyal persons should be placed in the Treasury and kept there subject to such action as the President might take under the act of 17th July, 1862.

What action did the act of 1862 authorize the President to take? Among other provisions the President was authorized at any time thereafter by proclamation to extend to persons who may have participated in the rebellion in any State or part thereof pardon and amnesty, with such exceptions and at such time and on such conditions as he should deem expedient for the public welfare. The Government did not see fit to confiscate either the property belonging to disloyal persons seized under this act or the proceeds of the sale of such property, but the proceeds were to be held subject to such action as the President might deem wise and proper under the act of July, 1862.

The President understood the full scope and purpose of the act of 1862. He deemed it expedient and humane to use this property to induce disloyal owners to return to their allegiance to the Government of the United States. He was authorized by the Constitution and by the act of 1862 to use it in that way, and every department of the Government is bound by his action.

On the 8th day of December, 1863, the President of the United States issued his proclamation in which he expressly referred to the act of 1863 relating to captured and abandoned property, and offered pardon and amnesty with restoration of all rights of property except as to slaves and property to which third persons had acquired rights to all persons who had participated in the rebellion (with some excepted classes) who would take an oath to support the Constitution of the United States and abide by the laws.

On the 29th of May, 1865, another proclamation was issued extending pardon and amnesty with a full restoration of all rights of property except as to slaves and property to which third persons had acquired rights to all persons who had participated in the rebellion, excepting such persons as were embraced in fourteen classes named in the proclamation. A similar oath was required.

On the 7th of September, 1867, another similar proclamation was issued by the President reducing the number of excepted classes from fourteen to three. Finally, on the 4th day of July, 1868, a proclamation was issued which granted pardon and amnesty to all who had participated in the rebellion, with full restoration to all property rights except as to slaves. No oath was required.

It will be remembered that Congress in 1867 repealed so much of the act of July, 1862, which, as I have said, authorized the President to grant amnesty and pardon upon such terms as he might deem expedient, and for this reason some doubts have been expressed as to the validity of the proclamation issued by the President in July, 1868. But as the Supreme Court, in Klein's case, 13 Wallace, has decided that the repeal of the act of July, 1862, did not impair the authority of the President to grant pardon and amnesty to all who had participated in the rebellion, I suppose such doubts are no longer indulged by any one. What was the legal effect of these several proclamations of pardon and amnesty? I submit the following from the decision of the Supreme Court in Padelford's case, 9 Wallace:

> In the case of Garland this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense;" and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings, and relieved from any penalty which he might have incurred. It follows further that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question at the time of the seizure was perfect, and that it remains perfect, notwithstanding the seizure.
>
> But it has been suggested that the property was captured in fact, if not lawfully; and that the proceeds having been paid into the Treasury of the United States the petitioner is without remedy in the Court of Claims unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If, in other respects, the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

It, therefore, seems clear that the Government has no claim whatever upon this fund, and that it belongs as a matter of right to those whose property was seized and sold. Nobody ever disputed the right of a loyal claimant to recover the proceeds of the sale of his property upon proper proof. And unless the solemn, humane, and considerate proclamations of the President of the United States from 1863 to 1868 are to be held of no effect, and the decisions of the Supreme Court declaring the legal effect of these proclamations are to be disregarded, the right of a disloyal person to recover the proceeds of the sale of property which belonged to him is equally indisputable and clear. He was restored to his rights of property.

I submit the whole of the opinion of the Supreme Court in the case of Pargoud against the United States (13 Wallace).

> We have recently decided in the case of Armstrong against the United States that the President's proclamation of December 25, 1868, granting pardon and amnesty unconditionally and without reservation to all who participated directly or indirectly in the late rebellion relieves claimants of captured and abandoned property from proof of adhesion to the United States during the late civil war. It was therefore unnecessary to prove such adhesion or personal pardon for taking part in the rebellion against the United States. The judgment of the Court of Claims dismissing the petition is reversed.

This case settles the question fully. It was not necessary for the claimant to prove that he had been loyal to the Government, nor was it necessary to show a personal pardon for participating in the rebellion. His guilt had been condoned and his property rights restored by the proclamation issued in 1868.

Why has this fund remained in the Treasury so long?

Under the provisions of the act all suits to recover any of the proceeds of the sale of captured and abandoned property were required to be brought within two years after the suppression of the rebellion. When did the war close or when was the rebellion suppressed? The Supreme Court decided in the Anderson case, 9 Wallace, that for judicial and legislative purposes it must be held that the war closed and the rebellion was suppressed throughout the United States on the 20th day of

August, 1866. On that day the President of the United States had issued a proclamation declaring the suppression of the rebellion throughout the United States.

All suits for the recovery of the proceeds of captured and abandoned property were required to be filed within two years after the suppression of the rebellion. It follows, therefore, that no suit of this character could have been instituted in the Court of Claims after the 20th of August, 1868. Some claimants who had participated in the rebellion filed suits in the Court of Claims before the bar of limitation was complete, but a large majority of this class of claimants did not institute suits, because it was generally understood that notwithstanding the proclamations of pardon and amnesty the claimant would be required to establish his loyalty. It was not known, certainly, among the people of the South, where for the most part this class of claimants resided, that the necessity of proving loyalty in order to get a standing in the Court of Claims had been removed by the proclamations of pardon and amnesty until 1869, when the decision of the Supreme Court declaring the legal effect of these proclamations was made.

The decision of the court came too late to benefit this class of claimants. The question now is, whether in view of all these facts Congress will refuse to open the door of the court to all claimants alike of this fund and allow them an opportunity to establish their rights to this money. Will the statute of limitation be invoked by the Government of the United States to justify the appropriation of this fund, which is private property, to public use without compensation? Over twenty millions of the proceeds of captured and abandoned property have been paid to individuals. The presumption that most of them were loyal must be indulged, because but few persons who participated in the rebellion have been allowed to establish their rights in this fund. Nearly all of the ten and a half millions remaining in the Treasury belonging to this fund must be the property of Southern claimants.

They never had an opportunity to bring suit until the close of the war in August, 1866, while the loyal claimant had access to the court from 1863 to 1868. These Southern claimants accepted the conditions of the Executive pardons and have faithfully abided by the laws. The Government promised them restoration to their rights of property, and it can not afford to break the pledge by covering this fund into the Treasury upon the operation of a statute of limitation. There are some circumstances connected with these claims which appeal most strongly to the magnanimity and high sense of justice of Congress. Treasury agents swarmed over the Cotton States upon the close of hostilities, and in many instances seized cotton to which the confederate government never had a shadow of right even, and which, so far from being abandoned property within the meaning of the law, was in the actual possession of the owners.

The condition of the country between August, 1866, and August, 1868, the want of information and the impoverished condition of the people, ought to be considered in determining this question. I have no objection to the claim of the applicant in this bill, but I object to this measure because it is special relief. I do not think that this applicant has any more claims for relief than others.

Mr. BUTTERWORTH. Will the gentleman allow me to ask him a question?

Mr. CULBERSON. I have only a few minutes of time remaining.

Mr. BUTTERWORTH. I want to submit to the gentleman from Texas whether his proposition for general relief ought not stand alone, and be considered separate and apart from a bill affording individual relief.

Mr. CULBERSON. I think not. I am afraid you would not vote for a Texas claimant standing alone.

Mr. BUTTERWORTH. That is a very violent presumption. I will vote for this bill, but not for your amendment.

Mr. CULBERSON. I think the time has come when this trust fund should be surrendered by the Government to its proper owners; and I will not support any measure which does not provide a remedy for all claimants alike.

During the remarks of Mr. CULBERSON the following proceedings occurred:

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SPRINGER. I hope the gentleman will be permitted to continue. I ask unanimous consent that he may proceed.

Mr. BRECKINRIDGE, of Arkansas. I yield such time as I may be entitled to to the gentleman from Texas.

Mr. STONE, of Kentucky. I wish to ask the gentleman from Texas a question, whether there is not already a bill pending exactly like his substitute?

Mr. CULBERSON. That is a question of fact which I suppose can be proved.

Mr. STONE, of Kentucky. I insist on the point of order, that the substitute is out of order from the fact that it is public legislation offered as an amendment to a private bill, and also because there is a bill now pending the proposition of which is almost identical with the gentleman's substitute.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the point of order?

Mr. STONE, of Kentucky. I want to say, even if the substitute was not out of order, I believe it is wrong to undertake to destroy the rights of individuals by attempting to postpone and defer and get rid of the bills granting them relief by substituting bills attempting to inject general legislation into them. The rule on that subject was made for that purpose, among others, that matters of legislation should be considered separately and alone and by themselves.

I would like to say further, that it seems a very strange proceeding to me that amendments of this character should be offered to a bill, and the House of Representatives asked to pass them. That expresses a lack of confidence in the decisions of the courts of the country. We submit a case to the court, and then we come here and in the very same bill in which we do so we say, "We have no confidence in the judgment of the court, and the court must come back with its judgment to the House of Representatives and have that judgment confirmed before it is allowed to enter it."

Then it is another strange proceeding that after the Congress of the United States have passed laws by which the property of citizens of this country was taken charge of and sold and the money put into the Treasury, another Congress comes right along behind it and says that the law by which that money was put there was not a good law; saying, in substance, "Now that we have got your money there we are not going to restore it, but are going to keep it." I know, Mr. Chairman, there are gentlemen in every Legislative Assembly who constitute themselves special guardians of the Treasury. They take delight in having it said they voted "no" against this proposition and against that proposition and against the other proposition. Well, Mr. Chairman, if a reputation has got to be built upon doing injustice to any citizen or any class of citizens, I for one do not want any of that kind of reputation.

But, Mr. Chairman, there is another phase of this subject. A howl was raised in the country that if a Democratic administration should be inaugurated the raids on the Treasury on account of Southern claims would be beyond endurance. I want to call the attention of the House to this fact, that while men from the Southern section of the country, men who were, if you please, disloyal to the Government, are advocating the passage of this bill and those like it, this is not a bill to reward disloyal men or to pay disloyal people, but it is a bill to pay the claims of the people who were loyal and who were adhering to the Government of the United States when that word "disloyal" became so rife in the country; that it is not so-called Southern claims that are being presented, but the claims of loyal people asking for the money that belongs to them.

[Here the hammer fell.]

Mr. REAGAN. Mr. Chairman, the bill before the House, as I understand it, proposes to provide for the adjudication of a claim for money held in the Treasury in trust for the benefit of the owners. The amendment offered by my colleague simply proposes to enlarge the operation of that principle so as to embrace all persons who are the owners of this money which thus remains in the Treasury as a trust fund under the decision of the Supreme Court; so it seems to me that the point of order is not well taken. I do not care to go beyond the point of order and discuss the question presented by the gentleman from Kentucky [Mr. STONE], but it seems to me that the amendment offered by my colleague is in order, because it is germane to the bill, and simply extends the operation of the rule proposed by the bill from one private citizen to another private citizen, from one private claimant to another private claimant.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk read as follows:

Rule XXI, clause 4: No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Mr. REAGAN. Mr. Chairman, has any one stated that there is a general bill pending embracing the substance of the amendment offered by my colleague?

The CHAIRMAN. That is one of the points made by the gentleman from Kentucky [Mr. STONE], that the amendment is the substance of a general bill pending. The Clerk will read from the Digest on this point.

The Clerk read as follows:

An amendment proposing to ingraft a general provision of law upon a private bill is against order [Journal, 1, 31, p. 784]; or having the effect to convert a private into a public bill, or *vice versa*. [Journal, 1, 48, pp. 761–762.]

The CHAIRMAN. The amendment offered by the gentleman from Texas [Mr. CULBERSON] is obnoxious to both points of order, and they are sustained by the Chair. The question is on the amendment submitted by the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, I wish to say a word in reply to what has been said by the gentleman from Ohio [Mr. BUTTERWORTH].

The CHAIRMAN. The Chair thinks that all debate upon this amendment has been exhausted.

Mr. SPRINGER. Then I move to strike out the last word. The gentleman from Ohio [Mr. BUTTERWORTH] called attention to the fact that a bill embracing claims amounting to a very large sum has just been laid aside here to be reported to the House with the recommendation that it do pass. That bill embodies claims to a large amount, claims for property taken by the quartermasters and commissaries for the support of the Army, and under the law which authorizes such claims to be adjudi-

cated the parties are required to prove their loyalty and to show that the property was actually taken and used by the Government of the United States for the support of the armies of the United States. That is the basis upon which such claims are audited. They are of various amounts, generally very small——

Mr. ROWELL. Will my colleague permit a question?

Mr. SPRINGER. In a moment. These claims, I say, are some of them very small. For instance, on page 47 I see a claim for $11.25; another is for $115; another is for $200, and so on. Many of them are small claims, yet the aggregate is, as the gentleman has stated, somewhere about $250,000. The bill embracing these claims has generally been passed by the House without objection, because it comes to us under all the safe guards of existing law as to proof of the claim and proof of the loyalty of the claimant, and after thorough examination by agents of the Government. In fact, we have had no opportunity to investigate these cases in the House; we are compelled to take them upon the reports of the auditing officers of the Treasury Department. But that is not this case. This bill involves an entirely different principle. This is a claim for property captured in the midst of the war, in 1863—captured as abandoned property and sold and the proceeds put into the Treasury of the United States. The gentleman from Texas [Mr. CULBERSON] has shown that if this case goes to the Court of Claims as the bill stands now without amendment the question of loyalty will not be in issue and, under the decision of the Supreme Court, can not be put in issue, the amnesty proclamation of the President having wiped out all disloyalty.

Mr. BUTTERWORTH. Do I understand the fact to be that in the prosecution of this claim in the Court of Claims by Mr. Briggs or his representatives proof of loyalty will not be required?

Mr. SPRINGER. Under the decision of the Supreme Court which the gentleman from Texas [Mr. CULBERSON] has cited the question of loyalty would not and could not be in issue there.

Mr. CULBERSON. I state that that is the law as decided by the Supreme Court—that the fact of loyalty or disloyalty is not an issue in such cases, because the proclamation of the President in 1866 removed the necessity of proving loyalty.

Mr. BRECKINRIDGE. Will the gentleman yield to me?

Mr. SPRINGER. Mr. Chairman, I do not wish to lose the floor, but I yield it for a moment.

Mr. BUTTERWORTH. Mr. Chairman, I would like to have an answer to my question. I understand that the Court of Claims also required proof of loyalty under the act of 1863, and this is simply an extension of that jurisdiction, so that whatever was required to establish a claim under that law would be required to establish it under this bill.

Mr. STONE, of Kentucky. That is correct.

Mr. SPRINGER. But the Supreme Court has decided, under that very law, that the question of loyalty is not one of the issues to be inquired into by the court.

Mr. ROGERS. The gentleman from Illinois is mistaken about that.

Mr. SPRINGER. That is what the gentleman from Texas [Mr. CULBERSON] stated.

Mr. CULBERSON. It is a fact that prior to the decision of the Supreme Court in 1867 the Court of Claims did require proof of loyalty in all suits under the act of 1863. But in 1867 the Supreme Court decided that it was not necessary in an application of this sort and under that statute to prove loyalty. Why? Because the President's proclamation of pardon and amnesty had put all the people of this country on the same footing in that respect.

Mr. BRECKINRIDGE, of Kentucky. In the presence of the legal gentlemen here I express any opinion as a lawyer with very great diffidence, especially in opposition to so distinguished a lawyer as the gentleman from Texas. But my apprehension of the decision referred to does not accord with his statement. The Supreme Court decided, according to my recollection (I have not lately examined the matter critically), that the act of Congress which undertook to make the plea of the President's pardon inadmissible was unconstitutional—not that the loyalty of the claimant did not have to be proven. But Congress having undertaken to say that the plea of pardon, if set up, should not avail, the Supreme Court declared that provision unconstitutional for two reasons: First, because it undertook to limit the unlimited constitutional right of pardon; and, secondly, because it undertook to interfere with the judicial department by determining the effect of a plea in cases that might be pending. I say, with great deference to the opinion of the gentleman from Texas, that I have no recollection of any decision of the Supreme Court which held that the claimant under this act was not required as an original proposition to prove his loyalty.

Mr. BUTTERWORTH. I understand, in the first place, the committee has reported that this man was loyal; that fact has been ascertained. But in the second place, I desire to say that the Supreme Court in the case cited did not decide that where the statute required proof of loyalty as a jurisdictional question the requirement was unconstitutional, but did decide what my friend from Kentucky has stated.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. SPRINGER] has expired.

Mr. REAGAN obtained the floor, and said: I propose to yield my time to the gentleman from Illinois [Mr. SPRINGER].

Mr. SPRINGER. I yield to my colleague [Mr. EDEN].

Mr. EDEN. Mr. Chairman, I think the amendment of my colleague is in the line of precedent in respect to claims of this character. When the people of the South were permitted to present their claims against the Government of the United States which originated during the war a special tribunal was created, being denominated, I believe, the Commissioners of Claims. Proof was made before that commission showing the loyalty of the claimant and the justice of the claim, and that commission reported its findings to Congress, which, upon the evidence presented by the commission, allowed or disallowed the claim as the justice of the case might seem to require. I think it would not be advisable now to depart from the rule which has been followed in reference to claims of this character ever since the close of the war. Therefore I favor the amendment offered by my colleague.

I have not recently examined the decision of the Supreme Court referred to by the gentleman from Texas, but according to my recollection the decision is to the effect that upon these claims proof of loyalty is not required. Placing this claim upon the same footing as other claims that Congress has recognized coming from the people of the South, I think a safe rule will be to submit it to the Court of Claims to find the facts, and then let Congress take action upon the case.

Mr. STONE, of Kentucky. I wish to state, for the benefit of gentlemen who are discussing this question of loyalty, that we are perfectly willing the loyalty of Mr. Briggs should be tried.

Mr. HOLMAN. I think the gentleman from Ohio [Mr. GEDDES], the chairman of the Committee on War Claims, if he has had occasion to examine the subject, has ascertained that the amount of money covered by claims of this character pending before Congress largely exceeds the amount of money applicable to their payment still remaining in the Treasury.

Mr. GEDDES made a gesture of assent.

Mr. HOLMAN. I understand the gentleman to answer in the affirmative. These claims have been pending for many years. Congress for some time permitted this fund to remain in the Treasury under the control of the Treasury Department, but finally passed a bill covering the money into the Treasury; so that for all practical purposes the action of Congress declared this money to be a portion of the public funds. I am not aware that any bill of this class has passed Congress for some years except under very peculiar circumstances, presenting some reason for the delay which does not ordinarily arise.

I can very well see how the gentleman from Ohio [Mr. BUTTERWORTH] should at first blush have insisted with earnestness that a party who has been denied a hearing in a court of justice in behalf of his claim may well demand such right from Congress. But in answer to that it appears that the measure as to claims of this class growing out of captured and abandoned property was not simply a limitation of two years, but operated, if the statement of the gentleman from Texas is correct (and I have no doubt of its accuracy), for some time after the termination of the war, extending into the year 1867.

So, then, whether that limitation was fair, reasonable, and just, the fact still remains there was quite an interval of time during which loyal citizens of the United States had the right to go into the Court of Claims and have their claims adjudicated for property so taken and held by the Government. Therefore it can not be said the Government has denied the right of hearing in behalf of their claims.

But it has been said there was sufficient excuse on the part of this claimant for the delay in seeking that tribunal during the interval allowed under the law. If that excuse be ample and sufficient in the judgment of Congress, then it seems to me this claim should be allowed; and I presume the only question here at all is as to the justice of that limitation. I take it for granted, as has been already stated by gentlemen well informed, this is of that class of claims readily proved, and the only reason why it is not paid is because it is barred by statute. That brings us precisely to the question of the gentleman from Texas [Mr. CULBERSON]. It will be remembered that under what is known as the Bowman law it was deemed necessary to make the question of loyalty a matter going to the foundation of jurisdiction—a jurisdictional fact—the express limitation being placed upon the court to take cognizance of no case until that was adjudicated and made clear. Under that law, sir, the Court of Claims was required to make inquiry into the facts of the loyalty of the claimant and to satisfy itself of his loyalty before assuming to take jurisdiction of the case.

Now the committee will see the pertinency of that provision of the Bowman law in view of the statement which has been made by the gentleman from Texas [Mr. CULBERSON]. Nor has the distinguished gentleman from Kentucky [Mr. BRECKINRIDGE] felt justified in controverting the proposition laid down by the gentleman from Texas, or saying that no inquiry should be instituted into the reasons prescribed under the third section of the Bowman act. That provision was placed there to meet the very case presented by the gentleman from Texas, and therefore this committee will see the importance of the case presented, not only in view of the magnitude of the amount involved, but also in view of the absolute justice on the part of Congress to treat all of these claimants with equal-handed justice, so that when a similar proposition shall be presented to-morrow or next Friday, it shall have precisely the same disposition as shall be made of this case.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I hope my colleague will allow me a few minutes longer.

Mr. SPRINGER. How much time does the gentleman desire?

Mr. HOLMAN. Five minutes.

Mr. SPRINGER. I yield to the gentleman for that time.

Mr. HOLMAN. I think on the point already made that all the facts touching this claim should be before Congress. If, then, it is apparent that in all likelihood the delay was clearly excusable, and if excusable this party ought to have a hearing, and, if proved, paid for his claim. And that is my point—was the delay excusable? Congress, treating all these claims alike, should take that fact into account when it removes the bar in the statute of limitations. It seems to me what the gentleman from Kentucky has the right to ask on the part of Congress is a report to Congress by the Court of Claims under the Bowman law of the reasons why the claimant in this case did not avail himself of the interval of time in which he had a right to a hearing and adjudication of his claim before the Court of Claims. To that extent Congress can go with safety. If, then, the Court of Claims shall report, as is believed by gentlemen will be the case, that the claimant was a loyal claimant, and that there was reason for his delay in going to the Court of Claims during the time he had the right to do so, then undoubtedly this House will be glad of the opportunity to pass the necessary bill of appropriation to pay the claim. I think my friend from Kentucky should ask for nothing more than that, and therefore I hold in my hand a proposition simply to substitute what is known as the Bowman law, with direction to the Court of Claims to inquire in addition and report to the House the circumstances connected with the delay, so that Congress can act fully on the subject. I trust my friend will not say that Congress will unnecessarily delay action after such a report has been submitted to it. I can say to him that prior to 1863, when the Court of Claims submitted the facts to Congress for its determination, there was not any delay on the part of Congress to appropriate the requisite amount of money to meet the adjudication of the Court of Claims where the claim was proper and ought to be allowed.

Mr. STONE, of Kentucky. Let me ask the gentleman from Indiana this question: Whether there is any good reason why this claimant should be compelled to go into the Court of Claims under the Bowman act, which was passed years after his partners had gone into the Court of Claims and under its judgment had been paid out of the Treasury for their share of the loss under this same transaction? When a portion of this money has been paid out of the Treasury under one act of legislation, is it right, or proper, or just to deny to another claimant in reference to the same transaction the right, under the same privileges, before the same tribunal, to the hearing to which he is entitled? Can the gentleman give any reason why the right of one man should be adjudicated under one species of legislation and the right of another of exactly the same character be tried under another?

Mr. HOLMAN. The only answer to that is that the party now claiming did not deem it proper to avail himself of the opportunity presented to him under the law for the adjudication of his case.

Mr. STONE, of Kentucky. In answer to that, I wish to say I have tried to make it plain this claimant was ignorant of his rights under the law, and it was no fault of his that he did not take advantage of the opportunity to which the gentleman refers.

Mr. SPRINGER. Mr. Chairman, I simply ask to have the syllabus of the decision of the Supreme Court, which has been referred to in this case, read for the information of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read, as follows:

The act of March 12, 1863 (12 Stat. at Large, 820), to provide for the collection of abandoned and captured property in insurrectionary districts within the United States, does not confiscate or in any case absolutely divest the property of the original owner, even though disloyal. By the seizure the Government constituted itself a trustee for those who were entitled or whom it should thereafter recognize as entitled.

2. By virtue of the act of 17th July, 1862, authorizing the President to offer pardon on such conditions as he might think advisable, and the proclamation of 8th December, 1863, which promised a restoration of all rights of property, except as to slaves, on condition that the prescribed oath be taken and kept inviolate, the persons who had faithfully accepted the conditions offered became entitled to the proceeds of their property thus paid into the Treasury on application within two years from the close of the war.

3. The repeal, by an act of 21st January, 1867 (after the war had closed), of the act of 17th July, 1862, authorizing the Executive to offer pardon, did not alter the operation of the pardon or the obligation of Congress to give full effect to it if necessary by legislation.

4. The proviso in the apppropriation act of July 12, 1870 (16 Statutes at Large, 285), in substance * * * is in conflict with the views expressed in paragraphs 1, 2, and 3, above, and is unconstitutional and void; its substance being that an acceptance of a pardon without a disclaimer shall be conclusive evidence of the acts pardoned, but shall be null and void as evidence of rights conferred by it, both in the Court of Claims and in this court; it invades the powers both of the judicial and executive departments of this Government.

Mr. SPRINGER. I desire consent to withdraw the amendment that I have offered, and will yield to the gentleman from Indiana, who will offer one to take the place of it simply covering the point in a different manner.

The CHAIRMAN. If there is no objection the gentleman from Illinois will have consent to withdraw the amendment.

There was no objection.

Mr. HOLMAN. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Court of Claims is hereby given jurisdiction to hear and determine, under the act of March 3, 1883, entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' the claim of the personal representative of C. M. Briggs, deceased, for the proceeds of cotton now in the Treasury of the United States, upon petition filed in said court at any time within two years from the passage of this act, any statute of limitation to the contrary notwithstanding; and that said court ascertain and report to Congress the cause of delay in the presentation and prosecution of said claim."

Mr. HOLMAN. The only effect of the substitution of this amendment for the other is that it opens up the statute of limitation—removes the bar—but at the same time instead of making the jurisdiction of the court final, as in the original act organizing that court, it provides that the facts ascertained by the court on this investigation shall be reported to Congress, including the cause of delay in the presentation of the claim. In that clause of the amendment I think lies the whole case. It is one which I am satisfied will appeal to the sense of Congressional justice as to whether or not this party should have the right to adjust his claim, as against others, upon the ground of an excuse ample and sufficient.

I think my friend from Kentucky [Mr. STONE], in view of the history of these claims in late years, will admit that reasonably fair justice at all events, if nothing more, is done by allowing the claimant in this case to come in and present his claim, and by removing the bar of the statute of limitations for that purpose. That accomplishes a great deal, in my opinion, and that much I am willing to concede. In everything else this amendment is simply the bill before the House, except it requires that proceedings shall be had under the Bowman act, instead of under the act of March 12, 1862, and the subsequent act of July, 1864.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, the syllabus of the decision of the Supreme Court of the United States in the case of United States *vs.* Klein, just read, accords with my recollection, as stated on the floor a few moments since, namely, first that the disloyalty of a claimant, under these circumstances, did not work a confiscation of his property or divest him of title; second, that the President's power to pardon carried with it the full rehabilitation of the party to all his rights in property so seized and paid into the Treasury, and, third, that the act of Congress was unconstitutional and therefore void. But to settle any doubt upon that question, as I do not desire that any shall be entertained, if the amendment of the gentleman from Indiana is voted down I shall then offer this as an amendment, to be added to the original bill:

Provided, however, That the loyalty of C. M. Briggs, he being the original claimant, shall be established.

That adopted, there will then be no question possible.

Mr. HOLMAN. I think my friend's proposition will hardly be sustained if the views expressed by the gentleman from Texas are correct.

But I desire to call the attention of the committee to the amendment I have offered, which provides for the consideration of this claim by the Court of Claims under the Bowman act.

Mr. ROWELL. I desire to offer an amendment to the amendment.

The Clerk read as follows:

And the court shall also report whether C. M. Briggs and the party from whom he derived title were loyal citizens of the United States during the years from 1861 to 1866.

Mr. ROWELL. It seems to me that in providing for information upon which the House may intelligently act, if the amendment of the gentleman from Indiana is adopted, we ought to find out whether the original owners of this cotton were in that position that if they came before the United States court they would get pay for it. I do not think that a disloyal man, a man known to be disloyal, can transfer his property into the hands of a loyal man and have any better right to have a judgment against the United States in the person who bought it than the original owner had.

I am opposed to all of these amendments, because a judgment in the Court of Claims against the cotton fund authorizes the payment of the money out of that fund without an appropriation by Congress. I think any man who can climb the hill of the Court of Claims with a war claim on his back is very well entitled to have his money. I think it is more difficult to get along there than it is to get along here. I do not see why, having provided a court, if we pass a bill properly guarded, we ought to be afraid to let the Court of Claims decide whether there is any money in the Treasury of the United States as a trust fund that belongs to the claimant.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. ROWELL] to the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Let the amendment to the amendment be again reported.

The proposed amendment to the amendment was again read.

Mr. HOLMAN. I think if the gentleman from Illinois has considered the Bowman law he would see his proposition is not necessary, for that court can not take jurisdiction of the case until the fact of loyalty is established.

Mr. ROWELL. Is it not true that it is only the fact of loyalty as to

the claimant that is provided for, and not as to the party from whom he derived title?

Mr. HOLMAN. Oh, no; it covers the whole ground. I have no objection, however, to the gentleman's proposition.

The amendment to the amendment was adopted.

The CHAIRMAN. The question is now on the amendment of the gentleman from Indiana as amended by the amendment of the gentleman from Illinois.

The amendment as amended was again read.

The question being taken on agreeing to the amendment as amended, there were—ayes 44, noes 62.

Mr. EDEN. I make the point that a quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. BRECKINRIDGE, and the gentleman from Illinois, Mr. SPRINGER.

The committee again divided; and the tellers reported—ayes 44, noes 121.

So the amendment as amended was rejected.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a favorable recommendation?

Mr. ROWELL. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:
"*Provided*, No judgment shall be entered unless it shall affirmatively appear that C. M. Briggs and the person from whom he derived title were loyal citizens of the United States during the years from 1861 to 1866."

Mr. BRECKINRIDGE, of Kentucky. I intimated a few moments ago that I proposed to offer an amendment. It does not go quite so far as the amendment of the gentleman from Illinois [Mr. ROWELL]. I move to amend the amendment of the gentleman from Illinois by striking out the words "and the person from whom he derived title," or I will move my amendment as a substitute for his.

Mr. BUTTERWORTH. I hope the amendment offered by the gentleman from Illinois will be satisfactory. It provides simply that the loyalty of Mr. Briggs and of the person from whom he obtained his title shall be established.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The Clerk read as follows:

Add to the bill the following:
"*Provided, however*, That the loyalty of C. M. Briggs shall be established."

Mr. BUTTERWORTH. I understand there is no question about the loyalty of the gentleman from whom the cotton was purchased by Mr. Briggs.

Mr. BRECKINRIDGE, of Kentucky. When that question was asked me before I said I was not prepared to give a decided answer. I said we had no doubt of the loyalty of Mr. Briggs; but as to the loyalty of Governor Morehead I stated, with absolute frankness, that I knew nothing about it, not having seen him from before the war until his death. I stated also that he was arrested by the Government early in September, 1861; that he was released from confinement and went to Europe soon afterward and remained there until the close of the war. I am not familiar with Governor Morehead's private history during the war.

Mr. BUTTERWORTH. I had understood the gentleman from Kentucky to assert that Governor Morehead had claimed to be a loyal man. The question arises as to whether or not this was a negotiation entered upon with a view to avoid confiscation of cotton which belonged to Governor Morehead. I think the amendment of the gentleman from Illinois ought to be satisfactory. In other words, the question is raised as to whether this was not a transfer from a disloyal man to a loyal citizen with a view to avoiding the penalty that might attach to disloyalty. It is to prevent that that this amendment is suggested.

Mr. BRECKINRIDGE, of Kentucky. If the point suggested by the gentleman from Ohio [Mr. BUTTERWORTH] were proposed to be put in the bill I would accept it, but the amendment of the gentleman from Illinois does not cover that point, because Governor Morehead may have been disloyal and yet the transaction may have been one entered into in good faith and not with a view to avoid confiscation.

Mr. BUTTERWORTH. I understood the gentleman to assert that Governor Morehead claimed from first to last to be a loyal citizen.

Mr. BRECKINRIDGE, of Kentucky. So I understood. But there is no mode by which his testimony can be obtained by the Court of Claims. I do not know how the fact of his loyalty can be proved. The point that it should be a transaction made in good faith may be entirely proper.

The transaction, if it is a sham, ought not now to receive the indorsement of Congress. Therefore, if I were in charge of the bill, I would accept an amendment, if the gentleman would frame it, providing that there should be proof that the transaction was made in good faith.

Mr. STONE, of Kentucky. If the trade was not made in good faith, we do not want the man paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] as a subsitute for the amendment offered by the gentleman from Illinois [Mr. ROWELL].

Mr. HOLMAN. Mr. Chairman, before the question is put, I ask that the fourth section of the Bowman act may be read from the Clerk's desk for the purpose of throwing some light, as I think it will, upon this case.

The Clerk read as follows:

SEC. 4. In any case of a claim for supplies or stores taken by or furnished to any part of the military or naval forces of the United States for their use during the late war for the suppression of the rebellion, the petition shall aver that the person who furnished such supplies or stores, or from whom such supplies or stores were taken, did not give any aid or comfort to said rebellion, but was throughout that war loyal to the Government of the United States; and the fact of such loyalty shall be a jurisdictional fact, and unless the said court shall, on a preliminary inquiry, find that the person who furnished such supplies or stores, or from whom the same were taken as aforesaid, was loyal to the Government of the United States throughout said war, the court shall not have jurisdiction of such cause, and the same shall, without further proceedings, be dismissed.

Mr. HOLMAN. Mr. Chairman, I know that gentlemen who have heard that section read perceive exactly the object of it, that object being to evade the effect of the decision of the Supreme Court by making the fact of loyalty jurisdictional, and providing that that fact should be established before the court could take jurisdiction of the case at all. Gentlemen will see, therefore, that any proposition which simply requires proof of loyalty does not reach the case. The question is whether the court shall take jurisdiction until the fact of loyalty is established. For this reason I thought I was justified in appealing to the gentleman from Illinois [Mr. ROWELL] not to press his amendment, because it is not important, in view of the provisions of law just read. The House can act safely upon this subject only by adhering to the law, which was carefully considered in the House and debated over and over again, not only here, but also in the other end of the Capitol, with a view to this very point.

Mr. EDEN. Mr. Chairman, I desire to offer an amendment to the amendment.

The CHAIRMAN. The Chair will inform the gentleman that there are two amendments already pending.

Mr. BRECKINRIDGE, of Kentucky. Mr. Chairman, I am now prepared to submit my amendment, which I send to the desk to be read.

The Clerk read the amendment, as follows:

Provided, however, That the loyalty of C. M. Briggs shall be established, and that his purchase of the cotton claimed to have been purchased by him was purchased in good faith.

Mr. EDEN. Do I understand, Mr. Chairman, that there are two amendments now pending?

The CHAIRMAN. The amendment just offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is offered as a substitute for the amendment of the gentleman from Illinois [Mr. ROWELL].

Mr. EDEN. Then my amendment will be in order as an amendment to the substitute offered by the gentleman from Kentucky [Mr. BRECKINRIDGE].

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. EDEN] that the gentleman from Kentucky [Mr. BRECKINRIDGE] offers his amendment as a substitute for the amendment offered by the gentleman from Illinois [Mr. ROWELL].

Mr. EDEN. But have I not a right to offer an amendment to the substitute?

The CHAIRMAN. Does the gentleman offer his amendment as a substitute for the amendment offered by the gentleman from Kentucky [Mr. BRECKINRIDGE]?

Mr. EDEN. No, sir; I offer it as an amendment to the substitute.

The CHAIRMAN. The Chair thinks that the vote must be first taken on the amendment of the gentleman from Kentucky [Mr. BRECKINRIDGE], and then the amendment offered by the gentleman from Illinois [Mr. EDEN] will be in order.

Mr. PERKINS. Mr. Chairman, I ask that the amendment offered by the gentleman from Illinois [Mr. ROWELL] be again read.

The amendment was read, as follows:

Add the following: "*Provided*, That no judgment shall be entered unless it shall affirmatively appear that C. M. Briggs and the person from whom he derived title were loyal citizens of the United States during the years from 1861 to 1866."

The question was taken on the amendment of Mr. BRECKINRIDGE, of Kentucky, and the amendment was declared rejected.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Illinois [Mr. ROWELL] which has just been read.

Mr. GIBSON, of West Virginia. Mr. Chairman, the Committee of the Whole did not understand that they were voting on the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The vote was taken on that amendment.

Mr. GIBSON, of West Virginia. But that was not the amendment which was read.

The CHAIRMAN. After the amendment of the gentleman from Kentucky had been read a gentleman on the left asked that the amendment of the gentleman from Illinois might be read. The Chair directed that to be done, and then the vote was taken on the amendment offered by the gentleman from Kentucky.

Mr. PETTIBONE. We thought we were voting on the amendment of the gentleman from Illinois.

The CHAIRMAN. The Chair will cause the amendment of the gen-

tleman from Kentucky to be read again and the question will be again taken.

The Clerk read as follows:

Provided, however, That the loyalty of C. M. Briggs shall be established, and that the cotton claimed to have been purchased by him was purchased in good faith.

The question being again taken, there were—ayes 61, noes 80.

So the amendment was not agreed to.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois [Mr. ROWELL] which will be again read.

The Clerk read as follows:

Provided, No judgment shall be entered unless it shall affirmatively appear that C. M. Briggs and the person from whom he derived title were loyal citizens of the United States during the years from 1861 to 1866.

Mr. HOLMAN. Mr. Chairman, I move *pro forma* to strike out the last clause of this amendment. I wish to say a word to the gentleman from Illinois [Mr. ROWELL] who submits this proposition. If the Supreme Court has decided, as I understand it has—and it was so understood when the "Bowman bill" was passed—that if we give jurisdiction any provision touching the subject of loyalty does not operate—if such is the decision of the Supreme Court, ought not the gentleman to provide by his amendment, as was provided in the Bowman law, that the court shall not take jurisdiction of the subject-matter until the loyalty of the claimant within the period named shall have been established?

Mr. ROWELL. I would be willing to modify my amendment in that manner; but I think it now covers exactly the same legal proposition.

Mr. HOLMAN. If the gentleman holds that view after having studied the decision of the Supreme Court, which has been so much discussed in this House, then I do not press the suggestion. But if he has not studied that decision, I submit to him whether it would not be far safer to make the question of loyalty a jurisdictional fact rather than to offer the amendment in its present form.

Mr. ROWELL. I think the legal effect is the same.

Mr. GIBSON, of West Virginia. If I understand the effect of this amendment it forbids the payment of compensation for this cotton unless both the vender and the vendee were loyal; and this without regard to the question of good faith between these parties. I presume the gentleman who has offered this amendment is undertaking to act upon the fact that he knows one of these parties was loyal. Now, suppose the most loyal man in the country had in perfect good faith purchased goods from a disloyal man and paid value dollar for dollar, and subsequently those goods were destroyed. In that case, according to this amendment, such a loyal man could not receive compensation for his goods, because the person from whom he innocently purchased them was disloyal. This statement, it seems to me, is sufficient to show conclusively the folly of such an amendment, and to show how far party prejudice or passion, subsisting long after the war, will lead men in legislation. If the question is one of good faith, why not so frame the amendment as to make compensation dependent upon the good faith of the purchaser, the man who is to be recompensed by this legislation. Why propose to put upon the statute-book an act which would be a shame upon the men who passed it and an outrage upon those who come here to seek relief? If the object is simply to compensate loyal men and to punish the disloyal, the question of good faith should be confined to the purchaser; and we have nothing to do with any disloyalty that may have existed on the part of the vender.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I withdraw the amendment; it was merely formal.

The question being taken on the amendment of Mr. ROWELL, there were—ayes 99, noes 64.

Mr. STONE, of Kentucky. I call for tellers.

Tellers were ordered, 34 voting therefor; and Mr. ROWELL and Mr. BRECKINRIDGE of Kentucky were appointed.

The committee again divided; and the tellers reported—ayes 100, noes 67.

So the amendment of Mr. ROWELL was agreed to.

MESSAGE FROM THE PRESIDENT.

The committee rose informally, when a message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

ESTATE OF C. M. BRIGGS.

The Committee of the Whole House on the Private Calendar resumed its session.

Mr. GIBSON, of West Virginia. I offer the following amendment, to come in immediately after the amendment of the gentleman from Illinois.

The Clerk read as follows:

Add, after "1866," the following:
"And that the cotton grew on loyal ground, was picked by loyal hands, and was itself loyal."

[Laughter.]

The amendment to the amendment was rejected.

Mr. BURROWS. I offer the following amendment to the amendment.

The Clerk read as follows:

And provided further, That unless the said court shall, on a preliminary inquiry, find that said Briggs and the person from whom he derived title were loyal to the Government during the period aforesaid, the court shall not have jurisdiction of this case, and the same shall, without further proceedings, be dismissed.

Mr. HOLMAN. I suggest to the gentleman from Michigan that if the principle of the Bowman law, a well-considered measure, is applied here, it seems to me it is going as far as it is proper for us to go. That part of the gentleman's amendment which requires the proving of title on the part of the person from whom the property was acquired, a thing not required under the Bowman law, in my opinion, should not be required in this case. Not being required under the Bowman law, it should be omitted here.

Mr. BURROWS. That is already provided for in the amendment of the gentleman from Illinois.

Mr. HOLMAN. I know it is; but let me call the gentleman's attention to the fact that the House may see proper to adopt your amendment and refuse to adopt the amendment to which it is an amendment.

Mr. BURROWS. My amendment to the amendment simply provides that the party named in the bill and the person from whom he derived title shall, in the preliminary inquiry, be shown to have been loyal to the Government during the period mentioned before the Court of Claims can take jurisdiction in the matter.

Mr. HOLMAN. I will suggest that the two amendments will go to the House, and the House may finally reject the amendment of the gentleman from Illinois, and leave the amendment of the gentleman from Michigan standing. As the amendment applies the principle of the Bowman law to the case before jurisdiction can be assumed by the Court of Claims, it seems to me that is going as far as we should go. Going as far as providing for their loyalty during the period of the war is going far enough for safety.

Mr. BURROWS. I do not see what harm there can be in it, and therefore I will let the amendment stand as it is.

Mr. CULBERSON. I rise for the purpose of opposing the amendment to the amendment, and I ask the Clerk to read from the decision of the Supreme Court.

The Clerk read as follows:

In the case of Garland, this court held the effect of a pardon to be such "that in the eye of the law the offender is as innocent as if he had never committed the offense;" and in the case of Armstrong's foundry we held that the general pardon granted to him relieved him from a penalty which he had incurred to the United States. It follows that at the time of the seizure of the petitioner's property he was purged of whatever offense against the laws of the United States he had committed by the acts mentioned in the findings, and relieved from any penalty which he might have incurred. It follows further that if the property had been seized before the oath was taken the faith of the Government was pledged to its restoration upon the taking of the oath in good faith. We can not doubt that the petitioner's right to the property in question, at the time of the seizure, was perfect and that it remains perfect, notwithstanding the seizure.

But it has been suggested that the property was captured in fact, if not lawfully; and that the proceeds having been paid into the Treasury of the United States, the petitioner is without remedy in the Court of Claims unless proof is made that he gave no aid or comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If, in other respects, the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion. A different construction would, as it seems to us, defeat the manifest intent of the proclamation and of the act of Congress which authorized it. Under the proclamation and the act the Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

These views require the affirmance of the judgment of the Court of Claims, and it is accordingly affirmed.

Mr. HALL. Mr. Chairman, if I understand it, the original law referring this case to the tribunal constituted by the country had a limitation and it had a prescription for the jurisdiction of that court, all of which related to the claimant and not to the line of title under which the claimant presented his claim. Now, it is known that innumerable claims have been presented to that tribunal, and the claimants have received their rights and been paid. The present claimant comes before Congress asking his claim may be so far recognized as that the statute of limitations may be removed and he may go before this same tribunal and have his rights ascertained and determined under the original law. Now, I apprehend nothing can be said against that proposition except as to the statute of limitations itself.

And here permit me to say this is not strictly a statute of limitation. That kind of statute applies between claims which are contested, claims in which one individual has a counter-claim against another. In this case the Government is a mere trustee for the fund. It does not assume to own the property, but has always assumed, on the contrary, the attitude of being willing at all times to pay over the proceeds whenever the proper claimant in a proper manner is allowed to intervene and present his claim properly authenticated. Hence it appears to me not only wrong in policy, but an absolute act of injustice, to impose upon this individual the restrictions which it is sought to impose by these amendments, restrictions and conditions not heretofore imposed

upon the mass of claimants who have been allowed to go before that tribunal.

It seems to me that the whole question is not the imposition of new conditions and restrictions, but whether this man shall be entitled to have a hearing under the same law and before the same tribunal that the other claimants have gone before.

But, Mr. Chairman, this is not, strictly speaking, a statute of limitations. It is imposed by the Government for the sole purpose, not of barring claimants, but of avoiding the trouble and responsibility of holding such funds in trust; and therefore it is provided, that unless claimants present their rights before the Government within a given time, the claims are barred and cut off. This is done, as I have said, to avoid the responsibility and care attaching to the trust. The Parliament of Great Britain has held itself open for the adjudication of such cases for a hundred years, as to whether or not the beneficiaries of trust funds, from whatever source obtained, whether as abandoned war material or estates escheated to the Crown, should have the right of recovery; and there is no reason in the world why this or any other restriction should be imposed in the direction proposed by the amendment which is now presented, as well as by the one which has been already adopted by the committee. Hence, sir, it seems to me to be proper that the original tribunal, with its original jurisdiction in questions of this kind unchanged and unmodified, with the rules of evidence and the laws of title prescribed unaffected by any modern legislation, should be permitted to have full force in this case, so that this claimant may have his day in court and before that tribunal.

Mr. GIBSON, of West Virginia. Mr. Chairman, if I understand what the word loyalty means, it means the observance in good faith of the Constitution and laws passed thereunder, as well as obedience to the decisions of the courts established under the Constitution upon those laws. The moving spectacle is presented here of one great branch of the Government making a fight upon the question of loyalty, when every act of theirs is disloyal to their own laws and to most of the decisions of their courts.

We have seen here, sir, by an act of Congress, an amendment put upon this bill, requiring not only the proof of the loyalty of the vendee, but the loyalty of the vender as well, when the Supreme Court of the United States in the case of United States *vs.* Anderson (9 Wallace, page 57) expressly decides that the question as to the loyaly of the vender can never become a question where the purchase was in good faith.

I quote from a part of the syllabus of the decision in that case:

> Under the act of March 12, 1863, commonly called the "abandoned or captured property act," it is not necessary for a party preferring his claim in the Court of Claims for the proceeds of property taken and sold under it to prove in addition to his own loyalty the loyalty of the persons from whom he bought the property taken and sold, the property having been purchased by him in good faith and without intent to defraud the Government or any one else.

And yet these magnificently loyal gentlemen, though their souls abhor all taint of disloyalty, stand here in the face of these decisions of their own Supreme Court and incorporate upon their own acts not only unjust but disloyal amendments to their own laws.

Now, what will you do when your courts have decided this question? Are you to affirm all established precedents? Are you here to declare that the Supreme Court of the United States is not competent to decide legal propositions, or that it is so disloyal that it can not be trusted in its decisions upon them? What great principle or what great interests are at stake in this little claim here that you should depart from these well-established legal precedents of justice and common honesty as between men? No human life is at stake. No liberty is jeopardized. But for a mere paltry sum of dollars and cents you are here under the party lash to pass laws that upturn all the precedents in the courts and overrule the decisions of your own Government, and to do that in the name of loyalty!

I know you are in a minority here.

Mr. STRUBLE. For the time being only.

Mr. GIBSON, of West Virginia. For the time being; and I trust for many long years you will be in a bigger or a still smaller minority, if I may so express it. [Laughter.] And I promise you that just a few acts of this sort of legislation will so arouse the country that perhaps the time will come when your minority will be so small that none of you will be here.

Mr. STRUBLE. I desire to occupy but a few moments. I came into the House after this bill had been read and while the discussion was in progress. I understand the main question involved is whether the statute of limitations applying to this class of claims shall in this instance be removed so that this man may have a hearing in court.

Mr. GIBSON, of West Virginia. I will correct the gentleman. The main question involved in this case is whether Governor Morehead, who is now dead and who sold cotton to an innocent purchaser, was a loyal man or not.

Mr. STRUBLE. If I understand correctly my colleague from Iowa [Mr. HALL] the point I have just stated was the main question or one of the main questions involved.

Mr. STONE, of Kentucky. That is correct.

Mr. HALL. The point made is this, that the condition should not be imposed upon a claimant not originally imposed upon him by the statute.

Mr. STRUBLE. That is not quite as I understood my colleague from Iowa when he was last on the floor. But I desire to make this point: If I am wrong as to the question involved it is because I have not heard the various propositions read. But if the proposition is to extend the statute of limitations, it seems to me that ought not to be done by a special bill. There are other bills of this character—I apprehend many hundreds of them—and if there is this large number it seems to me the question is important enough to demand the consideration of a general bill.

If a private soldier comes in here who has not filed his application for a pension in time to receive the benefit of the arrears act we say, "No, we will not grant your application by any special act." We regard that as a matter to be determined only by a general act. And so I say in this class of cases, if this be the question involved, we should not raise the limitation on any one case, but should consider the general question.

It may be replied that the question of pensions is not analogous, because pensions are a mere gratuity. We give these benefits to the soldiers. But in this case it is a question of the existence of property and of the right to that property. A limitation has been imposed by the statute. Now, shall that be raised by special act in this special case? Or shall we consider the proposition to raise the limitation with respect to this whole class of cases?

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan [Mr. BURROWS].

The amendment was again read.

The question being taken, there were—ayes 95, noes 56.

So the amendment was adopted.

Mr. SPRINGER. I move that the committee rise. It is near the usual hour of adjournment.

Mr. STONE, of Kentucky, rose.

The CHAIRMAN. The question is not debatable.

The question being taken, there were—ayes 77, noes 79.

So the motion was not agreed to.

Mr. STONE, of Kentucky, rose.

The CHAIRMAN. The question recurs, Shall the bill be laid aside and reported to the House with the amendments?

Mr. STONE, of Kentucky. It was to make that motion that I rose.

The question being taken, it was decided in the affirmative.

Mr. SPRINGER. I now again move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had instructed him to report with amendments the bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; and also, with amendments, the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased.

ALLOWANCE OF CLAIMS.

The SPEAKER. The Clerk will report the title of the first bill reported from the Committee of the Whole House.

The Clerk read as follows:

> A bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

The SPEAKER. Is a separate vote demanded on any one of the amendments reported by the Committee of the Whole House?

No separate vote was demanded; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCMILLIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

C. M. BRIGGS.

The next bill reported from the Committee of the Whole House was the bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, with amendments.

Mr. STONE, of Kentucky. I move the previous question on the bill and amendments.

The previous question was ordered; and under the operation thereof the amendments reported by the Committee of the Whole House were read, and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, there were—ayes 120, noes 22.

Mr. CULBERSON. I call for the yeas and nays.

The yeas and nays were not ordered, only 28 members voting therefor—not one-fifth of the last vote.

So the bill was passed.

Mr. STONE, of Kentucky, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT OVER.

Mr. MORRISON. I move that when the House adjourns to day it stand adjourned until Monday next.

Mr. TAULBEE. Will that dispense with the evening session?

The SPEAKER. It will not. The House now simply takes a recess until half past 7 o'clock.

The motion of Mr. MORRISON was agreed to.

WAR TAXES AS A SET-OFF.

Mr. HEPBURN, from the Committee on the Judiciary, submitted the views of the minority on the bill (H. R. 3) to prevent the claim of the war taxes under the act of August 5, 1861, and acts amendatory thereof, by the United States, as set-off against States having claims against the General Government; and the same were ordered to be printed.

ORDER OF BUSINESS.

Mr. MCMILLIN. Mr. Speaker, I ask unanimous consent to submit a report on a private bill.

The SPEAKER. From what committee?

Mr. MCMILLIN. The Committee on Ways and Means.

Mr. DUNHAM. What is the bill?

Mr. BEACH and others. "Regular order!"

The SPEAKER. Several gentlemen call for the regular order.

Mr. HAMMOND. Mr. Speaker, I move that the House now take a recess until half past 7 o'clock this evening, under the order heretofore made.

The motion of Mr. HAMMOND was agreed to; and the House accordingly (at 4 o'clock and 25 minutes) took a recess until 7.30 p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 7.30 p. m.

Mr. THOMAS S. PETTIT, one of the reading clerks, called the House to order and read the following communication:

To the Clerk of the House of Representatives:

Mr. MCMILLIN, of Tennessee, is designated to preside at this evening's session of the House.

JOHN G. CARLISLE.

Mr. MCMILLIN accordingly took the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the order under which the House meets.

The order was read, as follows:

Resolved, That on each Friday the House shall take a recess from 5 o'clock p. m. until 7.30 p. m., at which evening sessions private bills reported from the Committee on Invalid Pensions and the Committee on Pensions and bills reported from the Judiciary Committee to remove political disabilities only be considered.

ORDER OF BUSINESS.

Mr. WINANS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole for the consideration of bills on the Private Calendar.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

CATHERINE COLLINS.

The first business on the Private Calendar was the bill (H. R. 613) for the relief of Catherine Collins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the regulations and limitations of the pension laws, the name of Catherine Collins, the dependent mother of John Collins, late of Company G, Eighth Veteran Reserve Corps, at the rate of $8 per month, commencing with the date of the death of said John Collins.

The committee recommended the following amendment:

Strike out the words "at the rate of $8 per month, commencing with the death of said John Collins," and inserting in lieu thereof the words "to commence from and after the passage of this act."

The amendment was agreed to; and as amended the bill was laid aside to be reported to the House with the recommendation that it pass.

ELEANOR C. BANGHAM.

The next business on the Private Calendar was the bill (H. R. 1582) for the relief of Eleanor C. Bangham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll *de novo*, subject to the provisions and limitations of the pension laws, the name of Eleanor C. Bangham, widow of John S. Bangham, late a private in Company M, First Regiment New York Light Artillery.

The report (by Mr. SAWYER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1582) for the relief of Eleanor C. Bangham, submit the following report:

That it appears from the papers now on file in the Pension Department that John S. Bangham, the husband of claimant, was mustered into the service of the United States March 26, 1864, in the First Regiment of New York Light Artillery. That for the months of March and April, 1864, he was reported on the muster-roll of the regiment as sick in field hospital at Bridgeport, Ala.; that June 14, 1864, he was discharged from the hospital and ordered to report to his company; that afterward he was part of the time with his company and part of the time was sick in hospital at Bridgeport and Savannah, Ga.; that afterward, and on or about June 23, 1865, he was mustered out of service with his company at Rochester, N. Y., not on account of disability, but by general order; that he died at his home in Niagara County, New York, September 10, 1873.

That the claimant was allowed by the Commissioner of Pensions, about June 24, 1879, at the rate of $8 per month, commencing September 10, 1873, and continued to receive the same till about June, 1885, about which time notice having been given to the Pension Department that the husband of the claimant was subject to epilepsy before his enlistment, an examination was had under the direction of the Pension Department, the claimant being present at such examination, and thereafter the name of the claimant was stricken from the pension-rolls.

From the evidence before us we have no doubt but claimant's husband was subject to epilepsy at the time of his enlistment, but in so mild a form that he was able to perform manual labor, and that the same did not materially interfere with his occupation; that after being mustered out of service with his company and while in the service the disease had materially increased, and the frequency and severity of these epileptic attacks was increased.

We think that the evidence reasonably shows that the labors and privations incident to the service tended to produce or contribute to this result, and that inasmuch as the United States retained him in its service for fifteen months, and until his company was mustered out at the close of the war, it is no more than just that the Government should grant a pension to his widow, whose husband's death was clearly hastened by the privations and hardships of the military service of the United States.

Your committee, after due consideration of all the papers in the case, are of the opinion that the name of the claimant should be restored to the pension-roll, and therefore report favorably on the bill and ask that it do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMY A. LEWIS.

The next business on the Private Calendar was the bill (H. R. 1579) for the relief of Amy A. Lewis.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amy A. Lewis, widow of J. H. Lewis, late of the Twelfth Battalion New York Light Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RACHEL NICKELL.

The next business on the Private Calendar was the bill (H. R. 925) to amend an act entitled an "Act granting a pension to Rachel Nickell," approved March 3, 1885.

The bill was read, as follows:

Be it enacted, &c., That an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885, be, and the same is hereby, amended so as to read:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Rachel Nickell, mother of Asbury Nickell, late of Company I, Forty-seventh Regiment Kentucky Mounted Infantry."

Mr. CUTCHEON. I ask for the reading of the report.

The report (by Mr. TAULBEE) was read, as follows:

The act approved March 3, 1885, reads therein, "Rachel Nickell, widow of Asbury Nickell," when the proof in pension claim of Rachel Nickell, No. 233883, shows that Rachel Nickell was the mother of Asbury Nickell, said Asbury Nickell being at the time he was killed by the rebels a single and unmarried man.

Your committee is of the firm opinion that the word "wife" was incorporated in said act by mistake of the draughtsman, and, finding the claim a meritorious one, they recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. MINNIX.

The next business on the Private Calendar was the bill (H. R. 934) granting a pension to Charles W. Minnix.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Minnix, late a private in Company I, Fourteenth Regiment Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

G. W. FRALEY.

The next business on the Private Calendar was the bill (H. R. 929) granting a pension to G. W. Fraley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of G. W. Fraley, late a private in Company C, Fortieth Regiment Kentucky Volunteers.

Mr. CRISP. I call for the reading of the report.

The report (by Mr. TAULBEE) was read, as follows:

George W. Fraley enlisted as private in Company I, Fortieth Kentucky Volunteers, August 20, 1863, and served in said company until about November 23, 1863, when, in Morgan County, Kentucky, while in the said service and in the line of duty during an engagement in battle, he was thrown from his horse and seriously injured in the back and privates, from which he has been a constant sufferer ever since, and in consequence of which he is unable to labor for his support.

He applied for pension November 28, 1879, and his claim was rejected on 26th day of June, 1883, "upon the ground that there is no record and no medical testimony showing treatment in service nor since for alleged injury to back and privates.

The evidence of quite a number of the officers and privates of his company and regiment, as well as the nurse in the hospital where he was kept, show that he was sent to and remained in the hospital for a considerable length of time

receiving medical treatment, and that he was afterward sent to the Soldiers' Home, at Louisville, Ky.

The report from the Surgeon-General's Office shows that he was being treated in hospital in December, 1863, at Mount Sterling, Ky.

The evidence shows that he was sent from Mount Sterling, Ky., to Grayson, Ky., in January, 1864, and that both the surgeons who treated him are dead.

The records of hospital at Grayson, Ky., are not on file with United States Surgeon-General.

The evidence clearly establishes the fact that he was a healthy man when he entered the Army, and that he is now disabled from injuries received while in the service of United States and in line of duty.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LEWIS A. THORNBURY.

The next business on the Private Calendar was the bill (H. R. 928) granting a pension to Lewis A. Thornbury.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lewis A. Thornbury, late a sergeant in the Thirty-ninth Regiment Kentucky Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES T. CASKEY.

The next business on the Private Calendar was the bill (H. R. 936) granting a pension to James T. Caskey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James T. Caskey, late a private in Company G, Forty-fifth Regiment Kentucky Mounted Infantry, subject to the provisions and limitations of existing pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE SLACK.

The next business on the Private Calender was the bill (H. R. 1836) granting a pension to George Slack.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of George Slack, late a private in Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, on the pension-roll at the rate of —— dollars per month from and after the passage of this act.

The amendment reported by the committee was read, as follows:

At the end of the bill strike out the words "and pay him a pension at the rate of —— dollars per month from and after the passage of this act" and insert "subject to the restrictions and limitations of the pension laws."

Mr. WOLFORD. I call for the reading of the report.

The report (by Mr. ELLSBERRY) was read, as follows:

The claimant, George Slack, a citizen of Brown County, Ohio, respectfully represents that during the late war he was a private in Company C, Eighty-ninth Regiment Ohio Volunteer Infantry, and served faithfully from the 1st day of August, 1862, up to — day of May, 1865, when he was honorably discharged from the service and mustered out with his regiment at that time.

That while in said service, and when in the line of duty, he was injured in a railroad collision on the Knoxville and Chattanooga Railroad near Cleveland, Tenn., and in which collision his right ankle was broken and very much injured otherwise. Claimant was then taken to the hospital at Cleveland, Tenn. This occurred on the 5th day of November, 1864. Claimant at that time was on detached duty from hospital at Chattanooga, and at the time of receiving said injury claimant was in the company of strangers, none of whom he ever knew, and none of whom belonged to his regiment. Claimant remained in the hospital at Cleveland, Tenn., from that time to the — day of March, 1865, during which time he was cared for and treated for his said broken ankle by the surgeon in charge, Dr. M. Meredith, who now resides at Vinton, Iowa.

Claimant was on the said — day of March discharged from said hospital and joined his regiment at Goldsborough, N. C., yet claimant's injured ankle was still much swollen and very weak, and so continued until he was discharged, and for a long time thereafter, and has continuously been weak, and at times painful and swollen, and to a great extent cripples and disables him. During the time claimant was in said hospital he was with entire strangers, none of whom he had ever met before. Claimant now recollects of the names of but two persons who were in said hospital, to wit, William Near and Joseph Hood, but does not and can not remember their address, or the regiment to which they belonged. Therefore claimant can not and is unable to furnish the testimony of any comrade, soldier, officer, or citizen of or concerning the receiving of said injury, or of his treatment while in said hospital.

Claimant has written to Dr. M. Meredith, the surgeon who had charge of said hospital, for testimony concerning the same, and has secured from him a statement that all the records of said hospital from November 1, 1864, up to March, 1865, were destroyed, and that therefore no record, information, or evidence could be furnished of or concerning the patients in said hospital during that time.

Dr. Meredith writes to claimant that he has no distinct or personal recollection of his case, although he does distinctly recollect of several injured soldiers being brought to said hospital in November, 1864, and treated for fractures and injuries received in railroad collision near that point.

Claimant has filed the statement of Dr. Meredith in Pension Office, as evidence on his application for pension No. 309782. Declaration for a pension was filed to the Commissioner of Pensions, but the same was rejected on the 14th day of September, 1885, on the grounds that claimant failed to furnish satisfactory evidence that the alleged injury was received in the service or line of duty.

Claimant has furnished full and ample proof of each and everything necessary to entitle him to a pension, save and except the matters referred to, and claimant now refers to his application for pension, evidence and affidavits of witnesses now on file in the office of the Commissioner of Pensions, and makes the same a part of this petition.

On account of his treatment in said hospital with strangers, and on account of the destruction of the records of said hospital, he is unable to furnish the evidence required by the Commissioner of Pensions, and he can not furnish any evidence upon that point, only his own affidavit and the affidavits of comrades, as to the condition of his ankle when he joined his regiment in March, 1865, and as to its weak and crippled condition from that time to the present.

Claimant, therefore, prays that by special act of Congress he be granted a pension, and that he be placed upon the pension-rolls of crippled and disabled soldiers of the United States of America.

We therefore recommend that the bill do pass, with an amendment, striking out all after "pension-roll," in sixth line, and adding "subject to the restrictions and limitations of the pension laws."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

NATHANIEL TAYLOR.

The next business on the Private Calendar was the bill (H. R. 1568) granting a pension to Nathaniel Taylor.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nathaniel Taylor, late a private in Company L, Fifty-sixth New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALICE S. HOLBROOK.

The next business on the Private Calendar was the bill (H. R. 1084) granting a pension to Alice S. Holbrook.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Alice S. Holbrook, daughter of James S. Holbrook, late of Company E, Twenty-ninth Massachusetts Volunteers.

The amendment reported by the committee was read, as follows:

Add to the bill these words: "and pay her a pension of $18 a month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL CONNOLLY.

The next business on the Private Calendar was the bill (H. R. 225) granting a pension to Daniel Connolly.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Connolly, late of Company K, Second Regiment Connecticut Artillery Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARTHA E. TURNEY.

The next business on the Private Calendar was the bill (H. R. 226) granting a pension to Mrs. Martha E. Turney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Martha E. Turney, widow of James M. Turney, late a private in Company H, First Regiment of Connecticut Cavalry, in the late war of the rebellion.

Mr. STRUBLE. I ask that the report in this case be read.

The report (by Mr. LOVERING) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 226, beg leave to submit the following report:

Martha E. Turney is the widow of James M. Turney, late a private in Company H, First Connecticut Cavalry. He died July 15, 1882, leaving an unfinished claim in the Pension Department, application No. 310594, alleging disability from sunstroke in the service and line of duty while acting as cook at Stoneman Hospital, Washington, D. C., on or about August, 1864. She filed a claim for widow's pension July 28, 1882, and prosecuted his unfinished claim until March 23, 1883, at which time the same was "rejected upon the ground that the alleged disability originated prior to enlistment."

The evidence in the case shows that the soldier was subject before enlistment to what he called bilious headaches, which he suffered from once or twice a year only, and that he always relieved himself from them by a course of physic. From this fact is largely built the theory upon which the rejection of the case was had. He enlisted November 25, 1863, and was discharged August 2, 1865. Claimant, being on detached service, was unable to furnish the evidence of a commissioned officer or of enlisted men of his company as to incurrence in service and line of duty. Nor does he remember the names of any of those who were present at the time he was prostrated.

The evidence in the case is as follows:

George S. Cooley, neighbor of claimant, swears:

"He knew him many years prior to his service in the First Connecticut Cavalry, and knows up to the time of his enlistment he was a sound, able-bodied man, and always in good health; that often in summer, in the hottest of weather, he would go into the hay-field, without detriment or inconvenience; that he never had an affection of the head or any ailment or any tendency about the brain to disable him from work; that he saw him on his arrival home from the Army, when he was a very changed man; he had a look about his eyes of a man who was suffering from some nervous excitability—prostration and exhaustion. He seemed feeble; was laid up at his home and unable to work for the better part of two years; easily overcome by his exposure to the sun, and suffering greatly in hot weather. Claimant and himself removed to Bridgeport about 1869, and he has seen him often since and knows his susceptibility to attacks of brain affection in hot weather or any overtask is marked; that he is a man not able to earn his living by manual labor, and that he is now (1879) of general feeble health."

James Baldwin, M. D., in his affidavit, says:

"Knew claimant well; was his family physician for many years previous to his enlistment; was regarded by him as a man of sound health, and without any of the pain of head or nervous affections to which he has since been subject; claimant's habits good."

J. B. Morehouse, late captain of claimant's company, testifies:

"When claimant enlisted he was to all appearance a sound and healthy man; that claimant was some time prior to August 1, 1864, under superior orders, detailed as chief cook of Stoneman Hospital, Washington, D. C.; that he was continued on such detail, and did not return to his company during his service."

Robert Hubbard, M. D., late surgeon of the Seventeenth Connecticut Volunteers, testifies:

"Some time on or about August, 1864, claimant appeared before him, showed him his hospital furlough, and on account of his condition he gave him his certificate of claimant's unfitness for duty for about ten days; that at the time of said application he examined claimant, and was satisfied from his appearance that he was suffering under effects of partial sunstroke or some consequence of that nature, from being overheated, producing nervous sensitiveness and marked cerebral disturbance."

Francis J. Young, M. D., testifies:

"Been family physician of claimant since 1871, and every season in hot weather has been called to attend him for violent headaches and a tendency to brain hyperæmia; that upon overheating or exertion he has been prostrated and entirely incapacitated for work. His opinion is that the same is result of sunstroke or overheating, which he believes he contracted in the service."

Zarah J. Tirrell testifies:

"He knows claimant well for thirty years; that he saw him on his way to his regiment after enlistment when he passed through Baltimore, where affiant was on duty, and he saw him when he started for the front, about March, 1864; he was up to this last-mentioned date and through all this time of affiant's knowledge of him a sound and healthy man. Some time this summer of 1864 he left this regiment as a dismounted soldier and went to a dismounted camp, he supposes Camp Stoneman, where affiant saw claimant during the summer at the hospital as cook for the officers and surgeons' mess, and afterward heard that he had had a sunstroke at said Camp Stoneman, and remembers that after his attack, perhaps after his furlough home, they tried him on duty, thinking he could do it, but he failed, as he was too feeble. About February 7, 1865, he met claimant again at Harper's Ferry, where he was acting as sergeant, calling the roll and issuing rations for about a dozen men, but as the men came in thicker he had to give up his sergeant's duties; was feeble and had to attend surgeon's call every day. They remained together at Harper's Ferry till after April 14, 1865, when they left for Washington and Chapel Point on the Potomac, and he is sure claimant was there in camp hospital for his ailment. Affiant had charge of the sick men at both Harper's Ferry and Chapel Point, and remembers claimant as receiving treatment. Affiant knows him there to a few days of his own discharge asailing, feeble, broken down, and off duty at all times after he saw him at Camp Stoneman."

The character of the whole evidence shows him to have been a constant sufferer from his disability down to the time of his death, before which time he became insane. He was treated in the hospital at Bridgeport, Conn., as late as April 17, 1882, three months prior to his death, and the evidence of S. T. Day, M. D., attached to hospital, is cumulative in the direction of the disability being effect of sunstroke or overheating. This claimant entered the service a sound and healthy man; he came out broken in health and enfeebled in constitution; his sufferings in the later days, from his disability, were so intense as to result in insanity and final death. Your committee are of opinion that his widow should be pensioned, and therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JEPTHA HORNBECK.

The next business on the Private Calendar was the bill (H. R. 788) granting a pension to Jeptha Hornbeck.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jeptha Hornbeck, late a private in Company I, One hundred and fifty-sixth Regiment Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN PRUITT.

The next business on the Private Calendar was the bill (H. R. 4835) to place the name of John Pruitt on the pension-roll.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of John Pruitt, formerly of Company H, Tenth Kansas Volunteer Infantry, and pay him a pension at the rate of $40 per month.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 721) to place the name of John Pruitt on the pension-roll, submit the following report:

Your committee find that this soldier enlisted in Company H, Tenth Kansas Volunteers, November 21, 1861, and was discharged September 3, 1864. On the 17th day of October, 1870, he made application for pension, alleging disability from frozen feet, received on January 3, 1864, near Nevada, Mo. This application was rejected on the ground that this disability was not incurred in the line of duty. The facts of this case, as appear from the testimony submitted, seem to be as follows:

On or about January 3, 1864, while on a march with his company from Fort Scott, Kans., to Sedalia, Mo., the claimant and a comrade obtained permission from a lieutenant of the company to leave the command for one night in order to visit some relatives who lived about three or four miles off the line of march, with the understanding that they were to rejoin the command on the following morning at a point farther along the route. While going to pay the proposed visit the claimant and his companion lost their way in a furious snow-storm, which obscured the roads, and the result of the exposure then endured was the freezing of his feet, and the disability on account of which he claims the pension. He subsequently made application for pension on account of diseased eyes, which is not satisfactorily sustained by the evidence. The man is now totally blind, has lost a part of both feet, is very poor, and has a large family.

Your committee recommend the passage of the accompanying substitute.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC CHENOWETH.

The next business on the Private Calendar was the bill (H. R. 1352) granting a pension to Isaac Chenoweth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Chenowith, late first Sergeant of Company F, Thirtieth Regiment Missouri Enrolled Militia.

Mr. DOCKERY. The name of the beneficiary in this case is incorrectly spelled in the title and in the body of the bill. It should be Isaac Chenoweth, instead of Isaac Chenowith. I ask unanimous consent that this typographical error be corrected.

There being no objection, it was ordered accordingly.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK BOTTJER.

The next business on the Private Calendar was the bill (H. R. 777) granting a pension to Frederick Bottjer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Bottjer, late a private in Company I, Eighth Regiment New York Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. AMY A. HURST.

The next business on the Private Calendar was the bill (H. R. 3538) granting a pension to Mrs. Amy A. Hunt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the restrictions and limitations of the pension laws, the name of Amy A. Hunt, widow of Oliver P. Hunt, late a sergeant of Company B, Forty-fifth Regiment Indiana Volunteers.

The amendment reported by the committeee was read, as follows:

In the title and the body of the bill strike out "Hunt" wherever it occurs and insert "Hurst."

Mr. STRUBLE, I call for the reading of the report.

The report (by Mr. MORRILL) is as follows:

We find that claimant is the widow of Oliver P. Hurst, late sergeant of Company B, Fortieth Regiment Indiana Volunteers. This soldier enlisted August 22, 1861, and was discharged September 7, 1864. October 30, 1868, he made an application for a pension, alleging that he contracted rheumatism and chronic diarrhea at Sharpsburg about September 20, 1862. He died September 22, 1874, of rheumatism of the heart. The widow filed an application for a pension, which, with the soldier's application, was rejected, on the ground that the disability was not due to the service. The hospital records show that he was once treated for intermittent fever and once for bilious fever.

Capt. B. Q. A. Gresham testifies, under date of July 30, 1881, that "Hurst also complained a great deal of suffering from rheumatism." Afterward, in reply to office letter, June, 1884, affiant claimed that he knew nothing of his being sick. The regimental surgeon, Dr. Beck, testifies that he treated him in service for rheumatism, he thinks, but can not recall the particulars.

G. A. Nelson. J. Charley, and E. Weltz testify that he contracted rheumatism at Arlington, Va.

J. Bowman and J. D. Elliot testify that they knew this soldier before and after enlistment; that he was a sound, rugged man before, and that ever after his discharge he suffered from rheumatism and diarrhea.

Silas D. Coffey testifies:

"In the spring of 1863 he was an inmate of the convalescent camp near Alexandria, Va., and while there, about the month of March or April of said year, he became acquainted with Oliver P. Hurst, who was said to be a member of Company B, Third Indiana Cavalry, who was also an inmate of said camp for a week or two; that while remaining at said camp said Hurst was apparently very feeble, and complained of rheumatism; that said Hurst left said camp for his regiment, and affiant saw no more of him until after the close of the war; that about the year 1866 or 1867 he again met said Hurst in Clay County, Indiana, and at that time he was still feeble, to all appearances, and was still complaining of rheumatic trouble."

Joseph R. Grable also testifies that he was at same convalescent camp; that Hurst remained there two weeks, unable to travel, and that he complained of rheumatism.

His wife, son, and daughter testify that he was afflicted with rheumatism when he came home, and that his hands and joints were swollen from the effect of that disease.

James Bowman and George Brandenburg also testify that they were intimately acquainted with him before and after enlistment; that he was well and strong when he entered the Army, and suffered with rheumatism from time of his discharge until his death.

Dr. W. B. Brown says:

"I became acquainted with Oliver P. Hurst in the year 1867, and that he was laboring under chronic rheumatism of a severe grade, and that he continued afflicted with the same for five years or until 1872, when he moved from the neighborhood."

Dr. Levi A. Hale says:

"I became acquainted with him in the year 1869, as to his disease, only by observation and conversation. I was familiar with him, and found him suffering with chronic rheumatism to such an extent that he was disabled from his trade."

Dr. C. J. Jenkins testifies:

"He treated said soldier professionally for chronic rheumatism, affecting the heart, from March 29, 1874, to September 22, 1874; that said Oliver P. Hurst died of said disease of chronic rheumatism at the county of Richmond and State of Illinois on the 22d of September, 1874; that said soldier was almost an entire invalid and helpless, and totally incapacitated from performing manual labor by reason of said disease from about October, 1873, continuously to the date of his death."

This case was placed in the hands of a special examiner, who took the evidence of a large number of his neighbors and comrades (during the month of May, 1885), nearly all of whom testified that they never heard him complain of rheumatism after he came out of the service. They all agreed that he was a very strong, active man before he entered service, and most of them could not recollect that he appeared differently when he returned from the Army. It is difficult to reconcile evidence so contradictory. That he served three years in the Army; that he was several times sick during that time; that from 1867 till 1874 he was a constant sufferer from rheumatism, and that on the 22d of September, 1874, he died from that disease, seem to be established. That his widow is now in destitute circumstances is also shown.

Without calling in question the action of the Pension Department in rejecting the case, your committee would recommend the passage of the bill with the amendment that wherever the name "Hunt" occurs it shall be "Hurst."

The amendment reported by the committee was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM H. BLAKE.

The next business on the Private Calender was the bill (H. R. 3520) granting a pension to William H. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Blake, late of Company A, Sixty-sixth Regiment Illinois Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MATTHIAS LECKNER.

The next business on the Private Calendar was the bill (S. 377) granting a pension to Matthias Leckner.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Matthias Leckner, late a private in Company B, Thirteenth Regiment Kansas Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LOUISA NOLAND.

The next business on the Private Calendar was the bill (H. R. 1824) granting a pension to Mrs. Louisa Noland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Louisa Noland, widow of Augustus Noland, late a private in Company F, One hundred and ninety-sixth Ohio Volunteer Infantry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERTINE COCKRUM.

The next business on the Private Calendar was the bill (H. R. 116) for the relief of Albertine Cockrum.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albertine Cockrum, widow of E. B. Cockrum, late a captain in the Missouri Home Guards, and pay her a pension from and after the passage of this act.

Mr. CRISP. Let the report be read.

The report by (Mr. CONGER) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 116) for the relief of Albertine Cockrum, having given the same due consideration, report as follows:

This case was considered by the House Committee on Invalid Pensions at the first session of the Forty-eighth Congress and the following report made thereon, namely:

"Albertine Cockrum is the widow of E. B. Cockrum, late a captain in the Missouri Home Guards. Captain Cockrum derived his authority to perform military duty from an order of Brig. Gen. John Sanborne, then commanding the district of Southwestern Missouri, with headquarters at Springfield, Mo. By the terms of this order Captain Cockrum was authorized to scout with his home-guard company a section of the district in which he resided, driving out all bands of guerrillas and keeping the peace of that section of country, without compensation from the Government. The records in this case show that Captain Cockrum was at the time he received his death-wound in the district assigned to him for duty and engaged in protecting loyal citizens, preserving the peace of the country, and defending and maintaining the Government against those in armed rebellion, and that he was in the line of duty at the time he received the wound which caused his death there is no doubt.

"Captain Cockrum was killed in action with the confederate troops at Buffalo City, Ark. There is no question as to the cause of his death or the manner of it. He was attacked by the enemy, and while fighting bravely on the 21st of April, 1864, received the wound which caused his death. He never enlisted, however, in the service of the United States, but as captain of the company of home guards referred to was authorized to do duty in behalf of the United States. The claim was rejected by the Pension Office on the ground that claimant's husband was employed as a civilian, and that her application was not prosecuted to a successful issue prior to July 4, 1874. Proof of the service of the soldier is shown by the Adjutant-General's report, wherein he shows that claimant's husband was granted permission to perform police duty with his company. His widow, the claimant, is quite destitute, and your committee recommend that the bill do pass."

Upon which report a bill in the exact language of the one under consideration passed the House of Representatives January 23, 1885.

Your committee, believing that the above report correctly sets forth the material facts in the case, adopt it and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SIDNEY SHERWOOD.

The next business on the Private Calendar was the bill (H. R. 3387) granting a pension to Sidney Sherwood.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sidney Sherwood, late a private in Company E, Tenth Regiment of Iowa Volunteer Infantry.

The CHAIRMAN. The question recurs on the amendment submitted by the committee, to add the words "pension to be paid to his legally constituted guardian."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES MORGAN.

The next business on the Private Calendar was the bill (H. R. 618) granting a pension to James Morgan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of James Morgan, late a private in Company E, Fiftieth Regiment Illinois Volunteer Infantry, now a resident of Allerton, Iowa, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH KAHLER.

The next business on the Private Calendar was the bill (H. R. 1575) granting a pension to Elizabeth Kahler.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth Kahler, widow of Christian Kahler, late a private in Lieut. William F. Martin's company, Second Battalion Veteran Reserve Corps Cavalry, and who was discharged the 27th day of July, 1865, at Annapolis, Md., by reason of a gunshot wound received in battle.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NEWTON O. BAKER.

The next business on the Private Calendar was the bill (H. R. 1589) for the relief of Newton O. Baker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Newton O. Baker, of Lockport, N. Y., late of the Twenty-third Independent Battery New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

TIMOTHY PAIGE.

The next business on the Private Calendar was the bill (H. R. 1590) for the relief of Timothy Paige.

The bill was read, as follows:

Be it enacted &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Timothy Paige, father of Wilkinson W. Paige, late captain of Company M, of the Tenth Regiment of New York Cavalry Volunteers, to take effect from the passage of this act.

Mr. CRISP. Mr. Chairman, I do not know that I care for the reading of the report of the committee in this case. Its favorable character indicates that in the opinion of the Committee on Invalid Pensions the bill ought to pass, and that seems to be in the judgment of the House a sufficient reason for the passage of this and all other bills so reported.

I do desire, however, Mr. Chairman, in the short time I shall tax the patience of the House, to express my objection to certain legislation that is now pending on the subject of pensions, propositions which will be brought to our attention at an early day and on which, perhaps, I shall have no other opportunity to state the reasons for the vote I shall cast.

I am aware, sir, there are Representatives on this floor who believe certain other Representatives—Representatives from a certain section of this country, the section from which I come—should not be heard on questions of this sort. I can not submit to be controlled by their opinion as to the measure of my duty as a Representative, but shall pursue the course which meets the approbation of my own judgment. I believe, Mr. Chairman, it is the duty of this Government, as it is the duty of every government, to grant wounded and disabled soldiers of its wars reasonable and proper pensions, and I shall be found among those who vote for pensions to that extent. Now, sir, there has been upon the statute-books of this country for many years liberal provisions for the country's defenders. Whoever was wounded, whoever was disabled by sickness, is entitled under the law to be placed on the pension-rolls of the Government.

The pensions allowed are very liberal; there is in my judgment too much difference in the rates which are allowed, all the way from $1 a month to $100 a month. I believe that is not right; it seems inequitable, and the Committee on Invalid Pensions might properly give their attention to a revision of the allowances made to the various degrees of disability.

But, sir, the proposition to which I especially refer as coming at an early day before this House and which I desire to discuss are the bills to increase the pensions of widows of soldiers from $8 to $12 a month, and to remove the limitation act so that arrears of pension may be paid to all pensioners who are now borne upon the pension-rolls and who have not yet received arrears of pension.

I have said that in my judgment the present rule was liberal. Let us see if it is not, both as to the number of persons on the rolls and the amounts paid them. On the 30th of June, 1885, there were upon the pension-rolls, as appears by the report of the Commissioner of Pensions which has been recently handed to us, 345,125 pensioners. There are pending in the office of the Commissioner of Pensions 430,215 applications for pensions under the present law. The aggregate number of

applications which have been filed for an allowance under the law as it now exists is 968,840. As I find from this report, the aggregate number of soldiers in the Union armies during the war between the States was 2,772,480. According to this statement, then, more than one-third of the soldiers who were engaged in the war have applied to the Government for pensions. Surely that must be conceded to be a liberal rule or statute which, not purporting to give "service pensions," yet entitles more than one-third of the entire force in the field to avail themselves of its benefits.

I am not now complaining, Mr. Chairman, of the law as it is; I am not now objecting to any man, who can show himself within the law entitled to a pension, obtaining it. I think, on the contrary, he ought to have it if he has been disabled by wounds or by sickness in the service of his country. My view of the question of pensions is this: Every government should extend liberal allowances to its soldiers and sailors who were wounded or incurred disabilities in defending it in the hour of its peril, and to the widows of those killed. Every government owes to the soldier who offers his life in its defense a debt of gratitude, but it does not always follow that you could or should liquidate a debt of gratitude in dollars and cents. Looking to our ability to pay (with a just regard to the other obligations resting on the Government, with a just regard to the great masses of the tax-payers of the country), the Government should extend a liberal allowance to its disabled soldiers.

How shall we determine what is liberal in such cases? We can not leave that question to the soldiers alone. It is our duty to consult the interest of all the people, having due regard to the plighted faith of the Government.

Now, sir, a prime factor in determining what allowance should be made to the soldiers of the country in the shape of pensions is the ability of the Government to pay. It can not be said, and I respectfully submit that the soldiers will not ask it, that the country should be bankrupted to pay them pensions. I submit it is not fair, and they should not ask that the great mass of the people should be tax-ridden in order that they might have a prodigal allowance out of the public Treasury.

Mr. Chairman, as illustrative of the liberality of this Government on the subject of pensions, let me cite some figures: There was paid last year out of the Treasury for pensions the sum of $65,693,706. Notwithstanding, sir, the last gun was fired in the war between the States nearly twenty-one years ago; notwithstanding, sir, that the pension laws at the close of the war were substantially as they are now, yet, sir, there has been from the inception of the system until to-day a steady increase in the expenditures for pensions. How do you account for that? With the exception of one year in the history of the Government there was more money paid last year than was ever paid for pensions in any one year since the system was inaugurated. Why is this? One would think that twenty-one years after a war the list would be materially less. Yet, strange to say, it has steadily increased. The aggregate amount of money paid out for pensions is so enormous as to be absolutely appalling. Without counting, sir, the expenses of the office here, without counting the expenses of the various special agents throughout the country, without counting expenses that aggregate, I am told, about $2,000,000 a year——

Mr. PRICE. Two and a half millions.

Mr. CRISP. Without counting these expenses, that aggregate two and a half millions, as I am told by the gentleman from Wisconsin, there has been paid out for pensions the enormous sum of $744,040,541.06. The present pension-roll, as I have said, is more than $65,000,000 a year, and there are almost as many claims for pensions pending to-day as have already been granted.

With these now pending, if they shall be allowed, then under the present law the pension-roll would be in the neighborhood of $125,000,000 a year. Is not that a liberal showing? Does not that exhibit a liberality approaching, if it does not reach, prodigality? And can any fair-minded man say, even though we pass no more pension laws, that this Republic has been ungrateful?

I am not now, sir, complaining of what has been done. I am referring to these facts to give you the reason why I am opposed at this time to an increase of widows' pensions, or to granting to the many thousands, who would be entitled under the law if it passed, arrears of pension, to date back to the time of the disability. There was an act passed in 1879 by the Congress of the United States—I may say a Democratic Congress, though, Mr. Chairman, this is not a political question; I do not so regard it; I am not now discussing it in that way; I am not saying what I do to elicit any man's unkind feelings, and I assure you, Mr. Chairman, and this House, that I have no feeling as to any individual in it, or as to any soldier in the country, that should prompt them to criticise what I shall say—an act passed granting arrears of pensions to the soldiers then on the pension-roll. The statement was made upon the floor at the time of the passage of the bill that thirty or forty or fifty millions at the outside would cover the cost. Now what did that act in fact take out of the Treasury of the people? Let me tell you. It took the sum of $259,873,972.96. I hear the gentleman from Kansas [Mr. MORRILL] in his seat saying that it cost something less than that. I will refer him to the report of the Commissioner of Pensions, which he will find sustains my statement; not a report properly but a letter from the Commissioner of Pensions, addressed to Hon. SAMUEL J. RANDALL, chairman of the Committee on Appropriations of the House of Representatives, which I hold in my hand, in which he estimates the cost of the acts of January 25 and March 3, 1879, at $259,873,972.

Mr. MORRILL. If the gentleman will allow me to correct him I will state if he will read the report carefully he will find the amount paid out already is $179,000,000. The other sum is the estimated cost including the future.

Mr. CRISP. That is very true. I thank the gentleman for calling attention to the fact. I did not intend to mislead. There have been paid out already one hundred and seventy-nine million and odd dollars. Of the number of applications for pensions still pending not passed on, and that may come under that act, the Commissioner of Pensions estimates that 60 per cent. will be allowed, and 60 per cent., if allowed, will take the amount of $80,468,100; and that, added to the amount already paid out, will be the sum I stated. The estimate of 60 per cent. is based upon the past experience of that Department, and I believe is a reasonable estimate of the number that will be allowed.

The Commissioner of Pensions having been invited by a committee of this House to express an opinion as to what will be the cost of the bill to increase the pensions of widows from eight to twelve dollars a month, as is provided in the pending bill, submits his calculation, which gentlemen have all seen. He makes the annual increase $6,106,922. He estimates that sum as the annual increase of the charge upon the Treasury by granting this increase of $4 a month to the widows who are now drawing $8 per month.

Now, sir, why should we put this increased burden on the great mass of the people? What reason has been or can be given for it? For years this has been the allowance to widows. Until recently no clamor was made for an increase; they seemed satisfied; the allowance was deemed liberal when made years ago, and it is much greater in its purchasing power now than it was then. In 1866, 1867, 1868, 1869, and 1870, and even up to 1880, the purchasing power of money in this country was not nearly so great as it is now. There has, perhaps, been no time in the history of the country when $8 would buy more of the necessaries of life than it will buy to-day. There is no reason then in the increased cost of living. Is there any reason in the better ability of the Government to pay? For the first time in many years the reports of estimates from the heads of Departments, as to what our income will be and what our outgo should be, exhibit the fact that we may well expect to find ourselves face to face with a deficiency. I am indebted to Mr. Courts, the very efficient clerk of the Committee on Appropriations, for the following table, showing the estimated revenue for 1887 and also the estimates for appropriations presented by heads of Departments:

Amount of estimates of regular annual appropriations for 1887	$268,220,849 98
Amount of estimates of permanent annual appropriations for 1887	118,910,955 00
Total estimates of appropriations for 1887	387,131,804 98
Amount of estimated revenues for 1887	315,000,000 00
Amount of estimated postal revenues for 1887	47,542,252 64
	362,542,252 64
Excess of estimates of appropriations over estimated revenues for 1887	24,589,552 34

It would seem from this statement that there is nothing in the financial condition of the Treasury to indicate that larger allowances or outlays should be made for pensions now than were made ten years ago.

Permit me to say just here, Mr. Chairman, that it seems to me there is some duty resting upon this Government besides the duty, which I freely concede, of providing for the disabled soldiers. I understand, sir, that no government has a right to take from the people, in the way of taxation, one dollar more than is necessary for the economical and just administration of its affairs. There are in this country sixty millions of people who are compelled to bear the burdens of taxation and from whom comes every dollar that goes into our Treasury. The Government gets no money, and in the nature of things can get no money, except what it takes from its people. For every dollar that goes into our Treasury a like dollar comes out of the pockets of the people. Both parties in this House have pledged themselves to an economical administration of the Government. Both parties pledged themselves to a reduction of taxation. I will ask, Mr. Chairman, how is a reduction to be effected if this proposed legislation is to prevail?

By the bill repealing the limitation of the arrears-of-pension act, which seems, Mr. Chairman, to have many friends upon this floor, and which, if I mistake not, one of the political parties in caucus agreed they would pass——

Mr. STRUBLE. I would like to call the attention of the gentleman from Georgia to the fact that when he states one party agreed they would pass such a proposition he is in error about that. My recollection is the caucus committed itself to the support of that proposition if it should come up in this Congress.

Mr. CRISP. Mr. Chairman, of course I did not mean to be understood as saying that the political party to which I then referred had the power to pass the bill. They have not the majority of this House. But I only meant to be understood as saying that they pledged themselves

to try and pass it, and thereby manifested the fact that they were in favor of its passage. Of course I have no right to criticise them or any individual for favoring its passage, but I propose to give the reasons why I shall oppose its passage, and if they do not commend themselves to the judgment of any other man but myself, to me, Mr. Chairman, they are fully satisfactory.

By that bill, which some members propose shall pass, the arrears-of-pension bill, there will be taken from the Treasury the sum of $303,836,200. Of that sum there would be an immediate payment of $84,468,000. If the pension-roll for the fiscal year ending in 1886 shall be as large and no larger than it was for the year ending in 1885, then you would have to add thereto the sum of $84,468,300, making about $150,000,000 to be paid during the next fiscal year for pensions, to be followed by a steady increase until we know not when. Besides, the estimated cost of the act of 1879 on this subject, the act allowing arrears, was only one-fifth of the amount that we now know will be required to pay the persons entitled to payment thereunder. If the same kind of estimates have been made on the bill before us as was then made, instead of this act costing about $300,000,000 it would cost five times that much. These estimates are necessarily uncertain and unsatisfactory, and experience has shown are almost always less, largely less, than the actual amount required.

I do not believe, Mr. Chairman, that this Government, in justice to those who contribute the money that goes into the Treasury, is able to incur an expenditure of this sort. Are we never to have a reduction of taxation? Are we to continue extravagant appropriations, and thus necessitate the retention of our present unjust, inequitable, and oppressive system of taxation; how are we to relieve the distress of the great mass of our people unless we refrain from extravagant appropriations? Do you know any way to get the vast sums that will be required under these proposed laws except by taking it from the hard earnings of the people?

Let me ask gentlemen upon the floor who say they are in favor of a reduction of the taxes how the taxes are to be reduced unless the expenditures of the Government are reduced in the same proportion? Sir, if these bills should become laws we may bid a long farewell to the hope of reducing the revenues, to the hope of relieving the people, and may as well make up our minds at once that we must devise ways and means to obtain more money, for with what we have we can not pay the claims. I am aware, sir, that there are sections of this country whose people receive direct benefits from the payment of these pensions. I am also aware of the fact that there is another large section of this country impoverished by the results of the war, struggling to build up this waste places, doing all they can to mend their broken fortunes, that do not get one dollar of benefit from the expenditure of these large sums. I do not want to be misunderstood in this regard. I do not mention this as an argument to show that reasonable pensions should not be allowed, but I present it, claiming that it is a reason why prodigality should not continue.

Human nature is alike everywhere, Mr. Chairman. You see it illustrated every day on the floor of this House; you saw it illustrated to-day, sir; where a sum of money is to be appropriated to go to individuals in a particular State the Representatives of that State will be anxious for the passage of the bill. We had before us to-day a bill providing for the payment of certain claims—just claims, I have no doubt—a large number of which came from the State of my friend who sits before me [Mr. ZACH. TAYLOR]. Now that gentleman and every other gentleman from Tennessee seemed to feel a strong personal interest in the passage of the bill. Why? I presume the claims were just, but many other just claims have come before this House without eliciting so much interest on the part of gentlemen who were specially attentive to this bill. What influenced such action? Why, Mr. Chairman, it is that trait of human nature which prompts us to further by all means in our power any appropriation of money that is to be expended among our own people.

I criticise no man, sir, for entertaining that spirit or feeling; I do not pretend or claim to be above it myself. But I want to ask gentlemen who live in States that are directly benefited by the large sums of money that are paid out in pensions to consider the burdens of the people who live in other localities. I ask this, not with a view to parsimony, but I ask these gentlemen to consider, when the question of pensions arises, the people of other sections of the country, who do not derive any benefit from these expenditures, people who do not oppose liberal allowances to the disabled soldiers of their country, people who are willing to bear their just share of the necessary burden of the Government, but who do not think they should be taxed to make prodigal allowances to any one.

Take the pension-list to-day, and see the amounts that go to some of the great States. Take the State of New York, for instance. Eight or nine millions of pension-money is paid to its citizens every year. Take the State of Indiana; nearly five millions of this pension-money goes there. Take Illinois; more than five millions of pension-money goes there, and so proportionately throughout the Northern States.

These large sums of money thus being paid out of the common Treasury each year to the citizens of some of the States has a marvelous effect upon their general prosperity. It builds up their industries; it stimulates their business; it is just as if you increased the productiveness of those States to that extent; just as if you added to the great crops they already make so many additional million bushels of corn or whatever else they produce. Therefore it is, Mr. Chairman, that gentlemen who represent those States are perhaps likely to overlook the fact that all other parts of the country do not receive like benefits for these expenditures. Now, sir, we do not seek—when I say we, I mean the people whom I have the honor to represent—they do not seek to avoid any just burden that may be put upon them. They willingly contribute, even of their poverty, to whatever is necessary for the grandeur, the glory, and the justice of our common country. They are willing to pay whatever is necessary to deal in good faith and liberally with the soldiers of the country. But I submit, sir, the point of liberality being certainly reached, that it is not right to ask them to go further.

Mr. Chairman, the income of this country, the greater portion of it, is derived from customs duties and internal revenue; about $112,000,000 or $115,000,000 from internal revenue, and about $180,000,000 from customs; then adding revenue from all other sources, we have an aggregate of about $387,000,000 that comes into the Treasury every year. Upon that income there are many burdens. The Army must be sustained; the Navy must be supported; the public debt must be paid; the rivers and harbors throughout the country should be improved; reasonable pensions should be granted, and all other just claims against the Government must be paid. Now, sir, how are these burdens to be met? The receipts are now barely sufficient to meet them, and yet we are asked to add millions to the sum of our liabilities. We must, sir, increase taxation, increase the bonded debt unless we observe economy in the public expenditure. We do that in most cases that come before us; why should the matter of pensions be made an exception to the rule? It should not be. I protest against it, and as a Representative invoke at the hands of brother Representatives the same care and the same scrutiny and the same regard for economy in making appropriations for pensions as characterizes their actions in all other matters of appropriation that come before them.

I urge upon this House only reasonable economy, not parsimony. I would be just, I would be liberal in such matters, but I do think that there ought to be somewhere this side of utter ruin to the people a stopping place. If gentlemen can give any good reason why the allowance now made for pensions is not sufficient, if they can show any reason why it is more pressing to pass this bill now than it was fifteen years ago, if they can show any greater ability on the part of the Government to pay increased pensions now than it has had heretofore, then there might be some plausibility in the claim. But no such reason is given. It does not become me, sir, to impute, nor shall I impute, to any gentleman any motive for any vote or any act of his upon this question. I have no right to do so; I have no desire to do so. But I insist that we ought to have a reason given, and a good one, too, when we are asked to vote these vast sums out of the Treasury of the United States, when the people are already staggering under the burdens they bear, and, in many sections of the country, getting poorer and poorer each year.

Mr. Chairman, an illustration of the point I am now seeking to make is found here every Friday night. Is there another committee of this House whom the members of the House are willing to trust blindly except the Committee on Invalid Pensions? Is there any proposition to pay $20 that the Government owes—justly owes—which will be allowed to pass this House without the reading of the report? Now, in pension cases very often the report is not read, cases making a charge upon the Treasury of say $120 a year for many years to come. There must be some reason for this; what is it? The reason that strikes me with most force, if I may be permitted to pass judgment on the reasons of other people, is that a large number of members, perhaps most of those who attend the night sessions, believe that every man who was in the Federal Army ought to have a pension whether he is disabled or not; and therefore they do not scrutinize these cases with the care which they would apply if their views were different. Believing, as many of them do, that all these soldiers should be pensioned, they do not give these cases that nice scrutiny which they would apply if their convictions were different. They simply say to themselves, "He was a soldier; I think all such ought to be pensioned, and therefore I shall vote in favor of this bill."

I do not wish to be understood, Mr. Chairman, as reflecting or intending to reflect on the Committee on Invalid Pensions. I am fully aware that committee makes many adverse reports. Nor do I intend to reflect upon the members of the House; but what I am commenting upon is the singular fact that this House of Representatives, composed of three hundred and twenty-five members, is willing to accept blindly the judgment of the Committee on Invalid Pensions and of no other committee of this House. We meet here every Friday night. We have to-night a fair sample of the number who usually come here. Why is it that the vast majority of the members of this House fail to attend the sessions held each Friday night for the consideration of pension bills? Do they feel no interest in the matter? I presume it is well understood that as a rule these sessions are attended only by members of the committee and by other gentlemen who are concerned in bills pending on the Calendar. When I say "concerned" I do not mean improperly concerned, but concerned by reason of having introduced the measures.

Mr. BROWN, of Pennsylvania. I think a similar sparseness of attendance would occur in any case if a particular time were fixed for the consideration of private bills of any character—any time when private bills alone would be considered.

Mr. CRISP. Private bills only were in order to-day, Mr. Chairman; yet we had a good attendance. The point was made that no quorum was present. The distinguished gentleman from Missouri [Mr. HATCH] who now occupies the chair occupied it then. He appointed tellers, and it was developed that there was easily a quorum in the House.

Mr. PETERS. We had something besides private bills.

Mr. CRISP. No, sir; I beg the gentleman's pardon. Friday is set apart under the rules for the consideration of private bills only.

Mr. BROWN, of Pennsylvania. If a session were set apart for private bills of one particular character, as is the case with these sessions for pension business, I think the gentleman would find the attendance meager. But the bills liable to come up to-day are to a certain extent of every conceivable character.

Mr. LONG. And public bills are liable to come up on Friday if private business be dispensed with.

Mr. CRISP. I simply mention this matter, Mr. Chairman, to emphasize the idea in my mind that as to this one question of pensions, for some reason—what the reason is I do not pretend to say—the same scrutiny is not given that we give to legislation on every other subject coming before us. The support of the Army, the Navy, the great departments of the Government—the payment of the bonded debt—the payment of every other description of claim—elicit from members of this House the closest scrutiny, while pension claims seem to go through without objection, or, if objected to, are always passed by large majorities.

Now, Mr. Chairman, I have said all I desire to say and more than I intended. I wanted to go upon record against these propositions. I had no desire to wound the feelings of any gentleman in any way; and I trust I have not done so. I wanted to put myself upon record now, because I doubted whether I would be able to do so at a later period; I doubted my ability to get the floor on a future occasion; and I wished to place upon the records of the country my reason for casting my vote against both the propositions to which I have referred.

Mr. MCMILLIN. Mr. Chairman, I wish to lay before the Committee of the Whole a communication from General Black, Commissioner of Pensions, bearing upon a practical question now pending before Congress. I submit this letter, not because it applies particularly to this case, but because it contains statistics which ought to be presented to the country before we are called upon to vote on the extension of the arrears of pension and some other kindred questions. If measures of this kind are to be passed by this Congress it is of the utmost importance that we act upon the fullest statistical information attainable, so that there may not again occur what happened with reference to the last arrears act, the country having been confronted after the passage of that act with an expenditure far beyond what it had been claimed the act would cost.

Mr. CUTCHEON. As the document in question has been repeatedly referred to in the remarks of the gentleman from Georgia [Mr. CRISP] who has just spoken, and as it will be a great convenience to have the information in accessible form, I am glad the gentleman from Tennessee proposes to place it on the records of the House.

The communication referred to by Mr. MCMILLIN is as follows:

PENSIONS.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 25, 1886.

SIR: I have the honor to acknowledge the receipt of your recent request for a statement touching three propositions, as follows:

First. What has been the cost to the Government to date as the result of the passage of the acts of January 25 and March 4, 1879, extending the limitation in the filing of applications for pension, and what will be the probable expenditure under the operation of said acts without regard to the second proposition?

Second. What will be the probable cost if Congress repeal the limitation imposed by said acts of January 25 and March 3, 1879?

Third. What will be the additional annual value of the pension-roll should the pending bill (H. R. 545) become a law, which proposes to increase to $12 the monthly rate of all widows, minors, and dependent relatives, pensioners and applicants, whose monthly rate is or would be less than said sum?

The Commissioner desires it understood that, in submitting the accompanying figures absolute accuracy is not practicable, as any estimate on the proposition presented must necessarily be largely conjectural. He, however, submits them as the best which his observation and experience can suggest.

FIRST PROPOSITION.

The acts of January 25 and March 3, 1879, provided substantially that all pensions allowed thereafter for causes originating subsequent to March 4, 1861, should commence at the date of discharge in cases of invalid pension; and at the date of termination of the right of the parties having prior title, in all these classes, provided applications were filed prior to July 1, 1880.

Up to June 30, 1883, there had been expended in new allowances—that is, in cases unsettled at the passage of said acts—the sum of $105,205,682, which is properly chargeable to the operations thereof.

The total amount expended for pensions during the fiscal year ending June 30, 1884, was	$56,908,597 60
The annual value of roll was	34,456,600 35
Arrears paid and chargeable to said acts	22,451,997 25
The total amount expended for pensions during the fiscal year ending June 30, 1885, was	64,933,288 12
Annual value of roll	38,090,985 28
Arrears paid	26,842,302 84

Up to June 30, 1885, there was expended for the payment of arrears in cases allowed prior to January 25, 1879, in which the limitation ran against the dates of commencement; that is, in which the date of commencement was determined by the filing of the last essential evidence, $24,904,890.37.

RECAPITULATION.

Amount paid to June 30, 1883	$105,205,682 00
Amount paid to June 30, 1884	22,451,997 25
Amount paid to June 30, 1885	26,842,302 84
Amount to June 30, 1885, in cases on rolls January 25, 1879	24,904,890 37
Total amount expended to June 30, 1885, as results of acts January 25 and March 3, 1879	179,404,872 96

The number of applications for pensions filed prior to July 1, 1880, and pending July 1, 1885, was as follows:

Invalid claims	73,415
Widows and others	26,656

It is estimated that 60 per cent. of these cases will receive favorable consideration, so that the following figures will show approximately the amount required to pay the arrears therein consequent upon the passage of the said act of 1879, the average first payment in invalid cases being fixed at $1,500, and in widows' and other cases at $900:

60 per cent. of 73,415 = 44,049 × $1,500	$66,073,500 00
60 per cent. of 26,656 = 15,994 × $900	14,394,600 00
	80,468,100 00
To this add amount expended to June 30, 1885	179,405,872 96
Total cost of acts of January 25 and March 3, 1879	259,873,972 96

SECOND PROPOSITION.

If the limitation as to the filing of applications imposed by the acts of January 25 and March 3, 1879, be repealed, all pensions will commence at date of discharge or at the termination of "prior title."

Since June 30, 1880, there have been allowed 46,867 invalid pensions and 29,558 widows' and other pensions, in which, by reason of the limitation referred, no arrears have been granted.

Of the invalid allowances, 26,027 were filed in 1880; 4,812 in 1881; 6,189 in 1882; 5,678 in 1883; 3,351 in 1884, and 810 in 1885.

Fixing July 1, 1865, as the average date of discharge and $100 as the average yearly rate, it will appear that to pay the arrears in these case it will require approximately the following sums:

Year.	No. of pensioners filed.	Yearly value.	Amount.
1880	27,027	$1,500	$39,040,500
1881	4,812	1,600	7,699,200
1882	6,189	1,700	10,521,300
1883	5,678	1,800	10,220,400
1884	3,551	1,900	6,366,900
1885	810	2,000	1,620,000
Amount required to pay invalids now on rolls			75,468,300

The 29,558 allowances to widows and others include the pensions granted to minors, against whom no limitation has run, as well as to dependent relatives whose title did not accrue, in many instances, until the death of the soldier and of another person. In the case of a widow the title will accrue at the death of the soldier, so that it is difficult to fix a date from which to compute the amount which will probably be due. Assuming nine years as the average period, and $100 as the average yearly rate, the amount required to pay arrears in 10,000 (estimated) cases will be, approximately, $9,000,000. Adding to this amount the amount to pay invalids ($75,468,300), the amount required to pay pensioners now on rolls will be $84,468,300.

To state the amount which will probably be required to pay the arrears in cases still pending in this office will be a matter largely of conjecture. It may, however, be stated that on the 30th day of June, 1885, there were pending in this office 171,402 invalids' and 61,582 widows' and other applications.

Assuming that 60 per cent. of these will receive favorable consideration, and that eighteen years will be the average arrears period in invalid cases, and nine years in widows and other cases, the annual rate averaging $100 in each class, there will probably be required to pay the arrears to them the following amounts:

60 per cent. of 171,402 = 102,841 × $1,800	$185,113,800
60 per cent. of 61,582 = 36,949 × $900	33,254,100
	218,367,900
Add the amount required to pay pensioners now on rolls	84,468,300
Total probable result of repeal of limitation	302,836,200

It is, of course, easy to conceive that the repeal of the limitation in the acts of 1879 will greatly stimulate the filing of new cases, and especially applications for invalid pension.

How largely it will result and what percentage of such cases will be allowed are so completely matters of conjecture that it is not thought profitable to consider them.

THIRD PROPOSITION.

The passage of the House bill 545 will increase the monthly rate of widows, minors, dependent mothers, and dependent fathers, which is now $8, to $12. It will also increase from $8 to $12 the monthly rate of widows of soldiers who served in the war of 1812. It does not disturb the rate of the 2,945 survivors of the war of 1812 now on the rolls, who receive $8 per month, or the rate of this class hereafter to be allowed out of the seventy applications unsettled July, 1885.

On the 30th day of June, 1885, there were on the pension-rolls 80,767 persons pensioned as widows, minors, and dependent relatives of soldiers who served in the war of 1861, and 17,212 persons as widows of soldiers of the war of 1812. Omitting from the former class those whose monthly rate is in excess of $12 and remembering that $8 is the uniform rate in the latter class, the increased cost to the Government, pursuant to the proposed legislation, will be approximately as follows, annually:

75,767 × $48	$3,636,816 00
17,212 × 48	826,176 00
Increase to pensioners now on rolls	4,462,992 00

On the 30th day of June, 1885, there were on file in this office 35,000 applications for widows' and other pensions which will probably be favorably consid-

ered, and in which the rate will be fixed at $8 per month. There were also 602 applications for pensions by widows of 1812 soldiers, of which number it is estimated that 500 will be favorably considered. To pay the increase of these classes as proposed by House bill No. 545 it will probably require, annually, the following amounts:

35,000 × $48	$1,680,000 00
500 × 48	24,000 00
	1,704,000 00
Add amount to pay pensioners now on roll	4,462,992 00
Total cost annually of increase	6,166,992 00

It may be proper to add that up to June 30, 1885, there had been rejected 48,780 claims to invalid pensions and 33,217 claims of widows and others, all of which were filed prior to July 1, 1880, and that up to the same date there had been rejected 85,589 invalid claims and 45,837 widows' and other claims, all of which were filed after July 1, 1880.

The question of how many of each of these classes will, upon reconsideration, be allowed, and what will be the consequent cost to the Government in connection with the first and second propositions, respectively, the Commissioner regards as opening a field so entirely speculative that he must decline to enter therein.

I am, sir, very respectfully,

JOHN C. BLACK,
Commissioner of Pensions.

Hon. SAMUEL J. RANDALL,
Chairman Appropriations Committee,
House of Representatives.

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 27, 1886.

SIR: I have the honor to acknowledge the receipt of your request of to-day for a statement giving the amounts expended each year from 1879 to 1885, inclusive, and properly chargeable to the acts of January 25 and March 3, 1879.

In response, I have to submit the following:

1879	$3,797,646 89
1880	12,504,075 50
1881	25,962,259 31
1882	28,200,119 88
1883	34,741,580 50
1884	22,451,997 25
1885	26,842,302 84
Arrears paid to June 30, 1885, in cases on roll January 25, 1879	24,904,890 87
Total	179,404,872 00

Very respectfully,

JOHN C. BLACK,
Commissioner of Pensions.

Hon. SAMUEL J. RANDALL,
Chairman Committee on Appropriations,
House of Representatives.

Payments on account of pensions, according to Treasury statement, from 1879 to 1885, inclusive.

1879	$35,121,482 39
1880	56,777,174 44
1881	50,059,279 62
1882	61,345,193 95
1883	66,012,573 64
1884	55,429,228 06
1885	56,102,267 49

The CHAIRMAN. If there be no objection, the pending bill will be laid aside to be reported to the House with the recommendation that it do pass.

There was no objection, and it was ordered accordingly.

SARAH L. BRAGG.

The next business on the Private Calendar was the bill (H. R. 1574) granting a pension to Sarah L. Bragg.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, at the rate of $30 per month, the name of Mrs. Sarah L. Bragg, late an army hospital matron, and the widow of George Bragg, formerly a private in Company A, One hundred and fifty-first Regiment of New York Volunteers.

The amendment of the committee was read, as follows:

Strike out, in line 5, the word "thirty" and insert in lieu thereof "twelve."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANSON B. SAMS.

The next business on the Private Calendar was the bill (H. R. 1701) granting a pension to Anson B. Sams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Anson B. Sams, of Madison County, North Carolina, late of the Second North Carolina Mounted Infantry, on the pension-roll, subject to the limitations and restrictions of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 1703) granting a pension to Joseph Williams.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Joseph Williams, late a private in Batteries K and F, Second United States Artillery, subject to the limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ISAAC MOORE.

The next business on the Private Calender was the bill (H. R. 1255) granting a pension to Isaac Moore.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isaac Moore, late a private in Company F, Thirty-sixth Wisconsin Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE C. HAYNIE.

The next business on the Private Calendar was the bill (H. R. 1711) for the relief of George C. Haynie.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to adjudicate the pension claim of George C. Haynie, who was captain of Company A, Second North Carolina Mounted Infantry, as though he had been regularly mustered into the service of the United States at the time of his discharge, August 16, 1865.

The amendment of the committee was read, as follows:

Strike out, in line 4, beginning with the word "adjudicate," down to and including the word "sixty-five," in line 8, and in lieu thereof insert as follows: "Place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George C. Haynie, late captain of Company A, Second North Carolina Mounted Infantry."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PHEBE SAUNDERS.

The next business on the Private Calendar was the bill (H. R. 1564) granting a pension to Phebe Saunders.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Phebe Saunders, widow of John B. Saunders, late of Company K, One hundred and forty-third New York Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LOIS HOLT.

The next business on the Private Calendar was the bill (H. R. 1469) granting a pension to Lois Holt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, from and after the passage of this act, the name of Lois Holt, mother of Harvey Holt, late a private in Company I, Second Regiment New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY MURPHY.

The next business on the Private Calendar was the bill (H. R. 1472) granting a pension to Mary Murphy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Murphy, widow of John Murphy, late a private in Company K, Sixteenth Regiment New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN M. MILTON.

The next business on the Private Calendar was the bill (H. R. 4125) granting a pension to John M. Milton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John M. Milton, dependent father of Charles A. Milton, late a private in Company B, Second Regiment New Hampshire Volunteers, and at the time of his death a medical cadet, and pay him a pension at the rate of $8 per month from and after the passage of this act, said pension to commence March 3, 1885.

The amendment of the committee was read, as follows:

Strike out in line 10 the following words: "from and after the passage of this act."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

FRANCIS M'NEIL POTTER.

The next business on the Private Calendar was the bill (H. R. 1625) for the relief of Francis McNeil Potter.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed, subject to the provisions and limitations of the pension laws, to increase the pension of Francis McNeil Potter, daughter of the late General John McNeil, United States Army, from twenty to thirty dollars per month, said increase to take effect from and after the passage of this act.

The amendment of the committee was read, as follows:

Strike out "forty" and insert "thirty."

Mr. STRUBLE. Mr. Chairman, I desire to call for the reading of

the report in this case, and before doing so I desire to submit a few remarks with a view to attract the attention of members to it when it is read. While this bill comes from the Committee on Invalid Pensions, of which I am a member, I was not present at the time it was considered, or else I would have opposed it, although I dislike to oppose any pension case. This is not a bill for pensioning a widow of a soldier, but the daughter of a soldier, a gallant soldier to be sure. It is in favor of a lady who in her time enjoyed the protection and support of a husband, but who is now a widow. I do not understand it to be the policy of Congress to extend by legislation the benefits of the pension laws to daughters of generals who have had the good fortune to have enjoyed the protection and support of husbands.

Now, sir, I am not going to offer any strenuous objection to the passage of this bill. I have never made that a practice on the floor of the House. I simply desire to call the attention of the committee to the report, so that when it is read if other gentlemen do not object I certainly shall not object to the passage of the bill. But I doubt the propriety of this kind of legislation.

Mr. DOCKERY. Now let us have the report read.

Mr. STRUBLE. The report has not yet been read, and the statement I have made I have taken the time of the House to present for the purpose of specially asking the attention of the committee to the report while it is being read by the Clerk.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. JONES, of Alabama) was read, as follows:

Frances McNeil Potter is a daughter of General John McNeil, United States Army; that John McNeil, of New Hampshire, was appointed a captain of infantry March 12, 1812, and had charge of the troops at Concord, and subsequently at Plattsburg, where he was charged also with the supervision of the drilling of the new soldiers. In August, 1813, he was promoted to the rank of major, and marched to Burlington in command of a regiment.

In July, 1814, he served in Brown's division, in Sackett's Harbor, until he was ordered with his regiment, in July, to the frontier at Niagara. During an attack by the enemy Colonel Campbell, of the Eleventh Regiment, fell, and the command of the regiment devolved upon Major McNeil.

The action of this officer at this battle, known in history as the battle of Chippewa, was supposed by his superior officers to have had a determining influence in securing the success of the American Army.

General Scott, in his report, said: "The self-possession of Major McNeil under fire was unequaled," and "the flank movement of the gallant McNeil in this important battle turned the fortunes of the day and gave victory to the American troops."

General Jesup declares:

"I followed the Eleventh Regiment with my command over the bridge. I had ample opportunity of witnessing the conduct of Major McNeil. He formed his regiment under fire of the enemy with the accuracy of a parade. He promptly availed himself of every advantage presented, and he wielded his force with great coolness and judgment, and on his own responsibility and without orders made the decisive movement at Chippewa."

General Scott, in his report to General Brown, said:

"Major McNeil deserves everything which conspicuous skill and gallantry can win from a grateful country."

He subsequently commanded the Eleventh Regiment at the battle of Lundy's Lane, and in this engagement he exhibited not only the military tact, judgment, and bravery that had been exhibited in the battle of Chippewa, but was severely wounded and rendered a cripple for life. He subsequently served in 1824 on the Indian frontier.

His death, which occurred in Washington, February, 1850, was commemorated appropriately by the action of both Houses of Congress, which were then in session, eulogies being delivered upon him by Mr. Herbert of the House, and Mr. Hale in the Senate.

This officer was for merit and gallantry in the service promoted from a captaincy to the rank of brevet brigadier-general, and not only devoted his time to the service of the country through a long series of years, but finally succumbed to the effect of wounds received and diseases contracted in the service. And your committee are of the opinion that the gallant service of the father to his country entitles his daughter to consideration from his grateful countrymen.

And your committee recommend that House bill 1625 do pass with the following amendment:

Strike out the word "forty," in the seventh line, and insert the word "thirty."

Mr. WOLFORD. Mr. Chairman, I only rise for the purpose of asking the favor of the committee—inasmuch as Mr. JONES, who reported this bill and knows all of the facts in the case, is not present, that it be passed over informally until he can be here.

Mr. McMILLIN. That is right.

The CHAIRMAN. If there be no objection this bill will be passed over informally, to retain its place on the Calendar.

There was no objection, and it was ordered accordingly.

ROBERT D. FORT.

The next business on the Private Calendar was the bill (H. R. 1319) to increase the pension of Robert D. Fort.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Robert D. Fort, formerly a member of Capt. Richard Benson's company of Tennessee militia, who was in the military service in the year 1814, to $50 per month, in lieu of the pension of $8 per month he is now receiving.

Mr. CUTCHEON. Let the report be read.

The report (by Mr. WOLFORD) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 1319) to increase the pension of Robert D. Fort, submit the following report:

They recommend that the words "fifty dollars" be stricken out and that "thirty dollars" be inserted in lieu thereof, and that the bill thus amended do pass.

Mr. WOLFORD. Mr. Chairman, I fear, sir, and that is the reason why I want to say a word, that through my carelessness and laziness justice has not been done to this old man. In the first place, I neglected to write a report in order to place it before the House until just about the time that the bill was to be reported, and then I got a gentleman to write it for me, and he put in that kind of a report which has just been read, without stating any of the facts in reference to the finding of the committee or the evidence on which it was based.

This old man was in the war of 1812, that is to say, he served in 1814. He has drawn a pension of $8 a month for many years. He was a hard-working man, and raised a large family of children, who are all now very poor. He is himself in his ninety-first year, and is almost blind. His wife, and he only had one, is old and blind, and they have no means of support.

Mr. STRUBLE. Are both blind?

Mr. WOLFORD. Yes, sir, practically; that is to say, the old man is almost blind, while his wife is entirely blind.

I did injustice again in another thing in not writing the report myself. I was appointed a subcommittee to investigate the matter, and ascertained these facts, and I suppose everybody knows my views on the subject of pensions [laughter]. I disagreed slightly with the cold, deliberate, sensible speech made here to-night, for I believe that all ought to be pensioned, and I believe that we can afford to and are able to pension them. But I do not want to enter upon a discussion of that question now.

I believed then, in the preparation of this report and in the consideration of this bill, that I would put it at a very moderate figure, and therefore the subcommittee reported to the full committee, which report was adopted, recommending $35 a month as the pension in this case. The mistake is my own in not having written the report myself setting forth the facts upon which it is founded. But the committee did unanimously recommend $35 a month to be inserted in the bill instead of fifty, and I believe if I had said fifty the committee would have reported with equal unanimity, for they did report in favor of the amount recommended very cordially. I think they all felt deeper for the old man than even I did, and I can hardly excuse myself for not presenting the matter to the House in the shape of a report; but the facts in the case can be stated by the gentleman from Mississippi, who is familiar with them.

Mr. MORGAN. Mr. Chairman, at the request of the gentleman from Kentucky I will state the circumstances, as far as they come within my knowledge, of this case. I have known this old gentleman all my life. I, of course, do not know his exact age, but I know what he has told me his age is, and I know him to be a truthful man, and his appearance indicates the fact that he is fully the age claimed. I have known him for forty or more years. He is living quite near me. He is now in his ninety-first year and is very feeble. Before the war he was a man of some little property, but the war deprived him of that, and he is now quite poor. His wife, the wife of his youth, is living and she is blind. The old gentleman could recognize me or could distinguish a white man from a colored man at four, five, or ten feet, perhaps, but that is all the sight he has. He is able to go about in a feeble way but is unable to make a living; and his wife, who is over eighty years of age, is entirely blind. They have lived together as man and wife for some sixty-five years.

Mr. LONG. Are there any children?

Mr. MORGAN. There are four children, two sons and two daughters. They are all poor and humble people. The two sons are engaged in farming and make a living by following the plow. Each of the sons has a large family, and the two daughters are married and also have families. They are all poor, and it will be a great boon to the old man to grant this pension. In draughting the bill I put in the sum of $50, leaving it entirely to the judgment of the committee to do what is just as between that man and the Government.

The gentleman from Kentucky [Mr. WOLFORD] has stated to me it was the intention and order of the committee that the amount of the pension should be $35. I will state to the House that that extra $5 would be a great comfort to this old man and this old lady. I suppose, if he should die first, his widow would be entitled to go on the roll. And, if Congress would raise the amount to $40, they could hire a servant to do their cooking and washing and build fires, &c., and with the remainder live comfortably.

Mr. CUTCHEON. I desire to ask the gentleman from Mississippi a question. With his knowledge of this old pair what does he think is the present expectation of life of the old man?

Mr. MORGAN. I think he can not live but a short time.

Mr. CUTCHEON. Not I suppose to exceed the age of one hundred years?

Mr. MORGAN. I do not know how long he may live. [Laughter.] A man who has lived ninety years might possibly live a good while longer; that is a matter of speculation.

Mr. LONG. Let us trust that this increase of pension may extend his life.

Mr. MORGAN. This will make his remaining years more comfortable. I ask to substitute $40 for the amount in the bill.

The CHAIRMAN. The question is on the amendment of the gentleman from Mississippi [Mr. MORGAN] to the amendment of the committee to strike out $30 and insert $40.

The amendment was adopted.

The amendment as amended was adopted; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WINANS. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having resumed the chair as Speaker *pro tempore*, Mr. HATCH reported that the Committee of the Whole House, having had under consideration the Private Calendar, had directed him to report back sundry pension bills with various recommendations.

BILLS PASSED.

Bills of the following titles reported from the Committee of the Whole House without amendments were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 928) granting a pension to Lewis A. Thornbury;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 225) granting a pension to Daniel Connolly;
A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;
A bill (H. R. 788) granting a pension to Jeptha Hornbeck;
A bill (H. R. 4835) to place the name of John Pruitt on the pension-roll;
A bill (H. R. 777) granting a pension to Frederick Bottjer;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 618) granting a pension to James Morgan;
A bill (H. R. 1575) granting a pension to Elizabeth Kahler;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1255) granting a pension to Isaac Moore;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1469) granting a pension to Lois Holt; and
A bill (H. R. 1472) granting a pension to Mary Murphy.

Bills of the following titles were reported with amendments, the amendments were agreed to, and the bills as amended were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 613) for the relief of Catherine Collins;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 1084) granting a pension to Alice S. Holbrook;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 4125) granting a pension to John M. Milton;
A bill (H. R. 1319) to increase the pension of Robert D. Fort;
A bill (H. R. 1352) granting a pension to Isaac Chenowith (the title was amended so as to read "A bill granting a pension to Isaac Chenoweth"); and
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hunt (the title was amended so as to read "A bill granting a pension to Mrs. Amy A. Hurst").

The bill (S. 377) granting a pension to Matthias Leckner was reported without amendment. It was ordered to a third reading; and it was accordingly read the third time, and passed.

RECONSIDERATION.

Mr. PRICE. I move that the several votes by which bills have been passed be reconsidered; and I also move that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WINANS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 45 minutes p. m.) the House adjourned until Monday next.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Philadelphia Methodist Episcopal preachers' meeting, recommending legislation against the mailing of newspapers and other publications containing lottery advertisements and prescribing a penalty for violation of the same—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Central Labor Union of Philadelphia, protesting against the passage of Senate bill No. 191 providing for an international copyright law—to the Committee on Patents.

By Mr. BOYLE: Petition of honorably discharged soldiers and sailors, for act granting 160 acres of land to every soldier who served in the late war and to widows and minors of deceased soldiers—to the Committee on the Public Lands.

By Mr. BRADY: Papers relating to the claim of Sarah Mumford—to the Committee on Claims.

By Mr. CATCHINGS: Petition and papers of W. J. Lum, of Warren County, Mississippi, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. COLE: Papers relating to the claim of William Talbert—to the Committee on Claims.

By Mr. COLLINS: Petition of business men and citizens of Boston, Mass., engaged in the fishing interest, in relation thereto—to the Committee on Ways and Means.

By Mr. COMSTOCK: Petition of William Bradbury and 33 others, of Lisbon, Ottawa County, Michigan, for female suffrage—to the Committee on the Judiciary.

By Mr. COX: Petition of Knights of Labor, of Raleigh, N. C., in regard to the Indian Territory—to the Committee on the Territories.

By Mr. CRAIN: Paper relating to the steamer De Soto, H. H. Beard, owner—to the Committee on War Claims.

By Mr. DORSEY: Petition of 95 citizens, of Nebraska, asking for the creation of a new land district in that State—to the Committee on the Public Lands.

By Mr. FISHER: Petition of Pack, Woods & Co., and 53 others, vessel and barge owners, asking for the improvement of the mouth of Au Sable River, Michigan—to the Committee on Rivers and Harbors.

Also, petitions of C. W. Rounds and 103 others, of F. W. Wheeler and 83 others, of Smith Brothers & Co. and 100 others, of Perry Phelps and 14 others, of Alexander Turner and 52 others, of Thomas Mackin and 46 others, of J. O. Hadley and 39 others, of Henry Stephens and 15 others, of Judge Frank Emerick and 50 others, of F. A. Lyon and 12 others, of S. V. R. Trowbridge and 16 others, of Alfred Lentherick and 27 others, of John Magill and 41 others, and of H. W. Sage & Co. and 104 others, all of Michigan, asking the establishment of United States courts at Bay City, Mich.—to the Committee on the Judiciary.

By Mr. EUSTACE GIBSON: Petition of citizens of the Big Sandy Valley, asking for the improvement of the Big Sandy River—to the Committee on Rivers and Harbors.

By Mr. GLASS: Petition of 317 citizens of Dyer County, Tennessee, praying for an appropriation of $200,000 to improve the navigation of the Forked Deer River—to the same committee.

By Mr. HALL: Petition from citizens of Burlington, Iowa, requesting that when duties on sugar and other imports be charged a specific date be fixed therefor—to the Committee on Ways and Means.

Also, petition of citizens of Louisa County, Iowa, against the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. D. B. HENDERSON: Paper from Lafayette Brockway, asking legislation for certain class of amputated pensioners—to the Committee on Invalid Pensions.

By Mr. KING: A bill appropriating $150,000 for the improvement of the Ouachita River, in Louisiana—to the Committee on Rivers and Harbors.

By Mr. LE FEVRE: Papers for the relief of Martin Barringer, late of Company I, Fifth Regiment Ohio Volunteers—to the Committee on Military Affairs.

By Mr. LORE: Memorials of E. D. Cleaver and of William H. Moore, respecting construction of act of March 3, 1883, relating to pay of postmasters—to the Committee on the Post-Office and Post-Roads.

By Mr. LYMAN: Paper to accompany the claim of F. W. Haldeman—to the Committee on War Claims.

By Mr. MCCOMAS: Petition of Mary E. Holtzman, widow of John M. Holtzman, for relief—to the same committee.

By Mr. MCKINLEY: Petition of Knights of Labor organization of Wadsworth, Ohio, praying for a Territorial government over Indian Territory—to the Committee on Territories.

By Mr. MORGAN: Petition of George L. Bauxcomb, of Benton County, Mississippi, for reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. MORRILL: Papers relating to claim of William S. Thatcher—to the same committee.

By Mr. PRICE: Memorial of the State Teachers' Association of Wisconsin, in favor of a general educational law—to the Committee on Education.

By Mr. SPRINGER: Papers relating to the State National Bank of Louisiana—to the Committee on Claims.

By Mr. J. R. THOMAS: Petition of 43 prominent citizens of Johnson County, Illinois, for the passage of a bill for the relief of H. B. Wiley, late of Company K, Sixtieth Regiment Illinois Volunteers—to the Committee on War Claims.

By Mr. THROCKMORTON: Papers relating to the case of James M. Grigsby, for relief—to the Committee on Claims.

By Mr. J. B. WEAVER: Petition of A. McGuire and 501 others, of Kansas, and of Knights of Labor, praying for the passage of a bill to organize Oklahoma Territory—to the Committee on the Territories.

Also, petition of S. M. Barton, of Ohio, and about 75 others, praying for the passage of the bill for the payment to the Union soldiers of the difference between coin and depreciated paper which they were compelled to receive during the war—to the Committee on Military Affairs.

Also, petition of Assembly of Knights of Labor, Albia, Iowa, praying for the passage of a bill to organize Oklahoma Territory—to the Committee on the Territories.

Also, petition of N. J. Williams, of Illinois, and 28 others, praying for the passage of the bill to organize Oklahoma Territory—to the same committee.

Also, petition of E. M. Smith, of Adair, Iowa, and 30 others, praying for the forfeiture of the unearned land grant of the Sioux City and Saint Paul Railroad, in Northwestern Iowa—to the Committee on the Public Lands.

Also, petition of Caldwell (Kans.) Assembly of Knights of Labor, in regard to Indian Territory—to the Committee on the Territories.

Also, petition of Post 162, Grand Army of the Republic, of Pennsylvania, and of Major Harper Post, 181, Grand Army of the Republic, of Pennsylvania, asking for the passage of the bills giving a portion of the public domain to soldiers, sailors, and marines of the late war, and to pay them the difference between coin and the depreciated currency they were compelled to receive—to the Committee on Military Affairs.

Also, petition of M. N. Sinnatt and 342 others, of Kansas, praying for the right of way through the Indian Territory for the Kansas and Arkansas Railway—to the Committee on the Territories.

By Mr. WEBER: Petition in relation to the arrearage act—to the Committee on Invalid Pensions.

Also, petition to place all soldiers who enlisted in 1861 upon the same footing as to bounties, whether discharged for promotion or for disability—to the same committee.

By Mr. WHEELER: Papers relating to the claim of Martha H. Bone, of Franklin County, Tennessee—to the Committee on Claims.

Also, petition of W. C. Davidson, of Jackson County, Alabama, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

By Mr. WILKINS: Petition of H. H. Geiger, for the passage of a resolution requiring Postmaster-General to perform certain duties and obey certain laws—to the Committee on the Post-Office and Post-Roads.

By Mr. WINANS: Petition of James G. Meade, William W. Osborn, and 90 others, citizens of Lansing, Mich., praying for the suppression of national banks and free coinage of silver and forfeiture of land grants—to the Committee on Coinage, Weights, and Measures.

Also, petition of Ralph Watson and 78 others, citizens of Lansing, Mich., for free coinage of silver, forfeiture of land grants, and suppression of national banks—to the same committee.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures.

By Mr. FUNSTON: Of citizens of Oakwood, Kans.

By Mr. HALL: Of citizens of Montrose, Lee County, Iowa.

By Mr. REAGAN: Of J. K. P. House and 94 others, citizens of Kansas.

By Mr. I. H. TAYLOR: Of Simon C. Stratton and 40 others, of Columbiana County, Ohio.

By Mr. J. R. THOMAS: Of 229 citizens of Jackson County, Illinois.

By Mr. J. B. WEAVER: Of William A. Doty and 12 others, of Oregon; of P. P. Chapel and about 100 others, of Indiana; of A. W. Doan, and about 75 others, and of P. M. Sanburg and 175 others, of Kansas; of J. L. Hughes and about 100 others, of Iowa; of C. H. Bailey and about 70 others, of New Jersey; and of H. McLein and 55 others, of Kansas.

SENATE.

MONDAY, *February* 1, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Friday last was read and approved.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 71) authorizing the Superintendent of Public Buildings and Grounds in the District of Columbia to supply plants and shrubs to fill certain vases in the Pension Building was read twice by its title, and referred to the Committee on the Library.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*, laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia forces of the United States; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, concurring in a recommendation of the Board of Commissioners of the Soldiers' Home that legislation be had for the disposition of money and effects of deceased members of the Home; which, with the accompanying papers, was ordered to lie on the table, and be printed.

He also laid before the Senate a communication from the Secretary of War, concurring in a recommendation of the Board of Commissioners of the Soldiers' Home that a rate be fixed by law for keeping a member of the Home at the Government Hospital for the Insane; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of January 12, 1886, a report of W. Hallett Phillips, as special agent, for investigation in connection with the Yellowstone National Park; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 25, 1886, Special Order 89, Department of Texas, April 28, 1886, in regard to the muster-out of certain troops; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a report of the Superintendent of the Coast and Geodetic Survey in respect to supplying the Territories with standard balances, weights, and measures; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. ALLISON presented the petition of Pliny Nichols and others, citizens of Iowa, praying that the national Constitution may be so amended as to protect the women of all the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

He also presented a petition numerously signed by citizens of Newton, Jasper County, Iowa, praying that the coinage of silver may be placed on an equality with the coinage of gold; which was referred to the Committee on Finance.

He also presented the petition of B. C. Armstrong and 172 other citizens of Iowa, praying for certain legislation relating to the Indian Territory; which was referred to the Committee on Indian Affairs.

Mr. INGALLS presented a concurrent resolution of the Legislature of Kansas; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 4.

Whereas General Sheridan, commander-in-chief of the Army of the United States, has recommended the enlargement of Fort Riley with a view of establishing at said post a school for the training of the cavalry and light artillery arms of the service and other improvements for the utilization of the large reservation at said military post; and

Whereas said post and military reservation are well adapted to the uses thus proposed; and,

Whereas said improvements will redound to the general good of the people of Kansas: Therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Representatives in Congress are hereby requested, and our Senators instructed, to use their best endeavors to secure such an appropriation by Congress as will fully carry out the purposes of the commanding general, making Fort Riley an important military post.

STATE OF KANSAS,
Office of the Secretary of State:

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal, at Topeka, this the 22d day of January, A. D. 1886.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. INGALLS presented resolutions adopted by the State board of agriculture of Kansas, urging that the Department of Agriculture may receive attention, and that the Commissioner of Agriculture may be authorized by Congress to have a seat in the President's Cabinet; which were referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented the petition of Mrs. Blanche Wendell Woodward, widow of Joseph J. Woodward, late surgeon United States Army, praying that an appropriation be made for the services of her late husband while in attendance upon the late President Garfield; which was referred to the Committee on Appropriations.

He also presented the petition of Rebecca Merchant, of Asbury Park, N. J., praying that she be granted a pension on account of her son, Capt. Henry G. Merchant, late of the Twenty-third Regiment Pennsylvania Volunteers; which was referred to the Committee on Pensions.

He also presented the petition of Thomas Chase, of Philadelphia, Pa., late third assistant engineer on the United States steamer San Jacinto, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. WILSON, of Iowa, presented the petition of W. L. Huffman and 220 other citizens of Iowa, praying for the organization of the Territory of Oklahoma, and for opening the lands therein for settlement; which was referred to the Committee on Indian Affairs.

Mr. WILSON, of Iowa. I present the petition of M. S. Sanders and 106 other citizens of Iowa, praying for an absolute forfeiture of the unearned lands within the limits of the land grant to the Sioux City and Saint Paul Railroad Company. Inasmuch as that subject has been reported upon, I move that the petition lie on the table.

The motion was agreed to.

Mr. JACKSON presented the petition of William R. Miller, of Erwin, Unicoi County, Tennessee, praying for the passage of an act restoring him to the pension-rolls; which was referred to the Committee on Pensions.

Mr. BERRY presented a petition of State officers and members of the General Assembly of the State of Arkansas, praying that the right of way through the Indian Territory be granted to railroads; which was referred to the Committee on Indian Affairs.

Mr. FRYE. I present a petition of the New York committee for the prevention of State regulation of vice, officially signed, praying for legislation for the better legal protection of young girls in the District of Columbia and other localities under the jurisdiction of Congress. I do not know where petitions of this class have usually gone.

The PRESIDENT *pro tempore*. The custom has been to refer such petitions to the Committee on Education and Labor; and this petition will be so referred if there be no objection.

Mr. FRYE. I have what is intended to be a petition, addressed to me from the Knights of Labor of Portland, Me., earnestly requesting the organization of a Territorial form of Government in the Indian Territory, the opening of lands in that Territory to immediate settlement under the homestead laws, &c. I ask that the paper be referred to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. That order will be made if there is no objection.

Mr. FRYE presented the petition of James A. Van Buren and 88 other vessel-owners of Philadelphia, Pa., praying for the passage of a bill repealing the compulsory pilotage laws in part; which was referred to the Committee on Commerce.

Mr. PLUMB. I present the petition of Charles Frederick Adams in support of the bill (S. 1226) to utilize certain public lands toward securing for the American people "work for workers and wages for work," or fair opportunities and just rewards, which is now before the Committee on Public Lands, to which committee I move that the petition be referred.

The motion was agreed to.

Mr. PLUMB presented the petition of John A. Lee, late captain United States Army, praying to be retired with the rank of major; which was referred to the Committee on Military Affairs.

Mr. McMILLAN. I present resolutions adopted by the Board of Trade of Minneapolis, Minn., in the nature of a petition, although addressed to myself, in favor of the improvement of the Mississippi River so as to make it navigable for steamboats to the city of Minneapolis. I ask that the paper be received and referred to the Committee on Commerce.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. McMILLAN. I also present from the same body a petition in favor of the repeal of the silver-dollar coinage act, and also in favor of continued efforts to secure a system of bimetallism with foreign nations to make gold and silver standard currency. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. TELLER. I present the petition of John Crean, of Washington, D. C., who represents that he was injured while in the employ of the United States Government, and prays compensation for the injury. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. HOAR. I present the petition of Jethro Snow, of Hubbardstown, Mass., who desires that, under the power to regulate commerce with foreign nations and among the several States, all intoxicating liquors in the United States may be destroyed by law. I move the reference of this petition to the Committee on Education and Labor, and commend it specially to the attention of my friend the Senator from New Hampshire [Mr. BLAIR].

The motion was agreed to.

Mr. CULLOM presented petitions of Knights of Labor of Alton, Tuscola, and Clinton, in the State of Illinois, praying for the opening to settlement of lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

He also presented a petition of residents of the town of Lake, State of Illinois, praying for the submission of a constitutional amendment to protect women of the States and Territories in the enjoyment of the right of suffrage on equal terms with men; which was referred to the Select Committee on Woman Suffrage.

He also presented a resolution adopted by the Illinois Millers' State Association, favoring the passage of a law regulating interstate commerce; which was referred to the Select Committee on Interstate Commerce.

Mr. CULLOM. I present a memorial of the Western Furniture Manufacturers' Association, urging the enactment of legislation for the regulation of railroad traffic. I ask that this, which is a very brief paper, be read, so that it may go into the RECORD for reference, as the report of the committee has already been submitted.

The PRESIDENT *pro tempore*. If there be no objection the paper will be read.

Mr. INGALLS. If the paper is respectful in form let it be printed without reading. The Senator has examined it.

Mr. CULLOM. It is too brief to be printed as a Senate document.

Mr. INGALLS. Let it be printed in the RECORD without reading.

Mr. CULLOM. I have no objection to that.

The memorial was referred to the Select Committee on Interstate Commerce, and ordered to be printed in the RECORD, as follows:

WESTERN FURNITURE MANUFACTURERS' ASSOCIATION,
Saint Louis, Mo., January 21, 1886.

SIR: Referring to the inclosed petition of the Western Furniture Manufacturers' Association, I desire to ask attention to the fact that while, according to the last United States census, the manufacturing industries of this country are classed under three hundred and thirty-two different titles, that of furniture manufacturing stands fifteenth in the list, and is therefore classed as one of the great "productive industries," there being in 1880 about 5,600 establishments, giving employment to about 62,000 people and producing annually goods valued at about $83,000,000.

The membership of this association is drawn from manufacturers west of the Alleghany Mountains, but I have every reason to believe that the manufacturers of the New England States entertain the same opinion on this subject as we do.

Respectfully, yours,

J. W. TREMAYNE, *Secretary*.

To the CHAIRMAN
Of the Senate Select Committee on Interstate Railroad Transportation, Washington, D. C.

THE WESTERN FURNITURE MANUFACTURERS' ASSOCIATION,
Saint Louis, Mo., July 22, 1885.

To the honorable the Senatorial Interstate Traffic Committee:

We, the Western Furniture Manufacturers' Association in annual convention assembled, in the city of Chicago, would respectfully submit the following, and recommend that Congress enforce it by proper legislation:

First. That Congress compel the railroads in the United States to adopt a uniform classification for freight, which shall not be changed except by authority of the Government, and then only after giving at least three months' notice to the public.

Second. That all rebates be prohibited under a severe penalty.

Third. That railroads be prohibited from discriminating against any section of the country by charging more for carrying freight in any direction than they would for carrying same in any opposite direction.

Fourth. That a commission be appointed by Congress having authority to adjust rates and settle all differences between railroads and shippers.

Respectfully, yours,

CHARLES P. SLIGH,
President.
J. W. TREMAYNE,
Secretary.

Mr. MANDERSON. I present a petition of the State Bar Association of Nebraska, praying that that State may be divided into two judicial districts. The petition sets forth, not at very great length but quite forcibly, the great necessity which exists for a division of that State. I move that it be referred to the Committee on the Judiciary, to be considered in connection with the bill heretofore introduced for that purpose.

The motion was agreed to.

Mr. COCKRELL. I present the petition of the Kansas City Clearing House Association, praying that immediate action be taken to extend the civil law over the Indian Territory, by giving jurisdiction to the United States courts in civil cases in like manner as jurisdiction has been conferred upon them in criminal cases.

This is becoming a matter of very great interest. It is charged that a large number of people who are indebted have taken their property across the line into the Indian Territory so as to avoid the process of law, and the Territory is becoming a place of refuge for men who are attempting to avoid the payment of their debts. I hope that the committee will take prompt action on this petition. I move that it be referred to the Committee on Indian Affairs, if that is the proper committee.

The motion was agreed to.

Mr. DAWES. The committee are now considering the very subject to which the Senator alludes.

Mr. HARRISON. A bill establishing a court in the Indian Territory and defining its jurisdiction was sent to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The petition has been referred to the Committee on Indian Affairs.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Public Lands, to whom were referred the following bills, reported adversely thereon, and they were postponed indefinitely:

A bill (S. 65) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes;

A bill (S. 1114) defining the powers of the Commissioners of the General Land Office in respect to canceling private entries of the public domain and to quiet title to lands in the Northwest; and

A bill (S. 1221) relating to suits by the United States to set aside land patents.

Mr. DOLPH. By direction of the same committee I report a bill, accompanied by a written report, which embodies the main provisions of the three bills just reported by me adversely.

The bill (S. 1296) to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, and for other purposes, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (S. 1223) for the relief of Wilbur F. Steele, reported it with an amendment.

ARKANSAS HOT SPRINGS.

Mr. BERRY. I am directed by the Committee on Public Lands to report back the concurrent resolution relative to the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark.

The PRESIDENT *pro tempore*. The resolution will take its place on the Calendar.

Mr. BERRY. I ask unanimous consent to dispose of the resolution at this time, as it will occupy but a few moments.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent for the present consideration of the resolution.

Mr. INGALLS. I should like to see it in print. I ask that it may lie over under the rule.

Mr. LOGAN. I should like to hear it read as proposed to be amended.

The PRESIDENT *pro tempore*. The resolution is reported with an amendment, and will be read as proposed to be amended if there be no objection.

The Chief Clerk read as follows:

Whereas the leases heretofore made of the bath-house and hot-water privileges upon the reservation of Government lands at Hot Springs, Ark., have expired by limitation of law; and

Whereas the Attorney-General of the United States has given an opinion that such leases may be renewed by the Secretary of the Interior without additional legislation:

Be it resolved by the Senate of the United States (the House of Representatives concurring), That in the opinion of Congress such leases of bath-house and hot-water privileges should not be renewed by the Secretary of the Interior unless the Forty-ninth Congress shall adjourn without having legislated with reference thereto.

The PRESIDENT *pro tempore*. The resolution, being objected to, goes over under the rule.

Mr. LOGAN. I wish to give notice to the Senator from Arkansas that when the resolution is before the Senate for action I shall move to amend so as to confine it to the present session of Congress instead of to the Forty-ninth Congress, in accordance with the view I suggested the other day. I think that will afford plenty of time for legislation on the subject. I merely give the notice so that the Senator may think over it.

Mr. BERRY. Very well.

The PRESIDENT *pro tempore*. The resolution will take its place on the Calendar.

COMPILATION OF SENATE ELECTION CASES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution to print additional copies of the Compilation of Senate Election Cases adversely to the resolution and proposing the adoption of a substitute. I ask that the substitute be now considered.

The PRESIDENT *pro tempore*. The Senator from Nebraska reports adversely a resolution which will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That there be printed and bound for the use of the two Houses 2,500 additional copies of the Compilation of Senate Election Cases, 1789-1885.

The PRESIDENT *pro tempore*. The resolution reported by the committee as a substitute will now be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,050 additional copies of the Compilation of Senate Election Cases, 1789-1885; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 50 copies for the compiler of the work.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks for the present consideration of the resolution. Is there objection? The Chair hears none, and the question is upon the adoption of the resolution.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The resolution reported adversely will be postponed indefinitely if there be no objection.

REPORT ON CENTRAL AND SOUTH AMERICA.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report adversely the motion to print the message of the President of the United States transmitting a letter of the Secretary of State with the final report of the commission appointed to visit the states of Central and South America. The committee, ascertaining that that document has been ordered printed by the House of Representatives, report back the motion, recommending no action.

Mr. FRYE. I should like to inquire of the Senator from Nebraska what order has been made touching the printing?

Mr. MANDERSON. I understand that the usual number of the report has been ordered printed by the House of Representatives.

Mr. FRYE. That is how many?

Mr. MANDERSON. Nineteen hundred. The committee have thought it best after the 1,900 were printed that the House of Representatives should take action in reference to the printing of any additional number that might be required.

Mr. FRYE. To our merchants and manufacturers it is the most important document that there is.

Mr. MANDERSON. So I understand; and the printing will be hastened I think by the course the committee suggest.

The PRESIDENT *pro tempore*. If there be no objection the Committee on Printing will be discharged from the further consideration of the subject.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. MANDERSON. I am also instructed by the Committee on Printing, to whom was referred a House concurrent resolution authorizing the printing of the President's last annual message, with the accompanying documents, to report it favorably with certain amendments suggested by the committee. I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House.

By unanimous consent, the Senate proceeded to consider the resolution.

The amendments of the Committee on Printing were, in line 2, to strike out the words "and bound," and in line 4, to strike out the words "and accompanying documents;" so as to make the resolution read:

Resolved by the House of Representatives (the Senate concurring), That there be printed 25,000 extra copies of the President's last annual message for the use of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendments.

Mr. INGALLS. Why are the accompanying documents omitted? I think it is customary to print them.

Mr. MANDERSON. They are printed under the general law, and that fact seemed to be misapprehended.

Mr. INGALLS. The other House did not know what they were doing, then?

Mr. MANDERSON. I am not quite at liberty to say that.

The amendments were agreed to.

The PRESIDENT *pro tempore*. The question is on concurring in the resolution as amended.

The resolution as amended was concurred in.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 1297) to authorize the erection of a new naval observatory; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1298) to authorize the Secretary of the Navy to fit out an expedition to observe the total eclipse of the sun which occurs on the 29th of August, 1886; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CAMERON introduced a bill (S. 1299) granting an increase of pension to Sarah R. Boyle; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1300) to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Wilkes Barre, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1301) giving to lieutenants of the United States Marine Corps who have served as such for a period of fifteen years or more the rank, pay, and emoluments of captains; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1302) authorizing the appointment of an assistant secretary of the Navy and fixing the salary of the same, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PLUMB introduced a bill (S. 1303) granting a pension to John Ross; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1304) granting a pension to William Reynolds; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MAXEY introduced a bill (S. 1305) to grant to the Denison and Washita Valley Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 1306) to authorize the Red River Bridge

Company of Texas to maintain a bridge across Red River; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JACKSON introduced a bill (S. 1307) for the relief of the book agents of the Methodist Episcopal Church South; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONES, of Arkansas, introduced a bill (S. 1308) granting a pension to Francis M. Yearian; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RIDDLEBERGER introduced a bill (S. 1309) for the relief of the Albemarle and Chesapeake Canal Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1310) for the relief of William Tabb; which was read twice by its title, and referred to the Committee on Claims.

Mr. MANDERSON (by request) introduced a bill (S. 1311) for the relief of the administrators of the estate of Isaac P. Tice, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1312) making an appropriation for continuing in effect the provisions of the joint resolution entitled "a joint resolution authorizing the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. CALL introduced a bill (S. 1313) relative to judgment liens in Federal courts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Judiciary.

He also introduced a bill (S. 1314) directing the Attorney-General to prosecute suit for the cancellation of all patents for land that have been obtained by fraud; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 1315) requiring the Attorney-General to institute proceedings in the circuit court of the State of Florida to determine the rights of claimants and of the United States to land grants made by the Spanish Government under the treaty of 1819; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. WILSON, of Iowa (by request), introduced a bill (S. 1316) for the relief of the devisees of the late John Ruppert; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CONGER introduced a bill (S. 1317) for the relief of Josephus Johnson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MITCHELL, of Oregon (by request), introduced a bill (S. 1318) for the relief of J. J. Vandergrift; which was read twice by its title, and referred to the Committee on Claims.

Mr. VAN WYCK introduced a bill (S. 1319) to confirm entries of lands heretofore made under the land laws of the United States; which was read twice by its title.

Mr. VAN WYCK. Mr. President, I desire that the object of this bill, and the motive in offering it, shall not be misunderstood. It is, simply, that the innocent person seeking land under the laws shall have the benefit of such laws as they were administered when his entry was made. It does not defend rulings of former administrations, nor question the correctness of rules and regulations now established. As the citizen can only obey the law by the direction of those who for the time administer it, injustice would be done to make him a sufferer by change of policies.

I move that the bill be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. VAN WYCK introduced a bill (S. 1320) for the erection of a public building at the city of Beatrice, Nebr.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL introduced a bill (S. 1321) granting arrears of pension to Richard H. McWhorter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GIBSON introduced a bill (S. 1322) to provide for the construction of a public building at the city of Morgan City (port of Brashear), State of Louisiana; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 1323) providing for the establishment of fog-signal, light-ship, and lights off the mouth of the Mississippi River, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 1324) for the relief of Robert D. Frayser, administrator of Fletcher Lane, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 1325) to place the name of Robert Williams upon the retired-list of enlisted men; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. RIDDLEBERGER, it was

Ordered, That the papers in the claim of William Tabb be taken from the files and referred to the Committee on Claims.

On motion of Mr. MANDERSON, it was

Ordered, That all papers pertaining to the claim of the estate of Isaac P. Tice be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. COCKRELL, it was

Ordered, That the memorial and papers in the claim of Durant H. L. Bell be withdrawn from the files and referred to the Committee on Claims.

On motion of Mr. CULLOM, it was

Ordered, That the papers in the claim of Mary A. Lewis be taken from the files and referred to the Committee on Claims.

CIVIL SERVICE EXAMINATIONS.

Mr. CALL submitted the following resolution; which was read:

Resolved, That the Committee on Military Affairs are hereby instructed to report a bill modifying the civil-service law, so that Union soldiers and sailors who served with distinction in the late war shall not be required to submit to a civil-service examination before appointment to any of the offices embraced in that law.

The PRESIDENT *pro tempore*. Does the Senator from Florida ask for the present consideration of the resolution?

Mr. CALL. Merely for the purpose of saying a word, and then I shall ask that it be printed and laid on the table.

I merely wish to say that the resolution has been prepared by me in consequence of a letter received from a very distinguished officer, as I am informed, of the Union Army, resident in the State of Florida, who served with great distinction in the war, was severely wounded, and is now in receipt of a pension from the Government. The letter to which I refer is as follows:

NORWALK, PUTNAM COUNTY, FLORIDA, *January* 24, 1886.

SIR: I have the honor to acknowledge receipt of your inclosure of General Black's letter, dated January 4, 1886. In compliance with the suggestions therein made I wrote the secretary Civil Service Commission, who furnished me the necessary blanks and instructions. I have studied them carefully, also the civil-service report for 1885, and am forced to the conclusion that it is a "freeze-out." If I were financially in a condition to expend $100, which I am not, for the purpose of going to Washington for examination, my chances even then for appointment would be very remote.

Thanking you sincerely for the interest you have manifested in my behalf, I think it best for me to drop the matter here.

I am, sir, very respectfully, yours,

ROBT. M. BARD.

Hon. WILKINSON CALL,
United States Senate, Washington, D. C.

As the letter states, this gentleman recently made application for an appointment as one of the examiners in the Pension Bureau. He is a man of great intelligence, and one who has served the country in a position of distinction. His letter discloses the fact that after an examination of the regulations in regard to civil-service examinations required to be made before an appointment he is unable to comply with them.

It occurs to me that some remedy ought to be provided where a man has sufficient ability and sufficient intelligence to have served with distinction in the Army and is not able to comply with the regulations of the Civil Service Commission before obtaining an inferior appointment as an examiner. So I have introduced the resolution, and I move that it be printed and laid on the table, with the accompanying letter.

The motion was agreed to.

CALLED BONDS HELD BY NATIONAL BANKS.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what proportion of the $10,000,000 United States bonds called for payment March 1, 1886, are held by national banks as a basis for circulation.

ALFRED B. MEACHAM.

Mr. MITCHELL, of Oregon, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate whether Alfred B. Meacham, late superintendent of Indian affairs for the State of Oregon, was at any time, and, if so, on what date, declared by the Treasury Department, or its accounting officers, or any of them, to be in default on his official bond as such superintendent of Indian affairs and in arrears to the United States on such bond, and, if so, to what amount and under what particular bond, and on what account or accounts; also, if he was so declared to be in default and in arrears, what amounts of money, if any, have been paid to said Alfred B. Meacham since the date when he was so declared to be in default and in arrears by the United States as compensation or salary, and for what service or services the same was paid, and the date of payment of each item thereof; and also what further or additional amounts, if any, have been paid said Alfred B. Meacham by the United States since the date when he was so declared to be in default and arrears on his said official bond, the dates of such payments respectively, the several amounts thereof, and on what account or accounts paid.

B. W. PERKINS'S CLAIM AGAINST RUSSIA.

Mr. HOAR submitted the following resolution; which was read:

Resolved by the Senate, That the President of the United States be requested to bring to the attention of the Imperial Government of Russia the claim of the legal representatives of Benjamin W. Perkins, deceased, a citizen of the United States, against the Government of Russia, growing out of a contract or contracts, alleged by the claimant to be obligatory on that government, for the purchase and delivery to that government of powder and arms during the Crimean war, in the years 1855 and 1856, with a view to ask the said government to consider the said claim and to provide for the allowance and payment of such sum as shall be found to be justly due to the said claimant.

The precedent for this resolution is the one adopted by the Senate at the first session of the Forty-eighth Congress, in the year 1884, on the claim of Helen M. Fiedler, executrix, against the Government of Brazil.

Mr. HOAR. The resolution is offered by request of the representa-

tives of the person interested in the claim. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 225) granting a pension to Daniel Connolly;
A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;
A bill (H. R. 613) for the relief of Catherine Collins;
A bill (H. R. 618) granting a pension to James Morgan;
A bill (H. R. 777) granting a pension to Frederick Bottjer;
A bill (H. R. 788) granting a pension to Jeptha Hornbeck;
A bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885;
A bill (H. R. 928) granting a pension to Lewis A. Thornbury;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 1084) granting a pension to Alice S. Holbrook;
A bill (H. R. 1255) granting a pension to Isaac Moore;
A bill (H. R. 1319) to increase the pension of Robert D. Fort;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1469) granting a pension to Lois Holt;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1575) granting a pension to Elizabeth Kahler;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 4125) granting a pension to John M. Milton; and
A bill (H. R. 4835) to place the name of John Pruitt on the pension-roll.

The message also announced that the House had passed the bill (S. 377) granting a pension to Matthias Leckner.

STATUES OF COLUMBUS, LAFAYETTE, AND GARFIELD.

Mr. MORRILL. I ask that the concurrent resolution reported by me from the Committee on Public Buildings and Grounds on the 28th of January be taken up for consideration.

The PRESIDENT *pro tempore*. If there be no objection the concurrent resolution will be read.

Mr. MORRILL. I am directed by the Committee on Public Buildings and Grounds to offer a substitute making the concurrent resolution a joint resolution and proposing a further amendment at the end of the resolution. I ask unanimous consent that the substitute be now considered as the original proposition.

The PRESIDENT *pro tempore*. The substitute reported by the Committee on Public Buildings and Grounds will be read by its title.

The joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield was read the first time by its title.

The PRESIDENT *pro tempore*. The Senator from Vermont asks the consent of the Senate to substitute this in place of the concurrent resolution, its form being changed to a joint resolution.

Mr. INGALLS. Let it be read at length for information.

The joint resolution was read at length, as follows:

Resolved by the Senate, &c., That the circle at the western entrance of the Capitol grounds from Pennsylvania avenue shall be, and hereby is, forever set apart as a site for a statue of Christopher Columbus; and the circle at the western entrance to the Capitol grounds from Maryland avenue shall also be, and hereby is, forever set apart as a site for a statue of the Marquis de Lafayette; and the naval monument, now standing upon the circle first herein mentioned, shall be removed and placed upon the triangular reservation bounded by Connecticut avenue, Twentieth street, and Q street. Also, that in lieu of the site selected for a statue of the late James A. Garfield under the authority of an act approved July 7, 1884, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1885, and for other purposes," by the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland, a new and different site shall be selected, and the Secretary of War, the President *pro tempore* of the Senate, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland are hereby authorized to make such selection.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Vermont that it would probably be better to journalize the proceedings by postponing indefinitely the concurrent resolution and taking up for consideration the joint resolution now reported.

Mr. MORRILL. I will make that motion.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. MORRILL. Mr. President, this joint resolution has the unanimous support of the Committee on Public Buildings and Grounds. No appropriation is now called for, but a moderate sum will of course at some future and proper time be asked for.

All are aware that near the western entrance to the Capitol grounds there are two circular plots of ground, one at the intersection of Pennsylvania avenue and First street, and another at the intersection of Maryland avenue and First street. Both of these circles were originally intended as twin sites for statues or monuments. That points of such equal prominence should be decorated in some equal and adequate manner is most obvious. To preserve and carry out this intention, it has appeared to the committee that statues of men whose names have been indissolubly linked to the early history of our country, and possessing something of a world-wide fame, might most appropriately occupy these conspicuous places on the western entrance to the grounds in front of the American Capitol.

After careful consideration, and with the advice of many of our fellow-members of the Senate, the names we have selected for the statues as most appropriate are those presented, of Columbus and Lafayette.

Columbus has had his memory perpetuated by the bestowal of his name upon our towns and rivers, and also more prominently by the name of the District of Columbia given here to the seat of Government. The picture of the landing of Columbus, by Vanderlyn, in the Rotunda of the Capitol, and the marble group by Persico on the steps of the eastern front of the Capitol, where the Indian girl appears to be a conspicuous figure, are the only objects for which Congress has ever been called upon to make any expenditure in honor of the great discoverer of America. For him no monument, so far as I am aware, has been erected on the American continent. After his death in Spain, where he died in the most pitiable poverty, a magnificent monument was erected to "soothe the dull, cold ear of death" by King Ferdinand in a vain endeavor to blot out the remembrance of his own base and kingly ingratitude. A singularly sad fate seems to have pursued the track of the bold navigator—being robbed of his rights while living, and when dead robbed of honor fairly won, as the new hemisphere, brought to light by Columbus, wears the ineffaceable stamp of another name.

Indebted, as we must feel ourselves to be, to Columbus more especially than all the rest of mankind for this fair portion and latest-born half of the word, it would seem not to be an excess of our duty, but a privilege to be legally claimed, to place here in the heart of the American Republic some monument that will testify to all coming ages that Columbus did not lack respectful appreciation in the New World which he opened to our fathers, so fruitful to them and to us of countless advantages.

There is, however, an impediment in the way of the accomplishment of this purpose, but which it is proposed to remove, and with the approval of parties most deeply interested. On the circle at the intersection of First street and Pennsylvania avenue now stands the Naval Monument, which was assigned to this cite when its full effect could only be inadequately comprehended from an exhibition of a miniature copy in plaster. The monument, with its fine figures, is exceedingly creditable to the sculptor as a work of art, but it is mournful and rather funereal in character, and most certainly is misplaced and inappropriate at the front of the Capitol Grounds. If it were to remain there then a monument of similar sadness would be required to represent the Army on the other circle, at the intersection of First street and Maryland avenue.

The attention of the Committee on Public Buildings and Grounds has been directed by Admiral Porter, whose good judgment few will venture to dispute, to a new sight for the Naval Monument "on Connecticut avenue north of Dupont Circle," which, the Admiral says, "will accommodate the monument beautifully, and is the best and only place in the city for it," and the committee are disposed to cordially indorse this selection.

On the other circle, at the intersection of Maryland avenue and First street, it is proposed to place the statute of Lafayette. Many counties and towns in different States bear his name, and Congress appropriated many years since for his benefit a township of land and $200,000. His portrait has also been procured for the interior of the House of Representatives, but the only statute, as I believe, erected to his memory in our country is that recently given by a patriotic gentleman to the city of Burlington, in Vermont.

The affection of our people for Lafayette while living, and their abiding respect for his important services in our Revolutionary war, is undoubted, and no other name of equal historic prominence has been suggested as more worthy of the distinction now proposed. Beyond this, such action on our part would be construed as a graceful tribute to the French Republic.

Here again we find an impediment in the way. In the sundry civil bill of 1884 there was inserted a paragraph as follows:

For the preparation of a site and the erection of a pedestal for a statue of the

late President James A. Garfield, $30,000; said site to be selected by and said pedestal to be erected under the supervision of the Secretary of War, the chairman of the Joint Committee on the Library, and the chairman of the Garfield monumental committee of the Society of the Army of the Cumberland.

Under the authority here given it rather unexpectedly appears that the circle at the intersection of Maryland avenue and First street has been selected for the statue of the late President Garfield. The Committee on Public Buildings and Grounds, however, believing that this selection was inadvertently made, and made perhaps because the site at the time happened to be unoccupied, propose to authorize and direct the same committee to make a new and different selection of a site, as there are many places which would be not less desirable and some far more appropriate. President Garfield was greatly beloved and tenderly lamented by the whole country, and he was cruelly assassinated, but so was President Lincoln; and if the statue of the former were to occupy one of these circles, then to preserve the symmetry of the original plan a statue of the latter should occupy the other circle. It will be remembered, however, that a statue of President Lincoln has already been provided on Lincoln Square. But there is room on other public reservations quite as attractive and wholly unoccupied.

In as brief terms as I have been able to use I have explained the purpose of the joint resolution, and I hope it may be considered of sufficient importance to receive at once the favorable action of the Senate.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Michigan will allow the Chair. The Senator from Vermont asks unanimous consent of the Senate to proceed to the consideration of this joint resolution now. Is there objection? The Chair hears none.

Mr. CONGER. It was on that point I was rising.

The PRESIDENT *pro tempore*. The Chair supposed the Senator wished to address the Chair.

Mr. INGALLS. How is it open to objection this morning?

The PRESIDENT *pro tempore*. It was introduced this morning as a new proposition.

Mr. INGALLS. As an amendment.

Mr. MORRILL. I asked unanimous consent to make the substitution.

The PRESIDENT *pro tempore*. The Chair understood the Senator as moving to indefinitely postpone the former resolution with a view to take this up as an independent proposition.

Mr. MORRILL. As a mere matter of form I did that at the suggestion of the Chair.

The PRESIDENT *pro tempore*. The Journal Clerk informs the Chair that in the arrangement of the Journal it will be most proper and orderly to take the other way.

Mr. MORRILL. I do not desire to press this if a single Senator has any objection to its consideration.

Mr. CONGER. I desire to make one or two remarks if it is to be acted on at this time.

The PRESIDENT *pro tempore*. The Senator from Michigan.

Mr. CONGER. We are all aware that the different monuments which have been placed in different parts of this city have been placed by order of Congress, I suppose, one in one square and another in another square, in former times, and almost every session there is a proposition to remove from the place appropriated to it some one or another of these monuments. I have no particular objection to making changes wherever they may be desirable or wherever there is a fitness or propriety in making changes; but I submit that the proposed change, in order to secure for Columbus a little contracted circle at the foot of the hill at the head of Pennsylvania avenue by removing a monument which has no particular significance, represents no particular thing, which may or may not be as a work of art pleasant to look upon to those who frequent Pennsylvania avenue, is not a desirable change and not a fit place to select for a statue of Columbus. It is down in a hollow. It is surrounded, I admit, by a beautiful tracery and net-work of street-railway tracks. It is unapproachable with safety for women and children, and even for men on foot, at any hour of the day.

The other circle at the head of Maryland avenue is still more inappropriate as a place for a monument for any man that the people of the United States would delight to honor. That, too, is surrounded by a net-work of railway tracks, not only encircling half or more of this circle, but, with other tracks, leading direct to the site of the proposed statue. The Maryland avenue circle is out of the way, not very easy of access either for pedestrians or for carriages containing visiting people of the United States. It seems to me it is as inappropriate a place for either of these two statues as the selection of the place for the statue of Chief-Justice Marshall was down under the hill and behind the trees. I have wondered that the statue of Chief-Justice Marshall was not placed in the open area of the grotto, more frequented, more observable down under that tile-roof than in the place where it stands now.

If it is worth while to have erected a suitable statue to the memory of Columbus, the discoverer of this new world, and to that distinguished foreigner who came here in the flush and glow of youth to tender his services to our people struggling for freedom, and who became the champion of American liberty on this continent by the side of Washington and the great heroes of our own country, place it in a fitting situation, lift it up out of the valley of humiliation, and away from the rattle and the strain of cars, away from the net-work of street-car rails and tracks; place it in some position of dignity, and one where it may be looked up to with pleasure and not down upon with scorn.

Sir, I venture to say that the good people of the United States who are compelled to look down upon the statue of Columbus, and look down upon the statue of Lafayette, if placed at the sites proposed by this committee, would become humpbacked in looking down upon the discoverer of the continent and the friend of the early days of the liberty of this nation.

The great fault in placing monuments in this city of Washington is that inappropriate places have been selected for those monuments. The great Washington Monument was placed upon the lowest ground in this city that could be said to be above the overflow of the freshets of the Potomac, away down almost on tide-level, a monument only peculiar, and only wonderful and only magnificent on account of its height and of the massiveness of the structure—a monument which should have been placed upon the highest ground within the District of Columbia; a monument which should have been lifted out of the swamp so as to gain three or four hundred feet in elevation upon some of the high hills of the Soldiers' Home, or at least upon the highest ground on Capitol Hill to begin with, and then add 576 feet to the elevation thus acquired. The common judgment of the people of the United States who visit this city is aroused to inquire why Congress when it undertook to rebuild that old decaying monument, commenced forty years ago, did not remove it to some elevated place, inasmuch as height and show are all that was to be obtained by a great monument of stone reared toward the heavens.

Now, sir, I may be alone in my view upon the subject of placing the monument of Columbus down at the foot of the hill; I may be alone in my view of the impropriety of placing the monument of Lafayette in another direction at the foot of the hill and make its foundations among the old shifting sands of Goose Creek as it was called, and of the Tiber when it was renamed, as the dirty creek that runs through the capital of the United States, for both are on the level of the shifting sands formed by the currents of that insalubrious stream. What particular motive led to the selection of these places for these two monuments I certainly, in the limited moment in which I have had to consider it while the Senator from Vermont was making his remarks upon it, have been unable to discover.

Sir, it is said that there is no monument of Lafayette; no monument of Columbus. We have a striking monument of Columbus in front of the Capitol. No one views it, not even the rude frontiersman from the West, but wonders what there is in that monument of Columbus with his ball or his apple, the representative of the base-ball clubs of the United States. What is there in that monument to indicate the great discoverer of the New World? Newspaper critics and people who come here to see, and the boys who play ball in front of the Capitol, declare that Columbus and Washington—Greenough's Washington in front of him—are playing a game of pitch and toss and catch, Columbus with ball in hand, and there is some little propriety in the suggestion which comes naturally to the mind of the inartistic, uneducated, unrefined citizen of the country that Washington is there with uplifted hand ready to receive the ball, Columbus (looking as little like Columbus as he does like Sancho Panza) preparing to throw the ball, and the wonderful woman crouched at his side, no one can tell whether she may not be the wife of the catcher or the pitcher, entreating Columbus to withdraw from the game before he has a dislocated thumb or a bruised arm. [Laughter.]

There is one memorial to Lafayette in the Capitol of the nation. There is in the Hall of the House of Representatives a painting procured many, many years ago by a citizen of Michigan from France, of which this is a duplicate, and another presented by that citizen to the State of Michigan, now in the hall of the house of representatives of my State, a counterpart, the duplicate of the one in this building; a picture said to be valuable, a painting said to be life-like, a painting said to be a representative of that great friend of America. Although this nation has never done anything in that regard, I feel proud that a citizen of my own State thirty years ago and more, perhaps, did from his own treasure and with his own funds and by his own zeal procure the only two good pictures of Lafayette that have been received in the United States, and that have ever been considered as a fit memorial of that grand and glorious name so intimately associated with our early history and so dear to the hearts of American citizens throughout the land.

Sir, my early life passed on the frontiers did not permit me the opportunity to have my tastes educated and refined. There never has been the classical eye; there never has been the æsthetic taste circulating around in my veins; never been educated in the subtleties of the "*renaissance*." I do not know what it means. [Laughter.] There is not a Senator here knows what it means; but I have counted within my recollection thirteen Senators, seven on that side of the house, six on this, who have used that expression "*renaissance*" within two years from last Thursday prior to this time. With a kind of solicitude and humility, which becomes my ignorance on such occasions, I have been reminded to ask what they meant by that expression, and I met with the same reply that I expected, that instead of acknowledging their ignorance, as I am willing to do mine, they said they supposed

almost everybody knew what that meant. [Laughter.] My learning was at fault; my advances have been repelled and rebuffed by the very men whose expressions, whose use of the words had incited me to more study to inform myself of the unknown things of art.

Sir, I have seen it stated for many years, from time to time, in the art reviews of critics who have studied the statuary and the monuments of this magnificent city, this city of magnificent distances, that there is not in the whole city one single work of art patronized and executed by the will of the people of this nation that is worthy of its place. The attention of the common citizen who comes here with his wife and daughter, and wanders through the ornamental rooms of this Capitol, may be drawn away by the kind wife as he is looking at the nude figures on the walls for fear his taste might become a little irregular. Take the picture in the rotunda of the Capitol, Washington—it is said to be Washington in the guide-book, I believe—seated up among the clouds, and damp clouds at that, with the angels crowding around him, as if a thunder-storm had poured out all the beauties of heaven in his presence; and Neptune with his trident, gods and goddesses and angels, and demons for aught I know, surrounding that great canopy above us representing the glory of Washington. I do not know but that is all according to the innate proprieties of art. It may be a beautiful painting, but I must say that the only thing about it that ever approved itself to my mind was that it was so far up that "distance lent enchantment to the view." That is about all there is about it. I say it with sincerity. I am no fit person to make a criticism, and have ventured to make these remarks that this resolution may go over, and others who do know or pretend to know something of art may think of this subject a little before it shall be adopted.

Mr. MORRILL. I have been delighted, as I always am, with the speech on art by the Senator from Michigan. I discover that his chief objection to the present joint resolution appears to be that these sites are each surrounded by railroads. I suppose the Senator may have heard of the speech of Mr. Wise—I believe Henry A. Wise, of Virginia—in relation to the statue of Columbus on the steps of the Capitol, and the statue in front of Washington. I believe it was said by Wise that Washington exclaimed to Christopher Columbus, who was apparently holding a ten-pin ball aloft in his hands, "Christopher, why don't you let her rip?" [Laughter.] Now the Senator from Michigan, as it appears to me, has "let her rip" this morning; and if I should find that there are not two-thirds of the Senate in favor of this resolution I shall not desire to have it passed.

Mr. CONGER. Mr. President, the Senator from the foot-hills of the Green Mountains, with the vision of Liberty upon the mountains and all kinds of strange forms passing in the clouds, has a poetical temperament and a poetical vision and great taste in these matters of art; but I must say that in the serio-comic allusions I made to some things about this city—and some of my suggestions were very important, and I saw they were received favorably by my friends around the Senate Chamber—of all the things I suggested relating to art and the lack of art, art culture, and places for exhibition, the Senator can think of nothing (and I do not know whether to accept it as a matter of pride or a matter of regret that in all the visions I presented to his mind he can think of nothing) but the Senator from Michigan's reply to him and tell a story about Columbus that some wise man told. [Laughter.]

I do not pretend to understand these questions of art, but I have heard learned disquisitions from the Senator from Vermont upon art works here until I have thought that if the country had not needed his great services and the powers of his mind in legislation and carrying forward many of the measures affecting the vast concerns of a great and proud nation, he mistook his calling, and ought to have been a painter, or a sculptor, or an artist; and yet he turns as if he had no reply to make to these questions, which are serious ones, about the appropriateness of this recommendation of his committee, and when I have suggested that the places are inappropriate he turns about with a story! I venture to say to the Senator that when this resolution comes up for discussion, and other gentlemen, better fitted than I am to discuss it, shall state more fully and forcibly than myself the value of these little suggestions, he will not turn them off with a joke or with ridicule.

The PRESIDENT *pro tempore*. The joint resolution will be considered read the second time and placed on the Calendar.

SIOUX RESERVATION IN DAKOTA.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions" the consideration of the Calendar is now in order under the eighth rule.

The bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians, in Dakota, into separate reservations, and to secure the relinquishment of the Indian title to the remainder, was announced as first in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. PLUMB].

Mr. PLUMB. After consultation with the Senator from Massachusetts [Mr. DAWES], I offer what I now send to the desk as a substitute for the amendment which was pending at the time the Senate last had this bill under consideration.

The PRESIDENT *pro tempore*. The Senator has a right to modify his amendment. The modified amendment will be read.

The SECRETARY. In line 5, section 17, after the word "education," it is proposed to insert:

Subject to such modifications as Congress shall deem most effective to secure to said Indians equivalent benefits of such education.

The amendment was agreed to.

Mr. PLUMB. I now move, in order to cover the objections made by the Senator from Indiana [Mr. HARRISON], an amendment which is satisfactory to him and to the Senator from Massachusetts having charge of the bill, to come in after the proviso in section 20. I think the first proviso is the one adopted on my motion, providing for the price of land sold for town sites, and I ask that this may follow that.

The PRESIDENT *pro tempore*. The amendment will be read.

The SECRETARY. After the amendment adopted ending with the word "void," in line 16, section 20, it is proposed to add:

And provided further, That no actual settler on said land shall be prevented from acquiring title to one quarter-section of the same by reason of the fact that he may heretofore have had the benefit of the pre-emption laws.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHURCH AND STATE.

The next business on the Calendar was the resolutions submitted by Mr. MORGAN January 11, 1886, in relation to the appointment of officers of the United States to participate with the officers of any church in the joint conduct and administration of the spiritual or temporal affairs of such church, &c.

Mr. MORGAN. Let the resolutions be read.

The PRESIDENT *pro tempore*. The resolutions will be read.

The Chief Clerk read as follows:

Whereas the union of church and state in the conduct of a joint administration of the temporal or spiritual affairs of any church or religious sect or society is dangerous to the freedom of religous worship and opinion, and violates the principles of the Constitution of the United States:

Resolved, 1. That in the opinion of the Senate it is not within the power of Congress to appoint officers of the United States, by whatever name they may be called, who shall, in the name of, or on behalf of, the United States, be required to participate with the officers of any church or religious sect or society, whether or not the same is incorporated, in the joint conduct and administration of the spiritual or temporal affairs of such church, sect, or society.

2. That it is a practical violation of the Constitution for the President of the United States to appoint any such officer under any law which assumes to confer such power on him, and that requires such duties to be performed by such appointee as are mentioned in the first resolution, and that fixes upon them a direct accountability or responsibility to the executive or legislative department of the Government of the United States for their conduct in office.

3. That it is not the constitutional function of the executive or legislative department of the Government of the United States to exert control in the direction and administration of the religious or temporal affairs of any church or religious sect or society; but such power, if it may be in any case lawfully exerted by any department of the Government of the United States, can only be exercised by the judicial department.

4. That the power of Congress to grant charters of incorporation to religious societies in localities under its exclusive jurisdiction does not extend to and include the right or authority to participate in the administration of the affairs of such incorporations through the agency of officers of the United States appointed for such purpose and accountable to the Government for their conduct in office.

Mr. MORGAN. Mr. President, the propositions stated in these resolutions I have always considered as axiomatic if not self-evident, and I would certainly not have brought them to the attention of the Senate but for the fact that certain recent action of the Senate itself seems to me to make it necessary that we should now have some definition, perhaps for the first time in the history of the Government, of what is the extent of the power of the Congress of the United States to interfere in the temporal administration of the churches of this country.

The separation of church and state in this country grew out of a sentiment which was promoted more earnestly and zealously by Roger Williams than by any other American citizen of whom I have any information. He started the great controversy in the time of the inauguration of the colonial system in this country which should separate the power of the Government from the spiritual or temporal power of the church, and which should draw the line of demarkation between those powers which in England had been combined, not merely as an act of law, but in the establishment or ordination of one of the estates of the realm. The Church of England, from which country we obtained our liberties and the first germs of our civilization, and our first ideas of personal protection and liberty, is not an incorporation. It may not be called a creature of the law any more than Parliament can be called a creature of the law or the royal prerogative a creature of the law. The Church of England is one of the estates of the realm. In the establishment of our constitutional system of government and even of our colonial system of government it was determined by almost the unanimous consent of the American people that that feature of the British Government should find no place either in the colonial system or in the States united under the more perpetual union that we now enjoy.

Recently an act was passed by this body, which requires that the President shall appoint and the Senate shall confirm fourteen trustees to act in a church. It makes no difference whether the action of these trustees is to be spiritual or temporal, whether the board of trustees is

to be controlled by the spiritual authorities of the church, or whether they hold some right merely in trust of a temporal character, some property right for the benefit of the congregation; still there is distinctly the union in that act of church and state when we require that persons who hold the positions of officers of the United States Government shall, in that character, also hold the offices of a church, or an institution that calls itself a church. I regard that as an invasion of the fundamental law of the Constitution of the United States, affecting the executive power, the legislative power, and also the judicial power. Neither one has had to meet heretofore such a baneful attack. Neither one, after this law shall have gone into existence, can ever welcome again to itself the thought that it is free from association with spiritual affairs and church government.

In the District of Columbia there are many churches incorporated, none of them, I believe, by a special act of Congress, but under a general law of incorporation these religious establishments and charitable institutions have become incorporated with boards of managers, with trustees, and also with certain rights of spiritual and temporal control in the regulation of their own church affairs. So churches have been incorporated in the Territories, some by special act and some under general law. The question arises, has Congress the power to enact a law whereby the President shall be authorized and required to present to the Senate for confirmation the trustees in a church in the District of Columbia?

The PRESIDENT *pro tempore*. It is the duty of the Chair to inform the Senator that under the five-minute rule his time is up.

Mr. MORGAN. I ask unanimous consent to be allowed to make a few additional observations.

The PRESIDENT *pro tempore*. If there be no objection that will be considered as the consent of the Senate. The Senator will proceed.

Mr. MORGAN. There is no reason, if Congress can intervene in the churches in the District of Columbia to appoint trustees for the management of their temporal affairs, why they may not extend their jurisdiction and also control their spiritual affairs. The question is not how far Congress may go in its legislation, but whether it can take the first step.

As I understand the Constitution of the United States there is a positive inhibition upon us against legislating in regard to the establishment of religion; not to legislate either to establish it, to prevent its establishment, or to break down its establishment. The question is whether the subject is one within the domain of the legislative power of the Congress of the United States. The only safe rule that can be adopted is to adhere to the plain mandate of the Constitution that this subject is not within the domain of the Congressional power of legislation, that it is a subject under our Constitution which is left entirely to the free consciences of the people, who may assemble themselves in congregations under whatever organization they may choose to have, or whatever the organization we may choose to give them, without our interfering or interposing the power of the Government of the United States to participate in any way in the regulation or control of those assemblages or congregations.

Sir, we have passed an act here and sent it to the other House which requires that the President of the United States shall appoint fourteen officers of the United States as trustees in the Mormon Church at Salt Lake, in Utah. Let it be remembered that there are Mormon churches elsewhere than in Utah. In looking over a publication made by Mr. Childs, of the Philadelphia Ledger, the other day, I examined the list of churches in the city of Philadelphia, that city of brotherly love and of high morality, which we are all proud of. I find that among the congregations that exist in that city are two Mormon churches, one polygamist and the other anti-polygamist.

I doubt very much whether the State of Pennsylvania, which has broader powers in this regard than the Congress of the United States—because I do not understand that Pennsylvania is under a positive inhibition to legislate on such topics at all—I doubt very much whether the State of Pennsylvania could inject into that polygamist church in Philadelphia a body of trustees and, in the name of the State of Pennsylvania, regulate and control its affairs even to expurgate the polygamous feature from its creed. But there it stands in the light of day, there it stands by the tolerance, shall I say, of the people of Pennsylvania? It may be a tolerance that involves the deepest contempt of those people for it, yet it is such a tolerance as prevents that State from an actual interference in the affairs of that church.

Religion has been made free from the law in this country. Divorce of the church and the state was decreed when our Constitution was formed; but the Congress of the United States, it seems, wants to celebrate the nuptials of the new union between the Mormon Church and the United States Government, and take charge of the ordinances of that polygamous establishment in Utah. We have not sought to inject our powers into the Presbyterian or Methodist or Episcopalian or Baptist or the Catholic Church in this country. We seek for the first display of this character of power of a mingled authority of church and state, this new idea of the union of law and religion, in enacting that the bonds of union shall be celebrated at the polygamous altar of the Church of Jesus Christ of Latter-day Saints in the city of Salt Lake, the capital of Utah.

I maintain that the President of the United States would consult his duty in refusing to appoint this board of trustees which the Senate has voted shall be appointed by him and sent to the Senate for confirmation. We may put a law upon the statute-book here requiring him to make such appointments, and this President or another may approve it and it may take the form and shape of a law; but when these trustees come to be appointed by him it would be equally the duty of the Senate to say, that appointment and that law violate the Constitution of the country, and it shall not be a proper subject to be considered in this body whether we will confirm or not the appointees.

The only power that can be exercised authoritatively over the church organizations in this country is clearly defined in the case of Watson *vs.* Jones, in 13 Wallace's Reports. That is a case of great importance, and if the resolution should go to a committee, as I think it need not go to a committee, I respectfully call the attention of that committee, whatever it shall be—I suppose it will be the Judiciary, if any—to the influence of this case of Watson *vs.* Jones upon this great question. That was a Kentucky controversy. It arose in a litigation between the authority of the General Assembly of the Presbyterian Church in the United States and the Walnut street church in Louisville, Ky. The question was who had the jurisdiction to determine who were the board of trustees chosen by the church; who were the men who had the legal title to the property held in trust for the congregation; who had the right to select a pastor; who had a right to conduct the financial affairs of the church; who had a right to determine upon the admission of members, their rejection, or any question relating to membership. That case came from the circuit court of the United States on appeal to the Supreme Court of the United States, and the Supreme Court, after deliberate consideration, announced certain results as the conclusions to which they arrived, to which I will invite the attention of the Senate very briefly.

I will read some extracts from the opinion of the Supreme Court in the case of Watson *vs.* Jones:

> The questions which have come before the civil courts concerning the rights to property held by ecclesiastical bodies may, so far as we have been able to examine them, be profitably classified under three general heads, which, of course, do not include cases governed by considerations applicable to a church established and supported by law as the religion of the State.
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> 1. The first of these is when the property which is the subject of controversy has been, by the deed or will of the donor or other instrument by which the property is held, by the express terms of the instrument devoted to the teaching, support, or spread of some specific form of religious doctrine or belief.
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> 2. The second is when the property is held by a religious congregation which, by the nature of the organization, is strictly independent of other ecclesiastical associations, and, so far as church government is concerned, owes no fealty or obligation to any higher authority.
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> 3. The third is where the religious congregation or ecclesiastical body holding the property is but a subordinate member of some general church organization in which there are superior ecclesiastical tribunals with a general and ultimate power of control more or less complete, in some supreme judicatory over the whole membership of that general organization.
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> In regard to the first of these classes it seems hardly to admit of a rational doubt that an individual or an association of individuals may dedicate property by way of trust to the purpose of sustaining, supporting, and propagating definite religious doctrines or principles, provided that in doing so they violate no law of morality and give to the instrument by which their purpose is evidenced the formalities which the laws require. And it would seem also to be the obvious duty of the court, in a case properly made, to see that the property so dedicated is not diverted from the trust which is thus attached to its use. So long as there are persons qualified within the meaning of the original dedication, and who are also willing to teach the doctrines or principles prescribed in the act of dedication, and so long as there is any one so interested in the execution of the trust as to have a standing in court, it must be that they can prevent the diversion of the property or fund to other and different uses. This is the general doctrine of courts of equity as to charities, and it seems equally applicable to ecclesiastical matters.
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> In such case, if the trust is confided to a religious congregation of the independent or congregational form of church government, it is not in the power of the majority of that congregation, however preponderant, by reason of a change of views on religious subjects, to carry the property so confided to them to the support of new and conflicting doctrine. A pious man building and dedicating a house of worship to the sole and exclusive use of these who believe in the doctrine of the Holy Trinity, and placing it under the control of a congregation which at the time hold the same belief, has a right to expect that the law will prevent that property from being used as a means of support and dissemination of the Unitarian doctrine, and as a place of Unitarian worship. Nor is the principle varied when the organization to which the trust is confided is of the second or associated form of church government. The protection which the law throws around the trust is the same. And though the task may be a delicate one and a difficult one, it will be the duty of the court in such cases, when the doctrine to be taught or the form of worship to be used is definitely and clearly laid down, to inquire whether the party accused of violating the trust is holding or teaching a different doctrine, or using a form of worship which is so far variant as to defeat the declared objects of the trust.
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> The second class of cases which we have described has reference to the case of a church of a strictly congregational or independent organization, governed solely within itself, either by a majority of its members, or by such other local organism as it may have instituted for the purpose of ecclesiastical government, and to property held by such a church, either by way of purchase or donation, with no other specific trust attached to it in the hands of the church than that it is for the use of that congregation as a religious society.
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> In such cases where there is a schism which leads to a separation into distinct and conflicting bodies, the rights of such bodies to the use of the property must be determined by the ordinary principles which govern voluntary associations. If the principle of government in such cases is that the majority rules, then the numerical majority of members must control the right to the use of the property. If there be within the congregation officers in whom are vested the powers of such control, then those who adhere to the acknowledged organism by which the body is governed are entitled to the use of the property. The minority, in choosing to separate themselves into a distinct body, and refusing to recognize the authority of the governing body, can claim no rights in the property from the fact that they had once been members of the church or congregation.

This ruling admits of no inquiry into the existing religious opinions of those who comprise the legal or regular organization; for, if such was permitted, a very small minority, without any officers of the church among them, might be found to be the only faithful supporters of the religious dogmas of the founders of the church. There being no such trust imposed upon the property when purchased or given, the court will not imply one for the purpose of expelling from its use those who by regular succession and order constitute the church, because they may have changed in some respect their views of religious truth.

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But the third of these classes of cases is the one which is oftenest found in the courts, and which, with reference to the number and difficulty of the questions involved, and to other considerations, is every way the most important.

It is the case of property acquired in any of the usual modes for the general use of a religious congregation, which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government.

The case before us is the one of this class growing out of a schism which has divided the congregation and its officers, and the presbytery and synod, and which appeals to the courts to determine the right to the use of the property so acquired. Here is no case of property devoted forever by the instrument which conveyed it, or by any specific declaration of its owner, to the support of any special religious dogmas, or any peculiar form of worship, but of property purchased for the use of a religious congregation; and so long as any existing religious congregation can be ascertained to be that congregation, or its regular and legitimate successor, it is entitled to the use of the property. In the case of an independent congregation we have pointed out how this identity, or succession, is to be ascertained; but in cases of this character we are bound to look at the fact that the local congregation is itself but a member of a much larger and more important religious organization, and is under its government and control, and is bound by its orders and judgments. There are in the Presbyterian system of ecclesiastical government, in regular succession, the presbytery over the session or local church, the synod over the presbytery, and the general assembly over all. These are called, in the language of the church organs, "judicatories," and they entertain appeals from the decisions of those below, and prescribe corrective measures in other cases.

In this class of cases we think the rule of action which should govern the civil courts, founded in a broad and sound view of the relations of church and state under our system of laws, and supported by a preponderating weight of judicial authority, is that whenever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final and as binding on them in their application to the case before them.

Applying the doctrines of this decision to the powers of the church in Utah which is alleged to be an ecclesiastical denomination with certain governing powers in its church organization, are we not bound as the Supreme Court have been bound to accept from that church its decree as to its will and purpose in the conduct and management of the church; and are not the trustees that we put in there bound, as the trustees of Walnut street church were bound by the declaration of the General Assembly of the Presbyterian Church in the United States, to execute the will of that great judicatory? What else is the Mormon Church, incorporated under that act of the Legislature of the Territory of Utah, except a great and supreme ecclesiastical judicatory? If it be not polygamous, it is lawful. If it be polygamous, the trustees can not correct polygamy. Such duties do not and can not belong to their office. They claim that the polygamous feature of the Mormon Church is a question of doctrine and faith which the great supreme judicatory has the right to decide, and that it is the practice and not the creed which the laws may touch, and the Supreme Court of the United States would sustain them, if necessary, under this opinion, unless that decision involved absolutely and expressly, or by necessary intendment, the support or propagation of a crime against society in the United States.

We all understand of course that any organization pretending to be a church which undertakes to propagate a crime can not claim the immunity or benefit of being a Christian or religious organization which Congress may not touch. But, sir, the existence of crime in a church does not concern the power of Congress to interpose trustees there. When we acknowledge, as we do in this act, that it is a church having rightfully this supreme judicatory, and that it is a church incorporated by law in which every Mormon in Utah is an incorporator, when having made all these declarations in behalf of that church we for any purpose, whether to purify its morals or to rob it of its property, interpose officers of the Government of the United States there to control its affairs as a board of trustees, we usurp to ourselves a power that even the judiciary have found themselves unable to grasp. The Supreme Court declare expressly that they are bound by the supreme judicatory of a church in matters relating to church government and property and by its decrees, and they have no power to reverse the judgment of the General Assembly of the Presbyterian Church in the United States in respect of the right of control over the Walnut street church. For the reason that this is a subject which under the laws and the Constitution of the country is beyond the reach of legislative power, and also of judical power, it is also beyond the power of the Executive. The President can never constitutionally appoint these officers of the United States to offices created in the Mormon Church with powers to assist in its administration and to report their official conduct to the Secretary of the Interior.

I have thought, Mr. President, that the Senate could well afford to express its opinions upon these resolutions. The country is not going to be quiet after we have asserted on our part the right to interfere by law in the church management of any of the churches that happen to be in Territories within our exclusive jurisdiction. After we have once asserted and maintained by enacting a law that we have the right to put trustees into a church and participate in its management, and that those trustees are not to be selected by the church, are not to be chosen in a manner conformable to its charter or to its principles or method of organization, but they are to be officers of the United States, and as such are to take their seats in a church board, the country can not be quiet while such a declaration, coming from this august body, remains uncontradicted upon the record of our proceedings. I have therefore felt it my duty to call attention to the subject, for we have unwittingly or not—no, not unwittingly, for argument was made against it—spread upon the records of this body the declaration of our power to recognize a church as something that has lawful existence both in morals and in law, and thus recognizing it, to provide for the appointment by the President and confirmation by the Senate of trustees to hold a seat in that board to manage its affairs. Whether it is to manage things temporal or spiritual in a church, Congress can not send the agents of the Government to rule in the affairs of a church.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Alabama will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is by unanimous consent the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

HOUSE BILLS REFERRED.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. If the Senator from Massachusetts will indulge the Chair a moment, the Chair will lay before the Senate bills from the House of Representatives for reference.

The bill (H. R. 3828) for the relief of the estate of C. M. Briggs, deceased, was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 116) for the relief of Albertine Cockrum;
A bill (H. R. 225) granting a pension to Daniel Connolly;
A bill (H. R. 226) granting a pension to Mrs. Martha E. Turney;
A bill (H. R. 613) for the relief of Catherine Collins;
A bill (H. R. 618) granting a pension to James Morgan;
A bill (H. R. 777) granting a pension to Frederick Bottjer;
A bill (H. R. 788) granting a pension to Jeptha Hornbeck;
A bill (H. R. 925) to amend an act entitled "An act granting a pension to Rachel Nickell," approved March 3, 1885;
A bill (H. R. 928) granting a pension to Lewis A. Thornbury;
A bill (H. R. 929) granting a pension to G. W. Fraley;
A bill (H. R. 934) granting a pension to Charles W. Minnix;
A bill (H. R. 936) granting a pension to James T. Caskey;
A bill (H. R. 1084) granting a pension to Alice S. Holbrook;
A bill (H. R. 1255) granting a pension to Isaac Moore;
A bill (H. R. 1319) to increase the pension of Robert D. Fort;
A bill (H. R. 1352) granting a pension to Isaac Chenoweth;
A bill (H. R. 1469) granting a pension to Lois Holt;
A bill (H. R. 1472) granting a pension to Mary Murphy;
A bill (H. R. 1564) granting a pension to Phebe Saunders;
A bill (H. R. 1568) granting a pension to Nathaniel Taylor;
A bill (H. R. 1574) granting a pension to Sarah L. Bragg;
A bill (H. R. 1575) granting a pension to Elizabeth Kahler;
A bill (H. R. 1579) for the relief of Amy A. Lewis;
A bill (H. R. 1582) for the relief of Eleanor C. Bangham;
A bill (H. R. 1589) for the relief of Newton O. Baker;
A bill (H. R. 1590) for the relief of Timothy Paige;
A bill (H. R. 1701) granting a pension to Anson B. Sams;
A bill (H. R. 1703) granting a pension to Joseph Williams;
A bill (H. R. 1711) for the relief of George C. Haynie;
A bill (H. R. 1824) granting a pension to Mrs. Louisa Noland;
A bill (H. R. 1836) granting a pension to George Slack;
A bill (H. R. 3387) granting a pension to Sidney Sherwood;
A bill (H. R. 3520) granting a pension to William H. Blake;
A bill (H. R. 3538) granting a pension to Mrs. Amy A. Hurst;
A bill (H. R. 4125) granting a pension to John M. Milton; and
A bill (H. R. 4835) to place the name of John Pruitt on the pension-roll.

FUNERAL EXPENSES OF VICE-PRESIDENT HENDRICKS.

Mr. ALLISON. I ask the Senator from Massachusetts to yield to me a moment that I may offer a resolution, and I ask unanimous consent that it may be considered now.

The Chief Clerk read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the funeral expenses of the late Vice-President Thomas A. Hendricks, which were incurred at Indianapolis, Ind., payment to be made upon vouchers satisfactory to and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. ALLISON. I do not wish to submit any remarks. I merely ask that certain papers which I present may accompany the resolution and go to the Committee on Contingent Expenses.

The PRESIDING OFFICER. The papers will be referred to the

Committee to Audit and Control the Contingent Expenses of the Senate. The question is on agreeing to the resolution.

The resolution was agreed to.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. HOAR. I now move the amendments which were printed for the information of the Senate by the order made on Thursday last.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts will be read.

The CHIEF CLERK. In section 4, line 57, after the word "counted," it is moved to insert:

Which appear to have been cast by the electors whose names appear on the lists certified by the executive of the State, in accordance with the provisions of section 136 of the Revised Statutes as hereby amended, or in case of a vacancy in the board of electors so certified, then by the persons appointed to fill such vacancy in the mode provided by the laws of the State; or if there be no such list, or if there be more than one such list purporting to be so certified, then those votes, and those only, shall be counted which.

It is also proposed to add as a new section:

SEC. —. That section 136 of the Revised Statutes is amended to read as follows: "SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified under the great seal of the State, and to be delivered to the electors on or before the day on which they are required by the preceding section to meet."

Mr. HOAR. If I can have the attention of the Senate I think I can state in ten or fifteen minutes the argument in favor of this bill as it will read if amended according to the proposition just read from the desk.

Mr. LOGAN. Will the Senator allow me? Before the Senator proceeds I should like merely to have an understanding about the bill in reference to the admission of Dakota, whether or not the Senator desires to go on to-day until this bill, that is now called up, shall be finished?

Mr. HOAR. I should like to do that. I think we can finish it to-day.

Mr. LOGAN. And have an understanding that the Dakota bill will then be the regular order?

Mr. HOAR. I understand that will be the regular order after this.

Mr. LOGAN. Will that be the regular order, Mr. President?

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that the Dakota bill will be the next business in order on the Calendar.

Mr. LOGAN. I merely wished to know, so that we could have it understood.

Mr. HOAR. I hope we may be able to finish this bill to-day. I shall endeavor to secure that result, and I think we can.

This bill is the result of more than twelve years' consideration and discussion in this body. The debate may almost be said to have been in progress during the whole time since the December session of 1875. The bill has passed the Senate three times, I believe, almost unanimously.

The object of the bill is to remove, as far as it is possible to be done by legislation and without an amendment of the Constitution, a difficulty which grows out of an imperfection in the Constitution itself; and I think I may say as a matter now settled by a pretty long experience that the arguments which are made against the bill almost all proceed from supposing that it is an attempt to amend a defect which is due to the Constitution itself and criticising it in that respect, and not reflecting that the bill while it does not of course undertake to intrench upon the provisions of the Constitution, reduces the difficulties which the Constitution has left to a minimum.

Two things we must consider, I think, settled for this generation; first, that the President of the Senate is not clothed by the Constitution with the power to count the electoral vote, that the determination of the grave questions of law and fact which must be decided in order to determine how many electors have been appointed or who has the majority of the votes of those electors has not been committed to any single officer; and, second, that the power to decide these questions and count the vote is not vested exclusively in the House of Representatives. Each of these views has had some advocates. Neither of them, as it seems to me, with great respect to those who entertain them, has ever borne the weight of a constitutional discussion, and neither of them is entertained by any considerable number of persons either in this or the other House. It seems to me that we must take as practical legislators considering the expression of opinion both these propositions as conclusively settled and determined for the present generation.

It is very difficult to any person who remembers the prevalent opinion, the jealousy, the purpose which occupied the mind of the framers of the Constitution, to any person who reads their debates, to suppose that they intended to intrust this vast power to the President of the Senate. Throughout the whole of the history of the formation of the Constitution appears the jealousy of its framers of the usurpation of executive power. The discussions in the Madison Papers and the press of that time, the other discussions which are less celebrated but still are preserved from that generation to ours, all show that the first object of the framers of the Constitution in making it, and their chief stress and labor in commending it to the people, was to show that usurpation or prolongation of power by the Executive of the United States had been rendered impossible in the form of government they had framed.

The contemporaneous State constitutions, established ten or eleven of them between the year 1775 and the close of the year 1787, had, with the only exception of New York—and it may be that there were one or two others—had committed the power of determining who was chosen to the chief executive office to the two houses of the State Legislature.

Of course it will not be forgotten that the Constitution provided for a vote for two candidates for President, one of whom became Vice-President. The President of the Senate would almost always be and would be expected to be one of the chief candidates for the Presidential office. He would have been one of the two principal candidates four years before, and it was the fashion of those days very much more than of these to continue the same person in public trusts and in political candidacy, and several times in our history the Vice-President of the United States has succeeded to the Presidency, Adams to Washington, Jefferson to Adams, Van Buren to Jackson. The conferring upon this officer of the power to determine these great questions would have been a transgression, would have been seen by the framers of the Constitution to be a transgression of that maxim so fundamental that Lord Coke says it is not even in the power of the British Parliament to transgress it—that is, to make a man a judge in his own case—in the most important case of personal interest which could ever be submitted to a human judgment.

When this subject began to assume very important practical shape as the determination of the Presidential election of 1876 approached, a leading member of the Senate, then representing the State of New York, said in his place here that every member of the Senate, except four, stood recorded and committed on his oath against the proposition of the right of the President of the Senate to count the vote, and he further said that the then Senator from California, Mr. Sargent, was the only known advocate of that doctrine on the floor of the Senate.

Taking that, without further discussing it, as practically determined for our guidance as legislators, I think we may further assume with the same confidence that no legislation can be adopted here for a generation which proceeds on the principle that the power to determine this result is lodged in the House of Representatives. The doctrine upon which that claim is based, it seems to me, will not bear discussion. That doctrine is that as the House of Representatives are to exercise a certain function if a certain condition of the vote appears, of course it must follow that that body is to determine upon the state of things which requires the exercise of that function.

I submit that the opposite of that proposition is much more nearly a general truth; that is, that when an official function or duty is lodged in any person or public body, that person or public body is never the judge of the question whether its own power exists or if the case for the exercise of its power has arisen. Neither of these propositions would be universally true; but the latter, it seems to me, most usually is. The Vice-President of the United States, who is to succeed to the Presidential office in case of the inability of the incumbent, surely can not be the sole and exclusive judge of the question whether the time has come for him to exercise that function or whether the House has chosen or has not chosen the President. The persons who are to exercise a power under the forms of a limited, written, and free constitution are almost invariably the persons who are not to determine whether they have got it. The question who is chosen to the Senate or the House is determined by the body to whom that trust is committed, not by the individual claimant, and so on.

Now, sir, if the President of the Senate gets no power in the beginning from the clause which has been so often read and discussed, it seems to me equally clear that he can not get it afterward without legislation. If he have it in the absence of legislation, he has it in spite of legislation. If the Constitution confer on him the power to open the certificates alone, and leaves either to the two Houses or to an officer provided by law the power to count, I can not see any reason, and I never have heard one stated, which, in the failure to exercise that legislative power or in the failure of the two Houses to act, justifies the conclusion that the powers of the President of the Senate should be extended to include a subject not committed to him by the Constitution in the beginning.

This bill assumes—and I do not propose to go over this argument for the hundredth time—that the framers of the Constitution, according to the universal fashion of those days, meant, as the English constitution commits to the two houses of Parliament in case of an abdication as it had been recently settled in the instances of James II and William of Orange, as the State constitutions almost without exception in that day permitted in case of a popular election the right to determine the title to the executive office to be exercised by the two legislative houses—meant to intrust this power to two bodies corporate, the Senate and the House of Representatives. The failure of the Constitution, the *casus omissus* is the failure to provide an arbiter when these two bodies dis-

agree. The provision for such an arbiter, therefore, comes within the legislative power committed to Congress—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

A perfect bill, as I believe, would provide for a common arbiter between these two bodies, which the Constitution has left to the law-making power, and that has been the attempt of the statesmanship that has dealt with this subject from the beginning of the century to the present day; but every such attempt has failed. There never has assembled at the seat of government since the Government went into operation a Congress whose two Houses would agree as to the person who should be the suitable common arbiter between these two bodies. John Marshall tried it and failed in 1800; Daniel Webster tried it and failed in 1824; the men of 1876 tried it and failed, except for the single occasion with which the electoral commission bill dealt.

Now, the Senator from Ohio [Mr. SHERMAN] has undertaken by the amendment read by him the other day to solve this difficulty by a provision which shall create a common arbiter between these two branches, and with great respect to that Senator—and there is no man in public life in this country for whom my respect is more profound—it seems to me that of all the schemes which have been ever suggested since the beginning of the Government to deal with this question that of my honorable friend from Ohio is the worst. I would prefer to take the senior justice of the Supreme Court, as John Marshall I think proposed; but I suppose it would be impossible to expect an agreement on that official as an arbiter between the two branches in the present state of political and public sentiment in this country. But certainly whoever is taken, it is a person who is taken for the purpose of exercising a judicial function. I do not mean by "a judicial function" one of the functions usually assigned to courts, but I mean judicial in regard to the nature and character of the act to be performed; that is, you are to have a tribunal which is to determine the existing fact and the existing law, in contradistinction from determining the law or creating the fact according to his own desire. The legislator enacts the law as the legislator desires and thinks best for the public interest. The elector votes for the candidate who it is his wish shall succeed to the office voted for. But this function is to determine the existing fact and apply to it the previously declared and ascertained law. It is a function into which the wish or the desire of the person exercising it can not properly enter.

What does the Senator from Ohio propose for such a function as this? He proposes a very numerous body, a body which is to consist in the near future of nearly five hundred members. It consists now of over four hundred, and after the next census, with the addition of States, it will consist of nearly five hundred members. He proposes a body to deal with questions of frauds at elections, delicate questions of law, State and national, which by no possibility under the circumstances can either debate or give a hearing to any party interested. It is a body made up of earnest partisans, of four hundred or five hundred men selected in the United States more likely than any other body of the same number which could be selected, being brought together on any principle of selection, to have an earnest and impassioned and eager desire as to the result; a body of men whose personal interests, whose success in life, whose future are to be very largely affected by the decision one way or the other of the question before them; a body whose two political divisions are to share or be excluded from the councils of the Executive whose election is to be ascertained by this process—a body I say therefore more likely than any other which could be imagined to be excited by the very disturbing cause which it should be the policy of our legislation to exclude.

It is a body also where individual responsibility is wholly lost. A man who votes in this joint ballot votes with this crowd where his voice can not be heard in debate or to state his reasons, and where his own personality is entirely merged and disappears for the time being. It is a body also with no character of its own to sustain. If this function were committed to the Senate, it would be committed to seventy-six men whose own dignity and honor and authority, whose title to the respect and remembrance of mankind, depend, as we all feel, very largely upon the honor, credit, and dignity of the Senate. A man who fills a place in the Senate and does his best in it has not only the respect and remembrance of his countrymen which belongs to his personal character and quality, but the reflected honor and respect which come to him from being a member of this great legislative body which has existed from the beginning of the Government and is to exist until time shall be no more, in one continuous and unbroken succession; and in the strongest heat of party desire, in the wildest motion of waves of public clamor or the tide of public feeling, the Senators on either side may be trusted for the sake of the preservation of an official and a personal character which is so to survive the chances or the desires or the excitements of a single Presidential election, to do what is right, not what is desired by their party for the time being; and so of the House of Representatives. But this body created by the honorable Senator from Ohio perishes when the single function has been performed. You have therefore as little as possible of security from regard to the personal character of the men taking part in this great proceeding, and no security at all by reason of any dignity of character or permanance of authority of the body to which the function is committed, these persons too taking no oath of office, under no restraint of that kind. The whole of the proposition of my honorable friend from Ohio could be stated by enacting that when the two Houses fail to agree on any question, that question shall be determined without partisan bias and according to the merits, as contested-election cases are usually decided in the House of Representatives!

The Senator says that he takes this proposition; it has been suggested to him by an analogy to the election of Senators of the United States by State Legislatures where they vote in joint ballot. But that is a provision for election, not for judgment. Unquestionably the meeting together of the two Houses, the bodies who are to elect one or the other of two candidates, is not only a proper method, but in the case of differences between the two bodies a necessary method, of arriving at an election; but for judgment, I am not aware that in our legislative history there is any instance where there is committed to a body of this class or to two legislative bodies acting on joint ballot the judicial determination of any public question.

The present bill does not attempt to create a common arbiter between the two Houses of Congress. What it does attempt is to reduce to a minimum the cases where any difference can properly arise, proceeding upon the constitutional theory that the appointment of electors, including the determination of the question who has been appointed, belongs under the Constitution to the States, and that it was intended to exclude not only Congress but every person holding an office of trust or profit under the United States from the whole proceeding. As far as possible this bill remands everything to the State, and simply gives a decisive weight and power to certain official action of the State itself, and if the amendment which I have proposed shall be adopted no case can arise under this bill of rejecting the vote of any State except in the single case of dual State governments.

The bill provides that where the State has created a tribunal for the determination of these questions the proceedings of that tribunal shall be conclusive; that where the State has created no tribunal and there is but one return purporting to come from the State the vote shall not be rejected without the concurrence of both Houses of Congress; and the amendment provides that, in the absence of any State tribunal created for the purpose of passing upon the validity of the election of electors, the vote of that board of electors which has under the existing law the certificate of the executive of the State that they are the truly chosen board shall not be rejected except by the concurrent vote of the two Houses.

I have not heard upon the floor of the Senate, either in private or public discussion, and I have not found in looking over the debates on this question from the beginning of the Government, a suggestion of any possible case which this bill does not cover and determine except the single case where, growing out of civil war or other causes, there is a struggle in a State and a dispute as to who are lawfully exercising the powers of its government. In that case I think we should on reflection be pretty likely to agree that the vote of the State ought not to be received and counted without the assent of both Houses of Congress. It implies an existing civil war, or, if not a civil war, a state of civil disturbance and struggle which is inconsistent almost with any fair or satisfactory ascertainment of the will of the people of such a State. We have had several such instances in the United States, but they came at the close of a civil war, before the relation of the different parties of people in the State to one another or to the National Government had become settled. In that case the bill requires for the reception and count of the vote just what the Supreme Court of the United States held in Luther *vs.* Borden was required for the determination of which was the lawful State government in regard to all the rest of its relations to the National Government, that is, the recognition of the two Houses of Congress. In Luther *vs.* Borden it was held that in the absence of such recognition by the two Houses of Congress the recognition by the President of the United States would *prima facie* determine which was the true and lawful State government.

My honorable friend from Ohio says it is a great thing to reject the vote of a State, and he is not willing to trust to one House of Congress alone, guided, moved as it will be by political passions, the power of rejecting the vote of a State. I should like to ask if the Senator from Ohio knows of any way now under the existing law, of any way since the foundation of the Government, unless he holds to the theory that the President of the Senate has this right (which has been rejected by so large a majority of the persons who have dealt with this question), in which the vote of any State can be counted except by the concurrent assent of the two Houses of Congress? I do not know of any such unless the power were to be usurped or seized upon by the President of the Senate.

In other words, instead of conferring upon one House of Congress the power to reject the vote of a State coming here duly authenticated or in any other way, this bill limits and narrows the power to do that which has been in existence, though never used, from the foundation of the Government. In the case of a dual State government, two bodies

claiming each to represent the will of a people, as I said before, I think there are very strong reasons why there should be a concurrence of both Houses before the State should be permitted, when law does not prevail, to take part in this supreme constitutional act—electing the Chief Magistrate for the whole country.

But there is something of a fallacy, it seems to me, lurking in the phrase which we so often hear, "Rejecting the vote of a State." It seems to me that the vote of a State is very much more rejected when you not only exclude the votes of the persons whom it has duly authorized to represent it, but in addition to that permit others whom it has not chosen to cast its vote and express its will without its authority or consent. The vote of a State may be rejected when it is not counted in making up the constitutional result, but the vote of the State is still more rejected when the true vote is cast out and a false vote is counted in its stead.

I believe, Mr. President, that this is all that it seems necessary for me to say at this time in regard to the bill. As it stands, when the executive of the State has made the certificate provided for by the old law, to which we now propose to add the great seal of the State to authenticate the certificate, to a particular body of electors, the vote of that body of electors is to be counted unless both Houses of Congress concur in its rejection; when the State has by a tribunal created by itself settled the question, the action of that tribunal is to govern Congress.

Now, I can not, as I said before, think of any case which this bill does not cover, determine, or remand to the State to determine, any case in which any friction or difficulty can grow out of the mechanism here provided, except in the case of dual State governments, and in regard to that the power of one House to reject the vote is not created by this bill, but it is the only remnant of that power which this bill does not take away.

Mr. SHERMAN. Mr. President, I do not care myself to continue this debate, because I feel very much in the condition of every other member of this body in regard to the bill. Whatever we do involves more or less danger, and I respectfully call the attention of the Senate to the fact that the amendment now proposed by the Senator from Massachusetts introduces another dangerous element, probably as dangerous as the present provisions of the bill.

In the case of a double return from a State, as where two sets of electors claim to have been legally elected by the people of a State, instead of providing as under the present bill that it shall require the assent of both Houses to count the vote of that State, the amendment proposes to substitute as the only mode and the final mode of testing the question between the opposing colleges of electors, where there is no tribunal provided in the State, the governor of the State must then decide which of the two sets of electors are the legal electors in the State. The Senator seeks to avoid the difficulty which he has pointed out and which is manifest to every one, the danger of allowing either of the two great political bodies to reject the vote of a State; and he now proposes to leave that question to be finally settled by the governor of the State.

Under the one hundred and thirty-sixth section of the Revised Statutes the governor sends to the Vice-President or the President of the Senate the votes of the electors; but suppose another body of electors in the same State, meeting together and claiming to represent the majority of the votes in the State, send their returns, as they can do without the agency of the governor, to the Senate's presiding officer? The bill provides that any paper purporting to be a return shall be received and read and presented before the two Houses of Congress. Instead of leaving that to be decided by the concurrent action of the two Houses, or by the objection of either House, the amendment proposed by the Senator from Massachusetts leaves it entirely to the governor of the State, who naturally belongs to one of the two parties represented by the two opposing colleges of electors.

My friend from Massachusetts has pointed out many objections, and I can see them very strongly too, to allowing this question to be decided by the presiding officer of the Senate, who has the charge of all the electoral votes; but he proposes as the final arbiter on this important question the governor of a State, who probably himself is one of the parties to the contest. It seems to me he is jumping out of the frying-pan into the fire. Are we willing to leave to one man, who, being the governor of a State, and therefore necessarily a party in the contest that has occurred in the State, to decide this question in which he probably from political feeling or otherwise is more interested than any other mortal man?

Mr. MAXEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Texas?

Mr. SHERMAN. Certainly.

Mr. MAXEY. I suggest to the Senator from Ohio that the very point he is now upon was one of the difficulties which we had in the discussion in 1876. Who is the governor? That is the question. There may be two men claiming to be governor in the same State, as there were in Rhode Island once, and as there were in Louisiana. Now, in such a case which certificate is to govern?

Mr. HOAR. If the Senator from Ohio will pardon me, that is provided for by the bill. That is a case left where it requires the concurrent votes of both Houses to count, as I submit it is now. We can not get rid of that. That has been always the difficulty where there were two governors.

Mr. SHERMAN. But I come back to the point, waiving the question proposed by the Senator from Texas, which is a pregnant one, where there are two governors, and when the very election of electors may disclose the fact that there are two opposing candidates for governor, as would naturally be so, because by the laws of nearly all the States the governors are now elected at the same time that the electors are chosen. Nearly all the States have now adopted the mode of conducting the State elections at the same time that the Presidental election is held. The State of Ohio has been the last to abandon its old mode of electing the governor and State officer on a different day from that provided for the election of electors. I think by the laws of nearly all the States the governor is now elected on that day, so that in the very election which involves the election of electors probably the question of who is governor and who was elected governor at that particular time is involved. But suppose the governor is admitted to be duly elected, representing one of the parties of the State, especially of a great State, you leave to him the question of deciding this most dangerous and difficult point.

We can not overcome the difficulty by such a proposition as this. Let the Senator from Massachusetts point out some tribunal. It may be the Supreme Court; it may be an electoral commission organized under law; it may be a tribunal pointed out by the law beforehand in the nature of a judicial tribunal or some other kind of tribunal; but to leave the question in dispute to be decided by the governor of a State, it seems to me only involves this matter in greater difficulty. In cases which may arise where honesty of opinion and sincerity of conviction may exist in both parties, where there is a real dispute as to who have been elected electors for a particular State, it seems to me to select the governor of the State to decide the question is far more dangerous than to leave it even to the presiding officer of the Senate. So all the arguments which the Senator has used to show that the presiding officer of the Senate ought not to decide the question arise also as against the authority to give the governor of a State the power to decide the question. It seems to me that that will not answer, and that the remedy proposed by the Senator from Massachusetts, who admits the evil and the difficulty, is not a remedy at all, but only aggravates the disease.

In the face of the mandate of the Constitution that when the electoral votes are read before the two Houses, with all the formalities that can surround this grave political event, "the votes shall then becounted," the Senator from Massachusetts turns around and says that the votes certified to by the governor shall be counted. It seems to me that is not sufficient. It is not a remedy. On the other hand, I would far rather say that no vote of any State shall be excluded except by the concurrent vote of both Houses.

In the case of a single return, although that return may disclose an illegal election, although it may disclose the election of persons who were not eligible to the position of elector, although it may involve grave difficulties and doubts as to the election or as to the validity of the return, this very bill provides that the vote shall be counted unless both Houses agree that it shall not be counted. Now I would far rather apply that principle to the case put. On the contrary, the Senator proposes to amend the bill so as to make the clause read:

> And in such case of more than one return or paper purporting to be a return from a State, if there shall have been no such determination of the question in the State aforesaid, then those votes, and those only, shall be counted which appear to have been cast by the electors whose names appear on the lists certified by the executive of the State, in accordance with the provisions of section 136 of the Revised Statutes as hereby amended.

So it provides that in case of a double return the vote certified by the governor of the State shall be the vote to be counted, and under the operations of this provision even with both Houses concurring that the governor of the State is wrong, that he has disregarded the will of the people of the State of which he is governor, the two Houses concurring could not overrule the decision of the executive of the State. It seems to me that this is a more dangerous complication.

On the whole, without extending this debate further, this matter is surrounded by many difficulties. When I proposed the other day that the question should finally be decided by the two Houses acting in a joint convention I was not entirely satisfied, because I could see that that involved great difficulties. But suppose, as the bill stood, the House of Representatives should say that a certain vote should not be counted; in that case it would be the end of it; it would be excluded from the count, whatever opinion the Senate might have; but if, on the contrary, the Senate should come to a different opinion from the House, then at least there would be one other chance, by convening the two Houses in joint convention, of having a settlement and a determination of the question, and not merely a rejection of the vote. As the bill stands, when either House objects the vote is not counted—that is, it is excluded from the count, and the State has no part or lot in the election of a President. In the amendment I proposed I provided for at least one rehearing of the question in case the two Houses disagree, when the Senate mingling with the House in joint convention might to some extent control or affect the vote. I admitted that it was not a sufficient remedy; I did not like to see the Senate merged in the House; still it gave an additional safeguard, and then it gave a decision of the

question so that the vote of the State was counted, and therefore was better than the proposition contained in the bill. Still I was not satisfied.

Now, I think if this amendment is adopted it will only make still more dangerous the difficulties that surround this count. It leaves the executive or governor of a State to decide the very question which we are not willing to leave to the two Houses to decide, which we are not willing to leave to either House to decide. It would be far better to take the expedient proposed by me than to take this, because it is certainly better to leave to the two Houses of Congress, two great political bodies representing all the people of the United States and who are to a large extent entirely disinterested, to decide this local controversy in a State, rather than to leave it to a governor of a State, who himself is necessarily a party to that controversy, to decide it.

The proposition of my friend from Massachusetts violates the very rule that he has quoted here as laid down by Lord Coke, that even Parliament can not make any man a judge in his own case. Yet this amendment provides that the governor of a State is the judge of the election as to which of two sets of electors is elected, and the governor himself is a party necessarily to the controversy.

But, as I said before, I do not wish to continue this discussion further. I do not believe that in the present condition of the bill we are likely to come to any wise solution of it. I would rather recommit the bill to the Committee on Privileges and Elections, which I know would approach this question with great care. At any rate, I trust that we shall not now be forced to vote upon propositions that are not satisfactory to the Senate. I would very much rather let the bill go over for a while, so that we may look into it and see whether some provision can not be agreed on for fixing upon a tribunal. I would rather take the Supreme Court of the United States, as much as I object to drawing that great tribunal into this controversy, because that court would at least give a decision; it would say which of two returns should be counted; but if the amendment of the Senator from Massachusetts is adopted it will be placed beyond the power of the two Houses to overrule the interested mandate of the governor of a State. If no other expedient can be adopted, I would say that some vote should be counted, that the Constitution should be obeyed, "that the votes shall then be counted," rather than to say that either House may by its arbitrary veto reject the vote, or, in other words, exclude it from being counted.

I therefore respectfully submit to my honorable friend from Massachusetts that he has not helped the matter any by his amendment, but has left it a source of dangerous dispute, and has selected a tribunal the last of all to decide this grave question.

Mr. HOAR. Mr. President, it seems to me, with the profound respect which I always entertain for my honorable friend, that his suggestion hardly indicates the reflection which he is in the habit of giving to such matters. This body has been engaged dealing with this question nearly thirteen years. It has debated it week after week, month after month some sessions, and at last it has three times passed this bill, after discussion, by a vote approaching to unanimity. Now my honorable friend thinks we had better put it off a little longer, recommit the bill to the committee, and see if we can not do something better. I submit that when a bill comes, at the end of twelve years' debate, three times adopted by the Senate of the United States, adopted by the committee which has had it in charge, reported to the Senate, stood on its Calendar six or eight weeks, the Senate is prepared to deal with that question if it ever is fit to deal with any question, and that it is not a case for recommitments or dreams overnight; it is a case for the judgment and decision of the Senate.

My honorable friend says it is a great inconsistency to deny the President of the Senate a power which you permit to the executive of a State. In the first place, it is the Constitution which denies that power to the President of the Senate, not the bill, in the judgment of most persons who have reflected upon this subject. In the next place, the cases are very different.

If the President of the Senate is to count the vote he is to decide who is chosen President of the United States, and there is to be given to him the full and final control of controversies which in our ordinary political history are to be controversies between him and one other man, the question whether he himself is chosen to the foremost office on the face of the earth, a choice more an object of ordinary human desire than any coronet, or crown, or star.

The belief that the Constitution, framed by men so jealous of executive power and executive usurpation, denied to a man interested in that question the function of being the sole judge to decide it the Senator likens to the case where the executive of a single State is permitted to certify whom that State has chosen for Presidential electors, having no relation to any of the rest of the elections in the country, and to have the certificate *prima facie*.

In the first place, I suppose the Senator agrees with me that this is a matter for the State; that the State ought to decide, should decide, and should be respected in deciding the question for itself; and that that bill is the best which remands that decision entirely to the State.

Now, this bill does not give any weight, authority, or dignity whatever to the certificate of the State executive unless the State which he represents has so chosen, because it provides that the State, in the first instance, may appoint another tribunal for the purpose, which implies the desire of the State itself that its executive should be its constitutional voice and authority upon this question that the bill respects. In other words, the bill only gives this *prima facie* authority to the State executive when the State itself chooses to repose that authority in him.

Will the Senator from Ohio himself deny that if the State of Ohio puts upon its statute-book, "It is hereby enacted that the votes for Presidential electors shall be counted and certified by the governor, and that count and certificate shall be conclusive," that would be something which we could not and should not go behind? The bill does nothing but that in substance, saying to the State: "Appoint your own judicature in your own fashion to determine this question; if you do not do it, we shall assume that you desire that the certificate of your governor shall determine it," and that is all the bill says.

The same authority is given to the certificate of the governor of a State in a thousand other cases. The governor's certificate comes here to the Senate to the credentials of a Senator, and although the Constitution gives the Senate a final judgment in that case, that is usually all that is required and the Senator takes his seat. It is a *prima facie* case; he sits in the Senate and votes and acts; at any rate, he is in his place. But a still stronger case is the election of the delegation to the House of Representatives. The New York or Ohio or Pennsylvania delegation comes up with the certificate of their governor, changing the entire control of the legislative power in one branch of the Congress of the United States, and those Representatives are put on the roll by the Clerk, they take part in the organization of the House, in the election of a Speaker, which involves the appointment of committees, and sit for weeks and months, even if there is a dispute or contest in their case, until that matter is decided.

So I say that this only is adopting the principle which the Constitution adopts. It only gives this power to the governor when the State itself desires it shall be reposed there, and it is only following the analogies and precedents which in all other like cases from the foundation of the Government have prevailed.

Mr. GEORGE. I desire to ask the Senator from Massachusetts a question.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield?

Mr. HOAR. Certainly.

Mr. GEORGE. Is there any constitutional objection to the Legislature of a State authorizing the governor himself to appoint the electors?

Mr. HOAR. Not the slightest. It is perfectly within the power of the Legislature of a State.

Mr. TELLER. Or for the Legislature themselves to elect the electors?

Mr. HOAR. Or for the Legislature to elect them themselves. But the point of the question of the Senator from Ohio relates to the executive of the State. If he will pardon me, he seems not to reflect. We find here a constitutional difficulty never to be cured without a constitutional amendment. Congress after Congress, from 1800 down to the present time, have wrestled and labored with that difficulty. This is the only solution which seems likely ever to be agreed upon. I should unite with the Senator in agreeing to have either the Supreme Court or the senior justice of the court come in as an arbiter between the two bodies, but the Senator knows as well as I do that it is perfectly hopeless to expect to get any legislation to that effect.

In regard to this bill the Senator says, in other words, here are a hundred difficulties; you have cured ninety-nine of them—at any rate he does not submit any argument to the Senate to show that we have not done so well and properly—but the hundredth still remains; and because you do not to my satisfaction deal with that I shall not join you in the measure which at least disposes of the ninety-nine. That seems to be the substance of the argument of the Senator from Ohio.

Mr. SHERMAN. The Senator from Massachusetts himself admits that the bill, which has been the result of thirteen years' deliberation, is not satisfactory; that it is weak in the most vital point.

Mr. HOAR. The Senator will pardon me; I do not admit any such thing.

Mr. SHERMAN. The Senator by introducing this amendment admitted it.

Mr. HOAR. If the Senator means that a little amendment of detail is an admission of anything——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. HOAR. If the Senator will pardon me, when I say the bill is not satisfactory, I do not mean to say that it is not the most satisfactory legislation that either I or any man can frame. I think it is. I say that what is not satisfactory is the condition of the constitutional provision on this subject, which commits a question to the decision of two bodies politic and does not provide for any common arbiter. That is the unsatisfactory thing.

Mr. SHERMAN. I commence again as I started a moment ago. The Senator admits it by introducing an amendment entirely foreign to the bill, which no one heretofore has proposed in the thirteen years of debate to try this initial point, this governing point of the whole contro-

versy, proposing a new arbiter in the governor of a State where a contest exists. This amendment comes from him, and we respect his opinions greatly, but it seems to me that the amendment itself ought to undergo the careful revision of the committee of which he is the chairman to see whether they would be satisfied to turn over this controversy from the two Houses to the governor of a State. But he says the governors of the States certify to our elections as Senators and to the election of members of the other House of Congress. So the governor does, purely as an administrative officer, and upon that certificate a Senator may be sworn in for a month or a day, and the members of the other House may be sworn in or turned aside even without being sworn in. That certificate is only *prima facie* evidence of the facts contained in it; it is not at all conclusive. But this proposition is to make the action of the governor of a State final and conclusive, so that the two Houses acting in concert can not overrule that decision, because it expressly provides that the two Houses when met together for the express purpose of counting the vote shall not count any paper except that certified to by the governor. In other words, it is conclusive and final upon the two Houses and upon the people of the United States.

I say that when the Senator proposes this amendment he enter a *cognovit*, a confession, that the plan heretofore, after thirteen years' consideration and debate, was faulty in the vital part of it; and that some provision must be devised by him to meet this difficulty. Everybody knows, no one better than the Senator himself, that I have great respect for him and for his opinion; but when he comes to a question that may affect peace or war, the existence of the United States, the election of a President, I do think that this measure ought to be surrounded with greater guards. If, going a little step further, he would provide that the return shall be received which shall be approved or certified after a trial before the supreme court of the State itself, and that the court shall decide between two opposing returns, I can see that there might be a solution of the difficulty. For ninety years, or whatever has been the period of our history, the certificate of the governor has been sent to us, but it was simply the certificate of the governor in the performance of an administrative duty, not binding upon either House, disregarded time and time again in our history, even in the election of a single Representative, and especially in the election of a Senator. But now, in the election of a President it is proposed to give the executive of a State the power to control that vote, when before that power is exercised the governor will know that the vote of that State may decide the election of a President.

It seems to me, therefore, that this is not a sufficient remedy, and that after our thirteen years' debate we have not reached a point where the other House or the Senate can be satisfied with the solution that is proposed of this most difficult problem. The Senator himself, it seems to me, concedes that by offering the amendment at this time.

I do not wish to prolong this debate, because I have said all that I desire to say on the subject, and I am willing to abide by the judgment of the Senate; but I believe it would be wiser to let this matter go over for further consideration or to recommit it and let us have the opinion of the Committee on Privileges and Elections as to whether the amendment now proposed, so vital and important, is the best that they can offer. Then we could decide—certainly not now. The Senator proposes to dispose of this matter to-day, when a proposition is made more decisive, more summary, more powerful in the hands of a single man than any that has yet been proposed. I am not prepared to consider it in a hurry. I hope therefore that this measure will go over until some further light can be thrown upon it, and let us see if it is the best of all the wisdom of the Senate of the United States that this matter should be committed to the governor of a State, not by the consent of the State or by the law of the State, because the law of the State would probably not leave to the governor this decisive action. I doubt whether the Legislature of any State would give to the governor the power either to appoint the electors or to decide finally and conclusively who have been chosen electors in the State.

Mr. HOAR. Where do you find that in the bill?

Mr. SHERMAN. The amendment expressly provides that no vote shall be counted in the case of a double return except the vote certified by the governor.

Mr. HOAR. It is only where the State leaves it to him. It provides before that that the State may appoint its own tribunal.

Mr. SHERMAN. Mr. President——

Mr. HOAR. Will my friend allow me, in order that we may understand each other? I do not like to interrupt him, but I should like to understand him and I should like to have him understand me. I put to him this direct question: Suppose the State of Ohio by her Legislature enacts that her governor shall count the vote for electors, and that his certificate shall be conclusive, are you not in favor of making it conclusive yourself under those circumstances?

Mr. SHERMAN. In the first place, if the Senator has got through, no State would repose that power in the executive. The Senator is supposing *if* it would do it, *if* Ohio would do it. Ohio would never do it.

Mr. HOAR. My friend will pardon me, that is all the bill does. This bill says that if Ohio leaves it to the governor, then the governor's certificate shall be conclusive. If she does not leave it to the governor, then his certificate will not be conclusive and will have no effect. I should like to repeat. I ask the Senator not to answer me by saying he thinks it is improbable it will happen, because that is as good an argument against him as it is against me. If it does happen that Ohio says, either in terms or by implication, "I want my governor to settle this question," are you not in favor of executing what the bill says shall be done?

Mr. SHERMAN. Such a position has never been taken in all this controversy for the last thirteen years. If the Senator is willing to say that the governor of a State shall decide all these controversies in case of double returns or in case of single returns, then, as a matter of course, there is no need for all the magnificent ceremony that is provided for by the Constitution. The intendment of the Constitution, as the Senator has reasoned over and over again, is that the two Houses shall count the vote; and now we propose to tie the hands of the two Houses and to say that they shall not count the vote, but they shall only count conclusively those votes which are certified to by the governors of the States. If that is to be the law, and that is the end of it all, then what is the use of having a law? Why not say "the vote shall then be counted as certified by the governors of the respective States," if that is the construction you propose to give to the Constitution?

But, on the other hand, the Constitution provides some other mode of dealing with it. It provides that the returns shall be received and held by the presiding officer of the Senate; that they shall be presented to the two Houses of Congress; and an imposing array is made there to see it done. Does the Constitution say that the governor of a State shall then count the votes, or that the votes certified by the governors shall then be counted? Not at all. If a State chooses to repose in its chief executive magistrate the power to decide these questions, that is quite a different thing. I may perhaps admit that in certain cases the State itself might invest the governor with powers of choosing electors, as the State may impose upon the Legislature that power; but that has never been done since the foundation of the Government. The executive officer of the State simply returns what appears upon the face of the record, and we, the two Houses of Congress, pass upon the validity of those returns.

We say, according to the doctrine of the honorable Senator from Massachusetts, which of those votes shall be counted; and now, as the end of this controversy, it is proposed to turn it over and take the report and decision of the governor of a State as final and conclusive. If so, then it does not make any difference about the two Houses meeting, it does not make any difference about the custody of the electoral returns, which are so safely guarded; all we have got to do is to receive a polite note from the governor of the State of Ohio, for instance, that such and such men were electors, and such and such men did vote so and so; and that is to be final and conclusive, even though both Houses may be of opinion that the governor has usurped authority and has falsely certified returns or manufactured them. So I submit that after all the Senator has not solved the problem.

Mr. HOAR. Mr. President, one word only. The Senator from Ohio seems to me to entirely overlook the constitutional purpose of the founders of our Government. They meant to take away from Congress, from executive, from national officers, as far as they possibly could, as far as the wit of man could contrive, any control over this matter at all. They said that the electors should not come to the national capital, but should meet at the capitals of their States and vote, and that they should all vote on the same day, so that one State should not be affected by the act of another; that no one holding an office of trust or profit under the United States should have anything to do with the selection of the President of the United States. It is the one place in the Constitution where State right, State authority, State independence was carefully preserved to the exclusion of any national or central authority whatever.

To that we all agree. And they were so confident that this thing would come to the seat of government from the States settled that they said the President of the Senate shall open these votes, and they supposed almost that they would count themselves, that "the votes shall then be counted," the mere arithmetical enumeration of those votes being in their eyes so unimportant and so a matter of course that it did not occur to them even to say in words who should do it.

That being the case, what does the bill do? The bill says to the State, "Questions have arisen in our historical experience in regard to your voice. Now, you may do one of two things. You may create another tribunal with express authority to settle that question, in which case the decision of that tribunal shall prevail, or you may leave it on your governor's certificate, just as you please." The bill says, therefore, that in case the State declines to appoint any other tribunal and chooses to leave it on the governor's certificate, we will leave it where the State has left it.

That being the condition of the bill, I put this question to my honorable friend from Ohio when he was up just now, Will you take the responsibility of saying yourself in argument, while you are attacking this bill, that you are opposed to doing exactly that thing; and will you say that if the State of Ohio or any other says, "I wish this thing

to be settled by my governor's certifiate," you will oppose its being done? Yet you object to the principles of the bill. Although the question was propounded to the Senator three times he was unwilling to say that he would not, but he met it by saying he does not think it is very probable that the State could safely let its governor appoint the electors, much more count the vote and decide afterward. I asked the Senator, "Do you object to that, if the State does it?" The Senator says, "It is not likely the State will ever do it."

Mr. SHERMAN. Let me ask the Senator——

Mr. HOAR. Let me finish my proposition, and then I will answer the Senator. It may be true that it is not likely that the State will do that; but if in that improbable case, however, of the State doing it, the Senator would not object to it, and thinks it ought to be permitted, does not his whole argument against the bill as proposed to be amended fail? If it is not likely that the State would do it, then the contingency provided for never arises, and we have got the main portion of the bill which provides for the case settled in the State by the State tribunal. Now I will answer the Senator's question.

Mr. SHERMAN. This is the question I wish to ask: The bill does not propose that the State shall confer upon its governor this power. That is one thing. The bill proposes to confer that power by act of Congress, and I doubt very much whether it can confer any such power.

Mr. HOAR. I thought my friend wanted to ask a question.

Mr. SHERMAN. I ask that question, whether Congress can confer upon a governor of a State a power of this kind which has not been granted by the State?

Mr. TELLER. The bill does not do that.

Mr. HOAR. The bill does not do that. That, it seems to me, is a mere question of phraseology. Then the only point of the Senator's labored argument is this, the difference between an express statute authorizing the Governor to make the certificate and have it conclusive, and the State's leaving it to the governor by refraining to create any other tribunal after this act of Congress has pointed out what, if that tribunal is created, it shall do. In other words, by the admission of my honorable friend from Ohio, his labored criticism and attack on the bill is reduced to exactly this, that he thinks there is a certain important difference between the case where the State of Ohio, having it in its power to create some other tribunal or to confer this power expressly on the governor, does the latter, and the case where the State of Ohio, having it in its power to create some other tribunal or leave it to the governor without an express enactment, does the latter. It seems to me the argument disappears.

Mr. INGALLS obtained the floor.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. INGALLS. Yes, sir.

Mr. SHERMAN. I wish to call the attention of the Senator from Massachusetts and of the Senate itself to the fact that the electors have nothing to do with the governor of a State. The electors send their votes directly to the President of the Senate.

Mr. HOAR. My friend will pardon me; that is provided for in the bill. The governor of a State has a great deal to do with the electors. The governor of a State is bound by the law which has been in existence since 1792, or whatever is the date of the original law, to give three copies, three certificates to the board of electors whom he finds to be chosen. Those three papers are annexed under the statute of the United States to the electors' certificate of their votes. One of them is sent here by a messenger, one of them is sent here by mail, and one is deposited in the office of the clerk of the district court of the United States. Those are the certificates which the President of the Senate opens, and those are the certificates which are counted in the absence of anything to overthrow them.

Mr. SHERMAN. According to the laws of the United States the governor has nothing to do with the vote of the electors. He certifies and makes out three lists of electors, which he gives to the electors, just as he certifies who are elected members of Congress. He gives those lists to the electors who he thinks are elected, but from that time forward the governor has nothing to do with the electors. The returns are not made to the governor. You will have to change your law so that the returns of the electors shall be made to the governor and certified to the governor.

Mr. HOAR. Now, my honorable friend misunderstands me.

Mr. SHERMAN. Wait until I get through.

Mr. INGALLS. Where am I?

Mr. SHERMAN. I know this conversational debate between us——

Mr. GEORGE. Is very instructive.

Mr. SHERMAN. May not present the points, but I wish again to call attention to the fact that the governor has nothing to do with the electors. He is not a member of the electoral college; he has nothing to do with it. The electors meet and send their proceedings not to the governor. The governor may not know even who the electors are. He certifies here that the electors met and voted, and sends it to the presiding officer of the Senate, and they are never opened except in the presence of the two Houses, when "the vote shall then be counted." The interposition of this amendment would require the electoral vote to be certified to the governor and then by the governor to the presiding officer of the Senate. It would change the whole character of our electoral college.

Mr. HOAR. Mr. President, one minute.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. INGALLS. Certainly.

Mr. HOAR. The Senator from Ohio certainly has not read the bill and amendment. The present law authorizes the governor, as the Senator states, to deliver to the electors his certificate. The electors annex their votes to it and send it here. The bill provides not that there shall be a certificate by the governor after the vote of the electors, but that the vote of those electors to which the governor's previous certificate of their election is annexed shall be the one *prima facie* to be counted. Now, if the learned Senator supposes that this proposition requires any submission of the vote of the electors to the governor after they have voted, it shows that he has not read or comprehended the bill.

Mr. INGALLS. Mr. President, I move to commit the bill to the Committee on Privileges and Elections. In support of that motion I venture to suggest the surprise I felt at the impatience with which the Senator from Massachusetts appeared to resent the suggestion of the Senator from Ohio that there should be further deliberation upon this measure, which he said had already engaged the attention of the Senate for more than thirteen years, the inference being, I assume, that the perfection of human wisdom had been reached, and that any attempt to reach higher excellence could not result in advantage to the Senate or in any wiser solution of the confessed difficulties by which this question is surrounded.

When I reflected that this bill from the Committee on Privileges and Elections, which had been thrice passed by the Senate by a vote, as the Senator informs us, practically unanimous, had been by his own motion within forty-eight legislative hours proposed to be amended by a provision that would have given two of the votes of Oregon in 1877 to Mr. Hayes and one to Mr. Tilden—a provision that the certificate of the governor of the State should be conclusive upon this great tribunal—I confess I was still more amazed at the Senator's unwillingness for further deliberation.

When I remembered that within ten days we have passed a measure dealing with one branch of this important subject, the succession by inheritance to the Presidential office, a bill, prepared by that Senator, and passed with such haste through this body that there was insufficient opportunity for consideration, so that a defect has already been discovered so obviously in violation of what was intended that an amendment is suggested, I confess that my surprise was increased to hear that procrastination or delay would result in some fatal disaster in the solution of this great problem.

Under the bill providing for the Presidential succession it is now admitted that in case the President and Vice-President elect should die before they were installed into office the out-going Secretary of State would hold that term for the four years for which the President and Vice-President were elected, a result that never was contemplated, an event provision for which never would have been omitted had the Senate had opportunity of considering whether it was one of the issues that was to be made effectual by the enactment of that statute.

So, Mr. President, I think we may not lose by delay. This matter has been debated since 1789. It will continue to be debated, no matter what action may be taken by the Senate, until there is a constitutional amendment, a change in the organic law that shall entirely take the subject out of its present attitude and place it where it should be placed, in accordance with the predetermined will of the American people. So the Senator need not comfort or console himself by the expectation that by any piece of legislative patchwork we can adopt here debate upon this great question is to come to an end.

The Senate seems to be in this matter in a mood of self-abnegation. As I understand the Constitution, each of the individuals and each of the constituent bodies composing this great electoral tribunal are charged with the responsibility of assuming jurisdiction of whatever parts of constitutional duty may fall upon them, which no law can affect. When the Constitution imposes a duty upon an officer he must be the judge of the time and method of discharging that duty, subject to his final responsibility to the people.

The Electoral Commission of 1877 was a contrivance that will never be repeated in our politics. It was a device that was favored by each party in the belief that it would cheat the other, and it resulted, as I once before said, in defrauding both. The Democratic majority in the House of Representatives at that time never would have consented to the creation of that tribunal had they not supposed that the fifteenth member of the commission, under the provisions of that statute, was in favor of the election of Samuel J. Tilden. We all know the providential interposition by which that great and good man David Davis, of Illinois, was removed from that tribunal and translated to a happier sphere. In the dispensations of Providence he was transferred from the bench of the Supreme Court to the Senate of the United States after the passage of the bill, and thus the fifteenth man upon the tribunal was in favor of the election of Mr. Hayes to the Presidency. That is the way that seven to eight became changed to eight to seven. I have heard much about the patriotism of the Democratic party in

that contest, and the moderation of its candidate in consenting to this measure and renouncing the Presidency, but I venture to say that could they have foreseen in December, 1876, when that bill was passed, what the transmutations of politics were to bring about there never would have been a concurrence on the part of the House of Representatives in the enactment of the electoral commission bill. It was a fatal error under the Constitution for the Democratic party; and the bill we are now considering is but a faint and feeble and fragile imitation of the Electoral Commission.

I shall be instructed far beyond my expectations if some great constitutional lawyer, profoundly familiar with the inner consciousness of the framers of our Government, can assure me how any legislative enactment that we may adopt now or at any time can in any manner whatever bind that great political tribunal which is to meet to declare the result of the Presidential election in 1888. Here is the fundamental difficulty in my mind about all these propositions. The function that is to be performed by the electors of the President and Vice-President of the United States is a political function exercised by the people of the United States acting in their primary capacity; it is a function that is reserved to them in terms by the Constitution itself, and whether the President of the Senate is to count the vote, whether the vote is to be counted by the Senate and House of Representatives separately or jointly, whether it is to be counted by the tribunal proposed by the Senator from Ohio, the fact still remains that the vote is to be counted, and that no act can be passed by any antecedent Congress that can deprive either of the persons or any of those great constituent bodies of the powers that they possess and which they are directed to exercise under and by virtue of the twelfth article of the amendments to the Constitution.

I heard the Senator from Massachusetts say that we can not confer nor impair this jurisdiction, and I agree with him upon that. No tribunal, no legislative enactment can determine, nor has ever attempted to determine, whether the President of the Senate shall count the vote or not. That officer must decide this question for himself; and, although I disapproved the declaration made by the Senator from Vermont [Mr. EDMUNDS] in his capacity as President *pro tempore* of this body in February last, although I believe it was an unnecessary act of renunciation on behalf of the Senate, a practical abdication of a power that might reasonably be inferred to belong to this body or to its presiding officer, and which many believed did so belong to it, I admit that he had the right to make it, because the duty was devolved upon him by the Constitution to determine for himself whether he would count that vote or whether he would not. If I had been in that position I would have counted it had the issue been left with me. Let me read what he said. After announcing the state of the vote he continued:

> And the President of the Senate makes this declaration only as a public statement in the presence of the two Houses of Congress of the contents of the papers opened and read on this occasion, and not as possessing any authority in law to declare any legal conclusion whatever.

No sovereign ever laid down scepter and crown more absolutely, more unnecessarily, more in derogation of what might have been lawfully claimed to be the constitutional functions of the President of the Senate than was done by the Senator from Vermont on that occasion. It had never been determined by any tribunal, it had never been decided by any competent authority, that the phrase "the vote shall then be counted" might not by an absolutely justifiable inference have been held to mean that the President of the Senate, being the custodian of those votes, having the right to open them, had also the right to count them; and in the great contests of the future emergencies may arise, emergencies are not unlikely to arise in the state of the law on this subject, when it might be well not to be confronted by that pernicious precedent. This body by no expression of opinion upon any occasion, either then or at any other time, had renounced its authority through its presiding officer to count the votes in his custody in the presence of the two Houses, and therefore, although I think this act was not warranted by any decision of the Senate, it can not be denied that under the Constitution the Senator from Vermont, as President of the Senate, had the right to do what he did, because he was in the discharge of a duty under the Constitution that he was compelled to decide for himself and that no person could decide for him.

I heard the Senator from Alabama [Mr. MORGAN] on a previous day speak, I thought with something like idolatry, of the wisdom of the framers of this Government in the devices that they had contrived for determining the election of President and Vice-President, and he warned us with something of pathetic admonition against the dangers, the sacrilege, the impiety of venturing to offer any amendment to this system that was so near the perfection of human wisdom. Mr. President, the memory of those great men who formed our Constitution is venerated and revered. They made a sublime innovation in government that has formed an epoch in the upward progress of the human race. They had no precedents for their experiment, whose success has been one of the great wonders and marvels of the politics of the world. But they were human, and if their statesmanship and their wisdom has no stronger foundation on which to rest than the contrivance they devised for electing a President and Vice-President of the United States and determining the questions arising thereunder, the tenure, the succession by inheritance, the question of inability, then, sir, their reputation rests upon a very fragile and insecure and insubstantial foundation, for public attention can not be too frequently nor too forcibly directed to the dangers which threaten not only the peace but the perpetuity of this Government from the defective and uncertain state of the law governing the question of Presidential elections, succession, and inheritance.

Twice already in our brief history, once in 1801 by the possible failure to elect a President at all, and again in 1877 by the possible failure to determine the result of a disputed Presidential election before the close of the preceding term, we have been brought to the very verge and brink of revolution. The first crisis resulted in what is now known as the twelfth article of amendments to the Constitution, and the second, as I have before said, was averted by the invention of the Electoral Commission, which had no precedent and will have no successor.

In further illustration of the organic defects in the Constitution on this general subject, let me refer for a moment to the condition of the law upon the question of Presidential inability. In case of the removal, resignation, death, or inability of the President the Vice-President is to succeed to the powers and duties of that office. Who is to decide when inability occurs: its nature, extent, duration, and end? What law could be enacted to take away from the Vice-President of the United States the absolute duty under the Constitution of determining for himself when inability of the President occurs? Who doubts that in 1881, from the 2d day of July until the 19th day of September in that year, the inability of President Garfield was absolute under the Constitution in the full meaning of that term? He was sequestered for eighty days, in a seclusion as silent as the tomb to which he was so soon to be consigned. He was as incapable of performing any executive act as his marble effigy in the Hall of Statues, that is to transmit to posterity the memory of his triumphs and of his martyrdom. Only once during that long period did his failing hand trace in wavering characters the letters of his name. Here was a case of absolute inability under the Constitution. The event contemplated by the Constitution had occurred. And I believe that under that instrument, when James A. Garfield sank to the floor of the railroad station penetrated by the bullet of the assassin, the powers and duties of the Presidential office devolved, under the Constitution, upon Chester A. Arthur. Fortunately, sir, difficulty was averted. The world was at peace. The composure of the American people during that perilous period was a convincing and added proof of their capacity for self-government. But we had no President; we had no Vice-President who had entered upon the discharge of the powers and duties of the President. We were without an executive head. There was no law governing that subject. And yet does any one who recalls the slumbering passions of that epoch suppose for an instant that had there been any emergency, any exigency requiring the performance of executive functions, Mr. Chester A. Arthur could have gone to the door of the White House and peaceably entered upon the discharge of the powers and duties that had devolved upon him under the Constitution? I do not. I am convinced that any such attempt on his part while the breath of life remained in the body of James A. Garfield would have precipitated a convulsion in our politics that would have been pregnant with unknown disasters and perils to the Republic.

One thing further, sir:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

As has been observed, the silence as to the person, or the body, or the tribunal by whom that computation is to be made is absolute. It is left entirely to inference, to be decided by the persons upon whom that duty may devolve under the Constitution. It can not be made any more certain, it can not be made any more positive, nor can it be abrogated or removed by anything that we can do in the premises; and we can pass no statute and make no enactment that will in any way interfere with or change or modify the will of that high tribunal when it may next meet in the discharge of the duties devolved upon it under the Constitution.

> The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representative shall choose immediately, by ballot, the President.

Who is to decide whether any person has a majority or not? Who is to decide who are the three highest on the list that have been balloted for heretofore? Take the case of 1877. Supposing there had been no Electoral Commission, if those certificates had been opened, if the votes had been counted by the tellers at the desk, who was to decide when the emergency arrived which devolved that power upon the House of Representatives? Could any act of Congress, recent or remote, have determined that? Could any act of Congress deprive or take away anything from the power of the House of Representatives to determine for themselves whether there had been an election or not, which of the three candidates on the list were those having the highest votes, and which of those should be elected by the exercise of the power confided to them by the Constitution?

Careful consideration of this subject will convince any thoughtful student of the Constitution that the scheme which has been devised and which now remains in our organic law is fatally defective, and that nothing can be done by way of legislation to cure the inevitable evils by which it is surrounded, and the more we proceed by legislation to patch, to bridge over apparent difficulties, to abbreviate the number of perils which surround it, by so much we retard and delay the exercise of the power which the people must ultimately be called upon to perform in adopting some system that shall remove the perils in which it is now environed.

A casual survey of the debates in the convention which formed our Constitution discloses a singular condition of doubt and uncertainty upon this subject. No less than ten methods of choosing a President were seriously proposed and debated. As the article stood within four days after the convention met and as it remained down to within less than two weeks before it adjourned in September, the National Executive was to be elected by the National Legislature for the term of seven years, and was to be ineligible for another election, and it was not until near the close of the convention, when the rights of the smaller and the larger States began to be in controversy and the people in the Southern States saw that by reason of the exclusion of the negroes from the voting population they were to be at a disadvantage, that this device of an electoral college was finally agreed upon as a compromise for the purpose as far as possible of taking away the power of choosing their President by a direct vote of the people themselves.

It was supposed that these men called electors would be selected from the most virtuous, the most discreet, the most upright, and the most "continental" persons, as the phrase then employed was, who should assemble apart from the people, like a conclave of cardinals who choose a pope, and then in the deliberations of their councils canvass the merits of the best citizens in the country for the chief executive office, and finally select him without any popular interference whatever. This plan lasted just twelve years. George Washington received all the electoral votes; but in 1800 parties were organized and a Presidential caucus was held, and from that time to this the electoral system has been *débris;* it is rubbish. The electors under the Constitution are puppets. They are like the marionettes in a Punch and Judy show. The entire functions that they were supposed to exercise under the Constitution have been stripped from them by the people in demanding the right to select a President for themselves; and when they were deprived of the power to vote directly for President by the interposition of this absurd device of an electoral college, in the first place through the Congressional caucus and in the next place by the party nominating convention, they have deprived these electors of the semblance of power, and they now stand before the people as the instructed and elected and chosen delegates of a party; and no man so chosen would dare, having been chosen as the electoral candidate of a party, to violate his trust. If any elector at the last election, having been chosen as an elector for Mr. Cleveland or as an elector for Mr. Blaine, had ventured in the college of electors in his State when they assembled for choosing a President under the Constitution to vote for any other than the man that he was elected to support, he would have been an outlaw and an outcast upon the face of the earth.

For these, with many other reasons that might be brought forward, I am unalterably opposed to any further tinkering with this electoral business. The country has outgrown it. It is out-worn. It has been repudiated. It no longer has any significance or substance; and any attempt to patch it, to plaster over its deformities, by any means of props and supports to strengthen it, merely delays the action of the people upon this subject in the acceptance of some scheme that will enable them in the exercise of their great functions to decide who shall be President without the intervention of electoral colleges, and certify their imperial will to some competent and defined power that shall declare the result.

I said at the outset that in my judgment the fact that the Senator from Massachusetts had offered an amendment of so material and vital a nature as that which appears in the print before me justified further deliberation upon this subject, and if I understand the meaning of this amendment—and the Senator from Massachusetts assures me privately that I do not—I feel sure that had it been incorporated in the Electoral Commission bill and could have been made effective it would have resulted inevitably in giving the result of that election in favor of the Democratic candidate, because, if I recollect aright, out of the three electors in Oregon two of them were certified by the governor to have been elected by the Republicans and one, Cronin, I think was the name, was declared to have been chosen by the Democrats, and thereupon would have been committed to the fortunes of Mr. Tilden. I may be mistaken. I should like to ask the Senator from Oregon if that was not the condition at that time?

Mr. MITCHELL, of Oregon. That is correct. Certificates were given to two Republicans and one Democrat.

Mr. INGALLS. The certificate of the governor of Oregon was that two of those electors were chosen by the Republicans and one was chosen by the Democrats; and if there is no escape from the conclusion that under this amendment if adopted by the Senate and enacted into a law so far as a statute could have any effect on this subject at all in a similar case there would be no possibility on the part of the tribunal passing upon these matters to review that decision, then I should like to hear what the Senator from Massachusetts has to say by way of explanation; and if that is the result, if a principle so important as this upon the spur of the moment, without debate or consideration or consultation, is to be adopted by the Senate, pregnant with such momentous consequences, I am very sure that he will not feel that I have been wanting in any respect to him in moving to recommit this bill.

Mr. EVARTS. Mr. President, I propose to offer a few remarks upon the matter now before the Senate, but at this hour perhaps it would not be convenient to the Senate for me to proceed.

Mr. HOAR. I ask the Senator from New York if he prefers to proceed to-night or to-morrow? It is now after 4 o'clock.

Mr. EVARTS. I can go on to-morrow.

Mr. HOAR. If the Senator from New York will yield to me for one moment I will move an executive session, but I wish to say one word before moving it.

The PRESIDENT *pro tempore*. Does the Senator from New York yield the floor?

Mr. EVARTS. Yes, sir.

Mr. HOAR. I wish to say simply that the Senator from Kansas seems to labor under a misapprehension which has found a place in the press. I interpose my most absolute denial to his statement that the Presidential succession bill which lately passed contained any defect that was not brought to the attention of the committee or which would have affected the vote of any single Senator who voted for it. The difficulty which he calls attention to in that bill was thoroughly and carefully considered by the members of the committee. The Constitution provides that in case of death, removal, resignation, or inability of the President and Vice-President, then certain legislative power is conferred upon Congress. It confers no authority whatever in the letter of the Constitution to provide by legislation at all for the case of the death of a President and Vice-President elect who have not yet become public officers or taken the oath. If, however, that should in the judgment of anybody be supposed to be within the legislative power, by looking at what the Constitution is supposed to have meant rather than at its letter, then unquestionably the bill covers that case, not as the Senator supposes the case of dying after the election and before the 4th of March, because if after election and before the ascertainment of the result here on the second Wednesday of February the two persons die, we find that no living person has been elected and the House of Representatives would proceed to exercise its constitutional functions. But it is true that if between the middle of February and the 4th of March the President and Vice-President elect both die, which would not be likely to happen once in five thousand years, because it is a time when of course great precautions would be taken; they would not be at the same place except at the moment of inauguration—I say if that remote and almost impossible contingency should happen within that fortnight or three weeks, it is true that the old Secretary of State would hold over under this bill to the end of the next four years. But that would not defeat the purpose of the bill, which is that the principal representative of the prevalent political opinion which had prevailed in the election should succeed and hold the office, except in those cases where in the previous election there had been a change in the politics of the country.

Mr. INGALLS. That sometimes happens.

Mr. HOAR. That has only happened eight times out of our twenty-four Presidential elections so far.

Mr. INGALLS. We hope it will happen next time.

Mr. HOAR. It would have made no difference at the second election of the first President, who held for eight years. It would have made no difference when Adams succeeded Washington. It would have made no difference when Madison succeeded Jefferson; when Monroe succeeded Madison; when Adams succeeded Monroe; when Van Buren succeeded Jackson, or when Buchanan succeeded Pierce. So the criticism which the Senator makes, and which was thoroughly considered by several Senators upon the committee, merely is that in relieving the legislation of the Government from this monstrosity which had prevailed, the possibility of imposing the Presidential office on an officer who all the time has to be presiding in the Senate or the House, and in providing this new and vast security for the life of the President of the United States which is to attend him through the whole four years, we were prevented by a difficulty absolutely insuperable from providing for a possible contingency which may happen within the space of ten days, but which will not happen once in ten thousand years. That is the whole of that criticism.

Mr. INGALLS. Mr. President, I supported the bill to which reference has been made believing it to be just in that it retained as far as possible in the hands of the party to whom the people had confided power executive functions during the constitutional term for which the President was elected; and I thought it was wise also because to that extent it removed the danger of a disputed Presidential succession, which is always so fatal to the repose and peace of this country. But still I think the criticism that I made is justified by the observations the Senator has just made. He admits that between the middle of February and the 4th of March in case of the exigency or emergency occurring which has been defined the result follows, the outgoing Secretary of State would exercise executive functions for the ensuing four

years. He justifies the bill by saying that the period is so brief, the *interim* is so short that probably it never will occur; but the fatalities of the past twenty years have familiarized the public mind with the dangers that attend this subject. The people of this country are no longer prepared to disregard death as a factor in the great dramas of political supremacy in this country, and I therefore think that in leaving this crevice, this fissure, there has been a fatal defect in the bill. It is like the little pin that bores through the castle wall, and then farewell king. Of course if a President does not die and if a Vice-President does not die, then there will be no difficulty; but inasmuch as Presidents and Vice-Presidents are mortal, and as no one can tell when fatalities may occur, the difficulty to which I have referred is one that exists, and to that extent justifies the observations that I have made.

Mr. HOAR. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-four minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 1, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 25th instant from the Secretary of the Interior, submitting, with accompanying papers, a draught of a proposed amendment to the first section of the act ratifying an agreement with the Crow Indians in Montana, approved March 11, 1882, requested by said Indians for the purpose of increasing the amount of the annual payments under said agreement and reducing the number thereof, in order that sufficient means may be provided for establishing them on their individual allotments. The matter is presented for the consideration and action of Congress.

GROVER CLEVELAND.

EXECUTIVE MANSION, *January* 28, 1886.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SMALLS, for ten days, on account of important business.

To Mr. WARNER, of Ohio, for four days.

To Mr. IKE H. TAYLOR, indefinitely, on account of important business.

To Mr. CABELL, of West Virginia, for four days from Tuesday next, on account of important business.

To Mr. GIBSON, of West Virginia, for this day, on account of important business.

WITHDRAWAL OF PAPERS.

Mr. PETTIBONE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Frank A. Page, there being no adverse report thereon.

QUESTION OF PRIVILEGE.

Mr. HANBACK. Mr. Speaker, I rise to a question of personal privilege, and ask that the paper I send to the desk be read.

The Clerk read as follows:

THE TELEPHONE SCANDAL.

The Hartford Times does not help the Democratic party by its plea in justification of the Pan-Electric Telephone stock ownership, any more than it disturbs The World by attributing its exposure and condemnation of the unfortunate business to a desire to create a sensation.

No plainer or more regrettable duty has ever been imposed upon The World than that of censuring the Attorney-General and other public men—in whose honor and integrity we have had the utmost confidence—for their association with this enterprise.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BRECKINRIDGE, of Arkansas. My point is that this matter the Clerk is reading does not raise a question of privilege.

The SPEAKER. The Chair does not yet know the contents of the paper. It may be that it contains some reflection upon the gentleman from Kansas [Mr. HANBACK] in his representative capacity. If so, it would be a proper basis for a question of privilege.

Mr. BRECKINRIDGE, of Arkansas. But, Mr. Speaker, ought not the gentleman first to state his question of privilege before he introduces a paper to be read?

The SPEAKER. The Chair supposes that the gentleman desires to have this paper read as the basis of his remarks. As soon as the paper is read or its substance stated the Chair can tell whether it involves a question of privilege or not.

Mr. BRECKINRIDGE, of Arkansas. But I insist, Mr. Speaker, upon my point of order, that the gentleman must first state his question of privilege. He has not stated it.

The SPEAKER. The Chair thinks the practice has been for a gentleman who rises to a question of privilege and asks to have a paper read to at least state that there is something in the paper which involves a question of that character. The Chair does not yet know what is contained in the paper which the gentleman from Kansas [Mr. HANBACK] has sent to the desk.

Mr. HANBACK. Mr. Speaker, am I entitled to have my question of privilege presented to the House now?

The SPEAKER. The Chair desires the gentleman from Kansas [Mr. HANBACK] to state whether or not there is anything in this paper which in his judgment involves a question of personal privilege on the part of that gentleman. Unless that were the rule, any gentleman might rise to a question of privilege and have anything that he chose read at the Clerk's desk.

Mr. HANBACK. Yes, Mr. Speaker, I state that there is a question of privilege involved.

The SPEAKER. Then, as the Chair understands, there is an allusion in this paper to the gentleman from Kansas [Mr. HANBACK]?

Mr. HANBACK. Yes; the article——

Several MEMBERS. Louder.

Mr. HANBACK. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Kansas will state what his question of privilege is.

Mr. HANBACK. The House will understand what the question is after the articles are read.

The SPEAKER. But unless the article which the gentleman from Kansas [Mr. HANBACK] has sent to the desk reflects in some way upon the gentleman himself in his representative capacity there can be no question of personal privilege involved, so far as the Chair can see.

Mr. HANBACK. Not at all; I disclaim that; but I ask that the article that I have sent up be read.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, the gentleman from Kansas [Mr. HANBACK] does not state that the article contains any allusion to himself.

The SPEAKER. The article, so far as read, does not appear to contain anything personal to the gentleman from Kansas.

Mr. REED, of Maine. Mr. Speaker, I do not understand that the gentleman from Kansas rises to a question of personal privilege.

The SPEAKER. The gentleman from Kansas [Mr. HANBACK] will state whether he rises to a question of personal privilege or not, and what the question is to which he does rise.

Mr. HANBACK. I state to the Speaker that the article which the Clerk has begun to read and other articles reflect upon this House, and upon that ground, as one of the members of this body, entitled to the highest privilege, I ask that the article be read.

The SPEAKER. The gentleman from Kansas states that this article, as he understands it, reflects upon the House of Representatives itself, and he raises this question not as a matter of personal privilege, but as a matter involving the privileges of the House.

Mr. HERBERT. Mr. Speaker, on this question I desire to make a suggestion to the Chair. It seems to me that the time has come when the Chair should consider whether the rule in question ought not to be more rigidly enforced. As I understand it the rule of law in analogous cases is, that when the question of the admissibility of a paper is raised the paper is submitted to the judge, and he decides, from an inspection itself, whether it be admissible or not. In that manner counsel are prevented from getting before the jury any improper matter.

Mr. REED, of Maine. Where is the jury here?

Mr. HERBERT. This is the jury—or rather the country is the jury before which the gentleman from Kansas desires——

Mr. REED, of Maine. Then your object is to prevent this from getting to the country.

Mr. HERBERT. The country is the jury before which the gentleman desires to get this matter presented in an improper manner.

Now, I suggest, Mr. Speaker, that the proper course would be, when a writing is sent up to be read, for the Speaker himself to read it. He is to judge in the first instance. If there be an appeal from his decision, then, as a matter of course, the House ought to have the document before it. But until there is an appeal from the decision of the Speaker, he and he alone should decide whether the writing or document presented raises a question of privilege or not.

If upon inspection it appears clearly to the Speaker that there is nothing in the article that constitutes matter of privilege, then the Speaker should so rule. From the paper itself this proposition must appear. If there is nothing in the paper itself to show it matter of privilege, no ingenuity can torture it into such. So I submit that the Speaker of this House ought to judge before the article is read, and without allowing it to go into the RECORD, whether or not there is a question of personal privilege presented.

Mr. DUNN. If the Speaker will allow me I would like to make one suggestion in the same line as that of the gentleman from Alabama [Mr. HERBERT] and in addition to what he has so well said. I submit that the rule on this subject should be interpreted like the rule of law in pleading fraud. It is not sufficient that a pleader shall allege

that there was fraud; he must state the facts constituting the fraud or exhibit them *prima facie*. It is not sufficient that a member of this House shall merely state that he rises to a question of privilege, he must state facts which constitute a question of personal privilege or of privilege of the House.

Now, the gentleman from Kansas has merely stated that he rises to a question of privilege; that the matter which he sends up to be read affects the privileges of this House; but he does not state facts nor show facts in that paper which constitute a question of personal privilege or privilege of the House; and until he states that or exhibits it to the Speaker he is out of order. He certainly is not on a mere declaration entitled to make the record of this House the vehicle to spread baseless scandal before the country.

The SPEAKER. The difficulty in regard to the suggestion made by the gentleman from Alabama [Mr. HERBERT] is that if the Chair simply takes the paper and reads it privately for his own information and then decides whether there is or is not a question of privilege involved, no member on the floor could know whether it was proper to take an appeal from the decision or not. The House must decide finally upon every question of order; so that the first thing to be done is to have the paper read, provided it is presented in a proper way. When a gentleman rises upon the floor and states that there is a question of personal privilege involved in a matter which he presents, it has not been the practice of the House to require him to make in the first instance any motion or offer any resolution.

Mr. HERBERT. Will the Chair allow me to suggest——

The SPEAKER. The Chair desires to complete his statement. But when a member states that he rises to a question involving the privileges of the House, then there must be some question presented. The Chair thinks the gentleman must make a motion or offer a resolution; and upon that the question of privilege will arise. Thus far the gentleman from Kansas has offered no resolution nor made any motion which would constitute the foundation for a question of privilege before the House.

Mr. HANBACK. I offer a resolution——

Mr. REAGAN. I submit, Mr. Speaker, it is important that the House should have some protection against the introduction of any kind of irrelevant matter under the guise of a "question of privilege."

The SPEAKER. Although the Chair has constantly endeavored to confine these questions of privilege as strictly as possible under the rules, still it is very difficult for the Chair in administering the rules to prevent gentlemen from sometimes making upon the floor statements which are not strictly within the rules. But the Chair will endeavor to administer the rule as fairly as it can be done.

Mr. REAGAN. We have as a matter of such frequent occurrence the abuse of the privilege that it seems to me the Committee on Rules should report some rule which would expose to the censure of the House members making this pretense falsely.

The SPEAKER. The Clerk will report the resolution.

Mr. HANBACK. Mr. Speaker——

The SPEAKER. There is no question before the House until the resolution has been reported.

Mr. HANBACK. I desire to say that I do not seek to trifle with the House or violate any of its rules. I am standing here as a member of the House upon a question of privilege.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Committee on Expenditures——

Mr. ROGERS. I rise to a question of order. I desire to invite the attention of the Speaker to the fact that in my judgment the gentleman from Kansas has not stated specifically upon his responsibility as a member of the House what the rule requires he should state. In other words, the rule requires he should state, and the statement must be made upon his honor and his responsibility as a Representative in this House, that this is a question of privilege and affects the "safety and dignity" of the House or the "integrity of its proceeding," or that it affects "the rights, reputation, and conduct of members individually in their representative capacity only."

I insist, Mr. Speaker, that the gentleman from Kansas has not up to this time stated upon his honor as a Representative that there is involved in this paper which he has sent up or in the resolution he proposes to submit any question affecting the integrity or character of this body, or any member of it in his representative capacity.

Mr. HANBACK. After the article which I present has been read, the gentleman himself will admit that it reflects upon the integrity of this body.

Mr. ROGERS. In its representative capacity?

Mr. HANBACK. In its representative capacity.

Mr. MCMILLIN. But in order to entitle the gentleman to have the article read, he must make a statement conforming to the rule just read by the gentleman from Arkansas [Mr. ROGERS], and until he has made that precedent statement he can not have anything read here, except by consent, as a matter of privilege.

The SPEAKER. But the gentleman from Kansas does state that in his judgment there is a matter involved which affects the dignity and honor of the House; not of an individual member of the House, but the House of Representatives itself. That is all the Chair thinks any gentleman can state to entitle him to the floor on a question of privilege. But it may be that when the matter is fully disclosed it will appear that no question of privilege is involved.

Mr. MCMILLIN. The gentleman from Kansas spoke so indistinctly that I was unable to hear exactly what he did say. The statement, however, which the Chair makes, as being the point raised by the gentleman from Kansas, of course presents a different question.

The SPEAKER. After the resolution has been read it will then be the duty of the Chair to decide whether or not there is such a question of privilege involved as would give the gentleman the right to the floor.

The Clerk will read the resolution submitted by the gentleman from Kansas.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be, and is hereby, empowered to make full inquiry into any expenditure upon the part of the Government relative to the rights of the Bell and Pan-Electric Telephone Companies; and for the purpose of this investigation and to the end that the people may be fully advised, the committee is granted the right to send for persons and papers, all expenses to be audited and accounted for upon approved vouchers, and when so approved to be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. HAMMOND. Mr. Speaker, it is perfectly clear that that does not present a question affecting the dignity and honor of the House.

The SPEAKER. The Chair will hear the gentleman from Kansas as to whether or not the resolution he has submitted involves a question of privilege. It seems to the Chair to be an ordinary resolution providing for an investigation and nothing more.

Mr. HANBACK. I desire to have read in this connection the articles which form a part of the statement upon which the question of privilege is based, and I now ask for their reading.

Mr. STRUBLE. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STRUBLE. There is so much disorder upon the floor of the House that it is utterly impossible to distinguish what is going on. The gentleman from Kansas is usually able to make us hear him with a great deal of distinctness, but at the present it is not possible, at this distance, in the confusion prevailing, to hear a word.

The SPEAKER. The point of order the gentleman makes is well founded. The Chair will request the Sergeant-at-Arms to see that gentlemen are seated, and public business will be suspended until order is restored upon the floor

Mr. HATCH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HATCH. My point of order is that the Chair has already stated that the resolution which has been read from the Clerk's desk does not involve a question of privilege, and I therefore demand the regular order.

Mr. RANDALL. I do not believe that this House has anything to do with the subject-matter as presented in that resolution; and yet I am opposed to throwing any obstacle in the way of the fullest investigation of any matter which pertains to good government in the United States.

The SPEAKER. That is a question, of course, for the House to determine and not for the Chair. The Chair is called upon simply to decide the question raised as to whether or not this proposition of the gentleman from Kansas presents a question of privilege. While this may be a very proper subject of investigation, the Chair does not see that it involves any question of privilege.

Mr. HANBACK. I thank the gentleman from Pennsylvania for what he has said, and if my question of privilege is permitted to be entertained by this House, the House will see that it is pertinent and that it is really a question of privilege. I ask, therefore, that the communications which I have sent up to the desk shall be now read as a part of my question of privilege.

Mr. HAMMOND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The Chair having decided that the resolution submitted was not in order, and did not present a question of privilege, I ask if the gentleman from Kansas has the right to the floor in any other way than by overruling the decision of the Chair?

The SPEAKER. The Chair understood the gentleman from Kansas, so far as he could understand what the gentleman was saying, to be making an appeal to the House to let the resolution pass. The Chair will state that during the last session of Congress the gentleman from Illinois [Mr. SPRINGER] offered a resolution of a similar character to this, to investigate the conduct of a judge with a view ultimately to his impeachment. That resolution, it was claimed by the gentleman from Illinois, involved a question of privilege, but the Chair decided that it did not. The Chair is unable to see any difference between that resolution and the one now presented. They are simply resolutions proposing an investigation of matters which may or may not be proper for the House to investigate, but which do not involve questions of privilege under the rule.

Mr. SPRINGER. I wish to have the ruling of the Chair on that occasion read.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The SPEAKER. Before the gentleman from New York [Mr. COX] proceeds, the Chair would like to call his attention to a point which he conceives to be involved in this question. If a member on the floor should prefer articles of impeachment against a public officer, the Chair has no doubt that it would be a privileged matter under the Constitution, because this House possesses the power of impeachment. But this is not a resolution proposing to impeach any one; it simply instructs the Committee on the Judiciary to inquire into the truth or falsity of certain charges made against a public officer in a memorial which has been presented. The inquiry may result in an impeachment or it may not; but the doubt which the Chair has arises upon the distinction between a mere proposition to investigate charges against a public officer and a proposition to impeach that officer.

Mr. BEACH. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEACH. Is the introduction of this resolution now in order?

The SPEAKER. The Chair has decided that it is not.

Mr. BEACH. Then I demand the regular order.

Mr. HANBACK. I rise to a question of privilege, and I believe I have the floor for that purpose.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HANBACK. I am proceeding to submit the question of privilege, and I will now proceed with the consent of the House.

The SPEAKER. But the Chair has decided that the resolution which the gentleman has submitted does not involve a question of privilege under the rules of the House.

Mr. HANBACK. But, Mr. Speaker, how can that be before I am heard on my question of privilege?

The SPEAKER. The gentleman, as the Chair understands, now proposes to state a question of personal privilege. Is that what he proposes? If so, he will proceed to state it. The Chair has already decided on one alleged question of privilege.

Mr. BRECKINRIDGE, of Arkansas, rose.

The SPEAKER. The gentleman from Kansas states he rises to a question of personal privilege.

Mr. BRECKINRIDGE, of Arkansas. I would say to the gentleman from Kansas, if he really desires an investigation into any matter affecting the honor of this Government or the administration of the Department of Justice, I ask him not to attempt to bring it up out of its regular order, but that he introduce this matter in the order in which the Speaker indicates. If he does this I believe he will receive the unanimous concurrence of this side of the House in ordering a thorough and searching investigation. Let him adopt this course instead of trying to violate the rules and order of the House. If it is an investigation he wants, we will, I think, unanimously aid him in having a full investigation according to the rules of parliamentary law. And I suggest to him that he can offer his resolution as soon as his State is called.

Mr. HANBACK. There is no gentleman on the other side of the House for whom I have a higher regard than for the gentleman who has just spoken. I state to him on my honor as a Representative in this House that the matters which I shall present attach themselves to every member in this House.

Mr. LONG. State your question.

Mr. HANBACK. It is a question of the highest privilege, because the honor of the House is assailed; and as a member of this House I desire to have my question of privilege presented to the House and the country, in order that all the facts may be ascertained.

Mr. LONG. Present it.

Mr. HANBACK. I was proceeding to state it when interrupted by gentlemen on the other side. I will read as part of my remarks on the question of privilege——

Mr. HAMMOND. I rise to a question of order. The gentleman from Kansas has stated no question of privilege.

Mr. CUTCHEON. Allow him to state it.

The SPEAKER. The Chair thinks the gentleman from Kansas ought to state if there has been any reflection on him in his representative capacity as a member of the House. He ought at least to state that in his judgment there has been such a reflection; otherwise all kinds of irrelevant matters might be brought into the House and either read by the member or from the Clerk's desk and the House would have no protection against the interruption of the regular order of business. The Chair understood the gentleman from Kansas to say there was no reflection on him in his representative capacity in the article he sent to the Clerk's desk, but that it was a matter involving the privileges of the House itself. When the gentleman offered his resolution the Chair decided at once, in accordance with decisions hitherto made uniformly as the Chair thinks, that there was no question involving the privileges of the House. Now the Chair understands the gentleman to say he rises to a question of personal privilege. The Chair thinks he ought to state whether any reflection has been made on him in his representative capacity, and what that reflection is. In order to do this it may not be necessary to read a long newspaper article.

Mr. HANBACK. I was proceeding to state the question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. On the contrary, the gentleman has distinctly stated there was nothing in either of the articles that reflected on him in his representative capacity in any way.

The SPEAKER. The Chair has so stated.

Mr. HAMMOND. And therefore the gentleman is simply abusing the rules of the House.

Mr. HANBACK. I have always understood, Mr. Speaker——

Mr. MORRISON. Will the gentleman yield to me for a moment?

Mr. HANBACK. Yes, sir.

Mr. MORRISON. I have requested the gentleman from Kansas to yield to me to ask unanimous consent that he may present his resolution now. It is the same thing whether presented now or twenty minutes later.

The SPEAKER. The gentleman from Illinois [Mr. MORRISON] asks the gentleman from Kansas [Mr. HANBACK] to yield to him that he may ask unanimous consent that the gentleman's resolution may be considered. Does the gentleman yield for that purpose?

Mr. HANBACK. After I have stated my question of privilege.

The SPEAKER. The gentleman's question of personal privilege has no connection with the resolution. The Chair has decided the resolution involves no question of privilege. Thereupon the Chair understood the gentleman rose to a question of personal privilege which has no connection with the resolution.

Mr. HANBACK. I yield to the gentleman from Illinois, that his request may be submitted.

The SPEAKER. The Clerk will report the resolution, after which the Chair will ask for objections, if any.

The Clerk read as follows:

Resolved, That the Committee on Expenditures in the Department of Justice be, and it is hereby, empowered to make inquiry into any expenditure upon the part of the Government relative to the rights of the Bell and Pan-Electric Telephone companies, and for the purpose of this investigation and to the end that the people may be fully advised, the committee is granted the right to send for persons and papers, all expenses to be audited and accounted for upon approved vouchers, and when so approved to be paid out of any moneys in the Treasury not otherwise appropriated.

Mr. BEACH. Mr. Speaker, I shall object to its consideration at this time. I am willing to let it come in for reference, but if it is going to give rise to debate I must object.

Mr. MORRISON and Mr. ROGERS. No, no!

Several MEMBERS on the Democratic side. Let it be passed; let it be passed.

Mr. ROGERS. Mr. Speaker, I demand the previous question on the passage of the resolution.

The previous question was ordered; and the resolution was adopted.

Mr. ROGERS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. If the gentleman from Kansas [Mr. HANBACK] will state distinctly, so that the Chair and House can understand what his question of personal privilege is, it will save time.

Mr. HANBACK. I will attempt, Mr. Speaker, to explain my question of privilege. I am a Representative of one of the States of this Union upon this floor, elected and duly accredited as a member of this House, and when two of the great journals of this country present, upon their editorial pages, a charge——

Mr. HAMMOND. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. The gentleman from Kansas [Mr. HANBACK] has stated no question of privilege.

The SPEAKER. The gentleman is proceeding to state his question, as the Chair understands.

Mr. HAMMOND. The gentleman from Kansas [Mr. HANBACK] is proceeding to speak on the editorials of certain newspapers, having previously announced that they make no allusion to him and none to the House.

The SPEAKER. The Chair has no means of knowing that the gentleman from Kansas [Mr. HANBACK] is now alluding to the same paper of which he spoke a while ago. The gentleman speaks now of two editorials.

Mr. HAMMOND. Then, Mr. Speaker, the rule requires that the gentleman should state to the Chair that he is now alluding to new matter.

The SPEAKER. There is no rule prescribing what the gentleman shall state to the Chair. The Chair has notified the gentleman from Kansas [Mr. HANBACK] that he ought to state to the Chair and to the House what his question of privilege is; and, as the Chair understands, the gentleman is proceeding to do that.

Mr. HAMMOND. Then, Mr. Speaker, I submit that until the gentleman does make such a declaration he has no right to be heard at all.

The SPEAKER. But if the gentleman from Kansas [Mr. HANBACK] is interrupted by a point of order before he has an opportunity to make any statement, the Chair must be at a loss to determine the question. The Chair will hear what the gentleman has to say, and will endeavor to confine him within the rules.

Mr. HANBACK. If the gentleman from Georgia [Mr. HAMMOND] will keep quiet a moment I will endeavor to state my question of privilege. I said a moment ago, Mr. Speaker, that after two great journals of this country have spread upon their editorial pages a charge against

members of this House, I, as one Representative upon this floor, claim the right to be heard in the matter. It is a charge against every gentleman in this House, and I was proceeding, in behalf of my question of privilege——

The SPEAKER. But the Chair thinks that does not involve any matter of personal privilege of the gentleman from Kansas [Mr. HANBACK], and unless the gentleman, either by name or in some other way, is alluded to, or some reflection is made upon him, there is no basis for a question of personal privilege.

Mr. HANBACK. The charge is that members in this House have been corruptly influenced in their action.

Mr. BRECKINRIDGE, of Arkansas. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE, of Arkansas. My point is that any one who charges corruption vaguely upon members of this House can in no wise be considered as reflecting personally upon the gentleman from Kansas [Mr. HANBACK], and I am surprised that he should appropriate such remarks to himself. [Laughter]. This is not a question of personal privilege, and I insist that the gentleman is out of order.

The SPEAKER. The Chair does not see that the gentleman from Kansas [Mr. HANBACK] makes any statement from which it appears that there has been any reflection upon him individually in his representative capacity.

Mr. HANBACK. No.

The SPEAKER. The Chair does not understand the gentleman to say even that there is anything in these articles referring to the present House of Representatives.

Mr. HANBACK. To the present House. I have the charges.

The SPEAKER. Will the gentleman from Kansas [Mr. HANBACK] state briefly what the charge is?

Mr. HANBACK. I can state it better, if the Chair will permit me, by reading.

The SPEAKER. The Chair thinks that the gentleman can not proceed unless he states what his question is or what the charge is. [Cries of "Regular order!"]

The SPEAKER. The regular order is demanded. The Chair decides that the matter presented by the gentleman from Kansas [Mr. HANBACK] does not raise a question of privilege. This being Monday, the regular order is——

Mr. HANBACK. Mr. Speaker——

The SPEAKER. The Chair has decided the question raised by the gentleman from Kansas. If the gentleman desires to appeal——

Mr. HANBACK. I rise to a question of order.

The SPEAKER. Does the gentleman from Kansas desire to appeal from the decision of the Chair?

Mr. HANBACK. I rise now to a parliamentary inquiry. [Laughter.]

The SPEAKER. The gentleman will state it.

Mr. HANBACK. When a member upon this floor rises to a question of personal privilege, I ask the Chair, has he not a right to state what it is?

The SPEAKER. Undoubtedly.

Mr. HANBACK. I was proceeding to state it.

The SPEAKER. The gentleman had stated that the articles to which he alluded contained no personal reflection upon him, but that, as he understood them, they reflected upon the House. That is not a question of personal privilege affecting the gentleman from Kansas [Mr. HANBACK]. That is a matter which involves the dignity and honor of the House itself, and can only be raised when there is a motion or resolution which presents some question for the House. [Renewed cries of "Regular order!"]

Mr. HANBACK. Mr. Speaker——

Mr. BRECKINRIDGE, of Arkansas, and others. Regular order!

Mr. HANBACK. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HANBACK. I am proceeding to do so.

Mr. RANDALL. I rise to a point of order. I submit that after the decision of the Chair the gentleman has no remedy except by an appeal.

The SPEAKER. The Chair so holds, and has asked the gentleman from Kansas whether or not he desires to take an appeal from the decision of the Chair.

Mr. HANBACK. After I am through with my inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. HANBACK. My inquiry is this, When a matter is charged against the House, have I not the right to rise to a question of personal privilege?

The SPEAKER. Not to a question of personal privilege. [Cries of "Regular order!"]

Mr. RANDALL. The gentleman has stated that he himself is not affected personally by this matter. It seems to me we need not waste any more time in that direction.

Mr. SPEAKER. The Chair has decided the gentleman's question of order. If he desires to take an appeal the Chair will put that question to the House. If not, the Chair will proceed with the regular business of the House. [Cries of "Regular order!"]

PERSONAL EXPLANATION.

Mr. BRADY. I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. BRADY. I have been reflected upon as a member of this House, not only in the public journals, but according to the reports in the public press before a committee of this House. I have also been reflected upon on the floor of the House; and I now rise to ask unanimous consent that I may be accorded the privilege of a personal explanation. [Cries of "Object!" and "Regular order!"]

The SPEAKER. The gentleman from Virginia [Mr. BRADY] asks unanimous consent to make a personal explanation.

Mr. BRAGG. I object.

The SPEAKER. Objection is made.

Mr. BRADY. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRADY. I desire to know whether or not I have a right to make a request for a personal explanation as a matter of privilege.

The SPEAKER. Any reflection upon the gentleman in his representative capacity would involve a question of privilege. The Chair will cause to be read the rule on this subject—a rule which seems to be somewhat misunderstood. A "personal explanation" is one thing, and a "question of privilege" is another and quite a different thing.

The Clerk read as follows:

RULE IX.

QUESTIONS OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, except motions to fix the day to which the House shall adjourn, to adjourn, and for a recess.

The SPEAKER. The gentleman will see from what has just been read what matters constitute under the rules questions of privilege.

Mr. BRADY. I desire to state to the House again that I have been misrepresented through the public press and before a committee of this House and upon this floor, and I ask——

Mr. HAMMOND. I rise to a question of order.

Mr. BRADY. I ask for unanimous consent to vindicate myself as a member of the House.

The SPEAKER. The gentleman from Georgia [Mr. HAMMOND] will state his question of order.

Mr. HAMMOND. And the gentleman from Virginia should not undertake to proceed until I have stated it. My point of order is that the gentleman has stated no matter of privilege and therefore is not entitled to the floor.

Mr. CUTCHEON. The gentleman asks unanimous consent.

Mr. HAMMOND. Then I object.

Mr. BRADY. I understand the other side to object when a member has been assailed unjustly——

The SPEAKER. The gentleman objects.

CHANGE OF REFERENCE.

Mr. KELLEY. On the last day when I was able to be on the floor I presented a bill which the then temporary occupant of the chair held, in opposition to my views, should go, not as I suggested, to the Committee of Ways and Means, but to the Committee on Claims, in which ruling he seemed to be justified by the title of the bill, which is "A bill for the relief of R. C. Ridgway and others." It is, however, a matter that has been before the Committee of Ways and Means. The proofs are all before that committee. The first favorable report on the subject was made by the present occupant of the Speaker's chair, the second by the gentleman who now addresses him, and the third by my friend from Alabama [Mr. HERBERT]; and in these various operations the bill, which had been presented as a bill for the relief of certain individuals, became by a substitute a general measure, regulating the readjustment of taxes improperly collected. That is the bill; and it therefore belongs explicitly to the Committee of Ways and Means. I ask that the bill (H. R. 1980), incorrectly entitled "A bill for the relief of R. C. Ridgway and others," be transferred from the Committee of Claims to the Committee of Ways and Means.

Mr. BLOUNT. Do I understand the gentleman from Pennsylvania [Mr. KELLEY] to state that this is a general provision of law?

Mr. KELLEY. Yes.

Mr. BLOUNT. I have some recollection of it.

Mr. KELLEY. The substitute prepared by the Committee of Ways and Means, after consultation with the Secretary of the Treasury and two successive Commissioners of Internal Revenue, was a general provision of law.

Mr. BLOUNT. What I want to know from the gentleman from Pennsylvania is whether it is the substitute he now wants to have referred.

Mr. KELLEY. Yes; that is what I want to send to the committee.

Mr. BLOUNT. I had an idea it was an individual claim.

Mr. KELLEY. No; the title stands as it did, but the substitute is a new measure.

Mr. RANDALL. Let us hear the bill read.

The SPEAKER. Will the gentleman from Pennsylvania send up the bill?

Mr. KELLEY. I have it not at hand. It is bill H. R. 1980. I can send up the reports which have been made. I read from one of the reports:

The committee report a substitute for the bill, conforming essentially to the suggestion of the present Commissioner of Internal Revenue, who will be authorized to refund amounts as shall be shown to his satisfaction to have been paid as taxes on distilled spirits in excess of the tax due on the actual quantity withdrawn from warehouse.

The substitute is the bill I present. It is a general measure, touching matters pertaining under the rules to the Committee of Ways and Means.

The SPEAKER. The Chair will cause the bill to be read for the information of the House. The gentleman from Pennsylvania asks to correct the reference——

Mr. RANDALL. Not to correct, but to give a different reference.

The SPEAKER. The bill will be read.

The Clerk proceeded to read the bill.

The SPEAKER. The Chair will state that this bill is a very long one, and seems to contain provisions for the payment of claims to a number of different persons.

Mr. RANDALL. I do not want to have it read.

Mr. BLOUNT. I would like to know if this is the substitute referred to by the gentleman from Pennsylvania.

The SPEAKER. The Chair understands the gentleman from Pennsylvania to say that this is a substitute, which was reported by the Committee on Ways and Means of the last Congress.

Mr. KELLEY. Yes, sir.

Mr. RANDALL. But the rules have been changed since then.

Mr. BLOUNT. It seems as if this is not a general bill.

The SPEAKER. Does the gentleman object to the reference?

Mr. BLOUNT. I must object, or we must abandon the rule entirely.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and resolutions for reference.

ASSISTANT SECRETARY OF THE NAVY.

Mr. HERBERT introduced a bill (H. R. 4843) authorizing the appointment of an assistant secretary of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PENSIONS TO SURVIVORS OF INDIAN WARS.

Mr. WHEELER introduced a bill (H. R. 4844) granting pensions to survivors of Indian wars from 1835 to 1842; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SCHOOL FUND, ALABAMA.

Mr. WHEELER also introduced a bill (H. R. 4845) to increase the school fund of the State of Alabama; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

HIRAM N. ROBERTS.

Mr. WHEELER also introduced a bill (H. R. 4846) for the relief of Hiram N. Roberts, as the administrator of the estate of Henry C. Roberts, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

STEPHEN WHITE.

Mr. WHEELER also introduced a bill (H. R. 4847) granting arrears of pension to Stephen White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ISAAC STINNETT.

Mr. WHEELER also introduced a bill (H. R. 4848) for the relief of Isaac Stinnett; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PUNISHMENT OF ROBBERY, INDIAN TERRITORY.

Mr. ROGERS introduced a bill (H. R. 4849) to punish robbery in the Indian Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

WILLIAM J. HUDSON.

Mr. PEEL introduced a bill (H. R. 4850) for the relief of William J. Hudson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RUSSELL HARVEY.

Mr. PEEL also introduced a bill (H. R. 4851) for the relief of Russell Harvey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM HUTCHISON.

Mr. PEEL also introduced a bill (H. R. 4852) granting a pension to William Hutchison for services rendered and injuries received in the war with Mexico; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DRAWBACK DUTY ON TIN.

Mr. FELTON introduced a bill (H. R. 4853) to amend section 3020 of the Revised Statutes, relating to drawback duty on manufactured tin; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

PUBLIC BUILDING, STOCKTON, CALIFORNIA.

Mr. LOUTITT introduced a bill (H. R. 4854) to provide for the erection of a public building, &c., in the city of Stockton, Cal.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

HENRY F. ARNOLD.

Mr. SYMES introduced a bill (H. R. 4855) for the relief of Henry F. Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ADDIE HOYT.

Mr. SYMES (by request) also introduced a bill (H. R. 4856) for the relief of Addie Hoyt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

EMPLOYÉS BUREAU OF ENGRAVING AND PRINTING.

Mr. MITCHELL introduced a bill (H. R. 4857) granting relief to employés in the Bureau of Engraving and Printing, United States Treasury; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

ANN LEDDY.

Mr. DOUGHERTY introduced a bill (H. R. 4858) to increase the pension of Ann Leddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYPRIAN T. JENKINS.

Mr. DOUGHERTY also introduced a bill (H. R. 4859) for the relief of Cyprian T. Jenkins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUBLETTING OF MAIL CONTRACTS.

Mr. DOUGHERTY also introduced a bill (H. R. 4860) to regulate the subletting of contracts for carrying the United States mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

SOLDIERS, ETC., OF SEMINOLE WAR.

Mr. DOUGHERTY also introduced a bill (H. R. 4861) granting land-warrants to soldiers and sailors in the United States service in the Seminole war of 1856, their widows and orphans; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TITLES TO LANDS IN FLORIDA.

Mr. DOUGHERTY also introduced a bill (H. R. 4862) confirming titles to certain lands in the State of Florida; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TREASURY DECISIONS.

Mr. DOUGHERTY also introduced a bill (H. R. 4863) authorizing the Secretary of the Treasury to overrule and reverse the decision of all inferior officers of the Treasury Department in respect to all matters of account; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNITED STATES MAILS.

Mr. BLOUNT introduced a bill (H. R. 4864) to enforce the obligation to carry the mails of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

IMMEDIATE DELIVERY OF LETTERS.

Mr. BLOUNT also introduced a bill (H. R. 4865) to extend the system for the immediate delivery of letters, and amendatory of sections 3, 4, and 5 of the act of March 3, 1885, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

FRANK H. NICHOLS.

Mr. CANDLER introduced a bill (H. R. 4866) for the relief of Frank H. Nichols; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JASPER W. MARTIN.

Mr. CANDLER also introduced a bill (H. R. 4867) for the relief of Jasper W. Martin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DICY D. FOWLER.

Mr. CANDLER also introduced a bill (H. R. 4868) for the relief of Dicy D. Fowler; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE R. MULLINS.

Mr. CANDLER also introduced a bill (H. R. 4869) for the relief of George R. Mullins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. CHUMLY.

Mr. CANDLER also introduced a bill (H. R. 4870) for the relief of Mary E. Chumly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

W. C. ALLEN.

Mr. CANDLER also introduced a bill (H. R. 4871) for the relief of W. C. Allen; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CONTRACTION OF CURRENCY.

Mr. CANDLER also introduced a bill (H. R. 4872) to prevent contraction of the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

W. H. HOWARD.

Mr. CLEMENTS introduced a bill (H. R. 4873) for the relief of W. H. Howard, of Bartow County, Georgia; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES GANNON.

Mr. ROWELL introduced a bill (H. R. 4874) for the relief of James Gannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EULOGIES ON LATE HON. REUBEN ELLWOOD.

Mr. HOPKINS introduced a joint resolution (H. Res. 105) to print 12,500 copies of eulogies on Reuben Ellwood, late Representative in Congress; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SECTION 304 REVISED STATUTES.

Mr. MORRISON introduced a bill (H. R. 4875) to amend section 304 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

RICHARD T. GREENE.

Mr. ADAMS, of Illinois, introduced a bill (H. R. 4876) for the removal of the charge of desertion against the record of Richard T. Greene; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD LEAHY.

Mr. RIGGS, introduced a bill (H. R. 4877) to increase the pension of Edward Leahy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. ELIZABETH LEEBRICK.

Mr. RIGGS also introduced a bill (H. R. 4878) for the relief of Mrs. Elizabeth Leebrick; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLARK HERON.

Mr. RIGGS also introduced a bill (H. R. 4879) to restore the name of Clark Heron to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MYRON S. BARNES.

Mr. WORTHINGTON introduced a bill (H. R. 4880) granting an increase of pension to Myron S. Barnes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NEIL FISHER.

Mr. LANDES introduced a bill (H. R. 4881) for the relief of Neil Fisher, late Captain Company E, Fifty-fourth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WASHINGTON T. OTEY.

Mr. LANDES also introduced a bill (H. R. 4882) granting a pension to Washington T. Otey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATHANIEL AYLSWORTH.

Mr. NEECE introduced a bill (H. R. 4883) to pension Nathaniel Aylsworth; which was read a first and second time referred to the Committee on Invalid Pensions; and ordered to be printed.

ROSE A. M'MANUS.

Mr. NEECE also introduced a bill (H. R. 4884) to pension Rose A. McManus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS TAYLOR.

Mr. NEECE also introduced a bill (H. R. 4885) to pension Thomas Taylor; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN T. WILLIAMSON.

Mr. NEECE also introduced a bill (H. R. 4886) to pension John T. Williamson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EBENEZER GRAY.

Mr. NEECE also introduced a bill (H. R. 4887) to pension Ebenezer Gray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANTIETAM NATIONAL CEMETERY.

Mr. NEECE also introduced a joint resolution (H. Res. 106) to provide for the settlement of a claim against the Antietam National Cemetery; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

W. A. MUNFORD.

Mr. KLEINER introduced a bill (H. R. 4888) for the relief of W. A. Munford; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM M. COCKRUM.

Mr. KLEINER also introduced a bill (H. R. 4889) for the relief of William M. Cockrum, for moneys taken from his person by confederate soldiers during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WILLIAM M. FRANKLIN AND OTHERS.

Mr. MATSON introduced a bill (H. R. 4890) for the relief of William M. Franklin, John M. Stucky, and William H. Fritts; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM J. ALEXANDER.

Mr. MATSON also introduced a bill (H. R. 4891) for the relief of William J. Alexander; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

WALLACE HIGHT.

Mr. MATSON also introduced a bill (H. R. 4892) for the relief of Wallace Hight; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY I. FOSTER.

Mr. MATSON also introduced a bill (H. R. 4893) granting a pension to Mary I. Foster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DRURY J. HODGES.

Mr. MATSON also introduced a bill (H. R. 4894) for the relief of Drury J. Hodges; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIS LAYTON.

Mr. FORD introduced a bill (H. R. 4895) to remove the charge of desertion against Willis Layton, late a private in Company I, Forty-fourth Regiment Indiana Volunteer Infantry; which was read a first and second time referred to the Committee on Military Affairs, and ordered to be printed.

NICHOLAS FILBECK.

Mr. JOHNSTON, of Indiana, introduced a bill (H. R. 4896) for the relief of Nicholas Filbeck, Company E, Thirty-second Regiment Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SIMEON STACY.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 4897) for the relief of Simeon Stacy, private Company G, One hundred and forty-ninth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BARBARA MURPHY.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 4898) granting a pension to Barbara Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN H. SEAY.

Mr. JOHNSTON, of Indiana, also introduced a bill (H. R. 4899) for the relief of John H. Seay; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

TO PROTECT LIFE AND PROPERTY AND PREVENT ACCIDENTS.

Mr. JOHNSTON, of Indiana (by request), also introduced a bill (H.

R. 4900) to protect life and property and to prevent accidents and delaying of mails on railroads and steamboats operated by steam-power within the jurisdiction of the United States of America; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SECTION 4720 REVISED PENSION LAWS.

Mr. FREDERICK introduced a bill (H. R. 4901) to amend section 4720 of the Revised Pension Laws; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS.

Mr. HENDERSON, of Iowa, introduced a bill (H. R. 4902) to extend the benefits of the act approved March 3, 1879, and the act of March 3, 1885, to certain pensioners whose disabilities are caused by amputation and increasing the rate therefor, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIAN SMARZO.

Mr. FULLER introduced a bill (H. R. 4903) granting a pension to Christian Smargo; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASPER HAVENS.

Mr. CONGER introduced a bill (H. R. 4904) granting a pension to Jasper Havens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON C. JOHNSON.

Mr. CONGER also introduced a bill (H. R. 4905) granting a pension to Aaron C. Johnson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CYNTHIA PRATT.

Mr. CONGER also introduced a bill (H. R. 4906) granting a pension to Cynthia Pratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSHUA JOHNSON.

Mr. WEAVER, of Iowa (by request), introduced a bill (H. R. 4907) for the relief of Joshua Johnson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MRS. E. L. COOKE.

Mr. HOLMES introduced a bill (H. R. 4908) restoring to the pension-roll the name of Mrs. E. L. Cooke; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS.

Mr. HEPBURN (by request) introduced a bill (H. R. 4909) in relation to the Supreme Court and circuit courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HEPBURN (by request) also introduced a bill (H. R. 4910) in relation to the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PENSIONS.

Mr. HEPBURN also introduced a bill (H. R. 4911) increasing the pension to persons totally deaf to $40; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. HEPBURN also introduced a bill (H. R. 4912) granting a condemned cannon and carriage to Osceloa Post, No. 173, Grand Army of the Republic; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN W. DUNCAN.

Mr. LYMAN introduced a bill (H. R. 4913) for the relief of John W. Duncan, late of Company B, One hundred and twenty-second Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PENSIONS.

Mr. LYMAN also introduced a bill (H. R. 4914) to increase the pensions of soldiers and sailors of the late civil war on account of deafness; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. MORRILL introduced a bill (H. R. 4915) to amend paragraph 3 of section 4693 Revised Statutes, and for other purposes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WESLEY H. SHERWOOD.

Mr. MORRILL also introduced a bill (H. R. 4916) granting a pension to Wesley H. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIJAH W. PENNY.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 4917) for the relief of Elijah W. Penny, late lieutenant-colonel One hundred and thirtieth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. FRANCIS HOPPER.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 4918) granting a pension to J. Francis Hopper, late captain Company C, Sixth Missouri Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TELEGRAPH LINES.

Mr. ANDERSON, of Kansas, also introduced a bill (H. R. 4919) to amend the act to aid in the construction of telegraph lines, approved July 24, 1866; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Mr. ANDERSON also introduced a resolution authorizing the Committee on the Post-Office and Post-Roads to ascertain certain information respecting certain telegraph companies; which was referred to the Committee on the Post-Office and Post-Roads.

H. L. NEWMAN.

Mr. FUNSTON introduced a bill (H. R. 4920) for the relief of H. L. Newman; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MRS. MARTHA VAUGHN AND OTHERS.

Mr. FUNSTON also introduced a bill (H. R. 4921) for the relief of Mrs. Martha Vaughn and legal representatives of Mrs. Lousia Jackman; which was read a first and second time, referred to the Committee on War Claims, and ordered o be printed.

B. F. BRYANT.

Mr. McCREARY introduced a bill (H. R. 4922) for the relief of B. F. Bryant, of Shelby County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES I. M'KINNEY.

Mr. McCREARY also introduced a bill (H. R. 4923) for the relief of James I. McKinney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MOBILE AND GIRARD RAILROAD COMPANY.

Mr. McCREARY (by request) also introduced a bill (H. R. 4924) for the relief of the Mobile and Girard Railroad Company; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES D. M'KENZIE.

Mr. McCREARY also introduced a bill (H. R. 4925) for the relief of the estate of James D. McKenzie, deceased; which was read a first and second time, referred to the Committee on War Claims and ordered to be printed.

FONTAINE T. FOX, JR.

Mr. McCREARY also introduced a bill (H. R. 4926) for the relief of Fontaine T. Fox, jr.; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. McCREARY also introduced a joint resolution (H. Res. 107) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LOUISVILLE AND PORTLAND CANAL.

Mr. WILLIS introduced a bill (H. R. 4927) authorizing the use of the Louisville and Portland Canal basin upon certain conditions; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COURT OF ALABAMA CLAIMS.

Mr. STONE, of Kentucky (by request), introduced a bill (H. R. 4928) to authorize and direct the Secretary of the Treasury to pay the judgments of the Court of Commissioners of Alabama Claims, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GENERAL T. T. GARRARD.

Mr. TAULBEE introduced a bill (H. R. 4929) referring to the Court of Claims the claim of General T. T. Garrard and others for destruction of salt and injury to salt works under and in pursuance of an order of Maj. Gen. D. C. Buell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

P. R. NAPIER.

Mr. TAULBEE also introduced a bill (H. R. 4930) for the relief of P. R. Napier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES RILEY.

Mr. TAULBEE also introduced a bill (H. R. 4931) for the relief of James Riley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. P. PRICE.

Mr. HALZELL introduced a bill (H. R. 4932) for the benefit of W. P. Price, of Logan County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LABAN T. MOORE.

Mr. WADSWORTH introduced a bill (H. R. 4933) for the relief of Laban T. Moore; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MANFRED S. FRIEND.

Mr. WADSWORTH also introduced a bill (H. R. 4934) for the relief of Manfred S. Friend; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. LOUISA JACKMAN AND OTHERS.

Mr. ROBERTSON (by request) introduced a bill (H. R. 4935) for the relief of Mrs. Louisa Jackman and the legal representatives of Mrs. Martha Vaughan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. KING introduced a bill (H. R. 4936) to repeal section 1218 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

LEVEES OF THE MISSISSIPPI.

Mr. KING also introduced a bill (H. R. 4937) for closing the gaps in the levees of the banks of the Mississippi River and for straightening and giving permanency to the same; which was read a first and second time, referred to the Committee on Levees and Improvements of the Mississippi River, and ordered to be printed.

GEOLOGICAL SURVEY, LOUISIANA.

Mr. KING also introduced a bill (H. R. 4938) for the continuation of the geological survey in the State of Louisiana; which was read a first and second time, referred to the Select Committee on the Signal Service, Geological Survey, &c., and ordered to be printed.

MISSISSIPPI RIVER LEVEES.

Mr. KING also submitted a resolution of inquiry, calling for information upon the condition of the levees of the Mississippi River, and for other purposes; which was referred to the Committee on Levees and Improvements of the Mississippi River.

MEDICAL HISTORY OF THE REBELLION.

Mr. KING also submitted a concurrent resolution for printing 25,000 copies of each of parts 1, 2, 3, 4, 5, and 6 of the Medical and Surgical History of the Rebellion; which was referred to the Joint Committee on Printing.

LOUISIANA AND TEXAS RAILROAD COMPANY.

Mr. HAHN introduced a bill (H. R. 4939) to authorize Morgan's Louisiana and Texas Railroad Company, its successors and assigns, to relinquish any right, title, and interest it may have in and to certain public lands granted by act of June 3, 1856; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

COMMANDER E. E. STONE.

Mr. HAHN also introduced a bill (H. R. 4940) for the relief of Commander Edward E. Stone; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

PRIVATE LAND CLAIMS IN SOUTHERN STATES.

Mr. ST. MARTIN introduced a bill (H. R. 4941) to authorize the examination, approval, and patenting of certain unconfirmed private land claims in the States of Arkansas, Florida, Louisiana, and Missouri, and in the States of Alabama and Mississippi south of the thirty-first degree of north latitude; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

GEORGE W. MUNDAY.

Mr. IRION introduced a bill (H. R. 4942) for the relief of George W. Munday, administrator of Maj. Gen. Eleazur W. Ripley, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY ANN LASTROPES AND OTHERS.

Mr. IRION also introduced a bill (H. R. 4943) for the relief of Mary Ann Lastropes and Alphonse Lastropes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LOUIS FONTENOT.

Mr. IRION also introduced a bill (H. R. 4944) for the relief of Louis Fontenot; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALCEE DUPRE.

Mr. IRION also introduced a bill (H. R. 4945) for the relief of Alcee Dupre, administrator of the succession of Cyprien Dupre, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SUCCESSION OF JOSEPH URBAN.

Mr. IRION also introduced a bill (H. R. 4946) for the relief of Pierre Cosse, administrator of the succession of Joseph Urban, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PIERRE COSSE.

Mr. IRION also introduced a bill (H. R. 4947) for the relief of Pierre Cosse; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JOSEPH C. LE BLANC.

Mr. IRION also introduced a bill (H. R. 4948) for the relief of Joseph C. Le Blanc; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LANDRY BAILLIO.

Mr. BLANCHARD introduced a bill (H. R. 4949) for the relief of Landry Baillio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. F. STALEY.

Mr. BLANCHARD also introduced a bill (H. R. 4950) for the relief of W. F. Staley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PETER I. COCKBURN.

Mr. BLANCHARD also introduced a bill (H. R. 4951) for the relief of Peter I. Cockburn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL L. COMPTON.

Mr. BLANCHARD also introduced a bill (H. R. 4952) for the relief of Samuel L. Compton; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA A. MURPHEY.

Mr. BLANCHARD also introduced a bill (H. R. 4953) for the relief of Martha A. Murphey, wife of William P. Murphey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NEW ORLEANS EXPOSITION.

Mr. BLANCHARD also introduced a joint resolution (H. Res. 108) authorizing the several Executive Departments of the Government to loan the North Central and South American Exposition at New Orleans certain articles for exhibit; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PRINTING FOR RIVERS AND HARBORS COMMITTEE.

Mr. BLANCHARD also submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Committee on Rivers and Harbors be authorized to have printed all documents or other papers for the use of said committee during this Congress that they may deem necessary in connection with the discharge of their duties.

AMENDMENT OF CONSTITUTION.

Mr. REED, of Maine, introduced a joint resolution (H. Res. 109) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

APPOINTMENT OF A LIEUTENANT-COLONEL.

Mr. MILLIKEN introduced a bill (H. R. 4954) touching the appointment of a lieutenant-colonel of cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PATRICK MURRAY.

Mr. GIBSON, of Maryland (by Mr. FINDLAY) introduced a bill (H. R. 4955) granting a pension to Patrick Murray; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. AYRES.

Mr. COLE introduced a bill (H. R. 4956) to carry out the findings of the Court of Claims in the case of James H. Ayres; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EMPLOYMENT OF CHILDREN IN FACTORIES.

Mr. COLE also introduced a bill (H. R. 4957) regulating the employment of children in factories and workshops; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

SPECULATIONS BY NATIONAL-BANK OFFICERS.

Mr. McCOMAS introduced a bill (H. R. 4958) to prohibit speculation by officers of national banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PREVENTION OF CONTAGIOUS DISEASES.

Mr. DAVIS introduced a bill (H. R. 4959) to prevent the introduction of contagious and infectious diseases into the United States and to establish a bureau of public health; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

MARY S. WEBSTER.

Mr. ELY introduced a bill (H. R. 4960) granting a pension to Mary S. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF ERSKINE S. ALLIN.

Mr. WHITING introduced a bill (H. R. 4961) for the relief of the heirs of Erskine S. Allin; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BUILDING AT LOWELL, MASS.

Mr. ALLEN, of Massachusetts, introduced a bill (H. R. 4962) for the erection of a public building at Lowell, Mass.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JEARUM ATKINS.

Mr. ROWELL (by request) introduced a joint resolution (H. Res. 110) for the relief of Jearum Atkins.

Mr. ROWELL. Mr. Speaker, this bill has been introduced in two previous Congresses, has been referred to the Committee on Patents and favorably reported, and if it is proper under the rules I should like to have it referred to the same committee now.

The SPEAKER *pro tempore*. Under the rule this bill would go to the Committee on Claims, unless otherwise referred by unanimous consent.

Mr. ROCKWELL. Mr. Speaker, then I ask unanimous consent that it be referred to the Committee on Patents.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. ROCKWELL] asks unanimous consent that this bill be referred to the Committee on Patents. Is there objection?

Mr. RANDALL. What does the rule say, Mr. Speaker?

The SPEAKER *pro tempore*. The rule provides that, unless by unanimous consent, a bill of this character shall go to the Committee on Claims.

Mr. RANDALL. Then I object to its reference to any other committee.

The SPEAKER *pro tempore*. Objection is made to referring this bill to the Committee on Patents, and, under the rule, it will go to the Committee on Claims.

WILLIAM W. SMITH.

Mr. CUTCHEON introduced a bill (H. R. 4963) granting arrears of pension to William W. Smith, late of Company A, Twenty-fourth Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ORLANDO S. PEARCE.

Mr. O'DONNELL introduced a bill (H. R. 4964) granting a pension to Orlando S. Pearce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROTECTION OF INNOCENT PURCHASERS OF PATENTED ARTICLES.

Mr. O'DONNELL also introduced a bill (H. R. 4965) to protect innocent purchasers of patented articles from prosecution for damages and infringement, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

INSPECTORS OF HULLS AND BOILERS.

Mr. MOFFATT introduced a bill (H. R. 4966) to amend section 4414 Revised Statutes of the United States, fixing the compensation of inspectors of hulls and boilers in the several districts of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PAYMENT OF BOUNTY.

Mr. MOFFATT also introduced a bill (H. R. 4967) to provide for the payment of bounty in certain cases; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

BARK MICHIGAN, OF ALPENA, MICH.

Mr. FISHER introduced a bill (H. R. 4968) to authorize and direct the registry and enrollment of the bark Michigan, of Alpena, Mich.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PERRY PREBLE.

Mr. BURROWS introduced a bill (H. R. 4969) granting a pension to Perry Preble; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PHILO ARNOLD.

Mr. BURROWS also introduced a bill (H. R. 4970) for the relief of Philo Arnold; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WATER ROUTE CONNECTING LAKE MICHIGAN WITH DETROIT RIVER.

Mr. BURROWS also introduced a bill (H. R. 4971) to provide for the survey of a water route to connect the waters of Lake Michigan with the Detroit River; which was read a first and second time, referred to the Committee on Railways and Canals, and ordered to be printed.

MARCUS DANIELS.

Mr. BURROWS also introduced a bill (H. R. 4972) for the relief of Marcus Daniels; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

L. S. BAYLESS.

Mr. BURROWS also introduced a bill (H. R. 4973) for the relief of Lott S. Bayless; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

EDWARD HARRISON.

Mr. MAYBURY introduced a bill (H. R. 4974) granting a pension to Edward Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INCOME TAX.

Mr. COMSTOCK introduced a bill (H. R. 4975) to establish a graduated income tax; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

TOBIAS M. COON.

Mr. COMSTOCK also introduced a bill (H. R. 4976) for the relief of Tobias M. Coon, late a private in Company A, One hundred and eighteenth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES N. HAIR.

Mr. WHITE, of Minnesota, introduced a bill (H. R. 4977) granting a pension to James N. Hair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTIANA FRIEDERIKA ZENTMEYER.

Mr. STRAIT introduced a bill (H. R. 4978) for the relief of Mrs. Christiana Friederika Zentmeyer, mother of Charles Louis Zentmeyer; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

HIRAM M. RANNEY.

Mr. GILFILLAN introduced a bill (H. R. 4979) for the relief of Hiram M. Ranney, late of the Forty-eighth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS GEORGE.

Mr. WAKEFIELD introduced a bill (H. R. 4980) for the relief of Thomas George; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

VICKSBURG AND MERIDIAN RAILROAD COMPANY.

Mr. BARKSDALE introduced a bill (H. R. 4981) to provide for the settlement of an account with the Vicksburg and Meridian Railroad Company for internal-revenue tax and to refund the amount of said tax erroneously assessed and collected; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PUBLIC PRINTER.

Mr. BARKSDALE also introduced a bill (H. R. 4982) to enable the Public Printer to continue in effect the provisions of the joint resolution entitled "Joint resolution to authorize the Public Printer to remove certain material from the Government Printing Office," approved February 6, 1883; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

ROBERT WALTER.

Mr. MORGAN (by request) introduced a bill (H. R. 4983) to amend the record of Robert Walter, late acting master in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

SILVER COINAGE.

Mr. BLAND submitted a resolution, which was read, as follows:

Whereas, at the convention of the American Bankers' Association, held at Chicago, Ill., in the month of September, 1885, Mr. George S. Coe, a member of the executive council of said association, and the president of the American Exchange National Bank of New York City, made, in an address delivered before said convention, the following statements, viz:

"Under these peculiar circumstances [referring to assumed dangers resulting from the continued coinage of silver] the new government came into power. It was at once confronted by the peculiar difficulties surrounding the Treasury Department. Like his predecessor, the President clearly appreciated the mag-

nitude and imminence of the danger, and in the interim before the meeting of Congress he is taking as efficient steps as are practicable under the existing law to save the nation from being precipitated into the deep abyss of financial deterioration.

"His temporary expedient is both simple and safe. The law requires the Treasurer to purchase not less than $2,000,000 worth of silver bullion per month and coin it into dollars. But he is required to pay them out only when necessary.

"To avoid this necessity the Treasurer now confines his disbursements to strictly legal demands and refrains from monthly payments as hitherto of the funded debt.

"The surplus of revenue supplies requisite means not only to purchase the monthly sum of silver bullion required by law, but also to withdraw a sufficient amount of silver certificates issued upon previous purchases to overcome the excessive accumulations which so perplexed the prior administration.

"This will safely hold the situation until Congress shall convene.

"The temporary danger which existed until income thus overtook expenditures was satisfactorily arranged by concert with the clearing-house committee in New York, whose earnest efforts at that critical moment to preserve the gold standard were enlisted in behalf of the commercial community, which it is their function to specially represent." (Page 35 of published record of the proceedings of said convention.)

And whereas, near the close of the second session Forty-eighth Congress, to wit, on the 26th day of February, 1885, this House refused, by a decided vote, to consider a then pending proposition looking to suspension of the coinage of silver dollars: Therefore,

Be it resolved by this House, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether or not any such agreement or arrangement was effected by the management of the Treasury Department with the clearing-house committee in New York, or with any other association or person, as is alleged in the said address of Mr. Coe; and, if so, by what authority of law the Treasury Department assumed to virtually suspend the coinage of silver by hoarding the money in the Treasury after it is coined.

And, further, to inform this House what amount of silver dollars was in the Treasury on the 4th day of March last unrepresented by outstanding certificates, and what amount of silver certificates was in circulation; what amount of such dollars is now in the Treasury unrepresented by outstanding certificates, and what amount of such certificates is now in circulation.

Also, what amount of silver dollars was in the Treasury on the 4th day of March last that could have been applied in the payment of the interest-bearing debt and other dues of the Government, and what amount of such dollars is now held in the Treasury that could be so applied; also, what amount of silver certificates is held in the Treasury that could be reissued; also, what amount of interest-bearing debt is now subject to call, and what policy is to be pursued in the payment of silver thereon and on other public dues.

The SPEAKER *pro tempore* (Mr. WELLBORN). This resolution will be referred to the Committee on Coinage, Weights, and Measures.

Mr. HEWITT. Mr. Speaker, in regard to the reference of this resolution, it seems to me that, inasmuch as it relates entirely to currency and not to coinage, it should go to the Committee on Banking and Currency, and I ask the Chair to consider the propriety of that reference.

Mr. MILLS. Let me ask my colleague on the committee if it does not also refer to the payment of the public debt?

Mr. HEWITT. It also refers to the payment of the public debt, but it deals entirely with existing coins already coined under the law, and has no reference to coinage whatever—no suspension, no change in reference to it. It only refers to a circulating medium, and that, under the rules, belongs to the Committee on Banking and Currency.

Mr. BLAND. Mr. Speaker, that refers to silver coin struck under the act of 1878. It refers to certificates issued upon that coin, a mere incident or representative of the coin, and therefore subject to the same provisions and regulations as the coin itself.

But, sir, pending before that committee are propositions to change the law of 1878. Several have reference to the suspension of coinage, others have reference to the limiting of coinage, and others to giving unlimited coinage. This matter is a proper subject of consideration by that committee with reference to this question of legislation; for, sir, if, under that law, there is no provision by which this money can get into circulation, it is the duty of that committee to so legislate upon the subject as to turn that money into circulation.

Mr. STEELE. Regular order!

The SPEAKER *pro tempore*. The question is not debatable. The Chair thinks the bill should go to the Committee on Coinage, Weights, and Measures. It is a matter, however, which is under the control of the majority of the House, and, unless instructed to the contrary, the Chair will direct that reference.

Mr. MILLS. The Chair is unquestionably right in his ruling; it evidently belongs to the Committee on Coinage.

The resolution was referred to the Committee on Coinage, Weights, and Measures.

THOMAS CAUL.

Mr. HATCH introduced a bill (H. R. 4984) for the relief of Thomas Caul, father of Samuel P. Caul, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES A. SMITH.

Mr. HATCH also introduced a bill (H. R. 4985) to pay James A. Smith for supplies furnished the Twenty-first Regiment Missouri Volunteers during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JURISDICTION OF UNITED STATES CIRCUIT COURTS.

Mr. HUTTON introduced a bill (H. R. 4986) to amend sections 1, 2, 3, and 10 of the act of March 3, 1875, defining the jurisdiction of the circuit courts of the United States, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EDWARD S. ARMSTRONG.

Mr. HUTTON also introduced a bill (H. R. 4987) for the relief of Edward S. Armstrong; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELIZABETH W. ADAIR.

Mr. CLARDY introduced a bill (H. R. 4988) granting a pension to Elizabeth W. Adair; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. HEARD introduced a joint resolution (H. Res. 111) authorizing the printing of 5,000 copies of the Statistical Abstract of the United States for the year 1885; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SHORT CREEK LAKE, MISSOURI.

Mr. BURNES introduced a bill (H. R. 4989) to donate Short Creek Lake, in Platte County, to the State of Missouri, and forever preserving the same for public resort and recreation; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

TERRITORY OF CIMARRON.

Mr. BURNES also introduced a bill (H. R. 4990) to establish and organize the Territory of Cimarron and to secure the public lands therein to actual settlers, remove unlawful inclosures therefrom, and for other purposes; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

F. M. WADLEY.

Mr. HALE introduced a bill (H. R. 4991) for the relief of F. M. Wadley; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEANDER C. MITCHELL.

Mr. HALE also introduced a bill (H. R. 4992) to restore Leander C. Mitchell to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN VAN JOSSEN.

Mr. HALE also introduced a bill (H. R. 4993) removing the charge of desertion against John Van Jossen; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

DR. S. W. HOLT.

Mr. HALE also introduced a bill (H. R. 4994) for the relief of Dr. S. W. Holt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HAMILTON CREWS.

Mr. HALE also introduced a bill (H. R. 4995) for the relief of Hamilton Crews; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MISSOURI STATE TROOPS.

Mr. WARNER, of Missouri, introduced a bill (H. R. 4996) providing for the appointment of commissioners to ascertain what just claims for military services performed by officers and privates of the military forces of the State of Missouri in the suppression of the rebellion in concert with the authorities of the United States and subject to their orders, still remain unpaid and not assumed by the said State, and for other purposes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANDREW J. SMITH.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 4997) authorizing the President to appoint and retire Andrew J. Smith, late colonel Seventh United States Cavalry and major-general of volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTION 4722 REVISED STATUTES.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 4998) to amend section 4722 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES D. WILDE.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 4999) to place the name of James B. Wilde, of Missouri, on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN W. LOGAN.

Mr. WARNER, of Missouri, also introduced a bill (H. R. 5000) to place on the pension-roll the name of John W. Logan, dependent father of Clinton M. Logan, late a private in Company F, Eighty-fifth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CANNON.

Mr. WADE (by Mr. WARNER, of Missouri) introduced a bill (H. R. 5001) for the relief of William Cannon; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DOUGLAS DALE.

Mr. STONE, of Missouri, introduced a bill (H. R. 5002) for the relief of Douglas Dale, Cass County, Missouri; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARY E. CAREY.

Mr. WEAVER, of Nebraska, introduced a bill (H. R. 5003) for the relief of Mary E. Carey; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed,

BRIDGES OVER NAVIGABLE RIVERS.

Mr. WEAVER, of Nebraska, also introduced a bill (H. R. 5004) granting the consent of Congress to the erection of bridges over navigable rivers upon conditions therein stated; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

UNITED STATES COURTS IN NEBRASKA.

Mr. DORSEY introduced a bill (H. R. 5005) to provide for holding terms of the United States district and circuit courts in the district of Nebraska; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

UNPAID BALANCE OF GENEVA AWARD FUND.

Mr. GALLINGER introduced a bill (H. R. 5006) for the creation of a commission to distribute the unpaid balance of the Geneva award fund, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS AT NASHUA, N. H.

Mr. GALLINGER also introduced a bill (H. R. 5007) providing for the erection of a public building in the city of Nashua, in the State of New Hampshire; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. ANNA BUTTERFIELD.

Mr. GALLINGER (by request) also introduced a bill (H. R. 5008) granting a pension to Mrs. Anna Butterfield, dependent mother of James A. B. Butterfield; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOURS OF LETTER-CARRIERS.

Mr. MCADOO introduced a bill (H. R. 5009) to limit the hours that letter-carriers in cities shall be employed per day; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

FAMILY OF JOHN TWOMEY.

Mr. MCADOO also submitted a resolution to pay the family of John Twomey, who died in the service of the House, a sum equal to six months' salary; which was referred to the Committee on Accounts.

DUTIES ON IMPORTS.

Mr. HEWITT introduced a bill (H. R. 5010) to modify existing laws relating to duties on imports and the collection of the revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

REFUND OF DUTIES.

Mr. HEWITT also introduced a bill (H. R. 5011) to refund the duties paid by the State of New York on arms imported in 1863; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DISCRIMINATING DUTY ON WORKS OF ART.

Mr. HEWITT also introduced a bill (H. R. 5012) to abolish the discriminating duty on works of art the productions of foreign and American artists; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CONTRACTS OF COMMON CARRIERS, ETC.

Mr. HEWITT also introduced a bill (H. R. 5013) relating to contracts of common carriers and to certain obligations, duties, and rights in connection with the carriage of property; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

DRAWBACKS ON IMPORT DUTIES.

Mr. HEWITT also introduced a bill (H. R. 5014) to amend section 3019 of the Revised Statutes relating to drawbacks on duties on imported materials when manufactured and exported; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

VITALIA E. DU FLON.

Mr. HEWITT also introduced a bill (H. R. 5015) for the relief of Vitalia E. Du Flon, administratrix, with the will annexed, of Pierre Du Flon; which was read a first and second time.

Mr. HEWITT. Mr. Speaker, I ask that that bill be referred to the Committee on Ways and Means.

The SPEAKER *pro tempore*. The bill, it seems to the Chair, should go to the Committee on Claims.

Mr. HEWITT. I am compelled to dissent from the opinion of the Chair. That was my own impression, but this is not a claim in any proper sense. The bill relates to the repayment of a portion of the old public debt. It is a very curious case, and the bill relates solely to the repayment of an old certificate of indebtedness of the United States.

The SPEAKER *pro tempore*. Then the gentleman from New York thinks it is not a claim against the Government?

Mr. HEWITT. It is a claim against the Government in one sense and in one sense only. The claimant (if we may call her so) holds one of the old certificates of indebtedness of the United States, which is payable at the Treasury, and which the Secretary would pay but for the fact that the fund has been covered into the Treasury. I ask unanimous consent that the bill go to the Committee on Ways and Means.

Mr. BUCHANAN. I object.

The SPEAKER *pro tempore*. Objection is made. The matter is now in the control of the House. The Chair will entertain a motion to refer the bill to the Committee on Ways and Means.

Mr. HEWITT. Then, Mr. Speaker, I move that this bill be referred to the Committee on Ways and Means. The question of where the bill should go has been a matter of very careful consideration, and I am satisfied that it should go to that committee.

The motion of Mr. HEWITT was agreed to; and the bill was referred to the Committee on Ways and Means.

MAURICE GANDY.

Mr. HEWITT (by request) also introduced a bill (H. R. 5016) for the relief of Maurice Gandy; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

COMPENSATION OF UNITED STATES ASSISTANT ASTRONOMERS.

Mr. HEWITT (by request) also introduced a bill (H. R. 5017) fixing the compensation of assistant astronomers at the United States Naval Observatory, and for other purposes; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RECKNAGEL & CO.

Mr. ADAMS, of New York (by Mr. BEACH), introduced a bill (H. R. 5018) for the relief of Recknagel & Co.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INSPECTION OF MARINE BOILERS.

Mr. ADAMS, of New York (by Mr. BEACH), also introduced a bill (H. R. 5019) to amend section 4418 of the Revised Statutes of the United States, title 52, relating to the inspection of marine boilers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

DUTIES ON IMPORTS.

Mr. ADAMS, of New York (by Mr. BEACH), also introduced a bill (H. R. 5020) to modify existing law relating to duties on imports and the collection of revenue; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MARGARET A. JACOBY.

Mr. BEACH introduced a bill (H. R. 5021) granting a pension to Mrs. Margaret A. Jacoby; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REGISTRY OF VOTES IN HOUSE OF REPRESENTATIVES.

Mr. BEACH also offered a resolution directing the Committee on Rules to inquire into the feasibility of a plan for registering votes, &c.; which was referred to the Committee on Rules, and ordered to be printed.

ISABELLA J. RAMSDELL.

Mr. JAMES introduced a bill (H. R. 5022) increasing the pension of Isabella J. Ramsdell; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DEPOSITORS IN NATIONAL BANKS.

Mr. SAWYER introduced a bill (H. R. 5023) to secure depositors in the national banks; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

WILLIAM CHRISTIE.

Mr. BURLEIGH (by Mr. WEST) introduced a bill (H. R. 5024) granting a pension to William Christie; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JANE JUDSON.

Mr. WEST introduced a bill (H. R. 5025) for the relief of Jane Judson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARCHIBALD L. BETTS.

Mr. WEST also introduced a petition and bill (H. R. 5026) for the relief of Archibald L. Betts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES H. IRVIN.

Mr. WEST also introduced a petition and bill (H. R. 5027) for the relief of James H. Irvin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

E. A. RAYMOND.

Mr. WEST also introduced a bill (H. R. 5028) for the relief of Eir A. Raymond; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN WILLIAMS.

Mr. WEST also introduced a petition and bill (H. R. 5029) for the relief of John Williams; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANKLIN CARRIS.

Mr. FARQUHAR introduced a bill (H. R. 5030) for the relief of Franklin Carris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BRIDGET SULLIVAN.

Mr. FARQUHAR also introduced a bill (H. R. 5031) for the relief of Bridget Sullivan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER KRAFT.

Mr. FARQUHAR also introduced a bill (H. R. 5032) for the relief of Peter Kraft; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARIA SPELLEN.

Mr. FARQUHAR also introduced a bill (H. R. 5033) for the relief of Maria Spellen; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CATHERINE SMITH.

Mr. FARQUHAR also introduced a bill (H. R. 5034) for the relief of Catherine Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHRISTINA GAVIN.

Mr. FARQUHAR also introduced a bill (H. R. 5035) for the relief of Christina Gavin, widow of Dominick Gavin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MAGDALENA MILLER.

Mr. FARQUHAR also introduced a bill (H. R. 5036) for the relief of Magdalena Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACOB NEWBERGER.

Mr. FARQUHAR also introduced a bill (H. R. 5037) for the relief of Jacob Newberger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN SAUER.

Mr. FARQUHAR also introduced a bill (H. R. 5038) for the relief of Stephen Sauer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PETER SCHULTZ.

Mr. FARQUHAR also introduced a bill (H. R. 5039) for the relief of Peter Schultz; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LYMAN D. GREEN.

Mr. DAVENPORT (by request) introduced a bill (H. R. 5040) granting a pension to Lyman D. Green; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SALLY A. STONE.

Mr. PAYNE introduced a bill (H. R. 5041) granting a pension to Sally A. Stone; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HESTER SPRONG.

Mr. PAYNE also introduced a bill (H. R. 5042) for the relief of Hester Sprong; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MARY E. WALKER.

Mr. PAYNE (by request) introduced a bill (H. R. 5043) granting a pension to an acting assistant surgeon, Mary E. Walker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POOL-SELLING, ETC., IN DISTRICT OF COLUMBIA.

Mr. SESSIONS introduced a bill (H. R. 5044) to prevent book-making and pool-selling of any kind in the District of Columbia for the purpose of gaming; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. VIELE introduced a bill (H. R. 5045) to repeal section 1218 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JOHN RIGGS.

Mr. ARNOT introduced a bill (H. R. 5046) granting a pension to John Riggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. S. TANSEY.

Mr. ARNOT also introduced a bill (H. R. 5047) granting a pension to J. S. Tansey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

AARON B. POYER.

Mr. ARNOT also introduced a bill (H. R. 5048) granting a pension to Aaron B. Poyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDWIN SIDNEY.

Mr. ARNOT also introduced a bill (H. R. 5049) granting a pension to Edwin Sidney; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES COURTS, RALEIGH, N. C.

Mr. COX introduced a bill (H. R. 5050) to provide for terms of the United States district court at Raleigh, N. C., and change the lines between the eastern and western districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES MADISON PRUITT.

Mr. COWLES introduced a bill (H. R. 5051) to place the name of James Madison Pruitt on the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM CHESTER.

Mr. SKINNER introduced a bill (H. R. 5052) for the relief of William Chester; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

HENRY MEYER.

Mr. HILL introduced a bill (H. R. 5053) granting a pension to Henry Meyer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS M. LOAR.

Mr. HILL also introduced a bill (H. R. 5054) granting a pension to Thomas M. Loar, of Paulding County, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN MAPLE.

Mr. IKE H. TAYLOR introduced a bill (H. R. 5055) granting a pension to John Maple; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE LEMON.

Mr. ELLSBERRY introduced a bill (H. R. 5056) for the relief of George Lemon; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WESLEY PURTEE.

Mr. ELLSBERRY also introduced a bill (H. R. 5057) granting a pension to Wesley Purtee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN ARTHUR.

Mr. ELLSBERRY also introduced a bill (H. R. 5058) granting a pension to John Arthur; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM S. SPRATT.

Mr. ELLSBERRY also introduced a bill (H. R. 5059) granting a pension to William S. Spratt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

T. J. EDWARDS.

Mr. THOMPSON introduced a bill (H. R. 5060) for the relief of T. J. Edwards, administrator of the estate of David Edwards, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL BAKER.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5061) granting an increase of pension to Samuel Baker, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN COMBS.

Mr. THOMPSON (by request) also introduced a bill (H. R. 5062) granting a pension to John Combs for services during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM C. ARMSTRONG.

Mr. McKINLEY introduced a bill (H. R. 5063) to amend the muster-roll of Company B, Ninth Regiment Ohio Volunteers, so as to place thereon the name of William C. Armstrong, a private of said company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. CAROLINE F. SPEIGEL.

Mr. McKINLEY also introduced a bill (H. R. 5064) granting a pension to Mrs. Caroline F. Speigel, widow of Marcus M. Speigel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK LUDWIG.

Mr. FORAN introduced a bill (H. R. 5065) to remove the charge of desertion from Frank Ludwig; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be prinred.

SARAH RENDELL.

Mr. FORAN also introduced a bill (H. R. 5066) granting a pension to Sarah Rendell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL N. REED.

Mr. ROMEIS introduced a bill (H. R. 5067) granting a pension to Samuel N. Reed; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY JOYCE.

Mr. BROWN, of Ohio, introduced a bill (H. R. 5068) granting a pension to Mary Joyce, mother of John Joyce, late of Company E, Twenty-second Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUCY C. MORSE.

Mr. GEDDES introduced a bill (H. R. 5069) granting a pension to Lucy C. Morse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SUITS BY UNITED STATES TO CANCEL PATENTS.

Mr. LITTLE submitted the following resolution of inquiry; which was read, and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary be directed to inquire and report to the House, accompanying the report by a bill if deemed best:

First. Whether under existing law, and if so under what law, the Attorney-General has authority, at the instance and in the interest of private corporations or of individuals, in the name and at the expense of the United States, to institute and to carry on or defend against suits to cancel or annul letters patent issued to citizens of the United States under the laws thereof on account of inventions or discoveries, said United States having no pecuniary or other interest therein; and

Second. Whether, if said authority exist, and its continuance be deemed wise in the judgment of the committee, the law conferring the same should not be made so specific as that parties in interest would be apprised with certainty in what cases and under what conditions they might look to the Government of the United States to undertake the burden of their litigations in that behalf.

ABBIE L. CUNNINGHAM.

Mr. LITTLE also introduced a bill (H. R. 5070) granting a pension to Abbie L. Cunningham, widow of Francis Cunningham, late private Company E, Forty-eighth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES M. GREGG.

Mr. LITTLE also introduced a bill (H. R. 5071) granting a pension to James M. Gregg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE N. OREN.

Mr. LITTLE also introduced a bill (H. R. 5072) to correct the muster-roll of Company B, Fortieth Ohio Volunteer Infantry, as to the name of Jesse N. Oren, late orderly sergeant of said company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ANDREW C. MILLER.

Mr. LITTLE also introduced a bill (H. R. 5073) to correct the muster-roll of Company B, Twelfth Ohio Volunteer Infantry, as to the name of Andrew C. Miller, late second lieutenant of said company; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JAMES WATERS.

Mr. HERMAN introduced a bill (H. R. 5074) to provide increase of pension to James Waters, a citizen of the State of Oregon; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CRATER LAKE NATIONAL PARK.

Mr. HERMAN also introduced a bill (H. R. 5075) reserving from the public lands in the State of Oregon as a public park for the benefit of the people of the United States townships 27, 28, 29, 30, and 31 south, ranges 5 and 6 east of Willamette meridian, and for the protection of the game, fish, timber, natural wonders, and curiosities therein, and the said reservation to be known as the Crater Lake National Park; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

OREGON INDIAN DEPREDATION CLAIMS.

Mr. HERMAN also submitted the following resolution of inquiry; which was referred to the Committee on Claims:

Whereas various bills are now pending in this House for the adjustment of claims arising from Indian spoliations in the State of Oregon and supplies furnished the United States and volunteer military forces while defending the then Territory and now State of Oregon during the years 1853, 1854, 1855, and 1856, and the more recent claims arising out of Indian hostilities in 1872 and 1878; and

Whereas several allowances have been made by the Interior Department of the Government in adjustment of sundry of said claims, but no appropriation has been made by Congress therefor, and no provision made for the ascertainment of other of said claims not so allowed: Therefore,

Be it resolved, That the Secretary of the Interior be, and he is hereby, requested, if not incompatible with the public interests, to furnish this House with a statement in detail of all claims as aforesaid arising in the State of Oregon and now on file in said Department, together with the names of claimants, their respective residences, and amounts and nature of each claim, the sum allowed of each claim, with the information as to what measures, if any, have been adopted to ascertain and adjust the several amounts due to claimants, by whom and when and how said ascertainment or adjustment was at various periods attempted, and the various acts of Congress authorizing said adjustment, or attempted adjustment, together with a reference to the various reports and recommendations of the Department to Congress concerning said claims and demands from the early pioneers and citizens of the State of Oregon.

LAND GRANTS TO OREGON WAGON-ROADS.

Mr. HERMAN also submitted the following resolution of inquiry; which was referred to the Committee on the Public Lands:

Whereas it appears from the report of the commission appointed by the State of Oregon to investigate the wagon-road of the Willamette Valley and Cascade Mountain Wagon-Road Company, and the Oregon Central Military Wagon-Road Company's road, and The Dalles Military Wagon-Road Company's road, submitted to the Legislature of said State at its recent session:

1. That said Willamette Valley and Cascade Mountain Wagon-Road Company have neither built, graded, bridged, cleared, or constructed any road along the route designated by acts of Congress, nor on any route in, accordance with the intent and meaning of said acts of Congress; and

2. That as to the Oregon Central Military Wagon-Road Company said commission finds no road built or repaired along their route, and that the only roads built were constructed by settlers and emigrants, and they are not the roads contemplated by said acts of Congress;

3. That as to the Dalles Military Wagon-Road Company said commission finds no road built by them from Canyon City east, nor repaired any built by settlers; and

Whereas the Legislature of Oregon has, by its senate joint memorial No. 6, memorialized Congress that the grants of lands aforesaid, embracing 107,893 acres certified or patented to June 30, 1880, to the Willamette Valley and Cascade Mountain Wagon-Road Company, and 361,327 acres certified or patented at said date to the Oregon Central Military Wagon-Road Company, and 126,910.23 acres certified and patented at said date to The Dalles Military Wagon-Road Company, and as to any other lands since certified or patented be investigated by Congress; and that as to all those not patented or listed they be abolished, vacated, and annulled; and that as to those which have been patented Congress authorize suits to be instituted in the courts of the United States to vacate said grants and annul said lists and patents so issued, except where any of said lands have been acquired in good faith by innocent purchasers; and

Whereas by a previous resolution introduced in this Congress there is an omission of one of the aforesaid grants or roads, and a like omission in the certified joint memorial aforesaid from the Oregon Legislature which, in comparison with dates of grants therein recited, is an evident clerical error; and

Whereas this is submitted as a substitue for said former resolution: Therefore,

Resolved, That the Secretary of the Interior be, and he is hereby, requested to inform this House, if not incompatible with the public interests, how much of the grants of lands aforesaid have been patented to each of said companies, assignees of the State of Oregon, and how much to each remains unpatented of the respective grants; and whether the Department of the Interior has entered into any investigation as to the compliance of said assignees with the conditions of the respective acts of Congress; and what action, if any, has been adopted as to suspension of any further patents.

REBECCA AND MATILDA SPENCE.

Mr. JACKSON introduced a bill (H. R. 5076) for the relief of Rebecca Spence and Matilda Spence; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had agreed to the resolution of the House of Representatives of January 18, 1886, to print and bind 25,000 extra copies of the President's last annual message and accompanying documents for the use of the House, with amendments; in which the concurrence of the House was requested.

The message also announced that the Senate had passed a resolution, in which the concurrence of the House was requested, providing for the printing and binding of 3,050 additional copies of the Compilation of Senate Election Cases.

DANIEL H. SNYDER.

Mr. ERMENTROUT introduced a bill (H. R. 5077) for the relief of Daniel H. Snyder; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

REBECCA YOCUM.

Mr. ERMENTROUT also introduced a bill (H. R. 5078) granting a pension to Rebecca Yocum; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES E. BEHLE.

Mr. ERMENTROUT also introduced a bill (H. R. 5079) for the relief of Charles E. Behle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ALASKA TERRITORY.

Mr. CURTIN introduced a bill (H. R. 5080) to facilitate the settlement and to develop the resources of the Territory of Alaska and to open an overland communication therewith; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. CURTIN also introduced a bill (H. R. 5081) to equalize bounties in certain cases of soldiers of the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DUTIES ON MACCARONI, ETC.

Mr. O'NEILL, of Pennsylvania, introduced a bill (H. R. 5082) to restore the rates of duty on imported maccaroni, vermicelli, and other like products; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

SARAH R. BOYLE.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 5083) granting a pension to Sarah R. Boyle; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

F. R. J. ELLIOTT.

Mr. O'NEILL, of Pennsylvania, also introduced a bill (H. R. 5084) for the relief of F. R. J. Elliott; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY HILL.

Mr. WHITE, of Pennsylvania, introduced a bill (H. R. 5085) for the relief of Mary Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RELIEF OF AN ACTING ASSISTANT SURGEON.

Mr. WHITE, of Pennsylvania, also introduced a bill (H. R. 5086) for the relief of an acting assistant surgeon in the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARTHA L. MILLER.

Mr. CAMPBELL, of Pennsylvania, introduced a bill (H. R. 5087) for the relief of Martha L. Miller; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

THOMAS O. ROBINSON.

Mr. SCRANTON introduced a bill (H. R. 5088) granting a pension to Thomas O. Robinson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HEIRS OF A. LAWRENCE FOSTER.

Mr. SCOTT introduced a bill (H. R. 5089) for the relief of the heirs of the estate of A. Lawrence Foster, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

WILLIAM H. BROOKS.

Mr. BAYNE introduced a bill (H. R. 5090) granting a pension to William H. Brooks; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HARVEY COBURN.

Mr. BOYLE introduced a bill (H. R. 5091) to restore the name of Harvey Coburn to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NANCY CONNER.

Mr. BOYLE also introduced a bill (H. R. 5092) granting a pension to Nancy Conner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY RITCHEY.

Mr. BOYLE also introduced a bill (H. R. 5093) granting a pension to Mary Ritchey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM BEDDO AND OTHERS.

Mr. STORM introduced a bill (H. R. 5094) for the relief of William Beddo and others; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

THOMAS G. CORBIN.

Mr. RANDALL introduced a bill (H. R. 5095) for the relief of Thomas G. Corbin; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JAMES CHASE HEATH.

Mr. SPOONER (by request) introduced a bill (H. R. 5096) granting a pension to James Chase Heath; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WASHINGTON MONUMENT GROUNDS.

Mr. DIBBLE introduced a bill (H. R. 5097) to regulate the use of the grounds of the Washington National Monument, known as "public reservation No. 3," in the city of Washington, D. C.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NATIONAL CEMETERY, KNOXVILLE, TENN.

Mr. HOUK introduced a bill (H. R. 5098) to construct a road to the national cemetery at Knoxville, Tenn.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM B. DAVIS.

Mr. HOUK also introduced a bill (H. R. 5099) granting a pension to William B. Davis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELEANOR FOUST.

Mr. PETTIBONE introduced a bill (H. R. 5100) granting a pension to Eleanor Foust; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID A. GREEN.

Mr. PETTIBONE also introduced a bill (H. R. 5101) to remove the charge of desertion against David A. Green from the records in the Adjutant-General's Office; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOHN MASONER.

Mr. PETTIBONE also introduced a bill (H. R. 5102) for the relief of John Masoner; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ALFRED T. MORELAND.

Mr. PETTIBONE also introduced a bill (H. R. 5103) for the relief of Alfred T. Moreland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

I. L. CAIN AND OTHERS.

Mr, PETTIBONE also introduced a bill (H. R. 5104) for the relief of I. L. Cain, A. A. Kyle, A. Kennedy, and G. M. Hazen; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ELIZABETH REN.

Mr. PETTIBONE also introduced a bill (H. R. 5105) granting a pension to Elizabeth Ren; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL J. WARNER.

Mr. RICHARDSON introduced a bill (H. R. 5106) to restore to the pension-roll the name of Samuel J. Warner; and was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PRIMITIVE BAPTIST CHURCH, PELHAM, TENN.

Mr. RICHARDSON also introduced a bill (H. R. 5107) making an appropriation for the benefit of the Primitive Baptist church, at Pelham, Grundy County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ESTATE OF DAVID BELL.

Mr. JOHN M. TAYLOR introduced a bill (H. R. 5108) for the relief of the legal representatives of the late David Bell; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. E. COOPER.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5109) for the relief of A. E. Cooper, of Carroll County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JASPER MANLEY.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5110) granting a pension to Jasper Manley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. RANDLE.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5111) for the relief of William H. Randle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

J. H. WILLIAMS.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5112) for the

relief of the estate of J. H. Williams, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. C. SAUNDERS.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5113) for the relief of W. C. Saunders; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. F. HURT.

Mr. JOHN M. TAYLOR also introduced a bill (H. R. 5114) for the relief of J. F. Hurt; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

S. H. FOX.

Mr. NEAL introduced a bill (H. R. 5115) for the relief of S. H. Fox, of Polk County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY A. SHAW.

Mr. ZACH. TAYLOR introduced a bill (H. R. 5116) to grant a pension to Mary A. Shaw; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ROBERT D. FRAYSER, ADMINISTRATOR.

Mr. ZACH. TAYLOR also introduced a bill (H. R. 5117) for the relief of Robert D. Frayser, administrator of Fletcher Lane, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JUDITH PLUMMER.

Mr. ZACH. TAYLOR (by request) also introduced a bill (H. R. 5118) for the relief of Judith Plummer; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RED RIVER JUDICIAL DISTRICT, TEXAS.

Mr. THROCKMORTON (by request) introduced a bill (H. R. 5119) to create a judicial district in the State of Texas to be known as the Red River judicial district and providing for officers thereof; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HEIRS OF MATTHEW ALLISON.

Mr. SAYERS introduced a bill (H. R. 5120) for the relief of the heirs and legal representatives of Matthew Allison, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SAMUEL QUORLES.

Mr. REAGAN introduced a bill (H. R. 5121) for the relief of the heirs of Samuel Quorles, deceased; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ESTATE OF JAMES G. WINTERSMITH.

Mr. REAGAN also introduced a joint resolution (H. Res. 112) for the relief of the estate of the late James G. Wintersmith, late Doorkeeper of the House of Representatives; which was read a first and second time, referred to the Committee on Accounts, and ordered to be printed.

HENRY RICKLEFSEN.

Mr. MILLER, of Texas, introduced a bill (H. R. 5122) granting a pension to Henry Ricklefsen; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

Mr. WELLBORN introduced a bill (H. R. 5123) to authorize the execution in the Indian Territory of process issued from the United States courts having jurisdiction in said Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, NORFOLK, VA.

Mr. LIBBEY introduced a bill (H. R. 5124) to provide for the erection of a public building in the city of Norfolk, in the State of Virginia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. LIBBEY also introduced a bill (H. R. 5125) to amend an act entitled "An act to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;" which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH LIBBEY.

Mr. LIBBEY also introduced a bill (H. R. 5126) for the relief of Joseph Libbey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

MARY A. RIPLEY.

Mr. LIBBEY (by request) also introduced a bill (H. R. 5127) granting a pension to Mary A. Ripley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ARROYO DE SAN LORENZO LAND GRANT.

Mr. LIBBEY (by request) also introduced a bill (H. R. 5128) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

WILLIAM HOBBS.

Mr. LIBBEY (by request) also introduced a bill (H. R. 5129) granting a pension to William Hobbs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. TAYLOR.

Mr. O'FERRALL introduced a bill (H. R. 5130) for the relief of George W. Taylor, of the county of Frederick, State of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

A. F. AND N. C. ST. JOHN.

Mr. TRIGG introduced a bill (H. R. 5131) for the relief of A. F. and N. C. St. John; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JAMES HUGHES.

Mr. TRIGG also introduced a bill (H. R. 5132) granting a pension to James Hughes, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

PAY OF SOUTHERN MAIL CONTRACTORS.

Mr. TRIGG also introduced a joint resolution (H. Res. 113) to reappropriate and apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain Southern mail contractors; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NICHOLAS WHITE.

Mr. DANIEL (by request) introduced a bill (H. R. 5133) for the relief of Nicholas White; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

UNITED STATES PROPERTY, HARPER'S FERRY.

Mr. WILSON introduced a bill (H. R. 5134) appropriating $512.75 to enable the Secretary of the Treasury to pay for repairs to and care of certain United States property under the provisions of an act approved June 14, 1878; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CLASSIFICATION OF LABOR, ETC.

Mr. GIBSON, of West Virginia, introduced a bill (H. R. 5135) to classify labor and equalize the pay of employés under the Government of the United States; which was read a first and second time, referred to the Committee on Labor, and ordered to be printed.

MRS. OCTAVE PAVY.

Mr. GOFF introduced a bill (H. R. 5136) granting a pension to Mrs. Octave Pavy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. H. S. GARDINER.

Mr. GOFF also introduced a bill (H. R. 5137) granting a pension to Mrs. H. S. Gardiner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. W. H. CROSS.

Mr. GOFF also introduced a bill (H. R. 5138) granting a pension to Mrs. W. H. Cross; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BAILES C. DEWEECE.

Mr. GOFF also introduced a bill (H. R. 5139) granting a pension to Bailes C. Deweece, late a private Company G, Eleventh Regiment New York Regulars, in the war with Mexico; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM C. M'CROSKEY.

Mr. GOFF also introduced a bill (H. R. 5140) granting relief to William C. McCroskey, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HARRIET MURPHY.

Mr. GOFF also introduced a bill (H. R. 5141) granting a pension to Harriet Murphy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL M. MILLER.

Mr. GOFF also introduced a bill (H. R. 5142) granting a pension to Daniel M. Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EMANUEL FRANCIS.

Mr. GOFF also introduced a bill (H. R. 5143) granting a pension to

Emanuel Francis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. AMELIA S. RANKIN.

Mr. BRAGG introduced a bill (H. R. 5144) making an appropriation to Mrs. Amelia S. Rankin, widow of Hon. Joseph Rankin, deceased, late a Representative from the State of Wisconsin; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

WILLIAM H. BENNETT.

Mr. LA FOLLETTE introduced a bill (H. R. 5145) granting a pension to William H. Bennett; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK FREDLEY.

Mr. BEAN introduced a bill (H. R. 5146) for the relief of Frederick Fredley for payment out of any annuity or installment due Apache Indians for depredations committed by them; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC BUILDING, BISMARCK, DAK.

Mr. GIFFORD introduced a bill (H. R. 5147) for the erection of a public building at Bismarck, Dak.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MRS. BENJAMIN SMITH.

Mr. GIFFORD also introduced a bill (H. R. 5148) to compensate Mrs. Benjamin Smith for services in the Union Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PRIVATE LAND CLAIM IN NEW MEXICO.

Mr. JOSEPH introduced a bill (H. R. 5149) to confirm a certain private land claim in the Territory of New Mexico; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. VOORHEES introduced a bill (H. R. 5150) for the protection of settlers and others upon certain of the public lands of the United States; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SPOKANE AND CŒUR D'ALENE RAILWAY COMPANY.

Mr. VOORHEES also introduced a bill (H. R. 5151) creating the Spokane and Cœur d'Alene Railway Company, a corporation in the Territories of Washington and Idaho, and for other purposes; which was read a first and second time, referred to the Committee on Pacific Railroads, and ordered to be printed.

ROBERT WILLIAMS.

Mr. VOORHEES also introduced a bill (H. R. 5152) to place the name of Robert Williams on the retired-list of enlisted men; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

E. C. CHIROUSE.

Mr. VOORHEES also introduced a bill (H. R. 5153) for the relief of E. C. Chirouse, late United States Indian agent; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MARGARET A. POLAND.

Mr. VOORHEES also introduced a bill (H. R. 5154) granting a pension to Margaret A. Poland, widow of Alexander Poland, late of Loudoun County, State of Virginia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SOUTH FORK OF LEWIS RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation for the improvement of the South Fork of the Lewis River; which was referred to the Committee on Rivers and Harbors.

NORTH FORK OF LEWIS RIVER.

Mr. VOORHEES also presented a memorial of the Legislative Assembly of Washington Territory, praying for an appropriation for the improvement of the North Fork of the Lewis River; which was referred to the Committee on Rivers and Harbors.

SALE OF DESERT LANDS.

Mr. CAREY introduced a bill (H. R. 5155) to amend an act entitled "An act to provide for the sale of desert lands in certain States and Territories;" which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 377) granting a pension to Matthias Leckner.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has now been completed. If there be no objection, the Chair will recognize gentlemen who were not in their seats when their States were called.

There was no objection.

MEETING OF CONGRESS, ETC.

Mr. HENDERSON, of North Carolina, introduced a bill (H. R. 5156) prescribing when Congress shall meet and when the terms of Senators and Representatives shall begin; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PATENTS.

Mr. MARTIN introduced a bill (H. R. 5157) to amend the statutes in relation to patents, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MARTHA J. EDDINS.

Mr. MARTIN also introduced a bill (H. R. 5158) for the relief of Martha J. Eddins; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

NATIONAL CEMETERY, MEMPHIS, TENN.

Mr. WHEELER introduced a bill (H. R. 5159) for the construction of a macadamized road from the city of Memphis, Tenn., to the national cemetery near said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CATHERINE E. COFFIN.

Mr. STONE, of Massachusetts, introduced a bill (H. R. 5160) granting a pension to Catherine E. Coffin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM W. INGALLS.

Mr. STONE, of Massachusetts, also introduced a bill (H. R. 5161) granting a pension to William W. Ingalls, of Haverhill, Mass.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

POSTAL TELEGRAPH SYSTEM.

Mr. RANNEY (by request) introduced a bill (H. R. 5162) to establish a postal telegraph system; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

KATESBURY R. WARRINGTON.

Mr. HARMER introduced a bill (H. R. 5163) granting a pension to Katesbury R. Warrington; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EXCHANGE OF LANDS IN CALIFORNIA.

Mr. HENLEY introduced a bill (H. R. 5164) to enable the State of California to take lands in lieu of the sixteenth and thirty-sixth sections found to be mineral lands; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

THOMAS F. RILEY.

Mr. HENLEY also introduced a bill (H. R. 5165) for the relief of Thomas F. Riley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM R. BURTON.

Mr. STEELE introduced a bill (H. R. 5166) for the relief of William R. Burton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY E. HOPKINS.

Mr. FORAN introduced a bill (H. R. 5167) for the relief of Mary E. Hopkins; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

IMITATIONS OF BUTTER AND CHEESE.

Mr. GROUT introduced a bill (H. R. 5168) to regulate the exportation of articles made in imitation of butter and cheese; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

THOMAS J. SLAYTON.

Mr. GROUT also introduced a bill (H. R. 5169) to increase the pension of Thomas J. Slayton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WIDOW OF FREDERICK H. W. SMITH.

Mr. THOMAS, of Illinois, introduced a bill (H. R. 5170) granting a pension to the widow of Frederick H. W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MISSOURI ANDERSON.

Mr. THOMAS, of Illinois, also introduced a bill (H. R. 5171) granting a pension to Missouri Anderson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANCIS A. LIEBSCHUTS.

Mr. ANDERSON, of Kansas, introduced a bill (H. R. 5172) to readjudicate the pension claim of Francis A. Liebschuts; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPH BOEGLE.

Mr. PERKINS, (by request) introduced a bill (H. R. 5173) for the relief of Joseph Boegle, late private Company B, First Regiment Nebraska Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. M. A. LEWIS.

Mr. PERKINS also introduced a bill (H. R. 5174) granting a pension to Mrs. M. A. Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN E. WHITE.

Mr. PERKINS also introduced a bill (H. R. 5175) extending the provisions and benefits of the pre-emption law to John E. White, of Kansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BRONZE DOORS FOR SOUTH WING OF THE CAPITOL.

Mr. RICE introduced a joint resolution (H. Res. 114) to provide for the completion of bronze doors for the south wing of the Capitol; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BROWNE, of Indiana. Mr. Speaker, I move that the House do now adjourn.

Mr. SPRINGER. I ask the gentleman from Indiana [Mr. BROWNE] to withdraw his motion for a moment in order that I may introduce a bill.

Mr. BROWNE, of Indiana. If I can have unanimous consent to stand with my motion where I am now I am willing to withdraw it temporarily for the introduction of bills.

The SPEAKER. That is something with which the Chair has nothing to do. The gentleman from Indiana [Mr. BROWNE] asks unanimous consent as just stated by him.

Mr. MATSON. I object. I wish to introduce a resolution.

Mr. BROWNE, of Indiana. Then I adhere to my motion.

The question was taken on the motion of Mr. BROWNE, of Indiana, and the House refused to adjourn; only thirteen members voting in the affirmative.

Mr. MATSON. Mr. Speaker——

The SPEAKER. The Chair is engaged in executing an order of the House to recognize members for the introduction of bills.

SILVER COINAGE.

Mr. BRUMM introduced a bill (H. R. 5176) to provide for further coinage of silver dollars; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

CURRENCY, ETC.

Mr. BRUMM also introduced a bill (H. R. 5177) to simplify the currency, strengthen the coin reserve, prevent contraction, and provide for a gradual increase of the circulating medium; which was read a first and second time.

The SPEAKER. The gentleman introducing this bill proposes that it be referred to the Committee on Banking and Currency.

Mr. BLAND. I ask that the bill be read.

The bill was read in part, when

Mr. BLAND said: This is the bill I supposed it to be. It is a bill limited to coinage and repeals the present law authorizing the coinage of silver. The certificates to which the bill refers are a mere incident, a mere representative of coin; and certainly any question relating to them should be considered where the question of the coinage itself should be continued. The bill provides for deposits of bullion; it repeals the present coinage law; and if the Committee on Coinage, Weights, and Measures has jurisdiction of anything, it must have jurisdiction of this subject. A similar bill has already been sent to that committee.

The SPEAKER. The difficulty with regard to quite a number of bills introduced here is that they refer both to the currency and to coinage, so that it is sometimes almost impossible for the Chair to determine to which committee they most appropriately belong.

Mr. BLAND. I move that the bill be referred to the Committee on Coinage, Weights, and Measures.

The SPEAKER. This bill relates to coinage, and also to the currency. The gentleman from Missouri moves to refer it to the Committee on Coinage, Weights, and Measures. The Chair thinks the character of the bill is such that the House ought to determine where it shall be sent.

Mr. MILLER. Mr. Speaker, the principal object of this bill is to provide a paper circulation. There can scarcely be presented to this House any bill with reference to these subjects that does not involve both the question of coinage and the question of a paper circulation, but the principal object of this bill is a paper circulation, a circulation of United States Treasury notes. One of the minor questions presented in the bill has reference to the deposit of bullion in the Treasury and decreasing the coinage, but as the great purpose of the bill has relation to the paper circulation, it should go, I submit, to the Committee on Banking and Currency.

The SPEAKER. The House will determine the matter. The question is on the motion of the gentleman from Missouri [Mr. BLAND] to refer the bill to the Committee on Coinage, Weights, and Measures.

The motion was agreed to; there being—ayes 97, noes 55.

So the bill was referred to the Committee on Coinage, Weights, and Measures, and was ordered to be printed.

ANNIE L. LANGWORTHY.

Mr. BROWN, of Pennsylvania, introduced a bill (H. R. 5178) for the relief of Annie L. Langworthy, widow of George I. Langworthy, late private in Company G, Eighty-fifth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TERRITORIAL LAWS.

Mr. SPRINGER introduced a bill (H. R. 5179) to prohibit the passage of local or special laws in any of the Territories of the United States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

ASHER W. FOSTER.

Mr. LOWRY (by request) introduced a bill (H. R. 5180) for the relief of Asher W. Foster; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

PUBLIC BUILDING, PAWTUCKET, R. I.

Mr. PIRCE introduced a bill (H. R. 5181) for the erection of a public building in the city of Pawtucket, R. I.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM H. HUYD.

Mr. BURROWS introduced a bill (H. R. 5182) granting a pension to William H. Huyd, late first lieutenant Ninth United States Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CAMP DOUGLAS MILITARY RESERVATION.

Mr. CAINE introduced a bill (H. R. 5183) granting a portion of the military reservation of Camp Douglas, near Salt Lake City, Territory of Utah, for cemetery purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MALINDA GRIMES.

Mr. JOHNSTON (by request) introduced a bill (H. R. 5184) for the relief of Malinda Grimes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BURROWS. I move that the House do now adjourn.

The motion was not agreed to.

WILLIAM H. MANNING.

Mr. HALL introduced a bill (H. R. 5185) for the relief of William H. Manning for timber taken from his land by a captain in charge of a United States snag-boat; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

INCREASE OF PENSIONS TO WIDOWS AND DEPENDENT RELATIVES.

Mr. MATSON. Mr. Speaker, I move to suspend the rules and adopt the following resolution.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Committee of the Whole House on the state of the Union be, and is hereby, discharged from the further consideration of House bill No. 545, entitled "A bill to increase the pensions of widows and dependent relatives of deceased soldiers and sailors," and all pending amendments thereto, and that the same be passed with the following amendment:

"At the end of line 9, in the first section thereof, insert the following: *Provided*, That this act shall apply only to widows who were married to the deceased soldier or sailor prior to its passage and to those who may hereafter marry prior to or during the service of the soldier or sailor."

Mr. BROWNE, of Indiana. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROWNE, of Indiana. This bill was pending in the Committee of the Whole House as unfinished business. It stands now upon the Calendar in that attitude. There is or was, and will be when the House again resolves itself into a Committee of the Whole House for the consideration of the bill, a pending amendment proposing to repeal the

limitations to the arrears-of-pension act. Now, if this resolution is put upon its passage, or, in other words, if the Committee of the Whole House is now discharged from the further consideration of the bill, does it bring the amendment with the bill in the House to be voted on?

The SPEAKER. It does not. The resolution proposes to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill and the pending amendments and pass the same with an amendment, which is specified in the resolution.

Mr. BROWNE, of Indiana. Leaving the other amendment where, Mr. Speaker?

Mr. MORRISON. Nowhere.

The SPEAKER. It disposes of the amendments, there being no bill in the committee to which they properly belong.

Mr. BROWNE, of Indiana. They are gone then "where the woodbine twineth?"

Another inquiry, Mr. Speaker. Will it be in order now, if the motion to suspend the rules is seconded, to demand a division of the question; in other words, to take the question first on the motion to suspend the rules and discharge the Committee of the Whole House from the further consideration and then to pass it?

The SPEAKER. The Chair thinks not. The resolution embodies but one legislative proposition.

Mr. BROWNE, of Indiana. And must be voted as a whole?

The SPEAKER. The motion to suspend the rules suspends all rules and the one vote disposes of the proposition.

Mr. BROWNE, of Indiana. Then, Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 88, noes 78.

Mr. MATSON. I demand the yeas and nays.

The yeas and nays were ordered, 54 members voting in favor thereof.

The question was taken; and there were—yeas 97, nays 172, not voting 54; as follows:

YEAS—97.

Allen, J. M.	Everhart,	Lyman,	Ryan,
Anderson, C. M.	Farquhar,	Markham,	Sadler,
Anderson, J. A.	Findlay,	Martin,	Steele,
Atkinson,	Fisher,	McComas,	Stone, E. F.
Bound,	Forney,	McKinley,	Strait,
Boutelle,	Fuller,	Milliken,	Struble,
Brady,	Funston,	Moffatt,	Symes,
Browne, T. M.	Gallinger,	Negley,	Taylor, E. B.
Brown, C. E.	Gilfillan,	O'Donnell,	Thomas, J. R.
Brown, W. W.	Grout,	O'Hara,	Thomas, O. B.
Buchanan,	Hanback,	O'Neill, Charles	Thompson,
Bunnell,	Harmer,	Osborne,	Tillman,
Burleigh,	Hayden,	Owen,	Turner,
Burrows,	Henderson, T. J.	Parker,	Wadsworth,
Butterworth,	Hepburn,	Payson,	Wait,
Cannon,	Hires,	Perkins,	Wakefield,
Caswell,	Holmes,	Pierce,	Warner, William
Conger,	Hopkins,	Plumb,	Weaver, A. J.
Crisp,	Houk,	Price,	Weaver, J. B.
Cutcheon,	James,	Ranney,	Weber,
Davidson, A. C.	Johnston, J. T.	Reagan,	White, A. C.
Davidson, R. H. M.	Laird,	Reed, T. B.	White, Milo
Dingley,	Lanham,	Reese,	
Dorsey,	Lehlbach,	Romeis,	
Dougherty,	Little,	Rowell,	

NAYS—172.

Adams, G. E.	Dunham,	Laffoon,	Riggs,
Allen, C. H.	Dunn,	La Follette,	Robertson,
Ballentine,	Eden,	Landes,	Rockwell,
Barksdale,	Eldredge,	Lawler,	Rogers,
Barnes,	Elisberry,	Le Fevre,	Sawyer,
Bayne,	Ely,	Long,	Sayers,
Beach,	Ermentrout,	Louttit,	Scott,
Belmont,	Fleeger,	Lovering,	Scranton,
Bennett,	Foran,	Lowry,	Sessions,
Blanchard,	Ford,	Matson,	Seymour,
Bland,	Frederick,	Maybury,	Shaw,
Blount,	Geddes,	McAdoo,	Singleton,
Bragg,	Gibson, C. H.	McCreary,	Skinner,
Breckinridge, C. R.	Glass,	McKenna,	Snyder,
Breckinridge, WCP.	Glover,	McMillin,	Sowden,
Buck,	Goff,	McRae,	Spooner,
Burnes,	Hale,	Millard,	Springer,
Bynum,	Hall,	Miller,	Stahlnecker,
Cabell,	Halsell,	Mills,	Stewart, Charles
Caldwell,	Hammond,	Mitchell,	St. Martin,
Campbell, J. M.	Harris,	Morgan,	Stone, W. J., of Ky.
Campbell, J. E.	Hatch,	Morrill,	Stone, W. J., of Mo.
Campbell, T. J.	Haynes,	Morrison,	Storm,
Candler,	Heard,	Morrow,	Swope,
Carleton,	Hemphill,	Murphy,	Tarsney,
Catchings,	Henderson, D. B.	Neal,	Taulbee,
Clardy,	Henderson, J. S.	Neece,	Taylor, J. M.
Clements,	Herbert,	Nelson,	Taylor, Zach
Cobb,	Herman,	Norwood,	Throckmorton,
Cole, of Md.	Hewitt,	Oates,	Trigg,
Comstock,	Hiestand,	O'Ferrall,	Tucker,
Cowles, of N. C.	Hill,	O'Neill, J. J.	Van Eaton,
Cox,	Holman,	Outhwaite,	Viele,
Crain,	Hutton,	Payne,	Ward, J. H.
Croxton,	Irion,	Peel,	Wellborn,
Culberson,	Jackson,	Perry,	West,
Curtin,	Johnson, F. A.	Peters,	Wheeler,
Daniel,	Johnston, T. D.	Phelps,	Whiting,
Dargan,	Jones, J. H.	Pindar,	Willis,
Dawson,	Jones, J. T.	Randall,	Wilson,
Dibble,	Ketcham,	Reid, J. W.	Winans,
Dockery,	King,	Rice,	Wolford,
Dowdney,	Kleiner,	Richardson,	Worthington.

NOT VOTING—54.

Adams, J. J.	Davenport,	Howard,	Stephenson,
Aiken,	Davis,	Kelley,	Stewart, J. W.
Arnot,	Evans,	Libbey,	Swinburne,
Baker,	Felton,	Lindsley,	Taylor, I. H.
Barbour,	Gay,	Lore,	Townshend,
Barry,	Gibson, Eustace	Mahoney,	Van Schaick,
Bingham,	Green, R. S.	Merriman,	Wade,
Bliss,	Green, W. J.	Muller,	Ward, T. B.
Boyle,	Grosvenor,	Pettibone,	Warner, A. J.
Brumm,	Guenther,	Pidcock,	Wilkins,
Campbell, Felix	Hahn,	Pulitzer,	Wise,
Collins,	Henley,	Seney,	Woodburn.
Compton,	Hiscock,	Smalls,	
Cooper,	Hitt,	Spriggs,	

So the motion to adjourn was not agreed to.

Mr. MATSON. I ask that by unanimous consent the reading of the names be dispensed with.

There was no objection.

The following pairs were announced:

Mr. ADAMS, of New York, with Mr. FELTON, until Wednesday next.

Mr. MULLER with Mr. HISCOCK, until further notice.

Mr. HOWARD with Mr. LINDSLEY, until further notice.

Mr. WISE with Mr. LIBBEY, until further notice.

Mr. BRUMM with Mr. WARNER, of Ohio, until Tuesday next.

Mr. TOWNSHEND with Mr. GROSVENOR, until further notice.

Mr. GIBSON, of West Virginia, with Mr. BINGHAM, for this day.

Mr. SENEY with Mr. IKE H. TAYLOR, for this day.

Mr. BRIGGS with Mr. SMALLS, for this day.

Mr. FELIX CAMPBELL with Mr. HITT, for this day.

Mr. WARNER, of Missouri. I desire to announce that my colleague Mr. WADE, who did not respond to the roll-call, is detained in his room by reason of sickness.

The result of the vote was then announced as above stated.

The SPEAKER. Is a second demanded?

Mr. BROWNE of Indiana. There is; but so far as I am concerned I do not care to ask for tellers, if the House by unanimous consent shall order a second.

The SPEAKER. If there be no objection a second will be considered as ordered.

There was no objection.

The SPEAKER. Under the rules thirty minutes are allowed for debate, fifteen minutes in opposition to the resolution and fifteen minutes in support of it. The Chair will recognize to control the time in support of the resolution the gentleman from Indiana, Mr. MATSON, and he will recognize to control the time in opposition to it the gentleman from Indiana, Mr. BROWNE.

Mr. MATSON. The effect of this resolution is to give this bill a chance to be considered upon its merits. That is the object and that is the effect of the resolution. An amendment has been proposed in the resolution providing that the provisions of the bill shall not apply to those who marry soldiers after the passage of the act. It applies, however, to every wife and every widow of a soldier at this time. The amendment was made with the view of meeting a very strong objection that was urged at the time that this bill was discussed in the Committee of the Whole. Now, Mr. Speaker, with this statement I reserve the remainder of my time till I have heard what is to be said in objection to the resolution.

Mr. BROWNE, of Indiana. I interposed an objection to the passage of this resolution, because, whether intended or not, it withdraws from the consideration of this House a very important question, one in which a very large and respectable part of the American people are interested. The attitude of this question is well understood by gentlemen of the House. This bill which my colleague proposes to pass now under this resolution is on the Calendar of the Committee of the Whole House, and its consideration could not be possibly avoided in the nature of things. No resort to parliamentary tactics could long delay its discussion and a final vote on it by this House of Representatives.

While the bill was pending there I did as I had a right to do, and as I believe it to be my duty to do, offer an amendment to repeal what is known as the limitations to the arrears-of-pension act. I offered that as an amendment to the bill.

I supposed that the House was ready to consider this important question. Political parties have been posing in the presence of nearly two millions of men who went out to the battlefields of the Republic and have been promising them this measure; if there be any one promise that has been crystallized in political speeches and party platforms it has been this pledge to repeal the limitations of that act and to put all the wounded and disabled soldiers of this nation upon a platform of perfect equality. [Applause on the Republican side.] A very respectable political party resolved at its national convention to do this thing, and I might say but for the unfortunate alliteration of "Rum, Romanism, and Rebellion" it might possibly have been in the ascendency in the Republic to-day. [Laughter.]

Mr. MORRISON. That is what did it. [Laughter.]

Mr. BROWNE, of Indiana. Mr. Speaker, since the introduction of that amendment we have been astounded by the report of the vast sum of money that is to be taken from the Treasury in the event it should become a part of the bill. The Commissioner of Pensions has made an

estimate, putting the aggregate at some $302,000,000. I have not the time to discuss the accuracy of that estimate. I will only say, however, in passing, if it costs all that if spread over a period of ten years, which is the lowest period in which any one expects it to be paid, it would amount to less than 7 per cent. per annum of our aggregate revenues.

Mr. HENDERSON, of Iowa. If the gentleman from Indiana will allow me to make a single remark, I will say the letter itself of the Commissioner of Pensions shows that that estimate is $80,000,000 too much; for he adds, in order to make up the $302,000,000, the $80,000,000 now provided for by the act of January 25, 1879, and the act of March 3, 1879.

Mr. BROWNE, of Indiana. This is not a new question. It has been confronting the American people for many years. I hold here the report of the late Commissioner of Pensions. As early as April, 1884, he made an estimate of the probable cost of this repeal, amounting, according to his showing, to about $250,000,000; and with that estimate before the people these political parties have been "resolving" that this thing should be done. With that estimate in view, the present Commissioner of Pensions, in his report made less than sixty days ago, uses this language:

The Commissioner respectfully calls attention to the widespread feeling that the limitation imposed by section 2 of the act of March 3, 1879, is unjust in its operation—

Mr. Speaker, this widespread feeling seems to extend more everywhere else than in this House. The Commissioner proceeds—

If a soldier was entitled to a pension at any time prior to the 1st of July, 1880, no good reason is known to exist why he should not now be allowed to make proof thereof and establish his title thereto under such restrictions and conditions as the wisdom of Congress may direct.

That, I think, is as near a recommendation of an unconditional repeal of this arrearage limitation as could be put in English. But that is not all. The gentleman talks about stripping this bill of everything extraneous. Well, if there were anything in this measure calculated to embarrass its passage I should not blame gentlemen who were in favor of it for insisting that it should not be so encumbered. I know that gentlemen used that argument on the floor not long since, but it struck me then as it does now, that if there were enough votes in this House to adopt the amendment then there were enough votes to pass the measure as amended. [Applause on the Republican side.] For I undertake to say, speaking for the ninety-eight men who voted here for adjournment, that they will probably vote for this bill as it is, and I know they would vote for it with that amendment attached to it. [Renewed applause.]

In addition to the statement to which I have referred, I hold in my hand the unanimous report of the Committee on Invalid Pensions made at the last session recommending the repeal of this limitation. Here it is. I admit that four gentlemen belonging to that committee qualify their approval of the measure, but they qualify it in this way:

We heartily concur in the general proposition that it is not right to pay any soldier or his dependents a pension from the date of his discharge or the date of his disability and another from a later date, and therefore join in the majority report.

If it was not right, Mr. Speaker, that this limitation should be made by law, what is there wrong in the proposition for repeal upon which gentlemen in this House are asked to vote? These members of the committee go on to say: "But we suggest that a bill extending the benefit of the arrears to all who have applied up to this time will meet the emergency."

Now, Mr. Speaker, it was said the other day, and the RECORD will bear me out in the statement——

Mr. WILLIS. Will the gentleman let me ask him a question?

Mr. BROWNE, of Indiana. Wait a moment.

Mr. WILLIS. The gentleman is now speaking against this bill and we are cut off from reply. I merely wish to ask him why he did not bring in a bill himself four years ago as chairman of the Committee on Invalid Pensions.

Mr. BROWNE, of Indiana. If I am subject to censure for having failed to perform my duty let the gentleman make the point. I am talking about what is in front of me now. I have not time to respond to the gentleman. [Derisive laughter on the Democratic side.]

Mr. WILLIS. It would take a long time to respond to that.

A MEMBER on the Republican side. Let us pass it now.

Mr. BROWNE, of Indiana. Mr. Speaker, I wish I could be permitted to make my speech.

The SPEAKER. The House will be in order. The gentleman from Indiana [Mr. BROWNE] is not subject to interruption without his consent.

Mr. BROWNE, of Indiana. I was attempting to say, Mr. Speaker, that we were informed the other day that gentlemen were opposed to the consideration of the amendment because it was to be brought in, I suppose by a report of some committee having charge of the subject-matter, as a separate proposition, and that then the House would have an opportunity of expressing its opinion upon that measure untrammeled by the consideration of anything else. I ask if there is any gentleman in this House this afternoon who is prepared to say to me that any committee of this House will ever report such a measure and permit the people's representatives to vote upon it? Is there any gentleman here this afternoon who dare tell me that that measure has not gone to the congressional cemetery—that it is not to die in the pigeonhole? I pause for a reply.

Mr. BRAGG. Will the gentleman permit me to ask him a question?

Mr. BROWNE, of Indiana. No, sir; I am asking questions now.

The SPEAKER. The gentleman from Indiana [Mr. BROWNE] declines to be interrupted.

Mr. BROWNE, of Indiana. I was proceeding to say, Mr. Speaker, that whatever might have been the prospect then, that hope is utterly dissipated now. The country knows—it is not a secret, it is in the public prints, it is on the tongue of every gentleman who discusses the question—that we have heard the last of the arrearage repeal when this bill is passed, when it is taken off the Calendar and out of the Committeee of the Whole, where if it had remained we could have compelled gentlemen to vote one way or the other.

I should not have embarrassed the passage of this measure in any degree if I had not believed from the beginning that it was the only opportunity we would ever have of getting a vote of this House on this important question. I state to the House this afternoon—and I am willing to put my reputation as a prophet on it—that never again will this House have an opportunity of voting directly or indirectly on this question, unless by the courtesy of the Speaker I may be recognized on some day to put the measure through under a motion to suspend the rules.

The SPEAKER. The gentleman's time has expired.

Mr. MATSON. Mr. Speaker, I stated a while ago that this resolution has one purpose and object, to enable this House to consider the merits of this bill alone. My friend from Indiana has from the beginning, before the general debate had ended last week, indicated his exceeding haste to put himself in the attitude of placing this amendment on the bill. He stated then, and he says now, that he did this because he feared the House would not have an opportunity to vote upon this proposition in which he is so much interested. He wants to know if there is any one here who is able to say that this House will have an opportunity to vote upon it; that any committee will report such a bill as he asks shall be passed by the House in relation to the arrears question. He knows very well that it is impossible for any member to say what the action of any committee is to be upon any particular proposition. He knows very well that I can not say——

Mr. BOUTELLE. I would like to ask the gentleman whether he did not state the other day that his committee intended to report such a bill.

Mr. MATSON. I did not understand the gentleman's question. I will answer if he will repeat it.

Mr. BOUTELLE. I ask the gentleman whether he was not understood on a former occasion, when this matter was discussed, to give an assurance that his committee would report such a bill.

Mr. MATSON. I was understood to say that that was my opinion, and that is my opinion now. That is what I was proposing to say to my friend from Indiana [Mr. BROWNE]—that the Committee on Invalid Pensions will, in my opinion, at an early day report upon this proposition and upon other propositions equally important in the interest of the soldiers of the country.

Mr. CUTCHEON. Will the gentleman yield for another question?

Mr. MATSON. I will.

Mr. CUTCHEON. Will the gentleman state to the House whether or not the Committee on Invalid Pensions has already considered this matter and directed any report to be made?

Mr. MATSON. The Committee on Invalid Pensions has been considering this matter carefully. Some facts, alluded to by the gentleman from Indiana, have been stated which have caused the committee to inquire carefully into this subject before deciding upon their action. Does anybody blame them for that? Let my friend from Indiana remember the Committee on Invalid Pensions has been organized less than a month, and he, the chairman of this committee in the Forty-seventh Congress, who during two full sessions never reported a single bill to relieve the soldiers of the country in the way of general legislation [applause on the Democratic side], now attempts to upbraid the Committee on Invalid Pensions, though within less than ten days after its organization it reported this bill which was so much demanded not only by the soldiers of the country but by the sentiment of the whole people—a bill to relieve the widows of the private soldiers.

Let me ask the members of this House what measure relating to the interests of the soldiers should have preference in consideration? Is it that measure which proposes to give large sums to a few individuals, or is it that measure which proposes to relieve the pressing necessities of the widows of the country? Which measure is it that ought to have preference, and which measure do you by your votes to-day propose to maintain as entitled to preference? Will you say by voting against this bill that you want to give preference to those who are asking for arrears? Why, there are other classes of soldiers who in my judgment ought to be preferred. They are those who are now in the poor-house. There ought to be some measure of relief passed by this Congress by which these men, who, by reason of some technicality, are unable to make the proof necessary to entitle them to a pension would be enabled to get a pension which would take them out of the poor-house. Ought not such a measure to be preferred? Does not my friend from Indiana admit

that proposition, or does he insist that of all the measures—and they are numerous—of all the measures relating to pensions, does he insist that the particular measure he advocates must be preferred?

Mr. BROWNE, of Indiana. If the gentleman desires an answer, I will give it to him.

Mr. MATSON. Never mind now. The gentleman himself refused to yield.

Mr. BROWNE, of Indiana. I am in favor of providing for all of them.

Mr. MATSON. Now, Mr. Speaker, I want to read an extract from a letter written by the treasurer of an organization called the United States Maimed Soldiers' League; and I think it reflects the opinion and sentiment not only of the gallant men who lost their legs and their arms upon the field of battle, but also of the great mass of the soldiers of this country. Let us see what this gentleman said in his representative capacity. On the 26th of January, 1886, addressing a letter to me, he says:

> The soldiers thank you for standing so steadily by the widows, orphans, and dependent parents bill, permitting no amendments to it. We do not want any favors, no matter how important, tacked on to such a worthy bill.

That I believe to be the real sentiment of the soldiers of this country.

I know, as my friend from Indiana says, that there is a clamor for the passage of this repeal of the limitation clause on the arrearages act. Of course there is, and so there is with reference to a dozen other different propositions which might be claimed should be tacked on to this bill. But he knows that we can not pass them all; and I know, and he knows also, that if his amendment is tacked on, if this House shall adopt it, then comes in a long train of other irrelevant propositions which ought not to be put upon this bill, all of them tending to its defeat.

Mr. REED, of Maine. Then why did you amend it yourself?

Mr. MATSON. Because I saw that it would help the bill. It amends the original proposition and is not a new one. [Derisive cries on the Republican side.]

Mr. REED, of Maine. Was not the very amendment which you say would help the bill voted down by this House?

Mr. MATSON. I voted for it myself, and I say to the gentleman from Maine in reply to his question that whenever I see that a man has an idea which is better than my own I am not going to refuse to adopt it. I believed that an objection, and a strong objection, to the bill would thus be obviated; and I therefore propose an amendment which is embodied in this resolution. I have no concealments to make about it. I am trying to do the very best I know how to do for the soldiers of the country. I know very well, gentlemen, that when you once begin to pile on these amendments to this bill it means a concentration of all the opposition to each of these measures, and that is the end of all legislation.

And so the case stands to-day; and the question is a simple one, outside of the proposition that every matter of legislation ought to be allowed to stand upon its own individual merits. The question here right now is: Are you willing to put this bill upon its merits, and are you willing for every other proposition, including that of the gentleman from Indiana, to stand upon its own merits? That is the whole question, and I submit it to the House with every confidence that it will meet the approval of the House and of the people whose interests we are here to represent.

The SPEAKER. The question is on the adoption of the resolution.

Mr. BROWNE, of Indiana; Mr. REED, of Maine, and others demanded the yeas and nays.

The yeas and nays were ordered.

Mr. STRUBLE. I call for the reading of the resolution.

The resolution was again read.

The question was taken; and there were—yeas 198, nays 66, not voting 59; as follows:

YEAS—198.

Adams, G. E.	Catchings,	Frederick,	Holmes,
Allen, C. H.	Clardy,	Fuller,	Hopkins,
Anderson, C. M.	Cobb,	Funston,	Houk,
Anderson, J. A.	Cole,	Gallinger,	Hutton,
Arnot,	Compton,	Gay,	Jackson,
Atkinson,	Comstock,	Geddes,	James,
Baker,	Conger,	Gilfillan,	Johnson, F. A.
Bayne,	Cooper,	Glover,	Johnston, J. T.
Beach,	Curtin,	Goff,	Ketcham,
Bland,	Cutcheon,	Green, R. S.	King,
Bound,	Davis,	Grout,	Kleiner,
Boutelle,	Dingley,	Hahn,	La Follette,
Brady,	Dockery,	Hale,	Laird,
Browne, T. M.	Dorsey,	Hall,	Landes,
Brown, C. E.	Dowdney,	Halsell,	Le Fevre,
Brown, W. W.	Dunham,	Hanback,	Lehlbach,
Buchanan,	Eden,	Harmer,	Little,
Buck,	Eldredge,	Hatch,	Long,
Bunnell,	Ellsberry,	Hayden,	Louttit,
Burleigh,	Ely,	Haynes,	Lovering,
Burrows,	Ermentrout,	Heard,	Lowry,
Butterworth,	Evans,	Henderson, D. B.	Lyman,
Bynum,	Everhart,	Henderson, T. J.	Markham,
Campbell, J. M.	Farquhar,	Hepburn,	Matson,
Campbell, J. E.	Findlay,	Herman,	Maybury,
Campbell, T. J.	Fisher,	Hiestand,	McAdoo,
Cannon,	Fleeger,	Hill,	McComas,
Carleton,	Foran,	Hires,	McCreary,
Caswell,	Ford,	Holman,	McKenna,
McKinley,	Peters,	Snyder,	Viele,
Millard,	Pindar,	Sowden,	Wadsworth,
Milliken,	Pirce,	Spooner,	Wait,
Mitchell,	Plumb,	Springer,	Wakefield,
Moffatt,	Price,	Stahlnecker,	Ward, J. H.
Morrill,	Randall,	Steele,	Warner, William
Morrison,	Ranney,	Stone, E. F.	Weaver, A. J.
Morrow,	Reed, T. B.	Stone, W. J., of Mo.	Weaver, J. B.
Murphy,	Rice,	Storm,	Weber,
Neal,	Riggs,	Strait,	West,
Neece,	Robertson,	Struble,	White, A. C.
Negley,	Rockwell,	Swope,	White, Milo
Nelson,	Romeis,	Symes,	Whiting,
O'Donnell,	Rowell,	Tarsney,	Wilkins,
O'Hara,	Ryan,	Taulbee,	Willis,
Osborne,	Sawyer,	Taylor, E. B.	Wilson,
Outhwaite,	Scott,	Taylor, Zach	Winans,
Owen,	Scranton,	Thomas, J. R.	Wolford,
Payne,	Sessions,	Thomas, O. B.	Worthington.
Payson,	Seymour,	Thompson,	
Perkins,	Shaw,	Van Eaton,	

NAYS—66.

Allen, J. M.	Daniel,	Jones, J. T.	Sadler,
Ballentine,	Dargan,	Laffoon,	Sayers,
Barnes,	Davidson, A. C.	Lanham,	Singleton,
Bennett,	Davidson, R. H. M.	Martin,	Skinner,
Blanchard,	Dibble,	McMillin,	Stewart, Charles
Blount,	Dougherty,	McRae,	St. Martin,
Bragg,	Forney,	Miller,	Stone, W. J., of Ky.
Breckinridge, C. R.	Glass,	Mills,	Taylor, J. M.
Breckinridge, WCP.	Hammond,	Morgan,	Throckmorton,
Cabell,	Harris,	Oates,	Tillman,
Clements,	Hemphill,	O'Ferrall,	Trigg,
Cowles,	Henderson, J. S.	Peel,	Tucker,
Cox,	Herbert,	Perry,	Turner,
Crain,	Hewitt,	Reagan,	Wellborn,
Crisp,	Irion,	Reid, J. W.	Wheeler.
Croxton,	Johnston, T. D.	Reese,	
Culberson,	Jones, J. H.	Richardson,	

NOT VOTING—59.

Adams, J. J.	Davenport,	Libbey,	Seney,
Aiken,	Dawson,	Lindsley,	Smalls,
Barbour,	Dunn,	Lore,	Spriggs,
Barksdale,	Felton,	Mahoney,	Stephenson,
Barry,	Gibson, C. H.	Merriman,	Stewart, J. W.
Belmont,	Gibson, Eustace	Muller,	Swinburne,
Bingham,	Green, W. J.	Norwood,	Taylor, I. H.
Bliss,	Grosvenor,	O'Neill, Charles	Townshend,
Boyle,	Guenther,	O'Neill, J. J.	Van Schaick,
Brumm,	Henley,	Parker,	Wade,
Burnes,	Hiscock,	Pettibone,	Ward, T. B.
Caldwell,	Hitt,	Phelps,	Warner, A. J.
Campbell, Felix	Howard,	Pidcock,	Wise,
Candler,	Kelly,	Pulitzer,	Woodburn.
Collins,	Lawler,	Rogers,	

So (two-thirds having voted in favor thereof) the resolution was adopted.

Mr. McMILLIN. I ask unanimous consent to dispense with the reading of the names.

Mr. TIMOTHY J. CAMPBELL. I hope that will not be done.

The Clerk proceeded to read the names.

Mr. TIMOTHY J. CAMPBELL. I withdraw the demand for the reading.

Mr. DOCKERY. I insist upon the reading.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. WARD, of Indiana, with Mr. ROGERS, on this vote. If present, Mr. WARD would vote "ay," Mr. ROGERS "no."

Mr. DUNN with Mr. O'NEILL, of Pennsylvania, for the rest of the day.

Mr. DAWSON with Mr. BURNES, on this question.

Mr. O'NEILL, of Missouri, with Mr. CALDWELL, on this vote.

Mr. TIMOTHY J. CAMPBELL. I desire to ask the Chair for my personal information if the resolution offered by the gentleman from Indiana [Mr. MATSON] now under consideration is on the passage of the bill?

The SPEAKER. If that resolution is adopted the bill is passed.

Mr. TIMOTHY J. CAMPBELL. I did not so understand it, and desire to say that I have voted in the negative, but under no circumstances would I vote against the soldier or the soldier's widow, and therefore change my vote from the negative to the affirmative.

Mr. BARKSDALE. Mr. Speaker, I ask consent to vote on this resolution.

The SPEAKER. Was the gentleman in his seat when the roll was called?

Mr. BARKSDALE. I was not in my seat when my name was called.

The SPEAKER. The Chair can not, under the rule, entertain the request of the gentleman.

Mr. BARKSDALE. If I had been present I should have voted "no" on this resolution.

Mr. LAWLER. I want to say that on this morning a delegation of letter-carriers having come to the city here, we adjourned the meeting until 4 o'clock this afternoon. I was unavoidably absent down there explaining to these people that this vote was to be taken, and I want to vote on this question, and vote in the affirmative.

The SPEAKER. If the gentleman was not in his seat when his name was called the Chair can not entertain the request that he be allowed to cast his vote now.

Mr. LAWLER. If I had been present I should have voted "ay."

Mr. EDEN. My colleague Mr. TOWNSHEND is absent by leave of the House; if present, he would have voted "ay."

The result of the vote was then announced as above recorded.

And then, on motion of Mr. MORRISON (at 4 o'clock and 56 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. C. H. ALLEN: Petition of Michael H. Farrell, for the reimbursement of money paid for transportation—to the Committee on Military Affairs.

By Mr. BAYNE: Resolutions of Penney Lodge, No. 41, Amalgamated Association of Pittsburgh; of Col. R. G. Shaw Post, No. 206, of Pittsburgh; of Col. John J. Neven Camp, Sons of Veterans, No. 33, of Allegheny County; of General James A. Garfield Post, No. 215, of Pittsburgh; and of the Central Mutual Beneficial Association of Saloon-keepers of Allegheny County, Pennsylvania, asking that a certain portion of the public domain be given to surviving Union soldiers or their widows and children, &c.—to the Committee on the Public Lands.

By Mr. C. R. BRECKINRIDGE: Petition from the governor, General Assembly, and other State officers of Arkansas, for the granting of rights of way through the Indian Territory—to the Committee on the Territories.

Also, petition of Lucinda Allen, of Jefferson County, Arkansas, for payment of her war claim—to the Committee on War Claims.

Also, petition of R. H. Markam, of Lewisburg, and of J. B. Simmons, of Pine Bluff, Ark., for payment as postmasters under the Spaulding act—to the Committee on the Post-Office and Post-Roads.

Also, petition of Cotton and Produce Exchanges of Little Rock, Ark., for increase of facilities for the weather bureau in the cotton States—to the Committee on Military Affairs.

By Mr. W. C. P. BRECKINRIDGE: Papers relating to the claim of Josiah Shinkle—to the Committee on War Claims.

By Mr. T. M. BROWNE: Petition of Jonathan Ross and 126 others, citizens of Henry County, Indiana, for the passage of a bill granting a pension to all honorably discharged soldiers of the late war—to the Committee on Invalid Pensions.

Also, protest of Mattie Stewart Charles and 74 others, citizens of Spiceland, Ind., against the disfranchisement of women in Utah—to the Committee on the Territories.

By Mr. W. W. BROWN: A protest against dividing Kentucky into two judicial districts—to the Committee on the Judiciary.

By Mr. BURROWS: Protest against the division of Kentucky into two judicial districts—to the same committee.

By Mr. BUTTERWORTH: Petition of the Chamber of Commerce of Cincinnati, Ohio, praying for the passage of a national bankrupt law—to the same committee.

Also, petition of the Merchants and Manufacturers' Association of Cincinnati, Ohio, protesting against the passage of the Lowell bankrupt bill—to the same committee.

Also, petition of Goodrich, Peedle & Co. and others, of Cincinnati, Ohio, in behalf of C. W. McIntyre—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the board of directors of Cincinnati Chamber of Commerce, praying that proper appropriations may be made to extend the usefulness of the United States Signal Service—to the Committee on Military Affairs.

By Mr. J. M. CAMPBELL: Papers relating to the case of John P. Swope—to the same committee.

By Mr. CANNON: Petition of Knights of Labor of Tuscola, Ill., to organize Indian Territory—to the Committee on the Territories.

By Mr. CARLETON: Resolutions of the board of control of State swamp lands of the State of Michigan, against the passage of Senate bill granting certain lands in Saginaw Bay to H. H. Warner or any other person, &c.—to the Committee on Private Land Claims.

Also, bill for the construction of a lake-coast light-house at Harsen's Island, at the mouth of the Saint Clair River, Michigan—to the Committee on Commerce.

By Mr. CATCHINGS: Papers relating to the claim of Joseph A. Bailey, of Mississippi, and of Ralph P. Miller, of Mississippi—to the Committee on War Claims.

Also, petition of Louisa Q. Lovell and others, for reference of claim to the Court of Claims—to the same committee.

By Mr. CROXTON: Bill to clear out Popotank Creek, Virginia—to the Committee on Rivers and Harbors.

Also, bill to deepen Starling Creek, in Accomack County, Virginia—to the same committee.

By Mr. DANIEL (by request): Petition of John P. Hurley, of Bedford County, Virginia, for relief—to the Committee on Invalid Pensions.

By Mr. R. H. M. DAVIDSON: Petition of citizens of Pinellas, Fla., praying that an appropriation may be made by Congress for deepening the channel into Big Bayou on west side of Tampa Bay, Florida—to the Committee on Rivers and Harbors.

By Mr. DOUGHERTY: Bill for continuing work on the bar of the Saint John's River, Florida—to the same committee.

Also, bill for the improvement of the Suwannee River, Florida—to the same committee.

By Mr. DUNHAM: Joint memorial of the Territorial Legislature of Nebraska, in favor of bill 3038—to the same committee on Claims.

Also, petition of H. P. Cudden and others, of the town of Lake, and others, for an amendment to the Constitution favoring female suffrage—to the Committee on the Judiciary.

By Mr. DUNN: Petition of M. W. Ponder, administrator of George Montgomery, deceased, asking reference of his claim to the Court of Claims—to the Committee on War Claims.

Also, papers relating to the claim of William M. Pondeer, administrator of George Montgomery, of Arkansas—to the same committee.

By Mr. ERMENTROUT: Petition of Daniel H. Snyder, for the correction of a record—to the Committee on Military Affairs.

By Mr. FELTON: Petition of certain manufacturers and merchants of San Francisco, Cal., requesting drawback duty on manufactured tin exported—to the Committee on Ways and Means.

By Mr. FISHER: Memorial and petition of F. W. Gilchrist and Johnson & Collins, of Alpena, Mich., praying for the registry of the barge Michigan, of Alpena, Mich.—to the Committee on Commerce.

By Mr. GAY: A bill to make a permanent channel through the bar at the mouth of the Calcasieu River, Louisiana, and to provide a reasonable channel in said river as high up as Lake Charles—to the Committee on Rivers and Harbors.

By Mr. GEDDES: Petition of the Knights of Labor organization of Norwalk, Ohio, praying for the unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, petition of Knights of Labor of Mansfield, Ohio, praying for a Territorial government over Indian Territory—to the Committee on the Territories.

By Mr. C. H. GIBSON: Petitions for an appropriation for the improvement of Cambridge Harbor, and of Chester River at Millington, between said place and Crompton—to the Committee on Rivers and Harbors.

Also, resolution to pay F. Mullan, administrator, a certain sum for funeral expenses of Charles W. Mullan, late an employé of the House—to the Committee on Accounts.

By Mr. GIFFORD: Petition and papers in the case of Mrs. Col. Benjamin Smith, for an allowance for services and expenditures in aid of the prosecution of the war—to the Committee on War Claims.

By Mr. GOFF: Petition of B. C. Dewees, to accompany bill for a pension—to the Committee on Invalid Pensions.

Also, petition of John Thompson, for an increase of pension—to the same committee.

Also, petitions of A. H. Upton and others; of Jacob Wilson and others; and of A. E. Kenny and others, praying Congress to pension all soldiers—to the same committee.

By Mr. R. J. GREEN: Memorial for the improvement of the west channel of the Raritan River, New Jersey—to the Committee on Rivers and Harbors.

Also, memorial for the improvement of South River, Middlesex County, New Jersey—to the same committee.

By Mr. GROUT: Petition to increase the pension of Thomas J. Stoyton—to the Committee on Invalid Pensions.

By Mr. HALSELL: Petition of Mrs. Mary F. Grider, of Bowling Green, Ky., for relief—to the Committee on War Claims.

Also, petition and papers of John Burnam, for relief—to the same committee.

Also, petition of J. G. Myers and 37 others, citizens of Butler County, Kentucky, asking a pension for David B. England—to the Committee on Invalid Pensions.

By Mr. HARMER: Papers relating to the claim of Mary E. Hill—to the Committee on War Claims.

By Mr. HAYDEN: Petition of John Cummings and 200 business firms of Boston, for appointment of commissioners on the part of the United States to confer with those of Canada for a general reciprocity treaty—to the Committee on Foreign Affairs.

By Mr. HEPBURN: Petition of Alexander Paul, for increase of pension—to the Committee on Invalid Pensions.

By Mr. HEWITT: Petition of the Chamber of Commerce of the State of New York and of the New York Produce Exchange, in favor of the suspension of the coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. HIESTAND: Two petitions from citizens of Lancaster County, and four petitions numerously signed by citizens of Chester County, Pennsylvania, asking for an increase of the tariff on leaf-tobacco—to the Committee on Ways and Means.

By Mr. HILL: Petition of Thomas M. Loar for original invalid pension—to the Committee on Invalid Pensions.

By Mr. HOPKINS: Petitions of W. E. Hill and others; of Horton Gills and others; of John Newman and others; of L. M. Potter and others; of G. H. Cook and others, and of W. B. Metcalf and others, for a law putting oleomargarine and butterine under the Internal Revenue Department, &c.—to the Committee on Ways and Means.

By Mr. KING: A bill appropriating $10,000 for the surveys of the improvement of the Washita River from its mouth in Louisiana to Camden, in the State of Arkansas, by means of locks and dams and other methods of improving said river—to the Committee on Rivers and Harbors.

By Mr. KLEINER: Memorial from William M. Cochran, of Indiana, to accompany bill for his relief—to the Committee on War Claims.

By Mr. LIBBEY: Papers relating to the claim of John Ellis—to the Committee on Claims.

Also, petition of Eugene Lemel, of Natchitoches, La.—to the Committee on War Claims.

By Mr. LITTLE: Memorial of Cornelius Boltin, of Ohio, relative to the election of President and Vice-President—to the Select Committee on the Election of President and Vice-President.

By Mr. LOUTTIT: Petition of 132 fruit-growers and orchardists, of Tuolumne County, California, praying for a duty upon imported fruits, dried or otherwise—to the Committee on Ways and Means.

By Mr. LOVERING: Petition of Aug. Klein and others, soldiers in the regular Army, asking for the passage of bill (H. R. 1118) recognizing services of Union soldiers now serving in the regular Army—to the Committee on Military Affairs.

Also, memorial of the city council of Gloucester, Mass., against the appointment of any international commission or diplomatic arrangement or legislation which shall further complicate the fishery question—to the Committee on Foreign Affairs.

By Mr. LYMAN: Petition for the relief of John W. Duncan, late of Company B, One hundred and twenty-second Illinois Infantry—to the Committee on Military Affairs.

Also, petition for relief of F. W. Haldeman, to accompany H. R. 658—to the Committee on War Claims.

By Mr. MCADOO: Papers relating to the case of Thomas G. Corbin—to the Committee on Naval Affairs.

By Mr. MCCOMAS: Memorial of Arthur W. Sweeny, for relief—to the Committee on Claims.

By Mr. MITCHELL: Paper relating to the claim of Eunice Nichols—to the same committee.

By Mr. MORRILL: Memorial of State board of agriculture of Kansas, asking for the establishment of a department of agriculture and the appointment of a practical agriculturist as secretary—to the Committee on Agriculture.

By Mr. MURPHY: Petition of T. C. Power, for the improvement of the Upper Missouri River—to the Committee on Rivers and Harbors.

By Mr. NEAL: Memorial of Iron, Coal, and Manufacturers' Association of Chattanooga, Tenn., asking an appropriation sufficient to open Muscle Shoals, in the Tennessee River, to navigation during the year 1886—to the same committee.

By Mr. O'DONNELL: Petition of F. T. Albright, for readjustment of salary as postmaster—to the Committee on the Post-Office and Post-Roads.

By Mr. O'FERRALL: Memorial of John Vilwig, for relief—to the Committee on War Claims.

By Mr. CHARLES O'NEILL: Memorial of Sarah R. Boyle, asking for an increase of pension—to the Committee on Invalid Pensions.

Also, memorial of Mrs. Blanche Wendell Woodward, widow of Joseph J. Woodward, late surgeon United States Army, asking for an appropriation for the services of her late husband while in attendance upon the late President Garfield—to the Committee on Military Affairs.

By Mr. OUTHWAITE: Memorial of J. M. Wells Post, No. 451, Grand Army of the Republic, of Columbus, Ohio, for an appropriation for a memorial to General Grant and for a national military museum and national home for soldiers connected therewith—to the same committee.

By Mr. PEEL: Petition of members of the General Assembly and State officers of Arkansas, asking right of way for railroads through Indian Territory—to the Committee on the Territories.

By Mr. PERRY: Petition of citizens of South Carolina, for improvement of the Congaree River—to the Committee on Rivers and Harbors.

By Mr. PRICE: Remonstrance of Woman Suffrage Society of Mukwanago, Wis., against the Edmunds bill—to the Committee on the Judiciary.

By Mr. RANDALL: Petition of Thomas G. Corbin, United States Navy, asking relief by promotion on the retired-list—to the Committee on Naval Affairs.

Also, petition of Louisa S. Guthrie, widow and executrix of Capt. John J. Guthrie, late superintendent of sixth district, United States Life-Saving Service—to the Committee on Claims.

By Mr. RANNEY: Petition of Mary R. Handy, for a pension—to the Committee on Invalid Pensions.

By Mr. T. B. REED: Petition of Gov. J. V. Foraker and others, citizens of Ohio, against the appointment of a fishery commission—to the Committee on Foreign Affairs.

By Mr. RICE: Papers relating to the case of the British whaling bark Chance—to the Committee on Claims.

By Mr. RICHARDSON: Petition of Albert A. Strong, of Tennessee, for relief—to the same committee.

By Mr. ROMEIS: Petition of James Haley and 1,108 others, citizens of Maumee Valley, praying that the battle-grounds and cemeteries of those who fell in the war of 1794 and 1812 be marked and cared for—to the Committee on Military Affairs.

Also, petition of citizens of Kelly's Island, Ohio, against the renewal of what is known as the treaty of Washington—to the Committee on Foreign Affairs.

By Mr. SEYMOUR: Memorial in favor of appropriation for improvement of Stamford Harbor, Connecticut—to the Committee on Rivers and Harbors.

By Mr. SINGLETON: Papers relating to the claim of William Surratt, of Alcorn County; of Daniel Peel, of Tishomingo County, and of Harriet F. McPeters, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. STEELE: Petition of Charles H. Wilson, master workman of Local Assembly No. 3730, Knights of Labor, asking that the Territory of Oklahoma be organized—to the Committee on the Territories.

By Mr. SYMES: Joint resolution of Colorado Legislature, to have the Ute Indians removed from Colorado—to the Committee on Indian Affairs.

By Mr. TAULBEE: Petition of 43 ex-soldiers and 104 citizens of Magoffin County, Kentucky—to the Committee on Invalid Pensions.

By Mr. J. M. TAYLOR: Petition of Jasper Manley, for a pension—to the same committee.

By Mr. TUCKER: Petition of Hon. Lewis McKenzie, for expenses of certain contest—to the Committee on Claims.

By Mr. VOORHEES: Memorial of 39 citizens, of 38 citizens, of 98 citizens, of 36 citizens, and of 75 citizens, praying for the establishment of certain lights, beacons, and signals on Puget Sound—to the Committee on Commerce.

Also, petition of E. C. Chirouse, late United States Indian agent, for relief—to the Committee on Claims.

Also, petition and papers for the retirement of Robert Williams, sergeant of ordnance, Vancouver Barracks, Washington Territory—to the Committee on Military Affairs.

By Mr. WADSWORTH: Papers relating to the claim of Henry L. Pope—to the Committee on War Claims.

By Mr. WILLIAM WARNER: Petition of Kansas City Clearing-house Association—to the Committee on the Judiciary.

Also, paper relating to petition of James B. Wilde, of Missouri, for relief—to the Committee on Invalid Pensions.

By Mr. J. B. WEAVER: Petition of James Mackey and 245 others, of E. J. Sutfield and 234 others, of Iowa; of J. H. Davis and 149 others, and of A. A. Jones and 106 others, praying Congress to pass the Oklahoma bill—to the Committee on the Territories.

Also, petition of Grinnell (Iowa) Assembly, Knights of Labor, for Territorial government in Indian Territory—to the same committee.

By Mr. WELLBORN: Papers relating to the case of Eli Ayers—to the Committee on Claims.

By Mr. WHEELER: Petition to increase the appropriation to extend Signal Service in the Southern States—to the Committee on Military Affairs.

Also, a bill to require the officer of United States engineers in charge of the improvement of the Tennessee River to report the condition of certain streams which empty into the Tennessee River—to the Committee on Commerce.

By Mr. WILLIS: Petition of J. F. Hawley, for certificate of non-indebtedness—to the Committee on Claims.

Also, petition of Louisville Cotton Board, for additional signal service—to the Committee on Military Affairs.

Also, petition of clerks in Louisville post-office, for the passage of H. R. 3511, for the classification of clerks in first-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. WINANS: Petition of May L. Doe and Sarah E. V. Emery and 34 others, citizens of Lansing, Mich., in favor of woman suffrage—to the Committee on the Judiciary.

By Mr. WOODBURN: Memorial and joint resolution of the Legislature of Nevada, relative to a hydrographic survey of the State of Nevada—to the Committee on the Public Lands.

Also, joint memorial and resolution of the Legislature of Nevada, for the establishment of a mail-route from Austin, Lander County, to Bernice, in Churchill County, Nevada—to the Committee on the Post Office and Post-Roads.

By Mr. WORTHINGTON: Petition of Nathaniel Aylesworth, of Fulton County, Illinois, for a pension—to the Committee on Pensions.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures.

By Mr. CUTCHEON: Of William Jackson and 82 others, citizens of Montague, Mich.

By Mr. FISHER: Of Exclaim Sanville, Paul Fassett, and 70 others, citizens of Cheboygan County, Michigan.

By Mr. FLEEGER: Of citizens of Mercer County, Pennsylvania.

By Mr. GILFILLAN: Of W. H. Le Van and others, citizens of Minnesota.

By Mr. PETERS: Of G. Rathbun and 100 others, citizens of Rice County, Kansas.

By Mr. THROCKMORTON: Of 117 citizens of Saint Jo, Cooke County, Texas.

By Mr. J. B. WEAVER: Of W. D. Howell and about 35 others, of Indiana, and of C. P. Green and about 300 others, of Kansas.

SENATE.

TUESDAY, *February* 2, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of January 19, 1886, the annual report of Maj. W. A. Jones, Corps of Engineers, United States Army, on river improvements in Oregon and Washington Territory for the fiscal year ending June 30, 1885.

The PRESIDENT *pro tempore*. The attention of the Senators from Oregon is called to the communication.

Mr. DOLPH. It is in response to a resolution submitted by my colleague [Mr. MITCHELL]. I presume that the Committee on Commerce would be the proper reference.

Mr. MITCHELL, of Oregon. I ask that the accompanying papers be printed.

The PRESIDENT *pro tempore*. That motion must be referred to the Committee on Printing under the rule.

Mr. MITCHELL, of Oregon. Then I move that the communication and accompanying papers be referred to the Committee on Printing.

The PRESIDENT *pro tempore*. That reference will be made.

PETITIONS AND MEMORIALS.

Mr. HALE presented resolutions adopted by the Portland (Maine) Typographical Union, remonstrating against certain changes proposed in regard to the international copyright law; which were referred to the Committee on Patents.

Mr. MITCHELL, of Oregon, presented a petition of Corbett & Maclay and other canners, merchants, and exporters, of Portland, Oreg., praying for the enactment of a law for the return in full of duties paid on imported material when articles are manufactured and exported; which was referred to the Committee on Finance.

Mr. FRYE. I have a paper addressed to me, but really it is a petition to the Senate, from the Knights of Labor of Auburn, Me., praying for the organization of a Territorial form of Government over the Indian Territory, &c. I presented a petition of the same character yesterday, which was referred to the Committee on Indian Affairs. It seems to me that such petitions ought to go to the Committee on Territories, it being a question of the organization of a proposed Territory, that of Oklahoma.

The PRESIDENT *pro tempore*. Such petitions have always been referred to the Committee on Indian Affairs.

Mr. FRYE. I have no objection to that reference.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. FRYE. I present another of the same nature from the Dirigo Local Assembly of Knights of Labor of Maine, making the same prayer. I move that it be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. SAULSBURY presented a petition of citizens of Lewes, Del., praying an appropriation for the completion of the pier in Delaware Bay, near Lewes, in Sussex County, Delaware; which was referred to the Committee on Commerce.

Mr. COCKRELL. I present sundry petitions, one from the Nevada Local Assembly, No. 3769, another from the Pierce City Local Assembly, No. 3144, another from the Warrensburg Local Assembly, No. 2139, and another from Rich Hill Local Assembly, No. 2017, of the Knights of Labor of the State of Missouri, requesting the organization of a Territorial form of government over the Indian Territory and the opening up of all the public and unoccupied lands in that Territory immediately to settlement under the homestead laws, and the allotment of the lands therein in severalty to the Indians upon their present reservations, and the purchase of the surplus lands of the reservations by the United States, and the opening up of the same to settlement hereafter, to the end that speculators shall cease their control and occupancy of the land and no injustice be done to the Indians, and that the laboring mechanic and homeless man may at once secure a home. I presume the petitions should be referred to the Committee on Indian Affairs. Did I understand the Senator from Indiana [Mr. HARRISON] to say yesterday that the Committee on the Judiciary is considering the question of the extension of the laws of the United States over the Indian Territory?

Mr. HARRISON. I understand that a bill establishing a court in the Indian Territory was referred to the Judiciary Committee. The Senator from Massachusetts [Mr. DAWES] can answer the question more definitely.

Mr. COCKRELL. I will let these petitions go to the Committee on Indian Affairs.

Mr. FRYE. All such petitions have been referred to that committee.

The PRESIDENT *pro tempore*. The petitions will be referred to the Committee on Indian Affairs.

Mr. COCKRELL. I present the petition of the directors and members of the Merchants' Exchange of the city of Saint Louis, praying Congress to decide by prompt action the important question of the coinage of silver, and let the producers, the merchants, and the manufacturers of the country know what can be relied upon as a final settlement of the question. The petition is regardless of politics, and states that the continued agitation of the silver question is materially affecting values and the status of trade in all branches of the cereals, cotton, provisions, &c., and in the manufacturing interest.

I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. VOORHEES presented the petition of Thomas G. Corbin, a captain on the retired-list of the Navy, praying for the passage of an act placing him on the retired-list of rear-admirals; which was referred to the Committee on Naval Affairs.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Select Committee on Woman Suffrage, to whom was referred the joint resolution (S. R. 5) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported it without amendment, and submitted a report thereon.

Mr. COCKRELL. That is not a unanimous report. The minority of the committee are opposed to the report as presented by the majority, and we may desire to submit the views of the minority in writing. I believe the majority have their views in writing.

Mr. BLAIR. They have, and it is understood that the minority might desire to submit their views and have time to do it.

Mr. COCKRELL. This is the same joint resolution that was reported at the last Congress?

Mr. BLAIR. It is the same phraseology.

Mr. COCKRELL. At the last Congress there was a majority and a minority report printed upon it, and the minority have not changed their views.

The PRESIDENT *pro tempore*. The joint resolution will be placed upon the Calendar.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (S. 929) for the relief of Albert H. Emery, reported it without amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Public Lands, to whom was referred the bill (S. 884) to enable the State of Colorado to take lands in lieu of the sixteenth and thirty-sixth sections within Indian reservations, reported it with an amendment.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred the bill (S. 718) for the relief of Francis Gilbeau, reported it without an amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 257) for the relief of Frances E. Stewart, administratrix of Michael S. Stewart, deceased, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Claims, to whom was referred the petition of Margaret Kennedy, executrix of John Kennedy, deceased, praying compensation for damages done to property of the decedent by the military forces during the late war, submitted an adverse report thereon; and the committee were discharged from the further consideration of the petition.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 23) giving a military record to Thomas Miller, reported it without amendment, and submitted a report thereon.

PRINTING OF ARGUMENTS ON PENSION LEGISLATION.

Mr. BLAIR. I am directed by the Committee on Pensions to ask an order to print 1,000 copies of the remarks of the pension committee of the Grand Army of the Republic on general pension legislation before the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks an order of the Senate to print 1,000 copies of a certain document entitled "Hearing before the Committee on Pensions of the Senate of the United States of the committee on pensions of the Grand Army of the Republic" for the use of the Senate. Is there objection? The Chair hears none, and the order is made.

BILLS INTRODUCED.

Mr. LOGAN introduced a bill (S. 1326) granting a pension to Caroline E. Pratt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1327) for the relief of Wilbur F. Cogswell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 1328) granting a pension to Mary Keifer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 1329) for the relief of James Millinger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CHACE introduced a bill (S. 1330) supplementary to an act approved the 18th day of January, 1883, entitled "An act to regulate and improve the civil service of the United States;" which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

Mr. BUTLER introduced a bill (S. 1331) granting a pension to Lucy Singleton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL. By request I introduce a bill; I know nothing of its merits and I do not know that I shall vote for it.

The bill (S. 1332) for the relief of Thomas F. Riley was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 1333) for the relief of William H. Randle, of Nashville, Tenn.; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

He also (by request) introduced a bill (S. 1334) to prevent the introduction of contagious and infectious diseases into the United States and to establish a bureau of public health; which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. ALDRICH introduced a bill (S. 1335) granting a pension to George Warmsley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1336) granting a pension to Jennie H. Cogill; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 1337) granting a pension to the minor son of Leonard P. West; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. INGALLS (by request) introduced a bill (S. 1338) to incorporate the Washington Traction Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 1339) to amend the police regulations of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1340) for the relief of E. J. Northcutt & Brothers for losses sustained by Indian depredations in Southern Oregon in 1855; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 1341) to indemnify Abial Morrison for property destroyed by hostile Indians in Washington Territory in the years 1855 and 1856; which was read twice by its title.

Mr. MITCHELL, of Oregon. I ask that the bill be referred to the Committee on Claims.

Mr. DAWES. All such bills have heretofore been referred to the Committee on Indian Affairs. I do not know that the committee are desirous of keeping them in that committee, but there must be some reason why they are taken from that committee and referred to the Committee on Claims.

Mr. MITCHELL, of Oregon. I have only one objection to the bills going to the Committee on Indian Affairs, but I do not care about stating it now.

Mr. DAWES. I do not care to make a motion to have the bill come to the Committee on Indian Affairs. I only say that that is what the committee was appointed for.

Mr. MITCHELL, of Oregon. I will state to the chairman of the Committee on Indian Affairs that these bills relate exclusively to Indian depredation claims.

Mr. DAWES. The Committee on Claims have been in the habit of reporting them back and sending them to the Committee on Indian Affairs.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts move the reference of the bill to the Committee on Indian Affairs?

Mr. DAWES. No, I do not make any motion; I only make this statement.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims if there be no objection.

Mr. MITCHELL, of Oregon, introduced a bill (S. 1342) for the relief of H. W. Shipley; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 1343) for the relief of Althea Gibbs Powell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TELLER introduced a bill (S. 1344) for the relief of the Mexican National Construction Company of New York; which was read twice by its title, and referred to the Committee on Finance.

Mr. FRYE introduced a bill (S. 1345) for the relief of William S. Grant; which was read twice by its title, and referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 1346) granting a pension to William H. Brooks; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 1347) granting a pension to William H. Reddick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 1348) granting a pension to Sarah E. Henry; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 1349) authorizing the President to appoint a commission of experts, skilled in the investigation, production, and use of metallic substances and other structural materials, to execute tests and experiments on iron, steel, and other materials used in the construction of bridges, buildings, and mechanical structures, and deduct useful rules therefrom; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. INGALLS introduced a bill (S. 1350) to provide for the erection of a public building for the use of the post-office and Government offices at the city of Atchison, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. WILSON, of Iowa, introduced a bill (S. 1351) for the creation of a commission to distribute the unpaid balance of the Geneva award fund, and for other purposes; which was read twice by its title.

Mr. WILSON, of Iowa. I wish to state that I introduced the bill by request. I am not committed to its provisions, for I have not yet had an opportunity to examine it. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. PLUMB introduced a bill (S. 1352) granting the right of way to the Leavenworth, Northern and Southern Railway Company through the military reservation at Fort Leavenworth; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. JONES, of Nevada, introduced a bill (S. 1353) referring to the Court of Claims for adjudication the claims of John H. Kinkead, Samuel Sussman, and Charles O. Wood; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a joint resolution (S. R. 36) for the further distribution of the Report of the Public Land Commission; which was read twice by its title, and referred to the Committee on Printing.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONES, of Nevada, it was

Ordered, That the papers in the claim of John H. Kinkead and Samuel Sussman and the claim of Charles O. Wood be taken from the files and referred to the Committee on Claims.

On motion of Mr. HARRIS, it was

Ordered, That the petition and papers of William H. Randle be taken from the files and referred to the Committee on Post-Offices and Post-Roads.

REMOVALS AND SUSPENSIONS FROM OFFICE.

Mr. RIDDLEBERGER. I offer a resolution, which I think it is necessary I should read myself, as it has some interpolations in such form as possibly they will not be read at the desk as they were intended. It is as follows:

Resolved, That it is the sense of the Senate that the Executive of the United States is not restricted by Constitution or law in removing or suspending appointees; that the Senate has no constitutional right to require that reasons shall be given for such removals or suspensions; but that it is the right of the Senate to call for any papers relating to the conduct of removed or suspended appointees, or to the qualification and fitness of all persons whose names are presented to the Senate for confirmation or rejection, and it is the duty of the Executive to comply with all demands for the same.

I ask the Senate to consider this resolution to-day.

Mr. COCKRELL. Let it be printed and lie on the table.

Mr. RIDDLEBERGER. I ask the Senator from Missouri to permit me simply to make a statement before he interposes his objection.

Mr. COCKRELL. Certainly; I withdraw the objection.

Mr. RIDDLEBERGER. My object in presenting the resolution is to get this question before the Senate in open debate. It does not involve any of the so-called high prerogatives of the Senate when it shall go into executive or secret session, but only the abstract question as to whether the Executive can be called upon and required to give reasons for removals. That is all that is involved in the resolution.

All appointments sent in here, all treaties sent in here, can be treated just as the Senate has heretofore acted on all matters of that sort. This is a resolution that goes to the abstract question as to whether we can ask the President for reasons. The resolution says we can not require an answer. We can ask, of course, but we can not require an answer. It says further that we can ask for the reasons for an appointment. That is all, sir.

I ask that the resolution, if the Senator from Missouri wants it to go over, shall only be considered to-day as an endeavor on my part to bring the matter to public discussion and keep it out of executive session.

Mr. COCKRELL. Let the resolution be printed and lie on the table.

The PRESIDENT *pro tempore*. The resolution will first be read, subject to objection.

Mr. PUGH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama will first allow the resolution to be read at the desk.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. There is. I object. Let it be printed.

The PRESIDENT *pro tempore*. The Senator from Missouri objects, and under the rules the resolution is not open to debate.

Mr. PUGH. I desire to give notice——

Mr. COCKRELL. I withdraw the objection.

The PRESIDENT *pro tempore*. The objection is withdrawn.

Mr. PUGH. I desire to give notice that not later than to-morrow I shall offer a substitute for the resolution. I thought I had it in my drawer, and that I should be able to offer it at this time, so that it might be printed; but I remember that I handed it to a Senator who is not in his seat this morning. As soon as he comes in I shall ask leave to offer it and to have it printed, so that I may make a motion to substitute it for the resolution offered by the Senator from Virginia.

Mr. HARRIS. I suggest that the resolution lie on the table until probably in the course of a few minutes, or very soon, the Senator shall obtain his substitute, and then the order to print will include both.

Mr. RIDDLEBERGER. I will state to the Senators that my only purpose is to bring this single question up for public discussion, and I have no objection to letting the resolution lie over. I do not think now that I shall have a word to say on the subject, but I regard it as one of the questions which ought to be discussed with open doors. That is my only purpose in offering the resolution, and any suggestion as to a day or a week's delay will be acceptable to me.

The PRESIDENT *pro tempore*. The resolution will lie on the table for the present.

NEW NAVAL OBSERVATORY.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate a copy of the report of the National Academy of Sciences upon the advisability of building a new naval observatory, submitted in December last.

TRAVIS'S PORTRAIT OF LINCOLN.

Mr. VOORHEES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Library are instructed to inquire into the advisability of the purchase of the life-size portrait of Abraham Lincoln, painted by the late G. W. F. Travis in the winter of 1864–'65.

SAMUEL STRONG.

Mr. STANFORD. I offer the following concurrent resolution, and ask that it be referred to the Committee on Public Buildings and Grounds:

Resolved by the Senate (the House of Representatives concurring), That the Committees of the Senate and the House of Representatives on Public Buildings and Grounds be, and they are hereby, authorized and directed, and acting jointly, to investigate and report upon certain charges made before a committee of the Senate in the year 1853 which were claimed to reflect upon the official conduct of Samuel Strong during his superintendency of the Capitol extension, which charges then made in his absence and subsequently dropped on his return are now being revived, it is alleged, in the attempt to damage his character; and the said joint committees are empowered to send for persons and papers and to employ a stenographer.

Mr. MORRILL. I ask the Senator from California if he will not consent to an amendment of the resolution? I see that he proposes that the committee of the Senate and the House shall act jointly. I ask the Senator to amend it by saying "concurrently," so that the Committee of the Senate may not be swallowed up by numbers.

Mr. HOAR (to Mr. MORRILL). The resolution is to be referred to your committee. You can amend it there.

Mr. MORRILL. Very well.

The PRESIDENT *pro tempore*. If there be no objection, that amendment will be made, or it can be made in committee, whichever is most convenient. The resolution will be referred to the Committee on Public Buildings and Grounds.

REPRINTING OF BANKRUPTCY BILL.

On motion of Mr. HOAR, it was

Ordered, That the bill (S. 3) to establish a uniform system of bankruptcy throughout the United States, with the index, be reprinted for the use of the Senate.

CHANGE OF REFERENCE.

Mr. COCKRELL. Yesterday morning I presented a petition of the Kansas City Clearing House Association in regard to the extension of the laws of the United States over the Indian Territory, and it was referred to the Committee on Indian Affairs. I ask now that the Committee on Indian Affairs be discharged from the further consideration of the petition, and that it be referred to the Committee on the Judiciary, that committee having in charge the special subject of the extension of the courts over that Territory. The chairman of the Committee on Indian Affairs, the Senator from Massachusetts [Mr. DAWES], agrees to this course.

The PRESIDENT *pro tempore*. If there be no objection that change of reference will be made. The Chair hears none.

STATUES OF COLUMBUS, LAFAYETTE, AND GARFIELD.

Mr. VOORHEES. I rise for the purpose of calling up and asking action by the Senate on the joint resolution of the Senator from Vermont [Mr. MORRILL], which was under consideration yesterday, touching the designation of a proper place for a statue to Lafayette and also a contemplated statue to Columbus.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the joint resolution indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 35) setting apart public reservations for statues to Columbus, Lafayette, and James A. Garfield.

Mr. VOORHEES. Mr. President, I have no purpose at all to discuss the question. I listened with pleasure and interest to the eloquence and humor of my distinguished friend from Michigan [Mr. CONGER] yesterday. I did not gather that he was so much opposed to it as to seriously antagonize the measure.

I wish to call the attention of the Senate, however, to one fact which perhaps is not very familiar, for we all forget things rapidly here. During the last session of the last Congress an appropriation of $50,000 was made for the erection of a statue to General Lafayette. The designs are now being submitted. The work has not been assigned to anybody as yet, but soon will be. Having made this appropriation, it follows as a necessity that Congress shall designate the proper location for the statue already authorized. So there is nothing new in this matter except a statue to the discoverer of the New World.

As to the location of these two contemplated statues, I think the places pointed out by the Senator from Vermont are commanding and proper. I have been one who has commented with such severity as I could command upon improper localities and low grounds throughout this city; but there is only one Capitol Hill, and these two approaches to the Capitol from the main front it seems to me should be reserved for the most conspicuous characters in our history who are yet without these honors.

I know of no statue to Columbus that might be spoken of as such. The matter of the propriety as to General Lafayette is past, because we have legislated upon the subject.

There is another character who ought to be put in marble in some conspicuous place in this District. There is no statue to William Penn, and I have had it in my mind for some time to bring that question forward. I do not know but what if it had been left to me I might have designated one of these places on the west front of the Capitol for a statue to William Penn instead of to Christopher Columbus, giving to Columbus some entire and conspicuous square elsewhere; but I am well satisfied with the matter in the shape it is.

As to the propriety and the utility of erecting statues to departed worth and greatness, that has passed beyond the domain of discussion. While some of our works of art are open to criticism, yet we are doing our part in that great cultivated field as well perhaps as those who are disposed to critieise us.

I hope there will be no objection to the passage of the joint resolution.

The joint resolution was reported to the Senate without amendment.

The PRESIDENT *pro tempore*. The question is on ordering the joint resolution to be engrossed for a third reading.

Mr. COCKRELL. Let the joint resolution be read in full.

The PRESIDENT *pro tempore*. It will be read at length.

The joint resolution was read.

Mr. CONGER. I hope that resolution will go over for further consideration and reflection at least. I do not know that I am entirely alone in my views that the passage of the resolution would be a matter of regret to us all if it should become a law. There can be, of course, no objection to its going over for a few days to give time for looking at these sites and for reflection in regard to them.

I feel certain that in the future, when the prancing horse in front of the Executive Mansion in Lafayette Square is weary of his position, that will be the appropriate place in front of the executive home of the President for the statue of Lafayette. I deem it an appropriate place, a desirable one, and one that would commend itself to the judgment of all Senators and of all the people of the United States. The name of the square was given to it to honor this great man. At an early day it was selected as the name of the square by Washington, a square laid out by the Frenchman who laid out this city, and a place the most prominent in the city, not part of the executive grounds, but facing them, was designated as a square to be honored by the name of Lafayette and appropriated as a continual and perpetual monument to the memory of Washington's friend and the friend of this country. In the equestrian statue now there there is nothing to indicate any great event in the history of the country; there is nothing but a flying Pegasus without wings. There is no reason why that monument already there should be in the center of Lafayette Square.

I am more and more astonished that the committee in charge of this question, whose taste and judgment commend themselves to the minds of other Senators, should not have reflected on this more and should not have selected a little more appropriate place for a monument to Lafay-

ette than the low ground at the foot of the hill and on the banks of Goose Creek.

I wish this might go over, if there is no objection, for a reasonable time, say a week. If the Senator objects, I move that the consideration of this question be postponed for one week.

The PRESIDENT *pro tempore*. The Senator from Michigan moves to postpone the further consideration of this joint resolution.

Mr. VOORHEES. Mr. President, I have never refused a request made by any Senator for a reasonable postponement for the purpose of looking into a question; but I do not wish this postponement by a vote of the Senate. It is not necessary to be done, and I do not want it postponed to any distant day. How long does the Senator desire the matter to be deferred until he can look into it? I say I never refuse a request of that kind.

Mr. CONGER. The Senator did not, but the chairman of the committee who reported the resolution did intimate an objection to my request.

Mr. VOORHEES. That may be true.

Mr. CONGER. I think a few days hence would do to give Senators an opportunity to look at the sites and think over the matter.

Mr. VOORHEES. If it will be agreeable to the Senator I will say that I shall call it up at some hour on Thursday, the day after to-morrow, and ask for a vote of the Senate then.

Mr. CONGER. That would be better than to act upon it this morning.

Mr. VOORHEES. Will that do?

Mr. CONGER. To have it postponed a little longer would be more agreeable. Senators may have no time to go over the city and up hill and down and think upon the appropriateness of the proposed sites between now and Thursday.

Mr. VOORHEES. I will agree with the Senator from Michigan to call it up again a week from this day, at this hour.

Mr. CONGER. I will withdraw my motion with that understanding.

Mr. VOORHEES. With the understanding that we are to vote then?

Mr. CONGER. I have no desire to delay action upon it.

The PRESIDENT *pro tempore*. It will be considered as the pleasure of the Senate that this joint resolution shall take its place on the Calendar subject to be called up on motion.

RECEIVERS OF NATIONAL BANKS.

Mr. VAN WYCK. With the consent of the chairman of the Committee on Finance, I ask the Senate to take up for consideration a bill reported by him from that committee, which will, I presume, cause no discussion. I understand it has the unanimous assent of the committee. It is Senate bill 1136, Order of Business 98.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate now proceed to the consideration of Senate bill 1136.

The motion was agreed to; and the bill (S. 1136) additional to an act entitled "An act to provide a national currency secured by pledge of United States bonds, and to provide for the circulation and redemption thereof," passed June 3, 1864, was considered as in Committee of the Whole. It provides that whenever the receiver of any national bank duly appointed by the Comptroller of the Currency, and who shall have duly qualified and entered upon the discharge of his trust, shall find it in his opinion necessary, in order to fully protect and benefit his trust to the extent of any and all equities that such trust may have in any property, real or personal, by reason of any bond, mortgage, assignment, or other proper legal claim attaching thereto, and which property is to be sold under any execution, decree of foreclosure, or proper order of any court of jurisdiction, he may certify the facts in the case, together with his opinion as to the value of the property to be so sold, and the value of the equity his trust may have in the same, to the Comptroller of the Currency, together with a request for the right and authority to use and employ so much of the money of the trust as may be necessary to purchase such property at such sale.

Mr. MORRILL. This bill has passed the supervision of the Comptroller of the Currency, and it applies to a case where some considerable amount of the assets of a bank is tied up by proceedings in a State court and is about to be sold, and the bill provides that the receiver may use funds of the bank which have already been covered into the Treasury for the purpose of protecting the interest of the creditors of the bank by seeing that the property which is about to be sold by order of the State court shall not be sold for less than its value. There are two or three amendments, I think, reported by the Committee on Finance.

The PRESIDENT *pro tempore*. The amendments reported by the Committee on Finance will now be read.

The CHIEF CLERK. The first amendment of the committee is in line 5, of section 2, before the words "of the Treasury," to strike out "Solicitor" and insert "Secretary;" so as to read:

SEC. 2. That such request, if approved by the Comptroller of the Currency, shall be, together with the certificates of facts in the case, and his recommendation as to the amount of money which, in his judgment, should be so used and employed, submitted to the Secretary of the Treasury, and if the same shall likewise be approved by him, the request shall be by the Comptroller of the Currency allowed, and notice thereof, with copies of the request, certificate of facts, and indorsement of approvals, shall be filed with the Treasurer of the United States.

The amendment was agreed to.

The next amendment was in section 3, line 10, after the word "direct," to insert "with the approval of the Secretary of the Treasury;" so as to read:

SEC. 3. That whenever any such request shall be allowed as hereinbefore provided, the said Comptroller of the Currency shall be, and is, empowered to draw upon and from such funds of any such trust as may be deposited with the Treasurer of the United States for the benefit of the bank in interest, to the amount as may be recommended and allowed and for the purpose for which such allowance was made: *Provided, however*, That all payments to be made for or on account of the purchase of any such property and under any such allowance shall be made by the Comptroller of the Currency direct, with the approval of the Secretary of the Treasury, for such purpose only and in such manner as he may determine and order.

The amendment was agreed to.

The next amendment was, in line 13, of section 3, after the word "order," to strike out the following proviso:

And provided further, That no money shall be paid by the Comptroller of the Currency under the provisions of this act for or on account of the purchase of any such property, except the said receiver shall have obtained an order out of the district court of the United States for the district in which the bank of which he is the receiver is located, authorizing him to bid for and purchase the said property; and a certified copy of such order shall be filed with the Comptroller of the Currency.

The amendment was agreed to.

The next amendment was, to strike out section 4, as follows:

SEC. 4. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended; and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHURCH AND STATE.

The PRESIDENT *pro tempore*. The Calendar is now in order under Rule VIII. The first business on the Calendar is the resolutions submitted by the Senator from Alabama [Mr. MORGAN] January 11, 1886, in relation to the appointment of officers of the United States to participate with the officers of any church, &c.

Mr. HARRIS. The Senator from Alabama I think was taken from the floor by the expiration of the morning hour yesterday.

Mr. MORGAN. I seek no further participation in debate on these resolutions, and unless some Senator desires to amend them I ask for a vote upon them.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions proposed by the Senator from Alabama, which will be again read.

The Chief Clerk read the resolutions, as follows:

Whereas the union of church and state in the conduct of a joint administration of the temporal or spiritual affairs of any church or religious sect or society is dangerous to the freedom of religious worship and opinion, and violates the principles of the Constitution of the United States:

Resolved, 1. That in the opinion of the Senate it is not within the power of Congress to appoint officers of the United States, by whatever name they may be called, who shall, in the name of, or on behalf of, the United States, be required to participate with the officers of any church or religious sect or society, whether or not the same is incorporated, in the joint conduct and administration of the spiritual or temporal affairs of such church, sect, or society.

2. That it is a practical violation of the Constitution for the President of the United States to appoint any such officer under any law which assumes to confer such power on him, and that requires such duties to be performed by such appointee as are mentioned in the first resolution, and that fixes upon them a direct accountability or responsibility to the executive or legislative department of the Government of the United States for their conduct in office.

3. That it is not the constitutional function of the executive or legislative department of the Government of the United States to exert control in the direction and administration of the religious or temporal affairs of any church or religious sect or society; but such power, if it may be in any case lawfully exerted by any department of the Government of the United States, can only be exercised by the judicial department.

4. That the power of Congress to grant charters of incorporation to religious societies in localities under its exclusive jurisdiction does not extend to and include the right or authority to participate in the administration of the affairs of such incorporations through the agency of officers of the United States appointed for such purpose and accountable to the Government for their conduct in office.

Mr. ALLISON. Are not these resolutions, in principle at least, in conflict with a bill which has recently passed the Senate?

Mr. MORGAN. With one feature of that bill they are in direct conflict.

Mr. ALLISON. That bill was debated at great length after having been reported from the Committee on the Judiciary. It seems to me that these resolutions ought to be considered more at length before they are adopted by the Senate, so soon at least after adopting a different principle in the way of legislation.

The PRESIDENT *pro tempore*. Does the Senator from Iowa object to the consideration of the resolutions on the Calendar under Rule VIII?

Mr. ALLISON. I do not suppose that to be in order at this moment.

Mr. HARRISON. Oh, yes.

Mr. ALLISON. I do not care to object; I only call attention to the importance of the subject.

The PRESIDENT *pro tempore*. The question is on the adoption of the resolutions.

Mr. INGALLS. If the Senator from Alabama desires to speak on this subject either to justify his own action or to assail that of the majority of the Senate, of course I have no disposition to interfere with that; but if we are to be called upon to express our opinion on a question involving considerations like those which I suppose to be presented in these resolutions, I am clear that we ought to have the consideration of a committee; and rather than be called upon at this time to vote ay or no upon a resolution with whose terms I am really unfamiliar, and about whose consequences I should be unable to predict, I will move the reference of the resolution to the Committee on the Judiciary, or any other committee that will be agreeable to the Senator from Alabama, in order that if this subject is to be again presented for debate we may have the opportunity for deliberation.

Mr. MORGAN. Mr. President, yesterday I made all the observations that I desire to make upon these resolutions, not for the purpose of vindicating any vote I had given, or censuring any vote that anybody else had given, but for the purpose of antagonizing in these resolutions the proposition the Senate voted into the Utah bill, that the Government of the United States could be represented in a church organization, and in a church board by officers appointed by the President of the United States and confirmed by the Senate, who were required to report directly to the Secretary of the Interior. It occurred to me that that was a very great stretch of power. Attention was called to it during the debate on the Utah bill, and I thought it was entirely proper that the deliberate sense of the Senate should be taken on that proposition, inasmuch as we had voted it into the bill, as a naked constitutional question, one that does involve the duty of the President in making appointments under that bill if it shall become a law. So I presented my views yesterday after these resolutions were laid upon the Calendar for some days, and were printed and on the desk of every Senator. Now, a Senator from the Committee on the Judiciary, which reported the Utah bill, moves the reference of this subject to that or some other committee. Of course, if it goes back from this body for consideration, it ought to go to the Judiciary Committee; but the Judiciary Committee reported the Utah bill with this feature in it, and I supposed, of course, that they had made up their minds upon it. I supposed that that committee had thoroughly committed itself to the proposition that we could introduce into a church organization in this country a board of United States officers who should sit in company with other trustees of that organization, and who should, as such officers, report to the Secretary of the Interior, and that those officers should also be appointed by the President and confirmed by the Senate.

The antagonism between the proposition I bring forward by these resolutions and the action of the committee in reporting that bill was so very obvious, so very distinct, that I thought perhaps the committee had taken issue with the proposition as a proposition of constitutional law, and that they would not want any further consideration of it. But if the committee feel that they have acted in haste in this matter or without due consideration, and that they would prefer to have further time to look over the field to examine into this grave constitutional difficulty, I shall not object to its going back; I shall only send along with the resolutions on my part an humble petition that they may be considered and reported to the Senate for its action, and that they shall not be shelved. Of course that committee would not do such a thing as that intentionally, but they might do it in the mere pressure of their business.

The importance of the question can not be doubted. Every church in every Territory of the United States and in the District of Columbia, to say nothing, perhaps, of other churches, is open now, on the vote of the Senate taken on that feature of that bill, to have introduced into it by an act of Congress a body of officers of the United States to sit in conference with the officers of the church to regulate its temporal affairs. If that body, according to the organization and constitution of the church, as was decided in the case that I read from yesterday in the Supreme Court of the United States, has also a spiritual control of the church and can control the trustees so as to make them accommodate their temporal action to the spiritual necessities of the church, then Congress has but one step further to take to control the spiritual destiny of every church in this District and in the Territories, and that is to say that their trustees ought to be there with all the powers that belong to any other members of the church or any other trustees of the church.

The question is up. I did not bring it up. It was put into that bill. I did not put it there. It came here with the consent of the Committee on the Judiciary, and the Senate voted it into the bill; and they did it, too, after the best efforts that I could make to call the attention of the Senate to the fact that this grave constitutional difficulty was in the bill.

Now, sir, there is not a religious denomination in the United States that will not feel that its power, its rightful jurisdiction on subjects with regard to its worship, its control, is attacked in this bill, in principle at least, and I can not consent that the subject should pass out of view without bringing it again to the attention of the Senate to ask its more deliberate judgment upon the great constitutional question involved.

As I observed yesterday, I repeat that church and state were divorced in this country before our Constitution was adopted. The divorce was ratified and confirmed when the Constitution was adopted. They are now reunited in the Utah bill and by the vote of the Senate. The nuptials have been celebrated again, and I repeat what I said yesterday, it is a disagreeable incident in this matter that these nuptials between church and state, so long divorced, have been recelebrated upon the polygamous altar of the Church of Jesus Christ of the Latter-day Saints in Utah. If we want to celebrate the nuptials between church and state in this country and to unite and incorporate them together, do not let us go to that altar for the purpose of having the ceremony performed.

This bill does place officers, appointed by the President and confirmed by the Senate, with duty to report to the Secretary of the Interior, as managing officers in a church board to act in company with thirteen Mormons in the conduct of such of the affairs of that church as fall under their jurisdiction in the nature and character of its organization; and these men are required to report their doings to the Secretary of the Interior. What we shall do with the report when it is made I am unable to conjecture. I suppose that it may furnish a basis for further legislation to see whether that church has been conducted according to its faith and doctrine, or whether it has been perverted from its faith and doctrine by the action of our trustees or any others—whether its property is being used for lawful or unlawful purposes. But it makes no difference what legislation we may predicate upon a report of that kind, the power is assumed on the part of the Congress of the United States, through officers of the Government of the United States, to take part in the control and management of a church.

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolutions to the Committee on the Judiciary.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors; and

A bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 377) granting a pension to Matthias Leckner; and it was thereupon signed by the President *pro tempore*.

GEORGE W. GETTY.

The next business on the Calendar was the bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general.

Mr. SEWELL. There is quite a lengthy report in this case; but I prefer to make a statement in a few words of the reasons which induced the Military Committee to report the bill. The report can then be read if any Senator desires.

The Committee on Military Affairs in the past five years have selected but three officers, as I now recollect, for legislation to retire them with a higher grade than that of their lineal rank in the service at the time of their retirement. General Getty was one of those officers, General Meigs was another, and General Hunt the third. They were cases of peculiar merit, officers that were in the service long prior to the late war, in fact prior to the Mexican war, and took part in the Indian wars of that period, officers who served at Churubusco, Chapultepec, Molino del Rey, and the other great successes of our arms in Mexico, for which they received brevets. At the outbreak of the late war these officers were in the full vigor of manhood, with large experience, and they took rank with high command early in the war. At the close of the war they were assigned to duty with the brevet rank of major-general in the regular service, and commanded divisions in the Army from 1862 up to the time of their retirement.

In the case of General Meigs, the committee reported the year before last that he should be retired one grade higher than his lineal rank at the time of his retirement, although he had been serving on duty with the brevet rank for a period of over twenty years, and Congress passed the bill. In the case of General Hunt a similar report was made last year, but the bill was not reached and it will be renewed this year. In the case of General Getty, he has been retired with the rank of colonel. The committee think that his services to the Government for a period covering nearly fifty years fully entitle him for the few short years of his life to the additional pay and honor that the increase of rank one grade would give him, and therefore recommend the passage of the bill.

Mr. LOGAN. I prefer that the bill shall lie over for the present, if the Senator from New Jersey does not insist on proceeding with it now.

The PRESIDENT *pro tempore*. It is open to objection.

Mr. SEWELL. I have no objection if the Senator from Illinois desires it to lie over, but it has been on the Calendar some time.

Mr. LOGAN. I will say to the Senator that I really did not know anything about its being reported. What I desire is to discuss at the proper time the principle involved in this bill, not by way of objection

to General Getty, but as to the rule that has prevailed and ought to prevail in reference to propositions of this kind.

My attention was not called to the bill; I mean by that to say that I have no recollection of it. It was no doubt referred to the committee for consideration. As I say, I make my request for delay not with the desire to oppose this particular bill, but to consider the general features that are found in this bill, which cover quite a number of cases that are now before the committee. If the bill shall pass, of course it will settle the question of principle. I have some papers that I desire to refer to.

Mr. SEWELL. I have no objection to the Senator from Illinois naming his own time. I do not like to put off a case of this kind to an indefinite period.

Mr. LOGAN. Any time after I return home and get a list that I have there; to-morrow or any other day will answer.

Mr. SEWELL. Can it be called up by agreement?

Mr. LOGAN. Yes, at any time. I only ask that it be deferred for the present.

The PRESIDENT *pro tempore*. The bill will lie over, keeping its place on the Calendar.

REMOVALS AND SUSPENSIONS FROM OFFICE.

Mr. PUGH. I now ask unanimous consent to offer the resolution of which I gave notice a short time ago. I will read it:

Resolved, 1. That "the executive power" is expressly "vested" by the Constitution "in the President" of the United States, so that "he shall take care that the laws be faithfully executed."

2. That the power of appointment to Federal office is an executive power, to be exercised by the President under the limitation in the Constitution that "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint."

3. That the power of removal or suspension from the powers and duties of Federal office is also an executive power, vested exclusively in the President, without any such limitation in the Constitution as is imposed thereby on the power of appointment, and for its exercise he is responsible alone to the people, and not to the Senate.

4. That the right of the President to make nominations to the Senate and of the Senate to advise and consent thereto are each separate and independent rights, to be exercised by the President and Senate respectively and separately and independently within their absolute discretion; but in relation to the person or persons so nominated the Senate may request information of the President affecting the character or qualifications of those as to whose appointment he asks the advice and consent of the Senate.

5. That when the President makes nominations to the Senate of persons to be appointed by him to exercise the powers and duties of Federal officers who have been removed or suspended by him, no law, public duty, or public policy requires that he shall send or communicate to the Senate any cause, reason, or information within his own knowledge, or contained in any letters, petitions, papers, or documents addressed to him or any member of his Cabinet, or in the possession of either, and relating to the subject of removals or suspensions, or containing charges, causes, or reasons, and the proof thereof, for making such removals or suspensions, and no law, public duty, or public policy requires or authorizes the Senate to call for such information existing in any such form from the President or any member of his Cabinet to enable the Senate to review or question the action of the President in exercising his executive, discretionary, and exclusive power of removing or suspending Federal officers from the powers and duties of their office, or to put the President on trial by the Senate, or to enforce accountability to the Senate for anything he may have done in the exercise of such jurisdiction.

6. That to obtain information considered by either House of Congress useful in passing necessary and proper laws, either House of Congress may request the President, if not deemed by him incompatible with the public interest, to give any information within his own knowledge, or contained in any public documents or records on file or in the lawful custody of any of the Departments and relating to the administration of any public office or the official conduct or acts affecting the official conduct or duties of any public officer; but for the Senate to make such request of the President or to direct any member of his Cabinet to transmit to the Senate any information or any public documents or other papers in open or executive session to enable the Senate in open or executive session to review the propriety or the cause or the information upon which he acted or may have acted in making removals or suspensions, would be an attempt to obtain such information by false pretenses and for uses and purposes not authorized or justified by any law or public policy of the United States; and should the President grant such request or require any member of his Cabinet to obey such direction from the Senate when deemed by him to have been made for such unjustifiable and unlawful uses and purposes, would be to recognize and encourage an improper practice and a dangerous innovation upon his exclusive and independent rights, powers, and duties as President of the United States.

I ask that this resolution be printed.

The PRESIDENT *pro tempore*. The Senator from Alabama asks the unanimous consent of the Senate——

Mr. PUGH. I will offer it as a substitute for the resolutions proposed by the Senator from Virginia [Mr. RIDDLEBERGER].

Mr. HOAR. Does the printing include the stump speech in the belly of the resolution as well as the resolution itself?

Mr. INGALLS. Oh, yes.

The PRESIDENT *pro tempore*. That is for the Senate to determine. The Senator from Alabama asks unanimous consent to take up for consideration at this time the resolution offered by the Senator from Virginia with the view that his amendments may be offered to it and that all be laid over until to-morrow and printed.

Mr. INGALLS. That there may be no misunderstanding on this subject, I give notice now that to-morrow I shall move to refer the original resolution offered by the Senator from Virginia and the amendment proposed by the Senator from Alabama to the Committee on Privileges and Elections for further consideration.

The PRESIDENT *pro tempore*. The Chair hears no objection to the motion of the Senator from Alabama, and that motion is considered agreed to. The resolution will be considered as pending, and the amendment to the resolution offered by the Senator from Alabama will be ordered to be printed with the resolution.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 2d instant, approved and signed the act (S. 671) making an appropriation for the purchase of the old Produce Exchange building and the site bounded by Whitehall, Pearl, Moore, and Water streets, New York city, for army purposes.

PEARSON C. MONTGOMERY.

The bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was announced as in order on the Calendar.

Mr. INGALLS. I object to the consideration of that bill.

The PRESIDENT *pro tempore*. Being objected to, the bill goes over under the rule.

Mr. HARRIS. I desire to say to the Senator from Kansas that the bill was reported at the last session of the Senate and passed the Senate without objection.

Mr. INGALLS. That was because my attention was not called to it.

Mr. HARRIS. Perhaps that may have been the case, but it is certainly the fact.

Mr. HOAR. The Senator from New Hampshire [Mr. PIKE] who is chairman of the Committee on Claims reported the bill, and the state of his health is known, I suppose, to all Senators. It is possible that he may have some desire in regard to the consideration of the bill at a particular time, or as to moving to take it up, or asking a Senator to waive an objection for an explanation when he comes in. He is unwell this morning, and I ask the Senator from Kansas to consent that the bill may stand, reserving his right until to-morrow.

Mr. INGALLS. Certainly; there can be no objection to that.

The PRESIDENT *pro tempore*. There being no objection to that course, the bill will stand over without prejudice, retaining its place on the Calendar.

DECORATIONS TO CONSUL RAWICZ.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1053) to permit Joseph Rawicz, United States consul at Warsaw, Russia, to accept certain decorations tendered him by the Russian Government.

Mr. INGALLS. I should like to hear the report read.

The PRESIDENT *pro tempore*. The report will be read.

The Secretary read the following report, submitted by Mr. PAYNE, from the Committee on Foreign Relations January 13:

The Committee on Foreign Relations, to whom was referred the letter of the Secretary of State of December 17, 1885 (Senate Ex. Doc. No. 11), recommending the passage of an act to permit Joseph Rawicz, United States consul at Warsaw, Russia, to accept decorations from Russia, have the honor to submit herewith a bill for the purpose mentioned, with recommendation that it do pass.

The committee find that for many years Mr. Rawicz has discharged the duties of United States consul at Warsaw without receiving any compensation therefor; that the Russian Government has tendered him certain decorations for services rendered his own country (he being a Russian subject), which, as he holds an office of trust under the United States, he is not at liberty to accept without the consent of Congress specifically given, while, as a subject of Russia, he can not decline them. The committee are of the opinion that, in view of all the circumstances, Congress may very properly accede to the request of Mr. Rawicz that he may be permitted to accept the honors referred to.

The letter of the Secretary of State referred to is submitted herewith and made a part of this report.

[Senate Ex. Doc. No. 11, Forty-ninth Congress, first session.]

Letter from the Secretary of State, recommending the passage of an act to permit the United States consul at Warsaw, Russia, to accept decorations from Russia.

December 21, 1885, referred to the Committee on Foreign Relations, and ordered to be printed.

DEPARTMENT OF STATE, *Washington, December* 17, 1885.

SIR: I have the honor to send you inclosed extracts from dispatches Nos. 115 and 119 from Mr. Joseph Rawicz, consul of the United States at Warsaw, Russia, relating to certain decorations that have been conferred upon him by the Russian Government.

In accordance with Mr. Rawicz's request I respectfully recommend that a bill be passed granting him permission to accept said decorations. It is proper to add that the office held by Mr. Rawicz is compensated by fees, the amount of which is very insignificant, and that he is a Russian subject.

I have the honor to be, sir, your obedient servant.

T. F. BAYARD.

Hon. JOHN SHERMAN,
President of the Senate pro tempore.

No. 115.] CONSULATE OF THE UNITED STATES,
Warsaw, June 5, 1885.

SIR: I have the honor to acknowledge the receipt of the State Department's two copies of the monthly consular reports, Nos. 47 and 48, one circular of April 9, and one dispatch, No. 61, of April 22 last.

In reply to the latter, I have the honor to state that, having been decorated by the Russian and French Governments, namely:

March 24, 1875, with the Order of St. Stanislaus, third class, for my services of twenty years as judge of the commercial court;

May 25, 1877, with the Order of St. Anna, third class, as member of the committee of Philadelphia Exhibition, held in 1876;

October 30, 1878, with the Red Cross;

September 25, 1880, with the French Cross of the Legion of Honor for the Paris Exhibition of 1878;

May 15 and June 25, 1883, with two Orders of St. Stanislaus, second class, for my services as member of the committee of the Warsaw Commercial School; and, finally,

February 28, 1885, with the Order of St. Anna, second class, as curator of the Warsaw Lunatic Asylum for ten years' services.

* * * * * * *

I am, sir, your obedient servant,

JOSEPH RAWICZ,
United States Consul.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington, D. C.

No. 119.] CONSULATE OF THE UNITED STATES,
Warsaw, October 1, 1885.

SIR: * * * I have the honor to acknowledge the receipt of dispatch No. 63, of July 15 last. In reply to the latter I have the honor to inform you that being at the head of the oldest local banking house, existing since 1769, I am frequently called to hold various Government and private honorary offices, as a president or member of committees.

This prominent position always enables me to decisively act in the behalf of this consulate, and this influential position becomes the more desirable, as this consulate is the only one not being general, and the latter circumstance greatly influences upon the official classification of foreign consuls in this country. Owing, however, to my personal position I am enabled in some measure to keep myself upon the level with the rights due to my colleagues, the consuls-general.

Many a time I requested the State Department for changing this consulate into a general one, never requiring any special pecuniary compensation or privilege, as I wanted only the title indispensable for the intercourse with the local authorities. Not wishing to be behind all other local consuls, I requested long ago for this title the Department of State by the mediation of some of the United States ministers passing through Warsaw to St. Petersburg, but I regret to say their mediation as well as their representations made the State Department remained till now entirely unconsidered.

The reason why the other European powers are represented here by the consuls-general is, that Warsaw was once the capital of the Kingdom of Poland.

As the subject of this country, I can not decline the acceptance of the Russian decorations, and therefore I respectfully beg you to pass the necessary formalities through the Congress relative to the orders already received by me.

* * * * * * *

I am, sir, your obedient servant,

JOSEPH RAWICZ,
United States Consul.

Hon. WILLIAM HUNTER,
Second Assistant Secretary of State, Washington, D. C.

Mr. EDMUNDS. I do not expect to stop this sort of thing, but I wish to say that I voted against this proposition in committee and I shall vote against it again.

This gentleman appears to have been receiving a series through several years long since past of what he calls Russian decorations, he being a Russian subject. It does not appear to have disturbed him in his relations to the United States down to this time, and I do not think it will if we do not happen to pass this bill. The idea of a republican country going into the business of authorizing citizens of our own, or especially subjects of any other country, to receive titles and decorations and such things is repugnant to my notions entirely, and, except in very extraordinary instances of some great public service in the interest of humanity that some officer of the United States sometimes does, I am opposed to the whole thing.

Mr. INGALLS. Mr. President, I can not believe that this is one of the cases which would properly come within the limitations of the provision of the Constitution on this subject, that reads as follows:

> No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

This provision of the Constitution certainly could not have been intended to apply to the subject of another dominion than ours. It would be an idle and nugatory and senseless provision to say that a citizen of Germany, owing allegiance to the German Emperor, who happened to be discharging a nominal office under the United States Government, should not have the right to accept any decoration or ornament that that potentate might see fit to bestow upon him. Here is Mr. Rawicz, who is by his own confession a citizen and subject of the Russian Empire——

Mr. VOORHEES. Allow me to ask the Senator from Kansas, why pass this bill? What aid does he need from us?

Mr. INGALLS. We are asked to pass it because the Committee on Foreign Relations has reported it. It is on the Calendar, and our affirmative action is invited.

I was about to proceed to say that this man is confessedly a Russian subject. He holds a nominal consulship under the Government of the United States, to which there is no salary attached. He is a resident of that empire, and in the discharge of his duties as a citizen of that empire the emperor has seen fit to decorate him with the insignia of certain orders that are peculiar to that country. If this provision of the Constitution covers a case like that, I certainly think it ought to be amended. As the Senator from Vermont states, this man has experienced no embarrassment heretofore; there is no way by which he can be reached by the Government of the United States and the powers of the Constitution if he does accept these decorations. We might remove him from the office, but it pays no salary and has no emoluments; therefore he would be subjected to no discomfiture or loss.

I believe also that an officer of the United States, properly so called, is compelled to take an oath to support the Constitution and laws of this country, which I do not suppose this man ever did. I do not learn that a citizen of a foreign power accepting a petty nominal consulate under the State Department is required to take an oath to support the Constitution and laws of this country, and I therefore think that this bill is frivolous. Even if this person were a citizen of this country, I should think it was an inconsequential thing to do. I have no respect for an American citizen who will come here and ask that he may have the permission of Congress to wear some foreign gewgaw, some jewel, some decoration, some painted ribbon, some article of adornment that he thinks is essential either to his personal appearance or to his self-esteem, and still more in the case of a foreign subject, I submit that it is preposterous to ask that this power of the Constitution shall be evoked.

I will venture, with great deference to a committee as important and dignified as the one that reported this bill, to move that it be indefinitely postponed.

Mr. MORGAN. The Committee on Foreign Relations could do no less than bring this bill to the attention of the Senate after the Secretary of State had sent the correspondence to us and had requested as follows:

> In accordance with Mr. Rawicz's request I respectfully recommend that a bill be passed granting him permission to accept said decorations.

The committee did not feel that they were justified in taking issue with the Secretary of State upon a question of this kind and smothering this bill in committee, or in reporting back that it should be indefinitely postponed, but thought they should rather present it to the Senate for its deliberate consideration. The opposition to the bill in the committee, I may be allowed to say, as one Senator has mentioned the fact that he opposed it, was not very large; still it was very important. The committee have not felt that they were dealing in a trifling way with a trifling subject at all. This gentleman is a Russian subject. He is a banker of eminence in the city of Warsaw. He is a man of very high respectability, and the Government of the United States, for reasons best known to the diplomatic functionaries, have found it necessary or proper, through many administrations, to invite him to accept the consulate at that place. He has discharged the duties there entirely to the satisfaction of the Government; but he finds that he can not either maintain his social position dependent upon his personal merits or his proper rank in official circles unless he conforms to the usages of the country of which he is a citizen by accepting and wearing the decorations that belong to that state of society.

Mr. INGALLS. Let him wear them.

Mr. MORGAN. Yes, let him wear them; and let him wear also the contempt of the Senator from Kansas, and perhaps that would be an additional decoration.

Mr. INGALLS. I have no contempt for him.

Mr. MORGAN. I supposed the Senator had expressed nothing else. He is an honorable gentleman, who makes an appeal to the Government of the United States to allow him to conduct an office that we confer upon him and ask him to take in such a manner as will not interfere with his social position or with his relations to his own government.

Mr. VOORHEES. May I ask my friend from Alabama what the necessity of a bill by the American Congress is to authorize a subject of Russia to wear anything that Russia sees fit to put on him?

Mr. MORGAN. I reply to that by asking what necessity there is for the Government of the United States to appoint a Russian to any office?

Mr. VOORHEES. That is getting into deep water.

Mr. MORGAN. Not any deeper than the other, because if we invite a citizen of Russia to take one of our honorable offices we must expect to permit him to do as Russians do in his own country; and if we find that there is an objection to following Russian customs and accepting honors from his own government because of the fact that he holds an office that we invite him to hold, it is as little as we can do to remove the difficulty.

Mr. INGALLS. Does the Russian Government object to the wearing of these decorations?

Mr. MORGAN. I am not in communication with the Russian Government, not being any part of the diplomatic body of the United States. The Senator from Kansas can indulge his own imagination on that question, which is very vivid, and I suppose he can find out.

Mr. INGALLS. The Senator stated that the reason why it was necessary this bill should be passed was to enable him to retain his social position in the Russian Empire.

Mr. MORGAN. I say that is what he says about it.

Mr. INGALLS. And the Senator thinks we should invoke a constitutional provision to allow Mr. Rawicz to maintain his social position in the Russian Empire.

Mr. MORGAN. I say that is what Mr. Rawicz and the Secretary of State both think about it, and therefore it is a subject for the respectful consideration of the Senate, not a subject that can be hooted out of this body with a remark on the other side. It may tickle the fancy of a subject of the Russian Government to wear a decoration that comes from that government, and it may be very amusing to Americans to see him in that grotesque attitude. At the same time we can not quite change the customs of Russia or its traditions; and when we put ourselves in the attitude of inviting a citizen of a foreign country to discharge consular functions for us within that country we must necessarily say to him, "We do it in deference to your citizenship, to the peculiarities of your country; and if you want to wear tinsel on your breast as an in-

dication of your rank, or of your belonging to a certain class of society, we have no reasonable right to object."

Now a grave constitutional question has sprung up here as to whether it is really necessary that we should remove an impediment to this man's wearing this decoration if he pleases. I do not know that I am prepared to settle that question, even in my own mind, very definitely. I only find that no one holding an office under the Government of the United States shall be permitted to wear these decorations except by the consent of Congress. Our fathers, fearing perhaps the power of foreign governments to entice men from their allegiance by decorating them with honors and with offices of this character, put a prohibition in the Constitution the value of which I confess to have never been able to exactly see; but there it is, and here is an oath to support it. We must, therefore, in every case where a man is an officer of the Government of the United States, enable him to receive these decorations while he holds the office. It may be true that this man is not an officer of the United States. If it is true, he has no business in the service. But the Senate passes continually appropriations and recognitions in every form of the right of foreign men in foreign countries to serve us in these consular capacities. I object to it now, as I have always done, and I trust that at least one good result may come from this debate, which will be that hereafter we shall have a law which shall provide that no man can hold an office under the United States Government in any country unless he is a citizen of the United States. I believe in being represented by our citizens in every office that we think is of sufficient dignity to entitle a foreigner to occupy it, whether it pays him five dollars a year or fifty thousand.

I would, with the Senator from Kansas and other Senators who have spoken, spurn an American raised under our institutions who should desire to receive a decoration of this kind from the Emperor of Russia, no matter how complimentary it might be to him, unless the event upon which he claimed to be entitled to it was one that proved his right to the recognition in some heroic light, such as saving human life or preventing the spread of disease, or something like that; and even then I would think it was bad taste in an American to desire to wear such gewgaws. But we are not making rules of taste for Americans; we are merely trying to preserve in the service of the Government under existing laws and regulations a valuable, competent gentleman who has long served us faithfully, a man of influence and of character at Warsaw, a large banker, by enabling him to receive these marks and decorations of respect from his own Government without thereby being compelled to leave our service. That is the whole question.

This gentleman, perhaps, does not want to remain in the service; perhaps he does; I do not know. I should judge he is willing to do it; otherwise he would not have sent the request. But it was the duty of the Secretary of State, who is represented abroad by this consul at Warsaw, and has no other representative there, when he made a request of this kind, to lay it before the Committee on Foreign Relations, and it was the duty of the Committee on Foreign Relations to lay it before the Senate. Now, what the duty of the Senate may be let them decide. It is not for me to tell them further than by my own vote.

Mr. LOGAN. I always listen to the Senator from Alabama with great pleasure. He has a persuasive manner that almost convinces us on any subject. But it is rather amusing to hear the appeal made by the Senator from Alabama asking the Senate of the United States to confer upon a citizen of another government, differing in form and in ever possible way from our own, some kind of decoration. What it is I do not know, nor do I know that the Senator from Alabama understands what the character of decoration is or for what the decoration is to be conferred.

I remember very well when I was quite a small boy—I do not know that other boys did the same as I did, but perhaps they did and do—I was very fond in those days of wrapping a blanket around me and of getting chains and rattling them and having rattles and things of that kind which please children. That is the child's stage; but when we pass from that to the stage of manhood, a man should stand before the world for what he is worth, and not because of gewgaws or decorations that may be fastened to his person or his clothes.

Now, because Russia grants a decoration for the benefit of this gentleman, as the Senator from Alabama says, that he may enter elegant society—I believe that is about the idea this gentleman has——

Mr. MORGAN. I prefer to allow the consul to explain himself. He has done it in his letter. I do not propose to make any explanation for him.

Mr. LOGAN. If that argument is good, let us see the logic of it.

The PRESIDENT *pro tempore*. The Senator from Illinois will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday.

Mr. MORGAN. I move that the Senator from Illinois be allowed to proceed.

Mr. LOGAN. Inasmuch as I was taken off the floor yesterday in the same way, this is only repeating the dose. It is all right, however.

The PRESIDENT *pro tempore*. It is the duty of the Chair to make the announcement.

Mr. LOGAN. Certainly.

The PRESIDENT *pro tempore*. If there be no objection, the Senator will proceed.

Mr. LOGAN. I merely desire to say in answer to the Senator from Alabama that if this eminent citizen of Russia with the decoration of office conferred upon him by the United States can not enter the elegant society of Russia until he is decorated by the Russian Government, then it is the decoration that enters the society and not the man. If he is not sufficiently elegant in his person, in his manners, in his character, to enter the society of Russia without being decorated as an American officer, I would say to him remain outside of it, come over here, and become a citizen of the United States, and we will decorate him by recognizing him as a citizen of the United States under the American flag, where he can have equal rights and go into any kind of society whatever, provided he is worthy of that society.

I do not believe in decorations. I have never voted for them in the Senate. Several times I believe persons have been permitted to be decorated by some foreign power that they might go in certain places wearing some sort of decoration upon their breast so that they might say that they did—what? They do not know themselves very frequently what they did which led to obtaining the decoration and nobody else does; but it is some little thing conferred upon a man because he desires it. That is the object of this. This man desires it, and that is all.

The point, however, is this: If we can confer upon this man the authority to accept a decoration from the Russian Government because he is an American consul, we are thereby indirectly conferring a decoration upon an American consul because he is an American consul. If we do that, every American consul may ask the same privilege, make the same request, or men may become citizens of foreign governments for the purpose of being decorated, by the assent of Congress, by foreign powers. I do not believe in that. I think it is wrong in every aspect. I believe the only decoration that an American citizen should wear is that decoration that makes him the equal of every other man by being an independent freeman, enjoying the rights and privileges of this great Republic.

I have ever been opposed to decorations. I have been opposed to giving the consent of Congress that our own citizens should be decorated for anything, it makes no matter what. When the time comes that a man shall pass away, let that which shall be written above his tomb decorate his character in living letters, if he is an honest man, a patriot, and an American citizen; let his decoration be that of his daily walk; let it be that of a man in his demeanor toward his fellow-men and his uprightness and his conduct and course in life, and that is the decoration which an American citizen should wear, and none other, in my judgment.

The PRESIDENT *pro tempore*. The unfinished business is now in order, on which the Senator from New York [Mr. EVARTS] is entitled to the floor. The Chair asks the Senator from New York to wait a few moments till some House bills are referred and some executive communications are presented.

HOUSE BILLS REFERRED.

The bill (H. R. 545) to increase the pensions of widows and dependent relatives of deceased soldiers and sailors was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 989) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department was read twice by its title, and referred to the Committee on Claims.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in answer to a resolution of the 1st instant, information in relation to the proportion of bonds held by national banks of those called for payment March 1, 1886; which was referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 29, 1886, information in relation to instructions to the assistant treasurer at New Orleans, La., concerning the receipt of silver dollars on deposit and the issuance of certificates therefor; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of January 20, 1886, information in relation to the employment of convict labor in the erection of the post-office building at Peoria, Ill.; which was read.

The PRESIDENT *pro tempore*. If there be no objection, this communication will be ordered to be printed, and referred to the Committee on Finance. The accompanying documents are numerous. The question of their printing will be referred to the Committee on Printing.

Mr. HOAR. Should not that communication go to the Committee on Education and Labor? It seems to relate to the vexed question of convict labor of which that committee has charge.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts so move?

Mr. HOAR. Yes, sir.

The PRESIDENT *pro tempore*. It is moved that the communication be referred to the Committee on Education and Labor.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question of printing the accompanying papers will be referred to the Committee on Printing.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 9) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

Mr. EVARTS. Mr. President, I desire to present a few remarks to the Senate bearing particularly upon one topic that it seems to me, both in previous legislation and in the disposition of the matter attempted by the bill now before the Senate, has been too much overlooked. I shall favor the recommitment of the bill, with the amendments proposed, to the committee, in order that there may be a fuller examination and a more complete treatment of all the possible or probable occasions of mischief and misconstruction that may arise when the mere act of the counting of the vote is to be performed.

As my own opinions on the Constitution favor that view which has been discarded in the wisdom of Congress, to wit, the power and duty of the Vice-President to count the votes, it may be thought that I do not fairly interpret and estimate the methods that are provided for solving the difficulties which arise upon an attempt to count the votes by the two Houses of Congress; but I have a sincere desire that this matter to be treated by the two Houses shall be as well provided under circumstances of clear ascertainment and as far as may be from the immediate movement of popular or political feeling as is possible; and my experience in attending upon the discussions of the electoral count satisfies me that the greatest difficulties are from the very instant and very limited means by which any doubts are to be solved.

It will be noticed that until the votes are opened as provided under the Constitution there is no exhibition of doubt or of difficulty, of perplexity or of complication; and then you will observe that all the means at the service of the two Houses under the existing legislation on the subject is what is to be disclosed by the various and collected certificates bearing on the vote brought into the dispute. Nothing could in provision and prevision for so critical a state be more unfortunate than that the two Houses should be dependent for their information on what is to be gathered from the disclosures upon the opening of the envelopes, when all therein contained is intended to be and purports to be in pursuance only of the mere designation and security of the votes themselves. The legislation of Congress has been very meager, and quite as much as in the minds of the framers of the Constitution there have been absent from mind in legislation any of the forms and conditions and difficulties in the count that in the later experience of the Government have been exhibited.

Now, there are two quite independent topics in regard to which the Government of the United States is entitled to be certified in respect of the action of the several States, binding as to each of the States. Without intruding at all upon the independence of the States and their absolute possession of the manner and form in which they exercise this particular power, the Government of the United States has a perfect and complete right to know what the States have done; and while we have looked alone at the question of how the votes have been cast and the evidence and security that they were by the persons who had the right under the States' procedures to cast the votes, we have paid too little attention, as it seems to me, to that separate and independent right that we have to learn separately from what votes have been cast what electors have been appointed. I mean not in the sense of the men, but what States have appointed electors, and for this reason: The result of the count of the votes as produced and counted in disposing of the election of President and Vice-President must be brought not only into the ascertainment of the votes that have been properly cast and are thus to be held properly to be counted, but it is important to learn how large is the whole number and list of appointed electors under the action of the States in order for us to determine whether the count shows a failure of a majority, and thus the subsequent action of the Government is to be carried over to the House of Representatives, or whether the whole extent and comprehension of electors appointed has been reduced from what was possible in the computation of the States' collected votes when enumerated, so as to determine whether by the reduction of the apparent electoral colleges by the failure of appointments or the ascertainment of appointments there may be a reduction in the computation of whether a majority has been obtained by this or that candidate.

We have ready at hand, in the experience of the electoral colleges and electoral votes and the electoral count in 1876, an illustration of how important this might have become. There were 3 votes lawfully to be cast by Oregon. If those 3 votes were rejected under the provisions of the pending bill, or under the existing arrangement made by Congress for the count, it would have been apparent that President Hayes would have failed of a majority of the whole electoral college, and apparently therefore the election would have gone to the House of Representatives, as Mr. Tilden would have failed of a majority as well. But supposing the House of Representatives had been Republican, and if the election had gone there the Republican candidate would have been chosen by the House. But suppose that the 3 votes of Oregon had been rejected, and rejected upon the ground that electors had not been appointed—not that you could find in the actual circumstance the evidence which would justify that conclusion, but in the supposable circumstance that that was and should have been the rightful conclusion of rejection—then you would have seen that, having reduced by 3 the whole body of electoral votes to be computed and divided, Mr. Tilden having 184 votes would have been elected, because he would have had a majority by 184 of the whole electoral list reduced by 3.

How would you have had, and how could you have had, under the provisions of this bill, or under the provisions of the electoral count that were provided for that immediate situation, a clear and ready ascertainment as to whether this rejection of the votes was on the failure of appointments of electors or the regularity and the sufficiency of the vote? Happily in that case there was no difference as to the result, as the House was Democratic and he was the next candidate in the failure of Mr. Hayes's election. But in the opposite result I do not see that you have any adequate provision or materials before you for determining, when you have nothing but the question of counting the votes, how you have an ascertainment that is satisfactory to the mind of the two Houses and of the public on which ground a rejection takes place, and I know no more critical, no more embarrassing situation under our Constitution than a doubt produced in such a narrow state of votes as to whether the House can elect, or whether the next and inferior candidate is elected by his own right by having a majority of the reduced electoral colleges.

Nor can I find that in the inclosures of the envelopes which contain the votes would there naturally, certainly not necessarily, be produced the means upon which there should be so clear, so peremptory an ascertainment of the ground on which the votes were rejected as should satisfy the heated condition of Congress and the public mind on such a question.

In my experience, therefore, in watching and attending to the conduct of the vote of the electoral colleges, I have felt to my own satisfaction that the principal deficiencies and the principal obscurities for the ascertainment, whoever counted the votes, as to how they should be counted, grew out of the want of any provision in due time and by due certainty to ascertain who had been elected, or appointed as the phrase in the Constitution is, electors. Hence I have thought it was worthy the attention of the Senate and of the committee that has had charge of this business that that should be attended to, and that thus we could in advance have collected from the different States what this Government had a right to ask for and obtain—the results of the elections or appointments as soon as might be after the ascertainment under the laws of the States the results should have been reached; and that these thus should be separated in time, as well as in the publicity of the declaration, the completeness, and the security of this ascertainment, whether you call it canvass or by whatever scrutiny the States should propose.

In that view I have thought that a section should be added here which would make it the duty of the executive of each State, as soon as practicable after the final act of the State in the electoral appointment should have been ascertained by and under and in pursuance of the laws of that State, under the seal of State to communicate to this Government, the Secretary of State or the President of the Senate—that may be immaterial—the result of that process of the State by which it had reached the result of the appointment according to its own laws; and that this should contain and plainly set forth as the result and declaration of each canvass, that is, the canvass or ascertainment of each State, who had been appointed and what votes had been given or cast for every person voted for for that place. This is neither more nor less than is required for the security of elections in our own States. I presume without an exception every State provides not only for a competent and adequate scrutiny into the election and a simultaneous ascertainment of the result, but an open and public declaration under the authority of high official duty of the result.

I am satisfied, Mr. President, if this preliminary caution and security were made use of, the opportunities for doubt as you approach the mere opening of the votes and the hasty and unsatisfactory scrutiny of the mere contents of those opened envelopes would all disappear; for we should have, under as high a public authority as could be commanded and promptly after the final act of the State in the process of elections, this declaration communicated to this Government and made public by this Government, as it might and should properly do, so that at a period dating not long after the election, the date for which is prescribed by the acts of Congress, we should have published to the whole world what was declared by each State as the result, and not merely a certificate of a conclusion, but a statement of the final act of election itself—that is, the canvass and declaration of the polls.

Besides this provision, which I think would forestall almost all possible discussion that could be fairly wrested by party feeling from what should be plain and clear, I would require that this same statement should be furnished in triplicate by the governor to the electors, and that they should include it in their returns that they now make of their votes and of the list which the governor has given them of those who

are appointed electors, so that then presently before the two Houses of Congress, as there would have been before the Vice-President if he had been intrusted with the count, by this provision of law there should be the means of confronting either the Vice-President or the House or the Houses who count and certify this certainty of knowledge on the subject. Perhaps, then, it would be considered entirely right that no vote that was communicated under these sanctions and with this ascertainment could properly be challenged by either House or brought into question unless both Houses should concur in some grave, some *post hac* occurrence that should disparage the absolute control given to this ascertainment.

Looking at the bill in all favor, as intended to remedy difficulties that exist, I think this matter should be attended to, and I am quite sure that in the apprehension of the public mind such a timely and such a prudent provision in regard to the facts which lie at the bottom of the right of the electors to vote would be not only secure, but would be seen to be so.

I confess a great repugnance to seeing the vote of a State rejected upon a mere difference of opinion between the two Houses, a rejection for the consequence of which nothing is necessary but that one House should make an objection and insist upon it, proposing, presenting for the public judgment no action of its own, but simply on its mere will interposing objection, not voting that the other certificate was entitled to present the votes, but simply each objecting as one objecting to these competing votes, so that the State falls absolutely and the immense rights that other States may have dependent upon that consequence fall under the mere political will of one House of Congress to make its objection.

All feel, I think, that it is an undesirable situation that by mere negation, by mere inability to agree, and without ascertainment of grounds or reasons, the vote goes out. All, I think, see that to be an inconvenience, and I have been disposed to think that after there had been developed this disparity in views between the two Houses, which was insisted upon, the proposition of the Senator from Ohio might be admitted, so that there might be an appeal at least to a determination which votes should be received; but I must confess that upon further consideration and under the light that has been presented in the debate, this collection of opinions of the members of the two Houses would, in my judgment, be wholly an unconstitutional assemblage and vote. In the Constitution, or in the conception of the political government which is deposited in Congress, I can find no ground to support this extra assemblage of the two Houses voting per capita.

I can not look with any complacency upon a reference to the Supreme Court or any judicial tribunal. I must regard, as I do sincerely, the whole transaction from the beginning to the end, and the declaration of the result, a political transaction to be governed by such moderation and duty and faculties as are reposed in those who fill the political stations that are to act upon the great transaction.

I do not look with any complacency upon the opening, by the second section of the bill, of judicial proceedings in the State below to intercept and interpret or suppress the vote of a State. I have regarded, and in spite of all that I have heard said on the subject I must still regard, that the framers of the Constitution looked with extreme solicitude upon the principal fact and result that a President should be chosen. They were indifferent as between parties or as between the nicety and certainty of results of justice, but their chief concern was that there should be a President chosen, and that the progress from the first act of voting up to the final declaration should be as little impeded and as little interrupted as possible. Why should they not have felt so, when they knew in all the experience of the mother country and of the western nations, that when birth provided the succession, simple as that method might be, a disputed succession as to which was the true king that was to appear, made the misery, the suffering, and the disasters in every form of the nation; and when we were attempting a new method that was to derive from the large vote of the great people this designation they felt that the first duty and that the first execution of their duty in that behalf was that the process should go on and that there should be a result.

I therefore must agree in the motion which has been made that the bill, with the amendments now proposed, should be sent back to the committee for a more accurate settlement of this great dispute. We are not under any influence from what has been said as to any oversight in the circumspection and astuteness with which the succession bill was provided, for I think that by all intelligent as to facts and conditions under which any bill by Congress can become a law under the restrictions of the Constitution, it will be found that this imagination that the framers of the succession bill had not provided for the little space between the electoral count and the 4th of March, their circumspection, and their astuteness, and their close attention showed that if there be that gap of misfortune, it is a misfortune that no power by the Constitution has been given to the two Houses of Congress to fill.

But it has been suggested to me, to me unfamiliar with the course of business here, that such a recommittal would be equivalent to reducing, if not destroying, the opportunities of the bill passing through the Senate at this session. I should regret any such consequence, and if it were necessary to avoid such a consequence, that the view I might submit in the amendment I have suggested, in common with those submitted by the Senator from Ohio and the Senator from Massachusetts, could be fairly, and fully, and accurately debated and settled in this body, I should desire that a committal should not be made necessary; but my own judgment of it is that if there be any value in the suggestions that I have made, and if the difficulties that are now felt as to the text as the bill reads without amendments, and doubt as to the proposed amendments, are really worthy of attention, the only true opportunity for an accurate adjustment and final and full satisfaction of the best course under the Constitution we can take will be reached only by a recommittal.

Mr. WILSON, of Iowa. Mr. President, defects in the Constitution of the United Statescan not be remedied by acts of Congress. The wisdom of the men who framed it was not equal to the task of formulating a perfect instrument. Fifteen articles have been added to it in the form of amendments. It is claimed that time and the peculiar political conditions which attend the affairs of the nation have discovered another defect. It is proposed to apply a remedy in the present instance by act of Congress. But this is not the method ordained by the Constitution. The bill we are now considering has not, in my judgment, the sanction of the Constitution. The reasons which support my judgment I will briefly state.

Article II of the Constitution defines and establishes the executive power and provides for the election of President and Vice-President of the United States. In the third paragraph of section 1 the mode of election was provided. It also prescribed the method by which the result of the election should be ascertained. In this respect it declared relative to the electors chosen by the respective States that—

> They shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate.

So far this is definite and well, but it does not determine a result. This must be provided for, and hence the paragraph provided immediately to declare how and by whom the result should be ascertained. In this respect it said:

> The President of the Senate shall, in the presence of the Senate and House of Representatives, open all of the certificates, and the vote shall then be counted.

What does this language mean? How can we better answer this question than by going back to the time of the adoption of the Constitution and getting our data from the acts of the men who first started our Government on its course? Many of the men who composed the first Congress of the United States had participated in the deliberations of the body which framed the Constitution or had been members of the conventions of the several States by which the instrument had been considered and adopted. Surely we may safely consult them. Let us take this prudent course and see what the result will be.

The first public concurrent action of the two Houses of Congress brought there men to the duty of defining their understanding of the meaning of the Constitution in respect of its dealing with the ascertainment of the result of an election of President and Vice-President. It does not seem to have occurred to them that the problem was one of difficulty. In the simplest and most matter-of-fact way they entered upon their duty and discharged it. On pages 16 and 17 of volume 1 of the Annals of Congress it appears that on the 6th day of April, 1789, in the first session of the first Congress, the Senate took action, as follows, namely:

> Richard Henry Lee, of Virginia, then appearing, took his seat, and formed a quorum of the whole Senators of the United States.
>
> The credentials of the members present being read and ordered to be filed, the Senate proceeded, by ballot, to the choice of a President for the sole purpose of opening and counting the votes for President of the United States. John Langdon was elected.
>
> *Ordered*, That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States, and that the Senate is now ready, in the Senate Chamber, to proceed, in the presence of the House, to discharge that duty; and that the Senate have appointed one of their members to sit at the Clerk's table to make a list of the votes as they shall be declared, submitting to the wisdom of the House to appoint one or more of their members for a like purpose.

The House of Representatives, on being notified of this action by the Senate, adopted in response thereto a resolution as follows, namely:

> *Resolved*, That Mr. Speaker, attended by the House, do now withdraw to the Senate Chamber, for the purpose expressed in the message from the Senate; and that Mr. Parker and Mr. Heister be appointed, on the part of the House, to sit at the Clerk's table with the member of the Senate, and make a list of the votes as they shall be declared.
>
> Mr. Ellsworth reported that he had delivered the message; and Mr. Boudinot, from the House of Representatives, informed the Senate that the House is ready forthwith to meet them, to attend the opening and counting of the votes of the electors of the President and Vice-President of the United States.

And then it is recorded that—

> The Speaker and the members of the House of Representatives attended in the Senate Chamber; and the President elected for the purpose of counting the votes declared that the Senate and House of Representatives had met, and that he, in their presence, had opened and counted the votes of the electors for President and Vice-President of the United States.

These proceedings clearly declare the construction which the Senators and Representatives of the First Congress put upon the provision of the

Constitution relative to the opening and counting of the votes of the electors of the several States in the matter of the election of President and Vice-President of the United States. Not by discussion, but by action, they pronounced their construction of the Constitution, and we can not mistake their meaning. They did not hold that the President of the Senate was to open the votes, and that some other officer, or person, or body was to count them and declare the result. The President of the Senate on that occasion elected was assigned to a definite duty; that duty was to open and count the votes delivered to him. It would seem that there can be no doubt as to the opinion held by the members of the First Congress on this subject. They proclaimed by their action that the duty to open the votes and the power to count them and to declare the result were devolved on the President of the Senate.

Both Kent and Story entertained this view of the subject. The former expressed his view in his Commentaries in this language:

The Constitution does not expressly declare by whom the votes are to be counted and the result declared. In the case of questionable votes, and a closely contested election, this power may be all-important; and I presume in the absence of all legislative provision on the subject that the President of the Senate counts the votes and determines the result, and that the two Houses are present only as spectators to witness the transaction and to act only if no choice be made by the electors.

And Story, in his Commentaries on the Constitution, says:

In the original plan, as well as in the amendment, no provision is made for the discussion or decision of any questions which may arise as to the regularity and authenticity of the returns of the electoral votes, or the right of the persons who gave the votes, or the manner or the circumstance in which they ought to be counted. It seems to have been taken for granted that no question could ever arise on the subject, and that nothing more was necessary than to open the certificates, which were produced in the presence of both Houses, and to count the number and names as returned.

The precedent established by the first Congress, as I have quoted it, and the opinions of the two learned commentators cited, are even-tempered and wholly non-partisan. No men were more careful in giving expression to opinions relative to the true meaning of the Constitution than those who gave it form and participated in its adoption. They were fresh from their labors when the first precedent was established, and no commentators on our Constitution have been more scrupulously careful than Kent and Story. When such authorities all concur we will not go widely wrong by accepting their conclusions.

It may be said that Kent intimates that legislation may be enacted relative to the counting of the electoral votes, inasmuch as he says in the quotation I have made from him that—

I presume in the absence of all legislative provision on the subject that the President of the Senate counts the votes and determines the result.

But he could not have meant by this that a power vested by the Constitution could be divested by legislative action. The most that can be claimed from this expression is, when taken in connection with his suggestion relative to questionable votes and a closely contested election, that he saw in the existing provision of our Constitution a danger point in our system. In this view I can agree, and I would be glad to have a change of the Constitution in this regard effected, but this can not be reached by an act of Congress. And if, in response to this statement, it be asked, Have the Senate and House of Representatives no power whatever in the premises, and can they not legislate on the subject? my answer is, To regulate the exercise of the power, yes; to abridge it, no. Section 8 of Article I of the Constitution says that Congress shall have power—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Here is a delegation of power to provide for carrying into effect the power to open and count the votes of the electors lodged in the President of the Senate. But it does not confer on Congress the power to assume unto itself the duty which the Constitution imposes on that officer. The Constitution says that—

The executive power shall be vested in a President of the United States of America.

But Congress must "make all laws which may be necessary and proper for carrying into execution" this power. And of another great power the Constitution says:

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time establish.

This power is to be provided for in the matter of its execution by necessary and proper legislation enacted by Congress. But in neither case can Congress take upon itself any of the power granted to the executive and judicial departments of the Government; nor can Congress by neglecting to legislate draw unto itself any part of these powers, or of the power conferred by the Constitution on any officer of the Government. If Congress had failed to make laws necessary and proper for carrying into effect the executive power, would such failure divest the President of that power or relieve him from his obligation to execute it as best he may in the absence of legislation? Certainly not; for this would lead to the disintegration of the Government. The President would have great difficulty in the execution of his office in the absence of legislation providing for its administration, and in many respects he could not act at all; but the executive power would still be his. Nor can he be divested of any part of his power by legislation. Neither action nor inaction by Congress can change the constitutional lodgment of executive power from the President to itself, or to any other department or officer of the Government. And the same observation applies to the judicial power and to every other power, whether vested in a department or officer of the Government. And it applies with as much force to the power given to the President of the Senate to open and count the electoral votes cast for President and Vice-President as to any other power or duty defined by the Constitution.

Mr. President, the Constitution provides in the matter of the election of President and Vice-President that—

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors may, under this provision, be appointed by the Legislature itself, or that department of the State government may, unless prohibited by its own constitution, provide for the election of electors by general ticket, or by districts, or a part by one mode and a part by some other. The entire matter of the appointment or election of the electors is committed to the several States. When so appointed or elected, the duties of electors are prescribed by the Constitution. Congress has no power over the appointment of the electors, nor has it any to interfere with their constitutionally prescribed duties. The duties thus protected against Congressional or other interference are to vote, list their votes, sign and certify the lists of votes, and transmit them sealed to the seat of Government of the United States, directed to the President of the Senate; and when they have discharged these duties, there is nothing more to be done in the matter of the election of a President but to open and count the votes thus listed, certified, and returned in manner prescribed by the Constitution, and that is, in my judgment, to be done by the President of the Senate, in the presence of the two Houses of Congress, unless it appears from the count so made that the electors have failed to elect a President by a majority of their votes so cast, returned, open, and counted. In case of such failure, and—

If no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, a President. * * * And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March next following, then the Vice-President shall act as President.

And a failure of the electors to elect a Vice-President confers, under the Constitution, the power on the Senate to elect that officer. Can we conclude that the framers of our Constitution, when they conferred on the respective Houses of Congress these extraordinary powers, intended to invest them with the still more extraordinary power of rejecting the votes of electors appointed by the several States, and thereby creating by themselves and for themselves the contingency which alone gives them the right and power to elect a President and Vice-President? The mere statement of such a proposition is its own refutation. And if no such power rests with the two Houses for concurrent action, how much more preposterous does it seem to be to claim that it rests with either House alone, and especially with the House of Representatives, with which body the power to elect a President abides in the event of a failure of the electors to elect?

Such a doctrine would stand as a perpetual menace to the peace of this country. It would establish an ever-present temptation to Congress to intermeddle with the elections of Presidents. When the framers of the Constitution expressly prohibited Senators and Representatives from appointment as electors, they clearly indicated their purpose to exclude them from all power in or over the matter of the election of a President by the electors appointed by the States. This was the understanding which the members of the First Congress had of the Constitution, as is evidenced by their proceedings in the ascertainment of the result of the first Presidential election. For a long period of time the practice then adopted was followed without substantial change. All through the period when the minds most active in the formation of our Constitution, and those of forceful action in the early affairs of our governmental movements, controlled or influenced Congress with respect to the ascertainment of the results of Presidential elections, the precedent of the First Congress was in all substantial respects followed. Our Constitution in this regard may not be in the best form. But we can not change it by an act of Congress, nor by such act confer power on Congress not given by the Constitution.

It is no new thing to find that our Constitution needs amendment. Fifteen articles of amendments testify to this fact. If we have discovered a defect in the respect of which the pending bill treats, it were better for us to do what has been done fifteen times heretofore, provide for an amendment of the Constitution in manner and form as it points out, rather than resort to the doubtful expedient now before us.

Mr. TELLER. Mr. President, there is a great deal of force in what the Senator from Iowa [Mr. WILSON] has said with reference to the precedents of the early fathers of the Republic and the founders of the Constitution. The question I believe has been very thoroughly discussed from time to time in the various debates upon the subject during the last fifteen years, and notably it was fully discussed in 1876

and 1877. If this is a plain provision of the Constitution, no one I suppose will deny the proposition of the Senator from Iowa that Congress can not change it. It must be admitted if the Constitution of the United States has provided for the whole subject, there it must be left.

It is apparent that the fathers of the Constitution, at least those who sat in the first Congresses, did not think that the Constitution was self-executing so far as not to require any legislation, because in 1792 they legislated upon this subject. Some of the provisions are in the present statute. For instance:

It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required by the preceding section to meet.

That provision has been continued to the present day, and it is continued in substance in this bill. In 1804 Congress, under the new twelfth amendment to the Constitution, again legislated on this subject, and my attention was called by the Senator from Alabama [Mr. MORGAN] a few moments ago to the difference in phraseology of the two acts. In 1804 the statute was made to read as follows:

But those certificates only of votes given for President and Vice-President of the United States shall be opened by the President of the Senate, for the purpose of being counted, which shall contain the list or lists of votes given in conformity with the Constitution, as in force on the day fixed by law for the meeting of the electors, by whom the said votes shall have been given.

SEC. 3. *And be it further enacted*, That whenever, by the provisions of the second section of this act, it shall be the duty of the electors for any State to vote in conformity, both with the Constitution and of the proposed amendment thereto, the executive authority of such State shall cause six lists of the names of the electors for the State to be made and certified, and to be delivered to the said electors on or before the day fixed by law for them to meet and vote for President and Vice-President, and the said electors shall inclose one of the said lists in each of the certificates by them made and sealed, in conformity with the provisions of this act and of the act to which this is a supplement.

The authority, or rather the command, if command can be made upon the State executive by Congress, still exists that they shall make these certificates. I need not go into any details as to how the certificates reach the presiding officer of the Senate. The fathers of the Republic assumed in the Constitution and in the subsequent legislation that there would be but one set of returns, that the officer who had the duty imposed upon him of opening and counting, if it is to be insisted upon that he was to count, had only to tabulate the vote. Later it was discovered that controversies might arise. We all recollect that in 1876 from three different States at least, if not from more, there were duplicate certificates presented to the presiding officer. In one State the governor had certified to the appointment of two electors of one political faith and one of another. From two States different officers claiming to be the executive officers of the State had certified different lists of electors to the presiding officer of the Senate. So there were presented both phases of trouble. Here was a governor who assumed to declare for the State who were its electors. That presented one question to be examined, and a different question from that of a dual State government. Then came from South Carolina and Louisiana duplicate certificates presenting different electors, signed by different officers and represented by a different State government.

The question presented in 1877 to the Senate was whether the presiding officer of this body could determine for himself, with the two bodies looking on, incompetent to challenge the correctness of his verdict, who were the electors of the State of Louisiana, who were the electors of the State of South Carolina, or who were the electors of Oregon. Not a very strong argument can be drawn from the condition of the public mind at that time, but it is morally certain that the two Houses would not have sat here in joint convention and allowed the then Senator from Michigan, who was the presiding officer, to count that vote and determine for them who were the electors from Louisana and who were the electors from South Carolina. We had reached a point in the construction of the Constitution when it was morally impossible to have it construed in that way without bringing on anarchy, bloodshed, and war. I believe on that occasion the then presiding officer was of the opinion (in fact I may say I know he was of the opinion) that the power existed with him, if he saw fit to exercise it, to determine between the votes sent up from Florida, South Carolina, and Louisiana, which was and which was not the vote of each State.

Mr. HOAR. In the absence of an agreement of the two Houses.

Mr. TELLER. In the absence, of course, of an agreement of the two Houses. But in this body there were only found seventeen men who were in favor of leaving the question without legislation. All who opposed the bill, which was called the electoral commission bill, mustered in the Senate only seventeen. Some opposed it upon one ground and some upon another, but the great majority of the Senate then expressed their opinion that that power was not lodged in the presiding officer of the Senate, because if it was lodged there by the Constitution they had not the power to take it away, yet they voted that they would take it away and intrust it to a tribunal to be established by an act of Congress.

There has been, then, upon this question at the most important political period of our history a legislative construction of both branches of Congress with great unanimity, and I do not think it is worth while now to discuss the existence of the power in the presiding officer of the Senate to count the votes. I heard a Senator rise and express his astonishment that it should be proposed to leave to the governor of a State the opportunity, as he said, of determining for himself, to the exclusion of the will of the State, what was the vote of the State. Much less ought it to be left to a man who is not responsible at all to the State that he is perhaps ready to disfranchise, a State to which he is not responsible in any manner or form, unless it is plainly provided in the Constitution that that power shall there be lodged.

No very potent and powerful argument can be drawn from the act of the first joint convention, because there were none of these grave questions then presenting themselves, any more than there were in February last when the presiding officer of the Senate announced to this body that he would decline to settle any controversy if controversies had arisen. No controversy did arise; no controversies may arise; we may go on as we have for years to come, yet we recollect that in 1856 a controversy arose that under some circumstances might have caused difficulty, which fortunately, however, it did not. I think, without going into any extensive discussion of the case, it must be assumed that we have reached a point in our history now where legislation is demanded by the judgment of both Houses of Congress and demanded by the judgment of the country.

For fifteen years at least this matter has been presented to the public, and if there ever was very much of a theory among the people that the presiding officer of the Senate could act judicially and determine who were and who were not the electors in a controversy, I believe that has at last been done away with. The electoral system proceeds upon the theory that the State is to be heard. It is the States that elect the President of the United States, and not the people of the States nor the people of the General Government. By a departure from the original idea we have, it is true, adopted a system of nominating the candidates in a national convention and putting their names at the heads of our tickets and apparently electing them by a popular vote; and we sometimes say that such a President lacked a majority of the popular vote, as if the popular vote was at all necessary to his success or to his credit when he sits in the Presidential chair.

It is the action of the States, and so careful were the fathers of the Republic to protect the States, that when by an accident or by any circumstance the election does not take place they empowered the House of Representatives to elect a President, and then they limited the votes to the number of States. Delaware with its one Representative stands equal in all respects in the House of Representatives in that kind of a contest with New York with its thirty-four Representatives. New York and Delaware vote equally in every respect when a President is elected by the House.

Now, the only thing to be determined is what is the vote of the State. When the Constitution has, *ex industria*, put everywhere the idea that the State is to be heard and the State only, to say we may not legislate in such a way as to aid in carrying out that idea is to assert that the Constitution is self-interpreting and self-enforcing, which it is not, as we all know, in scarcely any of its provisions.

The States must be heard, and I deny the right of either House, or both Houses of Congress, acting together or acting separately, to disfranchise a State when the State shall have sent its vote here in accordance with law. Under the bill a State may provide a tribunal that may inquire into any controversy that arises in the State. If the State fails so to do, let the amendment proposed by the Senator from Massachusetts be adopted; and then the governor is the ultimate tribunal whom we have declared we will recognize, and the only tribunal we will recognize as determining the question what is or what is not the vote of the State.

Where can you leave that, in the absence of a judicial inquiry, better than with the governor of a State? I know in times of high partisan excitement there may be danger that the governor of a State will outrage the people of his State by not expresssng the voice that they have expressed at the polls; but it is much safer to leave it with him, who is answerable to the people for any outrage he may commit, than to intrust it to hands foreign to the State and having no connection with the State.

It was said here the other day by a number of Senators that they would be glad to see the Supreme Court of the United States intrusted with this power. I deny the right of the General Government to settle this question by the Supreme Court. It is the action of the State, and the State has not consented and does not consent that a tribunal foreign to it shall determine that question. It will determine the question for itself, and when it has determined it there is not a power anywhere to interfere with that action of the State.

Mr. President, the bill is not perfect. The bill may have provisions that I do not quite like. The only thing it lacks is that it does not recognize quite to the full extent I desire the power and control of the State. But there may be, and possibly will be, times when it may be necessary to determine what the State has settled, or rather, to put it more properly, to determine which is the State, whether it is the people who come here represented by one man as governor or another, when there is a dual State government. It is then, and then only, under the bill as I understand, when it shall have been properly amended as proposed, that there can be any inquiry at all; and because the bill

transmits, and remits, and leaves with the State so much and so fully this question, I am in favor of it.

It was said here the other day that it would be better for the two Houses to join together and that the numerical vote should be united, and that the majority, Senators counting as Representatives and Representatives as Senators, should determine all questions of this kind. That is to abandon the whole electoral theory, in my judgment. It is to abandon the whole theory of our Government that the States are to participate in this election as States and not as a portion of the American people in general convention met. The State of New York, with its great vote, would outvote nine of the smaller States who stand upon this floor with eighteen Senators, and a very large control at least of this body would sink into oblivion, I may say, when they were joined in with the four hundred and one that would compose the joint convention, and, as was said a day or two ago, with the five hundred who must soon be put into the other Chamber with the admission of new States and the increase of population.

The whole electoral theory, I wish to repeat, goes upon the idea that the State is to be heard, and all talk about remitting this question to outside tribunals, whether the Supreme Court or any other body, is a departure from the true spirit of the Constitution. The real and potent and urgent objection made to the tribunal of 1877 was that it remitted to a tribunal outside of a State the questions that ought to be settled in the State.

Mr. CALL. Mr. President, it seems to me that the bill has some very great merits and also some defects. The twelfth article of amendment of the Constitution provides that:

> The electors shall meet in their respective States and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves, and they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed.

It is quite evident that there are questions raised by these several statements of the Constitution. What certificates shall be counted? The certificates of the electors chosen by the States, electors who shall not be Senators or Representatives or holding any office of honor, trust, or profit under the United States. These are all questions which must be decided by some one. Who is that to be? The Constitution does not declare. It says "the votes shall then be counted," and yet what are and what are not votes depends upon the decision of who are the electors, who are persons not holding offices of honor, trust, or profit under the United States. This act of judgment is an act of election, and upon it depends who is the President of the United States.

It is quite manifest that there must be some decision by some authority. It is insisted by the argument of some Senators that it inheres in the authority of the President of the Senate to open the certificates. But that question must be decided not by an inference, but by the genius and spirit of our institutions. It must be affirmed that it is more consistent with the theory of government established in the Constitution that one person shall absolutely decide this question than that the representatives of the people shall do it, than that the two Houses of Congress shall do it. That is the affirmation alone upon which this exercise of power by the President of the Senate can be justified. It is by the argument, if true, that the decision by one person as to who shall be the President and Vice-President of the United States is more in accordance with the theory of a popular representative government than a decision by the representatives of the people themselves.

But the argument fails in another respect. The Constitution provides that the House of Representatives, acting by States, shall, in the contingency that no person has received a majority of votes, elect the President of the United States by States. Here, as was affirmed by the honorable Senator from Ohio the other day, rests I think a great determining fact in the argument. It is proposed to remit the decision to a tribunal not vested with power, as is the argument in favor of the President of the Senate by inference, from the fact of his having the votes in his hands and being required to count such votes as have been properly cast, for that is the inference; and the certificates, it is said, come to the President of the Senate; no certificates shall be counted but those of the electors, and he opens them, and the choice of opening them rests in his hands. But the argument in favor of the House of Representatives is that the Constitution vests in them the power of making an election, not when the President of the Senate, or the Senate, or the two Houses shall declare that an election has failed, but when the fact is that it has failed, no matter who has declared or certified to the contrary.

The argument which is made to vest this power in the President of the Senate, that it carries with it the function of judgment and deciding when it is to be exercised, manifestly vests it in the House of Representatives. The House of Representatives are to perform a constitutional act. When? Not when everybody has declared and certified that they shall do it, but when an election has failed for the want of a majority of votes, let the certificates be as they may. In that contingency, both by the letter and the spirit of the Constitution, that function is to be exercised.

Now, the bill provides for the exercise of this act of judgment, which act of judgment is an election, and provides, I think, wisely for it, but it meets with this difficulty: The power of excluding the vote of a State, of sitting in judgment upon it, is vested in the two Houses. The vote of a State shall not be rejected without the concurrence of the two Houses. Where there is a question and an objection, the vote shall not be counted without the concurrence of the two Houses. This is vesting the absolute power of election in the discretion of either House in the contingency where the vote of a State not counted would make the election of a different person, would constitute a majority of the whole number, or its withdrawal would prevent an election.

There can be no question that by this act of judgment which requires the concurrence of both Houses, in the contingency where there is not an election if the vote be not counted, you vest the power absolutely of making an election, not in the House of Representatives, the constitutional body provided and vested with that power, but in either House of Congress choosing to object to the counting of that vote, for it can not be counted without the concurrence of both.

The bill I think a wise one in its main provisions, and the Senator from Massachusetts [Mr. HOAR] who reports it, and has defended it with ability, is entitled to high commendation for it.

But I think that in the respect mentioned there is a defect in this proposed law. The act of judgment of this body changes the power of the House of Representatives, if it were law and possible to do it. It assumes the power to do it. It changes the power of that body and restricts it by a bare majority from exercising the right to make an election in their judgment and discretion.

Mr. President, I do not know that it will affect the result at all, for I have observed that when a committee reports a bill it is very difficult and but rarely the case that in any of its essential and important provisions a change can be made without the approval of the committee; but it seems to me that the bill should be amended, and I had prepared an amendment to the effect that when by this exercise of judgment by the two Houses, by this non-concurrence of the two Houses, by this objection on the part of either House to the counting of the vote of a State, the majority required by the Constitution of the whole number was taken away, or when by not counting the vote of the State an election of a different person than that who would be elected if the vote were counted should be had—in those two contingencies it shall be declared that there was no election, and the House of Representatives shall make the election as required by the Constitution. It has been urged in objection to that that it would be an invitation, placing it in the power of the House of Representatives to bring about that result; but the bill does that already. It is by the bill in the power of either House in the contingency mentioned. Wherever the failure to count the vote of a State would prevent a majority of the whole number from being cast, the bill lets either House non-concurring bring about the result.

Then what tribunal is so appropriate to make the election as that tribunal which by the Constitution is vested with the power to decide when a majority of the whole number of votes has or has not been cast, for it is evidently without limitation in the Constitution that that body is to exercise the power, and, exercising the power, can do it only upon its own motion, its own sovereign legislative power vested in it by the Constitution. It alone can decide for itself. The Senate might decide that a majority of the whole number of votes has not been cast, the President of the Senate might so decide, the Supreme Court might so decide, but by the nature of the sovereign power vested in the popular branch of Congress, the House of Representatives, by the very theory of legislative government and independence in the two Houses—the House alone can decide and act upon its own decision that a majority of the whole number of votes has not been cast.

I think I shall vote for the bill as it stands, because it refers it to the States to decide for themselves who are chosen electors, and gives to the two Houses the right and duty only of deciding that the State has decided who are chosen, but I think the bill would be greatly improved by the amendment I propose.

What tribunal, then, so appropriate in respect to the character of our Government as the members of the House of Representatives, elected by the people, voting as States and not by numerical majority? What tribunal other than the House of Representatives can in accordance with the whole spirit and genius of representative government make that decision and act when the failure to count the vote of a State, however proper and wise and justified by circumstance it may be, will produce the contingency mentioned in the Constitution, the failure to obtain a majority of the whole number of votes cast or make an election where there was none?

I do not know that it is in order for me now to offer the amendment, as I understand that the bill stands upon a motion to recommit it.

The PRESIDENT *pro tempore*. The question is upon the recommitment of the bill to the Committee on Privileges and Elections.

Mr. HOAR. I wish simply to point out to the Senate that a vote to recommit the bill is a vote against legislation on the subject. No Senator who has any experience in this body will doubt the truth of what I say, that the bill is in as good a situation for action by the Senate itself

as any measure that has come before it in recent years or as any measure that can come before it. I suppose it is unquestionably true, as the history of our recent legislation will show, that any large public measure likely to excite considerable diversity of opinion and considerable debate, which is reported in either House after the 1st of March, at the first session of any Congress, has not one chance in twenty of passing through both Houses by the end of the second session of that Congress.

As suggested by my honorable friend from New York, here is a bill not only having had the advantage three times of full discussion in the Senate itself, not only having had the advantage more than three times of being carefully matured and considered in committees heretofore, but referred to a committee of which my honorable friend and, I think, my honorable friend from Ohio who sits in the chair also at the time the bill was considered and reported, were both members. Having the fullest opportunity there to suggest their constitutional difficulties and constitutional arguments and propose amendments, the bill goes through the committee without any suggestion from any quarter, and it stands upon the docket of the Senate for six or eight weeks, its provisions well known to the whole body and attracting public interest, and now has been for six or eight days—I do not remember the exact number—before the Senate for debate, laid aside once or twice that other measures might be taken up and considered.

It is true, as happens I suppose in ninety-nine cases out of every hundred of bills of any importance, one amendment has been suggested in the Senate besides that amendment, which suggests a wholly different scheme, offered by the present occupant of the chair—one amendment by the friends of the bill—but certainly if such an occurrence could be regarded as a ground for recommitting a bill, we never should reach any point of practical legislation.

Now, I wish to say one word upon the suggestion of the distinguished Senator from New York. He thinks that there should be added to the bill a provision for a certificate made in advance of the vote by the electors of a State from the executive or other State authority sent here of the number of electors appointed and the persons I suppose whom that officer finds to be appointed—the act of the State.

Mr. EVARTS. And of all the votes cast.

Mr. HOAR. And of all the votes cast in the canvass. It seems to me that one sufficient answer to that suggestion is that it is a departure, a clear and fundamental departure, from the method provided and devised by the Constitution itself. If that certificate is a certificate upon which the counting power, wherever it may be lodged, is to act, by which it is to be in any respect governed or guided or aided in declaring the result of a Presidential election, it is in conflict, if not with the letter, certainly with the spirit and design, of the Constitution itself; for whatever may be left in obscurity, it is most clearly expressed there that the certificates upon which the body, the counting power, is to act, are to be made up by the persons acting rightfully, or claiming to act rightfully, as electors, and kept sealed, kept from the public view, from the time of the electoral vote until they are to be opened and laid before the body by the President of the Senate in the presence of the two Houses.

These certificates "they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate." The President of the Senate is prohibited even from opening them, or from having any official knowledge of their contents, until in the presence of the Senate and House of Representatives he is to open them, "and the votes shall then be counted." It is manifest, as it seems to me, that the constitutional purpose was that the action of the counting power should be upon the certificates sealed up till that time and then opened and laid before them, communicated by the President of the Senate.

Practically, of course, if it is desired, whenever the two Houses, or any other public officer, act upon this question, such preparation for that action as may be deemed necessary will be easy enough without this formal forwarding of the certificate from the executive or other public officer of the State. Of course the public know who claim to be electors; they know if there is a contest between two bodies in a State; they know what body the governor has certified; they know how that body of electors has voted; and the whole thing is practically, for all purposes of preparation or investigation or study, in the knowledge of any public officer or of either House of Congress who have to act upon the subject.

So I do not see myself the advantage of recommitting to the committee this bill for the purpose of seeing whether such a provision may be ingrafted upon it, but I should rather prefer that the Senator from New York would prepare his amendment and submit it in the Senate. The Senators are constitutional lawyers, and can deal with such a question as they do with other questions much more difficult than this.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill.

Mr. HOAR. I call for the yeas and nays.

Mr. EVARTS. My friend the Senator from Massachusetts has seemed to think that the public knowledge which grows out of the publicity of elections is a basis that can at least instruct the minds of the two Houses of Congress when they are called upon to determine as to who are the appointed electors and who are not. My desire is that the distinct and authentic action of the State should be directed to that particular point as distinguishable from the voting act of the electors themselves. Nor, I am persuaded, will a careful attention to the text of the Constitution show that this inspection of the result of the elections in appointing electors is a departure from any of the pursuit that has heretofore followed only a scrutiny of the votes themselves.

My objection is, that being entitled to know what has been the result of an election appointing electors as soon as it may be after it is completed, and entirely unconnected with the question how they will vote, entirely unconnected with the question how, when their votes are compared with the votes that the electors of other States have cast, the result will be affected, we shall have this deliberate collective electoral college certified to us in the most deliberate form not only of a governor's conclusion, but of his certificate to us as to how the final act of the State has shown itself in the canvass of the votes.

Mr. President, I deprecated entirely any disposition to delay the consideration of the bill. I do not myself see why the Committee on Privileges and Elections may not have an opportunity at a single session or at a session embraced within a week to dispose of these amendments which are now suggested and which are recognized, as I suppose, as important amendments. I do not know whether it is in order, but I have sent up to the Secretary of the Senate a proposed amendment which I have draughted since I came into the Senate Chamber, and if it may now be properly read as a part of the information which is presented with my observations, I ask that it may be read.

The PRESIDENT *pro tempore*. The proposed amendment will be read.

The CHIEF CLERK. Add as a new section:

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate under the seal of State to the Secretary of State of the United States a certificate of the result of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast. And it shall also, thereupon, be the duty of the executive of each State to deliver to the electors of such State the same certificate in triplicate under the seal of the State, and such certificates shall be inclosed and transmitted by the electors with and at the same time and in the same manner as is provided by law for transmitting by such electors to the seat of Government the lists of all persons voted for as President and of all persons voted for as Vice-President.

The PRESIDENT *pro tempore*. The amendment is not now in order.

Mr. EDMUNDS. I believe the pending question is on the motion to recommit.

The PRESIDENT *pro tempore*. That is the pending motion.

Mr. EDMUNDS. I wish to say, Mr. President, that I do not see in respect of the amendment proposed by the Senator from New York any necessity of a recommittal. The amendment is entirely apart from the difficult aspects of the subject, and that is how to bring the thing down to the nearest point of a final conclusion between two canvassing boards of votes.

This amendment, as it now strikes me, is one that I should entirely favor in substance. I should rather prefer that this certificate from the governor of the State should be sent to the President of the Senate, to whom the electoral votes are to be sent, which is a mere matter of method of course, than be sent to the Secretary of State; and I should prefer to have added to my friend's amendment a provision that this certificate should be opened by the President of the Senate and kept on public file so that every Senator and every member of the House of Representatives, both of whom are in the end to take into consideration in some way and for some effect all these things, should have access to it at all times, so that the two Houses of Congress would be informed as to who it appeared from this certificate of the governor had been elected electors in the particular State and in all the States and who it appeared if a tribunal in that State—which is the great security, after all—had decided, if there was any doubt or dispute, was the true electoral college of that State. That would enable the two Houses of Congress to be advised in advance of the state of the official circumstances that had taken place in that State.

So, as it strikes me now, I think the idea is an extremely valuable one, but I do not see that it would be necessary to create the delay which would necessarily follow from a recommittal to send the bill back to the committee in order that such an amendment might be framed, because the amendment even in my view is almost perfect as it now stands. I hope, therefore, that the bill will not be recommitted. All the other aspects of the question have been discussed and discussed and rediscussed over and over again, and every Senator is just as well prepared to state his conclusion in his vote on the present occasion—I do not mean at this moment, but while the matter is under discussion—as he could be after a recommittal and a rereport by the committee.

Mr. SAULSBURY. Mr. President, as a member of the Committee on Privileges and Elections I consented to the bill being reported to the Senate for the purpose of its being considered, and not because the provisions of the bill commended themselves to me very strongly. I believe I have been a member of that committee for eight or ten years, and we have several times had this very question before the committee and every time the difficulty seemed to be irremovable.

It strikes me that the bill of the committee does invite action on the

part of the governor of a State, who knows the politics of the courts of the State to whom the question is to be submitted, which may lead to trouble. It may invite contest and objection before the courts. So it seems to me the amendment offered by the Senator from Ohio, the present occupant of the chair, invites antagonism by the House of Representatives in order that they may control. I should be glad, therefore, to see if the committee can devise a plan that will remove these difficulties out of our road. I am not certain that it can be done. I confess that I can at present see no way whereby we can relieve this question from embarrassment, but we ought to do the very best we can. A little delay will not hurt the matter; on the contrary, it may aid it. I shall, therefore, though I am a member of the committee from which the bill was reported, vote to refer the bill back to the committee to see if, upon further reflection and further deliberation, we can not devise some means that may at any rate remove as far as possible the difficulties in the case.

I should like to vote for a bill which has come from a committee of which I am a member; but my honest conviction is that this bill is not in the shape it ought to be, neither would it be exactly in the shape it ought to be if the amendment of the Senator from Ohio was adopted. I therefore hope that the bill with all these amendments will go to the committee to see if they can not devise some plan to relieve the question of its present embarrassments.

Mr. FRYE. I ask unanimous consent that the amendment offered by the Senator from New York and the amendment offered by the Senator from Florida may be considered as pending and may be printed, so that if this bill should be recommitted these proposed amendments may go with the bill.

The PRESIDENT *pro tempore*. The Senator from Florida has not sent up his amendment.

Mr. CALL. I will send it up now.

The PRESIDENT *pro tempore*. The Senator from Maine asks unanimous consent of the Senate that the amendments proposed by the Senator from Florida and the Senator from New York be considered as pending and that they be printed. If there is no objection that order will be made.

Mr. GEORGE. Mr. President, I shall vote for the motion to refer. As a member of the committee that reported the bill I was unable to give my assent to it. I had difficulties in committee which were not removed by the discussions there. I have listened very carefully and attentively to the very able and instructive discussion in the Senate, and I confess that the difficulties which I had have not been removed. There are some questions involved in the bill that I should like to have considered in committee more deliberately and more carefully than they have been. The main question which I should like to have considered, and which was not considered at all in the committee, is raised by the amendment offered by the Senator from Ohio who now occupies the chair. I have given the matter of that amendment as careful consideration as I am capable of, and while I have reached no conclusion which I am willing to stand by without further consideration, I am bound to say that the inclination of my mind is that the constitutional mode, the mode prescribed in the Constitution itself for determining all questions connected with the counting of the votes, is the joint assemblage of the two Houses of Congress, in whose presence the Constitution requires the count to be made.

I have listened very carefully to the arguments urged against that view, but they have not removed the inclination which exists in my mind to the conclusion that this joint body, the Senate and House of Representatives, called together in pursuance of the Constitution itself, is the body which the Constitution intended to supervise, control the count, and decide all questions connected with it. I have not been able to see what office or what function this joint body performs unless that function is accorded to it. Certainly the Constitution of the United States would not contain a provision providing—and that is the only instance in which it does provide for anything of that sort—for the extraordinary thing of convening the two Houses together with no function devolved upon them to perform. Certainly, sir, it appears to me that they were not by the Constitution summoned together as mere spectators; and accordingly any theory that may be propounded which denies to them, thus assembled together, the power to adjudicate upon all questions that may be raised with reference to the count is unreasonable. Their assemblage together is otherwise of no force whatever.

It will not do to say that they come together as witnesses merely. In one sense they are witnesses; in the sense that I may say or any one may say that he witnesses fireworks or any other transaction; but in a legal and constitutional sense, being called together for the purpose of attesting a fact, there is no mode in which the two Houses can attest anything.

Then again, Mr. President, the legal idea of a witness is that he is to be called upon before some legal court to give testimony in relation to a fact. If we come here under this clause of the Constitution and merely look at what is being done by other persons, if we have no jurisdiction, if we have no power to settle anything or to do anything, then there is no tribunal before which these two bodies can give any testimony in relation to any fact that may transpire here.

I am led further to conclude that that is possibly the correct construction of the Constitution by this fact. The Constitution certainly intended that the electoral votes should be counted. It did not intend that a part of them should be rejected on account of a difference between any persons connected with the counting. The command of the Constitution is that "the votes shall then be counted." If the duty of ascertaining what votes are to be counted is to be referred to the separate action of each one of the two Houses of Congress, it may result, and probably will result, in no determination at all. The Senate may affirm that one set of electors are elected; the House may affirm that another set are elected. Under that view, then, there is no determination, no settlement of the important and essential fact as to what particular votes from any particular State shall be counted. The settlement of that question is judicial in its nature; it is not legislative. It is the ascertainment of what the law is and of what the fact is.

The office of a legislator is to determine what shall be, it is to make a rule for future action. The office of a court is to determine whether a certain fact exists.

It being thus, I think, very clearly shown that whoever does determine what votes shall be counted performs a judicial act, then I say it is a solecism in legal language, it is a constitutional absurdity, to assert that the Constitution has organized for the determination of a fact, an essential fact, too, for the operation of the Government, two distinct bodies, which may and probably will never agree about the matter. It is not known, so far as my observation extends, that any court has been organized for the purpose of determining a fact, or I might put it in another way, that two courts have been organized for the purpose of ascertaining the same fact. It is not like the case of a simple court, composed of an even number of persons, who may divide equally, because there at least the members of that court have the opportunity of consultation, of argument, and of discussion with each other; but here, under the theory of this bill, if the two Houses, each acting separately for itself, are to determine the question, then we have this, I say, unprecedented and unparalleled fact in Anglo-Saxon usage, that on a grave question involving the peace of the country, a question which must be settled, which can not be evaded or postponed, which must be settled in some way, the framers of the Constitution have so ordained and provided that that question may not by any possibility ever be decided.

Now, sir, for the purpose of having these questions and some others connected with this matter more deliberately and more carefully considered, and not for the purpose, as my friend from Massachusetts appears to think, of postponing or of preventing any action by this Congress on this subject during the present session, I shall vote to recommit the bill and pending amendments to the proper committee.

Mr. MORGAN. Mr. President, I think it is to be regretted that members of the committee did not ascertain when they brought in this bill that they did not understand it. We might thereby have saved ourselves a great deal of trouble and time in debating it. Three members of this committee have avowed on the floor that they are very undecided about the bill which has been reported here. There being no dissenting report, no adverse report on the bill, I had taken it for granted that the bill came with the approval of the entire committee; but it seems to be otherwise.

I believe the Senate is now prepared to vote on this bill, notwithstanding some members of the committee have not made up their minds, and for that reason I am opposed to its being recommitted. We have had the subject under debate here for years and years together. It came into the Senate very soon after I had the honor of appearing here, and it has been a topic of debate at almost every session of Congress from that time to this, and I doubt the ability of any gentleman on this floor to add any new light, whether drawn from history, from experience, from logic, reasoning, or from any other source, upon the subject; and I hope that the committee will allow the Senate to vote upon the bill. After they have taken it back, I do know that they are going to resolve their doubts in the committee-room. Debate can progress here until the doubts of these gentlemen on the committee are resolved, or if not resolved they can decline to vote. I believe the Senate ought to make progress with this bill and act upon it.

Mr. EDMUNDS. I only wish at this time to submit a single observation in reply to my distinguished friend from Mississippi [Mr. GEORGE]. I would not wish his persuasive argument in favor of the two Houses, or the members of the two Houses as I understand him to mean, consolidated, acting in a judicial capacity upon a question of this kind, to go without a word of reply.

The Constitution of the United States declares in emphatic and unmistakable language that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish;" so that it seems to be clear, if language is worth anything in the Constitution of our fathers, that the makers of the Constitution did not intend to repose either in the executive department or in the two Houses of Congress any judicial power, except as you might say when each House considers the election of its members or where it is authorized to consider the conduct of its members and expel them, where they act in a certain sense in a judicial capacity and except in respect of the judicial aspect in which the Senate

acts on the trial of impeachments. Those are special exceptions, special clauses specially named, so that it seems to be a clear inference which every lawyer will understand, a conclusive inference, that no judicial power is invested in either or both Houses of Congress that is not especially named and imputed to them as such and in terms.

I agree entirely with my distinguished friend that this act of receiving and counting these votes is not a legislative act, and I say with equal emphasis that, in my opinion, it is not a judicial act, because the Constitution of the United States has not imputed any such judicial power to either or both of the Houses. It is an administrative act, the same sort of administrative act that every State which existed at the time of the formation of the Constitution imputed to its executive and election officers in the canvassing and return of votes and in the final ascertainment of them by some body, for the institution of every officer of a State from a justice of the peace or an overseer of the poor up at least to its governor. In the State of Wisconsin it has been held by its supreme court—I do not remember any other State where the question has been brought into judicial determination—that the final action, in respect of the election of a governor in that State, of whatever authority was appointed by its constitution to take the last steps of canvassing, was not a judicial, but an administrative, action, subject to review, as the rights of every other man are who claims an office there and everywhere in our States, by the judicial tribunals appointed to try judicial contests in a judicial way.

Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. HARRISON. Let us take the vote first.

Mr. EDMUNDS. Very well; I withdraw the motion.

Several SENATORS. No; let the bill go over.

The PRESIDENT *pro tempore*. The question is on the motion to recommit the bill to the Committee on Privileges and Elections, on which motion the Senator from Massachusetts [Mr. HOAR] calls for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN] on all political questions. I hardly understand this to be a political question, and therefore feel at liberty to vote.

Mr. PLUMB (when his name was called). I am paired on this question with the Senator from Missouri [Mr. VEST]. If he were present, I should vote "yea."

Mr. TELLER (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. As I do not know how he would vote, I withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll-call was concluded.

Mr. DOLPH. I am paired with the Senator from Georgia [Mr. BROWN] on political questions. I do not know how he would vote on this bill, and as it may have some political significance, I withhold my vote. I should vote "nay" if I voted at all.

Mr. ALDRICH. I am paired with the Senator from West Virginia [Mr. CAMDEN] on political questions, but I have the consent of his colleague [Mr. KENNA] to vote on this question.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Missouri [Mr. COCKRELL]. I do not know how he would vote on this question, so I withdraw my vote. If he were present, I should vote "nay."

Mr. CULLOM. The Senator from Pennsylvania [Mr. MITCHELL] is absent, and I have taken the liberty of pairing him with the Senator from Delaware [Mr. GRAY] with his colleague's consent.

Mr. BLAIR. My colleague [Mr. PIKE] is absent on account of sickness, and I believe is paired.

The result was announced—yeas 30, nays 22; as follows:

YEAS—30.

Aldrich,	George,	Miller of N. Y.,	Sewell,
Butler,	Hampton,	Mitchell of Oreg.,	Sherman,
Call,	Harrison,	Palmer,	Spooner,
Colquitt,	Ingalls,	Payne,	Vance,
Conger,	Jones of Nevada,	Ransom,	Walthall,
Cullom,	Kenna,	Riddleberger,	Wilson of Iowa.
Eustis,	Manderson,	Sabin,	
Evarts,	Maxey,	Saulsbury,	

NAYS—22.

Beck,	Dawes,	Jackson,	Platt,
Berry,	Edmunds,	Jones of Arkansas,	Pugh,
Blair,	Frye,	Logan,	Van Wyck,
Cameron,	Harris,	McMillan,	Wilson of Md.
Chace,	Hawley,	Morgan,	
Coke,	Hoar,	Morrill,	

ABSENT—24.

Allison,	Dolph,	Jones of Florida,	Plumb,
Blackburn,	Fair,	McPherson,	Sawyer,
Bowen,	Gibson,	Mahone,	Stanford,
Brown,	Gorman,	Miller of Cal.,	Teller,
Camden,	Gray,	Mitchell of Pa.,	Vest,
Cockrell,	Hale,	Pike,	Voorhees.

So the motion to recommit was agreed to.

DEATH OF VICE-PRESIDENT HENDRICKS.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following resolutions:

Resolved, That the House has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States.

Resolved, That the business of the House be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Clerk of the House be directed to communicate these resolutions to the Senate.

ADMISSION OF DAKOTA.

Mr. HARRISON. I ask the Chair to lay before the Senate what I understand to be the regular order of business, the bill for the admission of Dakota.

The PRESIDENT *pro tempore*. The bill in regard to Dakota will be stated by its title.

The CHIEF CLERK. A bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

Mr. EDMUNDS. Is that bill up?

The PRESIDENT *pro tempore*. The Senator from Indiana calls it up.

Mr. EDMUNDS. Is it now before the Senate?

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the Senate proceed to the consideration of the Dakota bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

Mr. LOGAN. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Illinois is entitled to the floor.

Mr. COCKRELL. My colleague [Mr. VEST], who is detained at home by sickness, has requested me to offer an amendment to this bill in the nature of a substitute, which I ask may be printed.

The PRESIDENT *pro tempore*. The proposed amendment will be printed.

Mr. EDMUNDS. The Senator from Illinois having the floor on the bill, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 32 minutes p. m.) the Senate adjourned.

EXECUTIVE NOMINATIONS.

Executive nominations received the 2d day of February, 1886.

TERRITORIAL JUDGE.

Samuel Thompson Corn, of Illinois, to be associate justice of the supreme court of the Territory of Wyoming, *vice* Samuel C. Parks, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, February 2, 1886.

TERRITORIAL JUDGE.

James D. Brinker, of Missouri, to be chief-justice of the supreme court of the Territory of New Mexico.

FIRST ASSISTANT ENGINEERS IN THE REVENUE SERVICE.

Engineer Charles W. Beckwith, of Connecticut, to be a first assistant engineer in the revenue service of the United States.

Engineer Oliver P. Remick, of Maine, to be a first assistant engineer in the revenue service of the United States.

Engineer David McC. French, of Virginia, to be a first assistant engineer in the revenue service of the United States.

Engineer Charles F. Coffin, of Maryland, to be a first assistant engineer in the revenue service of the United States.

SECOND ASSISTANT ENGINEERS IN THE REVENUE SERVICE.

Engineer Richard W. Champlain, of Pennsylvania, to be a second assistant engineer in the revenue service of the United States.

Engineer Wilmer Church, of New York, to be a second assistant engineer in the revenue service of the United States.

Engineer Herbert W. Spear, of Massachusetts, to be a second assistant engineer in the revenue service of the United States.

Engineer Philip Litting, of Maryland, to be a second assistant engineer in the revenue service of the United States.

Engineer Harry L. Boyd, of Maryland, to be a second assistant engineer in the revenue service of the United States.

Engineer Robert B. Higgins, of Maryland, to be a second assistant engineer in the revenue service of the United States.

FIRST LIEUTENANTS IN THE REVENUE SERVICE.

Lieut. John W. Howison, of Pennsylvania, to be a first lieutenant in the revenue service of the United States.

Lieut. Henry B. Rogers, of Michigan, to be a first lieutenant in the revenue service of the United States.

SECOND LIEUTENANTS IN THE REVENUE SERVICE.

Lieut. William E. Reynolds, of the District of Columbia, to be a second lieutenant in the revenue service of the United States.

Lieut. Daniel P. Foley, of the District of Columbia, to be a second lieutenant in the revenue service of the United States.

THIRD LIEUTENANTS IN THE REVENUE SERVICE.

Lieut. Kirtland W. Perry, of New York, to be a third lieutenant in the revenue service of the United States.

Lieut. Byron L. Reed, of the District of Columbia, to be a third lieutenant in the revenue service of the United States.

Lieut. Johnstone H. Quinan, of the District of Columbia, to be a third lieutenant in the revenue service of the United States.

Lieut. Charles A. Barnes, of the District of Columbia, to be a third lieutenant in the revenue service of the United States.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 2, 1886.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

Almighty God, from whom cometh every good and perfect gift, we reverently bless Thee for the great body of pure and excellent men that have been raised up through Thy providence from generation to generation to serve the State in all the departments of the Government; and as we are met to-day to pay the tribute of our reverent admiration and love for a departed statesman and patriot, noble and beautiful in his public and his private walks by devotion to home, to country, to duty, and to his God, may our own patriotism become stronger and deeper, our love of country more pure and fervent, our love of God more deep and true and tender, and so doing our duty in high or in low places where Thou callest us to act, may we come at last to the reward which Thou hast promised to all who love and serve Thee. Through Jesus Christ our Lord. Amen.

The Clerk proceeded to read the Journal of yesterday's proceedings.

Mr. BEACH. I ask unanimous consent to dispense with the reading of so much of the Journal as relates to bills and resolutions.

There was no objection.

The reading of the Journal was completed and, as read, was approved.

THE LATE VICE-PRESIDENT HENDRICKS.

The SPEAKER. By order of the House the remainder of this day is set apart for the consideration of resolutions in relation to the death of the late Vice-President of the United States.

Mr. HOLMAN. I submit the resolutions which I send to the desk:

Resolved, That the House has received with profound sorrow the intelligence of the death of Thomas A. Hendricks, late Vice-President of the United States.

Resolved, That the business of the House be suspended in order that the eminent public services and the private virtues of the deceased may be appropriately commemorated.

Resolved, That the Clerk of the House be directed to communicate these resolutions to the Senate.

Mr. HOLMAN. I yield the floor to the gentleman [Mr. BYNUM] representing the district of Indiana in which the late Vice-President of the United States resided.

Mr. BYNUM. Mr. Speaker, Thomas A. Hendricks, Vice-President of the United States, died suddenly at his home in Indianapolis on the 25th of last November, between the hours of 4 and 5 o'clock in the afternoon.

On the evening prior to his death he attended a reception at the residence of State Treasurer Cooper, and, though slightly complaining, was the recipient of many congratulations upon his healthful appearance. On this occasion he was exceptionally affable, and participated in the pleasures of the evening with rare grace and extreme joy. Upon his return home he did not rest well and, the next morning the family physician was summoned, who, finding nothing serious the matter, administered an anodyne to relieve the pain of which he complained. No one but himself entertained any thoughts of approaching danger, and the only manifestation of fear upon his part was the gloom of doubt which seemed to be hovering around his mind, causing him to crave the continued presence of Mrs. Hendricks by his side. She was constantly with him on the day of his death until late in the afternoon, when she left him alone, resting comfortably and apparently safely, to receive some friends. She was absent only a few minutes, but when she returned his great spirit was gone.

The news of his death flew fast and far, and, ere the noon of night had passed a feeling of sorrow was in every heart and a shade of sadness upon every brow. Death had not stricken the first-born, yet there was mourning in every household. When the startling news of his death was first communicated to me I was reminded of the time when Burke was making a speech at the hustings in a race for the House of Commons news was brought him of the death of his competitor. Dropping the subject of his speech, he exclaimed: "This teaches us what shadows we are and what shadows we pursue."

Representing in this House the district in which Mr. Hendricks lived from his childhood, and in part—that part nearest and dearest to him by ties of friendship, of kindred, and of home—the district which he represented a third of a century ago, I feel that I would not only fail to discharge a public duty but would be an unworthy exponent of the wishes and sentiments of the people I represent should I fail to assist in embalming the memory of the distinguished dead with the grand achievements of his life in which they so proudly claim to have been participants. He was no ordinary man. He was one of the few great men whose greatness increased and whose grandeur became more sublime the nearer you approached him.

Mr. Hendricks was born in Muskingum County, in the State of Ohio, on the 7th day of September, 1819. His parents the next year removed to Indiana, finally, in 1822, settling in Shelby County, then almost a wilderness, now a garden. It was here upon his father's farm that he spent his youthful days. Here, under the teachings of his noble parents by precept and example, was laid the foundation of that great moral and intellectual structure which he afterwards builded so symmetrically and so grandly. After receiving such an education as the common schools in those primitive days afforded there was kindled in his youthful mind an unquenchable desire for greater knowledge. He entered Hanover College, near Madison, in Jefferson County, and graduated from that institution in 1841. He began the study of the law and was admitted to practice in Shelbyville in 1843. He was married to Miss Eliza C. Morgan in the year 1845, and lived happily with her the remainder of his life, and of whom it has been truly said ever afterward was his

Companion, counselor, and friend.

In his profession Mr. Hendricks attained the highest altitude and stood at the head of the bar in Indiana and ranked with the great lawyers of the country. He was not only a jurist of great science, but an advocate of matchless power. He could ably discuss the most intricate questions of law before the highest judicial tribunals and as ably present the facts in a case to a jury gathered fresh from field or shop. In court he was always courteous but dignified, never overstepping the limits of highest decorum. He treated the younger members of the bar with the same consideration as their elders, never attempting to decry their positions or answer their arguments except by sound logic and clear reasoning. During the progress of a trial he closely watched the impressions his adversary would make upon court or jury, and at the first onset would skillfully attempt to parry the blow or fence the thrust. He never permitted himself to be surprised. He always carefully estimated the force of the opposition, and calculated the strength of his own position with a precision that inspired the confidence of his client and gave weight and color to his cause. When engaged in a trial by jury he would ascertain and study the individual history and character of the jurors, and was careful never to antagonize a prejudice, but at every opportunity would say something to captivate their minds until he had gained full possession of their sympathies.

In the order and arrangement of testimony and in the examination of witnesses he was careful and painstaking; in the more dangerous part, the cross-examination, he was cautious, never giving a biased witness an opportunity to injure his cause or stab his client. His arguments were clear and forcible, commending themselves to the soundest judgments; his appeals eloquent, arousing the noblest impulses of the human heart. He was a model that any student of highest ambition might adopt, the bar of any State be proud of, and the courts of any country welcome to its forum.

The great talents he possessed as a lawyer were, however, carried into a higher field and crowned with greater laurels than could be won at the bar. Starting early in life, he gradually arose from an unostentatious beginning to the highest plane of statesmanship.

His public life, running through the most critical period in our history, stands to-day, from beginning to end, without an inconsistency or contradiction.

In 1848 he was elected a member of the Indiana Legislature from Shelby County.

In 1850 he was chosen a member of the constitutional convention which framed the present constitution of that State.

In 1851 he was elected a member of this House and served till 1855.

He was appointed Commissioner of the General Land Office by President Pierce in 1855 and served till 1859, when he resigned.

In 1860 he was the unanimous choice of his party for governor of his State, but was defeated at the election by Henry S. Lane.

In 1862 he was the unanimous choice of his party for United States Senator, and on the 12th of January, 1863, was elected to a seat in that body and served from the 4th of March, 1863, to 1869.

In 1868, although not a candidate, he was supported by the Empire State and came near being nominated by his party in convention at New York for the Presidency. In that year he was again unanimously chosen a candidate for governor, and after a vigorous campaign was defeated by Conrad Baker by a small majority.

In 1872, against his wish, he was again unanimously nominated for

governor, and after a hard-fought contest was elected, the balance of the ticket, with one exception, being defeated.

In 1876, without solicitation, the Democratic national convention at Saint Louis with great enthusiasm unanimously nominated him for the Vice-Presidency.

In 1884, against his desire, the Democratic national convention at Chicago again unanimously nominated him for the Vice-Presidency, to which he was elected and inaugurated on the 4th of last March.

He discharged the duties of a legislator in the General Assembly to which he was first elected with care and fidelity. As a member of the constitutional convention he was overshadowed by men of greater experience, but took an active part, always commanding the respect and attention of the members when h espoke. As a member of Congress he began fully to display the inherent powers and great talents which afterward made his name familiar to every household in the land. As Commissioner of the General Land Office, he organized and systematized the departments and instituted reforms, giving abundant proofs of his great executive abilities, which afterward characterized his administration as governor of Indiana. As United States Senator, he rose to the full stature of his country's opportunities and his own duties. No Senator ever stood in the halls of that body who devoted himself with greater diligence, fidelity, and patriotism to the discharge of the high duties of that exalted position than did Mr. Hendricks. During the days of reconstruction contests daily arose that required the greatest efforts of the mightiest intellects.

He was the leader of his party, but facing upon the other side was his colleague, the giant Morton. Both have gone to rest and peacefully sleep upon the beautiful heights of Crown Hill, where the same dewdrops will kiss the flowers that bloom around their graves and the gentle zephyrs waft messages of peace and good-will from mound to mound.

Mr. Hendricks's great strength and popularity were with the people. He never assumed to dictate or even command. During his long public career he never attempted to organize a personal party. His party was the great Democracy, to which he consistently adhered through storm as well as through sunshine; through the disasters of defeat as well as through the fortunes of success. The great principles of Democracy were to him sacred, and he clung to them through all the contests of earth as tenaciously "as the mariner clings to the last plank when the night and the tempest close around him."

His great qualities as a leader can not be overestimated.

He was the great isolated figure around which the Democratic party of the nation rallied during its darkest days and when it looked as though its hour of dissolution was about to come. He was the first Democratic governor elected in a Northern State after the war. His greatest act of leadership, not only of leadership but of statesmanship, was exhibited from 1874 to 1876. In his State in 1874 a young, vigorous, and aggressive party, the Greenback party, began to make serious inroads upon the ranks of the Democracy which he had so successfully preserved intact through all the vicissitudes of the war. There began to spring up a division of sentiment between the great men of his party, and the rank and file began to rally to the support of this or that element until a division looked almost inevitable. Mr. Hendricks possessed the clearest ideas upon questions of finance, but he saw a sentiment, uncontrollable, tearing across the country like a tornado, ready to embrace the crudest plans and most visionary ideas upon this most important question. Standing between the columns he laid a hand upon each and imperceptibly changed their course until they gradually came together, when, at their head, in 1876 he led them up in solid column to the support of Samuel J. Tilden and himself for President and Vice-President of the United States.

He was sometimes criticised for the want of positive ideas, for the want of boldness in the declaration of his principles. No more unjust criticism was ever made. Caution is no more cowardice than rashness is bravery. In counsel he was defiant in the statement of his opinions and supported them with an earnestness and an aggressiveness that not only carried conviction but elicited admiration. He was careful to investigate, but when he once took a position he was as firm as the rock-bound coast against which the waves may dash but rebound to be broken asunder upon the ocean's bosom. When he designated the point of attack and marked out the line of march every recruit was ready to follow him, conscious that no enemy was in ambush upon the line to open a deadly fire upon their flanks.

Mr. Hendricks never declared a proposition he could not defend; never uttered a sentence he was compelled to retract. His courage was once fully tested when an excited populace, following the assassination of Abraham Lincoln, demanded of him that he pledge his support to the administration of Andrew Johnson. He said: "I will support the administration of Andrew Johnson only in so far as I believe it to be within the limits of the Constitution of my country." At the time he thus boldly stated his sentiments he knew that the declaration might cost him his life, and it came near doing so.

Public life with him was not an ambition but a duty. He could stand defeat without the least despondency or the slightest evidence of disappointment; he could stand success without the least assumption or exultation. But few men could alternate from public to private and from private to public life with the ease, grace, and contentment which was evidenced in his career. He could quit his office for a seat in this House or in the Senate seemingly without noticing the change, and at the end of his term could return as contentedly as though he had only been away upon a pleasure trip. Wherever his lot was cast his mind was content and his soul enlisted.

He was an honest man. It is a remarkable fact that in the many high and responsible positions which he filled and the many contests through which he passed suspicion never breathed a calumny against his integrity. He passed through the fiery furnace without a scar, closing an eventful life of an eventful period without a blemish to mar its beauty or destroy its symmetry. His statue, to fitly represent him, should be chiseled of spotless white marble.

Such in brief was the public life of Thomas A. Hendricks, and in many respects it is without a parallel in history. For twenty-five years he was the accepted leader of his party in his State, no one contesting his right or challenging his authority. Three times the unanimous choice of his party for governor; unanimously chosen a candidate for United States Senator; twice unanimously nominated as a candidate for the Vice-Presidency, the cup of his ambition, though he never reached the Presidency, was filled to overflowing. Indiana during her career as a State has given to the country a galaxy of most brilliant men. Among her jurists were Blackford, Dewey, and Sullivan, whose opinions are pre-eminently a part of the jurisprudence of the country. Among her statesmen were Edward A. Hannegan, George G. Dunn, Ashbel P. Willard, Henry S. Lane, and Oliver P. Morton.

The names of these men garnish the pages of history, State and national, and, though sacred in death, it is not improper to say in all that made men great Thomas A. Hendricks will pass into history as the peer of any that preceded him. While he may not have possessed the diction of Hannegan, the fire of Dunn, the magnetism of Willard, the rhetoric of Lane, or the logic of Morton, he combined all these gifts in a high degree, which, coupled with his great moral powers, make him the colossal figure in the history of Indiana and place his name in the list of great men of the greatest nation.

It is not, however, the public life of Mr. Hendricks that is the greatest pride of his neighbors and the highest solace of his family.

In their hours of gloom they recall him not as governor, as Senator, or as Vice-President, but they weep for him as friend, neighbor, brother, and husband. Through his whole life he was a Christian; and although an active and consistent member of the church, his religion was more in acts than in words.

He daily practiced the greatest of all virtues—charity. There are many left behind who to-day miss his generous heart and open hand. All along the pathway of his life are scattered jewels of charity that will finally be gathered home by the angels in eternity. As a neighbor he was always kind, as a friend always true, as a husband he was not only devoted but idolatrous.

His life was great, his death sublime. As he faintly heard the hoofs of the messenger's steed on his way to summon him from time to eternity, and was preparing to start upon his journey beyond the clouds, looking back over his important career, viewing the great struggles through which he had passed and the great contests in which he had borne such a conspicuous part, feeling the weight of the burdens he had so long and so patiently borne being gently lifted from his shoulders, his last words were, "I am free at last."

Mr. McCREARY. Mr. Speaker, during the last year death gathered into his garner a rich harvest of our able and worthy men, but no one was more loved and respected and none contributed more to embellish American history than the distinguished subject of the resolutions now before the House.

Thomas A. Hendricks, late Vice-President of the United States, was born September 7, 1819. Full of years and crowned with civic honors, he died November 25, 1885. The evening before Thanksgiving Day our whole country was startled and sorrow-stricken by the news of his death, and when the Forty-ninth Congress assembled this Capitol was still draped in mourning and the shadow of a great bereavement hovered like a gloomy pall over our country.

He was the fifth Vice-President who died in office, and like George Clinton of New York, Elbridge Gerry of Maine, William R. King of Alabama, and Henry Wilson of Massachusetts, he came to the Vice-Presidency after a long and splendid public career. His life illustrated the possibilities of an American citizen, and came fully up to Blackstone's aphorism, "Act honestly, live honorably, and render to every man his dues." His death was a national calamity, and common sympathy and common sorrow for his loss brought to his countrymen, as they did honor to his memory, irrespective of party or section, truer fellowship and closer friendship.

The great and good men of a nation ennoble it and give character and prominence to it at home and abroad. All their fellow-citizens have a common interest in them, and when they die all love to pay homage to their virtues. The tributes of respect that have been paid to the memory of our late Vice-President in every part of our land; the chaplets without number that have been woven from the flowers of sincerest love and respect; the eulogies that have been spoken in the forum, at the bar, in the Senate, in the sacred church, and in thousands of humble

homes and stately mansions prove how thoroughly he is entitled to be ranked among our great and good men.

I first became acquainted with Mr. Hendricks when he was governor of Indiana and I was governor of Kentucky and it became necessary to locate a disputed boundary line between our respective States. In that important business he deported himself with the same fairness and firmness and ability that ever characterized his whole life. I am glad to place on record now that from that time I was his friend and admirer.

Kentucky is only separated from Indiana by the beautiful Ohio River, and Kentuckians gave to Mr. Hendricks the same friendship and admiration that greeted him in his own State. I believe I but speak their sentiments when I say we were proud of him as a leader, counselor, and statesman; we loved him as a neighbor and friend, and we deeply deplore his death.

His political career extended from 1848, when he first entered the Indiana Legislature, nearly to 1886, a period of thirty-eight years of prominence and usefulness in the service of his State and nation. He was a member of the constitutional convention held in Indiana in 1850, and served with Hon. Schuyler Colfax, afterward Vice-President of the United States, and with Hon. WILLIAM S. HOLMAN, now a distinguished member of this House, and he was conspicuous in the United States Senate among such Senators as Allen G. Thurman, Thomas F. Bayard, JOHN SHERMAN, and Roscoe Conkling. In 1851 he first entered Congress. No member now on this floor was a member then, but there were many able and brilliant men in Congress. Henry Clay, with his clarion voice and thrilling eloquence; Charles Sumner, with his wisdom and culture and power; Alexander H. Stephens, with his splendid intellect and captivating manners; Salmon P. Chase, with his comprehensive knowledge and indomitable energy, and Stephen A. Douglas, with his logic and courage and great ability, were all then Senators or Representatives in Congress. They are all dead now, but their names are written high on the roll of fame, and they will be remembered and cherished as long as our Republic has a history or freedom a home on earth. To this list will now be added the name of Thomas A. Hendricks, and it will remain as imperishable and honorable as the names of any of the illustrious statesmen with whom he served.

He lived in important and critical times and he acted his part well both in peace and in war. A sketch of his life is a sketch of his country's history for a third of a century.

As a citizen he was broad and benevolent. As a lawyer he was able, faithful, and fearless; and as a political debater his Damascus blade was never vanquished and but seldom parried. The subjects he discussed embraced all the leading questions and political policies of his time. His views on education, commerce, finance, agriculture, an honest, economical administration of the Government, the sovereignty of the people, the independence of the co-ordinate departments of the Government, were often announced in no uncertain terms. Common sense, practical ideas, and conservative opinions were strong features in his statesmanship, and he was ever the friend and advocate of all the great reform measures that have elevated and purified our Republic. Whether we view him as legislator, Commissioner of the General Land Office, Representative in Congress, governor of Indiana, Senator, or Vice-President of the United States, we see the impress of his splendid mind and the luster of his unfaltering patriotism and noble manhood. He was never dazzled by visionary theories nor deluded by speculative projects, but he worked for what he regarded as the good of the people and the welfare of the Republic. In his whole career as citizen, lawyer, and statesman, and even in the heat of fiercest political conflicts, no breath of suspicion ever assailed his integrity or dimmed the brightness of his honor.

No man ever had more of the confidence and affection of the people of his own State than Thomas A. Hendricks. As a candidate for governor he led the Democrats of Indiana to victory in 1872, when every other candidate on the Democratic ticket went down to defeat. The enthusiasm and earnestness with which his Indiana friends supported him for President at the Saint Louis convention in 1876 has never been exceeded, and the thrilling scene in the Chicago convention in 1884, when the attempt was made to nominate him for President, will ever be remembered as positive proof of his great popularity throughout the United States. Nominated in 1876 for Vice-President, he carried his State in a brilliant contest, in which he was opposed by a thoroughly organized party, under the leadership of Oliver P. Morton, the ablest and strongest Republican who ever lived in Indiana; and nominated again for Vice-President in 1884, he again led his party to victory in a canvass that will ever remain memorable in the history of our country.

On the threshold of grand honors and high authority he died, among his kindred and friends, in his own State, at his own home, where he was enjoying the affection of his accomplished and devoted wife. If death can be robbed of his sting; if the pathway to the tomb can be smoothed, surely he went to his grave in "ways of peace and paths of pleasantness."

His friends are preparing to erect a monument to his memory. He needs no monument to perpetuate the blazonry of his deeds, the triumphs of his eventful life, or the beauty and simplicity of his character. "Not all the marble of Carrara, fashioned by the chisel of Angelo into the mimicry of breathing life, can convey to the senses a likeness so perfect as that which he has left on the minds of men." Yet I believe the monument should be erected. It will be an inspiration to this and succeeding generations; it will be an evidence of the love and esteem of his countrymen whom he served so faithfully and on whom he reflected the grandeur of his patriotism and statesmanship, and it will tell the world that he belonged to an honored race, of which he was a chief and a champion.

Mr. LONG. Mr. Speaker, I am sure the loyal Commonwealth of Massachusetts, which I have the honor to represent in part upon this floor, would not have me remain silent when, because I once occupied her executive chair, I am asked by the courtesy of the Representatives of her sister State of Indiana to join in the recognition which the House to-day pays to the memory of the late Vice-President of the United States. Her great majority, Mr. Speaker, differed from him upon all the leading political issues which agitated the country during his public career, and on which they believed his views to be contrary to the public welfare. But they recognize not alone the high abilities which won him distinguished advancement in the profession of the law, of which he was an ornament, and in the councils of his State and the nation, the highest places of which he reached, but also and especially the undoubted consistency of his political life and the excellences and worth which, in his private character, gave him such a remarkably strong hold upon the people of his State, and endeared him, as the spontaneous testimony of members of all political parties shows, to the large and, we may well say, the deserved circle of his personal friends. He was the Vice-President of the East as well as of the West—of Indiana not more than of Massachusetts. And when, soon after his election, he came to that ancient Commonwealth, it was to receive at all hands more generously even than he could have anticipated the distinguished and cordial welcome which was due him in his exalted station; to be invited to the hospitality of her municipalities and of her seats of learning; and to be greeted by the whole body of her intelligent and patriotic people, who stand always ready to support this Republic of indissoluble union and liberty, and who will fail in no obligation to those who have been chosen to administer its high offices.

The life of Mr. Hendricks, sir, illustrates, I believe, not only the splendid opportunities of American manhood, the mastery of circumstance, the attainment by self-exertion of high commanding place. It illustrates all these, and illustrates them signally; yet I love to think it illustrates still more the elastic and admirable adjustability of our national system—its strength residing in its very ease and variety of change. Coming into power as the representative of a party which for a quarter of a century had been out of the executive administration, with what patriotic gratification we all now recall the fact that he encountered no look askance, no sullen defiance, but wherever he went a generous spirit of loyalty, a general readiness to accept the new departure for all it was worth, a consensus of public sentiment in the hope of the public welfare, and a disposition to give the new Administration every facility for the promotion of every good cause. He became the second officer of a reunited Republic which had a few years ago overcome the terrible convulsion that not only for a time rent North and South apart, but also, it should be remembered to-day, strained the North itself in sharp and threatening political divisions of policy and sentiment, of the more unpopular extreme of which he was perhaps the most distinguished representative. And yet to the second place in the administration of that restored Union the revolving wheel of events raised him; and to-day I believe, and we all believe, and the world is acknowledging, that Union is stronger, is more united, aye, is more loyal, Mr. Speaker, because of the discipline of that convulsion and of our magnificent and triumphant mastery of it. Already we realize what history will record—that all's well that is ended well. Over your head, sir, is the flag of a Republic which, in its very storm and peril, brought out leaders and representatives of the variety of opinion referred to by my friend from Kentucky [Mr. MCCREARY] and constituting that galaxy of clustering stars in our historical firmament, some names of which he enumerated; a Republic which has thus shown itself to be so happily constituted, so constitutionally systemized, that it plucks the flower of safety out of every nettle of danger. And does this because the freedom which it extends to individuality, though that individuality be unpopular, the freedom which it extends to the right of private judgment, to the expression of honest difference of opinion, to the heated ebullition and therefore the purer distillation of national sentiment—that very freedom results in the one true, sure foundation of a government of the people—which is their education by their mutual attrition up to their duties and their rights. All this, Mr. Speaker, I believe—and it seems to me to be the real significance of this occasion—all this is indicative of what lies deepest in the hearts of the American people and most animates them. The frets, the yest, the whitecaps are always on the surface; and, beaten by them, our tossing craft of local and personal interests seem to be always in storm and in shipwreck. But beneath these, thank Heaven, the deep, unfathomable caves of public opinion, of national loyalty, of popular brotherhood and common interest lie serene and undisturbed. They are an immeasurable fountain of the wholesome waters of life. They are an inexhaustible reservoir of the health of a republic of educated, self-respecting, and equal freemen.

Mr. THROCKMORTON. Mr. Speaker, representing a people who intelligently appreciated his public services and throughout his career honored and trusted him, Ioffer my humble tribute of admiration to thememory of Thomas A. Hendricks.

We best honor the dead and most benefit the living when we form a just estimate of their characters and lives and accept and apply the instructive and inspiriting lessons which they teach.

Great gifts are the necessary conditions of a great character, but the existence of the former does not always guarantee the possession of the latter; because character, in contradistinction to endowments, represents the fashioning of the latter into distinctive forms. They stand related as the marble block to the perfect statue hewn from it. God gives the one; man himself, by his thought and action, creates the other. As the statue is the concretion of the artistic thought, so a great character must be formed upon a great ideal and be developed in harmony with it. The apt parable used by the great Teacher to illustrate the historical development of the Christian system with equal force teaches the order of human growth, "First the blade, then the ear; after that the full corn in the ear"—inception, development, and maturity.

Life is character in movement—is the visible expression of the sum of human energies in their organized activity. The best-equipped soldier will win no victories in the absence of conflict, and the wisest programme will avail nothing in valuable results in the absence of opportunities for its execution. As movement is the condition of growth, so appropriate occasions must be supplied to awaken and stimulate the potent but otherwise latent human forces which produce that great work called life. We can not, therefore, conceive of a grand life except when we contemplate capacity in conjunction with its appropriate and sufficient opportunities. A heroic occasion, crowned by a heroic act, sometimes determines before the world a grand life, giving not only its quality but supplying its measure. Such occasions, however, are rare and exceptional. Only here and there in human history is found a Thermopylæ and a Leonidas to stand in the breach.

The common fortune embraces only the ordinary occurrences of humanity, and the excellence that attaches to each well done act must be the measure of the glory that crowns a finished career. While character is an evolution in an important and popular sense, life is a cumulation, to be estimated not by its individual incidents but their aggregate. The grandeur of a career is measured by the sum of the great and excellent things that may have been done. Time, therefore, no less than opportunities, generally becomes an important element of human greatness.

The distinguished statesman whom we seek to honor by these memorial services was fortunate in the possession of the capacities and conditions needful to the largest human success. Gifted with splendid powers, he, in his youth, conceived that ideal upon which his character was formed and his energies directed. He lived in that crucial period of our history when great occasions and inspiring opportunities were constantly supplied; and, finally, the Master of life gave him "length of days," so that he not only scattered but gathered the fruits of his sowing; not only worked and sometimes "went forth weeping," but saw the fruits of his labors and returned "bearing his sheaves with him."

In the life and fortunes of Mr. Hendricks we have a splendid illustration of the honorable successes that will crown definite and sustained effort in public life under our free institutions. He was specific in his purposes—personal, domestic, social, and political. He set himself to do a specific work in every relation of life, and consecrated all his powers continuously and persistently until the end sought was accomplished. To this definiteness of aim, this steadiness of purpose, and its sustained, patient, hopeful endeavor are referable the successes and honors that crowned him. There was nothing episodical in his career; nothing spasmodic in his efforts; nothing fragmentary in his life. In defeat and victory, under cloud and sunshine, he resolutely attempted to realize in action his convictions of duty. He was a typical American citizen and statesman, representing fully as any one who has preceded him the full capabilities and consummations of American manhood. And now, full of years and honors, in the maturity of his character, he has been gathered to his fathers. He wrought wisely, and his life in its round perfected unity praises him.

There is much in the useful and splendid career of Mr. Hendricks which should encourage those who survive him to higher and more unselfish devotion to the country and Government he loved so well and served so loyally.

And there is in that life lessons of courage and firmness, of magnanimity, and devotion to convictions of duty, a steady adherence to principle and a singleness and purity of purpose that should inspire those to whom the destinies of this great Republic are soon to be intrusted with the same excellence of purpose and patriotic devotion to country that made it so conspicuous in shining virtues and crowning glories.

Mr. DINGLEY. Mr. Speaker, as one of the members of the House who occupied the executive chair of a State of the Union contemporaneously with Mr. Hendricks's service as governor of Indiana, I have been invited to briefly speak on this occasion.

My personal acquaintance with the late Vice-President was slight, and my knowledge of him mainly confined to sources open to all. While my own political views were in sharp antagonism to those held by him, and I often had occasion to express my dissent from his position on many public questions, yet I recognized his ability and admired his kindly nature and unspotted private character.

Though I met Mr. Hendricks socially only once, yet I saw enough of him on that occasion to understand the secret of his great personal popularity in Indiana. The kindliness of his manner, his affability toward all who approached him, and his uniform courtesy to the humblest, united with a dignity and self-poise which lent a charm to his presence, made him hosts of friends, and even disarmed to a certain extent the criticisms of political opponents.

In the heat of party conflicts, characterized so often by unjust assaults on personal character, I do not remember to have heard or read any charge reflecting on Mr. Hendricks's integrity. Certainly if any such charge was ever made it fell harmless at his feet. His private life was above reproach, and his example a beneficent influence in the community in which he lived. The loving tenderness of Mr. Hendricks's domestic life, as illustrated by incidents which have found their way into print, has made his memory in this respect a sweet savor wherever happy homes are recognized as the citadel of national virtue and the hope of the world.

The time came to the late Vice-President, as it must come sooner or later to all, when the honors of this world, high as were those with which he was crowned, faded into insignificance, and the soul's queries of "What then?" asserted their rightful pre-eminence. In such a supreme test of truth infidelity and skepticism disclose their nakedness, and only the eye of Christian faith can look through the somber cloud and see the golden lining on the other side.

Such a faith Mr. Hendricks avowed and leaned on when declining health admonished him that the end of this life approached and the life beyond drew near.

Mr. HEWITT. Mr. Speaker, I never felt greater regret at the absence of my former colleague, Mr. Cox, from this House than on the present occasion, when the friend of his youth is the subject of eulogy. With his insight into character, his charming felicity of language, his grace of illustration, justice would have been done on behalf of the State of New York to the memory of the departed statesman.

My personal acquaintance with Thomas A. Hendricks only began after his nomination for Vice-President on the Democratic ticket in 1876. I was, of course, familiar with his career during the many years when he made his record in his own State and in the Senate of the United States as a faithful public servant, as the advocate of sound political principles, and as the opponent of legislation which tends to create privileged classes and to enrich the few at the expense of the many.

So high a position did Mr. Hendricks occupy in the public esteem that his nomination for first place on the ticket was earnestly pressed, and possibly by a majority of the Democratic voters really desired. When, however, other considerations prevailed, Mr. Hendricks, like a soldier under orders, cheerfully accepted the second place on the ticket, and contributed greatly to the success of the campaign which resulted in the election of Tilden and Hendricks to the highest offices in the gift of the people. It was during this great struggle that I first made the personal acquaintance of the departed statesman, and the friendship then commenced continued unbroken until his death.

The impression made upon me by my first interview with him was strengthened by continued intercourse. He was a direct-minded and single-hearted man. He had no concealments and no reserve of confidence from those who were brought into relations of intimacy with him. His mind naturally found its way to the elementary conditions of truth, and there were no devious methods of thought or action by which the truth thus found was ever obscured or perverted.

Starting thus on the fundamental basis of principle, his logic was severe and irresistible. He never stated a proposition which he did not justify by adequate fact and argument. His unswerving fidelity to the Democratic party was due to his absolute faith in its principles. He did not deny the patriotism of his political adversaries, and he recognized their partial acceptance of the doctrines which, from the time of Jefferson to the era of the civil war, had ruled the policy of the country.

But in one respect he thought there was a fundamental distinction. He did not regard the Republican creed as calculated to secure equal rights to all men. Hence he was always firm in his adherence to the Democratic party, because he believed that the welfare of the people could only be secured by the fullest recognition of its principles. He was thus necessarily a partisan, but always sincere, always manly, always truthful. This sincerity of character was best understood where he was best known, in his own State of Indiana, which delighted to honor him with its highest rewards, and twice cast its electoral vote for him when any other man would have lost the State. In 1880 the experiment was tried, and Indiana gave its vote to the Republican candidates. In 1884 my belief is that his nomination secured the success of the Democratic ticket. It presented an issue addressed to the conscience of the people, and in the State of New York especially was so acceptable to a portion of the party, otherwise dissatisfied, that personal grievances were to a large extent swallowed up and postponed to

the larger duty of justice to the man in whose person the will of the people had once been nullified. I do not think that I overestimate the value of this feeling of loyalty to Mr. Hendricks both in New York and in Indiana, and but for its existence I am quite clear that no accession of independent voters could have neutralized the strong current of feeling among a portion of the Democratic voters for the candidates of the other party.

This feeling of loyalty was largely due to the disinterested and patriotic course of Mr. Hendricks during the agitation which followed the election of 1876. It was not his business then to lead the party, but he was always ready to be consulted and to give advice. He showed no reticence in counsel and no lack of confidence in the men who were intrusted with the leadership of the party. He concurred cheerfully in the conclusions at which they arrived, and he did not put or keep himself in the position of approving their action if it should succeed or of disavowing it if it should fail. Neither when an adverse result was reached did he express any vain regrets as to his hard fortune, and he never called in question the courage and patriotism of the Congressional representatives of a majority of the people in the decision of one of the gravest problems ever encountered in the political history of the world. On the contrary, he recognized to the fullest extent the untiring diligence, the unshaken fidelity, the true wisdom of the Democratic majority who passed the measure of settlement by which peace and order were secured to the nation at the cost only of a temporary delay in the transfer of the administration to democratic control. It was thus that Mr. Hendricks gained the respect of the nation and insured his place in history as a statesman and a patriot.

I have said that Mr. Hendricks was necessarily a partisan, but I have endeavored to show that his partisanship was never exerted at the expense of his patriotism. I have been moved to this statement because I have observed a disposition in some quarters to exaggerate and extenuate his partisan feelings. There is no reason for any apology or explanation so far as his views in regard to appointments to public office are concerned. These views coincided with the opinions expressed by Washington and Jefferson, and were once at least clearly defined. I quote from his letter of acceptance of the Democratic nomination in 1876, in which he said:

In the reform of our civil service I most heartily indorse that section of the platform which declares that the civil service ought not to be "subject to change at every election," and that it ought not to be made "the brief reward of party zeal, but ought to be awarded for proved competency and held for fidelity in the public service." I hope never again to see the cruel and remorseless proscription for political opinions which has disgraced the administration for the last eight years. Bad as the civil service now is, as all know, it has some men of tried integrity and personal ability. Such men, and such men only, should be retained in office; but no man should be retained, on any consideration, who has prostituted his office to the purposes of partisan intimidation or compulsion or who has furnished money to corrupt the elections. This is done and has been done in almost every county in the land. It is a blight upon the morals of the country and ought to be reformed.

I hold this to be the true doctrine in regard to appointments to office, and if it has been violated I am not aware that Mr. Hendricks ever uttered a word or did an act which attaches the responsibility of its violation to his memory.

I have spoken of the simplicity of Mr. Hendricks's character. But with it went, as is always the case with noble natures, the calm dignity of conscious intellectual power and controlling moral force. It was my privilege in 1877 to introduce Mr. Hendricks into a circle representative of the culture, the genius, the intelligence, and the rank of Great Britain. There were present statesmen, authors, cabinet ministers, members of the aristocracy and of the royal family, between whom the intercourse was as delightful as it was unconstrained. Mr. Hendricks, fresh from the great contest from which he had emerged as a victor without the fruits of victory, was naturally an object of great interest, and was surrounded by a circle of intelligent men and charming women. His bearing was that of a man who had passed his life in courts, and his republican manners were marked by natural tact and graceful courtesy. He was the equal of the first gentleman of the land in dignity, and the peer of the greatest statesman present in intellect and conversation. It was on this occasion that I heard him approve and defend the wisdom of the Electoral Commission which had awarded the Vice-Presidency to his opponent. *Salus populi suprema lex* was quoted as the final principle upon which public action is to be based, and of his adherence to this doctrine the whole life and career of Mr. Hendricks is a convincing proof.

For him the conflict of life is past with honor. He has fought the good fight. For us his example remains, urging us to be, as he was, diligent in the public business, careful in judgment, faithful in action, and, above all, patriotic in the discharge of the gravest duties which have ever fallen to the lot of men, in that we represent the idea of self-government, upon the successful issue of which will depend largely the welfare of mankind. Toward the final consummation for which we strive Thomas A. Hendricks contributed in his day and generation his full share of labor and of achievement, and as a man of the people he will not be forgotten by the people in whose service he lived and died.

Mr. BROWNE, of Indiana. Mr. Speaker, history repeats itself. Not a month passes but the sad tidings come to us that a notable man has fallen. It was but yesterday that Thomas A. Hendricks was with us; to-day he is gone—

To solve the mightiest mystery of all.

To-day his associates in public life pause in the shadow of the national bereavement to speak of his public services and his personal virtues. He of whom we speak has gone where earthly honors and mortal eulogies are as empty sounds, but the homage we pay the dead softens the asperities of partisan life and incites a virtuous emulation; "it exerts a harmonizing influence on the universal heart, and promotes the formation of a true nationality." Standing far from him in party politics, differing from him on almost every question of public policy, antagonizing him, often warmly, and perhaps bitterly, in partisan controversy, I acknowledge his great talents and pay a sincere tribute to the integrity of his public and the blamelessness of his private life.

His public record belongs to the country; it will be judged in the tribunal of public opinion. As in the case of others who were prominently identified with that most tempestuous epoch in our national history, many will approve, many condemn it. We always judge our adversaries from our point of view, and take it ill if they discard our ideas and act and speak according to their own. To do even and exact justice we should view them not from our position, but from theirs.

In passing upon the opinions and actions of those who have thwarted our purposes and sharply criticised our most cherished convictions we should remember "that he who is most charitable in judgment is generally the least unjust."

In life, in the excitements and bustle of our active and progressive life, in the scramble for place, because of our ambitious jealousy for preferment, blinded by our selfishness, we withhold from the living what is justly theirs; but when we stand in the presence of the dead it is creditable to our common humanity that the generous impulses of our nature come to the front and rebuke the unreasoning prejudice which denies sincerity of conviction and honesty of purpose to those who refuse to indorse our opinions or accept our policy.

Mr. Hendricks was not only a most distinguished citizen, but was the second officer of a great Republic. A position so exalted, so honorable, would not have been bestowed by the voluntary suffrages of the people had he not impressed himself upon the public thought and won a place in the popular heart. Personal worth and great abilities only could have secured this high evidence of a people's confidence.

A tall man was he among the people, conspicuous for his abilities. A strong man by the power of his eloquence and the breadth of his acquirements, he won his way in the ranks of his party to near its leadership.

If not the leader of his party in his State, Mr. Hendricks was a force that commanded its supremest respect. He won this distinction by his character, his genius, his personal magnetism. His party gave him its undivided allegiance and promoted with undeviating zeal his every ambition. In his canvasses for governor, Senator, President, he had no rival in the ranks of the Indiana Democracy. He was, without challenge, its chief representative. If he did not formulate its policy, he accepted it as the true faith; if he did not go before, he kept well abreast of the party alignment, went into the thickest of the fight, congratulated his forces in victory, or in defeat covered their retreat. He was not a political boss. He commanded without using the tone of a master; he governed without whip or bastile; he was king, but reigned by common consent and made his subjects his peers. He managed the methods and the language of politics with marvelous dexterity. He was cautious, artful, plausible, and at all times perfectly self-posessed.

It was said:

There was something in the mere aspect of a large popular assembly which had for him a special attraction. His manner in addressing a mixed audience was peculiarly his own—neither that of conversation nor oratory; something better suited than either to his purpose. He was one of the most impressive and successful of public canvassers. He did not disregard the unconsidered trifles of the campaign. There was an affluent grace in his salutations which largely supplemented his argument. He was, moreover, a man of normal action and opinion, following the ordinary bent and tenets of his party; no fanatic, extremist, or zealot upon any subject; not such a one as the multitude often follow, but a character smoothly rounded to completeness, without edges or angles, with no corners in his creed; yet he was, and continued to be, a popular favorite to the last.

Mr. Hendricks was not of the Mirabeau and Danton school of orators—orators who inaugurate tumult and revolution. He did not make harangues that "sent hands to the sword-hilt and men to battle as to a banquet." Over his party adherents he maintained an almost absolute mastery. For years his party was out of power and he wholly without patronage, but he held it to his fortunes, and there was no sign of revolt. His defeats seemed to intensify its devotion and arouse it to greater effort.

A marked trait in Mr. Hendricks's mental equipment was his conservatism. He was too much wedded to usage and tradition to tolerate without challenge a departure from them. He reverenced a long-established national policy, and thought to touch it was to profane a sacred thing. He accepted the Constitution as the earlier statesmen had fashioned it, and sought to arrest the revolution that wrote in it, with the point of the bayonet, a new charter of human rights. He would have repressed the inspiration for liberty born of the shock of battle to save to posterity without amendment the institutions of the fathers. The

Constitution as it was challenged his admiration, and he maintained that to touch it was to endanger the public safety. His views were overruled, and what resulted is history irrevocable forever. Neither approval nor criticism will recast it nor affect public or individual opinion. Conservatism as a political force, however, has its uses. It calls a halt; it argues; it demands a reason for every innovation upon existing conditions. It checks imprudent zeal and gives time for cool deliberation. Only when it stands out against facts, against logic, against public opinion, and against human progress, is it censurable.

Against the integrity of Mr. Hendricks as a public servant no tongue has uttered a word. His fame as an honest man is unsullied by even a suspicion. He was ever true to himself, to his honor; no temptation beguiled to venality, and no dishonest dollar touched the palm of his hand. In an age like ours, when vice yields more revenue than virtue, when fortunes are so often obtained without labor, and money, not merit, wins position and power, one who lives an honest and upright life is worthy the admiration of mankind.

Monuments of marble or bronze should be erected in our public places to keep the memory of such imperishable. Had Mr. Hendricks devoted himself to the law and stood aloof from the excitements and exactions of politics he would have been among the foremost lawyers and advocates of this or any country. As it was, he stood in the foremost rank. He had many natural advantages; a voice of melody, a pleasing countenance, a cultivated intelligence, a clear and easy elocution. There was in his manner in court and before the jury that which was captivating. When he spoke he had no recourse to rambling epithets, stilted metaphor, or frenzied declamation. He wasted no time in his exordiums, but grappled the point in controversy without delay. His ideas were never trivial nor his language inflated. His words were generally of simple Saxon, his logic elevated and forcible; there was neither extravagance of expression nor of gesticulation. Some of his contemporaries at the bar were more picturesque and vehement, but none were more graceful or adroit. He was at times touchingly eloquent, his pathos moving the feelings and moistening the eye of the most obdurate. He resented an assault upon the instant and sometimes with marvelous bitterness, but he always maintained a perfect mastery over his passions. He was both dignified and courteous in his bearing, and commanded the most respectful attention from all.

In the memorial of the bar his professional associates say:

Mr. Hendricks was throughout the whole period of his active life a lawyer, even in his last days concerned in the conduct of causes. His entrance upon and employments in public life were episodes, excursions, useful to himself and others, but did not divert him from the beaten path of forensic labor. On the floor of the Senate, in the halls of legislation, he sojourned—at the bar, in the courts, he dwelt.

As a citizen, neighbor, friend, he was unrivaled among men. In these walks he was beloved by all. To his friends

He seemed the thing he was, and joined
Each office of the social hour
To noble manners, as the flower
And native growth of noble mind;
And thus he bore without abuse
The grand old name of gentleman.

The courtesies of his life were broad and generous. He was always the polite and genial gentleman, kind and tolerant. His private life deserved all admiration; tender and blameless in his social relations—devoted to his friends, affectionate in his family, simple, upright—these virtues are his eulogy, more eloquent than tongue can utter.

If—

To live in the hearts he left behind
Is not to die,

Mr. Hendricks has only gone nearer the Eternal Light—has but crossed the lowlands to dwell on the mountain-top. But he is dead, and, though ripe in years and honors, died all too soon. Into the quiet of his home death entered unannounced, and "his spirit drifted away on the bosom of that dark and shadowy river" that flows with resistless sweep into the shoreless sea.

Mr. RANDALL. Mr. Speaker, the life of Thomas A. Hendricks was singularly rounded and complete, and it is not surprising his death excited lamentation general and sincere. We are advised by divine inspiration that "no man liveth and no man dieth unto himself." The incidents of this notable and honorable career, the story of this leader of men, have been fully depicted by loving friends, and the lesson of wisdom they teach has been eloquently enforced. The whole field has been covered, so that even to a scrupulous and careful gleaner there is little to add.

One characteristic of Mr. Hendricks to me lent constant beauty to his life. He was the embodiment of that old Latin saying, Mild in manner, resolute in conviction. His ways were gentle and kind, but in a matter of right or wrong he was fixed and immovable. No seductions could allure, no terrors frighten him; to duty he was fidelity itself. He was easy of approach. He dwelt in greatest intimacy with his neighbors. He knew the heart-beats of the people. He could not be deceived as to their wishes. To his earnest good-will they responded with the most generous confidence. His gentleness of manner won them to his presence, and then his learning, firmness, honesty, fidelity, and logic bound them to him.

As he was greater than others individually by whom he was surrounded, so, too, he was always stronger than any political organization to which he was attached. He was a devoted student of the principles of our republican Government. He anchored his hope in their preservation, in their pristine integrity. He was the firm defender of our well-balanced powers and the distribution of duties between State and General Government. He believed that our liberties were secure only when all tendency to parental government and toward centralization was resisted and destroyed. Full scope was to be given for the regulation of mere local affairs to the home rule of State Legislatures, and the action of Congress was to be confined to legitimate Federal affairs.

In his public conflicts he never lost the sweetness and gentleness of his daily life. He was fixed as fate in his resolution, and yet as affable and unruffled as if he sailed only over summer seas.

It is fitting and proper that the great Commonwealth of Pennsylvania should pay the tribute of its affection to the memory of Thomas A. Hendricks. He was the descendant of one of her own children. His uncle, who was the sole Representative from Indiana to Congress from 1816 to 1822, governor of that State from 1822 to 1825, and from the latter year to 1837 its United States Senator, was born in Western Pennsylvania, in Westmoreland County, as likewise was the father of Thomas A. Hendricks, who in after years, in addition to the honors worn by his uncle, was elected to the Vice-Presidency of the United States. They were Scotch-Irish pioneers, belonging to a race of men of splendid physical form, courage, and endurance, and renowned for their mental vigor and strength of character. These pioneers were the ancestors of many distinguished families of the South and West. Wherever these brave men fixed their abode the land brought forth abundantly and the people prospered.

The late Vice-President died as he had lived, calmly and serenely.

Like a shadow thrown
Softly and sweetly from a passing cloud,
Death fell upon him.

Mr. GEDDES. Mr. Speaker, the uppermost thought in my mind is the inscrutable Providence manifested in the death of our late Vice-President at a time when in our worldly calculations we seemed the least prepared for it. It again enforces the lesson so often taught and so hard to learn, that

God moves in a mysterious way
His wonders to perform;
He plants His footsteps in the sea
And rides upon the storm.

This thought of an overruling Providence in our national and individual affairs can alone lead us to a true conception of our duties and responsibilities. We will not forget that this same Providence has directed, guided, and shaped the affairs of our country from the landing of the colonists at Plymouth and Jamestown until the present hour. Idolized leaders of a party, champions of constitutional liberty, lovers of our unexampled form of government die and we feel the most painful depression. When the death of Thomas A. Hendricks was announced the calamity was so great, and without warning, that the whole country was filled with the most profound sorrow and tears irresistibly filled the eyes of the people.

Thomas A. Hendricks was born in Ohio, but early in life, when only six months old, his father crossed the State line and gave him to Indiana. That State, therefore, formed the theater of his early struggles. There he engaged in laying the foundation of that usefulness bounded by no State lines, and for which the whole nation with one accord—all hearts and minds united—give thanks to God and praise to our free institutions.

His life proved an eventful one. He was an able and accomplished lawyer, a statesman without spot or blemish, a Democrat from the deepest convictions, and therefore a partisan, but deserving and receiving the highest respect of the best men of all political parties. I find one of the most concise, comprehensive, and just tributes to his character and memory in the Franklin Jacksonian that I have noticed, as follows:

As a statesman he was the champion of the Constitution, the pioneer of peace, the prince of patriots, of tried courage, lofty wisdom, broad intelligence, noble aspiration, and true manhood. He always planted the royal banner of pardon and love upon the battlements of sectionalism or personal strife. As a personal friend we idolized him. On his bosom radiated the star of honor, and to whose memory will be issued the highest patent of nobility. His impress will be left upon the country so long as truth, courage, and fidelity to principle shall find a home in the hearts and hopes of men.

Mr. Speaker, these memorial exercises should not be regarded as a waste of time or unprofitable, for they are in obedience to the natural instinct of mankind and preserve a custom most agreeable to the human heart and creditable to the sober judgment of all. The most cultivated nations of the earth manifest the tenderest regard for the great and good men called from time to eternity.

It is an occasion when the purest emotions prevail and hearts grow warm with the inspiration of the hour, and all recognizing the solemnity and sacredness of the hour reverently recall the life struggles and triumphs and recount some of the noble deeds of the well-spent life of the illustrious man whose memory is so dear to us.

It is to me a great privilege to join my countrymen heart to heart on this memorial day, as I did on the day when the mortal body of our

distinguished American citizen was so tenderly and lovingly consigned to the grave.

Glowing oratory, as enduring as the history of our country, has already furnished the most feeling and impressive expressions of merited laudation. Those who knew him best have been peculiarly qualified to present his character in the most appropriate language. History will hereafter furnish pages showing how his life was inseparably interwoven with the preservation and perpetuity of our constitutional form of government.

History informs us that when Xerxes stood in the presence of an immense host of men he wept at the thought that within a hundred years all of that immense mass of human beings would be dead and moldering in the earth. He probably felt that all of life consisted in worldly aspirations, hopes, triumphs, wealth, and other temporal surroundings, and realized for the moment their uncertainty and utter feebleness to satisfy the cravings of the mind and heart.

How different with us. Under the benign influences of our modern civilization and Christianity we look beyond and within the frail tenement of clay—we look at more than the feeble, dying body with its earthly surroundings—and see within the body the soul, the real man. This thought on this occasion should lead us to contemplate the characteristics of the life of Governor Hendricks in his relations of husband, father, friend, and Christian. Those who knew him best bear testimony to the fact that he was not only great in all the walks of public life, but he was greatest and grandest under his own roof-tree, in his own home, surrounded by his own family and friends. Here his purity, his gentleness, kindness, and grandeur shone forth so that no one could fail to appreciate them.

He lived and died a Christian. In the public mind there exists a deep-seated conviction that two legitimate callings in life furnish the most serious obstacles to the maintenance of a pure, consistent Christian character. These are the legal profession, with its absorbing and exciting duties and its infinite variety of temptations, and political life, where the heart is exposed to all the evil influences known among men. Either furnishes the severest trials and unerring tests of the soul's fidelity to its highest mission.

Governor Hendricks boldly and manfully entered both fields of labor and exposure, and throughout maintained a character of the greatest degree of purity and Christian excellency attainable on earth.

Having met and overcome all evil influences, he died with a heart decked with Christian graces and ripe for a glorious immortality. What an example for admiration and imitation! Who would not lead such a life that he might die such a death?

Measuring time by years he lived three-score years and five, nearly the average time granted to our race; but the length of life is best measured by its usefulness. He lives most who thinks most, feels the noblest, and acts the best. Applying this standard, my estimate of the man will not permit me to fix a limit.

He was a stern, immovable friend of the people. He guarded their interests with untiring vigilance. He mingled with them familiarly, studying their wants and seeking to serve them. His elevation to power and place never separated him from the people. In all the struggles during his long public life affecting the people—the weak, defenseless, and dependent—his sympathies and pure judgment never failed to array him on their side. He was most emphatically a man of the people, carefully seeking their highest interests and at all times ready manfully to maintain them. This secured for him the unfaltering friendship and undying love of the people he served so well. It made him their leader in every contest. Their faith in him was unwavering.

This was most strikingly displayed on the day when the last sad tribute to his mortal remains occurred in the city where he had lived. It was the most impressive outpouring of the sorrowing people that I ever beheld. Men, women, and children of all classes united in exhibiting the heartfelt sorrow that everywhere prevailed.

Political differences were for a time buried and forgotten, and all vied with each other to consecrate the day to the expression of the unfeigned sorrow and pure love that filled every heart. A noble specimen of our race, faithful to his friends, his country, and his God, had peacefully passed from labor to rest, and no better eulogy could be pronounced, no monument or statue of marble or bronze could equal in value or so charm a thoughtful person as that vast assembly of all classes and creeds with bowed heads and sorrowing hearts, each feeling and acting as if the dearest earthly object had been removed.

Mr. SPRINGER. Mr. Speaker, already, in the Chamber at the other end of the Capitol, have appropriate eulogies been pronounced upon the life, character, and public services of Thomas A. Hendricks. Distinguished Senators and statesmen have vied with each other in extolling his virtues and commending his public services. After all that has been said in the Senate heretofore and in this House to-day it seems quite unnecessary to add anything further. But I may be pardoned for detaining the House for a few minutes longer in order to contribute my humble testimony to his many noble qualities of head and heart.

His early life was spent on a farm; he learned to labor in his youth. His parents settled in Indiana more than sixty years ago. There were no railroads, telegraphs, or daily papers then. The State was covered over with almost impenetrable forests. The red men still occupied their wigwams east of the Wabash. The settlers of that day had to contend with all of those adverse circumstances which attend the building of homes and opening up of farms in the wilderness. The epoch in the world's history from the birth to the death of Thomas A. Hendricks is the most important of which there is any record. The man who lived during these sixty-six years witnessed more of human progress, more of improvement in the arts and sciences, more discoveries of useful inventions, greater developments of material resources, more rapid advances in civilization, in morals, in education, in religion, than did the generations who lived through any half-dozen centuries of prior history. During this golden era of the world's greatest achievements Mr. Hendricks was for more than forty years a conspicuous figure. He served four years as a member of this House, four years as a Commissioner of the General Land Office, four years as governor of the State of Indiana, and six years as United States Senator. He received a large majority of the popular vote in 1876 for Vice-President of the United States, and was elected to that office in 1884 by the votes of the electoral college. In performing the duties of these important positions he illustrated, both by precept and by practice, the maxim that "a public office is a public trust."

While Commissioner of the General Land Office, the lands in Iowa, Minnesota, Kansas, Nebraska, and other Western States were being rapidly taken up as homesteads by the people. About four hundred thousand land patents were issued during his term of office, and twenty-two thousand contested land cases were decided. He was equal to the demand upon his time and strength. In public stations he was a faithful, painstaking worker. His time, his strength, and his great abilities were given wholly to the duties of his office. No stain rests upon his character; he was true to every trust confided to him.

But he was not free from personal attacks. In the midst of heated political contests partisan feeling often runs so high that the very best and purest of our statesmen are subjected to the most outrageous abuse. Partisan malice and personal hatred did not spare even so good a man as Thomas A. Hendricks. But he was indifferent to such assaults. He believed that truth would prevail in the end. He said on one occasion:

> Because of a supreme indifference to false reports of a political nature concerning myself in times past my friends no doubt have been greatly distressed. But—

Said he—

> an honest man was never more stupidly engrossed than when hunting down a lie, except such a one as offends the moral and religious sentiment of a people. I shall refuse to pay attention to any other.

He did not spend his time in answering false accusations. His whole life, both public and private, attested the purity of his motives and gave the lie to every personal attack. His parents were strict Presbyterians. They believed in God and the angels. Their religion was of the practical kind, not a mere outward manifestation. At meal-time it was his father's habit to direct the conversation into a discussion of some religious topic. The lessons of the Scripture were thus brought out and made applicable to the every-day transactions of life. In this way Mr. Hendricks was impressed in his youth with the great truths of the Bible. He learned the value and importance of leading an upright life. The lessons which he thus learned were never forgotten. He repaid the religious teachings of his parents with filial affection, obedience, and acts of kindness. He helped his mother in her household duties, as well as his father in the severer labors of the field. His hands willingly performed the lighter household duties that pertained to womanhood, and his youthful feet went gladly out over the rough places in life to save the strength of his beloved mother and to bear the burden of her domestic care. In after years, in every time of need, he helped his wife as he had helped his mother.

In his domestic relations he was peculiarly happy. The perfection of his wife's character seemed but the rounding out and fulfilling of his own—"these twain were made one flesh."

It is to this perfect union that much of the success of his life may be attributed. He not only found in her a companion, but a counselor, a friend—one in whom he could confide, with whom he could advise, and in whose rare intuitive perceptions he could often find the guidance that he sought. He loved her to the last with a steady, increasing devotion, the memory of which must bring even into her now desolate life a halo of peace. In the sanctity of his home-life was the fulfillment of every desired virtue.

Kind, charitable, humane, ever ready to listen to the humble as to the powerful, and always bearing about with him the attributes of a truly great soul. On one occasion, while he was Senator, a poor friendless woman called upon him and told him the story of her woe, the cause of her coming to Washington. Her husband had been arrested as a spy and had been ordered to be shot. She desired to see President Lincoln and make a personal appeal to him to save her husband's life. She begged Mr. Hendricks to go with her and secure an interview with the President. The Senator yielded to her importunities and took "the little woman," as he afterward called her, to the Executive Mansion. She told her simple story to the great and kind-hearted Lincoln, assured him that her husband was innocent of all intentional wrong, that

his life was dearer to her than all else in the world, and implored him to grant pardon now, as he, himself, hoped for mercy and pardon in the last day. The President's heart was moved, and his eyes were filled with tears. The Senator even could not suppress his emotions. Without the Executive Mansion, just across the Potomac, were the contending armies of the great rebellion. Thunders of columbiads could almost be heard in the city of Washington. A million of men were in the field in deadly conflict. But the Commander-in-Chief of our armies and a distinguished Senator, since elected Vice-President of the United States, were so imbued with the finer instincts of our nature as to give heed even in the midst of war to the plaintive story of a heart-stricken wife pleading for the life of her husband. She did not plead in vain, a pardon was immediately granted, and the two great statesmen, President and Senator, and the little woman all wept together for joy.

Mr. Hendricks's whole life abounds with acts of kindness, of charity and friendly assistance. On one occasion a friend of his had continued sickness in his family. Mr. Hendricks was overwhelmed with professional and official duties and could not give his personal attention to his friend's stricken family. But he wrote a letter, unsolicited, inclosing his check for $250, stating that was his contribution to aid in securing good nurses and medical attendance, and regretting that he could not personally contribute his own time and assistance. He was not only kind and charitable but courteous and gentlemanly. He attracted personally those who were opposed to him politically. Under all circumstances he bore himself with moderation, with dignity and simplicity. He was easily approached, attractive in manners, and considerate of the feelings of others.

As a popular speaker he had but few equals in this country. He held his audiences in wrapt attention. His delivery and voice were pleasing and attractive. He was capable of enlisting the most enthusiatic applause or moving his audience to tears. But he never failed to deeply impress the minds of his hearers. To his persuasive eloquence and irresistible logic, his upright life and noble example is attributable, more than to other causes, the fact that Indiana adhered so steadily to the political party to which he belonged.

Mr. Hendricks has built his own monument. Not the stately shaft of granite that he erected in the cemetery at Indianapolis, but one, imperishable as time, the foundation-stones of which were laid in his youth while still under the paternal roof. From his mother he learned those finer attributes of nature, his unselfishness and his regard for the feelings and rights of others. From his father he acquired the sturdier principles that characterize a noble manhood. On these for a foundation he reared the superstructure of a perfect Christian character, that will live in the hearts of the American people long after the commemorative shaft of granite shall have perished.

As—

"Death lays his icy hands on kings"

so must all die, sooner or later. Our Vice-President was no exception to the inexorable law. In his death the people mourned the loss of a great and good man. Universal sorrow was manifested on every hand. The highest honors were paid him. But these honors and the people's sorrow can not call him back to earth again. He has passed from the busy and exciting scenes of this life to the sweet repose of the blessed. But, to such as lived as he lived, even in "the hour and article of death," in the silent tomb, in the Day of Judgment, in the life to come, all is well—all is well.

Mr. LOWRY. Mr. Speaker, the mournful fact is at last fully realized. Thomas A. Hendricks is forever lost to earth! The language of eulogy has never been more fittingly employed than when used so considerately here and in the still higher council chamber in the other end of this Capitol in extolling the life and character of our deceased Vice-President. The circumstances surrounding his father's family and the more remarkable incidents following upon his crossing the threshold of life; the story of his boyhood and youth; the opening promise of manhood's early dawn; the illustrious achievements of his maturer manhood in the forum, on the rostrum, and in these and other legislative halls, and the high qualities which adorned his executive career have all been admirably dwelt upon, not alone by those who stood by his side and shared the vicissitudes of the eventful scenes through which he passed, but by those also who were wont to stand from him apart or were themselves conspicuous adversaries in the several arenas where his highest honors were achieved and his brightest laurels won. In a word, the full symmetry of his illustrious career, the beauty and grandeur of his character, and the impressive lesson of his great life have all been stamped here in words of enduring eloquence on the legislative annals of his country. His exalted virtues, patriotic services, and great deeds are engraven upon the hearts of his countrymen. Memorials to perpetuate the memory of his great excellences are eagerly being constructed in tablets of bronze and monuments of enduring marble. What more shall be said or done? At this point in these ceremonial exercises for me to attempt more here would be superfluous. Exemplary and generous citizen! Patriotic public servant! Best poised and greatest of contemporary Indianians! Typical American! Wise and revered statesman! Honored friend! We can but lay our heart-warm tribute on thy tomb! While doing so, Mr. Speaker, in contemplation of such a life, and in the presence of a whole nation's bereavement by such a death, we may perchance recall the words of one who would fain have found out the great mystery of human life:

We are born, we laugh, we weep,
We love, we droop, we die;
Ah, wherefore do we laugh or weep?
Why do we live or die?
Who knows that secret deep?
Alas! not I.

But those who most knew and best loved Thomas A. Hendricks can not but cherish with intenser hope the general aspiration of humanity that there is beyond the "secret deep" an abode for those who here walk in virtue's path and love their fellow men. That being so, the great soul which shone forth in the placid dignity of his earthly presence is now beaming with delight from happier spheres in contemplation of the manifestations here and everywhere presented of the existence of an absolute conviction of the purity and excellence of his lifetime purposes and of the results which his teachings aided so largely to establish—the unification, prosperity, and happiness of his country.

Mr. OWEN. Vice-President Hendricks has joined the "silent senate of the dead."

At his death a great sadness fell on many hearts, for he was a man of the people. No citizen of the Republic had a larger personal following. Thousands who differed from him felt that in some way he was by their right hand. In that "habitation, giddy and unsure, built upon the public mind," he lived for a quarter of a century in undisturbed tenure. Our era has witnessed an exciting struggle over governmental policy and national principle, and in the "forefront of its every battle could be seen his burnished mail;" not that he sighed for the gage of battle—his nature was the reverse; not that he loved disputation—his soul was for concord; not that he was ambitious of leadership—he preferred an undistinguished equality; but when he took a stand it was seen, and followers rallied to it. His position became the center of desire.

Measured as an orator he was not among the greatest, nor as a jurist, nor as a statesman. He was crowned by no dizzy promontory of genius while the remainder of his nature was shrunken in barrens. Creation had given his parts with even generosity. He was of a well-ordered growth, equally advanced in all bearings, so symmetrical in his developments that we did not catch his measurements until he had gone and we beheld the vacancy. Taken as orator, jurist, leader, husband, man, all and in all, his equal is rare.

What made him a leader, I do not know. Wherein was his strength I can not answer. You can understand the shaft yonder, but who knows a mountain? Our estimate of greatness is on a temporary quality. It is something we can fathom. We want dash; we must have it lurid. This is our ideal. Time cools enthusiasm, admiration wanes, and our favorite hobbles into oblivion, while we award the crown otherwhere. Washington, Jefferson, Lincoln, Grant, Cromwell, Hampden grew to be towers among men; but they are not our described heroes. In their day men were persistently showing where they were failures and their evident lack of ability. It was only when they achieved indestructible results that a niche was hewn for them in the world's Westminster. Take any one of their parts, and it seems nowhere large or strong. It appears weak. It is weak within itself. But the strength is the way in which the timbers are built into the tower. Mr. Hendricks's construction was wrought in a manner which eludes description, but it singularly fitted him for leadership in his party.

He met distinguished achievements on the forum. His speech ran flexible as the brook. His uttered thoughts took the form of such chaste simplicity you did not realize their vigor. He was ornate only on requirement. His figures of speech were emphasis, and his illustrations arguments. His epithet fell like the Persian headsman's sword. His wit flashed like Randolph's, but without venom. His logic was instinct with power, and moved in ever augmenting procession. Aroused, his form straightened, grew stationary, the cheek pallid, and the stately march of his eloquence moved with the majesty of overwhelming storm. When it had passed he looked and acted as though he half regretted the outburst. His voice was a marvelous instrument—a silver lute; its tone caught the ear of reason, and through it there lurked a power that fondled the chords of the heart. He had a magnificent panoply for public address.

Mr. Hendricks became a leader in the stormy days of sectionalism and revolution. In the conflicts of that vengeful period he was on the side of the weaker party. He was a famous tactician; his resources made wondrous display in creating points for attack and in sheltering the broken columns of retreat. Always routed, but never dismayed; baffled, but not discouraged; overthrown, but not crushed; surpassed in strength, but unsurpassed in zeal, his dream was the return of the Democracy to power. His sword was never sheathed and knew no rust. Toward this goal he traveled with the enthusiasm of a worshiper to Mecca,

With an eye that never sleeps,
And a wing that never tires;

and when the restoration was accomplished his own aggrandizement was, I think, the least of his gladness.

Mr. Hendricks was the embodiment of the doctrines and principles of his party. The central theater of his operations was his own State, a State famous for the bitterness of its political animosities, naturally caused by its uncertain relations to the prosecution of the war and legislation following. As the foremost man of his party, he invited and received the fiercest denunciations. A mere youth, by blood and choice I was opposed to him. With all the fierceness of a boy's patriotic ardor I opposed his course, and ripening years have only added gravity to my convictions. That he was sincere in his convictions no one will ever question; that the general tenor of his convictions upon the relations between the North and South was erroneous, I think history will fully establish.

I first saw him at one of his political meetings in the campaign of 1866. After a time I got a little closer to the stand. I liked to hear him talk; his familiar style, his quiet earnestness, his touches of persuasion, his benevolent face, all won me, and henceforth I became an admirer of the man.

The two great rival leaders are now in the sacred fraternity of the tomb. Their outreaching plans soon left the confines of their State and organized a national following. Two more diverse spirits never battled in government before: Morton and Hendricks—Sir Richard and Sir Launcelot, the lion-hearted and the fair knight. The one spoke to men with the majesty of an autocrat; the other talked with men as a man with his fellow. The one always commanded; the other always pleaded. The one brooked no dissent in his following; the other let his train camp wide apart. The one, like Cæsar, would burn eight hundred cities, bathe his sword in a million lives, and wade through blood to preserve the cause he championed; the other, Coriolanus-like, seeing the carnage, the desolation, the anguish, would sheath his sword and turn away. The one could seize the helm when the nation was strained in every fiber; the other might take direction when peace hath her victories. They lie within speaking distance. The vast energies of the one are hushed; the broad powers of the other are pulseless. They have grounded arms, and rest well in immortal renown.

As it fell upon him, the withering breath of time and care was transformed in power, ripening his judgment and touching his words with deeper wisdom. When he unshouldered the weight of his great ambitions and lay down to rest thousands wept, for they loved him; multitudes lost hope, for they had a friend in him. As a leader, in anticipation of great political results, he had made promises. They were based on his views and convictions. He strove to fulfill them, and I respected him for it. Abraham Lincoln, discussing the slavery question, said:

I believe a man has a right to eat the bread earned by his own hand.

His home life was well known. A union had been formed there which after near half a century must, I think, have cost the sword of Death an effort to sever. She was wife, he husband; but they never ceased to be lovers, confidants, friends. She was the watch-guard; he the mainstay. He was talked to about the house; she was consulted about the state. The lines of bliss and furrows of care across both brows you could see had been plowed by the same hand. The sun never shone on less than two. The four walls of that home were a section of paradise reset up on earth. Within was a shrine where sacrifice of self was joy, obligations were opportunities, and duties were benedictions. That an angel's wing should bring a shadow to such a home fills the beyond with a sigh and helpless agony here. This side the Passion of Him who was Divine there is nothing in earth or heaven so sacred as the bond of the hearth-stone.

With increasing years he drew affectionately nearer her side. On their last visit to Chicago, whence he went home ill, their inseparability was commented upon. The way was growing doubtful. The lines on his kindly face assumed a darker hue, their voiceless eloquence pleading against separation. Not that he feared death—he had no thought of death; it was nature's premonition of the advancing fate which he obeyed but did not understand.

After reaching home she cared for him, as was the wont of each when the other was ill. Her ministrations were given through the day, and toward evening, as he seemed "free at last," she went downstairs to talk with a friend about the charity society. He lay down on the bed; he was weary, and fell asleep.

Mr. HALL. Mr. Speaker, I trust it may not be regarded as presumptuous in one so strange and unfamiliar in these surroundings to add a word of tribute to the memory of the distinguished man whose death thus brings us to this pause, and serious contemplation. As I listen, in wrapt attention and with melancholy consolation, to the eulogies which have been pronounced, wherein have been portrayed the character and public services of the dead Vice-President, I have felt it were vain for me to attempt to add to what has been said with such splendor of diction and solemnity of thought. I am not a kinsman; why should I essay to express that unspeakable sense of personal bereavement? I am not an Indianian, and can not depict that deep and sudden shock that tremored through the universal heart of that great State and stopped the course of all its thought when late one autumn evening the electric subtlety whispered in every home and hamlet, "Hendricks is dead;" and the startled bells in every tower and belfry sent their lamentations out upon the midnight air. While I may say I knew him, that acquaintance was from afar; and I have no power to set before you his brilliant social qualities, the generality of his powers, his cherished and unfading friendships, his genial, manly nature, his tender, almost feminine, refinement of sentiment, as those can and do who, from long and close intimacy, have been lured and bound within the close meshes of such noble influences and relations.

But, sir, no great misfortune can befall the people of Indiana that will not send a pang deep felt in Iowa. Remote, with another great State lying between, yet my people find relationship and sympathy with many a thread and clue running myriad-form into all her sister States. The restless spirits of the pioneer and constant intermigration, like weavers' shuttles, have so wrought the warp and woof of our human fabric that the golden threads of Indiana, as of all the States, reach continuous everywhere in Iowa and help enrich and adorn our life and civilization there. Go where you will, there is no spot where you will fail to find the translated lives and undying memories of Indiana and of Indianians. To all these "Hendricks, of Indiana," was the great oak, taking deep root in the soil of their native State, but whose lofty and ever upward branches cast their lengthening shadows into Iowa. Sometimes, in the bitter political contests which, thank God, are now believed to have passed—rolled together like scrolls never to be opened again—when a small but faithful band of his political faith felt they needed help, he would come into what he termed "The Great Prairie State, where republicanism came first and lingers latest" and address our people. And then we drew around him, attracted by our love and admiration for the man and our sympathy in a common cause.

Those who loved the cognomen of "Hoosier" would come, proud to hear and have others hear the good that could come out of the good old "Hoosier State." Others, men of all affiliations, came, for we knew great questions were to be discussed by one "who shed light upon all things touched by him," and who, on all occasions, when most strong was also gentle and considerate equally of those opposed as those united to him. No one understood better than he that the door to the mind's reception of argument and reason must not be rudely assaulted and burst asunder by taunt and epithet. And when the day was done and the great gatherings had dissolved, each to his separate home, the thought, the idea, the higher, purer nature of manly persuasion were scattered like seeds of a new species, which were to grow and blossom, and to-day do grow and blossom in thousands of thoughtful, sorrowing homes and hearts as silent testimonials of his force and goodness and the principles with which he was identified. It was thus we saw and knew him, and the invisible statue thus erected in our hearts will stand till the hearts that knew him thus shall fail.

Not only this, sir; he belonged of right to all of us. Indiana may claim to have been his home and to have nurtured and cherished him. She may justly point with satisfaction to the evidences of his filial gratitude and faithful handiwork to be traced in all her framework of constitution, law, usages, and institutions; yet she must resign all special claim to his large individuality and the legacy of bright example of manhood and American character which he has left to us. These belong to all of us, and can not be confined to the narrow limits of his tomb or his State. He studied the national structure and life and drew deep inspiration from other States and all surroundings. His stature, whether we regard him as the simple, unpretentious, approachable citizen, the profound and erudite jurist, or the broad and comprehensive statesman, had long since crossed the imaginary lines of State divisions. He had taken the upward steps of Congressman, governor, Senator, and Vice-President; steps which, if slow and with many pauses, were always upward.

If in taking that last great step in 1876 he seemed to stumble or fail, it may be doubted if unworthy hands had not tied treacherous grass across the path; but the rectification in 1884 of that mistake or wrong restored him in his course and established that there should be no regression in his career. In the last great political convention which met to determine who should be the choice of a great and anxious party for President he stood as one in a central group of figures to be counted upon the fingers of a single hand. Unostentatious and unassuming he was marked by all. The mention of his name thrilled thousands of hearts into vociferous exultation, and when he did but appear the sea of human faces shone in a desire to honor him, and the vast audience seemed to upheave as if from volcanic emotion. And as it was there in that momentary focus of popular effort, so it was also far out in the calmer and more quiet plains of thought of the general public. He was in the very prime of manhood; not robust, but with faculties still expanding to fill the measure of his life.

If, as has been said by his greatest eulogist, "the very genius of close contests and narrow margins in the ballot presided over his political fortunes," yet under the influences of that very genius he might worthily aspire to still greater honor. Close contests test the virtue of men as well as strength of parties, and by this test he still might face the east and look upon this Dome. Turn back the dial of time; restore to its quiver that Lethe-tipped arrow; let him, with that serene composure and

quiet dignity so conspicuous in that scene of pomp and circumstance where even the people of a free Republic are prone to put on the trappings of regal power and grandeur, as we beheld the unjarring transition of our government from the hands of one Executive into those of another—let him come back again into his appointed seat; restore to him the life and opportunity so suddenly extinguished and put out, from which a just expectation and the still fresh suffrages of his countrymen so justly entitled him to anticipate the continuance of their great favor and distinction, then cast the horoscope, and ask the fleeting hours if it be ordered that the destiny of this remarkable man must find its final consummation in the Vice-Presidential chair.

He was of humble origin, and in his early life pursued those simple paths that are open and common to all American youth who choose to follow them. His life tells this great truth: Great success and grandeur of character are not due to outbursts of individual power or the meteoric brilliancy of genius, but are the results of diligent and faithful effort long continued, pursued with the fixed and honorable purpose of doing all things well and faithfully and neglecting none. As a lawyer his great success and commanding position came to him only after he had prepared the way, but he reached the height. His services were sought for far and wide, and there was little of the more important litigation, whether of titles, the bonded indebtedness of counties and municipalities, the obligations of great corporations and the control of courts and States over them in the surrounding States, or that involved grave constitutional consideration, in which he was not retained. At the bar he was known as the courteous and courtly lawyer, who won his way to verdict and judgment upon the force of fact and law, leaving with his antagonist only the sense of having lost, but no feeling of bitterness or reproach. What would have been the development of his character had his course led him upon the bench it is difficult to declare; but it has always seemed that there was a field in which he would have become pre-eminent.

Though a brave and fearless man, he shunned and shrank from the turmoil and bitterness of fierce political contention. When he entered those lists it was always at the behest and under the requirement of his people rather than from inclination. He preferred the retired and quiet halls of justice, remote from the great throbbing activities, where, unvexed by passion and undisturbed by interest, the mind performs its highest duties and exhibits its noblest faculties. Here, without the stimulus of popular favor, unrewarded by results, and indifferent to consequences, under the searching analysis of truth and in accordance with the rules and methods of just, wise, and prescribed laws, the rights of men and States are adjusted and adjudicated. In my conception, here was the home of Mr. Hendricks. No one will deny him that poise and completeness of faculty—the evenness of mental structure and the self-control that never lost its supremacy, which are the requirements for judicial function. He possessed that lofty sense of fellowship and equal right, that profound appreciation of justice, a strength of comprehension and understanding, combined with a knowledge and a love of the law as a study and a science that, had they been developed by opportunity and occasion, would have placed him beside the greatest judicial characters in our own or English history.

As governor, Senator, or statesman, I need not stop to dwell upon his well-known character, for this history has been told by those more familiar with it. It must be conceded him, even by those disposed to take a more limited view of his public career, that it was his misfortune, in a sense, to have lived upon the adverse side of politics during a long and most unhappy period in our history. Questions arose, new and unexpected, which had been anticipated neither by the founders of the Constitution nor those who immediately succeeded them. Search the opinions and the conduct of his contemporaries opposed to him in political life, and there will be found unavoidable and necessary hesitation, vacillation, and uncertainty. In those days, events led and men followed. Questions were settled by the logic of circumstances before statesmen could give them consideration. However much he might differ about methods, he adhered to the traditions of the fathers in profound veneration and devotion to the Constitution as the living conscience of the nation, and in all his instincts, acts, hopes, and aspirations he was for the Union unbroken and indissoluble. Tender as a child, grieved and anxious at the rage and violence of an internecine and bloody struggle, while he was ready to catch at any hopeful project that might terminate the strife, he never doubted or despaired the restoration of the Union. To him the integrity of the Union was as fixed and unassailable as the firmament of God, and it needed only to assuage the passions and restore the judgment of the warring people to have the golden circle of the Union shine out resplendent and entire. He lived to look into the promised land and catch a glimpse of the restoration; and it is a satisfaction to know that the glory of that vision filled his last days with a serene peace, and whatever of untoward events the future may have in store they will not disturb his final rest.

In all the varied positions to which he was assigned he performed well his part in each; his administration was not only marked and notable in the full and perfect discharge of duty, but his record is without spot or flaw—no doubt of his purity, no suspicion of his high and scrupulous integrity ever lingered for a moment.

But, sir, how he was loved by the people of his great and noble State! In a long and eventful life he had been brought into contact with all of them. Again and again had he come into the midst of every locality and community and talked to them at the hustings. He was "Tom Hendricks" and they were "the boys"—not in any wild or unworthy sense, but as friends and equals. He was of them and for them; listened to them; helped them when he could; was just, courteous, and true, until it came to be that when she needed aid Indiana loved to lean upon his sure, great arm; and when "Tom Hendricks" called on Indiana in an hour of need she rose "like waves of ocean hungering for pasture." I need not recount the many political contests which have agitated that great State to illustrate the marvelous hold he had in the faith and affections of her people. In the last great quadrennial struggle we of Iowa watched the contest with an anxiety never to be forgotten. Clinging to the same political faith after a quarter of a century of obloquy and defeat, struggling like men who hope when there is no hope, we knew our battle must be fought and won in other States and by other hands than ours. We felt sure of New York; we needed Connecticut; but did not dwell upon her vote. How was Indiana going, and where was Hendricks? With an anxiety which mere political contests ought not to force upon a people, we beheld concentrated and converging upon her every appliance and every influence from without. We witnessed the invasion of her domain by the "Plumed Knight" and his retainers, and the State practically taken possession of, as Ohio had been the month before. But when that potent but unnatural event had passed, we learned that it had only stimulated into renewed and more tremendous exertion the spirit of our party. We knew that Hendricks had again come forth from self-retirement and had taken the old beaten path that lay so near the homes and hearts of his fellow-citizens, and in the old familiar persuasive voice was summoning them for help once more. "I have pledged them the State. My name and faith are involved. It is I that calls!"

We in Iowa heard the loud shout responsive to the call. At night, by means of telegraph and press, we saw the distant auroral light gleam upward from city, town, and hamlet, all ablaze with torch and zeal. We knew the spirit of Hendricks was abroad in Indiana, and that as sure as the sun should rise on that eventful November day Indiana would be ours if human power could make it so. And when at last the result was known, who was there who did not comprehend that while Mr. Hendricks was second on the ticket, yet it was his to consider which were the higher honor and greater glory, to be, or to make, the President. Sir, I allude to this scene and this result not to recall anything of political consideration, but to illustrate his strength in the love and affections of the people. For when it is known that in this last fierce Presidential election, out of their total voting population, 51 per cent. of California remained at home and did not vote, 45 per cent. in Massachusetts, 22 per cent. of Illinois, 21 per cent. of New York and Iowa, and so on, in Indiana all but 7 per cent. deposited their ballots, the most full and complete vote ever cast by any people at any election—I say when this is known it can be understood where was the pivotal point in the great contest and what influences controlled the result.

Mr. Speaker, when we consider how empty and tasteless are the rewards of honor and the successes of ambition, how vain are the consolations of wealth and power, how full the world is of wreck and failure; when we look down upon the plains of human life and witness the restless, wearied struggle for existence, its discontent and misery, we are led to ask, where is there refuge, what is happiness, and where may it be found? It is not in the camp or court or busy marts where want and penury cry aloud. No, sir; it is only in the home—in that domestic bliss, the only happiness that survived the fall. It arises from that pure and lofty consecration of two lives—one man and one woman—to each other. This is not a mere privilege, but a necessity to our humanity. Without it, life loses its zest, toil its reward, and hope its realization. No one who, by precept or example, imperils the high standard of this awful necessity can be regarded as friend to his fellows or lover of his race. In this direction, with what safety and satisfaction can we turn to Mr. Hendricks! The immaculate purity of his private life is the property and glory of the nation. We may not lift the veil even in this hour of desolation and invade the sanctity of that blissful union between him and her who yet lingers here. We know the golden cord is broken, but the casket yet retains its treasure. Frail pitcher of beauty upon the head of purity, borne safely by faithful feet to the journey's end through rough and tempting paths! Where can the image find pediment or lodgment for contemplation and the perfection of our lives save in the people's home and beside their hearths? And there the life and purity of this Indiana man has helped to elevate it.

But we hear it said, "He was a partisan." The consideration of this criticism requires it not to be forgotten that it comes at a time when new and modified views upon the subject of partisanship are seeking supremacy in public thought. Does it not have the vice of overlooking the fact that men who had reached the age of Mr. Hendricks can not readily divest themselves of the habits and modes of thought cultivated and acquired in a long and active life?

Another important consideration must not be overlooked, the most eventful portion of his life passed in a period of intense partisanship. War engenders fierce passions and swift action even in regions remote

from the scenes of strife and ensanguined fields. In those days the political contests of Indiana were no child's play. Political supremacy in that State was relentless and absolute. Right or wrong, for a time Indiana was a State of "suspects" and political arrests. Once the great co-ordinate branch of Government interfered, reaching its hand between the edge of sword and bayonet to save those whom unjust judgment had condemned to death. The bitterness of those days lingered longer than it should, perhaps not with Mr. Hendricks, but with the older men who had felt it most. They had waited through long years and sighed for the restoration of Democratic power in the National Government. He had preached to them the necessity for change, the opening of the books, and the turning out of those who from long continuous lease of power seemed to them to have acquired the features of insolence and oppression. When at last, after weary waiting, they beheld the great event at hand, they demanded the fulfillment. Indifferent himself, free from malice and void of covetousness, he yet could not turn a deaf ear to those requirements of his followers which he himself had originated. They could not appreciate a change—a great overthrow of a political adversary which still left it in power and position, and he could not resist the seeming justice of his people's complaints. If he was a partisan, it was on behalf of those who had inherited something of such partisanship and who had followed wherever he led, and honored him with a constancy and faithfulness that now entitled them to demand what neither worth nor honor could refuse. When we recall what hand he had in making possible the new conditions from which this criticism proceeds it may be safely concluded that the judgment of posterity will be mild and lenient.

But, Mr. Speaker, why these ceremonies and eulogies? Though they might gratify, they reach him not. He needs them not. Are they not really for ourselves? Is it ordained for all to die, and is there a great undertone, never ceasing, which like solemn bell, when we listen, reminds us of mortality? Alas! the deep stream of human life pours on so constant and imperceptible! As generation after generation disappears, the sullen roar of that broad tide where it pours itself down the distant and precipitous cataract into the dark valley of the shadow of death is so remote, inaudible, and low, we live as if we were immortal and would never die. Only when the dreadful dart comes home, strikes with sudden clangor in the circle of our household, or smites down some lofty character intrenched in popular affection, are we startled out of our deaf, absorbed preoccupation into the consciousness of our mortality; and then—then trembling and crouching, we wait expectant till the mourning days are past and it strikes still nearer; then fear and fright again. Fear and fright are the instruments of safety. They forewarn and add speed to flight. But there is no safety, no flight from the universal presence. Only one refuge, one help—prepare, prepare! It requires long years of studious application and wide experience to prepare the garment to appear in before that august tribunal whose seat is near these precincts. The highest social life adorns itself with nicest care, puts on its whitest, costliest raiment when it comes before presidents and ministers of state; but there is a tribunal, a court, where none may enter unbidden and without preparation, not the preparation of an hour or week, snatched in weakness and tremblings from long years of health and boastful strength, but that which comes from long communion with the divine attributes, a noble and willing submission to His visitations and His judgments, the observance of His statutes, and a faith that places all things in the hollow of His great hand. Sir, there is every reason to believe that such was the perfect and acceptable preparation of him whom we deplore; such was the garment of his life. His quiet Christian graces, rounding out and completing the perfection of his character, present a model of matchless manhood beyond the reach of pencil or chisel. The world is better and purer that he lived. Here he stops, but his work and example survive. These ceremonies conclude the chapter of his life. His memory will linger fresh and green in the hearts of the generation that knew him, but when that has been gathered, like the sheaves, he will survive only in the pages of history and the monuments erected to him.

He did not have, perhaps, the loftier and more impressive powers of Webster, the commanding austerity and force of Clay, or the persistent adaptation of Douglas. He was cast in a milder and subtler mold. If he lacked some of the more rugged and controlling features his outlines were softer and more even.

When those die who, like him, have been able, by force of genius, worth, or circumstance, to lift themselves above the common level of their fellows, their lives, as they recede into the past and the world sweeps on, seem like great islands to those who sail away at sea. The detail of event and circumstance soon wanes and fades into mere outline and dim contour.

There are the verdure, mountain, slope, and shore. Within and beyond are lakes of silent contemplation not navigated by shallops and smaller sail; silent streams of purpose and intent not charted on the maps of narrower minds; waters pure as crystal dripping from rough ledges where the public never trod. And so in this great life. There is no grand rugged height lifted by power and violence, no gorge torn by selfishness and distrust, but we behold it like some scene in the State he loved, where the setting sun casts its last rays upon a level, undulating reach of land, gentle and subdued in outline, filled with the scenes and sounds of homes, exhaustless in resources, where peace and contentment dwell safe and secure even when darkness mantles it and hides it from our eyes!

Mr. Speaker, Iowa mourns with Indiana, mourns with all her sisters.

We weep for Adonäis; he is dead.

Mr. KLEINER. Mr. Speaker, Thomas A. Hendricks, whose distinguished public services we commemorate to-day, was a noted man in the political arena while I was yet in my cradle. What I may say of him will therefore add but little to what has already been said to-day on this floor, for I shall devote the few moments which I shall occupy to the events in his life which have passed before my personal observation as an Indianian during the last fifteen or twenty years, and which have long since become a part of the political history of our country.

Governor Hendricks, by which title he was familiarly known to the later generation of Indianians, filled well every measure of duty imposed upon him by the favor of his party. His counsel and advice were eagerly sought by the old and young. Wherever he dared to lead his party was ever ready and willing to follow. A victorious leader either in peace or war often secures the plaudits of men because of his achievements over his vanquished adversary. Not so with the late chieftain whose loss we mourn. If he made any mistakes or had any faults his followers did not stop to consider them or charitably overlooked them, for he never appeared stronger than when he went down to defeat, which was often within the last twenty-five years. Each successive disaster, however, only added to the number of his friends who would rally to his standard, eager to renew the contest whenever or wherever he saw proper to give the word of command. Thus, step by step, from the day Thomas A. Hendricks was elected to the Legislative Assembly of Indiana, thirty-eight years ago, to the day on which he closed his eyes upon the world, he continued to grow in the affections of the people, and died mourned by them, if emblems of sorrow and public manifestation are considered as expressive of a country's grief, one of our most useful, conspicuous, and illustrious citizens.

No man who was ever called to public duty did it better, whether as a legislator of his State in 1848 and 1849, or as a young member of her second constitutional convention in 1850; whether as a member of Congress upon this floor from 1851 to 1855, or as a Senator in the north wing of this Capitol from 1863 to 1869; whether as Commissioner of the General Land Department of his Government, where his great judicial mind developed the rich traits of his character, or as chief executive of Indiana, which office since the admission of the State into the Federal Union seventy years ago is rich in distinguished names both in State and national annals; or whether we find him as Vice-President of the Republic he served so long and well, and within one round of the most exalted station known to the civilized world. In all these he did his duty and did it well.

I feel a just pride in having followed the destiny of this great man and in having aided in my own humble way his well-deserved promotions in his remarkable career. Few men in this nation were so near the popular heart as he and fewer still deserved to be.

But the pale rider selects his own time and place in which to make his assault, and his incongruities are present here. In the lifetime of our friend multitudes surrounded him, honored in their ability to serve him. Nothing that kind hearts could suggest or willing hands could bestow was withheld from their chieftain, and I believe I speak advisedly and truthfully when I say that at no time in his long and useful career was he so near the heart of his party as during the last months of his life, or when under his own roof in the capital city of his own beloved State he bade farewell to the world—alone and unattended—in the words, "At rest at last," and died alone.

Mr. Speaker, thoughtless critics have frequently alluded to his strong partisan convictions as indicative of illiberality and contracted views. This I disclaim, for no man who had the pleasure of his acquaintance even briefly but knew how tolerant he was of the opinions of those who differed with him politically.

Governor Hendricks was a Democrat, a practical Democrat, who believed in its principles and its traditions as embodied in popular democratic government. He was proud of and ever ready to defend his political creed, and this he did in the forefront of a score of political campaigns. He believed that those of his political followers and companions who had gone down to defeat with him in almost innumerable political reverses during a quarter of a century should share the fruits of its victories in the hour of its triumph. When, therefore, in 1884 the Democratic party elected Cleveland and Hendricks as President and Vice-President of the United States he accepted the verdict of the people as expressed at the polls to mean that his partisan followers were best calculated to inaugurate the reforms which his party had promised.

For this reasonable and fair construction of the election he was often derisively termed a "partisan," a "politician," and even a "spoilsman" by an unfriendly press and those of whom it is no discourtesy to say were less sincere, less patriotic, and less courageous than he. It was because he loved his party and believed in its integrity that he stood committed to the idea that its elevation meant burdens as well as honors and responsibilities; that those friendly to its perpetuation and future success should administer its affairs, and in this view the verdict of the future will fully sustain him.

The prudent counselor is gone; the incorruptible statesman is no more

among us; but while honest convictions and upright purposes endure, while faithful services to his country find a responsive echo in honest hearts, Thomas A. Hendricks will invoke in the coming generations emulators of his life and example.

Monuments of stone to commemorate his life will rise in the land he loved, but the name and fame of Thomas A. Hendricks will live enshrined in the hearts of his countrymen long after these mere physical mementoes have crumbled into dust.

I offer this as my humble tribute to the exalted virtues of an able lawyer, an eminent statesman, a wise counselor, a patriotic citizen, an honest man, and a kind personal friend.

Mr. MCADOO. Mr. Speaker, I am impelled by the high esteem and admiration in which the dead statesman was held in New Jersey to submit these remarks.

There was perhaps no State in the Union, outside of Indiana, in which Mr. Hendricks was more beloved by the people than in the conservative State of New Jersey. To our people he was the personification of rugged, earnest, honest democracy. In the heat of political contest two names shone like guiding stars to the majority of her people—the names of Thomas A. Hendricks and George B. McClellan. Illustrious soldier and upright statesman, they sleep now, alas! among the great dead of the Republic.

To his contemporaries in his own State, to her great Senator, DANIEL W. VOORHEES, to her great citizen and Representative on this floor, WILLIAM S. HOLMAN, and to others, his neighbors and intimate friends, we can well intrust the story of his life. So eloquently, so graphically will they tell it that he is indeed fortunate in having such survivors.

This great life just closed was not like some new star, discovered in a night. Silently, modestly, persistently it mounted to its zenith. By neither craft, nor trick, nor affectation came this great man to sit on the very pinnacle of the state. How humbly he rose, how grandly and surely he mounted up, has infinite lessons for us all. The people were not attracted to him by any artificial glamour, by pomp and circumstance of war. In an age of military heroes he never, even then, lost his place in their hearts. This quiet, dignified, plain, unpretending citizen excited in the hearts of his fellow-men all the enthusiasm granted those heroic characters who blazed like meteors amid the storm and wreck of devastating war.

Mr. Speaker, humanity is instinctively discerning as to the character of those whom it trusts with great power. The people knew the heart of Thomas Andrew Hendricks pulsated in its every throb for human freedom, individual rights, and self-government the world over. The great central pillar on which the fabric of his character was reared was earnestness—honest, unyielding earnestness. In an age of hypocrites and shams, he stood forth an aggressively honest man. As a lawyer, a statesman, a citizen, he spoke what he believed to be true. He never temporized. I have said he was opposed to all hypocrisies in public and private life. How great was this cardinal virtue we can judge when we recall the terrible picture of the opposing vice drawn by the learned and saintly Jeremy Taylor over a century ago. He says in one of his discourses:

> There is an universal crust of hypocrisy that covers the face of the greatest part of mankind. Their religion consists in forms and outsides, and serves reputation or a design, but does not serve God. Their promises are but fair language and the civilities of piazzas or exchanges, and disband and untie, like the air that beats upon their teeth, when they speak the delicious and hopeful words; their oaths are snares to catch men and make them confident; their contracts are arts and strategems to deceive, measured by profit and possibility; and everything is lawful that is gainful; and their friendships are trades of getting; and their kindness of watching a dying friend is but the office of a vulture, the gaping for a legacy, the spoil of a carcass; and their sicknesses are many times policies of state, sometimes a design to show the riches of our bedchamber; and their funeral tears are but the paranymphs and pious solicitors of a second bride.

He was an earnest partisan. He believed in the Democratic party as embodying the true principles of republican government. He stood by its organization in defeat and victory. He believed in its men as well as its measures. He used to speak affectionately of "the boys," meaning the young men who were so active in its campaigns, and the "boys" in return would have made any sacrifice for him. Party contests on the great field of Federal politics were to him no mimic strife. In the progress of the contest and in garnering the results he was in deadly earnest—in all this, however, courteous, fair, honorable, candid, and gentlemanly, never blatant, boisterous, nor demagogic. There were no neutral tints in his politics. Like all earnest men he had strong opposition to contend with, but was withal heartily respected by his opponents. He was strongly in favor of purging the civil service of incompetent or dishonest officers and of those who had prostituted their offices for partisan purposes, and of filling their places with honest and competent men of his own political faith, who besides being such had rendered honorable and efficient party service. For this a few have caviled at him, but the great bulk of people in both parties honored him for his adherence to this robust American idea, so ably enunciated by Thomas Jefferson.

He was a broad-minded man, and never let his politics settle on any one question to the exclusion of all others. He was by some taunted with timidity, because he stubbornly refused to merge himself in some so-called reform or theory. He met questions as they arose, and never anticipated a movement before it showed signs of life in the great mass of the people. He stood on the solid rock of conservative general statesmanship, and did not need to climb up on some fantastic theory to be seen by the multitude. He had no faith in universal panaceas by act of Congress, and had no time to waste on political nostrums. Faithful adherence to the Constitution was his remedy for troublous questions.

Little men riding their little hobbies go on and off the stage, until hobby and rider are both relegated to the musty obscurity of the property-room, but the broad minded, catholic, far-visioned, prophetic statesman remains for all time. He was an absolutely truthful man. He would have yielded up his life to a mob before denying a tittle of his principles. In the stormy times of civil war and sectional strife he stood as firm as a rock. If he had been the only one left of its defenders he would have stood beside the Constitution like some Titanic defender until hewn in pieces by its enemies. And even as their spears pierced him they would have rendered the homage of respectful admiration. The people rallied to him because they knew he always spoke the truth as he saw it. He never deceived them. To millions of his countrymen his word was an inviolable bond. His character as public man and private citizen was stainless. In an age of corruption, sensation, and abuse, no scandal however faint shadowed his good name, no idle rumor soiled it with polluted breath. What a lesson this well-rounded character is to the young men of the Republic! Aggressive honesty and granite-like integrity are indeed the only sure foundations of a lasting reputation. There are no short and dishonest cuts to enduring fame. They only live in the annals of a free people who are superior to temptation and circumstance.

Above all else Mr. Hendricks was a thorough American. A Christian gentleman, he would have looked kingly in any assembly in his regal simplicity. Kings, dukes, princes, courtiers, were as all other men to him. He was no flunky. He did not, like a certain genial poet, "dearly love a lord." He never tried to ingratiate himself with the debilitated aristocracy of foreign countries. He talked and lived for America and American freemen, and had little time to prate nimbly and obsequiously at banquets of "the mother country." All Europe was to him "the mother country." All mankind, not the favored few, were the objects of legislation and regard. He was no respecter of persons. "The rank is but the guinea's stamp" was his creed.

His heart went out to all peoples struggling for liberty and national autonomy. Throughout his life he was the firm, true friend of Ireland and the Irish people. One of his last public acts, and while Vice-President, was to preside and speak at a monster meeting to aid the heroic struggle for self-government in Ireland. He was beloved by all Irish Americans. Their faith in him and love for him was shown in many a crisis. He was an enemy of tyranny and oppression and a friend of liberty wherever the one reigned or the other struggled.

His domestic life was sweet and holy in its devotion and simplicity. It were rude, if not profane, to intrude on the hallowed domestic ground in which he trod through life with the noble gentlewoman who now so deeply mourns his death. They were truly mated and inseparable companions. Much of Mr. Hendricks's success is due to this bereaved wife, to whom the sympathy of millions of her countrymen and women goes forth to-day.

Mr. Hendricks was fortunate in his ancestry. He had in him a strain of the best blood on this continent. His Ulster Irish ancestors were among the early settlers of Western Pennsylvania. Generally a mountain people, they followed in their settlements along the great Appalachian range from Vermont, through Pennsylvania, Virginia, Kentucky, North Carolina, Tennessee, and down into Georgia. Natural-born republicans, they sealed their devotion to American independence on many a bloody field of revolutionary strife. In after years they produced such men as Richard Montgomery, Andrew Jackson, George B. McClellan, Stonewall Jackson, and General J. E. B. Stuart, James Buchanan, Jeremiah Black, General McCalmont, of Pennsylvania, and a brilliant host, no less distinguished. In the history of our country the names and actions of this early immigration stand out in strong letters. Their influence permeates our institutions and helped to found our Government.

His body rests in Indiana soil, but his name and fame live forever in the history of his country. A plain, unassuming, honest man, and yet an illustrious citizen and great leader of the people. Prudent, yet bold, conservative, but convinced he met every question as it arose with resolution, patriotism, and understanding. A Christian, and a man of high honor and strong faith, at the close of a useful and eventful life he died as became him, peacefully. There can be but one regret connected with his political career. Through the storm of contest and the gloom of defeat he had led his party for nearly a quarter of a century, to die, like Moses on the heights of Nebo, with the glorious vista of its future usefulness before him. Truly, can we say of him:

> Death makes no conquest of this conqueror;
> For now he lives in fame though not in life.

Mr. HOLMAN. Mr. Speaker, the death of Thomas A. Hendricks, Vice-President of the United States, aroused the sensibilities of the whole American people, and called forth an universal expression of regret and

sorrow. The record of the life of an eminent citizen is a priceless legacy to his country, and the two Houses of Congress, in suspending for the time current affairs and placing in the archives of the nation a memorial of the public esteem in which such a record is held, give just expression to the sentiments of the people they represent and do honor to the Republic.

Thomas A. Hendricks was a native of Muskingum County, Ohio, born on the 7th of September, 1819, to which region his father had emigrated from Pennsylvania. While he was still but two or three years of age his father removed with his family to Madison, Ind., thence to a farm adjoining the then village of Shelbyville, in Shelby County, Indiana, near the center of the State, then an almost unbroken wilderness.

The Hendricks family has been more prominently identified with the history of Indiana than any other. As early as the year 1814 William Hendricks, uncle of the late Vice-President of the United States, became a citizen of the now beautiful city of Madison, on the Ohio River. He was the secretary of the first constitutional convention of Indiana and represented the State four terms in the House and two terms in the Senate of the United States with distinguished ability, and in the mean time was for a full term governor of the State.

I knew the father of Thomas A. Hendricks, a portly, dignified, unassuming gentleman, in faith a Presbyterian, who took a lively interest in matters of education and in the charitable institutions in his section of country—a plain, upright, honest man, a friend to every work of benevolence and charity. His circumstances were easy for that early period, when lands were cheap. The material condition and social life of these early pioneers was marked by general equality and republican simplicity—none were rich and none poor. It was a region gladened with streams of sparkling water, of fertile land covered with primeval forests from which the Indian but a few years before had sullenly turned his face to the west. These rich lands invited emigrants from Virginia, Pennsylvania, Kentucky, North Carolina, and other States, and soon became a prosperous community—each citizen the sturdy master of a freehold.

Here Thomas A. Hendricks, in a happy rural home, grew up to manhood with the advantages of early education common to a prosperous pioneer settlement. He engaged in a regular course of study at Hanover College, in Jefferson County, Indiana, one of the earliest of the great institutions of learning in the West, located on a magnificent elevation overlooking the waters of the Ohio, an institution under the auspices of the Presbyterian Church, which has always maintained a high standing, where many of the foremost men of Indiana have been educated, and graduated in 1841.

After graduating he at once entered upon the study of the law, and completed his studies in 1843 at Chambersburg, Pa., and entered upon the practice at Shelbyville, Ind. Two years later Mr. Hendricks was joined in marriage with Miss Eliza C. Morgan, of Ohio, a lady of rare and excellent qualities of mind and heart and of superior accomplishments, who became the close and constant companion of his life.

Mr. Hendricks rose steadily, but not rapidly, in his profession. The old neighbors took a lively interest in his advancement, and as early as 1848 he had acquired an honorable standing in the courts.

In that year he was elected a representative in the Legislature of Indiana, but I am not informed that in that service he added materially to his reputation. In 1850 he was elected a delegate to the constitutional convention of the State, which by a previous decision of the people was to convene at Indianapolis on the 7th day of October of that year. This convention presented a grand opportunity for a young man eager to enter the public service. It was as a member of this convention that Mr. Hendricks entered upon his public career. It was composed of one hundred and fifty delegates. Great importance was attached to it by the people. The Democratic party was greatly in the majority, but the Whigs were represented by an exceedingly able body of statesmen. Nearly all the men of both of the old parties in the State of established reputation were members—Robert Dale Owen, Michael G. Bright, John Pettit, Democrats; Governor David Wallace, James Rariden, Douglas McGuire, Whigs, with many others of both parties equally distinguished in national or State politics; while Thomas A. Hendricks, Schuyler Colfax, William McKee Dunn, Alvin G. Hovey, and others afterward distinguished in public life were of the younger members of the convention and not then generally known throughout the State.

In a convention so largely composed of old statesmen the young men came slowly to the front. Mr. Hendricks submitted few propositions and seldom addressed the convention; when he did it was on a question of recognized importance. As a speaker he was pleasant yet diffident and hesitating, his style clear and direct without any attempt at embellishment; but there was in his manner and language an expression of frankness, sincerity, and earnestness that always secured a respectful hearing. The strong, positive, and confident manner and style habitual to him in later years was not displayed in these earlier efforts.

The propositions he brought forward and the few addresses he delivered were characterized by modesty and good judgment, without the least attempt at display. But as a pleasant, cheerful, courteous, gentleman, Mr. Hendricks then displayed the excellent social qualities that so charmed his acquaintances and friends through all the subsequent years of his life. These qualities gathered friends around him, Whigs and Democrats alike, and long before the labors of that convention were completed he was recognized by men of both parties as one of the coming men of the State. He did not seem conscious of the interest growing around him, and I will never forget his look of pleased astonishment when, entering one evening the room we occupied in common, I told him a leading citizen of his district had just informed me he was to be the next candidate of his party in that district for Congress.

I know nothing more in harmony with the character of Mr. Hendricks as I knew it through a period of more than thirty-five years than a brief eulogy delivered by him on the 18th day of November, 1850, on the death of his venerable colleague in that convention, Mr. Vanbenthusen. After an appropriate reference to the history of his colleague, he concluded as follows:

> In all the relations of life he was a true man. As a member of the benevolent institutions of his county, in his political connections, as a citizen, and as a Christian, he was faithful to all of his espousals. To his order, his party, his country, and his faith, in their prosperity and adversity, their bright day and cloudy day, he was the same true brother, warm friend, zealous patriot, and unwearying Christian.

This proved to be an epitome of his own life. Shortly after the close of that convention in 1851 he was nominated by his political friends for Congress, and elected at the ensuing election. The capital district of Indiana was then, as ever since, noted for the number of its able men of both parties. The great Democratic leaders of that day in that district were men who had already acquired a national reputation—William J. Brown and W. W. Wick, who long served in this House, and others of recognized ability. The nomination of Mr. Hendricks on that occasion was simply an expression of the confidence of his political friends, which his prudent and manly deportment in that convention had inspired. By a change in the time of the Congressional election in Indiana, Mr. Hendricks was re-elected to Congress in 1852, and two years later was again nominated by his political friends with great unanimity. Here he encountered that remarkable political episode, that cyclone in politics as un-American as a sand-storm in the Lybian desert, generally known as the American party. Judging from the subsequent life of Mr. Hendricks there was not a man in America, less likely to bend to that storm than himself, and he and most of his political associates went down before the blind but momentary fury of the blast.

Leaving Congress in 1855, without solicitation he was appointed by the President of the United States Commissioner of the General Land Office, a bureau then as now of greater importance, in view of the far-reaching interests involved, than any other under the Federal Government. I do not claim that during the period of his service in this House or while he performed, as he did, with unwearying vigilance and admirable judgment the duties of Commissioner of the General Land Office he attracted in a large degree the attention of the people of the United States, but as far as his reputation extended in the fulfillment of the duties of those employments it was impressed upon the public mind that he was a gentleman of excellent judgment, conservative views, of great capacity in affairs, and of unyielding integrity of purpose. These qualities naturally arrested more attention in his own State than in the country at large.

In 1860 he was nominated by his party for governor of Indiana. Hon. Henry S. Lane, who had previously served in this House and afterwards in the Senate, a distinguished Whig in the old school of politics, a Republican in the new, was his opponent. The canvass was of unusual interest, but did not materially affect the result. The great underlying political current of the period—antagonism to slavery—which set all party schemes at defiance, mastered results. Mr. Hendricks was defeated. In the political revolution of 1862 in Indiana he became completely in his State the master of the situation, and was elected to the Senate of the United States with the absolute unanimity of his political friends, and took his seat in that body on the 4th of March, 1863.

Mr. Hendricks's service in the Senate covers the most important period of the war and the period of reconstruction. It was in this service he gained in a large degree the confidence of his party in the nation that he had long possessed in his State. He never at any moment from the first gun of the war of the rebellion to the last faltered in his faith that the Union of the States would be maintained. He never uttered a word in justification or excuse of the fratricidal policy that sought to destroy the Union. He never as Senator failed in his support of the measures deemed necessary by the administration of the Government to restore and maintain the integrity of the Union. Before the war he had stood up against the fierce political forces which were inciting war between the two sections of the Union, for he believed that the underlying cause of the impending conflict—African slavery—could be removed without an appeal to arms. He deplored the ultimate results of intestine war, but I am absolutely safe in asserting that neither as a citizen nor as a Senator of the United States did Thomas A. Hendricks ever utter one word or perform a single act that was not perfectly loyal to the Union of the States, or as Senator hesitate to support any measure deemed necessary for its maintenance.

The great speeches of Mr. Hendricks are to be found in the debates in

the Senate over the measures of reconstruction. I will not attempt to recall them. They are a part of the history of the country. They were the result of his mature convictions. He held that the war of the rebellion had not dissolved the Union or changed the relations of any of the States to the Federal Government, or enlarged the powers of Congress. His conduct and deportment during this period, and the ability he displayed, challenged the respect of his political opponents, for none doubted the sincerity and integrity of his motives.

His reputation rests safely on the powerful arguments he submitted against the measures of reconstruction from the stand of his convictions of public duty.

We are, perhaps, too near the fierce fires of that conflict to pronounce an impartial judgment on the political theories of the period, especially as to the measures of reconstruction, but of the high and patriotic motives that inspired the action of Mr. Hendricks during that period his friends are confident no question will be made when impartial history shall be written. During the period of reconstruction and the impeachment of President Johnson, Mr. Hendricks was recognized as the greatest representative of his party in the Senate, and I am sure that party is satisfied with the record he made.

While Mr. Hendricks was in the Senate the Presidential contest of 1868 occurred. A widespread sentiment existed among Democrats that Mr. Hendricks should be their candidate for the Presidency. There were strong indications of such a result. The underlying forces incident to a great convention determined otherwise, but it is reasonably certain that Democratic opinion throughout the country demanded the nomination of Mr. Hendricks for the Presidency by that convention. It was, at least, not an improbable event. During that convention, and while the great issue was in suspense but promising an early decision, I was walking with Mr. Hendricks in the garden west of the Capitol. Messages came to him from a friend in the convention in New York at short intervals. The prospects, combinations, changes, speculations as to the result were reported from hour to hour in endless succession, almost bringing with them the throbbing tumult of the great assemblage. In the midst of all this Mr. Hendricks talked on in his cheerful, pleasant way, unmoved by the stirring reports, neither buoyant under seeming advantage nor despondent under defeat. His deportment filled me with admiration, and I said to myself this is the grandest character of them all. In 1868 he was again the candidate of his party for governor, but was again defeated. It is interesting to note that every nomination of Mr. Hendricks for office after 1851 was by the unanimous action of his party and that every successive defeat secured to him the higher confidence and greater devotion of his political friends.

In 1872, after a contest of unexampled interest, he was elected governor of Indiana and served the full term.

He was nominated greatly against his will, and finally, under the earnest and persistent importunities of his political friends, accepted the nomination of his party for Vice-President in 1876, with Mr. Tilden as candidate for President. His acceptance of this nomination more than any other act of his life exemplified his devotion to his party, the ultimate triumph of whose principles he believed to be of the highest importance to the public safety. He did not wish the nomination for Vice-President. He did not wish the office. A large body of his political and personal friends were dissatisfied with the action of the convention, believing that he was the choice of his party for the Presidency. Yet he accepted the nomination. I need not speak of the result of that Presidential contest.

In 1884 Mr. Hendricks was nominated for Vice-President at the Democratic national convention at Chicago after the nomination of Mr. Cleveland for President. It is true to history to say that Mr. Hendricks wished at that time the renomination of the old ticket of 1876—Tilden and Hendricks. He believed at the outset that Mr. Tilden would accept, if it was tendered to him, the nomination for the Presidency. When it was clear that Mr. Tilden would not, his personal relations with that contest ceased. He did not expect the nomination for President or desire the nomination for Vice-President. He did not over look or underestimate the strength of his friends in all sections of the Union, but he understood fully the effect of the position he assumed in 1880, when he peremptorily refused in advance a nomination for the Vice-Presidency, and the antagonism in which it placed him with the great political forces of the East. Hence, when even by an overmastering acclamation he was called upon to accept the nomination for Vice-President he reluctantly yielded to the demand. He did not feel that entire justice had been done to that great body of his party which had for years desired his nomination for the Presidency. He felt that great political forces were for the time unfriendly to the nomination of a citizen to that high office in the section of the Union of which he was the recognized representative. He had indulged, upon just grounds and with ample reason, aspirations to the greatest office in his country, but he now felt that fortune had decided against him. But he had been too long a living force in the Democratic party to contemplate its future without being identified with its fortunes. And more than this, while the majority of the delegates had decided that the interests of the party demanded the nomination for the Presidency of a citizen of a great Eastern State, yet the unexampled enthusiasm displayed when he appeared in the convention and when his own name was finally and unexpectedly to him mentioned for the second office, left no doubt of his strong hold on the confidence and affections of his party. No human being could have resisted such an ovation, and Grover Cleveland and Thomas A. Hendricks were respectively elected President and Vice-President of the United States.

And here I pause, except to consider the question that may be suggested touching the place Thomas A. Hendricks ought to occupy in history. It is said that he was never specially identified with any great and distinctive measure of public policy. This is perhaps true as to the initiation of any such measure. But is it true that the quality of greatness in an American statesman can only arise incidentally from his association with a measure of government of special importance or of great results? Thomas Jefferson, John Adams, James Madison, and their associates, founders of this Republic, in the opinion of their countrymen and in the current judgment of the world stand alone in statemanship. Webster and Chief-Justice Marshall will, for all time, be associated, but from different standpoints, with the struggle which defined the powers and established the supremacy of the Federal Union and the local sovereignty of the States. Mr. Monroe, with the American doctrine that European powers should not intervene in the political affairs of this continent; Mr. Douglas, with the masterly, yet necessarily abortive, effort to postpone the issue of African slavery, which irresistible forces were pressing upon the country, and Mr. Lincoln, with the final abolition of African slavery. These and, perhaps, a few other instances can be named, since the adoption of the Federal Constitution, where, in the public judgment, the reputation of a citizen, recognized as one of the great men of the Republic, is indissolubly united with a great public measure, yet in each instance the prominent feature of public policy named was but an incident in the record of the statesman. I have spoken only of statesmen, not citizens who have become great by the successful command of armies.

Successive generations of men, since the formation of this Government, have remarked with astonishment its wonderful adaptability alike to the small community for which it was formed as to more and more enlarged and powerful communities, until it extends over and embraces a commonwealth which in intelligence, numbers, community of interest, prosperity, and possessions stands the first on the globe. From this standpoint statesmanship in the United States is to be considered, for to the natural cause of fertile lands and salubrious climate, combined with a system of government of unexampled goodness, the remarkable result must be attributed. To maintain this system of government in its complete and perfect vigor has been the highest duty of American statesmanship from the beginning.

Hence the study of American history reveals the fact that comparatively few of the recognized great men of the Republic have secured that exalted standing in the public judgment by being specially identified with a great public measure, especially a measure proven great and valuable by the test of experience. Great and permanent measures of government are seldom the result of the wisdom and foresight of a single statesman. Consider the present monetary system of the United States, so generally in its leading features satisfactory. No statesman, living or dead, is specially in the public judgment entitled to credit for it. It grew up and acquired form and character through countless industrial, commercial, and political forces. It is simply the outgrowth of the conflicts of opinion in public and private affairs and in the exigencies of government, and the same is true of most of the great measures of legislation.

Accepting, then, our system of government, as nearly a century has demonstrated, as perfect as human wisdom could devise, considering the value of fixed and permanent institutions and the forces always at work, generally by indirection, to remold and warp those institutions in the advancement of party or of great special interests, it must be admitted that conservative forces, conservative statesmanship, are of the highest value. Yet it is obvious that in a great government like ours, occupying a large space and a commanding position in the most favored portion of the globe, powerful and not unfrequently conflicting forces will arise which can not be ignored—interests strong enough to command a hearing. In this view I submit that a broad and comprehensive conservatism in statesmanship that takes all these forces as they arise into the account, and yet maintains with unfaltering fortitude the essential principles which underlie our system of government, the ancient land-marks of our republican institutions, is the quality of statesmanship which ought to hold, under all conditions, in the largest degree the confidence of the American people. A statesman controlled by such views and possessed of great powers to maintain and uphold them is sure to arrest the attention and secure the confidence of his countrymen.

Such a statesman was Thomas A. Hendricks, and such was his view of the duties of American statesmanship. He was not in the ordinary sense of the term a reformer. He sought to maintain in their severe simplicity the institutions of our Government. He took into the account always the greatness of his country and sought to maintain its free institutions in their full strength and vigor. He considered the general result, but was, I think, at times too indifferent to the details of administration, which necessarily beget antagonisms. He indulged an

exalted pride in his country and its institutions, and viewed with alarm and questioned with remorseless severity any measure of policy that from his standpoint imperiled or seemed to imperil the safety of the land-marks set up by the fathers.

He was a disciple of Thomas Jefferson and an admirer of James Madison, whom he greatly resembled in the general outlines of his character, scope of views of public measures, and theories of government.

He was not overcautious in politics, but a man of high moral courage. Let him who doubts this read the debates in the Senate in that grave and anxious period when the measures of reconstruction were under consideration; let him consider the approval by Mr. Hendricks at a later period, as governor of Indiana, of the temperance measure known as the Baxter law, against which the fierce hostility of his political friends was aroused, indignantly refusing at the time a word of apology or excuse.

I admit, for I am anxious to delineate his character with truth, that he was a partisan in the sense of firm and unyielding devotion to the fortunes of his party. From his early youth to the close of his life he was a Democrat and only confident of the future of his country in the supremacy in the public councils of Government of the views of constitutional power under the Federal system taught by the early statesmen whose views were generally accepted by the Democratic party. For forty-five years he adhered to the fortunes of that party without "variableness or shadow of turning." He never for one moment lost faith in his party or in his own convictions of public policy. But he was always courteous, just, and fair to his political adversaries. He was thoroughly practical in his political views, and never lost sight of the main purpose and necessity of political organizations as great and responsible agencies for the administration of a Government of the people.

To the temporary and incidental questions which spring up in periods of public disorder he attached no importance. As long as the fundamental principles of his party were secure he made no question on *temporary abstractions*. He had positive convictions on the tariff prior to 1861. He believed that the freedom of commerce would break down the barriers between the nations, stimulate industry in all quarters of the globe, and promote closer and more peaceful relations between all parts of the human race; but when a great public debt demanded great revenues, he believed that the great question of tariff reform had been postponed until the current ordinary expenses of Government should in the main make demands on the Treasury. He believed that the monetary system of the Government, disordered by the exactions of war, could only be restored to its normal condition and to its proper relations to other commercial powers by the progress of current and natural events; that in such cases time, patience, and labor are the lawmakers. I mention these matters only to illustrate his thoroughly practical views of political questions.

On subjects which he believed for the time to be beyond the reach of practical and effective legislation Mr. Hendricks generally remained silent or gave a formal assent to the action of his party, but refused to discuss them, as not of practical interest; hence some of his cotemporaries have inconsiderately charged him with a want of defined policy in public affairs. But my answer is that whenever definite views were important he expressed them, and when courage was demanded Thomas A. Hendricks never hesitated even when his own party was the assailant.

Mr. Hendricks was a laborious and patient student. He had the scholarly attainments of a well-informed American gentleman. He had mastered the leading measures of policy and the great questions of constitutional power which had from time to time arisen in the progress of our history. He understood in all their details the current political questions of the period; yet I do not think that during the last few years he liked the drudgery of study except where the labor was demanded by the occasion or was relieved by his intellectual enjoyment of the subject. He was undoubtedly one of the greatest lawyers this country has produced, notwithstanding the large portion of his life devoted to public affairs. He was familiar with the current literature of the age and greatly enjoyed the works of an author whose style was elegant and vivacious and at the same time instructive. He enjoyed society, and mingled with remarkable ease and cordiality in the social circle and in the midst of great bodies of men. He was fond of manly amusements, especially in early life, but never under circumstances where the propriety of the presence of a gentleman could be called in question.

When Mr. Hendricks first entered public life he did not give special promise of becoming a great speaker, yet his manner was attractive. His clear, kindly eye and the bright, frank, and manly expression of his face won the confidence of his audience in the beginning, and while in some degree hesitating in manner, his clear, direct, and logical style and uniform good sense commanded attention. As time advanced he became a great master in the field of oratory. His manner became dignified, his style elevated, polished, and commanding, and in later years it can be claimed, without partiality, that in elevation of thought, clearness of statement, and vigor of expression and in the magical powers that charm and convince an audience his speeches compare well with those of the ablest statesmen the country has produced.

Left to himself, he enjoyed above all else the congenial society of his accomplished wife and the presence of his friends at his own fireside. Here at home the man great in the rugged current of business and affairs became still greater in the genial, confiding, generous qualities of mind and heart that diffused sunshine and gladness around him and made him the idol of his friends. I recall how, in his manhood, with the filial affection of a boy, he greeted his venerable father after a short separation, and the anxious inquiries for the mother at home. At the time I speak of he was still residing at his early home, but was long detained by the convention I have mentioned at the State capital; and I shall never forget how joyfully he anticipated an occasional visit from his young wife and little boy. The little boy, a child of remarkable sprightliness, his only offspring, died more than thirty years ago, yet seemed to live as a part of his own life. We have seldom met during all these years when he did not recall some childish remark of his little boy. His heart was instantly touched by any instance of poverty or suffering, and, without hesitation, was eager to furnish relief.

His devotion to his friends never faltered. The last words he spoke to me in this Capitol, just before he left it never to return, were of anxious solicitude for a friend. A little later, in the capital of our State, at his own fireside, as I left him to see him in this life no more, I shall never forget the earnest pressure of his hand as he bade me farewell with the earnest hope that he should be able to aid in advancing the fortunes of an old friend then present. This generous and always sincere interest in his friends was a notable feature of his character.

In the relations that gather around the fireside of home, and in the impulses and affections that live in the sanctuary of the heart, this great strong man who stood up so sturdily in the rough struggles of men displayed the tenderness of a gentle woman.

It was this part of the life of Mr. Hendricks that most charmed those who knew him well and enjoyed his friendship. His great abilities inspired their admiration, but the kindness and generosity habitual to his life won their love and affection.

He accepted with a sturdy old-fashioned belief, without doubt or hesitation, the Old Testament and the New. This unfaltering faith unquestionably gave him that marked stability of character so conspicuous in his career. But, more than this, early in life he had laid up in his heart, never to lose its power, the sublime lesson of the sweetest words that ever fell on the ear of mortal—the divine sentiment which even in the midst of affliction and sorrow lights up the soul with rays of consolation and hope—"Blessed are the merciful, for they shall obtain mercy."

Who shall say that in the last moment, when the celestial messenger came to his peaceful home unannounced, and touched the great human heart and bade it rest forever, the acts of kindly beneficence, the sweet charities of a good life, were not transformed into rays of living light, illuminating to the freed spirit the pathway to the realm of the infinite and immortal!

He was a pure man, a born gentleman. Thirty-five years ago Mr. Hendricks and myself occupied a room in common at our State capital for many months, and through all the succeeding years up to the time of his death our relations were those of close and intimate friendship, and it affords me the highest gratification to be able to say that through all those years I never heard a word fall from his lips, in jest or otherwise, that might not have been spoken, without a thought of offense, in the presence of the purest woman.

It is hardly necessary to speak of the personal integrity of such a man; yet I will add that through all these years of public employment, as member of the General Assembly of Indiana and its constitutional convention, Representative in Congress, Commissioner of the General Land Office, a great public trust, Senator in the Senate of the United States, governor of Indiana, Vice-President of the United States, embracing a period of unexampled bitterness in political contests, in all of which he was engaged as an unyielding yet courteous partisan, I am not aware that a single human being ever called his integrity in question.

Late in September last Mr. Hendricks left this capital with a view of attending a reunion of the surviving members of the constitutional convention of Indiana, who had separated thirty-five years before, and of the first General Assembly held under the provisions of the new constitution, which was charged with the duty of carrying into effect the reforms inaugurated by the convention. The meeting was to be held on the 5th and 6th of October. Hon. W. H. English, who was chief secretary of the convention and speaker of that first General Assembly, had taken great interest in making this reunion of early Indiana legislators a memorable event. The admirable result of the labor of those bodies, tested by thirty-five years of experience, was the occasion of this reunion. On the 5th of October, when the roll of 150 members of the convention was called, only 33 were found to be living. When Mr. Hendricks appeared on the platform, on the 5th of October, in the midst of these associates of his early public life, he received a most cordial greeting. Republicans and Democrats alike gathered around him; political antagonisms melted away in the presence of generous friendship; moistened eyes told too well how much stronger the affections of the heart are than the ties of party or the intellectual convictions of a life. But it was the subdued greeting of men looking backward to see what had been accomplished—not forward in the mighty and mysterious energy of hope!

On that evening Mr. Hendricks addressed his old associates. He stood before his audience erect and stately as if in his prime. His at-

titude and bearing were as composed and self-reliant as in former years. His face bore in every lineament the old cheerful, frank, kindly expression. The address was an elegant and comprehensive statement of the great reforms which had been accomplished by the two bodies, the surviving remnants of which were before him. He closed the address with these words:

The Constitution then adopted stands almost without change or modification after thirty-five years. Under its provisions the people have maintained local self-government in its highest excellence. In peace and in war it has guarded their rights, protected their interests, and promoted their welfare and prosperity. I congratulate you who are living, and I honor the memory of the delegates who are dead for the perfect work done by the convention.

This reunion and the relation of Mr. Hendricks to it was a pleasing incident well worthy of the closing period of a great and good life, men of all parties, associates of his early manhood who saw the opening promise of his powers, laying aside the animosities of party and meeting him in the embrace of friendship, as if for a final parting.

Alas! how soon in the midst of emblems of a nation's grief and in the presence of the representatives of its great departments, he was laid away to his final rest, while a vast multitude of those who had known and loved him for so many years, unmindful that the dead statesman held the second office in the gift of the foremost nation of the globe, came with sad hearts to drop a tear on the grave of a friend!

The reputation of Thomas A. Hendricks reposes in safety on a sure foundation. A gentleman without blemish, a generous and true friend, an eminent lawyer, an accomplished orator, a great statesman, a devoted friend to his country, a sincere Christian, an honest man!

This is the epitaph which the great Commonwealth which knew and loved him best rests assured will delineate his character on the record of imperishable history.

The resolutions submitted by Mr. HOLMAN were then unanimously adopted.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on this occasion and desire to extend their remarks in the RECORD may have leave to do so, and also that leave be granted to other gentlemen who desire to print remarks on the death of the late Vice-President.

There was no objection; and it was so ordered.

Mr. HOLMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly the House (at 3 o'clock and 40 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. J. M. ALLEN: Papers relating to claim of James Lord, of Wilkinson County, Georgia—to the Committee on War Claims.

By Mr. BLAND: Petition of Mrs. Abigail Pettyjohn, for pension of widows of soldiers of Missouri Home Guards—to the Committee on Invalid Pensions.

By Mr. BLISS: Petition of William E. Malloy, for payment for services under the Doorkeeper from April 1, 1885, to December 7, 1885—to the Committee on Appropriations.

By Mr. C. R. BRECKINRIDGE: Papers relating to the claim of B. F. Richardson—to the Committee on War Claims.

By Mr. COMPTON: Petition of W. A. Smith, of Saint Mary's County, Maryland, praying that his war claim be referred to the Court of Claims—to the same committee.

By Mr. DUNN: Petition of S. P. Hughes and others, citizens of Arkansas, asking the right of way for all railroads through the Indian Territory—to the Committee on the Territories.

By Mr. FREDERICK: Petition of citizens of Iowa, for the passage of the Oklahoma bill—to the same committee.

By Mr. R. S. GREEN: Memorial of Dr. J. O. S. Belden, for arrearages of pay—to the Committee on War Claims.

By Mr. D. B. HENDERSON: Papers in the case of William H. Morhisen, for relief—to the same committee.

By Mr. MILLARD: Resolutions of the New York Produce Exchange, for the suspension of silver coinage—to the Committee on Coinage, Weights, and Measures.

By Mr. PETERS: Resolutions of Kansas State board of agriculture, favoring making the position of Commissioner of Agriculture a Cabinet position—to the Committee on Agriculture.

By Mr. PETTIBONE: Evidence in support of a bill for the relief of Elizabeth Faust—to the Committee on Invalid Pensions.

Also, testimony to support bill for the relief of Alfred T. Moreland, late Company L, Thirteenth Tennessee Cavalry—to the Committee on War Claims.

Also, testimony to support bill in behalf of Henry Linebaugh—to the same committee.

By Mr. RANDALL: Papers in the case of Sarah Burns—to the Committee on Invalid Pensions.

By Mr. RIGGS: Papers relating to H. R. 4878, for relief of Mrs. Elizabeth Leebrick—to the Committee on War Claims.

By Mr. SHAW: Petition of Samuel Swope, of Maryland, for relief—to the same committee.

By Mr. STEELE: Papers relating to the claim of Alexander Worrall—to the same committee.

By Mr. W. J. STONE, of Missouri: Petition of Douglass Dale, of Cass County, Missouri, for relief—to the Committee on Claims.

By Mr. VIELE: Memorial of discharged soldiers and sailors, asking aid in settling on the public lands—to the Committee on the Public Lands.

By Mr. VOORHEES: Petition of 623 citizens of Washington Territory, praying for appropriations for the improvement of the Columbia River—to the Committee on Rivers and Harbors.

The following petitions, praying Congress to place the coinage of silver upon an equality with gold; that there be issued coin certificates of one, two, and five dollars, the same being made legal tender; that one and two dollar legal-tender notes be issued, and that the public debt be paid as rapidly as possible by applying for this purpose the idle surplus now in the Treasury, were presented and severally referred to the Committee on Coinage, Weights, and Measures:

By Mr. HANBACK: Of R. B. Bailey and 50 others, of Kansas.

By Mr. LA FOLLETTE: Of S. A. Hatch; of W. H. Holford and 250 others, citizens of Bloomington, Wis.

SENATE.

WEDNESDAY, *February* 3, 1886.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Attorney-General, requesting an appropriation of $50,000 for jurors and $135,000 for witnesses for the remainder of the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented petitions of seven local assemblies of Knights of Labor of the State of Ohio, praying for the opening to settlement of the lands in the Indian Territory; which were referred to the Committee on Indian Affairs.

Mr. WILSON, of Iowa, presented the petition of Local Assembly No. 3966 of Knights of Labor, of Burlington, Iowa, praying for the passage of an act authorizing a Territorial form of government over the Indian Territory and for opening the public and unoccupied lands in that Territory immediately to settlement under the homestead laws; which was referred to the Committee on Indian Affairs.

Mr. CONGER presented the petition of F. W. Gilchrist and Johnson & Collins, of Alpena, Mich., praying for the registry of the barge Michigan, of Alpena, Mich.; which was referred to the Committee on Commerce.

Mr. FRYE. I present the petition of George W. Lawrence, of Maine, praying for legislation which will authorize him to go to the Court of Claims on certain matters touching the building of light-draught monitors. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. BECK presented a petition of clerks in the Louisville, Ky., post-office, praying for the passage of the bill (H. R. 3511) for classification of clerks in first-class post-offices and for fixing the salaries of the same; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SAULSBURY presented two petitions of citizens of Lewes, Del., praying that an appropriation be made for the completion of a pier in the Delaware Bay near Lewes, in Sussex County, Delaware; which were referred to the Committee on Commerce.

Mr. BLAIR presented a memorial of the fishermen of the collection district of Portsmouth, N. H., remonstrating against the appointment of a joint commission with Great Britain to consider and settle the relations of the two countries to the fisheries; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Naval Affairs, to whom was referred the bill (S. 1302) authorizing the appointment of an assistant Secretary of the Navy and fixing the salary of the same, and for other purposes, reported it with amendments.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 28) authorizing the President of the United States to grant permission to one or more officers of the Army to accept temporary service under the Government of Corea, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 922) for the relief of Joseph F. Wilson, submitted an adverse report thereon, and the bill was postponed indefinitely.

FISHING RIGHTS OF THE UNITED STATES.

Mr. FRYE. I am instructed by the Committee on Foreign Relations, I believe I may say with unanimity, to report the following resolution:

Resolved, That, in the opinion of the Senate, the appointment of a commission in which the Governments of the United States and Great Britain shall be represented, charged with the consideration and settlement of the fishing rights of the two governments on the coasts of the United States and British North America, ought not to be provided for by Congress.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. FRYE. I ask unanimous consent that Monday next at 2 o'clock may be assigned for the consideration of the resolution.

Mr. HARRISON. I desire to interpose an objection. I do not wish to give unanimous consent unless the pending bill is out of the way, as I suppose it will be before that time; but I do not want to agree that the pending bill may be laid aside to take up the resolution.

Mr. BLAIR. Some time since I gave notice that as soon as the Dakota bill was disposed of I should move the consideration of the school bill. I should not like to consent to any order being interjected in this way or any other way to prevent that.

The PRESIDENT *pro tempore*. The resolution will take its place on the Calendar, subject to call in proper order at any time.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 1354) to authorize and direct registry and enrollment of the barge Michigan, of Alpena, Mich.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PAYNE introduced a bill (S. 1355) to increase the pension of Helen Raymond; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 1356) to extend the provisions of section 4631, Title LVI, Prize, of the Revised Statutes, and of the act of June 8, 1874, in relation to prize-money, to fleet-officers; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SHERMAN introduced a bill (S. 1357) granting a pension to Sarah A. Thomas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HARRIS introduced a bill (S. 1358) for the relief of the legal representatives of Richard F. Wasson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DAWES introduced a bill (S. 1359) for the relief of the heirs of Erskine S. Allin; which was read twice by its title, and referred to the Committee on Claims.

Mr. McPHERSON introduced a bill (S. 1360) granting a pension to Emily Louisa Spicer; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 1361) for the relief of Robley D. Evans and Richard M. Green; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. DOLPH introduced a bill (S. 1362) creating the Spokane and Cœur d'Alene Railway Company a corporation in the Territories of Washington and Idaho, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

Mr. BLAIR introduced a bill (S. 1363) granting a pension to William Blanchard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 1364) to amend section 3962 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MORGAN, it was

Ordered, That the papers on the files of the Senate relating to the claim of Claude H. Mastin be referred to the Committee on Claims.

Ordered, That the papers on the files of the Senate relating to the claim of Lloyd M. Stevens be taken from the files and referred to the Committee on Claims.

INDIAN INSPECTOR HENRY WARD.

Mr. DAWES. I offer the following resolve for present consideration:

Resolved, That the Secretary of the Interior be directed to communicate to the Senate copies of all papers which have been filed in the Interior Department, and of all papers which have been presented to any officer of that Department, touching the official and personal conduct of Henry Ward, Indian inspector, during his continuance in said office.

Mr. COCKRELL. Let it be printed and go over.

The PRESIDENT *pro tempore*. The resolution will go over under objection and be printed.

JAMES W. TEBBS.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate the sum of $1,696 to James W. Tebbs as the residue of his salary as messenger from May 5, 1879, to November 30, 1883.

REMOVALS AND SUSPENSIONS FROM OFFICE.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," the Chair lays before the Senate the resolution coming over under objection from yesterday, which will now be reported.

The Chief Clerk read the resolution submitted yesterday by Mr. RIDDLEBERGER, as follows:

Resolved, That it is the sense of the Senate that the Executive of the United States is not restricted by Constitution or law in removing or suspending appointees; that the Senate has no constitutional right to require that reasons shall be given for such removals or suspensions; but that it is the right of the Senate to call for any papers relating to the conduct of removed or suspended appointees or to the qualification and fitness of all persons whose names are presented to the Senate for confirmation or rejection, and it is the duty of the Executive to comply with all demands for the same.

The PRESIDENT *pro tempore*. The Senator from Alabama [Mr. PUGH] offered a substitute for the resolution, which will be read.

The Chief Clerk read the proposed substitute, as follows:

Resolved, 1. That "the executive power" is expressly "vested" by the Constitution "in the President" of the United States, so that "he shall take care that the laws be faithfully executed."

2. That the power of appointment to Federal office is an executive power, to be exercised by the President under the limitation in the Constitution that "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint."

3. That the power of removal or suspension from the powers and duties of Federal office is also an executive power, vested exclusively in the President, without any such limitation in the Constitution as is imposed thereby on the power of appointment, and for its exercise he is responsible alone to the people, and not to the Senate.

4. That the right of the President to make nominations to the Senate, and of the Senate to advise and consent thereto, are each separate and independent rights, to be exercised by the President and Senate respectively and separately and independently within their absolute discretion; but in relation to the person or persons so nominated the Senate may request information of the President affecting the character or qualifications of those as to whose appointment he asks the advice and consent of the Senate.

5. That when the President makes nominations to the Senate of persons to be appointed by him to exercise the powers and duties of Federal officers who have been removed or suspended by him, no law, public duty, or public policy requires that he shall send or communicate to the Senate any cause, reason, or information within his own knowledge, or contained in any letters, petitions, papers, or documents addressed to him or any member of his Cabinet, or in the possession of either and relating to the subject of removals or suspensions, or containing charges, causes, or reasons, and the proof thereof, for making such removals or suspensions, and no law, public duty, or public policy requires or authorizes the Senate to call for such information existing in any such form from the President or any member of his Cabinet to enable the Senate to review or question the action of the President in exercising his executive, discretionary, and exclusive power of removing or suspending Federal officers from the powers and duties of their office, or to put the President on trial by the Senate, or to enforce accountability to the Senate for anything he may have done in the exercise of such jurisdiction.

6. That to obtain information considered by either House of Congress useful in passing necessary and proper laws, either House of Congress may request the President, if not deemed by him incompatible with the public interest, to give any information within his own knowledge, or contained in any public documents or records on file or in the lawful custody of any of the Departments and relating to the administration of any public office or the official conduct or acts affecting the official conduct or duties of any public officer; but for the Senate to make such request of the President, or to direct any member of his Cabinet to transmit to the Senate any information or any public documents or other papers in open or executive session to enable the Senate in open or executive session to review the propriety or the cause or the information upon which he acted or may have acted in making removals or suspensions, would be an attempt to obtain such information by false pretenses and for uses and purposes not authorized or justified by any law or public policy of the United States; and should the President grant such request or require any member of his Cabinet to obey such direction from the Senate when deemed by him to have been made for such unjustifiable and unlawful uses and purposes, would be to recognize and encourage an improper practice and a dangerous innovation upon his exclusive and independent rights, powers, and duties as President of the United States.

Mr. EDMUNDS. Mr. President, two months of the session have now gone by and there are not more than four months that ought to be left for doing the practical business of the Senate. These resolutions present purely moot questions. When they shall arise, if they ever do, as practical questions on any action of the President of the United States that the Senate deems it proper to express any opinion about, it will be time enough to deal with them. No such practical question now exists, and I move to lay the resolution and the amendment on the table.

Mr. RIDDLEBERGER. Mr. President, I reckon there is no point better understood in parliamentary bodies than that——

Mr. EDMUNDS. The motion is not debatable.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. RIDDLEBERGER. I was going to make the point, if you please, sir (I knew the question was not debatable), that there is no point better understood than that a Senator can not first make remarks and then make a motion which is not debatable. The Senator from Vermont made his remarks first and concluded with his motion. If the motion which he made was not debatable, then how could he have debated it first? That is laid down in the books, and I apprehend that it is just the situation here. I ask the Chair now whether the resolutions are not before the Senate just as though the Senator from Vermont had said nothing and had made no motion?

The PRESIDENT *pro tempore*. The Chair is bound to hold that the resolutions are before the Senate, but that they are before the Senate on a motion to lay them on the table.

Mr. RIDDLEBERGER. Then I have the floor, I presume?

The PRESIDENT *pro tempore*. A motion to lay on the table is not debatable. Until that question is disposed of the resolutions can not be debated under the rule.

Mr. RIDDLEBERGER. I did not hear the Chair.

Mr. HALE. I hope that unanimous consent will be given to the Senator from Virginia, who introduced the resolution, to briefly reply to the Senator from Vermont who has moved to lay the matter on the table, and after that we can have a vote under the rules of the Senate, but I do not think the Senator from Virginia should be excluded from a brief presentation in reply to the Senator from Vermont.

Mr. VAN WYCK. If it be in order—and I think it is—to make another motion that will enable the Senator from Virginia to proceed as of right, I appeal from the decision of the Chair. That, I believe, will be debatable.

Mr. EDMUNDS. Not on a motion to lay on the table.

The PRESIDENT *pro tempore*. The Chair is of opinion that an appeal from the decision of the Chair on a motion to lay on the table would not be debatable.

Mr. RIDDLEBERGER. I hope that will not be done.

Mr. VAN WYCK. I appeal from the decision of the Chair, so that the Senator from Virginia may proceed in order.

Mr. RIDDLEBERGER. I beg pardon, I think it can be corrected under the rules of the Senate. I prefer to correct it under the rules.

The PRESIDENT *pro tempore*. The Senator from Maine asks the unanimous consent of the Senate that the Senator from Virginia shall have leave to reply and debate the question. If there be no objection it will be understood that consent is given.

Mr. RIDDLEBERGER. I did not hear one word that the Senator from Vermont uttered, except when he said something about laying the resolution upon the table, which had been prefaced by certain remarks; I did not hear the remarks; I do not know now what he said; I do not know whether he is friendly or unfriendly to the resolution; but I do know that it is the rule in all parliamentary bodies that an undebatable motion shall be made without remarks preceding it.

I do know that; and on that theory I proceed to state only and again, that my object in introducing the resolution was to bring this practical question before the country, and not to keep it shut up here in some sort of a secret or executive session, as I believe it is called.

I am not trying to change any rule. I have no idea of doing so. I am not trying to change any custom. I have no hope that I can do that. But here are two resolutions introduced, each for the same purpose, I take it, to get at the sense of the Senate as to what is the right of the Senate in asking for or demanding information from the President in respect to his removals and demanding information from him in respect to his appointments. I separate the two in my resolution; and I now ask that if the Senate is ready to proceed in open session to consider a question which is before the whole country, it will hear the Senator from Alabama [Mr. PUGH] on his own substitute.

The substitute, I understand, is to be voted upon first. I never knew anything to the contrary. If I am mistaken in that, I am mistaken in my whole idea of what is to transpire here to-day or of what ought to transpire here to-day. If I offer a resolution and some Senator shall offer a substitute for it, the substitute is to be voted upon first; and if the Senator from Alabama does not want his substitute spoken to either by himself or others, I ask that we shall take a vote on the two propositions as they appear here to-day.

I do not deny anything in the first three paragraphs of the Senator's substitute. It begins:

Resolved, (1) That "the executive power" is expressly "vested" by the Constitution "in the President" of the United States, so that "he shall take care that the laws be faithfully executed."

I do not think any Senator here will deny that. I do not deny this axiom:

(2) That the power of appointment to Federal office is an executive power, to be exercised by the President under the limitation in the Constitution that "he shall nominate, and, by and with the advice and consent of the Senate, shall appoint."

I do not think any Senator can take any exception to that. Next:

(3) That the power of removal or suspension from the powers and duties of Federal office is also an executive power, vested exclusively in the President, without any such limitation in the Constitution as is imposed thereby on the power of appointment, and for its exercise he is responsible alone to the people and not to the Senate.

If the Senator from Alabama will take those first three paragraphs of his resolution and introduce them this morning as a substitute for mine of yesterday I will accept them; but when it comes to the rest of the substitute, that there is no public interest involved, that is another question outside of the Constitution, and I ask that the Senator from Alabama shall give us some reasons this morning, if he can do so—and I take it for granted that he can—why we should adopt his substitute for the resolution which I offered yesterday, mine involving only two propositions, namely, that we have no right to require of the President reasons for the removal or suspension of any officer, but that we have a right to require and demand of him any reasons or any paper or any proofs going to the question of appointments to office.

The PRESIDENT *pro tempore*. The question is on the motion to lay the resolutions on the table.

Mr. PUGH. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Alabama. The motion is not debatable.

Mr. PUGH. I confess to a very large amount of ignorance of parliamentary law, and I desire to be informed if a motion to lay on the table is not always made to cut off debate.

The PRESIDENT *pro tempore*. It has the effect to cut off debate. Whether it is made for that purpose it is not for the Chair to say.

Mr. PUGH. I simply desire the privilege of stating in a sentence that I never would have offered my resolution as a substitute if the question had not been presented in open Senate by a leading Republican on the other side.

Mr. CONGER. I rise to a point of order.

Mr. PUGH. My resolutions were responsive to affirmative action, as I understood, on the part of the Republican side of the Chamber.

The PRESIDENT *pro tempore*. The Senator from Michigan rises to a point of order. The Senator from Alabama will pause for a moment. The Senator from Michigan will please state his question of order.

Mr. CONGER. I make the point of order that if this matter is to be open to debate, by consent or otherwise, it must be open to all, and if it is not to be open to general debate now under the motion to lay on the table, I object to any further discussion upon the subject. I have some remarks to make myself whenever the opportunity comes under the rule.

Mr. PUGH. As the motion has been made to lay the resolutions on the table, and as the purpose of the motion is manifest, I have no objection to the motion prevailing.

Mr. RIDDLEBERGER. I have no objection to the motion if the Senator from Vermont will make the motion without any prefatory remarks, because a motion that is not debatable can not be made at the end of a speech. If the Senator from Vermont will rise and move to lay the resolutions on the table, I am entirely willing that it shall be done until it suits the convenience of the Senate to discuss them in open session.

The PRESIDENT *pro tempore*. The Chair must remind Senators that the question is not debatable. It is always unpleasant for the Chair to interfere and remind Senators of the rule.

Mr. COCKRELL and others. Let us vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion to lay the resolutions on the table.

The motion was agreed to.

PRINTING OF TEMPERANCE EDUCATION ARGUMENTS.

Mr. BLAIR. I ask an order of the Senate for printing the notes of a hearing before the Committee on Education and Labor on Senate bill No. 797. I ask that 1,000 copies be printed for the use of the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire presents notes of an interview or examination of witnesses, perhaps, before the Committee on Education and Labor, and asks for an order to print 1,000 copies. Is there objection?

Mr. MCMILLAN. What is it?

Mr. HOAR. I do not suppose there is any objection to it.

Mr. MORGAN. I should like to know what that interview is.

The PRESIDENT *pro tempore*. The title of the paper sent to the Chair by the Senator from New Hampshire will be read.

The CHIEF CLERK. "Notes of a hearing before the Committee on Education and Labor, January 29, 1886, on the bill (S. 797) to provide for the study of physiology and hygiene, and the effect of intoxicating, narcotic, and poisonous substances upon the life, health, and welfare, by the pupils in the public schools of the Territories and of the District of Columbia and in the Military and Naval Academies."

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that 1,000 copies of these notes be printed for the use of the Senate.

Mr. MORGAN. Were those notes taken by order of the Senate?

The PRESIDENT *pro tempore*. The Chair is not able to advise the Senator.

Mr. MANDERSON. I submit that under the rules and under the statute the motion to print must be referred to the Committee on Printing for an estimate of the cost, unless the Senator from New Hampshire can state what the cost will be.

Mr. BLAIR. This was a hearing before the Committee on Education and Labor, occupying a part of one forenoon, perhaps an hour and a half, by delegations from different quarters, representing the District of Columbia, and representing those who desire the passage of the bill in the country at large. As it is a new bill, a new idea in national legislation, and was urged with much earnestness and with the presentation of a great deal of new and interesting matter, it seemed to me that it would be proper that these minutes, the printing of which can not be costly, which may not cost more than $20 or $30, would be very profitable for the use of the Senate, and I ask it, as is very usual in such a case.

Mr. MORGAN. I would very much rather vote the amount of money that is required for the printing to bring to the attention of the country some old ideas that belong necessarily to the history and policy of the country rather than to be experimenting upon the dissemination of what the Senator terms a new idea. Unless the Senate has ordered this to be done, I think we are setting a rather bad example.

There are frequent occasions when I have thought that interviews and statements made before committees of this body would be benefi-

cial to the public service, but I had not dared to ask the Senate to print them, because they were taken by the committee, *ex mero motu*, without any previous instruction or order from the Senate. If the Committee on Education and Labor had come here with a report that they thought it necessary to have this new idea developed by an interview before their body or by an examination, then we should have had a chance to have understood something about what the purpose of it was.

We can not know what is in that paper unless it is all read. The Senate has had no consideration of the question at all; has had no opportunity to consider it. I shall therefore object to the order to print being adopted, at least until it goes to the Committee on Printing.

Mr. BLAIR. Then I will move that the matter be sent to the Committee on Printing.

Mr. HOAR. I do not think the Senator from Alabama can have understood what is asked. This matter was referred to a committee of the Senate raised to consider that general subject. They have taken some testimony, as I understand, and they ask that it may be printed, saying that it is so short that it can not cost more than $20 or $30 to print it. It seems to me that of course the Senate would grant such a request out of courtesy to an individual Senator, much more to a committee.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Alabama to move that the question be referred to the Committee on Printing.

Mr. MILLER, of New York. I do not think there is any necessity for referring it, and I do not understand that the rules send it there.

The PRESIDENT *pro tempore*. The rules do not.

Mr. MILLER, of New York. It has been customary in this body, and it certainly is in the other branch of Congress, that hearings before committees may be printed on the order of the chairman. I do not think the chairman of the committee need have asked for the order to print; but he has done so, and certainly the right should be extended to him. I listened to the hearing myself, and I can vouch that it is a valuable paper and should be printed and laid on our tables.

Mr. HOAR. A committee may direct any one of its members to report for the information of the Senate a matter that has been laid before it, and then it is printed as a matter of course under the rule.

Mr. EDMUNDS. There is no trouble about it.

Mr. MORGAN. I call for the reading of the paper.

Mr. EDMUNDS. I object to that.

The PRESIDENT *pro tempore*. The reading of the paper being called for and objection being made, the question is Shall the paper be read?

Mr. MORGAN. Upon that question I desire to say a word.

Mr. EDMUNDS. That is not debatable.

Mr. MORGAN. The Senate is now about to order the printing of a paper in respect to which it knows not one word except a statement of the general character of it coming from a member of the committee. I do not know whether it is beneficial to the public service that it should be read, that it should be understood by the Senate. I do not know what it contains. I do not know whether when we have found it before the Senate it will need to be contradicted or answered. I think, sir, that it is crowding matters a little bit too fast for any Senator upon a committee, though he is chairman of it——

Mr. EDMUNDS. May I remind my friend from Alabama that I believe such a question, whether a paper shall be read, is not debatable?

Mr. MORGAN. I do not know any rule against it. I am not quite as familiar with the rules as the Senator from Vermont.

Mr. EDMUNDS. I am very sure there is a rule of that kind. I am sure there ought to be.

Mr. INGALLS. There is a positive rule on the subject.

The PRESIDENT *pro tempore*. The Chair will read a portion of the eleventh rule:

> When the reading of a paper is called for, and objected to, it shall be determined by a vote of the Senate, without debate.

Mr. MORGAN. If the Chair will allow me, I make the point of order that that means a paper of which the Senate has been put in possession under its rules. It does not mean a paper that I may get up here and offer—for instance, a matter of private correspondence between me and other persons; but it refers to some paper that has come into the possession of the Senate under its rules. This paper is not in the possession of the Senate under its rules, as I believe.

Mr. EDMUNDS. Then the Senator has not any right to have it read.

The PRESIDENT *pro tempore*. The Chair is of the opinion that the rule extends to any paper proposed to be read. The reading being objected to, the question is, Shall the paper be read to the Senate? [Putting the question.] The noes appear to have it. The noes have it. The question now is on the order to print 1,000 copies.

Mr. MORGAN. I ask for the yeas and nays on that question.

Mr. HARRIS. What is the paper?

Mr. MORGAN. We are never to find out.

The PRESIDENT *pro tempore*. The question is, Shall the order be made to print 1,000 copies of the paper?

Mr. HARRIS. My inquiry was as to what the paper is. I have been inattentive; it has been altogether my own fault.

Mr. EDMUNDS. It is some evidence reported from the Committee on Education and Labor—things we do every day without the slightest objection.

Mr. TELLER. I should like to inquire why it does not go to the Committee on Printing in the ordinary way.

Mr. EDMUNDS. Because it is not a provision for extra copies, and is the ordinary report of a committee. That is all there is about it.

The PRESIDENT *pro tempore*. The Chair understands that this paper does not come within the rule requiring a reference to the Committee on Printing. The Senator from Alabama demands the yeas and nays on the motion to print.

The yeas and nays were ordered.

Mr. BECK. I understand the question is whether the Senate shall be allowed to know what we are doing.

Mr. MORGAN. That is the question.

Mr. BECK. That is all. I do not know what the paper is, and I want to know. I may vote for printing it, but I should like to know what it is, and the question is whether we shall know or not, I understand.

Mr. BLAIR. I will state to the Senate just what it is. A bill was introduced into the Senate, and also into the other House, providing for the introduction of the study of the nature and effects of alcohol upon the human system as one of the branches of common-school study, along with other departments of the study of physiology and hygiene, the bill providing for the introduction of that study in the schools of the District of Columbia and the Territories and the Military and Naval Academies. It was referred to the Committee on Education and Labor. Parties applied to that committee to be heard.

Mr. MORGAN. Who were they?

Mr. BLAIR. They applied to be heard in favor of the bill.

Mr. MORGAN. Will the Senator name the parties?

Mr. BLAIR. If the Senator will permit me to occupy a portion of the time——

Mr. MORGAN. I merely desire the information.

Mr. BLAIR. I shall try to give the Senator the information.

Mr. MORGAN. I merely put the question to the Senator as to who the parties were.

Mr. BLAIR. One lady appeared before the committee——

Mr. MORGAN. I thought so.

Mr. BLAIR. A lady representing the Woman's Christian Temperance Union of the country, and also representing various other temperance societies, organizations, and individuals who desire the passage of the bill, which is a bill that has already been enacted in fourteen States of the Union, and was never opposed, so far as I know, by a party vote in any State. It is the law in the Senator's own State of Alabama, a bill the same in substance with this measure. It is the law in the States of New York, Pennsylvania, Vermont, New Hampshire, Massachusetts, Michigan, Wisconsin, I think Colorado, and in all in fourteen States of the Union, North and South.

This lady has been perhaps more than any other one individual instrumental in securing the passage of these bills. She has been to the Legislatures of nearly or quite all these States, and in many of them the bill has been passed with substantial unanimity, never so far as I know, as I said before, with any essential opposition anywhere, at least not after a full hearing and discussion of the bill, which is simply one providing that the children of this country shall know something about the nature of alcohol when they are first tempted to take it as a drink.

Mr. BECK. Will the Senator tell us now what the paper is?

Mr. BLAIR. I am telling the Senator. This lady appeared in advocacy of the bill. She made a speech of about one hour's duration, in which she stated the facts that have come to her knowledge which seem to demand the enactment of a law of this kind wherever Congress has jurisdiction over the schools of the country.

Mr. BECK. Is it the object to print that speech?

Mr. BLAIR. Her speech, full of facts and full of argument, is a portion of the minutes which I now desire to have printed for the use of the committee and the Senate, the bill still being under consideration by the committee.

Mr. BECK. I have no objection to that. I did not know what it was.

Mr. HOAR. The Senator from New Hampshire will permit me to say that this lady, I think, is a lady of Massachusetts; at any rate she is a lady who has addressed public audiences there, and is a lady of very high character and ability.

Mr. BLAIR. She is a lady who has been identified with the cause of education all her life. She has had charge of schools of importance herself, and for quite a number of years has devoted herself without money and without price to the prosecution of this work. She preached last Sabbath in the Metropolitan church of this city, she has discoursed all over the country on the subject, and I have scarce ever heard a more forcible address upon any subject than the address which this lady delivered before the committee and also last Sabbath in church.

It is very valuable matter. It is not verbose, but matter of fact, terse, and to the point, and will do good to the Senate to read it; at least I believe so.

The other matter which went to make up the hearing came from eminent clergymen who are residents of this city and who came as dele-

gates from the District of Columbia to urge the passage of the bill. I do not refer to the commissioners of the District, nor to those who advocate and establish the grog-shops of the city, and who are generally identified with the liquor traffic of this city or of the country, but I refer to that conservative and religious and important class of this community who desire the passage of the bill.

As the whole time occupied was not over an hour and a half, I do not think I understate the cost of the printing when I say it will be something between $20 and $30. I may be wrong; perhaps it will be fifty or a hundred dollars, I do not know; but I have stated as fully as I can what the nature of the matter is.

It has been suggested that I might order this to be done simply as chairman of the committee. I find there is some dispute among members of this body as to whether a chairman or a member of a committee has that right, and I do not care to be doing anything about which there is the slightest question. Yesterday the Senate ordered the printing of a thousand copies of a like hearing before the Pension Committee from members of the Grand Army of the Republic, who appeared and advocated their views upon general legislation touching the subject-matter of pensions. When that report was made there was no hesitation, there was no objection to it. These men represented a large constituency having votes. These people who appeared before the Committee on Education and Labor also represented a large constituency having votes and advocating a very important cause, and I hope the matter may be printed.

Mr. BECK. My purpose in rising in the first place was to know what it was that we were to vote upon. After the statement of the Senator from New Hampshire I think I understand it perfectly. I think the paper ought to be printed. I think all the information any member of a committee, or a committee itself, desires to have before it for its own use or the use of the Senate, and which is thought by it to be valuable, should be printed. Understanding it now, I shall not vote against the motion. I think I know what it is, and I shall vote for the printing of it with pleasure.

Mr. MORGAN. If the rule is to be established that all the committees of this body have equal rights before the Senate I shall not object to the printing of this paper at the expense of the Government of the United States. It has only been a couple of days, I believe, since a subcommittee of the Committee on Foreign Relations listened to some very able arguments from Mr. Hanscom and Mr. Charles Levi Woodbury and some other gentlemen upon the great and interesting question of the fisheries on the northeastern coast, which would be very instructive indeed to this country, both on matters of law and matters of fact; and they relate to a question which we shall have to decide perhaps sooner or later. We did not feel authorized to come here with the able arguments of these gentlemen, because in doing a matter of that kind we might possibly offend against persons who would think they had equal right to come before a committee of the Senate and present their views in opposition.

If the right of petition, or the right of instruction, or the right of argument is to be exercised by the citizens of the United States through the committees of this body, then let us throw the doors open and let every person come in, pro and con. The whisky dealers, the grog-shop men on the corners, the men who drink spirits, and sometimes, perhaps very often, get drunk, and never get drunk that they do not do wrong, have just as much right to enjoy the public expenditure in having themselves heard before that committee as the lady and clergymen that the Senator from New Hampshire brings to our attention by stating what they have said before this committee.

In dealing with the people of the United States let us deal fairly with all classes, and not, because we happen to be taken up or infatuated with a particular set of ideas, bring those ideas before the Senate of the United States and demand that they shall be printed for the use of Senators. Let us hear the other side if we are going to hear any in this way. Do not let us close our doors against the access of all the people, and the right of any man to go there and have his remarks taken down and printed for the use of the Senate, if we grant the right to any person. It is a species of favoritism that I am not disposed to encourage.

Mr. BECK. The reason why I favor the printing of this paper is this: We have a Committee on Education and Labor; they are presumed to represent all sides of all questions coming before them, and when they hear anything that in their judgment enlightens them or the Senate, and request that it shall be printed, I think the Senate ought to allow it to be done. I know the Finance Committee particularly and the Committee on Appropriations have had valuable investigations. Members of the Chamber of Commerce of New York, boards of trade, and others have appeared before us and made statements, and we have selected such portions of their debate as we thought important for the information of the Senate and have had them printed time and again. I never knew such a request to be refused. It being a matter in the discretion of the committee, and they having exercised that discretion as to the propriety of publishing the matter, I think courtesy to them requires that it should be done. There must be confidence reposed somewhere, and when our committees tell us that matter submitted to them is valuable, for one I shall vote to print it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire to print a thousand copies of this paper for the use of the Senate, on which the yeas and nays have been ordered.

Mr. MORGAN. I withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The call for the yeas and nays will be withdrawn.

Mr. EDMUNDS. If the yeas and nays have been ordered, there must be unanimous consent to withdraw the call.

The PRESIDENT *pro tempore*. Is there objection to withdrawing the call for the yeas and nays? The Chair hears none. The question is on the adoption of the motion of the Senator from New Hampshire.

The motion was agreed to.

CLAIMS UNDER FRENCH AND SPANISH TREATIES.

Mr. HOAR. I move that a communication from the Secretary of the Treasury received on the 26th of January, made in response to a resolution of the Senate asking for certain information in regard to the French spoliation claims, &c., be withdrawn from the Committee on Foreign Relations, to which it was referred, and referred to the Committee on Claims. The reference was made by the Senate by inadvertence.

Mr. EDMUNDS. That is true. The proper reference should have been to the Committee on Claims, I think.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the Committee on Foreign Relations be discharged from the further consideration of a certain communication from the Secretary of the Treasury in respect to French spoliation claims and that it be referred to the Committee on Claims.

The motion was agreed to.

SUSPENSIONS AND REMOVALS FROM OFFICE.

Mr. RIDDLEBERGER. Mr. President, in pursuance of a not very excellent precedent, I shall ask the indulgence of the Senate to make a few remarks on any bill that may be pending or any resolution that may possibly be brought forward, and conclude my remarks with a motion. I will make a motion in one moment; I beg the Senate to indulge me.

I find on reading the RECORD, and I think no Senator here can be mistaken in it, that when the resolutions were offered yesterday which were tabled this morning, the notice given, and which I and others who are interested had a right to expect would be carried out, was that from the Senator from Kansas [Mr. INGALLS], who said that on this morning he would move to refer the resolution and the substitute to the Committee on Privileges and Elections. I and other Senators had a right to infer that that notice given and appearing here as matter of record would be legitimately and honorably adhered to. This morning when a resolution which I had written and propounded in open session yesterday came up after this recorded notice of what disposition was to be made of it, a Senator on this floor, whose voice is too suppressed to be heard except by himself, made first a speech and then moved an undebatable motion. I do not mind being run over by a railroad train, but I do not like to be mashed up by a wheelbarrow. [Laughter.]

I ask now of this Senate that they will do that which appears on this RECORD of yesterday's proceedings would be done, take up the resolution from the table and then let the Senator from Kansas move, as I know he will do and as I will not object to, a reference of it to any proper committee. I ask now that the Senate shall take the resolution from the table and then let the Senator from Kansas move to refer it to the committee, and I shall not object.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now proceed to the consideration of the resolution.

Mr. RIDDLEBERGER. I move to take it from the table. It is on the table by the motion of the Senator from Vermont. I ask now to take it from the table only with the view that the Senator from Kansas can move to refer it to the committee indicated by himself in the RECORD of yesterday's debate.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate take from the table the resolution referred to by him, and that it shall now be considered. Is there objection to that proposition? If not, the resolution will be again considered as before the Senate. What is the motion made by the Senator from Virginia?

Mr. RIDDLEBERGER. If it is before the Senate, I ask the Senator from Kansas to carry out his suggestion of yesterday, and if he does not, I shall ask for the yeas and nays on the passage of the resolution.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the resolution be referred to the Committee on Privileges and Elections.

Mr. RIDDLEBERGER. No, sir. The Senator from Kansas said he would make that motion, as appears here in the RECORD. I am not going to make it. I do not make any motion in respect to it except to have it voted on right here.

Mr. MORRILL. I move to refer the matter to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

GEORGE W. GETTY.

The PRESIDENT *pro tempore*. The Calendar is now in order under Rule VIII, and the first case on the Calendar will be stated.

The bill (S. 225) to authorize Col. George W. Getty, United States Army, retired, to be placed upon the retired-list of the Army with the rank and pay of a brigadier-general, was announced as first in order.

Mr. COCKRELL. I do not see the Senator who reported that bill [Mr. SEWELL] or the Senator from Illinois [Mr. LOGAN] who wishes to debate it. I ask that it go over.

The PRESIDENT *pro tempore*. It will be passed over without displacement.

PEARSON C. MONTGOMERY.

The bill (S. 18) for the relief of Pearson C. Montgomery, of Memphis, Tenn., was announced as next in order.

Mr. HARRIS. Let that bill go over without prejudice so that the Senator who reported it [Mr. PIKE] may be present.

The PRESIDENT *pro tempore*. That order will be taken.

DECORATIONS TO CONSUL RAWICZ.

The bill (S. 1053) to permit Joseph Rawicz, United States consul at Warsaw, Russia, to accept certain decorations tendered him by the Russian Government was announced as next in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. The pending question is on the motion to postpone indefinitely this bill, made by the Senator from Kansas [Mr. INGALLS].

The motion was agreed to.

MRS. LIZZIE D. CLARKE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 32) for the relief of Mrs. Lizzie D. Clarke, of New Orleans. It provides for the payment to Mrs. Lizzie D. Clarke, widow in community of Thomas L. Clarke, deceased, late of New Orleans, tutrix of his minor child and administratrix of his estate, $60,000, for the loss of the steamboat Belle, that steamboat being the property of Thomas L. Clarke and lost on the Rio Grande River while under lease by the Government of the United States under contract with the owner.

Mr. PLUMB. I call for the reading of the report.

Mr. CONGER. I think that can hardly be considered under the five-minute rule. I object to it.

The PRESIDENT *pro tempore*. The bill, being objected to, goes over under the rule.

Mr. JACKSON. I ask the Senator from Michigan to withdraw the objection just to hear a statement. There is no difficulty about the case.

Mr. CONGER. I withdraw the objection.

Mr. JACKSON. This was under an actual contract by the Government. General Steele, in command of the United States forces in Texas in September, 1865, had occasion to transfer military stores from Brownsville up to Ringgold barracks. He employed this boat under an express contract; he authorized the quartermaster to employ it at a stipulated price per day, and with the distinct agreement that if the boat was lost the Government would pay for it. The boat was not subject to impressment; the boat was in Mexican waters and in Mexican territory. He sent his quartermaster across the river to engage the boat and contracted for it upon those terms; it was turned over to the Government upon those terms; the Government manned the boat; placed its officers in charge of it; loaded it, and the boat was lost on the trip; and, of course, the Government ought to pay for it. The price was ascertained, by agreement of the parties, by an umpire, it being part of the contract that in case of loss it should be referred to an umpire.

A case of more merit could not be presented. There is no difficulty about it, and the committee were unanimous. We have steadily paid such claims.

Mr. BECK. Will the Senator from Michigan allow me to make a short statement in regard to this matter? I introduced the bill, and took a great deal of pains to ascertain the nature of it before I did so. It received a unanimous report in the House from the Judiciary Committee, as well as from the Committee on Claims of this body at the last Congress, it having come in at a late day. The present Quartermaster-General of the United States Army, General Holabird, to whom the case was referred and to whom questions were put if there was any possible doubt about it, gave his testimony, in which he used this language:

> Operations without these boats would have been impossible on that river; so it was with the steamer Bell, belonging to Mr. Clarke. I do not wish to argue this case, but it is apparent to me that the owner would not regard the question of fault or no fault in the loss of the steamer. She was in other hands than his own, and she was actually lost, and that fact was conceded; if lost by negligence, act of the enemy, or any other cause, the owner was to be paid for his boat precisely the same. It seems strange that it is legal to recognize the verbal agreement in just so far as the few days here is concerned, and repudiate the rest of the agreement as concerns the loss of the boat.
>
> The penny is paid and the pound denied. I look upon this case as one of purely good faith under the pressure of war, and therefore as overriding all ordinary precedents and rules.
>
> In my judgment Major Potter and his commander had full and sufficient authority to do what they did do; that is, to do all that was needful and necessary to carry out their instructions as to the military operations depending upon themselves in any practicable or possible way, by hiring anything out of their reach that could not be impressed, and by impressing any means of conveyance at hand. This was true whether the matter of agreement was reduced to writing or (time not admitting) having it in verbal form so that it was fully and fairly understood by the parties thereto. Now, it was so far well understood that the property was transferred from the owner and moved from the Mexican side of the river to the Texas side, and placed in the hands of our officers. Clarke executed his part of the agreement, and the Government, in my judgment, should do its part. There were no telegraph lines in 1865, and no other swift means of communication between the Government and its forces on the Rio Grande. All the intermediate country between Washington city and the Rio Grande was boiling with war and covered with resulting confusion; the officers responsible for conducting operations on that remote frontier had to stand alone and act as best they might in order to secure success and avoid failure. The responsibilities of such a period can be but imperfectly passed upon in the light of the happy peace that rests upon this great capital to day.
>
> In conclusion, to my mind the reduction of this agreement to writing would not have changed materially its binding force. It was absolutely impracticable in the nature of things to conform to the statute of 1862.

And the Quartermaster-General further said—I do not care to read it all—that he had acted as quartermaster in that country at that time and made the same kind of contract, and the boat had been paid for out of the Treasury of the United States under exactly similar circumstances. So we have the assurance of the Quartermaster-General of the United States, after full investigation, that he himself had made just such contracts and the Government had sanctioned and paid for them, and there was absolute good faith in this contract. All that was done was looked into carefully before the committees of both Houses, and I think the Senator from Michigan, when he comes to look at it, will at least give us a chance to have the Senate pass upon it.

Mr. CONGER. The statement made would go to show that the Government entered into a contract, and that this claim is merely the result of a failure of contract, or from the Government not having complied with its contract. If that were the case, there is no need of coming to Congress at all with any such bill as this; the Departments could carry out that contract as they have done in a thousand other cases.

Although this seems to be a familiar case, I do not remember it so as to state positively about it, but my recollection is that this was a vessel that had been used, and was being used, when the confederacy had power over our side of this river, and that it had gone across the river for safe-keeping into Mexico, that it was liable if on our side of the river to seizure and to all the uses that could be made of property of the enemy taken by us. I do not know what reason the Quartermaster-General may have had for recommending this payment, but one little reason would be very apparent, that he himself had made contracts of the same kind and that they had been approved.

I have no particular recollection about this case, but it is twenty-two or twenty-three years since this boat was taken, and the claim has been before almost every committee of the other House from that time to this, as I remember.

Mr. BECK. Allow me to say to the Senator that it was presented for the first time during the Christmas holidays year before last, and never was before Congress except during about sixty days from that time to the 4th of March last, and the Senator knows how busy both Houses were then and during that time. A unanimous report was made, as I understand, by the Committee on the Judiciary of the House and the Committee on Claims of the Senate.

Mr. CONGER. I was going to add one other word which the Senator may reply to. Why does not the bill provide that this case shall go before the Court of Claims?

Mr. BECK. Because the facts were so plain in this case that we thought Congress itself could settle it upon the proofs that were submitted. There is one remark I failed to make originally. There was no enemy in this case, no confederate matter mixed up with it. The Quartermaster-General says:

> As to precedents. In 1863, on the arrival of the expedition to the Rio Grande at Fort Brown, three steamers were found, under the Mexican flag, tied up at Matamoras, on the Mexican side of the river. In precisely similar circumstances they were obtained by the present writer, under the orders of the military commander present, on a verbal promise of the payment for their full value. They were delivered over for immediate service, manned, and wooded, and the money for their purchase was duly paid subsequently in New Orleans, and the accounts were passed at the Treasury.

It shows a clear case, beyond all doubt.

Mr. CONGER. I do not wish to obstruct the passage of this bill if it is unanimously reported from the committee; but there are so many of these old cases where boats were lost and so many classes of claims that have heretofore been pending, and I presume are now, as claims against the Government for property taken while war was raging, captured property, for the loss or use of which no government ever has been or ever would be responsible under the law of nations or the laws of war, that I watch them as they arise. Having had several years' experience in the investigation of them in the Committee on War Claims of the House, I watch them as they come up, and if they have a familiar look to me as cases that ought not to be allowed, I object. I desire to know if the committee are satisfied with this case. If they are, I do not wish to interpose an objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAILY RECESS.

Mr. MORGAN. I ask consent to offer the following order at this time:

Ordered, That the Senate will take a recess on each day at 2 o'clock and be in session again at 2.30 p. m. This order may be suspended by a vote of a quorum required in case of adjournment, to be had without debate.

If the Senate will indulge me just a moment, I wish to say that that is what takes place in the Senate Chamber practically every day and to the very great embarrassment of many gentlemen, particularly gentlemen who have the floor from the evening before, as the Senator from Illinois has the floor to-day, upon some great leading measure of public policy. Of course Senators who have been working from 10 o'clock on their committees down to 2 o'clock have had four hours of consecutive labor, and they must necessarily withdraw from the Senate, and those who remain do so at the expense, doubtless, to some of them of health and to all of them of comfort. So if we can have a general agreement that each day we shall take a recess of thirty minutes, commencing at 2 o'clock, on the completion of the morning hour, we should greatly accommodate members of the Senate and the Senate would become refreshed and ready to go on with business. We do it practically anyhow, and I think it ought to have the sanction of law.

I, for one, have been very frequently tempted to have a call of the Senate in order that a gentleman might not be abandoned on the floor who was arguing some very great question.

Mr. HARRIS. I should like to ask my friend from Alabama if he has considered the fact that within the space of half an hour it would be impossible for the restaurant to accommodate the whole Senate at lunch.

Mr. MORGAN. That has been suggested to me, and the answer to it I think is a very obvious one, that the keeper of the restaurant and those who provide lunches for Senators here would understand that the period named was an interval for which they would be expected to provide, and they would have no difficulty, perhaps, in providing for it.

The PRESIDENT *pro tempore*. The Chair must remind Senators that the matter is not debatable except by unanimous consent.

Mr. MORGAN. I supposed there was unanimous consent; otherwise I would not have intruded on the Senate with the matter.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent to consider this motion or resolution at this time. Is there objection?

Mr. MORRILL. I think it had better go over until to-morrow.

Mr. HOAR. I think it had better go to the Committee on Rules. It is a very interesting subject, and they may have other suggestions to make.

Mr. MORGAN. Let it go to the committee.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the proposed order be referred to the Committee on Rules.

The motion was agreed to.

The PRESIDENT *pro tempore*. The order will be printed.

J. A. HENRY AND OTHERS.

The bill (S. 289) for the relief of J. A. Henry and others was considered as in Committee of the Whole. It provides for the payment to J. A. Henry of $52; to Robert Stevenson of $54; to L. T. Green of $51; to Masonic Hall Company, Atlanta, Ga., of $475; to E. Rouff of $45; to E. C. Clements of $200; to R. W. Corbin of $22.50; to Mrs. M. J. Donahoe of $345.50; to N. C. Blonton of $430, to Mrs. J. P. Williams of $900; to Miles S. Draughn of $60, in full of all claims or demands arising under their respective contracts against the United States.

Mr. JACKSON. The money is due under express contract and regular vouchers were given. The committee have always reported favorably in such cases.

Mr. ALLISON. I wish the Senator from Tennessee would tell us why these claims are not paid without the intervention of Congress, if they are plainly a matter of contract and necessary for the conduct of the Army?

Mr. JACKSON. Because the act of 1867 suspended their payment.

Mr. ALLISON. Why?

Mr. JACKSON. It cut off the Department from paying these matters. They all have to come to Congress.

Mr. ALLISON. Will the Senator turn to the section of the statute to which he refers?

Mr. JACKSON. The act of February 21, 1867, volume 14 of the Statutes at Large, page 397, provides that the act of July 4, 1864—

Shall not be construed to authorize the settlement of any claim for supplies or stores taken or furnished for the use of, or used by, the armies of the United States, nor for the occupation of, or injury to, real estate, nor for the consumption, appropriation, or destruction of, or damage to, personal property, by the military authorities or troops of the United States, where such claim originated during the war for the suppression of the Southern rebellion, in a State, or part of a State, declared in insurrection by the proclamation of the President of the United States, dated July 1, 1862.

These claims are for rent of buildings rented by quartermasters under express contract and where regular vouchers were given.

Mr. ALLISON. But I do not understand that statute to interfere with matters of contract where property was appropriated in the States then supposed to be in rebellion.

Mr. COCKRELL. It embraces all.

Mr. JACKSON. That is the construction placed upon it. When these claims are referred to the Department they place that construction upon it and refuse to pay, and hence the parties have to come to Congress.

Mr. INGALLS. Why are not these claims included in those adjudicated by the commission and reported to us, generally known as the 4th of July claims?

Mr. JACKSON. It does not appear why they are not sent there, but if presented they would be cut off by this act.

Mr. INGALLS. It seems very mysterious that these claims should be lingering along here for twenty years if they are matters of express contract whose validity was never questioned and whose force was never denied. When the tribunals of this country have been open for that period, that we should be called upon day by day to pass bills for sums ranging from $60,000 down to $50, as we have done this morning, I confess it is an extraordinary condition of affairs.

Mr. JACKSON. These claims have been here for the last five or six or ten years, and have been uniformly reported, passing this House and failing in the other, or passing in the other and failing here. I have before me many of this class of claims not yet reported. They have been uniformly reported favorably, and have failed because of nonaction in one or the other House of Congress.

Mr. HOAR. At the risk of detaining the Senate a moment I should like to state this matter once more.

When our arms subdued portions of the rebel territory it was within the election of the Government, according to the law of nations, to treat all the personal property which came into our possession as booty and to treat all the real estate that we occupied as captured and subjugated. It was within its election also to say to those people that if they submitted their private property would be respected, and if they were compelled to give their personal property to the use of the United States Government they should be paid for it, and if their real property was occupied for Government business—hospitals or headquarters or otherwise—a reasonable rent should be paid. We elected the latter in dealing with our countrymen with whom we had been at war, as our Government had a right to do under the laws of nations and the laws of the United States, as the Supreme Court has frequently held.

When personal property was taken for this purpose, for the use of the Army, like wheat or grain or wood for fuel, vouchers were given. When real property was taken by the commanding officer on the spot, designed to be used and appropriated under his right of capture, he did it; and that was sometimes done, very often where it was for purposes of fortification or present defense; but where for Government offices, like headquarters, military posts, and so on, the custom was to manifest the election not to take it under the harsh rule of war, but to take it for the purpose of being paid for by having a board of officers ascertain a proper rental, and a voucher was given by the quartermaster.

When those things were done the Treasury Department proceeded as fast as it could after the war to make payment for the rent of the property or allow compensation for the personal property taken and used; but Congress in 1867 concluded not to leave that discretion to the Departments any longer and passed the act which has been cited by my honorable friend from Tennessee. Shortly after that time a tribunal was established known as the Southern Claims Commission, which was authorized to audit and report to Congress all the cases of taking of personal property, and that has been done; and in some of the other cases, in cases not coming within the Southern Claims Commission, which is the case of loyal citizens, the War Department makes a regular report to Congress every year; and an omnibus bill comes to us annually.

In the case of the rental of real estate the individual claimants have been left to come to Congress and make their own case, and the Committee on Claims has always required in order to grant relief that there should be either an award fixing the amount of rent by a board of army officers or a voucher and certificate by the quartermaster that the property was taken to be paid for and the rent to be paid for it; and there has not been an instance, I suppose, where either House of Congress has ever denied a claim so established.

The Court of Claims never has been open to either of these classes. They have been expressly prohibited from a resort to the Court of Claims; and the course of business in Congress is such, as every Senator knows, that cases of this kind, presented, proved, and reported favorably by committees six, eight, ten, or twelve years ago, go from Congress to Congress without getting through both branches.

If I may have one more minute by consent to finish, as my five minutes are up, I will say that the Committee on Claims makes its report, and when it is reached on this Calendar under the Anthony rule some Senator objects. The Senator objecting frequently does not know anything about the merits of the case, but he sees that it is a Southern claim; he sees that the person making it was perhaps a disloyal person, and he thinks that it had better be inquired into further, and he objects. It then goes on to the General Calendar, and unless it is a case of importance and interest enough to compel the Senate on the motion of an individual Senator to take it up and displace or jostle aside some of the important questions of general public legislation, it never will be reached.

Now, I will venture to say there will be from fifty to one hundred and fifty or two hundred cases which will be examined by the Committee on Claims in this branch or the other at this Congress which will come in here, which, if debated and stated to the Senate, would not create a single negative vote here, that will go over to the next Congress and the next Congress and the next Congress still. That is the difficulty of dealing with the great concerns of a nation of fifty or sixty millions of people—that the individual claim gets jostled aside; and that has been the fortune of these particular claims that the Senator from Tennessee has spoken to. That is the whole story.

Mr. COCKRELL. I desire to supplement the very accurate statement made by the Senator from Massachusetts with this fact: Nearly all these claims are of that class which arose between the cessation of actual hostilities in the field and the time when the Supreme Court decided that the war was actually over; that was in August, 1866. The claims between the cessation of actual hostilities in the field and that time all have to come to Congress. After that time as a matter of course, they are paid just as they would be paid if arising in any other State.

Mr. HOAR. I ought to have added that in nearly all these cases the claim arose after a pledge of the national faith, as in the case, for instance, of the State of Louisiana. General Banks and General Butler, his predecessor, made a pledge of the national faith to that people that, if they submitted, their private property would be respected; and no soldier, of course, ever wittingly violated or desired to violate that pledge. The Supreme Court of the United States has held in several cases that that pledge given by General Banks was binding upon the nation; but where General Banks issued some subsequent orders which he thought consistent with it, but the Supreme Court thought inconsistent, the Supreme Court held that those orders were not within the power of the military commander even in a theater of actual war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EVIDENCE IN CERTAIN STATE CLAIMS.

The bill (S. 71) for the benefit of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, was considered as in Committee of the Whole. It provides that whenever the Secretary of the Treasury and the Secretary of War, in adjusting the claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas, and Nevada, and the Territories of Washington and Idaho, and Nevada when a Territory, arising under acts of Congress approved July 27, 1861, and June 27, 1882, shall find that any original paper shall have been lost, destroyed, or missing, upon proof thereof copies of all documents and papers relating thereto may be certified by the proper State officers having custody of such papers, under their seals of office; and such evidence, and all other competent secondary evidence, when filed with the Secretary of the Treasury or Secretary of War, shall be received by them in lieu of the lost original papers, and used in evidence in the adjustment of the claims in all respects as the originals.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL B. SEAT.

The bill (S. 24) for the relief of Samuel B. Seat, administrator of Christian Kropp, deceased, was considered as in Committee of the Whole. It proposes to pay to Samuel B. Seat, of Montgomery County, Tennessee, $933.72, to refund the amount hitherto paid by him in excess of what was actually due by him to the United States, and which he paid in satisfaction of an erroneous judgment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM H. CROOK.

The bill (S. 100) for the relief of William H. Crook was announced as next in order.

Mr. JACKSON. That bill is reported by the Senator from Delaware [Mr. GRAY] who is absent, and I suggest that it go over until to-morrow without losing its place on the Calendar.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

Mr. CONGER. I hope it will not lose its place on the Calendar. That bill was passed by the Senate once before and has been reported upon favorably.

Mr. JACKSON. I have no objection to its being taken up, but I supposed the presence of the Senator from Delaware would be needed. If the Senate is willing to take it up, I have no objection.

Mr. CONGER. I have no desire to have it taken up to-day, but I do not desire that it shall lose its place on the Calendar.

Mr. JACKSON. The request I made was that it should not lose its place on the Calendar.

The PRESIDENT *pro tempore*. The bill will be passed over without prejudice.

ARMS, ETC., FOR THE MILITIA.

The bill (S. 222) to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia, was considered as in Committee of the Whole.

Mr. DOLPH. I regret that I had not notice that a bill of this character was upon the Calendar so that I might have examined what was proposed by the bill. I do not wish to object to its consideration under the eighth rule and throw it over indefinitely, but I ask the Senator from New Jersey [Mr. SEWELL], who reported it, to let it go over until to-morrow by common consent and take its place on the Calendar.

I think the provision that arms to the militia shall be distributed among the States only in proportion to their representation in Congress is a very unjust one. If that is a change of the existing law I do not think it ought to be made. The State of New York, for instance, should not have thirty-four times the amount of arms and munitions allotted to the State of Oregon, with its large extent of territory and surrounded still by Indians and with tribes of Indians within its borders and subject to Indian outbreaks and other occasions for the use of the State militia. I simply desire to examine the bill. Perhaps I shall have no objection to it to-morrow after I have gone over it.

Mr. SEWELL. This bill is practically the same as a bill passed by the Senate last year. It does not change the mode of distribution in the respect referred to by the Senator from Oregon; that is, according to the numbers of Congressmen and Senators; but it provides for a minimum number of uniformed men of the National Guard in each of the States and Territories, which is not provided by the present law. There are some amendments reported by the committee which change the character of the bill somewhat. Will the Senator hear them?

Mr. DOLPH. I have no objection to letting the amendments be acted on, but I should like to ask that the bill go over or reserve my right to have it go over.

Mr. SEWELL. I would rather go on with the amendments and perfect the bill; and then if the Senator from Oregon wishes to have it go over until to-morrow, I shall not object.

Mr. DOLPH. I should like to state that I am in receipt of a communication from the governor of my state, calling attention to the fact that during the war with Joseph's band of Indians some years ago we were compelled to borrow from Washington Territory arms and ammunition for our State militia; that we are now unprepared to repay the Territory, and have had to call on the Secretary of War to send, out of our quota to which we are entitled, the necessary amount of arms to repay the Territory of Washington.

We have not sufficient arms and munitions of war to equip our State militia, and, as I say, I think we are differently situated in Oregon from what some of the other States are. I desire time to examine the bill, and see if it makes any change in the existing law, or if I can not propose some that would be equitable and just.

The PRESIDENT *pro tempore*. The Senator objecting, the bill goes over under the rule.

Mr. SEWELL. I do not understand the Senator to object. I wish to perfect the bill by the amendments of the committee, and then let the bill lie over.

Mr. DOLPH. I have no objection to that course.

The PRESIDENT *pro tempore*. The amendments of the Committee on Military Affairs will be stated.

The first amendment of the Committee on Military Affairs was, in line 9, section 1, after the word "providing," to strike out "arms, equipments, ammunition, ordnance stores, and tents for the militia" and insert "ordnance and ordnance stores, quartermaster's stores, and camp equipage for issue to the militia;" so as to read:

SECTION 1. That the sum of $600,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing ordnance and ordnance stores, quartermaster's stores, and camp equipage for issue to the militia.

The amendment was agreed to.

The next amendment was, in line 14, section 2, after the word "Territories," to strike out "on the books of the Ordnance Department by the Chief of Ordnance of the Army;" in line 17, after the word "Representatives," to strike out "or Delegates;" in line 18, after the word "State," to strike out "and Territory;" in line 19, after the words "United States," to insert "and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe;" in line 21, after the word "That," to strike out "each" and insert "no;" in line 22, after the word "State," to strike out "and Territory," and in the same line, after the word "shall," to strike out "only;" in line 23, before the word "of," to strike out "of so much," and in the same line, after the word "it," to strike out "as the proportion of" and insert "unless;" and in line 25, after the word "militia," to strike out the words "as determined by the report of the Secretary of War made on the preceding first Monday in February, bears to the maximum number of active militia for which such State or Territory is entitled to the benefits of this act" and insert "shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States;" so as to make the section read:

SEC. 2. That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of

Columbia such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury.

The amendment was agreed to.

The next amendment was, to strike out section 3, as follows:

SEC. 3. That in time of peace the number of active militia for which each State and Territory shall be entitled to receive its apportionment of the appropriations made by this act shall not exceed five hundred regularly uniformed commissioned officers and enlisted men for each Representative or Delegate to which such State or Territory is entitled in the Congress of the United States.

The amendment was agreed to.

The next amendment was, in line 41, section 4, after the word "ordnance," to insert "and," and in the same line, after the word "stores," to strike out "and tents" and insert "quartermaster's stores and camp equipage;" in line 44, after the word "made," to strike out "by the Chief of Ordnance of the Army;" in line 47, after the word "for," to strike out "to the Chief of Ordnance of the Army;" and in line 49, after the word "purpose," to strike out "the Chief of Ordnance of the Army, under the direction of;" so as to make the section read:

SEC. 43. That the purchase or manufacture of ordnance and ordnance stores, quartermaster's stores, and camp equipage for the militia under the provisions of this act shall be made by the direction of the Secretary of War, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interest of the United States.

The amendment was agreed to.

The next amendment was, in section 5, after the word "the," in line 57, to strike out "Chief of Ordnance of the Army, for the action of the;" and in line 59, after the word "and," to insert "if sold;" so as to make the section read:

SEC. 5. That all arms, equipments, ordnance stores, or tents which may become unserviceable or unsuitable shall be examined by a board of officers of the militia, and its reports shall be forwarded by the governor of the State or Territory direct to the Secretary of War, who shall direct what disposition, by sale or otherwise, shall be made of them; and, if sold, the proceeds of such sale shall be covered into the Treasury of the United States.

The amendment was agreed to.

The next amendment was, to strike out section 6, as follows:

SEC. 6. That for all the purposes of this act the District of Columbia shall be accounted and treated as a Territory entitled to one Delegate in Congress.

The amendment was agreed to.

Mr. SEWELL. I move, on the tenth line of the first section, to amend by striking out the word "ordnance," where it first occurs, and inserting "arms," the word "ordnance" technically meaning heavy guns. It will then read:

Arms and ordnance stores, &c.

The amendment was agreed to.

Mr. SEWELL. I move to amend further in section 4, line 41, where the word "ordnance" occurs, by striking it out and inserting "arms."

Mr. CONGER. I ask whether that would prevent furnishing artillery to States?

Mr. SEWELL. It would not. You might bring in small guns under the head of "arms," but you could not bring in small-arms under the head of "ordnance."

Mr. CONGER. Why not leave both in?

Mr. SEWELL. It has been the custom heretofore to issue light batteries under the head of "arms." Now, if the Senator from Oregon desires to have the bill go over I shall not object.

Mr. DOLPH. I should like to have the bill go over and retain its place on the Calendar.

Mr. PLUMB. I should like to make a suggestion of amendment in line 45, section 4. It is stated here that the purchase or manufacture of these stores to be supplied to the militia is to be under the direction of the Secretary of War. I think this provision is broad enough to authorize him to have an establishment especially for this purpose. I would propose, therefore, to amend by inserting in line 45, after the word "War," the words:

As such arms and ordnance stores and quartermasters' stores are now provided for the use of the regular Army.

So that the Secretary of War shall use the same machinery for the purpose of manufacture or for the purpose of purchasing by contract or otherwise for the use of the militia that he does for the use of the regular Army.

Mr. SEWELL. I have no objection to that. There is no necessity for it really, because we have a great deal more arms manufactured at our own arsenals than will supply the militia.

Mr. PLUMB. I presume that to be true, and therefore I propose to limit it in this way, because otherwise I think the Secretary might set up a separate establishment.

Mr. SEWELL. There is no objection to the amendment.

Mr. PLUMB. I therefore move to insert after the word "War," in line 45, the words:

As such arms, ordnance, quartermasters' stores, and camp equipage are now manufactured or otherwise provided for the use of the regular Army.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The Senator from Oregon [Mr. DOLPH] asks that the bill lie over, retaining its place on the Calendar.

Mr. WILSON, of Iowa. I suggest that this bill be printed as amended, so that when it comes up to-morrow we can see exactly what shape it is in.

The PRESIDENT *pro tempore*. If there be no objection that order will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 91) authorizing the Secretary of the Interior to use certain unexpended balances for the relief of the Northern Cheyennes in Montana.

ADMISSION OF DAKOTA.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 967) to provide for the admission of the State of Dakota into the Union and for the organization of the Territory of Lincoln.

The PRESIDING OFFICER (Mr. SEWELL in the chair). The pending question is on the amendment of the Senator from South Carolina [Mr. BUTLER], proposing to strike out all after the enacting clause of the bill and to insert a substitute.

Mr. LOGAN. Mr. President, it is not very encouraging that in the discussion of so important a question as the one under consideration, in which the admission of a State into the Union is involved, so little interest should be taken as seems to have been in this instance. Feeling as I do, however, that these people having gone from States where they were entitled to all the rights of citizens under the Constitution, and as residents of this Territory desiring to be clothed again with all the rights and privileges of American citizens by admission as a State into this Union, I deem it at least a duty that I owe to those whom I represent to give such encouragement as I may be able to do to these people who are now asking the favor of the Congress of the United States. In doing so I desire to discuss this question on as high a plane of statesmanship as I am capable.

I do not agree with the propositions laid down by the Senator from South Carolina [Mr. BUTLER] and the Senator from Missouri [Mr. VEST] in reference to the line that necessarily must be followed (as they say) in order to give a State the right of admission into this Union. The Constitution of the United States declares that "new States may be admitted by the Congress of the United States;" not Territories in order that they may become States, but "new States." In other words, I suppose Territories where the people have lawfully taken upon themselves the conditions of an inchoate State were to be recognized by act of Congress, that the full and complete sovereignty of Statehood should be conferred upon them by admitting them as "new States."

There are certain conditions that must be present in order that this admission should follow. Conditions present have always been required by Congress on the admission of a new State into the Union. These conditions have varied, however, according to the circumstances surrounding the people at the time of asking favorable action by Congress. Two lines of precedents have been followed by the Congress of the United States until either may be accepted in the judgment of Congress without disobedience to the Constitution or the violation of any fixed law. One line of precedents which may be properly followed is by an enabling act of Congress complied with by the people prior to the formation of a State in order to be admitted. The other line is that when there is the presence of certain conditions as to area, population, wealth, productive capacity, and such influences of soil and climate as to insure a growth instead of a decrease in population; and the people having clothed themselves with the paraphernalia necessary to Statehood they have been admitted, and in such case, in my judgment, it is the duty of Congress to admit them into the Union.

These conditions in connection with Dakota are admitted. If admitted, why shall not Dakota be accepted and allowed to become a State? But upon the proper application of these people to be admitted into the Union on a perfect equality with the other States we find objection is made thereto; whether well founded or not is for the Congress of the United States to determine.

I am sorry that the two Senators, one from Missouri, and the other from South Carolina [Mr. BUTLER] a Senator standing in the place of one of the great men of the nation who represented South Carolina many years, differing in his views with a large majority of the people of this country, but in that difference always showing an ability that was at least to be recognized by all who knew and heard him; and so, too, with the Senator from Missouri [Mr. VEST], representing a State that for so many years was represented by another of the great men of this nation, Thomas H. Benton, who was heard so often in these Halls so ably and so eloquently on the great questions which arose while he represented that people; these two gentlemen appear to be in the lead to-day in opposition to the rights, as I believe, of the people of this great Territory—I am sorry that they are now absent.